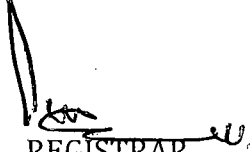

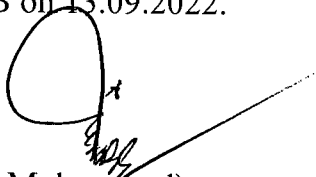


Form- A

FORM OF ORDER SHEET

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

Case No.- 1084/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/07/2022	<p>The appeal of Mr. Taj Ali Khan presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	<p>4/7/22 Noted for conced M. Khan 7-7-22</p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>13-7-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	13.07.2022	<p>Mr. Taimur Ali Khan, Advocate for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 13.09.2022.</p> <p> (Mian Muhammad) Member (E)</p>

*R-800/-*  
Appellant Deposited  
Security & Process Fee

*A. J. J. / 21/7/22*

13.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to 01.11.2022 for the same.

  
Reader

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

Service Appeal No. 1084 /2022

Mr. Taj Ali Khan.....Appellant

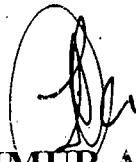
**V E R S U S**

The Secretary E&SE KP & others.....Respondents

**I N D E X**

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Copies charge sheet and notification dated 23.11.2015	A-B	9-10
4.	Copies of service appeal No.397/2016 and judgment dated 08.05.2015	C-D	11-23
5.	Copies of notification dated 11.06.2019 and order dated 10.07.2019	E-F	24-25
6.	Copy of execution petition No.426/2019	G	26-27
7.	Copies of notification dated 05.10.2021, notification dated 05.10.2021 and pay slip	H to J	28-32
8.	Copies of application, letter dated 03.02.2022 and non-drawl certificate	K to M	33-35
9.	Copies of order dated 25.02.2022, departmental Appeal and letter dated 21.03.2022 W.P No.1382/2022 and judgment/order dated 25.05.2022	N to R	36-47
10.	Copy of Order dated 16.06.2022	S	48-49
11.	Wakalatnama		50

Through Appellant



**TAIMUR ALI KHAN**  
Advocate  
High Court, Peshawar

Dated 30.06.2022

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

Service Appeal No. \_\_\_\_\_/2022

Mr. Taj Ali Khan, SST (Maths/Physics) BS-16,  
GHS PAF Shaheen Camp, Peshawar Cantt.....Appellant

**V E R S U S**

1. The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2. The Secretary Finance Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar
3. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
4. The District Education Officer (Male) Peshawar
5. The Head Master, Government High School, Badezai, Peshawar
6. The District Account Officer, Peshawar.....Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS OF NOT GRANTING/ RELEASING BACK BENEFITS FOR THE PERIOD W.E.F 01.01.2016 TO 20.06.2019 WHICH HAS ALREADY BEEN CALCULATED AND AMOUNT OF RS.28135781/- AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

---

PRAYER IN APPEAL

On acceptance of this Service Appeal the respondents may kindly be directed to grant/release the back benefits for the period w.e.f 01.01.2016 to 10.06.2019 to the appellant which has already been calculated and amount of Rs.28135781/-.

Any other relief, not specifically prayed for in the circumstance of the case may also be passed in favour of the Appellant.

---

Respectfully Sheweth:

FACTS

1. That the appellant is working in Education and performing his duty with honesty and devotion, whatsoever assigned to him.
2. That the appellant while serving the respondent department as SST (B-16) was deputed in the BISE Peshawar for the checking of the papers, however, during performing that duty charge sheet of some baseless allegations were leveled against the appellant without conducting proper inquiry in the matter and on the basis of that baseless allegations the appellant was compulsory retired from service vide notification dated 23.11.2015. (Copies charge sheet and notification dated 23.11.2015 are attached as Annexure A&B)
3. That the appellant challenged the notification dated 23.11.2015 in the Khyber Pakhtunkhwa Service Tribunal in service appeal No.397/2016. The appeal of the appellant along

3-

with other connected appeal was decided on 08.05.2019 by the Honourable Service Tribunal. The Honourable Service Tribunal accepted the appeal of the appellant, set aside impugned order dated 23.11.2015 and directed the respondents to conduct denovo inquiry within the period of ninety days after the receipt of the judgment. The issue of back benefits was placed to the outcome denovo inquiry. **(Copies of service appeal No.397/2016 and judgment dated 08.05.2015 are attached as Annexure-C&D)**

4. That in compliance of the judgment dated 08.05.2019, the appellant was reinstated into service with immediate effect for the purpose of denovo inquiry vide notification dated 11.06.2019 and was further adjusted against the vacant post of SST (Physics/Maths) at GHS PAF Shaheen Cantt, Peshawar w.e.f taking over charge subject to the connection till the finalization of inquiry report vide order dated 10.07.2019. **(Copies of notification dated 11.06.2019 and order dated 10.07.2019 are attached as Annexure-E&F)**

5. That as the respondent department did not initiate the denovo inquiry as per direction of Honourable Service Tribunal in judgment dated 08.05.2019, therefore the appellant filed execution petition No.426/2019 in the Khyber Pakhtunkhwa Service Tribunal for implementation of its judgment dated 08.05.2019. **(Copy of execution petition No.426/2019 is attached as Annexure-G)**

6. That during the pendency of execution petition of the appellant, the respondent department conduct denovo inquiry against the appellant in which inquiry officer recommended

exoneration of the appellant from the charges levelled against him and in the light of that recommendation the appellant was exonerated with all back benefits from the charges levelled against him with immediate effect vide notification dated 05.10.2021. However through corrigendum dated 17.11.2021 the immediate effect was replaced by w.e.f 23.11.2015, It is pertinent to mention here that respondent department calculated the back benefits in the shape of salaries/arrears of the appellant, which amounts to Rs.2813578/- which is evident from the pay roll of the appellant. **(Copies of notification dated 05.10.2021, notification dated 17.11.2021 and pay slip are attached as Annexure-H, I & J).**

7. That as the appellant was exonerated with all back benefits from the charges levelled against him, therefore he filed application to respondent No.4 for adjustment against vacant post w.e.f 01.01.2016 to 10.06.2019 at GHS Badezai Peshawar for the purpose of pay withdrawal on which respondent No.4 wrote a letter dated 03.02.2022 to respondent No.5 to issue a certificate of non drawl for SST post at your concerned station on which respondent No.5 gave non-drawl Certificate on 07.02.2022 in which he mentioned that the post remained vacant w.e.f 01.01.2016 to 14.01.2022 as per record and drawl of salary has not been made during the said period. **(Copies of application, letter dated 03.02.2022 and non-drawl certificate are attached as Annexure-K, L & M).**
8. That competent authority passed an order dated 25.02.2022, whereby the appellant was adjusted against the vacant post of at GHS Badezai District Peshawar w.e.f 01.01.2016 to

3-

10.06.2019 for the purpose of pay adjustment only, but despite that the respondent department did not grant the back benefits in shape of salaries/arrears to the appellant which amounts to Rs.2813578/-, therefore the appellant filed departmental appeal on 07.03.2022 to respondent No.4 for back benefits in shape of salaries/arrears for the period w.e.f 01.01.2016 to 10.09.2019 which was forwarded to the respondent No.5 through a letter dated 21.03.2022 but no action has been taken on his departmental appeal. The appellant then filed W.P No.1382/2022 in Hon'ble Peshawar High Court Peshawar; which was fixed on 25.05.2022. The Hon'ble Peshawar High Court disposed of on the date fixed i.e. 25.05.2022 and mentioned in its judgment that

**“Since Article 212 of the Constitution, explicitly bars the jurisdiction of the High Courts in the matter exclusively tribal by the Service Tribunal, therefore, without dilating upon the merits of the case, this writ petition is disposed of accordingly, however, the petitioner would be at liberty to approach the Khyber Pakhtunkhwa Service Tribunal for redressal of his grievance if so advised”. (Copies of order dated 25.02.2022, departmental Appeal and letter dated 21.03.2022 W.P No.1382/2022 and judgment/order dated 25.05.2022 are attached as Annexure-N, P, Q & R).**

9. That execution petition No.426/2019 also dispose of on 16.06.2022 by this Hon'ble Tribunal with the observation that **“when confronted with the order passed notification NO.SO (B-TG)E&SED/5-4/Complaint/ BISE Peshawar/Vol-G dated 05.10.2021 submits that although the judgment has**



*been implemented in letter and spirit but the consequential back benefits although granted vide above notification had not been released for which he submits that he might be permitted to take other legal steps under the law. Disposed of accordingly.” (Copy of Order dated 16.06.2022 is attached as annexure “S”).*

10. That as the respondent department did not take any action the departmental appeal of the appellant within the statutory period of ninety day, therefore the appellant has no other remedy except to file the instant Service Appeal for redressal of his Grievance on the following grounds amongst others

**GROUND S:**

- A. That not granting the back benefits in the shape of arrears/salaries for the period w.e.f 01.01.2016 to 10.06.2019 to the appellant, which amounts to Rs.2813578/- is illegal, unlawful, without lawful authority and un-effective upon the rights of appellant, therefore, not tenable.
- B. That the inquiry officer in the denovo inquiry recommended exoneration of the appellant from the charges levelled against the appellant and on the basis of that recommendation the appellant was exonerated with all back benefits from the charges levelled against him w.e.f 23.11.2015 vide notification dated 17.11.2021, therefore, it is the legal right of the appellant to grant him back benefits for the period w.e.f 01.01.2016 to 10.06.2019.
- C. That non-with drawl certificate for the period 01.01.2016 to 10.06.2019 against the vacant post at GHS Badezai has been

issued and the competent authority has also adjusted the appellant against that vacant post for the purpose of pay adjustment and there is no legal hurdle in the grant of back benefits for the period 01.01.2016 to 10.06.2019, but despite that back benefits in the shape of salaries/arrears has not been granted to the appellant, which shows that arbitrary attitude of the respondents.

- D. That the appellant has been exonerated with all back benefits from the charges levelled against him and his back benefits has been calculated which amounts to Rs.2813578/- and the appellant has been adjusted against the vacant post at GHS Badezai District Peshawar w.e.f 01.01.2016 to 10.06.2019 for the purpose of with drawl of that back benefits, but despite that the respondents are reluctant to grant back benefits, which is against the norms of justice and fair play.
- E. That the appellant has not been treated in accordance with law and rules and has been deprived from his legal right of back benefits in the shape of salaries/arrears for the period 01.01.2016 to 10.06.2019 without giving any reason.
- F. That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.



Appellant

Through



**TAIMUR ALI KHAN**

Advocate

High Court, Peshawar

Dated 30.06.2022

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

Service Appeal No. \_\_\_\_\_/2022

Mr. Taj Ali Khan.....Appellant

**V E R S U S**

The Secretary E&SE KP & others.....Respondents

**A F F I D A V I T**

I, Mr. Taj Ali Khan, SST (Maths/Physics) BS-16, GHS PAF Shaheen Camp, Peshawar Cantt, 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 concealed from this Hon'ble Tribunal.

Identified by

  
**TAIMUR ALI KHAN**  
Advocate High Court

  
DEPONENT



6 ✓ [Signature] H 8 9

**CHARGE SHEET**

Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, hereby  
charges you, Mr. Taj Ali, SST GHSS Nasir Bagh Road Peshawar, as follows:-

That you committed the following irregularity:-

"You had come to know four days before the incident regarding the leakage of award list of physics Part-II, Chemistry Part-II and English Part-II of Jinnah College for Women from the Secrecy Section of the BISE Peshawar as appeared in Daily Mashriq dated 23<sup>rd</sup> July, 2014, but you did not inform the Board Authorities for timely action against this leakage, Which is clear evidence of your involvement in mishap."

By reason of the above, you appear to be guilty of misconduct under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

You are, therefore, required to submit your written defense within seven days of the date of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

Your written defense, if any, should reach the inquiry officer/ inquiry committee within the stipulated period, failing which it shall be presumed that you have no defense to put in and in such case ex-parte action shall be taken against you.

State whether you desire to be heard in person.

Your Statement of Allegations is enclosed.

*Pervez Khattak*

(PERVEZ KHATTAK)  
CHIEF MINISTER KHYBER PAKHTUNKHWA  
COMPETENT AUTHORITY

18. 11. 2014

Taj Ali, SST GHSS Nasir Bagh Road, Peshawar

*[Handwritten signature]*

12

3. This document is served with charge sheet and statement of allegations.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT  
Block "A" Civil Secretariat Peshawar.

Dated Peshawar the, 23-11-2015

**NOTIFICATION**

**NO.SO(B/TE&SED/5-4/2015/BISE Peshawar.** WHEREAS Mr. Taj Ali, SST GHS Nasir Bagh Road, Peshawar, was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Show Cause Notice.

2. AND WHEREAS Mr. Muhammad Hamayun, Secretary Agriculture Department was appointed as Inquiry Officer to conduct Inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

3. AND WHEREAS the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. AND WHEREAS a Show Cause Notice was served upon Mr. Taj Ali, SST GHS Nasir Bagh Road, Peshawar, which was communicated to the accused on 13-07-2015.

5. AND WHEREAS the Chief Minister/ Controlling Authority Khyber Pakhtunkhwa has been pleased to grant personal hearing to Mr. Taj Ali, SST GHS Nasir Bagh Road, Peshawar.

6. AND WHEREAS the accused officer Mr. Taj Ali, SST GHS Nasir Bagh Road, Peshawar was called for personal hearing on 14-10-2015.

7. AND WHEREAS the Chief Minister/ Controlling Authority after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice, is of the view that the charges against the accused officer have been proved.

8. NOW, THEREFORE, in exercise of the powers conferred under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Chief Minister/ Controlling Authority Khyber Pakhtunkhwa is pleased to impose major penalty of "Compulsory Retirement" upon Mr. Taj Ali, SST GHS Nasir Bagh Road, Peshawar of the charges levelled against him.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chairman, BISE Peshawar.
3. Director, E&SE Peshawar.
4. District Education Officer (Male) Peshawar
5. P.S to Chief Minister, Khyber Pakhtunkhwa.
6. P.S to Secretary E&SE Department.
7. Officer concerned.

(FAZAL HUSSAIN)  
SECTION OFFICER (BOARD/TRG)

Received on 23-11-2015

B

10

DTA/10/23/11/15

1830  
23-11-2015

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

S. J. P. PESHAWAR  
Service Tribunal  
Case No. 375  
14-4-2016

Appeal No. 397/2016

Taj Ali Khan, Ex- SST (Science), Govt. High School  
Badizai Nasir Bagh Road, Peshawar.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 23.11.2015, whereby the appellant has been awarded major punishment of Compulsory Retirement From Service against which his Review Petition dated 08.01.2016, has not been responded despite the lapse of 90 days Statutory Period.

Prayer in Appeal: -

On acceptance of this appeal the order dated 23.11.2015, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.

Respectfully Submitted:

ATTESTED

1. That the Appellant was initially appointed as SET, vide order dated 31.05.1999. Ever since his appointment, the Appellant had performed his duties as assigned with great zeal and devotion and there was no complaint what so ever regarding his performance.

(12)

2. That the appellant has at his credit the qualification of M.Sc. and M.Ed. and his initial place of posting was Govt. High School Ostarzai Bala Kohat. In the year 2012 the post of SET was renamed as SST.
3. That while serving in the said capacity, the appellant was served with charge sheet and statement of allegations dated 18.11.2014 containing certain unfounded and baseless allegations. The allegations so leveled are as under:

*“you had come to know four days before the incident regarding the leakage of award list of physics Part-II, Chemistry Part-II and English Part-II of Jinnah College for Women from secrecy Section of the BISE, Peshawar as appeared in Daily Mashriq dated 23<sup>rd</sup> July, 2014, but you did not inform the Board Authorities for timely action against this leakage, which is clear evidence of your involvement in mishap.”*

*(Copies of the Charge sheet and statement of allegations dated 18.11.2014 are attached as Annexure A & B).*

4. That the appellant duly replied the charge sheet and refuted the allegations leveled against him as false and baseless vide his detailed reply. The contents of reply of the Appellant to the Charge Sheet may be treated as integral part of the instant service appeal. *(Copy of the Reply to Charge sheet is attached as Annexure C)*
5. That thereafter a partial inquiry was conducted vide order dated 12.12.2014, without properly associating the appellant with the inquiry proceedings, the inquiry officer concluded the inquiry and submitted his findings wherein he astonishingly held the Appellant guilty of the charges vide inquiry report dated 10.03.2015. *(Copies of inquiry order dated 10.12.2014 and Inquiry Report dated 10.03.2015 are attached as Annexure D & E).*
6. That later, the Appellant was served with a show cause notice dated 02.07.2015, communicated to the Appellant vide letter dated 13.07.2015. The Appellant duly replied the Show Cause notice and denied the allegations. The contents of reply to the show cause notice may also be treated as integral part of the instant service appeal. *(Copy of the Show Cause notice*

ATTESTED

*[Signature]*  
 Joint Secretary  
 Service Tribunal  
 Peshawar

*dated 02.07.2015 and reply to the show cause notice are attached as Annexure F & G).*

7. That thereafter the Appellant has been awarded the major punishment of compulsory retirement from service vide order dated 23.11.2015, the order was however communicated to the Appellant on 30.12.2015. *(Copy of the order dated 23.11.2015, is attached as Annexure H).*
8. That the appellant also filed his Review Petition on 08.01.2016, however, it has not been responded despite the lapse of 90 days Statutory Period. *( Copy of the review petition is attached as Annexure I)*
9. That the impugned order is illegal, unlawful, without lawful authority, against the law and facts; hence liable to be set aside on the following grounds;

#### GROUND OF SERVICE APPEAL.

- A. That the appellant has not been treated in accordance with law hence my rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the Appellant the penalty of compulsory retirement from service. The Appellant has not been properly associated with the inquiry proceedings. Statement of witnesses if any was never recorded in presence of the appellant, nor has he been given opportunity of cross examination. Thus the whole proceedings are defective in the eye of law.
- C. That the appellant has not been given fair opportunity of personal hearing before awarding me the penalty of removal from service, thus he has been condemned unheard.
- D. That during the inquiry neither any witness has been examined presence of the appellant nor has he been given opportunity to cross examine those witnesses who may have deposed against him.

ATTESTED

*[Signature]*  
 Head  
 Service



13  
14

- E. That the appellant has also been greatly discriminated in the instant case as other officials who were also proceeded against in the instant case, they have been awarded minor punishments by treating them leniently while the appellant has been treated quite harshly by awarding him major punishment of Compulsory retirement.
- F. That the inquiry report is self contradictory and ambiguous, besides the recommendation against the appellant are based on no evidence, no material evidence have been brought forward during the inquiry which could even remotely associate the appellant with the charges leveled.
- G. That the charges leveled against the appellant were never proved during the inquiry, the inquiry officer gave his findings on surmises and conjectures.
- H. That the charges leveled against appellant are false and baseless he has been malafidely roped in the instant case by some of the employees of the board so as to save their own skins besides they were having personal grudges with the appellant.
- I. That the appellant has never committed any act or omission which could be termed as misconduct. He had performed his duties as assigned with zeal and devotion albeit he has been awarded the penalty of compulsory retirement from service.
- J. That the appellant has at his credit a spotless service career of about 16 years, during my entire service he has always performed his duties honestly and to the best of my abilities and have never given any chance of complaint to his superiors regarding his performance.
- K. That the facts and grounds mentioned in the replies to the charge sheet, show cause notice and the review petition of the appellant may kindly be read as integral part of the instant appeal.

15

L. That the penalty imposed upon me is too harsh and is liable to be set aside.

M. That the appellant is jobless since my compulsory retirement from service.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned order dated 23011.2015, may please be set aside and the appellant may kindly be reinstated into service with all back wages and benefits of service.

*[Signature]*  
Appellant

Through

*[Signature]*  
IJAZ ANWAR  
Advocate Peshawar

&

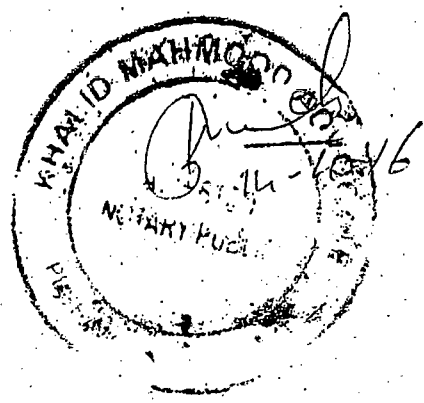
*[Signature]*  
SAJID AMIN  
Advocate, Peshawar

Date of presentation of appeal 31-3-22  
22/  
26/

31-3-22  
31-3-22  
AFFIDAVIT

I, Taj Ali Khan, Ex- Senior Science Teacher, Govt. High School Badizai Nasir Bagh Road, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

*[Signature]*  
Deponent



*[Signature]*  
AFFIDAVIT

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

M. W. P. Tribunal  
Service Tribunal  
Case No. 375  
14-4-2016

Appeal No. 397/2016

Taj Ali Khan, Ex- SST (Science), Govt. High School  
Badizai Nasir Bagh Road, Peshawar.  
(Appellant)

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary and Secondary Education Khyber  
Pakhtunkhwa Peshawar.
3. Director, Elementary and Secondary Education Khyber  
Pakhtunkhwa Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber  
Pakhtunkhwa Service Tribunal Act, 1974,  
against the order dated 23.11.2015, whereby  
the appellant has been awarded major  
punishment of Compulsory Retirement From  
Service against which his Review Petition dated  
08.01.2016, has not been responded despite the  
lapse of 90 days Statutory Period.

Prayer in Appeal: -

On acceptance of this appeal the order dated  
23.11.2015, may please be set-aside and the  
appellant may please be re-instated in service  
with full back wages and benefits of service.

Respectfully Submitted:

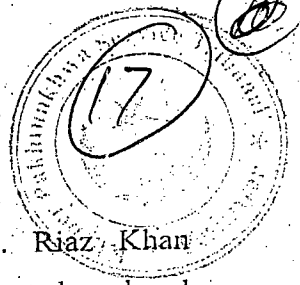
1. That the Appellant was initially appointed as SET, vide order  
dated 31.05.1999. Ever since his appointment, the Appellant had  
performed his duties as assigned with great zeal and devotion and  
there was no complaint what so ever regarding his performance.

ATTESTED

*[Signature]*

14/4/16

Order



08.05.2019

Counsel for the appellant present. Mr. M. Riaz Khan  
Paindakhel, Asst: AG for respondents present: Arguments heard and  
record perused.

This appeal is also disposed of as per detailed judgment of  
today placed on file in service appeal No. 509/2016 titled  
"Mussawar Jan -vs- Chief Secretary, Govt: of Khyber Pakhtunkhwa  
Peshawar and two others." Parties are left to bear their own cost.  
File be consigned to the record room.

Announced:  
08.05.2019

(Ahmad Hassan)  
Member

(Hamid Farooq Durrani)  
Chairman

31-3-22  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Disposal of Application: 31-3-22  
No. 800  
10/-  
4/-  
15/-  
31-3-22  
Date of Delivery of Copy: 31-3-22

18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 509/2016

Date of Institution ... 13.05.2016

Date of Decision ... 08.05.2019



Musawar Jan, Associate Profess<sup>or</sup> (BPS-19), Ex Controller of Examinations Board of Intermediate and Secondary Education Peshawar. ... (Appellant)

VERSUS

Chief Secretary, Govt: of Khyber Pakhtunkhwa Peshawar and two others. ... (Respondents)

-----  
MR. FAZAL SHAH MOHMAND,  
MR. TAIMUR ALI KHAN,  
MR. YASIR SALEEM,  
Advocate

--- For appellant.

MR. M. RIAZ KHAN PAINDAKHEL  
Assistant Advocate General

--- For respondents:

MR. AHMAD HASSAN,  
MR. HAMID FAROOQ DURRANI

--- MEMBER(Executive)  
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER:-


This judgment shall dispose of the instant service appeal as well as connected service appeals no. 397/2016 titled Taj Ali Khan and no. 540/2016 titled Irfanullah, as similar question of law and facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

3. Learned counsel for the appellant argued that on the recommendations of Khyber Pakhtunkhwa, Public Service Commission, he was appointed as Lecturer


ATTESTED

  
AHMAD HASSAN  
MEMBER (EXECUTIVE)  
CHAIRMAN

(18) (19)

(BPS-17) on 14.01.2002. Again he was directly appointed as Associate Professor (Mathematics) in 2010. The appellant was posted as Secretary, Board of Intermediate & Secondary Education, Peshawar in February 2012 and thereafter transferred as Controller of Examination in the same organization on 23.10.2012. On the allegations of leakage of an award list of Intermediate Examination 2014 conducted by BISE, Peshawar, he was placed under suspension vide notification dated 23.07.2014. A fact finding enquiry was conducted by the respondents, wherein, it was recommended that the appellant be repatriated to his parent department. Subsequently, regular enquiry was conducted and after winding up of the process minor penalty of stoppage of two annual increments for two years was awarded to him vide impugned order dated 23.11.2015. Feeling aggrieved, he filed review petition on 21.01.2016, which remained un-responded, hence, the present service appeal. The Coordinator Mr. Irfanullah (appellant) was appointed by the Chairman, BISE, Peshawar and had admitted the charge of leakage of award list as the same were in his custody. Moreover, charges of leakage of said list were also proved against Mr. Taj Ali Khan, SET/scrutinizer (appellant). As a sequel to the enquiry an FIR was lodged against him and held responsible for the said offense. Resultantly, major penalty of compulsory retirement was awarded to him. He further argued that perusal of enquiry report revealed that charge leveled against the appellant was not proved, therefore, minor penalty awarded to him was illegal and unlawful. Neither statements of witnesses were recorded in his presence nor opportunity of cross examination was afforded to him. He was also denied the opportunity of personal hearing. In short, he was condemned unheard.

ATTESTED

  
 Secretary  
 Board of Intermediate & Secondary Education  
 Peshawar

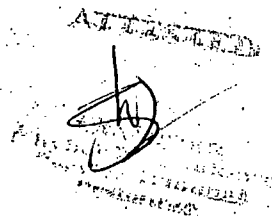
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4. On the other hand learned Assistant Advocate General argued that the appellant failed to discharge responsibilities as Controller of Examination, BISE, Peshawar. The fact finding enquiry and regular enquiry proved beyond doubt his involvement in leakage of award list referred to above. He was bound to put in place a full proof system for maintaining proper secrecy of the examination, process right from the start to the announcement of result. The Coordinator and other staff were working under his administrative control. He was held guilty of negligence/misconduct in the performance of official duty.

### CONCLUSION

5. Perusal of fact finding enquiry revealed that responsibility of leakage of award list of Physics, Part-II, Chemistry, Part-II and English, Part-II of Jinnah College for Women was fixed on Controller, Coordinator, Secrecy Officer and Secrecy Superintendent of BISE, Peshawar. Various recommendations were also made in concluding part of the report. It was followed by regular enquiry conducted against the concerned as per letter dated 10.12.2014. The inquiry officer in his findings opined that charge leveled against the appellant was not proved. Similarly charge against the co-accused Mr. Irfanullah (appellant) was also not proved, whereas charge against Mr. Taj Ali Khan, SET/Scrutinizer stood proved.

6. Para-2 and Para-4 of the enquiry report were worth perusal, wherein the enquiry officer highlighted that all accused officials were cross examined and heard in person. In sub-rule-1(2) of Rule-10 of the E&D Rules 2011, it is laid down that record of the case and the list of witnesses, if any shall be communicated to the enquiry officer/ committee, as the case may be alongwith

ATTACHED  


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orders of enquiry. The record placed before us proved that no such lists were provided to the enquiry officer. Sub-Rule-1 of Rule-11 stipulates that the enquiry officer/enquiry committee shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and wherein witness is produced by one party the other party shall be entitled to cross examine such witnesses. (2011 PLC (C.S) 1111, 2010 SCMR 1554 AND 2018 SCMR 108). Furthermore, sub-rule-4 of Rule-11 of the Rules ibid provides that statement of witnesses and departmental representative if possible will be recorded in the presence of the accused and vice-versa. It is pertinent to point out that all these involved in the scam tried to shift responsibility on the other by leveling counter allegations. Its veracity could not be affirmed/denied by providing them opportunity of cross examination. The enquiry officer failed to record the statements of witnesses nor opportunity of cross examination was afforded to the accused. It made the entire process dubious and without legal sanction. The role of conducting process of cross examination by the enquiry officer was utter violation of the rules referred to above. He went beyond his assigned mandate and his actions were nullity in the eyes of law.

7. We would also like to highlight that charge leveled against Mr. Taj Ali Khan (appellant) in the charge sheet was quite different from the one highlighted at serial no. 8 of para-3 of the enquiry report. The enquiry officer failed to bring on record any incriminating evidence against all the accused and specially the one referred to above. He was supposed to give tailor made recommendations after scrutiny of record. Statements of incumbent Chairman BISE, Peshawar etc. were not recorded for reasons best known to the inquiry officer. Being overall

APPELLANT  
 TAJ ALI KHAN  
 CHAIRMAN BISE, PESHAWAR  
 PESHAWAR




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incharge/head of the organization he should have been associated with the inquiry process. Was it not his failure to put in place a fool proof system to avoid such incidents? It can be safely inferred he mainly relied on conjectures, suppositions and surmises and failed to dig out real facts and fix responsibility on the concerned. Moreover, all the accused were held to be guilty of negligence, therefore, penalty awarded to Mr. Taj Ali on the basis of unsubstantiated charges appeared to be quite harsh. He mainly relied on mobile data obtained by BISE, Peshawar at their own in which apart from Taj Ali Khan names of Aurangzeb and Zahid were also mentioned but statements of Aurangzeb and Zahid and record of the said conversation was not made part of the enquiry report. It lends credence to the fact that the charge leveled against Mr. Taj Ali Khan was not proved, as admitted by the enquiry officer in its report and the relevant portion is reproduce before for ready reference:

“Although, there is no record of any direct contact of Mr. Taj Ali with media person (Zahid), however, the above mentioned telephonic conversation by Taj Ali & Zahid Shows Taj Ali used Aurangzeb as a facilitator to gain access to media man (Zahid) and through this connection, the award list was leaked out to the press which caused great embarrassment to the Provincial Government.”

8. Rule-14 of E&D Rules 2011 relates to passing of order on receipt of report from the enquiry officer/enquiry committee by the Competent Authority. Attention is invited to Sub-rule-(2) and (3) of the said rules. As charges against Mr. Mussawar Jan and Irfanullah were not proved so on the strength of the rule referred to above, they were required to be exonerated by an order in writing. An opening was available for the competent under Sub-rule-(6) of the above rule that in case enquiry proceedings are not conducted in accordance with the provisions


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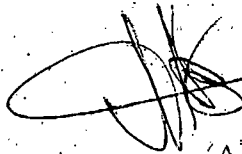
  
 (Signature)  
 Director  
 Education  
 Peshawar

22  
23

of these rules or the facts of merits of the case are ignored or there are specific grounds, it may after recording reasons in writing, either remand to the Enquiry Officer or the enquiry committee as the case may be that such directions as the competent authority may be like to give, or may order a de-novo through a different Enquiry Officer or Enquiry Committee. We have not been able to comprehend whether the competent authority was justified to give minor penalty to the accused referred to above, as charges could be established against them in the inquiry report. Prima-facie, his action appears to be a violation of laid down procedure and not tenable in the eyes of law.

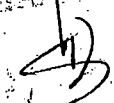
9. As a sequel to above, the appeal is accepted, impugned order dated 23.11.2015 is set aside. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

  
(HAMID FAROOQ DURRANI)  
CHAIRMAN

  
(AHMAD HASSAN)  
MEMBER

ANNOUNCED  
08.05.2019

Certified to be true (SPP)

  
Secretary  
Peshawar

Date of receipt of the document

2800  
30/-  
4/-  
30/-  
31-3-22  
31-3-22



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the, 11-06-2019

~~28~~ ~~28~~  
E (21)

Notification.

No.SO(B/T)E&SE/5-4/2019/BISE Peshawar. In Compliance of the judgement of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 08-05-2019 delivered in service appeal No. 397 / 2016, the competent authority has been pleased to reinstate Mr. Taj Ali Khan' Ex SST (Science) GHS Badizai Nasir Bagh Road Peshawar in to Government service with immediate effect for the purpose of denovo inquiry.


2. Consequent upon above, his services are placed at the disposal of Directorate E&SE for further adjustment.

SECRETARY

Endst: of even No. & Date.

A Copy is forwarded to:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Chairman, BISE Peshawar.
4. District Education Officer (M) Peshawar.
5. PSO to Chief Minister Khyber Pakhtunkhwa, Peshawar.
6. PSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
7. P.S to Advisor for Chief Minister E&SE PSO to Chief Minister Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department.
9. PA to deputy Secretary (Admn) E&SE Department.
10. Officer concerned.

  
(LAL SAEED KHATTAK)  
SECTION OFFICER (BOARD&TRG.)

63  
12-6-19

OFFICE OF THE DISTRICT EDUCATION OFFICER (Male) PESHAWAR

I 25

OFFICE ORDER.

Consequent upon the notification issued by the Govt of K.P.K Elementary and Secondary education Department: No. So(B/T)E&SE/5-4/2019/BISE Peshawar dated 11/6/2019 received from the Director Elementary and Secondary Education Department vide his letter No 5208/File No 492/SST(M)Complaint/Peshawar dated 27/6/2019, Mr. Taj Ali Khan Ex-SST(Physics, Math's) GHS Badazai Peshawar is hereby adjusted on his own pay and BPS against the vacant post of SST(Physic/Math's) at GHS PAF Shaheen Camp Peshawar w.e.f his date of taking Over Charge subject to the condition till the finalization of enquiry report.


Note:

2. TA/DA is not allowed.
3. Charge report should be submitted to all concerned.

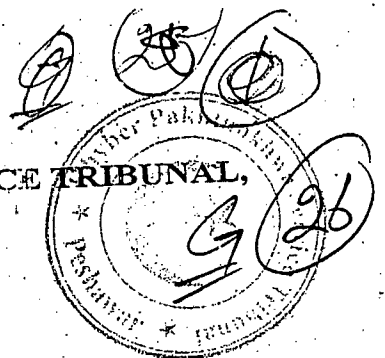
DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

Endst: No. 7050-60 dated 10/7/2019  
Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Chairman BISE Peshawar.
4. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
5. PSO to Chief Secretary Khyber Pakhtunkhwa Peshawar.
6. PS to Advisor for Chief Minister E&SE PSO to Chief Minister Khyber Pakhtunkhwa.
7. PS to Secretary E&SE Department.
8. PA to deputy Secretary(Admin) E&SE Department.
9. EMIS Local Office.
10. Principal/Headmaster Concerned.
11. Teacher concerned.

  
DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.



Execution petition No. 426 /2019  
In Service Appeal No.397/2016

Taj Ali Khan, SST (Science)  
GHS PAF, Shaheen Camp, Peshawar.

PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

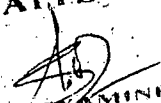
RESPONDENTS

.....  
EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 18.05.2019 OF THIS  
HONOURABLE SERVICE TRIBUNAL IN  
LETTER AND SPIRIT.  
.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed an appeal bearing No.397/2016 in this august Service Tribunal against the impugned order dated 23.11.2015 whereby the petitioner was compulsory retired from service and against not taking action on his review petition.
2. That the said appeal was finally heard on 18.05.2019 and the Honourable Tribunal was kind enough to accept the appeal and the impugned order dated 23.11.2016 was set aside and the respondents were directed to conducted denovo inquiry within the period of ninety days after the receipt of the judgment and the issue of back benefits shall be the subject to the outcome of denovo inquiry. (Copy of judgment dated 18.05.2019 is attached as Annexure-A)
3. That in the compliance of the judgment dated 18.05.2019 of this august Service Tribunal, the petitioner was reinstated into service for the purpose of denovo inquiry vide notification dated 11.06.2019, but

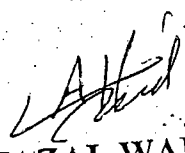
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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal

after the lapse of stipulated period of ninety days given by this august Service Tribunal in its judgment dated 18.05.2019, the respondents did not conduct denovo inquiry against the petitioner due to which the issue of back benefits of the petitioner remain unsolved. (Copy of notification dated 11.06.2019 is attached as annexure-B)

4. That in-action and not fulfilling formal requirements by the respondents after passing the judgment of this august Service Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to implement the judgment of this Honourable Service Tribunal in letter and spirit.
6. That the petitioner has having no other remedy except to file this execution petition for Implementation of judgment dated 18.05.2019 of this august Service Tribunal.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 18.05.2019 of this august Service Tribunal in letter and spirit. Any other remedy, which this august Service Tribunal deems fit and appropriate, may also be awarded in favour of petitioner.

  
FAZAL WAHID  
ADVOCATE

THROUGH:

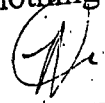
  
PETITIONER

(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

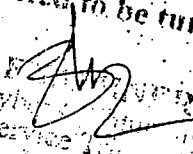
&  
(ASAD MAHMOOD)  
ADVOCATE HIGH COURT

**AFFIDAVIT:**

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Service Tribunal.

  
DEPONENT.

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



H 28

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated Peshawar the October 5<sup>th</sup>, 2021

**NOTIFICATION**

**NO.SO(B-TG)/E&SED/5-4/Complaint/BISE Peshawar/Vol-G:**

**WHEREAS** Mr. Taj Ali, SST BS-16 was proceeded under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** Muhammad Taufique (PMS BS-18) Deputy Secretary C&W Department, now Deputy Secretary, Regulation-I Establishment Department was nominated as inquiry officer to conduct De-Novo inquiry against the accused Mr. Taj Ali, Ex-SST, for the charges levelled against him in accordance with the rules.

3. **AND WHEREAS** the inquiry officer after having examined the charges, evidence on record has submitted the report on 11.02.2021 who recommended **Exoneration** of Mr. Taj Ali, Ex-SST from the charges levelled against him. Now therefore, in light of the decision of the Chief Minister / Competent Authority, you, Mr. Taj Ali, are hereby exonerated with all back benefits from the charges levelled against you in the instant case with ~~immediate~~ **effect.**

**SECRETARY**

**Endst: of even No. & Date**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. PSO to Chief Minister Khyber Pakhtunkhwa, Peshawar
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
8. Section officer School (Male) E&SE Department.
9. Mr. Taj Ali, SST (Science) GHS Badizai, Nasir Bagh Road, Peshawar
10. Incharge EMIS E&SE Department.
11. Master File.

(IMTIAZ KHAN)  
SECTION OFFICER (B/T)

7/10



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

128

Dated Peshawar the November 17<sup>th</sup>, 2021

**CORRIGENDUM**

**NOTIFICATION**

**NO.SO(B-TG)/E&SED/5-4/Complaint/BISE Peshawar/Vol-G:**

WHEREAS Mr. Taj Ali, SST BS-16 was proceeded under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Muhammad Taufique (PMS BS-18) Deputy Secretary C&W Department, now Deputy Secretary, Regulation-I Establishment Department was nominated as inquiry officer to conduct De-Novo inquiry against the accused Mr. Taj Ali, Ex-SST, for the charges levelled against him in accordance with the rules.

3. AND WHEREAS the inquiry officer after having examined the charges, evidence on record has submitted the report on 11.02.2021 who recommended Exoneration of Mr. Taj Ali, Ex-SST from the charges levelled against him. Now therefore, in light of the decision of the Chief Minister / Competent Authority, you, Mr. Taj Ali, are hereby exonerated with all back benefits from the charges levelled against you in the instant case w.e.f 23.11.2015.

SECRETARY

**Endst: of even No. & Date**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. PSO to Chief Minister Khyber Pakhtunkhwa, Peshawar
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
8. Section officer School (Male) E&SE Department.
9. Mr. Taj Ali, SST (Science) GHS Badizai, Nasir Bagh Road, Peshawar
10. Incharge EMIS E&SE Department.
11. Master File.

(IMTIAZ KHAN)  
SECTION OFFICER (B/T)

17/11/2021



30

ROLL SYSTEM  
AMENDMENT FORM  
MULTIPLE EMPLOYEE ENTRY

OFFICE OF THE PRINCIPAL GHS PAF BADEZAI PESHAWAR

FOR THE MONTH OF 01-Mar-22

POST CODE P W 6 4 8 6

Vol = 3  
Page = 23

FORM PAY03

Date 01-03-2022

Page No 23

EMPLOYEE DETAILS	EMPLOYEE NAME	EMPLOYEE NO.	EMPLOYEE TYPE	NEW CONTENTS	WAGE TYPE	CHANGE IN PAYMENTS / DEDUCTIONS				STOP SAL.	EFFECTIVE DATE	REMARKS
						AMOUNT						
						RUPEES	PAISA	ADJ.				
C 0 0 4 9 5 5 1	Taj Ali Khan (SST)		Ad	Basic Pay	5801	1 9 0 8 2 7 7				P	Monthly rate	
			Ad	HRA	5002	1 6 1 0 6 6				P	c o	
			Ad	C-A	5011	8 1 1 6 6 7				P	c o	
			Ad	MED ALLOW	5012	9 2 3 2 3				P	c o	
			Ad	Adhoc-Relf 2013	5309	6 7 6 6 7				P		
			Ad	Adhoc-Relf 2014		1 6 8 0 0				P		
			Ad	Adhoc-Relf 2015	5964	5 1 4 9 1				P		
			Ad	Adhoc-Relf 2016	5975	1 4 6 4 5 5				P		
			Ad	Adhoc-Relf 2017	5990	1 1 0 8 0 2				P		
			Ad	Adhoc-Relf 2018	5322	6 9 7 6 3				P		
			Ad	STA	5063	7 2 6 7				P		

The competent Authority issues purpose of day Office Order for the period 01/01/2016 to 30/06/2019 vide Director Elementary & Secondary KPK Endst. No.4954-F.NO 492-B/SST(M) Comnplaints Peshawar dated the Peshawar 25/02/2022. Details attached

Prepared By

Audited/Checked By

Entered / Verified By

31

**Basis Pay**

Period	Month	Due	Drawn	Difference
01/01/2016 to 30/06/2016	6	37785	0	37785*6 = 226710
01/07/2016 to 30/11/2016	5	46670	0	46670*5 = 233350
01/12/2016 to 30/06/2017	7	48600	0	48600*7 = 340200
01/07/2017 to 30/11/2017	5	57970	0	57970*5 = 289850
01/12/2017 to 31/11/2018	7	60770	0	60770*7 = 427189
01/12/2018 to 31/05/2019	6	62570	0	62570*6 = 375420
01/06/2019 to 10/06/2019	10 days	20857	0	20857
<b>Total</b>				<b>1908277</b>

**House Rent Allowance**

Period	Month	Due	Drawn	Difference
01/01/2016 to 30/06/2016	6	4433	0	4433*6 = 26598
01/07/2016 to 30/11/2016	5	4433	0	4433*5 = 22165
01/12/2016 to 30/06/2017	7	4433	0	4433*7 = 31031
01/07/2017 to 30/11/2017	5	4433	0	4433*5 = 22165
01/12/2017 to 31/11/2018	7	4433	0	4433*7 = 31031
01/12/2018 to 31/05/2019	6	4433	0	4433*6 = 26598
01/06/2019 to 10/06/2019	10 days	1478	0	1478
<b>Total</b>				<b>161066</b>

**Medical Allowance**

Period	Month	Due	Drawn	Difference
01/01/2016 to 30/06/2016	6	2541	0	2541*6 = 15246
01/07/2016 to 30/11/2016	5	2541	0	2541*5 = 12705
01/12/2016 to 30/06/2017	7	2541	0	2541*7 = 17787
01/07/2017 to 30/11/2017	5	2541	0	2541*5 = 12705
01/12/2017 to 31/11/2018	7	2541	0	2541*7 = 17787
01/12/2018 to 31/05/2019	6	2541	0	2541*6 = 15246
01/06/2019 to 10/06/2019	10 days	847	0	847
<b>Total</b>				<b>92323</b>

**Conveyance Allowance**

Period	Month	Due	Drawn	Difference
01/01/2016 to 30/06/2016	6	5000	0	5000*6 = 30000
01/07/2016 to 30/11/2016	5	5000	0	5000*5 = 25000
01/12/2016 to 30/06/2017	7	5000	0	5000*7 = 35000
01/07/2017 to 30/11/2017	5	5000	0	5000*5 = 25000
01/12/2017 to 31/11/2018	7	5000	0	5000*7 = 35000
01/12/2018 to 31/05/2019	6	5000	0	5000*6 = 30000
01/06/2019 to 10/06/2019	10 days	1667	0	1667
<b>Total</b>				<b>181667</b>

**Adhoc 2013**

Period	Month	Due	Drawn	Difference
01/01/2016 to 30/06/2016	6	4200	0	4200*6 = 25200
01/07/2016 to 30/11/2016	5	1400	0	1400*5 = 7000
01/12/2016 to 30/06/2017	7	1400	0	1400*7 = 9800
01/07/2017 to 30/11/2017	5	1400	0	1400*5 = 7000
01/12/2017 to 31/11/2018	7	1400	0	1400*7 = 9800
01/12/2018 to 31/05/2019	6	1400	0	1400*6 = 8400
01/06/2019 to 10/06/2019	10 days	467	0	467
<b>Total</b>				<b>67667</b>

**Adhoc 2014**

Period	Month	Due	Drawn	Difference
01/01/2016 to 30/06/2016	6	2800	0	2800*6 = 16800
<b>Total</b>				<b>16800</b>

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Adhoc 2015

Period	Month	Due	Drawn	Difference
01/01/2016 to 30/06/2016	6	3779	0	3779*6 = 22674
01/07/2016 to 30/11/2016	5	945	0	945*5 = 4725
01/12/2016 to 30/06/2017	7	945	0	945*7 = 6615
01/07/2017 to 30/11/2017	5	945	0	945*5 = 4725
01/12/2017 to 31/11/2018	7	945	0	945*7 = 6615
01/12/2018 to 31/05/2019	6	945	0	945*6 = 5670
01/06/2019 to 10/06/2019	10 days	315	0	467
<b>Total</b>				<b>51491</b>

Adhoc 2016

Period	Month	Due	Drawn	Difference
01/07/2016 to 30/11/2016	5	4860	0	4860*5 = 23335
01/12/2016 to 30/06/2017	7	4860	0	4860*7 = 34020
01/07/2017 to 30/11/2017	5	4860	0	4860*5 = 24300
01/12/2017 to 31/11/2018	7	4860	0	4860*7 = 34020
01/12/2018 to 31/05/2019	6	4860	0	4860*6 = 29160
01/06/2019 to 10/06/2019	10 days	1620	0	1620
<b>Total</b>				<b>146455</b>

Adhoc 2017

Period	Month	Due	Drawn	Difference
01/07/2017 to 30/11/2017	5	5797	0	5797*5 = 28985
01/12/2017 to 31/11/2018	7	6027	0	6027*7 = 42189
01/12/2018 to 31/05/2019	6	6257	0	6257*6 = 37542
01/06/2019 to 10/06/2019	10 days	2086	0	2086
<b>Total</b>				<b>110802</b>

Adhoc 2018

Period	Month	Due	Drawn	Difference
01/07/2018 to 31/11/2018	5	6027	0	6027*5 = 30135
01/12/2018 to 31/05/2019	6	6257	0	6257*6 = 37542
01/06/2019 to 10/06/2019	10 days	2086	0	2086
<b>Total</b>				<b>69763</b>

Science Teaching Allowance

Period	Month	Due	Drawn	Difference
01/01/2016 to 30/06/2016	6	200	0	200*6 = 1200
01/07/2016 to 30/11/2016	5	200	0	200*5 = 1000
01/12/2016 to 30/06/2017	7	200	0	200*7 = 1400
01/07/2017 to 30/11/2017	5	200	0	200*5 = 1000
01/12/2017 to 31/11/2018	7	200	0	200*7 = 1400
01/12/2018 to 31/05/2019	6	200	0	200*6 = 1200
01/06/2019 to 10/06/2019	10 days	67	0	67
<b>Total</b>				<b>7267</b>

Classification

B. Pay	1908277
HRA	161066
Med Allow.	92323
Conveyance Allowance	181667
Adhoc 2013	67667
Adhoc 2014	16800
Adhoc 2015	51491
Adhoc 2016	146455
Adhoc 2017	110802
Adhoc 2018	69763
STA	7267
<b>G. total</b>	<b>2813578</b>

To

The District Education Officer (Male),  
Elementary and Secondary Education Deptt;  
Govt. Khyber Pakhtunkhwa,  
District Peshawar.

Subject: Application for Adjustment against Vacant Post for the Purpose of Pay Withdrawal

R/Sir,

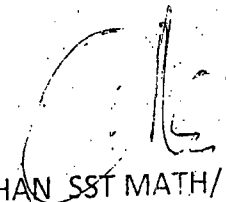
With due respect it is stated that de-novo inquiry exonerated me with all back benefits in light of decision of the Chief Minister/competent authority.

Now for the purpose of pay withdrawal please adjust me against vacant post w.e.f. 01/01/2016 to 10/06/2019 at GHS BADEZAI PESHAWAR. Vacant post availability of SST Math Phy certificate attached.

It is therefore requested please issue adjustment order for duration as noted i.e. w.e.f. 01/01/2016 to 10/06/2019 for the purpose of pay.

I shall be highly obliged.

Dated: 4/1/2022

  
TAJ ALI KHAN SST MATH/ PHY  
GHS, PAF Shaheen Camp  
Peshawar Cantt. (03340095124)

Office of the District Education Officer (Male) Peshawar

No. 6499

Dated 03/02/2022

2 (34) ~~16~~ (32)  
6 ~~8~~ (32)

To

The Head Master  
G. H. S Badezai,  
Peshawar.

Subject: Non Drawal certificate

Memo.

Reference to the subject cited above you are hereby directed to issue a certificate of Non Drawal for (SST) post w.e.f 01-01-2016 to 14-01-2022 at your concerned station.

Dasit  
Deputy District Education  
Officer (M)  
Peshawar



OFFICE OF THE HEADMASTER  
GOVERNMENT HIGH SCHOOL BADEZAI  
PESHAWAR



Endorsement No : 371

Dated: 07/02/2022


To

The District Education Officer (Male) Peshawar  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa

SUBJECT : Non-Drawl Certificate

It is enclosed to your letter No. 6499 dated 03-02-2022 in which you mentioned to issue Non-Drawl Certificate for Mr. TAJ ALI (SST-Sci) from the period of 01-01-2016 to 14-01-2022 from office of the **GHS BADIZAI PESHAWAR.**

It is stated that the subject post remained vacant wef 01-01-2016 to 07-02-2022 as per record examined by the undersigned and drawl of of salary has not made during the course of said period

  
Head Master  
GHS, Badezai  
Government High School Badezai  
Peshawar

N  
36  
39  
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**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

Substituted with Even No. & Date

**OFFICE ORDER**

The Competent Authority is pleased to adjust Mr. Taj Ali SST(M/P) presently serving at GHS Shaheen Camp Peshawar against the vacant post of SST at GHS Badezai District Peshawar w.e.f 01-06-2016 to 10-06-2019 for the purpose of pay adjustment only.

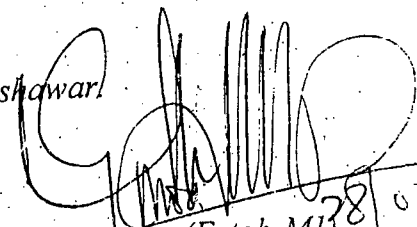
**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Dated the Peshawar 25-02-2022

Endst: No. 4995/F.NO.492-B/SST (M) Complaints - Peshawar

Copy forwarded to the:

1. District Education Officer (M) Peshawar.
2. District Accounts Officer Peshawar.
3. Head Master GHS Badezai Peshawar.
4. Mr. Taj Ali SST (M/P) GHS Shaheen Camp Peshawar.
5. Master Copy.

  
Assistant Director (Estab-M1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

28/02/2022

0 (37) (37)

To

The District Education Officer (M),  
Peshawar.

Subject: COMPLAINT/APPEAL

R/Sir,

It is stated that I Taj Ali Khan SST(M/P) GHS Badezai Peshawar (presently serving at GHS PAF Shaheen Camp Peshawar) has been compulsorily retired from service, but in the denovo inquiry, I has been reinstated with all back benefits. For pay adjustment the Head Master GHS Badezai provided vacant post availability and Non Drawal certificate on the direction of DEO(M) Peshawar (copy attached).

The directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar issued pay adjustment order (diary No.5252-55 dt:28/2/2022) for the said period (copy attached).

Now the Head Master GHS Badezai Peshawar is of the view that all the communication made in the subject is fake /bogus and show inability to process my salary case, being the whole correspondence is fake/bogus.

Sir, you are requested to direct the Head Master GHS Badezai Peshawar to process my salary case and oblige.

Yours obediently,

Taj Ali Khan SST

GHS PAF Shaheen Camp Peshawar

Cell No. 03340095124

Dated: 17/3/2022

54 ✓  
07/03/2022



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

No. 3643 AE-III

Dated Peshawar the 21/03/2022

~~30~~  
38

To

The Headmaster  
GHS Badezai Peshawar

SUBJECT: COMPLAINT/DRAWL OF PAY FOR THE PERIOD 01/01/2016 TO 7/2/2022 IN  
R/O TAJ ALI EX-SST/SC.

Memo,

I am directed to refer to enclose please find herewith an application in r/o Taj Ali SST/Sc  
GHS Shaheen Camp Peshawar and to state that the order of the DE&S/Edu K.P.K No.5252-  
55/F.NO 492-B/SST(M) dated 25/02/2022 may be honored on the said post which is lying vacant  
in your institution as his non-drawl certificate has been issued by you vide No 371 dated  
7/2/2022, under intimation to all concerned.

DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

*19/3/2022*  
*16/3*

Endst. No. \_\_\_\_\_

Copy forwarded to the:

1. Director Elementary and secondary education Peshawar.

DY: DISTRICT EDUCATION OFFICER  
(MALE) PESHAWAR

3/6/22

BEFORE THE PESHAWAR HIGH COURT, PESH. WAR.

Writ Petition No. \_\_\_\_\_/2022



Mr. Taj Ali Khan, SST (Maths/Physics) BS-16,  
GHS PAF Shaheen Camp, Peshawar Cantt:

**PETITIONER**

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. The Government of Khyber Pakhtunkhwa through Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, near Govt: High Secondary School No.1, opposite Firdus Chowk, Peshawar.
4. The District Education Officer (Male) Peshawar.
5. The Head Master, Government High School, Badezai, Peshawar.
6. The District Account Officer, Peshawar.

**RESPONDENTS**

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF THE ISMLAIC REPUBLIC OF  
PAKISTAN 1973 AS AMENDED UPTO DATE.**

**RESPECTFULLY SHEWETH:**

Brief facts giving rise to present petition are as under:-

1. That the petitioner is law abiding citizens of Pakistan and have legal and constitution rights duly protected under the law of land.

**ATTESTED**  
EXAMINER  
Peshawar High Court

BA 40

2. That the petitioner while serving the respondent department as SST (B-16) was deputed in the BISE Peshawar for the checking of the papers, however, during performing that duty charge sheet of some baseless allegations were leveled against the petitioner without conducting proper inquiry in the matter and on the basis of that baseless allegations the petitioner was compulsorily retired from service vide notification dated 23.11.2015. (Copies charge sheet and notification dated 23.11.2015 are attached as Annexure-A&B)
3. That the petitioner challenged the notification dated 23.11.2015 in the Khyber Pakhtunkhwa Service Tribunal in service appeal No.397/2016. The appeal of the petitioner along with other connected appeal was decided on 08.05.2019 by the Honourable Service Tribunal. The Honourable Service Tribunal accepted the appeal of the petitioner, set aside impugned order dated 23.11.2015 and directed the respondents to conduct denovo inquiry within the period of ninety days after the receipt of the judgment. The issue of back benefits was placed to the outcome denovo inquiry. (Copies of service appeal No.397/2016 and judgment dated 08.05.2019 are attached as Annexure-C&D)
4. That in compliance of the judgment dated 08.05.2019, the petitioner was reinstated into service with immediate effect for the purpose of denovo inquiry vide notification dated 11.06.2019 and was further adjusted against the vacant post of SST (Physics/Maths) at GHS PAF Shaheen Camp Peshawar w.e.f taking over charge subject to the connection till the finalization of inquiry report vide order dated 10.07.2019. (Copies of notification dated 11.06.2019 and order dated 10.07.2019 are attached as Annexure-E&F)
5. That as the respondent department did not initiate the denovo inquiry as per direction of Honourable Service Tribunal in judgment dated 08.05.2019, therefore the petitioner filed execution petition No.426/2019 in the Khyber Pakhtunkhwa Service Tribunal for implementation of its judgment dated 08.05.2019. (Copy of execution petition No.426/2019 is attached as Annexure-G)
6. That during the pendency of execution petition of the petitioner, the respondent department conduct denovo inquiry against the petitioner in which inquiry officer recommended exoneration of the petitioner from the charges levelled against him and in the light of that recommendation the petitioner was exonerated with all back benefits from the charges levelled against him w.e.f 23.11.2015 vide notification dated 17.11.2021. It is pertinent to mention here that respondent department calculated the back benefits in the shape of salaries/arrears of the petitioner, which amounts to Rs.2813578/- which is evident from the pay roll of the petitioner.

**ATTESTED**  
EXAMINER  
Peshawar High Court

(41)

(Copies of notification dated 27.11.2021 and pay slip are attached as Annexure-H&I)

7. That as the petitioner was exonerated with all back benefits from the charges levelled against him, therefore he filed application to respondent No.4 for adjustment against vacant post w.e.f 01.01.2016 to 10.06.2019 at GHS Badezai Peshawar for the purpose of pay withdrawal, on which respondent No.4 wrote a letter dated 03.02.2022 to respondent No.5 to issue a certificate of non drawl for SST post at your concerned station on which respondent No.5 gave non-drawl certificate on 07.02.2022 in which he mentioned that the post remained vacant w.e.f 01.01.2016 to 14.01.2022 as per record and drawl of salary has not been made during the said period. (Copies of application, letter dated 03.02.2022 and non-drawl certificate are attached as Annexure-J,K&L)
8. That competent authority passed an order dated 25.02.2022, whereby the petitioner was adjusted against the vacant post of at GHS Badezai District Peshawar w.e.f 01.01.2016 to 10.06.2019 for the purpose of pay adjustment only, but despite that the respondent department did not grant the back benefits in shape of salaries/arrears to the petitioner which amounts to Rs.2813578/-, therefore the petitioner again filed complaint/appeal on 07.03.2022 for back benefits to respondent No.4 which was forwarded to respondent No.5 through a letter dated 21.03.2022, but till date back benefits in the shape of salaries/arrears for the period w.e.f 01.01.2016 to 10.06.2019 was not granted to the petitioner. (Copies of order dated 25.02.2022, complaint/appeal and letter dated 21.03.2022 are attached as Annexure-M,N&O)
9. That the petitioners has no other remedy except to file the instant writ petition to direct the respondents department to grant the salaries in the shape of arrears for the period w.e.f 01.01.2016 to 10.06.2019, which amounts to Rs.2813578/- on the following grounds amongst others.

**GROUND:**

- A) That not granting the back benefits in the shape of arrears/salaries for the period w.e.f 01.01.2016 to 10.06.2019 to the petitioner, which amounts to Rs.2813578/- is illegal, unlawful, without lawful authority and un-effective upon the rights of petitioner, therefore, not tenable.
- B) That the inquiry officer in the denovo inquiry recommended exoneration of the petitioner from the charges levelled against the petitioner and on the basis of that recommendation the petitioner

**ATTESTED**  
EXAMINER  
Peshawar High Court

92

was exonerated with all back benefits from the charges levelled against him w.e.f 23.11.2015 vide notification dated 17.11.2021, therefore, it is the legal right of the petitioner to grant him back benefits for the period w.e.f 01.01.2016 to 10.06.2019.

- C) That non-with drawl certificate for the period 01.01.2016 to 10.06.2019 against the vacant post at GHS Badezai has been issued and the competent authority has also adjusted the petitioner against that vacant post for the purpose of pay adjustment and there is no legal hurdle in the grant of back benefits for the period 01.01.2016 to 10.06.2019, but despite that back benefits in the shape of salaries/arrears has not been granted to the petitioner, which shows that arbitrary attitude of the respondents.
- D) That the petitioner has been exonerated with all back benefits from the charges levelled against him and his back benefits has been calculated which amounts to Rs.2813578/- and the petitioner has been adjusted against the vacant post at GHS Badezai District Peshawar w.e.f 01.06.2016 to 10.06.2019 for the purpose of with drawl of that back benefits, but despite that the respondents are reluctant to grant back benefits, which is against the norms of justice and fair play.
- E) That the petitioner has not been treated in accordance with law and rules and has been deprived from his legal right of back benefits in the shape of salaries/arrears for the period 01.06.2016 to 10.06.2019 without giving any reason.
- F) That the petitioner seeks permission of this Honourable Court to advance others grounds and proofs at the time of hearing.

**PRAYER:**


It is therefore most humbly prayed that on acceptance of this writ petition the august Court may be pleased to:-

- I. **Declare** the action of the respondents of not granting back benefits in the shape of salaries/arrears for the period w.e.f 01.06.2016 to 10.06.2019 to the petitioner as illegal, unlawful, without lawful authority and ineffective upon the right of petitioner.
- II. **Direct** the respondents to grant back benefits in the shape of salaries/arrears for the period w.e.f 01.06.2016 to 10.06.2019 to the petitioner, which has already been approved, calculated and amounted to Rs.2813578/-.


**ATTESTED**  
EXAMINER  
Peshawar High Court

(5) (48)

III. Any other remedy deemed appropriate that may also be awarded in favour of petitioner.

  
PETITIONER  
Taj Ali Khan

THROUGH:

  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

**VERIFICATION:**

It is verified that no other similar writ petition between the parties has been filed earlier.

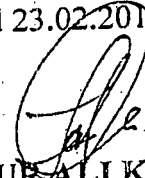
  
DEPONENT

**List of Books:**

1. Constitution of Pakistan 1973.
2. Civil Servant Act 1973 and APT Rules 1989.
3. Khyber Pakhtunkhwa Employees (Regularization of Service) Act, 2009.
4. Other case law as per need.

**NOTE:**

Prior Notice along with the copies of the W.P has already been given to the respondents as per amended High Court's Rules dated 23.02.2016.

  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

**ATTESTED**  
EXAMINER  
Peshawar High Court

1

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PESHAWAR HIGH COURT, PESHAWAR  
FORM "A"  
FORM OF ORDER SHEET.



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

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	25.05.2022.	<p><b><u>WP No. 1382-P/2022.</u></b></p> <p><b><u>Present:-</u></b> Mr. Taimur Ali Khan Advocate, for the petitioner.</p> <p style="text-align: center;">****</p> <p><b><u>MOHAMMAD IBRAHIM KHAN, J:-.</u></b> Through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, petitioner Taj Ali Khan, has prayed for the following relief:-</p> <p><i>“that on acceptance of this writ petition the august Court may be pleased to:-</i></p> <p>I. <i>Declare the action of the respondent of not granting back benefits in the shape of salaries/ arrears for the period w.e.f 01.06.2016 to 10.06.2019 to the petitioner as illegal, unlawful without lawful authority and ineffective upon the right of petitioner.</i></p> <p>II. <i>Declare the respondents to grant back benefits in the shape of salaries/ arrears for the period</i></p>

**ATTESTED**  
EXAMINER  
Peshawar High Court

*w.e.f 01.06.2016 to 10.06.2019 to the petitioner, which has already been approved, calculated and amounted to Rs.2813578/-.*

*III. Any other remedy deemed appropriate that may also be awarded in favour of petitioner."*

2. In essence, petitioner was serving in the respondent department as SST EPS-16; who was deputed in the BISE, Peshawar for the checking of papers; however, on account of certain allegations levelled against him, initially an inquiry was conducted in the matter; wherein he was found guilty of the charges, due to which he was compulsory retired from service vide notification dated 23.11.2015. Aggrieved from the same, petitioner filed Service Appeal No.397/2016 before the worthy Khyber Pakhtunkhwa Service Tribunal, which was allowed vide order dated 08.05.2019, thereby setting aside the impugned notification dated 23.11.2015 coupled with direction to respondents for conducting denovo inquiry in the matter within a period of 90 days positively. In compliance of ibid judgment/order, petitioner was reinstated into service with

**ATTESTED**  
EXAMINER  
Peshawar High Court

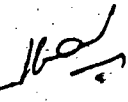


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B

4. Since Article 212 of the Constitution, explicitly bars the jurisdiction of the High Courts in the matters exclusively triable by the Service Tribunal, therefore, without dilating upon the merits of the case, this writ petition is disposed of accordingly, however, the petitioner would be at liberty to approach the Khyber Pakhtunkhwa Service Tribunal for redressal of his grievance if so advised.

**Announced.**  
25.05.2022.

  
E

JUDGE

  
JUDGE

39238

31-5-22

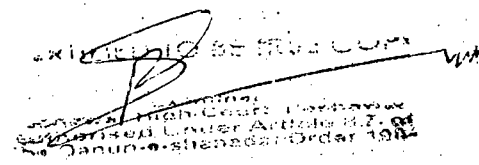
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31-5-22

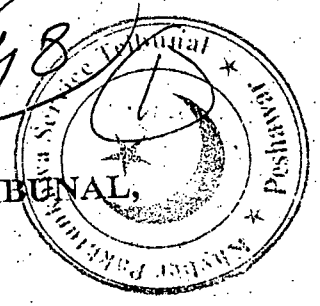
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HON'BLE MR. JUSTICE MOHAMMAD IBRAHIM KHAN & MR. JUSTICE S M ATTQUE SHAH  
JUDICIAL OFFICE  
JALANDHAR

31 MAY 2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.



Execution petition No. 426 /2019  
In Service Appeal No.397/2016

Taj Ali Khan, SST (Science)  
GHS PAF, Snaheen Camp, Peshawar.

1197  
19-11-2019

PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

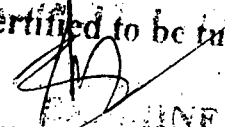
RESPONDENTS

EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 18.05.2019 OF THIS  
HONOURABLE SERVICE TRIBUNAL IN  
LETTER AND SPIRIT.

RESPECTFULLY SHEWETH:

1. That the petitioner has filed an appeal bearing No.397/2016 in this august Service Tribunal against the impugned order dated 23.11.2015 whereby the petitioner was compulsory retired from service and against not taking action on his review petition.
2. That the said appeal was finally heard on 18.05.2019 and the Honourable Tribunal was kind enough to accept the appeal and the impugned order dated 23.11.2016 was set aside and the respondents were directed to conducted denovo inquiry within the period of ninety days after the receipt of the judgment and the issue of back benefits shall be the subject to the outcome of denovo inquiry. (Copy of judgment dated 18.05.2019 is attached as Annexure-A)
3. That in the compliance of the judgment dated 18.05.2019 of this august Service Tribunal, the petitioner was reinstated into service for the purpose of denovo inquiry vide notification dated 11.06.2019, but

Certified to be true copy

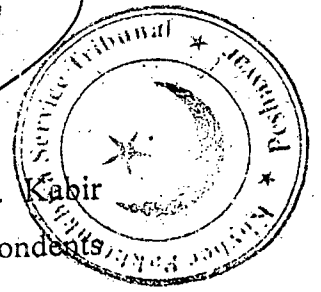
  
DIRECTOR  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar.

Execution Petition 809/2022

16<sup>th</sup> June, 2022

Petitioner alongwith his counsel present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

99



When confronted with the order passed vide notification No. SO (B-TG)/E&SED/5-4/Complaint/BISE Peshawar/Vol-G: dated 05.10.2021 submits that although the judgment has been implemented in letter and spirit but the consequential back benefits although granted vide above notification had not been released for which he submits that he might be permitted to take other legal steps under the law. Disposed of accordingly. Consign.

*Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 16<sup>th</sup> day of June, 2022.*

Certified to be true copy

EXCUTED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*(Signature)*  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 16/6/22  
Number of Pages 800  
Copies 10/-  
Fees 4/-  
Date of Delivery of Copy 16/6/22

**VAKALAT NAMA**

NO. \_\_\_\_\_/2021

IN THE COURT OF KD Service Tribunal, Peshawar

Taj Ali Khan

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Deptt.

(Respondent)  
(Defendant)

I/We, Taj Ali Khan

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

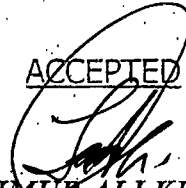
I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding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

Dated \_\_\_\_\_/2021



(CLIENT)

ACCEPTED



**TAIMUR ALI KHAN**  
**Advocate High Court**  
**BC-10-4240**

**CNIC: 17101-7395544-5**  
**Cell No. 0333-9390916**

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar

**"A"**

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

No.

APPEAL No. 1084 of 20 22 SB

Mr. Tai Ali Khan

Appellant/Petitioner

Versus

secy E & SE, KPK, civil secretariat Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner Response to  
KPK civil secretariat Peshawar  
The secy E & SE

12/8

Take notice that your appeal has been fixed for ~~Preliminary hearing,~~  
~~replication, affidavit/counter affidavit/record/arguments/order~~ before this Tribunal  
on 13/09/2022 at 9:00 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.

For Reply  
Copy of appeal  
is attached

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"A"**

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

No.

APPEAL No. 1084 of 20 22 SB

M. Taj Ali Khan

Appellant/Petitioner

Versus

Secy F & SF, KPK, civil secretariat Peshawar

RESPONDENT(S)

Respondent (2) the Secy Finance  
Notice to Appellant/Petitioner depar. for civil secretariat Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 13/09/2022 at .....

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.

For Reply  
Copy of appeal  
is attached

12-8

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"A"**

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

No.

APPEAL No. 1031 of 2022.

13

M. Khan

Appellant/Petitioner

Versus

Secy E.G.S.T. K.P.A. Civil Secretariat, Peshawar  
RESPONDENT(S)

Notice to Appellant/Petitioner The director, E.G.S.T  
PK Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 13/09/2022 at 11:00 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.

For Reply  
Copy of appeal is attached

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

“A”

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

No.

APPEAL No..... of 20

Mr. Taj Ali Khan

Appellant/Petitioner

Versus

Secy E & SE K.P.S.T. Secretariat Peshawar

RESPONDENT(S)

For District Education

Notice to Appellant/Petitioner

Office (Mgt) Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 13/09/2022 at

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.

For Reply  
Copy of appeal is attached  
*[Signature]*  
12/8/22

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.



**"A"**

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

No.

APPEAL No. 1074 of 20 20

M. T. Ali Khan

Appellant/Petitioner

Versus

M. T. Ali Khan

RESPONDENT(S)

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 12/12/2020 at Peshawar

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.

For Regy  
Copy of appeal  
is attached

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

[Signature]

**"A"**

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

No.

APPEAL No. 1084 of 2022. SB

Mr. Taj Ali Khan

Appellant/Petitioner

Versus

Secy E & SE KPk civil secretariat  
Peshawar.

RESPONDENT(S)

Respondent (b) The District Account  
officer, Peshawar.

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for ~~Preliminary hearing,~~  
~~replication, affidavit/counter affidavit/record/arguments/order~~ before this Tribunal  
on 13/09/2022 at 9:00 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.

For Reply  
Copy of appeal  
is attached

2/Cell  
20/9

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.