

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

CM (documents) No. _____ 2024
IN
SERVICE APPEAL No. 837/2024

Ihsan Wali Shah


V/S

Govt: of KP etc.



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APPELLANT


Ihsan Wali Shah

THROUGH:-


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.

SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT


(HILAL ZUBAIR)
ADVOCATE

Room No.FR-08, 4th Floor,
Bilour Plaza Peshawar Cantt:
Cell # 0312-9103240

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

CM (documents) No. _____ 2024

IN

SERVICE APPEAL No. 837/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14/20

Date 10-07-2024

Mr. Ihsan Wali Shah, PST
GPS Palsooi Banda, Lachi Kohat.

(APPELLANT)

VERSUS

1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer, District Kohat.

(RESPONDENTS).


**APPLICATION FOR PLACING ON FILE CERTAIN
DOCUMENTS ATTACHED HERewith THE
APPLICATION FOR PERUSAL OF HONORABLE
TRIBUNAL TO MEET THE END OF JUSTICE.**

RESPECTFULLY SHEWETH:

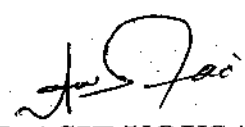
1. That the above titled Service Appeal is pending before this Hon'ble Tribunal.
2. That certain documents which have been provided by the appellant after the institution of instant service appeal, so, therefore, the appellant wants to file those documents for the perusal of Honorable Tribunal to meet the ends of justice and to reach at a fair conclusion.
3. That the attached documents with this application are hereby annexed as Annexure A1-A5 respectively.
4. That there is no legal hurdle for allowing the CM in the interest of justice.

It is, therefore, most humbly prayed that the application may be allowed and the attached documents may please be considered as a part of the service appeal for perusal of the Honorable Tribunal to meet the ends of justice and to reach at a fair conclusion. Any other remedy which august Tribunal deems fit and appropriate that may also be awarded in favour of appellant.


APPELLANT


Ihsan Wali Shah

THROUGH:-


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT


(HILAL ZUBAIR)
ADVOCATE

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

CM (documents) No. _____ 2024

IN

SERVICE APPEAL No. 837/2024

Ihsan Wali Shah

V/S

Govt: of KP etc.

.....
AFFIDAVIT

I, Ihsan Wali Shah (Appellant), do hereby solemnly affirm and declare on oath 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 Tribunal.

DEPONENT

Ihsan Wali Shah

Ihsan Wali Shah

IDENTIFIED BY:-

**(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.**





DOMICILE CERTIFICATE



I declare that I was born of parents who are permanently domiciled in N.W.F.P. and having been born in this province *Mineral*

Mr. / Mrs. / Miss HSAN WALI SHAH S/O D.O. W/O HASSAN WALI SHAH

Was born at Distt: Kohat Tehsil: Kohat

Village / Mohallah: _____ Cast: _____

Date: 2-12-28 Signature: [Signature]

In the Pursuance to the above declaration Dated _____ filed by _____

I have been satisfied through verification that the said is born of parents who are permanent residents of Distt

Tehsil: Kohat N.W.F.P. and having been born within it.

It is hereby certified accordingly that the above declaration is true.

Countersigned:
[Signature]
District Officer
Revenue & Estate

Day _____ Month _____ Year _____

No. _____ D. _____

[Signature]
Deputy Distt. Officer
Revenue & Estate

NOTED

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A

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(M)

17th
20/2/2019

طاب حالاً
تدین کی بات ہے کہ میاں صاحب و صاحبہ

میں نے اپنا حق و حقیقت لکھا ہے۔

میں نے اپنا حق و حقیقت لکھا ہے۔ اور میں زانیہ طور پر جانتا ہوں کہ اس کے والدین اور میری بہن کے پاس اور سسرال میں اور میرے

اپنے سسرال میں۔

وہ

ولتر

صالح خان

تدین کھنڈہ کھانہ۔

طاب حالاً
اصحان علی شاہ

صالح خان

میں نے اپنا حق و حقیقت لکھا ہے۔ اور میں زانیہ طور پر جانتا ہوں کہ اس کے والدین اور میری بہن کے پاس اور سسرال میں اور میرے

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علی

طاب حالاً

تدین کھنڈہ کھانہ

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OFFICE OF THE
Deputy Commissioner
Kohat

*Domicile
Cancelled* A2
~~(Signature)~~
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No. 1150-SS /DC/Domicile Clerk.
Dated: 4-Jun-13

OFFICE ORDER.

Consequent upon the verification made by the Assistant Commissioner Lachi, through Field Revenue staff, Domicile Certificate issued in the name of Ahsan Wali Shah S/O Hassan Wali Shah vide Domicile No 1399-DOR&E, dated 28-2-2009, is hereby cancelled being fake.

~~(Signature)~~
Additional Dy: Commissioner,
Kohat.

CC:

- 1- The Additional Dy: Commissioner Kohat.
- 2- The District Education Officer, Male, Kohat.
- 3- The District Registrar NADRA, Kohat.
- 4- The Assistant Commissioner Lachi.
- 5- The Sub Divisional Education Officer, (Male) Primary, Kohat.
- 6- Domicile Clerk DC Office Kohat.

~~(Signature)~~
Additional Dy: Commissioner,
Kohat

Attested by
~~(Signature)~~
18/6/13

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

A3
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CANCELLATION

Consequent upon the approval of the competent authority, appointment order issued vide this office Endst.No.1293-1344 dated 23-02-2013 at S.No.27, as PST in respect Mr.Ihsan Wali Shah S/O Hassan Wali Shah GPS Paloosi Banda (Lachi) Kohat is hereby cancelled with effect from his taking over charge being Fake Domicile, vide Deputy Commissioner Kohat verification office order No.1150-55/DC/Domicile dated 04-06-2013.

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(ZAHID RASHEED)
DISTRICT EDUCATION OFFICER
(MALE) KOHAT

Endst.No. 1278-8- dated 17 / 06 / 2013

Copy to the:-

1. The Deputy Commissioner Kohat with ref. to his letter No.1150-55 dated 04/06/2013.
2. The District Accounts Officer Kohat
3. The Assistant Commissioner Lachi
4. The Sub Divisional Education Officer (Male) Lachi Kohat
5. Mr.Ihsan Wali Shah S/O Wali Shah GPS Paloosi Banda (Lachi)

E + PWD
CS-B-
18/4/13

17/6/13

BY DISTRICT EDUCATION OFFICER
(MALE) KOHAT

21/6/13

21/6/13

IN THE COURT OF COMMISSIONER, KOHAT DIVISION KOHAT

Appeal No 04/2021 dated 30-03-2021

IHSAN WALI R/O SHOWEKI, LACHI, KOHAT.....Appellant

VS

DEPUTY COMMISSIONER, KOHAT.....Respondent.

APPEAL AGAINST THE ORDER OF DC KOHAT VIDE ORDER
DATED 04-06-2013

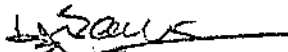
Brief of the case is that the appellant was issued domicile certificate of village Showeki, Union Council Sudai, District Kohat bearing No.1399/DOR&E by the then DOR Kohat on 28-02-2009. One Athar Mehmood s/o Muhammad Akram Khan R/O Malgeen Kohat filed a complaint in the office of Deputy Commissioner Kohat stating therein that the appellant was basically the resident of Distt Karak and therefore the domicile certificate in the name of the appellant might be cancelled. Accordingly, the Distt Administration Kohat initiated inquiry into the matter. On the basis of recommendation of inquiry report, the domicile certificate issued in the name of the appellant was cancelled vide order No.1150-55/DC/Domicile Clerk dated 04-06-2013 by District Administration Kohat. Aggrieved with the same, the appellant filed the instant appeal. Summon was issued to the Deputy Commissioner, Kohat for filing para wise comments along with relevant record.

Appellant along with counsel present. Rep: of Deputy Commissioner Kohat also present. Counsel for the appellant stated that the appellant was primary school teacher in education deptt Kohat and lost his job on account of cancellation of his domicile certificate by District Administration Kohat vide order dated 04-06-2013. The counsel further disclosed that the "dismissal of the appellant by Education deptt: Kohat" was contested upto the Supreme Court of Pakistan when in the meanwhile, the counsel for the appellant in the Supreme Court pleaded for withdrawal his petition to file proceedings for restoration of domicile certificate in the relevant forum. The counsel further stated that the appellant is bone fide resident of District Kohat and the cancellation of domicile certificate by the District Administration Kohat, is based on mala fide intention. The Rep: of Deputy Commissioner Kohat rebutted that the appellant obtained illegally the domicile certificate of District Kohat as the appellant was a bone fide resident of District Karak at the time of obtaining domicile certificate of District Kohat.

Arguments heard. Record along with para wise comments perused. The record shows that at the time of issuing domicile certificate by the then DOR Kohat in the name of the appellant, he (the appellant) was not permanently residing in District Kohat. The appellant had concealed the facts and obtained illegally the domicile certificate of District Kohat.

Keeping in view the above, this court need not interfere in the impugned order of District Administration, Kohat, Hence the order dated 04-06-2013 is maintained and the appeal having no force is dismissed.

Announced
01-07-2021 ✓


COMMISSIONER
KOHAT DIVISION KOHAT

COMMISSIONER KOHAT DIVISION
SEAL
KOHAT

ATTACHED

AS
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BEFORE MEMBER-I, BOARD OF REVNEUE, KHYBER
PAKHTUNIKHWA, PESHAWAR.

Ihsan Wali Shah.....Petitioner
Versus
Deputy Commissioner, Kohat.....Respondent

Case No..... 415/2021/MBR-I
Date of institution: 09.09.2021
Date of Hearing: 06.04.2022
Date of Decision: 19.04.2022 ✓

REVISION PETITION AGAINST THE ORDER DATED
01.07.2021 OF COMMISSIONER, KOHAT DIVISION AT
KOHAT.

JUDGEMENT/ORDER.

Fazal Khalig, MBR-I.. The instant revision petition has been filed against the judgement/order of the learned Commissioner, Kohat Division at Kohat dated 01.07.2021 by which the appeal of the present petitioner was dismissed. The present petitioner is praying that "the impugned order/judgement of the Commissioner, Kohat Division at Kohat dated 01.07.2021 and decision/order of Deputy Commissioner, Kohat dated 04.06.2013 may be cancelled and domicile certificate of the present petitioner which was already issued to him through order No. 1399/DOR&E dated 28.02.2009 may be restored".

2. The present petitioner Mr. Ihsan Wali Shah was holder of domicile certificate of Showki, Union Council Sudal, Tehsil and District Kohat, hearing No. 1399/DOR&E dated 28.02.2009 issued by the then District Officer, Revenue and Estate Kohat. On the basis of educational qualification and domicile certificate, the present petitioner was appointed in Education Department as Primary School Teacher in UC Sudal, on union Council Basis Quota. Another candidate for the mentioned post namely Mr. Athar Mehmood S/o Muhammad Akram Khan resident of Malgeen, Kohat filed a complaint in the office of Deputy Commissioner, Kohat stating therein that the present petitioner was basically the resident of District Karak, therefore, the domicile

ATTESTED

[Signature]
12/06/2022
Reader to Member-I
Board of Revenue
Khyber Pakhtunkhwa

ATTESTED

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certificate in the name of the present petitioner may be cancelled. The District Administration, Kohat initiated an inquiry on the complaint and on the basis of recommendations of the inquiry report, the domicile certificate was canceled vide order No. 1150-55/DC/domicile/clerk dated 04.06.2013. Feeling aggrieved from the order the present petitioner filed an appeal before the Commissioner, Kohat. The learned Commissioner, Kohat dismissed his appeal vide impugned order dated 01.07.2021. Feeling aggrieved from the impugned order, the present petitioner has filed the instant revision petition.

3. Notice / summon was served to the present respondent and he contested the instant revision petition. Arguments were heard and available records were perused.

4. After hearing the arguments, going through record of the case available on file and by perusing relevant law on the subject, it was revealed that Section 17 of the Pakistan Citizenship Act, 1951 and Rule 23 of the Pakistan Citizenship Rules, 1952 are very much clear that if a person ordinarily resident for one year in a District, he can obtain domicile of the said District.

5. From perusal of records it was revealed that the petitioner's name is included in the electoral list of 2012 of District Kohat. The petitioner's CNIC and form "B" of his family also indicates the address of District Kohat. The resident certificate was issued to the petitioner from the office of Secretary UC Sudal dated 03.07.2012. The petitioner also presented computerized copy of Service Deliver Center Iachi as a proof of his ownership of land in Mouza Showki which further strengthen his case.

ATTESTED

[Signature]
10/06/2022
Member
of
District

Keeping in view the above mentioned facts, points of law and findings arrived at, the instant appeal before this forum is accepted and the impugned order dated 01.07.2021 of the Commissioner, Kohat and order No. 1150-55/DC dated 04.06.2013 of Deputy Commissioner Kohat are hereby set-aside and the domicile certificate of the appellant Ihsan

~~**ATTESTED**~~

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are hereby set-aside and the domicile certificate of the appellant Ihsan Wali Shah which was issued vide order Serial No. 1399 dated 28.02.2009 is restored

It is verified that the instant judgment / order comprises of six (06) paragraphs spread over three (03) pages. Each and every page has been signed by the undersigned.

File be consigned to record room after necessary completion.


Announced

19.04.2022

Revision Petition Accepted.


(Fazal Khaliq)
MEMBER-I

ATTESTED


10/06/2022

Reader to Member-I,
Board of Revenue
Khyber Pakhtunkhwa

ATTESTED

