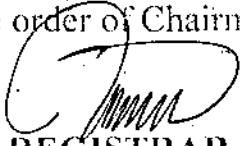


FORM OF ORDER SHEET

Court of _____

Appeal No. 1219/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/08/2024	<p>The appeal of Mr. Muhammad Sajjad Khan presented today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 17.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

K P SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: MUHAMMAD SAJJAD KHAN_v/s EDUCATION DEPTT

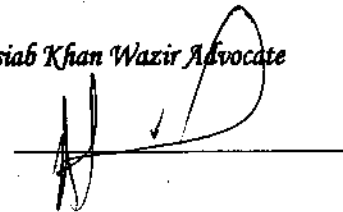
S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <i>Afrasiab Khan Wazir Advocate</i>	<input checked="" type="checkbox"/>	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	<input checked="" type="checkbox"/>	
3	Whether appeal is within time?	<input checked="" type="checkbox"/>	
4	Whether the enactment under which the appeal is filed mentioned?	<input checked="" type="checkbox"/>	
5	Whether the enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	
6	Whether affidavit is appended?	<input checked="" type="checkbox"/>	
7	Whether affidavit is duly attested by competent Oath Commissioner?	<input checked="" type="checkbox"/>	
8	Whether appeal/annexures are properly paged?	<input checked="" type="checkbox"/>	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	<input checked="" type="checkbox"/>	
10	Whether annexures are legible?	<input checked="" type="checkbox"/>	
11	Whether annexures are attested?	<input checked="" type="checkbox"/>	
12	Whether copies of annexures are readable/clear?	<input checked="" type="checkbox"/>	
13	Whether copy of appeal is delivered to AG/DAG?	<input checked="" type="checkbox"/>	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	<input checked="" type="checkbox"/>	
15	Whether numbers of referred cases given are correct?	<input checked="" type="checkbox"/>	
16	Whether appeal contains cutting/overwriting?		<input checked="" type="checkbox"/>
17	Whether list of books has been provided at the end of the appeal?	<input checked="" type="checkbox"/>	
18	Whether case relate to this court?	<input checked="" type="checkbox"/>	
19	Whether requisite number of spare copies attached?	<input checked="" type="checkbox"/>	
20	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	
21	Whether addresses of parties given are complete?	<input checked="" type="checkbox"/>	
22	Whether index filed?	<input checked="" type="checkbox"/>	
23	Whether index is correct?	<input checked="" type="checkbox"/>	
24	Whether Security and Process Fee deposited? On		
25	Whether copies of comments/reply/rejoinder submitted? On		
26	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: *Afrasiab Khan Wazir Advocate*

Signature:

Dated:



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Appeal No. 1219 /2024

MUHAMMAD SAJJAD KHAN

.....VERSUS.....

EDUCATION DEPTT

INDEX

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4.	re-appointment order dated 24.02.2014 & charge report & withdrawal order dated 26.09.2014	B & C	6-8
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6.	execution petition No.413/2019 & letter dated 27.10.2021 & re-instatement order(Revised) 03.11.2021 & corrigendum dated 20.06.2022 & charge report	E F G H	20-24
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APPELLANT

Through:

AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT

Office:

ROOM NO. B-16, GOVT COLLEGE CHOWK,

NIMRA PLAZA, PESHAWAR.

CELL: 0312-9888752

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 219 /2024

Mr. Muhammad Sajjad Khan, Ex PST, S/O Bahadar Sher R/O House No.460, Street No.12 E-4, Phase-7, Hayatabad, Peshawar, GPS Khojel Khel Tehsil Shaki, South Waziristan Tribal District At Tank.

.....**APPELLANT.**
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 15027

- 1- The Director E&SE , Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (M), South Waziristan Tribal District At Tank.

Dated 16-08-2024

.....**RESPONDENTS.**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974, READ WITH ALL ENABLING PRIVISION OF LAW ENCOMPASING THE SUBJECT MATTER, AGAINST, THE IMPUGNED ORDER DATED 13.07.2023 WHEREBY THE APPELLANT RE-INSTATMENT ORDER IS CANCELLED/WITHDRAWAN AB-INITIO AND NOR ACTION IS TAKEN ON DEPARTMETNAL APPEAL WITHIN STIPULATED PERIOD.

RESPECTFULLY SHEWETH:

ON FACTS:

- 1- That the appellant was appointed as PTC in the respondent department vide order dated 24.02.2007 and since that he was performing his duties honestly. **Copy of order dated 24.02.2007 attached.....A.**
- 2- After that the appellant was re-appointed on regular basis vide order dated 24.02.2014, there upon he took charge of the same which was withdrawn/cancelled again. **Copy of the re-appointment order dated 24.02.2014 & charge report & withdrawal order dated 26.09.2014 is attached.....B & C.**
- 3- That the abovementioned withdrawal order was challenged by the appellant vide service appeal No.978/2016 which was accepted vide judgment dated 11.07.2019 for the purpose of the proper inquiry in accordance with law. **Copy appeal 978/2016 & judgment dated 11.07.2019 is attached.....D.**

Filed to-day
Registrar
16/8/24

4- That the respondents were reluctant to execute the aforementioned judgment the appellant than filed execution petition No.413/2019, and in response the respondents issued letter dated 27.10.2021 to conduct proper inquiry against the officer/official for not filling CPLA under intimation to this office and in light of that the respondents issued reinstatement order 03.11.2021 of the appellant which is later on corrected vide fresh corrigendum dated 20.06.2022 issued by the respondents upon which the appellant took charge in the school. **Copy of the execution petition No.413/2019 & letter dated 27.10.2021 & re-instatement order(Revised) 03.11.2021 & corrigendum dated 20.06.2022 & charge report are attached.....E, F, G, H.**

5- That the appellant embarked on performing his duties after reinstatement but the respondents issued impugned withdrawal order dated 13.07.2023 on the basis of inquiry which was conducted back in 4 years on dated 05.10.2019 and on that the appellant re-instatement is withdrawn without lawful justification. **Copy inquiry report dated 05.10.2019 & impugned withdrawal/cancellation order dated 13.07.2023 is attached.....I & J.**

6- That the appellant feeling aggrieved against the aforesaid impugned he preferred departmental appeal to the appellate authority which is still pending unanswered. **Copy of departmental appeal is attached.....K.**

7- That the appellant further feeling aggrieved and having no other alternate and efficacious remedy but to file this appeal on the following ground inter alia.

ON GROUNDS:

A- Because, the impugned withdrawal/cancellation order dated 13.07.2023 issued by the respondents on basis of 4 years old inquiry report is against law and natural justice hence liable to be set aside.

B- Because, the appellant has not been treated in accordance with Article 4 and 25 of the constitution of Islamic republic of Pakistan 1973.

- C- Because the above action of the respondents is arbitrary and malafide in manner and is not tenable in the eye of law.
- D- Because, the respondents by their own conduct admitted that inquiry is still not conducted when the execution petition was filled and till bring reinstatement orders of the appellant.
- E- Because, it has been view of the apex court that the inquiry against the accused officer may not be delayed to indefinite period but in case of the appellant it was frivolously made in 2019 creating doubts in respect of this inquiry.
- F- Because, appellant has not been given any final show cause notice while issuing cancellation of the reinstatement order of the appellant.
- G- Because, appellant has not been given any chance of personal hearing by the respondents before cancellation of reinstatement order of the appellant nor during inquiry.
- H- Because, the appellant seeks permission to advance any other additional grounds at the time of regular hearing.

Prayer:

That on acceptance of this instant service appeal the impugned cancellation/withdrawal order dated 13.07.2023 may very kindly be set aside and the appellant be reinstated into service with all back benefits. Any other remedy which this Honorable Tribunal deems appropriate may also be awarded in favor of the appellant.

APPELLANT

MUHAMMAD SAJJAD KHAN

THROUGH:

AFRSIAB KHAN WAZIR

&

SALMAN KHAN

&

NAZURREHMAN KHAN

ADVOCATE(S)

Dated:

Certificate:

It is certified that no earlier appeal has been filed between the parties on the same impugned order.

Muhammad
Deponent

Affidavit:

I Mr. Muhammad sajjad khan S/O Bahadar Sher R/O House No.460, Street No.12 E-4, Phase-7, Hayatabad, Peshawar do hereby solemnly affirm and declare that the contents of this appeal is true and correct to the best of knowledge and nothing has been concealed from this Honorable tribunal.

Muhammad
Deponent



**OFFICE OF THE AGENCY EDUCATION OFFICER,
SOUTH WAZIRISTAN AGENCY AT TANK**

ANNEXURE

A

5

APPOINTMENT ORDER

Consequent upon the approval by the Department Selection Committee, the following Male candidates of S.W. Agency are hereby appointed against P.T.C posts (Wana/Sarwakai/Ladha Sub: Div) purely on temporary basis in BPS-7 plus usual allowances as per approved-PC-I for the project period/Availability of Fund w.e.f the date of their taking over charge (i.e 1-3-2007) in the schools noted against each in the interest of public services.

S. No.	Name of Candidate	Father's Name	Name of School where appointed	Sub: Division	Remarks
01.	Arif Ullah	Said Wali	GCS Ghulam Kala Khan Kot	Toikhula	Against newly Created Post ✓
02.	Shamsulalh	M: Shafiq	GCS Ghulam Kala Khan Kot	Toikhula	Against newly Created Post ✓
03.	M: Sajjad	Bhahadar Sher	GCS Mullah Qadir Pandai Kot	Toikhula	Against newly Created Post
04.	Asad Ullah	Eid Nawaz	GCS Mullah Qadir Pandai Kot	Toikhula	Against newly Created Post
05.	Hafizul ah	Wretham Ead	GCS Ghulam Qadir Spin Tangi	Toikhula	Against newly Created Post
06.	Shifa Ullah	Noor: Ali	GCS Ghulam Qadir Spin Tangi	Toikhula	Against newly Created Post
07.	Noor Khan	Ragf Khan	GCS Malik Musa Khan Kot	Toikhula	Against newly Created Post
07.	Noor wali	Zarwali Khan	GCS Malik Musa Khan Kot	Toikhula	Against newly Created Post
08.	Bawar Khan	Hayatullah	GCS Gul Margani Dotani	Toikhula	Against newly Created Post
09.	Zahid Ullah	Noor: ulla	GCS Hazrat Bilal Saki	Toikhula	Against Vacant Post
10.	Said Hassan	Shafi Gul	GCS Gul Margani Dotani	Toikhula	Against newly Created Post
11.	Arsnad ullah	Chazi Rehman	GCS Kaia Khan S/o Zarawar	Toikhula	Against newly Created Post
13.	Naseem ullah	Baghdad Khan	GCS Sarwar Khan Darria Khan	Toikhula	Against newly Created Post
14.	Moinib ur Rehman	Gul Rehman	GCS Gharanday	Ladha	Against newly Created Post
15.	F: Ilyas	Ghulam Haider	GCS Gharanday	Ladha	Against newly Created Post
16.	Zain ud Din	Gul Bar Khan	GCS Saleem Kai Kel Shanila Sararogha	Ladha	Against newly Created Post
17.	Ijaz Muhammad	M: Ali Kai	GCS Saleem Kai Kel Shanila Sararogha	Ladha	Against newly Created Post
18.	M: Riaz	Raji Gul	GCS Gungurai Ali Khanai Wora Din House	Ladha	Against newly Created Post
19.	Abdul Wadood	Cauld Khan	GCS Hazhrat Khan Kikarai Barwand	Sarwakai	Against newly Created Post
20.	Hafiz Ullah	Abdur Rahim	GCS Hazhrat Khan Kikarai Barwand	Sarwakai	Against newly Created Post

TERMS AND CONDITIONS

- The appointment of the candidate is being made purely on temporary basis & is liable to termination at any time without assigning any reason.
- They will not be entitled to get pensionary/gratuity benefits.
- Charge report should be submitted to all concerned in duplicate.
- All kind of documents should be verified from the concerned institution before the drawl of their salaries
- Health and Age certificate should be produced to this office to be obtained form the Agency Surgeon concerned.
- They should not be handed over charge of the post if they are below 18 years or above 33 years (in case of fresh candidates) and in case of Female the upper age limit 40 Years.
- If they failed they to report their arrival with in 15 days, their appointment order will be considered as cancelled.

Agency Education Officer,
South Waziristan Agency, Tank.

Endst: No. 1118-1144 /Dated Tank the, 26/2 /2007.

Copy of the above is forwarded to the:

- Director of Education, FATA, N.W.F.F, Peshawar.
- Political Agen., South Waziristan Agency at Tank.
- Agency Accounts Officer, S.W.A at Tank.
- Head Master / Head Mistress concerned.
- Assistant Agency Education Officer (Male) concerned.
- Pay Clerk local office.
- Candidate concerned.

Agency Education Officer
South Waziristan, Tank.

ATTSTED

OFFICE OF THE AGENCY EDUCATION OFFICER, SOUTH WAZIRISTAN AGENCY AT TANKRE-APPOINTMENT ORDER:-

In light of the Notification No. SO (E) SSD/CSTR/99-108, dated 11.05.2012 issued by FATA Secretariat, Social Sectors Department and Director of Education, FATA memo: No.8964-76, dated the 28th June, 2012, the following male PTC teachers serving in community schools are hereby re- appointed as regular PST in BPS 12 plus usual allowances as admissible under the rules purely on temporary basis with effect from 01.03.2014. The appointment has been made against the vacant PST posts in regular schools in the interest of public service:-

S.No	Name with fathers name	Name of school where appointed	Domicile Tehsil	Remarks
01	Mr; Mohammad Sajjad Khan S/O Bahadar Sher Khan GMCS Mullah Qadir Pandi Wal Tehsil Toi Khullah SWA	GPS Khujai Khei Tehsil Shaki SWA	Shakai	

TERMS AND CONDITIONS:-


1. The appointment of the candidates is being made purely on temporary basis & is liable to termination at any time with out assigning any reason.
2. He will not be entitled to get pensionary / gratuity benefits, however CP fund will be deducted as per rules.
3. Charge report should be submitted to all concerned in duplicate.
4. All kinds of documents which are not verified should be verified from the concerned institutions.
5. If he failed to report of his arrival to his place of duty within 15 days, his Re- appointment order will be considered automatically as cancelled.
6. Before taking over charge the candidate will provide a certificate on stamp paper that he will perform his duties in the Agency without any hesitation.
7. In case the documents /certificates of candidates ~~be~~ proved bogus , his Re-appointment will be cancelled and the pay (if drawn) will be recovered from the candidate will be deposited into the Government treasury.
8. In case of resign he will submit the application one month before the date of resignation otherwise they will deposit the pay of one month in Govt. Treasury.
9. He should produce a certificate on stamp paper that he have no service in any other Govt. institution / Sami Govt. institution.
10. He will not claim the sonority of the period served as community teachers.

Agency Education Officer
South Waziristan Agency , Tank

Endst: No. 1165-70 Dated Tank the: 24/2 /2014.

Copy of the above is forwarded to the:

1. Director of Education FATA, KPK, Peshawar for information.
2. Political Agent S.W. Agency at Tank.
3. Agency Accounts Officer, S.W. Agency at Tank.
4. Additional Agency Education Officer Sub Division Wana.
5. AAEO concerned.
6. Candidate concerned.


Agency Education Officer
South Waziristan Agency , Tank

~~ATTSTEN~~

(7)

چارچ رپورٹ

میں مہتری محمد ساجد خان نے مہتری انسیر خان

سے جو کہ آج مورخہ 24/02/2014ء قبل بعد از دوپہر بموجب حکم نمبری 20-2-2014

بتاریخ 24/02/2014ء آمدہ از دفتر ایجنسی ایجوکیشن کراچی آفسیور جنوبی وڈی

تبدیل ہوا ہے۔ جی ٹی سٹی (ایجوکیشن) پوسٹ کا چارج سنبھال لیا ہے۔

مقام: رانا گورنمنٹ ہڈل اہالی سکول / ایمرائٹری سکول فرجیل شکر

مورخہ: 24/02/2014-01

چارچ گیر ہندہ
محمد ساجد خان

چارچ دہندہ
انسیر خان

ATTSTED



OFFICE OF THE AGENCY EDUCATION OFFICER, S.W.AGENCY AT TANK.

No. 5860

Dated 26/9/2014

CANCELLATION OF RE-APPOINTMENT ORDER: -

ANEXURE "e" (8)

Re-appointment orders issued vide this office Endst: No.1165-70 dated 24.02.2014 in respect of Mr; Mohammad Sajid S/O Bahader Sher Khan PTC, GPS Khojal Khel S.W.Agency, is hereby cancelled with retrospective effect, as the GMCS Mula Qadir Kot Tehsil Toi Khullah S.W.Agency is a Regional Package Community School and not included in the ADP Code No.110145-Re-opening of Functional Community Schools in S.W.Agency.

Note: - Necessary entries should be made in his Service book.

AGENCY EDUCATION OFFICER
S.W.AGENCY AT TANK

Endst: No. 586265 / Dated Tank the 26/9/2014.

Copy of the above is forwarded to the: -

1. Director of Education, FATA, KPK, Peshawar.
2. Agency Accounts Officer, S.W.Agency at Tank.
3. Assistant Agency Education Officer concerned.
4. Accountant concerned with the remarks to recover the salaries from the teacher concerned, if drawn and deposit into Govt. Treasury through challan.
5. Candidate concerned.

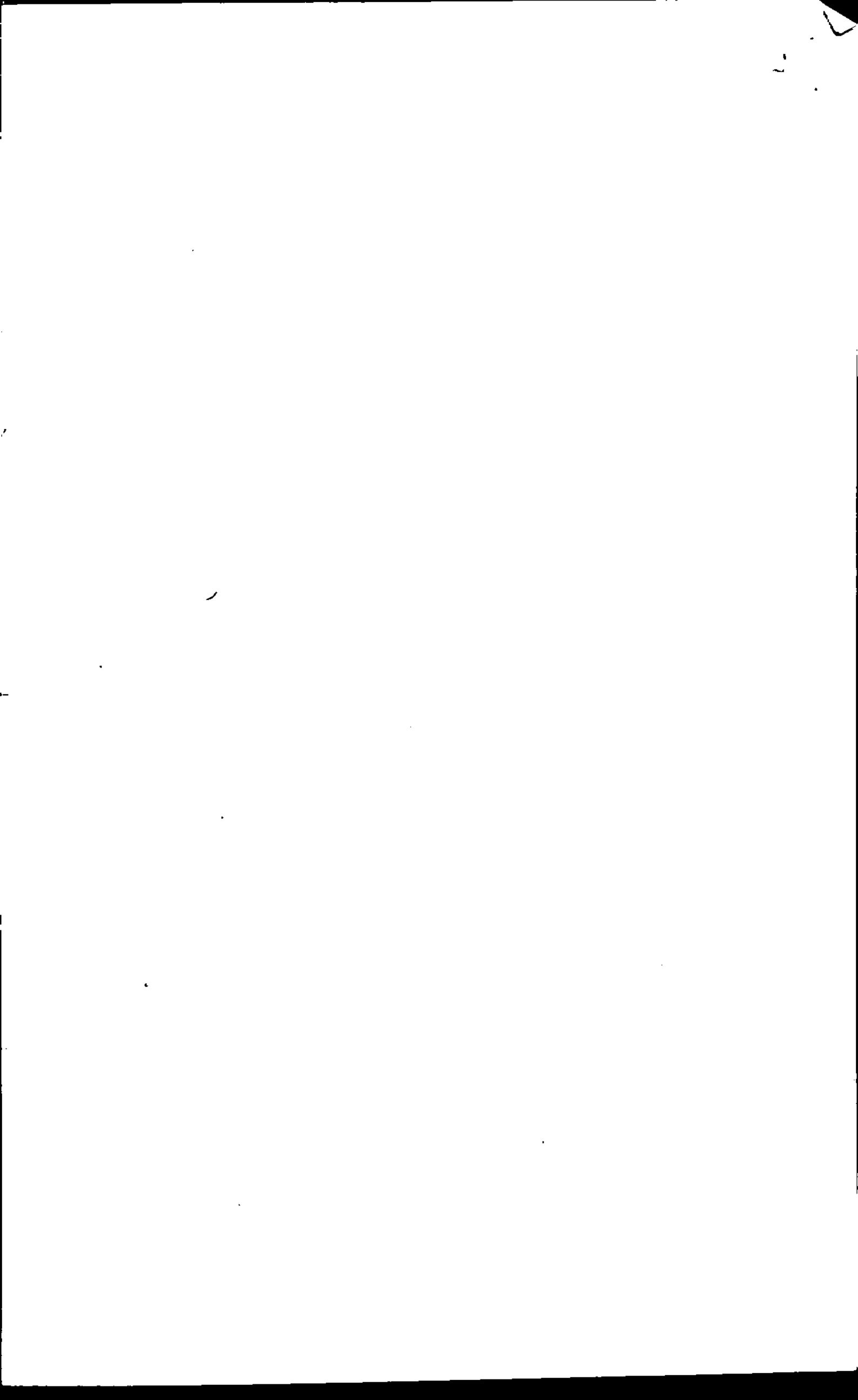
AGENCY EDUCATION OFFICER
S.W.AGENCY AT TANK

Submission date: 31/5/2016

~~ATTACHED~~

Bcc 719

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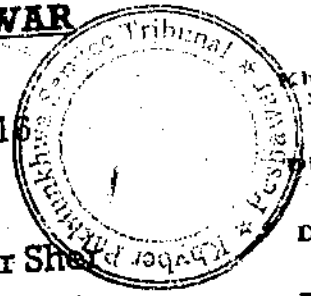


ANNEXURE 'D'

9

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KP,
PESHAWAR**

Service Appeal No. 978 /2016



Khyber Pakhtunkhwa
Service Tribunal

Registry No. 992

Dated 19-9-2016

Mohammad Sajid Khan S/o Bahadar Sher
R/o House No.460, Street No. 12 E-4, Phase-7, Hayatabad,
Peshawar, Ex-PTC (BPS-12),GPS Khojal Khel S.W. Agency Tank
.....Appellant

Versus

- 1) Secretary FATA, FATA Secretariat, Warsak Road, Peshawar
 - 2) Director Education FATA, FATA Secretariat, Warsak Road, Peshawar.
 - 3) Secretary Education FATA, FATA Secretariat, Warsak Road, Peshawar.
 - 4) Agency Education Officer, South Waziristan Agency at Tank
-Respondents

**SERVICE APPEAL U/S 4 OF EPK,
SERVICE TRIBUNAL ACT, 1974,
AGAINST THE IMPUGNED ORDER
ENDST NO.5861-64, WHICH WAS
COMMUNICATED TO THE APPELLANT
ON 31.05.2016; WHEREBY THE
DEPARTMENTAL APPEAL DATED
10.06.2016, WAS PREFERRED BEFORE
THE RESPONDENT NO.2 WHICH WAS
NOT RESPONDED DESPITE LAPSE OF
STATUTORY PERIOD OF 90 DAYS.
HENCE THE INSTANT SERVICE APPEAL
IS WELL WITH IN TIME.**

Filed to-day
[Signature]
Registrar
19/9/16

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Respectfully Sheweth:-

~~ATTESTED~~

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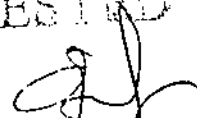
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Brief facts giving rise to the instant appeal are as under:-

1. That the appellant was appointed by Departmental Selection Committee as PTC BPS-7 against newly created post at Government Committee School Muhallah Qadir Pandai Kot Sub Division Toi Khila vide order Endst No.1118-1144/ dated 24.02.2007. (Copy of appointment order dated 24.02.2007 is attached as Annexure "A").
2. That the appellant took over charge as PTC at GCS Muhallah Qadir Pandai Kot Sub Division Toi Khila on 01.03.2007, keeping in view, the appointment order mentioned in Para No.1. (Copy of charge report is attached as Annexure "B").
3. That the Governor Khyber Pakhtunkhwa in his capacity as competent authority has been pleased to approve the re-appointment of Community School Teachers against the regular posts of PST (BPS-7), purely on merit basis in accordance with existing recruitment criteria. (Copy of notification No. SO(E)/SSD/CSTR/99-108/dated 11.05.2012 is attached as Annexure "C").
4. That the Governor's Secretariat, Khyber Pakhtunkhwa vide letter No. SO-1/1-1/OS/2012/10935-S2/E/E may 28, 2013, regularized project employees working in FATA. The decision of the competent authority i.e Governor was communicated to all Secretariat (FATA) and all Directors (FATA). (Copy of the letter dated 28.05.2013, is attached as Annexure "D").

~~ATTSTED~~

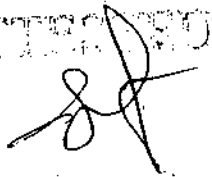
ATTESTED



(11)

5. That keeping in view, the directives of the Governor Khyber Pakhtunkhwa referred above, the appellant was appointed as regular PST in (BPS-12) plus usual allowance as admissible under the rule w.e.f 01.03.2014 at GPS Khujal Khel Tehsil Shaki SWA. (Copy of the appointment order is attached as Annexure "E").
6. That the appellant over charge as PTC regular on 01.03.2014. (Copy of charge report is attached as Annexure "F").
7. That the Agency Education Officer S.W. Agency, at Tank vide order Endst No.3413/3541 dated 19.05.2014 adjusted the appellant as PTC (BPS-12) at GMPS Azam Warsak against the vacant post. (Copy of order dated 19.05.2014 is attached as Annexure "G").
8. That the respondents without assigning any reason or cause stop the salary of the appellant against which he preferred various applications and departmental representative but instead to release the pay of the appellant communicated the impugned order on 31.05.2016 vide which the appointment of the appellant was "Cancelled with retrospective effect". (Copy of impugned order is attached as Annexure "H").
9. That the appellant preferred his departmental appeal dated 10.06.2016, before the respondent No.2 but instead of deciding the same on merit, respondent No.4 communicated the impugned order mentioned above on 31.05.2016. (Copy of departmental appeal is attached as Annexure "I").

ATTESTED



ATTESTED

ATTESTED

10. That besides the above mentioned appeal, the appellant presented various applications for the redressal of his grievance but no response was ever communicated to him. (Copy of applications/representations are attached as Annexures "J", "J-1", "K", "L", "M", "N" & "O" respectively).

11. That being dissatisfied with the impugned order, the appellant prefers Service Appeal before this Hon'ble Service Tribunal on the following amongst other grounds;

GRUNDS:-

A. That the impugned order is against law and facts on record.

B. That the appellant services were regularized by the respondents, keeping in view, the Governor's directives contained in Notification No.SO(E)/SSD/CSTR/99-108/dated 11.05.2012, again vide letter No. 10935-52/U/E dated 28.05.2013, whereby the appellant got a vested right, therefore, subsequent impugned order of cancellation of appointment/regularization is illegal, unlawful in the eyes of law.

C. That once the services of the appellant got regularized, the authority could not retrace its foot steps by cancelling order of appointment/regularization unceremoniously and against the Principle of "locus poenitentiae", therefore, legally,

ATTESTED

ATTESTED
[Signature]

speaking the order of regularization of the appellant had taken effect retrospectively.

- D. That the impugned order is also violative of the principles of natural justice as the same was passed without issuing the appellant a show cause notice.
- E. That the impugned order is also against the law on the ground that the appellant since his recruitment rendered almost eight (8) years service at his credit, therefore, he would be deemed as a regular employee for all intent and purposes and that too when his services were already regularized, keeping in view, the Governor's KP directives.
- F. That the respondents since 2014 stop the salary of the appellant without assigning any reason or cause till date now for the Work/Job already performed by him would offend the notion of fair play, equity and justice which is a recurring cause of action as well.
- G. That the appellant was appointed as PTC by the departmental Selection Committee after fulfilling all the codal formalities of test & interview purely ^{on merit} vide his appointment order dated 24.02.2007 and later on, his services were regularized, keeping in view, the Governor's KP directives.
- H. That the appellant rendered his service to the entire satisfaction of his immediate superiors, as there was no complaint ever registered against him.

~~ATTSTED~~

ATTSTED
[Signature]

Keeping in view what has been stated above, it is therefore, humbly requested to allow this service appeal and accordingly;

Firstly; set aside the impugned order;

Secondly; to direct the respondents to immediately pay all his outstanding salaries since the time when his salaries were illegally stopped; and

Thirdly; to direct the respondents to regularize the services of the appellant with effect from 24.02.2007.

Any other relief not specifically asked for may also be granted.

Handwritten signature

Appellant

Through

Handwritten signature

Inayat Ullah Khan
Advocate, High Court
Peshawar
LLM (UK)

ATTSTED

CERTIFICATE:

Certified as per information furnished by my client that no such like appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

Handwritten signature
Advocate,

Certified to be true copy
EX. 10/11/19
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Number of words	12-7-2019
Copying Fee	2400
Urgent	28/-
Total	28/-
Name of Court	<i>Handwritten signature</i>

15

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KP,
PESHAWAR

Service Appeal No. _____/2016

Mohammad Sajid Khan Appellant

Versus

Secretary FATA, FATA Secretariat & others

..... Respondents

AFFIDAVIT

I, Mohammad Sajid Khan S/o Bahadar Sher, R/o House No.460, Street No.12 E-4, Phase-7, Hayatabad, Peshawar, Ex-PTC (BPS-12), GPS Khojal Khel S.W. Agency Tank (Appellant), do hereby solemnly affirm and declare no oath that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

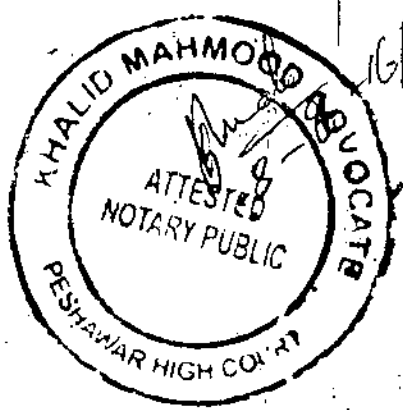
محمد ساجد خان
Deponent

CNIC#11101-1434487-1

Identified by:

[Signature]

Inayat Ullah Khan
Advocate, Peshawar
LLM (UK)



~~ATTSTEL~~

16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 978/2016

Date of Institution ... 19.09.2016

Date of Decision ... 11.07.2019



Mohammad Sajid Khan S/o Bahadar Sher, R/o House No. 460, Street No. 12 E-4, Phase-7, Hayatabad, Peshawar, Ex-PTC (BPS-12), GPS Khojal Khel S.W. Agency Tank. ... (Appellant)

VERSUS

Secretary FATA, FATA Secretariat, Warsak Road, Peshawar and three others. ... (Respondents)

MR. INAYAT ULLAH KHAN,
Advocate --- For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney --- For respondents.

MR. AHMAD HASSAN, --- MEMBER(Executive)
MR. MUHAMMAD HAMID MUGHAL --- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER. Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ARGUMENTS

02. Learned counsel for the appellant argued that on the recommendations of Departmental Selection committee, he was appointed as PTC (BPS-07) vide order dated 24.02.2007. He assumed the charge on 01.03.2007 and started performing duty. That the Governor, Khyber Pakhtunkhwa through notification dated 11.05.2012, approved reappointment of Community School Teachers, qualified to be posted against the regular posts of PST(BPS-07) in a phased manner. Subsequently, the Governor's Secretariat, Khyber Pakhtunkhwa regularized project employees working in FATA through letter dated 28.05.2013. These instructions were accordingly communicated to the concerned lower foundations. As a sequel to the above directions, the appellant was appointed as PST (BPS-12) on regular basis

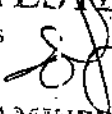
ATTESTED

(17)

w.e.f 01.03.2014 and posted at GPS Khujal Khel, Tehsil Shaki, South Waziristan Agency. After charge assumption, he was adjusted by the Agency Education Officer, S.W. Agency vide order dated 19.05.2014 as PST at GMPS Azam Warsak.

03. That respondents without assigning any reason stopped salary of the appellant, which compelled him to submit numerous applications for release of salary. However, vide impugned order dated 31.05.2016, his appointment order was cancelled with retrospective effect. Feeling aggrieved, he filed departmental appeal on 10.06.2016, which remained unanswered, followed by the present service appeal. After regularization of his services, cancellation of his appointment order was against the principle of "locus poenitentiae". Having rendered more than eight years service as a regular employee, he should have been dealt with according to the invogue rules. As no show cause notice was issued before cancellation of the appointment, therefore, this act on the part of the respondents was also violative of principles of natural justice. Denial of salary for work done goes against the established norms of fair play, equity and justice. Reliance was placed on case law reported as 2003 SCMR 1128, 2009 SCMR 412, 2004 SCMR 630 1996 PLC (C.S)851, 1998 PLC (C.S) 337, 2018 SCMR 1405 and 2015 SCMR 1257.

4. Learned Deputy District Attorney argued that the appellant was appointed purely on temporary basis against a project post under Regional Development Package in 2007 which expired in 2009. Notification dated 11.05.2012 covered only those Community School Teachers, who were regularly performing duty in functional Community Schools under ADP Project "Reopening of functional Community Schools". As services of the appellant were dispensed with in 2009, therefore, he could not avail the benefits of the said notification. As the appellant was wrongly adjusted against regular PST post, therefore, his appointment order was rightly withdrawn/cancelled by the competent authority. All codal formalities were observed before withdrawing the appointment order.

ATTESTE

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

~~ATTESTE~~

18

CONCLUSION

5. The record placed before us revealed that the appellant was appointed against the post of PTC (BPS-7) on temporary basis funded out of an approved ADP project w.e.f 01.03.2007. After assumption of charge, he started performing duty. That through notification dated 11.05.2012, the Governor, Khyber Pakhtunkhwa was pleased to approve re-appointment of Community Teachers, who stood qualified and to be posted against the regular post of PST (BPS-07). Through another communication circulated by the Governor's Secretariat, Khyber Pakhtunkhwa all project employees were regularized through letter dated 28.05.2013. Thereafter, the appellant was appointed as PST (BPS-12) vide order dated 24.02.2014. Accordingly he was posted/adjusted vide order dated 19.05.2014 as PST on GMPQ^S Azam Warsak.

6. To the utter astonishment of the appellant, his salary was stopped by the respondents without assigning any reason. Thereafter, through impugned order dated 31.05.2016 his appointment order was canceled with retrospective effect. The contention of the respondents is that his initial appointment made in 2007 was against a project post, which expired after completion of the time span given in the relevant documents in 2009. However, the plea taken by them was quite perplexing, whenever a project is completed either employees are regularized, if converted on regular budget or their services terminated by issuing formal termination order, however, no such order is available on record to support the view point/stance of the respondents. Furthermore, he was again appointed as PST (BPS-12) on regular basis w.e.f 01.03.2014 vide order dated 24.02.2014 and started performing duty. After stoppage of salary the respondents through impugned order cancelled his appointment with retrospective effect. In the absence of any documentary evidence, we have every reason to believe that there was no break in the appointment of the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.

ATTESTED

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appellant and instructions of Governor, Khyber Pakhtunkhwa dated 11.05.2012 were equally applicable in his case. Respondents have also not been able to rebut the claim of the appellant that he served in FATA for more than eight years as regular employee. A government servant having rendered more than eight years service could not be shown exit door by a single stroke of pen. He should have been dealt with according to the invogue rules and observance of codal formalities confirmed therein. As right of defense was not afforded to him, thus, condemned unheard. Action on the part of respondents was arbitrary, erratic, illegal and unlawful. In the present case factual controversy is involved and can only be resolved by conducting regular/proper enquiry under the prevalent rules.

7. As a sequel to the above, the instant appeal is accepted, impugned order dated 31.05.2016 is set aside and the appellant is reinstated in service. The respondents are directed to conduct proper enquiry strictly in accordance with law and rules within a period of ninety days after the date of receipt of this judgment and thereafter pass orders as deemed appropriate. The issue of back benefits shall be subject to the final outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.



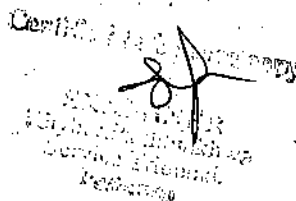
(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

ANNOUNCED
11.07.2019

Office of the
Secretary
Government of Khyber Pakhtunkhwa
Peshawar



~~ATTEST~~

E.P.No. 413/2019

14.12.2021 Petitioner alongwith his counsel present. Mr. Asif Masood,
Deputy District Attorney for respondents present.

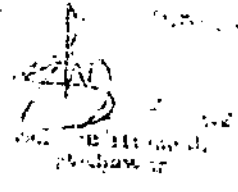
Learned counsel for the petitioner raised a relevant observation on revised reinstatement order dated 03.11.2021 on the ground that the petitioner has been reinstated in service w.e from 26.09.2014 whereas he had been terminated retrospectively w.e.f 24.02.2014 vide impugned order and as such he is required to be reinstated in service from that very date. The revised reinstatement order dated 03.11.2021 is therefore, required to be rectified. Adjourned. To come up for further proceedings on 01.02.2022 before S.B.



(Handwritten signature)

(MIAN MUHAMMAD)
MEMBER (E)

14-12-21
800
10/-
10/-



~~ARTISTE~~

ANNEXURE - F

21

DIRECTORATE OF EDUCATION
MERGED AREAS



DIRECTORATE OF EDUCATION
MERGED AREAS
Khyber Pakhtunkhwa
Main G.T Road Near Firdos Bus Stop Peshawar Pakistan
Phone No. (091-9330240) (091-9331240)
Date Pesh: the 14631/27/10/2021.

To

The District Education Officer
Tribal District South Waziristan.

Subject: GUIDELEINE OF EXECUTION PETITION NO.413/19 IN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Memo:-

I am directed to refer to your letter No.515 dated 15-8-2021 on the subject cited above and to state to implement the Judgment of the Honorable Service Tribunal with the directions to conduct proper inquiry against the officer / official for not filling CPLA under intimation to this office.

O/c Deputy Director (FIA)
Merged Areas 07/10

Endst. No. 14632-34 dated _____/2021
Copy forwarded to:-

1. Additional Director (Estab) Merged Areas Khyber Pakhtunkhwa.
2. Deputy Director (Legal) Elementary & Secondary Education Khyber Pakhtunkhwa.
3. PA to Director) Elementary & Secondary Education (Khyber Pakhtunkhwa.

O/c Deputy Director (FIA)
Merged Areas 27/10
27/10/21

~~ATTACHED~~



OFFICE OF THE DISTRICT EDUCATION OFFICER

SOUTH WAZIRISTAN TRIBAL DISTRICT

No

2806

22

Dated Tank the 03/11/2021

Reinstatement Order (Revised)

ANNEXURE - G

In the light of Khyber Pakhtunkhwa Service Tribunal Peshawar Decision issued on dated 11.07.2019, in appeal No.978/2016 and further direction of the Directorate of (E&SE) Merged Areas, Khyber Pakhtunkhwa, Peshawar vide letter No.14631 Dated 27.10.2021, the reinstatement order issued vide this office Endst: No.2078-83 Dated 17.11.2020, is hereby revised and the services of Mr. Muhammad Sajid S/O Bahader Sher Khan, PST GPS Khojal Khel, Tehsil Shaki is hereby reinstated w-e-f the date of his termination i-e 26.09.2014 with back benefits as per directions of the Honourable Service Tribunal in the interest of public service.

DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

Endst. No. 2805-9 / Dated Tank the ___/___/2021

Copy forwarded for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. Additional Director (Estab) E&SE NMDs, Peshawar.
3. Chairman Khyber Pakhtunkhwa Service Tribunal, Peshawar.
4. District Accounts Officer, SWTD Tank.
5. Teacher Concerned.

DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

~~ATTACHED~~



OFFICE OF THE DISTRICT EDUCATION OFFICER

SOUTH WAZIRISTAN TRIBAL DISTRICT

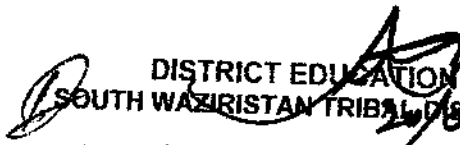
No. 3275 /

Dated Tank the 20/06/2022

ANNEXURE 'H' (23)

CORRIGENDUM:

In the light of Khyber Pakhtunkhwa Service Tribunal Peshawar Decision issued on dated 11.07.2019, in appeal No.978/2016 and further direction of the Directorate of (E&SE) Merged Areas, Khyber Pakhtunkhwa, Peshawar, in partial modification to this office reinstatement order (Revised) issued vide this office Endst: No.2805-9 Dated 03.11.2021, the date of reinstatement in respect of **Mr. Muhammad Sajid S/O Bahader Sher Khan, PST GPS Khojal Khel, Tehsil Shaki** may be read as **24.02.2014** instead of **26.09.2014** as per directions of the Honourable Service Tribunal in the interest of public service.


DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

Endst. No. 3276-80 / Dated Tank the 20/06/2022

Copy forwarded for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. Additional Director (Estab) E&SE NMDs, Peshawar.
3. Chairman Khyber Pakhtunkhwa Service Tribunal, Peshawar.
4. District Accounts Officer, SWTD Tank.
5. Teacher Concerned.


DISTRICT EDUCATION OFFICER
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

Ahmad

~~ATTSTED~~

(24)

چارج رپورٹ

میں مسمیٰ محمد سجاد نے مسمیٰ اور ننگر پب ASDEO سے جو کہ آج مورخہ 21/06/2022 قبل الیحد از دو پہر بموجب حکم نمبری 85-3276 مورخہ 20/06/2022 آمدہ از دفتر DEO SWTD تبدیل ہوا ہوتی ہے۔
پوسٹ کا چارج سنبھال لیا ہے۔
مقام شیکانی گورنمنٹ ہائی اسکول اپرائمری سکول خوشیل
مورخہ: 21/06/2022

محمد سجاد
چارج گیر ہندہ

Asst. Sub Divisional
Dist: Edu Office
Wana Sub Division

نقول:

- 1 DEO SWTD
- 2 Account office
- 3 pay closed
- 4 ASDEO concerned
- 5 School office

Asst. Sub Divisional
Dist: Edu Office
Wana Sub Division
ATTESTED

ATTESTED

25

ANNUS - 18
I

The District Education Officer,
South Waziristan Tribal District, Tank.

Subject: -

(JUDGMENT IN APPEAL NO. 978/2016) REINSTATEMENT DECISION IN SERVICE OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR IN FAVOUR OF MR. SAJJID KHAN SON OF BAHADAR SHER, R/O HOUSE NO.460, STREET NO.12, E-4 PHASE - 7 HAYATABAD, PESHAWAR EC - PTC (BPS - 12), GPS, KHOJAL KHILL, SOUTH WAZIRISTAN AGENCY DATED 11.07.2019

Memo:

Kindly refer to Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar No 1402 ST dated 16.08.2019 along with decision / Judgment made by the Service Tribunal Khyber Pakhtunkhwa, dated 11.07.2019 regarding the subject mentioned above

The undersigned checked the various aspects of decision with various angles and submits detailed report in the instant case with following points observed by them

01. Mr. Sajid Khan son of Bahadar Sher was appointed as PTC BPS- 07 purely on temporary basis for the project period, fund availability under One Regional Development Package for South Waziristan Agency and he was assumed the charge of PTC Post with effect from 01.03.2007, he has already been mentioned in the arguments before the decision. The Fund of the aforesaid Regional Development Package was released up to 2009 by the then Political Administration S.W.Agency, while the then Agency Education Officer S.W. Agency time and again submitted revised PC-I to the local Political Administration with the request to revised the umbrella PC-I's for said Regional Development Package in South Waziristan Agency but the PC-I's could not be revised so far from the forum concerned. So the services of the same Regional Development Package dispensed due to the non-availability of fund and closure of the project.

02. Besides of this the Governor Khyber Pakhtunkhwa through notification dated 11.05.2012 approved reappointment of Community School Teachers, qualified to be posted against the regular post of PST BPS-07 in phased manner. Subsequently, the Governor's Secretariat, Khyber Pakhtunkhwa regularized project employees working in FATA through letter dated 28.05.2013. These instructions were accordingly communicated to the concerned lower foundations. The then Agency Education officers prepared the merits on their own level / tehsil wise level. The notification dated 11.5.2012 issued by the then worthy Governor Khyber Pakhtunkhwa covered only those Community Schools Teachers who were regularly performing duty in functional Community Schools under ADP Project " Code 110'45" titled as " Re- Opening of functional Community Schools. As the services of the under subject appellant i.e Mr. sajjid Khan son of Bahadar Sher was dispensed with in 2009 like others employees of the said project due the non-availability of fund and therefore his name was not included in Tehsil wise merit lists like others local candidates of South Waziristan, as his services were dispensed with in 2009. He could not avail the benefits of the said notification, as he was wrongly adjusted against regular PST post; therefore, his appointment order was rightly withdrawn / cancelled by the competent authority.

03. It is further submitted that the instant appeal is accepted, on dated 31.05.2016 is set aside and the appellant is reinstated in service. The respondents are directed to conduct proper enquiry strictly in accordance with law and rules with a period of ninety days after the date of receipt of this judgment and thereafter pass orders as deemed appropriate. The issue of back benefits shall to be subject to the final outcome of the de- novo enquiry. Parties are left to bear their own costs.

04. It is further requested that the enquiry Committee point out that the appellant misguided the Honorable Court with wrong / false statement that "he rendered eight years regular service in Education Department as PTC" while the fact is that he was served only six months regular service before the cancellation of his appointment orders as he misguided the then Agency Education Officer with his cunning face / behavior.

05. It is further pointed out by the enquiry committee that the Honorable Court in its decision honored the appellant setting aside the orders issued dated 31.05.2016 is based on fake information and baseless provided by the appellant, while no such orders were issued on the same date in the same case. If the aforesaid decision in favor of appellant be considered, the other teaching and non-teaching staff of 45 numbers Community schools staff opened under various Regional Packages also awaiting for regularization their services when are

~~ATTSTP~~

06. In the view of above, your good self is requested to keep stand his cancellation orders and appreciate the then Agency Education Officer concerned for timely cancellation of the appointment orders issued to him by cheating and unfair means. It is therefore, requested to take necessary measure to prevent same mal practice in future.

Report is submitted for your kind perusal and further necessary action please.

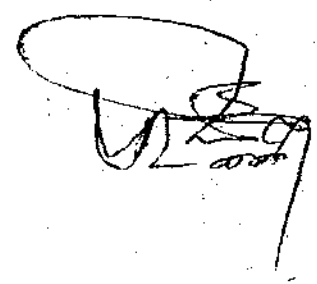
01. Mr; Muhammad Iqbal Shah, Principal, GHS, Kaniguram,

Muhammad
05/16/2019

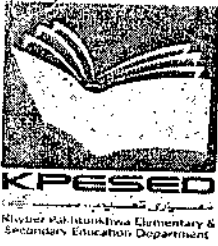
02. Mr; Muhaminad Anwar, ADEO, SWD.



03. Mr; Hayatullah, SST, GMS, Nargosa SWD



~~ATTSTEL~~



OFFICE OF THE DISTRICT EDUCATION OFFICER(M)

SOUTH WAZIRISTAN TRIBAL DISTRICT

No. /

Dated Tank the / / 2023

ANNEXURE J (27)

WITHDRAWAL / CANCELLATION ORDER

In the light of the recommendation of the de novo inquiry conducted on the direction of the Honourable Service Tribunal Peshawar in Appeal No.978/2016 Decision dated 11.07.2019 and directions of the Honourable Service Tribunal dated 19.06.2023 regarding implementation of the recommendation of the inquiry report, the re-instatement orders in respect of **Mr. Sajid Khan (CNIC No.11101-1434487-1)** S/O Bahader Sher Khan issued vide DEO SWTD Endst: No. 2805-9 Dated 03.11.2021 and Endst: No.3276-80 Dated 20.06.2022 are hereby withdrawn/ cancelled ab-initio in the interest of public service.

DISTRICT EDUCATION OFFICER (M)
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

Endst: No. 9595-98 Dated Tank the 13/7 / 2023

Forwarded to the:-

1. Chairman Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Director E&SED Khyber Pakhtunkhwa, Peshawar.
3. Additional Director (Estab) E&SED NMDs, Khyber Pakhtunkhwa, Peshawar.
4. District Accounts Officer South Waziristan Tribal District at Tank.
5. SDEO (M) SD-Wana, South Waziristan District.
6. Mr. Muhammad Sajid, Celi No.03319162117 S/O Bahader Sher Khan r/o House No.460, street No.12 E-4, Phase-7, Hayatabad, Peshawar.

DISTRICT EDUCATION OFFICER (M)
SOUTH WAZIRISTAN TRIBAL DISTRICT AT TANK

~~ATTSTEL~~

جانب سے درخواستیں کی گئیں اور ان کی تصدیق فرمائی گئی ہے۔

اس کے تحت P.S. Reinstatement کے تحت جنرل منیر حسین نے

اور کیس نمٹانے کے لیے DEO آرڈر نمبر 98-9593 مورخ 13/7/2023

تعمیر شدہ بڑے سروس ٹرمینیشن کے تحت مورخ 23/8/2023

ANNEXURE "K"

جانب سے اس کے تحت جنرل منیر حسین نے

1- جنرل منیر حسین کی درخواست پر مورخ 2007ء کو کی گئی تھی جو لاہور میں

آرڈر نمبر 1144-1118 مورخ 24/02/2014 کو جاری ہوا۔ جبکہ ریگولر آفیسر کے طور پر DEO

جنرل منیر حسین کے لیے آرڈر نمبر 70-1165 مورخ 24/02/2014 کو جاری ہوا۔

تعمیر شدہ بڑے سروس ٹرمینیشن کے تحت مورخ 11-5-2012 کو جاری ہوا۔

2- 31/05/2016 کو چھ تہذیبوں میں شمولیت کے بعد آرڈر نمبر 65-5861 مورخ 26/9/2014

کے تحت ریگولر آفیسر کی نوبت کیا۔ حکومت نے سروس ٹرمینیشن کے

سبب سے اس کے بعد چیلنج کیا۔ جس کا فیصلہ 11-7-2019 کو صدر عدالت میں ہوا۔

3- 90 دنوں میں DEO کے تحت Reinstatement کیا اور اس کے

کوئی De-memo آڈیٹ نہیں کیا۔ اور اس کے تحت Execution Rotation

نمبر 413/2019 سروس ٹرمینیشن کے تحت جاری کیا۔

4- DEO جنرل منیر حسین کے لیے آرڈر نمبر 34-14632 مورخ 27/10/2021

ڈائریکٹریٹ میں گائیڈ لائن کے تحت آرڈر نمبر 9-2085 مورخ 03-11-2021 کو

Reinstatement کیا گیا۔ جس میں تاریخوں کے تحت اس کے تحت اس کے

مورخ 14-12-2021 آرڈر نمبر 14-12-2021 کے تحت جاری کیا۔

ATTACHED

فک و دستگی سے آئندہ خبردار رہنا۔ آرڈر نمبر 80-3276 مورخہ 20/6/2022
 کرنے بند کر کے سروس ٹریبونل کو بھی آرڈر فراہم کیا جس پر میں نے باقاعدہ
 شکایت کی۔ ڈی جی اے کے پاس بھی عرض کر دیا۔ وزیرستان میں یہ واقعہ
 شروع کیا۔ لیکن مجھے تنخواہیں اور تقابلیات دینے سے
 انکار کیا ہوا۔ جس کی میں نے پھر سروس ٹریبونل میں درخواست
 کی۔ تنخواہیں اور تقابلیات آرڈرنگ کی استدعا کی۔

5-23/2023 کو سروس ٹریبونل نے اور میں نے 2-12/2023 پر ایک
 Fake نوٹاری اور قریباً 500 کا مانی کا آرڈر اور نوٹاری
 کا آرڈر آئندہ سے لے کر کیسز کے غیر قانونی فعل کر دیا۔

6- چھ ماہ میں سروس ٹریبونل نے 17-11-2020 سے 2-11-2020
 کو آرڈرنگ میں محکمہ تعلیم (Respondent) کو Denovo نوٹاری
 کرنے میں ناکام ہوا۔ تو پھر ایک غیر قانونی نوٹاری جس پر تاریخ 10/05/2019
 ہے۔ اس طرح قلم ارسال کر دیا ہوا۔ انٹواری کی تشکیل کا
 القاری کا کو آرڈر موجود ہے اور نہیں ہے۔ زینت الہی کے خلاف
 ڈی جی اے کے۔ Countersign ہے نہیں۔ جو ایک غیر قانونی ہے
 لہذا استدعا ہے کہ DEO آئندہ جاری کردہ Cancellation
 آرڈر کسٹل کر کے Reinstatement کے دونوں آرڈر بحال کرے جس سے
 اس سے مختلف نادیس، قانون کا داخلی عمل میں لایا جائے۔
 Daid میں نوٹاری محمد ساجد خان آئی جی ایس جو کہ فیض آباد وزیرستان
 مورخہ 17/11/2023

DELTA

POWER OF ATTORNEY/VAKALATNAMA**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR****MUHAMMAD SAJJAD KHAN****VERSUS****EDUCATION DEPTT**

Appeal No. _____-P/2024

On behalf of Petitioner/Appellant No.

I/ we the **petitioners/appellant** hereby appoint **Mr. Afrasiab Khan Wazir** Advocate in the above-mentioned case, to do all or any of the following acts, deeds things.

1. To appear, act, sign, record Statement and plead for me/us in the above-mentioned case in this court /Tribunal or any other Court /Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all proceedings, petitions, appeals, affidavits, and any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/Tribunal when it is called for hearing.
- c. An advocate shall not be responsible for any concealment, fraud, misrepresentation made by the client before any tribunal, court or forum.
- d. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof, I/We have signed this power of Attorney/ Vakalatnama hereunder, the contents of which have been read/ explained to me/us and fully understood by me/ us.

Accepted & Attested**Afrasiab Khan Wazir & Salman Khan Wazir**

Advocates Peshawar High Court, Peshawar.

MALIK ASIF HAROON ADV DISTRICTS COURTS

Office:

Room No. B-16, Govt College Chowk,

Nimra Plaza, Peshawar.

Cell: 0312-9888752.

Terms Accepted

Signatures

Malik Asif Haroon.

(b-c 19-1700)

MO
ASIF
Haroon**ACCEPTED**