

08.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 08.06.2022 for the same as before.

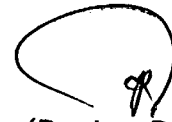


Reader.

08.06.2022

Junior to counsel for the appellant present.

Lawyers are on general strike, therefore case is adjourned. To come up for preliminary hearing on 26.07.2022 before S.B.



(Rozina Rehman)
Member (J)

26.07.2022

Appellant present through counsel.

Local respondent were put on notice while respondent (3) is out district.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 12.10.2022 before S.B.

*Rs: 600/-
Appellant Deposited
Securit. & Process Fee
28/7/22*



(Rozina Rehman)
Member (J)

08.12.2021


Junior of learned counsel for the appellant present. Mr. Muhammad Adeel, Addl: AG for respondents present.

As per order sheet dated 16.06.2021 the instant service appeal was dismissed in default for non-compliance of its earlier order regarding submission of amended appeal. An application for restoration was submitted on 25.06.2021 with the plea that learned counsel for the appellant was engaged in Peshawar High Court on that very date. As the application has been submitted within the prescribed limitation period, service appeal No. 1376/2020 is restored to its previous proceedings. Learned counsel for the appellant is bound to submit amended appeal on or before the next date. To come up for further proceedings on 10.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

10.01.2022

Clerk of learned counsel for the appellant present and sought further time for submission of amended appeal on the ground that learned counsel for the appellant is not available today due to some domestic engagements. Adjourned. Last opportunity given. To come up for submission of amended appeal before the S.B on 08.03.2022.


(Salah-Ud-Din)
Member (J)

30.08.2021

Junior of counsel for the petitioner present. Mr. Usman Ghani, District Attorney alongwith Mr. Fazal Khaliq, ADEO for respondents present.

Junior of learned counsel for the petitioner requested for adjournment on the ground that the learned counsel for the petitioner is not available today. Adjourned. To come up for further proceedings before the S.B on 13.10.2021.



(MIAN MUHAMMAD)
MEMBER (E)

13.10.2021

Junior of learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Junior of learned counsel for the petitioner requested for adjournment on the ground that the learned counsel for the petitioner is not available today. Adjourned. To come up for further proceedings before the S.B on 08.12.2021.

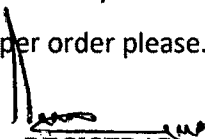

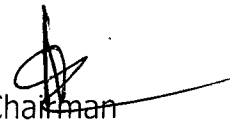


(MIAN MUHAMMAD)
MEMBER (E)

FORM OF ORDER SHEET

Court of _____


Restoration Application No. 120 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.06.2021	<p>The Restoration Application submitted by Mr. Khalid Muhammad through Mr. Muhammad Asif Yousafzai Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This Restoration Application be put up before S. Bench on <u>16/07/21</u>.....</p> <p style="text-align: right;"> CHAIRMAN</p>
	16.07.2021	<p>Junior to counsel for the petitioner present.</p> <p>Notices be issued to the respondents. To come up for reply and arguments on restoration application on 30.08.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

09.12.2020

Counsel for appellant present.

He made a request for adjournment to furnish amended appeal; granted. To come up for amended appeal and preliminary hearing on 11.03.2021 before S.B.



(Rozina Rehman)
Member (J)

11.03.2021

Appellant present through counsel.

Again, a request was made for adjournment, therefore, last chance is given for submission of amended appeal and preliminary hearing on 16 / 06 / 2021 before S.B.



(Rozina Rehman)
Member (J)

16.06.2021

Nemo for the appellant.

A request for submission of amended appeal was made on 01.10.2020. Request was allowed and appellant was required to submit amended appeal on or before 09.12.2020. The appellant has not submitted to file amended appeal till date, despite the fact that on 11.03.2021, last opportunity was given to the appellant. To-day neither the appellant nor his counsel is in attendance. Therefore, this appeal is dismissed in default for non-compliance ^{of} order of the Tribunal. File be consigned to the record room.



Chairman

ANNOUNCED
16.06.2021

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1376/2020

Khalid Muhammad

V/S

Education Deptt.


INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-03
2.	Copy of appointment order	A	04-05
3.	Copy of BA Degree	B	06
4.	Copy of MA DMC	C	07
5.	Copy of notification 07.08.1991	D	08-09
6.	Copy of departmental appeal	E	10
07.	Wakalat nama	11

APPELLANT

THROUGH:


M. ASIF YOUSAFZAI


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT.

①

BEFORE THE KPK SERVICE TRIBUNAL ,PESHAWAR.

APPEAL NO. _____/2020.

Khalid Muhammad,AT;
GMS Anbar, Sawabi

_____ Appellant

VERSUS

1. The Secretary Education Peshawar,
2. The Director Education Peshawar.
3. The Distt: Education Officer, Male Swabi.
4. The Secretary Finance Deptt : Kpk Peshawar .

_____ Respondents.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 FOR DIRECTING THE RESPONDENTS TO FIX THE PAY OF APPELLANT IN BPS-14 AT THE RELEVANT TIME AS PER NOTIFICATION DATED. 07.08.1991 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL WITH IN STATUTORY PERIOD.

PRAYER:

THAT ON ACCEPTANCE ON THIS APPEAL THE RESPONDENTS MAY BE DIRECTED TO FIX THE APPELLANT PAY BPS-14 AS AT AT THE RELEVANT TIME AS PER NOTIFICATION DATED. 07.08.1991 WITH ALL BACK AND CONSEQUENTIAL BENEFITS .ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOR OF APPELLANT.

R.SHEWETH.

1. That the appellant was appointed as Arabic teacher in BPS-09 by the competent authority vide order dated.24.9.1985. The appellant has

more than 30 year experience as AT with good result and record. **copy of the order is attached as annexure -A.**

2. That the appellant passed BA in the year 1987 and MA Islamic in 1991. **Copies of the degree /DMC are attached as annexure -B & C.**
3. That the government: of kpk had issued a notification dated. 07.08.1991, whereby various grade had been given to different categories of the teachers. The Arabic teacher had been place in BPS-14 who had 5 year service + passed BA (2nd division) or MA Arabic. **copy of the notification is attached as annexure-D.**
4. That the appellant was astonished to check that his paywas not fixed in BPS-14 at the relevant time as per notification mentioned above, which caused him huge financial loss in monthly pay will also affect his pension fixation . Therefore the appellant submitted departmental appeal to the director of the education and waited for ninety days but that appeal has not been responded during the statutory period. Hence the present appeal on the following grounds amongst the others. **Copy of appeal is attached as annexure -E.**

GROUND:

- A. That not fixing the pay of appellant in BPS-14 as the relevant time as AT as per notification dated. 07.08.1991 and not deciding the appeal of the appellant within statutory period is against the law, facts, norms of justice. Hence not tenable.
- B. That the appellant was entitled to BPS-14 as per notification dated. 07.08.1991 but his pay was not fixed accordingly. This amount to deprivation of appellant from his legal right.
- C. That due to inaction of the respondent and not following the notification dated.07.08.1991 in respect of appellant pay fixation is an arbitrary act on the part of respondents.
- D. That due to inaction and wrong fixation of pay of appellant of the respondent, the appellant has suffered from huge loss in monthly pay as well as the same will affect appellant fixation in future.
- E. That the appellant has not been treated in accordance with the notification dated. 07.08.1991.

3

F. That the appellant seeks the permission to advance other grounds and facts at the time of hearing.

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

Khalid Muhammad
Appellant

Khalid Muhammad

Through

M. Asif
M. ASIF YOUSAFZAI
& *N. A.*
SYED NOMAN ALI BUKHARI
Advocate High Court.

A
 -
 28

NO. 45121

OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS) PESHAWAR DIVISION, PESHAWAR

APPOINTMENTS

Appointment of the following persons are hereby ordered against the posts of Arabic on temporary and Adhoc basis at Rs.620/-P.M. fixed allowances as admissible under the rules in Basic Pay Scale No. 9 at the Institutions noted against each Name:-

S.No.	Name, Qualification & Address.	Posted at	Remarks.
1.	Masroor Din S/O Mohammad Din BA/Wafaq/52/Khatieb Madina Jamia Mosque Gul Bazar Colony No.2 Peshawar.	GHS: Kaga Wala, Peshawar.	Against vac. Arabic post.
2.	Fida Mohammad S/O Ghulam Mohammad BA/Wafaq/55 C/O Madina Medicine Company Children Hospital Haji Camp Peshawar.	GHS: Gulonai Peshawar.	-do-
3.	Qari Rooh Ullah S/O Mohammad (Gurrah) Wafaq/HA/49/TT GHS: Abba Dhar (Chd):	GHS: Agra (Chd).	-do-
4.	Zahir Shah S/O Rahmat Shah H.A/C/48/GPS: Gul Abad Haira.	GHS: Shakoor Chd:	Vice Mas: an. transferred.
5.	Mian Mohammad Hussain S/O Mohammad Shafig, Wafaq/48 Vill: Gazi Khel Badsen (Charsadda).	GHS: No.1 Utmanzai Charsadda.	Against vac. Arabic post.
6.	Mohammad Ghufuran S/O Rafiqullah Wafaq/43 C/O HM GHS: Inzari (NSR).	GHS: Bara Banda Nowshera.	-do-
7.	Mohammad Irshadul Hassan S/O Abdur Razaq Sangeen Wafaq/HA/42/C/O Abdur Razaq Sangeen C/O, GHS: Akora Khattak (Nowshera).	GHS: Akora Khattak (Nowshera).	-do-
8.	Mohammad Ismail S/O Miftahud Din, MA Arabic/39/Moh: Masood Khel Charsadda Town.	GHS: No.2 Nowshera Cantt:	-do-
9.	Hafiz Abdur Razaq S/O Mohammad Shah Wafaq/38/Vill: Umarzai Charsadda.	GMS: Kangra Chd:	-do-
10.	Juma Gul S/O Mohammad Aslam Wafaq/37/TT GMS: Ghazgai (Charsadda).	GHS: Mian Gujar Peshawar.	Vice Q. Fazli Asam transfr
11.	Mir Akbar Hussain S/O Gharat Big Wafaq/35/Pepal Mandi Masjid Pesh:	GMS: Mattani Peshawar.	Against vac. Arabic post.
12.	Hafiz Mukaram Khan S/O Mohammad Akrim Wafaq/34/P.ish Imam GPS: Qaid Abad Kakshal Peshawar City.	GHS: Mohib Banda Nowshera.	-do-
13.	Misbahullah S/O Shakirullah Tanzeemul Madaras/34/Shaheen Town Peshawar City.	GHS: Musazai Pesh:	-do-

DISTRICT MARDAN.

14.	Nazir Ahmad S/O Zainul Haq MA/Arabic/55/ C/O Noorul Inwar Aftab Eng: Work Cantt: Toan Peshawar.	GMS: Naro Banda Mardan.	-do-
15.	Hamdullah S/O Abdul Baqi Wafaq/48 TT: G.M.S. Yar Mangains.	GMS: Torlandi. Mardan.	-do-
16.	Rashid Ahmad S/O Bashir Ahmad Wafaq/48/Vill: Dobian Mardan.	GHS: Dobian Mardan.	-do-

CONTD: PAGE 2.

ATTESTED

AT
 (HEAD MASTER)
 G.M.S. AMBAR
 DISTT. SWABI.

5

TERMS & CONDITIONS.

1. Their appointments are purely temporary and liable to termination or reversion to lower post/cadre as the case may be, at any time without assigning/reasons or notice during the period probation.
2. Their appointments are purely temporary and their services will be terminated on fourteen day notice or payment of fourteen days pay in the lieu thereof by the Department.
3. In case of resignation they will have to submit one Month's Prior Notice to the Department or forfeit one Month's Pay in lieu thereof to the Government.
4. They are required to produce Health and Age certificates from the Medical Officer concerned before taking over charge.
5. Their original Educational Certificates shall be checked before handing over charge. Charge should not be given to the person who do not hold the said qualifications.
6. Their appointments are purely temporary and will not confer on them any right/claim to permanent retention in service.
7. They shall be governed by such service, Discipline, and conduct rules as have been or may be prescribed hereafter by the Govt: of NW.
8. They shall not be allowed to take over charge in case their age is above 40 years or less than 16 years.
9. If any one fails to take over charge of the post within one week of receipt of these order, the offer of appointment will stand cancelled.
10. No TA/Di. etc: is allowed.
11. Charge reports should be submitted to all concerned.

(SHAH JALAN KHAN)
 DIRECTOR OF EDUCATION (SCHOOLS),
 PESHAWAR DIVISION, PESHAWAR.

Enst: No. 40059-189

Copy forwarded to the: - /1-5/Arabic/ Apptt: / ADEO/VI-IE/Dated Pesh: the 24-9/85

1. District Education Officer (Male) Peshawar, Mardan, Kohat & Karak.
2. Sub Divl: Education Officers (Male) in Peshawar Division.
3. All Headmaster of High Schools concerned.
4. All Headmasters of Middle School concerned.
5. Candidates concerned.
6. Inpd: Smt: Branch.
7. Personal Files.

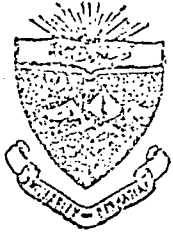
(Handwritten Signature)

FOR/DIRECTOR OF EDUCATION (SCHOOLS):
 PESHAWAR DIVISION, PESHAWAR.

SHAH JALAN KHAN
 24-9-1985

ATTACHED

(Handwritten Signature)
 (HEAD MASTER)
 G.M.S. AMBAR
 DISTT: SWABI.



UNIVERSITY OF PESHAWAR
(PAKISTAN)

B (6)

Detailed Marks Certificate

No. 316139

B. A

Examination 1989 (Annual/Supplementary)

Mr. / Mrs.

Muhammad Mahomed

Roll No. 8127

The candidate secured the following marks and has been placed in Second Division.

SUBJECTS	M A R K S		
	MAXIMUM	OBTAINED	
		In figures	In Words
English	150	49	Forty nine.
Arabic	150	88	Eighty Eight.
Islamic Studies	150	59	Fifty Nine.
Pakistan Studies	40	16	Sixteen.
Islamology	60	35	Thirty five.
	550	247	Two Hundred Forty Seven.

Errors and omissions are subject to subsequent rectification

The examination was taken as a Whole / In Parts

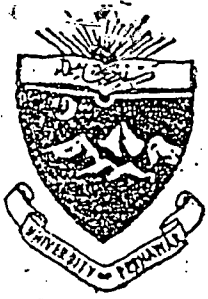
Date 6-8-89

Attested
[Signature]

Controller of Examinations
University of Peshawar.

HEAD MASTER
C.H.S. Hund (Swabi)

Attested



UNIVERSITY OF PESHAWAR

(PAKISTAN)

C
⑦

Detailed Marks Certificate.

No. 017159

M. A. Islamiyat (Annual Examination 1991 (Annual/Supplementary))

Mr./Ms. Khalid Zahid Roll No. 16277

The candidate secured the following marks and has been placed in M.A.C. Division.

S U B J E C T S	M A R K S				
	MAXIMUM	O B T A I N E D			
		In figures	In Words		
Paper I	100	40	Forty only		
Paper II	100	56	Fifty Six		
Paper III	100	39	Thirty Nine		
Paper IV	100	37	Thirty Seven		
Paper V	100	40	Forty only		
Viva	100	45	Fifty five		
(Prev)	500	187			
		1100	644	Four hundred & forty four	

Errors and omissions are subject to subsequent rectification

The examination was taken as a Whole / In Parts

Date 3-9-91

[Signature]

Controller of Examination
University of Peshawar

HEAD MASTER
Q.H.S, Hund (Swabi)

[Signature]
TESTED

NOTIFICATION

Peshawar, dated the 7th August, 1991.

No. FD(PRC)1-1/89- In exercise of all the powers enabling him in this behalf the Governor of the North-West Frontier Province is pleased to order the following scales of pay/benefit to various categories of Teachers with effect from 1-7-1991.

Sl. No.	Name of the Post.	Benefits extended
---------	-------------------	-------------------

1. Primary School Teachers (PTC/J.V)

All the present and future primary school teachers who hold the qualification of F.A/F.Sc. (2nd Division) plus existing prescribed professional training shall be placed in BPS-9 with 1/3rd in selection grade BPS-10.

All other teachers who do not possess higher qualification shall continue getting existing pay scale with selection grade accordingly.

However, the higher scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.

2. Elementary school Teachers (E.S.T/S.V/P.E.T/ Drawing Masters/PTI.

All the present and future elementary school teachers who possess the qualification of B.A/B.Sc. (2nd Division) plus existing prescribed professional training shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15.

All other teachers who do not possess higher qualifications shall continue getting existing pay scales with Selection Grade accordingly.

However, the higher scales/grade allowed to these teachers will be personal to them and the inter-seniority will remain intact.

3. Arabic Teachers

All the present and future Arabic Teachers who possess the qualification of Trained Fazil with B.A/B.Sc. (2nd Division) and five years teaching experience or M.A. Arabic or equivalent qualifications shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15.

60
 10/8/91
 S. J. A.
 SPJ
 21/8/91
 6684
 12/8/91
 REQUESTED
 ERANo
 BUNo 2909
 12/8

Attested

Endst.No.FD(PRC)1-1/89 Dated Peshawar, the 7th August, 1991.

Copy forwarded for information to:-

1. The Secretary to Government of Punjab,
Finance Department, Lahore.
2. The Secretary to Government of Sindh, Finance Deptt,
Karachi.
3. The Secretary to Government of Baluchistan,
Finance Department, Quatta.

(GHULAM DASTGIR AKHTAR)
Deputy Secretary (Regulation)
Finance Department.

Endst.No.FD(PRC)/1-1/89. Dated Peshawar, the 7th Aggst, 1991.

Copy forwarded for information to:-

1. All District/Agency Accounts Officers in NWFP.
2. The Treasury Officer, Peshawar.
3. The Private Secretary to Finance Minister, NWFP.
4. The Private Secretary to Finance Secretary, NWFP.
5. PAs to Additional Secretaries/Deputy Secretaries
in Finance Department.
6. All Section Officers/Budget Officers in Finance
Department.

(ABDUR RASHID)
Section Officer (PRC)
Finance Department.

maqbool/

K.M

ATTESTED

کمرت صیاب ڈائری ملکہ ایجوکیشن ایسوسی ایشن، ملکہ ایجوکیشن

صورتہ سپریم کورٹ کو خواہ

صیاب علی؛ درخواست برادر وصول کر کے بیک بینفٹس ای
1991-7-1 تا 12-6-30 صیاب سائل صوبہ دہلی ہے۔

1 - یہ کہ من سائل محکمہ ایجوکیشن دکنو خواہ میں سال 1985/10/8
سے بطور A.T. تفصیلات ہوں - اور تاحال بطور A.T.

خدمات سرانجام دے رہا ہوں - 89-14-89 (F.D.P.R.C)

2 - یہ کہ عطا ہوئے نوٹیفکیشن مورخہ 7/8/1991 بمطابق
B.P.S-14 کے تحت خدمات بعد از ریٹائرمنٹس و بینفٹس لینے کا فقدان

تاحال ہے - کیونکہ من سائل عطا ہوئے نوٹیفکیشن متکرارہ خدمات
لینے کا بہت سیدھا H.E.C. لینے کا حکم ہے۔ نقل ہو رہے۔

3 - یہ کہ بہت نوٹیفکیشن متکرارہ من سائل تاحال خدمات ایڈوانس

ATTESTED
HAKIM KHALID
Public Advocate
بھارتی پبلک ایڈوائزر
بھارتی پبلک ایڈوائزر
بھارتی پبلک ایڈوائزر

از عرصہ سال 1991-7-1 تا 12-6-30 من سائل
دراختہ وصول کرنے کا حکم صادر فرما کر
ملفین میں درج ہے اور اس کے مطابق

2011
19

سائل خانہ مخدومہ گل جواد سنگھ شاہ حضور
مقام G.M.S
صوبہ اتر
سائل خانہ مخدومہ
صوبہ اتر