

588/2019


*Azmat Ali Khan vs Govt*

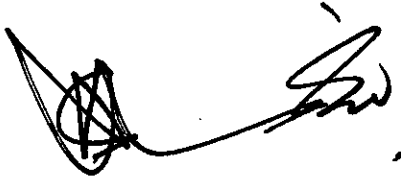
25<sup>th</sup> May, 2022

Learned counsel for the appellant present. Mr. Muhammad Rashid, DDA alongwith Mr. Hamdullah, Assistant Director (Legal) for respondents present.

Learned counsel for the appellant states that grievance of the appellant has been redressed by the respondent department and the present appeal has become fruitless. He submitted an application for withdrawal of the appeal. Application placed on file. Dismissed as withdrawn. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 25th day of May, 2022.*

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman



11.08.2021

Appellant present through counsel.

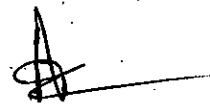
Javid Ullah learned A.A.G for respondents present.

Former made a request for adjournment. Request is accorded.

To come up for arguments on 14.12.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

14-12-21

DB is on Tour case to come up  
For the same on Dated: 31-3-22

<sup>K</sup>  
Reados

31.03.2022

Junior of learned counsel for the appellant present.  
Mr. Hamad Ullah, Assistant Director (Litigation) alongwith  
Mr. Asif Masood Ali Shah, Deputy District Attorney for the  
respondents present.

Junior of learned counsel for the appellant requested for  
adjournment on the ground that learned counsel for the  
appellant is busy in the august Peshawar High Court, Peshawar.  
Adjourned. To come up for arguments on 25.05.2022 before the  
D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

31.08.2020

Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.

  
Reader

05.11.2020

Junior to counsel for the petitioner and District Attorney alongwith Muhammad Arif Nazir, AD for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 15.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member

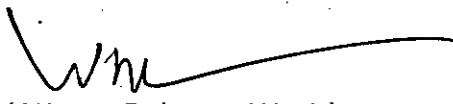
  
Chairman

15.01.2021

Junior to counsel for the appellant and Asstt. AG alongwith Fayaz Zaheen, Litigation Officer for the respondents present.

Former requests for adjournment due to engagement of learned senior counsel for the appellant before the Hon'ble High Court in various cases today.

Adjourned to 19.04.2021 for hearing before the D.B.

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

  
Chairman

19.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 11.08.2021 for the same as before.

  
Reader

28.01.2020

Appellant in person present. Addl:AG alongwith Mr. Niaz Ali, Assistant for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 26.03.2020 before D.B.

  
Member

  
Member

26.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before D.B.

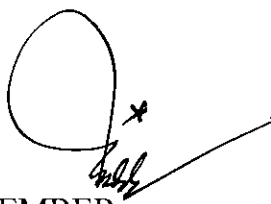
  
Reader

16.06.2020

Junior to the counsel for the appellant and Asst: AG for respondents present.

Former requests for adjournment due to non-availability of learned senior counsel for appellant.

Adjourned to 31.08.2020 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.

  
MEMBER


  
CHAIRMAN

30.07.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. M. Haseeb, Assistant Litigation for respondents present.

Representative of the respondents requests for time to submit Written reply/comments on the next date of hearing.

Adjourned to 16.09.2019 before S.B.

  
Chairman

16.09.2019

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Kaleem, Litigation Assistant for the respondents present.

Representative of the respondents furnished Parawise comments of the respondents. The same are placed on record. To come up for arguments on 25.11.2019 before the D.B. The appellant may submit rejoinder, within a fortnight, if so advised.

Chairman



25.11.2019

Due to general strike of the KP Bar Council, the case is adjourned. To come up on 28.01.2020 before D.B.


  
Member

  
Member

17.06.2019

Counsel for the appellant Azmat Ali Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Driver (BPS-6) in Directorate Transport and Mass Transit by the competent authority vide order dated 05.01.2018. It was further contended that the appellant assumed the charge on 11.01.2018 and was performing his duty. It was further contended that the appellant was overage at the time of his appointment therefore, he submitted application to the Chief Minister who directed the competent authority that the age of the appellant may be relaxed vide order dated 12.03.2018. It was further contended that on 01.01.2019 the competent authority withdrawn the appointment order of the appellant without any reason, show-cause notice and inquiry and beside the facts that the appellant had performed his duty throughout but the respondent-department has not paid salary therefore, the appellant filed departmental appeal but the same was not responded hence, the present service appeal. It was further contended that the appointment order of the appellant was withdrawn without any notice therefore, the appellant was condemned unheard which has rendered the impugned order illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 30.07.2019 before S.B.

  
Appellant Deposited  
Security & Process Fee

17/6



  
(Muhammad Amin Khan Kundi)  
Member

Form- A

FORM OF ORDER SHEET

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

Case No. 588/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/05/2019	<p>The appeal of Mr. Azmat Ali Khan resubmitted today by Mr. Javed Iqbal Gulbela 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 7/5/19</p>
2-	09/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

657 2350019

The appeal of Mr. Azmat Ali Khan so of Hassan Khan r/o Mohallah Hussain Khan, Garhi Qamar Din P.O Technical College Peshawar received today i.e. on 29.04.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of Impugned order dated 23.04.2019 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.

No. 860 /S.T,

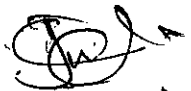
Dt. 30-4- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir!

The copy of impugned order dated 23/4/2019 has not been issued/transmitted to the appellant, so kindly \*submitted the appeal of the appellant and place it before the Hon'ble Tribunal for the best interest of justice.

  
Javed Iqbal Gulbela.  
(Adv.)  
7/5/2019.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 588/2019

Azmat Ali Khan

**VERSUS**

Secretary Transport and Mass Transit Khyber  
Pakhtunkhwa Peshawar and Others

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Dated : 25/04/2019

  
Appellant

Through

  
Saghir Iqbal Gulbela

  
Javed Iqbal Gulbela

&

Israr Ahmad  
Advocates, High Court  
Peshawar.

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

(1)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtukhwa  
Service Tribunal

In Re S.A. 588 /2019

Diary No. 671

Dated 29-4/2019

Azmat Ali Khan S/O Hasan Khan R/O Mohallah  
Hussain Khan, Garhi Qamar Din, P.O Technical  
College, Tehsil and District Peshawar.

-----*(Appellant)*

**VERSUS**

1. Secretary Transport and Mass Transit Khyber  
Pakhtunkhwa Peshawar.
2. Director Transport and Mass Transit Khyber  
Pakhtunkhwa Peshawar.

-----*(Respondents)*

**SERVICE APPEAL U/S 04 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT**  
**1974 AGAINST THE IMPUGNED OFFICE**  
**ORDER NO. DIR/TPT/AGE-RELAXATION/2-**  
**29/4612-13; DATED 01/01/2019 AND**  
**IMPUGNED OFFICE ORDER DATED**  
**23/04/2019**

**Respectfully Sheweth,**

Filed to-day

Registrar

29/4/19

Re-submitted to -day  
and filed.

Registrar

7/5/19

1. That the Appellant is a naturally born  
citizen of the Islamic Republic of  
Pakistan & belongs to a respectable  
family of Peshawar District.
2. That Respondents department  
advertised two posts of driver for  
directorates of Transport and Mass

(2)

Transit Khyber Pakhtunkhwa vide advertisement determined. **(Copy of the advertisement is annexed as annexure "A")**.

3. That in pursuance of the same a total of 50 candidates applies, including the appellant and then the process of recruitment commenced.
4. That at the end the appellant was selected and got recommended by the Selection Committee for the post in question and at the end the appellant was appointed as Driver in (BPS-06) vide office order No. DIR/TPT/7-2/APPELLANT:/DRIVER/2011/3748-52 dated 05/01/2018 of the office of Directorate of Transport and Mass Transit Khyber Pakhtunkhwa. **(Copy of the appointment order is annexed as annexure "B")**
5. That in pursuance to the appointment order dated 05/01/2018, the appellant submitted in arrival report and got joined his duties as Driver in the Respondent department.
6. That as the appellant was over age for 7 years 8 months and 1 day, at the

3

time of appointment, so the appellant rightly moved an application to the worthy Chief Minister (CM) Khyber Pakhtunkhwa for the requisite age relaxation of 7 years, 8 months and 1 day on dated 02/03/2018. **(Copy of the application is annexed as annexure "C")**

7. That the aforementioned application was processed and after reviewing comment/ summery from the Respondent department, the same was allowed by the worthy Chief Minister of Khyber Pakhtunkhwa vide office letter No. SOV/CMS/KPK/Transport/CMD/2018/8049-00 dated 12/03/2018 of the Chief Minister Secretariat. **(Copy of the summery and age relaxation order dated 12/03/2018 are annexed as annexure "D" & "E" respectively)**

8. That the inspite of rendering and delivering services since induction in the service, no salary has been tendered or paid to the appellant by the Respondent department, rather appointment order was illegally withdrawn vide officer order No. DIR/TPT/Age-Relaxation/2-29/4612-13,

(4)

dated 01/01/2019 by the directorate of Transport and Mass Transit Khyber Pakhtunkhwa in an illegal and whimsical manner. (Copy of the impugned order dated 01/01/2019 is annexed as annexure "F")

9. That thereafter the appellant prefer a departmental appeal but the same was also turn down, void impugned order dated 23/04/2019, but no written order has been issued/transmitted to the appellant. (Copy of the Departmental appeal is annexed as annexure "G")

10. That feeling aggrieved the appellant prefers the instant appeal for reinstatement into service with all back benefits and release of salaries since date of appointment into service, upon the following grounds:-

**Grounds:-**

A. That the petitioner is naturally born bona-fide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of

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the land, interpreted, guaranteed and enforced by the laws of the land and discrimination, particularly unfettered exercise of the discretionary powers vested in Public Functionaries are always deplored, discouraged and deprecated by the laws and law courts of the land.

B. That the impugned office order dated 01/01/2019 is wrong, illegal, unwarranted, void and is liable to be set aside.

C. That the impugned order was passed without any reason and without any speaking order which is wrong and illegal.

D. That where the appellant rendered regular service then paying no salary of this whole period, comprises of more than a year is not only illegal but also amount to force labour, which under the law is not allowed.

E. That where the appellant has been appointed in a fair fundamental manner, then certainly vested and fundamental rights have been accrued to the appellant which cannot be taken

(6)

away from the appellant without due process of law and without any fault on his part.

F. That when the competent Authority i.e. the Chief Minister has already granted age relaxation then terminated the service of the appellant is wrong, illegal and void.

G. That from every angle the appellant is not only entitled to be reinstated into service, with all back benefits, but is also entitled to be released and paid all his salaries.

H. That even the departmental appeal of the appellant was dismissed in classically, cursory and whimsical manner, even without any speaking order.

I. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant appeal, the appellant may graciously be reinstated into service with all back benefits by setting aside the impugned office*

(7)

*order No.DIR/TPT/Age-Relaxation/2-29/4612-13, dated 01/01/2019 of the office of directorate transport and Mass transit Khyber Pakhtunkhwa and order dated 23/04/2019 of the learned appellate Authority and further prayed that the appellant may be released with all the salaries since date of appointment into service i.e. w.e.f 05/01/2018.*

*Any other relief, not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case.*

Dated : 25/04/2019

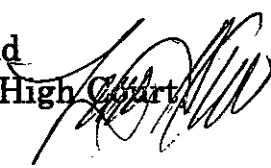
  
Appellant

Through

  
Saghir Iqbal Gulbela

  
Javed Iqbal Gulbela

&

Israr Ahmad  
Advocates, High Court  
Peshawar 

**NOTE:-**

As per instruction of my client no such like appeal for the same appellant upon the same subject matter has earlier been filed by me before this Hon'ble Tribunal.

  
Advocate.



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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2019

Azmat Ali Khan

**VERSUS**

Secretary Transport and Mass Transit Khyber  
Pakhtunkhwa Peshawar and Others

**AFFIDAVIT**

I, Azmat Ali Khan S/O Hasan Khan R/O Mohallah Hussain Khan, Garhi Qamar Din, P.O Technical College, Tehsil and District Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied appeal is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.




**DEPONENT**

**CNIC: 17301-3713261-9**

**Cell No. 0333-9217966**

Identified By:

  
**Javed Iqbal Gulbela**  
Advocate High Court  
Peshawar.





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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2019

Azmat Ali Khan

**VERSUS**

Secretary Transport and Mass Transit Khyber  
Pakhtunkhwa Peshawar and Others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Azmat Ali Khan S/O Hasan Khan R/O Mohallah  
Hussain Khan, Garhi Qamar Din, P.O Technical  
College, Tehsil and District Peshawar.


**RESPONDENTS:**


1. Secretary Transport and Mass Transit Khyber  
Pakhtunkhwa Peshawar.
2. Director Transport and Mass Transit Khyber  
Pakhtunkhwa Peshawar.

Dated : 25/04/2019

  
Appellant

Through   
Saghir Iqbal Gulbela

  
Javed Iqbal Gulbela

&  
Israr Ahmad   
Advocates, High Court,  
Peshawar.

10

Amir

## آسامیاں خالی ہیں

ایک حکومتی ادارے کیلئے درج ذیل خالی آسامیوں کو پر کرنے کیلئے خیبر پختونخواہ، افغانا کے رہائشی و سکونتی امیدواروں سے درخواستیں 2017-12-04 تاریخ تک مطلوب ہیں۔ امیدواروں کو ٹائپنگ نمٹ کیلئے ٹیچر کال لیٹر نہیں بھجوا یا جائے گا بلکہ تمام امیدوار ٹائپنگ نمٹ کیلئے درج ذیل شیڈول کے مطابق خیبر پختونخواہ پبلک سروس کمیشن 2- فورٹ روڈ اشریف لائیں۔

نمبر شمار	آسامی	عمر کی حد	تعلیمی قابلیت	زونل کوڈ	ٹائپنگ نمٹ کا شیڈول
1	جوئیئر کلرک (بی۔ ایس۔ 11)	18 سے 30 سال (مرد)	i. کسی بھی تسلیم شدہ پورا آؤٹ انٹرمیڈیٹ و یکندرنی انجوائنٹمنٹ۔ بی۔ بی۔ ای۔ ii. ٹائپنگ سپیڈ 30 الفاظ فی منٹ	تعداد آسامی = 15 زون = 1 = 3	زون 1 + خواتین کوڈ = 11 دسمبر 2017 زون 2 = 12 دسمبر 2017 زون 3 = 13 دسمبر 2017 زون 4 = 14 دسمبر 2017
2	ڈرائیور (بی۔ ایس۔ 6)	18 سے 30 سال (مرد)	خواندہ جو کسی بھی مستند ادارے سے LTV لائسنس رکھتا ہو۔ رجسٹرڈ اور پینشنس میں مہارت رکھنے والے کو ترجیح دی جائے گی۔	پشاور = 1 کوہاٹ = 1	زون 1 + خواتین کوڈ = 11 دسمبر 2017 زون 2 = 12 دسمبر 2017 زون 3 = 13 دسمبر 2017 زون 4 = 14 دسمبر 2017

(1) درج ذیل مجوزہ درخواست فارم کے ساتھ تعلیمی دستاویزات، قومی شناختی کارڈ اور ڈومیسائل سرٹیفکیٹ کی مصدقہ نقل بہ عدد و حد پاپورٹ سائز آفسیٹنگ کرنا لازمی ہے۔ (2) درخواستوں پر اپنا نمٹل پتہ، موبیلی فون نمبر بھی ضروری ہے۔ (3) تمام تقرریاں حکومت کی مزید ترمیم شدہ پالیسی کے مطابق کی جائیں گی۔ (4) سرکاری و نیم سرکاری اداروں کے ملازمین اپنی درخواستیں حکاموں کے واسطے ارسال کریں۔ (5) تمام اصل دستاویزات بوقت انٹرویو ہمراہ لانا ضروری ہے۔ (6) نمٹ / انٹرویو کے لیے آنے والے امیدواروں کو کوئی ٹی اے ڈی اے نہیں دیا جائے گا۔ (7) انٹرویو کے لیے صرف شارٹ لنڈ امیدواروں کو بلایا جائے گا۔ (8) ڈرائیور کے لیے متعلقہ ضلع کا سکونتی امیدوار کو ترجیح دی جائے گی۔ (9) مذکورہ تاریخ کے بعد درخواستیں قابل قبول نہیں ہوں گی۔ (10) اسات یا معلومات کے لیے اس ای میل پر رابطہ کریں۔

INF (P) 6506

jobrecruit536@gmail.com

"SAY NO TO CORRUPTION"

پوسٹ بکس نمبر 1117 جی۔ پی۔ او، پشاور کینٹ



### APPLICATION FORM

Post Applied for						
Name						
Father Name						
Date of Birth						
Postal Address						
Domicile						
Zone (Tick)	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	Female <input type="checkbox"/>
Mobile Number						
Current Employer (Tick)	Government <input type="checkbox"/>	Semi-Government <input type="checkbox"/>				
QUALIFICATION						
Degree/Certificate	Board/ University	Year of Passing	Marks Obtained	Total Marks	Percentage	Division
SSC						
F.Sc/Diploma						
BA/BSC/BS						
MA/MSC						

Signature of Candidate  
Date:

JAVED IQBAL, Gul Bela  
Daudzai Law Chamber  
Advocate High Court, Peshawar  
Mob: 0345-9405501



# Directorate of Transport & Mass Transit Khyber Pakhtunkhwa

Dated Peshawar: 05.01.2018

## ORDER:-

(11)  
**Am-B**  
**NO. Dir/TPT/7-2/App:/Driver/2011/3748-52** .On the recommendation of Departmental Selection Committee, Mr. Azmat Ali Khan S/O Hassan Khan is hereby appointed as Driver (BPS-06) in Directorate of Transport & Mass Transit Department, Khyber Pakhtunkhwa Peshawar w.e.f. the taking over the charge.

The appointment shall be subject to the following terms and conditions:-

### Terms & Conditions:-

- He will get at the minimum pay of BPS-06 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made their under.
- He shall produced a Medical Certificate of fitness from the Medical Superintendent Police Services Hospital, Peshawar before joining duties in the Directorate of Transport & Mass Transit Department, Khyber Pakhtunkhwa Peshawar as required under the rules.
- He has to join duties at his own expense.
- He Shall be on probation for a period of one year extendable upto two years in term of Rule 15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion, Transfer) Rule 1989.

If the above terms and conditions are acceptable to him, he should report to the Office of the Directorate of Transport & Mass Transit Department, Khyber Pakhtunkhwa for duty within fourteen (14) days.

  
5/1/18

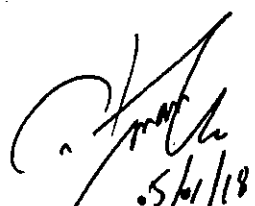
**DIRECTOR**  
**Transport & Mass Transit**

### Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. The Accountant General, Khyber Pakhtunkhwa.
2. PS to Special Assistant to Chief Minister Khyber Pakhtunkhwa for Transport & Mass Transit Department.
3. PS to Secretary to Government of Khyber Pakhtunkhwa Transport & Mass Transit, Department.
4. Official Concerned, with the direction to report for duty to the Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa.
5. Office Order file.

**JAVED IQBAL** Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

  
5/1/18  
**DEPUTY DIRECTOR**  
**Transport & Mass Transit**

12

(S)

To

The Director,  
Transport & Mass Transit,  
Peshawar.

Subject :- ARRIVAL REPORT

Dear Sir,

In compliance of your office Order No. Dir/TPT/7-2/App:/Driver/2011/3748-52, Dated 05-01-2018; I hereby submit my arrival report for duty as Driver (BPS-06) on 11.01.2018 (F.N.).

Yours faithfully,

*Azmat Ali Khan*

(Azmat Ali Khan)  
S/O Hassan Khan

*Javed Iqbal*  
JAVED IQBAL, Gul Bela  
Daud Khan Law Chamber  
Ayub Khan High Court Peshawar  
mob. 0345-9495501

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Annex 2

The Honorable Chief Minister,  
Khyber Pakhtunkhwa.

Subject: APPLICATION FOR AGE RELAXATION TO AZMAT ALI KHAN.

Dear Sir,

With due respect It is stated that I have been appointed as a Driver in the Directorate of Transport & Mass Transit. The age limit for the said post in the Service Rule of Directorate is 30 years.

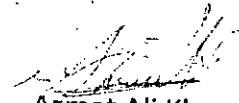
Sir I am 37 years old and the required age limit for the said post is 30 years.

It is therefore requested that the age of seven (7) years may kindly be relaxed.

Thank you Sir.

Date: 02-03-2018

Your's Obediently,



Azmat Ali Khan,  
District and tehsil Peshawar,  
Village Ghari Qamar Din.

*Age may be relaxed.*

*[Signature]*  
Chief Minister  
Khyber Pakhtunkhwa

~~JAVED IQBAL~~ Gul Bela  
Daudza Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-940550



GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT

(Min. Rashid Hussain Shehad Memorial Block, Civil Secretariat Khyber Pakhtunkhwa, Peshawar)

Ph: 091-9223546

Fax: 091-9212556

14

*[Handwritten signature]*

SUMMARY FOR HON'ABLE CHIEF MINISTER KHYBER PAKHTUNKHWA

Subject: GRANT OF AGE RELAXATION TO AZMAT ALI KHA  
DRIVER DIRECTORATE OF TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA.

It is submitted that two posts of driver were vacant in the Directorate Transport & Mass Transit, Khyber Pakhtunkhwa which were advertised in print media Daily Newspaper Aaj and Mashriq dated: 15-11-2017 at (Annex-A).

2. A total of fifty (50) number candidates applied for the post, and they were invited through call letter for test/interview. The selection process comprised two (02) phases, in first phase candidates were interviewed and in second phase the practical driving test was held to evaluate their driving skills by the Chief Motor Vehicle Examiner at (Annex-B).

3. Mr. Azmat Ali has good Driving skill and performed well both in oral and practical tests. Therefore, the committee recommended him for appointment against the vacant post and consequently appointed. Minutes of the meeting are (Annex-C).

4. At the time of appointment, Mr. Azmat Ali was overage by seven (07) years, eight (08) months and one (01) day from the mentioned date in the advertisement. Copy of his CNIC is at (Annex-D) and eligibility certificate is (Annex-E). Therefore, he submitted an application to the Hon'able Chief Minister Khyber Pakhtunkhwa for age relaxation, which was approved copy is (Annex-F). As per Esta code, initial appointments to Civil Posts (Relaxation of upper age limit) Rules, 2008 Part-II at Serial No. III, General candidates upto two years by the appointing authority and exceeding two years upto five years by the Establishment Department (and beyond five years upto ten years by the Chief Minister of the Khyber Pakhtunkhwa) at (annex-G).

5. In view of the above the Hon'able Chief Minister of Khyber Pakhtunkhwa is requested to kindly grant age relaxation of one (01) day, (01) months and (07) years, in respect of Mr. Azmat Ali, Driver Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa.

JAVED IQBAL, Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

15

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6. Para-5 of the above summary is submitted for approval & signature of the Chief Minister, Khyber Pakhtunkhwa.

Secretary  
To the Government of Khyber Pakhtunkhwa  
Transport & Mass Transit Department

Chief Secretary Khyber Pakhtunkhwa:

Chief Minister Khyber Pakhtunkhwa:

JAVED IQBAL Gul Pata  
Daudzai Law Chambers  
Advocate High Court Peshawar  
Mob, 0345-9405501





# DIRECTORATE OF TRANSPORT & MASS TRANSIT

KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building

Peshawar Cantt.

Tel: 091-9214185/9212061

No. DIR/TPT/2-29/Age Relaxation/3628-29

Dated: 24<sup>th</sup> October, 2018

Email: transport1.establishment@gmail.com

(16)

To,

The Section Officer (Admn),  
Transport & Mass Transit Department,  
Government of Khyber Pakhtunkhwa.

Subject: APPLICATION FOR AGE RELAXATION TO AZMAT ALI KHAN.

I am directed to refer to your letter No. SO(G)/TD/10-7/N.Q/2018/6331-32 dated 17-10-2018 on the subject noted above and to enclose herewith a copy of draft summary for the counter signature of Worthy Secretary Transport & Mass Transit, Government of Khyber Pakhtunkhwa and for onward submission to the quarter concerned.

DEPUTY DIRECTOR  
Transport & Mass Transit

Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. P.A to Director, Transport & Mass Transit, Khyber Pakhtunkhwa.

DEPUTY DIRECTOR  
Transport & Mass Transit

JANEB IQBAL Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob. 0345-9405501

Handwritten notes and dates: 29/10, 29/10, 29/10

Handwritten note: Age 2

(17)

Ann-E



**CHIEF MINISTER'S SECRETARIAT  
KHYBER PAKHTUNKHWA**

NO.SOV/CMS/KPK/Transport/CMD/2018  
Dated Peshawar the 12.03.2018

18099-05

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar.

Subject: APPLICATION FOR AGE RELAXATION TO AZMAT ALI KHAN.

Dear Sir,

I am directed to forward herewith a copy an application alongwith its enclosures received from Mr. Azmat Ali Khan S/o Hassan Khan R/o Mohallah Hassan Khan Ghari Qamar Deen P.O Technical College Kohat Road District Peshawar, on the subject noted above and to state that the Honorable Chief Minister Khyber Pakhtunkhwa has been pleased to record the following remarks:-

Sec Est  
"Age may be relaxed"

I am therefore directed to request that the case may be examined under the prevailing laws, rules and policies and necessary action may be taken accordingly under intimation to this Secretariat.

Encl. as above

Yours faithfully,

(Ghani-Ur-Rehman)  
SECTION OFFICER-V

Encl. No and Date Even:

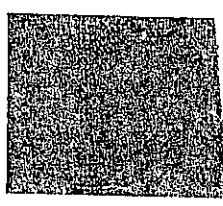
Copy forwarded for information to the:-

1. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Assistant Director Computer Cell to Chief Minister Khyber Pakhtunkhwa
3. Mr. Azmat Ali Khan S/o Hassan Khan R/o Mohallah Hassan Khan Ghari Qamar Deen P.O Technical College Kohat Road District Peshawar.

SECTION OFFICER-V

JAVED IQBAL Gul  
Daudzai Law Chamb  
Advocate High Court Peshawar  
Mob: 0345-9405501

5/11  
5/35  
15-3-18





# DIRECTORATE OF TRANSPORT & MASS TRANSIT

**KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building,  
Peshawar Cantt.  
Tel: 091-9214185/9212061

No. DIR/TPT/Age Relaxation /2-29/4612-13

Dated: 1<sup>st</sup> January, 2019

Email: transport1.establishment@gmail.com

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**Annex**

## ORDER

The Competent Authority is pleased to withdraw this office order No.DIR/TPT/7-2/App:/Driver/2011/3748-52 Dated 05-01-2018 to the extent of Mr. Azmat Ali Khan Driver, only.

-SD/-

**DIRECTOR**

**Transport & Mass Transit  
Khyber Pakhtunkhwa**

### Endst: No. & Date Even:

A copy is forwarded for information to the: -

1. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. Official Concerned.

**Assistant Director (Admn)  
Transport & Mass Transit**

**JAVED IQBAL Gul Bela**  
Daudzar Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

To,

(19)

Annexure "G"

The Secretary Transport & Mass Transit,  
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
OFFICE ORDER NO: DIR/TPT/AGE-RELAXATION/2-  
29/4612-13; DATED 1-1-2019

Respected Sir,

- 1) That the appellant is a naturally born citizen of Islamic Republic of Pakistan and belongs to a respectable family of Peshawar District.
- 2) That respondents department advertised two posts of Driver for Director Transport & Mass Transit Khyber Pakhtunkhwa vide advertisement determined. (Copy of the advertisement is annexure "A").
- 3) That in pursuance of the same a total of 50 number of candidates applies, including the appellant and then the process of recruitment commenced.
- 4) That at the end the appellant was selected and got recommended by the Selection Committee for the post in question and at the end the appellant was appointed as Driver in (BPS-06) vide office order NO. DIR/TPT/7-2/APPELLANT:/Driver/2011/3748-52 dated 05/01/2018 of the office of Director Transport and Mass Transit Khyber Pakhtunkhwa. (Copy of the appointment order is annexure "B").
- 5) That in pursuance to the appointment order dated 05/01/2018, the appellant submitted in arrival report and got joined his duties as Driver in the Respondent Department.
- 6) That as the appellant was over age for 7 year 8 months and 1 day, at the time of appointment, so the appellant rightly moved an application to the worthy Chief Minister (CM) KPK for the requisite age relaxation of 7 years, 8 months and 1 day on dated 02/03/2018. (Copy of the application is annexure "C").
- 7) That the aforementioned application was processed and after reviewing commere summery from the respondent department, same was allowed by the worthy Chief Minister

WED IQBAL Gul Bela  
Durrani Law Chamber  
Peshawar High Court Peshawar  
Mob: 0345-9405501

Khyber Pakhtunkhwa vide office letter No. SOV/CMS/KPK/Transport/CMD/2018/8049-00 dated 12/03/2018 of the Chief Minister Secretariat. (Copy of the summery and age relaxation order dated 12/03/2018 are annexed as annexure "D" & "E" respectively).

- 8) That the inspite of rendering and delivering services since induction in the service, no salary has been tendered or paid to the appellant by the respondent department, rather appointment order was illegally withdrawn vide office order No. DIR/TPT/Age-Relaxation/2-29/4612-13, dated 01/01/2019 by the Director of Transport & Mass Transit Khyber Pakhtunkhwa in an illegal and whimsical manner. (Copy of the impugned order dated 01/01/2019 is annexure "F").
- 9) That feeling aggrieved the appellant prefers the instant departmental appeal for reinstatement into service with all back benefits and release of salaries since date of appointment into service, upon the following grounds:-

**GROUND:**

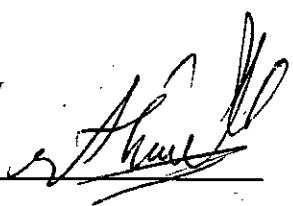
- A. That the impugned office order dated 01/01/2019 is wrong, illegal, unwarranted, void and is liable to be set aside.
- B. That the impugned order was passed without any reason and without any speaking order which is wrong and illegal.
- C. That where the appellant rendered regular service then paying no salary of this whole period, comprises of more than a year is not only illegal but also amount to force labour, which under the law is not allowed.
- D. That where the appellant has been appointed in a fair and transparent manner, then certainly vested and fundamental rights have been accrued to the appellant which cannot be taken away from the appellant without due process of law and without any fault on his part.
- E. That when the competent authority i.e. the Chief Minister has already granted age relaxation then terminated the service of the appellant is wrong, illegal and void.

(21)

F. That from every angle the appellant is not only entitled to be reinstated into service, with all back benefits, but is also entitled to be released and paid all his salaries.


It is, therefore, humbly prayed that on acceptance of this instant departmental appeal the appellant may graciously be reinstated into service with all back benefits by setting aside the impugned office order No. DIR/TPT/Age-Relaxation/2-29/4612-13, dated 01/01/2019 of the office of Director Transport and Mass Transit Khyber Pakhtunkhwa and further prayed that the appellant may be released with all the salaries since date of appointment into service i.e., w.e.f 05/01/2018.

Yours Obediently



Azmat Ali Khan  
Driver (BPS-06)  
Cell No: 0333-9217966

Dated: 15.01.2019

  
JAVED IQBAL Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

(22)

(B)

*[Handwritten signature]*  
An H

Subject: MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION COMMITTEE FOR APPOINTMENT OF DRIVERS (BPS-06) IN DIRECTORATE OF TRANSPORT & MASS TRANSIT KHYBER PAKHTUNKHWA AND REGIONAL TRANSPORT AUTHORITY KOHAT.

A meeting of the Departmental Selection Committee for appointment of suitable candidate for the post of driver (BPS-06) in Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa Peshawar and Regional Transport Authority Kohat on 28/12/2017 at 10.00 Am. The following Committee has been constituted:

1. Director Transport & Mass Transit, Khyber Pakhtunkhwa Chairman
2. Deputy Director Transport & Mass Transit, Khyber Pakhtunkhwa Member/Secretary
3. Section Officer(Admn) Transport & Mass Transit Department, Govt: Khyber Pakhtunkhwa Member

The post of Drivers were advertised in Print Media Daily Newspaper Aaj and Mashriq in which applicants were invited for interview a total of fifty(50) numbers candidates applied for the said post. The process of appointment were completed in two phases, in first phase the seventeen (17) number of candidates were interviewed, in the second they tested practically at (Annex-A).

The committee recommended Azmat Ali Khan S/O Hasan Khan and Abdul Ishfaq S/O Abdul Karim for appointment against the vacant posts of Drive (BPS-06).

The meeting ended with a vote of thank.

*[Handwritten signature]*  
Section Officer(Admn)  
Transport & Mass Transit  
Department,  
Govt:Khyber Pakhtunkhwa

JAVED IQBAL Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

*[Handwritten signature]*  
Deputy Director  
Directorate of Transport &  
Mass Transit,  
Khyber Pakhtunkhwa

*[Handwritten signature]*  
Director  
Transport & Mass Transit,  
Khyber Pakhtunkhwa

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**DRIVING TEST RESULT FOR THE POST OF DRIVER IN THE DIRECTORATE OF TRANSPORT & MASS TRANSIT(28-12-17)**

S.No	Candidate Name & F/name	Domicile	Type of Driving License (held by candidate)	Road sign	Practical	Test Result	Remarks (Both tests are mandatory to be passed)
				Marks: 10 Passing marks:50%	Marks: 10 Passing marks:50%	Total marks: 20 Passing marks:50%	
1.	Umer zaib s/o Gul zaib r/o.	Peshawar	L.T.V	05	03	08	Failed
2.	Usman Khan s/o Abdul Wahab	Peshawar	Motor Car/Jeep	05	06	11	Passed
3.	Syed Musa s/o Syed Amin Shah .	Peshawar	Motor Car/Jeep	02	04	06	Failed
4.	Amir Mehmood s/o Muhammad Rauf	Karak	L.T.V	02	04	06	Failed
5.	Hazrat Hussain s/o Nauroz Khan r/o Peshawar.	Peshawar	Motor Car/Jeep	01	04	05	Failed
6.	Farukh Iqbal s/o Muhammad Iqbal	Peshawar	L.T.V	08	08	16	Passed
7.	Hazrat Bilal s/o Samad Khan	Peshawar	L.T.V	07	07	14	Passed
8.	Ahmad Nawaz Khan s/o Gul Nawaz	Khyber agency	H.T.V	04	04	08	Failed
9.	Faheemul Hassan s/o Irshad Hussain	Swabi	L.T.V	03	05	08	Failed
10.	Farooq Shah s/o Akhtar Shah	Peshawar	L.T.V	02	03	05	Failed
11.	Khizar Hayat s/o Umar Hyat	Peshawar	Motor Car/Jeep	05	04	09	Failed
12.	Faizan s/o Jan Alam	Nowshera	L.T.V	06	06	12	Passed
13.	Asad Jan s/o Saifur Rahman	Charsadda	L.T.V	07	06	13	Passed
14.	Muhammad Hammad s/o Muhammad Ibrahim	Peshawar	Motor Car/Jeep	05	05	10	Passed
15.	Amjid Ali s/o Muhammad Shah	Peshawar	L.T.V	05	05	10	Passed

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(11)



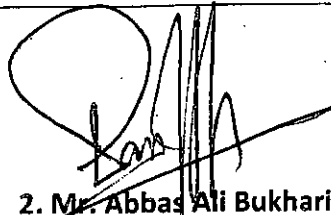
97

**DRIVING TEST RESULT FOR THE POST OF DRIVER IN THE DIRECTORATE OF TRANSPORT & MASS TRANSIT(23-12-17)**

S.No	Candidate Name & F/name	Domicile	Type of Driving License (held by candidate)	Road sign Marks: 10 Passing marks:50%	Practical Marks: 10 Passing marks:50%	Test Result Total marks: 20 Passing marks:50%	Remarks (Both tests are mandatory to be passed)
16.	Azmat Ali khan s/o Hassan khan	Peshawar	Motor Car/Jeep+ LTV	09	09	18	Passed
17.	Abdul Ishfaq s/o Abdul kareem	Kohat	HTV	09	09	18	Passed



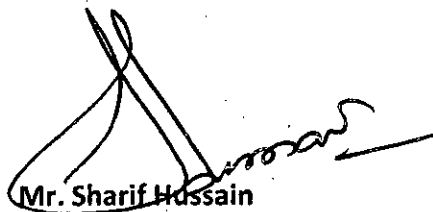
1. Mr. Abid Jan  
Chief MVE (co-opted Member)



2. Mr. Abbas Ali Bukhari  
Section Officer Admin(Member)



3. Mr. Salman Nisar.  
Deputy Director (Member/secretary)



Mr. Sharif Hussain  
Director Transport & Mass Transit, Khyber Pakhtunkhwa (Chairman)

ADVOCATE  
MADRAS High Court Peshawar  
Mob: 0345-9405501

**JAVED IQBAL** Gul Bela  
Baudhar Law Chamber  
Peshawar

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Amir



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(ESTABLISHMENT WING)

Diry No. 685  
19/3/2018  
To Secretary Transport  
Deptt Khyber Pakhtunkhwa

No. SOE-III (E&AD)2-5/2018  
Dated Peshawar the, March 16, 2018

To

The Secretary to Govt of Khyber Pakhtunkhwa,  
Transport & Mass Transit Department.

Diry No. 571  
Date 27-03-2018

Admin Section

**SUBJECT: - APPLICATION FOR AGE RELAXATION TO AZMAT ALI KHAN.**

Dear Sir,

Kindly refer to the subject noted above and to forward herewith a copy of Chief Minister's Secretariat Khyber Pakhtunkhwa letter No.SOV/CMS/KPK /Transport /CMD/2018/8099-00 dated 12-03-2018 along with relevant documents in respect of Mr. Azmat Ali Khan s/o Hassan Khan, resident of District Peshawar, regarding grant of age relaxation for appointment as Driver, in the Directorate of Transport & Mass Transit.

2. According to Rule-3(iii) read with Rule-5 of the Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008, age relaxation upto 2 years would be granted by the appointing authority, exceeding 2 years upto 5 years by the Establishment Department and beyond five (05) years upto ten (10) years by the Chief Minister of the Khyber Pakhtunkhwa subject to cogent reasons and sound justification of the case.

3. It is, therefore requested that the case may kindly be examined in light of rules/policy and submit complete case in all aspects for consideration of the Competent Authority.

AST  
FWG/MS

19/3

Yours faithfully

*Zaman Ali Khan*  
(Zaman Ali Khan) 16/3/18  
Section Officer (E-III)

Endst. of even No & Date

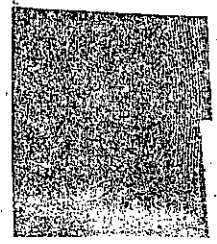
Copy forwarded to the Section Officer-V, Chief Minister's Secretariat Khyber Pakhtunkhwa, Peshawar.

D/S ml  
20/3  
22/3  
80(A)

ASST  
22/3

Section Officer (E-III)

JAVED IQBAL Gul Bela  
Daudai Law Chamber  
Adv. at High Court Peshawar  
Mob: 0345-9405501



26

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT

(Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat Khyber Pakhtunkhwa Peshawar)

Ph: 091-9223546  
Fax: 091-9212556

No. SO (G)/TD/10-7/N.Q/2569-70  
Dated: 03-04-2018


To

The Director Transport & Mass Transit,  
Khyber Pakhtunkhwa.

Dairy No 1033  
Date 05-04-2018  
Directorate of Transport

Subject: APPLICATION FOR AGE RELAXATION TO AZMAT ALI KHAN.

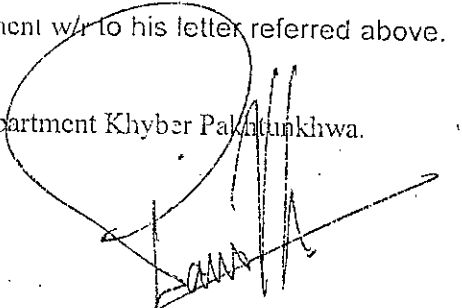
I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. SOE-III(E&AD)2-5/2018 dated 16.03.2018, received from Section Officer(E-III), Establishment Department alongwith letter No. SOV/CMS/KPK dated 12.03.2018 alongwith relevant documents in respect of Mr. Azmat Ali Khan S/O Hassan Khan, R/O District Peshawar, which is self explanatory and to state that to furnish a consolidated case in respect of the incumbent in light of prevailing rules/ policy for onward submission to the Establishment Department, please.

  
(ABBAS ALI BUKHARI)  
SECTION OFFICER (ADMN)

Endst: No. & Date Even

Copy for information the:

1. Section Officer(E-III), Establishment Department w/ to his letter referred above.
2. Section Officer V, CM Secretariat, KPK.
3. PS to Secretary Transport & Mass Transit Department Khyber Pakhtunkhwa.
4. Master File.

  
SECTION OFFICER (ADMN)

*DD*  
*1-4/12*  
*Part 40 reply*

*11/4*  
*already in process*  
*(129)*

**JAVED IQBAL** Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

27

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**DIRECTORATE OF TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA**

94

Ground Floor Benevolent Fund Building, Peshawar Cantt  
Tel: 001-9212061/9214185

No. DIR/TPT/2-25/Age Relaxation/1441-42  
Dated: 04-05-2018

To,

The Section Officer (Admn),  
Transport & Mass Transit Department,  
Govt. of Khyber Pakhtunkhwa.

Subject: APPLICATION FOR AGE RELAXATION TO AZMAT ALI KHAN.

I am directed to refer to your letter No.SO(G)/TD/10-7/N.Q/2569-70 dated 03-04-2018 on the subject noted above and to state that two posts of driver were vacant in the Directorate of Transport & Mass Transit, which were advertised in print media Daily Newspaper Aaj and Mashriq dated 15-11-2017 at (Annex-A).

A total of fifty (50) number candidates applied for the said post, and they were invited through call letter for test/interview. The selection process comprised two (2) phases, in first phase candidates were interviewed and in second phase their practical driving test was held to evaluate their driving skills by the Chief Motor Examiner at (Annex-B).

Mr. Azmat Ali has good Driving skill and performed good in both oral and practical tests. Therefore, the committee recommended him for appointment against the vacant post and consequently appointed. Minutes of the meeting are at (Annex-C).

Now, Chief Minister Secretariat directed for grant of age relaxation is at (Annex-D). His date of birth is 3<sup>rd</sup> April 1980 as per NIC and last date for receipt of application was 4<sup>th</sup> December 2017 he was overage by seven (7) years, Eight (8) month & one day on closing date.

In view of the above, it is requested that the Establishment department may kindly be approach for grant of age relaxation of 1 day 3 months and 7 years, in respect of Mr. Azmat Ali copy of his NIC is in it is at (Annex-E).

Deputy Director  
Transport and Mass Transit

O/c

Endst of even no and date:

A copy is forwarded for information to the:-

1. P.A to director Transport and Mass Transit, Khyber Pakhtunkhwa.

**JAVED IQBAL** Gul Bela  
Dadzi Law Chamber  
Advocate High Court Peshawar  
Mob: 0245-9405501

Deputy Director  
Transport and Mass Transit

O/c

28

19



**Directorate of Transport & Mass Transit**  
**Khyber Pakhtunkhwa**

Ground Floor, Benevolent Fund Building, Peshawar Cantt  
Tel: 091-9214185/9212061

No.Dir/TP/T/2-29/Age-Relaxation/  
Dated: 20-06-2018

**CERTIFICATE**

It is certified that interview of seventeen (17) candidates for the post of driver was conducted on 28-12-2017. Candidates under the prescribed age limits were present but they failed the driving test. Only Mr. Azmat Ali qualified the driving test and selected for the post.

**DEPUTY DIRECTOR**  
**Transport & Mass Transit**

**JAVED IQBAL** Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501



(29) (20)

**DIRECTORATE OF TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt. Tel: 031-9212061/9214185/9213515

No.DIR/TPT/2-11/RTI/ 484  
Dated: 09-01-2019

To,

✓ Mr. Azmat Ali Khan (Ex-Driver),  
Directorate of Transport & Mass Transit,  
Khyber Pakhtunkhwa.

Subject: - **APPLICATION FOR PROVIDING OFFICE RECORD UNDER  
RTI ACT.**

I am directed to refer to your application No. Nil Dated 03-01-2019 on the subject noted above and enclosed herewith the requisite information as desired please.

  
Assistant Director (Admn)  
Transport & Mass Transit

**Endst: No. & Date Even:**

A copy is forwarded for information to the: -

1. P.A to Director, Transport & Mass Transit, Khyber Pakhtunkhwa.

  
Assistant Director (Admn)  
Transport & Mass Transit

**JAVED IQBAL**, Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

کذمت ضابطہ ڈائریکٹر ٹرانسپورٹ (30) ماہ صبر ٹیکسٹ کو آواز لینا ضروری

درخواست برائے عفو ایڈمنی ڈفٹری  
ویکٹوریٹ سائنس ٹیکنالوجی  
31-12-2018 تا 05-01-2018

Diary No. 2073  
Date 03-01-2019  
Directorate of Transport  
And Mass Transit, KPK

ماہ صبر ٹیکسٹ کو آواز لینا ضروری  
ڈائریکٹر ٹرانسپورٹ اور ماس ٹرانزٹ  
کو عفو ایڈمنی ڈفٹری کے طور پر  
05-01-18 کو عفو ایڈمنی ڈفٹری کے طور پر  
لینا ضروری تو عفو ایڈمنی ڈفٹری کے بارے  
میں ویکٹوریٹ سائنس ٹیکنالوجی ڈفٹری  
ویکٹوریٹ سائنس ٹیکنالوجی کے بارے  
میں ویکٹوریٹ سائنس ٹیکنالوجی کے بارے  
03/1/19

عفو ایڈمنی ڈفٹری  
ڈائریکٹر ٹرانسپورٹ اور ماس ٹرانزٹ  
کو عفو ایڈمنی ڈفٹری کے طور پر

JAVED IQBAL-Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405801

DD / AD (A)  
Provided to  
RTI Act-2017  
11/1/19

Do be needful  
as Per Rules  
E.

# وکالت نامہ

بعدالت: Honourable Sessia Tribunal Peshawar  
 سلف علی خاں بنام سورت و عمر  
 منجانب: Appellam دعویٰ Service Appeal  
 تاریخ: \_\_\_\_\_

باعث تحریر آنکہ مقدمہ مندرجہ بالا بعنوان اپنی طرف سے واسطے پیروی و جوابدہی بمقام \_\_\_\_\_ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ ہائی کورٹ کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پشہری کی کسی اور جگہ یا پشہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام پشہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹا لشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و درآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔

موضوعہ \_\_\_\_\_ مضمون مختار نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

امیر اعلیٰ

علی خاں

علی خاں

علی خاں

علی خاں

علی خاں



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 588/2019

Azmat Ali Khan

.....(Appellant)

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Transport & Mass Transit and others

.....(Respondents)

INDEX

S. No	Description of Documents	Annex.	Pages
1	Reply to Service Appeal	-	01-04
2	Advice of Establishment Department	A	05-07
3	Inquiry Report against Director Transport & Mass Transit	B	8 - 18

Dated: 26/07/2019

*Amr Muhammad*  
*Asad B*  
*29/7/19*

DEPONENT

Service Appeal No. 588/2019

Azmat Ali Khan

.....(Appellant)

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Transport & Mass Transit and others

.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 & 02.

Respectfully Sheweth,

Preliminary Objections;

1. That the appellant has got no cause of action to file the present service appeal.
2. That the appellant is stopped by their own conduct to file the instant service appeal.
3. That the service appeal is bad in its present shape and is not maintainable in its present form.
4. That the instant service appeal is false, frivolous, and vexatious and is liable to be dismissed with special compensatory costs.
5. That with utmost respect this Honorable Court has got no jurisdiction to entertain the service appeal.
6. That the service appeal is bad for non-joinder and mis-joinder of necessary parties.
7. That the appellant has got no locus standi to file the instant service appeal.
8. That due to non-compliance of Section 80 of CPC, the instant service appeal is not maintainable.
9. That the present appellant has concealed the material fact from this Hon'ble court and is barred by law.

ON FACTS:

02

- 1) Para 1 of the service appeal is subject to proof by the appellant.
- 2) Para 2 of the service appeal is correct.
- 3) Para 3 of the service appeal is correct.
- 4) Para 4 of the service appeal is correct.
- 5) Para 5 of the service appeal is correct.
- 6) Para 6 of the service appeal is correct and subject to proof.
- 7) Para 7 of the service appeal is incorrect, hence denied. In reply it is stated that the age of appellant was not relaxed by the worthy Chief Minister. However, the appellant's application to worthy Chief Minister for age relaxation was marked to the department with the remarks i.e. "Age may be relaxed". As per rules of business, a summary needed to be moved to worthy Chief Minister for approval/grant of age relaxation which couldn't be moved due to advice of Establishment Department.
- 8) Para 8 of the service appeal is incorrect, hence denied. In reply it is stated that the age limit for the subject post of Driver was 18-30 years; whereas, the appellant was over age about 7 years and 8 months at a time of appointment to the cited post of driver. Therefore, Accountant General Office raised observations on 28.02.2018 and refused to sanction/release salary of the appellant. Thereafter, the appellant moved an application before Worthy Chief Minister for age relaxation which was marked to the Department as already mentioned in para 7. Thereafter, as per Rules of Business, a summary was being moved to the Chief Minister for the grant of age relaxation, but due to advice of Establishment Department (**Annex A**) an enquiry was conducted against the appointing authority i.e. Director Transport & Mass Transit, regarding the appointment of appellant on the subject post of Driver and not processing case for his age relaxation before his appointment. During proceeding of enquiry, it was found that a bonafide mistake was committed by Departmental Selection Committee and; consequently, the appointing authority i.e. Director Transport & Mass Transit withdrew the office order pertaining to the appellant's appointment as a Driver on 01.01.2019 (**the inquiry report to this regard as Annexure B**).
- 9) In reply to para 9 of the service appeal, it is stated that appellant moved departmental appeal before respondent No. 1 and which, after giving due opportunity of hearing as per law, was decided against the appellant.
- 10) Para 10 of the service appeal is incorrect, false and frivolous, hence denied. In reply it is stated that appellant was lawfully removed from the service; therefore, he has neither any ground for reinstatement into the service nor entitled to any back benefits and release of salaries since date of appointment. Hence, the instant service appeal is groundless.

8.3  
FOUNDATIONS:

03

- A: Ground A of the service appeal is correct and subject to proof.
- B. Ground B of the service appeal is incorrect. In reply it is stated that the age limit for the subject post of Driver was 18-30 years; whereas, the appellant was over age about 7 years and 8 months at a time of appointment to the cited post of driver and Accountant General Office also raised observations on 28.02.2018 and refused to sanction/release salary of the appellant. Therefore, the appointing authority i.e. the Director Transport lawfully withdrew the office order pertaining to the appellant's appointment as a Driver on 01.01.2019.
- C. Reply of Ground C has already been given in above paras.
- D. Reply of Ground D has already been given in above paras.
- E. In reply to Ground E of the service appeal, it is stated that the appellant was appointed against the subject post for which age limit was 18-30 years mentioned in advertisement; whereas, he was overage about 7 years and 8 months at the time of appointment. Later on, an inquiry was conducted against the appointing authority i.e. Director Transport & Mass Transit, regarding the appointment of appellant on subject post of Driver; wherein, it was found that a bonafide mistake was committed by Departmental Selection Committee regarding the appellant's appointment. Consequently, the appointing authority i.e. Director Transport & Mass Transit withdrew the office order pertaining to the appellant's appointment as a Driver on 01.01.2019
- F. Grounds F of the service appeal is false, whimsical and incorrect, hence denied. In reply it is stated that the age of appellant was not relaxed by the worthy Chief Minister. However, the appellant's application to worthy Chief Minister for age relaxation was marked to the Department with remarks i.e. "Age may be relaxed". Thereafter, as per rules of business, a summary needed to be moved to worthy Chief Minister for approval/grant of age relaxation which couldn't be moved due to advice of Establishment Department.
- G. Ground G of the service appeal is incorrect, hence denied. Detail reply has already been given in above paras.
- H. Ground H of the service appeal is incorrect, false and frivolous, hence denied. In reply, it is stated that appellant moved departmental appeal before respondent No. 1 and which, after giving due opportunity of hearing according to law, was decided against the appellant.
- I. In reply to Ground I of the service appeal it is stated that respondents may comment any additional grounds at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant reply, the instant service appeal may kindly be dismissed accordingly and*

any other remedy which the Hon'ble Court deemed fit may graciously be granted in favor of answering Respondents.

04

Govt. of Khyber Pakhtunkhwa  
Transport & Mass Transit Department,

Secretary (R-01)

Khyber Pakhtunkhwa  
Transport & Mass Transit,

Director (R-02)

Verification:

It is hereby solemnly affirmed and declared on oath that the contents of the instant comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Service Tribunal.

Muhammad Arif Wazir

Assistant Director Legal

Transport & Mass Transit Khyber Pakhtunkhwa



GOVT. OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)

No. SO(O&M)E&AD/7-2/2016

Dated Peshawar, the 27<sup>th</sup> November, 2018

Annex: A

05

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Transport & Mass Transit Department.

Diary No. 3778

Dated 30-11-18

Subject:

**ADVISE ON CLARIFICATION ON THE APPOINTMENT OF A DRIVER  
WHO IS OVERAGE BY 07 YEARS & MONTHS.**

Dear Sir,

I am directed to refer to your department letter No. SO(G)/TD/10-7/N.Q/6655-56 dated 01.11.2018 on the subject cited above and to state that Rule-6 of Khyber Pakhtunkhwa Initial Appointment to Civil posts (Relaxation of Upper Age Limit) Rules, 2008 (**copy enclosed**) is quite clear on the subject matter.

Yours faithfully,

(DR. IRUM SHAHEEN)  
SECTION OFFICER (O&M)

**Encl: as above.**

Copy to:

PA to Deputy Secretary (Reg-III), Establishment Department.

SECTION OFFICER (O&M)

*Handwritten notes:*  
30/11/18  
SO(A)  
30/11  
30/11  
put up please  
supditi(A)

*Handwritten signature and date:*  
03/12/18

**THE NORTH-WEST FRONTIER PROVINCE INITIAL APPOINTMENT TO  
CIVIL POSTS (RELAXATION OF UPPER AGE LIMIT) RULES, 2008**

*PART - I -*  
GENERAL

06

1. (1) These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008.

(2) These shall come into force with immediate effect.

\*2(1) Nothing in these rules shall apply to the appointment in BS-17 and the posts of Civil Judge-cum-Judicial Magistrate/Illaqa Qazi. BPS-18 to be filled through the competitive examination of the Public Service Commission, in which case two years' optimum relaxation shall be allowed to:

- (a) Government servants with a minimum of 2 years' continuous service;
- (b) Disabled persons; and
- (c) Candidates from backward areas.

\*2(2) For appointment to the post of Civil Judge-Cum-Judicial Magistrate/Illaqa Qazi, the period which a Barrister or an Advocate of the High Court and /or the Courts subordinate thereto or a Pleader has practiced in the Bar, shall be excluded for the purpose of upper age limit subject to a maximum period of two years from his/her age.

*PART - II -*

GENERAL RELAXATION

3. Maximum age limit as prescribed in the recruitment rules shall be relaxed in respect of the candidates mentioned in column 2 to the extent mentioned against each in column No.3 of the Table below:-

Sl. No. 1	Category of candidates 2	Age relaxation admissible 3
i.	Government Servants who have completed 2 years' continuous service	Upto ten years automatic relaxation
ii.	Candidates belonging to backward areas as specified in the Appendix attached herewith.	Three years automatic relaxation
iii.	General candidates	Upto two years by the appointing authority and exceeding two years upto five years by the Establishment Department **and beyond five years upto 10 years by the Chief Minister of the Khyber Pakhtunkhwa

\*Added vide Notification No. SOE-III/E&AD/2-1/2007, dated 03<sup>rd</sup> March, 2008

\*\* Added vide notification No. SOE-III/E&AD/2-1/2007, dated 26<sup>th</sup> October, 20011

~~6~~ ~~Age relaxation in respect of overage candidates shall be sought prior to their~~  
~~appointment~~

7. For the purposes of these rules, age of a candidate shall be calculated from the closing date of submission of applications for a particular post.
8. The cases of age relaxations, beyond the competence of Administrative Departments, shall be sent to the Establishment Department through the Administrative Department concerned.
9. All existing instructions, relating to age relaxation, issued from time to time shall stand superseded.

#### APPENDIX

[ See Rule 3(ii) ]

- (i) Khyber Agency
- (ii) Kurram Agency
- (iii) Orakzai Agency
- (iv) Mohmand Agency
- (v) North Waziristan Agency.
- (vi) South Waziristan Agency.
- (vii) Malakand Agency including protected areas (Swat Ranizai and Sam-Ranizai) and Bajaur.
- (viii) Tribal Areas attached to Peshawar, Kohat and Hazara Division
- (ix) Tribal Areas attached to D.I. Khan and Bannu Districts.
- (x) Shirani Area.
- (xi) Merged Areas of Hazara and Mardan Division and upper Tanawal.
- (xii) Swat District
- (xiii) Upper Dir District.
- (xiv) Lower Dir District.
- (xv) Chitral District.
- (xvi) Buner District.
- (xvii) Kala Dhaka Area.
- (xviii) Kohistan District.
- (xix) Shangla District.
- (xx) Gadoon Area in Swabi District.
- (xxi) Backward areas of Manshara and District Battagram.
- (xxii) Backward areas of Haripur District, i.e. Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo Circle of Tehsil Ghazi.

(Authority No. SOE-III(E&AD)2-1/2007. Dated 1<sup>st</sup> March, 2008)



## Inquiry Report

Annex B

08

**Background:** This is a fact finding inquiry in a case where an appointment of one Driver named Azmat Ali was made in the Directorate of Transport Department. The said Driver was overage by seven years 8 months and one day. The purpose of this inquiry is to know and to dig out facts as to why an appointment was made without getting prior age relaxation as enunciated in the Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of upper age limit) Rules 2008. In this regard, a notification No.SO (G)/TD/10-15/ dated 18-12-2018, was issued by Transport Department wherein the undersigned was appointed as inquiry officer (Annex-I). Hence this inquiry.

### Proceedings:

In this regard, Relaxation of upper age limit Rules 2008, were perused. The Rules No. 6 of the said rules says as follows "Age relaxation in respect of overage candidates shall be sought prior to their appointment". While in the instant case the required age relaxation is seven years eight months and one day which is the competency of Chief Minister.

The Director Transport was requested to submit his written statement. In compliance he submitted his statement along with other relevant documents available at (Annex-II).

He stated that first a practical driving test of all candidates was taken by Chief Motor Vehicle Examiner. Later on, interview was taken by a committee comprising of Director Transport (in Chair), Deputy Director Transport, Section Officer (Admin) Transport. Based on performance one Azmat Ali among others was recommended for appointment. During this process no one noticed/pointed out that Azmat Ali was over-age. And it was only oversight bonafide mistake and no malafide was involved. He further stated that now the said appointment order of Azmat Ali has been withdrawn. On perusal of this statement the undersigned did not deem it appropriate to probe it further.

### Findings:

- > No malafide was involved in the appointment of the Azmat Ali Driver.
- > It was an oversight bonafide mistake.
- > It has already been corrected.

### Recommendations:

- I. This inquiry may be filed.
- II. Secretary Transport Department may like to send summary to Chief Minister for getting prior age relaxation for reappointment of driver Azmat Ali.

  
11/1/19

  
21/1/2019  
Kalim Ullah Baloch  
Additional Secretary



GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT

(Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat Khyber Pakhtunkhwa Peshawar)

Ph: 091-9223546

No. SO (G)/TD/10-7/N.Q/

406-07

Fax: 091-9212556

Dated: 15-01-2019

2019  
09

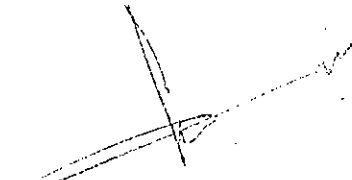
To

The Director Transport & Mass Transit,  
Khyber Pakhtunkhwa.

Dir. 53  
D. 16-1-2019  
Director Transport  
And Mass Transit, KPK

**Subject: INQUIRY REGARDING ILLEGAL APPOINTMENT OF DRIVER.**

I am directed to refer to the subject cited above and to enclose herewith an inquiry report regarding illegal appointment of Mr. Azmat Ali, Driver, Directorate of Transport & Mass Transit for compliance, please.

  
SECTION OFFICER (ADMN)

Endst: No. & Date Even

Copy for information the:

1. PS to Secretary Transport & Mass Transit Department Khyber Pakhtunkhwa.
2. Master File.

  
SECTION OFFICER (ADMN)

DD/AD (Admin) 287,  
A D/A,  
superintendent of works,  
3/1/19  
CA 3/1/19

place stamp  
① - Age relaxation  
Stamping No. 2



GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT

10

Dated Peshawar the, 18<sup>th</sup> December, 2018

**NOTIFICATION**

No.SO(G)/TD/10-15/Disp.Act: The Competent Authority has been pleased to nominate Mr. Kalimullah Khan Baloch, Additional Secretary (BS-19), Transport & Mass Transit Department as Enquiry Officer to conduct a fact finding enquiry as to why an appointment was made without getting prior age relaxation (Mr. Azmat Ali, Driver, Directorate of Transport, overaged by 7 years, 8 months & 1 day) as indicated in Rules-6 of Khyber Pakhtunkhwa Initial Appointment to Civil Posts (relaxation of upper age limit) Rules, 2008.

The Enquiry Officer shall complete the enquiry within fifteen (15) days after issuance of this order and submit the proceedings/ recommendations (if any) in the fact finding of enquiry to the Competent Authority.

Sd/-  
SECRETARY  
Transport & Mass Transit Deptt.  
Khyber Pakhtunkhwa

Endst: of even No. & Date. 7787-90

Copy for information the:-

1. Mr. Kalimullah Baloch, Additional Secretary Transport & Mass Transit Department.
2. Director Transport & Mass Transit, Khyber Pakhtunkhwa
3. PS to Secretary to the Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department.
4. PA to Deputy Secretary to the Govt. of Khyber Pakhtunkhwa, Transport & Mass Transit Department.
5. Master File.

(SECTION OFFICER (ADMN))



GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT

11

210

Ph: 091-9214125

No. AS (A)/TD/10-15/2017-18/

Fax:091-9212556

Dated:24-12-2018

24/12/18

To

The Director,  
Transport & Mass Transit,  
Govt. of Khyber Pakhtunkhwa.

Subject: ENQUIRY REGARDING ILLEGAL APPOINTMENT.

It is to inform you that an Enquiry has been ordered vide Notification No. SO(G)/TD/10-15/Disp.Act dated 18-12-2017 issued by Transport & Mass Transport Department, Khyber Pakhtunkhwa.

2. It is, therefore, requested to appear before the undersigned on 26-12-2018 at 2:00 PM in his office, along with your oral, written or circumstantial evidence/record.

  
KALIM ULLAH BALOCH  
ADDITIONAL SECRETARY

Endst: of even No. & date:

Copy of the above is forwarded to the:-

1. PS to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
2. PA to Deputy Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
3. Master File.

  
ADDITIONAL SECRETARY



DISTRICT TRANSPORT OFFICE MARDAN

12

To

No: 4586  
Dated: 28/12/2018.

The Additional Secretary to Government of Khyber Pakhtunkhwa,  
Transport & Mass Transit Department.

Subject: ENQUIRY REGARDING APPOINTMENT OF DRIVER.

Respected Sir,

Please refer to the subject noted above and to state that the following statement is submitted please.

Test/Interview for recruitment against the two vacant posts of driver was held on 28/12/2017, by Notified Committee of Transport & Mass Transit Department.

Oral test/interview and practical test of driving was held on the same date by the undersigned as Chief Motor Vehicle Examiner and the performance in practical test/interview of two candidates namely Azmat Ali Khan S/O Hassan Khan and Abdul Ishfaq S/O Abdul Karim were found better therefore, recommended for appointment.

During the process, no body noticed that Mr. Azmat Ali is overage and No malafide intention was involved.

Yours faithfully,

(ABID JAN)

Ex-Chief Motor Vehicle Examiner  
Now posted as Motor Vehicle Examiner Mardan



**DIRECTORATE OF TRANSPORT & MASS TRANSIT**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**

Ground Floor, Benevolent Fund Building, Peshawar Cantt  
Tel: 091-9214185

No: Dir/Tpt/A-24/Age - Relaxation/10/19  
Dated: 01/01/2019.

To

The Additional Secretary to Government of Khyber Pakhtunkhwa,  
Transport & Mass Transit Department.

Subject: **ENQUIRY REGARDING APPOINTMENT OF DRIVER.**

Dear Sir,

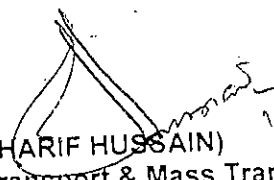
In response to your letter No. AS(A)/TD/10-15/2017-18/7901-3 dated 24/12/2018, the following statement is submitted for perusal please.

2. The PMRU Chief Secretary office has assigned the task of filling of all vacant posts, whether by initial recruitment or by promotion, to all the departments by 31/12/2018 and in order to complete the task by the target date various meeting of Department Promotion Committees and Departmental Selection Committee were held in the second half of December 2017.
3. Interview for recruitment against the two vacant posts of driver was held on 28/12/2017, by a Committee comprising of Deputy Director Transport, Section Officer (Admn) Transport Department and the undersigned (Director Transport) in Chair (Minutes attached at Annex-I).
4. Prior to oral test/interview, a practical test of driving was held on the same date by Chief Motor Vehicle Examiner, (Result attached at Annex-II) and based on their performance of in practical test/interview two candidates namely Azmat Ali Khan S/O Hassan Khan and Abdul Ishfaq S/O Abdul Karim were recommended for appointment.
5. During all this process, nobody noticed that Mr. Azmat Ali is overage and it was only oversight bonafide mistake. No malafide intention was involved.
6. Your kind attention is invited to instructions issued by Establishment Department vide letter No. SOE-III(E&AD)2-1/2016 dated 9<sup>th</sup> June, 2016 wherein it is mentioned that "Age relaxation of overaged candidates are entertained when they succeed in competition and their names are reflected in the merit list issued by concerned authorities or when Departmental Selection Committees recommend their names for appointment subject to the condition of obtaining age relaxation or when Khyber Pakhtunkhwa Public Service Commission issue letter to a candidate declaring

14 ~~9/13~~

him/her overage for a post" (Annex-III). Had it been an intentional act, his name would have been reflected in the merit list and his appointment would have been delayed for processing his age relaxation case. But he was appointed due to oversight/bonafide mistake.

7. The driver concerned has not received his salary upto now and on <sup>noticing</sup> noting the mistake his appointment order is withdrawn (copy attached at Annex-IV).

  
(SHARIF HUSSAIN) 11/1/19  
Director Transport & Mass Transit  
Khyber Pakhtunkhwa



**DIRECTORATE OF TRANSPORT & MASS TRANSIT**

**KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building,  
Peshawar Cantt.

Tel: 091-9214185/9212061

No. DIR/TPT/Age Relaxation /2-29/16/13-15

Dated: 1<sup>st</sup> January, 2019

Email: transport1.establishment@gmail.com

**ORDER**

The Competent Authority is pleased to withdraw this office order No.DIR/TPT/ App: /Driver/2011/3748-52 Dated 05-01-2018 to the extent of Mr. Azmat Ali Khan Driver, only.

-SD/-

**DIRECTOR**

**Transport & Mass Transit  
Khyber Pakhtunkhwa**

**Endst: No. & Date Even:**

A copy is forwarded for information to the: -

1. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. Official Concerned.

  
Assistant Director (Admin)  
Transport & Mass Transit





16 16

GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT

SUMMARY FOR HON'ABLE CHIEF MINISTER KHYBER PAKHTUNKHWA

**Subject: GRANT OF AGE RELAXATION TO AZMAT ALI KHAN DRIVER  
DIRECTORATE OF TRANSPORT & MASS TRANSIT, KHYBER  
PAKHTUNKHWA.**

A summary regarding grant of age relaxation to Mr. Azmat Ali Khan, Driver Directorate of Transport & Mass Transit is placed below for approval of the Hon'ble Chief Minister, Khyber Pakhtunkhwa, please.

**Secretary to Govt. of Khyber Pakhtunkhwa  
Transport & Mass Transit Department**

**Chief Secretary Khyber Pakhtunkhwa:**

**Chief Minister Khyber Pakhtunkhwa:**



SUMMARY FOR HON'ABLE CHIEF MINISTER KHYBER PAKHTUNKHWA

Subject: GRANT OF AGE RELAXATION TO AZMAT ALI KHAN DRIVER  
DIRECTORATE OF TRANSPORT & MASS TRANSIT, KHYBER  
PAKHTUNKHWA.

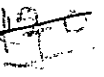
It is submitted that two posts of driver were <sup>lying</sup> vacant in the Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa which were advertised in print media Daily Newspaper Aaj and Mashriq dated: 15-11-2017 at (Annex-A).

2. A total of fifty (50) ~~number~~ candidates applied for the post, and they were invited through call letter for test/interview. The selection process comprised two (02) phases, in first phase candidates were interviewed and in second phase their practical driving test was held to evaluate their driving skills by the Chief Motor Vehicle Examiner at (Annex-B).

3. Mr. Azmat Ali has good Driving skill and performed well both in oral and practical tests. Therefore, the committee recommended him for appointment against the vacant post and consequently appointed. Minutes of the meeting are at (Annex-C).

4. At the time of appointment, Mr. Azmat Ali was overage by seven (07) years, eight (08) months and one (01) day from the mentioned date in the advertisement. Copy of his CNIC is at (Annex-D) and eligibility certificate is at (Annex-E). Therefore, he submitted an application to the Hon'able Chief Minister, Khyber Pakhtunkhwa for age relaxation, which was approved copy is at (Annex-F). As per Esta code, initial appointments to Civil Posts (Relaxation of upper age limit) Rules, 2008 Part-II at Serial No. III, General candidates upto two years by the appointing authority and exceeding two years upto five years by the Establishment Department (and beyond five years upto ten years by the Chief Minister of the Khyber Pakhtunkhwa) at (annex-G).

5. In view of the above the Hon'able Chief Minister of Khyber Pakhtunkhwa is requested to kindly grant age relaxation of one (01) day, (08) months and (07) years, in respect of Mr. Azmat Ali, Driver Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa .



6. Para-5 of the above summary is submitted for approval of the Hon'ble Chief Minister, Khyber Pakhtunkhwa, please.

**Secretary to Govt. of Khyber Pakhtunkhwa  
Transport & Mass Transit Department**

**Chief Secretary Khyber Pakhtunkhwa:**

**Chief Minister Khyber Pakhtunkhwa:**

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

In S.A# 588/2019

Azmat Ali Khan

Versus

Government of Khyber Pakhtunkhwa and Others


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Dated: 24/10/2019

  
Appellant

Through

  
**JAVED IQBAL GULBELA,**  
Advocates High Court  
Peshawar

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

In S.A# 588/2019

Azmat Ali Khan

Versus

Government of Khyber Pakhtunkhwa and Others

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

**Respectfully Sheweth,**

**Reply to Preliminary objection:**

1. Incorrect & denied. Moreover, the appellant has a good cause of action.
2. Incorrect and denied.
3. Incorrect and denied. Moreover, the appeal of the appellant is maintainable according to law and rules.
4. Misleading, Hypocratic, wrong and incorrect, hence denied.

5. Misleading and incorrect, hence denied, moreover this Hon'ble Tribunal has got ample jurisdiction to entertain the instant service appeal.
6. Incorrect, malicious, misleading, hence denied.
7. Incorrect, hypocritical, misleading and malicious hence denied. Moreover, this appellant has a good locus-standie to file the instant appeal.
8. Misleading, hypocritical and incorrect, hence denied.
9. Misleading, hypocritical and incorrect, hence denied.

**On Facts:-**

1. Para-1 of the comments is hypocritical, hence denied while that of the main appeal is true and correct.
2. Para No. 2 needs no comments.
3. Para No.3 needs no comments.
4. Para No. 4 needs no comments.

5. Para No. 5 needs no comments.
6. Misleading and hypocritical, hence denied. while that of the main appeal is true and correct.
7. Misleading and hypocritical, hence denied. while that of the main appeal is true and correct.
8. Misleading, hypocritical and incorrect, hence denied. While that of the main appeal is true and correct.
9. Incorrect & Denied. While that of main appeal is true and correct.
10. Misleading and hypocritical, hence denied. while that of the main appeal is true and correct.

**On Grounds:-**

A. Hypocritical, hence denied. While that of the main appeal is true and correct.

B. Misleading, hypocritical and malicious  
hence denied. While that of the main  
appeal is true and correct.

C. Misleading, hypocritical and malicious  
hence denied. While that of the main  
appeal is true and correct.

D. Misleading, hypocritical and malicious  
hence denied. While that of the main  
appeal is true and correct.

E. Incorrect, wrong, misleading and  
hypocritical hence denied. While that of the  
main appeal is true and correct.

F. Incorrect, wrong, misleading and  
hypocritical hence denied. While that of the  
main appeal is true and correct.



G. Incorrect, wrong, misleading and hypocritical hence denied. While that of the main appeal is true and correct.

H. Malicious, misleading and hypocritical hence denied. While that of the main appeal is true and correct.

I. Incorrect, wrong, misleading and hypocritical hence denied. While that of the main appeal is true and correct.

*It is, therefore, most humbly prayed that on acceptance of instant rejoinder, the appeal of the appellant may graciously be allowed, as prayed for therein.*

Dated: 24/10/2019

Through

  
Appellant

  
**JAVED IQBAL GULBELA,**

&

**SAGHIR IQBAL GULBELA**

Advocates High Court

Peshawar

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

In S.A# 588/2019

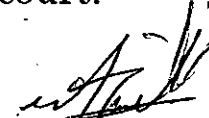
Azmat Ali Khan

Versus

Government of Khyber Pakhtunkhwa and Others

**AFFIDAVIT**

I, Azmat Ali Khan (the appellant), do hereby solemnly affirm and declare on oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

  
Deponent

Identified By:-

  
Javed Iqbal Gulbela  
Advocate High Court  
Peshawar

