

ORDER

25th July, 2022

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

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

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



(KALIM ARSHAD KHAN)
CHAIRMAN.



(SALAH UD DIN)
MEMBER(Judicial)

22.11.2021

Proper D.B is not available, therefore, case is adjourned to 9-2-2022 for the same.



READER

09.02.2022

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

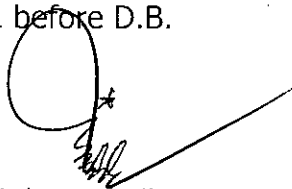


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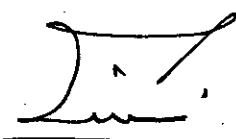
01.06.2022

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

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



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

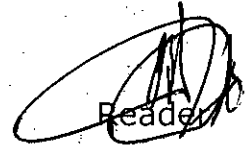
1-1 .2021

Due to summer vacation, case is adjourned to
29-3.2021 for the same as before.


Reader

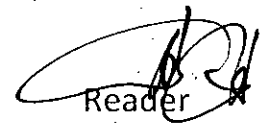
29.03.2021

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


Reader

21/5/2021

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


Reader

06.08.2021

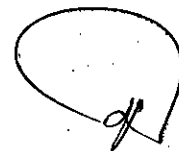
Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for
respondents present.

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



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




(Rozina Rehman)
Member (J)


16.11.2020

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

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

Adjourned to 01.01.2020 for arguments before D.B.


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


(Rozina Rehman)
Member (J)

14.07.2020

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

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

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

(Mian Muhammad)
Member (E)

26.08.2020


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

Reader

28.09.2020

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

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


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


(Muhammad Jamal Khan)
Member (J)

18.02.2020

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


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

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


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

20.04.2020

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



Reader

769/19

18.09.2019

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

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


Appellant Deposited
Security & Process Fee


Chairman

25.11.2019

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

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


Chairman

08.01.2020

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

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


Chairman

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 769 /2019

Azraat wali

VERSUS

Government of KPK etc

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

Respectfully Sheweth:

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

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

Date: 18-Sep-19

Through

Petitioner

Ja U M ed
Counsel

31.07.2019

Counsel for the appellant present.

It is contended that the service of appellant was regularized in pursuance to judgment of Peshawar High Court in writ petition No. 2039-P/2014 handed down on 24.05.2017 and under the provision of Khyber Pakhtunkhwa Adhoc Lecturers (Regularization of Services) Act 2014. The requisite notification was issued on 15.11.2107, wherein, the effect to regularization was given from the initial appointment of the appellant. However, the regularization was made conditional to the decision of CPLA No. 385-P/2017 pending before the august Supreme Court of Pakistan. Despite the fact that in the notification it was provided that the appellant shall have all rights and privileges contained in Khyber Pakhtunkhwa Civil Servants Act, 1973, his name was not included in the seniority list of Lecturers (BPS-17) drawn upto 24.09.2018. It is also the arguments of learned counsel that under Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, every civil servant is entitled to find a place in the relevant seniority list which right has been denied by the respondents to the appellant till date.

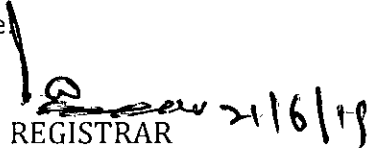

In view of the available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 18.09.2019 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 769/2019 _____


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 21/06/2019 | <p>The appeal of Mr. Hazrat Wali resubmitted today by Mr. Jehanzeb Mahsud Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p> REGISTRAR</p> |
| 2- | 25/6/19 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31/07/19</u></p> <p> CHAIRMAN</p> |

The appeal of Mr. Hazrat Wali Lecturer in Maths G.D.C Ladha district South Waziristan received today i.e. on 26.03.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

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

No. 567 /S.T,

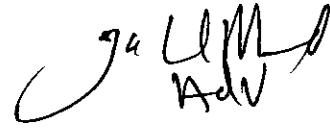
Dt. 28-3- /2019


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Jehanzeb Mahsud Adv. Pesh.

R/Sir,

All objections are removed
Be Placed before bench
for hearing


Adv

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No: 769 of 2019

HAZRAT WALI

VERSUS

GOVT. OF KHYBER PAKHTUN KHWA AND OTHERS

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| S. No | Description of Documents | Annexures | Pages |
|-------|---|-----------|-------|
| 1 | Appeal alongwith affidavit | | 1-6 |
| 2 | Addresses of Parties | | 7- |
| 3 | Copy of judgment in W.P No. 2039-P/2014 dated: 24-05-2017 | A | 8-12 |
| 4 | Copy of Regularization order | B | 18-23 |
| 5 | Copy of impugned Seniority List dated: 24-09-2018 | C | 24-26 |
| 6 | Copy of Departmental Appeal dated: 27-11-2018 | D | 27-28 |
| 7 | Wakalat nama | | 29 |

A. Ali
Appellant

Through

Dated: 21/03/2019

Jahanzeb Mahsud
JAHANZEB MAHSUD
Advocate High Court, Peshawar

Tajdar Faisal Khan
TAJDAR FAISAL KHAN
MINA KHEL
Advocate High Court, Peshawar.
205-B, 4th Floor, Town Tower,
Jahangir Abad, Peshawar.
0313-8708424

1

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No. 769 /2019

HAZRAT WALI, Lecturer in Maths, Govt. Degree College, Ladha, Tribal District South Waziristan. _____ Appellant

VERSUS

1. **PROVINCE OF KHYBER PAKHTUNKHWA**,
Through Chief Secretary,
Civil Secretariat, Peshawar.
2. **Secretary Higher Education Department**,
Govt. of Khyber Pakhtun Khwa,
Civil Secretariat, Peshawar
3. **Secretary Establishment**,
Govt. of Khyber Pakhtun Khwa,
Civil Secretariat, Peshawar.
4. **Director Higher Education Department (Colleges)**
Khyber Pakhtun Khwa, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 439

Dated 26/3/2019

_____ Respondents

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

Filed to-day

Registrar

26/3/19

Prayer:-

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

Re-submitted to-day
and filed.

Registrar

21/6/19

2

Respectfully Sheweth:

FACTS:-

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

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

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

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

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

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

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

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

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

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

GROUND:-

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

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

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J. **Because** the Respondents erroneously exercised their powers against judicial principle, hence, the seniority list issued by respondents in gross violation of law is liable to be set aside.

K. **Because** the action and inaction of the respondents is bad in the eyes of law.

L. **The** appellants crave for leave to add further grounds at the times of oral arguments highlighting further contravention of the law and constitution.

PRAYER:-

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

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

H. Ali
Appellant

Through

Dated: 21/03/2019

Jahanzeb Mahsud
JAHANZEB MAHSUD
Advocate High Court, Peshawar

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

Waqar Khalil
WAQAR KHALIL
Advocate High Court, Peshawar.

6

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No: _____ of 2019

HAZRAT WALI

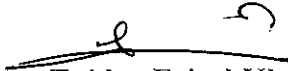
VERSUS

GOVT. OF KHYBER PAKHTUN KHWA AND OTHERS

AFFIDAVIT

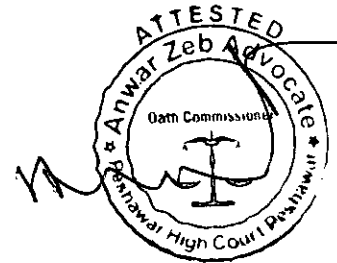
I, **HAZRAT WALI**, Lecturer in Maths, Govt. Degree College, Ladha, Tribal District South Waziristan, do hereby solemnly affirm & declare that the contents of the attached appeal are true and correct to the best of my knowledge & belief & nothing has been concealed or withheld from this Honorable Court.

Identified by



Tajdar Faisal Khan Mina Khel
Advocate High Court.


Deponent



22-3-19

7

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No: _____ of 2019

HAZRAT WALI

VERSUS

GOVT. OF KHYBER PAKHTUN KHWA AND OTHERS

MEMO OF ADDRESSES

HAZRAT WALI, Lecturer in Maths, Govt. Degree College, Ladha, Tribal District South Waziristan. _____ Appellant

VERSUS

1. PROVINCE OF KHYBER PAKHTUNKHWA,

Through Chief Secretary,
Civil Secretariat, Peshawar.

2. Secretary Higher Education Department,

Govt. of Khyber Pakhtun Khwa,
Civil Secretariat, Peshawar

3. Secretary Establishment,

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

4. Director Higher Education Department (Colleges)

Khyber Pakhtun Khwa, Peshawar.

_____ Respondents

Through

H. Ali
Appellant

Dated: 21/03/2019

Ju UPM
JAHANZEB MAHSUD
Advocate High Court, Peshawar

e 3
TAJDAR FAISAL KHAN
MINA KHEL
Advocate High Court, Peshawar.

Judgment Sheet

IN THE PESHAWAR HIGH COURT,
PESHAWAR

(Judicial Department)

WP No. 2039-P/2014

Afsar Khan & others

Vs

Federation of Pakistan & others



JUDGMENT

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

MUHAMMAD YOUNIS THAHEEM, J.-

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

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

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

ATTESTED

EXAMINER
Peshawar High Court
05 JUN 2017

ATTESTED

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

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

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

ATTESTED
 EXAMINER
 Peshawar High Court
 05 JUN 2017

ATTESTED

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

3/11/17
 ✓

ATTESTED
 EXAMINER
 Peshawar High Court
 05 JUN 2017

ATTESTED

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

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

4. Arguments heard, record perused.

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

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ATTESTED
 EXAMINED
 Peshawar High Court
 05 JUN 2017

ATTESTED

13

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

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

6. This Court vide order dated 28.05.2015

held that the petitioners mainly relied upon the

ATTESTED
 EXAMINER
 Cashier High Court
 05 JUN 2017

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

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

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

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

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

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 05 JUN 2017

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

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

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



Announced:
24.05.2017

S. M. Farid Sethi
[Signature]

JUDGE

[Signature]

[Signature]

JUDGE

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Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1984
05 JUN 2017

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

Dated Peshawar the 15.11.2017.

NOTIFICATION

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

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

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

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

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Dated Peshawar the 15.11.2017

NOTIFICATION

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

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

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

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

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

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

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

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

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| 25. | Rabia Begum | Zoology | 14.09.2011 |
| 26. | Zahid Mehsood | Law | 14.09.2011 |
| 27. | Naheed Khan | Com Science | 14.09.2011 |
| 28. | Farkhanda Abbas | Zoology | 14.09.2011 |
| 29. | Eelum Mehboob | Chemistry | 14.09.2011 |
| 30. | Hajira Bibi | Botany | 14.09.2011 |
| 31. | Saiqa Gul | Maths | 14.09.2011 |
| 32. | Bibi Nisa | Law | 14.09.2011 |
| 33. | Benish Rahim | Pak Study | 14.09.2011 |
| 34. | Sidra nausheen | Economics | 14.09.2011 |
| 35. | Sofia Meer | Pol Science | 14.09.2011 |
| 36. | Sameena | Islamiyat | 14.09.2011 |
| 37. | Suriya Naz | Islamiyat | 14.09.2011 |
| 38. | Sumaira Gul | Zoology | 14.09.2011 |
| 39. | Rubina Bibi | Pak Study | 14.09.2011 |
| 40. | Rabia Khan | Chemistry | 14.09.2011 |
| 41. | Janshada | Pol Science | 14.09.2011 |
| 42. | FOzai Daud | History | 14.09.2011 |
| 43. | Andaleep | Pashto | 14.09.2011 |
| 44. | Bibi Habiba | Statistics | 14.09.2011 |
| 45. | Humaira Rauf | Economics | 14.09.2011 |
| 46. | Sabiha Hashim | Psychology | 14.09.2011 |
| 47. | Fatima Sughra | Botany | 14.09.2011 |
| 48. | Aziz un Nisa | Pol Science | 14.09.2011 |
| 49. | Rabia Rauf | Chemistry | 14.09.2011 |
| 50. | Andaleep | Economics | 14.09.2011 |
| 51. | Dure NAYab | Maths | 14.09.2011 |
| 52. | Anjum | Urdu | 14.09.2011 |
| 53. | NAzia | Pashto | 14.09.2011 |
| 54. | Mehreen | Statistics | 14.09.2011 |
| 55. | Sadia Akram | Botany | 14.09.2011 |
| 56. | Anbareen | Pak Study | 14.09.2011 |
| 57. | Nuzhat | Pashto | 14.09.2011 |
| 58. | Tahira NAz | Geography | 14.09.2011 |
| 59. | Arjuman Rehman | Com Science | 14.09.2011 |
| 60. | Shabana Bibi | History | 14.09.2011 |
| 61. | Nazli | English | 14.09.2011 |
| 62. | Hina Gul | Economics | 14.09.2011 |
| 63. | Nabeela Khattak | History | 14.09.2011 |
| 64. | Saima Begum | Geography | 14.09.2011 |
| 65. | Shagufta | Law | 14.09.2011 |
| 66. | Nazia Aslam | Pashto | 14.09.2011 |
| 67. | Hashmat Ara | Urdu | 14.09.2011 |
| 68. | Zeenat Shaheen | Urdu | 14.09.2011 |
| 69. | Abida Saliha | Botany | 14.09.2011 |
| 70. | Mehraj Ismail | Pol Science | 14.09.2011 |
| 71. | Rukiyan London | Pashto | 14.09.2011 |
| 72. | Fozia | Zoology | 14.09.2011 |
| 73. | Riasat Younas | Hom Economics | 14.09.2011 |
| 74. | Sheela Akhtar | English | 14.09.2011 |
| 75. | Rukiya Bibi | History | 14.09.2011 |
| 76. | Gul Sanga | Statistics | 14.09.2011 |
| 77. | Shaheen Begum | Economics | 14.09.2011 |
| 78. | Shabina Sahar | Chemistry | 14.09.2011 |
| 79. | Ayesha Diyan | Islamiyat | 14.09.2011 |
| 80. | Zeenat Bibi | Islamiyat | 14.09.2011 |
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|-----|---|-------------|------------|
| 81. | Sabra Yousaf | Economics | 14.09.2011 |
| 82. | Reema Gul | English | 14.09.2011 |
| 83. | Shaheen Pari | Chemistry | 14.09.2011 |
| 84. | Aish Bibi | Botany | 14.09.2011 |
| 85. | Nighat Bano | Urdu | 14.09.2011 |
| 86. | Yasmeen Fatima | History | 14.09.2011 |
| 87. | Fatima Yousaf | Pol Science | 14.09.2011 |
| 88. | Abida Hussain | Geography | 14.09.2011 |
| 89. | Nabeela Khatoon | HPE | 14.09.2011 |
| 90. | Shamida Bangash | Zoology | 14.09.2011 |
| 91. | Sobia Noor | Botany | 14.09.2011 |
| 92. | Humaira Rahim (Absence from duty since September, 2016) | Chemistry | 14.09.2011 |
| 93. | Muhabat Shaheen | Pashto | 14.09.2011 |
| 94. | Sabina Naz | Geography | 14.09.2011 |
| 95. | Sajeela Bibi | Islamiyat | 14.09.2011 |
| 96. | Rifat Naz | Physics | 14.09.2011 |

22

TERMS AND CONDITIONS

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

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

ATTESTED

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

22/11

Terms and conditions

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

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

ATTESTED

Endst: No. & Date Even.

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

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


SECTION OFFICER (COLLEGES-II)

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

~~ATTESTED~~

ANX - C

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

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

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

Advertisement No 06/2008

25

[Handwritten signature]

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

CERTIFICATE

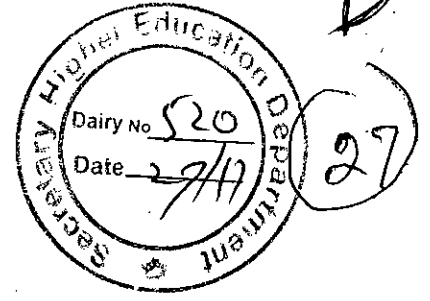
It is certified that the Seniority List is neither disputed nor sub-judiced in any court of law.

DEPUTY DIRECTOR (Establishment)
DIRECTORATE HIGHER EDUCATION

26

To,

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



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

Worthy Sir,

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

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

ATTESTED

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

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

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

Dated: 27-11-2018

Appellant

H. Ali
HAZRAT ALI
Lecturer in Economics,
Govt. Degree College Kulachi
Dera Ismail Khan

ATTESTED

VAKALATNAMA

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

S. A. No. _____ -P /2019

VERSUS

GOVT. OF KHYBER PAKHTUN KHWA & OTHERS

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

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

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

H. Ali
Signatures of Executants

Accepted by:

Jahanzeb Mahsud
Advocate High Court
0333-9143005

Waqar
Waqar Khalil
Advocate High Court.

Tajdar Faisal Khan Mina Khel
Advocate High Court
0313-8708424

Off: 205-B, 4th Floor, Town Tower, Jahangir Abad, Peshawar.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A # 769/2019

Hazrat Wali.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Chief Secretary Khyber Pakhtunkhwa

& Others..... Respondents

INDEX

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


Respondent

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A # 769/2019

Hazrat Wali.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

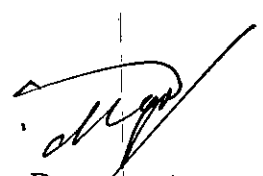
Through Chief Secretary Khyber Pakhtunkhwa

& Others..... Respondents

AFFIDAVIT

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

Identified by:


Deponent
17102-1145964-5

3

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

S.A # 769/2019

Hazrat Wali.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Chief Secretary Khyber Pakhtunkhwa
& Others..... Respondents

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

Respectfully Sheweth: -

Preliminary Objections:-

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

Facts: -

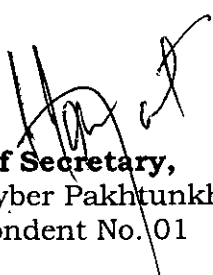
- 1) Pertains to the record.
- 2) Correct.
- 3) Correct.
- 4) Correct to the extent that the Honourable Peshawar High Court Peshawar passed a Judgment dated: 24-05-2017 by directing the respondents to regularize the services of the appellant and others on their respective posts since initial date of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

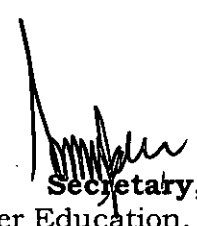
Grounds: -

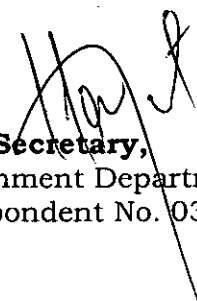
- A. Incorrect. That respondent department acted in accordance with rules/policy.
- B. Incorrect and already explained in preceding paras of facts.
- C. Correct to the extent that Peshawar High Court, Peshawar has decided the WP No. 2039-P/2014 in favour of the appellant but the respondents feeling aggrieved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


Prayers: -

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


Chief Secretary,
Govt of Khyber Pakhtunkhwa
Respondent No. 01


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


Secretary,
Establishment Department
Respondent No. 03


Director,
Higher Education Department
Respondent No. 4

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

Dated Peshawar the 15.11.2017.

NOTIFICATION

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

| S.No. | Name of male lecturers | subject | Date of appointment |
|-------|------------------------|--------------|---------------------|
| 1. | Jehangir Khan, | History | 06.10.2011 |
| 2. | Safi Ullah, | Maths | 06.10.2011 |
| 3. | Gul Abdul Majid, | Law | 06.10.2011 |
| 4. | Said Badshah, | Pashto | 06.10.2011 |
| 5. | Rahim Ullah, | Pashto | 06.10.2011 |
| 6. | Siraj-ud-Din, | Pol: Science | 06.10.2011 |
| 7. | Shams-ur-Rehman, | History | 06.10.2011 |
| 8. | Muhammad Qasim, | Geography | 05.10.2011 |
| 9. | Nasir Khan, | Physics | 06.10.2011 |
| 10. | Ismail, | Botany | 06.10.2011 |
| 11. | Sajid Anwar, | Law | 06.10.2011 |
| 12. | Muhammad Ishaq, | Chemistry | 06.10.2011 |
| 13. | Muhammad Ilyas, | Physics | 01.12.2011 |
| 14. | Aziz Ullah, | Botany | 06.10.2011 |
| 15. | Sajid Khan, | Physics | 06.10.2011 |
| 16. | Amjid Ali, | Law | 06.10.2011 |
| 17. | Jamshid Ali, | Geography | 06.10.2011 |
| 18. | Imran Ullah, | Physics | 06.10.2011 |
| 19. | Sher Ullah, | Botany | 06.10.2011 |
| 20. | Q. Muhammad Ayaz, | Law | 06.10.2011 |
| 21. | Ahmad Ali | Pol: Science | 01.12.2011 |
| 22. | Asghar Shah, | English | 06.10.2011 |
| 23. | Amin Ullah, | Islamiyat | 06.10.2011 |
| 24. | Haroon Khan, | Pol: Science | 06.10.2011 |
| 25. | Tawab Shah, | Pashto | 06.10.2011 |
| 26. | Muhammad Zeb | HPE | 06.10.2011 |
| 27. | Abdur Rashid | Zoology | 06.10.2011 |
| 28. | Muhammad Ibrahim | Pak Study | 06.10.2011 |
| 29. | Muhammad Kashif | Islamiyat | 05.10.2011 |
| 30. | Abid Khan | Law | 06.10.2011 |
| 31. | Shah Muhammad | Pol: Science | 06.10.2011 |
| 32. | Adnan Khan | Economics | 06.10.2011 |

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

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

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

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

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

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

TERMS AND CONDITIONS

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

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

Endst: No. & Date Even.

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

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

SECTION OFFICER (COLLEGES-II)

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