

15.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 10.05.2022 for the same as before.

  
Reader

10.05.2022

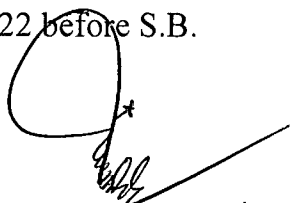
Nemo for appellant.

Notice be issued to appellant/counsel for 13.07.2022 for preliminary hearing before S.B.

  
(Rozina Rehman)  
Member (J)

13.07.2022

Junior of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Last opportunity is granted. To come up for preliminary hearing on 13.09.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

18.10.2021

None for the appellant present.


Due to general strike of the Bar, the case is adjourned. Notices be issued to the appellant and his counsel. To come up for preliminary hearing before the S.B on 21.12.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

21.12.2021

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 15.02.2022 for preliminary hearing before S.B.

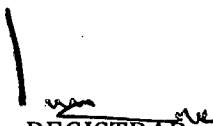

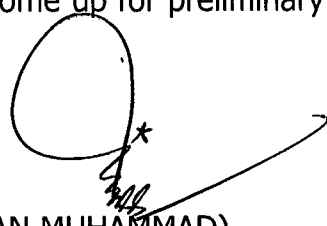
  
(Rozina Rehman)  
Member (J)

Form- A

FORM OF ORDER SHEET

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

Case No.- 7088 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/07/2021	<p>The appeal of Mr. Hakimullah presented today by Mr. Saif Ali Khan 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-	03.09.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>Learned counsel for the appellant sought time for further preparation of arguments. Adjourned. To come up for preliminary hearing before the S.B on 18.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

7088  
APPEAL NO. \_\_\_\_\_/2021

HAKIM ULLAH

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	.....	1- 3.
2	Affidavit	.....	4.
3	Appointment order	A	5.
4	Medical certificate & charge report	B & C	6- 7.
5	Service book	D	8- 10.
6	Withdrawal order	E	11.
7	Departmental appeal & judgment	F & G	12- 17.
8	Adjustment order	H	18.
9	Medical certificate	I	19.
10	Departmental appeal	J	20.
11	Wakalat nama	.....	21.

  
APPELLANT

THROUGH:

  
SAIF ALI KHAN  
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. \_\_\_\_\_/2021

Mr. Hakim Ullah, Naib Qasid,  
GHSS Morilasht, District Chitral.....APPELLANT

VERSUS

- 1- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer, District Chitral.
- 3- The District Account Officer, District Chitral.

.....APPELLANT

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 21.05.2018 WHEREBY THE APPELLANT HAS BEEN ADJUSTED AGAINST THE POST OF NAIB QASID W.E.F. 24.04.2018 INSTEAD OF 27.01.2015 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 21.05.2018 may very kindly be modified/ rectified to the extent of adjustment of the appellant w.e.f. 27.01.2015 with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was initially appointed as Naib Qasid in the respondent Department vide order dated 20.12.2014. That after appointment the appellant submitted his charge report on 12.01.2015 and started performing duty at the concerned station quite efficiently and upto the entire satisfaction of her superiors. Copies of the appointment order, medical certificate, charge report & Service book are attached as annexure.....A, B, C & D.
- 2- That appellant while performing his duty at the concerned station unfortunately an order dated 27.01.2015 issued by the respondent No.2 whereby the appointment order of the appellant was withdrawn. Copy of the order dated 27.01.2015 is attached as annexure.....E.

3- That feeling aggrieved from the order dated 27.01.2015 the appellant preferred departmental appeal followed by writ petition No.66-M/2015 which was accepted by the Honourable Peshawar High Court, Mingora Bench vide judgment dated 24.04.2018. Copies of the Departmental appeal and judgment are attached as annexure.....F & G.

4- That the respondent department implemented the judgment passed by the Honourable Peshawar High Court Mingora Bench adjusted the appellant against the post of Chowkidar at GHSS Morilasht, District Chitral vide order dated 21.05.2018 w.e.f. 24.04.2018 instead of 27.01.2015. Copies of the adjustment order & medical certificate are attached as annexure..... H & I.

5- That appellant feeling aggrieved from the impugned order dated 21.05.2018 preferred departmental appeal before the respondent No.1 but no reply has been received so far. Copy of the departmental appeal are attached as annexure.....J.

6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

A- That the impugned order dated 21.05.2018 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be modified to the extent of adjustment of the appellant with all back benefits w.e.f 27.01.2015 till 21.05.2018.

B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article- 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

C- That the respondents acted in arbitrary and malafide manner by adjusting the appellant against the post of Chowkidar w.e.f. 24.04.2018 is not tenable in the eye of law and liable to be modified/rectified by adjusting the appellant w.e.f. 27.01.2015 with all back benefits.

D- That as per judgment of the Apex Court the appellant is fully entitled for adjustment w.e.f. 27.01.2015 with all back benefits accepts seniority.

E- That not adjusting the appellant w.e.f. 27.01.2015 is the clear violation of the principle of natural justice.

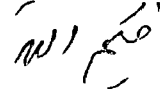
F- That during the period w.e.f 27.01.2015 till 21.05.2018 has not been served in any other department/institution and the same period has been spent in unemployment, therefore the in light of the judgment of Superior Court the appellant is fully entitled for the grant of back benefits.

G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of appellant may be accepted as prayed for.

Dated: 28.07.2021

APPELLANT



HAKIM ULLAH

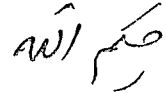
THROUGH:



SAIF ALI KHAN  
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.



DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

APPEAL NO. \_\_\_\_/2021

HAKIM ULLAH

VS

EDUCATION DEPTT:

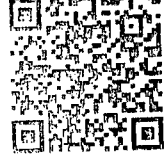
AFFIDAVIT

I Saif Ali Khan, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



SAIF ALI KHAN,  
Advocate  
High Court, Peshawar





پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ: سید عبدالرزاق  
 بار کونسل ایسوسی ایشن نمبر:  
 رابطہ نمبر: 0314-9053548

بعد ازاں جناب: سید سید علی حسرت

مخانب: ضلعیم اللہ	دعویٰ:
ضلعیم اللہ	علت نمبر:
پیغام	Service
المجوسہ وقتوں	مورخہ:
	جرم:
	تھانہ:

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی کاروائی متعلقہ  
 آن مقام کی ہر کیلے سید سید علی حسرت، سید زمان خان کو اختیار کر کے  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا ٹیٹل نہ 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ 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 یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 21: 28787

المقام:

نوٹ: اس کا کوئی نوٹ کو اپنی ناسمیل قبول ہوگی۔

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

A - (5)

OFFICE ORDER

Consequent upon the recommendation of the Departmental Selection Committee in its meeting held on 19-12-2014 and in pursuance of the sub Rule (4) of Rule-10 of the Civil Servants (Appointment, Promotion & Transfer) Rule, 1989, appointment of Mr. Hakimullah S/O Hakim Khan resident of Shaghur Mori Tehsil & District Chitral is hereby ordered against the vacant posts of Naib Qasid at GHSS Morilasht Chitral in BPS-01 @ Rs.(4800-150-9300) plus usual allowances as admissible under the rules with effect from his taking over charge in the best interest of public service, subject to the terms and conditions noted below.-

TERMS & CONDITIONS

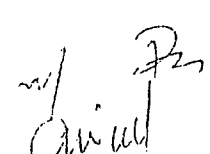
1. His appointment is purely temporary and liable to termination at any time.
2. He should produce health and age Certificate from Medical Superintendent District Headquarter Hospital Chitral.
3. He will be governed by such rules/regulations issued by the Government from time to time.
4. If any appeal is filed by any one against him and accepted by the Court, then his appointment will stand automatically cancelled and the Department will take no responsibility of it.
5. He should not be handed over charge if his age exceeds 40 years (40 +3 for backward area-43) and below 18 years.
6. The appointee should submit an affidavit regarding regularity in duty. In case of irregularity he will be terminated from service.
7. Charge Report should be submitted to all concerned.
8. If he fails to take over charge of the post within 15 days after the issue of this order, then offer of appointment shall stand cancelled.

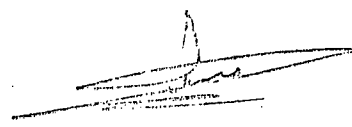
(Moin-ud-Din Khattak)  
District Education Officer (Male)  
Chitral

Endst. No 16545-50 /EB(M)/A-8/Apptt.C-IVs.  
Copy forwarded to the:-

Dated Chitral the 20/12/2014

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar, for information, please.
2. District Accounts Officer Chitral, for information, please.
3. Principal GHSS Morilasht, for information, please.
4. District Monitoring Officer, Chitral, for information, please.
5. Candidate concerned, for information.

  
District Education Officer (Male)  
Chitral.



MEDICAL CERTIFICATE.

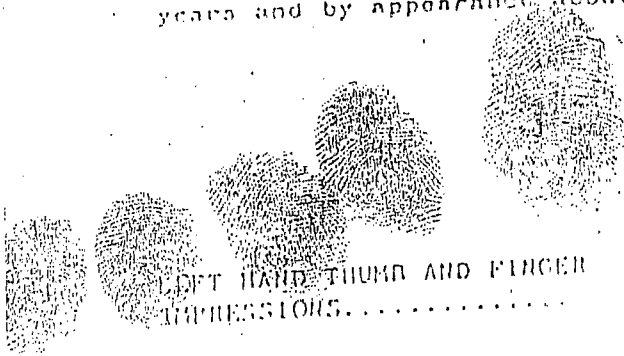
3-6

Name of Official Mr. Hakimullah  
 Caste or race Muhajir  
 Father's Name Mr. Hakim Khan  
 Residence Village Saughoor P/O Mori Lasht (Mori Parren)  
Tehsil & District Chitral.  
 Date of birth 15-06-1992  
 Exact height by measurement 5' 5"  
 Personal mark of identification NIL  
 Signature of the Official Hakimullah  
 Signature of head of office

*[Signature]*  
 Seal of Office Dy. District Education Officer (Male) Chitral

I do hereby certify that I have examined Mr. Hakimullah a candidate for employment in the office of the District Education Officer (M) Chitral and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL  
 I do not consider this as disqualification for employment in the office of the DEO (M) Chitral. His age according to his own 23 years and by appearance about Twenty Three years.

12/1/2015



*[Signature]*  
 Medical Superintendent,  
 Civil Hospital,  
 MEDICAL SUPERINTENDENT  
 DHO HOSPITAL CHITRAL

12/1/2015

CERTIFICATE OF TRANSFER OF CHARGE

12/01/2015

Certified that we have on the fore/afternoon of this day respectively made over and received charge of this office of the Principal GHSs Mani Lakshmi central vide DEO(M) FESS order No 176 E 8 (M) of A-6/A.P. # 100 C-105 dated 12/01/2015 handed over are noted on the revers. —

Signature of relieved Government servant

Station GHSs Mani Lakshmi Designation A.P.

Signature of relieving Government servant Mani Lakshmi

Dated 12/01/2015 Designation Mani Lakshmi

Forwarded to the O.D.E, R.P.A. & D.A.O central

S. No. P. Accs: Tryl No. 121

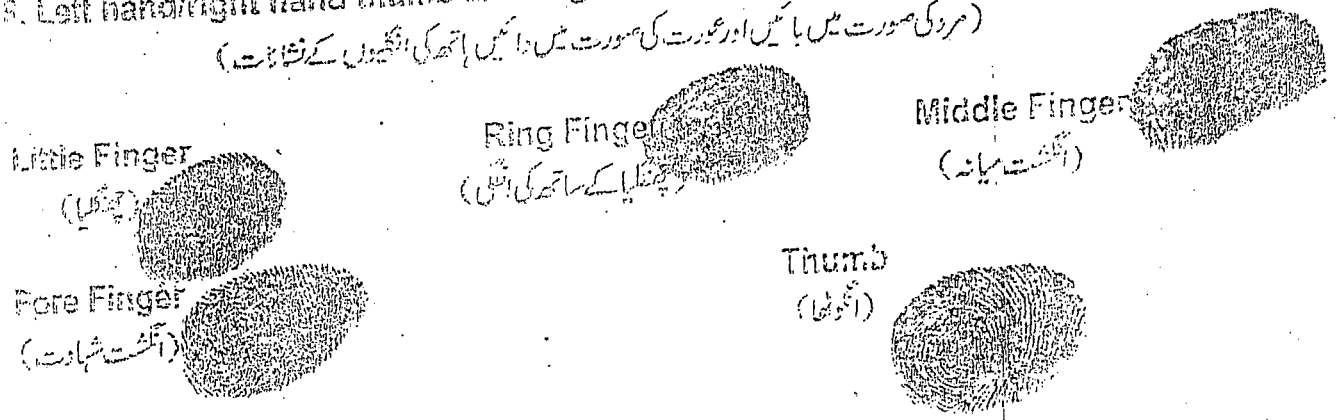
- ③ principal GHSs Mani Lakshmi
- ④ personal copy

Mani Lakshmi

12/1/2015

- 1- Name (نام) Hakimullah
- 2- Nationality and Religion Islam Pakistani
- 3- Residence (قومیت اور مذہب) Vill: Shaghore Mori Teh: Dist: Chitral
- 4- Father's name and residence (مستقل رہائش) Hakim Khan R/o Mor
- 5- Date of birth by christian are as nearly as can be ascertained (والد کا نام اور پتہ) 15-06-1992
- 6- Exact height by measurement (تاریخ پیدائش مطابق سن مسیوی) 5' 1 feet 5' 1 inch
- 7- Personal mark of identification (قد و قامت) MLL
- (نشان شناخت)

8. Left hand/right hand thumb and finger-impressions of (Non-gazetted officer)  
 (مرد کی صورت میں بائیں اور صورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)



9. Signature of Govt. Servent  
 (سرکاری ملازم کے دستخط)

*[Handwritten signature]*

10. Signature and designation of the Head of the Office of other Attesting officer  
 (اتھارٹیٹنگ آفیسر کے دستخط اور نام)

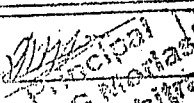
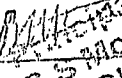
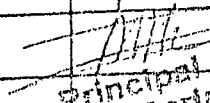
12/11/2015

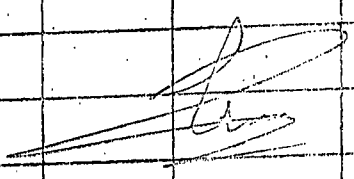
*[Handwritten signature]*  
 Principal  
 G.H.S. Moriast  
 Dist: Chitral

Note: The entries in this page should be renewed or re-attested at least every five years on 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 لیے نئے تاریخ انگٹھی چاہیے۔ انگلیوں کے نشانات کے لیے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

*[Handwritten signature]*

3	10	11	12	13		14	15	
Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8  دستخط انسر مجاز	Date of termination or appointment  تاریخ انتقال ملازمت	Reason of termination (such as promotion, transfer, dismissal)  وجوہات انتقال ملازمت ترقی تبادلہ یا برطرفی	Signature of the head of the office or other Attesting officer  دستخط انسر مجاز	Nature and duration of leave taken  رضعت کی نوعیت و معیار	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitible to another Government  مبارہات کی رضعت کے لیے اسے اتوارہا کا تہیں  Period عرصہ  Government to which debitible گورنمنٹ جس رہ ادارہ کی		Signature of the Head of the office or other attesting Officer  دستخط انسر مجاز	Referen any recc punishment censure, t or praised Govern server  یا جزا یا سناپ رکڑ کی کا ریکارڈ
 Principal G.H.S. Morilash Distt. Chitral	12/11/2015		 G.H.S. Morilash Distt. Chitral		Appointed as NS in G.H.S. Morilash wide DEO CM) Endt. No: 16545-50/EB CM)A-6 A/AT: of Class-IV dai 20-12-2014.			
							 Principal G.H.S. Morilash Distt. Chitral	
								12/11/2015





1 Name of Post درجہ ملازمت	2 Whether Substantive or officiating and whether permanent or temporary عارضی مستقل یا قائم مقام	3 If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو رول کے مطابق پنشن کا مستحق ہے؟	4 Pay in substantive position تنخواہ بطور عارضی ملازمت		5 Additional pay for officiating زائد تنخواہ بطور قائم مقام		6 Other emoluments falling under the term pay ماسوائے تنخواہ دیگر الاؤنس	7 Date of appointment تاریخ تقرری	8 Signature of Government servant دستخط سرکاری ملازم
			Rs.	Ps.	Rs.	Ps.			
NA (Rs 4500-150-9300) BPS-01			Rs 4800	=				20/12/2014	[Signature]
<del>_____</del>									
R/1/2015									

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL.  
WITHDRAWAL / CANCELLATION OF APPOINTMENT ORDER.

Appointment order issued vide this office order Endorsement No. 50 EB(M)/A-6/Apptt. C-IVs dated 20-12-2014 in respect of Mr. Hakimullah Khan resident of Shagur Mori Tehsil & District Chitral as Naib Qasidat at GHSS, is hereby withdrawn/cancelled with effect from the date of issue i.e 20-12-2014 on non compliance of order.



(Moin-ud-Din)  
District Education Officer

Endst. No. 1770-74 /EB(M)/A-6/Apptt. C-IVs

Dated 27/10/2015

Copy forwarded to the:-

1. Deputy Commissioner Chitral, for information.
2. District Monitoring Officer Chitral, for information.
3. District Accounts Officer Chitral, for information.
4. Principal GHSS Morilashit, for information.
5. Mr. Hakimullah S/O Hakim Khan resident of Shagur Mori Tehsil & District Chitral for information.

 District Education Officer  


27/11/2015



The Honorable Director (E&SE) Department,  
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL FOR DIRECTING  
THE DISTRICT EDUCATION OFFICER (M) AND  
PRINCIPAL OF GHSS MORILASHT CHITRAL  
TO ACCEPT THE ARRIVAL REPORT OF THE  
APPELLANT

Respected sir,

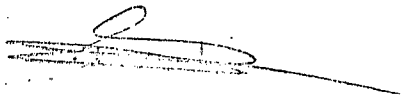
Most humbly appellant begs to submit as under:

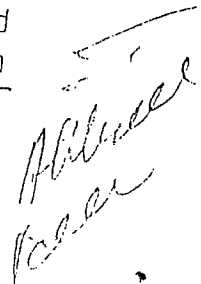
- 1- That appellant was appointed as Naib Qasid (BPS-2) in the Education Department on the proper recommendations of Departmental Selection Committee vide order dated ~~2012-2014~~ communicated to the appellant on 10.1.2015. That in response the appellant got himself examined from the Medical Superintendent, DHQ Hospital Chitral.
- 2- That after appointment and medical the appellant visited the concerned school i.e. GHSS Morilasht Chitral to submit his arrival report.
- 3- That astonishingly the concerned school principal refused the arrival report of the appellant without any reason and clear justification though the have gone through all the procedure and have been validly appointed on the post of Naib Qasid (BPS-2).
- 4- That feeling aggrieved the appellant filed application before the District Education Officer (M) District Chitral but no reply has been received so far.

GROUND:

- A- That not allowing the appellant to submit his arrival report is against the law, facts and norms of natural justice.
- B- That the appellant has not been treated by the concerned authority in accordance with law and rules on the subject noted above and as such the concerned authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

25/9/15  
2/10/15





20/1/2015

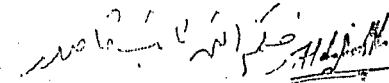
12

- 13
- 20
- C- That the concerned authority acted in arbitrary and malafidy manner by not accepting the arrival report of the appellant as Naib Qasid (BPS-2).
  - D- That the concerned authority discriminated the appellant by not accepting the arrival report of the appellant just to accommodate his blue eyed person.
  - E- That appellant seeks permission of your good self to advance other grounds and proofs at the time of hearing.

It therefore most humbly prayed that on acceptance of this Departmental appeal the concerned authorities may very kindly be directed to accept the arrival report of the appellant. Any other remedy which your good self deems may also be awarded in favor of appellant.

Dated: 20- 1-2015

Your's Sincerely,



Hakimullah Naib Qasid (BPS-2),  
GHSS Morilasht, District Chitral,

20-1-2015

G-14

JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
MINGORA BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)



W.P 66-M/2015

Hakim Ullah

(Petitioner)

Versus

Govt. of Khyber Pakhtunkhwa through Secretary,  
Education Civil Secretariat, Peshawar and 02 others.

(Respondents)

Present:

Mr. Noor Muhammad Khattak, Advocate for  
the petitioner.

Muhammad Rahim Shah, A.A.G for the official  
Respondents alongwith Mr. Ihsanul Haq, DEO  
(M) Chitral.

Date of hearing: 24.04.2018

JUDGMENT

MUHAMMAD GHAZANFAR KHAN, J.-

Through this petition, petitioner is imploring the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan with the following relief.

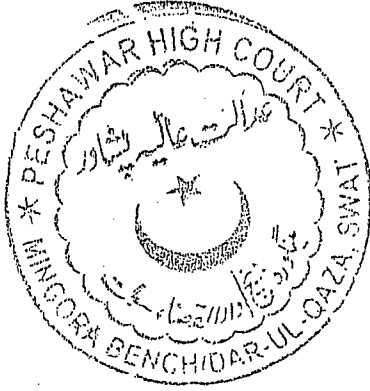
"It is, therefore, requested that on acceptance of this writ petition, the order dated 27.1.2015 may kindly be set aside and the petitioner may be reinstated in service with all back benefits."

2.

Brief facts as averred in the petition are that the present petitioner, after proper

ATTESTED

15



procedure, was appointed as Naib Qasid at G.H.S.S Mori Lasht, Chitral vide appointment order bearing Endst: No. 16545-50/EB(M)/A-6/Apptt.C-IVs dated 20.12.2014 and he was communicated the appointment order on 10.01.2015, in response to which, the petitioner took over charge of the post on 12.01.2015 and his service book was prepared but suddenly on 27.1.2015, his appointment order was withdrawn by the Respondent No.3. The petitioner submitted departmental appeal before the Respondent No.2 but so far no reply, hence, this petition.

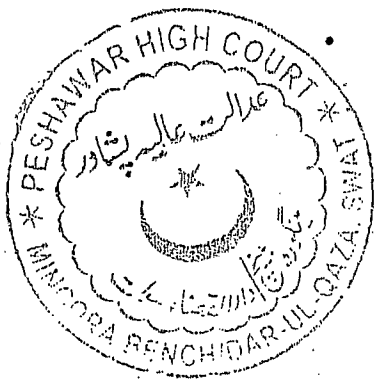
3. On the directions of this Court, the Respondent No.3 filed his comments.

4. Learned counsel for the petitioner argued that the only allegation of the respondents against the petitioner is he has never joined the service within the stipulated period, which is not a justifiable reason for the withdrawal of the appointment order of the petitioner as after receipt of the appointment order on 10.01.2015, he has joined service on 12.01.2015, within two days.

ATTESTED

16

5. Perusal of the record would transpire that the petitioner was appointed as Naib Qasid vide endorsement No. 16545-50/EB(M)/A-6/Apptt.C-IVs dated 20.12.2014 and the respondents only emphasized that according to the terms and conditions particularly contained in Para No.8 of the appointment order, the petitioner did not join the post within the stipulated period of 15 days of issuance of the appointment order. The learned counsel for the petitioner contended that the petitioner after receipt of the appointment order on 10.1.2015 has submitted the arrival report in the School on 12.1.2015, which fact is proved by the annexure 'C' of the writ petition. The learned counsel for the petitioner further pointed out that after taking over the charge by the petitioner, his appointment order was suddenly withdrawn on 27.1.2015, which is a nullity in the eye of law as the petitioner after joining the service has become a civil servant and for dismissal or removal of a civil servant, the criteria laid down in Services Laws which should have been observed.

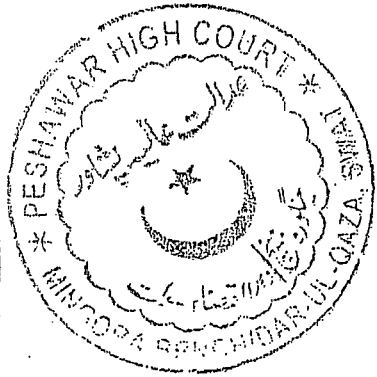


*[Handwritten signature]*

*[Handwritten signature]*

ATTESTED  
 I hereby certify that the above is a true and correct copy of the original as filed in the Court of Law.

17

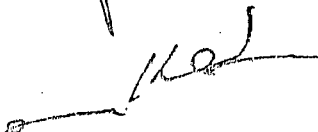


6. The Respondent No.3 i.e. the District Education Officer, Chitral appeared in person in response to an order passed by this Court and when he was confronted with the situation that how after joining the service by the petitioner that too without any objection by the respondents, the withdrawal of the appointment order was passed without observing the coding formalities, he candidly conceded that the petitioner will be adjusted against any vacant post. So, in such circumstances, this writ petition is allowed and the respondents are directed to adjust the petitioner on any vacant post of Class-IV as early as possible.

Announced  
24.04.2018

  
JUDGE

on behalf of .....  
 Name of Applicant..... Harisuddin  
 Date of Presentation of Application..... 2-5-18  
 Date of Completion of Copies..... 2-5-18  
 No of Copies..... 8  
 Urgent Fee.....  
 Fee Charged..... 16/-  
 Date of Delivery of Copies..... 2-5-18

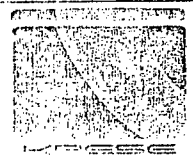
  
JUDGE

Certified to be true copy



  
EXAMINER  
Peshawar High Court, Mingora/Dar-ul-Qaza, Swat

H - 18

	<b>OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)</b> <b>CHITRAL</b> PHONE NO. 0943-412627 EMAIL ADDRESS: <a href="mailto:deomchitral@gmail.com">deomchitral@gmail.com</a> .
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OFFICE ORDER.

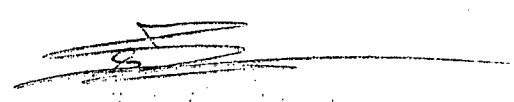
Whereas Mr, Hakim Ullah S/O Hakim Khan Resident of Village Shaghur Mori Tehsil and District Chitral was appointed against vacant Naib Qasid Post at Govt Higher Secondary School Morilasht Chitral vide order No. 16545-50/EB (M) / A-6/ Apptt: /Class-IVs dated 20/12/2014. Whereas the appointment order was withdrawn/ cancelled by District Education Officer (M) Chitral vide this office order No. 1770-74/EB (M) / A-6/ Apptt: /Class-IVs dated 27/01/2015. Whereas the said class-IV filed a case in Honorable Khyber Pakhtunkhwa Peshawar High Court Mingora Bench Dar Ul Qaza Swat against the cancellation order. Whereas Honorable Khyber Pakhtunkhwa Peshawar High Court Mingora Bench Dar Ul Qaza Swat ordered in his decision, that the respondents are directed to adjust the petitioner on any vacant post of Class-IV as early as possible. Whereas in the light of Honorable Peshawar High Court Mingora Bench Dar Ul Qaza Swat, Mr. Hakim Ullah S/O Hakim Khan is hereby adjusted at Govt Higher Secondary School Morilasht district Chitral against vacant Chowkidar post with effect from 24/04/2018.

(Jhsan-Ul-Haq)  
District Education Officer,  
(Male) Chitral.

Endst: No. 12160-66 /EB (M) A-6/ Apptt: C-IVs dated Chitral the 21 / 05 /2018.

Copy forwarded to the:-

1. The Honorable Registrar Khyber Pakhtunkhwa Peshawar High Court Mingora Bench Dar Ul Qaza Swat with ref to judgment Writ Petition No. 66-M dated 24/04/2018 for information, please.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar for information, please.
3. District Accounts Officer Chitral for information, please.
4. District Monitoring Officer (IMU) Chitral for information, please.
5. Principal Govt Higher Secondary School Morilasht for information and further necessary action.
6. DEMIS of local office for information.
7. Official concerned for information.



  
District Education Officer,  
(Male) Chitral.

97-55-2018

MEDICAL CERTIFICATE

(19)

Name of Official ..... Mr. Hakim ullah

Caste or Race ..... Sighmeya

Father's Name ..... Mr. Hakim Khan

Residence ..... Village Shaghuir Mori Tehsil and District Central

Date of Birth ..... 15-06-1992

Exact height by measurement ..... 5' 6"

Personal marks of identification ..... NIL

Signature of head of office .....

Seal of Office .....  
District Education Officer  
(Distt) Central  
21/5/2018

I do hereby certify that I have examined Mr/Mrs Hakim ullah  
Candidate for employment in the Office of the Distt Education Officer (M) Central  
And cannot discover any disease communicable of other constitutional effect or  
Bodily infirmity except .....

I do not consider this as disqualification for employment in the office of; DEO (M)  
office Central ..... his/her age according to  
His/her own statement ..... 26 ..... years and by appearance about Twenty Six Years.

LEFT HAND THUMB AND FINGER IMPRESSIONS .....

Medical Superintendent,  
Civil Hospital .....

21-5-2018

21/5/2018



بخدمت جناب سید سوری ایجوکیشن اینڈ سیکنڈری

ایجوکیشن، خیبر پختونخوا، پشاور

حکمانہ اپیل بغرض ادائیگی سابقہ مراعات (Back Easements)

جناب عالی! گزارش ہے۔

1- یہ کہ مسائل کی تقرری بحیثیت کلاس فور گورنمنٹ ہائر سیکنڈری سکول سوری ٹسٹ مورخہ 20/12/2014 کو ہوئی تھی اور 10/01/2015 کو نئے اطلاع دی گئی جس پر یہ مسائل 12/01/2015 کو چارج سنبھال لیے۔

2- یہ کہ مورخہ 27/01/2015 کو تیسرے چارج لینے کی وجہ سے مسائل کا آرڈر کینسل کر دیا گیا جس کے خلاف مسائل عدالت عالیہ پشاور ہائی کورٹ میں پیش کش داخل کر دی جس کا فیصلہ مسائل کے حق میں 24/04/2018 کو ہوا۔ (نقل فیصلہ لقمہ ہے)۔

3- یہ کہ عدالت کے فیصلے کے بعد سے مسائل کو تنخواہ اور دوسری مراعات دیئے گئے ہیں جبکہ مسائل کی تقرری 20/12/2014 کو ہوئی تھی اور مسائل اپنے تقرری کے تاریخ 20/12/2014 سے تنخواہ اور دوسرے مراعات کا حقدار ہے۔

4- یہ کہ مسائل بارہا اپنے ڈسٹرکٹ ایجوکیشن آفیسر سے درخواست کرتا رہا تاہم کوئی نتیجہ اب تک نہیں آیا۔

لہذا استدعا ہے کہ بحیثیت سوری اپیل ہذا مسائل کو 20/12/2014 سے تمام تنخواہ اور مراعات دی جائے اور مسائل کے ملازمت کو 20/12/2014 سے سینیارٹی میں شامل فرمایا جائے۔

عرے

حکیم انور ولد حکیم خاں

پاکستان GHSS سوری ٹسٹ چترال اور

شناختی کارڈ: 9-2694989-15201

موبائل نمبر: 0340-9898715

