

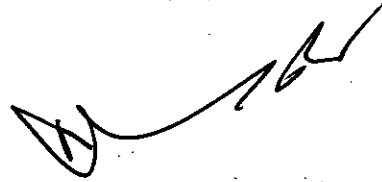
**ORDER**

25<sup>th</sup> July, 2022

1. Mr. Jahanzeb Mahsud, Advocate, learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

2. Vide our detailed order of today placed in Service Appeal No. 768/2019 titled "Alamgir Khan-vs- the Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others" (copy placed in this file), this appeal is also decided on the said terms. Costs shall follow the events. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 25<sup>th</sup> day of July, 2022.*



(KALIM ARSHAD KHAN)  
CHAIRMAN.



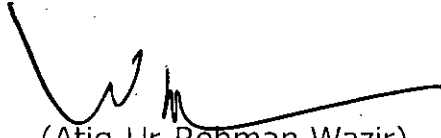
(SALAH UD DIN)  
MEMBER(Judicial)

06.08.2021

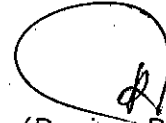
Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 22.11.2021 before D.B.



(Atiq-Ur-Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

09.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 01.06.2022 for the same before D.B.

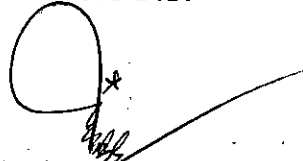


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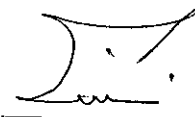
01.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Learned Additional Advocate General requested for adjournment on the ground that the brief of the instant appeal was handed over to him very late, therefore, he could not make preparation for arguments. Adjourned. Last opportunity granted. To come up for arguments on 25.07.2022 before D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

1-1 .2021

Due to summer vacation, case is adjourned to 29-3 .2021 for the same as before.

  
Reader

29.03.2021

The concerned D.B is not available today, therefore, the appeal is adjourned to 21.05.2021 for the same.

14.

  
Reader

21/5/2021

Due to Covid-19, the case is adjourned to 6/8/2021 for the same.

  
Reader

~~2021~~

~~Learned counsel for the appellant present~~

~~Mr. Anil Kumar, Additional Advocate General with~~

~~Abdullah Khan ADO (Litigation) for respondents present~~

~~Former made a request for adjournment being not in~~

~~possession of the file today. Adjourned. To come up for arguments~~

~~on 2-8-2021 being D.B.~~

~~Chairman~~  
~~Member~~

~~Chairman~~

16.11.2020

Junior counsel for appellant present. Muhammad Jan learned Deputy District Attorney alongwith Jehanzeb Superintendent for respondents present.

Former requests for adjournment as senior counsel for appellant is not available.

Adjourned to 01.01.2020 for arguments before D.B.



(Atiq-ur-Rehman Wazir)  
Member (E)



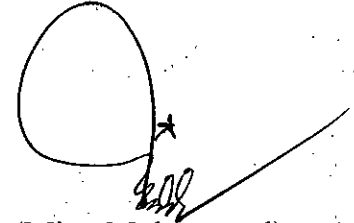
(Rozina Rehman)  
Member (J)

14.07.2020

Junior to counsel for the appellant present. Addl: AG alongwith Mr. M. Israr, Litigation Assistant for respondents present.

Representative of the respondents has submitted written reply which is placed on file.

To come up for rejoinder and arguments on 26.08.2020 before D.B.



(Mian Muhammad)  
Member(E)

26.08.2020

Due to summer vacation case to come up for the same on 02.11.2020 before D.B.




Reader

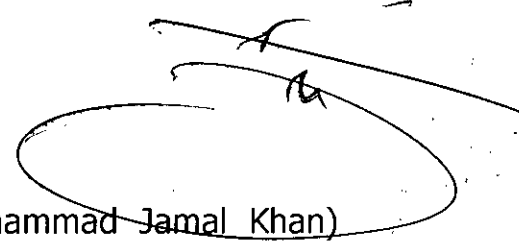
28.09.2020

Junior counsel for appellant is present. Mr. Usman Ghani, learned District Attorney for respondents is also present.

Junior counsel for appellant requested for adjournment that his senior counsel is busy in the Hon'ble Peshawar High Court, Peshawar, and cannot attend the Tribunal today. He requested for adjournment. Adjourned to 16.11.2020 on which to come up for arguments before D.B.



(Atiq-ur-Rehman Wazir)  
Member (E)



(Muhammad Jamal Khan)  
Member (J)

18.02.2020

Junior Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Qazi Ayaz, Litigation Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish reply/comments. Last chance is granted. Adjourned to 12.03.2020 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

12.03.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Israr, Litigation Officer for the respondents present. Written reply on behalf of respondents not submitted despite last chance. Representative of the department seeks further adjournment to furnish written reply/comments. Last chance is extended to 20.04.2020 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

20.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 15.07.2020 for the same. To come up for the same as before S.B.

  
**Reader**

814/19

18.09.2019

Learned counsel for the appellant has submitted an application for extension of time to deposit process fee as well as security. The reason mentioned in the application is that the appellant belongs to a far-flung area in erstwhile FATA, therefore, could not deposit the charges in time.

Application is allowed and the period for making requisite deposit of security and process fee is extended for further three working days from today. After the deposit having been made notices be issued to the respondents for written reply/comments on 25.11.2019 before S.B.

Chairman



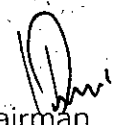
Appellant Deposited  
Security & Process Fee

25.11.2019

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and furnish the reply/comments. Adjourned to 08.01.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman

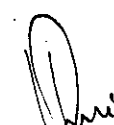


08.01.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks further time to furnish reply/comments of the respondents. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be submitted.

Chairman



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. 814 /2019

*Zain ullah*

VERSUS

Government of KPK etc

**APPLICATION FOR AND ON BEHALF OF  
APPELLANT FOR EXTENSION OF TIME  
TO SUBMIT PROCESS / NOTICE FEE.**

**Respectfully Sheweth:**

1. That the above captioned service appeal is pending adjudication before this Hon'ble Court and is fixed for today i.e. 18.09.2019.
2. That the applicant is serving in the far flung areas of Erstwhile FATA and was unable to deposit the said fee within time.
3. That the applicant seeks some time to deposit the process / notice fee in the above captioned civil appeal.
4. That propriety, fairplay and justice demands that the applicant may kindly be permit to deposit the fee before the next date of hearing.

It is, therefore, most humbly requested that on acceptance of this application the time for depositing the process fee / notice fee may kindly be extended.

Date: 18-Sep-19

Through

Petitioner

*Zain ullah*  
Counsel



31.07.2019

Counsel for the appellant present.

It is contended that the service of appellant was regularized in pursuance to judgment of Peshawar High Court in writ petition No. 2039-P/2014 handed down on 24.05.2017 and under the provision of Khyber Pakhtunkhwa Adhoc Lecturers (Regularization of Services) Act 2014. The requisite notification was issued on 15.11.2017, wherein, the effect to regularization was given from the initial appointment of the appellant. However, the regularization was made conditional to the decision of CPLA No. 385-P/2017 pending before the august Supreme Court of Pakistan. Despite the fact that in the notification it was provided that the appellant shall have all rights and privileges contained in Khyber Pakhtunkhwa Civil Servants Act, 1973, his name was not included in the seniority list of Lecturers (BPS-17) drawn upto 24.09.2018. It is also the arguments of learned counsel that under Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, every civil servant is entitled to find a place in the relevant seniority list which right has been denied by the respondents to the appellant till date.

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. 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 18.09.2019 before S.B.





Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 814/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/06/2019	<p>The appeal of Mr. Zain Ullah resubmitted today by Mr. Jehanzeb Mahsud 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 21/06/19</p>
2-	25/06/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Zain Ullah Lecturer in Statistics G.D.C Ghiljo district Orakzai received today i.e. on 26.03.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned seniority list dated 24.09.2018 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 2- Annexure-C of the appeal is incomplete which may be completed.
- 3- In the regularization order the name of the appellant may be highlighted/tick marked with clear ink.
- 4- Annexures of the appeal may be attested.

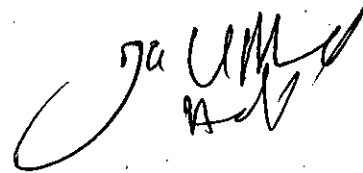
No. 566 /S.T,

Dt. 28-3- /2019

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Jehanzeb Mahsud Adv. Pesh.

R/Six,  
All objections are removed  
Be placed before bench  
for hearing.



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

Service Appeal No: 819 of 2019

ZAIN ULLAH

VERSUS

GOVT. OF KHYBER PAKHTUN KHWA AND OTHERS

**INDEX**


S. No	Description of Documents	Annexures	Pages
1	Appeal alongwith affidavit		1-6
2	Addresses of Parties		7
3	Copy of judgment in W.P No. 2039-P/2014 dated: 24-05-2017	A	8-17
4	Copy of Regularization order	B	18-23
5	Copy of impugned Seniority List dated: 24-09-2018	C	24-26
6	Copy of Departmental Appeal dated: 27-11-2018	D	27-28
7	Wakalat nama		29

  
Appellant

Through

Dated: 21/03/2019

  
JAHANZEB MAHSUD  
Advocate High Court, Peshawar

  
TAJDAR FAISAL KHAN  
MINA KHEL  
Advocate High Court, Peshawar.  
205-B, 4<sup>th</sup> Floor, Town Tower,  
Jahangir Abad, Peshawar.  
0313-8708424

1

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 814 /2019

ZAIN ULLAH, Lecturer in Statistics, Govt. Degree College, Ghiljo Tribal  
District Orakzai. \_\_\_\_\_ Appellant

VERSUS

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 440

Dated 26/3/2019

1. PROVINCE OF KHYBER PAKHTUNKHWA,

Through Chief Secretary,  
Civil Secretariat, Peshawar.

2. Secretary Higher Education Department,

Govt. of Khyber Pakhtun Khwa,  
Civil Secretariat, Peshawar

3. Secretary Establishment,

Govt. of Khyber Pakhtun Khwa,  
Civil Secretariat, Peshawar.

4. Director Higher Education Department (Colleges)

Khyber Pakhtun Khwa, Peshawar.

\_\_\_\_\_ Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE ACT OF THE  
RESPONDENT NO. 2 WHO ISSUED THE IMPUGNED  
SENIORITY LIST DATED: 24-09-2018 VIDE WHICH THE  
NAME OF THE APPELLANT HAS NOT BEEN INCLUDED IN  
THE LIST OF LECTURERS BPS-17 COLLEGE CADRE.

Prayer:-

ON ACCEPTANCE OF THE INSTANT APPEAL THE  
SENIORITY OF THE APPELLANT MAY BE FIXED /  
DETERMINED FROM THE DATE OF HIS INITIAL  
APPOINTMENT AND ACCORDINGLY HIS NAME BE  
INCLUDED IN THE SENIORITY LIST OF LECTURERS BPS-  
17 COLLEGE CADRE, IN ACCORDANCE WITH THE  
PROVISIONS OF THE KHYBER PAKHTUN KHWA CIVIL  
SERVANT ACT, 1973.

Filed to-day  
Registrar  
26/3/19

Re-submitted to-day  
and filed.  
Registrar  
21/6/19

Respectfully Sheweth:

2

**FACTS:-**

Facts leading to the institution of the instant appeal are as under:-

1. **That** pursuant to the advertisement issued by the Secretary Administration, Information and Co-ordination FATA Secretariat on 29-05-2011, the appellant feeling himself as eligible for the subject post, duly applied to the respondents and after proper test/interview, the appellant was appointed as Lecturer on Ad hoc basis vide notification dated: 06-10-2011. Needless to mention that the contract of the appellant was extended from time to time by the respondents.
2. **That** during the service of the appellant, the Federal Govt. introduced a policy to regularize all contract and daily wages employees who were working in Ministries / Divisions etc and for this purpose constituted sub-committee of Cabinet Division and the said Sub-Committee held its meeting on 13-03-2013 and decided to regularize all contract and daily wages employees.
3. **That** it is pertinent to mention that in the year 2014, the Govt. of Khyber Pakhtun Khwa also passed "Khyber Pakhtun Khwa (Regularization of Service Act, 2014) and under the beneficial provisions of the said Act, a large number of Lecturers who were at par with the appellant stood regularized.
4. **That** the appellant being aggrieved of the situation, filed writ petition No. 2039-P/2014 before Hon'ble Peshawar High Court, Peshawar and prayed for his regularization on his post. The Hon'ble Peshawar High Court, Peshawar was pleased to allow the said writ petition vide order / judgment dated: 24-05-2017 by directing the respondents to regularize the services of appellant and others on their respective post since initial date of appointment. The relevant part is reproduced as below:-

**"Hence this petition is accordingly allowed and the respondents are directed to regularize the same petitioners in their services from their date of initial appointment".**

{True copy of order/judgment dated: 24-05-2017 are attached, as mark Annex-A}

5. **That** pursuant to the judgment of the Hon'ble Court, the respondents regularize the appellant in service from initial date of appointment.
6. **That** recently the appellant came to know that the respondents/department has issued the seniority list of Lecturers BPS-17 College Cadre, and he

3

was shocked and bewildered to find out that his name has not been included in the impugned tentative seniority list maintained by the department. The seniority list is not correct and liable to be corrected and modified in the light of the judgment of Hon'ble Peshawar High Court in W.P No. 2039-P/2014 dated: 24-05-2017 and the regularization Notification dated: 15-11-2017 & 03-05-2018 wherein it has been specifically mentioned that the appellant will be regularized w.e.f. his initial date of appointment.

{True copies of regularization order dated: 15-11-2017 and impugned seniority list dated: 24-09-2018 are attached, as mark **Annex-B & C**}

7. **That** the appellant feeling aggrieved and dissatisfied from the impugned seniority list, preferred departmental representation on 27-11-2018 for inclusion and determination of his seniority in the list of Lecturers BPS-17 College Cadre. The appellant waited for statutory period of 90 days for rectification of the seniority list, but to no avail and the respondents have, in spite of the departmental representation, failed to act in accordance with law.

{True copy of the departmental representation is attached, as mark **Annex-D**}

8. **That** the appellant being constrained of the situation is filing the instant appeal before this Hon'ble Tribunal on the following grounds amongst the others:-

### GROUND:-

- A. **Because** the impugned action and inaction of the respondents proclaims their own malafide.
- B. **Because** the inaction of the respondents to include the name of the appellant in the impugned seniority list and to give him his due seniority since the date of appointment in service i.e. 06-10-2011, violates the rights guaranteed and secured to the appellant under the law.
- C. **Because** when it has been settled by the august Peshawar High Court, Peshawar while deciding the writ petition No. 2039-P/2014 dated: 24-05-2017 that the appellant shall be regularized since the date of his initial appointment and the respondents have accordingly issued regularization order which clearly reflects the regular employment status since initial date of appointment then non-inclusion of name of appellant in the seniority list and failing to give him his due seniority shows the malafide intention of the respondents which is not warranted under the law.

4

- D. Because** the respondents have failed to give any reason, plausible or whatsoever that why the appellant has not been given his due seniority and why he has been kept out of the impugned seniority list. Malafide is apparent.
- E. Because** inaction of the respondents to give seniority to the appellant since the date of initial appointment, offend the provision of Article 4 of the Constitution to enjoy the protection of law and to be treated in accordance with law which is the inalienable right of every citizen, wherever he may be every other person for the time being with in Pakistan.
- F. Because** due to the inaction of respondents, the appellant has been deprived from his legitimate chances of promotion which is his inalienable right attached to his service. Hence the inaction of the respondents to give seniority since the date of appointment, is totally against the principles of Natural Justice, fair-play and equity.
- G. Because** the action of the respondents while determining the seniority of the Lecturers without adopting proper criteria and codal requirements is against the judgments of the Hon'ble Superior Courts of Pakistan and therefore, the same is illegal practice and such practice adversely affects efficiency of incumbents and also reduces their confidence and faith in public.
- H. Because** the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973.
- I. Because** the appellant was condemned unheard, his departmental appeal was not adjudicated. Further no chance of personal hearing was given to the present appellant in order to redress his grievances which shows the malafide of the Respondents; hence needs interference of this Hon'ble Tribunal.



- J. **Because** the Respondents erroneously exercised their powers against judicial principle, hence, the seniority list issued by respondents in gross violation of law is liable to be set aside.
  
- K. **Because** the action and inaction of the respondents is bad in the eyes of law.
  
- L. **The** appellant craves for leave to add further grounds at the times of oral arguments highlighting further contravention of the law and constitution.

**PRAYER:-**

**It is humbly submitted** that on acceptance of the present appeal, this Hon'ble Tribunal may graciously be pleased to:

- i. **Declare** the impugned Seniority List issued without including the name of the appellant as illegal, unlawful, without lawful authority and void ab initio.
  
- ii. **Direct** the respondents to include and determine/fix the seniority of the appellant in accordance with Khyber Pakhtun Khwa Civil Servant Act, 1973, from the date of his initial appointment as envisioned in the regularization order dated: 15-11-2017 & 03-05-2018 and accordingly incorporate his name in the seniority list of Lecturers BPS-17 College Cadre.
  
- iii. **Any** further better relief may also kindly be granted in the circumstances of the appellant's case.

*Faizullah*  
Appellant

**Through**

Dated: 21/03/2019

*Jahanzeb Mahsud*  
**JAHANZEB MAHSUD**  
Advocate High Court, Peshawar

*Tajdar Faisal Khan*  
**TAJDAR FAISAL KHAN**  
**MINA KHEL**  
Advocate High Court, Peshawar.

*Waqar Khalil*  
**WAQAR KHALIL**  
Advocate High Court, Peshawar.

6

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

Service Appeal No: \_\_\_\_\_ of 2019

ZAIN ULLAH

VERSUS

GOVT. OF KHYBER PAKHTUNKHWA AND OTHERS

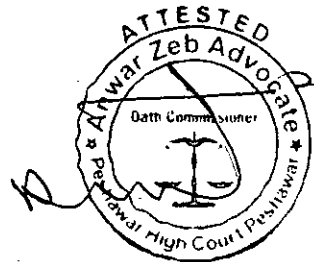
**AFFIDAVIT**

I, **ZAIN ULLAH**, Lecturer in Statistics, Govt. Degree College, Ghiljo Tribal District Orakzai, do hereby solemnly affirm & declare that the contents of the attached appeal are true and correct to the best of my knowledge & belief & nothing has been concealed or withheld from this Honorable Court.

Identified by

  
Tajdar Faisal Khan Mina Khel  
Advocate High Court.

  
Deponent



22-3-19

7

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

Service Appeal No: \_\_\_\_\_ of 2019

ZAIN ULLAH

VERSUS

GOVT. OF KHYBER PAKHTUN KHWA AND OTHERS

**MEMO OF ADDRESSES**

**ZAIN ULLAH**, Lecturer in Statistics, Govt. Degree College, Ghiljo Tribal  
District Orakzai. \_\_\_\_\_ Appellant

VERSUS

**1. PROVINCE OF KHYBER PAKHTUNKHWA,**

Through Chief Secretary,  
Civil Secretariat, Peshawar.

**2. Secretary Higher Education Department,**

Govt. of Khyber Pakhtun Khwa,  
Civil Secretariat, Peshawar

**3. Secretary Establishment,**

Govt. of Khyber Pakhtun Khwa,  
Civil Secretariat, Peshawar.

**4. Director Higher Education Department (Colleges)**

Khyber Pakhtun Khwa, Peshawar.

\_\_\_\_\_ Respondents

*Zain Ullah*  
Appellant

Through

*Jahanzeb Mahsud*  
JAHANZEB MAHSUD

Advocate High Court, Peshawar

Dated: 21/03/2019

*Tajdar Faisal Khan*

TAJDAR FAISAL KHAN  
MINA KHEL

Advocate High Court, Peshawar.

8

"A"

Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
PESHAWAR

(Judicial Department)

WP No. 2039-P/2014

Afsar Khan & others

Vs

Federation of Pakistan & others



**JUDGMENT**

Date of hearing. 24.05.2017  
Petitioner (s) by: Mr. Jehanzeb Mehsud, Advocate  
Respondent (s) by: Syed Qaiser Ali Shah, AAG

\*\*\*\*\*

**MUHAMMAD YOUNIS THAHEEM, J.-**

The petitioners 253 in number invoked the constitutional jurisdiction of this Court by filing instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 seeking relief for following prayer:

*"It is humbly prayed that this Hon'ble Court may graciously be pleased to:*

- i. Declare the act of the respondents whereby they have refused to regularize the services of the petitioners and extend the*

*h. 2*

**ATTESTED**

**EXAMINER**  
Peshawar High Court  
03 JUN 2017

**ATTESTED**

9

*benefits prescribed for 1282 employees of Fata Secretariat by Cabinet Sub-Committee in its meeting held on 13<sup>th</sup> March, 2013 is against the law, arbitrary, discriminatory and violative of Article 4 & 2-A of the Constitution.*

*ii. Direct the Respondents to regularize the services of the Petitioners in the light of the decision of Cabinet Sub-Committee in its meeting held on 13<sup>th</sup> March, 2013."*

**2.** Brief facts of the case are that respondent No.5/Secretary Administration, Information & Co-ordination FATA Secretariat, Warsak Road, Peshawar invited applications for the posts of Lecturers in (BPS-17) on "ad hoc basis" in various academic Disciplines from candidates belonging to Federally administered tribal domicile area and Khyber Pakhtunkhwa vide advertisement dated 29.05.2011. The petitioners considered themselves as eligible having required qualifications in their respective academic disciplines, applied for the same posts, participated in the selection

**ATTESTED**  
EXAMINER  
Peshawar High Court  
05 JUN 2017

**ATTESTED**

10

process and were declared as successful candidates, thereafter Chief Secretary Khyber Pakhtunkhwa vide Notification No.SO(E-II)1-17/adhoc lecturers (Male)/15286-97 dated 06.10.2011, appointed the petitioners on the posts of Lecturer in (BPS-17) on Adhoc basis for a period of one year. Similarly some of candidates who were declared successful in the selection process but did not join their duties other candidates next in merits after adopting legal procedure were appointed vide Notification No.SO(E-II)1-17/adhoc lecturers(2)/17621-30. Similarly vide Notification No.SO(E-II-17/adhoc dated 14.09.2011 141 lecturers were appointed by the Additional Chief Secretary vide appointment Notification No.FS/SSD/SO(E)/Adhoc Lec:/7920-32 dated 27.12.2012, 119 lecturers were appointed vide Notification No.S.O(FATA)EDU/1-0/2013/288-90 dated 06.12.2013, 134 lecturers were appointed, similarly vide Notification No.S.O(FATA)EDU/1-0/2013/2891-100 dated 06.12.2013, 119 lecturers were appointed. The services of petitioners were extended from time to time but despite directives of Federal

sim  
S  
V

ATTESTED  
EXAMINER  
Peshawar High Court  
05 JUN 2017

ATTESTED

Government the petitioners were not regularized, hence this petition on the grounds mentioned therein.

3. Comments were called from respondents No.3 to 5, who submitted their para-wise comments and refuted the submissions of petitioners by raising various legal as well as factual objections particularly raised objection that as petitioners were appointed on "Adhoc basis", therefore, no right had been accrued to them for regularization. Similarly they also objected that as the posts pertain to BPS-17 so it could only be filled through recommendations of Khyber Pakhtunkhwa Public Service Commission so are not entitled for the relief prayed.

4. Arguments heard, record perused.

5. From the perusal of record it is an admitted position that petitioners were appointed after adopting due process of law and their service contract was extended as discussed above. Similar kind of legal controversy arose in WP No.379-P/2015 titled as Dr. Amir-uz-Zaman and others Vs Govt. of KPK & others and the same was settled vide judgment dated 15.06.2016 according to which most of the

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medical officers were regularized under Khyber Pakhtunkhwa Medical Officers (Regularization of Service Act, 2015) but when petitioners of referred WP No.379-P/2015 moved application for their regularization, they were regretted vide order dated 11.09.2015 on ground that they were appointed for FATA and PATA so could not be regularized. The ratio of the judgment passed in WP No.379-P/2015 is as under:

*"petitioners are appointed and posted on contract basis till the arrival of Public Service Commission selectees and as such the petitioners while holding the said posts comes within the purview of ibid Act so after the promulgation of the said Act they are regularize employees of the Provincial Government posted in FATA/Agency."*

6. This Court vide order dated 28.05.2015

held that the petitioners mainly relied upon the

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judgment of this Court including the judgment of Larger Bench in WP No.969/2010 dated 07.11.2013 and the judgment passed in WP No.2307-P/2013 on 06.11.2014 whereby contract and daily wages employees of FATA were given status of regular employees whereas petitioners in the instant writ petition were initially appointed on "Adhoc basis" as lecturer subject to arrival of nominee from Khyber Pakhtunkhwa Public Service Commission. Thus in view of above, the petitioners filed CM No.1211/2016 seeking relief for amendment in the instant writ petition which was allowed vide order dated 29.06.2016, therefore, the petitioners filed amended writ petition with following prayer:

*"Because without prejudice to the above but in addition thereto, the petitioners are employees of Higher Education Department KPK working in FATA as evident from the decision arrived at in a aforementioned meeting held on 16.02.2016, summary for*

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*Chief Minister and the comments filed by the respondent No.6, then the petitioners are entitled for regularization as similarly placed adhoc lecturers of Higher Education Department working in settled areas in the province has already been regularized by the respondents."*

7. From the perusal of record it is an admitted position that the petitioners were appointed vide above said notifications. Similarly according to minutes of meeting held on 16.02.2016 for regularization of adhoc lecturers in FATA and Teaching Assistants of Higher Education Department a Committee comprising members of Establishment Department, Law Department, Finance Department and Khyber Pakhtunkhwa Public Service Commission was constituted under the Chairmanship of Higher Education Department to prepare a comprehensive case for regularization of services of above said employees/petitioners.

*S. J. Khan*  
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8. In the meanwhile Federal Government introduced a policy to regularize all contract and daily wages employees whether working in Ministries/Divisions etc and for this purpose a Sub-Committee of Cabinet Division was constituted with a clear mandate to consider and regularize contract and daily wages employees and in this respect a meeting of Cabinet Sub-Committee on "regularization" was held on 13<sup>th</sup> of March 2013 under the Chairmanship of the then Federal Minister of Religious Affairs so vide agenda item No.247 all those above said employees who served for more than one year were recommended by Sub-Committee under the said policy for regularization. Consequently, in view of Cabinet Sub-Committee decision dated 13.03.2013 as many as 1282 employees of FATA were regularized but inspite of decision of Cabinet Sub-Committee, the matter of regularization of 1282 employees of FATA working as lecturers was delayed on one pretext or other, therefore, WP No.969-P/2010 was filed for which a larger bench of this Court was constituted who gave its verdict on 07.11.2013 wherein it was held that the services of all the petitioners including those who are

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similarly placed persons and are serving on contract basis shall be regularized in the light of Cabinet Sub-Committee decision conveyed to FATA Secretariat by the Cabinet Division meeting held on 13.03.2013 but the services of present petitioners were not regularized despite clear directions of the Cabinet Sub-Committee. It is noticed that Provincial Assembly of Khyber Pakhtunkhwa also passed an Act "Khyber Pakhtunkhwa (Regularization Service Act, 2014)" whereby services of 195 Male and 46 Female lecturers were regularized but petitioner's regularization was not considered. It is also an admitted position that the petitioners according to decision held in minutes of meeting on 16.02.2016 are employees of Higher Education Department, Govt. of Khyber Pakhtunkhwa working in FATA and PATA. Similarly the argument of learned counsel for petitioners that the petitioners became prey to discrimination in the context that most of the employees of higher education department had been regularized vide *ibid.* act 2014 while the employees working in FATA have not been regularized despite the decision of Cabinet Sub-Committee. Even some lecturers working in some

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settled area, FATA and PATA have also been regularized while petitioners have been deprived from their right to regularization which is a noticeable discrimination.

9. Thus we are of the firm view that according to the decision of Sub-Committee of Cabinet Division and under Khyber Pakhtunkhwa (Lecturer Services Regularization) Act 2014, the petitioners have been discriminated and their services have not been regularized despite the fact that they are working since their appointment from 2011 up till now, so are entitled to the similar treatment, hence this petition is accordingly allowed and the respondents are directed to regularize the same petitioners in their services from their date of initial appointment.



Announced:  
24.05.2017

*S. M. Akhtar Ahmad Sethi*

JUDGE

*Sd/- Muhammad Ghous Tahir*

*GH*

JUDGE

\*Ihsan\*

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Peshawar Bench, Peshawar  
Authorized under Article 87 of  
The Constitution of Pakistan 1973

05 JUN 2017

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GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

B

Dated Peshawar the 15.11.2017.

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**NOTIFICATION**

**NO.SO(C-II)/HED/2-5/2017.** In pursuance of the Judgment of the Peshawar High Court in writ petition No. 2039-P/2014 dated 24.05.2017 titled "Afsar Khan and others Vs Federation of Pakistan and others", reads with section 3 of the Khyber Pakhtunkhwa Adhoc Lecturers (Regularization of Services) Act,2014 (Khyber Pakhtunkhwa Act No. XXII of 2014), the Competent Authority is pleased to regularize the following male and female adhoc lecturers, serving in Federally Administered Tribal Areas subject to the condition that it shall get finality either way in favour of the respondents with arrival of the Judgment of the August Supreme Court of Pakistan in CPLA No.385-OP/2017 titled Government of Khyber Pakhtunkhwa Vs Afsar Khan and others w.e.f their initial appointment and production of surety bond on the judicial stamp paper regarding actual performance based certificate and recovery of salaries drawn thereof.

Section Officer (C-II)  
Govt. of Khyber Pakhtunkhwa  
Higher Education,  
Archives & Libraries Department

S.No.	Name of male lecturers	subject	Date of appointment
1.	Jehangir Khan,	History	06.10.2011
2.	Safi Ullah,	Maths	06.10.2011
3.	Gul Abdul Majid,	Law	06.10.2011
4.	Said Badshah,	Pashto	06.10.2011
5.	Rahim Ullah,	Pashto	06.10.2011
6.	Siraj-ud-Din,	Pol: Science	06.10.2011
7.	Shams-ur-Rehman,	History	06.10.2011
8.	Muhammad Qasim,	Geography	06.10.2011
9.	Nasir Khan,	Physics	06.10.2011
10.	Ismail,	Botany	06.10.2011
11.	Sajid Anwar,	Law	06.10.2011
12.	Muhammad Ishaq,	Chemistry	06.10.2011
13.	Muhammad Ilyas,	Physics	01.12.2011
14.	Aziz Ullah,	Botany	06.10.2011
15.	Sajid Khan,	Physics	06.10.2011
16.	Amjid Ali,	Law	06.10.2011
17.	Jamshid Ali,	Geography	06.10.2011
18.	Imran Ullah,	Physics	06.10.2011
19.	Sher Ullah,	Botany	06.10.2011
20.	Q. Muhammad Ayaz,	Law	06.10.2011
21.	Ahmad Ali	Pol: Science	01.12.2011
22.	Asghar Shah,	English	06.10.2011
23.	Amin Ullah,	Islamiyat	06.10.2011
24.	Haroon Khan,	Pol: Science	06.10.2011
25.	Tawab Shah,	Pashto	06.10.2011
26.	Muhammad Zeb	HPE	06.10.2011
27.	Abdur Rashid	Zoology	06.10.2011
28.	Muhammad Ibrahim	Pak Study	06.10.2011
29.	Muhammad Kashif	Islamiyat	06.10.2011
30.	Abid Khan	Law	06.10.2011
31.	Shah Muhammad	Pol: Science	06.10.2011
32.	Adnan Khan	Economics	06.10.2011

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**GOVT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

18 A

Dated Peshawar the 15.11.2017

**NOTIFICATION**

**No. SO. (C-II)/HED/2-5/2017.** In pursuance of the Judgment of the Peshawar High Court in writ Petition No. 2039-P/2014 dated 24.05.2017 titled "Afsar Khan and others Ve federation of Pakistan and others", read with saection 3 of the Khyber Pakhtunkhwa Adhoc Leacturers (regulation of Services) Act 2014 (Khyber Pakhtunkhwa Act No. XXII of 2014) the Competent Authority is pleased to regularize the following male and female Adhoc lecturers, serving in Federally Administered Tribal Areas subject to the condition that it shall get finality either way in favor of the Respondents with arrival of the judgment of the August Supreme Court of Pakistan in CPLA No. 385-OP/2017 titled Government of Khyber Pakhtunkhwa VS Afsar Khan and others w.e.f their initial appointment and production of surety bond on the judicial stamp paper regarding actual performance based certificate and recovery of salaries drawn thereof.

S. No	Name of male Lecturers	Subject	Date of Appointment
1.	Jehangir Khan	History	06.10.2011
2.	Safui Ullah	Maths	06.10.2011
3.	Gul Abdul Majid	Law	06.10.2011
4.	Said BAdshah	Pashto	06.10.2011
5.	Rahim Ullah	Pashto	06.10.2011
6.	Siraj Ud Din	Po. Science	06.10.2011
7.	Shams ur Rehman	History	06.10.2011
8.	Muhammad Qasim	Geography	06.10.2011
9.	NAsir Khan	Physic	06.10.2011
10.	Ismail	Botany	06.10.2011
11.	Sajid Anwar	Law	06.10.2011
12.	Muhammad Ishaq	Chemistry	06.10.2011
13.	Muhammad Ilyas	Physics	01.12.2011
14.	Aziz Ullah	Botany	06.10.2011
15.	Sajid Khan	Physics	06.10.2011
16.	Amjid Ali	Law	06.10.2011
17.	Jamshid Ali	Geography	06.10.2011
18.	Imran Ullah	Physics	06.10.2011
19.	Sher Ullah	Botany	06.10.2011
20.	Q. Muhammad Ayaz	Law	06.10.2011
21.	Ahmad Ali	Po. Science	01.12.2011
22.	Asghar Shah	English	06.10.2011
23.	Aminn Ullah	Islamiyat	06.10.2011
24.	Haroon Khan	Pol/ Science	06.10.2011
25.	Tawab Shah	Pashto	06.10.2011
26.	Muhammad Zeb	HPE	06.10.2011
27.	Abdur Rashid	Zoology	06.10.2011
28.	Muhammad Ibrahim	Pak Study	06.10.2011
29.	Muhammad Kashif	Islamiyat	06.10.2011
30.	Abid Khan	Law	06.10.2011
31.	Shah Muhammad	Pol. Science	06.10.2011
32.	Adnan Khan	Economics	06.10.2011

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33.	Fazli Wali	Chemistry	06.10.2011
34.	Noor Zaman	Law	01.12.2011
35.	Zain Ullah	Statistics	06.10.2011
36.	M. Anwar Khan	Pashto	06.10.2011
37.	Bahadar Khan	Geography	06.10.2011
38.	Zaheen ullah	Physics	06.10.2011
39.	Ismail Khan	Islamiyat	06.10.2011
40.	Zahid Rehman	Botany	06.10.2011
41.	Tariq Waseem	Law	06.10.2011
42.	Abdul Malik	Comp Science	01.12.2011
43.	Sardar Shaheed	Islamiyat	01.12.2011
44.	Fazli Manshah	Programs	06.10.2011
45.	S. Arbab Hussain	Urdu	06.10.2011
46.	Zulfiqar Hussain	Islamiyat	06.10.2011
47.	Yaqoob Ali	Maths	06.10.2011
48.	Sajid Ali	English	06.10.2011
49.	Intizar Ali	Statistics	06.10.2011
50.	Mushtaq Hussain	Economics	06.10.2011
51.	Zameer Ali	Botany	06.10.2011
52.	Afsar khan	Law	06.10.2011
53.	Syed Siraj Hussain	Islamiyat	01.12.2011
54.	Syed Iqrar Hussain	Geography	01.12.2011
55.	Shaukat Zaman	Zoology	06.10.2011
56.	Yasir Ali	Comp Science	06.10.2011
57.	Shahadat Hussain	Maths	01.12.2011
58.	Liaqat Hussain	Chemistry	01.12.2011
59.	Syed Arif Hussain	HPE	06.10.2011
60.	Sawab Ali	Pol: Science	06.10.2011
61.	Hamid Rehman	Geography	06.10.2011
62.	Sheraz Khan	Maths	06.10.2011
63.	Asmat Ullah	Chemistry	06.10.2011
64.	Murad Ali	Pashto	06.10.2011
65.	Muhammad Saqlain	Zoology	01.12.2011
66.	Farooq Khan	Pol: Science	01.12.2011
67.	Ayaz Khan	Maths	01.12.2011
68.	Hanif Ullah	Islamiyat	06.10.2011
69.	Rahim Zaman	Maths	06.10.2011
70.	Shahid Nawaz	Geography	06.10.2011
71.	Khalid Usman	Pol: Science	01.12.2011
72.	Alamgir Khan	Comp Science	01.12.2011
73.	Ihsan Ullah	Law	06.10.2011
74.	Faiz ur Rehman	Islamiyat	06.10.2011
75.	Anwar Ullah	Maths	01.12.2011
76.	Noor Alam	Botany	06.10.2011
77.	Sher Rehman	Pol: Science	06.10.2011
78.	Hazrat Ali	Economics	06.10.2011
79.	Sarwar Khan	Geography	06.10.2011
80.	Hazrat Wali	Maths	06.10.2011
81.	Inayat Ullah	Zoology	06.10.2011
82.	Hussain Badshah	Botany	06.10.2011
83.	Rasool Jan	Statistics	06.10.2011
84.	Muhammad Ijaz	Pak Study	06.10.2011
85.	Irfan Ud Din	Physics	06.10.2011
86.	Amjid Jehangir	Law	06.10.2011
87.	Suleman Shah	Comp Science	06.10.2011
88.	Asmat Ullah	Physics	06.10.2011

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33.	Fazli Wali	Chemistry	06.10.2011
34.	Noor Zaman	Law	01.12.2011
35.	Zain Ullah	Statistics	06.10.2011
36.	M. Anwar Khan	Pashto	06.10.2011
37.	Bahadar Khan	Geography	06.10.2011
38.	Zaheen Ullah	Physics	06.10.2011
39.	Ismail Khan	Islamiyat	06.10.2011
40.	Zahid Rehman	Botany	06.10.2011
41.	Tariq Waseem	Law	06.10.2011
42.	Abdul Malik	Com. Science	01.12.2011
43.	Sardar Shaheed	Islamiyat	01.12.2011
44.	Fazli MANshah	Economics	06.10.2011
45.	S. Arbab Hussain	Urdu	06.10.2011
46.	Zulfiqar Hussain	Islamiyat	06.10.2011
47.	Yaqoob Ali	mAthS	06.10.2011
48.	Sajid Ali	English	06.10.2011
49.	Intizar Ali	Statistics	06.10.2011
50.	Mushtaq Hussain	Economics	06.10.2011
51.	Zameer Ali	Botany	06.10.2011
52.	Afsar Khan	Law	06.10.2011
53.	Syed Siraj Hussain	Islamiyat	01.12.2011
54.	Syed Iqrar Hussain	Geography	01.12.2011
55.	Shaukat Zaman	Zoology	06.10.2011
56.	Yasir Ali	Com. Science	01.12.2011
57.	Shahadat Hussain	Math's	01.12.2011
58.	Liaqat Hussain	Chemistry	06.10.2011
59.	Syed Arif Hussain	HPE	06.10.2011
60.	Sawab Ali	Pol. Science	06.10.2011
61.	Hamid Rehman	Geography	06.10.2011
62.	Sheraz Khan	Maths	06.10.2011
63.	Asmat Ullah	Chemistry	06.10.2011
64.	Murad Ali	Pashto	06.10.2011
65.	Muhammad Saqlain	Zoology	01.12.2011
66.	Farooq Khan	Pol. Science	01.12.2011
67.	Ayaz Khan	Maths	01.12.2011
68.	Hanif Ullah	Islamiyat	06.10.2011
69.	Rahim Zaman	Maths	06.10.2011
70.	Shahid Nawaz	Geography	06.10.2011
71.	Khalid Usman	Pol. Science	01.12.2011
72.	Alamgir Khan	Com Science	01.12.2011
73.	Ihsan Ullah	Law	06.10.2011
74.	Faiz ur Rehman	Islamiyat	06.10.2011
75.	Anwar Ullah	Maths	01.12.2011
76.	Noor Alam	Botany	06.10.2011
77.	Sher Rehman	Pol. Science	06.10.2011
78.	Hazrat Ali	Economics	06.10.2011
79.	Sarwar Khan	Geography	06.10.2011
80.	Hazrat Wali	Maths	06.10.2011
81.	Inayat Ullah	Zoology	06.10.2011
82.	HUssain Badshah	Botany	06.10.2011
83.	Rasool Jan	Statistics	06.10.2011
84.	Muhammad Ijaz	PAk. Study	06.10.2011
85.	Irfan ud Din	Physics	06.10.2011
86.	Amjid Jehangir	Law	06.10.2011
87.	Suleman Shah	Com. Science	06.10.2011
88.	Asmat Ullah	Physics	06.10.2011

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89.	Muhammad Riaz	Physics	01.12.2011
90.	Zahid Ullah	Geography	05.10.2011
91.	Farman Ullah	Maths	05.10.2011
92.	Zahid Saleem	English	05.10.2011
93.	Abdul Qadoos	Statistics	05.10.2011
94.	Muhammad Farooq	Islamiyat	05.10.2011
95.	Munammad Saleem	Comp Science	05.10.2011
96.	Adnan Khan Mehtood	English	05.10.2011
97.	Aftab Alam	Chemistry	05.10.2011
98.	Haq Nawaz	Pashto	05.10.2011
99.	Abdul Mehmood	History	05.10.2011
100.	Khan Zeb	Pol Science	01.12.2011
101.	Hayat Ullah	Maths	01.12.2011
102.	Abdul Haq	Islamiyat	05.10.2011
103.	Munib ur Rehman	Statistics	01.12.2011
104.	Muhammad Shamoan	Islamiyat	05.10.2011
105.	Saqib ahmad	History	05.10.2011
106.	Imran khaliq	HPE	05.10.2011
107.	Sherzada	Geography	05.10.2011
108.	Munir Ahmad	Physics	05.10.2011
109.	Jehanzeb	Pol Science	05.10.2011
110.	Asif Iqbal	Chemistry	05.10.2011
111.	Renmat Nazir	Law	05.10.2011
112.	Dilawar Sayed	Islamiyat	01.12.2011
113.	Laiq Jan	Chemistry	05.10.2011
114.	Hafiz Ullah	History	05.10.2011
115.	Noor Muhammad	Islamiyat	05.10.2011
116.	Kashar Khan	Pak Study	01.12.2011
117.	Hasir Ali	HPE	01.12.2011

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S.No.	Name of female lecturers	subject	Date of appointment
1.	Naila Shah	Geography	14.09.2011
2.	Samina Akbar	Economics	14.09.2011
3.	Rabia Bushra	Zoology	14.09.2011
4.	Zubaida Begum	Comp Science	14.09.2011
5.	Tahira Bibi	Law	14.09.2011
6.	Naheed Akhtar	Pol Science	14.09.2011
7.	Mahjabeen	Urdu	14.09.2011
8.	Muniba Fida	Pol Science	14.09.2011
9.	Nadia Hassan	Islamiyat	14.09.2011
10.	Ulfat Samreen (PSC Selectee 2017)	Botany	14.09.2011
11.	Samreen Bibi	Maths	14.09.2011
12.	Shumaila Bhattani	Statistics	14.09.2011
13.	Nousheen Begum	Geography	14.09.2011
14.	Maryam Saba	Chemistry	14.09.2011
15.	Roshan Zamina	Pashto	14.09.2011
16.	Shakeela Naz	Law	14.09.2011
17.	Samina Naz	Chemistry	14.09.2011
18.	Seema Shaheen	Islamiyat	14.09.2011
19.	Nayab Tahir	Zoology	14.09.2011
20.	Jauhar Begum	Pashto	14.09.2011
21.	Naseema	Economics	14.09.2011
22.	Salma	Physics	14.09.2011
23.	Shakeela Bibi	Geography	14.09.2011
24.	Fouzia Khattak	Pak Study	14.09.2011

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89.	Muhammad Riaz	Physics	01.12.2011
90.	Zahid Ullah	Geography	06.10.2011
91.	Farman Ullah	Maths	06.10.2011
92.	Zahid Saleem	English	06.10.2011
93.	Abdul Qudoos	Statistics	06.10.2011
94.	Muhammad Farooq	ISlamiyat	06.10.2011
95.	Muhammad Saleem	Com. Science	06.10.2011
96.	Adnan Khan Mehsood	English	06.10.2011
97.	Aftab Alam	Chemistry	06.10.2011
98.	Haqnawaz	Pashto	06.10.2011
99.	Abdul Mehmood	History	06.10.2011
100.	Khanzeb	Pol. Science	01.12.2011
101.	Hayat Ullah	Maths	01.12.2011
102.	Abdul haq	ISmaliyat	06.10.2011
103.	Mohib Ur Rehman	Statistics	01.12.2011
104.	Muhammad Shamoon	ISlamiyat	06.10.2011
105.	Saqib Ahmad	History	06.10.2011
106.	Imran Khaliq	HPE	06.10.2011
107.	Sher Zada	Geography	06.10.2011
108.	Munir Ahmad	Physics	06.10.2011
109.	Jehanzeb	Pol. Science	06.10.2011
110.	Asif IQbal	Chemistry	06.10.2011
111.	Rehmat NAzir	Law	06.10.2011
112.	Dilawar Sayed	Islamiyat	01.12.2011
113.	Laiq Jan	Chemistry	06.10.2011
114.	Hafiz Ullah	History	06.10.2011
115.	Noor Muhammad	Islamiyat	06.10.2011
116.	Kashar Khan	Pak Study	01.12.2011
117.	Nasir Ali	HPE	01.12.2011

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S. No	Name of Female Lecturers	Subject	Date of Appointment
1.	NAila Shah	Geography	14.09.2011
2.	Sameena Akbar	Economics	14.09.2011
3.	Rabia Bushhra	Zoology	14.09.2011
4.	Zubaida Begum	Com Science	14.09.2011
5.	Tahira Bibi	Law	14.09.2011
6.	Naheed Akhtar	Po. Science	14.09.2011
7.	Majabeen	Urdu	14.09.2011
8.	Muneeba Fida	Po. Science	14.09.2011
9.	Nadia Hassan	ISlamiyat	14.09.2011
10.	Ulfat Samreen (PSC Selectee 2017)	Botany	14.09.2011
11.	Samreen Bibi	Maths	14.09.2011
12.	Shumaila Bhattani	Statistics	14.09.2011
13.	Nousheen Begum	Geography	14.09.2011
14.	Maryam Saba	Chemistry	14.09.2011
15.	Roashan Zameena	Pashto	14.09.2011
16.	Shakeela NAz	Law	14.09.2011
17.	Sameena Naz	Chemistry	14.09.2011
18.	Seema Shaheen	Islamiyat	14.09.2011
19.	NAYab Tahir	Zoology	14.09.2011
20.	Johar Begum	Pashto	14.09.2011
21.	Naseema	Economics	14.09.2011
22.	Salma	Physics	14.09.2011
23.	Shakeela Bibi	Geography	14.09.2011
24.	Fozia Khattak	Pak Study	14.09.2011

25.	Rabia Begum	Zoology	14.09.2011
26.	Zahida Mehsood	Law	14.09.2011
27.	Naheed Khan	Comp Science	14.09.2011
28.	Farkhanda Abbas	Zoology	14.09.2011
29.	Neelam Mehboob	Chemistry	14.09.2011
30.	Hajira Bibi	Botany	14.09.2011
31.	Saiqa Gul	Maths	14.09.2011
32.	Bibi Nisa	Law	14.09.2011
33.	Banish Raheem	Pak Study	14.09.2011
34.	Sidra Nosheen	Economics	14.09.2011
35.	Sofia Mir	Pol Science	14.09.2011
36.	Samina	Islamiyat	14.09.2011
37.	Suraia Naz	Islamiyat	14.09.2011
38.	Sumaira Gul	Zoology	14.09.2011
39.	Rubina Bibi	Pak Study	14.09.2011
40.	Rabia Khan	Chemistry	14.09.2011
41.	Jan Shada	Pol Science	14.09.2011
42.	Fouzia Dawood	History	14.09.2011
43.	Andaleeb	Pashto	14.09.2011
44.	Bibi Habiba	Statistics	14.09.2011
45.	Humaira Rauf	Economics	14.09.2011
46.	Sabiha Hashim	Psychology	14.09.2011
47.	Fatima Sughra	Botany	14.09.2011
48.	Aziz un Nisa	Pol Science	14.09.2011
49.	Rabia Rauf	Chemistry	14.09.2011
50.	Andaleeb	Economics	14.09.2011
51.	Dure Nayab	Maths	14.09.2011
52.	Anjum	Urdu	14.09.2011
53.	Nazia	Pashto	14.09.2011
54.	Mehreen	Statistics	14.09.2011
55.	Sadia Akram	Botany	14.09.2011
56.	Anbareen	Pak Study	14.09.2011
57.	Nuzhat	Pashto	14.09.2011
58.	Tahira Naz	Geography	14.09.2011
59.	Arjumand Rehman	Comp Science	14.09.2011
60.	Shabana Bibi	History	14.09.2011
61.	Nazli	English	14.09.2011
62.	Hina Gul	Economics	14.09.2011
63.	Nabeela Khattak	History	14.09.2011
64.	Saima Begum	Geography	14.09.2011
65.	Shagufta	Law	14.09.2011
66.	Nazia Aslam	Pashto	14.09.2011
67.	Hashmat Ara	Urdu	14.09.2011
68.	Zeenat Shaheen	Urdu	14.09.2011
69.	Abida Saliha	Botany	14.09.2011
70.	Miraj Ismail	Pol Science	14.09.2011
71.	Ruqia London	Pashto	14.09.2011
72.	Fouzia	Zoology	14.09.2011
73.	Riyasat Younas	Home Economics	14.09.2011
74.	Sheela Akhtar	English	14.09.2011
75.	Ruqia Bibi	History	14.09.2011
76.	Gul Sanga	Statistics	14.09.2011
77.	Shaheen Begum	Economics	14.09.2011
78.	Sabina Sahar	Chemistry	14.09.2011
79.	Aisha Diyan	Islamiyat	14.09.2011
80.	Zeenat Bibi	Islamiyat	14.09.2011

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25.	Rabia Begum	Zoology	14.09.2011
26.	Zahid Mehsood	Law	14.09.2011
27.	Naheed Khan	Com Science	14.09.2011
28.	Farkhanda Abbas	Zoology	14.09.2011
29.	Eelum Mehboob	Chemistry	14.09.2011
30.	Hajira Bibi	Botany	14.09.2011
31.	Saiqa Gul	Maths	14.09.2011
32.	Bibi Nisa	Law	14.09.2011
33.	Benish Rahim	Pak Study	14.09.2011
34.	Sidra nausheen	Economics	14.09.2011
35.	Sofia Meer	Pol Science	14.09.2011
36.	Sameena	Islamiyat	14.09.2011
37.	Suriya Naz	Islamiyat	14.09.2011
38.	Sumaira Gul	Zoology	14.09.2011
39.	Rubina Bibi	Pak Study	14.09.2011
40.	Rabia Khan	Chemistry	14.09.2011
41.	Janshada	Pol Science	14.09.2011
42.	FOzai Daud	History	14.09.2011
43.	Andaleep	Pashto	14.09.2011
44.	Bibi Habiba	Statistics	14.09.2011
45.	Humaira Rauf	Economics	14.09.2011
46.	Sabiha Hashim	Psychology	14.09.2011
47.	Fatima Sughra	Botany	14.09.2011
48.	Aziz un Nisa	Pol Science	14.09.2011
49.	Rabia Rauf	Chemistry	14.09.2011
50.	Andaleep	Economics	14.09.2011
51.	Dure NAYab	Maths	14.09.2011
52.	Anjum	Urdu	14.09.2011
53.	NAzia	Pashto	14.09.2011
54.	Mehreen	Statistics	14.09.2011
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58.	Tahira NAz	Geography	14.09.2011
59.	Arjuman Rehman	Com Science	14.09.2011
60.	Shabana Bibi	History	14.09.2011
61.	Nazli	English	14.09.2011
62.	Hina Gul	Economics	14.09.2011
63.	Nabeela Khattak	History	14.09.2011
64.	Saima Begum	Geography	14.09.2011
65.	Shagufta	Law	14.09.2011
66.	Nazia Aslam	Pashto	14.09.2011
67.	Hashmat Ara	Urdu	14.09.2011
68.	Zeenat Shaheen	Urdu	14.09.2011
69.	Abida Saliha	Botany	14.09.2011
70.	Mehraj Ismail	Pol Science	14.09.2011
71.	Rukiyan London	Pashto	14.09.2011
72.	Fozia	Zoology	14.09.2011
73.	Riasat Younas	Hom Economics	14.09.2011
74.	Sheela Akhtar	English	14.09.2011
75.	Rukiya Bibi	History	14.09.2011
76.	Gul Sanga	Statistics	14.09.2011
77.	Shaheen Begum	Economics	14.09.2011
78.	Shabina Sahar	Chemistry	14.09.2011
79.	Ayesha Diyan	Islamiyat	14.09.2011
80.	Zeenat Bibi	Islamiyat	14.09.2011

81.	Sabra/Yousaf	Economics	14.09.2011
82.	Reema Gul	English	14.09.2011
83.	Shaheen Pari	Chemistry	14.09.2011
84.	Aish Bibi	Botany	14.09.2011
85.	Nighat Bano	Urdu	14.09.2011
86.	Yasmeen Fatima	History	14.09.2011
87.	Fatima Yousaf	Pol Science	14.09.2011
88.	Abida Hussain	Geography	14.09.2011
89.	Nabeela Khatoon	HPE	14.09.2011
90.	Shamida Bangash	Zoology	14.09.2011
91.	Sobia Noor	Botany	14.09.2011
92.	Humaira Rahim (Absence from duty since September, 2016)	Chemistry	14.09.2011
93.	Muhabat Shaheen	Pashto	14.09.2011
94.	Sabina Naz	Geography	14.09.2011
95.	Sajeela Bibi	Islamiyat	14.09.2011
96.	Rifat Naz	Physics	14.09.2011

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### TERMS AND CONDITIONS

- i. They shall have all rights and privileges contained in Khyber Pakhtunkhwa Civil Servants Act, 1973.
- ii. In case of resignation, they shall have to give one-month prior notice. In absence of such notice, their one-month pay shall be forfeited to Government.
- iii. They shall join their duty within 30 days of the issuance of this Notification. Charge report shall be submitted to all concerned. The Director, Higher Education, Khyber Pakhtunkhwa, the Director Education FATA should furnish a certificate to the effect that the regularized lecturers have joined their posts or otherwise, after one month of the issuance of this Notification.
- iv. In case of disciplinary matters, the Khyber Pakhtunkhwa Government Servants, (Efficiency & Discipline Rules), 2011 shall be applicable.
- v. They shall be on probation for a period of one year which are to be extended automatically for another one year if not terminated by a specific order in terms of Section-15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
- vi. They shall undergo mandatory training for the purpose of promotion / direct recruitment, as the case may be.
- vii. They shall get pay in BPS-17 including usual allowances as admissible under the rules. They shall be entitled to annual increment like other Civil Servants.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

ATTESTED

**BETTER COPY**

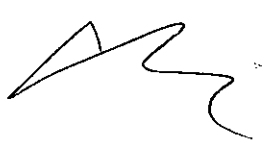
81.	Sabbra Yousaf	Economics	14.09.2011
82.	Reema Gul	English	14.09.2011
83.	Shaheen Pari	Chemistry	14.09.2011
84.	Arsh Bibi	Botany	14.09.2011
85.	Nighat Bano	Urdu	14.09.2011
86.	YAsmeen Fatima	History	14.09.2011
87.	Fatima Yousaf	Pol Science	14.09.2011
88.	Abida Hussain	Geography	14.09.2011
89.	Nabeela Khatoon	HPE	14.09.2011
90.	Shamida Bangash	Zoology	14.09.2011
91.	Sobia Noor	Botany	14.09.2011
92.	Humaira Raheem (Absence from duty since September 2016)	Chemistry	14.09.2011
93.	Muhabat Shaheen	Pashto	14.09.2011
94.	Sabina Naz	Geography	14.09.2011
95.	Sajeela Bibi	Islamiyat	14.09.2011
96.	Rifat Naz	Physics	14.09.2011

22/11

**Terms and conditions**

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- ii. In case resignation, they shall have to give one month prior notice. In absence of such notice their one month pay shall be forfeited to Government
- iii. They shall join their duty within 30 days of the issuance of this notification, Charge report shall be submitted to all concerned. The Director, Higher Education, Khyber Pakhtunkhwa the Director Education FATA should furnish a certificate to the effect that the regularized lecturers have joined their posts or otherwise, after one month of the issuance of this Notification.
- iv. In case of disciplinary matters, the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline Rule) 2011 shall be applicable.
- v. They shall be on probation for a period of one year which are to be extended automatically for another one year if not terminated by a specific order in terms of Section 15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- vi. They Shall undergo mandatory training for the purpose of promotion / Direct recruitment, as the case may be.
- vii. They shall get pay in BPS-17 including usual allowances as admissible under the rules. They shall be entitled to annual increment like other Civil Servants.

**ATTESTED**



**SECRETARY TO  
GOVT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

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**Endst: No. & Date Even.**

Copy for information and further necessary action is forwarded to the:

- 1- Secretary, Social Sectors Department, FATA Secretariat Warsak Road Peshawar.
- 2- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3- PSO to Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
- 4- Director, Higher Education, Khyber Pakhtunkhwa Peshawar with request that the documents / degrees / testimonial of incumbents be verified from the concerned Universities / Boards within due course.
- 5- Accountant General, AGPR Sub Office Peshawar.
- 6- Director Education FATA, Warsak Road Peshawar.
- 7- Advocate General, Khyber Pakhtunkhwa, Peshawar.
- 8- Registrar (Judicial) Peshawar High Court Peshawar.
- 9- Director Information, Khyber Pakhtunkhwa, Peshawar.
- 10- PS to Additional Chief Secretary FATA, Warsak Road Peshawar.
- 11- District Accounts Officers, concerned.
- 12- Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar.
- 13- Deputy Director (IT), HEMIS Cell, Higher Education Department.
- 14- All agencies/ District Accounts Officers concerned.
- 15- Section Officer (Litigation) Higher Education Department.
- 16- PS to Secretary, Higher Education Department.
- 17- PS to Secretary, Law Parliamentary Affairs & Human Rights Department.
- 18- Lecturers concerned.

  
SECTION OFFICER (COLLEGES-II)

Section Officer (C.I.)  
Govt. Of Khyber Pakhtunkhwa  
Higher Education,  
Archives & Libraries Department

**ATTESTED**



Annex - C

**FINAL SENIORITY LIST OF LECTURERS BPS-17 (COLLEGES CADRE) (MALE) upto 24.09.2018.**

S.No	Name of Officers with Academic Qualification	Date of Birth/ Domicile	Date of Entry into Govt. Service	1st Reg: Appnt: to the Service cadre			
				Date	BPS	Method of Recrutt:	
1	S. Mehmood Ul Hassan S/O Syed Abrar Hashmi M.A Islamiyat, GPGC, Manshera	20.07.1978 Manshera	17.10.2002	23.7.2005	17	Initial Recruitment	
2	Fazal Raziq S/O Muhammad Fazal Qadir M.Sc: Statistics, GPGC, Mardan	13.6.1982 F.R. Peshawar	5.12.2007	5.12.2007	17	Initial recruitment	Advertisement No 03/2005
3	Izhar Ahmad S/O Rafiq Akbar M.A Economics GSSC, Peshawar	5.4.1981 Swabi	27.11.2007	27.11.2007	17	Initial recruitment	Advertisement No 03/2005
4	Muhammad Zaman S/O Gula Khan M.Sc Maths GC Bajour	28.3.1982 Bajour Agency	14.3.2009	14.3.2009	17	Initial recruitment	Advertisement No 03/2007
5	Ihsan Ullah S/O Naeem Shah M.Sc Chemistry GPGC, Mardan	05.02.1984 Mardan	02.04.2010	02.04.2010	17	Initial recruitment	Advertisement No 01/2008
6	Ejaz Ud Din Khan S/O Dr. Meeraj Ud Din M.Sc. Computer Science PMU	22.12.1986 Nowshera	26.01.2011	26.01.2011	17	Initial recruitment	Advertisement No 06/2008
7	Jehanzeb Khan S/O Maula Jan M.Sc. Botany GDC, Kakki (Bannu)	01.04.1981 Bannu	09.03.2011	09.03.2011	17	Initial recruitment	Advertisement No 06/2008
8	Bakht Zada S/O Fazir Zada M.Sc. Chemistry GDC, Daggar	20.2.1985 Buner	01.04.2011	01.04.2011	17	Initial recruitment	Advertisement No 06/2008

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Attested  
gmu

S.No	Name of Officers with Academic Qualification	Date of Birth/ Domicile	Date of Entry into Govt. Service	1st Reg:Apptt:to the Service cader,		
				Date	BPS	Method of Recrtrt:
9	Namdar Alam S/O Saad Malook MA Pashto GDC, Chakassar (Shangla)	01.05.1972 Shangla	21.07.2009	21.07.2009	17	Initial recruitment
10	Mohammad Israr Khan S/O Pordil Khan M.A Pushto GPGC Charsadda	4/20/1980 Mardan	07.09.2005	24.09.2009	17	Regularized
11	Naveed Akhtar S/O Qamar Gul M.A Islamiyat, GC Toru	01.08.1975 Mardan	28.09.2005	24.09.2009	17	Regularized
12	Ikramullah S/O Muhammad Gul M.A Pushto GDC Khan Pur.	02.04.1974 Bajaur Agency	28.10.2005	24.09.2009	17	Regularized
13	Muhammad Tufail S/O Sameen Jan M.Sc Comp:Science, GDC Akora Khattak	11.12.1978 Nowshera	05.10.2006	24.09.2009	17	Regularized
14	Muhammad Anwar S/O Ghulam Nabi M.Sc. Physics, GDC Thall (Hangu)	15.10.1979 Lakki Marwat	13.10.2006	24.09.2009	17	Regularized
15	Hazrat Hussain S/O Fazle Mehmood M.Sc Maths, GDC Kakki	Majakand Agency	14.10.2006	24.09.2009	17	Regularized
16	Younas Ali S/O Mian Gul M.Sc Comp:Science, GDC Dir, Upper	6/3/1977 Swat	16.10.2006	24.09.2009	17	Regularized
17	Shahid Khan S/O Qazi Fazal-e-Rahim M.A Islamiyat, GSSC Peshawar	17.07.1979 Khyber Agency	16.10.2006	24.09.2009	17	Regularized

Advertisement No 06/2008

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Attended  
[Signature]

S.No	Name of Officers with Academic Qualification	Date of Birth/ Domicile	Date of Entry into Govt. Service	1st Reg:Apptt:to the Service eader		
				Date	BPS	Method of Recrutt:
1068	Saeed Ur-Rehman M.A Political Science GPGC, Timergara	06.09.1983 Bunner		26.05.2014	17	Regularized
1069	Manzoor Ul Hassan M.Sc. Statistics GDC, Zaida (Swabi)	16.04.1983 Swabi		26.05.2014	17	Regularized
1070	Ansar Ullah M.Sc. Statistics GDC, Miranshah (NWA).	09.03.1987 NWA		26.05.2014	17	Regularized

**CERTIFICATE**

It is certified that the Seniority List is neither disputed nor sub-judiced in any court of law.

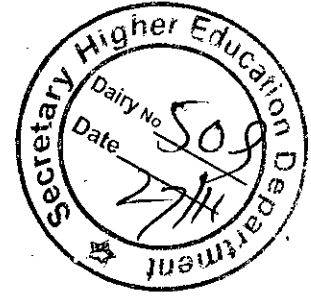
DEPUTY DIRECTOR (Establishment)  
DIRECTORATE HIGHER EDUCATION

*Attested*  
*[Signature]*

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To,

**THE HON'BLE SECRETARY**  
Higher Education Department  
Khyber Pakhtun Khwa,  
Peshawar.



Subject: **DEPARTMENTAL REPRESENTATION AGAINST THE  
IMPUGNED SENIORITY LIST DATED: 24.9.2018 VIDE  
WHICH THE APPELLANT NAME HAS NOT BEEN  
MENTIONED IN THE SAID LIST.**

**Worthy Sir,**

With reference to the subject cited above, the appellant most respectfully submitted as under:

1. **That** the appellant was appointed as Adhoc Lecturer in the year 2011 and was regularized in service in light of the judgment of Hon'ble Peshawar High Court, Peshawar passed in Writ Petition No. 2039/2014 dated: 24-05-2017.
2. **That** the Hon'ble High Court while deciding the writ petition directed the official respondents/Govt. to regularize the appellant in service since initial date of appointment. The relevant portion from the judgment is reproduced as follows:-  
**“Hence this petition is accordingly allowed and the respondents are directed to regularize the same petitioners in their services from their date of initial appointment”.**
3. **That** after passing of the said judgment, the department regularize the appellant in service from initial date of appointment but surprisingly,

**FILED**

the name of the appellant is not included in the seniority list maintained by the department, which seniority list is not correct and liable to be corrected and modified.

4. That it has been settled by the Apex Court that the seniority shall be reckoned from the initial date of appointment, so the appellant may be considered as regular employee since 2011 and the name of appellant needs to be included in the seniority list and he may be given due seniority as per law and in light of judgment of Hon'ble Peshawar High Court.

In view of the above, it is, therefore, requested that the impugned seniority list may graciously be modified and the name of the appellant may be included in the same since his initial date of appointment i.e. 2011.

Dated: -11-2018

Appellant



ZAINULLAH  
Lecturer in Statistics,  
Govt. Degree College Ghiljo  
Tribal District Orakzai

# VAKALATNAMA

**BEFORE HONOURABLE KHYBER PAKHTUN KHWA SERVICES  
TRIBUNAL, PESHAWAR.**

S. A. No. \_\_\_\_\_ -P/2019

VERSUS

**GOVT. OF KHYBER PAKHTUN KHWA & OTHERS**

I, Zaimullah do hereby appoint **JAHANZEB MAHSUD, TAJDAR FAISAL KHAN MINA KHEL & WAQAR KHALIL** Advocates (as counsel), in the above-mentioned case, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me/us in the above-mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2- To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.

In witness whereof I have signed this Vakalatnama hereunder, the contents of which have been read/explained to me and fully understood by me this 22<sup>th</sup> day of March, 2019.

Zaimullah  
Signatures of Executants

Accepted by:

Jahanzeb Mahsud  
Advocate High Court  
0333-9143005

Waqar Khalil  
Advocate High Court.

Tajdar Faisal Khan Mina Khel  
Advocate High Court  
0313-8708424

Off: 205-B, 4<sup>th</sup> Floor, Town Tower, Jahangir Abad, Peshawar.

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

S.A # 814/2019

Zain Ullah.....Appellant

**Versus**


Govt. of Khyber Pakhtunkhwa

Through Chief Secretary Khyber Pakhtunkhwa

& Others..... Respondents

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<b>S.No</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Page No.</b>
1.	Parawise comments		1-2
2.	Affidavit		3
3.	Copy of notification dated 15/11/2017	A	4-9

  
Respondent

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

S.A # 814/2019

Zain Ullah.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa


Through Chief Secretary Khyber Pakhtunkhwa

& Others..... Respondents

**AFFIDAVIT**

I, Khalid Gul, Superintendent, Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:

  
Deponent  
17102-1145964-5



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

S.A # 814/2019

Zain Ullah.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa

Through Chief Secretary Khyber Pakhtunkhwa

& Others..... Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2, 3 & 4**

**Respectfully Sheweth: -**

**Preliminary Objections:-**

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal.
2. That the appellant is trying to conceal material facts from this Honourable Tribunal and is not entitled to the extraordinary relief of this Tribunal.
3. That the appellant has not come to this Honourable Tribunal with clean hands.
4. That the instant service appeal is hit by doctrine of laches.
5. That the appellant is estopped by his own conduct to file the instant service appeal.

**Facts: -**

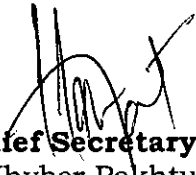
- 1) Pertains to the record.
- 2) Correct.
- 3) Correct.
- 4) Correct to the extent that the Honourable Peshawar High Court Peshawar passed a Judgment dated: 24-05-2017 by directing the respondents to regularize the services of the appellant and others on their respective posts since initial date of appointment.
- 5) Correct to the extent that the respondent department provisionally regularized the services of the appellant from the date of initial appointment subject to the decision of the apex court of Pakistan (**Annex-A**).
- 6) Correct to the extent that the respondent department issued a seniority list of Lecturers BPS-17 College Cadre. It is worth to mention here that the appellant and others were conditionally regularized subject to the decision of the apex Court of Pakistan. Feeling aggrieved of the Judgment dated: 24-05-2017 passed by Peshawar High Court, Peshawar the respondent department has filed CPLA in the apex court of Pakistan which is still pending before the Supreme Court of Pakistan thus the name of the appellant cannot be included in the seniority list till final outcome of CPLA.
- 7) Pertains to record. Moreover, the respondents have treated the appellant within four corners of Law.
- 8) Needs no comments.


**Grounds: -**

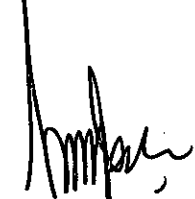
- A. Incorrect. That respondent department acted in accordance with rules/policy.
- B. Incorrect and already explained in preceding paras of facts.
- C. Correct to the extent that Peshawar High Court, Peshawar has decided the WP No. 2039-P/2014 in favour of the appellant but the respondents feeling aggrieved and dissatisfied from the impugned Judgment, have filed the CPLA in the apex court of Pakistan which is still pending.
- D. Incorrect as already explained in the preceding paras.
- E. Incorrect as already explained in the preceding paras.
- F. Incorrect as already explained in the preceding paras.
- G. Incorrect. The seniority of Lecturers BPS-17 has been determined by fulfilling all the codal formalities.
- H. Needs no comments.
- I. Pertains to record.
- J. Pertains to record.
- K. Pertains to record.
- L. The respondents may also be allowed to raise additional grounds at the time of arguments.

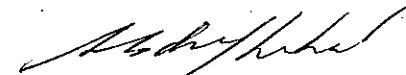
**Prayers: -**

It is, therefore, humbly prayed that the instant service appeal is devoid of merit, hence may graciously be dismissed with appropriate costs.

  
**Chief Secretary,**  
Govt of Khyber Pakhtunkhwa  
Respondent No. 01

  
**Secretary,**  
Establishment Department  
Respondent No. 03

  
**Secretary,**  
Higher Education, Archives  
& Library Department  
Respondent No. 2

  
**Director,**  
Higher Education Department  
Respondent No. 4



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**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the 15.11.2017.

**NOTIFICATION**

**NO.SO(C-II)/HED/2-5/2017.** In pursuance of the Judgment of the Peshawar High Court in writ petition No. 2039-P/2014 dated 24.05.2017 titled "Afsar Khan and others Vs Federation of Pakistan and others", reads with section 3 of the Khyber Pakhtunkhwa Adhoc Lecturers (Regularization of Services) Act,2014 (Khyber Pakhtunkhwa Act No. XXII of 2014), the Competent Authority is pleased to regularize the following male and female adhoc lecturers, serving in Federally Administered Tribal Areas subject to the condition that it shall get finality either way in favour of the respondents with arrival of the Judgment of the August Supreme Court of Pakistan in CPLA No.385-OP/2017 titled Government of Khyber Pakhtunkhwa Vs Afsar Khan and others w.e.f their initial appointment and production of surety bond on the judicial stamp paper regarding actual performance based certificate and recovery of salaries drawn thereof.

S.No.	Name of male lecturers	subject	Date of appointment
1.	Jehangir Khan,	History	06.10.2011
2.	Safi Ullah,	Maths	06.10.2011
3.	Gul Abdul Majid,	Law	06.10.2011
4.	Said Badshah,	Pashto	06.10.2011
5.	Rahim Ullah,	Pashto	06.10.2011
6.	Siraj-ud-Din,	Pol: Science	06.10.2011
7.	Shams-ur-Rehman,	History	06.10.2011
8.	Muhammad Qasim,	Geography	06.10.2011
9.	Nasir Khan,	Physics	06.10.2011
10.	Ismail,	Botany	06.10.2011
11.	Sajid Anwar,	Law	06.10.2011
12.	Muhammad Ishaq,	Chemistry	06.10.2011
13.	Muhammad Ilyas,	Physics	01.12.2011
14.	Aziz Ullah,	Botany	06.10.2011
15.	Sajid Khan,	Physics	06.10.2011
16.	Amjid Ali,	Law	06.10.2011
17.	Jamshid Ali,	Geography	06.10.2011
18.	Imran Ullah,	Physics	06.10.2011
19.	Sher Ullah,	Botany	06.10.2011
20.	Q. Muhammad Ayaz,	Law	06.10.2011
21.	Ahmad Ali	Pol: Science	01.12.2011
22.	Asghar Shah,	English	06.10.2011
23.	Amin Ullah,	Islamiyat	06.10.2011
24.	Haroon Khan,	Pol: Science	06.10.2011
25.	Tawab Shah,	Pashto	06.10.2011
26.	Muhammad Zeb	HPE	06.10.2011
27.	Abdur Rashid	Zoology	06.10.2011
28.	Muhammad Ibrahim	Pak Study	06.10.2011
29.	Muhammad Kashif	Islamiyat	06.10.2011
30.	Abid Khan	Law	06.10.2011
31.	Shah Muhammad	Pol: Science	06.10.2011
32.	Adnan Khan	Economics	06.10.2011

Section Officer (C-II)  
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89.	Muhammad Riaz	Physics	01.12.2011
90.	Zahid Ullah	Geography	05.10.2011
91.	Farman Ullah	Maths	05.10.2011
92.	Zahid Saleem	English	05.10.2011
93.	Abdul Qadoos	Statistics	05.10.2011
94.	Muhammad Farooq	Islamiyat	05.10.2011
95.	Muhammad Saleem	Comp Science	05.10.2011
96.	Adnan Khan Mehsood	English	05.10.2011
97.	Aftab Alam	Chemistry	05.10.2011
98.	Haq Nawaz	Pashto	05.10.2011
99.	Abdul Mehmood	History	06.10.2011
100.	Khan Zeb	Pol: Science	01.12.2011
101.	Hayat Ullah	Maths	01.12.2011
102.	Abdul Haq	Islamiyat	05.10.2011
103.	Muhib ur Rehman	Statistics	01.12.2011
104.	Muhammad Shamoos	Islamiyat	05.10.2011
105.	Saqib ahmad	History	05.10.2011
106.	Imran khaliq	RPE	06.10.2011
107.	Sherzada	Geography	06.10.2011
108.	Munir Ahmad	Physics	06.10.2011
109.	Jehanzeb	Pol: Science	06.10.2011
110.	Asif Iqbal	Chemistry	05.10.2011
111.	Rehmat Nazir	Law	05.10.2011
112.	Dilawar Sayed	Islamiyat	01.12.2011
113.	Laiq Jan	Chemistry	05.10.2011
114.	Hafiz Ullah	History	06.10.2011
115.	Noor Muhammad	Islamiyat	06.10.2011
116.	Kashar Khan	Pak Study	01.12.2011
117.	Nasir Ali	HPE	01.12.2011

S.No.	Name of female lecturers	subject	Date of appointment.
1.	Naila Shah	Geography	14.09.2011
2.	Samina Akbar	Economics	14.09.2011
3.	Rabia Bushra	Zoology	14.09.2011
4.	Zubaida Begum	Comp Science	14.09.2011
5.	Tahira Bibi	Law	14.09.2011
6.	Naheed Akhtar	Pol Science	14.09.2011
7.	Mahjabeen	Urdu	14.09.2011
8.	Muniba Fida	Pol Science	14.09.2011
9.	Nadia Hassan	Islamiyat	14.09.2011
10.	Ulfat Samreen (PSC Selectee 2017)	Botany	14.09.2011
11.	Samreen Bibi	Maths	14.09.2011
12.	Shumaila Bhattani	Statistics	14.09.2011
13.	Ncusheen Begum	Geography	14.09.2011
14.	Maryam Saba	Chemistry	14.09.2011
15.	Roshan Zamina	Pashto	14.09.2011
16.	Shakeela Naz	Law	14.09.2011
17.	Samina Naz	Chemistry	14.09.2011
18.	Seema Shaheen	Islamiyat	14.09.2011
19.	Nayab Tahir	Zoology	14.09.2011
20.	Jalhar Begum	Pashto	14.09.2011
21.	Naseema	Economics	14.09.2011
22.	Salma	Physics	14.09.2011
23.	Shakeela Bibi	Geography	14.09.2011
24.	Fouzia Khattak	Pak Study	14.09.2011

33.	Fazli Wall	Chemistry	06.10.2011
34.	Noor Zaman	Law	01.12.2011
35.	Zain Ullah	Statistics	06.10.2011
36.	M. Anwar Khan	Pashto	06.10.2011
37.	Bahadar Khan	Geography	06.10.2011
38.	Zaheen ullah	Physics	06.10.2011
39.	Ismail Khan	Islamiyat	06.10.2011
40.	Zahid Rehman	Botany	06.10.2011
41.	Tariq Waseem	Law	06.10.2011
42.	Abdul Malik	Comp Science	01.12.2011
43.	Sardar Shaheed	Islamiyat	01.12.2011
44.	Fazli Manshah	Economics	06.10.2011
45.	S. Arbab Hussaln	Urdu	06.10.2011
46.	Zulfiqar Hussaln	Islamiyat	06.10.2011
47.	Yaqoob Ali	Maths	06.10.2011
48.	Sajid Ali	English	06.10.2011
49.	Intizar Ali	Statistics	06.10.2011
50.	Mushtaq Hussain	Economics	06.10.2011
51.	Zameer Ali	Botany	06.10.2011
52.	Afsar khan	Law	06.10.2011
53.	Syed Siraj Hussain	Islamiyat	01.12.2011
54.	Syed Iqrar Hussaln	Geography	01.12.2011
55.	Shaukat Zaman	Zoology	06.10.2011
56.	Yasir Ali	Comp Science	06.10.2011
57.	Shahadat Hussaln	Maths	01.12.2011
58.	Liaqat Hussaln	Chemistry	01.12.2011
59.	Syed Arif Hussain	HPE	06.10.2011
60.	Sawab Ali	Pol: Science	06.10.2011
61.	Hamid Rehman	Geography	06.10.2011
62.	Sheraz Khan	Maths	06.10.2011
63.	Asmat Ullah	Chemistry	06.10.2011
64.	Murad Ali	Pashto	06.10.2011
65.	Muhammad Saqlain	Zoology	01.12.2011
66.	Farooq Khan	Pol: Science	01.12.2011
67.	Ayaz Khan	Maths	01.12.2011
68.	Hanif Ullah	Islamiyat	06.10.2011
69.	Rahim Zaman	Maths	06.10.2011
70.	Shahid Nawaz	Geography	06.10.2011
71.	Khalid Usman	Pol: Science	01.12.2011
72.	Alamgir Khan	Comp Science	01.12.2011
73.	Ihsan Ullah	Law	06.10.2011
74.	Faiz ur Rehman	Islamiyat	06.10.2011
75.	Anwar Ullah	Maths	01.12.2011
76.	Noor Alam	Botany	06.10.2011
77.	Sher Rehman	Pol: Science	06.10.2011
78.	Hazrat Ali	Economics	06.10.2011
79.	Sarwar Khan	Geography	06.10.2011
80.	Hazrat Wali	Maths	06.10.2011
81.	Inayat Ullah	Zoology	06.10.2011
82.	Hussain Badshah	Botany	06.10.2011
83.	Rasool Jan	Statistics	06.10.2011
84.	Muhammad Ijaz	Pak Study	06.10.2011
85.	Irfan Ud Din	Physlcs	06.10.2011
86.	Amjid Jehanglr	Law	06.10.2011
87.	Suleman Shah	Comp Science	06.10.2011
88.	Asmat Ullah	Physlcs	06.10.2011

25.	Rabla Begum	Zoology	14.09.2011
26.	Zahida Mehsood	Law	14.09.2011
27.	Naheed Khan	Comp Science	14.09.2011
28.	Farkhanda Abbas	Zoology	14.09.2011
29.	Neelam Mehboob	Chemistry	14.09.2011
30.	Hajira Bibi	Botany	14.09.2011
31.	Saiqa Gul	Maths	14.09.2011
32.	Bibi Nisa	Law	14.09.2011
33.	Banish Raheem	Pak Study	14.09.2011
34.	Sidra Nosheen	Economics	14.09.2011
35.	Sofia Mir	Pol Science	14.09.2011
36.	Samina	Islamiyat	14.09.2011
37.	Suraia Naz	Islamiyat	14.09.2011
38.	Sumaira Gul	Zoology	14.09.2011
39.	Rubina Bibi	Pak Study	14.09.2011
40.	Rabia Khan	Chemistry	14.09.2011
41.	Jan Shada	Pol Science	14.09.2011
42.	Fouzia Dawood	History	14.09.2011
43.	Andaleeb	Pashto	14.09.2011
44.	Bibi Habiba	Statistics	14.09.2011
45.	Humaira Rauf	Economics	14.09.2011
46.	Sabiha Hashim	Psychology	14.09.2011
47.	Fatima Sughra	Botany	14.09.2011
48.	Aziz un Nisa	Pol Science	14.09.2011
49.	Rabia Rauf	Chemistry	14.09.2011
50.	Andaleeb	Economics	14.09.2011
51.	Dure Nayab	Maths	14.09.2011
52.	Anjum	Urdu	14.09.2011
53.	Nazia	Pashto	14.09.2011
54.	Mehreen	Statistics	14.09.2011
55.	Sadia Akram	Botany	14.09.2011
56.	Anbareen	Pak Study	14.09.2011
57.	Nuzhat	Pashto	14.09.2011
58.	Tahira Naz	Geography	14.09.2011
59.	Arjumand Rehman	Comp Science	14.09.2011
60.	Shabana Bibi	History	14.09.2011
61.	Nazli	English	14.09.2011
62.	Hina Gul	Economics	14.09.2011
63.	Nabeela Khattak	History	14.09.2011
64.	Saima Begum	Geography	14.09.2011
65.	Shagufta	Law	14.09.2011
66.	Nazia Aslam	Pashto	14.09.2011
67.	Hashmat Ara	Urdu	14.09.2011
68.	Zeenat Shaheen	Urdu	14.09.2011
69.	Abida Saliha	Botany	14.09.2011
70.	Miraj Ismail	Pol Science	14.09.2011
71.	Ruqia London	Pashto	14.09.2011
72.	Fouzia	Zoology	14.09.2011
73.	Riyasat Younas	Home Economics	14.09.2011
74.	Sheela Akhtar	English	14.09.2011
75.	Ruqia Bibi	History	14.09.2011
76.	Gul Sanga	Statistics	14.09.2011
77.	Shaheen Begum	Economics	14.09.2011
78.	Sabina Sahar	Chemistry	14.09.2011
79.	Aisha Diyan	Islamiyat	14.09.2011
80.	Zeenat Bibi	Islamiyat	14.09.2011

81.	Sabra Yousaf		
82.	Reema Gul	Economics	14.09.2011
83.	Shaheen Pari	English	14.09.2011
84.	Arsh Bibi	Chemistry	14.09.2011
85.	Nighat Bano	Botany	14.09.2011
86.	Yasmeen Fatima	Urdu	14.09.2011
87.	Fatima Yousaf	History	14.09.2011
88.	Abida Hussain	Pol Science	14.09.2011
89.	Nabeela Khatoon	Geography	14.09.2011
90.	Shamida Bangash	HPE	14.09.2011
91.	Sobia Noor	Zoology	14.09.2011
92.	Humaira Rahim (Absence from duty since September, 2016)	Botany	14.09.2011
93.	Muhabat Shaheen	Chemistry	14.09.2011
94.	Sabina Naz	Pashto	14.09.2011
95.	Sajeela Bibi	Geography	14.09.2011
96.	Rifat Naz	Islamiyat	14.09.2011
		Physics	14.09.2011

### TERMS AND CONDITIONS


- i. They shall have all rights and privileges contained in Khyber Pakhtunkhwa Civil Servants Act, 1973.
- ii. In case of resignation, they shall have to give one-month prior notice. In absence of such notice, their one-month pay shall be forfeited to Government.
- iii. They shall join their duty within 30 days of the issuance of this Notification. Charge report shall be submitted to all concerned. The Director, Higher Education, Khyber Pakhtunkhwa, the Director Education FATA should furnish a certificate to the effect that the regularized lecturers have joined their posts or otherwise, after one month of the issuance of this Notification.
- iv. In case of disciplinary matters, the Khyber Pakhtunkhwa Government Servants, (Efficiency & Discipline Rules), 2011 shall be applicable.
- v. They shall be on probation for a period of one year which are to be extended automatically for another one year if not terminated by a specific order in terms of Section-15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
- vi. They shall undergo mandatory training for the purpose of promotion / direct recruitment, as the case may be.
- vii. They shall get pay in BPS-17 including usual allowances as admissible under the rules. They shall be entitled to annual increment like other Civil Servants.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Endst: No. & Date Even.

Copy for information and further necessary action is forwarded to the:

- 1- Secretary, Social Sectors Department, FATA Secretariat Warsak Road Peshawar.
- 2- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3- PSO to Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
- 4- Director, Higher Education, Khyber Pakhtunkhwa Peshawar with request that the documents / degrees / testimonial of incumbents be verified from the concerned Universities / Boards within due course.
- 5- Accountant General, AGPR Sub Office Peshawar.
- 6- Director Education FATA, Warsak Road Peshawar.
- 7- Advocate General, Khyber Pakhtunkhwa, Peshawar.
- 8- Registrar (Judicial) Peshawar High Court Peshawar.
- 9- Director Information, Khyber Pakhtunkhwa, Peshawar.
- 10- PS to Additional Chief Secretary FATA, Warsak Road Peshawar.
- 11- District Accounts Officers, concerned.
- 12- Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar.
- 13- Deputy Director (IT), HEMIS Cell, Higher Education Department.
- 14- All agencies/ District Accounts Officers concerned.
- 15- Section Officer (Litigation) Higher Education Department.
- 16- PS to Secretary, Higher Education Department.
- 17- PS to Secretary, Law Parliamentary Affairs & Human Rights Department.
- 18- Lecturers concerned.

  
SECTION OFFICER (COLLEGES-II)

Section Officer (C.I.)  
Govt. Of Khyber Pakhtunkhwa  
Higher Education,  
Archives & Libraries Department