

S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	06.02.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Service Appeal No. 560/2013</p> <p style="text-align: center;">Bakht Roidar Versus Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar and others. .</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. Bakht Roidar Laboratory Assistant hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for grant of full pay and other benefits attached to post of Subject Specialist (Urdu) where-against appellant has performed duty w.e.f. 24.05.1992 till 05.07.2012.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was serving as Laboratory Assistant at Government Higher Secondary School, Ouch Dir Lower when he was assigned the duty of teaching Urdu Subject to the students of higher secondary classes which he performed till his transfer to Government Higher Secondary School, Chakdara on 05.07.2012. That the appellant claimed the same through departmental appeal which was not responded and hence the instant service appeal on 22.03.2013.</p> <p>4. Learned counsel for the appellant argued that the appellant has been teaching the subject of Urdu to higher secondary classes since 14.05.1992</p>

under the directions of the principal. That his students secured 100% success result in examinations. That despite his dedicated services and performing duty against higher post he was not granted the pay attached to the post to which he was entitled.

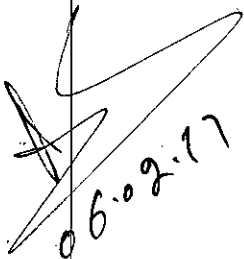
5. Learned Government Pleader argued that the appellant was not assigned the duties of teaching by the competent authority and as such he was not entitled to any such pay attached to the said post of S.S.

6. We have heard arguments of learned counsel for the parties and perused the record.

7. Certain documents placed on record before us would suggest that the appellant has performed the duty of teaching the subject of Urdu to the students of higher secondary classes however he was not assigned the said duty by the competent authority. The appellant is, therefore, not entitled to benefits including pay etc. attached to the said higher post.

8. For the above mentioned reasons we dismissed the appeal, leaving the parties to bear their own costs. File be consigned to the record room.

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06.02.17


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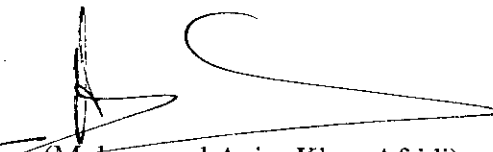
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(Ahmad Hassan)  
Member


  
(Muhammad Azim Khan Afridi)  
Chairman  
Camp Court, Swat.

ANNOUNCED  
06.02.2017

04.10.2016

Appellant in person and Mr. Muhammad Zubair, Senior Government Pleader for the respondents present. Counsel for the appellant is not in attendance. Seeks adjourned. Adjourned for final hearing to 04.01.2017 before the D.B at camp court, Swat.


  
Member

  
Chairman  
Camp court, Swat

04.1.2017


Appellant in person and Mr. Muhammad Zubair, Senior Government Pleader for respondents present. Counsel for the appellant has sent request for fixing the case with another appeals fixed for 06.02.2017 as he is to attend this Tribunal from Peshawar. Adjourned for final hearing to 06.02.2017 before D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat

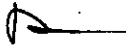
6.10.2015

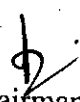
Appellant in person and Mr. Irshad Muhammad, S.O for respondent No.4 alongwith Mr.Muhammad Zubair, Sr.GP for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 12.01.2016 at Camp Court Swat.

  
Chairman  
Camp Court Swat

12.01.2016

Appellant in person and Mr. Muhammad Irshad, S.O for respondent No.4 alongwith Mr. Muhammad Zubair, Sr,GP for respondents present. Counsel for the appellant has not turned up from Peshawar. Requested for adjournment. Adjourned for final hearing before D.B to 11.07.2016 at Camp Court Swat.

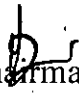
  
Member

  
Chairman  
Camp Court Swat

11.07.2016

Appellant in person and Mr. Muhammad Zubair, Sr. G.P for the respondents present. Counsel for the appellant is not in attendance due to strike of the bar. Adjourned for final hearing on 4.10.2016 before D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat.

25.11.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 06.03.2015.

  
Reader

15.

06.03.2015

Appellant with counsel and Mr. Khurshid Khan, SO for respondents alongwith Assistant A.G present. Requested for adjournment for submission of written reply. Last opportunity granted. Adjourned to 14.5.2015.

  
Member


16 14.05.2015.

Appellant with counsel and Mr. Khurshid Khan, SO alongwith Addl. A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended to 6.7.2015 for submission of written reply at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.

  
Chairman

17 6.7.2015

Appellant with counsel and Mr. Irshad Muhammad, S.O for respondent No.4 alongwith Mr. Muhammad Zubair, Sr. G.P. for respondents present. Written reply not submitted despite last opportunity. No further adjournments are granted. The respondents may, however, submit the same within a fortnight in office. The appeal is assigned to D.B for final hearing for 6.10.2015 at camp court Swat.

  
Chairman  
Camp Court Swat

Appeal No. 560/2013.  
Mr. Bukht Raza

13. 29.05.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant filed copy of order No. 1489 dated 30.06.2012 by the principal Govt: Higher Secondary School Ouch Dir Lower. Copy of order placed on filed. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Appellant filed departmental appeal on 11.12.2014 which was not respondent within the statutory period, hence the instant appeal on 22.03.2014. Further contended that since the issue involved pay etc hence according to the judgment of the Hon'able Tribunal as reported on 1996 PLC CS 400 no limitation runs as such like cases.

The learned Government Pleader while assisting the Tribunal was of the view that the case may be time barred. There is neither original order nor any final order. According to the judgment of the Hon'able Supreme Court of Pakistan as reported in 2006 SCMR 1630, this Hon'able Tribunal has got no jurisdiction to entertain in the instant appeal. He requested that the appeal may be dismissed.

Points raised at the Bar 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, Notices be issued to the respondents. To come up for written reply/comments on 05.08.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 180/- Bank  
Receipt is Attached with File.

Member

14. 29.05.2014

This case be put before the Final Bench for further proceedings.

Chairman

S. B. 24

The Hon'ble Bench is on Pious  
Preserfor case is filed to

25-11-14

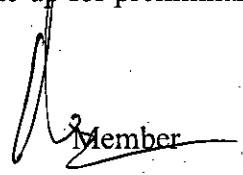
Reed



11.

24.02.2014

Clerk of counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments could not be heard due to general strike of the Bar. To come up for preliminary hearing on 09.04.2014.

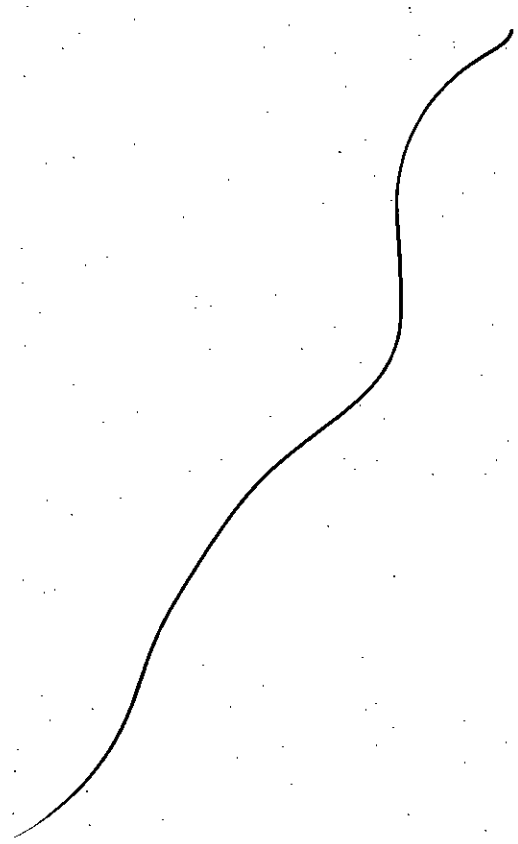
  
Member

12.

09.04.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment. To come up for preliminary hearing on 29.05.2014.

  
Member



8.

06.11.2013

Since 6<sup>th</sup> November 2013 has been declared as holiday by the Provincial Govt vide Notification dated 05.11.2013, therefore, case adjourned to come up for preliminary hearing on 19.12.2013.

Member

9.

19.12.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 08.01.2014.

Member

10.

08.01.2014

Appellant with counsel present. No one is present on behalf of the respondents. However Mr. Muhammad Jan, GP is present. Notices be issued to the respondents. To come up for preliminary hearing on the point of maintainability of the appeal on 24.02.2014.

Member

6.

05.09.2013

Counsel for the appellant and Mr. Muhammad Ian, GP for the respondents present and heard. The learned counsel for the appellant requested for adjournment and want to implead necessary parties as respondents. To come up for further proceedings on 20.09.2013.

Member

7.

20.09.2013

Appellant with counsel present and filed an application for impleadment of Principal GHSS Ouch Dir Lower as respondents. Application is accepted and the Principal GHSS Ouch Dir Lower impleaded as respondent No.5. The reader concerned is directed to make entry with red ink to this effect and the appellant is directed to submit extra copy of complete appeal. Preliminary arguments heard. Counsel for the appellant contended that the appellant was working as Lab Assistant at GHSS Ouch Dir Lower since 14.05.1992. He was directed by the Principal of the School to teach Urdu subject to the 1<sup>st</sup> year and 2<sup>nd</sup> year students during the period 1992 onward. The counsel for the appellant further contended and referred to Page 10,11,12,13,14,15,16( Service certificate, Result Card, Time Tables) which shows that the appellant has performed duty to teach Urdu subject to the 1<sup>st</sup> year and 2<sup>nd</sup> year students. Since the appellant was directed by the Principal of the School without having sanctioned post, therefore, pre-admission notice be issued to the respondents/department as well as GP to assist the Tribunal on the point of performance of duty against higher post by the appellant. To come up for further preliminary hearing on 06.11.2013.

Member


3.  
14.5.2013

Counsel for the appellant present and requested for adjournment. Case adjourned to 13.6.2013 for preliminary hearing.

  
Member

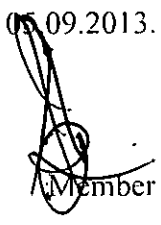
4.  
13.6.2013

Munshi to Counsel 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 18.7.2013.

  
Reader

5.  
18.07.2013


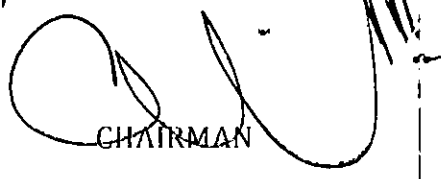
Counsel for the appellant present. Contends that the appellant has not been treated in accordance with the law/rules. Basically the appellant was working as a Lab Assistant but *being/having* ~~as~~ M.A Urdu, He was verbally assigned duty as SS(Urdu) and as such he performed duty w.e.f 14.05.1992 till 5.7.2012 for which he is entitled to monetary benefits. Pre-admission notice be issued to the Sr.GP and the respondents to assist the court on 05.09.2013.

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 560/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/03/2013	<p>The appeal of Mr. Bakhat Roidar presented today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p> REGISTRAR</p>
2	3-4-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>14-5-2013</u>.</p> <p> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 560 /2013.

Bakhat Roidar.

VS


Education Deptt: etc.

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11-	Result sheet of 2009	J	13
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APPELLANT

THROUGH;

  
M.ASIF YOUSAFZAI

ADVOCATE.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 560 /2013.

K.W.F. Peshawar  
572  
22/3/13

Bakhat Roidar Lab: Asstt:

GHSS Chakdara Dir Lower.....Appellant.

**VERSUS**

- 1- The Chief Secretary KPK Peshawar.
- 2- The Secretary Education (E&SE) KPK Peshawar.
- 3- The Director Education (S&SE) KPK Peshawar.
- 4- The Secretary Finance Deptt: KPK Peshawar.
- 5- The Principal GHSS, Ouch Dir Lower. (newly added vide order 20.9.13. Respondents.

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 FOR GRANTING FULL PAY BENEFITS OF SS (URDU) POST AGAINST WHICH THE APPELLANT HAS PERFORMED DUTY AND AGAINST NOT TAKING ANY ACTION ON THE APPEAL OF APPELLANT WITHIN STATUTORY PERIOD.**

**PRAYER:**

That on acceptance of this appeal the respondents may be directed to grant full pay and other fringed benefits of SS (Urdu) post against which the appellant has performed full duty w.e.from 14.5.1992 till 05.07.2012. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

**R.SHEWETH.**

1. That the appellant joined the Education Deptt: as Lab: Asstt at GHSS Ouch Dir Lower appointed vide order dated. 13.5.1992. The appellant has more than 20 years service at his credit with good record throughout. Copy of the order is attached as Annexure – A.

2. That the appellant has the qualifications of BA, MA (Urdu), MA (Pushto), C.T, B.Ed. Copies of the degrees are attached as Annexure – B,C,D,E,F.
3. That as the appellant was highly qualified and there was no teacher available in the GHSS Ouch Dir Lower to teach Urdu subject to the students of higher secondary classes, therefore the appellant was entrusted with the same duty which he did with full devotion and honesty. Copy of the service certificate and result sheets of the some sessions are attached as Annexure – G, H,I,J,K,L,M.
4. That ON 5.7.2012, the appellant was transferred to GHSS Chakdara against the post of Lab: Asstt: , but the appellant was never granted pay or other financial benefits for the duty he performed as SS (Urdu) at GHSS Ouch Dir Lower. Copy of the order is attached as Annexure – N.
5. That the appellant filed departmental appeal for his claim, but no reply was received by the appellant till the expiry of statutory period. Hence the present appeal on the following grounds amongst others. Copy of appeal and forwarding letter are attached as Annexure – O

**GROUND:**

- A- That not granting the pay and other fringed benefits of SS (Urdu) post and not taking any action on the appeal of appellant within statutory period of ninety days is against the law, facts, norms of justice and material on record, therefore not tenable.
- B- That the appellant has performed full duty and shouldered the responsibilities of high post with devotion and up to the satisfaction of his superior and there were no complaints against the appellant while performing duty as SS (Urdu).
- C- That the appellant is entitled to all pay and other fringed benefits of SS (Urdu) post w.e.from 14.5.1992 till 5.7.2012 legally because the appellant has performed full duty as such during that period.
- D- That according to the Supreme Court Judgment it has been held that if an employee is made to work against a post then that employee will be entitled to all enumerations or that post. Thus the appellant is entitled to the benefits he claimed.



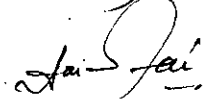
- E- That similar appeal NO.59/2006 was also decided by this august Tribunal in which the appellant of that appeal was granted full pay benefits of higher posts against which he performed duties. Thus the appellant is also entitled to same relief under the principles of consistency. Copy of judgment is attached as Annexure - P.
- F- That the appellant has not been dealt according to law and rules and has been kept deprived from that benefits to which he is legally entitled.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

  
BAKHAT ROIDAR.

THROUGH:

  
M.ASIF YOUSAFZAI  
ADVOCATE.

A (4)

OFFICE OF THE DISTT: EDUCATION OFFICER(M) SECONDARY DIR AT TIMEGARA.

APPOINTMENT ORDER.

Mr. Bakht Roidar S/O Jahan Bakht resident of  
Village Ramora Distt: Dir is hereby appointed as Assistant  
at G.H.S.S Ouch in BPS-7 plus usual allowances with effect from  
the date of his taking over charge subject to the following terms and  
conditions:-

TERMS AND CONDITIONS.

1. No TA/DA is allowed.
2. He shall produce Health and Age Certificate from the Civil Surgeon Dir at Timergara.
3. His appointment is purely temporary and liable to termination at any time without any notice/reasons. In case of leaving the service he will have to give one month's prior notice in advance or deposited one month's pay to the Government.
4. He may not be handed over charge if his age exceeds 45 years or below 18 years.
5. The Heads of the Institution are required to check his original certificates before handing over the charge.
6. In case he failed to take over charge within 15 days of the issue of this order, his appointment shall stand automatically cancelled.
7. Charge report should be submitted to all concerned.

(MOHAMMAD ZAFAR JALIL)  
DISTT: EDUCATION OFFICER(MALE)  
SECONDARY DIR AT TIMEGARA..

Order No. 5817-19 Dated Timergara the 13-5-92.

Copy forwarded for information and necessary action to:-

1. The Head Master/SDEO(M) concerned. *Principal G.H.S.S Ouch*
2. The Distt: Accounts Officer Dir at Timergara.
3. The candidate concerned.

Dy: Distt: Education Officer(M);  
Secondary Dir at Timergara.

M. Shafiq

ATTESTED

*Signature*  
PRINCIPAL  
G.H.S.S, Chakd. a  
Distt: Dir (Lower)

B 5

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

# University of Peshawar (Pakistan)

Session ANNUAL 1990



BAKHT HOIDAR / SON of JEHAN BAKHT and a student  
of GOVERNMENT COLLEGE THANA MALAKAND AGENCY having passed the prescribed Examination  
held in AUGUST 1990 . is this day admitted by the University of Peshawar  
to the Degree of

## Bachelor of Arts

in the SECOND Division

The Examination was taken as a whole/in parts

HIGHER EDUCATION COMMISSION (HEC)  
ATTESTED  
Dr. RASHID LATIF  
Attestation Officer  
Higher Education Commission  
Government of Pakistan  
\* Islamabad \*

Serial No 003448  
Registered No. 87-T-1886  
Roll No 28629

(Muhammad Ibrahim Naseem)  
Section Officer  
Ministry of Foreign Affairs  
Islamabad



Attested  
Sub Registrar  
GHSS Chakdara  
Distt: Dir (Lower)

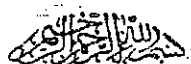
Attested  
Registrar  
Countersigned  
Vice-Chancellor

Result Declared on 16TH MARCH 1991

04 DEC 2007

ATTESTED

C (6)



# University of Peshawar (Pakistan)

Session ANNUAL 1994

BAKHT FOIDAR SON OF JEHAN BAKHT and a student  
of DISTRICT DIR having passed the prescribed examination  
held in APRIL, 1995 is this day admitted by the University of Peshawar,  
to the Degree of  
**Master of Arts**

PHOTO COPY



Higher Education Commission (HEC)



in the THIRD Division

The Subject of Examination being Urdu

The Examination was taken as a whole / in parts

Attested

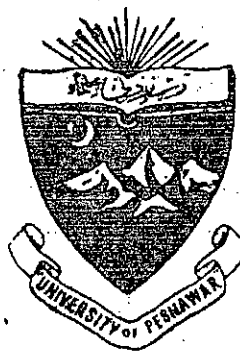
Serial No. 020616

Registration No. 87-F-1886

Roll No. 7874

Result declared on OCTOBER 09, 1995

(Muhammad Ibrahim Naseem)  
Section Officer  
Ministry of Foreign Affairs  
Islamabad



Attested Fazli Harid  
Registrar  
Countersigned Ghass Chakdara  
Subject Specialist  
GHSS Chakdara  
Distt: Dir. (Lower)  
Vice-Chancellor

104 DEC 2007

ATTESTED

پشاور یونیورسٹی

D  
(7)

# University of Peshawar

(PAKISTAN)

SESSION ANNUAL 2000

BAKHT HOIDAR SON of JEHAN BAKHT and a student of MALAKAND AGENCY habing passed the prescribed examination held in JANUARY 2001 is this day admitted by the University of Peshawar to the Degree of

## Master of Arts

in the SECOND Division

The Subject of Examination being PASHTO

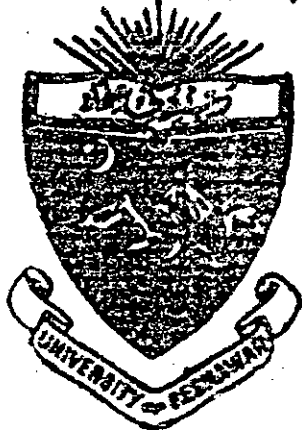
The Examination was taken as a whole / in parts

Serial No 036002

Registration No. 87-T-1886

Roll No. 25198

Result declared on MAY 26, 2001



Attested  
*[Signature]*  
Subject Specialist  
GHSS Chakdara  
Distt: Dir (Lower)

*[Signature]*  
Registrar

Countersigned  
*[Signature]*  
Vice-Chancellor

ATTESTED  
*[Signature]*

# EDUCATION DEPARTMENT,

## N.-W.F.P., PESHAWAR,

E (8)



### CERTIFICATE OF TEACHING,

ROLL NO. 2782 ✓ Marks obtained 673/1200 ✓ ~~71000~~  
 Division Second (II)

Certified that Bakht Poidar ✓

born on 25-2-1967 (Twenty-Fifth February, Nineteen hundred and Sixty-Seven.....)

son/daughter of Jehan Bakht ✓

resident of xxx Tehsil xxx District Dir

having passed the Certificate of Teaching Examination held in 1996 is qualified to teach in the Middle Department of an Angle-Vernacular School.

Trained at the Government Training School, Private

*Attested*  
*Mujib*  
Subject Specialist,  
Govt. Higher Secondary School,  
OUCH, Distt: DIR.

Dated Peshawar,  
The 13-5-1997

*Mujib*

*Abdul*

*Attested*  
*Abdul*  
Registrar,  
Departmental Examinations  
Education Department, Peshawar  
Subject Specialist  
GHSS Chahdara  
Distt. Dir (Lower)

ATTESTED  
*[Signature]*

F 9

Roll No. D-5673495

14267

Allama Iqbal Open University



علامہ اقبال اوپن یونیورسٹی

BAKHT ROIDAR

Regn. No.

94-NDR-0512

رہبرین نمبر

بخت رویدار

son/daughter of JEHAN BAKHT

جہان بخت

پوتہ/پوتی

having completed the prescribed requirements in AUTUMN, 1995 is awarded the degree of

Higher



Commission HEC

DR. RASHID MATEEN Attestation Officer Higher Education Commission Government of Pakistan Islamabad

بی۔ ایڈ

Bachelor of Education



He/She secured 56 % marks and was placed

Attested in B grade.

کے ڈگری تھا کہ گئی اس نے 56 فیصد نمبر لے کر گریڈ حاصل کیا۔

Vice Chancellor

الذہر حسن صدیقی

(Muhammad Ibrahim Naseem) Section Officer Ministry of Foreign Affairs Islamabad Dated: 30th January 1996.

Controller of Examinations

کنٹرولر امتحانات

This degree is to be read in conjunction with the Transcript, issued separately.

Attested Subject Specialist GHSS Chakdara Distt: Dir (Lower)

04 DEC 2000

ATTESTED

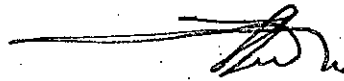
Service Certificate

Mr Bakht Roidar S/O Jehan Bakht has been serving in education department (E & SE)

As lab: Assistant at GHSS Ouch Distt: Dir lower since 14/5/1992. He has also been teaching Urdu to higher Secondary classes Since 14/5/1992. He has full command over his subject.

His moral character is upto the marks,

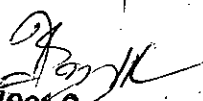
I wish him good luck in future.



11/6/12

No. 1476 dated 11/6/12.

Principal  
GHSS Ouch Dir Lower

Attested  
  
Subject Specialist  
GHSS Chakdara  
Distt: Dir (Lower)

ATTESTED





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OFFICE OF THE PRINCIPAL G.H.S.S. OUCH DISTT: DIR.  
STATEMENT SHOWING THE RESULT OF INTER PART -I & PART II 1998.

( PART II )

Ensst: No 419

Dated 21.11.1998.

S/No	Name of teacher with designation.	Subject;	Can:/Appeared	Passed Promot ed.	Passed percentage.
1	Mr Mohammad Hamayun (S.S Eng:)	Eng:	13	7	54%
2.	<del>Mr Bakht Roidar</del> Bakht Roidar L/Ass:	Urdu	13	11	85%
3.	Mohammad Nagin S.S	P/S	13	12	92%
4.	Mr Obaidur Rahman S.S	Isl(E)	13	12	92%
5.	Mr <del>Zahid Khan</del> <sup>Mohd Nagin</sup> S.S	Civ:	7	7	100%
	Mr <del>Zahid Khan</del>	Eco:	2	-	0%
6.	Mr Ali Gul S.S -do-	I.H Pa	3 7	3 6	100% 86%
7.	Mr Mohd Mujtaba Khan S.S(State)	State	2	1	50%
8.	---	HPE	3	2	67%
General result			13	4	30%

Principal  
G.H.S.S Ouch (Dir)

Attested  
Subject Specialist  
GHSS Chakdara  
Distt: Dir (Lower)

ATTESTED  
A

Inter-2007

I (12)  
No. 554  
Dated 16/8/2007

OFFICE OF THE PRINCIPAL GOVT: HIGHER SECONDARY SCHOOL OUCH DIR LOWER.  
STATEMENT SHOWING THE INTERMEDIATE RESULT FOR THE YEAR 2007 (A).


TEACHERWISE RESULT.

<u>S.No.</u>	<u>Name of Teacher &amp; Designation.</u>	<u>Subject.</u>	<u>Appeared</u>	<u>Passed</u>	<u>Failed</u>	<u>Percentage.</u>
1.	Inayat Ullah SS	Eng:	37	15	15	50%
2.	Bakht Roidar L/Ass:	Urdu	37	37	-	100%
3.	Zarif Shad SS	P/S	37	37	-	100%
4.	Shahkir Ullah L/Ass:	Isl:	28	28	-	100%
5.	Vacant Post SS	BIO:	2	1	1	50%
6.	Shahabuddin SS	Phy:	7	7	-	100%
7.	Ihsanullah SS	Ch:	7	7	-	100%
8.	Noor Muhammad SS	CI V	20	20	-	100%
9.	-do- SS	Hist:	13	12	01	92%
10.	Ibadur Rahman DPE	HPE	24	24	-	100%
11.	Noor Badshah SS	Maths	7	4	3	57%
12.	M.Mujtaba Khan SS	State	2	2	-	100%
13.	Irshad Ullah SIT(Teach)	Computer	4	4	-	100%

GENREL RESULT.

<u>S.No.</u>	<u>Name of School.</u>	<u>Total App:</u>	<u>Total Passed</u>	<u>Failed.</u>	<u>%age.</u>
1.	GHSS Ouch	37	18	19	49%

Attested  
Subject Specialist  
GHSS Chakdara  
Distt. Dir (Lower)

  
PRINCIPAL  
GHSS OUCH DIR LOWER.

ATTESTED  
  
ATTESTED

**Office of the Principal Government Higher Secy School Ouch Dir Lower**  
**Statement showing the result of Inter(A) During the session 2009.2010**

S/No	Name of teacher	Designation	Subject	S/App eared	Passed	Failed	Percentage
1	Inayat Ullah	SS(Eng)	English	111	90	21	81%
2	Bakht Roidar	Lab:Asstt	Urdu	111	111	00	100%
3	Janat Gul	SS(Isl)	Islamiyat(C)	111	111	00	100%
4	Janat Gul	-do-	-do-(E)	36	35	01	97%
5	Noor Muhammad	SS(H/Civ)	Pak/Study	111	111	00	100%
6	-do-	-do-	Civics	34	33	01	97%
7	Shahabu-Din	SS(Phy)	Physics	74	68	06	91%
8	-do-	-do-	Chemistry	52	44	08	84%
9	Ali Gohar	SS(Bio)	Biology	30	27	03	90%
10	Irshad Ullah	SIT	Computer Sc	24	22	02	91%
11	Ihsan Ullah	SS (Maths)	Maths	45	40	05	89%
12	Shafiur Rahman	Lab:Asstt:	H.P.E	34	33	01	97%
13	Sajid Ahmad	SS(State)	State	02	01	01	50%

**GENERAL RESULT.**

Total Student app: Total/Passed T/Failed Passed percentage.

110	66	44	60%
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Attested  
 Subject Specialist  
 GHSS Makdara  
 Distt. Dir (Lower)

Principal  
 G.H.S.S Ouch Dir Lower

**ATTESTED**

**TIME TABLE FOR 1st YEAR SESSION 2009-2010**

TIMINGS :	8.00 TO 8.40	8.40 TO 9.20	9.20 TO 10.00		10.15 TO 10.55	10.55 TO 11.35	11.35 TO 12.15
DAYS/PERIODS	1	2	3	Break 10:00 to 10:15	4	5	6
Monday	English	Phy/State/IA	Islamiat (E) /Che/Eco		Civics/Bio/Maths	Urdu	C.Science
Tuesday	***	***	***		***	***	***
Wednesday	***	***	***		***	***	Islamiate(C)
Thursday	***	***	***		***	***	***
Friday	***	Physics/Stats /Islamiate (E)	Chemistry/ C.Science		***	***	***
Saturday	***	***	***		***	***	***

**TIME TABLE FOR 2nd YEAR SESSION 2009-2010**

TIMINGS :	8.00 TO 8.40	8.40 TO 9.20	9.20 TO 10.00		10.15 TO 10.55	10.55 TO 11.35	11.35 TO 12.15
DAYS/PERIODS	1	2	3	Break 10:00 to 10:15	4	5	6
Monday	Chemistry/ Civics	Bio/Maths/ Islamiat(E)	English		Phy/State/ H.P.E	Comp.Sci/ Eco	Urud
Tuesday	***	***	***		***	***	***
Wednesday	***	***	***		***	***	***
Thursday	***	***	***		***	Pak-Studies	***
Friday	***	Bio/Maths/ H.P.E	***		Phy/State/ Islamiat /(E)	***	***
Saturday	***	***	***		***	***	***

**Teaching Staff**

- |                       |                            |
|-----------------------|----------------------------|
| 1. Physics            | Mr. Shahab Uddin S.S       |
| 2. English            | Mr. Inayat Ullah S.S       |
| 3. Civics & I/History | Mr. Noor Muhammad Khan S.S |
| 4. Statistics         | Mr. Sajid Ahmad S.S        |
| 5. Biology            | Mr. Ali Gohar S.S          |
| 6. Maths              | Mr. Ihsan Ullah S.S        |
| 7. Islamiyat          | Mr. Janat Gul S.S          |
| 8. Chemistry          | Mr. Ajmal Khan S.S         |
| 9. Computer Science   | Mr. Irshad Ullah Khan S.S  |
| 10. Economics         | Mr. Sher Zada S.S          |
| 11. Urdu ✓            | Mr. Bakht Roidar ✓         |
| 12. HPE               | Mr. Shafi ur Rahman        |
| 13. Pak. Study        |                            |

No. 1479 dated 23/6/2012

Attested

Subject Specialist  
GHSS Chakdara  
Distt: Dir (Lower)

Principal  
GHSS Ouch Dir Lower

Principal  
G.H.S.S Ouch  
Distt: Dir (L)

ATTESTED

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TIME TABLE FOR FIRST YEAR SES

Days/Periods	08:00 To 08:40	08:40 to 09:30	09:30 to 10:00		10:40 to 11:20	11:20 to 12:00
	1	2	3	4	5	6
Monday	English	Phy/State/L.H	L.E/Che/Eco	Civics/Bio/Math	Urdu	CS
Tuesday	English	Phy/State/L.H	L.E/Che/Eco	Civics/Bio/Math	Urdu	CS
Wednesday	English	Phy/State/L.H	L.E/Che/Eco	Civics/Bio/Math	Urdu	Isl (C)
Thursday	English	Phy/State/L.H	L.E/Che/Eco	Civics/Bio/Math	Urdu	Isl (C)
Friday	English	Phy/State/L.E	Che/CS	Civics/Bio/Math	Urdu	Isl (C)
Saturday	English	Phy/State/L.E	Che/CS	Civics/Bio/Math	Urdu	Isl (C)

TIME TABLE FOR 2<sup>nd</sup> YEAR SESSION 2010-11

TIMINGS	08:00 To 08:40	08:40 to 09:20	09:20 to 10:00	10:00 to 10:40	10:40 to 11:20	11:20 to 12:00
Days/Periods	1	2	3	4	5	6
Monday	Che/Civics	Bio/Maths/L.E	English	Phy/State	CS/Eco	Urdu
Tuesday	Che/Civics	Bio/Maths/L.E	English	Phy/State	CS/Eco	Urdu
Wednesday	Che/Civics	Bio/Maths/L.E	English	Phy/State	CS/Eco	Urdu
Thursday	Che/Civics	Bio/Maths/L.E	English	Phy/State	CS/Eco	Urdu
Friday	Che/Civics	Bio/Maths	English	Phy/State/L.E	P. Study	Urdu
Saturday	Che/Civics	Bio/Maths	English	Phy/State/L.E	P. Study	Urdu

Teaching Staff

- 1. Physics Shahabuddin SS
- 2. English Inayatullah SS
- 3. History/Civics Noor Muhammad SS
- 4. Statistics Sajid Ahmad SS
- 5. Biology Ali Gohar SS
- 6. Economics Sher Zada
- 7. Mathematics Ihsanullah SS
- 8. Chemistry
- 9. Islamiyat Janat Gul SS
- 10. Computer Science Irshad Ullah SS
- 11. Urdu Bakht Rindar / Fazal Dayan SS
- 12. Pak. Study Fazal Dayan

No 159/ dated -09/10/2012

*[Signature]*  
Principal  
GHSS Ouch Dir (L)

*[Signature]*  
*[Signature]*  
Ihsanud-din  
S.O in Islamiat  
G.H.S.S. chak bedero  
21/11/12

ATTESTED

N  
(17)

OFFICE ORDER.

Mr. Bakht Roidar Lab: Asstt: Govt Higher Secondary School Ouch is here by transferred to Govt Higher Secondary School Chakdara against vacant Lab; Asstt: post in the interest of public service with immediate effect.

Note:-

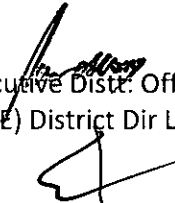
1. No T.A, D.A is allowed.
2. Charge Report should be submitted to all concerned.

(Hafiz Muhammad Ibrahim)  
Executive District Officer  
(E&SE) District Dir Lower.

Endst: No. 12237-41 Dated 5 / 7 / 2012. Timergara Dir Lower

Copy of the above is forwarded to the:

1. District Account Officer Dir Lower.
2. District Officer Male Secondary Local Office.
- 3-4. Principle/ Head Master concerned.
5. The concerned.

  
Executive Distt. Officer  
(E&SE) District Dir Lower.

ATTESTED  


The secretary

Elementary and secondary education,

Khyber Pukhtunkhwa, Peshawar.

**Subject;** SERVICES APPEAL UNDER SECTION 23, 24 & 26 OF THE "THE CIVIL SERVANT ACT 1973" FOR GRANT OF PAY IN BPS-17 AS SUBJECT SPECIALIST ON ACCOUNT OF PERFORMING DUTIES OF TWO INDEPENDENT POSTS UNDER THE PURVIEW OF FR-49 (a) W.E.F 13/05/1992 IN TIME SCALE BY PURVIEW OF FR-9 (31)(a) AND REGULATION OF SERVICES WITH CONSEQUENTIAL BENEFIT UNDER SECTION 3 OF CONTRACT EMPLOYEES SERVICE BILL 2009 IN THE LIGHT OF PARA (c) OF 1996 SCMR 1185.

Respected Sir,

Respectfully submitted as under:

1. That I was appointed as Lab Assistant in BPS-7 on 13/05/1992 on merit basis, without violating of any civil rights of other.
2. That I was entrusted also the duties of teaching to the intermediate classes from the same date in BPS-17 as subject specialist with pay in BPS-7 against BPS-17 despite this fact, my pay under FR-49 (a) was not regulated for performance of duties at the same time on two independent posts i.e. lab assistant in BPS-7 + subject specialist in BPS-17 (service certificate w.e.f 13/05/1992 to 05/07/2012 is attached as annexure "A").

ATTESTED



3. That I have shown 100% results but my pay and emoluments were not regulated under FR -49 (a) in time scale by purview of FR-9 (31)(a) inclusive of increments in BPS-17 in judgment of august supreme court of Pakistan awarded in respect of Qazi Abdul Karim versus State of Pakistan (ESTA Code Page 114, S.No1).

I stood entitled for pay and other service consequential benefits of arrears from the same date on the analogy of judgments of service Tribunal Khyber Pakhtunkhwa and Honorable Supreme Court of Paksitan.

- 4. That despite teaching to intermediate. I was not allowed BPS-17 from the same date and I was transferred from GHSS OUCH to GHSS Chakdara, Dir Lower on my own pay scale. But I am still performing the same duties and teaching to intermediate classes.
- 5. That the requisite qualifications for S.S. Post are:
  - a. MA /M.Sc in relevant subject.
  - b. B.Ed.

Thus, I have the same qualification of subject Specialist in Urdu post in BPS-17 as below.

- a. M.A Urdu and Pashto.
- b. B.Ed & M.Ed

Hence, also by eligibility I was eligible to be posted as subject specialist in Urdu. Whereas some junior persons were posted on contract basis and regularized by the contract employees regularization Act, 2009. But the departmental policy to post S.S. was very harsh, so I could not avail the chance of contract appointments as S.S. in Urdu. Because it was incumbent on

**ATTESTED**  




regular employees to resign first from their regular posts and then apply on contract post. Thus I have suffered on account of this harsh contract policy.

Furthermore, it is also very deplorable to say that the Department is dormant on the compendium of Section 3 of this contract employees regularization Act 2009 to activate the service promotion quota, which is statutory and applicable in my favour on account of being benefit of vested rights. This kind of Departmental dormancy on statutory right is in strict violation of fundamental rights enunciated by purviews of Articles 3, 4, 8, 9, 25 & 38 (d) of the constitution of Islamic Republic of Pakistan.

6. That there is a brilliant precedent of the provincial Government of erstwhile Khyber Pakhtunkhwa during the last period of late Benazir Bhutto Government, many persons were directly appointed against BPS-17 posts and SET posts in BPS-16 who were directly appointed in MPA concerned quota for example.

a. Mr. Chiraghud Din SET in Dir (Upper).

b. Mr. Noor Muhammad SET in Dir (Upper) etc.

These quota holders employees are now in BPS-17 w.e.f 01/10/2007.

7. That vide notification No. SO(S) 1-24/2009/TSLM/B-17 dated the 12/01/2010, a batch of 12 S.S in new seniority list have been notified wherein S.No 1-12 i.e. from Fazal Iqbal S.S. to Muhammad Amin have been granted seniority (Who were appointed in BPS-15) in BPS-17 from the date of their respective appointment / continuous offication on BPS-17.

Thus this absolute precedent is also applicable in my respect to be subject Specialist in PBS-17 regular w.e.f 13/05/1992 as illustrated

**ATTESTED**



by 1996 SCMR 1185 para (c) thereof on the basis of same nature of legal facts and grounds:

**GROUND:**

A) It is against natural justice to aprobate and reprobate in the light of PLD 1966 Lahore 1050 and PLD 1965 Supreme Court 254 to give someone more benefits and favour in service and deprive others when the of nature of duty is same, the department and post is same. Thus duty of teaching to intermediate classes but pay is in purview of FR-49(a) and now allowing statutory benefits is tantamount to discrimination against Articles 3,4,8,9,25 and 38 (d) of the constitution hence not sagacious for the present Government.

B) That equality shall be maintained and from each according to his capabilities and to every one according to his work.

Thus, I am entitled for pay and scale from the date of my continues offication to teach intermediate classes against SS post, as well as regularization of service on acquirement of requisite qualification for S.S. Post.

C) That exploitation is condemned by Article 3 but my capability is still exploited.

D) That my case has not been properly dealt with vis-à-vis contract employees. Because my date of birth is 25/02/1967 and now I am (2012/10/11 minus 1967/02/25) 45 years, 7 Months and 16 days. I have exhausted by precious life in teaching as Subject specialist in Urdu but the whole attempted proved futile.

**ATTESTED**



ayer:

In the light of above circumstances, I may humbly request for the following two reliefs:

- i. I may be allowed fixation of pay as SS in Urdu since 13/05/1992 i.e. from the date of my continuous offication as SS in Urdu under FR-49(a) in time scale by purview of FR-9(31)(a) as SS BPS-17, with all back benefits of arrears from the same date.
- ii. Regularization of my service on the basis of having requisite qualification for it.

I do hope, that your good self may graciously consider my appeal on priority basis and allow me both the benefits in the light of 1996 SCMR 1185 para (c) and oblige.

**DATED: 11/12/2012**

Yours Obediently,

~~Bakht Roidar~~

Lab Assistant /SS

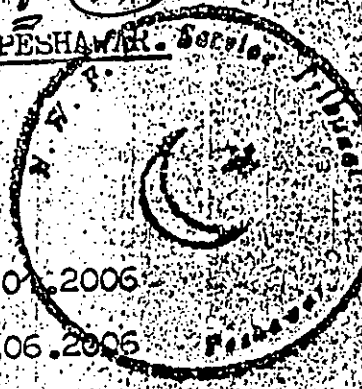
GHSS OUCH

Dir (Lower)

ATTESTED

4 P 23

APPEAL NO. 59/2006



Date of institution ..... 27.07.2006  
Date of decision ..... 15.06.2006

Mohammad Khan, Retd: Principal,  
GHS, Sama Garhi, Khyber Agency. .. Appellant

VERSUS

1. The Secretary Education (S&L), NWFP, Peshawar.
2. The Director Education (FATA), NWFP, Peshawar.
3. The Secretary Finance, NWFP, Peshawar. .. Respondents

APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 FOR GRANTING MONETARY BENEFITS OF BS-18

Mr. Muhammad Asif Yousafzai, Advocate. .. For appellant

Mr. Noor Zaman Khan, Addl: Govt. Pleader. For respondents

Mr. Abdul Sattar Khan, Mr. Faizullah Khan Khattak. Chairman Member

ATTESTED  
EXAMINER  
NWFP Service Tribunal  
Peshawar

JUDGMENT

ABDUL SATTAR KHAN, CHAIRMAN: The appellant

namely Mohammad Khan joined the Education Department initially in 1978. On the recommendation of the NWFP Public Service Commission, he was posted as Subject-Specialist vide order dated 19.12.92. Vide Annexure-B

ATTESTED

the appellant performed duty as Incharge Principal in his own pay & scale in different schools in Khyber Agency. Now he claims monetary benefits of higher post against which he served. After exhausting his departmental remedy, the appellant has approached the Tribunal for the redressal of his grievances.

2. Notices were sent to the respondents. They turned up and contested the appeal by filing a joint written reply. Various factual and legal pleas were raised. It was also inter-alia alleged that the appellant has got no cause of action; & that he is estopped to institute the instant appeal. It was also alleged that the appellant was basically a Subject Specialist in BS-17, therefore, he was given pay and all other allowances attached to that post; that the claim of BS-18 is unjustified and that the appellant was qualified for the post, but proper order of appointment was not passed by the respondents in BS-18. No replication was filed in rebuttal by the appellant.

3. Arguments heard and record perused.

4. Learned counsel for the appellant argued that the appellant has admittedly served against Grade-18 post involving higher responsibilities, but he was paid the pay of Grade-17 post and in view of plethora of authorities of the august Supreme Court of Pakistan, he is entitled to the pay of higher post against which he served. Reliance was placed on PLD 1978 SC 61, 1973 SCMR 304, 1983 SCMR 883 and PLD 1994 SC 233.

5. In reply it was urged by the learned AGP that

ATTESTED  
EXAMINED  
Services  
DRAWN

ATTESTED



the appellant was serving against a post of BS-18 on stop-gap arrangement in his own pay and scale, therefore, he is not entitled to the pay of that post.

6. The Tribunal holds that the claim of the appellant is bonafide. The above reports fully covers the case of the appellant. He has admittedly served against a higher post involving higher responsibilities for more than eight years, therefore, he is entitled to the salary and benefit connected with the higher grade from specified date when he was appointed to higher post in his own pay and status minus special pay already drawn for that period. In the circumstances, the appellant has made out a case for indulgence of the Tribunal. Accordingly, the instant appeal is accepted and it is directed that the appellant be given the monetary benefits of BS-18 in accordance with law and rules. No order as to costs. File be consigned to the record.

ANNOUNCED

15.06.2006

15/6/06

(ABDUL SATTAR KHAN)  
CHAIRMAN  
NWTF SERVICE TRIBUNAL  
PESHAWAR.

(FAIZULLAH KHAN KHATTAK)  
MEMBER

Date of presentation of application	13-6-08
Number of words	1200
Copying fee	8
Legal	10
Total	18
Time of copy	13-6-08
Time of completion of copy	13-6-08
Time of delivery of copy	13-6-08

*[Signature]*  
Secretary

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 124 / 2016

Abdul Salam S/O Noor Dad Khan R/O Shamilat Zarafa Sher Garh, Tehsil Takht Bhai,  
District Mardan.....Appellant

**Versus**

Director (E & SE) K.P.K. Peshawar & Others.....Respondents

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with Affidavit		01	03
2.	Copy of Removal Order	"A"	04	--
3.	Copy of SSC certificate	"B"	05	--
4.	Copy of Appointment, Promotion Rules	"C"	06	09

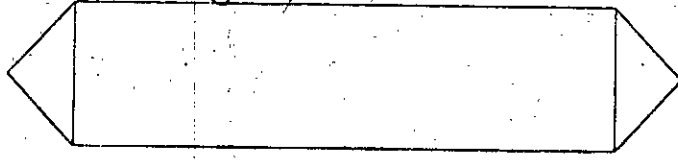
Respondents No 1 & 2

Through



District Education Officer  
(Male) Mardan

Dated: \_\_\_\_\_



2 منجانب  
محترم دستاویز نام محمد تقی

مورخہ

مقدمہ

دعویٰ سروس اپیل

جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی و جواب وہی وکل کاروائی متعلقہ آن مقام لکھنؤ کیلئے محمد آصف بھوشنی اور دیگر کے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب وہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا مختار 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 پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

20

ماہ

المرقوم

Accepted &  
Approved by  
Advocate

العہدہ العہدہ

کے لئے منظور ہے۔

دستخط اسرار

مقام

محمد تقی



Before The KFK Service Tribunal, Peshawar.

Appeal No. 560/2013.

Bakht Roidar

-vs-

Education Deptt.

Application for impleadment  
of Principal, G.H.S.S. Ouch Dir  
Lower as respondent.

9/9/13

R. Shaueth:

1. That the above captioned appeal is pending before Primary Bench.
2. That as the appellant was directed by the Principal to perform duty as S.S. (Urdu), but inadvertently the Principal of the school is not arrayed as respondent.
3. That the appeal is in preliminary stage and there is no legal hurdle in impleadment of Principal as respondent.

Therefore, it is prayed, that the Principal, G.H.S.S. Ouch Dir Lower may be arrayed as respondent in the main appeal to meet the ends of justice.

Appellant

Through: M. Asif Yousafzai  
M. Asif Yousafzai  
Achr.

To whom it may concern.

Ry sir,

As the post of S.S. in Urdu has not been sanctioned from the high ups. So Mr Bahadur Roidar Lab: Asslt. was directed to teach Urdu to the higher classes i.e. 1st & 2nd year during the session 1992 and onward till 2010, as he was qualified as M.A. Urdu.

No 1489 dated 30/06/2012



Principal  
Govt. Higher Secy School  
Duch Dir Lower

30/6/12

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

Service Appeal No.560/2013

Bakh Roidar, Lab:Asstt: GHSS Chakdara, Dir(Lower)

... Appellant

**VERSUS**

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar
3. The Director Education(Elementary & Secondary Education), Khyber Pakhtunkhwa, Peshawar.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
5. The Principal GHSS, Ouch, Dir(Lower)

... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.4**

Respectfully Sheweth:-

**Preliminary Objections:**

1. The instant appeal is badly time barred.
2. The appellant has concealed the material facts from this Honorable Tribunal hence liable to be dismissed.
3. The appellant has not come to Honorable Tribunal with clean hands.
4. The appellant has filed the instant appeal on malafide motives.
5. The instant appeal is against the prevailing laws & rules.
6. The appellant is estopped by his own conduct to file the present appeal.
7. The instant appeal is not maintainable in the present form & also in the present circumstances of the case.
8. That this Honorable Tribunal has no jurisdiction to adjudicate upon the present appeal.
9. That appellant has been kept silent on the issue for about 20 long years.
10. That no original/appellate order is available on record.
11. That appellant has not produced copy of official order by which duty of higher post (Subject Specialist Urdu) was assigned to him.
12. That being Lab: Assistant, the appellant has omitted to perform his legal duties and instead thereof he has been performing illegal duties.

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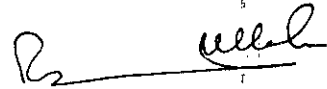
On Facts:

- 1) Relates to service record of the appellant, hence needs no comments.
- 2) Relates to Academic record of the appellant, hence needs no comments.
- 3) Incorrect. Legally speaking, the Appellant was originally appointed as Lab: Assistant and not Urdu Teacher. Appellant has not produced copy of official orders as to his appointment as Urdu Teacher. In absence of order of the competent authority, the certificate issued by the Principal of the school has no legal value.
- 4) Incorrect. The appellant being Lab: Assistant was correctly posted against his original post.
- 5) Do not relates to Respondent No.4

Grounds:

- A) Incorrect. Appellant was appointed as Lab: Assistant and not Subject Specialist(Urdu), as such he is entitled for the pay of Lab: Assistant, which he has received well in time.
- B) Incorrect. As mentioned at (A) above. Further, appellant did not perform his full time duty as Lab: Assistant, right from date of appointment, therefore, deserved to be proceeded against as per rules.
- C) Incorrect. Appellant never agitated the issue right from 1992, when he was paid monthly salary of Lab: Assistant instead of higher post (Subject Specialist Urdu), which he claims now.
- D) Incorrect. Appellant has not been made to work against a higher post nor assigned the duty of higher post by the competent authority as required under the rules.
- E) Incorrect. Appellant case is totally different and not similar to that he has referred to. Appellant has never been assigned the duty of higher post by the competent authority.
- F) Incorrect. Law/Rules has not been violated while dealing with the case of appellant.

It is therefore, humbly prayed that Appeal of the appellant may be dismissed with cost, being devoid of force.

  
SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(RESPONDENT NO.4)



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

Service Appeal No.560/2013

Bakh Roidar, Lab:Asstt: GHSS Chakdara, Dir(Lower).

... Appellant


**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary,  
Elementary & Secondary Education, Peshawar. *& Others*

... Respondents

**AFFIDAVIT**

I Irshad Muhammad, Section Officer(Litigation-II) Finance Department do hereby solemnly affirm and declare that the contents of enclosed Parawise Comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**  
**SECTION OFFICER(LIT-II)**  
**Govt. of Khyber of Pakhtunkhwa**  
**FINANCE DEPARTMENT**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 374 /ST

Dated 16 /2 / 2017

To

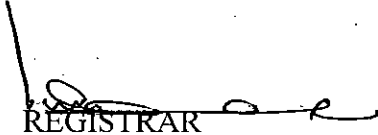
The Secretary E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 6.2.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

B-1 6-7-15  
12-1-16

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

Service Appeal No.560/2013

Bakh Roidar, Lab:Asstt: GHSS Chakdara, Dir(Lower).

Appellant

**VERSUS**

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar
3. The Director Education(Elementary & Secondary Education), Khyber Pakhtunkhwa, Peshawar.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
5. The Principal GHSS, Ouch, Dir(Lower)

A.W.P. Province  
Service Tribunal  
Diary No. 1232  
Dated 22-10-2015

... Respondents

**REQUEST FOR FILING OF PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.4 IN APPEAL NO.560/2013 TITLED BAKHT ROIDAR, LAB: ASSISTANT GHSS CHAKDARA, DIR (LOWER) VERSUS SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT & OTHERS.**

Respectfully Sheweth:-

1. That captioned appeal was fixed for reply on 06.07.2015 at Camp Court Swat.
2. That on said date, the Honorable Tribunal issued orders that reply should be filed within 02-weeks at office.
3. That Respondent No.4 tried its best to collect Parawise Comments from Administrative Department of the appellant as required under the rules, but in vain.
4. That Respondent No.4 has prepared the reply and intends to submit the same before this Honorable Tribunal in the interest of public exchequer.
5. That next date of Hearing has been fixed on 12.01.2016 at Camp Court, Swat.

It is therefore, humbly prayed that on acceptance of instant application, Respondent No.4 may be allowed to file the Parawise Comments(enclosed) in captioned appeal No.560/2013.

put up to the court with file

~~Ready~~  
cancelled

12/10/15

*R. Ullah*  
SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(RESPONDENT NO.4)

*P. S. (Lab)*

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

Service Appeal No.560/2013

Bakh Roidar, Lab:Asstt: GHSS Chakdara, Dir(Lower).

... Appellant

**VERSUS**

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar
3. The Director Education(Elementary & Secondary Education), Khyber Pakhtunkhwa, Peshawar.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
5. The Principal GHSS, Ouch, Dir(Lower)

... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.4**

Respectfully Sheweth:-

**Preliminary Objections:**

1. The instant appeal is badly time barred.
2. The appellant has concealed the material facts from this Honorable Tribunal hence liable to be dismissed.
3. The appellant has not come to Honorable Tribunal with clean hands.
4. The appellant has filed the instant appeal on malafide motives.
5. The instant appeal is against the prevailing laws & rules.
6. The appellant is estopped by his own conduct to file the present appeal.
7. The instant appeal is not maintainable in the present form & also in the present circumstances of the case.
8. That this Honorable Tribunal has no jurisdiction to adjudicate upon the present appeal.
9. That appellant has been kept silent on the issue for about 20 long years.
10. That no original/appellate order is available on record.
11. That appellant has not produced copy of official order by which duty of higher post (Subject Specialist Urdu) was assigned to him.
12. That being Lab: Assistant, the appellant has omitted to perform his legal duties and instead thereof he has been performing illegal duties.

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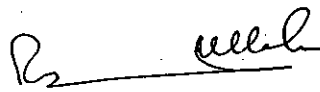
**On Facts:**

- 1) Relates to service record of the appellant, hence needs no comments.
- 2) Relates to Academic record of the appellant, hence needs no comments.
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- 4) Incorrect. The appellant being Lab: Assistant was correctly posted against his original post.
- 5) Do not relates to Respondent No.4.

**Grounds:**

- A) Incorrect. Appellant was appointed as Lab: Assistant and not Subject Specialist(Urdu), as such he is entitled for the pay of Lab: Assistant, which he has received well in time.
- B) Incorrect. As mentioned at (A) above. Further, appellant did not perform his full time duty as Lab: Assistant, right from date of appointment, therefore, deserved to be proceeded against as per rules.
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- F) Incorrect. Law/Rules has not been violated while dealing with the case of appellant.

**It is therefore, humbly prayed that Appeal of the appellant may be dismissed with cost, being devoid of force.**

  
SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(RESPONDENT NO.4)

  
23/06/22

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

Service Appeal No.560/2013

Bakh.Roidar, Lab:Asstt: GHSS Chakdara, Dir(Lower).

... Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary,  
Elementary & Secondary Education, Peshawar. *of others*

... Respondents

**AFFIDAVIT**

I Irshad Muhammad, Section Officer(Litigation-II) Finance Department do hereby solemnly affirm and declare that the contents of enclosed Parawise Comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.



**DEPONENT**  
**SECTION OFFICER(LIT-II)**  
**Govt. of Khyber of Pakhtunkhwa**  
**FINANCE DEPARTMENT**

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 560/2013

Bakht Roidar

V/S

Govt: of KPK.

**APPLICATION FOR ADJOURING THE ABOVE TITLED  
APPEAL TO 06.02.2017**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal for granting full pay benefits of SS (Urdu) post against which the appellant has performed duty and not taking any action on the appeal of the appellant within the statutory period.
2. That the instant appeal is in argument stage and if fixed for 04.01.2017 before this Honourable KPK Service Tribunal at Camp Court Swat.
3. That other cases are fixed on 02.01.2017 in argument stage at Camp Court Swat and the counsel for appellant will come from Peshawar to Camp Court for arguments in those cases on 02.01.2017 and then he will have to attend High Court Peshawar on 3.1.2016. So it will be difficult to attend the Camp Court at Swat on 4.1.2016.
4. That other cases are fixed on 06.02.2017 in argument stage at Camp Court Swat and it will be convenient for the counsel for appellant to adjourn the appeal for 6.2.2017 at Camp Court Swat.

It is, therefore, most humbly prayed that on acceptance of this application, the instant appeal may kindly be adjourned

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 560/2013

Bakht Roidar

V/S

Govt: of KPK.

**APPLICATION FOR ADJOURING THE ABOVE TITLED  
APPEAL TO 06.02.2017**

**RESPECTFULLY SHEWETH:**

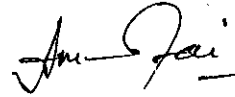
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4. That other cases are fixed on 06.02.2017 in argument stage at Camp Court Swat and it will be convenient for the counsel for appellant to adjourn the appeal for 6.2.2017 at Camp Court Swat.

It is, therefore, most humbly prayed that on acceptance of this application, the instant appeal may kindly be adjourned

to 6.02.2017 at Camp Court Swat. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Appellant

THROUGH:



(M. ASIF YOUSAFZAI )  
ADVOCATE SUPREME COURT

**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.

ATTESTED



  
Deponent

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 560/2013

Bakht Roidar

V/S

Govt: of KPK.

.....

**APPLICATION FOR ADJOURING THE ABOVE TITLED  
APPEAL TO 06.02.2017**

.....

**RESPECTFULLY SHEWETH:**

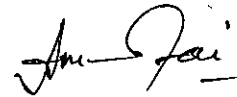
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4. That other cases are fixed on 06.02.2017 in argument stage at Camp Court Swat and it will be convenient for the counsel for appellant to adjourn the appeal for 6.2.2017 at Camp Court Swat.

It is, therefore, most humbly prayed that on acceptance of this application, the instant appeal may kindly be adjourned

to 6.02.2017 at Camp Court Swat. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Appellant

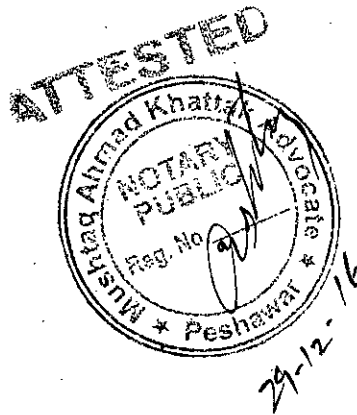
THROUGH:



(M. ASIF YOUSAFZAI )  
ADVOCATE SUPREME COURT

**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