

As per instruction of my client, I withdrew the instant appeal.  
09.12.2021

09.12.2021

Counsel for the appellant and Mr. Muhammad Asif Masood, DDA alongwith Muhammad Murtaza, Superintendent for the respondents present.

Learned counsel for the appellant states that he is under instruction from his client to request for withdrawal of the appeal at hand. His signature also obtained in the margin of order sheet. In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record room.



(Salah-ud-Din)  
Member(J)



Chairman

ANNOUNCED  
09.12.2021


Sajid rehman


02.08.2021

Learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Javed Iqbal Stenographer for respondents present.

At the very outset, a notification bearing endorsement No.2715-20 dated 10.10.2019 was produced which shows that in compliance to the judgment of Hon'ble Pehsawar High Court, the present appellant alongwith others were conditionally appointed subject to final decision filed in the Hon'ble Supreme Court of Pakistan. When learned counsel<sup>was</sup> confronted with the notification he requested for adjournment in order to apprise the Tribunal in respect of the present situation. Case is adjourned to 09.12.2021 for arguments/ further proceedings in view of the notification produced today before this Tribunal.

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

  
(Rozina Rehman)  
Member (J)

As per in



Addl: District Education Officer Lower  
Central KurramSadda

No \_\_\_\_\_ /Ed

Dated \_\_\_\_\_ / \_\_\_\_\_ /2019

Ph 0926-520674 Mail: educationsadda@gmail.com

### NOTIFICATION

In compliance to the judgment of the honorable High court Peshawar in Writ Petition No 4706-P/2017 dated 26.03.2019 and consequent COC No 529-P/2019 the following petitioners/candidates are hereby conditionally appointed with immediate effect subject to final decision filed against the impugned in honorable supreme Court of Pakistan subject to provision of his surety on judicial stamp paper in case the CPLA turned out to be in favour of the department they will be terminated.

S#	Name	Father Name	Appointed as	School	Remarks
1.	Sajid Rehman	Haider Khan	PET BPS-15	GMS Kimal Baza	AVP
2.	Shahid Mehmood	Haji Sher Shah	PET PBS-15	GMS Dappa	AVP
3.	Riffat Jehan	Muhammad Jehanzib	CT BPS-15	GGMS Gogani	AVP

### Terms Conditions.

1. Charge report should be submitted to all concerned.
2. Their documents, Date of birth, CNIC and domicile certificates should be checked before handing over charge of the post and attested copies thereof may be kept on record of the Office.
3. They should produce their Health and Age certificates from the District Surgeon concerned.
4. The Conditional appointment order and release of running pay will only be effective on furnishing surety on judicial stamp papers by petitioners.
5. The Petitioners/candidates will have to complete their normal tenure in the said school.
6. They may not be handed over charge if their age is below 18- years or above 35-years.
7. No salary may be drawn before the verification of the documents from the quarter concerned.
8. If they failed to report their arrival within 15-days of the issuance of their appointment order, it will be considered as cancelled.

Addl: District Education Officer  
Lower & Central KurramSadda

No 2715-20 /Edl: Dated 10/10/2019  
Copy for information to the: -

1. Director of Elementary & Secondary Education KPK Peshawar.
2. Director of Education Merged Districts Peshawar.
3. District Account Office Kurram.
4. Deputy Commissioner Tribal District Kurram.
5. Petitioners concerned.
6. Office file.

Addl: District Education Officer  
Lower & Central KurramSadda

02.12.2020

Counsel for appellant and Riaz Painsdakhel learned Assistant Advocate General for respondents present.

Former requests for adjournment as issue involved in the present case is pending before a Larger Bench of this Tribunal. Adjourned. To come up for arguments on 01.03.2021 before D.B



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



(Rozina-Rehman)  
Member (J)

01.03.2021

Due to COVID-19, the case is adjourned for the same on 01.06.2021.



READER

01.06.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Former sought adjournment on the ground that similar issue involved in the instant appeal is pending before a Larger Bench of this Tribunal, therefore, Adjourned. To come up for arguments before the D.B on 02.08.2021.



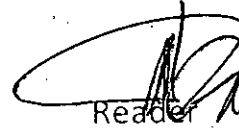
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

03-4 .2020

Due to COVID19, the case is adjourned to  
06/08/2020 for the same as before.

  
Reader

06.08.2020

Due to summer vacation case to come up for the same on  
08.10.2020 before D.B.


  
Reader

08.10.2020

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General  
for respondents present.

Learned AAG made a request for adjournment in order to  
produce record/inquiry report. Adjourned. To come up for  
record/arguments on 02.12.2020 before D.B.

  
(Atiqur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

06.01.2020

Learned counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Fawad Afzal, Senior Clerk for respondents present. Representative of the respondents seeks time for submission of enquiry record. Adjourn. To come up for enquiry record and arguments on 04.02.2020 before D.B.

  
Member

  
Member

04.02.2020

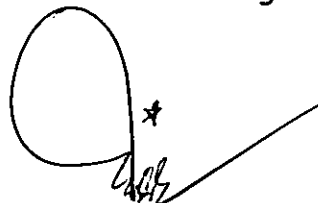
Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Tariq, Assistant for the respondents present. Case to come up for inquiry record mentioned in order sheet dated 21.11.2019 and arguments on 09.03.2020 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

09.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Enquiry record not submitted. Respondents are strictly directed to produce enquiry report mentioned in order sheet dated 21.11.2019 positively on the next date of hearing. Adjourned. To come up for record and arguments on 03.04.2020

  
Member

  
Member

17.10.2019

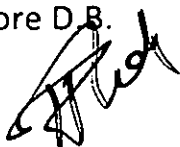
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned Assistant AG requested for adjournment. Adjourned to 21.11.2019 for arguments before D.B.

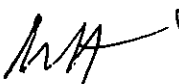
  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

21.11.2019

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present. Learned Asst: AG requested that the inquiry report is not available on record, therefore, the same may be requisitioned. Respondents are directed to direct the representative to attend the court and furnished the relevant inquiry record on the basis of which the appellant was terminated vide order dated 11.12.2015 positively on the next date. Adjourned. To come up for record and arguments on 06.01.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

04.07.2019

None present on behalf of the appellant.. Mr. Muhammad Jan learned Deputy District Attorney on behalf of the respondents present. Notice be issued to the appellant/counsel for attendance. Adjourned. To come up for arguments 30.08.2019 before D.B.


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

30.08.2019

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant seeks adjournment, as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 16.10.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

16.10.2019

Junior to counsel for the appellant present. Addl: AG for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel was busy before the Peshawar High Court, Peshawar. Adjourned but as a last chance. To come up for arguments on 17.10.2019 before D.B.

Member

Member

*Noted,  
Received for  
30/8/2019  
M-  
23/8/19*



14.03.2019

Junior for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Adjourn. To come up for arguments on 29.03.2019 before D.B.



(M. AMIN KHAN KUNDI)  
MEMBER



(M. HAMID MUGHAL)  
MEMBER

29.03.2019

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 14.05.2019 before D.B.



(HUSSAIN SHAH)  
MEMBER



(M. AMIN KHAN KUNDI)  
MEMBER

14.05.2019

Counsel for the appellant and Addl: AG alongwith Mr. Daud Jan, Supdt for respondents present. Arguments could not be heard due to complete breakdown of electricity. Adjourned to 04.07.2019 for arguments before D.B.



(Ahmad Hassan)  
Member



(M. Amin Khan Kundi)  
Member

07.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on ~~02.01.2019~~.



READER

02.01.2019

Learned counsel for the appellant and Mr. Riaz Painsakheil learned Assistant Advocate General alongwith Sarwar Khan ADEO present. Representative of the respondents seeks time to furnish complete record. Granted. To come up for record and arguments on 30.01.2019 before D.B.

  
Member  
Member

30.01.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith M/S Bahadur Computer Operator and Daud Jan Superintendent present. Adjournment requested. Adjourn. Adjourn. To come up for arguments on 14.03.2019 before D.B.

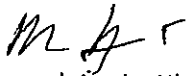
  
Member  
Member

02.10.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Arguments on restoration application heard. It was contended by learned counsel for the petitioner that the main service appeal was dismissed in default on 07.06.2018 and the petitioner came to know about the dismissal order on 27.07.2018 therefore, he immediately filed present restoration application on 30.07.2018. It was further contended that it is also well settled law that the case/appeal should be decided on merit rather than on technicality and requested for acceptance of restoration application.

On the other hand, learned Additional AG for the respondents opposed the contention of learned counsel for the petitioner and contended that the restoration application is time barred therefore, prayed for dismissal of the same.

Perusal of the record reveals that main service appeal was dismissed in default on 07.06.2018 however, it is the claim of the petitioner that he came to know about the dismissal order of the appeal on 27.07.2018 and he immediately after three days filed the present restoration application on 30.07.2018. It is also well settled law that the cases should be decided on merit rather than technicalities therefore, the present restoration application is accepted. The appeal is restored to its previous proceedings i.e arguments for 01.11.2018. Notice be also issued to the respondents for the date fixed.




  
(Muhammad Amin Khan Kundi)  
Member

Form-A

FORM OF ORDER SHEET

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

Appeal's Restoration Application No. 238/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.07.2018	<p>The application for restoration of appeal no. 486/2016 submitted by Mr. Sajjid Rehman through Mr. Noor Wali Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p>
2	1-8-18	<p>This restoration application is entrusted to S. Bench to be put up there on <u>9-8-2018</u></p> <p style="text-align: right;">   REGISTRAR 30/7/18 </p> <p style="text-align: right;">   CHAIRMAN </p>
	09.08.2018	<p>Petitioner Sajid Rehman in person alongwith his counsel Mr. Noor Muhammad Khattak, Advocate present and submitted wakalat Nama. Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the petitioner made a request for adjournment. Grnated. To come up for further proceedings on 02.10.2018 before S.B.</p> <p style="text-align: right;">   Chairman </p>

04.04.2018

Clerk to counsel for the appellant and Addl; AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.06.2018 before D.B.

  
(Ahmad Hassan)  
Member

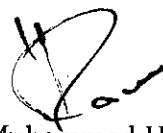
  
(M. Hamid Mughal)  
Member

07.06.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. File be consigned to the record room.

ANNOUNCED  
07.06.2018

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

20.07.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for rejoinder and arguments on 22.11.2017 before D.B.

(Gul Zeb Khan)  
Member

(Muhammad Amin Khan Kundi)  
Member

22.11.2017 Learned Counsel for the appellant present. Mr. Muhammad Jan, Deputy District attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.01.2018 before D.B.

(Gul Zeb Khan)  
MEMBER

(MUHAMMAD HAMID MUGHAL)  
MEMBER

30.01.2018

Learned counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. Learned counsel for the appellant submitted rejoinder, which is placed on file. Learned counsel for the appellant also seeks adjournment for arguments. Adjourned. To come up for arguments on 04.04.2018 before D.B.

(Muhammad Amin Khan Kundi)  
Member (J)

(Muhammad Hamid Mughal)  
Member (J)

Muhammad Jan, Deputy District attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.04.2018 before D.B.

25.4.2017

Counsel for the appellant and Addl. AG for the respondents present. Written reply already submitted by respondents No. 1, and 4. Written reply not submitted on behalf of respondents No. 2, 3 and 5 despite grant of last opportunity. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 500/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost of respondents No. 2, 3 and 5 on 25.05.2017 before S.B.



(Ahmad Hassan)  
Member

25.05.2017

Counsel for the appellant and Addl. AG for the respondents present. Addl. AG relies on behalf of respondents No. 2, 3 and 5 to the written reply already submitted by respondents 1 and 4. Costs of Rs. 500/- not paid it is to be decided by the D.B either to be paid or otherwise. To come up for rejoinder and final hearing on 20.07.2017 before D.B.



(AHMAD HASSAN)  
MEMBER

08.02.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 06.03.2017



(ASHFAQUE TAJ)

MEMBER

06.03.2017


Clerk to counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 04.04.2017 before S.B.



(MUHAMMAD NAMIR NAZIR)  
MEMBER

04.04.2017

Counsel for the appellant, Mr. Daud Jan, Supdt for respondents No. 1 & 4 alongwith Addl. AG for the respondents present. Written reply by respondents No. 1 & 4 already submitted. Learned Addl. AG requested for further adjournment on behalf of respondents No. 2, 3 and 5. Last opportunity granted. To come up for written reply/comments on 25.04.2017 before S.B.




Chairman



29.09.2016

Counsel for the appellant and Mr. Mustaz Khan, Stenographer for respondents No. 1 to 4 alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 30.11.2016 before S.B.

  
Chairman

30.11.2016

Clerk to counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply on 17.01.2017 before S.B.

  
Member

17.01.2017

Appellant in person and Mr. Daud Jan, Superintendent alongwith Mr. Kabirullah Khattak, Assistant AG for respondents present. Written reply on behalf of respondent No. 1 & 4 submitted. None one appeared on behalf of respondents No. 2, 3 and 5 therefore, notice be issued to the said respondents. To come up for written reply/comments on behalf of respondents No. 2, 3 and 5 on 08.02.2017 before S.B.

  
(ASHFAQUE TAJ)  
MEMBER

18.07.2016

None present on behalf of the appellant. Notice be issued to appellant and his counsel for preliminary hearing for 28.07.2016 before S.B.

  
MEMBER

28.07.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Physical Education Teacher when removed from service on the allegations of fake documents vide impugned order dated 11.12.2015 where-against departmental appeal was preferred on 24.12.2015 which was not responded and hence the instant service appeal on 25.4.2016.

That the appellant was appointed in the mode and manners prescribed by law on the strength of his valid documents. That neither the prescribed procedure of enquiry was followed nor any opportunity of hearing afforded to the appellant. That the appellant was terminated with an object to create a vacancy by the concerned Agency Education Officer for other appointment. That the appellant is entitled for reinstatement in service with all back benefits.

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 29.09.2016 before S.B.



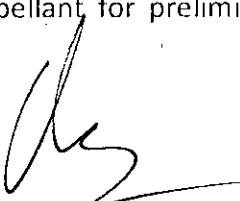

Appellant Deposited  
Security & Process Fee

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 486/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/05/2016	<p>The appeal of Mr. Sajid Rehman resubmitted to-day by Mr. Muhammad Amin Khattak Lachi Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11.5.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19.5.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	19.05.2016	<p>None present for appellant. Notice be issued to appellant/counsel for the appellant for preliminary hearing for <del>29.06</del> 2016 before S.B.</p> <p style="text-align: right;"> Member</p>
	29.6.2016	<p>Appellant in person present. Requested for adjournment as counsel for the appellant is indisposed. Adjourned for preliminary hearing to 18.07.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Sajid Rehman son of Haider Khan Sadda Kurram Agency Distt. Kurram Agency received to-day i.e. on 25.04.2016 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Copy of order dated 07.12.2015 mentioned in the heading of appeal is not attached with the appeal which may be placed on it.

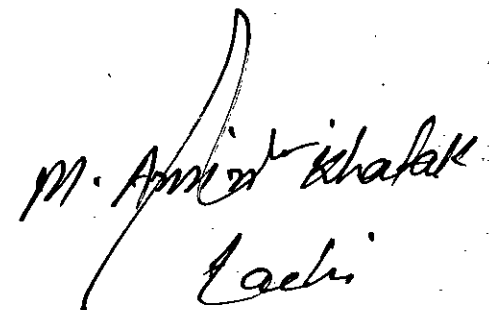
No. 655 /S.T,

Dt. 20/4 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Amin Khattak Lachi Adv. Pesh.

objection were removed and  
neccessary completion are made  
and is re submitted before  
this honorable court

  
Lachi  
90-05-2016.

**BEFORE THE SERVICE TRIBUNAL, PESHAWAR**

S.A.No. 486 /2016

Sajid Rehman.....Appellant

**Versus**

Additional Education Officer & others

.....Respondents

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5	Copy of appointment order dated 15.1.2013	B	7
6	Copy of charge report dated 16.01.2013	C	8-9
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8	Copy of departmental appeal	E	12
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Appellant  
Through

  
**Muhammad Amin Khattak Lachi**  
Advocate, Supreme Court  
Of Pakistan

1

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

Service Appeal No. 486 /2016

N.W.F. Province  
Service Tribunal  
Diary No 412  
Dated 25/4/2016

Sajid Rehman Son Of Haider Khan R/O Pirqayum Tahsil  
& P/o Sadda Kurram Agency District Kurram Agency.....Appellant

**Versus**

1. Additional Agency education officer lower Kurram agency.
2. Agency Education Officer Lower Kurram Agency.
3. Assistant Education Officer Lower Kurram Agency.
4. Director of Education FATA KPK Peshawar.
5. Agency Account Officer Parachinar . . . . . Respondents

**APPEAL UNDER SECTION 4 OF THE NWFP SERVICE**  
**TRIBUNAL ACT 1974 READ WITH RELEVANT RULES**  
**AGAINST THE JUDGMENT AND ORDER OF**  
**RESPONDENT NO.1 DATED 11.12.2015, WHEREBY**  
**THE APPELLANT WAS TERMINATED FROM THE**  
**SERVICE (PET).**

**PRAYER:**

***On acceptance of this appeal the impugned order/  
judgment dated 11.12.2015 may be set aside and  
appellant may be allowed to serve as a PET teacher  
at GMS Dappa Kurram Agency.***

*Handwritten signature*  
25/4/16

re-submitted to  
and filed.  
*Handwritten signature*  
10/5/16

**Respectfully Shewith:**

1. That appellant was appointed as a PET Male teacher Government middle school Dappa Kurram agency and was redo ply to education office of Kurram agency as KPO from the date 01.03.2013.
2. That appellant took charge and posted on 15.01.2013 as PET male teacher GMS Dappa Kurram agency against the vacant post.
3. That appellant performed his duty honestly and no complaint was their against the appellant.
4. That on 11.12.2015 the respondent No.1 to 3 is terminated from the service and allegation against him of degree bogus and fake by EDU Kurram Agency.
5. That the attendance record of the appellant is intentionally misplaced by one of the respondent from 1 to 3 and copy of the service card issued by the Agency Education Office is attached.
6. That feeling aggrieved from the said order the appellant filed departmental appeal on 24.12.2015 but that was not responded, finding no alternative this service appeal is filed on the following grounds;

**GROUND:**

- A. That the impugned order dated 11.12.2015, is against the law and facts and is liable to be set aside.

- B. That penal action is taken against the appellant but no show cause notice is given to the appellant, and no personal hearing is given to appellant.
- C. That the order of respondent No.1 to 3 is illegal void ab-initio and non speaking.
- D. That the appellant is dismissed from the service without conducting inquiry, which is mandatory under the law and yet not a single penny paid to the appellant.
- E. That if termination is on complaint basis then show cause notice is necessary before the termination order and even no final show cause notice is given to the appellant.
- F. That some other grounds may be adduced during the court of arguments.

It is, therefore, prayed that on acceptance of this appeal the termination order of the appellant may be cancelled and the appellant may be re-instated in service along with back benefit.

Date: \_\_\_/\_\_\_/2016

*Sajid*  
Appellant

Through

*Muhammad Amin Khattak Lachi*  
**Muhammad Amin Khattak Lachi**  
Advocate,  
Supreme Court of Pakistan

*Ibrahim Shah*  
**Ibrahim Shah**  
Advocate, High Court,  
Peshawar

*Noor Wali Khan*  
**Noor Wali Khan**  
Advocate, Peshawar

&

*Hayat Khan*  
**Hayat Khan**  
Advocate, Peshawar



4

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

Service Appeal No. \_\_\_\_\_/2016

Sajid Rehman .....Appellant

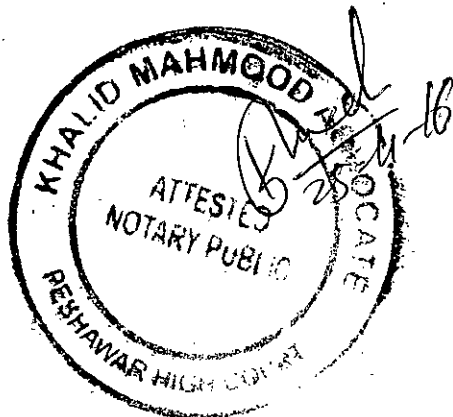
**Versus**

Additional Agency Education Officer Lower Kurram Agency & others.

..... Respondents

**A F F I D A V I T**

I, Sajid Rehman Son Of Haider Khan R/O Pirqayum Tahsil & P/o Sadda Kurram Agency District Kurram Agency, do hereby solemnly affirm and declare that the contents of the accompanying **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this learned court.



Deponent  
*Sajid*

5

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

Service Appeal No. \_\_\_\_\_/2016

Sajid Rehman .....Appellant

**Versus**

Additional Agency Education Officer Lower Kurram Agency & others.  
..... Respondents

**ADDRESSES OF PARTIES**

**PETITIONER:**

Sajid Rehman Son Of Haider Khan R/O Pirqayum Tahsil  
& P/o Sadda Kurram Agency District Kurram Agency.

**RESPONDENTS:**

1. Additional Agency education officer lower Kurram agency.
2. Agency Education Officer Lower Kurram Agency.
3. Assistant Education Officer Lower Kurram Agency.
4. Director of Education FATA KPK Peshawar.
5. Agency Account Officer Parachinar.

Date: \_\_\_\_/\_\_\_\_/2016

Appellant

Through

**Muhammad Amin Khattak Lachi**  
Advocate,  
Supreme Court of Pakistan

**Noor Wali Khan**  
Advocate, High Court,  
Peshawar

# ذرائع (Resources)

ذرائع کی فہرست اور ان کی تفصیلات۔ اس فہرست میں شامل تمام ذرائع کی تفصیلات درج ہیں۔ اس فہرست میں شامل تمام ذرائع کی تفصیلات درج ہیں۔ اس فہرست میں شامل تمام ذرائع کی تفصیلات درج ہیں۔

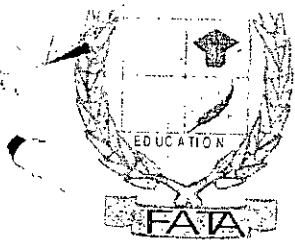
malik

ذرائع	تاریخ	ذرائع	تاریخ	ذرائع	تاریخ
1	30-11-2012	ذرائع	30-11-2012	ذرائع	30-11-2012
2	03-12-2012	ذرائع	03-12-2012	ذرائع	03-12-2012
3	04-12-2012	ذرائع	04-12-2012	ذرائع	04-12-2012
4	05-12-2012	ذرائع	05-12-2012	ذرائع	05-12-2012
5	06-12-2012	ذرائع	06-12-2012	ذرائع	06-12-2012
6	07-12-2012	ذرائع	07-12-2012	ذرائع	07-12-2012
7	10-12-2012	ذرائع	10-12-2012	ذرائع	10-12-2012
8	11-12-2012	ذرائع	11-12-2012	ذرائع	11-12-2012
9	12-12-2012	ذرائع	12-12-2012	ذرائع	12-12-2012
10	13-12-2012	ذرائع	13-12-2012	ذرائع	13-12-2012
11	14-12-2012	ذرائع	14-12-2012	ذرائع	14-12-2012
12	17-12-2012	ذرائع	17-12-2012	ذرائع	17-12-2012
13	13-12-2012	ذرائع	13-12-2012	ذرائع	13-12-2012
14	20-12-2012	ذرائع	20-12-2012	ذرائع	20-12-2012
15	21-12-2012	ذرائع	21-12-2012	ذرائع	21-12-2012
16	21-12-2012	ذرائع	21-12-2012	ذرائع	21-12-2012
17	24-12-2012	ذرائع	24-12-2012	ذرائع	24-12-2012
18	25-12-2012	ذرائع	25-12-2012	ذرائع	25-12-2012

1) (1) 10-11-2012 تک ملنے والے تمام ذرائع کی فہرست۔ (2) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (3) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (4) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (5) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (6) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (7) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (8) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (9) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (10) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (11) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (12) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (13) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (14) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (15) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (16) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔ (17) ایسے ذرائع کی فہرست جو اس وقت تک ملنے والے نہیں ہیں۔

PHD(P)330/12

AT...LD



ADD: AGENCY EDUCATION  
OFFICE SADDA KURRAM AGENCY.

PHONE: 0926-520674 FAX 0926520

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

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

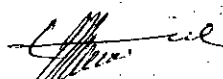
APPOINTMENT.

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

S #	Name of Candidate	Father Name	School where Appointed	Remarks
1	Sajid Rehman	Haji Haider Khan	GMS Dappa	Against Vacant Post
2	Zia ul Alam	Noor Alam	GMS Khazeena	Against Vacant Post
3	Gul Hassan	Khan Bahadar	GMS Jilamay	Against Vacant Post
4	Kifayat ullah	Mir Jehan	GMS Kimal Baza	Against Vacant Post

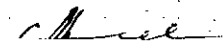
TERMS/CONDITIONS.

1. They are directed to produce their Medical certificate from the Medical Supdt: AHQ Hospital Sadda Kurram Agency.
2. Their age should be between 18-35 years and 18-40 for Female..
3. Their appointment is purely made on temporary and Regular contract basis and liable to termination at any time without assigning any notice, in case they wants to resign their post, they will have to give one month prior notice or forfeit one month pay in lieu thereof.
4. No payment will be made to the appointee until and unless their academic and professional certificate are got verified from the issuing Authorities concerned.
5. If they failed to take over charge within 15 days, their appointment will automatically be considered as cancelled.
6. Charge reports should be submitted to this office.
7. Their appointment will be consider as regular but without Pension/gratuity on the term of section-15 of the KPK Civil Servant Act 1973 as amended with civil servants amendment Act: 2003 but will be entitled to contribution Provident Fund at such rate as may be prescribed by the govt.

  
Add: Agency Education Officer  
Lower & Central Kurram Sadda.

No 193-201 / Edu Dated 15/1 /2013  
Copy forwarded to the.

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





ADD: AGENCY EDUCATION  
OFFICE SADDA KURRAM AGENCY  
PHONE: 0976-520674 FAX 0926520674  
No. 615-12 /Edu:  
Dated Sadda: the 13/03/2013

8

To

The Additional Political Agent  
Kurram Agency Parachinar.

Subject:- APPOINTMENT ISSUED BY THE ADD: AGENCY EDUCATION OFFICER  
LOWER/CENTRAL KURRAM SADDA.

Memo:-

Reference your memo No 395-401/Dev/Edu/Kurram dated 04.03.2013 on the subject noted above.

Reply of the four mentioned points about appointment as under:

1. Appointments have been made according to instructions of Secretary Social Sector Department. A copy has already been submitted on 19.02.2013. Furthermore, the Additional Director FATA has been issued orders to adjust Suni teachers in Suni area while Shia teachers in Shia area copy already submitted.

The Additional Chief Secretary has also been issued order in 2009 for the Kurram & orakzai Agency to adjust Sunni & Shia teachers in their respective areas due to Secterian situations.

(2) All Shia Candidates who are appeared in the Interview at Education Office Sadda considered in the merit list and have been made appointments i.e Sadia Sahar resident of Alizai Lower Kurram has been appointed as CT at GGMS Bagan and Sadia Batool resident of Alizai has been appointed as Lab/Assistant at GGDC Alizai.

Moreover, Latif Hussain S/O Inam Hussain has been appointed as CT at GHS Angori Central Kurram while the candidate belongs from Upper Kurram.

(3) According to the Ex Add: Agency Education Officer namely Mueen Gul the appointment orders have been issued on the verbal approval of high authorities.

(4) Appointments orders have been made on merit basis.

However, the submitted appointments proposal in your respective office AT/TT Male & Female are made out of merit

So the reply of four main points is hereby submitted for your kind information and onward necessary action please.

Add: Agency Education Officer  
Lower & Central Kurram Sadda

Endst: No \_\_\_\_\_ / Edu Dated \_\_\_\_\_ / 2013

1. Director of Education FATA Peshawar.
2. Office file.

Add: Agency Education Officer  
Lower & Central Kurram Sadda

CHARGE REPORT

I Mr/Miss Sajid Rehman S/O Haider Khan (9)  
Have taken of the charge of PET Post BPS 09  
at GMS Dappa on 16-01-2013  
Fore Noon vide Add:AEO Endst:No 193-201 dated 15-01 2013

Signature of Receiving  
Govt:Servant Sajid Rehman



Signature of Relieved  
Govt:Servant Jausap



Add: Agency Education Officer  
Sadda Kurram Agency

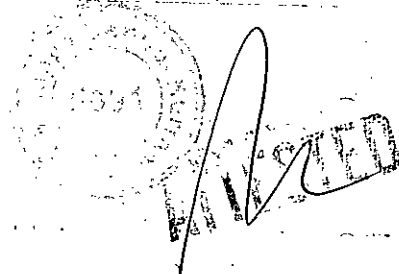
CHARGE REPORT

I Mr/Miss Sajid Rehman S/O Haider Khan  
Have taken of the charge of PET Post BPS 09  
at GMS Dappa on 16-01-2013  
Fore Noon vide Add:AEO Endst:No 193-201 dated 15-01 2013

Signature of Receiving  
Govt:Servant Sajid Rehman



Signature of Relieved  
Govt:Servant Jausap

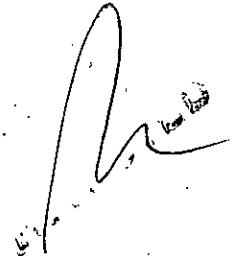


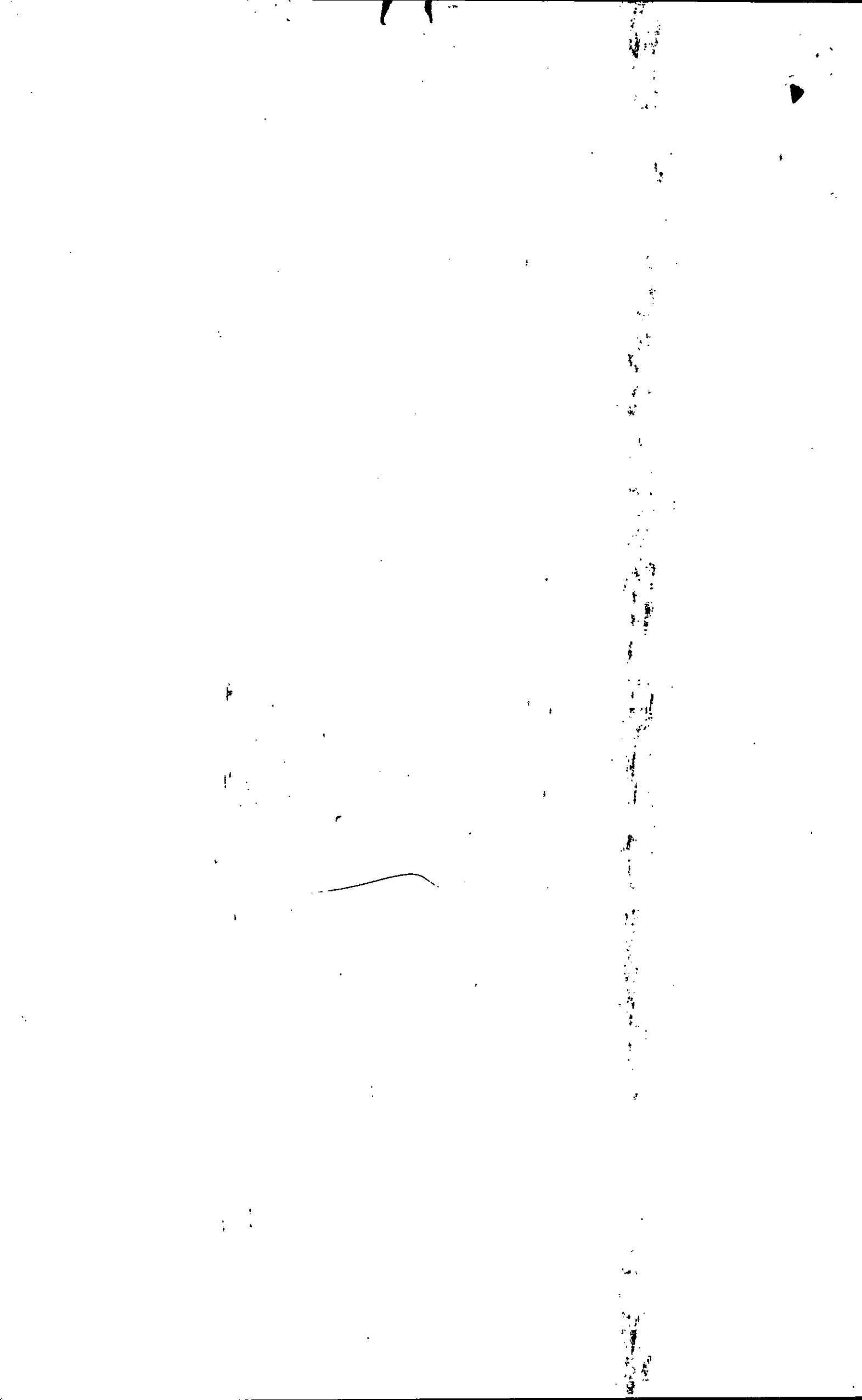
(10)

**TERMINATION ORDER.**

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

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







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

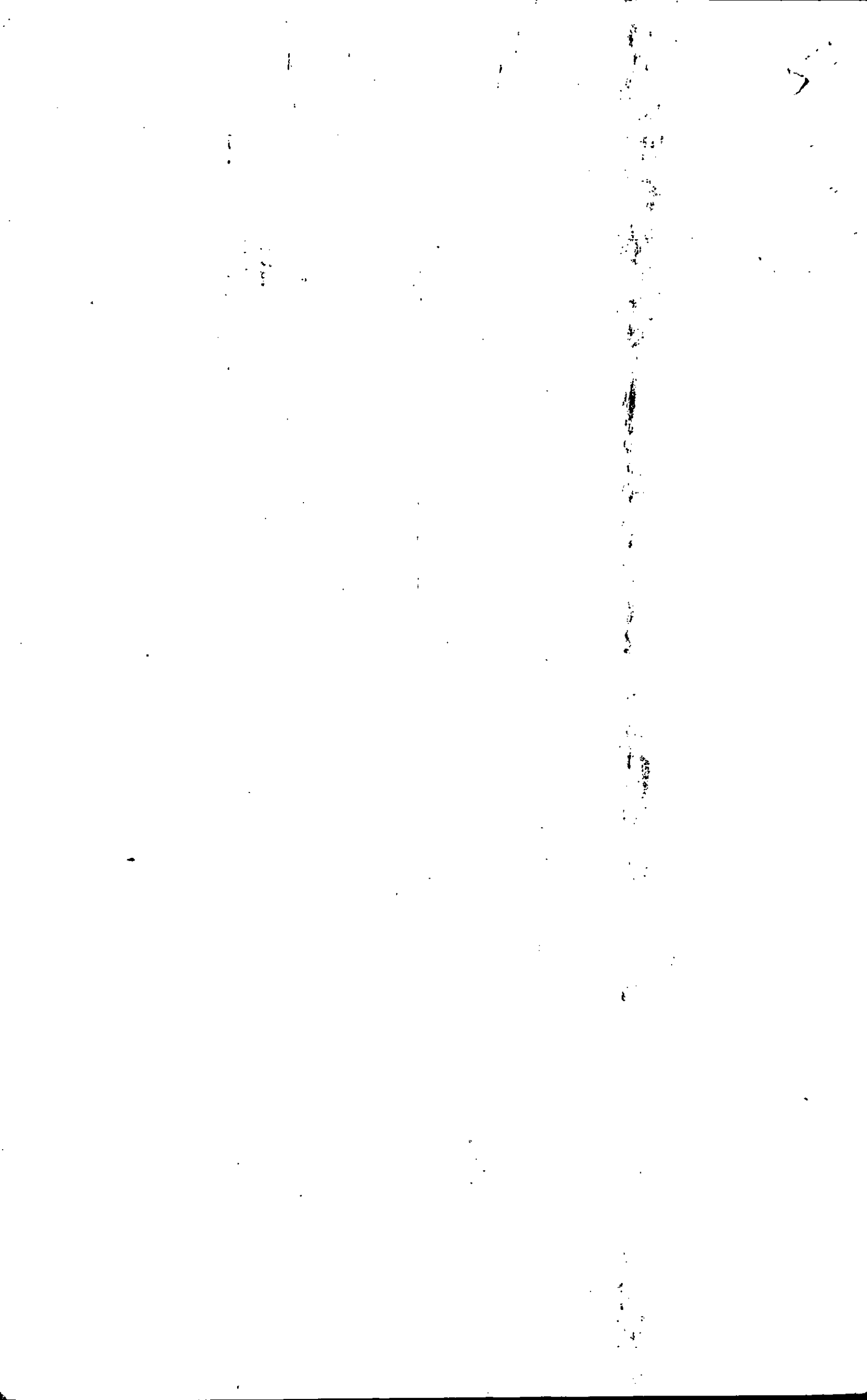
Addl: Agency Education Officer  
Lower & Central Kurram Sadda.

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

Copy for information to the:-

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

Addl: Agency Education Officer  
Lower & Central Kurram Sadda.



12

To,

The Director of Education FATA

**Appeal against the order of ADD: Agency Education Officer Kurram Agency whereby the services of the appellant have been terminated on 11.12.2015.**

Sir,

That the appellant state as under;

- That according to advertisement dated 23/10/2012 the appellant applied for the position of Physical Education Teacher PET.
- That the appellant having the requisite qualification BA hons and master degree holder in International Relation etc.
- That the interview was held on 20/12/2012.
- That appellant were selected and appointed as a PET Physical Education Teacher in GMS Dappa Central Kurram dated 16/01/2013.
- That the appellant have a qualified candidate of the time for this post and no body has effected.
- That feeling aggrieved from the order the appellant have come your honor on the following grounds:


**GROUND**

- That the all acts and action of the department is against the law, facts, hence liable to be set aside/
- That the department has ignored the facts that that the appellant have performed the duties for 34 months.
- That the department has not followed the law of the superior courts.
- That the selection was according to law and rules by the department and the appellant was the only qualified candidate of the said vacant post.

It is therefore most humbly prayed that on acceptance of this appeal, the appellant may kindly be reinstated in service with all back benefits the appellant will be very grateful you.

gdl-  
APPELLANT SAJID REHMAN PET  
Contact No 03028813672

24-12-2015

  
ACCEPTED

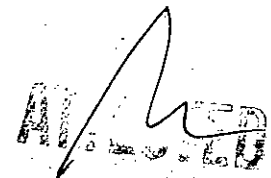
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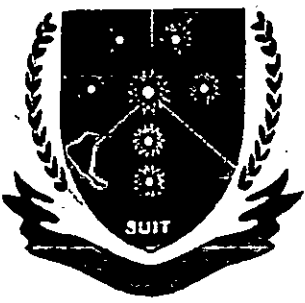
**To whom it may concern**

This is to certify that Mr Sajid Rehman s/o Haji Haider Khan Village Pirqayum having CNIC 21302-1521611-5 has been working with us as a Key Punch Operator (KPO) since 1<sup>st</sup> March 2013 to 31<sup>st</sup> Nov 2015.

During his stay with us he was a very Punctual, Honest, Hardworking and Duty full. He has bearing good moral character. We wish him a bright future.

Add: Agency Education Officer  
Lower & central Kurram Agency  
Agency Education Officer  
Sadda Kurram Agency





# Sarhad University

OF SCIENCE & INFORMATION TECHNOLOGY, PESHAWAR

14

Serial Number SUIT-05-PRO-0858


Date issued: 05 June 2010

## Provisional Certificate

This is to certify that Mr./Ms. Sajid Rehman  
son / daughter of Mr. Haider Khan  
registration number SUIT-06-02-70026  
is a regular student of the Sarhad University of Science and Information Technology,  
Peshawar in the session 2009-2010.

-Mr./Ms. Sajid Rehman has according to the result notification,  
issued by the University, passed the Junior Diploma in Physical Education - JDPE  
Examination Annual/Supplementary held in Jan-Feb 2010 and secured 1<sup>st</sup>  
division, obtained 700 marks out of 1050. He/she has already been issued a  
DMC by the Controller of Examinations. He/she will receive his/her diploma after due  
course of time on the request of student

-Mr./Ms. Sajid Rehman bears good moral character and his/her  
conduct during his/her stay at the University from June 2009 to May 2010  
has been Very Good

  
Barkat Ali Awan Adam  
Senior Examinations Officer

# 36-B, Chinar Road, University Town, Peshawar-Pakistan  
Tel : +92-91-5846508-9, 5846516-8, Fax : +92-91-5841460



# SARHAD UNIVERSITY

OF SCIENCE & INFORMATION TECHNOLOGY, PESHAWAR

## Detailed Marks Certificate

MC No. SU/ 06615

15



Spring 2010

Student's Name Sajid Rehman Roll No. 06-SP-07757  
 Father's Name Haider Khan Registration No. SUIT-06-02-70026  
 Programme Junior Diploma in Physical Education Term No. 2

Courses	Max Marks	Marks Obtained		Remarks
		In Figures	In Words	
Foundation of Physical Education	100	069	Sixty Nine	Pass
Health Education	100	063	Sixty Three	Pass
Fund. Rules & Techniques of Sports & Games	100	066	Sixty Six	Pass
Science of Track & Field	100	074	Seventy Four	Pass
Science of Movement	100	067	Sixty Seven	Pass
Techniques & Teaching of Games (Pract.)	100	060	Sixty Only	Pass
Techniques & Teaching of Track & Field (Pract.)	100	068	Sixty Eight	Pass
Anatomy & Physiology	100	067	Sixty Seven	Pass
Techniques & Teaching of Edu. of Gymnastic (Pract.)	100	060	Sixty Only	Pass
Teaching Practice + Project - JDPE	150	106	One Hundred and Six	Pass
<b>Total</b>	<b>1050</b>	<b>700</b>	<b>Seven Houndrad Only</b>	<b>Pass</b>

General Remarks The Examination was passed as a Whole in 1st division

Exam held 26 Jan to 18 Feb Result declared 18 May 2010 Date of issue 05 June 2010

Dr. Sully  
Dean

Ali  
Controller of Examinations

**APPROVED**

## NECESSARY INFORMATION

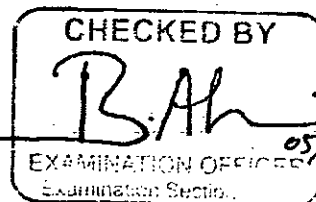
**Authenticity:**

This DMC should not be deemed valid unless it is embossed with the official seal of the University and bears the signature of Controller of Examinations. It should also be deemed invalid if it contains erasures, corrections or overwriting.

**Grade Key:**

The percentages, grades, associated marks and related remarks used by the University are as follows:

Grades	Percent Marks	Remarks
A+	80% Marks and above	Distinction
A	70% and above but below 80%	Excellent
B	60% and above but below 70%	Very Good
C	50% and above but below 60%	Good
D	40% and above but below 50%	Fair
E	Less than 40% to minimum	Satisfactory





# Sarhad University

OF SCIENCE & INFORMATION TECHNOLOGY, PESHAWAR

16

No. SUII-11-VER-120911-03 - 2820

January 21, 2013

To,  
The Additional Agency Education Officer,  
Sadda,  
KURRAM AGENCY.

Subject: Verification.

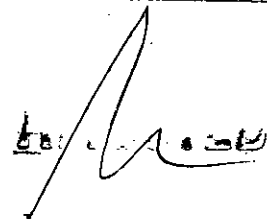
Memo: Reference your vide letter No.0317/Edu.  
Dated: January 16, 2013

It is to certify that the following students was bonafied students of this University in Junior Diploma in Physical Education – (JDPE) program as mentioned below in detail. He has successfully passed his program from this University.

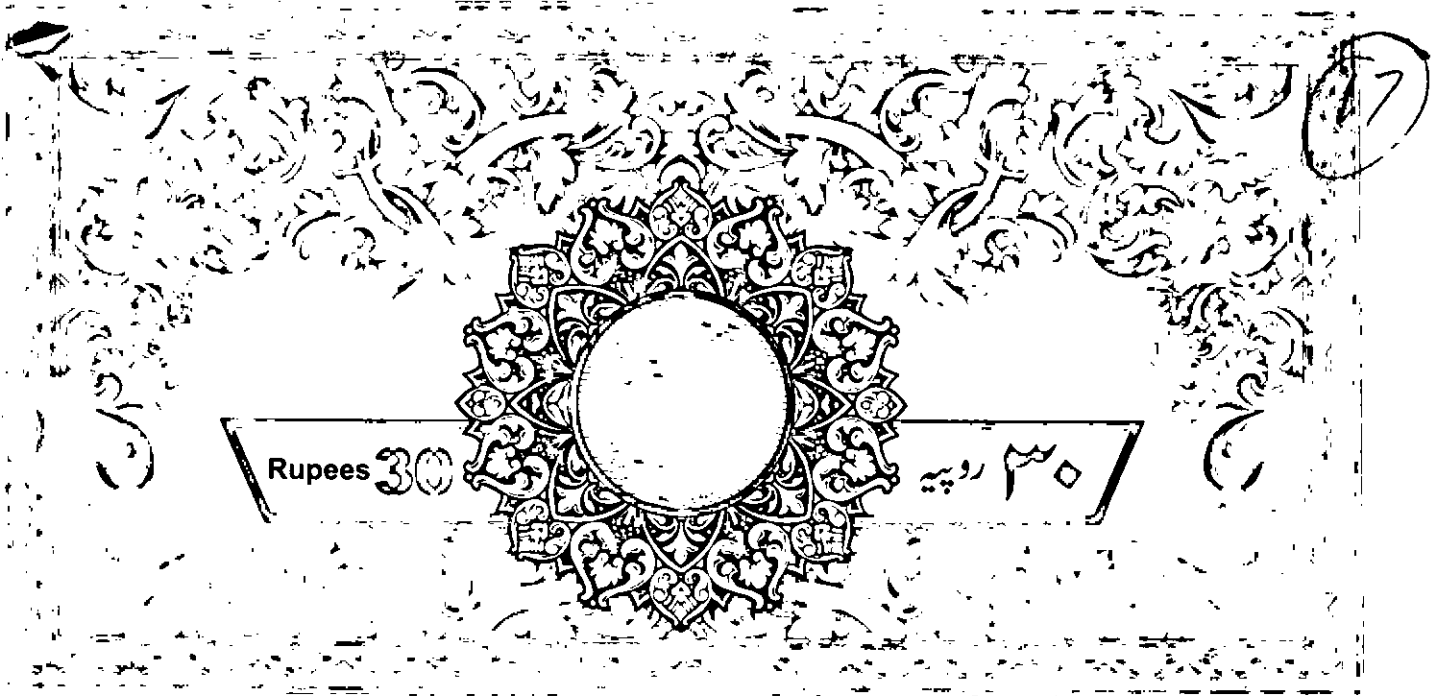
JDPE	06-sp-07757	Sajid Rehman	Haider Khan	Spring 2010	Verified-DMCNo.07287
JDPE	07-sp-07756	Gul Hassan	Khan Bahadar	Spring 2010	Verified-DMCNo.07288
JDPE	07-sp-05656	Zia ul Alam	Noor Alam	Spring 2011	Verified-DMCNo.07289
JDPE	07-sp-08751	Shahid Mehmood	Haji Sher Shah	Spring 2011	Verified-DMCNo.07290

  
21/01/013  
Barkat Ali Anwar Akbar  
Assistant Controller of Examinations  
Degree – SUII

# 36-B, Chinar Road, University Town, Peshawar-Pakistan  
Tel : +92-91-5846508-9, 5846516-8, Fax : +92-91-5841460







### حلفیہ بیان

میں ساجد الرحمن ولد حاجی حیدر خان قوم علی شیر زئی سکندریہ قیوم حال قومی شناختی کارڈ نمبر 5-1521611-21302 مورخہ: 15-01-2013 بذریعہ آرڈر نمبر 193-201/EDO بحیثیت PET بمقام GMS ڈپہ بھرتی ہوا۔ میڈیکل اور چارج رپورٹ مکمل ہے چونکہ وہاں کے حالات خراب تھے اور دفتر میں کمپیوٹر پریشی کی خدمات سرانجام دینے کا حکم صادر کیا۔ اس حوالے سے ڈائریکٹر آف ایجوکیشن فائنڈیشن (2013) کو میرے حوالے سے بحیثیت KPO آرڈر ارسال کیا جا چکا ہے۔ میں نے ایجوکیشن آفس صدرہ میں مسلسل خدمات سرانجام دیے ہیں دفتر میں موجود جسٹس میں باقاعدگی سے دستخط کیے ہیں لیکن مجید گل نے دوسرے ریکارڈوں کی طرح ہماری حاضری کو بھی دفتری ریکارڈ سے غائب کیا ہے۔ تاکہ کوئی ثبوت نہ رہے۔ لیکن مندرجہ ذیل افراد اس حوالے سے یعنی دفتر میں بحیثیت KPO خدمات سرانجام دینے کی گواہ و شاہد ہیں۔

(۱) محمد الطاف بخش SET of GHS Sakhi Ahmad Shah ڈاکٹوری آفیسر vs مجید گل دفتریہ  
0301-3237876  
E.T. Govt. High School  
Sakhi Ahmad Shah  
Lower Kurram

(۲) محبت خان: AAEO: لوئر کرم 0302-5576600

(۳) حاجی شاہد کلرک 03032-8029005

(۴) گل شریف چوکیدار 0302-8860490

طارق محمود  
(۵) صدیق اکبر سید کلرک 0306-5901862  
0306-7277090

(۶) محمد الرحمن چوکیدار 0305-2028167

۰۳۰۰۸۹۹۰۸۸۷  
۰۳۰۲۵۵۷۱۱۲۵

(۸) بہادر خان 0302 5571125

24.18.04.2016  
Stamm Vender  
Sudja  
Lower Kurum

Handwritten signature in Urdu script

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J8124085  
24-18-04-2016

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18

(18)

DIRECTORATE OF EDUCATION, FATA SECRETARIAT, PESHAWAR

ENQUIRY OFFICER

Mr. Abdul Manan Assistant Director, Local Directorate accompanied by Mr. Altaf Bangash SET GHS Sakhi Ahmad Shah Kurram Agency is hereby appointed as Enquiry Officer to dig out factual position in light of recommendation of enquiry already conducted by Mr. Attiq Ur Rehman Ex-AEO Khyber Agency against Mr. Majid Gul Ex-Addl: AEO Lower & Central Kurram Agency regarding fresh appointment of sixteen (16) teachers and four (04) Class-IV without observing codal formalities and also report misuse & embezzlement of budget etc.

The enquiry report with recommendation should reach to the office of the undersigned with 07 days positively for further necessary action.

DIRECTOR EDUCATION FATA

Endst: No. 3193-97 / A-12/ Majid Gul Ex-Addl AEO

Dated Pesh: the 16/3/2016

Copy forwarded to the:-

1. AAEOs Lower & Central Kurram.
2. Political Agent Kurram Agency.
3. Assistant Political Agents Lower & Central Kurram Agency.
4. Mr. Abdul Manan Asstt: Director Local Directorate along with a copy of enquiry report.
5. PS to Secretary SSD FATA.
6. PA to Director Education FATA.
7. Mr. Altaf Bangash SET GHS Sakhi Ahmad Shah Kurram Agency.

  
ASSTT: DIRECTOR (ESTAB)

**ACCEPTED**

10 روپے

47304



ایڈووکیٹ / دستخط  
بارنول ابار ایسوسی ایشن  
رابطہ نمبر: 8386980-0307

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ڈیپوٹیشن پشاور

Appellavit	منجانب:	دعوی:
		معدت نمبر:
		موضوع:
		جرم:
		تھانہ:

**بابت تحریر آنگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 آن مقام میں لکھنے کو ذیل کے صاحب کو اختیار ہوگا، نیز وکیل صاحب کو  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر جان و فیصلہ برصن دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق  
 زریں ہر دستخط کرنے کا اختیار ہوگا، نیز بیہودہ پیروی یا ناانگیزی کیلئے یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا اور بیہودہ ضرورت مقدمہ مذکورہ کے کل یا جوڑی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے قرار کا اختیار ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ پر اجازت منظور و قبول ہوگا دوران مقدمہ  
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و قبول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام  
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

Hayat Khan  
Hajji

المرقوم: 25-04-2018. Attested and Accepted.

العبد \_\_\_\_\_ واہد العبد \_\_\_\_\_  
 مقام: 21302-15218/1-5  
 صاحب الدین علی صاحبی MP/رضی  
 M. Amin Khattar

**BEFORE THE SERVICE TRIBUNAL PESHAWAR**

Restoration Application no-238/18

**Sajid Rehman**

**VERSUS**

**EDO & others**

**APPLICATION FOR THE RESTORATION OF  
THE ABOVE MENTIONED TITLED CASE**

Respectfully Sheweth:

1. That the above mentioned titled case was pending before this Hon'ble Court and was fixed for 07.06.2018, which was dismissed in default.
2. That on previous date due misunderstanding the Applicant with no intention couldn't attend the court.
3. That there are two others same nature cases are pending before this Hon'ble Court which are fixed for 09.08.2018 with titled name Gul Hassan, Zia Alam Vs EDO & others, Appeal numbers 485, 487/2018 further mentioning that these are clubbed cases, and till yet they were heard together.

4. That till the institution of these appeals these cases were heard together by each and every date and even on  council for the Applicant  was present 07-06-18

**It is, therefore, prayed that on acceptance of this Application the above mentioned titled case may kindly be restored.**

  
Applicant

Through

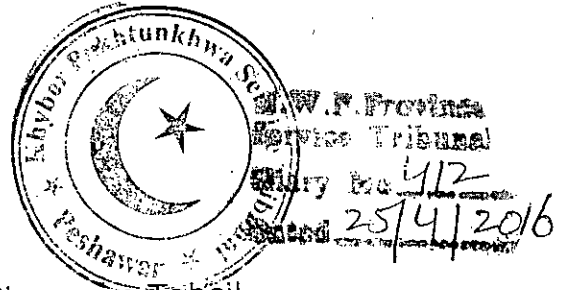
Dated: 19.07.2018

  
**NOOR WALI KHAN**  
Advocate, Peshawar

1

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

Service Appeal No. 486 /2016



Sajid Rehman Son Of Haider Khan R/O Pirqayum-Fahsil

& P/o Sadda Kurram Agency District Kurram Agency.....Appellant

**Versus**

1. Additional Agency education officer lower Kurram agency.
2. Agency Education Officer Lower Kurram Agency.
3. Assistant Education Officer Lower Kurram Agency.
4. Director of Education FATA KPK Peshawar.
5. Agency Account Officer Parachinar ..... Respondents

**APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNAL ACT 1974 READ WITH RELEVANT RULES AGAINST THE JUDGMENT AND ORDER OF RESPONDENT NO.1 DATED 11.12.2015, WHEREBY THE APPELLANT WAS TERMINATED FROM THE SERVICE (PET).**

**PRAYER:**

*On acceptance of this appeal the impugned order/ judgment dated 11.12.2015 may be set aside and appellant may be allowed to serve as a PET teacher at GMS Dappa Kurram Agency.*

*25/4/16*

*re-submitted to-  
and filed.*

*Registrar  
10/5/16*

**ATTESTED**  
  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

04.04.2018

Clerk to counsel for the appellant and Addl; AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.06.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member



07.06.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. File be consigned to the record room.

ANNOUNCED  
07.06.2018

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

**Certified to be true copy**  
  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application	30-7-18
Number of Words	6800
Copying Fee	2
Urgent	
Total	8
Name of Copyist	AM
Date of Completion of Copy	30-7-18
Date of Delivery of Copy	30-7-18



Appeal No. 486/2016

Saidul Rehman s/o Haider Khan R/o Pir Arayyem

Teli: & Distt: Kurram Agency

VERSUS

1. Additional Agency Education Officer Lower Kurram Agency.
2. Agency Education Officer Lower Kurram Agency.
3. Assistant Education Officer Lower Kurram Agency.
4. Director Education FATA KPK Peshawar.
5. Agency Accounts Officer Parachinar ..... Respondents.

Para-wise comments on behalf of respondent No: 1 & 4

Respectively Sheweth:

Preliminary Objection

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the appeal is barred by law 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. Incorrect. It has been clearly mentioned in the appointment order of the appellant that no payment will be made to the appointee until & unless their academic/professional certificate is got verified from the concerned institution. The Junior Diploma in Physical Education found fake and bogus therefore the services of the appellant has been terminated by the Competent Authority.
4. The respondent department in order to investigate/inquire the anomalies carried out in recruitment process in Kurram Agency held inquiries and constituted search Committee. It is pertinent to mention here that the responsible Officer was charge Sheeted and proposed to the Government for necessary action under E&D rules. However the salaries of those candidates whose degree's/certificates were verified by the over-sight committee were ordered to be initiate against all those involved in fakism and forgery, copy of letter annexed as (Annexure-A) also a letter No. 12229-36 dated 07/12/2015 was addressed to Additional Agency Education Officer, Lower and Central Kurram Agency for the release of salaries of eligible candidates and terminate in-eligible candidates, copy of letter attached as (Annexure-B).
5. Incorrect. No Departmental Appeal is made to the Competent Authority against


the impugned order hence not maintainable under section-4 of Service Tribunal Act-1974.

Grounds:

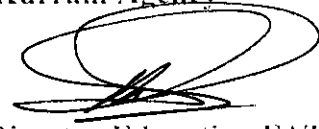
- A. Incorrect. No action has been taken by the respondents which are against law and facts. The impugned order has been passed by the Competent Authority in the interest of Public Service and in the interest of department.
- B. Incorrect. It has been clearly mentioned in the appointment order of the appellant at S.No.4 that no payment will be made until & unless his professional/Academic certificate gets verified from the concerned institution. Therefore on account of bogus degree service of the appellant has been terminated by the Competent Authority.
- C. Incorrect. As explained in Para-B above.
- D. Incorrect. On the basis of inquiry and verification the services of the appellant has been terminated by the Competent Authority, copy of the inquiry report attached for ready reference.
- E. No comments. As explained in Para-D above.
- F. Respondents seek permission to advance other grounds & proofs 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

  
Addl. Agency Education Officer  
Kurram Agency


Respondent NO. 4

  
Director Education FATA

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

  
Addl. Agency Education Officer  
Kurram Agency

Respondent NO. 4

  
Director Education FATA



2

FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE 091 9210161 FAX 091 9210216

NO. ....  
DATED 7/12/2015 E-7-B MEETING FILE AC

B  
F  
ineligible  
Candidate

Most Urgent.

To

The Additional Agency Education Officer  
Lower & Central Kurram Agency

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

Memo:

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

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

<sup>sel</sup>  
Deputy Directress (Estab)

Endst.No. 12228-36

Dated 7/12 2015

Copy to;

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

Deputy; Directress (Estab)

14

2



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

NO. 10118

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

To  
The Political Agent  
Kurram Agency

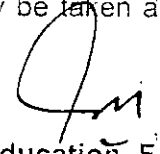
Subject: APPOINTMENT MADE BY MR. MOEEN GUL AAEO; AEO  
LK/CK.

Memo:

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

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

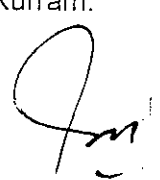
You are therefore requested that action may be taken at your end under intimation to all concerned.

  
o/c Director Education, FATA

Endst.No. 10119-25,  
Copy to;

Dated 30/9 2015

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

  
o/c Deputy Directress (Estab)  
30/9/15.

10 21 1  
Better Copy

Additional agency Education officer  
Lower & Central kurram agency  
No. 2737-23/Edu  
Dated. 11/11/2015

32

TERMINATION ORDER.

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

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



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

Add. Agency Education Officer  
Lower & Central Kurram Sadda.

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

Copy for information to the: -

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

Addl: Agency Education Officer,  
Lower & Central Kurram Sadda

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

Service Case No.487/2016

Sajid Rehman . . . . . Appellant

Versus

Additional Agency Education Officer  
Lower Kurram Agency & others . . . . . Respondents

= = = = =

**REJOINDER ON BEHALF OF THE APPELLANT**

= = = = =

**Respectfully Sheweth:**

**Preliminary Objection:**

All the preliminary objections are on behalf of respondent No.1 & 4 are illegal and against the law and against the facts of the case.

**PARA WISE REPLY AND FACTS:**

1. Para No.1, needs no rejoinder.
2. Para No.2 is needs no rejoinder.
3. Para No.3 incorrect, the Diploma was verified by the concerned institution, which is annexed with appeal on Page No.16.
4. That Para No.4 pertains to the regards of the respondents no 1, and 4, however the appellant was going through all the legal formalities after which the appellant were selected and took charge according to the record of the appeal and serve his service for the continuous period of 33 months not a single penny were paid to the appellant, it is pertinent to mention that the diploma of the appellant were got verified and found correct.



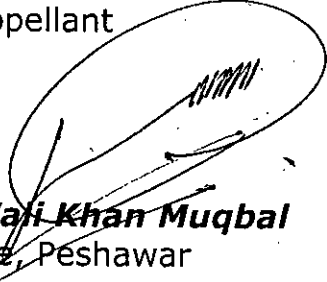
5. Para No.5 is incorrect, the departmental appeal were filed on 24.12.2015, which is annexed with appeal on page No.12.

**GROUND:**

- A. Ground A of comments is incorrect, no legal action taken by the respondent against the appellant.
- B. Ground B of comments is incorrect, the penal action taken by the respondent is not absolute power of the respondent to detached their salary is against the law.
- C. Ground C of comments is incorrect, the order of respondents is non speaking.
- D. Ground D of comments is incorrect, the inquiry conducted by the respondents is based upon political motivation.
- E. Ground E of comments is incorrect, no final show cause notice is given to the appellant.

It is, therefore, prayed that on acceptance of this rejoinder the services of the appellant may kindly be restored alongwith all back benefits.

Date: 30/01./2018

Appellant  
Through   
**Noor Waji Khan Muqbal**  
Advocate, Peshawar

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

Service Case No.487/2016

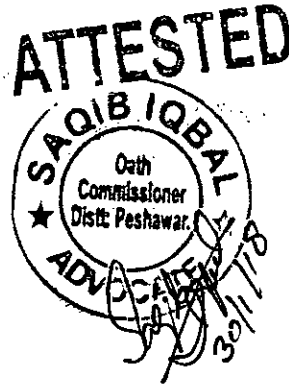
Sajid Rehman ..... Appellant

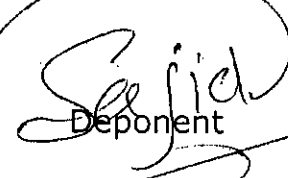
Versus

Additional Agency Education Officer  
Lower Kurram Agency & others ..... Respondents

**A F F I D A V I T**

I, Sajid Rehman S/o Haider Khan R/o Pir. Qayum, Tehsil & Post Office Sadda Kurram Agency, District Kurram Agency do hereby solemnly affirm and declare that the contents of the accompanying **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this learned court.



  
Deponent

**VAKALATNAMA**

*Before the KP Service Tribunal Peshawar*

OF 2018

*Sajid Rehman*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Education Deptt.*

(RESPONDENT)  
(DEFENDANT)

I/We *Sajid Rehman*

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. \_\_\_\_/\_\_\_\_/2018

  
\_\_\_\_\_  
CLIENT

  
**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

  
**MUHAMMAD MAAZ MADNI**  
ADVOCATES

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No. **0345-9383141**

ENQUIRY REPORT

(34)

1. Introduction

In pursuance of Directorate of Education Endst No. 5191-99 dated 09-04/2013 forming a committee-consisting of the undersigned and impartial enquiry was conducted as desired.

2. Background

The political gent kurran agency has requested to look in to the matter of appointments of agency cadre post in central Kurram with the observation that Addl. AEO has made appointment in violation of approved policy and various official notifications.

3. Procedure

The committee visited the office of the Addl. AEO Sadda Lower and Central Kurram on 06/05/2013 discussed the issue with the current Addl AEO and EX Addl AEO, checked all the available record appointment orders, documents of the candidates, interview and merit lists-singed by the DSC. Details are given below (ann A+B)

4. Findings

- i. Appointment order (female) indifferent teachings cadres.
- |     |      |     |   |
|-----|------|-----|---|
| I   | CTS  | CK  | Total No. 8 vide Endst no. 143-55 dated 15/01/2013.             |
| ii  | Do   | i.k | Total no 2 vide no 234-42 dated 18/1/2013                       |
| iii | DMS  | Ck  | Total no. 4 vide Endst no. 125-33 dated 10/01/2013              |
| iv  | Do   | ik  | Total no. 01 vides Endst. No. 261-68 dated 18/01/2013           |
| v   | Pets | lk  | Total no. 01 vides Endst. No. 202-207 dated. 15/01/2013 (ann c) |

ii. Non teaching staff

Lab assistant vide ends no. 278-80 dated 18-01-2013 (Aann D)

iii appointment order male in deferent teaching cadres

- i. CTs. CK total no. 17+1=18 vide Endst No. 156-77 dated 15-01-2013 and v Endst no. 392-96 dated 21-01-2013
- ii cts lk total no. 6+1=7 vide Endst no 221-33 dated 18-01-2013
- iii dms ck total no. 3 vide Endst no. 134-42 dated 15-01-2013
- iv dm lk total no.1 vic Endst no. 253-60 dated 18-01-2013
- v. pets ck total no. 4 vide Endst no. 193-201 dated 15-01-2013
- vi. Pets lk total no. 3+1 vide Endst no. 253.52 dated 18-01-2013  
And vide Endst no. 382-86 dated 21-01-2013 (Ann c)

iv Non teaching staff male

- i. jc ck total no. 3vide Endst no. 178-85 dated 15-01-2013
- ii. jc lk total no. 3+1 vide Endst no. 287-96 dated 18-01-2013 and Endst 81 dated 21-01-2013
- iii. Lab asstt. Ck total no. 02 vide Endst 186-92 dated 15-01-2013.
- iv. Lab asstt. Total no. 02+1 vide no. 269-77 dated 18/01/2013 and End dated 21-01-2013
- v. Pesh imam lk total No. 1 vide Endst 297-304 dated 18-01-2013.

Total no. of appointment (F&M teaching and non teaching) 18+50=68

The total no of appointments made by political Agent Kurram Agency vide this Office Memo No. 09/03/2013.

After thoroughly checking the Interview list, Merit list, Advertisement appointment orders it was found that all the appointments were according to the unapproved prescribed policy of the Khyber Pakhtunkhwa however some irregularity and violation were also observed which are below:-

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2-Male

1. Majeed Noor S/O Pto Noor, on the top of CT Merit list, but have no prescribed qualification, has been appointed in identical CT post. He has a certificate of General Course. He was appointed because of non-availability of CT with prescribed qualification.
2. Muhammad Aziz S/O Siraj Khan appointed in advance against a CT post which going to be vacated in July after the retirement of GSD Officer CT GIS LK.
3. Khairat S/O Nur Jehan, appointed against PET post at GMS Kumbat based on the basis of discharge certificate.
4. Muhammad Akram Khan S/O Salam Khan, appointed against GMS Medical Officer basis of computer skill. (Ann: 2 & 7)

3-Female Central Kurram (DMS)

- I. Only one candidate merit position 1 is qualified with relevant prescribed qualification but the other three candidates, applied on the basis of relevant subject in the SSC. No such provisions in the Policy or advertisement (Ann: 1) Sibi D/O Ameer Khan Merit position No. 9, appointed as PET at GMS (CT) on the basis of his religious sect as usual practice of the does not fulfill prescribed qualification and is untrained. Merit Position No. 3 and 4 in (Ann: 2) were treated on the basis of being Shia (as mentioned in Ann: C) It was mentioned in advertisement that vacancies will be filled up after the service teacher's promotion as per prescribed policy but the share of the service teacher has completely been ignored and all positions have been filled without sharing their due share. (Ann: 1 & C)

4-Approval of the merit List

As far as the approval of merit list from the competent authority is concerned then Addl AEO concerned has submitted to the Secretary SSD vide letter no dated 15-01-2013. According to him, he was verbally directed to proceed to make appointments. A copy of each appointment has also been sent to the Directorate for information, but the local Directorate has not raised observations against these appointments which amount to tacit approval.

5-IGNORANCE OF SHIA CANDIDATES:

So far Shia Community of Lower Kurram is concerned the Addl AEO have received their applications in different teaching and non-teaching cadre and have included in the interview and merit list prepared by the DSC Education Department Lower Kurram and some of them have been appointed as per practices and traditions prevailing in the Agency. The purpose of these p

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After thoroughly checking the interview list, merit list, advertisement appointments orders it was found that all the appointments were according to the unapproved prescribed policy of the Khyber Pakhton khwa however some irregularities violation were also observed which is below.

2 Male.

1. Mujceeb Noor S/o Pio Noor, on the top of CT merit list, but have qualification has been appointed against technical cr post he has acc general course. He was appointed because to non-availability of prescribed qualification.
2. Muhammad asif s/o siya kha appointed in advance against a ct post to be vacated in jun/july after the retirement of gulabjan ct GHS I.k
3. kifayat s/o mir jehan appointed against pet post at GMS kamal zaba discharge certificate
4. Muhammad alam kha s/o salam kha appointed GHS mahcezai lk computer skill (ann E&F)

3 Female central Kurram (DMs)

- i. only one candidate merit posting 1 is qualified with relevant qualification but the other three and dates appointed on the relevant subject in the SSC. No such provision exists in the previous adverts.
- ii. Zartaj bibi D/o ameer kha merit position no. 9 appointed in GGMS c.k on the basis of his religious seat practice but she has full prescribed qualification and it is untrained. Merit position 1 is trained but ignored on the basis of being shia. (as mentioned in advertisement)
- iii. It was mentioned in advertisement that all vacancies will be filled after service teacher's promotion as per prescribed policy. But the service teacher has completely been ignored and all vacancies have been filled without sparing their due share ann-G

4 approval of the merit list

As far as the approval of merit list from the competent authority then Addl-AEQ concerned had submitted to the Secretary SSD vide dated 15-01-2013. According to him he was verbally directed to prepare appointments. A copy of each appointment has also been sent to direct information, but the local directorate has not raised any observation against appointment which amounts to tacit approval.

5 ignorance of shia candidates

So far Shia community of lower Kurram is concerned the Addl-AEQ received their applications in different teaching and non-teaching categories and been included in the interview and merit list prepared by the DS Department lower Kurram and some of them have been appointed as per ann-G and traditions prevailing in the agency. The purpose of these practices is to...

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After thoroughly checking the interview list, merit list, advertisement appointment orders it was found that all the appointments were according to the unapproved prescribed policy of the Khyber Pakhton khwa however some irregularities violation were also observed which is below.

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### 4 approval of the merit list

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### 5 ignorance of shia candidates

So far Shia community of lower Kurram is concerned the Addl-AEQ received their applications in different teaching and non-teaching categories and been included in the interview and merit list prepared by the DS Department lower Kurram and some of them have been appointed as per their qualifications and traditions prevailing in the agency. The purpose of these practices is to provide employment to the Shia community.

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And traditions have been to discourage the absenteeism for the improvement of education. It is further clarified that the area where the sectarian issue is not serious shia and suni have been appointed according to normal merit list which is evident from the appointment orders, moreover, the Addl. AEO concerned has requested the AEO upper Kurram at Parachinar to provide the names of such candidates of lower Kurram belonging to shia community who applied at upper Kurram to proceed further in the matter vide letter No. 3771 dated 28-12-2012 and subsequent reminder no. 33 dated 04-01-2013 but in vain at the end of AEO concerned (Ann:I)

#### Recommendations conclusions

1. All appointment have been made according to the policy but share of in service teacher has not been spared for them due to the failure of the Department to fulfil codal for militias legal requirement time moreover untrained pet and dm teacher have been appointed which is to advertisement and policy but the AEO has of the view that he has according to national Education policy of 2009 which relax prescribed qualification for the less developed and backward areas rovided the qualified candidates are not available.
2. Para 2 subsections Muhammad asif s/o sial khan appointment order in advance vide Endst no. 387-91 dated 21-01-2013 against ct post and all dms female and pets female whoa re untrained vide para 3 subsection (i)and (ii) may be cancelled.

#### DMS.

- i. Shamim bibi D/O speen Gul
- ii. Serveen bibi D/o speen gul
- iii. Bibi jamila D/o niaz bahadar khan

Vide Endst no. 125-33 dated 15-01-2013

#### PETs.

- i. Zartaj bibi D/o Haji Ajmeer khan vide Endst NO. 202-207 dated 15-01-2013.
- ii. Kifayat S/o mir Jehan Serical No. at r vide Endst no. 193-201 dated 15-01-2013 appointed against pet and Muhammad alam khan s/o salam khan vide Endst no. 377-81 dated 21-01-2013 discharge certificates and computer certificate respectively and euthenics of the institutions and equality of discharge certificate may be verified from the quarter concerned

Or

5. If the competent authority is not satisfied and agrees without.

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Final Recommendations It is proposed that Review Committee may be constituted under the Chairmanship of Anand A.S. Lower Kurian including a representative of Directorate of Education BATA to review the whole process and prepare the revised schedule according to the policy and advertisement in the interest of public service.

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Without loss of validity of selection & rank provided to the Admitted Candidates without prior approval of competent Authority is to be observed a big question mark

Jointly Committee

Principal  
State Council of Educational Research and Training  
Director  
Director of Education  
BATA Directorate of Education

Submitted on 28/5/2013

EDUCATION

BATA (MSE)

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Findings/recommendations it is proposed that review committee may be constituted under the chairmanship of Addl: AEO Lower Kurran including a representative of directorate of Education FATA to review the whole process and prepare the revise merit list according to the policy and advertisement in the interest of public service.

Note: legal validity of selection criteria provided to the Addl AEO (c) without prior approval of competent Authority is itself raise a big question mar.

**Enquiry Committee**

**Asmat Khan Principal  
GHSS Samma Badhabera FR  
Peshawar**

**Shah Zarkhan  
Dy. Direcot  
(M&E) FATA directorate of Education**

Submitted on 28/5/2013