


FORM OF ORDER SHEET

Court of _____

Appeal No. 898/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2024	<p>The appeal of Mr. Tariq Jamil resubmitted today by Mr. I. Nawab Ali Noor Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.07.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

S. Appeal No. ⁸⁹⁸ of 2024.

1. Tariq Jamil S/O Mohammad Hassan R/O Village Devli P/O
Anyat Kali Tehsil Momand Distt Bajour.

.....**Petitioner.**

VERSUS

1. Director Social Welfare Special Education Welfare KPK
Peshawar.**Respondent.**

**Application with utmost request to fix the title above S. Appeal
before the principle bench Peshawar.**

Respectfully submitted.

1. That mentioned titled above s. appeal is not yet fixed for.
2. That as the health issue to the counsel of appellant that's why
counsel for appellant unable to travel, interested to fix the
titled above case here before principle bench of Peshawar.
3. That it will be appropriate to fix the same here.

It is most humbly preyed that on accepting of this application
your honor may graciously be pleased to fix the S. appeal here
before service tribunal Peshawar.

Dated; ¹⁴ 6.24.

Through

Applicant/ appellant

L. Nawab Ali Noor

Advocate


03469076945

The appeal of Mr. Tariq Jamil received today i.e on 06.06.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no.1 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- ② Necessary parties be made in the heading of appeal.
- ✓ 3- Appeal has not been flagged/marked with annexures marks.
- ✓ 4- Annexures of the appeal are unattested.
- ⑤ Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 132 /Inst;/2024/KPST,

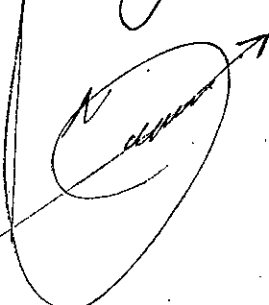
Dt. 7/6 /2024.


OFFICE ASISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. L.Nawab Ali Noor Adv.
High Court Peshawar.

Respectfully submitted

*Needfull done kindly put before
the Court.*



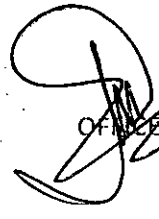
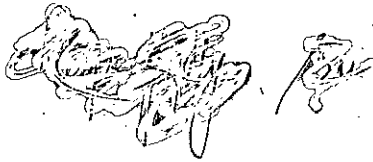
*Only 2
Copies provided*

Respected Madam,

It is submitted that the present appeal was returned to counsel for the appellant for removing the deficiencies (Flag-A). Today i.e. 14.06.2024 the learned counsel re-filed the appeal without removing the objection no. 2 & 5 (Flag-B).

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

Hon'ble Member (J).



OFFICE ASSISTANT
14/6/24

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

S. Appeal No. ⁸⁹⁸ of 2024.

1. Tariq Jamil S/O Mohammad Hassan R/O Village Devli P/O
Anyat Kali Tehsil Momand Distt Bajour.
.....Petitioner.

VERSUS

1. Govt of K.P.K Through Chief Secretary Civil Secretariat
Peshawar & others.
.....Respondents.

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Through

Appellant

L.Nawab Ali Noor
Advocate High Court Peshawar.
03469076945

Better Copy. P. 1

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

S. Appeal No. ⁸⁹⁸ of 2024.

1. Tariq Jamil S/O Mohammad Hassan R/O Village Devli P/O
Anyat Kali Tehsil Momand Distt Bajour.

..... Appellant.

VERSUS

1. Director Social Welfare Special Education Welfare KPK
Peshawar.

..... Respondents.

Appeal under section -4 of the N.W.F.P service tribunal Act 1974 against the order dated 11.12.2023, which was kept hide and appellant got information on 11.2.24 through which withdraw appellant appointment order/ offer of appointment NO. E-16/28/DSW/2023-24/3136-12 dated 8.11.23 .

Prayer:

On acceptance of this appeal the order NO. E-16/28/DSW/2023-24/3136-12 dated 8.11.23 dated 11.12.23 of the respondent no.2 may please be set aside and may please restore the order dated 8.11.23 service of the appellant with all back benefit.

RESPECTFULLY SUBMITTED,

1. That Appellant belong from the mentioned above titled address.
2. That appellant got the degree of master of physical Education (MPED) in the year 2018 from Abdul Wali Kahn University

(1)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

S. Appeal No. ⁸⁹⁸ of 2024.

1. Tariq Jamil S/O Mohammad Hassan R/O Village Devli P/O
Anyat Kali Tehsil Momand Distt Bajour.

..... Appellant.

VERSUS

1. Govt of K.P.K Through Chief Secretary Civil Secretariat
Peshawar.

2. Director Social Welfare Special Education Welfare KPK
Peshawar.

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RESPECTFULLY SUBMITTED,

1. That Appellant belong from the mentioned above titled address.
2. That appellant got the degree of master of physical Education (MPEP) in the year 2018 from Abdul Wali Kahn University

Mardan along with got experience. (Copy of the testimonial as well as experience certificate as annexure A).

3. That on 20.10.2021 respondent department advertised some posts including posts of physical training instructor BPS-12. (Copy of the advertisement as annexure B).
4. That post were advertised through zone wise and for each zone one post was there as per advertisement.
5. That as per advertisement post of physical instructor qualification were required intermediate with diploma of physical education from recognize institution.
6. That test was conducted on 9.10.2022 and after the same interview taken on 15.6.23.
7. That passing through all coddle formalities appellant was clear and declare and issued appointment order of physical instructor on 8.11.23. Copy of the order as annexure C.
8. That after the same appellant properly taken charge and started his duty with full devotion and interest.
9. That respondents properly verified the testimonial like degree from Abdul Wali Khan University Mardan which was properly verified.
10. That during the same time appellant orally by one of his friend informed that matter in respect of termination is going in office for which appellant when quires of the same he was not given the perfect information nor any black and white

notice/ show cause notice not any oral order or inquiry was given to appellant.

11. That during the same time once appellant was called and handover the two documents one was affidavit and other was so called statement and given threat that if you not sign the same you will be terminated with FIR & if sign department will give you pardon. (Copies of Affidavit and statement as annexure D).

12. That appellant properly demanded for show cause notice but same was even not handover to appellant.

13. That it is to be noted that later on for the blue eyed person so called allegations of experience certificate was alleged in direct order and the experience certificate which was properly submitted with respondent department was kept hide.

14. That latter on petitioner got extremely surprise to see that an order dated 11.12.23 was passed through which order dated 8.11.23 of appointment was withdrawn but same was kept hide and appellant got information of the same on 11.2.24. (Copy of the order date 11.12.23 as annexure E).

15. That being aggrieved appeal filed on 14.2.2024, no response hence this appeal (copy of appeal as annexure E).

That having aggrieved from all mentioned entire processes & withdraw order dated 11.12.23 got information on 11.2.24 which is no relevancy with law same time violation of the constitute of Islamic republic of Pakistan 1973 petitioner approach this Honorable court on following amongst others:

GROUPS:

- a. That over the political intervention, malafide intention baseless charges petitioner under the punishment same is continue is/was illegal, unlawful, unconstitutional act of the respondents hence order of withdraw dated 11.12.23 to be declare illegal unlawful, unconstitutional liable to be set aside.
- b. That when there is nothing in field nor any inquiry is there nor made responsible by the petitioner for any specific crime committed or violation of any law, hence question of discrimination before this Honorable tribunal.
- c. That till date no such like action nor over the mentioned general allegations was ever awarded to any civil servant nor respondents have right to initiate the same so withdraw order is also violation of the constitution liable to be set-aside.
- d. That under what law and circumstances punishment of the appellant was awarded when no fault and default on part of appellant reason best known to them.
- e. That under the constitution appellant has the same rights like other but same not extend equally which is injustice.
- f. That act of the respondent to pick and chose is not justified at any cost.
- g. That respondents adopted the policy of pick and chose which is against the basic provision of the constitution and relevant law.

- h. That action on the part of respondents amount to misuse of power and approach beyond from the jurisdiction under the law mentioned for.
- i. That superior court repeatedly delivered judgment in respect Art.4, 25,27 etc and present case respondents violate the same along with service rules.
- j. That under the law being civil servant same is the negligence of the respondents with malafide intention.
- k. That may see no inquiry is there no show cause no reply is there nothing is there how so called recommendations same is general and as for as recommendations is day light clear that nothing specifically alleged over the basic which is/ was the basically required only so called charged was leveled in respect of experience which is illegal, unlawful.
- l. That may see no inquiry, no personal hearing, no cross examination no evidence even all mentioned done under the one roof of office with malafide intention bulldoze the basic constitutional rights of the appellant directly impose the major penalty dismissal from the service/ withdrawal the order dated 8.11.23 through order dated 11.12.23 was kept hide got information appellant on 11.2.24 which against the basic constitutional rights of the appellant.
- n. That over the same appellant filed appeal before the competent authority on 11.2.24 through which Director Social Welfare Special Education Welfare KPK Peshawar along with

(6)

complaint to various sections which till date no response.

It is therefore most humbly prayed that on acceptance of this service appeal this honorable tribunal may graciously be pleased to set aside / declare, null and void all mentioned processes and order dated 11.12.23 & restore the order dated 8.11.23 along with back benefit.

Direct the respondents to treat the appellant according the law, and not further harass, pressurize.

May please awarded any other relief for which appellant entitled not specifically mentioned deem appropriate may also awarded.

Through

Appellant
L.Nawab Ali Moor
Advocate High Court
Peshawar.

Certificate: certified that no such like S. Appeal is before this Honorable court.

AFFIDAVIT.

I, Tariq Jamil S/O Mohammad Hassan R/O Village Devli P/O Anyat Kali Tehsil Momand Distt Bajour, do solemnly affirm and declare on oath that the contents of the accompanying S. Appeal are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable court.

Deponent



Ans. A. 7 ①



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MALAKAND

Higher Education Wing, Peshawar

DETAILED MARKS & PROVISIONAL CERTIFICATE

BISE
MALAKAND

HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION

S.No.MB 39552

Reg No 048-B/GCBZ-2012M

INTERMEDIATE (ANNUAL PART-II) EXAMINATION, 2015

Roll No: 59599

Group: Pre-Medical

Tariq Jamil Son of Mohammad Hassan

appeared as Ex-Student of Govt. Degree College Barkhalozai, Bajaur Agency

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination held in the month of April/May. The Examination was taken as a whole

Subjects	Marks	Marks Obtained						Marks in Words
		Part-I		Part-II		Total		
		Theory	Pract	Theory	Pract			
English	200	45	--	41	--	86	Eighty-Six	
Urdu	200	70	--	75	--	145	One Hundred Forty-Five	
Islamic Education	50	41	--	--	--	41	Forty-One	
Pakistan Studies	50	--	--	33	--	33	Thirty-Three	
Physics	200	39	13	38	15	105	One Hundred Five	
Chemistry	200	35	15	38	15	103	One Hundred Three	
Biology	200	58	15	45	15	133	One Hundred Thirty-Three	
Total : 1100		Marks :		646-C		Six Hundred Forty-Six Only		
		Remarks :		MI				

Checked By: [Signature]

Note: Errors / Omissions excepted Any mistake in Name etc must be intimated within 30 days after receiving the above certificate
Computer Cell BISE, Malakand
Print Date: 25/July/2015.

[Signature]

Controller of Examinations
B.I.S.E. Malakand

*Attached to be inc
copy*



University of Malakand Pakistan

DETAILED MARKS CERTIFICATE

Serial No 041076

Name: TARIQ JAMIL
Father's Name: MOHAMMAD HASSAN
Registration No. 1432038
College/District: Govt. Degree College Bar Khaloza Bajaur Agency
Address: Vill. And P.O Damdola Teh. Mamund Bajaur Agency

Bachelor of Science

Examination	Roll No.	Held Date	Result Date
B.Sc PART-I ANNUAL EXAMINATION 2015	7404	Jun. 2015	27-Aug-2015
B.Sc PART-II ANNUAL EXAMINATION 2016	7443	May-Jun. 2016	26-Aug-2016

Subject Name	Maximum Marks	Obtained in Part-I	Obtained in Part-II	Obtained Total
BOTANY	150	44	43	87
CHEMISTRY	150	31	35	66
ZOOLOGY	150	29	38	67
ISLAMIYAT (C)	60	40		40
PAK. STUDY	40		26	26
	550	144	142	286

Result Status	Passed	2nd Division



The examination was taken as a whole

Errors and Omissions are subject to subsequent rectification.

Issuance Date: 26-Aug-2016

Prepared by: Amjad Shahzad

Checked by:

(Signature)

(Signature)
Controller of Examinations
University of Malakand

Amjad Shahzad
copy
to be
True



ABDUL WALI KHAN UNIVERSITY

MARDAN, PAKISTAN

TRANSCRIPT

DEPARTMENT OF PHYSICAL EDUCATION & SPORTS M.P.Ed

Name: Tarig Jamil

Father's Name: Mohammad Hassan

Roll No: 38

Reg No: AWKUM-16001364

1st Semester (Fall, 2016)								
Title of Course	Total Marks	Marks Obtained	CR Hrs	Grade	NG	GP	GPA	Remarks
Basic of Anatomy	100	80	3	A-	3.50	10.5		
Foundation of Physical Education	100	76	3	B+	3.30	9.9		
Rules of Games	100	70	3	B	3.00	9		
Computer Literacy in Physical Education	50	43	2	A	3.80	7.6		
Techniques & Skills of Games-I	50	47	2	A+	4.00	8		
Techniques & Skills of Athletics-I	50	41	2	A-	3.60	7.2		
Techniques & Skills of Gymnastics -I	50	33	2	B-	2.80	5.6		
TOTAL	500	390	17			57.8	3.40	Promoted
2nd Semester (Spring, 2017)								
Title of Course	Total Marks	Marks Obtained	CR Hrs	Grade	NG	GP	GPA	Remarks
Sociological Aspect of Physical Education	50	39	2	B+	3.40	6.8		
Sports Biomechanics	100	76	3	B+	3.30	9.9		
Sports Nutrition	100	81	3	A-	3.55	10.65		
Rules of Athletics	100	81	3	A-	3.55	10.65		
Techniques & Skills of Gymnastics -II	50	42	2	A-	3.70	7.4		
Techniques & Skills of Athletics -II	50	42	2	A-	3.70	7.4		
Techniques & Skills of Games-II	50	42	2	A-	3.70	7.4		
TOTAL	500	403	17			60.2	3.54	Promoted
3rd Semester (Fall, 2017)								
Title of Course	Total Marks	Marks Obtained	CR Hrs	Grade	NG	GP	GPA	Remarks
Measurement & Evaluation in P.E	100	65	3	B-	2.75	8.25		
Research Methods	100	72	3	B	3.10	9.3		
Sports Medicine	100	68	3	B-	2.90	8.7		
Coaching Project	75	63	2	A-	3.70	7.4		
Specific Officiating Skills	75	55	2	B	3.15	6.3		
Physical Education for Special Populations	50	39	2	B+	3.40	6.8		
TOTAL	500	362	15			46.75	3.12	Promoted
4th Semester (Spring, 2018)								
Title of Course	Total Marks	Marks Obtained	CR Hrs	Grade	NG	GP	GPA	Remarks
Administration & Management in P.E & Sports	100	73	3	B	3.15	9.45		
Sports Psychology	100	66	3	B-	2.80	8.4		
Curriculum Development in P.E	100	79	3	B+	3.45	10.35		
Science of Sports Training & Coaching	100	67	3	B-	2.85	8.55		
Planning Sports Facilities	100	77	3	B+	3.35	10.05		
Research Project	100	80	3	A-	3.50	10.5		
TOTAL	600	442	18			57.3	3.18	Passed
			67			222.1		

CGPA	3.31
Percentage	76%

Errors & Omissions are subject to subsequent rectification

Result Declaration Date: - Jun 12, 2018

Prepared by: Sanaullah

Pirawat

Controller of Examinations

VACANT POSITIONS

Applications are invited from the eligible candidates having domicile of concerned Zones of Khyber Pakhtunkhwa for recruitment through Education Testing Evaluation Authority against the following regular posts in Social Welfare, Special Education and Women Empowerment Government of Khyber Pakhtunkhwa.

Ann-B-10

*2/10/24
Adv. of posts*

Sr.	Designation of Post	Qualification	Age Limit	Grade
1	Assistant Audiologist BPS-16	B.Sc. in Audiology with 1 year experience as an Audiologist in a hospital or clinic.	21-24 years	Senior Grade 16
2	Assistant Oral Master BPS-10	Intermediate with 1 year experience in a dental clinic or hospital.	18-25 years	Senior Grade 10
3	Assistant Physiotherapist BPS-11	Secondary School Certificate with 1 year experience in a hospital or clinic.	18-25 years	Senior Grade 11
4	Braille Teacher BPS-10	Intermediate with 1 year experience in a school or college.	18-25 years	Senior Grade 10
5	Drawing Master BPS-10	Intermediate with 1 year experience in a school or college.	18-25 years	Senior Grade 10
	Junior Oral Master BPS-10	Intermediate with 1 year experience in a dental clinic or hospital.	18-25 years	Senior Grade 10
	Junior Teacher BPS-12	Bachelor's Degree in Education from recognized university or D.D. on merit to District level recognized Institute.	18-25 years	Senior Grade 12
	Munji Instructor BPS-10	Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 10
	Music Teacher BPS-13	Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 13
	PT & B-12	Intermediate with 1 year experience in a school or college.	18-25 years	Senior Grade 12
11	Qan = B-10	Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 10
12	Salesman = B-7	Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 7
13	Store Keeper = B-7	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 7
14	Supervisor = B-10 (Munji Cane Basketry)	Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 10
15	Auxiliary Worker BPS-7	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 7
16	Reaction / Reaction Instructor = BPS-7	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 7
17	Work Overseer = B-6	Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 6
18	Certified Teacher BPS-10	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 10
19	Computer Operator BPS-16	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 16
20	Junior Clerk BPS-11	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 11
21	Junior Scale Stenographer BPS-14	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 14
22	Needle Craft Instructor BPS-9	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 9
23	Religious Teacher BPS-10	Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 10
24	Tailoring Instructor BPS-14	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 14
25	Vocational Teacher BPS-12	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 12
26	Vocational Instructor BPS-12	At least Secondary School Certificate with 1 year experience in a school or college.	18-25 years	Senior Grade 12

TERMS & CONDITIONS

- Candidates will be provisionally allowed to appear in the ETEA examination only if they have submitted their application to the competent authority and a copy of the application form to the Director, Government of Khyber Pakhtunkhwa.
- Minimum qualification as per the advertisement.
- Qualifying the examination is the condition for appointment.
- Candidates who have been appointed to the post shall be required to work in the Government of Khyber Pakhtunkhwa.
- Income tax will be deducted from the salary of the candidates.
- Provision of age will be taken into consideration.
- The candidates working in Government of Khyber Pakhtunkhwa shall be eligible for the post.
- Candidates who are already employed in any other Government of Khyber Pakhtunkhwa shall be eligible for the post.
- Competent Authority reserves the right to make any modification in the advertisement.
- The DA will be necessary for the post.
- In case of foreign degree, the candidate must submit the certificate of equivalence from the Government of Khyber Pakhtunkhwa.
- From: Director, Government of Khyber Pakhtunkhwa.

NOTE: These candidates who are already employed in any other Government of Khyber Pakhtunkhwa shall be eligible for the post.

HOW TO APPLY

- Interested candidates may fill up the application form available at the Directorate of Social Welfare, Special Education & Women Empowerment, Government of Khyber Pakhtunkhwa, Jamrud Road, Peshawar.
- After successful submission of the application form, the candidate will receive a receipt for the application form.
- The candidate must submit the application form to the Directorate of Social Welfare, Special Education & Women Empowerment, Government of Khyber Pakhtunkhwa, Jamrud Road, Peshawar.
- After successful submission of the application form, the candidate will receive a receipt for the application form.
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NOTE: IMPORTANT!

Copy
Added to be True



Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education
& Women Empowerment, Jamrud Road, Peshawar.

No. L-17/35/DSW/SE & WE/NIS/118-12
Dated Peshawar the Wednesday, August 24, 2023

To:

Mr. Fariq Jamil S/O Muhammad Hassan,
P.O Inayat Kalay Tehsil Mamund Bajaur.

Subject: **OFFER OF APPOINTMENT AGAINST THE POST OF PHYSICAL TRAINING INSTRUCTOR (BPS-12).**

Having been recommended by the Departmental Selection Committee in its meeting held on dated 18-08-2023 and approved by the Competent Authority, You are offered the post of **Physical Training Instructor (BPS-12) in Government Institute for Speech & Hearing Impaired Children, Malakand** on the following terms and conditions:-

- You will be entitled to a pay in the Basic Pay Scale No. 12 plus allowances as admissible to the government servants under the rules.
- The appointment is purely on temporary basis subject to medical fitness, verification of domicile certificate, educational certificates/degrees and experience certificates etc at your own expenses.
- You will be on probation for a period of one year extendable for another one year by order either before or after its termination. Provided further that in the absence of an order, the period of probation shall be deemed to have been successfully completed in accordance with the Rule 15 of the Government of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as amended from time to time.
- Your services are liable to be terminated at any time without assigning any reasons, by giving a notice for a period not less than 15 days or payment in lieu thereof equal to 15 days salary.
- In case you wish to resign from your service under Government, you shall resign in writing and shall continue to serve the Government until your resignation is accepted. If you absent yourself, you shall be liable to disciplinary action which may result in disqualification from any further employment under Government.
- You will have no claim or title to permanent retention / confirmation on any post under this Directorate on the basis of this appointment.
- You may be posted / transferred to any District as per requirement of your services at any time
- No request for change of station of posting will be entertained for which offer is accepted before completion of normal tenure.

2. If the offer is acceptable to you on the above mentioned terms and conditions, you should report for duty to the **Principal, Government Institute for Speech & Hearing Impaired Children, Malakand** within 30 days after issuance of this offer of appointment and submit your acceptance through officer concerned.

Sd/-----

DIRECTOR

(Social Welfare, SE & WE, KP)

Copy forwarded to:

- The District Accounts Officer, Malakand.
- The District Officer, Social Welfare, Malakand.
- The Principal, Government Institute for Speech & Hearing Impaired Children, Malakand with the remarks to furnish (attested copies) of Medical Fitness Certificate, Arrival Report, (original) Character Certificate and verified Domicile Certificate as required under Section (b) of the offer of appointment. Salary etc in r/o the concerned may be released after issuance of formal appointment order by the Directorate.
- PS to Secretary Social Welfare, SE & WE Khyber Pakhtunkhwa.

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Handwritten notes on the left margin.

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Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education
& Women Empowerment, Jamrud Road, Peshawar.

Dated Peshawar the 11/12/2023.

ORDER

- No. E-16/23/DSW/2023-24/443-17 - WHEREAS, Mr. Tariq Jamil S/O Mohammad Hassan, hailing from Zone-1, offered for appointment against the post of Physical Training Instructor (BPS-17) vide No. E-16/DSW/ETEA-NTS/412-17 dated 24-08-2023.
2. AND WHEREAS, that while verifying credential, the Principal, Government Postgraduate, Jahanzeb College, Saidu Sharif, Swat disowned the two-year experience certificate so submitted at the time of applying/interview against the post.
3. AND WHEREAS, Mr. Rizwan Ahmad, Deputy Director, Special Education Complex, Hayatabad, Peshawar was nominated as Inquiry Officer, to conduct fact-finding vide order No. E-16/28/DSW/2023-24/3136-42 dated 08-11-2023.
4. AND WHEREAS, the Inquiry Officer submitted report, wherein the said experience certificate has been proved as "fake" and resulting therein recommended to withdraw the offer of appointment as quoted above.
5. AND WHEREAS, he was served upon a Showcause Notice vide No. E-16/28/DSW/4097 dated 30-11-2023, directing therein to appear in person before the Competent Authority i.e Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
6. AND WHEREAS, in compliance, he appeared on dated 07-12-2023 but failed to justify his act of cheating and fraudulent practice.
7. AND WHEREAS, I (Muhammad Naeem Khan, Director, Social Welfare) satisfied and found him guilty, as a result thereof, being Competent Authority decided to withdraw the offer of appointment No. E-16/28/DSW/2023-24/3136-42 dated 08-11-2023.
8. AND NOW, therefore, this Directorate Offer of Appointment No as quoted above, is hereby withdrawn.

Sd/-

Director,

Social Welfare, Spl: Edu: & WE,
Khyber Pakhtunkhwa.

Copy to:

1. The District Accounts Officer, Malakand.
2. The District Officer, Social Welfare, Malakand.
3. The Principal, Government School for Hearing & Speech Impaired Children, Malakand.
4. P.S to Secretary, Social Welfare, Khyber Pakhtunkhwa.
5. P.A to Director, Social Welfare, Khyber Pakhtunkhwa.
6. Mr. Tariq Jamil S/O Mohammad Hassan, P.O Inayat Kalay, Tehsil Momund, Dajaur.
7. Personal File.

Assistant Director
(Establishment-I)

Requested to be
True copy.

Box P - (14)

TO the Director Social Welfare Special Education Welfare KPK
Peshawar,

Departmental Appeal against the order dated 11.12.2023, which was kept hide and applicant got information on 11.2.24 through which withdraw appellent appointment order/ offer of appointment NO. E-16/28/DSW/2023-24/3136-12 dated 8.11.23.

Prayer:

On acceptance of this departmental appeal the withdraw order NO. E-16/28/DSW/2023-24/3136-12 dated 8.11.23 through order NO.E-16/23/DSW/2023-24/4413-19 dated 11.12.23 of your honor, may please be set aside and may please restore the order dated 8.11.23 service of the appellent with all back benefit.

RESPECTFULLY SUBMITTED,

1. That Applicant is properly in service under your honor.

2. That applicant got the degree of master of physical Education (MPED) in the year 2018 from Abdul Wali Kahn University Mardan along with got experience & through 20.10.2021 advertisement some posts including posts of physical training instructor BPS-12 & same posts were advertised zone wise and for each zone one post was there as per advertisement. That as per advertisement post of physical instructor qualification were required intermediate with diploma of physical education from recognize institution. That test was conducted on 9.10.2022 and after the same interview taken on 15.6.23 & passing through all coddle formalities applicant was clear and declare and issued appointment order of physical instructor on 8.11.23 & after the same appellent properly taken charge and started his duty with full devotion and interest and verification properly of the testimonial like degree from Abdul Wali Khan University Mardan which was properly verified. That during the same time applicant orally informed by one of his friend that matter in respect of termination is going in office for which applicant when quires of the same he was not given the perfect information nor any black and white notice/show cause notice not any oral order or inquiry was given to applicant, during the same time once applicant was called and handover the two documents one was affidavit and other was so called statement and given threat that if you not sign the same you will be terminated with FIR & if sign department will give you pardon.. That applicant properly demanded for show cause notice but same was given not handover to applicant, it is to be noted that later on for the blue eyed person so called allegations of experience certificate was alleged in direct order and the experience

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certificate which was properly submitted with respondent department was kept hide. That latter on petitioner got extremely surprise to see that an order dated 11.12.23 was passed through which order dated 8.11.23 of appointment was withdrawn but same was kept hide and appellat got information of the same on 11.2.24. That over the political intervention, malafide intention baseless charges petitioner under the punishment same is continue is/was illegal, unlawful, unconstitutional act of the respondents hence order of withdraw dated 11.12.23 to be declare illegal unlawful. unconstitutional liable to be set aside. That when there is nothing in field nor any inquiry is there nor made responsible by the petitioner for any specific crime committed or violation of any law, hence question of discrimination before your Honor. That till date no such like action nor over the mentioned general allegations was ever awarded to any civil servant nor respondents have right to initiate the same so withdraw order is also violation of the constitution liable to be set-aside. That under what law and circumstances punishment of the appellat was awarded when no fault and default on part of appellat reason best known to them. That under the constitution appellat has the same rights like other but same not extend equally which is injustice. That act of the respondent to pick and chose is not justified at any cost. That respondents adopted the policy of pick and chose which is against the basic provision of the constitution and relevant law. That action on the part of respondents amount to misuse of power and approach beyond from the jurisdiction under the law mentioned for. That may see no inquiry is there no show cause no reply is there nothing is there how so called recommendations same is general and as for as recommendations is day light clear that nothing specifically alleged over the basic which is/ was the basically required only so called charged was leveled in respect of experience which is illegal, unlawful. That may see no inquiry, no personal hearing, no cross examination no evidence even all mentioned done under the one roof of office with malafide intention *bulldoze the basic constitutional rights of the appellat directly impose the major penalty dismissal from the service/ withdrawal the order dated 8.11.23 through order dated 11.12.23 was kept hide got information appellat on 11.2.24 which against the basic constitutional rights of the appellat.

It is therefore most humbly prayed that on acceptance of this Departmental appeal this honorable tribunal may graciously be pleased to set aside /declare null and void all mentioned processes and order dated 11.12.23 & restore the order dated 8.11.23 along with back benefit.

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Appellant

Ans P-16

To, the Chief Secretary H.P.U, Peshawar.
Departmental appeal against the order dated 11.12.2023, which was kept hide and applicant got information on 11.2.24 through which withdraw appellat appointment order/offer of appointment NO. E-16/28/DSW/2023-24/3136-12 dated 8.11.23.

Prayer:

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RESPECTFULLY SUBMITTED,

1. That Applicant is properly in service under your honor.
2. That applicant got the degree of master of physical Education (MPED) in the year 2018 from Abdul Wali Kahn University Mardan along with got experience & through 20.10.2021 advertisement some posts including posts of physical training instructor BPS-12 & same posts were advertised zone wise and for each zone one post was there as per advertisement. That as per advertisement post of physical instructor qualification were required intermediate with diploma of physical education from recognize institution. That test was conducted on 9.10.2022 and after the same interview taken on 15.6.23 & passing through all coddle formalities applicant was clear and declare and issued appointment order of physical instructor on 8.11.23 & after the same appellat properly taken charge and started his duty with full devotion and interest and verification properly of the testimonial like degree from Abdul Wali Khan University Mardan which was properly verified. That during the same time applicant orally informed by one of his friend that matter in respect of termination is going in office for which applicant when quires of the same he was not given the perfect information nor any black and white notice/show cause notice not any oral order or inquiry was given to applicant, during the same time once applicant was called and handover the two documents one was affidavit and other was so called statement and given threat that if you not sign the same you will be terminated with FIR & if sign department will give you pardon..That applicant properly demanded for show cause notice but same was even not handover to applicant. it is to be noted that later on for the blue eyed person so called allegations of experience certificate was alleged in direct order and the experience

Amir Khan
for
EPM
[Signature]

Ans. P. 17

certificate which was properly submitted with respondent department was kept hide. That latter on petitioner got extremely surprise to see that an order dated 11.12.23 was passed through which order dated 8.11.23 of appointment was withdrawn but same was kept hide and appellatant got information of the same on 11.2.24. That over the political intervention, malafide intention baseless charges petitioner under the punishment same is continue is/was illegal, unlawful, unconstitutional act of the respondents hence order of withdraw dated 11.12.23 to be declare illegal unlawful, unconstitutional liable to be set aside. That when there is nothing in field nor any inquiry is there nor made responsible by the petitioner for any specific crime committed or violation of any law, hence question of discrimination before your Honor. That till date no such like action nor over the mentioned general allegations was ever awarded to any civil servant nor respondents have right to initiate the same so withdraw order is also violation of the constitution liable to be set-aside. That under what law and circumstances punishment of the appellatant was awarded when no fault and default on part of, appellatant reason best known to them. That under the constitution appellatant has the same rights like other but same not extend equally which is injustice. That act of the respondent to pick and chose is not justified at any cost. That respondents adopted the policy of pick and chose which is against the basic provision of the constitution and relevant law. That action on the part of respondents amount to misuse of power and approach beyond from the jurisdiction under the law mentioned for. That may see no inquiry is there no show cause no reply is there nothing is there how so called recommendations same is general and as for as recommendations is day light clear that nothing specifically alleged over the basic which is was the basically required only so called charged was leveled in respect of experience which is illegal, unlawful. That may see no inquiry, no personal hearing, no cross examination no evidence even all mentioned done under the one roof of office with malafide intention bulldoze the basic constitutional rights of the appellatant directly impose the major penalty dismissal from the service withdrawal the order dated 8.11.23 through order dated 11.12.23 was kept hide got information appellatant on 11.2.24 which against the basic constitutional rights of the appellatant.

It is therefore most humbly prayed that on acceptance of this Departmental appeal this honorable tribunal may graciously be pleased to set aside /declare null and void all mentioned processes and order dated 11.12.23 & restore the order dated 8.11.23 along with back benefit.

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Appellatant

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بعدالت

Before The Service Tribunal
K.P.K. Pashaway

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13/5/24

Appellant

Service Appoint

موزی
مقدمہ
دعویٰ

Tariq Jamil vs Govt of Punjab - Chief Secretary
باعث تحریر آفکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی دکن کارروائی متعلقہ
آن مقام سہریں شہر میں کیے گئے۔ اس کے بعد کارروائی کے لئے درخواستیں لکھی گئیں اور
مقررہ کر کے اتر کر لیا گیا ہے۔ کہ صاحب موصوف کو مقدمہ کی مکمل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرانے کے لئے یہ حالتہ فیصلہ برحلاف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور اصولی چیک درو پیچہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا اپیل کی برادگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت تقریرت مقدمہ مذکور
کے مکمل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بھائی کے اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ
پروا ختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہو جائے تو اسے مقدمہ سے ہی ادا کیا جائے گا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
مذکورہ کریں۔ لہذا کالت نامہ گھنڈیا کہ سند ہے۔

Handwritten signature and date: 25/5/24

الرقوم 13 ناہ

واہ الع

بمقام سہریں شہر میں کیے گئے کے لئے منظور ہے۔