10.08.2018

Clerk to counsel for the appellant present. Due to summer vacation the case is adjourned to 05.10.2018 for the same at

camp court Swat.

05.10.2018

Appellant Habibullah in person present and made a request for adjournment as his counsel is not in attendance. Granted. To come up for preliminary hearing on 07.12.2018 before S.B at camp court, Swat.

Camp Court, Swat

07.12.2018

Appellant absent. Learned counsel for the appellant absent. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

> Member Camp Court Swat.

<u>ANNOUNCED</u> 07.12.2018

Form- A

FORM OF ORDER SHEET

	Court	t of			· -		
Case No			845 /2018				
S.No.	Date of order proceedings	Order or other	r proceedi	ngs with sig	gnature of	judge	
1	2 '1						
1-	29/06/2018	Shamsul Had	i : Advocate	may be e	ntered in	ubmitted today l the Institution R er order please.	
			!		R	EGISTRAR >9	16-61
2-	11-07-2018				o touring	S. Bench at Sw	vat for
				,		CHAIRMAN	·
		J					,
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The appeal of Mr. Habibullah PSHT at Swat Saidu Sharif Swat received today i.e. on 30.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of termination order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 1140 /S.T,
Dt. 01/06 /2018.

REGISTRAR COLLECTION SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shamsul Hadi Adv. Swat.

Re-submetted to and Mi Termination order has been Annexed as Annox tess. B- at P-7.0) 100 appeal.

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29-06-2018

Service Appeal No. 845/2018.

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5.	Copy of impugned office order dated:22.08.2007	В	7
6.	Copies of Departmental appeal .	C	8-
<u> </u>	Wakalat Nama		9

Appellant

Through

Shams ul Hadi

Advocate, Peshawar.

Office:Near Al- Falah Mosque

Hayat Abad Mingora, Swat.

Cell No. 0347-4773440

Service Appeal No. 845/2018.

Knyber Pakhtmithwa Service Fribanal

Diary No. 1015

Habibullah (Primary School Teacher) at Swat

Dates ——

R/O Saidu Sharif, Mingora Swat......Appellant

VERSUS

- 1. District Education Officer (Male) Swat.

APPEAL UNDER SECTION 4 OF KHYBER PUKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE IMPUGNED OFFICE ORDERSDATED:22.08.2007.

PRAYER IN APPEAL:

On acceptance of this appeal the impugned Order dated: 22.08.2007 regarding major penalty i-e Termination from service of appellant may kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits of service Or any other remedy/relief if not specifically prayed for may also be awarded in circumstances of the case.

Respectfully Sheweth:

Fliedto-day
Registrar
30/5//2

That initially the appellant joined the respondent/department in the year 1987 and as such performed his duties with zeal and zest. (Copy of appointment order is annexure-A)

Re-submitted to -day and filed.

That during his service, the appellant requested for long leave where the same was granted as leave (without pay) from 05.03.2003 to 15.11.2005 and as such after completion of leave period the appellant requested for joining his services but later on, the appellant was directed with strange directions vide impugned office

order dated:22.08.2007 for joining of their post by the respondent No.1 and as such till date the appellant has not been adjusted against his post after completion of leave period.(Copy of impugned office order dated:22.08.2007 is annexure-B)

- That thereafter time and again the appellant approached the concerned authorities for his adjustment but the appellant was not allowed by the respondents to join his post and when in the year 2009 when the local militants emerged in Swat and as such due to some local issues, the militants threatens the appellant's family for dire consequences so the appellant and his family migrated from Swat.
- 4. That after military operation against the anti-state activists in Swat some of the effectees of talibinization came back but they were targeted one by one by the local militants and the said series of target killing is still going on in Swat district.
- 5. That when the appellant came back swat in February 2018 so the appellant got knowledge about his termination from service.
- 6. That against his illegal removal from service, the appellant filed departmental appeal before the competent authority but the same was not decided within statutory period. (Copies of departmental appeal is annexure-C)

That being aggrieved from the impugned orders, the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

GROUNDS:

A. That the impugned office order is against the facts, law and procedure, hence, untenable being unjust and unfair.

- B. That the appellant was not treated in accordance with law and rules, thus acted in violation of the relevant laws laid down for the purpose.
- C. That the whole departmental proceedings against the appellant was based on personal ill well and with ill intention a harsh and illegal penalty was imposed on the appellant through an order which find no mention in the eyes of law.
- D. That no opportunity in shape of personal hearing was afforded to the appellant and as such no legal procedure was adopted while removing the appellant from service.
- E. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that On acceptance of this appeal, impugned Order dated:22.08.2007 regarding major penalty i-e termination of service of appellant may kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits of service.

Or

Any other relief which this Hon'ble Tribunal deems appropriate in circumstances of the case may kindly be awarded to the appellant.

Appellant

Habibullah PTC

Through

Shams ul Hadi

Advocate, Peshawar.

Service Appeal No/	2018.				
Habibullah	Appellant				
VERSUS					
District Education Officer	M) and othersRespondents				

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information convoyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

ADVOCATE



Service Appeal No	/2018.
Habibullah	Appellant
	ERSUS
District Education Officer	and othersRespondents

ADDRESSES OF THE PARTIES

APPELLANT:

Habibullah (Primary School Teacher) at Swat

R/O Saidu Sharif, Mingora Swat Cell No..

RESPONDENTS:

- 1. District Education Officer(Male) Swat.
- 2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.

Appellant

Through

Shams ul Hadi

Advocate, Peshawar.

APPOINTMENT

The following appointments of untrained PTC teachers are hereby ordered in BPS-No.7 @ B.750/-P.M, fixed plus usual allowences admissible under the rules against vacant PTC Posto in the Schools noted against each with effect from the date of his/their taking over charte in the interest of public service.

Residence. Name of Rem-Name of Qualification. Parentage. school arke. S.No. whare Appointed

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gelde Starite Speciania, 7.7 . Khan Zalse 2. Behimiliah,Andi ביים ימו מלחלם לו

- 1. Charge report should be submitted to all conjerned in duplicate COMDITIONS.
- 2. NO TA/D/ and transfer grant is allowed being first appointment under "a reles.
- 3. The appointment is purely temperary and subject to termination at any tire without notice and assigning any leaon. In case of resident attention of the post; by forfiet one month's ply to the Govt:
- in lieu 'h. reof. 4; He/they should produce his/their Health and Age Certificate ..from the Medical Supetintendent concerned.
- -5. The head of the Institution concerned is re quired to check the original certificates of the candidate concurred before hending nost the charge.
 - The chadidate is/are required to take ocer charge within 14 days failing which his/their appointment order will stand . automatically cancelled.
- 7. The conditions should not; be handed over the charge is his/ their age exceeds 28 years or below 18 years for FTC and 30 yours or 37cm.

(SHAH-I-ROOM KH/1) Distt: Education Offiler(M), Swat Saldu Sharff.

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- 2. The bendmaster/Wead teacher GHS/GMS/GPS [mk-1/65] jated

The pandidate concerned.

Distt:Education Officer(M) .. Swat Saidu Sharif.

T-All/Pais



OFFICE OF THE EXECUTIVE DISTRICT OFFICER()AND LIT: EWAT: OFFICE ORDER:-

Consequent upon the enquiry conducted by Mr. Zahoor Ahmad principal GHS Chagsi, swat vide No.09 dated 8.8.07 the EDO(S&L)Swat being competenty authority is pleased to adjust Mr. Habibullaha FTC on humani tarian grounds at GPS Sarbala w.e.f the date of taking over charge. The leave applied for w.e.f 5.3.2003 to 15.11.2005(986)days)without pay is also sanctioned, and his balance period w.e.f 16.11.2005 till the date of taking over charge will be sanctioned later on in the light of his performance of duty.

In case of failour in taking over charge within 7 days of the issue of the order his service will be considered as terminated.

(GHULAM AKBAR KHAM)

EXECUTIVE DISTT: OFFICER(S) AND LIT:SWAT.

/PF/PTC Deted Copy forwarded to:-

1. The District Coordination officer, Swat.

2. The DDO(M)Pry: Swat w/r to his No.2349 dated 16.4.2007.

4. The official Concerned.

EXECUTUVE DISTY: LIT: SWAT.

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بعدالت كروس كريبومل كيركتوكو ا جرم باعث تحريرا نكه مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے بیروی وجواب دہی و کل کاروائی بمتعلقة آن مقام طلك لروس لربيبول كيك عن إلى كالبلك مقرر کرکے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیاط هوگا۔ نیز وکیل صاحب کو راضی نامہ وتقرر ثالث و فیصلہ پر حلف دینے جواب کے دی اورا قبال دعویٰ اور درخواست ہرشم کی تقید این زراس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برامدہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شده کو بھی جملہ مذکورہ بالااختیارات حاصل ہوئے اور اسکا ساختہ برواخته منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ وہر جانہ التواہے مقدمہ کے سبب سے ہا گا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا وخر چہ کی وصولی کرتے وفت کا بھی اختیار ہوگا اگر کوئی تاریخ بیاتی مقام دورہ ہر ہو یا حد سے باہر ہوتو و کیل صاحب پابند نہ ہوئے کی بیروی مقدمہ مذکورالہذا وکالت نامہ لکھ دیا ک سندرہے ہے واه شـــده الـ Austedand accepted by lar. Shows al tack Hade

Service Appeal No/2018.
HabibullahAppellant
VERSUS
District Education Officer (M) and othersRespondents
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Appellant

Through

Shams ul Hadi

Advocate, Peshawar.

Office:Near Al- Falah Mosque

Hayat Abad Mingora, Swat.

Cell No. 0347-4773440

Service	Appeal	No.	 /20	18.

Habibullah (Primary School Teacher) at Swat

R/O Saidu Sharif, Mingora Swat......Appellant

VERSUS

- 1. District Education Officer (Male) Swat.

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- 4. That after military operation against the anti-state activists in Swat some of the effectees of talibinization came back but they were targeted one by one by the local militants and the said series of target killing is still going on in Swat district.
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E. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Court.

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Or

Any other relief which this Hon'ble Tribunal deems appropriate in circumstances of the case may kindly be awarded to the appellant.

Appellant

Habibullah PTC

Through '

Shams ul Hadi

Advocate, Peshawar.

Service Appeal No/2	018.			
Habibullah	Appellant			
VERSUS				
District Education Officer (M	and othersRespondents			

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information convoyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

ADVOCATE

Service Appeal No/2018.	
Habibullah	Appellant
VERSUS	
District Education Officer and others	Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Habibullah (Primary School Teacher) at Swat

R/O Saidu Sharif, Mingora Swat Cell No..

RESPONDENTS:

- 1: District Education Officer(Male) Swat.
- 2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.

Appellant

Through

Shams ul Hadi

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(SHAH-I-ROOM KH/1) Distt:Education Officer(M) Swat Saidu Shangt.

DISTUREDUCATION OFFICER (M) SWAT SAINT STARTE. Endatino __ 264 89 __ A-58. Dated 27 -// 1987

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- 2. The Wendmaster/Head teadher GHS/GMS/GPS Maked / Why Man Lange 3. This band date converned of the

bistirducation Officer(M) Swat Saidu Sharif

Amaa.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER(S)AND LIT: SWAT

OFFICE ORDER: -

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Zahoor Ahmad principal GHS Shagsi, swat vide No.09 dated 8.8.07 the EDO(S&L)Swat being competenty authority is pleased to adjust Mr. Habibullaha PTC on humanitistarian grounds at GPS Barbala w.e.f the date of taking over charge. The leave applied for w.e.f 5.3.2003 to 15.11.2005(986)days)without pay is also senctioned, and his balance period w.e.f 16.11.2005 till the date of taking over charge will be sanctioned later on in the light of his performance of duty.

In case of failour in taking over charge within 7 days of the issue of the order his service will be considered as terminated.

211-

(GHULAM AKBAR KHAN)

EXECUTIVE DISTT: OFFICER(B) AND LIT: SWAT .

Copy forwarded to:-

1. The District, Coordination officer. Swat.

2. The Distt: Accounts officer. Swat.
3. The DDO(M)Pry: Swat w/r to his No.2349 dated 16.4.2007.

4. The official Concerned.

EXECUTUVE DISTRIC LIT: SWAT.

A.Khaliq/@

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بعدالت روس لريبوم) كريركتو كو ا قيت ايك روبي الم عي المرام المرام وكر و المسكم وكر و باعث تحريرا نكه ا مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی وجواب دہی و کل کاروائی الراز مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل • اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ وتقرر ثالث و فیصلہ پر حلف دینے جواب ہے دی اورا قبال دعویٰ اور درخواست ہرشم کی تقیدیق زراس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم ہیروی یا ڈگری ایک طرف یا اپیل کی برامدہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شده کو بھی جملہ مذکورہ بالااختیارات حاصل ہوئے اور اسکا ساختہ برواخنه منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ وہر جانہ التواہے مقدمہ کے سبب سے ہا گا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا وخرچہ کی وصولی کرتے وفت کا بھی اختیار ہوگا اگر کوئی تاریخ پیاٹی مقام دورہ ہر ہو یا حد سے باہر ہوتو وکیل صاحب یابند نه مونکے کی بیروی مقدمه مذکورالبذا وکالت نامه لکھ دیا ک سندرہے Austedand cecepted by lar.

Shand ul-Haeli Ada