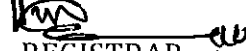




Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1069/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2022	<p>The appeal of Mr. Muhammad Rasheed resubmitted today by Mr. Inayatullah Khan Tareen Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	4-7-22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>7-7-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	7 th July, 2022	<p>Clerk of learned counsel for the appellant present.</p> <p>Counsel are on strike. To come up for preliminary hearing on 28.07.2022 before S.B.</p> <p> (Kalim Arshad Khan) Chairman</p>

The appeal of Mr. Muhammad Rasheed son of Abdul Khaliq r/o Jhand Payan Karori Tehsil Oghi District Mansehra received today i.e. on 26.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

04.02.2017

- 1- Copy of order dated 04.02.2017 and 16.07.2021 attached with the appeal are illegible which may be replaced by legible/better one.
- 2- The authority whose order is challenged has not been arrayed a necessary party.
- 3- Copy of impugned order dated 11.08.2021 mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.


No. 960 /S.T,

Dt. 27-4- /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Inayatullah Khn Tareen Adv. Pesh.

The objection 1 & 3 removed and
the appeal is re-submitted.


24/6/22

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

Case Title: Muhammed Rasheed vs Govt of Khyber Pakhtunkhwa & others

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Anayat ullah Khan Tareen Adv</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly pagged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

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

Name:

Anayat ullah Khan Tareen Adv

Signature:

Anayat

Dated:

26-04-2022

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

Service Appeal No. 1069/2022.

Muhammad Rasheed V/S Government of Khyber Pakhtunkhwa through
the Secretary, Elementary and Secondary
Education Department, Civil Secretariat
Peshawar and others.

SERVICE APPEAL

INDEX

Sr. No:	Description of Documents	Annexure	Page No:
(1)	Memorandum of Appeal alongwith affidavit, addresses of the parties, certificate & list of Books.	-	01 - 10
(2)	Application for Condonation of delay.	-	11
(3)	Copy of the appointment order.	"A"	12 - 18
(4)	Copy of retirement certificate/order.	"B"	19
(5)	Copy of Department appeal.	"C&D"	20 - 25
(6)	Copy of judgment of august Supreme Court.	"E"	26 - 28
(7)	Copy of the office order dated 16-07-2021 in identical cases.	"F"	29 - 30
(8)	Copies of significant documents.	"G"	31 - 35
(9)	Vakalat Nama.	-	36

Dated: 26-04-2022

m. Rasheed
Appellant
(Muhammad Rasheed)

Through:

(Inayat Ullah Khan Tareen)
Advocate High Court.

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

Service Appeal No. _____/2022.

Muhammad Rasheed S/O Abdul Khaliq,
R/O Jhand Payen, Karori, Tehsil Oghi, District Mansehra.

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through the Secretary,
Elementary and Secondary Education Department, Civil Secretariat
Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa,
Peshawar.
3. District Education Officer (Male) Haripur.

.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT, 1974 AGAINST THE DECISION
OF RESPONDENT NO: 3 ISSUED VIDE HIS OFFICE
LETTER NO: 4408-10 DATED 11/06/2020, WHEREBY THE
APPELLANT HAS NOT BEEN HELD ENTITLED TO
PENSIONERY BENEFITS AND GRATUITY AND APPEAL IN
THIS RESPECT WAS DISMISSED.**

PRAYER:

On acceptance of this appeal, it may be declared and held that Section-5 of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (Act No: XVIII of 2012) does not exclude the claim of appellant for pensionery benefits on his retirement by superannuation as the fresh appointment of the appellant by virtue of Section 3 of the said Act is incidental to his original appointment which was

subsequently terminated without any fault attributable to the appellant; and as such, the period from the date of termination of appellant's service after the original appointment till his fresh appointment by operation of law is countable in service for the purpose of pension. Consequently, the appellant having on his credit qualifying service for pension, is entitled for usual pensionary benefits on his retirement by superannuation; and impugned order is liable to be set-aside being against the facts and law.

Any other relief deemed fit according to circumstances of the case may also be granted.

Respectfully Sheweth:-

The facts giving rise to this appeal are as follows:-

FACTS:

1. That the appellant was appointed by the Respondent department according to the prescribed method of recruitment in the year 1995. (Copy of the appointment order is annexed as Annexure "A").
2. That, the services of the appellant were illegally terminated in the year 1996-97.
3. That in the year 2012, sacked employees (Appointment) Act, 2012 KPK was promulgated. Department was bound to reinstate/reappoint the appellant as per criteria mentioned in the said Act, but appellant was not appointed under the said Act.
4. That lateron, in compliance with the judgment 24-05-2016 passed by Honourable Peshawar High Court and up held by the August Supreme Court of Pakistan vide order dated 24-05-2017, the appellant was reappointed/reinstated in service in the year 2017.
5. That after reappointment, appellant again served in the Department and was retired on having attained the age of superannuation in the

year 2021. (Copy of retirement certificate/order is annexed as Annexure "B").

6. That upon retirement, respondents were bound by law to pay all the pensionary benefits to the appellant, but they failed to pay pension to the appellant. He moved numerous applications for the grant of pensionary benefits, but his applications were not accepted and the Respondent No. 3 relieved the appellant verbally by saying to challenge it in any forum or court.
7. That feeling aggrieved from the impugned order, the appellant preferred the Departmental Appeal before Respondent No: 2, but in vain, inspite of passing a prolong period. It is pertinent to mention here that 90 days statutory period of Departmental Appeal has expired, hence the appellant in pursuit of the next remedy has to file this Service Appeal, inter alia on the following grounds:- (Copy of Department appeal is annexed as Annexure "C&D").

G R O U N D S :

A- That preamble of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 construes that very purpose of making said law is to provide relief to eligible sacked employees who were appointed in the Province of Khyber Pakhtunkhwa during the period from 1st day of November 1993 to 30th day of November 1996 and were dismissed, removed, or terminated from service on various grounds. In content of the said preamble, previous appointment of sacked employees was taken as basis for fresh appointment with certain exceptions as to their claim of seniority, promotion and other back benefits.

B- That the appellant having been appointed in the year 1995 as CT Teacher had served in the respondent department and was terminated from service before 31st day of December 1998. As such, the original appointment of the appellant having been made after 1st

day of November 1993 and his termination before 31st December 1998 was covered under the definition of 'sacked employee' given in Khyber Pakhtunkhwa Act No: XVII of 2012 and relief of appointment within meaning of section 3 of the said Act was also extended in appellant's favor.

- C- That legally admissible nexus between previous and fresh appointment of sacked employees makes a good ground for treatment of intervening period between termination of service and fresh appointment in a beneficial manner for its counting towards qualifying service for pension of the appellant on his retirement by superannuation.
- D- That Section 5 of the Act No: XVII of 2012 does not specifically or by implication excludes the counting of aforementioned intervening period towards qualifying service for pension and it does not warrant by law and principles of natural justice to interpret said section for supplying an omitted cause by departmental interpretation.
- E- That in view of the forgoing grounds herein above, appointment of the appellant after termination of his original service was the outcome of operation of a remedial law.
- F- That when the original appointment of the appellant was taken as paramount consideration for relief under Act XVII of 2012, the termination of said appointment during a particular regime without any fault of the appellant is not workable to disconnect his original appointment from the fresh appointment made under operation of law which in terms of its preamble is remedial law. As such, it is highly unjust, perverse, arbitrary, perfunctory, erroneous, wrong and unlawful to exclude the intervening period from termination of appellant after original appointment till his fresh appointment, from its counting towards the qualifying service for pension on Appellant's retirement by superannuation.

G- That seniority and promotion are part of terms and conditions of service governed under the rules namely Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989 and claim of a sacked employee to this effect has been specifically excluded by Section 5 of the Act XVII of 2012 and the expression "other back benefits" does not logically and legally cover the exclusion of intervening period as above mentioned for the purpose of pension particularly when the august Supreme Court of Pakistan in the judgment dated 27-03-2020 passed in Civil Petition No: 468-P, 469-P, 471-P and 472-P of 2016 allowed the counting of protected period for payment of pensionary benefits.(Copy of judgment of august Supreme Court is annexed as **Annexure "E"**).

H- That in identical case, similarly placed employees have been given all the pensionary benefits but vide impugned order, appellant has been deprived of his pension totally on flimsy grounds. (Copy of the office order dated 16-07-2021 in identical cases is annexed as **Annexure "F"**).

I- That the right to pension is provided under the law and rules. There are a number of pronouncements of the august Supreme Court of Pakistan that grant of pension is not a bounty rather a vested right of a government servant after his retirement. The appellant was prevented from rendering service in the respondent department because of his termination from service and enactment of remedial law for relief to the sacked employees is not prone to the interpretation of the expression "other back benefits" to exclude the period of his absence from service in between his termination and appointment by operation of law.

J- That the impugned order is against the facts, against the law, random, arbitrary, erroneous, unfounded and suffers from misinterpretation and misunderstanding of the law. Hence not tenable under the facts and law.

K- That the appeal at hand is not otherwise time barred for the reason of its caesura under Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020 and but as matter of precaution, an application for condonation of delay is accompanying this appeal.

L- That the matter in appeal is fit for adjudication in jurisdiction of this Hon'ble Tribunal.

With the forgoing facts and grounds it is respectfully submitted that the Appeal may graciously be accepted as prayed for.

Dated: 26/4/22

Through:

m. Rasheed
Appellant
(Muhammad Rasheed)
Inayat
(Inayat Ullah Khan Tareen)
Advocate High Court.

VERIFICATION

Verified that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated: 26/4/22

Through:

m. Rasheed
Appellant
(Muhammad Rasheed)
Inayat
(Inayat Ullah Khan Tareen)
Advocate High Court.

P/7

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

Service Appeal No. _____/2022.

Muhammad Rasheed .VIS Government of Khyber Pakhtunkhwa
through the secretary, Elementary and
Secondary Education Department, Civil
Secretariat Peshawar and others.

SERVICE APPEAL

AFFIDAVIT

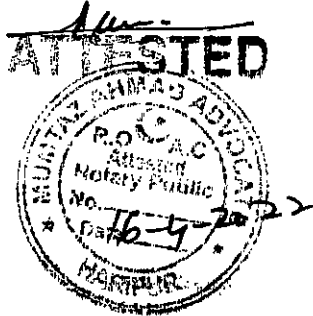
I, Muhammad Rasheed S/O Abdul Khaliq R/O Jhand Payen, Karori, Tehsil
Oghi, District Mansehra, do hereby solemnly affirm and declare on oath
that the contents of accompanying Service Appeal are true and correct to
the best of my knowledge and belief and nothing has been suppressed
from this Honourable Tribunal.

Dated: 26/4/22

M. Rasheed
Deponent

Identified by:

Inayat Ullah Khan Tareen
(Inayat Ullah Khan Tareen)
Advocate High Court.



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

Service Appeal No. _____/2022.

Muhammad Rasheed **V/S** Government of Khyber Pakhtunkhwa through
the secretary, Elementary and Secondary
Education Department, Civil Secretariat
Peshawar and others.

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Appellant:

Muhammad Rasheed S/O Abdul Khaliq R/O Jhand Payen, Karori, Tehsil
Oghi, District Mansehra.

Respondents:

1. Government of Khyber Pakhtunkhwa through the secretary,
Elementary and Secondary Education Department, Civil Secretariat
Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa.
3. District Education Officer (Male) Haripur.

Dated: 26/4/22

M. Rasheed

Appellant
(Muhammad Rasheed)

Through:

Inayat Ullah Khan Tareen

(Inayat Ullah Khan Tareen)
Advocate High Court.

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

P/9

Service Appeal No. _____/2022.

Muhammad Rasheed **V/S** Government of Khyber Pakhtunkhwa
through the secretary, Elementary and
Secondary Education Department, Civil
Secretariat Peshawar and others.

SERVICE APPEAL

CERTIFICATE

It is certified that the appellant prefers the accompanying first appeal before this Honourable Tribunal. The Appellant did not file any appeal in this Honourable Tribunal.

Dated: 26/4/22

M. Rasheed

Appellant
(Muhammad Rasheed)

Through:

Inayat Ullah Khan Tareen

(Inayat Ullah Khan Tareen)
Advocate High Court.

8/10

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

Service Appeal No. _____/2022.

Muhammad Rasheed **V/S** Government of Khyber Pakhtunkhwa
through the secretary, Elementary and
Secondary Education Department, Civil
Secretariat Peshawar and others.

SERVICE APPEAL

LIST OF BOOKS

- (1) Servant Act 1974.
- (2) K.P.K. Services Rules E&D 2011.
- (3) Other Ruling of High Courts, Superior Courts and Service Tribunal will be cited at the time of hearing.

Dated: 26/4/22

M. Rasheed

Appellant
(Muhammad Rasheed)

Through:

Inayat Ullah Khan Tareen

(Inayat Ullah Khan Tareen)
Advocate High Court.

8/11

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

Service Appeal No. _____/2022.

Muhammad Rasheed

....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through the Secretary,
Elementary and Secondary Education Department & others.

.....Respondents

**APPLICATION UNDER RULE-8 R/W RULE 27 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL RULES,1974 FOR CONDONATION
OF DELAY IN FILING OF SUBJECT SERVICE APPEAL.**

Respectfully Sheweth :

1. That the applicant has filed the above titled appeal in this Hon'ble Tribunal.
2. That there is short delay in filing the service appeal due to the reasons beyond control of the appellant and unavoidable circumstances.
3. That the delay in filing the appeal is neither intentional nor willful, but due to the good and sufficient reason shown above and to be explained in arguments. Interest of justice demands that the present application is allowed and the delay in filing appeal is condoned so that the matter can be adjudicated upon on its merit.

It is, therefore, most respectfully prayed that this application may kindly be allowed and the delay in filing the appeal may kindly be condoned and the matter may kindly be heard on its merit in the interest of justice.


Such other orders as deemed fit and proper in the facts and circumstances of the case may kindly also be passed.


Applicant

(Muhammad Rasheed)

Dated: 26/4/22

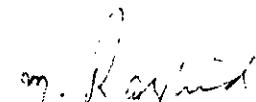
Through:


(Inayatullah Khan Tareen)
Advocate High Court

Affidavit

I, **Muhammad Rasheed**, do hereby solemnly affirm and declare as under :-

1. That forgoing application has been prepared under my instructions. The contents of forgoing application are correct and true to the best of my knowledge.
2. That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.


Deponent

**BEFORE THE DIRECTOR, ELEMENTARY AND
SECONDARY EDUCATION KPK, PESHAWAR**

A.P.No. 385

Muhammad Rasheed S/o Abdul Khaliq R/o Jhand Payen, Karori,
Tehsil Oghi District Mansehra

...APPELLANT

VERSUS

District Education Officer (Male) Mansehra.

...RESPONDENT

DEPARTMENTAL APPEAL

INDEX

S#	Description of Document	Annexure	Page No.
1.	Memo of Appeal		1-4
2.	Copies of the appointment order	"A"	5-7
3.	Copies of the termination order & Reappointment order	"B" B1	8-11
4.	Copy of retirement certificates	"C"	12
5.	Copy of applications	"D"	13-14
6.	Copy of the judgment	"D1"	15-17
6.	Copy of the judgment of Hona'able Apex Court	"E"	18-20
7.	Copy of the office order dated 16-07-2021 in identical cases	"F"	21-22
8.			

Dated: 15-11-2021

...APPELLANT

1/25

1

**BEFORE THE DIRECTOR, ELEMENTARY AND
SECONDARY EDUCATION KPK, PESHAWAR**

A.P.No. _____

Muhammad Rasheed S/o Abdul Khaliq R/o Jhand Payen, Karori,
Tehsil Oghi District Mansehra

...APPELLANT

VERSUS

District Education Officer (Male) Mansehra.

...RESPONDENT

DEPARTMENTAL APPEAL

Respected Sir,

1. That, the appellant were appointed by the respondent according to the prescribed method of recruitment in the year 1995 (Copies of the appointment order is annexed as Annexure "A")
2. That, the services of the appellant were illegally terminated in the year 1996-97. (Copies of the termination order is annexed as Annexure "B")
3. That in the year 2012, sacked employees (Appointment) Act 2012 KPK was promulgated. Department was bound to reinstate/ reappoint the appellant as per criteria mention in the said act but appellant was not appointed under the said act.
4. That later on, in compliance with the judgment passed by this Honourable Court dated 24/05/2016 which was up held by the August Supreme Court of

Pakistan vide order dated 24/05/2017, Appellant were reappointed / reinstated in service in the year 2017.

5. That after reappointment, appellant again served in the Department and was retired on superannuation in the year 2020. **(Copy of retirement certificates are annexed as Annexure "C")**.
6. That upon retirement, respondent was bound to pay all the pensionary benefits to the appellant but respondent failed to pay pension to the appellant. Appellant moved numerous applications for the grant of pensionary benefits to the respondent but no response was given to the appellant **(Copies of applications are annexed as Annexure "D")**.
7. That due to inaction of the respondent, appellant filed a writ petition before the Hon'able Peshawar High Court, Abbottabad Bench which was disposed off by the Hon'able Court directing the respondent to decide the applications/representation of the appellant / petitioner but despite clear orders of Hon'able Court no action has been taken by the respondent. **(Copy of the judgment is annexed as Annexure "D1")**.
8. That feeling aggrieved appellant hereby prefers departmental appeal inter alia on the strength of following grounds amongst others.

GROUND:-

- a) That the impugned act of the respondent is illegal, unlawful, callous, hence liable to be struck down.
- b) That the impugned act of the respondent is arbitrary, perverse, fanciful and against the legitimate expectation of the appellant.

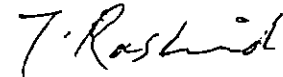
That the impugned act of the respondent is blatant violation of the judgments passed by the superior forums hence liable to be struckdown.

- d) That the Hon'able Supreme Court has already passed the judgment on the subject dated 27-03-2020 wherein it was held that petitioners (Sacked employees) will be allowed counting of their service for the protected period for the payment of pensionary benefits. **(Copy of the judgment of Hon'able Apex Court is annexed as Annexure "E")**
- e) That in identical cases, similarly placed employees have been given all the pensionary benefits but vide impugned order, appellant has been deprived of his pension totally on flimsy grounds. **(Copy of the officer order dated 16-07-2021 in identical cases is annexed as Annexure "F").**
- f) It is also pertinent here to mention that the law department also cleared / elaborate the judgment passed by the Hon'able apex court that the period remained out of service is to be treated as leave of the kind due and thereby the said period shall be counted towards pension.
- g) That the impugned act of the respondent is illegal, without lawful authority being violation of the principles of natural justice.
- h) That the petitioner has more than 10 years unblemished service record and has served the department with utmost devotion and dedication. Respondent was bound to decide the application of the petitioner in accordance with law and rules on the subject and keeping in view the dictum laid down by the Hon'able apex court but the impugned order has laid down by the superior court hence liable to be turned down.
- i) That the appellant is sole bread winners of his families and has no other source of income by which he could feed his family and meet his expenditure. Appellant is waiting for long time to get his pension /pensionary benefit which has been illegally refused by the respondent.

PRAYER:-

It is, therefore, most humbly prayed that on acceptance of the instant appeal the impugned illegal act of the respondent by not granting any pensionary benefits to the appellant may please be declared illegal, arbitrary, against the fundamental rights and be struck down and the respondent may please be directed to pay the pension along with pensionary benefits to the appellant counting from the period of their initial appointment in the year 1995 till the date of their retirement.

...APPELLANT



Muhammad Rasheed S/o
Abdul Khaliq

R/o Jhand Payen, Karori,
Tehsil Oghi District
Mansehra

Dated: /08/2021

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (میل) صاحب ضلع ہری پور

P/25

درخواست برآمد حصول پنشن و دیگر فوائد بابت پنشن

جناب عالی! درخواست ذیل عرض ہے۔

۱- یہ کہ سائل کی ابتدائی تقرری بطور "TT" مورخہ 28-09-1995 کو گورنمنٹ مڈل سکول سرحد ناہری پور میں ہوئی جو کہ بعد ازاں سال 1997ء کو سائل کو نوکری سے برخاست کیا گیا۔

۲- یہ کہ سال 2012ء میں Sacked Employees Appointment Act 2012 کے تحت سائل کو دوبارہ مورخہ 04-10-2017 کو گورنمنٹ مڈل سکول صوابی میرا میں دوبارہ تعینات کیا گیا اور سروس مکمل کرنے بعد مورخہ 31-05-2020 میں پیرانہ سالی پر سائل کی ریٹائرمنٹ ہوئی۔ (نقل ریٹائرمنٹ ٹیٹولیکٹ لف ہے)

۳- یہ کہ ریٹائرمنٹ کے بعد سائل کو آج تک نہ تو پنشن دی گئی اور نہ ہی بعض دیگر مراعات دی گئیں جو کہ حقوق سائل کے ساتھ سراسر زیادتی ہے۔

۴- یہ کہ سپریم کورٹ آف پاکستان نے Sacked Employees Appointment Act 2012 کی پنشن و دیگر مراعات پر فیصلہ فرمادیا ہے جس کی روشنی میں سائل پنشن و دیگر فوائد بابت پنشن کا حقدار ہے۔ سائل نے اس بابت ایک رٹ پٹیشن "محمد رشید بنام گورنمنٹ" W.P No.746-A/2021 پشاور ہائی کورٹ ایٹ آباد پانچ میں دائر کی تھی جس کو فاضل عدالت نے مورخہ 23-06-2021 کو فیصلہ صادر فرماتے ہوئے محکمہ کو ہدایت کی کہ سائل کی پنشن کے معاملے کو ایک ماہ کے اندر اندر بمطابق قانون فیصلہ فرمایا جائے۔ (نقلات فیصلہ جات ہائی کورٹ و سپریم کورٹ لف ہیں)

۵- یہ کہ سائل کی آمدن کا اور کوئی ذریعہ نہ ہے اور سائل کے قیمتی حقوق کا سوال ہے۔

لہذا استدعا ہے کہ ابتدائی تقرری سے لے کر ریٹائرمنٹ تک کی پنشن و دیگر ادائیگی کرنے کے احکامات

صادر فرمایا جاویں۔

المرقوم: 03/07/2021

العارض

نثار احمد ولد غلام جیلانی (سائل)

سکنہ شادی حطار ہری پور

رابطہ نمبر: 0311-1594019

Recd
Dy. No.
2887 - 5/07/2021

Annex "E"

P/26

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE NAZ UL AHSAN

CIVIL PETITIONS NO.468-P, 469-P, 471-P & 472-P OF
2016.

Against the judgment dated 12.07.2016 passed by the Khyber Pakhtunkhwa
Service Tribunal Camp Court, Swat in Appeals No. 1202 and 1203 of 2016

Muhammad Sheryar.
(in CPs 468/16)

Anwar Zeb.
(in CPs 469/16)

The Secretary to Education (E&S), Government of Khyber
Pakhtunkhwa, Peshawar and others.
(in CPs 471-P & 472 P/16)

...Petitioner(s)

Versus

The Secretary to Education (E&S), Government of Khyber
Pakhtunkhwa, Peshawar and others.
(in CPs 468-P & 469 P/16)

Muhammad Sheryar.
(in CPs 471-P/16)

Anwar Zeb.
(in CPs 472 P/16)

...Respondent(s)

For the Petitioner(s):

Mr. M. Asif, ASC.
(For Petitioners in CPs 468/16 & 469-P/16 &
For Respondents in CPs 471-P & 472-P/16)

Barrister Qasim Wadood, Addl.
A.G. KP.
(in CPs 471-P & 472-P/16)

Date of Hearing:

27.03.2020.

ORDER

GULZAR AHMED, CJ. - We have heard the learned
Additional Advocate General, Khyber Pakhtunkhwa appearing
for the Petitioners in Civil Petitions No.471-P and 472-P of

CTC
Waqar Nadeem
ATTESTED

2016 as well as Mr. Muhammad Asif, learned ASC for the petitioners in Civil Petitions No.468-P and 469-P of 2016. The petitioners in Civil Petitions No.468-P and 469-P of 2016 (to be referred as the petitioners) were employed as PTC Teachers. Their services were terminated in the year 1997 against which they filed service appeals before the Khyber Pakhtunkhwa Service Tribunal ("the Tribunal") which vide judgment dated 04.01.2013 accepted the appeals with direction to the Respondents to consider their grievances. Pursuant to this direction of the Tribunal, the petitioners were reinstated in service, vide Office Order dated 05.07.2013 from the date of their taking charge but back benefits were not allowed to them for the period they remained out of service. The petitioners again filed service appeals before the Tribunal which vide impugned judgment dated 12.07.2016 accepted the appeals.

CTC
Waqar Nadeem
ATTESTED

2. The learned counsel for the petitioners contends that the petitioners were entitled to grant of back benefits but we are unable to see as to how such back benefits could have been allowed to them more so when in the earlier judgment of the Tribunal dated 04.01.2013 no such relief was allowed to the petitioners and by the impugned judgment dated 12.07.2016 also apparently no such relief has been granted to them. He adds that some other similarly placed employees have been given back benefits.

3. We have asked the learned counsel for the petitioners to show us as to whether in the memo of appeal

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before the Tribunal such point has been urged or any other ground in this regard was taken. He went through the memo of appeal and conceded that no such assertion in the memo of appeal was taken by the petitioners. The Tribunal has disallowed back benefits to the petitioners twice and it is obvious that such has been disallowed to the petitioners for the reason that they have not served the department for the said period and there is no material on record on the basis of which relief of back benefits could be allowed to them. There appears no illegality in the impugned judgment. Even otherwise, no substantial question of law of public importance in terms of Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973 has been raised.

5. For what has been discussed above, all the listed petitions being devoid of merits stand dismissed and leave to appeal is refused.

6. It is however observed that the petitioners will be allowed counting of their service for the protected period for payment of pensionary benefits.

CJC
Waqar Nageem

ATTESTED

2009 SCMR P-1

ISLAMABAD
27.03.2020
ZB/
Not Approved for Reporting

[Faint signature and stamp area]

APPOINTMENT

Consequent upon the finalization of the lists of un-trained candidates duly approved by the Minister for Primary Education M.F.P, the following candidates are hereby appointed in BP-7 @ Rs.1489 fixed per month plus usual allowances as admissible under the rules w.c.f. the date of their taking over the charge against the vacant posts in the interest of public service:

S.No.	Name & Father's Name	Address	Place of posting	Remarks
1-	Fakhruddin s/o Ghulam Mohyud Din.	Nambal	GPS Nambal	Against vacant post.
2-	Muhammad Khalid s/o Abdul Qayum.	Lassan Nawab	Mos:Khaliyala	-do-
3-	Sheikh Amjad s/o Sheikh Taj Muhammad.	Shakooki	GPS Bat Doga	-do-
4-	Muhammad Sajjad s/o Ali Akbar.	Takkar Mera	Mos:Pojdara	-do-
5-	Zulfiqar s/o Fazal Rehman Shergarh		GPS Seri Gorla	-do-
6-	Sarfraz s/o Muhammad Jan.	Moorat Mera	Mos:Hathra	-do-
7-	Khalid s/o Sher Muhammad	Mera Khurd	GPS Nambal	-do-
8-	Sain Ahmad s/o Muhammad Zaman.	Naryala	Mos:Lohar Banda	-do-
9-	Muhammad Aslam s/o Fazal Rehman.	Chan Sair	GPS Seri Gorla	-do-
10-	Haider Zaman s/o Muhammad Sulman.	Karrori	GPS Beerian	-do-
11-	Amjad Hussain s/o Anwar Shah.	Dhaman Dheri	GPS Bat Doga	-do-
12-	Saeedur Rehman s/o Haider Zaman.	Gali Badral	GPS Daroo	-do-
13-	Muhammad Farvez s/o Muhammad Akbar.	Kala Mera	Mos:Sinjeliyala	-do-
14-	Muhammad Mushtaq s/o Sher Muhammad.	Pangorhi	Mos:Khamari	-do-
15-	Muhammad Irfan s/o Muhammad Zaman.	Gali Badral	GPS Lubar	-do-
16-	Muhammad Saeed s/o Muhammad Ayub.	Shakooki	Mos:Sinjel Bandi	-do-
17-	Muhammad Younis s/o Fazlur Rehman.	Mando	Mos Tunimar	-do-
18-	Muhammad Riaz s/o Kala Khan.	Hari Doga	GP Chamial	-do-
19-	Muhammad Tariq s/o Abdur Rehman.	Chansair	GPS Sunj	-do-
20-	Muhammad Haroon s/o Ghulam Haider.	Moorat Mera	GPS Sunj	-do-

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Sl. No.	Name	Address	Post Office	Remarks
20-A	Lal Khan s/o Fazlur Rehman	Fakhsong	GPS Tarmang	A.V. Post
21-	Abdus Sattar s/o Maroof.	Kalas	GPS Sera Gali	A.V. Post
22-	Niaz Ahi Shah s/o Farman Ali Shah.	Darbend	Mos:Chakli Miangan	-do-
23-	Muhammad Ishaq s/o Ghulam Qadir.	Makan Gali	GPS Chatta	-do-
24-	Aftab Ahmad s/o Abdul Jalil.	Hari Doga	GPS Chatta	-do-
25-	Abdul Malik s/o Rehmatullah.	Chan Sair	GP Bai	-do-
26-	Muhammad Shameer s/o Omar Zaman.	Jasgaran	GPS Sokal	-do-
27-	Naeem Anwar s/o Muhammad Anwar.	Shungli	GPS Neel Batla	-do-
28-	Muhammad Haroon s/o Khalilur Rehman.	Kutaira	GPS Neel Batla	-do-
29-	Abid Hussain Shah s/o Hussain Shah.	Ismail Bandi	GPS Nawan Sher	-do-
30-	Shakil s/o Abdul Jabbar.	Sokal	GPS Sokal	-do-
31-	Rashid Manan s/o Abdul Manan.	Lassen Nawab	GPS Sokal	-do-
32-	Taj Muhammad s/o Sher Dil.	Chakli	GPS Namshera	-do-
33-	Chaukat Ali s/o Gohar Rehman	Darbend	GPS Namshera	-do-
✓ 34-	Abdur Rashid s/o Abdul Khaliq Jund Seri		GPS Namshera	✓ -do-
35-	Javed s/o Fazlur Rehman x/	Sharotta	GPS Khudian	-do-
36-	Muhammad Arshad s/o Sher Muhammad.	Sahaki	GPS Khudian	-do-
37-	Muhammad Fayaz s/o Niaz Muhammad Bandi Mera		GPS Garwal	-do-
38-	Muhammad Arif s/o Wali Muhammad Rooria		Mos:Parkhain	-do-
39-	Muhammad Gulab s/o-Sikandar Khan.	Rarri	Mos:Jorian	-do-
40-	Abdus Sadiq s/o Bahram.	Kalas	GPS Minjahani	-do-
41-	Muhammad Ali s/o Taj Muhammad Thakia Shah Miskeen.		GPS Dham Nalla	-do-
42-	Naeem Kausar s/o Ghulam Sarwar Lassen Nawab		GPS Hallan	-do-
43-	Muhammad Humayun s/o Habibur Rehman.	Bandian	GPS Mat Serian	-do-
44-	Muhammad Pervez s/o Muhammad Zaman.	Thermang	GPS Miana Gali	-do-
45-	Zulfiqar s/o Ghulam Sarwar.	Darbend	Mos:Karam	-do-
46-	Habibur Rehman s/o Jamilur Rehman.	Gali Badral	GPS Chuntran	-do-
47-	Muhammad Saeed s/o Muhammad Israil.	Kalas	Mos:Mohtar Wurd	-do-
48-	Muhammad Bukhtiar s/o Khane Zaman	Rorie	GPS Miana Gali	-do-
49-	Iftikhar s/o Ghulam Haider.	Gojra	GPS Kahawa	-do-
50-	Fida Hussain s/o Aziz Muhammad Chokar Bandi		GPS Matserian	-do-
51-	Ghulam Mustafa s/o Hafizullah Chamial		GPS Ni'ka Pani.	-do-
52-	Zulfiqar s/o Dure Aman	Sinjliyal	Mos:Doga	-do-
53-	Muhammad Bashir s/o Abdul Akbar.	Machral	Mos:Hari Doga	-do-
54-	Sher Muhammad s/o Taj Muhammad.	Fateh Bandi	Kaloo Banshi Mos:Karam	-do-
55-	Shah Feroz s/o Firdoos.	Jaman Moori	Mos:Takdra Pain	-do-

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56-	Munawar s/o Masood.	Lassan Hawab	GPS Tarmang	A.V.Post
57-	Ghulam Abbas s/o Abdus Sattar.	Dehgri	Mos:Batangi	-do-
58-	Muhammad Azam s/o Phawaj Muhammad.	Khalian Arian	GPS Karka	-do-
59-	Anwar Zeb s/o Sikander Khan.	Sharotta	GP Hallah	-do-
60-	Akram s/o Suleman.	Sharotta	GPS Mera Khairoo	-do-
61-	Nazir Muhammad s/o Sher Muhammad.	Phuldhar	Mos:Malbori	-do-
62-	Chiria Khan s/o Abdur Rehman, Jhangi		GPS Sinjliyala	-do-
63-	Muhammad Teriq s/o Parvez.	Sokal	GPS Shanaya Pain	-do-
64-	Dost Muhammad s/o Mir Muhammad Khair Abad		Mos:Dolarian	-do-
65-	Jehangir s/o Fazal Karim.	Hal Kaloo	GP Hariyala	-do-
66-	Manzoor Ahmad s/o Maqboolur Rehman.	Chandoor	GPS Chandoor	-do-
67-	Lal Khan s/o Sher Muhammad.	Jhanda		-do-
68-	Sultan s/o Rehmatullah.	Nara Doga	Mos:Gora	-do-
69-	Dure Aman s/o Nazir Muhammad	Sharotta	Mos:Kameri	-do-
70-	Muhammad s/o Sher Muhammad			
70-	Salar Khan s/o Abdul Akbar.	Karrori	GPS Akhun Bandi	-do-
71-	Iftikhar Ahmad s/o Ali Zaman	Shakokki	GPS Kandar	-do-
72-	Mubarek s/o Haider Zaman	Pakoona	GPS Matserian	-do-
73-	Sabir s/o Muhammad Yaqoob	Pakoona	GPS Ghazi Kot	-do-
74-	Dildar s/o Faqir Muhammad	Moher	Mos Belan	-do-
75-	Rafiq s/o Sikander	Bandian	GPS Bandi Khan Khel.	-do-
76-	Shakil Ahmad s/o Ayub.	Khalwal	Mos:Kotla Darwaza	-do-
77-	Siddique s/o Farid	Jhend	Mos:Gud	-do-
78-	Khurshid s/o Faqir Muhammad	Chitti Moori	GPS Chontra	-do-
79-	Muhammad Farooq s/o Kala Khan Kajla		GPS Kajla	-do-
80-	Nazar Hussain s/o Ghulam Haider.	Nirka Pani	Mos:Gali Tendki	-do-
81-	Sarwar s/o Abdul Nabi.	Thanda	GPS Chaniyal	-do-
82-	Muhammad Hanif s/o Ghulam Sarwar.	Sokal	GPS Mera Khairoo	-do-
83-	Nazir Ahmad s/o Ghulam Sarwar	Battal Pahn	Mos:Khajambar	-do-
84-	Ali Munsaf s/o Ali Zaman.	Doga	GPS Bradarh	-do-
85-	Sarfraz s/o Ali Zaman.	Jhangi	GPS Thathi Kalan	-do-
86-	Iqbal s/o Yaqoob.	Lari	Mos Shanaya Pain	-do-
87-	Muhammad Afzal s/o Ayub	Tangarh	Mos: Kharan	-do-
88-	Hakim Khan s/o Gohar Rehman	Khaliala	GPS Mera Khairoo	-do-
89-	Zaman Shah s/o Gulab Shah	Shergarh	GPS Seri Gorla	-do-
90-	Saleem s/o Samandur	Shanaya	Mos:Bradar	-do-
91-	Munibur Rehman s/o Muhammad Zaman.	Kandar	GPS Kandar	-do-
92-	Sajid s/o Habibur Rehman	Phulra	GPS Kajla	-do-
93-	Muhammad s/o Ali Zaman			
93-	Muhammad Haroon s/o Ali Zaman	Bai Suhail	GPS Bat Doga	-do-
94-	Muhammad Javed s/o Aurangzeb	Jhanda	GPS Gali Badral	-do-
95-	Muhammad Ismail s/o Muhammad Zaman.	Gorha	GPS Theri	-do-
96-	Muhammad Piaz s/o Rafiullah.	Bandi Mera	Mos:Khamian	-do-

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97-	Naveed Shah s/o Muazam Shah Shah Kot.		GPS Dham Nalla	-do-
98-	Muhammad Nazir s/o Muhammad Assem	Mika Pani	GPS Neel Batla	-do-
99-	Muhammad Azam s/o Sher Muhammad	Bandian	GPS Nara Doga	-do-
100-	Abid Hussain s/o Abdur Rehman	Dakoona	GPS Chaniyal	-do-
101-	Muhammad Asif s/o Wali Jan	Munda Gucha	GPS Chilyani	-do-
102-	Wahid Ahmad s/o Ghulam Nabi	Jaboori	GPS Sundi	-do-
103-	Muhammad Naeem s/o Attai Khan Phalai		GPS Neelban	-do-
104-	Muhammad Naveed s/o Muhammad Ayub	Sucha Kalan	GPS Bahadra	-do-
105-	Muhammad Shakil s/o Muhammad Mussa	Sucha Kalan	GPS Said Abad	-do-
106-	Ghulam Hassan s/o Muhammad Ishaq	Nalla Jabbar	GPS Nalla Jabbar	-do-
107-	Muhammad Khalid s/o Azizur Rehman	Munda Gocha	GPS Munda Gocha	-do-
108-	Gul Dad s/o Mughal Dad	Punjool	GPS Sukian	-do-
109-	Muhammad Aslam s/o Muhammad Alam	Gali Jabbar	GPS Jabbar	-do-
110-	Ghulam Nabi s/o Arzola Khan	Keeri Bala	GPS Sattan Gali	-do-
111-	Akhtar Nawaz s/o Haa Nawaz Khan	Sucha Kalan	GPS Kodar	-do-
112-	Gul Niaz s/o Garfaraz Khan	Euz Bela	GPS Banda Gee Sach	-do-
113-	Ghulam Nabbi s/o Dadai	Chotta Bala	GPS Mohri	-do-
114-	Javed Iqbal s/o Ahmad Jee	Punjool	GPS Mohri	-do-
115-	Ashiq Hussain Shah s/o Mumtaz Ali Shah	Bai Bala	GPS Thatta	-do-
116-	Sajid Hussain Shah s/o Hayat Shah	Kot Chattar	GPS Dheri Nambardar	-do-
117-	Muhammad Fayez s/o Abdul Wahab	Hilkot	GPS Deri Haleem	-do-
118-	Javed Hussain Shah s/o Nawab Said Shah	Lachi Mang	GPS Deri Nambardaran	-do-
119-	Zulfiqar Ali Shah s/o Sadiq Shah	Bai Bala	GPS Shangreta	-do-
120-	Abdul Ghaffar Ali Shah s/o Fir Bad Shah	Caloona	GPS Chinar Kot	-do-
121-	Ijaz Hussain Shah s/o Shah Said Shah	Bhumla Chattar	GPS Khotri	-do-
122-	Caiser Rauf s/o Abdur Rauf Khan	Sucha Kalan	GPS Keeri Nawaz Abad	-do-
123-	Dahshat Khan s/o Haji Farid Khan	Sher Fool	GPS Deri Haleem	-do-
124-	Muhammad Saeed s/o Miskeen	Karan	GPS Mat Gerian	-do-
125-	Abdur Razag s/o Mir Hussain	Makan Gali	GPS Dokal	-do-
126-	Muhammad Ijaz s/o Omar Zaman	Dhanaka	Mos; Pagora	-do-
126A	Muhammad Aslam s/o Omar Zaman	Gundan	GPS Battian	-do-
127-	Abdus Gattar s/o Abdur Rehman	Dheman	GPS Chatta	-do-
128-	Muhammad Yousaf s/o Aunzeb	Jeri Gali	GPS Chanaya	-do-
129-	Periddul Din s/o Abdul Hai	Mat Geri	GPS Jiggi	-do-

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-do-	1- Sidique s/o Haider Zaman	Purni	GPS, Hariyala	A.V.Post.
-do-	2- Azmat Ayub S/o Muhammad Ayub	Naryala	GPS, Chameyari Ghasi Kot.	A.V.Post
31-	Said Bad Shah s/o Mudassar Shah.	Garori, K.D.		K.D.
132-	Muhammad Mustafa s/o Yasin Khan.	Judba		K.D.
133-	Abdul Bashir s/o Gulraiz.	Uthlaiz		K.D.
134-	Fanoos Shah s/o Syed Azeem Shah	Rongaly		K.D.
435-	Syed Mahab s/o Muhammad Mustaffa.	Jatka		K.D.
436-	Pir Mukamil Shah s/o Pir Ahmad Shah.	Jatka		K.D.
137-	Ishaq Ali s/o Sher Muhammad Khan	Chinkiyari		K.D.
138-	Safdar Zaman s/o Shah Izat Khan.	Deri Kaka Khel		K.D.

TERMS AND CONDITIONS:

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional certificates/documents. Their original Academic and Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 10 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age and Health certificate from Medical Superintendent DHO Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of N.W.F.P.

(MUHAMMAD T. H. Q.)
 I/C DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MANSEHRA.

Encl: No. 2485-2626 GB(G/I-Vol-III/94 Dated Mansehra the 22/1/94.

Copy forwarded to the:

- 1- Secretary to Government of N.W.F.P, Education Deptt; Peshawar.
- 2- Director, Primary Education, N.W.F.P (Hayatabad) Peshawar.
- 3- District Accounts Officer Mansehra.
- 4- Sub Divisional Education Officer (Male) Mansehra.
- 5-143- All the candidates concerned.
- 144- Superintendent local Office.

(MUHAMMAD T. H. Q.)
 I/C DISTRICT EDUCATION OFFICER
 (MALE) PRIMARY MANSEHRA.



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2010 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2014 in W/P No 510-A/2013, 676-A/2013, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 118-A/2014, and orders of Honorable High Court in COC No. 22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016 consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PST, School based and in BPS-12 (Rs.13320-960-4210) plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

Table with 6 columns: S.No, Name, Father's Name, Date of Birth, Permanent Address, Place of posting. It lists 20 candidates for PST positions in various locations like Doga, Harlan, Sundi, Phulra, Gula No.1, Mang, Ogra, Bala, Rangib, Murad Pur, Kalgan, Chakran, Shungli, Maira, Bellan, Kalwal, and Hamirwan.

CONDITIONS: 1. This list is prepared in duplicate. 2. Candidates shall be required to submit their original certificates/document and domicile certificate before releasing their salary in the light of Section 17(1) of the Government of Punjab Act No. 19 of 1973. 3. The salary of the candidates may be withheld if they do not comply with the above conditions.

- 1118
7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
 8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
 9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
 10. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.
 11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
 12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Mansehra before taking over charge.
 13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
 14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
 15. Their appointments are made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
 16. In case of having less qualification whichever is prescribed Academic FA for PST as well as classical certificate as profession the candidate must be qualified the above prescribed qualification i.e Academic/Professional within 3 years after issue of this appointment order, failing which their appointment order shall stand terminated automatically, without any further notice.
 17. Before handing over charge once again their documents may be checked if they have not the required qualifications they may not be handed over charge.
 18. Before handing over charge they will sign an affidavit with the department, otherwise this order will not be valid.
 19. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.

— 30 —
DISTRICT EDUCATION OFFICER,
(MALE)MANSEHRA

Endst: No. 2672-702 /File No./PST/Sacked Apptt./2017/Dated Mansehra the 4/12/ 2017

Copy forwarded for information and necessary action to the: -

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. All SDEO(Male) in District Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File.


DY: DISTRICT EDUCATION OFFICER
(MALE)MANSEHRA

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ANNEXURE "E"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

LEAVE ENCASHMENT/RETIREMENT ORDER.

Without prejudice to the legal remedies available to Provincial Government & in pursuance of Judgment of the High Court Peshawar dated 19-02-2020 in W/P No 5673-P/2019, Consequent upon the approval of the competent authority, under the provision of rules 20 of Govt of Khyber Pakhtunkhwa revised leave rules 1981. Sanction is hereby accorded to the grant Encashment of Leave in lieu of LPR is 26 days in respect of Muhammad Rashid PST GMPs Doga Circle Shergarh who has been re-appointed as Sacked employee on 07-12-2017, his date of birth is 02-02-1960 and retired from Govt. Service w.e.f 01-02-2020, subject to CPLA/Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court & any order contrary as and when issued by the apex Court of Pakistan. Detail is as under:-

NOTE: Necessary entry to this effect should be made in their Service Book.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

Endstt: No 4408-10 /F.No 5/Retirement/Encashment/Vol:1/2020/PSTs Dated 4/6 /2020
Copy of the above is forwarded for information to the:-

1. District Accounts Officer Manshara.
2. SDEO (M) Oghi.
3. Office record.


DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

P-42 Nisar.

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OFFICE OF
EDUCATION
Peshawar (Cell)

Whereas the appellants Muhammad Sherayor, S/O Hunar Mand R/O Chahar and No. 1453-55/M-2/T&A dated 17.4.1995 and No. 2127-60/2/T&A dated 21.5.1997, ab-initio void and against the prescribed rules where as their appointments were found illegal, vide office order Endst No. 581-607 dated 13.2.1997, where as they filed Service Appeal No. 532/2008 under title "Muhammad Sherayor VS ACO etc" and Service Appeal No. 533/2008 under title "Anwar zeb VS ACO etc" before the Khyber Pakhtunkhwa Service Tribunal Peshawar, which were accepted by the Honorable Tribunal vide judgment dated 11.1.2013 and directed the respondents to consider the grievances of the appellants.

Whereas in compliance of the said judgment, the appellants were re-instated vide office order Endst No. 727-32/PST (M)/Apptt. dated 5/7/2013 and posted them at GPS Khakhtay and GPS Khakhtay respectively; but back benefits were not given to them.

Whereas feeling aggrieved from the said re-instatement order, the appellants filed Service Appeal No. 1202/2013 and 1203/2013 before the Khyber Pakhtunkhwa Service Tribunal Peshawar, which were accepted by the Honorable Tribunal and directed the respondents to modify the impugned order and directed to extend the benefits of the previous services to the appellants and further directed that the period in which they remained out of service shall be treated as leave of the kind due.

Whereas the respondents as well as the appellants filed CPLAs in the apex court against the said judgment. The Honorable court dismissed both EPLAs and leave refused vide judgment dated 27.3.2020; however in the last Para of the judgment, the Honorable Court allowed counting of their service for the protected period for payment of pensionary benefits.

Whereas this office sought guidance/ legal opinion about the last Para specially the protected period from law department through proper channel.

Whereas the law department cleared the judgment in the following words:

"The service tribunal has extended the service benefits of the previous service to the petitioners and the period remained out of service was treated as leave of the kind due. Hence the period in which the petitioners remained out of service is to be treated as an leave of the kind due and thereby, said period shall be counted towards pension."

Now therefore in view of the above factual position, the re-instatement office order Endst No. 727-32/PST (M)/Apptt. dated 5/7/2013 (appellants Muhammad Sherayor, S/O Hunar Mand R/O Chahar and No. 1453-55/M-2/T&A dated 17.4.1995 and Muhammad Zeb, S/O GPS Khakhtay) is hereby modified and the back benefits of

8/39

... 20.5.1995 and 17.4.1995 ...
... out of stock ...
... thereby the said period ...

... 2009 till ... and ...
... 1997 to 5/7/2013 ...
... pension/benefit ...

... as mentioned in the re-statement ...
... 10/07/2013 ...

... All the terms and conditions will ...
... No. 12/12/ESTIM/2011 ...

MUHAMMAD RIAZ
DISTRICT EDUCATION OFFICER
(MALE) SWAT

Dated 16/07/2021

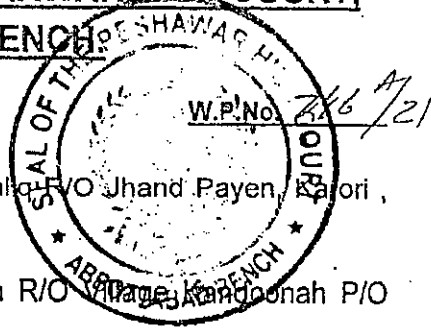
Encl. No. 7242/465401

... forwarded to ...
... Directorate Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar ...
... District Comptroller of Accounts ...
... with SROs (M) Malak and Charbagh Swat ...
... to DCO (Malak office) ...
... the teacher concerned ...

DISTRICT EDUCATION OFFICER
(MALE) SWAT

Number 63
2/34

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH



1. Muhammad Rasheed s/o Abdul Khaliq R/O Jhand Payen, Karori, Tehsil oghi, District Mansehra.
2. Sher Bahadur S/O Samundar Shah R/O Village, Kandoonah P/O Kheroach, village sirikot, Tehsil And District Haripur.
3. Nisar Ahmed S/O Ghulam Gilani R/O Village Shadi Hattar Tehsil And District Haripur.

...PETITIONERS

VERSUS

1. Government of KPK through secretary Elementary and secondary Education KPK Peshawar.
2. Director (E & SE) KPK Peshawar
3. District Education Officer (Male) Haripur.
4. District Education Officer (Male) Manshera.

No. 3805
17-06-21

WRIT PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 AS AMENDED UP TODATE.

FILED TODAY:
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
17/6/21

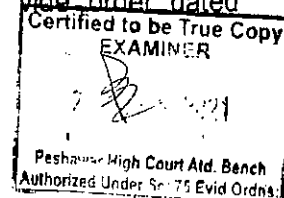
Certified to be True Copy
EXAMINER
2
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ord. 1973

Respectfully Sheweth,

P/38

1. That, the petitioners were appointed by the respondent according to the prescribed method of recruitment in the year 1995 (Copies of the appointment order are annexed as Annexure "A")
2. That, the services of the petitioner were illegally terminated in the year 1996-97 by the respondents. (Copies of the termination orders are annexed as Annexure "B")
3. That in the year 2012, sacked employees (Appointment) Act 2012 KPK was promulgated. Respondents were bound to reinstate/ reappoint the petitioner as per criteria mention in the said act but respondent did not appoint the petitioners under the said act.
4. That later on, in compliance with the judgment passed by this Honourable Court dated 24/05/2016 which was up held by the August Supreme Court of Pakistan vide order dated

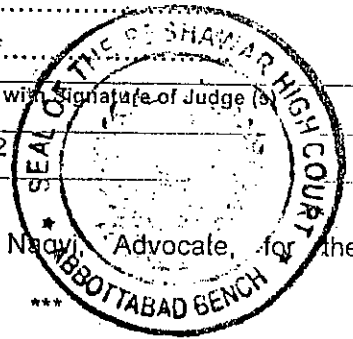
EX-150 JQBAY
 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH
 07/6/21

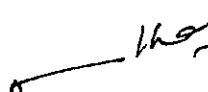



PESHAWAR HIGH COURT, ABBOTTABAD BENCH.
FORM OF ORDER SHEET

27/3/21

Court of.....
 Case No.....of.....



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
23.06.2021	<p><u>WP No. 746-A/2021</u></p> <p>Present: Syed Waqas Nadeem, Advocate, for the petitioners.</p> <p align="center">***</p> <p><u>SHAKEEL AHMAD, J.-</u> At the very outset, learned counsel for the petitioners stated at the bar that petitioners would not press this writ petition anymore, if the case of the petitioners is sent to the concerned departments / respondents for redressal of their grievances.</p> <p>In view of the above, this petition is dismissed being not pressed. However, the competent authority is directed to decide the fate of the appeal already submitted by the petitioners within a period of one (01) month from the date of receipt of this order, positively, strictly in accordance with law.</p> <p align="right">  JUDGE </p> <p align="right">  JUDGE </p>

Certified to be True Copy
EXAMINER
 27/6/21
 Peshawar High Court Attd. Bench
 Authorized Under Sec. 75 Evid Ordns.

(Arshed Iqbal)

Hon'ble Justices Mohammad Ibrahim Khan & Shakeel Ahmad

6-9-56	Date of institution of copy
6-9-56	Date of institution
6-9-56	Date of institution of copy
	Name of office
-101	Code
-101	Office No.
-101	Division No.
-100	No. of files
6-9-56	Date of institution of original
24576	No.

2/34

50

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) Oghi

No. 899

Dated Oghi the 20/7 /2020.

To

The District Education Officer
(Male) Mansehra

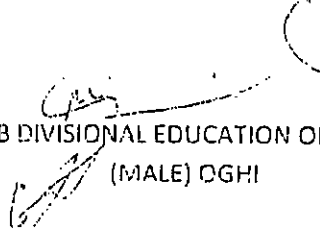
Subject: LEAVE ENCASHMENT/RETIREMENT ORDER/GUIDANCE

Memo:

I have the honour to enclose the judgment of August Supreme Court of Pakistan and draw your kind attention towards last paragraph of the judgment where in the August Supreme Court of Pakistan has allowed the pensionary benefit to the sake employee for protected period.

I therefore request you to kindly let this office know whether the concerned personal are entitle for pension/gratuity or otherwise.

Your guidance will facilitate this office to finalized the case in time please.


SUB DIVISIONAL EDUCATION OFFICER
(MALE) Oghi

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MANSEHRA - E

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

LEAVE ENCASHMENT/RETIREMENT ORDER.


Without prejudice to the legal remedies available to Provincial Government & in pursuance of Judgment of the High Court Peshawar dated 19-02-2020 in W/P No 5673-P/2019, consequent upon the approval of the competent authority, under the provision of rules 20 of Govt. of Khyber Pakhtunkhwa revised leave rules 1981. Sanction is hereby accorded to the grant Encashment of Leave in lieu of LPR is 26 days in respect of Muhaminad Rashid PST GMPs Doga Circle Shergarh who has been re-appointed as Sacked employee on 07-12-2017, his date of birth is 02-02-1960, and retired from Govt. Service w.e.f 01-02-2020, subject to CPLA/Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court & any order contrary as and when issued by the apex Court of Pakistan. Detail is as under:-

NOTE: Necessary entry to this effect should be made in their Service Book.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

Endstt: No 4408-10 F.No 5/Retirement/Encashment/Vol:1/2020/PSTs Dated 11/6 /2020
Copy of the above is forwarded for information to the:-

1. District Accounts Officer Mansehra.
2. SDEO (M) Oghi.
3. Office record.


DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

P-42 Nisar.

وکالت نامہ



DBA No: 566
 BC No:

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 Name of Advocate: عنايت الله خاں

S.No: 33480



بعد ازاں: ضمیمہ تختونہا سروس ٹریبیونل پیشاور
 عنوان: محمد رشید
 منجانب: اپیل رٹھ
 نوعیت مقدمہ: سروس اپیل
 باعث تحریر آنکھ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیق مقدمہ بمقام پیشاور کے لیے
عنايت الله خان ٹریبونل اپیل رٹھ یا ٹی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت
 پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری
 غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
 موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے
 پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار پیروی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے تالیق و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے میری نجات از کچہری صدر
 اپیل و برآمدگی مقدمہ یا منسوفی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجرائے ڈگری بھی صاحب
 موصوف کو بشرط ادا ایسی علیحدہ جتنی پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
 التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 26 دن 04 ماہ 2022 سال

(Signature)

Accepted & certified
 26/4/22