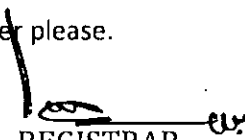




Form- A

# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 864/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/05/2022	<p>The appeal of Mr. Muhammad Shahid presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p><del>02-06-2022</del></p> <p><i>Noted</i> <i>Noor Mohammad Khattak</i> <i>3<sup>rd</sup> June, 2022</i></p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>03.06.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>Let pre-admission notice be given to the other side for 21.07.2022 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

**CASE TITLE:** *M. Shahid* vs *Education*

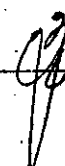
S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <i>Noor Mohd Khattak</i>	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

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

Name: *Noor Mohamamd Khattak*

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_



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

SERVICE APPEAL NO. 865 /2022

**MUHAMMAD SHAHID**                      **V/S**                      **EDUCATION DEPTT:**

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Dated: 31 05 .2022

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**BC- 10-0853**  
**0345-9383141**

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

**APPEAL NO. \_\_\_\_\_/2022**

Mr. Muhammad Shahid Khan, I.T Teacher (BPS-16),  
GHS Toru Mardan, District Mardan..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Mardan.

..... **RESPONDENTS**

**APPEAL UNDER SECTION- 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE INACTION OF THE RESPONDENTS BY  
NOT ALLOWING THE APPELLANT TO SUBMIT HIS  
ARRIVAL REPORT AS SST I.T TEACHER (BPS-16) AND  
AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL  
APPEAL OF THE APPELLANT WITH IN THE STATUTORY  
PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the inaction of the respondents by not allowing the appellant to submit his arrival report may kindly be declare as illegal, unlawful and the respondents may kindly further be directed to allow the appellant to submit his arrival report as SST I.T Teacher (BPS-16). Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

1. That appellant is the bonafide resident of District Mardan and belongs to a respectable family.
2. That the appellant was appointed as I.T Teacher (BPS-16) on the recommendation of proper Departmental selection committee in the respondent Department vide order dated 01.09.2004 at GHS Jamal GHari Mardan. That in response the appellant submitted his charge report in the ibid School and started performing his duty quite efficiently and to the entire satisfaction of his superiors. Copies of the appointment order &

Charge Report are attached as annexure A & B.

- 3. That during service the appellant has been transferred from GHS Jamal Garhi to GHS Toro Mardan and accordingly relived from the concerned school. Copies of the transferred order and reliving slip are attached as annexure..... C & D .
- 4. That the appellant performing his duties quit efficiently and to the entire satisfaction of his high ups and his contract further continued, and appointed the appellant as SST I.T Teacher (BPS-16) through notification dated 05/12/2007 at GHS Toru Mardan. Copy of the appointment order is attached as annexure .....E.
- 5. That the post of the appellant was regularized by operation of law through regularization Act 2009 and appellant receiving his salary as regular employ. Copy of the regularization act and salary slip are attached as annexure..... F & G.
- 6. That during service the appellant applied for Ex-Pakistan Leave for higher study moved an application to the respondents department vide dated 1/09/2010 and due to urgency leave the country without sanction by the respondents. Copy of the application is attached as annexure.....H.
- 7. That after completion of higher study and arrival to Pakistan the appellant submitted his arrival report but astonishingly the respondent department refused to accept the arrival report of the appellant.
- 8. That feeling aggrieved the appellant filed Departmental appeal before the appellate authority for acceptance of arrival report but of no avail. Copy of the Departmental appeal is attached as annexure..... i.
- 9. That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That by not accepting the arrival report of the appellant by the respondents as SST I.T Teacher BPS-16 by the respondents is against the law, facts and norms of natural justice.
- B- That the appellant has not been treated by the concerned authorities in accordance with law and rules on the subject noted above and as such the concerned authorities violated

3

article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That the concerned Department acted in arbitrary and malafide manner by not allowing the appellant to submit his arrival report on the post of SST I.T Teacher BPS-16.
- D- That no adverse order has been passed/ issued by the respondents against the appellant, therefore under the law the appellant is entitled to be adjusted against the post of SST I.T Teacher BPS-16.
- E- That after arrival the respondents even not bothered to conduct inquiry in the matter of appellant and thus the appellant was kept in hanging position till date.
- F- That valuable rights of the appellant have been accrued, therefore under the prevailing rules the appellant is entitled to be adjusted on the Post of SST I.T Teacher with all back benefits.
- G- That appellant has school going children and have no other source of income to support his family, therefore the principle of natural justice demands that the appellant be allowed to resume his duty as SST I.T Teacher.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: .2022

APPELLANT



MUHAMMAD SHAHID KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

UMAR FAROOQ MOHMAND

&

KAMRAN KHAN  
ADVOCATES

4

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_/2022

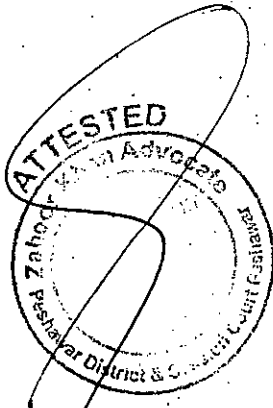
**MUHAMMAD SHAHID**

**V/S**

**EDUCATION DEPTT:**

**AFFIDAVIT**

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



**DEPONENT**

**CERTIFICATE:**

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

**CERTIFICATION**

4/A

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. \_\_\_\_\_/2022

**MUHAMMAD SHAHID** VS **EDUCATION DEPTT:**

**APPLICATION FOR CONDONATION**  
**OF DELAY IN FILING THE ABOVE**  
**NOTED APPEAL**

**R.SHEWETH:**

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

**GROUND'S OF APPLICATION:**

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT



MUHAMMAD SHAHID

THROUGH:

NOOR MOHAMMAD KHATTAK  
ADVOCATE



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ANNEX A

ORDER

No. PD/S&L/IT/1-1/APP/TEACHERS/2004. On the recommendation of Departmental Selection Committee, Government of NWFP, the competent authority in Schools & Literacy Department has been pleased to order the appointment of the following male candidates as IT Teacher in the schools noted against each in BPS-16 (Rs. 3805-295-12655) plus usual allowances as admissible under the rules with immediate effect. These appointments are purely on contract bases.

SNo	Roll No	Name	Father Name	U/Council	School Name	Based on
<b>District: ABBOTTABAD</b>						
1	0460	SYED HUSSNAIN ALI SHAH	SYED NOOR AHMAD SHAH	BOI	GHS BOI	UC
2	0539	HAFAZ MABASHAR QURA	ZIA-UR-REHMAN QURASH	NAMBLI MAIRA	GHS BANDIAN DHUNDAN	TEH:
3	0559	ASIM IQBAL	MUHAMMAD IQBAL	NAMBLI MAIRA	GHS CHANDU MAIRA	TEH:
4	0595	KIURRAM KHAN	MUGHAL KHAN	SHAIKUL BANDI	GHS RAJOIYA	TEH:
<b>District: BAHAWALPUR</b>						
1	0574	MUHAMMAD JAVED	MUHAMMAD ASLAM	BAZAR AHMAD KHAN	GHS B.A KHAN	UC
2	0724	ASIA KHAN	NOOR ZAMAN	CITY I	GHS SHAHBAZ AZMAT KHEL	TEH:
3	0570	WAHEED ULLAH KHAN	MUHAMMAD ASHRAF KHAN	NAZAM DARMA KHEL	GHS GHORIWALA	TEH:
<b>District: BATAGRAM</b>						
1	0391	MALIK MUHAMMAD HAYAT	M. MUHAMMAD YUSAF	BATTAGRAM	GHS BATTAGRAM	TEH:
<b>District: BUREWAL</b>						
1	0719	ZAHOUR AHMAD	HUSSAIN MUHAMMAD	NAWAGI	GHS GACRA	DIST
2	0754	MUHAMMAD NAZIR	GUL NAZIF	TOTALAI	GHS NO. 1 DAGGER	TEH:
<b>District: CHARSADA</b>						
1	1315	MUHAMMAD SOHAIL	MUHAMMAD JAMIL	MATTA MAGHUL KHEL	GHS HAJI ZAI	TEH:
2	1697	JANAS KHAN	MISAL KHAN	MC-3	GHS IBRAHIM ZAI	TEH:
3	1708	MUHAMMAD ISMAIL	HAJI JUMA GUL	TANGI	GHS NO.1 TANGI	UC
<b>District: DERA ISMAEL KHAN</b>						
1	2006	HIZBULLAH KAHN	AMANULLAH KHAN	KULACHI	GHS NO.1 KULACHI	UC
2	1533	MOHAMMAD RAMZAN	DILAWAR KHAN	PAHARPUR	GHS NO.2 PAHARPUK	UC
3	0233	MUHAMMAD IRFAN KHAN	GHULAM HUSAIN	PANIALA	GHS PANIALA	UC
<b>District: DERA TOWER</b>						
1	0398	M. FAHAD	SULTAN HAMID	LAL QILLA	GCMHS TIMERGARA	TEH:
<b>District: DIR UPPER</b>						
1	0075	ARSHAD PERVAIZ	YAR MUHAMMAD	DIR	GHS DIR	UC
2	0069	HAKIM SHAFQAT	FAZAL HAKIM	DIR UPPER	GHS GANDIGAR	TEH:
<b>District: HAFIZI</b>						
1	0148	ABID ULLAH	EID MUHAMMAD	KARBOGHA SHARIF	GHS KARBOGHA	UC
<b>District: HARIPUR</b>						

Roll No	Name	Father Name	U/Council	GHS	DIST	TEH:
3653	MOHD SHAMS UR REHMAN	MAHMOOD-UL-HASAN	DAHINDA	GHS KALENJER		
123	MUNAMMAD NAWAZ	MUHAMMAD MAROOF	HATTAR	GHS SARRI		
0799	Saeed Anwar	Muhammad Anwar	Kot Najib Ullah	GHS HARIPUR NO. 2		
3652	SHAH ADHAN	GHULAM HAIDER SHAH	SIRIKOT	GHS GHAZI		
3651	ZAHOR REHMAN	MUHAMMAD ASLAM	TURBELLA	GHS K.T.S NO. 2		
<b>District KARAK</b>						
0087	SAID AKRAM	MUHAMMAD ASLAM	CHOKARA	GHS GANDARI KHATTAK		
0081	SHOAIB ANWAR	ABDUS SALAM	JEHANGIRI	GHS KHOJAKI KILLA		
0096	ZAHOR BADSHAH	MIRAJAN SHAH	SABIR ABAD	GHS SABIR ABAD		
<b>District KOHAT</b>						
1432	MUHAMMAD YASEEN	SHAHZADA KHAN	URBAN-2	GHS KHADIZAI		
<b>District LAKKI</b>						
1233	ABDULLAH KHAN	GUL NAWAZ	LAKKI CITY NO.1	GHS NO. 1 LAKKI		
1184	MATIULLAH	GUL NAWAZ	TITTER KHEL	GHS TITTER KHEL		
<b>District MALAKAND</b>						
3056	MUHAMMAD YOUNAS	MUHAMMAD ISRAR	Dheri Julagram	GHS JULAGRAM		
1574	MUHAMMAD IKRAM	GUL AMIN KHAN	SAKHAKOT	GHS DARGAI NO.1		
<b>District MANSHERA</b>						
1803	KHURSHIED AKHTAR	MUHAMMAD FARIDOON KHAN	BALAKOT	GHS BALA KOT		
1750	ALI IMRAN JEHANGIRI	AURANGZEB KHAN JEHAN	CITY NO. 2	GHS NO. 2 MANSEHRA		
1732	ZAHID RAFIQ	MUHAMMAD RAFIQ	MANSHERA DEHA	GHS SHINKIARI		
1736	MUHAMMAD IDRES	FAREED KHAN	OGHI	GHS Oghi		
<b>District MARDAN</b>						
1664	SOHAIL ABDAS	FAZLE RABBI	BIJLI GHAR	GHS TORU MARDAN		
1608	MUHAMMAD SHAHID KHAN	NOWSHAD KHAN	JAMAL GARHI MARDAN	GHS JAMAL GHARI		
1552	MIRAJ GUL	DOST MUHAMMAD	KOT JUNGARA	GHS KHAIR ABAD		
1417	SAJJAD HAIDER	HAMEEDULLAH	QASMI	GHS PIR ABAD		
<b>District NOWSHERA</b>						
0958	EJAZ AHMAD	GHIYAS AHMAD	AKORA KHATTAK	GHS AKORA KHATTAK		
<b>District PESHAWAR</b>						
0840	ADNAN AHMAD	ZUBAIR AHMAD	CANTT	GHS NO. 4 PESHAWAR CANTT		
0683	M. KHALID REHMAN	ABDUL REHMAN	KARIMPURA	GHS NO.2 PESHAWAR CITY		
0861	NISAR KHAN	HAKHEEM KHAN	NAHAQI	GHS NAHAQI		
0503	FAIZ MUHAMMAD	DIL MUHAMMAD	NOUTHIA QADEEM	GHS MUSA ZAI		
0013	FAYYAZ MUHAMMAD	ABDUL LATIF	TOWN3 TEHKAL PAYAN38	GHS BADABER		
<b>District SWINGLA</b>						

7

Roll No	Name	Father Name	U/Council	School Name	Based on
1 0005	AD AHMAD	ZAINUL ABIDEEN	CHAKESAR	GHS ALPURAL	DIST
2 0004	AHMAD KHAN	JEHAN ZEB	LAHORI GATE	GHS PURAN	DIST
<b>District: SWABI</b>					
1 0230	ADNAN ZAFAR	LUTF UR REHMAN	JEHANGIRA	GHS JALBAI	TEH:
2 0154	ABSAR AHMAD	ATTIQUE AHMAD	JHANDA	GHS BAJA	UC
3 1140	AMJAD ALI	MUHAMMAD RAZIQ	MANERI	GHS TARAKAI	TEH:
4 1147	MUNAWAR HAYAT	FAIZUL HAYAT	THAND KOI	GHS GANDAF	TEH:
5 1214	MUSHTAQ ALI	FAZALI ILLAHI	YAQOOBI	GHS MANKI	TEH:
<b>District: SWAT</b>					
1 1032	AMJAD ALI	SHER BADSHAH	Amankot	GHS AMANKOT	UC
2 0976	SAEED KHAN	FARIDOOB	BARIKOT	GHS KAKHELA (B)	TEH:
3 0946	IFTIKHAR ALI	SHER ALI KHAN	MANGLOR	GHS NO. 4 MINGORA	TEH:
4 1029	SAJJAD ALI	SARFARAZ KHAN	QAMBAR	GHS GHAIGAY	TEH:
<b>District: TANK</b>					
1 4203	MUHAMMAD ZAMAN	SIFFAT KHAN	Amakhel	GHS GARA BALUCH	DIST

**The Terms and Conditions are as under:**

1. Their appointments are purely temporary/contract and their services can be terminated at one month notice without any reason.
2. Their appointments shall be extendable on year to year basis subject to satisfactory performance up to a maximum of three years or till the life of the project which ever is later.
3. In case they wish to resign at any time, one month's notice will be necessary or in Lieu thereof one month's pay shall be fore-feited.
4. The offer is subject to the condition that they are the citizen of Pakistan and bonafide resident of NWFP.
5. Their appointment to the above post will not confer on them any right of regular appointment/absorption against the post of IT teacher or any other post under the provincial government.
6. Their appointments are subject to the verification of character and antecedents to the satisfaction of the Appointing Authority. Their services will be liable to be terminated without any notice if their performance is not found satisfactory subsequently.
7. They will produce a medical certificate of fitness from the Civil Surgeon/ Medical Superintendent from the concerned Medical Superintendent.
8. Their services under the present contract shall not qualify for pension/gratuity.
9. They will be governed by Provincial Government Rules concerning contract appoint on the present particular post as amended from time to time.
10. They will report to the Project Director IT/Computer Science on 10/09/2004 at Archives Hall, near MPA Hostel Peshawar city.

**Secretary**  
**Schools and Literacy Department**  
**Government of NWFP**

**Copy for information to:**

1. Director General, Pakistan Computer Bureau, Islamabad.
2. PS to Secretary Schools Literacy NWFP Peshawar.
3. PS to Secretary IT Peshawar.
4. PA to Director Schools Literacy NWFP Peshawar.
5. All the Executive District Officers (SL) in NWFP.
6. All the Principals of the concerned High/Higher Secondary Schools in NWFP.
7. Officials concerned.

*M. M. Qureshi*  
**Project Director (IT)**  
**Schools and Literacy Department**  
**Government of NWFP**

ANNEX - B

(8)

vide order # PD/S&L/IT/4-1 App: Teachers  
2004

GS & PD. NWFP - 563 F.S. 2.000 P. of 100 26-9-89-(8)

01-09-2004

CERTIFICATE OF TRANSFER OF CHARGE

1. Certify that we have on the fore/afternoon of this day respectively made over and received charge of this office of the Principal GHS Jamal Garhi (MARDAN)
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:

Signature of relieved  
Government servant Vacant Post

Designation \_\_\_\_\_

Station GHS Jamal Garhi

Signature of relieving  
Government servant M. SHAHID KHAN

Designation IT Teacher BPS=16

Dated 01-09-2004

Forwarded to the Project Director (IT) S&L Peshawar

N.W.F.P. Acctt. Try. No. 42

P.T.O.

~~Stamp~~

9

CERTIFICATE OF TRANSFER OF CHARGE

Vide order # PD/S&L/IT/4-1/APP = Teachers 2004

1. Certified that we have on the Fore/After Noon of this day 01-09-2004 (FN) respectively made over and received charge of this office of the (Principal G.H.S) (MARDAN) Jamal Garhi (Mardan)

2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse: -

Signature of Relieved  
Govt: Servant vacant Post  
Name & Des. Mutahir Shah S.E.T

Station: G.H.S Jamal Garhi  
Mardan

Signature of Relieving  
Govt: Servant Shami

Name & Des. MUHAMMAD SHAHID KHAN  
1.T Teacher B-16

Endst No 409 Dated 01-09 /2004

Copy forwarded to the: -

1. Director of Schools & Literacy (N.W.F.P).
- ✓ 2. Executive District Officer (Schools & Literacy) Mardan.
3. District Accounts Officer Mardan.
4. Office File.

Principal  
**PRINCIPAL**  
Govt: High School  
Jamal Garhi (Mardan)

ANNEX C

10

OFFICE OF THE PROJECT DIRECTOR (IT)  
S&L DEPTT: GOVT: OF NWFP, PESHAWAR

NO: PD/IT/S&L/4-1/APPTT/2004  
DATED PESHAWAR THE MARCH 04, 2005

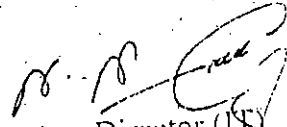
OFFICER ORDER

MR. MOHAMMAD SHAHID KHAN IT Teacher (B-16) GHS Jamal Garhi in hereby transferred to GHS Toru (Mardan) against the vacant IT post vacated by Mr. SOHAIL ABBAS IT Teacher (B-16) GHS Toru due to his resignation in the public interest with immediate effect.

He is directed to report to Principal GHS toru Mardan immediately.

Copy forwarded for information and n/a:

1. Accountant General NWFP.
2. Principal GHS Toru (Mardan)
3. Principal GHS Jamal Garhi (Mardan)
4. DAO Mardan
5. EDO Mardan

  
Project Director (IT)  
S&L Deptt: NWFP

~~SECRET~~

ANNEX D

11

**RELIVING SLIP**

**MUHAMMAD SHAHID KHAN**  
I.T TEACHER B-16

Reference to the Project Director (I.T) School & Literacy  
Deptt: NO: PD/IT /S&L/41/App: 2004 have been transferred from this school  
To G.H.S Toru Mardan.

You are hereby relieved of your duties on 04-04-05 (FN) & Directed  
To Report to the concerned school as you are transferred positively.

Date: 04-04-2005

*M. Y. Amin*  
PRINCIPAL  
G.H.S Jamal Garhi  
Mardan.

~~\_\_\_\_\_~~

IT C/SC

ANNEX E

12

DIRECTORATE OF SCHOOLS  
LITERACY NWFP PESHAWAR

Dated: Peshawar the December 05, 2007

**NOTIFICATION:**

SET/MALE/FEMALE/CONTRACT/2007:- Consequent upon the approval of the Competent Authority, the following candidates are hereby appointed as SST-IT (B-16) Male/Female on contract basis till the arrival of the recommendees of the NWFP, Public Service Commission A.C.F 01-07-2007 and appointed them against IT-Teacher post in the schools as noted against their names:-

S.No.	Name	Father's Name	District	Posted At
<b>Males</b>				
	Hafiz Mubashir Zia Qurashi	Zia-Ur-Rehman	Abbottabad	GHS BANDIAN DHUNDAN
2	Syed Hussain Ali	Syed Noor Ahmad Shah	Abbottabad	GHS BOD
3	Mohammad Irshad	Arif Khan	Abbottabad	GHS BODLA
4	Asim Iqbal	Muhammad Iqbal	Abbottabad	GHS CHANDO MAIRA
5	Akhtar Zaman	Gul Zaman	Abbottabad	GHS RAJOIYA
6	Zahid Ullah Khan	Mulid Noor Ali Khan	Binnu	GHS GHORIWALA
7	Zahoor Ahmad	Hussain Muhammad	Bunner	GHS GAGRA
8	Abdul Mueed	Abdul Aziz	Bunner	GHS NO. 1 DAGGER
9	Farrukh Sair	Muhammad Yousaf	Charsadda	GHS HAJI ZAI
10	Muhammad Ramzan	Dilawar Khan	D.I. Khan	GHS NO. 2 PAHARPUR
11	Hizbullah Khan	Amanullah	D.I. Khan	GHS NO. 1 KULACHI
12	Muhammad Irfan Khan	Ghulam Husain	D.I. Khan	GHS PANIALA
13	Arshad Pervez	Yar Muhammad	Dir (U)	GHS DIR
14	Anwar Zeb	Abdur Rabbi	Dir (U)	GHS GANDIGAI
15	Bashir Ahmad	Noor Zaman	Dir (U)	GCMHS TIMERGARA
16	Mohammad Ishtiaq	Muhammad Akhtar	Haripur	GHS GHAZI
17	Saeed Anwar	Muhammad Anwar	Haripur	GHS HARIPUR NO. 2
18	Zahoor-Ur-Rehman	Muhammad Aslam	Haripur	GHS K.T.S NO. 2
19	Mohammad Nawaz	Muhammad Maroof	Haripur	GHS SARRI
20	Haroon Abbas	Muhammad Ghani	Karak	GHS SAHR ABAD
21	Said Akram	Muhammad Aslam	Karak	GHS GANDARI KHATTAK
22	Munir Hussain	Ghulam Habib	Kohat	GHS KHADIZAI
23	Matiullah	Gul Nawaz	Lakki	GHS TITTER KHIL
24	Abdullah Khan	Gul Nawaz	Lakki	GHS NO. 1 LAKKI
25	Muhammad Ikram	Gul Ameen	Malakand	GHS DARGAI NO. 1
26	Asif Iqbal	Muhammad Iqbal	Malakand	GHS JULAGRAM
27	Khurshid Akhtar (I.I)	Muht Paridoon Khan	Manshra	GHS BALA KOT
28	Waheed Alam	Mohammad Alam	Manshra	GHS NO. 2 MANSHRA
29	Sarfraz Ahmad	Mushtaq Ahmad	Manshra	GHS OGH
30	Zahid Rafiq	Muhammad Rafiq	Manshra	GHS NUNRIK
31	Muhammad Idrees	Muhammad Saleem	Mardan	GHS KHAIK ABAD
32	Sajad Haider	Hameed Ullah	Mardan	GHS PER ABAD
33	Muhammad Shahid	Nowshad Khan	Mardan	GHS TORU MARDAN
34	Ijaz Ahmad	Ghriyas Ahmad	Nowshera	GHS AKORA KHATTAK

*[Signature]*  
Principal  
GHS Toru



S.No.	Name	Father's Name	District	Posted At
35	Hikmah Alam	Muhammad Shafi	Peshawar	GHS NALIAQI
36	Syed Muhammad Khalid	Syed Muhammad Shafiq	Peshawar	GHS BADABER
37	Naveed Ahmed	Zainul Abideen	Shangla	GHS ALPURAI
38	Ahmad Khan	Jehanzeb	Shangla	GHS PURAN
39	Absar Ahmad	Attique Ahmad	Swabi	GHS BAJA
40	Muhammad Asim	Malik Aman	Swabi	GHS FARAKAI
41	Adnan Zafar	Lutf-Ur-Rehman	Swabi	GHS JALBAI
42	Muhammad Abdullah	Fazal Muhammad	Swabi	GHS MANKI
43	Munawar Hayat	Faizul Hayat	Swabi	GHS GANJAL
44	Amjad Ali	Sher Badshah	Swat	GHS AMANKOT
45	Noor Nawaz Khan	Muhammad Nawaz	Swat	GHS NO. 1 MINGORA
46	Iqbal Amin Khan	Muhammad Zamin Khar	Swat	GHS GHAIJAY
47	Saeed Khan	Faridoon	Swat	GHS K/KHELA (B)
48	Muhammad Zaman	Siffat Khan	Tank	GHS GARA BALUCH

**Females**

49	Mehnaz Bibi	Malik Muhammad Ilyas	Abbottabad	GGHS SHERWAN
50	Amna Saleem	Saleem Ahmad	Abbottabad	GGHS BAGNOTAR
51	Fakhr-Ul-Nisa	Manzoor Ahmad	Abbottabad	GGHS SAJKOTE
52	Farhat Nawaz Jadoon	Nawaz Khan Jadoon	Abbottabad	GGCMS NAWANSHEHR
53	Tabassum	Pir-Gul Badshah	Charsadda	GGHS PRANG
54	Mehreen Sumbal	Sheikh Mohd Ramzan	D.I. Khan	GGHS KULACHI
55	Fahmida Naseem	Ghulam Akbar	D.I. Khan	GGHS PANIALA
56	Farhat Yaseen	Gul Shahzada	Karak	GGHS LATUMBER
57	Liaqat Shaheen	Qismat Khan	Karak	GGHS AHMAD ABAD
58	Akhter Jانا	Mir Salamat Shah	Kohat	GGHS NO.1 KOHAT
59	Irum Faqeer	Faqeer Ahmad Paracha	Kohat	GGHS NO.2 KOHAT
60	Qurat-Ul-Ain Wahab	Abdul Wahab	Manshra	GGHS BHARKUND
61	Rabia Siddique	Sheikh Muhd Siddique	Manshra	GGHS DHODIAL
62	Rozina	Mohammad Nawaz	Manshra	GGHS LASSAN NAWAB
63	Rafia Maqbool	Khwaja M. Maqbool	Manshra	GGHS NO.2 MANSHRA
64	Asma Khalil	Muhammad Khalil Khan	Mardan	GGHS KATLANG
65	Hasina Ali	Zulfqar Ali	Mardan	GGHS GUJAR GHARI
66	Nasiba Faraz	Mir Farz Khushal	Nowshera	GGHS BADRASHI
67	Kalsoom Qazi	Asad-Ur-Rehman Qazi	Peshawar	GGHS IRREGATION
68	Asia Farhan	Liaqat Ali	Peshawar	GGHS NISHTER ABAD
69	Hania Ijaz	Ijaz Hussain	Peshawar	GGHS NO. 1 PESH CANTT
70	Kausar Parveen	Ghulam Rasool	Peshawar	GGHS BADABER
71	Zezeela Qazi	Mohammad Ibrahim Qazi	Peshawar	GGHS TARNAB
72	Dr. I. Shahwar	M. Ismail	Swat	GGHS MINGORA NO. 2
73	Shahida Beyhum	Muhammad Nawazi	Swabi	GGHS GAR MUNARA
74	Sadia Mustafa	Ahmad Mustafa	Swabi	GGHS ZARABI
75	Khadija Manzoor	Malik Manzoor Ahmed	Haripur	GGHS BANDI MUNSEM

14

S.No.	Name	Father's Name	District	Posted At
76	MISLON NAZLI	Mehr Angaiz Khan	HARIPUR	GGHS K.T.S NO. 3
77	FOZIE JABEEN	Khan Afsar	HARIPUR	GGHS BAGRA
78	ABRAHIM INAYAT	Inayat Ullah Jan	LAKKI	GGHS NO. 1 LAKKI
79	NASIM BIBI	Ofass Khan	LAKKI	GGHS SHAHRAZ KHIL

**Terms and conditions of their appointments:-**

1. The appointment of the above named candidates against SST (I.T) are made on contract basis till the arrival of the selectees of the NWFP Public Service Commission. This order will automatically stand terminated after appointment of NWFP P.C.S recommendees.
2. The candidate will sign an agreement with the Project Director I.T Schools & Literacy Department NWFP, Peshawar and their services will be governed by the terms and conditions mentioned in such agreement.
3. Their services will be liable to termination without any reason during the currency of this agreement. In case of resignation without prior notice their one month pay plus usual allowances will be forfeited.
4. The appointees shall join their posts within 15 days of the issuance of this order otherwise after the deadline date the appointment order will stand cancelled.
5. The EDO's (S&L) concerned shall furnish a certificate to the effect that the appointees have joined the posts or other wise after fifteen days of the issuance of this order.
6. Their services can be terminated at any time in case their performance is found unsatisfactory. In case of misconduct they will be proceeded against under the removal from services (Special Powers) Ordinance 2000 and ED rules 1973.
7. They shall be required to furnish attested copies of all their certificates/degrees along with two recent photos within 15 days to the Project Director IT Schools & Literacy Department Peshawar should check their original certificates/degrees before signing of contract agreement.
8. Their appointment is for specific schools and non transferable during currency of agreement period.
9. The in-service candidates shall be allowed to join and shall be handed over charge by the Principal Concerned.
10. The above order will take w.e.f 01-07-2007 in respect of candidates/appointees in the schools.
11. They will get pay in BPS-16 plus usual allowances as admissible under the rules.
12. No TA/DA is allowed.

**DIRECTOR EDUCATION  
DIRECTORATE OF SCHOOLS & LITERACY  
GOVT. OF NWFP PESHAWAR**

Copy forwarded for information and necessary action to the:-

1. Accountant General NWFP, Peshawar.
2. Secretary to Govt. of NWFP Finance Department.
3. PA to Director Education Directorate of Schools & Literacy Peshawar.
4. All the Executive District Officer Schools & Literacy NWFP.
5. All the District Accounts Officer NWFP.
6. All the Principals GHS/GGIS NWFP Peshawar.
7. PS to Secretary to Govt. of NWFP Schools & Literacy Department.
8. Personal File of Officer concerned

*Accepted 7/12/07*

**DEPUTY DIRECTOR (ESTAB)  
DIRECTORATE OF SCHOOLS & LITERACY  
GOVERNMENT OF N.W.F.P.**

Page

Page

THE <sup>1</sup>[KHYBER PAKHTUNKHWA]  
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.  
(<sup>2</sup>[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

[First published after having received the assent of the Governor of the <sup>3</sup>[Khyber Pakhtunkhwa] in the Gazette of <sup>4</sup>[Khyber Pakhtunkhwa] (Extraordinary), dated the 24<sup>th</sup> October, 2009]

AN  
ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**---(1) This Act may be called the <sup>5</sup>[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. **Definitions.**---(1) In this Act, unless the context otherwise requires,-

(a) "Commission" means the <sup>6</sup>[Khyber Pakhtunkhwa] Public Service Commission;

(aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;

(b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>6</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

- (c) "Government" means the Government of the <sup>1</sup>[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the <sup>2</sup>[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "ad hoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the <sup>3</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (<sup>4</sup>[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

**3. Regularization of services of certain employees.**---All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31<sup>st</sup> December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

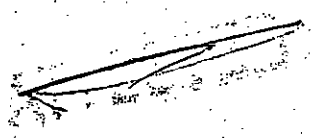
Provided that the service promotion quota of all service cadres shall not be affected.

**4. Determination of seniority.**---(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

---

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011



Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. Overriding effect.—Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. Repeal.—The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

ANNEX 4

18

August 2010

Hardan

58:1

P Sec:003 Month:August 2010  
KJ6093 -PRINCIPAL G.H.S TORU MARGA  
Education Schools

Form #: 00132120 Buckle:  
Name: MUMASRIAD SHAHID KHAN  
IT TEACHER  
CNIC No. 0012940613359  
CPF Interest From

NTN:  
CPF #:  
Old #:

16 Regular / Contract		MR6093
<b>PAYS AND ALLOWANCES:</b>		
0001-Basic Pay		4,530.00
1000-House Rent Allowance		1,418.00
1500-Computer Allowance		1,500.00
1830-Special Relief All(2005)		571.00
1831-Adhoc Relief (2005)		571.00
1872-Deamex Allowance-EEGRP09		758.00
1908-Adhoc Relief-2009 (01-16)		1,306.00
1947-Medical Allow 15% (16-22)		979.00
1953-Ad-Hoc Allowance 50% (MKP)		3,265.00
Gross Pay and Allowances		17,298.00

DEDUCTIONS:		
CPF Balance 61,555.00	Subro:	947.00
3501-Benevolent Fund		250.00
3511-Addl Group Insurance		19.00
3604-Group Insurance		173.00
3640-Emp. Edu. Fund		25.00
6173-CH Flood Relief Fund14-17		211.00
Total Deductions		1,425.00
		15,873.00

D.O.B 05.04.1980 LFP Quote:  
06 Years 00 Months 001 Days NATIONAL BANK OF PAKISTAN MAIN BRCH  
Government Contribution To CPF : 947.00 PLS0600C0136127

PAID

ANNEX H

19

To,

The Director  
E & SE Education  
K.P.K. Peshawar

Through: Proper Channel

Subject: Ex-Pakistan Leave

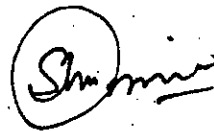
R/Sir,

I have the honour to state that I have been serving as I.T. Teacher (BPS-16) at G.H.S. Toru (Mardan) since 01/09/2004 regularly.

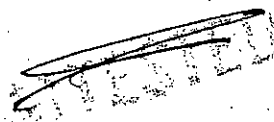
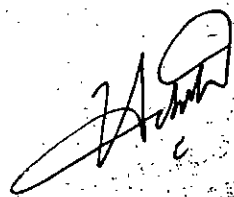
It is, therefore, requested that I may kindly be granted Ex-Pakistan Leave w.e.f. 01/09/2010 to 31/08/2012 (2-years) with pay or without pay under the rule please.

Thanks

Date: 01/09/2010



Muhammad Shahid Khan  
I.T. Teacher (BPS-16)  
G.H.S Toru (Mardan)



APPLICATION FOR LEAVE:


20

Notes:- Item 01 to 09 must be filled in by all applications. Item-12 apply only in the case of Govt. servant of Grade 16 and above.

- 1. Name of applicant
- 2. Leave rules applicable
- 3. Post held
- 4. Deptt. or Office
- 5. Pay
- 6. HRA, MA, & ALL KIND OF ALLOW. drawn in present post.
- 7. (a) Nature of leave applied for  
(b) Periods of leave in days  
(c) Date of commencement
- 8. Particulars rules under which leave is required
- 9. (a) D/O return from leave  
(b) Nature of leave  
(c) Periods of leave  
Dated: 01-9-2010
- 10. Reason and recommended of Controlling Officer  
Length of Service  
01-9-2004 to 31-8-2010

MUHAMMAD SHAHID KHAN  
 Ex-Pakistan Leave  
 IT Computer Science BPS-16  
 GHS TORU (MARDAN)  
 BPS-16 Rs=6530/- PM  
 HRA 1912/- C/Allow 1500/- MA 279/- SAG 334/-  
 DA 1306/- AIR 3265/-  
 Ex-Pakistan Leave  
 01-9-2010 to 31-8-2012 (82 Years)  
 (731 days)  
 01-9-2010

Revised Leave rules 1980  
 01-9-2012  
 Ex-Pakistan Leave  
 (82) Two Years  
 Leave due with pay 64 days

  
 Signature of applicant  
 MUHAMMAD SHAHID KHAN  
 IT COMPUTER SCIENCE

PRINCIPAL  
 GHS, TORU (MARDAN)

11. Certified that leave applied for is admissible under rules 1980 & necessary condition are filled.

Dated: \_\_\_\_\_

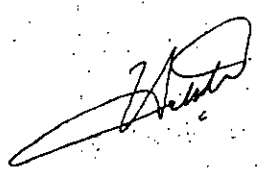
12. Report of Audit Officer  
 Dated \_\_\_\_\_

Signature \_\_\_\_\_  
 Designation \_\_\_\_\_

13. Order of the sanction authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory allow: being drawn by him.

Dated \_\_\_\_\_

Signature \_\_\_\_\_  
 Designation \_\_\_\_\_



~~\_\_\_\_\_~~



ANNEX "I"

21

To

The Secretary,  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa.

Subject: DEPARTMENTAL APPEAL FOR ACCEPTANC OF ARRIVAL  
REPORT FOR DUTY

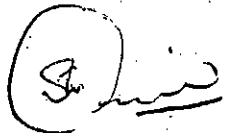
Respected Sir,

With due respect it is stated that the appellant was appointed as IT Teacher (BPS-16) in the Education Department. That I served the department upto September 2010, however, left for abroad for higher study. That prior to proceeding abroad presented an application for ex-Pakistan leave; however, the same remained pending with no response at all. After arrival in Pakistan I presented application for reinstatement on previous post with further request to declare my absence as leave of any kind, however, till time I have not been intimated about the outcome of my application.

Forgoing in view it is humbly requested that my six years advance education acquired abroad may please be utilized in the interest of public and applicant as well, my this appeal may be treated as Arrival for duty and be accepted accordingly enabling me to resume assigned duty at a specified place

Dated: 22.2.2022

Yours Obediently



Muhammad Shahid Khan  
s/o Nowshad Khan  
IT Teacher (BPS-16)  
SMT Mardan

~~ATTACHED~~

**VAKALATNAMA**

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

APPEAL NO: \_\_\_\_\_ OF 2022

M. Shahid (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

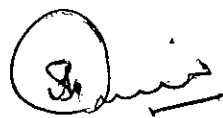
**VERSUS**

Education Deptt (RESPONDENT)  
(DEFENDANT)

I/We M. Shahid

Do hereby appoint and constitute **NOOR MUHAMMAD 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. \_\_\_\_/\_\_\_\_/2022



**CLIENTS**

**ACCEPTED**

**NOOR MUHAMMAD KHATTAK**

**KAMRAN KHAN**

**UMAR FAROOQ MOHMAND**

**HAIDER ALI**

**&**

**KHANZAD GUL  
ADVOCATES**

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD S.B  
PESHAWAR.

No.

APPEAL No. 865 of 202.

Muhammad Shahid Khan

Appellant/Petitioner

Versus

The Govt. of KPK through Secy. ERSE

RESPONDENT(S)

Respondent No. 1

Notice to Appellant/Petitioner

The Govt. of KPK through Secretary (ERSE) Deptt. Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 21/7/22 at 9:am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission Notice

[Signature]  
Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.