

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.


03.09.15

ANNOUNCED

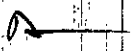
03.09.2015

Application in appeal No. 399/2013
Mr. Sabirul Tayyib

6.
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

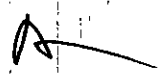
18.03.2015

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

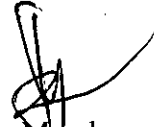
20.05.2015

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


Member

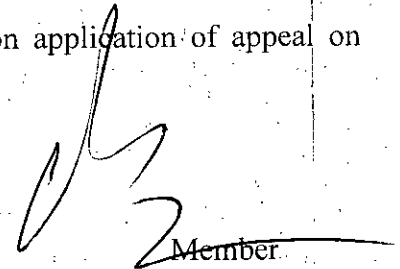
3.
16.06.2014

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


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

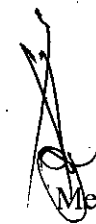
2
05.03.2014

Clerk of counsel for the appellant present and requested for adjournment. To come up for argument on application for restoration of appeal on 19.04.2014.


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

07
2-1-14

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON KHWA
PESHAWAR

S. Appeal No 379/2013

Sahibul Tej Versus Govt of K.P.K & others.

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

Respectfully Submitted.

1. That the above titled service appeal NO 379/13 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 Habaiib Rasool and others & C.R. NO Khaista VS Ahmad 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 herring 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 Moor Advocate
High Court Peshawar.

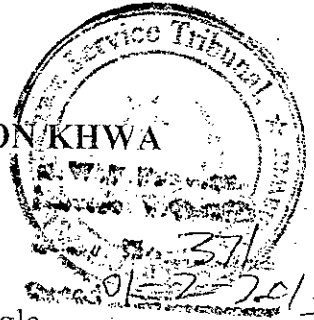
Certificate:

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

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON KHWA
PESHAWAR.

S. Appeal NO. of 2013.

Appeal no 398/13



1. Sahib -u-Taj PET GMS Atteish Kotki 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

ATTESTED
Khyber Pukhtoon Khwa
Service Tribunal
Peshawar

and filed.

10/2/13

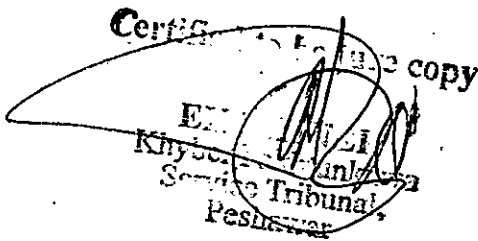
Appeal No. 399/2013
Mr. Beharumand

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/-
Member

ANNOUNCED
02.12.2013.



Date of Presentation of Application: 17-12-2013
Number of Pages: 800
Copy fee: 6
Urgent:
Total: 6
Name of Counsel: [Signature]
Date of Court: 30-12-2013
Date of Filing: 30-12-2013

BEFORE THE SERVICE TRIBUNIL KHYBER PUKHTOON KHWA
PESHAWAR.

S. Appeal NO. of 2013.

Appeal no 399/13



1. Sahib -u-Taj PET GMS Atteish Kotki Shangla District Shangla.

VERSUS

(Appellant)

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)

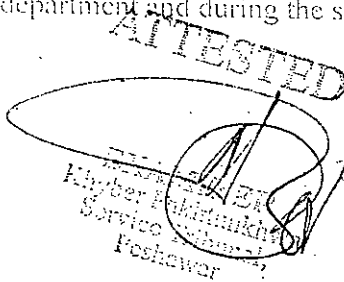
Appeal U/S 4 of the service tribunal Act of 1974 against the order dated 15.01.2013 Whereby the appeal of the appellant was rejected by the DEO(E& SE) Shangla.

Prayer in appeal.

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Respectfully sheweth:

1. That the appellant was appointed as PET teacher in the education department and during the service the appellant and others



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeals No. 399/2013
Mr. Babar Ahmad

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.

SRJ
member

ANNOUNCED
02.12.2013.

Certified to be a true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

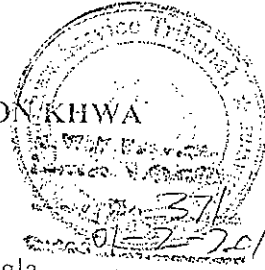
Date of Presentation of Application 17-12-2013
Number of Pages 800
Copies 6
Urgent 6
Title 6
Name of Officer
Date of Birth 30-12-2013
Date of Entry 30-12-2013

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE SERVICE TRIBUNIL KHYBER PUKHTOON KHWA
PESHAWAR.

S. Appeal NO. of 2013.

Appeal no 399/13



1. Sahib -u-Taj PET GMS Atteish Kotki 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.

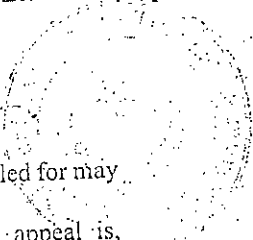
1/2/13 Respectfully sheweth:

1. That the appellant was appointed as PET teacher in the education department and during the service the appellant and others

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 399/2013
Mr. Behramand

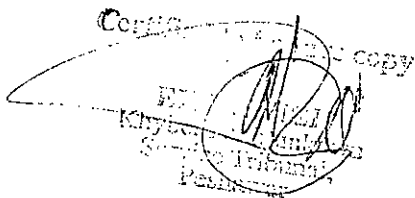


02.12.2013

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.

SRJ
member

ANNOUNCED
02.12.2013.



Date of Presentation of Application	17-12-2013
Number of Pages	3000
Copy of Fee	6
Page	6
Total	6
Number of Copies	7
Date of Receipt	30-12-2013
Date of Disposal	30-12-2013

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

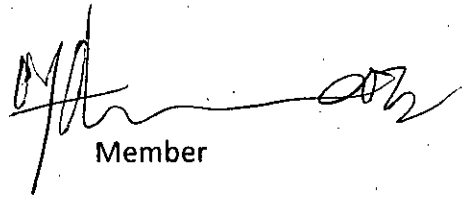
Appeals No. 399/2013

Mr. Subirul Taj

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


4.
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

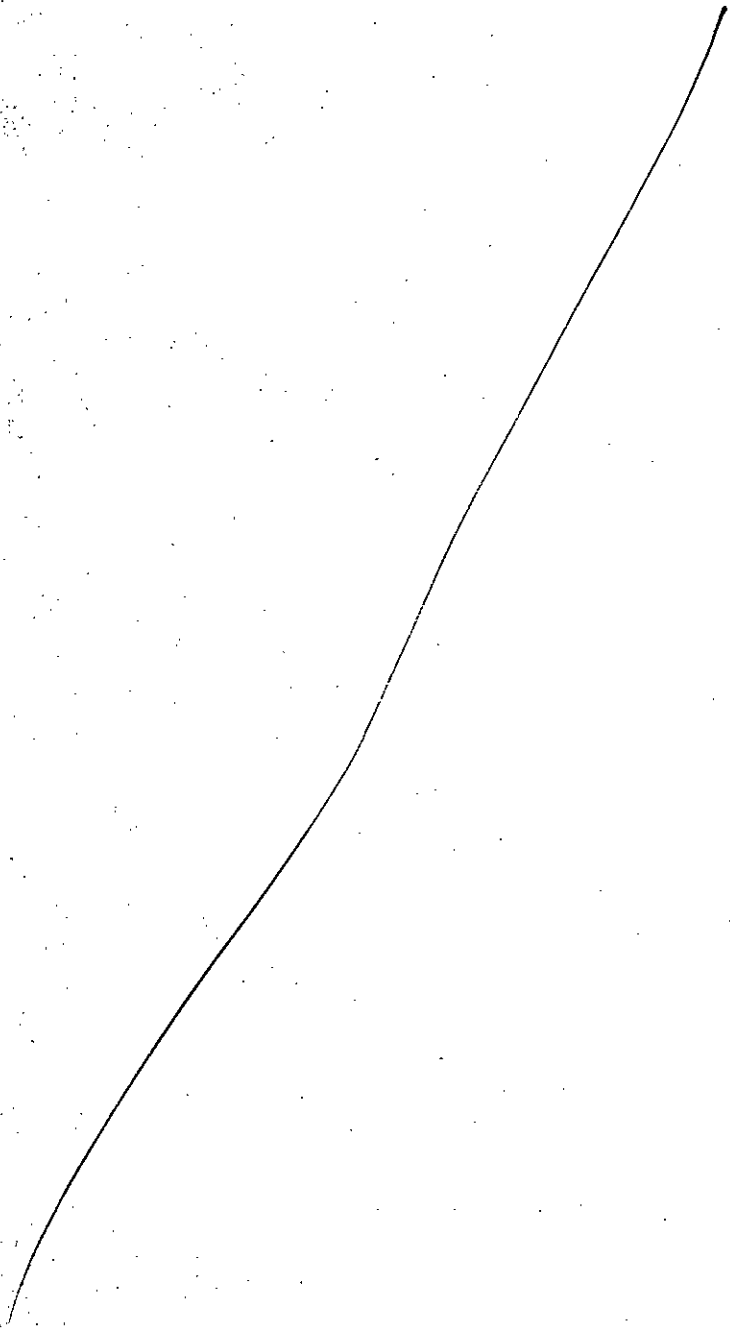
3,

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.




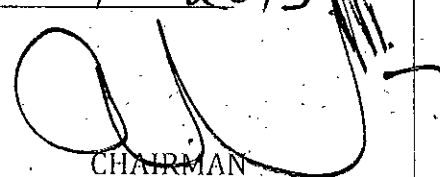
Member.



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 399/2013

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.Sahib-u-Taj 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 style="text-align: right;"> 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 style="text-align: right;"> CHAIRMAN</p>

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

objections
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. 265 /S.T.

Dt. 06/02 /2013.

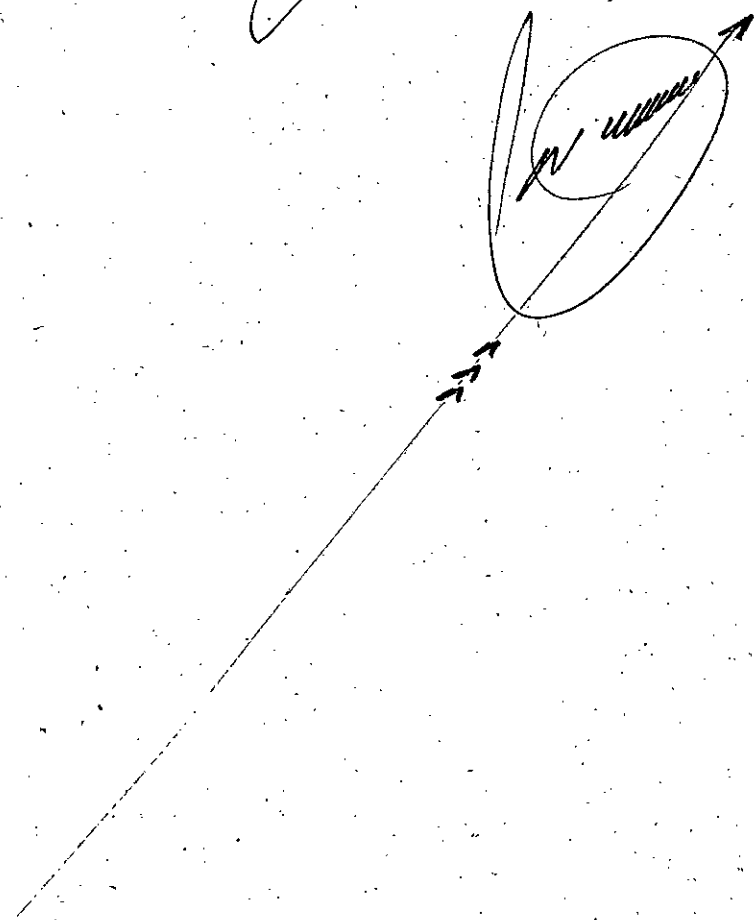
L. Noor
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

L.NWAB ALI NOOR ADV. PESH.

Respect fully Submitted

Needfull done kindly put before the Court.

L. Noor



BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR.
~~BEFORE THE DISTRICT COURT PESHAWAR.~~

S. Appeal # 2013 Appeal no 399/2013

1. Sahibul Taj PET GMS Atteish Kotki 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

Through

Sahibul Taj

Appellant

L. Nawab Ali Noor Advocate
High Court Peshawar
03469076945

BEFORE THE SERVICE TRIBUNIL KHYBER PUKHTOON KHWA
PESHAWAR.

S.Appeal NO. of 2013.

Appeal no. 392/13

371
01-2-2013

1. Sahib -u-Taj PET GMS Atteish Kotki 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.

1/2/13 Respectfully sheweth:

1. That the appellant was appointed as PET teacher in the education department and during the service the appellant and others

co-submitted to
and filed,

14/2/13

were terminated on 24.7.2004 from the service on the ground that they 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 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 appeal & rejection order 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.

GROUNDS:

- 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

3

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

Sarbu Khan
Appellant

L. Nawab Ali Noon
Advocate High Court Peshawar

L. NAWAB ALI NOON
High Court Peshawar

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

S.Appeal NO. of 2013.

1. Sahib -u-Taj PET GMS Atteish Kotki 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 is true & correct to the best of my knowledge and belief and nothing has been concealed from this Horrible court.

L.NAWAB ALI NOOR ADVOCATE
High Court Peshawar
Deponent.

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:-

<u>S.No.</u>	<u>Name & Designation</u>	<u>Place of posting/adjustment</u>
1)	Mr. Sahibul Taj, PET	GHS-Titwala.
2)	Mr. Mohammad Alim, PET	GHS-Amnavi.
3)	Mr. Ghulam Akbar, PET	GMS-Chagam.
4)	Mr. Mohammad Musa, 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 Co-ordination 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,
Amnooli, Distt: Shangla

خدمت جناب FDD جناب (E/SE) ڈیپارٹمنٹ آف ایگریکلچر

عنوان: درخواست پمز (1) بجلی ڈرٹ اور ڈری اوٹس سے بحالی اور ڈری اوٹس
(11) : 20/5/2004 سے سناری کی بحالی -
(12) : 20/5/2004 سے 24/2/2006 تک مکمل تھوٹوں کی بحالی
کی سفارشات -

جناب عالی

آداب تشریحی حکم مہری تقرری بہ اسٹی پیٹ PBT از نوٹ اور ڈری اوٹس
7297-9323 : پمز 20⁰⁵/2004 سے لائی گئی تھی۔ مہری تقرری کی
بنیاد SPPB تھی۔ بعد میں مخالفت کی اپیل کو 27⁷/2004 کو
مجھے برخواست کیا گیا۔ میں نے عدالت سے رجوع کیا۔ مہری
اپنی منظور ہوئی اور مجھے عدالتی فیصلہ کی روشنی میں 24²/2006
سے بحال کیا گیا۔

جناب عالی عدالت عالیہ نے مہری بحالی کا فیصلہ دیا ہے نہ کہ تقرری کی
بحالی کی صورت میں سے 20⁵/2004 سے 24²/2006 تک مراعات واجبات
کے مستحق ہیں لیکن اعمال مہری سے و سنا کا مہر کو روک دو رائنڈ بلا تصفیہ
رہے۔

لہذا درخواست میں خدمت سے نہ ہرگز کر 20⁵/2004 سے 24²/2006
کے دو رائنڈ کا تصفیہ فرمائے جو میں مراعات واجبات اور سناری
نڈاز کے احکامات بنا دو فرمائیں۔
بڑی مہربانی ہوگی۔

ع لہتم

صاحب الحاج

صاحب الحاج PBT
GMS اٹیشن کوٹکے (اٹھارہ کونڈے)

مورخ 12¹²/2012

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

Subject:

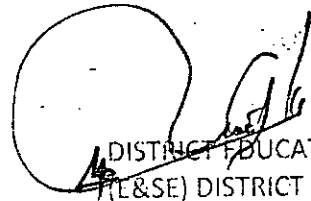
APPEALS

Memo:

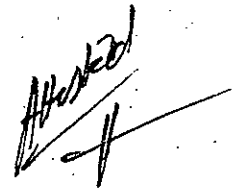
Reference your departmental appeals dated 14/12/2012 for the grant of back benefits (pay & seniority)..

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 3258-85 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.



Member's copy

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

S.Appeal NO. ³²⁹ of 2013.

1. Sahib -u- Taj PET GMS Atteish Kotki 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 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 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 appeal & rejection order 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.

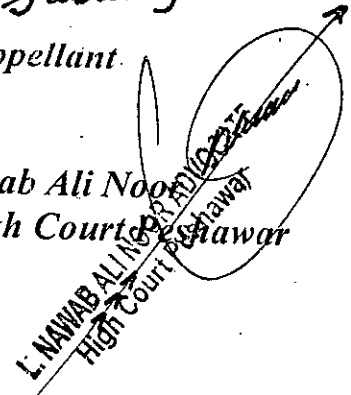
It is therefore respectfully prayed that on acceptance of this appeal the impugned rejection order dated 15.1.2013 may be set-aside and the appellant may kindly be allowed the salaries / back benefit of the period 20.5.2004 to 20.5.2006 with all back benefits including salaries to appellant.

Sarbut Roy

Appellant

Through

L. Nawab Ali Noor
Advocate High Court Peshawar



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

S.Appeal NO. of 2013.

1. Sahib -u-Taj PET GMS Atteish Kotki 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 is true & correct to the best of my knowledge and belief and nothing has been concealed from this Horrible court.

L. Nawab Ali Noor Advocate
High Court Peshawar
Deponent.

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-Amnawi.
3)	Mr. Ghulam Akbar, PET	GMS-Chagam.
4)	Mr. Mohammad Musa, 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,
Amnawi, Distt: Shangla

[Signature]

عنوان: درخواست برائے (1) حالی ڈسٹرکٹ اور ڈسٹرکٹ اوشنی سے بحالی اور ڈسٹرکٹ اوشنی
(11) 20/5/2004 سے سنیاری کی بحالی -
(12) 20/5/2004 سے 24/2/2006 تک مکمل تھوڑا میں داخلہ
کی ضمانت -

جناب عالی

آرڈر ٹریڈنگ کے حکم میری تقرری پر اساسی PET ازروٹ اور ڈسٹرکٹ
7297-7323 بتھورٹ 20/5/2004 سے لائی گئی تھی - میری تقرری کی
بھیڈر SPPET تھی - بعد میں مخالفین کی اپیل پر 27/7/2004 کو
مجھے ہر ضمانت کیا گیا - میں نے عدالت سے رجوع کیا - میری
اپیل منظور ہوئی اور مجھے عدالتی فیصلہ کی روشنی میں 24/2/2006
سے بحال کیا گیا -

جناب عالی عدالت عالیہ نے میری بحالی کا فیصلہ دیا ہے نہ کہ تقرری کی
بحالی کی صورت میں میں 20/5/2004 سے 24/2/2006 تک مراعات واجباً
کے مستحق ہیں سب سے اعمال میرے سپروائزر کا ہر کورن دورانہ بلا تصفیہ

رہا ہے -
لہذا درخواست پیش خدمت ہے کہ میرا کورن 20/5/2004 سے 24/2/2006 تک
کے دورانہ کا تصفیہ فرمائے جو میں مراعات واجباً اور سنیاری
نہانہ کے احکامات جاری فرمائیں -
شیری میرٹھ بٹولی

ع کسٹم

ص الناح

صاحب الناح PET
GMS انجینئرنگ کو (انگٹا ہاؤس کوٹک)

12/2/2007

(Handwritten signature)

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 Chagum.
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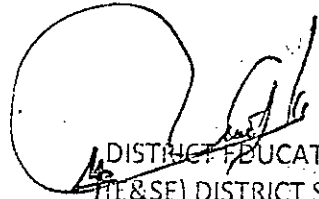
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Hence the appeals on the above mentioned ground are rejected.



DISTRICT EDUCATION OFFICER
(E&SE) DISTRICT SHANGLA.

