

07.06.2022

Appellant in person present. Mr. Kabirullah Khattak,
learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for
arguments on 05.07.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Kalim Arshad Khan)
Chairman
Camp Court Swat

05.07.2022

Nemo for appellant.

Noor Zaman Khan Khattak, learned District Attorney alongwith
Nasim Khan Section Officer for respondents present.

Case was called time and again but neither the appellant nor
his counsel turned up till rising of the Bench. Consequently, instant
service appeal is hereby dismissed in default for non-prosecution.
Parties are left to bear their own costs. File be consigned to the
record room.

Announced.
05.07.2022



(Fareeha Paul)
Member(E)
Camp Court, Swat



(Rozina Rehman)
Member(J)
Camp Court, Swat

R

01.11.2021

Junior to counsel for appellant present.

01.11.2021

01.11.2021

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 03.02.2022 before D.B. Respondents be put on notice to submit reply within 10 days in office.


Chairman

03.02.2022

The Tribunal is non-functional, therefore, the case is adjourned to 15.04.2022 before S.B for the same.


Reader

15.04.2022

Counsel for the appellant present. Mr. Kabirullah Khattak Addl. AG for respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG seeks time to file written reply/comments. Last opportunity is granted to respondents for submission of written reply/comments. To come up for written reply/comments on 11.05.2022 before S.B at Camp Court Swat.


Chairman

11.01.2021

Mr. Noor Muhammad Khattak, Advocate, for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of respondent No. 2 Mr. Naseeb Khan, Section Officer (Litigation), is also present.

Written reply on behalf of respondents not submitted despite last chance given in the preceding order sheet dated 19.11.2020, therefore, the appeal is adjourned to 08.04.2021 on which date file to come up for arguments before D.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

08.4.2021


Due to absence of Honable Chairman
The Tribunal is defunct, therefore the case is
adjourned to 26.07.2021 for the same as before.

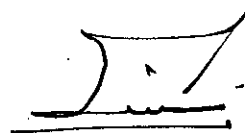


26.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 01.11.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.08.2020

Mr. Noor Muhammad Khattak, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional AG alongwith representative of the department Mr. Mohibullah, Assistant are also present.

Representative of the department requested for time to furnish written reply/comments. Time is granted. File to come up for written reply/comments on 29.09.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

29.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Sajid Superintendent and Ahmad Hassan, Litigation Officer for the respondents present.

Representative of the respondents seeks further time to furnish reply/comments. Adjourned to 19.11.2020 on which date the requisite reply/comments shall be submitted without fail.


Chairman

19.11.2020

Junior to counsel for the appellant and Addl; AG present. No representative of respondents is available.

Learned AAG is required to contact the respondents and submit written reply/comments on 11.01.2021, as last chance.


Chairman

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 19.06.2020 before S.B.


Reader

19.06.2020

Counsel for the appellant present.

Contends that appellant was initially appointed as PTC now PST as stop gap arrangement but his services were dispensed with in 1997. He then submitted an application for his reinstatement on promulgation of KP Sacked Employees Act, 2012 which was not considered. He, therefore, filed Writ Petition which was allowed and the appellant was appointed. His departmental appeal for fixation of pay was not responded. It was further submitted that in the light of Rule 2.3 of the West Pakistan Pension Rules, 1963, the appellant is entitled for the grant of pay fixation from the date of initial appointment.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Notice be issued to the respondents. To come up for written reply/comments on 05.08.2020 before S.B.

Appellant Deposited
Security & Process Fee
26/6/20

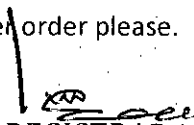

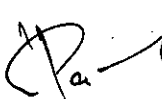

(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 283/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	09/01/2020	<p>The appeal of Mr. Dawood Khurshid presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	10.02.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/02/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Learned counsel for the appellant present. Heard.</p> <p>Learned counsel for the appellant could not demonstrate that the appellant can claim service back benefits under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012. Learned counsel for the appellant seeks adjournment for proper assistance. Adjourn. To come up for preliminary hearing on 30.03.2020. Learned counsel for the appellant may also submit copy of the judgment in Writ Petition bearing No.3-M of 2014 dated 28.03.2014 on the next date fixed.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 280 /2019

SAEED HUSSAIN

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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4	Judgment	C	6- 13.
5	Appointment order	D	14- 15.
6	Departmental appeal	E	16.
7	Vakalat nama	17.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 280 /2019

Diary No. 289

Dated 09/11/2020

Mr. Saeed Hussain, PST BPS-12,
GPS Mamosai Kass, District Dir Upper.....**APPELLANT**

VERSUS

- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer, District Dir Upper.

.....**RESPONDENTS**

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY IN BPS-12 w.e.f. 28-11-1995 I.E. FROM THE DATE OF INITIAL APPOINTMENT TO THE POST OF PST AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f. 28-11-1995 with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed in the respondent Department as PTC now PST vide order dated 28-11-1995 as stop gap arrangement.(Copy of the appointment order is attached as annexure..... **A)**
- 2- That later on the appellant was appointed against regular post vide order dated 18/04/1996 w.e.f. the date of his first appointment i.e. 28/11/1995. (Copy of second appointment order is attached as annexure..... **B)**
- 3- That it is worth mentioning here, that in 1997 the services of the appellant along with others were dispensed with on the ground that their services were no more required to the Department.

Filed to-day

Registrar

09/11/2020

- 4- That it is also worth mentioning, that on promulgation of KP Sacked Employee Act, 2012 appellant submitted an application for his reinstatement being covered under the said law but the same was not considered, hence the appellant filed writ petition no. 256/2017 before Peshawar High Court Mingora Bench, which was allowed vide judgment dated 07/03/2018. Copy of judgment dated 07/03/2018 is attached as annexure C).
- 5- That the appellant was appointed as PST w.e.f. taking over charge in light of Peshawar high Court Dar-UI-Qaza Bench judgment vide order dated 16/11/2018. That in response the appellant submitted charge report and started his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure D)
- 6- That the appellant filed Departmental appeal before respondents for fixation of pay w.e.f. the date of his first appointment i.e. 28/11/1995 but the same has not been responded within stipulated period of ninety days. Copy of departmental appeal is attached as annexure..... E)
- 7- That feeling aggrieved and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

GROUND:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f. 28-11-1995 is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not allowing pay fixation to the appellant w.e.f. 28-11-1995 and as such the inaction of the respondents is violative of law and rules.
- D- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- E- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the appellant is fully entitled for the grant of pay fixation w.e.f. the date of initial appointment.

- F- That promulgation of Sacked Employee Act, 2012 established that dismissal of appellant along with others from services was against the law, hence the appellant is entitled to pay fixation from date of his first appointment.
- G- That in light of Rule 2.3 of the West Pakistan, Pension Rules, 1963 the appellant is fully entitle for the grant of pay fixation from the date of initial appointment.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

Saeed Hussain

SAEED HUSSAIN

THROUGH:

NOOR MOHAMMAD KHATTA

SHAHZULLAH YOUSAFZAI

**MIR ZAMAN SAFI
ADVOCATES**

OFFICE ORDER:-

Consequent upon the non availability of trained PTC, in the constituency, Mr. Saeed Hussain S/O Shahriar Khan Village Karbori Barawal, DISTRICT Dir is hereby appointed on stop gap arrangements at GPS, Bilachanda Barawal with effect from 2.12.1995 to 31.3.1996 at the pay scale of Rs. 1480/81/2695 subject to the following terms and conditions:-

1. Charge report should be submitted to all concerned.
2. Health & age certificate should be produced from the civil surgeon DIR at Timergara.
3. He may not be handed over the charge if his age exceeds 30 years or below 18 years.
4. Before handing over charge to him their original documents should be checked.

(FAZLE NAEEM KHAN)
DISTT: EDUCATION OFFICER(M)
PRY: DIR AT TIMARGARA.

OFFICE TO THE DISTT: EDUCATION OFFICER (M) PRY: DIR AT TIMERGARA.

Endst: No. 5460-62/PED/ESTAB:/

Dated Timergara the 28/11/1995

Copy forwarded to:-

OFFICE ORDER:*

A 4

Consequent upon the non availability of trained PTC in the constituency, Mr. Saeed Hussain Mat: S/O Shahriar Khan Village Karbori Barawal Panal Distt: Dir is hereby appointed as PTC Tr: on stop gap arrangements at WRS/PS Biliachanda Barawal with effect from 02/12/1995 to 31/03/1996 at the pay scale of Rs. 1450-01-2695 subject to the following terms and conditions:-

- 1- Charge report should be submitted to all concerned.
- 2- Health and age certificate should be produced from the civil Surgeon Dir at Timergara.
- 3- He may not be handed over the charge if his age exceeds 30 years or below 18 years.
- 4- Before handing over the charge, upto him his original documents should be checked.

(FAZLI NAEEM KHAN)

DISTT: EDUCATION OFFICER (M)

PRY: DIR AT TIMERGARA.

OFFICE OF THE DISTT: EDUCATION OFFICER (M) PRY: DIR AT TIMERGARA.

Endost: No. 5460-62/PED/Estab: Dated Timergara the 28/11/1995.

Copy forwarded to:-

- 1: The SDEO (M) Dir for information.
- 2: The DAO Dir at Timergara for information.
- 3: The candidate concerned.

M. Anwar

Amir steel
M. Anwar
M. Anwar
28/11/95

DISTT: EDUCATION OFFICER (M)
PRY: DIR AT TIMERGARA.

[Signature]
28/11

OFFICE ORDER:

B-5

Consequent upon the non-availability of duly verified trained PTC's in the merit list, continuous appointment of Mr. Saeed Hussain s/o Shariar Khan as PTC untrained teacher at MPS Bilachand, in EPS No. 07 Rs, 1480-81-2695 purely on temporary basis is hereby continued till further order with effect from the date of his 1st appointment subject to the following terms and conditions.

TERMS AND CONDITIONS:-

1. His appointment is purely made on temporary basis and can be terminated at any time without showing any reason/notice.
2. Other conditions are the same as given in the 1st appointment order.

(FAZLI NAEEM KHAN)
DISTT: EDUCATION OFFICER (M)
PRIMARY DIR AT TIMERGARA.

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRY: DIR AT TIMERGARA.
Endost: No/277-79 /PEM/Estt: A-1 Dated Timergara the 18/4/96.

Copy forwarded for information to:-

1. The SDEO (M) Dir.
2. The teacher concerned for information.

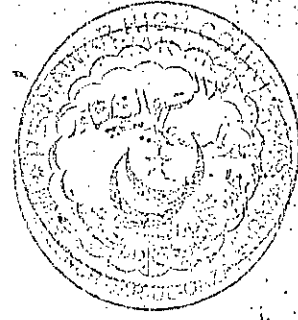
DISTT: EDUCATION OFFICER (M)
PRIMARY DIR AT TIMERGARA.

Attested
[Signature]
RECEIVED

18-4-96

BEFORE THE PESHAWAR HIGH COURT BENCH AT
MINGORA (DAR-UL-QAZA) SWAT

W.P No 256 M of 2018



C-6

- 1) Saeed Hussain son of Shahriar Khan resident of Village Karbori, Barawal Bandai, District Dir Upper (Ex-PTC teacher)
- 2) Bakht Biland Jan son of Slier Muhammad resident of Outala, Tehsil Timergara, Dir Lower. (Ex-C.T teacher)

.....Petitioners

VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (M) District Dir Upper.
4. District Education Officer (M) District Dir Lower.

.....Respondents

FILED TODAY
22 FEB 2018

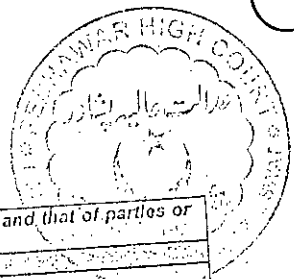
Additional Registrar

WRIT PETITION

Attested
Ullah S.C.T.
BPS-16 GHSS
Barawal Bandi Dir (U)

**PESHAWAR HIGH COURT, MINGORA BENCH/
DAR UL QAZA, SWAT
FORM OF ORDER SHEET**

7



Court of
Case No. of

Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
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07.03.2018

W.P. No. 256-M/2018

Present: Syed Abdul Haq, Advocate for the Petitioners.

MOHAMMAD IBRAHIM KHAN, J. Saeed

Hussain & 1 another Petitioners herein, are imploring the constitutional jurisdiction of this Court for issuance of an appropriate writ by narrating the facts followed by the grounds being taken from Serial (A) to (i), they have set up the following perspective prayer for redressal of their grievance:-

" It is, therefore, humbly prayed that, on acceptance of the instant writ petition, this honorable Court may kindly be issued an appropriate writ to the Respondents to appoint/reinstate the Petitioners under the K.P. Sacked Employees Act, 2012 along with all back benefits according to the spirit of Act as since their termination. Any other relief which this Honourable Court deems fit and proper in the circumstances

Handwritten signature/initials

Handwritten signature

"Wazir" (D.O.) Hon'ble Mr. Justice Muhammad Ibrahim Khan
Hon'ble Mr. Justice Muhammad Raziq Mahfooz

**SPS-16 GHSS
Barawal Bandal Dir (09)**

"may also be very kindly granted."

2. In essence, the present Petitioners were appointed as PTC and CT teachers in different schools of District Dir Lower. Subsequently, their services were dispensed with by the Respondents being no more required as they have been appointed purely on temporary basis as stop-gap arrangements.

3. In the meanwhile, the Government of Khyber Pakhtunkhwa passed the "Sacked Employees Act, 2012", wherein it has been decided that only those government employees will be given the benefit of reinstatement who have been terminated during the period from 1st day of November 1996 to 31st day of December 1998. After promulgation of the *ibid* Act, the Petitioners were optimistic to be compensated on behalf of the Respondents/Department in the light of *ibid* Act, but the Respondents are not willing to render the benefit of reinstatement to the Petitioners despite of the fact that similarly placed persons like Petitioners have already been compensated by way of their reinstatement. In such circumstances, the Petitioners

"Nawab" (D.B.) Hon'ble Mr. Justice Mohammad Ibrahim Khan
Hon'ble Mr. Justice Muhammad Nasir Mahjoor

Accepted
Ullah S.C.T.
BPS-16 GHSS
Barawal Branch Dir (U)

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repeatedly approached the Respondents for redressal of their grievance, but of no avail, hence the present writ petition has been preferred *inter-alia* on the grounds enumerated therein.

4. Arguments of learned counsel for the Petitioners were heard in motion and the available record placed on file delved deep into with his valuable assistance.

5. Before delivering any findings in respect of grievance of the Petitioners, it would be in the fitness of things to reproduce the relevant provisions of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012, which runs:-

Preamble:-

Whereas, it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1st day of November, 1993 to the 30th day of November 1996 (both days inclusive) and were dismissed, removed or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on various grounds.

S. 2 (g):- "sacked employee" means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that

"Nawab" (D.D.) Hon'ble Mr. Justice M. Kamal Ibrahim Khan
Hon'ble Mr. Justice Muhammad Nasir Munir

Accepted
M. Kamal Ibrahim Khan
SCT.
BPS-16 GHSS
Barawal Band Dir (P)

time, during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on the ground of irregular appointments."

6. It is crystal clear from above quoted provisions of the Act *ibid* that only those persons/employees would be given the benefit of reinstatement, who were appointed on a regular basis to a civil post, possessed the requisite/prescribed qualification and experience for the subject post and above all terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998. A bare perusal of the record would reveal that the services of the Petitioners were terminated on 13.02.1997, so by means they are falling within the cut-off date as referred to above.

7. Earlier, similarly placed persons, like Petitioners approached this Court through W.P. No. 1662-P of 2013 titled "Hazrat Hussain V/S The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar"

"Khwab" (D.U.) Hon'ble Mr. Justice Mohammad Ibrahim Khan
Hon'ble Mr. Justice Muhammad Nasir Mahfooz

10
Attested
Ikram
BPS-16 Grade
Barawal Sandh D.

which was allowed in the following manner:-

"It is worth to note that persons similarly placed with the petitioners have been reinstated by the department while giving effect to the judgments given the Khyber Pakhtunkhwa Service Tribunal. More so, one Mst. Gul Rukh whose services were terminated by the respondents along with the petitioners, has been appointed under the Act vide order dated 09.05.2013. It is cardinal principle of law that similarly placed persons should be treated alike and no different yard stick should be used while redressing their grievances. It is hallmark and grundnorm of our constitution that every person is entitled to equal protection of law. Not only similarly placed colleagues of the Petitioners have been appointed by the respondents but the petitioners are also entitled to the relief given to the sacked employees under the Act.

For what has been discussed above, we admitted and accept both the writ petitions and direct the respondents to consider the petitioners for their appointment in accordance with the provisions of the Act."

The above-referred judgment of this Court was assailed before the Hon'ble Supreme Court of Pakistan in Civil Appeal No. 401-P of 2016 under the title "Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar V/S Iftikhar Khan etc" along with other identical matters. The Hon'ble apex Court vide its judgment dated 24.5.2017 upheld the verdict of this Court in the

"Nawab" (D.D.) Hon'ble Mr. Justice Muhammad Ibrahim Khan
Hon'ble Mr. Justice Muhammad Nazeer Makhdoom

11
Amended
Ibrahim Khan
BPS-16 CMSS
Barawal East of Loh

following manner:-

" We have been apprised by the learned counsel for the respondents that according to the advertisement and appointment letter issued to the respondents, two kinds of candidates could be appointed (i) those who have the requisite academic qualifications and training; (ii) those who have the requisite academic qualifications but do not possess the necessary training. As regard the second category, such persons would be provided with an opportunity to complete the training within a specific period. This is exactly what the learned High Court has allowed in the relief granting portion of the impugned judgment. Undoubtedly, this is in consonance with the Department's own advertisement and the terms and conditions of service, therefore, the learned High Court did not fall into any error by requiring the Department to allow the respondents to complete the training within a specific period of time and to take action against them in case of failure to do so. No exception can be taken to the impugned judgment, which is upheld. Resultantly, Civil Petition No. 401-P/2016 is dismissed on merit. The connected petitions are also dismissed on the above score and being time-barred as no sufficient cause has been shown for condonation of delay. "

8. In the above developed scenario, there is no denial of the fact that the services of the Petitioners were terminated within the cut-off date i.e. 1st day of November 1996 to 31st day of December 1998 coupled with the fact that similarly placed persons like Petitioners have been given the benefit of reinstatement by this Court, which

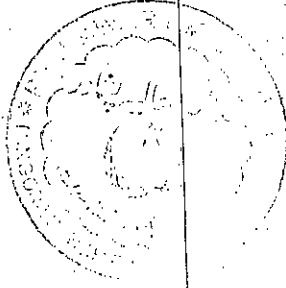
"Nawab" (D.D.) Hon'ble Mr. Justice Mohammad Ibrahim Khan
Hon'ble Mr. Justice Muhammad Nasir Mahfooz

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judgment has been upheld by the Hon'ble Supreme Court of Pakistan, so, on this score too, the Petitioners deserve to be given the same benefit of reinstatement being similarly placed persons.

9. In view of the above discussion, this writ petition is disposed of in terms that the Respondents/Department is directed to consider the cases of Petitioners for their reinstatement under the umbrella of "Sacked Employees Act 2012" coupled with the fact being similarly placed persons but subject to their eligibility for the requisite posts of PST teachers within a period of one month positively. Since the Petitioners are languishing for the ultimate outcome of their wheel of fortune since the year 1997, therefore, it is expected from the answering Respondents that this issue will be put to an end once for all within the target span i.e. one month for a decisive consideration.



Announced
Dt.07.03.2018

ho
JUDGE

[Signature]
JUDGE

Certified to be true copy

[Signature]
EXAMINER

18/3/18
08/03/18

Attested
[Signature]
BPS-16 CHES
Barawal District Court

District Education Officer Male District Dir Upper



PH No. 0944-881400-Fax-880411
E-mail deomdirupper@gmail.com

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APPOINTMENT.

In the light of the judgement passed by the Honorable Peshawar High Court Mingora Bench/Dar-ul-Qaza Swat in W-P NO. 256-M/2018 dated 07-03-2018, and in pursuance of Khyber Pakhtunkhwa sacked employees Act 2012 and out of quota @ 30%, of the advertised posts, the following sacked employees are hereby appointed conditionally as Primary School Teacher (PST) in BPS No. 12 (Rs.13320-960-42120) Plus usual allowances as admissible under the rules & the existing policy of the Provincial Government in Teaching Cadre on the terms and condition given below with effect from the date of taking over charge.

S. No	Name	Father Name	Place of Posting	CNIC	Remarks
01.	Saeed Hussain	Shahriar-Khan	GPS Mamosai Kass	15701-1170703-5	AVP

TERMS AND CONDITIONS.

01. The appointment of sacked employee shall be made only on regular bases to a civil post during the period from 1st day of November 1993 to the 30th day of November 1996 (both days inclusive) and were dismissed/ removed, or terminated from service during the period of 1st day of November, to 31st day of December, 1998 on various ground.
02. Appointment of sacked employee subject to section 7 may be appointed in their irrespective cadre of his department, concerned in which he occupied civil posts before his dismissal, removal and termination from service.
03. The sacked employee shall be appointed against thirty percent of the available vacancies in the department.
04. As per court decision if the appointee fail to acquire the training PTC and the required qualification (BA within three years, their appointment will be considered as cancelled after the expiry of the period.
05. The appointee will provide undertaking that they will be completed the requisite training during a period of three years,
06. The appointee will provide Health and age certificate from the concerned Medical Superintendent.
07. The sacked employee shall not be entitled to claim seniority and other back benefits. They shall submit an undertaking on judicial stamp paper for not claiming any back benefits. A sacked employee appointed under section 3 shall not be entitled to make any claim of seniority, promotion or other back benefits and their appointment shall be considered as fresh appointment.

Saeed
M. M.
Ullah S. CT
BPS-16 GHSS
Barawal Bandi Dir (U)

Appointment Order PST (M) Sacked Employees

15

08. All the drawing and disbursing officers are directed to get a stamp paper as mentioned in S.No.07 and verify their academic and professional certificates/degree etc from the quarter concerned before starting their salaries otherwise they will be held responsible for the consequences if occurred in this regard.
09. The appointee will be governed by such rules and regulations/policies as prescribed by the Government from time to time.
10. If the appointee fail to take over charge within fifteen days after issuance of this order, their appointment will be deemed as automatically cancelled.
11. Charge report should be submitted to all concerned.
12. The errors and omissions etc if found at any stage shall be rectified. In case of termination of said candidate, they will have no right to claim the order already issued in any court.
13. The appointment order is subject to the final outcome of the Supreme Court of Pakistan judgment.
14. No TA/DA is allowed.

Sal
**District Education Officer,
Male Dir Upper**

Endst: No. 8276-20 / File No. 123/Appu/ DEO (M)/ADO (P) Dated Dir (U) the 16 /11/2018.

Copy forwarded for information and necessary action to the:-

01. Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
02. District Accounts Officer Dir Upper
03. Dy. District Education Officer Male Dir Upper.
04. Sub: Divisional Education Officer Male Barawal.
05. Official Concerned.
06. M/File

Sal
**District Education Officer,
Male Dir Upper**

Attested

Ullah S.C.T

**Ullah S.C.T
BPS-16 GHSS
Barawal Bandir Dir (U)**

The Director, E&SE Department,
Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL APPEAL FOR FIXATION OF PAY IN BPS-12 w.e.f.
28-11-1995 i.e. FROM THE DATE OF INITIAL APPOINTMENT

Respected Sir,

It is most humbly stated that, was appointed before your good self Department as PTC vide order dated 28-11-1995 as stop gap arrangement later on I was regularly appointed against the said post vide order dated 18.04.1996 w.e.f. the date of my first appointment i.e. 28-11-1995. That in year 1997 the services were dispensed with on the ground that his services was no more required to the Department. That on promulgation of KP Sacked Employee Act, 2012 I was submitted an application for reinstatement being covered under the said law but the same was not considered. Feeling aggrieved I was filed writ petition before the Peshawar High Court Mingora Bench, which was allowed. Dear Sir, I was appointed as PST w.e.f. taking over charge in light of Peshawar High Court Darul Qaza Bench judgment. That in response I have submitted my charge report and started duty quite efficiently and up to the entire satisfaction of my superiors. That I am entitle for fixation of pay from the date of my initial appointment i.e. 28-11-1995 but the concerned authority has been appointed me with immediate effect i.e. from the date of taking over charge. Sir, I am feeling aggrieved preferred this Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal I may kindly be allowed for pay fixation w.e.f. 28-11-1995 with all consequential benefits. Any other remedy which your good self deems fit that may also be awarded in my favor ;

Dated: 18.09.2019

M

Your's Sincerely
Saeed Hussain
SAEED HUSSAIN, PST
GPS Manosai Kass, Dir Upper

VAKALATNAMA

Before the Appellate Tribunal, Peshawar

OF 2019

Saeed Hussain Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/We Saeed Hussain Khan

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

Dated. ___/___/2019

Saeed Hussain
CLIENT

[Signature]
ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&

[Signature]
MIR ZAMAN SAFI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Mobile No.0345-9383141