


ORDER
05.10.2022

Nemo for the appellant. Syed Alam Zeb Shah, Law Officer alongwith Mr. Muhammad Riaz Khan Painsakhel, Assistant Advocate General for the respondents present.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stands dismissed in default. File be consigned to the record room.

ANNOUNCED
05.10.2022

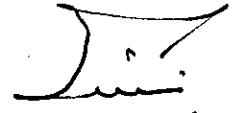

(Salah-Ud-Din)
Member (J)
Camp Court Swat

05.09.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan. Paindakhel, Assistant Advocate General for the respondents present and requested for further time for submission of reply. Last opportunity given.

Clerk of learned counsel for the appellant also requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for written reply and preliminary hearing on 05.10.2022 before the S.B at Camp Court Swat.

Notice also be issued to newly impleaded respondent No. 3 for the date fixed.



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

09.06.2022

Junior to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General present. Nemo for respondent Department.

Reply on behalf of respondents is still awaited. Notice be issued to the respondents for submission of reply/comments. To come up for reply/comments on 26.7.2022 before S.B.



(Rozina Rehman)
Member (J)

26th July, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant very fairly submitted that inadvertently, instead of arraying ^{the} District Accounts officer, Dir, Upper as party, respondents No. 1 and 2 were arrayed as respondents. He further submitted that names of respondents No. 1 and 2 ^{might} be deleted from the ² panel of respondents and that of the District Accounts Officer, Dir Upper be inserted. The learned AAG does not have any objection. Office is directed to array District Accounts Officer, Dir Upper as respondent in the appeal by making entries in the memo and grounds of appeal as well as register. Notice be issued to the remaining respondents i.e Director (E&SE) Department, District Education Officer, Dir Upper and District Accounts Officer, Dir Upper for submission of written reply/comments on the next date. To come up for written reply/comments on 05.09.2022 before S.B at camp court Swat.



(Kalim Arshad Khan)
Chairman

19.01.2022

Counsel for the appellant present.

Learned counsel for the appellant argued that the appellant was initially appointed as Arabic Teacher on 08.04.1996 and his services were terminated thereafter somewhere in 1997 or 1998. On promulgation of the Khyber Pakhtunkhwa Sacked Employees Regularization Act, 2012, the appellant submitted departmental appeal and as a result of the said legislation he was appointed as Arabic Teacher (BS-15) vide office order dated 27.03.2018. Thereafter, he submitted departmental appeal on 23.12.2020 requesting for fixation of pay w.e.f 08.04.1996 i.e from the date of his initial appointment. Learned counsel for the appellant was confronted with the question to produce his order of termination from service and why did not he submit departmental appeal for reinstatement in service at that point of time despite the fact that he had legal remedy under the Appeal Rules. He could not respond with justification. Let pre-admission notice be issued to the respondents for submission of written reply. To come up for reply/preliminary hearing on 16.03.2022 before S.B.


(Mian Muhammad)
Member(E)

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09.06.2022 for the same as before.


Reader

22.09.2021

Learned counsel for the appellant present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing before the S.B on 11.11.2021.

(MIAN MUHAMMAD)
MEMBER (E)

11.11.2021

Junior to counsel for the appellant present. Seeks adjournment due to non-availability of learned senior counsel for the appellant. Request is accorded. To come up for preliminary hearing on 19.01.2022 before S.B.

Learned counsel for the appellant argued that the appellant was initially appointed as Arabic Teacher on 03.01.1996 and his services were terminated thereafter somewhere in 1997 or 1998. On promulgation of the Khyber Pakhtunkhwa Sacked Employees Regularization Act, 2012, the appellant submitted departmental appeal and as a result of the said legislation he was appointed as Arabic Teacher (53735) vide office order dated 27.03.2013. Thereafter, he submitted departmental appeal on 28.12.2020 requesting regularization of pay w.e.f 03.01.1996 from the date of his initial appointment. Learned counsel for the appellant was confronted with the question to produce his order of termination from service, and why did not he submitted departmental appeal for reinstatement in service at that point of time despite the fact that he had legal remedy under the appeal rules, he could not respond with justification. Let the admission to list be issued to the respondents for submission of written reply to come up for reply/preliminary hearing on 19.01.2022 before S.B.




(Mian Muhammad)
(Member (E))

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4967 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/04/2021	<p>The appeal of Sahib Zada resubmitted today by Mr. Noor Muhammad Khattak, 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-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	18.06.2021	<p>Counsel for the appellant present and seeks adjournment as he could not prepare the brief. Request is accepted. To come up for preliminary hearing on 22.09.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Sahib Zada AT GMS Kandaw Jabar District Dir Upper received today i.e. on 14/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days:

Annexures-A, B and C of the appeal are illegible which may be replaced by legible/better one.

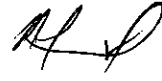
No. 719 /S.T,

Dt. 15/04 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Note : Annex A, B, and C are replaced with better one, hence re-submitted today.


23.4.21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr. SAHIB ZADA

V/S

EDUCATION DEPARTMENT

I N D E X

S: NO	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1-3
2	Appointment	A	4
3	Judgment	B	5-8
4	Appointment	C	9-10
5	Charge report & Medical certificate	D	11-12
6	Departmental appeal	E	13
7	Wakalat Nama	14

Dated: 12-04-2021

APPELLANT

Through:


NOOR MOHAMMAD KHATTAK
ADVOCATE

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 4967 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4841

Dated 12/4/2021

Mr. Sahib Zada, AT (BPS-15),
GMS Kandaw Jabar, District Dir Upper.

.....**APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 1 ~~3~~ The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2 ~~4~~ The District Education Officer, District Dir Upper.

3. *Distt Accounts Officer Dir Upper*.....**RESPONDENTS**

Note Entry made according to order sheet dt: 26-7-22

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY IN BPS-15 w.e.f 08.04.1996 i.e FROM THE DATE OF INITIAL APPOINTMENT TO THE POST OF AT (BPS-15) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS.

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f 08.04.1996 i.e from the date of initial appointment to the post of AT (BPS-15) with all back benefits. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day
Registrar
12/4/21 **R/SHEWETH:**

ON FACTS:

Brief facts giving rise to present appeal are as under:

- 1- That the appellant was initially appointed in the respondent department as Arabic Teacher vide dated 08.04.1996 as stop gap arrangement. Copy of the appointment order is attached as annexure.....**A)**
- 2- That it is worth mentioning here, that the services of the appellant along with others were dispensed with on the ground that their services were no more required to the department.

Re-submitted to -day
and filed.

Registrar 25/4/21

- 3- That it also worth mentioning, that on promulgation of KP Sacked Employee Act, 2012 appellant submitted an application for reinstatement being covered under the said law but the same was not considered, hence the appellant filed writ petition No.113-M/2014 before Peshawar High Court Mingora Bench, Dar Ul Qaza Swat, which was allowed vide Judgment dated 06.02.2018. Copy of the Judgment date is attached as annexure.....**B**
- 4- That the appellant was appointed as w.e.f taking over charge in light of Peshawar high court Dar-ul-Qaza Bench Judgment vide order dated 27.03.2018. That in response the appellant submitted charge report and started his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order date and Charge Report & medical certificate are attached as annexure.....**C & D.**
- 5- That the appellant filed departmental appeal before the respondents for fixation of pay w.e.f the date his appointment i.e 08.04.1996 but the same has not been responded within stipulated period of ninety days. Copy of departmental appeal is attached as annexure.....**E**

GROUND:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f 08.04.1996 is against law, facts, norms of natural justice and material on the record.
- B- That the appellant has not been treated in accordance with law and rules by the respondent department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic republic of Pakistan, 1973.
- C- That respondents acted in arbitrary and mala fide manner by not allowing pay fixation to the appellant w.e.f 08.04.1996 and as such the inaction of the respondents is violates of law and rules.
- D- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- E- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of pakistan, therefore in the light of the above mentioned Article the appellant is

fully entitle for the grant of pay fixation w.e.f the date of initial appointment.

F- That promulgation of Sacked Employee Act, 2012 established that dismissal of appellant along with others from service was against the law, hence the appellant is entitled to pay fixation from date of his first appointment.

G- That in light of rule 2.3 of the West Pakistan, Pension Rules, 1963 the appellant is fully entitle for the grant of pay fixation from the date of initial appointment.

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Date:

APPELLANT

Sahib Zada
SAHIB ZADA

THROUGH:

Noor Muhammad Khattak
NOOR MUHAMMAD KHATTAK

Afrasiab Khan Wazir
**AFRASIAB KHAN WAZIR
ADVOCATES**

APPOINTMENT ORDER.

Mr. Sahib Zada Qualification. S/O Qadar Gul R/O Babywear Distt: Dir is hereby appointed purely on adhaq/Temporary end as stop-gap arrangements against the vacant post of AT Rs, 1695/-P.M plus usual allowance admissible under the rules at Govt: Higher Secondary/Middle School GMS Chulistan distt: DIR with affect from the dated of his taking over charge subject to the terms and condition mentioned below

END OUT NO .5252-56/

Dated 8/4/1996

POINTMENT ORDER

Mr. Sabib Zada

Qualification Wazirul Muallim

8/O. Qadar Paul

N/O Bibiyar

Distt. DIR

is hereby appointed purely on adhoc/Temporary and ad hoc basis against the vacant post of AT @ Rs. 1605/- P.M plus usual allowances admissible under the rules of Govt. Higher Secondary/High/Middle Schools.

SMS Chulston Distt. DIR with effect from 12/11/2016

Sabib Zada subject to the terms and conditions mentioned below.

TERMS AND CONDITIONS.

1. He/She will be governed by such rules and regulations as prescribed by the Government of the NWFP from time to time.
2. He/She will vacate the post on the arrival of the appointment of trained teacher belonging to the same cadre and service and his services will cease automatically.
3. His/Her services are purely temporary and terminable at any time without assigning any reason or notice and his service will be liable to termination on one month notice from either side. In case of resignation notice his one month pay will be forfeited in lieu thereof.
4. He/She should join the post within a week of this notification, otherwise this order will be deemed cancelled automatically.
5. His/Her original certificate/Degrees should be checked and verified from the concerned Board/University immediately, by the concerned DSO/Principal/Headmasters/Headmistress/DNO and verification submitted to this office within one month.
6. The Service book of the teacher must be checked before handing over charge.
7. He/She should produce health and age certificate from Medical authority concerned before taking over charge.
8. His/Her age should not exceed that 25+5=30 years and no over 5-d condition to be given charge.
9. Charge reports should be submitted to all concerned with in stipulated time.
10. No TA/DA is allowed.
11. He will get himself trained/qualified within one year as per rules.
12. The appointee may be given charge against clear vacancies only and no over age above appointments he accepted whatsoever the circumstances may be.

CHULSTON
DIR, DISTRICT OFFICE, SECY. EDUCATION,
(S) MALAKAND DIVISION, MALAKAND

Dated 8/14 / 2016

Endout; No. 5282-56

Copy to the;

1. District Education Officer (Malakand) & (S) Secy, Distt. DIR
2. Principals/Headmasters/Headmistresses SMS Chulston DIR
3. District Accounts officer/Agency Accounts officer DIR
4. P.S to Sabib Zada Tanigallah MPA Wazirul Muallim
5. Suptt; Establishment local office.

Approved
W

DDW/ADEO.
DIR, DISTRICT OFFICE, SECY. EDUCATION,
MALAKAND DIVISION, MALAKAND

Zada
BBS
MALAKAND

ATTEN

**BEFORE THE PESHAWAR HIGH COURT BENCH AT MINGORA/DAR-
UL-QAZA SWAT**

C.M NO. 482 –M/2016

IN

Writ petition No, 113-M/2014

- 1) Sultan Room S/o Shah zaman khan R/o Amlook Nar District Dir Upper
- 2) Sahib zada S/o Qadar Gul R/o Bibywar District Dir Upper
- 3) Muhammad Israr S/o Mohammad Idris R/o Mian Bandah District Dir Upper

.....Applicants/Petitioners

VERSUS

- 1) Govt of kpk through chief secretary at civil secretariat Peshawar .
- 2) secretary education govt of kpk at civil secretariat Peshawar.
- 3) District education .officer (MALE)dir lower at timergara.
- 4) Director elementary & secondary education kpk at civil secretariat Peshawar.

.....Respondents.

**APPLICATION FOR IMPLEMENTATION OF THE
JUDGMENT/ORDER OF THIS HONORABLE COURT.**

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT MINGORA BENCH

(DAR-UL-QAZA)SWAT

(Judicial Department)

CM. No. 482-m/2016

In

W.P.NO.113-M/2014

JUDGMENT

Date of hearing: 06.02.201

Petitioners:-(sultani room & others) by Syed Abdul Haq, Advocate.

Respondents:-(Govt: of kpk & others)by Mr. Rahim shah, Astt: Advocate general.

MOHAMMAD IBRAHIM KHAN, J.- These petitioners through this civil miscellaneous petition seek implementation of this Court order dated 28.03.2014 delivered in W.P No.113-M of 2014 whereby while disposing of the writ petition following direction were given to the answering Respondent ;

In view of the above, the Respondents are directed to consider the case of Petitioner in the light of the Khyber Pukhtankhwa Sacked Employees (Appointment) Act, 2012 subject to their eligibility in the light of the provisions of said Act within a the instant petition is disposed of in above terms.

2. Brief facts of the case are that Petitioners were Ex PTC, CT and AT teachers of the Education Department during the period of 1995/1996 and thereafter their services were dispensed with by the Respondents.

3. Upon promulgation of the Act ibid as like other similarly placed persons the Petitioners, submitted application for their re-appointment, but their request was not given any heed, therefore, they are compelled to knock the doors of this Court through the above-referred writ petition which was disposed of on 28.03.2014 with clear-out direction to the Respondents in respect of consideration of their case within the ambit of Khyber pakhtunkhwa sacked Employees (Appointment) Act,2012 Since the Respondents

were not willing to compensate the petitioners under the ibid Act, therefore, this CM has been preferred for implementation of the judgment of this Court dated 28.03.2014.

Official Respondents submitted photocopy of appointment order bearing Endtt: No. 8087-94/File No, 123/Apptt/DEO (M)/ADO(P) dated 29.11.2017, wherein Muhammad Israr, Applicant No. 03 herein has been appointed as PST at GPS Shamogar under the umbrella of Khyber Pakhtunkhwa sacked Employees Act, No, XVII-/2012 and stated that rest of the Applicants No. 1 & 2 i.e. Sultani Room and Sahib Zada will also be given alike treatment being similarly placed persons.

5. In view of the above commitment made by learned A.A.G at the bar, this petition is disposed of is terms that the Respondents are directed to consider the case of Applicants No. 1 & in the light of ibid Act of 2012 within a period of one month positively subject to their eligibility for the subject posts being similarly placed persons as like Applicant No. 3 Muhammad Israr who has already been appointed.

Announced

06.02.2018

BEFORE THE PESHAWAR HIGH COURT BENCH
AT MINGORA/DAR-UL-QAZA SWAT

C.M No 482 of 2016

In

Writ Petition No. 113-M of 2014



- 1) Sultani Room S/o Shah Zaman Khan R/o Amlook Nar District Dir Upper.
- 2) Sahib Zada S/o Qadar Gul R/o Bibyawar. District Dir Upper.
- 3) Muhammad Israr S/o Mohammad Idris R/o Mian Bandah District Dir Upper.

.....applicants / Petitioners

VERSUS

- 1) Govt. of KPK through Chief Secretary at Civil Secretariat Peshawar.
- 2) Secretary Education Govt. of KPK at Civil Secretariat Peshawar.
- 3) District Education Officer (Male) Dir Lower at Timergara.
- 4) Director Elementary & Secondary Education KPK at Civil Secretariat Peshawar.

.....Respondents

APPLICATION FOR IMPLEMENTATION
OF THE JUDGMENT / ORDER OF THIS
HONORABLE

ATTESTED

6

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

D.M. No. 482-M/2016

In W.P. No. 113-M/2014

JUDGMENT

Date of hearing: 06.02.2018

Petitioners: - (Sultani Room & others) by Syed Abdul Haq, Advocate.

Respondents: - (Govt: of KPK & others) by Mr. Rahim Shah, Asst: Advocate General.

MOHAMMAD IBRAHIM KHAN, J.- These Petitioners through this civil miscellaneous petition seek implementation of this Court order dated 28.03.2014 delivered in W.P. No. 113-M of 2014, whereby while disposing of the writ petition following directions were given to the answering Respondents:-

" 4. In view of the above, the Respondents are directed to consider the case of Petitioners in the light of the Khyber Pakhtankhwa Sacked Employees (Appointment) Act, 2012 subject to their eligibility in the light of the provisions of said Act within a

(Signature)

ATTORNEY GENERAL



The instant petition is disposed of in above terms.

2. Brief facts of the case are that Petitioners were Ex PTC, CT and AT teachers of the Education Department during the period of 1995/1996 and thereafter their services were dispensed with by the Respondents.

3. Upon promulgation of the Act *ibid* as like other similarly placed persons the Petitioners submitted application for their re-appointment, but their request was not given any heed, therefore, they are compelled to knock the doors of this Court through the above-referred writ petition which was disposed of on 28.03.2014 with clear-cut direction to the Respondents in respect of consideration of their case within the ambit of Khyber Pakhtunkha Sacked Employees (Appointment) Act, 2012. Since the Respondents were not willing to compensate the Petitioners under the *ibid* Act, therefore, this

the CM has been preferred for implementation of the judgment of this Court dated 28.03.2014.

ATTACHED

8

official Respondents submitted photocopy of appointment order bearing Endtt. No. 8087-94/File No. 123/Appt/DEO (M)/ADO(P) dated 29.11.2017, wherein Muhammad Israr, Applicant No. 3 herein has been appointed as FST at GPS Shamogar under the umbrella of Khyber Pakhtunkhwa Sacked Employees Act No. XVII- /2012 and stated that rest of the Applicants No. 1 & 2 i.e. Sultani Room and Sahib Zada will also be given alike treatment being similarly placed persons.

5. In view of the above commitment made by learned A.A.G at the bar, this petition is disposed of in terms that the Respondents are directed to consider the case of Applicants No. 1 & 2 in the light of *ibid* Act of 2012 with in a period of one month positively subject to their eligibility for the subject posts being similarly placed persons as like Applicant No. 3 Muhammad Israr who has already been appointed.

Announced



Handwritten notes and signatures on the left margin, including the number '24' and various illegible signatures and dates.

ATTENDED

Handwritten signature and initials at the bottom right of the page.

Annexure



9



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)

Dir Upper (Phone # 0944-884100) E-mail: dirupper@punjab.gov.pk

OFFICE ORDER:

In the light of the judgment passed by the Honorable Peshawar High Court Mingora Bench (Darul Qaza Swat) in CM No. 482 M/2016 in Writ Petition No. 113-M/2014 dated 06/02/2017 and in pursuance of sacked employees Act (Appointment) 2012 @ 30% quota, **Mr. Sahibzada S/O Qadar Gul** is hereby appointed as **Arabic Teacher (AT)** against the vacant post at **GMS Kandaw Jabbar Dir Upper** in **BPS-15 (Rs. 16120-1330-56020) @ 16120/-** fixed Plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial government, in teaching cadre on the terms and conditions given below with effect from the date of taking over charge.

TERMS AND CONDITIONS:

- The appointees shall be appointed against 30% share of the available vacancies in district Dir Upper.
- He should obtained medical fitness certificate from the medical superintendent concerned.
- The period during which a sacked employee remain dismiss removed or terminated from service, till the date of their appointment shall be deemed his age to has been automatically relaxed and his no further relaxation under any rules for the time being in force.
- The sacked employees shall not be entitled to any claim of seniority, promotion or other back benefits and their appointment shall be considered as fresh appointment.
- The appointment will be governed by such Rules, regulations policies, which may be prescribed by the Government from time to time.
- If the appointee failed to take over charge within 30 days after issuance of this order his appointment will be deemed as automatically canceled.
- Charge report should be submitted to the concerned.
- Appointment is subject to the condition that his certificates/degrees must be verified from the concerned authorities if anyone found producing bogus certificate will be reported to the law enforcing agencies for further action.

10

- i) The errors and omissions etc. if found at any stage shall be rectified. In case of termination of said candidate, he will have no right to claim the order already issued in any court.
- j) His services shall be terminated at any time, in case of his performance is found unsatisfactory during his probation period. In case misconduct, he will be proceeded under the rules.
- k) No TA/DA is allowed.


(ABDUL HAQ)
DISTRICT EDUCATION OFFICER (M)
DIR UPPER

Endst No. 1751-55/Sacked Employees/DEO (M)/Estb (S)

Dated: 27 / 03 / 2018

Copy forwarder for information to the:-

- a) Registrar Honorable Peshawar High Court Mingora Branch.
- b) Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- c) District Accounts Officer Dir Upper.
- d) Principal/Head master concerned school.
- e) Official concerned.


DISTRICT EDUCATION OFFICER (M)
DIR UPPER

ATTACHED

Anwar

D


11

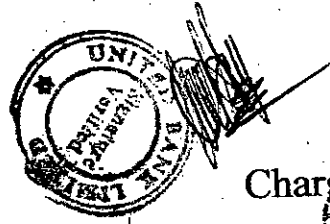
CHARGE REPORT


It is certified that Mr. Sahib Zada S/O Qadar Gul Appointed AT post BPS -15 at GMS Kandaw Jabar according to order DEO (M) Dir Upper.

Endst No: 1751-55/Sacked Employees/DEO (M)/(Estab:)(S) Dated Dir (U) the 27/03/2018 took over charge of his post at GMS Kandow Jabar today on date 28-03-18 before Noon.

Charge report submitted to all concerned for further necessary action please.

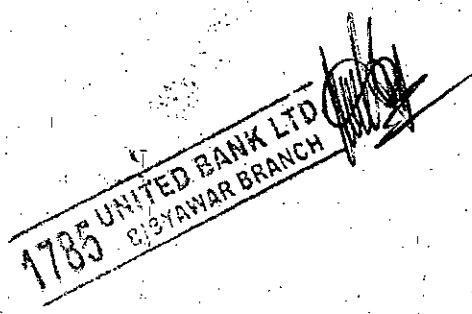

Charge Taken by
Mr. Sahib Zada




Charge Handed over
Head Master
G.M.S. Kandaw Jabbar
District Dir Upper

Copy forwarded for information and necessary action to:

1. District Education Officer Concerned.
2. District Accounts Officer concerned.
3. Official concerned.
4. M/File.



ATTEND

13

Annxure - E

To,

The Director, E&SE Department,
Khyber Pakhtunkhwa, Peshawar.

**SUBJECT: DEPARTMENTAL APPEAL FOR FIXATION OF PAY IN
(BPS-15) w.e.f 08.04.1996 i.e FROM THE DATE OF
INITIAL APPOINTMENT.**

Respected Sir,

It is most humbly stated that appellant was appointed before your good-self department as AT vide order dated 08.04.1996 as stop gap arrangement. That in the year 1997 the services were dispensed on the ground that his services were no more required to the department. That on promulgation of KP Sacked Employee Act, 2012 I submitted an application for reinstatement being covered under the said law but the same was not considered. That feeling aggrieved I submitted an application for reinstatement being covered under the said law but the same was not considered. Feeling aggrieved I filed writ petition before the Peshawar High Court Mingora bench, which was allowed. Respected Sir, I was appointed as AT (BPS-15) taking over charge in light of Peshawar High Court Dar-Ul-Qaza Bench judgment. That in response I have submitted my charge report and started performing duty quiet efficiently and up to the entire satisfaction superiors. That I am entitle for fixation of pay from the date of my initial appointment i.e 08.04.1996 but the concerned authority has appointed me with immediate effect i.e from the date of taking over charge. Sir, I am feeling aggrieved prefer this departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this departmental appeal I may kindly be allowed for pay fixation w.e.f 08.04.1996 with all consequential benefits. Any other remedy which your good self deems fit that may also be awarded in my favor.

Dated: 23.12.2020

Yours Sincerely



**SAHIB ZADA, AT (BPS-15)
GMS Kandaw Jabar,
District Dir Upper**

VAKALATNAMA

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

_____ OF 202

Sahib Zada

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/We Sahib Zada

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/202

Sahib Zada

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

Shahzullah
SHAHZULLAH YOUSAFZAI

AFRASIAB KHAN WAZIR

&

**AFRASIAB KHAN WAZIR
ADVOCATES**

OFFICE:

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Mobile No.0345-9383141