

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**SERVICE APPEAL NO. 315/2018**

Date of institution ... 08.02.2018

Date of judgment ... 21.12.2018

Gulzada, PSHT, Government Primary School Muslim Khuwarh  
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 & 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 30.08.1998 TO THE APPELLANT, THE  
DEPARTMENTAL APPEAL DATED 28.12.2017 FOR THE  
GRANT OF ARREARS OF PAY WAS REGRETTEED VIDE  
LETTER DATED 09.01.2018.

Mr. Yasir Saleem, Advocate. ... For appellant.  
Mr. Muhammad Jan, Deputy District Attorney ... For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI ... MEMBER (JUDICIAL)  
MR. HUSSAIN SHAH ... MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this  
judgment shall dispose of instant service appeal as well as Service Appeal No.  
316/2018 titled "Mukammil Shah Versus Executive District Officer  
(Elementary & Secondary Education) Dir Lower and 3 others" as common  
question of law and facts are involved in both the appeals.

*Muhammad Amin  
21.12.2018*

2. Appellants 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.

3. Brief facts of both the cases are that the appellants were appointed as Primary School Teachers vide order dated 24.09.1997 by the competent authority. 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the appointment orders of the appellants were held in abeyance vide order dated 09.07.1997 which was subsequently withdrawn on 30.08.1997. The appellants were later on adjusted against the vacant post on 14.01.1998 and 29.08.1998 with immediately effect respectively 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. The appellant filed departmental appeals on 28.12.2017 for grant of arrears pay etc which was rejected on 09.01.2018 hence, the present service appeal on 08.02.2018.

4. Respondents were summoned who contested the appeal by filing of written reply/comments.

5. Learned counsel for the appellant contended 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 filing the appeals etc. Learned counsel for the appellant referred to many judgment of this Tribunal granting similar relief to similarly placed teachers.

6. On the other hand, learned Deputy District Attorney for the respondents argued that the appellant filed the present service appeals after considerable

*M. A. Jan*  
*21.12.2018*

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.

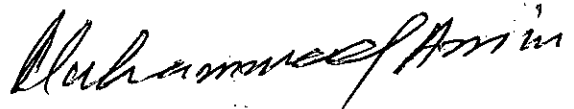
7. This is now a settled position of law that the cases of similarly placed persons are in the nature of rem and benefits of those judgments must be extended to other placed similarly. No limitation runs in such cases. Reliance is placed on 2002 PLC (C.S) 268. These appeals therefore, cannot be termed as time barred. After going through the judgment of this Tribunal in appeals No. 486/2008, No. 860/2011, No. 114/Neem/2011 and appeal No. 1092/2012, appeal No. 1175/2013 and appeal No. 140/2017 this Tribunal reaches the conclusion that the issue involved in the present appeals is similar to the one decided in those appeals.

8. Consequently, both the 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  
21.12.2018



(HUSSAIN SHAH)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER


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 on file, 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

  
READER

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.

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. 315/2018


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

The appeal of Mr. Gulzada PSHT GGPS Muslim Khuwarh 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.

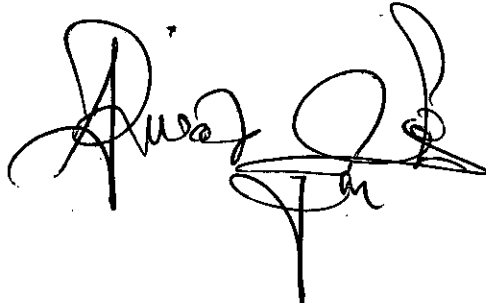
No. 310 /S.T,

Dt. 09/02 /2018

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

All formalities was completed.  
Please put in Court.





**BEFORE THE KHYBER PAKHTUNKHWA  
SERFVICE TRIBUNAL PESHAWAR**

Appeal No. 315 /2018

Gulzada s/o sabir khan, PSHT, Govt. Primary School Muslim  
khwar District, Dir (Lower).

(Appellant)

**VERSUS**

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

(Respondents)

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<b>S. No</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>P. No</b>
1	Memo of Appeal & Affidavit		1-5
2	Copy of the appointment notification dated 24.06.1997	A	6-9
3	Copy of the charge report and Medical Certificate and Service Book	B, C & D	10-19
4	Copy of the Office Order dated 09.07.1997	D/I	20
5	Copies of the letter dated 03.7.1997 & 30.08.1997	E & F	21-22
6	Copy of the Order Sheet dated 24.03.1998	G	23
7	Copies of the adjustment order dated 14.01.1998 and charge report dated 15.01.1998	H, I	24-25
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	26-43
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Appellant

Through

**YASIR SALEEM**

**JAWAD-UR-REHMAN**

Advocates, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 186

Dated 08-2-2018

Appeal No. 315/2018

Gulzada, PSHT, Govt. Primary School Muslim Khuwarh  
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 30.08.1998 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.

Filed to-day

*[Signature]*  
Registrar

8/2/18

Prayer in Appeal:

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 30.08.1998 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.

Re-submitted to -day  
and filed.

*[Signature]*  
Registrar

Respectfully Submitted:

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 and Service Book are attached as Annexure B, C & D).*
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/1).*
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 Sara khonzai vide later No.71-80 dated 14.01.1998, with immediate effect. The appellant submitted charge report on 15.01.1998 and started performing his duties. it is pertinent to mention here that though the appellant took charge of his post on 15.01.1998 however he was not paid his salaries till 30.06.1998 for which the appellant is also entitled. *(Copies of the adjustment order dated 14.01.1998 and charge report dated 15.01.1998 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 Annexur 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, **Gulzada s/o sabir khan, PSHT, Govt. Primary School muslim khwar 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

OFFICE OF THE DISTT:EDUCATION OFFICER (MALE) PRIMARY DIR AT TIMARGARA.

NOTIFICATION:-

Consequent upon their selection by the Departmental Selections Committee, the Distt Education Officer (M) Prry: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 (Rs.1480-81-2695 plus usual allowances as admissible under the rules with immediate effect subject to the existing terms and condations:-

S.No.	Name, Father, s Name & Address.	D/O Birth.	No of School	where Posted.	Merit.	PF.	Remarks.
1.	Shahbud Din S/O Muhammed Zafar R/O Talaw.	3.1.76	15/54	GPS:Done	PF:73	V:Karim Zada	Term: do
2.	Isarud Din S/O Muhammad Wanid R/O Shiringal.	1.7.77	16/54	" Siasan	"	V:Umer Muhamma	Term: do
3.	Salehullah S/O Muhammad Ghafar R/O Dambar Gula.	28.8.74	17/54	" Kilot.	"	V:Khan Zada	Term: do
4.	Muhammad Islam S/O Sdam, Muhammad R/O Katan.	22.10.76	18/54	" Junkai.	"	V:Muhammad Jan	Term: do
5.	Muhib Zada S/O Shahzullah R/O Sheringal.	16.6.77	19/54	" Kuchkal	"	V:Bakht Ali	Term: do
6.	Akbar Ali S/O Said Afzal Culandai.	18.2.68	20/53	" Tangai Sar"	"	V:Sahib Zari	Term: do
7.	Karim Zada S/O Hamza Khan R/O Chiragh Galai	9.4.73	21/52	" Shahoor (P)"	"	V:Baz Muham	Term: do
8.	Insanullah S/O Saeed Afzal R/O Sheringal.	4.5.69	22/51	" Banjo.	"	V:Nazar Muha	Term: do
9.	Mubarak Zeb S/O Fazal Wahid R/O Dir	1.1.69	23/51	MPS:Qashqari (B)"	"	V:Ismaail	Term: do
10.	Ashfaqullah S/O Muhammad Naeem R/O Kachkool.	1.1.78	24/49	GPS:Doodbah."	"	V:Inayatulla	Term: do
11.	Farid Khan S/O Izul Khan R/O Pacha Kali.	6.6.73	25/49	" Khan Abad."	"	V:Shakhi Jal	Term: do
12.	Noorul Islam S/O Naqib Ahmad R/O Dog.	1.6.75	26/49	" Dankar.	"	V:Juma Faqir	Term: do
13.	Salahud Din S/O Khushal Khan R/O Karborai.	15.8.73	27/49	MPS:Vegal	"	V:Hassinulla	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	Term: do
16.	Guhar Rahman S/O Muhammad Ghufuran.. R/O Chiragh Galai.	1.1.75	30/49	" Achar (B) "	"	V:Mahibur R	Term: do
17.	Pir Muhammad S/O Rahmat Jan R/O Jabalok.	26.5.76	31/48	" Gar.shal(B)"	"	V:Habibulla	Term: do
18.	Asaf Khan S/O Gul Muhammad F/O Khara.	20.4.73	32/46	" KohstanoBanda"	"	V:Nawsher T	Term: do
19.	Faizur Rahman S/O Hazrat Khan R/O Jabalok.	2.1.74	33.46	MPS:Kuchkal "	"	V:Ashfaqulla	Term: do
20.	Muhammad Sadiq S/O Muhammad Rafiq R/O Mane Banda.	16.5.72	34/46	GPS:Rohjandrai"	"	V:Shah Naza	Term: do

ATTACHED

1. Aslam Khan S/O Dilawar Khan R/O Jablok.	3.4.74	33/46	GPS:Loineel	PF:73	V:Shahbud D	Term:	do
2. Awrang Zeb S/O Wazir Zada R/O Abakand.	25.11.74	36/46	MPS:Darululoomtal		V:Abdul Qad	Term:	do
3. Hamza Khan S/O Gul Shah Ali Khan R/O Rokhan.	1.5.75	37/46	GPS:Tal 3	"	V:Inayatullah	Term:	do
4. Jamil Ahmad S/O Ghulam Ahmad R/O Dogg.	3.7.74	38/46	" Darmal(F)	"	V:Muhammad Ali	Term:	do
5. Rahmanullah S/O Khir Muhammad R/O Pitaw.	15.9.74	39/44	" Kohstan(B)	"	V:Bacha Hayat	Term:	do
6. Jan Muhammad S/O Rahmat Jan R/O Jablok.	13.7.74	40/44	" Panakot.	"	V:Dawood Jan	Term:	do
7. Muhammad Din S/O Yaqoob Khan R/O Panakot.	20.5.75	41/44	" Sawnai	"	V:Shah Hussin	Term:	do
8. Sultan Nousaf S/O Taj Muhammad R/O Galsho.	1.2.68	42/44	" Khan Abad	"	V:Noor Islam	Term:	do
9. Zahid Hussin S/O Khan Ghafoor R/O Dir Shaw.	16.5.72	43/44	" Bar Kali	"	V:Mirza Khan	Term:	do
10. Fazal Nabil S/O Umer Said R/O Kass Dir.	21.12.73	44/44	" Sial Kass.	"	V:Shafiullah	Term:	do
11. Shafiullah S/O Saeedullah Khan R/O Serai.	8.3.73	45/44	" Sia Gansh.	"	V:Wahidullah	Term:	do
12. Raham Nab S/O Dil Muhammad R/O Rokhan.	8.4.74	46/44	" Shang.	"	V:Amir Zada	Term:	do
13. Wazifullah S/O Nimatullah R/O beyar.	15.3.69	47/39	" Pon Sera	"	V:Muhammad Sa	Term:	do
14. Muhammad Khan S/O Walya Jan R/O Jablok.	1.3.74	48/39	MPS.Kelot.	"	V:Rahmat Zada	Term:	do
15. Naeem Jan S/O Aziz Muhammad R/O Keiar Dara.	9.5.72	49/39	GPS:Tal I	"	V:Saeedul Haq	Term:	do
16. Alawd Din S/O Muhammad Din R/O Sheringal.	1.2.77	50/39	" Patark.	"	V:Muhammad Sha	Term:	do
17. Azimullah S/O Abdul Hanan R/O Doobando.	4.3.75	51/39	MPS:Serai Dankar		V:Muhammad Zeb	Term:	do
18. Shafiqur Rahman S/O Baz Gul R/O Fatrak.	4.2.75	52/39	" SeraiPat:	"	V:Saeed Jan	Term:	do
19. Sardaraz Khan S/O Sarfaraz Khan R/O Kass Dir.	1.4.75	53/29	GPS:Mina	"	V:Parviz Akhtar	Term:	do
PF-74							
Mukameel Shah S/O Muhammad Zarin R/O Sro Gal.	25.3.68	21/55	GPS:Masosai	PF-74	V:Sadat Khan	Term:	do
20. Babibur Rahman S/O Marghai Jan R/O Shahgai.	20.2.74	22/55	MPS:Banjo		V:Muhammad Haq Naeem	Term:	do
21. Izamul Din S/O Hamidullah Jan R/O Kumbhar.	23/55 2.4.74	23/55	" Tango	"	V:Wahidur Rahman	Term:	do
22. Sultan Bakhsh S/O Bakhsh S/O R/O Barwal	17.4.76	24/54	" Topai.	"	V:Rafiq Muhammad	Term:	do
23. Muhammad Ishaq S/O Abdul Karim R/O Bandogai.	10.6.72	25/54	GPS:Marwar	"	V:Abdul Qayoum	Term:	do
24. Haq S/O Muhammad Wahid R/O Markhanai.	23.3.72	26/54	" Bilachand	"	V:Haq P:Al	Term:	do



1. Muhammad Tahir S/O Abdul Haq R/O Lalqila.	18.1.71	27/54	GPS:Makhai2	PF:74	V:Aminullah	Term: do-
2. Muslim Khan S/O Khirur Rahman R/O Bishgram.	18.1.73	28/54	" Kalpani.	"	V:Dilawar Khar	Term: do-
3. Dilawar Jan S/O Ahmad Jan R/O Mirgam (B)	1.1.66	29/54	" Barawal 3	"	V:Tajud Din	Term: do-
10. Nishan Haidar S/O Azizul Hakim R/O Barawal.	30.3.53	30/53	" Krapa.	"	V:Mukhtiar Kha	Term: do-
11. Hamad Malik S/O Fazli Malik R/O Barawal.	15.6.76	31/53	" Binar (F)	"	V:Muhammad Kha	Term: do-
12. Amir Badshah S/O Hussin Khan R/O Shagai.	2.4.76	32/53	" Marwaro	"	V:Muhammad Zar	Term: do-
13. Muhammad Javid S/O Sher Badshah R/O Shagai.	20/4/74	33/53	" Shahtaz	"	V:Hanifullah	Term: do-
14. Anwar Badshah S/O Jehan Badshah R/O Deedan Pura.	2.2.73	34/53	" Sro Kali.	"	V:Mukhtiarud	Term: do-
15. Muhammad Yousaf S/O Yar Khan R/O Manial.	1.4.72	35/52	" Shengr Gal.	"	V:Gul Rahman	Term: do-
16. Muhammad Nabi Khan S/O Khan Badshah R/O Shagai.	1.5.76	36/50	" Maroono.	"	V:Hazrat Jan	Term: do-
17. Fazli Subhan S/O Qazi Khan R/O Mian Dehri.	15.3.67	37/48	" Lil Banr.	"	V:Ihsanullah	Term: do-
18. Mahmood Jan S/O Toor Jan R/O Barawal.	4.4.72	38/47	" Babagam.	"	V:Muhammad Is	Term: do-
19. Hanifur Ahad S/O Fazal Ahad Kumbanr.	1.3.73	39/46	" Lar Tong	B:Khan	V:Sher Zada	Term: do-
20. Ihsanul Ahad S/O Ghulam Ahad R/O Barghando.	20.1.71	40/46	" Kotki Dehri.	"	V:Muhammad Ze	Term: do-
21. Gul Zada S/O Sabir Khan R/O Muslim Khwar.	15.10.75	41/46	" Kotkai Dehri	"	V:Muhibullah	Term: do-
22. Asadullah S/O Badshah Rahman R/O Bishgram.	1.3.76	42/46	MPS:Kolalano Shah	"	V:Muhammad Sa	Term: do-
23. Farid Khan S/O <del>xxxxxx</del> Akbar Khan, R/O Nagotal.	25.11.73	43/46	GPS:Kass Gumbat	"	V:Hafizur	Term: do-
24. Muhammad Tufial S/O Safur Rahman R/O Garawni.	4.4.73	44/45	" Kass Gumbat	"	V:Rahman Ze	Term: do-
25. Mubark Said S/O Hakim Said R/O Kumbanr.	5.4.74	45/45	" Larkandi Balo Khan.	"	V:Javid Iqbal	Term: do-
26. Islam Gul S/O <del>Islam</del> Gul R/O Khatkai.	1.5.72	46/45	" Larkandi B:Khan;	"	V:Jawhar Iqbal	Term: do-
27. Muhammad Hussin S/O Umer R/O Kass.	5.9.68	47/45	" Mirgam(K)	"	V:Muhammad Yar	Term: do-
28. Qasim Jan S/O Toor Jan R/O Chinda Kat.	13.3.73	48/44	" Umer Rahman Koorona	"	V:Muhammad Zahir	Term: do-
29. Muhammad Salim S/O Muhammad Zahir Shah R/O Hido.	15/5/73	49/44	" Mishwano	"	V:Fazli Subhan	Term: do-
30. Mahfozur Rahman S/O Mian Gul R/O Markhani.	10.5.70	50/44	" Sarlara	"	V:Niaz Muhammad	Term: do-
31. Sher Zada Khan S/O Finda Khan R/O Khatkai.	10.1.74	51/44	MPS:Muhammad Zada Koorona	"	V:Bahrawar Jan	Term: do-
32. Eiaul Haq S/O Ihsanul Haq R/O Bishgram.	1.5.74	52/44	" Sarbala Koorona	"	V:M:Nabi.	Term: do-
33. Fazal Hussin S/O Ghulam Muhammad R/O Shagai(M)	8.5.72	53/44	" Kassai	"	V:Muhammad Zakirullah	Term: do-

*[Handwritten signature]*

- 34. Bakht Shah Azim S/O Muhammad Jan Khan 54/45 GPS:Balokhan PF-74 V:Khan Zada T  
R/O Shagai(M) 1.1.73
- 35. Asghar Khan S/O Sahib Zeb Khan 16.12.70 55/44 " Brikanai " V:Rahmanul  
R/O Manial. Term: do
- 36. Fazli Subhan S/O Ajbar Khan 2.6.70 56/44 " Kass Barikot " V:Sahib Sul  
R/O Dokrai. Term: d
- 37. Hazrat Jan S/O Said Amin Jan 12.5.68 57/44 " Dod Doon " V:F:Mam Ter
- 38. Javid Khan S/O Sahib Sadiq 10.6.69 58/43 " Panj. " V:Inayat  
R/O Kotkai. Term: do
- 39. Fasihul Lissan.S/O Gran Malak 5.10.70 59/43 MPSShahshor." V:Muhammad  
R/O Pari Kass. Term: do

PF-75

- 1. Islam Gul S/O Itbar Gul 1.3.76 91/56 GPS:Tango Manz PF-75 V:Noor U  
R/O Barikot. Term: do
- 2. ~~Muhammad Gul S/O Umer Saeed 1.2.74 92/56 MPS:Bando Khawar " Post alora  
R/O Sarai Bala. occupied~~
- 2. Muhammad Zahid S/O Umer Saeed 1.2.74 92/56 MPS:Bando Khawar " Post alora  
R/O Sarai Bala. occupied
- 3. Ghulam Faqir S/O Abbas Noor 1.4.71 93/56 " Bandagai. " V:Muhammad Za  
Barikot. Term: mated
- 4. Muhammad Naeem S/O Muhammad Karim 1.1.72 94/56 " Shagai " Selected on mer  
R/O Kulal Fatei. Term: V:Fateh Rahma  
do
- 5. Samiul Haq S/O Fazli Jan 15.7.70 95/56 GPS:Haji Abad2 " V:Sher Hayat  
R/O Katan (F) Term: do
- 6. Abdul Wahid S/O Rahman Gul 24.12.67 96/56 " Galgot. V:Muhammad Hayat  
R/O Bagh (D) Term: do
- 7. Bunir Gul S/O Yar Gul 12.9.75 97/56 MPS:Nangera. " V:Tahir Ayoub  
R/O Tangai Khawar. Term: do
- 8. Muhammad Akbar S/O Abdul Kabir 2/4/73 98/56 GPS:Bilatoor " V:Fazal Khalid  
R/O Katan(F) Term: do
- 9. Shah Gul S/O Inzar Gul 2.2.71 99/56 " Jeekand. " V:Muhammad Ra  
R/O Bagh (D) Term: do
- 10. Farmaullah S/O Muhammad Ayoub 1.4.72 100/55 " Ghawgo Rabat " P:Al:occupied
- 11. Ikhtiar Muhammad S/O Amir Zada 11.10/74/101/55 MPS:Darululoom " V:Aminullah  
R/O Kohari. Byar. Term: mated AS
- 12. ~~Sherin Zada R/O Amin Said S/O 25.5.72 102/55 " Bitai Kass " Selected on mer  
Sherin Zada R/O Timargara. V:Amanullah  
Term: do~~

PF-76

- 1. Ghulam Sarwar S/O Ali Heidar 23.10.74 23/56 GPS:Qandaari PF-76 V:Salahud  
R/O Merkhani. Term: do
- 2. Muhammad Anwar S/O Mahmood 10.2.74 24/54 " Eatora. " V:Muhammad Mur  
R/O Gusam. Term: do
- 3. Sultan Shah S/O Ghulam Muhammad 13. 2.7825/54 " Skhawna. " V:Gul Qadar  
R/O Takwara. Term: do
- 4. Saadshah Rahman S/O Muhammad Halim Jan 7/2.77 26/54 " Sinzo. " V:Muhammad Zak  
R/O Kotkai. Term: do
- 5. Salahud Din S/O Khan Bahdar 10.1.76 27/54 " Asar Kot " V:Khurshid Muha  
R/O Gusam Term: do

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Miaz Muhammad S/O Sultan Muhammad R/O Shal Kandai.	17.5.71 28/54	GPS:Ali Banda	PF/76 V:Fazal Term:
Mamiullah S/O Nimatullah R/O Kotkai.	16.4.77 29/54	" Aghiralai "	V:Rinul Haq Term:
Atiqur Rahman S/O Khista Rahman R/O Munda.	30.1.3.75 30/54	MPS,Rahmat tangai.	V.Raees Moh terminated.
Mulqadar Khan,S/O Nawroz Khan R/O Sadbarkolai.	4.2.70 31/54	GPS,Rangol.	V.Khudayar terminated.
Dawlat Khan,S/O Sher Amin Khan, R/O Khaista Bheri.	1.5.72 32/54	MPS,Zolam,	" V.Ihsanulla terminated.
Hajwaz Khan,S/O Syed Yaqob Khan, R/O Garra,	20.2.66 35/54	::Gato.	" V.Mohd Shuai terminated.
Siraj Mohd,S/O Sultan Mohd, R/O Rahimabad,	9.1.72 34/54	::Badin,	" V.Fazal Hakim terminated.
Dawlat Jan,S/O Shagai. R/O Hisarak.	3.1.67 34/54	::Shahai.	" Vice Khan Moh terminated.
Zahid Khan,S/O Tawatoor Khan, R/O Garra,	26.5.67 36/54	::Batora,	"Abdur Kouf terminated.
Mohd Miran,S/O Mulagul, R/O Landakar,	7.4.68 37/54	::Damtal.	::Vice Abidulla terminated.
Mohd Nagin Khan,S/O Akbar Khan, R/O Gulbela.	1.1.76 38/54	::Gatkai.	:::Zakirhussai terminated.
Latif Shah,S/O Moghan Shah, R/O Lato Kambat,	1.5.70 38/54	::Tarai.	::Yusuf Khan, terminated.
Mahir Mohd,S/O Teza Khan, R/O Rahimabad,	16.4.76 40/54	::Bitalkass,	::Siraj Gul, terminated.
<del>XXXXXXXXXXXX</del> Merradar Khan,S/O Mohibullah, R/O Khataba,	9.3.73 41/54	::Shang,	::Sherzada,termi
Mohd Shuaib,S/O Kae Faena, R/O Damtal.	18.11.72 42/54	::Darak,	::Ali Haider,ter
Ihsanullah,S/O Ajibullah, R/O Rahimabad,	1.10.64 43/51	::Dadban,	::Shah Nasib Kha terminated.
Mohd Tariq,S/O Abdul Masud, R/O ...	28.11.71 44/54	MPS,Tindarkor,	"Mohd Tariq terminated.

P.F.77.Dir 5.

Makht Sher Khan,S/O Hamim Roz, R/O Jelar,	25.4.70 24/56	GPS,Dular,	::Zakir Rehman, terminated.
Mohd Iqbal,S/O Amirdad Khan, R/O Talaw,	14.10.67 25/56	::Khall NO.3:	Tariq Masood, terminated.
Muslem Gul,S/O Nawsher Khan, Wari.	11.4.71 26/56	::Batlai(P)	::Khurshaid,ter minated.
Mohd Badshah,S/O Jalandar, R/O Gugiyal.	5.1.72 27/56	MPS,Baghmanzai."	Mohbarak Zeb terminated.
Mohd Halim,S/O Finda Noor, R/O Khall.	1.1.70 28/55	::Batlai(P)	::Islamgul,termi nated.
Mohd Mohd,S/O Abdul Karim, R/O Nehag,	15.4.75 29/54	::Kamalkhel.	::Inamullah, terminated.
Mohd Hussain,S/O Rezi Khan, R/O Umaralai.	2.2.75 30/54	::Porai Khal.	::Zaharullah terminated.
Mohd ... S/O Mohd Din, R/O ...	1.7.72 31/54	::Kohai,	ViceHabibur Reh- man terminated.

(See Page NO.6)

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Salam, S/O Gul Mohd, Baniyal.	12.5.75	32/54	MPS, Goldai,	Vice Badshah Zada terminated.	do-
Nawab S/O Dilbar Jan Shahgai	2.1.72	33/54	" Manzai Nahag.	Vice Alam Khan Terminated.	do-
<del>Muhammad</del> Muhammad Amin Shah Nazar R/O Batalai,	5.2.76	34/53	" Sondrai	Vice Anwar Zeb Terminated.	do-
Mullah S/O Baz Muhammad Baniyal.	15.4.77	35/53	" Takhtabang.	Vice Islamu- Din Term:	do-
Israd Din S/O Shah Muhammad Baniyal.	7.6.74	36/53	" Sia Gawrani	Vice Muhamm, d Issa Term:	do-
Hamid S/O Mumin Khan Baniyal.	1.1.74	37/53	" Shahgai(B)	Vice Gul Abdar- Khan Term:	do-
Amad Israr S/O Muhammad Baniyal R/O Kakad.	2.3.73	38/53	" Shahgai.	Vice Shawkat- Ali Term:	do-
Muhammad S/O Shah Nazar Baniyal.	6.3.74	39/49	UPS: Razagai.	Vice Hamidullah Terminated.	do-
Muhammad S/O Amir Khan Baniyal.	16.4.75	40/48	MPS: Dolar (P)	Vice Muhamm, d- Hamyoun Term:	do-
Amad S/O Shahzaman Baniyal.	20.5.72	41/43	" Daskor(P)	Vice Muhammad/ Shah Terminated.	do-
Gul S/O Khuna Gul Baniyal.	28/5/72	43/45	" Nishan Banda	Vice Inayatulla Terminated.	do-
Abib S/O Marof Bacha Baniyal	15/6/73	44/45	" Jnar.	Vice Badshahud- Din Terminated.	do-
Mullah S/O Fateh Sher Baniyal.	28/5/72	45/45	UPS: Ganshal(P)	Vice Ghani Rahma Terminated.	do-
Amad Hamid S/O Shokar Baniyal R/O Khal.	1.2.71	46/45	" Srafo.	Vice Muhammad- Din.	do-
Amad Ayaz S/O Amir Zada Baniyal.	1.1.72	47/45	" Serai	Vice Wali Khan Terminated.	do-
Munir S/O Abdur Rasool Baniyal.	7.4.74	48/45	" Gamdat.	Vice Sultan Alam Terminated.	do-
Amad Iqbal S/O Amir Zada Baniyal Mula Gujar.	15.3.76	49/45	" Badalai(P)	Vice Dawood Khan Terminated.	do-
Mullah S/O Inayatullah Baniyal.	12.5.72	50/45	" Katogram(B)	Vice Shawkat Ali Terminated.	do-
Hayat S/O Fazal Haq Baniyal.	18.3.70	51/45	" Shagai(B)	Vice Anwar Zeb Terminated.	do-
Muhammad S/O Muhammad Khan Baniyal.	16.4.76	52/45	" Mitora	Vice Shaah Muham Terminated.	do-
Muhammad S/O Sultan Ahmad Baniyal Atad,	3.5.76	53/45	" Shalgah.	Vice Iqbal Khan Terminated.	do-
Zada S/O Faqir Zada Baniyal Mang.	20.2.74	54/45	" Daboona	Vice Anwar Saeed Terminated.	do-
Muhammad S/O Muhammad Qasim Baniyal.	22.3.72	55/45	" Sondal.	Vice Badshah Zada Terminated.	do-
Muhammad S/O Mula Gul Baniyal Khawar.	10.5.73	56/44	" Jaai.	Vice Nizamud Din Terminated.	do-
Muhammad S/O Habibullah Baniyal.	22.5.75	57/44	" Kamali.	Vice Hayat Muham Terminated.	do-
Muhammad S/O Khana Ali, Baniyal.	28.10.68	58/43	" Ganjai.	Vice Haq Nawaz Terminated.	do-

Idayatullah Khan S/O Badshah- Muhammad R/O Warai. 1.2.70	59/43 GPS:Shapar	PF-77 Vice Yar- Muhammad Te
36. Mubedur Rahman S/O Bela 28-2-70 Muhammad	60/43 " Kogano Khawar	Vice Sher Akka Terminated. do-
37. Residullah S/O Sherullah R/O Chagar.	63/43 MPS:Arak.	Vice Shahnullah Terminated. do-

PF-78

1. Salim Khan S/O Amir Nawaz Khan R/O Ouch. 7.4.75	37/50 GPS:Ado.	PF-78 Vice Muhammad Sa Terminated. do-
2. Dawood Shah S/O Farid Badshah R/O Ramora. 6.3.71	38/50 " Ramora.	Vice Hazrat Hussa Terminated. do-
3. Muhammad Ithad S/O Wali Muhammad R/O Nigram. 1.6.72	39/50 " Ragbanai.	Vice Badshah Sard Terminated. do-
4. Hamidur Rahman S/O Fazli Rahman R/O Badwan. 6.6.74	40/50 " Shorshing	Vice Anwud Din Terminated. do-
5. Pir Muhammad S/O Itbar Khan 2.7.74 R/O Batan.	41/50 " Mula Patai	Vice Khir Bahdar Terminated. do-
6. Azizullah S/O Rahatullah 15.9.70 R/O Chakdara.	42/45 " Jabagai	Vice Gul Halim Ja Terminated. do-
7. Bashir Muhammad S/O Sarfaraz Khan R/O Tangai. 10.3.73	43/45 " Takhta Band	Vice Sahib Zada Terminated. do-
8. Farid Khan S/O Awal Khan 11.5.77 R/O Chakdara.	44/45 " Jugha.	Vice Fazal Qadim Terminated. do-
9. Noor Zaman S/O Muslim Khan 1.12.75 R/O Tindog.	45/45 " Searai	Vice Musawir Kha Terminated. do-
10. Azim Khan S/O Fateh Khan 15.5.77 R/O Batan.	46/45 MPS:Beyarai	Vice Bahadar Kha Terminated. do-

(USMAN GHANI)

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

TERMS & CONDITIONS.

OFFICE OF THE DISTT: EDUCATION OFFICER (M) PRIMARY DIR AT TEMARGARA.

Endst: No. \_\_\_\_\_ / PED/ Dated Temargara the \_\_\_\_\_ / 6/37.

1. They will be governed by such 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/BISE/R.D.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.

9. The declaration of assets should be obtained from them immediately and placed on record.
10. They are required to produce Health & age certificates from Medical authorities concerned before taking over charge.
11. Charge should not even to the average candidate. His case for age relaxation be sent to the concerned quarter.
12. Efforts for transfers before the completion of tenure will disqualify him from the service.
13. No Pn/DA is allowed.
14. An undertaking shall be obtained from Master & Degree holders, PTC / C.T etc that they will serve the Department for at least 5 years unless he/she/they are selected by the public service commission for any post.
15. In case of person appointed as untrained teachers he will have to pass the requisite training examination within a 4 years failing which his services will be terminated.

Notes:

Complete information of each category (separately) in consolidated lists on the prescribed proforma (attached) alongwith charge report to be submitted by the lower offices to the Director of Education, Primary DEOS (M&F) Primary within a week positively.

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

OFFICE OF THE DISTT: EDUCATION OFFICER (M) PRIMARY DIR AT TEMARGARA.

Enst: No. 2034-9/96 Dated Temargara the 24 / 6 / 97.

Copy of the above is forwarded to:-

1. ~~Mrs. R/xxxxxxxx~~  
P/S to Secretary Education Govt: of N.W.F.P. Peshawar.
2. The Director of Primary Education N.W.F.P. Peshawar.
3. All S.D.EO's (M) concerned.
4. The Distt: Accounts Officer Dir at Temargara.
5. The Officials concerned.

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

24/6/97  
1/6

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BEFORE THE KHYBR PUKTHUN KHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 315/2018.

Gul zada, S/O Sabir Khan, PSHT, Govt Primary School Muslim Khwar, 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:  
1,2,3&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.

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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  
kpk, Peshawar

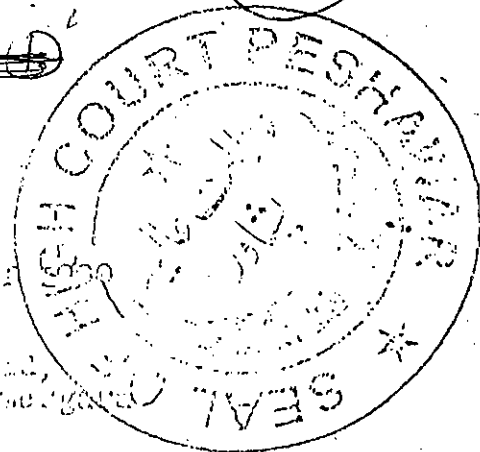
District Education Officer  
Male Dir Lower

Secretary E&SE Education  
kpk, Peshawar

District Education Officer  
(M) Dir (Upper)



(Annexure "A") 07  
~~Annexure~~



WRIT PETITION No.

1125

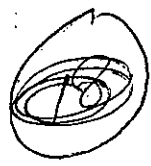
1. Jan Mohammad s/o Dost Mohammad, resident of Talash Tehsil Timergara District Dir.
2. Zia Ullah son of Ghulam Nabi resident of Pachtawargay Tehsil Balambat District Dir.
3. Iftikhar Ahmad son of Amir Nasim, resident of Shakelay Tehsil Timergara District Dir.
4. Sher Hadi son of Amir Wahid, resident 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 Zoon, resident of Landi Shah Tehsil Balambat District Dir.
8. Sarbuland Khan son of Mohammad 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 Rehman, resident of Narai 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.

RECORDED BY

20/11/2008

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  
JUDGE

CELLS

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 J.J., Magistrate and that of parties or counsel where necessary
------------------------------------	------------------------------	--

*Qazi Zakiuddin  
 - O/W vacant posts with complete appn.*

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 HABIB SAIED, 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**  
*[Signature]*  
 EXAMINER  
 Peshawar High Court

**ATTESTED**  
*[Signature]*

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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. J. J.  
 JUDGE  
 Peshawar High Court

ATTESTED

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-3-

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

*Ad - Malik Hamid Ahmad*  
*Ad - Qum Bakrullah*  
*Presiding*  
*Judges*

Announced.  
Dt: 24.4.2003.

*Please issue*

*Adl. Registrar*  
*26/4/03*

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

*[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;-

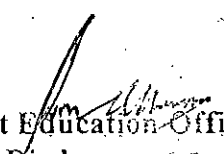
Reference your letter No,247/AD (Lit; II) dated 2/12/2015 on the subject cited above (Copy attached).

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-----

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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	NIJAZ KHAN	24/6/1997	7/4/1998	24.6.1997 to 6.04.98	-----do-----
19	SULTANAT KHAN	24/6/1997	7/3/1998	24.6.1997 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-----



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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-----


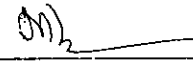
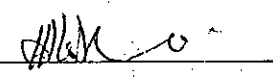
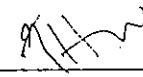
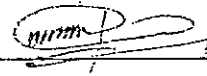



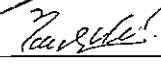
**Category "D"**

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 

"Charge Report"


I took over the complete charge of my duty to day on 25-6-1997 (F-N) vide selection committee Distt Education OFFICE DIR at Timargara.


Endst NO: 2034 - 2196 dated 24-6-1997,

against PTC post at GPS: Kotki Dehri (Maidan)

Distt DIR. COPY forwarded to the,

- ① DEO Distt DIR.
- ② SDED Sub Division DIR at Timargara.
- ③ DAD Distt DIR.
- ④ OFFICE of the Records.

  
GPS Kotkey Doh  
Maidan Distt  
Dir  
Hand over

  
Took over

ANNEX C

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

GS&PD-NWFP-596 F.S. 2,000 Ps of 100-19.9.91(19)

MEDICAL CERTIFICATE.

Name of Official **Mr. Gul Zada**

Caste or race **Muslim**

Father's Name **Mr. Sabar Khan**

Residence **Village; Muslim Khawar P.O. Kumber**

Date of birth **15/10/1975**

Exact height by measurement **5' 5"**

Personal mark of identification **A black mole on the throat**

Signature of the Official *[Signature]*

Signature of head of office

Seal of Office

I do hereby certify that I have examined Mr. **Gul Zada**.....a candidate for employment in the office of the **Education Department**..... and can not discover that he had any disease communicable or other constitutional effectation 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..... *22* years and by appearance about *Twenty two* years.

LEFT HAND THUMB AND FINGER IMPRESSIONS.....  
3/7/1997

*[Signature]*  
1521  
3/7/97  
Medical Superintendent,  
Civil Hospital

① Passed (BA) Exams (SPR) 2005 from AIOU, Islamabad under Roll No. C-470454 obtained 696/1100 marks Result declared on dt. Ist. March 01-03-2006 v: No. 7887 dt 25/10/2011 at s.no. 4.

DDO (Mal) Q Timargara

(For use in Police Department only).  
 ② Passed (B.Ed) Exams 2007 from AIOU, Islamabad under Roll No. U 699107 obtained 559/900 marks Results declared 26-07-2008 v: No. 7887 dt 25/10/2011 at s.no. 3. v: s.no. 5/b.

DDO (Mal) Q Timargara

PAINEP

- 1.
- 2.
- 3.

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back \_\_\_\_\_

Left thumb-impression.

Qualification	Date	Qualifications	Date
① English Passed SSC Exam: in 1992 (A)		③ First Arts Passed P.T.C in 1994 from JTK Muzaffarabad	
Pashtu BISE Saidu Sharif Swat under Roll No: 20224, securing 420 marks in grade 850 "D"		B. L. or B. A. Under Roll No: 1612, securing 700 marks R. D. on Pleadship examination 15 Nov: 1994	
② Passed Intermediate Exam. Plan-drawing in 1996 (A) BISE Saidu Sharif Swat under Roll No: 223111		Training School Final examination	
Finger print securing 557 marks in Drill instructing grade "C"		Other qualifications - Passed C.T. Exams in 2000 under Roll No 26614784	
Court duties	S.D.E.O. (M) Time	Securing 55% marks from AIOU Islamabad Result declared on 31/7/2003	
Reserve duties			

Attested  
 A.S.D.E.O (M)  
 Sub-Division  
 Lal Qilla

—Line to be drawn under the qualification possessed.

DDO (Mal) Q Timargara

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name Mr. GUL-ZADA.

2. Race Muslim / Afghan...

3. Residence Vill: Muslim Ichawar, P.O. Kumbhar, Teh; Lal Qilla  
Maidan, Div Distt: Div

4. Father's name and residence Mr. Sabar-Khan  
AS Above

5. Date of birth by Christian era as nearly as can be ascertained 15-10-1975  
Fifteen October A.H. X Seventy five

6. Exact height by measurement ... 5-5

7. Personal marks for identification .. A black mole on the throat.

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

9. Signature of Government servant.

*[Handwritten signature]*

10. Signature and designation of the Head of the Office, or other Attesting Officer.

*[Handwritten signature and stamp]*

Attesty  
A.S.I. (M)  
Sub Division  
Lal Qilla

SI  
PP

(M)  
ra

(4)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
P.S. APS Srajamangla	Sub: off	(1480 - 81 - 2695 BPS-7)	Rs: 1480/-	-	-	15/1/98	[Signature]
do -	do -	do -	Rs: 1561/-	-	-	12/1/98	[Signature]
P.S. APS Srajamangla	Temp	1605-97-3060 BPS-9	1605/-	-	-	15/1/98	[Signature]
do	do	do	1702/-	-	-	12/1/98	[Signature]
do	do	do	1799/-	-	-	12/1/99	[Signature]

A.S.D. (M)  
 Sub-Division  
 Lal Qilla

5

9	10	11	12	13		14	15
				Leave			
Signature and designation of the officer or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period		
	14/98	Adjusted at C/PS	Grafomanza		Appointed as trained ptc in BPS-7 vide LEO(M) Pny:		
	30/11/98	Inc.			Dir at Ygarr A Endst: No. 2034-2196 Dated 24.6.97		
	Allowed BPS-9		S.D. (M)		and further adjusted at C/PS Grafomanza vide SDOE(M)		
	15-1-98	1/2 BPS-9	Adjustment		Pny: Ygarr Endst: No: 71-80 Dated 14-1-1998 at SNO. 5.		
	NO: at 2/98				<u>Under taking</u>		
	30/11/98	Inc			I, Mr. Gul Zada ptc do hereby undertake that I shall claim no pay for the period from 15-1-98 upto 30-6-98.		
			671/30/8			sig: of the teacher	
			Paid arrears of Pny + HR due to award of BPS-9 WEF 15-1-98 to 31/1/99 = 4-1-99 = Rs 1933/-			Attested	
	30/11/98	Inc			Service verified wef. 17/98 to 30-11-98 from the office record.		
			Attested				

A.S. DLEO (M)  
Sub-Division  
Lal Qilla

1799  
97  
1896

⑥

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
		1605-97-3060 B-9					
PTE	Pay on	1 <sup>12</sup> / <sub>97</sub> L B-9	Rs. 1799/-			D	[Signature]
do			Rs. 1896/-			1 <sup>12</sup> / <sub>2001</sub>	[Signature]
	Pay on	30-7-2001	RS 1896			30 <sup>7</sup> / <sub>2001</sub>	[Signature]
	Pay on	31/7/2001	RS 1993			31 <sup>7</sup> / <sub>2001</sub>	[Signature]
do	do	do	RS 2090/-			1 <sup>12</sup> / <sub>2001</sub>	[Signature]
		B.P.S No 9 (2410-145-6760)					
do	do	do	RS 3135			1 <sup>12</sup> / <sub>2001</sub>	[Signature]
EPS Kamal Abad	do	do	RS 3135/-			14 <sup>6</sup> / <sub>2002</sub>	[Signature]
do	do	do	RS 3280/-			1 <sup>12</sup> / <sub>2002</sub>	[Signature]
Pay Fixed in accordance with the pay scale of Rs. 2410-145-6760 (B-9) or Rs. 3135/- P.M.W.E. 1-12-2001 with effect from 1-12-2001			<p>Attest [Signature] A.S.D./E.O (M) Sub-Division Lal Qilla</p>				
PTE Muslim Khowah	Temp	Temp	3425/-			1 <sup>12</sup> / <sub>2003</sub>	[Signature]
do	do	do	3570/-			1 <sup>12</sup> / <sub>2004</sub>	[Signature]

Accounts Office  
Pay Fixed in accordance with the pay scale of Rs. 2410-145-6760 (B-9) or Rs. 3135/- P.M.W.E. 1-12-2001 with effect from 1-12-2001

Attest  
[Signature]  
A.S.D./E.O (M)  
Sub-Division  
Lal Qilla



7

10	11	12	13		14	15
			Leave			
			Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
30/11/2001	M. M. ...	S.D.E.O. (M) Timgargu			Service verified w.e.f. 12/98 to 30/11/99 from the Office Record S.D.E.O. (M) Timgargu	
30/7/2007	Advance increment on C.T	S.D.O. P. ...			Service Verified w.e.f. 1-12-99 From the Office Record	
30/11/2007	A/mc	S.D.O. P. ...			S.D.E.O. (M) Timgargu	
13/6/2002	Transfer				Allowed one advance increment on passing C.T Exams w.e.f. 3/7/2001	
30/11/2002	A/mc				vide E.O. (M) phy. Disll. Dis No 567-71 dated 06/12/2001	
30/11/2003	A/mc	S.D.O. P. ... Timgargu			S.D.O. P. ... Timgargu Distt. Dir.	
					By @ No 3135/- Not allowed w.e.f. 1-8-2002 and above of ... to 31-7-2002 due to P.S. C.T Exams - B15487-	
30/11/2005	A/mc	S.D.O. P. ... Timgargu				
23/6/2005	S/R	S.D.O. P. ... Timgargu Distt. Dir.			Attested A.S.D.E.O. (M) Sub-Division Lal Qilla	

A.S.D.E.O. (M)  
Sub-Division  
Lal Qilla

8

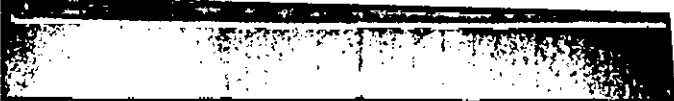
1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
<u>BPS No 9 (2770 - 165 - 7720)</u>							
G.P.S. Muslim Khanas	Temp	Temp	4090/-	-	-	12/2005	[Signature]
do	do	do	4255/-	-	-	12/2005	[Signature]
do	do	do	4420/-	-	-	12/06	[Signature]
4090/9			<b>2005</b> OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR. PAY FIXES IN THE REVISED BASIC PAY SCALES U.P.S. 2770-165-7720 AT RS. 4090/- W.E.F. 1-07-2005 With Next Increment on 1-12-2005 (9)				
Accounts Officer Pay Fixation Party N.W.F.P. Peshawar [Signature]							
<u>B.P.S No 9 (3185 - 190 - 8885)</u>							
do	do	do	5085/-	-	-	12/07	[Signature]
do	do	do	5275/-	-	-	12/07	[Signature]
<u>B.P.S No 9 (3820 - 230 - 10720)</u>							
do	do	do	6350/-	-	-	12/08	[Signature]
do	do	do	6580/-	-	-	12/08	[Signature]
do	do	do	6810/-	-	-	12/09	[Signature]

Attested  
 [Signature]  
 A.S. E.O (M)  
 Sub Division  
 Cal Qilla

5	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
D.O. Fry Timgara Dist. Dir.	30/11/05	A/P	D.O. Fry Timgara Dist. Dir.			Service 30-11-2002	1-12-2000 Office H.
D.O. Fry	30/11/06	A/P	D.O. Fry				
MALE	30/07	P.S. Rev	D.O. Fry				
						Service Ver. 30-11-2003	1-12-2002 Office Record
						Service Ver. 30-11-2004	1-12-2003 Record
	30/11/07	A/P	D.O. Fry			Service Ver. 30-11-2007	1-12-2004 From the Office Record
	30/06/08	P.S. Rev	D.O. Fry				
						Service Ver. 30-11-2006	1-12-05 Office Record
	30/11/08	A/P	D.O. Fry				
			D.O. (M) ESSE			Service Ver. 30-11-07	1-12-06 Office Record
	30/11/10	A/P	D.O. (M) ESSE				

Attest  
A.S.D.E.O (M)  
Sub-Division  
Lal Qilla

(M)  
ra



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature Government servant
			B-9 (3820 - 220 - 10720)				
PSI G.P.S M. Khwar	Temp	Temp	7060/-	-	-	1/12/09	[Signature]
Pay Revised in B.P.S No: 9 (6200-380-17600) w.e.f, 01-7-2011							
DST G.P.S Muslim Khwar	Temp	Temp	Rs 11520/-	-	-	01/7/2011	[Signature]
Do	Do	Do	Rs 11900/-	-	-	01/12/2011	[Signature]
Do	Do	Do	Rs 12280/-	-	-	01/12/2012	[Signature]
B.P.S No 12 (7000-500-22000)							
Do	Do	Do	12500/-	-	-	01/12/2012	[Signature]

Attached  
 11/01/16  
 6355/106  
 11520/2011

A.S.E.O (M)  
 Sub-Division  
 Lal Qilla

PST:  
 Muslim  
 Khwar  
 (M)

Pay on dt: 01-12-2012 in B-12 = 12500/-

Office of the Accountant General  
 Khyber Peshawar Khwa Peshawar  
 Pay Fixed in the Revised Basic Pay Scales  
 R.B.P.S. 3165 (190886) B-9  
 Pay Fixed @ Rs. 5080/-  
 3820 226 10720 B-9  
 Pay Fixed @ Rs. 6350/-  
 R.B.P.S. 6200 380 17600 B-9  
 Pay Fixed @ Rs. 11520/-  
 Date of Next Increment 12-2011

Pay Fixation Officer  
 Peshawar

I exercise my option for Re-fixation of pay in B-12 / 7  
 after awaiting Annex in B-9 on 01-12-2012.

9 Signature and designation of the officer or other attesting officer in attestation columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
Dy.D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>	30/6/2011	Pay Revised	Dy.D.O(M) E&SE T/Grara Dir (L) <i>[Signature]</i>				Service Verified w: c. 1.12.07 30.11.08 <i>[Signature]</i>
Dy.D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>	30/11/2011	Pay incr.	Dy.D.O(M) E&SE T/Grara Dir (L) <i>[Signature]</i>				Service Verified w: c. 1.12.08 30.11.09 <i>[Signature]</i>
Dy.D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>	30/11/2010	Pay incr	Dy.D.O(M) E&SE T/Grara Dir (L) <i>[Signature]</i>				Service Verified w: c. 1.12.08 30.11.09 <i>[Signature]</i>
Dy.D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>	01/12/2012	Pay scale up graded	Dy.D.O(M) E&SE T/Grara Dir (L) <i>[Signature]</i>				Service Verified w: c. 1.12.09 30.11.10 <i>[Signature]</i>
D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>							Service Verified w: c. 1.12.09 30.11.10 <i>[Signature]</i>
D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>							Service Verified w: c. 1.12.10 30.11.11 <i>[Signature]</i>
D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>							Service Verified w: c. 1.12.11 30.11.12 <i>[Signature]</i>
D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>							Service Verified w: c. 1.12.11 30.11.12 <i>[Signature]</i>
D.O(M) E&SE Grara Dir (L) <i>[Signature]</i>							Service Verified w: c. 1.12.12 30.11.13 <i>[Signature]</i>

Pay @ B-12 scale allowed  
in B-12 WCF 1-7-2013  
revised B-12 WCF 1-12-2012 to  
30-6-2013 7368

Pay scale up graded from B-9 to  
B-12, w.e.f. 02-12-2012 vide Govt. of  
KPK Finance Deptt. Notification No,  
SC (FR) FD/10-22 (E)/2010, dt. 26-8-2012.

Attest  
A.S.D.E.O (M)  
Sub-Division  
Lal Qilla

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File  
five

(M)  
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1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
SPST Muslim Khwar (Maidan)			Pay fixed in B-14; Due to promotion =				
			B.P.S No-14 (8000-610-26300)				
			Pay f on dt; 26-02-2013 in B-12 = 12500/-				✓
			Pay on dt; 27-02-2013 in B-14 = 13490/-				Pre-M; Incre
SPST Muslim Khwar (M)	Temp;	Temp;	14100/-	✓		01/12/2013	Signature
					val: 63		
					page 159		
					Rs = 1000/- Drawn		
					as CP Fund advance		
					vide T. No, 195 dt 05/11/14		
					S. No, 11264-65 dt 20/8/14		
					Recovery @ 1000/- pm		
					XLS		
					TWR No, 837		
							Signature 29/7/2015
CPST Muslim Khwar	Temp;	Temp;	14710/-	✓		01/12/2014	
			B.P.S No; 14 (10340-790-34040)				
CPST Muslim Khwar	Temp;	Temp;	19030/-	✓		01/7/2015	
Do-	Do-	Do-	19820/-	✓		01/12/2015	

Affect  
A.S.D. (M)  
Sub-Division  
Lat Qura

Option:- I hereby opt; that if any over payment will be recovered to me due to re-fixation of pay in B-14 will be recovered from my pay/pension otherwise;

9 Signature and designation of the head of the office or other attesting officer; an attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Nature and duration of leave taken	14 Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government	15 Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
S.D.E.O(M) Timergara	30/11/2013	Am/mer	S.D.E.O(M) Timergara				
S.D.E.O(M) Timergara	30/11/2014	Am/m					
S.D.E.O(M) Timergara	30/6/2015	Am/mer Revised	S.D.E.O(M) Timergara				
S.D.E.O(M) Timergara	30/11/2015	Am/mer	S.D.E.O(M) Timergara				
S.D.E.O(M) Timergara	30/6/2016	Am/mer Revised	S.D.E.O(M) Timergara				

Consequent upon the recommendation of the D.P.C. in pursuance of Govt. of K.P.K. A/Deptt. Notification NO. 50 (FR) 10-22 (E)/2010 Dt. 16-7-2012, sanction is hereby accorded & promoted to B-14 from B-12, vide D.E.O(M) Div. Office order NO. (152-157) Dt. 27-2-013 3479-4134

S.D.E.O(M) Timergara

T 709  
B/11

Peace Army Mysalun  
13/2013 to 31/12/2017 R114567

pay due R134901 per

1/11/2013

Service Verified  
from 01/10/2012 to 30/11/13 from The office  
Record

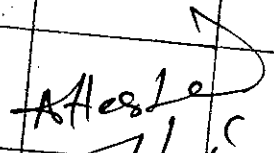
S.D.E.O(M) Timergara

Attested  
A.S.O(M) Sub-Division Lal Qilla

S.D.E.O(M) Pny: Sub-Division Lal Qilla  
Maidan Dir

15/11/16

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Governor servant
SPST Musim Khwar	B-14 Yes	(12720-480-42120) Yes	24480/-	✓	-	01/7/2016	
	Yes	Yes	25460/-	✓	-	01/12/2016	
<p>Pay fixed in B-15 due to promotion on regular basis from B-14, w.e.f 02/12/2016.</p>							
PSST Farad Abad m	B-15 Yes	(13510-1120-47110) Yes	26950/-	✓	-	02/12/2016	

  
 ADDITIONAL  
 Sub-Division  
 Lal Qilla

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 sdt 20/8  
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 29/08  
 DPO  
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 29/08  
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 2/15



Option: - I hereby exercise my option for re-fixation of my pay in B-15 after availing option in B-14 on 19/11/16

Signature and designation of the officer or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		S.D.E.O (M) Pry: Sub-Division Lal Qilla the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government	Period Government to which debit		
E.O (M) Pry: Division Lal Qilla Maidan Dir Lower	30/11/2016	Any other	S.D.E.O (M) Pry: Sub-Division Lal Qilla Maidan Dir Lower			S.D.E.O (M) Pry: Sub-Division Lal Qilla	Service Verified W-e from 01-12-013 to 30/11/014 from The office Record
G (M) Pry: Division Lal Qilla in Dir Lower	07/12/2016	Promoted to B-15 vide DEO (M) Dir (E) & Transferred to CDS Fazaalabad.	S.D.E.O (M) Pry: Sub-Division Lal Qilla Maidan Dir Lower			S.D.E.O (M) Pry: Sub-Division Lal Qilla	Service Verified W-e from 01-12-014 to 30/11/015 from The office Record
S.D.E.O (M) Pry: Division Lal Qilla in Dir Lower						S.D.E.O (M) Pry: Sub-Division Lal Qilla	Service Verified W-e from 01-12-015 to 30/11/2016 from The office Record
<p>Drawn Rs=150000/- as CDF Adv            wid tabo- 33 dt 10/10/16            S.No- 17028-29 dt 21/7/16            TWR No- 1313            Jan-224 Recovery @ 5000/pm x 20            07/11/17            pay retue @ Rs. 26950/- pm            vide BPS-15 vide 7 &amp; 15 dt 19/11/16            area of my &amp; Adhy 01/12/16 to 19/11/16            30/11/2016 due to Mukun            Mem-BPST4 to BPSFY.</p>							
			Promoted to B-15 (13510-120-47110) on regular basis, vide DEO (M) Dir (E) Encls No; 16460-66 dt 12/11/2016 at Timergara the SNO-28 of the office copy.			S.D.E.O (M) Pry: Sub-Division Lal Qilla Maidan Dir Lower	
<p>Attached            S.D.E.O (M) Pry: Sub-Division Lal Qilla</p>							
<p>S.D.E.O (M) Pry: Sub-Division Lal Qilla Maidan Dir Lower</p>							

15/11  
19/11

Annex-6 B

ANNEX-D  
20

DIRECTORATE OF PRIMARY EDUCATION,  
NWFP, PESHAWAR.

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

The Distt. Edu. Officer (Male) (Ro-Male),  
Primary,  
Dir at Tinawara.

Subject: - APPOINTMENT OF PTC CANDIDATES IN UPPER DIR.  
Re:-

I am directed to refer the above noted subject and in  
this connection, it has been decided that in the light of Notification  
No. 23529/Rev:VI/8/96 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.

Encl. Even. No. & date.

Copy forwarded for information to:-

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

*[Signature]*

for/Director Primary Education,  
NWFP, Peshawar.

*[Handwritten mark]*

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

No. 21857

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.

Indst: No; 2528-29

Copy forwarded to:-

1. The Director Primary Education ~~Timargara~~,  
for information please.
2. EA to Director Primary Education NWEP ~~Timargara~~,  
for information please.

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

(11)

*FINNED*

22

Director Primary Education  
NWFP (Dargah Garden) Peshawar.  
P.No. 1/DPB/PAK/Adv/PIC/A.O.  
Dated Peshawar 20/10/1997

*No. 46427*

The District Education Officer  
(Male) Primary, Dir at Timargara.

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

Reference: - 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 Dir 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 Dir may be deleted from the merit list and appointment orders.
- b) Errors and omissions may also be rectified.

*A. B. Khan*  
30/10/97  
For Director Primary Education  
NWFP, Peshawar.

Encl: No. 1  
Copy forwarded for information to:-

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

For Director Primary Education  
Peshawar.

*[Handwritten signature]*

Better Copy

Directorate the primary Education  
NWFP (Dabgari Garden) Peshawar  
No. 1/DP/MA/Adv/PTC/A.O  
Dated Pesh the 30.08.1998

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.



FORM "A"

GOVT. OF INDIA - 1983-F.S. - 10,001 Part - 13 45 - (10) 2-9

23

ANNEX G

# FORM OF ORDER SHEET

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

Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
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24.5.1998.

M.P. No. 1507/97

Present: Mr. Khushali 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 state, inter alia, that the writ petitioners applied for test and interview were selected as P.T. teachers and received appointment letters, but subsequently the same were cancelled "O" passed by respondent No. 2 appointment of P.T.C. teachers from Upper B were held in abeyance till further order. Contingent male vide/cont. cont. Admit. Notice.

OR. No. 1507/97

It is ordered. The respondents, in the next 15 days shall not take test and interview for the posts on which the petitioners have been selected.

*Handwritten signature and text:*  
 Mr. Khushali Khan  
 Advocate for the petitioners  
 Mr. ...  
 Mr. ...

*Handwritten mark/signature*

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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.

C.M. NO-P 197

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.



چارچ رپورٹ

آرڈر نمبر 80-71 بورڈ 15 <sup>1</sup>/<sub>98</sub>

ایم ایچ رادہ ایچ ایچ ایس منجیل سکول گورنمنٹ  
ڈیپارٹمنٹ سکول سسرہ نوشہری (میدان) حکومت اہل مدراس  
تحت از دورہ پندرہ روزہ چارچ رپورٹ

چارچ رپورٹ نمبر 71/80 بورڈ 15 <sup>1</sup>/<sub>98</sub>

~~Alkasta~~ چارچ رپورٹ  
A-R  
A. R. (M)  
Minergara  
Ngara

ATTACHED



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 Kazs 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... (Respondent)

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.

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

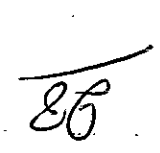
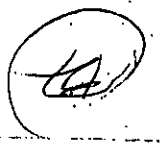
order dated 14.1.2004 and held him entitled to the arrears of pay w.e.f. 24.6.1997 to 22.11.2000. Pursuant to the decision of this Tribunal, most of the PTC Teachers appointed along with the appellant were also allowed the arrears of pay for the period of 24.6.1997 to 23.11.2000, albeit it was not paid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

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

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant has not been treated in accordance with law and his rights guaranteed under the 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 the same relief has been illegally denied to the appellant. During the 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. 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. The appellant was continuously approaching the department for the release of his salary.

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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.

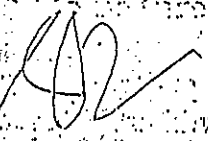
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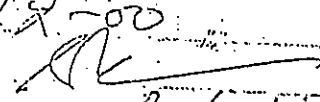
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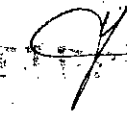
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Urgent	2-00
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Date of Delivery of Copy	3.6.14



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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.

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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. 1707 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

ATTESTED

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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 Bal 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 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

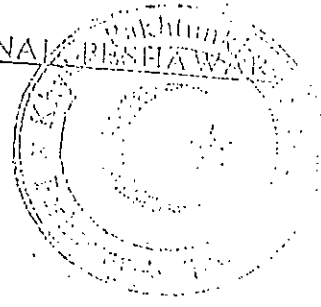
(NOOR ALI KHAN)  
MEMBER

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

32



Appeal No. 114/Nccm/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 intends 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 09.8.1997. 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 Kaske Asbnr, where he submitted his charge report and started performing his duty.

It is submitted 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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 or Peshawar Tribunal,  
 Peshawar

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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 Sugh 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, BST 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.

15-5-14  
 ATTESTED  
 EXAMINER  
 Hyder Peshawar  
 Service Tribunal,  
 Peshawar

*[Handwritten Signature]*

MAJID ALI  
 V.K.A.

(28) 8/35

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



Appeal No. 114/Neem/2011

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.

Noticed for  
23/8/2013  
S  
13/8/2013

23.8.2013

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

ATTORNEY  
[Signature]

3.10.2013

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

[Signature]

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3.2.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, A/D 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 Sajjad Rasheed, AD for the respondents present. Senior counsel for the appellant is not available. To come up for arguments on 15.5.2014.

15.5.2014

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.

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ANNOUNCED  
15.5.2014

Khurshed Khan  
Subject File  
Services Manual  
Postmaster

(Signature)

Date of Presentation of Application 3.6.14

No. 2400

Cost 8-00

Time 2-00

Total 10-00

Signature (Signature)

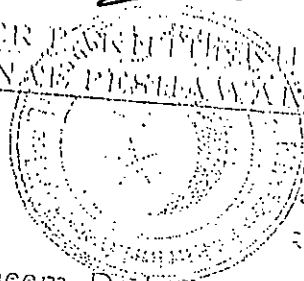
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

38



Appeal No. 1092/2012

Muhammad Shawkat S/O Raheem Dad, P.S.T Govt. Primary 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 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 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).

Submitted by  
S.O.  
30/7/12  
Khyber Pakhtunkhwa Service Tribunal Peshawar

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Date 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

04.11.2015

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 DIO(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

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

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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<sup>reports</sup> 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 Ahamd 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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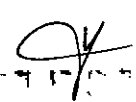
(31)

41

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:-



RECEIVED

(32)

42

The respondent department should constitute a committee to scrutinize cases of those PTC Teachers who were appointed vide order dated 21.06.1997 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

Certified to be true copy  
Sd/-  
Secretary  
Service Tribunal  
Punjab

Sd/- Abdul Latif  
Member

Date of Presentation 26-10-16  
Number of Pages 2000  
Copying Fee 12  
Urgent  
Total 12  
Name of Copyist S. M. D.  
Date of Receipt 26-10-16  
Date of Delivery 26-10-16

Sd/-

37

43

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 (E&SE) 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

*[Signature]*

*[Signature]*  
(Abdul Wahid)  
Member

*[Signature]*  
(Pir Bakht S...)  
Member

26/10/16

Date of Present...

Number of Wor...

Urgent

Total

Name of Court...

Date of Court...

Name of Bench...

800

26/10/16  
26/10/16

Court of Pakistan

UN

*(Signature)* **AD**

Most Immediate  
Court Matter

(Registered)

**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)

*(Signature)*

Subject:-

SUBMISSION OF IMPLEMENTATION REPORT IN JUDGMENT DATED 04-11-2015  
OUT OF SAERVICE 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)

*(Signature)*  
18/10/15

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

Enclst: 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.

Enclst: No 253-54 dated 14/11/2016

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

Copy along with its enclosures is forwarded to the DDO (M) Peshawar and S.M. Bughra for information & necessary action.

*(Signature)*

*(Signature)*  
15/11/2015

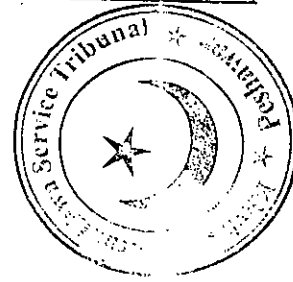
*(Signature)*  
18/11/15

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**

  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
MEMBER

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.

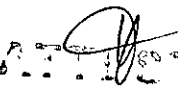
5. On the other hand the learned District Attorney argued that the appellants filed the present appeals after considerable delay. He further argued that the cases of the appellants are not similar to the cases referred to by the learned counsel for the appellants.

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

  
ATTESTED

After going through the judgments of this Tribunal in appeal No. 486/200 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 X

Self-Niaz Muhammad Khan,  
Chairman

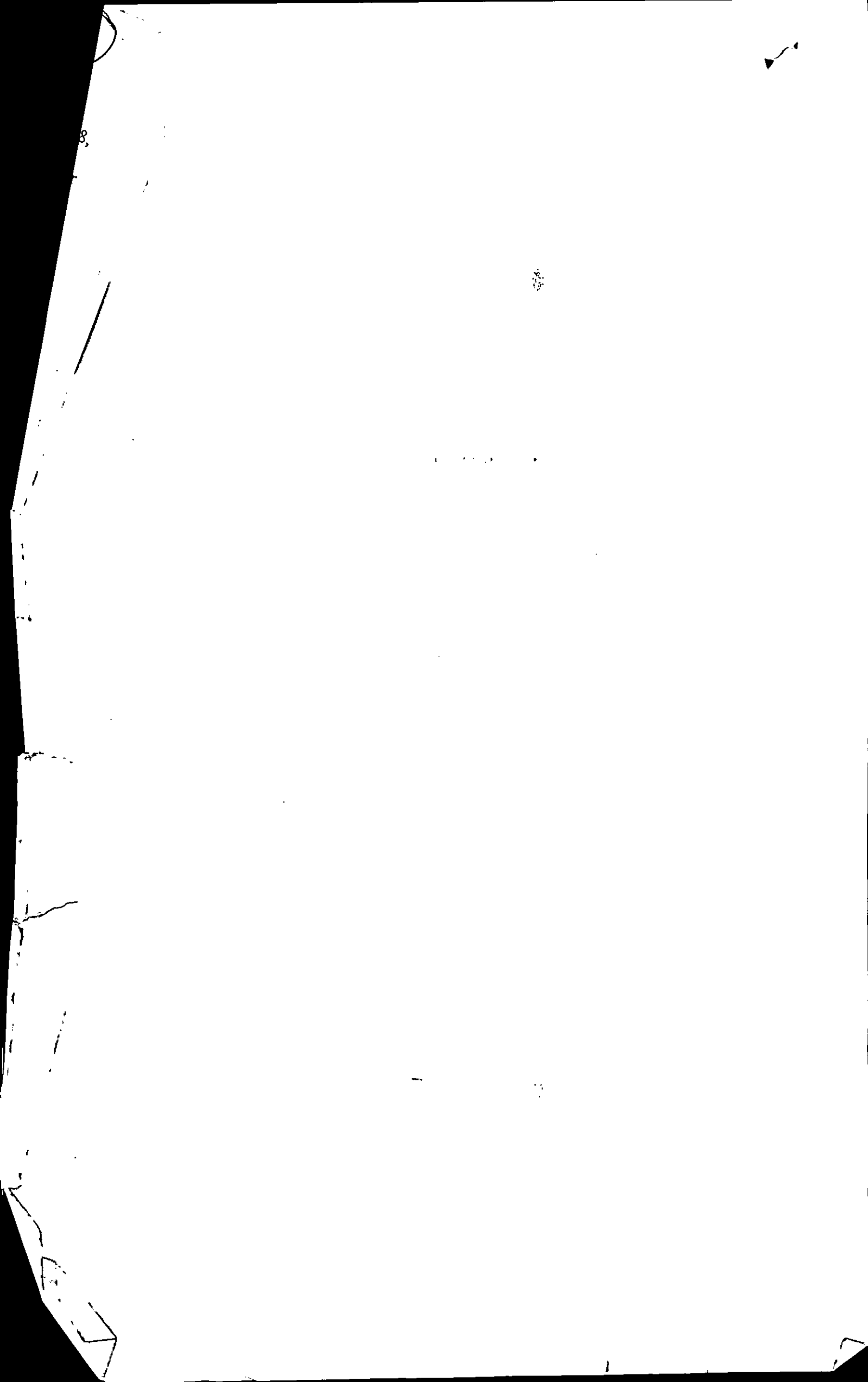
Self-M. Hamid Nughal,  
Member

Certified to be true copy

Khylat Peshawar  
Service Tribunal,  
Peshawar

Date of Presentation of Application: 08-2-18  
 Number of Words: 1200  
 Copying Fee: 8-00  
 Urgent: 2-2  
 Total: 10-00  
 Name of Copyist: [Signature]  
 Date of Completion of C: 08-02-18  
 Date of Delivery of Copy: 08-02-18

ATTORNEY GENERAL





بخدمت جناب D.E.O صاحب (مردانہ) سکولز اینڈ لیٹریسی تیسر گروہ ضلع دیرپائین۔

عنوان:- درخواست نمبر 24/06/97، 30/06/98 تک عرصہ ملازمت کی بجالی اور تنخواہ کی ادائیگی۔

جناب عالی! مودبانہ گزارش ذیل ہے۔

- (1) یہ کہ فدوی بحوالہ آرڈر نمبر 2034-2196 بمورخہ 24/06/1997 کو GPS کوئی ڈھیری (میدان) 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 (Over Transfer) کر کے فدوی کو سرپلس کر دیا فدوی نے ڈیوٹی بھی کی ہے اور تنخواہ دینا کا قانونی حق بنتا ہے۔
- (2) یہ کہ فدوی کو دفتر ہذا نے بحوالہ آرڈر نمبر 13-4311 بمورخہ 10/12/97 کو GPS دیدن پورہ میدان میں Adjust کیا لیکن مذکورہ سکول پر اس سے قبل ضلع دیر بالا کی تقسیم کی وجہ سے (Over Transfer) ہو چکا تھا۔ اسی وجہ سے فدوی کو تنخواہ نہیں ملی جو کہ فدوی کا قانونی حق بنتا ہے۔
- (3) یہ کہ فدوی کو ایک بار پھر دفتر ہذا S.D.E.O صاحب نے بحوالہ آرڈر نمبر 71-80 بمورخہ 14/01/98 کو GPS سرفونمنز میڈان میں Adjust کیا اور متعلقہ سرکل A.S.D.E.O نے چارج دیکر ڈیوٹی کی تاکید کی باوجود ڈیوٹی فدوی کو مذکورہ سٹیشن پر تنخواہ کی ادائیگی نہیں ہوئی ہے۔ جو کہ فدوی کا قانونی حق ہے۔

لہذا اپ صاحبان سے عرض کی جاتی ہے۔ کہ چونکہ فدوی نے محکمہ تعلیم دیر لویئر کی سلسلہ و احکامات نمبر 2034-2196، 4311-13، 71-80 کی پیروی کرتے ہوئے 24/06/97 سے 30/06/98 تک عرصہ ملازمت کا تنخواہ نہیں دیا گیا ہے۔ اور فدوی کو گزشتہ عرصہ ملازمت کے دوران مختلف قسم کی ترقیوں سے محروم ہو گیا اس پورے ایک سال عرصہ ملازمت کا ازالہ برائے تنخواہ فدوی کا قانونی حق بنتا ہے۔ اسلئے فدوی کو مذکورہ عرصہ ملازمت کا تنخواہ دینے کے احکامات صادر فرمائیں۔

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

عریضے۔

آپکا تابع دارگل زادہ GPS PSHT مسلم خور میدان تحصیل لعل قلعہ ضلع دیر لویئر۔

NIC#15302-0939903-1

فون نمبر۔ 0301-8050004

رسٹل نمبر۔ 00263792



49  
ANNEX IV

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

No. 15978 /Dated Timergara the 09 / 01/2018

To

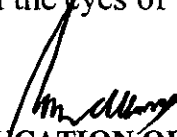
Mr, Gul Zada PSHT  
GPS Muslim Khawar Dir lower.

Subject:- APPLICATION FOR PAYMENT OF PAY & ALLOWANCES  
W.E.F 24/6/97 TOo 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 wottage in the eyes of law and thus filed.

  
**DISTRICT EDUCATION OFFICER  
(MALE) DIR LOWER**

~~ATTACHED~~

50 روپے	 	22958
ایڈوکیٹ:	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر:		
رابطہ نمبر:		

بعدالت جناب: KPK سرکس سٹریٹ سٹار

مخانب:	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام \_\_\_\_\_ کیلئے \_\_\_\_\_ کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگریٹری 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 کاروائی 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 داختم 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

المرقوم: \_\_\_\_\_

الم \_\_\_\_\_

الم \_\_\_\_\_

مقام \_\_\_\_\_ کے لیے منظور ہے۔

گل زاہد وکس جہان  
1530209399031

Handwritten signature

نوٹ: اس وکالت نامہ کی فونو کالی یا تامل قبول ہوگی۔

Handwritten signatures and stamps

BEFORE THE KHYBR PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 315/2018.

Gul zada, S/O Sabir Khan, PSHT, Govt Primary School Muslim Khwar, 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:

1,2,3&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.

- 64
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 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.

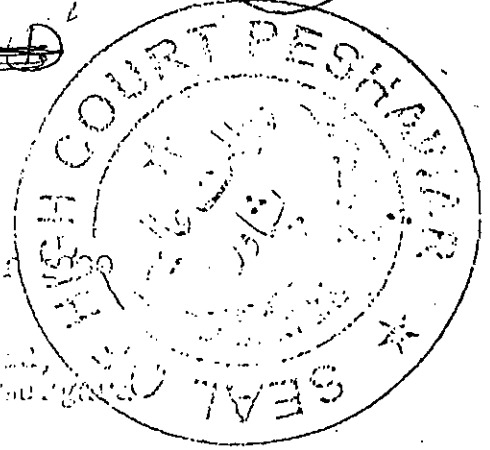
Director E&SE  
kpk, Peshawar

District Education Officer  
Male Dir Lower

Secretary E&SE Education  
kpk, Peshawar

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 Pachtawargay 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 Lundi Shah Tehsil Balambat District Dir.
8. Sarbuland Khan son of Mohammad 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 Rehman, resident of Narai 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.

RECORDED

20/11/2008

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 Balambat, District Dir.
  - 20) Sahib Ullah son of Bahadar, resident of Gargal 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.

2/11/2000

ATTESTED

EXAMINER  
Peshawar High Court

Attested by  
[Signature]

CELL 11/11

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
<p><i>Qazi Akhtar Naveed</i> <i>Qazi Naveed</i> <i>Qazi Akhtar Naveed</i> <i>Qazi Akhtar Naveed</i></p>	<p>24.4.2003</p>	<p><u>W.P.No. 1425/2000.</u></p> <p><u>Present:</u> Qazi Zakiuddin, Advocate for the petitioners.</p> <p>Mr. Akhtar Naveed, D.A.G. for respondents No. 1 to 4 alongwith Muhammad Yousaf, ADEO Education Department Lower Dir.</p> <p><u>MUHAMMAD YOUSAF,</u> 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.</p> <p>The learned counsel for the</p>

**ATTESTED**  
*[Signature]*  
**EXAMINER**  
Peshawar High Court

**ATTESTED**



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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.O. 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  
 JUDGE  
 Ashwar High Court

ATTESTED

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-3-

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

*Ad - Malik Hamid Snow*

*Ad - Qam Bismullah*

*Qureshi*

*Judges*

Announced.

Dt: 24.4.2003.

*Please issue*

*Adcl: Registrar*

*Yn  
Jalal*

*26/4/03*

CERTIFIED TO BE TRUE COPY

Particulars  
Authorized

*[Signature]*  
By 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 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. 7/2

**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 appt;	D/O adjustment	Intervening period	Remarks
			24/4/2003		Not entitled due to the condition in the adjustment order already accepted by the applicants and did not claim arrear that time.
1	MUHAMMAD ITIHAD	24/6/1997		24.6.1997 to 23.04.2003	-----do-----
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-----

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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	24.6.1997 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-----

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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-----

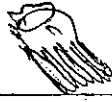
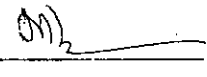
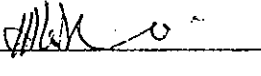
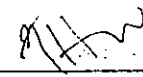
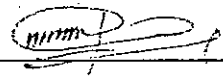
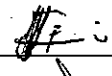


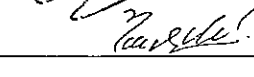
**Category "D"**

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 Supdtt; 
9. Nasib Badshah S/Clerk 

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 219 /ST

Dated 7/02/2019

To

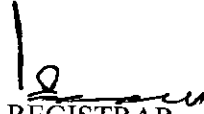
The District Education Officer ,  
Government of Khyber Pakhtunkhwa,  
Dir Lower.

Subject: -

JUDGMENT IN APPEAL NO. 315/2018, MR. GULZADA.

I am directed to forward herewith a certified copy of Judgement dated 21.12.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1509 /ST

Dated 26 / 8 / 2019

To


The District Education Officer ,  
Government of Khyber Pakhtunkhwa,  
Dir Lower.

Subject: -

ORDER IN APPEAL NO. 315/2018, MR. GULZADA & OTHER.

I am directed to forward herewith a certified copy of corrected order dated 01.07.2019 in Judgement dated 21.12.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



01.07.2019

Counsel for the petitioners/appellants present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Our this order shall dispose of the application filed by the petitioner/appellants for correction of date of appointment inadvertently mentioned in order and judgment dated 21.12.2018 as 24.09.1997 instead of 24.06.1997 with further request that intervening period may be mentioned in the judgment i.e 24.06.1997 to 30.06.1998. It was also alleged in the application that the date of appointment of the petitioner/appellant as well as his colleague namely Mukamil Shah appellant in connected Service Appeal No. 316/2016 is 24.06.1997, however, it was inadvertently mentioned in para-3 of the judgment as 24.09.1997. That said mistake would create complication in the execution of the order and judgment dated 21.12.2018 of this hon'ble Tribunal. That further the petitioners/appellants were adjusted on 14.01.1998 however, they were not paid salary until 30.06.1998 thereafter, started payment of salary and this may also be mentioned in the judgment to avoid complication.

*M. Ahmad*  
*1-7-2019*

Notice of the application was issued to the learned Assistant Advocate General.

Arguments on the said application was heard today.

At the very outset learned counsel for the petitioners/appellants stated that the date of appointment of the appellant Gulzada PSHT and Mukamil Shah appellant in connected Service Appeal No. 316/2018 is 24.06.1997 but inadvertently mentioned in the judgment as 24.09.1997 due to clerical mistake therefore, the same need correction in the judgment. It was further contended that the petitioners/appellants have also prayed in the application that the petitioners/appellants were adjusted on 14.01.1998 however, they were not paid salary until 30.06.1998 thereafter they were started salary. Therefore, this fact is also need to mention in the judgment but

05.03.2019

Appellants Gulzada and Mukammil Shah had filed service appeals before this Tribunal for counting their service and arrear of pay with effect from 24.06.1997 to 30.08.1998 and ~~the~~ both the service appeals were accepted by this Tribunal vide judgment dated 21.12.2018. Now the appellants has submitted application for correction of date of appointment inadvertently mentioned in the judgment dated 21.12.2018 as 24.09.1997 instead of 24.06.1997 with further request that the intervening period may be mentioned in the judgment i.e 24.06.1997 to 30.06.1998. The application be entered in the relevant register.

Today neither appellant nor the respondents present therefore, notice be issued to both the parties to attend the court on the next date. To come up for attendance and arguments on the application before concerned/proper D.B on 02.05.2019 .



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

02.05.2019

Counsel for the appellant and Addl:AG alongwith Mr. Ali Haider, SDEO and Mr. Nadar Khan, Supdt for respondents present. Arguments could not be heard due to Learned Member (Executive) is on leave. Adjourned to 01.07.2019 before D.B.



(M. Amin Khan Kundi)  
Member

he stated at the bar that he does not press the second plea regarding the payment of salary of the petitioners/appellants from 14.01.1998 to 30.06.1998 and stated that the application may be accepted only to the extent of correction of date of appointment of the petitioners/appellants as 24.06.1997 instead of 24.09.1997 while second prayer regarding payment of salary up to 30.06.1998 may be dismissed being not pressed. Learned Assistant Advocate General also expressed no objection to the extent of acceptance of application for correction of date of their appointment as 24.06.1997 instead of 29.09.1997.

Keeping in view the above facts and situation, the present application is accepted to the extent that the date of appointment of the petitioners/appellants Gulzada and Mukammil Shah in the judgment ~~may~~ be read as 24.06.1997 instead of 24.09.1997 while rest of the prayer regarding payment of salary until 30.06.1998 stand dismissed being not pressed. This order may be considered as part and parcel of the judgment in Service Appeal No. 315/2018 dated 21.12.2018. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

01.07.2019

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

## BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

CM In \_\_\_\_\_

Service Appeal No. 315/2018.

Khyber Pakhtunkhwa  
Service TribunalDiary No. 196Dated 2-2-2019Gulzada, PSHT, Government Primary School Muslim Khuwar District Dir  
Lower.

.....Appellant.

VERSUS

1)- Executive District (Elementary and Secondary Education) Dir Lower &  
OthersLeesa12/12/18Reader

.....Respondents.

APPLICATION FOR CORRECTION IN  
DATE OF APPOINTMENT  
INADVERTENTLY MENTIONED IN ORDER  
AND JUDGEMENT DATED 21/12/2018 AS  
24/09/1997 INSTEAD OF 24/6/1997 WITH  
FURTHER REQUEST THAT THE  
INTERVENING PERIOD MAY BE  
MENTIONED IN JUDGEMENT I.E 24/6/1997  
TO 30/6/1998

Respectfully Sheweth:-

1. That the above named appeal was pending adjudication before this Honourable Tribunal which was allowed vide order and judgement dated 21/12/2018.
2. That the date of appointment of the appalant as well as his colleagues namely Mukammil Shah (Appalant in connected appeal no. 316/2018) in 24/6/1997, however it was inadvertently mentioned in para No. 3 of the judgment as 24/9/1997.
3. That such mistake would create complication in the execution of the order and judgment dated 21/12/2018 or this Honourable Tribunal which requires correction.
4. That further the appellant of the complained appeal was adjusted on 14/1/1998 however he was not paid salary until 30/6/1998, whereafter he was started payment of salary . This fact also need to be mentioned in the judgment to avoid complication.

It is, therefore, most humbly requested that the instant application may be accepted as prayed for



APPELLANT.

Dated: 08/02/2019.

Through:-

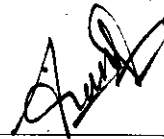


Yasir Saleem Advocate

AFFIDAVIT

It is solemnly affirm on oath that the contents of this application are true and correct and that nothing has been concealed from this Honourable Court.

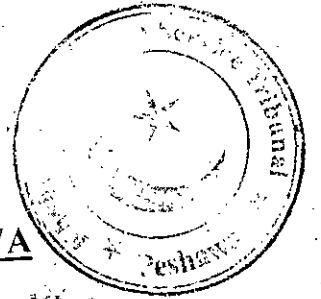
DEPONENT



153020939903-1



18



1

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Appeal No. 315/2018

186

08-2-2018

Gulzada, PSHT, Govt. Primary School Muslim Khuwarh  
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 30.08.1998 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.

Filed to-day  
*[Signature]*  
Registrar

8/2/18 Prayer in Appeal:

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 30.08.1998 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.

Re-submitted to-day  
the filed.

*[Signature]*  
Registrar  
6/3/18

Respectfully Submitted:

**ATTESTED**

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

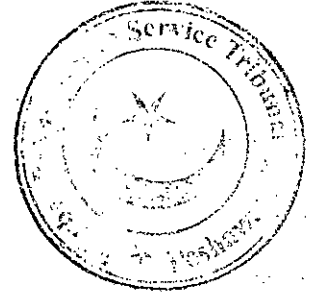
*[Signature]*  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**SERVICE APPEAL NO. 315/2018**

Date of institution ... 08.02.2018

Date of judgment ... 21.12.2018



Gulzada, PSHT, Government Primary School Muslim Khuwarh  
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 & 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 30.08.1998 TO THE APPELLANT, THE  
DEPARTMENTAL APPEAL DATED 28.12.2017 FOR THE  
GRANT OF ARREARS OF PAY WAS REGRETTEED VIDE  
LETTER DATED 09.01.2018.

Mr. Yasir Saleem, Advocate.

Mr. Muhammad Jan, Deputy District Attorney

.. For appellant.

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

MR. HUSSAIN SHAH

.. MEMBER (JUDICIAL)

.. MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

Our this

judgment shall dispose of instant service appeal as well as Service Appeal No. 316/2018 titled "Mukammil Shah Versus Executive District Officer (Elementary & Secondary Education) Dir Lower and 3 others" as common question of law and facts are involved in both the appeals.

**ATTESTED**

MEMBER (JUDICIAL)  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

2. Appellants 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.

3. Brief facts of both the cases are that the appellants were appointed as Primary School Teachers vide order dated 24.09.1997 by the competent authority. 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 appointment orders of the appellants were held in abeyance vide order dated 09.07.1997 which was subsequently withdrawn on 30.08.1997. The appellants were later on adjusted against the vacant post on 14.01.1998 and 29.08.1998 with immediately effect respectively 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. The appellant filed departmental appeals on 28.12.2017 for grant of arrears pay etc which was rejected on 09.01.2018 hence, the present service appeal on 08.02.2018.

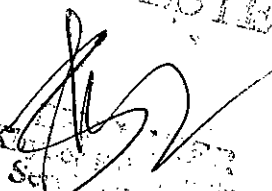
4. Respondents were summoned who contested the appeal by filing of written reply/comments.

5. Learned counsel for the appellant contended 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 filing the appeals etc. Learned counsel for the appellant referred to many judgment of this Tribunal granting similar relief to similarly placed teachers.

6. On the other hand, learned Deputy District Attorney for the respondents argued that the appellant filed the present service appeals after considerable

81.02.21.18  
M. J. Jan

ATTESTED

  
Deputy District Attorney  
Peshawar



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.

7. 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. After going through the judgment of this Tribunal in appeals No. 486/2008, No. 860/2011, No. 114/Neem/2011 and appeal No. 1092/2012, appeal No. 1175/2013 and appeal No. 140/2017 this Tribunal reaches the conclusion that the issue involved in the present appeals is similar to the one decided in those appeals.

8. Consequently, both the 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  
21.12.2018

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

*[Signature]*  
(HUSSAIN SHAH)  
MEMBER

*[Signature]*  
S. M. HANAWAR  
Secretary  
Cantonment  
Muzaffargarh

Date of Presentation of Bill \_\_\_\_\_ 04-02-19  
Number of Vols \_\_\_\_\_ 1600  
Copying Fee \_\_\_\_\_ 10  
Urgent \_\_\_\_\_  
Total \_\_\_\_\_ 10  
Name of Copyist \_\_\_\_\_ [Signature]  
Date of Complete Issue of Copy \_\_\_\_\_ 07-02-19  
Date of Delivery of Copy \_\_\_\_\_ 07-02-19

03.07.2019

Counsel for the petitioners/appellants present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Our this order shall dispose of the application filed by the petitioner/appellants for correction of date of appointment inadvertently mentioned in order and judgment dated 21.12.2018 as 24.09.1997 instead of 24.06.1997 with further request that intervening period may be mentioned in the judgment i.e 24.06.1997 to 30.06.1998. It was also alleged in the application that the date of appointment of the petitioner/appellant as well as his colleague namely Mukamil Shah appellant in connected Service Appeal No. 316/2016 is 24.06.1997, however, it was inadvertently mentioned in para-3 of the judgment as 24.09.1997. That said mistake would create complication in the execution of the order and judgment dated 21.12.2018 of this hon'ble Tribunal. That further the petitioners/appellants were adjusted on 14.01.1998 however, they were not paid salary until 30.06.1998 thereafter, started payment of salary and this may also be mentioned in the judgment to avoid complication.

Notice of the application was issued to the learned Assistant Advocate General.

Arguments on the said application was heard today.

At the very outset learned counsel for the petitioners/appellants stated that the date of appointment of the appellant Gulzada PSHT and Mukamil Shah appellant in connected Service Appeal No. 316/2018 is 24.06.1997 but inadvertently mentioned in the judgment as 24.09.1997 due to clerical mistake therefore, the same need correction in the judgment. It was further contended that the petitioners/appellants have also prayed in the application that the petitioners/appellants were adjusted on 14.01.1998 however, they were not paid salary until 30.06.1998 thereafter they were started salary. Therefore, this fact is also need to mention in the judgment but

he stated at the bar that he does not press the second plea regarding the payment of salary of the petitioners/appellants from 14.01.1998 to 30.06.1998 and stated that the application may be accepted only to the extent of correction of date of appointment of the petitioners/appellants as 24.06.1997 instead of 24.09.1997 while second prayer regarding payment of salary up to 30.06.1998 may be dismissed being not pressed. Learned Assistant Advocate General also expressed no objection to the extent of acceptance of application for correction of date of their appointment as 24.06.1997 instead of 29.09.1997.

Keeping in view the above facts and situation, the present application is accepted to the extent that the date of appointment of the petitioners/appellants Gulzada and Mukammil Shah in the judgment may be read as 24.06.1997 instead of 24.09.1997 while rest of the prayer regarding payment of salary until 30.06.1998 stand dismissed being not pressed. This order may be considered as part and parcel of the judgment in Service Appeal No. 315/2018 dated 21.12.2018. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

03.07.2019

(HUSSAIN SHAH)  
MEMBER

(M. AMIN KHAN KUNDI)  
MEMBER