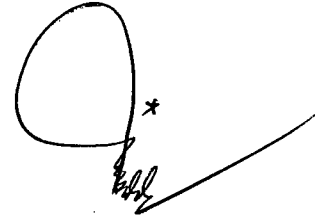


15.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments before the S.B on 16.09.2022 before S.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical line and a diagonal stroke extending downwards and to the right. There is a small asterisk-like mark above the vertical line.

(MIAN MUHAMMAD)  
MEMBER (E)

30.11.2021

Counsel for the appellant present. Mr. Kabirullah Khattak,  
Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks  
time to contact the respondents for submission of written  
reply/comments. Granted. To come up for Written  
reply/comments on 24.02. 2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

24.02.2022

Due to retirement of the Worthy Chairman, the  
Tribunal is defunct, therefore, case is adjourned to  
11.05.2022 for the same as before.


  
Reader

11.05.2022

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional  
Advocate General present. Nemo for respondent  
Department.

Written reply on behalf of respondents is still  
awaited. Notice be issued to all the respondents for  
submission of reply/comments. To come up for written  
reply/comments on 15.07.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

12.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel contends that the appellant was not considered for appointment in the process of recruitment in the year, 1999 for want of authenticity of his professional qualification. Having come across this position, the appellant according to learned counsel, had been pursuing different remedies before the competent forums for authenticity of his professional qualification and he ultimately succeeded. Consequently, appointment of the appellant was made on 08.05.2017 but he wants to antedate the same from 30.05.2000 when he was denied appointment as PST. Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.11.2021 before the D.B.



Chairman

Appellant Deposited  
Security & Process Fee

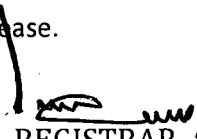
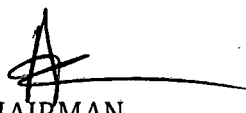
13/7/21

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 5733 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/05/2021	<p>The appeal of Mr. Naseeb Ullah Khan presented today by Mr. Darmaan N. Shafi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	03/06/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**IN THE K.P. SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 5733 /2021

Naseeb Ullah Khan

*Versus*

Secretary to Govt. of K.P. & others.

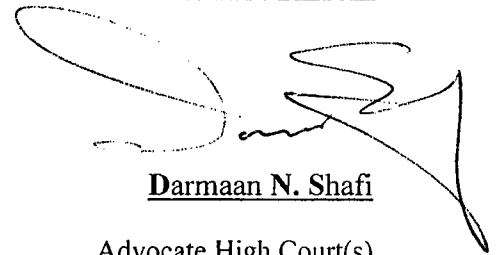
**INDEX**

S. No.	Description of Documents	Annexures	Pages
1-	Service Appeal	1 - 5	
2-	Educational Documents	"A"	6-11
3-	Orders dt:20.09.2016 & 08.02.2017	"B"	12-28
4-	PHC Order 18.04.2017	"C"	29-31
5-	Appointment Order dt:08.05.2017	"D"	32-35
6-	Service Book	"E"	36-40
7-	Departmental Appeals	"F"	45-49
8-	Wakalatnama	-	50

May 31, 2021

نصیب اللہ خان  
**APPELLANT**

Through:

  
**Darmaan N. Shafi**

Advocate High Court(s)

TF-42, Deans Trade Centre,

Saddar, Peshawar.

①

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

Service Appeal No. \_\_\_\_\_ / 2021

**Naseeb Ullah Khan** S/o Nawab Khan  
Primary School Teacher (P.S.T.),  
G.P.S. Fatima Khel, Kalan  
Bannu.

*.....Appellant*

V/s

1. **Secretary to Government of K.P.**  
Education Department,  
Civil Secretariat  
Khyber Road, Peshawar.
2. **Elementary & Secondary Education Department K.P.**  
*Through* its Director,  
Civil Secretariat  
Khyber Road, Peshawar.
3. **District Education Officer (Male),**  
Bannu.

*.....Respondents*

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1973 AGAINST THE ORDER DATED 08.05.2017 WHEREBY**  
**THE APPELLANT HAS BEEN APPOINTED AS P.S.T. (BPS-12) W.E.F. THE**  
**SAID DATE, AGAINST WHICH THE DEPARTMENT REPRESENTATION/**  
**APPEAL HAS NOT BEEN REPLIED TO AFTER THE LAPSE OF STATUTORY**  
**PERIOD.**

*Respectfully Shewth;*

1. **That** the Appellant in year 1995 had completed PST course from Allama Iqbal Open University, Islamabad and is also a B.A. graduate. However, when the Appellant in year 1999 applied for post of PST so was denied appointment despite passing both, test as well as interview and also fell in then 25% session wise quota of District, on the pretext that Appellant's PTC course was completed from Allama Iqbal Open University, Islamabad, which was not recognized.

*(True copies of educational documents are annexed herewith marked as Annex-A)*

2. **That** the Appellant after being thrown into the denied candidates category, knocked at the doors of Honourable Civil Court, Bannu, to seek justice. Learned Civil Judge No.8, Bannu, after recording of pro and contra evidence, vide Order dated 16.09.2016 decreed in favour Appellant and declared him fit and eligible for appointment as P.S.T. Thereafter, Respondents preferred an appeal against Order dated 16.09.2016 before the Court of learned Additional District Judge-IV, Bannu. The learned Additional District Judge-IV, Bannu, vide Order dated 08.02.2017 found no reason for interference with Order dated 16.09.2016 and upheld the same.

*(True copies of Orders dt:20.09.2016 & 08.02.2017  
Are annexed herewith marked as Annex-B)*

3. **That** Respondents being not contend with concurrent findings of learned trial Court and appellate Court, filed Civil Revision before the honourable Peshawar High Court, Bannu Bench against Order dated 08.02.2017 passed by the learned Additional District Judge-IV, Bannu. Honourable Peshawar High Court, Bannu Bench, vide Order dated 18.04.2017 dismissed the Civil Revision of Respondents in limine, being devoid of merits.

*(True copy of Order dt:18.04.2017 is annexed  
Herewith marked as Annex-C)*

4. **That** Respondents after this marathon round of litigations and in compliance with the directions of learned trial, appellate and superior Courts appointed the Appellant as Male P.S.T. at GPS Zodi Daulat Dridariz, Bannu, vide Appointment Order dated 08.05.2017.

*(True copy of Order dt:08.05.2017 is  
Annexed herewith marked as Annex-D)*

5. **That** the Appellant continues to serve the Respondents Department with zeal. However, it is pertinent to mention that Appellant filed a departmental appeal dated 02.02.2021 whereby sought mere seniority and back benefits w.e.f. year 1999, however, after the lapse of 90 days said appeal is yet to be decided. Hence, the instant appeal on the following amongst other grounds;

*(True copies of Service Book & Appeals dt:02.02.2021  
Are annexed herewith marked as Annex-E & F respectively)*

## GROUNDS

- A. **Because** the Appellant has not been treated in accordance with law, and his rights secured and guaranteed by the constitution are violated.

- B. Because** the Respondents had illegally denied the Appellant his right to appointment as PST (BPS-12) especially when he had passed the written test as well as the interview.
- C. Because** the Appellant cannot be penalized for the lapses of the Respondents.
- D. Because** Respondents adopted policy of discrimination in the appointment of Appellant and other similarly placed candidates, who were not considered at the time of appointment in the year 1999 as they held academic qualification from, Allama Iqbal Open University, Islamabad.
- E. Because** as settled by the superior Courts, Appellant is entitled to seniority/back benefits as the act of Respondents was against the vires of Constitution.
- F. Because** appointment Order of the Appellant is outcome of judgements of learned trial, appellate and High Court and in this respect Appellant has faced lengthy litigation. Therefore, service book of Appellant ought to be verified as well as arrears/back benefits released.
- G. Because** without prejudice to the above and in addition thereto; the Appellant has legitimate expectancy to be given seniority and back benefits w.e.f. year 1999.

### **PRAYER**

**It is, therefore,** respectfully prayed that on acceptance of this appeal, this Honourable Tribunal may be pleased to:-

- i. **Declare** the impugned order dated 08.05.2017 whereby the Appellant has been appointed as PST (BPS-12) w.e.f. 08.05.2017 as arbitrary, without lawful authority and based on mala fide.
- ii. **Direct** the Respondents to appoint the Appellant as PST (BPS-12) w.e.f. 30.05.2000 i.e. when he was denied appointment as PST (BPS-12)
- iii. **Direct** the Respondents to grant seniority to the Appellant since 30.05.2000 i.e. when he was denied appointment as PST (BPS-12).

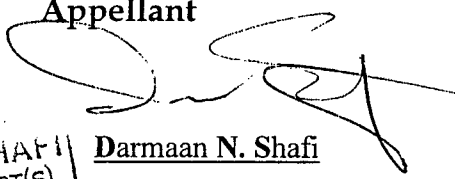


Handwritten marks: a circled 'h' and a circled 'B' with a diagonal line through it.

iv. **Direct** the Respondents to grant all back benefits accrued to the Appellant since the year 30.05.2000 i.e. when he was denied appointment as PST (BPS-12).

*Any other relief* appropriate in the circumstances of the case but not specifically asked for may also be granted.

May 31, 2021

Appellant  
Through 

DARMAAN N. SHAFI  
ADVOCATE HIGH COURT(S)  
LLB & LL.M (UK)

Darmaan N. Shafi  
Advocate High Court(s)

**AFFIDAVIT**

I, Naseeb Ullah Khan (P.S.T.) S/o Nawab Khan, G.P.S. Fatima Khel, Kalan, Bannu do hereby solemnly affirm and declare on oath that the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

  
**Deponent**

Naseeb Ullah Khan

CNIC No:11101-3889153-1

ATTESTED  
  
  
31/05/2021

5



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

Service Appeal No. \_\_\_\_\_ / 2021

Naseeb Ullah Khan

...v/s...

Govt. of K.P. & others

**MEMO OF ADDRESSES**

**Naseeb Ullah Khan** S/o Nawab Khan  
Primary School Teacher (P.S.T.),  
G.P.S. Fatima Khel, Kalan  
Bannu.

*....Appellant*

**1. Secretary to Government of K.P.**

Education Department,  
Civil Secretariat  
Khyber Road, Peshawar.

**2. Elementary & Secondary Education Department K.P.**

*Through* its Director,  
Civil Secretariat  
Khyber Road, Peshawar.


**3. District Education Officer (Male),**

Bannu.

*...Respondents*

نصیب اللہ خان  
Appellant

*Through*

  
Counsel

**DARMAAN N. SHAFI**  
ADVOCATE HIGH COURT(S)  
LLB & LL.M (UK)

# علامہ اقبال اوپن یونیورسٹی اسلام آباد



سہ ماہ 1995ء

نصاب خان

بن / نیت

تصدیق کی جاتی ہے کہ

پروفیسری ٹیچنگ سٹریٹجی کے

مندرجہ ذیل کورسز پاس کر کے حاصل کیا ہے۔

سرخد

سائن / صوبہ

حاصل کردہ نمبر

کورس

حاصل کردہ نمبر

53	تدریس آدو	64	ورکشاپ و تدریسی مشق	611	کورس
73	تدریس ریاضی	50	اصول تعلیم	613	تدریس
57	تدریس سائنس و جہانی تعلیم	46	تعلیمی نفسیات	614	تدریس
54	تدریس اسلامیات و معاشرتی علوم	53	تنظیم مدرسہ	615	تدریس
506/900		56	سکول کمیونٹی اور عملی فنون	616	تدریس

گورننگ کمیٹی کا ممبر

56

فیصد نمبر اور

طالب علم نے مجموعی طور پر پی ٹی سی پروگرام میں

گورننگ کمیٹی کا ممبر  
G.P.C. BAWAL  
Lecturer

(یہ سہ ماہی نیشنل امتحان و ترمیم کے جاری کی گئی)

1996ء

اسلام آباد

بیم آباد

TRUE COPY

Answer = A

# University of Science & Technology Bahawalpur



Exhibitor Paikhanumkhan  
P.O. J.P. Pakistan  
Session 2017-2019

Nasib Ullah Khan son of Nasib Khan  
a student of Private Candidate

WhatsApp

having passed the prescribed examination held in December 2019 is this day admitted by the  
**University of Science & Technology Bahawalpur**  
to the Degree of

## Bachelor of Arts

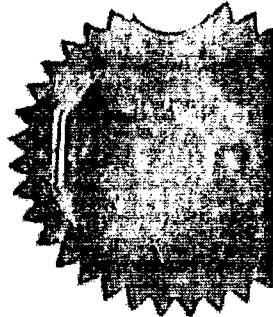
in 2nd Division/Grade B.A.

The examination was taken as ~~whole~~ in parts.

Result Declared on 12-05-2020

5/28/2021

[Signature]  
Registrar



[Signature]  
Director of Examinations

TRUE COPY  
[Signature]

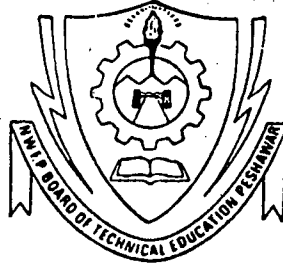
S. No. 002335

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Roll No. 5800

**N. W. F. P. Board of Technical Education**  
PESHAWAR



## DIPLOMA IN COMMERCE EXAMINATION

SESSION 1991

(ANNUAL / ~~SUPPLEMENTARY~~)

This is to certify that

Mr./Miss NASIB ULLAH KHAN  
son/d~~ughter~~ of Mr. NAWAB KHAN  
Registered No. GCC/BU/88-18381  
of the GOVT: COLLEGE OF COMMERCE BANNU  
has passed the Diploma in Commerce Examination of the  
N. W. F. P. Board of Technical Education, Peshawar,  
held in the month of OCTOBER 1991 securing  
287/750 marks and was placed in "E" Grade.

The Candidate passed in the following subjects :

### SHORTHAND GROUP

- |                             |  |
|-----------------------------|--|
| 1) English                  | 5) English   <del>Urdu</del> Typewriting |
| 2) Urdu                     | 6) English   <del>Urdu</del> Shorthand   |
| 3) Islamiyat   Pak. Studies | 7) Accounting I                          |
| 4) Economics of Pakistan    | 8) Secretarial Studies                   |

TRUE COPY

Peshawar 23.4. 1992

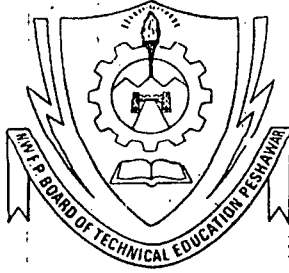
Abdul  
SECRETARY

CHAIRMAN

*Alkhalid*  
*Fair*  
Lecturer  
Technical Subjects  
U.S.T Bannu

**P. W. T. Board of Technical Education**  
**PESHAWAR**

9



**CERTIFICATE IN COMMERCE EXAMINATION**

SESSION 1990

(ANNUAL / SUPPLEMENTARY)

This is to certify that

Miss/Mr. NASIB ULLAH KHAN

daughter/son of Mr. NAWAB KHAN

Registered No. GCC/BU/88-18381

of the GOVT: COLLEGE OF COMMERCE BANNU

has passed the Certificate in Commerce (Shorthand Group) Examination of the P. W. T. Board of Technical Education, Peshawar, held in the month of JULY 19 90 by securing 296/650 marks and was placed in Grade "D".

The Candidate passed in the following subjects :

**SHORTHAND GROUP**

- 1) English
- 2) Urdu
- 3) Islamiyat | Pak. Studies
- 4) English | Urdu Typewriting
- 5) Principle of Commerce
- 6) English | Urdu Shorthand
- 7) Office Method

Peshawar 9.10. 19 91

*Attested*  
*Mu. Baq*  
**Lecturer**  
**G.P.G.C Bannu**

*[Signature]*  
**CHAIRMAN**

s.No 613679

Roll No. 41938

10

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



**Peshawar N.W.F.P. Pakistan**  
**Secondary School Certificate Examination**

SESSION 1988 (ANNUAL)

THIS IS TO CERTIFY THAT Nasibullah Khan  
Son/Daughter of Nawab Khan  
and a student of Govt: High School Hukamzad Dardariz, Bannu

has passed the *Secondary School Certificate Examination*  
of the Board of Intermediate and Secondary Education, Peshawar held in April 1988  
as a *Regular candidate*. He/She obtained 409 Marks out of 850  
and has been placed in Grade  D  Representing Fair

The Candidate passed in the following subjects:

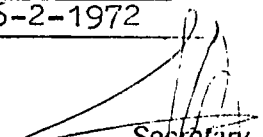
1. English
2. Urdu
3. Islamiyat
4. Pakistan Studies
5. Mathematics
6. Chemistry
7. Physics
8. Biology

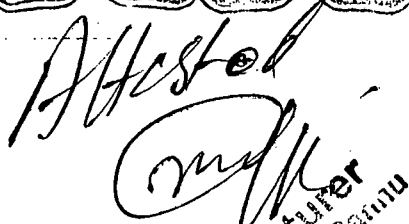
He/She has been awarded Grade  C  on the basis of internal  
assessment by the Institution concerned.

Date of birth according to admission form is Sixth February,  
one thousand nine hundred and Seventy Two (06-2-1972)

  
Asstt. Secretary  
31st August 1988

This certificate is issued without alteration or erasure.

  
Secretary

  
Lecturer  
G.P.C. Bannu

DOMICILE CERTIFICATE.

I declare that I was born of parents who are permanently domiciled in North West Frontier Province having been born/  
settled in the province.

11

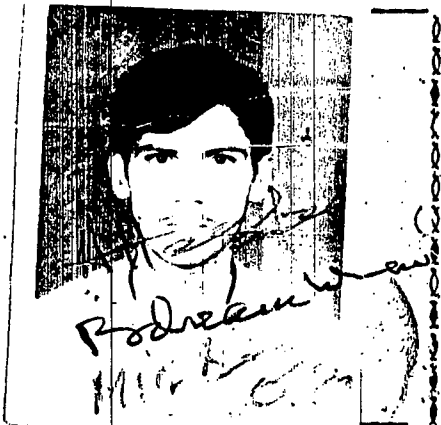
I was born at village/Mohallah Halled  
Tehsil Bannu District Bannu.

Nasibullah Khan  
Signature of the applicant. Nasibullah  
Dated 6/8/1988.

Pursuance to the declaration dated 6/8/88  
filled by Mr. Nasirullah Khan S/O Naqab Khan  
Domiciled in North West Frontier Province it is hereby certified that  
the said Nasibullah Khan is born of parents who are permanent  
resident of the North West Frontier Province having been born/~~settled~~  
within it.

I have satisfied myself from personal/my knowledge/  
verification through Ravara D. P. K. that the above declaration  
is true and certify accordingly.

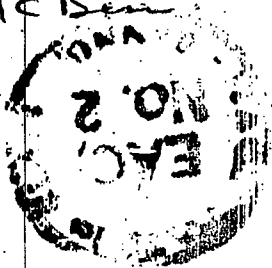
This 6 day August 1988.



Roshan Khan  
Magistrate 1st Class, Bannu.

(Behram Khan)  
EAC NO2/MIC Bannu

6/8/88



Phone No. 3414.

OFFICE OF THE DEPUTY COMMISSIONER BANNU.

N. 656 /HC

Dated Bannu the 7/8/1988.

COUNTERSIGNED.

DISTRICT MAGISTRATE, BANNU.

SHARIF AHMAD



Attested.

[Signature]  
Lecturer  
GPEC Bannu





عبدالحی دمسبی لعلی خان دلو پویشی موضوع لکھنؤ دار پویشی دا اعلیٰ عالی عالم خان پویشی

کو مسی لعلی خان شکرور نجات خود اور اسکو دالدرین خان عالم خان پویشی سامستل

ریج لکھی اسیپر لکھی ہے۔ میں اسکو ذالی طور پر جاننا ہوں۔

ارد الف۔ اسکو لعلی خان پویشی لکھی ہے۔ الوریٹ مرقع ہے

لکھی خان پویشی لکھی ہے۔ لکھی خان پویشی لکھی ہے۔

Ah b - l

M. J. W  
6/8/88

12

Annex: B

بسمہ اللہ الرحمن الرحیم

بعدالت جناب حافظ اورنگزیب سول جج نمبر VIII بنوں

مقدمہ نمبر:- ۹۸/1

تاریخ رجوع:- ۱۶-۵-۲۰۱۳/۵-۵-۲۰۱۵

تاریخ فیصلہ:- ۲۰-۰۹-۱۶

نصیب اللہ خان ولد تواب خان سکنتہ ہوید تحصیل ضلع بنوں ----- (لفظہ تکلی)

بشنام

ضلعی آفیسر محکمہ تعلیم مردانہ تحصیل ضلع بنوں وغیرہ ----- (بھگت سنگھ علی)

فیصلہ

۱۶-۰۹-۲۰

یونین کونسل ہوید لنڈیڈاک کے رہائشی نصیب اللہ خان نے پی ٹی سی کورس علامہ اقبال اوپن یونیورسٹی اسلام آباد سے مکمل کیا۔ سال ۱۹۹۹ میں پی ٹی سی کی آسامیاں مشتہر ہوئیں جن پر اس نے بھی اپنی تعیناتی کے لئے درخواست گزاری۔ محکمہ تعلیم نے نصیب اللہ خان کی پی ٹی سی کی ڈگری کو تسلیم کرنے سے انکار کیا۔ دیگر امیدوار جو کہ علامہ اقبال اوپن یونیورسٹی اسلام آباد سے تعلیم یافتہ تھے، نے محکمہ کے متنبانہ روینے کے خلاف عدالت عالیہ و عدالت عظمیٰ میں مختلف درخواستیں گزاریں۔ نتیجتاً علامہ اقبال اوپن یونیورسٹی اسلام آباد کی باری شدہ اسناد کو درست تسلیم کرتے ہوئے ایسے امیدواروں کے لئے بچیس فیصد کوٹیشن کیا گیا۔ محکمہ بچیس فیصد کوٹیشن کو بنیاد بنا کر سال ۲۰۰۵ سے سال ۲۰۱۵ تک گاہے بگاہے مختلف امیدواروں کو سیاسی بنیادوں پر بھرتی کر چکا ہے اور بھرتی کا یہ سلسلہ تاحال جاری و ساری ہے۔ جن امیدواروں کو اب تک بھرتی کیا جا چکا ہے ان میں زیادہ تر وہ ہیں جو ناسرف میرٹ میں نصیب اللہ خان سے کم ہیں بلکہ سیشن میں بھی۔ محکمہ نے ایک متاثرہ فہرست تیار کی جو کہ بدینتی پر مبنی ہے جس میں زیادہ تر مستحق امیدواروں کو نظر انداز کیا گیا۔ تاحال یونین کونسل ہوید میں کئی آسامیاں خالی ہیں جس پر مدعی کو بھرتی کرنا عین قرین صاف ہے۔ نصیب اللہ خان کو محکمہ تعلیم کے اس فعل کی وجہ سے مجبوراً عدالت کا دروازہ کھٹکھٹانا پڑا۔

مدعا علیہم کو عدالت نے پروانہ طلبی جاری کیا جس پر وہ بذریعہ نمائندہ حاضر ہوئے اور اپنا تحریری جواب دعویٰ داخل کیا جس میں انہوں نے یہ موقف اختیار کیا کہ بالا عدالتوں کی ہدایات پر ۱۹۹۹ کی متاثرہ فہرست تیار کی گئی جس میں مدعی کا نام شامل نہ ہے۔ جن امیدواروں کو ۲۰۰۵ سے ۲۰۱۳ تک بھرتی کیا گیا وہ سرف عدالت کے احکامات و Deceased son's کوٹہ کی بنیاد پر کیا گیا۔

فریقین کے تحریری عذرات و موقف بائے کو مد نظر رکھتے ہوئے عدالت نے مندرجہ ذیل نتیجحات وضع کیں۔

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تفتیحات / Issues

- 1 Whether the plaintiff has got any cause of action. OPP
- 2 Whether the plaintiff has come to the Court with clean hands. OPP
- 3 Whether the plaintiff's suit is within time. OPP.
- 4 Whether this Court is competent to entertain the present suit. OPP
- 5 Whether the plaintiff has superior right to be appointed on the PTC post according to 25 % quota of effected candidates of the year 1999. OPP
- 6 Whether defendants have prepared list of effected candidates of the year 1999 as per the direction of august High Court and Supreme Court wherein plaintiff's name is not included. OPD
- 7 Whether the plaintiff's suit is bad due to mis-joinder and non-joinder of necessary parties. OPD
- 8 Whether the plaintiff's suit is liable to be rejected under Order 7 Rule 11 CPC. OPD
- 9 Whether the defendants are entitled for the compensatory costs u/s 35-A CPC. OPD
- 10 Whether the plaintiff is entitled to the decree as prayed for. OPP  
Relief.

فریقین کو شہادت پیش کرنے کا بھرپور موقع فراہم کیا گیا جس سے فائدہ اٹھاتے ہوئے مدعی نے اپنے گواہان پیش کئے۔ محمد اشرف ریکارڈ کلرک ایجوکیشن آفس مردانہ نے اپنا بیان بطور PW-1 جہاں مدعی نے نصیب اللہ خان نے اپنا بیان بطور PW-2 قلمبند کرایا۔ اسکے بعد مدعی نے اپنی شہادت ختم کرنے کی سند شامل مسل کی۔ مدعا علیہ نے اپنا بیان بطور DW-1 قلمبند کرا کر اپنی شہادت ختم کی۔ سبولت کی خاطر فریقین نے جو دستاویزات شامل مسل کی ہیں ان کا میل میں چارٹ بنایا جاتا ہے۔

شامل مسل بطور	دستاویز کی تاریخ	دستاویز کی ہیبت	دستاویز نام	نمبر شمار
EX.PW-1/1	۲۰۰۳	تیار شدہ دیراتے متاثرہ محروم امیدواران	متاثرہ فہرست ۱۹۹۹	۱
EX.PW-1/2	۲۰۰۹ تا ۲۰۱۱	مذکورہ آرڈرز کے تحت متاثرہ محروم امیدواران بھرتی کئے گئے	تعییناتی آرڈرز مشتمل بر پندرہ صفحات	۲

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EX.PW-1/3 to EX.PW-1/5	تعمیناتی آرڈر محمد فاروق، دلا بازو تعمیناتی آرڈرز مشتمل برچالیس صفحات	۲۰۱۵ تا ۲۰۰۵	ذکورہ آرڈرز کے تحت متاثرہ محرم امیدواران بھرتی کئے گئے
EX.PW-2/1	تعلیمی اسناد مدعی مشتمل بر چھ صفحات		
EX.PW-2/2	یونین / سیشن وائز فہرست		
EX.PW-2/3	سیشن ریکارڈ میں نام امیدواران جسکے نام دلا بازو نام، امیر اللہ، فرید اللہ خان	۲۰۰۳-۱۹۹۹، ۲۰۰۹، ۲۰۰۶ ۲۰۱۵	ذکورہ امیدواران کو بھرتی کیا گیا
EX.PW-2/4	میرٹ میں نام امیدواران جسکے نام زار علی، عمر علی، فرید اللہ ڈسٹریکٹ مشتمل بر ۳۳ صفحات		کے تحت مذکورہ امیدواران کو بھرتی کیا گیا
EX.PW-1/2	پالیسی سال ۱۹۹۹	۱۹۹۹	بھرتی پالیسی
EX.PW-1/3	اشتہار روزنامہ مشرق مورنہ ۱۹۹۹		
EX.PW-1/4	متاثرہ فہرست		
LX.PW-1/5	انکوائری رپورٹ برائے متاثرہ فریق مشتمل بر ۲۵ صفحات	۲۰۱۵-۱۱-۲۵	ریٹائرمنٹ اور پینشنر بانی کورٹ نے انکوائری کی

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دونوں طرف سے بحث تہمت اور مسل ملاحظہ ہونے کے بعد زیر التفتیح در التفتیح فیصلہ حسب ذیل ہے۔

تفتیح نمبر ۱۰۵، ۲۱

مدعی کے موقف کا خلاصہ یہ ہے کہ وہ سیشن وائز دیگر امیدواروں سے پیئیر ہے اور اس کا بیٹ بھی ان  
امیدواروں سے زیادہ ہے جن کو پہلے سے تعمینات کیا جا چکا ہے۔ مدعی نے ہم امیدواروں (denied  
candidates) کی کٹیگری میں شامل ہے۔ چھپس فیصد ویٹ کے کولے کے تحت وہ بھی تعمیناتی کا حقدار ہے۔

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مدعا علیہم محروم امیدواروں کی بھرتی کا سلسلہ آج تک جاری رکھے ہوئے ہیں۔ مدعا علیہم کی تیار شدہ محروم امیدواروں کی فہرست بدینی پرنٹی ہے۔ وہ ان امیدواروں کو بھی تعینات کر چکے ہیں جن کا نام محروم امیدواروں کی فہرست میں شامل نہ ہے۔ عدالت عالیہ و عدالت عظمیٰ کے فیصلے عوامی سطح (Judgement in rem) نوعیت کے ہیں جو تمام پر لاگو ہوتے ہیں نہ کہ کسی خاص فرد (Judgement in personam) کے لئے مختص ہیں۔

مدعا علیہم کے موقف ہائے کا خلاصہ یہ ہے کہ مدعی کا نام محروم امیدواروں کے تیار شدہ فہرست میں شامل نہ ہے اس لئے وہ تعیناتی کا حقدار نہ ہے۔ مدعی نے بوقت تیاری فہرست کسی قسم کی کوئی درخواست انکوائری آفسر کو نہیں کرائی۔ دعویٰ مدعی نے بنیاد ہے۔ جو افراسیال ۲۰۱۳ء تک گاپے ہائے تعینات ہوتے رہے ہیں ان کا تعلق دوران سرویس حادثاتی طور پر فوت شدہ کوٹہ (Deceased sons's quota) سے ہے۔

عدالت کے سامنے زیر بحث تحقیقات کے ذیل میں بنیادی طور پر چار سوالات ہیں۔ اول یہ کہ آیا مدعی کے ساتھ کوئی تعصبانہ رویہ اختیار کیا گیا ہے۔ دوئم یہ کہ عدالت عالیہ و عدالت عظمیٰ کی فیصلوں کی حیثیت ایسا ہے اور ان کے تحت مدعی حقدار بنتا ہے یا نہیں۔ سوئم یہ کہ دیگر افراد جو فہرست سے باہر کر سال ۲۰۱۳/۲۰۱۵ء تک بھرتی ہو چکے ہیں ان کا تعلق فوت شدہ ملازمین کے کوٹہ سے تھا۔ چہاں یہ کہ مدعی کا تعیناتی حیثیت (Merit wise and Session wise) کیا ہے۔

مدعا علیہم نے اپنے جواب دعویٰ کے فترہ نمبر ۷۷ عذرات تہدید کی میں یہ تسلیم کیا ہے کہ مدعی کا نام ۱۹۹۹ء کی اسٹیمپ رولٹ میں شامل ہے۔ مطلب یہ کہ سال ۱۹۹۹ء میں مدعی نے باقاعدہ طور پر اشتہار آسامیوں کے لئے درخواست بھری تھی اور بعد از مہلت اسے اسٹیمپ رولٹ میں شامل کیا گیا تھا۔ جہاں تاہم علامہ اقبال اوپن یونیورسٹی کی اسناد کا تعلق ہے یہ حقیقت بھی مدعا علیہم نے تسلیم کی ہے کہ عدالت عالیہ و عدالت عظمیٰ نے مذکورہ یونیورسٹی سے حاصل شدہ اسناد کو دیگر ایلمینٹری کا لہجہ سے جاری شدہ اسناد کے مساوی قرار دیا۔ ان امیدواروں کی اسناد کو تسلیم کیا گیا تھا ان کے لئے پچیس فیصد کوٹہ مختص کیا گیا۔ یہ حقیقت مسلم ہے اور شہادت سے ثابت شدہ ہے کہ مدعی بھی پچیس فیصد کوٹے کے زمرے میں آتا ہے۔

موزوںہ ۲۰-۵-۲۰۰۰ء کو فل بیچ عدالت عالیہ پشاور نے علامہ اقبال اوپن یونیورسٹی کی جاری شدہ اسناد کو یکساں حیثیت دی۔ اچھ امیدوار جو سال ۱۹۹۹ء میں اپنی تعیناتی کے لئے درخواست دائر کر چکے تھے ان کو پچیس فیصد کوٹے کے تحت مدعا علیہم نے تعیناتی سے انکار لیا تو انہوں نے عدالت عالیہ میں رٹ دائر کی جس کا فیصلہ سال ۲۰۰۲ء میں لیا گیا۔ دراصل یہ وہ امیدوار تھے جن کو نکتہ نے شخص اس بنیاد پر نظر انداز کیا کہ انہوں نے عدالت کا دروازہ نہیں کھٹکھٹایا۔ وہ امیدوار جو عدالت سے رجوع کر چکے تھے انکا تعینات کیا گیا تھا تو عدالت عالیہ نے اس چیز کو مد نظر رکھتے ہوئے شہد آفاق فیصلہ دیا جس کا اپریل ۲۰۰۲ء میں فیصلہ کیا جاتا ہے۔

" Present policy aprt. the petitioners who were simildary placed as where the petitioner before Full Bench of this Court and the parties before august Supreme Court of Pakistan could not be discriminated nor denied.

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any advantage merely on the ground that they did not approach the High Court or the petitioners or any other candidates similar to the case of petitioners shall be allocated 25% seats of the available vacancies. 75 % vacancies shall go to the new entrant. This 25% is for those who were denied because of holding certificate from Allama Iqbal Open University and such 25 % would be filled amongst them but on the basis of their own merit separately prepared. By the time that all the candidates like petitioners and similar placed persons are adjusted but on merit, those found fit on merit if because of earlier denial to their appointment by the Government, the Government shall relax age as permissible under the law. With these recommendations we allow these three writ petitions".

مذکورہ بالا فیصلے سے عیاں ہے کہ عدالت عالیہ پشاور کا فیصلہ تمام کے لئے قابل نفاذ ہے یعنی فیصلہ

Judgement in rem ہے۔

PW-2 مدعی اپنے ابتدائی بیان میں کہتا ہے کہ اُس کا سیشن 1995 ہے جبکہ اُس کا سیشن غلط طور پر کاغذات

میں سال 1996 لکھا گیا ہے۔ مدعا علیہم نے اُس سے کم سکور والے اور کم میرٹ والے افراد بھرتی کئے ہیں جس میں

دلا باز جس کا سیشن 1996 ہے، امیر اللہ جس کا سیشن 1997 جبکہ فرید اللہ کا 1998 ہے۔ اسی طرح کم میرٹ والے

امیدواروں میں زار علی خان، عمر علی خان، فرید اللہ اور شیراز علی کا میرٹ اُس سے کم ہے جبکہ وہ تعینات کیے جا چکے

ہیں۔ گواہ مزید بیانی ہے کہ عمر علی خان کو حال ہی میں پی ٹی سی آسامی پر بھرتی کیا گیا جس نے اپنے مہدے کا چارج

نہیں لیا لہذا اُسکی خالی آسامی پر مدعی کا حق بنتا ہے۔ جرح میں مذکورہ گواہ پر مختلف سوالات کئے گئے جن کا خلاصہ یہ

ہے کہ اُس نے سال 2013 تک اپنی تعیناتی کے لئے درخواستیں دیں مگر کسی درخواست پر اُسکی شنوائی نہ ہو سکی۔ وہ یہ نہیں

باتا سکتا کہ 1996 سیشن میں اُس سے کم میرٹ والا بھرتی کیا گیا اور نہ ہی اُس نے بھرتی شدہ متاثرہ امیدواروں کو فریق

مدعی بنایا ہے۔ مدعا علیہم کی طرف سے DW-1 حاجی ریاض خان ADEO سٹیبلشمنٹ ایجوکیشن پیش ہوا اور اپنے

بیان میں کہا کہ آسامیاں سال 1999 میں مشتہر کی گئی تھیں۔ محکمہ نے ایڈمنسٹری کالج سے پاس شدہ امیدواروں کو فوقیت

دی تھی جو مگر عدالت عالیہ و عدالت عظمیٰ کے فیصلہ جات کی روشنی میں متاثرہ امیدواروں کی فہرست مرتب کی گئی اور بعد

ازاں پشاور ہائی کورٹ بنوں بیچ کے احکامات کی روشنی میں ایڈیشنل رجسٹرار پشاور ہائی کورٹ بنوں بیچ کو انکوائری

آفسر مقرر کر کے انکوائری کی گئی اور اُسکے نتیجے میں ایک متاثرہ فہرست تیار کی گئی جس میں مدعی کا نام شامل نہ ہے کیونکہ

مدعی سے سیشن اور میرٹ میں دیگر امیدوار آگے تھے جس کی بناء پر انہیں تعینات کیا جا چکا ہے۔ جرح میں گواہ نے تسلیم

کیا کہ مدعی کی یونین کونسل میں انہوں نے عمر علی نامی ایک متاثرہ شخص کو بھرتی کیا لیکن اُس نے اپنے مہدے کا چارج

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نہیں لیا۔ گواہ نے یہ بھی تسلیم کیا کہ انہوں نے محمد فاروق، محمود الرحمن اور محمد نسیم کو متاثرہ ۱۹۹۹ء کے کوٹے پر بھرتی کیا مگر انکے نام متاثرہ فہرست (EX.DW-1/4) میں شامل نہ ہیں۔ گواہ کے بقول مذکورہ امیدواران نے EDO کو متاثرہ فہرست میں شامل ہونے کی درخواست دی تھی مگر وہ درخواست اپنے ساتھ نہیں لایا۔ گواہ بیانی ہے کہ محکمہ نے ۱۹۹۹ء کی متاثرہ فہرست کے مطابق سال ۱۹۹۶ء کا آخری امیدوار سیریل نمبر ۳۳ پر درج ہے جس کا نام قادر خان ہے۔ گواہ نے یہ بھی تسلیم کیا کہ انہوں نے سیشن ۱۹۹۷ء کے امیر اللہ خان کو، سیشن ۱۹۹۹ء کے فرید اللہ خان کو پی ٹی سی پوسٹوں پر بھرتی کیا جن کی تعیناتی کے آرڈر EX.PW-2/3 ہے۔ گواہ نے یہ بھی درست تسلیم کیا کہ انہوں نے

EX.DW-1/1 کی رو سے ان پانچ امیدواروں کو بھی بھرتی کیا جن کے نام متاثرہ فہرست میں شامل نہیں تھے۔ گواہ نے یہ بھی درست تسلیم کیا کہ بمطابق EX.PW-2/2 عمر علی خان کے بعد نصیب اللہ (مدعی) کا نمبر آتا ہے۔ قانون کا ایک مسلہ اصول ہے کہ کسی ادارے کے کسی غیر قانونی فعل کی وجہ سے کوئی شخص موجب سزا نہیں ہو سکتا۔ قانون کا یہ بھی مسلہ اصول ہے کہ کوئی بھی شخص ایک چیز سے متعلق دو متضاد موقف نہیں اپنا سکتا۔ قانون کا ایک شہرہ آفاق اصول ہے کہ ہر شخص کا عدالت میں صاف دامن کے ساتھ آنا لازمی ہے۔ دلچسپ امر یہ ہے کہ مدعا علیہم نے ایسے امیدواروں کو تعینات کیا ہے جن کے نام متاثرہ فہرست میں شامل ہیں اور نہ ہی فوت شدہ ملازمین کے کوٹے کی فہرست میں۔

عمر علی کو مورخہ ۱۸-۲-۲۰۱۵ء میں تعینات کیا گیا ہے جس نے اپنے عہدے کا چارج نہیں لیا۔ تعیناتی حکم بطور EX.PW-2/2 شامل مسل ہے۔ بالا عدالتوں کا اس نقطہ پر اتفاق ہے کہ جب کوئی امیدوار اپنے عہدے کا چارج نہ لے تو میرٹ لسٹ میں اُسکے بعد آنے والا امیدوار اُس عہدے کا حقدار ہوگا۔ اس بابت

نظیر قابل ملاحظہ ہے۔

مدعا علیہم کی بددیہتی EX.PW-1/3 سے صاف عیاں ہے کہ انہوں نے ۱۹۹۹ء کے آسامیوں کے تحت تین امیدوار سکی محمد فاروق، محمود الرحمن اور محمد نسیم کو ۰۹-۵-۲۸ کو تعینات کرتے ہوئے آرڈر جاری کیا جبکہ انکے نام متاثرہ فہرست میں شامل نہ ہیں اور نہ ہی مذکورہ امیدواروں کے میرٹ سکور درج ہیں۔

لہذا مندرجہ بالا بحث کی روشنی میں یہ حقیقت طشت از بام ہو چکی ہے کہ مدعی سے کم میرٹ والے اور کم سیشن امیدوار جن کے نام متاثرہ فہرست میں شامل نہ ہیں بھرتی کئے جا چکے ہیں۔ مدعا علیہم ایک سانس میں دو متضاد موقف نہیں اپنا سکتے۔ مزید یہ کہ مدعی عمر علی کو ۲۰۱۵ء میں تعینات کیا گیا جس نے تاحال اپنے عہدے کا چارج نہیں لیا ہے لہذا مذکورہ آسامی پر مدعی کا حق بنتا ہے اور مدعی کے ساتھ واقعتاً تعصبانہ رویہ اختیار کیا گیا ہے۔ تحقیقات کا فیصلہ اثبات میں کیا جاتا ہے۔

تفتیح نمبر ۲۴، ۸۰۷

دونوں فریقین کی طرف سے دوران بحث مندرجہ بالا تحقیقات کے بابت کوئی عذر لیا گیا اور نہ ہی اس بابت کوئی چیز ثابت کی گئی تاہم عدالت دیوانی کو زبردفعہ ۹ ض د ہجوں قسم مقدمات کے تصفیہ کا مکمل اختیار حاصل ہے۔ جہاں تک اندر میعاد کا تعلق ہے تو آخری تعیناتی آرڈر جو کہ مسل پر موجود ہے وہ سال ۲۰۱۵ء کا جاری کردہ ہے اس لئے چونکہ دعویٰ استقرار حق ہے اور جس میں مدت ارجاع دعویٰ عرصہ چھ سال مختص ہے۔ لہذا دعویٰ اندر میعاد ہے۔

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تنفیج نمبر ۸ کا تعلق دعویٰ کے استرداد سے ہے۔ زیر حکم ۷ قاعدہ ۱۰ ض و پراس وقت عمل کیا جاتا ہے جب دعویٰ ابتدائی مراحل میں ہو۔ اب چونکہ مقدمہ میں شہادت قلمبند ہو چکی ہے لہذا مذکورہ تنفیج بے اثر و بے عمل قرار دی جاتی ہے۔ تنفیج نمبر ۷ کی نسبت یہ قرار دیا جاتا ہے کہ بوجہ اشتغال و عدم اشتغال ضروری فریق کوئی بھی دعویٰ خارج نہیں کیا جاسکتا البتہ موجودہ دعویٰ میں عدالت کے نزدیک اس نسبت کوئی کمی نہیں پائی جاتی کیونکہ مدعی نے باقاعدہ طور پر محکمہ تعلیم کو فریق بنایا ہے۔

تنفیج نمبر ۳۲ کا فیصلہ اثبات میں جبکہ تنفیج نمبر ۷ کا فیصلہ نفی میں کیا جاتا ہے۔

تنفیج نمبر ۹

تنفیج نمبر ۱۱ کا بار ثبوت مدعا علیہم کے کندھوں پر تھا مگر مدعا علیہم کی بدینتی بحث برتنقیحات بالا کی روشنی میں اظہر من الشمس ہے جو مدعا علیہم کو اس کا حقدار نہیں بناتی کہ ان کو خصوصی خرچہ و ہرجہ زبردنفہ ۳۵ (الف) ض و دلایا جائے۔ تنفیج نمبر ۱۱ کا فیصلہ نفی میں کیا جاتا ہے۔

دادری

حسب مراتب عرضی دعویٰ مدعی اپنے دعویٰ کو زبانی و دستاویزی شہادت سے ثابت کرنے میں کامیاب رہا ہے۔ لہذا دعویٰ مدعی ڈگری کیا جاتا ہے بشرط یہ کہ مدعی بصورت دیگر کوائف کی روشنی میں بھی تیناتی کا حق دار (fit) ہو خرچہ کی بابت کوئی حکم نہ ہے مسل بعد از تکمیل و ترتیب داخل دفتر ہوئے۔

حافظ اورنگزیب  
سول جج نمبر ۸ ہوں

سرٹیفکیٹ

۱۶-۰۹-۲۰

تصدیق کی جاتی ہے کہ فیصلہ مذکورہ جو کہ مشتمل برسات صفحات ہیں جو کہ میں نے پڑھ لیا اور جہاں کہیں درستگی کی ضرورت تھی وہ کردی۔ قرار داد پر میرے دستخط درست طور پر ثبت شدہ ہیں۔

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امبار شاہد کو

انڈیا

لجدرالت جناب ایڈیشنل سیشن جج صاحبہم ۱۷ بیوں

مقدمہ نمبر ۱۳/۸۲ ایچ جی ۱۲/۱۱/۱۶ فیصلہ ۸/۲/۱۷

ایچ جی کیس نام نصیب رائے

Part of  
Title District  
No. and date

11-2016

by	تعداد	اوراق	نوعیت کا ہر ذات	نمبر شمار
an.	20	1	انڈیا - آرڈر شیٹ - اپیل - فتویٰ	1
of	28	21	چھٹی - ڈکٹر شیٹ - وکالت نامہ	2
	31	29	انڈیا ڈکٹر شیٹ - نوٹس	3

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کتاب عالی :- ماہریندیش صب ذیل عرض کرتے ہیں

1. یہ کہ حکم و ڈگری زیر اس میں مختلف قانون، واقعات و دستاویزات کا مشق ہے (مذکورہ لفظ ہے)

12-11-16

SUPERINTENDENT  
Distt. & Session Judge  
BANNU

2. یہ کہ حکم و ڈگری زیر اس میں Reading of Evidence

Non Reading of Evidence پر مبنی ہے میں نے بھی قابل مکتوب ہے

3. یہ کہ عملہ تحقیقات پر فاضل عدالت مانتے سے جملہ شہادت و دستاویزات کا درست طور پر موازنہ ناکر کے فیصلہ صادر کیا ہے جو کہ قانونی تقاضوں کے برخلاف ہے

4. یہ کہ عدالت عالیہ اور عدالت عظمیٰ کے فیصلہ جاتی کی روشنی میں 1999 کے قاتلوں اور دہشت گردوں کے فیصلے کو رد قرار دیا گیا تھا

5. یہ کہ قاتلوں اور دہشت گردوں کے فیصلے 1999 کے بعد بت سال 2002 میں بیورو انکوائری کے افسانوں کی روشنی میں تیار کردہ انکوائری رپورٹوں کی روشنی میں جو کہ عمل مقدمہ پر موجود ہے اور مادہ "A" ہے۔ اور انکوائری کے صفحہ نمبر 2 کے مطابق سال 1999 میں کل 115 آسامیاں خالی تھیں جس پر تحقیقاتی کے بعد کل 59 امیدواران قاتلوں قرار دیئے گئے جو کہ 1/4 EXP سے واضح ہے اور ان جملہ امیدواروں کی بیورو انکوائری ہے

بہن نے فاضل عدالت مانتے کا اپنی ہی عدالت عالیہ کی انکوائری کا فیصلہ ناماننا روشنی مختلف وزنی ہے بہن نے صحیح حالت عدالت روشنی مختلف وزنی ہے

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6. یہ کہ فاضل عدالت مانتے نے تحقیقات 1، 2، 3، 4، 5، 6، 7، 8، 9، 10، 11، 12 پر درست فیصلہ صادر نہیں کیا

مرحومہ - اور DW-1 ریفرنس خان ADE اسٹیشنٹ فیکسنگ بنوں

کے بیان کو یکسر نظر انداز کیا گیا ہے جس میں مذکورہ گواہ نے قرار دیا ہے کہ

جتنے ہی Denied الیڈوران ہے۔ ان کی تقرری ہو چکی ہے۔ یہ عدالت ماتحت

کا یہ قرار دینا کہ ریسیانڈنڈ الیڈوران سے اثر ہوا الیڈوران کے ذریعے میں آتا ہے

مافوقی غلطی ہے اور یا ٹیکورٹ کی انکوائری کی حذف و زوری سے اور 12-11-11

SUPERINTENDENT  
Distt. & Session Judge  
Bannu

قابل درستگی ہے

7۔ یہ کہ فاضل عدالت ماتحت کو مقدمہ زیر اہیل میں اہتیار رکھتے بھی حاصل نہ تھا جس بابت جوابدہوں میں صبراً عذر اٹھائی گئی تھی۔ جو کہ P2R 2013 ستمبر 11 سے راج ہے

8۔ یہ کہ ریسیانڈنڈ اہلی نے ہنوز ہی افراد کو فریق مقدمہ نہیں گردانا ہے۔ ہنوز دعویٰ صریح زائد الحقاد بھی تھا۔ لیکن عدالت ماتحت اس بابت Finding نہ دینا حذف مافوقی

9۔ یہ کہ دیگر وجوہات اہیل بوقت دلائل باجائزات فاضل عدالت اٹھائے جائے

لکھا وجوہات بالدرستہ کیجائیے کہ بطوری اہیل عدا حکم و ذری

زیر اہیل صنف فرمائے جاری دعویٰ صریح فرمائے جانے کے اٹھائے

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نذیر علی گوانٹ بلینڈ بنوں

and date

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IN THE COURT OF RASHID ULLAH KUNDI,  
ADDITIONAL DISTRICT JUDGE-IV, BANNU.

Civil Appeal No. 82/13

Date of institution of Appeal: 12/11/2016  
Date of Decision 08/02/2017

1. District Education Officer (Male) Bannu.
2. Secretary Education KP, Peshawar.....(Appellants/Defendants)

VERSUS

Nasib Ullah Khan S/O Tawab Khan R/O Havaid, Bannu.....(Respondent/Plaintiff)

JUDGMENT

1. Through this judgment, I intend to dispose of instant RCA titled "District Officer Education etc VS Nasib Ullah Khan" which assails the order, judgment & decree dated 20.09.2016 passed by CJ-VIII, Bannu, vide which, the suit, filed by the respondent / plaintiff (herein after referred to as respondent) against the appellants / defendants (herein after referred to as appellants) was decreed.
2. The respondent filed the instant suit against above mentioned appellants for declaration and perpetual mandatory injunction to the effect that respondent had right of appointment against the Quota as compared to other appointed candidates reserved as per the judgments of Hon'able Peshawar High Court and august Apex Court. The appellants raised a legal objection to the appointment of respondent to the post of PTC on the ground of non-enlistment of the name of respondent in the list of effected candidates maintained as per the directions of the august Apex Court. It was averred in the plaint that the conduct of appellants was illegal and he was illegally deprived of the right to appointment on the subject post. He sought declaration to the effect that he was entitled to appointment on the subject post.

*Rashid Ullah Kundi*  
Rashid Ullah Kundi  
Add: District Judge - IV,  
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3. In Para-B of the plaint, the respondent has sought decree of perpetual mandatory injunction against the appellants with the same prayers. As per the contents of the plaint, respondent is highly qualified and got PTC from Allama Iqbal Open University, Islamabad; that in the year 1999, the vacancies of PTC teachers were announced and the respondent also applied for the same, but the appellants did not accept his academic qualification alongwith other candidates and the said decision of appellants was challenged before Honorable High Court and august Apex Court and as per the directions of superior Courts, Quota was reserved for the effected candidates holding degrees from Allama Iqbal Open University, Islamabad. The respondent claimed that he was also one of the effectees and the appellants appointed effected candidates of 1999 from time to time on the availability of vacancies w.e.f 2005 to 2014. He prayed that the respondent be appointed on the basis of reserved Quota as he was higher on merit as compared to those appointed by the Education Deptt. He claimed that many posts of PTC were lying vacant in the Union Council of the respondent and the appellants were bent upon appointing other candidates of their choice from other Union Councils, hence, the instant suit.
4. Appellants were summoned, who contested the suit by filing their written statement wherein they denied contention of respondent and raised several legal and factual objections. The learned Trial Court framed the following issues out of the divergent pleadings of the parties.

ISSUES

1. Whether the plaintiff has got cause of action?
2. Whether the plaintiff has come to the court with clean hands?
3. Whether the plaintiff suit is within time?
4. Whether this court is competent to entertain the present suit?
5. Whether plaintiff has superior right to be appointed on the PTC post according to 25% Quota of effected candidates of the year 1999?

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6. Whether defendants have prepared list of effected candidates of the year 1999 as per the direction of august High Court and Supreme Court wherein plaintiff name is not included?
7. Whether plaintiff's suit is bad due to mis-joinder and non-joinder of necessary parties?
8. Whether the plaintiff suit is liable to be rejected under Order 7 Rule 11 CPC?
9. Whether defendants are entitled for the compensatory cost U/Sec: 35-A CPC?
10. Whether the plaintiff is entitled to the decree as prayed for? Relief.

5. Learned counsel for the appellants submitted that the Trial Court failed to consider the documentary record produced by the appellant and the facts available on record; that the respondent was not entitled to be appointed against the subject post as his name did nit figure in the list f the effected persons.

6. On the other hand learned counsel for the respondent supported the impugned order and argued at length that the Trial Court rightly considered the material available on file; that the appellants failed to prove any misreading and non reading on record.

Arguments heard and record perused.

7. Perusal of record reveals that education deptt: advertised a number of PTC posts in the year 19s99, for which a number of candidates applied throughout the province. As per the prevailing policy, 25% of the posts were to be filled on Distt: wise basis and 75% were to be filled on the basis of Union Council / Batch-wise. It was further prescribed by the education deptt: that the candidates who have qualified / obtained their primary school certificates from Govt. Elemertary Schools / Colleges / Institutions shall be given preference over the candidates having similar qualifications i.e., from Allama Iqbal Open University, Islamabad.

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District Judge - IV,  
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8. The matter came up for decision before Full Bench of Hon'able Peshawar High Court, Peshawar in W.P No. 374-P/98 (Babar Elahi & others Vs Director of Education Primary Schools NWFP Peshawar & others). The Full-Bench on 20.05.2000 held that the certificates obtained from Govt. institutions and the one obtained from Allama Iqbal Open University, Islamabad should be taken not only equal, but at par and if the then policy of the Govt. was allowed to continue, it was held to be discriminatory. The Govt. assailed the judgment of Full-Bench of Hon'able Peshawar High Court, Peshawar before august Supreme Court of Pakistan as well as certain private individuals and august Supreme Court of Pakistan upheld the decision of this Court vide judgment dated 28.05.2000 and in Para-VII of its judgment observed as under;

*"In most of the appeals, learned counsel stated at the bar that the appellants/respondents were duly selected by the relevant Selection Committees of the Government on merits but their appointments have been withheld on account of order of status quo passed by this Court while granting leave to appeal on 17.08.2000. Since these appeals are being finally disposed of, such selectees subject to academic qualifications shall be immediately appointed to their respective posts as prima facie there is no other imbargo in their way. We are informed at the Bar that a large number of vacancies of PTC Teachers exist at the moment. Such of the appellants who were non-suited in C.A. No. 1910 of 2000 shall be sympathetically considered for appointment in the first instance and, if they are otherwise qualified and suitable for the job, they must be given preference over new entrants. In case some of the affected appellants/respondents are over-age by passage of time, Provincial Government shall consider their cases*

*Amir*  
 District Judge - IV,  
 Bannu

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 District & Session Judge  
 Bannu  
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with utmost compassion and fairness by relaxing upper age limit. Needless to urge that, technicalities should not thwart the course of justice, as legal procedures are essentially meant to regulate the proceedings and to advance the cause of justice rather than to frustrate the ends of justice".

The respondent admittedly obtained PTC from Allama Iqbal Open University, Islamabad and he applied for appointment against the vacant post of PTC Teachers. The respondent was examined as PW-2 and he produced attested copies of the list of candidates of Allama Iqbal Open University, Islamabad as Ex:PW-2/2, wherein, the name of respondent was shown at S. No.212. Therefore, the contention of the appellants that the respondent did not apply for the subject post is base-less. Moreover, the ADFO Hazi Riaz Khan was examined as DW-1 and he admitted that a number of candidates were appointed as PTC Teachers by the Education Deptt: out of turn and they were low-in-merit as compared to the respondent. He also admitted that a number of candidates were appointed whose names were not mentioned in the list of effected candidates maintained as per the directions of august Apex Court.

*Arvind*  
District Judge - IV,  
Bannu

- 9. The appellants adopted the policy of discrimination in the appointment of effected candidates who were not considered at the time of appointment in the year 1999 as they were holder of academic qualification from Allama Iqbal Open University, Islamabad. The respondent admittedly completed his professional education from ALOU, Islamabad and was awarded PTC. He applied for the posts of PTC but was not considered. The right to sue accrued to the respondent as and when he was by passed and discriminated, hence the suit of the respondent is within time.
- 10. For the reasons given above, there is no ground for interference with the impugned judgment and decree passed by Civil Judge-VIII, Bannu and the Trial Court appreciated the evidence in its true

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perspective. Hence the instant appeal is dismissed being meritless with costs.

File be consigned to the record room after necessary completion and compilation.

**ANNOUNCED**

08-02-2017

*Rashid Ullah Kundi*

Rashid Ullah Kundi,  
Additional Distt: Judge-IV, Bannu  
District Judge - IV,  
Bannu

**CERTIFICATE**

Certified that this judgment consists of six (06) pages. Its each and every page has been read, checked and corrected, wherever necessary, and signed by me.

*Rashid Ullah Kundi*

Rashid Ullah Kundi,  
Additional Distt: Judge-IV, Bannu

- 1- Registration No: 534
- 2- Date of Presentation of Application 13-2-17
- 3- Date of Receipt of the file 14-2-17
- 4- Date of Preparation of copy 14-2-17
- 5- Date of Delivery of file 14-2-17
- 6- No. of copies made 6
- 7- Copy Fee 12
- 8- Agent Fee -
- 9- Total Fee 12
- 10- Signature of copyist *[Signature]*

**ATTESTED**

Copyist  
District & Session Judge  
Bannu

14-2-17

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*[Signature]*

27  
"ڈیوٹی سٹیٹ" لبرالت طب رشید اللہ کورڈی صاحب 17-AD-17 بھون  
82/13 رپوز 12-11-016 فیصلہ 8/17

- 1- ڈسٹرکٹ انسپریٹو ایجوکیشن درود انہ لہوں
- 2- سیکرٹری ایجوکیشن صہرہ ٹیوٹوواں

ایڈمنسٹریٹو ڈویژن

بنام

لصوب اللہ خان ولد لقا ب خان سکنہ بیوہ لہوں

ریسیڈنٹ / عدلی

ایس ڈی ڈوواں

Rashid Ullah Kurdi  
Addl: Sessions Judge - IV,  
Bannu

ایس بنا راضی حکم و ڈگری سول جج ہا بنوہ لہوں

تقدیم نمبر 1/1919 رپوز 05-014-05-16-2014/05/05 تاریخ

فیصلہ 20/9/2016 جس کی رو سے دعوی عدلی ڈگری سٹیٹ سے

12-11-16

SUPERINTENDENT  
Distt & Session Judge  
Bannu

استدعا نے اسل

لنظوری اسل صفا و حسنہ فرمائے جانے حکم و ڈگری

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District & Session Judge  
Bannu

ایس ڈی ڈوواں فرمائے جانے دعوی عدلی جمع ہوا

19-2-17

یہ دو عدالت ہاں

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APR-07:  
08.02.2017

Vide my separate detailed judgment consisting of 06 pages, there is no-ground for interference with the impugned judgment and decree passed by Civil Judge-VIII, Bannu and the Trial Court appreciated the evidence in its true perspective. Hence the instant appeal is dismissed being meritless with costs. File be consigned to the record room after completion.  
ANNOUNCED  
08/02/2017

*Rashid Ullah Kundi*  
Rashid Ullah Kundi  
Addl. Sessions Judge - IV,  
Bannu

فریہ مالش

ردیہ	ردیہ پادارنٹ	ردیہ	اپیلانٹس
/	اسٹامپ اپیل مختیار نامہ وکالت نامہ فریہ گواہ مفتون	/	اسٹامپ اپیل مختیار نامہ وکالت نامہ فریہ گواہ مفتون
/	میزران	26/-	میزران

2-17-12 تاریخ 2/2017 کو ثبت فریہ دستخط فریہ عدالت کہ جاری ہو گیا۔

Rashid Ullah Kundi  
Addl. Sessions Judge - IV,  
Bannu



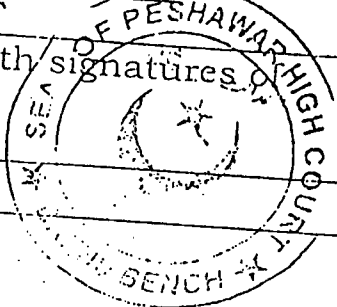
- 1- Registration No: 534
- 2- Date of Presentation of Application 13-1-12
- 3- Date of Receipt of the file 14-2-12
- 4- Date of Preparation of copy 14-2-12
- 5- Date of Filing 14-2-12
- 6- No. of copies / sheets 2
- 7- Ordinary Fee 4
- 8- Urgent Fee -
- 9- Total Fee 4
- 10- Signature of applicant *[Signature]*

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District & Session Judge  
Bannu  
14.2.12

PESHAWAR HIGH COURT, BANNU BENCH  
FORM OF ORDER SHEET

Amex- C

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Date of order or proceeding (1)	Order or other proceedings with signatures of Judge (s). (2)
------------------------------------	---

18.04.2017

CR No.75-B of 2017.

Present:

Shahid Hameed, Addl: A.G for the official petitioners.  
\*\*\*\*\*

ISHTIAQ IBRAHIM, J.--- Through this revision petition, the petitioners have called in question the judgment and decree dated 08.02.2017 passed by the learned Additional District Judge-IV, Bannu, whereby appeal of the petitioners against the judgment and decree dated 20.09.2016 of the learned Civil Judge-VIII, Bannu was dismissed.

2. Concise facts of the case are that the respondent/ plaintiff Naseebullah Khan, filed a suit for declaration and perpetual mandatory injunction against the petitioners/ defendants to the effect that he is high qualified and has got PTC from Allama Iqbal Open University, Islamabad. He had applied for appointment as PTC in the year 1999, but he was denied. He has right of appointment as PTC being denied candidate against the quota as compared to other appointed candidates reserved as per the judgments of Hon'ble Peshawar High Court and august Apex Court. Petitioners/ defendants were

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summoned who appeared and contested the suit by filing their written statement, wherein they denied contention of respondent and raised several legal and factual objections. The learned trial court framed as many as ten issues apart from relief. Parties adduced pro and contra evidence. The learned trial court after hearing arguments of learned counsel for the parties, vide impugned judgment and decree dated 20.09.2016 decreed the suit in favour of respondent. The petitioners preferred appeal against the judgment of learned trial court, but with no premium, hence this revision petition.

3. I have heard arguments of learned Addl: A.G for the official petitioners and perused the available record.

4. Admittedly the respondent completed his professional education from Allama Iqbal Open University, (AIOU) Islamabad and was awarded PTC. He applied for the posts of PTC in the year 1999 but was not considered, hence, he comes within the definition of denied candidates. During the course of trial respondent appeared as PW-2, he produced attested copies of the list of candidates of AIOU, Islamabad, as PW2/2, wherein his name appears at S. No. 212. Haji Riaz Khan ADEO

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appeared as DW-1, he admitted that numbers of candidates were appointed whose names were not mentioned in the list of effected candidates, maintained as per the direction of august apex Court. The petitioners adopted the policy of discrimination in the appointment of effected candidates, who were not considered at the time of appointment in the year 1999, as they were holder of academic qualification from AIOU and same is the case of respondent, therefore, he was entitled for the decree as prayed for. The learned both the courts below have rightly appreciated the evidence, facts and circumstances of the case by granting decree in favour of respondent and have committed no illegality or irregularity. There is no misreading or non-reading of evidence, in concurrent finding of facts recorded by both the courts below, which may warrant interference of this court. Hence, this petition being devoid of merits is dismissed in limine.

Announced.  
18.04.2017

-sd-  
Mr. Justice Ishaq Ibrahim

CERTIFIED TO BE TRUE COPY

24/4/17

Per Justice Ishaq Ibrahim French  
At Islamabad on 24.04.2017  
The Qanun-e-Mahkama-1984

Office  
19/4/17

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APPOINTMENT ORDER

In compliance with the directions/Judgment of Hon: Add: District Judge-IV Bannu decision dated: 08-02-2017 and in response to execution proceedings initiated in the subject case by the learned Court No.8 Bannu and the revision petition of this Office rejected by the Peshawar High Court Bannu Bench vide CR No.75-B of 2017 dated: 18-04-2017, the undersigned is pleased to appoint conditionally the below mentioned Male PST candidate out of denied quota 1999 in BPS mentioned against him plus usual allowances as admissible under the existing rules/ policy in the schools noted against his name with effect from the date of taking over charge in the best interest of public service subject to the terms /conditions given below.

S.No.	Name	Father Name	U/Council	Place of posting	BPS	Remarks
1-	Naseebullah Khan	Nawab Khan	Haveed Landidak Bannu	GPS Zodi Daulat Dridariz Bannu.	12	Against V/P

TERMS & CONDITIONS

1. His/Their service will be considered regular but without pension & gratuity in term of Section-19 of NWFP, civil servant Act,1973 as amended vide NWFP, civil servant (Amendment) Act, 2005. He will however be entitled to contributory provident Fund in such a manner and such rates may be prescribed by the Government.
2. His/Their services will be liable to termination on one month's notice from either side, in case of resignation without notice their/ his two months pay/ allowances shall be forfeited to Govt.
3. The appointee should join his post within 15 days after obtaining proper age relaxation from the competent authority, The SDEO(M) Bannu should furnish a certificate to the effect that the candidate has joined the post or otherwise, after 15 days of the issuance of this order, failing which, his/ their order will be treated as cancelled.
4. His/Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct they will be proceeded against under E&D Rules 2011 & the rules framed from time to time.
5. Charge should not be handed over if age of the candidate is below 18 years or above 35 years as per policy issued on 23-02-2003.
6. If the candidate is exceeding from the required age i.e. 35 years, he should obtain proper age relaxation from the competent authority and his pay may not be released till the completion of age relaxation process.
7. In case of fake certificates/ Degree or any other mistake in the said appointment order detected later on the undersigned reserves the right of amendment in the appointment order accordingly.
8. He /They will produce Health & Fitness certificates from Medical Superintendent concerned before taking over charge.
9. His seniority will be considered from the date of taking over charge under the rules.
10. If the above terms & Conditions are acceptable to him, He will receive the charge of the post at the mentioned school & report to Office within 15 days accordingly.
11. No TA/DA etc is allowed.

*sd.*  
District Education Officer  
(Male) Bannu

Dated Bannu the 08/05/2017.

Endstt No 6027-33/AE-I (M) Pny:

Copy For information & necessary action to:-

- 1- Director Elementary & Secondary Edu. NWFP, Peshawar.
- 2- Registrar Peshawar High Court Bannu Bench.
- 3- SDEO (M) Bannu with the remarks that their pay may not be drawn until & unless his testimonials are not verified on OPSS from concerned Board/University.
- 4- ASDEO(C) concerned.
- 5- District Account officer, Bannu.
- 6- Candidate concerned.

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*De*  
District Education Officer  
(Male) Bannu

SANCTION FOR UPPER AGE RELEXATION

In continuation to this office PST (denied) appointment order (Court Case), issued under Endst: No.6027-33/AE-I/PST/ADEO Estab: Pzy: Dated: 08-05-2017, The competent authority is pleased to accord sanction to the grant of relaxation in upper age in respect of the below mentioned candidate of District Bannu as per the following break up/Remarks, subject to the condition that all coddle formalities are fulfilled.

S.No.	Name / Father name	D/O Birth	Prescribed age for PST	Last Date of advertisement in 1999.	Remarks
1-	Naseebullah khan S/O Nawab khan U/C Haveed Landidak Distt: Bannu.	06-02-1972	35 years	23-02-1999	As the candidate was in due age on the reckoning date of PST advertisement in 1999, therefore he may be considered as in due age for the purpose of appointment/pay release subject to the fulfillment of all coddle formalities.

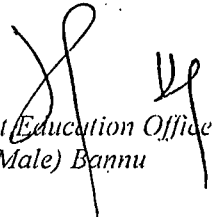
District Education Officer  
(Male) Bannu

Endstt: No 16568-71/AE-I (M) Pzy:

Dated Bannu the 27/12/2017.

Copy For information & necessary action to:-

- 1- Director Elementary & Secondary Edu: Khyber Pakhtunkhwa.
- 2- SDEO (M) Bannu.
- 3- Districi Account officer, Bannu.
- 4- Candidates concerned.

  
District Education Officer  
(Male) Bannu

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(ESTABLISHMENT WING)

34

No. SOE-III (E&AD)2-4/2017  
Dated Peshawar the December 4, 2017

To  
The Secretary,  
Elementary & Secondary Education Department.

**SUBJECT: - APPEAL FOR UPPER AGE RELAXATION.**

34310

Dear Sir,

I am directed to refer to your letter No.SO(PE)/E&SED/7-1/A.R/Bannu/16/Vol.II dated 09-11-2017 on the subject noted above and to state that age is always calculated from the closing date of application, which is 23-02-1999 in the instant case.

In light of foregoing it is requested to re-examine the case accordingly.

Yours faithfully,

Section Officer (E-III)

Copy forwarded to:

1. The Additional Secretary (Regulation) Establishment Department.
2. PS to Secretary Establishment Department.
3. Master file.

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DEC 13 2017  
SECTION OFFICER (E-III)  
SO (PE)  
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
No. SO(PE)/E&SED/7-1/A.R/Bannu/16  
Dated Peshawar the 27-12-2017

35/185

To

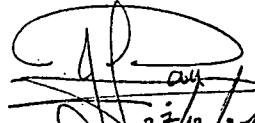
The Director,  
Elementary & Secondary Education,  
Peshawar.

Subject: - REQUEST FOR AGE RELAXATION IN UPPER AGE LIMIT.

Dear Sir,

I am directed to refer to Deputy Director (Estab), Elementary & Secondary Education letter No.800/F/No.A-155/Age Relaxation Case/NTS dated 06-11-2017 on the subject noted above and to enclose herewith a copy of letter No:SOE-III(E&AD)2-4/2017 dated 04/12/2017, received from Establishment & Administration Department, Peshawar with the request to examine and decide the case accordingly.

Yours faithfully,

  
for  
SECTION OFFICER (PRIMARY)  
27/12/2017

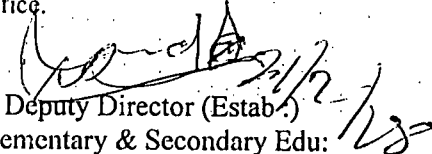
Encl: as above


OFFICE OF THE DIRECTOR ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA.

Endst: No. 3413 /F.No. A-155/Age Relaxation case/NTS Dated Peshawar the 21/12/2018.

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

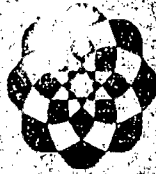
1. District Education Officer (M) Bannu w/r to his 13764 dated 18.10.2017 with the remarks to examine the case accordingly.
2. Section Officer (Primary) Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department w/r to his No. cited above.
3. P.A to Director Elementary and Secondary Education Local Office.

  
Deputy Director (Estab.)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.  
21/12/18

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# SERVICE BOOK

سروس بک



Name: Nasib Ullah Khan

Father's Name: Nawab Khan

Qualifications: \_\_\_\_\_

Designation: PST Teacher

Department: Education Dept:

Address: PH # 03319174054

D

1	2	3	4		5		6	7	8	9
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 rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment	Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8
درجہ ملازمت	عارضی مستقل یا یا قائم مقام	اگر عارضی ہے تو رول کے مطابق پینشن کا مستحق ہے؟	متنخواہ بطور عارضی ملازمت	متنخواہ بطور قائم مقام	زائد متنخواہ بطور قائم مقام	ما سوائے متنخواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم	دستخط افسر مجاز	
			Rs.	Ps.	Rs.	Ps.				
DST BPS-12										
G.P.S. Zaidi Dawlat Dardang					11140/-			8-5-2017		Sub Div. Education Dardang
					13320/-			11/7/17		Sub Div. Education Dardang
					14280/-			11/12/17		Sub Div. Education Dardang
<p>Head of the Accountant General for Peshawar Pay Fixed in The R.B.P.S. 2017</p> <p>R.B.P.S. 13320-960-42128 (12)</p> <p>ALR 13320 P.W.F. 07.2017 With Next Incr. 1.12.2017</p> <p>Pay Fixation Party K. Peshawar</p> <p>COPY</p>										
										Sanct age be was appo Directo Educa K Endst: ruled this of

- 1- Name (نام) Nasibullah Khan
- 2- Nationality and Religion Pakistan / Islam  
(قومیت اور مذہب)
- 3- Residence H/Ho 174/c Moh. Chembelli Chowk  
(مستقل رہائش) Bannu City
- 4- Father's name and residence Nawab Khan  
(والد کا نام اور پتہ)
- 5- Date of birth by christian era as 06-02-1972  
nearly as can be ascertained  
(تاریخ پیدائش مطابق سن عیسوی)
- 6- Exact height by measurement \_\_\_\_\_  
(قد و قامت)
- 7- Personal mark of identification Mole on Nose  
(نشان شناخت)

Left hand/right hand thumb and finger-impressions of (Non-gazetted officer)

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger

(چھٹکلیا)

Ring Finger

(چھنگلیا کے ساتھ کی انگلی)

Middle Finger

(دبکھتے پیمانہ)

Fore Finger

(دبکھت شہادت)

Thumb

(انگوٹھا)

Signature of Govt. Servent

(سرکاری ملازم کے دستخط)

*Nasibullah Khan*



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

(تصدیق کنندہ افسر کے دستخط اور مہر)

Assistant District  
Education Officer (M)  
Bannu

*Nasibullah Khan*

03/04/2018

Asstt. District Education  
Officer (M) Prg: Bannu

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need no be taken after every 5 years under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔

انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں

9	Signature and designation of the Head of the office or other Government servant column 1 to 8	10	Signature of the Head of the office or other Government servant column 1 to 8	11	Signature of the Head of the office or other Government servant column 1 to 8
8					
7	Date of appointment	12/2018			
6	Other emoluments falling under the term pay	15240/-			
5	Additional pay for officiating position				
4	Pay in substantive position				
3	If officiating (i) substantive or (ii) whether service counts for appointment under rule 3-20 of C.S.R. (P.S.) Volume II				
2	Whether substantive or officiating permanent or temporary				
1	Name of Post				

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Sub Dir. Officer (M)

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7	8	9	10	11	12	13		14	15	
Date of appointment	Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debit to another Government		Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, reward or praised of the Government servants
							Period	Government to which debit to		
تاریخ تقرری	دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی تبادلہ یا برطرفی	دستخط افسر مجاز	رضت کی نوعیت و معیار	عرصہ	حکومت کو جسے ادا ہوگی	دستخط افسر مجاز	سزا یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
8-5-2017										In compliance of judgment/Decree of Honourable High Court Bench Bannu Hon'ble Dist. Judges vs Bannu decided dt. 8/2/17 Mr. Naseeb ulah Khan is hereby
11/7/17										Appointed as a PST Teacher in BPS-12 plus usual allowance vide DEO Ord. E/NO 6027-33
11/12/17										dt. 8/5/2017
										Sanctioned of upper age relaxation i.e. was in age for appointment as per Director of Edu. Secondary Edu. K.P.K. Peshawar
										Passed SSC Examination from BISE, Peshawar under Roll NO 61932 session 1988 marks 409/850 and verified vide L/NO 19/100 units BISE 17 dt. 13/9/17
										Endst: 3413/F.No.155/199 relaxation cases, dated 21-2-2018 and
										thru of E/No. 16568 dated 27-12-2017

1	2	3	4		5		6	7	8	9
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 rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment	Signature of Government servant	nature ar Ignation Head of l ce or oth ting offi- testation umn 1 to
درجہ ملازمت	عارضی مستقل یا یا قائم مقام	آکر عارضی ہے تو رول کے مطابق پٹیشن کا مستحق ہے؟	تختواہ بطور عارضی ملازمت	تختواہ بطور قائم مقام	ما سوائے تختواہ دیگر الاڈس	تاریخ تقرری	دستخط سرکاری ملازم			
			Rs.	Ps.	Rs.	Ps.				
PST-12										
G. P. S. Fatma khel										
Bannu										

RS=17160/- PM 1 12 2020

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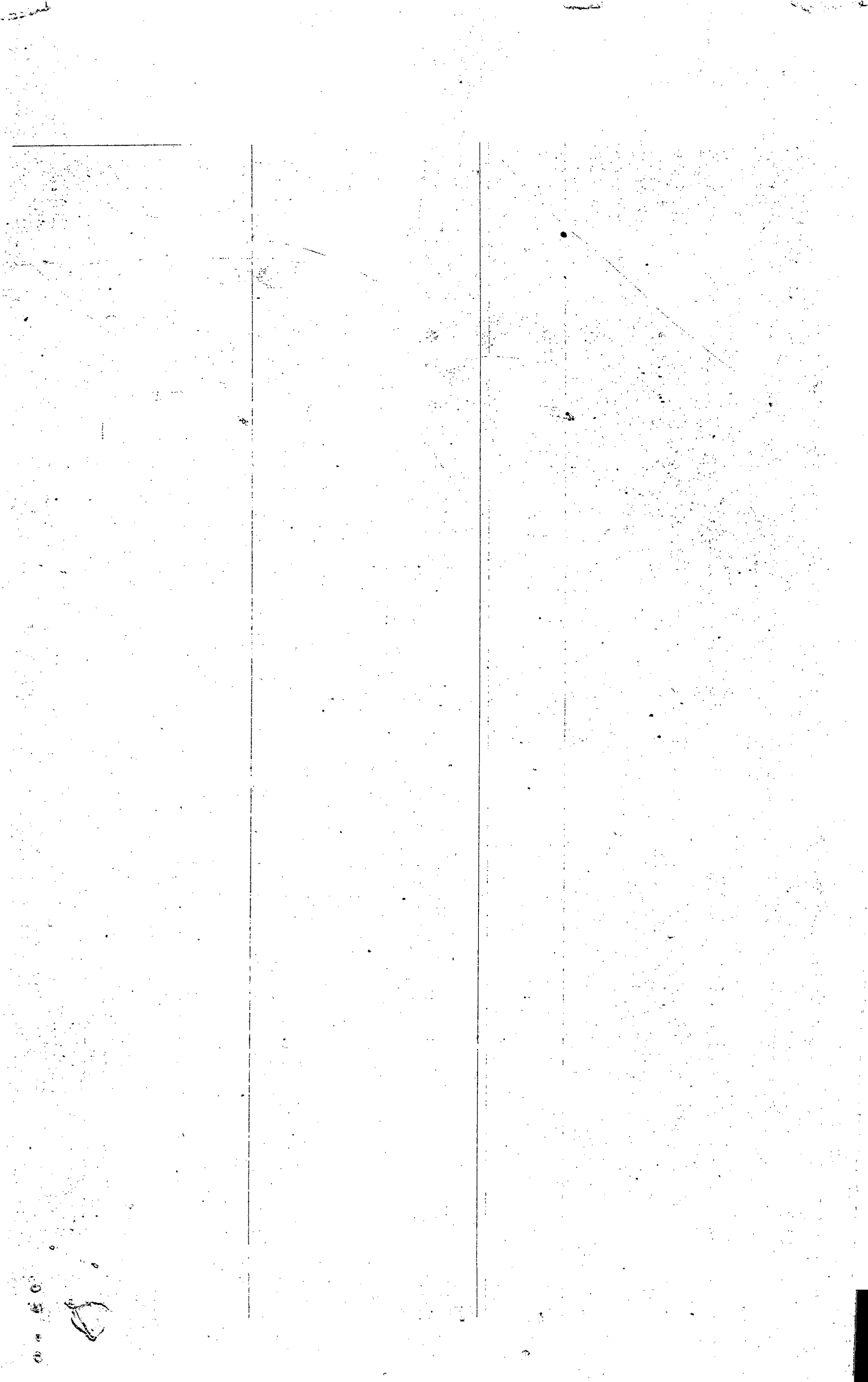
*De*

*[Signature]*









# بخدمت جناب ڈائریکٹر الیمینٹری اینڈ سیکنڈری ایجوکیشن

سول سیکریٹریٹ پشاور

Annex: F

عنوان: بمراد سیناری

(41)

جناب عالی!

گزارش ہے کہ سائل نے 1995 میں PTC کورس علامہ اقبال اوپن یونیورسٹی اسلام آباد سے پاس کیا ہے اور BA+PTC تک تعلیم یافتہ ہے۔ سائل نے سال 1999 میں محکمہ ایجوکیشن بنوں سے PST پوسٹ کے لئے کاغذات جمع کئے تھے، اس وقت سائل ٹیسٹ اور انٹرویو پاس کر کے میرٹ پر تعیناتی کا حقدار تھا لیکن سائل کو بد نیتی سے تعینات نہ کیا گیا، اور الیمینٹری کالج کے امیدواران جو سائل سے سیشن اور میرٹ اسکور میں کم تھے، تعینات کئے گئے۔ اس وقت سیشن وائز پالیسی تھی، جو 25% ضلع میرٹ اور 75% یونین کونسل کی بنیاد پر بھرتیاں کی جاتی تھیں۔ سیشن اور میرٹ کے لحاظ سے سائل تعیناتی کا حقدار تھا لیکن سائل کو اس وجہ سے نظر انداز کیا گیا کہ سائل نے PTC کورس AIOU سے پاس کیا تھا۔ اس طرح AIOU کے پاس شدہ امیدواران کو تعیناتی سے محروم رکھا گیا اور الیمینٹری کالج سے PTC کورس کے پاس شدہ امیدواران جو سائل سے سیشن میں کم اور LOW میرٹ سکور تھے، کو تعینات کیا گیا اور سال 1999 میں سائل کی ڈگری کو ماننے سے انکار کر دیا۔ جس پر عدالت عالیہ اور عدالت عظمیٰ نے DEO بنوں کے احکامات کو امتیازی سلوک قرار دے کر سائل اور دوسرے امیدواران کو 25% کوٹہ دیا گیا اور علامہ اقبال اوپن یونیورسٹی اور الیمینٹری کالج کی ڈگری مساوی قرار دی۔ سائل نے 25% کوٹہ کے تحت DEO بنوں کو تعیناتی کے لئے بار بار درخواست دی لیکن سائل پر اس طرح وقت گزرا کہ آج اور کل ہم آپ کو تعینات کر رہے ہیں۔ آخر کار DEO بنوں نے مورخہ 08-05-2017 کو سائل PST پوسٹ پر تعینات کرنے کا حکم صادر فرمایا۔

جناب والا! سائل کو عدالت عالیہ و عدالت عظمیٰ نے سال 1999 میں ٹیسٹ اور انٹرویو پاس کرنے، میرٹ پر پورا اترنے اور تعینات کرنے کے حقوق دئے ہیں، لیکن DEO بنوں نے سائل کے ساتھ دوبارہ دھوکہ، فراڈ، نا انصافی اور لولٹوریویشن کے خلاف سلوک کر کے مورخہ 08-05-2017 سے تعینات کیا ہے اور 1999 سیناری سے محروم رکھا ہے۔

لہذا آپ صاحبان سے استدعا ہے کہ سائل کو 1999 سے سیناری اور ساتھ تھو فیکسیشن دے کر مشکور فرمائیں۔

مورخہ: 02-02-2021

العارض

رابطہ: 0331-9174054

نصیب اللہ خان ولد نواب خان

PST جی پی ایس فاطمہ خیل کلاں بنوں

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*[Handwritten Signature]*

(42)

# بخدمت جناب سیکریٹری ایجوکیشن صوبہ خیبر پختونخواہ پشاور

عنوان: بمراد اسینارٹی

جناب عالی!

گزارش ہے کہ سائل نے 1995 میں PTC کورس علامہ اقبال اوپن یونیورسٹی اسلام آباد سے پاس کیا ہے اور BA+PTC تک تعلیم یافتہ ہے۔ سائل نے سال 1999 میں محکمہ ایجوکیشن بنوں سے PST پوسٹ کے لئے کاغذات جمع کئے تھے، اس وقت سائل ٹیسٹ اور انٹرویو پاس کر کے میرٹ پر تعیناتی کا حقدار تھا لیکن سائل کو بد نیتی سے تعینات نہ کیا گیا، اور ایلیمنٹری کالجز کے امیدواران جو سائل سے سیشن اور میرٹ اسکور میں کم تھے، تعینات کئے گئے۔ اس وقت سیشن وائز پالیسی تھی، جو 25% ضلع میرٹ اور 75% یونین کونسل کی بنیاد پر بھرتیاں کی جاتی تھیں۔ سیشن اور میرٹ کے لحاظ سے سائل تعیناتی کا حقدار تھا لیکن سائل کو اس وجہ سے نظر انداز کیا گیا کہ سائل نے PTC کورس AIOU سے پاس کیا تھا۔ اس طرح AIOU کے پاس شدہ امیدواران کو تعیناتی سے محروم رکھا گیا اور ایلیمنٹری کالجز سے PTC کورس کے پاس شدہ امیدواران جو سائل سے سیشن میں کم اور LOW میرٹ سکور تھے، کو تعینات کیا گیا اور سال 1999 میں سائل کی ڈگری کو ماننے سے انکار کر دیا۔ جس پر عدالت عالیہ اور عدالت عظمیٰ نے DEO بنوں کے احکامات کو امتیازی سلوک قرار دے کر سائل اور دوسرے امیدواران کو 25% کوٹہ دیا گیا اور علامہ اقبال اوپن یونیورسٹی اور ایلیمنٹری کالجز کی ڈگریا مساوی قرار دی۔ سائل نے 25% کوٹہ کے تحت DEO بنوں کو تعیناتی کے لئے بار بار درخواست دی لیکن سائل پر اس طرح وقت گزارا کہ آج اور کل ہم آپ کو تعینات کر رہے ہیں۔ آخر کار DEO بنوں نے مورخہ 08-05-2017 کو سائل PST پوسٹ پر تعینات کرنے کا حکم صادر فرمایا۔

جناب والا! سائل کو عدالت عالیہ و عدالت عظمیٰ نے سال 1999 میں ٹیسٹ اور انٹرویو پاس کرنے، میرٹ پر پورا اترنے اور تعینات کرنے کے حقوق دئے ہیں، لیکن DEO بنوں نے سائل کے ساتھ دوبارہ دھوکہ، فراڈ، نا انصافی اور لوزور ریگولیشن کے خلاف سلوک کر کے مورخہ 08-05-2017 سے تعینات کیا ہے اور 1999 سینارٹی سے محروم رکھا ہے۔

لہذا آپ صاحبان سے استدعا ہے کہ سائل کو 1999 سے سینارٹی اور ساتھ تجویز فیکسیشن دے کر مشکور فرمائیں۔

مورخہ: 02-02-2021

العارض

رابطہ: 0331-9174054

نصیب اللہ خان ولد نواب خان

PST جی پی ایس فاطمہ خیل کلاں بنوں

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43

0.235

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Rs. 50 Ps.

Received a registered\* addressed to

Date-Stamp

Initials of Receiving Officer with the word "insured" before it when necessary. Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

No.236

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Rs. Ps.

Received a registered\* addressed to

Date-Stamp

Initials of Receiving Officer with the word "insured" before it when necessary. Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

If insured.

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De

44

No. 235

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Rs. 50 Ps.

Received a registered\* addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer \_\_\_\_\_ (in words)

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender \_\_\_\_\_

Weight \_\_\_\_\_ Kilo \_\_\_\_\_ Grams \_\_\_\_\_

No. 236

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Rs. Ps.

Received a registered\* addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer \_\_\_\_\_ (in words)

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender \_\_\_\_\_

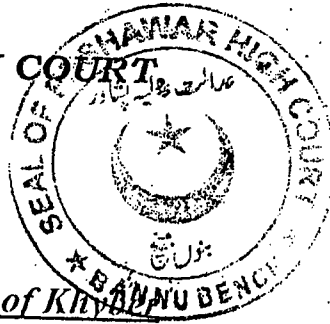
Weight \_\_\_\_\_ Kilo \_\_\_\_\_ Grams \_\_\_\_\_

RGL 53880049

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**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT  
BANNU BENCH.**  
(Judicial Department)



W.P No. 242-B of 2014

Farooq Khan etc Vs Government of Khyber

Pakhtunkhwa etc

**JUDGMENT**

Date of hearing 04/04/2016

Appellant-Petitioner Farooq Khan and others By

Pir Hamza-ud-Din Khan Adv.

Respondent Secretary and others By Qudus-ud-Din

Khan Gandapur Adv. A.G. of Farzand Ali Supdt.

HAIDER ALI KHAN J.- Farooq Khan and 16 others

petitioners seek constitutional jurisdiction of this Court praying

that :

“On acceptance of instant Writ  
petition, this honourable court  
may very graciously be directed  
the respondents to verify the  
service books of petitioners  
since 2000 and may also  
granted arrears/salaries since  
30/05/2000 till 2003”

*VS*

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*De*

**ATTESTED**

EXAMINER  
Peshawar High Court,  
Bannu Bench



46

2. Brief facts giving rise to the instant Writ petition are that initially some posts of Primary School teachers (PST) were advertised on 07/02/1999 in the Daily News paper by the District Education Officer (M), Bannu (respondent No.4), to which the petitioners had also applied being eligible and qualified for the said posts of PST having certificates of Primary School teachers from Allama Iqbal Open University Islamabad; that after qualifying the test and interview, merit list was prepared and those who were having Primary teaching certificates (PTC) from Elementary Colleges were appointed while the petitioners were not considered by the respondents at par with P.T.C teachers, having certificates from Government Elementary Colleges; that the petitioners approached the Peshawar High Court D.I.Khan Bench against such like discrimination vide Writ petition No.79/1999 which was allowed on 30/05/2000 by treating the petitioners at par with others while appointment orders of those who were appointed in pursuance of advertisement dated 07/02/1999, having certificates of P.S.T from Government Elementary Colleges, were also declared illegal, void ab-initio and having no sanctity in the eyes of law; that the said decision of Peshawar High court, D.I.Khan Bench was challenged by said appointed candidates before the august Supreme court of Pakistan in C.A No.1904 of 2000, CA No.1906 of 2000 and C.A No. 1907 of 2000 which were decided in their favour on 28/05/2002 and in compliance of that order, appointment orders

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*[Signature]*

ATTESTED

EXAMINER  
Peshawar High  
Bannu

47

of the petitioners were issued. Relevant portion of said order dated 01/07/2002, issued by Executive District Officer, Literacy and Education, Bannu is reproduced herein below:-

*"His arrear/appointment will be considered with effect from 30.05.2000 as per the decision/judgment of the Hon'ble Peshawar High Court, DIKhan Bench (announced on 30/05/2000), but their pay will be drawn with effect from taking over charge, i.e 01/09/200".*

- 4) The petitioners time and again requested the respondents to verify the service books of petitioners since 2000 and they may also be granted arrears/salaries since 30/05/2000 till 2003" but invain, hence the instant Writ petition.
3. The comments were invited from the concerned respondents, which were submitted accordingly, wherein prayer for dismissal of instant Writ petition has been made.
4. We have heard valuable arguments of the learned counsel for the parties and gone through the record appended with the petition.
5. Learned counsel for petitioner argued that respondents refused to verify the service books of petitioners since 2000 and to grant arrears/salaries since 30/05/2000 till 2003" with malafide and without any justification. He relied on

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*De*

**ATTESTED**

*J*  
**EXAMINER**  
**Peshawar High Court,**  
**Bannu Bench**

48

judgment delivered by this court in WP No.62 of 2008 on 10/05/2011.

6. From perusal of the record, it appears that the appointment orders of the petitioners were outcome of the judgment of the Peshawar High court and in this respect, petitioners have faced the ordeal of lengthy litigation upto the august Supreme Court of Pakistan and after their appointment orders, their service books were issued and entries were also made therein. Admittedly grievances of petitioners stand redressed except verification of service books of petitioners, while in similar circumstances Abbot Abad Bench of this Court has allowed the following Writ petitions whereby the petitioners of those petitions were held entitled for their arrears/back benefits. The act of the respondents was also declared against the constitution:-

*"WP No.543-A/2012, titled Babar Illahi & others VS Government of Khyber Pakhtunkhwa etc decided on 29/03/2011 as well as Writ petition No.62/2008 of 2008, titled Muhammad Saeed & others Vs Government of Khyber Pakhtunkhwa, etc, decided on 10/05/2011"*

7. Thus it is very much clear that it is incumbent upon the respondents to consider and to verify their respective service books from the date of their appointment and similarly their

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ATTESTED

EXAMINER  
Peshawar High Court

49

salaries need to be fixed right from their dates of appointment and are also entitled for their arrears and salaries.

8. In light of the above, coupled with the judgments of this court as well as august Supreme Court of Pakistan, this writ is allowed and respondents are directed to verify the service books of petitioners in accordance with law.

Announced.  
Dt.04/04/2016

Sd/- Muhammad Ghazanfar Khan, J

Sd/- Halder Ali Khan

CERTIFIED TO BE TRUE COPY

*[Signature]*  
Examiner

Peshawar High Court Baran Branch  
Authorized Under Article 87 of  
The Oath and Affidavit Order 1984

*[Handwritten notes]*  
11/15/2016

Azmat Awan

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*[Signature]*

"A"

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

No.

APPEAL No.....5733..... of 2021. SB

Naseebullah Khan

Appellant/Petitioner

Versus

secy to govt of kPk, education depart, civil secretariat  
khyber road, Peshawar. RESPONDENT(S)

Responent III  
Notice to Appellant/Petitioner secy to govt of kPk,  
Education depart, civil secretariat, khyber  
road, Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing,  
~~replication, affidavit/counter affidavit/record/arguments/order~~ before this Tribunal  
on 18/07/2022 at 9:00 am.

You may, therefore, appear before the Tribunal on the said date and at the said  
place either personally or through an advocate for presentation of your case, failing  
which your appeal shall be liable to be dismissed in default.

For Reply  
(Copy Already Sent)

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"A"**

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

No.

SB

APPEAL No. 5733 of 2021.

Naseeb Ullat Khan

**Appellant/Petitioner**

**Versus**

Education depart, civil secretariat, khyber road  
Peshawar

**RESPONDENT(S)**

2008/2011  
**Notice to Appellant/Petitioner** Education Dept KP  
through its director civil secretariat  
Khyber road Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/07/2022 at 11:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*For Reply*  
*(Copy Already Sent)*  
*[Signature]*

**Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

"A"

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

No.

Regd

APPEAL No.....5733..... of 2021 . SB

Naseeb ullah khan

Appellant/Petitioner

Versus

Education depart, civil secretariat, khyber  
 Road, Peshawar. **RESPONDENT(S)**

Respondent (3)  
 Notice to Appellant/Petitioner District Education officer  
 (Male), Bannu.

Take notice that your appeal has been fixed for Preliminary hearing,  
~~replication, affidavit/counter affidavit/record/arguments/order~~ before this Tribunal  
 on 15/07/2022 at 9:00 am.

You may, therefore, appear before the Tribunal on the said date and at the said  
 place either personally or through an advocate for presentation of your case, failing  
 which your appeal shall be liable to be dismissed in default.

For Reply

(Copy of Appeal  
Already Sent)

Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

"A"

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

No.

Regd

APPEAL No.....5733..... of 2021. SB

Naseeb ullah Khan

Appellant/Petitioner

Versus

Education depart, civil secretariat, khyber  
 Roads Peshawar. **RESPONDENT(S)**

Respondent (3)  
 Notice to Appellant/Petitioner District Education officer  
 (Male), Bannu.

Take notice that your appeal has been fixed for Preliminary hearing,  
~~replication, affidavit/counter affidavit/record/arguments~~/order before this Tribunal  
 on 18/07/2022 at 9:00 am

You may, therefore, appear before the Tribunal on the said date and at the said  
 place either personally or through an advocate for presentation of your case, failing  
 which your appeal shall be liable to be dismissed in default.

For Reply

(Copy of Appeal  
 Already Sent)

Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.



**"B"**

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

No.

Appeal No..... 533 ..... of 20 21

Asadullah Khan ..... Appellant/Petitioner

Versus

Sery. Edu: KPK ..... Respondent  
Respondent No..... 2 .....

Notice to: — Elementary & Secondary Edu: Dept. Through its Director

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on..... 30-11-21 ..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this..... 1/11 .....

Day of..... Sep ..... 20 21

(for Reply)



Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

22/9/

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

**"B"**

Khyber Pakhtunkhwa Service Tribunal/2

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

No.

Appeal No. 5733 of 2021.

Naseebullah Khan Appellant/Petitioner

Versus

Secy: Edu: KPK Respondent

Respondent No. 1

Notice to:

Secretary to Govt of KPK Edu: De

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration of the above case by the petitioner in this Court and notice has been ordered to issue. I hereby inform you that the said appeal/petition is fixed for hearing before the Tribunal on 30-11-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by Advocate, duly supported by your power of Attorney. You are, therefore, required to appear at this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in the event of your default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 15<sup>th</sup>

Day of Sep 2021.

(For Reply)

[Signature]

[Signature]  
Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.