

08.04.2019

Appellant with counsel present. Mr. Ziaullah, DDA alongwith Mr. Daud Jan, Supdt for respondents present. Learned counsel for the appellant seeks adjournment as he has not prepared the case. Adjourned. Case to come up for arguments on tomorrow i.e 09.04.2019 before D.B.

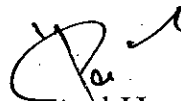
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

09.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Vide separate common judgment of today of this Tribunal placed on file of service appeal No.293/2016 filed by Zubair Khan, the impugned order is set aside. Respondent department is directed to reinstate the appellant, for the purpose of inquiry, without back benefits. Respondent department to conduct proper inquiry against the appellant and conclude the same in accordance with law & rules on the subject. The present service appeal is partially accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
09.04.2019

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. Arguments of learned counsel for the appellant heard, at his request Representatives of respondent department are directed to furnish copy of relevant recruitment rules of the respondent department on the next date fixed as 31.01.2019. Adjourn. To come up for arguments/further proceedings on the date fixed before D.B.

Member

Member

31.01.2019 Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Rizwanullah, ADEO and Mr. Daud Jan, Supdt for respondents present.

Partially arguments heard. To come up for further arguments alongwith with the connected appeals on 29.03.2019 before D.B.

Member

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 08.04.2019 before D.B.

(HUSSAIN SHAH)  
MEMBER

(M. AMIN KHAN KUNDI)  
MEMBER

27.09.2018

As per order of worthy chairman in service appeal No, 296/16 Sakhi Akbar vs Secretary Education etc, this case be fixed before the bench comprising of Mr Mohammad Hamid Mughal learned Member (J) & Mr Ahmad Hassan learned Member (E) for hearing and disposal. *on 1-11-2018*

  
Registrar

01.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 03.12.2018 before D.B.

  
Reader

03.12.2018

Junior counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on ~~23~~ 01.2019 before D.B.

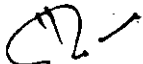
  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

02.01.2019


Learned counsel for the appellant and Mr. Riaz Paindakheil 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

31.08.2018


Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. Adjourned. To come up for order on 18.09.2018.


  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

18.09.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. Adjourned. To come up for order on 27.09.2018.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

27.09.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. The case was fixed for order, however, Judicial Member want to submit that perusal of the file reveal that on 23.04.2018 the bench comprising of Mr. Muhammad Hamid Mughal and Mr. Ahmad Hassan heard the arguments in all connected appeals including the present appeal but decided only five appeals out of total connected appeals and adjourned the remaining connected appeals including the present appeal for arguments. Propriety demand that the bench comprising above named members should also decide the remaining connected appeals including the present one. Hence, the case file be put up today before the learned Chairman of Service Tribunal for appropriate orders.


  
(Ahmad Hassan)  
Member (E)


  
(Muhammad Amin Kundi)  
Member (J)

Service Appeal No. 295/2016

29.06.2018


Appellant with counsel present. Mr. Kaibrullah Khattak, Additional AG alongwith Mr. Ahmad Khan, Agency Education Officer and Mr. Daud Jan, Superintendent for the respondents present and requested for adjournment. Adjourned. To come up for arguments on 17.08.2018 before D.B.


  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

17.08.2018


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.08.2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

28.08.2018

Appellant with counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Ahmad Khan, Additional Agency Education Officer and Mr. Daud Jan, Superintendent for the respondents present. Arguments heard. To come up for order on 31.08.2018.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

28.05.2018


Bench is incomplete. To come up for order on 31.05.2018 before D.B

  
Member

31.05.2018

Learned Additional Advocate General present. Some points needs consideration. Learned counsel for the appellant is not available. Adjourned. To come up for further arguments on 07.06.2018 before D.B

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

07.06.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Daud Jan ADO for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 29.06.2018 for arguments before D.B.

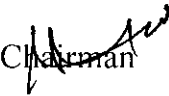
  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

10.04.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Supdt. for the respondents present. Learned AAG seeks adjournment. Last opportunity granted. To come up for record and arguments on 23.04.2018 before the D.B.

  
Member

  
Chairman

23.04.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Ahmad Khan AEO for the respondents present. Arguments heard. To come up for order on 09.05.2018 before D.B

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

08.05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 28.05.2018

  
MEMBER

08.02.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Superintendent for the respondents present. Due to shortage of time, arguments could not be heard. To come up for record and arguments on 29.03.2018 before the D.B.

  
Member

  
Chairman

29.03.2018

Counsel for the appellant and Addl. AG alongwith Daud Jan, Supdt. for the respondents present. Learned AAG seeks adjournment. Adjourned. To come up for record and arguments on 04.04.2018 before D.B.


  
Member

  
Chairman

04.04.2018

Counsel for the appellant and Addl; AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for record and arguments on 10.04.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member



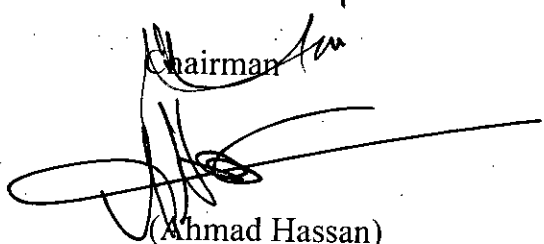
17.08.2017

Junior to counsel for the appellant and Asstt. AG  
alongwith Bahramand Khan, AAEO for the respondents  
present.

Since the matter in controversy has already been  
resolved by the judgment of Hon'ble Peshawar High Court  
reported as PLD 2014-Peshawar-132, there is no need to  
decide this issue any further. The matter may be put up  
before the D.B for decision on merits. To come up for  
arguments before the D.B on 29.11.2017.



(M. Hamid Mughal)  
Member



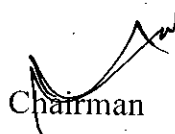
(Ahmad Hassan)  
Member

29.11.2017

Counsel for the appellant Mr. Ziaullah, DDA  
alongwith Mr. Daud Jan, Supdt for the respondents present.  
Representative of the respondents is directed to bring  
enquiry report and other documents. To come up for such  
record and arguments on 08.02.2018 before the D.B.



Member



Chairman

07.03.2017


Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted. To come up for arguments on 10.07.2017 before D.B.

  
(MUHAMMAD AAMIR-NAZIR)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

10.07.2017

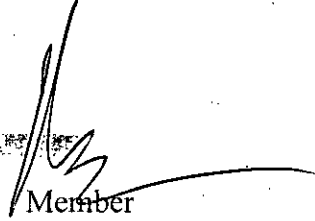
Counsel for the appellant and Muhammad Jan, Government Pleader for the respondents present. Vide our detailed order of to-day in service appeal No. 261/2016, entitled "Hamid Ullah Khan Versus Director of Education FATA, FATA Secretariat, Peshawar and others" a special bench of 3 members is constituted in which Mr. Muhammad Hamid Mughal, Learned Member (Judicial) shall also be included in addition to the present bench. To come up for arguments on the point of jurisdiction on 17.08.2017.

  
Member

  
Chairman

24.08.2016

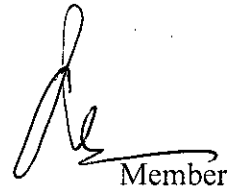
Clerk to counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. . Requested for further adjournment. Last opportunity is extended. To come up for written reply/comments on 3.11.2016 before S.B.



Member

03.11.2016


Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for further adjournment. Another last opportunity is extended. To come up for written reply/comments on 12.01.2017 before S.B.



Member

12.01.2017

Counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Additional AG for respondents present. Written statement by respondents No. 2 & 3 submitted. Learned Additional AG relies on the same on behalf of respondents No. 1 & 4. The appeal is assigned to D.B for rejoinder and final hearing for 07.03.2017 before D.B.



Chairman


14.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Junior Clerk (BPS-11) GHS Kochi Kuram Agency when terminated from service vide impugned order dated 11.12.2015 on the allegations of irregularities in his appointment where-against he preferred departmental appeal on 18.12.2015 which was not responded and hence the instant service appeal on 28.03.2016.

That appointment of the appellant was made in accordance with provisions of Rule-10 of Khyber Pakhtunkhwa Civil Servants (Appointments, Promotion and Transfer) Rules, 1989 and that there was neither any illegality nor irregularity in the said appointment and, moreover, neither any enquiry was conducted nor any opportunity of hearing extended to the appellant.

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 15.06.2016 before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

19.06.2016




Counsel for the appellant and Asstt. AG alongwith Daud Jan, Supdt. for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 24.08.2016 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 295/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.03.2016	<p>The appeal of Mr. Siraj-Ud-Din presented today by Mr. Noor, Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2	29.3.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12.4.16</u>.</p> <p> CHAIRMAN</p>
	12.04.2016	<p>Junior to counsel for the appellant present. Seeks adjournment. Case is adjourned for preliminary hearing to 26.4.2016.</p> <p> Chairman</p>

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

APPEAL NO. 295 /2016

**SIRAJ UD DIN**

**VS**

**EDUCATION DEPTT:**

**INDEX**

<b>S. NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
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2.	Advertisement	<b>A</b>	5.
3.	Educational testimonials	<b>B</b>	6- 10.
4.	Appointment order	<b>C</b>	11.
5.	Medical certificate	<b>D</b>	12.
6.	Charge report	<b>E</b>	13.
7.	Service book	<b>F</b>	14- 17.
8.	Writ petition	<b>G</b>	18- 24.
9.	Impugned order	<b>H</b>	25- 26.
10.	Departmental appeal	<b>I</b>	27- 28.
11.	Vakalat nama	.....	29.

**APPELLANT**

**THROUGH:**

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

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

APPEAL NO. 295 /2016

K.W.P. Province  
Service Tribunal  
Diary No. 280  
Dated 28-03-2016

Mr. Siraj ud Din, Ex: Junior Clerk (BPS-11),  
Govt: High School Manitoo, Kurram Agency..... **APPELLANT**

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
- 2- The Director of Education FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3- The Additional Agency Education Officer, Lower & Central Kurram Agency at Sadda.
- 4- The Agency Account Officer, Kurram Agency.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 11.12.2015 WHEREBY THE SERVICES OF THE APPELLANT HAS BEEN TERMINATED WITH EFFECT FROM THE DATE OF HIS APPOINTMENT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 11.12.2015 may be set aside and the respondents may be directed to re-instate the appellant with all back benefits w.e.f the date of his appointment. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

Brief facts giving rise to the present appeal are as under:

- 1- That the respondent No.3 through advertisement published in the Daily News Paper advertised various posts including the post of Junior Clerks (BPS-07) now (BPS-11). Copy of the advertisement is attached as annexure ..... **A.**
- 2- That appellant having the Domicile of Kurram Agency and having the requisite qualifications for the said post applied and after participated in the test and interview the appellant was declared successful in the said selection process. That in

*[Handwritten signature and date]*  
28/3/16

consequence the appellant was offered the said post through appointment order dated 18.01.2013. Copies of the Education Testimonials and appointment order are attached as annexure ..... **B & C.**

- 3- That in response to the said appointment orders the appellant submitted his charge report along with medical certificate and started performing his duty at the concern station quite efficiently and up to the entire satisfaction of his superiors. Copies of the medical certificate and charge report are attached as annexure ..... **D & E.**
- 4- That the service book of the appellant is also been prepared by the respondent No.3 and proper entry regarding the appointment of the appellant has been made by the respondent No.3 in the said service book of the appellant. That astonishingly right from appointment the salaries of the appellant has been with held by the respondents with out assigning any reason and clear justification. Copy of Service Book is attached as annexure.....**F.**
- 5- That appellant time and again visited the concerned quarter for the release of his salaries but of no avail, feeling aggrieved from the inaction of the respondents by not releasing the monthly salary of the appellant the appellant knocked the door of the august Peshawar High Court Peshawar in writ petition No. W.P. 3602-P/2014 which is still pending adjudication before the august Peshawar High Court Peshawar. Copy of the Memo of writ petition No WP 3602-P/2014 is attached as annexure ..... **G.**
- 6- That astonishingly the respondent No.3 issued the impugned order dated 11.12.2015 whereby the services of the appellant has been terminated with retrospective effect with out conducting regular inquiry and with out assigning any reason/clear justification. Copy of the impugned order dated 11.12.2015 is attached as annexure ..... **H.**
- 7- That appellant feeling aggrieved from the impugned order dated 11.12.2015 filed Departmental appeal on 18.12.2015 before the respondent No.2 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... **I.**

**GROUND:**

- A- That the impugned order dated 11.12.2015 issued by the respondent No.3 is against the law, facts, norms of natural



justice and materials on the record hence not tenable and liable to be set aside.

- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That appellant has been appointed in light of the appointment, promotion and transfer Rules 1989 and as such proper advertisement has been issued for the said post of appellant but inspite of that the respondent No.3 without any reason issued the impugned order dated 11.12.2015.
- D- That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 11.12.2015 against the appellant.
- E- That no regular inquiry has been conducted before issuing the impugned order dated 11.12.2015.
- F- That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 11.12.2015.
- G- That the impugned order dated 11.12.2015 has been issued by the respondents in violation of the principle of Locus Poenitentiae.
- H- That appellant has successfully completed his probationary period and has served the respondent Department for more than three years but inspite of that the respondent No.3 issued the impugned order dated 11.12.2015.
- I- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 11.12.2015 against the appellant.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 19.3.2016

**APPELLANT**



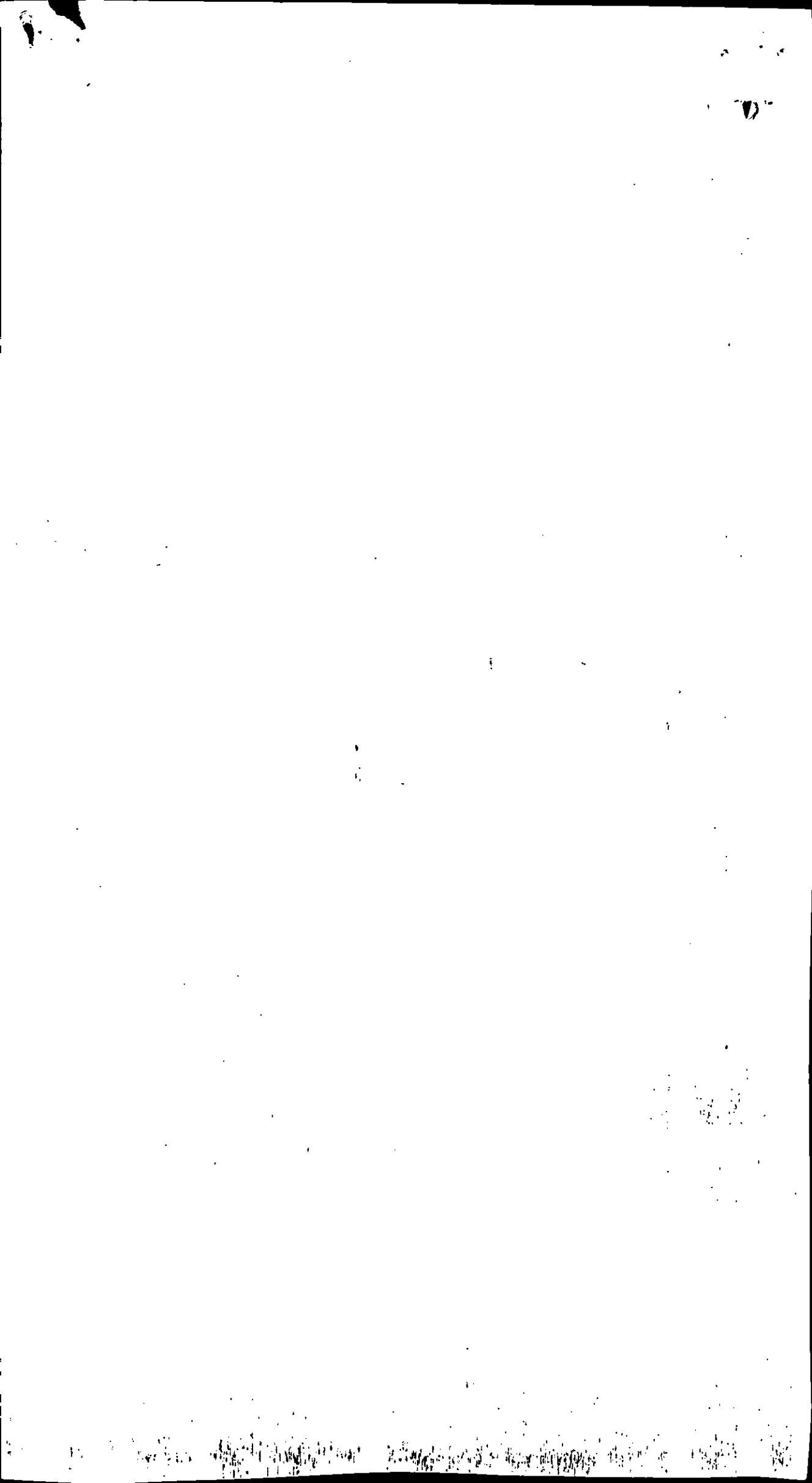
**SIRAJ-UD-SDIN**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE  
(0345-9383141)**





B-5

63931

BOARD OF INTERMEDIATE & SECONDARY EDUCATION  
KOHAT



DETAILED MARKS CERTIFICATE  
Secondary School Certificate Examination

Session 2008 (Annual)  
Science Group

Roll No. 69479

Name: Siraj Ud Din Father's Name:

Walayat Khan

District/Institution: Govt High School Sudda Kurram Agency

Subjects	Marks Allotted			Marks Obtained			
	Theory/ Paper A	Practical/ Paper B	Total	In Figures			In Words
				Theory/ Paper A	Practical/ Paper B	Total	
1. English	75	75	150	55	54	109	One Hundred Nine
2. Urdu	75	75	150	58	59	117	One Hundred Seventeen
3. Islamiyat (Comp)	75	--	75	63	--	63	Sixty-Three
4. Pakistan Studies	75	--	75	50	--	50	Fifty Only
5. Mathematics	75	75	150	54	54	101	One Hundred One
6. Physics	35	15	100	59	14	73	Seventy-Three
7. Chemistry	35	15	100	53	7	60	Sixty
8. Computer Science	75	25	100	53	21	74	Seventy-Four
<b>Total</b>			900			673-A	Six Hundred Seventy-Three Only
Remarks							

Note: Errors/Omissions excepted

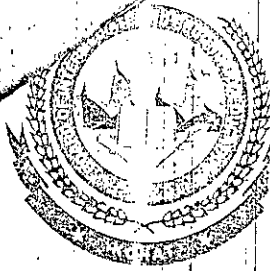
Dated: 16-07-2008

Computer Cell, BISE, Kohat (SMI) Checked by:

Controller of Examinations  
BISE, Kohat

Principal  
GDC Sudda Kurram Agency

ATTESTED



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION  
KOHAT**

Punjab, Pakistan (Pakistan)

**DETAILED MARKS CERTIFICATE**  
Higher Secondary School Certificate Examination

S.No. KB 351557

42747

**GENERAL SCIENCE: ( Part-II )  
SESSION 2011 (ANNUAL)**



Roll No: 42747

Reg. No. 19-BK/GDCSKA-2008

Name SIRAJ UD DIN

Father's Name WALAYAT KHAN

Ex-Student of: Govt Degree College Sadda Kurram Agency

Subjects	Marks Allotted	Mark: Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	61	--	81	--	142	One Hundred Forty Two
Urdu	200	84	--	67	--	151	One Hundred Fifty-One
Islamic Education	50	--	--	--	--	36	Thirty Six
Pakistan Studies	50	--	--	24	--	24	Twenty-Four
Mathematics	200	79	--	74	--	153	One Hundred Fifty-Three
Physics	200	61	15	71	15	162	One Hundred Sixty Two
Computer Science	200	63	30	52	30	175	One Hundred Seventy-Five
<b>Total : 1100</b>						843-A	Eight Hundred Forty Three Only

**VERIFIED**  
Controller of Examinations  
Board of Intermediate & Secondary Education, Kohat

*M. S. Khan*  
**Principal**  
GDC Sadda Kurram Agency

Note: Errors / Omissions excepted.

Result Date: 22-07-2011

Issue Date: 10-08-2011

Computer Cell BISE, Kohat  
(Navood)

Remarks :

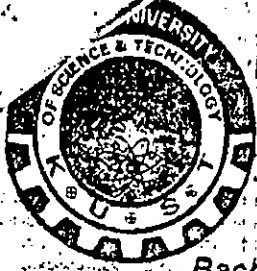
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Checked by: *[Signature]*

*[Signature]*  
Controller of Examinations  
BISE Kohat

**ATTESTED**

*[Signature]*



# Kohat University

## of Science & Technology Kohat (Pakistan)

### Detailed Marks Certificate

**Bachelor of Science (B.Sc) Part-II, Annual Examination, 2012**

Name: Siraj Ud Din Roll Number: 33210  
 Father's Name: Wajayat Khan Registration Number: 2010-GDCSK-01

Certified that the candidate secured the following marks and has been placed in 1st Division

S U B J E C T S	Maximum Marks	M A R K S O B T A I N E D	
		In Figures	In Words
Maths A Course	75	36	Thirty-Six
Computer Science	75	33	Thirty-Three
Pak Studies	75	56	Fifty-Six
	40	20	Twenty
<b>Part-I Marks</b>	<b>285</b>	<b>208</b>	<b>Two Hundred Eight</b>
<b>Total</b>	<b>560</b>	<b>353</b>	<b>Three Hundred Fifty-Three</b>

*Siraj Ud Din*  
Principal  
GDC Sadda  
Kurram Agency

The examination was taken as a whole  
 To pass 40% marks in each subject (Written & Practical Separately) and  
 45% marks in aggregate.

Result Declared on: 25-Oct-2012

**Verified & Found Correct.**  
*Said*

**CONTROLLER OF EXAMINATIONS**  
 Kohat University of Science and Technology  
 Kohat, Pakistan.

Controller of Examinations  
 Kohat University of Science & Technology  
 Kohat

**ATTESTED**

Serial No. 27

Reg. No. KITE/PESH/  
COM/15/27



# KPK TRADE TESTING BOARD



**Directorate of Technical Education & Manpower Training  
Special & Short Duration Vocational Training Course at KITE**

**This is to Certify That**

Mr Siraj-Ud-Din Son of Melayat Khan Roll No. 224

Resident of Murras Agency has completed six months Vocational Training in the Trade  
Of Office Automation, Graphics & Web Designing in accordance with the National Occupational Skill Standards

From Khyber Institute of Technical Education Peshawar with effect from 12 July to 30 December 2010

The Trade test was conducted by N.W.F.P Trade Testing Board on 13-15 December 2010

He secured the following standard of proficiency:-

- Theory :- 96 / 100
- Practical :- 170 / 200

And in recognition thereof this Trade Certificate is issued on the 1st day of the month of January 2011

SECRETARY



CHAIRMAN KITE

CHAIRMAN

ATTESTED





10

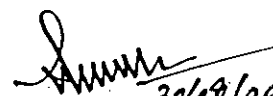
EXPERIENCE CRTIFICATE

This is to certify that

Mr. SIRAJ UD DIN s/o WALAYAT KHAN

has performed his duty as Computer Operator at Voluntarily basis at GDC Sadda Kurram Agency for one year . He was very punctual and obedient. He spared no efforts to give every possible satisfaction to the institution and the Undersigned.

I wish him success in future.

  
30/09/2011  
PRINCIPAL  
GDC SADDA KURRAM AGENCY.

Principal  
GDC Sadda  
Kurram Agency

ATTESTED  




C-10  
ADD: AGENCY EDUCATION  
OFFICE SADDA KURRAM AGENCY.

PHONE: 0926-520674 FAX 0926520674

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

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

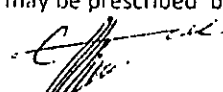
### APPOINTMENT.

Consequent upon the approval by the Selection Committee, the appointment of the following Junior Clerk are hereby ordered in the school noted against their names against vacant posts purely on Regular contract basis in BPS No 7 Plus usual allowances as admissible under the rules with immediate effect.

S #	Name of Candidate	Father Name	School where Appointed	Remarks
1	Sajid Rehman	Syed Aslam Khan	GHS Paloseen CK	Against Vacant Post
2	Shahzad Khan	Fazal Manoor	GHS Baza CK	Against Vacant Post
3	Siraj U Din	Walayat Khan	GHS Minatoo	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.

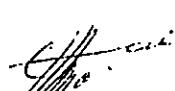
  
Add: Agency Education Officer  
Lower & Central Kurram Sadda.

No 178-85 / 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.

**ATTESTED**  


  
Add: Agency Education Officer  
Lower & Central Kurram Sadda

OFFICE OF THE SMO INCHARGE THQ HOSPITAL SADDA AGENCY  
HEALTH AND AGE CERTIFICATE



Name of Official, MR. SIRAJ U DIN

Other Name, WALAYAT KHAN

D-12

Date of Birth, 24/02/1992

Residence, VILLAGE KHAR KALI P/O SADDA & TEHSIL CENTRAL KURRAM AGENCY

Cast of Race, ALISHERZAI

Exact Height by measurement, 5 FEET 6 INCH

Personal mark of identification, NIL

Signature of Official, \_\_\_\_\_

Signature of head of the Office, \_\_\_\_\_

Seal of Office

It is certified that I examined, MR. SIRAJ U DIN S/O WALAYAT KHAN

Candidate for employment in the Office of the ADD. AGENCY EDUCATION

DEPARTMENT LK & CK and cannot discover that he has any communicable Diseases OR

Other mentally & physically abnormality OR bodily infirmity except nil. I do

not consider this as disqualification for employment in the office of the

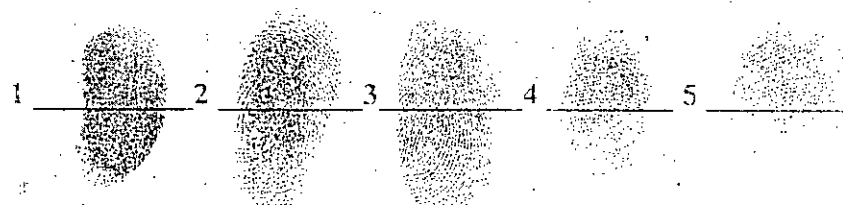
ADD. AGENCY EDUCATION DEPARTMENT LK & CK. His age is according to his CNIC &

School leaving Certificate is (21 Years) and by appearance about (21 Years).

LEFT HAND THUMB AND  
SIGNATURE IMPRESSION.

SMO Incharge THQ  
Hospital SADDA

Dated, 7-2-2013



ATTESTED

Countersigned, 11/2/13  
Medical Superintendent,  
Agency Head Quarter Hospital  
Parachinar,  
Medical Superintendent  
Agency Head Quarter Hospital  
Parachinar



E - (13)

CHARGE REPORT


Certified that Miss/Mr. Siraj ud Din have taken over charge of  
This day 16.01.2013 fore Noon of the office of J/ clerk post  
At GHS Manatoo Kurram Agency vide add: Agency Education Officer  
Sadda Endst NO 178-85 Dated 15 / 01 / 2013

Name Siraj ud Din

Signature of Receiving

Govt. Servant 15

ATTESTED



HEAD MASTER  
G.H.S. Manatoo (C.K)  
Kurram Agency.

(For use in Police Department only)

(10/13)

F-(14)

Note:- T

9

Heirs:

1. <sup>Computer science</sup> Passed SSC Exam from BISE, Kohat Session 2008 (A) Under Roll No 69479
2. Marks obtained 673 out of 900 Marks.
3. <sup>Computer science</sup> Passed FSC Exam from BISE, Kohat Session 2011 (A) under Roll NO 42747
- Marks obtained 843 out of 1100 Marks.

Verification Roll No.

dated

received back

<sup>Computer science</sup> Passed B.sc Exam from KUST Session 2012 (A) Under Roll No 33210

Marks obtained 354 out of 550 Result Declared on: 28-Nov-2012.

Left Thumb Impression

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. Or B.A.	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger Print		Other qualification:—	
Drill Instructing			
Court Duties			
Reserve Duties			

**ATTESTED**

N.B.— Line to be drawn under the qualification possessed.

Note:- The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

69479

1. Name: SIRAJ UD DIN

2747

2. Race: ALISHERZAI

3. Residence: Vill: Banda central Kurram Agency

210

4. Father's name and residence: WALAYAT KHAN

2

5. Date of birth by Christian era as nearly as can be ascertained: 24-02-1992  
Twenty Four February Nineteen Hundred and Ninety Two

6. Exact height by measurement: 5 Feet 6 inches

7. Personal marks for identification: Nil

8. Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb




9. Signature of Government Servant:

10. Signature and designation of the Head of the Office, or other Attesting Officer.

HEAD MASTER  
G.H.S. Manara (C.K)  
Kurram Agency.

ATTESTED

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "P"	Date of appointment	Signature of Government Servant.
Junior Clerk GHS Manzoo central Kuttam Agency		BPS - 07 (5800 - 320 - 15400)				16 <sup>01</sup> / <sub>2013</sub>	

ATTESTED





9	10	11	12	13		14	15	
				Leave				
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
					Period	Government to which debitable		
✓				Appointed Mandoo vide	as a junior clerk at GHS Central Kurram Agency Add: Agency Education Officer		at GHS Central Kurram Agency	
				Lower and	Central Kurram Agency		Ends NO: 178-85/Edl Dated 15-01-2013	
						✓		

ATTESTED  
*[Signature]*

IN THE PESHAWAR HIGH COURT, PESHAWAR

~~H-28~~  
9-18

W.P No. 3602-P /2014

Farooq Muhammad and others.....Petitioners

VERSUS

Additional Chief Secretary, FATA & others.....Respondents

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Through

Petitioner

*Adnan Khattak*  
Adnan Khattak

Advocate, Peshawar

Cell: 0300-5930703

Date: 11.11.2014

ATTESTED

*[Signature]*

IN THE PESHAWAR HIGH COURT, PESHAWAR

~~21~~  
19

W.P No. \_\_\_\_\_/2014

- ✓ 1. Farooq Muhammad S/o Arab Gul
- ✓ 2. Muhammad Saeed S/o Zarbat Khan
3. Ajab Khan S/o Gul Muhammad
- ✓ 4. Latif Hussain S/o Inam Hussain
5. Muhammad Ayaz S/o Gul Karim
6. Aziz ur Rehman S/o Said Rehman
7. Taj Ahmad S/o Lal Muhammad
8. Feroz Khan S/o Gul Zaman khan
9. Said Hassan S/o Muhammad Hassan
10. Hussain Ahmad S/o Muhammad Rafiq
- ✓ 11. Wahid Zaman S/o Zawta Khan
12. Mst. Muzlifa D/o Muhammad Farooq
13. Muhammad Yousaf S/o Abdul Aziz
- ✓ 14. Aqib Zaman S/o Syed Amir Shah (All CT Teachers,  
Lower & Central Kurram Agency)
15. Khiyal Bat Khan S/o Hibat Khan
16. Kifayatullah S/o Mir Jehan
- ✓ 17. Zar Taj Bibi D/o Haji Ajmir Khan (All PET Teachers,  
Lower & Central Kurram Agency)
18. Noor Zaman S/o Noor Jamal
- ✓ 19. Mst. Shamim Bibi D/o Spin Gul

ATTESTED



- (22)  
(20)
- ✓ 20. Parveen Bibi D/o Spin Gul (All DM Teachers, Lower & Central Kurram Agency)
- ✓ 21. Siraj ud Din S/o Walayat Khan
22. Zubair Khan S/o Ghafoor Khan (Both Junior Clerks/ JC, Lower & Central Kurram Agency)
23. Rehmatullah S/o Muhammad Rahim (Pesh Imam, Lower & Central Kurram Agency)
24. Rashid Khan S/o Khadi Khan (Lab Assistant)

.....PETITIONERS

**VERSUS**

1. Additional Chief Secretary, FATA  
FATA Secretariat, Warsak Road, Peshawar
2. Secretary Finance,  
Govt of KPK, Civil Secretariat, Peshawar
3. Additional Agency Education Officer,  
Lower & Central Kurram, Sadda
4. Agency Account officer, Parachinar
5. Director of Education, FATA KPK, Peshawar

.....RESPONDENTS

WRIT PETITION UNDER ARTICLE 199  
OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973

---

Respectfully Sheweth:

1. That the respondent No.3 (Additional Agency Education Officer, Lower & Central, Kurram Sadda)

**ATTESTED**

*[Signature]*

(21)

floated advertisement in daily newspapers about the posts of PET, CT, Lab Assistant etc and petitioners, being eligible and qualified, applied for the same for selection on merit as such. (Copy of advertisement is attached as Annexure "A").

2. That the petitioners were interviewed and after going through the prescribed procedure of selection, they were, on the recommendation of Departmental Selection Committee appointed as such vide orders/ letters dated 15.01.2013, 18.01.2013 and 21.01.2013 respectively. (Copy of order/ appointment letters are attached as Annexures "B").
3. That petitioners were performing their duties with full devotion, after carrying-out their medical examination and taking charge on their respective posts, performing their duties till date. (Copies of medical certificates are attached as Annexure "C", charge reports are Annexure "D" and attendance sheets are Annexure "E").
4. That petitioners contacted respondents for payments of their monthly salaries but were told time and again that the department is going to prepare bills for the purpose. Every month took such practice but no fruitful result was ever achieved.

**ATTESTED**



5. That petitioners were constrained to prefer their departmental appeals before the authorities but in vain. (Copies of appeals are attached as Annexure "F"). Hence, the petitioners being aggrieved, approached this Honourable Court, inter alia, on the following grounds

G R O U N D S:

- A. That from the date of appointments, petitioners are performing their duties on the respective posts till date.
- B. That respondents were contacted from time to time for payments of their monthly salaries but every time they were deceived with commitment to be paid the same in the next month.
- C. That when petitioners came to know that the department is not fulfilling its commitment for the purpose, they agitated the matter through representations, but without any response.
- D. That two junior clerks namely Sakhi Akbar S/o Siddique Akbar and Abidullah S/o Muhammad Ghulam were also appointed vide dated 18.01.2013 according to the same advertisement dated 25.10.2012, are receiving salaries from the respondent No.3 which is clear cut violation of Article 25 of the Constitution of Pakistan, 1973.

ATTESTED

- E. That the act of the respondents by not paying the monthly salaries to the petitioners since the date of appointments, they are not only violating natural justice but also the cardinal principles of Islam.
- F. That the petitioners are performing their respective duties honestly and the attendance sheets are duly attested by the Headmaster. (Copies are attached).

In view of the above, it is therefore, humbly prayed that on acceptance of this petition, this Honourable Court may graciously be pleased to:

- i. Direct the respondents to forthwith pay monthly salaries to the petitioners.
- ii. Any other relief available in the circumstances of the case, not specifically asked for, may also be granted to the petitioner.

Through *Adnan Khattak*  
 Petitioner  
 Adnan Khattak  
 Advocate, Peshawar

Date: \_\_\_11.2014

**CERTIFICATE:**

Certified on instructions of my client that petitioners have not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

*Adnan Khattak*  
 ADVOCATE

**LIST OF BOOKS:**

- 1. Constitution of Islamic Republic of Pakistan, 1973
- 2. Any other law books according to need

**ATTESTED**



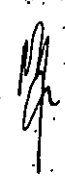
*Adnan Khattak*  
 ADVOCATE

*13*

PESHAWAR HIGH COURT, PESHAWAR.

76

FORM 'A'  
FORM OF ORDER SHEET

S.No.	Date of order	Order or other proceedings with signature of the Judge
1	2	3
	1.12.2015.	<p><u>W.P.No.3602/2014.</u></p> <p>Present: Mr. Adnan Khattak, Advocate for the petitioners.</p> <p>Syed Qaiser Ali Shah, AAG for Provincial Government.</p> <p>Comments have not been filed. The latter seeks time to do the needful. May do so. Adjourned to a date in office.</p> <p style="text-align: right;">   <u>JUDGE</u> </p> <p style="text-align: right;">   <u>JUDGE</u> </p> <p style="text-align: center;"> <u>ATTESTED</u>   </p> <p style="text-align: center;">*M. Gil*</p>



Additional Agency Education Officer  
Lower & Central Kurram Agency.

NO 287-93 /Edu

Dated 11/12/2015

H-28

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 IDPE 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 Makhizai	Failed in typing test & rejected by enquiry officers.
7	Zubair Khan	Ghafoor Khan	I/C	7	GDC Bagan	Rejected by PA enquiry.
8	Muhammad Sadiq	Gul Mar Jan	I/C	7	GGDC Alizai	Failed in typing test as per advertisement & rejected by enquiry officers.
9	Sakhi Akbar	Sadiq Akbar	I/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 Baza	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 Faudy 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.

ATTESTED



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	Shahaim 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 Khazeeena	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 Kinal 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 in 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.

26

Addl: Agency Education Officer  
Lower & Central Kurram Sadda.

No. 2987-93 /Edu: Dated 11 / 12 /2013  
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.

ATTESTED

Before the Director of Education FATA  
FATA Secretariat, Warsak Road.  
Peshawar.

I - (27)

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF  
ADDITIONAL AGENCY EDUCATION OFFICE, KURRAM  
AGENCY WHEREBY THE SERVICES OF THE  
APPELLANTS HAVE BEEN TERMINATED ON 11/12/2015.

Sir,

That the appellant states as under:

1. That according to the advertisement dated 25/10/2012 the appellant applied for the various post of Junior Clerk.
2. That the appellant having the requisite qualification B.Sc Computer Science, Computer Certificate, Typing Speed above 35 words per minutes and one year Computer Experience.
3. That the interview was held on 20/12/2012.
4. That the appellant was selected and appointed in G.I.S Manatoo, Central Kurram dated 15/01/2013 vide appointment letter No.178-85.
5. That the appellant has passed the test of Typing speed, whereas the result has been lost.
6. That the appellant performed his duties according to the entire satisfaction of their superiors.
7. That after long time of 34 months an enquiry was conducted in the case of the appellant and the appellant was terminated on 11/12/2015 without any fault of the appellant.
8. That aggrieved with the order, the appellant has come before your honour on the following grounds:

GR ND S:

- A. That all the acts and actions of the department is against law, facts, hence liable to be set aside.
- B. That the department has ignored the fact that the appellant has the requisite qualifications.

ATTESTED



- C. That the department has ignored the fact that the appellant has performed the duties for 34 months.
- D. That the department has not followed the law of the superior courts.
- E. That the selection was made according to law and rules by the department. (Typing speed Test, Matric, 2<sup>nd</sup> Division and preference will be given to the Computer literates).

Therefore, it is requested that on acceptance of this appeal, the appellant may be reinstated in service with all back benefits.

Appellant

*Siraj-ud-Din* 18.12.2015

Siraj-ud-Din  
S/o Walayat Khan  
J/C G.H.S, Manatoo  
Central Kurram Agency, S. Jda

Date-18-12-2015

ATTESTED

*[Signature]*

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2016,

Siraj-ud-Din

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)  
(DEFENDANT)

I/We Siraj-ud-Din

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2016



CLIENT



ACCEPTED

**NOOR MOHAMMAD KHATTAK**  
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No: 295/16 Sirajuddin Bz Jr. Clerk

GHS Mantoz Kurram Agency

Appellant.

**VERSUS**

1. Additional Chief Secretary FATA Secretariat Warsak Road Peshawar.
2. Director Education FATA Secretariat Peshawar.
3. Additional Agency Education Officer Lower & Central Kurram Agency
4. The Agency Account Officer Kurram Agency..... Respondents.

**Para-wise comments on behalf of respondent No: 2 & 3**

**Respectfully Sheweth:**

**Preliminary Objections**

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.

**On Facts:**

1. Correct to the extent that advertisement was stated for different categories of post by Agency Education Officer, but the candidates applied were not eligible, as on various complaints inquiry was conducted and anomalies were found in the recruitment process.
2. Correct to the extent that appointment orders were issued to the petitioners and other candidates, but the respondents Department legally intervened and constituted search committee to trace out bogus degree holders, therefore, the committee submitted its report clearly picked out those candidates who had applied through fake/bogus degrees, report of search committee attached as (Annexure-A).
3. No comments. Subject to record.
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-B) 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-C).
5. No comments. As explained in Para No.4 above.
6. No comments. As explained in Para No.4 above.
7. No comments. Pertains to record.

**Grounds:**

- A. Incorrect. Respondent has not taken any action which is against Law & facts.
- B. Incorrect. Respondents have acted according to law/policy as the appellant was wrongly appointed, therefore their appointment was liable to struck down under the law.
- C. As explained in Para-B above.
- D. No comments. As stated above in Para-B.
- E. Incorrect. As explained in Para-D above.


- F. No comments. Hence denied.
- G. No comments. Pertains to record.
- H. No comments. Pertains to record.
- I. No comments. As stated above.
- J. Respondents also seeks permission to advance other grounds at the time of arguments.

In light of the above facts it is humbly requested to please dismiss the appeal having no legal grounds with cost.

Respondent NO. 2

  
**Director Education FATA**

Respondent NO. 3

  
**Addl: Agency Education Officer  
Kurram at Parachinar**

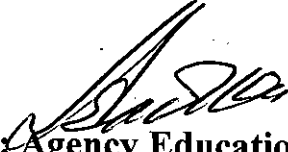
### AFFIDAVIT

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. 2

  
**Director Education FATA**

Respondent NO. 3

  
**Addl: Agency Education Officer  
Kurram at Parachinar**

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	Aqlb 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	Lat/A	7	GGDC	Documents not provided
11	Muhammad Saeed	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 Augori	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 / Diploma
22	Sajid Rahman	Haji Haider Khan	PET	9	GMS DAPA	JDPE diploma found fake & bogus
23	Zia ul Alam	Noor Alam	PET	9	GMS Khazcena	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	His been expelled 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.

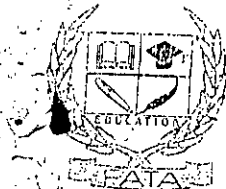
Add. Agency Education Officer  
Lower & Central Kurram Sadda.

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

Add: Agency Education Officer  
Lower & Central Kurram Sadda



2

11 B 37  
ineligible  
Candidates

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

NO. ....  
DATED ... / ... / 2015 E-7-6 MEETING FILE NO

Most Urgent.

14

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 over sight  
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. 12229-36  
Copy to;

Dated 7/12 2015

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.

2

Deputy; Directress (Estab)



To  
The Political Agent  
Kurram Agency

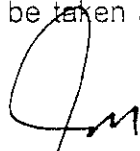
Subject: APPOINTMENT MADE BY MR. MOEEN GUL AAEO; AEO  
LK/CK.

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 FIFA 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)

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

APPEAL No. 295 /2016

*SIRAJ-UD-DIN*

VS

EDUCATION DEPTT:

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE**  
**TO THE REPLY SUBMITTED BY THE RESPONDENTS**

**R/SHEWETH:**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct the extent of advertisement which was published in the Daily Newspaper advertised various posts while the remaining para is incorrect. That appellant having Domicile of Kurram Agency and the requisite qualification applied for the said post and after participation in the test and interview the appellant was declared successful in the said selection process. That after completion of selection process the appellant was appointed vide appointment order dated 18.01.2013. That in response of the said appointment order the appellant submitted his charge report and started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors. That no complaint whatsoever has been received during the entire service of the appellant and appellant had regularly performed his duty.
- 2- Admitted correct to the extent of appointment order of the appellant while the remaining Para is incorrect. That after appointment salaries of the appellant withheld by the respondent Department without assigning any reason while the appellant was regularly performing his duty. That at the time of appointment the appellant submitted original educational documents but the respondent No.3 malafidely terminated the appellant.
- 3- Needs no comments.
- 4- Incorrect and misconceived. That the respondent Department inquire/verified the educational documents of the appellant from the concerned Board/University which

were found clear. That inspite of that the respondent Department withheld the salaries of the appellant. That appellant time and again approach the concerned quarter for release of his salaries but no response has been given by the concerned authority. That feeling aggrieved finally the appellant knocked the door of the august Peshawar High Court Peshawar in writ petition No. 3602-P/2014 for release of his salaries but during the pendency of the said writ petition the Additional Agency Education Officer, Lower and Central Kurram Agency terminated the services of the appellant without conducting regular inquiry in the matter.

- 5- Incorrect and not replied accordingly hence denied.
- 6- Incorrect and not replied accordingly hence denied.
- 7- Need no comments.

**GROUND:**  
**(A to D):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That appellant has been appointed in light of the appointment, promotion and transfer Rules 1989 and as such proper advertisement has been issued for the said post of appellant but inspite of that the respondent No.3 without any reason issued the impugned order dated 11.12.2015. That the respondent department acted in arbitrary and malafide manner while issuing the impugned order dated 11.12.2015 and the respondent Department had not adopted the codal formalities before issuing the impugned termination order. Moreover as per Supreme Court Judgments regular inquiry is necessary before taking punitive action against the civil servants.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

**APPELLANT**

**THROUGH:**



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