


FORM OF ORDERSHEET

Court of _____

Misc. application No. 1242/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/10/2024	<p>The Misc. application in execution petition 320/2024 submitted today by Mr. Babar Hayat Khan Advocate. It is fixed for hearing before Single Bench at Peshawar on 25.10.2024. Original file be requisitioned. Parcha Pesi given to the counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

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

CM
Objection Petition No. 1242 /2024

In

E.P NO. 320/2024

In Main

Service Appeal No.831/2024

Hameed Ullah.....Objector

V E R S U S

Waheed Ullah & another.....Respondents

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Objection Petition		1-2
2.	Affidavit		3
3.	Notification dated 07.10.2024	A	4
4.	Promotion order 14.03.2020	B	5
5.	Reinstatement Order 01.10.2024	C	6
6.	Ordersheet:23.09.2024 & 1 st Page of Appeal & Execution Petition	D	7-9
7.	Wakalatnama		10

[Signature]

Applicant/Objector

Through

[Signature]

BABAR HAYAT KHAN
Advocate High Court

Dated: 16.10.2024

BEFORE THE KHYBER PAKHTUKHWA SERVICES TRIBUNAL,

C.M
Objection-Petition No. 1242 **PESHAWAR** 2024

Khyber Pakhtukhwa
Service Tribunal

Diary No. 16926

Dated 18-10-24

E.P. NO. 320/2024
IN
S.A. NO.831/2022

Hameed Ullah Junior Clerk, GHSS Muribkhel Babakhel, Bannu.
(OBJECTOR)

Versus

1. Waheed Ullah S/O Mir Jehandad, Chowkidar, GHSS Mamashkhel, Bannu.
2. District Education Officer (M), Elementary & Secondary Education Department, Bannu

(RESPONDENTS)

<=>=><=>=>=><=>=>=><=>

**OBJECTION PETITION UNDER 151 CPC FOR
CORRECTION OF ORDERSHEET DATED
23.09.2024 WHEREIN THE REPRESENTATIVE
OF THE DEPARTMENT HAS MADE A
MISSTATEMENT REGARDING WITHDRAWAL
OF PROMOTION ORDER OF THE TWO
EMPLOYEES INCLUDING PRESENT OBJECTOR**

<=>=><=>=>=><=>=>=><=>

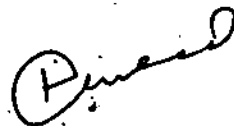
Respectfully Sheweth:

1. That the captioned execution proceedings are sub-judice before this Honourable Tribunal, wherein the order for production of the withdrawal notification of the promotion order of the two employees (objector included) were sought on a wrong submission by the department representative namely "Bakhmal Jan" ADEO while on the contrary, no-withdrawal order/notification has been issued and the previous promotion order is still intact.
2. That the applicant/objector approaches this Honourable tribunal for correction of the order sheet dated 23.09.2024 and expunging the misstatement of the aforementioned representative, inter alia, on the following grounds;

G R O U N D S:

- A. That according to judgment dated 30.01.2024 in the main appeal No. 831/2024, no adverse order has been issued against the objector hence the misleading statement of the representative of the department in order sheet dated 23.09.2024 is ineffective upon the valuable rights of the objector and liable to be expunged/set-aside. (Copy of Promotion order & Reinstatement order are attached as Annexure B & C)
- B. That the department in notification dated 07.10.2024 has admitted the false colouring and misleading statement of of the department representative. (Copy of the notification is attached A)
- C. That valuable rights of the applicant/objector are involved and if the impugned statement in the order sheet in question was not expunged/set aside, it will harm substantive rights of the objector. (Copy of ordersheet is attached as Annexure D)

It is, therefore, prayed that on acceptance of this petition, this petition may be allowed as prayed for in the heading of the petition.



Applicant
HAMEED ULLAH

Through



BABAR HAYAT KHAN
Advocate, Peshawar

Dated: 16.10.2024

BEFORE THE KHYBER PAKHTUKHWA SERVICES TRIBUNAL,
PESHAWAR

E.P. NO. 320/2024
IN
S.A. NO.831/2022

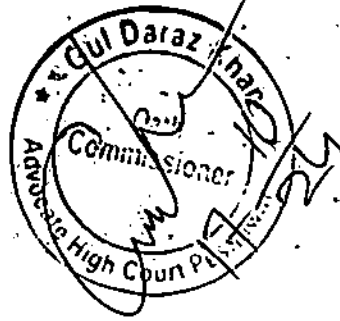
Waheed Ullah. Versus DEO (M) & Others

AFFIDAVIT

I, Hameed Ullah, Junior Clerk, Muribkhei Babakhei, Bannu, hereby stated on oath that the contents of this **Objection Petition** are true and correct to the best of my knowledge and belief and that nothing has been kept concealed or mis-stated deliberately.

Hameed Ullah

DEPONENT





Office of the
DISTRICT EDUCATION OFFICER
(MALE) BANNU

Outside Miryan Gate Near GIS no.4 Bannu Phone-0928-660005
bannuedo@yahoo.com/bannuedo@gmail.com

OFFICE ORDER

WHEREAS Mr. Bakhmat Jan DM 15 GMS Gulap khel Murghali, who is detailed to the office of undersigned for litigation work by EX DEO Salf ullah vide order Endst No.6285-89 Dated 22/05/2023 ; having no legal qualifications and Experience.

AND

WHEREAS the above representative has made false and baseless statement regarding the withdrawal of promotion order issued under Endst No.3371-80 Dated 14/03/2020 in Execution petition No 320/2024 in Service Appeal 831/2024 vide Order sheet Dated 23/09/24 .


AND

WHEREAS, the Service Appeal No.831/2022 decided on 30/01/2024; By Honorable Division Bench has not made any specific findings regarding withdrawal/seta siding the promotion order dated 14/03/2020 which was sought in the Main service appeal prayer and both the private Respondents was made parties and contested the same.

AND

WHEREAS Mr Taj Murad j/c prompted vide order 3371-80 dated 14/03/2020 vice serial No 1 of the order is regularly performing his duties in the office of undersigned while Mr Hamid ullah vide serial No 2 Of the above mentioned order reverted to the post of Chowkidar vide order dated 14/03/2020 by DDEO(M) BANNU on some other charges levelled against him and Now he has been reinstated by the Appellate Authority vide Endst No. 5653 Dated 01/10/2024 in light of inquiry constituted by Appellate Authority on Departmental Appeal of Applicant

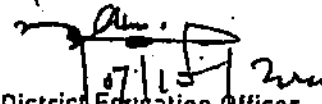
Now, Therefore, the Competent Authority is pleased to withdraw the detailment order date 22/05/2023 of Mr. Bakhmat Jan DM due to his irresponsible act and making false statement before Kp service tribunal which amounts Mockey with the Court, so he is permanently banned in litigation section in the office of undersigned and directed to report to his own school with immediate effect.


District Education Officer
(Male) Bannu

Dated. 07/10/2024

Endst No. 9027-88 Court case
Copy for information to the :-

1. Register KP service tribunal Khyber Pakhtunkhwa Peshawar.
2. PA to Directorate of (E&SED) Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Bannu.
4. Deputy DEO Male Bannu.
5. Litigation Branch local office DEO Male Bannu.
6. EMIS Local Office for HRIS record.
7. EMA / IMU Bannu.
8. Master File.


District Education Officer
(Male) Bannu

ATTESTED

5

"B"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU

PROMOTION/ ADJUSTMENT ORDER

promotion order

Consequent upon the recommendation by the DPC/DSC Committee Education Deptt. Bannu; the following Class-IV Govt. Servants Education Department District Bannu, are hereby promoted and adjusted against vacant J/Clerk post, wef the date of taking over charge in the interest of public service, out of 40 % promotion quota on the basis of seniority cum fitness in light of Govt. policy dated: 18 July, 2019 on merit basis as per the terms & Conditions given below.

SN O.	NAME & DESIGNATION	Place of posting	Adjusted as J/Clerk	REMARKS
1	Taj Murad NQ/VC FA	DEO(M) Office Bannu	GHS Murib Khel Baka Khel Bannu.	Adjusted against J/Clerk vacant post.
2	Hamidullah Chowkidar ✓ BA/DIT	GPS Nawab Khan ✓ Mamash Khel Bannu.	GHSS Al-Hamid Wali ✓ Noor Jani Khel Bannu.	Adjusted against J/Clerk vacant post. ✓

TERMS & CAONDITION:-

- 1- Their regular promotion is issued as per the approval of DPC/DSC on the basis of seniority cum fitness.
- 2- They will be on probation for a period of one year extendable for another one year.
- 3- They will be reverted at any time without assigning any reason or notice to their original post if their efficiency is found unsatisfactory.
- 4- They are directed to join their new assignment within 15 days; otherwise it will be presumed that they have forgo/refuse their promotion.
- 5- Their inter seniority on lower post will intact as usual.
- 6- Charge report should be submitted to all concerned.
- 7- No TA/DA is allowed.

(ATTAULLAH KHAN MINA KHEL)
DISTRICT EDU;OFFICER,
(MALE),BANNU

Endst: NO. 33 1- 30 /Prom: Class-IV Staff/Dated Bannu the 14/03 2020

Copy for

- 1- Direct
- 2- Deput
- 3- SDE
- 4- Dist
- 5- Prin
- 6- Of

ation and necessary action to the
Elementary & Secondary Education, Department NWFP,
(M) Bannu.
Bannu.
ounts Off. B: nu.
ead Master ed School.
ncerned for compliance & report.

ATTESTED

DISTRICT EDU;OFFICER,
(MALE) BANNU



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9225344

Email: ddadmn.ese@gmail.com



2

NOTIFICATION

1. WHEREAS, Mr. Hamid Ullah Khan was appointment as Chowkidar on 29.08.2009 and adjusted at GHSS Al Hamid Wali Noor Jani Khel Bannu.
2. WHEREAS, Mr. Hamid Ullah Chowkidar was Promoted to the post of Junior Clerk on 14.03.2020 and adjusted at GHSS Murib Khel Bakka Khel Bannu.
3. WHEREAS, Mr. Muhammad Farooq was appointed in his place as Chowkidar vide DEO (M) Bannu Endst: No. 3121-3536 dated 14.03.2020.
4. WHEREAS, Mr. Hamid Ullah made hindrance in taking the charge of Chowkidar by Muhammad Farooq against Chowkidar post.
5. WHEREAS, on 02.02.2021, 02 batteries and one inverter was stolen and after inquiry it was disclosed by the inquiry committee, that the stolen items were made by land owner of School Mr. Hamid Ullah and also made statement that till the appointment of his brother against Chowkidar post, the school assets will be stolen by them.
6. WHEREAS, In april 2021, two battenes and one water tank was also stolen by himself.
7. WHEREAS, on 9.06.2021, 04 celling fans as well as solar parts were stolen and after summer vacation, 08 desks, benches, window net and some iron steaks were also stolen by him.
8. WHEREAS, the ASDEO circle reported him so many times vide detail report dated 07.11.2023 that Mr. Hamid Ullah Ex- Chowkidar is involved in stolen/demolishing the school properties.
9. WHEREAS, the DEO (M) Bannu imposed major penalty of reduction to a lower post of Chowkidar and adjusted at GPS Nawab Masha Khel Bannu.
10. WHEREAS, Mr. Hamid Ullah Ex- Junior Clerk submitted appeal for restoration to the post of Junior Clerk to this Directorate alongwith all relevant documents.
11. WHEREAS, this Directorate constitute an inquiry committee vide Endst: No. 3984-87 dated 04.07.2024 and directed to submit clear cut recommendation.
12. NOW, THEREFORE, in light of the recommendation of inquiry committee and in exercise of the powers conferred under Section-17 rule (2) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, the Director E&SE/Appellate Authority decided to exonerate Mr. Hamid Ullah (appellant) from the charges and re-instate him in service w.e.f the date of reduction to a lower post (Chowkidar) with all financial and service benefits and set aside the major penalty of reduction to a lower post office order issued by DEO (M) Bannu under Endst: No. 1930-37 dated 14.03.2024.

ATTESTED

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5653-56 /F.No.JA-20/C-IV/Complaint/Inquiry/Bannu

Dated Peshawar the 01/10/2024

Copy of the above is forwarded for information and n/action to the:-

- 1- District Education Officer (Male) Bannu.
- 2- District Account Officer Bannu.
- 3- Prindpal/HM concerned.
- 4- Appellant concerned.
- 5- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
- 6- Master File.

Assistant Director (Admin)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

01/10/24

(7) "D"



1

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Execution
Misc Pett: No. 320 /2024

IN

S.A. No. 831/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12482

Dated 30/4/24
Appellant

Waheed Ullah S/O Mir Jehandad Khan,
Chowkidar, GHSS Mamash Khel,
Bannu

VERSUS

1. District Education Officer (M),
Elementary & Secondary
Education Department,
Bannu.
 2. Director, Elementary & Secondary
Education Department, GT Road
Hashtnagri, Peshawar City.
 3. Secretary, Government of KP
Elementary & Secondary
Education Department, Civil
Secretariat, Peshawar
- Respondents

**APPLICATION FOR IMPLEMENTATION OF THE
JUDGMENT DATED 30-01-2024 OF THE HON'BLE
TRIBUNAL, PESHAWAR;**

Respectfully Sheweth:

- 1.2 That 17-05-2022, applicant filed Service Appeal before this hon'ble Tribunal for promotion to the post of Junior Clerk with effect from 14-03-2020 with all service benefits. (Copy as annex "A")

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

16-10-24



BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____/2022

Waheed Ullah S/O Mir Jehandad Khan,
Chowkidar, GHSS Mamash Khel.

Bannu Appellant(s)

Verses

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 794

Dated 17/05/2022

1. District Education Officer (M),
Elementary & Secondary
Education Department,
Bannu.
2. Director, Elementary & Secondary
Education Department, GT Road
Hashtnagri, Peshawar City.
3. Secretary, Elementary & Secondary
Education Department, Govt. of KP,
Civil Secretariat, Peshawar.
4. Hameed Ullah Khan, Junior Clerk,
GHSS Abdul Hameed Noor Jani Khel,
Bannu

..... Respondent(s)

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Filed to-day
Registrar
17/5/2022

**APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER
NO. 3371-80 DATED 14-03-2020 OF R. NO. 01
WHEREBY R. NO. 04 & 05 WERE PROMOTED TO
THE POST OF JUNIOR CLERKS AND APPELLANT
BEING SENIOR WAS IGNORED FOR NO LEGAL
REASON.**

⊕<=>⊕<=>⊕<=>⊕<=>⊕=

Filed to-day
Registrar
17/5/2022

ATTESTED

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
16-10-24

9



23.09.2024

1. Learned counsel for the petitioner. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mr. Bakhmal Jan, ADEO for the respondents present.

2. Representative of the respondents submitted that order of promotion of two Class-IV employees made vide order dated 14.03.2020 were wrongly made on the basis of provincial government policy dated 18th July, 2019 which were basically employee of the Establishment Department in the Secretariat. In the Education Department the Service Rules of 2013 were in the field during the promotion and are still in the field, therefore, order of the aforementioned two employees made by the District Education Officer (M) Bannu have been withdrawn and the departmental representative requested for production of copy of the same on the next date. To come up for implementation report on 08.10.2024 before S.B. P.P given to the parties.

ATTESTED
EX-MINER
Khyber Pakhtunkhwa
Service Tribunal
Bannu
16-10-24

↓

(Muhammad Akbar Khan)
Member (E)

(6)

POWER OF ATTORNEY

BEFORE KP SERVICES TRIBUNAL, PESHAWAR

Execution
CASE NATURE 320 No. _____ of 2024

Wahed Ullah [Plaintiff(s)]
[Appellant(s)]
[Petitioner(s)]
[Complainant(s)]

Versus

DEO (M) [Defendant(s)]
[Respondent(s)]
[Accused(s)]
[Judgment Debtor]

I/We Hameed Ullah the above named Objector (3rd party)
hereby appoint and constitute BABAR HAYAT KHAN LL.M., Advocate as Counsel
(for Peshawar) in the above mentioned case, to do all or any of the following
acts, deeds and things.

1. To, appear act, and plead for me/us in the above mentioned case in this Court/Tribunal or any other Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said Advocate(s) may do in the proceedings.
- b. Not to hold the Advocate(s), responsible if the said case be proceeded ex-parte or dismissed in default in consequences of their absence from the Court/Tribunal when it is called for hearing.
- c. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case, if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this Power of Attorney/Wakalatnama herein under, the contents of which have been read / explained to me and fully understood by me this day of 8-10-2024 at Peshawar

Hameed Ullah
Signature of the executant/s

Attested /Accepted subject to the term regarding payment of fee.

BABAR HAYAT KHAN
LL.M. (Advocate High Court)
+92-300-1891-007
Office No. 13-B, 2nd Floor, Haroon Mansion,
Khyber Bazar, Peshawar