

18.06.2015

Agent of counsel for the appellant and Asstt: AG for the respondents present. Agent of counsel for the appellant requested for adjournment as counsel for the appellant was busy before Dar-Ul-Qaza, Swat. Adjourned to 24.06.2015 for preliminary hearing before S.B.


Member

24.06.2015

Agent of counsel for the appellant and Assistant A.G for respondents present. Counsel for the appellant is stated busy before Darul Qaza. Adjourned to 29.7.2015 for preliminary hearing before S.B.


Chairman

29.07.2015

Counsel for the appellant present. Learned counsel for the appellant intends to further document the appeal including the placing of judgment of Hon'ble High Court passed in Writ Petition in favour of the appellant. May do so within a fortnight where-after appeal be fixed for preliminary hearing on 3.9.2015 before S.B.


Chairman

03.09.2015

None present for appellant despite repeated calls. Even the appeal has not been documented within the time specified by the Court. The Court time is over. The appeal is dismissed for want of prosecution. File be consigned to the record.


Chairman


ANNOUNCED
03.09.2015

03.09.15

5
7.

27.01.2015

Counsel for the appellant and Mr. Kabirullah Khattak, Asst. Advocate General for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 18.03.2015.


Member

18.03.2015

None for the appellant present. Asst. AG for the respondents present. Notice to counsel for the appellant be issued for 20.05.2015 for preliminary hearing before S.B.


Member

20.05.2015

Agent of counsel for the appellant and Asstt. AG for the respondents present. Learned counsel for the appellant is stated busy before Dar-UI-Qaza, Swat. Adjourned to 18.06.2015 for preliminary hearing before S.B.


Member

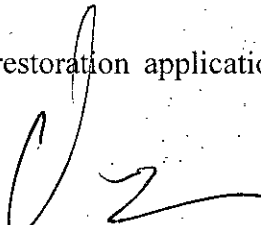
3,
16.06.2014

Counsel for the appellant present. Application for restoration of appeal filed by the learned counsel for the appellant is handed over to the learned GP, meanwhile pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for arguments on restoration application of appeal on 01.09.2014.


Member


4,
01.09.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment due to General Strike of the Bar. To come up for arguments on restoration application of appeal on 06.11.2014.


Member

5?
06.11.2014

Counsel for the appellant and Mr. Kabirullah Kattak, Asst: AG for the respondents present. Arguments on application for restoration of appeal heard. Application is allowed. The appeal is hereby restored. To come up for preliminary hearing on 27.01.2015.


Member

Application in appeal No. 398/2013
Mr. Ghulam Akber


02.01.2014

Counsel for the appellant present and submitted an application for restoration of appeal. To come up for arguments on restoration application of appeal on 05.03.2014.


Member

2. 05.03.2014

Clerk of counsel for the appellant present and requested for adjournment. To come up for argument on application for restoration of appeal on 14.04.2014.


Member

3. 22.04.2014

No one is present on behalf of the appellant. To come up for arguments on application for restoration of appeal on 16.06.2014.


Member

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON KHWA,
PESHAWAR.

S. Appeal No. 398/2013

Udum Akbar Versus Govt of K.P.K & others.

Application with humble request for restoration of the dismissal order in default dated
2/12/2013.

Respectfully Submitted.

1. That the above titled service appeal NO 398/13 was fixed before your honor for
2/12/2013.

2. That on the same date counsel for the appellant was busy before the
Peshawar High Court Darul Qaza Mingora Bench in writ petitions NO.
2141/M/2012 titled Israr Sher Bahader VS Habab Rasool and others &
C.R. NO Khaista VS Asimad Iqbal and others, Amin Ullah & Darvish VS
Govt of K.P.K & Others other case.

3. That as already the appellant before this seriously ill & had informed the
counsel that he unable to attend the court due to his illness (operation was made.
Therefore the appellant was not present on the same date.

4. That not appearing of the counsel of the appellant before this Honorable
Court was not intentionally but due to the above mentioned reason.

5. That no notice been served over the appellant or counsel of appellant from court
side.

6. That the appellant valuable rights are involved with this case.

7. That appellant got the information of dismissal on 1.1.2014.

8. That case need disposal over merit that is the basic requirement of law.

9. That others arguments will be at the time of hearing this application.

It is there for humbly prayed that on acceptance of this application this Honorable
court may kindly restore the service appeal mentioned above and decide on merit.

Through

Appellant

L. Nawab Ali Noor Advocate
High Court Peshawar.

Certificate:

Certificate that all the contents of the above mentioned application are true and
correct to the best of my knowledge.



BEFORE THE SERVICE TRIBUNIL KHYBER PUKHTOON KHWA
PESHAWAR.

S.Appeal NO. ^{398/} of 2013.

1.Gulam Akbar PET GMS Jager Puran Shangla District Shangla.

(Appellant)

VERSUS

- 1.Govt of K.P.K through secretary (E & SE) Peshawar.
- 2.Director (e & se) Peshawar .
- 3.District Education Officer District Shangla.
- 4.District Co- Ordination Officer Shangla.

(Respondents)

Appeal U/S 4 of the service tribunal Act of 1974 against the order dated 15.01.2013 Whereby the appeal of the appellant was rejected by the DEO(E& SE) Shangla.

Prayer in appeal.

On acceptance of this appeal the order dated 15.1.2013 passed by respondent No.3 , whereby the appeal of appellant has been rejected from , may kindly be set-aside and direct the respondents to allow the seniority , of period from 20.5.2004 to 24.2.2006 as well as all back benefits including salaries of appellant may kindly be awarded to appellant because the appellant was kept out illegally from the service.

Respectfully sheweth:

1. That the appellant was appointed as PET teacher in the education department and during the service the appellant and others were terminated on 24.7.2004 from the service on the ground that they

Submitted to
and filed.

ATTESTED
EKAMAL
Khyber Pukhtoon Khwa
Service Tribunal
Peshawar

Appeal No. 398/2013
Mr. Ghulam Abbas

02.12.2013

Neither the appellant nor his counsel present. Called for many

times but no one is present for the appellant. The appeal is, therefore, dismissed in default in limine. File be consigned to the record.

[Handwritten signature]

ANNOUNCED
02.12.2013.

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa High Court

Date of Presentation of Application 17-12-2013
Name of the Applicant 800
Capacity 6
Usual Residence 6
Telephone 6
Name of the Officer [Signature]
Date of Completion 30-12-2013
Date of Delivery of copies 30-12-2013



BEFORE THE SERVICE TRIBUNIL KHYBER PUKHITOON KHWA
PESHAWAR.

Appeal NO. 397 of 2013.

1. Gulam Akbar PET GMS Jager Puran Shangla District Shangla.

(Appellant)

VERSUS

1. Govt of K.P.K through secretary (E & SE) Peshawar.

2. Director (e & se) Peshawar .

3. District Education Officer District Shangla.

4. District Co- Ordination Officer Shangla.

(Respondents)

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On acceptance of this appeal the order dated 15.1.2013 passed by respondent No.3, whereby the appeal of appellant has been rejected from, may kindly be set-aside and direct the respondents to allow the seniority, of period from 20.5.2004 to 24.2.2006 as well as all back benefits including salaries of appellant may kindly be awarded to appellant because the appellant was kept out illegally from the service.

Respectfully sheweth:

1. That the appellant was appointed as PET teacher in the education department and during the service the appellant and others were terminated on 24.7.2004 from the service on the ground that they

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EXAMINER
Khyber Pakhtoonkhwa
Service Tribunal,
Peshawar

Appeal No. 398/2013
Mr. Ghulam Abbas



02.12.2013

Neither the appellant nor his counsel present. Called for many times but no one is present for the appellant. The appeal is, therefore, dismissed in default in limine. File be consigned to the record.

Signature

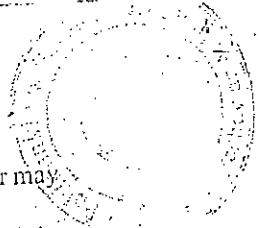
ANNOUNCED
02.12.2013.

Confidential
Signature

Date of Registration of Application 17-12-2013
No. of Books 800
Cost 6
Fees 6
Name of Applicant [Signature]
Date of Application 30-12-2013
Date of Delivery of Copy 30-12-2013

Signature
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 398/2013
Mr. Muhammad Afzal



02.12.2013

Neither the appellant nor his counsel present. Called for many times but no one is present for the appellant. The appeal is, therefore, dismissed in default in limine. File be consigned to the record.

sd/
M. M. Khan

ANNOUNCED
02.12.2013.

Consigned into copy
[Signature]

Date of Registration of Application 17-12-2013
No. 800
C. No. 6
D. No. 6
Name of Appellant [Signature]
Date of Withdrawal 30-12-2013
Date of Delivery of Copy 30-12-2013

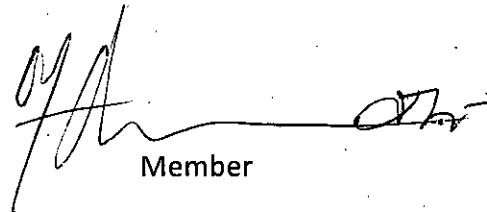
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 398/2013
Mr. Ghulam Abbas

02.12.2013

Neither the appellant nor his counsel present. Called for many times but no one is present for the appellant. The appeal is, therefore, dismissed in default in limine. File be consigned to the record.

ANNOUNCED
02.12.2013.


Member


22.05.2013

No one is present for the appellant. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment Ordinance, 2013) (Khyber Pakhtunkhwa Order II of 2013), the case is adjourned on note Reader for proceeding as before on 16.7.2013


Reader.


5. 16.07.2013

No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant for preliminary hearing on 02.10.2013.


Member

6. 02.10.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 02.12.2013.


Member

5.4.2013

Counsel for the appellant present and requested for adjournment. Case adjourned to 22.5.2013 for preliminary hearing on the point of maintainability of appeal as to whether the impugned order dated 15.1.2013 is original or appellate order.

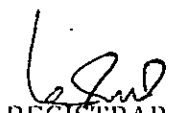



Member.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 398/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/02/2013	<p>The appeal of Mr.Ghulam Akbar resubmitted today by Mr. L.Nawab Ali Noor Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p> REGISTRAR</p>
2	18-2-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>5-4-2013</u>.</p> <p> CHAIRMAN</p>

The appeal of Mr. Ghulam Akbar PET received today i.e. on 01/02/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:-

*objection
not
removed*

- 1- Copy of termination order mentioned in para-1 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of Judgment of Hon'ble High Court mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Title of the Index is shown as Peshawar High Court instead of Service Tribunal.

No. 263 /S.T,

Dt. 06/02/2013.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

L.NWAB ALI NOOR ADV. PESH.

*Need full docu. kindly put before the
Court.*

M. Ali

→

BEFORE THE ~~KHIBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR~~

S. Appeal No. 2012

Appeal no. 398/13

1. Gulam Akbar PET GMS Jager Puran Shangla District Shangla.

(Appellant).

Versus

1. Govt of K.P.K Through Secretary (E & SE) Peshawar & others..

(Respondents)

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Appeal		1-3
2.	Affidavit		4
3	Copy of the reinstatement order	A	5
4.	Copy of the appeal	B	6
5	Copies of the rejection order	C	7
8	Waklat Nama		8

Gulam Akbar

Through

Appellant

L. Nawab Ali Noor Advocate
High Court Peshawar

03469076945

BEFORE THE SERVICE TRIBUNIL KHYBER PUKHTOON KHWA
PESHAWAR.

S.Appeal NO. ^{398/} of 2013.

1. Gulam Akbar PET GMS Jager Puran Shangla District Shangla.

(Appellant)

VERSUS

1. Govt of K.P.K through secretary (E & SE) Peshawar.

2. Director (e & se) Peshawar .

3. District Education Officer District Shangla.

4. District Co- Ordination Officer Shangla.

(Respondents)

Appeal U/S 4 of the service tribunal Act of 1974 against the order dated 15.01.2013 Whereby the appeal of the appellant was rejected by the DEO(E& SE) Shangla.

Prayer in appeal.

On acceptance of this appeal the order dated 15.1.2013 passed by respondent No.3 , whereby the appeal of appellant has been rejected from , may kindly be set-aside and direct the respondents to allow the seniority , of period from 20.5.2004 to 24.2.2006 as well as all back benefits including 1/2 salaries of appellant may kindly be awarded to appellant because the appellant was kept out illegally from the service.

Respectfully sheweth:

1. That the appellant was appointed as PET teacher in the education department and during the service the appellant and others were terminated on 24.7.2004 from the service on the ground that they

Co-submitted to the
and filed.

14/2/13

are qualified of the diploma of S.D.P.E in place of J.D.P.E.

2. That the appellant along with others colleagues challenge the impugned termination before the Peshawar High Court through W.P which was allowed on 24.2.2006 in favor of the appellant and others.

3. That appellant and their colleagues were reinstated back to their services and the impugned order dated 24.7.2004 was set aside through the judgment of the Peshawar High Court.

4. That over the judgment dated 24.2.2006 the respondents issued order dated 13.4.2006 was re-instated/adjusted back to his own post of PET in their respective schools however no order regarding back benefits or arrears was passed for appellant and the continuation of service of the appellant made question mark. *(Copy of reinstatement is annexure A)*

5. That it was like day clear that the order of the Peshawar High Court was regarding the re-instatement of the appellant not fresh appointment and through the judgment the appellant the same termination order was set aside.

6. That right from the re-instatement the appellant request through proper channel and continuously requesting for the arrears and all back benefits of the period w.e.f 20.4.2004 to 24.2.2006, but till date the appellant case kept held and finally it was rejected on 15.1.2013. *(Copy of the appeal & reject orders are annexure B & C respectively.)*

7. That appellant having no other remedy except to knock the door of this Honorable tribunal on the following amongst others.

GROUND:

a). **THAT** the rejection order in question is against the law, rules of service and facts.

b). **THAT** before passing the order in question the relevant procedure on the subject, as provided by the law, has not been followed.

c). **THAT** no procedure was followed by the respondents before passing of the rejection order dated 15.1.2013 neither any law relevant to the service / termination has been followed nor any legal finding

regarding the rejection of appeal been mentioned.

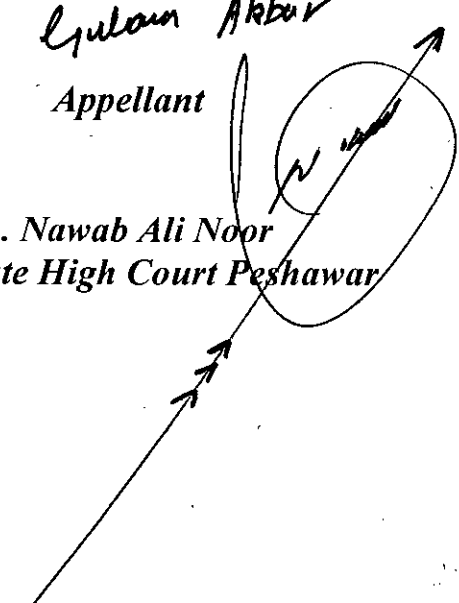
- d). **THAT** the respondents rejection order regarding the appeal is unlawful , illegal , beyond the jurisdiction and based on malafid.
- e). **THAT** the order of the Peshawar High Court is clear about the re-instatement nor about the fresh appointment and thus the appellant been reinstated on their own service through set aside the order of termination dated 24.7.2004.
- f). **THAT** in order never been mentioned that back benefit will not be awarded to appellant the rejection / not allowing the back benefit is the sweet will of the respondents by self.
- g). **THAT** question mark before this Honorable court that if the appellant was re- Instated meaning thereby that service was continue and break is there then under what law / rules the respondent not awarding the salaries. Back benefits to appellant.
- h). **THAT** the appellant is serving in the department with honestly & he has unblemished record and performed his duty honestly and to the best satisfaction of his superior.
- i). **THAT** the appellant treated discriminately because many presidents are there in the education department in such like cases all back benefits been awarded by the said department.

It is therefore respectfully prayed that on acceptance of this appeal the impugned rejection order dated 15.1.2013 may be set-aside and the appellant may kindly be allowed the salaries / back benefit of the period 20.5.2004 to 20.5.2006 with all back benefits including salaries to appellant.

Through

Gulam Akbar
Appellant

L. Nawab Ali Noor
Advocate High Court Peshawar



**BEFORE THE SERVICE TRIBUNIL KHYBER PUKHTOON KHWA
PESHAWAR.**

S.Appeal NO. of 2013.

1.Gulam Akbar PET GMS Jager Puran Shangla District Shangla.

(Appellant)

1.Govt of K.P.K through secretary (E & SE) Peshawar & others.

(Respondents)

AFFIDAVIT

I, L.Nawab Ali Noor Advocate High Court Peshawar as per instruction of my client solemnly affirm and declare that all the contents of the accompanying service appeal are true & correct to the best of my knowledge and belief and nothing has been concealed from this Horrible court.

L. Nawab Ali Noor
Deponent.
High Court Peshawar

Ann A 5

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (S&L) SHANGLA.

OFFICE ORDER.

Consequent upon the orders of the honourable High Court, Peshawar passed on 24/2/2006, re-instatement adjustment of the following PETs (M) is hereby ordered in the schools noted against each, in the interest of public service with effect from 24/2/2006:-

S.No.	Name & Designation	Place of posting/adjustment
1)	Mr. Sahibul Taj, PET	GHS-Titwala.
2)	Mr. Mohammad Alim, PET	GHS-Annavi.
3)	Mr. Ghulam Akbar, PET	GMS-Chagam.
4)	Mr. Mohammad Nase, PET	GMS-Nakhtar Hasham Khel.
5)	Mr. Hamidur Rahman, PET	GMS-Khadang.
6)	Mr. Jan Badshah, PET	GMS-Golibat.

Note:-

- 1) No TA/DA is allowed under the rules.
- 2) All the re-instated PETs will be bound to fulfil all the conditions mentioned in their previous appointment order issued under this office Endst: No. 7297-7323 dated 20/5/2004.
- 3) Respondent No. 7 and 8 in the above court order will continue their services in the light of court order (para-8).
- 4) Charge Reports should be submitted to all concerned.

(MOHAMMAD SAEED)
Executive District Officer,
Schools & Literacy, Shangla.

E/No. 3268-85 / EDO (S&L)SH / Dated 13/04 / 06.

Copy of the above is forwarded to:-

- 1) The Advocate General Peshawar High Court, Peshawar.
- 2) The Director, S&L, NWFP, Peshawar.
- 3) The PS to Secretary to Govt: of NWFP, S&L, Deptt: Peshawar.
- 4) The Section Officer (Litigation) Govt: of NWFP, Law parliamentary Affairs and Human Rights Department, Peshawar.
- 5) The District Coordination Officer, Shangla.
- 6) The District Accounts Officer, Shangla.
- 7-12) All concerned Head Masters for information n/action.
- 13-18) Personal files of the teachers concerned for record.

[Signature]
DISTRICT OFFICER,
(M&F) S&L, Shangla.

[Signature]
Head master,
Govt. High School,
Amnadi, Distt: Shangla

[Signature]

خدمت خانہ - EDO صاحب (E/SE) ڈسٹرکٹ سٹانڈنگ
تھانہ درخواست برادرانہ پالی ٹورڈ آرڈر کی روشنی میں بحالی آرڈر کی درستگی

(۱) 20/05/04 سے مینسٹری کے بحالی
(۱۱) 20/05/2004 سے 24/06/2006 تک مکمل تھوہیں اور
مراعات کی عطا کئے

صاحب خانہ

آداب تدارک ہے کہ میری تقرری بہ آسامی PET از روئے آرڈر
7297-7323 بطور 20/05/04 عمل میں لائی گئی تھی میری تقرری کے بنیاد
SDPE تھی۔ بعد میں مخالفین کی اپیل پر 27/07/2004 کو مجھے برخاست کیا گیا
میں نے عدالت رجوع کیا۔ اور میری اپیل منظور کی گئی اور ایسے عدالت
فیصلے کی روشنی میں بحالی کیا گیا بحالی 24/02/2006 سے کی گئی
صاحب والا۔ عدالت عالیہ نے پوری بحالی کا فیصلہ دیا ہے۔ نہ کہ تقرری کا
بحالی کی صورت میں 20/05/2004 سے 24/02/2006 تک تمام
مراعات و واجبات کا مستحق ہوں۔ نتیجہ تاحال میرے سروس کا
مزد کورہ دورانہ بلا تعفیہ رہا ہے۔
لہذا درخواست ہے کہ برائے رقم مجھے مزد کورہ بالا
تمام مراعات و واجبات کے احکامات جاری فرمائیں،

العارض



نمبر اپیل - PET

GMS قائم پورن ج لنگ

تاریخ 14/02/2002





Ann. e-7

OFFICE OF THE DISTRICT EDUCATION OFFICER (E&SE) DISTRICT SHANGLA.

No 245-48 /DEO (E&SE) SH Dated 15/07/2013

To.



- 1) Mr Ghulam Akbar PET, GMS Chagurn.
- 2) Mr. Mohammad Musa PET GMS Nakhtar Hasham Kheland
- 3) Mr. Mohammad Alim PET, GHS Fiaza
- 4) Mr Sahibul Taj PET 28 kotkay.

Subject **APPEALS**

Memo;

Reference your departmental appeals dated 14/12/2012 for the grant of back benefits (pay & seniority).

In this regard you are hereby informed that in the light of the Court decision High Court Peshawar you have adjusted as PETs vide this office No 3268-85 dated 13/04/2006 but in the above decision no order has passed by the said Honorable Court regarding back benefits..

Hence the appeals on the above mentioned ground are rejected.

DISTRICT EDUCATION OFFICER
(E&SE) DISTRICT SHANGLA.