

S.No.	Date of Order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>CAMP COURT ABBOTTABAD</u></p> <p style="text-align: center;"><u>APPEAL NO. 488/2014</u></p> <p style="text-align: center;"><u>Sardar Muhammad Fareed Versus Government of Khyber Pakhtunkhwa through Secretary, E&amp;SE, Peshawar and 2 others.</u></p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Appellant with counsel and Mr. Muhammad Siddique, Senior Government Pleader alongwith Sohail Ahmad Zaib, Assistant for respondents present.</p> <p>2. Sardar Muhammad Fareed son of Muhammad Akram hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with a prayer to declare the appellant as C.T teacher w.e.f 14.10.2006 and to release salary to him as C.T teacher w.e.f the said date and onwards.</p> <p>3. Brief facts of the case of the appellant are that the appellant was initially appointed as class-IV employee vide order dated 08.03.1999. While serving as such he was directed to perform duty as C.T teacher w.e.f. 14.10.2006 upto year 2015. That despite showing excellent results he was not granted the pay of higher grade constraining him to</p>

~~18.01.17~~

prefer departmental appeal followed by the instant service appeal.

4. Learned counsel for the appellant has argued that the appellant was serving as Laboratory attendant and that his qualification was B.A and PTC trained. That he was teaching Maths to 10th class and General Science to 9th class. He showed cent percent result in the above subjects. That on the basis of his qualification and performance he was recommended by the Headmaster of the Government High School Surjal, Abbottabad to the Executive District Officer (S&L) Abbottabad vide letter dated 19.07.2008. That the EDO (S&L) allowed the appellant to continue as teacher in the supreme interest of public service. Regarding prayer of the appellant for appointment as C.T teacher, learned counsel for the appellant requested for withdrawal of the appeal to that extent while regarding graded pay he placed reliance on case law reported as 1992-SCMR-1869 (Supreme Court of Pakistan) wherein civil servant working against a post of higher grade and discharging functions against such post were declared entitled to pay attached to that post.

5. Learned Government Pleader has argued that the appellant was not appointed against the post of C.T and that in the absence of any regular appointment order he was not entitled to claim salary of C.T post.

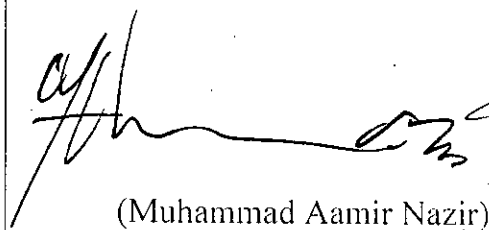
6. We have heard arguments of learned counsel for the parties and perused the record.

7. It is not disputed before us that the appellant was serving as Laboratory Attendant when he was allowed by the competent authority


A.C.  
18.01.17

i.e. Executive District Officer (S&L) Abbottabad to perform his duties against the C.T post at G.H.S Surjal, Abbottabad. It is also not disputed that the appellant has performed his duties as C.T in the said school. Though the duties performed by the appellant as C.T prior to 19.07.2008 were not allowed by the competent authority however after the said date appellant has performed such duties under the directions of the competent authority. Appellant was holding the qualification of B.A and was a trained PTC and as such he was entitled to the pay of higher grade of C.T for the period commencing w.e.f. 19.07.2008 till the date of performing of duties in said higher grade. Case law referred to above and relied on by learned counsel for the appellant is squarely applicable to the facts and circumstances of the case.

8. We, therefore, accept the present appeal and direct that the appellant be granted salary and other emoluments attached to the post of C.T w.e.f. 19.07.2008 till date when he has served as such. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Aamir Nazir)

Member

  
(Muhammad Azim Khan Afridi)


18 Chairman  
Camp Court, A/Abad.

ANNOUNCED

18.01.2017

20.10.2015

Counsel for the appellant and Mr.Sohail Ahmad, Assistant alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 21.01.2016 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad.

21.1.2016


Appellant in person and Mr. Sohail Ahmed Zeb, Assistant alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 15.8.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

15.08.2016

Agent of counsel for the appellant and Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Requested for adjournment. To come up for rejoinder and final hearing on 18.1.2017 before D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad

3. 21.4.2015 Appellant in person present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for preliminary hearing on 21.5.2015 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

4 21.05.2015 Appellant with counsel present. Learned counsel for the appellant requested for adjournment as he is not in possession of the record. Adjourned for preliminary hearing to 23.7.2015 before S.B at Camp Court Abbottabad.

  
Chairman  
Camp Court Abbottabad

5 23.7.2015 Appellant with counsel present. Learned counsel for the appellant argued that the appellant was initially appointed as Lab Attendant (BPS-1) and that during the course of employment he was detailed as C.T (BPS-14) and accordingly served for a period of almost 9 years and as such entitled to graded pay and appointment as C.T. That vide impugned order dated 6.3.2014 passed by appellate authority the request of the appellant was finally regretted and hence the instant service appeal on 7.4.2014.

That the appellant is entitled to appointment and graded pay.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 20.10.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 488/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/04/2014	<p>The appeal of Sardar Muhammad Fareed presented today by Mr. Muhammad Arshad Khan Tanooli Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	2-5-14	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>17-11-14</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> <p>Neither the appellant nor his counsel present. The Tribunal is incomplete. To come up for preliminary hearing at camp court A.Abad on 21-4-15.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>

17-11-14.

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**Appeal No. 488 /2014

Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad.

.....APPELLANT

VERSUS

Govt of KPK through Secretary Education Elementary &amp; Secondary Education KPK, Peshawar and others.

.....RESPONDENTS

**SERVICE APPEAL****INDEX**

S. #	Description	Page Nos.	Annexure
1.	Writ petition alongwith, affidavit, certificate	1 to 6	
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3.	Addresses of the parties	8	
4.	Copy of appointment letter	9	"A"
5.	Copy of letter dated 14-10-2006	10-	"B"
6.	Copy of letter dated 19-07-2008	11-12	"C"
7.	Copy of attendance record	13-16	"D"
8.	Copy of the results	17-19	"E"
9.	Copy of the Judgment dated 18-02-2014 in W.P No. 81-A/14	20-28	"F"
10.	Copy of rejection letter dated 06-03-2014	29-37	"G"
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Dated: 2 /04/2014S-Fareed  
Appellant

Through



**MUHAMMAD ARSHAD KHAN TANOLI**  
Advocates High Court, Abbottabad.

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**Appeal No. 488 /2014

506  
07/4/14

Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad.

.....APPELLANT

VERSUS

1. Govt of KPK through Secretary Education Elementary & Secondary Education KPK, Peshawar.
2. Director Education Elementary & Secondary Education KPK, Peshawar.
3. District Education Officer Elementary & Secondary Education, Abbottabad.

.....RESPONDENTS

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**SERVICE APPEAL**


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SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 TO THE EFFECT THAT THE APPELLANT WAS APPOINTED AS CHOWKIDAR IN GOVT HIGH SCHOOL SURJAL, TEHSIL & DISTRICT ABBOTTABAD VIDE ENDST NO. 1550-53 /AE.V/C.IV DATED 03-03-1999 AND APPOINTED AS LAB ATTENDANT IN THE YEAR 2002. THE DUTY OF APPELLANT WAS CHANGED AS TEACHER VIDE ORDER NO. 95 DATED 14-10-2006, LATERON THE THEN HEADMASTER OF THE SAID SCHOOL WROTE A LETTER NO. 15377 DATED 09-07-2008 TO RESPONDENT NO.3 FOR ISSUANCE ORDERS TO THE APPELLANT TO CONTINUE TEACHING FOR THE SUPREME INTEREST OF PUBLIC SERVICE, HENCE RESPONDENT NO.3 ALLOWED THE APPELLANT CONTINUE HIS TEACHING AGAINST CT POST. THEREFORE THE APPELLANT SUBMITTED AN APPLICATION TO RESPONDENT NO.3 WHEREIN HE REQUESTED THAT HE MAY BE PAID SALARY EQUAL TO CT TEACHER W.E.F 2006 ONWARDS AND FURTHER REQUESTED THAT HE MAY BE APPOINTED AS CT TEACHER W.E.F 2006 ONWARDS. IT IS FURTHER

*[Signature]*  
7/4/14



SUBMITTED THAT THE APPELLANT FILED A WRIT PETITION NO. 81-A/14 BEFORE THE HON'BLE HIGH COURT BENCH ABBOTTABAD WHICH WAS CONVERTED INTO A DEPARTMENTAL REPRESENTATION VIDE JUDGMENT DATED 18-02-2014 BUT THE RESPONDENT NO.3 REJECTED THE APPEAL OF THE APPELLANT VIDE IMPUGNED REJECTED LETTER NO. 1561-62 / LIT DATED 06-03-2014 WHICH IS ILLEGAL, AGAINST THE LAW, PERVERSE AND LIABLE TO BE SET-ASIDE.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT APPEAL, IMPUGNED REJECTION LETTER OF THE RESPONDENT NO.3 MAY BE DECLARED AGAINST THE LAW, PERVERSE, DISCRIMINATORY AND BE SET-ASIDE AND RESPONDENTS MAY BE DIRECTED TO APPOINT THE APPELLANT AS CT TEACHER W.E.F 14-10-2006 I.E THE DATE OF CHANGE OF DUTIES AS TEACHER AND RESPONDENTS MAY ALSO BE DIRECTED TO RELEASE SALARY OF THE APPELLANT WHICH IS ADMISSIBLE TO A CT TEACHER W.E.F 14-10-2006 ONWARDS.

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Respectfully Sheweth:

**FACTS**

1. That the appellant was appointed as Chowkidar in Govt High School Surjal, District Abbottabad on 08-03-1999. Copy of appointment order is attached as Annexure "A".
2. That the appellant later on appointed as Lab Attendant in the year 2002 and on 14-10-2006, duties of the appellant was changed as Teacher and started in the said school vide order No. 95 dated 14-10-2006. Copy of the letter dated 14-10-2006 is attached as Annexure "B".
3. That later on the then headmaster respondent No.3 with the request that the appellant be allowed to continue teaching for the supreme interest of public service vide letter No. 13377 dated 19-07-2008 which was allowed by respondent No. 3.

Copy of letter dated 19-07-2008 is attached as Annexure "C".

4. That the appellant is continuously teaching in the school since 2006 onwards and the appellant is shown as CT Teacher in the school attendance record. Copy of the record is attached as Annexure "D".
5. That the appellant showed hundred percent results in the subject of math & G. Science of Class 9<sup>th</sup> & 10<sup>th</sup>. Copy of results are attached as Annexure "E".
6. That the appellant submitted application to respondent No. 3 and also filed writ petition before Hon'ble High Court Bench Abbottabad for payment of salary and regular appointment as CT Teacher since 2006 onwards vide W.P No. 81-A/2014 which was decided on 18-02-2014, wherein the Hon'ble High Court Bench Abbottabad converted writ petitioner of the petitioner in to departmental representation and directed the respondent No.3 to decide the case of the appellant within the period of 15 days. Copy of the judgment dated 18-02-2014 in W.P No. 81-A/14 is attached as Annexure "F".
7. That the respondent No.3 rejected the representation vide impugned rejection letter No. 1561-62/LIT dated 06-03-2014. Copy of rejection letter dated 06-03-2014 is attached as annexure "G".
8. That the appellant after rendering services as CT teacher in the said school since 2006 till now is entitled to receipt salary which is admissible to a CT Teacher.
9. That the voluble rights has accrued to the appellant for regular appointment as CT teacher, as the appellant is serving against the said post since 2006 till now.
10. That act of the respondents for non-payment of salary of higher post i.e CT as well as not issuing appointment order as CT teacher to the appellant is

against the principle of natural justice and negation of his fundamental rights.

11. That when law prescribes something which is to be done in a particular manner and that must be done in that manner and not otherwise.
12. That the superior courts have already issued judgments in similar cases. Hence the appellant is entitled on the enology of similar cases already decided by the Hon'ble superior courts. (Copy of the judgment shall be provided at the time of arguments).

**PRAYER:**

It is, therefore, most humbly prayed that on acceptance of the instant appeal, impugned rejection letter of the respondent No.3 may be declared against the law, perverse, discriminatory and be set-aside and respondents may be directed to appoint the appellant as CT Teacher w.e.f 14-10-2006 i.e the date of change of duties as teacher and respondents may also be directed to release salary of the appellant which is admissible to a CT Teacher w.e.f 14-10-2006.

Dated: \_\_\_/04/2014

*S-Freed*  
.....Appellant

Through

  
**MUHAMMAD ARSHAD KHAN TANOLI**  
Advocates High Court, Abbottabad.

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**

Appeal No. \_\_\_\_\_/2014

Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad.

.....APPELLANT

**VERSUS**

Govt of KPK through Secretary Education Elementary & Secondary Education KPK, Peshawar and others.

.....RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of the foregoing Appeal are correct to the best of my knowledge and belief and nothing has been concealed from the honourable Court.

Dated: \_\_\_\_\_/2014

*S. Fareed*  
...DEPONENT

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**

Appeal No. \_\_\_\_\_/2014

Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad.

.....APPELLANT

**VERSUS**

Govt of KPK through Secretary Education Elementary & Secondary Education KPK, Peshawar and others.

.....RESPONDENTS

**SERVICE APPEAL**

**CERTIFICATE**

*Certificate that no such Service Appeal has been filed before this Honourable Court prior to this.*

Dated: \_\_\_/04/2014

.....*S. Fareed*  
Appellant

Through

  
**MUHAMMAD ARSHAD KHAN TANOLI**  
Advocates High Court, Abbottabad.

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**

Appeal No. \_\_\_\_\_/2014

Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad.

.....APPELLANT

**VERSUS**

Govt of KPK through Secretary Education Elementary & Secondary Education KPK, Peshawar and others.

.....RESPONDENTS

**SERVICE APPEAL**

**LIST OF BOOKS**

1. Constitution of Islamic Republic of Pakistan 1973.
2. CSR.
3. Other case law will be cited at Bar.

Dated: \_\_\_/04/2014

.....Appellant

Through

  
**MUHAMMAD ARSHAD KHAN TANOLI**

Advocates High Court, Abbottabad.

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**

Appeal No. \_\_\_\_\_/2014

Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad.

.....APPELLANT

**VERSUS**

Govt of KPK through Secretary Education Elementary & Secondary Education KPK, Peshawar and others.

.....RESPONDENTS

**SERVICE APPEAL**

**ADDRESSES OF THE PARTIES ARE AS UNDER**

Respectfully Sheweth:-

Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad.

.....APPELLANT

**VERSUS**

1. Govt of KPK through Secretary Education Elementary & Secondary Education KPK, Peshawar.
2. Director Education Elementary & Secondary Education KPK, Peshawar.
3. District Education Officer Elementary & Secondary Education, Abbottabad.

.....RESPONDENTS

Dated: \_\_\_/04/2014

.....Appellant

Through

  
**MUHAMMAD ARSHAD KHAN TANOLI**  
Advocates High Court, Abbottabad..

First Appointment Order

Annex "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER, SECY: (M), ABBOTTABAD.

Office Order No. 2 / AE.V/C.IV.

Dated A/Abad the 3/3 /1999.

APPOINTMENT.

Mr; Muhammad Fareed S/O Muhammad Akram resident of Village Nagri Bala District Abbottabad is hereby appointed against vacant post of Chowkidar at Government High School Gni Surjal Abbottabad in BP: 1 (1245-35-1770/-PM plus usual allowance as admissible under the rules in the interest of public service with effect from the date of his taking over charge.

CONDITIONS.

1. Charge report should be submitted to all concerned.
2. The appointment is purely on temporary basis and liable to termination without any notice/reasons.
3. The head of Institution is required to check the original qualification certificate before the handing taking over the charge.
4. The candidate is required to produce Age and Health certificate from the Medical Supdt; DHO Hospital A/Abad.
5. The candidate may not be given the charge of post if his age below 13 Year exceed 45 Year.

(SYED NIAMAT SHAH)  
DISTRICT EDUCATION OFFICER  
SECONDARY (M) ABBOTTABAD.

Endst; No. 1550-53 / AE.V/C.IV dated A/Abad the 3/3 /1999.

Copy to the:-

1. Sardar Fida Muhammad Khan MNA-NA.11 Abbottabad.
2. Headmaster GHS Surjal Abbottabad.
3. District Accounts officer Abbottabad.
4. Office Order File.

DISTRICT EDUCATION OFFICER  
SECONDARY (M) ABBOTTABAD.

Attested  
*[Signature]*



# Annex "B"

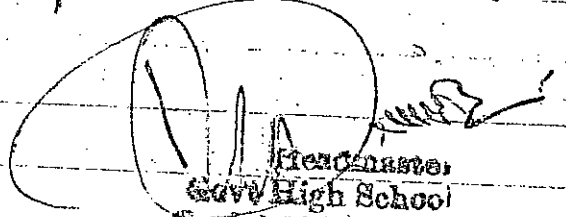
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11-09-2006:

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Note: Copy of the order no 94 is here by  
sent to the honourable E.D.O (SPL)  
Abbottabad.


Leave the school immediately  
other wise I shall speak with E.D.O.  
on phone.

  
Headmaster  
Govt High School  
Abbottabad

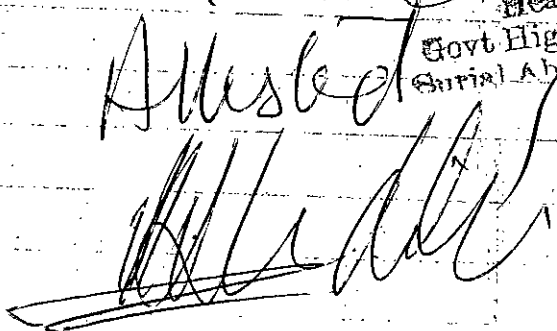
OB. No. 95. Dated; 14.10.2006.

S.M. Fareed Khan Lab; Attendant cum teacher

By the orders of E.D.O (SPL), Abbottabad  
your duty has been changed into teacher  
Therefore you are directed to take the  
time table from Qazi. Gh. Razaq Sub. P.E.T.  
and start teaching in Middle Department  
Photo copy of the order is handed over  
to you.

  
Headmaster  
Govt High School  
Abbottabad

Noted  
Fareed



10.05.2114/1111/135/SSRC

Copy forwarded for information and necessary action to the:-

1. Secretary Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, in Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.

  
DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

P-18 10 1.9.2015 original Gr-15  
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CT Teach

DEO.

14.10.2006 to 2015 CT

P.A.O.

Appointed as PST on 6.7.15  
~~14.10.20~~

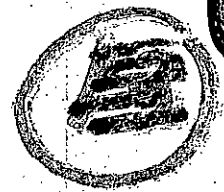
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Page 10. 2/11/15  
pull

Attest: 18.7.2008

EPD + 36/100 - "Arvind" C.

**OFFICE OF THE HEADMASTER  
GOVT. HIGH SCHOOL SURJAL ABBOTTABAD**



To  
The Executive District Education Officer (S&L)

Subject: Permission.

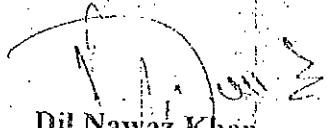
Memo: I have to inform to your kind honour that the following posts are lying vacant since long.

1.	Headmaster	01
2.	SET General	02
3.	SET Science	01
4.	D.M	01
5.	T.T	01
	<b>Total</b>	<b>06</b>

Your honour!

It is requested that Muhammad Fareed Lab Attendant is B.A and P.T.C Traind. He is already teaching Maths in 10<sup>th</sup> Class and General Science in 9<sup>th</sup>, He has shown cent per cent result in the above subjects, copy of the result is enclosed here with for perusal. He is also teaching in Middle section effectively.


Therefore it is requested that he may very kindly be allowed to continue teaching for the supreme interest of Public service.

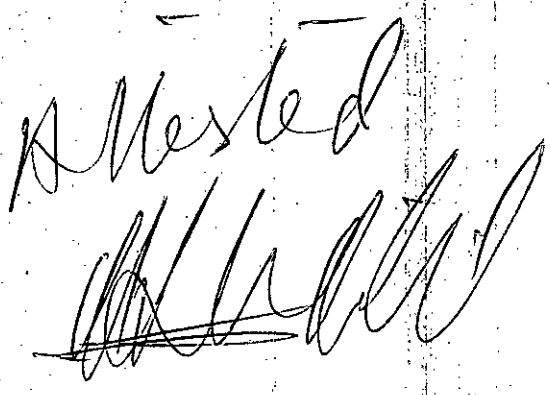
  
Dil Nawaz Khan  
Head Master  
Govt. High School Surjal  
Abbottabad

No. 15377

Dated: 19-07-2008

Allowed

  
Executive District Officer  
(S&L) Abbottabad



12

24

From:  
Executive District Officer  
Elementary Secondary Education  
Abbottabad.

TESTIMONIAL

It is to certify that Mr. Fareed Khan of G.H.S Surjal Abbottabad working against CT Post He is hard working, intelligent and diligent. He is teaching painstakingly, wholeheartedly and devotedly. He shown cent percent results in Maths and G. Science in SSC 9<sup>th</sup> & 10<sup>th</sup> He is proctor and Discipline incharge.

I pray for his long and happy life.

*[Handwritten signature]*

Syed Bashir Hussain Shah  
Executive District Officer  
Elementary Secondary Education  
Abbottabad.  
EXECUTIVE DISTRICT OFFICER  
Schools & Literacy,  
Abbottabad.

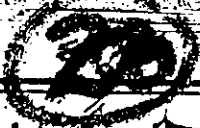
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رجسٹر حاضر میڈیکل سیکول میڈیکل ایڈیٹ آفیسر  
 2013

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استحقاق									
بیماری									
میزان									

دستخط ہیڈ ماسٹر



رجسٹر حاضری مدرسین گورنمنٹ ہائی اسکول سرخانی ایس ڈی آباد

بابت ماہ		مارچ		اپریل		مئی	
نام ایم دلنواز خان صاحب		منظور خان صاحب		ظہور خان صاحب		سردار قمر عزیز صاحب	
H. M.		S. S. T.		C. T.		C. T.	
تاریخ	آمد	دستخط	رہائی	دستخط	آمد	دستخط	رہائی
1	8:30	del	2:00	del	8:30	فرید	2:00
2	08:30	del	2:00	del	8:30	فرید	12:00
3	08:30	del	2:00	del	8:30	فرید	2:00
4	X	X	X	X	X	X	X
5	08:30	del	2:00	del	8:30	فرید	2:00
6	08:30	del	2:00	del	8:30	فرید	2:00
7	08:30	del	2:00	del	8:30	فرید	2:00
8	08:30	del	2:00	del	8:30	فرید	2:00
9	08:30	del	2:00	del	8:30	فرید	2:00
10	08:30	del	2:00	del	8:30	فرید	2:00
11	X	X	X	X	X	X	X
12	08:30	del	2:00	del	8:30	فرید	2:00
13	08:30	del	2:00	del	8:30	فرید	2:00
14	08:30	del	2:00	del	8:30	فرید	2:00
15	08:30	del	2:00	del	8:30	فرید	2:00
16	08:30	del	2:00	del	8:30	فرید	2:00
17	08:30	del	2:00	del	8:30	فرید	2:00
18	X	X	X	X	X	X	X
19	08:30	del	2:00	del	8:30	فرید	2:00
20	08:30	del	2:00	del	8:30	فرید	2:00
21	08:30	del	2:00	del	8:30	فرید	2:00
22	08:30	del	2:00	del	8:30	فرید	2:00
23	X	X	X	X	X	X	X
24	08:30	del	2:00	del	8:30	فرید	2:00
25	X	X	X	X	X	X	X
26	08:30	del	2:00	del	8:30	فرید	2:00
27	08:30	del	2:00	del	8:30	فرید	2:00
28	08:30	del	2:00	del	8:30	فرید	2:00
29	08:30	del	2:00	del	8:30	فرید	2:00
30	08:30	del	2:00	del	8:30	فرید	2:00
31	08:30	del	2:00	del	8:30	فرید	2:00

S.S.C (A) Exam duty at GHS Belakot From 13/03/2012 to 31/03/2012

قسمت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
اتفاقیہ	-	-	-	-	-	-	-	-	-
تعمیری	-	-	-	-	-	-	-	-	-
میزان	-	-	-	-	-	-	-	-	-

Govt. High School  
Sardar Ali Khan

دستخط ہیڈ ماسٹر



رجسٹر حاضرین مدرسین

نام ایمل (وزارت خان) -		پتھور خان -		نمبر خان -		نمبر خان -	
C.T - I/C H.M		S.S.T		C.T		C.T	
آمد	دستخط	آمد	دستخط	آمد	دستخط	آمد	دستخط
1	del	del	del	del	del	del	del
2	del	del	del	del	del	del	del
3	del	del	del	del	del	del	del
4	del	del	del	del	del	del	del
5	del	del	del	del	del	del	del
6	del	del	del	del	del	del	del
7	del	del	del	del	del	del	del
8	del	del	del	del	del	del	del
9	del	del	del	del	del	del	del
10	del	del	del	del	del	del	del
11	del	del	del	del	del	del	del
12	del	del	del	del	del	del	del
13	del	del	del	del	del	del	del
14	del	del	del	del	del	del	del
15	del	del	del	del	del	del	del
16	del	del	del	del	del	del	del
17	del	del	del	del	del	del	del
18	del	del	del	del	del	del	del
19	del	del	del	del	del	del	del
20	del	del	del	del	del	del	del
21	del	del	del	del	del	del	del
22	del	del	del	del	del	del	del
23	del	del	del	del	del	del	del
24	del	del	del	del	del	del	del
25	del	del	del	del	del	del	del
26	del	del	del	del	del	del	del
27	del	del	del	del	del	del	del
28	del	del	del	del	del	del	del
29	del	del	del	del	del	del	del
30	del	del	del	del	del	del	del
31	del	del	del	del	del	del	del

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال
08	08	-	13	10	3	2	2	-	4	4	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	13	10	3	2	2	-	4	4	-

Govt. High School, Surjal Abbottabad

دستخط



# رہنما حاضری و سرین

2007

روز	تاریخ	وقت	موضوع	مذکورہ
AT	11/11/07	7:30	11:45	11:45

1	11/11/07	7:30	11:45	11:45	C/leave
2	11/11/07	7:30	11:45	11:45	C/leave
3	11/11/07	7:30	11:45	11:45	C/leave
4	11/11/07	7:30	11:45	11:45	C/leave
5	11/11/07	7:30	11:45	11:45	C/leave
6	11/11/07	7:30	11:45	11:45	C/leave
7	11/11/07	7:30	11:45	11:45	C/leave
8	11/11/07	7:30	11:45	11:45	C/leave
9	11/11/07	7:30	11:45	11:45	C/leave
10	11/11/07	7:30	11:45	11:45	C/leave
11	11/11/07	7:30	11:45	11:45	C/leave
12	11/11/07	7:30	11:45	11:45	C/leave
13	11/11/07	7:30	11:45	11:45	C/leave
14	11/11/07	7:30	11:45	11:45	C/leave
15	11/11/07	7:30	11:45	11:45	C/leave
16	11/11/07	7:30	11:45	11:45	C/leave
17	11/11/07	7:30	11:45	11:45	C/leave
18	11/11/07	7:30	11:45	11:45	C/leave
19	11/11/07	7:30	11:45	11:45	C/leave
20	11/11/07	7:30	11:45	11:45	C/leave
21	11/11/07	7:30	11:45	11:45	C/leave
22	11/11/07	7:30	11:45	11:45	C/leave
23	11/11/07	7:30	11:45	11:45	C/leave
24	11/11/07	7:30	11:45	11:45	C/leave
25	11/11/07	7:30	11:45	11:45	C/leave
26	11/11/07	7:30	11:45	11:45	C/leave
27	11/11/07	7:30	11:45	11:45	C/leave
28	11/11/07	7:30	11:45	11:45	C/leave
29	11/11/07	7:30	11:45	11:45	C/leave
30	11/11/07	7:30	11:45	11:45	C/leave

روز	تاریخ	وقت	موضوع	مذکورہ
AT	11/11/07	7:30	11:45	11:45

# رہنما حاضری و سرین

2007

روز	تاریخ	وقت	موضوع	مذکورہ
AT	11/11/07	7:30	11:45	11:45

1	11/11/07	7:30	11:45	11:45	C/leave
2	11/11/07	7:30	11:45	11:45	C/leave
3	11/11/07	7:30	11:45	11:45	C/leave
4	11/11/07	7:30	11:45	11:45	C/leave
5	11/11/07	7:30	11:45	11:45	C/leave
6	11/11/07	7:30	11:45	11:45	C/leave
7	11/11/07	7:30	11:45	11:45	C/leave
8	11/11/07	7:30	11:45	11:45	C/leave
9	11/11/07	7:30	11:45	11:45	C/leave
10	11/11/07	7:30	11:45	11:45	C/leave
11	11/11/07	7:30	11:45	11:45	C/leave
12	11/11/07	7:30	11:45	11:45	C/leave
13	11/11/07	7:30	11:45	11:45	C/leave
14	11/11/07	7:30	11:45	11:45	C/leave
15	11/11/07	7:30	11:45	11:45	C/leave
16	11/11/07	7:30	11:45	11:45	C/leave
17	11/11/07	7:30	11:45	11:45	C/leave
18	11/11/07	7:30	11:45	11:45	C/leave
19	11/11/07	7:30	11:45	11:45	C/leave
20	11/11/07	7:30	11:45	11:45	C/leave
21	11/11/07	7:30	11:45	11:45	C/leave
22	11/11/07	7:30	11:45	11:45	C/leave
23	11/11/07	7:30	11:45	11:45	C/leave
24	11/11/07	7:30	11:45	11:45	C/leave
25	11/11/07	7:30	11:45	11:45	C/leave
26	11/11/07	7:30	11:45	11:45	C/leave
27	11/11/07	7:30	11:45	11:45	C/leave
28	11/11/07	7:30	11:45	11:45	C/leave
29	11/11/07	7:30	11:45	11:45	C/leave
30	11/11/07	7:30	11:45	11:45	C/leave

روز	تاریخ	وقت	موضوع	مذکورہ
AT	11/11/07	7:30	11:45	11:45

Handwritten notes and signatures in the left margin, including 'Independent day' and various scribbles.

گواہی کے لئے درج ذیل ہے

Annex "E"

(17)

RESULT STATEMENT FOR SSC EXAMINATION  
ANNUAL HELD IN APRIL & MAY 2008.

Dated: 18-07-2008.

Ref. 189

SCHOOL WISE RESULT FOR S.S.C 10<sup>TH</sup>

S. No	Name of School	Students appeared	Failed	Passed	Passed Percentage
1	G.H.S. Surjal	16	03	13	81%

TEACHER WISE RESULT

S. No	Teachers Name	Subject Taught	Students appeared	Failed	Passed	Passed Percentage
1	Dil Nawaz Khan C.T I/C. HM	English	16	02	14	87.50%
2	-Do-	Urdu	16	Nil	16	100%
3	-Do-	General Science	16	Nil	16	100%
4	Ghulam Raqeeb PET	Islamiyat	16	02	14	87.50%
5	Qari Saeed-ur-Rehman	Islamic Studies	16	Nil	16	100%
6	M. Fareed C.T	Pak Studies	16	Nil	16	100%
7	-Do-	Maths	16	Nil	16	100%
8	Ghulam Rabbani CT	Art & Model Drawing	16	Nil	16	100%

SCHOOL WISE RESULT FOR S.S.C 9<sup>TH</sup>

S. No	Name of School	Students appeared	Failed	Passed	Passed Percentage
1	G.H.S. Surjal	33	02	31	93%

TEACHER WISE RESULT

S. No	Teachers Name	Subject Taught	Students appeared	Failed	Passed	Passed Percentage
1	Dil Nawaz Khan C.T I/C. HM	English	33	Nil	33	100%
2	-Do-	Urdu	33	Nil	33	100%
3	Ghulam Raqeeb PET	Islamiyat	33	Nil	33	100%
4	Qari Saeed-ur-Rehman	Islamic Studies	33	Nil	33	100%
5	M. Fareed C.T	G. Science	33	Nil	33	100%
6	Ghulam Rabbani Ct	Maths	33	02	31	93%
7	-Do-	Art & Model Drawing	33	Nil	33	100%

Note: The following Posts remained vacant through out the year.

S. No	Name of Post	Number of Post
1	HM	01
2	S.E.T Gen	02
3	S.E.T Sec	
4	T.T	01
5	D.M	01

Dil Nawaz Khan  
Head Master  
Govt. High School Surjal  
Abbottabad



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**RESULT STATEMENT FOR SSC EXAMINATION  
ANNUAL HELD IN APRIL & MAY 2009.**

Dated: 10-11-2009

Ref No. 304.



**SCHOOL WISE RESULT FOR S.S.C 10<sup>TH</sup>**

S. No	Name of School	Students appeared	Failed	Passed	Passed Percentage
1	G.H.S Surjal	33	01	32	97%

**TEACHER WISE RESULT**

S. No	Teacher Name	Subject Taught	Students Appeared	Failed	Passed	Passed Percentage
1	Dil Nawaz Khan C.T.I.C.H.M	English	33	Nil	33	100%
2	DO	Urdu	33	Nil	33	100%
3	DO	AMD	33	Nil	33	100%
4	Muhammad Fareed (C.T)	Math	33	Nil	33	100%
5	DO	G. Science	33	Nil	33	100%
6	Saeed-ur-Rehman Qari	Islamic Study	33	Nil	33	100%
7	Rashid Ahmed A.T	Pak Study	33	01	32	97%

**SCHOOL WISE RESULT FOR S.S.C 9<sup>TH</sup>**

S. No	Name of School	Students appeared	Failed	Passed	Passed Percentage
1	G.H.S Surjal	34	02	32	94%

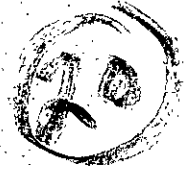
**TEACHER WISE RESULT**

S. No	Teacher Name	Subject Taught	Students Appeared	Failed	Passed	Passed Percentage
1	Dil Nawaz Khan C.T.I.C.H.M	English	34	Nil	34	100%
2	DO	Urdu	34	Nil	34	100%
3	DO	AMD	34	Nil	34	100%
4	Muhammad Fareed C.T	Math	34	02	32	94%
5	DO	G. Science	34	Nil	34	100%
6	Saeed-ur-Rehman Qari	Islamic Study	34	Nil	34	100%
7	Saeed-ur-Rehman Qari	Islamiat Compulsory	34	Nil	34	100%

Dil Nawaz Khan  
Head Master  
Govt. High School Surjal  
Abbottabad.

Amended "F"

BEFORE THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH.



W.P No. 81-A/2014

Sardar Muhammad Fareed S/o Muhammad Akram, GHS Surjal, Tehsil and District Abbottabad.

...PETITIONER

VERSUS

1. District Education Officer, Abbottabad.
2. Director Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN 1973 READWITH ARTICLE 4 & 25, FOR  
DECLARATION TO THE EFFECT THAT THE  
PETITIONER BEING ELIGIBLE FIT AND QUALIFIED  
REGULARLY PERFORMING THE DUTIES AGAINST  
THE POST OF CT W.E.F 2006 TO UPTILL NOW AND  
REFUSAL OF RESPONDENT FOR PAYMENT OF  
SALARY AGAINST HIGHER POST, AND REGULAR  
APPOINTMENT OF THE PETITIONER ON THE SAID  
POST IS ILLEGAL, AGAINST THE LAW, POLICY,

*Muhammad Fareed*  
*Muhammad Akram*

(21)

NEFITS AND BEING ELIGIBLE, QUALIFIED, FIT  
SULAR FOR APPOINTMENT OF PETITIONER MAY  
ACIOUSLY BE ISSUED IN THE INTEREST OF  
TICE.

---

of facts giving rise to the instant writ petition are as  
er:-

*Attested  
M. K. Bhatia*

That the petitioner was appointed in Education  
Department as a Chowkidar and subsequently  
laboratory attendant in BPS-1 at GHS Surjal vide order  
No. 1550-53 dated 03/03/1999. Copy of appointment  
order is annexed as Annexure "A".



2. That, the petitioner is disable and his qualification is PTC, CT, B.A, B.Ed, M.A. Copy of academic records is annexed as Annexure "B".
3. That their was no CT teacher available in the school of the petitioner, the then EDO / respondent No. 2 on the recommendation of Principal of the school directed the petitioner to performed the duties against CT teacher. Copy of the recommendation and order of respondent No. 2 are annexed as Annexure "C".
4. That, the petitioner is highly qualified and regularly performed their duties efficiently and give extra ordinary results in his subject. Copy of result record and attendance is annexed as Annexure "D".
5. That, due to remarkable performance of the petitioner, principal of the said school many time delegate his power and petitioner rendered his service as acting principal to the best of skills scales. Copy of delegation of power is annexed as Annexure "E".
6. That, the petitioner time and again approach for Special / additional remuneration for extra additional duties w.e.f 2006 against the higher post, but respondent no heed to the consideration of the

*Submitted*

*[Handwritten signature]*



petitioner and lastly same was refused. Copy of the representation is annexed as Annexure "F".

7. That, the petitioner submitted instant writ petition, inter-alia, on the following grounds:-

GROUNDS:-

- a. That the petitioner is entitled to special / additional pay under financial rule for performing of extra duties of CT against higher post i.e. CT Teacher.
- b. That, the refusal of respondent to petitioner for grant of special / addition pay is unconstitutional and against the fundamental rights of the petitioner as its amongst to slavery.
- c. That, the Act of the respondents for non payment of additional / special pay of Higher Post to petitioner is highly illegal, void, corum-non-judice.
- d. That, the petitioner is to be dealt in accordance with the provision of financial rules and prevailing law which provides special pay / additional pay for additional work, thus protection under financial rules is inalienable

*Submitted*  
*[Signature]*

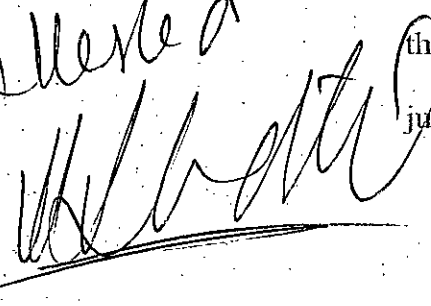


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right with cannot be don away by the respondent.

- e. That the refusal to addition / special pay to the petitioner is highly based upon discrimination, fundamental rights and discriminatory against the established principal of equity and justice and violative of article of constitution.

It is, therefore, respectfully prayed that on acceptance of this writ petition, respondent may graciously be directed for payment of salary to petitioner against the higher post of CT which the petitioner already regularly performed the duties w.e.f 2006 to uptill now with all back benefits and being eligible, qualified, fit, regular order for appointment of the petitioner may graciously be issued in the interest of justice.

Accepted  


Dated: 16-1-2014

Through

...PETITIONER

  
 (ABDUL AZIZ KHAN TANOLI)  
 Advocates High Court Abbottabad

**VERIFICATION: -**

*Verified on oath that the contents of forgoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court*

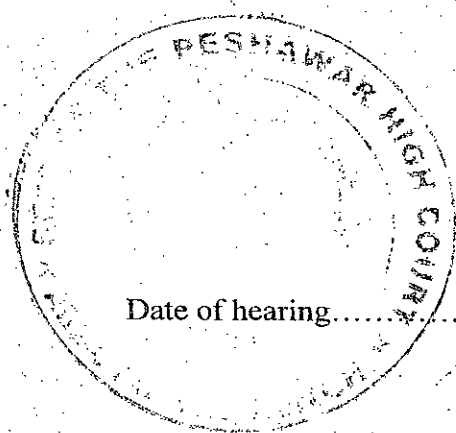
  
 ...PETITIONER

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Judgment Sheet

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

JUDICIAL DEPARTMENT



WP. No. 81-A/2014.

JUDGMENT

Date of hearing.....18.2.2014.....

Petitioner. (Sardar Muhammad Fareed ) By: Mr. Abdul Aziz Khan Tanoli  
advocate.

Respondents. \_\_\_\_\_

\*\*\*\*\*

WAQAR AHMED SETH .J. Petitioner Sardar

Muhammad Fareed seeks constitutional jurisdiction of this

Court praying that:-

*“On acceptance of this writ petition, respondent may graciously be directed for payment of salary to petitioner against the higher post of CT which the petitioner already regularly performed his duties w.e.f. 2006 to until now with all back benefits and being eligible, qualified, fit regular for appointment of petitioner may graciously be issued in the interest of justice.”*

*Handwritten signature and initials.*

Certified to be True Copy

*Handwritten signature and date 21/4*  
Peshawar High Court  
Abbottabad Bench  
Organized Under Sec 75 A.C.S. Ord 1973

*Handwritten signature.*



2. In essence, the grievance of the petitioners is that the petitioner was appointed as Chowkidar BPS-1 in the Education department vide order dated 03.3.1999; that the petitioner is disable and qualified up-to MA. B.Ed. He has also passed the examinations of CT and PTC; as no CT teacher was available, therefore, the petitioner was directed by respondent No. 2 to perform the duties of CT teacher in addition to his own duties which the petitioner done but has not been paid by the respondents for the duties of higher post, hence the instant writ petition.

3. After arguments in the case at some length, learned counsel for the petitioner made a submission for issuance of direction to the respondents to decide the case/appeal of the petitioner within a period of 15 days.

*Submitted*  
*W. K. Datta*

4. The request of learned counsel for the petitioner seems to be genuine and reasonable, therefore, before passing any order on the merits of the writ petition, it would be appropriate to refer

Certified to be true copy

*[Signature]*  
25/03/2001  
Assistant Under Secretary

the same to the respondents. The respondents are directed to decide the same in accordance with the rules and regulations within a period of 15 days and in case of refusal, it is directed



that the speaking order in this respect be passed in writing with a copy to the petitioner.

5. Accordingly, this writ petition is disposed of in the above terms.

SD JUDGE

Announced.  
Dated: 19.2.2014  
Parvez/\*\*\*\*

222/14  
Peshawar Court  
Abbottabad Bench  
Authorized Under Sec 75 A of Ordinance

Alister  
Alister

گولڈن ایپل قیصر اسکول

خدمت جناب ایگزیکٹو ڈائریکٹر تعلیم و تربیت، آصفیہ سکول اینڈ کالج، کراچی (سٹی) آگاہ

درخواست بھرا دینے کی درخواست کے لئے آگاہ

درخواست کے لئے آگاہ

آگاہ

جناب عالی در خدمت الصواب

جناب عالی سائل 3-3-1999 کو بطور چوکیدار مقرر ہوئے تھے

سائل 2002 میں لیسٹڈ آفیسر کے طور پر بحال ہوئے تھے

یعنی اس سال 2006 میں مذکورہ سکول میں C.T. مقرر ہوئے

رہت گزار کے طور پر مقرر ہوئے اور اس کے بعد اس کے منتقلی کے لئے درخواستیں

دیں اور اس وقت تک اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

میں اور اس کے بعد اس کے لئے کوئی فیصلہ نہیں ہوا

فنا - سزاوارت کے ساتھ ساتھ اس کی توجی و تہنیت کے ساتھ ساتھ قانون اور سٹیٹس کو برقرار رکھا جائے

شعبہ 2006 کا حال و سٹیٹس کو برقرار رکھنا چاہیے

سٹیٹس کو برقرار رکھنا چاہیے اور یہ کہ سٹیٹس کو برقرار رکھا جائے

شکر ہے  
الغرض

محترمہ و مددگار محترمہ گورنمنٹ ہائی اسکول سرجیل  
سرجیل

6/2

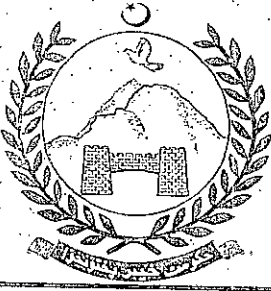
No-787 Date <sup>03</sup> Dec - 2003 G.H. S. Surjal  
submitted in original to the Honorable E.O. Abbottabad  
with the remarks that the application is based  
on facts. Applicant has been working against  
C.T. Post since 2006.  
His order was issued by the competent and authorized  
authority. He has been teaching Maths 9th and 10th classes and  
Grade Science of 9th and 10th since 2006. He has shown  
cent per cent results of some subjects. Further he has  
worked in Discipline, Incharge and Probation  
Board. He worked pains takingly, whole heartedly  
and devotedly. Honorable E.O. Edu. Sd. has issued  
Commandatory Certificate and Testimonial. His case may very  
kindly be treated in sympathetic and favourable manner.

Results copied were sent to the E.O. office early in the morning.

Headmaster  
Govt. High School  
Surjal Abbottabad.

Handwritten signature in Urdu at the top right of the page.

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD



NO. 1561-62 /LIT  
Dated 6-3-102/2014

29

0992-9310102, 0992-330131  
EDO.Education.Atd@gmail.com

To  
Sardar Muhammad Fareed S/O Muhammad Akram,  
Govt High School Surjal Tehsil & District Abbottabad.

Subject: DECISION ON CASE/ APPEAL IN WRIT PETITION NO. 81-A/13 TITLED "SARDAR MUHAMMAD FAREED VERSUS DISTRICT EDUCATION OFFICER ATD & OTHERS"

Memo:

In pursuance of the Judgment of the Peshawar High Court Abbottabad bench in WRIT PETITION 81-A/13 TITLED "SARDAR MUHAMMAD FAREED VERSUS DISTRICT EDUCATION OFFICER ATD & OTHERS". Following information is hereby communicated to you:

It is to inform you that your case for CT appointment as well as for payment of salary against the post of the CT has been thoroughly examined by the undersigned. It is regretted to inform you that there is no such provision to pay the salary as you had already received the salary of your original post as a Lab Attendant. It is further added that you were allowed to the extent of teaching only as requested by the Headmaster. That was the internal arrangement of the school. As for as the issue of appointment as a CT is concerned there is no such provision in the recruitment rules of the Government of Khyber Pakhtunkhwa Peshawar to appoint you without appearing in the test and interview.

It is, therefore, your case is hereby rejected.

Handwritten signature of the District Education Officer (M) Abbottabad.

District Education Officer (M)  
Abbottabad.

Endst No & Date Even

Copy to the:-

1. Registrar Peshawar High Court Abbottabad bench with reference to writ Petition No. 81-A/13 dated 22-02-14.

- Sd -

District Education Officer (M)  
Abbottabad.

(Sd)

2: (circled)

6 E;

(circled signature)

30

OB. NO: 134. Dated. 01.12.2007  
Sardar Muhammad Fazeel Khan

I am proceeding home today  
Tomorrow is Sunday.  
On 03.12.2007. I shall attend  
the Board office Abbottabad to  
obtain the registration papers of  
9th and 10th classes.

I have to get notification for  
Examination for SSC 9th & 10th;  
Thereafter I have to buy  
Admission forms for 9th & 10th

Doing these jobs I shall attend  
the E.B.O. office to discuss the school  
matters. In my absence you  
will be in charge Headmaster  
and look after the school and  
maintain the discipline.

I may be considered on duty  
till my return.

May God bless you.

(Signature)

Headmaster  
Govt. High School  
Surjal Abbottabad

A trusted  
W. H. H. H.

Noted  
12/12/2007

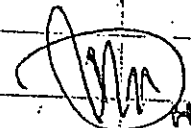


23

OB No 126 dated: 06-09-2007.

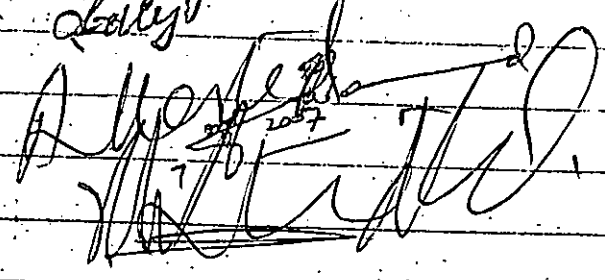
Mr. Shafiq-ur-Rehman T.T.  
You have been transferred to  
Govt. Middle School Masal Rehman  
vide office order No. 18778-81-EDD  
Schools and Literacy Abbottabad  
You are here by relieved of  
your duty to day on 06-09-2007  
(A.N.) hand over the charge.  
Your service book is being handed over  
to you by hand, you are bound  
to produce your service book to the  
dealing Clerk in E.D.O Office  
At/on time

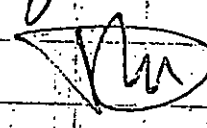
Shafiq-ur-Rehman  
T.T.  
2-9-7

  
Headmaster  
Govt. High School  
Surjal Abbottabad

OB No, 127 dated. 7-09-2007  
Sardar Muhammad Farzeel

I am proceeding E.D.O-Office At/on  
tomorrow 8.9.2007 for official purpose  
Therefore you will be in charge of  
School and look after the school  
till my return I may be considered  
on duty

  
Sardar Muhammad Farzeel  
7-9-2007

  
Headmaster

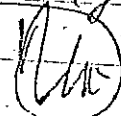
O.B. No. 130 dated 22-10-2007

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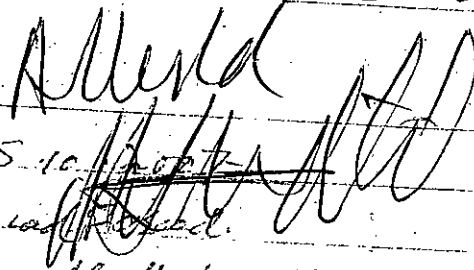
Mr. Manzoor Khan S.T. and Mr. Asifullah S.T.

As you have obtain the Time table from Sardar  
Mohammad Farid and you have started your  
teaching in the classes. But keep it in your minds  
that sufficient home work may be given daily.  
Work done may be checked and signed by  
you so that the students may be able to go through  
the examination.

Discipline may be maintained,  
Defaulter students may be under watchful eyes.  
Work and poor leanness may be improved and given light Punishment  
May Allah help you.

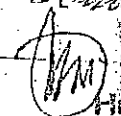
  
Headmaster  
Govt. High School  
Surjal Abbottabad

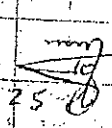
W. Allah



O.B. No. 131 Dated 25-10-2007  
Sardar Muhammad Farid

I am proceeding Abbottabad for Registration of  
9th classes. I shall attend Board office on  
26 and 27-10-2007. You will be O.C. Headmaster  
in my absence and thereafter the school.  
You will keep discipline

  
Headmaster  
Govt. High School  
Surjal Abbottabad

  
25-10-2007

P.T.O.



33

No. 135 Dated 12-12-2007.

Sardar Mahammad Rasheed C.T.

To day I am proceeding  
B. I. S. E. Abbottabad to hand  
over the Admission Form and  
is as under

- (1) Admission Form 10th Class 16 in numbers
- (2) Admission form 9th for 12 Boys.
- (3) Admission Form 9th for 21 girls  
along with other relevant  
papers

I shall deposit the fee of above  
students. After doing the  
needful I shall come back.

I am ~~very~~ ~~pleased~~ you will be  
in charge of Headmaster and  
you will look after the school  
and maintain the discipline  
May God help you

Noted

12-12-2007

Headmaster  
Govt. High School  
Surjal Abbottabad

Note you will look after the Govt. Primary School Surjal  
D. C. M.

10-CT of the District Office

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To  
The Executive District Office (S&L)  
Abbottabad

Sir  
I beg to approach your kind honours.  
That I have a problem of Under Sta.  
There are 05 teachers including under signed  
namely PET TT AT Car CT Total 05

Lab, Attendant Ferial whom is RA Pass and  
P.T.C. Trained. He is Capable in Maths up to 8  
Class. He can teach all Subjects up to middle  
Class. If you honor allow him  
to teach his services will be benefits  
for the school.

Respectfully

Thanking you.

9/9/08  
Executive Distt. Office  
S&L Abbottabad.  
25/9/2008

*[Signature]*

Yours obediently,

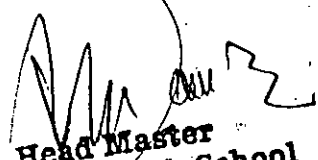
*[Signature]*  
JIL NOVAZ  
Headmaster  
Govt High School


Service Certificate

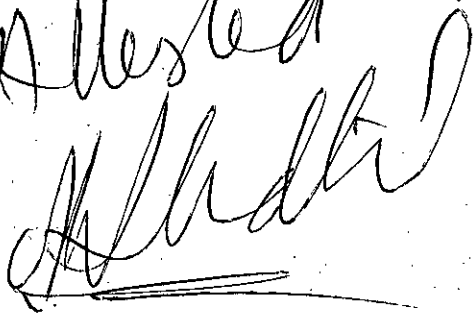
35

It is certified that Muhammad Farooq  
Muhammad Anwar has been appointed  
as L/A since 03.03.1999.

He has been working satisfactorily  
He is also teaching at G.H.S Surjal Abd  
Math. C.S. 9th and 10th

  
Head Master  
Govt. High School  
Surjal Abbottabad

Attested  
  
S.P.E.T B.P.S-16(G)  
G.H.S. Surjal Abbottabad.

Attested  


36

SNo: 22008



# HAZARA UNIVERSITY

MANSEHRA, NWFP, PAKISTAN

## DETAILED MARKS CERTIFICATE

### BA ANNUAL EXAMINATION 2010



Roll No: 70015

Reg No: 0414AMPX-BA7

Name: Muhammad Fareed

F/ Name: Muhammad Akram

Institution/ District: ABBOTTABAD

Part: Second

COURSE TITLE:	Max: Marks		Marks Obt:		Total	Marks in Words	Remarks
	TH	PR	TH	PR			
Part-I Marks	285				158	ONE HUNDRED FIFTY-EIGHT	
ENGLISH	75		30		30	THIRTY	Pass
URDU	75		37		37	THIRTY-SEVEN	Pass
PAKISTAN STUDIES	40		14		14	FOURTEEN	Pass
ISLAMIC STUDIES	75		53		53	FIFTY-THREE	Pass
<b>Total:</b>	<b>550</b>				<b>292</b>	<b>TWO HUNDRED NINETY-TWO</b>	

Percentage: **53.09**  
Division: **SECOND**

Print Date: 23-08-2010

Checked By: [Signature]

Errors and omissions are subject to subsequent rectification.  
Note: Any mistake in Name, Father Name etc must be intimate within 60 days of the issuance date of this Certificate.

**Controller Examinations**  
**Hazara University, Mansehra**  
**August 23, 2010**

*Submitted*  
*[Signature]*



37

SNo: 3237



# HAZARA UNIVERSITY

MANSEHRA, PAKISTAN

## DETAILED MARKS CERTIFICATE

12

### MASTER OF ARTS ( FINAL ) ANNUAL EXAMINATION 2012

Roll No: 53083

Reg No: 0414AMPX-BA7

Name: Muhammad Fareed

F/ Name: Muhammad Akram

Institution/ ABBOTTABAD

Subject: Islamiyat

District

COURSE TITLE:	Max: Marks		Marks Obt:		Total	Marks in Words	Remarks
	TII	PR	TII	PR			
MA Previous Marks	500				296	TWO HUNDRED NINETY-SIX	
(Al-Qura'an) Translation 2nd Half & Commentary alongwith Grammar	100		56		56	FIFTY-SIX	Pass
Principles of Islamic Jurisprudence	100		54		54	FIFTY-FOUR	Pass
Islam & other World Religions	100		80		80	EIGHTY	Pass
Kalam & Philosophy of Islam / Islam in Contemporary Muslim World	100		66		66	SIXTY-SIX	Pass
Islamic Economics / Islamic Politics / Islam & Science	100		46		46	FORTY-SIX	Pass
General Viva Voce	100		50		50	FIFTY	Pass
<b>Total:</b> 1100					648	SIX HUNDRED FORTY-EIGHT	
<b>Percentage:</b> 58.91							
<b>Division:</b> SECOND							

Print Date: 15-01-2013

Checked By:

Errors and omissions are subject to subsequent rectification.  
Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Controller Examinations  
Hazara University, Mansehra  
January 14, 2013





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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR AT CAMP COURT ABBOTTABAD.**

Appeal No.488/2015

SARDAR MUHAMMAD FAREED.....APPELLANT

**VERSUS**

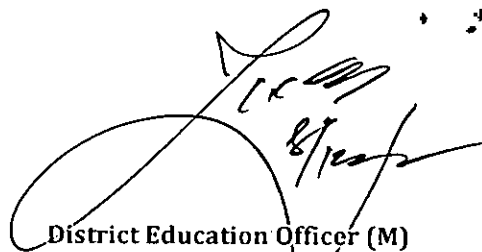
GOVERNMENT OF KPK & OTHERS.....RESPONDENTS

**Joint Parawise Comments on behalf of Respondents**

**INDEX**

Sr.No	Description	Page Nos	Annexures
1	Comments alongwith affidavit	1 to 3	

Dated /12/2015

  
District Education Officer (M)  
Abbottabad (Respondent No. 3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR AT CAMP COURT ABBOTTABAD.**

Appeal No.488/2015

SARDAR MUHAMMAD FAREED.....APPELLANT

**VERSUS**

GOVERNMENT OF KPK & OTHERS.....RESPONDENTS

**Joint Parawise Comments on behalf of Respondents**

**Respectfully Sheweth:-**

**Comments on behalf of respondents are submitted as under:-**

**PRELIMINARY OBJECTION:-**

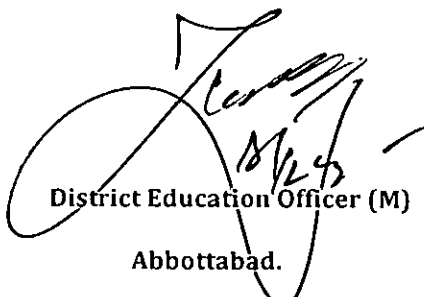
1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no locus standi against the respondents.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present appeal has been filed just to pressurize and blackmail the respondents.
6. That the instant appeal is not maintainable in its present form.
7. That the instant appeal is hopelessly timed barred.
8. That the instant appeal is against the prevailing service laws/ rules & policy hence, liable to be dismissed.
9. That the appellant is not competent to file the instant appeal against the respondents.
10. That instant service appeal is based on malafide intentions.
11. That the appellant has suppressed the original facts from this Honorable Tribunal hence, not entitled for any relief & appeal is liable to dismissed without any further proceeding.

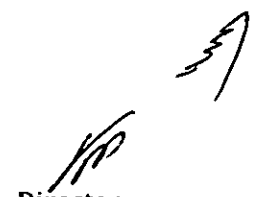
**Factual objections:-**

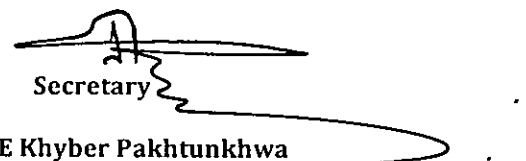
1. That para No. 1, of the instant appeal relates with appellant's personal record.
2. That para No. 2, of the instant appeal as composed is incorrect hence, denied. Furthermore, letter dated 14-10-2006 has no legal sanctity as same was not issued by the competent authority.
3. In reply to para No. 3, of the instant appeal it is submitted that the appellant was allowed to extent of teaching only as requested by the Headmaster & it was the internal arrangement of the school.
4. In reply to para No. 4, of the instant appeal appellant is lab attendant & he was allowed to extent of teaching only as requested by the Headmaster.
5. That para No. 5, of the instant appeal does not relate to answering respondents.
6. That para No. 6, of the instant appeal is correct to the extent that appellant filed writ petition No. 81-A/14 which was converted into departmental

6. representation while rest of the para as composed is incorrect as appellant never submitted any application to respondent No. 3.
7. That para No. 7, of the instant appeal is correct.
8. That para No. 8, of the instant appeal as composed is incorrect hence, denied as appellant had already received the salary of his original post as Lab Attendant.
9. That para No. 9, of the instant appeal as composed is incorrect hence, denied as it was the internal arrangement of the school.
10. That para No. 10, of the instant appeal as composed is incorrect hence, denied as there is no provision in the recruitment rules of the Government of Khyber Pakhtunkhwa Peshawar to appoint the appellant without appearing test & interview as well as the issue of payment of salary is concerned, the appellant had already received the salary of his original post as Lab Attendant.
11. That para No. 11, of the instant appeal it is submitted that respondents are bound to obey /implement the rules, law & policy.
12. In reply to para No. 12 of the instant appeal it is submitted that each case has its own facts & circumstances. The case of appellant is against the law & rules hence, liable to be dismissed.
13. That the respondents seek permission of this Honorable Tribunal to advance further grounds during arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the appeal in hand may graciously be dismissed with cost throughout.

  
District Education Officer (M)  
Abbottabad.  
(Respondent No.3)

  
Director  
E&SE Khyber Pakhtunkhwa  
Peshawar.  
(Respondent No.2)

  
Secretary  
E&SE Khyber Pakhtunkhwa  
Peshawar.  
(Respondent No.1)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR AT CAMP COURT ABBOTTABAD.**

Appeal No.488/2015

SARDAR MUHAMMAD FARÉED.....APPELLANT

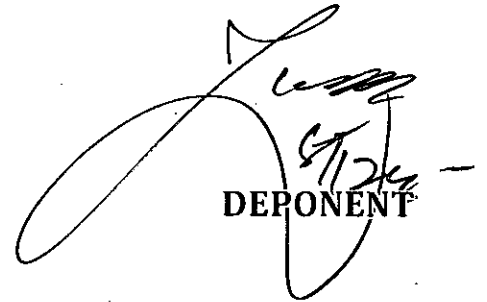
**VERSUS**

GOVERNMENT OF KPK & OTHERS.....RESPONDENTS

**Joint Parawise Comments on behalf of Respondents**

**AFFIDAVIT**

I, Mr.Zia-ud-Din, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Court.

  
DEPONENT

(27) Annex I  
BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR.



Appeal No. 92/95

Date of institution . . . 30.1.95

Date of decision . . . 16.7.96

Muhammad Riaz, Subject Specialist,  
(Pak. Studies), GHSS, New Dargah,  
District Mansehra.

(APPELLANT)

VERSUS

1. Chief Secretary, Government of NWFP Peshawar.
2. NWFP through Secretary, Govt. of NWFP Education Department, Peshawar.
3. Secretary Finance, Government of NWFP Peshawar.
4. Director of Education (Schools) NWFP Peshawar.
5. Director of Education (Schools) Hazara Division, Abbottabad.

(RESPONDENTS)

Sardar Shaukat Hayat,  
Advocate.

For appellant.

Mr. Muhammad Zubair Anwar,  
Additional Government Pleader.

For respondents.

MR. HIDAYATULLAH KHAN  
MR. TAJ MUHAMMAD KHAN

MEMBER.  
MEMBER.

JUDGMENT:

HIDAYATULLAH KHAN, MEMBER: - This appeal has been filed by the appellant against the reluctance of the respondents to him the pay of the post of Subject Specialist (BPS-17) and to regularise his service against the said post w.e.f. 23.5.1988 the date of appointment of the appellant. He has prayed that the respondents may be directed to regularise the appellant's service as Subject Specialist (BPS-17 w.e.f. 23.5.88 and also allow him the pay of the post of Subject Specialist w.e.f. 5.88.

Brief facts of the case as narrated in the memo of appeal are that the appellant applied for the post of Subject Specialist to respondent No. 5 vide application dated 27.3.88.

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The appellant was appointed as SET BPS-15 on fixed pay by the respondent No.5 against the post of Subject Specialist vide order dated 23.5.1988. The appellant has also passed his MA (Edu.) in 1992 as a regular candidate. The appellant since his appointment is teaching the subject of Pakistan Studies as a subject specialist but so far neither he has been regularised as subject specialist nor upgraded to BPS-17. The appellant filed a departmental appeal to respondent No.2 for regularization of his service and upgradation from the date of his appointment, but so far no reply has been received. Hence the present appeal.

Respondents have filed their reply, contested the appeal and denied the claim of the appellant.

Arguments heard and file perused.

No preliminary objections were raised.

The learned counsel for the appellant contended that it is quite evident from the appointment order of the appellant that he was appointed in BPS-15 on fixed monthly salary of Rs. 1165/-. After his appointment he was posted as a subject specialist in a Higher Secondary School, having the status of Intermediate College. The appellant is serving on the same fixed monthly salary in BPS-15 from his initial appointment, i.e. 23.5.88 till date. The respondent department do not consider him as a subject specialist to be allowed his graded pay, of Grade-17 to which the subject specialists are entitled when appointed so by the Public Service Commission or Government. On the other hand, the appellant has not been allowed even to avail the benefits of his initial appointment in Grade-15, because he is being paid a fixed monthly salary for the last about 8 years in the same grade, according to the terms and conditions of his appointment.

The appointment order of the appellant, which is Annexure-C with the memo of appeal, was made on 23.5.1988.

The legal position on this point is that the appellant was definitely appointed/posted as Subject Specialist in a Higher Secondary School as is clear from the appointment order issued by the respondents themselves.

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(29)

Now coming to the second issue raised by the terms and conditions imposed on the appellant in his appointment order and as contended by the respondents, that the appellant is not only dis-entitled to claim the graded pay carried by the grade of subject specialist BPS-17, against which he, on the orders of the respondents, has been working since his initial/formal appointment, he is as well dis-entitled to claim absorption or the benefits of BPS-17 against which the appellant was initially appointed on fixed monthly salary. The position being such, the appellant has not been able to move an inch higher/forward to get some more service benefits after rendering continuously the service of a Subject specialist w.e.f. 23.5.1988 on the same fixed monthly salary in BPS-15. This type of Government service is not covered by any rules etc. The same is against the established principles of justice and fundamental rights as enshrined in the Constitution with regard to equal opportunity of service benefits of a Government servant. Under the circumstances, the Tribunal holds that the appellant is an eligible Government servant serving for the last 8 years continuously without any break or efficiency set back and is entitled to one of the following reliefs :-

- (1) He is eligible for absorption in BPS-15 with full pay and other benefits from the date of his appointment in BPS-15 on fixed monthly salary which condition is set aside, as the same is not covered by any rules. The best the respondents could do was to have appointed the appellant on contract basis. Moreover, nothing was placed on record to substantiate that whether according to one of the conditions of the initial formal appointment/posting order as Subject Specialist, an undertaking to accept the terms and conditions was obtained from the appellant or not. In the absence of any proof, the Tribunal presumes that no such under-taking has been obtained from the appellant.
- (2) The appellant should be granted pay in BPS-17 as a subject specialist. The respondents have the option to grant one of the reliefs stated above within 3 months, failing which the appellant can approach the Tribunal for the grant of the relief, with no order as to costs. File be consigned to the record.

ANNOUNCED.  
16.7.1996.

*Taj Muhammad Khan*  
(TAJ MUHAMMAD KHAN)  
MEMBER.

*Hidayatullah Khan*  
(HIDAYATULLAH KHAN)  
MEMBER.

GOVERNMENT OF PUNJAB  
 PUBLIC SERVICE TRIBUNAL  
 LUDHIANA

GOVERNMENT OF PUNJAB  
 PUBLIC SERVICE TRIBUNAL  
 LUDHIANA



**BEFORE THE HONORABLE CHAIRMAN KPK SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No.488/15

Sardar Muhammad Fareed.....Appellant

V/S

Govt of KPK & others.....Respondents

**REJOINDER ON BEHALF OF APPLICANT**

**Rejoinder on preliminary objections:**

1. Page No 1 to 11 are incorrect and denied's the appellant being lab attendant served in the respondents' school, GHS Surjal as CT teacher and the appellant is entitled to have salary of CT post w.e.f 14/10/2006 to 06/07/2015, as per order of DEO (Male) Abbottabad.

**Rejoinder on Facts:**

1. Page No 1 of the comments needs no reply.
2. Page No 1 is incorrect the appellant started teaching as CT on the instruction of HM & DEO (Male).
3. Page No 3 is incorrect. Reply has already been submitted in 2 above.



4. Page No 4 of the comments needs no reply.
5. Page no 5 of the comments is incorrect.
6. Page no.6 of the comments is incorrect.
7. Page no 7 of the comments are denied.
8. Page no 8 of the comments are incorrect.
9. Page no 9 to 13 of the comments are incorrect.

In view of the above, it is prayed that the appeal of the appellant may graciously be accepted.

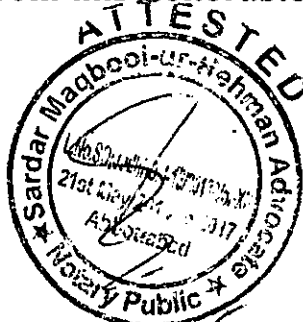
  
**Appellant**

Through


  
**Muhammad Arshad Khan Tanoli**  
**Advocate**

### **AFFIDAVIT**

I, Sardar Muhammad Fareed S/o Muhammad Akram Residence of Nagri Bala, Dakhan Nalotha, Tehsil & District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of the fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed and suppressed from this Honorable Court.



DEPONENT/APPELLANT

  
**(SRDAR MUHAMMAD FAREED)**  
S/o Muhammad Akram

Dated: \_\_\_\_\_/2016

**BEFORE THE HONORABLE CHAIRMAN KPK SERVICE  
TRIBUNAL, PESHAWAR**

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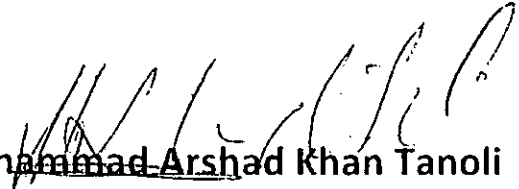
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8. Page no 8 of the comments are incorrect.
- 9..Page no 9 to 13 of the comments are incorrect.

In view of the above, it is prayed that the appeal of the appellant may graciously be accepted.

  
Appellant

Through


  
Muhammad Arshad Khan Tanoli  
Advocate

### **AFFIDAVIT**

I, Sardar Muhammad Fareed S/o Muhammad Akram Residence of Nagri Bala, Dakhan Nalotha, Tehsil & District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of the fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed and suppressed from this Honorable Court.



DEPONENT/APPELLANT

  
(SRDAR MUHAMMAD FAREED)  
S/o Muhammad Akram

Dated: \_\_\_\_\_/2016 15/8/2016

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 210 /ST Dated 25 / 1 / 2017

To

The Divisional Forest Officer,  
Government of Khyber Pakhtunkhwa,  
Abbottabad.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 18.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.