

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	18.05.2015	<p data-bbox="630 456 1401 530" style="text-align: center;"><b>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</b></p> <p data-bbox="837 618 1133 655" style="text-align: center;">Appeal No. 306/2013</p> <p data-bbox="630 700 1317 775">Ijaz Khan Versus The Director Education, FATA Khyber Pakhtunkhwa, Peshawar etc.</p> <p data-bbox="776 817 963 854" style="text-align: center;"><u>JUDGMENT</u></p> <p data-bbox="732 917 1430 954"><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant</p> <p data-bbox="630 999 1430 1278">with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Mr. Muhammad Adeel Butt, Addl. AG with Daud Jan, Head Clerk for the respondents-department present.</p> <p data-bbox="630 1373 1430 2374">2. This Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, is against order dated 11.9.2012. According to appellant the time span w.e.f. November, 2007 to April, 2012 was wrongly treated as his leave without pay as he had rendered service in the said period. The record shows that on the basis of report and recommendations that as service record of the appellant for the above period was not available, hence the said period be treated as his leave without pay, The enquiry conducted by Headmaster, GHS Subhan Khwar, Muhmand Agency dated 4.6.2012, was treated as such by the competent authority and passed the impugned order dated.</p>

11.09.2012. The appellant while feeling aggrieved has brought this service appeal.

3. According to the memo: of appeal, the appellant joined Education Department as PET on 2.12.2000 at GMS Rahat Kor, Bara Khel, Mohmand Agency. That he was performing his duties but all of a sudden, in the end of December, 2004 his pay was stopped without any reason. That he submitted several applications to the respondent department but in vain, hence he filed Writ Petition No. 2770/2010 decided on 13.09.2011 vide which the writ petition was converted into departmental appeal and referred to the respondent-department to be so decided. That thereafter a proper enquiry was conducted in the matter and in the light of recommendations of the enquiry officer (as stated in the above para) the appellant was adjusted/reinstated into service w.e.f. 01.09.2012 but the period in past w.e.f. 11/2007 to 4/2012 was treated as leave without pay. The appellant has come to this Tribunal seeking salary of the said period.

4. The respondent-department in its parawise comments have raised numerous legal and factual objections. According to them, pay of the appellant was stopped for his willful absence from duty and that the appellant has not performed any duty during the said period.

5. We have heard the learned counsel for the appellant and learned Addl. A.G for the respondent-department and have carefully perused the record.

6. Admittedly salary of the appellant was stopped w.e.f. 2004 and the record is unable to convince this Tribunal that during the period from 12/2004 to filing of the writ petition No. 2770/2010 before the Hon'ble Peshawar High Court, Peshawar, the appellant would have made some regular and concerted efforts for securing his salary. When the Hon'ble Peshawar High Court vide its order dated 13.9.2011 in the said writ petition directed the respondent-department to decide the issue, the respondent-department embarked upon a fact-finding enquiry through Principal GMS, Subhan Khwar. His report shows that he had visited the concerned school but service record for the period w.e.f. November, 2007 to April, 2012 was not available and he recommended that that the above period may be treated as extra-ordinary leave without pay. That the recommendation was made in the light of the available record, which was produced by the appellant. Reinstatement order of the appellant dated 11.09.2012 conveys that the appellant might have been removed from service but that record is not available with the respondent-department or at least not produced before

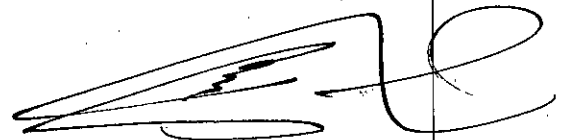
the Tribunal, whatever the factual position was, however, the appellant was reinstated and he is satisfied with his reinstatement. Materials available on record earnestly does not lead the Tribunal to concur with the appellant contention that though he had performed duty but the respondent-department had stopped his pay. Payment of salary to the appellant for the disputed period has also not been recommended by the enquiry officer. Evidently, the appellant cannot be led to pick and choose from package he got as a result of the said enquiry report wherein on one hand he was recommended to be reinstated and on the other hand, he was not found entitled for the disputed salary. The impugned order is based on the findings of the said enquiry report. Long silence of the appellant and apparently no proof with the appellant that he had performed duty during period from November, 2007 to April, 2012, this Tribunal is reluctant to interfere in the impugned order of the competent authority dated 11.09.2012. The same is left intact and the instant appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

18.5.2015



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

30.3.2015

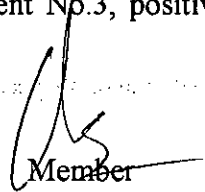
Counsel for the appellant and Mr. Ziaullah, GP with Daud Jan, Supdt. for the respondents present. The learned Member (Judicial) is on official tour to D.I.Khan, therefore, case to come up for arguments on 03.09.2015.



MEMBER

01.4.2014

Appellant with counsel and AAG for the respondents present. Written reply on behalf of respondent No.3 has not been received, and the learned AAG requested for further time in order to contact respondent No.3 for the purpose. To come up for written reply on behalf of respondent No.3, positively, on 9.5.2014.

  
Member

9.5.2014

Appellant with counsel and Mr. Irshad Muhammad, Supdt. for respondent No. 3 with Mr. Usman Ghani, Sr. GP for the respondents present. Written reply on behalf of remaining respondent No. 3 also received, copy whereof is handed over to the appellant. Rejoinder has already been received on behalf of the appellant. To come up for arguments on 16.10.2014.

  
Chairman

16.10.2014

Appellant with counsel and Mr Daud Jan, Supdt. for respondents with Mr. Muhammad Adeel Butt, AAG present. Arguments could not be heard due to incomplete Bench. To come up for arguments on 30.03.2015.

  
Chairman

21.06.2013

Clerk of counsel for the appellant, M/S Daud Jan, Supdt for respondents No.1 and 2 and Irshad Muhammad, Supdt for respondent No.3/petitioner with Mr.Usman Ghani, Sr.GP present. Application for setting aside ex-parte proceedings has been moved on behalf of respondent No.3/petitioner, copy whereof be handed over to the appellant/counsel for the appellant for reply and arguments on the application for setting aside ex-parte proceedings as well as written reply/comments on behalf of respondents No. 1 and 2 on 10.10.2013.

  
Chairman

10.10.2013

Appellant in person and Mr. Daud Jan, Supdt. for respondents No. 1 and 2 with AAG for the respondents present. Reply to application for setting aside ex-parte proceedings against respondent No. 3 has not been received; while written reply on behalf of respondents No. 1 and 2 received, copy whereof is handed over to the appellant for rejoinder and reply to application for setting aside ex-parte proceedings against respondent No. 3 and arguments thereon on 30.1.2014.

  
Chairman

30.01.2014

Appellant with counsel, M/S Daud Jan, Supdt. for respondents No.1 & 2 and Irshad Muhammad, Supdt. for respondent No.3/petitioner with Mr.Usman Ghani, Sr.G.P present. The learned counsel for the appellant expressed no objection to the acceptance of application for setting aside ex-parte proceedings moved on behalf of respondent No.3/petitioner, therefore, the application is accepted and ex-parte proceedings against respondent No.3 are set aside. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned Sr.G.P. Written reply on behalf of respondent No.3 be filed within a fortnight, with a copy for the appellant for rejoinder, if any, and further proceedings on 01.4.2014.

  
Chairman

Appeal No. 306/2013  
Mr. Gaj Khan

4. 15.3.2013

Appellant deposited  
Security of Process fee Rs 180/-  
Bank receipt is attached  
with file

*[Handwritten signature]*

Counsel for the appellant present and heard. Contended that the appellant has not been treated in accordance with the law. The appellant has been performing his duties regularly, but his monthly salary from January 2005 till 1.9.2012 has been stopped without any reason/justification and without any notice, against which he preferred a departmental appeal on 20.9.2012 but with no response. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 24.4.2013 for submission of written reply.

*[Handwritten signature]*

Member.

5. 15.3.2013

This case be put before the Final Bench *[Handwritten 'P']* for further proceedings.

*[Handwritten signature]*

Chairman.

24.4.2013

Appellant in person and Mr. Daud Jan, Supdt: on behalf of respondents No.1 & 2 present. No one is present on behalf of Secretary Finance Department *(Respond: No3)* despite his service through the concerned official, hence proceeded against ex-parte. To come up for written reply/comments on behalf of respondents No.1 & 2 on 21.6.2013.

*[Handwritten signature]*

Chairman



Form- A  
FORM OF ORDER SHEET

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

Case No. 306/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30/01/2013	<p>The appeal of Mr. Ijaz Khan re-submitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>Ijaz Khan</i> REGISTRAR 30/1/2013</p>
2	6-2-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-3-2013</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3	12-3-2013	<p>Appellant present. Request for adjournment. To come up for P.H. on 15-3-2013.</p> <p style="text-align: right;"><i>[Signature]</i> Members</p>

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

- 1- Copy of Judgment of High Court mentioned in para-3 of the memo of appeal (Annexure-B) is not attached with the appeal which may be placed on it.
- 2- Annexure-A of the appeal is illegible which may be replaced by legible one.

No. 121 /S.T,

Dt. 16-1 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR.M.ASIF YOUSAFZAI ADV. PESH.

*Resubmitted*  
*for Ja'*

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

APPEAL NO. 306 /2013

Mr. Ijaz Khan

V/S

Director Education FATA etc.

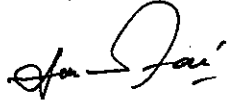
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S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Copy of Judgment	B	5-6
4.	Copy of Enquiry Repot	C	7-8
5.	Copy of Adjustment order	D	9-10
6.	Copy of Appeal	E	11
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APPELLANT  
Ijaz Khan

THROUGH:

  
M. ASIF YOUSAFZAI  
ADVOCATE

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

APPEAL NO. 306 /2013

Mr. Ijaz Khan, PET, GMS,  
Mazullah, Mohammad Agency.

120  
15-1-13

**APPELLANT**

VERSUS

1. The Director Education, FATA, Khyber Pakhtunkhwa, Warsak Road, Peshawar.
2. The Agency Education officer, Ghalanai, Mohmand Agency.  
The Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.

**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE NWFP  
SERVICE TRIBUNAL ACT 1974 AGAINST THE  
ORDER DATED 11.09.2012 WHEREBY THE  
PERIOD DURING WHICH THE APPELLANT WAS  
NOT POSED HAS BEEN TREATED AS LEAVE  
WITHOUT PAY AND AGAINST NOT TAKING ANY  
ACTION ON THE DEPARTMENTAL APPEAL OF  
THE APPELLANT WITHIN STATUTORY PERIOD  
OF 90 DAYS.**

*original*

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 11.9.2012 MAY BE SET ASIDE TO THE EXTENT OF DECLARING THE PERIOD FROM JANUARY, 2005 TO 01.09.2012 AS LEAVE WITHOUT PAY AND THE RESPONDENTS MAY BE DIRECTED TO PAY THE SALARIES TO THE APPELLANT FROM JANUARY, 2005 TO 01.09.2012 BY TREATING THE SAME PERIOD AS LEAVE WITH FULL PAY OR PERIOD SPEND ON DUTY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

re-submitted to  
and filed.

30/01/2013

**RESPECTFULLY SHEWETH;**

1. That the appellant joined the Education Department as PET on 23.12.2000 at GMS, Rahat Kor, Bara Khel, Mohmand Agency. The appellant actively performed his duty through out his career. Copy of the Order is attached Annexure-A.
2. That all of sudden in the end of December, 2004, the pay of the appellant was stopped without showing any reasons or passing written order. The appellant at that time submitted various applications to the respondents but the appellant was not granted any salary or pay.
3. That finally the appellant filed Writ Petition No.2770/2010 in the Peshawar High Court, Peshawar which was finally heard on 13.9.2011 and the Honourable Court was kind enough by referring the Writ Petition to the respondent No.1 to treat the same as Departmental Appeal and decided the same. Copy of the High Court's Judgment is attached as Annexure-B.
4. That after that a proper enquiry was conducted in the matter and in light of the recommendation of the enquiry officer, the appellant was adjusted/reinstated from 1.9.2012 but the previous period from January, 2005 to the date of issuing of order treated as leave without pay without contributing any guilt towards the appellant. Copy of Enquiry report and Adjustment order are attached as Annexure-C and D.
5. That the appellant filed Departmental Appeal against the order dated 11.9.2012 on 20.9.2012. The said appeal remained un-responded despite of the lapse of statutory period of 90 days, hence the present appeal on the following grounds amongst the others:

**GROUND:**

- A) That the order dated 11.9.2012 to the extent of treated the period as leave without pay is against the law, norms of justice and material on record.
- B) That the appellant has been punished for no fault on his part because the appellant pay was stopped without any proper procedure or passing any proper order. The appellant despite that performed his duty and also submitted various applications

for the release of his pay but in vain and even those were not responded by the concerned office.

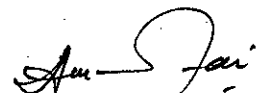
- C) That the appellant has not been treated according to law and rules and the appellant is fully entitled to the period with effect from January, 2005 till 1.9.2012, Under Section-17 of the Civil Servant Act, 1973.
- D) That the enquiry report is also worth perusal in which it was pointed out that the pay of the appellant was stopped without explanation, show cause notice and any order etc. and no record has been maintained in this regard. No disciplinary action was taken against the appellant and the appellant is still in service. The attendance record from 2005 to 2007 made available by the appellant while the rest of the record was not provided by the office concerned. All these prove that the appellant was not at fault and he is legally entitled to all remunerations from January 2005 till 1.8.2012.
- E) That the appellant can not be punished for any slackness or illegality on the part of the respondents.
- F) That the appellant has been treated in an arbitrary manner and in total violation of law and rules applicable to the civil servant.
- G) That the appellant seeks permission to advance other proofs and grounds at the time of hearing.

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

APPELLANT  
Ijaz Khan



THROUGH:



M. ASIF YOUSAFZAI  
ADVOCATE

2008

The Department of the Interior has received information from the Bureau of Land Management (BLM) that the following individuals have been identified as potential candidates for the position of Assistant Secretary for the Bureau of Land Management (BLM) in the Department of the Interior.

The candidates are:

- 1. [Name]
- 2. [Name]
- 3. [Name]
- 4. [Name]
- 5. [Name]
- 6. [Name]
- 7. [Name]
- 8. [Name]
- 9. [Name]
- 10. [Name]

The Department is currently reviewing the qualifications of these candidates and will be making a final selection in the near future.

Rank	Name	Agency	Status
10	[Name]	[Agency]	[Status]
9	[Name]	[Agency]	[Status]
8	[Name]	[Agency]	[Status]
7	[Name]	[Agency]	[Status]
6	[Name]	[Agency]	[Status]
5	[Name]	[Agency]	[Status]
4	[Name]	[Agency]	[Status]
3	[Name]	[Agency]	[Status]
2	[Name]	[Agency]	[Status]
1	[Name]	[Agency]	[Status]

The following individuals have been identified as potential candidates for the position of Assistant Secretary for the Bureau of Land Management (BLM) in the Department of the Interior.

The candidates are:

- 1. [Name]
- 2. [Name]
- 3. [Name]
- 4. [Name]
- 5. [Name]
- 6. [Name]
- 7. [Name]
- 8. [Name]
- 9. [Name]
- 10. [Name]

The Department is currently reviewing the qualifications of these candidates and will be making a final selection in the near future.

4

A

(5)

(AL-131 MOHAMMAD DIL SHAN)  
Agency Education Officer,  
Mohammad Agency at Ghallanaid.

Order No. 6136-56 dated 23/12/2000.

Copy forwarded to the:-

- 1:- Director of Education KATA, P. O. P. S., Peshawar.
- 2:- Political Agent Mohamada at Ghallanaid.
- 3:- Anti-political Agent (U/L) Mohamada.
- 4:- Army Monitoring Cell Mohamada Agency.
- 5:- Agency Accounts Officer Mohamada Agency Ghallanaid.
- 6:- Agency Manager Mohamada Agency at Ghallanaid.
- 7:- AAO (U/P) concerned.
- 8:- Head Clerk in local office.
- 9:- Candidate concerned.
- 10:- Pay Clerk concerned.

*(Signature)*  
Agency Education Officer,  
Mohammad Agency at Ghallanaid.

Agency Education Officer



Better copy

A (4/1)

**AGENCY EDUCATION OFFICER, MOHMAND AGENCY  
AT GHALLANAI.**

**APPOINTMENT ORDER:**

Consequent upon the approval of the Departmental Selection Committee, the following PETs (Male) Trained are hereby temporarily appointed in BPS NO.9 @Rs.(1605-97-3060) plus usual allowances as admissible under the rules with immediate effect in the school noted against their name:

1.	S.No.	Name with Father name	School where posted	Remarks
1.	1. Mrt:	Saeed Akhtar S/O Mian Gul.	GHS Nauaqi	Vacant post.
2.	2. Mt:	Mohd Saeed S/O Kamal Khan	GHS, Lakrai	-do-
3.	10. Bws:	Gauhat Ali s/O Akhtar Munir	GMS, Qalagai	-do-
✓4.	5: -do-	Ijaz Khan S/O Zaitullah Khan	GMS Rahat Kor	-do-
5.	11:-do-	M.Naveed Ali Shah S/O Mohammad shah	GMS Asmarai	Newly created post.
6.	3: -do-	Amir Nawab S/O Sarfaraz Khan	GHS Danish Kool	Vacant post.
7.	5: -do-	Saeedud Din S/O Sirajud Din	GMS, Sagi	Newly created post.

**Terms & Conditions:**

1. The appointment of the candidate is made on temporary basis and is liable to termination at any time without assigning any reasons in case of he/she wish to resign their post he shall have to one month prior notice or forefeet one month pay in lieu thereof.
2. He/she should take over charge on 1.1.2001.
3. Health & Age certificate should be produced from the Agency Surgeon Mohmand at Ghallanai.
4. The pay scale and service rules would be subject to revision in according with orders to be passed by the Government of NWFP time to time.
5. No TA/DA is allowed.
6. He/she will not be handed over charge of the post if she/he is below 18 years and above 33 years.
7. The verification roll of the character and anti cident should be got.
8. Their original Educ: Qualification, date of birth, domicile certificate provisional certificate etc will be produced before their handing over charge of the post and attested copies thereof be furnished for office record.
9. He/she will not be paid their salaries until their documents/ academic and professional certificates and Medical certificate are verified from the concerned quarter.
10. If he/she fail to repot their arrival within 15 days report to this effect shall be sent to Agency Surgeon Officer as well as Director of Education NWFP FATA at once.

**ATTESTED**

11. Fourteen (14) days are allowed to arrival if any one objection on the appointment the above candidate from the date of this issue.

(Abdul Muhammad Din Khan)  
Agency Education Officer,  
Mohmand Agency at Ghallani.

Endst. No.6136-56;

Dated 23.12.2000.

Copy forwarded to the :

1. Director of Education FAA, NWFP, Peshawar.
2. Political Agency Mohmand at Ghallani.
3. Assistant Political Agent (U/L) Mohmand.
4. Army Monitoring Cell Mohmand Agency.
5. Agency Accounts Officer, Mohmand Agency Ghallani.
6. Agency Surgeon Mohmand Agency at Ghallani.
7. AAEO (M/F) concerned.
8. Head Clerks in Local office.
9. Candidate concerned.
10. Any Clerk concerned.

Agency Education Officer,  
Mohmand Agency at  
Ghallani.

**ATTESTED**

# PESHAWAR HIGH COURT, PESHAWAR

## FORM OF ORDER SHEET

Court of.....

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

57

B  
5

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	<b>ORDER</b> 13.09.2011	<p><b><u>Writ Petition No.2770/2010</u></b></p> <p>Present: Mr. Muhammad Asif Yousafzai, Adv., for Ijaz Khan, petitioner.</p> <p>*****</p> <p><b><u>EJAZ AFZAL KHAN, CJ.</u></b>-Petitioner, through the instant petition, has asked for the issuance of an appropriate writ directing the respondents to release his salary, which has been stopped ever since December, 2004.</p> <p>2. We have gone through the available record carefully and considered the submissions made by the learned counsel for the petitioner.</p> <p>3. Since the matter in essence and in substance being related to the terms and conditions of service can well be urged before the departmental authority in the first instance and then before the Service Tribunal, this Court, while exercising its jurisdiction under Article 199 of the Constitution of Islamic Republic of</p> <p>Qr</p>

ATTESTED

EXAMINER  
Peshawar High Court.

(58)

(6)

Pakistan, can't intervene. We, while disposing of this writ petition, treat it as a representation before the departmental authority by following the dictum rendered in the case of Muhammad Anis & others vs. Abdul Haseeb & others (PLD 1994 SC 539) and direct the office to send it to the Director, Education (FATA), Peshawar, for decision in accordance with law within a month. This writ petition, thus, stands disposed of.

Announced.  
13. 09. 2011

*Sjt - Ejaz Afzal*  
*Sjt - Waqar Ahmad*

*Office*  
*M/29*

*R. E. Khan*

CERTIFIED TO BE TRUE COPY

*SP* 19-01-13  
Examiner

Peshawar High Court Peshawar  
Authorized under Article 87 of  
the Qanun-e-Shahadat Order 1984

*add registered*  
*9779*

9964

Date of Presentation of Application ..... 18/1/13  
 No of Pages ..... 3  
 Copying fee .....  
 Urgent Fee ..... 1  
 Total ..... 6  
 Date of Preparation of Copy ..... 19-01-13  
 Date Given For Delivery ..... 19-01-13  
 Date of Delivery of Copy ..... 21-01-13

(Fayaz)



1

10/7

**OFFICE OF THE PRINCIPAL**  
**GOVT: HIGH SCHOOL SUBHAN KHWAR**  
**MOHMAND AGENCY**  
Near Civil Hospital Shabqadar  
Tel No. 091-2239331

No. 866-67

04 June 2012

To

✓  
The Director of Education,  
(FATA) K.P.K. Peshawar.

Subject: ENQUIRY REPORT.

Memo:

Reference your letter No. 6515-21 Dated. 15/05/2012. On the above cited subject. The undersigned visited GMS Rahat kor Bara Khel Mohmand Agency on 24/05/2012. Head Master of the school was not present at the school. One PTC teacher and owner of the school land, Noor Habib affirmed that Mr. Ijaz Khan PET attended the school till the end of 2006. The undersigned asked him to provide attendance registers; he said that before 2004, all record is available but the attendance record w.e.f 2005 to 2009 is at Agency Education Office Mohmand Agency. After that a questionnaire along with the request to provide the documentary proof of the following.

1. Show- causes notice.
2. Charge sheet.
3. News paper notice.
4. Termination order.

According to A.E.O. Mohmands, no records about the above letters/orders are available in the local office i.e Agency Education Office.

On the other hand, Mr. Ijaz Khan PET was informed to provide the following.

1. Service Book.
2. 1<sup>st</sup> appointment order.
3. Pay slips before the 12/2004.
4. Transfer order copy.
5. Charge report copy.
6. Attendance period w.e.f. 12/2004 till the date.
7. Applications/ appeals for release of pay.
8. Last application for release of pay when and to whom submitted.

—

8

He provided the photo copies of the followings.

1. Charge report copy.
2. 1<sup>st</sup> appointment order copy.
3. Two applications for release of pay one to Agency Education Officer Mohmands on 14/07/2008, and the other to Director of Education FATA Feshawar on 13/01/2009. According to Mr: Ijaz khan PET, so many applications have been misplaced at Agency Education Office Mohmands in this regard.
4. According to Mr: Ijaz khan PET his Service Book has been misplaced at the local office, while photo copies of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> pages of service Book are annexed.
5. The most important record i.e attendance and signature at the teacher's attendance registers photo copies were provided by the petitioner Ijaz khan w.e.f. 2003 to 10/2007. (Copies attached.)

According to Ijaz khan PET the remaining record is at the A.E.O. Office Mohmands at Ghallanai.


It is a fact that this is a time-worn and ancient case due to which necessary record is not available.

FINDINGS:-

1. During the enquiry it was found out that pay of the applicant was stopped without explanation, show-cause notice etc and no record has been maintained in this regard.
2. After stoppage of pay no further disciplinary action was taken legally.
3. No record is available at the local office.

SUGGESTIONS & RECOMMENDATIONS:-

1. As per statement of the petitioner Mr: Ijaz khan PET he has not been terminated from service while attendance record w.e.f January 2005 to October 2007 is available, pay of the applicant for this period may be released on the basis of humanity.
2. The period of service record of which is not available i.e 11/2007 to 4/2012 should be converted in to extra ordinary leave if admissible under the rules.
3. He should be reinstated as suspension/termination has not been ordered by the department please.


  
Principal,  
GHS Subhan Khwar,  
Mohmand Agency.

Enquiry File No. 619/511  
PRINCIPAL  
GHS Subhan Khwar  
Mohmand Agency

Endst: No. and dated even.

Cc:

1. Agency Education Officer Mohmand Agency at Ghallanai.

  
Principal,  
GHS Subhan Khwar,  
Mohmand Agency.

Aziz ur Rahman/\*

ATTESTED

A



OFFICE OF THE AGENCY EDUCATION OFFICER  
MOHMAND AGENCY AT GHALLANAI  
P.NO.0924290180 FAX:0924290180  
NO. \_\_\_\_\_  
DATED Ghallanai \_\_\_\_/\_\_\_\_/2012

Subject: - **RE-INSTATEMENT.**

Memo:

Consequent upon the directions of Director Education FATA, and on the basis of recommendations of enquiry officer and this office committee, following teacher is hereby re-instated in service in the school mentioned against his name w.e.f 01.09.2012.

His Previous period for which he has not performed duties in any school is hereby converted in leave without pay.

Necessary entries to this effect should be made in his service book.

S.NO	NAME & DESIGNATION	SCHOOL OF RE-INSTATEMENT
1	Ijaz Ahmad PET	GMS Mazullah Tehsil Khwazai

Agency Education Officer  
Mohmand Agency at Ghallanai

Endst.No. 1667-691  
Copy to the :-

dated. 11/09 2012

1. Director of Education Officer FATA .K.P.K Peshawar.
2. Political Agent Mohmand Agency at Ghallanai.
3. Enquiry officer i.e Muhammad Shah Principal GHS Subhan Khwar.

*Official concurred*

Agency Education Officer  
Mohmand Agency at Ghallanai

ATTESTED

10



OFFICE OF THE AGENCY EDUCATION OFFICER  
MOHMAND AGENCY AT GHALLANAI  
P.N.O. 2-290180 FAX 0671290180  
NO. \_\_\_\_\_ DATED Ghallanai 17/09/2012

CORRIGENDUM.

Following partial modification is hereby ordered in the re-instatement order issued vide this office No.1667-69 dated 11.09 2012.

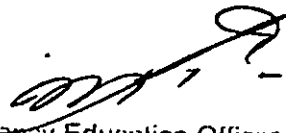
Ijaz Ahmad PET may please be read as Ijaz Khan PET.

(Said Muhammad)  
Agency Education Officer,  
Mohmand Agency at Ghallanai

Encl. No. 1732-37 / Dated Ghallanai the 17/09 2012.

Copy forwarded to the

- 01- Director of Education I. I. A. K. & Peshawar.
- 02- Provincial Agent Mohmand at Ghallanai.
- 03- A. D. Mohmand at Ghallanai.
- 04- AAO concerned in this office
- 05- Pay Clerk concerned.
- 06- Teachers concerned.

  
Agency Education Officer,  
Mohmand Agency at Ghallanai

A



بخدمت جناب ڈائریکٹر ایجوکیشن فائنا ورسک روڈ پشاور

عنوان : اپیل برخلاف آڈر نمبر 1667 مورخہ 11-09-2012

جناب عالی!

گزارش ہے کہ سائل بطور PET اپنی ڈیوٹی مہندہ ایجنسی میں انجام دے رہا تھا۔ سائل نے ریگولر ڈیوٹی انجام دی مگر AEO آفس نے بغیر کسی وجہ کے تنخواہ بندی۔ بہت مدت گزرنے کے بعد سائل نے ہائی کورٹ میں رٹ نمبر آپکو فیصلہ کر کے ارسال کی۔

ہائی کورٹ کے فائل پر آپ نے انکوائری کا حکم دیا۔ انکوائری میرے حق میں ہوئی اور انکوائری آفیسر نے جنوری 2005ء تا اکتوبر 2007ء کی تنخواہ دینے اور مجھے بحال رکھنے کا فیصلہ کیا۔ مذکورہ انکوائری کی روشنی میں مجھے 11.09.2012 کو دوبارہ Re-instate کیا اور پچھلا سارا عرصے Leave without pay قرار دیا۔ جو کہ سراسر زیادتی ہے اور غلط ہے۔ کیونکہ میں کبھی ٹرمینٹ ہی نہیں ہوا تو Re-instatement کیسا۔ اور دوسرا یہ کہ میری حاضری اکتوبر 2007ء تک ثابت شدہ ہے تو اس کو بغیر تنخواہ کے قرار دینا سراسر نا انصافی۔

اکتوبر 2007ء کے بعد میری ایڈجسٹمنٹ اس لئے نہ ہو سکی کیونکہ ہمارے علاقے میں طالبان کا بہت شور مچا رہا تھا اور AEO دفتر ہمارے سکول کی تباہ شدہ عمارت نہ ٹھیک کرتے رہے اور نہ ہی مجھے کہیں اور تعینات کیا گیا۔ جو کہ میرا قصور نہیں بنتا۔ لہذا آپ سے درخواست ہے کہ اپیل کو منظور کرتے ہوئے میری Re-instatement کو adjustment بتایا جائے۔ میری تنخواہ کے بقایا جات اور جنوری 2005ء تا حال ادا کرنے کے احکامات صادر فرمایا جائے۔ کیونکہ میری ایڈجسٹمنٹ AEO کا سلسلہ تھا اور حل نہ کرنے کا وہ قصور وار تھا۔ جسکے لئے مجھے سزا دینا نا انصافی ہوگی۔ اور مزید گزارش ہے کہ سائل کو دوبارہ عدالت لے جانے کے بجائے دفتر ہی میں مسئلہ حل کیا جا کر انصاف کیا جائے۔

مورخہ: 20-09-12

390 دن دستخط کرنا

اعجاز خان  
PET GMS Mazullah  
Tehsil Khwazai Mohmand Agency

Handwritten signature and notes: "Take up with AEO", "Mazullah", "Mohmand Agency", "has performed his duty".

Handwritten signature and notes: "AEO", "19/12", "ATTESTED".

Handwritten date: "10/12/12"

# VAKALAT NAMA

12

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Jiaz Khan (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

D.E. FATA etc (Respondent)  
(Defendant)

I/We Jiaz Khan (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/ Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

[Signature]  
( CLIENT )

ACCEPTED

[Signature]  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**  
Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT



No. SO (Lit-II) FD/2-1330/2013.

Dated Peshawar the 25-4-2013.

To

The Registrar,  
Khyber Pakhtunkhwa Service Tribunal.  
Peshawar.

Subject: APPLICATION FOR SETTING ASIDE THE ORDER DATED 24/4/2013 WHEREIN EX-PARTE ORDER HAS BEEN ANNOUNCED AGAINST RESPONDENT NO. 3 ON THE GROUND OF NON FILING OF COMMENTS.

Dear, Sir,

I am directed to refer to the subject noted above and to enclose herewith application on captioned subject for further necessary action. The case is fixed for hearing before the Honorable Final Bench-II on 21 - 06 -2013.

Yours faithfully,

  
SECTION OFFICER (LIT-II).

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

**Service Appeal No. 306/2013 Mr. Ijaz Khan, PET  
Govt: Middle School Mohmand Agency.**

**...Appellant**

**VERSUS**

1. The Director Education, FATA, Khyber Pakhtunkhwa, Peshawar.
2. The Agency Education Officer, Ghalanai, Mohmand Agency.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department. **...Respondents**

Subject: **APPLICATION FOR SETTING ASIDE THE ORDER DATED 24/4/2013  
WHEREIN RESPONDENT NO. 3 HAS BEEN DECLARED AS EX-PARTE ON THE  
GROUNDS OF NON PRESENCE.**

**Respectfully Shewith.**

1. That above titled appeal was fixed for filing of reply before this Honorable Tribunal on 24-4-2013.
2. That this Honorable Tribunal (Final Bench-II) issued ex-parte orders against Respondent No.3 on 24-4-2013 on the grounds of non presence.
3. That non presence of representative of Respondent No.3 was not willful.
4. That non presence of representative of Respondent No. 3 was due to the circumstances beyond his control.
5. That in the best interest of justice the respondent No. 3 may be allowed to contest the case and file its reply.
6. That the application is within time.

It is therefore, prayed that on acceptance of this application, the order regarding ex-parte against respondent No.3 may please be set aside and he may be allowed to file the Para-wise comments and contest the case.

  
**SECTION OFFICER (Lit-II)  
For Respondent No.3**

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

**Service Appeal No. 306/2013 Mr. Ijaz Khan, PET  
Govt: Middle School Mohmand Agency.**

**...Appellant**

**VERSUS**

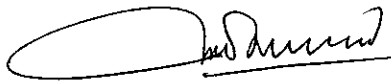
1. The Director Education, FATA, Khyber Pakhtunkhwa, Peshawar.
2. The Agency Education Officer, Ghalanai, Mohmand Agency.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department. **...Respondents**

Subject: **APPLICATION FOR SETTING ASIDE THE ORDER DATED 24/4/2013  
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**SECTION OFFICER (Lit-II)  
For Respondent No.3**

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

**Service Appeal No. 306/2013 Mr. Ijaz Khan, PET  
Govt: Middle School Mohmand Agency.**

**...Appellant**

**VERSUS**

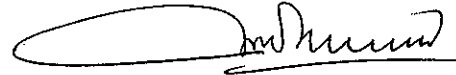
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3. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department. **...Respondents**

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**SECTION OFFICER (Lit-II)  
For Respondent No.3**

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

**Service Appeal No. 306/2013 Mr. Ijaz Khan, PET  
Govt: Middle School Mohmand Agency.**

**...Appellant**

**VERSUS**

1. The Director Education, FATA, Khyber Pakhtunkhwa, Peshawar.
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**SECTION OFFICER (Lit-II)  
For Respondent No.3**

**BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 306/2013

Mr. Ijaz Khan PET GMS

Mazullah Mohmand Agency

..... Appellant

**VERSUS**

1. The Director Education (FATA) Khyber Pakhtoonkhwa, Peshawar
2. The Agency Education Officer, Mohmand Agency.
3. The Secretary Govt. of Khyber Pakhtoonkhwa, Finance.

..... Respondents

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action / locus standi to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is stopped by his own conduct to bring the present appeal.
5. That the appeal is not maintainable.
6. That the appeal is bad for non-joinder and mis-joinder of necessary parties.
7. That the appeal is badly time barred.

**PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 AND 2 IN APPEAL NO. 306/2013**

1. Subject to proof.
2. Incorrect the pay of the appeal has been stopped as he was willful absent from duty. It is further submitted that the appellant pay has been released and he is drawing his salary regularly.
3. Pertain to record.
4. Incorrect, As the appellant has not performed his duty with effect from 11/2007 to 4/2012 as evident from inquiry report therefore, he



was not entitled for back benefits, The competent authority adjusted him without back benefits.

5. Incorrect. The appellant has been adjusted by the competent authority In light of Enquiry Report and he is drawing his pay regularly.

GROUND.

A). Incorrect. As the appellant has not performed his duty for the period he claimed therefore he is not entitled for back benefits.

B). Incorrect. As explained in Para-A above.

C). Incorrect. The appellant has been treated in accordance with law and rules. He has been adjusted and his pay has been released.

D. Incorrect. As explained in Para-C above.

E. Incorrect. As the appellant has not performed his duty therefore he is not entitled for any benefit.

F. Incorrect. All Government servants are bound to perform their duties according to rules and regulations issued by the government from time to time in the interest of public. The appellant ~~was~~ was absent from duty therefore there is no any other option with the competent authority except stoppage of pay of the appellant.

G. This office also seeks permission to advance other grounds at the time of arguments.

In the light of above facts it is humbly prayed that the appeal in hand is merit less and having no legal force may kindly be dismissed.

*M. Com*  
DIRECTOR EDUCATION FATA  
FATA SECRETARIAT WARSAK  
ROAD PESHAWAR.

*[Signature]*  
AGENCY EDUCATION OFFICER  
Mohmand at Ghalanai.

*velled subject  
to come for and  
affidavit*

*S. M. S.*  
Govt Pleader  
Khyber Pakhtoon Khwa  
Svc. Tribunal Peshawar

AFFIDAVIT.

We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our knowledge and belief that nothing has been concealed from this honorable tribunal.

  
DIRECTOR EDUCATION FATA  
FATA SECRETARIAT WARSAK  
ROAD PESHAWAR.

  
AGENCY EDUCATION OFFICER  
Mohmand AT GHALANAI.

**BEFORE THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 306/2013

Mr. Ijaz Khan PET GMS

Mazullah Mohmand Agency

..... Appellant

**V E R S U S**

1. The Director Education (FATA) Khyber Pakhtoonkhwa, Peshawar
2. The Agency Education Officer, Mohmand Agency.
3. The Secretary Govt. of Khyber Pakhtoonkhwa, Finance.

..... Respondents

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3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is stopped by his own conduct to bring the present appeal.
5. That the appeal is not maintainable.
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**PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 AND 2 IN APPEAL NO.**

**306/2013**

1. Subject to proof.
2. Incorrect the pay of the appeal has been stopped as he was willful absent from duty. It is further submitted that the appellant pay has been released and he is drawing his salary regularly.
3. Pertain to record.
4. Incorrect, As the appellant has not performed his duty with effect from 11/2007 to 4/2012 as evident from inquiry report therefore, he

was not entitled for back benefits. The competent authority adjusted him without back benefits.

5. Incorrect. The appellant has been adjusted by the competent authority In light of Enquiry Report and he is drawing his pay regularly.

GROUNDS.

- A). Incorrect. As the appellant has not performed his duty for the period he claimed therefore he is not entitled for back benefits.
- B). Incorrect. As explained in Para-A above.
- C). Incorrect. The appellant has been treated in accordance with law and rules. He has been adjusted and his pay has been released.
- D. Incorrect. As explained in Para-C above.
- E. Incorrect. As the appellant has not performed his duty therefore he is not entitled for any benefit.
- F. Incorrect. All Government servants are bound to perform their duties according to rules and regulations issued by the government from time to time in the interest of public. The appellant ~~was absent~~ was absent from duty therefore there is no any other option with the competent authority except stoppage of pay of the appellant.
- G. This office also seeks permission to advance other grounds at the time of arguments.

In the light of above facts it is humbly prayed that the appeal in hand is merit less and having no legal force may kindly be dismissed.

*vetted subject  
to correct and  
affidavit*

*Amir S.*  
Govt Pleader  
Khyber Pakhtoon Khwa  
Svc: Tribunal Peshawar

*Muhammad*  
DIRECTOR EDUCATION FATA  
FATA SECRETARIAT WARSAK  
ROAD PESHAWAR.

*Mohmand*  
AGENCY EDUCATION OFFICER  
Mohmand at Ghalanai.

AFFIDAVIT

We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our knowledge and belief that nothing has been concealed from this honorable tribunal.

*[Signature]*  
DIRECTOR EDUCATION FATA  
FATA SECRETARIAT WARSAK  
ROAD PESHAWAR.

*[Signature]*  
AGENCY EDUCATION OFFICER  
Mohammad AT CHAI ANVAL.

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

Service Appeal No. \_\_306\_/2013

Mr. Ijaz Khan

V/S

Education Department.

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Not denied, which means admitted correct by the respondents.
- 2 Incorrect, while Para-2 of appeal is correct.
- 3 Not denied, which means admitted correct by the respondents.
- 4 Not replied accordingly. Moreover, the present appeal is against the order passed on the recommendation of the enquiry report.
- 5 Not replied accordingly, while Para-5 of appeal is correct.

**FOUNDATIONS:**

**(A-G)** All Paras of Foundations are correct, while that of reply are incorrect. The appellant has not been treated according to law and rules and has been deprived from the pay benefits without any fault on his part. The contention of the

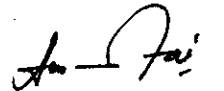
appellant is also admitted by the enquiry officer in his enquiry report.

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



APPELLANT  
Ijaz Khan

Through:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT

**ATTESTED**



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

Service Appeal No. \_\_306\_/2013

Mr. Ijaz Khan

V/S

Education Department.

**REJOINDER ON BEHALF OF APPELLANT**

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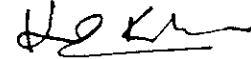
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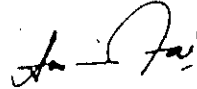
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APPELLANT  
Ijaz Khan

Through:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

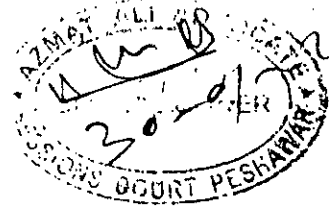
**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT

ATTESTED



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

Service Appeal No. \_\_306\_/2013

Mr. Ijaz Khan

V/S Education Department.

**REJOINDER ON BEHALF OF APPELLANT**

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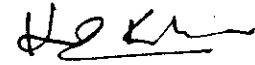
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**GROUND:**

**(A-G)** All Paras of Grounds are correct, while that of reply are incorrect. The appellant has not been treated according to law and rules and has been deprived from the pay benefits without any fault on his part. The contention of the

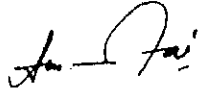
appellant is also admitted by the enquiry officer in his enquiry report.

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



APPELLANT  
Ijaz Khan

Through:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

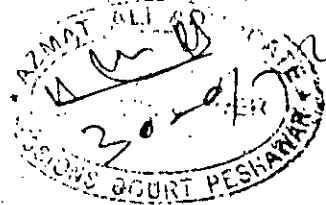
**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT

ATTESTED



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

Service Appeal No. 306/2013.

Mr. Ijaz Khan PET GMS Mazullah Mohmand Agency.

*...Appellant*

**VERSUS**

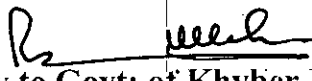
1. The Director Education (FATA) Khyber Pakhtunkhwa, Peshawar.
2. The Agency Education Officer, Mohmand Agency.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department Peshawar:

*... Respondents*

**REPLY ON BEHALF OF SECRETARY TO GOVERNMENT OF KHYBER PAKHTUKHWA, FINANCE DEPARTMENT (RESPONDENT NO.3).**

**Respectfully Sheweth,**

Secretary to Government of Khyber Pakhtunkhwa Finance Department (Respondent No.3) do hereby endorse / relies on the Parawise Comments already filed in the Honourable Service Tribunal by Respondent No.1 & 2 in Service Appeal No. 306/2013.

  
Secretary to Govt: of Khyber Pakhtunkhwa  
Finance Department  
(Respondent No.3).  
14/2/14

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

Service Appeal No. 306/2013.

Mr. Ijaz Khan PET GMS Mazullah Mohmand Agency.

*...Appellant*

**VERSUS**

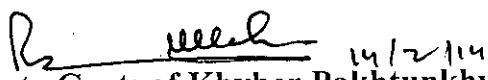
1. The Director Education (FATA) Khyber Pakhtunkhwa, Peshawar.
2. The Agency Education Officer, Mohmand Agency.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department Peshawar.

*... Respondents*

**REPLY ON BEHALF OF SECRETARY TO GOVERNMENT OF KHYBER PAKHTUKHWA, FINANCE DEPARTMENT (RESPONDENT NO.3).**

**Respectfully Sheweth,**

Secretary to Government of Khyber Pakhtunkhwa Finance Department (Respondent No.3) do hereby endorse / relies on the Parawise Comments already filed in the Honourable Service Tribunal by Respondent No.1 & 2 in Service Appeal No. 306/2013.

  
Secretary to Govt: of Khyber Pakhtunkhwa  
Finance Department  
(Respondent No.3).

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 844 /ST

Dated 02 / 06 / 2015


To

The Agency Education Officer,  
Ghalanai, Mohmand Agency.

Subject: - APPEAL NO. 306/2013 Ijaz Khan VS Director Education FATA KPK Warsak  
Road Peshawar and others.

I am directed to forward herewith a certified copy of Judgement dated 18.05.2015 passed  
by this Tribunal on subject appeal for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

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

A.W.F. Province  
Service Tribunal  
Diary No. 349  
dated 28/4/15

Appeal No. 306/2013

Ijaz Khan

V/S

Education Deptt:

**APPLICATION FOR FIXING OF AN EARLY DATE OF  
HEARING IN THE ABOVE TITLED INSTEAD OF 03.09.2015**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal for release/ payment of monthly salaries from January, 2005 to 01.09.2012 and not taking any action on the departmental appeal of the appellant within the statutory period.
2. That the appeal is in arguments stage and is fixed for 03.09.2015 before this Honourable KPK Service Tribunal.
3. That the appellant belong to a poor family and the financial position of the appellant is very hard and has effect the whole family.
4. That if the early date in the instant appeal is fixed and if the case is decided in the favor of appellant, then on the basis of Honourable Tribunal judgment the respondents will bound to release salaries from janurary,2005 to 1.9.2012, which will provide great financial assistance to the appellant and will ease him and his family financial problems.
5. That it will be in the interest of justice to fix the case at an early date.


Be placed  
before DB for  
orders for  
30.04.15

It is, therefore, most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 03.09.2015. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.



Appellant  
Ijaz Khan

THROUGH:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

AND

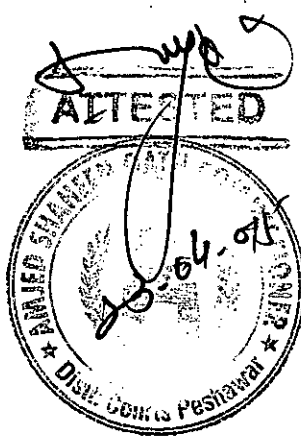


(TAIMUR ALI KHAN)  
ADVOCATE, PESHAWAR.

*Counsel for the appellant present. Stated to give him an early date in this month on the ground that matter of salary is involved, and that the ptr: is a poor teacher. Allowed. Notice be issued to the respdts. To be fixed with this month of 18-5-2015 May, 2015. 4/5/2015*

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.



Deponent