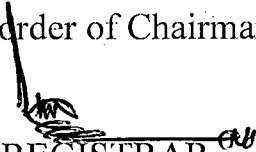


Form- A

## FORM OF ORDER SHEET

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

Case No.- 1586/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/11/2022	<p>The appeal of Mr. Hazrat Muhammad resubmitted today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR, <sup>CR</sup></p>

The appeal of Mr. Hazrat Muhammad son of Tamash Gul Ex-PST GPS Bakhsali Mardan received today i.e. on 27.10.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

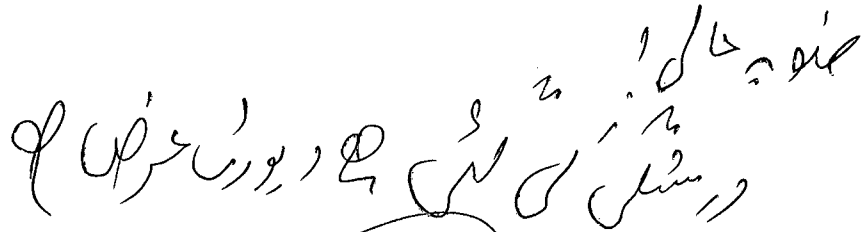

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Appeal may be page marked according to index.
- 5- Copies of order/letter dated 14.12.1997,30.10.2018,11.12.2020 and 9.01.2021 are illegible which may be replaced by legible/better one.
- 6- Copy of rejection order of departmental appeal in respect of appellant is not attached with the appeal which may be placed on it.
- 7- Copy of judgment dated 24.05.2016 mentioned in para-5 of the memo of appeal is not attached with appeal which may be placed on it.
- 8- Copy of show cause notice and its reply is not attached with the appeal which may be placed on it.
- 9- Five more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal. generate

No. 3064 /S.T,

Dt. 28/10 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.

  
  
10/10/22

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1586 /2022Khyber Pakhtunkhwa  
Service TribunalDialy No. 1230Dated 22/10/22

Hazrat Muhammad ..... Appellant

Versus

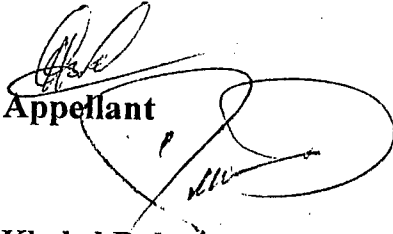
The Govt. of KPK and others ..... Respondents

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Through


  
Appellant

**Khaled Rahman**  
Advocate, Supreme Court  
(BC# 10-5542)  
[khaledrahman.advocate@gmail.com](mailto:khaledrahman.advocate@gmail.com)

&

  
Muhammad Amin Ayub

&

  
**Muhammad Ghazanfar Ali**  
Advocates, High Court  
4-B, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458  
Cell # 0313-9040434

Dated: 27/10/2022

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2022

Hazrat Muhammad S/o Tamash Gul,  
Ex-PST, GPS Bakhshali, District Mardan ..... Appellant

VERSUS

1. The Govt. of Khyber Pakhtunkhwa  
through Secretary, Elementary & Secondary Education  
Civil Secretariat, Peshawar.

2. The Director,  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa, G.T. Road, Peshawar.

3. The District Education Officer (Male),  
District Mardan ..... Respondents

1730  
27-10-2022

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORIGINAL IMPUGNED ORDER DATED 15.08.2022 WHEREBY APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REMOVAL FROM SERVICE AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL ON 22.08.2022 BUT THE SAME WAS UNLAWFULLY FILED VIDE IMPUGNED APPELLATE ORDER DATED 27.09.2022 COMMUNICATED ON 05.10.2022.

PRAYER:

27/10/22 On acceptance of the instant appeal, the impugned original order dated 15.08.2022 passed by Respondent No.3 and the impugned appellate order dated 27.09.2022 passed by Respondent No.2 communicated on 05.10.2022, may graciously be set aside and appellant be re-instated into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That initially, appellant was inducted in the Education Department as PST vide appointment order dated 20.06.1995 (*Annex:-A*) in accordance with

the then prevailing Policy of the Government. His Service Book was prepared wherein necessary entries were made from time to time. From the date of his first appointment he performed his duties to the entire satisfaction of the high-ups and was never subjected to any departmental proceedings.

2. That subsequently, with the change of political government, the services of the appellant were illegally dispensed with on 14.12.1997 (*Annex:-B*) which was challenged before the Court but the effort proved abortive except that some colleagues in time approached the Court and got the relief.
3. That in the year 2012 the Provincial Government passed "*the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (Annex:-C)*" providing for the reinstatement of the sacked employees and the Department made numerous appointments of similarly placed employees later on law was not fully implemented and appellant was not reinstated.
4. That against the non-appointment as per the Act *ibid*, some colleagues of the appellant approached the Hon'ble Peshawar High Court, Peshawar in Writ Petition No. 1662/2013 which was allowed vide judgment dated 24.12.2014. The appellant alongwith others had filed Writ Petitions No.2439-P/2016, No.2440-P/2016 & No.4762-P/2016 before the Hon'ble Peshawar High Court, Peshawar which were allowed vide consolidated Judgment dated 12.04.2018 (*Annex:-D*), the operative part of which is reproduced as below:-

"7. *Accordingly, this and the connected Writ Petitions are allowed and the Respondents are directed to consider the petitioners strictly in accordance with law, the mode and manner set out by this Court in its judgment dated 24.05.2016 in W.P. No.516-A/2013, and upheld by the august Apex Court in its judgment dated 24.05.2017.*"

5. That the Circuit Bench of Hon'ble Peshawar High Court at Abbottabad further observed in W.P. No.516-A/2013 decided on 24.05.2016 (*Annex;-E*) that:-

"i. *That the Petitioners though eligible for appointment but not equipped with training Certificate, shall be considered for re-instatement against their respective posts under the*

***Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 immediately;***

- ii. *The concerned District Education Officer shall scrutinized the case of each individual Petitioner independently;*
- iii. *Thereafter the Department shall arrange and manage the requisite training course for them and Petitioners shall be provided opportunity to acquit the requisite training certificate;*
- iv. *In case the Petitioners failed to acquire the requisite training certificate within the stipulated period, specified by the Department, their services shall stand terminated automatically.*

*Needless to remark that the respective EDOs of each district shall complete the process of re-instatement of the Petitioners within one month positively."*

It is pertinent to aver here that the same findings has already been incorporated in Para No.4 of the consolidated Judgment dated 12.04.2018. The Judgment dated 24.05.2016 *ibid*, was already upheld by the Hon'ble Apex Court dated 24.05.2017.

- 6. That later on, appellant and others were appointed vide appointment orders dated 30.10.2018 (*Annex:-F*) against their respective posts but subject to the outcome of CPLA which was then pending adjudication before the Hon'ble Apex Court.
- 7. That pursuant to the order *ibid*, appellant joined duties vide Charge Report & Medical Certificate (*Annex:-G*) and while performing his duties he came to know that the judgment of the High Court in case of the appellant was in fact upheld by the august Supreme Court vide order dated 05.09.2018 (*Annex;-H*) and communicated to the Department by the Advocate General office on 19.09.2018.
- 8. That appellant while performing his duties was waiting for arrangement of requisite training by the Department as per judgment of the Hon'ble High Court. In this respect, the Directorate of Curriculum and Teachers Education, Khyber Pakhtunkhwa Abbottabad addressed a letter dated 21.10.2019 (*Annex:-I*) to the concerned quarter by informing that the Directorate was going to arrange condense courses of PTC, CT, DM, JDPE etc. for sacked employees in light of the Judgment of the Hon'ble Peshawar

High Court, Abbottabad Bench passed in W.P. No.516-A/2013, therefore, complete data of the appellant alongwith others was requisitioned.

9. That pursuant to letter *ibid*, SDEO transmitted letter dated 17.12.2019 (*Annex:-J*) to DEO (Male), Mardan for sending the names of the appellant alongwith others for the requisite training. The Office was supposed to comply with the directions of the Hon'ble Peshawar High Court, Peshawar by sending the names of appellant along with others for such training to Directorate of Curriculum and Teacher Education, Abbottabad. It is further elucidated that the then DEO (Male) Mardan transmitted a letter dated 09.01.2021 (*Annex:-K*) by providing data of the appellant alongwith others for training. Likewise, another letter dated 04.03.2021 (*Annex:-L*) was also issued for the same purpose, however, even thereafter no training for the sacked employees was arranged.
10. That the process of requisite training was not only kept pending, but to the utter bewilderment, the colleagues of appellant were issued Show Cause Notice whereby they were directed to submit reply which were accordingly submitted. However, without fulfilling the codal formalities, appellant was handed over the impugned office order dated 15.08.2022 (*Annex:-M*) whereby appellant was removed from service against which appellant preferred Departmental Appeal (*Annex:-N*) on 22.08.2022 but the same was unlawfully filed vide impugned appellate order dated 27.09.2022 communicated on 05.10.2022 (*Annex:-O*).
11. That appellant being aggrieved of the impugned original order dated 15.08.2022 and impugned appellate order dated 27.09.2022, files the instant Service Appeal inter-alia on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 and 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.



- B. That discrimination has been meted out towards the appellant because similar placed employees were issued Show Cause Notices which were later on withdrawn and now they are regularly performing their duties against the subject post while appellant was singled out despite the fact that the Writ Petition filed by the appellant was allowed by the Hon'ble Peshawar High Court, Peshawar and the same as upheld by the Apex Court, therefore, as per Article-25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973 similarly placed persons are supposed to be treated alike. Reliance is placed on:

**2002 SCMR 82**

*---Art.25---Equality before law---Employer could not mete out different treatment to two groups of its employees, as dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart it.*

Likewise, Reference is made to the *Sheikh Riazat-ul-Haq case* that under Article-9 of the Constitution a civil servant has fundamental rights to be treated as per law. Reliance is placed on 2017 PLC(CS) Note 23 which is as under:-

*"Article-25: ..... Discrimination ..... Similar treatment .... Scope .... Alike should be treated Alike."*

- C. That it is transpired from the Judgment of the Hon'ble Peshawar Court, Peshawar wherein the Department was directed to arrange and manage the requisite training course for appellant and others and provide them opportunity to acquire the requisite Training Certificate, which the Department failed to do inspite of repeated requests by the concerned quarter to the Department to forward the data/names of the appellant and sacked employees for training, therefore, appellant should not be made to suffer for the acts and omissions of the Department.
- D. That the acts and omissions of the Department are not only based upon malafide intention but also squarely falls within the ambit of contempt of Court of lawful orders of the Hon'ble High Court which was maintained by the Apex Court, therefore, the Department has failed to comply with the Court directions without any legal justification, therefore, the impugned office order dated 15.08.2022 is not tenable in the eye of law.

- E. **That** the requisite training for the PTC/PST has been abolished (*Annex:-P*) by the Provincial Government, therefore, the objection is no more in field. Moreover, as has already been explained hereinabove that the process of training was deliberately kept pending by the Department. It is further added that as per Article-189 of the Constitution of Islamic Republic of Pakistan, 1973 judgment of the Hon'ble Supreme Court is binding upon all the Institutions of the Government.
- F. **That** no proper opportunity has been provided to the appellant in the Minutes of the Meeting dated 12.08.2022 on the basis of which the impugned order dated 15.08.2022 was passed, therefore, appellant was supposed to be represented in the Meeting and if he would have been heard then he would have been explained his position well and turning decision definitely in his favor.
- G. **That** appellant was supposed to be treated as per Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 because the legislation has codified the word "*shall*", therefore, appellant has not been treated in accordance with law and rules. Thus the impugned order is void ab-initio in the eye of law and is liable to be brushed aside.
- H. **That** Rule-2(1)(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 stipulates misconduct. The bear perusal of the same will reveal that the acts and omissions as have been attributed to appellant do not fall within the definition of misconduct. Moreover, it has been narrated that infact Department was/is responsible for the failure in arranging the requisite training.
- I. **That** a proper mechanism has been provided in Rule-5 of the Rules *ibid*, wherein it was held that:

*5(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against Government servants under these rules it shall either:-*

*(a) Proceed itself against the accused by issuing a Show Cause Notice under Rule-7 and, for reasons to be*

*recorded in writing, dispense with inquiry."*

Therefore, neither Show Cause Notice nor Statement of Allegations were served upon appellant rather he was condemned unheard and the impugned order has been issued at his back.

- J. **That** it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collecting of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross-examining the witnesses. Thus the impugned order is nullity in the eye of law and hence liable to be set aside.
- K. **That** the impugned appellate order dated 27.09.2022 does not qualify the condition of Rule-5 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules 1986 read with Section-24A of the General Clauses Act, 1897 as the Departmental Appeal of the appellant has not been decided by the appellate authority without giving reasons. Reliance is placed on 2010 SCMR 511, 2010 SCMR 1475, 2010 SCMR 1778, 2015 SCMR 630:-

**2010 SCMR 511**

*"---S. 24-A---Speaking order---Scope---Public functionaries are obliged to redress grievances of citizens/their subordinates with reasons."*

**2010 SCMR 1475**

*---S. 24-A---Speaking order---Scope---Under S.24-A, General Clauses Act, 1897, even public functionaries are duty bound to decide the case after application of mind.*

**2010 SCMR 1778**

*"---Each and every public functionary is duty bound to decide cases in accordance with law."*

**2015 SCMR 630**

*"---S. 24A---Executive authority---Discretion, exercise of---Scope---When legislature conferred a wide ranging power, it must be deemed to have assumed that the power would be, firstly, exercised in good faith, secondly, for the advancement of the objects of the legislation, and, thirdly in a reasonable manner---Where the authorities failed to regulate their discretion by the framing of rules, or policy statements or precedents, it became mandatory for the courts to intervene in order to maintain the requisite balance for the exercise of statutory power."*

L. That no opportunity of personal hearing was afforded to the appellant neither by the competent authority, nor by the Enquiry Officer nor even by the appellate authority which are the mandatory requirements of law. Reliance is placed on 2003 SCMR 1126, which states that:-

*“where the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be void ab-initio.”*

Further reliance is placed on PLD 2008 SC 412 which states as under:-


*“Natural Justice, principles of — Opportunity of hearing — Scope — order adverse to interest of a person cannot be passed without providing him an opportunity of hearing — Departure from such rule may render such order illegal.”*

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

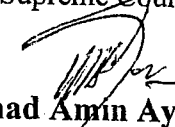
Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through


  
Appellant

  
Khaled Rahman  
Advocate, Supreme Court

&

  
Muhammad Amin Ayub

&

  
Muhammad Chazanfar Ali  
Advocate, High Court

Dated: 27/10/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ /2022

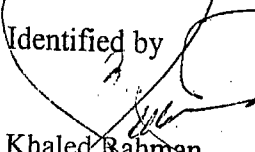
Hazrat Muhammad ..... Appellant

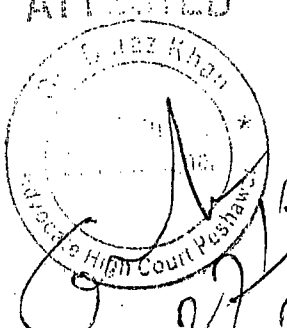
Versus

The Govt. of KPK and others ..... Respondents

**Affidavit**

I, Hazrat Muhammad S/o Tamash Gul, Ex-PST, GPS Bakhshali, District Mardan, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

Identified by  
  
Khaled Rahman  
Advocate, Peshawar

ATTESTED  


  
Deponent

10 Form A<sup>3</sup>

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRY: MARDAN.

APPOINTMENT.

OFFICE ORDER.

Mr. Nazrat Mohammad BSC S/O Tamash Khan Gul  
R/O Gul: Bagh Mardan) District Mardan is hereby  
appointed as PTC, Un-Trained Teacher at, GPS Bistak Gunj against  
in 1995-7 (@Rs. 1480/ PM fixed plus usual allowances as leave vacancy  
admissible to him under the rules with immediate effect in  
the interest of public service with the following terms and  
Condition:- On the expiry of leave of the original incumbent his  
services will automatically be ceased.

TERMS AND CONDITION.

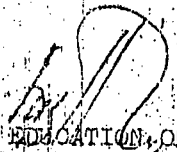
- 1) His appointment is made purely on Temp  
basis in liable to termination at any time  
with out assigning any reason or notice.
- 2) In case of resignation he will have to  
submit one month's prior notice to the  
Department or forthwith one months pay in  
lieu thereof to the Govt.
- 3) He is required to produce Health and age  
certificate from the M/S DHO Hospital  
Mardan before taking over charge.
- 4) His original certificate should be checked  
before handing over charge.
- 5) He should not be allowed to take over  
charge if his age is less than 18 years &  
above than 30 years.
- 6) If he fail to take over charge of the post  
within 15 days on the issue of this order  
his appointment order will be cancelled.
- 7) NO.TA/DA andc is allowed.
- 8) Charge report should be submitted to all  
concerned.
- 9) The orders will effect from 1.9.1995.

(MR. FAZLI RABBI KHAN)  
DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY M A R D A N

Order: No. 2275/75 F.No. 25/ Appt: PTC/I-AB, Dated, 2.9.1995

Copy of the above is forwarded to the:-

1. The Sub-Div: Edu: Officer (Male) Mardan / ~~Behtak Bisti~~
2. Candidate concerned.

  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY M A R D A N

Abbas Ullah  
~~XXXXXXXXXXXX~~

A

**LEGIBLE COPY**

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

10

**APPOINTMENT**

Mr. Hazrat Muhammad SSC S/O Tamesh Gul R/O Guli Bagh Mardan District Mardan is hereby appointed as PTC, Un-Trained Teacher at GPS Bicket Gunj against in BPS-7 @Rs.1480/PM fixed plus usual allowances as admissible to him under the rules with immediate effect in the interest of public service with the following terms and conditions:- On the Expiry of leave of the original incumbent his services will automatically be ceased:-

**TERMS AND CONDITION**

1. His appointment is purely Temporary and liable to termination at any time assigning any reason or notice.
2. In case of resignation they will have to submit one Months prior notice to the Department forfeit one month pay lieu thereof to the Govt.
3. He is required to produce Health and age certificate from the M/S DHQ Hospital Mardan before taking over charge.
4. His original certificate should be checked before handing over charge.
5. He should not be allowed to take over charge if his age is less then 18 years and above than 30 years.
6. If he fails to take over charge of the post within 15 days on the issue of this order his appointment order will be cancelled.
7. No TA/DA etc is allowed.
8. Charge report should be submitted to all concerned.
9. The orders will effect from 1-9-1995.

**MR. FAZLI RABBI KHAN**  
**DISTRICT EDUCATION OFFICER**  
**(MALE) PRIMARY MARDAN**

Endst No.2275-76/F.No.25/Apptt: PTC/I-AE, Dated :20/06/1995

Copy of the above is forwarded to the:-

1. The Sub Divisional Education Officer (Male) Mardan
2. Candidate concerned

**DISTRICT EDUCATION OFFICER**  
**(MALE) PRIMARY MARDAN**

-11

Annex B

DIVISION OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) PRIMARY MARDAN, D.A.N. IRREGULAR APPT: DD: 1/15/95

*Dr. Hayat Muhammad P.T.C.*  
CHIEF'S OFFICE - *C.P.S. Labouratory Mardan*

Subj: WITHDRAWAL OF SERVICES OF IRREGULAR P.T.C. TEACHERS WITH EFFECT FROM 1.7.1995.

Memo: Consequently upon the order District Education Officer (Male) Primary Mardan vide his order No. 255-56/95 dated 14.12.1995 all irregular appointments of P.T.C. teachers have been withdrawn w.e.f. 1.7.1995. The District Education Officer (Male) Primary Mardan directed vide his No. 12-13 dated 2-1-1997 to inform all the irregular P.T.C. teachers accordingly.

In the light of the instructions issued under reference above you are hereby informed that your appointment order No. 255-56/95 dated 14-1-1996 has already been withdrawn.

SUB-DIVISIONAL EDUCATION OFFICER (MALE) MARDAN.

Order No. 255-56/95 Dated: 14-12-1997/1997.

- 1. Copy forwarded to the District Education Officer (Male) Primary Mardan w.e.f. to his order.
- 2. All ASDEC (A) strict compliance.
- 3. ASDEC (A) strict compliance.

*Attested*

MUHAMMAD ISMAEL MA. B.Sc. SST EPS, II GHS Guj Bagra Mardan

SUB-DIVISIONAL EDUCATION OFFICER (MALE) MARDAN.

B.




محمد علی جناح

محبت پروردگار 76-2275 موفہ 26/1/95 آمدہ از دستخط سرائی  
ریجو آپس آفسر صلع اردان مسٹر حفرت محمد ولد محمد شکر نے  
جی ٹی سی ان ڈیپارٹمنٹ سے کاپیاز 2 گود بسٹ پر کٹری ڈکولر بلٹا کے  
تھیں صلع اردان میں لے لیا تھا تاریخ 1/7/95 کو -

دستخط چارج ڈیپارٹمنٹ

دستخط چارج ڈیپارٹمنٹ

H.A.P.  
1/7/95

  
1/7/95

چارج ڈیپارٹمنٹ ایف حفرت محمد ولد محمد شکر

جناح سٹی!

4216  
No. 361  
5-7-95

## Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012

<sup>1</sup>[Act XVII of 2012]

AN ACT to provide relief to those sacked employees in the Government service, who were dismissed; removed or terminated from service, by appointing them into the Government service

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on various grounds;

WHEREAS the Federal Government has also given relief to the sacked employees by enactment;

AND WHEREAS the Government of the Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest;

It is hereby enacted as follows:

**1. Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.

(2) It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

**2. Definitions.**--- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-

- (a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;
- (b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District offices working thereunder;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;

- (d) "Prescribed" means prescribed by rules;
- (e) "Province" means the Province of the Khyber Pakhtunkhwa;
- (f) "rules" means the rules made under this Act; and
- (g) "sacked employee" means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on the ground of irregular appointments.

**3. Appointment of sacked employees.**--- Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service:

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority.

**4. Age relaxation.**--- The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.

**5. Sacked employees shall not be entitled to claim seniority and other back benefits.**--- A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.

**6. Preference on the basis of age.**--- On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.

**7. Procedure for appointment.**---(1) A sacked employee, may file an application, to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:

Provided that no application for appointment received after the due date shall be entertained.

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Sacked Employees (Appointment) Act, 2012

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be constituted in the prescribed manner, for appointment:

Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

**8. Removal of difficulties.**--- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act as may appear to him to be necessary for the purpose of removing the difficulty.

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

**9. Act to override other laws.**--- Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

**10. Power to make rules.**--- Government may make rules for carrying out the purpose of this Act.

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IN THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION No. 2438 /2016



1. Iftikhar Ali S/o Mir Bahadar,  
R/o Bari Cham, Rustam, Mardan.
2. Rajid Ali Khan S/o Gul Umar,  
R/o Char Gali, Mardan.
3. Jamal Khan S/o Wasil Khan,  
R/o Mohallah Biland Khel, Mardan.
4. Saeed-ur-Rehman S/o Hafiz-ur-Rehman,  
R/o Mohallah Qazi Khel, Hoti, Mardan.
5. Zahir Ali S/o Sabz Ali,  
R/o Mohallah Biland Khel, Mardan.
6. Sakhi Arsala Khan S/o Ilyas Khan,  
R/o Ilyas Khan Koroona, Bara Par Hoti, Mardan.
7. Afzal Khan S/o Abdul Haq,  
R/o Koopar, Pir Abad, Takht Bhai, Mardan.
8. Murad Ali Shah S/o Haji Imran-ud-Din,  
R/o Mohallah Kuz Kandi, Baghdada, Mardan.
9. Falak Naz S/o Momin Khan,  
R/o Kacha Sarak, Par Hoti, Mardan.
10. Fazli Wahid S/o Abdul Rehman,  
R/o Saro Shah, Takht Bhai, Mardan.
11. Malik Aman S/o Abdul Ghafar,  
R/o Shamsbad Abad, Toro, Mardan.
12. Muhammad Javed S/o Rizwanullah,  
R/o Kass Koroona, Mardan.
13. Wisal Muhammad S/o Anwarullah,  
R/o Dhaki Gumbat, Mardan.
14. Inamullah S/o Muhammad Ayub,  
R/o Mohallah Sadi Khel, Mayar, Mardan.
15. Muhammad Shoaib S/o Saif-ur-Rehman,  
R/o Takht Bhai, Mardan.
16. Muhammad Sadr S/o Muhammad Yousaf,  
Ex-Chowkidar  
R/o Mohallah Bai Khel, Mardan.

ATTESTED  
EXAMINER  
Peshawar High Court  
17 APR 2018

FILED TODAY

Deputy Registrar

16 MAY 2016

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- 17
17. Ali Said S/O Pir Said,  
R/o Said Badshah, Par Hoti, Mardan.
  18. Muhammad Zahid S/o Hakim Khan,  
R/o Mughal Kaley, Saro Shah, Takht Bhai, Mardan.
  19. Siraj Muhammad S/o Noor Muhammad,  
R/o Mohallah Miangan, Takht Bhai, Mardan.
  20. Asghar Khan S/o Akbar Khan,  
R/o Bikat Ganj, Mardan.
  21. Azam Khan S/o Muhammad Shah,  
R/o Tambulak, Mohallah Afridi, Mardan.
  22. Sher Zamin Khan S/o Amcer Khan,  
R/o Muslim Abad, Mardan.
  23. Sultan Ali S/o Said Sharif,  
R/o Ikram Pura, Mardan.
  24. Ijaz Khan S/o Sikandar Khan,  
R/o Mohallah Muslim Abad, Canal Road, Mardan.
  25. Nasir Ahmad S/o Ghulam Nabi,  
R/o Eidgah Road, Mardan.
  26. Alam Khan S/o Behram Khan,  
R/o Bikat Ganj, Mardan.
  27. Zahir Khan S/o Muhammad Arif,  
R/o Mohallah Gulbahar, Canal Road,  
near Masjid Khaatim-ul-Anmbia, Mardan.
  28. Syed Muhammad Tufail S/o Syed Zakir Hussain,  
R/o Mohallah Gulbahar, Stree No.2, Charsadda Chow, Mardan.
  29. Said-ul-Akbar S/o Said Afzal,  
R/o Baba Ji Sahib, Muhib Banda, Mardan.
  30. Syed Muhammad Asif S/o Sher Zada,  
R/o Hathiyar, Tehsil Takht Bhai, Mardan.
  31. Arshad Ali S/o Charagh Din,  
R/o Mohallah Meer Shah Said, Mardan.
  32. Hazrat Muhammad S/o Tamash Gul,  
R/o Guli Bagh, Mardan.
  33. Abdul Sattar S/o Taj Muhammad,  
R/o Bijli Ghar, Mardan.
  34. Ayaz Ahmad S/o Fayaz Ahmad,  
R/o Mohallah Khan Kel Toru, Mardan (constable).....

Petitioners

Versus

1. The Secretary  
Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education  
Department, Civil Secretariat, Peshawar.

FILED TODAY ATTESTED  
EXAMINER  
Dep. Secy. Peshawar High Court  
16 MAY 2016 17 APR 2018

**LEGIBLE COPY**

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

No.266/Dated 09.01.2021

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To,

The Director  
E&SE Khyber Pakhtunkhwa, Peshawar

Subject:- **DATA OF SACKED EMPLOYEES OF PST FOR TRAINING**

Memo:-

In continuation to this office letter No.7465 dated:11.12.2020 and reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa, Peshawar No.4619-21 dated:26.10.2020 on the subject noted above.

I have the honor to submit the required information of sacked employees on prescribed proforma for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1.	Imran Ullah	GPS No.1 Takht Bhai	PTC	09.10.2018	
2.	Shakirullah	GPS Itbar Khan Killi	PTC	09.10.2018	
3.	Taj Muhammad	GPS Afzal Abad I	PTC	09.10.2018	
4.	Khurshid Ali	GPS Gunjai	PTC	09.10.2018	
5.	Muhammad Ibrahim	GPS No.4 Takht Bhai	PTC	10.10.2018	
6.	Fazli Wahid	GPS Afsar Abad	PTC	09.10.2018	
7.	Ibne Amin	GPS Afsar Abad	PTC	11.10.2018	
8.	Muhammad Naeem	GPS Dad Muhammad Killi	PTC	03.09.2018	
9.	Mujahid Khan	GPS Usman Banda	PTC	09.10.2018	
10.	Sohail Ahmad	GPS Dilaram Killi	PTC	09.10.2018	
11.	Safdar Khan	GPS No.1 Fazal Abad	PTC	09.10.2018	
12.	Rahim Khan	GPS Nari Surang	PTC	06.11.2018	
13.	Muhammad Ayaz	GPS Adina Dheri	PTC	10.10.2018	

**DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**

Endst No.267/sacked training/Dated:09.01.2021

Copy forwarded to the

1. Director DCTE Abbotabad with letter No.4519-22 dated:26.10.2020

**DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**

2. The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

3. The District Education Officer (Female) Male  
District Mardan. ....

*Respondents*

**WRIT PETITION UNDER ARTICLE, 199 OF THE CONSTITUTION  
OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That petitioners are the permanent and bonafide residents of District Mardan. They were appointed as PST, C.T, T.T, Lab: Assistant, Junior Clerk, P.E.T and on different dates after observing all the codal formalities vide orders dated 14.01.1996, 26.05.1996, 23.01.1996, 04.09.1996, 10.07.1996, 30.05.1995, 02.08.1995, 19.05.1994, 03.07.1996, 07.11.1995, 31.10.1994, 25.02.1996, 26.11.1996, 26.10.1995, 06.11.1995, 30.06.1995, 02.10.1995, 04.02.1995, 06.10.1996, 12.12.1994, 28.08.1996, 08.10.1996, 07.05.1995, 08.11.1995, 21.10.1995, 23.07.1996, 28.03.1996, 02.01.1995, 06.10.1996, 24.03.1996, and 31.10.1995. At the moment more of the petitioners are qualified for the posts against which they were appointed.
2. That after their appointments petitioners were satisfactorily and devotedly performing their duties for years to the entire satisfaction of the high-ups but with the change of Government, the successor Government out of sheer reprisal and to settle scores with the previous Government terminated the services of petitioners vide orders dated 06.01.1997, 12.02.1997, 13.02.1997, 23.06.1997, 13.03.1997, 07.01.1997 and 30.05.1997. (Appointment Orders/Credentials/Termination Orders of Petitioners *Annex:-A*). It is pertinent to add that only Petitioner No.34 has subsequently been appointed as Constable in the Police Department and is still serving there.
3. That after their termination, petitioners left no stone unturned and made inexorable and untiring efforts for restoration of their services. They have been agitating their genuine grievances before every forum, higher authority for the last more than 1½ decade but could not succeed with exception of some of their colleagues who within prescribed period of limitation approached the Hon'ble Khyber Pakhtunkhwa Service Tribunal and were reinstated with all back benefits by the Provincial Service Tribunal on 11.08.2003 and 02.05.2002 which were

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Deputy Registrar

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Correct made in light of Hon'ble court dt 13-0-8-16  
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upheld by the Apex Court on 18.11.2004, and the Judgments then were implemented by the Department vide orders dated 20.04.2006, 19.12.2004 (*Annex:-B*). Previously a decision in this respect was taken by the Cabinet of the Provincial Government but the same was not implemented.

4. That in the years 2010 the Federal Government, while realizing the miseries of politically victimized sacked employees of the 1996-99 in view of their longstanding grievances/complaints, passed "*the Sacked Employees (Re-Instatement) Act, 2010*" (to be referred hereinafter as the Act of 2010) whereby all the employees appointed by the Government and then terminated by the next Government on political grounds/ considerations were reinstated into service.
5. That since the employees in the Provincial Government were also terminated during the same period of time on the same political grounds also needed similar treatment therefore the Provincial Government of Khyber Pakhtunkhwa also decided to reinstate similarly terminated employees, therefore, "*The Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012*" (to be referred hereinafter as "the Act of 2012") was passed by the Provincial Assembly of Khyber Pakhtunkhwa and assented to by the Governor on 17.09.2012 and notified on 20.09.2012 (*Annex:-C*).
6. That since the promulgation of the Act of 2012 the same was not properly implemented in letter and spirit and by one way or the other its provisions were defeated by one reason or the other by the interested quarters so as to deprive the deserving candidates including the petitioners although they properly applied to the competent authority for their appointment within 30% quota mandated by the Act but without any success.
7. That similarly other colleagues approached this Hon'ble Court in W.P.No.1662-P/2013 decided on 24.12.2014 (*Annex:-D*) which was recently implemented vide orders dated 14.04.2016 (*Annex:-E*) which was followed by another judgment dated 18.09.2015 (*Annex:-F*) passed in W.P.No.3592-P/2014. Since the case of petitioners is identical, therefore, they are also entitled to the same relief under the principle of consistency and equality before law.
8. That petitioners time and again approached the Respondents for extending the benefit of the Act of 2012 but they have unlawfully refused, therefore, having no other adequate and efficacious remedy, petitioners now file this constitutional petition inter-alia on the following grounds:-

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Grounds:

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- A. That Respondents have not treated petitioners in accordance with law, rules and policy on subject and acted in violation of Articles 4 and 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully refused to extend the benefit of the Act of 2012, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That petitioners are entitled to be re-appointed under the Act of 2012 inas much as they are covered by the definition of the Sacked Employees as well as other beneficial provisions of the Act but the Respondents are denying the rights of petitioners without any justification muchless lawful which has resulted in miscarriage of justice.
- C. That this Hon'ble Court has interpreted the Provisions of the Act of 2012 in favour of other similarly placed colleagues of the petitioners and granted them relief vide Judgments ibid which were then implemented by the Respondents. Petitioners are also entitled to the same relief being similarly placed under the principle of consistency and equality as per the judgments laid down by Hon'ble Supreme Court of Pakistan in the cases of "*Hameed Akhtar Niazi ...Vs...The Secretary Establishment Division, Government of Pakistan and others*" reported in 1996 SCMR 1185 and in the case of "*Tara Chand and others...Vs... Karachi Water and Sewerage Board, Karachi and others*" reported in 2005 SCMR 499 and another Judgment reported in 2009 SCMR 1 wherein it has been laid down that "when a Tribunal or Court decides a point of law relating to the terms of service of a civil servant which covered not only the case of the civil servants who litigated, but also of other civil servants, who might have not taken any legal proceedings, the dictates of justice and rules of good governance demand that the benefits of the decision be extended to the other civil servants, who might not be parties to the litigation instead of compelling them to approach the Tribunal or any other forum."
- D. That it will not be out of place to mention here that the policy of appointment of untrained teachers by the Education Department of the Government was fully in vogue at the time of appointment of petitioners and even till 2011 and financial benefits were allowed to teachers for the untrained period of their service in 2009. Now more of the Petitioners have subsequently acquired the relevant qualifications of the posts against which they were initially appointed and at the moment they are qualified for the posts nay over and above the prescribed

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qualification for the posts.

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- E. That after their appointments in the Education Department and serving for years, Petitioners had acquired rich teaching experience which has also not been taken into account by the Respondents. Since the promulgation of the Act of 2012, 04 selection process have been done wherein as many as 964 vacancies have been filled out of which 30% quota of the Sacked employees comes out 288 in total which are outstanding as per the Act of 2012.
- F. That the very object of the Act of 2012 was to redress the grievances of Petitioners and to provide them justice for which Petitioners and other similarly sacked employees have been craving for more than one and half decade and therefore, it was a beneficial legislation but because of the denial on the part of the Respondents to obey the law, the object of the Act was frustrated, therefore, the refusal of the Respondents to extend the benefit of the Act of 2012 to petitioners is not sustainable in the eye of law.

For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may graciously be pleased to declare the refusal of the Respondents to extend the benefit of Act of 2012 to petitioners by appointing them against the requisite posts in 30% quota reserved for the sacked employees, as without lawful and hence of no legal effect and this august Court may further be pleased to direct the Respondents to act in the matter in accordance with law and to appoint petitioners against their requisite posts w.e.f. the due date with all consequential back benefits and the service of petitioner No.34 in the Police Department be also counted towards the service in the Education Department after his appointment under the Act of 2012.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioners.

Interim Relief

By way of interim relief, the Respondents may graciously be restrained for making fresh appointments till the final disposal of the instant writ petition.

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Deputy Registrar  
16 MAY 2016

Through

Petitioners  
Khalid Rahman  
Advocate  
Supreme Court of Pakistan


Dated: 16/05/2016

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CERTIFICATE

Certified on instruction that petitioners have not previously moved this Hon'ble Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 regarding present matter.



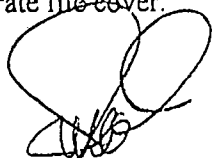
Khaled Rahman  
Advocate, Peshawar

List of Books


1. The Constitution of the Islamic Republic of Pakistan, 1973.
2. Services Law.

NOTE

1. Three spare copies of the Writ Petition are enclosed in a separate file cover.
2. Memo of addresses is also attached.



Khaled Rahman  
Advocate, Peshawar



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Examiner  
Peshawar High Court, Peshawar  
Authorised Under Article 8.7 of  
The Qanun-e-Shahadat Order 1984

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Deputy Registrar  
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IN THE PESHAWAR HIGH COURT PESHAWAR

W.P. No. \_\_\_\_\_/2016

Iftikhar Ali etc.....Petitioners

Versus

The Secretary E&SE KPK and others.....Respondents.

Affidavit

I, Zahir Khan S/o Muhammad Arif, R/o Mohallah Gulbahar, Canal Road, near Masjid Khaatim-ul-Anmbia, Mardan, do hereby solemnly affirm and declare on oath that the contents of this writ petition are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.

Petitioner No 27

*[Signature]*  
Deponent

16/01-5402851-9

Identified by  
*[Signature]*  
Khaled Rahman  
Advocate, Peshawar

No:.....16852.....  
Certified that the above was verified on solemnly  
affirmation before me on the date this...16th.....  
day of.....May.....2016 by: *[Signature]*  
s/o: *[Signature]* Mardan  
who was identified by: *[Signature]*  
Who is personally known to me:  
Oath Commissioner  
Peshawar High Court, Peshawar  
16/5/16

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Deputy Registrar  
16 May 2016

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Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan 1973  
17 APR 2018

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**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR,**  
[Judicial Department].



Writ Petition No.2439-P/2016

Ifthikhar Ali and 33 others.

Petitioners

**VERSUS**

The Secretary,  
Govt of Khyber Pakhtunkhwa,  
Elementary & Secondary Education  
Department, Civil Secretariat Peshawar,  
And others.

Respondents

For Petitioners :- Mr. Khalid Rehman, Advocate.  
For Respondents :- Mr. Waqar Ahmad, AAG.

Date of hearing: 12.04.2018

**JUDGMENT**

**ROOH-UL-AMIN KHAN, J:-** This writ petition is disposed of in terms of our common judgment of even date placed in connected Writ Petition No.2438-P/2016, titled, Mst. Samina Qazi and 42 others Vs The Secretary Govt of Khyber Pakhtunkhwa Elementary & Secondary Education and others”.

**Announced:**  
12.04.2018

*Siraj Afridi P.S.*

  
JUDGE

  
JUDGE

*DB of Mr. Justice Rooh-ul-Amin Khan and Mr. Justice Ikramullah Khan*

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Examiner  
Peshawar High Court, Peshawar  
Authorized under Article 8.7 of  
The Courts (Amendment) Order, 1984

17 APR 2018

IN THE PESHAWAR HIGH COURT,  
PESHAWAR  
[Judicial Department].



Writ Petition No.2438-P/2016

Mst. Samina Qazi and 42 others.

Petitioners

VERSUS

The Secretary,  
Govt of Khyber Pakhtunkhwa,  
Elementary & Secondary Education  
Department, Civil Secretariat Peshawar,  
And others.

Respondents

For Petitioners :-  
For Respondents :-

Mr. Khalid Rehman, Advocate.  
Mr. Waqar Ahmad, AAG.

Date of hearing: 12.04.2018

JUDGMENT

ROOH-UL-AMIN KHAN, J:- Through this common judgment, we shall decide the instant and connected Writ Petitions No.2439-P and 2240-P of 2016, filed by Ifikhar Ali and 33 others and Abdul Ahad and 50 others (*to be referred hereinafter as petitioners*), as identical question of law and facts are involved therein.

2. In essence, grievance of the petitioners is that during the period since 1993 to 1996, the respondents after observing all legal and codal formalities, appointed them against various positions i.e. CT, PET, DM, OT, T.T., Lab. Assistant and Junior Clerk on different dates, mentioned in their appointment orders, annexed with the respective writ petitions, in Education Department, but with the change of

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Government, their services were terminated on the pretext of irregularities committed in their appointment. The petitioners rise their voice before various forum, but proved futile. In the year 2010, the Federal Government enacted 'the Sacked Employees (Re-Instatement) Act, 2010' (the Act of 2010) to provide relief to persons in corporation service or autonomous or semi autonomous bodies or in the Government service who were dismissed, removed or terminated from service. The Provincial Government of Khyber Pakhtunkhwa while following the Act of 2010, enacted 'the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012' (the Act of 2012) so as to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1<sup>st</sup> day of November 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and were dismissed, removed or terminated from service during the period from 1<sup>st</sup> day of November, 1996 to 31<sup>st</sup> day of December, 1998 on various grounds.

*Looked*

3. Respondents have filed their Para-wise comments, wherein it is averred that under the Act of 2012, sacked employee is a person who was appointed on regular basis to a civil post in the province and who possessed the prescribed qualification and experience for the said post at

ATTORNEY GENERAL  
 EXAMINER  
 Provincial High Court  
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that time during a period from 1<sup>st</sup> day of November, 1993 to 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1<sup>st</sup> day of November, 1996 to 31<sup>st</sup> day of December, 1998 on the ground of irregular appointments. Some of the petitioner petitioners being lacking the prescribed academic qualification and criteria laid down by the Act of 2012, and some being untrained, cannot be extended benefit of the Act of 2012.

4. Having heard the arguments of learned counsel for the parties, it appears from the record the controversy of re-instatement of sacked employees cropped up before this Court in "Writ Petition No.1662-P/2013, titled, "Hazrat Hussain etc Vs the Govt of Khyber Pakhtunkhwa and others" which was decided on 24.12.2014, as follow:-

"It is worth to note that persons similarly, placed with the petitioners have been re-instated by the department while giving effect to the judgments given by the Khyber Pakhtunkhwa Service Tribunal. Moreso, one Mst. Gul Rukh whose services were terminated by the respondents along with the petitioners, has been appointed under the Act vide order dated 09.05.2013. It is cardinal principle of law that similarly placed persons should be treated alike and no different yard stick should be used while redressing their grievances. It is the hall mark and grundnorm of our constitution that every person is entitled to equal protection of law. Not only similarly placed colleagues of the petitioners have been appointed by the respondents but the petitioners are also entitled to the relief given to the sacked employees under the Act.

For what has been discussed above, we admit and accept both the writ petitions and direct the respondents to consider the petitioner for their appointment in accordance with the provision of the Act."

17 APR 2016

Subsequently, W.P. No.516-A/2013, titled, "Ifikhar Khan etc Vs Govt of Khyber Pakhtunkhwa etc" and so many other writ petitions, were filed by the sacked employees with regard to relief of reinstatement, before Abbottabad Bench of this Court, which were disposed of through a common judgment dated 24.05.2016, placed in W.P. No.516-A/2013, in the following terms:-

- i. *That the petitioners though eligible for appointment but not equipped with training certificate, shall be considered for re-instatement against their respective posts under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 immediately;*
- ii. *The concerned District Education Officer shall scrutinize the case of each individual petitioner independently;*
- iii. *Thereafter the department shall arrange and manage the requisite training course for them and the petitioners shall be provided opportunity to acquit the requisite training certificate;*
- iv. *In case the petitioner failed to acquire the requisite training certificate within the stipulated period, specified by the department, their services shall stand terminated automatically.*

*Needless to remark that the respective EDOs of each district shall complete the process of re-instatement of the petitioners within one month, positively.*

The aforesaid judgment of this Court was impugned before the Hon'ble apex Court in C.P. No.401-P/2016 by the Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar, and the Hon'ble Supreme Court while maintaining the judgment of this Court vide judgment dated 24.05.2017 held as under:-

"We have been apprised by learned counsel for the respondents that according to the advertisement and appointment letters issued to the respondents, two kinds of candidates could be appointed (i)

**ATTESTED**  
**EXAMINER**  
**Peshawar High Court**  
 17 APR 2018

those who have the requisite academic qualifications and training (ii) those who have the requisite academic qualification but do not possess the necessary training. As regards the second category, such persons would be provided with an opportunity to complete the training within a specific period. This is exactly what the learned High Court as allowed in the relief granting portion of the impugned judgment. Undoubtedly, this is in consonance with the Department's own advertisement and the terms and conditions of service, therefore, the learned High Court did not fall into any error by requiring the Department to allow the respondents to complete training within a specific period of time and to take action against them in case of failure to do so. No exception can be taken to the impugned judgment, which is upheld. Resultantly, Civil Petition No.401-P/2016 is dismissed on merit. The connected petitions are also dismissed on the above score and for being time-barred as no sufficient cause has been shown for condonation of delay."

5. In section 2 (g) of the Act of 2012, sacked employee has been defined as under:-

"Sacked employee" means a person who was appointed on regular basis to a civil post in the province and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed or terminated from service during the period from 1<sup>st</sup> day of November 1996 to 31<sup>st</sup> day of December 1998 on the ground of irregular appointments."

*Look Sir*

The petitioners having been appointed during the period since 1993-1996, do fall within the meaning of section 2 (g) of the Act of 2012. Section 3 of the Act (ibid), provides mechanism for appointment of the sacked employees,

ATTESTED  
 EXAMINER  
 Peshawar High Court

17 APR 2018

according to which on commencement of the Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service. Proviso attached to section 3 provides that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department and according to second proviso attached to section 3 provides further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority. The case of the present petitioners is not on different footing from the other sacked employees who have already been granted the relief of re-instatement in their service in light of decision of the Service Tribunal as well as the judgments of this Court and the Hon'ble Supreme Court (supra). The respondents have not specifically mentioned as to what kind of the academic qualification the petitioners are lacking. So far as the objection of the respondents that some of the petitioners are untrained is concerned, suffice to say that objection has exhaustively been dealt with by the Hon'ble apex Court in the judgment (supra) that according to the advertisement and appointment letters issued to the petitioners, two kinds of candidates could be appointed (i) those who have the requisite academic

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RECEIVED  
 SECRETARY  
 SUPREME COURT  
 2018

31

qualifications and training (ii) those who have the requisite academic qualification but do not possess the necessary training. As regards the second category, such persons would be provided with an opportunity to complete the training within a specific period.

6. It is golden principle of law that alike shall be treated alike which has further been elaborated by the apex Court in the case of "Hameed Akhtar Niazi Vs the Secretary Establishment Division, Government of Pakistan and others" reported as (1996 SCMR 1185) and again in the case of "Government of Punjab through Secretary Education and others Vs Sameena Parveen & others" reported as (2009 SCMR 01), in the following words"-

*"If a Tribunal or this Court, decides a point of law relating to the terms and conditions of a civil servant, who litigated and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the same decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum".*

7. Accordingly, this and the connected writ petitions are allowed and the respondents are directed to consider the petitioners strictly in accordance with the mode and manner set out by this Court in its judgment dated

*Handwritten signature*

SECRETARY  
ESTABLISHMENT DIVISION  
GOVERNMENT OF PAKISTAN  
ISLAMABAD

32

24.05.2016 in W.P. No.516-A/2013, and upheld by the august apex Court in its judgment dated 24.05.2017.

Announced:  
12.04.2018

Siraj Afridi P.S.

*Rooh-ul-Amin*  
JUDGE

*[Signature]*  
JUDGE

DB of Mr. Justice Rooh-ul-Amin Khan and Mr. Justice Ikramullah Khan

CERTIFIED TO BE TRUE COPY

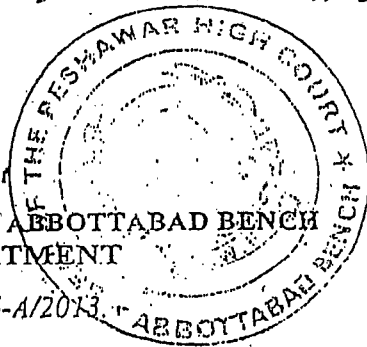
*[Signature]*  
Examiner  
Peshawar High Court, Peshawar  
Authenticated Under Article 87 of  
the Qanun-e-Shahadat Order 1984

17 APR 2018

No.....	18482
Date of Presentation of Application.....	15/4/18
No of Pages.....	17P
Copying Fee.....	
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Total.....	88
Date of Preparation of Copy.....	17/4/18
Date of Delivery of Copy.....	17/4/18
Received By.....	<i>[Signature]</i>

33

Amr E<sup>2</sup>



Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH  
JUDICIAL DEPARTMENT

Writ Petition No. 516-A/2013

JUDGMENT

Date of hearing.....24.05.2016.....

Petitioners Ifti Khan Khan by Mr. Mohammad Ashraf Khan

Respondents. Govt etc by Mr. Mohammad Akram Abbasi  
RAG

\*\*\*\*\*

ROOH-UL-AMIN KHAN, J.- Through this single judgment

we intend to dispose of connected W.P.No. 20-A/2014 titled

"Akram Khan & 05 others Vs. Government of Khyber

Pakhtunkhwa through Secretary Education (E&SE) Peshawar

& 03 others", W.P.No. 546-A/2013 titled "Waseem Gul Khan

& 47 others Vs. Government of Khyber, Pakhtunkhwa through

Secretary Education (E&SE) Peshawar & 14 others", W.P.No.

676-A/2015 titled "Abdul Razzaq Vs. Government of Khyber

Pakhtunkhwa through Secretary Education (E&SE) Peshawar

& 02 others", W.P.No.105-A/2015 titled "Mst. Saima Noreen

& 04 others Vs. Government of Khyber Pakhtunkhwa through

Secretary Education (E&SE) Peshawar & 03 others", W.P.No.

189-A/2015 titled "Muhammad Zafar Iqbal. Vs. Government of

Khyber Pakhtunkhwa through Secretary Education (E&SE)

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28/8/15  
Peshawar High Court  
Abbottabad Bench  
authorized Under Section 476 of the Code of Civil Procedure

Lawyer

E

PESHAWAR HIGH COURT; W.P.No. 316-A/2015 titled "Muhammad Nawaz & 46 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 03 others", W.P.No. 1155-A/2015 titled "Rashid Iqbal & 14 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others", W.P.No. 702-A/2014 titled "Shaheen Akhtar Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others and W.P.No. 115-A/2014 titled "Khalid Khan & another Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others" as the petitioners of all these petitions have prayed for reinstatements in their services on the basis of "Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012".

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MEG  
Examiner  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Section 275 of the Ordinance

28/5/15

28/5/15

2. Succinct facts leading to the instant petitions are that the petitioners were appointed by the respondents against their respective posts in accordance with the prescribed method of recruitment and later on their services were illegally terminated by the respondents, whereafter the Government of Khyber Pakhtunkhwa introduced "Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012" whereunder the



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respondents were bound to reinstate the petitioners as per criteria mentioned in the Act ibid but they did not appoint the petitioners inspite of the fact that more than hundreds posts were lying vacant in different cadres and were available in the establishment of respondent No.3, which conduct of the respondents towards the petitioners, being perverse, callous, malafide, is liable to be declared illegal and against the law. Initially comments of the respondents were called for, which were submitted accordingly wherein the claim of petitioner was refuted on the grounds that at the time of initial appointment, petitioners were not qualified to be selected as teacher, as they were not possessing the requisite training certificates.

3. In essence, grievance of the petitioners is that they were recruited by the respondents after fulfilling all the legal and codal formalities but their services were terminated in the year 1996-97 on the basis of political victimization; however, the Provincial Government promulgated the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 for reinstatement of the employees, who had been appointed on regular basis to a civil posts in the Province and equipped with the prescribed

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 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Section 10 of Ordinance

2022/11/15

qualification and experience of sacked employees at the time during the period from 01.11.1993 to 30.11.1996.

4. In pursuance of the enabling provisions of the Act, the petitioners approached the respondent-department but were refused the benefit of the Act *ibid* on the sole ground that at the time and during their initial service they were lacking the prescribed teaching training.

5. At the very outset, learned counsel for the petitioner produced a judgment of this court rendered in W.P.No. 1662-P/2013; whereby the respondents were directed to consider the untrained teachers for appointments against their respective posts, for the reason that at the time of initial appointments of the employees, under the laid down criteria, the untrained candidates were made eligible for appointment against the post of PTC.

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 M. C. S.  
 Examiner  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Sec 34 of the Ordinance  
 28/8/16

6. The learned Additional Advocate General representing the respondent-department reiterated the same old arguments that the petitioners were lacking the requisite training certificate, therefore, under the Act *ibid* they cannot be considered for appointment.

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7. We are not in consonance with the arguments advanced by the learned AAG for the reason that the respondent-department itself has considered numerous employees under the Act *ibid*, who were not in possession of the training certificate whereas they were provided opportunity to complete their training within three years. The relevant para of the reinstatement order / notification of various employees is reproduced below for ready reference: -

*For Mr. Hameed*

*"16. In case of having less qualification which ever is prescribed intermediate / FA for PST as well as PST certificate as professional the candidate must be qualified both the academic / professional qualification within three years after issue of this appointment order, failing which their appointment order shall stand terminated automatically, without any further period."*

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 Examiner  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Sec. 25 of the Ordinance  
 28/8/11

*Case No. 1*

8. It is golden principle of law that alike shall be treated alike which has further been elaborated by the apex court in the case of "*Hameed Akhtar Niazi Vs. The Secretary, Establishment Division, Government of Pakistan & others*" reported as 1996 SCMR 1185 and again in the case of "*Government of Punjab through Secretary Education & others*"

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*Vs. Sameena Parveen & others*" reported as 2009 SCMR 01

where it has been held as under: -

"if a Tribunal or this Court, decides a point of law relating to the terms and conditions of a civil servant, who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the same decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum."

شماره

9. In view of the above, all these petitions are disposed of in the following terms: -

- i. That the petitioners though eligible for appointment but not equipped with training certificate, shall be considered for reinstatement against their respective posts under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 immediately;
- ii. The concerned District Education Officer shall scrutinize the case of each individual petitioner independently;
- iii. Thereafter, the department shall arrange and manage the requisite training course for them and the petitioners shall be provided opportunity

28/8/16  
Peshawar High Court  
Abbottabad Bench

28/8/16

11/5

39

to acquire the requisite training certificate;

- iv. In case the petitioner failed to acquire the requisite training certificate within the stipulate period, specified by the department, their services shall stand terminated automatically

Needless to remark, that the respective EDOs of each district shall complete the process of reinstatement of the petitioners within one month positively.

Announced:  
24.05.2016

1/Sc16\*/

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 Peshawar High Court  
 Abbottabad Bench

Authorized Under Sec 76 Act 1973

28/5/16

510
Date of presentation of application 28.5.16
No. of cases 3
Cost Rs. 60/-
Process fee 2/-
Stamp fee 65/-
Signature of Officer 7/6
Date of signature 28.5.16
Date of receipt 28.5.16



40 Amir F

## OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MALIR

### OFFICE ORDER

In Compliance with Peshawar High Court Peshawar-Coc No.511-2018 in P.O. No.2438-11/2018, 2018 in W.P No.2440-2016, Coc No.670-2018 in WP No.2439-2016 COC No.688-2018 in WP No.2440-2016 No.718-2018 in W.P No.2438-2016, 671-2016 in W.P No.4762-2016, the appointment order of the applicant candidate is hereby ordered against the vacant post of PST in BPS-12 (Basic plus usual allowances) under the rules under the existing policy of Provincial government in teaching cadre in Sacked employment terms and conditions given below with effect from the date of their taking oath and age

S.No.	Name	Father Name	POST	School where appointed
1	HAZRAT ALI	SAID AHMAD KHAN	PST	GPS AHMAD ABAS
2	ZUBAIR SHAH	ABDUL GHANI	PST	GPS ADA KATIARI
3	MAUROOD KHAN	FAQIR UR RAHMAN	PST	GPS PALOSAI FATAHA
4	INAM ULLAH	M. AYUB KHAN	PST	GPS ZAMAN SHAH
5	HAZRAT MUHAMMAD	TAMASH GUL	PST	GPS TEKADAR
6	IFTIKHAR ALI	MIR BAHADAR	PST	GPS KHAIRO
7	FALAK NAZ	MOMIN KHAN	PST	GPS SHAMANT
8	TAJ ALAM	YOUSAF KHAN	PST	GPS NO.3 KOT
9	RAHEEM KHAN	ALADAD	PST	GPS NAFI SUH
10	KHALID KHAN	ASLAM KHAN	PST	GPS KOTARP
11	RIAZ ALI	LAJBAR KHAN	PST	GPS BHA
12	WAZIR MUHAMMAD	WALI MUHAMMAD	PST	GPS SHAG
13	FAZAL AHMAD SHAH	GUL PARAS	PST	GPS SHEIKH
14	M. NAEEM KHAN	SARFARAZ KHAN	PST	GPS DAD MUHAM

### Terms & Conditions

- The appointment will be subject to the condition of decision of Supreme Court. In case of the light of CP already pending, the decision of the Honorable Supreme Court of Pakistan will be final and their appointment shall stand cancelled w.e.f the date of issuance.
- No TAVDA etc is allowed
- Charge report should be submitted to all concerned.
- Their appointment is subject to the conditions that their certificates/ documents and appointment could be verified by the concerned Authority before release of their Salary in the light of Section 2 of the Act.
- They will be governed by such rules and regulations as may be issued from time to time by the Govt
- Their appointment has been made in pursuance of Khyberpakhtunhwa, Sacked Employment appointment, 2012 hence under section 5 of the said act, he shall not be entitled to claim any kind of seniority, promotion and other benefits.
- They will produce Health and Age Certificate from the M/S of D.H.Q Mardan.
- Their appointment has been made in pursuance of Khyberpakhtunhwa, Sacked Employment Act 2012. Hence under section 4 of the said Act the period during which they remained dismissed, their appointment terminated from the date of his appointment shall have been automatically relaxed.
- They Should join their post within 15 days of the issuance of this Notification. In case of failure to join the post within issuance of this notification, his appointment will be considered cancelled and no subsequent appointment will be entertained.
- Their pay will be released after the verification of his documents by the SDO.
- In case their documents are found fake/bogus or verification from issuing authority is not found, their appointment will be terminated and legal action be taken against him under the law.

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Their services can be terminated at any time in case of his performance is found unsatisfactory in case of misconduct he will proceed under the rules framed from time to time by the Govt.

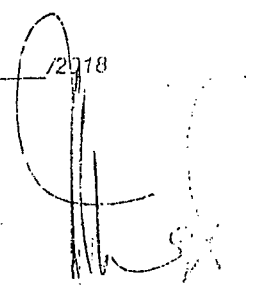
- 14 In case of resignation they/he will submit his one month prior notice to the Department and he will forfeit one month pay/allowances to Government Treasury.
- 15 In case of having no prescribed qualification, the same may be obtained within 03 years from the date of this order otherwise appointment will be automatically stand cancelled.
- 16 The competent authority reserves the right to rectify the errors/omission if any noted at any stage in instance of order issued erroneously.

UAE AL  
District Education Officer  
(Male) Mardan

Endst.No. 8302/4 Prg:Branch Dated 30-10-2018

Copy forwarded for information and necessary action to the

- 1 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- 2 District Account Officer Mardan.
- 3 Principal/H.M/SDEO (where concerned).
- 4 Official Concerned.

  
District Education Officer  
(Male) Mardan

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Page 4

# Charge Report:

I Hazrat Muhammad s/o

Tamash Gul took my charge

as PST w.e.f. 6/11/2018 in morning


at GPS Tekadar Killa (Gujrat)

My order is signed by

District Education Officer (M) Mardan

on 30.10.2018, Encl No: 8302/G

Head Teacher  
GPS Tekadar Killa  
Gujrat.

  
Hazrat Muhammad  
PST  
6/11/2018

  
PSHT 6  
GPS Tekadar  
Gujrat

G



43

Amir H<sup>2</sup>

ساجد

**IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)**

**PRESENT:** MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE UMAR ATA BANDIAL  
MR. JUSTICE IJAZ UL AHSAN

**CIVIL PETITIONS NO.481-P AND 482-P OF 2018**  
(Against the judgment dated 12.4.2018 of the Peshawar High Court,  
Peshawar passed in WP Nos.2439-P of 2016 & 2440-P of 2016)

Government of KPK through Secretary Elementary & Secondary  
Education Peshawar & others

...Petitioner(s)  
(In both cases)

**VERSUS**

Iftikhar Ali & others  
Abdul Ahad & others

In C.P.481-P/2018  
In C.P.482-P/2018  
...Respondent(s)

For the petitioner(s): Mr. Zahid Yousaf Qureshi, Addl. A.G.  
For the respondent(s): Not represented  
Date of hearing: 5.9.2018

**ORDER**

**MIAN SAQIB NISAR, CJ.-** The only point raised is that the respondents who sought restoration on the basis of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (the Act) were not working on a regular basis but against leave vacancies. Learned counsel could not satisfy us as to how that rendered the respondents disentitled to relief under the Act. We do not find any legal or factual error in the impugned judgment calling for interference by this Court. These petitions being without merit are, therefore, dismissed.

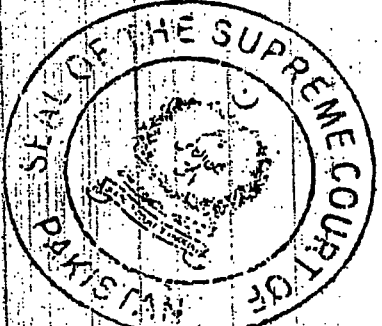
Sd/-HCJ

Sd/-J

Certified to be True Copy

AC

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad



Islamabad, the  
5<sup>th</sup> of September, 2018.  
Not Approved For Reporting  
M. Ashraf Malik

CF No: \_\_\_\_\_ Civil/Criminal  
Date of Presentation: 11/11/18  
No of Words: \_\_\_\_\_  
No of Folios: \_\_\_\_\_  
Requisition Fee Rs: \_\_\_\_\_  
Copy Fee in: 180  
Court Fee Stamps: 680  
Date of Completion of Copy: 11-11-2018  
Date of delivery of Copy: 11/11/18  
Compared by P. \_\_\_\_\_

H

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Part I



**Directorate of Curriculum and Teacher Education  
Khyber Pakhtunkhwa, Abbottabad.**

Phone #:0992-382634 Fax #:0992-381527 E-mail: [dcte-kpk@hotmail.com](mailto:dcte-kpk@hotmail.com)

No.6236-39/TPD/Pre-Service

Dated: 21/10/2019

To

22/10/19

1. Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa.
2. All DEO (F/M),  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa.

**Subject: DATA OF SACKED EMPLOYEES OF DIFFERENT CADRES (PTC, DM, CT etc.)**

Dear Sir /Madam,

I am directed to refer to E&SE Deptt: letter No.SO(B/T)E&SE/2-13/2009/PITE/PTC Training dated 16-10-2019, and to inform that the Directorate of Curriculum and Teachers Education is going to arrange condense courses of PTC,CT,DM, JDPE, etc for sacked employees in light of the Judgment of Honourable Peshawar High Court, Abbottabad Bench passed Writ Petition No. 516-A/2013.

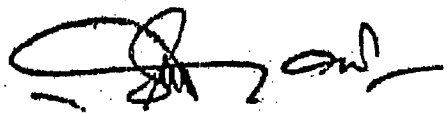
You are, therefore requested to provide complete data of sacked employees according to format as under .

S#	Name of teacher	Name of school	Course for training (PTC,CT,DM, JDPE)	Date of Appointment	Districts /Division
1.					
2.					

  
SUBJECT SPECILIST (Pre-Service)

Copy for information to the:

1. Secretary Elementary & Secondary Education Department Government of Khybe Pakhtunkhwa Peshawar.
2. PA to Director local office.

  
SUBJECT SPECILIST (Pre-Service)

- I



OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER,  
(Male) Takht Bhal

Phone: 01902200000

470 Date: 17.12.2018

45  
Raza J

To:

The District Education Officer,  
(Male) Mardan.

Subject:

DATA OF SACKED EMPLOYEES FOR PTC TRAINING.

Memo:

Please refer to Directorate of Curriculum and Teacher Education Khyber Pakhtoonkhwa, letter No. 6236-30 dated: 21/10/2018, And No. 4619-21 dated: 26/10/2020 on the subject above with the training data of sacked PTC employees in Mardan for taking necessary action/process please.

S.No.	Name of PST Teachers	Name of School / GIS	Course for training	D/O Avail	Remarks
1.	Imran Khan	No. 1 Takht Bhal	PTC	09.10.2018	
2.	Shahir Ullah	Hbar Khan Killi	PTC	09.01.2018	
3.	Taj Muhammad	Afzal Abad No. 1	PTC	09.10.2018	
4.	Khurshid Ali	Ganjai	PTC	09.10.2018	
5.	Muhammad Ibrahim	No. 4 Takht Bhal	PTC	02.03.2013	
6.	Fazal Wahid	Afzal Abad	PTC	10.10.2018	
7.	Huse Amin	Afzal Abad	PTC	09.10.2018	
8.	Muhammad Nazam	Dad Muhammad Killi	PTC	11.10.2018	
9.	Mujahid Khan	Daman Banda	PTC	01.09.2013	
10.	Sohail Ahmad	Dafaram Killi	PTC	09.10.2018	
11.	Saidar Khan	No. 1 Afzal Abad	PTC	09.10.2018	

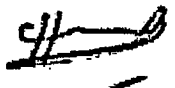
*[Signature]*  
SUB-DIVISIONAL EDUCATION OFFICER  
(Male) Takht Bhal, Mardan

←

List of sacked Employees circle takht bhai.

the undersigned has been directed by S.D.E.O (male) Primary Takht Bhai office through whatsapp information to submit data of sacked employees on Performa shared on circle ASDEO group.

S.No	Name	Designation	School	Remarks
1	Imran Khan	P.E.T	G.P.S. NO.1 TAKHT BHAI	Received
2	Shakir Ullah Khan	P.S.T	G.P.S. IBRAHIM KHAN kill	Received
3	Taj Muhammad	P.S.T	G.P.S. APSALAHAD No.1	Received
4	Khurshed Ali	P.S.T	G.P.S. GUNJAY T.Bhai	Received
5	Muhammad Urhin	P.S.T	G.P.S. No.1: T.Bhai	Received
6	Fazliwahid	P.S.T	G.P.S. APSALAHAD T.B	Received.
<del> </del>				
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29  
2020  
Asstt. Sub. Div.  
Ed. Officer  
MI Prv. Takht Bhai

47  
 Roman K  
 OFFICE OF THE DISTRICT EDUCATION OFFICER  
 (MATE) MARDAN  
 No. 267 Dated 09-01-2021

The Director  
 ESSE Khyber Pakhtunkhwa, Peshawar

SUBJECT: DATA OF SACKEE EMPLOYEES OF PST FOR TRAINING

Memo: In continuation to this office letter No 2465 dated 11-12-2020 and reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa, Peshawar letter No. 4619/21 dated 26-10-2020 on the subject cited above.

I have the honor to submit the required information of sacked employees on prescribed proforma for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Appt	Remarks
1	Imran Khan	GPS No 1 Takht Bhai	PTC	09-10-2018	
2	Shakirullah	GPS Hbar Khan Kili	PTC	09-10-2018	
3	Taj Muhammad	GPS Alzal Abad 1	PTC	09-10-2018	
4	Khurshid Ali	GPS Gumpal	PTC	09-10-2018	
5	Muhammad Ibrahim	GPS No 4 Takht Bhai	PTC	10-10-2018	
6	Fazl Wahid	GPS Aisar Abad	PTC	09-10-2018	
7	Ibte Amin	GPS Aisar Abad	PTC	11-10-2018	
8	Muhammad Naeem	GPS Dad Muhammad Kili	PTC	03-09-2018	
9	Mujahid Khan	GPS Usman Banda	PTC	09-10-2018	
10	Sohail Ahmad	GPS Dilaram Kili	PTC	09-10-2018	
11	Saidar Khan	GPS No 1 Faisal Abad	PTC	09-10-2018	
12	Rahim Khan	GPS Nari Surang	PTC	06-11-2018	
13	Muhammad Ayaz	GPS Adina Dheri	PTC	10-10-2018	

Encl No 267 /sacked training/Dated 09-01-2021

Copy forwarded to the  
 1 Director DCTE Aherahad with letter No 4619/21 dated 26-10-2020

09/01/2021  
 DISTRICT EDUCATION OFFICER  
 (MATE) MARDAN

DISTRICT EDUCATION OFFICER  
 (MATE) MARDAN

- 48

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALLI MARIAN)

No 7465 / Date 11-12-2020

To

The Director,  
185F Highway Pakistankhwa, Peshawar

Subject: DATA OF SACRED EMPLOYEES OF PST FOR TRAINING

Memo: Reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa,  
Peshawar letter No. 7419/21 dated 26-10-2020 on the subject cited above.

Since the honor to submit the required information of sacred employees on pre-adopt print form for  
the purpose of training as directed please

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1	Fazal Ahmad Sohal	GPS Hassan Abad	PTC	30-10-2018	
2	Abdul Abad	GPS No 1 Mayar	PTC	09-10-2018	
3	Muhammad Majid	GPS Batai koreana	PTC	10-10-2018	
4	Saeed Muhammad	GPS Ilti-Hat Colony	PTC	10-10-2018	
5	Taj Akbar	GPS No 2 Khatul	PTC	02-11-2018	
6	Malik Arwan	GPS Saamshad Abad 2	PTC	09-10-2018	
7	Hafiz Ali	GPS Abad Abad	PTC	10-10-2018	
8	Fahid Naz	GPS Gramadara Kili	PTC	10-10-2018	
9	Wahid Muhammad	GPS Anar 2-1	PTC	09-10-2018	
10	Ahmad Jabeen	GPS Gurdak	PTC	09-10-2018	
11	Fahid Muhammad	GPS Salsala Gumbat	PTC	09-10-2018	
12	Saif-ud-Ahmed	GPS No 2 Motat Banna	PTC	15-10-2018	
13	Shanwar Rahman	GPS Bicket Camp 1	PTC	09-10-2018	
14	Nasir Ahmad	GPS Bicket Camp 1	PTC	09-10-2018	
15	Syed M Tufail	GPS M Tawas	PTC	09-10-2018	
16	Azam Khan	GPS Jhalu Harai	PTC	09-10-2018	
17	Fahid Hassan	GPS Sowaryan	PTC	09-10-2018	
18	Muzaf Ali	GPS Marghand Kili	PTC	09-10-2018	
19	Siraj Muhammad	GPS Jangi Dher 2	PTC	09-10-2018	
20	Fazal Mahmood	GPS Azeem Shah	PTC	10-10-2018	
21	Sahar Ali	GPS Khanpur	PTC	10-10-2018	
22	Sahar Ali Khan	GPS Chitrop 2	PTC	09-10-2018	
23	Sahar Ali Khan	GPS Chitrop 2	PTC	10-10-2018	
24	Ahmed Farhat Khan	GPS Bharat Khan	PTC	11-12-2018	

11/12/2020  
11-12-2020

For: / Attached Training Officer / 7710

Copy forwarded to the  
1. Director of Education with letter No. 7419/21 dated 26-10-2020

sd/ /  
DISTRICT EDUCATION OFFICER  
(MALLI MARIAN)

**LEGIBLE COPY**

OFFICE OF THE DISTRICT EDUCATION  
OFFICER  
(MALE) MARDAN  
No.7465/Dated 11.12.2020

48

To,

The Director  
E&SE Khyber Pakhtunkhwa, Peshawar

Subject:- **DATA OF SACKED EMPLOYEES OF PST FOR TRAINING**

Memo:- Reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa, Peshawar No.4619-21 dated:26.10.2020 on the subject noted above.

I have the honor to submit the required information of sacked employees on prescribed proforma for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1.	Fazal Ahma Shah	GPS Hassan Abad	PTC	30.10.2018	
2.	Abdul Ahad	GPS No.1 Mayar	PTC	09.10.2018	
3.	Muhammad Mujahid	GPS Batai Korona	PTC	10.10.2018	
4.	Saeed Muhammad	GPS Ittehad Colony	PTC	10.10.2018	
5.	Taj Alam	GPS No.3 Koragh	PTC	06.11.2018	
6.	Malik Aman	GPS Shamshad Abad 2	PTC	09.10.2018	
7.	Hazrat Ali	GPS Ahmad Abad	PTC	30.10.2018	
8.	Falak Naz	GPS Shamandaroz Killi	PTC	30.10.2018	
9.	Wisal Muhammad	GPS Anarbaig 1	PTC	09.10.2018	
10.	Amanullah Khan	GPS Landaki	PTC	09.10.2018	
11.	Fayyaz Muhammad	GPS Saadudin Gumbat	PTC	09.10.2018	
12.	Said Ul Akbar	GPS No.2 Mohib Banda	PTC	10.10.2018	
13.	Shamsur Rehman	GPS Bicket Gunj 1	PTC	09.10.2018	
14.	Nasir Ahmad	GPS Bicket Gunj 1	PTC	09.10.2018	
15.	Syed M Tufail	GPS Mirwas	PTC	09.10.2018	
16.	Azam Khan	GPS Maho Narai	PTC	09.10.2018	
17.	Tariq Hussain	GPS Sowryan	PTC	09.10.2018	
18.	Murad Ali	GPS Marghano Killi	PTC	09.10.2018	
19.	Siraj Muhammad	GPS Jangi Dher 2	PTC	09.10.2018	
20.	Fazal Mahmood	GPS Azeem Shah	PTC	09.10.2018	
21.	Sultan Ali	GPS Ikrapur	PTC	09.09.2018	
22.	Sabz Ali Khan	GPS Gulberg 2	PTC	09.10.2018	
23.	Riaz Ali Khan	GPS Spin Jumat Shero	PTC	10.10.2018	
24.	Ahmad Ur Rehman	GPS Bharat Khel	PTC	11.12.2018	

**DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**

Endst No. \_\_\_\_\_/sacked training/Dated: \_\_\_\_\_ .2020

Copy forwarded to the

1. Director DCTE Abbotabad with letter No.4619-22 dated:26.10.2020

**DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**

49      Romz L<sup>2</sup>

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALL) MANDAN

No \_\_\_\_\_ / Dated 24-03-2021

To

The Director,  
T&S Khyber Pakhtunkhwa, Peshawar

**SUBJECT: DATA OF SACKED EMPLOYEES OF PST / OR TRAINING IN LIGHT OF COURT DECISION**

**Memo:** Reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa Peshawar letter No: 4619-21 dated 26-10-2020 and in continuation of this office letter No: 7465 dated 11-12-2020 and letter No: 266 dated 09-01-2021 on the subject cited above. It is stated that this office has appointed various teachers in SACKED EMPLOYEE QUOTA as PST in light of Peshawar High Court Peshawar with conditions that department shall arrange and manage the requisite training for them who are untrained and are not equipped with departmental PST certificate.

Therefore the required information of sacked employees on prescribed proforma for the purpose of training is hereby submitted as desired please

S.No	Name of Teacher	School Name	Training For	Date of Apptl	Remarks
1	Fazal Ahmad Shah	GPS Hassan Abad	PST	30-10-2018	
2	Abdul Anad	GPS No 1 Mayar	PST	09-10-2018	
3	Muhammad Mujahid	GPS Batai korodna	PST	10-10-2018	
4	Saeed Muhammad	GPS Ittehad Colony	PST	10-10-2018	
5	Taj Alam	GPS No 3 Koraph	PST	06-11-2018	
6	Malik Aman	GPS Shamsad Abad-2	PST	09-10-2018	
7	Hazrat Ali	GPS Ahmad Abad	PST	30-10-2018	
8	Talab Naz	GPS Shamandroz Kili	PST	30-10-2018	
9	Wisal Muhammad	GPS Anarbaig-1	PST	09-10-2018	
10	Amanullah Khan	GPS Landaki	PST	09-10-2018	
11	Fayaz Muhammad	GPS Saadudin Gumbat	PST	09-10-2018	
12	Said ul Akbar	GPS No.2 Mahab Banda	PST	10-10-2018	
13	Shamshur Rehman	GPS Bicket Gung 1	PST	09-10-2018	
14	Nasir Ahmad	GPS Bicket Gung 1	PST	09-10-2018	
15	Syed Ali Tufail	GPS Mirway	PST	09-10-2018	
16	Azam Khan	GPS Mallo Narai	PST	09-10-2018	
17	Farooq Hussain	GPS Suwayan	PST	09-10-2018	
18	Murad Ali	GPS Manghano Kili	PST	09-10-2018	
19	Sajid Muhammad	GPS Jangi Dher-2	PST	09-10-2018	
20	Fazal Mahmood	GPS Azeem Shah	PST	09-10-2018	

*[Signature]*  
01/03/2021

L



Office of the Education Officer  
(Male) Mardan

No. \_\_\_\_\_ / Dated 04.03.2021

To,

The Director

E&SE Khyber Pakhtunkhwa, Peshawar

Subject:- **DATA OF SACKED EMPLOYEES OF PST FOR TRAINING IN LIGHT OF COURT DECISION.**

Memo Reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa Peshawar letter No.4619-21 dated: 26.10.2020 and in continuation of this office letter No.7465 dated:11.12.2020 and letter No.266 dated: 09.01.2021 on the subject noted above it is stated that this office has appointed various teachers in SACKED EMPLOYEE QUOTA as PST in light of Peshawar High Court, Peshawar with conditions that department shall arrange and manage the requisite training for them who are \_\_\_\_\_ and are not equipped with departmental PST certificate.

Therefore, the required information of sacked employees on prescribed proforma for the purpose of training is hereby submitted as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1.	Fazal Ahma Shah	GPS Hassan Abad	PTC	30.10.2018	
2.	Abdul Ahad	GPS No.1 Mayar	PTC	09.10.2018	
3.	Muhammad Mujahid	GPS Batai Korona	PTC	10.10.2018	
4.	Saeed Muhammad	GPS Ittehad Colony	PTC	10.10.2018	
5.	Taj Alam	GPS No.3 Koragh	PTC	06.11.2018	
6.	Malik Aman	GPS Shamshad Abad 2	PTC	09.10.2018	
7.	Hazrat Ali	GPS Ahmad Abad	PTC	30.10.2018	
8.	Falak Naz	GPS Shamandaroz Killi	PTC	30.10.2018	
9.	Wisal Muhammad	GPS Anarbaig 1	PTC	09.10.2018	
10.	Amanullah Khan	GPS Landaki	PTC	09.10.2018	
11.	Fayyaz Muhammad	GPS Saadudin Gumbat	PTC	09.10.2018	
12.	Said Ul Akbar	GPS No.2 Mohib Banda	PTC	10.10.2018	
13.	Shamsur Rehman	GPS Bicket Gunj 1	PTC	09.10.2018	
14.	Nasir Ahmad	GPS Bicket Gunj 1	PTC	09.10.2018	
15.	Syed M Tufail	GPS Mirwas	PTC	09.10.2018	
16.	Azam Khan	GPS Maho Narai	PTC	09.10.2018	
17.	Tariq Hussain	GPS Sowryan	PTC	09.10.2018	
18.	Murad Ali	GPS Marghano Killi	PTC	09.10.2018	
19.	Siraj Muhammad	GPS Jangji Dher 2	PTC	09.10.2018	
20.	Fazal Mahmood	GPS Azeem Shah	PTC	09.10.2018	

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S.No	Name of Teacher	School Name	PST	Date of Apptl	Remarks
21	Sultan Ali	GPS Ikrampur	PST	09-10-2018	
22	Sabz Ali Khan	GPS Gullbagh-2	PST	09-10-2018	
23	Riaz Ali Khan	GPS Speen Jumat Shero	PST	30-10-2018	
24	Ahmad ur Rahiman	GPS Bharat Khel	PST	31-12-2018	P.T.C. applied has already completed.
25	Imran Khan	GPS No.1 Talht Bhai	PST	09-10-2018	
26	Shakirullah	GPS Itbar Khan Kili	PST	09-10-2018	
27	Taj Muhammad	GPS Afzal Abad-1	PST	09-10-2018	
28	Khurshid Ali	GPS Gunjar	PST	09-10-2018	
29	Muhammad Ibrahim	GPS No.4 Talht Bhai	PST	10-10-2018	
30	Fazli Wahid	GPS Afsar Abad	PST	09-10-2018	
31	Ibne Anun	GPS Afsar Abad	PST	11-10-2018	
32	Muhammad Naeem	GPS Dad Muhammad Kili	PST	03-09-2018	
33	30	GPS Usman Banda	PST	09-10-2018	
34	Sohail Ahmad	GPS Dilarani Kili	PST	09-10-2018	
35	Saidar Khan	GPS No 1 Fazal Abad	PST	09-10-2018	
36	Rahim Khan	GPS Nari Surang	PST	06-11-2018	
37	Muhammad Ayaz	GPS Adina Dheri	PST	10-10-2018	

— Sd —  
DISTRICT EDUCATION OFFICER  
(MALE) MANDAL

Encl No 1897 / Packet Training / Dated 01-03- / 2021

Copy forwarded to the  
1 Director DCTE Abbottabad with letter No-4615-22 dated 26-10-2020

DISTRICT EDUCATION OFFICER  
(MALE) MANDAL

01/03/2021

21.	Sultan Ali	GPS Ikrapur	PTC	09.09.2018	
22.	Sabz Ali Khan	GPS Gulberg 2	PTC	09.10.2018	
23.	Riaz Ali Khan	GPS Spin Jumat Shero	PTC	10.10.2018	
24.	Ahmad Ur Rehman	GPS Bharat Khel	PTC	11.12.2018	
25.	Imran Khan	GPS No.1 Takh Bhai	PTC	09.10.2018	
26.	Shakirullah	GPS Itbar Khan Killi	PTC	09.10.2018	
27.	Taj Muhammad	GPS Afsar Abad -1	PTC	09.10.2018	
28.	Khurshid Ali	GPS Gunjai	PTC	09.10.2018	
29.	Muhammad Ibrahim	GPS No.4 Takht Bhai	PTC	10.10.2018	
30.	Fazli Wahid	GPS Afsar Abad	PTC	09.10.2018	
31.	Ibne Amin	GPS Afsar Abad	PTC	11.10.2018	
32.	Muhammad Naeem	GPS Dad Muhammad Killi	PTC	03.09.2018	
33.		GPS Usman Banda	PTC	09.10.2018	
34.	Sohail Ahmad	GPS Dilaram Killi	PTC	09.10.2018	
35.	Safdar Khan	GPS No.1 Fazal Abad	PTC	09.10.2018	
36.	Rahim Khan	GPS Nari Surang	PTC	06.11.2018	
37.	Muhammad Ayaz	GPS Adina Dheri	PTC	10.10.2018	

**DISTRICT EDUCATION OFFICER**

**(MALE) PRIMARY MARDAN**

Endst No.1897/sacked training/Dated 04.03.2021

Copy forwarded to the:-

1. District DCTE Abbotabad with letter No.4619-22 dated:26.10.2020.

**DISTRICT EDUCATION OFFICER**  
**(MALE) PRIMARY MARDAN**

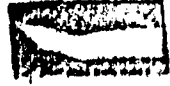
51  
Anna M<sup>2</sup>

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT OF KHYBER PAKHTUNKHWA

DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax No. 0937035151

Email address: deom@mardan.gov.pk



ENCLOSURE

WHEREAS, in compliance with Peshawar High Court Peshawar COE No. 511-2018 in WP No 2418-2016, COE No. 512-2018 in WP No 2440-2016, COE No 670-2018 in W.P No:2439-2016, COE No:685-2018 in WP No:2442-2016, COE No.718-2018 in WP No:2438-2016, COE No:671-2016 in WP No:4767-2016, one Mr. Hazrat Muhammad s/o Tamash Gul has been appointed in sacked employee quota on PST post vide this office No. 8327/G dated 30-10-2018 at S.No.09.

AND WHEREAS, as per terms and conditions No:15 of cited order, he was bound to complete the prescribed qualification for the said post within 03 years, in case of failure his appointment order will stand cancelled.

AND WHEREAS, after passing more than 03 years, this office after knowing his existing qualification, has issued a show cause notice to him.

AND WHEREAS, after receiving his written reply in which he confessed that he does not possess the prescribed qualification at present even by passing more than 03 years.

AND WHEREAS, in light of August Supreme Court of Pakistan decision announced on 28-01-2022.

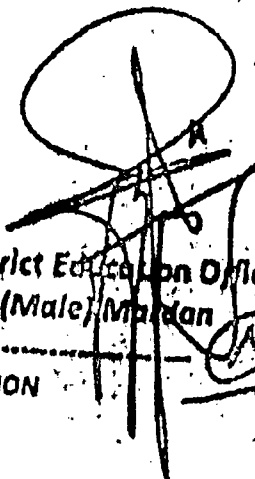
Therefore, in exercise of the power conferred under Khyber Pakhtunkhwa Govt servants E&D rules 2011 (4b), and on the basis of evidence on the record, the undersigned being Competent Authority is pleased to impose the penalty of Removal from Service upon, Mr. Hazrat Muhammad PST GPS Tekadar Killi with immediate effect.

(Zulfiqar ul Mulk)  
District Education Officer  
(Male) Mardan

Encl. No. 6196-4 /sacked/ Dated: 15/8 /2022

copy forwarded for information and necessary action to the:-

1. Secretary E&SE Education Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. DAD Mardan
4. SDEO(M) Mustain.
5. Official concerned.

  
District Education Officer  
(Male) Mardan

KEEP NOTHING UNDER THE TABLE, EXCEPT YOUR SHOES & USE THEM TO KICK OUT CORRUPTION

M

Am N

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The Director  
Magistry & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Departmental Appeal against the impugned order dated  
15.08.2022 passed by the DCO (Male), Mardan whereby  
appellant was removed from services.

Respected Sir,

I have the honour to submit the departmental representation for  
your favourable consideration on the following facts and grounds:

That initially, appellant was inducted in the Education Department as PST  
way back in the year 1995 in accordance with the then prevailing Policy of  
the Government thereafter he performed his duties to the entire  
satisfaction of the high-ups and was never subjected to any departmental  
proceedings.

That subsequently, with the change of political government, the services of  
the appellant were illegally dispensed with which was challenged before the  
Court but the effort proved abortive except that some colleagues in time  
approached the Court and got the relief.

That in the year 2012 the Provincial Government passed the *Khyber  
Pakhtunkhwa Sacked Employees (Appointment) Act, 2012* providing for  
the reinstatement of the sacked employees and the Department made  
numerous appointments of similarly placed employees later on law was not  
fully implemented and appellant was not reinstated.

That against the non-appointment as per the Act 101d, some colleagues of  
the appellant approached the Hon'ble Peshawar High Court, Peshawar in  
Writ Petition which was allowed. The judgment of the Hon'ble Supreme Court  
was called in question before the Hon'ble Supreme Court of Pakistan but  
was dismissed on 24.05.2017.

That later on appellant and others were appointed wide appointment order  
against their respective posts but subject to the outcome of CPLA which  
was then pending adjudication before the Hon'ble Apex Court. They too  
over the charge and started performing duties but all of sudden appeal  
among with others visited the impugned office order dated 15.08.20  
whereby they were removed from service.

That appellant was not treated in accordance with law and rules. More  
Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 supra  
civil servants shall be dealt with in accordance with prescribed proce  
Neither Charge Sheet was issued nor Statement of allegations to appe  
That now it is admitted fact that in case of imposition of major pen  
Department is supposed to conduct a regular inquiry while in  
When it fact finding inquiry was not conducted. More

2091  
6-9-2022  
JL/AB

- 53

denial of natural justice i.e. opportunity of personal hearing was also not  
provided to appellant which vitiates the whole proceedings.

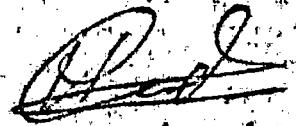
It is therefore requested that on acceptance of this Departmental Appeal  
the impugned office order dated 15.08.2022 may kindly be set aside and appellant  
be reinstated into service with all consequential back benefits.

Dated: 5/09/2022

Yours faithfully

Hazrat Muhammad  
Ex- PBT, GPs, Baluchistan  
Maudan.

TEKader Hilli



5/9/2022



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

**NOTIFICATION**

Peshawar, dated the 30<sup>th</sup> January, 2018.

K



ADDED  
ADDED (15) - 1/19/18

**No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017:-** In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department hereby directs that, in this Department's Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated 13-11-2012, amendments shall be made, namely:-

**AMENDMENTS**

In the Appendix:-

- (i) against Serial No.1, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree or four (4) years BS Degree in the relevant subject; and	21 to 35 years
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

- (ii) against Serial No.1B, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree from a recognized University from the following groups with two subject on need basis.	19 to 35 years
(a) Chemistry, Botany or Zoology; or	

13-2-18



<p>(b) Physics, Maths or Statistics; or  (c) Humanities and other equivalent groups at degree level with English as subject;  and  (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	
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(iii) against Serial No. 10, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
<p>(i) At least Second Class Master's Degree in Arabic from a recognized University; or at least Second Class Bachelor's Degree from a recognized University with Shahadatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and  (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	<p>19 to 35 years";</p>

(iv) against Serial No. 11, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
<p>(i) At least Second Class Master's Degree in Islamiyat from a recognized University; or at least Second Class Secondary School Certificate from a recognized Board with Shahadatul Alamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and  (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	<p>19 to 35 years";</p>

(b) Physics, Maths or Statistics; or (c) Humanities and other equivalent groups at degree level with English as subject; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	
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(iii) against Serial No. 10, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) At least Second Class Master's Degree in Arabic from a recognized University; or at least Second Class Bachelor's Degree from a recognized University with Shahadatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years

(iv) against Serial No. 11, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) At least Second Class Master's Degree in Islamiyat from a recognized University; or at least Second Class Secondary School Certificate from a recognized Board with Shahadatul Alamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years

against Serial No. 13, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years";

(vi) against Serial No. 17, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years";

(vii) against Serial No. 18, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years";

(viii) against Serial No. 21, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years"; and

against Serial No.22, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) Bachelor's Degree from a recognized University and Qirat Sanad from registered institution; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years

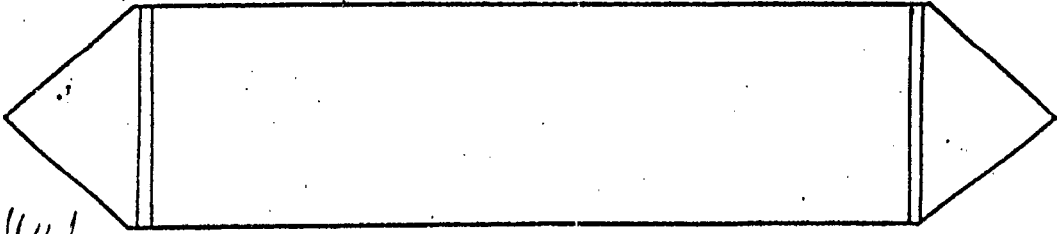
SECRETARY TO  
GOVERNMENT OF KHYBER PAK  
ELEMENTARY & SECONDARY  
DEPARTMENT.

Endst: of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (E&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officers (M&F) in Khyber Pakhtunkhwa. *Mardan*
14. All District Accounts Officers in Khyber Pakhtunkhwa.
15. All Agency Education Officers/ Agency Accounts Officers in FATA.
16. PS to Governor Khyber Pakhtunkhwa. Peshawar.
17. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
19. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
20. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.

SECTION OFFICE

# بعدالت لکھنے اور نکالنے کی کوئی لکھنے



2022ء منجانب اسلام آباد

حضرت محمد بنام ٹوٹنٹ

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آج  
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر حالت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ  
پر داخست منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

ماہ اکتوبر 2022ء

المرقوم 27

واہ العب

کے لئے منظور ہے۔

بمقام

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