

20.01.2022

None for the appellant present. Mr. Muhammad Adeel Butt,
Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks
time to submit the same on the next date. Adjourned. To come
up for reply/preliminary hearing on 17.03.2022 before S.B.


(Mian Muhammad)
Member(E)

17.03.2022

Due to retirement of the Worthy Chairman, the
Tribunal is defunct, therefore, case is adjourned to
14.06.2022 for the same as before.


Reader

14th June, 2022

Clerk of counsel for the appellant present. Mr.
Kabirullah Khattak, Addl. AG for the respondents present.

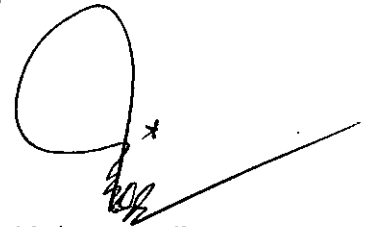
Learned AAG seeks further time to submit reply. Last
opportunity is granted. Counsel are also on strike. To come up
for reply/preliminary hearing on 02.08.2022 before S.B.


(Kalim Arshad Khan)
Chairman

01.12.2021

Learned counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant at the outset of his arguments contended that jurisdiction of Service Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 is invoked in connection with all back benefits and seniority to the appellant w.e.f 01.03.2013 when other teachers (CT) were appointed whereas the appellant was wrongly deprived of is due appointment. His departmental appeal dated 13.03.2020 was also not responded to within the statutory period where-after service appeal in hand was filed on 24.06.2020. Learned counsel for the appellant could not produce the original impugned order and replied that three(03) service appeals No.594/2018 of similar nature have already been admitted for regular hearing and are now fixed before D.B on 14.03.2022. It would, therefore, be appropriate to issue a pre-admission notice to the official respondents to submit their reply/parawise comments and assist the Tribunal. Adjourned. To come up for preliminary hearing on 20.01.2022 before S.B.



(Mian Muhammad)
Member(E)

14.07.2021

Counsel for the appellant present.

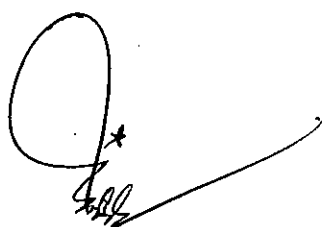
As far as factual position of this appeal is concerned, the appellant seeks payment of salary before issuance of formal order of appointment of the appellant for the reason that his appointment was delayed by the departmental authority after the selection process. Let learned counsel clarify whether the prayer of the appellant before joining service falls in the terms and condition of service?

To come up for preliminary hearing on 05.10.2021 before S.B.


Chairman

05.10.2021

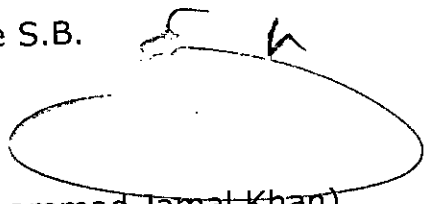
Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar and unable to attend the Tribunal today. Adjourned. To come up for preliminary arguments before the S.B on 01.12.2021.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

03.11.2020

Nemo for appellant.

Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 07.01.2021 on which date to come up for preliminary hearing before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

07.01.2021

Junior to the senior counsel is present for appellant. According to him learned senior counsel is not available today and requested for adjournment. Request is allowed. The appeal is adjourned to 07.04.2021 on which date file to come up for preliminary hearing before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

07.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 14.07.2021 for the same as before.


READER

FORM OF ORDER SHEET

Court of _____

Case No.- 6219 /2020

15.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/06/2020	<p>The appeal presented today by Mr. Ibad-ur-Rehman 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;"><i>Soordh</i> REGISTRAR</p>
2-	07.08.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/08/2020</u></p> <p style="text-align: right;"><i>Imran</i> CHAIRMAN</p> <p>Mr. Imran Khan, Advocate, on behalf of Mr. Ibad-ur-Rehman, Advocate is present and stated that his senior counsel is not feeling well and cannot attend the Tribunal today. Formal request for adjournment. Adjourned to 03.11.2020. File to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"><i>S</i> (MUHAMMAD JAMAL-KHAN) MEMBER</p>

BEFORE THE HONOURABLE KP SERVICE TRIBUNAL
PESHAWAR.

Appeal No. 6219 2020

Fazal Ghani

Versus

Education Deptt:

I N D E X

<u>s.No.</u>	<u>Description of documents</u>	<u>Annex</u>	<u>P.No.</u>
1.	Memo & Grounds of appeal with affidavit		1-4
2.	Advertisement	A	5
3.	Appointment order dt: 18.1.2013	B	6
4.	Letter dated 9-12-2015	B1	7&8
5.	Judgment dated 26.4.2016	C	9-16
6.	Order dated 27.10.2016	D	17-19
7.	Appointment order dt: 26.12.2016	E	20
8.	Appointment order dated 10-10-2019	F	21&22
9.	Departmental appeals	G	23&24
10.	Wakalatnama		

Date. ___ o 2020

IBADUR RAHMAN
Advocate High Court
127-128 Sarhad Mansion
Hashtnagri GT Road
Peshawar.
Mob: 0300-5932939

(P)

BEFORE THE HONOURABLE KP SERVICE TRIBUNAL
PESHAWAR.

APPEAL NO. 6219 2020.

Fazal Ghani (TT). Government Primary School
Takhtoo Central Kurram. Distt: Kurram.

.....Appellant

Versus

- 1- Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education. Peshawar.
- 2- Director. Elementary & Secondary Education. Peshawar.
- 3- District Education Officer. Elementary & Secondary Education.
District Kurram.
- 4- Additional District Education Officer. Elementary & Secondary
Education. Lower & Central Kurram. Distt: Kurram.

.....Respondents

A. 01/03/2013 WHEN THE OTHER TEACHERS
WERE APPOINTED BUT THE APPELLANT
HAS WRONGLY BEEN DEPRIVED FROM
APPOINTMENT. AGAINST WHICH THE
APPELLANT FILED A PROPER
DEPARTMENTAL APPEAL ON 13-03-2020
AND NO RESPONSE FROM THE
RESPONDENTS.

Respectfully sheweth.

Appellant submits as under :-

- 1- That the Respondents advertised some posts of different cadres and the appellant also applied for the post of (TT). Copy of the advertisement is attached as Annex:-A).
- 2- That the appellant duly passed the necessary test/exam conducted for the purpose and appellant's name came on the merit list of the successful candidates.
- 3- That the respondents issued appointment order of other cadres such as CT,DM etc but strange enough that the appointment of the appellant was not issued and kept pending without any plausible explanation. (Annex: B)
- 4- That against the said injustice and discrimination, the appellant alongwith other aggrieved persons approached the honourable Peshawar High Court Peshawar and filed a writ Petition No. 4532-P/2015. The Division Bench of Honourable Peshawar High Court Peshawar was kind enough to allow this writ Petition directing the respondents to issue appointment orders of the appellant and other Petitioners. (Copy attached as Annex:-C).
- 5- That the respondents were still reluctant to obey the clear cut orders of the Honourable Peshawar High Court Peshawar, therefore, the appellant filed a Contempt application against the respondents and as and when the respondents received the Notice of Peshawar High Court, the respondents issued appointment order of the Petitioner. (Kindly peruse Annex: D&E).

6- That there were some other candidates who were duly qualified but were not appointed in time. therefore. their appointment orders were issued on 10-10-2019 but with effect from 16-10-2017 (from back date) thus they were accordingly given all their back benefits.(Kindly peruse Annex: F).

7- That after getting knowledge of the same order. the appellant preferred a proper departmental appeal to the respondents requesting for the same treatment as the case of the appellant is identical with the persons who were given back benefits. (Kindly peruse Annex: G).

8- That after the lapse of statutory period no reply what so ever was communicated to the appellant. hence. the appellant has left with no option but to approach this honourable tribunal on the following grounds amongst others :-

GROUND:

A- That the conduct of the respondents is illegal. biased. based on mala fide and unjustified.

B- That the issuance of the appointment order with immediate effect is tantamount to penalizing the appellant without any fault on the part of the appellant.

C- That the appellant has been deprived from his due right as enshrined in the Constitution of Islamic Republic of Pakistan.

D- That the appellant has been deprived from his livelihood without any justification.


E- That the conduct of the respondents is highly discriminatory as many employees of the same nature were duly appointed during this period but the same was denied to the appellant.

F- That the conduct/act of the respondents towards the appellant is harsh, arbitrary and bad in law and on facts.

G- That the appellant be allowed to add any other grounds at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the appellant the respondents are directed to issue appointment order of the appellant with effect 01-03-2013 and be given all back benefits.

Any other remedy deem proper in the matter, not specifically asked for, may also please be given with costs.

فضلی رحیمی
Appellant
Through: 
IBADUR RAHMAN
Advocate High Court
127-Sarhad Mansion
Peshawar.

Dated. ___/6/2020

AFFIDAVIT.

Stated on oath that above contents are true and correct to the best of my knowledge and belief.

فضلی رحیمی
DEPONENT

درخواستیں مطلوب ہیں

ملک ایجوکیشن کرم ایجنسی کے پرائمری، سیکنڈری اور ایف ایف ایف میں مختلف نوعیت کی خالی اسامیوں کو ملازمت کی بنیاد پر پوز کرنے کیلئے کرم ایجنسی کے مستقل کوئی واحد اور نیا سیداروں سے مجوزہ فارم پر درخواستیں مطلوب ہیں۔ درخواستیں مع حدود تعلیمی اساتذہ کی شناختی کارڈ اور دیگر اس سرٹیفکیٹ تاریخ 10 نومبر 2012ء بوقت دن چار بجے تک دفتر پر پیش کی جانی چاہئے۔ مکمل اور مسترد ہونے والی درخواستوں کو مسترد کر دیا جائے گا۔ درخواست نامزد ہونے والی درخواست کے دفتر سے حاصل کیے جاسکتے ہیں۔

سلسلہ	نمبر	اساتذہ کی اسامیوں کی تفصیل	تاریخ اجراء	مقام نمائندگی و اجراء	مرکزی نمبر	اہلیت
1	اساتذہ 15-15	BPS-15	30-11-2012	پاراپنٹا کا صدر	35-18	گرمی جلیئم شدہ اور ڈسٹریکٹ ٹیچنگ ایجنسی کے سرٹیفکیٹ ہونے کی ضرورت ہے۔
2	اساتذہ 15-14	BPS-15	03-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
3	اساتذہ 14-14	BPS-14	04-12-2012	پاراپنٹا کا صدر	ایضاً	گرمی جلیئم شدہ اور ڈسٹریکٹ ٹیچنگ ایجنسی کے سرٹیفکیٹ ہونے کی ضرورت ہے۔
4	اساتذہ 14-14	BPS-14	05-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
5	اساتذہ 07-07	BPS-07	06-12-2012	پاراپنٹا کا صدر	ایضاً	گرمی جلیئم شدہ اور ڈسٹریکٹ ٹیچنگ ایجنسی کے سرٹیفکیٹ ہونے کی ضرورت ہے۔
6	اساتذہ 07-07	BPS-07	07-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
7	اساتذہ 09-09	BPS-09	10-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
8	اساتذہ 09-09	BPS-09	11-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
9	اساتذہ 09-09	BPS-09	12-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
10	اساتذہ 09-09	BPS-09	13-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
11	اساتذہ 09-09	BPS-09	14-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
12	اساتذہ 09-09	BPS-09	17-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
13	اساتذہ 07-07	BPS-07	18-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
14	اساتذہ 07-07	BPS-07	20-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
15	اساتذہ 07-07	BPS-07	21-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
16	اساتذہ 07-07	BPS-07	21-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
17	اساتذہ 07-07	BPS-07	24-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً
18	اساتذہ 05-05	BPS-05	25-12-2012	پاراپنٹا کا صدر	ایضاً	ایضاً

تعمیراتی نوٹ: (1) مرکزی آفس نمبر 10-11-2012 تک ممبر کی پوزنگی۔ (2) امیدواروں کے ڈوکیومنٹس اور شناختی کارڈ میں مستقل کرم ایجنسی کی پہلی پوزنگی (3) نئے ممبروں کے لئے اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (4) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (5) ممبروں کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (6) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (7) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (8) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (9) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (10) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (11) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (12) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (13) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (14) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (15) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (16) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔ (17) اساتذہ کی اسامیوں کی تفصیلی فہرست ممبروں کو فراہم کی جائے گی۔

Praveen
Attest



ADD: AGENCY EDUCATION
OFFICE SADDA KURRAM AGENCY.
PHONE: 0124 420474 FAX: 0124520174
No. _____ /Edu:
Dated Sadda: the _____ /2013

Annex. E
6

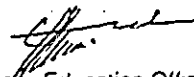
APPOINTMENT.

Consequent upon the approval by the Selection Committee, the appointment of the following CT teachers are hereby ordered in the school noted against their names against vacant CT posts purely on Regular contract basis in BPS No 9 Plus usual allowances as admissible under the rules with effect from 01.03.2013

S #	Name of Candidate	Father Name	School where Appointed	Remarks
1	Mujeeb Noor	Pio Noor	GMHS Sadda	Against Vacant Post
2	Muhammad Rehman	Mir Muhd Khan	GHS Shah Ibrahim	do
3	Muhammad Yousaf	Abdul Aziz	GHS Dilyamin	do
4	Javid Noor	Pio Noor	GHS Chappri	do
5	Muneeb Rehman	Haji Jernil	GMS Sra Ghurga	do
6	Aqib Zaman	Syed Amir Shah	GHS Bagan	do

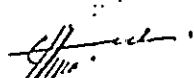
TERMS/CONDITIONS.

1. They are directed to produce their Medical certificate from the Medical Supdt:AHQ Hospital Sadda Kurram Agency.
2. Their age should be between 18-35 years.
3. Their appointment is purely made on temporary and Regular contract basis and liable to termination at any time without assigning any notice, in case they want to resign their post, they will have to give one month prior notice or forfeit one month pay in lieu thereof.
4. No payment will be made to the appointee until and unless their academic and professional certificate are got verified from the Issuing Authorities concerned.
5. If they failed to take over charge within 15 days, their appointment will automatically be considered as cancelled.
6. Charge reports should be submitted to this office.
7. Their appointment will be consider as regular but without Pension/prativity on the term of section-15 of the KPK Civil Servant Act 1973 as amended with civil servants amendment Act: 2003 but will be entitled to contribution Provident Fund at such rate as may be prescribed by the govt.


Add: Agency Education Officer
Lower & Central Kurram Sadda.

No 221-33 / Edu Dated 18/1 /2013
Copy forwarded to the.

1. Director of Education FATA KPK Peshawar.
2. Agency Account officer Parachinar.
3. Political Agent Kurram Parachinar.
4. Asstt:Political Agent Central Kurram.
5. Teachers Concerned.
6. Headmaster concerned..
6. Office file.


Add: Agency Education Officer
Lower & Central Kurram Sadda

Scanned with CamScanner

Being
Attested

ADD: AGENCY EDUCATION
OFFICE SADDA, KURRAM AGENCY.
PHONE. 0226 52067
No: _____/Edu: Dated: _____/2015

(7)

To

The Agency Account Officer
Kurram Agency at parachinar.

Annex: (B)
B₁

Subject: Releasing of pay/salaries of Fresh Appointees appointed during 2012-13.
Number: _____

Consequent upon the recommendation of oversight committee constituted by the competent authority and refer the direction of Education FATA Peshawar No 12223 dated 07.12.2013 on the subject cited above and to state that the names of eligible candidates appointed during 2012-13 BPS (5-9) is hereby released as per enclosed lists attached duly signed by the oversight committee members. However salaries paid to in-eligible candidates as per lists attached be recovered from them w.e.f the date of their appointments.

ADD: Agency Education Officer
Lower Kurram Agency Sudda.

No: 772-76/Edu: Dated: 09/12/2015

Copy for information to the:-

1. Director of Education FATA Peshawar with his reference no & dated as quoted above.
2. Political Agent Kurram Agency.
3. Additional Political Agent Kurram.
4. Assistant Political Agent Lower Kurram.
5. Assistant Political Agent Central Kurram.
6. Principal/Headmaster (M&F) concerned.

ADD: Agency Education Officer
Lower Kurram Agency Sudda.

Monir
Attest

Better Copy

ADD: AGENCY EDUCATION

OFFICE SADDA, KURRAM AGENCY

PHONE: 0926-52067

No. ___ Edu: Dated ___ ___ 2015

(8)

To

The Agency Account Officer
Kurram Agency at Parachinar.

Subject: Releasing of pay Salaries of Fresh Appointees, appointed during 2012-13

Memo:

Consequent upon the recommendation of oversight committee constituted by the competent authority and refer the directorate of Education FATA Peshawar No. 12228 dated 07-12-2015 on the subject cited above and to state that the salaries of eligible candidates appointed during 2012-13 BPS (5-9) is hereby released as per enclosed lists attached duly signed by the oversight committee members. However, salaries to ineligible candidates as per lists attached be recovered from them w.e.f. the date of their appointments.

Education Officer
Agency Sadda.

Add: Agency

Lower Kurram

No. 2970-76 Edu: Dated 09 12 2015

Copy for information to the:-

1. Director of Education FATA Peshawar with his reference no & dated as quoted above.
2. Political Agency Kurram Agency
3. Additional Political Agent Kurram
4. Assistant Political Agent Lower Kurram
5. Assistant Political Agent Central Kurram
6. Principal Headmaster (M&F) concerned

Add: Agency
Education Officer
Lower Kurram
Agency Sadda

(Signature)
Attested

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4532 P/2015

1. Muhammad Umar (AT) S/o Abdul Raziq R/o Lower Kurram Agency.
2. Taleem Gul (AT) S/o Aftab Gul R/o Lower Kurram Agency.
3. Javed Ahmed (AT) S/o Gul Karim R/o Lower Kurram Agency.
4. Khan Wazir (AT) S/o Gul Hussain R/o Central Kurram Agency.
5. Haji Rehman (AT) S/o Mir Bashay R/o Central Kurram Agency.
6. Nasreen (AT) Female D/o Muzaffar Khan R/o Central Kurram Agency.
7. Safia (AT) Female D/o Sher Shah R/o Central Kurram Agency.
8. Saira Sultan (AT) Female D/o Sultan Shah R/o Central Kurram Agency.
9. Sadiqa (AT) Female D/o Fazal Rehman R/o Central Kurram Agency.
10. Mir Rehman (TT) S/o Sulaiman R/o Central Kurram Agency.
11. Samiul Haq (TT) S/o Mira Gul R/o Central Kurram Agency.
12. Muhammad Nasrullah (TT) S/o Habibullah R/o Central Kurram Agency.
13. Mujahid ur Rehman (TT) S/o Paimda Khan R/o Central Kurram Agency.
14. Fazal Ghani (TT) S/o Abdul Hadi R/o Central Kurram Agency.
15. Abdul Jabar (TT) S/o Abdul Janan R/o Central Kurram Agency.

FILED TODAY

Deputy Registrar

31 DEC 2015

ATTESTED

- 16. Abdul Wali (TT) S/o Habib Khan R/o Central Kurram Agency.
 - 17. Muhammad Ullah (TT) S/o Muhammad Hakim R/o Central Kurram Agency.
 - 18. Abdul Rashid (TT) S/o Yar Baz R/o Central Kurram Agency.
 - 19. Sahib u Rehman (TT) S/o Mohammad Khan R/o Lower Kurram Agency.
 - 20. Shah Malik (TT) S/o Misbah u Din R/o Lower Kurram Agency.
 - 21. Wali Dad (TT) S/o Sher Dad R/o Lower Kurram Agency.
-(Petitioners)

VERSUS

- 1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
- 2. Secretary Social Sector Department FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3. Director Education FATA, FATA Secretariat, Warsak Road, Peshawar.
- 4. Political Agent Kurram Agency, Parachinar.
- 5. Agency Education Officer, Kurram Agency, at Parachinar.
- 6. Additional Education Officer, Kurram Agency at Sadda.....(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE
 CONSTITUTION OF ISLAMIC REPUBLIC OF
 PAKISTAN, 1973.

FILED TODAY
 Deputy Registrar
 31 DEC 2015

~~APPEALED~~
 REGISTRAR
 PESHAWAR
 31 DEC 2015

JUDGMENT.

In the Peshawar High Court, Peshawar.

Judicial Department.

W.P. No. 4532-P/2015.

Date of hearing 26.04.2016

Muhammad Umar and others versus Additional
Chief Secretary FATA and others.

Petitioner by Mr. Jehangir Khan Afridi, advocate.

Government by Mian Arshad Jan, AAG.

IRSHAD QAISER J. Through this petition, the

petitioner Muhammad Umar and others seeks
the constitutional jurisdiction of this Court
under Article 199 of the Constitution of Islamic
Republic of Pakistan, 1973 with the prayer
that:-

"On acceptance of this writ petition,
direct the respondents to appoint/recruit/
adjust the petitioners male and female on
vacant posts of AT and TT already
approved by the respondents."

2. As per facts spelt out from the petition,
consequent to the advertisement dated
25.10.2012 issued in the daily AAJ by
respondent No. 5 Agency Education Officer,
applications for different posts of AT and TT

PET, DM, Qar
A.B.AWAN

ATTESTED
EXAMINED
26/04/2016

Lecturer, I.T Lab Incharge, Paish Imam, Arabi Teacher (A.T) and Theology Teachers (T.T) were invited, the petitioners male and female having requisite qualification applied for T.T and A.T posts and after the completion of entire process they were subjected to scrutiny process as well as interview. When the result of interview was announced, they were declared successful. After the approval of Departmental Selection Committee the petitioners were recommended for appointment against vacant/newly created A.T and T.T teachers' posts. After fulfilling all the legal formalities all the selectees C.T, PET, D.M, Qari, Laboratory Assistant, Junior Clerks, I.T Lecturer, I.T Lab and Paish Imam were appointed, but to their utter dismay A.T and T.T teachers were not appointed on the pretext of ban. It is contended that after lifting of ban they applied to the respondents for the appointment, but they turned deaf ears and despite the passage

A.B.AWAN

ATTESTED
 EXAMINER
 High Court
 09 JULY 2015

of such long time, the appointment orders have not been issued to them.

3. Comment were accordingly called for from the respondents wherein they could neither deny the advertisement, qualification of the petitioners, selection process and the issuance of merit list wherein petitioners were declared successful for the posts of A.T and T.T teachers. They stated that merit lists were prepared accordingly on the available vacant posts and appointment orders of all the candidates on merit were issued by the Additional Agency Education Officer concerned before the imposition of ban on recruitment. The merit list of the post carrying BPS-11 and above (A.T and T.T) were sent to the Political Agent Kuram Agency but due to ban on fresh recruitment their case was not approved. It is further stated that all the vacant post of A.T and T.T have been converted in to C.T and TST and advertised for fresh recruitment

A.S.AWAN

ATTESTED
EXAMINER
09 MAY 1963

through NTS and the A.T and T.T is declared as dying cadre with no hiring of T.T in future in the minutes of meeting dated 11.01.2016.

4. Respondents admitted the issuance of merit list and appointment of all the advertised vacant post except A.T and T.T due to ban on fresh recruitment. They have referred the minutes of the meeting dated 11.01.2016 vide which the post of T.T is declared as dying cadre with no hiring of T.T in future. The contention of the respondents that since the vacant post of A.T and T.T have been converted into C.T and PST; therefore, these posts were re-advertised for fresh recruitment through NTS. But these arguments of the respondents are neither valid nor acceptable to the case of petitioners. Moreover, minutes of the meeting dated 11.01.2015 are not applicable to the case of petitioners. It is settled law that the Notification and executive orders etc could operate prospectively and not retrospectively.

JSP

A.S.AWAN

ATTESTED
[Signature]
[Stamp]

Reference is made to 2012 SCMR 864 "Senior Member Board of Revenue and others versus Sardar Bakhsh Bhutta and others".

5. Since in the present case vested right had been accrued to the petitioners, as the posts had already been advertised and after fulfilling legal formalities they were selected, but could not be appointed due to ban on fresh recruitment; therefore, the department could not re-advertise the post in question. Admittedly ban is now lifted. Reference is made to 2013 PLC (C.S) 1405 "Engineer Siddiq Ullah versus Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and two others". Moreover, the case of the petitioners are at par with the case of the petitioners of W.P. No. 3040/2013 decided on 05.11.2014, W.P. No. 497-P/2015 dated 09.05.2015, W.P. No. 1446-P/2015 dated 13.05.2015 and W.P. No. 2629-P/2013 dated 05.03.2015.

A.S.AWAN

ATTESTED
09 MAY 2015

6. In view of such background of the case and the record so furnished by the parties, we understand that the petitioners have been highly discriminated against for the last 3/4 years and have not been given an even handed treatment. We thus admit and allow the writ petition and direct the respondents to issue appointment letter in the name of qualified petitioners as mentioned in merit list for their respective posts within one month.

Shri Jyoti Prasad...
Shri Jyoti Prasad...
 JUDGE

Announced
 26.04.2015

JUDGE
 CERTIFIED TO BE TRUE COPY
 EX-10
 09/04/16

24530
 27/4/16
 Date of the order
 No of Pages
 Copies
 Urgent
 Total
 Date of Receipt
 Date Given out
 No. of Copies

C.O.C. No. /2016

In

W.P. No. 4532-P/2015

1. Muhammad Umar (AT) S/o Abdul Raziq R/o Lower Kurram Agency. S.No
2. Taleem Gul (AT) S/o Aftab Gul R/o Lower Kurram Agency. S.No
3. Javed Ahmed (AT) S/o Gul Karim R/o Lower Kurram Agency. S.No
4. Khan Wazir (AT) S/o Gul Hussain R/o Central Kurram Agency. S.No
5. Haji Rehman (AT) S/o Mir Bashay R/o Central Kurram Agency. S.No
6. Nasreen (AT) Female D/o Muzaffar Khan R/o Central Kurram Agency. S.No
7. Safia (AT) Female D/o Sher Shah R/o Central Kurram Agency. S.No
8. Saira Sultan (AT) Female D/o Sultan Shah R/o Central Kurram Agency. S.No
9. Sadiqa (AT) Female D/o Fazal Rehman R/o Central Kurram Agency. S.No
10. Mir Jehman (TT) S/o Sulaiman R/o Central Kurram Agency. S.No
11. Samiul Haq (TT) S/o Mira Gul R/o Central Kurram Agency. S.No
12. Muhammad Nasrullah (TT) S/o Habibullah R/o Central Kurram Agency. S.No (Absc)
13. Mujahid ur Rehman (TT) S/o Painda Khan R/o Central Kurram Agency. S.No

- 16. Abdul Was (TT) S/o Habib Khan R/o Central Kurram Agency.
 - 17. Muhammad Ullah (TT) S/o Muhammad Hakim R/o Central Kurram Agency.
 - 18. Abdul Rashid (TT) S/o Far Bas R/o Central Kurram Agency.
 - 19. Sahib u Rehman (TT) S/o Mohammad Khan R/o Lower Kurram Agency.
 - 20. Shah Malik (TT) S/o Misbah u Din R/o Lower Kurram Agency.
 - 21. Was Dad (TT) S/o Sher Dad R/o Lower Kurram Agency.
-(Petitioners)

VERSUS

- 1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
- 2. Secretary Social Sector Department FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3. Director Education FATA, FATA Secretariat, Warsak Road, Peshawar.
- 4. Political Agent Kurram Agency, Parachinar.
- 5. Agency Education Officer, Kurram Agency, at Parachinar.
- 6. Additional Education Officer, Kurram Agency at Sadda.....(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE
 CONSTITUTION OF ISLAMIC REPUBLIC OF
 PAKISTAN, 1973.



ADDL: AGENCY EDUCATION OFFICE
LOWER & CENTRAL KURRAM SADDA

PHONE: 0926-520674 FAX 0926520674

No. 5813-25 /Edu:

Dated Sadda: the 26/12/2016

26

Annex - E

CONDITIONAL APPOINTMENT.

Consequent upon the approval Director of Education FATA Peshawar letter No 14863 dated Pesh:the 14-11-2016 in the light of Honorable Court order dated 26-04-2016 in WP No 4532-P/2016 subject to final decision in CPLA No 380-P/2016 by Supreme Court of Pakistan. The Conditional Appointment of the following TT Male teachers Central Kurram are hereby ordered in the schools noted against their names against vacant TT posts purely on Regular contract basis in BPS No 15 Plus usual allowances as admissible under the rules with immediate effect.

S #	Name of Candidate	Father Name	School where Appointed	Remarks
1	Mir Rehman	Sulaiman	GPS Pastawoni	Against Vacant Post
2	Sami ul Haq	Mira Gul	GPS Machaki Kali	Against Vacant Post
3	Mujahid ur Rehman	Painda Khan	GPS Kundali Baba	Against Vacant Post
4	Fazal Ghani	Abdul Hadi	GPS Takhtoo	Against Vacant Post
5	Abdul Jabar	Abdul Janan	GPS Kimal Baza	Against Vacant Post
6	Abdul Wali	Habib Khan	GPS Takhtak	Against Vacant Post
7	Muhammad Ullah	Muhammad Hakim	GPS Baza	Against Vacant Post
8	Abdul Rashid	Yar Baz	GPS Star Jumat	Against Vacant Post

TERMS/CONDITIONS.

1. They are directed to produce their Medical certificate from the Medical Supdt:AHQ Hospital Sadda Kurram Agency.
2. Their age should be between 18-40 years and 18-40 for Female..
3. Their appointment is purely made on temporary and Regular contract basis and liable to termination at any time without assigning any notice, in case they wants to resign their post, they will have to give one month prior notice or forfeit one month pay in lieu thereof.
4. No payment will be made to the appointee until and unless their academic and professional certificate are got verified from the Issuing Authorities concerned.
5. If they failed to take over charge within 15 days, their appointment will automatically be considered as cancelled.
6. Charge reports should be submitted to this office.

Add: Agency Education Officer
Lower & Central Kurram Sadda

No _____ / Edu Dated _____ /2016

Copy forwarded to the.

1. Director of Education FATA KPK Peshawar.
2. Agency Account officer Parachinar.
3. Political Agent Kurram Parachinar.
4. Asstt:Political Agent Central Kurram .
5. Teachers Concerned.
6. Office file.

Add: Agency Education Officer
Lower & Central Kurram Sadda

Signature
Attested

21

Annex F

Add: District Education Officer Lower
Central Kurram Sudda

No. _____/Edu

Dated _____/_____/2019

Ph 0926-520674 Mail: education_sudda@gmail

NOTIFICATION

In compliance to the judgment of the honorable High court Peshawar in Writ Petition No 4/06-P/2017 dated 26.03.2019 and consequent COC No 529-P/2019 the following petitioners/candidates are hereby conditionally appointed with effect from 16.10.2019 as the others candidates appointed on the same date subject to final decision filed against the impugned in honorable supreme Court of Pakistan subject to provision of his surety on judicial stamp paper in case the CPCs turned out to be in favour of the department they will be terminated

S#	Name	Father Name	Appointed as	School	Remarks
1.	Sajid Rahman	Harider Khan	PET HPS-15	GMS Kimal Baza	AVP
2.	Anahic Mahmood	Hajj Sher Shah	PET PES-15	GMS Dappo	AVP
3.	Bilal Jahan	Muhammad Jahanab	GT BPS-15	GMS Gogani	AVP

Terms Conditions

1. All the report should be submitted to all concerned
2. Their documents, Date of birth, CNIC and domicile certificates should be checked before handing over charge of the post and attested copies thereof may be kept on record of the Office
3. They should produce their Health and Age certificates from the District Surgeon concerned
4. The Conditional appointment order and release of running pay will only be effective on furnishing surety on judicial stamp papers by petitioners
5. The Petitioners/candidates will have to complete their normal tenure in the said school
6. They may not be handed over charge if their age is below 18- years or above 35-years
7. No salary may be drawn before the verification of the documents from the quarter concerned
8. If they failed to report their arrival within 15 days of the issuance of their appointment order, it will be considered as completed

Add: District Education Officer
Lower & Central Kurram Sudda

No. 2715-20 /Edu: Dated 10/10, 2019

Copy for information to the

1. Director of Elementary & Secondary Education KPK Peshawar
2. Director of Education Merged Districts Peshawar
3. District Account Office Kurram
4. Deputy Commissioner Tribal District Kurram
5. Petitioners concerned
6. Office file

Attested

[Signature]
Add: District Education Officer
Lower & Central Kurram Sudda

[Signature]

No. 2715-20 Edu: Dated 10/10/2019

22

ADD: AGENCY EDUCATION
OFFICE SADDA, KURRAM AGENCY

No. _____ Edu:

Dated _____ 2019

PHONE: 0926-520674

NOTIFICATION

In compliance to the judgment of the honourable High Court Peshawar in Writ Petition No. 4706 2017 dated 26-03-2019 and consequent COC No. 529-P/2019 the following Petitioners candidates are hereby conditionally appointed with effect from 16-10-2017 as the others candidates appointed on the same date subject to the final decision filed against the impugned in honourable supreme Court of Pakistan subject to provision of his surety on judicial stamp paper in case the CPLA turned out in favour of the department they will be terminated.

S#	Name	Father Name	Appointed as	School	Remarks
1	Sajid Rehman	Haider Khan	PETBPS-15	GMS Kimal Baza	AVP
2	Shahid Mehmood	Haji Sher Shah	PET BPS 15	GMS Dappa	AVP
3	Riffat Jehan	Muhammad Jehanzeb	CT BPS-15		AVP

TERMS & CONDITIONS

1. Charge Certificate should be submitted to all concerned
2. The documents, Date of birth, CNIC and domicile certificates should be checked before handing over charge of the post and attested copies thereof may be kept on record of the office.
3. They should produce their Health and Age certificate from the District Surgeon concerned.
4. The Conditional appointment order and release of running pay will only be effective on furnishing surety on judicial stamp papers by petitioners
5. The Petitioners candidates will have to complete their normal tenure in the said school
6. They may not be handed over charge if their age is below 18 years or above 35 years
7. No salary may be drawn before the verification of the documents from the quarter concerned.
8. If they failed to report their arrival within 15 days of the issuance of their appointment order it will be considered as cancelled.

[Signature]
Attested

Add: Agency Education Officer
Lower Kurram Agency Sadda.

No. 2715-20 Edu: Dated 10/10/2019

To,

The Director of Elementary & Secondary Education Kpk Peshawar.

Appeal for issuing appointment letter of the application with retrospective effect i.e. 2012-2013 (the date on which CT DM, PET Lab Assistant Pesh Imam Candidates have been appointed.

Respected Sir,

With due respect, it is humbly submitted as to the following.

- (1) That applicants along with CT, DM, Lab Assistant Pesh Imam Appointees dated 2012-2013 applied for the post AT and TT under the same advertisement.
- (2) Except AT and TT another posts were appointed order dated January 2013.
- (3) That Process of applicant's appointment was delayed for illegal and unlawful reasons have been appointed and may kindly be ordered late.
- (4) That applicants filed writ petition 4532/2015 before the honorable Peshawar High Court. The Honorable Court was pleased to allow the same and directed the department to appoint the petitioner against the post, they applied.
- (5) That in the light of the judgment of the honorable Peshawar High Court Dated 24-4-2016, Applicants were appointed against the advertised post on fresh basis vide order 26-12-2016.
- (6) That applicants were entitled to be appointed with retrospective effect i.e. from the date when vacancies in their were occurred or from the date when CT, DM, PET, LAB ASSISTANT, PESH IMAM candidates were lying on the same pedestal and more so Applicants cannot be discriminated in the light of Article 27 of the constitution of Pakistan, 1973.
- (7) That on 26-03-2019, the honorable Peshawar High Court vide its judgment has directed that candidates should be appointed from the date, when other candidates of the same advertisement have been appointed. On this scall applicants are entitled for the same treatment.

In view of the above explained position it is humbly requested that applicants may kindly be considered for appointment against TT posts from the date when CT, DM, Lab Assistant, Pesh Imam candidates have been appointed and may kindly be ordered as such according with all back benefits including seniority.

Yours faithfully
Fazal Ghani (TT)
GPS Takhtoo C.K
District Kurram

(Signature)
Attested

فضل غنی

Dated: 13/3/2020

To,

The Additional District Education Officer Lower & Central Kurram.

Appeal for issuing appointment letter of the application with retrospective effect i.e. 2012-2013 (the date on which CT DM, PET Lab Assistant Pesh Imam Candidates have been appointed.

Respected Sir,

With due respect, it is humbly submitted as to the following.

- (1) That applicants along with CT, DM, Lab Assistant Pesh Imam Appointees dated 2012-2013 applied for the post AT and TT under the same advertisement.
- (2) Except AT and TT another posts were appointed order dated January 2013.
- (3) That Process of applicant's appointment was delayed for illegal and unlawful reasons have been appointed and may kindly be ordered late.
- (4) That applicants filed writ petition 4532/2015 before the honorable Peshawar High Court. The Honorable Court was pleased to allow the same and directed the department to appoint the petitioner against the post, they applied.
- (5) That in the light of the judgment of the honorable Peshawar High Court Dated 24-4-2016, Applicants were appointed against the advertised post on fresh basis vide order 26-12-2016.
- (6) That applicants were entitled to be appointed with retrospective effect i.e. from the date when vacancies in their were occurred or from the dated when CT, DM, PET, LAB ASSISTANT, PESH IMAM candidates were lying on the same pedestal and more so Applicants cannot be discriminated in the light of Article 27 of the constitution of Pakistan, 1973.
- (7) That on 26-03-2019, the honorable Peshawar High Court vide its judgment has directed that candidates should be appointed from the date, when other candidates of the same advertisement have been appointed. On this scall applicants are entitled for the same treatment.

In view of the above explained position it is humbly requested that applicants may kindly be considered for appointment against TT posts from the date when CT, DM, Lab Assistant, Pesh Imam candidates have been appointed and may kindly be ordered as such according with all back benefits including seniority.

Yours faithfully

Fazal Ghani (TT)

GPS Takhtoo C.K

District Kurram

Dated:

13/3/2020

Attested

فصل غنی

بجاعت لیتاؤ

Appeal No _____ 2020

بجاعت لیتاؤ
بجاعت لیتاؤ

مورخہ
مقدمہ
دعوی
جرم

بجاعت لیتاؤ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لیتاؤ کیلئے علیاد اہر لیتاؤ عمران خان محمدی و کسرت ار خان اندر لیتاؤ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف 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 منسوخی
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 وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

المزقوم ۲۰۲۰
ماہ جون ۲۰۲۰ء

واہ العب
بمقام لیتاؤ کے لئے منظور ہے۔

بجاعت لیتاؤ

بجاعت لیتاؤ