Form- A FORM OF ORDER SHEET

ourt of	 	
Case No	1549/2022	

	Court o	
	Case	No1549/2022
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1.	31/10/2022	The appeal of Mr. Gohar resubmitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 1549 /2022	
Gohar	Appellant
VERSUS	

Govt. and Others......Respondents

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Dated:-18-10-2022

Appellant

Through

Fazal Shah Mohmand Advocate,

Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841 Email:- fazalshahmohmand@gmail.com



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Service Appeal No 1549 /2022

Gohar, Assistant Professor (BPS-18) Govt. Degree College Koh Damaan, Mattani Peshawar. Appellant

VERSUS

- **1.** Govt. of Khyber Pakhtunkhwa through Secretary, Higher Education Department Peshawar.
- **2.** Director, Higher Education Department, Govt. of Khyber Pakhtunkhwa Peshawar.
- **3.** Govt. of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.
- **4.** Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER COMMUNICATED TO THE APPELANT VIDE LETTER DATED 06-10-2022 WHEREBY APPEAL OF THE APPELLANT FOR COUNTING HIS PREVIOUS SERVICE FOR THE PURPOSE OF PAY PROTECTION AND PENSION HAS BEEN REGRETTED.

PRAYER:-

On acceptance of this appeal, the impugned order communicated to the appellant vide letter dated 06-10-2022 may kindly be set aside and respondents may kindly be directed to count previous contract service of the appellant for the purpose of pay protection and pension with all back benefits.

Respectfully Submitted:-

- 1. That the appellant being qualified was appointed as Lecturer Maths (BPS-17) after due process of law and upon recommendations of Selection Committee in erstwhile FATA for the project period or till the creation of regular posts/arrival of KP Public Service Commission vide Order dated 28-08-2003 and was posted to Govt. Degree College Ghaljo Orakzai Agency. [Copy of Order dated 28-08-2003 is enclosed as Annexure A).
- 2. That in the meanwhile the posts of Male Lecturers were advertised by respondent department and appellant being perfectly fit and eligible and coming up to the criteria also applied for the same through proper channel and finally after due process of law and upon the recommendations of

2

Departmental Selection Committee was appointed as Lecture Male (BPS-17) Maths vide Notification dated 07-09-2005 and was posted to Govt. Degree College Thana Malakand Agency and after appointment was relived from service by the Principal Govt., Degree College Ghaljo Orakzai Agency on 12-09-2005 vide letter of even date. (Copy of Notification dated 07-09-2005 & Letter dated 12-09-2005 is enclosed as Annexure B).

- 3. That the services of the appellant were duly extended by the respondents sane any break vide Notifications dated 18-05-2006, Notification dated 21-10-2006, Notification dated 21-10-2006, Notification dated 06-06-2007 & Notification dated 21-10-2008. (Copies of Notifications dated 18-05-2006, Notification dated 21-10-2006, Notification dated 06-06-2007 & Notification dated 21-10-2008 are enclosed as Annexure C).
- 4. That there after the posts of Lecturers were advertised by the Khyber Pakhtunkhwa Public Service Commission Peshawar on regular basis and the and appellant being perfectly fit and eligible and coming up to the criteria also applied for the same through proper channel and finally after due process of law and upon the recommendations of Khyber Pakhtunkhwa Public Service Commission was appointed as Lecture of Maths. (BPS-17) vide Notification dated 14-03-2009 and was posted to Govt. Degree College Kohi Sher Haider Bara Khyber Agency and after appointment was relived from service by the Principal Govt. Degree College Thana Malakand Agency on 16-03-2009 vide letter of even date. Since appointment appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. (Copy of Notification dated 14-03-2009 & Letter dated 16-03-2009 is enclosed as Annexure D).
- 5. That the appellant time and again approached respondents that he may be extended the benefits of previous service for the purpose of Pay Protection and Pension however department was not ready to count the Previous service of the appellant of about five years and seven months for the purpose of pay protection and pension in violation of the law, rules and numerous Judgments rendered by this as well as of the Apex Court where after the appellant approached the honorable Peshawar High Court, Peshawar by filing Writ Petition No 1617-P/2020 which was finally disposed of with directions to the respondents to treat it as departmental appeal and decide the

same within two months in accordance with law vide Order and Judgment dated 24-11-2021, however representation of the appellant was regretted by the respondents copy of which was communicated to the appellant vide Letter dated 06-10-2022. (Copy, of Writ Petition, Order/Judgment dated 24-11-2021 & Letter dated 06-10-2022 is enclosed as Annexure E & F).

6. That the impugned order communicated to the appellant vide Letter dated 06-10-2022 and not counting the previous service of the appellant w.e.f 28-08-2003 to 16-03-2009 for the purpose of pay protection and pension etc. is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

- **A.** That the impugned order communicated to the appellant vide letter dated 06-10-2022 is illegal and void ab-initio.
- **B.** That mandatory provisions of law are badly violated by the department who are not ready to treat the appellant according to law and rules being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- **C.** That Pension Rules 1963 as well as the Civil Service Regulations are very much clear on the point which gives protection to such previous service for the purpose of pay protection and pension.
- D. That a number of Judgments rendered by this honorable Tribunal, by the Peshawar High Court as well as the Apex Court of the Country have also given protection to such service to be counted for the purpose of pay protection and pension. Similarly writ petition No 1188-P/2014 titled as Baghi Shah VS Govt. of KPK, Judgment dated 01-03-2018 passed in Writ Petition No 3221-P/2013 and others besides Rule 2.1 of the Pension Rules is also support the case of the appellant. (Copies of Judgments are enclosed as Annexure G).
- **E.** That the service rendered by the appellant was uninterrupted and even the provincial Govt. has recently issued 'Notification for giving protection of previous service to its employees for pay protection.



- **F.** That the appellant has been deprived of his due rights without any omission or commission on his part in violation of the principles of natural justice.
- **G.** That the appellant has been discriminated as such service of other employees has been counted while appellant is not extended such benefits and is treated differently.
- **H.** That the appellant has long service career of about seventeen years with unblemished service record.
- I. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal. ρ

Dated:-19-10-2022

Appellant

Through

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

F

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No/2022	0
GoharApp	ellant
VERSUS	

Govt. and Others......Respondents

Application for condonation of delay if any

Respectfully Submitted:-

- 1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
- **2.** That the grounds of appeal may be considered as integral Part of this application.
- **3.** That the issue in hand is of recurring cause of action besides the impugned point of law has been by various Courts besides the impugned order has recently been decided hence, the appeal is well within time.
- **4.** That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-18-10-2022

Appellant

`Through

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

AFFIDAVIT

I, Gohar, Assistant Professor (BPS-18) Govt. Degree College Koh Damaan, Mattani Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by

DEPONENT

Fazal Shah Mohmand Advocate Peshawar



OFFICE OF THE DIRECTOR OF EDUCATION (F. A.T. A) GOVERNOR 5 SECRETARIAT, N. W. F. P. PESHAWAR.

Consequent upon the recommendation of the Selection Committee and approval of the competent authority, the following Male candidates are offered jobs @ Rs, 8000/- fixed emolument P.M. in the relevant subjects cut of the approved operational costs incorporated therein the PC-I for the project perior or till the creation of regular posts/arrival of Selectees of N.W.F.P. Public Service Com Assich which ever is earlier in the newly established Male Collegus in F.A.T.A, mer Honed against each below purely on the terms and conditions mutually agreed upon the parties concerned (the candidates and the undersigned). The temporary arrangement will be subjected to the varification of documents of the capitalter from the soncerned Boards/ Universities. These orders will be effective subsequent to the signing of agreement on separate agreement Form by both the parties, producation of medical certificate and with effect from 1.9.2003.

S.No. Name & Address

Notification/Order.

- 1.Mr. ashfaq Ahmad S/O Khan Bad Shah Mian Abad Paitao P/O Sakha Kot Tehsil . Samad Ranizai, Dist;: Malakand.
- 2.Mr.Khawaja S/O Zerin Khan Village & P/O Chukiatan Teh: & Distt: Dir Upper NWFP.
- 3.Mr, Mubashir Riaz S/O Riaz Ahmad opposite Chah Pipal Near Zakria Mosque Lane No.1 Draban Road, D. I. Khan.
- 4.Mr. Ubaid Abbas S/O Mohammad Abbas Nothia Jadeed Charkhana Road Muslim Abad Pesh:
- 5.Mr.Masood Gul S/O Gul Habib Vill: P/O Teri Payan . Tehsil & Distt: Peshawar.
- 6.Mr, Naik Mohammad S/O Noor Rehmon Vill: & P/O Pir Sadda Tehsil Takht Bhai Distt:Merdan.
- V.Mr, Khalid Khan s/O Wazir Mohammad Vill; Spelono Lecturer in English at Govt:
 Dheri P/O Hathiyan, Teh: Takht Bhai Dist:
 Degree College Bar Khalozai
 Bajour Agency.
- 8. Mr. Javed Khan 8/O Said Gul Village Bazi Khel P/O Darra idam Khel F.R.Kohat.
- 9. Mr. Menhajud Din S/O Hafeezud Din Ziarat Talas 🏗 Tehsil Timargara Distt. Dir.
- 10. Mr. Shah Nawaz 8/0 Dawli Khan Village and P/O Zerif Korona Mohmad Agency.
- 11. Mr. Waris Khen S/O Nasrullah Sifat Banda .P/O Hangu Tehsil & Distt: Hangu.
- 12. Mr, Mohammad Brahad S/O Mohammad Yamin New Town Village & P/O Sawal Dher (Merdan)
- 13. Mr. Ilyas Ahmad S/O Aslam Mir Village & P/O Warana Tehsil Takht-a-Nasrati Distt: Karak.
- 14. Mr. ishwaf Ali s/O Hazrat Yousaf Teh: Barang Village Koz Safarai, Ghar Shamozai Bajaur Agency.
- 15. Mr. Mohamad Ghiasud Din S/O Habibur Rehman Village & P/O Balogram Swat NWFP, 😕 🖰

Name of the College.

Leoturer in English at Goyt:Degree College Nawagai Bejaur agency.

Lecturer in English at Govi: Degree College Nawagai (Bajour).

Lecturar in English, at Govt: Degree College Mir Ali N.W.L.

Lecture in English at Govt: Degree Gollegt Mir Ali H.M.A

Lecturer in Ersläch at Govt:Degree Collage Ghiljo Craksai Agenoy.

Lecturer in English at Gout:Degree College Bor Abalozai Bajaur Agency.

Lecturer in Ordu at Govt:Degree College Ghiljo Orakzai Agency.

Lecturer in Urdu at Govt: Degree College Barkhalczai Bajaur /gency.

Lecturer in Urdu at Govt: Degree College Navegai Bajam Ac.

Lecturer in Urdu at Govt: Degree College Mir Ali N. W. T.

Lecturer in Computer Science at Govt:Degree College Ghiljo Orcksoi is:

Lecturer in Computer Science at Govt: Degree College Mir Ali N.W.A.

Lecturer in Computer Science at Govt:Degree Cullege Barkhalozai Bajarur Agency.

Lecturer in Computer Science at Govt:Degree College Nawagai Bajaur 20:

Cont:Page ... 2....

- 16.Mr.Mchammad Irfan Khan S/O Mchammad Younas VAl:& Post Office Azim Killa Teh:& Distt: Bonnu.
- 17 Mr Hohammad Saeed S/O akhtar Said Vill; & Post Office Zarif Korona Mohamand Agency.
- 18.Mr.Khalid Usmen S/O Mohammad Aslam, Sheh alam Khel, Aba Khel Teh: & Distt: Lakki Marwat.
- 19.Mr. Abdur Rashid Khan S/O Abdul Hameed Khan Vill: Sher Mast Teh:Lakki Distt:Lakki · Bakhmal Ahmadzai.
- 20.Mr.Porvez Khan S/O Abdur Rehman Village And Lecturer in Physics at Govt: Degree & Post Office Randi Khan Khel Serai Naurang Teh: Distt:Lakki.
- 21.Mr. Asad Ullah S/O Mohammad Nisar Vill:Koti Shoh Post Office Katlung Distt: Merdan.
- 22.Mr.Zia-Ur-Rehman S/O Inayatullah Vill:& Post Office Shabqadar Zor Kandi Distt: Charassada. . .
- 23.Mr.Wilayat Shah 5/0 Miroom Shah C/O Dr.Samina Jalali Frof:Of Developmental Biology Quaid-o-Azam University Islamabad.
- 24.Mr.Fazli Iqbal Afridi S/O Mohammad Yaqoob Vill: Malakandher Nasir Bagh Road Feshawar. College Nawasai Bajour Agency.
- 25 Rifagat Masroor S/ Abdul Zeman House No. 130/ Lecturer in Biology Govt: Degree College E Mohalleh Habib ullah Geli Gardanali Bannu
 - 26.Mr.Mohammad Nageeb S/O Mohammad Kamal Vill: & post Office Tattar Khel Teh: Takhti-e-Nasrati College Barkhalczai Bajour igency. Distt:Karck.
 - 27.11r.Mohammad Rafiq 8/0 Mchammad kaham Khan C/O Bakht Zada Fruit Merchant P.O Bughdada Distt:Mardan.
- 28.Mr.Syed Azhar Hussain Shch S/O Syed Sultan ali Shah C/O Irof: Feroz Hussain Shah Principal Degree College Ghiljo Orakzai Agency. Govt: High School No. 2 Paharpur D. I Khan.
- 29.Mr. Hamid Wilch Jan S/O Sahib Jan C/O Shuhab Medical Store Hospital Road Serai Naurang Distt:Lakki Marwat.
- 30 Mr. Mohammad Ayub Khan S/O Mohammad Samin Lecturer in Political Science at Jan C/O Mohammad Samin Jan Assistant Incharge Govt: Degree College Barkhalozai SNGFL Office Bughadada Hardan.
- 31.Mr. Mohammad Tanveer S/O Mohammad Ismail H.No212/C Kohallah Topanwala Teh: Distt: DI Khan .
- 32,Mr. Hussain Alwad S/O Mohammad Tousas ... Students Welfare Shop(SWS) Super Merket Behind Hostel No. 1 University Campus
 - 33.Mr.Anwar-ul-Haq S/O Sherin Badshah Darul-Moom-e-Islamia Arabia Sher Garh Teh: Takht Chai (Mardan).
 - 34.Mr.Arif Ullah S/O Wali Mchammad Vill: P.O & Teh: Arendu Distt: Chitrel NWFL.

Lecturer In Chemistry at Govt: Dogr College Mir ali N.W.A.

Lecturer in Chemistry Govt: Degree College Nawagai Bajour Agency.

Lecturer in Chemistry at Govt: Dogree ·College Chiljo Orakzai Agency.

Lecturer in Chemistry Govt: Digree College Berkhalozai Bajour Agency.

College Mir Ali N.W.A.

Lecturer in Physics at Govt: Degree College Earkhalozai Bajour Agency. Lecturer in Physics at Govt: Degree College Ghiljo Orakzai Agency. The second secon

Lecturer in Biclogy Govt:Degree College Mir Ali N.W.A.

Lecturerin Biology at Govt: Degree

Ghiljo Orakzai Agency.

Lecturer in Biology at Govt: Dertie

Lecturer in Political Science Govts Degree College Newsgal Bajour Agency.

Lecturer in Tolitical Science Govt.

Lecturer in Political Science Covt: Degree College Mir Ali N.W.A.

> Bajour Ageney. 11. 22

Lecturer in Islamic Education Govt; Degree College Mirali N.W.A.

Lecturer in Islamic Education at Govt: Degree College Ghiljo Orakzai Ageney.

> Lecturer in Islamic Education at Govt!Degree College Nawagai, Bajour Agency.

Lecturer in Islamic Education at Govt:Degree College Barkhalozai Bajour Agency

Mr.Saifullah Khalid S/O Khalid Khan C/O Er.Mchammad Quaid Khan Accounts/ Admn:Officer Reginal Office PERA, Peshawar, H.No.2 Machni Lane.

36.Mr.Ziz-wr-Rehman S/O Wali-wr-Rehman C/O The Manager, The Bank Of Khyver Scad Plaza, Sadar Bazar Nowshera canntt:

37.Mr.Fida Mohammad 5/0 Mohammad Nazir H.No.T/724,Gulshan Street No.5 Rashid Town Gul Bahar No.3 Peshawar City.

38.Mr.Inamullah Khan S/O H.Noor Mchammad
Serci Naurang Teh: & Distt:Lakki Marwat.

39.Mr.Tufeil .hmad S/O Mohemmad Gulzar Kashmiryan Ali Khan I.O Serai Salih, Distt:& Teh:Haripur.

40.Mr.Javid Iqbal S/O Mohammad Iqbal G-119 Sheikh Maltoon Town Mardon.

Mr.Goher S/O Nadir Khan Distt: Mardan, Teh: Takht Dhai ,F.O Hathiyan, Vill: Kowdari.

42 Asimullah Jan S/O Mohammad Karim Vill: I.O Utmanzai Teh: Distt: Charsadia.

43 Mr.Mohammad Anwar S/O Wakil Khan Vill: Amal Khel(Upper) Sheraki 1.0 Govt: High Sehrol Sheraki (FR Kchat).

44 Mr. Mohammad Rehman 5/0 ;mal Khel, Vill:F.O , & Teh: Takhti-e-Nosrati Distt: Karak

45. Mr. Mohammad Acif S/O Sultan Mohammad Vill: & P.O Mohib Banda Teh: & Distt: Nowshera.

46 Mr Mohammad Rafiq S/O Shamsulqamar Mchallah Sadozai Vill:F.O Hazar Khawani Teh:& Distt:Feshawer.

47. Mr. Tahir Masood S/O Nocr Ali Shah Hoster No.2 Room No.43 Quaid-e-Azam University Islamabad,

43Mr.Sikandar Hayat S/O Fir Mohammad Khen, Akbar Town(Menish Abad) P.O BISE Feshawar.

49.Mr. Qudratullah Khan S/O Saifiullah Khan Block.No.29-D.Flat No.12 Sector G-10/3 Islamabad.

50-Mr.Taj Wali S/O Faqir Said H.No.3 street No.19 Ring Road Latif Abad Peshawar City. (8)

Lecturer in Economics at Govt Degree College Chilje Grakzi Agency.

Lecturer is Economics at Govt: Daire: College Mir ali N.W.A.

Lecturer in Law at Gov : Degree C.1. C.C. Mir Ali R.W.A.

Lecturer in Law at Govt: Degree College Ghiljo Orakani Agency.

Lectured in Law at Govt: Degree College Barkhalozai Rejour Agency.

Lecturer in Mathimatics at GavisDeprise College Massigni Bajour Agency.

Lecturer in Mathematics at Govt: Degree College Chilic crakeni Agency.

Lecturer in Mathematics at Govt: Degrace College Mirali N.W. L.

Locturer in Statistics at Govt: Degree. College Niv Ali N.W.A.

Lectures in Statistics of Govt. Deg 199 College Child Orekeal .gency.

Lecturer in Ataliatics at Covt: Degree College Hausgui Bajour Agency.

Lecturer in Statistics at Govt:Degree Oblisge Emikhelosed Rejour Agency.

Lecturer in Pak: Study at Govt: Degrace College Mir Ali N.W.A.

Lecturer in Tak: Study at Govt: Legree Callege Barkhalozai Bajour Agency.
Lecturer in Tak: Study at Govt: Degree College Ghiljo Orekzai Agency.

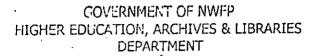
Lecturer in Pak: Study at Govt: Degree Nawagai Bajour Agency.

(Prof: Dr. Abdur Rouf)
DIRECTOR OF EDUCATION(FATA)
GOVERNOR'S SECRETARIAT(FATA)
WARSAK ROAD FESH.WAR.

Contd Page ... 4 ...

Pat or

Endat No	• 15499-15564 / Dated Yesh: the 28/8 / /2003.
	Copy of the above is forwarded for information to the:-
1• 2-4• 5-7• 8-11•	Secretary to Governor, Governor's Secretariat(T.TA) NuTi Feshawar. Folitical Rents Bajour, North Waziristan, and Orakzai Agencies. Rency Accounts Officers Bajour, North Waziristan and Orakzai Rencies. Irichipals Govt: Degree Colleges Nawagai, Barkhalozai(Bajour Rency); Nir Ali (North Waziristan Agency) and Ghiljo(Orakzai Agency).
12•	Assistant Director(14D) Local Directorate.
13-64.	Candidates concerned.
65.	Office Record. DIRECTCH OF EDUCATION (FATA) GOVERNOR'S SECRETARIAT (FATA) RWEP FESSAWAR.



Dated Peshawar the 7/9/2005

Annex B



NOTIFICATION

No.SO(COLLEGES)2-5/2003. Consequent upon the recommendation of Departmental Selection Committee in Higher Education Department, the Competent Authority is pleased to appoint the following candidates as Lecturers Male (8-17) in various subjects on Adhoc basis as stop gap arrangements for a period of six months or till the availability of selectees of the NWFP Public Service Commission whichever is earlier and to post them in the colleges noted against each:

`	S.No	Name/Father Name/Qualification and	Subject	Posted at	Remarks
-	÷ *	Address of the Candidate			
ļ	† I.	Abdul Hamid S/O Noor Nawaz Khan (MA	Arabic	GPGC, Karak.	Againt Vacant
H	·· . · · ·	Arabic) `			Post.
ĺ		Village and P.O Warana '-lir Hassan Khel			
ł	t.	Tehsil Takht-l-Nasratti. District Karak.			<u> </u>
ſ	; 2.	Mohammad Sher S/O Falak Sher (MA Arabic)	Arabic	GC, No.2	-do-
ĺ	, ,	T.T GHS Ahmadzai P.O Tajori District Lakki] .	Bannu.	•
	· · ·	Marwat.	 		
ſ	·: 3.	Mohammad Islam S/O Malik Zada (MA	Arabic	GPGC,	-do-
1	. i	Islamiyat)		Swabi .	
	1	Village and P.O Badaber Neur Spin Jamat	5		
1	· . ·	Tehsil and District Peshawar.			
٢	7 . 4.	Nasecr-ul-Haq S/O Sahib Jamal (MA Arabic)	Arabic	GC, Daggar	-do-
1		Village Kotkay P.O Sahib Abad Tehsil Wari			
ļ.		District Dir Bala.	<u> </u>	•	
r	5.	Abid-ur-Rahman S/O Abdul Qayum (MA	Arabic	GPGC,	-do-
ļ		Arabic)		Bannu.	
l	:	Darul Quresh H.No. 500/DA Railway Road,			
ı		Bannu, City.			
H	i 6.	Khizar Havat S/O Khan Nawaz	Arabic	GC, Kalahut	-do-
ı		Village Ding, P.O Rehana Tehsil and District	Ì	Township	•
		Haripur.	<u> </u>		
H	7.	Zafeer Sagib S/O Ghulam Yahya (M.Sc.	Biology	GC, Oghi	-do-
Г	: ::	Biology) H.No.K.L 1757 Street-2, Makki			
ł	-	Mohallah, Abbottabad.	<u> </u>	<u> </u>	
۲	8.	Musharaf Jilani S/O Mohammad Sharif (M.Sc.	Biology	GC, Ghori	-do-
		Biology) C/O Prof. Mohammad Sharif GPGC,		Wala	
١.		Bannu.			-do
r	9.	Zia-ur-Rahman S/O Azizur Rahman (M.Sc.	Biology	GC,	-00-*
İ	•	Riology) Village Kotka Feroze Surani, P.O		Latamber	
		Nizam Bazar, Tehsil and District Bannu.			-do-
H	10.	Saced -Ur- Rahman S/O Aziz-Ur-Rahman	Biology	GC, Gandal	-00-
		(M.Sc. Biology)Village Mangalchai P.O		(Swabi)	i
ŀ. '	i*	Chanai (Gadoon) Tehsil and District Swabi /			ļ
١,		Hostel No.2 Room No.71 Quaid-I-Azam		l. I	
	, 1	University, Islamabad.			
-	11.	Safinllah Khan S/O Mohammad Sharif (M.Sc.	Biology	GC, Esak	do-
. :		Biology) SET GCM High School No.1 Hangu	}	Khel	
1		H.No.396/C Bhatia Street, Inside Sukkary		-	[
:		Gate Rannu City.			
	12.	Shuja-ul-Mulk S/O Aurangzeb (M.Sc. Biology)	Biology	GC, Totalai	<u>-do-</u>

E-NOTIFICATION of ADHOC Lectures salue

				· ¬
	District Abbottabad.	<u> </u>		
13	38 Tauqeer Anjum S/O Mohammad Aslam	Islamiyat	GC, Balakot	-do-
j .	(MA Islamiyat) Village Dhangri Tehsil and			- 1
1	District Mansehra.			
; 13		Islamiyat	GPGC.	-do- *
I	Islamiyat) C/O Mohammad Arif Karyana Store,		Mandian	1
11 .	Main Chok Bazar Havelian Tehsif and District	' }	Abbottabad	
:			!	
<u> </u>	Abbottabad.	lutaniant.	GC. Lund	-do-
- 14	0 Ihsan Ullah S/OGul Zaman (MA Islamiyat)	Islamiyat	Kliwar	-40-
-	(Disable) Village Kata Sar P.O Munda (Dir	Ţ	Kuwan	1
	Lower)	<u> </u>		_
14	1 Siraj-ud-Din S/O Nimat Khan (M'A Islamiyat)	Islamiyat	GC, Pattan	-do-
• • •	Village Bagroo (Karang) Tehsil Dassu District			
!				i
·	Kohistan.	Law	GPGC,	-dn-
14.	2 Mohammad Ishaq S/O Latifur Rahman,	Law	Mardan	
1	(LLB)Village Sadiqeen Kalay P.O Sakhakot	1	Maidaii	ļ
•	Tehsil Sama Ranizai, Malakand.C/O Zafar	İ		1
	Book Saller Sakhakot Bazar, Malakand.			
142	3 Jalal Khan S/O Irshad Ali Khan, (LLB)	Law	GPGC,	-dir-
. 142	and Clair 5/O Hand 7th Ithan, (500)	1	Mansehra.	
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145	Alman S/O Wali-ul-Haq Village and P.O	Law	GSSC,	-do-
	Doschra Tehsil and District Charsadda.		Peshawar	<u> </u>
146		Law	GC, No.2	-do-
,	(LLB)-Village Gumbati P.O Lal Qila Dir	_	Bannu.	İ
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	Lower.	Matha	GC, Kotha	-do-
147	Rahim Ullah S/O Mirza Khan (M.SC. Maths)	Maths	GC, KOIIIa	-00-
: [Mohallah Shagai Village Anbar Tehsil Lahor	•		
•	(Swabi)		, , , , , , , , , , , , , , , , , , , ,	<u></u>
148	Fazli Hamid S/o Fazal Bari (M.Sc. Maths)	Maths	GC, Agra	-do-
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	Arshad Alam S/O Bakht Baz (M.Sc. Maths)	Maths	GC Toru	-do-
, 149	Mishau Mahi oro Dakit Daz (Wilse, Watis)			
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150	Mohammad Ashfaq S/O Mohammad Siddique	Maths	A Dakibian	-107
.]	(M.Sc. Maths) Ali Abad Canal Road Gulbahar		1	
	No.3. Peshawar City.		<u> </u>	
151	Mohammad Shoaib S/O Waris Khan (M.Sc.	Maths	GPGC,	્-તે૦-
	Maths) H.No.865, Afghan Colony Street No.9,		Mardan	
	Peshawar City.			
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152	wagar Khan 5/1/ Samo Zaua (ivi.sc. ivians)	,	Mardan	
~	Mohallah Burhan Khail Village and P.O	!		
16	Turlandi Tehsil and District Swabi.		GDC.	-do-
153	Gohar S/O Nadar Khan (M.Sc Maths) Village	Maths		-00-
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154	Anni Unan 5/O razar An Khan (m.oc. mans)		Wala	
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155	Naveced Ullah S/O Mir Qad Ayaz Khan (M.Sc.	Maths		-00-
1 1	Maths) Village Mawazi Qila P.O Azim Qila	- 1	Bannu	
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152	Anwar Khitab S/O Fatch Mula (M.Sc. Maths)	Maths	GC Chakessar	-do-
156	Mohallah Rammora Village and P.O Hathian	j.		
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1501/	Amir Mohammad S/O Fazli Rabbani (M.Sc.		Abbottabad	
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159 A	Hathian Tehsil Takht Bhai (Mardan). Amir Ali S/O Said Gujar (M.Sc. Maths) C/O Madina Book Centre Main Bazar Chowk,	Maths	GC, Puran	Against Vacant of

ENOTIFICATION of ADHOC Lecturers.doc



The appointment of the above lecturers will be subject to the following terms and conditions:-

TERMS AND CONDITIONS.

- The appointment of the above candidates will be on contract basis for a period of six months or till the arrival of the selectees of the NWFP Public Service Commission, whichever is earlier.
- No TA/DA will be allowed for their first appointment.
- ļii. The appointment of the candidates mentioned in Para.1 above is subject to iv. the condition that they bear the Domicile of NWFP.
- If they want to terminate their contract before expiry of the same, they will have to serve one month notice in advance failing which they will have to ٧. deposite one month pay in lieu of such notice in the Govt. Treasury.
- They shall not make any request for transfer from the college where they are νí posted. In case of such occurance, their service shall stand terminated.
- They should join their post within 30-days of the issuance of this notification. The Director Higher Education NWFP Peshawar, should furnish a certificate to vii. the effect that the candidates have joined the post or otherwise after one month of the issue of this Notification.
- They shall execute an agreement with the Government before taking over charge to be signed by the Director Higher Education NWFP, on behalf of the viii. Government.
- They should not be entitled to any pension or gratuity for the service iχ. rendered by them on contract basis.
- Charge report in duplicate should be submitted to all concerned.
- Their service shall be terminated if they violate any provision of the term & x. conditions specified in the Agreement Bond.

SECRETARY TO GOVT.OF NWFP HIGHER EDUCATION DEPARTMENT

ENDST: Number & Date as above. Copy of the above is forwarded to:-

.. Accountant General NWFP Peshawar.

- Secretary to Chief Minister NWFP, Peshawar. 7-
- Director Higher Education NWFP Peshawar, with the request to get a copy of Agreement Bond and circulate copies of the same to all Principals of the Government Colleges concerned immediately.
- Director of Education (FATA) NWFP Peshawar. 4-
- Director Pecruitment NWFP Public Service Commission Peshawar.
- Districts/Agencies Accounts Officers concerned. 6-
- Principals Government Colleges (Male) concerned. 7-
- Section Officer (FATA) Education Wing, Governor's Secretariat (FATA) Warsak Road Peshawar.
- P.S. to Minister for Education NWFP Peshawar. 10-
- P.S. to Secretary Higher Education NWFP Peshawar. 11-
- Officers concerned. 12-

(GHAZANFAR ALI) SECTION OFFICER (COLLEGES)



Annex



GOVERNMENT OF NWTP HIGHER EDUCATION, ARCHIVES & LIBERARIES DEPARTMENT

Dated Peshawar the 18/5/2006

NOTIFICATION

No.SO(COLLEGES)2-5/2005. The Competent Authority is pleased to accord approval to the approximation of the following Lecturers Male (B-17) in various subjects on contract have as upposting arrangements for ax months period (w.e.f. the date mentioned in column-6 below) or till the availability of effecteds of the NWFP Public Service Conscission whichever is earlier, with the posting in the colleges noted against each:

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Page No. 12

GOVERNMENT OF NWFP HIGHER EDUCATION, ARCHIEVS & LIBRARIES DEPARTMENT

Dated Peshawar the 10/05/2004

NOTIFICATION

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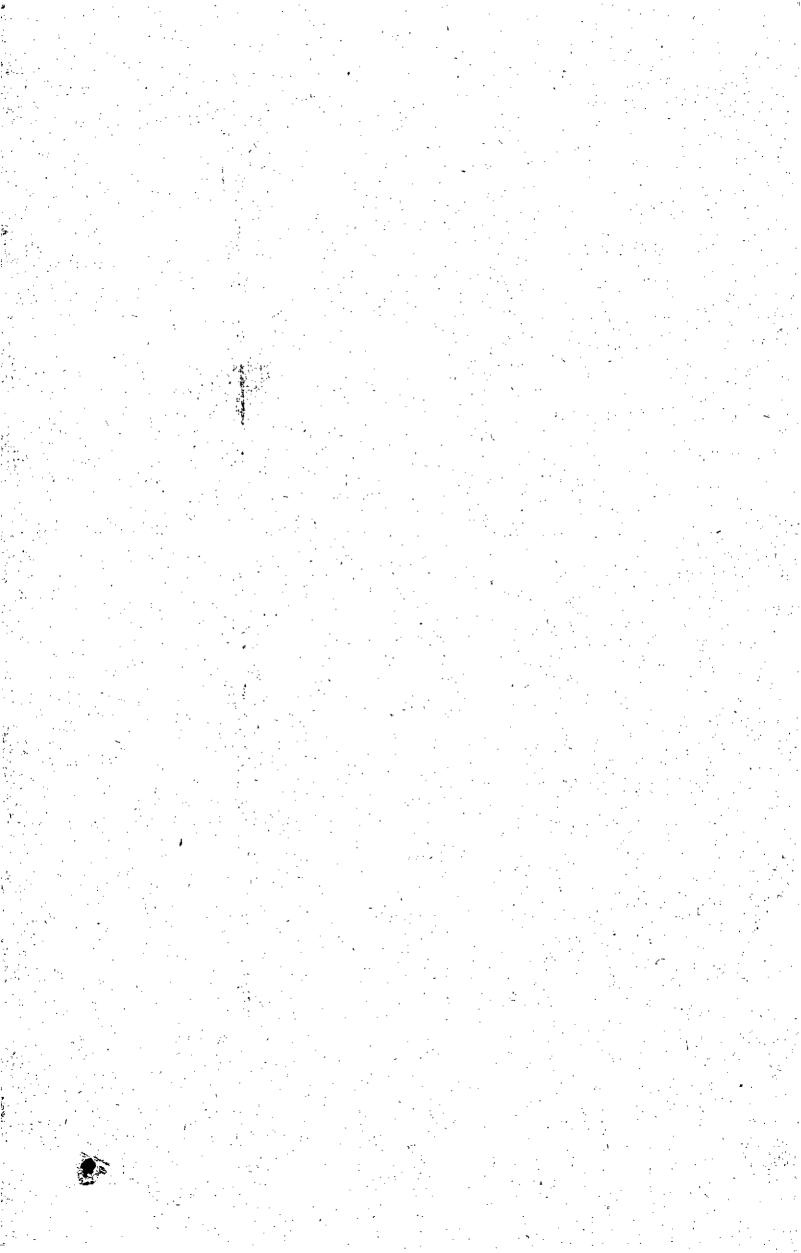
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No. SO(COLLEGES)2-5/2005. The Competent Authority is pleased in accord approval to the appointment of the Inflowing Lectures Male (B-17) in various subjects on contract basis as stop gap arrangements for six months period (w.e.f the dates mentioned in column-4 below) or till the availability of selectees of the NWFP Public Service

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COVERNMENT OF NWFP HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Dated Peshawar the 06/06/2007

NOTIFICATION

No.SO(COLLEGES)2-5/2005. The Competent Authority is pleased to accord approval to the re-appointment of the following Lecturers Male (B-17) in various subjects on contract basis as stop gap arrangements for six months period (w.e.f. the dates mentioned in column-4 below) or till the availability of selectees of the NWFP Public Service Commission whichever is earlier.

	.5. No.	Name/College	Date of Toking Over Charge	Date from	Remarks
••		Ž	3	4	į
i.	1	Mohammad Sher Lecturer in Arabic, GC No. 2 Bannu	3-10-2006	06-4-2007	
	2	Abid-ur-Rahman Lecturer in Arabic Covernment Postgraduate College Bannu	\$2-9-2006 *	1543-2007	1
	3	Abdur Rauf Lecturer in Arabic GDC	19-11-2006	22-5-2007	
		Klilzar Hayat Lecturer in Arabic GC Khalabat Township	10-9-2006	. 13-3-2007	
		Nasperul Haq Lecturer in Arabic GC Daggar	09-09-2006	12-3-2007	
·		Jalander Shah Lecturer in Biology GDC	12-9-2006	15-3-2007	
	7.	Halizullah Khan Lecturer in Biology Government Postgraduate Göllege Banhu	19-9-2006	22-3-2007	
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	G	nid Ayaz Khan Lecturer in Biology DC Kulachi	12-11-2006	15-8-2007.	
	11 F	rman Ullah Khan Lecturer in Biology DC Paharpur insbead di GC Lechi	10.9-2006	13-3-2007	
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GOVERNMENT OF NWFP HIGHER EDUCATION, ARCHIEVS & LIBRARIES DEPARTMENT Dated Peshawar the 06/06/2007 NOTIFICATION

No. SO(COLLEGES)2-5/2005. The Competent Authority is pleased in accord approval to the appointment of the following Lectures Male (B-17) in various subjects on contract basis as stop gap arrangements for six months period (w.e.f the dates mentioned in column-4 below) or till the availability of selectees of

the NWFP Public Service Commission whichever is earlier Date from Remarks Date of Name/College S.No. Which Talking Over re-Charge. appointed . 4 3-10-2016 06-4-2007 Muhammad Sher Lecturer in Arabic GC No. 2 Bannii Abid-ul-Rahman Lecturer in Arabic 12-9-2005 15-3-2007 Government Postgraduate College Bannu Abdur Rauf Lecturer in Arabic in 19-9-2006 22-5-2007 3 Arabic GDC Tank 09-09-2005 13-3-2007 Khizar Hayat Lecturer in Arabic GDC 4 Khatabat Township 12-3-2007 Naseerul Hag Lecturer in Arabic GC 12-9-2006 5. Daggar. 15-3-2007 Jalander Shah Lecturer in Biology GDC 19-9-2006 6. Timergara Hafizullah Khan Lécturer in Biology 10-9-2006 22-3-2007 Government Postgraduate College Bannu 10-11-2006 13-3-2007 Syed Zahid Mehmood Lecturer in 8. Biology GC Khalabat Township Kifayat Ullah Lecturer in Biology GC 12-11-2006 13-5-2007 9. Khalabat Township 10-9-2006 Said Ayaz Khan Lecturer in Biology 15-8-2007 ΔŨ. GDC Kulachi Farman Ullah Khan Lecturer in Biology 8-9-2006 13-3-2007 11. GDC Paharpur instead of GC Lachi Ambara Khan Lecturer in Botany GDC 10-11-2006 13-3-2007 12. Daggar. 13. Sher Zaman Lecturer in Botany GDC 14-9-2006 17-3-2007 LAIQ. Zaman Lecturer in Biology 10-9-2006 13-3-2007 14. Government Postgraduate College Karak. Imdad ullah Lecturer in Botany GDC 15. 18-11-2006 21-5-2007 Khairabad Riaz Hussain Lecturer in Botany GDC 16. 20-11-2006 23-5-2007

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85 Rafullah, Lecturer in	Maths GDC Matta		9-9-2006	12-3-2007		
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95 Mohammadia		10-9	2006	19:3-2007		
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, 73.	Saifullah Khan Lecturer in Islamiyat	27-11-2000	50 3 200.	•		}
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: 74.	Jalal Khan Lecturer in law GPGC	11-3-2000	14 3 2007			.
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75.		09-09-2006	12-3-2007	 		İ
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77.	Rahim Ullan Lecturer in Maths GDC	14-3-2000	17-3-2007			
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85.	Iftikhar Ahmad Lecturer In Maths GDC	25-9-2000	20-5-2007			
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07	Matta Abdul Waleed Khan Lecturer in Maths	9-10-2006	12-4-2007			
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Muhammod Rashid Lecturer in Urdu GC, Ghorwala (Bannes.

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The appointment of the above lecturers will be subject to the following to ianzilionsi -

MS AND CONDITIONS

The appointment of the above candidates will be on contract pasts for the property upto 30,00 2009 or till the arrival of the selectees of the MWFP Public to and Commission, whichever is earlier.

They will gut pay and allowances in BPS-17.

No TA / DA will be allowed for their first appointment.

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> SECRETARY THE GOVE OF MARKET HIGHER EDUCATION DEPARTMENT

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inc, of the above is forwarded to the

1. ACCOUNT Of General MWFP Peshawar.

2. Parector Higher Education NWFP Reshawar, with the request to the life. inflates. the Agreement Fond to all Principals of the Government of learn



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The appointment of the above lecturers will be subject to the following to action:-

MS AND CONDITIONS

The appointment of the above candidates will be on contract basis for the propos upto 30.06.2009 or till the arrival of the selectees of the NWFP Public Service Commission whichever is earlier.

They will get pay and allowances in BPS-17.

No. TA/DA will be allowed of their first appointment

The appointment of the candidates mentioned in Para.l above is subject === conditional at they bear the Domicile of NWFP.

If they want to terminate their contract before expiry of the term, they will be to serve one month notice in advance fatling which they will have to deposing one month pay in lieu of such notice in the Govt. Treasury.

They shall not take any request for transfer from the collect where === Dusted. In case of such occurrence, their service shall state terminated.

They should join their post within 30-days of the issuance of this notice.

The Director Higher Education NWFP Peshawar, should ----- certificate the effect that the candidates have joined the post or oth3erwise after === of the issue of this Notification.

They shall execute an agreement with the Government be are taking over to be signed by the Director Higher Education NWFP, on behalf Government.

They should not be entitled to any person or gratuity for the service , === by them to contract basis.

Charge if === in duplicate should be submitted to all concerned.

Their service shall be terminated if they violate any provision of the --- specified in the Agreement Bond.

SECRETARY TO GOVT. OF NWFP HIGHER EDUCATION DEPARTMENT

No. & Date Even.

Copy of the above is forwarded to:-

- Accountant General NWFP Peshawar.
- 2. Director higher education NWFP Peshawar, with the request to Specified the Agreement Bond to all Principals of the Government





VERNMENT OF NWFP HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Dated Peshawar the 14.03.2009.

NOTIFICATION

NO.SO(COLLEGES)2-5/MATHS/2009. Consequent upon the recommendations of the NWFP Public Service Commission, the Competent Authority is pleased to appoint and adjust the following lecturer of Maths (B-17) of college in Higher Education Department with immediate effect: -

	1 Address	Posted at	Remarks
S. # 1.	Name / Father's Name / Address Majid Khan S/o Saleem Khan Village Torudhoke P/o Kakeg Tehsil and District Haripur.	GPGC Mandian (Abbottabad)	Already working as contract lecturer
2.	Muhammad Ismail S/o Misal Khan District Charsadda Tahi Tongi, Village and	GDC Lakoro (Mohmand Agency)	Against vacant post
3.	P/O Dhakki. Haydar Ali Bacha S/o Sarfaraz Khan Village m Tehsil and P/o Khwaza Khela District Swat.	GDC Alpuri (Shangla)	Already working as contract lecturer
4.	Arshad Iqbal S/o Muhammad Bashar Mohallah Tekadaran Shahdarah, Watkay	GDC Mingora (Swat)	Against vacant post
5	Mingora. Muhammad Zaman S/o Gula Khan Village Shelkh-Abad P/o Rajjar District and	GDC Khar (Bajaur Agency)	Against vacant post
64	Tehsil Charsadda. Muhammad Zahid S/o Muhammad Sarwar Village and post office Chumba, Tehsil	GPGC Haripur	Against vacant post
as !	Muhammad Nazir S/o Ghulam Rohani Village and P.O. Balogram Moh. Molan	GPGJC Saidu Sharif Swat	/ Against vacant post
8/	Chum, District Swat. Gohar S/o Nadar Khan District Mardan Tehsil Takht Bhai, P/O	GDC Kohi Sher Haidar Bara (Khyber Agency)	Against vacant post
9.	Manzoor Ahmad S/o Muhammad Gul Manzoor Ahmad Shah Kally Chamtar Mardan	GDC Navagal (Bajaur Agency)	Against vacant post
	P/O Mardan, District and Tehsil Mardan.		the following

The appointment of the above lecturers will be subject to the following terms and conditions: -

TERMS AND CONDITIONS.

I. They shall, for all intents and purposes be Civil Servant, except for the purpose of Gratuity. In lieu of the same, they shall be entitled to receive

Contributory Provident Fund. For the said fund 10% contribution will be made by the Provincial Government and 10% by the Civil Servant concerned in the prescribed manner. Provided further that, in the event of death of the civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has not already been received by the concerned deceased civil servant.

II. They will have all rights / privileges contained in NWFP Civil Servants Act, 1973 with all amendments made therein including NWFP Civil Servants (Amendment) Act.

2005 and Rules made there under.

III. In case of resignation, the lecturer will have to give one-month prior notice. In absence of such notice his one-month's pay shall be forfeited to Government.

IV. The selectees must join their posts within 30-days of the issue of this Notification. The Director Higher Education NWFP Peshawar must furnish a certificate to the effect that the selectees have joined the post or otherwise, after one month of the

V. In case of disciplinary matters, NWFP Civil Servants Act. 1973 and NWFP Civil Servants Removal form Service (Special Powers) Ordinance 2000 shall be applicable.

VI. They will get pay in BPS-17 including usual allowances as admissible under the rules. They will be entitled to annual increment like other Civil Servants.

They will be equally considered for appointment against higher post if found eligible on the basis of competence, expertise and experience.

> SECRETARY TO GOVT. OF NWFP HIGHER EDUCATION DEPARTMENT

DATE EVEN. ENDST: NO.

Copy of the above is forwarded to: -

1. Accountant General, NWFP Peshawar.

2. Director Higher Education NWFP Peshawar.

- 3. Deputy Secretary-III, NWFP Public Service Commission, 2-Fort Road, Peshawar Cantt, with reference to his letter No. NWFP-PSC-SR.VII/427 dated 24.10.2008 and No. NWFP-PSC-SR-VII/4965 dated 13.11.2008.
- 4. District / Agency Accounts Officers concerned.

5. Principals of the Govt. Colleges concerned.

6. Manager, Government Printing Press, NWFP, Peshawar.

7. P.S to Secretary, Higher Education Department, NWFP, Peshawar.

Officers concerned.

(UZZAW) SECTION OFFICER (COLLEGES) INTHE HONORABLE PESHAWAR THEIR COURT PESHAWAR

W.P No. ______/2022

Petitioner.

VERSUS

Respondents.

I, the undersigned, do hereby appoint and constitute,

Fazal Shah Mohmand Advocate Supreme Court. **To** act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

- 1. **To** draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
- 2. **To** employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on ______

CLIENT(s)

Golov

ACCEPTED BY:

FAZAL SHAH MOHMAND

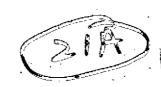
ADVOCATE,

SUPREME COURT OF PAKISTAN.

OFFICE:-Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

(Clerk) Cell# 03339122477

Email: - fazalshahmohmand@gmail.com.



OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE THANA MALAKAND AGENCY

RELIEVING CHIT

This is to certify that Mr. Gohar, Lecturer in Maths of this college is hereby relieved from his duties on 16/03/2009 (Fore-Noon) on the eve of his fresh appointment as Lecturer in Maths and adjusted at Govt: Degree College Kohisher Haidar Bara Khyber Agency vide Secretary to Govt: of NWFP, Higher Education Notification No. SO (Colleges) 2-5/Maths/2009 dated 14/03/2009.

He has availed Nil casual leave during the current

He is directed to report to the Principal Govt: Degree College Kohiser Haidar Bara Khyber Agency for duty.

Principal 16.03.2.39
Govt: Degree College Thana
Malakand Agency

Gove Degree College Fenna Mkd: Asoncy

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IN THE PESHAWAR HIGH COURT PESHAWA

Writ Petition No

Gohar, Assistant Professor (BPS-18) Govt. Degree College Koh Damaan, Mattani Peshawar.....Petitioner



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VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary, Higher Education Department Peshawar.

2. Director, Higher Education Department, Govt. of Khyber

Pakhtunkhwa Peshawar.

3. Govt. of Khyber Pakhtunkhwa through Secretary, Finance Départment Peshawar.

4. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.

.....Respondents

WRIT PETITION UNDER ARTICLE 199 CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE.

Respectfully submitted:-

1. That the petitioner being qualified was appointed as Lecturer Maths (BPS-17) after due process of law and upon recommendations of Selection Committee for the project period or till the creation of regular posts/arrival of KP Public Service Commission vide Order dated 28-08-2003 and was posted to Govt. Degree College Ghaljo Orakzai Agency. (Copy of Order dated 28-08-2003 is enclosed as Annexure A).

FILED TODA, That in the meanwhile the posts of Male Lecturers were advertised by respondent department and petitioner being Deputy Registrar perfectly fit and eligible and coming up to the criteria also 08 FEB 2020 applied for the same through proper channel and finally afterdue process of law and upon the recommendations of Departmental Selection Committee was appointed as Lecture Male (BPS-17) Maths vide Notification dated 07-09-2005 and was posted to Govt. Degree College Thana Malakand Agency and after appointment was relived from service by the Principal



-2-

Govt. Degree College Ghaljo Orakzai Agency on 12-09-2005 vide letter of even date. (Copy of Notification dated 07-09-2005 & Letter dated 12-09-2005 is enclosed as Annexure B & C).

- 3. That the posts of Lecturers were advertised by the Khyber Pakhtunkhwa Peshawar on regular basis and the and petitioner being perfectly fit and eligible and coming up to the criteria also applied for the same through proper channel and finally after due process of law and upon the recommendations of Khyber Pakhtunkhwa Public Service Commission was appointed as Lecture of Maths. (BPS-17) vide Notification dated 14-03-2009 and was posted to Govt. Degree College Kohi Sher Haider Bara Khyber Agency and after appointment was relived from service by the Principal Govt. Degree College Thana Malakand Agency on 16-03-2009 vide letter of even date. Since appointment petitioner performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. (Copy of Notification dated 14-03-2009 & Letter dated 16-03-2009 is enclosed as Annexure D & E).
- 4. That the petitioner time and again approached respondents that he may be extended the benefits of previous service for the purpose of Pay Protection, Pension and Seniority however department is not ready to count the Previous service of the petitioner of about five years and seven months for the purpose of pay protection, pension and Seniority etc. in violation of the law, rules and numerous Judgments of the honorable High Court as well as the Apex Court of the Country.
- **5.** That this action of the department of not counting the previous service of the petitioner w.e.f 28-08-2003 to 16-03-2009 for the purpose of pay protection and pension etc. is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

A. That the omissions and commissions of the respondents are illegal and void ab-initio.

FILED TODAY
Deputy Registrar
0 8 FEB 2020





- B. That mandatory provisions of law are badly violated by the department who are not ready to treat the petitioner according to law and rules being his fundamental right guaranteed in the Constitution of the land.
- C. That the Pension Rules 1963 as well as the Civil Service Regulations are very much clear on the point which gives protection to such previous service for the purpose of pay protection and pension etc.
- D. That a number of Judgments rendered by the honorable Peshawar High Court as well as the Apex Court of the Country have also given protection to such service to be counted for the purpose of pay protection and pension. Similarly writ petition No 1188-P/2014 titled as Baghi Shah VS Govt. of KPK, Judgment dated 01-03-2018 passed in Writ Petition No 3221-P/2013 and others besides Rule 2.1 of the Pension Rules is also support the case of the petitioner. (Copy of Judgment dated 01-03-2018 passed in Writ Petition No 3221-P/2013 is enclosed as Annexure F).
- E. That the petitioner has been deprived of his due rights without any omission or commission on his part in violation of the principles of natural justice.

FILED TODAY.

Deputy Registrar

0 8 FEB 2020

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- F. That the petitioner has been discriminated as such service of other employees has been counted while petitioner is not extended such benefits and is treated differently.
- **G.** That the petitioner has long service career of about seventeen years with unblemished service record.



(24)

H. That the petitioner seeks the permission of this honorable Court for additional grounds at the time of arguments.

It is therefore prayed that on acceptance of this an appropriate Writ may please be issued:

- **a.** Declaring the omissions and commissions of respondents of non-counting of the previous service of the petitioner towards pay protection, pension etc as illegal, unlawful, without lawful authority and of no legal effect.
- **b.** Directing respondents to give full pay protection with pensionary benefits of the past service rendered by the petitioner in the ends of justice and principles of equality.
- **c.** Directing respondents to give count the past service of the petitioner for the purpose of Seniority in the ends of justice and principles of equality.

Any other relief deemed appropriate in circumstances of the case and not specifically asked for may also be granted in favor of the petitioner.

Dated:-07-02-2020

Petitioner

Through

Fazai Shah Mohmand Advocate Supreme Court.

LIST OF BOOKS

- 1. Constitution 1973.
- 2. Other Books as per need

Certificate

Certified that as per instructions of my client, no Writ petition on the same subject and between the same parties has been filed previously or concurrently before this honorable Court.

FILED TODAY

Deputy Registrar-

0 R FEB 2020

0 2 DEC 2021

4

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Order or other proceedings with signature of Judge or Date of order Magistrate and that of parties or counsel where necessar or proceedings 24.11.2021 Shahbanzai, Ullah Present: Farhan Advocate for the petitioners. M/S Shumail Ahmad Butt, Advocate General and Sardar Ali Raza, AAG for the respondents. OAISER RASHID KHAN, CJ.- During the pendency of this petition, the applicant namely Fazal Wahid, Assistant Professor (Urdu), Government Post Graduate College, Landi Kotal, District Khyber has moved CM No.958-P/2021 for his impleadment in the array of petitioners is allowed and the office is directed to make necessary entry in this regard in the heading of the petition with red ink. The grievance of the petitioners is that 2. they have made several requests to the respondents for counting their previous service for the purpose of pay protection, pension and seniority but they did not pay any heed to their requests and that is how, they are before this court through the present petition.

ATTESTED

من دخية مينج بعيديسان بين

- 3. After having argued the petition at a certain length, lastly both the learned counsel for the petitioners and the learned Advocate General state that this petition be sent to the competent authority as an appeal / representation of the petitioners for its decision in accordance with law.
- 4. Accordingly, we while disposing of this writ petition, treat it as an appeal / representation of the petitioners before the Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar (respondent-4) and direct him to decide the same in the accordance with law within two months positively. A copy of this petition be retained for record.

Announced.
Dated: 24.11.2021.

CHIEF JUSTICE

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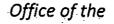
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Date of Delivery of Copy. A2/12/21

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Accountant General

Khyber Pakhtunkhwa Peshawar Phone: 091 9211250-53

(27) A

Annex

No.H-24(74)/Pension//00 To,

Dated: 06.10.2022

The Secretary

Govt. of Khyber Pakhtunkhwa,

Migher Education Archives & Libraries Department,

Peshawar.

Subject:

PAY PROTECTION/COURT JUDGMENT DATED 24-11-2021,

The undersigned is directed to refer to your office letter No. S.o(c-II)/H.E.D/11-4/2022/Pay Protection dated 18-8-22 on the subject noted above and to state that officer concerned has already been drawn pay Rs. 9850/- P.M as shown in his LPC which has already been protected on the basis of his regularization.

ACCOUNTS OFFICER (HAD)

Copy for Information to:

Mr. Gohar, Assistant Professor of Maths GDC Koh-e-Daman Peshawar.

ACCOUNTS OFFICER (HAD)

Judgment Sheet Judicial Department

WP No.3107-P/2021

Sacedullah

Versus

Board of Governors through Chairman, BISE and 2 others

JUDGMENT

Date of hearing

20.12.2021

Petitioner by:

Mian Muhammad Imran, Advocate

Respondents by:

Mr. Saadatullah Khan Tangi, Advocate

S M ATTIQUE SHAH, J: - Same judgment as in the connected WP No.3106-P/2021 titled "Siraj-ud-Din Vs. Board of Governors through its Chairman, BISE and 2 others".

Announced: 20.12.2021

RÚÓGE

JUDGE

Hon'ble Mr. Justice S M Attique Sha Hon'ble Mr. Justice Syed Arshad All



Judgment Sheet ESHAWAR HIGH COURT, PESHAWAR

(Judicial Department)

WP No.3106-P/2021

Siraj-ud-Din

Versus

Board of Governors through Chairma BISE and 2 others



JUDGMENT

Date of hearing

20.12.2021

Petitioners (by)

Mr. Taimur Ali Khan, Advocate

Respondents (by)

Mr. Saadatuliah Khan Tangi, Advocate

S M ATTIQUE SHAH, J: - Through this single judgment, we propose to decide the instant writ petition as well as the connected WP No.3107-P/2021 "Saeedullah Vs BOG etc; being the outcome of one and same subject matter having same reliefs, which is reproduced as below;

i. To declare the impugned decision made in the BoG meeting dated 25.5.2021 at Agenda Item No.14 to regret the grant/extension of pay & pension protection/benefits to the petitioner as un-lawful, illegal, void ab-initio, unconstitutional, against the spirit of the West Pakistan Pension Rules, 1963 and tantamount to violation of Article 2-A, 04, 09, 10-A, 25 of the Constitution of Islamic Republic of Pakistan, 1973 and of no legal effect, hence, liable to be set-aside.





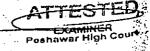
- ii. Direct the respondents to count the preregularization service of the petitioner for the purpose of pay and pensionary benefits/ protection and to grant him all the benefits according to his entitlement.
- iii. Any other relief, which is not specifically asked for, may also be granted in favor of the petitioner against the respondents."
- 2. In essence, grievance of petitioners is that under the law, they are entitled to get the benefits of their preregularization service [as Junior Clerk (BPS-07) towards their pay and pension; which has illegally been denied to them by the BoG in its meeting held on 25.6 2021.
- 3. Pursuant to notice, the respondents filed their comments wherein they resisted the issuance of the desired writ by raising certain legal and factual objections.

 Their main contention was that, the issue under consideration had earlier been decided by this Court in WP 1487-P/2016 and; there was a break in service of the petitioners and; hence, instant petitions need summarily dismissal.
- 4. Heard; record perused.
- 5. Record reveals that initially, both the petitioners were appointed as Junior Clerks in BPS-07 on 04.6.2011
- 2 & 12.9.2012 respectively by the Chairman, Board of



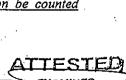
Intermediate & Secondary Education, Peshawar, on temporary basis, for a period of six months. whereafter, their services were extended from time to time till 18.3.2014 and 01.01.2014. Subsequently, their services were regularized w.e.f. 10.11.2016, on 02.8.2018, in light of the judgment dated 06.02.2018 of this Court rendered in WP 3604-P/2017 read with Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department Letter No.SO(B/T) E&SE/\$-14/2016/BISE, Peshawar, dated 24.11.2016 and the judgment of august Apex Court dated 06.7.2018. After regularization, the petitioners once again approached this Court for counting their pre-regularization service for pay protection and pensionary benefits cum seniority in WP 6703-P/2019, which was decided, on 15.12.2020, in the following manner;

"The claim of the petitioners regarding counting their previous service for the purpose of pay and pension has not been decided by the respondents-Board; as such, we left this issue for the respondents/Board to decide it at their own level, but no later than a period of 03 months with intimation to the petitioners. Thereafter, if petitioners still find themselves aggrieved of the denial of protection of pay and pension, may approach the proper forum, available to them under the law."



In view of the ibid findings the matter was placed before the BoG for consideration, which was taken up in its meeting No.51 dated 25.6.2021 at agenda Item No.14; however, the BoG did not agree with the pay and pensionary benfits of the petitioners due to the alleged break in their service from time to time.

Undeniably, the service of petitioners have been regularized by the respondents after rendering long and; satisfactory service as Junior Clerks on Contract basis with an artificial breaks. The petitioners while relying on the Rule 2.3 of K P Civil Servents Pension Rules, 1963 solicited for counting the period of their contract service towards their pay and pensionary benefits. Learned counsel representing the respondents could not controvert the ibid contention of the petitioners, rather, candidly admitted at the bar the adaptation of ibid rule by the respondent No 2. The ibid rule provides that termprory and officiating service of an employee shall be conunted towards his pay and; pension. In this respect, wisdom can also be derived from Muhammad Farooq's reported in 2012 CLJ 343 wherein it was held that, "Government Servant continuously remaining in service without break would, after his regularization have the right that the period of his service before regularization be counted





Courts being the custodian of law, have to safeguard the inalienable rights of the citizens as enshrined in the Constitution and; whenever any such infringement of rights is brought to the notice of the Court that is to be struck down. In the instant case, since respondents have illegally denied the petitioners benefits of their pre regulirazation service towards their pay and pension, therefore, the impunged order is liable to be struck down; being illegal. Wisdom can also be drawn from 2021 SCMR 116 "Syed Muddasar Shah Termizi and others"

7. In view thereof, both the writ petitions are, allowed as prayed for, but only to the extent of their pay and pension.

Announced: 20,12,2021

SUDGE

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

WRIT PETITION NO. 32 2-1-1/2013



- 2- Khalid Ahmed, SET,Bajaur Public School Bajaur Agency.
- 3- Syed Jehanzeb, SET,
 Bajaur Public School Bajaur Agency.
- 4- Liagat Ali Khan, SET,Bajaur Public School Bajaur Agency.
- Nasrum Minallah, SET,Bajaur Public School Bajaur Agency.
- 6- Muhammad Rahim Jan, SET, Bajaur Public School Bajaur Agency.
- 7- M. Ashfaq Hassan ,SET,Bajaur Public School Bajaur Agency.
- 8- Ubaidur Rehman, SET,
 Bajaur Public School Bajaur Agency.
- 9- Bahadur Khan, SET,Bajaur Public School Bajaur Agency.
- 10- Muhammad Dawood, SET,
 Bajaur Public School Bajaur Agency.

FILED TODAY

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1 28 NOV 2013

Purdil Khan, SET, Bajaur Public School Bajaur Agency.

12- Raiz Hussain, CT,

ATTESTED

Peshawar High Court

WP3221P2013GROUND



JUDGMENT SHEET IN THE PESHAWAR HIGH COURT PESHAWAR JUDICIAL DEPARTMENT

Writ Petition No.3221-P/2013



JUDGMENT

Date of hearing: 01.03,2018

Petitioner(s): By Nuhammad Asir forbeffai Advol

Respondent(s): By November Hamayuna Mansoon.

IKRAMULLAH KHAN, J.- Petitioners have

filed instant Constitutional petition for issuance of an appropriate writ with the following prayer:-

"On acceptance of this writ petition the non-counting of previous service of the petitioners towards pay protection and pensionary benefits by the respondents may be declared illegal, unconstitutional. arbitrary and exploitation of the past good service of the petitioners. The respondents may further please be directed to give full pay protection with pensionary benefits of the past service rendered by the petitioners to meet the ends of justice and principles of equity. Any other remedy which this august court deems fit and not specifically prayed for that may also be awarded in favour of petitioners."

2. In essence, petitioners were appointed in the year 1990 and onwards by the Political Agent, Bajaur

EXAMINER Peshawar High Court

Agency as Principal, Teachers, Ministerial Staff and Class-IV employees, in the Bajaur Public School and College with the condition that they would be allowed pay scales and other allowances admissible to a Civil Servant in Bajaur Agency. Later on, the Bajaur Public School and College was taken into supervision and control by the Federal Government and services of all the employees appointed by the Political Agent, Bajaur Agency on contract basis were made regularized vide Notification issued by the Governor's Secretariat, Khyber Pakhtunkhwa, Peshawar on March 28, 2013. In para-4 of the Notification, it has been held that all the eligible incumbent teaching and non-teaching staff will be adjusted against the regular sanctioned posts on merit cum seniority in service in the respective scales and categories. As the petitioners were eligible to be regularized, as such, they were adjusted on regular newly created posts with immediate effect vide order dated 20.5.2013, however, the previous services rendered by the petitioners were not counted towards' their pay and pension by the respondents, hence, the instant writ petition.

3. Learned counsel for petitioners contended that though the services of petitioners were regularized since 2013 but the respondents have denied



ionary benefits

the benefit of protection of pay and pensionary benefits to the petitioners on the sole ground that the previous services rendered by them were on contract basis, as such, it could not be counted towards the length of their service, which act of respondents is against law.

- 37)
- On the other hand, learned counsel for respondents contended that the services of petitioners were not either on contract or adhoc basis, but they were appointed by the Political Agent, therefore, the period of services rendered by the petitioners in the concerned School could not be counted towards their pay and pension, etc.
- 5. We have heard learned counsel for the parties in light of law and available record.
- 6. The first appointment orders of the petitioners reveal that though they were appointed by the Political Agent, Bajaur Agency but on the condition that the petitioners will receive all the benefits and allowances admissible under the rules to a Civil Servant. The Notification issued by the worthy Governor, Khyber Pakhtunkhwa itself reveals rather admitted therein that petitioners were on contract basis and their services were regularized. Rule 2.1 of Chapter-II (Service Qualifying for Pension) of Civil

ATTESTED EXAMINER Feshawar High Court

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Servants Act, 1973, prescribes conditions of qualifications for pension, which read as:-

Rule 2.1. Conditions of Qualifications.-The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions:-

First:- The Service must be under Government.

Second:- The Service must not be non-pensionable.

Third:- The service must be paid by Government from the Provincial Consolidated Fund.

Note-(1) For the previous service of displaced Government Servants which qualifies for pension see Chapter-VII.

Note- (2) Service rendered after retirement on superannuation pension / retiring pension shall not count for pension or gratuity.

7. The abovementioned rule admittedly shall be applied to the case of petitioners as they were appointed on the conditions applicable to the Civil Servants. This court in Writ Petition No.1188-P/2014 titled "Baghi Shah Versus The Govt. of KPK through Secretary Finance, Peshawar and two others, decided on 9.9.2014 has held that:-

"The Courts, being the custodian, are to safeguard the inalienable rights of the citizens as enshrined in





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the constitution. Whenever any such infringement of rights is brought to the notice of the court that is to be struck down. Here in the instant case, since respondents have not denied discrimination as averted in the petition, so their act of depriving the petitioner of his pensionary benefits is not condonable and is liable to be struck down."

- 8. Similarly, this court while resolving the identical proposition of law in case titled "Muhammad Arif Versus The Secretary to Government of KPK, Transport Department, Peshawar and other" decided on 24.11.2014 has held: "that the period served by a Government Servant on contract basis shall be counted towards his pensionary benefits, after regulation, in accordance with Rule 2.3 of the West Pakistan Civil Services Pension Rules, 1963."
- 9. Likewise, in case titled "Muhammad Farooq Versus Engineer in Chief, ENC Branch, General Headquarters (GHQ), Rawalpindi reported as (2012 CLJ 343), the Honourable Lahore High Court has held as follows:-

"Government Servant continuously remaining in service without break would after his regularization have



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the right that the period of his service before regularization be counted towards his pay, pension and promotion."

Petitions through its consolidated judgment dated 22.6.2017 delivered in WP No.3394-P/2016 has held: "that the person selected for appointment on contract basis and thereafter his regularization, the period served as a contract employee shall be counted towards his pension, pay and promotion, etc."

11. The facts as well as the legal proposition involved in this case is similar to the one already decided by this court in the above mentioned cases, therefore, this court could not take a different view, therefore, this writ petition is disposed of in the term that the services rendered by the petitioners as contract employees shall be considered towards their pay and pension.

Announced.
*Dated: 01.03.2018

JUDGE

JUDGE

SERTIFIED TO BE TRUE COPY

Feshewer High Gourt, passawer Authorised Under Article A.7 or the Ganun-e-Shahadet Order 10a

17 JUL 2020



VAKALATNAMA

* IN THE HONOKABL	<u>E PESHAWAR HIGH COURT PESHAWAR</u>
W.P No	_/2022
الولم	
	Petitioner.
ملوس وغيره	VERSUS
	Respondents.

I, the undersigned, do hereby appoint and constitute,

Fazal Shah Mohmand Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

- To draft and sign files at necessary pleadings, applications, objections, 1. affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
- To employ any other Legal Practitioner, authorizing him to exercise the 2. power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on _

ACCEPTED BY:

FAZAL SHAH MOHMAND

ADVOCATE,

SUPREME COURT OF PAKISTAN.

OFFICE:-Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841 (Clerk) Cell# 03339122477

Email: - fazalshahmohmand@gmail.com.