

Service Appeal No.1071/2019 titled "Shahid Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar and others"

ORDER


23rd Apr. 2024 **Kalim Arshad Khan, Chairman.** Learned counsel for the appellant present. Mr. Shoaib Ali, Assistant Advocate General alongwith Mr. Muhammad Uzair Ali, DEO (Male) Khyber and Mr. Muhammad Nawaz, DEO (Male) Battagram present.

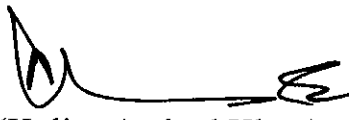
2. In compliance with the directions issued on the previous date, the DEOs Khyber and Battagram are present in person. Learned counsel for the appellant was asked to open the matter in the light of two points formulated by the Tribunal on the previous date, to which, he submitted that he was not in possession of any of the documents, which could assist the Tribunal, regarding its queries, made on the previous date. He, however, submitted that it would be the official respondents, who could properly assist the Tribunal on the points. The DEO Khyber has at the very outset denied/disowned the very appointment order of the appellant, shown to have been issued on 20.07.2007. When this statement came from the DEO Khyber, the learned counsel for appellant submitted that mere denial or disowning the appointment order would not be sufficient for resolution of the controversy, rather an appropriate inquiry would be a better step to know about the veracity of the order dated 20.07.2007 and that too, after due association of the appellant with the inquiry proceedings and providing him fair opportunity of production of all documents in his possession in support of the appointment order.



3. We thus deem it appropriate that let the factum of the authenticity of the very appointment order of the appellant dated 20.07.2007 be determined first by the DEO Khyber from whose office, it was shown to have been issued as the authenticity or otherwise of the very appointment order might set the controversy at rest once for all. After such enquiry, appropriate report should be submitted to the concerned Director Education for passage of appropriate with respect to the service of the appellant. In case the appointment order is found fake, the department will be at liberty to proceed in accordance with law and rules to pass order regarding the service allegedly rendered by the appellant since such appointment at two districts i.e. Khyber and Battagram. The said exercise should be completed within 60 days of the receipt of this order. Disposed of accordingly. Consign.

4. *Pronounced in open Court at Abbottabad under our hands and seal of the Tribunal on this 23rd day of April, 2024.*


(Muhammad Akbar Khan)
Member (E)
Camp Court, Abbottabad


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

Mutazem Shah