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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

EXECUTION NO. \_\_\_\_\_

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*Haji Muhammad vs Education*

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*Muharir*  
Muharir Compilation

*Incharge*  
Incharge Judicial Branch

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OFFICE OF THE  
DEPUTY COMMISSIONER  
SHANGLA

Register

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No. 3306-09/7/HC/DC/SH D-Complex

Dated 03/03/2023

To  
The Commissioner,  
Malakand Division  
Saidu Sharif, Swat.

Subject: **LACK OF INTEREST/FACTUAL DETAILS OF CASES TITLED:  
SAID ROMIN VS GOVT: OF KHYBER PAKHTUNKHWA &  
OTHERS  
KHIZAR HAYAT VS GOVT: OF KHYBER PAKHTUNKHWA &  
OTHERS.**

Sir,  
Please refer to the Solicitor Law, Parliamentary Affairs & Human Rights department Khyber Pakhtunkhwa Peshawar letter bearing No. SOL/Law/10-23(17)/Rev/2023/1489-95 dated 22/02/2023 Advocate General office letter No. 4737-41/AG dated 25/02/2023, coupled with factual detailed report of the Additional Assistant Commissioner (Revenue), Shangla vide letter No.96/AAC (R)/SH dated 01/03/2022 and report of the Additional District Kanungo Shangla (copies enclosed), on the subject above.

After perusal of the above, it is submitted that as per previous record, the District Attorney, Shangla namely Mr. Muhammad Zubair does not take any interest deliberately in the government cases instead of defending the Government cases and misguides the Government departments which leads to irreparable loss to the Government interest. Being the local of the district, he has sympathies with the local and also his own/family interest which ultimately badly affects the government interests/exchequer and become a big cause of embarrassment for the heads of Government departments. In this regard, reference can be made to the subject cases in which the District Attorney, Shangla had not made any communication to this office.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**  
**FAREEHA PAUL** ... **MEMBER (Executive)**

*Service Appeal No. 1229/2014*

Date of presentation of Appeal.....14.10.2014  
Date of Hearing.....06.06.2024  
Date of Decision.....06.06.2024

**Haji Muhammad S/O Allah Baz, R/O Sipah, Haji Abad, Tehsil Bara,**  
**Khyber Agency, Ex-PTC, BCS Shakirullah, Bara Khyber Agency.**  
.....*Appellant*

Versus

1. The Agency Education Officer, Khyber Agency.
2. The Director of Education (FATA) Khyber Pakhtunkhwa, Peshawar.
3. The Political Agent, Khyber Agency, Peshawar Cantt.

.....(*Respondents*)

Present:

Mr. Noor Muhammad Khattak, Advocate.....For the appellant  
Mr. Asif Masood Ali Shah, Deputy District Attorney .....For respondents

**SERVICE APPEAL UNDER SECTION-4 OF THE  
KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL  
ACT, 1974, AGAINST THE IMPUGNED ORDER NO.  
5320-28 DATED 05.06.2014, WHEREBY THE  
APPELLANT HAS BEEN TERMINATED FROM  
SERVICE WITH EFFECT FROM 01.03.2014.**

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** According to the facts gathered from the record, the appellant was appointed as PTC Teacher vide appointment order dated 31.03.2005. Disciplinary action was taken against the appellant on the allegation that he had proceeded abroad and remained absent from duty and vide impugned order dated 05.06.2014, the appellant was terminated from service. Feeling aggrieved, the appellant filed departmental appeal on 29.06.2014, which was not

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responded within the statutory period of 90 days, therefore, the appellant has now approached this Tribunal through filing of this appeal on 14.10.2014 for redressal of his grievances.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance through their representative and contested the appeal by way of filing para-wise comments, raising therein numerous legal as well as factual objections.

3. The learned counsel for the appellant argued that the appellant was terminated from service vide impugned order dated 05.06.2014 without issuing any charge sheet/statement of allegations and regular inquiry, which was against the law and rules on the subject. He next argued that there were numerous judgments of apex court, wherein it had been held that in case of awarding major penalty to a civil servant, regular inquiry was a must but in the instant case regular inquiry was not conducted. He further argued that neither any show-cause notice was issued to the appellant nor was he provided any opportunity of personal hearing as well as self defence. He also argued that the appellant was awarded punishment with retrospective effect, therefore, the impugned order of termination of the appellant was void ab-initio. In the last, he argued that the impugned order might be set-aside and the appellant might be reinstated in service with all back benefits.

4. Conversely, learned Deputy District Attorney for the respondents argued that the appellant had remained absent from duty for a long time. He next argued that as per travel history of the appellant received from the Additional Director FIA Khyber Pakhtunkhwa, the appellant

went abroad without obtaining any NOC and leave from the competent Authority, which amounted to gross misconduct. In the last, he argued that the impugned order was rightly passed, therefore, the same might be kept intact and the appeal in hand might be dismissed.

5. We have heard the arguments of learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and have perused the record.

6. A perusal of the record would show that the appellant was appointed as PTC Teacher vide appointment order dated 31.03.2005, however his services were terminated vide impugned order dated 05.06.2014 on the allegation that he proceeded abroad and remained absent from duty for a long time. Available on the record is travel history of the appellant, which shows that the appellant had deliberately went abroad for doing job from 08.10.2009 to 28.10.2017. The record further reveals that appellant went abroad without getting any NOC as well as any leave/permission from the competent authority, which is against the norms of discipline and rules. The appellant has badly failed to justify his long absence from duty as well as his long stay abroad from 08.10.2009 to 28.10.2017. Furthermore, the contention of learned counsel for the appellant that as the appellant was awarded punishment with retrospective effect, therefore, the impugned order dated 05.06.2014 was void, is misconceived. Although punishment could not be awarded with retrospective effect, however, where a civil servant is proceeded against departmentally on the ground of his absence from duty, then punishment could be awarded to him retrospectively from the date of his absence and the same is an exception to the general rule that

punishment could not be imposed with retrospective effect. The impugned order dated 05.06.2014 thus could not be considered as void merely on the ground that the same was passed with retrospective effect. Worthy, apex court in its judgment reported as 2022 PLC (C.S.) 1177 has observed as below:-

*"8. We find that the impugned judgment has totally ignored the record and facts of this case. The department has also been totally negligent in pursuing this matter and has allowed the Respondent to remain absent from duty for so long. On the issue of retrospective effect, we find that admittedly, the respondent has been absent from duty w.e.f. 01.09.2003, hence no illegality is made out by considering his dismissal from there as he has not worked with the department since the given date. (Emphasis provided)."*

7. As a sequel to the above, the appeal in hand being devoid of any merit stands dismissed. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 06 day of June, 2024.*



**KALIM ARSHAD KHAN**  
Chairman



**FAREEHA PAUL**  
Member (Executive)

20<sup>th</sup> May, 2024

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

2. Learned counsel for the appellant seeks further time for preparation of brief. Being an old case of the year 2014, absolute last chance is given for arguments. To come up for arguments on 06.06.2024 before the D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)  
Member (Executive)

(Kalim Arshad Khan)  
Chairman

\*Naeem Amin\*

**ORDER**  
06<sup>th</sup> June, 2024

1. Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Munawar Khan, ADEO for the respondents present. Arguments heard and record perused.

2. Vide our judgment of today, placed on file, the appeal in hand being devoid of any merit stands dismissed. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 06<sup>th</sup> day of June, 2024.*

(Fareeha Paul)  
Member (Executive)

(Kalim Arshad Khan)  
Chairman

\*Naeem Amin\*

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**Peshawar**

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14<sup>th</sup> May, 2024 1. Learned counsel for the appellant and Mr. Muhammad Jan, learned District Attorney for the respondents present.

2. Former requested for adjournment. Being an old case, the case is fixed for order to be announced on 17.05.2024. Learned counsel for the appellant may argue the matter any time before the announcement of the case. P.P given to the parties.

(Muhammad Akbar Khan)  
Member (E)

(Kalim Arshad Khan)  
Chairman

\*kamran\*

17<sup>th</sup> May, 2024

1. Learned counsel for the appellant present. Mr. Munawar Khan, ADEO alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant seeks adjournment. Last opportunity granted. To come up for arguments on 20.05.2024 before the D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)  
Member (Executive)

(Kalim Arshad Khan)  
Chairman

\*Naeem Amin\*



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19.04.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam learned Assistant Advocate General for the respondents present.

2. Former requested for adjournment in order to further prepare the brief. Granted. To come up for arguments on 09.05.2024 before D.B. P.P given to parties.



(Fareeha Paul)  
Member (E)



(Rashida Bano)  
Member (J)

Kaleemullah

09<sup>th</sup> May, 2024

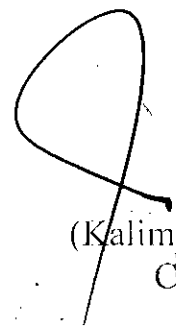
1. Appellant is present in person. Mr. Arshad Azam, Assistant Advocate General for the respondents present.

2. Counsel are on strike. Being an old case of the year 2014, therefore, adjourned for 14.05.2024 for arguments before the D.B.

Parcha Peshi given to the parties.



(Muhammad Akbar Khan)  
Member (Executive)



(Kalim Arshad Khan)  
Chairman


\*Naeem Amin\*


25.03.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan  
learned District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment in  
order to further prepare the brief. Adjourned. To come up for  
arguments on 18.04.2024 before D.B. P.P given to parties.

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(Fareeha Paul)  
Member (E)


  
(Rashida Bano)  
Member (J)


18<sup>th</sup> April, 2024 1. Junior to learned counsel for the appellant present. Mr.  
Muhammad Jan, District Attorney Mr. Munawar Khan, ADEO for  
respondents present.

2. Former seeks adjournment on the ground that learned  
senior counsel is not available today. Being an old case of the year  
2014, adjourned for tomorrow i.e on 19.04.2024 before D.B. P.P  
given to the parties.

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\*Abbas Shah, P.A.\*

  
(Muhammad Akbar Khan)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

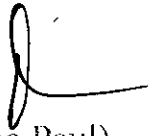
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07.02.2024

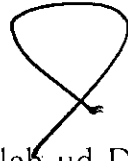
Junior of learned counsel for the appellant. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. Last opportunity granted. To come up for arguments on 23.02.2024 before the D.B. The appeal in hand pertains to the year 2014, therefore, learned counsel for the appellant shall make sure addressing of arguments on the date fixed.

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(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

23<sup>rd</sup> Feb. 2024

01. Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

02. Learned counsel for the appellant requested for adjournment in order to further prepare the brief. The appeal in hand pertains to the year 2014, therefore, last opportunity is granted for addressing arguments on the next date. To come up for arguments on 25.03.2024 before D.B. PP given to the parties.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

\*Fazle Subhan, P.S\*

SA 1229/2014

18.12.2023 01. Counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Munawar Khan, ADEO (Litigation) for the respondents present.

02. During the course of arguments it transpires that certain necessary documents are not available on the file. Appellant is directed to produce his appointment order while representative of the respondents shall produce project detail and Budget Book, on the next date, positively. To come up for arguments on 08.01.2024 before the D.B. Parcha Peshi given to the parties.

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(FAREEHA PAUL)  
Member (E)

(RASHIDA BANO)  
Member (J)

\*Fazle Subhan, P.S\*

8<sup>th</sup> Jan. 2024 1. Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

2. Former made a request for adjournment as he has not prepared the case. Adjourned. To come up for arguments on 07.02.2024 before D.B. P.P given to the parties.

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Peshawar

(Rashida Bano)  
Member (J)

(Kalim Arshad Khan)  
Chairman

\*Munazem Shah \*

04.12.2023

Learned counsel for the appellant present. Mr. Munawar Khan, ADEO alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested that in view of question of jurisdiction, he intends to submit an application for bringing on record certain documents for assistance of court on the said point. He may do so within a week and to come up for arguments on 18.12.2023 before the D.B. The appeal in hand pertains to the year 2014 and requires quick disposal, therefore, both the sides shall make sure addressing of arguments on the date fixed. Parcha Peshi given to the parties.

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P. K. T

(Fareeha Paul)  
Member (E)

(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

27.11.2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Munawar Khan, ADEO for the respondents present.

2. Learned District Attorney requested for adjournment on the ground that he has not prepared the case. Adjourned. To come up for arguments on 30.11.2023 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)  
Member (E)

(Rashida Bano)  
Member (J)

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MUNAWAR

\*KaleemUllah\*

30<sup>th</sup> Nov, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney alongwith Mr. Munawar Khan, ADEO for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 04.12.2023 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)  
Member (E)

(Rashida Bano)  
Member (J)

\*kamramullah\*

3<sup>rd</sup> Nov. 2023

1. Learned counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Munawar Khan, ADEO for the respondents present.

2. Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 17.11.2023 before D.B. P.P given to the parties.

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Peshawar

\*Mutazem Shah\*

(Salah-Ud-Din)  
Member (J)

(Kalim Arshad Khan)  
Chairman

17.11.2023 1. Learned counsel for the appellant present. Mr. Habib Anwar learned Assistant Advocate General alongwith Munawar Khan, ADEO for the respondents present.

2. Both the parties are directed to produce regularization order of the appellant on the next date positively. Adjourned. To come up for production of record as well as arguments on 27.11.2023 before D.B.

P.P given to the parties.

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Peshawar

\*KaleemUllah\*

(Muhammad Akbar Khan)  
Member (E)

(Rashida Bano)  
Member (J)

Learned counsel submitted that he would assist the Tribunal on 03.11.2023. The learned District Attorney has referred to judgment of Supreme Court of Pakistan dated 28.01.2022 passed in CP No.231 titled "Deputy Director Finance Administration FATA Vs. Dr. Lal Marjan & Others" and submitted that in view of the judgment, Presidential Order referred by the learned counsel for the appellant could not be given universal effect and stated that according to the judgment, the employees of the erstwhile FATA would not be considered civil servants in the service of the province of Khyber Pakhtunkhwa. The learned counsel for appellant and Deputy District Attorney shall also assist the Tribunal in view of findings of judgment of the Supreme Court. Besides, the scope, effect and fate of the appeal, whether the erstwhile FATA employees who had approached the Tribunal, being the employee of the Federation and the appeal remained pending for such a time that 25<sup>th</sup> Amendment in the Constitution of Pakistan, was promulgated and the appellant & other employees became civil servants of the Province after extension of laws etc.

3. Adjourned to 03.11.2023 for hearing before D.B. P.P given to the parties.

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(Salah-Ud-Din)  
Member (J)

\*Mutazem Shah\*



(Kalim Arshad Khan)  
Chairman



15

08.08.2023

1. Clerk of counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate for the respondents present.

2. Clerk of counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Last chance is given. To come up for arguments on 30.10.2023 before D.B.

P.P given to parties.

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(Fareeha Paul)  
Member (E)

(Rashida Bano)  
Member (J)

\*KaleemUllah

30<sup>th</sup> Oct. 2023

1. Learned counsel for the appellant present: Mr. Asif Masood Ali Shah Deputy District Attorney alongwith Mr. Munawar Khan, ADEO for the respondents present.

2. Learned counsel for the appellant was referred to the order sheet dated 08.03.2023, which reads as under:

*At the very outset learned counsel for appellant was confronted whether, the Ex-FATA Employees, as they were before the 25<sup>th</sup> Amendment in the Constitution of Islamic Republic of Pakistan, 1973, would be civil servants i.e. in the service of the Province of Khyber Pakhtunkhwa enabling them to seek redressal of their grievances before this Tribunal, he sought some time. Learned counsel shall assist the court on the scope of the issue, by tomorrow i.e. 09.03.2023 before D.B"*

7<sup>th</sup> July, 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Munawar Khan ADEO for the respondents present.

2. Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 31.07.2023 before D.B. P.P given to the parties.

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(Rashida Bano)  
Member (J)



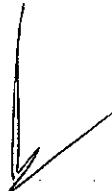
(Kalim Arshad Khan)  
Chairman

\*Muazem Shah\*

31<sup>st</sup> July, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, learned Additional Advocate General for the respondent present.

2. Learned counsel for the appellant requested for short adjournment in order to prepare the brief. Adjourned. To come up for arguments on 08.08.2023 before D.B. P.P given to parties.



(Muhammad Akbar Khan)  
Member (E)



(Rashida Bano)  
Member (J)

\*Kaleem Ullah\*

12<sup>th</sup> May, 2023

1. Appellant present in person. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 13.06.2023 before D.B. P.P given to the parties.

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(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

\*Kaleemillah\*

13.06.2023

Clerk of learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. The appeal in hand pertains to the year 2016, therefore, last chance is given for arguments. To come up for arguments on 07.07.2023 before the D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)  
Member (E)

(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

09<sup>th</sup> March, 2023

Learned counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks further time for preparation of arguments. Adjourned. To come up for arguments on 11.04.2023 before the D.B. Parcha Peshi given to the parties.

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(Salah-ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

11.04.2023

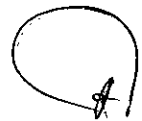
Counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA for the respondents present.

Learned counsel for the appellant as well as learned Deputy District Attorney requested for adjournment in order to apprise the Tribunal in the light of order dated 08.03.2023. To come up for arguments on 12.05.2023 before the D.B. Parcha Peshi given to the parties.

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(FAREEHA PAUL)  
Member(E)



(ROZINA REHMAN)  
Member (J)

(19)

16<sup>th</sup> Dec. 2022

Counsel for the appellant and Mr. Muhammad Jan,

District Attorney for the respondents present. Mrs. Rozina

Rehman, learned Member (J) is on leave, therefore, the case

is adjourned to 08.03.2023 before the D.B.

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(Fareeha Paul)  
Member(E)


08<sup>th</sup> Mar, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

2. At the very outset learned counsel for appellant was confronted whether, the Ex-FATA Employees, as they were before the 25<sup>th</sup> Amendment in the Constitution of Islamic Republic of Pakistan, 1973, would be civil servants i.e. in the service of the Province of Khyber Pakhtunkhwa enabling them to seek redressal of their grievances before this Tribunal, he sought some time. Learned counsel shall assist the court on the scope of the issue, by tomorrow i.e. 09.03.2023 before D.B.

3. Adjourned accordingly. PP given to the parties.

  
(Salah Ud Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

13<sup>th</sup> Oct., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 24.11.2022 before the D.B.



(Fareeha Paul)  
Member (E)



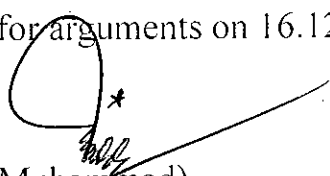
(Kalim Arshad Khan)  
Chairman

24.11.2022

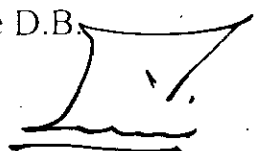
Mr. Umar Farooq, Advocate, junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 16.12.2022 before the D.B.

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(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

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16.06.2022

Learned counsel for the appellant present. Mr. Munawar Khan, ADEO (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 05.07.2022.

(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

05.07.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Due to paucity of court time, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 15.09.2022.

(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

15.09.2022

Appellant present in person.

Muhammad Jan, learned District Attorney alongwith Munawar Khan, ADEO for respondents present.

Former made a request for adjournment as his learned counsel is not available today. Adjourned. To come up for arguments on 13.10.2022 before D.B.

(Fareeha Paul)  
Member (E)

(Rozina Rehman)  
Member (J)

11.03.2021

Due to non availability of Bench, the case is adjourned to 26.04.2021 for arguments before D.B

  
READER


26.4.21

Due to COVID-19, the case is adjourned to 16.8.2021 for the same.



16.08.2021

Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 01.12.2021 for the same as before.

  
Reader

1-12-22

As on Tour, therefore the case is adjourned to 14-3-22 for same.



14-3-22

Due to Retirement of the Hon.ble Chairman the case is adjourned to come up for the same as before on 16-6-22

  
Reader



(23)

15.10.2020

\* Counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Munawar Khan, SST for the respondents is present.

Learned counsel for the appellant while making reference to impugned order dated 05.06.2014 submitted that retrospective effect was given to the referred to order, the issue with retrospectivity is pending before the Larger Bench of this august Tribunal constituted for the purpose, therefore, unless and until judgment is made by the worthy Larger Bench of this Tribunal this appeal is kept pending.

File to come up for further proceedings on 22.12.2020 before D.B.

(Mian Muhammad)  
Member (E)

(Rozina Rehman)  
Member(J)

22.12.2020

Mr. Noor Muhammad Khattak, Advocate, for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Munawar Khan, SST, for the respondents are also present.

Learned counsel representing appellant while making reference to impugned order dated 05.06.2014 submitted that retrospective effect was given to the referred to order, since the issue with retrospectivity is pending before the Larger Bench of this Tribunal constituted for the purpose, therefore, unless and until judgment is made by the worthy Larger Bench of this Tribunal, this appeal is kept pending. File to come up for further proceedings on 11.03.2021 before D.B.

(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

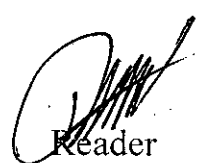
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

10.03.2020 Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourn. To come up for arguments 23.04.2020 before D.B.

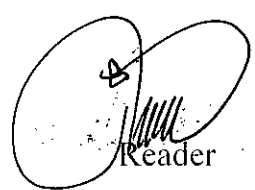
  
Member

  
Member

23.04.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 04.08.2020 before D.B.

  
Reader

04.08.2020 Due to summer vacation case to come up for the same on 15.10.2020 before D.B.

  
Reader

13.11.2019

Mir Zaman Advocate present on behalf of learned counsel for the appellant. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Mir Zaman Advocate seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned by way of last chance. To come up for arguments on 31.12.2019 before D.B.

  
Member

  
Member

31.12.2019

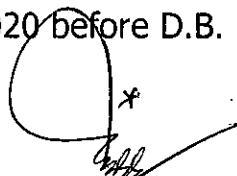
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 17.02.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

17.02.2020

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 10.03.2020 before D.B.

  
Member

  
Member


24.04.2019

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

Learned Addl. AG requests for adjournment to produce the requisite record noted in the order dated 11.03.2019. The requisite record shall positively be submitted within a fortnight alongwith extra copy.

Adjourned to 11.07.2019 for arguments before the D.B.

  
Member

Chairman 

11.07.2019

Appellant in person and Mr. Usman Ghani learned District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 29.08.2019 before D.B.

  
Member

  
Member

29.08.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment.. Adjourn. To come up for arguments on 13.11.2019 before D.B

  
Member

  
Member

28.12.2018

Mr. Mir Zaman, Advocate to Mr. Noor Muhammad Khattak Advocate for appellant, Mr. Ziaullah, DDA for the respondents present.

Learned senior counsel for the appellant is reported to be indisposed. Adjourned to 11.03.2019 for arguments before the D.B.

  
Member

  
Chairman

11.03.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Daud Jan, Superintendent for the respondents present.

The representative of respondents requests for some time in order to update the brief of instant appeal with document(s) relating to the travel history of appellant as the impugned order carries a reference thereto.

The requisite record may be submitted within a fortnight alongwith extra copy. Adjourned to 24.04.2019 for arguments before the D.B.

  
Member

  
Chairman

26.07.2018

Due to sickness of learned Member (Executive), further proceedings could not be conducted. Adjourned. To come up for arguments on 19.09.2018 before D.B.




Member

19.09.2018

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Daud Jan, Superintendent for the respondents present. Counsel for the appellant is directed to provide Member copy of the present appeal on or before the next date of hearing. Adjourned. To come up for arguments on 05.11.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

05.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 31.12.2018.

  
CHAIRMAN

(29)

20.03.2018


Learned counsel for the appellant and Mr. Muhammad Jan, learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.05.2018 before D.B

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member


24.05.2018


Clerk of the counsel for appellant and Addl. AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 12.06.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

12.06.2018

Junior to counsel for the appellant and MR. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned by way of last chance. To come up for arguments on 26.07.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

18/10/2017

Clerk of counsel for the appellant present and seeks time for deposit of security and process fee. Clerk of counsel for the appellant is directed to deposit security and process fee within 7 days, thereafter notices be issued to respondents for submission of written reply/comment on 30/11/2017 before SB.

Appellant Deposited  
Security Process Fee

30/11/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Daud Jan, Litigation Officer for respondent present. Written reply not submitted and AAG seeks further time. To come up for written reply/comments on 29/12/2017 before DB.

(GUL ZEB KHAN)  
MEMBER

29.12.2017

None present on behalf of appellant and Member Counsel. Mr. Kabir Ullah Khattak, Learned Addl: AG present. None present on behalf of respondent. Therefore, notice be issued to the appellant and his counsel as well as respondents for attendance. Written reply not submitted and AAG seeks further time. To come up for written reply/comments on 16.01.2018 before S.B.

(Ahmad Hassan)

16.01.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Daud Jan, Superintendent and Mr. Hajj Muhammad, AAEO for the respondents also present. Written reply on behalf of respondent No. 2 submitted. Representative of respondent No. 2 rely on the written reply submitted by respondent No. 2 on behalf of respondents No. 1 and 3. Adjourned. To come up for rejoinder and arguments on 20.03.2018 before D.B.

(Gul Zeb Khan)  
Member (E)

(Muhammad Amin Khan Kundi)  
Member



(31)

24/8/2017

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 13/9/2017 before SB.

  
(GUL ZEB KHAN)  
MEMBER

**13.09.2017**


Counsel for the appellant present. Preliminary arguments heard. The learned counsel for the appellant argued that the impugned order of termination was passed against the appellant on 05.06.2014 against which he filed departmental appeal on 29.06.2014 which was not responded to and thereafter, the present appeal on 14.10.2014. The learned counsel for the appellant further argued that the termination order was passed without following the procedural due process. That no charge sheet and statement of allegations was served upon the appellant nor proper enquiry was conducted.

The points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents. To come up for written reply/comments on 18.10.2017 before S.B.

  
Chairman

04.07.2017

Appellant with counsel present. Learned counsel for the appellant advanced arguments on the application for restoration of appeal dismissed in default vide order dated 31.07.2015. Attention is invited to order sheet dated 30.01.2017, whereunder the appeal in hand was restored for regular hearing. As such, it stands restored. To come up for preliminary hearing on 25.07.2017 before S.B.

  
(Ahmad Hassan)  
Member

25.07.2017

Counsel for the appellant seeks adjourned. Granted. To come up for preliminary hearing on 08.08.2017 before S.B.

  
Chairman

08.08.2017

Clerk to counsel for the appellant present and seeks adjournment due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 24.08.2017 before S.B.

  
(Ahmad Hassan)  
Member



20.02.2017

Clerk to counsel for the appellant present. Requested for adjournment. Request accepted. To come up for preliminary hearing on 08.03.2017 before S.B.

  
(AHMAD HASSAN)  
MEMBER

08.03.2017

None present on behalf of the appellant. Notice be issued to appellant and his counsel for prosecution for 30.03.2017 before S.B.

  
(ASHFAQUE TAJ)  
MEMBER

30.03.2017

Junior to counsel for the appellant (Noor Muhammad Khattak, Advocate), Requested for adjournment as learned Senior counsel for the appellant has gone abroad for performing Umra. Adjourned for preliminary hearing to 26.4.2017 before S.B.

  
Chairman

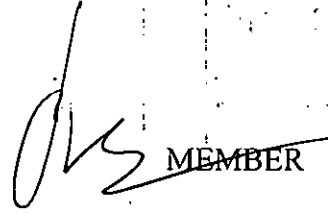
26.04.2017

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 29.05.2017 before S.B.

  
(Ahmad Hassan)  
Member

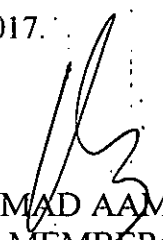
31.10.2016

Clerk to counsel for the petitioner and Addl. AG for respondents present. Requested for adjournment. Request accepted. To come up for written reply and arguments on application on 20.12.2016 before S.B.

 MEMBER

20.12.2016


Clerk of Mr. Noor Mohammad Khattak, Advocate filed Wakalat Nama on behalf of the petitioner and requested for adjournment. Adjournment granted. To come up for written reply and arguments on application on 30.01.2017.

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

30.01.2017

Counsel for the petitioner present. Arguments on restoration application heard and record perused.


Since the appeal was dismissed in default at the stage of preliminary hearing and when no notice was issued to the respondents as such the application for restoration of appeal is accepted and the appeal restored for regular hearing. To come up for preliminary hearing on 20.02.2017 before S.B.

  
Chairman

30.01.2017

22.02.2016

Counsel for the petitioner and Addl: A.G for respondents present. To come up for reply and arguments on application on 25.4.2016 before S.B.

  
Chairman

25.4.2016

Agent of counsel for the petitioner and Addl. AG for the respondents present. Counsel for the appellant as well as counsel for Political Agent Khyber are not in attendance. Seeks adjournment. Adjourned for reply and arguments on application for 21.7.2016 before S.B.

  
Chairman

21.07.2016

Agent of counsel for the petitioner and Additional AG for the respondents present. Agent of counsel for the petitioner requested for adjournment due to sickness of learned counsel for the petitioner. Request is accepted. To come up for reply and arguments on application on 29.08.2016 before S.B.

  
MEMBER

29.08.2016

None for the petitioner and Mr. Daud Jan, Sudt. Alongwith Addl. AG for respondents present. Addl. AG requested for adjournment. To come up for reply and arguments application on 31.10.2016 before S.B.




  
Chairman

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## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Misc. Application No. 1229 /2015

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/11/2015	<p>The application for restoration of appeal no. 1229/2014 submitted by Mr. Haji Muhammad through Mr. Nawab Zada Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This Misc. application be put up before S. Bench on <u>25-11-15</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Agent of counsel for the petitioner present. Notice and record for 22.2.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>
2-	25.11.2015	

38

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

Misc. application no. 137/2015  
in Service Appeal No. 1229 of 2014

S.W.P No. 1315  
Service Tri.  
Diary No. 16/11/15  
dated 16/11/15

Haji Muhammad VERSUS AEO, Khyber Agency and  
others


APPLICATION FOR RESTORATION OF  
THE ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth:

- 1- That the above titled service appeal pending adjudication before this august Tribunal.
- 2- That the above titled service appeal is fixed for preliminary hearing and due to non-functioning of august Tribunal the case was adjourned several time.
- 3- That on date fixed my clerk attend this august Court and Conway 10/11/2015 to me on that my child was hospitalized due to which I was unable to personally appear before your lordship.
- 4- That on 10/11/2015 the titled case was not mentioned in the cause list the Tribunal reader information me that the case is dismissed in default.
- 5- That non-appearance on date fixed was nor deliberately nor intentionally but due the above mentioned reasons.

It is, therefore, most humbly prayed that on acceptance of this application, the above titled case may kindly be restored.

Dated 12/11/2015

Through  Applicant  
Nawab Zada  
Advocate, Peshawar



(39)

30.06.2015

Agent of counsel for the appellant present. Counsel for the appellant is stated indisposed. Adjourned to 31.7.2015 for preliminary hearing before S.B.


  
Chairman

8

31.07.2015

None present for appellant despite repeated calls. The Court time is about to over. Dismissed for want of prosecution. File be consigned to the record.

ANNOUNCED  
31.7.2015.

  
Chairman  
31.07.15

40

Reader Note:

3

24.12.2014

No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned to 06.03.2015 for the same.

Reader

06.03.2015

4

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for Preliminary hearing on 31.03.2015.

Member

31.03.2015

5

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 18.05.2015.

Member

18.05.2015

Noted  
20/5  
20/5  
19/5/15

None for the appellant present. Notices be issued to the appellant/counsel for the appellant for preliminary hearing on 30.06.2015 before S.B.

Member



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Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1229/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/10/2014	<p>The appeal of Mr. Haji Muhammad presented today by Mr. Nawabzada Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	16-10-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>24-12-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

Handwritten notes and stamps in the bottom right corner, including a date stamp "24/12/2014" and other illegible markings.

42

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1229 /2014

SCANNED  
KPST  
Peshawar

Haji Mohammad S/O Allah Baz, R/O Sipah, Haji Abad, Tehsil, Bara,  
Khyber Agency, Ex-PTC, BCS Shakirullah, Bara Khyber Agency. .... (Appellant)

VERSUS

1. The Agency Education Officer, Khyber Agency etc. .... (Respondents)

INDEX OF APPEAL

S.No.	Description of documents	annexure	Page Number
1.	Memo: of appeal.	-	1 - 4
2.	Appointment order	"A"	5 - 6
3.	Copy of Service Book	"B"	7 - 10
4.	Copy of termination order.	"C"	11
5.	<del>Copy of Departmental Appeal</del>	"D"	12
6.	Wakalatnama		13

*M. Hayatullah*  
Appellant

Through:

*P. Babar*

(NAWABZADA)  
Advocate, Peshawar.

(43)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.Service Appeal No. 1229 /2014

A.W.F. Peshawar  
 No. 1256  
 Dated 14-10-2014

Haji Mohammad S/O Allah Baz, R/O Sipah, Haji Abad, Tehsil, Bara, Khyber Agency, Ex-PTC, BCS Shakirullah, Bara Khyber Agency. .... (Appellant)

VERSUS

1. The Agency Education Officer, Khyber Agency.
  2. The Director of Education (FATA) Khyber Pakhtunkhwa, Peshawar.
  3. The Political Agent, Khyber Agency, Peshawar Cantt.
- Peshawar..... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER NO. 5320-28, DATED 05.06.2014, WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE WITH EFFECT FROM 01.03.2014.

PRAYER

On acceptance of the appeal, the impugned order may be set aside and the appellant may be reinstated in service with all back benefits. Any other relief deemed appropriate may also be granted to the appellant.

RESPECTFULLY SHEWETH

1. That the appellant having fully qualified for the post of PTC, was appointed as PTC Teacher by the Competent Authority alongwith others after observing all the codal formalities vide order dated 31.3.2005. Copy of appointment order is attached as annexure-A.

(44)

2. That service book of the appellant prepared and entries made therein from time to time. Copy of service book is attached as annexure-B.
3. That the appellant was serving to the best of his ability and to the entire satisfaction of his superiors.
4. That all of a sudden vide impugned order No. 5320-28, dated 05.06.2014, services of the appellant have been terminated in a single stroke of pen with recovery of absence period. Copy of impugned order is attached as annexure-C.
5. Feeling aggrieved, the appellant filed departmental appeal against the impugned order, before the departmental appellate authority which has not been decided within the statutory period, hence the present appeal.

#### G R O U N D S



1. That the appellant has not been treated in accordance with the law and rules on the subject.
2. That no charge sheet & statement of allegations served upon the appellant.
3. That no proper enquiry was conducted into the matter and the appellant has not been given proper opportunity of defence.
4. That no show cause notice issued to the appellant, no chance of personal hearing afforded to him and he has been condemned unheard.
5. That the appellant has been punished twice against one and the same charge which comes under the purview of double jeopardy and not maintainable in the eyes of law.

45

6. That the impugned order is void ab-intitio and based on surmises and conjectures.
7. That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

In view of the above, the impugned order dated 05.06.2014 may very graciously be set aside and the appellant may be reinstated in service with all back benefits. Any other relief deemed appropriate may also be granted to the appellant.

Through:

  
APPELLANT  
  
(NAWABZADA)  
Advocate, Peshawar.

AFFIDAVIT

I, Haji Mohammad S/O Allah Baz, the appellant do hereby solemnly affirm and declare that the contents of the appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

  
DEPONENT

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Annex, A P-5

AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD.  
APPOINTMENT ORDER

Consequent upon the recommendation of Political Administration and approval by Director of Education FATA Peshawar the following candidates are hereby appointed against the Project of P.T.C in BPS No.07/PM fixed for the Project period for 03-years at Boys and Communal Schools in Landi Kotal/ Bara & Jamrud Tehsil Khyber Agency with effect from the date of their taking over charge.

S.No	Name / Father Name	Qual.	Name of School	Remarks
01	Shahmaz D O Iqbal Hassan	SSC	GCS Muhammad Amin Killi Tirah	w.e.f 08.04.2005
02	Yahya Amin S O Sardar Ali	SSC	BCS Nacem Jan Tangoo Tirah	.do.
03	Faridullah S O Kabul Sher	SSC	BCS Nabat Khan Killi Toor Sapar Tirah	.do.
04	Islam Gul S O Nabat Khan	SSC	BCS Nabat Khan Killi Toor Sapar Tirah	.do.
05	Rayub Khan S O Bijli Khan	SSC	BCS Khalil Bat Khan BZK	.do.
06	Uma Khan S O Ghulam Idris	SSC	.do.	.do.
07	Shah Hussain S O Gulat Khan	SSC	BCS Khan Zar Khan	.do.
08	Aulas Khan S O Mian Gul	SSC	.do.	.do.
09	Said Noor S O Gul Muhammad	SSC	BCS Haji Masood Sheikhmal Khel Tirah	.do.
10	Juma Noor S O Gul Wali	SSC	.do.	.do.
11	Haji Muhammad S/O Allah Buz	SSC	BCS Mawaz Killi	.do.
12	Siraj Akber S/O Mujaahid Khan	SSC	BCS Adam Khan Mastak	.do.
13	Yar Muhammad S/O Muza Gul	SSC	BCS Barakat Shah	.do.
14	Kamran Khan S/O Shah Nawaz	SSC	BCS Lalchai Khan BZK	.do.
15	Shoukat Khan S/O Khan Bahadar	SSC	BCS Ashma Gul Killi	.do.
16	Iqbal Khan S/O Usman Khan	SSC	BCS Khan Afzal Bakhti Mela Tirah	.do.

NOTE

- 1 The employees shall serve the Govt. as communal school teachers from the date of assumption of charge.
- 2 They shall devote their whole time to their duties as communal school teachers.
- 3 They shall submit themselves to the lawful orders of the Govt. Officers.
- 4 They shall motivate the parents to send their children to school.
- 5 These posting will be not be transferable, however local teachers preferably trained can be adjusted against regular Posts on case-to- case basis.
- 6 They shall produce Health and Age certificate from Agency Surgeon concerned.  
Their Original Education Qualifications, date of birth and Domicile certificate should be checked before handing over charge of the school.
- 8 If they fail to report with in 15 days, the order will automatically be treated as cancelled.
- 9 Charge reports should be submitted to all concerned.
- 10 They will not be handed to over the charge if they are below 18-years and above 33-years of age.

(DILBAR KHAN)  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD.



Endst; No. 870-73/Apptt./PTC/BCS/GCS

Dated 31/13/2005

Copy forwarded for information to the:

1. Director of Education FATA NWFP Peshawar.
2. Political Agent Khyber at Peshawar.
3. Agency Accounts officer at Peshawar.
4. Accountant Local Office.
5. AAEO (Lit) Local office.
6. Candidates concerned.

AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD.

B  
15/3

N.hayat

Attor For

P-6

(47)

(For use in Police Department only)

(48)

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Heirs,

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- 3.

Verification Roll No.                      dated                      received back

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Date of  
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Exam

Passed SSC Examination from

Qualification BISE Peshawar Under Roll Date                       
NO-4686 marks obtained  
410/850  
 English

Qualification                      Date

First Arts

Pushto

*[Handwritten signature and scribbles]*

B.L. or B.A.

Urdu

Pleadership examination

Passed PTC Examination from

Plan-drawing R.D.E Peshawar Under Roll  
NO-457 Session 565-Marks

Training School Final examination

Obtained 565 out of 1200  
 Result declared on 28/12/2006

Other qualifications—

Drill Instructing

*[Handwritten signature]*

Court Duties

*[Handwritten signature]*

Reserve Duties

The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

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Name: Haji Muhammad

Race: Sepah

Residence: Village Landi Kheil Armar Khol Tehsil  
Bara Khyber Agency

Father's name and residence: Allah Bax


Date of birth by Christian era as nearly as can be ascertained: 7-4-1986  
Seventh April N-11-Eighty Six.


Exact height by measurement: 5-5


Date

Personal marks for identification: male Rt side neck face

Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: 

Ring Finger: 

Middle Finger: 

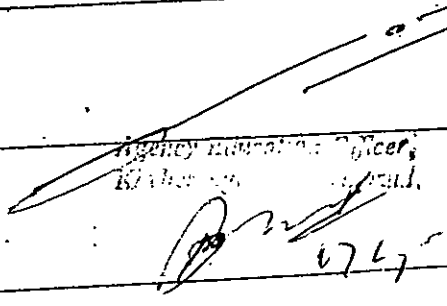
Fore Finger: 

Thumb: 

9. Signature of Government Servant: M. Hajid

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Attest 

  
Agency Migration Officer,  
Khyber Agency, Bara.

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	and Designation of the officer attesting officer (Muns. 1 to 8)
PTC Post at B.S. Mawaz Ghathel Nekhes			Rs = 2220/- PM	Encl.		8 <sup>4</sup> / <sub>05</sub>	<i>[Signature]</i>	
			Rs = 2220/PM			1		
			B = 7 Rs = 2555-140-6755					
-do-			Rs = 2555/PM			1 <sup>7</sup> / <sub>05</sub>		A. E. O. Hydr.
-do-			Rs = 2555/PM			1 <sup>12</sup> / <sub>05</sub>		A. E. O. Hydr.
-do-			Rs = 2555/PM			1 <sup>12</sup> / <sub>06</sub>		A. E. O. Hydr.
			B = 7 Rs = 2940-160-7740					
-do-			Rs = 2940/PM			1 <sup>7</sup> / <sub>07</sub>		A. E. O. Hydr.
-do-			Rs = 2940/PM			1 <sup>12</sup> / <sub>07</sub>		A. E. O. Hydr.
			B = 7 Rs = 3530-190-9230					
PTC Post at B.C.S. Shakirullah Kutti			Rs = 3530/PM			1 <sup>7</sup> / <sub>08</sub>		A. E. O. Hydr.
-do-			Rs = 3530/PM			1 <sup>12</sup> / <sub>08</sub>		A. E. O. Hydr.
-do-			Rs = 3720/PM			1 <sup>12</sup> / <sub>09</sub>		A. E. O. Hydr.

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8

Date of termination or appointment

Reason of termination (such as promotion, transfer, dismissal, etc.)

Signature of the head of the office or other attesting officer.

Nature and duration of leave taken

Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government

Signature of the head of the office or other attesting officer

Reference to any recorded punishment or censure, or reward or praise of the Government Servant

(5)

P-10

Period Government to which debitable

		30 <sup>6</sup> / <sub>05</sub>	R/Pay		Appointed against PIC post in RPS No. 7 @ Rs 2220/PM. Period plus usual allowances as admissible under the rules on contract basis for the three years for the project period vide AEO Jharkhand's H. No. 870-73 dt-31-3-2005.
		30 <sup>11</sup> / <sub>05</sub>	A/Inc NIL		
		30 <sup>11</sup> / <sub>06</sub>	A/Inc NIL		Agency Education Officer, Jharkhand
		30 <sup>6</sup> / <sub>07</sub>	R/Pay		SERVICES VERIFIED From 8-4-05 To 30-11-06 From the Pay Bill & other record of this office.
		30 <sup>11</sup> / <sub>07</sub>	A/Inc NIL		Agency Education Officer, Hyder Agency at Jamrud.
		30 <sup>6</sup> / <sub>08</sub>	R/Pay		SERVICES VERIFIED From 1-12-06 To 30-11-2009 From the Pay Bill & other record of this Office.
		30 <sup>11</sup> / <sub>08</sub>	A/Inc NIL		Agency Education Officer Hyder Agency. at Jamrud
		30 <sup>11</sup> / <sub>09</sub>	A/Inc		

Affest

52

P-10-A

MEDICAL CERTIFICATE.

Name of Official..... Mr. Haji Muhammad

Caste or race..... Sepai

Father's name..... S/o Allah Buz

Residence..... Village Lundi Khel Armar Khel  
Tehsil Bara Khyber Agency.

Date of birth..... 7/4/1986

Exact height by measurement..... 5-5"

Personal mark of identification..... Mole Rt side nose & face

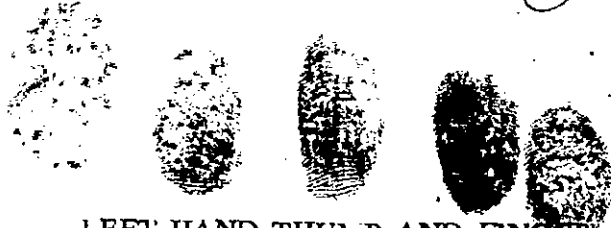
Signature of the Official..... [Signature]

Signature of head of office.....

Seal of Office.....

I do hereby certify that I have examined Mr. Haji Muhammad a candidate for employment in the Office of the Education Department and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the..... His age according to his own statement 19 year and by appearance about Nineteen (19) years.



LEFT HAND THUMB AND FINGER

[Signature] 5/4/05  
 Medical Superintendent

Attest  
[Signature]



2360  
izy: Ajeem

(53)

KHYBER AGENCY

AGENCY EDUCATION OFFICE  
PHONE. 091-5820584 FAX 091-5820584  
NO. 5320-28 DATED 05/06/2014

TERMINATION

Ann-C P-11

As a consequence of their being abroad and verified from their "TRAVEL HISTORY" received from the Additional Director FIA Khyber Pakhtunkhwa vide his No.FIA/KPK/Immigration-Control/14/4640 dated 01/05/2014 read with Assistant Director/FIA immigration Peshawar No. Immigration 215 dated 08/03/2014.

A huge banner was affixed in this office to the effect that they should present themselves before the Agency Education Officer Khyber within 15 days and clarify their position but they badly failed to present themselves before the Agency Education Officer khyber thereby reflecting that they still abroad

I, Atiq-ur- Rahaman, the Agency Education Officer Khyber Agency in the capacity of the competent authority do hereby terminate the services the following community Schools Staff Members with effect from March 1, 2014.

The recovery of Abroad/Absence period is hereby made effective.

S.No	Name and designation	School
1	Haji Mohammad PTC ✓	BCS Shakirullah Bara
2	Mohd Ayaz PTC	BCS Malak Murad Stoori Kheil
3	Shoukat Khan PTC	BCS Said Ahmad Shah
4	Abdul Majeed PTC	BCS Nooran Shah BQK
5	Abaseen Khan PTC	BCS Malak Darya Khan
6	Maza Khan Chowkidar	BCS Wachan Gul Kamar Khel

AGENCY EDUCATION OFFICER,  
KHYBER AGENCY AT JARMUD.

Endst No. 5320-28 dated 5/06/2014

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Secretary Social Sector Department FATA Secretariat Peshawar
3. Director Education FATA at Peshawar.
4. Political Agent Khyber at Khyber House Peshawar.
5. AAEO Bara/LKL
6. APA Bara/LKL
7. Superintendent local officer
8. Asghar Gul dealing clerk communal project teachers
9. Official concerned

AAEO Bara/LKL

AGENCY EDUCATION OFFICER,  
KHYBER AGENCY AT JARMUD.

محکمہ خزانہ ڈیپارٹمنٹ آف ایجوکیشن (پشاور) میں درخواست کی ہے۔

Ann-D 10-12

فنانس ایڈیشن پشاور ڈیپارٹمنٹ آف ایجوکیشن  
2014/5/15

محکمہ خزانہ ڈیپارٹمنٹ آف ایجوکیشن (پشاور)

SCANNED  
KPST  
Peshawar

محکمہ خزانہ

محکمہ خزانہ ڈیپارٹمنٹ آف ایجوکیشن (پشاور)

1۔ یہ سٹیٹ بینک آف پاکستان میں مندرجہ ذیل کی رقمیں موجود ہیں اور ان کی تفصیلات درج ذیل ہیں:

2۔ یہ سٹیٹ بینک آف پاکستان میں مندرجہ ذیل کی رقمیں موجود ہیں اور ان کی تفصیلات درج ذیل ہیں:

3۔ یہ سٹیٹ بینک آف پاکستان میں مندرجہ ذیل کی رقمیں موجود ہیں اور ان کی تفصیلات درج ذیل ہیں:

4۔ یہ سٹیٹ بینک آف پاکستان میں مندرجہ ذیل کی رقمیں موجود ہیں اور ان کی تفصیلات درج ذیل ہیں:

5۔ یہ سٹیٹ بینک آف پاکستان میں مندرجہ ذیل کی رقمیں موجود ہیں اور ان کی تفصیلات درج ذیل ہیں:

6۔ یہ سٹیٹ بینک آف پاکستان میں مندرجہ ذیل کی رقمیں موجود ہیں اور ان کی تفصیلات درج ذیل ہیں:

7۔ یہ سٹیٹ بینک آف پاکستان میں مندرجہ ذیل کی رقمیں موجود ہیں اور ان کی تفصیلات درج ذیل ہیں:

8۔ یہ سٹیٹ بینک آف پاکستان میں مندرجہ ذیل کی رقمیں موجود ہیں اور ان کی تفصیلات درج ذیل ہیں:

M. H. Khan  
29.6.2014

محکمہ خزانہ ڈیپارٹمنٹ آف ایجوکیشن (پشاور)

Handwritten initials/signature





Agency Education Office (55)  
Khyber Agency at Jamrud

PHONE. 091-5820584 FAX 091-5820023

B - 16

**NOTIFICATION**

Consequent upon the direction of Political Agent Khyber, issued in a meeting held at Khyber House Peshawar Dated 15-12-2014, all educational institutions (M&F) of plain area of Tehsil Bara Khyber Agency will stand opened with effect from 1<sup>st</sup> January, 2015. ✓

All the staff members of the said institutions are hereby informed to resume their duties in their original place of posting and treat their redeployment already made, to various other schools, on various dates, is hereby cancelled.

It is further added that Political Administration, Educational Administration and other law enforcement agencies will carry out monitoring of these public educational institutions, so you all are hereby directed, in your own interest, to ensure your presence in your respective institutions in order to be in the public interest.

Agency Education Officer,  
Khyber Agency at Jamrud.

Endst: No. 10294-303

Dated: 18-12-2014 ✓

Copy to:

1. Additional Chief Secretary FATA Secretariat Peshawar.
2. Principal Secretary to Governor.
3. Secretary Social Sector Department FATA.
4. Secretary Law and Order FATA Secretariat Peshawar.
5. Director Education FATA.
6. Political Agent Khyber with reference to his direction.
7. Deputy Director Monitoring and evaluation FATA Secretariat Peshawar.
8. Assistant Agency Education Officers (M&F), Bara.
9. All Principals, Head Master/Mistress, Head Teachers of Tehsil Bara.

**ATTESTED**

Agency Education Officer  
Khyber Agency at Jamrud.

1/12/21

D.B.T.

14/03

60

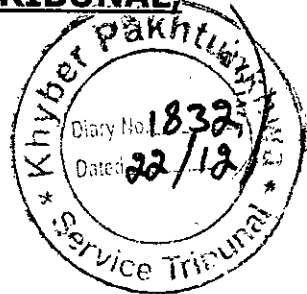
**BEFORE THE KHYBER PAKHTUNHWA SERVICE TRIBUNAL  
PESHAWAR**

Put up to the worthy chair - cw.  
with relevant appeal.

C.M NO. \_\_\_\_\_ / 2021

IN

**APPEAL No1229/2014**



Haji Muhammad

VS

AEO, Khyber Agency

**APPLICATION FOR REQUISITIONING THE ABOVE TITLED  
APPEAL FOR EARLY HEARING**

**R/SHEWETH:**

**The applicant submits as under:**

- 1- That the captioned service appeal is pending adjudication before this Hon'ble Tribunal, in which 14-03-2022 is fixed for hearing.
- 2- That appellant has filed the above mentioned service appeal wherein the appellant has challenged the dismissal order dated 5-06-2014.
- 3- That the service of the appellant is fixed for arguments and also a pre-mature case, since linger on from 2014.
- 4- That as valuable rights of the applicant is attached to the instant appeal, therefore it is essential that the mentioned appeal be fixed as early as possible.

It is therefore most humbly prayed that on acceptance of this application the mentioned appeal may be requisition for early hearing to any convenient date.

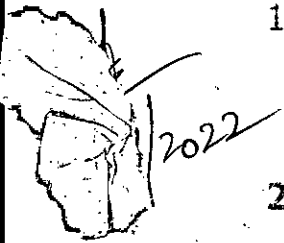
**APPLICANT**

**Haji Muhammad**

**THROUGH:**

**NOOR MUHAMMAD KHATTAK  
ADVOCATE**

NFA



61

1236  
14-10-2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1229 /2014

Haji Mohammad S/O Allah Baz, R/O Sipah, Haji Abad, Tehsil, Bara, Khyber Agency, Ex-PTC, BCS Shakirullah, Bara Khyber Agency. .... (Appellant)

VERSUS

1. The Agency Education Officer, Khyber Agency.
2. The Director of Education (FATA) Khyber Pakhtunkhwa, Peshawar.
3. The Political Agent, Khyber Agency, Peshawar Cantt.  
Peshawar..... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER NO. 5320-28, DATED 05.06.2014, WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE WITH EFFECT FROM 01.03.2014.

PRAYER

On acceptance of the appeal, the impugned order may be set aside and the appellant may be reinstated in service with all back benefits. Any other relief deemed appropriate may also be granted to the appellant.

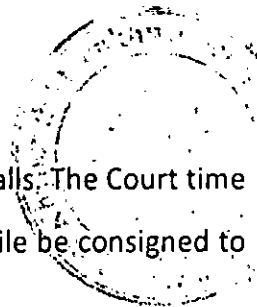
RESPECTFULLY SHEWETH

1. That the appellant having fully qualified for the post of PTC, appointed as PTC Teacher by the Competent Authority alongwith after observing all the codal formalities vide order dated 31.3.20 of appointment order is attached as annexure-A.

31.07.2015

None present for appellant despite repeated calls. The Court time is about to over. Dismissed for want of prosecution. File be consigned to the record.

62



*S.A. Chinn*

ANNOUNCED  
31.7.2015.

Certified to be a true copy  
*[Signature]*  
Kty  
Pushaw

De...  
N...  
C...  
I...  
N...  
Date...  
Date of...

16-11-2015  
800  
6  
2  
8  
*[Signature]*  
16-11-2015  
16-11-2015

(63)

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2014

Haji Muhammad VERSUS AEO, Khyber Agency and  
others

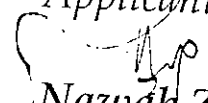
APPLICATION FOR RESTORATION OF  
THE ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth:

- 1- That the above titled service appeal pending adjudication before this august Tribunal.
- 2- That the above titled service appeal is fixed for preliminary hearing and due to non-functioning of august Tribunal the case was adjourned several time.
- 3- That on date fixed my clerk attend this august Court and Conway 10/11/2015 to me on that my child was hospitalized due to which I was unable to personally appear before your lordship.
- 4- That on 10/11/2015 the titled case was not mentioned in the cause list the Tribunal reader information me that the case is dismissed in default.
- 5- That non-appearance on date fixed was nor deliberately nor intentionally but due the above mentioned reasons.

It is, therefore, most humbly prayed that on acceptance of this application, the above titled case may kindly be restored.

Dated 12/11/2015

Applicant  
Through   
Nawab Zada  
Advocate, Peshawar

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**VAKALATNAMA**

IN THE COURT OF KPK Service Tribunal Peshawar  
OF 2016

Haji Mohammed (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt. (RESPONDENT)  
(DEFENDANT)

I/We Haji Mohammed  
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 20/12/2016

[Signature]  
CLIENT

[Signature]  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**  
**(ADVOCATE)**

OFFICE:  
Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No.0345-9383141

[Signature]  
**Muhammad Manzoor**  
**Advocate**

(65)

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No: 1229/2014

Haji Muhammad Ex-PTC BCS Shakirullah Bara Khyber Agency ....Appellant.

VERSUS

1. The Agency Education Officer Khyber Agency.
2. The Director Education FATA.
3. Political Agent Khyber Agency.....Respondents.

**Para-wise comments on behalf of respondent No: 2 & 3**

**Respectively Sheweth:**

**Preliminary Objection**

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.

**On Facts:**

1. No comments. Pertains to record.
2. No comments. Pertains to record.
3. Incorrect. The appellant was not present on his duty; his seniors were not satisfied from his duty. He remained himself absent from Government Duty for a long time.
4. Incorrect. On account of willful absence from duty the Competent Authority passed termination order of the appellant. In this regard the Competent Authority verified his absence from the Quarter concerned i.e, from his "Travel History" received from the Additional Director F/A Khyber Pakhtunkhwa vide his Letter No. FLA/KPK/Immigration contract/14/46401 dated 01/05/2014. The termination order of the appellant is self explanatory, copy of the same is attached as **(Annexure-A)**.
5. Incorrect. The departmental appeal of the appellant has been sent by the Deputy Director (P&D) to the Agency Education Officer Khyber Agency for comments/views to proceed further into the matter. As & when received the same will be decided in accordance with law/rules, copy of the letter is attached as **(Annexure-B)**.

**Grounds:**

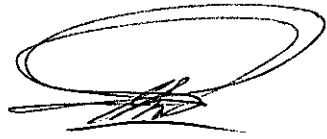
- 1 Incorrect. Respondents have not taken any action which is against law/rules.
- 2 Incorrect. The Competent Authority has taken action after fulfillment of all codal formalities.
- 3 Incorrect. The absence period has been verified from the immigration Authority. It has been found that the appellant was abroad from country. The termination order of the appellant is self-explanatory.
- 4 As explained in Para-3 above.
- 5 Incorrect. As the appellant was abroad from the Country therefore on the basis of no work no payment, the appellant is not entitle for any benefits.

6 comments. As explained in Para-5 above.

Respondents are also seek permission to advance other grounds & proofs at the time of arguments.

In the light of the above facts it is humbly prayed to please dismiss the appeal having no legal force.

Respondent NO. 2



**Director Education FATA  
Peshawar**

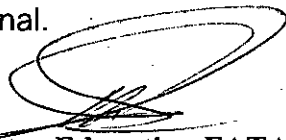
Respondent NO. 1

**Agency Education Officer  
Khyber Agency**

**AFFIDAVIT**

We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our Knowledge and belief that nothing has been concealed from this Honorable Tribunal.

Respondent NO. 2



**Director Education FATA  
Peshawar**

Respondent NO. 1

**Agency Education Officer  
Khyber Agency**



67



FATA SECRETARIAT "11C"  
Social Sectors Department  
Warsak Road Peshawar - 13-

Notification

No. SO(E)/SSD/CSTR/99-108/ The Governor Khyber Pakhtunkhwa in his capacity of the Competent Authority has been pleased to approve the re-appointment of Community School Teachers who qualify to be posted against the regular post of PST (BS-7) in phased manner at the respective Agencies & FRs, purely on regular basis in accordance with the existing recruitment criteria but in relaxation of upper age limit with immediate effect as specified below.

1. The available regular vacant PST (BS-7) posts in the Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers no fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective Agencies/FRs.
2. The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PST (BS-7) adjustment of local qualified teachers.
3. The services of the un-qualified teachers shall be dispensed with.
4. The Community Schools whose teachers are appointed and shifted to regular schools against regular posts, would be closed down.
5. The respective Community Schools students would be shifted to regular schools and no further recruitment of Community School teachers be made.

Secretary  
Social Sectors Department,  
FATA Secretariat, Peshawar

Encl. No. Even Dated Peshawar the 11/05/2012

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
2. Addl: Accountant General (PR) Sub Office Peshawar.
3. Director Education FATA, Peshawar.
4. All Political Agents in FATA.
5. DCO Peshawar, Kohat, Bannu, Lakki, D.I. Khan & Tank.
6. Agency/ District Accounts Officers concerned
7. All the Agency Education Officer in FATA
8. PS to Additional Chief Secretary FATA Peshawar.
9. PS to Secretary Social Sectors Department, FATA Secretariat, Peshawar.
10. PS to Secretary P&D, FATA Secretariat, Peshawar.

*(Signature)*

68

BETTER COPY: 13

## FATA SECRETARIAT

Social Sectors Department

Warsak Road Peshawar

### Notification

No.SO(E)/SSD/CSTR/99-108/ The Governor Khyber Pakhtunkhwa In his capacity of the Competent Authority has been pleased to approve the re-appointment of Community School Teachers who qualify to be posted against the regular post of PST (BS-7) in phased manner at the respective Agencies & FRs, Purely on regular basis in accordance with the existing recruitment criteria but in relaxation of upper age limit with immediate effect as specified below.

1. The available regular vacant PST (BS-7) posts in the Primary/Middle School in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible communal School Teachers are absorbed against regular posts in their respective Agencies/FRs.
2. The non-local eligible Community School Teachers shall be considered re-appointment against the regular vacant posts of PST (BS-7) adjustment of local qualified teachers.
3. The services of the un-qualified teachers shall be dispensed with.
4. The Community School whose teachers are appointed and shifted to schools against regular posts, would be closed down.
5. The respective Community Schools students would be shifted to regular schools and no further recruitment of Community School teachers be made.

Secretary  
Social Sectors Department  
FATA Secretariat, Peshawar

Endst No. Even Dated Peshawar the 11/05/2012

Laws Extended to the Tribal Areas with Jirga Laws (5<sup>th</sup> Edition)

(5) Notwithstanding anything in this Constitution, neither the Supreme Court nor a High Court shall, unless the Central Legislature by law otherwise provides, exercise any jurisdiction under this Constitution in relation to a Tribal Area.

Sl. No. 8**PRESIDENT'S ORDER No. 15 OF 1960****RULERS (RECOGNITION OF SUCCESSORS) ORDER, 1960**

[Gazette of Pakistan, Extraordinary, 16th June, 1960]

**No. F. 2/14/58-D&L.**—The following Order made by the President on the 11th June 1960 is hereby published for general information:—

In pursuance of the Proclamation of the 7th day of October 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Order:—

1. (1) This Order may be called the Rulers (Recognition of Successors) Order, 1960.
- (2) It shall come into force at once.
2. It is hereby declared that the provisions of clause (1) of Article 2 of the Laws (Continuance in Force) Order, 1958, shall be construed as including in any reference to the Ruler of a State at any time in accession with Pakistan a reference to the person recognized for the time being by the President as a successor to that Ruler.
3. Notwithstanding anything in Article 2 the provisions of this Order shall have effect in respect of any recognition granted to a successor at any time after the 14th day of August 1947 existing on the 22nd day of March 1956 or granted thereafter.

Sl. No. 9**PRESIDENT'S ORDER No. 1 OF 1970****PROVINCE OF WEST PAKISTAN (DISSOLUTION) ORDER, 1970**

**Article 5: Administration of new Province, etc.**—(1) Subject to the provisions of this Order, the new Provinces shall be administered as if each one of them were a Province existing immediately before the appointed day.

(2) The Centrally Administered Areas shall be administered by the President acting, to such extent as he thinks fit, through such officers as he may appoint; and the President may, in that behalf, give such directions as he deems fit.

Constitutional Provisions Regarding the Tribal Areas

**Article 6: Additional legislative powers of President.**—(1) The President shall have exclusive power—

- (a) with respect to the Pakistan Western Railway and all matters pertaining thereto, to make law having operation in all or any of the new Provinces; and
  - (b) in relation to the Islamabad Capital Territory, to make laws with respect to all matters.
- (2) The President may, with respect to all matters, make Regulations for the Centrally Administered Tribal Areas or any part thereof; and no other law shall apply to such Tribal Areas or to any part thereof unless the President by notification otherwise directs and, in giving such direction with respect to any law, the President may direct that the law in its application to those Areas or to a specified part thereof shall have effect subject to such exceptions and modifications as may be specified in the direction.

Sl. No. 10**INTERIM CONSTITUTION OF PAKISTAN, 1972**

**Article 260.**—In this Constitution, the expressions "Tribal Areas", "Provincially Administered Tribal Areas" and the "Centrally Administered Tribal Areas" shall have the following meanings:—

- (a) "Tribal Areas" means the areas in Pakistan which, immediately before the commencing day, were Tribal Areas, and includes—
  - (i) the Tribal Areas of Baluchistan and the North-West Frontier; and
  - (ii) the former States of Amb, Chitral, Dir and Swat;
- (b) "Provincially Administered Tribal Areas" means—
  - (i) the districts of Chitral, Dir and Swat (which includes Kalam), Malakand Protected Area, the Tribal Area adjoining Hazara district and the former State of Amb; and
  - (ii) Zhob district, Loralai district (excluding Duki Tehsil), Dalbandin Tehsil of Chagai district and Marri and Bughti tribal territories of Sibi district; and
- (c) "Centrally Administered Tribal Areas" includes—
  - (i) Tribal Areas adjoining Peshawar district;
  - (ii) Tribal Areas adjoining Kohat district;
  - (iii) Tribal Areas adjoining Bannu district;
  - (iv) Tribal Areas adjoining Dera Ismail Khan district;
  - (v) Bajaur in Malakand Agency;

- (vi) Mohmand Agency;  
 (vii) Khyber Agency;  
 (viii) Kurram Agency;  
 (ix) North Waziristan Agency; and  
 (x) South Waziristan Agency;

**Article 261.**—(1) Subject to the provisions of this Constitution, the executive authority of the Federation shall extend to the Centrally Administered Tribal Areas, and the executive authority of a Province shall extend to the Provincially Administered Tribal Areas therein.

(2) The President may, from time to time, give such directions to the Governor of a Province relating to the whole or any part of a Tribal Area within the Province as he may deem necessary, and the Governor shall, in the exercise of his functions under this Article, comply with such directions.

(3) No Act of the Federal Legislature or the Provincial Legislature shall apply to any Centrally Administered Tribal Area, or to any part thereof, unless the President so directs, and no Act of the Federal Legislature or a Provincial Legislature shall apply to a Provincially Administered Tribal Area, or to any part thereof, unless the Governor of the Province in which the Tribal Area is situated, with the approval of the President, so directs, and in giving such a direction with respect to any law, the President or, as the case may be, the Governor, may direct that the law shall, in its application to a Tribal Area, or to a specified part of a Tribal Area, have effect subject to such exceptions and modifications as may be specified in the direction.

(4) Notwithstanding anything in this Constitution the President may, with respect to any matter within the legislative competence of the Federal Legislature, and the Governor of a Province, with the prior approval of the President may, with respect to any matter within the legislative competence of the Provincial Legislature, make regulations for the peace and good Government of a Provincially Administered Tribal Area, or any part thereof, situated in the Province.

(5) Notwithstanding anything in this Constitution, the President may, with respect to any matter, make regulations for the peace and good Government of a Centrally Administered Tribal Area or any part thereof.

(6) The President may at any time by Order, direct that the whole or any part of a Tribal Area shall cease to be a Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper:

Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the area concerned, as represented in Jirga.

(7) Neither the Supreme Court nor a High Court shall exercise any jurisdiction under this Constitution in relation to a Tribal Area, unless the Federal Legislature by law otherwise provides:

Provided that nothing in this clause shall affect the jurisdiction which the Supreme Court or a High Court exercised in relation to a Tribal Area immediately before the commencing day.

Sl. No. 11

**PRESIDENT'S ORDER 13 OF 1972**

**CENTRALLY ADMINISTERED TRIBAL AREAS (EMPLOYEES' STATUS)  
ORDER, 1972**

[Gazette of Pakistan, Extraordinary, 12th April, 1972]

**No. F. 24(1)/72-Pub.**—The following Order made by the President on the 10th April 1972, is hereby published for general information:—

Whereas clause (2) of Article 5 of the Province of West Pakistan (Dissolution) Order, 1970 (P.O. No. 1 of 1970), hereinafter referred to as the said Order, provides that the Centrally Administered Tribal Areas shall be administered by the President acting, to such extent, as he thinks fit, through such officers as he may appoint, and that the President may, in that behalf, give such directions as he deems fit;

Now, therefore, in pursuance of the proclamation of the 25th day of March 1969, read with the Proclamation of the 20th day of December 1971, and in exercise of all powers enabling him in that behalf, the President and Chief Martial Law Administrator is pleased to make the following Order:—

1. **Short title and commencement.**— (1) This Order may be called the Centrally Administered Tribal Areas (Employee's Status) Order, 1972.

(2) It shall come into force at once and shall be deemed to have taken effect on the 1st day of July 1970, hereinafter referred to as the appointed day.

2. **Definitions.**—In this Order, unless there is anything repugnant in the subject or context,—

(a) "Centrally Administered Tribal Areas" shall have the same meaning as in the said Order;

(b) "employees" means employees serving in connection with the affairs of the Centrally Administered Tribal Areas within or outside those areas including members of the Civil Service of the North-West Frontier Province and all other Government servants not belonging to any Central or Provincial Service; and

(c) "Provincial Government" means the Government of the North-West Frontier Province.

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Laws Extended to the Tribal Areas with Jirga Laws (5<sup>th</sup> Edition)

3. **Status of the employees of the Centrally Administered Tribal Areas.**—Notwithstanding anything contained in their conditions of service, the employees shall, as from the appointed day, be the employees of the Provincial Government on deputation to the Central Government and shall work under the overall administrative control of the Provincial Government, on the same terms and conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters or tenure of office as were applicable to them immediately before that day.

Provided that the employees shall not be entitled to deputation allowance for their service after appointed day.

Sl. No. 12

**PRESIDENT'S ORDER 15 OF 1972**

**RULERS OF ACCEDING STATES (ABOLITION OF PRIVY PURSES AND PRIVILEGES) ORDER, 1972**

[Gazette of Pakistan, Extraordinary, 18th April, 1972]

**No. F. 24 (I)/72-Pub.**—The following Order made by the President on the 16th April 1972, is hereby published for general information:—

Whereas it is expedient to abolish the privy purses of, and other privileges admissible to, the Rulers of Acceding States;

Now, therefore, in pursuance of the Proclamation of the 25th day of March 1969, read with the Proclamation of the 20th day of December 1971, and in exercise of all powers enabling him in that behalf, the President and Chief Martial Law Administrator is pleased to make the following Order:—

1. **Short title and commencement.**—(1) This Order may be called the Rulers of Acceding States (Abolition of Privy Purses and Privileges) Order, 1972.

(2) It shall come into force at once and shall be deemed to have taken effect on the 22nd day of December 1971.

2. **Order to override other laws.**—The provisions of this Order shall have effect notwithstanding anything contained in the Provisional Constitution Order or in any other law for the time being in force, or in any Instrument of Accession or any agreement with a Ruler.

3. **Interpretation.**—In this Order, unless there is anything repugnant in the subject or context,—

(a) "Acceding State" means an State which has at any time after the fourteenth day of August 1947, been in accession with Pakistan;

Constitutional Provisions Regarding the Tribal Areas

(b) "privy purse" includes any allowance whatever payable to a Ruler under any Instrument of Accession, or other agreement;

(c) "Ruler" means a Ruler of an Acceding State, whosoever designated, and includes a person recognized before the commencement of this Order under the Rulers (Recognition of Successors) Order, 1960 (P. O. No. 15 of 1960, as the successor of such Ruler.

4. **Abolition of privy purses and withdrawal of other privileges.**—The right of a Ruler to a privy purse, and all other privileges or titles guaranteed or granted to a Ruler by or under any instrument of Accession, agreement or under any law, are hereby abolished.

5. **Maintenance allowance.**—(1) The Central Government may grant with effect from the commencement of this Order, in lieu of the privy purse and other privileges of a Ruler abolished under Article 4, Maintenance allowance to—

(a) such Ruler at the rate not exceeding the amount of the privy purse guaranteed or assured to him reduced, however, by the amount, if any, payable out of such privy purse by the way of allowance or otherwise to any dependent of the Ruler; and

(b) a dependent of such Ruler who, immediately before such commencement, was entitled to receive out of the privy purse of such Ruler any payment by way of allowance or otherwise at the rate at which he was entitled, subject to any reduction that the Central Government may order.

(2) Any grant of maintenance allowance under clause (1) to a Ruler or a dependent of a Ruler shall ordinarily be for the duration of his life and shall be subject to the condition that such Ruler or dependent bears true faith and allegiance to Pakistan, conscientiously discharges the obligations as citizen of Pakistan and faithfully acts in the interest of the integrity and solidarity of Pakistan.

6. **Articles 4 and 5 to apply to certain Nawabs.**—The provisions of Articles 4 and 5 shall, so far as may be, apply to the Nawabs of Dera, Tank and Deri, the Sheik Sahib of Mangrol and the Talukdars of Sardargadh, Sultanabad and Bantwa in the same manner as they apply to a Ruler, in respect of any allowance of whatever kind payable, or any privilege granted, to them before the commencement of this Order.

7. **Additional power of the President.**—Nothing contained in this Order shall be construed to limit or derogate from the power of the President to grant to a Ruler any privilege, facility or concession for such period and on such conditions as he may determine.

8. **Power to interpret, etc.**—If any question arises as to the interpretation of the provisions of this Order or as to whether any Ruler or dependent has contravened any condition referred to in clause (2) of Article 5, it shall be referred to the President for decision and the decision of the President thereon shall be final and shall not be questioned in any Court, tribunal or other authority.

73

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Misc. application no. 137/2015  
in Service Appeal No. 1229 of 2014

SCANNED  
KPST  
Peshawar  
13/5  
16/11/15

Haji Muhammad VERSUS AEO, Khyber Agency and  
others


APPLICATION FOR RESTORATION OF  
THE ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth:

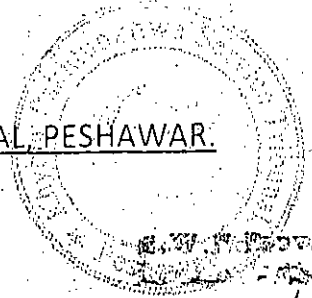
- 1- That the above titled service appeal pending adjudication before this august Tribunal.
- 2- That the above titled service appeal is fixed for preliminary hearing and due to non-functioning of august Tribunal the case was adjourned several time.
- 3- That on date fixed my clerk attend this august Court and Conway 10/11/2015 to me on that my child was hospitalized due to which I was unable to personally appear before your lordship.
- 4- That on 10/11/2015 the titled case was not mentioned in the cause list the Tribunal reader information me that the case is dismissed in default.
- 5- That non-appearance on date fixed was nor deliberately nor intentionally but due the above mentioned reasons.

It is, therefore, most humbly prayed that on acceptance of this application, the above titled case may kindly be restored.

Dated 12/11/2015

Applicant  
Through   
Nawab Zada  
Advocate, Peshawar

74

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.Service Appeal No. 1229 /2014

Haji Mohammad S/O Allah Baz, R/O Sipah, Haji Abad, Tehsil, Bara, Khyber Agency, Ex-PTC, BCS Shakirullah, Bara Khyber Agency. .... (Appellant)

VERSUS

1. The Agency Education Officer, Khyber Agency.
2. The Director of Education (FATA) Khyber Pakhtunkhwa, Peshawar.
3. The Political Agent, Khyber Agency, Peshawar Cantt.  
Peshawar..... (Respondent)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER NO. 5320-28, DATED 05.06.2014, WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE WITH EFFECT FROM 01.03.2014.

PRAYER

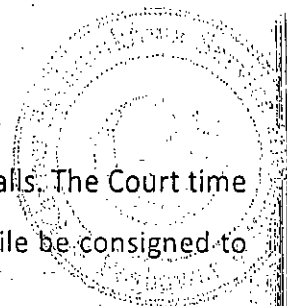
On acceptance of the appeal, the impugned order may be set aside and the appellant may be reinstated in service with all back benefits. Any other relief deemed appropriate may also be granted to the appellant.

10/10/14

RESPECTFULLY SHEWETH

1. That the appellant having fully qualified for the post of P appointed as PTC Teacher by the Competent Authority alongwith after observing all the codal formalities vide order dated 31.3.20

78



31.07.2015

None present for appellant despite repeated calls. The Court time is about to over. Dismissed for want of prosecution. File be consigned to the record.

*SAW  
Chowman*

ANNOUNCED  
31.7.2015.

Certified to be true copy  
*[Signature]*

Date of Trial	16-11-2015
No. of Trials	8000
Costs	6
Witnesses	2
Exhibits	8
Name of Trial Judge	<i>[Signature]</i>
Date of Judgment	16-11-2015
Date of Disposal	16-11-2015



76

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2014

Haji Muhammad VERSUS AEO, Khyber Agency and  
others


APPLICATION FOR RESTORATION OF  
THE ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth:

- 1- That the above titled service appeal pending adjudication before this august Tribunal.
- 2- That the above titled service appeal is fixed for preliminary hearing and due to non-functioning of august Tribunal the case was adjourned several time.
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Dated 12/11/2015

Applicant  
Through   
Nawab Zada  
Advocate, Peshawar



77

114

44

**FATA SECRETARIAT**  
Education Department  
Warsak Road Peshawar

Dated Peshawar the 18<sup>th</sup> June, 2013

**Notification**

**No.SO(FATA/Edu)/1-30/2013** Consequent upon the unavailability of BPS-19 officers for the posts of Agency Education Officers in Agencies as opposed to BS-18 officers working there, the following transfer are hereby ordered in the interest of public service as phase-1.

S.No	Name of officer	From	Transfer to
1	Mr Asmat Khan(BPS-19)	Principal GHSS Sama Badabera FR-Peshawar	Agency Education officer Bajour Agency
2	Mr Aliq-ur-Rehman(BPS-19)	Principal GHSS Jamrud Khyber Agency	Agency Education Officer Khyber Agency
3	Mr.Jadoon Khan ( BPS-18)	Agency Education Officer Khyber Agency	Vice Principal GCET (M) Jamrud Khyber Agency in his own pay & scale.
4	Mr.Khaista Rehman (B-18)	Agency Education Officer Bajour Agency	Report to Directorate of Education FATA for further posting

2. Directorate of Education will subsequently submit further panels of BS-19 officers for posting to Agencies/FRs as AEO, where BS-18 officers are working as yet as AEOs.

Secretary Education FATA

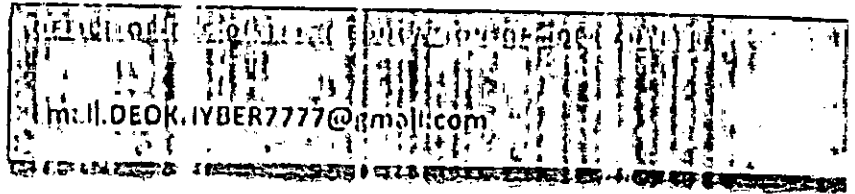
**Endst: No. & Date as oven**

Cony forwarded to the:

1. Director Education FATA, FATA Secretariat Peshawar
2. Agency Account Officer Concerned
3. PS to Secretary Education FATA, Governor's Secretariat Peshawar
4. Officer concerned.

Section Officer (Edu, FATA)

(78)



## Verification

Haji Muhammad in service tribunal Appeal No. 1229/2014 submitted his Re-appointment order to the honorable members of the service tribunal in hearing 27/11/2023. This order was claimed to have issued vide Endst: No. 1575-80 dated March 15, 2013 under the signature of the then AEO Khyber Mr. ATTIQ UR REHMAN. The DEO(AEO) office focal person requested for verification of the document.

After scrutiny the document was found fake as the same bears the date of issue as 13/03/2013 while the AEO, whose name is affixed on the order, was posted on 18/6/2013. Copy attached. Consequently, the document as well as the signature on it are fake and bogus. This office requests proper legal action against the producer (appellant) of this fake order in the interest of public service and the case may be dismissed with cost.

DISTRICT EDUCATION OFFICER  
DISTRICT KHYBER AT JAMRUD

79  
Email: DEOKHYBER7777@gmail.com



## Verification

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DISTRICT EDUCATION OFFICER  
DISTRICT KHYBER AT JAMRUD

mi 30/11/2023



(80)

(14)

44

**FATA SECRETARIAT**  
Education Department  
Warsak Road Peshawar

Dated Peshawar the 18<sup>th</sup> June, 2013

**Notification**

**No.SO(FATA/Edu)/1-30/2013.** Consequent upon the availability of BPS-10 officers for the posts of Agency Education Officers in Agencies as opposed to BS-18 officers working there, the following transfer are hereby ordered in the interest of public service as phase-1.

S.No	Name of officer	From	Transfer to
1	Mr.Asmat Khan(BPS-19)	Principal GHSS Sama Badabera FR-Peshawar	Agency Education officer Bajour Agency
2 ✓	Mr.Aliq-ur-Rehman(BPS-19)	Principal GHSS Jamrud Khyber Agency	Agency Education Officer Khyber Agency
3. ✓	Mr.Jadoon Khan ( BPS-18)	Agency Education Officer Khyber Agency	Vice Principal GCET (M) Jamrud Khyber Agency in his own pay & scale.
4.	Mr.Khaista Rehman (B-18)	Agency Education Officer Bajaur Agency	Report to Directorate of Education FATA for further posting

2. Directorate of Education will subsequently submit further panels of BS-19 officers for posting to Agencies/FRs as AEO, where BS-18 officers are working as yet as AEOs.

Secretary Education FATA

*Asst. Secy*

**Enclst: No. & Date as oven**

- Copy forwarded to the:**
1. Director Education FATA, FATA Secretariat Peshawar
  2. Agency Account Officer Concerned
  3. PS to Secretary Education FATA, Governor's Secretariat Peshawar
  4. Officer concerned. .

*[Signature]*  
Section Officer (Edu, FATA)

(81)

**EDUCATION DEPARTMENT N.W.F.P.**

**FATA**

**AGENCY EDUCATION OFFICER KHYBER AGENCY**

S/No	NAME	FROM	TO
12	MUHAMMAD YOUSAF M.A (U) M.Ed	01.3.2007	07.5.2007
13	ASMAT KHAN M.A M.Ed	08.5.2007	31.8.2008
14	HASHIM KHAN AFRIDI M.A M.Ed	01.9.2008	26.1.2012
15	MUHAMMAD ASHRAF AFRIDI M.Sc. M. Ed	27.1.2012	19.11.2012
16	HAJI MUHAMMAD JADOON Khan Wazir MSc Statistics M.Ed	20.11.2012	17.06.2013
17	ATIQR RAHMAN BSc, MA, Mphil (Teacher Edu)	18.06.2013	23.11.2015
18	ABDUR RAUF SHAH AFRIDI MA (History, Pak Studies, Pashto) M.Ed.	24.11.2015	06.11.2016
19	HAJI MUHAMMAD JADOON KHAN Wazir MSc Statistics M. Ed	07.11.2016	31.12.2019

**DISTRICT EDUCATION OFFICER KHYBER**

1	MUHAMMAD SHAUKAT (Mc) MA URDU, M.A ISLAMIYAT, MA EDUCATION	01.01.2020	20.09.2020
2	NISAR MUHAMMAD (MSc, Med)	21.09.2020	07.02.2022
3	SYED HUSSAIN AFRIDI (MA, Med)	08.02.2022	30.06.2022
4	MUHAMMAD UZAIR ALI (MC)	01.07.2022	

*Attested*



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**FATA SECRETARIAT**  
**DIRECTORATE OF EDUCATION**  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE 091-9210166 FAX 091-9210216

No. 1950 Dated 28/11 /2017

To

The Agency Education Officer  
Khyber Agency

Subject: **RE-INSTATEMENT OF SERVICE / RE-FUNCTIONING OF SCHOOLS**

I am directed to enclose herewith a photo copy of joint application alongwith other relevant documents in respect of Haji Muhammad & others resident of Khyber Agency on the subject cited above and to ask you to submit your views / comments with detailed report in instant case to the undersigned at earliest to proceed further into the matter, please.

Encl: (A.A)

Endst: No. \_\_\_\_\_ /

Copy forwarded to the:

1. P.A to Director Education FATA.

  
Deputy Director (P&D)



\_\_\_\_\_  
Deputy Director (P&D)

محکمہ تعلیم و تربیت، ڈیڑھ گھنٹہ اسکول، کراچی

کال سکول ٹیچنٹ ایڈوانسڈ ٹیچنٹ سٹاف

صاف کال

(15)

2  
موجودہ لٹریچر سے

آپ صاحبان کی خدمت میں درخواستیں دیئے گئے۔ کچھیل باغی، سکول لڑکے  
کھانا، سہ ماہی، آہ صاحبان کو لڑائی خود دینے میں جو کچھ تینوں سکولز  
ہی سے اس زمرہ کے۔ ایف سی ایس، میر علی شاہ کے (3) سے ایک سائیکل  
بارہ منتقل تھے۔ حسین حاجی محمد، سولت خان، سید سائیدہ، سون ناز،

کلاس فور سے صاحبانہ سائیکل ایڈوانسڈ ٹیچنٹ شامل تھے۔ جو کچھ آہ عبدالنور صاحبہ  
بھی دوپہ بیگم، زوینرہ، کمال، کمال، جو کچھ غربت بیت زیادہ ہیں۔ FA

لٹریچر ہے

اس لیے آپ صاحبان کو لڑائی عبدالنور کے حکمرواں اور فریون سے ہی لٹریچر  
سکول لڑکے سٹاف وغیرہ کو لڑائی کے احکامات صادر فرمائیں

اللہ اعلم

Add up  
Miss  
Sonia

صفحہ 91/11/2017

سائیکل ایڈوانسڈ ٹیچنٹ، سون ناز، سید سائیدہ، صاحبانہ  
سائیکل ایڈوانسڈ ٹیچنٹ

same background i.e it was a functional community school but was closed due to militancy and Nazo PST regularized while Miss





To

The Director Education (FATA),  
FATA Secretariat Peshawar.

Subject:- RE-FUNCTIONING OF COMMUNITY SCHOOLS / RE-INSTATEMENT OF SERVICES/RELEASE OF PAY.

Memo

Reference is made to your letter No, 12320 Dated 16/12/2016 on the aforesaid subject and to furnish the detail report of this office in annotated form as given below.

S#	Name of Appellant with addressed	Subject	Remarks
1	Mr. Mir Alam owner of Female Communal School Mir Alam Kalay Pesho Khawar, Khyber	Re-Instatement of Services & Re-functioning of School.	GFCS Mir Alam was a functional community school and was under construction for regularization and was almost completed but due to militancy, the school was deleted and dropped from PC-1 by the then AEO and the teacher namely Saira Bibi untrained PTC Teacher was also terminated in 30 Nos list of untrained PTC teachers along with Class IV Mr. Khan Zeb.
2	Mr. Zar Muhammad owner of BCS Tirah Bara, Khyber Agency.	Re-Instatement of Services and re-functioning of school.	BCS Zar Muhammad was also a functional community school consequently was closed due to militancy in the area of Tehsil Bara and subsequent to this effect the community teacher Mr. Shaukat and Chowkidar Mr. Hamidullah was dispensed with as the school was deleted from PC-1.
3	Mr. Shakirullah S/o Ibrahim Khan R/o Quam Sepaye. Tehsil Bara Khyber Agency	Release of pay & Re-functioning of school	Mr. Shakirullah chowkidar of BCS Shakirullah had been abroad/Saudia for performance of Umrah. Meanwhile the then AEO dispensed with the services of both the teacher and chowkidar i.e Haji Muhammad community teacher and Shakirullah Chowkidar. In light of the appeal made by the staff Mr. Shakirullah was reinstated by the then AEO however the DE FATA had personal hostility and could not agreed to reinstate and refused to sign the PC-1. Wherein Shakirullah was included and consequently the school and staff were victimized. BCS Alam Jan Kili does have the same background i.e it was a functional community school but was closed due to militancy and Nazo PST regularized while Miss

(46) 94)

			Nazia Bibi was dispensed due to absent from his duty and complaint of land owner and also joint visit with Army Miss Nazia PST GFCS Mir Alam Kili Bara was found absent. Meanwhile she was also untrained teacher therefore, she was withdraw.
--	--	--	--

Terminated employees of above cited schools cannot be reinstated due to terms and condition of community school policy.

*[Signature]*  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD.

Endst, No \_\_\_\_\_ AAEO Dev,

Dated, \_\_\_\_\_/2017.

Copy of the above is forwarded for information to,

1. Political Agent Khyber Agency at Peshawar.
2. PS to Secretary SSD FATA

*[Signature]*  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD.



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FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE 091-9210166 FAX 091-9210216  
NO. 12320 DATED 16/12/2016

To

The Agency Education Officer,  
Khyber Agency

Subject: RE-FUNCTIONING OF COMMUNITY SCHOOLS / RE-INSTAEMENT OF SERVICES/ RELEASE OF PAY

I am directed to enclose herewith applications in respect of the following officials / appellants of your respective Agency on the subject cited above and to ask you to submit your detailed report at earliest to the undersigned, to proceed further in the matter, please.

S#	Name of appellant with addressed	Subject	Remarks
01.	Mr. Mir Alam owner of Female Communal School Mir Alam Kalay Pesho Khawar, Khyber Agency	Re-Instatement of Services & Re-functioning of School.	-
02.	Mr. Zar Muhammad owner of Boys Communal School Terah Bara, Khyber Agency	Re-Instatement of Services & Re-functioning of School.	-
03.	Haji Muhammad S/O Allah Baz Quam Sepaye, Tehsil Bara, Khyber Agency.	Re-Instatement of Services & Re-functioning of School.	-
04.	Mr. Shakir Ullah S/O Ibrahim Khan R/O Quam Sepaye, Tehsil Bara, Khyber Agency.	Release of Pay & Re-functioning of School.	-
05.	Nazia Bibi PST R/O Tehsil Bara, Khyber Agency.	Re-Instatement of Service.	-

Encl : (A.A)

  
Deputy Director (P&D)

Endst: No. \_\_\_\_\_

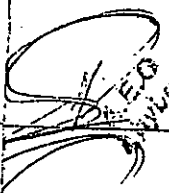
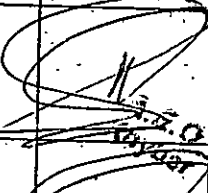


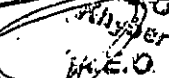

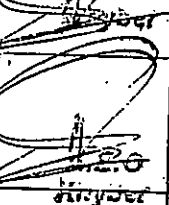
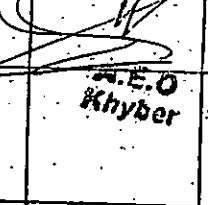
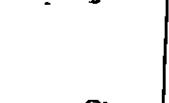

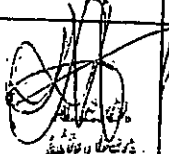
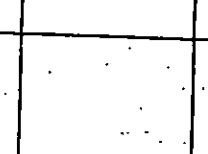
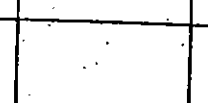
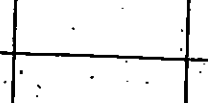
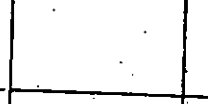

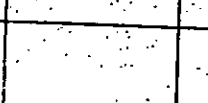
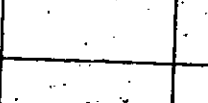


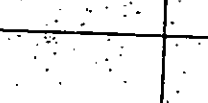
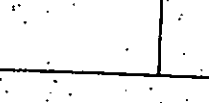

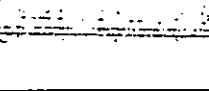
Copy forwarded to the:-


1. P.A to Director Education FATA.

  
Deputy Director (P&D)



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8	9	10	11	12	13		14	15
Signature of Government Servant	Name and Designation of head of the office or attesting officer (Columns 1 to 8)	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable		
		30/6/2011	R/mc				Re-appointment order	
		30/11/2011	A/mc				Consistent upon the	
		30/11/2012	A/mc				notification No. SOE/SD/CSR	
							99108/ dated 11/5/2012 issued by	
							Secretary Social Sector Deptt.	
							Selection Committee, Mr. Haris	
							Muhammad S/O Allah Buz	
							(male) Communal School Head	
							of Tehsil Bani 5 hereby Re-	
							appointed/adjusted agent	
							regular vacant PST Post	
							from Tehsil wise merit list	
							Purely or temporary basis BBS-7	
							plus usual allowances as	
							admissible under the Rules	
							w.e.f the date of taking	
							over charge at BPS Dora	
							maina BPS 10/500 FF only	
							vide AEO Khyber Endst No	
							1575-80 dated 13/5/2012	

  
 Agency Education Officer  
 Khyber Agency At Jamrud

(90)

**OFFICE OF THE AGENCY EDUCATION OFFICE KHYBER AGENCY AT JAMRUD**  
**RE-APPOINTMENT ORDER.**

Consequent upon the Notification No. SO E/SSD/CSTR-99108/ dated 11/5/2012 issued by Secretary Social Sector Department FATA Secretariat Peshawar recommended by the Departmental Selection Committee, Mr. Haji Muhammad S/O Allah Baz (Male) Communal School Teacher of Tehsil Bara is hereby Re-appointed/adjusted against regular vacant PST post from Tehsil-Wise merit list purely on temporary basis in BPS No. 07 plus usual allowances as admissible under the rules w.e.f the date of his taking over charge at GPS Dora Maira Tehsil Bara Khyber Agency in the interest of public service.

**TERMS/CONDITIONS:**

1. The appointments of the candidate is being made purely on temporary basis & is liable to terminate at any time without assigning any reason.
2. He will not be entitled to get pension gratuity benefits however C.P.Fund will be deducted as per rules.
3. Charge report should be submitted to all concerned.
4. All kinds of documents should be verified from the concerned Boards/Univerity before the drawl of his salary.
5. Health and Age certificate should be produced to this office to be obtained from the Agency Surgeon Khyber Agency.
6. His age should be according to the Govt. policy.
7. If he failed to report of his arrival within 15-days his appointment order will be automatically considered as cancelled.

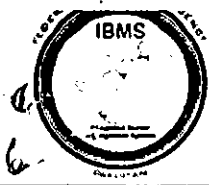
(ATIQ UR REHMAN)  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

Endst: No. 1575-80 / Dated Jamrud the 13/03 /2013

Copy of the above is forwarded to the: -

1. Director Education (FATA) at Peshawar.
2. Political Agent Khyber at Peshawar.
3. Agency Accounts Officer Khyber Agency at Jamrud.
4. AAEO (Male) concerned.
5. Accountant/Pay Clerk concerned.
6. Candidate concerned.

  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD



FEDERAL INVESTIGATION AGENCY  
 INTEGRATED BORDER MANAGEMENT SYSTEM  
 FIAHQ G -9/4 PESHAWAR MOR, ISLAMABAD  
 FaxNo:051-9262376, Tel-No:051-9107219  
 R-11(TRAVEL HISTORY)

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TRAVEL HISTORY FOUND ON: 2120114346861

Required By: District Education Officer, Khyber Triabl  
 District Jamrud  
 Letter Number: 6041

Department: EDO

Diary No: 206.13/05/19

Request Date: 13-May-2019

Query Date: 13-May-2019

TRAVELER'S CNIC/NIC

2120114346861

PERSONAL INFORMATION:

NAME HAJI MUHAMMAD  
 FATHER/HUSBAND NAME ALLAH BAZ

BIRTH DATE 01-JAN-1986  
 NATIONALITY Pakistan

TRAVEL DETAILS:

S.NO	TRAVEL DATE	FLIGHT_NO	TRAVEL STATUS	PASSPORT NO	SITENAME
1	08-Oct-09 13:21:21	SV-893	Departing	FA0156861	ISLAMABAD INTERNATIONAL AIRPORT
2	08-Oct-09 13:22:28	SV893	departing	FA0156861	Benazir Bhutto International Airport Islamabad
3	01-Nov-11 7:08:46	GF-784	Arriving	FA0156861	PESHAWAR INTERNATIONAL AIRPORT
4	01-Nov-11 7:09:12	GF784	arriving	FA0156861	Peshawar International Airport
5	15-Apr-12 4:34:13	GF785	departing	FA0156861	Peshawar International Airport
6	30-Jan-14 12:43:18	NL722	arriving	KH511105	Peshawar International Airport
7	25-Jul-14 20:36:27	NL721	departing	KH511105	Peshawar International Airport
8	09-Sep-15 12:24:35	NL720	arriving	KH511105	Benazir Bhutto International Airport Islamabad
9	09-Oct-15 15:35:38	SV727	departing	KH511105	Benazir Bhutto International Airport Islamabad
10	06-Sep-16 15:23:10	NL722	arriving	FA0156862	Peshawar International Airport
11	03-Mar-17 11:48:52	SV887	departing	FA0156862	Benazir Bhutto International Airport Islamabad
12	28-Oct-17 10:23:10	PK736	arriving	FA0156862	Peshawar International Airport

2007 ~~SAIB 27/28~~  
 Terminal  
 → Because the school was non-functional during performance of duties car was not  
 Checked  
 22/5/19  
 S.H.H