

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD

Service Appeal No. 1496/2018

Date of Institution ... 17.12.2018

Date of Decision ... 21.07.2022

Muhammad Saleem S/O Abdul Rehman, R/O Lissan Nawab, District
Mansehra.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary
& Secondary Education, Peshawar and two others.

... (Respondents)

MR. MUHAMMAD ARSHAD KHAN TANOLI,
Advocate

--- For appellant.

MR. NASEER-UD-DIN SHAH,
Assistant Advocate General

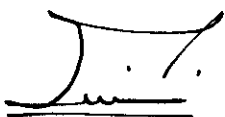
--- For respondents.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)


JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the averments as raised by the appellant in his appeal are that he was appointed as PST in the year 1996, however his services were later on terminated in the year 1997. The Government of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, however the respondents denied the right of reinstatement/appointment to the appellant alongwith hundreds of similar employees, therefore, appellant alongwith other employees filed Writ Petition No. 690-A/2016 before the august Peshawar High Court, Abbottabad Bench, which



was disposed of vide order dated 03.04.2018 and consequently the appellant was appointed as PST vide appointment order bearing Endorsement No. 2829-74 dated 20.02.2018 issued from the office of the District Education Officer (Male) Mansehra. The appellant was posted in the Government Primary School Bandi Gian, however his appointment order was withdrawn vide order dated 30.05.2018 issued by the District Education Officer (Male) Mansehra on the ground that the DMC of HSSC was found fake/bogus. The appellant filed departmental appeal, which was rejected vide order dated 08.11.2018 and received by the appellant on 24.11.2018. The appellant has now approached this Tribunal through filing of instant service appeal for redressal of his grievance.

2. Respondents contested the appeal by way of submitting para-wise comments, wherein they refuted the assertions as raised by the appellant in his appeal.



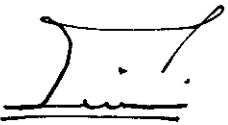
3. Learned counsel for the appellant has contended that as per the judgment of august Peshawar High Court, Abbottabad Bench, requisite educational qualification was to be completed within three years from the date of issuing of the appointment order, therefore, there was no need of producing any bogus DMC of HSSC by the appellant; that the appellant has not at all submitted any DMC of HSSC at the time of applying for the concerned post and it appears that certain miscreant has placed the alleged fake DMC of HSSC in the record for the purpose of causing damage to the service of the appellant; that at the time of initial appointment of the appellant as PST, the required educational qualification was intermediate or equivalent qualification from the recognized board and the appellant was possessing the said qualification; that the appellant was neither issued any show-cause notice nor was he provided any opportunity of personal hearing and he has thus been condemned unheard; that a proper inquiry was required in the matter by affording opportunity to the appellant to defend himself; that the impugned orders being wrong and illegal are liable to be

set-aside and the appellant is entitled to be reinstated in service with all back benefits.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant was though appointed as PST under KPK Sacked Employees (Act) 2012 as well as judgment dated 24.05.2016 passed by august Peshawar High Court, Abbottabad Bench, however on verification of educational testimonials of the appellant, his DMC of HSSC was found fake/bogus; that the appointment order of the appellant was issued subject to the condition that his certificate/documents must be verified from the concerned authorities and as his DMC of HSSC was found bogus, therefore, his appointment order was rightly withdrawn by the competent Authority; that the appellant was treated in accordance with relevant law/rules and no discrimination has been caused to him.

5. Arguments have already been heard and record perused.

6. A perusal of the record would show that the respondents have categorically admitted in their reply/comments that the appellant was appointed under the Khyber Pakhtunkhwa Sacked Employees (Act), 2012 as well as judgment dated 24.05.2016 passed by august Peshawar High Court, Abbottabad Bench. The appellant was initially appointed as PST in the year 1996 and it has been alleged by learned counsel for the appellant that as the appellant has passed Secondary School Certificate Examination, which was a prescribed educational qualification for the post of PST in the year 1996, therefore, the appellant did not need to produce any fake DMC of HSSC at the time of his appointment. The appellant has specifically alleged in his appeal that fake DMC of HSSC was not at all submitted by him. The Competent Authority was, therefore, required to have made proper inquiry in this respect, however the appellant was neither issued any show-cause notice nor was he provided any opportunity of personal hearing or self defence. The competent Authority was not justified in unilateral withdrawal of appointment order of the appellant without providing him an



opportunity of self defence. The impugned orders are thus not sustainable in the eye of law and are liable to be set-aside.

7. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders. The appellant is reinstated in service with the directions to the competent Authority to conduct proper inquiry in the matter within a period of 60 days of receipt of copy of this judgment. Needless to mention that the appellant shall be associated with the inquiry proceedings by providing him fair opportunity of self defence. The issue of pay and back benefits shall be subject to outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.07.2022



(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT ABBOTTABAD



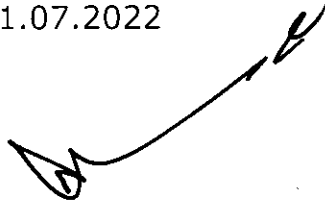
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

ORDER
21.07.2022

Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments have already been heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders. The appellant is reinstated in service with the directions to the competent Authority to conduct proper inquiry in the matter within a period of 60 days of receipt of copy of this judgment. Needless to mention that the appellant shall be associated with the inquiry proceedings by providing him fair opportunity of self defence. The issue of pay and back benefits shall be subject to outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.07.2022



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



(Salah-Ud-Din)
Member (Judicial)
Camp Court Abbottabad

DFA

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD

Service Appeal No. 1496/2018

Date of Institution ... 17.12.2018

Date of Decision ... 21.07.2022

Muhammad Saleem S/O Abdul Rehman, R/O Lissan Nawab, District
Mansehra.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary
& Secondary Education, Peshawar and two others.

... (Respondents)

MR. MUHAMMAD ARSHAD KHAN TANOLI,
Advocate

--- For appellant.

MR. NASEER-UD-DIN SHAH,
Assistant Advocate General

--- For respondents.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the averments as raised by the appellant in his appeal are that he was appointed as PST in the year 1996, however his services were later on terminated in the year 1997. ^{The} Government of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, however the respondents denied the right of reinstatement/appointment of the appellant alongwith hundreds of similar employees, therefore, appellant alongwith other employees filed Writ Petition No. 690-A/2016 before the august Peshawar High Court, Abbottabad Bench, which

was disposed of vide order dated 03.04.2018 and consequently the appellant was appointed as PST vide appointment order bearing Endorsement No. 2829-74 dated 20.02.2018 issued from the office of ^{the} District Education Officer (Male) Mansehra. The appellant was posted in ^{the} Government Primary School Bandi Gian, however, his appointment order was withdrawn vide order dated 30.05.2018 issued by ^{the} District Education Officer (Male) Mansehra on the ground that the DMC of HSSC was found fake/bogus. The appellant filed departmental appeal, which was rejected vide order dated 08.11.2018 and received by the appellant on 24.11.2018. The appellant has now approached this Tribunal through filing of instant service appeal for redressal of his grievance.

2. Respondents contested the appeal by way of submitting para-wise comments, wherein they refuted the assertions as raised by the appellant in his appeal.

3. Learned counsel for the appellant has contended that as per the judgment of august Peshawar High Court, Abbottabad Bench, requisite educational qualification was to be completed within three years from the date of issuing of the appointment order, therefore, there was no need of producing any bogus DMC of HSSC by the appellant; that the appellant has not at all submitted any DMC of HSSC at the time of applying ^{for} the concerned post and it appears that certain miscreant has placed the alleged fake DMC of HSSC in the record for the purpose of causing damage to the service of the appellant; that at the time of initial appointment of the appellant as PST, the required educational qualification was intermediate or equivalent qualification from ^{the} recognized board and the appellant was possessing the said qualification; that the appellant was neither issued any show-cause notice nor was he provided any opportunity of personal hearing and he has thus been condemned unheard; that a proper inquiry was required in the matter by affording opportunity to the appellant to defend himself; that the impugned orders being wrong and illegal are liable to be

set-aside and the appellant is entitled to be reinstated in service with all back benefits.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant was though appointed as PST under KPK Sacked Employees (Act) 2012 as well as judgment dated 24.05.2016 passed by august Peshawar High Court, Abbottabad Bench, however on verification of educational testimonials of the appellant, his DMC of HSSC was found fake/bogus; that the appointment order of the appellant was issued subject to the condition that his certificate/documents must be verified from the concerned authorities and as his DMC of HSSC was found bogus, therefore, his appointment order was rightly withdrawn by the competent Authority; that the appellant was treated in accordance with relevant law/rules and no discrimination has been caused to him.

5. Arguments have already been heard and record perused.

6. A perusal of the record would show that the respondents have categorically admitted in their reply/comments that the appellant was appointed under ^{the} Khyber Pakhtunkhwa Sacked Employees (Act), 2012 as well as judgment dated 24.05.2016 passed by august Peshawar High Court, Abbottabad Bench. The appellant was initially appointed as PST in the year 1996 and it has been alleged by learned counsel for the appellant that as the appellant has passed Secondary School Certificate Examination, which was ~~also~~ a prescribed educational qualification for the post of PST in the year 1996, therefore, the appellant did not need to produce any fake DMC of HSSC at the time of his appointment. The appellant has specifically alleged in his appeal that fake DMC of HSSC was not at all submitted by him. The Competent Authority was, therefore, required to have made proper inquiry in this respect, however, the appellant was neither issued any show-cause notice nor was he provided any opportunity of personal hearing or self defence. The competent Authority was not justified in unilateral withdrawal of appointment order of the appellant without providing him an

opportunity of self-defence. The impugned orders are thus not sustainable in the eye of law and are liable to be set-aside.

7. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders. The appellant is reinstated in service with the directions to the competent Authority to conduct proper inquiry in the matter within a period of 60 days of receipt of copy of this judgment. Needless to mention that the appellant shall be associated with the inquiry proceedings by providing him fair opportunity of self-defence. The issue of pay and back benefits shall be subject to outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

21.07.2022

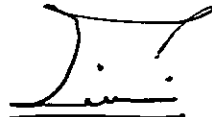
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT ABBOTTABAD

18th July 2022

Appellant alongwith his counsel present. Syed Naseer ud Din, Assistant Advocate General for respondents present.

Partial arguments heard. To come up for remaining arguments on 19.07.2022 before D.B at camp court Abbottabad.



(Salah Ud Din)
Member(Judicial)

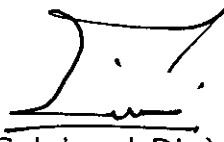


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19th July, 2022

Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 21.07.2022 before the D.B at Camp Court Abbottabad.



(Salah-ud-Din)
Member (J)

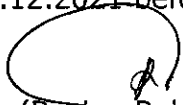



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

17.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Muhammad Tauseef, ADEO for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Request is accorded. To come up for arguments on 01.12.2021 before the D.B.

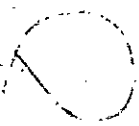

(Rozina Rehman)
Member(J)
Camp Court, A/Abad



Chairman
Camp Court, A/Abad

17.05 2022

Mr. Arshad Khan Tanoli, Advocate, learned counsel for the appellant present. Mr. Muhamad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Request accepted. To come up for arguments before D.B on 18.07.2022 at camp court Abbottabad.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Ref No 10496

005398

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Abbottabad N.W.F.P. Pakistan Secondary School Certificate Examination

SESSION 1991 ANNUAL

THIS IS TO CERTIFY THAT

MUHAMMAD SALIM

Son/Daughter of

ABDUL RAZVIAN

and a student of GOVT HIGH SCHOOL LASSAN NANAB MANSEHRA

has passed the **Secondary School Certificate Examination**

of the Board of Intermediate and Secondary Education, Abbottabad held in March 1991

as a Regular/Private Candidate. He/She obtained 497 Marks out of 650

and has been placed in Grade C Representing GOOD

The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|------------|--------------|
| 1. English | 2. Islamiyat | 5. PHYSICS | 7. CHEMISTRY |
| 2. Urdu | 4. Pakistan Studies | 6. BIOLOGY | 8. MATHS (E) |

He/She has been awarded Grade C on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is SEVENTH JANUARY

one thousand nine hundred and SEVENTY FIVE (07-01-75)

Subhan
Asst. Secretary

This certificate is issued without alteration of erasure.

M. J. Rao
Secretary

Roll No 10496

005395

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Abbottabad N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 1991 ANNUAL

THIS IS TO CERTIFY THAT MUHAMMAD SALIM
ABDUR REHMAN

Son/Daughter of _____
and a student of GOVT HIGH SCHOOL LASSAN HAWAB MANSEHRA

has passed the **Secondary School Certificate Examination**
of the Board of Intermediate and Secondary Education, Abbottabad held in March 1991

as a Regular candidate. He/She obtained 497 Marks out of 850
and has been placed in Grade C Representing GOOD

The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|------------|--------------|
| 1. English | 3. Islamiyat | 5. PHYSICS | 7. CHEMISTRY |
| 2. Urdu | 4. Pakistan Studies | 6. BIOLOGY | 8. MATHS (C) |

He/She has been awarded Grade C on the basis of internal assessment by the institution concerned.

Date of birth according to admission form is SEVENTH JANUARY
one thousand nine hundred and SEVENTY FIVE (07-01-75)

(Signature)
Asst. Secretary

This certificate is issued without alteration or erasure.

(Signature)
Secretary



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

97

File "A"

99

NOTIFICATION

(Peshawar, dated the 30th January, 2018.)

11/17
19-2/18

No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department and the Finance Department hereby directs that, in this Department's Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated 13-11-2012, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix,-

(i) against Serial No.1, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree or four (4) years BS Degree in the relevant subject; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	21 to 35 years";

Supdt
ADDER

For Compliance
amended

(ii) against Serial No.1B, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree from a recognized University from the following groups with two subject on need basis. (a) Chemistry, Botany or Zoology; or	19 to 35 years";

17/2/18

(b) Physics, Maths or Statistics; or (c) Humanities and other equivalent groups at degree level with English as subject; and	
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

(iii) against Serial No. 10, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) At least Second Class Master's Degree in Arabic from a recognized University; or at least Second Class Bachelor's Degree from a recognized University with Shahadatul Alamia Fil.Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and	19 to 35 years";
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

(iv) against Serial No. 11, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) At least Second Class Master's Degree in Islamiyat from a recognized University; or at least Second Class Secondary School Certificate from a recognized Board with Shahadatul Alamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and	19 to 35 years";
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

49

66

3

(v) against Serial No. 13, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.		4.
(i)	Bachelor's Degree from a recognized University; and	19 to 35 years";
(ii)	nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

(vi) against Serial No. 17, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.		4.
(i)	Bachelor's Degree from a recognized University; and	19 to 35 years";
(ii)	nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

(vii) against Serial No. 18, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.		4.
(i)	Bachelor's Degree from a recognized University; and	19 to 35 years";
(ii)	nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

(viii) against Serial No. 21, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.		4.
(i)	Bachelor's Degree from a recognized University; and	19 to 35 years"; and
(ii)	nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

50

69

(ix) against Serial No.22, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) Bachelor's Degree from a recognized University and Qirat Sanad from registered Institution; and	19 to 35 years
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

**SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT.**

Endst: of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (E&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officers (M&F) in Khyber Pakhtunkhwa. *A/Board*
14. All District Accounts Officers in Khyber Pakhtunkhwa.
15. All Agency Education Officers/ Agency Accounts Officers in FATA.
16. PS to Governor Khyber Pakhtunkhwa. Peshawar.
17. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
19. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
20. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.

[Signature]
30.11.19
SECTION OFFICER (Primary)

ANNEXURE

ca F

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

No. Sd/PE/14-S/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

Inst. No. 13 Dtd. as above

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Assistant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FAFA), Peshawar.

Handwritten signature or initials.

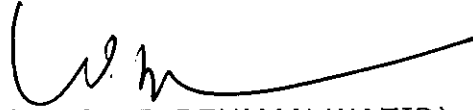
Physical Education Teacher (BPS-15).	Bachelor's Degree from a recognized University with one year Junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.	18 to 35 years.	<p>(a) Eighty per cent by initial recruitment or</p> <p>(b) twenty per cent by promotion, on a basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p><u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>
19.	Primary School Head Teacher (PSHT) (BPS-15).		By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.
20.	Senior Primary School Teacher (BPS-14).		By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers.

				with at least five years service as such having qualification prescribed for initial recruitment of Primary School Teacher.
21.	Primary School Teacher. (BPS-12)	(i) Intermediate or equivalent qualification from a recognized Board with Primary School Teacher Certificate/Diploma in Education from a recognized Institute; or (ii) Secondary School Certificate from a recognized Board in second Division with two years Associate Degree in Education from a recognized University.	18 to 35 years.	By initial recruitment on merit at Union Council level; provided that if no suitable candidate within the Union Council is available, then from the adjacent Union Councils on merit.
22.	Qari (BPS-12)	Intermediate with Hif-e-Quran and Qirat Saad from a recognized Institution;	18 to 35 years.	By initial recruitment.

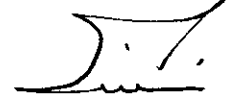
22.09.2021

Mr. Muhammad Arshed Khan Tanoli, Advocate, for the appellant present. Mr. Tauseef Ahmed, ADO (Litigation) alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Partial arguments heard. To come up for remaining arguments on 23.09.2021 before the D.B at Camp Court Abbottabad.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT ABBOTTABAD



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

23.09.2021

Clerk of learned counsel for the appellant present. Mr. Touseef Ahmed, ADO (Litigation) alongwith Mr. Usman Ghani, District Attorney for the respondent present.

Clerk of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant has proceeded to his home due to some emergency. Adjourned. To come up for remaining arguments before the D.B on ~~17.10~~ 2021 at Camp Court Abbottabad.



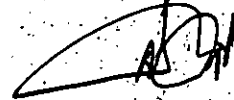
(Atiq-ur-Rehman Wazir)
Member (Executive)
Camp Court, Abbottabad



(Salah-ud-din)
Member (Judicial)
Camp Court, Abbottabad

19:01.2021

Due to COVID-19, the case is adjourned for the same on 17.02.2021 before D.B.




READER

17.02.2021


Appellant present through counsel

Noor Zaman Khattak, learned District Attorney for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 21.04.2021 before D.B at Camp Court, Abbottabad.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad



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

21-4-21

Due to Covid 19, the case is Adjourned
to 22-9-21. For the same.

\$
Reader

17.09.2020

Appellant has not forth come. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Touseef, ADO (Litigation) for respondents present.

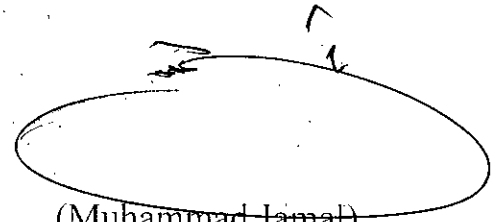
The appellant was adjourned consecutively on two occasions due to prevalence of Covid-19 on one hand whereas the perusal of order sheet dated 23.01.2020 reveals that appellant was put to notice, on the other, therefore, we deem it appropriate to issue him with a fresh notice for attendance.

Adjourned to 16.11.2020 for arguments before D.B at

Camp Court Abbottabad



(Mian Muhammad)
Member(E)

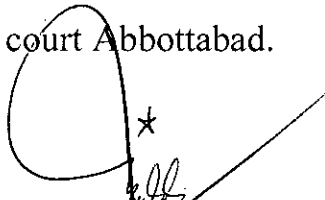


(Muhammad Jamal)
Member
Camp Court A/Abad

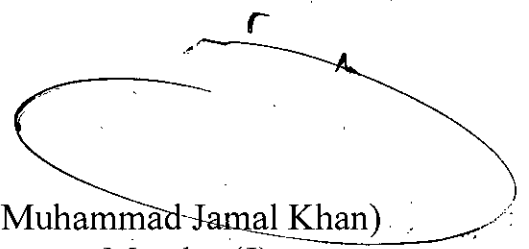
16.11.2020

Assistant to counsel for the appellant is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Touseef, ADEO for respondents present.

The Lawyers community is not appearing in the Tribunal for the reason that they are observing sough of the Hon'able Chief Justice, Peshawar High Court, Peshawar, therefore, the case is adjourned to 19.01.2021 for arguments before D.B at camp court Abbottabad.




(Mian Muhammad)
Member(E)

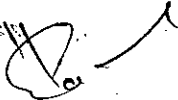


(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

23.01.2020

Clerk to counsel for the appellant present. Mr. Ziaullah, DDA for the respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings on 20.02.2020 before D.B at camp court Abbottabad. Appellant be put on notice for the date fixed.


Member


Member

Camp Court A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on

17 / 9 / 20 at camp court abbottabad.


Reader

22.08.2019

Member
Camp Court Abbottabad

Clerk to counsel for the appellant present. Mr. Muhammad Bilal learned Deputy District Attorney alongwith Muhammad Toseef ADO Litigation present and submitted written reply. Adjourn. To come up for rejoinder if any, and arguments on 21.10.2019 before D.B at Camp Court Abbottabad.

~~Member
Camp Court A/Abad~~

~~Member
Camp Court A/Abad~~

~~Member
Camp Court A/Abad~~

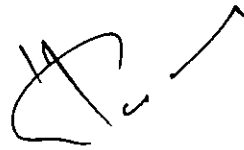
~~Member
Camp Court A/Abad~~

~~Member
Camp Court A/Abad~~

21.10.2019

Clerk to counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 19.11.2019 before D.B at Camp Court, Abbottabad.

Member


Member
Camp Court Abbottabad

19.11.2019

Clerk to counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Hamid Mansoor, Assistant for respondents present. Clerk to counsel for the appellant seeks adjournment as his counsel is indisposed. Adjourn. To come up for arguments on 23.01.2020 before D.B at Camp Court, Abbottabad.

Member


Member
Camp Court Abbottabad

21.06.2019


Counsel for the appellant present.

Contends that at the relevant time the requirement for appointment as PST was matriculation with PST certificate. On the other hand, the impugned order dated 30.05.2018, withdrawing the appointment order of appellant was purportedly on the ground of fake/bogus DMC of HSSC provided by the appellant. In effect HSSC was not the requirement nor the appellant claimed the said qualification. It is further contended that as per condition No. 7 in the appointment order dated 20.02.2018 the appointment order was subject to the verification of certificates/documents of appointee from the concerned authorities and any one producing bogus certificate was to be reported to the law enforcing agencies for further action. The respondents while pressing into service the said part of appointment order withdrew the appointment of appellant through the impugned order. It is also added that no enquiry was held by respondents before passing of impugned order, therefore, the same was not sustainable.

The appeal in hand is admitted for regular hearing in view of the record and arguments of learned counsel. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 22.08.2019 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee

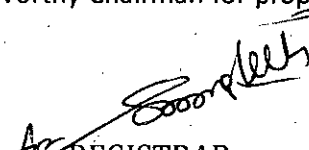



28/6/18


Chairman
Camp Court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 1496/2018 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/12/2018	<p>The appeal of Mr. Muhammad Saleem presented today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26-12-18	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
18.03.2019		<p>None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 16.04.2019 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court Abbottabad</p>
16.04.2019		<p>Counsel for the appellant present.</p> <p>Learned counsel for the appellant requests for adjournment due to over work before the Hon'able Peshawar High Court Bench, Abbottabad.</p> <p>Adjourned to 21.06.2019 before S.B at camp court Abbottabad.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

8

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

Service Appeal No. 11496 /2018

Muhammad Saleem son of Abdul Rehman resident of Lassan Nawab,
District Mansehra.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary
Education, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

INDEX

S. #	Description	Page #	Annexures
1.	Service appeal alongwith affidavit	1 to 7	
2.	Copies of appointment order as well as termination order of the appellant	8-15	"A" & "B"
3.	Copy of writ petition No. 690-A/2016 and judgment of Honourable Peshawar High Court Abbottabad Bench	16-30	"C" & "D"
4.	Copy of appointment order of the appellant	31-33	"E"
5.	Copy of impugned order dated 20/02/2018	34-35	"F"
6.	Copy of departmental appeal	35-37	"G"
7.	Copy of rejection letter dated 10/11/2018	38	"H"
8.	Wakalatnama	39	

M. Saleem
...APPELLANT

Dated: 15/12 /2018

Through

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

1

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

Service Appeal No. 1496 /2018

Muhammad Saleem son of Abdul Rehman resident of Lissan Nawab,
District Mansehra.

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1760

Dated 17-12-2018

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer Elementary & Secondary Education, (Male), Mansehra.

....RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT, 1974.**

=====

Filed to
[Signature]
Registrar
17/12/18

Respectfully Sheweth:-

That the facts forming the background of the instant service appeal are appended below;-

1. That, initially, the appellant was appointed as PST in the year 1996 and his services

were terminated in the year 1997. (Copies of appointment order as well as termination order of the appellant are annexed as Annexure "A" & "B").

2. That the Govt. of Khyber Pakhtunkhwa announced Khyber Pakhtunkhwa Sacked Employee appointment Act, 2012 wherein the employees who were appointed w.e.f 1st November 1993 to 30/11/1996 and their services were terminated w.e.f 01/11/1996 to 31/12/1998
3. That respondents department with one pretext or the other denied the right of reinstatement/appointment of the appellant alongwith other hundreds of similar employees. Therefore, the appellant alongwith other employees filed writ petition No. 690-A/2016 before the Honourable Peshawar High Court, Abbottabad Bench, which was decided on 20/02/2018. (Copy of writ petition No. 690-A/2016 and judgment of Honourable

Peshawar High Court Abbottabad Bench is annexed as Annexure "C" & "D").

4. That as a result, the appellant was appointed as PST at Serial No. 29 of appointment order Endst. No. 2829-74 dated 20/02/2018 and was posted at Govt. Primary School Bandi Gian. (Copy of appointment order of the appellant is annexed as Annexure "E").
5. That the appointment order of the appellant dated 20/02/2018 has been withdrawn by respondent No. 3 vide impugned order Endst. No. 8625-34 dated 30/05/2018 on the ground that the appellant produced bogus certificate. (Copy of impugned order dated 20/02/2018 is annexed as Annexure "F").
6. That the appellant received the impugned order on 02/10/2018. Therefore, the appellant filed departmental appeal on the same date i.e. 02/10/2018. (Copy of departmental appeal is annexed as Annexure "G"). That respondent No. 2 rejected the departmental appeal of the appellant on

10/11/2018 which was received by the appellant on 24/11/2018. (Copy of rejection letter dated 10/11/2018 is annexed as Annexure "H").

Hence, the instant service appeal is being filed, inter-alia, on the following grounds; -

GROUND:-

- a) That the impugned withdrawal order dated 30/05/2018 and rejection letter dated 10/11/2018 are liable to be set-aside because the appellant did not provide bogus certificate to the respondent. In such eventually, respondents, department were supposed to conduct proper inquiry which has not been done. Therefore, the impugned withdrawal order dated 30/05/2018 is liable to be set-aside.
- b) That, as per direction of Peshawar High Court Abbottabad Bench, requisite qualification, was to be completed within 03 years from the date of issuing of appointment order.

Hence, question of producing bogus certificate does not arise.


- c) That the appellant has been made a scape goat and some miscreant either from the department or outside the department provided bogus certificate with malafide intention to give loss of service to the appellant. Hence, the impugned termination order is liable to be set-aside.
- d) That the appellant is innocent and the appellant has not been provided appointments of personal hearing. Besides, respondent No. 3 did not issue show cause notice etc. It is further submitted that the withdrawal impugned order has been given retrospective effect which is also against the law.
- e) That the matter relates to terms and condition of the service, therefore, this Tribunal has jurisdiction to entertain the instant service appeal.

It is therefore, humbly prayed that on acceptance of instant service appeal, impugned termination order dated 30/05/2018 may graciously be ordered to be set-aside and appointment order dated 20/02/2018 may be ordered to be restored with all service back benefits. Any other relief which Honourable Tribunal deem fit and proper in the circumstances of the case may also be granted to the appellant.

M. Saleem
...APPELLANT

Through

Dated: 15/12 /2018


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

M. Saleem
...APPELLANT

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

Service Appeal No. _____/2018

Muhammad Saleem son of Abdul Rehman resident of Lassan Nawab,
District Mansehra.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary
Education, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Saleem son of Abdul Rehman resident of Lassan Nawab,
District Mansehra, do hereby solemnly affirm and declare that the contents
of foregoing service appeal are true and correct to the best of my knowledge
and belief and nothing has been concealed therein from this Honourable
Court.

M. Saleem
DEPONENT

Annex-A

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE) PRIMARY, MANSEHRA.

OFFICE ORDER NO. 71
DATED 17/11 /1996.

49

APPOINTMENTS:

P-8

Consequent upon the finalization of the lists of un-trained candidate on need basis duly approved by the Minister for Primary Education, NWFP and endorsed by the Director Primary Education, NWFP, Peshawar MR. Mohammad Salim S/O Abdur Rehman, village Khamian Mansehra is hereby appointed at GPS/~~SMPS~~ Kareeri in PP-46 in BPS-7 @ Rs.1480/- fixed per month plus usual allowances as permissible under the rules w.e.f. the date of their taking over charge in the interest of public service.

TERMS & CONDITIONS:

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional Certificates/documents. Their original Academic and Professional Certificates/documents should be checked thoroughly before handing over the charge and should not be handed over charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years, in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age and Health certificate from Medical Superintendent DHQ Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of NWFP.

(MUEHAMMAD ISHFAQ)
DISTRICT EDUCATION OFFICER(MALE)
PRIMARY, MANSEHRA.

Endst:No. 1006-1009 Dated Mansehra the 17/11 /1996.

Copy forwarded to the:-

1. Secretary to Government of NWFP, Education Department, Peshawar.
2. Director, Primary Education, NWFP, Peshawar.
3. District Accounts Officer, Mansehra.
4. Sub Divisional Education Officer(Male), Mansehra.
5. Candidate concerned.
6. Superintendent Local Office.

DISTRICT EDUCATION OFFICER(MALE)
PRIMARY, MANSEHRA.

Attested
Muhammad Asghar Khan Jang
Advocate High Court
Office No 33 Adjacent
Dist. Peshawar Abbottabad

Annex B

(At Serial NO 74)

FF-46
Tsd-98
P-9

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA.

NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee the District Education Officer (Male) Primary Mansehra has been pleased to appoint the following trained TTC. candidates of P.F-46 (Hard Area) at the schools noted against their names in BPS-7 (Rs.1480-81-2695) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms & conditions.

S.NO	NAME, FATHER'S NAME & ADDRESS	D/O BIRTH	NO. OF MERIT	SCHOOL WHERE POSTED	REMARKS
1.	Habibur Rehman S/O Jamilur Rehman R/O Gali Badral.	20.12.69	1	GPS Chamial	Vice Mohd Bashir Not selected on merit, hence terminated
2.	Abdur Rashid S/O Abdur Razzaq R/O Nambal.	06.03.75	2	GPS Serian	Vice Sher Mohd: -do-
3.	Ihsanul Haq S/O Abdul Haq R/O Choja.	02.01.74	3	GMFS Guda	Vice Nazir Mohd: -do--
4.	Dilewar Khan S/O Kachkol R/O Chakli Seri.	22.09.72	4	GPS Beerbat	Vice Dost Mohd: -do-
5.	Akhtar Nawaz S/O Khaliq Dad R/O Palsala.	03.06.77	5	GPS Akhoon Bandi	Vice Sala Khan -do-
6.	Aamir Shahzad S/O Rehmatullah R/O Shergarh.	20.09.77	6	GPS Seri Mehar Gul	Vice M.Rafique -do-
7.	Abdul Majid S/O Abdur Razzaq R/O Lassen Nawab	01.04.72	7	GPS Kaloo Basti	Vice M.Saddique -do-
8.	Abdul Baseer S/O & K Abdur Rashid R/O Beerian	01.02.77	8	GPS Kajla	Vice M.Farooq -do-
9.	Riaz Ahmad S/O Muhammad Tayyub R/O Jiggi Fayyen.	19.04.74	9	GPS Nikka Fani,	Vice Nazir Hussain -do-
10.	Muhammad Sarwar S/O Muhammad Umar R/O Bandi Gargwal.	09.12.72	10	GMFS Tareri	Vice M.Iqbal. -do-
11.	Muhammad Asif S/O Jan Muhammad R/O Jhokan.	03.02.72	11	GPS Bajna	Vice Zaman Shah -do-
12.	Muhammad Ilyas S/O Abdul Manan R/O Seri Gorla.	02.06.75	13	GPS Devel	Vice M.Saleem -do-
13.	Muhammad Miskeen S/O Yaqoob R/O Sokal.	20.08.76	14	GPS Nikka Fani	Vice M.Nazir -do-
14.	Kz Mukhtar Ahmad S/O Muhammad Maroof R/O Chakli Pansial.	02.02.76	15	GMFS Sinjliala	Vice Abdur Razaq -do-

Continued Page No.2.

Attested
Advocate High Court
Office No 33 Adjacent to

1.	2.	3.	4.	5.	6.
15.	Munir Ahmad S/O Abdul Aziz R/O New Darband	01.01.73	16	GM'S Batkarar Bala.	Vice Zulfiqar not selected of merit hence terminated.
16.	Shaukat Rehman S/O Attaur Rehman R/O Jabbian	20.04.78	17	GPS Bajibang	Vice Sarfaraz ---do---
17.	Khan Bahader S/O Muhammad Yaqoob R/O Degri.	12.03.60	18	GPS Chakkal	Vice Khalid ---do---
18.	Matur Rehman S/O Q. Maqboolur Rehman R/O Nambal.	01.03.70	19	GPS Seri Danda Kholian.	Vice Sayeen Ahmad ---do---
19.	Muhammad Farooq S/O Shaukat Zaman R/O Karori Bala	15.10.78	20	GMPS Gobi	Vice M. Aslam ---do---
20.	Qaiser Faqir S/O Faqir Muhammad S R/O Shergarh	02.07.77	21	GPS Beerian	Vice Haider Zaman . ---do---
21.	Abdus Sattar S/O Maroof R/O Kalas	12.07.75	22	GPS Gali Badral.	Vice Saeedur Rehman ---do---
23.	Khan Muhammad S/O Gulab Khan R/O Nambal.	06.04.78	24	GM'S Sharolian	Vice Muhammad Irfan ---do---
24.	Mufti Nasirud Din S/O Abdul Majid R/O Tarakki.	15.7.74	25	GPS Namshera	Vice Muhammad Riaz ---do---
25.	Ejaz Ahmad S/O Sher Zaman R/O Karori Bala	16.11.78	29	GPS Chakkal	Vice Muhammad Tariq. ---do---
26.	Muhammad Waseem S/O Abdul Malik R/O New Darband	28.04.77	30	GPS Bandi Kainth	Vice Muhammad Haroon ---do---
27.	Saeedur Rehman S/O Haider Zaman R/O Gali Badral.	01.01.70	31	GPS Chairan	Vice Niaz Ali Shah ---do---
28.	Manzoor Ahmed S/O Maqboolur Rehman R/O Chandore	6.3.74	32	GPS Mulhar	Vice Aftab Ahmad ---do---
29.	Zulfiqar Ali S/O Ghulam Haider R/O Thathi Khurd	1.4.74	33	GPS Chansair	Vice Abdul Khaliq ---do---
30.	Muhammad Arshid S/O Muhammad Ayyub R/O Seri Kander	15.1.73	34	GPS Reen Banda	Vice Sabir Hussain Shah ---do---
31.	Muhammad Ishaq S/O Ghulam Qadir R/O Makhan Gali.	5.1.72	* 35	GMPS Shamal Bandi	Vice Taj Muhammad ---do---
32.	Muhammad Rashid S/O Abdur Rehman R/O Khamian.	1.8.66	36	GPS Namshera	Vice Muhammad Rashid ---do---
33.	Muhammad Yousuf S/O Said Rasool R/O Chamrosi	3.1.70	37	GPS Chairan	Vice Zulfiqar ---do---
34.	Ali Farman S/O Haider Zaman R/O Dhair.	5.10.76	38	GPS Darco	Vice Habibur Rehman ---do---

Continued Page No.3.

Attested

Muhammad Arshid Khan, Advocate
Advocate High Court
Office No. 33 Adjacent to
Court for Arbitration

26/6

2.	3.	4.	5.	6.	
35. Muhammad Farvez S/O Muhammad Akbar R/O Kala Mera	11.5.72	39	GPS Chamial	Vice Ghulam Mustafa	not selected on merit, hence terminated.
36. Alam Zeb S/O Shani Zaman R/O Pepliala.	19.12.73	40	GPS Makhiala	Vice Muhammad Farman	--do--
37. Muhammad Anwar S/O Abdur Rasool R/O Chamrasi	1.6.72	41	GPS Kochatti	Vice Altaf Hussain.	--do--
38. Abdul Wahid S/O Kaloo Khan R/O Sinjliala	14.4.71	42	GPS Ghamian Seri	Vice Muhammad Imran	--do--
39. Ali Jan S/O Muhammad Miskeen R/O Moorat Mera.	3.1.73	43	GPS Nikra Pani	Vice Kala Khan	--do--
40. Waheed Akhtar S/O Khaqan Ahmad R/O Jhangi	3.5.77	44	GPS Moh	Vice Ajmal Khan	--do--
41. Khalid Hamid S/O Wali Muhammad R/O Shakooki.	22.10.77	45	GPS Ghamian Seri	Vice Muhammad Parvez	--do--
42. Azizur Rehman S/O Abdul Hanan R/O Chohian.	6.9.75	46	GPS Moh	Vice Makhan Khan	--do--
43. Ubaidullah Shah Tahir Farman Shah R/O Timber.	25.2.72	47	GMPS Nera Darband	Vice Muhammad Irfan	--do--
44. Niaz Muhammad S/O Khan Baheder R/O Chakli Mansial	20.6.76	48	GMPS Fogori	Vice Abdul Majid	--do--
45. Shafiqur Rehman S/O Mir Zaman R/O Gali Badral	05.04.73	49	GPS Jiggi	Vice Muhammad Saleem	--do--
46. Shakil Ahmad S/O Abdul Qayyum R/O Moorat Mera	25.6.77	50	GPS Bara Bala	Vice Muhammad Bashir	--do--
47. Muhammad Saleem S/O Mir Zaman R/O Dhair.	10.12.76	51	GPS Bai Bala	Vice Muhammad Anwar	--do--
48. Muhammad Khalid S/O M Taj Muhammad R/O Bai Bohal.	8.6.76	52	GPS Chhamb	Vice Nuhammad Tariq	--do--
49. Muhammad Tayyub S/O M. Wasir Rehman R/O Bandi Gulloo.	4.4.73	54	GPS Neelbatla	Vice Muhammad Hanif	--do--
50. Muhammad Riaz S/O Abdul Qayyum R/O Namshera	1.4.74	55	GPS Dokal	Vice Sana Ullah.	--do--
1. Abdul Hamid S/O Molvi Abdul Aziz R/O Ramkate	15.4.75	56	GPS Seri Mohar Gul	Vice Abdur Ra hid	--do--
52. Khan Muhammad S/O Gol Zaman R/O Bai Bohal	20.6.73	57	GPS Seri Malwal	Vice Fida Muhammad.	--do--
3. Muhammad Arshid S/O Fir Khan R/O Moosli Mera.	25.2.76	58	GPS Bara Bala	Vice Muhammad Saddique.	--do--

Continued. Page No. 4.

26/6

Attested

Muhammad Arshad Khan Janda
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar-Abbottabad

	3	4	5	6		
	Shahzad Khan S/O Kaloo Malik R/O Seri Jand.	1-4-74	59	GFS Seri Balolian	vice Shamsur-rehman	not selected on merit hence terminated. ---do---
55.	Muhammad Javid S/O Muhammad Miskeen R/O Danda Kholian	1-4-78	61	GFS Kangali	vice Muhd:Arshad	---do---
56.	Muhammad Javed S/O Muhammad Saif Uddin R/O Khan.	1.1.75	62	GFS Ghazikote Chamberi	Vice Muhammad Younis	---do---
57.	Asif Shahzad S/O Kala Khan R/O Lohar Gran	26.2.73	63	GFS Seri Malwal	Vice Muhammad Javed	---do---
58.	Jehangir Khan S/O Ghulam Qadir R/O Chohian	3.1.75	66	GFS Dokal	vice Muhammad Younis	---do---
59.	Alam Zeb S/O Haider Zaman R/O Salaha.	1.1.77	67	GMS Shoshni	Vice Liaqat Khan	---do---
60.	S. Waqar Shah S/O S. Suleman Shah R/O Mundgran	11.5.78	68	GFS Thakra.	Vice Fakhrud Din	---do---
61.	Badruz Zaman S/O Ghulam Haider R/O Namshera	13.12.72	69	GFS Manjehani	Vice Muhammad Aslam	---do---
62.	Muhammad Hanif S/O Muhammad Maroof R/O Dhair	10.4.73	70	GFS Kander.	Vice Faridud Din	---do---
63.	Muhammad Aslam S/O Muhammad Yousuf R/O Phulra.	10.10.72	71	GFS Ahl	Vice Muhammad Yousuf	---do---
64.	Muhammad Nazir S/O Sli Zaman R/O Bandi Badhal.	1.12.72	72	GMS Deedal	Vice Chiryaz Khan	---do---
65.	Sher Muhammad S/O Ali Zaman R/O Hallan.	4.8.75	73	GFS Sehra Gali	Vice Abdus Sattar	---do---
66.	Kala Khan S/O Khawas Khan R/O Mera	15.9.71	74	GFS Haryala	Vice Sher Muhammad	---do---
67.	Muhammad Ejaz S/O Sardar Muhammad R/O Changer	4.4.76	75	GFS Gojra	Vice Muhammad Niaz	---do---
68.	Muhammad Intiaz S/O Nawab Khan R/O Jisgran	6.12.76	76	GFS Gojra	Vice Abdul Wahheed	---do---
69.	Sanallah S/O Mehd Khitah. R/O Muzaffargarh Ghazikote.	2.2.69	77	GFS Paway	Vice Zulfiqar Ali	---do---
70.	Zulfiqar Ali S/O Ghulam Haider R/O Tareri	14.3.76	78	GFS Pangori	Vice Alam Zeb	---do---
71.	Muhammad Kaleem S/O Muhammad Mazafar Khan Kashmir Pani.	23.3.74	79	GFS Miana Gali	Vice Muhammad Fiaz	---do---

(CONTINUED PAGE NO. 5.)

2/26/16

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

2.	3.	4.	5.	6.
72. Abdul Malik S/O Abdur Rehman R/O Ghar Bala	12.5.74	80	GPS Darra Bala	Vice Khan Mohd not selected on merit hence terminated.
73. Mujibur Rehman S/O Sikander R/O Bages Garwal.	10.1.70	81	GPS Umar Mera	Vice Abdul Khanan --do--
74. Mukhtar S/O Firdos R/O Tarappi	10.11.76	82	GPS Ichrian Sarran	Vice Mohammad Ishtiaq --do--
75. Abdul Hafiz S/O Azizur Rehman R/O Bandi Khan Khel.	2.10.74	83	GMPS M Jurian	Vice Muhammad Asad --do--
76. Muhammad Arshid S/O Sabir Zaman R/O Tarappi	1.4.76	86	GPS Chakli Ilyas	Vice Muhammad Ilyas --do--
77. Muhammad Younis S/O Haider Zaman R/O Chamial Fain	12.4.64	87	GPS Dhaman Nallah	Vice Shahzada --do--
78. Muhammad Irshad S/O Muhammad Miskeen R/O Narotra Mera	3.4.71	88	GPS Khori	Vice Manzoor Ahmad --do--
79. Muhammad Riaz S/O Khawaj Muhammad R/O Banda	23.3.74	89	GPS Mundgran	Vice Muhammad Ejaz --do--
80. Muhammad Khalid S/O Nawab Khan R/O Falsala.	10.2.76	90	GPS Sinjliala	Vice Kala Khan --do--
81. Muhammad Fiaz S/O Muhammad Umar R/O Bandi Kargwal	9.1.73	91	GPS Sinjlian	Vice Muhammad Ayub --do--
82. Ali Farman S/O Muhammad Ayub R/O Khorian	15.1.66	92	GPS Karlakkian.	Vice Jehangir --do--
83. Jamil Hussain Shah S/O Bashir Hussain Shah R/O Salaya Syedan.	20.4.73	93	GMPS Khaliiala	Vice Muhammad Khalid --do--
84. Muhammad Nazir S/O Muhammad Yaqoob Shakooki	18.2.76	94	GMPS Sinjal Bandi	Vice Muhammad Seed --do--
85. Muhammad Safeer S/O Gulab Khan R/O Jisgran Bala/	2.4.72	95	GMPS Nikani	Vice Naeem Kosar --do--
86. Chan Zeb S/O Sher Zaman R/O Tareri.	02.2.78	97	GPS Sinjliala	Vice Muhammad Sarwar. --do--
87. Muhammad Ashfaq S/O Ahmad Zaman R/O Thathi Khurd	2.3.74	98	GMPS Seri Gali.	Vice Muhammad Sultan --do--
88. Ali Mansif S/O Ali Zaman R/O Doga.	6.8.70	99	GPS Thakar Mera	Vice Muhammad Sajid --do--
89. Muhammad Hanif S/O Abdullah R/O Pathani Seri.	4.4.73	100	GPS Karka Syedan	Vice Muhammad Sabir --do--
90. Muhammad Saddique S/O Ali Zaman R/O Karka.	6.5.67	101	GPS Janda	Vice Muhammad Sarfaraz--do--
91. Muhammad Tayyub S/O Abdul Aziz R/O Bai Behel.	12.12.76	102	GPS Parkhayan	Vice Abid Hussain --do--

(Continued Page No. 6.)


Attested
 Muhammad Irshad Khan Tandi
 Advocate High Court
 Office No 33 Adjacent to
 Dist Bar Abbottabad

1.	2.	3.	4.	5.	6.
91.	Abdur Razaq S/O Noorur Rehman R/O Kutehra.	7.2.75	103	GFS Chammat	Vice Muhammad Gulab not selected on merit hence terminated. --do--
92.	Waheed Murad S/O Muhammad Imran R/O Thaker Mera.	5.3.79	104	GFS Chountran	Vice Lal Khan --do--
93.	Zaraen Aqhtar S/O Sultan Muhammad R/O Dhair.	7.5.71	105	GMS Takia Shah Miskeen.	Vice Muhammad Ali --do--
94.	Khan Bahader S/O Muhammad Yousuf R/O Thathi Khurd.	15.10.71	106	GMS Shah Kote	Vice Muhammad Saddique --do--
95.	Ali Asghar S/O Fazalur Rehman R/O Tarappi	3.2.71	107	GFS Kotehra	Vice Muhammad Haroon --do--
96.	Manzoor Ahmad S/O Muhammad Yaqoob R/O Namshera.	17.3.71	108	GFS Terhinnah Village.	Vice Zulfiqar ---do---
97.	Attiq Ahmad Shak S/O S/Karim Haider Shah R/O Chakriali	25.5.74	03	GFS Kali Geeti	X Against Vacant post, Dis-able. quota.
98.	Muhammad Saeed S/O Abdul Majeed R/O More Baffa Kalan	20.3.71	05	GFS Kaloo Basti	Against Vacant Post Disable quota.

TERMS & CONDITIONS.

1. They will governed by such rules & regulations as may be prescribed by the Govt: from time to time for the category of the Govt: servant to which they belong.
2. Their services will be liable to termination on one month notice from either side. In case of resignation without notice, one month pay will be forefieted ~~from witherside~~ in lieu thereof.
3. They should join the post within one month of the issue of this notification.
4. Their inter-seniority will be determined in accordance with the merit of departmental selection committee.
5. Charge reports should be submitted to all concerned.
6. They will be on probation for a period of two years and will have to pass the departmental examination. In case a candidate fails to qualify the departmental examination, he will be given one more chance. If he fails again, then his services will be terminated. On arrival/availability of trained teachers, the services of untrained teachers shall be terminated.
7. The original certificates/degree should be checked and verified from the concerned University/BISE/RDE and Islamic Madrassas ~~xxx~~ before handing over the charge.
8. Service books of the teachers must be prepared complete in all respect before handing over the charge.
9. The declaration of assets should be obtained from them immediately and placed on record.
10. They are required to produce health and age certificate from the medical authority concerned before handing over the charge.
11. Charge should not be given to over age candidates unless their cases for age relaxation are sent to the quarters concerned.

(Continued Page No.7.)

Attest

 Muhammad Arshad Khan Tarapi
 Advocate High Court
 Office No 33 Adjacent to
 20/6

(Page No. -?)

- 13. Efforts for transfer before the completion the tenure will dis-qualify him from service.
- 14. No T./DA is allowed.
- 15. An under taken shall be obtain from Master & degree holders :TC that they will serve the department for at least five years while they are selected by the public service commission for any post.
- 16. In case of person appointed as an untrained teacher, he will have to pass the requisite training examination within a period of four years failing which his services will be terminated.

NOTE:- Complete information of appointees in consolidated lists on the prescribed proforma (Attached alongwith charge reports be submitted by the lower offices to the Director Primary Education/D.E.O (Male) Primary Manshehra within a week positively.

1508-1609

Muhammad Sarwar Mian
 (MUHAMMAD SARWAR MIAN) 26/6
 DISTRICT EDUCATION OFFICER
 (M.L.E) PRIMARY MANSHEHRA.

Endst: No. _____ /G.B/G-I/1997 Dated Manshehra the 26/6/1997.

Copy forwarded for information to the:-

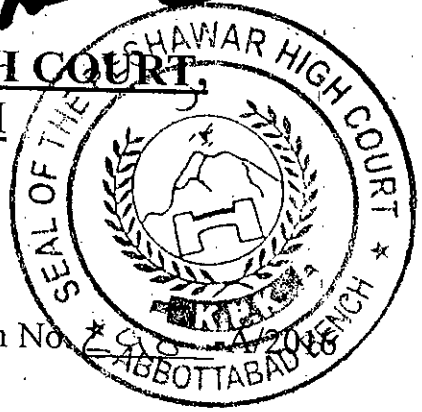
- 1. Director Primary Education M.P. Teshawar.
- 2. Sub Divisional Education Officer (Male) Manshehra.
- 3. District Account Officer Manshehra.
- 4. All the candidates concerned.
- 5. Office Order File.

Muhammad Sarwar Mian
 26/6
 DISTRICT EDUCATION OFFICER
 (M.L.E) PRIMARY MANSHEHRA.

Attest
Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No 33 Adjacent to
 Dist. for Abbottabad

Annex

**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**



Writ Petition No. 90/2010

P-16

1. Muhammad Sarwar son of Abdul Nabi, PST, resident of Thanda GPS, Chaniyal, Mansehra.
2. Muhammad Nazir son of Aseem Khan, PST, resident of Mansehra.
3. Taj Muhammad son of Sher Dil, PST, GPS, Namshera, District Mansehra.
4. Muhammad Farooq son of Kala, PST, resident of Mansehra.
5. Muhammad Mushtaq son of Sher Muhammad, PST, resident of Pangorhi, Mansehra.
6. Anwar Zaib son of Ali Muhammad, PST, resident of Mansehra.
7. Muhammad Saleem son of Abdul Rehman, PTC, resident of Mansehra.
8. Muhammad Naeem son of Attai Khan, PTC, resident of Mansehra.
9. Syed Haq Nawaz Shah son of Syed Azam Ali Shah, PT, resident of Mansehra.
10. Muhammad Rafique son of Sikandar, resident of Mansehra.
11. Rafaqat son of Zareen, PST, resident of Mansehra.
12. Muhammad Saleem son of Samundar, PST, resident of Mansehra.
13. Muhammad Parvez son of Muhammad Zaman, PST, resident of Tehsil & District, Mansehra.
14. Sahibzada Idrees Khan son of Sahibzad Ali Ahmed, CT/SV, resident of Baffa, District Mansehra.
15. Fazal Rabbi son of Gohar Rehman, CT, GMS, Khari.

Verified to be True Copy
EXAMINER
06 APR 2010
Peshawar High Court Abbottabad Bench
Authorized Under Sec 79 of Ordinance

Attested
Muhammad Irfan Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
District Court Abbottabad

FILED TODAY
Additional Registrar
Peshawar High Court
Abbottabad Bench
20/4/10

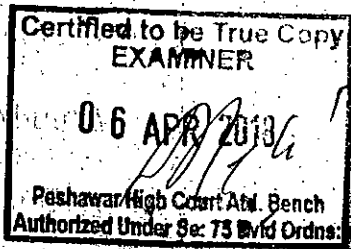
- 16. Abdullah Khan son of Abdul Akbar, CT, resident of Dhodial, Mansehra.
- 17. Mujeeb ur Rehman son of Aziz ur Rehman, CT, GHS, Kariplian.
- 18. Abdul Wahid son of Fazal ur Rehman, PT,
- 19. Hamayun, DM
- 20. Khaqan son of Haider Zaman, resident of Mansehra.
- 21. Sher Muhammad son of Haiderullah, CT, Kohistan.

...PETITIONERS

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Education (E&SE), Peshawar.
- 2. Director Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3. District Education Officer (Male), District ^{Mansehra} ~~Abbottabad~~

....RESPONDENTS



No 3348 / 20.7.16

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, FOR DECLARATION TO THE EFFECT THAT THE PETITIONERS WERE APPOINTED AS PST, PET, CT AND DM TEACHERS IN 1993-95 AND THEIR

FILED TODAY

[Signature]
 Additional Registrar
 Peshawar High Court
 Abbottabad Bench
 20/7/16

[Signature]
 Atteste
 Muhammad Waseem Khan
 Advocate High Court
 Office No. 33 Adjacent to
 Dist. Court Abbottabad

SERVICES WERE TERMINATED IN 1997-98 BY THE RESPONDENTS. LATER ON, GOVT. OF KHYBER PAKHTUNKHWA, PROMULGATED KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012 ON 20TH SEPTEMBER, 2012, WHEREIN ALL THE SACKED EMPLOYEES WHO WERE TERMINATED DURING THE PERIOD W.E.F NOVEMBER 1996 TO 31ST DECEMBER 1998 ARE TO BE REINSTATED AGAINST 30% OF TOTAL POSTS, RESPONDENT NO. 3 HAS NOT APPOINTED/ REINSTATED TRAINED/ UNTRAINED TEACHERS WHICH IS DISCRIMINATORY, MALAFIDE, AGAINST EH ADVERTISEMENT POLICY IN VOGUE AT THE TIME OF APPOINTMENT, AS WELL AS AGAINST THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.

PRAYER: ON ACCEPTANCE OF THE INSTANT WRIT PETITION, RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO APPOINT THE PETITIONERS AS PER KHYBER PAKHTUNKHWA SACKED

Attested

[Signature]
 Advocate High Court
 Office No 33 Adjacent to
 Distt Bar Abbottabad

EMPLOYEES (APPOINTMENT) ACT, 2012, AS
PST, PET, CT & DM TEACHERS AS WELL AS
ON THE ANALOGY OF SIMILAR TRAINED,
UNTRAINED EMPLOYEES WHO HAVE BEEN
APPOINTED UNDER THE CONTROL OF
RESPONDENTS NO. 1 & 2 IN OTHER
DISTRICTS WITH ALL BACK BENEFITS.

Respectfully Sheweth:-

Brief facts leading to the instant writ petition are arrayed
as under:-

1. That the petitioners were appointed as PST, PET,
CT & DM teachers in Education Department.
Copies of appointment orders are attached as
Annexure "A".
2. That as per policy in vogue at the time of
appointment of the petitioners, qualification for
appointment as PST, PET, CT & DM teachers
were either trained or untrained.

Attested

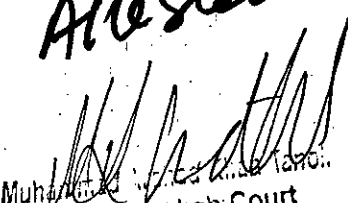
Muhammad Wasim Akhtar
Advocate High Court
Office No. 23 Adjacent to
Dist. Bar Abbottabad

3. That the petitioners were appointed as per rules, but they were illegally terminated from service in the year 1996-98.

4. That Govt. of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 on 20th September, 2012 for appointment of sacked employees whose services were terminated in 1996-98 and had prescribed qualification at the time of their appointments. Copy of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 is attached as Annexure "B".

5. That Honourable Peshawar High Court, Peshawar has declared that sacked employees are to be appointed whether initially appointed as trained/untrained in writ petition No. 1662-P/2013 decided on 24/12/2014. Copy of judgment dated 24/12/2014 is attached as Annexure "C".

6. That August Supreme Court of Pakistan directed in a case to respondent No. 1 that "*The appellants shall be appointed as PST (Primary School Teacher) in their respective Union Council*

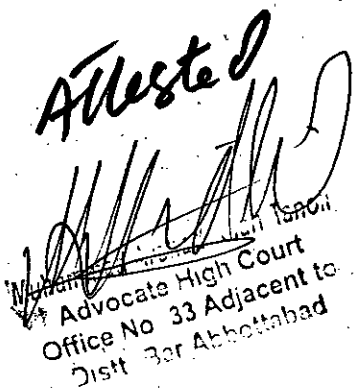
Attested

 Advocate High Court
 Office No 33 Adjacent to
 Distt Bar Abbottabad

immediately and in case, the appellants failed to acquire the training and the said appellant within 03 years, their appointment shall stand terminated automatically" vide judgment dated 25/04/2011. Copy of judgment dated 25/04/2011 is attached as Annexure "D".

7. That this Honourable Court has also passed judgment dated 24/05/2016 in writ petition No. 516-A/2013 and directed the respondents' department to appoint the petitioners with the condition that three years of time be extended to them for completion of their training. Copy of judgment dated 24/05/2016 in writ petition No. 516-A/2013 is attached as Annexure "E".

8. That as per judgments of the August Supreme Court of Pakistan reported 1996 SCMR 1128 and 2009 SCMR-I, once, a point of law is decided by the August Supreme Court of Pakistan in a particular case that must be made applicable in all the cases of employees who are similarly placed.

9. That as per dictum of judgment of August Supreme Court of Pakistan dated 25/04/2011,

Attested

Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

similar untrained, trained employees have been appointed in District Dir Lower under the control of respondents No. 1 & 2 District Education Officer Dir, and quoted the said judgment in Para-14 vide Endst No. 10677-83 dated 10/07/2013.

Copy of appointment order of untrained employees who are similar to the petitioner is attached as Annexure "F".

10. That in other districts of Khyber Pakhtunkhwa, District Education Officer under the control of respondents No. 1 & 2 appointed/ reinstated untrained sacked employees. But, the petitioners are not being appointed which is clear discrimination in Elementary & Secondary Education Department in KPK. Copies of appointment orders of untrained sacked employees of District Battagram and Mansehra are attached as Annexure "G".

11. That respondent No. 3 is supposed to have one yardstick while appointing sacked employees under Sacked Employees (Appointment) Act, 2012 if untrained sacked employees are being reinstated by the Govt. in other Districts of Khyber

Alleged
[Signature]
Muzaffar Hussain
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

Pakhtunkhwa, as well as in District Mansehra, then, the petitioners are also entitled to be reinstated/ appointed by respondent No. 3 in District Mansehra. Hence the conduct of respondents is against Article 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.

12. That the petitioners are entitled to be appointed as PST, PET, CT & DM teachers having requisite certificates which was obtained after his appointment, on the analogy of some similar employees who are untrained, have been appointed in other districts. Besides, the instant writ petition after segregating trained/ untrained teachers is filed as per order dated 26/04/2016 of this Honourable Court in writ petition No. 1156-A/2015.

13. That no other prompt and efficacious remedy is available to the petitioner except the invocation of constitutional jurisdiction of this Honourable Court.

14. That court fee stamp paper worth Rs. 500/- is attached.

Attested
Muhammad Arshad Khan Jaboli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

It is, therefore, humbly prayed that on acceptance of the instant writ petition, respondents may graciously be directed to appoint the petitioners as per Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, as PST, PET, CT & DM teachers as well as on the analogy of similar trained, untrained employees who have been appointed by respondent No. 3 with all back benefits.

...PETITIONERS

Through

Dated: _____/2016

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

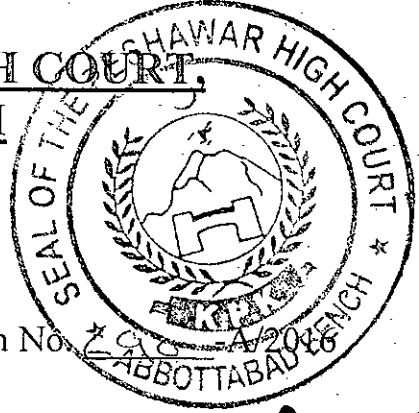
Verified on oath that the contents of forgoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

...PETITIONERS

Attested &
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

Dated: _____

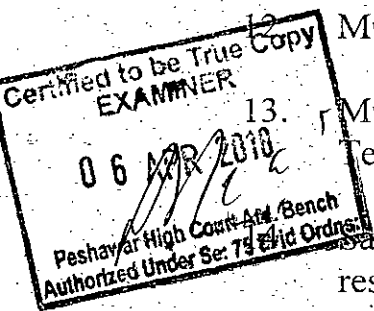
BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH



Writ Petition No. 2016

P-25

1. Muhammad Sarwar son of Abdul Nabi, PST, resident of Thanda GPS, Chaniyal, Mansehra.
2. Muhammad Nazir son of Aseem Khan, PST, resident of Mansehra.
3. Taj Muhammad son of Sher Dil, PST, GPS, Namshera, District Mansehra.
4. Muhammad Farooq son of Kala, PST, resident of Mansehra.
5. Muhammad Mushtaq son of Sher Muhammad, PST, resident of Pangorhi, Mansehra.
6. Anwar Zaib son of Ali Muhammad, PST, resident of Mansehra.
7. Muhammad Saleem son of Abdul Rehman, PTC, resident of Mansehra.
8. Muhammad Naeem son of Attai Khan, PTC, resident of Mansehra.
9. Syed Haq Nawaz Shah son of Syed Azam Ali Shah, PT, resident of Mansehra.
10. Muhammad Rafique son of Sikandar, resident of Mansehra.
11. Rafaqat son of Zareen, PST, resident of Mansehra.
12. Muhammad Saleem son of Samundar, PST, resident of Mansehra.
13. Muhammad Parvez son of Muhammad Zaman, PST, resident of Tehsil & District, Mansehra.
14. Sahibzada Idrees Khan son of Sahibzad Ali Ahmed, CT/SV, resident of Baffa, District Mansehra.
15. Fazal Rabbi son of Gohar Rehman, CT, GMS, Khari.



FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
20/3/16

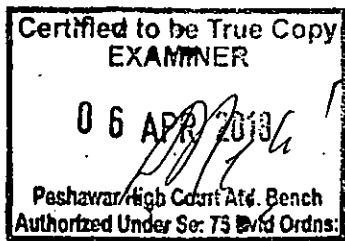
16. Abdullah Khan son of Abdul Akbar, CT, resident of Dhodial, Mansehra.
17. Mujeeb ur Rehman son of Aziz ur Rehman, CT, GHS, Kariplian.
18. Abdul Wahid son of Fazal ur Rehman, PT,
19. Hamayun, DM
20. Khaqan son of Haider Zaman, resident of Mansehra.
21. Sher Muhammad son of Haiderullah, CT, Kohistan.

...PETITIONERS

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education (E&SE), Peshawar.
2. Director Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), District ^{Mansehra} ~~Abbottabad~~.

....RESPONDENTS

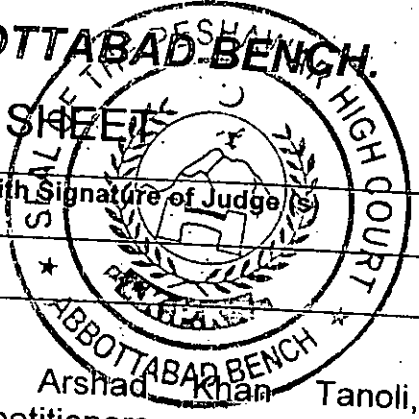


FILED TODAY

H. U. Khan
Additional Registrar
Peshawar High Court
Abbottabad Bench
11/20/16

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, FOR DECLARATION TO THE EFFECT THAT THE PETITIONERS WERE APPOINTED AS PST, PET, CT AND DM TEACHERS IN 1993-95 AND THEIR

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.
FORM OF ORDER SHEET



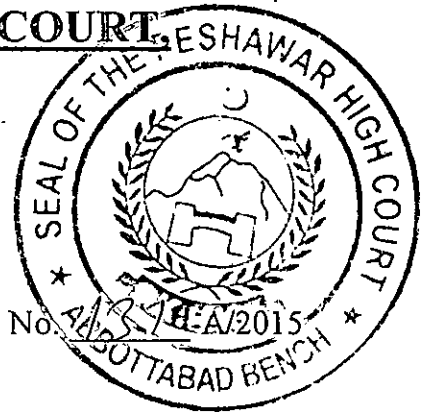
Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
03.04.2018	<p><u>W.P.No. 690-A/2016.</u></p> <p>Present: Mr. Muhammad Arshad Khan Tanoli, Advocate, for the petitioners.</p> <p>Mr. Yasir Zahoor Abbasi, Assistant A.G alongwith representatives of the respondents.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.-</u> For the reasons and observations recorded in the detailed judgment of even date in the connected W.P.No. 131-A/2015, this petition stands disposed of accordingly.</p> <p style="text-align: right;"><i>SW/ Justice</i></p>

Certified to be True Copy
EXAMINER
06 APR 2018
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns.

Saif. PS.

Hon'ble Mr. Justice Lal Jan Khattak
Hon'ble Mr. Justice Ijaz Anwar

BEFORE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH



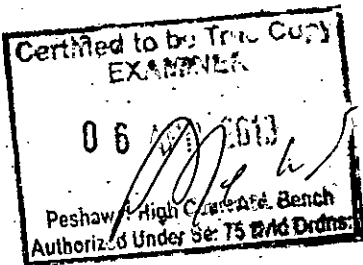
Ashfaq Ahmed son of Jadaid Khan, resident of Kuza Hijra, P.O Chakesar, District Shangla.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Education (E&SE), Peshawar.
2. Director Education (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), District Kohistan.

....RESPONDENTS



WRIT PETITION UNDER ARTICLE 199 READ WITH ARTICLE 25 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR A DECLARATION TO THE EFFECT THAT THE PETITIONER WAS APPOINTED AS CT TEACHER IN 1995 AND HIS SERVICE WAS TERMINATED IN 1997-98 BY THE RESPONDENTS. LATER ON,

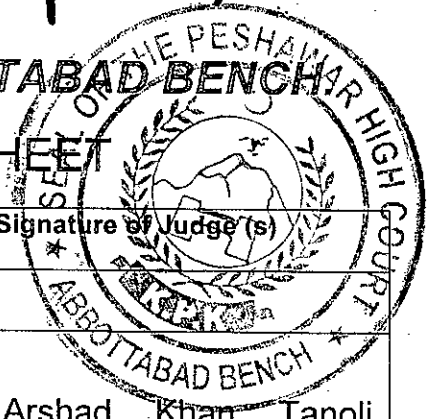
N 0 552
12.02.15

2015
TODAY
12/2/15

P-29

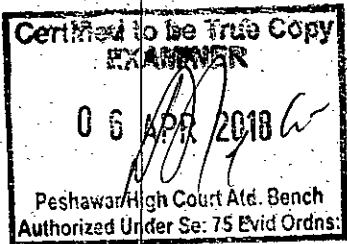
PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET



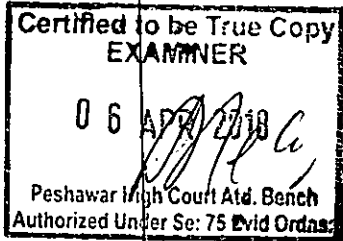
Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1 03.04.2018	2 <u>W.P.No. 131-A/2015.</u> Present: Mr. Muhammad Arshad Khan Tanoli, Advocate, for the petitioner. Mr. Yasir Zahoor Abbasi, Assistant A.G alongwith representatives of the respondents. *** <u>LAL JAN KHATTAK, J.-</u> Through this single judgment we shall also decide connected writ petitions bearing No. 976-A/2015, 1102-A/2015, 1154-A/2015, 781-A/2015, 690-A/2016, 731-A/2016, 738-A/2016, 740-A/2016, 986-A/2016 and 316-A/2018 as common questions of law and facts are involved in all the petitions wherein the petitioners have prayed this court for issuance of a writ, directing the respondents to reinstate them in service on the ground that they were illegally fired from service by the respondents. 2. Facts of the case need no reiteration as at the very outset, learned Assistant Advocate General stated at the bar that if the petitioners approach the concerned offices of District Education Officers and produce before them their termination orders and other relevant documents, then their cases will be considered according to law, to which learned counsel for the petitioners readily agreed.

Jan



3. In view of the above, this and the connected writ petitions are disposed of with direction to the petitioners to appear before their respective District Education Officers alongwith their termination orders and other related documents, so that, their cases be considered. The concerned District Education Officers are also directed to look into the petitioners' grievances and try to resolve their complaints strictly in accordance with law on the subject by passing reasonable orders but within a period of two (02) months.

Dr. Justice



Saif. PS.

Hon'ble Mr. Justice Lal Jan Khattak
Hon'ble Mr. Justice Ijaz Anwar



Primary School Teacher (PST) (37)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

APPOINTMENT

Annex-E

P-3

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, in W/P No 516-A/2013,676-A/2015,20-A/2014,216-A/2015,1155-A/2015,702-A/2014,115-A/2014, and orders of Honorable High Court in COC No.22-A/2016,COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PST, School based and in BPS-12(Rs.13320-960-42120) plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S. #	COC/Writ Petition	Name	Father's Name	Date Of Birth	Permanent Address	Place of posting
1.	COC 46-A/2016	GHULAM NABI	ARSALA	06-4-1975	VILLAGE KAIRI NAWAZABAD TEHSIL AND DISTRICT MANSEHRA,	GPS ANDRASI
2.	COC 46-A/2016(10)	AFTAB AHMED	ABDUL JALIL	22-05-1966	VILLAGE HAR BADOGA POST OFFICE KARORI TEHSIL Oghi & DISTT MANSEHRA	GPS PATTIAN
3.	WP 20-A/2015	MUHAMMAD JAN	MAROOF	02-01-1978	VILLAGE SHERGARH P/O HILKOT TEHSIL & DISTT MANSEHRA.	GPS DILBORI
4.	WP 216-A/2015	FIDA MUHAMMAD	RAJA KHAN	05-04-1975	VILLAGE KARORI PAEIN P/O SHERGARH TEHSIL Oghi DISTRICT MANSEHRA	GPS MALHAR
5.	WP 216-A/2015	MUHAMMAD SULEMAN	MUHAMMAD YAQOOB	26-04-1977	VILLAGE LAMBI DHERI P/O KOTKAY TEHSIL & DISTRICT MANSEHRA	GPS REERH
6.	WP 716-A/2015 (1)	ABDUL KHALIQ	MAQBOL UR REHMAN	11-11-1974	VILLAGE BANDI KHAN KHAIL POST OFFICE SHERGARH TEHSIL & DISTT MANSEHRA	GPS CHAJJAR PAEIN
7.	WP 731-A/2016 (4)	ABDUL KHANAN	BEHRAM KHAN	10-4-1973	VILLAGE TARMANG P/O PHULRA TEHSIL & DISTRICT MANSEHRA	GPS ICHRIAN
8.	WP 731-A/2016 (01)	M.SAEED	M.MISKEEN	10-03-1976	VILLAGE KACHI KHAKI TEHSIL & DISTRICT MANSEHRA.	GPS SOKAR
9.	WP 731-A/2016 (06)	RASHID MANAN	ABDUL MANAN	01-07-1966	VILLAGE LASSAN NAWAB P/O LASSAN NAWAB TEHSIL & DISTT MANSEHRA	GPS MOHAR
10.	WP 731-A/2016 (17)	KHAN MUHAMMAD	MEHMOOD	13-04-1974	VILLAGE SARNI POST OFFICE PHULRA TEHSIL & DISTT MANSEHRA	GPS GUDWAI
11.	WP 731-A/2016 (26)	ZULFIQAR AHMED	GHULAM SARWAR	07-04-1976	VILLAGE NEW DARBAND TEHSIL Oghi DISTRICT MANSEHRA	GPS KHAN DHERI
12.	WP 731-A/2016 (30)	M.HAROON	GHULAM HAIDAR	15-03-1973	VILLAGE MORAT MAIRA TEHSIL & DISTT MANSEHRA	GPS SALDAR NO 1.
13.	WP 731-A/2016 (32)	MUHAMMAD SULTAN	REHMATULLAH	03-01-1971	VILLAGE NARRA DOGA P/O PHULRA TEHSIL & DISTT MANSEHRA	GPS KOTLI PAIN
14.	WP 731-A/2016 (33)	M. IRFAN	M.MISKEEN	15-02-1972	VILLAGE SHINAYA PAEIN P/O NEW DARBAND TEHSIL Oghi DISTRICT MANSEHRA.	GPS KARMANG BALA
15.	WP 731-A/2016 (38)	M.IMRAN	BADRI ZAMAN	03-02-1975	VILLAGE KALI GATTI SERI GORIA P/O SHERGARH TEHSIL Oghi DISTRICT MANSEHRA	GPS KHAN BALA
16.	WP 731-A/2016 (47)	MUHAMMAD ASLAM	MUHAMMAD ALAM	02-02-1971	VILLAGE JABBAR GALI P/O JABBAR TEHSIL & DISTT MANSEHRA	GPS CHITTA BATTA
17.	WP 731-A/2016 (51)	M.ZAHEER	ALI AKBAR	05-03-1977	VILLAGE PAKONA TEHSIL & DISTRICT MANSEHRA.	GPS BALA RAQUEB
18.	WP 731-A/2016 (52)	ABDUL SADIQ	BRAHIM KHAN	02-01-1971	VILLAGE KALAS P/O LASSAN NAWAB TEHSIL & DISTT MANSEHRA	GPS SAMIAN
19.	WP 731-A/2016 (7)	HAKIM KHAN	GOHAR REHMAN	16-02-1969	VILLAGE KHALYALA P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS ARAB KHAN

Muhammad Raza
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

					MANSEHRA.	
20.	WP 740-A/2016	GULDAD KHAN	MUGHAL DAD KHAN	08-01-1967	VILLAGE PANJOOOL POST MANDAGAUCHA, TEHSIL & DISTRICT MANSEHRA.	GPS JACHA NO.1
21.	WP.1040-A/17	SHEIKH AMJID	S TAJ MUHAMMAD	15-05-1972	VILLAGE SHIKAKI LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS BHAG
22.	WP.690-A/2016 (1)	MUHAMMAD SARWAR	ABDUL NABI	10-03-1974	VILLAGE THANDA P/O PERHINNA TEHSIL & DISTRICT MANSEHRA.	GPS JABA GIDAR PUR
23.	WP.690-A/2016 (10)	MUHAMMAD RAFIQUE	SIKANDAR	09-04-1970	VILLAGE BANDI KHAN KHAIL P/O PHULRA TEHSIL & DISTT MANSEHRA	GPS SUM
24.	WP.690-A/2016 (13)	MUHAMMAD PERVAIZ	MUHAMMAD ZAMAN	15-04-1973	Village TARMANG PHULRA P/O Khaki TEHSIL & DISTT MANSEHRA	GPS MAKHRAN MAINA
25.	WP.690-A/2016 (2)	MUHAMMAD NAZEER	ASEEM KHAN	14-4-1968	VILLAGE NIKKA PANI P/O SHERGARH TEHSIL OGHII & DISTT MANSEHRA	GPS PODNAIL.
26.	WP.690-A/2016 (4)	MUHAMMAD FAROOQ	KALA KHAN	16-1-1969	VILLAGE KAJLA P/O DARBAND TEHSIL OGHII DISTRICT MANSEHRA	GPS DEVLII
27.	WP.690-A/2016 (5)	MUHAMMAD MUSHTAQ	SHER MUHAMMAD	03-01-1975	VILLAGE PANGORI P/O LASSAN NAWAB TEHSIL & DISTT MANSEHRA	GPS SAMIAN
28.	WP.690-A/2016 (6)	ANWAR ZIB	ALI MUHAMMAD	2-11-1977	VILLAGE MAHAWALIAN P/O BEHALI TEHSIL & DISTRICT MANSEHRA.	GPS FOOT GALI
29.	WP.690-A/2016 (7)	MUHAMMAD SALEEM	ABDUL REHMAN	07-01-0975	VILLAGE KHAMBIAN PAIEN P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS BANDI GIAN
30.	WP.690-A/2016 (8)	MUHAMMAD NAHEEM	ATAE KHAN	10-6-1972	Village phalli P/O BALI MONG TEHSIL & DISTRICT MANSEHRA.	GPS GALI BALI MANG
31.	WP-1102-A/15(1)	M ASIM FAROOQ	SHAHNAWAZ KHAN	23-04-1975	VILLAGE MALIK PUR TEHSIL & DISTRICT MANSEHRA	GPS TIMBER KHOLA
32.	WP-731-A/2016 (10)	S SAJJAD HUSSAIN SHAH	SYED HAYAT SHAH	02-04-1970	VILLAGE KOT P/O CHATTAR PLAIN TEHSIL & DISTRICT MANSEHRA.	GMPS GALI BALI MANG
33.	WP-731-A/2016 (12)	IFTIKHAIR AHMED	ALI ZAMAN	06-11-1974	VILLAGE SHAKOKO P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS TAJAL
34.	WP-731-A/2016 (25)	M.HAMAYUN	HABIB UR REHMAN	11-04-1969	VILLAGE BANDIAN P/O MADSERIAN TEHSIL & DISTRICT MANSEHRA.	GPS ATTERSHEESHA
35.	WP-731-A/2016 (39)	MUHAMMAE D ASIF	WALI JAN	28-04-1966	VILLAGE MANDAGAUCHA TEHSIL & DISTRICT MANSEHRA.	GPS NOKOT
36.	WP-731-A/2016 (42)	SAJID HUSSAIN	SAIN MUHAMMAD	01-03-1968	VILLAGE TARHA BALA P/O BERKUND TEHSIL & DISTRICT MANSEHRA.	GPS BAFFA DOHRAYA
37.	WP-731-A/2016 (49)	MUHAMMAD AFZAL	MUHAMMAD AYUB	5-1-1972	VILLAGE TANGHAR P/O PHULRA TEHSIL & DISTRICT MANSEHRA.	GPS KULHARY MARKAZI

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
 2. Charge reports should be submitted to all concerned in duplicate.
 3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
 4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government savant to which they belong.
 5. Their appointment has been made in pursuance of Khyber Pakhtunkhawa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
- Their appointment has been made in pursuance of Khyber Pakhtunkhawa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed

Muhammad Ahsan Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

removed or terminated from services, till the date of their appointment shall have been deemed automatically relaxed.

Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.

7. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
8. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
9. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.
10. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
11. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Mansehra before taking over charge.
12. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
13. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
14. Their appointments are made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
15. Before handing over charge once again their documents may be checked if they have not the required qualifications they may not be handed over charge.
16. Before handing over charge they will sign an affidavit with the department, otherwise this order will not be valid.
17. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.

Sd/xx
DISTRICT EDUCATION OFFICER,
(MALE)MANSEHRA

Endst: No. 2829-79 /File No./PST/Sacked Apptt:/2018/Dated Mansehra the 20/7/2018

Copy forwarded for information and necessary action to the:-

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. All SDEO(Male) in District Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File

[Signature]
DY: DISTRICT EDUCATION OFFICER
(MALE)MANSEHRA
20/7/18

Attested
[Signature]
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

ANNEX 1

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA

P-34

WITHDRAW

WHEREAS Mr. Muhammad Saleem S/o Abdur Rehman was appointed as PST (Sacked employees) at GPS Bandi Gian Circle Khaki, vide this office Endst No 2829-74/File No./PST/Sacked Apptt: dated 20-02-2018 at Serial No 29.

AND WHEREAS As per terms and conditions No. 07 of said appointment order, his documents were sent for verification to concerned institution i.e BISE Abbottabad vide this office letter No. 7521 dated 03-05-2018.

AND WHEREAS BISE Abbottabad returned HSSC DMC vide letter No. 103-F dated 17-05-2018, with the remarks as "fake/bogus"

NOW, THEREFORE, in the light of condition No.07 " Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action." Now therefore, the competent authority satisfied to withdraw the appointment order in r/o Mr. Muhammad Saleem S/O Abdur Rehman vide this office Endst: No. 2829-74/File No./PST/Sacked Apptt: dated 20-02-2018, at S. No 29 with effect from the date of issue.

___ Sd ___

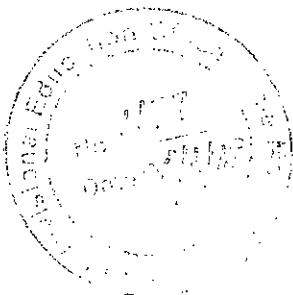
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst No: 8605-34 File No./PST/Sacked Apptt: dated Mansehra the 30/5 /2018.

Copy to the:-

1. Registrar Honourable High Court Abbottabad Bench.
2. Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar
4. Deputy Commissioner Mansehra.
5. District Accounts Officer Mansehra
6. District Monitoring Officer Mansehra
7. Sub Divisional Education Officer (Male) Mansehra.
8. Assistant Director Anticorruption ACE Mansehra for proceeding under rules.
9. ASDEO (M) Circle Khaki.
10. Head Teacher GPS Bandi Gian Circle Khaki.
11. Office File.

BY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA



Attested

[Signature]
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

Annex- G

بخدمت جناب ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن

خیبر پختونخواہ پشاور

P- 35

جناب عالی!

اپیل برخلاف آرڈر DEO، نمبرہ مورخہ 30-05-2018 ذیل عرض ہے!

(۱) - یہ کہ سائل بطور PST سرکل شیرگڑھ میں 1996ء میں بھرتی ہوا۔ سائل نے تقریباً 1 سال بطور PST اپنی ڈیوٹی سرانجام دی۔ اور سائل کی سروس بک و دیگر قانونی کاغذات بابت سروس بنے اور ساتھ تخواہ وغیرہ بھی بنی۔ سائل نے مجوزہ پوسٹ کی تمام ضروریات پوری کرتے ہوئے گورنمنٹ سروس کی۔

(۲) - یہ کہ اس وقت کی حکومت کے خاتمہ پر نئی آنے والی حکومت نے سائل و دیگر کئی سرکاری ملازمین کو بغیر کسی وجہ کے فارغ کر دیا۔ جسکے خلاف سائل و دیگر ملازمین نے پشاور ہائی کورٹ ایبٹ آباد بینچ میں رٹ دائر کی۔ جس کا فیصلہ 24-05-2016 کو عدالت عالیہ نے سائل کے حق میں فیصلہ کیا۔ بعد ازاں سائل نے COC برخلاف محکمہ تعلیم کی جسکے بعد سائل کا آرڈر بشمول دیگر Endst No. 2829-74/Fil No./PST/Sacked Apptt:/2018/Dated Mansehra 20/02/2018 کو ڈسٹرکٹ ایجوکیشن آفیسر مانسہرہ نے GPS Bandi Gian کیا جو کہ متعلقہ آرڈر کے سیریل نمبر 29 پر ہے۔ (کاپی آرڈر منسلک ہے)۔

(۳) - یہ کہ سائل نے قانونی تقاضے پورے کرتے ہوئے تمام متعلقہ کاغذات محکمہ کو دئے جو کہ سائل کو ریکارڈ محکمہ کے پاس پہلے سے بھی موجود تھا اور اکاؤنٹ

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court II
D-22, Adjacent to
Distt Bar Abbottabad

آفس نمبرہ میں بھی موجود تھا سائل کو ابھی تک اکاؤنٹس ڈیپارٹمنٹ کی طرف سے تنخواہ جاری نہ ہو سکی۔

(۴)۔ یہ کہ سائل نے وہ تمام کاغذات جسکی بنا پر سائل کی پہلی بھرتی ہوئی تھی جو کہ ڈیپارٹمنٹ کے پاس پہلے سے موجود تھے اور PST پوسٹ کی ضرورت تھی جمع کر دائے۔

(۵)۔ یہ کہ سائل نے نکلنے کے آرڈر کے بعد اپنی ڈیوٹی جوائن کی اور باقاعدگی سے متعلقہ سکول میں اپنی ڈیوٹی سرانجام دینے لگا۔

(۶)۔ یہ کہ سائل کو Letter No. 8625-34 File No./PST/Sacked Apptt 30-05-2018 بتاریخ کو ڈسٹرکٹ ایجوکیشن آفیسر مانسہرہ کی طرف سے ملا جس کی روح سے سائل کا آرڈر بتاریخ 20-02-2018 واپس لیتے ہوئے سائل کی سرورسز کینسل کر دی گئی۔ (کاپی منسلک ہے)۔

(۷)۔ یہ کہ سائل کو اس بات کا کوئی عمل نہیں ہے کہ سائل کی DMC جو کہ سائل نے محکمہ کو دی ہی نہیں کیے Verification کے لیے بھیجا دی گئی جبکہ سائل کی Requirement/Appointment کے لیے اس DMC کی ضرورت ہی نہیں ہے۔ اور نہ ہی سائل نے یہ DMC ڈیپارٹمنٹ کو دی ہے اور نہ ہی یہ DMC سائل کو کوئی فائدہ پہنچا سکتی تھی۔ جبکہ سائل کو بخوبی علم تھا کہ سائل F.A کی DMC ابھی جمع نہیں کر سکتا کیوں کہ سائل کے پاس ابھی تین سال کا وقت موجود تھا۔

(۸)۔ یہ کہ سائل کو ڈیپارٹمنٹ کے آرڈر بتاریخ 30-05-2018 کو پتا چلا کہ سائل کی جانب سے ایسا کوئی Document جمع ہوا ہے جو کہ سائل نے خود جمع نہیں کروایا جس کی بنا پر سائل کو نوکری سے برخاست کر دیا گیا ہے۔

Attested

M. Shad Khan Jafri
Advocate High Court
Office No. 33 Adjacent to
Dist Bar Abbottabad

(۹)۔ یہ کہ سائل ایک غریب گھرانے سے تعلق رکھتا ہے سائل اور سائل کے گھرانے کا سارا دار و مدار سائل کی اسی نوکری پر ہے جسکی وجہ سے سائل نے زندگی کے اتنے قیمتی سال لگا دئے۔

(۱۰)۔ یہ کہ سائل کی PST پوسٹ کی جو ضروریات 1996 میں تھیں وہ پوری کر دی تھیں۔ جسکے وصول کے لیے سائل نے انتھک محنت روپیہ پیسہ اور وقت لگایا۔

(۱۱)۔ یہ کہ سائل کو اس گناہ کی سزا دی جا رہی ہے جو اس نے کیا ہی نہیں۔ سائل نے F.A کی DMC لگائی ہی نہیں بلکہ کسی شریک نے سائل کے مستقبل کو داؤ پر لگاتے ہوئے سائل سے دشمنی کی بناء پر یہ DMC لگائی۔

لہذا آپ جناب سے استدعا ہے کہ سائل کو اپنی نوکری پر

بحال کر کے اپنی ڈیوٹی سرانجام دینے کی اجازت دی جائے اور آرڈر محررہ 30-05-2018 کو کینسل کیا جائے۔

آپ کی عین نوازش ہوگی۔

المرقوم: 02-10-2018

ارض

محمد سلیم PST گورنمنٹ پرائمری سکول بانڈی گیاں خاکا مانسہرہ
M. Salim

Attested

Muhammad Arshad Khan Yamoli
Advocate High Court
Office No 33 Adjacent to
Dist Bar Abbottabad



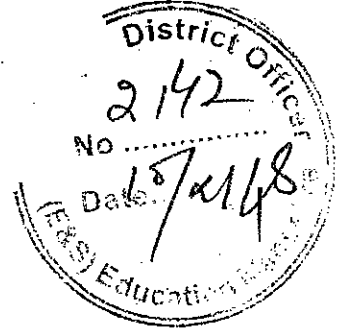
P-38
Annex-H
Peshawar

**DIRECTORATE OF ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA.**

No. 1639 /F.No.A-10/Appeal of
PST(M)General.
Dated Peshawar the 8-11 /2018.



To,
The District Education Officer (M)
Mansehra.



Subject:- **DEPARTMENTAL APPEAL.**

Memo:-

I am directed to refer to your letter No.15969 dated 23.10.2018 on the subject cited above and to state that the appeal of Mr. Muhammad Saleem PST(Sacked employees) GPS Bandi Gian Mansehra in light of DEO(M)Mansehra report is hereby rejected.

I am further directed to ask you to inform the teacher concerned accordingly.

[Signature]
Deputy Director (Estab.)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No. _____

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.

Attested
[Signature]
Muhammad Arshad Khan Jar.
Advocate High Court
Office No. 33 Adjacent to
'Dit' Bar Abbottabad'

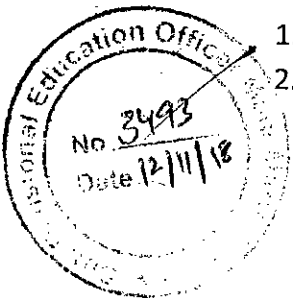
Deputy Director (Estab.)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

Endst: No. 16894-95 File Sacked Employees appointment/PST Dated 10/11/2018

Copy of the above is forwarded for information to:-

1. The SDEO (M) Mansehra.
2. Mr. Muhammad Saleem PST (Sacked employee) GPS Bandi Gian circle Khaki.



DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA
[Signature]

کورٹ فیس

وکالت نامہ

Service Tribunal KPK Peshawar بعدالت

Muhammad Saleem بنام Govt of KPK etc عنوان:

Appellant منجانب:

Service Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

M. Arshad Ishaq Khan Advocate High Court Adv Hc ATD

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

ABBOTTABAD بمقام:

15712/18 المرقوم:

محمد

Accepted

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.1496-A/ 2018

Muhammad SaleemAppellant.

VERISUS

Govt: of KPK and others.....Respondents

PARA WISE COMMENTS/WRITTEN REPLY ON BEHALF OF RESPONDENTS

No.1 2 AND 3 AS UNDER:-

INDEX

S.No	Description of documents	Anne xure	Pages
1.	Reply of Writ Petition.		1-3
2.	Affidavit		4
3.	Copy of letter 7521 dated 03-05-2018,	A	05
4.	Copy of letter BISE Abbottabad No.103-f dated 17-05-2018	B	06

[Handwritten mark]

[Handwritten signature]
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

1

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.1496-A/ 2018

Muhammad SaleemAppellant.

VERISUS

Govt: of KPK and others.....Respondents

PARA WISE COMMENTS/WRITTEN REPLY ON BEHALF OF RESPONDENTS

No.1 2 AND 3 AS UNDER:-

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action locus standi.
2. That the instant service appeal is badly time barred. Hence liable to be dismissed.
3. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
4. That the instant service appeal is based on malafide intentions.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is not entitled for the relief he has sought from this Honorable Tribunal.
7. That the instant service appeal is against the prevailing law and rules.
8. That the appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
9. That the instant service appeal is not maintainable in its present form.
10. That the service appeal of the Appellant is in fructuous as per Khyber Pakhtun Khawa sacked employee appointment Act, 2012. Under section 5, wherein sacked Employee shall not be entitled to claim seniority and other back benefits.
11. That the impugned order dated 20-05-2018 issued by respondent department according to rules and Law, hence appeal is liable to be dismissed.

FACTUAL OBJECTIONS.

1. Para No.1 is incorrect, Petitioner were appointed contrary to law and policy, then such irregularly appointees were letter on declared illegal and were terminated.
2. Para No.2 is correct to the extent that the government of Khyber Pakhtun Khawa promulgated Khyber Pakhtun Khawa Sacked Employee Act, 2012.
3. Para No.3 is correct to the extent that the Appellant filed a writ petition before Honorable High Court Abbottabad Bench, which was decided on 24-5-2016, wherein respondent Department appointed the appellant as PST under KPK Sacked Employee Act, 2012, as well

②

as the direction of Honorable High Court Abbottabad Bench, on 24-05-2016.

4. Para No.04 is correct, Need No Comments.
5. Para No.05 is correct to the extent that the appellant was appointed against the post of PST at serial No.29 GPS Bandi Gian, whereas after appointment order the appellant submitted their documents /certificates for verification from the concerned institution.i.e BISE Abbottabad vide this office letter No.7521 dated 03-05-2018.and whereas BISE Abbottabad returned HSSC DMC vide letter No.103-f dated 17-05-2018 with the remarks as "fake/bogus". therefore in the light of condition No.07 "Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO anyone found producing bogus certificate will be reported to the law enforcing agencies for further action" now the respondent No.03 withdrew the appointment order vide Endst No.8625-34 dated 30-05-2018.*(Copy of letter 7521 dated 03-05-2018, and letter BISE Abbottabad No.103-f dated 17-05-2018 are annexed as annexure A & B)*
6. Para No.6 is correct, Need No Comments. That the appellant is not aggrieved person in the meaning sacked Employee Act,2012, inter-alia, on the following grounds.

GROUND:-


- A. Incorrect and denied; that the appellant was appointed against the post of PST at serial No.29 GPS Bandi Gian, whereas after appointment order the appellant submitted their documents /certificates for verification from the concerned institution.i.e BISE Abbottabad vide this office letter No.7521 dated 03-05-2018.and whereas BISE Abbottabad returned HSSC DMC vide letter No.103-f dated 17-05-2018 with the remarks as "fake/bogus". therefore in the light of condition No.07 "Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO anyone found producing bogus certificate will be reported to the law enforcing agencies for further action" now the respondent No.03 withdrew the appointment order vide Endst No.8625-34 dated 30-05-2018.
- B. Incorrect and denied;
- C. Incorrect and denied; detail reply has already been given in above Paras.
- D. Incorrect and denied, the appellant has been treated as per law and rules & act, wherein no question of violation of law, rules & policy. whereas the appointment order withdrawal on the basis of terms & condition No.07 "Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO anyone found producing bogus certificate will be reported to the law enforcing agencies for further action".

3
2
E. No Comments. However the Respondents seek leave of this Honorable Tribunal to submit addition grounds & record at the time arguments before this Honorable Court.

PRAYER.

In the view of above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department in the interest of justice.


The Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


The District Education Officer,
2 (Male) Mansehra

9

AFFIDAVIT

I, Muhammad Toseef Assistant District Education Officer (Male) Mansehra on behalf of DEO (M) Mansehra, do hereby solemnly affirm and declare that the parawise comments of Service Appeal No.1496-A/2018 titled Muhammad Saleem Versus Govt of KPK, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

DEPONENT



A: DISTRICT EDUCATION OFFICER
e (MALE) MANSEHRA



BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD

No. 103-F

Dated: 17 / 05 / 2018

From: Assistant Controller of Exams (S)
Board of Intermediate &
Secondary Education
Abbottabad.

To: District Education Officer, (Male)
Manshera,

Subject: **FAKE DETAILED MARKS CERTIFICATE**

Reference your letter No. 7521 Dated 03-05-18

The Detailed Marks Certificate(s) attached herewith containing following particulars are found **FAKE**.

S.No	Roll No	Session	Name	F/Name
<u>01</u>	<u>118019</u>	<u>A/2017</u>	<u>Jahannad Saleem</u>	<u>Atiqur Rehman</u>

Assistant Controller of Exams (S)
BISE, Abbottabad
0992-392013

NOTE:

1. Only photocopies of DMCs must be sent to Assistant Controller of Secrecy.
2. Provisional Certificates/Original Certificates must be sent to Assistant Secretary Certificates for verification.

Max 'B'



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION ABBOTTABAD

Khyber Pakhtunkhwa (Pakistan)

Higher Secondary School Certificate Examination

30
06
Fake

Part - II

Session: 2017 (Annual)

DETAILED MARKS CERTIFICATE

Roll No: 118019

Group: HUMANITIES

FOUND FAKE

REVISED

FOUND FAKE

Name: MUHAMMAD SALEEM

Father Name: ABDUR REHMAN

Reg No: 7913AB/MA-intMP16

Institution/District: MANSEHRA



FOUND FAKE

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of April/May as a Private Candidate.

Subjects	Marks	Part-i		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	40	--	33	--	73	Seventy-Three
Urdu (Comp)	200	42	--	59	--	101	One Hundred One
Islamic Studies	50	27	--	--	--	27	Twenty-Seven
Pakistan Studies	50	--	--	34	--	34	Thirty-Four
Islamic History	200	47	--	49	--	96	Ninety-Six
Civics	200	62	--	49	--	111	One Hundred Eleven
Islamic Elective	200	42	--	50	--	92	Ninety-Two
Total: 1100						534-D	Five Hundred Thirty-Four Only

Date: 18 September, 2017

Remarks:

FOUND FAKE

Checked by: [Signature]

[Signature]
Controller of Examinations

Marked by: _____ Date: _____ Name: _____ Father Name: _____
Institution: _____ District: _____
Address: _____

G. P. S. Bandi Gian Uchaki



**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT MANSEHRA**

WITHDRAW

WHEREAS Mr. Muhammad Saleem S/o Abdur Rehman was appointed as PST (Sacked employees) at GPS Bandi Gian Circle Khaki, vide this office Endst No 2829-74/ File No./PST/Sacked Appt: dated 20-02-2018 at Serial No 29.

AND WHEREAS As per terms and conditions No. 07 of said appointment order, his documents were sent for verification to concerned institution i.e BISE Abbottabad vide this office letter No. 7521 dated 03-05-2018.

AND WHEREAS BISE Abbottabad returned HSSC DMC vide letter No. 103-F dated 17-05-2018, with the remarks as "fake/bogus"

NOW, THEREFORE, in the light of condition No.07 " Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action." Now therefore, the competent authority satisfied to withdraw the appointment order in r/o Mr. Muhammad Saleem S/O Abdur Rehman vide this office Endst: No. 2829-74/ File No./PST/Sacked Appt: dated 20-02-2018, at S. No 29 with effect from the date of issue.

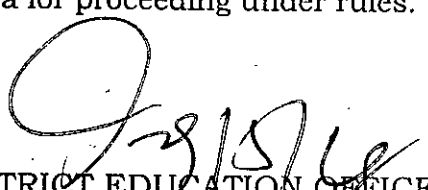
___Sd___

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst No: 8625-34 File No./PST/Sacked Appt: dated Mansehra the 30/5/2018.

Copy to the:-

1. Registrar Honourable High Court Abbottabad Bench.
2. Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar
4. Deputy Commissioner Mansehra.
5. District Accounts Officer Mansehra
6. District Monitoring Officer Mansehra
7. Sub Divisional Education Officer (Male) Mansehra.
8. Assistant Director Anticorruption ACE Mansehra for proceeding under rules.
9. ASDEO (M) Circle Khaki.
10. Head Teacher GPS Bandi Gian Circle Khaki.
11. Office File.


 DY: DISTRICT EDUCATION OFFICER
 (MALE) MANSEHRA