

07.06.2022

Junior to counsel for the appellant present.

Lawyers are on general strike, therefore, case is adjourned to 28.07.2022 for preliminary hearing before S.B.



(Rozina Rehman)
Member(J)

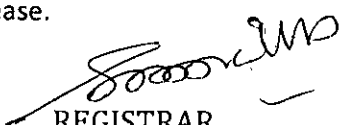



Handwritten notes at the bottom of the page, including the date 07.06.2022 and the name Rozina Rehman, appearing to be a duplicate or a separate set of notes.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7818/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/12/2021	<p>The appeal of Mr. Muhammad Sajjad resubmitted 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>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>17/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	17.01.2022	<p>Learned counsel for the appellant present and requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 07.03.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p> <p><i>Due to retirement of the Honorable chairman the case is adjourned to come up for the same as before on 7-6-2022</i></p> <p style="text-align: right;"></p>
	7-3-2022	

Reader

The appeal of Muhammad Sajjad, Ex-CT, GHS Behlola, District Charsada received today i.e. on 10.11.2021 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

1. ✓ Index of the appeal is not attached with the appeal.
2. ✓ Checklist is not attached with the appeal.
3. ✓ Appeal has not been flagged/marked with annexure marks.
4. ✓ Annexures of the appeal may be attested.
5. Copy of charge sheet, statement of allegation and replies are not attached with the appeal.
6. ⑥ Copy of Annexure A^B of the appeal is illegible which may be replaced by legible/better one.
7. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2234 /S.T,


Dt. 11/11 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

10 days may kindly be extended for submission of instant appeal.


23/11/2021:

⑩ days time further extended.


23/11/2021

Respected Sir,

1- Removed

2- Removed

3- Removed

4- Removed

5- copies of charge sheet, statement of allegation were not served to the appellants, therefore he can't annexed with the appeal.

6 - Annexure A are replaced by better copy.

⑦ - Removed - Resubmitted after compliance; ~~01/12/2021~~

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

Case Title: M. Sajjad vs Education Deptt.

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	✓	
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 paged?	✓	
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:

Taimur Ali Khan

Signature:

[Signature]

Dated:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 7818 /2021

Muhammad Sajjad

V/S

Education Deptt:

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Affidavit	-----	05
3.	Application for Condonation of delay		06-07
4.	Copies of order dated 28.03.2017 and notification dated 12.03.2018	A&B	08-11
5.	Copy of application	C	13
6.	Copies of order dated 28.12.2018, departmental appeal and rejection order 15.10.2021	D,E&F	14-16
7.	Copy of notification dated 05.06.2004	G	17
8.	Copy of judgment dated 25.01.2021	H	18-22
9.	Vakalat nama	-----	23

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. _____/2021

Khyber Pakhtunkhwa
Service Tribunal

Sl. No. 7866

Date 10-11-2021

Muhammad Sajjad, Ex-CT,
GHS Behlola, Charsadda.

(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), Charsadda.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 28.12.2018, AND WHEREBY THE APPELLANT WAS TERMINATED FROM SERVICE AND AGAINST THE ORDER DATED 15.10.2021, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

Filed to-day
Registrar

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDERS DATED 28.12.2018 AND 15.10.2021 MAY BE SET ASIDE AND THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.



**RESPECTFULLY SHEWETH:
FACTS:**

1. That the appellant was appointed as CT teacher vide order dated 28.03.2017 and in the pursuance of the Khyber Pakhtunkhwa Employee of the Elementary and Secondary Education (Appointment and Regularization of Service) Act 2017, the service of the appellant was regularized vide notification dated 12.03.2018. The appellant since appointment has performed his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performance by his superiors (**Copies of order dated 28.03.2017 and notification dated 12.03.2018 are attached as Annexure-A&B**)
2. That the appellant applied for Scholarship in China which was granted. Prior to admission and completion of other formalities, the appellant filed an application for Ex-Pakistan study Leave (without pay) on 30.07.2018, which was properly forwarded to respondent No.3 by the principal of the concerned school. (**Copy of application is attached as Annexure-C**)
3. That the appellant was never informed about the action taken on his application, which he presumed to be sanctioned and went to China for availing Scholarship in PhD.
4. That the appellant was terminated from service vide order dated 28.12.2018, however that order was received by the appellant on returning back to Pakistan. The appellant filed departmental appeal against the termination order dated 28.12.2018 which was rejected on 15.10.2021. (**Copies of order dated 28.12.2018, departmental appeal, and rejection order 15.10.2021 are attached as Annexure-D,E&F**)
5. That the appellant has no other remedy except to file the instant appeal in this Honourable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

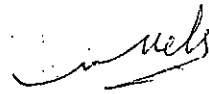
- A) That order dated 28.12.2018 and rejection order dated 15.10.2021 are against the law, rules, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That no charge sheet and statement of allegation was issued to the appellant before passing the impugned order of termination from service, which is violation of law and rules.

- C) That inquiry was not conducted against the appellant before passing the impugned order dated 28.12.2018, which is violation of law and rules and as such the impugned termination order dated 28.12.2018 is liable to be set aside on this ground alone.
- D) That show cause notice was not issued to the appellant before passing the impugned order, which is violation of law and rules.
- E) That the Federal Government issued a notification dated 05.06.2004 as adopted by Government of Khyber Pakhtunkhwa on 18.04.2009, where it was mentioned that the "*study leave should be granted with due regard to exigencies of the public service*", but despite that the study leave of the appellant was not granted by the respondent department and terminated him from service. **(Copy of notification dated 05.06.2004 is attached as annexure-G)**
- F) That the appellant filed proper application for Ex-Pakistan study Leave (without pay) on 30.07.2018 to respondent No.3, but the appellant was not informed about the fate of his application, which means that the appellant fulfilled his responsibilities on his part and as such could not be punished for the fault of the others.
- G) That the appellant was terminated from service on the basis of absence, however the word "termination" is not mention in the list of penalties in rule 4 of E&D Rules 2011 and specially in the case of absence, the civil servant can be removed, which means that penalty imposed upon is alien to the rules and as such is illegal and void.
- H) That the penalty of termination is very harsh, which was passed without observing that the appellant was studying on scholarship in China and properly applied for Ex- Pakistan leave and as such liable to be set aside.
- I) That appellant did not willfully remain absent, but he applied for Scholarship in China which was granted and after getting admission, he properly applied for Ex-Pakistan study leave, which was also forwarded to competent authority and he presumed that his application has allowed which shows that he did not willfully remain absent from his duty, therefore, needs to be treated with a lenient view.
- J) That similar nature service appeal No. 1205/2019 title Hina Gul versus Education Department was decided by this Honourable Tribunal on 25.01.2021 in which Honourable Tribunal accepted the appeal and the impugned order of removal from service was modified and converted into withholding of two annual increments for a period of two year and the appellant being similarly placed person is also

entitle the same relief under the rule of consistency. (Copy of judgment dated 25.01.2021 is attached as Annexure-H)

- K) That the appellant has been condemned unheard and has not been treated according to law and rules.
- L) That the appellant seeks permission of this Honourable Tribunal to advance other grounds and proofs at the time of hearing.

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



APPELLANT
Muhammad Sajjad

THROUGH:



TAIMUR ALI KHAN
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Muhammad Sajjad

V/S

Education Deptt:

.....

AFFIDAVIT

I, Muhammad Sajjad, Ex-CT,GHS Behlola, Charsadda, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

ucl

DEPONENT
Muhammad Sajjad
(APPELLANT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Muhammad Sajjad

V/S

Education Deptt:

.....
APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL.

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honourable Tribunal in which no date is fixed so for.
2. That the appellant was terminated from service on 28.12.2018, however the appellant was in China at the time of termination order and could not received his termination order and when he return back from China his termination order dated 28.12.2018 was handed over to him against which he file departmental appeal which was not in the stipulated period of 30 days, however the appellant has good prima facie case and this Tribunal has power to condone the delay for interest of justice.
3. That the appellant was terminated from service on the basis of absence, however the word "termination" is not mention in the list of penalties in rule 4 of E&D Rules 2011 and specially in the case of absence, the civil servant can be removed, which means that penalty imposed upon is alien to the rules and as such is illegal and void and as per superior court judgments no limitation runs against such like void orders.
4. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724).
5. That the instant appeal may kindly be decide on merit as the appellant has good cause to be decided on merit.

It is therefore most humbly prayed that on the basis of above submission, the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

THROUGH:

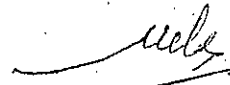
APPELLANT



(TAIMUR ALI KHAN)
ADVOCATES PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.



DEPONENT

A 8

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSAKDA
OFFICE ORDER

Consequent upon the recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of CT (BPS-15), School based @Rs.13510/-fixed plus usual allowances as admissible under the rules on Rs:13510-1120-47110) under the existing policy of the Provincial Government, in Teaching Cadre adhoc/ Contract basis on the terms and conditions given below with effect from 08.04.2017.

Sr	Name	Father Name	NIC	School	Score	Remarks
1	Muhammad Adnan	Amir Nawaz Khan	17101-4830299-7	GHS Haji Zai SKF	143.30	A.V.Post
2	Aasim Ahmad	Aadil Ahmad	17101-1647652-5	GHSS Ambadher	143.03	A.V.Post
3	Muhammad Awais	Muhammad Ismail	17101-4275472-1	GHS Katozai SKF	136.03	A.V.Post
4	Ijaz Ali	Rustam Khan	17102-9117701-3	GMS Chanchano Khat	134.99	A.V.Post
5	Niamat Ullah	Hayat Khan	17101-2435986-3	GHS Shara SKF	133.92	A.V.Post
6	Muhammad Amir	Mujahid	17101-2341646-3	GMS Gul Abad Sholgara	133.59	A.V.Post
7	Sabir Ullah	Ashraf Khan	17101-5384558-9	GHS Agra	133.44	A.V.Post
8	Muhammad Adnan	Zafar Ali	17101-7866273-9	GHSS Sherpuo	132.44	A.V.Post
9	Muhammad Sajjad	Muhammad Yousaf	17101-5917826-5	GHSS Muhammad Nari	131.64	A.V.Post
10	Riaz Ahmad	Arif Shah	17102-9703868-5	GHS Behlola	131.39	A.V.Post
11	Shakcel Ahmad	Miraj Gul	17101-8788550-9	GHS Khawaja Hawas	130.88	A.V.Post
12	Muhammad Tariq	Zahir Shah	17101-6643387-5	GHS Zahid Abad	130.37	A.V.Post
13	Abid Muhammad	Naik Muhammad	17102-8506220-9	Govt. Shaheed Mian Shahzad Ijaz HS Tangi	129.30	A.V.Post
14	Zahid Muhammad	Naik Muhammad	17102-9586608-9	GHSS Mandani	128.81	A.V.Post
15	Imdad Ullah	Ashraf Khan	17101-0231234-1	GHS Mufti Abad	128.28	A.V.Post
16	Muhammad Azam Khan	Ali Khan	17101-2254523-1	Govt. Shaheed Sanni Ullah MS Utmanzai	128.27	A.V.Post
17	Waseef Ullah	Aurangzeb	17101-1583486-5	GMS Tarkha Fajir Abad	127.70	A.V.Post
18	Muhammad Azhar	Qazi Fazli Rabbi	17101-0277298-9	Govt. Shaheed Hayat Ullah HS Rajjar	127.26	A.V.Post
19	Rashid Manhas	Fazli Rabbi	17101-8695190-7	Govt. Shaheed Rizwan Sareer HSS Utmanzai	127.21	A.V.Post
20	Zahcer Ullah Khan	Gul Jan	17102-7994881-5	Govt. Shaheed Mian Shahzad Ijaz HS Tangi	127.06	A.V.Post
21	Faizan Ahmad	Ahmad Salam	17101-6032809-3	GHS Shakardhakt	126.78	A.V.Post

Principal
GHS Shakardhakt
Charsakda

90

22	Syed Tahfaem Ullah Kakakhel	Syed Latif Ullah Kakakhel	17102-0959797-7	GMS Sherpao	126.77	A.V.Post
23	Sarfaraz Khan	Abdul Zamcen	17101-3736233-3	GHS Shakardhand	126.53	A.V.Post
24	Muhammad Suhaib Khan	Fida Muhammad	17102-3926450-3	GHS Gul Abad Tangi	126.48	A.V.Post
25	Abdul Qayyum	Abdul Rasheed	17102-7028212-1	GHS Matta Maghul Kheil	125.65	A.V.Post
26	Asad Shah	Painda Gul	17102-1436706-1	GHS Dchlola	125.44	A.V.Post
27	Atta Ullah Jan	Bakhtiar Ali	17101-9986234-1	GHS Mufti Abad	125.38	A.V.Post
28	Abdul Matcen	Muhammad Khan	17101-9407340-5	GMS Munshayano Killi	122.16	A.V.Post

TERMS & CONDITIONS

1. NO TA/DA etc. is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DDO (concerned). Anyone found producing bogus certificates/degrees will be reported to the law enforcing agencies for further action.
5. Their services are liable to termination on one month's Prior notice from concerned candidates. In case of resignation without notice, his one-month pay/allowances shall be forfeited to the Government.
6. Pay will not be drawn before pay release certificate issued by DEO(M) Charsadda.
7. They have to join their duties within 15 days of the issuance of this notification. In case of failure to join their duties within 15 days of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc. shall be entertained.
8. Health and Age Certificate should be produced from the Medical Superintendent DHQ Charsadda before taking over charge of the post.
9. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
10. 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.
11. Their appointment is made on School based. They will have to serve at the place of posting, and their service is not transferable to any other station.
12. Before handing over charge, once again their documents will be checked. If they have not the required qualification, they may not be handed over charge.

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) CHARSAJDA

Endst: No: 20646-80 / Dated: Charsadda the 28 / 03 / 2017

Copy forwarded for information and necessary action to the:-

1. Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda
3. District Nazim Charsadda.
4. District Accounts Officer Charsadda
5. Principal/Headmaster concerned.
6. Official Concerned
7. Office File

28/3/17
DISTRICT EDUCATION OFFICER
(MALE) CHARSAJDA



**DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA.**

Office Ph: No. 0916512150

A B
C T

M.T.S.
REGULARIZATION

Notification.

In pursuance of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Appointment and Regularization of Services Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2017) & Elementary & Secondary Education Department Govt. of Khyber Pakhtunkhwa Notification No. SWS/P/ERNED/12/2018/SITT/Contract dated 16/02/2018, services of the following C.T appointed through A.T. on Adhoc basis on Contract w.e.f 2014 to 2017, are hereby regularized in BPS-15, on the same posts in accordance with the terms and condition given below with effect from the date of their appointment as mentioned against each in the interest of public service.

Sl	Name	Father Name	School	Appointment No. & date	Date of Regularization
01	Manzoor Ahmad	Muhammad Dilbar	GHS Satti Abad	No. 303-36/CT dated 10.05.2014	10.05.2014
02	Roohi Alim	Abdul Mahood	GHS M.M Khel No-01	do	do
03	Masrui Haq	Sami Ul Haq	GHSS Hassan Zai	do	do
04	Abdul Saeed	Abdul Karim	GHS M.M Khel No-01	do	do
05	Ayub Jan	Jan Gul	GMS Naza Kili	do	do
06	Amis Ullah	Khudada	GHSS Mohammad Nari	do	do
07	Syed Kashif Azam	Syed Azam Shah	GHS M.M Khel No-02	do	do
08	Dawood Shah	Akhtar Shah	GMS Aziz Abad	do	do
09	Musafir	Ikram Ud Din	GHS Tangi No-01	do	do
10	Zahid Shah	Said Wali Shah	GMS Minn Isa	do	do
11	Aqeel Qasim	Muhammad Qasim	GHSS Doshera	do	do
12	Faheed Ullah	Pir Afzal	GHS Ghari Sakindar Khan	do	do
13	Muhammad Faheem	Zarif Khan	GHS Dalazak	do	do
14	Muhammad Ayaz	Saida Gul Khan	GHSS Ambadher	do	do
15	Hafiz Abdul Rahman	Hafiz Saeed Ur Rahman	GHSS Tarnab	do	do
16	Waqar Ahmad Khan	Saeed Ullah	GMS Kot	do	do
17	Masrui Mahmoood	Shujaat Khan	GHS Babra	do	do
18	Yasir Ahmad	Imam Ullah	GHS M.M Khel No-1	do	do
19	Hazrat Bilal	Masal Khan	GHSS Hassan Zai	do	do
20	Muazzam Jan	Balinda Khan	GMS Aziz Abad	do	do
21	Muhammad Farooq	Saif U. Rehman	GHSS Bataganar	do	do
22	Muhammad Farooq	Muhammad Isra el	GHS M.M Khel 02	do	do
23	Asad Ullah	Abdul Sattar	GHSS Mangra Dacca	do	do
24	Muhammad Khair	Saif Ur Rehman	GHS M.M Khel No-1	do	do
25	Hussain Khan	Yad Gul	GMS Baska	32-09/15 dated 14.03.2015	14.03.2015
26	Bakht Bilal Jan	Nisar Muhammad	GHS Rashaki	No.3947-51 dated 07.12.2015	07.12.2015
27	Muhammad Tufail Khattak	Dost Muhammad	GHSS Sheeran	No.15007-37 dated 26.03.2016	26.03.2016
28	Saeed Ullah	Aziz Ur Rehman	GHSS Muhammad Nari	do	do
29	Ata Ullah Jan	Liaqat Ali	GHS Ghad Hamid Gul	do	do
30	Sinahr Ahmad	Sher Bahadar	GHS Ghari Hamid Gul	do	do
31	Amir Hussain	Rahim Shah	GHSS Matta Maghni Khel	do	do
32	Zia Ur Rahman	Inayat Ullah Khan	GHS Zahid Abad	do	do
33	B. Eht Zada	Khatib Gul	Govt. Shaheed Shshood Alam HSS	do	do

M.T.S.
REGULARIZATION
27/10

Sr	Name	Father Name	School	Appointment order No and dated	Date of Regularization
34	Kamran Khan	Inam Ullah	Nisatta		
35	Muhammad Ullah	Raham Elahi	GHSS Mandani	do	do
36	Fairooz Khan	Qalandar Khan	GHS Hajizai	do	do
37	Qadar Gul	Ziaraat Gul	GHSS Rahmat Ullah Khan	do	do
38	Rehmat Ullah	Alam Saïd	GHSS Sherpao	do	do
39	Amjad Ali	SHAUKAT ALI	GHSS Matta Maghul Khel	do	do
40	Muhammad Kashif Jan	Khan Zaman	GHSS Sherpao	do	do
41	Wisal Khan	Mirza Khan	GHSS Matta Maghul Khel	do	do
42	Gul Wahab	Ibbar Gul	GHS Mirza Dher	do	do
43	Ismail	Umar Gul	GHSS Sherpao	do	do
44	Hafiz Ul Asad	Hakim Khan	GHS Gandheri	do	do
45	Lingot Shah	Habib Shah	GHSS Sherpao	do	do
46	Mian Muhammad Jang Shah	Mian Iqbal Shah	GHS Harichand	do	do
47	Sabir Ullah	Ashraf Khan	GHS Dheri Sikandar Khan	do	do
48	Muhammad Adnan	Amir Nawaz Khan	GHS Mian Isa	do	do
49	Aasim Ahmad	Aadil Ahmad	GHS Haji Zai SK7	20046-80 dated 28.03.2017	17.05.2017
50	Muhammad Awais	Muhammad Ismail	GHSS Ambadhar	do	do
51	Ijaz Ali	Rustam Khan	GHS Katozai SKF	do	do
52	Niamat Ullah	Hayat Khan	GMS Chanchano Khat	do	do
53	Muhammad Amir	Mujahid	GHS Shara SKF	do	do
54	Muhammad Sajjad	Muhammad Yousaf	GMS Gul Abad Sholgara	do	do
55	Shakeel Ahmad	Miraj Gul	GHS Behlola	do	do
56	Muhammad Tariq	Zahir Shah	GHS Khawaja Hawas	do	do
57	Abid Muhammad	Naik Muhammad	GHS Zahid Abad	do	do
58	Zahid Muhammad	Naik Muhammad	Govt: Shaheed Mian Shahzad Ijaz HS Tangi	do	do
59	Imdad Ullah	Ashraf Khan	GHSS Mandani	do	do
60	Muhammad Azam Khan	Ali Khan	GHS Mufti Abad	do	do
61	Waqeef Ullah	Aurangzeb	Govt: Shaheed Sami Ullah MS Utmanzai	do	do
62	Rashid Minhas	Fazli Rabbi	GMS Tarikha Faqir Abad	do	do
63	Zaheer Ullah Khan	Gul Jan	Govt: Shaheed Mian Shahzad Ijaz HS Tangi	do	do
64	Faizan Ahmad	Ahmad Salam	GHS Shokardhand	do	do
65	Syed Tahfeem Ullah Kakakhel	Syed Latif Ullah Kakakhel	GHSS Sherpao	do	do
66	Saifuraz Khan	Abdul Zameer	GHS Shokardhand	do	do
67	Muhammad Sami Khan	Pida Muhammad	GHS Gul Abad Tangi	do	do
68	Abdul Qayyum	Abdul Rasheed	GHSS Matta Maghul Khel	do	do
69	Abdul M. Khan	Muhammad Khan	GMS Munshayano Khat	do	do
70	Wajid Ullah	Sher Zada	GHS Mufti Abad	No. 27190-27204 dated 17.05.2017	17.05.2017
71	Waqas Ghaffari	Abdul Ghaffar Ghaffari	Govt: Shaheed Hayat Ullah HS Rajjar	do	do
72	Sana Ullah	Fazli Maula	GHS Behlola	do	do
73	Muhammad Ifikhar	Gulab Khan	GMS Sherpao	do	do
74	Misbah Ullah	Ghani Muhammad	GHS Agra	do	do
75	Zubair Ali	Bakhtair Ali	GHSS Muhammad Nari	do	do

Principal
GHS Shokardhand
Charsadda

10/1/17

12

Sr	Name	Father Name	School	Appointment order No and dated	Date of Regularization
76	Abdur Raziq (Disable)	Mustafa Kamal	GHS Bariband	23772-76 dated 23.06.2016	23.06.2016

TERMS & CONDITIONS

1. Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Doctors) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.
2. Their services shall be considered regular and they shall be eligible for pension / deduction of CPFund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2013.
3. Their services are liable to termination on one months' notice from either side in case of resignation without notice, their one month's pay/allowances shall be forfeited to the Govt.
4. They shall possess the same qualification and experience required for a regular post.
5. Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres.
6. The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty on leave / terminated from service and also not for those who are under disciplinary proceedings.
7. Their pay shall be released subject to verification of academic documents/testimonial from the concerned Govt./University.
8. The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
9. The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.
10. Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one.

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Endst: No. 20461-69 / File No.2//CT/Regularization Dated 12/3/2018.

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Charsadda.
3. District Nazim Charsadda
4. District Accounts Officer, Charsadda.
5. DMO Charsadda
6. Principals/Head Masters Concerned.
7. Cashier local office.
8. Officials concerned.
9. Master File.

(Handwritten signature and initials)

DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Subject: APPLICATION FOR LEAVE WITHOUT PAY FOR PhD STUDIES

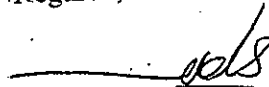
Respected Sir,

This is stated that i am a regular government teacher at Government High School Behlola on the post of CT BPS 15. I am appointed as NTS teacher on 08.04. 2017. Further, i am regularized in pursuance of the Khyber Pakhtunkhwa Employees of Elementary and secondary education (Appointment and regularization of services) Act, 2017 (Khyber Pakhtunkhwa Notification No. SO (S/F) E & SED/ 3-2/2018/SITT/contract dated 16/02/2018.

Now, i got PhD scholarship at University of Hainan, China and i want to get this opportunity for further improvement in my education as well as this will be beneficial for the school having a PhD scholar at school level.


Therefore, this is humbly requested to facilitate me with leave without pay from September 01. 09. 2018 to July 2023, i will be very thankful to you for this act of kindness. Copies of my visa form, notification and admission letter of University are attached, kindly consider these.

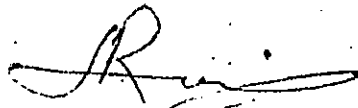
Regards;


Muhammad Sajjad CT
GHS Behlola CHD

No. 1712 Dated 30/07-2018.

Forbade To The Dist Education Officer (M)
CHD for further necessary action please

EIB Sec
verify the case
accordingly



PRINCIPAL
G.H.S Behlola
Charsadda
11

397108

D 14/34

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

TERMINATION

In exercise of power conferred upon me under the Khyber Pakhtunkhwa Govt. Servant Act 1973 (KPK XVIII of 1973, rules (11), Section (1) sub section (iii) termination) after observing all codal formalities, the services of Muhammad Sajjad CT GHS Behlola Charsadda is hereby terminated w.e.f 04-09-2018 due to his prolong absence from duty.

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Endstt: No 11572-78 Dated 28/12/2018

Copy for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda
3. District Accounts Officer Charsadda.
4. DMO E&SE Charsadda.
5. Principal/Head Master concerned.
6. Official concerned
7. Office File

28/12/18

DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

E 15
15

The Director
Elementary and Secondary Education
Peshawar, Khyber Pakhtunkhwa

Appeal
Sub: Reinstatement of the service

Sir,

With due respect it is requested in your honor that I was appointed as CT teacher (BPS 15) through NTS at GHS Behlola, Charsadda, order issued by District Educational Officer (DEO) Charsadda on 08.04.2017. My service became permanent through the order from Elementary and secondary education (Appointment and regulation of service), Act, 2017 (Khyber Pakhtunkhwa Act No. 1 of 2018) & Elementary and Secondary Education Department Government of Khyber Pakhtunkhwa Notification no. SO(S/F)E&SED/3-2/2018/SITT/contract dated 16.02.2018.

I applied for study leave and forwarded application for "leave without pay" for my PhD studies at China to DEO Charsadda. I went abroad for PhD studies and after coming back to Pakistan after four months, I came to know that my service has been terminated by DEO Charsadda. I was unaware from the whole process of termination because during stay in China and I hadn't receive any **personal** email or even whatsapp from the DEO office or from school authority, although all my personal information and contacts are available at school as well as at DEO office.

Respected sir, I want to join my service again. Therefore, this is a humble request to reinstate my service again. This will be a great act of kindness from yours side towards me.

Regards:

Muhammad Sajjad

GHS Behlola Charsadda

DD (m)
15/6/2020
15/6
14/3
16



DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR

No. 709 / F.No. 100 / Vol: 42 / Appeal
for Re-Instatement in service.
Dated: 15/10 / 2021.

To

✓
The District Education Officer
(Male) Charsadda.

Subject: - APPEAL FOR RE-INSTATMENT IN SERVICE.

I am directed to refer to your letter No. 7411 Dated 05.08.2020, on the subject cited above and to ask you that appeal in respect of Muhammad Sajjad Ex: CT GHS Behlola District Charsadda has been rejected as per rules 17(2)(a) of E&D Rules 2011.

I am further directed to ask you to inform the appellant concerned accordingly under intimation to this office.

Sal
Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. _____ /

Copy of the above is forwarded to: -

1. Muhammad Sajjad Ex: CT GHS Behlola District Charsadda.
2. PA to Director E&SE local Office.
3. Master File.

Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

No. FR (2) R 4/2003
Government of Pakistan
Finance Division
(Regulations Wing)

Islamabad, the 5th June 2004

NOTIFICATION

S.R.O. (1)/2004. In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to direct that the following further amendment shall be made in the Fundamental Rules, namely:

In the aforesaid Rules, in Appendix-9 in Volume II, for rule 9 the following shall be substituted, namely:

"9. ~~The special leave should be granted only in the exigencies of the public service. In no case should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve absence of a Government servant for more than forty-eight months from regular duties, nor should it be granted with such frequency as to remove him from contact with his regular work or to cause undue difficulties owing to his absence on leave. ~~Special leave shall not be granted on different occasions shall not exceed more than 60 months in total for a Government servant.~~~~

Sd/
(Muhammad Riaz)
Section Officer

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

Endst. No. SO (FR)/FD/5-17/2001

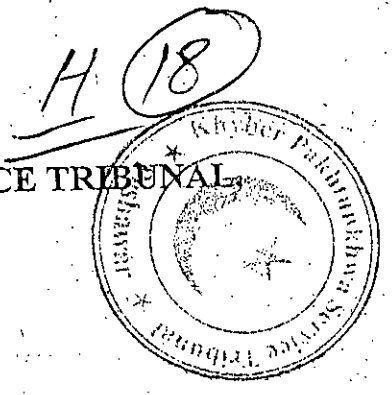
Dated: 18-4-2009

A copy of the above SR which has been adopted is forwarded for information and necessary action to the:

- 1- All Administrative Secretaries to Government of NWFP Peshawar.
- 2- Senior Member Board of Revenue NWFP Peshawar.
- 3- Secretary Provincial Assembly NWFP Peshawar.
- 4- All Heads of Attached Departments in NWFP.
- 5- Secretary to Governor NWFP Peshawar.
- 6- Secretary to Chief Minister NWFP Peshawar.
- 7- All Commissioners/Deputy Commissioners /Political Agents/District and Session Judges in NWFP.
- 8- Registrar, Peshawar High Court, Peshawar.
- 9- Secretary, Public Service Commission, NWFP, Peshawar.
- 10- Registrar, Service Tribunal, NWFP Peshawar. ✓
- 11- Secretary, Board of Revenue, NWFP, Peshawar.
- 12- All the Heads of Autonomous and Semi-Autonomous Bodies in NWFP.
- 13- Accountant General, NWFP, Peshawar.
- 14- All District/Agency Accounts Officers in NWFP.
- 15- Treasury Officer, Peshawar.
- 16- All Section/Budget Officers in Finance Department.
- 17- Director, Local Fund Audit, NWFP, Peshawar.
- 18- PS to Secretary, PAs to Additional Secretaries/Deputy Secretaries in Finance Department.

ATTENDED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



APPEAL NO. 1205 2019

Hina Gul, Ex-PST,
GGPS Eid Gaah Road, Mardan.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1275

Dated 19/9/2019

(Appellant)

VERSUS

1. The Secretary (E&SE) KPK, Peshawar.
2. The Director of Education (E&SE), KPK, Peshawar
3. The District Education Officer (Female), Mardan.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 29.04.2019 RECEIVED BY THE APPELLANT ON DATED 13.05.2019, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to-day

Registrar

19/9/19

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 29.04.2019 MAY BE SET ASIDE AND THE RESPONDENT DEPTT: MAY PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to -day
and filed.

Registrar

30/9/19

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

19

SBEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1205/2019

Date of Institution ... 19.09.2019
Date of Decision ... 25.01.2021



Hina Gul, Ex-PST, GGPS Eid Gaah Road, Mardan.

(Appellant)

VERSUS

1. The Secretary E&SE Khyber Pakhtunkhwa Peshawar and two others.

(Respondents)

Present:

Taimur Ali Khan,
Advocate ... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General ... For respondents.

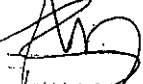
ROZINA REHMAN ... MEMBER (J)
ATIQ-UR-REHMAN WAZIR ... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER: Appellant Hina Gul, was a PST in the respondents' Department. She was removed from service vide order dated 29.04.2019. It is the legality and validity of this order which has been challenged by her in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Precisely stated the facts of the case are that appellant joined the Education Department as PST Teacher on 22.06.2016 and was posted at GGPS Jaba Mayar. She was transferred from GGPS Jaba Mayar to GGPS Kass Koroono vide order dated 16.09.2016. In the meanwhile she applied for

ATTESTED


ATTESTING OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

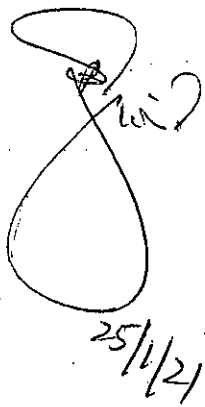
Scholarship in China and received admission notice for the period of March 2018 to August 2019. Prior to admission, she filed application to respondent No.3 for Ex-Pakistan Study Leave (without pay) w.e.f 01.03.2018 to 31.08.2019 which was forwarded to respondent No.2. The appellant left the country presuming that leave had been sanctioned. She filed Appeal directing the respondents to sanction her application. In the meanwhile, she was removed from service vide impugned order dated 29.04.2019. She preferred departmental appeal on 21.05.2019 which was not responded to, hence, the present service appeal.

3. Learned counsel appearing on behalf of appellant in support of the appeal, contended that the impugned order is illegal as the appellant was not treated according to law and rules. That the appellant has been removed from service without issuance of charge sheet and statement of allegations; that show cause notice was not communicated to the appellant and no proper inquiry was conducted in the matter. He submitted that appellant filed application for leave which was also forwarded to competent authority and she never willfully remained absent from duty. Further argued that the appellant was condemned unheard and was not treated according to law and rules, therefore, he requested for acceptance of the instant appeal. In order to substantiate his version, reliance has been placed on 2006 SCMR 1120; 2013 SCMR 817; 2015 PLC (C.S) 117 and 2016 PLC (C.S) 858.

4. Conversely, learned A.A.G argued that the appellant was not allowed Ex-Pakistan Leave and no N.O.C was issued to her for travelling abroad and she absented herself from duty; that the appellant remained absent from duty without approval of the competent authority and in this regard show cause notice was served upon her. Further argued that the respondents

ATTESTED

A handwritten signature is written over a circular stamp. The stamp contains some illegible text, possibly a date or a reference number.

A large handwritten signature is written on the left side of the page. Below the signature, the date '25/11/21' is written.

21

issued absence notice on her home address as well published absence notice in daily AAJ and daily MASHRIQ dated 10.03.2019 and 12.03.2019 respectively. Lastly, he contended that the impugned order of her removal from service was issued after observing all the codal formalities.

5. Perusal of record would reveal that appellant was appointed as PST Teacher on 22.06.2016. Her appointment order is not disputed and it is available on file. She was posted at GGPS Jaba Mayar. It is also not disputed that she was later on posted/adjusted at GGPS Kass Koroona-1 vide office order dated 16.09.2016 which means that she was properly performing her duty. Later on, she was transferred from Kass Koroona-1 to Eid Gah Mardan. It is also admitted that she applied for Scholarship in China and accordingly she received admission notice for a period from March, 2018 to August, 2019. It is also not disputed that she properly filed an application for Ex-Pakistan Study Leave (without pay) on 22.02.2018 which was properly forwarded to the authority and she left for abroad without waiting for any approval/sanction of her application with the result that she was removed from service vide impugned order dated 29.04.2019. The order passed by the District Education Officer shows the date of her absence from March while her appointment notification shows her appointment on 22.06.2016. The District Education Officer (Female) was not in the knowledge of her proper date of appointment which is 22.06.2016 and a wrong date was mentioned in the impugned order as March, 2016. She was transferred thrice but she was shown absent much before her appointment till the date of impugned order. She properly filed departmental appeal on 14.05.2019. Service Certificate issued by the Headmistress of GGPS No.1 is available on file, which favors the appellant. The grounds raised by the appellant before

25/11/21


ATTESTED

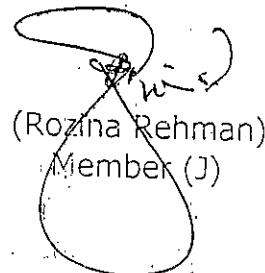
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

the departmental authority and before this Tribunal as well regarding her alleged absence is her study abroad. The punishment awarded to the appellant appears to be harsh one.

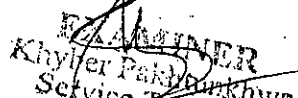
6. Consequently, the present service appeal is accepted and the impugned order of removal from service is modified and converted into withholding of two annual increments for a period of two years. Resultantly the appellant is reinstated. Absence period and the intervening period shall be treated as leave without pay. With no order as to costs. File be consigned to the record room.

ANNOUNCED.
25.01.2021


(Attiq ur Rehman Wazir)
Member (E)

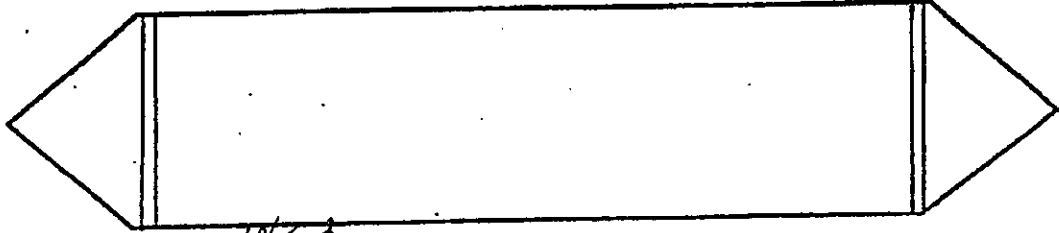

(Rozina Rehman)
Member (J)

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 01/12/21
Number of Words 2222
Copying Fee 22/-
Urgent 4/-
Total 26/-
Date of Delivery of Copy 01/12/21
Date of Delivery of Copy 01/12/21

بعدالت جناب سروس ٹی بیونل جنیہ خزاہ پتاور



محمد ساجد 2 مخانب
محمد ساجد بنام محلہ لعل

موزخه
مقدمه
دعوی
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کاروائی متعلقہ
آن مقام لشمارہ کیلئے دستخط فان اور و کد
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور دکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

Accepted
&
Attested

20

ماہ

المرقوم

واہ العبد

کے لئے منظور ہے۔

بمقام

محمد ساجد ولد محمد یوسف، سولہ سال، ڈیپارٹمنٹ پبلک
وہا کد