

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 4976/2021

Date of Institution ... 26.04.2021

Date of Decision ... 29.03.2022

Atta Ullah, PST (BPS-12), GPS Kopra, Aka Zai District Torghar.

... (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:- Precise facts forming the background of the instant appeal are that the appellant was appointed as PST (BPS-12), 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dated 07.09.2016 issued from the office of District Education Officer (Male) Torghar, his appointment order was withdrawn on the ground that his domicile certificate was declared unverified by the quarter concerned.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. 48-A/2017 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

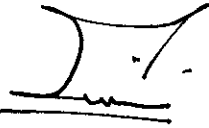
proceed against the appellant in accordance with law and rules, if they so desire. The appellant was reinstated vide Notification dated 03.07.2018 in light of judgment of august Peshawar High Court, Abbottabad Bench, however the issue of arrears of his pay and allowances was ordered to be decided on the outcome of de-novo inquiry. During the inquiry, the domicile certificate of the appellant was found genuine by the concerned quarter. The appellant was removed from service vide order dated 24.11.2018 on the ground of willful absence from duty, which was challenged by the appellant through filing of departmental appeal. The same was allowed vide order dated 11.07.2019 and the appellant was reinstated in service with effect from the date of his removal from service by treating the intervening period as leave without pay. Vide Notification dated 04.11.2020, the service of the appellant was regularized 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. 143-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 contested the appeal by way of submitting joint 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 payment of salaries as well as annual increments for the said period. 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 PST (BPS-12) 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. In view of the foregoing discussion, 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 as well as annual increments for the years 2016 to 2018. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.03.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)

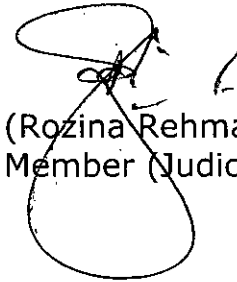

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

O R D E R
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 as well as annual increments for the years 2016 to 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)

Stipulated period passed reply not submitted.

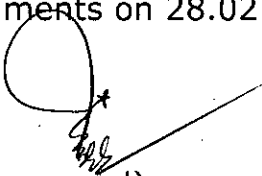
29.07.2021

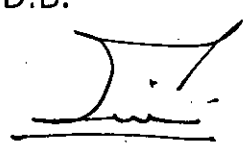
Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

08.10.2021

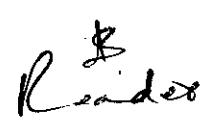
Learned counsel for the appellant present. Mr. Fakhar Nawaz, ADO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and submitted comments, copy of which handed over to learned counsel for the appellant, who sought time for submission of rejoinder. 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)

14-12-21

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


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

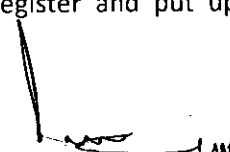
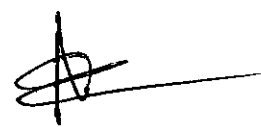

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4976 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/04/2021 27/05/21	<p>The appeal of Mr. Attaullah 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>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>
2-		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Atta Ullah

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	06-10
3.	Copy of judgment dated 10.05.2018	C	11-14
4.	Copy of notification dated 03.07.2018	D	15
5.	Copies of inquiry report	E	16-17
	Copies of notifications dated 24.11.2018, 11.07.2019, 02.08.2019 and 04.11.2020	F,G,H&I	18-21
6.	Copy of C.O.C order dated 13.01.2021	J	22-25
7.	Copy of departmental appeal	K	26
8.	Copy of affidavit	L	27
9.	Vakalat Nama	-----	28

AT
APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT.

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

4976
SERVICE APPEAL NO. _____/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5034

Dated 26/4/2021

Atta Ullah, PST (BPS-12),
GPS Kopra, Aka Zai District Torghar.

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 ALONG WITH ANNUAL INCREMENT OF YEAR 2016, 2017 & 2018 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to-day

Registrar

26/04/2021

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 ALONG WITH ANNUAL INCREMENT OF YEAR 2016, 2017 & 2018 AS ON DOMICILE ON WHICH HIS APPOINTMENT ORDER WAS WITHDRAWN HAS 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 PST 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.48-A/2017. The said Writ petition was decided on 10.05.2018. 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 10.05.2018 is attached as Annexure-C)**
3. That in compliance of the judgment of Honourable Peshawar High Court Abbottabad Bench dated 10.05.2018 in Writ Petition No.48-A/2016, the appellant was reinstated on his post from the date of his withdrawn order vide notification dated 03.07.2018 and mentioned in that order 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 the which he 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 Atta Ullah (appellant) is resident of District Torghar and domicile certificate has rightly been issued to him. **(Copy of inquiry report is attached as Annexure-E)**
5. That the appellant was removed from service on 24.11.2018 on the basis of absence. The appellant filed departmental appeal against that removal order which was accepted and the appellant was reinstated from the date of his removal from service with out back benefits and the intervening period was treated as leave without pay vide order dated 11.07.2019 and in compliance of order dated 11.07.2019 of the

appellate authority, the service of the appellant was reinstated as PST at GPS Kopra Akazai, Torghar from the date of his removal from service without back benefits vide notification dated 02.08.2019. 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 04.11.2020. **(Copies of notifications dated 24.11.2018, 11.07.2019, 02.08.2019 and 04.11.2020 are attached as Annexure-F,G,H&I)**

6. 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 has withdrawn, but his domicile was verified and found correct by the concerned 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 No143-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 annual increment 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 10.05.2018 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-J)**
7. 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-K)**
8. 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 along with annual increment of 2016, 2017 and 2018 are against the law, facts, material on record, norms of justice, notification dated 03.07.2018 and denovo 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 along with annual increment of 2016, 2017 and 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 Atta Ullah (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 10.05.2018 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 and annual increment 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 to 03.07.2018 along with annual increment of 2016, 2017 and 2018.
- E) That the appellant has did not willfully remained absent from his duty, but the respondent department constrained 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 to 03.07.2018 along with

annual increment of 2016, 2017 and 2018 due to the fault of the respondent department.

- F) 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/dissmised and as such the appellant is also entitle for the salaries with effect from 07.09.2016 to 03.07.2018 along with annual increment of 2016, 2017 and 2018 on the basis Apex Court judgment.
- G) 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 to 03.07.2018 along with annual increment of 2016, 2017 and 2018. **(Copy of affidavit is attached as Annexure-L)**
- H) 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.

ATD

APPELLANT

Atta Ullah

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 vacant posts of Primary School Teacher (PST) on School based in BPS-12 (Rs.9055-650-28555) @ Rs.9055/- 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 CANDIDATE	FATHER'S NAME	SCORE	WARD/ UNION COUNCIL	NAME OF SCHOOL WHERE APPOINTED	REMARKS
1	Naseeb Rahim	Qareeb Khan	82.37	Balkot	GPS Bateela	Against V/P
2	Umar Habib	Latif Ur Rehman	64.56	Balkot	GPS Balkot	--do--
3	Shabir Ahmad	Habib Ur Rehman	64.03	Balkot	GPS Pakban	--do--
4	Waez Ullah	Muhammad Israr	78.78	Judba	GPS Sormal N/Khail	--do--
5	Rahman Ullah	Muhammad Husan	53.26	Balkot	GPS Sormal N/K	--do--
6	Abdullah	Taluq Khan	64.81	Bimbal	GPS Bilyani	--do--
7	Gulab Zada	Naseeb Zada	84.78	Bimbal	GPS Bilyani	--do--
8	Irshad Ullah	Habib Ullah	82.25	Bimbal	GPS Warokay Kilay	--do--
9	Sadiq Zar	Gula Zar	79.8	Bimbal	GPS Warokay Kilay	--do--
10	Muhammad Usman	Khitab Muhammad	80.58	Darbani	GPS Darbani	--do--
11	Majid Khan	Shahedol	70.05	Darbani	GPS Darbani	--do--
12	Abdul Mujeeb	Fazal Kareem	75.55	Darbani	GPS Jhango	--do--
13	Rozamin	Malik Said	85.44	Bimbal	GPS Khadang	--do--
14	Mastoreen	Meem Zaman	62.86	Darbani	GPS Lashora	--do--
15	Ameer Khan	Muhammad Khan	65.29	Bimbal	GPS Mera Aka Zai	--do--
16	Mumtaz Khan	Ajmal Khan	70.52	Bimbal	GMPS Dilyari	--do--
17	Muhammad Anwar	Gul Nazar Said	81.32	Dour Mera	GPS Dada Banda	--do--
18	Umar Ali	Taliwan Said	77.58	Dour Mera	GPS Dada Banda	--do--
19	Umar Rehman	'Ghulam Khan	61.73	Dour Mera	GPS Danda Banda	--do--
20	Muhammad Nawab	Fazal Wahab	73.43	Dour Mera	GPS Dour Pain	--do--
21	Alim Ullah	Taliq Zar Khan	61.98	Dour Mera	GPS Dour Pain	--do--
22	Umar Zahid	Said Fazal Hakeem	73.29	Dour Mera	GPS Dour Mera	--do--
23	Shah Fahad	Israfeel	62.13	Dour Mera	GPS Sado Khan	--do--
24	Nor Nabi Said	Muhammad Akram	60.6	Dour Mera	GPS Zezari	--do--
25	Umar Nosh	Zar Farosh	58.77	Dour Mera	GPS Zezari	--do--
26	Fazal Nawaz Khan	Mir Nawaz Khan	76.48	Gari H/Zai	GPS Ambar Gari	--do--
27	Muhammad Iqbal	Muhammad Laiq	82.02	Gari H/Zai	GPS Bayo	--do--
28	Gul Nabi Shah	Hamza Ali Shah	75.41	Gari H/Zai	GPS Gari Hasan Zai	--do--
29	Jehan Zeb Khan	Fareed Khan	70.24	Gari H/Zai	GPS Gari Hasan Zai	--do--

ATTESTED

(Signature)

30	Akhtar Muhammad	Yaqeen Khan	67.81	Gari H/Zai	GPS Gari Hasan Zai	--do--
31	Abdul Jalil	Abdul Wahid	106.38	Gari H/Zai	GPS Gari Kotwal	--do--
32	Faiz Rehman	Sahib Rahman	67.27	Gari H/Zai	GPS Gari Kotwal	--do--
33	Raqib Ullah Khan	Amin Khan	87.81	Paloosa	GPS Gatta Umar Khan	--do--
34	Naseer Ullah	Jehan Zaib	85.92	Paloosa	GPS Gatta Umar Khan	--do--
35	Yousuf Gul	Sahib Gul	75.71	Palosa	GPS Gatta Umar Khan	--do--
36	Ishafaq Ullah	Zareen Khan	65.23	Gari H/Zai	GPS Malyar	--do--
37	Abdus Sadiq	Naseem Khan	61.48	Gari H/Zai	GPS Malyar	--do--
38	Sana Ullah	Abdur Rauf	90.7	Harnail	GPS Petawo Asharay	--do--
39	Gul Faroosh Farooqi	Karamat Khan	85.43	Harnail	GPS Shaloon	--do--
40	Hashamali	Hazrat Ahmad	87.15	Harnail	GPS Soray Asharay	--do--
41	Muhammad Islam	Ahmad Latif	79.03	Harnail	GPS Zangia	--do--
42	Bakhtzada	Nawab Muhammad	91.4	Jhatka	GPS Mori Bala	--do--
43	Noor Zada	Ghulam Muhammad	65.46	Jhatka	GPS Shatal	--do--
44	Qadar Muhammad	Taluq Khan	85.56	Judba	GMPS Judba	--do--
45	Ghani Ur Rehman	Rokhman Shah	62.28	Judba	GPS Shadag	--do--
46	Muhammad Ikram	Muhammad Ishaq	55.86	Judba	GPS Shagai	--do--
47	Muhammad Rafiq	Muhammad Niqab	89.01	Judba	GPS Shadag	--do--
48	Fathullah Pathan	Shabir Ahmad	69.25	Judba	GPS Shagai	--do--
49	Atta Ullah	Shehzada	61.38	Harnail	GPS Shadag	--do--
50	Syed Farman Ullah Shah	Syed Usman Ullah Shah	75.28	Kand	GPS Kand Bala	--do--
51	Zafar Ullah	Sher Zada	91.1	Khowar M.K	GPS Chund	--do--
52	Athar Ullah	Muhammad Raheem	85.3	Khowar M.K	GPS Chund	--do--
53	Amin Said	Qeemat Said	83.62	Khowar M.K	GPS Chund	--do--
54	Behrullah	Sher Zada	76.42	Khowar M.K	GPS Gari Mada Khail	--do--
55	Rahman Ullah	Muhammad Hanif	73.32	Khowar M.K	GPS Gari Mada Khail	--do--
56	Faisal	Yad Ullah	80.42	Khowar M.K	GPS Kalsoona	--do--
57	Muhammad Ismaeel	Bakht Zada	103.3	Khowar	GPS Legra	--do--
58	Tahir Muhammad	Baz Muhammad	92.21	Khowar	GPS Sonia	--do--
59	Zahid Said	Umar Said	87.85	Khowar	GPS Tara	--do--
60	Zar Muhammad	Wala Jan	78.49	M M Khail	GPS Chamgah Doga	--do--
61	Ibrahim Khan	Sabit Khan	79.48	M M Khail	GPS Dilo Bala	--do--
62	Zar Muhammad Shah	Muhammad Shah	75.77	M M Khail	GPS Dilo Payeen	--do--
63	Anwar Zaib	Shah Hussain	77.54	M M Khail	GPS Gawandla	--do--
64	Muhammad Shahid	Sheikh Fareen	83.92	M M Khail	GPS Gawandla Bala	--do--

ATTESTED

8

65	Muhammad Shoib	Zamin Khan	70.96	M. M Khail	GPS Lakwal	--do--
66	Siraj Ullah	Muhammad Arif	77.09	M M Khail	GPS Mabra	--do--
67	Abu Bakar	Lal Sharif	75.58	M.M Khail	GPS Mabra Bala	--do--
68	Muhammad Hanif	Palas Khan	75.49	M M Khail	GPS Mera K.D	--do--
69	Yas Muhammad	Zubaid Khan	88.96	M M Khail	GPS Shabaz	--do--
70	Saeed Rehman	Saidmar Khan	76.06	M M Khail	GPS Shabaz	--do--
71	Muhammad Zahid	Ghulam Saeed	72.21	M M Khail	GPS Tetay	--do--
72	Abdul Manan	Muhammad Ayub	90.85	Manjakot	GMPS Shanai Pain	--do--
73	Israr Ahmad Khan	Muhammad Farosh Khan	101.24	Tilli	GPS Abo Hasan Zai	--do--
74	Shair Muhammad Zal	Muhammad Afzal	76.82	Manjakot	GPS Abo Mada Khail	--do--
75	Muhammad Ibrahim	Nasrullah Khan	81.69	Manjakot	GPS Doba	--do--
76	Inam Ul Haq	Sahib Shah	78.65	Manjakot	GPS Doba	--do--
77	Irfan Ul Allah	Waris Khan	77.72	Manjakot	GPS Karor	--do--
78	Asif Nawaz Khan	Wahid Gul	73.77	Manjakot	GPS Karor	--do--
79	Imam Gul	Baram Gul	71.68	Manjakot	GPS Karor	--do--
80	Roheeb Gul	Sakhimat Khasn	70.34	Manjakot	GPS Karor	--do--
81	Muhammad Saleh	Wazir Muhammad	66.56	M. M Khail	GPS Manjakot	--do--
82	Khawaj Muhammad	Muhammad Ashraf	67.2	M. M Khail	GPS Manjakot	--do--
83	Zarkhaib Gul	Sakhimat Gul	66.0	Manjakot	GPS Manjakot	--do--
84	Zakir Khan	Nazar Meet Khan	65.2	Manjakot	GPS Manjakot	--do--
85	Naseeb Ullah	Jehanzeb	101.82	Palosa	GPS Kandar Tawara	--do--
86	Muhammad Zahid	Muhammad Naseeb Khan	79.13	Paloosa	GPS Kunhar Sharif	--do--
87	Muhammad Riaz	Karim Shah	79.36	Palosa	GPS Paloosa	--do--
88	Noor Faiser Gul	Gul Khan	69.13	Shingaldar	GPS Banjo Banda	--do--
89	Syed Mehtab Shah	Syed Khitab Shah	82.69	Tilli	GPS Gangat	--do--
90	Abdullah	Mehmood Ur Rehman	99.81	Tilli	GPS Maira Khankhail	--do--
91	Ibrar Ahmed	Muhammad Ferosh Khan	78.15	Tilli	GPS Maira Khankhail	--do--
92	Muhammad Amin	Muhammad Tahir	73.04	Tilli	GPS Mishkot	--do--
93	Syed Muslim Shah	S.Taj Muhammad Shaha	57.9	Tilli	GPS Mishkot	--do--
94	Mohib Ullah	Ghulam Bahadar	62.28	Tilli	GPS Reel	--do--
95	Muhammad Suleman	Abid Khan	53.9	Tilli	GPS Sabay	--do--
96	Syed Sahib Zar shah	Syed Bakht Shah	50.95	Tilli	GPS Tilli Sydan	--do--
97	Syed Bakht Munir shah	Naseebzar Shah	43.86	Tilli	GPS Tilli Sydan	--do--

TERMS & CONDITIONS:

1. NO TA/DA is allowed.
2. Charge reports should be submitted to all concerned in duplicate.

ATTESTED

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 before release of their salaries. 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.
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 preceded 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 once again their document may be checked by the SDEO (M) Tor Ghar if they don't have the prescribed qualifications prescribed for the post they should not be handed over the charge.

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

Endst: No. 908-18/Dated Tor Ghar 09th April 2016.

Copy forwarded for information and necessary action to the: -

1. Secretary to Government of Khyber Pakhtunkhwa E&S Education 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. Sub Divisional Education Officer (M) Tor Ghar.
7. District Monitoring Officer (IMU) Tor Ghar.
8. District Education Management Information System (DEMIS) Local Office.
9. Head Teacher GPS Concerned.
10. Official Concerned.
11. Office File.


District Education Officer (M)
E&SE Tor Ghar.


ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TOR GHAR

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

No. _____
Dated: ___ / ___ / 2016

10
B 10

NOTIFICATION

Reference to the Deputy Commissioner Tor Ghar letters No. 1223/DC (2016)/TG Dated 09/05/2016, No. 1394/DC (2016) TG Dated 19/05/2016 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.908-18 Dated 09/04/2016, the competent authority E&SE Tor Ghar is pleased to withdraw/denotify the appointment in respect of Atta Ullah S/O Shahzada PST GPS Shadag w.e.f the date of his appointment.

---SD---

District Education Officer (M)
E&SE Tor Ghar

Endst: No 2835-43 / Dated 7/9 / 2016.
Copy for Information to the.

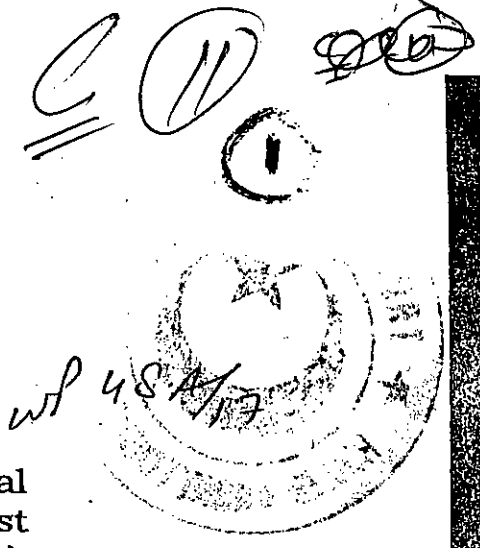
1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar with the remarks that denotification and legal action has been initiated against the teachers as directed.
3. District Police Officer Tor Ghar with request to Lodge FIR as per rules against above mentioned candidate.
4. District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

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

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.

BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD



- 1) Muhammad Amjid Ali son of Fazal Rabbi, resident of Loonian, Post Office Serkhaili Banda Mangri, Tehsil and District Torghar.
- 2) Attaullah son of Shehzada, resident of Sher Abad, Kuza Banda, Post Office Geedri, Tehsil and District Battagram.....**Petitioners**

Versus

- 1) Government of K.P.K. through Secretary Elementary and Secondary Education, Peshawar.
- 2) Director E&SE, K.P.K. Peshawar
- 3) DEO(Male) E&SE Torghar.
- 4) Deputy DEO (Male) E&SE Torghar
- 5) Deputy Commissioner, Torghar.
- 6) District Police Officer Torghar
- 7) District Nazim Torghar
- 8) District Accounts Officer Torghar at Mansehra.....**Respondents**

228
16.1.17

WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 FOR
DECLARATION TO THE EFFECT THAT
THE NOTIFICATION BEARING ENDST.
NOS. 3032-40 DATED 08.09.2016 AND
NO. 2835-43 DATED 07.09.2016
ISSUED BY RESPONDENTS NOS. 3 & 4
REGARDING DENOTIFICATION/
WITHDRAWLS OF THE APPOINTMENT
ORDERS OF THE PETITIONERS ARE
ILLEGAL, WRONG, AGAINST THE LAW,

FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

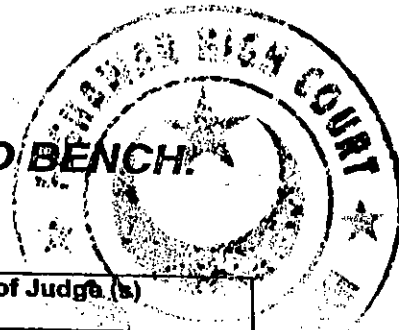
16.1.17

ATTESTED

12

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
10.05.2018	<p><u>W.P.No. 48-A/2017.</u></p> <p>Present: Mr. Muhammad Naeem Akbar, Advocate, for the petitioners.</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.</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, the petitioners have prayed this court for issuance of a writ declaring the notifications bearing Endorsement Nos. 2835-43 and 3032-40 dated 07.09.2016 and 08.09.2016 respectively as illegal, unlawful and of no legal effect whereby their appointment orders have been withdrawn.</p> <p>2. Arguments heard and record gone through.</p> <p>3. At the very outset, learned counsel for the petitioners pointed out at the bar that the issue raised by the petitioners in this petition has already been laid to rest</p>

Jan

ATTESTED

by this court in judgments dated 21.02.2018, 22.02.2018 and 09.05.2018 delivered in Writ Petitions No. 910-A/2016, 209-A/2017 and 1082-A/2016 respectively wherein, while accepting the referred petitions this court has not only declared the 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.

Gain

4. Perusal of the case record would show that the petitioners' case is at par with the referred writ petitions. When in all respect the petitioners' 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 too is allowed and consequently, the impugned notifications dated 07.09.2016 & 08.09.2016 are declared as illegal, unlawful

ATTESTED

14

and of no legal effect with direction to the respondents to re-instate the petitioners in their service, however, the respondents would be at liberty to proceed against them if they so wish but in accordance with law and rules on the subject.

Saif. P.S.

Hon'ble Mr. Justice Lal Jan Khattak and Mr. Justice Abdul Shekooor


ATTESTED



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

Email: torgharemis@gmail.com



NOTIFICATION

In compliance with the Judgment of Honorable Peshawar High Court Bench Abbottabad, dated 10/05/2018, in Writ Petition No. 48-A/2017, the services of the following teachers are reinstated on their posts in the schools mentioned against each from the date of their withdrawn order.

S. NO.	NAME	FATHER NAME	DESIGNATION	NAME OF SCHOOL
1	Muhammad Amjad Ali	Fazal Rabi	PST	GPS Shingaldar
2	Attaullah	Shehzada	PST	GPS Shadag

Their 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. 4949-SS / Dated 03-10-2018

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. Sub Divisional Education Officer Male Tor Ghar.
6. Teacher Concerned.
7. Office File.

District Education Officer (M)
District Tor Ghar

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.

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

①
②
E
③

Fax# 0997-580188
dctorghar@gmail.com

To

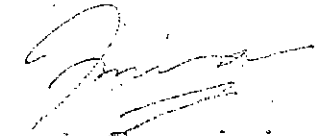
The District Education Officer (M)
Torghar

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



Office of the Additional Deputy Commissioner
District Torghar

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

17

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

ATTACHED

S. Akmal
Additional Deputy Commissioner
Torghar



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER MALE

DISTRICT TOR GHAR

No. 1197 /RII/No. 149766/IMU/OAMIS/2018
Dated 24/10/2018

NOTIFICATION

WHEREAS, Mr Attaullah, (PST) GPS Shadagi was proceeded against under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, for the charge of willful absence from duty

2 AND WHEREAS a show cause notice was served upon Attaullah, PST, GPS Shadagi vide this office letter No. 148786-285435 Dated 17/10/2018 and he submitted his reply to the Show Cause notice which was declared by the competent authority as non-convincing

3 AND WHEREAS the Competent Authority District Education Officer Male after having considered the charges and evidence on record, explanation of the accused teacher in response to the Show Cause Notice and personal hearing granted to him/her on 16/11/2018 vide this office letter No. 103641 Dated 14/11/2018 and he availed on 20/11/2018, is of the view that the charges against the accused officer have been proved

4 THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (District Education Officer Male, Tor Ghar, Khyber Pakhtunkhwa) is pleased to impose Major penalty of "REMOVAL FROM SERVICE" upon Mr. Attaullah, (PST) GPS Shadagi, District Tor Ghar with immediate effect

SD

District Education Officer Male
Tor Ghar

Endst: of Even No. & Date

Copy forwarded 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 Sub Divisional Education Officer Male Judby
- 6 Teacher Concerned
- 7 Office File

ATTESTED

District Education Officer Male
Tor Ghar



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9210957 Fax: 091-9210936

NOTIFICATION

1. WHEREAS, Mr. Atta Ullah, Ex:-PST, GPS Shadag UC Harnai, was appointed by DEO (M) Tor Ghar vide Endst No 908-18 Dated 09-04-2016.
2. AND WHEREAS, he was removed from service on the basis of non- verification of domicile by the DEO concerned vide Endst No. 2835-43 dated 07.09.2016.
3. AND WHEREAS, The applicant filed an appeal at Honorable Peshawar High Court, Abbotabad Bench, under W.P No. 48-A/2017, which decided the case in his favour for Re-Instatement dated 21.05.2018.
4. AND WHEREAS, The appellant was re-instated in the light of Hnorable Peshawar High Court Abbottabad Bench's decision, vide DEO (M) Tor Ghar No. 4949-55 /dated 03.07.2018.
5. AND WHEREASE, The Inquiry Committee constituted by the Deputy Commissioner Tor Ghar, started its proceeding on 27.12.2018, in compliance with Peshawar High Court Abbottabad Bench decision.
6. AND WHEREAS, IMU reported the said official absent from duty and resultantly he was removed from service vide Endorsement No: 1191/File No 149766/IMU/OAMIS/2018 dated 24-11-2018.
7. AND WHEREAS, Inquiry Committee submitted its report on 27-12-2018.
8. AND WHEREAS, The applicant submitted an appeal for Re- instatement in the light of the High Court's decision and the Deputy Commissioner Inquiry Committee's recommendations dated 27.12.2018.
9. AND WHEREAS, The Appellate Authority accepted the appeal for his Re- instatement in the light of Honourable High Court's decision and the Deputy Commissioner Inquiry Committee's recommendations. Therefore, Mr. Attaullah, Ex. PST, is hereby re-instated w.e.f the date of his removal from service without back benefits, and the intervening period will be treated as leave without pay.

(DIRECTOR)
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

Endst No. 2/32-410 /F.No.A-10/VOL:1/APPEALS. Dated Peshawar the 11/7/2019
Copy of the above is forwarded for information and necessary action to the:-

1. The District Education Officer (M) Tor Ghar.
2. District Account Officer Tor Ghar.
3. Mr. Atta Ullah PST GPS Shadag Tor Ghar.
4. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

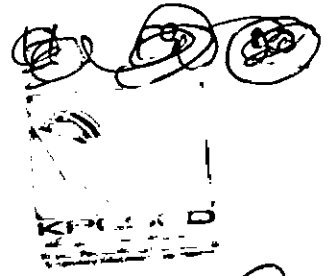
ATTESTED

DEPUTY DIRECTOR (ESTAB)
E&SE KHYBER PAKHTUNKHWA
PESHAWAR



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

Email: torgharemis@gmail.com



H 20

NOTIFICATION:

In compliance with Notification No.2638-40/F.No.A-10/VOL:1/APPEALS, Dated:11-07-2019 of Appellate Authority, the service of Mr. Atta Ullah S/O Shehzada, Ex-PST is hereby reinstated as PST at GPS, Kopra Aka Zai, Tor Ghar, from the date of his removal from service without back benefits.

--Sd--

(Jaffar Mansoor Abbasi)
District Education Officer
E&SE Tor Ghar

Endst: No.1212-18 Date: 02/08/2019.

Copy for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar.
3. District Monitoring Officer (DMO) Tor Ghar
4. District Accounts Officer Tor Ghar at Manshera
5. S.O (M) Hassan Zai Tor Ghar

District Education Officer (Male)



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

DISTRICT TOR GHAR

Email: torgharemis@gmail.com

KPSE

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 (PST BPS-12) appointed on Adhoc basis on Contract, is hereby regularized in BPS-12 on the Same post in Teaching Cadre on the terms and condition given below with effect from the date of his appointment on the PST post.

Not: He is not entitled for the financial back benefits as per reinstatement Notification issued vide this office No.1212-18 dated 02.08.2019.

S.No	Roll No	Name	Address	Total Marks (out of 200)	School	Appointment order No. & Dated
1	932100018	Atta Ullah	Shaloon Basi Khail	61.38	GPS Kopra Akazai	No.908-18 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 false 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 forfeited 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 PST.
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.

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

Endst: No 10629-35 / Dated 4/11/2020.

Copy for information to the.

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar
3. District Monitoring Officer (IMU) Tor Ghar.
4. District Accounts Officer Tor Ghar
5. Sub Divisional Education Officer (M) Hassan Zai.
6. Teacher Concerned.
7. Office File.

District Education Officer (M)
E&SE Tor Ghar

ATTESTED

2

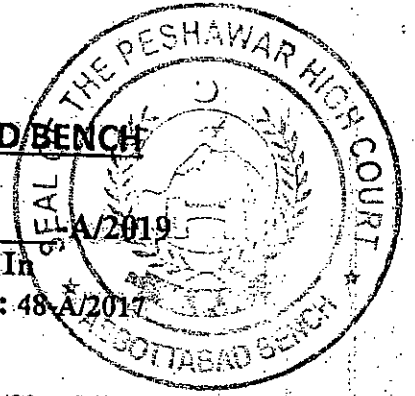
22

BEFORE THE PESHAWAR HIGH COURT ABBOTTABAD BENCH

COC 48/A/2017

In

WP no. : 48-A/2017



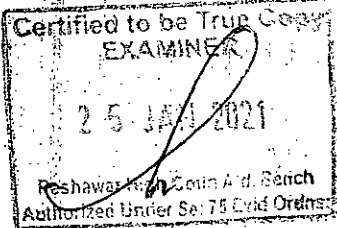
1. Muhammad Amjid Ali S/o Fazal Rabbi R/o G.P.S Shanilgdar District Torghar.
2. Attaullah S/o Shehzada R/o G.P.S Khopra District Torghar.

... Petitioner

VERSUS

1. Hafiz Muhammad Ibrahim, Director, Elementary & Secondary Education, Khyber Pakhtunkhawa, Peshawar.
2. Jaffar Mansoor Abbasi, District Education Officer (Male), Torghar, Judbah.
3. Amanullah, Accounts Officer Torghar, at Mansehra.

... Respondents/Contemnors



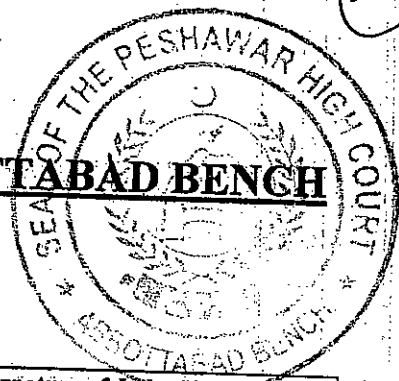
PETITION FOR INITIATING CONTEMPT OF COURT PROCEEDINGS
AGAINST RESPONDENTS FOR DISOBEYING THE ORDERS OF THIS
AUGUST COURT DATED 10-05-2018 IN WP NO 48-A/17 WHEREBY
RESPONDENTS REFUSED TO PAY BACK BENEFITS I.E.
SALARIES/BENEFITS FOR THE PERIOD BETWEEN 07-09-2016 TO 03-
07-2018 ALONG WITH INCREMENT 2016,2017 &2018 ETC.

ATTESTED

23

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
13.01.2021	<p><u>C.O.C No.143-A-2019</u></p> <p>Present: Mr. Nazakat Ali Tanoli, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant Advocate General, for the respondents</p> <p>****</p> <p><u>SHAKEEL AHMAD, J:</u> By means of this contempt petition, the petitioner has sought the following relief:</p> <p><i>"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 of 2016, 2017 and 2018."</i></p> <p>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 10.05.2018 of this Court, passed in WP No.48-A/2017, however, they have denied payment of back benefits to the petitioner.</p> <p>3. Arguments heard. Record perused.</p> <p>4. Perusal of record reveals that while allowing</p>

Certified to be True Copy
 EXAMINER
 25/1/2021
 Peshawar High Court
 Authorized Under Section 14 of the Courts Act, 1973

ATTESTED

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 too is allowed and consequently, the impugned notifications dated 07.09.2016 & 08.09.2016 are declared as illegal, unlawful and of no legal effect with direction to the respondents to re-instate the petitioners in their service, however, the respondents would be at liberty to proceed against them 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.48-A/2016, re-instated the petitioner in service vide Notification bearing Endst.No.4949-55 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 10.05.2018.

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EXAMINER
25 JUL 2021
Peshawar High Court
Authorized Under Seal

ATTESTED

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

ATTESTED

Handwritten signature

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EXAMINER
25 JAN 2021
Peshawar
Authorized Officer

سرگرمیت جناب ڈائریکٹر صاحبان ESSE جسپر بھنڈو بھوآہ
جناب عالی

K 20

عنوان: درخواست برائے ادائیگی سدائتہ بنیادوں سے 7⁹/₂₀₁₆ سے 8⁸/₂₀₁₉

گزارش ملی جان ہے کہ مسائل 9⁹/₂₀₁₆

کر PST پوسٹ پر میرٹ کی بنیاد پر منتخب ہوا جس کا ماہ ڈیپوٹی
سزا ختم دینے کے بعد بعد withdraw کر دیا گیا جو کہ مسائل سے withdraw آرڈر

کو اینٹ ہائیڈروجن میں چیلنج کیا جو کہ کورٹ کے مسائل کے حق میں فیصلہ سبایا اور
DEO نوڈر کے مسائل کو Re-instate کیا جو کہ مسائل Inquiry میں مصروف

کھا اور DEO نوڈر کے مسائل کو دوبارہ withdraw کیا جو کہ جولائی 2019

میں ڈائریکٹر صاحبان کے مسائل کو دوبارہ Re-instate کیا اور نافذ

عزمت Appointment آرڈر سے مستقل کیا

اس لیے آپ صاحبان سے درخواست ہے

کہ مسائل کو ترمیم کر بنیادوں پر جمع انکریمنٹ کی ادائیگی ماحولہ مدار فرمایا جائے

محسن کوثر شیخ

آپ کا ماحولہ

عطا اللہ

ADDE (M)
22/1

GPS Kopya Dissitt Tajhar

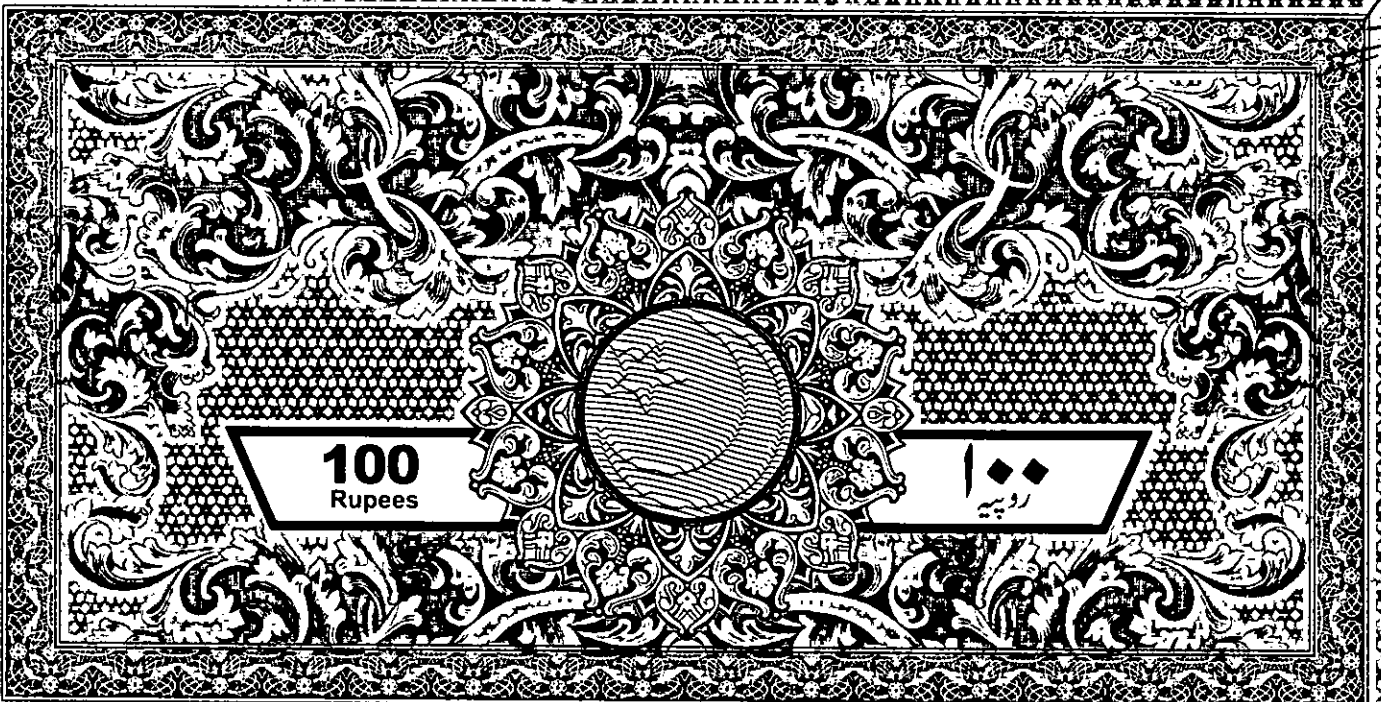
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ATTESTED

22-1-2019



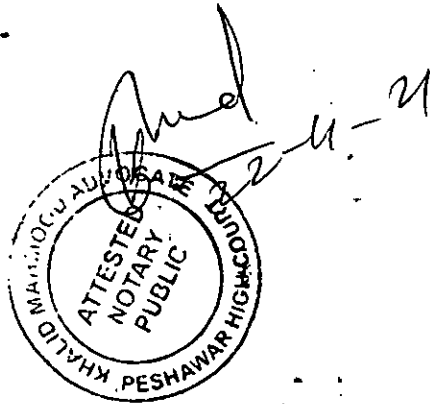
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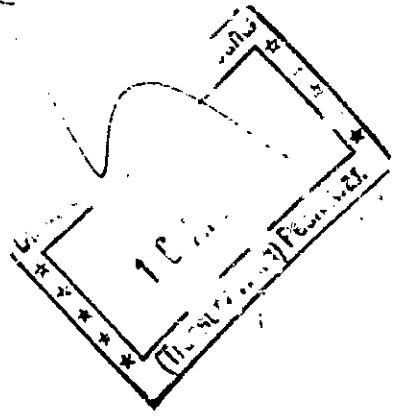
سہ مسمی عطا داتا حلقاً بیان کرنا ہوں
 اس سے لیکر 9-7-2016 سے لیکر 3-7-2018 تک
 سے لیکر اس سرکاری ملازمت اور غیر
 سرکاری ملازمت میں ہی اور نہ ہی اسی دوران
 کوئی اور کاروبار کیا

عطا داتا ولد شہزادہ

Att



22/09/2021
M/s. Jyoti
M/s. Jyoti



[Handwritten signature]

RECEIVED
M/s. Jyoti
M/s. Jyoti

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Attallah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt. etc.

(Respondent)
(Defendant)

I/We, Atta Ullah

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

ATH

(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

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No.4976/2021

Atta UllahAppellant

VERSUS

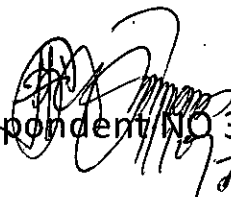
Govt. Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, & Others..... Respondents

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"	7-10
3	Domicile certificate & Copies of Letters regarding verification of Domicile	"B-C-D & E"	11-15
4	Copy of withdrawn order	"F"	16
5	Copies of Judgment of High Court Abbottabad Bench & Reinstatement order	"G-H"	17-20
6	Copies of removal order & letters for inquiry regarding domicile certificate	"I-J-K& L"	21-25
7	Copies of reinstatement orders	"M-N"	26-27
8	Copy of High Court Order passed in COC No.143-A/2019	"O"	28-30


Respondent No 3
2021

BEFORE THE HONARABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No.4976 /2021

Atta UllahAppellant

VERSUS

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

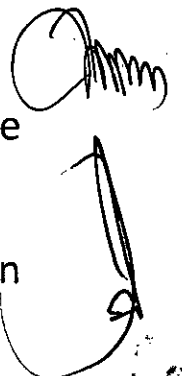
PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1-5

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 10.05.2018 in writ petition No.48-A/2017 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 97 other candidates were appointed on adhoc basis vide order Endst: No.908-18/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. 1223/DC/TG dated 09.05.2016 (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 Atta Ullah PST GPS Shadag vide Endst: No. 2835-43 dated 07.09.2016 (Annexure-F). The appellant filed writ petition No. 48-A/2017 before the Honorable High Court Peshawar which was decided on 10.05.2018 (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”

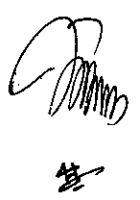
As per ibid judgment of Honorable High Court, the department issued notification No. 4949-55 Dated 03.07.2018 (Annexure-H) regarding re-instatement. Therefore the DEO (Male) Tor Ghar issued letter No. 4956 Dated 03.07.2018 (Annexure-I) to Deputy Commissioner Tor Ghar for conducting of enquiry regarding verification of domicile. The appellant was again removed from service due to his willful absence from duty on the report of District Monitoring Authority vide this office Notification No.1191/F.No.149766/IMU/OAMIS/2018 dated 24.11.2018 (Annexure-J) In the meanwhile, the Deputy Commissioner Tor Ghar vide letter No. Dom/DC/(2018)/TG/2253 dated 31.12.2018 (Annexure-K) submitted the inquiry report of Additional Deputy Commissioner Tor Ghar dated 27.12.2018 (Annexure L) to the DEO (Male) Tor Ghar and he was then reinstated in service without back benefits in the light of acceptance of his departmental appeal vide Notification No. 2638-40/F.No-A-10/Vol: I/Appeals dated 11.07.2019 and this office Notification No.1212-18 dated 02.08.2019 (Annexure-M&N). In view of the inquiry report 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 Court for period, he remained out of service. Appellant has also filed COC No.143-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 10.05.2018 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-O).



6. In reply to para No. 6 it is submitted that reinstatement order was made in the light of judgment of Honorable Court, subject to outcome of denovo enquiry for the purpose of verification/clearance of his domicile certificate.
7. 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.
8. 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 was also paid to him.
- D) Incorrect, hence denied. Detail reply has already been given in supra Para No.5.
- E) Incorrect, against the record, without any proof, hence denied.
- F) As stated in para ibid.
- G) Incorrect, against the record, without any proof, hence denied
- H) That the Respondents seek permission to argue further points at the time of arguments.



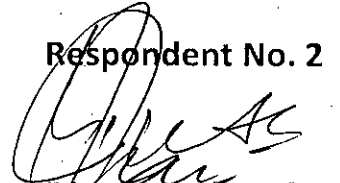
In the light of above stated facts & circumstances, it is most humbly prayed that the instant appeal may kindly be dismissed with cost.

Respondent No. 1


**Secretary Education
(E&SE) Peshawar**

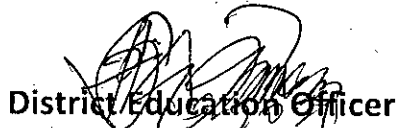
**SECRETARY
Elementary and Secondary Education
Govt: of Khyber Pakhtunkhwa**

Respondent No. 2

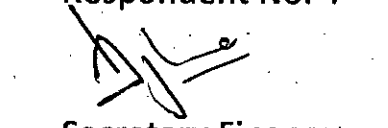

**Director Education
(E&SE) Peshawar**

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

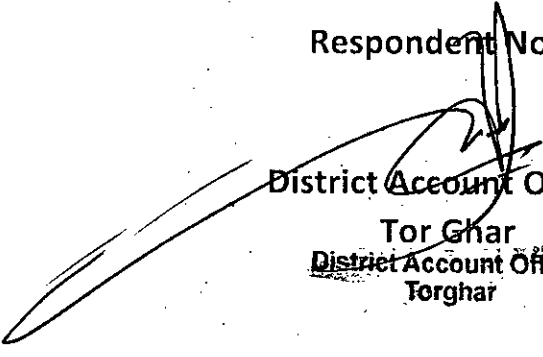
Respondent No. 3


**District Education Officer
(Male) District Tor Ghar
District Education Officer
(Male) Tor ghar.**

Respondent No. 4


**Secretary Finance
KPK 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. 4976/2021

Atta UllahAppellant

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. W. 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

NOTIFICATION

Consequent upon the recommendations of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the vacant posts of Primary School Teacher (PST) on School based in BPS-12 (Rs.9055-650-28555) @ Rs.9055/- 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 CANDIDATE	FATHER'S NAME	SCORE	WARD/ UNION COUNCIL	NAME OF SCHOOL WHERE APPOINTED	REMARKS
1	Naseeb Rahim	Qareeb Khan	82.37	Balkot	GPS Bateela	Against V/P
2	Umar Habib	Latif Ur Rehman	64.56	Balkot	GPS Balkot	--do--
3	Shabir Ahrnad	Habib Ur Rehman	64.03	Balkot	GPS Pakban	--do--
4	Waez Ullah	Muhammad Israr	78.78	Judba	GPS Sormal N/Khail	--do--
5	Rahman Ullah	Muhammad Husan	53.26	Balkot	GPS Sormal N/K	--do--
6	Abdullah	Taluq Khan	64.81	Bimbal	GPS Bilyani	--do--
7	Gulab Zada	Naseeb Zada	84.78	Bimbal	GPS Bilyani	--do--
8	Irshad Ullah	Habib Ullah	82.25	Bimbal	GPS Warokay Kilay	--do--
9	Sadiq Zar	Gula Zar	79.8	Bimbal	GPS Warokay Kilay	--do--
10	Muhammad Usman	Khitab Muhammad	80.58	Darbani	GPS Darbani	--do--
11	Majid Khan	Shahedol	70.05	Darbani	GPS Darbani	--do--
12	Abdul Mujeeb	Fazal Kareem	76.55	Darbani	GPS Jhango	--do--
13	Rozamin	Malik Said	85.44	Bimbal	GPS Khadang	--do--
14	Mastoreen	Meem Zaman	62.86	Darbani	GPS Lashora	--do--
15	Armeer Khan	Muhammad Khan	65.29	Bimbal	GPS Mera Aka Zai	--do--
16	Mumtaz Khan	Ajmal Khan	70.52	Bimbal	GMPS Dilyari	--do--
17	Muhammad Anwar	Gul Nazar Said	81.32	Dour Mera	GPS Dada Banda	--do--
18	Umar Ali	Taliwan Said	77.58	Dour Mera	GPS Dada Banda	--do--
19	Umar Rehman	'Ghulam Khan	61.73	Dour Mera	GPS Danda Banda	--do--
20	Muhammad Nawab	Fazal Wahab	73.43	Dour Mera	GPS Dour Pain	--do--
21	Alim Ullah	Taliq Zar Khan	61.98	Dour Mera	GPS Dour Pain	--do--
22	Umar Zahid	Said Fazal Hakeem	73.29	Dour Mera	GPS Dour Mera	--do--
23	Shah Fahad	Israfeel	62.13	Dour Mera	GPS Sado Khan	--do--
24	Nor Nabi Said	Muhammad Akram	60.6	Dour Mera	GPS Zezari	--do--
25	Umar Nosh	Zar Farosh	58.77	Dour Mera	GPS Zezari	--do--
26	Fazal Nawaz Khan	Mir Nawaz Khan	76.48	Gari H/Zai	GPS Ambar Gari	--do--
27	Muhammad Iqbal	Muhammad Laiq	82.02	Gari H/Zai	GPS Bayo	--do--
28	Gul Nabi Shah	Hamza Ali Shah	75.41	Gari H/Zai	GPS Gari Hasan Zai	--do--
29	Jehan Zeb Khan	Fareed Khan	70.24	Gari H/Zai	GPS Gari Hasan Zai	--do--

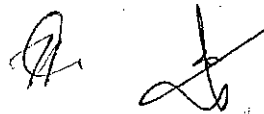
31	Akhtar Muhammad	Yaqeen Khan	67.81	Gari H/Zai	GPS Gari Hasan Zai	--do--
32	Abdul Jalil	Abdul Wahid	106.38	Gari H/Zai	GPS Gari Kotwal	--do--
32	Faiz Ur Rehman	Sahib Rahman	67.27	Gari H/Zai	GPS Gari Kotwal	--do--
33	Raqib Ullah Khan	Amin Khan	87.81	Paloosa	GPS Gatta Umar Khan	--do--
34	Naseer Ullah	Jehan Zaib	85.92	Paloosa	GPS Gatta Umar Khan	--do--
35	Yousuf Gul	Sahib Gul	75.71	Palosa	GPS Gatta Umar Khan	--do--
36	Ishafaq Ullah	Zareen Khan	65.23	Gari H/Zai	GPS Malyar	--do--
37	Abdus Sadiq	Naseem Khan	61.48	Gari H/Zai	GPS Malyar	--do--
38	Sana Ullah	Abdur Rauf	90.7	Harnail	GPS Petawo Asharay	--do--
39	Gul Faroosh Farooqi	Karamat Khan	85.43	Harnail	GPS Shalcon	--do--
40	Hashamali	Hazrat Ahmad	87.15	Harnail	GPS Soray Asharay	--do--
41	Muhammad Islam	Ahmad Latif	79.03	Harnail	GPS Zangia	--do--
42	Bakhtzada	Nawab Muhammad	91.4	Jhatka	GPS Mori Bala	--do--
43	Noor Zada	Ghulam Muhammad	65.46	Jhatka	GPS Shatal	--do--
44	Qadar Muhammad	Taluq Khan	85.56	Judba	GMPS Judba	--do--
45	Ghani Ur Rehman	Rokhman Shah	62.28	Judba	GPS Shadag	--do--
46	Muhammad Ikram	Muhammad Ishaq	55.86	Judba	GPS Shagai	--do--
47	Muhammad Rafiq	Muhammad Niqab	89.01	Judba	GPS Shadag	--do--
48	Fathullah Pathan	Shabir Ahmad	69.25	Judba	GPS Shagai	--do--
49	Atta Ullah	Shehzada	61.38	Harnail	GPS Shadag	--do--
50	Syed Farman Ullah Shah	Syed Usman Ullah Shah	75.28	Kand	GPS Kand Bala	--do--
51	Zafar Ullah	Sher Zada	91.1	Khowar M.K	GPS Chund	--do--
52	Athar Ullah	Muhammad Raheem	85.3	Khowar M.K	GPS Chund	--do--
53	Amin Said	Qeemat Said	83.62	Khowar M.K	GPS Chund	--do--
54	Behrullah	Sher Zada	76.42	Khowar M.K	GPS Gari Mada Khail	--do--
55	Rahman Ullah	Muhammad Hanif	73.32	Khowar M.K	GPS Gari Mada Khail	--do--
56	Faisal	Yad Ullah	80.42	Khowar M.K	GPS Kalsoona	--do--
57	Muhammad Ismaeel	Bakht Zada	103.3	Khowar	GPS Legra	--do--
58	Tahir Muhammad	Baz Muhammad	92.21	Khowar	GPS Sonia	--do--
59	Zahid Said	Umar Said	87.85	Khowar	GPS Tara	--do--
60	Zar Muhammad	Wafa Jan	78.49	M M Khail	GPS Chamgah Doga	--do--
61	Ibrahim Khan	Sabit Khan	79.48	M M Khail	GPS Dilo Bala	--do--
62	Zar Muhammad Shah	Muhammad Shah	75.77	M M Khail	GPS Dilo Payeen	--do--
63	Anwar Zaib	Shah Hussain	77.54	M M Khail	GPS Gawandla	--do--
64	Muhammad Shahid	Sheikh Fareen	83.92	M M Khail	GPS Gawandla Bala	--do--




65	Muhammad Shoaib	Zamin Khan	70.96	M. M Khail	GPS Lakwal	--do--
66	Siraj Ullah	Muhammad Arif	77.09	M M Khail	GPS Mabra	--do--
67	Abu Bakar	Lal Sharif	75.58	M.M Khail	GPS Mabra Bala	--do--
68	Muhammad Hanif	Palas Khan	75.49	M'M Khail	GPS Mera K.D	--do--
69	Yas Muhammad	Zubaid Khan	88.96	M M Khail	GPS Shabaz	--do--
70	Saeed Rehman	Saidmar Khan	76.06	M M Khail	GPS Shabaz	--do--
71	Muhammad Zahid	Ghulam Saeed	72.21	M M Khail	GPS Tetay	--do--
72	Abdul Manan	Muhammad Ayub	90.85	Manjakot	GMPS Shanai Pain	--do--
73	Israr Ahmad Khan	Muhammad Farosh Khan	101.24	Tilli	GPS Abo Hasan Zai	--do--
74	Shair Muhammad Zal	Muhammad Afzai	76.82	Manjakot	GPS Abo Mada Khail	--do--
75	Muhammad Ibrahim	Nasrullah Khan	81.69	Manjakot	GPS Doba	--do--
76	Inam Ul Haq	Sahib Shah	78.65	Manjakot	GPS Doba	--do--
77	Irfan Ul Allah	Waris Khan	77.72	Manjakot	GPS Karor	--do--
78	Asif Nawaz Khan	Wahid Gul	73.77	Manjakot	GPS Karor	--do--
79	Imam Gul	Baram Gul	71.68	Manjakot	GPS Karor	--do--
80	Roheeb Gul	Sakhimat Khasn	70.34	Manjakot	GPS Karor	--do--
81	Muhammad Saleh	Wazir Muhammad	66.56	M. M Khail	GPS Manjakot	--do--
82	Khawaj Muhammad	Muhammad Ashraf	67.2	M. M Khail	GPS Manjakot	--do--
83	Zarkhaib Gul	Sakhimat Gul	66.0	Manjakot	GPS Manjakot	--do--
84	Zakir Khan	Nazar Meet Khan	65.2	Manjakot	GPS Manjakot	--do--
85	Naseeb Ullah	Jehanzeb	101.82	Palosa	GPS Kandar Tawara	--do--
86	Muhammad Zahid	Muhammad Naseeb Khan	79.13	Palosa	GPS Kunhar Sharif	--do--
87	Muhammad Riaz	Karim Shah	79.36	Palosa	GPS Paloosa	--do--
88	Noor Faiser Gul	Gul Khan	69.13	Shingaldar	GPS Banjo Banda	--do--
89	Syed Mehtab Shah	Syed Khitab Shah	82.69	Tilli	GPS Gangat	--do--
90	Abdullah	Mehmood Ur Rehman	99.81	Tilli	GPS Maira Khankhail	--do--
91	Ibrar Ahmed	Muhammad Feroosh Khan	78.15	Tilli	GPS Maira Khankhail	--do--
92	Muhammad Amin	Muhammad Tahir	73.04	Tilli	GPS Mishkot	--do--
93	Syed Muslim Shah	S.Taj Muhammad Shaha	57.9	Tilli	GPS Mishkot	--do--
94	Mohib Ullah	Ghulam Bahadar	62.28	Tilli	GPS Reel	--do--
95	Muhammad Suleman	Abid Khan	53.9	Tilli	GPS Sabay	--do--
96	Syed Sahib Zar shah	Syed Bakht Shah	50.95	Tilli	GPS Tilli Sydan	--do--
97	Syed Bakht Munir shah	Naseebzar Shah	43.86	Tilli	GPS Tilli Sydan	--do--

TERMS & CONDITIONS:

1. NO TAVDA 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 before release of their salaries. 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.
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 once again their document may be checked by the SDEO (M) Tor Ghar if they don't have the prescribed qualifications prescribed for the post they should not be handed over the charge.

--SD--

Abdullah

District Education Officer (M)
E&SE Tor Ghar

Endst: No. 908-18/Dated Tor Ghar 09th April 2016.

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa E&S Education 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. Sub Divisional Education Officer (M) Tor Ghar.
7. District Monitoring Officer (IMU) Tor Ghar.
8. District Education Management Information System (DEMIS) Local Office.
9. Head Teacher GPS Concerned.
10. Official Concerned.
11. Office File.


District Education Officer (M)
E&SE Tor Ghar

DOMICILE CERTIFICATE (NORTH WEST FRONTIER PROVINCE)



I declare that I was born Of parents who are permanently
Domiciled in N.W.F.P having belonged to it by birth/settled.

I belong by birth village SHALDON (BANI KHAIL) KALA DAKKA P/O DAKKA

Tehsil OOHI R District MANSEHRA

[Signature]
Signature of the applicant

Dated: 05 / 06 / 2006

Pursuance to the declaration dated 05/6/2006 Filled by

ABTAULLAH Son/daughter of SHUZEADA hereby certified that

the said PERSON Is born of parents who are permanent residents of
the N.W.F.P, having belonged to it by birth/settled it.

I have satisfied my self from personal/my knowledge verification that
the above declaration is true and certify.

This 7th day of June 2006

[Signature]
Kala Dakka Distt. Mansehra.

No. _____ /A.K.P Date 1234 2/6/06

Countersigned

District coordination officer
Mansehra

[Signature]
District Coordination Officer
Mansehra

اصدق علی خانی نے عظیم الشان اور اولاد مند (مستند شایانہ) بھی ہیں
کا نام ہمارے تحصیل اولیٰ میں کامیاب ہے۔ کامیاب رہی اور اس کی دستوری
پابندی ہے۔

میں زانی طور پر کرتے ہیں

شاہ جی فیروز خان کی

مستند ہذا میں میں ہیں کہ نہ دھارم

نفاذی

M. ZAFAR ULLAH OF
Judba F.R (K.O.)

Malik Al Zafarullah Khan
Yousaf Za
Q. Judba F.R (K.O) Manshera

Malik Al Zafarullah Khan
Yousaf Za
Q. Judba F.R (K.O) Manshera

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

No. 1593
Dated: 31/05/2016

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.

Annex "D"

(5)
Annex "A"



OFFICE OF THE DEPUTY COMMISSIONER TORGHAR

No. 1273 /DC(2016) /TG

Dated: 09 / 05 / 2016

To
The District Education Officer (Male)
Torghar

Subject: VERIFICATION OF DOMICILES

Consequent upon receiving your office letter No.583 dated 02-03-2016, Verification of the domicile certificate, requested for, has been carried out through revenue field formation.

In the light of said verification following is the summarized status of domiciled certificates in respect of Tehsil Quilba.

S.No.	Verified	Unverified
1	Aman ul Haq	Umer Rehman S/o Ghulam Khan
2	✓ Umer nasha ✓ S.No. 25 ✓	Zia ullah S/o Ghulam Ishaq
3	✓ Gul Khtab Syed. S.No. 11 ✓	Amrullah S/o Awal Khan
4	Said Ahmad Said	Zar Mohammad S/o Abdul Majeed
5	✓ Muhmmad Nawab S.No. 20 ✓	Akbar Ali S/o Rafia Ullah
6	✓ Shah Fahad S.No. 23 ✓	Syed Mohammad S/o Ilbar Shah
7	✓ Noor Nabi Syed S.No. 24 ✓	Noor Ali S/o Hazrat Ahmad
8	✓ Haleem Ullah S.No. 21 ✓	Hasam Ali S/o Hazrat Ahmad
9	✓ Umer Ali S.No. 18 ✓	Shaikh Fareed S/o Abdul Homeed
10	✓ Umer Zahid S.No. 22 ✓	Hayat Ullah S/o Habib Ur Rehman
11	✓ Muhammad Anwar S.No. 17 ✓	Shareef Ur Rehman S/o Yaqoob Khan
12	Shah Room	Aziz Ahmad S/o Muhammad Perviz
13	✓ Mujeeb Ur Rehman S.No. 27 ✓	Rashid Ali S/o Muqarram Khan
14	Taj Muhammad Khan	Khurshid Ahmad S/o Muhammad Sadiq
15	Fateh Ur Rehman	Alia Ullah S/o Shezada
16	✓ Neer Fasar Gul ✓ S.No. 38 ✓	Mohammad Ikram S/o Muhammad Ishaq

Appointed S/O
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By P.B.O.

Action Immediately
in two months

(Signature)

6/5/16

(6)

17	✓	Abdul Salim ✓ S. No. 10	Noor Zada S/o Ghulam Muhammad
18	X	Muhammad Naseem	Jamal Khan S/o Hujam Khan
19	✓	Wahiz Ullah S. No. 4	Mohammad Adil S/o Niaz Muhammad
20	✓	Ghani ur Rehman S. No. 6	Abdul Wahid S/o Sarfaraz Khan
21	✓	Muhammad Rafiq S. No. 2	Basheer Ahmad S/o Akhtayar Malook
22		Abu Zar	Elasam Ul Haq S/o Saif Ul Malooq
23	✓	Falhy Ullah Pathan S. No. 4	Naseem Ahmad S/o Akhtayar Malook
24	✓	Qadar Muhammad S. No. 44	Mohammad Miraj S/o Behram Gohar
25	X	Misbaha Ullah	Nawab Zada S/o Muzamil Khan
26	X	Waseem Ullah	Gul Rehman S/o Toif Khan
27	✓	Gul Farqosh Farooqi S. No. 39	Muhammad Amlad Ali S/o Fazal Rabi
28		Hayal Ul Haq	Nusrat Shah S/o Iqbal Shah
29	✓	Muhammad Islam S. No. 41	
30	✓	Sana Ullah S. No. 38	
31	✓	Shakir Ullah S. No. 7	
32	X	Khan Mohammad	
33	X	Ali Badshah	
34	✓	Naseem Ullah	
35	✓	Khyal Mohammad S. No. 4	
36	X	Abdur Rehman	
37	X	Gul Zada	
38	X	Hakeem Ullah	
39	✓	Muhammad Fayaz S. No. 8	
40	X	Ismail Khan	
41	X	Toif Rehman	
42	X	Syed Rafiq Shah	
43	X	Syed Naseem Ul Haq	
44		Syed Hamid Ullah Shah	
45	✓	Umer Habib S. No. 2	
46	✓	Shabir Ahmad S. No. 2	
47	✓	Rehman Ullah S. No. 5	

S.No. 43
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Appointed S.No. 5
Appointed S.No. 4
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Appointed S.No. 9
Appointed S.No. 2

M. Zaman
Deputy Commissioner
Torghar
Deputy Commissioner
Torghar

18

Handwritten notes and stamps, including a circular stamp with '20' and other illegible markings.

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

Handwritten signature and date: 18/08/2016

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.

Handwritten signature and stamp of Assistant Commissioner Judha Torghar.

Endat: No. & Date Even:

Copy to the Deputy Commissioner Torghar for information, please.

Handwritten signature and stamp of Assistant Commissioner Judha Torghar.



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TOR GHAR

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

No. _____
Dated: ___/___/2016

BC

NOTIFICATION

Reference to the Deputy Commissioner Tor Ghar letters No. 1223/DC (2016)/TG Dated 09/05/2016, No. 1394/DC (2016) TG Dated 19/05/2016 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.908-18 Dated 09/04/2016, the competent authority E&SE Tor Ghar is pleased to withdraw/denotify the appointment in respect of Atta Ullah S/O Shahzada PST GPS Shadag w.e.f the date of his appointment.

---SD---

District Education Officer (M)
E&SE Tor Ghar

Endst: No. 2835-43 /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. Sub Divisional Education Officer (M) Tehsil Judba.
7. District Monitoring Officer (IMU) Tor Ghar.
8. District Education Management Information System (DEMIS) Local office.
9. Office File.

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

[Handwritten signature and date 7/9/16]

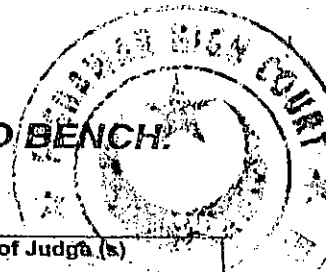
[Handwritten initials]

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
10.05.2018	<p><u>W.P.No. 48-A/2017.</u></p> <p>Present: Mr. Muhammad Naeem Akbar, Advocate, for the petitioners.</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.</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, the petitioners have prayed this court for issuance of a writ declaring the notifications bearing Endorsement Nos. 2835-43 and 3032-40 dated 07.09.2016 and 08.09.2016 respectively as illegal, unlawful and of no legal effect whereby their appointment orders have been withdrawn.</p> <p>2. Arguments heard and record gone through.</p> <p>3. At the very outset, learned counsel for the petitioners pointed out at the bar that the issue raised by the petitioners in this petition has already been laid to rest</p>

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by this court in judgments dated 21.02.2018, 22.02.2018 and 09.05.2018 delivered in Writ Petitions No. 910-A/2016, 209-A/2017 and 1082-A/2016 respectively wherein, while accepting the referred petitions this court has not only declared the 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.

Again

4. Perusal of the case record would show that the petitioners' case is at par with the referred writ petitions. When in all respect the petitioners' 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 too is allowed and consequently, the impugned notifications dated 07.09.2016 & 08.09.2016 are declared as illegal, unlawful

[Signature]

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and of no legal effect with direction to the respondents to re-instate the petitioners in their service, however, the respondents would be at liberty to proceed against them if they so wish but in accordance with law and rules on the subject.

Spil. P.S.

Hon'ble Mr. Justice Lal Jan Khattak and Mr. Justice Abdul Shafoor

(Signature)



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

Email: torgharemis@gmail.com

(4)



NOTIFICATION

In compliance with the Judgment of Honorable Peshawar High Court Bench Abbottabad, dated 10/05/2018, in Writ Petition No. 48-A/2017, the services of the following teachers are reinstated on their posts in the schools mentioned against each from the date of their withdrawn order.

S. NO	NAME	FATHER NAME	DESIGNATION	NAME OF SCHOOL
1	Muhammad Arjad Ali	Fazal Rabi	PST	GPS Shingaktar
2	Attaullah	Shehzada	PST	GPS Shadag

Their 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. 4949-SS 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. Sub Divisional Education Officer Male Tor Ghar.
6. Teacher Concerned.
7. Office File.

District Education Officer (M)
District Tor Ghar

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER MALE
DISTRICT TOR GHAR

No. 1197/18 File No. 149786/IMU/OAMIS/
Dated: 29/11/18

NOTIFICATION

WHEREAS, Mr. Altaullah, (PST) GPS Shadag was proceeded against under the Khy Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011 for the charge of willful absence from duty

AND WHEREAS a show cause notice was served upon Altaullah PST-GPS Shadag vide this office letter No. 149786-285435 Dated 17/10/2018 and he submitted his reply to the Show Cause notice which was declared by the competent authority as non-convincing.

AND WHEREAS the Competent Authority District Education Officer Male after having considered the charges and evidence on record, explanation of the accused teacher in response to the Show Cause Notice and personal hearing granted to him/her on 18/11/2018 vide this office letter No. 1031/18 Dated 14/11/2018 and he availed on 20/11/2018, is of the view that the charges against the accused officer have been proved.

THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority, District Education Officer Male Tor Ghar, Khyber Pakhtunkhwa is pleased to impose Major penalty of "REMOVAL FROM SERVICE" upon Mr. Altaullah, (PST) GPS Shadag District Tor Ghar with immediate effect.

SD

District Education Officer, Male
Tor Ghar

Ends: of Even No. & Date

Copy forwarded 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. Sub Divisional Education Officer Male Jandaba
- 6. Teacher Concerned
- 7. Office File

Handwritten mark

District Education Officer, Male
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 OF JUDGEMENS OF HONORABLE HIGH COURT PESHAWAR BENCH ABBOTTABAD, RENDED IN WP NO. 897-A/2016, 48-A/2017 AND NO. 1082-A/2016 AGAINST GOVT:

Memo:

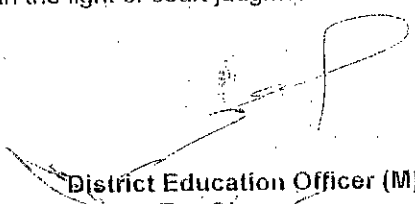
I am to refer to the subject captioned above and to state,

1. That, this office had made Appointments of following candidates, subject to verification of their 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 Ghar
2	Muhammad Ikram	Muhammad Ashiq	Fazal Basi Khail	Tor Ghar
3	Said Farid	Abdul Shaheed	Judba Cheer	Tor Ghar
4	Hashim Ali	HAzrat Ahmed	Uthlair Basi Khail	Tor Ghar
5	Akhtar Muhammad	YAqeen Khan	Nadray Hassan Zai	Tor Ghar
6	Jamal Khan	Hajim Khan	Kala Sar Judba	Tor Ghar
7	Noor Zada	Ghullam Muhammad	Shatal Judba	Tor Ghar
8	Syed Farman Ullah Shah	Usman Ullah Shah	Daro Aka Zai	Tor Ghar
9	Nusrat Shah	Iqbal Shah	Sormal Judba	Tor Ghar
10	Sharif Ur Rehman	Yaqoob Khan	Shaloon Basi Khail	Tor Ghar
11	Abdul Jalil	Abdul Ghaffar	Darbani Aka Zai	Tor Ghar
12	Muhammad Amjad Ali	Fazal Rabi	Lonia Basi Khail	Tor Ghar
13	Atta Ullah	Shehzada	Harnail Basi Khail	Tor Ghar

2. That, subsequently, their appointment order were withdrawn/denotified w.e.f the date of their 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 the 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 the Honorable Peshawar High Court Bench Abbottabad under article 199 of the constitution of Islami Republic of Pakistan 1973, with the contention to may declare the enquiry proceedings and letter 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 (Deputy Commissioner Tor Ghar) and withdrawal Notification in the light of above mentioned letters as illegal and un lawful, against the law and principles of natural justice, null and void and of no effect what so ever and be quashed.
4. That the Honorable Court while deciding the case held in the Judgment that impugned order had been passed on the back of the petitioner and they were not associated at all in the enquiry proceedings, where under their Domiciles were found un verified, therefore accepted their writ 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 Court Bench Abbottabad

our 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 4989/19 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

*Noted
Back*

(Handwritten marks)

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

Fax# 0997-580368
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)

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Office of the Additional Deputy Commissioner
District Torghar

No. Steno/ADC (2018)/TG/ 132

Dated Torghar the 27/12/2018

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



-26- Amx - "M"

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

Phone: 091-9210957 Fax: 091-9210936

NOTIFICATION

1. WHEREAS, Mr. Atta Ullah, Ex:-PST, GPS Shadag UC Harnai, was appointed by DEO (M) Tor Ghar vide Endst No 908-18 Dated 09-04-2016.
2. AND WHEREAS, he was removed from service on the basis of non- verification of domicile by the DEO concerned vide Endst No. 2835-43 dated 07.09.2016.
3. AND WHEREAS, The applicant filed an appeal at Honorable Peshawar High Court, Abbottabad Bench, under W.P.No. 48-A/2017, which decided the case in his favour for Re-Instatement dated 21.05.2018.
4. AND WHEREAS, The appellant was re-instated in the light of Honorable Peshawar High Court Abbottabad Bench's decision, vide DEO (M) Tor Ghar No. 4949-55 /dated 03.07.2018.
5. AND WHEREAS, The Inquiry Committee constituted by the Deputy Commissioner Tor Ghar, started its proceeding on 27.12.2018, in compliance with Peshawar High Court Abbottabad Bench decision.
6. AND WHEREAS, IMU reported the said official absent from duty and resultantly he was removed from service vide Endorsement No: 1191/File No 149766/IMU/OAMIS/2018 dated 24-11-2018.
7. AND WHEREAS, Inquiry Committee submitted its report on 27-12-2018.
8. AND WHEREAS, The applicant submitted an appeal for Re- instatement in the light of the High Court's decision and the Deputy Commissioner Inquiry Committee's recommendations dated 27.12.2018.
9. AND WHEREAS, The Appellate Authority accepted the appeal for his Re- instatement in the light of Honourable High Court's decision and the Deputy Commissioner Inquiry Committee's recommendations. Therefore, Mr. Attaullah Ex. PST is hereby re-instated w.e.f the date of his removal from service without back benefits, and the intervening period will be treated as leave without pay.

(DIRECTOR)
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

Endst No. 2/38-40 /F.No.A-10/VOL:I/APPEALS. Dated Peshawar the 11/7 /2019
Copy of the above is forwarded for information and necessary action to the:-

1. The District Education Officer (M) Tor Ghar.
2. District Account Officer Tor Ghar.
3. Mr. Atta Ullah PST GPS Shadag Tor Ghar.
4. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

DEPUTY DIRECTOR (ESTAB)
E&SE KHYBER PAKHTUNKHWA
PESHAWAR

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



Email: torgharemis@gmail.com

NOTIFICATION:

In compliance with Notification No.2638-40/F.No.A-10/VOL:1/APPEALS, Dated:11-07-2019 of Appellate Authority, the service of Mr. Afta Ullah S/O Shehzada, Ex-PST is hereby reinstated as PST at GPS, Kopra Aka Zai, Tor Ghar, from the date of his removal from service without back benefits.

--Sd--

(Jaffar Mansoor Abbasi)
District Education Officer (M)
E&SE Tor Ghar

Endst. No. 1212-18 Date: 02/08/2019.

Copy for information to the:

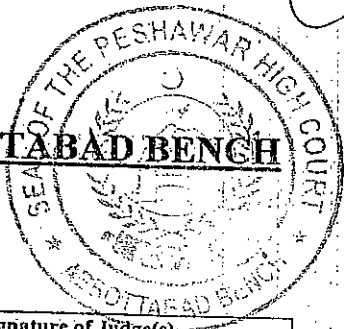
1. Director E&SE Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Tor Ghar
3. District Monitoring Officer (DMO) Tor Ghar
4. District Accounts Officer Tor Ghar at Mansehra
5. SDEO (M) Hassan Zai Tor Ghar
6. Official Concerned
7. Office File

(Handwritten signature of Jaffar Mansoor Abbasi)

(Official stamp of District Education Officer (M) E&SE Tor Ghar)

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
13.01.2021	<p>C.O.C No.143-A-2019</p> <p>Present: Mr. Nazakat Ali Tanoli, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant Advocate General, for the respondents</p> <p>****</p> <p>SHAKEEL AHMAD, J.: By means of this contempt petition, the petitioner has sought the following relief:</p> <p><i>"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 of 2016, 2017 and 2018."</i></p> <p>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 10.05.2018 of this Court, passed in WP No.48-A/2017, however, they have denied payment of back benefits to the petitioner.</p> <p>3. Arguments heard. Record perused.</p> <p>4. Perusal of record reveals that while allowing</p>

Certified to be True Copy
EXAMINER
27/1/2021
Peshawar High Court
Authorized Under Seal

Handwritten initials/signature.

21

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 too is allowed and consequently, the impugned notifications dated 07.09.2016 & 08.09.2016 are declared as illegal, unlawful and of no legal effect with direction to the respondents to re-instate the petitioners in their service, however, the respondents would be at liberty to proceed against them 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.48-A/2016, re-instated the petitioner in service vide Notification bearing Endst.No.4949-55 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 10.05.2018.

Certified to be True Copy
EXAMINER
25/07/2021
Peshawar High Court
Authorised Officer

[Handwritten 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.

Signature

Signature

JUDGE

JUDGE

Certified to be True Copy
EXAMINER
25 JAN 2021
Peshawar Bench
Authorized Under Sec. 27 of Ordinance

*M. Saleem /PS**

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



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 965 /ST

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. 4976/2021 MR. ATTA ULLAH.

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