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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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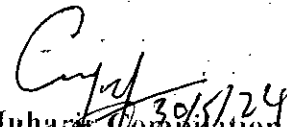
M. Zada

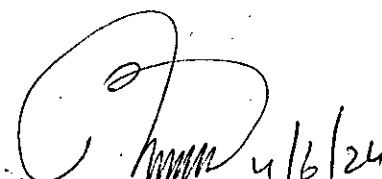
VS

Higher Education

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Muharrir


Incharge Judicial Branch

(2)

جناب عالی!

معروض خدمت ہوں کہ مورخہ 01.11.2020 کو A-متحان بابت پولیس ملازمان شمال شادی حال چارسدہ میں منعقد کیا گیا تھا۔ جس میں ایشو کرنے سیکورٹی پاس میں معہ ہمراہان HC تاجرخان نمبر 887، FC طارق نمبر 551 ضلع چارسدہ گئے ہوئے تھے۔ تمام ملازمان نے بذات خود سیکورٹی پاس حاصل کر کے امتحانی حال میں چلے گئے تھے۔ جس کے اندر ہمارا داخل ہونا ممنوع تھا۔ اور ہم امتحانی حال سے باہر گیٹ کے ساتھ موجود تھے۔ دوران امتحان جناب شہنشاہ گوہرخان DSP ہیڈ کوارٹر چارسدہ جو کہ امتحانی حال کا سیکورٹی انچارج تھانے OHC نوشہرہ کے عمل کو طلب کر کے ہم اندر چلے گئے۔ جہاں پر کنسٹیبل مراد علی نمبر 1188 اور کنسٹیبل زر خان نمبر 53 کو کہ علیحدہ کھڑے تھے کے متعلق تصدیق کی گئی کہ یہ ملازمان ضلع نوشہرہ سے تعلق رکھتے ہیں یا نہیں۔ جن کے متعلق صاحب موصوف کو بتلایا گیا کہ دونوں ضلع نوشہرہ سے تعلق رکھتے ہیں لیکن A-متحان کے امیدوار نہیں۔ حال کے اندر ہمیں معلوم ہوا کہ یہ دونوں کسی اور کی جگہ امتحان دینے کیلئے آئے تھے۔ اور ایٹا کے امتحانی عملہ کے سامنے اپنے اس فعل کا اقرار کیا کہ وہ بالترتیب کنسٹیبل عباس اختر نمبر 1199 ایلٹ فورس، اور کنسٹیبل سہیل نمبر 419 ضلع نوشہرہ کے بجائے امتحان کیلئے آئے تھے۔

یہی میرا بیان ہے جو کہ حقیقت پر مبنی ہے۔

HC مسعد شاہ نمبر 439 متعینہ A-OHC ضلع نوشہرہ

ATTESTED

DSP Legal Nowshera

S.A No. 1107/2019

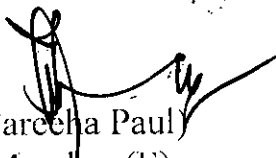
07.05.2024 1. (Mr. Umar Farooq Mohmand, Advocate) Junior to counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Junior to counsel for the appellant requested for withdrawal of the instant service appeal. As a token of admission of his submission, he signed the margin of order sheet. In view of the above, the appeal is dismissed as withdrawn. Consign.

3. *Pronounced in open court at camp court Swat and given under our hands and seal of the Tribunal on this 7th day of May, 2024.*

Umar Farooq AHC 76/2024

SCANNED
KPT
PC



(Farceha Paul)
Member (I)
Camp Court Swat



(Rashida Bano)
Member (J)
Camp Court Swat

02.01.2024

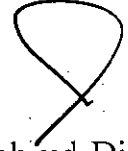
Mr. Umer Farooq Mohmand, Advocate for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for official respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned subject to payment of cost of Rs. 2000/-. Last opportunity granted. To come up for arguments on 07.02.2024 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Rashida Bano)
Member (J)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

Naeem Amin

07.02.2024

Tour to Camp Court Swat has been cancelled, therefore to come up for the same as before on 04.04.2024.



Reader

Due to cancellation of tour case is adjourned to 7-5-2024



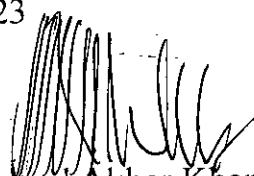
ORDER
24.10.2023

Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments on restoration application heard.


Application in hand has been submitted for restoration of Service Appeal bearing No. 1107/2019, which was dismissed in default on 03.10.2023. In the interest of justice, application for restoration of appeal is accepted and Service Appeal bearing No. 1107/2019 is restored to its original number. To come up for arguments on 02.01.2024 before the D.B at Camp Court Swat. Parcha Peshi given to learned counsel for the parties.

SC
Peshawar

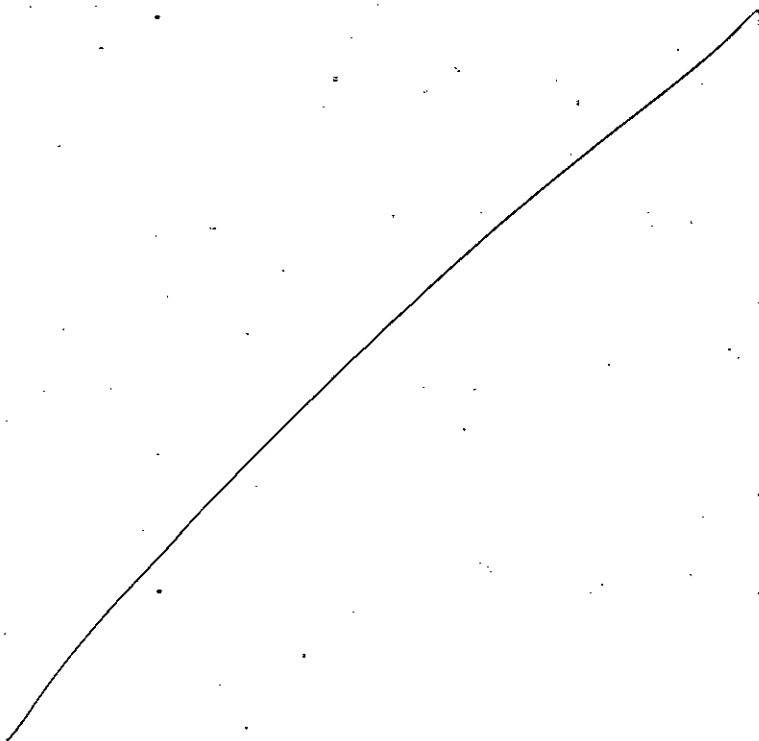
ANNOUNCED
24.10.2023



(Muhammad Akbar Khan)
Member (E)




(Salah-ud-Din)
Member (J)



FORM OF ORDER SHEET

Court of _____

Restoration Application No. 791/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.10.2023	<p>The application for restoration of Appeal no. 1107/2019 submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>24-10-23</u>. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p>By the order of Chairman  REGISTRAR</p>

SCANNED
KPST
Peshawar

ORDER
03.10.2023

Nemo for the appellant. Mr. Inayatullah Khan, Assistant Advocate General for the respondents present.

The appeal in hand was called on for hearing after various intervals, however nobody put appearance on behalf of the appellant till rising of the court, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs.

File be consigned to the record room.

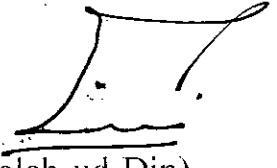
SCANNED
KP ST
Peshawar

ANNOUNCED

03.10.2023



(Rashida Bano)
Member (Judicial)
Camp Court Swat



(Salah-ud-Din)
Member (Judicial)
Camp Court Swat

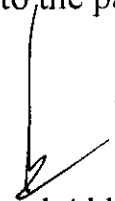
30th May, 2023


1. Learned counsel for appellant present. Mr. Muhammad Jan, District Attorney alongwith M/S Ihtesham, Superintendent and Farhan, Assistant for respondents present.

2. Learned counsel for appellant requested for adjournment. Adjourned. This case pertains to Camp Court, Swat, therefore, it be fixed for arguments on 03.07.2023 before D.B at Camp Court, Swat.

Peshi given to the parties.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah


03.07.2023

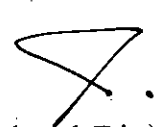
Nemo for the appellant. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Available on the record is an application for adjournment submitted by learned counsel for the appellant, which is ^{allowed} ~~placed on~~ ~~file~~. To come up for arguments on 03.10.2023 before the D.B at Camp Court Swat.



SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)
Camp Court Swat


(Salah-ud-Din)
Member (J)
Camp Court Swat

Naeem Amin

20.12.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant again sought adjournment on the ground that he has not made preparation for arguments. The appeal in hand time and again adjourned on the request of learned counsel for the appellant, therefore, last opportunity granted. To come up for arguments on 16.03.2023 before D.B.

SCANNED
PESHAWAR H.C.

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

16th Mar, 2023

Junior to learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Junior to learned counsel for the appellant requested for adjournment on the ground that senior counsel is busy before Hon'ble Peshawar High Court. Peshawar. Adjourned. To come up for arguments on 30.05.2023 before D.B. PP given to the parties.

SCANNED
PESHAWAR H.C.

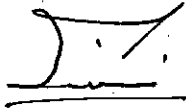
(Salah-Ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

8

25th July 2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the Court. Adjourned. To come up for arguments on 20.10.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

20th Oct, 2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 20.12.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman



9

18.01.2022

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant AG alongwith Mr. Jehanzeb Superintendent for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 10.05.2022.



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



Chairman

10.05.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to assist the Tribunal. Last opportunity is granted. To come up for arguments before the D.B on 25.07.2022.



(Fareeha Paul)
Member (E)




Chairman

17.09.2021

Junior to counsel for appellant present.

Muhammad Rasheed learned D.D.A for the respondents present.

Former made a request for adjournment as senior counsel is busy before the D.B-II; granted. To come up for arguments on 18.01.2022 before D.B.


(Rozina Rehman)
Member (J)


Chairman

18.01.2022

~~Learned counsel for the appellant present in the
Khas. Darulda Khail, Assistant AG, along with Mr. Zehra
Superintendent of respondents present.~~

~~Learned counsel for the appellant is directed to
submit amended appeal on or before next date. To come
up for arguments before the D.D on 12.05.2022.~~

~~(Muhammad Aslam Wazir)
Member (J)~~

~~Chairman~~

07.12.2020

Due to COVID-19 the case is adjourned for the same on 26.02.2021 before D.B.


READER

26.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 02.06.2021 for the same.



Reader

02.06.2021

Junior to counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court Peshawar. In this regard, application was also submitted which is placed on file. Case is adjourned. To come up for arguments on 17.09.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

23.07.2020

Appellant is absent. Mr. Kabirullah Khattak, Additional AG is present.

Written reply/comments on behalf of respondents have not been submitted so far despite last chance given in the previous order sheet dated 15.06.2020. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Notices be also issued to the respondents for submission of written reply/comment for 21.09.2020 before S.B. Appellant and his counsel be also put on notice for the date fixed.

(MUHAMMAD JAMAL KHAN)
MEMBER

Noted per 21.9.2020
Cost received
Rs 1000/-
21/9/2020

21.09.2020

Counsel for the appellant and Addl. AG alongwith Jehanzeb Awan, Superintendent for respondents No. 1, 2 & 3 present.

Representative of the respondents No. 1, 2 & 3 has furnished Parawise comments on behalf of the said respondent. Respondents No. 4 & 5 have not furnished the requisite reply/comments. Cost received from the said representative of official respondents has been paid to learned counsel for the appellant and receipt whereof obtained and placed on record. The matter is posted to D.B for arguments on 07.12.2020 before S.B. The appellant may furnish rejoinder to the written reply of respondents No. 1 to 3, within one month, if so advised.

[Signature]
Chairman

1107/2019

06.02.2020

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and submit the requisite reply/comments. Adjourned to 24.03.2020 on which date reply/comments shall positively be furnished.

(Ahmad Hassan)
Member

24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before S.B.

Reader

15.06.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Qazi Ayaz, Litigation Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish written reply/comments. Last chance is given to the respondents to furnish written reply/comments. To come up for written reply/comments on 23.07.2020 before S.B.

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

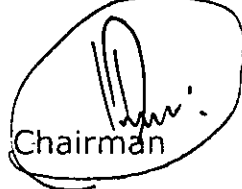
23.10.2019

Counsel for appellant present.

Contends that respondent No.5 was regularized as Junior Clerk on 01.07.2007, while the date of regularization of appellant, as such, is also the same. However, the said respondent was promoted to the post of Senior Clerk (BPS-14) and subsequently as Assistant (BPS-16), while the appellant was ignored for the purpose. Resultantly, the appellant is still performing duty as Junior Clerk.

The appeal in hand is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 24.12.2019 before S.B.

App. Secy. 23/10/19
Security Fee


Chairman

24.12.2019

Counsel for the appellant present. Addl: AG for respondents present. Learned AAG seeks time to submit written reply/comments. Adjourned. To come up for written reply/comments on 06.02.2020 before S.B.





Member

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Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1107/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/08/2019 SCANNED KPBT Peshawar	The appeal of Mr. Muhammad Zada resubmitted 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.  REGISTRAR
2-	02/09/19. 15.10.2019	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/10/19.</u>  CHAIRMAN Counsel for the appellant present. Learned counsel requests for adjournment of instant matter to 23.10.2019 on which date another appeal of the appellant pertaining to seniority is already posted for hearing. Adjourned to 23.10.2019 before S.B.  Chairman


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The appeal of Mr. Muhammad Zada Junior Clerk GDC Barkhalozai District Bajaur at Khar received today i.e. on 27.08.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Memorandum of appeal may be got signed by the appellant.

No. 1519 /S.T,


Dt. 28-8-/2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Sir,

Objection has been removed,
hence re submitted today dated 29/8/2019.


29/8/2019.

17

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

APPEAL NO. 1107 /2019

SCANNED
KPST
Peshawar

MUHAMMAD ZADA VS H/EDUCATION DEPTT:

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7.	Impugned order	E	8.
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9.	Vakalatnama	10.

APPELLANT

THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE

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

APPEAL NO. 1107 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12107

Dated 27-8-2019

Mr. Muhammad Zada, Junior Clerk (BPS-11),
Government Degree College, Barkhalozai, District Bajaur at Khar.

APPELLANT

VERSUS

- ✓1- The Government of Khyber Pakhtunkhwa through Secretary Higher Education Department, Civil Secretariat, Peshawar.
- ✓2- The Director Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of Education (Merged Area), Merged Area Secretariat, Warsak Road, Peshawar.
- 4- The District Education Officer, District Bajaur at Khar.
- 5- Mr. Gauhar Ali, Assistant (BPS-16), Government Girls Degree College, Ekka Ghund, District Mohmand.

RESPONDENTS

²⁴⁻¹²
APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14.3.2016 - COMMUNICATED TO THE APPELLANT ON 9.5.2019 AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF SENIOR CLERK (BPS-14) & SUBSEQUENT PROMOTION TO THE POST OF ASSISTANT (BPS-16) AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 14.3.2016 communicated to the appellant on 9.5.2019 may very kindly be set aside to the extent of private respondent No.5 and the respondents may be directed to consider the appellant for promotion to the posts of Senior Clerk (BPS-14) and Assistant (BPS-16) from the date when respondent No.5 was promoted to the posts of Senior Clerk and Assistant with all monetary benefits. 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:-

Filed to-day
 Registrar
 27/8/19
 Re-submitted to-day
 Registrar
 29/12/19

- 1- That appellant is the employee of the respondent Department and was initially appointed as Junior Clerk on Temporary & fix Pay basis of Rs. 3000/- per month after proper recommendation of Departmental Selection Committee and fulfilling all the codal formalities required for the post vide order dated 02/10/2003. Copy of the appointment order is attached as annexure **A.**
- 2- That the appellant after receiving the order dated 02/10/2003 submitted his arrival report and started performing his duty. That where after the appellant was reappointed on temporary basis in BPS-07 vide order dated 04/07/2009 by the respondent no. 4. Copy of the order is attached as annexure **B.**
- 3- That the appellant was regularized by the Respondent no. 4 and the project service of the appellant was converted into regular service with effect from 01-07-2007 instead of issuance of the order dated 04-07-2009 vide order dated 23-12-2014. Copy of the regularization order dated 23-12-2014 is attached as annexure **C.**
- 4- That astonishingly the appellant came to know that most of the colleague who have been regularized from the same day i.e. 01/07/2007 have been given promotions to the next higher posts of Senior Clerk and then Assistant (BPS-16) and the appellant is still working in the same scale since from the date of regular appointment. Copy regularization of respondent No.5 & impugned order are attached as annexure **D and E.**
- 5- That appellant time and again visited the concerned quarter for copies of those orders whereby private respondent was promoted to the next higher scales but the respondents only delivered the impugned order dated 14.3.2016 to the appellant on 9.5.2019 whereby the private respondent No.5 was promoted to the post of Assistant (BPS-16). **Copy of the impugned order is already attached.**
- 6- That, the appellant feeling aggrieved from the impugned order dated 14.3.2016 communicated to the appellant on 9.5.2019 filed Departmental Appeal before the competent authority but no reply has been received so far. Copy of Departmental Appeal is attached as annexure **F.**
- 7- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

GROUND:

A- That the inaction of the respondents by not promoting the appellant to the next higher scales of Senior Clerk and Assistant is against the

law, facts, norms of natural justice and materials on the record hence.

- 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 the impugned order dated 14.3.2016 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- D- That the inaction of the respondents by not promoting the appellant to the next higher scales is violative of Section 9 of the Civil servant Act, 1973.
- E- That the respondents discriminated the appellant on the subject by not promoting the appellant to the next higher scales of Senior clerk and Assistant w.e.f. from the date when the private respondent was promoted.
- F- That the respondents acted in arbitrary and malafide intentions by not promoting the appellant to the next higher scales.
- G- That the respondents violated Article 38(e) of the Constitution of Pakistan, 1973 by not promoting the appellant to the next higher scales.
- H- 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: 18-08-2019

APPELLANT



MUHAMMAD ZADA

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

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BETTER COPY OF ANNEXURE-----A

TEMPORARY APPOINTMENT

Consequent upon the Recommendation of the recruitment Committee as per established procedure of advertisements, screening test & typing test, one Mr. Muhammad Zada S/O Gul Muneer (Bajaur) a qualified candidate is hereby appointed temporarily as Junior Clerk @ Rs. 3000/- PM fixed at Govt: College (W) Barkhalozai (Bajaur Agency) purely for the project period and in line with the approved PC-1 of the scheme.

His adjustment is neither on contract nor on regular basis as creation of regular positions is awaited and the present posting is made on fixed emoluments for project life ending June 2006 extendable to further period subsequent to approval of the competent forum.

The adjustment cannot be termed as appointment unless regular posts are sanctioned and his services are regularized by the competent authority.

TA/DA is not allowed.

Charge Reports should be submitted to all concerned.

Endst: No. 1749-53/Apptt:/

dated Peshawar the 02.10.2003

ATTESTED



22

A-4

DIRECTORATE OF EDUCATION FATA



warsak Road Peshawar

TEMPORARY APPOINTMENT

Consequent Upon the Recommendation of The Recruitment Committee as per established procedure of Advertisements, Screening Test & Typing Test, One Mr. Muhammad Zada S/O Gul Muneer (Bajaur) a qualified candidate is hereby appointed temporarily Junior Clerk @ Rs. 3000/- P.M fixed at Govt. College (W) Barkhalozai (Bajaur Agency) purely for the project period and in line with the approved PC-1 of the scheme.

His adjustment is neither on contract nor on regular basis as creation of regular positions is awaited and the present posting is made on fixed emoluments for project life ending June 2006 extendable to further period subsequent to approval of the competent forum.

The adjustment cannot be termed as appointment unless regular posts are sanctioned and his services are regularized by the competent authority.

- TA/DA is not allowed.
- Charge Reports Should be submitted to all Concerned

(Prof:Dr.Abdur.Rauf)
Director of Education
(FATA),NWFP,Peshawar

Endst No. 1749-53

App'ts/Trans/Recd dt Peshawar 02-10-2003

Copies to:-

1. Additional Account General (PR) Peshawar
2. Agency Accounts Officer Bajaur Agency at Khar.
3. Principal Govt. College (W) Barkhalozai Bajaur Agency.
4. Assst: Director (Colleges) local Directorate.
5. Candidate Concerned

ATTESTED

[Signature]
Director of Education
(FATA),NWFP,Peshawar

[Handwritten signatures]

23

(2)

B-5



**OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KHAR**

APPOINTMENT ORDER:

Consequent upon the approval by the Departmental Selection Committee, the following Male candidates of Bajaur Agency are hereby appointed Against Junior Clerk Post purely on temporary basis in BPS-7 plus usual allowances as admissible under the rules/new policy notified by the Govt. of N.W.F.P vide EO (R-VI) E & AD/13-I/2005 dated 10/8/2005 and civil servants amendments act 2005 vide No. PA/N.W.F.P/Legis-1,2005-20440 dated 23/7/2005 with effect from the date of taking over charge in the schools noted against their names in the interest of public service.

S.No	Name of Candidate	Father Name	Name of School where appointed	Remarks
1	Khan Zad Gul	Khaista Gul	GHS Kama dara	Against Vacant Post Vice Jan Badshah transferred
2	Fazal Munir	Abdul Haleem	GHS Badan	Against Vacant Post
3	Muhammad Zada	Gul Munir	GHSS Gardai	Against Vacant Post

TERM AND CONDITIONS:

1. The appointment of the candidates is being made purely on temporary basis & is liable to termination at any time without assigning any reason.
2. They will not be entitled to get pension/gratuity benefits, however GP Fund & CP Fund will be deducted as per rules.
3. Charge report should be submitted to all concerned in duplicate.
4. All kinds of documents should be verified from the concerned institutions before the drawl of their salaries.
5. Health and Age certificate should be produced to the Principal / Head Master to be obtained from the Agency surgeon concerned.
6. Their age should be according to Govt. Policy.
7. If they failed to report of their arrival within 15 days, their appointment order will be automatically considered as cancelled.

sdi-
(Haji Gul Rahman)
Agency Education Officer
Bajaur Agency

Endst: No: 4279-84 Date: 4/7/2009

- Copy of the above is forwarded to the:-
1. Director of Education FATA N.W.F.P Peshawar
 2. Agency Accounts Officer Bajaur Agency
 3. Head Master concerned.
 4. AAEO Concerned
 5. Official Concerned
 6. Accountant of the local Office

ATTESTED

Agency Education Officer
Bajaur Agency

(24)

C-6

E4 (B)



OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY.

ADJUSTMENT /CORREGENDUM ORDER.

The appointment order issued vide Director Education FATA Peshawar Endost: No. 1749-53 apptt: dated Peshawar the 02-10-2003 in respect of Muhammad Zada Junior clerk s/o Gul Munir Govt: Degree College Barkhalozai Bajaur Agency and in the line with the approved PC-I of the scheme is here by set aside and his service is converted into regular basis with effect from 01-07-2007 and the appointment order issued vide this office Endost:No. 4279-84 dated 4/7/2009 may please be read w.e.f 1/7/2007 instead of 4/7/2009 for the above mentioned one.

Note: Necessary entry should be made in his service book.

(Saeed Gul)
Agency Education Officer
Bajaur Agency.

Endost: 6662-65 Dated. 23 /12/2014.

Copy for information to the:

1. Director of Education FATA Peshawar.
2. Principal GHSS Gardai-Bajaur Agency.
3. Agency Accounts Officer Bajaur Agency.
4. Official Concerned.

ATTESTED

[Handwritten signature]

[Handwritten signature]
Agency Education Officer
Bajaur Agency.

BETTER COPY

page - ⑦

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OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND
AGENCY AT GHALLANAI

CORRIGENDUM.

The regularization/adjustment order in respect of Mr. Gauhar Ali S/O Laiqat Ali J.Clerk Govt: Girls Degree College Ekka Ghund Mohmand Agency issued vide this office Endst: No. 6956-59 dated 26.6.2007, may pleased be read w.e.f. 1.07.2007 instead of 01.07.2006.

(HAJI HASHAM KHAN)
Agency Education Officer
Mohmand Agency at Ghallanai

Endst No. 8119

Dated 11.08.2007

ATTESTED

[Handwritten signature]

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY AT GHALLANAI

CORRECTION

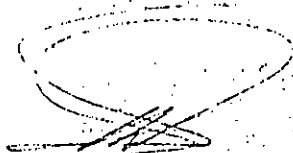
The regularization/adjustment order in respect of Mr. Gaubhar Ali S/O Farhat Ali
J Clerk Govt. Girls Degree College Ekka Chund Mohmand Agency issued vide this office
Lndst.No.6956-59 dated 26.6.2007, may please be read w.e.f 1.7.2007, instead of 1.7.2006.

(HAJI HASHAM KHAN)
Agency Education Officer,
Mohmand Agency at Ghallanai.

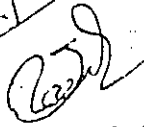
Lndst.No. 8119/03 Date: 11.8.2007.

Copy of the above is forwarded to the:

- 1. Director of Education (FATA) NWFP, Peshawar.
- 2. Political Agent Mohmand Agency at Ghallanai.
- 3. Agency Accounts Officer Mohmand Agency at Ghallanai.
- 4. Principal Govt. Ekka Chund Mohmand Agency.
- 5. Official concerned.



Agency Education Officer,
Mohmand Agency at Ghallanai.

Attested


Khalid Saeed
Supdt.(E) Education
(Fata) Peshawar

ATTESTED





27

ADJUSTMENT ORDER

E-8

Consequent upon the recommendation of the Departmental Promotion Committee and Director Higher Education Khyber Pakhtunkhwa Notification bearing Endorsement No. 3828-81 dated 01.02.2016; the following officials are hereby adjusted against the vacant posts of Assistant upon their promotion from Senior Clerk to Assistant.

S#	Name of Official with Designation	Station / Adjusted at	Remarks
01.	Mr. Shah Khan Senior Clerk GDC Landi Kotal Khyber Agency	GDC Landi Kotal, Khyber Agency	Adjusted against vacant post of Assistant.
02.	Mr. Yahya Jan Senior Clerk GDC Darra Adam Khel FR Kohat.	GDC Darra Adam FR Kohat	Adjusted against vacant post of Assistant.
03.	Mr. Hujat Ullah Senior Clerk GDC Ekka Ghund, Mohmand Agency.	GDC Barkhalozai, Bajaur Agency	Adjusted against vacant post of Assistant.
04.	Mr. Shakir Ullah Senior Clerk GGDC Darra Adam Khel FR Kohat presently working at GDC Kohi Sher Haider Khyber Agency against Assistant post.	GDC Kohi Sher Haider Bara Khyber Agency	Adjusted against vacant post of Assistant.
05.	Mr. Irfan Ullah Senior Clerk GGDC Ekka Ghund, Mohmand Agency.	GDC Nawagai, Bajaur Agency	Adjusted against vacant post of Assistant.
06.	Mr. Salim Khan Senior Clerk GDC Miranshah, North Waziristan Agency.	GDC Sam, South Waziristan Agency	Adjusted against vacant post of Assistant.
07.	Mr. Azmat Ayaz Senior Clerk GDC Mir Ali, North Waziristan Agency.	GGDC Wana, South Waziristan Agency	Adjusted against vacant post of Assistant.

ADJUSTMENT

08.	Mr. Shakir Ullah Senior Clerk GDC Landi Kotal presently working at GDC Landi Kotal Khyber Agency Against Assistant Post.	GDC Landi Kotal Khyber Agency	V. S. No. 01
09.	Mr. Ihsan Ullah Senior Clerk GDC Darra Adam Khel presently working at GDC Darra Adam Khel Against Assistant Post.	GDC Darra Adam Khel FR Kohat	V. S. No. 02
10.	Mr. Saadat Ullah Senior Clerk GDC Wana South Waziristan Agency	GDC Mir Ali North Waziristan Agency	V.S. No. 07
11.	Mr. Gauhar Ali Senior Clerk GGDC Jamrud, Khyber Agency	GGDC Ekka Ghund, Mohmand Agency	V.S. No. 05
12.	Mr. Wahid Gul Senior Clerk GDC Jandola, FR Tank	GDC Ekka Ghund Mohmand Agency	V.S. No. 03

Note: - 1 Charge reports should be submitted to all concerned.

Director Education FATA

Endst: No. 3083-8 /E4/Clg: Side /MS/PROM/File Dated 14/13/2016

Copy to the:-

1. Director Higher Education Khyber Pakhtunkhwa with reference to his Notification as quoted above.
2. All Principal GDC/GGDC/GPGC concerned.
3. All Agencies / FRs Accounts Officer / District Officers concerned.

NOTED
[Signature]

محترم جناب ڈائریکٹر ایجوکیشن (مجموعہ تعلیم و تربیت) سندھ روڈ لیسٹاور

F-(9) درخواست برائے جاری کرنے آؤڈر برائے ترقی

جنا علی!

مؤدبانہ گزارش کی جاتی ہے کہ سائنس کی پوری آگے زبر
 سائبر لیٹر جو سیکرٹری کلرک عارضی بنیادوں پر مخصوص تنخواہ جیلو - 30007
 رہے نہ عوار پر پوری تھی جو کہ بعد میں 1/6/16 سے 2014ء میں
 مستثنی ہوئی۔ سائنس ٹیچنگ پوری تھی دن اپنی ڈیوٹی احسن
 طریقے سے انجام دیا ہوں۔ سائنس کو معلوم ہوا ہے کہ سینڈریٹ جاری
 ہوئی ہے اور اس سے میرے دوستوں کے ساتھ سیکرٹری کلرک پر ترقی یا
 سائنس میں۔ ہذا بار بار اسرار پر سائنس اور اب بھی 2019ء
 میں ان کے ترقی کے متعلق معلوم ہوا ہے کہ ان
 کی ترقی 2016ء میں ہوئی ہے۔

اس لیے آپ صاحبان سے التماس کی جاتی ہے کہ سائنس کو
 بھی 2016ء سے سیکرٹری کلرک کے طور پر ترقی دی جائے۔
 اور سائنس کو 2016ء والا آرڈر رکھی جیسا کہ سائنس
 اور اس کا شکر ادا ہے۔

العارضین

آپ کا نام لیا، محمد زاہد

المترجم کاٹی 2019ء

محمد زاہد
 جو سیکرٹری کلرک
 BPS-11

SCANNED
KFC
IPe

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

S.A # 1107/2019
Muhammad ZadaAppellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Peshawar & Others..... Respondents

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S. No	Description of documents	Annexure	Page No.
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2.	Affidavit		3
3.	Appointment order dated: 04-7-2009	A	4
4.	Notification dated: 12-11-2007	B	5
5.	Transfer order dated: 14-3-2018	C	6
6.	Adjustment order dated: 14-3-2016	D	7

Respondent

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

28

S.A # 1107/2019

Muhammad ZadaAppellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Secretary, Higher Education Peshawar & Others..... Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal as the order he has impugned is transfer/adjustment order of Respondent No. 5.
2. That the appellant has not come to this Honourable Tribunal with clean hands and is trying to conceal material facts.
3. That the instant service appeal is hit by doctrine of laches.
4. That the appellant is estopped by his own conduct to file the instant service appeal.

Facts: -

- 1) Denied. That the appellant is not employee of Higher Education Department. Rest of the para pertains to the record.
- 2) That the appellant was appointed by the Agency Education Officer, Bajaur vide order dated 04.07.2009 (**Annex-A**) after the bifurcation of the Elementary & Secondary Education Department and Higher Education Department and was posted at Govt. Higher Secondary School, Gardai, therefore, the appellant belongs to School cadre.
- 3) Pertains to record. But it is worth to mention here that meeting was held under the Chairmanship of Secretary, Schools & Literacy Department on 03.07.2007 regarding seniority of the ministerial staff and it was decided that seniority list of the officials in BPS-05-15 working in settled districts and FATA shall be maintained by the Director, Higher Education and the seniority list of ministerial staff BPS-05 to BPS-15 on school side will be maintained by Director, School & Literacy (**Annex-B**). That astonishingly the appellant was transferred from Govt. Higher Secondary School, Bajaur to Govt. Degree College, Barkhalozai, Bajaur by the Agency Education Officer vide letter dated 14.03.2018 (**Annex-C**).
- 4) Incorrect. That at the time of bifurcation Respondent No. 5 was working on college side and thus his service was maintained by Higher Education Department and was promoted to the post of Senior Clerk. Moreover the seniority list is prepared/updated every year but the appellant never objected or filed any appeal.

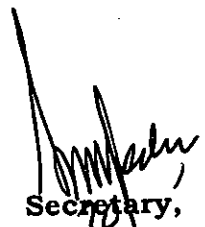
- 5) Incorrect. That the plea of the appellant is misleading. That the appellant never approached to respondent No. 1 and 2 in this regard. It is pertinent to mention here that the respondent No. 5 was not promoted to the post of Assistant vide order dated 14.03.2016; he was only adjusted/transferred against the vacant post of Senior Clerk at Govt. Girls Degree College, Ekka Ghund, Mohmand District, which was vacated by the promotee (**Annex-D**).
- 6) Incorrect. That the appellant has not filed any appeal before respondent No. 1 and 2.
- 7) Needs no comments.


Grounds: -

- A. Incorrect. That the appellant belongs to School cadre.
- B. Incorrect. That the respondents have not violated any law/rules as already explained.
- C. Incorrect. That the appellant is trying to mislead the Hon'ble Tribunal and the order dated 14.03.2010 is in accordance with law.
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect. That at the time of bifurcation the private respondent No. 5 was working on college side and thus his seniority was maintained by the Higher Education Department.
- F. Incorrect. As already explained in preceding paras.
- G. Incorrect. As already explained in preceding paras.
- H. That the respondents seek permission to raise additional grounds at the time of arguments.

Prayers: -

It is, therefore, humbly prayed that the instant case is based on misconception/misstatement, hence may graciously be dismissed with appropriate costs.


Secretary,
 Higher Education Department
 Respondent No. 1


Director,
 Directorate of Higher Education
 Respondent No. 2 & 3

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

S.A # 1107/2019
Muhammad ZadaAppellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Peshawar & Others..... Respondents

AFFIDAVIT

I, Jehanzeb Awan, Superintendent (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:



Deponent
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Annex-A 33

32 9



**OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KHAR**

APPOINTMENT ORDER:

Consequent upon the approval by the Departmental Selection Committee, the following Male candidates of Bajaur Agency are hereby appointed Against Junior Clerk Post purely on temporary basis in BPS-7 plus usual allowances as admissible under the rules/new policy notified by the Govt: of N.W.F.P vide EO (R-VI) E & AD/13-1/2005 dated 10/8/2005 and civil servants amendments act 2005 vide No. PA/N.W.F.P/Legis-1/2005-20440 dated 23/7/2005 with effect from the date of taking over charge in the schools noted against their names in the interest of public service.

S.No	Name of Candidate	Father Name	Name of School where appointed	Remarks
1	Khan Zad Gul	Khaista Gul	GHS Kama Dara	Against Vacant Post Vice Jan Badsbah transferred
2	Fazal Munir	Abdul Haleem	GHS Badan	Against Vacant Post
3	Muhammad Zada	Gul Munir	GHS Gardai	Against Vacant Post

TERM AND CONDITIONS:

1. The appointment of the candidates is being made purely on temporary basis & is liable to termination at any time without assigning any reason.
2. They will not be entitled to get pension/gratuity benefits, however GP Fund & CP Fund will be deducted as per rules.
3. Charge report should be submitted to all concerned in duplicate.
4. All kinds of documents should be verified from the concerned institutions before the drawl of their salaries.
5. Health and Age certificate should be produced to the Principal / Head Master to be obtained from the Agency surgeon concerned.
6. Their age should be according to Govt. Policy.
7. If they failed to report of their arrival with in 15 days, their appointment order will be automatically considered as cancelled.

sd/- **ATTESTED**
(Haji Gul Rahman)
Agency Education Officer
Bajaur Agency

Superintendent
Directorate of Higher Education
FATA, Peshawar

Endst: No: 4279-84 Date: 2/7/2009

- Copy of the above is forwarded to the:-
1. Director of Education FATA N.W.F.P Peshawar
 2. Agency Accounts Officer Bajaur Agency
 3. Head Master concerned.
 4. AAO Concerned
 5. Official Concerned
 6. Accountant of the local Office

a
Agency Education Officer
Bajaur Agency

[Signature]

Annex-B

34

33
33
33

GOVERNMENT OF NWFP
SCHOOLS & LITERACY DEPTT.
Date Peshawar the, 12-11-2007.

NOTIFICATION.

NO.SO(PF)2-6/05/VOL.II/Seniority/Ministerial staff. In pursuance of the minutes of the meeting held under the Chairmanship of the Secretary Schools & Literacy Department NWFP on 03-07-2007, the following decisions regarding Seniority of ministerial staff working in the Directorate of Schools & Literacy, Directorate of Curriculum & Teachers Education, PITE & RITE, Directorate of Higher Education, Directorate of Education FATA and ministerial staff working in offices of the Executive District Officers Schools & Literacy under the District Govt. are hereby notified as under:-

- i. The Seniority list of ministerial staff B-5 to B-15) on school side in settled Districts, FATA, and the officials in the Directorate of Schools & Literacy, Directorate of Curriculum & Teachers Education, PITE & RITEs shall be maintained by the Director School & Literacy NWFP on joint seniority basis.
- ii. Seniority list of the officials in BPS-5 to BPS-15 working on college side in settled Districts and FATA shall be maintained by the Director Higher Education NWFP.
- iii. Seniority of the ministerial staff working in the Districts Govt. as well as in the Directorates in para-8(1) above shall be maintained by the Director School & Literacy NWFP for the purpose of promotion to BPS-16.
- iv. The seniority list of the ministerial staff BPS-5 to BPS-15) in districts shall be maintained by the Executive District Officers S&L in their respective Districts.
- v. A sub-committee consisting of the Deputy Director (Establishment) Directorate of School & Literacy, Deputy Director Directorate of Education FATA, Deputy Director Directorate of Higher Education and Deputy Director Directorate of Curriculum & Teachers Education including representative of the ministerial staff is also hereby constituted under the Chairmanship of the Additional Secretary School & Literacy Department (in case of his non-availability) under the Special Secretary School & Literacy to examine/scrutinize the seniority case/lists with the following terms of reference:-

TOR.

1. Examine/scrutinize and finalize the seniority list of all officials in BPS-5 to 15 in the concerned Directorates & District Governments.

Encl. No. & Date as above.

Copy forwarded to:-

- 1- The Secretary Higher Education Department
- 2- The Secretary Governor's Secretariat FATA
- 3- The Director School & Literacy NWFP Peshawar.
- 4- The Director Higher Education NWFP Peshawar.
- 5- The Director Curriculum & Teachers Education NWFP Peshawar.
- 6- The Director PITE NWFP Peshawar.
- 7- All Executive District Officers School & Literacy in NWFP.
- 8- P.S to Secretary School & Literacy Department.
- 9- P.S to Special Secretary School & Literacy Department.
- 10- P.A to Additional Secretary School & Literacy Department.
- 11- P.A to Deputy Secretary School & Literacy Department.

SECRETARY.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

MUHAMMAD AYUB KHAN
OFFICER (PRIMARY)

Annex = c

35

6

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR
No. _____ Dated _____

34

TRANSFER ORDER

Mr. Muhammad Zada Junior Clerk Govt: Higher Secondary School Gardai Bajaur is hereby transferred to Govt: Degree college Barkhalozai Bajaur against vacant post of Junior clerk, on his own pay and scale in the interest of public service.

Note: No TA / DA is allowed.

(AMIRULLAH)
Agency Education Officer
Bajaur Agency

No. 1629-33 Dated: 14-03-2018

- by forwarded for information to the:
- Director Education FATA
- Agency Accounts Officer Bajaur.
- Principal GDC Barkhalozai Bajaur.
- Principal GHSS Gardai Bajaur
- Official concerned.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Amirullah
Agency Education Officer
Bajaur Agency

0308-8474934

Sob
GDC Jarob Dir (L)
Muhammad Zada
J/c



Annex-D

36

FATA SECRETARIAT
WARSAK ROAD PESHAWAR, PAKISTAN
PH: 091-9210166, FAX: 091-9210216

7

35
E-(8)

ADJUSTMENT ORDER

Consequent upon the recommendation of the Departmental Promotion Committee and Director Higher Education Khyber Pakhtunkhwa Notification bearing Endorsement No. 3828-81 dated 01.02.2016; the following officials are hereby adjusted against the vacant posts of Assistant upon their promotion from Senior Clerk to Assistant.

S#	Name of Official with Designation	Station / Adjusted at	Remarks
01.	Mr. Shah Khan Senior Clerk GDC Landi Kotal Khyber Agency	GDC Landi Kotal, Khyber Agency	Adjusted against vacant post of Assistant.
02.	Mr. Yahya Jan Senior Clerk GDC Darra Adam Khel FR Kohat.	GDC Darra Adam FR Kohat	Adjusted against vacant post of Assistant.
03.	Mr. Hujat Ullah Senior Clerk GDC Ekka Ghund, Mohmand Agency.	GDC Barkhalozai, Bajaur Agency	Adjusted against vacant post of Assistant.
04.	Mr. Shakir Ullah Senior Clerk GGDC Darra Adam Khel FR Kohat presently working at GDC Kohi Sher Haider Khyber Agency against Assistant post.	GDC Kohi Sher Haider Bara Khyber Agency	Adjusted against vacant post of Assistant.
05.	Mr. Irfan Ullah Senior Clerk GGDC Ekka Ghund, Mohmand Agency.	GDC Nawagai, Bajaur Agency	Adjusted against vacant post of Assistant.
06.	Mr. Salim Khan Senior Clerk GDC Miranshah, North Waziristan Agency.	GDC Sam, South Waziristan Agency	Adjusted against vacant post of Assistant.
07.	Mr. Azmat Ayaz Senior Clerk GDC Mir Ali, North Waziristan Agency.	GGDC Wana, South Waziristan Agency	Adjusted against vacant post of Assistant.

ADJUSTMENT

08.	Mr. Shakir Ullah Senior Clerk GDC Landi Kotal presently working at GDC Landi Kotal Khyber Agency Against Assistant Post.	GDC Landi Kotal Khyber Agency	V. S. No. 01
09.	Mr. Ihsan Ullah Senior Clerk GDC Darra Adam Khel presently working at GDC Darra Adam Khel Against Assistant Post.	GDC Darra Adam Khel FR Kohat	V. S. No. 02
10.	Mr. Saadat Ullah Senior Clerk GDC Wana South Waziristan Agency	GDC Mir Ali North Waziristan Agency	V.S. No. 07
11.	Mr. Gauhar Ali Senior Clerk GGDC Jamrud, Khyber Agency	GGDC Ekka Ghund, Mohmand Agency	V.S. No. 05
12.	Mr. Wahid Gul Senior Clerk GDC Jandola, FR Tank	GDC Ekka Ghund Mohmand Agency	V.S. No. 03

Note: - 1 Charge reports should be submitted to all concerned.

Director Education FATA

Endst: No. 3083-58 /E4/Clg: Side /MS/PROM/File Dated 14/13/2016

Copy to the:-

1. Director Higher Education Khyber Pakhtunkhwa with reference to his Notification as quoted above.
2. All Principal GDC/GGDC/GPGC concerned.
3. All Agencies / FRs Accounts Officer / District Officers concerned.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

37

MR JUSTICE LAL JAI KHATTAK &
MR JUSTICE MUHAMMAD NAEEM ANWAR

Court No. 3

MOTION CASES

- | | | |
|----------------------------------|---|---|
| 16. W.P 969-P/2021
With IR() | Abdur Rahman
Vs
Govt of KP & Others | XXXXXXXXXXXXXXXXXXXX
Kamran Ullah, Writ Petition
Branch AG Office, Salman Khar
5259 (Focal Person IGP) |
| 17. W.P 1134-P/2021
With IR() | Hashmat Ali & other
Vs
Govt of KP | Malik Mohtashem Bangash / Koh
Shahid Aashiqar, Malik Sajad /
Khan, Sadeqat Ullah, Writ Petition
Branch AG Office, Dr Amer
Hamid |
| 18. W.P 1306-P/2021() | Fatima
Vs
Chairman NADRA & others | Sabir Ullah Khan
Muhammad Mubank, Writ Petition
Branch AG Office, Muhammad
Mubank Jan |
| 19. W.P 1354-P/2021() | Taimur Khan
Vs
Govt of KP & others | M. Zahid Aman (DPG Ehtesaa
Commission)
Manzoor Ahmad, Writ Petition
Branch AG Office, Miss Ais |
| 20. W.P 1491-P/2021() | Muhammad Shafiq
Vs
Govt of KP | Noor Muhammad Khattak
Sadeqat Ullah, Muhammad Amir
Khan Barvi, Writ Petition Branch
AG Office |
| 21. W.P 1456-P/2021
With IR() | Umar Farooq & another
Vs
DPO & others | Abdul Latif Aind
Munir Ahmad, Muhammad Amir
Khan Barvi, Writ Petition Branch
AG Office, Gulab Hussain |

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JUSTICE MS. MUSARRAT HILALI &
MR. JUSTICE SYED ARSHAD ALI

Court No. 4

BEFORE -

NOTICE CASES

- | | | |
|---|---|---|
| 16. W.P 2109-P/2020
With IR()
152884 | Sameen Gul
V/s
Government of KPK | Taimur Haider Khan
<hr/> Amjad Ali (Mardan), Alamzeb Khan, Saifullah Khan Khattak, Mirzali Khan, Abdul Rauli, Writ Petition Branch AG Office |
| 17. W.P 2455-P/2020
With IR with
cm.1094-p/20
(N),1630-p/20 (M)
with CM
668/2021()
162306 | Waqas Ahmad Khan
V/s
Secretary LG,RDD | Muhammad Usman Khan
(Nowshera)
<hr/> Mirzali Khan, Abdul Rauli, Sadiq Ali Mohmand, Writ Petition Branch AG Office |
| 18. W.P 3757-P/2020
With IR(violation
of PEMRA
Ordinance)
14527 | Umair Yasir
V/s
Fed Govt | Fazle Wahid Khan
<hr/> Muhammad Haider Imtiaz, Ume Rehman, DAG PAK, Zakaulah Khan, Asadullah, Barnster Rahe Ahmad |
| 19. W.P 4314-P/2020
With IR()
116530 | Maryam Faheem
V/s
VC,shaheed Benazir Bhutto | Zartaj Anwar Khan
<hr/> Waseemuddin Khattak |
| 20. W.P 5290-P/2020
With IR()
116593 | Junaid Abbas
V/s
Govt of KPK | Noor Muhammad Khattak
<hr/> Mirzali Khan, Abdul Rauli, Writ Petition Branch AG Office, Amja Ali |

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JUSTICE MS. MUSARRAT HILALI &
MR. JUSTICE SYED ARSHAD ALI

Court No. 4

MOTION CASES

- | | | |
|--|--|--|
| 6. W.P 6337-P/2019(
187898 | Muhammad Ilyas
V/s
Secretary Local Council Board
Peshawar | Arbab Shabir Ahmad
<hr/> Sabahud Din Khattak, Mirzaf
Khan, Abdul Raul, Writ Petition
Branch AG Office |
| 7. W.P 510-P/2020
With CM 1824-
p/20(M)(Hajj) &
Umra
matters/Religious
187943 | Mst. Tasneem Kousar
V/s
Shaheen Air Lines | Muhammad Ziaulhaq, Mubasher
Hussain, Mubasher Hanjoo
<hr/> Deputy Attorney General |
| 8. W.P 2116-P/2020(
187941 | Farida Batool
V/s
DG PFI | Shahab Khattak
<hr/> Deputy Attorney General, Writ
Petition Branch AG Office, Rash
Ali |
| 9. W.P 3034-P/2020
With IR()
187945 | Hazrat Bilal
V/s
Govt of KPK etc | Mr. Muhammad Khattak /
<hr/> Hidayatullah (Focal Person),
Muhammad Khad Mullen, Writ
Petition Branch AG Office |
| 10. W.P 3751-
P/2020(seeks
proforma
promotion)
187965 | Dr Muhammad Imran
V/s
Govt Of Kpk | Amin ur Rehman Yousafzai
<hr/> Sadaqat Ullah, Writ Petition
Branch AG Office, Dr. Amer
Hamid |
| W.P 4479/2020 | Dr. Syed Shah
V/s
Govt of KPK | Amin ur Rehman Yusafzai
<hr/> Sadaqat Ullah, Writ Petition
Branch AG Office, Dr. Amer
Hamid |

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JUSTICE MS. MUSARRAT HILALI &
MR. JUSTICE SYED ARSHAD ALI

Court No. 4

MOTION CASES

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|--|---|--|
| 17. W.P 1148-P/2021(
(173624 | Jan Sabir
V/s
IGP | Mian Asif Aman
<hr/> Kamran Ullah, Writ Petition
Branch AG Office, Seaman Khar
5259 (Focal Person IGP) |
| 18. W.P 1296-P/2021(
(174036 | Basmeena Bibi
V/s
DEO Male Kohat & others | Muhammad Amin Khattak, Lachi
<hr/> Hidayatullah (Focal Person),
Muhammad Khadd Matten, Writ
Petition Branch AG Office |
| 19. W.P 1333-P/2021(
(174182 | Niaz Muhammad & others
V/s
Chief Secy Govt of KP
Peshawar & others | Fayaz Ahmad
<hr/> Sadaqat Ullah, Writ Petition
Branch AG Office, Qabul Khan |
| 20. W.P 1362-P/2021
With IR(
(174223 | General Manager SNGPL &
others
V/s
Pir Meher Muhammad & one
another | Asad Jan
<hr/> Civil Appeal Branch AG Office |
| 21. W.P 1363-P/2021
With IR(matters)
(174284 | Sui Northern Gas Pipeline
SNGPL
V/s
M/S Asim Match Factory &
others | Asad Jan
<hr/> Civil Appeal Branch AG Office |
| 22. W.P 1460-P/2021(
(174483 | Bakhtiar Khan
V/s
Govt of KP & othes | Noor Muneer 54/68
<hr/> Manzoor Ahmad, Writ Petition
Branch AG Office, Qabul Khan |

PESHAWAR HIGH COURT, PESHAWAR

DAILY LIST FOR WEDNESDAY 07 JUNE 2021

JUSTICE MS. MUSARRAT HILALI
MR. JUSTICE SYED AKSHAD ALI

Court No 4

BEFORE

MOTION CASES

- | | | |
|---|---|--|
| 1. Cr.R 3-P/2021
With
IR(Enhancement) | Mst. Shahnaz Bibi
Vs
Abdul Wahab & Others | Shahab Khan Bengash (Kafail)
Or Appeal Branch AG Office |
| 2. W.P 1695-
P/2018(Public
Safety
Commission Act) | Arbab Muhammad Usman Khan
Vs
Govt of KPK | Khatib Mahmood
AG KPK, DAG PAK |
| 3. W.P 2582/2018 with
CM 789/2021 | Sardar Abid Raul Khan
Vs
Govt of KPK | Khatib Ammar Afridi, Sardar Abd
Raul Khan
AG KPK, DAG PAK |
| 4. W.P 6361-P/2018(-
132527 | Fazal Subhan
Vs
Government of KPK | Noor Mohammad Khatib
Writ Petition Branch AG Office |
| 5. W.P 27/2018 | Said Badshah
Vs
Government of KPK | Writ Petition Branch AG Office |
| 6. W.P 1926-P/2019(
111100 | Imran
Vs
Govt of KPK | Arbab Fahy-e-Alam
Noor Wazir Khan, Writ Petition
Branch AG Office |
| 7. W.P 6005-P/2019
With Rev.Pett.
No.170-
p/20(M)(Sale
Tax matters)
111113 | Kohat Cement Factory Limited
Vs
Law Parliamentary Affairs &
Human Rights | Muhammad Yasir Khatib ...
Asmat ulah Khaz Jadoon
(Islamabad)
Attaullah, Shakeel Ashghar, Mal
Sajjad Ali Khan, Muhammad Iqbal
Writ Petition Branch AG Office |

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MR. JUSTICE CAISER RASHID KHAN, CHIEF JUSTICE &
MR. JUSTICE S.M. ATTIQUE SHAH

Court No. 1

NOTICE CASES

- | | | |
|---|---|--|
| 3. W.P 971-P/2021
with IR with CM
596,1008/2021(PH
by HCJ,XI) Senior
Part)) | Rafi Ullah & Others
V/s (Data By Court)
Govt of KP & Others | Amin ur Rehman Yousefzai
<hr/> Fazal Shah Mohmand, Gul
Rehman Mohmand, Saqib Raza
Tahir Hader Khan, Muhamme
Akber Khan, Qaiser Hussain,
Faisal Riaz Balg, Kamran Ullah,
Writ Petition Branch AG Office,
Muhammad Naeem Yousefzai
Muhammad Farooq Malik |
| 1. W.P 1008/2021 | Fahad Ullah Gul
V/s
VC KMU & others | Abdul Munam Khan, Naveed
Akhbar, Oazi Muhammad Anwar
Mazhar Ali Shah (Peshawar),
Deputy Attorney General,
Jahangir Mahsud, Saqib Raza,
Qaiser Hussain, Noor Moham
Khatik, Waqar Khalil (Peshawar)
Faisal Riaz Balg, Writ Petition
Branch AG Office |
| W.P 1008/2021 | Mushfiq Ahmad
Govt of KP | Muhammad Faizan Khan
Abdul Munam Khan, Naveed
Akhbar, Oazi Muhammad Anwar,
Mazhar Ali Shah, Saqib Riaz Balg,
Sadaqat Ullah, Writ
Petition Branch AG Office |
| 4. COC 410-
P/2019(In wp
3732-
P/2014(Against
order HJ-
B,ExJudge)) | Sher Zada
V/s (Data By Court)
Government of KPK | Muhammed Ziaulh, Mubasher
Hussain
<hr/> Hidayatullah (Focal Person),
Muhammed Khalid Memon, Writ
Petition Branch AG Office, Asif
Naz, Barrister Ibrahim Khan Ain |
| 5. COC 426-
P/2019(In COC
69/2018 In wp 300
P/2017(Against
order HCJ,XII)) | District Nazim Peshawar
V/s
Asif Khan | Sabahuddin Khatik
<hr/> Jahangir Khan Mohmand, AG KI |

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PESHAWAR HIGH COURT, PESHAWAR

DAILY LIST FOR WEDNESDAY, 02 JUNE, 2021

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MR. JUSTICE QAISER RASHID KHAN, CHIEF JUSTICE &
MR. JUSTICE S.M. ATTIQUE SHAH

Court No. 1

MOTION CASES

- | | | |
|--|--|--|
| 17. W.P 750-P/2021()
174578 | Fazle Rehman
V/s
Govt of KP & others | <u>Noor Mohammad Khattak</u>
Mirzai Khan, Abdul Raul, Writ
Petition Branch AG Office |
| 18. W.P 1050-
P/2021(Criminal
matters)
174579 | Fazal Mahmood
V/s
Director General Federal
Investigation Agency | <u>Muhammad Muazzam Butt</u>
Deputy Attorney General, Ayaz
Haq |
| 19. W.P 1243-P/2021()
174580 | Mst. Shabina Bibi
V/s
Secy-I Board of Revenue Govt
of KP & Others | <u>Muhammad Zahoor Zaki</u>
Attallah, Writ Petition Branch A
Office |
| 20. W.P 1346-P/2021()
174581 | Numan Arshad
V/s
Govt of KP & others | <u>Syed Sultan Ahmad Shah</u>
Khush Muhammad Khan, Writ
Petition Branch AG Office |
| 21. W.P 1437-P/2021
With IR()
174582 | Muhammad Hassan Ullah
V/s
Post Master General KP | <u>Muhammad Anil Jan</u>
Deputy Attorney General, Writ
Petition Branch AG Office |
| 22. W.P 1523-P/2021
With IR()
174583 | Hakeem Khan
V/s
Mst. Iqra Alam | <u>Muhammad Abbas Khan</u>
Writ Petition Branch AG Office |

Before The K.P. Service Tribunal, Peshawar

General adjournment on behalf of
Noor Muhammad Khattak Advocate
on account of engagement before
The Hon'ble Peshawar High Court.

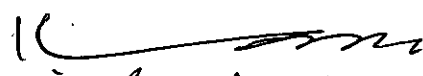
Respect fully sheweth:

1) That Hon'ble Senior Council
Noor Muhammad Khattak is
busy before Peshawar High
Court, Peshawar and he
cannot attend any case
before this Hon'ble Service
Tribunal. (Copy of the
Cause list of Peshawar High Court is
attached.)

It is therefore requested that
by accepting this application general
adjournment in all the cases of Noor M.
Khattak may please be granted.

Dated: 2/6/21.

Applicant-


Associate of Noor M.
Khattak
Kamran Khan Adv.

(45)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration NO. 791 /2023

Muhammad Zada

VS

GOVT OF KPK

APPLICATION FOR FIXATION OF THE ABOVE TITLED Restoration AT
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned Restoration is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

Dated: 19/10/23

Through


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

CM. NO. 791 /2023
IN
APPEAL No. 1107/2019

SCANNED

MR. MUHAMMAD ZADA VS GOVT: OF KP & OTHERS

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
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2.	Copy of application for adjournment	"A"	2
3.	Copy of Order Sheet dated 03/10/2023	"B"	3-45
4.	Vakalatnama	5

APPLICANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Application no. 791/2023

CM. NO. 791 /2023

IN

APPEAL No. 1107/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8420

Dated 19-10-2023

Mr. Muhammad Zada, Junior Clerk (BPS-11),
Government Degree College, Barkhalozai, District Bajaur at Khar.

..... **APPLICANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Higher Education Department, Civil Secretariat, Peshawar.
- 2- The Director Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of Education (Merged Area), Merged Area Secretariat, Warsak Road, Peshawar.
- 4- The District Education Officer, District Bajaur at Khar.
- 5- Mr. Gauhar Ali, Assistant (BPS-16), Government Girls Degree College, Ekka Ghund, District Mohmand.

..... **RESPONDENTS**

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL.

R/SHEWETH:

- 1- That the above titled service appeal was pending adjudication before this Honorable tribunal which was fixed on 03/10/2023.
- 2- That the counsel for the petitioner was busy in The Peshawar High Court at Peshawar as well as was engaged at principal bench of this Honorable Tribunal at Peshawar and in this respect an application for adjournment was also filed. Copy of application is attached as annexure.....**A**
- 3- That the mentioned service appeal was dismissed in default vide order dated 03/10/2023. Copy of the order sheet dated 03/10/2023 is attached as annexure.....**B.**

- 4- That as the matter pertaining in the instant appeal has not been decided on merit, therefore the mentioned service appeal may be restored for the sack of justice.
- 5- That there is no legal bar in restoring the mentioned appeal.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 19/10/2023

M. Zada
PETITIONER/APPLICANT

Through: *M. Zada*
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Muhammad Zada, Junior Clerk (BPS-11), Government Degree College, Barkhalozai, District Bajaur at Khar, do hereby solemnly affirm that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

M. Zada
DEPONENT



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"A" - 3-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. 1107/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7971

Dated 28/9/23

Muhammad Zada **Versus** GOVT OF KPK & OTHERS

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:-

3. That the above tiled appeal is pending adjudication before this Hon`ble tribunal and is fixed for 03.10.2023 at **Camp Court, Swat.**
4. That counsel for the applicant/appellant is busy in the Hon`ble Peshawar High Court, Peshawar and would not be able to assist and appear before this Hon`ble tribunal on the date fixed.

It is, therefore, humbly prayed that on acceptance of this application the case may kindly be adjourned to some other date convenient to this Hon`ble Tribunal.

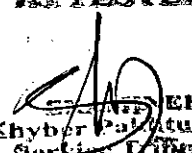
Dated: - 28.09.2023

Applicant/Appellant

Through:-

NOOR MOHAMMAD KHATTAK
ADVOCATE, SUPREME COURT.

ATTESTED


OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
28/9/23

(50)

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

APPEAL NO. 1107/2019

MUHAMMAD ZADA **Versus** GOVT OF KPK & OTHERS

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:-

1. That the above tiled appeal is pending adjudication before this Hon`ble tribunal and is fixed for 03.07.2023 at **Camp Court, Swat.**
2. That counsel for the applicant/appellant is busy in the Principal Seat and would not be able to assist and appear before this Hon`ble tribunal on the date fixed.

It is, therefore, humbly prayed that on acceptance of this application the case may kindly be adjourned to some other date convenient to this Hon`ble Tribunal.

Dated: - 27-6-2023

Applicant/Appellant

Through:-

NOOR MOHAMMAD KHATTAK
ADVOCATE, SUPREME COURT.

(51)

SCANNED
KPST
Peshawar
28/9/23

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

APPEAL NO. 1107/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7971

Dated 28/9/23

Muhammad Zada **Versus** GOVT OF KPK & OTHERS

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:-

3. That the above tiled appeal is pending adjudication before this Hon`ble tribunal and is fixed for 03.10.2023 at **Camp Court, Swat.**
4. That counsel for the applicant/appellant is busy in the Hon`ble Peshawar High Court, Peshawar and would not be able to assist and appear before this Hon`ble tribunal on the date fixed.

It is, therefore, humbly prayed that on acceptance of this application the case may kindly be adjourned to some other date convenient to this Hon`ble Tribunal.

Dated: - 28.09.2023

Applicant/Appellant

Through:-

NOOR MOHAMMAD KHATTAK
ADVOCATE, SUPREME COURT.

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VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

SCANNED
KPST
Peshawar

Muhammad Zada

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Higher Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Zada

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. ____/____/2019



CLIENT


ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&


MIR ZAMAN SAFI
ADVOCATES

OFFICE:

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

Mobile No.0345-9383141

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Restoration No /2023

RECEIVED
KPST
Peshawar

Muhammad Zaeds

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Educational Dept

(RESPONDENT)
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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. ____/____/202

[Signature]
CLIENT

ACCEPTED

[Signature]
**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

[Signature]
WALEED ADNAN

[Signature]
UMAR FAROOQ MOHMAND

[Signature]
MUHAMMAD AYUB

&

[Signature]
**MAHMOOD JAN
ADVOCATES**

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)