

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 4975/2021

Date of Institution ... 26.04.2021

Date of Decision ... 29.03.2022

Abdul Jalil, CT (BPS-15), GMS Seri Kohani, District Tor Ghar.

... (Appellant)

VERSUS

The secretary (Elementary & Secondary Education) Khyber Pakhtunkhwa, Peshawar and four others.

... (Respondents)

MR. TAIMUR ALI KHAN,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.


MR. SALAH-UD-DIN
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Brief facts leading to filing of the instant Service Appeal are that the appellant was appointed as C.T (BPS-15), vide Notification dated 09.04.2016. The appellant performed his duties till 06.09.2016, however vide Notification dated 07.09.2016 issued from the office of District Education Officer (Male) Torghar, his appointment order was withdrawn on the ground that his domicile certificate was declared unverified by the quarter concerned. The appellant challenged the order dated 07.09.2016 through filing of Writ Petition No. 1082-A/2016 before the august Peshawar High Court, Abbottabad Bench, which was allowed by setting-aside the Notification dated 07.09.2016, however the respondents were left

at liberty to proceed against the appellant in accordance with law and rules, if they so desire. The appellant was reinstated vide Notification dated 03.07.2018 in light of judgment of august Peshawar High Court, Abbottabad Bench, however the issue of arrears of his pay and allowances was ordered to be decided on the outcome of de-novo inquiry. During the inquiry, the domicile certificate of the appellant was found genuine and Notification dated 29.05.2019 was also issued regarding regularization of his service with effect from the date of his appointment but the arrears of pay and allowances with effect from 07.09.2016 to 03.07.2018 were not granted to the appellant. The appellant agitated the matter before august Peshawar High Court, Abbottabad Bench through filing of COC No. 136-A/2019, which was though dismissed vide judgment dated 13.01.2021, however it was observed that the appellant would be at liberty to approach the appropriate forum provided under the law for redressal of his grievance, if any, in accordance with law qua the issue of back benefits. The appellant then filed departmental appeal, which was not responded within the statutory period, hence the instant service appeal.

 02. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

03. Mr. Taimur Ali Khan, Advocate representing the appellant has contended that it was categorically mentioned in the reinstatement order dated 03.07.2018 that the issue of arrears of pay and allowances will be decided upon the outcome of de-novo inquiry, however the arrears were not granted to the appellant despite the fact that his domicile certificate was found genuine during the de-novo inquiry. He next contended that as the appellant remained out of service with effect from 07.09.2016 till 02.07.2018 for no fault on his part, therefore, he is entitled to pay and allowances for the said period. He further argued that that appellant has though been granted annual increments pertaining to the years 2016, 2017 & 2018, therefore, he is entitled to be paid the salaries for the period during which he

remained out of service due to fault of the respondents. Reliance was placed on 2013 SCMR 752, 2015 PLC (C.S) 215, PLD 1991 Supreme Court 226 and 2018 SCMR 64.

04. On the other hand, learned Additional Advocate General for the respondents has contended that in view of principle of no work no pay, the appellant cannot claim salaries for the period during which he remained out of service. He further argued that the appeal in hand being barred by time is liable to be dismissed on this score alone. He next contended that the appellant has been dealt in accordance with law and no discrimination has been caused to him, therefore, the appeal in hand may be dismissed with costs.

05. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

06. A perusal of the record would show that the appellant was appointed as C.T (BPS-15) vide Notification dated 09.04.2016, however vide Notification dated 07.09.2016, the appointment order of the appellant was withdrawn for the reason that his domicile certificate was not verified as valid from the concerned quarter. The Writ Petition filed by the appellant before the august Peshawar High Court, Abbottabad Bench was however allowed and he was reinstated in service vide Notification dated 03.07.2018, wherein it is categorically mentioned that the issue of arrears of pay and allowances would be decided upon the outcome of de-novo inquiry. It is an admitted fact that the domicile certificate of the appellant was found valid during the de-novo inquiry, therefore, the period during which the appellant remained out of service could not be considered as a fault on the part of the appellant. August Supreme Court of Pakistan in its judgment reported as 2013 SCMR 752 has graciously observed as below:-

"Once an employee is reinstated in service after his exoneration of the charges leveled against him, the period during which he remained either suspended or dismissed cannot be attributed as a fault on his part. His

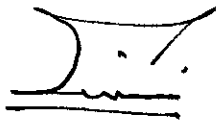
absence during this period was not voluntary on his part but it was due to order of the appellant that he was restrained not to attend his job/duty because on the basis of charge sheet, he was suspended and later on dismissed. AT the moment, his exoneration from the charges would mean that he shall stand restored in service, as if he was never out of service of the appellant. If the absence of the respondent or non-attending the work was not volunteer act on the part of the respondent and was due to steps taken by the appellant, in no manner the service record of the respondent can be adversely affected nor he can be denied any benefit to which he was entitled, if he had not been suspended or dismissed."

07. While deriving wisdom from the above mentioned judgment of august Supreme Court of Pakistan, we are of the view that the appellant was entitled to pay and allowances for the period during which he remained out of service, particularly when he has submitted an affidavit alongwith his appeal that he did not remain gainfully employed in any service during the period of his absence. The affidavit so submitted by the appellant has not been denied by the respondents through filing of any counter affidavit. So far as the question of limitation is concerned, the issue being one of financial benefits, therefore, the appeal is not hit by law of limitation.

08. The result of the above discussion is that the appeal in hand is allowed and the appellant is held entitled to payment of salaries with effect from 07.09.2016 to 02.07.2018. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.03.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)

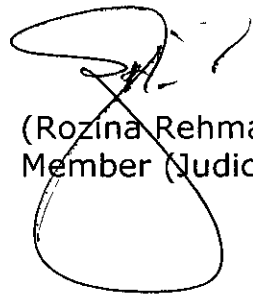

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ORDER
29.03.2022

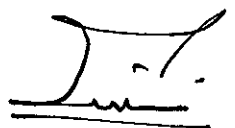
Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed and the appellant is held entitled to payment of salaries with effect from 07.09.2016 to 02.07.2018. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.03.2022



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

For appellant
Abdul Jalil

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Amended Service Appeal No.1395/2018



Mujahid Ali S.P.S.T
GPS Sadabahar, Gujrat, Mardan

(APPELLANT)

VERSUS

1. The Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) Mardan.
4. The Secretary Finance Khyber Pakhtunkhwa, Peshawar.

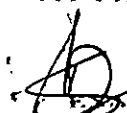
(RESPONDENT)

AMENDED APPEAL UNDER SECTION OF KP SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 21/8/2019 WHEREBY THE APPELLANT WAS REINSTATED INTO SERVICE, BUT THE PERIOD WITH EFFECT FROM 02/07/2018 TO 02/07/2019 WAS TREATED WITHOUT PAY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS AMENDED APPEAL ORDER DATED 21/8/2019 MAY BE MODIFIED TO THE ENTENT THAT THE PERIOD WITH EFFECT FROM 11/7/2018 TO 02/07/2019 MAY KINDLY BE TREATED ON FULL PAY ALONG WITH ANCILLARY RELIEF INCLUDING SENIORITY AND OTHER BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOR OF THE APPELLANT.

ATTESTED


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1395/2018

Date of Institution ... 05.11.2018
Date of Decision ... 31.01.2022



Mujahid Ali, S.P.S.T, GPS Sadabahar, Gujrat, Mardan.

(Appellant)

VERSUS

The Secretary (E&SE) Khyber Pakhtunkhwa and three others.

(Respondents)

Taimur Ali Khan,
Advocate

... For appellant.

Naseer Ud Din Shah,
Assistant Advocate General

... For respondents.

Salah-Ud-Din
Rozina Rehman

... Member (J)

... Member (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing of instant appeal are that appellant was working on the post of Senior Primary School Teacher (SPST) in GPS Sadabahar, Gujrat. A complaint was filed against the appellant and on the strength of that complaint, appellant was transferred to GPS Peshkand. He filed an application seeking cancellation of that transfer order which application was accepted and his transfer order was withdrawn. An inquiry was conducted against him on the strength of the aforementioned complaint and it was on 11.07.2018 when appellant was compulsorily retired from service. He filed departmental appeal

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

which was rejected. He then filed the instant service appeal. In the meanwhile, he had also filed an application with a request for de-novo inquiry which was honored and de-novo inquiry was conducted. He was reinstated into service but the intervening period w.e.f 11.07.2018 to 02.07.2019 was treated as leave without pay. He, therefore, filed departmental appeal for the grant of arrears which was not responded to. As the present appeal had been filed with the prayer for reinstatement with all back benefits but he was reinstated during the pendency of the instant appeal, therefore he filed an application seeking amendment in the instant appeal which was allowed by this Tribunal.

2. We have heard Taimur Ali Khan Advocate for appellant and Naseer ud Din Shah, learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Taimur Ali Khan Advocate, learned counsel appearing on behalf of appellant, inter-alia, submitted that the order of the authority vide which period w.e.f 11.07.2018 to 02.07.2019 was treated as leave without pay is against law, facts and norms of justice and liable to be modified to the extent that the entire period may be treated on full pay with all back benefits. It was further argued that the Inquiry Officer submitted detailed report in de-novo proceedings which report favors the appellant but the same was not taken into consideration and the appellant was deprived from his legal rights, he therefore, submitted that there remains no ground to deprive the appellant from full pay for the period mentioned above.


ATTESTED


 CLERK
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

4. Conversely learned AAG submitted that the appellant was treated according to law and was given full opportunity of personal hearing. He contended that proper regular inquiry was conducted against appellant and that the allegations of misconduct were proved against the appellant and lastly, it was argued that the SDEO (M) visited the School of the appellant as the PTC Chairman made complaint against the appellant regarding non-performance of duty/absenteeism, therefore, proper regular inquiry was conducted and that he was never condemned unheard as he was given full and proper opportunity of his defense.

5. From the record, it is evident that a complaint was filed against the appellant by the Members of PTC, wherein, different allegations were leveled against appellant. He was transferred to GPS Peshkand on 12.01.2018 on the strength of this complaint. He then submitted an application seeking cancellation of the transfer order with a request for transfer to a suitable place keeping in view his enmity. His application was considered and his transfer order was withdrawn on 14.02.2018 by the DEO (Male), Mardan. An Inquiry Officer was nominated to conduct inquiry, who recommended his compulsory retirement vide report dated 15.02.2018, where-after, show cause notice was issued to the appellant on 05.05.2018. It was on 11.07.2018 when major penalty of compulsory retirement from service was imposed upon appellant by District Education Officer (Male), Mardan. He preferred departmental appeal which was rejected on 19.09.2018, where-after, the present service appeal was filed. During the pendency of present service, another application was


ATTESTED

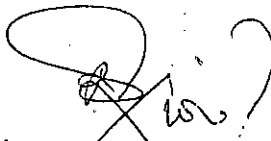

 MEMBER
 Higher Education
 Service Tribunal
 Peshawar

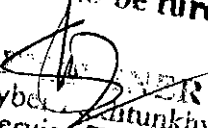
submitted by the appellant for de-novo inquiry which was allowed and Principal GHS Bakhshali, Mardan was appointed as Inquiry Officer who conducted inquiry and submitted his report. All the allegations leveled against the appellant were declared baseless and accordingly, he was reinstated in service w.e.f 03.07.2019 and was adjusted at GMPS Sadabahr on the basis of STR, however, the intervening period w.e.f 11.07.2018 to 02.07.2019 was treated as leave without pay which order of the authority is not in accordance with law. As discussed earlier that de-novo inquiry was conducted, proper report was submitted by the enquiry officer and on the strength of inquiry report, appellant was reinstated into service. Major penalty of compulsory retirement from service had been imposed upon appellant by the authority and there was no fault of the appellant.

6. The preceding discussion vividly transpires that appellant was not treated in accordance with law and he made out a case for indulgence of this Tribunal, therefore, he is entitled to all back benefits for the intervening period w.e.f 11.07.2018 to 02.07.2019. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
31.01.2022


(Salah-Ud-Din)
Member (J)


(Rozina Rehman)
Member (J)

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 29/3/22
Number of Words 1600
Copying Fee 9/8/-
Urgent _____
Total 22/-
Date of Delivery of Copy 28/3/22
Rate of Delivery of Copy 28/3/22

Stipulated period passed reply not submitted.

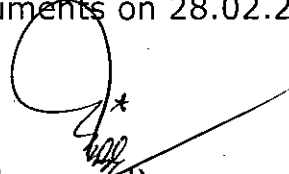
29.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

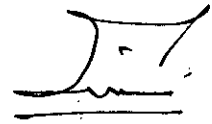

Chairman

08.10.2021

Learned counsel for the appellant present. Mr. Fakhar Nawaz, ADO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and submitted comments, copy of which handed over to learned counsel for the appellant, who sought time for submission of rejoinder. Adjourned. To come up for submission of rejoinder as well as arguments on 28.02.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

*no filed
16/11/21*

14-12-21

*DB is on Tour case to come up
For the same on Dated. 29-3-22*

*B
Reader*

18.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 28.10.2021 before the D.B. This appeal is clubbed with Service Appeal No. 4971/2021 as common questions of law and facts are involved in both the appeals.

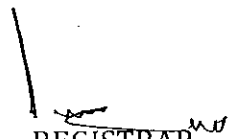

Appellant Deposited
Security & Process Fee
24/6/21


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 4975 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	26/04/2021	<p>The appeal of Mr. Abul Jalil presented today by Mr. Taimur Ali Khan 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> <p>2-</p>	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Abdul Jalil

VS

Education Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	P. NO
1.	Memo of Appeal	-----	01-05
2.	Copies of appointment order dated 09.04.2016 and withdrawal order dated 07.09.2016	A&B	06-08
3.	Copy of judgment dated 09.05.2018	C	09-11
4.	Copy of notification dated 03.07.2018	D	12
5.	Copies of inquiry report and notification dated 29.05.2019	E&F	13-15
6.	Copy of C.O.C order dated 13.01.2021	G	16-18
7.	Copy of departmental appeal	H	19
8.	Copy of affidavit	I	20
9.	Vakalat Nama	-----	21

Jalil
APPELLANT

THROUGH:

(Taimur Ali Khan)
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT.

Room No. FR 8, 4th Flour,
Bilour plaza, Peshawar cantt:
Cell# 0333-9390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 4975 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5035

Dated 26/4/2021

Abdul Jalil, CT (BPS-15),
GMS Seri Kohani, District Tor Ghar.

APPELLANT

VERSUS

1. The Secretary (Elementary & Secondary Education) Khyber Pakhtunkhwa, Peshawar.
2. The Director (Elementary & Secondary Education) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) Tor Ghar.
4. The Secretary Finance, Khyber Pakhtunkhwa, Peshawar.
5. The District Account Officer, District Tor Ghar at Mansehra.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 FOR DIRECTING THE RESPONDENT TO GRANT BACK BENEFITS TO THE APPELLANT IN SHAPE OF SALARIES FOR THE PERIOD WITH EFFECT FROM 07.09.2016 TO 03.07.2018 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to-day

Registrar

26/4/2021

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO GRANT BACK BENEFITS TO THE APPELLANT IN SHAPE OF SALARIES FOR THE PERIOD WITH EFFECT FROM 07.09.2016 TO 03.07.2018 AS ON DOMICILE ON WHICH HIS APPOINTMENT ORDER WAS WITHDRAWN HAS BEEN VERIFIED AND FOUND CORRECT DURING THE DE-NOVO INQUIRY PROCEEDING. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed as CT on 09.04.2016 along with other officials after fulfilling all the codal formalities and has performed his duty till 06.09.2016 and then his appointment order was withdrawn from the date appointment vide order dated 07.09.2016 on the basis that his domicile has declared unverified by the quarter concerned. **(Copies of appointment order dated 09.04.2016 and withdrawal order dated 07.09.2016 are attached as Annexure-A&B)**
2. That the appellant challenged the order dated 07.09.2016 in the Honourable Peshawar High Court Abbottabad Bench in Writ Petition No.1082-A/2016. The said Writ petition was decided on 09.05.2018. The Honourable Court accepted the writ petition and declared the impugned notification dated 07.09.2016 as illegal, unlawful and has no legal effect with direction to the respondents to reinstate the petitioner in his service, however, the respondents would at liberty to proceed against the appellant if they wish, but in accordance with law and rules on the subject. **(Copy of judgment dated 09.05.2018 is attached as Annexure-C)**
3. That in compliance of the judgment of Honourable Peshawar High Court Abbottabad Bench dated 09.05.2018 in Writ Petition No.1082-A/2016, the service of the appellant is reinstated into service from the date of his withdrawn order vide notification dated 03.07.2018 and also mentioned in that notification that his arrears of pay and allowance will be decided on the outcome of de-novo inquiry. **(Copy of notification dated 03.07.2018 is attached as Annexure-D)**
4. That inquiry was conducted about the domicile of the appellant by the Additional Deputy Commissioner, Torghar in he gave his finding/recommendation that from the statements of the local representatives and examination of documents provided by the candidate (appellant), it seems that the teacher namely Abdul Jalil (appellant) is resident of District Torghar and domicile certificate has rightly been issued to him. It is pertinent to mention here that the service of the appellant was also regularized along from the date of his appointment vide notification dated 29.05.2019. **(Copies of inquiry report and notification dated 29.05.2019 are attached as Annexure-E&F)**
5. That in reinstatement notification dated 03.07.2018 of the appellant, it was clearly mentioned by the competent authority that arrears of pay and allowance of the appellant will be decided on the outcome of de-novo inquiry and the de-novo inquiry also came in the favour of the appellant as on the basis of non verification of domicile of the appellant his appointment was withdrawn, but his domicile was verified and found correct by the competent authority during de-novo

inquiry, but despite that the arrears of pay and allowance has not granted to the appellant, therefore he filed C.O.C No136-A/2019 in the Honourable Peshawar Court Abbottabad Bench with the prayer that contempt proceedings be initiated against the respondents for disobeying the order of the court and exemplary punishment be awarded, respondents may graciously be directed to pay salaries/benefits for the period between 07.09.2016 to 03.07.2018 along with increments of 2016, 2017 and 2018. The Honourable Court decided the C.O.C on 13.01.2021 in which the Honourable Court hold that as the respondent implement the judgment dated 09.05.2018 by the reinstating the appellant into service and since there was no direction qua payment of back benefits in the said judgment, therefore contempt of court proceeding can not be initiated against the respondents, hence the C.O.C of the appellant was dismissed. However the appellant was placed at liberty to approach the appropriate forum provide under the law for redressal of his grievance, if any, in accordance with law qua the issue of back benefits. **(Copy of C.O.C order dated 13.01.2021 is attached as Annexure-G)**

6. That then the appellant filed departmental appeal on 22.01.2021 for grant of back benefits, which was not responded within the statutory period of ninety days. **(Copy of departmental appeal is attached as Annexure-H)**
7. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal for redressal of grievance on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant within the statutory period of ninety days and not granting back benefits to the appellant in shape of salaries for the period with effect from 07.09.2016 to 03.07.2018 are against the law, facts, material-on record, norms of justice, notification dated 03.07.2018 and de-novo inquiry report, therefore, not tenable and the appellant is entitle for back benefits in shape of salaries for the period with effect from 07.09.2016 to 03.07.2018.
- B) That the appointment order of the appellant has withdrawn on the basis that the domicile of the appellant was unverified, but denovo inquiry was conducted on the verification of the domicile in the which inquiry officer gave its finding/recommendation that from the statements of the local representatives and examination of documents provided by the candidate (appellant), it seems that the teacher namely Abdul Jalil (appellant) is resident of District Torghar and domicile certificate has rightly been issued to him, but before withdrawing the appointment of appellant it was necessary that proper inquiry should be conducted to dig out the realty of the Domicile of the appellant but


no such has been taken by the department and his appointment order withdraw in slip shod manner and this stance has also taken by the Honourable High in its judgment dated 09.05.2018 and after the denovo inquiry his domicile was verified and found correct which means that due to the fault of the department the appellant has restrained to perform his duty with effect from 07.09.2016 till 03.07.2018. Therefore the appellant is entitled for back benefits in shape of salaries for that period.

- C) That in the reinstatement order dated 03.07.2018 of the appellant it was mentioned that the arrears of pay and allowance of the appellant will be decide on the out of the denovo inquiry and in denovo inquiry the domicile of the appellant was verified and found correct, but despite that the appellant was deprived from the arrears of pay as per order dated 03.07.2018, which is against the norms of justice and fair play.
- D) That the reason on which the appointment was withdrawn was that that the domicile of the appellant had declared unverified by the quarter concerned which was verified and found correct during the denovo inquiry proceeding, therefore, there remain no ground to deprive the appellant from his back benefits in shape of salaries with effect from 07.09.2016 till 03.07.2018.
- E) That the appellant was regularized from the date of appointment and also granted annual increments of year 2016, 2017 and 2018 to the appellant and as such he is also entitle for the salaries with effect from 07.09.2016 till 03.07.2018.
- F) That the appellant has did not willfully remained absent from his duty, but the respondent department restrained him from performing his duty due to withdrawal of his appointment order on wrong presumption of his unverified domicile which was later on verified in the denovo inquiry and as such the appellant cannot be deprived from his salaries with effect from 07.09.2016 till 03.07.2018 due to the fault of the respondent department.
- G) That as per Superior Court judgment that once an official was reinstated in service after exoneration of charges leveled against him, the period during which he remained either suspended or dismissed/removed could not be attributed as a fault on his part. Absence of official during period of dismissal/removal was not voluntary on his part but it was due to the order of the authority which restrained from attending his job/duty. Therefore, his service record could neither be adversely affected nor could he be denied any benefit to which he would have been entitled had he not been removed/dismissed and as such the appellant is also entitle for the

salaries with effect from 07.09.2016 till 03.07.2018 on the basis Apex Court judgment.

- H) That the appellant remained unpaid employee (not remained gainfully employed) for period from removal from service till reinstatement into service which is evident from the affidavit made by the appellant in this respect and per superior courts judgment, he is entitle for back benefits in the shape of salaries for the period with effect from 07.09.2016 till 03.07.2018. **(Copy of affidavit is attached as Annexure-P)**
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Abdul Jalul

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT.

**NOTIFICATION**

Consequent upon the recommendations of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Certified Teacher (CT General) School based in BPS-15 (Rs.10985-905-38135/- @ 10985, fixed plus usual allowances as admissible under the rules on adhoc basis and school basis initially for a period of one year under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with effect from the date of their taking over charge :-

S.NO	NAME OF TEACHER	FATHER NAME	SCORE	NAME OF SCHOOL WHERE APPOINTED	REMARKS
1	Kifayat Ullah	Muhammad Tahir	90.58	GMS Kand Dour Mera	Against VIP
2	Nusrat Shah	Iqbal Shah	92.37	GMS Shadag	--do--
3	Mujeeb Ur Rahman	Sultan Said	99.76	GMS Shagai	--do--
4	Shabbir Ahmed	Ikhtiar Malook	78.13	GMS Shingaldar	--do--
5	Abdul Jalil	Abdul Ghaffar	97.0	GMS Judba	--do--
6	Haleem Zada	Shereen	93.63	GMS Judba	--do--
7	Shakir Ullah	Ali Muhammad	96.16	GMS Shatal	--do--
8	Bakhti Zar Said	Nawab Said	112.19	GMS Cheer	--do--
9	Sharifur Rahman	Yaqub Khan	95.07	GMS Kotlay	--do--
10	Sham Shair	Asim Khan	94.13	GMS Kotlay	--do--
11	Safi Ullah	Aadur Rauf	91.99	GMS Kand Bala	--do--
12	Meraj Mehmood	Wazir Ur Rehman	106.32	GMS Kotkay	--do--
13	Syed Alam Khan.	Syed Munawar Alam Khan	105.82	GMS Darow	--do--

TERMS & CONDITIONS:

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & adhoc basis initially for a period of one year.
4. They should not be handed over charge if their age is above 35 years or below 18 years.
5. Their Appointments are subject to the condition that their **CERTIFICATE/DOCUMENTS AND DOMICILES** be verified from the concerned authorities by the District Education Officer (M), anyone who found producing fake documents will be dismissed from service and the case will further be reported to the law enforcing agencies for action under the relevant law.
6. Their services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government treasury.
7. Their Pay will not be activated until and unless pay release order is not issued by the competent authority after verification of their documents by the District Education Officer.
8. They should join their post within 10 days of the issuance of this notification. In case of failure to join the post within 10 days of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.

ATTESTED

1952

9. They should produce Health and Age Certificate from the Medical Superintendent concerned before taking over charge.
10. They will be governed by such rules and regulations as may be issued from time to time by the Government.
11. Their services shall be terminated at any time, in case their performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
12. Their appointment is made on School based, they will have to serve at the place of posting, and their services are not transferable to any other station.
13. The competent Authority reserve the right to rectify the errors and omissions, if any noted/observed at any stage in the instant order issued erroneously.
14. Before handing over charge their document should be checked by the concerned Head of institutions, if they don't possess the prescribed qualification of the post they should not be handed over the charge.

--SD--
Abdullah
District Education Officer (M)
E&SE Tor Ghar

Endst: No. 919-28/Dated Tor Ghar 09th April 2016.

Copy forwarded for information and necessary action to the: -

1. Secretary to Government Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. PS to Minister E&SE Department Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner District Tor Ghar.
5. District Accounts Officer Tor Ghar at Mansehra.
6. District Monitoring Officer (IMU) Tor Ghar.
7. District Education Management Information System (DEMIS) Local Office.
8. Head Masters GMS Concerned.
9. Officials Concerned.
10. Office File.


District Education Officer (M)
E&SE Tor Ghar





OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TOR GHAR

Ph. 0345-6660087 Fax. Nil
Email. torgharemis@gmail.com

No. _____
Dated: ___ / ___ / 2016

(Handwritten marks)
B 8

NOTIFICATION

Reference to the Deputy Commissioner Tor Ghar letters No. Gen (2016)/DC/TG 1936 Dated 30/08/2016 and Assistant Commissioner Letter No. AC(2016)/TG 2792-93 dated 18/08/2016, in connection with the terms and conditions No. 5 of the Appointment order issued vide this office Notification No.919-28 Dated 09/04/2016, the competent authority E&SE Tor Ghar is pleased to withdraw/denotify the appointment in respect of Abdul Jalil S/O Abdul Ghaffar CT GMS Judba w.e.f the date of his appointment.

---SD---

District Education Officer (M)
E&SE Tor Ghar

Endst: No 2818-25 /Dated 7/9/2016.
Copy for Information to the.

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar with the remarks that denotification and legal action has been initiated against the teachers as directed.
3. District Police Officer Tor Ghar with request to Lodge FIR as per rules against above mentioned candidate.
4. District Nazim Tor Ghar.
5. District Account Officer Tor Ghar at Mansehra.
6. District Monitoring Officer (IMU) Tor Ghar.
7. District Education Management Information System (DEMIS) Local office.
8. Office File.

Dy: District Education Officer (M)
E&SE Tor Ghar

(Handwritten signature)
7/9/16

(Handwritten mark)
ATTESTED

Note. All employees education department & other interested ones, please Type "Follow torghardeo" in your mobile message & send it to "40404" to get free tweets of DEO Education Torghar on your mobile.

(S) (S)
(S) (S)
C 9

**BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD**

W.P No. 1082 of 2016

Abdul Jalil son of Abdul Ghaffar resident of
village Darbani, Tehsil Kandar District Torghar
.....Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary Education, Peshawar.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male), Elementary and Secondary Education, Torghar.
4. Deputy District Education Officer (Male), Elementary and Secondary Education, Torghar.
5. Deputy Commissioner, Torghar.
6. District Police Officer, Torghar.
7. District Nazim Torghar.
8. District Accounts Officer Torghar at Mansehra
.....Respondents.

**WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 FOR
DECLARATION TO THE EFFECT THAT
THE NOTIFICATION BEARING ENDST.
NO.2818-25 DATED 07.09.2016 ISSUED BY
RESPONDENTS NO.3 AND 4 REGARDING
DENOTIFICATION/WITHDRAWAL OF
THE APPOINTMENT ORDER OF THE
PETITIONER IS ILLEGAL, WRONG,
AGAINST THE LAW, FACTS, POLICY**

No. 486P
11.11.16

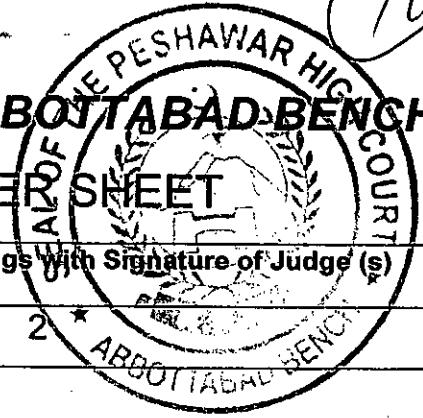
FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
11/11/16

ATTESTED

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings With Signature of Judge (s)
1	2
09.05.2018	<p><u>W.P.No. 1082-A/2016.</u></p> <p>Present: Mr. Muhammad Naeem Akbar, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant A.G for respondents No.1 to 6 & 8.</p> <p>Mr. Junaid Anwar Khan, Advocate, for respondent No.7 alongwith Fakhar Saeed, ADEO Torghar.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.-</u> Through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has prayed this court for issuance of a writ declaring the notification bearing Endorsement No. 2818-25 dated 07.09.2016, as illegal, unlawful and of no legal effect whereby his appointment order has been withdrawn.</p> <p>2. Arguments heard and record gone through.</p> <p>3. At the very outset, learned counsel for the petitioner pointed out at the bar that the issue raised by the petitioner in this petition has already been laid to rest by this court in judgments dated 21.02.2018 and 22.02.2018 delivered in Writ Petitions No. 910-A/2016 and 209-A/2017 respectively wherein, while accepting both the</p>

Jan

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EXAMINER
30 APR 2019
Peshawar High Court Ad Bench
Authorized Under Sec: 75 Evid Ordns.

11 50

referred petitions this court has not only declared likewise notifications as illegal and of no legal effect but at the same time also ordered for re-instatement of the petitioners therein in their service leaving the respondents at liberty to proceed against them, if they so wish but in accordance with law and rules on the subject.

4. Perusal of the case record would show that the petitioner's case is at par with the referred two writ petitions. When in all respect the petitioner's case is identical with the cases already decided by this court, then there would be no justification to take a view different than the one already taken by this court.

5. In the wake of the above and for the reasons given in the referred judgments, this petition is allowed and consequently, the impugned notification dated 07.09.2016 is declared as illegal, unlawful and of no legal effect with direction to the respondents to re-instate the petitioner in his service, however, the respondents would be at liberty to proceed against him if they so wish but in accordance with law and rules on the subject.

Certified to be True Copy
EXAMINER
30 APR 2016
Peshawar High Court Bench
Authorized Under Sec. 75 Evid Ordns.

M. Jaffer
M. Jaffer

Saif, PS.

Hon'ble M.
Hon'ble Mr. Justice

No.	11574	30/04/19
Date of Document	4/16/18	
No of Pages		
Copying Fee		
Urgent fee		
Total		
Name of Copier	[Signature]	
Date of Preparation of Copy	30/04/18	
Date of Intimation	30/04/19	
Date of Delivery of Copy	30/04/19	



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT TOR GHAR

Email: torgharem@gmail.com



NOTIFICATION

In compliance with the Judgment of Honorable Peshawar High Court Bench Abbottabad, dated 09/05/2018, in Writ Petition No. 1082-A/2016, the services of Mr. Abdul Jalil S/O Abdul Ghaffar Ex-CT is reinstated as CT at GHS Judba from the date of his withdrawn order.

His arrears of pay and allowances will be decided on the outcome of the de-novo inquiry.

SD

District Education Officer (M)
District Tor Ghar

Endst: No. 4937-43 /Dated 03-1-07 2018.

Copy for information to the.

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar.
3. District Monitoring Officer IMU Tor Ghar.
4. District Accounts Officer Tor Ghar
5. Head Master GMS Concerned.
6. Teacher Concerned.
7. Office File.

District Education Officer (M)
District Tor Ghar

ATTESTED



Office of the Deputy Commissioner
District Torghar
 No. Dom/DC(2018)/TG/ 2253
 Dated Torghar the 31/12/2018

~~13~~ 13
 E (13)

Fax# 0997-580188
 dctorghar@gmail.com

To: The District Education Officer (M)
 Torghar

Subject: **INQUIRY PROCEEDING FOR VERIFICATION OF DOMICILE IN THE LIGHT OF JUDGEMENTS OF HONORABLE HIGH COURT PESHAWAR BENCH ABBOTTABAD, RENDERED IN WP NO.897-A/2016,48-A/2017 AND No.1082-A/2016 AGAINST GOVT:**

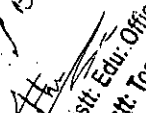
Reference to your office letter-No. 4956 Dated: 03-07-2018 on the Subject cited above;

Enclosed Please find herewith an Inquiry report submitted by Additional Deputy Commissioner Torghar for further necessary action.


 Deputy Commissioner
 Torghar


ATTESTED

Verified to be true copy / Better Copy


 Asst. Distt. Edu. Officer
 (Male) Distt. Torghar
 23/12/2018



Office of the Additional Deputy Commissioner
District Torghar

No. Steno/ADC (2018)/TG/ 132
Dated Torghar the 27/12/2018

19
14

To,

The Deputy Commissioner
Torghar.

Subject: **INQUIRY**

In pursuance of the Deputy Commissioner Office letter bearing NO. Dom/DC (2018)/TG/1944 dt: 02-10-2018, wherein, the Additional Deputy Commissioner Torghar was asked to conduct inquiry regarding the domicile verification of the following persons:

1. Hasham Ali S/O Hazrat Ahmad.
2. Muhammad Ikram S/O Muhammad Ishaq.
3. Muhammad Amjad Ali S/O Fazal Rabi.
4. Noor Zada S/O Ghulam Muhammad.
5. Attah Ullah S/O Shehzada.
6. Siad Farid S/O Abdul Shahid.
7. Nasrat Shah S/O Iqbal Shah.
8. Abdul Jalil S/O Abdul Ghafor.
9. Jamal Khan S/O Hajim Khan.

BACKGROUND:-

The above named persons were appointed as teachers by the Education Department Torghar. Their domicile certificates were sent to Deputy Commissioner Office Torghar for verification which were not verified. Consequent upon non-verification of their domicile certificates, the appointment orders of the above mentioned teachers were withdrawn by the Education Department. These teachers sought relief from the Peshawar High Court through filing writ petition No. 897-A/2016, No. 48-A/2017, and No. 1082-A/2016 (Annex A). Peshawar High Court Abbottabad Bench re-instated the above mentioned teachers vide judgment dt: 15-05-2018 dt: 09-05-2018 and dated: 10-05-2018 respectively (Annex B) leaving the respondents at liberty to proceed against them in accordance with law and rules if they so desire.

Education Department Torghar requested Deputy Commissioner Torghar vide letter No. 4956 Dated: 03-07-2018 to conduct inquiry as per judgment of the Peshawar High Court Abbottabad Bench, as the case is not fit for CPEA in the August Supreme Court of Pakistan. (Annex C)

PROCEEDINGS:-

The Undersigned proceeded with the matter and issued notices to the teachers to appear before the undersigned alongwith their supporting documents. They were also directed to bring with them village secretary, village Nazim, Tehsil Member, District Member and District Nazim for recording evidence for or against them, as the case may be. They alongwith village secretary, village Nazim/Naib Nazim, Tehsil Member, District Member and District Nazim appeared before the Inquiry Officer and recorded their statements verifying the residential status of the above mentioned teachers. The undersigned have gone through the documents i.e. (Domicile Certificates, CNICs) residential certificates and statements of the local elected representatives (Annex D1 to D9)

FINDINGS/ RECOMMENDATIONS

From the above proceedings, statements of the local representatives and examination of the documents provided by the candidates. It seems that the above mentioned teachers are residents of District Torghar and the domicile certificates have rightly been issued to them.

Report is submitted

Verified
Asstt. Distt. Edu. Officer,
(Male) Distt. Torghar
27/12/2018

Additional Deputy Commissioner
Torghar

ATTESTED

NOTIFICATION

In pursuance of the Section -3 of the Khyber Pakhtunkhwa employees of Elementary & Secondary Education Department (Appointment and Regularization of Service Act: 2017 read with Section -1 Sub-section (2) of the act ibid and Elementary and Secondary Education Department Khyber Pakhtunkhwa Notification No. SO(S/F) E&SED/3-2/2018/SITT/Contract, Dated 16.02.2018, Service of the following Teacher (GT BPS-15) appointed on Adhoc basis on Contract, are hereby regularized in BPS-15 on the Same post in Teaching Cadre on the terms and condition given below with effect from the date of his appointment on the CT post.

S.No	Roll No	Name	Address	Total Marks (out of 200)	School	Appointment order No. & Dated
1	602700614	Abdul Jalil	Darbani Aka Zai Tor Ghar	97.0	GMS Judba	No.919-28 Dated 09.04.2016

TERMS & CONDITIONS.

1. His service will be governed by the Khyber Pakhtunkhwa Civil Servant Act: 1973 Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teacher, Lecturers, Instructors and Doctors) Regularity Act: 2011 & such rules & regulations as may be issued from time to time by government.
2. His pay will be released subject to verification of academic documents testimonials from the concerned Boards/ University by the District Education Officer Male Tor Ghar, anyone who found fake documents will be dismissed from service and the case will further be reported to the law enforcing agencies for action under the relevant law.
3. His service shall be considered regular and he will be eligible for pension/ deduction of GP Fund in the terms of Khyber Pakhtunkhwa Civil Service Act: 1973 as amended in 2013.
4. His service is liable to termination on one month notice from either side. In case of resignation without notice, his one month pay/allowances shall be fortified to the government Treasury.
5. He possess the requisite qualification and experience required for a regular post.
6. He has not resigned from the services or terminated from services on account of misconduct, inefficacy or any other ground before the commencement of the Act: of 1973.
7. His regularization will not affect the promotion quota of existing holders of posts in cadre of CT.
8. He will rank to all other employees belonging to the cadre who are in service on regular basis on the commencement of the this act: and will also rank junior to such other persons if any, who in pursuance of the recommendations of the Khyber Pakhtunkhwa public service commission made before the commencement of this act; or to be appointed to the cadre irrespective of his actual date of appointment.
9. The seniority shall be determined on the basis of his continuous service in cadre provided that if the date of continuous service in the case of two or more employees is the same, the employee older in the age shall be rank senior to the younger one.
10. The competent authority reserves the right to rectify the errors and omission, if any noted/observed at any stage in instant order issued erroneously:

Endst: No 244-50 / Dated 29/15 /2019.

Copy for information to the.

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar
3. District Monitoring Officer (IMU) Tor Ghar.
4. District Account Officer Tor Ghar
5. Head Master GHS/GMS Concerned.
6. Teacher Concerned.
7. Office File.

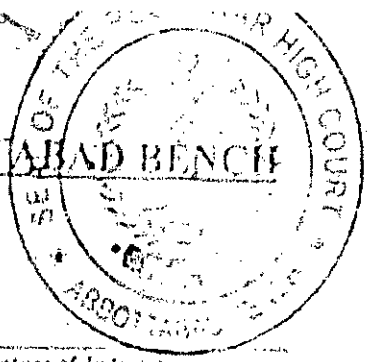
--Sd--
District Education Officer (M)
E&SE Tor Ghar

District Education Officer (M)
E&SE Tor Ghar

Head Master
GMS Seri Kohani
H/Z Torghar

HIGH COURT, ABBOTTABAD BENCH

ORDER SHEET



Order or other Proceedings with Signature of Judges.

2

C.O.C No.136-A-2019

Present: Mr. Nazakat Ali Janoli, Advocate, for the petitioner;

Sardar Muhammad Asif, Assistant Advocate General, for the respondents

....

SHAKEEL AHMAD, J: By means of this contempt

petition, the petitioner has sought the following relief:

"It is therefore, most humbly prayed that the contempt proceedings be initiated against the respondents for disobeying the order of this Court and exemplary punishment be awarded, respondents may graciously be directed to pay salaries/ benefits for the period between 07.09.2016 to 03.07.2018 alongwith increment 2016, 2017 and 2018."

2. In essence, the grievance of the petitioner is that though he has been reinstated in service by the respondents in view of the order dated 09.05.2018 of this Court, passed in WP No.1082-A/2016, however, they have denied payment of back benefits to the petitioner.

3. Arguments heard. Record perused.

4. Perusal of record reveals that while allowing


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the aforesaid writ petition filed by the petitioner, this Court directed the respondents, as under:

"In the wake of the above and for the reasons given in the referred judgments, this petition is allowed and consequently, the impugned notification dated 07.09.2016" is declared as illegal, unlawful and-of no legal effect with direction to the respondents to re-instate the petitioner in his service, however, the respondents would be at liberty to proceed against him if they so wish but in accordance with law rules on the subject."

The record reflects that the respondents, in compliance with the above referred direction of this Court passed in WP No.1082-A/2016, re-instated the petitioner in service vide Notification bearing Endst.No.4937-43 dated 03.07.2018, thus, the judgment of this Court has been implemented by the respondents. Since, there was no direction qua payment of back benefits to the petitioner in the judgment of this Court, the respondents were not under obligation to grant such benefits. Needless to refer that the respondents have already mentioned in the said notification that the arrears of pay and allowances will be decided on the outcome of the denovo inquiry. As such, contempt of Court proceedings cannot be initiated against the respondents, when they have already complied with the order of this Court dated 09.05.2018.

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EXAMINER
15 JAN 2021
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns:

[Signature]
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5. In view of above, this petition is dismissed. However, the petitioner shall be at liberty to approach the appropriate forum provided under the law for redressal of his grievance, if any, in accordance with law qua the issue of back benefits.

Announced.
Dt.13.01.2021.

JUDGE

JUDGE

[Signature]

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EXAMINER
13/01/2021
Peshawar High Court and Bench
Authorized Under Sec 75 Evid Ordns

M.Saleem/PS*

(DB) Mr. Justice Mohammad Ibrahim Khan and Mr. Justice Shakeel Ahmad

جناب ڈائریکٹر صاحب اہل سنتی ایگزیکٹو ڈیپارٹمنٹ جی پی آر سٹیٹس
جناب عالی!

H (19)

کسواں :- دارالسنن سرائے اور سٹیٹس سدابق تقابحات
03-07-2018 سے 07-09-2018

مزارش کی جاتی ہے کہ سائل
09-04-2016
کر سے۔ ڈی یو ڈی ایف میں تغیرات ہوا اور ڈی یو ڈی ایف سے سرائے کے سوا
کو ڈی یو ڈی ایف میں پینشن نہ ملنے کی وجہ سے withdraw کر دیا گیا جو کہ سائل نے
آڈر کو پیشہ رو پانچ کورٹ ایپل آف ایڈ جج میں challenge کیا اور کورٹ نے 07-5-2018
کو DE-NOVO انکوائری کی بنیاد پر سائل نے حق میں فیصلہ دینا شروع کیا تاکہ
صواب ہو جائے۔ DEO ٹورنٹر نے سائل کو 03-07-2018 کو Re-Instate کیا اور
D.C ٹورنٹر نے انکوائری لگائی جو کہ انکوائری پورے حق میں ہوئی اور DEO ٹورنٹر
نے پینشن کا واحد Appointment First آڈر سے مستعمل (Regularized) کیا
اس لیے آپ کے حدمت میں عرض ہے کہ سائل کو
سدابق تقابحات (رہائی 07-9-2016 سے 03-07-2018 تک) کی ادائیگی کا حکم صواب و قرار
مشکوور و صادر ہے۔

پینشن ٹورنٹر کی

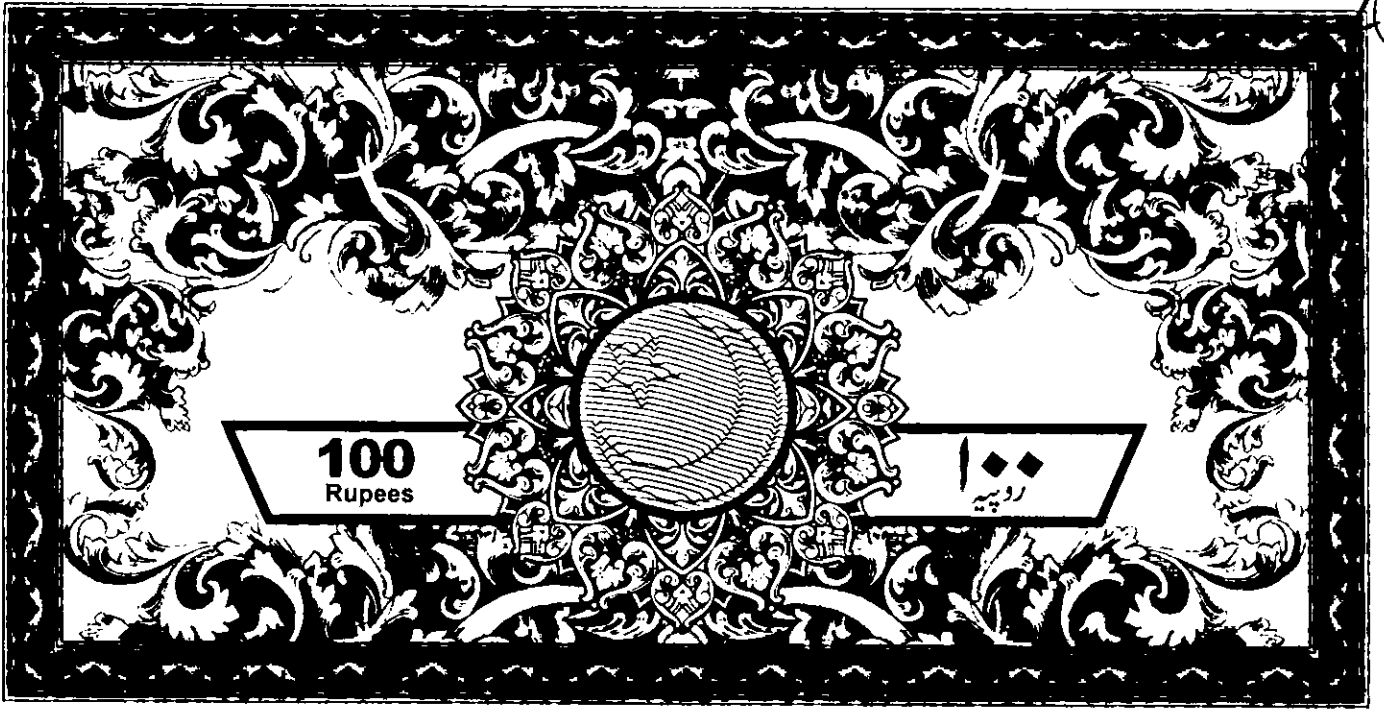
الغرض آپ کا نام و نامور
عبدالرحمن

جو ایف اے ایس ڈی کے تویابی صلح ٹورنٹر

ADDE (m)
2018

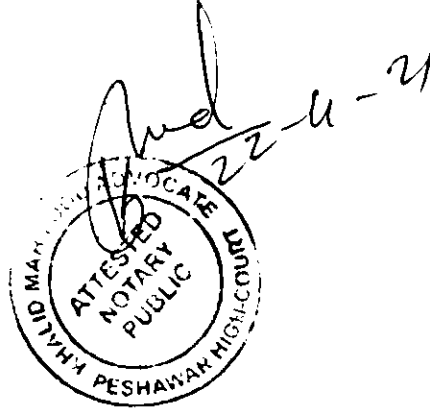
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22-6-2018

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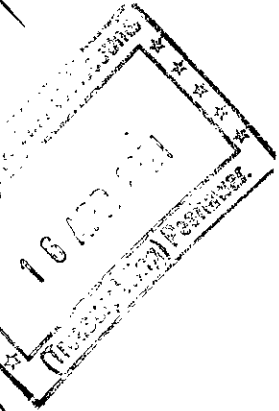


میں مسیٰ عبد الجلیل حلفاً بیان کرتا ہوں
 کہ 09-7-2016 سے لیکر 07-7-2018 تک میں
 نے کسی بھی سرکاری اور غیر سرکاری ملازمت میں
 کس اور نہ ہی کسی اور سے کوئی روزگار لیا ہے۔

عبد الجلیل
 حلف



John Smith



Handwritten signature or initials over a faint rectangular stamp.

224

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Abdul Jalil

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt. etc.

(Respondent)
(Defendant)

I/We, Education Abdul Jalil

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021

Jalil
(CLIENT)

ACCEPTED

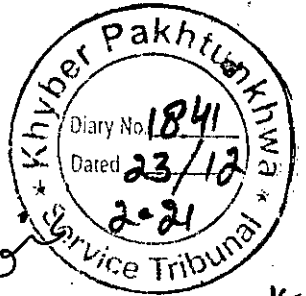
Taimur Ali Khan
TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

محکمہ صحت خیبر پختونخوا صاحب سرورس ٹریبونل خیبر پختونخواہ پشاور

صباح عالی



4971/21 / 4975/21 کیس نمبر Early hearing کے لیے درخواستیں

Fix in 1st week
week of Feb, 2021
23/12/2021

گزارش کی جاتی ہے کہ سائیلین کا کیس

سے پانچورٹ میں چلتا آ رہا تھا۔ چار پانچ سال پانچورٹ میں

گزارش اور بعد میں فیصلہ ہوا کہ *proper forum* یعنی سرورس ٹریبونل

جائیں۔ ہم نے سرورس ٹریبونل میں کیس دائر کیا ہے لیکن جس کی بہت ہی لمبی

تاریخیں ملتی ہے جس کی وجہ سے ہم بہت پریشان ہیں۔ حالانکہ ہمارے

کیس میں سارے ٹیکس جمع ہیں۔ اور 14 دسمبر 2021 تک کیسے ٹیکس تھا

لیکن خیبر پختونخواہ کی *tax laws* پر تھا جس سے ہمارا تاریخ نہیں ہو سکا۔ اور

یہ ہمارا کیس 29 مارچ 2022 کو ٹیکس کر دیا گیا جو کہ بہت دور ہے

ہمارے بہت سہولتیں مسائل اور مجبوریوں ہیں جس کی وجہ سے ہم بہت پریشان

ہیں۔ اس لیے آپ کے ذہن اقدس میں عاجزانہ اور دردمندانہ

مسائل اور مجبوریوں کو مد نظر رکھ کر ہمارا کیس

اپیل ہے کہ ہمارے مسائل کو مد نظر رکھ کر ہمارے

جنوری میں ٹیکس کر کے مشکور فرمادیں۔

سائیلین آپ اور آپ کے اہل خانہ کے لیے دعا ہیں گے

عین لودارتھی ہوگی
آپ کے محفل

عبدالجلیل اور دیگر

4971/21 اور 4975/21 کیس نمبر

Mobile # 0346-9083093

Put up to the worthy chairman
with relevant appeal.

Deed

23/12/21

29 مارچ 2022

ٹیکس ہے جو کہ میں وہی برقرار رکھنا چاہتا ہوں۔

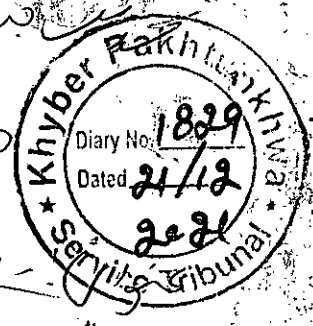
Abdul Jaleel

27/12/2021

Connected cases.

- 1 - 4975/21 Abdul Jalil
- 2 - 4976/21 Atta Ullah
- 3 - 4977/21 Muhammad Mirza

صاحب جسٹریٹ میں صاحب سرس ٹریبونل صبر بختو کو لاشار



Put up the writs along with application
4971/21, 4975/21

Early hearing کی درخواست

صاحب عالی

NFA

21/12/2021

گزارش کی جاتی ہے کہ سائیلین کا کیس 2016 میں
بائیلوٹ میں چلتا رہا، چار پانچ سال بائیلوٹ میں گزارا اور بعد میں

موصول ہوا کہ proper forum یعنی سرس ٹریبونل جائیں۔ ہم نے
سرس ٹریبونل میں اس کیس دائر کیا لیکن ہمارے کیس میں بت میں ہی
تا دیکھیں ملتی ہیں جس کے وجہ سے ہم متواتر قرضدار ہوتے رہے حالانکہ
ہمارے کیس میں سارے ٹیمپس جمع ہیں اور 14 دسمبر 2021 کو بحث
کے لیے فکس تھا لیکن جسٹریٹ میں صاحب وزٹ پر تھا جس کی وجہ سے
ہمارا تاریخ نہیں ہو سکا اور پھر ہمارا کیس 29 مارچ 2022 کو
چلنے لیا جو کہ بت دور ہے ہمارے بت میں مسائل اور مجبوریوں

لسٹڈا آپ سے عاجزانہ گزارش ہے کہ ہمارے مجبوریوں
کو مدنظر رکھتے ہوئے ہمارا تاریخ دسمبر کے آخر میں فکس کر کے
منکو فرماویں

سائیلین آپ اور آپ کے اہل خانہ کے لیے دعا گو
رہیں گے

عین نواز شاہ پوچی

آپ کا مخلص

عبد الجلیل اور دیگر

کیس نمبر 4975/21 اور 4971/21

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No.4975/2021

Abdul JalilAppellant

VERSUS

Govt. Khyber Pakhtunkhwa through Secretary Elementary & Secondary
Education & Others..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS

UNDER:

INDEX

S.No	Particular of Documents	Annexure	Pages
1	Parawise comments along with affidavit		1-6
2	Copy of Appointment order	"A"	7-8
3	Domicile certificate & Copies of Letters regarding verification of Domicile	"B-C-D & E"	9-14
4	Copy of withdrawn order	"F"	15
5	Copies of Judgment of High Court Abbottabad Bench & Reinstatement order	"G-H"	16-18
6	Copies of letters for inquiry regarding domicile certificate	"I-J & K"	19-22
7	Copy of High Court Order passed in COC No.136-A/2019	"L"	23-25

Respondent NO 3
12/10/2021

BEFORE THE HONARABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No.4975 /2021

Abdul JalilAppellant

VERSUS

Govt. Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, & Others..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1-5

RESPECTFULLY SHEWETH:

The respondent submit as under:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of actions/locus standi.
2. That the instant appeal is filed by suppressing the material facts from this honorable Tribunal, hence not maintainable.
3. That the appellant was reinstated in the light of Judgment of Peshawar High Court Bench Abbottabad subject to outcome of denovo enquiry regarding verification of his Domicile Certificate and after conducting the denovo enquiry by Deputy Commissioner Tor Ghar, his pay has been released and arrears for the period of performance of duty have also been paid to him.
4. That the instant appeal is against the prevailing law & rules.
5. That the instant appeal has been filed just to pressurize the respondents.
6. That this honorable tribunal lacks jurisdiction in the instant matter in issue.
7. That the instant appeal is hopelessly time barred.
8. That the appeal is bad for mis-joinder and non-joinder of the necessary and proper parties.
9. That the appellant is estopped to sue through his own conduct.



REPLY ON FACTS :-

1. That Para No-1 is incorrect, his appointment order was withdrawn due to non-verification of his domicile certificate.
2. In reply to Para No. 2 it is stated that, while deciding the case, the High Court held in the judgment that impugned order have been passed on the back of the appellant and he was not associated at all in the enquiry proceeding where under, his domicile was found un-verified/fake.
3. In reply to Para No.3, it is stated that incompliance of the judgment of Honorable Peshawar High Court Abbottabad bench dated 09.05.2018 in writ petition No.1082-A/2016 the service of appellant was reinstated subject to outcome of denovo enquiry regarding verification of his domicile certificate.
4. In reply to para No.4 it is stated that the Deputy Commissioner Tor Ghar conducted denovo enquiry by participating him in enquiry proceeding and submitted his recommendations that he is resident of District Tor Ghar and his domicile certificate has rightly been issued to him.
5. In reply to para No. 5, it is submitted that appellant and 12 other candidates were appointed on adhoc basis vide order Endst: No.919-28/dated Tor Ghar 09th April 2016 (Annexure -A. As per Para No.5 of the terms & conditions of appointment order (Annexure-A) the domicile of appellant (Annexure -B) was forwarded to authority/Deputy Commissioner Tor Ghar for verification vide No.1593 dated 31.05.2016 (Annexure-C). The Deputy Commissioner Tor Ghar issued letter No. Gen (2016)/DC/TG/1936 dated 30.08.2016 (Annexure-D). And Assistant Commissioner letter No. AC(2016)/TG 2792-93 dated 18.08.2016 (Annexure-E), the District Education Officer (M) E&SE Tor Ghar withdrawn/denotify the appointment in respect of Abdul Jalil CT GMS Judba vide Endst: No. 2818-25

- 3 -

Dated 07.09.2016 (Annexure-F). The appellant alongwith others filed writ petition No. 1022-A/2016 before the Honorable High Court Peshawar which was decided on 09.05.2018 (Annexure -G) with the following directions:

“... with directions to the respondent to re-instate
The petitioner in their service, however the
Respondent would be at liberty to proceed against
them if they so wish but in accordance with law &
rules on the subject”

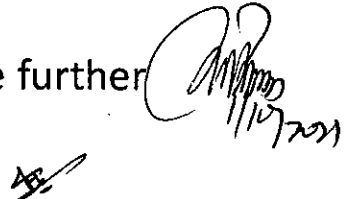
As per ibid judgment of Honorable High Court, the department issued notification No. 4937-43 Dated 03.07.2018 (Annexure-H) regarding re-instatement. Therefore the DEO (Male) Tor Ghar issued letter No. 4530-33 Dated 22.05.2018 (Annexure-I) to Deputy Commissioner Tor Ghar for conducting of enquiry regarding verification of domicile. The Deputy Commissioner Tor Ghar vide letter No. Dom/DC/(2018)/TG/2253 dated 31.12.2018 (Annexure-J) submitted the inquiry report of Additional Deputy Commissioner Tor Ghar dated 27.12.2018 (Annexure K) to the DEO (Male) Tor Ghar. In view of the inquiry report (Annexure J&K), his pay have been released in the light of the judgment of High Court and arrears for the period of performance of duty have also been paid, No such order regarding payment of back benefits was made by the Honorable High Court for period, he remained out of service. Appellant has also filed COC No.136-A/2019 in the Peshawar High Court Abbottabad Bench for initiating of contempt proceeding against the respondents, wherein the Honorable Court hold that as the respondents implemented the judgment dated 09.05.2018 by reinstating the appellant and since there was no directions qua payment of back benefits, hence, the COC of the appellant was dismissed on 13.01.2021 (Annexure-L).

6. In reply to para No. 6, it is submitted that no order for grant of back benefits was passed by the Honorable Court for the period he remained out of service.

7. No. The Appellant has no cause of action/locus standi.


REPLY ON GROUNDS :-

- A) Incorrect, hence denied. His reinstatement order was made subject to outcome of denovo enquiry regarding the genuineness of his domicile certificate for the purpose of payment of salary for the period of his duty performance.
- B) Incorrect, Complete and comprehensive reply has already been given in preceding paras alongwith entire relevant record.
- C) That para No. C of the grounds as composed is incorrect. After conducting denovo enquiry regarding his domicile certificate, his pay was released and arrear for the period of performance of duty as was also paid to him.
- D) Incorrect, hence denied. Detail reply has already been given in supra Para No.5.
- E) Incorrect hence denied. Detail reply already given in supra para No.5.
- F) Incorrect, against the record, without any proof, hence denied.
- G) As stated in para ibid.
- H) Incorrect, against the record, without any proof, hence denied
- I) That the Respondents seek permission to argue further points at the time of arguments.

A handwritten signature in black ink is located at the bottom right of the page. Below the signature, the date '11/07/2011' is written in black ink.

In the light of above stated facts & circumstances, it is most humbly prayed that the instant appeal may kindly be dismissed with cost.

Respondent. No.1


Secretary Education

(E&SE) Peshawar.

SECRETARY
Elementary and Secondary Education
Govt. of Khyber Pakhtunkhwa

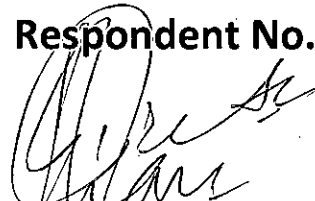
Respondent No.3


District Education Officer (Male)

District Tor Ghar

District Education Officer
(Male) Tor ghar.

Respondent No. 2


Director Education

(E&SE) Peshawar

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Respondent No.4


Secretary Finance

Peshawar

SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Deptt:

Respondent No.5


District Account Officer Tor Ghar

District Account Officer
Torghar

BEFORE THE HONARABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No. 4975/2021

Abdul Jalil.....Appellant

VERSUS

Govt: of KPK through Secretary E&SE and other.....Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS

UNDER:

AFFIDAVIT

I, Mr, Haziq-ur-Rehman DEO (M) District Torghar, do hereby solemnly affirm on oath, that the contents of Parawise comments are True & Correct in the best of my knowledge & belief and nothing has been concealed or suppressed from this honorable tribunal.


DEPONENT



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DISTRICT TOR GHAI

NOTIFICATION

Consequent upon the recommendations of the Departmental Selection Committee, appointment of following candidates are hereby ordered against the post of Certified Teacher (CT General) School B in BPS-15 (Rs.10985-905-38135/- @ 10985, fixed plus usual allowances as admissible under the rule adhoc basis and school basis initially for a period of one year under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with effect from the date of taking over charge :-

S.NO	NAME OF TEACHER	FATHER NAME	SCORE	NAME OF SCHOOL WHERE APPOINTED	REMARK
1	Kifayat Ullah	Muhammad Tahir	90.58	GMS Kand Dour Mera	Against
2	Nusrat Shah	Iqbal Shah	92.37	GMS Shadag	--do--
3	Mujeeb Ur Rahman	Sultan Said	99.76	GMS Shagai	--do--
4	Shabbir Ahmed	Ikhtiar Malook	78.13	GMS Shingaldar	--do--
5	Abdul Jalil	Abdul Ghaffar	97.0	GMS Judba	--do--
6	Haleem Zada	Shereen	93.63	GMS Judba	--do--
7	Shakir Ullah	Ali Muhammad	96.16	GMS Shatal	--do--
8	Bakhti Zar Said	Nawab Said	112.19	GMS Cheer	--do--
9	Sharifur Rahman	Yaqub Khan	95.07	GMS Kottlay	--do--
10	Sham Shair	Asim Khan	94.13	GMS Kottlay	--do--
11	Safi Ullah	Aadur Raif	91.99	GMS Kand Bala	--do--
12	Meraj Mehmood	Wazir Ur Rehman	106.32	GMS Kotkay	--do--
13	Syed Alam Khan	Syed Munawar Alam Khan	105.82	GMS Darow	--do--

TERMS & CONDITIONS:

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & adhoc basis initially for a period of one year.
4. They should not be handed over charge if their age is above 35 years or below 18 years.
5. Their Appointments are subject to the condition that their **CERTIFICATE/DOCUMENTS AND DOMI** verified from the concerned authorities by the District Education Officer (M), anyone who found produced documents will be dismissed from service and the case will further be reported to the law enforcing for action under the relevant law.
6. Their services are liable to termination on one month's notice from either side. In case of resignation notice his one-month pay/allowances shall be forfeited to the Government treasury.
7. Their Pay will not be activated until and unless pay release order is not issued by the competent authority verification of their documents by the District Education Officer.
8. They should join their post within 10 days of the issuance of this notification. In case of failure to join within 10 days of the issuance of this notification, their appointment will expire automatically and no appeal etc shall be entertained.

9. They should produce Health and Age Certificate from the Medical Superintendent concerned before charge.
10. They will be governed by such rules and regulations as may be issued from time to time by the Government.
11. Their services shall be terminated at any time, in case their performance is found unsatisfactory contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
12. Their appointment is made on School based, they will have to serve at the place of posting, and they are not transferable to any other station.
13. The competent Authority reserve the right to rectify the errors and omissions, if any noted/observed stage in the instant order issued erroneously.
14. Before handing over charge their document should be checked by the concerned Head of institution. If they don't possess the prescribed qualification of the post they should not be handed over the charge.

--SD--
Abdullah
District Education Officer (N
E&SE Tor Ghar

Order No. 919-28/Dated Tor Ghar 09th April 2016.

Copy forwarded for information and necessary action to the: -

1. Secretary to Government Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. PS to Minister E&SE Department Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner District Tor Ghar.
5. District Accounts Officer Tor Ghar at Mansehra.
6. District Monitoring Officer (IMU) Tor Ghar.
7. District Education Management Information System (DEMIS) Local Office.
8. Head Masters GMS Concerned.
9. Officials Concerned.
10. Office File.


District Education Officer (N
E&SE Tor Ghar

DOMICILE CERTIFICATE

DISTRICT TORGHAR KHYBER PAKHTUNKHWA

I, Mr/Ms. ABDUL JALIL

S,D,W/O. ABDUL GHAFAR



declare that I have been permanently residing in District Torghar of Khyber Pakhtunkhwa and I am born of parents who are / were permanently domiciled in it. I further declare that I had not obtained Domicile Certificate of any other District / Province of Pakistan and express my intention to abandon my right of domicile of other District / Provinces of Pakistan except district Torghar.

I belong to DARBANI AKA ZAI

Tehsil KANBAR HABBAN ZAI District Torghar

I do solemnly affirm that the above declaration is true to the best of my knowledge and belief

Dated 4.5.2015

[Signature]
SIGNATURE OF THE APPLICANT

pursuance to the declaration dated 4.5.2015 by Mr/Ms. ABDUL JALIL

S,D,W/O. ABDUL GHAFAR is hereby certified that the said ABDUL JALIL

is the permanent resident of District Torghar having belonged to it by birth / settled in it.

I have satisfied my self from verification overleaf that the above declaration is true and certified accordingly

No. 3665

dated 15/5/2015

COUNTERSIGNED

[Signature]
Deputy Commissioner

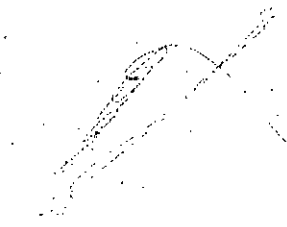
DEPUTY COMMISSIONER
TORGHAR

[Signature]
ASSISTANT COMMISSIONER
Additional Assistant Commissioner
TORGHAR
Deputy Commissioner
Torghar

10/12/1981

~~SECRET~~

10/12/1981



Being to the attention of the MEMBERS OF AKY ZAI
 HRS: ABDOL JALIL S/O ABDOL CHAFAR ABIB AKY ZAI in a permanent residence
 OF VILLAGE DARBANI AKY ZAI DISTRICT: LOOR CHAFAR.

MEMBERSHIP

13661-07944112-2/1/1981	4201-101010-1/1/1981	13661
13661	4201	13661
13661	4201	13661

13661-07944112-2/1/1981
 4201-101010-1/1/1981
 13661

Amx - C
Amx - F
10
19

OFFICE OF THE DISTRICT EDUCATION OFFICER (M&F) TOR GHAR

Ph. 0345-6660087 Fax. Nil
Email. torgharemis@gmail.com

No. 1593
Dated: 31/5/2016

Amx - F

To

The Deputy Commissioner,
District Tor Ghar

**Sub: VERIFICATION OF DOMICILE CERTIFICATES & CANCELLATION/WITHDRWL
OF APPOINTMENT ORDERS UPON VERIFICATION OF DOMICILES.**

Memo,

Reference your letter No.1223/DC (2016)/TG dated 09-05-2016 and letter No. 1062-66 AAC (R)(JUDBA)/TG Dated Torghar the 24-05-2016 received from Additional Assistant Commissioner (Revenue) Torghar (copy attached) in c/w the subject captioned above.

It is humbly stated that;

1. In para-5 of the appointment Notification Endst: No. 919-28/Dated Torghar April 9, 2016 it has been stated that "The appointments are subject to the condition that their certificates/documents & domiciles be verified from the concerned authorities by the DEO(M), anyone who found producing fake/bogus documents shall be dismissed from service and the case will further be reported to the law enforcing agencies for action under the relevant law & the domiciles then sent to your good self for verification or otherwise.
2. The reply received from your good end vide your letter No.1223/DC (2016)/TG dated 09-05-2016 declaring 27 domiciles as unverified & not as fake/bogus, means the said unverified declared domiciles can be declared verified at some later stages as in case of Mr. Muhammad Adil & Mr. Abdul Waheed who's domiciles once declared unverified & later on declared verified vide your office letter No. Estab/DC(2016)/TG/1468 dated Torghar the 26-05-2016.
3. In view of the above it is requested to kindly communicate the details of all such domiciles as fake/bogus rather than unverified please to peruse the case further as per rule.
4. Also please send the remaining pending domicile verification report for further necessary action please.

dc
District Education Officer (M&F)
Tor Ghar

Endst: No. 1594-95 dated 31/5/ 2016.

Copies submitted for information & necessary action to;

1. P.A to Director E&SE KP, Peshawar
2. Additional Assistant Commissioner (Revenue) Torghar
3. Office File

dc
District Education Officer (M&F)
Tor Ghar

Twitter. Type "Follow torghardeo" in your mobile message & send it to "40404" to get free updates of DEO Education office Torghar on your mobile.

-11- AMX-4D
OFFICE OF THE DEPUTY COMMISSIONER
DISTRICT TORGHAR

No.Gen(2016)/DC/TG/1936
 Dated Torghar the 30.08.2016

To

The District Education Officer
 Torghar.

Subject: **DOMICILE VERIFICATION**

Reference your office letter No. dated: (2-44)

This is continuation of this office letter No.583 dated:02-03-2016. Verification report in respect of Tehsil Kandar Hassanzai is forwarded for further necessary action, please.

S.No	Village council	Name	Father Name	Place of domicile	Verified/unverified	Remarks
01	Tegram	M. Suleman ✓	Abid Khan	Kunqar	Verified	
02	-do-	Abdullah ✓	Mehmood Rahman	Ur -do-	Verified	
03	-do-	Ibrar Ahmad Khan ✓	M. Farosh Khan	-do-	Verified	
04	Karoon, Hassanzai	Said Alam Khan ✓	Munawar Khan	Seri Kohani	Verified	
05	-do-	Israr Ahmad ✓	Muhammad Farosh Khan	-do-	Verified	
06	-do-	Mohibullah ✓	Ghulam Bahadur	Reel HZ	Verified	
07	Tilli Hassanzai	Sahib Zar Khan ✓	Said Bakht Shah	Tilli	Verified	
08	-do-	Mohsin Ali Shah	Liagat Ali Shah	-do-	Verified	
09	-do-	Saleem Shah	Hanif Shah	-do-	Verified	
10	-do-	Mehtab Shah ✓	Khitab Shah	-do-	Verified	
11	-do-	Muhammad Amin ✓	Muhamad Tahir	-do-	Verified	
12	-do-	Zahid Khan	Said ullah Khan	-do-	Verified	
13	-do-	Bakht Munir Shah ✓	Nasib Zar Shah	-do-	Verified	
14	-do-	Muslim Shah ✓	Taj Muhammad Shah	-do-	Verified	
15	Kandar Hassanzai	Yousuf Gul ✓	Sahib Gul	Kotkey Hassanzai	Verified	
16	-do-	Fazal Sadig	Abdul wahab	-do-	Verified	
17	-do-	Naseebullah ✓	Jahanzaib	-do-	Verified	
18	-do-	Miss. Saima	Muhammad Munir	-do-	Verified	
19	-do-	Naseerullah ✓	Jehanzaib	-do-	unverified	
20	-do-	Muhammad Khan ✓	Samandar Khan	-do-	Verified	
21	Palosa Hassanzai	Raqeebullah Khan ✓	Amin Khan	Kunjo Hassanzai	Verified	
22	-do-	Suleman Khan	Yakmeen Khan	-do-	Verified	
23	-do-	Muhammad Rizz ✓	Karim Shah	Palosa HZ	Verified	
24	-do-	Muhammad Zehid ✓	Muhammad Nasib Khan	-do-	Verified	
25	-do-	Faizu Ur Rehman	Abdur Rehman	-do-	Verified	
26	-do-	Niamat Rehman	Gul Umar Dad	-do-	Verified	
27	Gari HZ	Fazal Nawaz Khan ✓	Mir Nawaz Khan	New Keley HZ	Verified	
28	-do-	Faiz ur Rehman ✓	Sahib Rehman	Gari HZ	Verified	
29	-do-	Abdul Jil ✓	Abdul wahid	-do-	Verified	
30	-do-	Muhammad Iqbal ✓	Muhammad Laig	-do-	Verified	
31	Bio HZ	Gul Nabi Shah ✓	Faniza Ali Shah	Karna HZ	Verified	
32	-do-	Rehman Ghani ✓	Sakhi Bahader	-do-	Verified	
33	-do-	Muhammad Khan	Asif Gul Wahid Shah	-do-	Verified	

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verificat.

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34	-do-	Jehanzab Khan ✓	Farid Khan	Kuniaziz	Verified
35	-do-	Abdul Sadiq ✓	Nasim Khan	Bio HZ	Verified
36	-do-	Ashfaqullah ✓	Zarin Khan	-do-	Verified
37	Bimble Akazai	Kifayatullah ✓	Muhammad Tahir	Mera Akazai	Verified
38	-do-	Abdul Raheem ✓	Miskeen Khan	-do-	Verified
39	-do-	Rozamin Khan ✓	Malik Said	Khadang Akazai	Verified
40	-do-	Zar Muhammad ✓	Imam Khan	-do-	Verified
41	-do-	Khateeb Shah ✓	Mubarak Shah	-do-	Verified
42	-do-	Mumtaz Khan ✓	Ajmal Khan	-do-	Verified
43	-do-	Raheemullah ✓	rehmatullah	-do-	Verified
44	-do-	Gulabzada ✓	Naseeb Zada ✓	-do-	Verified
45	-do-	Sadiq Zar ✓	Gulazar	-do-	Verified
46	-do-	Irshadullah ✓	Habibullah	-do-	Verified
47	-do-	Abdullah ✓	Taluq Khan	-do-	Verified
48	-do-	Yousuf Shah ✓	Rozi shah	-do-	Verified
49	-do-	Ameer Khan ✓	Muhammad Khan	-do-	Verified
50	Kand Akazai	Shahidullah ✓	Sheikh Khan	Kopra Akazai	Verified
51	-do-	Syed Asadulah Shah ✓	Sabit Rasool	Zungley Akazai	Verified
52	-do-	Abdul Rehman ✓	Shahzada Rasool	-do-	unverified
53	-do-	Fazal Nawab ✓	M. Ismail	Dharo Akazai	unverified
54	-do-	Shahid Husain ✓	Abdul wahab	Kopra Akazai	unverified
55	-do-	Zahid Husain ✓	Abdul wahab	-do-	unverified
56	-do-	Al Adi ✓	Gul Malak	-do-	unverified
57	-do-	Azizullah ✓	Shah zar	-do-	unverified
58	-do-	Safi Ullah ✓	Abdul Rauf	-do-	Verified
59	Manjakot Madakhel	Abdul Manan ✓	Muhammad Ayub	Manjakot	Verified
60	-do-	Inamul Haq ✓	Saiti Shah	-do-	Verified
61	-do-	Nazmeen Khan ✓	Shan Farid	-do-	Verified
62	-do-	Abdul Razaq ✓	Rozi Rehman	-do-	Verified
63	-do-	Magbool shah ✓	Skhi Shah	-do-	Verified
64	-do-	Shazia bibi ✓	Khalid Khan	-do-	Verified
65	Karor Madakhel	M. Ibrahim ✓	Nasrullah Khan	karor	Verified
66	-do-	Irfan Ullah ✓	Waris Khan	-do-	Verified
67	-do-	Sher Muhammad zal ✓	Muhammad Afzal	-do-	Verified
68	-do-	Zar Khiab Gul ✓	Sakhi Mat Gul	Do	Verified
69	-do-	Imam Gul ✓	Behram Gul	Do	Verified
70	-do-	Zakir Khan ✓	Nazar khameed Khan	Do	Verified
71	-do-	Rokhaib gul ✓	Sakhi mat gul	Do	Verified
72	Chund Mada Khail	Wakcel Khan ✓	Faqeer Muhammad	Sulmanay	Verified
73	-do-	Hazrat Islam ✓	Hazrat Gul	-do-	Verified
74	-do-	Zehar Khan ✓	Umar said	Dadam	Verified
75	-do-	Wahid gul ✓	Qemat gul	Do	Verified
76	-do-	M Zada ✓	M Haneef	Do	Verified
77	Do	Bakhti zar said ✓	Nawab said	Do	Verified
78	Do	Khabib said ✓	M said	Do	Verified
79	Do	Amon said ✓	Qemat said	Charakot	Verified
80	Tetay mada khail	Zar Muhammad Shah ✓	M. Shah	Dio	Verified
81	Do	Ibrahim ✓	Sabit Khan	Do	Verified
82	Do	Ijaz Muhammad ✓	Amen Khan	Tetay	Verified
83	Do	Nor Ul Amin ✓	Said Malik Khan	Do	Verified
84	Do	Ehsan Ullah ✓	Ata Muhammad	Do	Verified
85	Do	M Said ✓	Gul Shan Said	Do	Verified
86	Do	Abdullah ✓	Hameed Ullah	Mabra	Verified
87	Mera Mada Khail	M Haneef ✓	Palas Khan	Mera Mada Khail	Verified
88	Do	Abdul Rehman ✓	Noor Shareef	Do	Verified
89	Do	Mohib Ullah ✓	Ohmadar Khan	Do	Verified
90	Do	Abdul Baseer Khan ✓	Said Zar Khan	Do	Verified
91	Do	M Shoab ✓	Zameen Khan	Do	Verified
92	Do	Saced Rehman ✓	Said Muhammad	Do	Verified
93	Do	Zar Muhammad ✓	Wala Jan	Do	Verified
94	Do	Abu Bakkar ✓	Lal Shareef	Do	Verified
95	Do	Gul Zar ✓	Zar dad Ullah Khan	Do	Verified
96	Do	Zarnab ✓	Said mar Gul	Do	Verified
97	Do	Naqash Gul Bi-bi ✓	Shereen Gul	Do	Verified
98	Do	M. Salay ✓	Wazeer Muhammad	Do	Verified
99	Do	Yasir Ayaz Khan ✓	Tamam Jan	Do	Verified
100	Do	M Younis ✓	M. Rasool	Do	Verified

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101	Do	Sami Ullah	Sari az Dad	Do	Verified	
102	Do	Usman	Gulab Zar	Do	Verified	
103	Do	Yaas Muhammad	M Zubaid Khan	Do	Verified	
104	Do	Wahid Ullah	Nazeer Khan	Do	Verified	
105	Do	Sahib Zar	Alaf Zareen	Do	Verified	
	Kalsuna Mada	Hussain Ahmad	Aziz Rehman	Chund		
107	Do	Samar Sher	Asim Khan	Do	Verified	
108	Do	M Ismail	Bakht zada	Do	unverified	(Appointed)
109	Do	Zafar Ullah	Si chzade	Ghari Mada Khail	Verified	
110	Do	Ibrahim	Taj Muhammad Khan	Do	Verified	
111	Do	Sadia	Fazal said	Do	Verified	
112	Do	Alaf said	Haleem ullah	Do	Verified	
113	Do	Rehman ullah	M Hanceel	Do	Verified	
114	Do	Muniar zada	Sheikh zada	Do	Verified	
115	Do	Behrullah	Sher zada	Do	Verified	
116	Do	Tahir Muhammad	Baaz Muhammad	Do	Verified	
117	Do	Atta Ullah	M Reman	Do	Verified	
118	Do	M Umair	Said Qayum	Sonia Mada Khail	Verified	
119	Do	Zar Wahid khan	Imam khan	Do	Verified	
120	Do	Faisal	Yaad Ullah	Do	Verified	
121	Do	Abdul Rasheed	Noor Muhammad Khan	Do	Verified	
122	Gowandla Mada	Miss. Razia	Momin Khan	Gowandla Mada Khail	Verified	
123	Do	Siraj Ullah	M Arif	Do	Verified	
124	Do	Anwar Zailb	Shah Hussain	Do	Verified	
125	Do	Hayat Muhammad	Hakeem Shah	Do	Verified	
126	Do	Muhammad Jamil	Umar Saeed	Do	Verified	
127	Do	Meraj Mehmood	Wazir Ur Rehman	Do	Verified	
128	Do	Fazal Amin	Muhammad Ayub	Do	Verified	
129	Do	Muhammad Salih	Muhammad Tahir	Do	Verified	
130	Do	Khuwaj Muhammad	Muhammad Ashraf	Do	Verified	
131	Do	Ameer Muhammad	Rehmat Sadique	Zilargy mada khail	Verified	
132	Do	Shahid Ur Rehman	Shah rasool	Do	Verified	
133	Do	Ahsan	Shafi Ur Rehman	Do	Verified	
134	Do	Waheed Ur Rehman	Ali Rehman	Do	Verified	
135	Do	Parvaiz khan	Farid Ullah	Do	Verified	
136	Do	Tawas khan	Sher khan	Do	Verified	
137	Do	Khan Muhammad	Fareed ullah	Do	Verified	
138	Do	Zubair wahab	Shair Muhammad	Do	Verified	
139	Do	Waris khan	Rosham khan	Badar mada khail	Verified	
140	Do	Muhammad shahid	Sheikh fareen	Do	Verified	
141	Do	Fazal Malik	Qabal Khan	Kot mada khail	Verified	
142	Darbani Aka Zai	Mastoreen	Maim krian	Darbani	Verified	
143	Do	Majid khan	Sahaid wali	Do	Unverified	
144	Do	Bakht zareen	Ghulab zareen	Do	Unverified	Appointed
145	Do	M Usman	Khitab Muhammad	Do	Unverified	Appointed
146	Do	Abdul jaleel	Abdul qhaffar	Do	Unverified	Appointed
147	Kand Akazai	Syed Farman Ullah Shah	Syed Usman Ullah Shah	Dharoo Akazai	unverified	Appointed
148	Ghari Hassan Zai	Akhtar Muhammad	Yaqeen Khan	Nadray Hassan Zai	unverified	

Deputy Commissioner
Torghar

18 -

14 - AMX "E"

Office of the Assistant Commissioner, Judba
District Torghar
No. AC(2016)/TG 2792-93
Dated Torghar the 18/08/2016

Amx 20-17

To

The District Education Officer (Male)
Torghar.

Subject:

VERIFICATION OF DOMICILE CERTIFICATES &
CANCELLATION/WITHDRAWAL OF APPOINTMENT ORDERS UPON
VERIFICATION OF DOMICILES.

Memo:

I am directed to refer your office letter No. 1593 dated: 31.05.2016 on the subject cited above and to state that as per direction of the worthy Deputy Commissioner Torghar that all the unverified domicile certificates may be considered as unverified/fake.

in
Assistant Commissioner
Judba Torghar

Encl: No. & Date Even:

Copy to the Deputy Commissioner Torghar for information, please.

Assistant Commissioner
Judba Torghar



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TOR GHAR

Ph. 0345-6660087 Fax. Nil
Email. torgharemis@gmail.com

No. _____
Dated: ___/___/2016

15 - AMX "F" B
B C

NOTIFICATION

Reference to the Deputy Commissioner Tor Ghar letters No. Gen (2016)/DC/TG 1936 Dated 30/08/2016 and Assistant Commissioner Letter No. AC(2016)/TG 2792-93 dated 18/08/2016, in connection with the terms and conditions No. 5 of the Appointment order issued vide this office Notification No.919-28 Dated 09/04/2016, the competent authority E&SE Tor Ghar is pleased to withdraw/denotify the appointment in respect of Abdul Jafil S/O Abdul Ghafar CT GMS Judba w.e.f the date of his appointment.

--SD--

District Education Officer (M)
E&SE Tor Ghar

Enidst: No. 2818-25 / Dated 7/9/2016.

Copy for information to the.

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar with the remarks that denotification and legal action has been initiated against the teachers as directed.
3. District Police Officer Tor Ghar with request to Lodge CR as per rules against above mentioned candidate.
4. District Nazim Tor Ghar.
5. District Account Officer Tor Ghar at Mansehra.
6. District Monitoring Officer (IMU) Tor Ghar.
7. District Education Management Information System (DEMIS) Local office.
8. Office File.

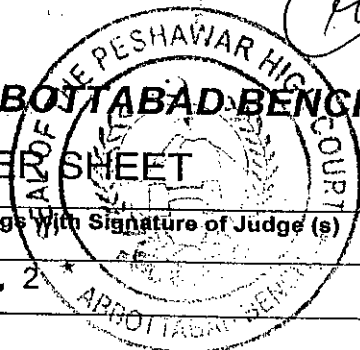
Dy: District Education Officer (M)
E&SE Tor Ghar

Note. All employees education department & other interested ones, please Type "Follow torghardeo" in your mobile message & send it to "40404" to get free tweets of DEO Education Torghar on your mobile.

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings With Signature of Judge (s)
1	2
09.05.2018	<p><u>W.P.No. 1082-A/2016.</u></p> <p>Present: Mr. Muhammad Naeem Akbar, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant A.G for respondents No.1 to 6 & 8.</p> <p>Mr. Junaid Anwar Khan, Advocate, for respondent No.7 alongwith Fakhar Saeed, ADEO Torghar.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.-</u> Through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has prayed this court for issuance of a writ declaring the notification bearing Endorsement No. 2818-25 dated 07.09.2016, as illegal, unlawful and of no legal effect whereby his appointment order has been withdrawn.</p> <p>2. Arguments heard and record gone through.</p> <p>3. At the very outset, learned counsel for the petitioner pointed out at the bar that the issue raised by the petitioner in this petition has already been laid to rest by this court in judgments dated 21.02.2018 and 22.02.2018 delivered in Writ Petitions No. 910-A/2016 and 209-A/2017 respectively wherein, while accepting both the</p>

Jan

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EXAMINER
30 APR 2019
Peshawar High Court Ad. Bench
Authorized Under Sec 75 of Ordns.

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referred petitions this court has not only declared likewise notifications as illegal and of no legal effect but at the same time also ordered for re-instatement of the petitioners therein in their service leaving the respondents at liberty to proceed against them, if they so wish but in accordance with law and rules on the subject.

4. Perusal of the case record would show that the petitioner's case is at par with the referred two writ petitions. When in all respect the petitioner's case is identical with the cases already decided by this court, then there would be no justification to take a view different than the one already taken by this court.

5. In the wake of the above and for the reasons given in the referred judgments, this petition is allowed and consequently, the impugned notification dated 07.09.2016 is declared as illegal, unlawful and of no legal effect with direction to the respondents to re-instate the petitioner in his service, however, the respondents would be at liberty to proceed against him if they so wish but in accordance with law and rules on the subject.

Sd/- Judge
Sd/- Judge

Certified to be True Copy
EXAMINER
30 APR 2017
Peshawar High Court
Authorized Under Sec. 75 Evid Ordns.

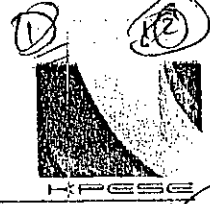
Saif, PS.

Hon'ble M.
Hon'ble Mr. Justice



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT TOR GHAR

Email: torghar@kpeee.gov.pk@gmail.com



NOTIFICATION

In compliance with the Judgment of Honorable Peshawar High Court Bench Abbottabad, dated 09/05/2018, in Writ Petition No. 1082-A/2016, the services of Mr. Abdul Jalil S/O Abdul Ghaffar Ex-CT is reinstated as CT at GHS Judba from the date of his withdrawn order.

His arrears of pay and allowances will be decided on the outcome of the de-novo inquiry.

SD

District Education Officer (M)
District Tor Ghar

Endst: No. 4937-43 /Dated 03/07/2018.

Copy for information to the.

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar.
3. District Monitoring Officer IMU Tor Ghar.
4. District Accounts Officer Tor Ghar.
5. Head Master GMS Concerned.
6. Teacher Concerned.
7. Office File.

District Education Officer (M)
District Tor Ghar



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DISTRICT TOR GHAR

No. 4956 / Dated 03/07/2018

To,

The Deputy Commissioner
Tor Ghar.

Subject: INQUIRY PROCEEDING FOR VERIFICATION OF DOMICILE IN THE LIGHT
JUDGEMENTS OF HONORABLE HIGH COURT PESHAWAR BENCH ABBOTTABAD
RENDERED IN WP NO. 897-A/2016, 48-A/2017 AND NO. 1082-A/2016 AGAINST GOVT

Memo:

I am to refer to the subject captioned above and to state,

1. That, this office had made Appointments of following candidates, subject to verification of testimonials & Domicile certificate as per detail given below.

S.No	Name	Father Name	Village & Tehsil	District
1	Muhammad Ismaeel	Bakht Zada	Kand Mada Khail	Tor Gha
2	Muhammad Ikram	Muhammad Ashiq	Fazal Basi Khail	Tor Gha
3	Said Farid	Abdul Shaheed	Judba Cheer	Tor Gha
4	Hashim Ali	HAzrat Ahmed	Uthlair Basi Khail	Tor Gha
5	Akhtar Muhammad	YAqeen Khan	Nadray Hassan Zai	Tor Gha
6	Jamal Khan	Hajim Khan	Kala Sar Judba	Tor Gha
7	Noor Zada	Ghullam Muhammadi	Shatal Judba	Tor Gha
8	Syed Farman Ullah Shah	Usman Ullah Shah	Daro Aka Zai	Tor Gha
9	Nusrat Shah	Iqbal Shah	Sormal Judba	Tor Gha
10	Sharif Ur Rehman	Yaqoob Khan	Shaloon Basi Khail	Tor Gha
11	Abdul Jalil	Abdul Ghaffar	Darbani Aka Zai	Tor Gha
12	Muhammad Amjad Ali	Fazal Rabi	Lonia Basi Khail	Tor Gha
13	Atta Ullah	Shehzada	Harnail Basi Khail	Tor Gha

2. That, subsequently, their appointment order were withdrawn/denotified w.e.f the date of appointment, due to non-verification of their Domicile certificates.
3. That aggrieved from the withdrawal orders dated of the then DEO Male Tor Ghar, they have filed writ petition No. 897-A/2016, No. 48-A/2017 and No. 1082-A/2016, under titled Muhammad Ismaeel, Muhammad Amjad Ali etc and Abdul Jalil VS Secretary Education etc. before Honorable Peshawar High Court Bench Abbottabad under article 199 of the constitution of the Republic of Pakistan 1973, with the contention to may declare the enquiry proceedings and No. 1223/DCTG Dated 09/05/2016. No. 1934 Dated 19/05/2016 No. 1589-90 Dated 15/06/2016 No. 2792-93 Dated 18/06/2016 No. 1936 Dated 30/08/2016 issued by respondent No.5 (The District Commissioner Tor Ghar) and withdrawal Notification in the light of above mentioned letters are illegal and unlawful, against the law and principles of natural justice, null and void and of no force and effect and be quashed.
4. That the Honorable Court while deciding the case held in the Judgment that impugned orders were passed on the back of the petitioner and they were not associated at all in the enquiry proceedings, where under their Domiciles were found unverified, therefore accepted the petitions and they were reinstated in their service.
5. That they have been reinstated in their service by this office as per decision of the Honorable Peshawar High Court Bench Abbottabad

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Your good self is therefore requested as desired by Honorable High Court that they may kindly participated in inquiry proceedings. There after the current status of their Domiciles may please be communicated to this office to proceed further in the instant case, in the light of court judgments.

District Education Officer (M)
Tor Ghar

Endst: No 4957-59 Date 03 10 2018

Copy for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary E&SED Khyber Pakhtunkhwa Peshawar.
3. Office File.

District Education Officer (M)
Tor Ghar

Handwritten marks: scribbles and circled numbers 3 and 1.



**Office of the Deputy Commissioner,
District Torghar**
No. Dom/DC(2018)/TG/2253
Dated Torghar the 31/11/2018

Fax# 0997-580188
dctorghar@gmail.com

To
The District Education Officer (M)
Torghar

Subject: **INQUIRY PROCEEDING FOR VERIFICATION OF DOMICILE IN THE
LIGHT OF JUDGEMENTS OF HONORABLE HIGH COURT
PESHAWAR BENCH ABBOTTABAD, RENDERED IN WP NO.897-
A/2016,48-A/2017 AND No.1082-A/2016 AGAINST GOVT:**

Reference to your office letter No. 4956 Dated: 03-07-2018 on the Subject
cited above;

Enclosed Please find herewith an Inquiry report submitted by Additional
Deputy Commissioner Torghar for further necessary action.

Signature
Deputy Commissioner
Torghar

Handwritten mark

*Verified to be
True Copy / Better Copy
23/11/2019
Asst. Distt. Edu. Officer
(Male) Distt. Torghar*



- 22 -

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**Office of the Additional Deputy Commissioner
District Torghar**

No. Steno/ADC (2018)/TG/ 132
Dated Torghar the 27/12/2018

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To,
The Deputy Commissioner
Torghar.

Subject: **INQUIRY**

In pursuance of the Deputy Commissioner Office letter bearing NO. Dom/DC (2018)/TG/1944 dt: 02-10-2018, Wherein, the Additional Deputy Commissioner Torghar was asked to conduct inquiry regarding the domicile verification of the following persons.

1. Hasham Ali S/O Hazrat Ahmad.
2. Muhammad Ikram S/O Muhammad Ishaq.
3. Muhammad Amjad Ali S/O Fazal Rabi.
4. Noor Zada S/O Ghulam Muhammad.
5. Attah Ullah S/O Shehzada.
6. Siad Farid S/O Abdul Shahid.
7. Nasrat Shah S/O Iqbal-Shah.
- ✓ 8. Abdul Jalil S/O Abdul Ghafor.
9. Jamal Khan S/O Hajim Khan.

BACKGROUND:-

The above named persons were appointed as teachers by the Education Department Torghar. Their domicile certificates were sent to Deputy Commissioner Office Torghar for verification which were not verified. Consequent upon non- verification of their domicile certificates, the appointment orders of the above mentioned teachers were withdrawn by the Education Department. These teachers sought relief from the Peshawar High Court through filing writ petition No. 897-A/2016, No.48-A/2017, and No.1082-A/2016 (**Annex A**). Peshawar High Court Abbottabad Bench re-instated the above mentioned teachers vide judgment dat: 15-05-2018 dat: 09-05-2018 and dated: 10-05-2018 respectively (**Annex B**) leaving the respondents at liberty to proceed against them in accordance with law and rules if they so desire.

Education Department Torghar requested Deputy Commissioner Torghar vide letter No. 4956 Dated: 03-07-2018 to conduct inquiry as per judgment of the Peshawar High Court Abbottabad Bench, as the case is not fit for CPLA in the August Supreme Court of Pakistan. (**Annex C**)

PROCEEDINGS:-

The Undersigned proceeded with the matter and issued notices to the teachers to appear before the undersigned alongwith their supporting documents. They were also directed to bring with them village secretary, village Nazim, Tehsil Member, District Member and District Nazim for recording evidence for or against them, as the case may be. They alongwith village secretary, village Nazim/Naib Nazim, Tehsil Member, District Member and District Nazim appeared before the Inquiry Officer and recorded their statements verifying the residential status of the above mentioned teachers. The undersigned have gone through the documents i.e. (Domicile Certificates, CNICs, residential certificates and statements of the local elected representatives (**Annex D1 to D9**))

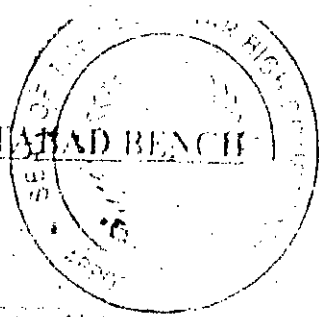
FINDINGS/ RECOMMENDATIONS

From the above proceedings, statements of the local representatives and examination of the documents provided by the candidates. It seems that the above mentioned teachers are residents of District Torghar and the domicile certificates have rightly been issued to them.

Report is submitted

Saleem
Additional Deputy Commissioner
Torghar

HIGH COURT, ABBOTTABAD BENCH
ORDER SHEET



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Order or other Proceedings with Signature of Judges

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C.O.C No.136-A-2019

Present: Mr. Nazakat Ali Tanoli, Advocate for the petitioner.
Sardar Muhammad Asif, Assistant Advocate General, for the respondents

SHAKEEL AHMAD, J: By means of this contempt

petition, the petitioner has sought the following relief

"It is therefore, most humbly prayed that the contempt proceedings be initiated against the respondents for disobeying the order of this Court and exemplary punishment be awarded, respondents may graciously be directed to pay salaries/ benefits for the period between 07.09.2016 to 03.07.2018 alongwith increment 2016, 2017 and 2018."

2. In essence, the grievance of the petitioner is that though he has been reinstated in service by the respondents in view of the order dated 09.05.2018 of this Court, passed in WP No.1082-A/2016, however, they have denied payment of back benefits to the petitioner.

3. Arguments heard. Record perused.

4. Perusal of record reveals that while allowing

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the aforesaid writ petition filed by the petitioner, this Court directed the respondents, as under:

"In the wake of the above and for the reasons given in the referred judgments, this petition is allowed and consequently, the impugned notification dated 07.09.2016" is declared as illegal, unlawful and of no legal effect with direction to the respondents to re-instate the petitioner in his service, however, the respondents would be at liberty to proceed against him if they so wish but in accordance with law rules on the subject."

The record reflects that the respondents, in compliance with the above referred direction of this Court passed in WP No.1082-A/2016, re-instated the petitioner in service vide Notification bearing Endst.No.4937-43 dated 03.07.2018, thus, the judgment of this Court has been implemented by the respondents. Since, there was no direction qua payment of back benefits to the petitioner in the judgment of this Court, the respondents were not under obligation to grant such benefits. Needless to refer that the respondents have already mentioned in the said notification that the arrears of pay and allowances will be decided on the outcome of the denovo inquiry. As such, contempt of Court proceedings cannot be initiated against the respondents, when they have already complied with the order of this Court dated 09.05.2018.

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EXAMINER
15 OCT 2021
Peshawar High Court Aid Bench
Authorized Under Sec: 75 Evid Ordns

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5. In view of above, this petition is dismissed. However, the petitioner shall be at liberty to approach the appropriate forum provided under the law for redressal of his grievance, if any, in accordance with law qua the issue of back benefits.

Announced.
Dt.13.01.2021.

JUDGE

JUDGE

Q

Case No. 13/2021
13/1/2021
Paschim Medinipur District Court
Medinipur

M. Saleem / PS

(DB) Mr. Justice Mohammad Ibrahim Khan and Mr. Justice Shaker Ahmad



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 966 1ST

Dated: 27-4-2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

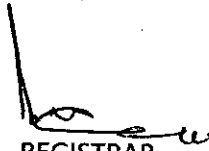
To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Tor Ghar,

Subject: JUDGMENT IN APPEAL NO. 4975/2021 MR. ABDUL JALIL.

I am directed to forward herewith a certified copy of Judgement dated 29.03.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR