

27.08.2018

None present on behalf of the appellant. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourned. To come up for arguments on 18.10.2018 before D.B.

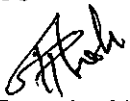

(Ahmad Hassan)
Member

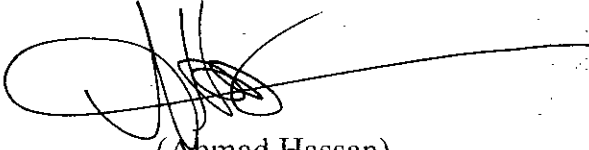

(Muhammad Amin Khan Kundi)
Member

18.10.2018

None for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.


Announced:
18.10.2018


(Hussain Shah)
Member


(Ahmad Hassan)
Member

10.01.2018

Counsel for the appellant present and Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 13.03.2018 before D.B.


Member


Chairman

13.03.2018

Learned counsel for the appellant and Mr. Usman Ghani, learned District Attorney alongwith Bashir Ahmad Head Master for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 11.05.2018 before D.B.


(M. Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

11.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for the same on 26.07.2018.


Reader

26.07.2018

Due to sickness of learned Member (Executive), further proceedings could not be conducted. Adjourned. To come up for arguments on 27.08.2018 before D.B.


Member

15.11.2016

None present for the appellant. Assistant AG for respondents present. Notices be issued to the appellant and his counsel. To come up for arguments on 14-3-2017 before D.B.

Member

Chairman

14.03.2017

Appellant in person and Mr. Muhammad Jan, Government Pleader for respondents present. Appellant requested for adjournment as his counsel is not available today. Adjournment granted. To come up for arguments on 17.07.2017 before D.B.

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

17.07.2017

None present on behalf of the appellant. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Notice be issued to appellant and his counsel for attendance for 15.11.2017 before D.B.

(Muhammad Amin Khan Kundi)
Member

15.11.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG for the respondents present. Learned counsel for the appellant requested for adjournment To come up for arguments 10.01.2018 before the D.B.

Member

Chairman

29.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that identical service appeal No. 554/2013 of Muhammad Zeb etc have already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.10.2015 before S.B.


Chairman

15.10.2015

Since 15.10.2015 has been declared as public holiday on account of 1st Muharram-ul-Haram, therefore, case is adjourned to

11-2-15 for the same.


Reader


11.02.2016

Counsel for the appellant, M/S Khurshid Khan, SO, and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 27.4.2016 before S.B.


Chairman

27.4.2016

None present for the appellant. Mr. Khursheed Khan, SO alongwith Addl. AG for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 22.07.2016.


Chairman

13.

24.02.2015

Counsel for the appellant present and stated that similar nature of appeals titled Shah Zeb and Ikarm ullah have already admitted and pending for regular hearing before the learned Bench-II. He requested that the same may also be admitted and clubbed with the said appeal. The above mention service appeal may be requisitioned. To come up for preliminary hearing on 23.04.2015.


Member

14.

23.04.2015

Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned for preliminary hearing to 09.06.2015 before S.B.


Member

15

09.06.2015

Counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Adjourned for preliminary hearing to 24.6.2015 before S.B.


Chairman

16

24.06.2015


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


Chairman

10.

03.07.2014

Clerk of counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 23.09.2014.


Member

11.

23.09.2014

No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 08.12.2014.


Member

12.

Reader Note:

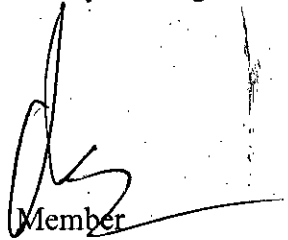
08.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 24.02.2015 for the same.


Reader


7.
26.02.2014

Clerk to counsel for the appellant present and requested for adjournment as his counsel was busy in the Peshawar High Court, Peshawar. Request accepted. To come up for preliminary hearing on 08.04.2014.


Member

8.
18.04.2014

Clerk to counsel for the appellant present and requested for adjournment as the learned counsel for the appellant was busy in Daar-UI-Qaza, Swat. Request accepted. To come up for preliminary hearing on 10.06.2014.


Member

9.
10.06.2014

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 03.07.2014.


Member

3.

6.6.2013

None for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 30.7.2013.



Reader

4.

30.07.2013

Counsel for the appellant present and requested for adjournment. Case is adjourned. To come up for preliminary hearing on 24/10/2013.


~~Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 31.12.2013.~~


Member

5.

24.10.2013


Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 31.12.2013.


Member

6.

31.12.2013



Counsel for the appellant present and requested for adjournment. To come up for ^{Preliminary} ~~preliminary~~ hearing ~~application~~ on 26.02.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 619/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/04/2013	<p>The appeal of Mr. Haibat Khan 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	23-4-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>6-6-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Haibat Khan C.T GHSS Kot Kashmir Lakki Marwat received today i.e. on 28/03/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 13 days.

1. Affidavit may be got attested by the Oath Commissioner.
2. Copy of seniority list is not attached with the appeal which may be placed on it.
3. Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal requires that every civil servant to whom the relief claimed may affect, shall also be shown as respondent.

No. 30 /S.T.

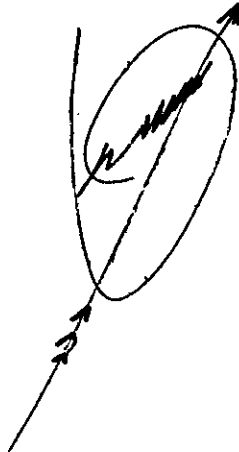
Dt. 11/04 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. L. NWAB ALI NOOR ADV. PESH.

Respectfully Submitted,

*Needfull done kindly put before the Court.
as far as the objections no in concerned in pet/appeal
it was mentioned as annexure in the appellants asked
request for the period of service to be considered
in seniority which he passed out side
the date do here the question is not the
Senior position for the question about the
service which he served out side the
date.*



Respectfully Submitted,

Yours truly,
[Signature]

[Signature]

BEFORE THE SERVICE TRIBUNIL K.P.K, PESHAWAR.

Writ petition NO. 619 of 2013.

1.Haibat Khan C.T (Gen) GHSS Kot Kashmir Laki Marwat..

(Appellant)

VERSUS

1.Secretary to Govt of K.P.K (E & SE) Peshawar & Others.

(Respondents)

Index

S.NO	Description of documents	Annexure	Pages
1.	Service appeal		1-3
2.	Affidavit		3
3.	Copy of service certificate	A	4
4.	Copy of appointment order	B	5
5.	Copy of transfer	C	6
6.	Copy of departmental appeal	D	7
8.	Waklat Nama		8

LB-1am →
Appellant

Through

L.Nawab Ali Noor
Advocate High Court
Peshawar.

1

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

Service appeal NO. 619/2013.

1. Haibat Khan C.T (Gen) GHSS Kot Kashmir (Lakki Marwat).

(Appellant)

VERSUS

1. Secretary to Govt of K.P.K Elementary & Secondary Education Peshawar.

2. Director Elementary & Secondary Education, Peshawar.

3. E.D.O Elementary & secondary Education Distt Lower Karak.

4. Secretary Finance Department Government of K.P.K.

(Respondents)

Appeal u/s 4 of the service tribunal Act 1974 for the grant / allow of in district Seniority to appellant and period of service which he passed out side district consider in the seniority.

Prayer :

On acceptance of this appeal the respondents may please be directed to grant / allow the appellant in district seniority to appellant for the period of service passed out side the district.

Respectfully sheweth:

- 28/3/13*
1. That the petitioner is employee of the education department & was appointed as C.T teacher in BPS-16 in the education department. (copy of the services certificate is annexure A) *appointment order as B)*
 2. That the appellant was transferred from GHS Nauthia Peshawar to GHS Titar Khel Lakki Marwat against the vacant C.T post on his own pay Scale. *(copy is annexure B)*
 3. That the appellant was transferred to his own district not to outside district.
 4. That astonishment to appellant the appellant got / received information that being 32 years of excellent service in the education department the appellant made junior of his in spite of the fact that appellant was senior.
 5. That this act of the respondents department was quite against the service

re-submitted to Govt and filed.

28/4/13

rules ,law as well as against the basic constitution right of the appellant.

- 6. That on one side the appellant & their other colleagues are awarded increments for the untrained period of service on the other side it is very strange to see by this honorable tribunal that inter distt seniority has not been granted to the appellant for the period of service which the appellant done out side the district.
- 7. That the appellant is legally & lawfully entitled for the seniority which he served out side the distt because if this period of service not consider the junior will become the senior and the said period increments has already been given to appellant and not awarding the seniority will be unjust treatment with appellant .
- 8. That the appellant then filled the departmental appeal before the Appellate authority but no heed whatsoever paid to the said appeal. (copy of the departmental appeal is annexure B).
- 9. That the appellant now approaches this honorable tribunal on the following grounds amongst the others.

GROUND:

- a). That not awarding / granting seniority of period of service which he served out side the district to appellant is an act illegal , unlawful without authority/ jurisdiction and being based on the mala fied intention of the respondent department.
- b). That the act of the respondent thereby depriving the appellant from his legal and lawful right not award seniority of the untrained period of service is an act illegal and unjust and against the basic principles of the services laws.
- c). That the appellant has been waiting since so many years for his right (awarding the seniority of the period of service out the district) but up till now non of the respondents department think or consider this genuine matter of the appellant and intentionally appellant has been deprived from his legal and lawful right and snatched his basic constitutional and service rights .

- d). That it was /is the primary duty of the respondents department to act upon by self in such like matter and to save the civil servants as well as Govt from unnecessary litigations and save the precious time and money of the civil servants.
- e). That it now the proper time that the appellant should be awarded his right of seniority of untrained period of service without further delay for spending more time on litigations.
- f). That the act of the respondents department is sheer violation of all the rules and prevailing regulations regarding the above said matter, and no pulsible reasons whatsoever has not been mentioned by the respondents department for the above mentioned illegal and unlawful act.
- g). That this honorable court has the jurisdiction and power too award the said relief to appellant.

It is therefore humbly prayed that on acceptance of this appeal the respondents may please be directed to grant/ allow the in district seniority of period of service to appellant which he served out side the district .

Any other relief / remedy which has not been prayed from this honorable tribunal specifically be also awarded to appellant.

1/13-1/Am
Appellant

Through

L.Nawab Ali Noor
Advocate High Court
Peshawar.

AFFIDAVIT .

I, Haibat Khan C.T (Gen)GHSS Kot Kashmir (Lakki Marwat); do hereby solemnly affirm and declare on oath that the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been canceled from this honorable tribunal.



1/13-1/Am
Deponent.

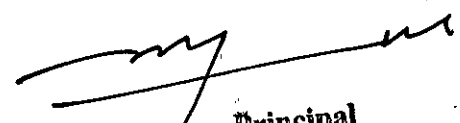
Ann. A. 4

SERVICE CERTIFICATE.

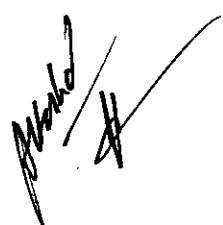
Certified that Mr. Haibat Khan C.T. S/o Ghani Rahman has been serving the Education Department Since August, 16/1981.

At present he is serving against C.T. Post at G.H.S.S. Kot Kashmir Lakki Marwat.

~~XXXXXXXX~~ He is an efficient and hardworking teacher. He bears good moral Charactors and offers good result.



Principal
G.H.S.S Kot Kashmir
Govt: Higher Secondary School,
Kot Kashmir.



OFFICE OF THE DIRECTOR OF EDUCATION, FATA' INTF., PESHAWAR
APPOINTMENT

Mr. ~~Muhammad Khan Muzaffar with Drawing~~ S/O ~~Ghani Rehman~~
a candidate is hereby appointed temporarily as ~~Untrained D.M.~~
at Govt High School/Middle School ~~(G.H.S.)~~
on ~~24/11/78~~ in the H.P.C. No. ~~1000/1000~~ plus usual allowances as
admissible under the Rules with effect from the date of his taking over
charge, against the vacant post of D.M.

- Notes:-
1. Charge reports should be submitted in duplicate to all concerned.
 2. His appointment is being made purely on temporary basis & liable to termination at any time without notice & without assigning any reason. In case he wishes to resign his post he shall have to give one month's prior notice or forfeit one month's pay in lieu thereof. His services will be terminated if he is not selected by the Selection Committee.
 3. His original Educational Qualification, date of birth and domicile certificate should be checked before he is handed over charge of the post and attested copies thereof be kept on the record of school. as well as the same should be
 4. ~~any transfer grant is not allowed.~~
 5. He should be sent to the Agency/Civil Surgeon concerned for Medical Examination the day on which he reports his arrival for duty and no pay should be drawn for him unless and until he produce his health and age certificate from the said Surgeon.
 6. His verification roll of character and antecedents should be got completed and verified from the authorities concerned.
 7. The pay scale and service rules would be subject to revision in accordance with the orders to be passed by the Govt of NWFP from time to time.
 8. He should not be handed over charge of the post if he is below (28) or above (30) years of age, if he fail to resume charge within two weeks, his vacancy should be reported to this office IMMEDIATELY.
 9. An undertaking should be obtained from the candidate concerned to the effect that he would serve the Education Department FATA for at least one academic session in default forfeit three month's pay to the Govt in lieu thereof.

IMPORTANT

Arrested
Principal
G.H.S.S Kot Kashtan
Distt: Lakki Marwat

KIFAYAT-UZZAMAN
DIRECTOR OF EDUCATION
FATA' INTF., PESHAWAR

Endst: No. 14573-75 /A-1/ DM

Dated Pesh: the, 15/10/81

II-82 by forwarded for information and necessary action to the:-

1. Agency Inspector of Schools, ~~File No.~~
Endst: Dated 12.8.1981.
2. Head Master, G.H.S/G.M.S
~~XXXXX Peshawar~~
3. his Endst: No. nil dated 11.8.7

Mr. Haibat Khan S/O Ghani Rehman Nar Kashmir
Musa Khol PO Nar Nuzaffar Khan Toli Lakki
Distt: Bannu.

[Signature]
Director of Education
(FATA) INTF., Peshawar

Intizar/

[Signature]

Ann. 106-5

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

Consequent upon the approval of the competent authority in relaxation of ban Mr. Haibat Khan, CT Govt: High School Nauthia Peshawar is hereby transferred to Govt: High School Titar Khel Lakki Marwat against vacant CT post on his own pay and BPS in the interest of public service with immediate effect.

- Note:-
1. Charge reports should be submitted to all concerned.
 2. No TA/DA etc is allowed.
 3. The EDO (E&SE) concerned are hereby directed to check his Original documents before making salary.
 4. His Seniority will be determined as per rules.

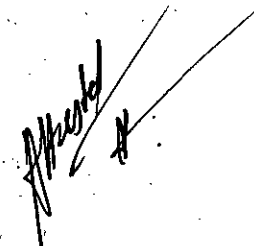
DIRECTRESS

Endst:No. 1460-84 /F.No.523/A-15/CT/Peshawar/Dated Peshawar the 12-02-2011.

Copy forwarded for information & n/a to the:-

1. Executive District Officer (E&SE) concerned.
2. District Accounts Officer concerned.
3. Headmasters GHS: concerned.
4. Teacher concerned.
5. PA to Directress, E&SE, Khyber Pakhtunkhwa, Peshawar.


Deputy Director (Estt.)



Ant-D-7

To

The Honourable
Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa,
Peshawar.

Through :- PROPER CHANNEL.
Subject :- APPEAL ON HUMANITARIAN BASIS.

R/Sir,

With great reverence and humble submission it is stated that I have been serving in Education Department since August, 16th, 1981, uptodate.

I was transferred from GHS Nauthia Qadeem Peshawar to GHS Tittar Khel Lakki on 12.2.2011, and am still working against C.T.(Gen.) at GHSS Kot Kashmir (Lakki).

After serving the education Department for 32 (Thirty Two) years with great zeal and zest, now my seniority has been totally neglected by the high ups of Education Department which is great social injustice with me.

So I request to your honour to kindly consider my case sympathetically and oblige.

Thanking you in anticipation.

Dated Dec; 27, 2012

Yours Obediently

*Forwarded
my in*

B-1 am

Principal
G.H.S.S Kot Kashmir
Distt: Lakki Marwat

Haibat Khan C.T. (Gen.)
GHSS Kot Kashmir (Lakki Marwat)

*SE (M)
Examined
but up the
case as per
policy.*

[Handwritten signature]

[Handwritten signature]
27/12/12

بعدالت

Before the Service Tribunal
K. P. K. Peshawar

2 جناب

جناب
Habib Khans
versus

مورد

مقدمہ

دعویٰ

جرم

Secretary to Govt of K. P. K.
(F & SE) Peshawar
باعث تحریر آئندہ

سید اسد حسین

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لہذا سرگودھا میں کیلئے اہل ذمہ داری اور اس کے لئے سب سے زیادہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوفہ مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جو اب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی و عینی اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
مذکورہ میں لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

20

ماہ

المرقوم

واہ

بمقام لہذا سرگودھا میں کیلئے اہل ذمہ داری اور اس کے لئے سب سے زیادہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوفہ مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔