

21.12.2018

Appellant alongwith his counsel present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Aziz Ullah, Primary School Teacher for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed in connected Service Appeal No. 315/2018 "titled Gulzada Versus Executive District Officer (Elementary & Secondary Education) Dir Lower and three others, the appeal is accepted and the department is directed to extend the benefits to the appellant in the manner extended to other similarly placed teachers. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.12.2018


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

09.07.2018

Counsel for the appellant and Mr. Sardar Shoukat Hayat, Addl: AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 9.08.2018 before S.B.



Member

09.08.2018

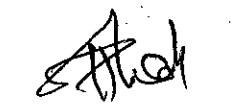
Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of the respondents submitted. To come up for rejoinder and arguments on 27.09.2018 before D.B.




Chairman

27.09.2018

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Due to general strike of the bar adjourn. To come up for arguments on 08.11.2018 before D.B.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018



Chairman

20.03.2018

Appellant with counsel present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as PSHT. It was further contended that the appellant was appointed on 24.06.1997 however, later on the appointment order of the appellant was held in abeyance vide order dated 09.07.1997 however, the appellant was again readjusted vide order dated 29.08.1998 with immediate effect. It was further contended that the appellant filed departmental appeal but the same was not decided hence, the present appeal. It was further contended that the appellant was entitled for salary of the intervening period in between order of held in abeyance and readjustment and also entitled for seniority for the same period but the appellant was readjusted with immediate effect therefore, the impugned order is illegal and liable to be set-aside.

01/3/18
Appellant Deposited
Security & Process Fee

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 14.05.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

14.05.2018




The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 09.07.2018.


Reader

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 316/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/03/2018	<p>The appeal of Mr. Mukamal Shah resubmitted today by Mr. Yasir Saleem Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 6/3/18</p>
2-	12/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/03/18.</u></p> <p style="text-align: right;"> MEMBER</p> <p style="text-align: right;"></p> <p style="text-align: left;">R</p>

The appeal of Mr. Mukammil Shah son of Muhammad Zarin PSHT GGPS Dedanpura Distt. Dir Lower received today i.e. on 08.02.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is unsigned which may be got signed.
- 2- Judgment dated 4.8.2008 is incomplete which may be completed.
- 3- Annexures-D, E, F, G, H, J and K are illegible which may be replaced by legible/better one.
- 4- The authority to whom the departmental appeal was made has not been arrayed/made a party.
- 5- Annexures of the appeal may be attested.
- 6- Annexures of the appeal may be flagged.
- 7- Affidavit may be got attested by the Oath Commissioner.
- 8- Annexure-L is missing.
- 9- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 309 /S.T,

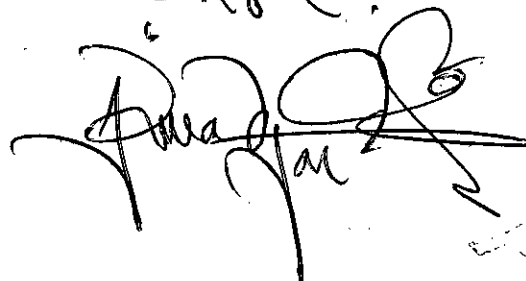
Dt. 09/02 /2018


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

All annexures was Completed.
Resubmit accordingly.

Please Put in Const.



**BEFORE THE KHYBER PAKHTUNKHWA
SERVISE TRIBUNAL PESHAWAR**

Appeal No. 316 /2018

Mukammil Shah S/O Muhammad Zarin, PSHT, Govt. Primary School Dedanpura District, Dir (Lower).

(Appellant)

VERSUS

Executive District Officer (Elementary & Secondary Education) Dir Lower and others.

(Respondents)

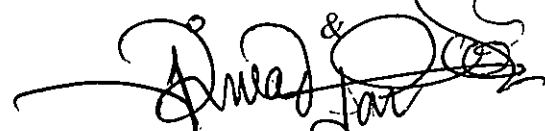
INDEX

S. No	Description of documents	Annexure	P. No
1	Memo of Appeal & Affidavit		1-4 1-5
2	Copy of the appointment notification dated 24.06.1997	A	6-10
3	Copy of the charge report and Medical Certificate	B & C	11-12
4	Copy of the Office Order dated 09.07.1997	D	13
5	Copies of the letter dated 03.7.1997 & 30.08.1997	E & F	14-15
6	Copy of the Order Sheet dated 24.03.1998	G	16
7	Copy of the adjustment order dated 29.08.1998 & charge report dated 30.08.1998	H & I	17-18
8	Copies of the Judgment and order dated 04.08.2008, 28.06.2012, 15.05.2014, 04.11.2015 and 17.10.2016	J	19-37
9	Copy of the letter dated 02.12.2015	K	38
10	copy of order and judgment dated 05.12.2017	L	39-46
11	Copies of the Departmental appeal dated 28.12.2017 & rejection orders dated 09.01.2018	M & N	41-42
12	Vakalatnama		43

Appellant

Through

YASIR SALEEM



JAWAD-UR-REHMAN

Advocates, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 185

Dated 08/2/2018

Appeal No. 316/2018

Mukammil Shah S/O Muhammad Zarin, PSHT, Govt. Primary
School Dedanpura District, Dir (Lower).

(Appellant)

VERSUS

1. Executive District Officer (Elementary & Secondary Education)
Dir Lower.
2. Executive District Officer (Elementary & Secondary Education)
Upper Dir.
3. Director, Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar.
4. Secretary School and Literacy Khyber Pakhtunkhwa Peshawar.

(Respondents)

**Appeal under Section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act, 1974 for the
counting of service and for arrears of pay w.e.f
24.06.1997 to 29.08.1998 to the appellant, the
Departmental Appeal dated 28.12.2017 for the
grant of arrears of pay was regretted vide letter
dated 09.01.2018.**

Prayer in Appeal:

Filed to-day

Registrar,

8/2/18

**Re-submitted to -day
and filed.**

Registrar

6/3/18

Respectfully Submitted:

**On acceptance of this appeal the Order dated
09.01.2018 may please be set aside and the
appellant may be allowed counting of service and
arrears of pay w.e.f 24.06.1997 to 29.08.1998 and
be declared as regularly appointed w.e.f
24.06.1997 for all intent and purposes or any other
relief deemed proper may also be allowed.**

1. That the Education Department advertised certain posts in the department, the appellant was having the prescribed qualification for the post of PTC (BPS-7) hence he applied for the same, and consequently after the recommendation of the Departmental Selection Committee, he was appointed as PTC (BPS-7) vide appointment

- notification dated 24.06.1997. *(Copy of the appointment notification dated 24.06.1997 is attached as Annexure A).*
2. That the appellant assumed the charge of his post on 25.06.1997, and continued performing his duties. The appellant was also medically examined and was found fit. *(Copy of the charge report and Medical Certificate are attached as Annexure B & C).*
 3. That at the relevant time the District Dir was bifurcated and two new Districts i.e. Upper Dir and Lower Dir were created so a controversy was raised by a local MPA regarding posting of the employees at Upper Dir, hence the order of appointment of the appellant was kept held in abeyance vide order dated 09.07.1997. *(Copy of the Office Order dated 09.07.1997 is attached as Annexure D).*
 4. That before the order dated 09.07.1997, vide letter dated 03.07.1997 the then Sub-Divisional Education Officer (M) Dir, was directed to accept the charge report of the newly appointed teachers. Thereafter vide order dated 30.08.1997 the order dated 09.07.1997 was ordered to be released however no action was taken thereon, in the meantime the Respondents started releasing the appointments order previously held in abeyance. *(Copies of the letter dated 03.7.1997 & 30.08.1997 are attached as Annexure E & F).*
 5. That some of the similarly placed employees filed Writ Petition No. 1707/97, in the Peshawar High Court and the Honourable Peshawar High Court vide order dated 24.03.1998 granted an interim relief and stopped the process of re- appointment against the posts on which the appellant was selected. *(Copy of the Order Sheet dated 24.03.1998 is attached as Annexure G).*
 6. That later, the appellant was adjusted against the vacant post of PTC at GPS Kor Shung vide later No.2359-63 dated 29.08.1998, with immediate effect. The appellant submitted charge report on 30.08.1998 and started performing his duties. *(Copies of the adjustment order dated 29.08.1998 and charge report dated 30.08.1998 are attached as Annexure H & I).*
 7. That the appellant throughout agitated the matter of grant of pay and counting of service for the period mentioned above, albeit his requests were given deaf ear. In the meantime one Naheed shah a similarly placed employee filed Service Appeal No. 377/2002 in this Honourable Tribunal and this Honourable Tribunal allowed the same vide judgment and order dated 14.01.2004 and held him entitled to the arrears of pay w.e.f 24.06.1997 to 23.11.2000. Similarly Service Appeals No. 486/2008 of the similarly placed employees was allowed on 04.08.2008, Service Appeals No.860/2011 allowed on 28.06.2012,

Service Appeals No.114/Neem/ 2011 allowed on 15.05.2014 and Service Appeals No.1175/2013 allowed on 17.10.2016. Even in Service Appeals No.1092/2012 to 1103/2012 this Honorable Tribunal, while allowing the appeal held that;

“The respondent department should constitute a committee to scrutinize cases of those PTC teachers who were appointed vide order dated 24.06.1997 but they suffered merely because of order dated 09.07.1997. The department should also ensure that if the case is genuine and identical and that the civil servants suffered only due to letter dated 09.07.1997. Such all cases be decided in one go, once for all.”

(Copies of the Judgment and order dated, 04.08.2008, 28.06.2012, 15.05.2014, 04.11.2015 and 17.10.2016 are attached as Annexure J).

8. That it is pertinent to mention here that the directions of this Honorable Tribunal has been duly conveyed to the District Education officer (M) dir (Lower) by the Assistant Director Litigation E & SE Khyber Pakhtunkhwa Peshawar vide his letter dated 02.12.2015. relevant Para is reproduced as under;

Now in the wake of the above made directions, it is hereby directed that the judgment dated 04.11.2015 of the Honorable Service Tribunal may kindly be implemented as per directions in its true letter & spirit being a competent authority in the instant matter under the intimation along-with record to the undersigned on priority basis being a court matter.

(Copy of the letter dated 02.12.2015 is attached as Annexure K).

9. That recently this honorable tribunal allowed service appeals bearing no. 140/2017 to 147/2017 of similarly placed employees/colleagues of the appellant vide consolidated order and judgment dated 05.12.2017. *(copy of order and judgment dated 05.12.2017 is attached as annexure L)*
10. That pursuant to the decision of this Honourable Tribunal, most of the PTC Teacher appointed along with the appellant were allowed the arrears of pay for the intervening period, albeit it was not paid to the appellant without any cogent reasons, hence the appellant as a last resort submitted his Departmental Appeal dated 28.12.2017 for the grant of arrears of pay however it was regretted vide letter dated 09.01.2018. *(Copies of the Departmental appeal dated 28.12.2017 & rejection orders 09.01.2018 are attached as M & N).*
11. That the appellant is entitled to the arrears of pay and counting of service for the period i.e. 24.06.1997 to 30.06.1998. The order dated 29.12.2016 is against the law and facts and illegal and liable to be set-aside inter alia on the following grounds.

Grounds of Appeal:

- A. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under law and constitution were violated, he has been discriminated against in the grant of arrears of pay, because similarly placed employees were allowed the arrears of pay but it was illegally denied to the appellant.
- B. That during the disputed period the appellant remained in the employment of the education department, his services were never terminated hence he is entitled to the arrears of pay and allowances for the said period.
- C. That there was no fault on the part of the appellant, nor there was any irregularity in the matter of his appointment, he was appointed on merit and in accordance with law hence he is entitled to the arrears of pay.
- D. That the appellant was continuously approaching the department for the release of his salary, however he was given dead response, since the matter of pay is a continuous wrong and recurring cause of action hence no limitation is applicable to his case.
- E. That it has been consistently held by the superior courts that “if the Service Tribunal or Supreme Court decides a point of law relating to the terms of service of a civil servant which cover not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rules of good demands that the benefit of such judgment by Service Tribunal/ Supreme Court be extended to other civil Servants, who may not be parties to the litigation instead of compelling them to approach the service tribunal or other forums” (SCMR 1996 page 1185, PLD 2004 SC 77, 2005 SCMR 499, 2009 SCMR page 1. The respondent department has violated the law and Judgments of the superior Court.
- F. That it is pertinent to point out here that most of the employees who were similarly placed were allowed the arrears of pay and protection of service, but it was denied to the appellant, some of them are Saen Ullah, Niaz khan, Fasih ul lisan, Ikram Ullah, Muhammad Hassan, Sajjad Ullah and Riaz-ul-Haq.
- G. That the appellant was ready to perform his duties but was illegally kept away from his duties is entitled to the pay and arrears of the intervening period.

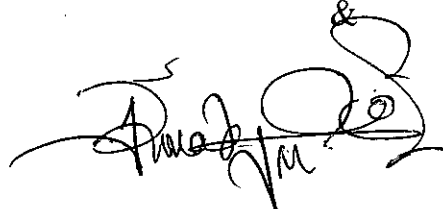
H. That the appellant seeks the permission of this Honorable Tribunal to rely on additional ground at the hearing of this appeal.

It is, therefore, humbly requested that on acceptance of this appeal the Order dated 28.12.2017 may please be set aside and the appellant may be allowed counting of service and arrears of pay w.e.f 24.06.1997 to 30.06.1998 and be declared as regularly appointed w.e.f 24.06.1997 for all intent and purposes or any other relief deemed proper may also be allowed.

Appellant

Through


YASIR SALEEM

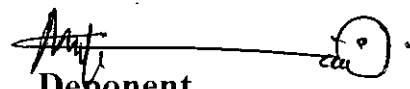


JAWAD-UR- REHMAN

Advocates, Peshawar

AFFIDAVIT

I, **Mukammil Shah S/O Muhammad Zarin, PSHT, Govt. Primary School Dedanpura District, Dir (Lower)** do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and that nothing has been kept back or concealed from this honourable Tribunal.


Deponent

NOTIFICATION:-

Consequent upon their selection by the Departmental Selection committee, the District Education Officer (M) P.R.Y. Dir at Timargara has been pleased to appoint the following trained P.T.C. Candidates at the schools noted against their names in BPS, No. 7 (Rb. 1480-81-2695 plus usual allowances) as admissible under the rules with immediate effect subject to the existing terms and conditions:-

S.No.	Name, Father's Name & Address.	D/O Birth.	No of merit.	School where Posted.	PF	Remarks.
1.	Shahbud Din S/O Muhammad Zafar R/O Talaw.	3.1.76	15/54	GPS:Done	PF:73	V:Karim Zada Terminated As not Selected on merit.
2.	Isarud Din S/O Muhammad Wanid R/O Sheringal.	1.7.77	16/54	" Bhasan	"	Umer Muhammad Term: do-
3.	Salehullah S/O Muhammad Ghafar R/O Dambar Gula.	28.8.74	17/54	" Bhat.	"	V:Khan Zada Term: do-
4.	Muhammad Islam S/O Sdam Muhammad R/O Katap.	22.10.76	18/54	" Bunkai.	"	V:Muhammad G. Jan Term: do-
5.	Munib Zada S/O Shahzullah R/O Sheringal.	16.6.77	19/54	" Kakkal	"	V:Bakht Ali Term: do-
6.	Akbar Ali S/O Said Afzal Qulandai.	18.2.68	20/54	" Tangai Sar"	"	V:Sahib Zamil Term: do-
7.	Karim Zada S/O Hamsa Khan R/O Chiragh Jalai	9.4.73	21/54	" Bahaor (P)"	"	V:Baz Muhammad Term: do-
8.	Ihsanullah S/O Saeed Afzal R/O Sheringal.	4.5.69	22/54	" Banjo.	"	V:Nazar Muha Term: do-
9.	Mubarak Zeb S/O Fazal Muhid R/O Dir	1.1.69	23/54	MPS:Qashqari (B)"	"	V:Ismaail Term: do-
10.	Ashfaqullah S/O Muhammad Naem R/O Kakkool.	1.1.78	24/49	GPS:Doodbah."	"	V:Inayatullah Term: do-
11.	Farid Khan S/O Izul Khan R/O Pacha Kali.	6.6.73	25/49	" Khan Abad."	"	V:Shakhi Jun Term: do-
12.	Noorul Islam S/O Naqib Ahmad R/O Dng.	1.6.75	26/49	" Dankar.	"	Juma Faqir Term: do-
13.	Salahud Din S/O Khushal Khan R/O Karborai.	15.8.73	27/49	MPS:Vegal	"	V:Haseinullah Term: do-
14.	Khista Bar Khan S/O Khista Rahman R/O Sheringal.	10.4.74	28/49	GPS:Janas Kandw"	"	V:Jamshid Term: do-
15.	Khalid Hassan S/O Ibrahim Jan R/O Dir.	1.7.76	29/49	" Kogyal.	"	V:Muhammad Ha Term: do-
16.	Guhar Rahman S/O Muhammad Ghufraan R/O Chiragh Jalai.	1.1.75	30/49	" Achar (B) "	"	V:Mahidur Ra Term: do-
17.	Pir Muhammad S/O Rahmat Jan R/O Jabalok.	26.5.76	31/48	" Garshal(B)"	"	V:Habitullah Term: do-
18.	Asif Khan S/O Gul Muhammad R/O Khuro.	20.4.73	32/46	" AnstanoBanda"	"	V:Nasir Ter do-
19.	Faizur Rahman S/O Hazrat Khan R/O Jabalok.	2.1.74	33/49	MPS:Kuchkal "	"	V:Ashfaqullah Term: do-
20.	Muhammad Saadq S/O Muhammad Saif R/O Mano Banis.	16.5.74	34/49	GPS:Rohjandrai"	"	V:Shah Nazir Term: do-

21. Alam Khan S/O Dilawar Khan R/O Jablok.	3.4.74	33/46	GPS:Loineel FF173	V:Shahid Term: -do-
22. Awrangzeb S/O Wazir Gada R/O Abakand.	25.11.74	36/46	MPS:Daruldoontal	V:Gadi Term: -do-
23. Hamza Khan S/O Gul Shah Ali Khan R/O Rokhan.	1.5.75	37/46	CPS:Tal 3	V:Inayatullah Term: -do-
24. Jamil Ahmad S/O Ghulam Ahmad R/O Doss.	3.7.74	38/46	" Darmal(P)	V:Muhammad Term: -do-
25. Rahmanullah S/O Khir Muhammad R/O Pitaw.	15.9.74	39/44	" Kohatan(B)	V:Bacha Hayat Term: -do-
26. Jan Muhammad S/O Rahmat Jan R/O Jabalok.	13.7.74	40/44	" Panukot.	V:Dawood Jan Term: -do-
27. Muhammad Din S/O Yaqoob Khan R/O Panakot.	20.5.75	41/44	" Sawnai	V:Shah Hussin Term: -do-
28. Sultan Yousof S/O Taj Muhammad R/O Galesh.	1.2.68	42/44	" Khan Abad	V:Noor Iqbal Term: -do-
29. Zahid Hussin S/O Khan Ghafoor R/O Dir Shaw.	16.5.72	43/44	" Bar Kali	V:Mirza Khan Term: -do-
30. Fazal Nabi S/O Umer Said R/O Kass Dir.	21.12.73	44/44	" Sial Kass.	V:Shafiullah Term: -do-
31. Shafiullah S/O Saoudullah Khan R/O Serai.	8.3.73	45/44	" Sia Gaugh.	V:Wahidullah Term: -do-
32. Raham Nab S/O Dil Muhammad R/O Rokhan.	8.4.74	46/44	" Shang.	V:Anir Zada Term: -do-
33. Wazifullah S/O Nimatullah R/O Beyari.	15.3.69	47/39	" Pon Sera	V:Muhammad Sa Term: -do-
34. Muhammad Khan S/O Walya Jan R/O Jabalok.	1.3.76	48/39	MPS:Kelot.	V:Rahmat Zada Term: -do-
35. Naeem Jan S/O Aziz Muhammad R/O Keiar Dara.	9.5.72	49/39	GPS:Tal I	V:Saccedul Haq Term: -do-
36. Alawd Din S/O Muhammad Din R/O Sheringal.	1.2.77	50/39	" Patark.	V:Muhammad Sh Term: -do-
37. Azimullah S/O Abdul Hanan R/O Dohando.	4.3.75	51/39	MPS:Serai Dankar	V:Muhammad Term: -do-
38. Shafiur Rahman S/O Sna Gul R/O Patrak.	4.2.75	52/35	" SeraiPat:	V:Sneed Jan Term: -do-
39. Sardaraz Khah S/O Sarfaraz Khan R/O Kass Dir.	1.4.75	53/29	GPS:Mina	V:Parviz Akht Term: -do-

FF-74

1. Mukameel Shah S/O Muhammad Zarin R/O Sro Gal.	25.3.68	21/55	GPS:Masosai FF-74	V:Sadat Khan Term: -do-
2. Sabibur Rahman S/O Marghai Jan R/O Shanghai.	20.2.74	22/55	MPS:Banjo	V:Muhammad Term: -do-
3. Nizamud Din S/O Hamidullah Jan R/O Kumbhar.	23.1.74	23/55	" Tango	V:Wahidur Rahman Term: -do-
4. Sultan Bakhash S/O Tooti Rahman R/O Barwal	17.4.76	24/54	" Topai.	V:Rafiq Muhammad Term: -do-
5. Muhammad Ishaq S/O Abdul Karim R/O Bandagai.	15.6.72	25/54	GPS:Marwar	V:Abdul Qayyum Term: -do-
6. Ishaq S/O Muhammad Wahid R/O Markhanai.	23.3.72	26/54	" Bilachand	V:Khan Term: -do-

Count on page 3

ATTACHED

1. Muhammad Tahir S/O Abdul Haq R/O Lalqila.	18.1.71	27/51	PS: Makhai 2	PF: 74	V: Amnullah	Term: do-
2. Muskan Khan S/O Khirur Rakman R/O Bishgram.	18.1.73	28/54	Kalpani.	"	V: Dilawar Khan	Term: do-
3. Dilawar Jan S/O Ahmad Jan R/O Mirgam (B)	1.1.66	29/52	Darawal 3	"	V: Tajul Din	Term: do-
4. Nishan Haider S/O Azizul Hakim R/O Barawal.	30.3.53	30/52	Krapa.	"	V: Mukhtiar Khan	Term: do-
5. Hamad Malik S/O Fazli Malik R/O Barawal.	15.6.76	31/53	Binar (F)	"	V: Muhammad Khan	Term: do-
6. Amir Badshah S/O Hussin Khan R/O Shagai.	2.4.76	32/51	Barwaro	"	V: Muhammad Zaki	Term: do-
7. Muhammad Javid S/O Sher Bakdar R/O Shagai.	20/4/74	33/51	Shahtaz	"	V: Hanifullah	Term: do-
8. Anwar Badshah S/O Jehan Badshah R/O Deedan Pura.	2.2.73	34/53	Sro Kali.	"	V: Mukhtiarullah	Term: do-
9. Muhammad Yousof S/O Yar Khan R/O Manial.	1.4.72	35/52	Shengr Gal.	"	V: Gul Bahman	Term: do-
10. Muhammad Nabi Khan S/O Khan Badshah R/O Shagai.	1.5.76	36/50	Maroono.	"	V: Hazrat Jan	Term: do-
11. Fazli Subhan S/O Qazi Khan R/O Mian Dehri.	15.3.67	37/48	Lil Banr.	"	V: Insaullah	Term: do-
12. Mahmood Jan S/O Toor Jan R/O Barawal.	4.4.72	38/47	Babagam.	"	V: Muhammad Ishtiaq	Term: do-
13. Hanifur Ahad S/O Fazal Ahad Kumbanr.	1.3.73	39/46	Lar Tong	B: Khan	V: Sher Zada	Term: do-
14. Insanul Ahad S/O Ghulam Ahad R/O Barghando.	20.1.71	40/46	Ki Dehri.	"	V: Muhammad Zaki	Term: do-
15. Gul Zada S/O Sabir Khan R/O Muslim Khwar.	15.10.75	41/45	Kotkai Dohri	"	V: Muhibullah	Term: do-
16. Asadullah S/O Badshah Rahman Bishgram.	1.3.76	42/46	MPB: Kolalano Shah	"	V: Muhammad Zaki	Term: do-
17. Farid Khan S/O Badshah Akbar Khan, R/O Nagotal.	25.11.73	43/46	GPS: Kass Gumbat	"	V: Hafizur Rahman	Term: do-
18. Muhammad Tufial S/O Safur Rahman R/O Garawni.	4.4.73	44/45	Kass Gumbat	"	V: Rahman Zaki	Term: do-
19. Mubark Said S/O Hakim Said R/O Kumbanr.	5.4.74	45/45	Kankandi Balo	"	V: Javid Khan	Term: do-
20. Ghulam Gul S/O Ghulam Gul R/O Khatkai.	1.5.72	46/45	Kankandi	"	V: Jawhar Khan	Term: do-
21. Muhammad Hussin S/O Umer R/O Kass.	5.3.68	47/45	Mirgam (K)	"	V: Muhammad Zaki	Term: do-
22. Asim Jan S/O Toor Jan R/O Chinda Kat.	13.3.73	48/44	Umer Rahman Koorona	"	V: Muhammad Zaki	Term: do-
23. Muhammad Salim S/O Muhammad Zahir Shah R/O Hido.	15/5/73	49/44	Mishwano	"	V: Fazli	Term: do-
24. Ahfozur Rahman S/O Mian Gul R/O Markhani.	10.5.70	50/44	Sarlara	"	V: Niaz Muhammad	Term: do-
25. Sher Zada Khan S/O Finda Khan R/O Khatkai.	10.1.74	51/44	MPB: Muhammad Zada Koorona	"	V: Bahrawar	Term: do-
26. Maul Haq S/O Insanul Haq R/O Bishgram.	1.5.74	52/44	Barbala Koorona	"	V: M: Nabi	Term: do-
27. Ghulam Hussin S/O Ghulam Muhammad R/O Shagai (M)	8.5.72	53/44	Kassai	"	V: Muhammad Zakirullah	Term: do-

8

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- 34. Bakht Shah Azim S/O Muhammad Jan Khan R/O Shagai (M) 1.1.75 54/45 GPS:Bala Khali PF-74 V:Khan Zada Term: do
- 35. Asghar Khan S/O Sahib Zoh Khan R/O Manial. 16.12.70 55/44 " Brikanai " V:Khamanul Term: do
- 36. Fazli Subhan S/O Ajbar Khan R/O Dokrai. 2.6.70 56/44 " Kass Barikot " V:Sahib Sult Term: do
- 37. Hazrat Jan S/O Said Amin Jan R/O Ghuand. 12.5.68 57/43 " Dod Doon " V:F:am Term: do
- 38. Javid Khan S/O Sahib Sadiq R/O Kotkai. 10.6.69 58/43 " Panj. " V:Inayat R Term: do
- 39. Fasihul Lissan. S/O Gram Malak R/O Pari Kass. 5.10.70 59/43 " PSSHahshor." V:Muhamm Term: do

PF-75

- Islam Gul S/O Itbar Gul R/O Barikot. 1.3.76 91/56 GPS:Tango Manz PF-75 V:Noor Ja Term: do
- ~~XX~~
- Muhammad Zahid S/O Umer Saeed R/O Bar & Bala. 1.2.74 92/56 MPS:Bando Khawar " East aland ocopied
- Ghulam Faqir S/O Abbas Noor R/O Barikot. 1.4.71 93/56 " Bandagai. " V:Muhamm Term: do
- Muhammad Naeem S/O Muhammad Karim R/O Kulal Patal. 1.1.72 94/56 " Bhagai " V:Fateh Khami Term: do
- Samiul Haq S/O Fazli ay Jan R/O Kandar (P) 15.7.70 95/56 GPS:Haji Abad2 " V:Sher Hayat Term: do
- Abdul Wahid S/O Rahman Gul R/O Bagh (D) 24.12.67 96/56 " Galgot. V:Muhammad Hayat Term: do
- Bunir Gul S/O Yar Gul R/O Tangei Khawar. 12.9.75 97/56 GPS:Nangera. " V:Tahir ayub Term: do
- Muhammad Akbar S/O Abdul Kabir R/O Katan (P) 2/4/73 98/56 GPS:Bilatoor " V:Fazal Khali Term: do
- Shah Gul S/O Inzar Gul R/O Bagh (D) 2.2.71 99/56 " Jeckand... " V:Muhamm Term: do
- Harmatullah S/O Muhammad Ayoub R/O Sarai (P) 1.4.72 100/56 " shawgo Rabat " V:Sal Term: do
- Ikhtiar Muhamma S/O Amir Zada R/O Kohari. 11.10/74/101/56 MPS:Darululom Byar. " V:Aminullah Term: do
- ~~XXXXXXXXXXXXXXXXXXXX Amin Said S/O Sherin Zada R/O Timargara. 25.5.78 102/56 " Bital Kass " V:Muhamm Term: do~~

PF-76

- Ghulam Sarwar S/O Ali Heider R/O Markhani. 23.10.74 25/56 GPS:Qandaari PF-76 V:Salahud. Term: do
- Muhammad Anwar S/O Mahmood R/O Gusam. 10.2.74 26/56 " Eatora. " V:Muhamm Term: do
- Sultan Shah S/O Ghulam Muhammad R/O Takwara. 19. 2.78 27/56 " Skhawna. " V:Gul Qadar Term: do
- Badshah Rahman S/O Muhammad Halim Jan R/O Kotkai. 7/2.77 28/56 " Binzo. " V:Muhamm Term: do
- Salahud Lin S/O Khan Bahadar R/O Gusam 10.1.76 29/56 " Asar Kot " V:Khurshi Term: do

- 35. Hidayatullah Khan S/O Badshah-
Muhammad R/O Searai. 1.2.70
- 36. Dawood Muhammad S/O - Dula 28-2-70
Muhammad
- 37. Habibullah S/O Sherullah,
R/O Chapar. 1.4.20

- 59/43 GPS: Chapar PF-77 Vice Ysr-
Muhammad Searai
- 60/43, " Kogano Khawar Vice Sherak
Terminated
- 63/43 NPS: Arak. Vice Shahullah
Terminated.

PF-23

- 1. Salim Khan S/O Amir Nawaz Khan
R/O Ouch. 7.4.75
- 2. Dawood Shah S/O Farid Badshah
R/O Ramora. 6.3.71
- 3. Muhammad Ithad S/O Wali Muhammad
R/O Nigram. 1.6.72
- 4. Hamidur Rahman S/O Fazli Rahman
R/O Badwan. 6.6.74
- 5. Pir Muhammad S/O Itbar Khan
R/O Batan. 2.7.74
- 6. Azizullah S/O Rahatullah
R/O Chakdara. 15.9.70
- 7. Bashir Muhammad S/O Sarfaraz Khan
R/O Tangai. 10.3.73
- 8. Farid Khan S/O Awal Khan
R/O Chakdara. 11.5.77
- 9. Noor Zaman S/O Muslim Khan
R/O Tindodag. 1.12.75
- 10. Azim Khan S/O Fatch Khan
R/O Batan. 15.5.77

- 37/50 GPS: Ado. PF-78 Vice Muhammad S.
Terminated.
- 38/50 " Ramora. Vice Hazrat Husna
Terminated.
- 39/50 " Ragbanai. Vice Badshah Saraf
Terminated.
- 40/50 " Shorshing. Vice Aswud Bin
Terminated.
- 41/50 " Mula Patai. Vice Khir Bahdar
Terminated.
- 42/45 " Jabagai. Vice Gul Halim J.
Terminated.
- 43/45 " Takhta Band. Vice Sahib Zada
Terminated.
- 44/45 " Jugha. Vice Fazal Qasim
Terminated.
- 45/45 " Searai. Vice Musawir Khar
Terminated.
- 46/45 NPS: Boyarai. Vice Bahadar Khar
Terminated.

(USMAN GHANI)

Distt: Education Officer,
(M) Primary Dir at Temargara.

TERMS & CONDITIONS.

OFFICE OF THE DISTT. EDUCATION OFFICER (M) PRIMARY DIR AT TEMARGARA.
Dated Temargara the ___/6/77.

- 1. They will be governed by sub rules & regulations as may be prescribed by the Govt: from time to time for the category of the Govt servant to which they belong.
- 2. Their services will be liable to termination on one months' notice from either side. In case of resignation without notice one month's pay will be forfeited in lieu thereof.
- 3. They should join the posts within one month of the issue of this notification.
- 4. Their inter-se seniority will be determined in accordance with the merit of departmental selection committee.
- 5. Charge report should be submitted to all concerned.
- 6. They shall be on probation for a period of two years and will have to pass departmental examination. In case a candidate fails to qualify the departmental Exam: he will be given one more chance. If he fails again, then services will be terminated. On arrival/availability of trained teacher, the services of untrained teacher occupies the posts will be terminated.
- 7. Their original certificates etc will be checked and verified from the concerned institution/RISE/R.O.L. and Islamic Madrasas before handing over charge.
- 8. Service books of the teachers must be prepared complete in all respect, before handing over charge.

ATTACHED

جارج رپورٹ

Approved: - B

مدیر تعلیم

خدمت جناب DFO صاحب مردانہ ایجوکیشن نمبر ۱۹۹۷

صاحب عالی! میں نے آج بمقام 25 جون 1997 کو گورنمنٹ

پرائمری سکول براول ماموسی میں قبل از دوپہر مطابق

اڈر نمبر 2034/2/96
پہر کھیت P.T.C مدرس ایسے

Date: 24-6-1997

عہدے کا جارج سمسماں لیا - اطلاع جارج رپورٹ پیش خدمت ہے

جارج گرنیدہ

مکمل سناہ

۱۱۲۸

ATTESTED

جارج دھندہ

مشفاق احمد

۱۱۸۱

العارضین! مکمل سناہ ولد محمد زین علقہ 74 PF سپرینٹنڈنٹ (1) ڈیپو لنگر

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APR 1968

N.W.F.P. Med. No.4

GS&PD-NWFP-596 F.S. 2,000 Ps of 100-19.2.91(19)

MEDICAL CERTIFICATE.

Name of Official Mr. Mukamil Shah

Caste or race Muslim

Father's Name Mr. Mohammad Zarin

Residence Village; Sroo Gull. P.O. Zaimdara Distt; Dir.

Date of birth 25/3/1968

Exact height by measurement 5' 6"

Personal mark of identification A wound scar on the left hand meddle fingure

Signature of the Official Mukamil Shah

Signature of head of office

Seal of Office

I do hereby certify that I have examined Mr. Mukamil Shah candidate for employment in the office of the Education Department and can not discover that he had any disease communicable or other constitutional effecton or bodily infirmity except NIL

I do not consider this as disqualification for employment in the office of the Education His age according to his own statement 29 years and by appearance about Twenty seven

LEFT HAND THUMB AND FINGER IMPRESSIONS

CIVIL SURGEON
Medical Superintendent
Civil Hospital
21/4/68

ATTACHED

Annex-6 B

(held-in-advance)

ANNEX-D

B

DIRECTORATE OF PRIMARY EDUCATION,
NWFP, PESHAWAR.

F.No. 1/DPE/M&A/Advt/PTC/A.O.
Dated Peshawar, the 9/7/1997.

The Distt. Educ. Officer (Male) (Ro-Male),
Primary,
Dir at Timergara.

Subject: APPOINTMENT OF PTC CANDIDATES IN UPPER DIR.

I am directed to refer the above noted subject and in this connection, it has been decided that in the light of Notification No. 23629/Rev:VI/0/96 dated 13.8.1996 that the merit lists of PTC candidates of Districts Upper Dir and Lower Dir is to be prepared separately.

I am, therefore, further directed to ask you to hold in abeyance the appointments order of PTC candidates of lower Dir appointed in Upper Dir till further orders.

I am further directed to ask you to attend this office alongwith Merit lists/applications of the candidates to prepare fresh merit lists of both the Districts.

[Signature]
For/Director Primary Education,
NWFP, Peshawar.

Enclt. Even No. & date.

Copy forwarded for information to:-

1. Mr. Najmad Din Khan, Member Provincial Assembly, NWFP.
2. P.A. to Director Primary Education, NWFP Local Office.

[Signature]
For/Director Primary Education,
NWFP, Peshawar.

[Handwritten mark]

10 14

OFFICE OF THE
DISTRICT EDUCATION OFFICER,
(M) PRIMARY DIR AT TIMARGARA.

No. 258-29

Dated Timargara the 3.7.1997

To: The Sub-Divisional
Education Officer, (M) Dir.

Subject: - CHARGE REPORTS.

Memo: -

Instances have come into the notice of the undersigned that your Office has not made taken over the charge to the Teachers recently appointed on merit basis in your Sub-Division and this issue creates law and order situation. You are hereby directed to accept their charge reports and direct the newly appointy teachers to perform th duty and their respective schools smoothly other wise you will be held responsible for an consequences occured therein.

Water is most urgent and ^{should} be treated on priority basis.

DISTRICT EDUCATION OFFICER,
(M) PRIMARY DIR AT TIMARGARA.

Undst: No. 2528-29

Copy forwarded to:-

1. The Director Primary Education ~~Assam~~, for information please.
2. EA to Director Primary Education NWFP Peshawar, for information please.

DISTRICT EDUCATION OFFICER,
(M) PRIMARY DIR AT TIMARGARA.

ANNEX 15

Director Primary Education
RWFP (Dahara Garden) Peshawar.
P.No. 1/DPE/PA/Adv/PTC/A.O.
Dated Peshawar 22/10/1997

No. 46427

The District Education Officer
(Male) Primary, District Tirah.

Subject: RELEASING OF APPOINTMENT ORDERS OF PTC
CANDIDATES IN DISTRICT TIRAH.

Memorandum: I am directed to refer to the subject cited above and to say that the appointment orders in respect of PTC (Trained) candidates of District Tirah previously held in abeyance by you may be released with immediate effect subject to the following conditions:-

- a) Holder of bogus Certificates verified by the DEO District Tirah may be deleted from the merit list and appointment orders.
- b) Errors and omissions may also be rectified.

(Signature)
For/Director Primary Education
RWFP, Peshawar.

Encl: No. Copy forwarded for information to

- 1. Record File.
- 2. F.A. to Director Primary Education (Local Office)

For/Director Primary Education
RWFP, Peshawar.

(Signature)

Directorate the primary Education
NWFP (Dabgari Garden) Peshawar
No. 1/DP/MA/Adv/PTC/A.O
Dated Pesh the 30.08.1993

To, The District Education Officer
(Male) Primary, Dir Timergara.

Subject:- RELEASING OF APPOINTMENT ORDERS OF PTC
CANDIDATES IN DISTRICT DIR.

Memo:-

I am directed to offer to the subject cited above and to say that the appointment order an respect of PTC (trained) candidates of District Dir previously held in abeyance by you may be released with immediate effect to the following conditions:-

- a. Holder of bogus certificates verified by DEO.
Dir may be deleted from the merit list and appointment orders.
- b. Errors and omissions may also be rectified.

For/Director Primary Education
NWFP, Peshawar.

Endst No. _____

Copy forwarded for information:-

1. Record File.
2. P.A to Director Primary Education on (Local Office)

For/Director Primary Education
NWFP, Peshawar.

Page 9
16

FORM OF ORDER SHEET

of _____
No. _____

Date of Order or Proceedings

Order or other proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary

24.3.1998.

Present: Mr. Anushail Khan, advocate for the petitioners.

Noted. Commissions were called on 2.12.1997 from question nos. 2 and 3 which have not been received so far. The learned Counsel submitted, inter alia, that the writ petitioners and test and interview were selected by P.T.I. teachers and received the interview letters, but subsequently the same were cancelled by respondent No. 2 appointment of P.T.I. teachers from 1997 were held in abeyance till further order. Contingent male students had been Admtr. Notice.

Ch. No. 24/1997

The respondents in the writ petition shall not take test and interview till the posts on which the petitioners were selected.

150/100 heard Mr. Anushail Khan
150/100 heard Mr. Anushail Khan

ADVISED TO ALL PARTIES

ATTACHED

Better Copy

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

W.P.No.1707/97

24.03.1998

PRESENT: Mr. Khushdil Khan, advocate for the petitioners.

Heard comments were called on 2.12.1997 from respondents No. 2 and 3 which have not been received so far. The learned counsel states inter alia that the writ petition was after test and interview were selected as P.T.C teachers and received appointment letters, but subsequently vide order annexed "C" passed by respondent No.3 appointment of P.T.C teachers from upper Dir were held in abeyance till further order . Contends mala fides and bad faith. Admit Notice.

CM. NO -P /97

Heard and admit. The respondents in the meanwhile shall not take test and interview against the posts on which the Petitioners have not been selected.

Judge Sd.

Judge Sd.



17
Attested. 11

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER, (M) PRAKASH...

OFFICE ORDER.

Vide Distt: Education Officer, (Male) Secy: Dir at Timergara Office order Endst, NO. 14619 dated 29.8.98. The following P.T.C. (trained) teachers are hereby adjusted against the vacant P.T.C. posts with immediate effect in the interest of public Service.

<u>S.NO.</u>	<u>Name of teacher.</u>	<u>School where adjusted.</u>
1.	Mukamil Shah PTC	GPS: Kurshung A/V post.
2.	Muslim Khan PTC	GPSPS: Gurjai (M) - do -
3.	Mohd Raziq P.T.C.	GPS: Chinarkote from NPS: Gurjai

Charge reports should be submitted to all concerned.

ml
(Sub-Divi: Edu: Officer,)
(Male) Prys: at Timergara.

Endst, NO. 2358-63 / Dated timergara the / 29 / 8 / 98

Copy forwarded to:-

1. The Distt: Education Officer, (M) Secy: Dir at Timergara.
2. The ASDEO (Inspection) of the area.
3. The ASDEO (Accounts) of the local Office.
- 4-5. The teachers concerned.

Attested
PRINCIPAL
G.H.S. Kaimdara
Distt: Dir (L)

ml
Sub-Divi: Edu: Officer,
(Male) Prys: at Timergara.

18

Approved: I

SERVICE CERTIFICATE.

Certified that Mr. MUKAMMIL SHAH / S/O MUHAMMAD ZARIN
is a Govt. Servant and performing his duties as PTC teacher at

G.P.S. ZANAI . His date of appointment is 30-8-98

and his date of birth is 25-3-1968

By: Distt. Officer -
(H) Prv, at Timergara.

Sd/-
M. Hussain

**D.D.O. MALE
TIMERGARA**

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Appeal No 486/2008

Date of institution - 28.02.2008

Date of decision - 04.08.2008

Muhammad Rasheed Khan PST, Govt Primary School Kазs Kandoo Lajbook Dir Lower.....(Appellant)

VERSUS

1. Executive District Officer (School & Literacy) Dir Lower.
2. Executive District Officers (School & Literacy) Upper Dir.
3. Director School & and Literacy NWFP Peshawar.
4. Secretary School and Literacy NWFP Peshawar...(Respondents)

Appeal under Section 4 of the NWFP Service Tribunals Act 1974 for the counting of service and for arrears of pay w.e.f 25.6.1997 to 23.11.2000 to the appellant.

Mr. Ijaz Anwar, Advocate,..... For Appellant.
 Mr. Tahir Iqbal, AGP..... For Respondents.

Mr. NOOR-UL-HAQ..... MEMBER
 Mr. SULTAN MAHMOOD KHATTAK..... MEMBER

JUDGMENT

NOOR-UL-HAQ MEMBER:- This appeal has been filed by the appellant for the counting of service and for arrears of pay w.e.f 25.6.1997 to 23.11.2000 to the appellant.

~~RECEIVED~~

2. Brief facts of the case are that the Education Department advertised certain posts in the department. The appellant was having the prescribed qualification for the post of PTC (BPS-7), hence applied for the same. Consequently after the recommendation of Departmental Selection

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Committee, he was appointed as PTC (BPS-7) vide appointment letter dated 24.6.1997. The appellant assumed the charge of his post on 25.6.1997, and continued performing his duties. At the relevant time the District Dir was bifurcated and two districts were created i.e. upper Dir, and lower Dir, so a controversy was raised by a local MPA regarding posting of the employees at Upper Dir, hence the order of appointment of the appellant was also kept held in abeyance vide order dated 9.7.1997. The appellant alongwith other employees filed a Writ Petition No.1707/1997. The Honourable Peshawar High Court vide order dated 24.3.1998 granted an interim relief and stopped the process of re-appointment against the posts on which the appellant was selected. On 18.10.2000, the representatives of the respondent department gave statement before the Honourable High Court that there are 20 vacancies available within the limits of Lower Dir and we can adjust the Petitioners against the vacant post lying with us in the Education Department. In view of the statement given by the respondent department the Honourable High Court disposed off the Writ Petition in view of the above statement vide judgment and order dated 18.10.2000. Vide office order dated 23.11.2000, the respondent department appointed the appellant alongwith other 16 employees pursuant to the decision of the Peshawar High Court Peshawar. It is pertinent to point out here that the appointment order was issued with immediate effect. The appellant through-out agitated the matter of grant of pay for the period mentioned above, albeit his requests were given deaf ear. In the meantime, one Naheed Shah a similarly placed employee filed service appeal No.377/2002 in this Tribunal which allowed the same vide judgment and



continuously approaching the department for the release of his salary, with law hence he is entitled to the arrears of pay. The appellant was the matter of his appointment, he was appointed on merit and in accordance was no fault on the part of the appellant, nor there was any irregularity in is entitled to the arrears of pay and allowances for the said period. There of the Education Department His services were never terminated, hence he the appellant. During the period the appellant remained in the employment allowed the arrears of pay but the same relief has been illegally denied to the grant of arrears of pay, because similarly placed employees were Law and Constitution were violated. He has been discriminated against in not been treated in accordance with law and his rights guaranteed under the 5. The learned counsel for the appellant argued that the appellant has

4. arguments heard and record perused.

claim of the appellant.
3. The respondents were summoned. They turned up through their representatives, filed written reply, contested the appeal and denied the

applied despite the lapse of 90 days. Hence the instant appeal.
preferred a departmental appeal dated 20.11.2000, however it was not paid to the appellant without any cogent reasons. Hence, the appellant arrears of pay for the period of 24.6.1997 to 23.11.2000, albeit it was not the PTC Teachers appointed alongwith the appellant were also allowed the 24.6.1997 to 22.11.2000. Pursuant to the decision of this Tribunal, most of order dated 14.1.2004 and held him entitled to the arrears of pay was

ATTESTED

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however he was given dead response. Since the matter of pay is a continuous wrong and recurring cause of action, hence no limitation is applicable to his case. It has been continuously held by the superior courts that, if the Service Tribunal or Supreme Court decides a point of law relating to the terms of service of a civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rules of good governance demands that the benefit of such judgment by Service Tribunal / Supreme Court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or other forums. (SCMR 1996 page 1185, PLD 2004 SC 77, 2005 SCMR 499. The respondent department has violated the law and judgment of the Superior Court. He prayed the appellant may be allowed counting of service and arrears of pay w.e.f 25.6.2007 to 23.11.2007.

6. The AGP argued that the appointment order of the appellant was issued but the candidates belong to Lower Dir and appointed in Upper Dir; their appointment orders were held in abeyance by the respondent department. The appellant has never performed any duty during the period in question, therefore, he is not entitled to the relief sought for. He prayed that the appeal may be dismissed.

7. The Tribunal observes that the claim of the appellant is based on bonafide. His services were not terminated during the period in question. There is no fault on the part of the appellant. He was made a rolling stone.

(S)

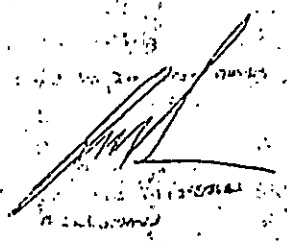
(B)

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due to split of District into two Districts, i.e. Lower District Dir and Upper District Dir. The appellant cannot be punished for the lapses of the respondent department, if any. The appellant has thus made out a case for indulgence of the Tribunal.

8. Resultantly, the instant appeal is accepted as prayed for. No order as to costs. File be consigned to the record.

ANNOUNCED
04.08.2008



Sd- (Noozul Khan) Member

Sd- (Sultana, Md. Anwarul Karim) Member

ACCEPTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 860/2011

Date of Institution. ... 26.5.2011
Date of Decision ... 28.6.2012



Riazul Haq, PST Government Primary School Goro, Talash
Union Council Badagai, Dir Lower.

(Appellant)

VERSUS

1. Executive District Officer (E&SE) Dir Lower.
2. Executive District Officer (E&SE) Dir Upper.
3. Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
4. Secretary, E&SE, Khyber Pakhtunkhwa, Peshawar. ... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR THE COUNTING OF SERVICE AND
FOR ARREARS OF PAY W.E.F. 24.6.1997 TO 9.6.1999 TO THE
APPELLANT.

MR. SAJID AMIN,
Advocate

For appellant

MR. SHERAFGAN KHATTAK,
Addl. Advocate General

For respondents.

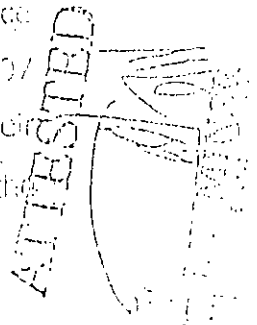
MR. NOOR ALI KHAN,
SYED MANZOOR ALI SHAH,

MEMBER
MEMBER

JUDGMENT

NOOR ALI KHAN, MEMBER. This appeal has been filed by Riazul Haq,
the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act
1974, for counting of service and arrears of pay w.e.f. 24.6.1997 to 9.6.1999
and appointment of the appellant may be declared w.e.f. 24.6.1997.

2. Brief facts of the case are that the appellant was appointed as PST by
the competent authority on 24.6.1997 after observing all the codal formalities.
The appellant took over charge of the post on 27.6.1997 and started
performing his duties. District Dir was bifurcated into two districts, Dir Upper
and Lower. A controversy was raised by a local MPA regarding posting of
employees, hence appointment order of the appellant was held in abeyance
vide order dated 9.7.1997. Some of the employees filed Writ Petition No. 179/
of 1997. On 18.10.2000, representatives of the department recorded their
statements before the High Court and the Writ Petition was disposed of on the



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mentioned date in view of the statements. Vide order dated 9.6.1999, the appellant was adjusted against the post of PTC at GPS Larkadai Kas Baló Khan, Dir Lower with immediate effect, he submitted charge reported and started performing his duties. He throughout agitated the matter of grant of pay for the period from 24.6.1997 to 9.6.1999 but with no response. One Naheed Shah a similarly placed employee filed service appeal No. 377/2002 before this Tribunal and vide judgment dated 14.1.2004, he was held entitled to the arrears of pay w.e.f. 24.6.1997 to 22.11.2000. The appellant also filed departmental appeal on 21.2.2011, which elicited no response, hence the present appeal.

3. The appeal was admitted to regular hearing on 20.6.2011 and notices were issued to the respondents. The respondents have filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. Arguments heard and record perused.

5. After hearing the arguments and perusal of the record, the Tribunal observes that the relief has already been granted to similarly placed person by this Tribunal in Service Appeal No. 377/2002, named Naheed Shah, PTC Teacher vide judgment dated 14.1.2004 and he was held entitled to the arrears of pay w.e.f. 24.6.1997 to 22.11.2000. During the arguments, the learned counsel for the appellant also produced a copy of judgment dated 31.12.2008, in Service Appeal No. 1081/2008, wherein claim of the appellant has been accepted. The appellant is also entitled to the same treatment as meted out with other colleagues mentioned above.

6. In view of the above, the appeal is accepted to the extent that the respondent department is directed to consider claim of the appellant as per judgment dated 14.1.2004 in Service Appeal No. 377/2002 and judgment dated 31.12.2008 in Service Appeal No. 1081/2008 strictly in accordance with the law. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
28.6.2012.

(SYED MANZOOR ALI SHAH)
MEMBER

(NOOR ALI KHAN)
MEMBER

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 114/Ncem/2011

Date of Institution. ... 24.01.2011
Date of Decision. ... 15.05.2014



Bashir Muhammad PST, Government Primary School, Tangi Payan Khadizai,
Tehsil and District Dir Lower. ... (Appellant)

VERSUS

1. Executive District Officer (E&SE), Dir Lower.
2. Executive District Officer (E&SE) Dir Upper.
3. Director, (E&SE) Khyber Pakhtunkhwa, Peshawar.
4. Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar. (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR THE COUNTING OF SERVICE AND FOR ARREARS OF PAY W.E.F. 24.6.1997 TO 17.12.1998 TO THE APPELLANT, THE DEPARTMENTAL APPEAL DATED 05.10.2010 FOR THE GRANT OF ARREARS OF PAY WAS NOT RESPONDED DESPITE LAPSE OF NINETY DAYS.

MR. IJAZ ANWAR,
Advocate

For Appellant

MR. MUHAMMAD JAN,
Government Pleader

For Respondents.

MR. MUHAMMAD AAMIR NAZIR,
MR. SULTAN MAHMOOD KHATTAK,

MEMBER
MEMBER

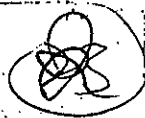
JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER:- The appellant Bashir Muhammad, PST, GPS Tangi Payan Khadizai, Tehsil and District Dir Lower through the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, has prayed for counting of service and arrears of pay. w.e.f.

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24.6.1997 to 17.12.1998 for all intents and purposes and the appellant may be declared as regularly appointed w.e.f. 24.6.1997.

2. Briefly stated the facts giving rise to the appeal in hand are that the appellant was appointed as PTC (BPS-7) after observing all the codal formalities vide appointment order dated 24.6.1997. That the appellant took over charge of the post on 28.6.1997 and thereafter started performing his duties. That at the relevant time, District Dir was bifurcated and two districts were created namely Upper Dir and Lower Dir. Thereafter, a controversy was raised by a local MPA regarding posting of the employees at Upper Dir, hence appointment order of the appellant was held in abeyance vide order dated 09.7.1997. That the appellant alongwith employees filed a Writ Petition No. 1707/1997 before the hon'ble Peshawar High Court, Peshawar, wherein a direction was issued by the august Court granted interim relief and stopped the process of re-appointment against the posts on which the appellant was selected. That vide order dated 17.12.1998, the appellant was adjusted against the post of PTC at GPS Kasko Asbnr, where he submitted his charge report and started performing his duty. That the appellant throughout the period agitated the matter for grant of pay for the period mentioned above but of no avail. In the meanwhile, one Naheed Shah a similarly placed employee filed service appeal No. 377/2002 in this Tribunal, which was allowed vide judgment dated 14.1.2004 and held the appellant (Naheed Shah) entitled to the arrears of pay w.e.f. 24.6.1997 to 22.11.2000. Similarly another appeal No. 486/2008 was decided on 4.8.2008 in favour of a similarly placed person. That the appellant submitted his departmental appeal on 05.10.2010, however it was not replied within ninety days statutory period, hence the present appeal.

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3. After institution of the instant appeal, it was admitted to regular hearing and the respondents were summoned by the Tribunal. The respondents contested the appeal and submitted written reply. The appeal was initially dismissed being not maintainable, by this Tribunal on 13.8.2012. However, feeling aggrieved, the appellant filed Civil Petition No. 1771/2012 before the august Supreme Court of Pakistan. The apex court set aside the impugned judgment and sent the case back to the this Tribunal for the decision afresh on merits in accordance with law, vide order dated 17.1.2013. After receipt of the order, notices were issued to the parties for arguments. We have heard the arguments of the learned counsel for the parties and perused the record.

4. Perusal of the case file reveals that the appellant was initially appointed as PTC (BPS-7) vide order dated 24.6.1997. However, due to bifurcation of district Dir into two districts namely Upper Dir and Lower Dir, appointment order of the appellant was held abeyance vide order dated 09.07.1997. However, later on due to directions issued by august Peshawar High Court, Peshawar in a Writ Petition, the respondents stopped the process of re-appointment against the posts against which the appellant and others were selected. Subsequently, vide order dated 17.12.1998, the appellant was re-adjusted. Earlier, one of the similarly placed person namely Naheed Shah filed a Service Appeal No. 377/2002 and this Tribunal vide judgment dated 14.1.2004 held him entitled for arrears of pay w.e.f. 24.6.1997 to 22.11.2000. Similarly, other aggrieved persons namely Muhammad Rashid Khan, PST, Mushtaq Ahmad, PST and Riazul Haq, PST also filed Service Appeal No. 486/2008, 553/2009 and 860/2011 respectively, wherein the claims of all the appellants were accepted and they were held entitled for the relief claimed by them.

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ATTESTED
 Director
 Higher Education
 Services
 Peshawar

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5. Keeping in view the nature of the case, this Tribunal by accepting the instant appeal held that the present appellant is also entitled for the same benefits as were provided to the similarly placed persons. Hence, the respondents are directed to consider claim of the appellant as per judgments/orders as referred to above strictly in accordance with the law. Parties are left to bear their own costs. File be consigned to the record.

6. This judgment will also dispose of connected Service Appeal No. 356/2012, Rafiullah and Service Appeal No. 793/2012, Hamid-ur-Rehman Versus Executive District Officer (E&SE) Dir Lower, in the same manner.

ANNOUNCED
15.5.2014

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August 11 2014

11.3.2013

This appeal has been remanded by the august Supreme Court of Pakistan. Notices be issued to the parties for arguments on 23.8.2013.

Notified for
23/8/2013
13/3/2013

23.8.2013

Appellant with counsel and Mr. Muhammad Jan, GP with Khurshed Khan, SO and Tariq Hussain, Supdt. for respondents present. The learned GP requested for time to come up for arguments on 3.10.2013.

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30.2013

Counsel for the appellant and Mr. Muhammad Jan, GP with Khurshed Khan, SO, Mosam Khan, Supdt and Fayaz Din, ADO for the respondents present. The Bench is incomplete due to ex-pakistan leave of Mr. Muhammad Amir, learned Member. To come up for arguments on 3.2.2014.

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3.2.2014

Counsel for the appellant and Mr. Muhammad Adcel Butt, A/3 with Khurshed Khan, SO and Mosam Khan, AD for the respondents present. Counsel for the appellant needs time. To come up for arguments on 31.3.2014.

31.3.2014

Junior to counsel for the appellant and Ziaullah, GP with Khurshed Khan, SO and Sijjad Rasheed, AD for the respondents present. Senior counsel for the appellant is not available. To come up for arguments on 15.3.2014.

15.3.2014

Appellant with counsel, Mr. Muhammad Jan, GP with Fayazud Din, ADO for the respondents present. Arguments heard and record perused. Vide our detailed judgment of to-day, this appeal is accepted as per detailed judgment. Parties are left to bear their own costs. File be assigned to the record.

ATTESTED

(Signature)

ANNOUNCED
15.3.2014

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SERVICES
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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1042/2012

Muhammad Shawkat S/O Raheem Dad, P.S.T Govt. Prim
School Nagri Payan, District, Lower Dir.

VERSUS

(Appellant)

1. Executive District Officer (Elementary & Secondary Education)
Dir Lower.
2. Executive District Officer (Elementary & Secondary Education)
Upper Dir.
3. Director, Elementary and Secondary Education (Khyt)
Pakhtunkhwa Peshawar.
4. Secretary School and Literacy Khyber Pakhtunkhwa Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act, 1974 for the
counting of service and for arrears of pay w.e.f
24.06.1997 to 01.05.1999 to the appellant, the
Departmental Appeal dated 08.06.2012 for the
grant of arrears of pay was regretted vide letter
dated 11.07.2012.

Prayer in Appeal:

On acceptance of this appeal the Order dated
11.07.2012 may please be set aside and the
appellant may be allowed counting of service and
arrears of pay w.e.f 24.06.1997 to 01.05.1999 and
be declared as regularly appointed w.e.f
24.06.1997 for all intent and purposes or any other
relief deemed proper may also be allowed.

Respectfully Submitted:

That the Education Department advertised certain posts in the
department, the appellant was having the prescribed qualification for
the post of PTC (BPS-7) hence he applied for the same, and
consequently after the recommendation of the Departmental Selection
Committee, he was appointed as PTC (BPS-7) vide appointment
notification dated 24.06.1997. (Copy of the appointment notification
dated 24.06.1997 is attached as Annexure A).

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(Signature)



No. of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
2	3

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

1. Appeal No. 1092/2012, Muhammad Shawkat,
2. Appeal No. 1093/2012, Noor-Rehman,
3. Appeal No. 1094/2012, Tahir,
4. Appeal No. 1095/2012, Anwar Hussain,
5. Appeal No. 1096/2012, Amir Badshah
6. Appeal No. 1097/2012, Rahim-ul-Haq,
7. Appeal No. 1098/2012, Asghar Khan.
8. Appeal No. 1099/2012, Jamal Abdul Nasir
9. Appeal No. 1100/2012, Muslim Khan.
10. Appeal No. 1101/2012, Akhtar Gul,
11. Appeal No. 1102/2012, Ikramullah,
12. Appeal No. 1103/2012, Yousaf Khan.

Versus E.D.O (E&SE) Dir Lower and others.

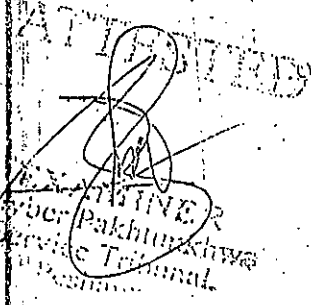
JUDGMENT

09.11.2015

PIR BAKHSH SHAH, MEMBER.- Counsel for the

appellant (Mr. Ijaz Anwar, Advocate) and Addl. Advocate General (Mr. Muhammad Adeel Butt) for the respondents present.

2. A total of 179 PTC Teachers were appointed by DEO(M) Dir at Timergara vide his order dated 24.06.1997. It was argued on behalf of the appellants that in pursuance of this order, appellants' submitted their charge reports. Since District Dir a single district in the past was bifurcated into two districts of Upper Dir and Lower Dir, therefore, letter dated 09.7.1997 was issued from the office of Director of Education (Primary) KPK, Peshawar vide which appointment orders of PTC candidates of Lower Dir appointed in Upper Dir was held in abeyance



94

till further orders. It is the contentions of the appellants in these appeals that in compliance with their appointment order dated 24.06.1997, they had timely put in their charges ^{report} but for the above letter dated 09.07.1997, they were not let to work in the schools, the fault for which does not lie with them. It was further submitted that this Tribunal in a number of identical cases has allowed the appeals. Hence, the appellants have submitted that their services may be counted from the date when they were appointed i.e. 24.6.1997 and that arrears of the intervening period may also be paid to them.

3. Arguments heard and record perused.

4. The learned counsel for the appellants referred to the following judgments of this Tribunal:-

1. Appeal No. 377/2002, titled Naheed Shah Vs. EDO and others, decided on 14.01.2004.
2. Appeal No. 1082/2008, titled Shah Nawaz Vs. EDO (S&L) Dir Lower and others decided on 31.12.2008.
3. Appeal No. 1074/2009, titled Anwar Ali Versus EDO (E&SE) Dir Lower and others decided on 10.5.2010.
4. Appeal No. 553/2009, titled Mushtaq Ahmad Vs. EDO(S&L) Dir Lower and others decided on 09.4.2009.
5. Appeal No. 860/2011, titled Riazul Haq Versus EDO(E&SE) Dir Lower etc. decided on 28.06.2012. and
6. Appeal No. 114/Neem/2011, titled Sher Muhammad Versus EDO E&SE and others.

He submitted that these appeals are identical with the

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 Peshawar



appeals in hand. He further submitted that once a decision is given by the Hon'ble Superior Courts/ Apex Courts or the Tribunal so the same is binding on the department concerned and the department is bound to grant same relief also to those civil servants who might not have litigated. In this respect reliance was placed on 2009-SCMR-1. The learned counsel stressed that on the analogy of the said appeals, these appeals may also be accepted.

5. The learned Addl. Advocate General on the other hand resisted the appeal that since the appellants have not worked in the intervening period, therefore, they cannot claim pay for the period for which they did not work. He submitted that the appeal may be dismissed.

6. This Tribunal has allowed so many appeals in some of which the respondent department was given direction to extend the relief also to those civil servants who may not have litigated. Through the impugned order dated 11.07.2012 departmental appeal of the appellant was rejected but not through a speaking and well reasoned order particularly that when a relief was given to some of the civil servants on what grounds it should be refused to other civil servants if the two cases are identical. For these reasons the Tribunal is of the considered view to remit all these appeals to the respondent-department with the following directions:-

ACCEPTED

~~(Signature)~~

The respondent department should constitute a committee to scrutinize cases of those PTC Teachers who were appointed vide order dated 24.06.1997 but they suffered merely because of order dated 09.7.1997. The department should also ensure that the case is genuine and identical and that the civil servant suffered only due to letter dated 09.07.1997, Such all cases be decided in one go, once for all.

8. Needless to mention that the impugned orders are set aside and the cases are remanded to the respondent department as per directions above. Parties are left to bear their own costs. File be consigned to the record room.

Announced
04.11.2015 Sd/- P. B. Bhatnagar
Member

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Sd/-
Secretary
Punjab
Service Tribunal
Peshawar

Sd/- Abdul Latif
Member

Date of Presentation 26-10-16
 Number of Writs 2000
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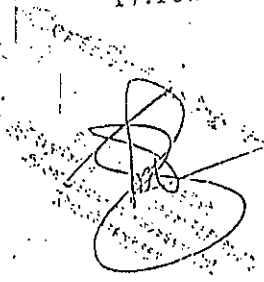
A. No. 1175/13
Anwar Siddique vs Govt.

17.10.2016

Counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Ziaullah, Government Pleader for respondents present.

During the course of arguments it reflected that on the issue in question, this Tribunal has already delivered judgment dated 04.11.2015 in Appeal No. 1092/2012 titled Muhammad Shawkat Versus EDO (RSE) Dir Lower, therefore this appeal is also decided in similar way on the same terms of the said judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.10.2016



Sd/-
(Abdul Wahid)
Member

Sd/-
(Drs. Barkat S. Memon)
Member

26.10.16

Date of Presentment: _____
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 Date of Court: 26.10.16

Government Pleader, District Dir Lower
Court of Pakistan

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DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
Khyber Pakhtunkhwa, Peshawar.



No. 241 / AD (Lit: II)

Dated Peshawar the 2/12 / 2015

To

The District Education Officer
(M) Dir (Lower)

Subject:- SUBMISSION OF IMPLEMENTATION REPORT IN JUDGMENT DATED 04-11-2015 OUT OF SA SERVICE APPEALS NO: 1092 to 1103/ 2012 CASE TITLED MUHAMMAD SHAUKAT PST & OTHERS DIR (Lower) VERSUS GOVT. OF KHYBER PAKHTUNKHWA & OTHERS PASSED BY THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

Memo:

I am directed & to refer the judgment dated 04-11-2015 passed by the Honorable Service Tribunal in the above mentioned Service Appeals wherein it has been directed that the Respondent Department to constitute a Committee to scrutinize cases of both PTC teachers who were appointed vide order dated 26-6-1997 but they suffered merely because of order dated 09-7-1997. The Department should ensure that if the case is genuine and identical in that the civil servant suffered only due to latter date 09-7-1997, such all cases be decided in one go, once for all.

Now, in the wake of the above made directions, it is hereby directed that the judgment dated 04-11-2015 of the Honorable Service Tribunal may kindly be implemented as per directions in its true letter & spirit being a competent authority in the instant matter, under the intimation along with record to the under signed on priority basis being a court matter, please.

Encl: (AA)

M. Razaqul-Din

[Signature]
Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Endst: No: _____

Copies forwarded to:

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Addl: Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 3 Section Officer (Lit: II) E&SE Department, KPK Peshawar.
- 4 Deputy Director (Establishment) local office.
- 5 PA to Director, local Directorate.

Endst: No 253-54 dated 14/1/2016

Copy along with its enclosures

[Signature]
Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

is forwarded to the DDO (M) Peshawar and Saeed Bughra for information & necessary action.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No. 140/2017

Date of Institution... 27.01.2017

Date of decision... 05.12.2017



Nisar Muhammad s/o Said Muhammad, PTC, Govt. Primary School, District Dir Lower ... (Appellant)

Versus

1. Executive District Officer (Elementary & Secondary Education) and 3 others (Respondents)

MR. Yasir Saleem Advocate

For appellant.

MR. Mian Amir Qadar
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,


... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also dispose of connected service appeals No. 860/2015 Ayaz Rehman, No.865/2015 Sher Ali, No. 141/2017 Khan Muhammad, No. 142/2017 Muhammad Ishaq, No. 143/2017 Niaz Khan, No. 144/2017 Sher Ali, No. 145/2017 Shafiq Ur Rehman, No. 146/2017 Khaista Rehman, and No. 147/2017 Ghulam Habib as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

FACTS

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3. The appellants were appointed as PTC on 24.06.1997. Later on this order was held in abeyance on 09.07.1997 which was subsequently withdrawn on 30.08.1997. The appellants were adjusted later on different dates but they were not provided seniority and back benefits. Similarly placed teachers approached the worthy Peshawar High Court in writ and this Tribunal in so many appeals. The relief was granted to those similarly placed teachers.

ARGUMENTS

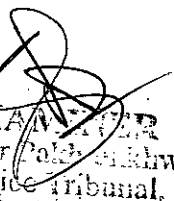
4. Learned counsel for the appellant argued that regardless of the issue of timely submission of departmental appeals and the service appeals, it is a settled principal that in cases of similarly placed civil servants, the relief should be granted without considering the delay in filling the appeals etc. He referred to many judgments of this Tribunal granting similar relief to similarly placed teachers.

5. On the other hand the learned District Attorney argued that the appellants filed the present appeals after considerable delay. He further argued that the cases of the appellants are not similar to the cases referred to by the learned counsel for the appellants.

CONCLUSION

6. This is now a settled position of law that the cases of similarly placed persons are in the nature of rem and benefits of those judgments must be extended to other placed similarly. No limitation runs in such cases. Reliance is placed on 2002 PLC (C.S) 268. These appeals therefore, cannot be termed as time barred.

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

After going through the judgments of this Tribunal in appeal No. 486/2008, No.860/ 2011, No. 114/Neem/2011 and appeal No 1092/2012 along with 11 other connected appeals and appeal No. 1175/2013, this Tribunal reaches the conclusion that the issue involved in the present appeals is similar to the one decided in those appeals.

7. Consequently all these appeals are accepted and the department is directed to extend the benefits to the appellants in the manner extended to other similarly placed teachers. Parties are left to bear their own costs. File be consigned to the record room.

Announced

05-12-2017

Edl-Niaz Muhammad Khan
Chairman

Edl-M. Hamid Nughal
Member

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 08-2-18
 Number of Words 1200
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 Urgent 22
 Total 1000
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 Date of Completion of Copy 08-02-18
 Date of Delivery of Copy 08-02-18

Dr. Farid M. Ali

بخدمت جناب D.E.O صاحب (مردانہ) سکولز اینڈ لیٹریسی ٹیمر گرہ ضلع دیرپاکین۔

عنوان :- درخواست برادر 24/06/97، 29/08/98 تک عرصہ ملازمت کی بحالی اور تنخواہ کی ادائیگی۔

جناب عالی! موذبانہ گزارش ذیل ہے۔

- (1) یہ کہ فدوی بحوالہ آرڈر نمبر 2196-2034 بمورخہ 24/06/1997 کو GPS ماسوسائی (Massosai) (برادل) میں PST پوسٹ پر پہلا تقرری ہو چکی ہے۔ اور بمطابق آرڈر ہذا فدوی نے 24/06/97 کو قبل از دوپہر چارج سنبھالا لیکن عین اسی دوران 1997 میں ضلع دیر لویئر اور بالا کی انتظامی تقسیم کی وجہ سے منتخب M.P.A نے سیاسی اثر و رسوخ کے ذریعے کئی اساتذہ کو ضلع دیر بالا کے علیحدگی کی وجہ سے دیر بالا میں چارج سنبھالنے نہیں ہونے دیا حالانکہ فدوی نے مذکورہ سکول میں ڈیوٹی بھی کی ہے لیکن محکمہ ایجوکیشن کی طرف سے مذکورہ آرڈر (Held & Banes) ہو گیا اسلئے فدوی کو تنخواہ اور سینیاریٹی دینا بندہ کا قانونی حق بنتا ہے۔
- (2) یہ کہ فدوی بمورخہ 29/08/1998 آرڈر نمبر 2359-63 کو GPS کور شوٹنگ میدان میں ایڈجسٹ کر دیا گیا۔ اور بندہ کا سینیاریٹی اور تنخواہ کو 29/08/1998 سے دیا گیا۔ اسی دوران بندہ محکمہ تعلیم کی طرف سے دئے گئے ترقیوں سے محروم ہوتا چلا گیا۔

لہذا اپ صاحبان مہربانی کر کے فدوی کو 24/06/1997 اور 29/08/1998 کے درمیانی

عرصے کا سینیاریٹی اور تنخواہ دینے کا حکم صادر فرما کر مشکور فرمائیں۔ حلقہ وائز میں نمبر 74 PF

سیریل نمبر 1

تو عین نوازش ہوگی۔ فقط زیادہ آداب مورخہ 28/12/2017

عریضہ۔

العارض مکمل شاہ ولد محمد زرین گاؤں سروگل تحصیل لعل قلعہ ضلع دیر لویئر۔

NIC#15302-0939734-7

فون نمبر۔ 0307-7163302

پوسٹل نمبر۔ 0026304

Supd H.

8/1/18

ATTESTED



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Approved N

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (M)
DISTRICT DIR LOWER**

No, 15979 /Dated Timergara the 09 / 01 / 2018

To

Mr, Mukamil Shah PSHT
GPS Dedanpura Dir lower.

Subject:- APPLICATION FOR PAYMENT OF PAY & ALLOWANCES
W.E.F 24/6/97 TO 30/6/1998

Memo:-

In response to your application dated 28/12/2017, it is stated that you have neither performed the duty anywhere in the district, nor proper entries of previous service has been made in proper record.

Hence your appeal no wattage in the eyes of law and thus filed.


DISTRICT EDUCATION OFFICER
(MALE) DIR LOWER

ATTESTED

قیمت
50 روپے



22957

ایڈوکیٹ: _____
بار کونسل ایسوسی ایشن نمبر: _____
رابطہ نمبر: _____

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب:

مخانب:	دعوی:
بنام حکمل ستاہ کلوٹ	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی مطلقہ
آن مقام ایسٹوور کیلئے مسٹر سلیم رسول اور مسٹر گل محمد کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
لڑیں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

حکمل ستاہ وکالت محمد زین

15302-0939734-7

فہم

المرقوم: _____
_____ واہ شد _____

مقام ایسٹوور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Accepted
Amjad Khan

53

BEFORE THE KHYBR PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 316/2018.

Mukammil Shah S/O Muahmmad Zarin, PSHT, Govt. Primary school
Dedanpura District Dir lower,..... Appellant

VERSUS

The Secretary Elementary & Secondary Education Department Khyber
Pakhtunkhwa, Peshawar & Others Respondents

**PARA WISE COMMENTS / REPLY FOR AND ON BEHALF OF THE RESPONDENTS No:
1,3&4.**

Respectfully Sheweth:-

Preliminary objections

1. The appellant has no cause of action/locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material fact from this Honorable Tribunal hence liable to be dismissed.
4. The appellant has not come to Hon! Able Tribunal with clean hands.
5. The present appeal is liable to be dismissed for mis-joinder/non-joinder of necessary parties.
6. The appellant has filed the instant appeal on malafide motives.
7. The instant appeal is against the prevailing laws & rules.
8. The appellant is estopped by his own conduct to file the present appeal.
9. The instant appeal is not maintainable in the present form & also in the present circumstances of the issue.

ON FACTS

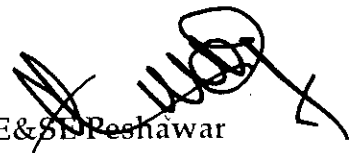

1. Pertain to record therefore need no comments.
2. Pertain to record therefore need no comments.
3. Correct to the extent of bifurcation. And the controversy was not raised by local MPA, it is rather administrative issue .PST being District cadre post and is not allowed to be posted in another district.
4. Pertain to record therefore need no comments.

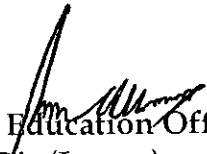

- 5. That some of the similar placed employees filed writ petition NO:1425/2000, in Peshawar High Court, and Honorable Peshawar High Court vide order dated 24/04/2003 dismissed writ petition. They will not claim any back benefits. (copies of order dated 24/04/2003 are attached as Annexure A).
- 6. Pertain to record therefore need no comments.
- 7. As far the appellant is concerned his claim is time barred, the appellant accepted his appointment order without claiming back benefits ,seniority prior the approval of the competent authority. Those who were entitled in the light of Court decision were awarded back benefits .And the same cannot be applied in the present appeal. (copies of minutes of meeting are attached as AnnexureB).
- 8. The court decision was implemented in letter and spirit. As for the appellant is concerned, his claim is time barred.
- 9. Pertain to record therefore need no comments.
- 10. In the light of minutes of meeting, the appellant was not entitled for any arrears. And those who were entitled in the light of Court decision were awarded back benefits. Detailed answer is given in Para 7.
- 11. Incorrect, the appeal of appellant is time barred; the appellant is not entitled far any back benefits.

ON GROUNDS.

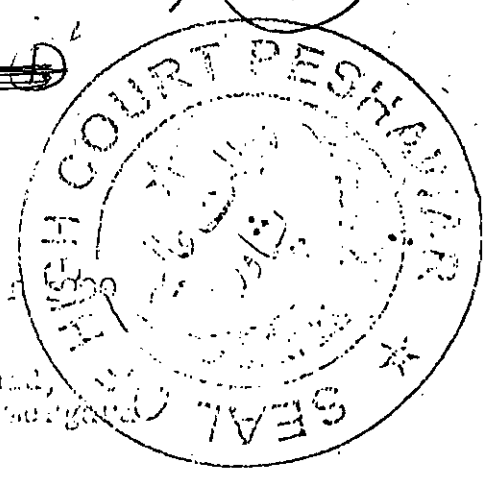
- A. Incorrect, the appellant has been treated according to law, and no discrimination has been made with appellant. Details answer is given in Para 7.
- B. Incorrect, as the district was bifurcated into two district lower and upper dir. PST being district cadre post was not allowed to be posted in other district.
- C. Incorrect, it was administrative issue. And the appellant did not perform any duty hence not paid.
- D. Incorrect, when the appellant was appointed within the district and he started performing his duty, he was regularly paid with his salary.
- E. Incorrect, the appellant did not approach to the department, and remain silent for so many years.
- F. Incorrect, those who raised voice for their rights within due time, and Honorable High Court allowed, they were given their rights, but the appellant remain silent.
- G. Incorrect, as the appellant did not perform his duty due to administrative issue of bifurcation, the order was also held in abeyance, so appellant is not entitled to the pay of arrears of intervening period.
- H. The department seek the permission of this Honorable service Tribunal to rely on additional grounds at hearing of appeal.

It is therefore, most humbly prayed that the appeal of appellant may be set aside.


 Director E&SE Peshawar

 Secretary E&SE Education
 Department kpk, Peshawar


 District Education Officer Male
 E & SE Dir (Lower)

 District Education Officer
 (M) Dir (Upper)

(Annexure "A") 03
~~Annexure "D"~~



WRIT PETITION No.

1125

1. Jan Mohammad s/o Dost Mohammad, resident of Talach Tehsil Timergara District Dir.
2. Zia Ullah son of Ghulam Nabi resident of Puchtawargey Tehsil Balambat District Dir.
3. Iftikhar Ahmad son of Amir Nasim, resident of Shakelay Tehsil Timergara District Dir.
4. Sher Hadi son of Amir Wahid, resident of Kotigram Tehsil Adinzai District Dir.
5. Jamil Hadi son of Ghulam Wahid, resident of Kotigram Tehsil Adinzai District Dir.
6. Javid Ullah son of Zagrawar Khan, resident of Hajiabad Tehsil Balambat District Dir.
7. Sahibzada son of Sher Zada, resident of Landi Shah Tehsil Balambat District Dir.
8. Saibuland Khan son of Mohammadi Zarin, resident of Band Safray Tehsil Timergara District Dir.
9. Mohammad Ayaz son of Ghulam Shams-u-Tabrez, resident of Yar Khan Banda Tehsil Timergara District Dir.
10. Rashid Ahmad son of Fazal Rahman, resident of Harai Shah Tehsil Timergara District Dir.
11. Rehman Gul son of Gul Mohammad, resident of Soghalai Tehsil Timergara District Dir.
12. Muhammad Sulaman son of Amir Mohammad, resident of Spankharo Tehsil Timergara District Dir.
13. Wahid Murad son of Umar Khan, resident of Khongi Bala Tehsil Timergara District Dir.

PESHAWAR

20/11/2008

ATTESTED

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- 14. Said Ali Shah son of Sultan Zarin, resident of Sarai Bala, Tehsil Timergara District Dir.
- 15. Mati-ur-Rehman son of Faqir Mohammad, resident of Narai Shah Tehsil Timergara District Dir.
- 16. Saif-ur-Rehman son of Abdur Rehman, resident of Narai Shah, Tehsil Timergara, District Dir.
- 17. Sher Hayat son of Feroz Khan, resident of Mian Banda Tehsil Timergara District Dir.
- 18. Hazir Mohammad son of Fateh Hazrat, resident of Katan Payeen, Tehsil Timergara District Dir.
- 19) Nazir Khan son of Wasil Khan, resident of Ranai Tehsil Balambat, District Dir.
- 20) Sahib Ullah son of Bahadar, resident of Gargai Tehsil Timergara District Dir.
- 21) Said Zaman son of Gul Zaman, resident of Khunko Tehsil Timergara, District Dir.
- 22) Ali Nawab son of Zaid Ullah Khan, resident of Tando Deg Tehsil Adinzai District Dir.
- 23) Mohammad Akbar son of Abdul Akbar, resident of Katan Payeen, Tehsil Timergara District Dir.
- 24) Latif Ullah son of Noor-ul-Haq, resident of Yar Khar Banda Tehsil Timergara District Dir.
- 25) Khan Mohammad son of Yar Mohammad, resident of Chakdara Tehsil Adinzai, District Dir.....

.....Petitioners.

VERSUS

- 1) Government of NWFP through Secretary Education Deptt. Civil Sectt:Peshawar.
- 2) Director of Education Primary, NWFP, Peshawar.
- 3) District Education Officer(Male) Primary District Dir at Timergara.
- 4) District Education Officer(Male) Primary Distt:Dir Upper at Dir proper.
- 5) Muqadar Khan S/O Ayyaz Khan, resident of Stander Tehsil Balambat District Dir.
- 6) Shah Nawaz Khan S/O Raza Khan, resident of Yousaf Mani Tehsil Balambat District Dir.

ATTESTED


EXAMINER
Peshawar High Court.

Peshawar High Court

DEPUTY

ATTESTED

FORM A
FORM OF ORDER SHEET

5


Court of.....

Case No..... of.....

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge, Magistrate and that of parties or counsel where necessary
------------------------------------	------------------------------	---

*Res. Akhtar Naveed
 - All vacant posts
 are to be filled
 after 30/04/03*

24.4.2003

W.P.No. 1425/2000.

Present: Gazi Zakiuddin, Advocate
 for the petitioners.

Mr. Akhtar Naveed, D.A.G.
 for respondents No. 1 to 4
 alongwith Muhammad Yousaf, ADEO
 Education Department Lower Dir.

MALIK MAJID BAREIL, D.A.G. Muhammad Yousaf,

A.D.E.O. Education Department, Lower Dir who

is present in the Court made a statement

rather confessed that order of appointments of

the petitioners still hold field and the same

was neither cancelled nor withdrawn and

further under-takes that in future after

creation of the vacancies the petitioners will

be given postings and thereafter if any

vacancies left, the same will be filled in


through advertisement after observing other

formalities. The statement of A.D.E.O. is

recorded in the Court and placed on the

record.

The learned counsel for the

ATTESTED

EXAMINER
 Peshawar High Court

ATTESTED


6 (200)

petitioners is satisfied that in view of the
 statement made by the respondents through ADEO,
 he does not press the writ petition with request
 that in case the respondents failed to accommodate
 the petitioners against the posts of P.T.C. as
 they have already been appointed, they may be
 permitted to approach this Court by way of filing
 fresh writ petition.

The writ petition is dismissed being
 not pressed with direction to the respondents to
 accommodate the petitioners, the moment vacancies
 becomes vacant from today onward in areas meant
 for their recruitment and no fresh appointment be
 made unless all the petitioners in the writ petition
 are not posted first. The learned counsel for the
 petitioners assured the Court and stated that
 in case of their posting on the strength of letters
 of appointment earlier issued, they will not
 claim any back benefits i.e., salary etc for the
 period in which they have not rendered their
 services. The petitioners are, however, at
 liberty to approach this Court again in case the

TESTED
 JINER
 Peshawar High Court

15
 ATTESTED

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respondents violated the orders of this Court,
if occasion arises.

Ad. - Halide Hamid Saad
Ad. - Qum Bilalullah
P. 2003
Judges

Announced.
Dt: 24.4.2003.

Please issue

Add: Registrar

26/4/03

CERTIFIED TO BE TRUE COPY
[Signature]
Authorized *[Signature]*

[Signature]
ATTESTED

- (Annexure "B") (8)



OFFICE OF THE
DISTT: EDUCATION OFFICER
(MALE) DISTRICT DIR LOWER

Fax. #. 0945-9250082

No, 17960 /Dated Timergara the 24/12/2016
To,

The Director(E&SE)
Khyber Pakhtun Khwa Peshawar.

Subject;- SUBMISSION OF IMPLEMENTATION REPORT IN JUDGEMENT DATED 4/11/2015 OUT OF SERVICE APPEALS NO,1092 TO 1103/2012 CASE TITLED MOHAMMAD SHAUKAT & OTHERS DIR (LOWER) VERSUS GOVT;OF KHYBER PAKHTUNKHWA & OTHERS PASSED BY THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

Memo;-

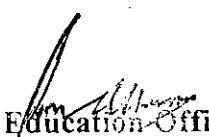
Reference your letter No,247/AD (Lit; II) dated 2/12/2015 on the subject cited above (Copy attached).

It is stated for your kind information that the judgment/directions dated 4/11/2015 of the honorable Service Tribunal has been implemented in letter and spirit and the SDEOs concerned were directed to submit the same nature cases for which a committee constituted to scrutinized cases of those PTC teachers who were appointed 24/6/1997 but they suffered merely because of order dated 9/7/1997.

The SDEO Timergara & Samar Bagh submitted 72 Number cases of teachers appointed on 24/6/1997 who were suffered vide order dated 9/7/1997.

After, that a meeting of the committee was held on 26/10/2016 for the purpose, minutes prepared and put up to the undersigned wherein the cases of 72 teachers were categorized A to E in which A to D declared not entitled for benefits due to the reasons noted against each category while category "E" teachers were declared entitled for the financial benefits as per court decision dated 17/10/2016 passed by the Service Tribunal KPK Peshawar which was provided by the petitioners after 5 days of the meeting i.e on 31/10/2016(Copy attached) for which a separate case regarding supernumerary posts sanction alongwith Budget has been prepared and submitted please..

Copy of the minutes is enclosed herewith for your kind information and perusal please.


District Education Officer
(Male) Dir lower.

MINUTES OF THE MEETING HELD ON 26/10/2016 ABOUT BACK /SERVICE BENEFITS TO THE TEACHERS APPOINTED ON 24/6/97,AND SUFFERED DUE TO LETTER DT:9/7/1997

A meeting of the scrutiny committee comprising the following members was held on 26/10/2016 under the chairmanship of Deputy District Education Officer(M)/Chairman Scrutiny committee, in his office to discuss, scrutinize and finalize the cases of suffered teachers, who were appointed on 24/6/1997 and suffered due to letter dated 9/7/1997 in light of the decision of KPK Service Tribunal Peshawar dated 4/11/2015, and Director (E&SE) KPK Peshawar letter No,247/AD(Lit-II) dated 2/12/2015.

- | | | |
|----|------------------------------------|------------|
| 1. | Mohammad Riaz DDO(M) | (Chairman) |
| 2. | Mohammad Zafar Khan SDEO.Timergara | (Member) |
| 3. | Hamidur-Rahman SDEO(M) Samar Bagh | (Member) |
| 4. | Ali Haider ADEO Estab;Secy; | (Member) |
| 5. | Mohammad Islam ADO Estab;Primary | (Member) |
| 6. | Fayazud-Din ADEO (Lit;) | (Member) |
| 7. | Khan Zada B&AO Local office. | (Member) |
| 8. | Nowshad Khan Supdtt; | (Member) |
| 9. | Nasib Badshah S/Clerk | (Member) |

The committee fully thrashed out and scrutinized the cases of the following teachers appointed on 24/6/1997 who suffered due to letter dated 9/7/1997 with the record/applications etc put up by the SDEO(M) Timergara and Samar Bagh. The committee after thorough discussion, categorized all the appointees suffered/so called suffered due to the reference letter of the Director, held in abeyance. The 05 categories given below were decided in the meeting about their claim whether genuine or not.

Category "A" In it were kept those teachers whose appointment was made in 1997 but their adjustment were issued under the condition not to claim any arrear for the period, they not performed the duty, hence declared them not entitled.

Category "B" Those teachers appointed again on 23/4/1998 as fresh candidates are also not entitled for back benefits.

Category "C" Those teachers whose adjustment order were made by the SDEO concerned without the approval of the competent authorities, and during this period they did not perform the duty are also declared not entitled for any financial relief.

Category "D" Those teachers adjusted by the competent authority but they did not claim any arrear at that time so time barred are also declared not entitled for any benefit.

Category "E" The teachers who are found genuine were included and declared them for the entitlement of financial benefit. They are also allowed by the court.

Category "A"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks
1	MUHAMMAD ITIHAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	Not entitled due to the condition in the adjustment order already accepted by the applicants and did not claim arrear that time.
2	SAIFUR RAHMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
3	MATI UR RAHMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
4	RASHID AHMAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
5	NASAR KHAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
6	FAZAL RABI	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
7	ANISUR RAHMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
8	MUHAMMAD SULIMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
9	HAZIR MUHAMMAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
10	SAID ALI SHAH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
11	ZIA ULLAH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
12	JAVEDULLAH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
13	SAHIBULLH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
14	WAHEED MURAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----

15	SHAH GUL	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
16	RAHMAN GUL	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
17	HAROON RASHID	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
18	MUHAMMAD SADEEQ	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
19	SHER HAYAT	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
20	SAHIB ZADA	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
21	SARBILAND KHAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
22	SAEED ZAMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
23	IFTIKHAR AHMAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
24	LATIFULLAH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----

Category "B"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks/Amount
1	ZAHID KHAN	24/6/1997	24/4/1998	24.6.1997 to 23.04.98	Not entitled due to fresh appointment on 23/4/1998.
2	Muhammad Anwer Khan	24/6/1997	24/4/1998	24.6.1997 to 23.04.98	-----do-----
3	Muhammad Nisar	24/6/1997	24/4/1998	24.6.1997 to 23.04.98	-----do-----
4	GUL QADAR	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----
5	MUHAMMAD NAGEEN	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----
6	DAWLAT KHAN	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----
7	MUHAMMAD SHUAIB	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----
8	Seraj Muhammad	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----

Category "C"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks/Amount
1.	ALLAUD DIN	24/6/1997	1/5/1999	24.6.1997 to 30.4.99	Not entitled due to the adjustment order by the non competent authority.
2	IFTIKHAR ALAM	24/6/1997	1/5/1999	24.6.1997 to 30.4.99	-----do-----
3	GHULAM HABIB	24/6/1997	1/5/1999	24.6.1997 to 30.4.99	-----do-----
4	AZIZULLAH	24/6/1997	1/5/1999	24.6.1997 to 30.04.99	-----do-----
5	KHAN MUHAMMAD	24/6/1997	7/2/1999	24.6.1997 to 06.2.99	-----do-----
6	AYAZ UR RAHMAN	24/6/1997	1/1/1999	24.6.1997 to 31.12.98	-----do-----
7	SAEENULLAH	24/6/1997	3/12/1998	24.6.1997 to 02.12.98	-----do-----
8	MUHAMMAD ISHAQ	24/6/1997	25/11/1998	24.6.1997 to 24.11.98	-----do-----
9	KHAISTA REHMAN	24/6/1997	1/9/1998	24.6.1997 to 31.8.98	-----do-----
10	MUKAMIL SHAH	24/6/1997	1/9/1998	24.6.1997 to 31.8.98	-----do-----
11	SHAIR ALI	24/6/1997	13/7/1999	24.6.1997 to 12.07.99	-----do-----
12	SHAFIQR RAHMAN	24/6/1997	1/9/1998	24.6.1997 to 31.08.98	-----do-----
13	ABDUL WAHID	24/6/1997	4/8/1998	24.6.1997 to 03.08.98	-----do-----
14	SALIH JAN	24/6/1997	28/6/1998	24.6.1997 to 27.6.98	-----do-----
15	GUL ZADA	24/6/1997	1/7/1998	24.6.1997 to 30.06.98	-----do-----
16	SHER HAYAT	24/6/1997	19/2/1998	24.6.1997 to 18.02.1998	-----do-----
17	HAYAT MUHAMMAD	24/6/1997	5/4/1998	24.6.1997 to 4.04.1998	-----do-----
18	NIAZ KHAN	24/6/1997	7/4/1998	24.6.1997 to 6.04.98	-----do-----
19	SULTANAT KHAN	24/6/1997	7/3/1998	24.5.1997 to 06.03.98	-----do-----
20	DAWOOD SHAH	24/6/1997	1/3/1998	24.6.1997 to 28.02.1998	-----do-----
21	HAYATULLAH	24/6/1997	1/3/1998	24.6.1997 to 28.02.98	-----do-----
22	SHAHIR KHAN	24/6/1997	22/1/1998	24.6.1997 to 21.01.98	-----do-----
23	FARID KHAN	24/6/1997	1/2/1998	24.6.1997 to 31.01.1998	-----do-----
24	MUHAMMAD NAEEM	24/6/1997	21/1/1998	24.6.1997 to 20.1.98	-----do-----
25	NISAR MUHAMMAD	24/6/1997	22/10/1998	24.6.1997 to 21.10.98	-----do-----
26	MUHAMMAD RIAZ	24/6/1997	15/1/1998	24.6.1997 to 14.01.98	-----do-----

19

27	HABIBUL GHAFOOR	24/6/1997	6/1/1998	24.6.1997 to 5.01.98	-----do-----
28	Salahud Din	24/6/1997	1/6/1999	24.6.1997 to 31.05.99	-----do-----


Category "D"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks/Amount
1	SAMIUL HAQ JAN	24/6/1997	24/11/2000	24.6.1997 to 23.11.2000	Not entitled. due to time barred.
2	NIZAMUD DIN	24/6/1997	24/11/2000	24.6.1997 to 23.11.2000	-----do-----
3	TAJ MUHAMMAD	24/6/1997	24/11/2000	24.6.1997 to 23.11.2000	-----do-----
4	SAEED UR RAHMAN	24/6/1997	24/11/2000	24.6.1997 to 23.11.2000	-----do-----
5	SAMIULLAH	24/6/1997	4/11/1999	24.6.1997 to 3.11.99	-----do-----
6	HANIFULLAH	24/6/1997	26/10/1999	24.6.1997 to 25.10.99	-----do-----
7	SHAIR ALI	24/6/1997	1/10/1999	24.6.1997 to 30.09.99	-----do-----
8	AMANULLAH KHAN	24/6/1997	1/8/1999	24.6.1997 to 31.07.1999	-----do-----
9	Ihsanullah	24/6/1997	24/4/1998	24.6.1997 to 23.04.98	-----do-----
10	BERADAR KHAN	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----

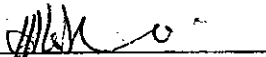
Category "E"


S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks/Amount
1.	ANWER SAID ZADA	24/06/1997	01/05/1999	24/6/97 to 30/4/99	Entitled and recommended for the claim.
2.	Buner Gul	24/06/1997	24/11/2000	24.6.97 to 23.11.2000	-----do-----

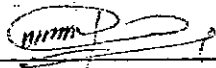
Signature of Committee Members


1. Mohammad Riaz DDEO(M) Local office 


2. Mohammad Zafar Khan SDEO Timergara 


3. Hamidur-Rahman SDEO(M) Samar Bagh 

4. Ali Haider ADEO (Litigation) 

5. Mohammad Islam ADO 

6. Fayazud Din ADEO(P&D) I/office 

7. Khan Zada B&AO L/Office 

8. Nowshad Khan Supdt; 

9. Nasib Badshah S/Clerk 

52

BEFORE THE KHYBR PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 316/2018.

Mukammil Shah S/O Muahminad Zarin, PSHT, Govt. Primary school
Dedanpura District Dir lower,..... Appellant

VERSUS

The Secretary Elementary & Secondary Education Department Khyber
Pakhtunkhwa, Peshawar & OthersRespondents

PARA WISE COMMENTS / REPLY FOR AND ON BEHALF OF THE RESPONDENTS No:
1,3&4.

Respectfully Sheweth:-

Preliminary objections

1. The appellant has no cause of action/locus standi.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material fact from this Honorable Tribunal hence liable to be dismissed.
4. The appellant has not come to Hon! Able Tribunal with clean hands.
5. The present appeal is liable to be dismissed for mis-joinder/non-joinder of necessary parties.
6. The appellant has filed the instant appeal on malafide motives.
7. The instant appeal is against the prevailing laws & rules.
8. The appellant is estopped by his own conduct to file the present appeal.
9. The instant appeal is not maintainable in the present form & also in the present circumstances of the issue.

ON FACTS

1. Pertain to record therefore need no comments.
2. Pertain to record therefore need no comments.
3. Correct to the extent of bifurcation. And the controversy was not raised by local MPA, it is rather administrative issue .PST being District cadre post and is not allowed to be posted in another district.
4. Pertain to record therefore need no comments.

- 57
5. That some of the similar placed employees filed writ petition NO:1425/2000, in Peshawar High Court, and Honorable Peshawar High Court vide order dated 24/04/2003 dismissed writ petition. They will not claim any back benefits. (copies of order dated 24/04/2003 are attached as Annexure A).
 6. Pertain to record therefore need no comments.
 7. As far the appellant is concerned his claim is time barred, the appellant accepted his appointment order without claiming back benefits, seniority prior the approval of the competent authority. Those who were entitled in the light of Court decision were awarded back benefits. And the same cannot be applied in the present appeal. (copies of minutes of meeting are attached as Annexure B).
 8. The court decision was implemented in letter and spirit. As for the appellant is concerned, his claim is time barred.
 9. Pertain to record therefore need no comments.
 10. In the light of minutes of meeting, the appellant was not entitled for any arrears. And those who were entitled in the light of Court decision were awarded back benefits. Detailed answer is given in Para 7.
 11. Incorrect, the appeal of appellant is time barred; the appellant is not entitled for any back benefits.

ON GROUNDS.

- A. Incorrect, the appellant has been treated according to law, and no discrimination has been made with appellant. Details answer is given in Para 7.
- B. Incorrect, as the district was bifurcated into two district lower and upper dir. PST being district cadre post was not allowed to be posted in other district.
- C. Incorrect, it was administrative issue. And the appellant did not perform any duty hence not paid.
- D. Incorrect, when the appellant was appointed within the district and he started performing his duty, he was regularly paid with his salary.
- E. Incorrect, the appellant did not approach to the department, and remain silent for so many years.
- F. Incorrect, those who raised voice for their rights within due time, and Honorable High Court allowed, they were given their rights, but the appellant remain silent.
- G. Incorrect, as the appellant did not perform his duty due to administrative issue of bifurcation, the order was also held in abeyance, so appellant is not entitled to the pay of arrears of intervening period.
- H. The department seek the permission of this Honorable service Tribunal to rely on additional grounds at hearing of appeal.

It is therefore, most humbly prayed that the appeal of appellant may be set aside.

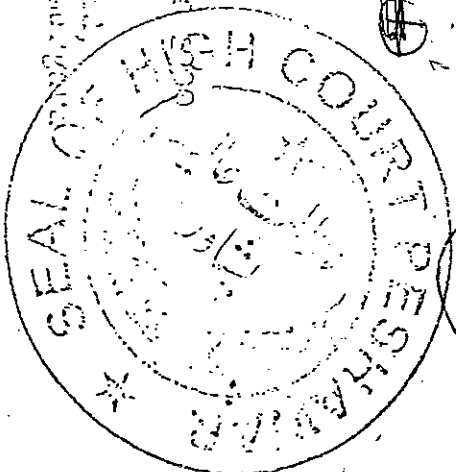
Director E&SE Peshawar

Secretary E&SE Education
Department kpk, Peshawar

District Education Officer Male
E & SE Dir (Lower)

District Education Officer
(M) Dir (Upper)

(Amexune "A") (22)



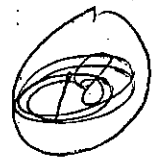
WRIT PETITION No. 1125

1. Jan Mohammad s/o Daud Mohammad, resident of P. U. 11, Dist. Peshawar District Dir.
2. Zia Ullah son of Ghulam Nabi resident of Pachtawargay Tehsil Balamout District Dir.
3. Iftikhar Ahmad son of Amir Nasim, resident of Shakelaj Tehsil Timergara District Dir.
4. Sher Hadi son of Amir Wahid, resident of Kotigram Tehsil Adinzai District Dir.
5. Jamil Hadi son of Chulau Wahid, resident of Kotigram Tehsil Adinzai District Dir.
6. Javid Ullah son of Zagrawar Akbar, resident of Hajiabad Tehsil Balambat District Dir.
7. Sahibzada son of Sher Zauq, resident of Kundal Shah Tehsil Balambat District Dir.
8. Sarbularad Khan son of Mohammad Zarin, resident of Sanda Sa Gray Tehsil Timergara District Dir.
9. Mohammed Ayaz son of Ghulam Shams-ud-Din, resident of Yaf Zaur, Harada Tehsil Timergara District Dir.
10. Rashid Ahmad son of Fazal Rehman, resident of Harai Shah Tehsil Timergara District Dir.
11. Rehman Gul son of Gul Rehman, resident of Sochalai Tehsil Timergara District Dir.
12. Muhammad Sulaiman son of Asif Muhammad, resident of Spaulhano Tehsil Timergara District Dir.
13. Wahid Murad son of Umar Khan, resident of Kbangi Bala Tehsil Timergara District Dir.

20/11/2000

ATTESTED

(4)



- 14. Said Ali Shah son of Sultan Zarin, resident of Sarai Bala, Tehsil Timergara District Dir.
 - 15. Mati-ur-Rehman son of Faqir Mohammad, resident of Narai Shah Tehsil Timergara District Dir.
 - 16. Saif-ur-Rehman son of Abdur Rehman, resident of Narai Shah, Tehsil Timergara, District Dir.
 - 17. Sher Hayat son of Feroz Khan, resident of Mian Banda Tehsil Timergara District Dir.
 - 18. Hazir Mohammad son of Fateh Hazrat, resident of Katan Payeen, Tehsil Timergara District Dir.
 - 19) Nazir Khan son of Wasil Khan, resident of Ranai Tehsil Balambhat, District Dir.
 - 20) Sahib Ullah son of Bahadar, resident of Gargai Tehsil Timergara District Dir.
 - 21) Said Zaman son of Gul Zaman, resident of Khunko Tehsil Timergara, District Dir.
 - 22) Ali Nawab son of Zaid Ullah Khan, resident of Tando Deg Tehsil Adinzai District Dir.
 - 23) Mohammad Akbar son of Abdul Akbar, resident of Katan Payeen, Tehsil Timergara District Dir.
 - 24) Latif Ullah son of Noor-ul-Haq, resident of Yar Khar Banda Tehsil Timergara District Dir.
 - 25) Khan Mohammad son of Yar Mohammad, resident of Chakdara Tehsil Adinzai, District Dir.....
-Petitioners.

VERSUS

- 1) Government of NWFP through Secretary Education Deptt. Civil Sectt:Peshawar.
- 2) Director of Education Primary, NWFP, Peshawar.
- 3) District Education Officer(Male) Primary District Dir at Timergara.
- 4) District Education Officer(Male) Primary Distt:Dir Upper at Dir proper.
- 5) Muqadar Khan S/O Ayyaz Khan, resident of Stander Tehsil Balambhat District Dir.
- 6) Shah Nawaz Khan S/O Raza Khan, resident of Yousaf Mani Tehsil Balambhat District Dir.

2/11/2000

ATTESTED

EXAMINER
Peshawar High Court

Attested by
[Signature]

SECRETARY

ATTESTED

FORM OF ORDER SHEET

5



Court of.....
Case No..... of.....

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge, Magistrate and that of parties or counsel where necessary
------------------------------------	------------------------------	---

Qazi Akhter Naveed
Qazi Akhter Naveed
Qazi Akhter Naveed
Qazi Akhter Naveed

24.4.2003

W.P.No. 1425/2000.

Present: Qazi Zakiuddin, Advocate for the petitioners.

Mr. Akhtar Naveed, D.A.G. for respondents No. 1 to 4 alongwith Muhammad Yousaf, ADEO Education Department Lower Dir.

MALIK HANIF SAIED, J. Muhammad Yousaf, A.D.E.O. Education Department, Lower Dir who

is present in the Court made a statement rather confessed that order of appointments of the petitioners still hold field and the same was neither cancelled nor withdrawn and further under-takes that in future after creation of the vacancies the petitioners will be given postings and thereafter if any vacancies left, the same will be filled in through advertisement after observing other formalities. The statement of A.D.E.O. is recorded in the Court and placed on the record.

The learned counsel for the

ATTESTED
[Signature]
EXAMINER
Peshawar High Court

ATTESTED

6

20

petitioners is satisfied that in view of the statement made by the respondents through ADEO, he does not press the writ petition with request that in case the respondents failed to accommodate the petitioners against the posts of P.T.C. as they have already been appointed, they may be permitted to approach this Court by way of filing fresh writ petition.

The writ petition is dismissed being not pressed with direction to the respondents to accommodate the petitioners, the moment vacancies becomes vacant from today onward in areas meant for their recruitment and no fresh appointment be made unless all the petitioners in the writ petition are not posted first. The learned counsel for the petitioners assured the Court and stated that in case of their posting on the strength of letters of appointment earlier issued, they will not claim any back benefits i.e., salary etc for the period in which they have not rendered their services. The petitioners are, however, at liberty to approach this Court again in case the

TESTED
 J. S. SHARMA
 JUDGE
 Jhansi High Court

ATTESTED

7

~~21~~

respondents violated the orders of this Court,
if occasion arises.

Ad - Mulla Hamid Saad

Ad - Qasbi Mahmood

Qasbi

Judges

Announced.

Dt: 24.4.2003.

Please issue

Adcl: Registrar

Qasbi

26/4/03

CERTIFIED TO BE TRUE COPY

[Signature]

Authorized *[Signature]* to Order

ATTESTED

(Annexure "B") (8)



OFFICE OF THE
DISTT: EDUCATION OFFICER
(MALE) DISTRICT DIR LOWER

Fax. #. 0945-9250082

No, 17960 /Dated Timergara the 24/12/2016
To,

The Director(E&SE)
Khyber Pakhtun Khwa Peshawar.

Subject;- SUBMISSION OF IMPLEMENTATION REPORT IN JUDGEMENT DATED 4/11/2015 OUT OF SERVICE APPEALS NO,1092 TO 1103/2012 CASE TITLED MOHAMMAD SHAUKAT & OTHERS DIR (LOWER) VERSUS GOVT;OF KHYBER PAKHTUNKHWA & OTHERS PASSED BY THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

Memo;-


Reference your letter No,247/AD (Lit; II) dated 2/12/2015 on the subject cited above (Copy attached).

It is stated for your kind information that the judgment/directions dated 4/11/2015 of the honorable Service Tribunal has been implemented in letter and spirit and the SDEOs concerned were directed to submit the same nature cases for which a committee constituted to scrutinized cases of those PTC teachers who were appointed ^{on} 24/6/1997 but they suffered merely because of order dated 9/7/1997.

The SDEO Timergara & Samar Bagh submitted 72 Number cases of teachers appointed on 24/6/1997 who were suffered vide order dated 9/7/1997.

After, that a meeting of the committee was held on 26/10/2016 for the purpose, minutes prepared and put up to the undersigned wherein the cases of 72 teachers were categorized A to E in which A to D declared not entitled for benefits due to the reasons noted against each category while category "E" teachers were declared entitled for the financial benefits as per court decision dated 17/10/2016 passed by the Service Tribunal KPK Peshawar which was provided by the petitioners after 5 days of the meeting i.e on 31/10/2016(Copy attached) for which a separate case regarding supernumerary posts sanction alongwith Budget has been prepared and submitted please..

Copy of the minutes is enclosed herewith for your kind information and perusal please.


District Education Officer
(Male) Dir lower. 22

MINUTES OF THE MEETING HELD ON 26/10/2016 ABOUT BACK /SERVICE BENEFITS TO THE TEACHERS APPOINTED ON 24/6/97, AND SUFFERED DUE TO LETTER DT:9/7/1997

A meeting of the scrutiny committee comprising the following members was held on 26/10/2016 under the chairmanship of Deputy District Education Officer(M)/Chairman Scrutiny committee, in his office to discuss, scrutinize and finalize the cases of suffered teachers, who were appointed on 24/6/1997 and suffered due to letter dated 9/7/1997 in light of the decision of KPK Service Tribunal Peshawar dated 4/11/2015, and Director (E&SE) KPK Peshawar letter No,247/AD(Lit-II) dated 2/12/2015.

- | | | |
|----|------------------------------------|------------|
| 1. | Mohammad Riaz DDO(M) | (Chairman) |
| 2. | Mohammad Zafar Khan SDEO Timergara | (Member) |
| 3. | Hamidur-Rahman SDEO(M) Samar Bagh | (Member) |
| 4. | Ali Haider ADEO Estab;Secy; | (Member) |
| 5. | Mohammad Islam ADO Estab;Primary | (Member) |
| 6. | Fayazud-Din ADEO (Lit;) | (Member) |
| 7. | Khan Zada B&AO Local office. | (Member) |
| 8. | Nowshad Khan Supdt; | (Member) |
| 9. | Nasib Badshah S/Clerk | (Member) |

The committee fully thrashed out and scrutinized the cases of the following teachers appointed on 24/6/1997 who suffered due to letter dated 9/7/1997 with the record/applications etc put up by the SDEO(M) Timergara and Samar Bagh. The committee after thorough discussion, categorized all the appointees suffered/so called suffered due to the reference letter of the Director, held in abeyance. The 05 categories given below were decided in the meeting about their claim whether genuine or not.

Category "A" In it were kept those teachers whose appointment was made in 1997 but their adjustment were issued under the condition not to claim any arrear for the period, they not performed the duty, hence declared them not entitled.

Category "B" Those teachers appointed again on 23/4/1998 as fresh candidates are also not entitled for back benefits.

Category "C" Those teachers whose adjustment order were made by the SDEO concerned without the approval of the competent authorities, and during this period they did not perform the duty are also declared not entitled for any financial relief.

Category "D" Those teachers adjusted by the competent authority but they did not claim any arrear at that time so time barred are also declared not entitled for any benefit.

Category "E" The teachers who are found genuine were included and declared them for the entitlement of financial benefit. They are also allowed by the court.

Category "A"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks
1	MUHAMMAD ITIHAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	Not entitled due to the condition in the adjustment order already accepted by the applicants and did not claim arrear that time.
2	SAIFUR RAHMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
3	MATI UR RAHMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
4	RASHID AHMAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
5	NASAR KHAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
6	FAZAL RABI	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
7	ANISUR RAHMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
8	MUHAMMAD SULIMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
9	HAZIR MUHAMMAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
10	SAID ALI SHAH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
11	ZIA ULLAH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
12	JAVEDULLAH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
13	SAHIBULLH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
14	WAHEED MURAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----

10

15	SHAH GUL	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
16	RAHMAN GUL	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
17	HAROON RASHID	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
18	MUHAMMAD SADEEQ	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
19	SHER HAYAT	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
20	SAHIB ZADA	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
21	SARBILAND KHAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
22	SAEED ZAMAN	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
23	IFTIKHAR AHMAD	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----
24	LATIFULLAH	24/6/1997	24/4/2003	24.6.1997 to 23.04.2003	-----do-----

Category "B"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks/Amount
1	ZAHID KHAN	24/6/1997	24/4/1998	24.6.1997 to 23.04.98	Not entitled due to fresh appointment on 23/4/1998.
2	Muhammad Anwer Khan	24/6/1997	24/4/1998	24.6.1997 to 23.04.98	-----do-----
3	Muhammad Nisar	24/6/1997	24/4/1998	24.6.1997 to 23.04.98	-----do-----
4	GUL QADAR	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----
5	MUHAMMAD NAGEEN	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----
6	DAWLAT KHAN	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----
7	MUHAMMAD SHUAIB	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----
8	Seraj Muhammad	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----

Category "C"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks/Amount
1.	ALLAUD DIN	24/6/1997	1/5/1999	24.6.1997 to 30.4.99	Not entitled due to the adjustment order by the non competent authority.
2	IFTIKHAR ALAM	24/6/1997	1/5/1999	24.6.1997 to 30.4.99	-----do-----
3	GHULAM HABIB	24/6/1997	1/5/1999	24.6.1997 to 30.4.99	-----do-----
4	AZIZULLAH	24/6/1997	1/5/1999	24.6.1997 to 30.04.99	-----do-----
5	KHAN MUHAMMAD	24/6/1997	7/2/1999	24.6.1997 to 06.2.99	-----do-----
6	AYAZ UR RAHMAN	24/6/1997	1/1/1999	24.6.1997 to 31.12.98	-----do-----
7	SAEENULLAH	24/6/1997	3/12/1998	24.6.1997 to 02.12.98	-----do-----
8	MUHAMMAD ISHAQ	24/6/1997	25/11/1998	24.6.1997 to 24.11.98	-----do-----
9	KHAISTA REHMAN	24/6/1997	1/9/1998	24.6.1997 to 31.8.98	-----do-----
10	MUKAMIL SHAH	24/6/1997	1/9/1998	24.6.1997 to 31.8.98	-----do-----
11	SHAIR ALI	24/6/1997	13/7/1999	24.6.1997 to 31.8.98	-----do-----
12	SHAFIQR RAHMAN	24/6/1997	1/9/1998	24.6.1997 to 12.07.99	-----do-----
13	ABDUL WAHID	24/6/1997	4/8/1998	24.6.1997 to 31.08.98	-----do-----
14	SALIH JAN	24/6/1997	28/6/1998	24.6.1997 to 03.08.98	-----do-----
15	GUL ZADA	24/6/1997	1/7/1998	24.6.1997 to 27.6.98	-----do-----
16	SHER HAYAT	24/6/1997	19/2/1998	24.6.1997 to 30.06.98	-----do-----
17	HAYAT MUHAMMAD	24/6/1997	5/4/1998	24.6.1997 to 18.02.1998	-----do-----
18	NIAZ KHAN	24/6/1997	7/4/1998	24.6.1997 to 4.04.1998	-----do-----
19	SULTANAT KHAN	24/6/1997	7/3/1998	24.5.1997 to 6.04.98	-----do-----
20	DAWOOD SHAH	24/6/1997	1/3/1998	24.6.1997 to 06.03.98	-----do-----
21	HAYATULLAH	24/6/1997	1/3/1998	24.6.1997 to 28.02.1998	-----do-----
22	SHAHIR KHAN	24/6/1997	22/1/1998	24.6.1997 to 28.02.98	-----do-----
23	FARID KHAN	24/6/1997	1/2/1998	24.6.1997 to 21.01.98	-----do-----
24	MUHAMMAD NAEEM	24/6/1997	21/1/1998	24.6.1997 to 31.01.1998	-----do-----
25	NISAR MUHAMMAD	24/6/1997	22/10/1998	24.6.1997 to 20.1.98	-----do-----
26	MUHAMMAD RIAZ	24/6/1997	15/1/1998	24.6.1997 to 21.10.98	-----do-----

18

27	HABIBUL GHAFOOR	24/6/1997	6/1/1998	24.6.1997 to 5.01.98	-----do-----
28	Salahud Din	24/6/1997	1/6/1999	24.6.1997 to 31.05.99	-----do-----


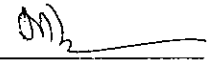
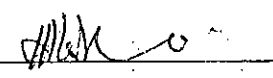
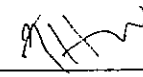



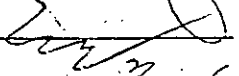
Category "D"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks/Amount
1	SAMIUL HAQ JAN	24/6/1997	24/11/2000	24.6.1997 to 23.11.2000	Not entitled due to time barred.
2	NIZAMUD DIN	24/6/1997	24/11/2000	24.6.1997 to 23.11.2000	-----do-----
3	TAJ MUHAMMAD	24/6/1997	24/11/2000	24.6.1997 to 23.11.2000	-----do-----
4	SAEED UR RAHMAN	24/6/1997	24/11/2000	24.6.1997 to 23.11.2000	-----do-----
5	SAMIULLAH	24/6/1997	4/11/1999	24.6.1997 to 3.11.99	-----do-----
6	HANIFULLAH	24/6/1997	26/10/1999	24.6.1997 to 25.10.99	-----do-----
7	SHAIR ALI	24/6/1997	1/10/1999	24.6.1997 to 30.09.99	-----do-----
8	AMANULLAH KHAN	24/6/1997	1/8/1999	24.6.1997 to 31.07.1999	-----do-----
9	Ihsanullah	24/6/1997	24/4/1998	24.6.1997 to 23.04.98	-----do-----
10	BERADAR KHAN	24/6/1997	18/10/1997	24.6.1997 to 17.10.97	-----do-----

Category "E"

S#	Name, Desig; & School	D/O apptt;	D/O adjustment	Intervening period	Remarks/Amount
1.	ANWER SAID ZADA	24/06/1997	01/05/1999	24/6/97 to 30/4/99	Entitled and recommended for the claim.
2.	Buner Gul	24/06/1997	24/11/2000	24.6.97 to 23.11.2000	-----do-----

Signature of Committee Members

1. Mohammad Riaz DDEO(M) Local office 
2. Mohammad Zafar Khan SDEO Timergara 
3. Hamidur-Rahman SDEO(M) Samar Bagh 
4. Ali Haider ADEO (Litigation) 
5. Mohammad Islam ADO 
6. Fayazud Din ADEO(P&D) I/office 
7. Khan Zada B&AO L/Office 
8. Nowshad Khan Supdt; 
9. Nasib Badshah S/Clerk 