

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

S.A No. 149/2023

Mian Muhammad Azhar..... Appellant

VERSUS

Govt. of Khyber Pakhunkhwa

Through Secretary, Higher Education

And other..... Respondents

INDEX

S#	Description of Documents	Annex	Page#
1.	Para wise comments		1-2
2.	Affidavit		3
3.	Authority letter		4
4.	Letter dated 25-08-2022	A	5-6
5.	Constitution of DSC	B	7
6.	Minutes of DSC	C	8
7.	Notification dated 18-04-2022	D	9
8.	Notification dated 08-03-2022	D-1	10
9.	Letter dated 30-09-2022	E	11

Dated: 21-08-2024


Respondents

THE FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Washington, D. C. 20535

TO : DIRECTOR, FBI (100-442611)

FROM :

SAC, NEW YORK (100-100000)

RE : [REDACTED]

Reference is made to New York airtel to Bureau dated 1/15/68.

Enclosed for the Bureau are:

1 - Copy of New York letter to Bureau dated 1/15/68.

2 - Copy of New York letter to Bureau dated 1/15/68.

3 - Copy of New York letter to Bureau dated 1/15/68.

4 - Copy of New York letter to Bureau dated 1/15/68.

5 - Copy of New York letter to Bureau dated 1/15/68.

6 - Copy of New York letter to Bureau dated 1/15/68.

7 - Copy of New York letter to Bureau dated 1/15/68.

8 - Copy of New York letter to Bureau dated 1/15/68.

9 - Copy of New York letter to Bureau dated 1/15/68.

10 - Copy of New York letter to Bureau dated 1/15/68.

11 - Copy of New York letter to Bureau dated 1/15/68.

12 - Copy of New York letter to Bureau dated 1/15/68.

Very truly yours,

[REDACTED]

[REDACTED]

53

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

S.A # 149/2023

Mian Muhammad Azhar

Appellant
Khyber Pakhtunkhwa
Service Tribunal

Versus

Diary No. 15/13

Dated 22/8/24

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education
And Others

Respondents

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

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal.
2. That the appellant has not come to the Honourable Tribunal with clean hands and is trying to conceal material facts.
3. That the appeal in hand is time barred.
4. That the appellant is estopped by his own conduct to file the instant service appeal.
5. That the tribunal lacks jurisdiction to entertain the instant case as the appointment order was void ab-initio.

Facts: -

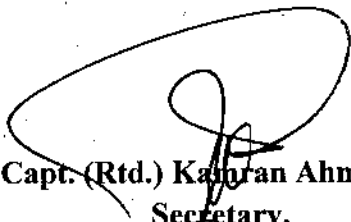
- 1) Correct. But later on, the said appointment order was revoked.
- 2) Pertains to record.
- 3) Correct to the extent that his services were hired against different posts out of college pupil fund on need basis which is internal arrangement of the college.
- 4) Respondent No. 03 initiated process for Class-IV appointment at GDC Oghi, Mansehra in 2022. For the said purpose, he constituted Departmental Selection Committee vide office order dated 25.08.2022 (**Annex-A**). As per Notification dated 17.06.1989 and 13.06.1993, the Departmental Selection Committee constituted for appointment to the posts in BPS-01 to 15 shall consist of an Appointing Authority, an officer to be nominated by the Administrative Department concerned and an officer to be nominated by the Appointing Authority (**Annex-B**). But in the instant case, the committee was constituted of four members instead of three members which are against the rules. Moreover, the concerned Principal issued appointment order before signing of minutes of the Departmental Selection Committee meeting (**Annex-C**) by the nominee of Administrative Department Mr. Jamil-ur-Rehman notified vide notification dated 18.04.2022 (**Annex-D**). Due to this reason, the appointment order was revoked vide letter dated 30.09.2022 (**Annex-E**) as the same was void ab-initio
- 5) Correct. As already explained in para 4.
- 6) Correct to the extent that the appellant filed departmental appeal.


Grounds: -

- a) Incorrect. As already explained in the preceding paras.
- b) As already explained in the preceding paras. The appointment order was void ab-initio.
- c) Incorrect. As already explained in the preceding paras.
- d) Incorrect. As already explained in the preceding paras.
- e) As already explained at para 04 of the facts.
- f) As already explained at para 04 of the facts.
- g) Incorrect. That this Tribunal lacks jurisdiction to entertain the instant Service Appeal.
- h) Pertains to record.

Prayers: -

It is, therefore, humbly prayed that the instant service appeal is devoid of merit, and hence may graciously be dismissed with appropriate costs.


Capt. (Rtd.) Khatun Ahmad Afridi
Secretary,
Higher Department Education
Khyber Pakhtunkhwa
Respondent No. 1


Faredullah Shah
Director,
Higher Education Department,
Khyber Pakhtunkhwa
Respondent No. 2

2

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

S.A # 149/2023

Mian Muhammad Azhar.....Appellant

Versus



Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education
And Others.....

Respondents

AFFIDAVIT

I, Fareedullah Shah, Director, Higher Education, Khyber Pakhtunkhwa, do hereby declare and affirm on oath that the contents of Parawise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off.

Identified by:


Deponent
CNIC No. 11101456092-7
Mobile No. 03339151399






**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA**

RANO GHARI, NEW CHAMKANI CHOWK, PESHAWAR

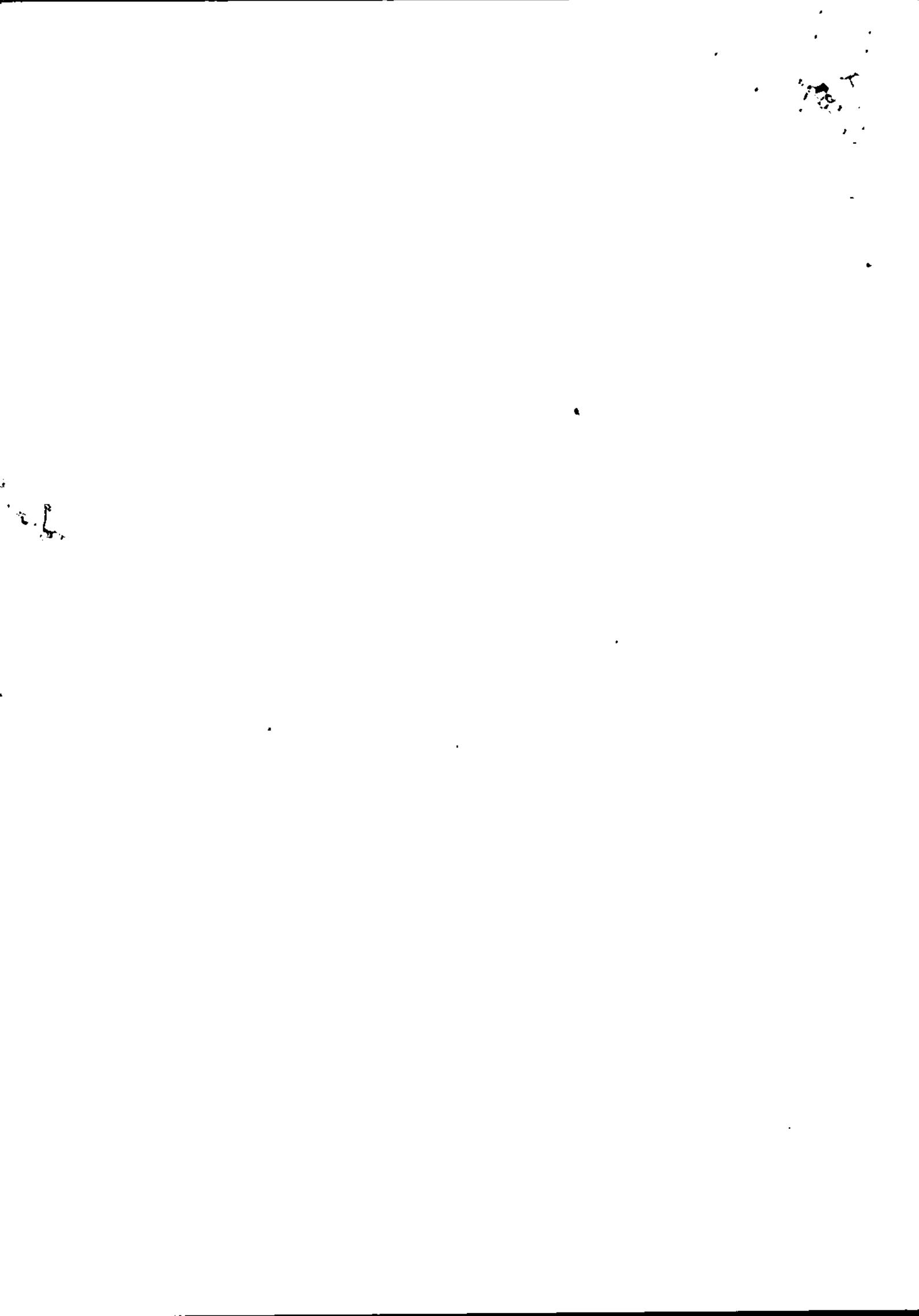
Tel # 091-2650024 / Fax # 091-2260181

E-mail:- dhekpkesh@gmail.com [Facebook.com/dhekpkesh](https://www.facebook.com/dhekpkesh) [Twitter.com/dhekpkesh](https://www.twitter.com/dhekpkesh)

AUTHORITY LETTER

Mr. Sohrab, lecturer in law Govt Degree College Mathra Peshawar is hereby authorised to submit Parawise comments in Service Appeal No. S.A # 149/2023 titled "Mian Muhammad Azhar vs Khyber Pakhtunkhwa", on behalf of respondents.


**Director, Higher Education
Khyber Pakhtunkhwa**



Annex A

GOVT. DEGREE COLLEGE Oghi DISTRICT MANSEHRA.

Phone # 0997 320014




email: gdeoghi@gmail.com




NOTICE (APPOINTMENT COMMITTEE)

Dated: 25/08/2022.

A committee is hereby constituted consisting on the following members for the appointment of suitable candidate for the vacant posts of Class IV servant in this college. They are directed to observe all the codal formalities in this regard.

1. Dr. Riaz Ahmad Associate Professor 
2. Mr. Hamid Khan Assistant Prof. 
3. Mr. Jamil Ur Rehman Dy. Director Monitoring
(Nominee of the Higher Edu. Deptt.) 




PRINCIPAL
Govt. Degree College
Oghi

PRINCIPAL
GOVT. DEGREE COLLEGE
OGHI, DISTRICT MANSEHRA

Ann-B

2. ⁷⁵The Departmental Promotion Committee shall make recommendations for appointment by promotion or transfer to posts in BPS-16 and BPS-17 and shall also assess fitness/ suitability of officers for move over from BPS-15 to BPS-16, or BPS-16 to BPS-17 or BPS-17 to BPS-18, or BPS-18 to BPS 19 as the case may be, and make its recommendations.

3. In all cases, whether pertaining to promotion, transfer or move over, the Department concerned shall strictly adhere to the guidelines/policy instructions issued by the S&GAD from time to time.

4. No meeting of the Departmental Promotion Committee shall be held without representative of the S&GAD.

NOTIFICATION

Peshawar, dated the 17th June, 1989.

No.SORI(S&GAD)4-1/75:- In pursuance of the provisions in rule 5 of the North-West Frontier Province Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Services and General Administration Department is pleased to lay down the constitution of the Departmental Promotion Committee and the Departmental Selection Committee for the purpose of making selection for promotion, transfer and initial appointment to the posts in BPS-15 and below in the Attached Departments/Offices as under:-

- | | | | |
|-----|--|-----|----------|
| (1) | Appointing Authority | ... | Chairman |
| (2) | An officer to be nominated by the Administrative Department concerned. | ... | Member |
| (3) | An Officer to be nominated by Appointing Authority. | ... | Member |

Approved
S. Ghani

⁷⁵ Para 2 under B substituted by Notification No.SORI(S&GAD)4-1/75(Vol.II), dated 27.9.97

Handwritten scribbles and marks in the top right corner.

1

1

Annex B

Constitution of Departmental Selection Committees for posts in BPS-15 and below

Reference this Department's circular letter No.SORI(S&GAD) 4-1/75 (Vol.I), dated 4th March,1992 as amended vide this department letter of even number dated 12th October,1992, it was inter alia provided that candidates qualifying the written test for posts in BPS-11 to 15 be interviewed by a broadbased panel of Selection Committees of five/six members headed by the Ministries concerned.

2. It has been decided by the Provincial Government to withdraw the above orders with immediate effect to the extent that henceforth the Departmental Selection Committees, as constituted vide Notification No.SOS.III(S&GAD)1-206/74-1, dated 16.5.1975, and No.SORI(S&GAD)4-1/75, dated 17.6.1989,for posts in BPS-15 and below, shall stand revived as per details given below:-

I. Posts in the NWFP Civil Secretariat

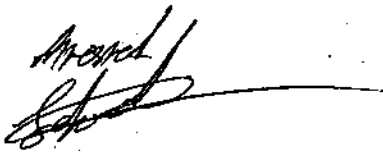
- | | | | |
|-----|--|-----|-----------|
| (1) | Secretary, S&GAD | ... | Chairman |
| (2) | Deputy Secretary, S&GAD | ... | Member |
| (3) | Deputy Secretary(Opinion)
Law Department. | ... | Member |
| (4) | Section Officer concerned
in S&GAD. | ... | Secretary |

II. Attached Departments/Offices in NWFP

- | | | | |
|-----|---|-----|----------|
| (1) | Appointing Authority. | ... | Chairman |
| (2) | An officer to be nominated by the
Administrative Department concerned. | ... | Member |
| (3) | An officer to be nominated
by the Appointing Authority. | ... | Member |

3. It is requested to bring these instructions to the notice of all concerned for strict compliance.

(Authority:-SORI(S&GAD)4-1/75(Vol.II), dated 13th June,1993)

Approved


Annex-C

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE MEETING REGARDING APPOINTMENT OF CLASS-IV EMPLOYEE (LAB ATTENDANT & BEARER/COOK) BPS-3 GOVERNMENT DEGREE COLLEGE OGHJI HELD ON SEPTEMBER 03, 2022 IN GOVERNMENT DEGREE COLLEGE OGHJI MANSEHRA.

The meeting on the above mentioned subject was held under the chairmanship of Prof. Muhammad Siddiq Principal Government Degree College Oghi District Mansehra. While the following committee members attended the same.

- | | | |
|------------------------|--|--------|
| 1. Dr. Riaz Ahmad | Associate Prof. | Member |
| 2. Mr. Hamid Khan | Assistant Prof. | Member |
| 3. Mr. Jamil Ur Rehman | Dy. Director/Nominee
of the Higher Edu. Deptt | Member |

The criteria for the said appointment was decided unanimously by the members which was as follows:

- | |
|---|
| 1. Academic Qualification 6 marks in each Certificate (Metric to Master) Total Marks 30 |
| 2. Relevant Experience 10 Marks |
| 3. Additional Skills 50 |
| 4. Interview 10 |

There were twenty candidates placed in the list given by Employment Exchange Mansehra, whereas 10 candidates were appeared before the selection committee for interview, they were examined on the above mentioned agreed criteria and the following most suitable candidates are hereby recommended for appointment on the vacant posts mentioned against at GDC Oghi.

S.No	Name	Father's Name	Address	Appointed Against the Post	Remarks
1	Mian Muhammad Azhar	Mian Muhammad Amjad	Village & P/O Trawara Tehsil Oghi District Mansehra	Lab Attendant	Recommended for appointment
2	Bilal Anwar	Anwar Zeb	Village Dehlan P/O Oghi Tehsil Oghi District Mansehra	Bearer/Cook	Recommended for appointment

- | | | |
|------------------------|--|--------|
| 1. Dr. Riaz Ahmad | Associate Prof. | Member |
| 2. Mr. Hamid Khan | Assistant Prof. | Member |
| 3. Mr. Jamil Ur Rehman | Dy. Director Monitoring
/Nominee of the Director
Higher Edu. Deptt | Member |

M. Siddiq

M. Siddiq
Muhammad Siddiq
Principal
GDC Oghi, Mansehra



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES AND
LIBRARIES DEPARTMENT

Dated Peshawar the, April 18, 2022.

11/18/22
D

NOTIFICATION.

1078-80

No. 60(C-IV)/HE/19-3/Class-IV Nominee/2022. The Secretary Higher Education Archives and Libraries Department is pleased to nominate Mr. Jamil-ur-Rehman Deputy Director (Monitoring), Directorate of Higher Education as Departmental Nominee to attend the Departmental Selection Committee meetings at Government Colléges in D.I Khan and Hazara Divisions, regarding appointment of Class-IV against the vacant posts.

SECRETARY
HIGHER EDUCATION DEPARTMENT

Enclst No. & Date as above.

Copy forwarded to the:

1. Director Higher Education Peshawar, Khyber Pakhtunkhwa.
2. Deputy Director (HEMIS CELL), Higher Education Department.
3. PS to Secretary Higher Education Department.
4. Member concerned.
5. Master File.

Messidy
Schwal

(Signature)
(FAZLI RAB)

SECTION OFFICER (C-IV)

18-04-2022

DOE

127

Ans - 92



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES AND
LIBRARIES DEPARTMENT

Dated Peshawar the, March 08, 2022.

NOTIFICATION.

No.SOC-IV/HE/19-3/Class-IV Nominees/2022 The Secretary Higher Education Archives and Libraries Department has been pleased to nominate the following officers of Directorate of Higher Education as Departmental Nominees for attending the Departmental Selection Committee meetings at Government Colleges in Peshawar, Mardan, Kohat, Bannu and Hazara Divisions, for appointment of Class-IV against the vacant posts:-

S.No.	Name & Designation of Officer	Division
1.	Mr. Gohar Khan Deputy Director (Establishment)	Peshawar & Mardan Division
2.	Mr. Jamil-ur-Rehman Deputy Director (Monitoring)	Kohat & Bannu Division
3.	Mr. Ihtesham Aziz, Assistant Director (General)	Hazara Division

2. Consequent upon the above nominations, Mr. Muhammad Bashir Ex-Deputy Director (Establishment), Mr. Abdur Rashid Anwar, Ex-Deputy Director (Sports) and Mr. Kiwaja Muhammad Saqib, Ex-Assistant Director (General), Directorate of Higher Education are hereby revoked.

SECRETARY
HIGHER EDUCATION DEPARTMENT

Endst; No. & Date as above.

Copy forwarded to the:

1. Director Higher Education Peshawar, Khyber Pakhtunkhwa.
2. Deputy Director (MEMIS CELL), Higher Education Department.
3. PS to Secretary Higher Education Department.
4. Member concerned.
5. Master File.

(Signature)
(Signature)
(FAZLI RAB)
SECTION OFFICER (C-IV)
8th March 2022.

Annex - E

Govt. Degree College Oghi District Mansehra.

Phone # 0997 320014
email: edtrgh@gmail.com



No. 21/21

Dated. 30/9 /2022

To

The Director Higher Education,
Khyber Pakhtunkhwa, Peshawar.

Subject.

CANCELATION OF APPOINTMENT ORDER REGARDING
LAB. ATTENDANT AND COOK.

Sir, 21/21

This is to inform you that this office order vide endorsement numbers 1025-28 dated 20-09-2022 & 1035-38 21-09-2022 regarding appointment of lab attendant and Bearer/Cook is hereby abrogated till further order please.

Mansoor
Schwal

M. S. Schwal
PRINCIPAL
Govt. Degree College
Oghi