

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1020/2018

Date of Institution ... 09.08.2018

Date of Decision ... 15.10.2021

Hizbullah Lecturer Islamiyat Government Degree College Juwer, District Buner.
... (Appellant)

VERSUS

The Secretary Higher Education, Archives and Libraries Department Government of
Khyber Pakhtunkhwa, Peshawar and one another.
... (Respondents)

MR. IMDAD ULLAH
Advocate

... For Appellant

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

... For Respondents

ROZINA REHMAN
ATIQ-UR-REHMAN WAZIR

...
...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the case are

that the appellant was initially appointed as Qari (BPS-7) on 09-02-1998; subsequently the appellant was appointed as CT (BPS-9) on regular basis vide order dated 20-11-2006. The appellant applied for the post of Teaching Assistant and was selected but on temporary basis for a period of two years vide order dated 31-10-2014. After his selection as teaching assistant, the appellant applied for lien which was granted with effect from 01-11-2014 for a period of two years vide order dated 10-12-2014. In the meanwhile service of all teaching assistants including the appellant, appointed from 31-10-2014 till 02-12-2015 were regularized under KP Teaching Assistant (Regularization of Services) Act, 2017

with effect from the date of commencement of the Act, i.e. 25-10-2017 vide order dated 07-03-2018. The appellant preferred a departmental appeal dated 18-04-2018 for regularization of his services from the date of assuming charge as Teaching Assistant i.e. 01-11-2014, which however was not responded within the statutory period, hence the instant service appeal with prayers that his service may be regularized with effect from 01-11-2014 till 25-10-2017 alongwith due seniority and all consequential benefits as well as modification in the impugned order dated 07-03-2018 to the extent of the appellant.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, as his service as teaching assistant has not been regularized from the date of his first appointment as teaching assistant, which is against law and rule; that this is the classic case of misuse of authority and exercise of the same in a very colorful manner to the utter detriment of the appellant, which the law never approves of; that the appellant has been discriminated as other similarly placed persons are treated differently than the one done with the appellant; that the appellant has every right for the regularization of his previous service, being a regular civil servant.

03. Learned Deputy District Attorney for the respondents has contended that the appellant alongwith others were regularized by an Act of Provincial Assembly of Khyber Pakhtunkhwa known as Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017 and followed by subsequent notification dated 07-03-2018 and their services were regularized with effect from the date of promulgation of the Act, i.e. 25-10-2017; that the appellant preferred a departmental appeal and in response the respondents asked for some information from the appellant vide letter dated 02-08-2018, but the appellant did not respond nor provided the requisite information; that the appellant was advised to submit complete case for regularization of his temporary service in accordance with law

and rule to settle the issue once and for all but the appellant did not submit such details and instead preferred service appeal.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant had a continuous and regular service from 1998 until 31-10-2014. On 01-11-2014 the appellant was appointed as teaching assistant on temporary basis, who served against such post until 25-10-2017, when his services were regularized under an Act, with effect from the date of promulgation of the Act, i.e. 25-10-2017. The appellant is concerned about his approximately three years service on temporary basis, which if not considered as regular would be a break in his service and his previous service would go in waste.

In response to his departmental appeal dated 18-04-2018, the respondents asked for certain information vide letter date 02-08-2018 for settlement of his issue, but in the meanwhile the appellant had already preferred service appeal, hence did not submit such information to the respondents in response to their letter dated 02-08-2018. The respondents during the course of litigation submitted rejection order dated 03-12-2020 of departmental appeal, which is placed on file. Perusal of record would reveal that services of teaching assistant including the appellant were regularized on the basis of an Act, with effect from the date of promulgation of the said Act, i.e. 25-10-2017, but the appellant is seeking such regularization from the date of his appointment as teaching assistant i.e. 01-11-2014.

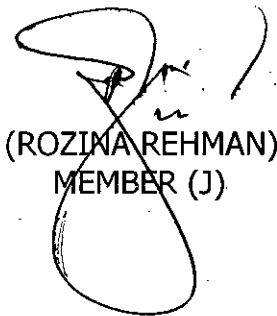
06. We are of the opinion that a temporary service in between two regular services would definitely create break, but since the services of the appellant has been regularized with effect from the date of promulgation of the Act, which does not contain any clause giving retrospective effect to such regularization. Record reveals that respondents have already processed his case for resolution of his issue but was left in between due to filing of service appeal by the appellant.

There appears an option of regularization of his temporary service towards pensionary benefits, which is admissible under the rule.

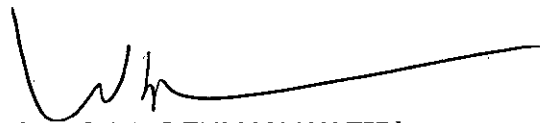
07. In view of the foregoing discussion, the appeal is partially accepted with direction to respondents to consider his case for regularization of his temporary service for counting towards pensionary benefits, as well as for bridging his previous regular service with the present regular service. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

15.10.2021



(ROZINA REHMAN)
MEMBER (J)



(ATIQ UR REHMAN WAZIR)
MEMBER (E)

ORDER

15.10.2021

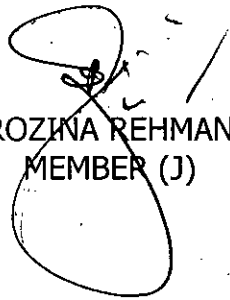
Appellant alongwith his counsel Mr. Imdad Ullah, Advocate present.

Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Asif Khan Litigation Officer for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal is partially accepted with direction to respondents to consider his case for regularization of his temporary service for counting towards pensionary benefits, as well as for bridging his previous regular service with the present regular service. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

15.10.2021


(ROZINA REHMAN)
MEMBER (J)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)


06.04.2021

Due to COVID-19 the case is adjourned to 08.06.2021
for the same as before.


READER

08.06.2021

Due to COVID-19 the case is adjourned to 08.10.2021
for the same as before.


READER

08.10.2021

Appellant alongwith his counsel Mr. Imdad Ullah,
Advocate present. Mr. Asif Masood Ali Shah, Deputy District
Attorney alongwith Mr. Asif Khan Litigation Officer for
respondents present.

Arguments heard. To come up for order on 15.10.2021
before D.B at Principal Seat Peshawar.



(ATIQ UR REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT



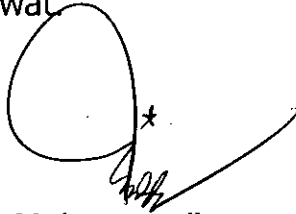
(ROZINA REHMAN)
MEMBER (J)
CAMP COURT SWAT

03.02.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 06.04.2021 before D.B at Camp Court Swat

A handwritten signature in black ink, consisting of a large, rounded loop at the top, followed by a vertical stroke and a long, sweeping horizontal stroke extending to the right. A small asterisk is visible above the vertical stroke.

(Mian Muhammad)
Member (E)
Camp Court, Swat

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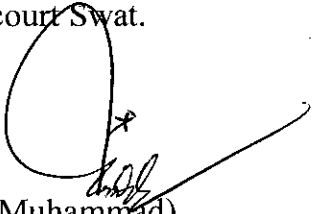
(Rozina Rehman)
Member (J)
Camp Court, Swat

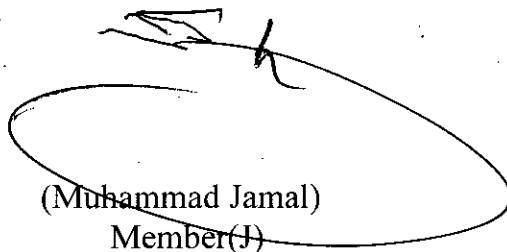
07.10.2020

Appellant in person is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Fazal Hadi, Associate Professor for respondents are present.

According to the appellant his counsel namely Imdad Ullah, Advocate has taken his ailing-daughter to the doctor for treatment and is not in attendance in the court today and requested for adjournment. The request is acceded to. According to order sheet dated 08.09.2020 directions were made to the Assistant AG to make sure the presence of the representative of the department before the Tribunal on the next date in order to apprise the Tribunal regarding process if any, however, no representative of the department is present today in pursuance thereof. The Tribunal observed the non-compliance with concern reiterating the learned Asst: AG to make sure the presence of the representative as per directions of the referred to order sheet.

Adjourned to 09.12.2020 for arguments before D.B at camp court Swat.


(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member (J)
Camp Court Swat

09.12.2021 Due to Covid-19, case is
adjourned to 03.02.2021 for
the same as before.

Reader

07.07.2020 Bench is incomplete. Therefore, the case is adjourned.
To come up for the same on 08.09.2020, at camp court
Swat.



Reader

08.09.2020

Appellant alongwith counsel present.

Mr. Riaz Paindakhel learned Assistant Advocate
General for the respondents present.

Counsel for the appellant requests for adjournment
on the ground that the case of the appellant has been
processed to some extent, therefore, case is adjourned
with the direction to Assistant Advocate General to make
sure the presence of representative of the department
before the Tribunal on the next date in order to apprise
this Tribunal regarding process, if any. To come up for
further proceedings/arguments on 07.10.2020 before D.B
at Camp Court, Swat.

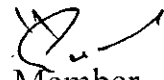

(Attiq-ur-Rehman)
Member
Camp Court, Swat


(Rozina Rehman)
Member
Camp Court, Swat

03.03.2020

Learned counsel for the appellant present, Mr. Usman Ghani learned District Attorney alongwith Khushi Muhammad S.O (Litigation) present. Representative of the respondent department requested for adjournment. Adjourn. To come up for further proceedings/arguments on 07.04.2020 before D.B at Camp Court, Swat.


Member

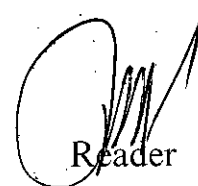

Member
Camp Court, Swat.

Due to corona virus test to Camp court Swat has been cancelled. To come up for the same on - 2/6/20 -



02.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on ~~08.07~~ 07.2020, at camp court Swat.


Reader

07.10.2019

Counsel for the appellant and Mr. Anwar-ul-Haq, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 02.12.2019 for arguments before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat




(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

02.12.2019

Appellant with counsel present. Mr. M. Riaz Khan Paindakhel, Assistant Advocate General alongwith Asif Khan, Litigation Officer for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 03.02.2020 before D.B at camp court Swat.



Member




Member
Camp Court Swat

03.02.2020

Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Khushi Muhammad S.O present and requested for adjournment. Adjourn. To come up for arguments on 03.03.2020 before D.B at Camp Court, Swat.



Member



Member
Camp Court, Swat.

05.03.2019

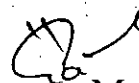
Counsel for the appellant present. Mian Amir Qadir, District Attorney alongwith Mr. Khushi Muhammad, SO (Lit) for respondents present. Written reply/comments submitted which is placed on file.. Case to come up for rejoinder and arguments on 06.05.2019 before D.B at camp court, Swat.


Member
Camp Court, Swat

06.05.2019

Learned counsel for the appellant and Mr. Mian Amir Qadir learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 01.07.2019 before D.B at Camp Court, Swat.

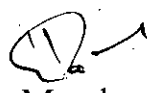

Member


Member
Camp Court Swat

01.07.2019

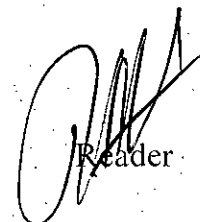
Counsel for the appellant present. Mian Amir Qadir, DDA for respondents present. The learned counsel for the appellant submitted rejoinder, which is placed on file. Case to come up for arguments on 07.10.2019 before D.B at camp court Swat.


Member


Member
Camp Court Swat


05.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 03.12.2018 at camp court Swat.


Reader


03.12.2018.

Appellant in person and Mr. Usman Ghani learned District Attorney alongwith Mr. Ibrar Ali AD litigation present. Written reply not received. Representative of the respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 08.01.2019 before S.B at Camp Court, Swat.


Member
Camp Court, Swat

08.01.2019

Counsel for the petitioner present. Mr. Asif, Assistant Director alongwith Mr. Mian Ameer Qadir, District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Learned District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on 05.03.2019 before S.B at camp court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1020/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge.
1	2	3
1-	16/08/2018	<p>The appeal of Mr. Hizbullah resubmitted today by Mr. Azizur-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>[Signature]</i> REGISTRAR 16/8/18</p>
2-	18/08/18	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>07-09-2018</u></p> <p style="text-align: right;">CHAIRMAN</p>
07.09.2018		<p>Appellant Hizbullah in person alongwith his counsel Mr. Imdadullah, Advocate present and heard preliminary.</p> <p>Contends that the date mentioned in the regularization notification has not correct according to the service record of the appellant and due to this mistake a break occurs in the continuous service of the appellant which may subsequently damage the entire career.</p> <p>Points urged need consideration. Admit. The appellant is directed to deposit of security and process fee within 10 days; thereafter, notices be issued to the respondents for written reply/comments for 05.11.2018 before S.Bat camp court swat.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman Camp Court Swat</p>

Appellant Deposited
Security & Process Fee


[Signature]

The appeal of Mr. Hizbullah lecturer in Islamiyat GDC Juwer District Buner received today i.e. on 09.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 2- Copy of order/notification dated 31.10.2014 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of notification dated 07.03.2018 is incomplete which may be completed.

No. 1565 /S.T,

Dt. 9/8 /2018.


REGISTRAR 9/8/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aziz-ur-Rehman adv. Swat.

Sis,

Resubmitted after doing the needful.
The file may please be placed before the
Honourable Tribunal, even if any objection
still is not removed.

Handed
15/08/2018
Handed to
Advocate Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1020 of 2018

Hizbullah Lecturer Islamiyat Government Degree College Juvwer, District Buner.

...Appellant

VERSUS

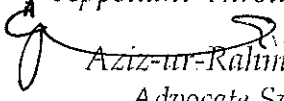
The Secretary Higher Education, Archives and Libraries Department Government
of Khyber Pakhtunkhwa, Peshawar and Another.

...Respondents

INDEX

S. No.	Description of document	Annexure	Pages
1.	Memo of Appeal	1-4
2.	Affidavit	5
3.	Addresses of the parties	6
4.	Copy of the Order dated 09-02-1998	A	7
5.	Copy of the Order dated 20-11-2006	B	8
6.	Copy of the Letter dated 18-11-2014	C	9
7.	Copy of the Notification dated 10-12-2014	D	10
8.	Copy of the Notification dated 07-03-2018	E	11-13
9.	Copy of the Departmental Appeal	F	14
10.	Vakalat Nama	15

Appellant Through


Aziz-ur-Rahman
Advocate Swat

Office: Khan Plaza, Gulshone Chowk,
Mingora Swat, Cell 0333 929 7746

✓

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1020 of 2018

Hizbullah Lecturer Islamiyat Government Degree College
Juwer, District Buner.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12159

Dated 29-8-2018

...Appellant

VERSUS

1. The Secretary Higher Education, Archives and Libraries Department Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director. Higher Education Department Government of Khyber Pakhtunkhwa, Peshawar.

...Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION NO. SO (C-II) HED/ 2-5/2018 DATED PESHAWAR THE MARCH 07, 2018, RECEIVED ON 21-03-2018, TO THE EXTENT WHEREBY THE SERVICE OF THE APPELLANT WAS REGULARIZED WITH EFFECT FROM 25-10-2017 INSTEAD FROM ⁰¹⁻¹¹⁻²⁰¹⁸ ~~11-04-2014~~, THE ACTUAL LENGTH OF SERVICE ON TEMPORARY BASIS, AGAINST THE LAW, RULES AND SHARIAH, FEELING AGGRIEVED THE APPELLANT PREFERRED A DEPARTMENTAL APPEAL, BUT THE SAME WAS NOT RESPONDED TO DESPITE THE LAPSE OF STATUTORY PERIOD OF TIME.

Filed to-day

[Signature]
Registrar

9/8/18

Re-submitted to -day
and filed.

[Signature]
Registrar

16/8/18

2/

PRAYER:

That on acceptance of this appeal the service of the appellant may be regularized throughout including the period from 11-01-2014 till 25-10-2017 along with all the consequential financial back benefits along with due seniority accordingly as well by modifying the order impugned accordingly.

Respectfully Sheweth:

Facts:

- i. That the appellant joined the education department as Qari on 09-02-1998, copy of the order dated 09-02-1998 is enclosed as Annexure "A".*
- ii. That subsequently the appellant was appointed as CT on regular basis vide order dated 20-11-2006. Copy of the order dated 20-11-2006 is enclosed as Annexure "B".*
- iii. That the appellant subsequently applied to the post of Teaching Assistant and being successful was appointed as well, but on temporary basis for a period of two years.*
- iv. That the appellant upon his selection as Teaching Assistant applied for lien which was granted for two years vide notification dated 10-12-2014. Copy of the letter dated 18-11-2014 is enclosed as Annexure "C" and that of the Notification dated 10-12-2014 is enclosed as Annexure "D", respectively.*

- v. That subsequently the service of the appellant along with others was regularized vide Notification No. SO(C-II)HED/2-5/2018 dated Peshawar the March 07, 2018, but with effect from 25-10-2017 against the law and rules on the subject. Copy of the notification dated 07-03-2018 is enclosed as Annexure "E".

- vi. That feeling aggrieved as the service of the appellant has not be regularized throughout, i.e. from ~~11-01-2014~~⁰¹⁻¹¹⁻²⁰¹⁴, the appellant preferred a departmental appeal, but the same was not responded to despite the lapse of statutory period of time. Copy of the departmental appeal is enclosed as Annexure "F".

- vii. That still feeling aggrieved and having no other option for the redressal of his grievances this service appeal for the redressal of the same on the following grounds.

Grounds:

- a. That the appellant has not been treated in accordance with the law and rules on the subject and his regular service, despite retaining his lien, his service is not regularized throughout, which is against the law and rules emanating from the commands of the constitution.

- b. That this is classic case of misuse, abuse of authority and exercise of the same in a very colourful manner

to the utter detriment of the appellant, which the law never approves of.

- c. That the appellant has been discriminated with as other similarly places persons are treated differently than the one done with the appellant.
- d. That the appellant has every right for the regularization of his service throughout, being a regular civil servant.

It is, therefore, very respectfully prayed that on acceptance of this service appeal the respondents may very kindly be directed to regularize the service of the appellant throughout i.e. from ⁰¹⁻¹¹ 11-01-2014 with all consequential financial benefits along with those of the seniority as well.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Hizbullah
Appellant

Hizbullah
Through Counsels,
Aziz-ur-Rahman
Aziz-ur-Rahman
Imdad Ullah
Imdad Ullah
Advocates Swat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Hizbullah Lecturer Islamiyat Government Degree College
Juwer, District Buner.

...Appellant

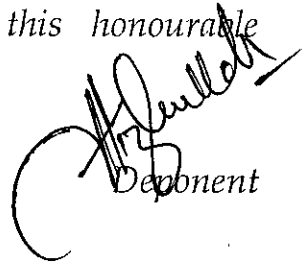
VERSUS

The Secretary Higher Education, Archives and Libraries
Department Government of Khyber Pakhtunkhwa,
Peshawar and Another.

...Respondents

AFFIDAVIT


It is solemnly stated on Oath that all the contents of
this service appeal are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this honourable
tribunal.




Deponent

Hizbullah

Identified By:


Imdad Ullah
Advocate Swat

ATTESTED


UMAR SADIQ Advocate,
OATH COMMISSIONER
Distt: Courts Swat
No. 156 Date: 6/8/18

6/

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Hizbullah Lecturer Islamiyat Government Degree College
Juwer, District Buner.

...Appellant

VERSUS

The Secretary Higher Education, Archives and Libraries
Department Government of Khyber Pakhtunkhwa,
Peshawar and Another.

...Respondents

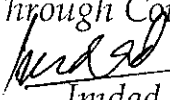
ADDRESSES OF THE PARTIES

Appellant:

Hizbullah Lecturer Islamiyat Government Degree College
Juwer, District Buner.

Respondents:

1. The Secretary Higher Education, Archives and
Libraries Department Government of Khyber
Pakhtunkhwa, Peshawar.
2. The Director Higher Education Department
Government of Khyber Pakhtunkhwa, Peshawar.

Appellant
Through Counsel,

Imdad Ullah
Advocate Swat

OFFICE OF THE DISTRICT EDUCATION OFFICER (D) & DISTRICT BUNER AT DAGGAR.

71

On page at upon selection by the departmental selection Commission, the district education officer (D) Dagar; Dagar has been pleased to appoint the following prices at he could noted against their names in SPS: No-2 of 1988-89-90 plus with all other as admissible to them under the rules & conditions.

S.No	Name of Candidate	D/O Birth	Merit/ Marks	School	Remarks
1.	Mr. Nook Lal Singh D/O Mr. Nook Lal Singh D/O District.	1.4.78	1/72	G.D. Dagar.	Heavily selected post.
2.	Mr. Farid Gul D/O Mr. Farid Gul D/O District.	2/4/78	2/62	G.D. Dagar.	-----to-----
3.	Mr. Mohd. Ali D/O Mr. Mohd. Ali D/O District.	3.3.79	3/62	G.D. Dagar.	Vacant post.

Notes & Conditions:

1. No TA/DA and transfer grant are allowed being appointed under the rules.
2. The appointment is purely temporary and subject to termination at any time without notice & assigning any reason. In case of resignation they should have to submit one month's notice to the Deptt; of for first one month pay to the Govt; if it is thereof.
3. They should produce their Health & Age certificate from the Superintendent concerned.
4. The Head of Institution is required to check the relevant documents of the candidate concerned before handing over charge.
5. No candidate can be appointed on the over charge if their age exceed 30 years or below 18 years.
6. The candidates should not be handed over charge if their age exceed 30 years or below 18 years.

(FAZLI MADOOD)
DISTRICT EDUCATION OFFICER (D)
SECRETARY DISTRICT BUNER AT DAGGAR.

Order No. 468-74 / No. 9 D.A. / Stab; Dated, 9/2 / 1998.

Copy forwarded for information to the:-

1. District Accounts Officer Dagar at Dagar.
- 2-4. District Education Officer (D) Dagar / Dagar / Dagar.
- 5-7. Official concerned.

Attested
[Signature]
Advocate

[Signature]
DISTRICT EDUCATION OFFICER (D)
SECRETARY DISTRICT BUNER AT DAGGAR.

OFFICE OF THE DISTRICT EDUCATION OFFICER (H) SECY: DISTRICT BUNER AT DAGGAR.

OFFICE ORDER.

Consequent upon their selection by the Departmental selection Committee, the District Education Officer (H) Secy; Buner has been pleased to appoint the following series at the schools noted against their names in BPS: No-7 MS, (1-36-81-2635) plus usual allowances as admissible to them under the rules R.E.F 1.3.1998 subject to the existing terms & conditions.

S.No	Name of candidate.	D/O Birth.	Merit/ Marks.	School.	Remarks.
1.	Mr, Roohul Ania S/O Mr, Abdur Rashid R/O Dandikot.	1.4.76	1/72	GHS:Minar.	Newly created post
2.	Mr, Farid Gul S/O Mr, Reza Gul R/O Nagrai.	2/4/78	2/62	GHS:Kharrai	-----30-----
3.	Mr, Hizbullah S/O <i>candidate of 2/0 Elai</i>	3.3.79	3/62	GHS:Minar.	Vacant post.

TERMS & CONDITIONS.

1. No TA/DA and transfer grant are allowed being Ist; appointment under the rule.
2. The appointment is purely temporary and subject to termination at any time without notice & assigning any reason. In case of resignation they should have to submit one month prior notice to the Deptt; of for first one month pay to the Govt; less thereof.
3. They should produce their Health & Age certificate from the /superior / officer concerned.
4. The head of institution is required to check the relevant documents of the candidate concerned before handing over charge.
5. The candidates are exempted from the over charge with a 14 days.
6. The candidates should not be handed over charge if their age exceed 30 years or below 18 years.

(FAZLI RAJOOB)
DISTRICT EDUCATION OFFICER (H)
SECY:EDU: DISTRICT BUNER AT DAGGAR.

Order No, 468-74 / F.No.9 DA/ntab; Dated, 9/2 /1998.

Copy forwarded for information to the:-

1. District accounts Officer Buner at Daggar.
- 2-4. Head masters GHS:Minar/Kharrai/Minar.
- 5-7. Officials concerned.

[Signature]
DISTRICT EDUCATION OFFICER (H)
SECY:EDU: DISTRICT BUNER AT DAGGAR.

Consequent upon the recommendation of the District Selection Board Schools & Literacy Buner (contained in its meeting minutes issued vide No10258-59 dated 18/11/2006) the following Candidates are hereby appointed on Regular basis at the Schools noted against each in BPS-9 (2770 -165-7720) plus usual allowances as permissible to them under the rules from the date of taking over charge with terms and conditions given below.

S. No	Name	F/Name	RESIDANCE	D/O Birth	Post	School
1	Amir Ahmad Shah	Muhammad shah	Charorai	1/4/1957	CT	GISS:Batara
2	Ihsanul Haq	Ghulam Hussan	Girarai	15/10/56	CT	GMS: Gararai
3	Jehan Zeb	Ilyas Khan	Topai	1/1/1960	CT	GHS:Topai
4	Gul Pasand Khan	Waliyat Khan	Amnawar	7/5/1964	CT	GISS:Batara
5	Miftahullah	Azathullah	Korya	19/1/69	CT	GMS:Koz Shamina
6	Muhammad Ali	Muhammad Yousaf	Jangai	10/4/1969	CT	GIS:Pander
7	Sher Akbar	Fazal Akbar	Sura	13/1/68	CT	GHS:Pander
8	Muhammad Saleem	Masal Khan	Bajkata	1/3/1962	CT	GMS:Gumbat
9	Iqbal Khan	Saddar Din	Kot Gokand	1/11/1969	CT	GMS:Kalaail
10	Subhanullah	Mab Khan	Takhta Band	20/3/1970	CT	GMS:Kala Khela
11	Riaz Ahmad	Muhammad Masih	Daggar	18/4/63	CT	GISS:Gadezi
12	Rahman Dad	Roi Dad	Bampokha	7/3/1973	CT	GMS:Bazargay
13	Kaleem Ghafoor	Sherullah Khan	Daggar	23/5/68	CT	GMS:Kala Khela
14	Saleem Akbar	Mir Akbar	Totalai	6/2/1968	CT	GISS:Gadezi
15	Abdul Haleem	Muhammad Zada	Beshonai	23/2/69	CT	GHS:Dokada
16	Gul Jamial Shah	Ghafoor Shah	Shalbandai	1/6/1967	CT	GHS:Pander
17	Bakht Faroosh Khan	Amir Akbar Khan	Amnawar	30/8/65	CT	GISS:Batara
18	Taj Muhammad Khan	Dost Muhammad Khan	Bajkata	1/1/1962	CT	GHS:Pander
19	Bakht Hassan	Sahib Rasan	Torwarsak	1/4/1978	CT	GHS:Katkala
20	Wiqar Ahmad	Mohammad Saeed	Cheena	1/1/1981	CT	GHS:Katkala
21	Hizbullah	Waliullah	Elai	3/3/1979	CT	GHS:Katkala
22	Hidayatullah	Rasan	Kalabat	12/2/1976	CT	GHS:Dokada
23	Khair Muhammad	Wail Muhammad	Nawagai	15/3/1973	CT	GHS:Mardu
24	Bahar Ali	Abdul Akbar	Nawagai	2/1/1983	PET	GHS:Ghazi Kot
25	Farman Ali	Farid Khan	Kulyarai	5/4/1980	PET	GMS:Gulbandai

Terms & Condition: -

- They will be governed by such rules & regulation as may be prescribed from time to-time by the Govt. for the category of the Govt servants to which they belong.
- They will, liable to be terminated on one month notice from either side. In case of resignation with out notice one month pay will be forfeited in lieu thereof.
- They will be take charge within 15 days.
- They will be required to furnish copies of all their certificates/Degrees along with the original receipts/Bank Draft pertaining to the verification fee of the concerned examining bodies/board/ university to the undersigned.
- Pay bill should not be submitted to the accounts office before verification and clearance certificated should be issued to them by the undersigned.
- Charge Reports should be submitted to all concerned.
- No TA/DA is allowed.

(SULTAN ZEB)

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY BUNEREndst No 10268-76 /Appointment/CT/PET Dated Daggar the 20/11/2006

Copy of the above is forwarded for information and necessary action to the: -

- P.A to Minister for Education NWFP Peshawar.
- P.S to Secretary Schools & Literacy NWFP Peshawar.
- Director Schools & Literacy NWFP Peshawar.
- District Coordination Officer Buner.
- District Accounts Officer Buner.
- Deputy District Officer (M) Primary Buner.
- Assistant District Officer (B&A) local office.
- Principals/Head Masters concerned.
- Officials concerned.

Sultan Zeb
Head Master
GHS
Elai Distt: Buner

Sultan Zeb
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY BUNER

Annexure C 9/



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
DISTRICT BUNER

PHONE & FAX #

0939510468

E.MAIL:

edobuner@gmail.com

NO. 3209 / DATED 18/11 /2014

To

The Director (E & SE),
Govt. of Khyber Pakhtunkhwa, Peshawar.

Subject: -

GUIDANCE REGARDING LIEN.

Memo: -

The following Officials are working on various posts in (E & SE) Department District Buner, have applied for lien to this office as their services have been engaged in higher education department as Teaching Assistant on fixed pay for a period of TWO years with the conditions mentioned in the attached notification (Annex-A).

- | | |
|-----------------------------------|----------------|
| 1. Mr. Noor-ul-Akbar PET (BPS-15) | GMS Dandi Kot. |
| 2. Mr. Ajbar Khan PET (PBS-15) | GHS Nawagai. |
| 3. Mr. Hizbullah CT (BPS-15) | GHS Elai. |
| 4. Mr. Shaukat Ali AT (BPS-15) | GHS Bajkata |

Keeping in view the conditions mentioned in the said notification, it is kindly requested to guide this office, whether they are entitle for the lien to be granted or otherwise.

Note: - (Notification copies attached).

11
18/11/14
DISTRICT EDUCATION OFFICER (M)
BUNER

Attested

[Signature]
Advocate

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE DISTRICT BUNER.NOTIFICATION.

The Competent authority is pleased to relive the following officials holding various posts noted against their names w.e.f. 01/11/2014. They will retain their lien initially for a period of two years for the mentioned posts in the Higher Education Department District Buner as per S&GD letter No.SOR I(S&GAD) 1-62/80 Dated.17-4-1989, in the interest of public service.

Note. They will also clear liabilities to Department, if any.

S.No.	Name of officials	Designation	BPS	Schools.
1.	Mr.Ajbar Khan	PET	15	GHS Nawagai.
2.	Mr.Noor ul Akbar	PET	15	GMS Dandi Kot.
3.	Mr.Hizbullah	C.T	15	GHS Elai.
4.	Mr.Shoukat Ali	A.T	15	GHS Bajkata.

(HANIF UF RAHMAN)
DISTRICT EDUCATION OFFICER (M)
BUNER.

Edost: No. 3549-53


Dated. 10 / 12 / 2014.

Copy forwarded for information to the:

1. Director (E&SE) Govt; of Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Buner.
3. Head Masters Concerned.
4. Officials Concerned.


9/12/14
DY: DISTRICT EDUCATION OFFICER (M)
BUNER

Attested


Advocate



**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the March 07, 2018.

NOTIFICATION

NO. SO(C-1)HEQ/2-5/2018. In pursuance of Section 3 of the Khyber Pakhtunkhwa Teaching Assistant (Regularization of Services) Act, 2017, the Competent Authority is pleased to regularize the services of the following Teaching Assistants, appointed from 31.10.2014 till 02.12.2015 and holding the same posts till commencement of the aforementioned Act, as lecturer (BS-17), w.e.f. 25.10.2017, subject to the terms and conditions mentioned hereunder:-

S.#	NAME & STATION	POSTED AS	REMARKS
1.	Muhammad Riaz S/O Wali Muhammad, TA in Islamiyat GC,Peshawar	Lecturer in Islamiyat, GC,Peshawar	AVP
2.	Fayaz Khan S/O Hawas Khan TA in Geography, GC,Peshawar	Lecturer in Geography, GC,Peshawar	AVP
3.	Muhammad Abid Qazi S/O Muhammad Tahir Qazi, TA in Computer Science,GC,Peshawar	Lecturer in Computetr Science GC,Peshawar	AVP
4.	Ahmad Farooq S/O Anwar Khan, TA in EnglishGC,Peshawar	Lecturer in English GC,Peshawar	AVP
5.	Muhammad Mohsin kamal S/O Muhammad Shahid Kamal, TA in Maths, GC,Peshawar	Lecturer in Maths GC,Peshawar	AVP
6.	Haroon Rasheed S/O Muhammad Khan, TA in Physics GC,Peshawar	Lecturer in Physics GDC,No.1 D.I.Khan	AVP
7.	Muhammad Hashim S/O Muhammad, TA in Urdu, GC,Peshawar	Lecturer in Urdu GC,Peshawar	AVP
8.	Muhammad Iqbal S/O Ameer Gul, TA in Botany, GC,Peshawar	Lecturer in Botany GC,Peshawar	AVP
9.	Inam Ullah S/O Muhammad Iqbal TA in Zoology, GC,Peshawar	Lecturer in Zoology GC,Peshawar	AVP
10.	Akhtar Alam S/O Zar Muhammad TA in Computer Science GDC,Mathra,Peshawar	Lecturer in Computer Science GDC,Mathra,Peshawar	AVP
11.	Muhammad Iqbal S/O Muhammad Iqbal, TA in Physics GDC,Mathra,Peshawar	Lecturer in Physics GC,Peshawar	AVP
12.	Zakarya S/O Nazar Muhammad TA in Pak Study GDC,Wadnaga,Peshawar	Lecturer in Pak Study GDC,Achini Payan,Peshawar	AVP
13.	Muhammad Shah Nawaz S/O Muhammad Ilyas TA in Statistics GSSC,Peshawar	Lecturer in Statistics GSSC,Peshawar	AVP
14.	Umair Farooq S/O Zakir ud din TA in Physics GSSC, Peshawar	Lecturer in Physics GSSC,Peshawar	AVP
15.	Muhammad Shah S/O Hassan Shah TA in Economics GSSC,Peshawar	Lecturer in Economics GSSC,Peshawar	AVP

Attested
[Signature]
Advocate

12/

413.	Mr. Abdullah S/O Gul Ahmad, TA in Urdu GDC, Totalai, Buner	Lecturer in Urdu GDC, Totalai (Buner)	AVP
414.	Mr. Hezbullah S/O Wali Ullah, TA in Islamiyat GDC, Jower, Buner	Lecturer in Islamiyat GDC, Jower (Buner)	AVP
415.	Mr. Kamran Khan S/O Afsar Khan, TA in Physics GDC, Jower, Buner	Lecturer in Physics GC, Peshawar	AVP
416.	Mr. Ajar Khan S/O Abdur Rehman, TA in Urdu GDC, Chamla, Buner	Lecturer in Urdu GDC, Chamla (Buner)	AVP
417.	Mr. Khalil Ahmad S/O Ahmad Amin, TA in Islamiyat GDC, Chamla, Buner	Lecturer in Islamiyat GDC, Daggar (Buner)	AVP
418.	Mr. Shaikat Ali S/O Jehanzeb Khan, TA in Islamiyat GDC, Chamla, Buner	Lecturer in Islamiyat GDC, Chamla (Buner)	AVP
419.	Mr. Noor Ul Akbar S/O Gul Sadbar, TA in HPE GDC, Chamla, Buner	Lecturer in HPE GDC, Chamla (Buner)	AVP
420.	Mr. Gohar Ali S/O Abdul Hussain Shah, TA in Law, GDC, Chamla, Buner	Lecturer in Law GDC, Chamla (Buner)	AVP
421.	Mr. Waqar Alam S/O Rehman Ghanim TA in Pak Study GDC, Chamla, Buner	Lecturer in Pak: Studies GDC, Chamla (Buner)	AVP
422.	Mr. Zarish Khan S/O Farosh, TA in English GDC, Chamla, Buner	Lecturer in English GDC, Chamla (Buner)	AVP
423.	Mr. Islam Ul Haq S/O Abdul Haq, TA in Zoology GDC, Chamla, Buner	Lecturer in Zoology GDC, Daggar (Buner)	AVP
424.	Mr. Ibrahim S/O Farid Gul, TA in History cum civics, GDC, Chamla Buner	Lecturer in History-cum-Civics GDC, Chamla (Buner)	AVP
425.	Mr. Atta Ullah S/O Said Zameen, TA in Maths GDC, Chamla, Buner	Lecturer in Maths GDC, Chamla (Buner)	AVP
426.	Mr. Rahat Subhan S/O Zamin Zada, TA in Statistics GDC, Chamla, Buner	Lecturer in Statistics GDC, Chamla (Buner)	AVP
427.	Mr. Faisal Habib S/O Noor Habib, TA in English, GPGC, Kohat	Lecturer in English GDC, Hayatabad Pesh:	AVP
428.	Mr. Riasat Mehmood S/O Pio Din, TA in Urdu, GPGC, Kohat	Lecturer in Urdu GPGC, Kohat	AVP
429.	Mr. Sharafat Ullah S/O Muhammad Azim, TA in Statistics, GPGC, Kohat	Lecturer in Statistics GPGC, Kohat	AVP
430.	Syed Haris Shah S/O Syed Mussarat Shah, TA in Islamiyat, GPGC, Kohat	Lecturer in Islamiyat GPGC, Kohat	AVP
431.	Mr. Muhammad Kamran S/O Noor Pio Jan, TA in Physics, GPGC, Kohat	Lecturer in Physics GPGC, Kohat	AVP
432.	Mr. Fazal Hussain S/O Muhammad Hussain, TA in Chemistry, GPGC, Kohat	Lecturer in Chemistry GPGC, Kohat	AVP
433.	Mr. Abdullah Khattak S/O Sahib Din TA in Zoology, GPGC, Kohat	Lecturer in Zoology GPGC, Kohat	AVP
434.	Mr. Ihtesham Aziz S/O Aziz Ur Rehman, TA in Political Science, GPGC, Kohat	Lecturer in Pol: Science GPGC, Karak	AVP
435.	Mr. Ghani Rehman S/O Abdul Sattar TA in Geography, GPGC, Kohat	Lecturer in Geography GPGC, Kohat	AVP
436.	Mr. Saleem Khan S/O Muhammad Nazif Khan, TA in Botany, GPGC, Kohat	Lecturer in Botany GPGC, Kohat	AVP
437.	Mr. Faiz Ur Rehman S/O Abdul Tawab TA in Computer Science GPGC, Kohat	Lecturer in Computer Science GPGC, Kohat	AVP

Attested
Urdu
Advocate

12/A

TERMS AND CONDITIONS.

- i. They will have all rights / privileges contained in Khyber Pakhtunkhwa Civil Servants Act, 1973 with all amendments made therein including Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 and Rules made thereunder.
- ii. In case of resignation, they will have to give one-month prior notice. In absence of such notice, their one-month pay shall be forfeited to Government.
- iii. The selectees must join their posts within 30-days of the issuance of this Notification, failing which it shall be presumed that they are not interested to join the same. Charge report should be submitted to all concerned. The Director, Higher Education, Khyber Pakhtunkhwa, Peshawar should furnish a certificate to the effect that the appointees have joined their posts or otherwise, after one month of the issuance of this Notification.
- iv. In case of disciplinary matters, Khyber Pakhtunkhwa Government Servants, (Efficiency & Disciplinary Rules); 2011 shall be applicable.
- v. They will be on probation for a period of one year extendable for another year with specific order of the competent authority within two months of the expiry of first year of probation period in terms of Section-15 amended on 07.12.2017 of Appointment, Promotion, and Transfer Rules, 1989.
- vi. They will undergo mandatory training for the purpose of promotion / direct recruitment, as the case may be.
- vii. They will get pay in BPS-17 including usual allowances as admissible under the rules.
- viii. They will be entitled to annual increment like other Civil Servants.
- ix. Their seniority shall be determined in light of Section-4 of the Khyber Pakhtunkhwa Teaching Assistants (Regularization of Services) Act, 2017.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA.
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even.

Copy forwarded to the: -

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Secretary (Infrastructure, Coordination & Administration Department, FATA Secretariat, Warsak Road, Peshawar.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar w/r to get verified their Educational documents from the concerned institutions.
8. Director Education (FATA), Khyber Pakhtunkhwa, Warsak Road, Peshawar.
9. Director, Information for wide publicity through media.
10. Districts/Agency Accounts Officers concerned.
11. Principals, Government Colleges (Male) concerned.
12. P.S. to Minister for Higher Education, Khyber Pakhtunkhwa.
13. P.S. to Secretary, Higher Education Department.
14. Lecturers concerned.


(MUHAMMAD FAYAZ KHAN)
SECTION OFFICER (COLLEGES-II)

Attested

Advocate



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

13A/

Dated Peshawar, 31st October, 2014

NOTIFICATION

No. SO(C-II)/2-6/2014/HED/Teaching Assistants/ . In pursuance of recommendation of scrutiny committee of the Directorate of Higher Education Department, the Competent Authority in exercise of the powers conferred under second schedule Rule 5 XXXVII of the delegation of powers of re-appropriation Rules 2001 is pleased to engage the services of 92 (Female:60, Male:32) persons as per list attached for a period of two (2) years excluding long winter / summer vacations with the following terms and conditions.

Terms and Conditions

1. Their services will be for a period of two (2) years excluding long winter / summer vacations on a fixed pay of Rs. 40,000 per month for the said period. They will not get pay during long winter / summer vacations (60 days or more).
2. Their services will be purely temporary and they will not be deemed to be Civil Servants.
3. Their engagement will be purely institution based and non-transferable.
4. Their services will be automatically terminated on the arrival of Public Service Commission selectee or Provincial Selection Board promotee.
5. They will not be entitled to more than 20 days leave per annum.
6. They are required to report to the colleges mentioned against each, within 15 days, from the date of issuance of this notification, failing which it shall be presumed that they are not interested and the post will be filled from the merit list, as per criteria.
7. The Principal concerned shall be required to submit a certificate verifying academic credentials.
8. The Principal of concerned college will submit monthly evaluation report about their performance, to the Directorate of Higher Education.
9. Medical fitness and character certificates will be submitted to the Principals concerned, for onward submission to the Directorate of Higher Education, within 15 days.
10. The Principal concerned will obtain an affidavit; that the Teaching Assistant is not in government service and will not form any association / group.
11. They will not form any association / group or approach any authority directly or indirectly for regularization of their services or to extract any undue extra benefits.

12. The Director Higher Education is authorized to dispense with their services in case of seven (7) days willful absence from duties, misconduct and inefficiency upon the recommendation of the Principal concerned.

138/

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principals of the Colleges concerned.
4. District Accounts Officers concerned.
5. PS to Minister for Higher Education.
6. PS to Secretary Higher Education Department.

Section Officer (C-II)

MALE

136/

S.No	Name/Father Name/Address	Subject	Domicile	Proposed College
1.	Habib ur Rehman S/O Khalil ur Rehman Musafir Khel P/O Parang, Charsadda	English	Swabi	Govt. Degree Gandaf Swabi
2.	Jehan Afsar S/O Muhabat Shah P.O Daggai Village Pakha Pual Tehsil Razzar District Swabi.	Economics	Swabi	Govt. Degree Gandaf Swabi
3.	Fawad Ahmad s/O Misal Khan International Hostel Room No.40 University of Peshawar.	Chemistry	Swabi	Govt. Degree Gandaf Swabi
4.	Muhammd Ishaq S/O Abdul Hassan Mohallah Adu Khel VPO Adina Tehsil Razar District Swabi.	Pakistan Study	Swabi	Govt. Degree Gandaf Swabi
5.	Kifayatullah S/O Inayatullah Mohallah Akku Khel Village Kalu Khan Tehsil Razzar District Swabi.	History Cum Civics	Swabi	Govt. Degree Gandaf Swabi
6.	Asad Ali S/O Shamsul Awlia Village Barkana Mohallah Dalokhel Alpuri Shangla	Maths	Shangla	Govt. Degree College Alpuri
7.	Muhammad Abrar S/O Sultan Raj Village and P.O Manglor Swat	Chemistry	Swat	Govt. Degree College Alpuri
8.	Abdus Salam AS/O Abdullah Mohallah Karimabad Village Kota Barikot Swat.	Computer Science	Swat	Govt. Degree College Alpuri
9.	Amin Shuaib S/O Hazrat Shuaib Shuaib Mewdical Hall Shalimar Market P.O Dir Upper	Law	Dir Upper	Govt. Degree College Alpuri
10.	Umar Zada S/O Gul Mohallah Tankoi China Village and P.O Charbagh Swat	HPE	Swat	Govt. Degree College Alpuri
11.	Irfanullah S/O Hayat Khan Village Chawaga Tehsil Pura Shangla	Maths	Shangla	Govt. Degree College Chakassar
12.	Shafiqat Ali Khan S/O Muhammd Ghafoor Khan Down School and college System Mingora Swat.	Botany	Shangla	Govt. Degree College Chakassar
13.	Atta-Ur-Rehman S/O Jehangir Danish School System Mingora Swat.	English	Swat	Govt. Degree College Chakassar
14.	Abdur Rehman S/O Muhammad Israr Cloth House Sharif Market Near Mehran Hotel Mingora Swat.	Physics	Shangla	Govt. Degree College Chakassar
15.	Nasir Ullah S/O Abdul Khaliq Village Sharifabad P.O Kabal Swat	Chemistry	Swat	Govt. Degree College Pura Shangla
16.	Iltaf Ud Din S/O Ajab Gul Qayum thoriyanda Twhs and District Chitral.	Physics	Chitral	Govt. Degree College Pura Shangla
17.	Naveed Rahim S/O Gul Rahim Village Baz Koroona Chihar P.O Katlang Mardan.	Library Science	Mardan	Govt. Degree College-Pura Shangla
18.	Shahid Ali S/O Nadir Khan Village and P.O Devlai Mohallah Fazal Abad Kabal Swat.	Maths	Swat	Govt. Degree College Jowar Buner
19.	Hizdullah S/O Wali Ullah Moh.	Islamiyat	Buner	Govt. Degree

	Qulfai Village Elai Tehsil Daggat District Buner			College Jawar Buner
20.	Mohammad Tariq S/O Ghani Mohammad Village and P.O Dehri Allah Dand Mohallah Chishtibaba Malakand.	Urdu	Malakand	Govt. Degree College Palai
21.	Abdullah S/O Mohammad Rafiq Mohallah Gharib Abad Tehsil Bakheal Malakand.	Economics	Malaknad	Govt. Degree College Palai
22.	Muhammad Humayun Khan S/O Sahib Razaq Tahir Book Center Nadir Market Malakand.	Islamiyat	Malakand	Govt. Degree College Palai
23.	Akbar Ali S/O Noor Rehman Allam Iqbal Model School Sakhkot Malakand	Botany	Malakand	Govt. Degree College Palai
24.	Shahzad Haider S/O Sher Haider Village Sharif Khan P.O Sakhkot Malakand	Computer Science	Malaknad	Govt. Degree College Palai
25.	Muzamil Shah S/O Mehmood Shah Village Kot.Batkheala Malakand.	Pakistan Study	Malakand	Govt. Degree College Palai
26.	Abdul Aziz S/O Abdul Karim Village and P.O Ghari Usmani Khel Dargai Malakand	Political Science	Malakand	Govt. Degree College Palai
27.	Abid S/O Mueen ul Haq Zong Franchise Main Bazar Batkhela Malakand	Physics	Malakand	Govt. Degree College Agra
28.	Ijaz Ali S/O Shoukat Ali Mohallah Faqr Abad Village Thana Malakand	Chemistry	Malaknad	Govt. Degree College Agra
29.	Kamran Khan S/O Amanat Gul Village Muqam Kalli Dargai Malakand.	Islamiyat	Malaknad	Govt. Degree College Agra
30.	Mujhid Younis S/O Mohammad Younis Village Dhangri Bala Manshera.	Computer Science	Manshera	Govt. Degree College Pattan
31.	Bakht Nazar S/O Sultan Zareen Village Dandi Mohallah Seef Besham Shangla	History/ Civics	Shangla	Govt. Degree College Pattan
32.	Sulamin S/O Sana Ullah Moh. Sherdad Khel Near GPS No.1 Swabi.	Zoology	Swabi	Govt. Degree College Pattan

BEFORE THE SECRETARY HIGHER EDUCATION, ARCHIVES AND LIBRARIES
DEPARTMENT GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.

Hizbullah S/o Wali Ullah R/o Qulfai Village Elai, Tehsil Daggar, District
Buner.Appellant

VERSUS

The Director Higher Education Department Government of Khyber
Pakhtunkhwa.Respondent

Subject: Departmental appeal for regularization of the service as
Teaching Assistant and also granting the salaries and other
back benefits due.

Respected Sir,

The appellant submits as under;

That the appellant joined the education department as Qari on 9/2/1998.

That the appellant was then appointed as CT on 20-11-2006 on regular basis.

That on advertisement of the posts of Teaching Assistants the appellant
applied for the same and got successful and appointed as well.

That the appellant also got his right of lien for the period of two years. That
now the pots of the Teaching Assistants got regularized and the appointees were
adjusted as Lecturers.

That now the appellant has the right to the pays deducted and other back
benefits after the regularization of the said service be granted to the appellant, and
his entire service be regularized accordingly as well in accordance with law.

Thus it is humbly requested that on acceptance of this departmental appeal the
monetary as well as the other service benefits in the manner of back benefits be
granted to the appellant and his service regularized as well.

ATTESTED

[Signature]

ADVOCATE

[Signature] 18-04-18
Appellant

Hizbullah

In the matter of:-

Hizbullah

Appellant

VERSUS

The Secretary HED
and another

Respondent s

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 28 day of 03 2018.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

Hafiz Hizbullah

Imdad

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. 1020 of 2018
Hizballah Appellant/Petitioner

The Secy High Edn Peshawar Respondent
Versus

Respondent No. 1
The Secretary Higher Education Archives
and Libraries Deptt. Govt. of K.P.K.
Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 5/11/2018 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20.....

10/11
September 18

(out camp court sweat)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.
26/9
11:30 am

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No.....1020..... of 2018

.....Hizbullah.....Appellant/Petitioner

Versus

The Secy Higher Educ K.P.K. Peshawar
.....Respondent

Respondent No.....2.....

Notice to: - The Director Higher Education Deptt.
Govt. of K.P.K. Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....5/11/2018.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....10/11.....

Day of.....September.....2018

(ait camp court smart)


Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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2. Always quote Case No. While making any correspondence.

RECEIVED ON
27 SEP 2018
Diary # _____
Page # _____

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT, SWAT

Service Appeal No. 1020/2018

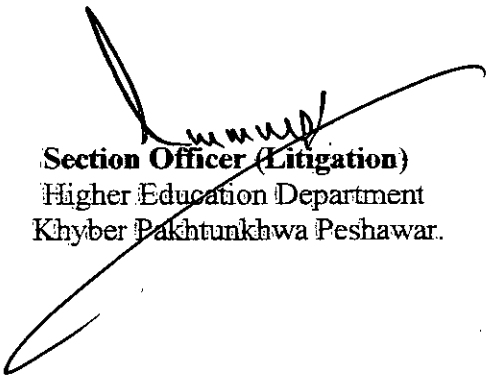
Hizbullah..... (Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Higher Education, Archives & Libraries
Department & Others..... (Respondents)

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S No.	Description of Dements	Annexure	Pages
1.	Joint Para-wise comments		1-2
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3.	Teaching Assistant as Lecturer Act, 2017	Annexure-A	4-7
4.	Departmental Appeal for Regularization letter	Annexure-8	8


Section Officer (Litigation)
Higher Education Department
Khyber Pakhtunkhwa Peshawar.

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, SWAT.**

S.A # 1020/2018

Hizb ullah.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa

Through Secretary Higher Education Department

and others.....Respondents.

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 AND 2.

Respectfully Sheweth: -

Preliminary Objections: -

1. That the appellant has got neither cause of action nor locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands and is trying to conceal material facts.
3. That the service appeal in hands is not maintainable, unwarranted in the eyes of law and liable to be dismissed.
4. That the appeal in hand is hit by doctrine of laches.
5. That the appellant is estopped by his own conduct to file the instant service appeal.

Facts: -

- I. This para pertains to the record of Elementary and Secondary Education Department.
- II. This para pertains to the record of Elementary and Secondary Education Department.
- III. Correct.
- IV. Correct.
- V. Correct to the extent that the services of the appellant along with others was regularized by an Act of Provincial Assembly of Khyber Pakhtunkhwa known as Khyber Pakhtunkhwa Regularization of services of Teaching Assistants as Lecturers Act 2017 and followed by subsequent notification No SO(C-II) HED/2-5/2018 dated March 7, 2018 w.e.f 25-10-2017 (Copy of Act of 2017 is attached as **Annex-A**).
- VI. Correct to the extent that the appellant preferred a departmental appeal and in response, the respondent department asked some information from the appellant vide letter No. 20830 dated: 02-08-2018 (Copy is attached as **Annex-B**) but reply is still awaited at his end. It is pertinent to mention here that 772, teaching Assistants were regularized through an Act 2018 w.e.f 25-10-2017. It is humbly prayed that the appellant may be directed to submit complete case to proceed in accordance with rules/laws and to settle the issue once for all.
- VII. The appellant has got no cause of action to file the instant appeal.

Grounds: -


- a) Incorrect. That appellant has been treated in accordance with the law and rules.
- b) Incorrect as already explained in the preceding paras of facts.
- c) Already explained in the preceding paras of facts.
- d) Already explained in the preceding paras of facts.

Prayers: -

It is, therefore, humbly prayed that the instant service appeal is devoid of merits, hence may graciously be dismissed with appropriate costs.



Secretary
Higher Education Department
Respondent No. 1



Director,

Higher Education Department
Respondent No. 2

3,
05/11/2018

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, SWAT

Service Appeal No. 1020/2018

Hizbullah..... (Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Higher Education, Archives & Libraries Department & Others..... (Respondents)

AFFIDAVIT

I, Khush Muhammad Khan, Section Officer (Litigation), Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa, do hereby declare and affirm on oath, that the contents of the para wise comments is correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

[Handwritten Signature]
Deponent
CNIC No. 17101-0298815-3

**THE KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF
TEACHING ASSISTANTS AS LECTURERS ACT, 2017.**

(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2017)

CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Regularization of services of Teaching Assistants.
4. Determination of seniority.
5. Removal of Difficulties.
6. Overriding effect.

**THE KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF
TEACHING ASSISTANTS AS LECTURERS ACT, 2017**

(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2017)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 25th October, 2017).

**AN
ACT**

To provide for regularization of the services of Teaching Assistants as Lecturers appointed in Government Colleges by Higher Education, Archives and Libraries Department in the Province of the Khyber Pakhtunkhwa.

Preamble: WHEREAS Higher Education, Archives and Libraries Department has appointed Teaching Assistants through various notifications from 31.10.2014 till 02.12.2015, whereby 772 (SEVEN HUNDRED AND SEVENTY TWO) incumbents male and female are performing duties as Teaching Assistants in various Government colleges of the Khyber Pakhtunkhwa.

AND WHEREAS it is expedient to provide for the regularization of the services of these Teaching Assistants as Lecturers in pursuance of Call Attention No. 663 moved in the Assembly and Recommendation of Standing Committee for Higher Education, Archives and Libraries Department, which report was adopted by the House (Provincial Assembly of Khyber Pakhtunkhwa) on 28th March 2016, in the Public interest, for the purpose hereinafter appearing;

It is hereby enacted as follow:

1. Short title and commencement.- (1) This Act may be called the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistant as Lecturers Act, 2017.

(2) It shall come into force at once.

2. Definitions.-(1) In this Act, unless the context otherwise requires,-

- (a) **“Commission”** means the Khyber Pakhtunkhwa Public Service Commission;
- (b) **“Department”** means the Higher Education, Archives and Libraries Department;
- (c) **“Government”** means the Provincial Government of the Khyber Pakhtunkhwa;

- 6
- (d) "law or rule" means the law or rule for the time being in force governing the Selection and appointment of civil servants;
 - (e) "Teaching Assistant" means Teaching Assistants appointed by department on fix pay against the vacant post of lecturer.
 - (f) "Post" means a post of lecturer (BS-17) in the Higher Education Archives and Libraries Department and as required to be filled in, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission.

(2) The expressions "Contract appointment" shall have the meanings as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. **Regularization of Services of Teaching Assistants.**—(1) Notwithstanding anything contained in any law or rules all Teaching Assistants who are holding the posts till the commencement of this Act, shall be deemed to have been validly selected and appointed as lecturer to these posts on regular basis from the date commencement of this Act.

Provided that-

- (a) Such Teaching Assistants were appointed against those posts which fall within the ambit of the Commission;
- (b) The services of such Teaching Assistants shall be deemed to have been regularized to the post (lecturers) under this Act only on the publication of their names in the official Gazette;
- (c) Such Teaching Assistants possess the qualification and experience prescribed for the post to which they are appointed on regular basis.
- (d) The candidates recommended by the commission till the date of commencement of this Act, shall have the first right for appointment against the post instead of Teaching Assistants to be regularized under this Act; and
- (e) Such Teaching Assistants were appointed through due process after conducting a test by EATA on district basis.

(2) For the purposes of sub-section (1), the date, on which the recommendation of the Commission is received in the Department, shall be deemed to be the date of recommendation of the Commission.

4. **Determination of seniority.**—(1) The Teaching Assistants whose services are regularized under this Act, shall rank junior to all those belonging to same service or cadre,

as the case may be, who are in service on Commencement of this Act and shall also rank junior to such other persons, if in pursuance of the recommendation of the commission made before commencement, to be appointed to the respective service of cadre, irrespective of their actual date of joining the service.

(2) The inter-se-seniority of the Teaching Assistants whose services are regularized under this Act shall be determined on the basis of their merit order of Appointment as Teaching Assistants in Higher Education Archives & Libraries Department.

Provided that if the merit order in the case of two or more Teaching Assistants is the same, the Teaching Assistants older in age shall be rank senior to the younger one.

Provided that persons selected for appointment to post in an earlier notification shall rank senior to the persons selected in a later notification.

5. **Removal of Difficulties.**—if any difficulty arises in giving effect to any provision of this Act, Government may make such order not inconsistent with the provision of this Act as may appear to it, to be necessary for the purpose of removing such difficulty.

6. **Overriding effect.**—Notwithstanding anything to the contrary in any other law or rule for the time being in force, the provision of this Act, shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this Act, shall cease to have effect.

~~LP
James Ruv~~

0347
9894651
~~James Ruv~~
James Ruv



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT
CIVIL SECRETARIAT

Dated Peshawar the 03/12/2020

ORDER.

NO.SO(C-II)/12-12/2019. WHEREAS, Service of Mr. Hizb Ullah S/O Waliullah, were engaged as Teaching Assistant in BPS-16 by Higher Education Department as a Stop gap arrangement on fixed pay @ Rs.40,000/PM on the prescribed terms & conditions mentioned in his appointment order No.SO(C-II)2-6/2014/HED/Teaching Assistants dated 31.10.2014.

2. **AND WHEREAS**, in pursuance of Section-3 of Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017, the services of Mr. Hizbullah and other Teaching Assistants were regularized as Lecturers in (BPS-17) vide Notification No.SO(C-II)/HED/2-5/2018, dated 07.03.2018, w.e.f the date of commencement of the Act i.e. 25.10.2017.

3. **AND WHEREAS**, Mr. Hizbullah has addressed a departmental appeal to the Secretary Higher Education for regularization of his temporary service rendered as Teaching Assistant w.e.f 01.11.2014 to 24.10.2017, owing to the reason that his services have been regularized as a lecturer and he has previously served in Elementary and Secondary Education Department as Qari (07) and CT (BPS-09) on regular basis.

4. **AND WHEREAS**, this Department has examined the appeal submitted by the lecturer, under the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017 and the existing rules and arrived at conclusion that services rendered by Mr. Hizbullah as Teaching Assistant on fixed pay were purely temporary as enumerated in his appointment order. His services were regularized in pursuance of Section-3 of the Act *ibid*, according to which the services of Teaching Assistants were to be regularized from the date of commencement of the Act, instead of, the date of their appointment as Teaching Assistant. His previous regular service in Elementary & Secondary Education Department does not confer on him any right of regularization of his temporary service as Teaching Assistant in this Department under the Law for the time being in force, rather the Act in this regard is very much clear.

5. **NOW THEREFORE**, the Competent Authority after having considered the facts of the case under the existing Act / rules has been pleased to decide that appeal submitted by Mr. Hizb Ullah for regularization of the period, he served as Teaching Assistant on fixed pay, w.e.f 01.11.2014 to 24.10.2017, alongwith back benefits, is devoid of merits, and hence regretted.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endst: No. & Date Even.

Copy forwarded to the:

1. Director, Higher Education Khyber Pakhtunkhwa, Peshawar for further necessary action accordingly.
2. Principal, Government Degree College, Jowar, Buner.
3. Director, HEMIS Cell, Higher Education, Khyber Pakhtunkhwa.
4. District Accounts Officer concerned.
5. PS to Secretary, Higher Education Department.
- ✓ 6. Section Officer (Litigation), Higher Education Department.
7. Mr. Hizb Ullah, Lecturer in Islamiyat, Government Degree College, Jowar, Buner.


SECTION OFFICER (COLLEGES-II)



Annex - B
**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR**

25/8/18

Tel # 091-9210242 / 9211025 Fax # 091-9210215
E-mail:- dhekppesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

No. CA-11/ Estt: Branch/A-12/Hafiz Hizbullah/Islamiyat. Dated Peshawar the 25/8/2018

To

The Principal
Govt; Degree College, Jowar
(Buner).

SUBJECT DEPARTMENTAL APPEAL FOR REGULARIZATION OF SERVICE AS TEACHING ASSISTANT THE SALARIES AND OTHER BACK BENEFIT DUE.

Respected Sir, السلام عليكم

I am directed to refer to your Endst; No. 636 dated 20.06.2018 on the subject cited above and to ask you to direct the lecturer concerned to furnish the following information/ documents to this office in order to proceed further into the matter.

- i. Copy of appointment order as Qari alongwith charge report.
- ii. Copy of appointment order as C.T teacher alongwith charge report.
- iii. Whether the posts of Qari and C.T teacher were permanent or not duly supported by documentary proof.
- iv. Copy of appointment order as Teaching Assistant alongwith charge report.
- v. Departmental Permission for the post of Teaching Assistant in Higher Education Department.
- vi. Copy of relieving order from Elementary & Secondary Education Department.
- vii. Copy of Notification regarding lien from Elementary & Secondary Education Department.
- viii. Whether he was properly relieved from Elementary & Secondary Education Department after his regularization from the psot of Teaching Assistant to lecturer? Relieving Notification be provided.

25/8/18
DY: DIRECTOR (ESTABLISHMENT)

20/8/18
Govt Buner
Principal
633-9851185

(1)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1020/2018

Hizbullah.

...Appellant

VERSUS

*The Government of Khyber Pakhtunkhwa through
Secretary Higher Education Department and Others..*

...Respondents

REJOINDER BY THE APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless, against the law, rules, facts and Shariah, hence are specifically denied. Moreover the appellant has got a prima facie case in his favour and has approached this honourable tribunal with clean hands well within time and this honourable tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

- I. Para 1 of the comments as drafted needs no comments.*
- II. Para 2 of the comments as drafted also needs no reply as well.*



- III. *Para 3 of the comments being admission, hence needs no reply.*
- IV. *Para 4 of the comments also being admission, hence needs no comments as well.*
- V. *Para 5 of the comments as drafted also amounts to admission, hence needs no reply.*
- VI. *Para 6 of the comments as drafted also amounts to admission, however the appellant was when provided the copy of the letter the relevant details were duly provided.*
- VII. *Para 7 of the comments as drafted is devoid of merits as well as against the law and rules on the subject. Moreover the appellant has got a prima facie case and a genuine grievance for the redressal of which has approached this honourable tribunal well within time vide the instant service appeal, thus the para is specifically denied.*

On Grounds:

- a) *Ground A of the comments as drafted is incorrect, devoid of merits and facts, the appellant has never been treated in accordance with the law and rules for which treatment has approached this honourable tribunal, thus the para is denied specifically.*
- b) *Ground B of the comments as drafted also is devoid of merits and vague, thus the same is denied as well.*

- c) Ground C of the comments as drafted also is vague, evasive and devoid of merits, thus the same is denied as well.
- d) Ground D of the comments as drafted as well is devoid of merits, vague and evasive, hence denied as well.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally.

Appellant: 
Hizbullah
Through Counsel,

Imdad Ullah
Advocate Swat

(4)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1020/2018

Hizbullah.

...Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through
Secretary Higher Education Department and Others.

...Respondents


AFFIDAVIT

It is solemnly stated on Oath that all the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has either been misstated or kept concealed before this honourable tribunal.

Deponent

Hizbullah

ATTESTED


UMAR SADIQ Advocate,

OATH COMMISSIONER

Distt. Court Peshawar.

No. 401 Date 1-7-2019

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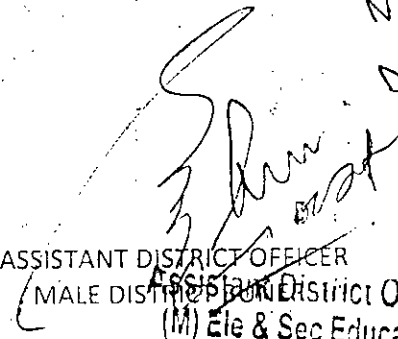
OFFICE OF THE DISTRICT EDUCATION OFFICER MALE DISTRICT BUNER


OFFICE ORDER.

Consequent upon the approval of the competent authority Mr. Hizbullah CT GHS Elai is granted NOC for his appearance for the post of Teaching Assistant.

No. 3007

Dated 28/10/2014


ASSISTANT DISTRICT OFFICER
MALE DISTRICT BUNER
(M) Ele & Sec Education
District Buner.


ATTTESTED
ADVOCATE



GOVERNMENT DEGREE COLLEGE JOWAR

District Buner. Phone: 0939-551283

6

No. 728

Dated 15/11/2018

To,


The Director,
Higher Education Khyberpakhtunkhwa
Peshawar.

Subject: **DEPARTMENTAL APPEAL FOR REGULARIZATION OF THE SERVICE AS TEACHING ASSISTANT AND ALSO GRANTING THE SALARIES AND OTHER BACK BENEFITS DUE**

Memo:

It is in response to telephonic message from section officer Higher Education Department Khyberpakhtunkhwa, Peshawar about the subject matter.

In this regard it is stated that no such letter (Hard/Soft) has been received to this office. It is, therefore requested that the letter may please be provided so that we may proceed accordingly.


Principal,
Govt. Degree College,
District Buner

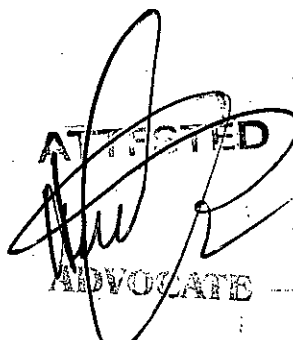
Endst No: _____

Dated: ___/___/2018

Copy Forwarded to the:-

- 1 PA to Secretary Higher Education Department, KPK Peshawar for information please.

Principal
Govt. College Jowar
District Buner


ADVOCATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT
CIVIL SECRETARIAT

Dated Peshawar the 03/12/2020

ORDER.

NO.SO(C-II)/12-12/2019. WHEREAS, Service of Mr. Hizb Ullah S/O Waliullah, were engaged as Teaching Assistant in BPS-16 by Higher Education Department as a Stop gap arrangement on fixed pay @ Rs.40,000/PM on the prescribed terms & conditions mentioned in his appointment order No.SO(C-II)2-6/2014/HED/Teaching Assistants dated 31.10.2014.

2. **AND WHEREAS**, in pursuance of Section-3 of Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017, the services of Mr. Hizbullah and other Teaching Assistants were regularized as Lecturers in (BPS-17) vide Notification No.SO(C-II)/HED/2-5/2018, dated 07.03.2018, w.e.f the date of commencement of the Act i.e. 25.10.2017.

3. **AND WHEREAS**, Mr. Hizbullah has addressed a departmental appeal to the Secretary Higher Education for regularization of his temporary service rendered as Teaching Assistant w.e.f 01.11.2014 to 24.10.2017, owing to the reason that his services have been regularized as a lecturer and he has previously served in Elementary and Secondary Education Department as Qari (07) and CT (BPS-09) on regular basis.

4. **AND WHEREAS**, this Department has examined the appeal submitted by the lecturer, under the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017 and the existing rules and arrived at conclusion that services rendered by Mr. Hizbullah as Teaching Assistant on fixed pay were purely temporary as enumerated in his appointment order. His services were regularized in pursuance of Section-3 of the Act *ibid*, according to which the services of Teaching Assistants were to be regularized from the date of commencement of the Act, instead of, the date of their appointment as Teaching Assistant. His previous regular service in Elementary & Secondary Education Department does not confer on him any right of regularization of his temporary service as Teaching Assistant in this Department under the Law for the time being in force, rather the Act in this regard is very much clear.

5. **NOW THEREFORE**, the Competent Authority after having considered the facts of the case under the existing Act / rules has been pleased to decide that appeal submitted by Mr. Hizb Ullah for regularization of the period, he served as Teaching Assistant on fixed pay, w.e.f 01.11.2014 to 24.10.2017, alongwith back benefits, is devoid of merits, and hence regretted.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endst: No. & Date Even.

Copy forwarded to the:

1. Director, Higher Education Khyber Pakhtunkhwa, Peshawar for further necessary action accordingly.
2. Principal, Government Degree College, Jowar, Buner.
3. Director, HEMIS Cell, Higher Education, Khyber Pakhtunkhwa.
4. District Accounts Officer concerned.
5. PS to Secretary, Higher Education Department.
- ✓ 6. Section Officer (Litigation), Higher Education Department.
7. Mr. Hizb Ullah, Lecturer in Islamiyat, Government Degree College, Jowar, Buner.

SECTION OFFICER (COLLEGES-II)



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2123 /ST

Dated: 22/10 2021

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

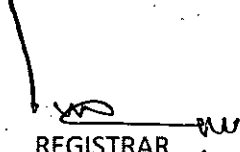
To

The Secretary Higher Education Archives and Libraries Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1020/2018, MR. HIZBULLAH.

I am directed to forward herewith a certified copy of Judgement dated
15.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR