

25.07.2018

Since 25.07.2018 has been declared as public holiday on account of General Election. Therefore, case is adjourned on 28.08.2018 before S.B

READER

28.08.2018 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant submitted application for withdrawal of the present appeal on the ground mentioned in the application. Application is accepted.

In view of the above, the present appeal is dismissed as *with permission to file fresh appeal on* withdrawn. File be consigned to the record room.

ANNOUNCED

28.08.2018

(Ahmad Hassan)  
Member

*Muhamamad Amin*  
(M. Amin Khan Kundi)  
Member

09.01.2018


Junior to counsel for the appellant present. Mr. Usman Ghani, District Attorney along with Dawood Jan litigation officer, for the respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.03.2018 before D.B

  
Ahmad Hassan  
MEMBER

  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

12.03.2018

Junior counsel for the appellant and Mr. Riaz Ahmed Painsa Kheil, Assistant AG alongwith Mr. Daud Jan, Superintendent for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 11.05.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

11.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for the same on 25.07.2018.

  
Reader

07.03.2017

Counsel for the appellant and Addl. AG for respondents present. Rejoinder not submitted. Requested for time to file rejoinder. To come up for rejoinder and arguments on 07.07.2017 before D.B.




(ASHFAQUE TAJ)  
MEMBER



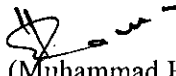
(MUHAMMAD AAMIR NAZIR)  
MEMBER

09. 07.07.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for rejoinder and arguments on 08.11.2017 before D.B.




(Gul Zeb Khan)  
Member




(Muhammad Hamid Mughal)  
Member

08.11.2017

Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 09.01.2018 before D.B.



(Gul Zeb Khan)  
Member (E)



(Muhammad Armin Khan Kundi)  
Member (J)

28.09.2016

Counsel for the appellant and Mr. Gul Moheed, Agency Account Officer and Addl: AG for respondents present. Written reply not submitted. Learned AAG requested for time to submit written reply. Request accepted. To come up for written reply/comments on 28.11.2016.



Member

28.11.2016

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 granted. To come up for written reply/comments on 12.1.2017 before S.B.



Chairman

12.01.2017

Counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Additional AG for the respondents present. Written statement by respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 07.03.2017 before D.B.



Chairman

25.07.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Lab. Assistant (BPS-07) under the deceased son quota vide order dated 14.01.2015 and that on the strength of his appointment order he had submitted his arrival report on 14.01.2014 and serving as such till date. That salary of the appellant was not released constraining the appellant to prefer departmental appeal on 18.3.2016 which was not responded and hence the instant service appeal on 28.06.2016.

That the appellant is entitled to receive salary etc. under the provisions of sub-rule-4 of Rule-10 of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989.

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 28.09.2016 before S.B.

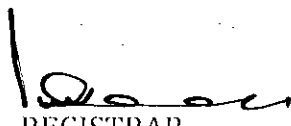


Appellant Deposited  
Security & Process Fee

Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 691/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/06/2016	<p>The appeal of Mr. Wahidullah 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-	29-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>04-07-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	04.07.2016	<p>Agent of counsel for the appellant present and requested for adjournment as counsel for the appellant is not available today before the court. Adjourned for preliminary hearing to 25.07.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

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

APPEAL NO. 691 /2016

**WAHID ULLAH**

**VS**

**EDUCATION DEPTT:**

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<b>7.</b>	Medical certificate	<b>F</b>	14.
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**APPELLANT**

**THROUGH:**

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

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

APPEAL NO. 691 /2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 677

Dated 28-6-2016

Mr. Wahid Ullah, Lab Assistant (BPS-7)  
GHS Muhammad Kheil, Tehsil Datta Kheil, North Waziristan Agency

..... **APPELLANT**

**VERSUS**

- 1- The Director Education FATA, FATA Secretariat, Warsak Road, Peshawar.
- 2- The Agency Education Officer, North Waziristan Agency.
- 3- The Agency Accounts officer, North Waziristan Agency.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W.E.F 14.1.2015 TILL DATE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTA APPELA OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the respondents may kindly be directed to release the monthly salaries of the appellant w.e.f 14.1.2015 till date. 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 on the present appeal are as under:

- 1- That father of the appellant was the employee of the respondent Department and had served the respondent Department as Certified Teacher (BPS-15) for quite considerable period. That father of the appellant was died during service in the respondent Department on 5.7.2012. Copies of the death certificate and pension payment order are attached as annexure ..... **A & B.**
- 2- That appellant after the death of his father applied for employment under the hundred percent deceased son quota having the qualification of B.A. Copies of the education testimonials are attached as annexure ..... **C.**

Filed to-day

Registrar

28/6/16



- 3- That the said application was forwarded and the appellant was recommended for appointment under the deceased son quota by the respondent No.2 to respondent No.1 vide letter dated 26.12.2014. That the respondent No.1 directed the respondent No.2 to consider the appellant for appointment under the deceased son quota vide letter dated 6.1.2015. Copies of the letters are attached as annexure ..... **D.**
- 4- That in reference to the respondent no.1 approval dated 6.1.2015 the respondent No.2 after conducting Departmental selection committee appointed the appellant against the vacant post of Lab Assistant (BPS-7) on regular basis vide order dated 14.1.2015. That in response the appellant submitted his medical certificate and charge report on 14.1.2015 and started performing his duty quite efficiently and upto the entire satisfaction of his superiors. Copies of the appointment order, medical certificate and service book are attached as annexure ..... **E, F & G.**
- 5- That unfortunately the respondent No.2 and 3 has not been released salaries of the petitioner till date, though the appellant time and again visited the concerned quarter for release of his pay but in vain. That appellant finally filed Department appeal on 18.3.2016 for the release of his pay but till date no reply has been received. Copy of the Departmental appeal is attached as annexure ..... **H.**
- 6- That feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That not releasing the monthly salaries of the appellant w.e.f. 14.1.2015 till date is against the law, facts and norms of natural justice.
- B- That the petitioner has not been treated in accordance with law and rules by the respondent Department 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 not releasing the monthly salaries of the appellant is against the principle of "WORK DONE MUST PAID" and also the violation of Article 11 of the Constitution of Islamic Republic of Pakistan 1973.
- D- That the respondents acted in arbitrary and malafide manner by not releasing the monthly salaries of the appellant w.e.f. 14.1.2015 till date.

- E- That the appellant has been discriminated on the subject noted above and as such the respondents violated the principle of natural justice.
- F- That there is no provision under the law wherein salary of a civil servant could be stopped.
- G- 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: 27.6.2016

**APPELLANT**

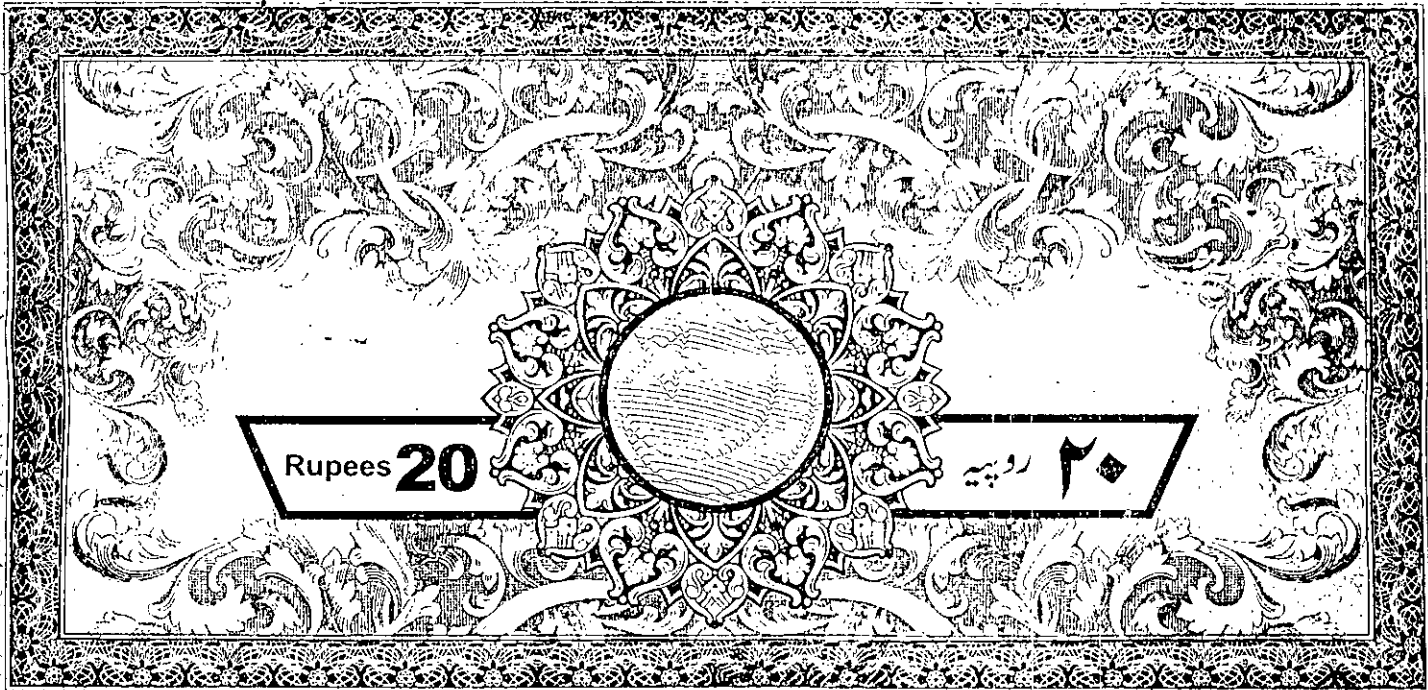
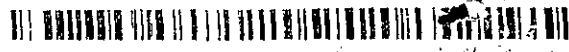


**WAHID ULLAH**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE**



DEATH CERTIFICATE

A - (4)

Certified that Mr, Noor Khatim S/O Gul Hassan Ex-CT GMS Samar Gul Kot of Education Deptt: Village Haider Khel tehsil MirAli North Waziristan Agency died on 05-07-2012 on his natural death as verified by his sectional Maliks.

WITNESS:

Malik *Malik Rizq S/o Malik Mirshahat* 1312  
Malik *Amir*

CNIC No *1308*

Malik *Malik Maji Anwar Baig*  
CNIC: 21505-6502051-3

ATTESTED

Political Tehsildar  
MirAli W. Agency

COUNTERSIGNED

*[Signature]*  
Assistant Political Agent  
Assistant Political Agent  
Mirali Sub Division Mirali 2/2

**ATTESTED**  
*[Signature]*

*[Signature]*  
Nasib-ur-Rehman  
Advocate



FORM No. 4  
(See Paragraph 15 of Annex Manual)  
**PENSION PAYMENT ORDER**  
DISBURSER'S PORTION  
CLASSIFICATION

Handwritten notes: *111576*, *Asst. Secy*, *C.T. Edu Deptt*, *6/15 Dittak Kot NWA*, **B-5**

Major Function 000 General Administration Major Object 600 Transfer Payment  
Minor Function 020 Fiscal Administration Minor Object 660 Superannuation Allowances and Pension  
Detailed Function 028 Superannuation and Pension Detailed Object 661 Superannuation, Retirement and Compensatory Pension.

Monthly Average Emoluments *Rs. 21,500/-*  
Length of Qualifying Service *30 years*  
Gratuity Rs. *DAF = 16-09-1975*  
Date of retirement *Death: 05-07-2012*  
Old P. P. O. No. *Nil*

Gross Pension Rs. *15050-00*  
1/4th Surrendered Portion Rs. *8*  
Reduced Pension Rs. *2*  
Commuted Pension *25%* Rs. *3762-50*  
Net Pension payable monthly Rs. *11287-50*

Debitable to *Central* Government.

Place for signature of pensioner as the first payment made

Class of Pension and date of order sanctioning	Personal identification		Height		Date of approximate date of birth	Permanent Residence showing Village, Taluk and Identity Card No.	Agency Accounts Officer	
	M	CM					R.	P.
<i>No: 1064/AEO NWA dt 30-8-2012</i>					<i>20.5.1938</i>	<i>Handwritten address in Urdu</i>	<i>Handwritten signature</i>	<i>Handwritten initials</i>

**Office of the Agency Accounts Officer**

NIC: 21505-8863702-8

No. *1056* **UNTIL FURTHER NOTICE**, and on the expiration of every month please pay to Mr. *Asst. Secy Miran Shah* Son/Daughter of *W/O Noor Khatoon*

the sum of Rupees *Eleven thousand two hundred and eighty seven/50/-* (less Income-tax), being the amount of *Gratuity* upon the production of this Order and receipt in the usual form. The payment should commence *08-07-2012* *6th July 2012*

As *he* has exercised the option admissible under liberalised Pension Rules, 1977 a lump sum gratuity of Rs. *Commuted value: Rs. 806595/-* in lieu of his 1/4th pension of Rs. *806595/-*

under the rules is also payable. The gratuity is debitable to the head *He is entitled to the following:-*

- 1. Major Object 600 Transfer Payments.
- Minor Object 663 Superannuation Allowances and Pension.
- Detailed Object 663 Gratuity Value of Pension.
- 2. A sum of Rs. *169200* (Major Object 600 Transfer Payments) *Rs. 169200* (Minor Object 663 Superannuation Allowances and Pension) *Rs. 1997-10* (Detailed Object 663 Gratuity Value of Pension)
- 3. A sum of Rs. *2985-75* (Major Object 600 Transfer Payments) *Rs. 2985-75* (Minor Object 663 Superannuation Allowances and Pension) *Rs. 2829-88* (Detailed Object 662 Commuted Value of Pension)
- 4. He is also entitled to *1* increase of Rs. *1*

(Rupees \_\_\_\_\_) with effect from \_\_\_\_\_ to \_\_\_\_\_ or until further orders under usual conditions.

To: *Handwritten signature*  
(Signature) *Handwritten name*  
(Designation) *Agency Accounts Officer*

NOTE (1) No person shall be liable to seizure, attachment or sequestration by process of any Court in Pakistan at the instance of a creditor for any demand against the pensioner (Section II, Act XXIII of 1871).

NOTE (2) Payment under this order is to be made only to the pensioner in person, with the following exceptions:-

- (a) To persons specially exempted by Government.
- (b) To females unaccustomed to appear in Public and to persons unable to appear on account of illness or bodily infirmity. [Payment in both classes (a) and (b) is made on production of a Life Certificate signed by a responsible officer of Government, or other well-known and trustworthy person].
- (c) To any person sending a Life Certificate signed by some person exercising the powers of a Magistrate of any class under the Criminal Procedure Code, or by any Registrar or Sub-Registrar under the Registration Act, or by any pensioned officer who before retirement exercised the power of a Magistrate or any gazetted officer of Government or by a Munsiff or by any person holding a Government title.
- (d) In all cases referred to in clauses (a), (b) and (c) the Disbursing Officer must at least once a year, require proof independent of that furnished by the Life Certificate of the pensioner.

**ATTESTED**  
*Handwritten signature*

*Chq. No. = K-136187 - issued dt 16/10/2012*  
*Commuted value of Pension paid on dt 16/10/2012*

REVERSE OF DISBURSER'S PORTION

Amount of pension Rs. \_\_\_\_\_ (in words)  
 A lump sum gratuity of Rs. Rs: 606545/- (Rupees)  
 paid vide Treasury Voucher No. \_\_\_\_\_ dated \_\_\_\_\_

This Document is to be retained by the Disbursing Officer so long as the authority remains in force in such manner that the pensioner shall have no access to it. Every separate Payment is Agency controlled below: *16/10/12*

*N.W.A Miran Shah*  
 Agency Officer

*Month for which pension is due	200	-200	200	-200	200	-200	200	-200	200	-200	REMARKS
	Date of payment.	Disbursing Officer's Initials	Date of payment.	Disbursing Officer's Initials	Date of payment.	Disbursing Officer's Initials	Date of payment.	Disbursing Officer's Initials	Date of payment.	Disbursing Officer's Initials	
July											
August											
September											
October											
November											
December											
January											
February											
March											
April											
May											
June											
*Note of pensioner's Identification	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	

*Month for which pension is due	200	-200	200	-200	200	-200	200	-200	200	-200	REMARKS
	Date of payment.	Disbursing Officer's Initials	Date of payment.	Disbursing Officer's Initials	Date of payment.	Disbursing Officer's Initials	Date of payment.	Disbursing Officer's Initials	Date of payment.	Disbursing Officer's Initials	
July											
August											
September											
October											
November											
December											
January											
February											
March											
April											
May											
June											
*Note of pensioner's Identification	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	

\*If the payment is by Postal Money Order, identification is required twice a year as prescribed, otherwise annually.

# University of Science & Technology Bannu

Near Cantt. Police Station Miran Shah Road Bannu, Khyber Pakhtunkhwa, PAKISTAN. (Ph.No.0928 623140)

Ref:No/ [3178] /USTB/Secy.

Dated: Saturday, October 10, 2015

CONFIDENTIAL

To: A.E.O,  
North Waziristan Agency.

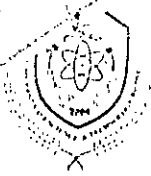
Subject: Verification of Certificate(s).

Reference your letter No.3094 dated 24-08-2015 the DMC(s)/Transcript(s)/PC(s). of the following student(s) has/have been duly verified and returned.

Roll No.	Name	Father Name	Discipline	Marks Total/Obtained		Division	Session
31-102	Waheed Ullah	Noor Khatim	BA DMC	550	294	2nd	2010-12

*Amir*  
Controller of Examinations,  
UST - Bannu.

**ATTESTED**



# UNIVERSITY OF SCIENCE & TECHNOLOGY BANNU

Khyber Pakhtunkhwa PAKISTAN

S.No:178292

**DUPLICATE**

**DETAILED MARKS CERTIFICATE**

Bachelor of Arts

Session: 2010-2012

Part-II Re-Appear Examination Held in June, 2013



Name: Waheed Ullah Roll No: 31402  
 Father's Name: Noor Khatim Reg No: 2010-UB-GCN-30835  
 Institute Name: Government Degree College of Mir Ali

The Candidate has secured the following Marks and is placed in 2nd Division.

No.	Subjects	Max Marks	MARKS OBTAINED				Remarks
			Theory	Practical	Total	In Words	
1	Part-I	285		---	169	ONE HUNDRED SIXTY-NINE	
2	Islamic Studies (Elective)	75	49	---	49	FORTY-NINE	
3	Health & Physical Education-New	75	12 + 17	7	36	THIRTY-SIX	
4	English (Comp)	75	25	---	25	TWENTY-FIVE	
5	Pakistan Studies (Comp)	40	15	---	15	FIFTEEN	
Total		550			294	TWO HUNDRED NINETY-FOUR	

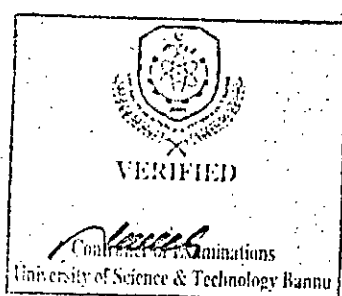
Note: Required Pass Percentage in each Subject (Written & Practical Separately) 33, Aggregate Pass Percentage 36  
 The Examination was taken In Parts

Prepared by: [Signature]

[Signature]  
 Controller of Examinations  
 University of Science & Technology, Bannu

Checked by: [Signature]

Result Declaration Date	09-09-2013
Issue Date	21-01-2015



Waheed Ullah S/O Noor Khatim  
 Village Haider KHel Co Kausar Book Depo Mirali Adda NWA

Errors & omissions excepted, if any, are subject to subsequent rectification.

**ATTESTED**

[Signature]

Board of Intermediate and Secondary Education, Bannu

8

NO. 2524 /Secretary/BISE-B/2015

Date: 2/8/2015

From

The Controller of Examinations,  
Board of Intermediate and  
Secondary Education, Bannu.

To

The Agency Education offices  
North Waziristan Agency.

Subject: VERIFICATION OF DETAILED MARKS CERTIFICATE(S)

Memo:

Reference to your letter No-3093 Dated: 24-8-2015 on the subject cited above and to inform you that photocopies of Detailed Marks Certificates of the following ( ) candidates enclosed with the above mentioned letter were thoroughly checked and verified from the record of this office and were found correct /true as mentioned in the remarks column against each Roll Number.

S.No	R.No	Candidate's Name	Father's Name	Examination	Marks Obt:	Remarks
1	39176	Waheed ullah	Abdul Khatim	SSC-A-2008	469-C	Correct
2	37309	Waheed ullah	Abdul Khatim	HSSC-A-2010	510-D	Correct
<b>ATTESTED</b>						

Copied to

The Assistant Secretary, Board of Intermediate and Secondary Education, Bannu

**Controller of Examination**  
Board of Intermediate and  
Secondary Education, Bannu  
Ph/No.0928-633446

*[Signature]*  
8/10/15



9

Secondary School Certificate Examination

S. No. 014391

Detailed Marks Certificate

Session 2008 (Annual 10th)

Roll No: 39176

Group: Science

Duplicate

Registration No: 0034-BIRNW-1-06

Certificate No: 20839176



This is to certify that Waheed Ullah  
Son / Daughter of Noor Khatim  
and a student of Govt. High School Haider Khel, N.W. Agency

has secured the marks shown against each subject, in the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu, held in April, 2008 as Regular Candidate

CHECKED & VERIFIED

SUBJECTS	MAXIMUM MARKS			MARKS OBTAINED		Total	In Words
	Total	Theory / Paper-A	Practical / Paper-B	Theory / Paper-A	Practical / Paper-B		
1. English	150	75	75	25	28	53	Fifty-Three
2. Urdu	150	75	75	40	44	84	Eighty-Four
3. Islamiyat	75	75		45	-	45	Forty-Five
4. Pakistan Studies	75	75		35	-	35	Thirty-Five
5. Mathematics	150	75	75	35	53	89	Eighty-Nine
6. Physics	100	85	15	50	10	60	Sixty Only
7. Chemistry	100	85	15	53	10	63	Sixty-Three
8. Biology	100	85	15	30	10	40	Forty Only

8/10/15

Total	900	469-C	Four Hundred Sixty-Nine Only
Remarks	Science		

Date of Birth according to Registration Record: 05-05-1993 (05 May, Nineteen Ninety-Three)

Date of declaration of Result: 15-07-2008

Prepared by: [Signature]

Checked by: [Signature]

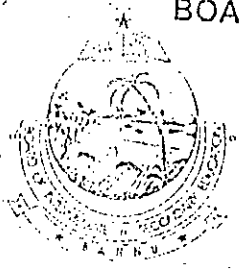
[Signature]  
Controller of Examinations

Date of issue: 12-01-2015

Total marks of examination excepted.

**ATTESTED**

[Signature]



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, BANNU  
KHYBER PAKHTUNKHWA, PAKISTAN

10

Higher Secondary School Certificate Examination

S. No. 014392

Detailed Marks Certificate

Session: (Annual Part-II) 2010

Duplicate



16633  
A-009

Roll No: 37309

Group: Humanities

Registration No: 0394-GCMIN-1-08

Waheed Ullah Son/Daughter of Noor Khatim

appeared as Regular Student of Govt. Degree College Mirali N.W. Agency

has required the marks shown against each subject, in the Higher Secondary School Certificate Examination, held in the month of April. The Examination was taken as a whole.

SUBJECTS	MAXIMUM MARKS				MARKS OBTAINED				Total	In Words
	Part-I		Part-II		Part-I		Part-II			
	Theory	Practical	Theory	Practical	Theory	Practical	Theory	Practical		
1. English	100		100		44	-	39	-	83	Eighty-Three
2. Urdu	100		100		33	-	62	-	95	Ninety-Five
3. Islamiyat Compulsory	50				22	-	-	-	22	Twenty-Two
4. Pakistan Studies			50		-	-	29	-	29	Twenty-Nine
5. Islamiyat Elective	100		100		64	-	27	-	91	Ninety-One
6. Islamic History	100		100		53	-	48	-	101	One Hundred One
7. Health & Physical Education	85	15	85	15	37	9	34	9	89	Eighty-Nine

CHECKED & VERIFIED

Controller of Examinations  
Board of Intermediate and Secondary Education Bannu

8/15

Total Marks: 1100 Marks Obtained: 510-0 Five Hundred Ten Only

Remarks

Date of declaration of Result: 21-07-2010

Prepared by: [Signature]

Checked by: [Signature]

Date of issue: 12-01-2015

ATTESTED

[Signature]  
Controller of Examinations

(Being Error of Declaration excepted)

(COMPILED BY COMPUTER CELL BISE, BANNU)

W-10  
8/15



FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE. 091-9210166 FAX 091-9210216  
No. 124  
Date Posh: the 6/1/2015

D-11

To  
The Agency Education Officer,  
North Waziristan Agency

Subject: APPROVAL FOR APPOINTMENT / RECRUITMENT AS  
LABORATORY ASSISTANT UNDER DECEASED SON  
QUOTA

Memo:  
Enclosed please find here with the documents in respect of Mr. Wahidullah S/O Late Noor Khatim Ex. CT GMS, Samar Gul Kot Tehsil Mir Ali North Waziristan Agency on the above noted subject, containing request for appointment / recruitment against the post of Laboratory Assistant under "DECEASED SON QUOTA".

Being competent authority for appointment in (BPS-01TO/BPS-10) the subject case may be dispose off in accordance with the existing rules & policy at your own level, please.

Encls : (A.A)

**ATTESTED**

Director Education FATA  
6/1/15

No. 2473 Approval/AEO/MRN/NWA/Dated M/Shah the 26/12/2012

12

The Agency Education Officer  
North Waziristan Agency, Camp  
Office at Bannu.

Director of Education (FATA),  
Khyber Pakhtunkhwa Peshawar

SUBJECT: APPROVAL FOR LAB ASSISTANT POST IN DECEASED SON QUOTA

Enclosed please find herewith an application in original  
in respect of Mr. Wahid Ullah son of Late- Noor Khatim E-  
Teacher Education Department at C/IS Samar Gul Kot Tehsil/  
Ali North Waziristan Agency, requesting for appointment under  
deceased son Quota as Lab Assistant vacant post in C/IS  
Muhammad Khel North Waziristan Agency, is sent hereby  
your kind approval please.

Handwritten notes and signatures:  
5/1/2013 - 2-4  
S. H. (Admin) 5/11

Agency Education Officer  
North Waziristan Agency

14  
6/11/2013

ATTESTED

E-13

**OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY**

**APPOINTMENT ORDER**

Reference Director Education (FATA) approval Endstt: No: 124 Dated Peshawar the 06-01-2015, as per policy of Govt: Khyber Pakhtunkhwa Civil servants rules regarding deceased son Quota from BPS-1 to BPS-10 one Mr. Wahid Ullah son of Late-Noor Khatim Ex- CT Local Candidate of Village Haider Khel Post office & Tehsil Mir Ali North Waziristan Agency is hereby appointed against vacant post of Lab: Assistant at Govt: High School Muhammad Khel Tehsil Datta Khel North Waziristan Agency in BPS No-07 @ Rs: (5800-320-15400) plus usual allowances admissible under the rules on temporary Basis from the date of taking over charge.

**TERMS & CONDITION**

- 1- His appointment is made on temporary Basis and is liable to terminate at any time without notice, if he wishes to resign from her post; he should give one month prior notice or forfeit one month pay in lieu thereof.
- 2- He should bring his Health & Age Certificate from the Medical Superintendent AHQ Hospital Miran Shah North Waziristan Agency.
- 3- If he fails to resume her charge with in 15-days his order will be treated as cancelled.
- 4- He should not be handed over charge if he below 18-years and above 35-years of age.
- 5- His original qualifications, date of birth, Domicile Certificate and CNIC should be checked and photocopy may be placed on record.
- 6- He will be terminated if his Academic/Professional certificates were found fake/Bogus and tempered.
- 7- The appointee is entitled for all benefit admissible to Civil Servants.
- 8- His academic/professional Qualifications will be referred to concerned Board/University etc by depositing usual fee charges for proper necessary verification and his salary will not been drawn until and unless verification is received in this office.

*[Signature]*  
**AGENCY EDUCATION OFFICER  
NORTH WAZIRISTAN AGENCY**

Endstt: No 2573-74 /Deceased son/ Apptt/LA/AEO/NWA/Dated 9/01/2015

**Copy to the:**

- 1- Director Education FATA, Khyber Pakhtunkhwa Peshawar.
- 2- Political Agent North Waziristan Agency at Miran Shah.
- 3- Agency Accounts Officer North Waziristan Agency at Miran Shah.
- 4- Principal GHS Muhammad Khel North Waziristan Agency
- 5- Candidate concerned.
- 6- Office record.

**ATTESTED**

*[Signature]*

*[Signature]*  
**AGENCY EDUCATION OFFICER  
NORTH WAZIRISTAN AGENCY**

F-14

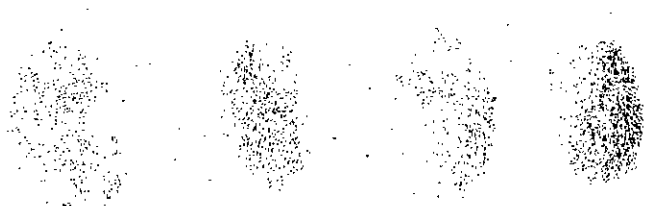
**MEDICAL CERTIFICATE.**

Name of official Mr. Wahedullah  
 Caste or race Muslim  
 Father's name Mr. Noor Khatim  
 Residence 2 village Haider Kher  
Tehsil Mir Ali NWA  
 Date of birth 05-05-1993  
 Exact height by measurement 5'4"  
 Personal mark of identification Nil  
 Signature of the official Wahed

Seal of Office

I do hereby certify that I have examined Mr. Wahedullah a candidate for employment in the office of the Education Dept and cannot discover that he/she has any disease communicable or other constitutional effect ion or bodily infirmity except Nil

I do not considered this as disqualification for employment in the office of the Education Dept. His age according to his own statement 22 years and by appearance about 22 years.

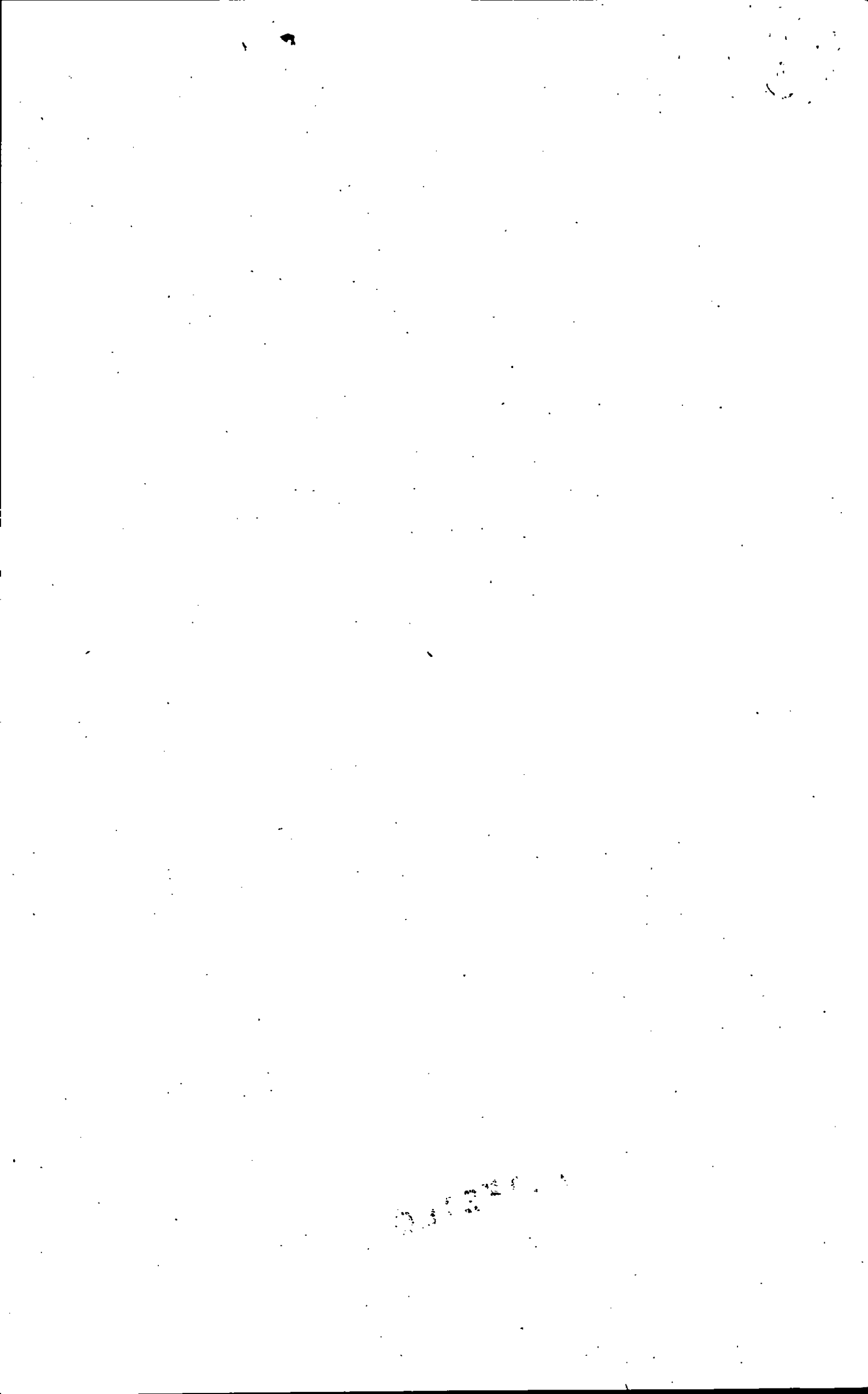


LEFT HAND THUM AND FINGER IMPRESSION 14/01/2015

Medical Superintendent,  
 ANQ Hospital Miranshah.

*[Handwritten signature]*

**ATTESTED**



# SERVICE BOOK

G-15

سروس بک

53

Name: Wahidullah

Father's Name: Noor Khatim

Qualifications: B.A (P.T.C)

Designation: Lab. Assistant

Department: Education N.W. Agency

Address: Village Haider Khel, Teh. & Mir Ali, North Waziristan Agency

Contact: Agency

TESTED



SECRET

Name: (نام) Wahidullah

Nationality and Religion. Pakistani (Islam) (قومیت اور مذہب)

(16)

Residence: vill: Haider Khel, Teh: 4 P.O. Mir Ali NWA (مستقل رہائش)

Father's name and residence, Noor Khatim (والد کا نام اور پتہ)

5. Date of birth by Christian era as nearly as

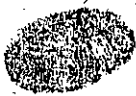
can be ascertained. 05-05-1993 (5th May NH & Ninety Three.) (تاریخ پیدائش مطابق سن عیسوی)

6. Exact height by measurement. 5-4 (قد و قامت)

7. Personal mark of identification. NIL (نشان شناخت)

8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer)  
(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger  
(چھنگلیا)



Ring Finger  
(چھنگلیا کے ساتھ والی انگلی)



Middle Finger  
(انگشت میاں)



Fore Finger  
(انگشت شہادت)



Thumb  
(انگوٹھا)



9. Signature of Government Servant. Wahidullah (سرکاری ملازم کے دستخط)

Wahidullah

10. Signature and designation of the head of the office or other Attesting officer.

**ATTESTED**

(تصدیق کنندہ افسر کے دستخط اور مہر)

**Note.** The entries in the page should be renewed or re-attested at least every five years and the signatures in Lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rules.

۲۱ صفحہ کے تحت، کم از کم ہر سال، بعد تصدیق ہونا ضروری ہے، اور نمبر 9 اور 10 میں دستخطوں کے نئے تاریخ لکھنی چاہیے۔





(18) - 11 صبا ڈائری کزن جو کزن خانادار ملک کوڑ لکھنؤ

عنوان :- اینٹل برک ریٹرنز ایف ڈی

صبا علی: خود نام نذرش ہے، کہ جی Disease son کوڑ لکھنؤ

جس کا ARD تاریخ 15/1/99 کو جسٹ آبس: طب کوڑ لکھنؤ  
نارکو فوڈ پستان ایف ڈی میں اپنے عید کا جلد 2 سے لایا ہے کہ 10/1/99

کھولنے کے تاریخ سے لیکر ایک ماہ میں مسلسل خوش امولی کنسولو ایف ڈی  
ریٹرنس کے ہیں، تاکہ وہ پورے شوشہ سے آفسیڈ ایف ڈی  
کا جامعہ رجوع کی۔ شکایت وہ میری بتوان ایف ڈی  
لکھنؤ ہے، اسلئے وہ لکھنؤ میں ایف ڈی کرنا شروع کرانے لائے

کو تیار ہیں ایف ڈی کرنا کے اقامات جاری فرما کر مشور  
فرمادیں کہ میری بتوان 9/1/99 تا حال جاری کرنا اقامات  
شور فرمادیں

میری نذرش کے

Dated. 18-3-2016.

صبا علی  
Attested

وضو عبدالوکیل ایف ڈی کوڑ لکھنؤ  
Attested

ATTESTED

Handwritten signature/initials

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2016

Wahid Ullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)  
(DEFENDANT)

I/We Wahid Ullah

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

WU  
CLIENT

NK  
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: 691/2016

Mr. Wahidullah Lab: Assistant (BPS-7) GHS Muhammad Khel Tehsil Data Khel  
NWA.....Appellant.

**VERSUS**

1. The Director Education FATA.
2. The Agency Education Officer North Waziristan Agency.
3. The Agency Accounts Officer, North Waziristan Agency.....Respondents.

**Para-wise comments on behalf of respondent No: 1 & 2**

**Respectively Sheweth:**

**Preliminary Objection**

1. The appellant is not a civil servant.
2. That the appellant has got no cause of action to file the instant appeal.
3. That the appellant has not come to this Honourable Tribunal with clean hands.
4. That the appellant has concealed material facts from this Honourable Tribunal.
5. That the appellant is estopped by his own conduct to bring the present appeal.
6. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
7. That the appeal is barred by law and no departmental appeal is filed to the competent authority against the impugned order. Hence not maintainable under Section-4 of Service Tribunal Act.

**On Facts:**

1. No comments. Pertains to record.
2. No comments. Pertains to record.
3. No comments. Pertains to record.
4. Incorrect. It is submitted for the kind information of the Honorable Tribunal that the appellant has not been appointed against any vacant post of Lab Assistant at GHS Muhammad Khel NWA. Furthermore there was no performance of duty of Mr. Wahidullah, copy of the letter forwarded by Agency Education Officer NWA to the D.E FATA as well as to the quarter concerned is attached for ready reference.
5. Incorrect. The appellant has not forwarded any Departmental appeal to the head of the Department as there is no any remarks/Diary No. been recorded on the body of the appeal. Therefore the Departmental appeal is not available on the record of respondent offices.
6. However the reply of the grounds is as under.


**Grounds:**

- A. Incorrect. The service record is not available on the record of the respondent Department. The service book of the appellant is not signed by the Competent Authority.
- B. Incorrect. The appellant is not a civil servant therefore he is not entitled for any Government benefits.
- C. Incorrect. There is no performance of any duty of the appellant. Except this, no vacant post is available on which the appellant has performed duty.


- D. No comments. As explained in Para-C above.
- E. Incorrect. Respondents have not taken any action which is against law & natural justice as the appellant is not a civil servant.
- F. No comments. AS explained in Para-E above.
- G. Respondents are also seeks permission to advance other grounds at the time of arguments.

In the light of the above stated facts it is humbly prayed that the appeal may kindly be dismissed.

Respondent NO. 1

  
**Director Education FATA  
Peshawar**

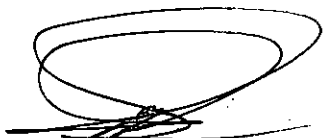
Respondent NO. 2

  
**Agency Education Officer  
North Waziristan Agency**


**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. 1

  
**Director Education FATA  
Peshawar**

Respondent NO. 2

  
**Agency Education Officer  
North Waziristan Agency**



From

The Principal,  
G.H.S Muhammad Khel,  
North Waziristan Agency.

To

The Director of Education FATA,  
Peshawar, K.P.K.

Subject: PROVISION BIODATA/RELEVANT RECORD ABOUT WAHID ULLAH  
LAB ASSISTANT.

As per your kind information and favorable action verify that Mr. Wahid Ullah Lab Assistant no office record. Such as order copy, charge report, service book and other relevant documents about his appointment at G.H.S Muhammad Khel N.W.A. when we were scratch about his salary and appointment shameful statement reason slanderously of high percentages his own expedition tale over the leave rules/policy of appointment.

1. In this connection there was no vacant post of Lab Assistant at G.H.S Muhammad Khel N.W.A from 01-03-1985 up to date.
2. Mr. Mohib Ullah Lab Assistant was appointed from 01-03-1985 on this post and also relieving the salary of Mohib Ullah Lab Assistant.
3. There was no performance of duty of Mr. Wahid Ullah.

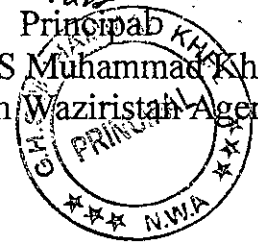
Therefore may be humbly forwarded the information for further necessary action please.

Endst No 3 Dated: 27/9/2016

*Mub. h*  
Principal  
G.H.S Muhammad Khel  
North Waziristan Agency

Copy to:

1. The Director of Education FATA Peshawar. KPK.
2. The Agency Education Officer N.W.A.
3. The Account Officer N.W.A.
4. The Political Agent N.W.A.



**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**APPEAL NO. 691/2016**

Wahidullah ..... Appellant

Director of Education (Fata) Fata Secretariat

Warsak road Peshawar and others ..... Respondents

Para-wise reply on behalf of respondent No.3

**PRELIMINARY OBJECTION.**

1. That the appellant has got no cause of action.
2. That the appellant has no locus standi.
3. That the appellant has not come to this Tribunal with clean hands.
4. That the appeal in hand having no merit hence liable to be dismissed.

**RESPECTFULLY SHEWETH:-**

1. Pertains to record, however liable to be proved by the appellant.
2. No comments.
3. Relate to respondent No.2.
4. Pertains to respondents No. 1 & 2.
5. False and incorrect. Neither the pay bill nor source- 1 & 3 has been received in this office till date. Moreover it is further stated that there is no vacant post of Lab Assistant at GHS Muhammad Khel as per Head Master letter Endst: No. 06 dated 27/9/2016. Copy attached.
6. No comments

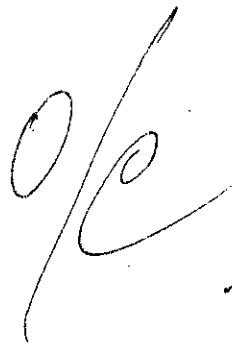
GROUNDS

- a. False. Neither the pay bill nor source- 1 & 3 have been received in this office till date. Moreover it is further stated that there is no vacant post of Lab Assistant at GHS Muhammad Khel as per Head Master letter Endst: No. 06 dated 27/9/2016.
- b. Pertains to record, however liable to be proved by the appellant.
- c. As per Para "A" above.
- d. No comments.
- e. No comments.
- f. No comments.

Keeping in view the above mentioned facts, it is humbly prayed that the appeal in hand being baseless and filed with malafide intension may kindly be dismissed.

  
Agency Accounts Officer  
NWA Miranshah

From



The Principal,  
G.H.S Muhammad Khel,  
North Waziristan Agency.

To

The Director of Education FATA,  
Peshawar, K.P.K.

Subject: **PROVISION BIODATA/RELEVANT RECORD ABOUT WAHID ULLAH  
LAB ASSISTANT.**

As per your kind information and favorable action verify that Mr. Wahid Ullah Lab Assistant no office record. Such as order copy, charge report, service book and other relevant documents about his appointment at G.H.S Muhammad Khel N.W.A. when we were scratch about his salary and appointment shameful statement reason slanderously of high percentages his own expedition tale over the leave rules/policy of appointment.

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2. Mr. Mohib Ullah Lab Assistant was appointed from 01-03-1985 on this post and also <sup>relieving</sup> relieving the salary of Mohib Ullah Lab Assistant.
3. There was no performance of duty of Mr. Wahid Ullah.

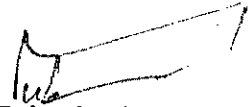
Therefore may be humbly forwarded the information for further necessary action please.

Endst No

ab

Dated:

27/9/2016

  
Principal

G.H.S Muhammad Khel  
North Waziristan Agency

Copy to:

1. The Director of Education FATA Peshawar. KPK.
2. The Agency Education Officer N.W.A.
3. The Account Officer N.W.A.
4. The Political Agent N.W.A.