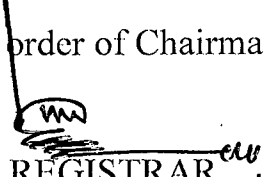


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1589/2022


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. Safdar Khan resubmitted today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____.</p> <p>Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Safdar Khan son of Muhammad Amin Ex-PST GPS no:1 Fazal Abad Mardan received today i.e. on 25.10.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

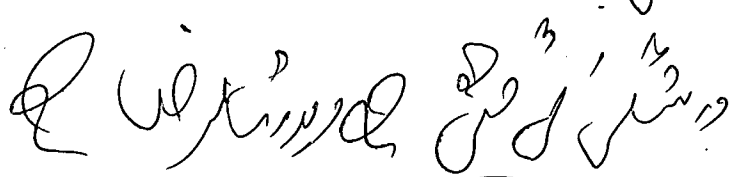
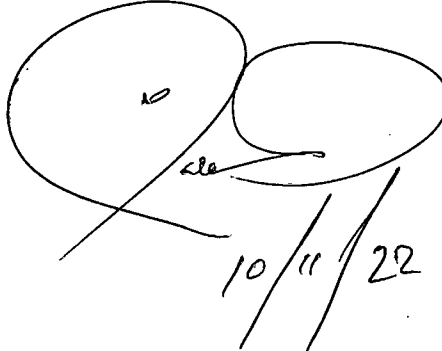
- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Appeal may be page marked according to index.
- 5- Copies of order/letter dated 11.12.2020 and 9.01.2021 are illegible which may be replaced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

No. 3019 /S.T,

Dt. 26/10 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.



10/11/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1589 /2022

Safdar Khan Appellant

Versus

The Govt. of KPK and others Respondents

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Through

Safdar Khan

Appellant

Khaled Rahman
Advocate, Supreme Court

Muhammad Amin Ayub

&

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

Dated: 23/10/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Safdar Khan S/o Muhammad Amin
Ex-PST, GPS No.1, Fazal Abad , 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

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.

PRAYER:

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, 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 (*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 (*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 09.10.2018 (*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 of appellant vide Show Cause Notice (*Annex:-M*) whereby he was directed to submit reply which he accordingly submitted (Reply *Annex:-N*). However, without fulfilling the codal formalities, appellant was handed over the impugned office order dated 15.08.2022 (*Annex:-O*) whereby appellant was removed from service against which appellant preferred Departmental Appeal (*Annex:-P*) on 22.08.2022 but the same was unlawfully filed vide impugned appellate order dated 27.09.2022 (*Annex:-Q*).
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 in spite 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:-R*) 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

Safdar Khan
Appellant

Khaled Rahman
Khaled Rahman
Advocate, Supreme Court

&

Muhammad Amin Ayub
Muhammad Amin Ayub

&

Muhammad Ghazanfar Ali
Muhammad Ghazanfar Ali
Advocates, High Court

Dated: 23/10/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Safdar Khan Appellant

Versus

The Govt. of KPK and others Respondents

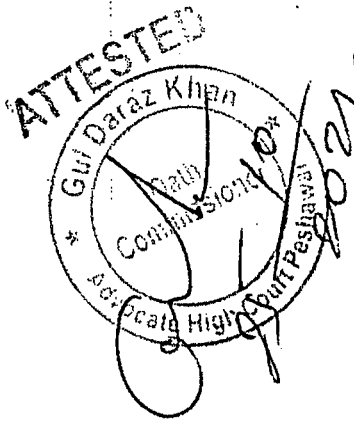
Affidavit

I, Safdar Khan S/o Muhammad Amin. Ex-PST, GPS No.1, Fazal Abad, 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.

Safdar Khan
Deponent

Identified by

Khaled Rahman
Khaled Rahman
Advocate, Peshawar



(For use in Police Department only)

Heirs:-

- ① Passed SSC. (S) Examination 1992 from BISE. Peshawar Under R.No. 13780 and obtained 422/850 Marks. "Grade 'D'".

3.

Sub Div: Fdu: Officer (M)

Wakht Bhai. ✓

Verification Roll No.

dated

received back.

Left Thumb-Impression

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

A

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

1. Name: Mr. SAFDAR KHAN.

2. Race: Alq.

3. Residence: vill: + P/O Takkar, Teh: Takht Bha
Distt: Mardan.

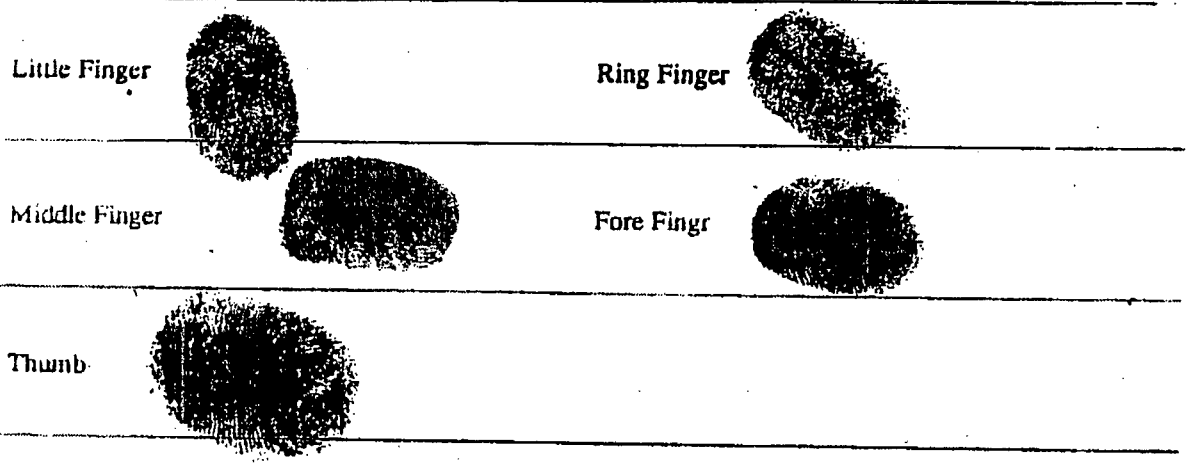
4. Father's name and residence: Muhammad Amin

5. Date of birth by Christian era as nearly as can be ascertained: 18-04-1971
Eighteenth April A.H. Seventy one.

6. Exact height by measurement: 5-8

7. Personal marks for identification: A mole on chest.

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



9. Signature of Government Servant: J. J. J.

10. Signature and Designation of the Head of the Office, or other Attesting Officer: H. J. J.

Suh Div. Pdu: Officer (M)

The office or other posting officer in attestation of columns 1 to 8	Date of termination of appoint- ment	Termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	and dura- tion of leave taken	leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded pay order or censure, or order of praise or any Government
					Period	Government to which debitale		
							13	
S.D.E.O (M) Takht Bhai.	28/6/97	Terminated and allowed to receive pay upto 22/6/97 with a decision made by the High Court.	<i>[Signature]</i>					Appointed against leave PTC post in B.P.S NO. 7 (Ks. 1480-81-2575 vide D.E.O (Male) Primary Mardan office order Encl No. 497-02 dated 23-01-1995. At G.M.P.S Fazal Abad (M. Umar Khan) Takht Bhai.
							<i>[Signature]</i>	
							Sub Div: Edu: Officer (M) Takht Bhai.	
								Services of Mr Sajdar Khan PTC G.M.P.S Umar Banda Regalored under vide D.E.O (M) Primary Encl No 2484/G D/ DS/8/96.
							<i>[Signature]</i> Sub Div: Edu: Officer (M) Takht Bhai.	
								27/1/96
								<i>[Signature]</i>
								Terminated from service Under vide D.E.O (M) PTC Mardan Encl No 117 1540 G/7 23/1/96 S.D.E.O: <i>[Signature]</i>
								Sc 112 27/1/96 96

- 14

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

REGULERISATION IN SERVICE.

The service of Mr. Safdar Khan PTC GMPS, Umer Banda is hereby regularised in the interest of public service with effect from date of taking over charge i.e. apptt; order against his original post already occupied by him.

(MUHAMMAD ZAMAN KHAN)
DISTRICT EDUCATION OFFICER, (MALE)
PRIMARY MARDAN.

Endst: No. 2984/4 / Dated Mardan the 5/8/

Copy to the:-

1. SDEO(M) ^{TAKHT-BHA} ~~Mardan~~ (2) Teacher concerned.


DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MARDAN.

DETAIL OF EMPLOYEES TERMINATED FROM 1996 TO 1998

Sr No.	Scale wise No of employees terminated from 1996 to 1998.	Date and mode of their appointments	Name of appointing Office	Period Served with Station of duty.	Reason for termination	Have any of employees terminated from 1996 to 1998 been re-instated by courts	Is there any need to issue order foren block re-instatement.
--------	--	-------------------------------------	---------------------------	-------------------------------------	------------------------	---	--

- | | | | | | | | |
|---|-------------------|------------|--------|----------------------|--|--|--|
| 1 | 23-01-1995- | 23-01-1995 | DB | Two year - Untrained | | | |
| 2 | To
14-02-1997- | PTC | Mardan | Urner Banda | | | |
| 3 | | | | Fazl, ABad. | | | |
| 4 | | | | Head Music | | | |
| | | | | J.P.S Chail Banda | | | |
| | | | | Fazal Abad No. 8 | | | |

OFFICE OF THE DEPUTY DISTRICT OFFICER (MALE) PRY: EDU: TAKHT BHAI

Endst/No. _____ /File No/Termination/PST/ 1996-98 Dated T-Bhai The _____ /2009

Copy of this order is forwarded to the Executive District Officer (Elementary & Secondary) Education Mardan with his reference
1782-G dated 03/03/2009 for further necessary action, please

11/3/09

ASSISTANT
District Education Officer
Circle Talukar, Mardan.

1.5 Answer B

B

Sacked Employees (Appointment) Act, 2012**Khyber Pakhtunkhwa
Sacked Employees (Appointment) Act, 2012**¹[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.

18

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.

IN THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION No. 2440 P /2016

Amra Dⁿ

1. Abdul Ahad
S/o Shokh Dil,
R/o Mohallah Alladad Khel, Hoti, Mardan.
2. Liaqat S/o Shah Pur Khan,
R/o Mohallah Alladad Khel, Hoti, Mardan.
3. Shah Hussain S/o Zenur Shah,
R/o Kot Dolatzai, Mardan.
4. Shakirullah Khan S/O Saif-ur-Rehman
R/o Saif-ur-Rehman Koroona, Kanda Ghar,
Takht Bhai, Mardan.
5. Taj Alam S/o Yousaf Khan,
R/o Kuz Kandi, Jalala, Takht Bhai, Mardan.
6. Khurshid Ali S/o Muhammad Yousaf,
R/o Habib Koroona, Gunjay, Takht Bhai, Mardan.
7. Taj Muhammad S/o Muhammad Anwar Khan
R/o Charagh Din Kaley, Takht Bhai, Mardan.
8. Zubair Ali S/o Karimullah,
R/o Mohallah Alladad Khel, Hoti, Mardan.
9. Ibn-e-Amin S/o Tor Jan,
R/o Kazim Kaley, Takht Bhai, Mardan.
10. Imran Khan S/o Shah Jehan,
R/o Sardar Kacly, Sare Simat, Takht Bhai, Mardan.
11. Ahad Khan S/o Mir Dad,
R/o Nurman Khel, Par Hoti, Mardan.
12. Tahir Muhammad S/o Noor Muhammad,
R/o Mohallah Sher Dil Khan, Hoti, Mardan.
13. Irshad Ahmad S/o Gul Muhammad,
R/o Lund Khuwar, Tehsil Takht Bhai, District Mardan.
14. Umar Khitab S/o Darey Khan,
R/o Roriya Jadeed, Mardan.
15. Fida Muhammad S/o Akhtar Gul,
R/o Village Qasmi, Takht Bhai, Mardan.
16. Morood Khan S/o Faqeer-ur-Rehman,
R/o Garhi Kapoora, Ismailzai, Mardan.
17. Shah Hussain S/o Hazrat Hussain,
R/o Anar Bag, Mardan.
18. Ahad Khan S/o Farrukh Saer,
R/o Gulbahar, Kas Koroona, Mardan.

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- 19. Syed Roohullah Shah S/o Syed Muhibullah Shah,
R/o Par Hoti, Mardan.
- 20. Ikram-ul-Haq S/o Haji Muhammad Sadiq,
R/o Fazal Abad, Takht Bhai, Mardan.
- 21. Amjid Ali S/o Muhammad Nabi,
R/o Mohallah Bamo Khel, Mardan.
- 22. Muhammad Farooq S/o Gul Manaf,
R/o Village Mehmood Abad, Mardan.
- 23. Muhammad Asghar S/o Gulab Din,
R/o Mehmood Abad, Garhi Kapoora, Mardan.
- 24. Bahadar Khan S/o Muslim Shah,
R/o Gumbat, Mardan.
- 25. Abdul Ahad S/o Tila Muhammad,
R/o Qaim Khel, Mayar, Mardan.
- 26. Shakeel Ahmad S/o Musharaf Khan,
R/o Alo, Takht Bhai, Mardan.
- 27. Fazal Mehmood S/o Musharaf Shah,
R/o Mohallah Bari Cham, Takht Bhai, Mardan.
- 28. Fayaz Muhammad S/o Wali Muhammad,
R/o Mohallah Anar Bag, Gumbat, Mardan.

- 29. Ijaz Ahmad S/o Shamas Gul,
Lab: Assistant,
R/o Lalazar near THQ Hospital, Takht Bhai, Mardan.
- 30. Shams-ur-Rehman S/o Taj Malook,
Junior Clerk,
R/o Mohallah Sherai, Bari Chum, Mardan.
- 31. Abidullah S/o Ikramullah,
R/o Mohallah Ghulaman, Toru, Mardan.

- 32. Safdar Khan S/o Munammad Ameen,
R/o Karghan Hassanzai, Takht Bhai, Mardan.
- 33. Khalid Khan S/o Haji Aslam Khan,
R/o Habib Gul Koroona, Takht Bhai, Mardan.
- 34. Khalid Usman S/o Malik Aman,
R/o Chamrank, Mardan.
- 35. Shams-ur-Rehman S/o Fazl-ur-Rehman,
R/o Muhammad Ali Khan Akbar Road, Hoti, Mardan.
- 36. Muhammad Ayaz S/o Muhammad Jameel,
R/o Mohallah Rustam Khel, Mardan.
- 37. Saeed Muhammad S/o Awal Din,
R/o Shahi Bagh, Hoti, Mardan.
- 38. Sabz Ali S/o Gul Said,
R/o Roghani, Sawai Dher, Mardan.
- 39. Murad Ali S/o Alam Zeb,
R/o Center Colony, Baghdada, Mardan.

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- 40. Muhammad Mushtaq Ahmad S/o Muhammad Musa Khan,
R/o Islam Bagh, Karwan Road, Mardan.
- 41. Raheem Khan S/o Allah Dad,
R/o Sadaat Baba, Takht Bhai, Mardan.
- 42. Amanullah S/o Hazratullah,
R/o Akbar Road, Mohallah Sher Dil Khan, Mardan.
- 43. Tariq Hussain S/o Abdul Hassan,
R/o Babu Mohallah Bari Chah, Mardan.
- 44. Zulfiqar Ali S/o Nek Muhammad,
R/o Kass Koroona, Mardan.
- 45. Ayaz Muhammad S/o Khan Muhammad,
R/o Street No.3, Saeed Abad, Kas Koroona, Mardan.
- 46. Kabaley Khan S/o Safiullah,
Mohallah Sadi Khel, Mayar, Mardan.
- 47. Nisar Muhammad S/o Amanullah,
R/o Toheed Abad, Charsadda Road, Mardan.
- 48. Ijaz Hussain S/o Ghulam Nabi,
R/o Bakhshali, Mardan
- 49. Muhammad Suhail s/o Faqeer Muhammad
R/o Zayed Khel, Toru, Mardan
- 50. Atta-ur-Rchman s/o Muhammad Ismail,
R/o Mohallah Khan Khel, Toru, Mardan.
- 51. Siraj Muhammad S/o Baz Muhammad
R/o Toru, Mardan.....

Petitioners

Versus

- 1. The Secretary
Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education
Department, Civil Secretariat, Peshawar.
- 2. The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
- 3. The District Education Officer (PST) Mard
District Mardan.

Respondents

*No necessary
complaint has been
made in case
of the 7. orders
of the 4015 be come
of 30-8-16*

**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

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16 MAY 2016

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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, 04.10.1995, 30.06.1995, 23.10.1995, 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, 25.03.1996 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*).
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 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

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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:-

Grounds:

- 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

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16 MAY 2016
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Provincial High Court

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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 qualification for the posts.
- 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

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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.

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.

Through

Petitioners
[Signature]
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.

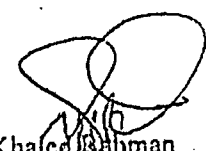

Khaled Rahman
Advocate, Peshawar

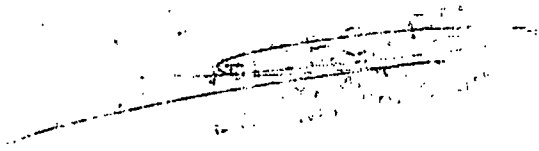
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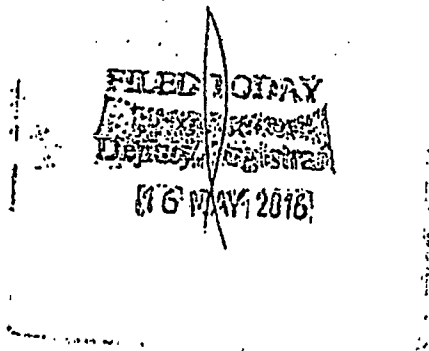
1. The Constitution of the Islamic Republic of Pakistan, 1973.
2. Services Law.

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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IN THE PESHAWAR HIGH COURT PESHAWAR

W.P. No. _____/2016

Abdul Ahad and others Petitioners

Versus

The Secretary and others Respondents

Affidavit

I, Shams-ur-Rehman S/o Taj Malook, Junior Clerk, R/o Mohallah Sherni, Bari Chum, 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 30

Deponent

Identified by

[Signature]
Khaled Rehman
Advocate, Peshawar

[Signature]

16101-3405062-5

No: <i>16101-3405062-5</i> Certified that the above was verified on solemnly affirmation before me in office, this <i>16th</i> day of <i>May</i> <i>2016</i> at <i>Sherni, Bari Chum, Mardan</i> s/o <i>Taj Malook</i> who was identified by <i>Khaled Rehman</i> Who is personally known to me: Cash Commissioner Peshawar High Court, Peshawar <i>6/5</i>

[Signature]
Peshawar

FILED TODAY
Deputy Registrar
16 MAY 2016

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

Writ Petition No.2440-P/2016

Abdul Ahad and 50 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

Sirej Afridi P.S.

Khalid Rehman
JUDGE

Waqar Ahmad
JUDGE

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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 53 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 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.

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

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that time during a period from 1st day of November, 1993 to 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. 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."

Case taken

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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 acquire 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)

Lawyer

[Signature]

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 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."

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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,

ADP H.S. 2016
 25/11/2016
 25/11/2016 High Court

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 apcx 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

K. S. Srinivasan

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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.

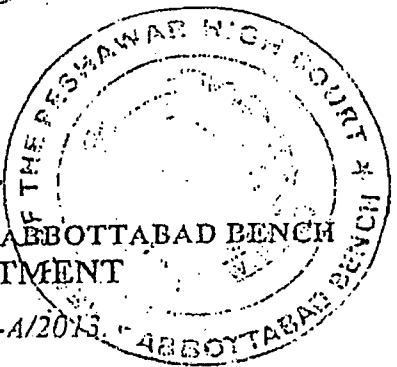
6. It is golden principle of law that alike shall be treated alike which has further been elaborated by the apex Court in the case of "Hameed Akhtar Niazi Vs the Secretary Establishment Division, Government of Pakistan and others" reported as (1996 SCMR 1185) and again in the case of "Government of Punjab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

Looked

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

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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 Iftikhar Khan by Mr. Mohammad Asghar (K)
for

Respondents. Govt etc by Mr. Mohammad Asghar (K)
for

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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Examiner
Peshawar High Court
Abbottabad Bench
authorized under Sec 17A Act 1973
28/8/15

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Peshawar & 02 others", W.P.No. 216-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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 Examiner
 Peshawar High Court
 Abbottabad Bench
 Authorized under 1997's Act to Order

28/10/15

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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

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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 Abbottabad Bench
 Authorized Under Section 10 of the Act

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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.

Certified to be true copy
M.C.
Examiner
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 20 of P.T.C. Ordinance
28/8/16

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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.

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 the transfer

"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."

Certified to be a true copy
 Member
 Peshawar High Court
 Abbottabad Bench
 Publicized Under Sec. 25 of the Act
 28/5/12

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*

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."

منصوب

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

28/07/16
2009 SCMR 01

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- 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.

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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

!Self!

Certified to be True Copy
[Signature]
 Peshawar High Court
 Abbottabad Bench
 Authorized under Section 20 of the
 28/5/16

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28.5.16
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28.5.16

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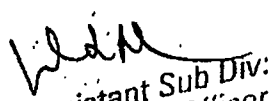
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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

OFFICE ORDER

In Compliance with Peshawar High Court Peshawar Coc No.503/P/2018 In Writ petition No.2439-P/2016, coc No.510-P/2018 in W.P No.2440-P/2016, Coc No.511 in WP No.2438-p/2016, COC No.538-P/2018 in WP No.2440-P/2016, COC No.564/2018 in W.P No.2440-P/2016., and in the light of recommendations of Litigation Branch of District office & Committee, the appointment order of the following candidate is hereby ordered against the vacant post of PST in BPS -12 (Basic plus usual allowances) as admissible under the rules under the existing policy of Provincial government in teaching cadre in Sacked employee quota on the terms and conditions given below with effect from the date of their taking overcharge.

S.No.	Name	Father Name	D.O.B	School where appointed
1	Syed Ul Akbar	Said Afzal	20-01-61	GPS NO.2 MOHIB BANDA
2	Malak Aman	Abdul Ghaffar	09-01-63	GPS NO.2 SHAMSHAD ABAD
3	Imn Ameen	Toor Jan	14-03-65	GPS AKBAR ABAD
4	Sabz Ali Khan	Gul Shaid	18-06-65	GPS JANGI DHER NO 2
5	Sher Zamin Khan	Amir Khan	07-02-66	GPS MUSLIM ABAI
6	Nasir Ahmad	Ghulam Nabi	14-04-67	GPS NO.2 BICKET GUNJ
7	Wisal Muhammad	Anwar Ullah	13-05-68	GPS DAKKI GUMBAT
8	Syed Muhammad Tufail	Syed Zakir Rahman	15-01-69	GPS MIRWAS
9	Fazal Mehmood	Muzarab Shah	03-02-69	GPS CHAMAN ABAD
10	Saeed Ur Rahman	Hafeez Ur Rahman	19-03-69	GPS BILAND KHEL
11	Muhammad Mujahid	Mumtaz Khan	12-04-69	GPS BHATI KORONA MAYAR
12	Tariq Hassan	Abdul Hasan	03-04-70	GPS SOWARYAN
13	Safdar Khan	Muhammad Amin	18-04-71	GPS NO.1 FAZAL ABAD ✓
14	Hameed Khan	Haji Firdos Khan	20-04-71	GPS NASEER KILLI
15	Azam Khan	Muhammad Shah	04-09-71	GPS MAHO NARI
16	Muhammad Farooq	Gul Murgaf	06-01-72	GPS NO.1 BALA GARHI
17	Sultan Ali	Said Sharif	06-01-72	GPS SALAK
18	Ijaz Hussain	Ghulam Nabi	01-04-72	GPS AZIZ ABAD
19	Muhammad Asghar	Gulab Din	01-05-72	GPS ZOOR MANDI
20	Amjad Ali Shah	Muhammad Nabi	05-09-72	GPS HAJI MUHAMMAD KILLI
21	Aman Ullah	Hazrat Ullah	01-10-72	GPS LANDAKI
22	Fazil Wahid	Abdur Rahman	01-02-73	GPS NO.2 TAKHT BHAI
23	Muhammad Ayaz	Muhammad Jafar	09-03-74	GPS ADINA DHERI
24	Shah Hussain	Zalnoon Shah	01-04-74	GPS NO.1 GD ZAI
25	Murad Ali	Alam Zeb	10-04-74	GPS MARGHANO KILLI
26	Ahad Khan	Farukh Sak	10-05-74	GPS SHANKAR MARDAN
27	Shakir Ullah	Salf Ur Rahman	01-01-75	GPS NO.2 TAKHT BHAI
28	Shams Ur Rehman	Fazle Rehman	02-08-75	GPS NO.2 BICKET GUNJ
29	Saeed Muhammad	Awal Din	01-01-76	GPS ITEHAD COLONY
30	Siraj Muhammad	Noor Muhammad	02-02-76	GPS NO.2 GULI BAGH Sawal Dh
31	Imran Khan	Shah Jehan	03-02-76	GPS NO.1 TAKHT BHAI
32	Bahadur Khan	Muslim Shah	14-03-76	GPS NO.2 BAGHICHA DHERI


 Assistant Sub Div.
 Education Officer
 Circle TARNAK

8/10/18

Muhammad	Anwar Khan	01-04-76	GPS NO 1 AFZAL ABAD
Abdul Ahad	Tila Muhammad	01-01-77	GPS NO. 1 MAYAR
Sohail Ahniad	Sahib Badshah	07-02-77	GPS DILARAM KILLI ✓
Fayz Muhammad	Wali Muhammad	13-02-77	GPS NO. 1 BUT SERI
Kharshid Ali	Muhammad Yousaf	01-04-78	GPS GUNJAI
Tahir Muhammad	Noor Muhammad	04-04-78	GPS HOTI

Terms & Condition:

The appointment will be subject to the condition of decision of Supreme Court of Pakistan in the light of CPLA already pending, if the decision of the Honorable Supreme Court of Pakistan come against them, their appointment shall stand cancelled w.e.f the date of issuance.

No TADA etc is allowed

Charge report should be submitted to all concerned.

Their appointment is subject to the conditions that their certificates/ documents and domicile should be verified from the concerned Authority before release of their Salary in the light of Section 3 of the said 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 Khyberpakhtunkhwa Sacked employees (appointment) Act 2012, hence under section 5 of the said act, he shall not be entitled to claim any kind of seniority, promotion and other back 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 Khyberpakhtunkhwa Sacked Employee Act 2012, hence under section 4 of the said Act the period during which they remained dismissed, removed or terminated from service till 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 15 days of the issuance of this notification, his appointment will be consider as cancelled automatically and no subsequent appeal etc shall be entertained.

Their pay will be released after the verification of his documents by the SDEO/H.M/Principal concerned.

In case their/his documents are found fake/bogus on verification from issuing authority, the service of the official will be terminated and legal action be taken against him under the law.

The SDEO/Principal/H.M concerned could furnish a certificate to the effect that the candidate has joined the post or otherwise after 15 days of the issue of his posting/appointment order.

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

In case of resignation they/he will submit his one month prior notice to the Department, otherwise he will forfeit one month pay/allowances to Government Treasury.

In case of having no prescribed qualification, the same may be obtained within 03 years after issuing of this order otherwise appointment will be automatically stand cancelled.

The competent authority reserves the right to rectify the errors/omission of any noted/observed at any stage in instant order issued erroneously.

JAZ ALI KHAN
District Education Officer
(Male) Mardan

Encl No 7602/5 Prg: Branch Dated 09-10-2018

Copy forwarded for information and necessary action to the:-
Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
District Account Officer Mardan.
Principal/H.M/SDEO(M) concerned.
Official Concerned.

[Signature]
District Education Officer
(Male) Mardan

[Signature]
Assistant Sub Div:
Education Officer
(M) Prg: Circle Takkar

45

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چارج ریپورٹ

مدرسہ اسلامیہ تھکھی بھائی والا محمد امین نے آجے بحودہ 13-10-2018

بھائی والا فضل آباد میں کینیڈین P.S.T (BPS 12)

خطابتوں اردو زبان 7602/B احمد اذ دفتر DEO تحصیل
09-10-2018

مزدان تحصیل اذ دوپہر اپنے عہدے سے کوٹا چارج

سنبھال لیا

چارج ریپورٹ
مدرسہ تھکھی بھائی

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چارج ریپورٹ
HEAD MASTER
G.P.S No-1 Fazal Abad
Teh: Takhi Bhai

G

DNV 1734/055

MEDICAL CERTIFICATE

Name of Official Mr. Safdar Khan 15102-22-88675-1

Caste of Race Afghan

Father's Name Muhammad Amin

Residence Melawal Hasan Kai Plo Khas Takar
Tebic Takht Bhai District Mardan

Date of Birth 18-09-1971 (As Per Civil)

Exact Height by measurement 5-7"

Exact mark of identification NIL

Signature of the Official Safdar Khan

Signature of the Head of Office [Signature]

Seal of Office

Task over charge
09-10-2018

I do hereby certify that I have examined Mr. Safdar Khan
for employment in the office of the DEO male
and cannot discover that he had any disease communicable or other constitutional
affection or bodily infirmity except NIL

I do not consider this is disqualification for employment in the office of the
above as 157 (PPS-12) his age according to his own statement
47 year and by appearance about year Family Swearing

[Signature]
Medical Superintendent,
DHQ Hospital, Mardan

LEFT HAND THUMB AND FINGER IMPRESSION

Date: 12/10/2018.

- 47

Annex H

سراج

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

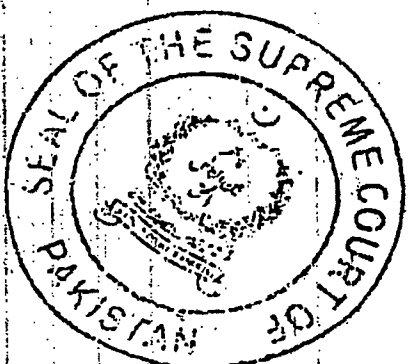
Sd/-J

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AC

Senior Court Associate
Supreme Court of Pakistan
Islamabad 11/11/2019

CFR No: _____ Civil/Criminal
Date of Presentation: 11.11.18
No of Words: _____
No of Folios: _____
Requisition Fee Rs: _____
Copy Fee in: _____
Court Fee Stamps: _____
Date of Completion of Copy: 11-11-2019
Date of delivery of Copy: 11/11/19
Compared by P. _____



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



48
Area I

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

Phone #:0992-382634 Fax #:0992-381527 E-mail: dctc-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)



4.6 Hina J
 OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER,

(Male) Takht Bhal

E-MAIL: sdco.m1.bhal@gmail.com

470 No. 17/12ur

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. 6236-39 dated: 21/10/2019, And No. 4619-21 dated: 26/10/2020 on the subject cited above. The requisite data of sacked PTC employees is submitted as under for further necessary action/process please.

S.No	Name of PST Teacher	Name of School / GPS	Course for training	D/O Appl.	Remarks
1.	Inran Khan,	No. 1 Takht Bhal	PTC	09.10.2019	
2.	Shakir Ullah	Hbar Khan Killi	PTC	09.01.2018	
3.	Taj Muhammad	Afzal Abad No 1	PTC	09.10.2019	
4.	Khurshid Ali	Ganjai	PTC	09.10.2019	
5.	Muhammad Ibrahim	No.4 Takht Bhal	PTC	02.03.2013	
6.	Fazl Wahid	Afsar Abad	PTC	10.10.2019	
7.	Iltis Amin	Akbar Abad	PTC	09.10.2019	
8.	Muhammad Naeem	Dad Muhammad Killi	PTC	11.10.2019	
9.	Mujahid Khan	Usman Banda	PTC	03.04.2011	
10.	Sohail Ahmad	Dilaram Killi	PTC	09.10.2019	
11.	Saffdar Khan	No. 1 Afzal Abad	PTC	09.10.2019	

470
 SUB-DIVISIONAL EDUCATION OFFICER
 (M.M) Takht Bhal, Mardan

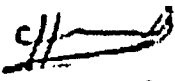
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List of sacked Employees circle takht bhai.

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	PST	GPS No.1 Takht Bhai	Received
2	Shakir Ullah Khan	PST	GPS No.1 Takht Bhai	Received
3	Taj Muhammad	PST	GPS No.1 Takht Bhai	Received
4	Khayshad Ali	PST	GPS No.1 Takht Bhai	Received
5	Muhammad Idris	PST	GPS No.1 Takht Bhai	Received
6	Fazli Wahid	PST	GPS No.1 Takht Bhai	Received


 09
 2020
Asstt. Sub. Div.
Educ Officer
MI Prv. Takht Bhai

51
 No. 267
 Dated 09/01/2021

The Director
 F&T, Khyber Pakhtunkhwa, Peshawar

SUBJECT: DATA OF SACKED EMPLOYEES OF PST FOR TRAINING

Memo: In continuation to this office letter No 7405 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 form for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptl	Remarks
1	Imran Khan	GPS No 1 Takht Bhar	PTC	09-10-2018	
2	Shakirullah	GPS Hbar Khan Kili	PTC	09-10-2018	
3	Taj Muhammad	GPS Afzal Abad 1	PTC	09-10-2018	
4	Khurshid Ali	GPS Gumpal	PTC	09-10-2018	
5	Muhammad Ibrahim	GPS No 4 Takht Bhar	PTC	10-10-2018	
6	Fazli Wahid	GPS Alsar Abad	PTC	09-10-2018	
7	Ibne Amin	GPS Alsar Abad	PTC	11-10-2018	
8	Muhammad Nadeem	GPS Bad Muhammad Kili	PTC	01-09-2018	
9	Muqadd Khan	GPS Usman Banda	PTC	09-10-2018	
10	Sohail Ahmad	GPS Dilaram Kili	PTC	09-10-2018	
11	Sajdar Khan	GPS No 1 Faral Abad	PTC	09-10-2018	
12	Rahim Khan	GPS Nari Surang	PTC	06-11-2018	
13	Muhammad Ayyaz	GPS Adina Oheri	PTC	10-10-2018	

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

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

08/07/2021
 DISTRICT EDUCATION OFFICER
 (MATE) MARDAN

DISTRICT EDUCATION OFFICER
 (MATE) MARDAN

LEGIBLE COPYOFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) MARDAN

No.266/Dated 09.01.2021

(51)

To,

The Director
E&SE Khyber Pakhtunkhwa, PeshawarSubject:- **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 1	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

The Director,
BSE, Kalyan, Maharashtra, Maharashtra

SUBJECT: DATA OF SACKED EMPLOYEES OF PST FOR TRAINING

Reference to the Director, Curriculum and Teacher Education, Kalyan, Maharashtra, Maharashtra letter No. 7429 dated 26-10-2020 on the subject cited above.

Kindly the Director to submit the required information of sacked employees on a prescribed proforma for the purpose of training as thereof please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1	Faza Ahmad Ishaq	GPS Hassan Abad	PTC	30-10-2018	
2	Ahmad Abad	GPS No 1 Mayar	PTC	09-10-2018	
3	Mahammat Mujahid	GPS Bata Kansara	PTC	10-10-2018	
4	Saeed Mubhammad	GPS Ibrahim Colony	PTC	10-10-2018	
5	Taj Akbar	GPS No 3 Korach	PTC	06-11-2018	
6	Mahmood Aman	GPS Shamshad Abad 2	PTC	09-10-2018	
7	Hafiz Ali	GPS Ahmad Abad	PTC	10-10-2018	
8	Fahad Saad	GPS Shamsud Din Koli	PTC	10-10-2018	
9	Muhammad Muhammad	GPS Amrha 1	PTC	09-10-2018	
10	Ahmad Ishaq	GPS Amrha 2	PTC	09-10-2018	
11	Faza Muhammad	GPS Saad Abad Gumbat	PTC	09-10-2018	
12	Sulaiman Ali	GPS No 2 Mohal Bamba	PTC	10-10-2018	
13	Shamshad Rohman	GPS Bicket Gunj 1	PTC	09-10-2018	
14	Muhammad Ahmad	GPS Bicket Gunj 2	PTC	09-10-2018	
15	Saeed M. Taha I	GPS Mawas	PTC	09-10-2018	
16	Ahmad Ali	GPS Mawas	PTC	09-10-2018	
17	Fahad Hussain	GPS Sawaryan	PTC	09-10-2018	
18	Muhammad Ali	GPS Marphano Koli	PTC	09-10-2018	
19	Saeed Muhammad	GPS Jang Dher 2	PTC	09-10-2018	
20	Faza Muhammad	GPS Azam Shah	PTC	09-10-2018	
21	Saeed Ali	GPS Khampur	PTC	09-10-2018	
22	Muhammad Ali	GPS Chhapra 2	PTC	09-10-2018	
23	Muhammad Ali	GPS Chhapra 1	PTC	09-10-2018	
24	Ahmad Ishaq	GPS Ibrahim Colony	PTC	11-12-2018	

DISTRICT EDUCATION OFFICER
(M.A.E.) MADHVA

11/12/2020

Copy to be submitted to the Director, BSE, Kalyan, Maharashtra, Maharashtra

Copy forwarded to the Director, BSE, Kalyan, Maharashtra, Maharashtra

DISTRICT EDUCATION OFFICER
(M.A.E.) MADHVA

(52)

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

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 Ikrampur	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**

- 53

Reza L

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALL) MARDAN

No _____ / Dated 24-03-2021

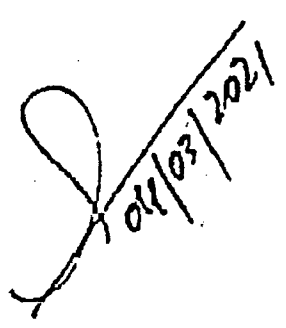
To

The Director,
F&SI 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 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 Apptt	Remarks
1	Fazal Ahmad Shah	GPS Hassan Abad	PST	10-10-2018	
2	Abdul Anad	GPS No 1 Mayar	PST	09-10-2018	
3	Muhammad Mujahid	GPS Batai kuroona	PST	10-10-2018	
4	Saeed Muhammad	GPS Itelhad Colony	PST	10-10-2018	
5	Taj Alam	GPS No 3 Koraghi	PST	06-11-2018	
6	Malik Aman	GPS Shamshad Abad-2	PST	09-10-2018	
7	Hazrat Ali	GPS Ahmad Abad	PST	30-10-2018	
8	Falah Naz	GPS Shamandroo Killi	PST	30-10-2018	
9	Wisal Muhammad	GPS Anarbag-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 Mohib Banda	PST	10-10-2018	
13	Shamsur 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 Marwan	PST	09-10-2018	
16	Azam Khan	GPS Malo Nara	PST	09-10-2018	
17	Farooq Hussain	GPS Suwayan	PST	09-10-2018	
18	Murad Ali	GPS Marghana Killi	PST	09-10-2018	
19	Sajid Muhammad	GPS Jangi Dher-2	PST	09-10-2018	
20	Fazal M. Ahmed	GPS Azam Shah	PST	09-10-2018	

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 Jangi 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 Apptt	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 Juniat Shero	PST	30-10-2018	
24	Ahmad ur Rahman	GPS Bharat Khel	PST	31-12-2018	PTC course has already completed
25	Imran Khan	GPS No.1 Takht Bhai	PST	09-10-2018	
26	Shakirullah	GPS Khar Khan Kili	PST	09-10-2018	
27	Taj Muhammad	GPS Afzal Abad-1	PST	09-10-2018	
28	Khurshid Ali	GPS Gunja	PST	09-10-2018	
29	Muhammad Ibrahim	GPS No.4 Takht Bhai	PST	10-10-2018	
30	Fazli Wahid	GPS Ahsar Abad	PST	09-10-2018	
31	Iqbal Anwar	GPS Ahsar 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 Dilaram 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) MARDAN

Encl No 1897 /sacked training/Dated 04-02/2021

Copy forwarded to the
1. Director DCTE Abbottabad with letter No 4619 22 dated 26-10-2020

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

04/03/2021

21.	Sultan Ali	GPS Ikrampur	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

- 55

Amir M²

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT; OF KHYBER PAKHTUNKHWA



DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax #. 0937933151

Email address: deomalemardan@gmail.com



No. 5192 /sacked/ Dated: 21-06-2022

SHOW CAUSE NOTICE

I Zulfiqar ul Mulk, District Education officer (Male) Mardan as Competent Authority under the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Safdar Khan PST GPS Fazal Abad No.1 Takht Bhai show cause notice as follows:

- a. You have been appointed conditionally vide No:7602/G dated 09-10-2018 in light of Court Decisions and were bound to fulfill prescribed qualifications within 03 years in light of terms & conditions at S.No 15 of appointment, but you failed to do so till date.
- b. In exercise of the power conferred by the KPK Govt:servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice with the direction to submit your defense in writing within 07 days of the issuance of this notice as to why the major penalty of Rule (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- c. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

DA B
A
B

(Zulfiqar ul Mulk)

**DISTRICT EDUCATION OFFICER
(MALE) MARDAN**

Copy to the:

1. SDEO(M) Takht Bhai to serve this show cause notice and ensure his reply.

**DISTRICT EDUCATION OFFICER
(MALE) MARDAN**

AT

DA(E)

کے لیے درخواستیں آئیں۔ یہاں سے درخواستیں آجی۔
درخواستیں آجی۔ درخواستیں آجی۔

29/6/2022
صا - عالی

- 1) سنائی میں اور عالی کورٹ کے فیصلے کے مطابق ملاوٹوں کو
میں ان کی شمولیت فیصلہ آتا ہے اس میں ججسٹ PSJ سنائی
- 2) یہ کہ سنائی کو یہ شرط رکھی ہے کہ سنائی کو ان کے پاس
نہ ہو۔ 3۔ سنائی کے اندر ان کے پاس کو ان کے پاس حاصل کریں
- 3) یہ کہ سنائی کو سنائی سے C.A. کے پاس کو ان کے پاس
2020-21 سے F.A. کے پاس کو ان کے پاس کو ان کے پاس
وقت کے لئے اور اس سے پہلے سنائی کے پاس کو ان کے پاس
دائیں کیا ہے۔ (سنائی کے پاس کو ان کے پاس کو ان کے پاس)
- 4) یہ کہ سنائی کو سنائی کے پاس کو ان کے پاس کو ان کے پاس
تینے ان کے پاس کو ان کے پاس کو ان کے پاس کو ان کے پاس
- 5) یہ کہ سنائی کے پاس کو ان کے پاس کو ان کے پاس کو ان کے پاس
تعلیم حاصل کرنے کے لئے وقت کے لئے ان کے پاس کو ان کے پاس
نہ ہو۔ آپ کے پاس کو ان کے پاس کو ان کے پاس کو ان کے پاس
وقت کے لئے ان کے پاس کو ان کے پاس کو ان کے پاس کو ان کے پاس
لوگ آئے۔ آپ کے پاس کو ان کے پاس کو ان کے پاس کو ان کے پاس
جواب سے ملے ہیں۔ ان کے پاس کو ان کے پاس کو ان کے پاس کو ان کے پاس

N کا موقع دیا جائے۔
P.A.

اساتذہ آج سے جان پر وہاں کی

سیٹنگ کو مزید نوٹ دیں تاکہ BA ملکر کر سکیں

6
27/2/2022

نڈاش ہوئی -

الغرض

آپ کا لکھنؤ اور پورے علاقے PS کے دفتر آج

آپ کے پاس

HT. Jam

HEADMASTER
OFFICE: Faza' Abad
Dist: Pakht. Bnd

Forwarded to SOEO

T. Bhai For Further
onward Submission Please

Wakil
Assistant Sub
Education Officer
27/2/2022

DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax #. 0937933151

Email address: deomalemardan@gmail.com



OFFICE ORDER

WHEREAS, in Compliance with Peshawar High Court Peshawar COC No.503-2018 in Writ Petition No:2439-p/2016, , coc No.510-p/2018 in W.P No:2440-p/2016, coc No:511 in W.P No:2438-p/2016, coc No.538-p/2018 in WP No:2440-p/2016, coc No:564-2018 in WP No:2440-p/2016, one Mr. Sajdar Khan s/o Muhammad Amin has been appointed in sacked employee quota on PST post vide this office No.7602/G dated 09-10-2018 at S.No:13.

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. Sajdar Khan PST GPS No.1 Fazal Abad with immediate effect.

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

Endst No. 7602/G /sacked/ Dated: 15-08-2022

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. DAO Mardan
4. SDEO(M) Takht Bhai.
5. Official concerned.

District Education Officer
(Male) Mardan

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

DAE
make copy in 5/300k
and stop pay
17/8

- 59

Rana P

To

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

Subject: Departmental Appeal against the impugned office order dated 15.08.2022 passed by the DEO (Male), Mardan whereby appellant was removed from service.

Respected Sir,

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

1. 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 whereafter 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 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 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 which was allowed. The Judgment of the Hon'ble High Court was called in question before the Hon'ble Supreme Court of Pakistan but was dismissed on 24.05.2017.
5. That later on, appellant and others were appointed vide appointment orders against their respective posts but subject to the outcome of CPLA which was then pending adjudication before the Hon'ble Apex Court. They took over the charge and started performing duties but all of sudden appellant along with others visited the impugned office order dated 15.08.2022 whereby they were removed from service.
6. That appellant was not treated in accordance with law and rules. Moreover, Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 stipulates civil servants shall be dealt with in accordance with prescribed procedure. Neither Charge Sheet was issued nor Statement of allegations to appellant.
7. That now it is admitted fact that in case of imposition of major penalty, the Department is supposed to conduct a regular inquiry while in case of appellant even a fact finding inquiry was not conducted. Moreover, the

فان/مکال

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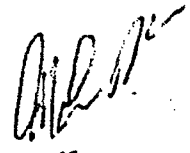
22-8-222

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principle 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.

Yours faithfully


Mr. Sajid Ali
Ex- PST, GPS, No. 3,
Fazal Abad

Dated: 22 /08/2022



- 01 Nov 2022

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

No 5625 / File: 524/RTI/P.F. Imran Khan
& Others/Mardan/2022.

Dated Peshawar the: 27/09 /2022

To

Mr. Imran Khan & Others,
Ex-PSTs (Sacked Employees)
Sardar Killi Saro Shah Takht Bhai District Mardan.
Cell No. 0344-9165285

Subject: - PROVISION OF INFORMATION UNDER RTI ACT 2013.

I am directed to refer to your application dated 07.09.2022 on the subject cited above and to state that your appeal for re-instatement into service dated 15.08.2022 has been seen & filed by the Worthy Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar being competent authority.

27/9/22
AD (RTI & Ombudsman)
Directorate of E&SE KP

Endst: No. _____ /

Copy forwarded to the: -

1. P.A to Director E&SE KPK Peshawar.

Sd/-
AD (RTI & Ombudsman)
Directorate of E&SE KP

9

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

NOTIFICATION

Peshawar, dated the 30th January, 2018.

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	

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<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

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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	19 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).	

(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	19 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).	

(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	19 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).	

(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	19 to 35 years"; 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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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'

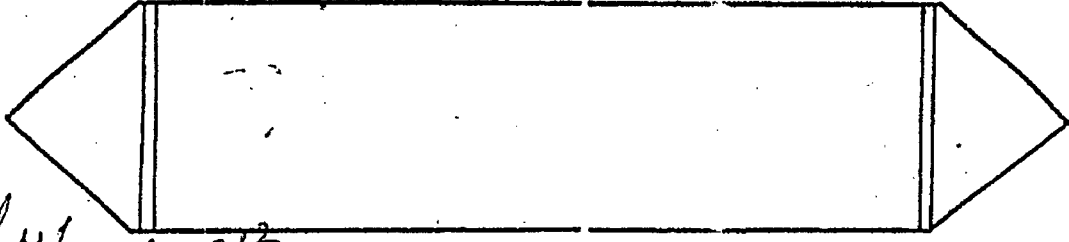
SECRETARY TO
GOVERNMENT OF KHYBER PAK
ELEMENTARY & SECONDARY
DEPARTMENT.

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.
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 کے سرسوسر دیوئل



2222 منجانب اسکاٹ
صفر خان بنام خواجہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ و
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا۔ نیز
مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا۔ نیز
دیکھ لیا صاحب کو راضی نامہ کرنے و تقریرتالت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک در پیرا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
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 لیا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فرچہ دہر جائنا التوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 23
2022

وہ العب
کے لئے منظور ہے۔

بمقام

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