

14th Sept, 2022

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

Written reply/comments not submitted. Last opportunity is granted to the respondents for reply. To come up for reply/preliminary hearing on 22.09.2022 before S.B at camp court Abbottabad.

Q

(Kalim Arshad Khan)
Chairman

22.09.2022

Appellant present through counsel.

Kabir Ullah Khattak, Additional Advocate General for respondents present.

Despite last chance, reply was not submitted. Therefore, case is adjourned on payment of cost of Rs.3000/- to be paid by the respondents with direction to the learned AAG to make sure personal appearance of representative of respondents but not below Grade-17. To come up for reply/preliminary hearing on 16.11.2022 before S.B at Camp Court, Abbottabad.



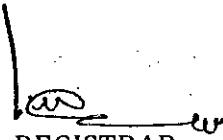



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 618/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/04/2022	<p>The appeal of Mr. Sher Bahadur presented today by Mr. Inyatullah Khan Tareen Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	28.04.2022	<p>Appellant present through counsel.</p> <p>He made a request for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 08.07.2022 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>
	08.07.2022	<p>Due to Public Holiday on account of Eid-UI-Adha case to come for the same on 13.07 20.07.2022.</p> <p> Reader</p>
	28.07.2022	<p>Counsel for the appellant present.</p> <p>Let pre-admission notice be issued to respondents for submission of written reply/comments. To come up for written reply/preliminary hearing on 14.09.2022 before S.B.</p> <p> (Fareeha Paul) Member (E)</p>

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

Case Title: Sheer Bahadur vs Govt of Khyber Pakhtunkhwa and others

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Inayat Ullah Khan Taseen Advocate</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Inayat Ullah Khan Taseen Adv

Signature: [Signature]

Dated: 26-04-2022

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

Service Appeal No. 618 /2022.

Sher Bahadur V/S Government of Khyber Pakhtunkhwa through
the Secretary, Elementary and Secondary
Education Department, Civil Secretariat
Peshawar and others.

SERVICE APPEAL

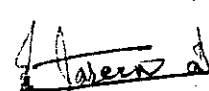
INDEX

Sr: No:	Description of Documents	Annexure	Page No:
(1)	Memorandum of Appeal alongwith affidavit, addresses of the parties, certificate & list of Books.	-	01 - 10
(2)	Application for Condonation of delay.	-	11
(3)	Copy of the appointment order.	"A"	12 - 14
(4)	Copy of retirement certificate/order.	"B"	15
(5)	Copy of Department appeal alongwith copy of a letter No. 3910-12/F No. 7-1/lit/HRP, dated 11-08-2021.	"C&D"	16 - 21
(6)	Copy of judgment of august Supreme Court.	"E"	22 - 24
(7)	Copy of the office order dated 16-07-2021 in identical cases.	"F"	25 - 26
(8)	Copies of significant documents.	"G"	27 - 35
(9)	Vakalat Nama.	-	36

Dated: 26/4/22


Appellant
(Sher Bahadur)

Through:


(Inayat Ullah Khan Tareen)
Advocate High Court.

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

Service Appeal No. 618 /2022.

Sher Bahadur S/O Samundar Shah R/O Village Kandoonah,
Post Office Keroach, Village Sirikot, Tehsil & District Haripur.

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through the Secretary,
Elementary and Secondary Education Department, Civil Secretariat
Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa,
Peshawar.
3. District Education Officer (Male) Haripur.

.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT, 1974 AGAINST THE DECISION
OF RESPONDENT NO: 3 ISSUED VIDE HIS OFFICE
LETTER NO: 3910-12/F NO: 7-1/Lit./HRP, DATED 11-08-
2021, WHEREBY THE APPELLANT HAS NOT BEEN HELD
ENTITLED TO PENSIONERY BENEFITS AND GRATUITY
AND APPEAL IN THIS RESPECT WAS DISMISSED.**

PRAYER:

On acceptance of this appeal, it may be declared and held that Section-5 of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (Act No: XVIII of 2012) does not exclude the claim of appellant for pensionery benefits on his retirement by superannuation as the fresh appointment of the appellant by virtue of Section 3 of the said Act is incidental to his original appointment which was

subsequently terminated without any fault attributable to the appellant; and as such, the period from the date of termination of appellant's service after the original appointment till his fresh appointment by operation of law is countable in service for the purpose of pension. Consequently, the appellant having on his credit qualifying service for pension, is entitled for usual pensionary benefits on his retirement by superannuation; and impugned order is liable to be set-aside being against the facts and law.

Any other relief deemed fit according to circumstances of the case may also be granted.

Respectfully Sheweth:-

The facts giving rise to this appeal are as follows:-

FACTS:

1. That the appellant was appointed by the Respondent department according to the prescribed method of recruitment in the year 1995. (Copy of the appointment order is annexed as **Annexure "A"**).
2. That, the services of the appellant were illegally terminated in the year 1996-97.
3. That in the year 2012, sacked employees (Appointment) Act, 2012 KPK was promulgated. Department was bound to reinstate/reappoint the appellant as per criteria mentioned in the said Act, but appellant was not appointed under the said Act.
4. That lateron, in compliance with the judgment 24-05-2016 passed by Honourable Peshawar High Court and up held by the August Supreme Court of Pakistan vide order dated 24-05-2017, the appellant was reappointed/reinstated in service in the year 2017.
5. That after reappointment, appellant again served in the Department and was retired on having attained the age of superannuation in the

year 2021. (Copy of retirement certificate/order is annexed as Annexure "B").

6. That upon retirement, respondents were bound by law to pay all the pensionary benefits to the appellant, but they failed to pay pension to the appellant. He moved numerous applications for the grant of pensionary benefits, but respondent No. 3 vide order dated 11-08-2021 dismissed the applications of the appellant.
7. That feeling aggrieved from the impugned order, the appellant preferred the Departmental Appeal before Respondent No: 2, and the Respondent No. 2 gave no response as yet, however the Respondent No. 3/District Education Officer (Male) Haripur dismissed the appeal and deprived the appellant from gratuity and pensionary benefits. It is pertinent to mention here that 90 days statutory period of Departmental Appeal has expired, hence the appellant in pursuit of the next remedy has to file this Service Appeal, inter alia on the following grounds:- (Copy of Department appeal alongwith copy of a letter No. 3910-12/F No. 7-1/lit./HRP, dated 11-08-2021 is annexed as Annexure "C&D").

GROUND S:

- A- That preamble of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 construes that very purpose of making said law is to provide relief to eligible sacked employees who were appointed in the Province of Khyber Pakhtunkhwa during the period from 1st day of November 1993 to 30th day of November 1996 and were dismissed, removed, or terminated from service on various grounds. In content of the said preamble, previous appointment of sacked employees was taken as basis for fresh appointment with certain exceptions as to their claim of seniority, promotion and other back benefits.

- B- That the appellant having been appointed in the year 1995 as CT Teacher had served in the respondent department and was terminated from service before 31st day of December 1998. As such, the original appointment of the appellant having been made after 1st day of November 1993 and his termination before 31st December 1998 was covered under the definition of 'sacked employee' given in Khyber Pakhtunkhwa Act No: XVII of 2012 and relief of appointment within meaning of section 3 of the said Act was also extended in appellant's favor.
- C- That legally admissible nexus between previous and fresh appointment of sacked employees makes a good ground for treatment of intervening period between termination of service and fresh appointment in a beneficial manner for its counting towards qualifying service for pension of the appellant on his retirement by superannuation.
- D- That Section 5 of the Act No: XVII of 2012 does not specifically or by implication excludes the counting of aforementioned intervening period towards qualifying service for pension and it does not warrant by law and principles of natural justice to interpret said section for supplying an omitted cause by departmental interpretation.
- E- That in view of the forgoing grounds herein above, appointment of the appellant after termination of his original service was the outcome of operation of a remedial law.
- F- That when the original appointment of the appellant was taken as paramount consideration for relief under Act XVII of 2012, the termination of said appointment during a particular regime without any fault of the appellant is not workable to disconnect his original appointment from the fresh appointment made under operation of law which in terms of its preamble is remedial law. As such, it is highly unjust, perverse, arbitrary, perfunctory, erroneous, wrong and unlawful to exclude the intervening period from termination of

appellant after original appointment till his fresh appointment, from its counting towards the qualifying service for pension on Appellant's retirement by superannuation.

G- That seniority and promotion are part of terms and conditions of service governed under the rules namely Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989 and claim of a sacked employee to this effect has been specifically excluded by Section 5 of the Act XVII of 2012 and the expression "other back benefits" does not logically and legally cover the exclusion of intervening period as above mentioned for the purpose of pension particularly when the august Supreme Court of Pakistan in the judgment dated 27-03-2020 passed in Civil Petition No: 468-P, 469-P, 471-P and 472-P of 2016 allowed the counting of protected period for payment of pensionary benefits.(Copy of judgment of august Supreme Court is annexed as **Annexure "E"**).

H- That in identical case, similarly placed employees have been given all the pensionary benefits but vide impugned order, appellant has been deprived of his pension totally on flimsy grounds. (Copy of the office order dated 16-07-2021 in identical cases is annexed as **Annexure "F"**).

I- That the right to pension is provided under the law and rules. There are a number of pronouncements of the august Supreme Court of Pakistan that grant of pension is not a bounty rather a vested right of a government servant after his retirement. The appellant was prevented from rendering service in the respondent department because of his termination from service and enactment of remedial law for relief to the sacked employees is not prone to the interpretation of the expression "other back benefits" to exclude the period of his absence from service in between his termination and appointment by operation of law.

J- That the impugned order is against the facts, against the law, random, arbitrary, erroneous, unfounded and suffers from misinterpretation and misunderstanding of the law. Hence not tenable under the facts and law.

K- That the appeal at hand is not otherwise time barred for the reason of it's caesura under Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020 and but as matter of precaution, an application for condonation of delay is accompanying this appeal.

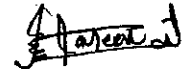
L- That the matter in appeal is fit for adjudication in jurisdiction of this Hon'ble Tribunal.

With the forgoing facts and grounds it is respectfully submitted that the Appeal may graciously be accepted as prayed for.

Dated: 26/4/22

Through:


Appellant
(Sher Bahadur)


(Inayat Ullah Khan Tareen)
Advocate High Court.


VERIFICATION

Verified that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated: 26/4/22

Through:


Appellant
(Sher Bahadur)


(Inayat Ullah Khan Tareen)
Advocate High Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. _____/2022.


Sherbahadur V/S Government of Khyber Pakhtunkhwa through the secretary, Elementary and Secondary Education Department, Civil Secretariat Peshawar and others.

SERVICE APPEAL

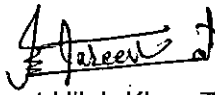
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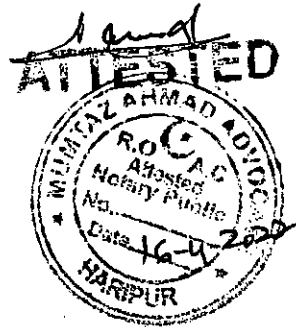
I, Sher Bahadur, S/O Samundar Shah R/O Village Kandoonah, Post Office Keroach, Village sirikot, Tehsil & District Haripur. do hereby solemnly affirm and declare on oath that the contents of accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal.

Dated: 26/4/22


Deponent

Identified by:


(Inayat Ullah Khan Tareen)
Advocate High Court.



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

Service Appeal No: _____/2022.

Sherbahadur V/S Government of Khyber Pakhtunkhwa through
the secretary, Elementary and Secondary
Education Department, Civil Secretariat
Peshawar and others.

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Appellant:

Sherbahadur S/O Samundar Shah R/O Village Kandoonah, Post Office
Keroach, Village sirikot, Tehsil & District Haripur.

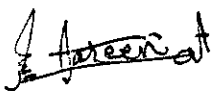
Respondents:

1. Government of Khyber Pakhtunkhwa through the secretary,
Elementary and Secondary Education Department, Civil Secretariat
Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa.
3. District Education Officer (Male) Haripur.

Dated: 26/4/22


Appellant
(Sherbahadur)

Through:


(Inayat Ullah Khan Tareen)
Advocate High Court.

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

Service Appeal No. _____/2022.


Sher Bahadur V/S Government of Khyber Pakhtunkhwa through
the Secretary, Elementary and Secondary
Education Department, Civil Secretariat
Peshawar and others.

SERVICE APPEAL

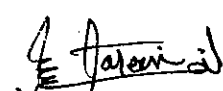
CERTIFICATE

It is certified that the appellant prefers the accompanying first appeal
before this Honourable Tribunal. The Appellant did not file any appeal either
in this Honourable Tribunal or any other forum.

Dated: 26/4/22


Appellant
(Sher Bahadur)

Through:


(Inayat Ullah Khan Tareen)
Advocate High Court.

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

Service Appeal No. _____/2022.

Sher Bahadur V/S Government of Khyber Pakhtunkhwa through
the secretary, Elementary and Secondary
Education Department, Civil Secretariat
Peshawar and others.

SERVICE APPEAL

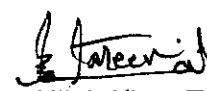
LIST OF BOOKS

- (1) Servant Act 1974.
- (2) K.P.K. Services Rules E&D 2011.
- (3) Other Ruling of High Courts, Superior Courts and Service Tribunal will be cited at the time of hearing.

Dated: 26/4/22


Appellant
(Sher Bahadur)

Through:


(Inayat Ullah Khan Tareen)
Advocate High Court.

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

Service Appeal No. _____/2022.

Sher Bahadur

....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through the Secretary, Elementary and
Secondary Education Department & others.

.....Respondents

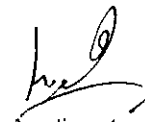
**APPLICATION UNDER RULE-8 R/W RULE 27 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL RULES, 1974 FOR CONDONATION OF DELAY IN FILING OF
SUBJECT SERVICE APPEAL.**

Respectfully Sheweth :

1. That the applicant has filed the above titled appeal in this Hon'ble Tribunal.
2. That there is short delay in filing the service appeal due to the reasons beyond control of the appellant and unavoidable circumstances.
3. That the delay in filing the appeal is neither intentional nor willful, but due to the good and sufficient reason shown above and to be explained in arguments. Interest of justice demands that the present application is allowed and the delay in filing appeal is condoned so that the matter can be adjudicated upon on its merit.

It is, therefore, most respectfully prayed that this application may kindly be allowed and the delay in filing the appeal may kindly be condoned and the matter may kindly be heard on its merit in the interest of justice.

Such other orders as deemed fit and proper in the facts and circumstances of the case may kindly also be passed.


Applicant
(Sher Bahadur)

Dated: 26/4/22

Through: 
(Inayatullah Khan Tareen)
Advocate High Court

Affidavit

I, **Sher Bahadur**, do hereby solemnly affirm and declare as under :-

1. That forgoing application has been prepared under my instructions. The contents of forgoing application are correct and true to the best of my knowledge.
2. That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.


Deponent

OFFICE ORDER No. 403
 Dated 19/12/1995.

APPOINTMENT.

The following appointment of CT candidates are hereby ordered on CT post as noted against each in BPS-9 (Rs. 1600-97-3050) and BPS-14 Rs: 2065-161-4460) in case of trained/DA, BSo, S. with 2nd Divi+ usual allowances as admissible under the rules on the following terms and conditions:-

S.No.	Name of candidate with qualification and address.	School where appointed.	Remarks.
1.	Mr. Sher Bahadar BA/BLd S/O Samandar Shah resident of Vill: Kandoonah PO, Kheroach Via Sirikote Tehsil & District Haripur.	GMS, Dhock Gakhra (Haripur).	Act: Vacant CT post.

CONDITIONS:-

- The appointments are purely on temporarily basis and liable to termination at any time without notice or assigning reasons.
- They should produce their age and health certificate from the concerned Medical Superintendent.
- The Head of Institutions/Office are required to check all the original Educational Qualification/Professional certificates before handing over charge.
- The Head of Institution/Office are required to get verify their academic certificate from Board/University concerned.
- Appointment of trained candidates who pas ed their professional Examination from other than NWFP, is provisional and subject to the verification of certificate.
- In case they wish to resign from service/post they will have to give one month's prior notice or forfeit one month's pay in lieu of short notice.
- The appointment shall stand automatically cancelled if they failed to join the post within 15 days of the issue of this order.
- Special relaxation of upper age limit for 2 years has already been allowed vide Govt of NWFP, S&GAD letter No: SOS-III (S&GAD) (4)34, dated 18.7.94.
- They should not be handed over charge if their age exceed 40 years or below 18 years.
- No TA/DA is allowed on Ist appointment.
- Charge reports should be sent to all concerned. 12. Upper age limit of 2-Y-105 & 20 days granted by the Govt: Secy: Edu: Pesh: Endst: NO. 4025-28 dt (FAZALUR-REHMAN KHAN) 17/12/95

DIVISIONAL DIRECTOR OF EDUCATION SCHOOLS
 HAZARA DIVISION ARBOTTABAD.

Endstt: No. 18508-76

Dated 19-12-1995.

Copy of the above is forwarded for information to:-

- P/s to Minister for Education (S/O) NWFP, Peshawar.
- P/s to Minister for ...
- The Director Secy: Education (Schools) NWFP, Peshawar.
- The District Edu: Officer (M/Female) Secy: Haripur.
- The District Accounts officer Haripur.
- The Headmasters GMS/PS/MS Dhock Gakhra.
- Candidate concerned/ADE, local office/PA, to DE(S) local office.
- Office order file.

FOR/DIVISIONAL DIRECTOR OF EDUCATION
 SCHOOLS HAZARA DIVISION ARBOTTABAD.



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CT

Notification

- In pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment) Act: 2012 and
- In compliance with the Judgments passed by the Honorable Peshawar High Court Abbottabad Bench in Writ Petition No-20-A/2014 and WP No-115-A/2013 vide order dated 25-05-2016 which was upheld by the august Supreme Court of Pakistan vide order dated 24.05.2017, and
- In compliance with COC No-58-A/2016 & COC No-31-A/2017 vide order dated 08.08.2017 and
- Consequent upon the recommendations of Departmental Selection Committee in its meeting held on 08-09-2017, the competent authority is pleased to order the appointments of the following Sacked Employees in BPS-15 (Rs-16120-1330-56020) plus usual allowances as admissible under the rules against the post of Certified Teacher and posted him/them against vacant position in the School mentioned against their name with immediate effect, on the terms and conditions given below.

S. No	Name & CNIC.	Father,s Name.	Date of Birth.	Station.	Remarks.
01.	Sher Bahader 13302-0746724-1	Samander Shah.	02-02-1961	GHS Bail.	A.V.Post.
02	Muhanmad Naeem. 13302-0442311-9	Munsif Khan.	12.05.1968	GHS Tofkian	A.V.Post.
03	Waseem Ahmed Shah. 13292-9117339-9	Nazeer Husain Shah	14.03.1970	GMS Jum.	A.V.Post.
04	Qasir Ur Rehman. 13302-5863165-1	Fazal Ur Rehman.	10.10.1970	GMS Koi Nara	A.V.Post.
05.	Malik Bilal 13302-0348733-9	Malik Sulman.	05.04.1971.	GMS Soha.	A.V.Post.
06	Abid Kareem 13302-0357211-5	Sabzada Abdul Kareem.	03.09.1972.	GHS Hattar .	A.V.Post.
07.	Mehmood Riaz 13302-0347891-1	Muhammad Riaz.	06.03.1973	GMS Tarar	A.V.Post.
08	Muhammad Abbas Khan 13302-0508827-3	Sher Bahadar Khan.	12.03.1975.	GHS Hattar.	A.V.Post.
09	Baber Zaheer 133020837105-3	Fazal Ahmed.	08.10.1975	GMS Dalrri.	A.V.Post.
10:	Muhammad Rasheed 13302-766495-1	Muhammad Banaras.	03.04.1977	GMS Gandian.	A.V.Post.
11:	Saeed Khan. 13302-0524090-9	Muhammad Daud.	21.06.1977.	GHSS Dingi.	A.V.Post.
12.	Shouket Ali	Asser Khan	07.04.1970	GHS Dartian.	A.V.Post.
13.	Saeed Akhtar.	Habib Ur Rehman.	12.03.1969.	GHSS Kakotri.	A.V.Post.

14.	Fakhar Zaman. 13320-0753229-1	Sher Khan.	22.02.1973.	GHSS Dingi.	A.V.Post.
15.	Tahir Iqbal 13302-9057507-1	Muhammad Ashraf Khan	01-06-1974	GHSS Dingi	A.V.P

Terms & Conditions:

(A) Specific Conditions.

1. (a) Their appointments are subject to the conditions that their Certificates /Documents and their domicile be verified from their issuing authority before release of their/his monthly salary. (In the light of section 3 of the sacked Employee ACT 2012).
- (b) The Verification of his/their service/duty record from schools where he/they had been performed his/their duty during previous appointments, (During the period from 1st day of November 1993 to the 30th Day of November 1996. and terminated from the 1st day of November 1996 to 31st Day of December 1998).
2. They shall not be entitled to claim any of Seniority, promotion and their back benefits, Their/his appointments have been made in pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment Act:2012) Hence under Section 5 of the said Act: they shall not be entitled to claim any of Seniority, promotion and their back benefits,
3. The period during which they/he remained dismissed, removed or terminated from service till the date of their/his appointment shall have been deemed automatically relaxed. Their/His appointment have been made in pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment) Act:2012. Hence under Section 4 the said Act: the period during which they remained dismissed, removed or terminated from service till the date of their appointment shall have been deemed automatically relaxed.
4. In case they/he failed to acquire the requisite training certificate within the 03 Years, specified by the department ,their services shall stand terminated automatically, In the light of Judgment passed by the Peshawar High Court Abbottabad bench dated 24.05.2016 in pare 8 (IV).

(B) General Conditions.

1. They will be on probation for a period of one year extendable to another one year keeping in view their/his performance.
2. They will be governed by such rules and regulations enforced and as may be prescribed by the Government from time to time for the category of Govt: Servant to which they belong.
3. In case they failed to assume the charge of their/his post within 15 days of his appointments, their/his candidature ship will be stand atomically cancelled.
4. Their services liable to termination on one month prior notice from either side in case of resignation without prior notice, their/his one month pay /allowance shall be forfeited to Government treasury.
5. If their performance is found un-satisfactory, they/ he will be proceeded under E&D Rules.
6. Their appointments are made on school based; they/he will have to serve at the place of posting.
7. Pay will not be drawn until and unless a certificate to this effect is issued by this Office that their/his certificates are verified.

- 8/12/17
8. They should obtain Medical fitness certificate from Medical Superintendent /Civil Surgeon DHQ Hospital Haripur, within seven days to date of T/over charge.
 9. Charge reports should be submitted to all concerned.
 10. NO TA/DA is allowed.

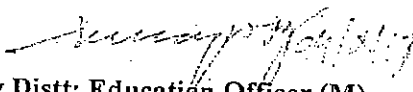
Note: The competent authority resume the right to rectify the errors/omission if any Noted/observed at any stage.

Sd _____
Distt: Education Officer,(M)
Haripur,
Dated 04 /10/2017.

Endst;No 9791-9814 /3-1/EB/Apptt: Sacked 2017.

Copy forwarded for information to:-

1. Registrar Peshawar High Court Peshawar Abbottabad Bench.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Senior District accounts Officer Haripur.
4. The District Monitoring Officer IMU Haripur.
5. The Principal / Headmaster concerned.
6. Assistant District Education Officers(Estb:) local office .
7. Account Branch Local Office.
8. Teacher Concerned.
9. Office recode.


Dy Distt: Education Officer,(M)
Haripur.



Office of the District Education officer (Male)
Haripur

PH No. 0995-920150,920151,920152


NOTIFICATION.

In pursuance of section- 13 (1) of Khyber Pakhtunkhwa Civil servants (Khyber Pakhtunkhwa Act No XVIII of 1973) I.R.O Mr. Sher Bahadar CT (BPS-15) GHS. Bail Tehsil & District Haripur stood retired from Government Service w.e.f 01.02.2021(A.N on attaining Sixtieth (60th) year of age as his date of birth is 02.02.1961.

He is entitled grant of 40 days leave encashment in lieu of LPR on Full pay due and admissible under the revised leave rules 1981

Note:-

1. According to SSC Certificate /Service Book his date of birth is 02.02.1961
2. In compliance with COC No -58-A /2016& COC -31-A /2017 vide Order dated 08.08.2017
3. He was appointed as sacked employee Vide No 9791-9814/3-1/EB Apptt: Sacked 2017 Dated 04.10.2017
4. His qualifying service is less than 10 years that is 03 years 03 months 24 Days .
5. The DDO is responsible for any Over Payment if made to him .
6. Necessary entry to this effect should be made in his service book accordingly.



District Education Officer (M)
Haripur

Endst: No. 3249-51/GB/F.No.4-1/Retirement/CT

Date. 10/07/2021

Copy for Information to:

1. The Senior District Account Officer Haripur.
2. The Head Master GHS Bail , Haripur
3. The Budget & Account Officer Local Office.
4. The Office Record File.


District Education Officer (M)
Haripur

Annex "D"
P/16**BEFORE THE DIRECTOR, ELEMENTARY AND
SECONDARY EDUCATION KPK, PESHAWAR**

A.P.No. 383

Sher Bahadur S/o Samundar Shah R/o Village Kandoonah post office Kheroach,
village sirikot, Tehsil & District Haripur

...APPELLANT

VERSUS

District Education Officer. (Male) Haripur.

...RESPONDENT

DEPARTMENTAL APPEAL**INDEX**

S#	Description of Document	Annexure	Page No.
1.	Memo of Appeal		1-4
2.	Copies of the appointment order	"A"	5
3.	Copies of the termination order & Reappointment Order	"B" B1	6-9
4.	Copy of retirement certificates	"C"	10
5.	Copy of order dated 11-08-2021	"D"	11
6.	Copy of the judgment of Hona'able Apex Court	"E"	12-14
7.	Copy of the officer order dated 16-07-2021 in identical cases	"F"	15-16
8.			

Dated: -15/11/2021


 ...APPELLANT

8/12

**BEFORE THE DIRECTOR, ELEMENTARY AND
SECONDARY EDUCATION KPK, PESHAWAR**

A.P.No. _____

Sher Bahadur S/o Samundar Shah R/o Village Kandoonah post
office Kheroach, village sirikot, Tehsil & District Haripur

...APPELLANT

VERSUS

District Education Officer (Male) Haripur.

...RESPONDENT

=====

**DEPARTMENTAL APPEAL AGAINST THE
ORDER, DATED 11-08-2021, PASSED BY
RESPONDENT WHEREBY THE APPLICATIONS
OF THE APPELLANT FOR THE GRANT OF
PENSIONARY BENEFITS WAS DISMISSED.**

=====

Respected Sir,

1. That, the appellant were appointed by the respondent according to the prescribed method of recruitment in the year 1995 (Copies of the appointment order is annexed as Annexure "A")
2. That, the services of the appellant were illegally terminated in the year 1996-97. (Copies of the termination order is annexed as Annexure "B")
3. That in the year 2012, sacked employees (Appointment) Act 2012 KPK was promulgated. Department was bound to reinstate/ reappoint the appellant as

per criteria mention in the said act but appellant was not appointed under the said act.

4. That later on, in compliance with the judgment passed by this Honourable Court dated 24/05/2016 which was up held by the August Supreme Court of Pakistan vide order dated 24/05/2017, Appellant were reappointed / reinstated in service in the year 2017.

5. That after reappointment, appellant again served in the Department and was retired on superannuation in the year 2021. (Copy of retirement certificates are annexed as Annexure "C").

6. That upon retirement, respondent was bound to pay all the pensionary benefits to the appellant but respondent failed to pay pension to the appellant. Appellant moved numerous applications for the grant of pensionary benefits but respondent vide order dated 11-08-2021 dismissed the applications of the appellant. (Copy of order dated 11-08-2021 is annexed as Annexure "D").

7. That feeling aggrieved appellant hereby prefers departmental appeal inter alia on the strength of following grounds amongst others.

GROUND:-

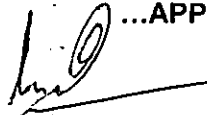
- a) That the impugned order dated 11-08-2021 is illegal, unlawful, callous, hence liable to be struck down.
- b) That the impugned order is arbitrary, perverse, fanciful and against the legitimate expectation of the appellant.
- c) That the impugned order dated 11-08-2021 has been passed in blatant violation of the judgments passed by the superior forums hence liable to be set aside.

- d) That while passing the impugned order respondent has completely overlooked the judgment passed by the Hon'able Supreme Court dated 27-03-2020 wherein it was held that petitioners' (Sacked employees) will be allowed counting of their service for the protected period for the payment of pensionary benefits. (Copy of the judgment of Hon'able Apex Court is annexed as Annexure "E").
- e) That in identical cases, similarly placed employees have been given all the pensionary benefits but vide impugned order, appellant has been deprived of his pension totally on flimsy grounds. (Copy of the officer order dated 16-07-2021 in identical cases is annexed as Annexure "F").
- f) It is also pertinent here to mention that the law department also cleared / elaborate the judgment passed by the Hon'able apex court that the period remained out of service is to be treated as leave of the kind due and thereby the said period shall be counted towards pension.
- g) That the impugned order is passed in an arbitrary manner and rules on the subject and fair opportunity of hearing has also not been afforded to the petitioner. Thus the impugned order is illegal, without lawful authority being violation of the principles of natural justice.
- h) That the petitioner has more than 10 years unblemished service record and has served the department with utmost devotion and dedication. Respondent was bound to decide the application of the petitioner in accordance with law and rules on the subject and keeping in view the dictum laid down by the Hon'able apex court but the impugned order has laid down by the superior court hence liable to be turned down.
- i) That the appellant is sole bread winners of his families and has no other source of income by which he could feed his family and meet his expenditure. Appellant is waiting for long time to get his pension /pensionary benefit which has been illegally refused by the respondent.

PRAYER:-

It is, therefore, most humbly prayed that on acceptance of the instant appeal the impugned order dated 11-08-2021 passed by respondent by dismissing the applications of appellant and not granting any pensionary benefits may please be declared illegal, arbitrary, against the fundamental rights and be struck down and the respondents may please be directed to pay the pension along with pensionary benefits to the appellant counting from the period of their initial appointment in the year 1995 till the date of their retirement.

...APPELLANT


Sher Bahadur S/o
Samundar Shah

R/o Village Kandoonah
post office Kheroach,
village sirikot, Tehsil &
District Haripur

Dated: /08/2021



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)

HARIPUR

Ph. No. 0995-920150, 920151
Email: deomalehrp@gmail.com

Annex 03
1/21

No. 3916-12 / F No. 7-1 / lit. / HRP

Dated 11 / 08 / 2021

To,

Mr. Sher Bahadar S/O Samundar Shah
Ex-CT GHS Bail, R/O Kandoonan, P/O Kheroch
Village Sirikot, Tehsil & District Haripur.

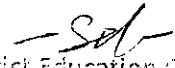
Subject:- DECISION ON DEPARTMENTAL APPEAL FOR GRANT OF PENSIONARY BENEFITS

Memo:

With reference to the subject noted above it is decided that:-

1. According to SSC Certificate/Service Book date of birth of appellant is 02-02-1961.
2. He was appointed as sacked employees (fresh appointment) vide letter No. 9791-9814/3-1/EB/Apptt: sacked 2017 dated 04-10-2017.
3. The total time period of his service is 03 years 03 months and 24 days.
4. As per Article 404-A of the Civil Service Regulations (CSR) Revised Addition 2014, qualifying service for pensionary benefits and gratuity is 10 years as provided in the Article "No officer can claim the benefits of this article unless his actual qualifying service at the time he quits Government Service is not less than 10 years"
5. As per Section 05 of the Khyber Pakhtunkhwa Sacked Employees "A Sacked Employee appointed under section 03 shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment"
6. His total service is less than 10 years.

Keeping in the view of above the appellant is not entitled for pensionary benefits and gratuity, hence the appeal is hereby dismissed.


District Education Officer (M)
Haripur

Even No. & Date:

Copy forwarded for information to the:-

1. Registrar Peshawar High Court Abbottabad Bench.
2. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Office Copy.


District Education Officer (M)
Haripur

Amree - 'E'

8/22

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE WAZ UL HASAN

CIVIL PETITIONS NO. 468-P, 469-P, 471-P & 472-P OF
2016.

Under the judgment dated 12.07.2016 passed by the Khyber Pakhtunkhwa
Service Tribunal Camp Court, Swat in Appeals No. 1202 and 1203 of 2013.

Muhammad Sheryar,
(in CPs 468/P & 469/P)

Anwar Zeb,
(in CPs 471/P & 472/P)

The Secretary to Education (E&S), Government of Khyber
Pakhtunkhwa, Peshawar and others,
(in CPs 471-P & 472-P)

...Petitioner(s)

Versus

The Secretary to Education (E&S), Government of Khyber
Pakhtunkhwa, Peshawar and others,
(in CPs 468-P & 469-P)

Muhammad Sheryar,
(in CPs 471-P & 472-P)

Anwar Zeb,
(in CPs 471-P & 472-P)

...Respondent(s)

For the Petitioner(s):

Mr. M. Asif, ASC.
(For Petitioners in CPs 468-P & 469-P)
(For Respondents in CPs 471-P & 472-P)

Barrister Qasim Wadood, Addl.
A.G.-KP.
(in CPs 471-P & 472-P)

Date of Hearing:

27.03.2020.

ORDER

GULZAR AHMED, CJ. - We have heard the learned
Additional Advocate General, Khyber Pakhtunkhwa appearing
for the Petitioners in Civil Petitions No. 471-P and 472-P of

CTC
Waqar Noor
ATTESTED

2016 as well as Mr. Muhammad Asif, learned ASC for the petitioners in Civil Petitions No.468-P and 469-P of 2016. The petitioners in Civil Petitions No.468-P and 469-P of 2016 (to be referred as the petitioners) were employed as PTC Teachers. Their services were terminated in the year 1997 against which they filed service appeals before the Khyber Pakhtunkhwa Service Tribunal ("the Tribunal") which vide judgment dated 04.01.2013 accepted the appeals with direction to the Respondents to consider their grievances. Pursuant to this direction of the Tribunal, the petitioners were reinstated in service, vide Office Order dated 05.07.2013 from the date of their taking charge but back benefits were not allowed to them for the period they remained out of service. The petitioners again filed service appeals before the Tribunal which vide impugned judgment dated 12.07.2016 accepted the appeals.

C.T.C
Waqar Waqar
ATTESTED

2. The learned counsel for the petitioners contends that the petitioners were entitled to grant of back benefits but we are unable to see as to how such back benefits could have been allowed to them more so when in the earlier judgment of the Tribunal dated 04.01.2013 no such relief was allowed to the petitioners and by the impugned judgment dated 12.07.2016 also apparently no such relief has been granted to them. He adds that some other similarly placed employees have been given back benefits.

3. We have asked the learned counsel for the petitioners to show us as to whether in the memo of appeal

before the Tribunal such point has been urged or any other ground in this regard was taken. He went through the memo of appeal and conceded that no such assertion in the memo of appeal was taken by the petitioners. The Tribunal has disallowed back benefits to the petitioners twice and it is obvious that such has been disallowed to the petitioners for the reason that they have not served the department for the said period and there is no material on record on the basis of which relief of back benefits could be allowed to them. There appears no illegality in the impugned judgment. Even otherwise, no substantial question of law of public importance in terms of Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973 has been raised.

5. For what has been discussed above, all the listed petitions being devoid of merit stand dismissed and leave to appeal is refused.

6. It is however observed that the petitioners will be allowed counting of their service for the protected period for payment of pensionary benefits.

etc
Waqar Nageer
ATTESTED

2009 SCMR P-1

ISLAMABAD
27.03.2020
ZR/
Not Approved for Reporting



Honorar
0/25



OFFICE OF
DISTRICT EDUCATION OFFICER
Swat (Cell # 0946) OFFICER (MALE)
(0209-228)

OFFICE ORDER

Whereas Mr. Muhammad Shereyar S/O Muhammad Shalyar R/O Kaza Duruskhulla
Mr. Anwar Zeb S/O Hunar Mand R/O Charbagh Swat were initially appointed as PTC vide office
order Endst No. 2157-60/e-2/T&A dated 21.5.1995 and No. 1453-55/M-2/T&A dated 17.4.1995
respectively.

Whereas their appointments were found illegal, ab-initio void and against the prescribed rules
and were dispensed with immediate effect vide office order Endst No. 581-607 dated 13.2.1997.
Where as they filed Service Appeal No. 532/2008 under title "Muhammad Shereyar VS ACO etc"
and Service Appeal No. 533/2008 under title "Anwar zeb VS ACO etc" before the Khyber
Pakhtunkhwa Service Tribunal Peshawar, which were accepted by the Honorable Tribunal vide
judgment dated 4.1.2013 and directed the respondents to consider the grievances of the
appellants.

Whereas in compliance of the said judgment, the appellants were re-instated vide office order
Endst No. 727-32/PST (M)/Appit: dated 5/7/2013 and posted them at GPS Khakhtay and GPS
Asharban respectively, but back benefits were not given to them.

Whereas feeling aggrieved from the said re-instatement order, the appellants filed Service
Appeal No. 1202/2013 and 1203/2013 before the Khyber Pakhtunkhwa Service Tribunal
Peshawar, which were accepted by the Honorable Tribunal and directed the respondents to
modify the impugned order and directed to extend the benefits of the previous services to the
appellants and further directed that the period in which they remained out of service shall be
treated as leave of the kind due.

Whereas the respondents as well as the appellants filed CPLAs in the apex court against the said
judgment. The Honorable court dismissed both CPLAs and leave refused vide judgment dated
27.3.2020; however in the last Para of the judgment, the Honorable Court allowed counting of
their service for the protected period for payment of pensionary benefits.

Whereas this office sought guidance/ legal opinion about the last Para specially the protected
para 1 from law department through proper channel

Whereas the law department cleared the judgment in the following words

"The service Tribunal has extended the service benefits of the previous services of the appellants
as if they had remained out of service was treated as leave of the kind due. Hence the period in
which they remained out of service is to be treated as on leave of the kind due and
in such period shall be counted towards pensionary."

Now in compliance of the said judgment, the respondents are directed to consider the grievances of the
appellants and to extend the benefits of the previous services to the appellants and further directed
that the period in which they remained out of service shall be treated as leave of the kind due
and in such period shall be counted towards pensionary.

previous service i.e. 21.5.1995 and 17.4.1995 respectively. The period in which they remained out of service from 12.2.1997 to 5.7.2013 is to be treated as leave of the kind due and thereby the said period only. The period from 12.2.1997 is extended to them and the period from 12.2.1997 to 5.7.2013 is to be treated as leave counted towards pensionary benefits.

as mentioned in the re-instatement order dated 10.07.2013.

MUHAMMAD RIAZ
DISTRICT EDUCATION OFFICER
(MALE) SWAT

Dated 15/07/2021

Encl. No. 7242-46 Swat

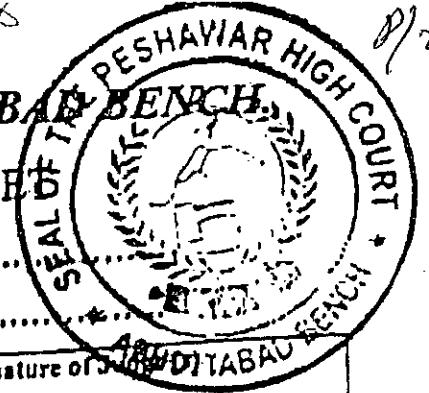
Copy forwarded to:-

1. The Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Accounts Swat.
3. The SDEOs (M) Maita and Charbagh Swat.
4. PA to DEO (M) local office.
5. The teachers concerned.

DISTRICT EDUCATION OFFICER
(MALE) SWAT

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET



Court of.....

Case No.....Of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of
1	2
12.01.2021.	<p><u>Review Petition No. 31-A/2018.</u></p> <p>Present: Mr, Zafar Iqbal, Advocate for petitioners.</p> <p>Raja Muhammad Zubair, AAG for official respondents with Sohail Ahmed Zeb, Litigation Officer for respondent No. 3</p> <p>***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.</u> Facts of the case in brief as per contents of instant review petition are that the petitioners alongwith others filed writ petitions No. 515-A/2013, 546-A/2013, 516-A/2015, 702-A/2014 for their reinstatement in service, which were allowed with directions to respondents/departments to instate the petitioners. Hence, the petitioners approached to the concerned department but in vain, consequently, they filed COC No. 44-A/2016 for implementation of order of this Court. The respondents appeared and produced document showing the appointments of some of the petitioners of COC. On 06.09.2018 during the course of hearing representative of education department stated at the bar that the petitioner No. 7, 16 and 22 are not eligible for re-instatement to their previous posts, therefore, the Court dismissed the COC and directed the present petitioners to</p>

Certified to be True Copy
EXAMINER
13 JAN 2021
Peshawar High Court, Abbottabad Bench
Authorized Under Sec 55 Evid Ord 1974

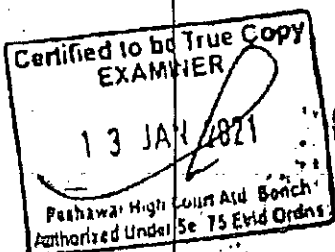
119

approach the competent forum for their grievance. Petitioners feeling aggrieved from the said order dated: 06.09.2018 filed this review petition mainly on the ground that the above COC was dismissed on statement of representative of Education Department despite the fact that the petitioner No. 2 namely Rashid was the servant of respondent/Deputy Commissioner Office and at the time of hearing no official of Deputy Commissioner appeared before the Court.

2. Learned AAG alongwith representative of respondent No. 3 produced copy of order bearing No. 4978-80 dated: 16.09.2020, whereby respondent/District Education officer (M), Abbottabad reinstated the petitioner No.3 (Muhammad Mansoor Khan).

3. Learned counsel for petitioner at the very outset of the proceedings referred to the judgment of august Supreme Court of Pakistan dated: 27.03.2020 passed in Civil Petitions No: 468-P, 469-P, 471-P and 472-P of 2016 and stated at the bar that petitioners would not press this review petition any more if the case of petitioners No. 1 and 2 is sent to the concerned department/respondents No. 1 and 2 to decide the same in the light of above judgment dated: 27.03.2020, as far as the case of petitioner No. 3 is concerned, he submitted that he has been reinstated in service therefore, to his extent he would not press this petition anymore.

4. In view of the above without discussing the



P/29

merits of the case, we dispose of this review petition with directions to the respondents No. 1 and 2 (competent authority) to look into the grievance of the petitioners No. 1 and 2 in the light of judgment of august Supreme Court of Pakistan dated: 27.03.2020 passed in Civil Petitions No. 468-P, 469-P, 471-P and 472-P of 2016 and decide the same in accordance with law within a period of one month from receipt of this order.

[Signature]
JUDGE

[Signature]
JUDGE

Certified to be True Copy
EXAMINER
13 JAN 2021
Peshawar High Court, Ald Bench
Authorized Under Sec 76 Evid Ordns

27974

Date of Receipt of Application 13-1-2021

No. of Pages 07/-

Copying Fee 28/-

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Total 30/-

Name of Copyist [Signature]

Date of Preparation of Copy 13-1-2021

Date of Intimation 13-1-2021

Date of Delivery of Copy 13-1-2021

8/30

1731

(For use in Police Department only)

Heirs:— Passed SSC Exam from B.I.S.E. Peshawar under R.No 30550 in the session 1977(A) & obtained 1368/850 marks in grade 'D'. Result declared on 15th Oct. 1977.

2. Passed F.A (Humanities) exam. from B.I.S.E. Karachi under R.No 53200 in 1981(A) as private candidate & obtained marks 424/1000 & has been placed in Verification Roll No. _____ dated _____ received back. 2nd division.

Passed B.A (Arts) Exam from Karachi University in the session 1989(A) ^{in the session 1989(A)} ^{Left Thumb-Imprression} ^{no. 85677} ^{375/700 marks & has been placed in Second Division. The result declared on 12th September 1990.}

Passed B.Ed Exams from University of Karachi under ^(A) ^{Qualifications} ^{in 1992 & obtained} ^{79/100 marks & placed} ⁱⁿ ^{1st Division. Result declared on 23.11.1993.}

English	First Arts
Pushto	B.L. or B.A.
Urdu	Pleadership Examination
Plan-Drawing	Training School Final Examination
Finger Print	Other Qualifications:—
Drill Instructing	
Court Duties	
Reserve Duties	

N.B.— Line to be drawn under the qualification possessed

Note:— The entries in this page should be dated.

1. Name: _____
2. Race: _____
3. Residence: Vill. K.
Tehsil G.
4. _____
5. Date of birth by Christian or nearly as can be ascertained
6. Exact height by measurement
7. Personal marks for identification
8. Left hand thumb and Finger Im of (Non-Gazetted) Officer.
- Little Finger
- Middle Finger
- Thumb
9. Signature of Government Servant
10. Signature and Designation of the the Office, or other Attesting Off

Attest
17/3/93

1	2	3	4	5	6	7	8	9	10		
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in: substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government	Signature of the head of the office or other officer in charge of posts 1 to 8	Date of termination of appointment	Reason of termination such as promotion, transfer, dismissal, etc.	Signature of head of office
1. Mr. Bahadur T. H.S. Badhwa		BPS-9	1605-97-3060			20/12/95	[Signature]	[Signature]	20/9/96	Transfer	[Signature]
2. Mr. H.S. Bail			1605/- (Fixed)			20/12/95	[Signature]	[Signature]	20/12/95	Allowed BPS-14	
3. do			1605/-			21/4/96 (FN)	[Signature]	[Signature]	20/12/95		
4. do		BPS-14 (2055-161-4480)	2065/- PM			20/12/95	[Signature]	[Signature]	30/11/96	Inct	
5. do	off: T-1		2226/- PM			21/12/96	[Signature]	[Signature]	24/6/97	Terminated	

Next Page

Stamp: [Illegible]

Note: The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Peshawar
(A) & obtained
declared

B.I.S.E Karachi
candidate &
admission

University
55677
& in Second
790
High School
placed
1993

High School
Mardan

ation
al Examination

1. Name: ISHER BAHADAR

2. Race: Mashwani

3. Residence: Vill. Kandorah PO Uherach via Sirikat
Tehsil & Distt. Hamirpur

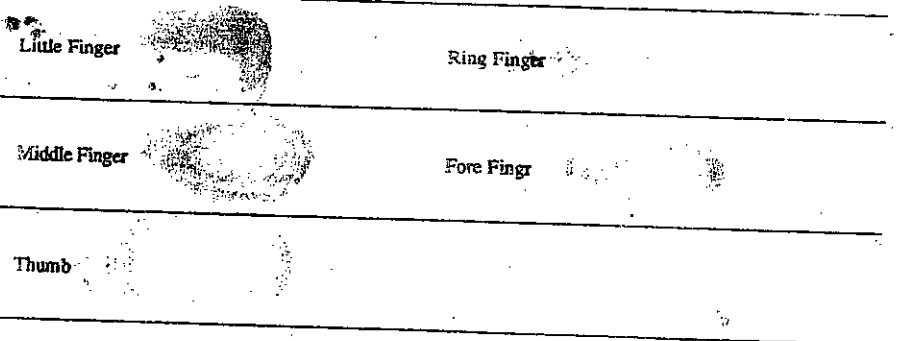
4. Father's name and residence: SAMANDAR SHAH
As Above

5. Date of birth by Christian era as nearly as can be ascertained: 02-02-1961

6. Exact height by measurement: 5-4

7. Personal marks for Identification: - NIL -

8. Left hand thumb and Finger Impression of (Non-Gazeted) Officer.



9. Signature of Government Servant: [Signature]

10. Signature and Designation of the Head of the Office, or other Attesting Officer: [Signature]

Stamp: ISHER BAHADAR
[Other illegible text]

7 Date of Appointment	8 Signature of Government Servant	9 Signature and position of the head of office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
20/12/95	[Signature]	[Signature] G.H.S. Badhana Master	20/4/96	Transfer	[Signature] G.H.S. Badhana Master	Transferred to G.H.S. Badhana vide D.D.E (3) B.P. Div dated 26/2/96	Period: 20/12/95 to 20/4/96	[Signature]	20/4/96
21/4/76	[Signature]	[Signature]	20/12/95	Allowed BPS-14	[Signature]			[Signature]	
20/12/95	[Signature]	[Signature]	30/11/96	Inct	[Signature]			[Signature]	
21/12/96	[Signature]	[Signature]	24/6/97	Terminated	[Signature]			[Signature]	

Allowed to draw graded pay in BPS-14 (2065-161-4480) w.e.f 20-12-95 vide DEC (3) Hazara Div A Abad Endst No: 15410-15/AE-TI dated 22.6.

T-588
T-778/90
drawn as per 107 +
accrued w.e.f 21/12/95 to
31/12/95 on a/c of 107
91-000 107 w B-14
Service verified w.e.f 21-4-96
to 30-11-96 from A/c roll
and other office record

1-12-96

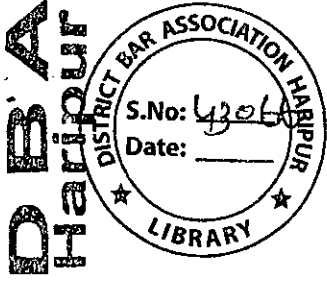
1	2	3	4	5	6	7	8	9	10	11
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under 371 C.S.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government	Signature and Station of the head office or other officiating officer in Station of Levels 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)
C.T. H.S. Bail Hambur			16120/-	-1330/-	-560/-	5/10/2017	[Signature]	HEAD MASTER G.H.S. BAIL DIST. HAMBUR	30/11/2017	Annual Inc.
4		Rs. 17450/- PM				01/12/2017	[Signature]	HEAD MASTER G.H.S. BAIL DIST. HAMBUR	30/11/2018	A/Inc.
4		Rs. 18780/- PM				01/12/2018	[Signature]	HEAD MASTER G.H.S. BAIL DIST. HAMBUR	30/12/2019	A/Inc.
4		Rs. 20110/- PM				01/12/2019	[Signature]	HEAD MASTER G.H.S. BAIL DIST. HAMBUR		
FILED										30/11/18 No. 5/19 20/6/18.

ADRE DIST. HAMBUR

7 Date of Appointment	8 Signature of Government Servant	9 Signature and designation of the head of the office or other attesting officer in columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to a recorded punishment or censure, or reward or praise of the Government Servant
						Period	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
5/10/2017	[Signature]	[Signature] HEAD MASTER	30/11/2017	Annual Increment	[Signature] HEAD MASTER G.H.S. BAIL		Notification		
01/12/2017	[Signature]	[Signature] HEAD MASTER G.H.S. BAIL	30/11/2018	A/Inc	[Signature]		Appointed against vacant post at G.H.S. Bail		
01/12/2018	[Signature]	[Signature] HEAD MASTER G.H.S. BAIL	30/12/2019	A/Inc	[Signature]		In the pursuance of Kric Sacked Employees App Act 2012 vide DEO (N) Haripur		
01/12/2019	[Signature]	[Signature] HEAD MASTER G.H.S. BAIL					No. 9791-9814/B-1/EP/APP: Sacked 2017 Dated 04-10-2017 at S/No. 01.		
								[Signature]	
								HEAD MASTER GOVT. HIGH SCHOOL BAIL (HARIPUR)	
								P. Code = 80168746	
								APP No = 8397889	
								9/7/2018	
								Pay active wef 1-7-2018.	
								[Signature]	
								Distt. Accounts Officer HARIPUR	
								302 [Signature] 30/6/18.	
								Distt. Accounts Officer Haripur	
								30-11-17	

DBA No: 656
 BC No: _____
 Name of Advocate: اللہ باؤسان پٹیل

وکالت نامہ



S.No: 43066

بعدالت: _____
 عنوان: _____
 منجانب: _____
 نوعیت مقدمہ: _____
 باعث تحریر آئیکہ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جو اب دہی برائے پیشی یا تصدیق مقدمہ، بمقام اللہ باؤسان پٹیل کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروقت تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروقت تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل گمرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور اس کی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس کے ثالثی و راضی نامہ و فیصلہ برحلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

Accepted
 [Signature]

Accepted
 [Signature]

Accepted
 [Signature]

مورخہ: 22/09/14
 دن 22 / ماہ 09 / سال 14

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

[Signature]

"A"

2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

APPEAL No. 618 & 619 of 20 22

Sher Bahadur & Nisar Ahmed

Appellant/Petitioner

Versus

Govt. of KPK through Secy. ERSE

RESPONDENT(S)

Respondent no. 3

Notice to Appellant/Petitioner

Distt. Education Officer
(Male) Haripur

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14/9/22 at 9:00

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission
Notice
for Reply

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. S.B

No.

APPEAL No. 618 & 619 of 20 22

Sher Bahadur & Nisar Ahmed

Appellant/Petitioner

Versus

Govt. of KPK through Secy. ERSE

RESPONDENT(S)

Respondent No. 1

Notice to Appellant/Petitioner

Govt. of KPK through the Secretary ERSE Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14/9/22 at 9:00 am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission Notice
For Reply

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 618 & 619 of 20 22

Sher Bahadur & Nisar Ahmed

Appellant/Petitioner

Versus

Govt. of KPK through Secy. ERSE

RESPONDENT(S)

Respondent No. 2

Notice to Appellant/Petitioner

Director ERSE KPK
Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14/9/22 at 9 am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-admission
Notice for Reply

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
9/9/22