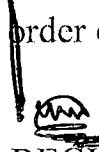


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15/6/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/10/2022	<p>The appeal of Mr. Irshad Ali Khan presented today by Mr. Umar Khitab Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHOON KHAWAR PESHAWAR.

SERVICE APPEAL NO.....1516/2022

1. Irshad Ali Khan S/O Muhammad Sher Ali Khan class IVGHS Janoo
Khawazakhela Swat.....Appellant.

Versues.

2. Secretary Elementary and Secondary Education Government of Khyber
Pukhoon khawa Peshawar and others.....Respondents.

INDEX.

S.No. Description of Documents. Annexures. Page.

S.No.	Description of Documents.	Annexures.	Page.
1	Service appeal		1-4
2	Affidavit		5
3	Address of parties		6
4	DEATH CERTIFICATE.	Anx A	7
5	Appointment order	Anx B	8
6	FA. Certificate	Anx C	9-11
7	Application	Anx D	12
8	Departmental Appeal	Anx E	13-14
9			
10			
11			
12			
13			
14			

Irshad Ali Khan.....Appellant

Through Umar Khitab advocate.

Umar Khitab
Advocate High Court
Darul Qaza Mingora Bench Swat.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW PESHWAR.

Service Appeal No.....1516/...../2022.

1. Irshad Ali Khan Class IV Government High School
Janoo Khawazakhela Swat.....Appellant.

Versues.

1. Secretary Elementary and Secondary Education KP Peshawar.
2. Director Elementary and secondary Education KP Peshawar.
3. District Education officer Elementary and secondary Education Swat... Respondents.

Appeal under section 4 of Service Tribunal Act 1974, for the appointment of appellant as junior clerks or Primary school teacher On deceased son's quota in Elementary and secondary Education.

Prayer.

On acceptance of the instant appeal the appellant may kindly be appointed on the post of junior clerks or Primary school Teacher on deceased son quota being eligible and qualified.

Respectfully Sheweth.

1. That the father of the appellant was Performing his duty as Primary school Teacher in Elementary and Secondary

(Death certificate as Annex:A)

2. That the appellant submitted an application for the appointment as junior clerk or Primary school Teacher on deceased quota First time, But Respondent No.3 intentionally issued the appellant appointment order as Class IV vide order dated 29/01/2016 (appointment order as Annex:B)

2

3. That the appellant was eligible for post of Junior Clerk or Primary School Teacher submitted an application to Respondent No.3 for appointment mentioned posts because the appellant having qualification i.e. FA certificate for required for the posts of junior clerk or PST. (FA Certificate as Annex:C)

4. That the appellant again approached to Respondent No.3 for the appointment as PST or Junior clerks under the deceased son quota vide application dairy No.1912 dated 10/6/2022 but in vain, not decided by Respondent No.3. (application as Annex: D)

5. That the appellant disappointed by the Respondent No 3 filed a Departmental appeal on before the Respondent No 2 but the Respondent No2 also not decided the Departmental appeal of the appellant with the prescribed period of time illegally with out lawful authority.

(Departmental appeal as Annex:E)

6. That the aggrieved from the inaction of the Respondents the appellant has no efficacious remedy

Honorable Tribunal on the following amongst other
Grounds.

3

1. That the appellant is not treated in accordance with law by Respondents and are trying to deprive the appellant of his legal constitution right.
2. That the appellant is well qualified and eligible for the post of junior clerks and PST and also submitted an application for his appointment as junior clerks or PST post in first time, but the Respondents inadvertently appointed as class IV with the malafide intention just to deprive the appellant from his due right illegally and with out any cogent reason.
3. That at the time of appointment the vacant posts of Junior clerks and PST,s were lying vacant and also available now but the Respondents illegally refusing to appoint the appellant as junior clerk or PST.
4. That the appellant is entitled to be appointed on the subject post being eligible qualified as deceased employee son quota, but the Respondents illegally refused to appoint the appellant.
5. That in the same situation some candidates who avail the chance of deceased son's quota were appointed on the post of class IV but later on the same were again appointed as junior clerk on deceased son's quota, therefore the appellant is also entitled to be treated the same and appointed as junior clerk.
6. That from the inaction of the Respondents the Appellant disappointed and filed an application

before Respondent No. 3 for his appointment on the post of junior clerk ,but the Respondent No.3 kept the application with out any decision illegally just to deprive the appellant of his legal constitutional right by which the appellant filed Departmental appeal before the Respondent No.2 but the same has been also not decided by the Respondent No.2 within the prescribed period. Resultantly the appellant approached this Honorable Tribunal by filing the instant appeal for the indulgence of exercising its appellate jurisdiction.

4

It is therefore, humbly prayed that on acceptance of the instant service appeal the Respondents may kindly be directed to appoint the appellant on the post of junior clerk or PST post on deceased son's quota being eligible and qualified.

Irshad
Irshad Ali Khan.....appellant.

Through

Umar Khitab
Umar Khitab Advocate
Courts Gul Kadal Swat
Advisory High Court
District Swat, Mingora Bench Swat.

Cell No. 0345-9524854

Certificate.

It is certified that no such like appeal has earlier been filed by the appellant nor is pending or decided by this Honourable Tribunal.

Irshad
Irshad Ali Khan...appellant.

(5)

BEFORE THE SERVICE TRIBUNAL
KYBERPUKHTTONKHW PESHAWAR.

Appeal No. _____/2022.

Irshad Ali Khan Appellant.

VERSUS

The Secretary Elementary and Secondary Education Khyber
Pukhtoonkhwa and others Respondents.

AFFIDAVIT

I, Irshad Ali Khan do hereby solemnly affirm & declare on
oath that contents of the captioned appeal are true & correct to
the best of my knowledge & belief and nothing has been kept
concealed from this Hon'ble Tribunal.

Deponent

Irshad
Irshad Ali.....Appellant.

Identified by

Umar Khitab
Umar Khitab
ADVOCATE HIGH COURT

Umar Khitab
Advocate High Court
Darul Qaza Mingora Bench Swat

ATTESTED



BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHW
PESHAWAR.

6

Appeal No. _____/2022.

Irshad Ali Khan Appellant.

VERSUS

1. The Secretary Elementary and Secondary Education Khyber Pukhtoonkhwa.
2. Director of Elementary and Secondary Education Khyber Pukhtoonkhwa Peshawar.
3. District Education Officer Male Elementary and Secondary Education Swat..... Respondents.

ADDRESSES OF THE PARTIES.

1. Irshad Ali Khan S/O Muhammad Sher Ali Khan GHS JANO
Khawazakhela Swat. CNIC. 15605... 03476385 Appellant.
Cell No. 0344 2378094.

Addresses of Respondents.

1. The Secretary Elementary and Secondary Education Khyber Pukhtoonkhwa.
2. Director of Elementary and Secondary Education Khyber Pukhtoonkhwa Peshawar.
3. District Education Officer Male Elementary and Secondary Education Swat..... Respondents

Irshad
Irshad Ali Khan Appellant.

Through
Umar
Umar Khitab Advocate.
Umar Khitab
Advocate High Court
Garhi Qaza Mingora Bench Swat.



حکومت سرحد پاکستان

THE GOVT OF NWFP PAKISTAN

وفات سرٹیفکیٹ

DEATH CERTIFICATE



Ann A

7

FORM No: P03701046

CRMS No: D156012-14-0015
NATURE OF DEATH : NORMAL

درخواست دہندہ کا نام: محمد ظاہر خان

مستوفی کا رشتہ: بھائی

1560203829157

درخواست دہندہ کا شناختی کارڈ نمبر: 11685112953

پتہ: گاؤں مانپٹال، تحصیل خوارہ خیل، ضلع سوات

مدت علالت	وجہ موت	تاریخ دفن	جائے وفات/تاریخ	مذہب	جنس	تاریخ پیدائش	والد کا نام / شناختی کارڈ نمبر	مستوفی کا نام / شناختی کارڈ نمبر
	غیر طبعی	14-8-2001	کالام 14-8-2001	اسلام	مرد	1-1-1962	تلام خان 11616112950	محمد شیر علی خان 11685112953

APPLICANT NAME: MUHAMMAD ZAH'R KHAN

APPLICANT CNIC: 1560203829157 RELATION WITH DECEASED: Brother

ADDRESS: VILLAGE: MANPITAL,

TEHSIL: KHWAZAKHELA, DISTRICT: SWAT

DECEASED NAME/ CNIC	FATHER NAME/ CNIC	DATE OF BIRTH	SEX	RELIGION	PLACE/DATE OF DEATH	DATE OF BURIAL	REASON OF DEATH	SICKNESS PERIOD
MUHAMMAD SHERTELARAM ALI 11685112953	KHAN 11616112950	1-1-1962	MALE	ISLAM	KALAM 14-8-2001	14-8-2001	UN- NATURAL	

BLOOD RELATION PERSON CAUSING DISPOSAL OF BODY

تحریری رشتہ دار تدفین کنندہ

NAME: MUHAMMAD ZAH'R KHAN

CNIC: 1560203829157

1560203829157

GRAVEYARD NAME: SHAHEED BABA

ENTRY DATE: 29-12-2014

29-12-2014

ISSUE DATE: 29-12-2014

29-12-2014

ADDITIONAL INFORMATION: RIVER SWAT

افغانی مسلمات: دریائے سوات

(Handwritten Signature)
 سیکرٹری یونین کونسل
 کوٹلی (12) ضلع: سوات
 29/12/2014
SECRETARY
 Union Council Kotawal
 District Swat

(Handwritten Signature)
Harar Khatun
 Advocate



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

Annex B

6

NOTIFICATION

Consequent upon the recommendation of the Departmental Selection Committee, the following candidates are appointed as Class IV against vacant/newly created posts in BPS-03 @ Rs. 6535-260-14335 plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government on the terms and conditions given below in the interest of public service with immediate effect.

S.No	Name and Parentage	Residence	Date of Birth	Date of Death	Post	Post where Vacant	Remarks
1	Irshad Ali Khan S/O Muhammad Sher Ali Khan	Manpetai	9-05-93	14-8-2001	Chowkidar	Against Vacant Post GHS: Janoo	Deceased Quota

S.No	Name Parentage	Residence	Date of Birth	Date of Retirement	Post	Post where Vacant	Remarks
1	Dost Muhammad S/O Faridon	Panjigram	01-01-82	18-01-15	Chowkidar	Against Newly Created Post GHS: Asharai	Retired Employee's Son Quota 25%

S.No	Name and Parentage	Residence	Date of Birth	Post	Post where Vacant	Remarks
1	Syed Fazal Haq S/O Bakht Sherwan	Bar Lalko	01-01-87	Lab Attendant	Against Newly Created Post GHS: Lalakoo	Open
2	Dost Muhammad Khan S/O Amir Bacha	Lalko	01-01-77	Chowkidar	Against Newly Created Post GHS: Lalakoo	Open

TERMS & CONDITIONS

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time in case their performance is found unsatisfactory during Probation period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Their service is liable to be terminated on one month's prior notice from either side. In case of resignation without prior notice one month pay and allowances, if any, shall be forfeited in favor of Government through challan.
5. They should join their posts within 15 days of the issuance of this order positively otherwise the appointment shall stand cancelled.
6. The Head Master/ SDEO/ASDEO/PSHT concerned should personally check their original documents, domicile and CNIC before handing over charge.
7. Health and age certificate from the Medical Superintendent should be provided before taking over charge.
8. Charge report should be submitted to all concerned.
9. No TA/DA etc. shall be allowed to the appointees for joining their duties.
10. They will not be handed over charge if their age less than 18 year and above 40 Years.

(Hafiz Dr. Muhammad Ibrahim)
District Education Officer (M)

Endst: No. 9198-205 /Class-IV Appointment Dated 29/11 /2016.

Copy forwarded for information and necessary action to the:-

1. Senior District Accounts Officer Swat.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy District Education Officer (M) Swat Local Office.
4. Head Master Concerned.
5. Candidates concerned.
6. PA to District Education Officer (M) Swat Local Office.

District Education Officer (M)
Swat

Umar Khatab
Advocate High Court/
Dasul Qaza Minguna Bench Swat

S. No: 107393

Annex C



9

BOARD OF INTERMEDIATE & SECONDARY EDUCATION




SAIDU SHARIF, SWAT.

PROVISIONAL & DETAILED MARKS CERTIFICATE
INTERMEDIATE (SUPPLY) EXAMINATION, 2012
HUMANITIES (Part-II)

THIS IS TO CERTIFY THAT IRSHAD ALI KHAN Roll No: 6648
Son / Daughter of MOHAMMAD SHEER ALI KHAN Reg: No 28040-B/PVT1-2011
and Private Candidate of District Swat
has secured the marks shown against each subject in the **INTERMEDIATE EXAMINATION**
of the Board of Intermediate & Secondary Education Saidu Sharif, Swat held in the
month of October as Private

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	35	--	39	--	74	Seventy-Four
Urdu	200	33	--	52	--	85	Eighty-Five
Islamic Education	50	35	--	--	--	35	Thirty-Five
Pakistan Studies	50	--	--	20	--	20	Twenty Only
Civics	200	38	--	44	--	82	Eighty-Two
Islamic Studies	200	46	--	46	--	92	Ninety-Two
Pashto	200	53	--	41	--	94	Ninety-Four
Total : 1100						482-D	Four Hundred Eighty-Two Only
Remarks :							

Prepare and Checked by Computer Cell
BISE Saidu Sharif Swat
Result Declaration Date: 3rd December, 2012
Note: Errors / Omissions are subject to subsequent rectification.


Controller of Examinations
BISE, Saidu Sharif, Swat.


Umar Khitab
Advocate High Court/
Batul Qaza Mingora Bench Swat.

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

SAIDU SHARIF, SWAT.

PROVISIONAL & DETAILED MARKS CERTIFICATE
INTERMEDIATE (SUPPLY) EXAMINATION, 2012
HUMANITIES (Part-II)



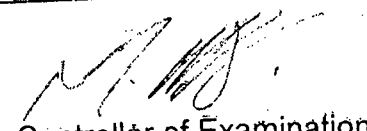
10


THIS IS TO CERTIFY THAT IRSHAD ALI KHAN Roll No: 6648
 Son / Daughter of MOHAMMAD SHER ALI KHAN Reg: No 28040-B/PVT1-2011
 and Private Candidate of District Swat
 has secured the marks shown against each subject in the **INTERMEDIATE EXAMINATION**
 of the Board of Intermediate & Secondary Education Saidu Sharif, Swat held in the
 month of October as Private

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	35	--	39	--	74	Seventy-Four
Urdu	200	33	--	52	--	85	Eighty-Five
Islamic Education	50	35	--	--	--	35	Thirty-Five
Pakistan Studies	50	--	--	20	--	20	Twenty Only
Civics	200	38	--	44	--	82	Eighty-Two
Islamic Studies	200	46	--	46	--	92	Ninety-Two
Pashto	200	53	--	41	--	94	Ninety-Four
Total : 1100						482-D	Four Hundred Eighty-Two Only

Remarks :

Prepare and Checked by Computer Cell
 BISE Saidu Sharif Swat
 Result Declaration Date: 3rd December, 2012
 Note: Errors / Omissions are subject to subsequent rectification


 Controller of Examinations
 BISE, Saidu Sharif, Swat.


Umar Khitab
 Advocate High Court
 Darul Qaza Mingora Bench Swat.

S.No: 357174

(11)

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

SAIDU SHARIF, SWAT.

PROVISIONAL AND DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION

Session 2010 (Annual)
Group (Humanities)

THIS IS TO CERTIFY THAT Irshad Ali Khan
Son of Muhammad Sher Ali Khan Roll No 181348

and a candidate of DISTRICT SWAT
has secured the marks shown against each subject in the Secondary School Examination held in the
month of March as Private

Subject	Marks			MARKS OBTAINED					In Words
	Theory	Pract	Total	9th		10th		Total	
				Th	Pract	Th	Pract		
1. English	75	-	150	25	-	33	-	58	Fifty-Eight
2. Urdu	75	-	150	43	-	33	-	76	Seventy-Six
3. Pakistan Studies	75	-	75	-	-	27	-	27	Twenty-Seven
4. Islamiyat (Comp)	75	-	75	26	-	-	-	26	Twenty-Six
5. Maths	75	-	150	25	-	52	-	77	Seventy-Seven
6. G. Science	75	-	150	42	-	39	-	81	Eighty-One
7. Islamic Studies	75	-	150	45	-	41	-	86	Eighty-Six
8. Pashto	75	-	150	39	-	60	-	99	Ninety-Nine

Total 1050

530-C Five Hundred Thirty Only

Remarks

Date of Birth (In Figures) 09 May, 1993
(In Words) 09th, May, One Thousand Nine Hundred Ninety-Three

Checked By: _____

Note: - Errors/Omissions are subject to subsequent rectification.
Date of Result Declaration: 16-June-2010.

Umar Khirab
Controller of Examinations
BISE, Saidu Sharif, Swat.

Umar Khirab
Advocate High Court
Darul Qaza Mingora Bench Swat

جناب ڈسٹرکٹ ایجوکیشن آفسر (سنہری) ایئر سیکشن (ای)
ایجوکیشن سروس گلڈ پیپر و ترقی سروس

عنوان - درخواستیہ بعد از تقرری بحیثیت PST / جوینر کلرک
حوالہ عسوقی کوٹہ

خطیب سادہ - درخواست ذیل ہے۔

1- ہم کو درخواستیہ ترقی کا وائرنگ لیکچر ایئر PST پر
ترقی سراجیام کے ساتھ

2- ہم کو درخواستیہ کمرہ کا وائرنگ (دورن ڈیڑی 2012 سے
وفات پایا گیا۔

3- ہم کو درخواستیہ کمرہ کے وائرنگ کے وقت بعد آپ
صعاب کو درخواستیہ بعد از تقرری بحیثیت PST / جوینر کلرک
حوالہ عسوقی کوٹہ دیا۔

4- ہم کو درخواستیہ کمرہ کو یہ کیا گیا کہ اس وقت حوالہ
حکومت کے پیپر / کلرکوں کے لیے پیپر ریٹرنڈی عسوقی
2- ہم اس وقت آپ کے بھرتی بحیثیت PST / جوینر کلرک
عسوقی کوٹہ کے تحت بھرتی ہوسکتے۔

5- ہم کو درخواستیہ ترقی کو PST / کلرک کے تقرری کے بعد
بحیثیت کلرک بعد حوالہ ایئر ایئر 2015-2016
حکومت 2016/1 تقرری حکم نامہ جاری کیا۔

6- ہم کو درخواستیہ کمرہ کے بعد پیپر (2010) ہوا۔ مگر محکمہ
جان بوجھر بحیثیت جوینر کلرک (PST) بھرتی نہیں کیا گیا۔
7- ہم کو عسوقی کوٹہ کے تحت آگے درخواستیہ ترقی
کا ایک کمرہ بھی اس کے لیے اپنی پیپر ٹا۔ لیون کو عسوقی
کوٹہ کے تحت فوٹ شدہ کے پیپر کو بھرتی کیا جائے گا۔

لہذا استدعا ہے کہ میری تقرری
بحیثیت PST / جوینر کلرک عسوقی کوٹہ کے تحت کرایا جائے
تو میری بانی ہوگی۔

العبد

ارشد علی خان وارڈ نمبر 3 علی خان (17)

تاریخ 2022-06-08

Umar Khitab
Advocate High Court/
Darul Qaza Mingora Bench Swat

1812
Umar Khitab
Advocate High Court/
Darul Qaza Mingora Bench Swat

Anx E

13

جناب ڈائریکٹر صاحب ابتدائی اینڈ ثانوی تعلیمات خیبر پختونخواہ پشاور۔

عنوان۔ محکمانہ اپیل برائے تغیاتی جوئیر کلرک یاپی۔ ایس۔ ٹی متونی
کوٹہ کے تحت۔

جناب عالی۔

اپیلانٹ ذیل عرض کرتا ہے۔

1۔ یہ کہ اپیلانٹ کا والد محکمہ تعلیم میں
میں مدرس تھا۔ کہ ملازمت کے دوران
سال 2001 میں وفات ہوا۔

2۔ یہ کہ اپیلانٹ نے والد کے وفات کے
کے بعد تعلیم جاری رکھا۔ اور ایف اے پاس
کیا۔

3۔ یہ کہ اپیلانٹ نے ایف اے پاس کرنے
کے بعد متونی کوٹہ کے تحت محکمہ کوئیر کلرک یا
پی۔ ایس۔ ٹی پوسٹ پر تغیاتی کیلئے درخواست
دے دیا۔

4۔ یہ کہ درخواست دینے کے بعد محکمہ نے میرے درخواست
اس وجہ سے واپس کیا۔ کہ حکومت نے کلرکوں اور اساتذہ کے
تقرریوں پر پابندی لگائی ہے۔ لہذا اپ کلاس فور کیلئے درخواست
دے۔ پابندی ختم ہونے کیاپ کے تقرری بحسبیت کلرک یا
پی۔ ایس۔ ٹی کیا جائیگا۔ اس طرح مجبوری کے بنیاد کے تحت میں
نے محکمہ کو کلاس فور ملازمت کیلئے درخواست دے دیا۔ محکمہ نے
میرے تقرری کلاس فور بحوالہ تقرری ارڈر نمبر 205-9199

محررہ 29/01/2016 پر کی۔

S = اپیلانٹ مورفہ 2022/01/05/2022 بحوالہ

Umar Khirab
Advocate High Court
Darul Qaza Mingora Bench Swat

۱۶

ڈائری نمبر 1912 محرمہ 10/06/2022
کو دو بارہ درخواست دے دیا۔ کہ اب تو کلرکوں
اور اساتذہ کے تقرریوں پر پابندی نہیں ہے۔ لہذا
اپیلانٹ کو جو نیر کلرک یا پی ایس ٹی اسامی پر بھرتی
کیا جائے۔ لیکن ڈسٹرکٹ ایجوکیشن افسر مردانہ سوات
نیز بانی طور پر انکار کیا ہے۔

لہذا استدعا ہے کہ اپیلانٹ کا محکمانہ
اپیل منظور فرما کر مشکور فرمایا جائے۔

البعث
ارشاد علی صاحب
ارشاد علی خان کلاس فور

گورنمنٹ ہائی سکول جانوخوازہ حیلہ
سوات۔

Dated 12/07/2022

