

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 252/2016

Date of Institution ... 14.03.2016

Date of Decision ... 13.12.2017

Mst. Alia Ghafoor D/O Ghafoor Gul, R/O Bazargi Mohallah Gujjarn, Tehsil Lahore
District Swabi. .. (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar
and 5 others. ... (Respondents)

MR. HIDAYATULLAH KHATTAK, ... For appellant
Advocate

MR. MUHAMMAD JAN,
Deputy District Attorney, ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- This judgment shall also
dispose of connected service appeal No. 253/2016 of Mst. Ruqia Begum W/O Niaz
Mohallah, as in both the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellants were removed from service on 22.10.2015. The order was
communicated to the appellants on 24.11.2015, against which the appellants filed

departmental appeals on 01.12.2015, which were not responded to and thereafter, the appellants filed the present service appeals on 14.03.2016.

ARGUMENTS.

4. The learned counsel for the appellants argued that the appellants were appointed as PTC Teachers in 2009. That they have been performing their duties and suddenly they received the impugned order. That on the same day a transfer order was also received by the appellants. That in the impugned original order there is mention of an enquiry but the appellants are unaware about any enquiry. That no notice was served upon the appellants. That in view of the judgment reported as 2008-SCMR-1369, no civil servant can be condemned without service of notice and affording opportunity of hearing.


5. On the other hand, the learned Deputy District Attorney argued that an enquiry was conducted. That the enquiry report is available on the file. That in the said enquiry report, the enquiry officer recommended the removal of the appellants alongwith 6 other PTC Teachers. That the enquiry officer reported that the appointments were made in violation of law and rules. That the enquiry officer had also recommended disciplinary action against the appointing authority. The learned Deputy District Attorney relied upon a judgment reported as 2005-SCMR-1040 in order to support his argument that illegal appointments can be withdrawn after conducting enquiry.

CONCLUSION.

6. The defence of the department is that the appointments were not made in accordance with the prescribed procedure. That the appointment orders were illegal, factitious and fraudulent. The judgment relied upon by the learned Deputy District

Attorney deals with an enquiry under the disciplinary rules wherein proper opportunity of hearing was afforded to the civil servant and thereafter the order was passed. But in the present case no disciplinary proceedings ^{ere} ~~was~~ initiated against the appellants. No notice, at all, was served upon the appellants. This judgment is therefore, irrelevant to the present appeals. Under the settled jurisprudential principle no civil servant can be condemned unheard. No order can be passed at the back of a civil servant and the impugned order has got no legal sanctity.

7. Consequently, the present appeals are accepted and the department is directed to hold regular enquiry against the appellants within a period of 90 days from the date of receipt of this judgment, failing which the appellants shall be reinstated in service. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
13.12.2017

Service Appeal No. 252/2016

29.09.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Adjourned. To come up for arguments on 27.10.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

27.10.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.12.2017 before D.B.


(Gul Zeb Khan)
Member



(Muhammad Amin Khan Kundi)
Member

13.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.


MEMBER


CHAIRMAN

ANNOUNCED

13.12.2017

05.04.2017

Appellant with counsel and Mr. Adeel Butt, Addl: AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 27.07.2017 before D.B.


Chairman

27.07.2017


Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.09.2017 before D.B.



(Ahmaq Hassan)
Member


(M. Hamid Mughal)
Member

21.09.2017

Counsel for the appellant present Learned Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 29.09.2017 before D.B.



Member
(Executive)


Member
(Judicial)

23.06.2016

Appellant Deposited
Security & Process Fee

Clerk of counsel for the appellant present. Security and process fee have not been deposited. Requested for granting further opportunity to deposit security and process. Request is accepted. Directed to deposit the same within a week there-after notices be issued to the respondents for written reply/comments for 30.08.2016 before S.B.



MEMBER

30.08.2016

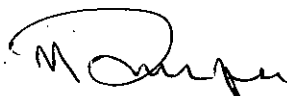
Counsel for the appellant, M/S Hameed-ur-Rehman, AD (lit.) and Jamshid Khan, Assistant (lit.) alongwith Mr. Usman Ghani, Sr.GP for respondents present. Written statement on behalf of respondents No. 1, 2 & 4 submitted. The learned Sr.GP relies on the same on behalf of respondents No. 3, 5 & 6. The appeal is assigned to D.B for rejoinder and final hearing for 20.12.2016.



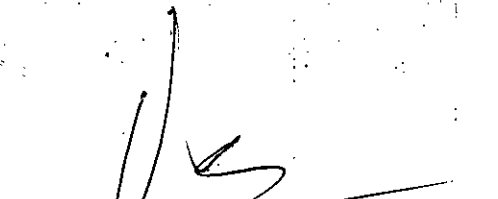
Chairman

20.12.2016

Counsel for the appellant and Assistant AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 5-4-17.



(ASHFAQUE TAJ)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

11.04.2016

Counsel for the appellant present. Learned counsel for the appellant argued that appellant was appointed as PST in the year. 2009 and vide impugned order dated 20.10.2015 removed from service on the allegation not known to the appellant. That after communication of the impugned order dated 24.11.2015, appellant preferred departmental appeal on 01.12.2015 which was not responded and hence the instant service appeal on 17.3.2016.

That the appointment of the appellant was made in the prescribed manner where-after she was discharging functions and performing duty including receipt of salary. That neither any enquiry was conducted in the prescribed manner nor appellant associated with the same nor any opportunity of hearing extended to her.

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 23.05.2016 before S.B.

Chairman

23.5.2016



Agent of counsel for the appellant present. Security and process fee have not been deposited. The same be deposited within a week where-after notices be issued to the respondents for written reply/comments for 23.06.2016 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 252/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17.03.2016	<p>The appeal of Mst. Alia Ghafoor resubmitted today by Mr. Hidayt Ullah 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	21-03-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-03-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	28.03.2016	<p>Agent of counsel for the appellant present. Learned counsel for the appellant is stated busy at Islamabad. Adjourned for preliminary hearing to 11.4.2016 before S.B.</p> <p style="text-align: right;">Cha</p>

The appeal of Mst. Alia Ghafoor D/O Ghafoor Gul R/o Bazargi Mohallah Gujjarn Tehsil Lahore Distt. Swabi received to-day i.e. on 14.03.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no. 6 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Law under which appeal is filed is wrong.
- 3- List of addresses of parties are unsigned which may be got signed.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 424 /S.T,

Dt. 14/3 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hidayatullah Khattak Adv. Pesh.

PTO

Sir,

Re-submitted after doing the needful-

H. H. H.

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 252 /2016

Alia Ghafoor **Appellant**

VERSUS

Govt. of Khyber Pakhtunkhwa
Through secretary education & others..... **Respondents**

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S.N	Description of Documents	Annex	Pages
1.	service appeal Affidavit		1-4
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3.	Addresses of Parties		6
4.	Copy of Appointment letter dated 21/07/2009	A	7
5.	Copy of transfer order dated 15/10/2011	B	8
6.	Copies of the both orders dated 22/10/2015 (Transfer & removal)	C	9-10
7.	Copy of the departmental representation	D	11-12
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Appellant
Through

Hidayat
Hidayatullah Khattak
Advocates, Peshawar

Date: __/__/2016

①

BEFORE THE COURT OF WORTHY CHAIRMAN SERVICES
TRIBUNAL, PESHAWAR

Service Appeal No. 252 /2016

Alia Ghafoor D/o Ghafoor Gul,

R/o Bazargi Mohallah Gujjarn,

Tehsil Lahore District Swabi.....**Appellant**

A.W.F. Province
Service Tribunal

Diary No 208

dated 14-03-2016

V E R S U S

1. Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar
2. The Director Education, Elementary & Secondary
Education Civil Secretariat, Peshawar
3. Deputy Director (Establishment)
Elementary & Secondary Education, Civil
Secretariat Khyber Pakhtunkhwa, Peshawar
4. District Education Officer (Female) Kohistan
5. Execution District Officer Elementary & Secondary
Education Kohistan
6. District Coordination officer.....**Respondents**

District Swabi

14/3/16

Signature

14/3/16

Re-submitted to-
and filed.

Signature

17/3/16

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
AGAINST THE ORDER OF THE RESPONDENT
No.4, DATED 22.11.2015, WHEREBY
RESPONDENT REMOVED THE SERVICES OF
THE APPELLANT WITH IMMEDIATE EFFECTS

PRAYER IN APPEAL

On acceptance of instant appeal the impugned order dated 22.11.2015 of the respondent No.4 may please be set aside and the appellant be re-instated into services with all back benefits.

Respectfully Sheweth:-

1. That appellants were appointed as PST teacher on 21.07.2009 at District Kohistan. (Copy of appointment letter is attached as annexure "A").
2. That on 15.10.2011 appellant was transferred from Kohistan District to Swabi. (Copy of transfer order dated 15.10.2011 is attached as annexure "B").
3. That on 22.11.2015 the respondent No.4 withdrawn the transfer order and also issued another order on the same day i.e. 22.11.2015 of removal of the services of the appellants with immediate effect.

3

services of the appellants with immediate effect.
(Copies of the both the order dated 22.10.2015 are
attached as annexure "C").

4. That feeling aggrieved from the order dated 22.10.2015 which was received to appellant on 24.11.2015 preferred a representation before the competent authority i.e respondent No.2. *(which is attach here as Ann - D.*
5. That the respondent No.2 did not respond/ adjudicate upon the representation of the appellants and assail the same inter alia on the following grounds:

GROUND S:

- A. That the impugned termination/removal order is against facts and services law.
- B. That the so-called inquiry has been conducted at the back of the appellant and no show cause notice whatsoever has been issued to the appellant.
- C. That no chance of personal hearing has been affected to appellant which is settled procedure of service law.

3 4

- D. That all the impugned inquiry proceeding has been adopted at the back of the appellant.
- E. That the findings of inquiry committee and the removal order are arbitrary, with^{alt} lawful authority, beyond their jurisdiction and have no effects on the accrued legal rights of the appellant.
- F. That any other ground shall be taken with the permission of this Honourable Tribunal.

It is therefore most humbly prayed that on acceptance of this service appeal, the impugned removal order dated 22.10.2015 may please be set aside and the appellant be re-instate into service with all back benefits

Ali
Appellant

Through

Hidayatullah
Hidayatullah Khattak
Advocate High Court

Dated 08.03.2016

**BEFORE THE COURT OF WORTHY CHAIRMAN SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2016

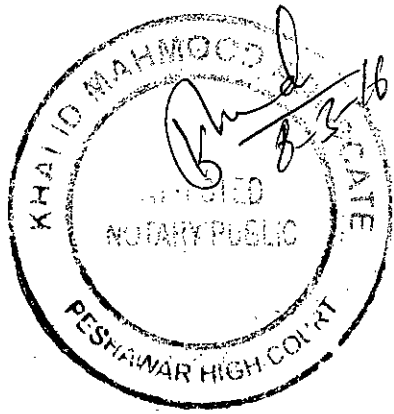
Alia GhafoorAppellant

VERSUS

Government of Khyber Pakhtunkhwa
Through Secretary Education & others.....Respondents

AFFIDAVIT

I, Hidayatullah Khattak, Advocate, Peshawar as per instructions of my client, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Alia
DEPONENT

6

**BEFORE THE COURT OF WORTHY CHAIRMAN SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2016

Alia Ghafoor.....**Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa
Through Secretary Education & others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANTS:

Alia Ghafoor D/o Ghafoor Gul, R/o Bazargi Mohallah
Gujjarn, Tehsil Lahore District Swabi

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar
2. The Director Education, Elementary & Secondary Education Civil Secretariat, Peshawar
3. Deputy Director (Establishment) Elementary & Secondary Education, Civil Secretariat Khyber Pakhtunkhwa, Peshawar
4. District Education Officer (Female) Kohistan
5. Execution District Officer Elementary & Secondary Education Kohistan
6. District Coordination officer *District Swabi*

Appellant

Through

Hidayatullah Khattak
Advocate High Court

Dated 08.03.2016

(7) (A)

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY &
SECONDARY EDUCATION KOHISTAN**

APPOINTMENT

Consequent upon approval of District Departmental Selection Committee of Elementary & Secondary Education Department Kohistan the competent authority is pleased to appoint the following (Female) candidates against the post of PST in BPS-7 in the schools noted against each according to the Policy issued by the Government of NWFP Elementary & Secondary Education Department in the interest of public service with immediate effect.

S.#.	Name of Candidate	Father Name	R/O	Name of School where appointed	Remarks
1	Alia Ghafoor	Ghafoor Gul	Sawabi	GGPS Kass Banda	Agst V.Post
2	Ruqia Begum	Mustafa Gul	-do-	GGPS Kass Banda	-do-
3	Nuzhat Begum	Sher Afsar	-do-	GGPS Yazai	-do-
4	Rashida	Javaid Khan	Abbottabad	GGPS Chiragh Abad	-do-
5	Aafia Bibi	Qazi Abdur Raheed	-do-	GGPS Chiragh Abad	-do-
6	Naila Bibi	Sumandur Khan	Mansehra	GGPS Harban Kot	-do-

CONDITIONS

1. No TA/DA is allowed to any one
2. Charge report should be submitted to all concerned
3. Their appointment is purely on temporary basis and liable to termination at any time with out assigning any reason/ notice
4. They will be governed by such rules & regulation enforced and as prescribed by the Government from time to time for the category of the Government Servants to which they belong
5. In case the above candidates failed to assume the charge of his post with in fifteen days of the issuance of this Order their appointment will automatically stand cancelled.
6. They should produced Age & Health Certificate from EDO Health Kohistan
7. They should not be allowed to take over charge if their age is less than 18-years & above 35-years.
8. Their original certificates/ Degrees should be verified by Dy: District Officer (Female) E&SE Kohistan from the concerned board/ University/ Institution before drawl of their pay

Executive District Officer
E&SE Kohistan

Endst: No. 3189-9/4

Dated Kohistan the

21/7 /2009

Copy of the above is forwarded to the:

1. PS to Secretary Elementary & Secondary Education Department NWFP Peshawar
2. PA to Director Elementary & Secondary Education NWFP Peshawar
3. District Coordination Officer Kohistan
4. District Accounts Officer Kohistan
5. Dy: DO (F) E&SE Kohistan
6. Candidates concerned

Judds
Executive District Officer
E&SE Kohistan

Heed
ATTESTED

(8) (2) B₂

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.**

OFFICE ORDER.

Consequent upon the ban relaxation by the competent authority, the following PST (Female) are hereby transferred/adjusted against the vacant post of PST at the Schools noted against in their own pay & BPS in the interest of public service with immediate effect.

S.No	Name Designation	Present School	Transfer to	Remarks
1	Mst. Alia Ghafoor PST	GGPS; Banjar Yanjoal Kohistan	GGPS No.2, Batty Swabi.	Against V/Post
2	Mst. Ruqia Begum PST	GGPS Mada Khail Kohistan	GGPS; Haryan Swabi	-do-

Note:-

- i. Charge report should be sent to all concerned.
- ii. No TA/DA etc are allowed.
- iii. The EDOs (E&SE) concerned are directed to check their original service documents before making payment of salaries.
- iv. Their Seniority will be determined under the rules.

Endst: No. 2511-19 /F.No.167/Vol-IV/Transfer (F) K.P. Dated Peshr the 15/10 2011.

DIRECTOR

Copy of the above is to the:-

1. Executive District Officers (E&SE) Kohistan & Swabi.
2. District Accounts Officers Kohistan & Swabi.
3. Teachers concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
5. Master File.

19/10/2011
Deputy Directress (Estab)

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

ATTACHED

17/10/11



9

OFFICE OF THE DISTRICT EDUCATION OFFICER, (F) KOHISTAN.

Ph: & Fax No. 0998407225

OFFICE ORDER..

In compliance with the Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar letter No.3081/F.No.20 (F) enquiry dated 16/03/2015, Reminder No. 2200/F No.20/(F) enquiry dated 20/04/2015/, No. 3530/ F No.20/(F) enquiry dated 22/05/2015, and No.3696/F No.20/(F) enquiry Dated 24/08/2015. and In light of recommendation of enquiry officer, the following PST teachers are hereby removed from service with immediate effect.

S/NO	Name	School
1 ✓	Nuzhat PST	GGPS Kas banda
2	Nazia Qazi PST	GGPS Bar komila
3 ✓	Alia Ghafoor	GGPS Kas banda
4 ✓	Rugia PST	GGPS Kas banda
5	Sara PST	GGPS Kundal
6	Khushnuma PST	GGPS Dubair
7	Mussarat bibi PST	GGPS Badar shaha

District Education Officer
(Female) Kohistan

E/No. /Estab: 7/05-10 /DEO (F) KH: dated 22-10/2015.

Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (F) District Swabi, for necessary action at her end as the above teachers are now posted in District Swabi.
3. The District Accounts Officer, Swabi.
4. The District Accounts Officer, Kohistan.
5. The Sub Divisional Education Officer (F) Kohistan.
6. Office record.

District Education Officer
(Female) Kohistan

Received today
on 24/11/2015

RECEIVED

**OFFICE OF THE DIRECTOR OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION

The transfer orders of the following teachers from District Kohistan to District Swabi issued vide this office Endst.No. detail given below are hereby withdrawn due to their illegal and irregular appointments as per report of the inquiry officer vide letter No.02 dated 2-12-2014.

10

S.N	Name of Teacher	From District Kohistan	To District Swabi	Endst.No.
1.	Alia Ghafoor PST	GGPS Banjar Yanjool	GGPS Battai No.2	Endst.No.2511-15 dated 19-10-2011
2.	Ruqia PST	GGPS Mada Khel	GGPS Haryan Banda	Et.No.2511-15 dated 19-10-2011
3.	Nuzhat PST	GGPS Banjar Yanjool	GGPS Haryan Banda	Endst.No.2527-31 datd 24-11-2010
4.	Khusinama PST	GGCMS Kohistan	GGPS Hayatabad	Endst.No.985-90 dated 08-01-2011
5.	Nazia Qazi PST	GGPS Bar Komila	GGPS Razi Bahadar Koti	Endst.No.4980-85 dated 20-09-2011
6.	Sara PST	GGPS Saglo	GGPS Dheri	E.No.1599-1605 dated 15-02-2011
7.	Mussarat PST	GGPS Samad Abad Sao	GGPS Patosai	Endst.No.7490-95 dated 27-09-2008
8.	Aneela PST	GGPS Kohistan	GGPS No.1 Dheri Gandaf	Endst.No.505-10 dated 08-10-2010

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa,

Endst: No. 3027 / F.No.20/(F) Enquiry dated Peshawar the 11/11/2015

Copy to the:-

1. District Account Officer Swabi & Kohistan.
2. District Officer (Female) Swabi & Kohistan.
3. Teacher Concerned.
4. P.A to Director Local Office

Deputy Director (Female)
(E&SE) Khyber Pakhtunkhwa,

13/11/15

noted on
12/11/2015
notify to all ASDCO
c/cel. conu.
i) Sam Durr
ii)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWABI.

Endst: No. 3090-4/DA-1 (Estab) Dated Swabi the 12/11/2015

Copy of the above is forwarded for information and strict compliance to the:-

1. Sub-Divisional Education Officer (Female) Lahor, Swabi and Topi.
2. District Accounts Officer Swabi.

[Signature]

DISTRICT EDUCATION OFFICER
(FEMALE) SWABI.

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER FEMALE LAHOR

Endst.No: 1479-80 Dated lahor the: 16/11/2015

Copy of the above is forwarded for information and strict compliance to the:-

1. District Education Officer Female Swabi w/r to her Endst. refer to above.
2. All concerned teacher from SNO: 1 to 6.

16/11/2015

ATTACHED

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

11

1106
1-12-2015

SUBJECT: DEPARTMENTAL APPEAL/REPRESENTATION/REVIEW
AGAINST THE DISMISSAL ORDER DT: 22-10-2015 (RECEIVED
ON 24-11/2015) ISSUED BY THE DEO(F) KOHISTAN.

Respected Sir,

Appellant submits as under:-

- 1- That some posts of PSTs were advertised in the District Kohistan for one of which the appellant also applied.
- 2- That being fully qualified and fulfilling all the formalities and the recommendations of the Departmental Selection Committee, the appellant was appointed as PST in BPS-7 vide order dated 31/7/2009.
- 3- That right from the taking over of charge, the appellant performed her duties whole heartedly and to the entire satisfaction of her superiors and on many occasions the performance of the appellant were duly acknowledged.
- 4- That your good self was kind enough to transfer the appellant from District Kohistan to District Swabi and consequently, after taking the charge in District Swabi, appellant performed her duties at District Swabi.
- 5- That besides the fact that the appellant was regularly performing her duties at District Swabi but even then the DEO(F) swabi was reluctant to pay the monthly salary to the appellant. The said act of the DEO (F) was challenged before the Peshawar High Court Peshawar through writ Petition No. 812-P/2013 and after going through the case history, the Honourable Chief of Peshawar High Court admitted said writ and directed the concerned officers of the education department to pay the salary of the appellant forthwith.
- 6- That after the said orders of the Honourable Peshawar High Court Peshawar, the appellant time and again visited the office of the DEO(F)Swabi for payment of the salary of the appellant but always the appellant was informed that her case is in progress and the salary of the appellant will be paid as early as possible.
- 7- That it is also important to mention here that although the education department was not making payment of monthly salary to the appellant but even then the appellant was performing here duties in the school regularly.
- 8- That the appellant was deeply shocked on 24-11-2015 when the DEO(F) swabi handed over a copy of Office Order dated 22-10-2015 issued by the DEO(F) Kohistan, vide which the appellant was removed from service.

Heidi M
ATTESTED

9- That being aggrieved from the above said Removal Order of the appellant, the appellant has left with no option but to approach your good self though the Appeal/Representation/Review in hand on the following grounds amongst others :-

GROUND:

- A- That the impugned Removal Order dated 22-10-2015 (Received on 24-11-2015) is illegal, Void ab-initio, based on malafide, without lawful authority and nullity in the eyes of law.
- B- That the impugned Removal Order dated 22-10-2015 was issued without giving proper chance of hearing/explanation to the appellant.
- C- That no Charge Sheet or Show Cause Notice was ever served upon the appellant before issuance of the impugned order.
- D- That the appellant was neither associated with the so-called Inquiry as the appellant was never called by the Inquiry Officer to present her stance before the so-called Inquiry.
- E- That copy of the said co-called Inquiry Report was neither provided to the appellant, and on this score alone, the impugned Removal Order is liable to be set aside.
- F- That before issuance of the said impugned Removal Order, the appellant has not been afforded any chance of personal hearing, hence condemned unheard.
- G- That the appellant has served the department for more that 6 years and there is not a single complaint the appellant.

Keeping in view the above, it is requested that the impugned Removal order dated 22-10-2015 of the DEO (F) Kohistan may kindly be set a side and the appellant be re-instated in service with all back benefits.

It is also requested that all the outstanding salaries of the appellant may also please be paid.

Alia

Alia Ghafoor
Ex-Primary School Teacher
Village & PO Bazargai
Tehsil Razzar,
District Swabi.

Dated. 01/12/2015.


ATTESTED

13

POWER OF ATTORNEY

BEFORE THE HONOURABLE Service Tribunal Peshawar

Nature of the case Service Appeal

Alia Ghaffoor 

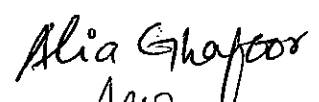

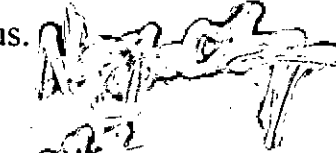
Complainant(s)/Petitioner(s)
Plaintiff(s)/Appellant(s)

VERSUS


Gaff at WPK offer

Accused(s)/Respondent(s)
Defendant(s)

BY THIS POWER OF ATTORNEY, I/WE the said Complainant(s)/Petitioner(s)/Plaintiff(s)/Appellant(s)/Accused(s)/Respondent(s)/Defendant(s) in the above case hereby make, constitute and appoint **HIDAYATULLAH KHATTAK Advocate** as my/our true and lawful attorney for me/us in my/our name and on my/our behalf to appear, plead, give statement, verify, administer oath and do all lawful acts and things in connection with the said case on my/our behalf or to deal with the execution of any decree or order passed in the case in my/our favour or against me/us by doing all other acts as effectual as I/WE could do my/ourselves, in particular, shall be authorised to withdraw or compromise the case or to refer it to arbitration or to agree to abide by the special oath of any person and to withdraw or receive any documents and money from the court or opposite party and to sign proper receipts and discharge for the same and to engage/appoint any other pleader or pay him as his fee irrespective of my/our success or failure in the case, provided that if the case is heard at any place other than the usual place of sitting of the court, the pleader shall not be bound to attend the same except on my/our agreeing to pay him a special fee to be settled between/among us.

Signature. 1 Alia Ghaffoor  2  3 

~~TESTED~~ AND ACCEPTED on 28/03/2016


HIDAYATULLAH KHATTAK
Advocate High Court

**BEFORE THE KHYER PAKTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service appeal No.252/2016

Alia Abdul Ghafoor.....APPELLANT

VERISUS

Govt: of KPK and others.....RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF 5THE KHYBER
PAKTUNKHAWA SERVICE TRIBUNAL ACT, 1974,**

Respectfully Sheweth,

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

No.1 to 6 AS UNDER:-

**Appeal
INDEX**

S.No	Description of documents	of Annexure	Pages
1.	COMMENTS		1-4
2.	Affidavit		
3.	LETTER OF INQUIRY	A	5
4.	Inquiry Report	B	6-8
5.	Letter of Respondent No. 1 to Respt 2	C	9
6.	Removal order and Inter District order	D & E	10-11


DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN

P-13

**BEFORE THE KHYER PAKTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service appeal No.252/2016

Alia Abdul Ghafoor.....APPELLANT

VERISUS

Govt: of KPK and others.....RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF 5THE KHYBER
PAKTUNKHAWA SERVICE TRIBUNAL ACT, 1974,**

Respectfully Sheweth,

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

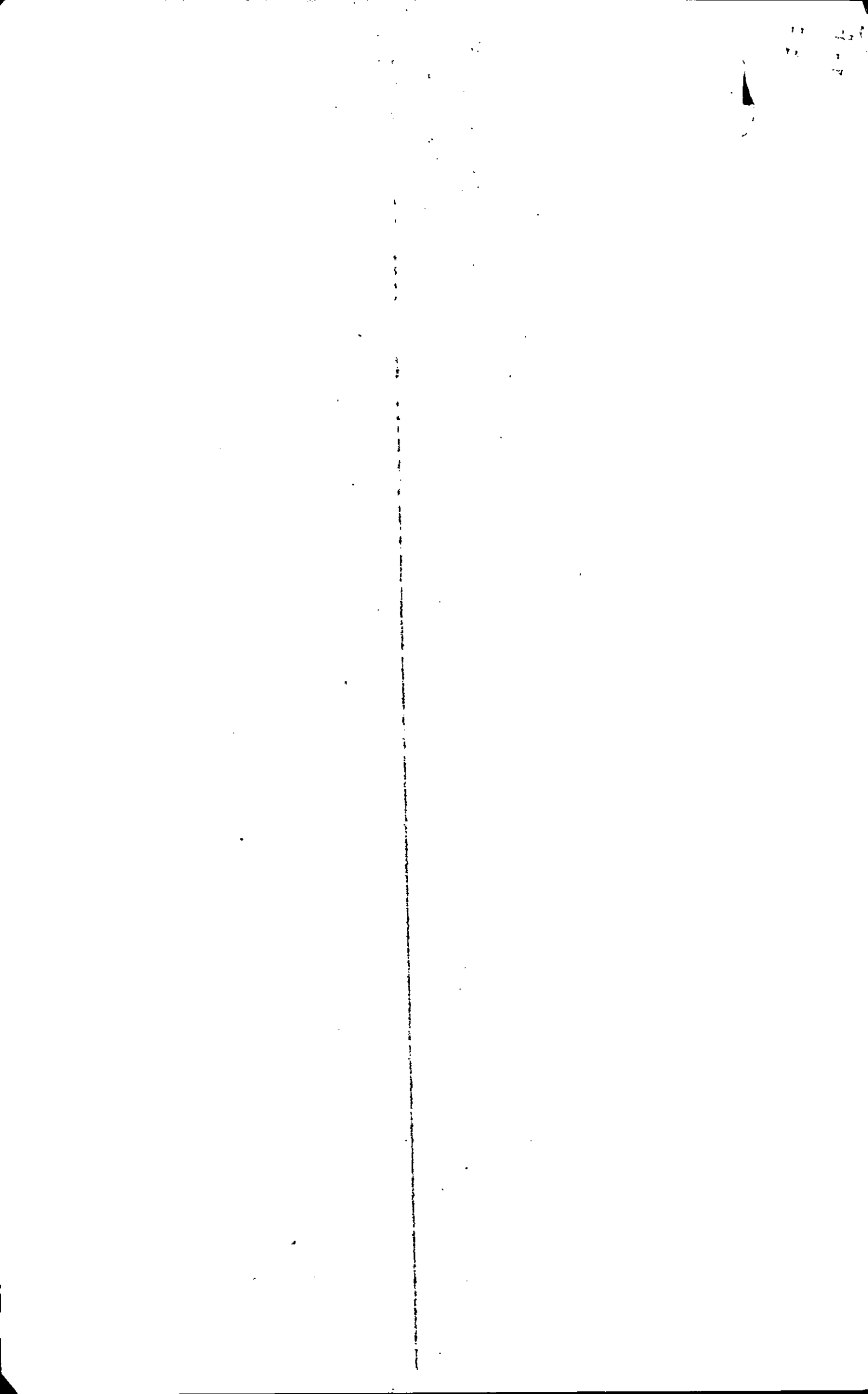
No.1 to 6 AS UNDER:-

PRELIMINARY OBJECTIONS.

1. That the appellant is not an aggrieved persons.
2. That the appellant has got no cause of action/locus standi to file the instant Appeal.
3. That the Appeal is not maintainable in the present form.
4. That the appellant has concealed the material facts from Hon'ble Tribunal.
5. That the appeal is time barred and not maintainable in eye of Law.
6. That the appellant has not come to the tribunal with clean hands .
7. That the appellant has estopped by her own conduct.

FACTUAL OBJECTIONS.

1. Para No.1 is incorrect, the appointment order of appellant is illegal, fictitious, she had indulged into the Government Service fraudulently. In such illegal appointments, the DirectorElementary & Secondary Education Khyber Paktunkhwa Peshawar was initiated an enquiry whereby *"the Mr.Riyast BS-19 District Education Officer was appointed an Inquiry Officer to conductan Inquiry Of Eight (8) PST Teachers appointed in District Kohistan and then transfers to District Swabi to verify as to whether*



P.2

they have been appointed legally or illegally" vide Notification Endst. No. 826-29 dated 09-10-2014 **(Annexure A)** that an Inquiry Office conducted an Inquiry and submitted reports regarding the appointment of eight PST including the appellant, wherein the committee recommended to the extent of the appellant that: (a) Mst. Alia Abdul Ghafoor PST D/O Abdul Ghafoor was appointed as PST at GGPS Kas Banda vide appointment order issued Endst. No. 3189-94 dated 31-07-2009 the order was issued in advance and as per entry in serviced book she took over charge on same day. She was again adjusted at GGPS Yanjool w.e.f 01-03-2011 vide EDO E&SE Kohistan No. 741-49 dated 22-04-2011 the source 1 for release of pay was verified from District account Officer Kohistan in th M.O 5/2011 along with the adjustment of arrear of pay for the M.O 3-4/2011 it mean that she could not get salary from date of appointment to 02/2011 (19 months) that indicates she was appointed without the availability of post and on availability of post she was adjusted in at GGPS Yanjool: (a) She was appointed on simple hand written application without merit list and without code formalities (b) She was appointed by pick and chooses method (c) No other record is available for further verification. That after perusal of available record facts and finding, the an inquiry office has made the following recommendation as

1. The appointment orders are illegal and irregular and against the recruitment policy/ rules. The appointing authority could not absolve himself from the responsibilities, hence Department proceeding/legal action may be



14
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initiated against the appointing authority.

2. The appointments of above mention teachers (including appellant) are illegal and irregular hence liable to be withdrawn / cancelled / terminated.

(Inquiry Report as Annexure B)

That an Inquiry Report mention ibid was sent to Respondent No. 2 by the Respondent No. 1 for implementation and further process in according to report of Inquiry Office vide latter No. 3081 dated 16-03-2015, **(Annexure C)** On the bases on inquiry ibid Removal form Service Orders of all Eight PST including appellant were issued by the Respondent No. 2, vide Office Order No. 7105-10 dated 22-10-2015, **(Annexure D)**

2. Para No. 2 is incorrect, as the factual position has already been explained, that appointment order was faked the appellant did not stand in the merit anywhere, as per report of the inquiry Officer the transfers orders of the all the teachers from District Kohistan to District Swabi issued by the Director, Elementary & Secondary Education Khyber Paktunkhwa Peshawar Respondent No. 1 was withdrawn due to their illegal and irregular appointments vide Notification Endst. No. 3887-84 dated 22-10-2015. **(Annexure E)**
3. Para No. 3 is incorrect. Respondent No. 2 was withdrawn due to their illegal and irregular appointments vide Notification Endst. No. 3887-84 dated 22-10-2015. deaial replies has been given the above Paras.
4. Para is in correct, the departmental appeal of appellant was rightly, rejected by Respondent No. 2. As per rule.
5. Para is in correct, the departmental appeal of appellant was rightly, rejected by Respondent No. 2 As per rule Whereas the appellant has no right to invoke the jurisdiction of this Hon'ble Tribunal.

GROUND

- A. Para is incorrect detail reply has given in Para No.1. The impugned order is in accordance with Law and rules.
- B. Para is incorrect, the Director Elementary & Secondary Education Khyber Paktunkhwa Peshawar was initiated an enquiry where by "the Mr. Riyast BS-19 District Education Officer was appointed an Inquiry Officer to conduct an

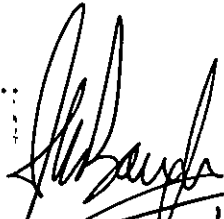
Inquiry Of Eight (8) PST Teachers appointed in District Kohistan and then transfers to District Swabi to verify as to whether they have been appointed legally or illegally vide Notification Endst No. 826-29 dated 09-10-2014 Para is incorrect detail reply has given in Para No.1.

- C. Para is incorrect, all the proceeding was adopted as per rules and report of the inquiry officer.
- D. Para is incorrect, Respondents are bound to obey the rules, policy and law. which they have fulfilled.
- E. Para is incorrect, all the proceeding was adopted as per rules and report of the inquiry officer.
- F. No comments however respondents also seek permission Hon'ble Tribunal to adduce further grounds during cause of arguments.

PRAYER.

It is therefore humbly prayed that on acceptance of above Para wise comments the appeal may graciously be dismissed with cost.

Respondents.....


Secretary,
E&SE Khyber Pakhtunkhwa
Peshawar

11/8/16


Director,
E&SE Khyber Pakhtunkhwa
Peshawar


District Education Officer,
(Female) Kohistan.

OFFICE OF THE DIRECTOR, ELEMENTARY & SECONDARY EDUCATION
MIZORAM PAKHUNGIYA, PESHAWAR

NOTIFICATION

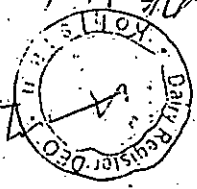
Mr. Riyasi Khan (B-19) District Education Officer (General) Kohistan is hereby appointed as enquiry officer to conduct an enquiry against Mr. (B) PST teachers appointed in District Kohistan and then transfer to District Kohistan to verify as to whether they have been appointed legally or illegally. The legal officer, District Education Officer (General) Swabi with No. 1151 dated 5-11-2014 is directed to provide the relevant record to the enquiry officer concerned.

The enquiry reports along with their findings and recommendations should reach this office within 15 days positively.

Enquiry No. 826-29
Enquiry No. 3007/Teacher Enquiry Department
9/10/2014



- 1. Mr. Riyasi Khan (B-19) District Education Officer
- 2. District Education Officer (General) Kohistan with
- 3. District Education Officer (General) Swabi with
- 4. P.A to Director F&SE, Peshawar
- 5. M. File



14/10/14

16/10

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Annexure
& B2

(27)

OFFICE OF THE DISTRICT EDUCATION OFFICER,
(MALE) KOHISTAN.

No. 02-Insqury Dated: 02/12/2014.

To

Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

ADDE
3/12/2014

Subject: INQUIRY REPORT REGARDING PROMPT ACTION AGAINST THE TEACHERS APPOINTED IN DISTRICT KOHISTAN

Memo: Reference your letter issued under Endst No826-29 F.No.20/f teachers enquiry division dated 09/10/2014, the enquiry report on the subject matter is as under.

Background/ TOR

To probe into the matter on the subject cited above in R/O the following PST teachers who were appointed in District Kohistan and later on they were transferred to District Swabi.

- | | | |
|----------------------------|--------------------------|------------------------|
| 1. Mst Nuzhat PST ✓ | 2. Mst Nazia Qazi PST ✓ | 3. Mst Alia Ghafoor ✓ |
| 4. Mst Ruqia PST ✓ | 5. Mst Sara PST ✓ | 6. Mst Khus Numa PST ✓ |
| 7. Mst Mussarat Bibi PST ✓ | 8. Mst Anila Iqbal PST ✓ | |

Procedure.

1. Consultation with DEO (F) and SDEO (F) in Chair.
2. Collection of relevant record/ information from DEO (F) and SDEO (F) in Chair.
3. Validation of record/ information from District Accounts Officer Kohistan.

Facts.

- 2788
4/12
- i. Mst Nuzhat Begum PST :
 - a. She was appointed as PST at GGPS Yazai Vide appointment order issued Endstt No.3189-94 dated 31.07.2009 and she took over the charge on the same day at GGPS Kass Banda instead of GGPS Yazai. After taking over charge she was again adjusted at GGPS Banjar Yanjool w.e.f 01-03-2011 vide EDO E&SE Kohistan No.741-49 dated 22-04-2011.
 - b. The source I for the release of pay was verified from District Accounts Office Kohistan in the M/O 5/2011 along with the adjustment of arrear of pay for the M/O 3-4/2011, it mean that she could not get salary from date of appointment to 02/2011 (19 months).
 - c. That indicates that she was appointed without the availability of post and she was adjusted in at GGPS Banjar Yanjool.
 - d. She was appointed only on pick and chooses method.
 - e. She was appointed on single hand written application.

DD(A)
4/12

iii. **Mst Alia Ghafoor PST:**

- a. Mst Alia Ghafoor D/O Ghafoor Gul R/O of District Swabi was appointed as pst at GGPS Kass Banda Vide appointment order issued Endstt No.3189-94 dated 31.07.2009 and took over the charge on the same day.
- b. She was again adjusted at GGPS Yanjool w.e.f 01-03-2011 vide EDO E&SE Kohistan No.741-49 dated 22-04-2011.
- c. The source I for the release of pay was verified from District Accounts Office Kohistan in the M/O 5/2011 along with the adjustment of arrear of pay for the M/O 3-4/2011.
- d. It mean that she could not get salary from date of appointment to 02/2011 (19 months) that indicate that she was appointed without the availability of post and on the availability of post she was adjusted in at GGPS Yanjool.
- e. She was appointed only on pick and chooses method.
- f. She was appointed on single hand written application.

*Annexure
B¹³*

iv. **Mst Ruqia PST:**

- a. Mst Ruqia Begum D/O Mustafa Gul R/O of District Swabi was appointed as pst at GGPS Kass Banda Vide appointment order issued Endstt No.3189-94 dated 31.07.2009 and took over the charge on the same day.
- b. After taking over charge she was again adjusted at GGPS Dassu w.e.f 01-03-2011 vide EDO E&SE Kohistan No.741-49 dated 22-04-2011.
- c. The source I for the release of pay was verified from District Accounts Office Kohistan in the M/O 5/2011 along with the adjustment of arrear of pay for the M/O 3-4/2011 it mean that she could not get salary from date of appointment to 02/2011 (19 months) that indicate that she was appointed without the availability of post she was adjusted at GGPS Dassu.
- d. She was appointed only on pick and chooses method.
- e. She was appointed on single hand written application.

v. **Mst Sara PST:**

- a. Mst Sara Begum D/O Fazal Yazdan R/O Mardan (Swabi) was appointed as PST GGPS Kundal vide DEO (F) Kohistan appointment order issued under Endst No.827-33 dated 2/2/1996 being SSC and PTC and as per entry in the service book she took over the charge on 3/2/1996.
- b. As per entry in the service book the pay of the said teacher was released vide DEO (F) Letter No. 6071-73 dated 12/10/2010 in the period w.e.f. 01/12/2006 to 3/4/2012 (41 Months) as treated as EOL without pay and the period w.e.f date of appointment 30/11/2006 is not trace able for the month of October 2010.
- c. As per entry in the service book, the source I for the release of salary was verified from District Accounts Office for the month of 11/2010, the pay of the teacher for the period 1/5/2010 to 31/10/2010 has already been drawn.
- d. She was appointed on 2/2/1996 and got the salary w.e.f 1/5/2010, that indicates that she remained without salary from 2/2/1996 to 30/4/2010 (14 years & 3 Months)
- e. It id astonishing that how the appointment is valid.
- f. She was appointed only on pick and chooses method.
- g. She was appointed on single hand written application.

vi. **Mst Khus Numa PST:**

- a. Mst Khush Numa D/O Khurshid Ahmad R/O Swabi was appointed as PST at GGPS Dobair village being only SSC vide appointment order issued under Endst No 530-44 dated Kohistan

- d. She was appointed being low academic qualification.
- e. She was transferred from Kohistan on 8/1/2011 and she got the salary for only 2 month from Kohistan.
- h. She was appointed only on pick and chooses method.
- i. She was appointed on single hand written application.
- vii. Mst Mussarat Bibi PST: ✓
- a. Mst Mussarat Bibi D/O Hazrat Wali was appointed as PST at GGPS Badar Shaha vide appointment order issued Endst No.1135-40 dated 1/2/1996 w.e.f 1/5/1996.the order was issued in advance and as per entry in the service book she took over the charge on 1/5/1996.
- b. She was appointed being only SSC with 342/850 marks less than 40% in 3rd division. She was appointed on simple hand written application without merit list and without other coddles formalities.
- c. She was appointed with a very low academic qualification.
- e. She was appointed on simple hand writing application
- f. She was appointed by pick and chooses method
- g. No other record is available for further verifications
- viii. Mst.Nadia Qazi
- a. Mst.Nadia Qazi D/O Qazi Fazal Haq was appointed as PST GGPS bar Komila vide appointment order issued under End: No.8836-42 dated 07-12-2006
- b. According to the merit list of Female candidates for the year 2006, she falls at S.No.28/06 being SSC.
- c. She was appointed on simple hand writing application
- d. She was appointed by pick and chooses method
- e. No other record is available for further verifications.
- The score of all these candidates has been changed/ inserted in pen writing and has been changed and the appointments were made randomly and disorderly.

P-8

Annexure
"B"

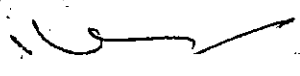
Findings

- 1 The appointments were made without the availability of vacant post and the submission of charge reports is merely the paper work that is why the source I for the release of salary was verified after the issuance and adjustment in 2nd orders.
2. The appointments were made with poor/ relaxed criteria with the intension to induct the candidates and leave out them from District Kohistan as soon as possible and the similar has been done.
3. The appointments were made to use District Kohistan as a launching bad/ back door for accommodating academically poor candidates.
4. The appointments were made on pick and choose policy.
5. The appointments were s made in piece-meal by violating the rules.
Photocopy of appointment orders, charge report, pages of service books and merit lists for the year 2006 and 2008 are attached here with as Annexure "A" & "B".

Recommendations.

After perusal of available record, facts and findings, the following recommendations are made.

1. The appointments are illegal and irregular and against the recruitment rules / policy, the appointing authority could not absolve himself from the responsibilities hence departmental proceeding/ legal action may be initiated against the appointing authority.
2. The appointments of above mention teachers are illegal and irregular hence liable to be withdrawn / cancelled / terminated.



(Annex 2)

9

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

No. 3087 / No. 2047 Enquiry

Dated Peshawar 16/3/2015.

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The District Education Officer,
(Female) Kohistan

Subject INQUIRY REPORT

I am directed to refer to the subject cited above and to enclose herewith a copy of the enquiry report and to ask you to decide the case in the light of the recommendation of the enquiry report carried out by Mr. Riasat Khan District Education Officer (Male) Kohistan under intimation to this office

Deputy Director Female
(E&SE) Khyber Pakhtunkhwa.

16/3/15

Encls: No

Copy to the:-

- 1. PA to Director (E&SE) Khyber Pakhtunkhwa, Local Directorate

Deputy Director Female
(E&SE) Khyber Pakhtunkhwa.

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Amirchive
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P 10
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OFFICE OF THE DISTRICT EDUCATION OFFICER, (F) KOHISTAN.

Ph: & Fax No.0998407225

OFFICE ORDER..

In compliance with the Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar letter No.3081/F.No.20 (F) enquiry dated 16/05/2015, Reminder No. 2200/F No.20/(F) enquiry dated 20/04/2015/, No. 3530/ F No.20/(F) enquiry dated 22/05/2015. and No.3696/F No.20/(F) enquiry Dated 24/08/2015.and In light of recommendation of enquiry officer. the following PST teachers are hereby removed from service with immediate effect.

S/NO	Name	School
1	Nuzhat PST	GGPS Kas banda
2	Nazia Qazi PST	GGPS Bar konila
3	Alia Ghafoor	GGPS Kas banda
4	Rugia PST	GGPS Kas banda
5	Sara PST	GGPS Kundal
6	Khushnuma PST	GGPS Dubair
7	Mussarat bibi PST	GGPS Badar shaha

District Education Officer
(Female) Kohistan

E/No. /Estab: 7125-10 /DEO (F) KH: dated 22-10 /2015

Copy of the above is forwarded to:

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (F) Distret Swabi, for necessary action at her end as the above teachers are now posted in District Swabi.
3. The District Accounts Officer, Swabi.
4. The District Accounts Officer, Kohistan.
5. The Sub Divisional Education Officer (F) kohistan.
6. Office record .

District Education Officer
(Female) Kohistan

**OFFICE OF THE DIRECTOR OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION

The transfer orders of the following teachers from District Kohistan to District Swabi issued vide this office Endst.No. detail given below are hereby withdrawn due to their illegal and irregular appointments as per report of the inquiry officer vide letter No.02 dated 2-12-2014.

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Handwritten notes on the right side of the page, including the name 'Amnesia' and other illegible marks.

Vertical handwritten notes on the left side of the table, including 'e2', 'e1', 'e2', 'e2', 'e1', 'e1', 'e1'.

S.N	Name of Teacher	From District Kohistan	To District Swabi	Endst.No.
1.	Alia Ghafoor PST	GGPS Banjar Yanjool	GGPS Battai No.2	Endst.No.2511-15 dated 19-10-2011
2.	Ruqia PST	GGPS Mada Khel	GGPS Haryan Banda	Et.No.2511-15 dated 19-10-2011
3.	Nuzhat PST	GGPS Banjar Yanjool	GGPS Haryan Banda	Endst.No.2527-31 dated 24-11-2010
4	Khuslnama PST	GGCMS Kohistan Jijal	GGPS Hayatabad	Endst.No.985-90 dated 08-01-2011
5	Nazia Qazi PST	GGPS Bar Komila	GGPS Razi Bahadar Koti	Endst.No.4980-85 dated 20-09-2011
6	Sara PST	GGPS Saglo	GGPS Aala Dher	E.No.1599-1605 dated 15-02-2011
7	Mussarat PST	GGPS Samad Abad Sao	GGPS Palosai	Endst.No.7490-95 dated 27-09-2008
8	Aneela PST	GGPS Koz	GGPS No.1 Dheri Gandaf	Endst.No.505-10 dated 08-10-2010

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa,**

Endst: No. 3287-89 /F.No.20/(F) Enquiry dated Peshawar the 22/10 2015

- Copy to the:-
- 1 District Account Officer Swabi & Kohistan
 - 2 District Officer (Female) Swabi & Kohistan
 - 3 Teacher Concerned.
 - 4 P.A to Director Local Office

Handwritten signature and date
Deputy Director (Female)
(E&SE) Khyber Pakhtunkhwa,

Handwritten date
19/11/15

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Alia Ghafoor Appellant

VERSUS

Govt of KPK and others Respondents

**APPLICATION FOR EARLY HEARING IN THE ABOVE
TITLED CASE.**

Respectfully Sheweth:

1. *That the above titled Appeal is pending adjudication before this Hon'ble Court on 27.07.2017.*
2. *That identical services appeals have already been decided and allowed and it would be a futile exercise of litigation to hear the captioned appeals in so late and delayed.*
3. *That the Appellant belong to very poor family and having no other source of income and the entire family depend on the Appellant .*
4. *That valuable rights of the Appellant are connected with the instant case.*
5. *That there is no legal bar or impediment in according the above titled Service Appeal.*

It is, therefore, humbly prayed that on acceptance of this Application the above titled Service Appeal may kindly be fixed as earlier as possible with the permission of this Hon'ble Court.

Alia
Appellant

Through

Dated: 04.05.2017

Hidayat
Hidayat Ullah Khattak
Advocate, Peshawar

AFFIDAVIT:-

It is solemnly affirm and declare on oath that the contents of the instant Application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Alia
DEPONENT
16201-0678275-8

Identified by
Hidayat
Hidayat