


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 Pindakhel, 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

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 District Account 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} ^{may} be deleted from the ^{panel} of respondents and that of the District Account Officer, Dir Upper ^{might} ^{be} inserted. The learned AAG does not have any objection. Office is directed to array ^{the} District Account 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 Account 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

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

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 26.07.2022 before S.B.


(Rozina Rehman)
Member (J)

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.

19.01.2022

Counsel for the appellant present.


Chairman

Learned counsel for the appellant argued that the appellant was initially appointed as SV Teacher on 19.05.1996 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 CT (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 19.05.1996 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.

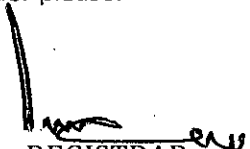
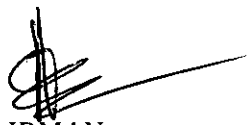


(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4966 /2021

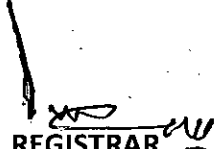
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/04/2021	<p>The appeal of Sultan-e-Room resubmitted today by Mr. Noor Muhammad Khattak, Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p 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. Sultan-e-Room CT, GHSS Kair 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 appellent 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. 718 /S.T,


Dt. 15/04 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Note

Annex-A, B, C are replaced
by better copies. Hence objection
removed & re-submitted today


23.4.21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr. SULTAN-E-ROOM 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. 4966 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4840

Dated 12/4/2021

Mr. Sultan-e-Room, CT (BPS-15),
GHSS Kair, District Dir Upper.

.....**APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
3- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
4- The District Education Officer, District Dir Upper.
5- District 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 19.05.1996 i.e FROM THE DATE OF INITIAL APPOINTMENT TO THE POST OF CT (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 19.05.1996 i.e from the date of initial appointment to the post of CT (BPS-15) with all back benefits. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the

Filed to-day Appellant.

Registrar
R/SHEWETH:

12/4/21
ON FACTS:

Brief facts giving rise to present appeal are as under:

- 1- That the appellant was initially appointed in the respondent department as Certified Teacher vide dated 19.05.1996 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

- 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 19.05.1996 but the same has not been responded within stipulated period of ninety days. Copy of departmental appeal is attached as annexure.....**E**

GROUNDS:

- A- That the inaction of respondents by not allowing pay fixation to the appellant w.e.f 19.05.1996 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 19.05.1996 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


SULTAN E ROOM

THROUGH:


NOOR MUHAMMAD KHATTAK

&


AFRASIAB KHAN WAZIR

ADVOCATES

APPOINTMENT ORDER

Mr. Sultani Room Qualification. FA S/o Shazaman Khan R/O Amlook Nar Distt: Dlr is hereby appointed purely on adhaq/Temporary end as stop-gap arrangements against the vacant post of SV Rs, 1695/-P.M plus usual allowance admissible under the rules at Govt: Higher Secondary/Middle School GHS Khair dera distt: DIR with affect from the datedof his taking over charge subject to the terms and condition mentioned below

END OUT NO .7840-45/

Dated 19/05/1996

PHONE NO. 2110/211010
DIV: DIRECTOR OF SCIENCE EDUCATION
(3) MAJLHARD DIVISION AT GULSHAN

APPOINTMENT ORDER

Mr. Sultani Room

Qualification PA

R/O. Shahzaman Khan

R/O Amlook Nar

Distt; Dir

is hereby appointed purely on probation/Temporary and on stop-work arrangement against the vacant post of SV of Rs. 1625/- P.M plus usual allowances admissible under the rules at Govt; Higher Secondary/Intermediate Schools. GHS: Khair Dara Distt; Dir with effect from the date of his taking over charge 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 N.Y.P from time to time.
2. He/She will vacate the post on the arrival of the appointment of a teacher belonging to the same category and service in the concerned school as per rules.
3. He/She may be purely temporary and terminable at any time without 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 case of other reasons he/she shall join the post within a week of termination, otherwise his/her offer will be deemed cancelled automatically.
4. He/Her original certificates/degrees should be checked and verified from the concerned Board/University immediately by the concerned School Principal/He/She or District/D.O and verified copy submitted to this office within one month.
5. The Service Book of the teacher should be checked by the authority concerned before he/she is given charge.
6. He/Her age should not exceed that 25+5+30 years and he/she should not be given charge.
7. Charge reports should be submitted to all concerned within stipulated time.
8. He/She shall be allowed.
9. He/She will get himself trained / qualified within one year as per rules.
10. The candidate may be given charge against clear vacancies only as per rules and his/her appointments will be accepted only as per the circumstances.

DIV: DIRECTOR OF SCIENCE EDUCATION

Dated 19/5

DIRECTOR

1. District Education Officer (M-1) (male) Copy: Distt; Agency Dir

GHS: Khair Dara Dir.

2. District Accounts Officer/Agency Accounts Officer Dir

Sahib Sherif Zada Tariqullah HPA.

3. District Education Local office.

4. District Education Local office.

5. District Education Local office.

ANNEXURE "B"

(5) to (8)

**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 Bibyaware District Dir Upper
- 3) Muhammad Israr S/o Mohammad Idris R/o Mian Bandah District Dir Upper

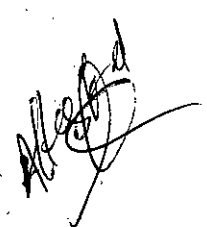
.....Applicants/Petitioners

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

A handwritten signature in black ink, appearing to be 'Ali Asghar', is located at the bottom center of the page. The signature is written in a cursive style with a vertical line extending downwards from the end.

Annexure B (5)

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

ATTACHED

6

JUDGMENT SHEET

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

C.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



RECEIVED
10/02/2018

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

ATTORNEY

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 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.



Handwritten notes and signatures on the left margin, including the name 'S.M. W. M. A.' and the date '21.12.17'.

ATTESTED

Announced

Handwritten signature of the official.



Anyxave C " 9

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

Dir Upper (Phone # 0944-884100) E-mail: deo@dirupper@gov.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. Sultan-e-Room S/O Shah Zaman Khan is hereby appointed as Certified Teacher (CT) against the vacant post at GHS Kair 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:

- a) The appointees shall be appointed against 30% share of the available vacancies in district Dir Upper.
- b) As per court decision the appointment will be provide an undertaking that he will complete CT training in the equivalent qualification i.e. BA/BSc, if he has failed in the said condition his appointment shall stand automatically cancelled.
- c) He should obtained medical fitness certificate from the medical superintendent concerned.
- d) 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.
- e) 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.
- f) The appointment will be governed by such Rules, regulations policies, which may be prescribed by the Government from time to time.
- g) If the appointee failed to take over charge within 30 days after issuance of this order his appointment will be deemed as automatically canceled.
- h) Charge report should be submitted to the concerned.
- i) 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.
- j) The errors and omissions etc. if found it 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.

10

- k) 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.
- l) No TA/DA is allowed.

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

Indst No. 1741-45 /Sacked Employees/DEO (M)/Estb (S)

Dated: 27/03 /2018

Copy forwarder for information to the:-

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


DISTRICT EDUCATION OFFICER (M)
DIR UPPER

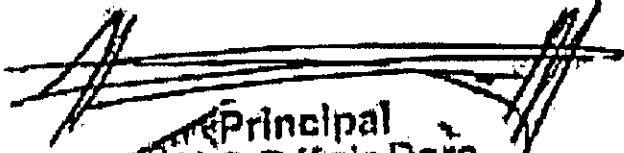
ATTACHED

Charge Report.

Certified that Mr. Sultan-e-Room
 s/o Shah Zaman Khan took over his
 Charge of CT post at G.H.S.S Kair
 Dara Dir (U) today on 28/03/2018
 forenoon vide Endst: NO: Honourable
 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.

Forwarded to.

- 1, D.A.D Dir (U)
- 2, D.E.O (M) Dir (U)
- 3, O/c.



 Principal
 G.H.S.S Kair Dara
 Dist: Dir Upper

DISP-492

12

MEDICAL CERTIFICATE.

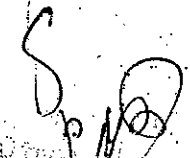
Name of Official Sultan-e-Room
 Cast or race Muslim/Pakistani
 Father's Name Shah Zamran Khan
 Residence village S P/O Kair, Tehsil Dir
 District Upper Dir
 Date of Birth 21-10-1972 (According to CNIC)
 Exact height by measurement
 Personal mark of identification Nil
 Signature of the official
 Signature of head of office


 Seal of Officer **Principal**
G.H.S.S. Kair-Dara
Dir Upper

I do hereby certify that I have examined Mr. Sultan-e-Room a candidate for employment in the office of the Education Dept and cannot discover that he had any disease communicable of other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the Education Dept. His age according to own statement 34 years and by appearance about 46 Year.

LEFT HAND THUMB AND FINGER IMPRESSION.....


 Medical Superintendent
 Civil Hospital
 30-3-18

ATTACHED

To,

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

**SUBJECT: DEPARTMENTAL APPEAL FOR FIXATION OF PAY IN
(BPS-15) w.e.f 19.05.1996 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 Certified Teacher vide order dated 19.05.1996 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 CT (BPS-15) from date of 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 19.05.1996 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 19.05.1996 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

SULTAN E ROOM, CT (BPS-15)

GHS Kair ,

District Dir Upper

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2021

Sultan-e-Room

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept

(RESPONDENT)
(DEFENDANT)

I/We Sultan-e-Room

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: _____/_____/2021

Sultan-e-Room

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

MIR ZAMAN SAFI

&

AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:

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Mobile No.0345-9383141