

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No. 912/2018

Date of Institution ... 18.07.2018
Date of Decision ... 27.09.2021

Hakam Khan S/O Gohar Rehman P.S.T Government Primary
School Arab Khan Tehsil and District, Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education, Peshawar and two others.

... (Respondents)

Muhammad Arshad Khan Tanoli,
Advocate

... For appellant.

Muhammad Rasheed,
Deputy District Attorney


... For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

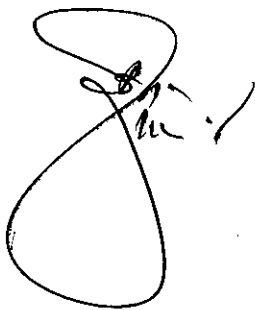
ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing
of instant appeal are that appellant was appointed as P.S.T in the
year 1994 and was terminated from service in the year 1997. He filed
writ petition before the High Court and vide order dated 03.04.2018
of the august Court, the petition was disposed of with direction to the
petitioner to appear before the District Education Officer alongwith his
termination order and other related documents, so that his case be
considered and vide order bearing endorsement No.2829-74 dated
20.02.2018, appellant alongwith others were appointed against the



post of P.S.T in B.P.S-12 w.e.f the date of their taking over the charge. The respondents were supposed to issue appointment order of the appellant from the year of promulgation of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, hence, feeling aggrieved he filed departmental appeal which was not responded to, hence, the present service appeal.

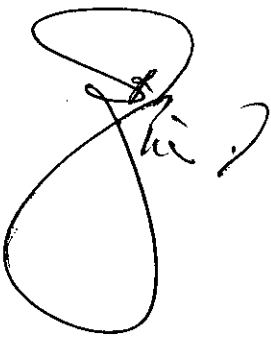
2. We have heard Muhammad Arshad Khan Tanoli Advocate for appellant and Muhammad Rasheed, learned Deputy District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Muhammad Arshad Khan Tanoli Advocate learned counsel appearing on behalf of appellant, inter-alia, argued that the respondent was supposed to appoint appellant under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 when the said Act was promulgated in the year 2012 but his appointment order was issued on 20.02.2018 which is against law and discriminatory. Learned counsel further argued that some of the employees who were juniors to appellant were appointed, whereas, appellant was reinstated later on, which act is against the principle of equality and natural justice. He submitted that appellant is to be treated at par with other employees in the said Department and lastly, he submitted that similar employees were given benefit by the Apex court by counting of their service for the protected period for payment of pensionary benefits, therefore, request was made for the stated relief.




4. As against that, learned D.D.A submitted that appellant was appointed as P.S.T under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 as well as upon the direction of august High Court Abbottabad Bench. He submitted that as per Section-5 of the Sacked Employees (Appointment) Act, 2012, sacked employees shall not be entitled to seniority and other back benefits and that such nature cases were dismissed by the Service Tribunal. He, therefore, requested for dismissal of the instant service appeal.

5. From the record, it is evident that appellant was appointed in the year 1994 and was terminated in 1997. Sacked Employees (Appointment) Act, 2012 was specifically promulgated to extend relief to such sacked employees. Appellant was not considered for the reason best known to the respondents. The respondents however, considered other similar cases just after promulgation of the Act ibid which was discriminatory on the part of respondents. It was upon the intervention of the Hon'ble Peshawar High court that appellant was reinstated at a belated stage in 2018 but with immediate effect. The main concern of the appellant is that such employees would reach the age of superannuation before earning qualifying service for pensionary benefits. We have observed that appellant had possessed all the qualifications as prescribed in the Act like others. It is also on record that co-employees tried their level best for back benefits and their cases were dismissed by this Tribunal as their earlier stance was to get all service benefits. Feeling aggrieved from the judgment of this Tribunal CPLAs were filed in the Apex Court and relief of back benefits to co-employees was refused by the Apex Court too. However, Apex Court allowed counting of their service for the



protected period for payment of pensionary benefits. The present appellant has a strong case as he had every right to be reinstated just after promulgation of the Act *ibid* as he has requisite qualification as prescribed in the Act. His claim was accepted by the august High Court and reinstatement was ordered.

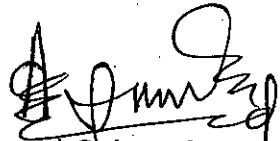
6. The present appellant has also prayed for all service back benefits with a request for counting of his service for the protected period in the light of judgment of the Apex Court which was passed in the case of co-employees. So, from the record, it is crystal clear that despite promulgation of an Act in the year 2012, appointment order of the appellant was issued in the year 2018 and that too, on the directions of august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees counting of their service protected period for payment of pensionary benefits only. Case of the present appellant is at par with those Sacked employees who were granted this benefit by the Apex Court as well as with those employees in Service Appeal No.572/2019.



7. It merits a mention here that a number of group of cases had been filed in the Apex Court in which the appointment/promotion under the Sacked Employees (Reinstatement) Act, 2010, was impugned and which was decided by the Apex Court through common judgment dated 16.12.2019. As per Para-12 of the aforementioned judgment of the Apex Court, certain cases relating to the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 were de-clubbed and have been fixed separately, therefore, appeal in hand is accepted to the extent that appellant is allowed counting of his

service from the date of Promulgation of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits subject to the decision of the Apex Court in relation to Civil Appeals pertaining to Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 as discussed hereinabove in this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
27.09.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Order

27.09.2021

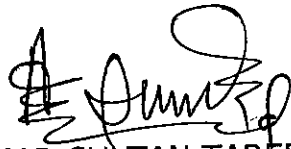
Appellant present through counsel.

Muhammad Rasheed, learned Deputy District Attorney alongwith Toseef ADEO (Litigation) for respondents present. Arguments heard and record perused.

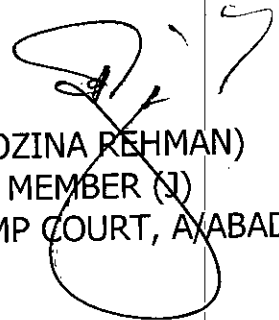
Vide our judgment of today of this Tribunal placed on file, this appeal is accepted to the extent that appellant is allowed counting of his service from the date of Promulgation of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits subject to the decision of the Apex Court in relation to Civil Appeals pertaining to Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

27.09.2021



(AHMAD SULTAN TAREEN)
CHAIRMAN
CAMP COURT, A/ABAD



(ROZINA REHMAN)
MEMBER (J)
CAMP COURT, A/ABAD

20.02.2020

Due to COVID-19, the case is adjourned for the same on 18.02.2021.


READER

18.02.2021 Counsel for appellant present.

Noor Zaman Khattak learned District Attorney for respondents present.

Former made a request for adjournment. Adjourned with direction to counsel for appellant to furnish Member Copy of the instant appeal. To come up for arguments on 14.06.2021 before D.B at Camp Court, Abbottabad.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member(J)
Camp Court, A/Abad

14.06.2021

Due to cancellation of court, Bench is not available. To come up on 27.09.2021 for the same as before.

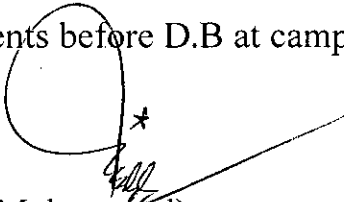

Reader.

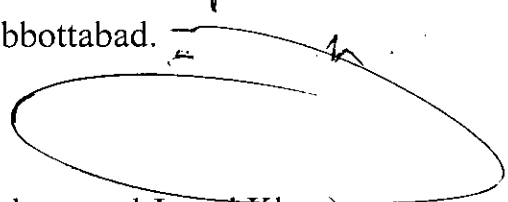
17.11.2020

Mr. Zahid, Clerk to counsel for the appellant is present.
Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad
Touseef, ADEO (Litigation) for respondents are present.

Former requested for adjournment that learned counsel
for the appellant is engaged before the Hon'ble Peshawar High
Court, Abbottabad Bench.

Adjourned to 20.01.2021 on which date to come up for
arguments before D.B at camp court Abbottabad.


(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on
17 / 9 / 20 at camp court abbottabad.

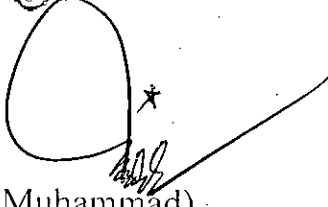

Reader

17.09.2020


Appellant has not forth come. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Touseef, ADO (Litigation) for respondents present.

It was due to pandemic of Covid-19, the two consecutive adjournment was made in the instant appeal, therefore, in the circumstances, we deem it appropriate to inform the appellant afresh by issuing of a notice. The record also reveals that Member Copy has not been furnished by the appellant. The respective clerk of counsel for the appellant is present at the moment is directed to ensure the supply of the copies of all the documents of the Hon'able Member of this Tribunal till then the case is adjourned to 17.11.2020 for arguments before D.B at

Camp Court Abbottabad



(Mian Muhammad)
Member(E)




(Muhammad Jamal)
Member
Camp Court A/Abad

19.11.2019

Clerk to counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Hamid Mansoor, Assistant for respondents present. Clerk to counsel for the appellant seeks adjournment as his counsel is indisposed. Appellant is directed to submit member copy of the instant appeal. Adjourn. To come up for arguments on 23.01.2020 before D.B at Camp Court, Abbottabad.

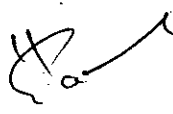

Member


Member
Camp Court Abbottabad

23.01.2020

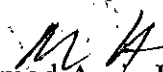
Clerk to counsel for the appellant present. Mr. Ziaullah, DDA for the respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings on 20.02.2020 before D.B at camp court Abbottabad.


Member


Member
Camp Court A/Abad


23.05.2019

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 11.07.2019 for written reply/comments before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

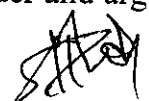
11.07.2019


Counsel for the appellant and Mr. Faheem Anwar, ADO alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Representative of the department submitted written reply on behalf of respondents No. 1 to.3. Case to come up for rejoinder and arguments on 17.09.2019 before D.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.09.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Muhammad Touseef, ADO for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 19.11.2019 for rejoinder and arguments before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

19.03.2019

Counsel for the appellant Hakam Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Primary School Teacher in the year 1994. He was dismissed from service in the year 1997. The appellant was again appointed/reinstated in service on the direction of worthy High Court vide order dated 23.04.1998 however, after three months, the respondent-department again dismissed the appellant on 26.07.1998 without any reason. It was further contended that later on Government ^{*enforced*} imposed Sacked Employees Act, 2012 wherein it was mentioned that the Sacked Employees will be appointed on 25% quota however, the respondent-department appointed the appellant in the year 2018. The appellant filed departmental appeal but the same was not responded hence, the present service appeal. It was further contended that as it was mentioned in the Sacked Employees Act, 2012 that the sacked employees will be appointed on 25% quota in pursuance of Sacked Employees Act, 2012 therefore, the respondent-department was required to appoint the appellant just after Sacked Employees Act, 2012 but he was appointed in the year 2018 which has affect his seniority.

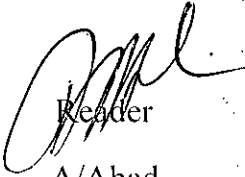
The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 23.05.2019 before S.B at Camp Court Abbottabad.

AS
Appellant Deposited
Security & Process Fee

MA
(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

16.11.2018

Appellant in person present.. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 18.01.2019 at camp court Abbottabad.


Reader
A/Abad

18.01.2019 Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up preliminary hearing on 19.03.2019 before S.B at Camp Court Abbottabad.





Member
Camp Court A/Abad

Form -A

FORM OF ORDER SHEET

Court of _____

Case No. 912/2018

S.No.	Date of Order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>18/07/2018</p> <p>27-7-2018</p> <p>19.09.2018</p>	<p>The appeal of Mr. Hakam Khan presented by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution register and put up to the Wrothy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>The case is entrusted to Touring S. Bench at Abbottabad for preliminary hearing to be put up there on <u>21-09-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Since 21st September, 2018 has been declared as public holiday on account of Moharram, therefore, case is adjourned to 15.11.2018 for preliminary hearing before the S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman Camp court, A/Abad</p>

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal. No 912 /2018

Hakam Khan S/o Gohar Rehman PST Government Primary School Arab Khan
Tehsil and District, Abbottabad.

...APPELLANT

VERSUS

Government of KPK through Secretary Elementary and Secondary Education,
Peshawar and Others.

...RESPONDENTS

Service Appeal

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1.	Service Appeal on behalf of Appellant along with Affidavit & Certificate	1-7	
2.	Copy of First Appointment & Termination letters	8-21	A& B
3.	Copy of Khyber Pakhtunkhuwa Sacked Employment Act, 2012	22-27	C
4.	Copy of Writ Petition 731-A/2016	28-39	D
5.	Copy of the Judgment of the Honourable PHC Abbottabad bench Court	40-47	E
6.	Copy of Appointment letter	48-50	F
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Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate High Court, Abbottabad

Dated: 15/7 /2018

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal. No 912/A/2018

Hakam Khan S/o Gohar Rehman PST Government Primary School Arab
Khan Tehsil and District, Abbottabad.

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1177

Dated 18-7-2018

VERSUS

1. Government of KPK through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhuwa Peshawar
3. District Education Officer (Male) District Mansehra.

...Respondents

Filed to day
Registrar
8/7/18

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS RESTRAINED IN SERVICE WITH EFFECT FROM VIDE APPOINTMENT ORDER ENDST NO: 2829-74 DATED : 20-02-2018 UNDER KPK SACKED EMPLOYEES APPOINTMENT ACT 2012, AS WELL AS IN THE LIGHT OF JUDGEMENT OF PESHAWAR HIGH COURT BENCH ABBOTTABAD IN WRIT PETITION NO : 731-A/16 THE APPELLANT WAS TO

BE REINSTATED IN SERVICE I.E. HIS DATE
TERMINATION FROM SERVICE I.E. OR FROM THE
DATE OF PROMULGATION OF THE ACT, 2012 WITH
ALL SERVICE BACK BENEFITS, BUT RESPONDENT
NO.3 APPOINTED REINSTATED THE APPELLANT IN
SERVICE i.e. 20-02-2018 I.E. WHICH IS
DISCRIMINATORY, PERVERSE AGAINST THE LAW.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE
APPEAL RESPONDENTS MAY GRACIOUSLY BE
DIRECTED TO GRANT BACK BENEFITS TO THE
APPELLANT I.E. THE DATE OF TERMINATION OR
W.E.F THE DATE OF PROMULGATION OF SACKED
EMPLOYEES APPOINTMENT ACT, 2012 WITH ALL
SERVICE BACK BENEFITS ANY OTHER RELIEF WHICH
THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE
IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE
GRANTED TO THE APPELLANT.

Respectfully Sheweth,

Brief Facts of the case are as under:-

1. That the appellant was appointed as PST vide
endorsement. No 2485-2626 year 1994 and was

terminated vide endorsement no 2017/367 on Dated 13-02-1997 from service. Copies of first appointment and Termination Letter are attached as **Annexure "A" & "B"**.

2. That Govt of Khyber Pakhtunkhuwa announced KPK sacked Employees Appointment act, 2012 wherein all the sacked employees who were appointed in the year 1993-1996 and terminated from 1997-1998. Copy of Khyber Pakhtunkhuwa Sacked Employment Act, 2012 is attached **Annexure "C"**.
3. That the respondent NO 3 did not appoint the petitioner as per KPK Sacked Employees act, 2012 in time. Hence, the Appellant filed writ petition No 731-A/16 before Honourable High Court, Bench Abbottabad for his appointment under the said Act. Copy of Writ petition is attached as **Annexure "D"**.
4. That the Appellant filed Writ petition in Honourable Peshawar High Court Abbottabad bench titled Muhammad Saeed & others Vs. Govt Of KPK & others W.P number 731-A/16. The honourable court passed the judgment on Dated 24-05-2016. Copy of the Judgment of the Honourable court is attached as **Annexure E**.

5. That the Appellant has been appointed /reinstated in service appointment order dated 20-02-2018. Copy of appointment order is attached as **Annexure "F"**.
6. That the respondent No 3 was supposed to issue appointment of the appellant i.e. the year of promulgation of KPK sacked Employees Act 2012 against 30% served quota.
7. That hence, feeling aggrieved the appellant filed departmental appeal to the next higher authority but no reply has so far been made. Therefore the instant service appeal is filed inter-alia on the following grounds. Copy of Departmental appeal is attached as **Annexure "G"**.

Grounds:

- a) That respondent NO.3 was supposed to appoint the Appellant under KPK Sacked Employees Appointment Act 2012, from the date of its as promulgation but respondent No.3 finally issued appointment order of the appellant on dated 20-02-2018 i.e. which is against the law and discriminatory. Hence the appellant is entitled to have all service back benefits as has been granted by the Federal Govt, in the year, 2010.

- b) That respondent NO.3 appointed some similar employees who are juniors in age from the appellant and they have been appointed whereas the appellant has not been appointed/reinstated in service on the principle of equality.
- c) That District Education Officer under the control of respondents No.1 & 2 issued appointment orders of similar employees in other districts under the said Act in the year 2013. Copies of similar employees who were appointed in other districts are attached as **Annexure "H"**.
- d) That the Appellant is to be given all service back benefits i.e salary w.e.f the date of termination and period of service i.e. 03/02/1997 to 20-02-2018 is too counted towards length of qualifying service for pension.
- e) That respondent department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice. The Appellant is to be treated at par with other employees under the control of respondents.
- f) That when law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise.

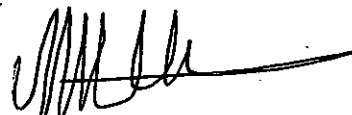
- g) That there is no other efficacious and adequate remedy available to the appellant, except the present appeal.
- h) That other points shall be raised before the Honourable Tribunal at the time of arguments.

Prayer:

On acceptant of the instant service appeal respondents may graciously be directed to reinstate the appellant i.e. the date of his termination i.e. the date of promulgation of sacked employees appointment act, 2012 with all service back benefits any other relief which this honourable tribunal deems appropriate may also be granted to the appellant.

...APPELLANT

Through




MUHAMMAD ARSHAD KHAN TANOLI
(Advocate High Court , Abbottabad)

Dated: 15/7 /2018

VERIFICATION :-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this honourable Court.



Appellant

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHUWA , PESHWAR**

Service Appeal. No. _____/2018

Hakam Khan S/o Gohar Rehman PST Government Primary School Arab Khan
Tehsil and District, Abbottabad.

...APPELLANT

VERSUS

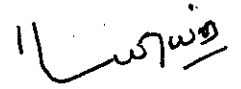
Govt. of Khyber Pakhtunkhuwa, Through Secretary Elementary & Secondary
Education, Peshawar and others.

...RESPONDENT

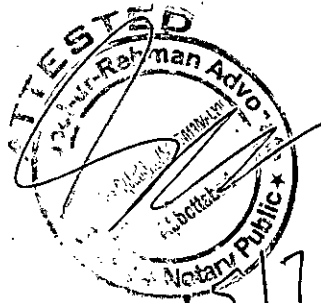
SERVICE APPEAL

AFFIDAVIT

Hakam Khan S/o Gohar Rehman PST Government Primary School Arab Khan
Tehsil and District, Abbottabad, do hereby solemnly affirm and declare that the
contents of foregoing appeal are true and correct to the best of my knowledge and
belief and nothing has been concealed therein from this Honourable Court.



DEPONENT



Annex-A

OFFICE ORDER NO. _____

DATED _____/1994.

APPOINTMENT

P.8

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

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

Next page/2

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

56-	Munawar s/o Masood.	Lassan Nawab	GPS Tarmang	A.V.Post
57-	Ghulam Abbas s/o Abdus Sattar.	Dehgri	Mos:Batangi	-do-
58-	Muhammad Azam s/o Khawaj Muhammad.	Khalian Arian	GPS Karka	-do-
59-	Anwar Zeb s/o Sikandar Khan.	Sharotta	GPS Hallah	-do-
60-	Akram s/o Suleman.	Sharotta	GPS Mera Khairoo	-do-
61-	Nazir Muhammad s/o Sher Muhammad.	Phuldhar	Mos:Nalbori	-do-
62-	Chiria Khan s/o Abdur Rehman, Jhangi		GPS Sinjliyala	-do-
63-	Muhammad Tariq s/o Pervez.	Sokal	GPS Shanaya Pain	-do-
64-	Dost Muhammad s/o Mir Muhammad Khair Abad		Mos:Dolarian	-do-
65-	Jehangir s/o Fazal Karim.	Hal Kaloo	GPS Hariyala	-do-
66-	Manzoor Ahmad s/o Maqboolur Rehman.	Chandoor	GPS Chandoor	-do-
67-	Lal Khan s/o Sher Muhammad.	Jhanda		-do-
68-	Sultan s/o Rehmatullah.	Nara Doga	Mos:Gora	-do-
69-	Dure Aman s/o Wazir Muhammad	Sharotta	Mos:Kanari	-do-
70-	Muhammad Akram s/o Sher Muhammad			
70-	Salar Khan s/o Abdul Akbar.	Karrori	GPS Akhun Bandi	-do-
71-	Iftikhar Ahmad s/o Ali Zaman	Shakokti	GPS Karkar	-do-
72-	Muberek S/o Haider Zaman	Pakoona	GPS Matserian	-do-
73-	Sabir s/o Muhammad Yaqoob	Pakoona	GPS Ghazi Kot	-do-
74-	Dildar s/o Faqir Muhammad	Mohar	Mos:Goran Muhammad Arshad Khan Tana Advocate High Court	-do-
75-	Rafiq s/o Sikandar	Bandian	GPS Bani Office No. 13 Kheh...	-do-
76-0	Shakil Ahmad s/o Ayub.	Khalwal	Mos:Kotla Darwaza	-do-
77-	Siddique s/o Farid	Jhend	Mos:Gud	-do-
78-	Khurshid s/o Faqir Muhammad	Chitti Moori	GPS Chontra	-do-
79-	Muhammad Ferooq s/o Kale Khan	Kajla	GPS Kajla	-do-
80-	Nazar Hussain s/o Ghulam Haider.	Nikka Pani	Mos:Gali Tendki	-do-
81-	Sarwar s/o Abdul Nabi.	Thanda	GPS Chaniyal	-do-
82-	Muhammad Hanif s/o Ghulam Sarwar.	Sokal	GPS Mera Khairoo	-do-
83-	Nazir Ahmad s/o Ghulam Sarwar	Battal Pain	Mos:Khajambar	-do-
84-	Ali Munsaf s/o Ali Zaman.	Doga	GPS Bradarh	-do-
85-	Sarfraz s/o Ali Zaman.	Jhengi	GPS Thathi Kalan	-do-
86-	Iqbal s/o Yaqoob.	Lari	Mos Shanaya Pain	-do-
87-	Muhammad Afzal s/o Ayub	Tangarh	Mos: Kharan	-do-
88-	Hakim Khan s/o Gohar Rehman	Khaliala	GPS Mera Khairoo	-do-
89-	Zaman Shah s/o Gulab Shah	Shergarh	GPS Seri Goria	-do-
90-	Saleem s/o Samandur	Shanaya	Mos:Bradar	-do-
91-	Munibur Rehman s/o Muhammad Zaman.	Kandar	GPS Kandar	-do-
92-	Sajid s/o Habibur Rehman	Phulra	GPS Kajla	-do-
93-	Muhammad Haroon s/o Ali Zaman	Bai Buhal		
93-	Muhammad Haroon s/o Ali Zaman	Bai Buhal	GPS Bat Doga	-do-
94-	Muhammad Javed s/o Aurangzeb	Jhanda	GPS Gali Badral	-do-
95-	Muhammad Ismail s/o Muhammad Zaman.	Gorha	GPS Theri	-do-
96-	Muhammad Riaz s/o Rafiullah.	Bandi Mera	Mos:Khamian	-do-

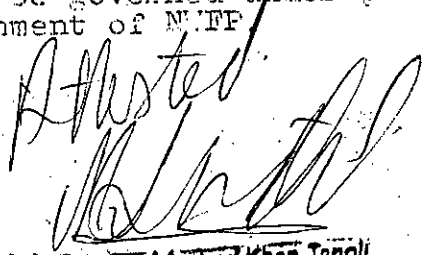
97-	Naveed Shah s/o Muazam Shah Shah Kot.	GPS Dham Nalla	A.V.Po
98-	Muhammad Nazir s/o Muhammad Assem Assem Nika Pani	GPS Neel Betla	-do-
99-	Muhammad Azam s/o Sher Muhammad Bandian	GPS Nara Doga	-do-
100-	Abid Hussain s/o Abdur Rehman Pakoona	GPS Chaniyal	-do-
101-	Muhammad Asif s/o Wali Jan Munda Gucha	GPS Chilyani	-do-
102-	Mahid Ahmad s/o Ghulam Nabi Jaboori	GPS Sundi	-do-
103-	Muhammad Naeem s/o Attai Khan Phalai	GPS Neelban	-do-
104-	Muhammad Naveed s/o Muhammad Ayub. Sucha Kalan	GPS Bahadra	-do-
105-	Muhammad Shakil s/o Muhammad Mussa Sucha Kalan	GPS Said Abad	-do-
106-	Ghulam Hassan s/o Muhammad Ishaq XXX Nalla Jabbar	GPS Nalla Jabbar	-do-
107-	Muhammad Khalid s/o Azizur Rehman. Munda Gocha	GPS Munda Gocha	-do-
108-	Gul Dad s/o Mughal Dad Punjool	GPS Sukian	-do-
109-	Muhammad Aslam s/o Muhammad Alam Gali Jabbar	GPS Jabbar	-do-
110-	Ghulam Nabi s/o Arsala Khan Keeri Bala	GPS Sattan Gali	-do-
111-	Akhtar Nawaz s/o Haq Nawaz Khan. Sucha Kalan	GPS Kodar	-do-
112-	Gul Niaz s/o Sarfaraz Khan Buz Bela	GPS Banda Gee Sach	-do-
113-	Ghulam Nabbi s/o Qadai. Chotta Bala	GPS Mohri	-do-
114-	Javed Iqbal s/o Ahmad Jee. Punjool	GPS Mohri	-do-
115-	Ashiq Hussain Shah s/o Mumtaz Ali Shah. Bai Bala	GPS Thatta	-do-
116-	Sajid Hussain Shah s/o Hayat Shah Got Chhattar	GPS Dheri Nambardar	-do-
117-	Muhammad Fayez s/o Abdul Wahab. Wilkot	GPS Deri Haleem	-do-
118-	Javed Hussain Shah s/o Nawab Said Shah. Machi Mang Tanoli	GPS Deri Nambardaran	-do-
119-	Zulficar Ali Shah s/o Qadiq Shah. Bai Bala	GPS Shangreta	-do-
120-	Abdul Ghaffar Ali Shah s/o Pir Bad Shah	GPS Chinar Kot.	-do-
121-	Ijaz Hussain Shah s/o Shah Said Shah. Bhumla Chhattar	GPS Khotri	-do-
122-	Qaisar Rauf s/o Abdur Rauf Khan. Gucha Kalan	GPS Keeri Nawaz Abad.	-do-
123-	Dahshat Khan s/o Haji Farid Khan. Shar Kool	GPS Deri Haleem	-do-
124-	Muhammad Saeed s/o Miskeen Karan	GPS Mat Serian	-do-
125-	Abdur Razag s/o Mir Hussain Makan Gali	XXX GPS Dokal	-do-
126-	Muhammad Ijaz s/o Omar Zaman Dhanaka	Mos; Pagora	-do-
126A	Muhammad Aslam s/o Omar Zaman Gundan	GPS Battian	-do-
127-	Abdus Sattar s/o Abdur Rehman Dhaman	GPS Chatta	-do-
128-	Muhammad Yousef s/o Aurangzeb Seri Gali	GPS Shanaya	-do-
129-	Fariddud Din s/o Abdul Hai Mat Seri	GPS Jiggi	-do-


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129-A	Sidique s/o Haider Zaman	Purni	GPS Hariyala	A.V.Post.
130-	Azmet Ayub S/o Muhammad Ayub.	Naryala	GPS Chameyari	A.V.Post Ghazi Kot.
131-	Said Bad Shah s/o Mudassar Shah.	Sarori K.D.		K.D.
132-	Muhammad Mustafa s/o Yasin Khan.	Judba		K.D.
133-	Abdul Bashir s/o Gulraiz.	Uthlair		K.D.
134	Fanoos Shah s/o Syed Azeem Shah xxx	Rongaly		K.D.
135-	Syed Wahab s/o Muhammad Mustaffa.	Jatka		K.D.
136-	Pir Mukamil Shah s/o Pir Ahmad Shah.	Jatka		K.D.
137-	Iiaqat Ali s/o Sher Muhammad Khan	Chinkiyari		K.D.
138-	Safdar Zaman s/o Shah Izat Khan.	Deri Waka Khel		K.D.

TERMS AND CONDITIONS

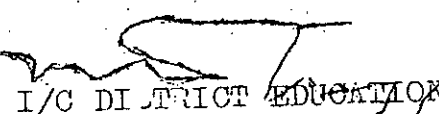
1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and and Professional certificates/documents. Their original Academic and Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 19 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn untill they produce age and Health certificate from Medical Superintendent DHO Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of NWFP.

Attested



(MUHAMMAD ICHU)
I/C DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MANSEHRA.

Endstt: No. 2480 ~~Shahad Ahmad Khan Tanoli~~ Advocate High Court Vol-III/94 Dated Mansehra the ___/94.

- Copy for the following Adjacent:
- 1- Secretary to Government of NWFP, Education Deptt; Peshawar.
 - 2- Director, Primary Education, NWFP (Hayatabad) Peshawar.
 - 3- District Accounts Officer Mansehra.
 - 4- Sub Divisional Education Officer (Male) Mansehra.
 - 5-143- All the candidates concerned.
 - 144- Superintendent local Office.


I/C DISTRICT EDUCATION OFFICER
~~(MALE) PRIMARY MANSEHRA~~
(MALE) PRIMARY MANSEHRA.

App. No. 188

22/11/94

Encl. NO. 2485-2626

22-11-94

Annex - B

P-13

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA

NO. S
Dated February 13, 1997

OFFICE ORDER

On perusal of the relevant record, the appointments of the following Primary Teachers have been found illegal ab initio and against the prescribed rules. Their services are, therefore hereby dispensed with with immediate effect.

S. No.	Name & Father's Name	Residence	Place where Appointed
1	Fakhr-ud-Din S/O Ghulam Moinud Din	Numbal	GPS Numbal
2	Muhammad Khalid S/O Abdul Gayum	Laasan Nawab	Msq. Khalyala
3	Sheikh Amjid S/O Sheikh Taj Muhammad	Shakooki	GPS Bat Doga
4	Muhammad Sajjad S/O Ali Akbar	Trakar Mera	Msq. Poidara
5	Zulfiqar S/O Fazal-ur-Rehman	Shergarh	GPS Seri Goria
6	Sarfraz S/O Muhammad Jan	Moorat Mera	Msq. Hathra
7	Khalid S/O Sher Muhammad	Shakooki	GPS Numbal
8	Saim Ahmad S/O Muhammad Zaman	Naryala	Msq. Loharbanda
9	Muhammad Aslam S/O Fazal Rehman	Chansair	GPS Seri Goria
10	Haider Zaman S/O Muhammad Suleman	Karori	GPS Beerian
11	Amjad Hussain S/O Anwar Shah	Dhaman Dheri	GPS Batdoga

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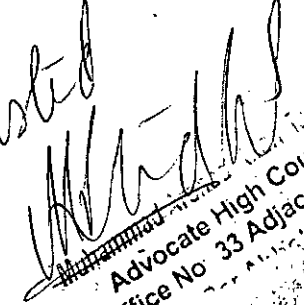
Sgt.

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Attested

Muhammad Anshad Khan Janoli
 Advocate High Court
 Office No. 33 Adjacent to
 District Court, Abbottabad

823/12	Muhammad Aslam S/O Fazal Zaman	Gali Badral	GPS Daroo
824	Muhammad Parvaiz S/O Muhammad Akbar	Kala Mera	Msq: Singeliyala
14	Muhammad Bushraf S/O Sheer Muhammad	Pandorhi	Msq: Khamari
825	Muhammad Arfan S/O Muhammad Zaman	Gali Badral	GPS Lubar
76	Muhammad Sajed S/O Muhammad Ayub	Shakooki	GPS Sijal Bandi
827	Muhammad Younis S/O Fazal ur Rehman	Mando	Msq: Tunimar
828	Muhammad Riaz S/O Kala Mera	Hari Doga	GPS Chamial
829	Muhammad Tariq S/O Fazal Rehman	Chansair	GPS Sunj
830	Muhammad Haroon S/O Chattan Haider	Moorat Mora	GPS Sunj
831	Lal Khan S/O Fazal ur Rehman	Tarmang	GPS Tarmang
832	Abdul Sadar S/O Harroof	Kalas	GPS Seri Gali
833	Riaz Ali Shah S/O Fazal ur Rehman	Darband	Msq: Chakli Miangan
834	Muhammad Ishaq S/O Ghulam Qadar	Makan Glai	GPS Chatta
835	Attab Ahmad S/O Abdul Jalil	Hari Doga	GPS Chatta
836	Abdul Malik S/O Rehmatullah	Chansair	GPS Bai
837	Muhammad Shameer S/O Qamar Zaman	Jasgran	GPS Sokal
838	Nabeem Anwar S/O Muhammad Anwar	Shangli	GPS Neel Batia
839	Muhammad Haroon S/O Khatul ur Rehman	Kutaira	GPS Neel Batia

Attested

 Advocate High Court
 Office No 33 Adjacent to
 District Court

P-15

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Abul Husain Shah S/O
Husain Shah

Shakeel S/O
Maula Babar

Rashid Manan S/O
Abdul Manan

Taj Muhammad S/O
Sher Dil

Shukaili Ali S/O
Gohar Rehman

Abdur Rashid S/O
Abdul Kalliq

Javed S/O
Fazal-ur-Rehman

Muhammad Arshid S/O
Sher Muhammad

Muhammad Fayaz S/O
Riaz Muhammad

Muhammad Arif S/O
Wali Muhammad

Muhammad Gulab S/O
Sikandar Khan

Abdus Sadiq S/O
Behram

Muhammad Ali S/O
Taj Muhammad

Rasool Kausar S/O
Ghulam Sarwar

Muhammad Humayun S/O
Habib-ur-Rehman

Muhammad Parvez S/O
Muhammad Zaman

Zulfiqar S/O
Ghulam Sarwar

Temail Bandi

Sokal

Lassan Nawab

Chakli

Darband

Jand Seri

Shayotta

Sahaki

Banqi Mera

Rooria

Rarra

Kalag

Taqia Shahmiskeen

Lassan Nawab

Bandian

Tharmang

Darband

GPS Nawan Sher

GPS Sokal

GPS Sokal

GPS Namshera

GPS Namshera

GPS Namshera

GPS Khudian

GPS Khudian

GPS Garwal

Msq: Parkhain

Msq: Jorian

GPS Minjehani

GPS Dham Nalla

GPS Hallan

GPS Matserian

GPS Miana Gali

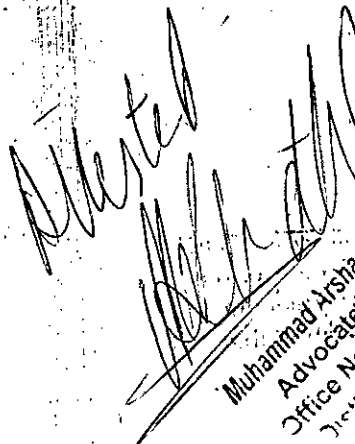
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Attested
Muhammad Arshad Khan Tanoli

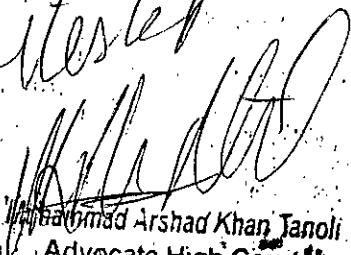
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Dist. Bar Abbottabad

	Salim ur Rehman S/O Jamil ur Rehman	Gali Badra	GPS Chuntran
48.	Muhammad Saad S/O Muhammad Jorail	Kalas	Msq: Mohar Khurd
49.	Muhammad Eshkhar S/O Khan Zaman	Roria	GPS Miana Gali
50.	Eshkhar S/O Ghulam Haider	Gojra	GPS Kahawa
51.	Fida Hussain S/O Aziz Muhammad	Chor Bandi	GPS Mad Serian
52.	Ghulam Mustafa S/O Hafizullah	Chamial	GPS Nikka Pant
53.	Zulficar S/O Duri Aman	Sinjliyal	Msq: Doga
54.	Muhammad Bashir S/O Abdul Akbar	Machral	Msq: Hari Doga
55.	Sher Muhammad S/O Taj Muhammad	Fateh Bandi	Msq: Kaloo Basthi
56.	Shah Peroz S/O Perozos	Jaman Moori	Msq: Thakka Pain
57.	Munawar S/O Masood	Lassan nawab	GPS Tarmang
58.	Ghulam Abbas S/O Abdus Satar	Dehri	Msq: Batangi
59.	Muhammad Azam S/O Khawaj Muhammad	Khazian Arian	GPS Karka
60.	Anwar Zeb S/O Sikandar Khan	Sharotta	GPS Hallah
61.	Akram S/O Suleman	Sharotta	GPS Mera Khairoo
62.	Nazir Muhammad S/O Sher Muhammad	Phudhar	Msq: Nalbori
63.	Chiria Khan S/O Abdur Rehman	Jhangi	GPS Sinjliyal
151.	Muhammad Tariq S/O Parvez	Sokal	GPS Shanaya paysen

Contd: Page No. 5


 Muhammad Arshad Khan Tano
 Advocate High Court
 Office No: 33 Adjacent to
 District Court Hall, Faisalabad

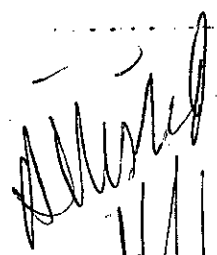
65.	Dost Muhammad S/O Ali Muhammad	Khair Abad	Msq: Dolarian
366.	Jehangir S/O Fazal Karim	Hal Kaloo	GPS Hariyala
367.	Mansoor Ahmad S/O Naqbool-ur-Rehman	Chandoor	Msq: Chandoor
368.	Lai Khan S/O Sher Muhammad	Jhanda	Msq: Chandoor
369.	Sultan S/O Bahmatullah	Nara Doga	GPS Gora
370.	Durr Aman S/O Badr Muhammad	Sharotta	Msq: Kamar
371.	Salar Khan S/O Abdul Abbas	Karrori	GPS Akhun Bandi
372.	Hekhar Ahmad S/O Ali Zaman	Shakokki	GPS Kandal
373.	Mubarak S/O Haider Zaman	Pakoon	GPS Maserian
474.	Sabir S/O Muhammad Yaqoob	Pakoon	GPS Ghazi Kot
475.	Uddar S/O Faqir Muhammad	Mohar	Msq: Belani
476.	Rafique S/O Sikandar	Bandian	GPS Bandi Khan Khel
477.	Shakeel Ahmad S/O Ayub	Khalwal	Msq: Kotla darwaza
478.	Sadique S/O Farid	Jahand	Msq: Gud
479.	Khurshid S/O Faqir Muhammad	Chitti Moori	GPS Chontra
480.	Muhammad Farooq S/O Kala Khan	Kajla	GPS Kajla
481.	Dazar Hussain S/O Chitran Haider	Nikka Pani	Msq: Gali Jandki
482.	Sarwar S/O Abdul Nabi	Jhanda	GPS Chaniyal

Witnessed


Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No: 33 Adjacent to
 Court Bar Abbottabad

4373.	Muhammad Hanif S/O Ghulam Sarwar	Sokal	Mera Khairoo
4384.	Rasul Ahmad S/O Ghulam Sarwar	Batal Pain	Msq: Khajambar
4385.	Ali Hussain S/O Ali Zaman	Doga	GPS Bradarh
4386.	Sarifuzz S/O Alizaman	Jangi	GPS Thathi Kalan
4387.	Iqbal S/O Yaqoob	Larri	Msq: Shanaya Pain
4388.	Muhammad Atzal S/O Ayub	Tangarh	Msq: Kharan
4389.	Hakim Khan S/O Gohar Rehman	Khaliala	GPS Mera Khairoo
4390.	Zaman Shah S/O Ghulam Shah	Shergarh	GPS Seri Gorla
4391.	Saleem S/O Samaridur	Shanaya	Msq: Bradarh
4392.	Muhammad Rehman S/O Muhammad Zaman	Kandar	GPS Kandar
4393.	Saleem S/O Hussain Rehman	Phulra	GPS Kajla
4394.	Muhammad Haroon S/O Ali Zaman	Bai Dihal	GPS Batdoga
4395.	Muhammad Jazaid S/O Ghulam Zeb	Jhanda	GPS Gali Badral
4396.	Muhammad Ismail S/O Muhammad Zaman	Gorha	GPS Theri
4397.	Muhammad Riaz S/O Rafiqullah	Bandi Mera	Msq: Khamian
4398.	Muhammad Shah S/O Ghulam Shah	Shah Kot	GPS Dam Nulla
4399.	Muhammad Nazir S/O Muhammad Aslam	Nikka Pani	GPS Neel Batia
4400.	Muhammad Azam S/O Shah Muhammad	Bandian	GPS Nara Doga

Shahid


 Muhammad Arshad Khan
 Advocate High Court
 Office No. 33 Adjacent to
 31st Feb 2011

101. Abid Hussain S/O Abdur Rehman	Pakoona	GPS Chaniyal
102. Muhammad Asif S/O Kali Jan	Munda Gucha	GPS Chilyani
103. Bahib Ahmad S/O Ghulam Nabi	Jabori	GPS Sundi
104. Muhammad Raees S/O Abtal Khan	Phalai	GPS Neel Ban
105. Muhammad Haved S/O Muhammad Ayub	Sachan Kalan	GPS Bahadra
106. Muhammad Shakel S/O Muhammad Mussa	Sachan Kalan	GPS Said Abad
107. Ghulam Hassan S/O Muhammad Ishaq	Nalla Jabbar	GPS Nalla Jabbar
108. Muhammad Khalid Aziz ur Rehman	Munda Gocha	GPS Munda Gocha
109. Gul Daz S/O Mughal Dad	Punjool	GPS Sukian
110. Muhammad Aslam S/O Muhammad Alam	Gali Jabbar	GPS Jabbar
111. Ghulam Nabi S/O Arsala Khan	Keeri Bala	GPS Sattan Gali
112. Akhtar Nawaz S/O ✓ Haq Nawaz Khan	Sucha Kalan	GPS Kodar
113. Gul Niaz S/O ✓ Sarfaraz Khan	Buz Bala	GPS Banda Geesach
114. Ghulam Nabi S/O Qadai	Chotta Bala	GPS Mohri
115. Javed Iqbal S/O ✓ Ahmad Jee	Punjool	GPS Mohri
116. Ashiq Hussain Shah S/O Mumtaz Ali Shah	Bai Bala	GPS Thatta
117. Sajid Hussain Shah S/O Hayat Shah	Kot Chatter	GPS Dheri Nambardar

Attested
 Muhammad Arshad Khan Janoli
 Advocate High Court
 Office No 33 Adjacent to
 Dist Bar Abbottabad

- | | | |
|---|-----------------|-------------------------|
| 118. Muhammad Fayaz S/O Abdul Wahab | Hilkot | GPS Dheri Haleem |
| 119. Javed Hussain Shah S/O Nawab Saïd Shah | Lachi Mang' | GPS Dheri Nambardaran |
| 120. Zulfiqar Ali Shah S/O Saïd Shah | Bai Bala | GPS Shangreta |
| 121. Abdul Ghaffar Ali Shah S/O Pir Badshah | Saloonã | GPS Chinarkot |
| 122. Ijaz Hussain Shah S/O Shah Saïd Shah | Bhumla Chhattar | GPS Khotri |
| 123. Qaisar Rauf S/O Abdur Rauf Khan | Sachan Kalan | GPS Keeri Nawazabad |
| 124. Bahshat Khan S/O Hajj Farid Khan | Sharkool | GPS Dheri Haleem |
| 125. Muhammad Saïd S/O Miskeen | Karan | GPS Matserian |
| 126. Abdur Razaq S/O Mir Hussain | Makan Gali | GPS Dokal |
| 127. Muhammad Ijaz S/O Omar Zaman | Dhanaka | Msq: Pagora |
| 128. Muhammad Aslam S/O Omar Zaman | Gundan | GPS Battian |
| 129. Abdus Sattar S/O Abdur Rehman | Dhaman | GPS Chatta |
| 130. Muhammad Yousaf S/O Aurang Zeb | Sari Gali | GPS Shanaya |
| 131. Farid-ud-Din S/O Abdul Hai | Matseri | GPS Jiggi |
| 132. Sadique S/O Haider Zaman | Purni | GPS Hariyala |
| 133. Azmat Ayub S/O Muhammad Ayub | Naryala | GPS Chameyari Ghazi Kot |
| 134. Saïd Badshah S/O Nudassar Shah | Sarori (K.D) | Msq: Cheer |

Attested
 Muhammad Atshad Khan
 Advocate High Court
 Office No 33 Adjacent

Resumed

Page No. 9

- 135. Muhammad Mustafa S/O Yasin Khan Judda Msd: Kalala
- 136. Abdul Bashir S/O Gul Raiz Uthair Msd: Mohri Danna
- 137. Fanoos Shah S/O Syed Azeem Shah Rongaly Msd: Soormai Mada Khail
- 138. Syed Wahab S/O Muhammad Mustafa Jatka Msd: Laka Tiga
- 139. Pir Muzam Shah S/O Pir Ahmad Shah Jatka Msd: Tara Mada Khail
- 140. Liaqat Ali S/O Shor Muhammad Khan Shinkari Msd: Jhangri
- 141. Sardar Zamani S/O Shah Izat Khan Deri Kaka Khail Msd: Markharain

135-141

(HAQ NAWAZ KHAN)
 DISTRICT EDUCATION OFFICER
 (MALE) PRIMARY MANSEHRA

Endst: No. 217-367 / Dated Mansehra the February 13, 1997

Copy forwarded to the :-

1. P.S to Secretary to Government of N.W.F.P Education Department Peshawar.
2. P.A to Director Primary Education N.W.F.P Peshawar.
3. District Accounts Officer Mansehra.
4. Sub-Divisional Education Officer (Male) Mansehra.
- 5-10. ASDEO Circle, Pulra, Shergarh, Oghi, Batta, Jabori & Kala Dhaka.
- 11-15. All concerned.

Khalid Nadeem
 G.M.S. Bar
 Salaya Mar

(Signature)
 DISTRICT EDUCATION OFFICER
 (MALE) PRIMARY MANSEHRA

Attested
 Muhammad Arshad Khan Janoll
 Advocate High Court
 Office No. 33 Adjacent to
 Dist. Bar Abbottabad



THE UNIVERSITY OF CHICAGO
LIBRARY

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Annex-C

P-14'

P-20

P-22

KHYBER PAKHTUNKHWA
PUBLISHED BY AUTHORITY
PESHAWAR, THURSDAY, 20TH SEPTEMBER 2012
PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6077. The Khyber Pakhtunkhwa Sacked Employees (Appointment) Bills, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 10th September 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th September, 2012 is hereby published as an Act of the Provincial legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES
(APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

(First Published after having received the assent of the Governor of the
(Khyber Pakhtunkhwa in the Gazettes of the Khyber Pakhtunkhwa
(Extraordinary), dated the 20th September, 2012).

AN

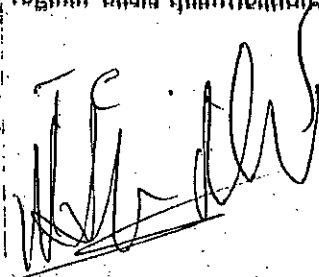
ACT

To provide relief to those sacked employees in the Government service who
was dismissed moved or terminated from service by appointing them into
the Government service.

WHEREAS it is expedient to provide relief to those sacked employees
who were appointed on regular basis to a civil post in the Province of the
Khyber Pakhtunkhwa and who possessed the regular basis qualification and

C.T.C

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
C.T.C

C.T.C


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experience required for the said post. During the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive), and were dismissed removed, or terminated from service during the period from 1st November, 1996 to 31st day of December, 1998 on various grounds;

WHEREAS the Federal Government has also gives relief to the sacked employees by enactment;

Khyber Pakhtunkhwa Government Gazette, Extraordinary, 20th September, 2012.

AND WHERE AS the Government of Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest.

It is hereby enacted as follows:

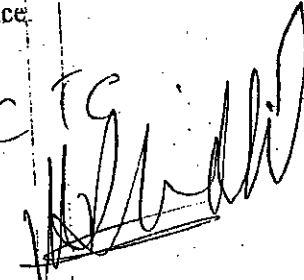
1. Short the extent and commencement (1) This Act may be called the Khyber Pakhtunkhwa Sacked, Employees (Appointment) Act, 2012.
2. It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).
3. It shall come into force at once.

DEFINITIONS: In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say.

- a. Civil post means a post created by the Finance Department of Government for the members of civil service of the Province.

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Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Bar Association

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P-10

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- b. Department in case the Department and the attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District offices working there under.
- c. Government means the Government of the Khyber Pakhtunkhwa.
- d. Prescribed means prescribed by rules.
- e. Province means the Province of the Khyber Pakhtunkhwa.
- f. Rules means the rules made under this act. And
- g. Sacked employee means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time. During the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed removed or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on the ground of irregular appointments.

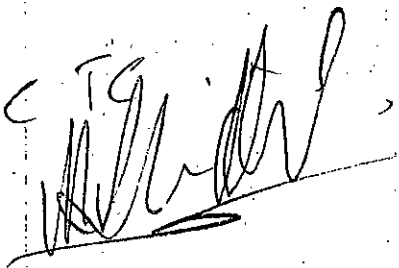
Appointment of sacked employees. Not with standing contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7 may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal removal and termination from service.

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and

C.T.C

Muhammad Arshad Khan (sno.)
Advocate High Court
Office No 33 Adjacent to
Distt. Court Peshawar

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verification of their character antecedents to the satisfaction of the concerned competent authority.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE,
EXTRAORDINARY, 20TH SEPTEMBER 2012.

4. **Me relaxation:-** The period during which a sacked employee remained dismissed removed or terminated from service till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.
5. **SACKED EMPLOYEES SHALL NOT BE ENTITLED TO CLAIM SENIORITY AND OTHER BACK BENEFITS:** A sacked employee appointed under section 3, shall not be entitled to any claim of seniority promotion or other back benefits and his appointment shall be considered as fresh appointment
6. **PREFERENCE ON THE BASIS OF AGE:-** On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share preference shall be given to the sacked employee who is older in age.
7. **PROCEDURE FOR APPOINTMENT:-** A sacked employee may file an application to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:
Provided that no application for appointment received after the due date shall be entertained.


Muhammad Aslam Khan (Sd/-)
Advocate High Court
Office No. 33 Adjacent to
Distt. Court Abbottabad

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(2). The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3). If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the district Selection Committee, as the case may be to be constituted in the prescribed manner for appointment.

(4). The concerned Departmental Selection Committee or District Selection Committee as the case may be will determine the suitability or eligibility of the sacked employee.

(5). The sacked employee is available against thirty percent vacancy reserved irrespective cadre in a Department, then the post shall be filled through initial recruitment.

REMOVAL OF DIFFICULTIES:- Any difficulty arises in giving effect to any of the provisions Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

Provide that no such power shall be exercised after the expiry of one year from coming into force of this Act.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20TH SEPTEMBER 2012.

C. T. 4
Muhammad Ali
Judge
Office No. 33 Adjacent to
Distt. Btr Abottabad

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P-33

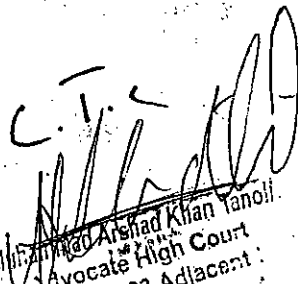
ACT TO OVERRIDE OTHER LAWS:- No by the standing any thing to the contrary contained in any other law or rules for the time being in force the prevision of this Act shall have overriding effect and the provisions of any other law or rules to the extent of in consistency of this Act, shall cease to have effect.

POWER TO MAKE RULES:- Government may make over for carrying out the purpose of this act.

BY ORDER OF MR SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
SECRETARY
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

C.T.K.

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

ANNEX - D

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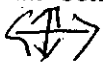
ABBOTTABAD BENCH
BEFORE THE PESHAWAR HIGH COURT

Writ Petition No. 131-A-2016

1. Muhammad Saad son of Miskin Shah PST, resident of Karan (P2) Mat Serian, Manshera.
2. Muhammad Arshad son of Malik Aman, PST, resident of Manshera.
3. Muhammad Fiaz son of Muhammad Zaman, PST, resident of Manshera.
4. Abdul Khannan son of Behram Khan, PST, resident of Manshera.
5. Tariq Mansar son of Abdul Mansar, CT, resident of Lashan Nawab, Manshera.
6. Rashid Mansar son of Abdul Mansar, PST, resident of Lashan Nawab, Tehsil and District Manshera.
7. Hakim Khan son of Gohar Rehman, PST, resident of Manshera.
8. Muhammad Ilyas son of Muhammad Nair, PST, resident of Lashan Nawab, Tehsil and District Manshera.
9. Sher Afzal son of Sher Muhammad, CT, resident of Manshera.
10. Syed Saqib Hussain Shah son of Hayat Shah, PST, resident of Manshera.
11. Muhammad Anwar son of Khani Zaman, PST, resident of Manshera.
12. Iftikhar Ahmed son of Mir Zaman, PST, resident of Manshera.
13. Samiullah son of Abdul Aziz, AT, resident of Manshera.
14. Khurshid son of Abdul Razzaq, PST, resident of Manshera.
15. Khurshid son of Abdul Rehman, PST, resident of Manshera.

Office No. 33 Abbottabad
Advocate High Court
Abbottabad

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Advocate High Court
Abbottabad

16. Muhammad Zaheer, PST, resident of Mansehra.
17. Khan Muhammad S/o Mehmood, PST, resident of Shakot, District Mansehra.
18. Tazeem Babar, PST, resident of Mansehra.
19. Kala son of Ali Zaman, PST, resident of Mansehra.
20. Shakeel Ahmed son of Ayub, PST, resident of Mansehra.
21. Muhammad Iqbal son of Aziz ur Rehman, PST resident of Mansehra.
22. Syed Amir Hussain Shah son of Syed Habib Ali Shah, PST, resident of Mansehra. 
23. Naheed Ahmed son of Ghulam Nabi, PST resident of Mansehra.
24. Muhammad Khalid son of Ameer Khan, PST, resident of Mansehra.
25. Hamayun son of Habib ur Rehman, PST, resident of Mansehra.
26. Zulfiqar Ahmed son of Ghulam Sarwar, PST, resident of Mansehra.
27. Sabir Ali son of Fida Muhammad, CT, resident of Mansehra.
28. Parvez son of Malik Noor Alam, PST, resident of Gar Darband, District Mansehra.
29. Muhammad Irfan son of Muhammad Zaman, PST, resident of Gali Badral, District Mansehra.
30. Muhammad Haroon son of Ghulam Haider, PST, resident of Mansehra.
31. Muhammad Naeem, TT, resident of Mansehra.
32. Sultan son of Rehmatullah, PST, resident of Mansehra.
33. Muhammad Irfan son of Muhammad Miskeen, PST, resident of Shanaya, District Mansehra.
34. Arshad son of Ali Zaman, PST, resident of Mansehra.
35. Sarshad son of Miskeen, PST, resident of Mansehra.

36. Muhammad Ghulab son of Abdul Rehman, PST, resident of Mansehra.
37. Muhammad Rafique son of Abdullah, PST, resident of Pathani Seri Tehsil and District Mensehra.
38. Muhammad Imran son of Badri Zaman, PST, resident of Village Seri Gorla, Tehsil and District Mansehra.
39. Muhammad Asif son of Wali Jan, PST, resident of Mansehra.
40. Muhammad Saddique son of Sher Bahadur, PST, resident of Mansehra.
41. Saliheen son of Hadayatullah, PST, resident of Mansehra.
42. Sajid Hussain son of Saieen, PST, resident of Mansehra.
43. Sher Dil son of M. Mahroof, PTC, village Chakal Tehsil and District Mansehra.
44. Mazhar Ali son of Khawaj Muhammad, PST.
45. Muhammad Ajmal son of Suleman, PST, resident of Chooian, Tehsil and District Mansehra.
46. Muhammad Ifran son of Ali Akhtar, PSt, resident of Mansehra.
47. Muhammad Aslam son of Muhammad Alam, PST, resident of Gali Jabbar, Tehsil and District Mansehra.
48. Muhammad Ejaz son of Taj Muhammad, PST, resident of Mansehra.
49. Muhammad Afzal son of Muhammad Ayub, PST, resident of Mansehra.
50. Parvez son of Malik Noor Alam, PST, resident of Tehsil and District Mansehra.
51. M. Zaheer son of Ali Akbar, PST, resident of Pakona, Tehsil and District Mansehra.
52. Abdul Sadiq, PST, resident of Mansehra.
53. Abdul Rasheed son of Abdul Wahab, PST, resident of Village Maira Hajam, Mansehra.

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[Signature]
Muhammad Arshad Khan Jangal
Advocate High Court
Office No 33 Adjacent to
Bottahad

- 54. Siraj Khan son of Abdul Hameed, PST, resident of Shinkiari, Tehsil and District Mansehra.
- 55. Malik Azhar Hafeez, CT, resident of District Mansehra.
- 56. Mukhtiar Ahmed son of Muhammad Yousof, CT, resident of Mansehra.
- 57. Nisar Ahmed son of Saïd Akbar, CT, resident of Ramkot, Mansehra.
- 58. Shahnawaz, S/o Khalil ur Rehman CT, GHS, resident of Darband Mansehra.
- ✓ 59. Hamayun son of Samundar Khan, DM, resident of Tehsil and District Mansehra. — Done
- 60. Fida Muhammad son of Muhammad Fareed, DM, resident of Mansehra.
- 61. Saleem Babar son of Abdul Qayyum, TT, resident of Mansehra.
- X 62. Muhammad Shafaaqat son of Muhammad Zareen, PST, resident of Bhalla, P.O Talhatta, Tehsil Balakot, District Mansehra.
- 63. Shah Zaman son of Faqir Muhammad PET, Village Paplian, P.O New Darband, Tehsil Oghi, District Mansehra.

...PETITIONERS

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Education (E&SE), Peshawar.
- 2. Director Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3. District Education Officer (Male), District Mansehra.

....RESPONDENTS

M. Arshad Khan

M. Arshad Khan
Muhammad Arshad Khan Jandali
Advocate High Court
Office No. 33 Adjacent to
Abbottabad

P-32

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, FOR DECLARATION TO THE EFFECT THAT THE PETITIONERS WERE APPOINTED AS PST, PET, CT AND DM TEACHERS IN 1993-95 AND THEIR SERVICES WERE TERMINATED IN 1997-98 BY THE RESPONDENTS. LATER ON, GOVT. OF KHYBER PAKHTUNKHWA, PROMULGATED KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012 ON 20TH SEPTEMBER, 2012, WHEREIN ALL THE SACKED EMPLOYEES WHO WERE TERMINATED DURING THE PERIOD W.E.F NOVEMBER 1996 TO 31ST DECEMBER 1998 ARE TO BE REINSTATED AGAINST 30% OF TOTAL POSTS, RESPONDENT NO. 3 HAS NOT APPOINTED/ REINSTATED TRAINED/ UNTRAINED TEACHERS WHICH IS DISCRIMINATORY, MALAFIDE, AGAINST EH ADVERTISEMENT POLICY IN VOGUE AT THE TIME OF APPOINTMENT, AS WELL AS AGAINST THE

Subscribed

[Signature]

Muhammad Arshad Khan Janoli
Advocate High Court
Office No 33 Adjacent to
D. J. Khan, Faisalabad

P-33

KHYBER , PAKHTUNKHWA SACKED
EMPLOYEES (APPOINTMENT) ACT, 2012.

PRAYER: ON ACCEPTANCE OF THE
INSTANT WRIT PETITION, RESPONDENTS
MAY GRACIOUSLY BE DIRECTED TO
APPOINT THE PETITIONERS AS PER
KHYBER PAKHTUNKHWA SACKED
EMPLOYEES (APPOINTMENT) ACT, 2012, AS
PST, PET, CT & DM TEACHERS AS WELL AS
ON THE ANALOGY OF SIMILAR TRAINED,
UNTRAINED EMPLOYEES WHO HAVE BEEN
APPOINTED UNDER THE CONTROL OF
RESPONDENTS NO. 1 & 2 IN OTHER
DISTRICTS WITH ALL BACK BENEFITS.

Respectfully Sheweth:-

Brief facts leading to the instant writ petition are arrayed
as under:-

1. That the petitioners were appointed as PST, PET,
CT & DM teachers in Education Department.
Copies of appointment orders are attached as
Annexure "A".

Attested
Muhammad Arshad
Muhammad Arshad
Advocate High Court
Office No 33 Adjacent to
Bhattabad

2. That as per policy in vogue at the time of appointment of the petitioners, qualification for appointment as PST, PET, CT & DM teachers were either trained or untrained.
3. That the petitioners were appointed as per rules, but they were illegally terminated from service in the year 1996-98.
4. That Govt. of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 on 20th September, 2012 for appointment of sacked employees whose services were terminated in 1996-98 and had prescribed qualification at the time of their appointments. Copy of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 is attached as Annexure "B".
5. That Honourable Peshawar High Court, Peshawar has declared that sacked employees are to be appointed whether initially appointed as trained/untrained in writ petition No. 1662-P/2013 decided

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on 24/12/2014. Copy of judgment dated 24/12/2014 is attached as Annexure "C".

6. That August Supreme Court of Pakistan directed in a case to respondent No. 1 that "*The appellants shall be appointed as PST (Primary School Teacher) in their respective Union Council immediately and in case, the appellants failed to acquire the training and the said appellant within 03 years, their appointment shall stand terminated automatically*" vide judgment dated 25/04/2011. Copy of judgment dated 25/04/2011 is attached as Annexure "D".
7. That this Honourable Court has also passed judgment dated 24/05/2016 in writ petition No. 516-A/2013 and directed the respondents' department to appoint the petitioners with the condition that three years of time be extended to them for completion of their training. Copy of judgment dated 24/05/2016 in writ petition No. 516-A/2013 is attached as Annexure "E".
8. That as per judgments of the August Supreme Court of Pakistan reported 1996 SCMR 1128 and

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
District Court

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
District Court

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2009 SCMR-I, once, a point of law is decided by the August Supreme Court of Pakistan in a particular case that must be made applicable in all the cases of employees who are similarly placed.

9. That as per dictum of judgment of August Supreme Court of Pakistan dated 25/04/2011, similar untrained, trained employees have been appointed in District Dir Lower under the control of respondents No. 1 & 2 District Education Officer Dir, and quoted the said judgment in Para-14 vide Endst. No. 10677-83 dated 10/07/2013. Copy of appointment order of untrained employees who are similar to the petitioner is attached as Annexure "F".

10. That in other districts of Khyber Pakhtunkhwa, District Education Officer under the control of respondents No. 1 & 2 appointed/ reinstated untrained sacked employees. But, the petitioners are not being appointed which is clear discrimination in Elementary & Secondary Education Department in KPK. Copies of appointment orders of untrained sacked employees

Alleged



Muhammad Arshad Khan
Advocate High Court
Office 43/33 Adjacent to

P-37

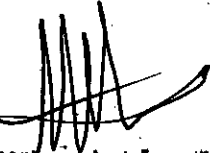
10.

of District Battagram and Mansehra are attached as Annexure "G".

11. That respondent No. 3 is supposed to have one yardstick while appointing sacked employees under Sacked Employees (Appointment) Act, 2012 if untrained sacked employees are being reinstated by the Govt. in other Districts of Khyber Pakhtunkhwa; as well as in District Mansehra, then, the petitioners are also entitled to be reinstated/ appointed by respondent No. 3 in District Mansehra. Hence the conduct of respondents is against Article 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.

12. That the petitioners are entitled to be appointed as PST, PET, CT & DM teachers having requisite certificates which was obtained after his appointment, on the analogy of some similar employees who are untrained, have been appointed in other districts. Besides, the instant writ petition after segregating trained/ untrained teachers is filed as per order dated 26/04/2016 of this Honourable Court in writ petition No. 1156-A/2015.

Arshad



Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent

13. That no other prompt and efficacious remedy is available to the petitioner except the invocation of constitutional jurisdiction of this Honourable Court.

14. That court fee stamp paper worth Rs. 500/- is attached.

It is, therefore, humbly prayed that on acceptance of the instant writ petition, respondents may graciously be directed to appoint the petitioners as per Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, as PST, PET, CT & DM teachers as well as on the analogy of similar trained, untrained employees who have been appointed by respondent No. 3 with all back benefits.

...PETITIONER

Through

Dated: _____/2016

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

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

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Room No. 33 Adjacent to
Abbottabad

[Signature]

[Signature]
...PETITIONER

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12

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. _____-A/2016

Muhammad Saeed son of Miskeen Shah. PST, resident of Karan GPS Mat
Serian, Mansehra & others.

...PETITIONERS

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Education (E&SE),
Peshawar & others.

...RESPONDENTS

WRIT PETITION

AFFIDAVIT

I, Muhammad Saeed son of Miskeen Shah. PST, resident of Karan GPS Mat
Serian, Mansehra, do hereby solemnly affirm and declare 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.

M. Saeed
DEPONENT

Identified by;

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

Annex-D

E

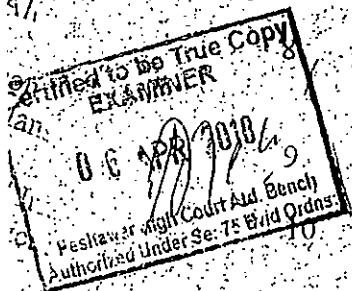
P-40

BEFORE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH



Writ Petition No. 731 -A/2016

1. Muhammad Saeed son of Miskeen, PST, resident of Karan GPS Mat Serian, Mansehra.
2. Muhammad Arshad son of Malik Aman, PST, resident of Mansehra.
3. Muhammad Fiaz son of Muhammad Zaman, PST, resident of Mansehra.
4. Abdul Khanan son of Belram Khan, PST, resident of Mansehra.
5. Tariq Manan son of Abdul Manan, CT, resident of Lissan Nawab, Mansehra.
6. Rashid Manan son of Abdul Manan, PST, resident of Lissan Nawab, Tehsil and District Mansehra.
7. Hakim Khan son of Gohar Rehman, PST, resident of Mansehra.
8. Muhammad Ilyas son of Muhammad Nzir, PST, resident of Lissan Nawab, Tehsil and District Mansehra.
9. Sher Afzal son of Sher Muhammad, CT, resident of Mansehra.
10. Syed Sajjad Hussain Shah son of Hayat Shah, PST, resident of Mansehra.
11. Muhammad Anwar son of Khani Zaman, PST, resident of Mansehra.
12. Ifikhar Ahmed son of Mir Zaman, PST, resident of Mansehra.
13. Samiullah son of Abdul Aziz, AT, resident of Mansehra.
14. Khurshid son of Abdul Razzaq, PST, resident of Mansehra.
15. Khurshid son of Abdul Rehman, PST, resident of Mansehra.



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3-09-16

Re-Filed Today
Additional District Judge
Peshawar
Abbottabad Bench

- 16. Muhammad Zaheer, PST, resident of Manselhra.
- 17. Khar Muhammad S/o Mehmood, PST, resident of Sialkot, District Manselhra.
- 18. Tazeem Babar, PST, resident of Manselhra.
- 19. Kala son of Ali Zaman, PST, resident of Manselhra.
- 20. Shakeel Ahmed son of Ayub, PST, resident of Manselhra.
- 21. Muhammad Iqbal son of Aziz ur Rehman, PST resident of Manselhra.
- 22. Syed Amir Hussain Shah son of Syed Ifabib Ali Shah, PST, resident of Manselhra.
- 23. Naheed Ahmed son of Ghulam Nabi, PST resident of Manselhra.
- 24. Muhammad Khalid son of Ameer Khan, PST, resident of Manselhra.
- 25. Hamayun son of Habib ur Rehman, PST, resident of Manselhra.
- 26. Zulfiqar Ahmed son of Ghulam Sarwar, PST, resident of Manselhra.
- 27. Sabir Ali son of Fida Muhammad, CT, resident of Manselhra.
- 28. Parvez son of Malik Noor Alam, PST, resident of Gar Darband, District Manselhra.
- 29. Muhammad Irfan son of Muhammad Zaman, PST, resident of Gali Badrai, District Manselhra.
- 30. Muhammad Haroon son of Ghulam Haider, PST, resident of Manselhra.
- 31. Muhammad Nacem, TT, resident of Manselhra.
- 32. Sultan son of Rehmatullahi, PST, resident of Manselhra.
- 33. Muhammad Irfan son of Muhammad Miskeen, PST, resident of Shanaya, District Manselhra.
- 34. Arshad son of Ali Zaman, PST, resident of Manselhra.
- 35. Sarshad son of Miskeen, PST, resident of Manselhra.

Certified to be True Copy
 BY
 U. S. APPALDIB
 Peshwar High Court At. Bench
 Authorized Under Sec-75, Evidence Ord.

Re-Filed Today
 [Signature]
 Peshwar High Court
 At. Bench

- 36. Muhammad Ghulam son of Abdul Reeman, PST, resident of Manshra.
- 37. Muhammad Rafique son of Abdullah, PST, resident of Pathani Seri Tehsil and District Manshra.
- 38. Muhammad Imran son of Badri Zaman, PST, resident of Village Seri Goria, Tehsil and District Manshra.
- 39. Muhammad Asif son of Wali Jan, PST, resident of Manshra.
- 40. Muhammad Saddique son of Sher Bahadur, PST, resident of Manshra.
- 41. Saliheen son of Hidayatullah, PST, resident of Manshra.
- 42. Sajid Hussain son of Saieen, PST, resident of Manshra.
- 43. Sher Dil son of M. Mahroof, PTC, village Chakal Tehsil and District Manshra.
- 44. Mazhar Ali son of Khawaj Muhammad, PST.
- 45. Muhammad Ajmat son of Suleman, PST, resident of Chooian, Tehsil and District Manshra.
- 46. Muhammad Ifran son of Ali Akhtar, PSI, resident of Manshra.
- 47. Muhammad Aslam son of Muhammad Alam, PST, resident of Gali Jabbar, Tehsil and District Manshra.
- 48. Muhammad Ejaz son of Taj Muhammad, PST, resident of Manshra.
- 49. Muhammad Afzal son of Muhammad Ayub, PST, resident of Manshra.
- 50. Parvez son of Malik Noor Alam, PST, resident of Tehsil and District Manshra.
- 51. M. Zaher son of Ali Akbar, PST, resident of Pakona, Tehsil and District Manshra.
- 52. Abdul Sadiq, PST, resident of Manshra.

53. Abdul Rasheed son of Abdul Waliab, PST, resident of Village Maira Hajam, Manshra

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 EXAMINER
 06 APR 2018
 Peshawar High Court Ald. Bench
 Authorized Under Sec: 75 B and Ordos.

Re-Filed Today

Additional Registrar
 Peshawar High Court
 Abbottabad Bench

203/00/16

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- 54. Siraj Khan son of Abdul Hameed, PST, resident of Shinkiani, Tehsil and District Mansehra.
- 55. Malik Azhar Hafeez, CT, resident of District Mansehra.
- 56. Mukhtiar Ahmed son of Muhammad Yousaf, CT, resident of Mansehra.
- 57. Nisar Ahmed son of Said Akbar, CT, resident of Ramkot, Mansehra.
- 58. Shahnawaz S/o Khalil ur Rehman CT, GHS, resident of Darband Mansehra.
- 59. Hamayun son of Samundar Khan, DM, resident of Tehsil and District Mansehra.
- 60. Firda Muhammad son of Muhammad Fareed, DM, resident of Mansehra.
- 61. Saleem Babar son of Abdul Qayyum, TT, resident of Mansehra.
- 62. Muhammad Shafaqat son of Muhammad Zareen, PST, resident of Bhalla, P.O Talhatta, Tehsil Balakot, District Mansehra.
- 63. Shah Zaman son of Faqir Muhammad PET, Village Paplian, P.O New Darband, Tehsil Oghi, District Mansehra.
- 66. Nozul Bibi D/o Fazal Dad Khan DM, Nawanshehr, Abbottabad.

... PETITIONERS

Certified to be True Copy
 EXAMINER
 06 APR 2016
 Peshawar High Court Ad. Bench
 Authorized Under Sec. 15 of Ordns.

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Education (E&SE), Peshawar
- 2. Director Education (E&SE), Khyber Pakhtunkhwa, Peshawar
- 3. District Education Officer (Male), District Mansehra.

... RESPONDENTS

No 1375
27/7/11

FILED TODAY
 Additional Registrar
 Peshawar High Court
 Abbottabad Bench
 23/7/12

Re-Filed Today
 Additional Registrar
 Peshawar High Court
 Abbottabad Bench

23/07/16

Vide order of Hon'ble J. Court of Appeal, Peshawar dated 27/7/11, the petitioners (64) to (66) are impelled as petitioners. (64) Nozul Bibi D/o Nozul Khan wife of Mr. Fazal Dad Khan, P.O. Talhatta, Tehsil Balakot, District Mansehra. (65) Pir Ali Shah S/o Syed Farman Shah, P.O. Talhatta, Tehsil Balakot, District Mansehra. (66) Nozul Bibi D/o Fazal Dad Khan, DM, Nawanshehr, Abbottabad.

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
03.04.2018	<p><u>W.P.No. 731-A/2016.</u></p> <p>Present: Mr. Muhammad Arshad Khan, Tanoli, Advocate, for the petitioners.</p> <p>Mr. Yasir Zahoor Abbasi, Assistant A.G. alongwith representatives of the respondents.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.-</u> For the reasons and observations recorded in the detailed judgment of even date in the connected W.P.No. 131-A/2015, this petition stands disposed of accordingly.</p> <p style="text-align: right;"><i>(Signature)</i></p>

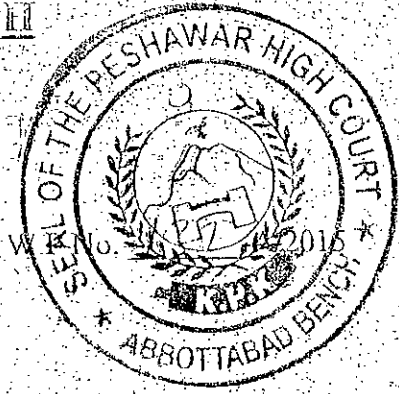
Certified to be True Copy
 EXAMINER
 06 APR 2018
 Peshawar High Court Aid. Bench
 Authorized Under Sec 75 Evid Ordns

Sd/- PS:

Hon'ble Mr. Justice Lal Jan Khattak
Hon'ble Mr. Justice Ijaz Anwar

P-45

BEFORE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH



Ashfaq Ahmed son of Jadaid Khan, resident of Kuza Hijra, P O Chakesar, District Shangla.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Education (E&SE), Peshawar.
2. Director Education (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), District Kohistan.

....RESPONDENTS

certified to be True Copy
EXAMNER
06 APR 2018
Peshawar High Court Attd. Bench
Authorized Under Sec. 75 Evid Ordns.

No 552
12-02-15

[Handwritten signature]
12/2/15

WRIT PETITION UNDER ARTICLE 199 READ WITH ARTICLE 25 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR A DECLARATION TO THE EFFECT THAT THE PETITIONER WAS APPOINTED AS CT TEACHER IN 1995 AND HIS SERVICE WAS TERMINATED IN 1997-98 BY THE RESPONDENTS. LATER ON,

P-46

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
03.04.2018	<p><u>W.P.No. 131-A/2015.</u></p> <p>Present: Mr. Muhammad Arshad Khan Tanoli, Advocate, for the petitioner.</p> <p>Mr. Yasir Zahoor Abbasi, Assistant A.G. alongwith representatives of the respondents.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.</u> Through this single judgment we shall also decide connected writ petitions bearing No. 976-A/2015, 1102-A/2015, 1154-A/2015, 781-A/2015, 690-A/2016, 731-A/2016, 738-A/2016, 740-A/2016, 986-A/2016 and 316-A/2018 as common questions of law and facts are involved in all the petitions wherein the petitioners have prayed this court for issuance of a writ directing the respondents to reinstate them in service on the ground that they were illegally fired from service by the respondents.</p> <p>2. Facts of the case need no reiteration as at the very outset, learned Assistant Advocate General stated at the bar that if the petitioners approach the concerned offices of District Education Officers and produce before them their termination orders and other relevant documents, then their cases will be considered according to law, to which learned counsel for the petitioners readily agreed.</p>

Jan

Certified to be True Copy
EXAMINER
6 APR 2018
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ordns.

3. In view of the above, this and the connected writ petitions are disposed of with direction to the petitioners to appear before their respective District Education Officers alongwith their termination orders and other related documents, so that, their cases be considered. The concerned District Education Officers are also directed to look into the petitioners' grievances and try to resolve their complaints strictly in accordance with law on the subject by passing reasonable orders but within a period of two (02) months.

Certified to be True Copy
EXAMINER
U. B. A. 19/10/2019
De Jhawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns

Sd/- P.S.

Hon'ble Mr. Justice Lal Jan Khattak
Hon'ble Mr. Justice Ijaz Awar



Primary School Teacher (PST) (37)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

APPOINTMENT

Annex-F P-48

In pursuance of Khyber Palditunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, in W/P No 516-A/2013,676-A/2015,20-A/2014,216-A/2015,1155-A/2015,702-A/2014,115-A/2014, and orders of Honorable High Court in COC No.22-A/2016,COCNo. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PST, School based and in BPS-12(Rs.13320-960-42120) plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S. #	COC/Writ Pettition	Name	Father's Name	Date Of Birth	Permanent Address	Place of posting
1.	COC 46-A/2016	GHULAM NABI	ARSALA	06-4-1975	VILLAGE KAIRI NAWAZABAD TEHSIL AND DISTRICT MANSEHRA,	GPS ANDRASI
2.	COC 46-A/2016(10)	AFTAB AHMED	ABDUL JALIL	22-05-1966	VILLAGE HAR BADOGA POST OFFICE KARORI TEHSIL OGHII & DISTT MANSEHRA	GPS PATTIAN
3.	WP 20-A/2015	MUHAMMAD JAN	MAROOF	02-01-1978	VILLAGE SHERGARI P/O HILKOT TEHSIL & DISTT MANSEHRA,	GPS DILBORI
4.	WP 216-A/2015	FIDA MUHAMMAD	RAJA KHAN	05-04-1975	VILLAGE KARORI PAEIN P/O SHERGARI TEHSIL OGHII DISTRICT MANSEHRA	GPS MALHAR
5.	WP 216-A/2015	MUHAMMAD SULEMAN	MUHAMMAD YAQOOB	26-04-1977	VILLAGE LAMBI DHERI P/O KOTKAY TEHSIL & DISTRICT MANSEHRA	GPS REERH
6.	WP 716-A/2015 (1)	ABDUL KHALIQ	MAQBOL UR REHMAN	11-11-1974	VILLAGE BANDI KHAN KHAIL POST OFFICE SHERGARI TEHSIL & DISTT MANSEHRA	GPS CHAJJAR PAEIN
7.	WP 731-A/2016 (4)	ABDUL KHANAN	BEHRAM KHAN	10-4-1973	VILLAGE TARMANG P/O PHULRA TEHSIL & DISTRICT MANSEHRA	GPS ICHRIAN
8.	WP 731-A/2016 (01)	M.SAEED	M.MISKEEN	10-03-1976	VILLAGE KACHI KHAKI TEHSIL & DISTRICT MANSEHRA,	GPS SOKAR
9.	WP 731-A/2016 (06)	RASHID MANAN	ABDUL MANAN	01-07-1966	VILLAGE LASSAN NAWAB P/O LASSAN NAWAB TEHSIL & DISTT MANSEHRA	GPS MOHAR
10.	WP 731-A/2016 (17)	KHAN MUHAMMAD	MEHMOOD	13-04-1974	VILLAGE SARNI POST OFFICE PHULRA TEHSIL & DISTT MANSEHRA	GPS GUDWAI
11.	WP 731-A/2016 (26)	ZULFIQAR AHMED	GHULAM SARWAR	07-04-1976	VILLAGE NEW DARBAND TEHSIL OGHII DISTRICT MANSEHRA	GPS KHAN DHERI
12.	WP 731-A/2016 (30)	M.HAROON	GHULAM HAIDAR	15-03-1973	VILLAGE MORAT MAIRA TEHSIL & DISTT MANSEHRA	GPS SALDAR NO 1.
13.	WP 731-A/2016 (32)	MUHAMMAD SULTAN	REHMATULLAH	03-01-1971	VILLAGE NARRA DOGA P/O PHULRA TEHSIL & DISTT MANSEHRA	GPS KOTLI PAIN
14.	WP 731-A/2016 (33)	M. IRFAN	M.MISKEEN	15-02-1972	VILLAGE SHINAYA PAEIN P/O NEW DARBAND TEHSIL OGHII DISTRICT MANSEHRA,	GPS KARMANG BALA
15.	WP 731-A/2016 (38)	M.IMRAN	BADRI ZAMAN	03-02-1975	VILLAGE KALI GATTI SERI GORIA P/O SHERGARI TEHSIL OGHII DISTRICT MANSEHRA	GPS KHAN BALA
16.	WP 731-A/2016 (47)	MUHAMMAD ASLAM	MUHAMMAD ALAM	02-02-1971	VILLAGE JABBAR GALI P/O JABBAR TEHSIL & DISTT MANSEHRA	GPS CHITTA BATTI
17.	WP 731-A/2016 (51)	M.ZAJHEER	ALI AKBAR	05-03-1977	VILLAGE PARONA TEHSIL & DISTRICT MANSEHRA,	GPS BAILA RAQEEB
18.	WP 731-A/2016 (52)	ABDUL SADIQ	BRAHIM KHAN	02-01-1971	VILLAGE KALAS P/O LASSAN NAWAB TEHSIL & DISTT MANSEHRA	GPS SAMIAN
19.	WP 731-A/2016 (7)	HAQIM KHAN	GOHAR REHMAN	16-02-1969	VILLAGE KHALYALA P/O LASSAN NAWAB TEHSIL & DISTRICT	GPS ARAB KHAN

Muhammad Asjad Khan Jandali
Advocate High Court
Office No. 43 Adjacent to
Jail, Abbottabad

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20.	WP 740-A/2016	GULDAD KHAN	MUGHAI DAD KHAN	00-01-1967	MANSEHRA. VILLAGE PANJOOL POST MANDAGAUCHA TEHSIL & DISTRICT MANSEHRA.	GPS JACHA NO.1
21.	WP.1040-A/17	SHEIKH AMJID	S.TAJ MUHAMMAD	15-05-1972	VILLAGE SHIKAKI LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS BHAG
22.	WP.690-A/2016 (1)	MUHAMMAD SARWAR	ABDUL NAHI	10-03-1974	VILLAGE THANDA P/O PERHINNA TEHSIL & DISTRICT MANSEHRA.	GPS JABA GIDAR PUR
23.	WP.690-A/2016 (10)	MUHAMMAD RAFIQUE	SIKANDAR	09-04-1970	VILLAGE BANDI KHAN KHAIL P/O PHULRA TEHSIL & DISTRICT MANSEHRA	GPS SUM
24.	WP.690-A/2016 (13)	MUHAMMAD PERVAIZ	MUHAMMAD ZAMAN	15-04-1973	Village TARMANG PHULRA P/O Khaki TEHSIL & DISTRICT MANSEHRA	GPS MAKHRAN MAINA
25.	WP.690-A/2016 (2)	MUHAMMAD NAZEER	ASEEM KHAN	14-4-1968	VILLAGE NIKKA PANI P/O SHERGARH TEHSIL OGHII & DISTRICT MANSEHRA	GPS PODNAIL
26.	WP.690-A/2016 (4)	MUHAMMAD FAROOQ	KALA KHAN	16-1-1969	VILLAGE KAJLA P/O DARBAND TEHSIL OGHII DISTRICT MANSEHRA	GPS DEVLI
27.	WP.690-A/2016 (5)	MUHAMMAD MUSHTAQ	SHER MUHAMMAD	03-01-1975	VILLAGE PANGORI P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS SAMIAN
28.	WP.690-A/2016 (6)	ANWAR ZIB	ALI MUHAMMAD	2-11-1977	VILLAGE MAHAWALIAN P/O BEHALI TEHSIL & DISTRICT MANSEHRA.	GPS FOOT GALI
29.	WP.690-A/2016 (7)	MUHAMMAD SALEEM	ABDUL REHMAN	07-01-0975	VILLAGE KHAMBIAN PAIEN P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS BANDI GIAN
30.	WP.690-A/2016 (8)	MUHAMMAD NAHEEM	ATAE KHAN	10-6-1972	Village phalli P/O BALI MONG TEHSIL & DISTRICT MANSEHRA.	GPS GALI BALI MANG
31.	WP-1102-A/15(1)	M ASIM FAROOQ	SHAHNAWAZ KHAN	23-04-1975	VILLAGE MALIK PUR TEHSIL & DISTRICT MANSEHRA	GPS TIMBER KHOLA
32.	WP-731-A/2016 (10)	S SAJJAD HUSSAIN SHAH	SYED HAYAT SHAH	02-04-1970	VILLAGE KOT P/O CHATTAR PLAIN TEHSIL & DISTRICT MANSEHRA.	GMPS GALI BALI MANG
33.	WP-731-A/2016 (12)	IFTIKHAIR AHMED	ALI ZAMAN	06-11-1974	VILLAGE SHAKOKO P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS TAJAL
34.	WP-731-A/2016 (25)	M.HAMAYUN	HAIBIB UR REHMAN	11-04-1969	VILLAGE BANDIAN P/O MADSERIAN TEHSIL & DISTRICT MANSEHRA.	GPS ATTERSHEESHA
35.	WP-731-A/2016 (39)	MUHAMMAD ASIF	WALIJAN	28-04-1966	VILLAGE MANDAGAUCHA TEHSIL & DISTRICT MANSEHRA.	GPS NOKOT
36.	WP-731-A/2016 (42)	SAJJAD HUSSAIN	SAIN MUHAMMAD	01-03-1968	VILLAGE TARIHA BALA P/O BERKUND TEHSIL & DISTRICT MANSEHRA.	GPS BAFFA DOHRAYA
37.	WP-731-A/2016 (49)	MUHAMMAD AFZAL	MUHAMMAD AYUB	5-1-1972	VILLAGE TANGHAR P/O PHULRA TEHSIL & DISTRICT MANSEHRA.	GPS KULHARY MARKAZI

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government servant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed

Muhammad Asghar Khan Jano
 Advocate High Court
 Office No 33-Adjacent to
 District Office Abbottabad

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removed or terminated from services, till the date of their appointment shall have been deemed atomically relaxed.

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

sd/xx
DISTRICT EDUCATION OFFICER,
(MALE)MANSEHRA

Endst: No. 3329-74 /File No./PST/Sacked Apptt./2018/Dated Mansehra the 20/2/2018

Copy forwarded for information and necessary action to the:-

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

Arshad
[Signature]

Muhammad Arshad Khan Janoli
Advocate High Court
Office No. 33 Adjacent to
[Signature]
DY: DISTRICT EDUCATION OFFICER
(MALE)MANSEHRA

20/2/18

خدمت جناب ڈائریکٹر صاحب ایڈمنسٹریٹو سیکٹری ایجوکیشن حیدرآباد خواہ پٹنور



درخواست نمبر ۱۰۱۱۱۱ سابقہ سروس و تقایا جات

عنوان

Annex 9 جناب عالی

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گزارش ہیکہ سائل کو فوراً 22 نومبر 1994ء کو PST ڈسٹ پر بھرتی کیا گیا اور فروری 1997ء میں سائل کو ملازمت سے سیاسی بنیادوں پر برطرف کیا گیا۔ پھر عدالت عالیہ سکرٹ پیسج اسٹ آباد کے حکم پر 23 اپریل 1997ء کو (م) DEO آفس مالدیو سے بلازم آرڈر نمبر 12 سائل کو دوبارہ PST تعینات کیا گیا اور تین مہینہ کے بعد بغیر کوئی وجہ بتائے 26 جولائی 1997ء کو ملازمت سے ایک بار پھر سیاسی بنیادوں پر برطرف کر دیا گیا تھا۔

بعد ازاں حکومت نے 12 Sacked Employees Act کا نفاذ کرتے ہوئے سال 1993-94 میں بھرتی ہونے والے اور 1997-98 میں برطرف شدہ ملازمین کی بحالی کا حکم نامہ جاری کیا۔ لیکن سائل کو بار بار درخواستیں دینے کے باوجود (م) DEO مالدیو نے مطابق قانون 2012ء کے بحال نہیں کیا گیا۔ جسکی وجہ سے سائل نے پٹنور ہائی کورٹ ایڈمنسٹریٹو سیکٹریس میں اپیل دائر کی۔ جسکا فیصلہ 24 مئی 2016ء کو سائل کے حق میں ہوا اور بعد ازاں سپریم کورٹ آف پاکستان نے بھی 24 مئی 2017ء کو ہائی کورٹ کے فیصلے کو بحال رکھا۔

اسلئے سائل کو برائے حکم عدالت فوراً 20 فروری 2018ء کو بحال کر دیا گیا جسکے سائل 2012ء سے واری ہر بحالی کا حق رکھتا تھا اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو ٹرینیشن کی تاریخ سے بحال کیا ہے۔ اور یہ حالات، اسلئے ہیکہ سائل کو نوکری سال 1997ء سے بحال کر کے تنخواہ کے بنیاد سے بھی ادا

کئے جائیں۔

عین نواریس ہوگی۔

المستوفی 18 مارچ 2018ء

Handwritten signature of Muhammad Arshad Khan Tanoli

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Ditch, Jinnah Park, Hyderabad

العارض

حاکم خان ولد گوہر بخش
گورنمنٹ پرائمری سکول عرب ٹھکانہ ٹیپو
سکنہ کھللا لہ ڈاکھانہ پلساں فوراب
تحصیل و قلعہ مالدیو
شناختی کارڈ نمبر 1-0519793-03503
فون نمبر 0343-9526636



AMERICA
1912-13

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ARRIVAL REPORT

Consequent upon the approval of the competent authority Mr. HAKIM KHAN PST
GHAFAR REHMAN
S/D _____, who has been appointed as PST in BPS 12

Vide DEO (M) issued under Endst: No 2829-74 Esst: S.No 19

School GPS ARAB KHAN Dated 20-02-2018 at GPS Arab Khan

He has been submitted his arrival at GPS Arab Khan (before Noon)

D. NO = ~~1082~~ 1083

Dated 21-02-2018 [Signature]

[Signature]

Stamp: GPS ARAB KHAN
21/2/18

21/2/18

Witnessed

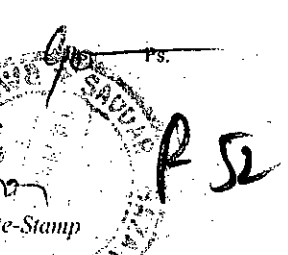
[Signature]

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

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For Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
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acknowledgment is due.



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addressed to

Date-Stamp

*Write here "letter", "postcard", "packet" or "parcel"
Name of Receiving Office with the word "insured" before it when necessary.
Insured for Rs. (in figures) (in words)

Weight Kilo
Rs. (in words) *one hundred*

Insurance fee Rs.

Name and
address
of sender

Postmaster

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

APPOINTMENT OF SACKED EMPLOYEES AGAINST PST POST

In pursuance to the judgment of Honorable Peshawar High Court Abbottabad Bench in H.P. No. 515-A / 2015 announced on 24.5.2016 & recommendation of the Departmental Selection Committee, appointment of the following sacked employees is hereby ordered against the vacant posts of PST, in BPS-12 (R. 13320-550-42128) job level allowances as admissible under the rules under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with effect from the date of their taking over charge:

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S.No/ Merit No	Name of Sacked Employee	Father's Name	CNIC #	Date of Birth	Qualification	D.O.J of apptn	Date of Termination	Previous School	Present place of Posting
1	2	3	4	5	6	7	8	9	10
1/9	M. Sabir Khan	M. Ajab Khan	13101-4662322-5	21.5.96	SSC/PTC	23.04.1995	-	GPS Dargah	GPS Malir
2/17 (a)	Kamran Abbasi	R. Badi Uz Zaman	13101-6162229-1	1/1/1970	SSC	11.10.1995	-	GPS Pajpota	GPS Malir
3/17 (b)	Aftab Zaffar	Muzaffar Khan	13302-1865542-3	1/4/1970	SSC	26.10.1995	04.9.96	GAPS Badliya	GPS Malir
4/21	Kouser Ali Shah	S. Ismail Shah	13503-2951713-3	2/10/70	SSC	09.7.1995	25.6.97	GPS Pindus Khurd	GPS Miri
5/23	M.Sajid	M. Sadiq	13101-9253294-9	3/5/1970	SSC	16.4.96	23.1.97	GAPS Thanda Chawa	GPS Lakshar
6/27	S. Ishtiaq Hussain Shah	S. Anwar Shah	13101-0245397-7	27.3.70	SSC	9-5-96	-	GPS HELLER	GPS Khan Da Malir
7/28	Shahzad Fareed	S. M. Fareed	13101-3733177-1	4/4/1970	SSC	30.07.95	13.02.97	GPS ZARAT DANNA	GPS Malir
8/39	Gul Fraz Khan	M. Ishaq Khan	13101-1602666-1	28.4.70	M.A	25.1.95	23.01.97	GPS DHERI KHALA	GPS Banda Said Fraz
9/31	M.Sameen	M. Firdous	13101-6387381-1	28.4.70	SSC	20.12.95	23.01.97	GAPS PATTI DHERI	GPS Banda Said
10/31	M.Sadique	Gul Khatab Khan	13101-1249592-9	23.5.70	SSC	19.4.95	1998	GPS Bawer	GAPS Gohar No.1
11/33	Wajid Hussain	M. Hussain	13101-4215472-5	7/2/1970	F.A	16.4.95	1996	GPS TAYYABA	GPS Dheri
12/34	Aurang Zeb	M. Zaman	13101-0927179-1	8/7/1970	SSC, PTC	7.3.95	6.1997	GPS Adreeta	GPS Chander
13/35	Inam ullah Khan	Gul Muhammad Khan	13101-3115624-5	30.12.70	SSC	12.12.95	23.01.97	GPS Banda GAZAN	GPS Terana Sharban
14/36	Saifur Rehman	M. Aslam Khan	13101-0938797-1	1/2/1971	SSC	30.05.96	-	GPS No.1 Nawanshetar	GPS Khatla
15/38	Saeed akhtar	Aurangzeb	13101-2422564-3	3/8/1971	B.A, PTC	25.05.97	-	GPS JATAL	GPS Upper Kund
16/39	Ayaz Gul	Fazalur Rehman	13101-4879360-5	3/10/71	SSC	01.07.1990	Nov-93	GMS TAJWAL	GPS Saman Pain
17/40	M. Ijaz Khan	Mohabbat Khan	13101-0968758-7	3/12/71	SSC, PTC	14.3.95	23.01.97	GAPS GULGRAN	GAPS Fatha Bandi
18/41	M. Awais Khan	Sarwar Khan	13101-0842362-1	31.3.1971	SSC	25.5.96	-	-	GPS Banda Batang-4
19/42	Aurangzeb	M. Ramzan	13101-0243012-5	5/4/1971	SSC	15.5.96	31.01.97	GPS DANNA BAGAH	GPS Chohan Bagra
20/43	Sher D9	M. Sabir	13101-0272962-1	5/1/1971	D.COM	26.10.95	23.01.97	GPS BANYARI	GPS Gawera
21/44	Jamshaid Khan	M. Nazeeer Khan	13101-3125389-5	5/4/1970	F.A	26.1.95	-	GPS KALKOTO	GPS Teran
22/47	Muhamma d Khalid	Gul Zaman	13101-0876232-1	13.1.72	SSC	18.12.95	23.01.97	GPS MERHES	GPS Lari
23/48	M. Javeed	M. Ismail	13101-7693226-3	2/3/1972	SSC	31.12.95	23.01.97	GPS THORA	GPS Kothad

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4/49	Babar Shahzad	Abdul Aziz	13101-8372917-3	25/02/72	FA	26/10/1995	24.05.97	GMS Danna Mlsryal	GPS Dobather
25/50	M. Bashir	Mir Dad	13101-7284275-9	3/1/1972	SSC	27.07.1995	25.06.97	GPS DANNA LORA	GPS Fatha Abad
26/51	M Nawaz	Kala Khan	37405-0727925-3	22/03/72	FA	30/05/1996	-	GPS Langrial	GPS Darwaza
27/52	Liaqat Hussain	Gul Zaman	13101-0965611-7	4/6/1972	F.A	08.07.1996	-	GPS KOLIALLIAN	GPS Langaloot
28/53	Sohail Akram	M. Akram	13101-2774343-3	4/12/72	SSC	25.03.96	-	GPS MALIKPURA	GPS Pandu Thana
29/55	Sarfraz	Gul Zaman	13101-5935381-1	16.4.72	SSC/PT C	8.5.95	13.2.97	GPS ANDER SERI	GPS Tannan
30/56	Azhar Masood	M. Maskeen	13101-0457563-5	5/2/1972	SSC	16.04.1996	24.6.97	GPS No 1 Abbottabad	GPS Pandu Thana
31/57	M. Fiaz	Taj Muhammad	13101-0879862-9	5/12/72	SSC, PTC	05.12.1995	23.01.97	GPS MALKOTE	GPS Pumanmar
32/59	Afsar Mir	Abdul Ghani	13101-8483090-5	8/1/72	D.COM	30.02.96	23.01.97	GPS NAWAN SHEHR NO: 1	GPS Darabar
33/61	Tariq Mehmood	Mohabat Khan	13101-0951088-9	13.9.72	D.COM	11.4.96	23.1.97	GPS Sarbhana	GPS Khukwala
34/62	Waqar Anwar	M. Nawar	13101-3181859-9	1/2/1973		08.3.95	25.06.97	GPS MARI	GPS Danna Khan Kalan
35/63	Waheed Gul	Kala Khan	13101-0849553-7	1/11/73	FA/PTC	16.4.95	-	GMS Kushal Abad	GPS Lara Ghora
36/64	M. Zaffar Iqbal	Abdul Qayyum	13101-0915108-1	15.1.73	F.A, PTC	29.4.96	25.06.97	GPS PANGOODRA	GPS Bagh Darra
37/65	Jamil Akhtar	Sarfraz Khan	37405-0331857-1	19.2.73	F.A, PTC	14.4.95	25.06.97	GPS DHERI RAKHALA	GPS Lari Sydian
38/66	Ashfaq Ahmad	Rehmat Deen	13101-9532939-5	24.2.73	F.A, PTC	4.4.95	04.07.97	GPS KHALORIAN	GPS Serian Bagh
39/67	Ishfaq Ahmad	M. Hafeez Akhtar	42301-3242482-7	24.2.73	SSC	07.01.96	23.1.97	GMPS Pathreri	GPS Jalsi Tajwal
40/68	M.Tanveer	Gul Faraz Khan	13101-0912758-3	3/2/1973	SSC	24.4.96	25.06.97	GPS KHORI	GMPS Massah Syedan
41/69	Shakeel Ahmad Abbasi	Ejaz Ahamed Abbasi	13101-1788288-7	3/3/1973	F.A	01.08.1995	-	GPS DHAKAN MOLIA	GPS Sangal
42/70	Saleh Shah	Manzoor Shah	13101-0938005-1	3/4/1973	F.A	15.4.96	24.05.97	GMPS DHOBAN	GPS Pagma
43/71	Adnan Rashid	Abdur Rashid Mir	13101-3543565-3	22.4.73	F.A	28.11.95	13.02.97	GPS BATANGI	GPS Qalandarabad
44/72	S. Hajjaj Shah	Shabeer Shah	13101-0909865-7	10/10/73	MA, LLB	15.01.1995	25.06.97	GPS DANNA SURJAL	GPS Tootni
45/74	Kousar Ur Rehman	M. Akbar	13101-3881112-3	24.11.73	SSC	12.12.95	1997	GPS ATTARIAN	GPS Balkhu
46/75	Zahid Khan	Safdar Khan	13101-1796781-5	14.2.74	SSC	24.08.95	-	GPS SURJAL	GPS Tahra
47/76	Waqar All	Fareed Muhammad	13101-7783844-1	15.12.74	SSC	17.01.1995	25.6.96	GPS U/Malsa	GPS Missar
48/77	Khurshid Kamal	Kamaideen	13101-1910608-3	17.2.74	SSC	26.10.95	1997	GPS ATTERIAN	GPS Nukka Gali
49/78	Azeem Khan	Azam Khan	13101-3977297-7	17.2.74	F.A	26.10.95	-	GPS NARRIAN	GPS Pind Kargo Khan
50/80	Shakir Ur Rehman	Atta Ur Rehman	13101-6205832-3	4/10/74	SSC	10.12.95	-	GPS DHERIAN	GPS Sandri
51/81	Aurangzeb Khan	Wall Muhammad Khan	13101-0964634-9	13.4.74	SSC	30.05.96	-	GPS Nowsher	GPS Wazeeran
52/82	Muhamma d Imran	M. Zaman Qureshi	13101-3793683-9	51.4.74	SSC	6.11.95	06.03.97	GPS AKHORA	GPS Seri Khan Kalan
53/83	M. Safeer	Muhd Munawar	13101-0300613-3	5/1/1974	SSC	01.04.96	25.06.97	GMPS RATTI DHERI	GPS Katha
54/84	M. Sabir	Khani Zaman	13101-6367717-3	5/7/1974	SSC	10.01.96	25.06.97	GPS GMPS MERA GUJRAT	GMPS Naka Bhurj

55/85	Ghulam Murtaza	M. Yousaf	13101-3942002-1	15.5.74	SSC	03.01.96	—	GPS KHANDORI	GMPS Dakhan Khan Kalan
56/86	Asif Hussain	Muhammad Sarwar	13101-1359149-7	15.6.74	SSC	08.03.1995	—	GPS BANDA MUGHLAN	GPS Ramkot
57/87	Sajid Mehmood	Gohar Rehman	13101-6440111-9	18.7.74	SSC	05.11.95	23.01.97	GPSAKHORA	GPS Khanspur
58/90	Zahid Khan	Aslam Khan	13101-1980395-9	13.1.75	SSC	21.1.95	23.01.97	GPS BASWAIR	GPS Jaggian
59/91	Sardar Mohsin Saeed	Sardar Saeed Ahmad	61101-1971458-1	2/10/75	F.A	22.01.95	22.02.97	GPS SANGRERI	GPS Upper Salhad
60/92	M. Zahid	M. Ashraf	13101-0908751-1	22.2.75	F.A	17.1.95	13.02.97	GPS HATROL	GPS Surjal
61/93	Ajmal Khan	Hakim Dad	13101-0911245-9	3/5/1975	SSC	11.4.96	—	GPS KU LORA	GPS Qalandarabad
62/94	M. Nisar	H.M. Iqbal	13101-6214670-9	3/12/75	F.A	25.2.96	23.01.97	GPS Upper Salhad	GPS Rankot
63/95	Khurram Shahzad	Muhammad Ilyas	42201-7177190-1	4/4/1975	SSC	24.8.95	23.01.97	GPS UPPER THAUGER	GPS Manu De Ban
64/96	Nasir Mehmood	Fazal Mehmood	13101-0843251-9	5/9/1975	F.A	3.10.96	06.03.97	GPS BALHAR	GPS Kail Dar
65/97	Zahid Fareed	Ghulam Fareed	13101-9057318-1	18.5.75	SSC	25.10.95	25.05.97	GPS KHATA SATORA	GPS Jhangi Sydian
66/98	Malik Rashid Mehmood	Malik Wazeer Muhammad	13101-5693898-9	1/1/1976	F.A, PTC	24.8.95	25.06.97	GPS LARI SYEDAN	GPS Hurnara
67/99	M. Arshad Khan	Akbar Khan	13101-3957866-7	15.1.76	SSC	30.05.96	—	GPS BERI BAGLA	GPS Khun
68/100	Rashid Iqbal	M. Iqbal	13101-4881793-7	23.1.76	SSC	10.06.96	24.05.97	GPS MISKOTE MANSEHRA, KD	GPS Beri
69/101	Muht Azam	M. Saleem	13101-3550798-1	2/1/1976	F.A, PTC	25.04.95	25.04.95	GMPS NAMSHERA	GPS Nimshera
70/103	Sajjad Ahmad	M. Sadiq	13101-4601505-1	3/10/76	SSC	06.05.96	23.01.97	GMPS THUNDA CHOHA	GPS Bareela
71/104	Noshad	Ali Zaman	42401-2063793-5	15.4.76	SSC	8.1.96	1997	GPS PATEL, SHERWAN	GMPS Mehal
72/105	Shahid Gul	Rustam Khan	13101-7257538-5	5/4/1976	SSC	11.4.95	1997	GPS JALGRAN	GPS Mandroach Q/Abad
73/106	Inamullah Khan	Habibullah Khan	37405-0545208-5	6/10/76	F.A, PTC	12.11.95	01.05.97	GPS UPPER JAGEER	GPS Atteran
74/107	Amir Riz	M. Riz	13101-0916235-1	7/2/1976	F.A	03.01.96	—	GPS JUNIAN	GPS Upper B/Gall
75/108	S. Azmat Ali Shah	S. Nahamat Shah	13101-0833607-9	18.7.76	F.A, PTC	05.05.96	24.06.97	GPS DANNA SURJAL	GPS Baldheri Maira
76/109	Fazal-E-Razaq	Aziz Ur Rehman	13101-2582353-3	20.8.76	F.A	16.9.96	—	GPS JANDAR BARI	GPS Phalkote
77/111	Sagheer Ahmad	M. Yousaf	13101-0932404-1	12/2/76	SSC	12.03.95	21.06.97	GPS BADIAL	GPS More Kalan
78/112	Mohsin Ali Shah	S. Wazeer Hussain Shah	13101-9827427-5	28.12.76	SSC	9.5.96	—	GPS LAHORE	GPS Thesi
79/113	Rahees Khan	Abul Sadiq	13101-0979017-1	1/6/1977	SSC	11.04.96	—	GPS GAMBEER	GPS Baldheri
80/114	Zahid Irfan	M. Urfan Khan	13101-1789174-1	1/8/1977	SSC	25.09.1996	—	GPS BANDI SATHAL	GMPS Trilman
81/116	Naveed Akhtar	Tika Khan	13101-9572586-7	3/5/1977	F.A	23.05.96	25.06.97	GPS SUMMA KARAGA	GPS Gajjal
82/117	Jabar Khan	Gohar Rehman Khan	13101-9107971-5	4/2/1977	BA	27.11.95	—	GMPS Loharan	GPS Kokal Barsoon
83/118	S. Zahid Hussain Shah	S. Pir Zaman Shah	13101-3717211-7	4/2/1977	F.A	08.06.96	23.01.97	GPS KEHRI	GPS Bigakot

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11/119	M. Sabir	Qalandar Khan	13101-0927807-1	15.5.77	FA	15.11.95	--	GMPS Brongiala	GPS Banj B. Gall
85/120	Sher Muhammada	Malik M. Ayub	13101-5368598-1	6/5/1977	SSC	26.10.95	23.01.97	GPS BASWAIR	GPS Chanjah
86/121	M. Toqeer	M. Bashir	13101-8928663-9	6/6/1977	B.A	11.4.96	23.01.97	GPS PHALKOTE	GPS Banda Nabi
107/122	Naseem Khan	Lal Khan	13101-0870554-3	27.6.77	F.A, PTC (20.05.2003)	16.12.95	23.01.97	GPS SADDRA	GPS Chahan
88/123	M. Saeed	M. Aslam	13101-7905917-9	7/1/1977	SSC	27.9.95	1997	GPS KANTHALI	GPS Kerl Sarafali
89/124	M. Zaffar Khan	M. Younas Khan	13101-0851560-3	25.7.77	B.A	11.4.96		GMPS SARBAN COLONY	GPS Mangal
90/125	Muhammadd Nawaz	Fajrui Rehman	13101-3556640-9	22.3.78	F.A, PTC (26.02.2204)	22.05.96	--	GPS MAIRA BAGNOTOR	GPS-Tupla
91/126	Shams Ur Rehman	Shamshad Ali	13101-4419462-3	15.4.78	B.A/PS T	23.5.96	23.01.97	GPS GARI NOOR POOR	GPS Khokhar

TERMS & CONDITIONS

1. No TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment is subject to the condition that their certificates/documents will be verified from the concerned authorities by the DEO Office, anyone found producing bogus Certificates/Documents will be proceeded against through law enforcing agencies.
4. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
5. Pay will not be drawn until and unless pay activation letter regarding verification of their documents is issued by this office.
6. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
7. Their services shall be terminated at any time, in case their performance is found unsatisfactory. In case of misconduct, they shall be proceeded under the rules framed from time to time.
8. Before handing over charge, once again their document may be checked by the DDO concerned
9. The prescribed qualification for appointment of PST is Intermediate with PTC/Diploma in Education /ADE as professional qualification. They shall be provided opportunity to appear in the HSSC/PTC/Diploma in Education /ADE Exam from the recognized Board/University within three years. In case they failed to acquire the requisite qualification/training certificate within the stipulated period, their service shall stand terminated automatically. The stipulated period shall be reckoned from the date of issuance of appointment order.
10. Their appointment is subject to the medical fitness & verification of their character antecedents to the stratification of the undersigned in the light of section-3 of the Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012.
11. The period of dismissal, removal and termination from service of the SACKED employee till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being enforce in the light of Section-4 of the Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012.
12. SACKED employees shall not be entitled to claim seniority, promotion or other back benefits and their appointment shall be considered as fresh appointment in the light of Section-5 of the Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012.
13. They should join their post within 30 days of issuance of this appointment order, in case of failure to join the post within stipulated period, appointment will stand expired automatically and no subsequent appeal shall be entertained. & the next senior sacked employee shall be considered for appointment in the light of section-7 (3) of the Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012.

14. Copy of professional standards, core competencies and job description issued vide Govt. of Khyber Pakhtunkhwa E&SED Notification No. SO(PE)4-3/PST/2014 dated 17-09-2014 is attached with the appointment order.

P-58

sd/-

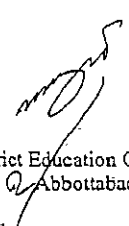
Qazi Tajamal Hussain
District Education Officer (M)
Abbottabad

Endst No 12422-29 /EB-II/ PST /Sacked

Dated 09/11 /2017

Copy forwarded for information and necessary action to the:-

1. Additional Registrar Peshawar High Court Abbottabad Bench w/r to Judgment passed in-W.P No.516-A / 2013 announced on 24.5.2016.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts Abbottabad.
4. Sub Divisional Education Officer (M) Abbottabad & Havelian
5. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department Peshawar.
6. AP EMIS local office.
7. Candidates Concerned.
8. Master File.


District Education Officer (M)
Abbottabad

کورٹ فیس

P-59

وکالت نامہ

Service Tribunal ICPK Peshawar بعدالت

Hakam Khan بنام Govt of ICPK عنوان:

Appellant منجانب:

Service Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

ATD M. Ashad Khan Tanzeel Adv 14/11/14

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختمہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بیضہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم:

بمقام:

Accepted

عبد

عبد



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19-6-19

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.912-A/ 2018

Hakim KhanAppellant.

VERISUS

Govt: of KPK and others.....Respondents

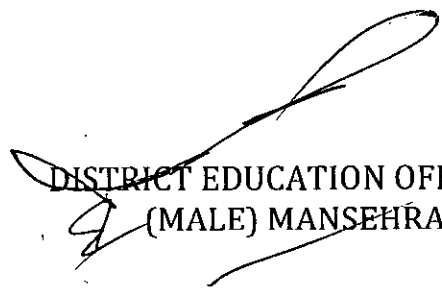
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No.1 2 AND 3 AS UNDER:-

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2.	Affidavit		4
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4/11


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

606

18-6-19

71

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
CAMP COURT ABBOTTABAD.

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Hakim KhanAppellant.

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Govt: of KPK and others.....Respondents

PARA WISE COMMENTS/WRITTEN REPLY ON BEHALF OF RESPONDENTS

No.1 2 AND 3 AS UNDER:-

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1. That the appellant has got no cause of action locus standi.
2. That the instant service appeal is badly time barred. Hence liable to be dismissed.
3. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
4. That the instant service appeal is based on malafide intentions.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is not entitled for the relief he has sought from this Honorable Tribunal.
7. That the instant service appeal is against the prevailing law and rules.
8. That the appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
9. That the instant service appeal is not maintainable in its present form.
10. That the service appeal of the Appellant is in fructuous as per Khyber Pakhtun khawa sacked employee appointment Act, 2012. Under section 5, wherein sacked Employee shall not be entitled to claim seniority and other back benefits.

FACTUAL OBJECTIONS.

1. Para No.1 is incorrect, Petitioner were appointed contrary to law and policy, then such irregularly appointees were letter on declared illegal and were terminated.

2. Para No.2 is correct to the extent that the government of Khyber Pakhtun Khawa promulgated Khyber Pakhtun Khawa Sacked Employee Act, 2012.
3. Para No.3 is correct to the extent that the Appellant filed a writ petition before Honorable High Court Abbottabad Bench, which was decided on 24-5-2016, wherein respondent Department appointed the appellant as PST under KPK Sacked Employee Act, 2012, as well as the direction of Honorable High Court Abbottabad Bench, on 24-05-2016.
4. Para No.4 is incorrect that the appellant did not submit his application well in time, whereas the appellant submitted his application as per direction of Honourable Peshawar High Court Abbottabad Bench, vide dated 24-05-2016.
5. Para No.05 is correct, Need No Comments.
6. Para No.6 of the appeal is incorrect; detail reply has already been given in above Paras.
7. Para No.7 of the appeal is incorrect, that *as per sacked Employee appointment Act,2012, under section 5, sacked Employee shall not be entitled to claim seniority and other back benefits: A sacked Employee appointment under section 3, shall not be entitles any claim seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment. Whereas the same nature case has been dismissed by this Honourable Service Tribunal Brnch Abbottabad vide his judgment dated 20-02-2019 in service appeal No.1377/2015 titled Syed Naveed shah vs Govt of KPK & Others. the appellant is not aggrieved person in the meaning sacked Employee Act,2012, inter-alia, on the following grounds.*

(Copy of judgment is annexed as annexure A)

GROUNDS:-

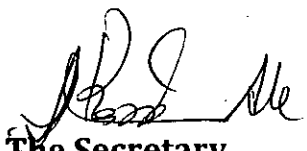
- A. Incorrect and denied; that appointment order of the appellant was made subject to availability of vacant post as per section 3 of sacked Employee Act 2012, wherein the sacked Employee shall be appointed against thirty percent of the available vacancies in the Department.
- B. Incorrect and denied, the appellant was appointed in the light of sacked Employee Act 2012; as per rules and policy and also direction of Honourable Peshawar High Court Abbottabad

Bench.that the appointment order of the appellant was issued in accordance with the rules, Act and policy of the Government.

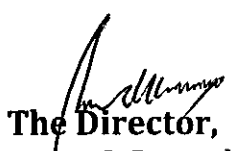
- C. Para No.C is correct.
- D. Para No.D is incorrect, detail reply has already been given in Para No.8 of the appeal, wherein the appellant is not entitled to any claim of the back benefits.
- E. Incorrect and denied, the appellant has been treated as per law and rules & act, wherein no question of violation of law, rules & policy.
- F. Incorrect and denied.
- G. Incorrect and denied
- H. Incorrect & misleading. However the Respondents seek leave of this Honorable Tribunal to submit addition grounds & record at the time arguments before this Honorable Court.

PRAYER.

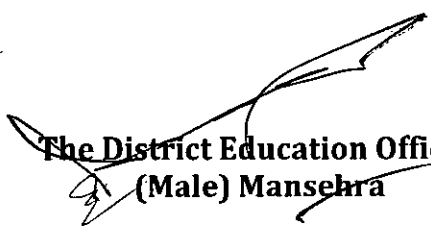
In the view of above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department in the interest of justice.



The Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.



The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.




The District Education Officer,
(Male) Mansehra

68,

AFFIDAVIT

I, Muhammad Toseef Assistant District Education Officer (Male) Mansehra on behalf of DEO (M) Mansehra, do hereby solemnly affirm and declare that the parawise comments of Service Appeal No.921-A/2018 titled Hakim Khan Versus Govt of KPK, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

DEPONENT



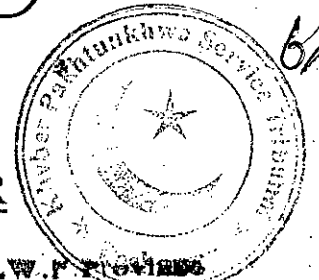
Asw

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Anx- A

(3)

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 435

Dated 10-12-2015

Service Appeal No. 1377 /2015

Syed Naveed Shah son of Syed Muazzam Shah, PST, Govt. Primary School Maira Hajaam, District-Mansehra.

....APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Mansehra.

....RESPONDENTS

10/12/15

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT 1974, TO THE EFFECT
THAT THE APPELLANT WAS REINSTATED IN
SERVICE WITH EFFECT FROM 01/07/2015 VIDE
APPOINTMENT ORDER ENDST NO. 9278-95
DATED 01/07/2015 UNDER KPK SACKED

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(6) EB

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

Service Appeal No. 1377/2015

Date of Institution ... 10.12.2015

Date of Decision ... 20.02.2019



Syed Naveed Shah son of Muazzam Shah, PST, Govt: Primary School Maira Hajaam, District Mansehra. ... (Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa; through Secretary Elementary and Secondary Education, Peshawar and two others. ... (Respondents)

MR. MUHAMMAD ARSHAD KHAN TANOLI,
Advocate

--- For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

--- For respondents

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER (Executive)
--- MEMBER (Judicial)

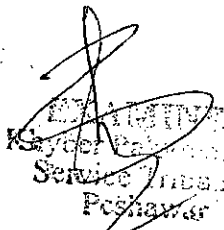
JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

ARGUMENTS

2. Learned counsel for the appellant argued that he joined the Education Department as PST on 22.11.1994. That his services were terminated vide order dated 13.02.1997. After promulgation of Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012, all the employees who were appointed in the year 1993-96 and terminated in 1997-98 were reinstated. As the appellant was not reinstated so he filed writ petition no. 401-A/2012 before the Peshawar High Court, Abbottabad bench. Judgment of the Peshawar High Court Abbottabad bench dated 22.05.2013 was not implemented by the respondents so C.O.C no. 70-A/2013 was filed. Resultantly, vide impugned order dated 01.07.2015, the appellant was reinstated in service with immediate effect. Feeling aggrieved, he filed


MEMBER (EXECUTIVE)
Khyber Pakhtunkhwa Service Tribunal,
Peshawar

departmental appeal on 29.07.2015 which was not responded within the stipulated period, hence, the present service appeal. The appellant is required to give all service benefits w.e.f 03.02.1997 to 01.07.2015.

3. Learned Deputy District Attorney argued that as the appellant was appointed in violation of invogue rules, hence, his services were terminated vide order dated 13.02.1997. Under the Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012, he was reappointed as PST vide order dated 01.07.2015. According Section-5 of the said Act sacked employees shall not be entitled to claim seniority and other back benefits. Appellant was treated according to law and rules.

CONCLUSION.

4. It is not disputed that initially the appellant was appointed as PST at GPS Dam Nalla on 22.02.1994. Later on when it came to the notice of the respondents that his appointment was made in violation of rules, hence, his services were terminated vide order dated 13.02.1997. In the meanwhile the provincial government promulgated Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012. When grievances of the appellant were not redressed at departmental level he resorted to litigation by filing writ petition in Peshawar High Court, Abbottabad Bench. Finally in pursuance of the directions of the Peshawar high Court, Abbottabad Bench he was appointed as PSt at GPS Mira Hajam with immediate effect vide order dated 01.07.2015. The appellant is asking for reappointment from the date of his termination from service dated 03.02.1997. Attention is drawn to Section-5 of the aforementioned Act, wherein it is clearly laid down that the sacked employee shall not be entitled to claim seniority and other back benefits. The relevant provision is reproduced below:-

"A sacked employee appointed under Section-3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment"

ATTESTED

Secretary
Peshawar

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5. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
Member
Camp Court Abbottabad.

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
20.02.2019

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 Serv. Secy. (Adm.)
 Peshawar

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19-6-19

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
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Service Appeal No.912-A/ 2018

Hakim KhanAppellant.

VERISUS

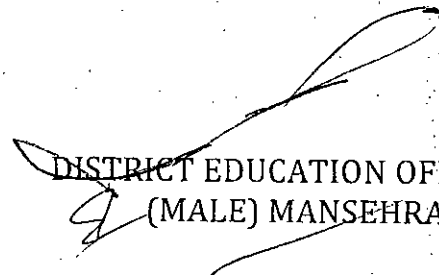
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DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

606
18-6-19

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
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Service Appeal No.912-A/ 2018

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VERISUS

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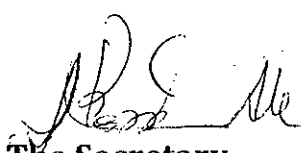
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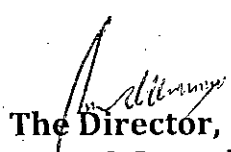
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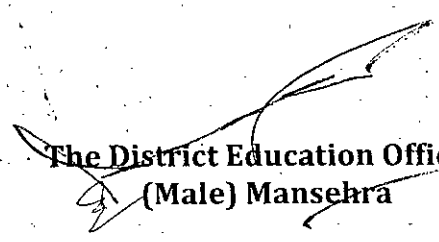
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Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.



The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.



The District Education Officer,
(Male) Mansehra

67

AFFIDAVIT

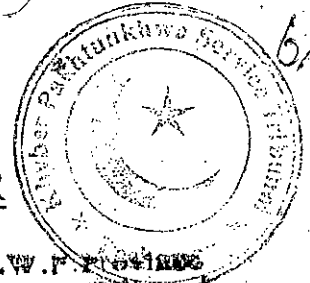
I, Muhammad Toseef Assistant District Education Officer (Male) Mansehra on behalf of DEO (M) Mansehra, do hereby solemnly affirm and declare that the parawise comments of Service Appeal No.921-A/2018 titled Hakim Khan Versus Govt of KPK, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

DEPONENT _____



DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



K.W.P. Province
Service Tribunal

Diary No. 1435
dated 10-12-2015

Service Appeal No. 1377 /2015

Syed Naveed Shah son of Syed Muazzam Shah, PST, Govt. Primary School Maira
Hajaam, District Mansehra.

....APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Mansehra.

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT 1974, TO THE EFFECT
THAT THE APPELLANT WAS REINSTATED IN
SERVICE WITH EFFECT FROM 01/07/2015 VIDE
APPOINTMENT ORDER ENDST NO. 9278-95
DATED 01/07/2015 UNDER KPK SACKED.

ATTESTED

DATED 01/07/2015 UNDER KPK SACKED.

10/12/15.
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

6 66

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

Service Appeal No. 1377/2015

Date of Institution ... 10.12.2015

Date of Decision ... 20.02.2019



Syed Naveed Shah son of Muazzam Shah, PST, Govt: Primary School Maira Hajaam, District Mansehra. ... (Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa; thro gh Secretary Elementary and Secondary Education, Peshawar and two others. ... (Respondents)

MR. MUHAMMAD ARSHAD KHAN TANOLI,
Advocate ---

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney ---

For respondents

MR. AHMAD HASSAN, ---
MR. MUHAMMAD AMIN KHAN KUNDI ---

MEMBER (Executive)
MEMBER (Judicial)

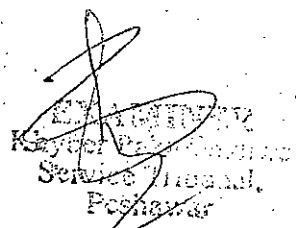
JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

ARGUMENTS

2. Learned counsel for the appellant argued that he joined the Education Department as PST on 22.11.1994. That his services were terminated vide order dated 13.02.1997. After promulgation of Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012, all the employees who were appointed in the year 1993-96 and terminated in 1997-98 were reinstated. As the appellant was not reinstated so he filed writ petition no. 401-A/2012 before the Peshawar High Court, Abbottabad bench. Judgment of the Peshawar High Court Abbottabad bench dated 22.05.2013 was not implemented by the respondents so C.O.C no. 70-A/2013 was filed. Resultantly, vide impugned order dated 01.07.2015, the appellant was reinstated in service with immediate effect. Feeling aggrieved, he filed


Ahmad Hassan
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

departmental appeal on 29.07.2015 which was not responded within the stipulated period, hence, the present service appeal. The appellant is required to give all service benefits w.e.f 03.02.1997 to 01.07.2015.

3. Learned Deputy District Attorney argued that as the appellant was appointed in violation of invogue rules, hence, his services were terminated vide order dated 13.02.1997. Under the Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012, he was reappointed as PST vide order dated 01.07.2015. According Section-5 of the said Act sacked employees shall not be entitled to claim seniority and other back benefits. Appellant was treated according to law and rules.

CONCLUSION.

4. It is not disputed that initially the appellant was appointed as PST at GPS D m Nalla on 22.02.1994. Later on when it came to the notice of the respondents that his appointment was made in violation of rules, hence, his services were terminated vide order dated 13.02.1997. In the meanwhile the provincial government promulgated Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012. When grievances of the appellant were not redressed at departmental level he resorted to litigation by filing writ petition in Peshawar High Court, Abbottabad Bench. Finally in pursuance of the directions of the Peshawar high Court, Abbottabad Bench he was appointed as PSt at GPS Mira Hajam with immediate effect vide order dated 01.07.2015. The appellant is asking for reappointment from the date of his termination from service dated 03.02.1997. Attention is drawn to Section-5 of the aforementioned Act, wherein it is clearly laid down that the sacked employee shall not be entitled to claim seniority and other back benefits. The relevant provision is reproduced below:-

"A sacked employee appointed under Section-3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment"

ATTESTED

6/25/2015
 Peshawar High Court
 Abbottabad Bench

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5. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
Member
Camp Court Abbottabad.

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
20.02.2019

Date of Presentation of Application 03-05-19
 Number of Pages 1650
 Copying Fee 10/-
 Urgent —
 Total 10/-
 Name of Copyist [Signature]
 Date of Completion of Copy 15-5-19
 Date of Delivery of Copy 15-5-19

[Signature]
 Certified to be true copy
 Khatun-e-Munawwar
 Secretary
 Khatun-e-Munawwar



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. _____ / ST

Dated: _____ /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 District Education Officer,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 912/2018, MR. HAKAM KHAN.

I am directed to forward herewith a certified copy of Judgement dated 27.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Annex- G

P-62

PRESENT:

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

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

(Against the judgment dated 12.07.2016 passed by the Khyber Pakhtunkhwa
Service Tribunal Camp Court, Swat in Appeals No.1202 and 1203 of 2013).

Muhammad Sheryar.
(in CP.468-P/16)

Anwar Zeb.
(in CP.469-P/16)

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

...Petitioner(s)

Versus

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

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

Anwar Zeb.
(in CP.472-P/16)

...Respondent(s)

For the Petitioner(s):

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

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

Date of Hearing:

27.03.2020.

ORDER

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

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

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

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

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

5. For what has been discussed above, all the listed petitions being devoid of merit stand dismissed and leave to appeal is refused.
6. It is however observed that the petitioners will be allowed counting of their service for the protected period for payment of pensionary benefits.

ISLAMABAD.

27.03.2020.

ZR/

'Not Approved For Reporting'

(Signature)
17/4/20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No. 912/2018

Date of Institution ... 18.07.2018
Date of Decision ... 27.09.2021

Hakam Khan S/O Gohar Rehman P.S.T Government Primary
School Arab Khan Tehsil and District, Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education, Peshawar and two others.

... (Respondents)

Muhammad Arshad Khan Tanoli,
Advocate

... For appellant.

Muhammad Rasheed,
Deputy District Attorney

... For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing of instant appeal are that appellant was appointed as P.S.T in the year 1994 and was terminated from service in the year 1997. He filed writ petition before the High Court and vide order dated 03.04.2018 of the august Court, the petition was disposed of with direction to the petitioner to appear before the District Education Officer alongwith his

P-15

To

The Secretary,
Elementary and Secondary Education,
Khyber Pakhtoonkhwa.

Subject

REQUEST FOR ADJUSTMENT

Respected Sir,

With due reverent, it is stated that I am working as SS BPS-18 History / Civics at Govt; Girls Higher Secondary School No 02 Mansehra, while I am a resident of Havelian District Abbottabad, I am facing too many hardships while traveling from Havelian to Mansehra and Mansehra to Havelian. A huge amount of time is spent in traveling. I have to look after sick my mother who is living with me and recently got brain hemorrhage. Although, she survived of the hemorrhage, however she requires more care and attention. Due to long distance it is neither possible for me to give proper time to my school going children nor look after my ill mother. This is not only difficult but also affecting my family as well as performance.

With regard to Govt; Girls Higher Secondary School Havelian Abbottabad, I have come to know that SS History/Civics BPS-18 Ms. Nasreen Aslam has been promoted in BPS -19 in September 2019 and is expected to be transferred. As a result, the post of History/Civics at Govt Girls Higher Secondary School shall to be vacated.

Keeping in view my domestic problems and deteriorated health of my mother, it is requested that I may please be adjusted at the vacant post in GGHSS Havelian, Abbottabad created after the promotion of MS. Nasreen Aslam to PBS-19 on humanitarian grounds please.

Dated

17/7/19

Yours sincerely

Shakila Bibi SS H/Civics
GGHSS No-02 Mansehra

Diry No 347

RECEIVED
Advocate Mian
Office No 33 Adja
Distt Bar Abbott

termination order and other related documents, so that his case be considered and vide order bearing endorsement No.2829-74 dated 20.02.2018, appellant alongwith others were appointed against the post of P.S.T in B.P.S-12 w.e.f the date of their taking over the charge. The respondents were supposed to issue appointment order of the appellant from the year of promulgation of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, hence, feeling aggrieved he filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Muhammad Arshad Khan Tanoli Advocate for appellant and Muhammad Rasheed, learned Deputy District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Muhammad Arshad Khan Tanoli Advocate learned counsel appearing on behalf of appellant, inter-alia, argued that the respondent was supposed to appoint appellant under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 when the said Act was promulgated in the year 2012 but his appointment order was issued on 20.02.2018 which is against law and discriminatory. Learned counsel further argued that some of the employees who were juniors to appellant were appointed, whereas, appellant was reinstated later on, which act is against the principle of equality and natural justice. He submitted that appellant is to be treated at par with other employees in the said Department and lastly, he submitted

5. That though the appellant had been dismissed from service by the Deputy Commandant Elite Force KPK Peshawar but copy of order was never sent to him on his home address through any means. The order was hardly obtained after recovery of health in the year 2020 on personal efforts.
6. That no proper departmental inquiry was conducted. Neither appellant was issued with a Charge Sheet nor was served upon any Show Cause Notice. Even opportunity of personal hearing was ever provided to him.
7. That appellant aggrieved of the order dated 15-04-2015 of Deputy Commandant, Elite Force KPK, Peshawar preferred a departmental appeal to the Commandant Elite Force, KPK, Peshawar. **(Copy of departmental appeal dated 17-03-2020 is attached as Annexure "C")**.
8. That without giving any heed to averments of appellant's departmental appeal or placinn it before the concerned appellate authority, the Deputy Commandant Elite Force KPK, Peshawar at his own accord decided and rejected the same vide order dated 21-09-2020. **(Copy of order dated 21-09-2020 is attached as Annexure-"D")**.
9. That instant service appeal is being delayed with **10**... Days delay due to illness of appellant **(copy of medical certificate is attached as "E")**, inter alia, on the following as well as other grounds:-

that similar employees were given benefit by the Apex court by counting of their service for the protected period for payment of pensionary benefits, therefore, request was made for the stated relief.

4. As against that, learned A.A.G submitted that appellant was appointed as P.S.T under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 as well as upon the direction of august High Court Abbottabad Bench. He submitted that as per Section-5 of the Sacked Employees (Appointment) Act, 2012, sacked employees shall not be entitled to seniority and other back benefits and that such nature cases were dismissed by the Service Tribunal. He, therefore, requested for dismissal of the instant service appeal.

4. From the record, it is evident that appellant was appointed in the year 1994 and was terminated in 1997. Sacked Employees (Appointment) Act, 2012 was specifically promulgated to extend relief to such sacked employees. Appellant was not considered for the reason best known to the respondents. The respondents however, considered other similar cases just after promulgation of the Act ibid which was discriminatory on the part of respondents. It was upon the intervention of the Hon'ble Peshawar High court that appellant was reinstated at a belated stage in 2018 but with immediate effect. The main concern of the appellant is that such employees would reach the age of superannuation before earning qualifying service for pensionary benefits. We have observed that appellant had possessed all the qualifications as prescribed in the Act like others. It is also on

2. That on account of his great services in police department the appellant was promoted to the rank of Head Constable. Subsequently the appellant's services were transferred to Elite Force KPK Peshawar **on deputation basis**. While appellant serving the Elite Force KPK at District Mansehra, he took one month Earned Leave in November 2014 on account of some domestic problems. **(Copy of leave sanction report dated 02-12-2014 is attached as Annexure-"A")**.

3. That unfortunately the appellant seriously fell ill in the Month of February 2015 and could not join back his duties on expiry of above leave. He informed his officers about his sickness and medical treatment. Appellant was confined to bed. He regularly submitted leave applications alongwith medical documents to his officers for sanction of leave. The appellant was always assured that his leave would be got sanctioned from the competent authority. All necessary documents of medical treatment will be produced at the time of submitting re-joinder or at arguments stage.

4. That appellant continued his medical treatment but of no avail. The appellant remained confined to bed for about 04 years. When he got his health recovered, he approached his office for joining his duties but he was not allowed rather apprised that his services had been dismissed by the Deputy Commandant, KPK Elite Force, Peshawar vide his order dated 15-04-2015. **(Copy of dismissal order dated 15-04-2015 is attached as Annexure-"B")**.

record that co-employees tried their level best for back benefits and their cases were dismissed by this Tribunal as their earlier stance was to get all service benefits. Feeling aggrieved from the judgment of this Tribunal CPLAs were filed in the Apex Court and relief of back benefits to co-employees was refused by the Apex Court too. However, Apex Court allowed counting of their service for the protected period for payment of pensionary benefits. The present appellant has a strong case as he had every right to be reinstated just after promulgation of the Act *ibid* as he has requisite qualification as prescribed in the Act. His claim was accepted by the august High Court and reinstatement was ordered.

5. The present appellant has also prayed for all service back benefits with a request for counting of his service for the protected period in the light of judgment of the Apex Court which was passed in the case of co-employees. So, from the record, it is crystal clear that despite promulgation of an Act in the year 2012, appointment order of the appellant was issued in the year 2018 and that too, on the directions of august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees counting of their service protected period for payment of pensionary benefits only. Case of the present appellant is at par with those Sacked employees who were granted this benefit by the Apex Court as well as with ~~those~~ employees in Service Appeal No.572/2019, therefore, this appeal is

/

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Wajid Khan S/O Shamraiz Khan (Ex-Head Constable District Police Abbottabad) Village Nowshehra, Tehsil Havailian, District Abbottabad.

Appellant

VERSUS

1. Commandant Elite Force, Khyber Paktunkhwa, Peshawar.
2. Deputy Commandant Elite Force, K.P.K., Peshawar.
3. District Police Officer Abbottabad.
4. Deputy Superintendent of Police, Elite Force, Hazara Region, Abbottabad.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 15-04-2015 OF DEPUTY COMMANDANT ELITE FORCE KHYBER PAHTUNKHWA PESHAWAR WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE AND ORDER DATED 21-09-2020 WHEREBY HIS DEPARTMENTAL APPEAL HAS BEEN REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER DATED 15-04-2015 AND 21-09-2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE REINSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH GRANT OF CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth"

1. That appellant was inducted in District Police Abbottabad as a constable on 05-03-2002. He always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his superiors. He was awarded with commendation certificates and cash awards on occasions due to his tremendous service. He has meritorious service record at his credit.

accepted to the extent that appellant is allowed counting of his service from the date of promulgation of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits subject to decision by the Apex Court in view of Para-12 delivered in .. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
08.09.2021

*in relation to civil
appeal pertaining to*

(Ahmad Sultan Tareen)
Chairman

(Rozina Rehman)
Member (J)

*R.P. as discussed
herein above in this
Judgment*

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 13291

Wajid Khan S/O Shamraiz Khan (Ex-Head Constable District Police Abbottabad) Village Nowshehra, Tehsil Havailian, District Abbottabad.

Appellant

VERSUS

1. Commandant Elite Force, Khyber Paktunkhwa, Peshawar.
2. Deputy Commandant Elite Force, K.P.K., Peshawar.
3. District Police Officer Abbottabad.
4. Deputy Superintendent of Police, Elite Force, Hazara Region, Abbottabad.

Respondents

SERVICE APPEAL

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3.	Dismissal Order dated 15-04-2015	"B"	10
4.	Departmental Appeal dated 17-03-2020	"C"	11-12
5.	Appellate Order dated 21-09-2020	"D"	13
6.	Medical Certificate dated -2020	"E"	14
7.	Wakalatnama		

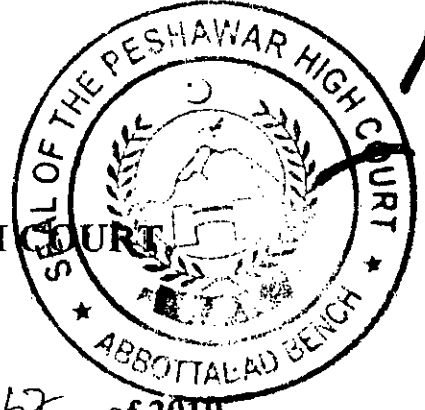
Through

Appellant

M. Aslam
(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 29-10-2020

BEFORE THE PESHAWAR HIGH COURT
BENCH ABBOTTABAD



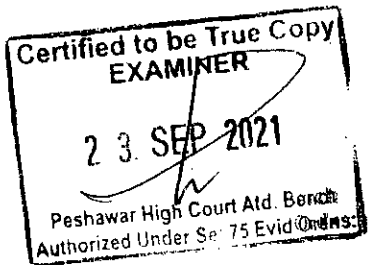
W.P No. 967 of 2019

Mansoor Ali Khan son of Muhammad Ayaz
Khan resident of Shohal Najaf Khan, Tehsil
Balakot District MansehraPetitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer (Male), Mansehra.
4. Deputy District Education Officer (Male), Mansehra.
5. District Accounts Officer, Mansehra.
.....Respondents.

WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 FOR A
DECLARATION TO THE EFFECT
THAT NON-APPOINTMENT OF THE
PETITIONER AS PST TEACHER IN
EDUCATION DEPARTMENT UNDER
SACKED EMPLOYEES ACT, 2012 BY
THE RESPONDENTS DESPITE
FULFILLING ALL THE LEGAL
REQUIREMENTS AS WELL AS

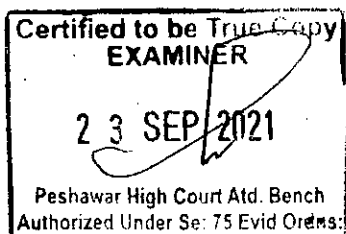


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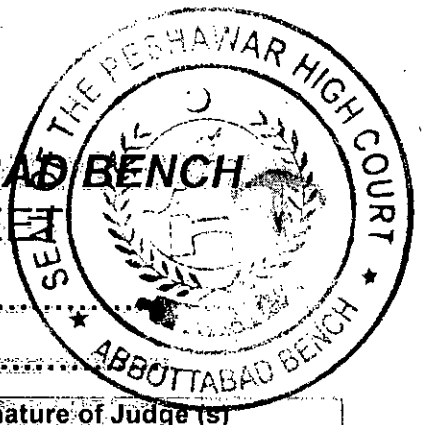
DOCUMENTS IN ACCORDANCE
WITH THE JUDGMENT OF THIS
HONOURABLE COURT IN WRIT
PETITION NO.216-A/2015 AND W.P
NO.702-A OF 2014 ALONGWITH THE
C.O.C NO.46-A OF 2016 IS WRONG,
ILLEGAL, AGAINST THE LAW AND
FACTS, ARBITRARY, FANCIFUL,
PERVERSE, WITHOUT LAWFUL
AUTHORITY, BASED ON MALAFIDE,
POLITICALLY MOTIVATED, AGAINST
THE FUNDAMENTAL RIGHTS OF
THE PETITIONERS HENCE BEING
UNCONSTITUTIONAL LIABLE TO BE
STRUCK DOWN.

PRAYER: -

On acceptance of the instant Writ Petition, non-appointment of the petitioner as PST Teacher in Education Department under Sacked Employees Act, 2012 by the respondents despite fulfilling all the legal requirements as well as documents in accordance with the judgment of this Honourable Court in Writ Petition No:216-A/2015 and W.P No.702-A of 2014 alongwith the C.O.C No.46-A of 2016 may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful,



PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM OF ORDER SHEET



Court of

Case No. of

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
22.09.2021	<p><u>WP No. 967-A/2019</u></p> <p>Present: Mr. Junaid Anwar Khan, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant AG for the official respondents.</p> <p>***</p> <p>The former stated that the matter is pending before the august Supreme Court and till then this case be adjourned sine die. Order accordingly. Office is directed to re-list the case on formal application of either of the parties after decision of the Supreme Court of Pakistan.</p> <p><i>[Signature]</i> JUDGE</p> <p><i>[Signature]</i> JUDGE</p>

Certified to be True Copy
EXAMINER
23 SEP 2021
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns.

(Arshad Iqbal)

Hon'ble Justices Mohammad Ibrahim Khan & Shakeel Ahmad