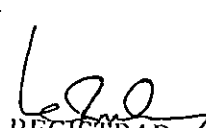



Form - A
FORM OF ORDER SHEET

Court of _____

Case No. 397/2013

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


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

objection
not
removed

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

No. 266 /S.T.

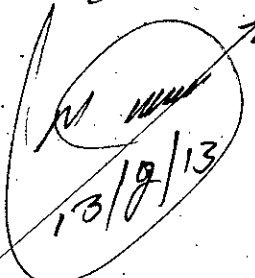
Dt. 06/02 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

L.NWAB ALI NOOR ADV. PESH.

Respectfully Submitted,

That appellant rely on, is already annexure. As for as the the objections no 1, 3 & 4 appellant never mentions the annexure of the same memo over it is not in disputed the because the department accepted that is reinstated the appellant, but without carries. So appeal filed by the appellant is rejected which is already annexure. if in proceeding the respondent rely over the same they will provide as for as the appellant concerned the appellant no rely over the same therefore not annexure to same. the objection is already been done kindly put before the court.

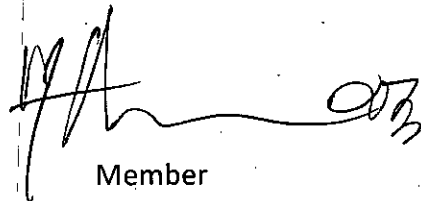

13/9/13

7.
Appeal No. 397/2012
Mr. Muhammad MUSA.

02.12.2013

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

ANNOUNCED
02.12.2013.


Member

22.05.2013

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


Reader.

16.07.2013


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



Member

02.10.2013

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

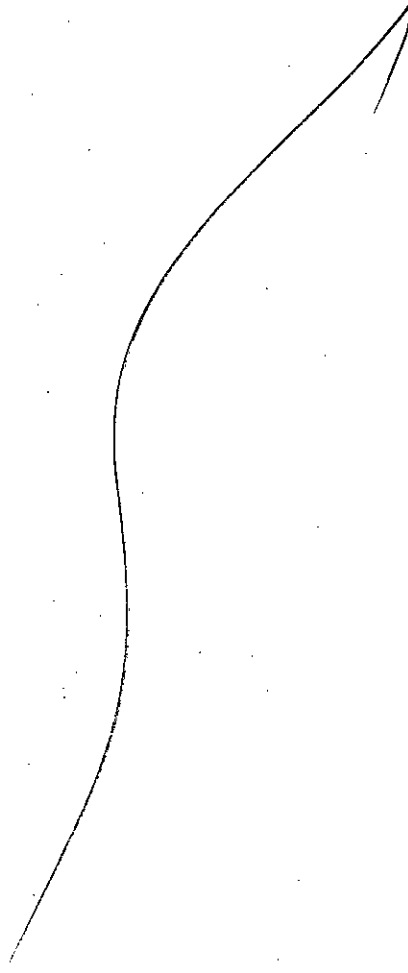

Member

5.4.2013

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



Member.



18.06.2015

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



Member

24.06.2015

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



Chairman

29.07.2015

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



Chairman

03.09.2015

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



Chairman

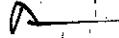
ANNOUNCED
03.09.2015

03.09.15

7.

27.01.2015

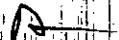
Counsel for the appellant and Mr. Kabirullah Khattak, Asst. Advocate General for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 18.03.2015.



Member

18.03.2015

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



Member

20.05.2015

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



Member

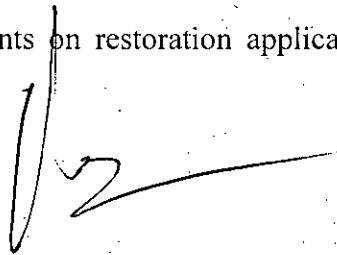
4.
16.06.2014

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


Member

5.
01.09.2014

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



Member

6.
06.11.2014

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


Member

Application in appeal No. 397/2012
Mr. Mohammed M. Al-Sayid


02.01.2014

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


Member

05.03.2014

Clerk of counsel for the appellant present and requested for adjournment. To come up for argument on application for restoration of appeal on 24.04.2014.


Member

22.04.2014

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


Member

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOON KHWA
PESHAWAR

S. Appeal No. 397/2013

Muhammad Musa Versus

Govt of K.P.K & others.

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

Respectfully Submitted.

1. That the above titled service appeal NO 397/13 was fixed before your honor for
2/12/2013.

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

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

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

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

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

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

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

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

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

Through

Appellant

L. Nawab Ali Noor Advocate
High Court Peshawar

Certificate:

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

BEFORE THE SERVICE TRIBUNIL KHYBER PUKHTOON KHWA
PESHAWAR.

S. Appeal NO. ³⁹⁷ of 2013.

1. Muhammad Musa S/O Sar Zamin Khan PET GMS Kus Nutkar
District Shangla.

(Petitioners)

VERSUS

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

(Respondents)

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

Prayer in appeal.

On acceptance of this appeal the order dated 15.7.2013 passed by respondent No.3, whereby the appeal of appellant has been rejected from, may kindly be set-aside and direct the respondents to allow the seniority, of period from 20.5.2004 to 24.2.2006 as well as all back benefits including salaries of appellant may kindly be awarded to appellant because the appellant was kept out illegally from the service.

Respectfully sheweth:

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

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



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

S. Appeal NO. 2013

Appeal no. 397/2013

1. Muhammad Musa PET GMS Kus Nutkar Shangla District Shangla.

(Appellant).

Versus

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

(Respondents)

INDEX

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

Through

Appellant

L. Nawab Ali Noor Advocate
High Court Peshawar
03469076945

1

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

S.Appeal NO. ³⁹⁷ of 2013.

1. Muhammad Musa S/O Sar Zamin Khan PET GMS Kus Nutkar
District Shangla.

(Petitioners)

VERSUS

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

(Respondents)

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

Prayer in appeal.

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

Respectfully sheweth:

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

re-submitted to ~~the~~
and filed.


14/2/13

were terminated on 24.7.2004 from the service on the ground that they are qualified of the diploma of S.D.P.E in place of J.D.P.E.

- 2. That the appellant along with others colleagues challenge the impugned termination before the Peshawar High Court through W.P which was allowed on 24.2.2006 in favor of the appellant and others.
- 3. That appellant and their colleagues were reinstated back to their services and the impugned order dated 24.7.2004 was set aside through the judgment of the Peshawar High Court.
- 4. That over the judgment dated 24.2.2006 the respondents issued order dated 13.4.2006 was re-instated/adjusted back to his own post of PET in their respective schools however no order regarding back benefits or arrears was passed for appellant and the continuation of service of the appellant made question mark. *(copy of the order is annexure A.)*
- 5. That it was like day clear that the order of the Peshawar High Court was regarding the re-instatement of the appellant not fresh appointment and through the judgment the appellant the same termination order was set aside.
- 6. That right from the re-instatement the appellant request through proper channel and continuously requesting for the arrears and all back benefits of the period w.e.f 20.4.2004 to 24.2.2006, but till date the appellant case kept held and finally it was rejected on 15.1.2013. *(copy of the appeal & rejection order are annexure B&C respectively).*
- 7. That appellant having no other remedy except to knock the door of this Honorable tribunal on the following amongst others.

GROUNDS:

- a). **THAT** the rejection order in question is against the law, rules of service and facts.
- b). **THAT** before passing the order in question the relevant procedure on the subject, as provided by the law, has not been followed.
- c). **THAT** no procedure was followed by the respondents before passing of the rejection order dated 15.1.2013 neither any law relevant to the

service / termination has been followed nor any legal finding regarding the rejection of appeal been mentioned.

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

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

Through

Appellant

L. Nawab Ali Noor
Advocate High Court Peshawar

4

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

S.Appeal NO. of 2013.

1.Muhammad Musa S/O Sar Zamin Khan PET GMS Kus Nutkar
District Shangla & others.

(Petitioners)

VERSUS

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

(Respondents)

AFFIDAVIT

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

*L. Nawab Ali Noor Advocate
High Court Peshawar*
Deponent.

Ann A. 5

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

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

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

Note:-

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

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

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

Copy of the above is forwarded to:-

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

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

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

[Signature]

خدمت خراب EDO صوبہ (E/SE) ڈسٹرکٹ جٹکا

مخبر: درخواست لمراء آئی ہائی کورٹ آرڈر کی روشنی میں بحال آرڈر کی دستاویز

آئی 20/05/2004 سے سنیارٹی کی بحال
آئی 20/05/2004 سے 24/06/2006 تک مکمل پنچوائس اور
مراعات کی ضمانت

صوبہ خراب

آئی آر جی ہے کہ میری تقریر بہ اسلیم PET از روڈ آرڈر
7323-7297 بحورہ 20/05/2004 عمل میں رہی تھی۔ میری تقریر کی
نیٹ (SDPE) کی۔ بعد میں مخالفین کی اپیل 27/07/2004 کو محدود
مراقبت کی گئی۔ عدالت رجوع کرنے کے بعد عدالت نے میری اپیل منظور
کی اور مجھے 24/02/2006 سے بحال کیا گیا۔

صوبہ خراب۔ عدالت عالیہ نے ہماری بحالی کا فیصلہ دیا ہے نہ کہ تقریر کا
بحالی کی صورت میں 20/05/2004 سے 24/02/2006 تک تمام مراعات
و واجبات کا حقداریوں۔ لیکن بحال میرے سر دس کا یہ دورانیہ
بلا تعلق رہا ہے۔

لہذا درخواست میں خدمت ہے کہ میرا ریم جمعہ مذکورہ بالا دورانیہ
کے تمام مراعات و واجبات سے نوازنے کے احکامات جاری فرمائیں
العارض۔

ذمہ دار
محمد صوفی
PET
9MS
نختر ہاشم فیصل
تاریخ 14/02/2012

~~Amended~~

Mr. C-7

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

No. 245-48 / DEO (E&SE) SH Dated 15/01/2013

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

To:

APPEALS

Subject

Memo;

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

In this regard you are hereby informed that in the light of the Court decision High Court Peshawar you have adjusted as P.Ts vide this office No 3258-85 dated 13/04/2006 but in the above decision no order has passed by the said Honorable Court regarding back benefits.

Hence the appeals on the above mentioned ground are rejected.

DISTRICT EDUCATION OFFICER (E&SE) DISTRICT SHANGLA

[Signature]

[Signature]

[Signature]

بعدالت

Before the Service Tribunal
K.P.V. Peshawar

2 مخائب

بنام Muhammad Musa

مورخہ

مقدمہ

دعویٰ

جزم

VS
Supt of K.P.V. Transport Secretary

باعت کر یا ننگہ Peshawar (F.S.S.)

مالکی اور...

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام سروسز سبزیل سنبھاور کیلئے ایل اوزبیدی کی فوٹو ایڈجسٹمنٹ سے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کہ مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ اے آر اے اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا اثر کی (مطابق) یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت اللہ صورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہم لہو یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ 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 پیروی
مذکورہ کریں لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

31 ماہ سنوری 1320ء

المرقوم

واہ الب

بمقام سید سمنوئل شہر کے لئے منظور ہے۔
صبر بخشو خنوار

Regd

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

P-11

APPEAL No.....397..... of 20 13.

Mohammad Musa

Appellant/Petitioner


Versus

Govt of KP through Secretary (E&SE)
Pesh.
RESPONDENT(S)

Notice to Appellant/Petitioner Mohammad Musa S/O Zamin Khan
PET GMS Kus Nutkar Distt
Shangla

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 2-10-2013 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Service Tribunal K.P.K

BEFOR THE ~~JUDGE MEMBER~~ PESHAWAR.

S. appeal NO. of 201.

1. Muhammad Musa and 3 others
.....(Appellant)

VERSUS

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

Application with humble request for adjournment of the above Titled S.appeals fixed before your honour for 18.6.2015.

Respectfully Submitted:

1. That the above titled mentioned appeal is fixed before this Honorable court for 18.6.2015.
2. That on above cited S. appeals are fixed before this Honorable tribunal for 18.6.2015 & W.F NO 3238/P/2011 in which 2200 petitioners are there fixed before Peshawar High Court as date by court 18/6/2015.
3. That for the reason mentioned above it will be very difficult for the counsel of petitioner to attend this Honorable court on above cited date:

It is there for most humbly Prayed kindly adjourn the above mentioned W.P for any other date which is convent to this Honorable court.

Date. 18.6.2015.

Appellants Counsel

L. Nuwab Ali Noor Advocate
L. Nuwab Ali Noor Advocate
High Court Peshawar.

Bacha Khan Markaz Khwaja Town C-1 03469076945