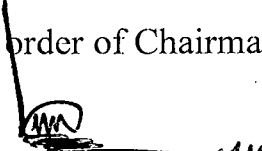


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1591/2022


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

The appeal of Mr. Fazal Mehmoos son of Musharaf Sah Ex-PST GPS Azeem Shah Katlang Mardan received today i.e. on 26.10.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

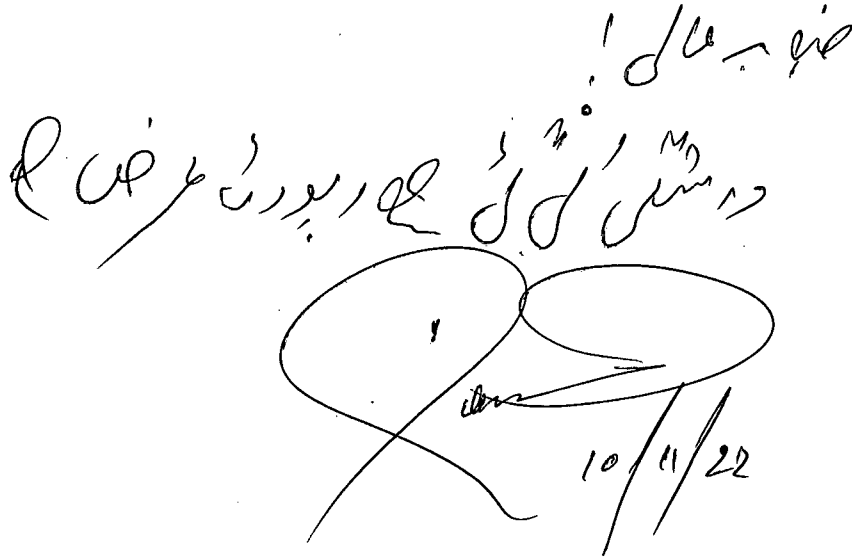
- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Appeal may be page marked according to index.
- 5- Copy of letter dated 21.10.2019 mentioned in para-8 of the memo of appeal (Annexure-J) is not attached with the appeal which may be placed on it.
- 6- Copies of order/letter dated 9.10.2018, 11.12.2020 and 9.01.2021 are illegible which may be replaced by legible/better one.
- 7- Copy of rejection order of departmental appeal in respect of appellant 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. 3011 /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. 1591 /2022

Fazal Mehmood Appellant

Versus

The Govt. of KPK and others Respondents

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Through

F. Rahman
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

Fazal Mehmood S/o Musharaf Shah

Ex-PST, GPS Azeem Shah, Katlang, 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 MardanRespondents

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 inspite of repeated requests by the concerned quarter to the Department to forward the data/names of the appellant and sacked employees for training, therefore, appellant should not be made to suffer for the acts and omissions of the Department.
- D. That the acts and omissions of the Department are not only based upon malafide intention but also squarely falls within the ambit of contempt of Court of lawful orders of the Hon'ble High Court which was maintained by the Apex Court, therefore, the Department has failed to comply with the Court directions without any legal justification, therefore, the impugned office order dated 15.08.2022 is not tenable in the eye of law.

- E. **That** the requisite training for the PTC/PST has been abolished (*Annex:-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)(l) 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

Fahm
Appellant

Khaled Rahman
Advocate, Supreme Court

Muhammad Amin Ayub
Advocate, Supreme Court

Muhammad Ghazanfar Ali
Advocate, High Court

Dated: 27/10/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

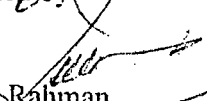
Fazal Mehmood Appellant

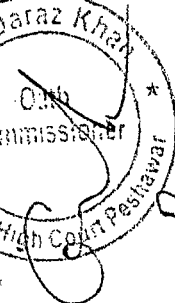
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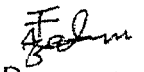
The Govt. of KPK and others Respondents

Affidavit

I, Fazal Mehmood S/o Musharaf Shah, Ex-PST, GPS Azeem Shah, Katlang, District Mardan, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

Identified by 
Khaled Rahman
Advocate, Peshawar

ATTESTED

Gui Daraz Khan
Oath
Commissioner
Advocate High Court Peshawar


Deponent

OFFICE OF THE DISTRICT EDUCATION OFFICER, MALE MARDAN, NWFP

APPOINTMENT/ASSIGNMENT

Annex A

Appointment of the following person is hereby ordered against the Post of P.T.C on temporary and adhoc basis at Rs. 1490 P.M. fixed plus usual allowances admissible under the rules in No 7 Rs. (1490-2695) at the institution noted against each name.

S.No.	Name/Qualification and address.	Posted at.	Remarks.
1.	Mr. Fazal Mahmood S/O Muzraf Shah Village Alo District Mardan.	GPS Musafar hilli.	Against leave vac post.

TERMS & CONDITIONS.

MR. A. H. KHAN P.T.C
I.D. Card No.

1. His appointment is purely temporary and liable to termination at any time without assigning reasons or notice.
2. In case of resignation he will have to submit one month more notice to the Department or forfeit one month's pay in lieu thereof to the Government.
3. He is required to produce a health and age certificate from the medical authority concerned before taking over charge, provided he is not in Government service.
4. He should not be allowed to take over charge if his age is less than 18 years or above 30 years.
5. His appointment is subject to further condition that he is domiciled of NWFP.
6. All original educational, character and domicile certificate should be thoroughly checked before handing over charge, if necessary, it should be verified from the institutions concerned.
7. If he fails to take over charge of the post within a month of the receipt of this order the offer of appointment shall stand cancelled.
8. Charge report should be submitted to all concerned.
9. No.TA/DA etc is allowed.

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

No. U 706-7

Dated Mardan the 12/12/1995.

Copy forwarded to the:-

1. Sub-Divisional Education Officer Male Mardan.
2. Head Teacher Concerned.
3. Candidate.

[Signature]
DISTRICT EDUCATION OFFICER PRIMARY
MALE MARDAN.

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

10

APPOINTMENT/ADJUSTMENT

Appointment of the following person (s) is hereby ordered against the post of PTC on temporary and adhoc basis (1480/PM fixed plus usual allowances as admissible under the rules in BPS-07 Rs (1480-81-2695) at the institution noted against each name.

S.No	Name/Qualification and Address	Posted	remarks
1.	Mr. Fazal Mehmood S/O Muzraf Shah Village Alo District Mardan	GPS Musafar Killi	Against leave Post

TERMS AND CONDITION

1. His appointment is purely Temporary and liable to termination at any time assigning any reason or notice.
2. In case of resignation they will have to submit one Months prior notice to the Department forfeit one month pay lieu thereof to the Govt.
3. He is required to produce Health and Age certificate from M/S DHQ Hospital Mardan before taking over charge.
4. He should not be allowed to take over charge in case their age is less then 18 years and above than 30 years.
5. His appointment is subject to further condition that he is domiciled of NWFP.
6. All original educational character and domicile certificate should be thoroughly checked before handing over charge, if necessary, it should be verified from the institution concerned.
7. If he fail to take over charge of the post within 15 days on the issue of this order their appointment order will be cancelled.
8. Charge Report should be submitted to all concerned.
9. No TA/DA etc is allowed.

**MUHAMMAD ZAMAN KHAN
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MARDAN**

Endst No.4706-07

Dated the 12.12.1995

Copy of the above is forwarded to the:-

1. Sub Divisional Education Officer (Male) Mardan/Takht Bhai
2. Head Teacher Concerned
3. Candidate.

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

- 11

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE PRIMARY MARDAN.
=====

OFFICE ORDER.

The following transfers are hereby ordered in their own pay and scale with immediate effect in the best interest of Public service:-

<u>S.No.</u>	<u>Name & Designation.</u>	<u>From.</u>	<u>To.</u>	<u>Remarks.</u>
1.	Mr. Fazal Mehmood PTC	GPS Musafar killi.	GMPS Irfan Nagar (Rustam)	V.No.2
2.	Mr. Haleem Badshah PTC	GMPS Irfan Nagar (Rustam)	GPS Musafar Killi.	V.No.1.

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

No 1213-15/1

Dated Mardan the 24/3/1996.

Copy forwarded to the:-

1. Sub-Divisional Education Officer Male Mardan.
2. Head Teachers concerned.
3. Candidate concerned.


DISTRICT EDUCATION OFFICER
MALE PRIMARY MARDAN.

A

Noted through
concerned
No 457
Dated: 21-3-96
- 12

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE PRIMARY MARDAN.
=====

OFFICE ORDER.

The services of Mr. Fazal Mehmood PTC GPS Musfar Killi is hereby regularized at their own place i.e GPS Musfar killi with effect from the date of taking over i.e appointment orders.

Necessary entry to this effect should be made in service Book.


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

No 111778/1

Dated Mardan the 17/3/1996.

Copy forwarded to the:-

1. S.D.E.O Male primary Mardan.
2. Head Teacher concerned.
3. Candidate.


DISTRICT EDUCATION OFFICER
MALE PRIMARY MARDAN,

13

Annex B

To: Mr. Fazal Mehmood

From: G.P.S. G.M.P.S. G.E.P.S. Irfan Nagar Rustam

Sub: WITHDRAWAL OF SERVICES OF IRREGULAR P.T.C. TEACHERS WITH EFFECT FROM 01-07-1995

Memorandum: Consequent upon the order of District Education Officer (Male) Primary, Mardan issued vide his order No: 270/G dated 14.12.1994 all irregular appointments of P.T.C. teachers have been withdrawn w.e.f. 1.7.1995. The District Education Officer (Male) Primary Mardan directed vide his No: 11-15, dated 2-1-95 to inform all the irregular P.T.C. teachers accordingly.

In the light of the instructions issued under reference above you are hereby informed that your Appointment Order NO: 1213-15 Dated 24-03-1996 has already been withdrawn.

SUB-DIVISIONAL EDUCATION OFFICER (MALE) MARDAN.

Encl: (1)

Dated: /1997.

Copy Forwarded to the:-

1. District Education Officer (Male) Primary Mardan w.r to his order endst: & letter Nos. referred above.
2. ALL ASDEO(I) for their compliance.
3. ASDEO(A) for necessary action.

SUB-DIVISIONAL EDUCATION OFFICER (MALE) MARDAN.

B

14
Amend

484

Sacked Employees (Appointment) Act, 2012

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

[Act XVII of 2012]

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

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

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

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

It is hereby enacted as follows:

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

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

(3) It shall come into force at once.

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

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

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

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

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

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

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

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

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

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

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

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Sacked Employees (Appointment) Act, 2012

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

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

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

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

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

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

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

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

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

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Annex "D"

IN THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION No. 2440 P /2016

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-c-Amin S/o Tor Jan,
R/o Kazim Kaley, Takht Bhai, Mardan.
10. Imran Khan S/o Shah Jehan,
R/o Sardar Kaley, Sare Su., 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 Darcy Khan,
R/o Roriyn 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 Sacr,
R/o Gulbahar, Kas Koroona, Mardan.

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Deputy Registrar

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- 2
19. Syed Roohullah Shah S/o S 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 Ibi,
R/o Mohallah Bano Khel, Mardan.
 22. Muhammad Farooq S/o Gulistanaf,
R/o Village Mahmood Abad, Mardan.
 23. Muhammad Asghar S/o Gul Din,
R/o Mahmood Abad, Gumbat, Mardan.
 24. Bahadar Khan S/o Mustafiz 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 Ato, Takht Bhai, Mardan.
 27. Fazal Mahmood 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 Ghulamman, Toru, Mardan.
 32. Safdar Khan S/o Munammad Ameen,
R/o Karghan Hassanzai, Talar, 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, Sawal Dher, Mardan.
 39. Murad Ali S/o Alam Zeb,
R/o Center Colony, Baghdada, Mardan.

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- 40. Muhammad Mushtaq Ad S/o Muhammad Musa Khan,
R/o Islam Bagh, Karwand, Mardan.
- 41. Raheem Khan S/o Allak,
R/o Sadaat Baba, Takhai, Mardan.
- 42. Amanullah S/o Hazrat,
R/o Akbar Road, Moha Sher Dil Khan, Mardan.
- 43. Tariq Hussain S/o Abdussan,
R/o Babu Mohallah Bahram, Mardan.
- 44. Zulfiqar Ali S/o Nck Maminad,
R/o Kass Koroona, Mard.
- 45. Ayaz Muhammad S/o Kln Muhammad,
R/o Street No.3, Saeed Aad, Kas Koroona, Mardan.
- 46. Kabaley Khan S/o Saffullah,
Mohallah Sadi Khel, Mazar, Mardan.
- 47. Nisar Muhammad S/o Ananullah,
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-Rehman s/o Muhammad Ismail,
R/o Mohallah Khan Khel, Toru, Mardan.
- 51. Siraj Muhammad S/o Baz Muhammad
R/o Toru, Mardan.....

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 (D.E.O.) Mulla
District Mardan.

Petitioners
The necessary
complaint has been
made in ice
light of orders
of Hon. S. Be
of 30-8-16

Respondents

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

Respectfully Sheweth,

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

- 1. That petitioners are the permanent and bonafide residents of District Mardan. They were appointed as PST, C.T, T.T, Lab. Assistant, Junior Clerk, P.E.T, and

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 Deputy Registrar
 16 MAY 2016

NOTES
 MARDAN DISTRICT

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on different d observing all the codal formalities vide orders dated 14.01.1996, 26, 23.01.1996, 04.09.1996, 10.07.1996, 30.05.1995, 02.08.1995, 14, 03.07.1996, 07.11.1995, 31.10.1994, 25.02.1996, 26.11.1996, 25, 06.11.1995, 04.10.1995, 30.06.1995, 23.10.1995, 02.10.1995, 045, 06.10.1996, 12.12.1994, 28.08.1996, 08.10.1996, 07.05.1995, 085, 21.10.1995, 23.07.1996, 28.03.1996, 02.01.1995, 06.10.1996, 24.0, 25.03.1996 and 31.10.1995. At the moment more of the petitioners are qu for the posts against which they were appointed.

2. That after their appointments petitioners were satisfactorily and devotedly performing their d 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 previous Government terminated the services of petitioners vide orders dated 01.1997, 12.02.1997, 13.02.1997, 23.06.1997, 13.03.1997, 07.01.1997 and 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 1/2 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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the Provincial Government of Khyber Pakhtunkhwa also similarly terminated employees, therefore, "The Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012" (to be referred hereinafter as "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 simultaneous implementation 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 in whole or the other by the interested quarters so as to deprive the deserving persons including the petitioners although they properly applied to the competent authority for their appointment within 30% quota mandated by the Act but without success.

7. That similar colleagues approached this Hon'ble Court in W.P.No.1662-P/2013 decided on 04.12.2014 (Annex:-D) which was recently implemented vide orders dated 01.06.2016 (Annex:-E) which was followed by another judgment dated 18.09.2016 (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 parity and equality before law.

8. That petitioners have 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 inasmuch 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 much less lawful which has resulted in

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16 MAY 2016

SECRETARY
KHYBER PAKHTUNKHWA HIGH COURT

- C. That this Court has interpreted the provisions of the Act of 2012 in favour of other placed colleagues of the petitioners and granted them relief vide Judgment which were then implemented by the Respondents. Petitioners are entitled to the same relief being similarly placed under the principle of equality as per the judgments laid down by Hon'ble Supreme Court in the cases of "Hameed Akhtar Niazi ...Vs... The Secretary Establishment, Government of Pakistan and others" reported in 1996 SCMR 1 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 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 of other civil servants, who might have not taken any legal proceedings, the uses of justice and rules of good governance demand that the benefits of decision be extended to the other civil servants, who might not be parties to 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 employing for more than one and half decade and therefore, it was not because of the denial on the part of the Respondents 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 in the eye of law.


For the aforesaid reasons, 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 Act of 2012 to petitioners by appointing them against the requisite posts reserved for the sacked employees, as without lawful and hence of no legal effect. This august Court may further be pleased to direct the Respondents to act in accordance with law and to appoint petitioners against their requisite posts with all consequential back benefits.

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

Interim Relief

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

Through

Petitioners

Khalid Mahmood
Advocate
Supreme Court of Pakistan

Dated: 16/05/2016

FILED TODAY
REGISTRAR
19 MAY 2016

IN THE PESHAWAR HIGH COURT PESHAWAR

W.P. No. _____/2016

Abdul Ahad and othersPetitioners

Versus

The Secretary and others.....Respondents

Affidavit

I, Shams-ur-Rehman S/o Taj Malook, Junior Clerk, R/o Mohallah Sherai, Bari Chuni, 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

Identified by

[Signature]
Khaled Kasim
Advocate, Peshawar

Deponent

[Signature]

16101-3405062-5

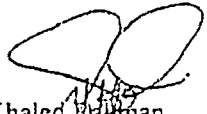
No. *13250*
 Certified that the above was verified on solemnly affirmation before me in office, this *16th* day of *May*, *16* at *Shas, Mardan* s/o *Taj Malook, Mardan* who was identified by *Khaled Kasim*
 Who is personally known to me:
 Oath Commissioner
 Peshawar High Court, Peshawar *[Signature]*

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 Deputy Registrar
 16 MAY 2016

CERTIFICATE

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



Khaled Rahman
Advocate, Peshawar

List of Books

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

NOTE

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



Khaled Rahman
Advocate, Peshawar

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 16 MAY 2018

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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 :-
For Respondents :-

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

Date of hearing:

12.04.2018

JUDGMENT

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

Announced:
12.04.2018

Siraj Afridi P.S.

Roo-ul-Amin Khan
JUDGE

Siraj Afridi
JUDGE

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

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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 :- Mr. Khalid Rehman, Advocate.
For Respondents :- 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 Ifrikhar 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.

Lockdown

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."

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

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

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

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

Noted

[Signature]

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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."

Looked at

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,

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

Look at

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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".

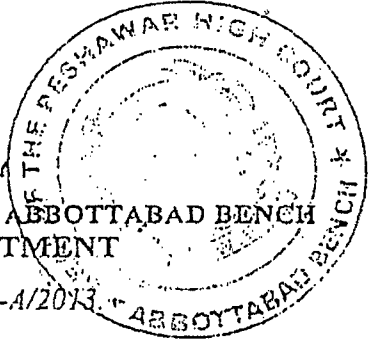
Look at this

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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Area "E"



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 Khan

Respondents. Govt etc by Mr. Mohammad Asghar Khan

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 "Wasim Gul Khan

& 47 others Vs. Government of Khyber Pakhtunkhwa through

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

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

Pakhtunkhwa through Secretary Education (E&SE) Peshawar

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

& 04 others Vs. Government of Khyber Pakhtunkhwa through

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

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

Khyber Pakhtunkhwa through Secretary Education (E&SE)

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28/8/15
Peshawar High Court
Abbottabad Bench
authentic Under Section 176 of the Code

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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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MEG
Examiner
Peshawar High Court
Abbottabad Bench
Authorized under sec 75 of the Ordinance

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 in spite 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, mala fide, 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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 Examiner
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Section 47 of the
 Peshawar High Court Rules, 1973

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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.

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

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 Examiner
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Section 5 of the Act
 28/8/16

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

Certified to be a true copy
 of the original
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 25 of the
 28/5/14

"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."

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*

Lawyer

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."

ضمیمہ

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

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

28/5/16
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28/5/16

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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
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SELECTION OFFICER (MALE) MARDAN

... 2018 in WP No 2439-P/2016, Coc
 ... No 2438-p/2016, COC No 538-P/2018 in WP No 2440-
 ... the light of recommendations of Litigation Item: h
 ... ing candidate is hereby ordered against the vacant
 ... able under the rules under the existing policy of
 ... quota on the terms and conditions given below with

9

D.O.B	School where appointed
20-01-61	GPS NO 2 NOHIS BANDA
09-07-63	GPS NO 1 SHAMSUDDIN ABAD
14-03-65	GPS APDAR ABAD
18-06-65	GPS JANGI DHER NO 2
07-02-66	GPS MUSLIM ABAD
14-04-67	GPS NO 2 BICHET BUNJ
13-05-68	GPS DAKRI GUMBAT
15-01-69	GPS MIRWAS
03-02-69	GPS CHAMAN ABAD
19-03-69	GPS BILANG KHEI
12-01-70	GPS BHAT KYNONA MAYAR
03-04-70	GPS SOWARYA
18-04-71	GPS NO 1 FADAL ABAD
20-04-71	GPS NABHER KILLI
04-09-71	GPS MAJID BARI
06-01-72	GPS NO 1 BATA GAMB
09-01-72	GPS SALAK
01-04-72	GPS AZIZ ABAD
01-05-72	GPS ZOCR JAMNDI
05-09-72	GPS HAJI MUHAMMAD KILLI
01-10-72	GPS LANDARI
01-02-73	GPS NO 2 TAKHT BHAI
05-03-74	GPS ADINA DHERI
01-04-74	GPS NO 1 BO ZAI
10-04-74	GPS MARGHAND KILLI
10-05-74	GPS SHANKAR MARDAN
01-01-75	GPS NO 2 TAKHT BHAI
02-01-76	GPS NO 2 BILKRI GURU
01-01-76	GPS TERABALON BUN
02-02-76	GPS NO 2 BULLI BANGI Sawai Din
02-02-76	GPS NO 1 TAKHT BHAI
24-03-76	GPS NO 2 BACHHAI DHERI

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 ...
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01-04-76	GPS NO 1 AFZAL ABAU
01-01-77	GPS NO 1 MAYAR
07-02-77	GPS DILARAM KILLI
13-02-77	GPS NO 1 BUT SERI
01-04-78	GPS GUNJAI
04-01-78	GPS HOTI

01-04-76	GPS NO 1 AFZAL ABAU
01-01-77	GPS NO 1 MAYAR
07-02-77	GPS DILARAM KILLI
13-02-77	GPS NO 1 BUT SERI
01-04-78	GPS GUNJAI
04-01-78	GPS HOTI

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... Court of Pakistan in the light of CPLA
 ... for come spend them their money...

... appointments and domicile should be verified from
 ... Section 3 of the said Act
 ... time to time by the Govt.
 ... Backed employees (appointment) Act 2012
 ... kind of sanction, promotion and other high benefits
 ...

... Sacked Employee Act 2012, hence
 ... dismissed, removed or terminated from service
 ...

... In case of failure to join the post within 15 days of the
 ... automatically and no subsequent appeal etc shall be
 ...

... DDEC/M Principal concerned
 ... authority. The service of the official will be
 ... that the candidate has joined the post or otherwise after 15
 ...

... is found unsatisfactory in date of assessment he will be
 ... to the Department, otherwise he will forfeit one month
 ... 3 years after issue of this order.
 ... any irregularities at any stage in respect

MAZ AL KHAN
 District Education Officer
 (Male) Mardan

09-10-2018

... action to the
 ... Peshawar

District Education Officer
 (Male) Mardan

[Handwritten signature and date: 09/10/18]

[Circular official stamp]

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Amir G²

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محمد محمود

19-10-2018 ڈی ای او ایل مردان آج بمبئی 218

عبد کابار نے لیا۔

محمد پروری مکمل حسن آباد شہر

کی طرف

پتہ

Head Teacher
S.S. Chamra
Kottang

Fahm

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چارچ رپور

من سہی

ڈی ای او (تعمیرات) مردان آج ہور

1201

اپنے

تہدے کا چارج لے لیا۔

گورنمنٹ پرائمری سکول

بین نوسل

چارچ گروہندہ

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FIELD

CERTIFICATE

16102-22 86237

Mr. Tabis C. Fakhri

168 (A's for civil)

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Seal of Office

Examined Mr. Emad M. Mammad
Dr. F. M. Mammad

sease communicable or other constitutional

qualification for employment in the office of the

This age according to his own statement

status year

Medical Superintendent,
DHQ Hospital, Mardan.

AND

SESSION

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Annex H²

ساجد

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

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

CIVIL PETITIONS NO.481-P AND 482-P OF 2018

(Against the judgment dated 12.4.2018 of the Peshawar High Court, Peshawar passed in WP Nos.2439-P of 2016 & 2440-P of 2016)

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

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

VERSUS

Iftikhar Ali & others
Abdul Ahad & others

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

For the petitioner(s): Mr. Zahid Yousaf Qureshi, Addl. A.G.

For the respondent(s): Not represented

Date of hearing: 5.9.2018

ORDER

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

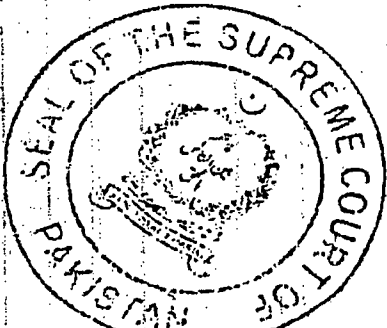
Sd/-HCJ

Sd/-J

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AC

Senior Court Associate 11/11/2019
Supreme Court of Pakistan
Islamabad 22/11/19



Islamabad, the
5th of September, 2018
Not Approved For Reporting

CF No: _____
Date of Presentation: 11.11.19
No of Words: _____
No of Folios: 3
Requisition Fee Rs: _____
Copy Fee in: 18/-
Court Fee Stamp: 6.8/-
Date of Completion of Copy: 11-11-2019
Date of delivery of Copy: 11/11/19
Compared by P. _____

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- 47

Amek "I"



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

Phone #:0992-382634 Fax #:0992-381527 E-mail: dete-kpk@hotmail.com

No.6236-39/TPD/Pre-Service

Dated: 21/10/2019

To

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

22/10/19

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)



48
Amir J

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER,
(Male) Takht Bhal
E-mail: sdco.m.t.bhal@gmail.com

No. 470 / 2019, dated: 17-12-2019

To:

The District Education Officer,
(Male) Mardan.

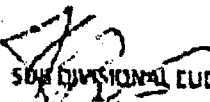
Subject:

DATA OF SACKED EMPLOYEE FOR PTC TRAINING.

Memo:

Please refer to Directorate of Curriculum and Teacher Education Khyber Pakhtoon Khwa, 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 Teachers	Name of School / GPS	Course for training	D.O. Avail.	Remarks
1.	Imran Khan,	No. 3 Takht Bhal	PTC	09.10.2018	
2.	Shakir Ullah	Hbar Khan Killi	PTC	09.01.2018	
3.	Taj Muhammad	Afzal Abad No.1	PTC	09.10.2018	
4.	Khurshid Ali	Ganjai	PTC	09.10.2018	
5.	Muhammad Ibrahim	No.4 Takht Bhal	PTC	02.03.2013	
6.	Fazli Wahid	Afzar Abad	PTC	10.10.2018	
7.	Iline Amin	Akbar Abad	PTC	09.10.2018	
8.	Muhammad Naeem	Dad Muhammad Killi	PTC	11.10.2018	
9.	Mujahid Khan	Daman Bandu	PTC	03.09.2013	
10.	Sohail Ahmad	Dilaram Killi	PTC	09.10.2018	
11.	Safdar Khan	No. 1 Afzal Abad	PTC	09.10.2018	

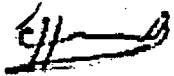

SUB-DIVISIONAL EDUCATION OFFICER
(Male) Takht Bhal, Mardan

K

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 ASDED group.

S.No	Name	Designation	School	Remarks
1	Smran Khan	PET	GPS NO1 TAKHT BHAI	Received
2	Shakir ulah Khan	PST	GPS ^{Kull} Itankhan	Received
3	Taj Muhammad	PST	GPS ^{No.1} Afzalabad	Received
4	Khurshed Ali	PST	GPS ^{T.Bhai} Gunjaf	Received
5	Muhammad Ibrahim	PST	GPS ^{T.Bhai} No.1	Received
6	Razliwahid	PST	GPS ^{T.B} Asarabad	Received.
 				
 				
 				


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

So
 P. K.
 DISTRICT EDUCATION OFFICER
 INTELLI BAHADUR
 No. 267
 Dated 09/01/2021

The Director
 F&T Higher Pakhtunkhwa, Peshawar

SUBJECT: DATA OF SACKED EMPLOYEES OF PSI FOR TRAINING

Memo: In continuation to this office letter No 267 dated 11-12-2020 and reference to the Director Curriculum and Teacher Education Higher Pakhtunkhwa, Peshawar letter No. 4619/21 dated 26-10-2020 on the subject cited above.

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

S.No	Name of Teacher	School Name	Training For	Date of Apptl	Remarks
1	Imran Khan	GPS No 1 Takht Bhai	PTC	09-10-2018	
2	Shakirullah	GPS Hbar Khan Kili	PTC	09-10-2018	
3	Taj Muhammad	GPS Alzal Abad 1	PTC	09-10-2018	
4	Khurshid Ali	GPS Gungor	PTC	09-10-2018	
5	Muhammad Ibrahim	GPS No 2 Takht Bhai	PTC	10-10-2018	
6	Cash Wahid	GPS Alsar Abad	PTC	09-10-2018	
7	Ibne Amir	GPS Alsar Abad	PTC	11-10-2018	
8	Mohammad Nareem	GPS Dard Muhammad Kili	PTC	04-09-2018	
9	Mujahid Khan	GPS Usman Banda	PTC	09-10-2018	
10	Sahail Ahmad	GPS Dilaram Kili	PTC	09-10-2018	
11	Saidar Khan	GPS No 1 Faral Abad	PTC	09-10-2018	
12	Rahim Khan	GPS Mari Surang	PTC	08-11-2018	
13	Muhammad Ayaz	GPS Athina Chen	PTC	10-10-2018	

Enst 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

09/01/2021
 DISTRICT EDUCATION OFFICER
 INTELLI BAHADUR

DISTRICT EDUCATION OFFICER
 INTELLI BAHADUR

LEGIBLE COPY

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) MARDAN
No.266/Dated 09.01.2021

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To,

The Director
E&SE Khyber Pakhtunkhwa, Peshawar

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

Memo:-

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

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

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1.	Imran Ullah	GPS No.1 Takht Bhai	PTC	09.10.2018	
2.	Shakirullah	GPS Itbar Khan Killi	PTC	09.10.2018	
3.	Taj Muhammad	GPS Afzal Abad 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

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MATHURAHAT)

No 7465 /Dated 11-12-2020

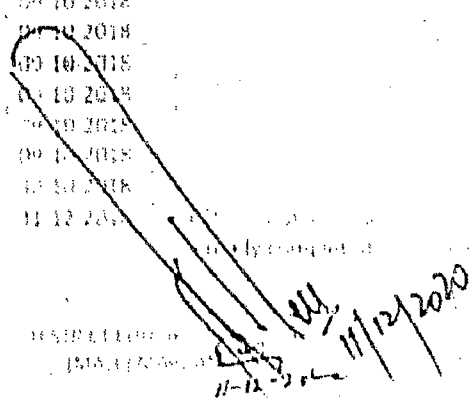
To, The Director,
ESSE English Pakhanshwa, Peshawar

SUBJECT: DATA OF SACRED EMPLOYEES OF PST FOR TRAINING

Reference: Order of the Director, Curriculum and Teacher Education, Peshawar dated 26.09.2020 and the subject of the order.

Kindly request you to submit the pertinent information of sacred employees as per attached proforma for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1	Farooq Ahmad Bhatti	GPS Ferozan Abad	PIC	10-10-2018	
2	Ahmad Akbar	GPS No 1 Major	PIC	09-10-2018	
3	Muhammad Majid	GPS Bala Karsana	PIC	10-10-2018	
4	Saeed Muhammad	GPS Hudaib Colony	PIC	10-10-2018	
5	Taj Akbar	GPS No 3 Koral	PIC	08-11-2018	
6	Muhammad Arif	GPS Shamsad Abad 2	PIC	09-10-2018	
7	Ahmad Ali	GPS Ahmad Abad	PIC	10-10-2018	
8	Farooq Akbar	GPS Shamsad Abad	PIC	10-10-2018	
9	Muhammad Arif	GPS Anwar 1	PIC	09-10-2018	
10	Muhammad Arif	GPS Anwar 1	PIC	09-10-2018	
11	Farooq Muhammad	GPS No 1 Major	PIC	09-10-2018	
12	Saeed Muhammad	GPS No 1 Major	PIC	10-10-2018	
13	Shamsh Bhatti	GPS Bicket Gang 1	PIC	07-10-2018	
14	Muhammad Arif	GPS Bicket Gang 1	PIC	09-10-2018	
15	Saeed Muhammad	GPS Mirzas	PIC	09-10-2018	
16	Ahmad Ali	GPS Major	PIC	09-10-2018	
17	Farooq Akbar	GPS Swarjan	PIC	09-10-2018	
18	Muhammad Arif	GPS Marghandi	PIC	09-10-2018	
19	Saeed Muhammad	GPS Jangher	PIC	09-10-2018	
20	Farooq Muhammad	GPS Anwar	PIC	09-10-2018	
21	Muhammad Arif	GPS Rampur	PIC	09-10-2018	
22	Muhammad Arif	GPS Rampur	PIC	09-10-2018	
23	Muhammad Arif	GPS Rampur	PIC	09-10-2018	
24	Muhammad Arif	GPS Rampur	PIC	09-10-2018	



 11/12/2020

For Director, Peshawar

Copy forwarded to the
Director of Education, Peshawar dated 11.12.2020

DISTRICT EDUCATION OFFICER
(MATHURAHAT)

LEGIBLE COPY

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

(57)

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 Janji Dher 2	PTC	09.10.2018	
20.	Fazal Mahmood	GPS Azeem Shah	PTC	09.10.2018	
21.	Sultan Ali	GPS Ikrapur	PTC	09.09.2018	
22.	Sabz Ali Khan	GPS Gulberg 2	PTC	09.10.2018	
23.	Riaz Ali Khan	GPS Spin Jumat Shero	PTC	10.10.2018	
24.	Ahmad Ur Rehman	GPS Bharat Khel	PTC	11.12.2018	

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst No. _____/sacked training/Dated: _____ .2020

Copy forwarded to the

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

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

52 Annex L

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALL) MALIHAN

No _____ / Dated 4-03-2021

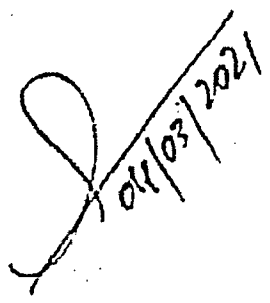
To

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 Apptd	Remarks
1	Fazal Ahmad Shah	GPS Hassan Abad	PST	30-10-2018	
2	Abdul Ahad	GPS No 1 Mayar	PST	09-10-2018	
3	Muhammad Mujahid	GPS Batai korooni	PST	10-10-2018	
4	Saeed Muhammad	GPS Ittehad 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	Falak 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 Hicket Gunj 1	PST	09-10-2018	
14	Rasul Ahmad	GPS Hicket Gunj 1	PST	09-10-2018	
15	Syed M Tahir	GPS Marwan	PST	09-10-2018	
16	Azam Khan	GPS Mann Narar	PST	09-10-2018	
17	Farooq Hussain	GPS Suwayyan	PST	09-10-2018	
18	Muhammad Ali	GPS Marghano Killi	PST	09-10-2018	
19	Sajid Muhammad	GPS Jangi Dher-2	PST	09-10-2018	
20	Fazal M Ahmad	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 Janqi Dher 2	PTC	09.10.2018	
20.	Fazal Mahmood	GPS Azeem Shah	PTC	09.10.2018	

53

S.No	Name of Teacher	School Name	PST	Date of Apptl	Remarks
21	Sultan Ali	GPS Ikranpur	PST	09-10-2018	
22	Sabz Ali Khan	GPS Gullbagh 2	PST	09-10-2018	
23	Riaz Ali Khan	GPS Speen Jemat Shero	PST	30-10-2018	
24	Ahmad ur Rahtman	GPS Bharat Khel	PST	31-12-2018	PTC course has already completed
25	Imran Khan	GPS No.1 Takht Bhar	PST	09-10-2018	
26	Shakirullah	GPS Itbar Khan Killi	PST	09-10-2018	
27	Taj Muhammad	GPS Afzal Abad-1	PST	09-10-2018	
28	Khurshid Ali	GPS Gunjar	PST	09-10-2018	
29	Muhammad Ibrahim	GPS No.4 Takht Bhar	PST	10-10-2018	
30	Fazli Wahid	GPS Afsar Abad	PST	09-10-2018	
31	Iqbal Anam	GPS Afsar Abad	PST	11-10-2018	
32	Muhammad Naeem	GPS Dad Muhammad Killi	PST	03-09-2018	
33	30	GPS Usman Banda	PST	09-10-2018	
34	Sohail Ahmad	GPS Dilarain Killi	PST	09-10-2018	
35	Saidar Khan	GPS No.1 Fazal Abad	PST	09-10-2018	
36	Rahim Khan	GPS Mari Surang	PST	06-11-2018	
37	Muhammad Ayaz	GPS Adina Dheri	PST	10-10-2018	

—Sd—
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst No 1897 /sacket training/Dated 04-02-2021

Copy forwarded to the
Director DCTE Abbotabad 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

- 54 Rama M

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT; OF KHYBER PAKHTUNKHWA



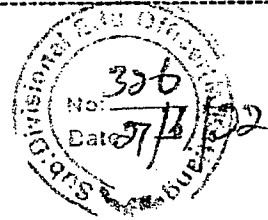
DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax #: 0937933151

Email address: deomardan@gmail.com



_____/sacked/ Date: ____/____/2022



SHOW CAUSE NOTICE

I, Zulficar 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. Fazaal Mahmood PST GPS Azeem Shah Katlang with 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.

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.

(Zulficar ul Mulk)

**DISTRICT EDUCATION OFFICER
(MALE) MARDAN**

Copy to the:

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

Hand over the show cause notice to concerned teacher personally

[Handwritten signature]

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

[Handwritten initials]

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

M

N

ASST. DIR. OF INDIAN AFF. (U.S. DEPT. OF INTERIOR)

I am sorry to hear of the death of your father and
 hope you will find some comfort in the thought that
 he has gone to a better world. I am sure he will
 be watching over you and your family. I am sorry
 that I cannot be of more help to you at this time.
 I am sure you will find the money you need for
 your father's funeral. I am sure you will find
 the money you need for your father's funeral.
 I am sure you will find the money you need for
 your father's funeral. I am sure you will find
 the money you need for your father's funeral.



Yours truly

SS



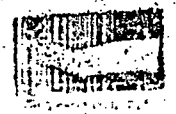
- 56



DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax #: 0997933151

Email address: dnoemardan@gmail.com



[Handwritten signature]

OFFICE ORDER

WHEREAS, in Compliance with Peshawar High Court Peshawar CBC No.502-2018 in Writ Petition No:2439-p/2016, case No 310-p/2018 in W.P No 2440-p/2018, case No:511 in W.P No:2438-p/2016, case No:528-p/2018 in W.P No:2440-p/2016, case No 504 2018 in W.P No.2440-p/2016, case Mr. Fazal Mehmood s/o Muzareb Shah has been appointed in sacked employee quota on PST post vide this office No:7602/G dated 09-10-2018 at S.No:09.

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

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

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

AND WHEREAS, in light of August Supreme Court of Pakistan decision announced on 28-01-2021.

Therefore, in exercise of the power conferred under Khyber Pakhtunkhwa Govt servants E&D rules 2011 (a), 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. Fazal Mehmood PST GPS Azeem Shah Katlang with immediate effect.

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

[Handwritten signature]
/sacked/ Dated: 15-08-2021

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. DDO (M) Katlang.
- 5. Official concerned.

[Handwritten signature]
District Education Officer
(Male) Mardan

KEEP BELONGING UNDER THE TABLE, EXCEPT YOUR SHOES & USE THEM TO KICK OUT CORRUPTION

To

57

Amir P

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

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22-8-2022

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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. Fazal Mehmood,
Ex- PST, G.P.S, HZ cum Sdho,
Mastana.

Dated: 22 /08/2022



- 54 Anna Q

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

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

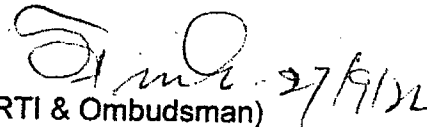
Dated Peshawar the: 27/09 /2022

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.

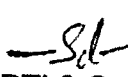
I am directed to refer to your application dated 07.09.2022 on the subject cited above and to state that your appeal for re-instatement into service dated 15.08.2022 has been seen & filed by the Worthy Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar being competent authority.


AD (RTI & Ombudsman)
Directorate of E&SE KP

Endst: No. _____ /

Copy forwarded to the: -

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


AD (RTI & Ombudsman)
Directorate of E&SE KP

Q

**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

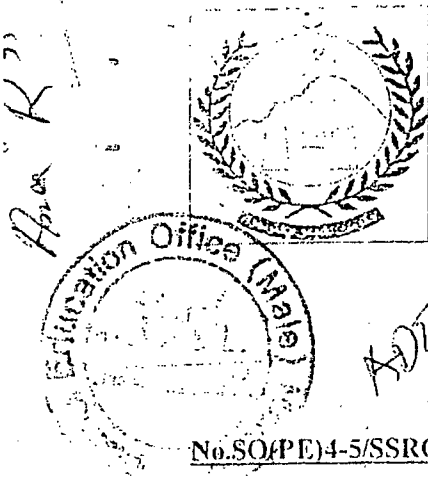
In the Appendix:-

(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	



ADZC(D)
ADZC(S)
1/19/2

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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>

<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>	
---	--

(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>

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 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";
(ii)		

(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 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";
(ii)		

(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 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";
(ii)		

(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 nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years"; and
(ii)		

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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

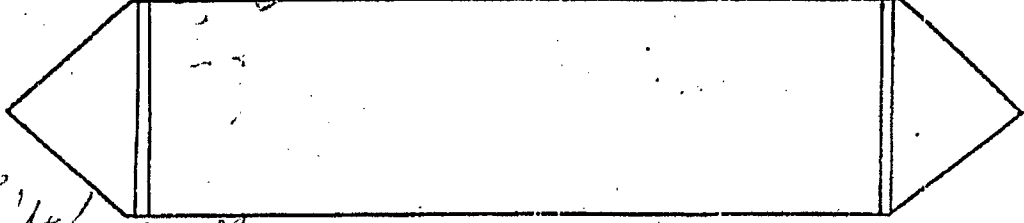
SECRETARY TO
GOVERNMENT OF KHYBER PAK
ELEMENTARY & SECONDARY
DEPARTMENT.

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

بعد التاریخ اس میں سرکاری نوٹس



2022ء منجانب اسرار

مستقل محکمہ بنیام

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ کی اصل
آن مقام کے لئے حکومت کی طرف سے کیلئے حکومت کی طرف سے کیلئے حکومت کی طرف سے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا ایبل کی براندگی اور منسوخی
نیز دائر کرنے ایبل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو یہی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر اختیہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ نہ ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 23
ماہ 2022ء

Handwritten signature and stamp area.

وہ الع کے لئے منظور ہے۔

بمقام

Handwritten signature at the bottom.