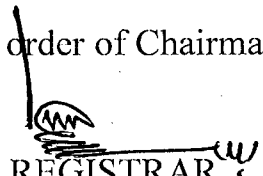


Form- A

FORM OF ORDER SHEET

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

Case No.- 1593/2022


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

The appeal of Mr. Inamullah son of MAYub Ex-PST GPS Khan Baba Kili Mardan received today i.e. on 25.10.2022 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 First termination order/dispensed with mentioned in para-2 of the memo of appeal (Annexure A) is not attached with the appeal which may be placed on it.
- 6- Copies of order/letter dated 25.10.1995, 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- Copy of show cause notice and its reply is not attached with the appeal which may be placed on it.
- 9- Five more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

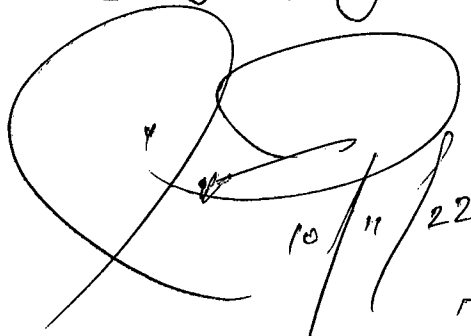
No. 3022 /S.T,

Dt. 26/10 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.

اپنے جوابدہی کے لئے  
میں نے اسے  
دیکھا ہے۔

  
10/11/22

Respected Sir  
Annex A "B-M-N" is not available  
and / filed Annex A "B-M-N" from appeal



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1593/2022

Inamullah ..... Appellant

Versus

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

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Through

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: 22/10/2022

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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

Inamullah S/o M. AyubEx-PST, GPS, Khan Baba Kili, District Mardan ..... Appellant

VERSUS

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

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

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

1703  
Date: 25/10/2022

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

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 ( ) 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 ( ) whereby he was directed to submit reply which he accordingly submitted ( ). 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


  
Appellant

  
Khaled Rahman  
Advocate, Supreme Court

&

  
Muhammad Amin Ayub

&

  
Muhammad Ghazanfar Ali  
Advocate, High Court

Dated: 23 /10/2022

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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

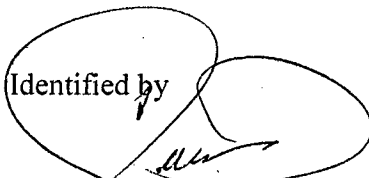
Inamullah ..... Appellant

Versus


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

Affidavit

I, Inamullah S/o M- Ayub, GPS Khan Baba Kili, 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



  
Deponent

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

APPOINTMENT

10

OFFICE ORDER

Ameer A

Mr. Muhammad Iqbal S/O Muhammad Iqbal  
N/O Mardan (M.C. 1-2) District Mardan is hereby  
appointed as Provision-Trained Teacher at PPS Karsa Talab 1  
in BPS-7 (GRs. 1-3) / PM fixed plus usual allowances as  
admissible to him under the rules with immediate effect in  
the interest of public service with the following terms and  
conditions:-

TERMS AND CONDITION

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

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

Order No. 25/1-2/95 PTC/I-AB, Dated 25/1/95

Copy of the above is forwarded to the:-

1. The Sub-Div:ESO:Officer (Male) Mardan / Takht-Bhal.
2. Condiat concerned.

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

/ Ihsan Ullah /  
DEPARTMENTAL SECRETARY

A

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

10

**APPOINTMENT**

Mr. Inam Ullah S/O Mohd Ayub R/O Mayar District Mardan is hereby appointed as PTC, Un-Trained Teacher at GPS Kass Koroona in BPS-7 @Rs.1480/PM fixed plus usual allowances as admissible to him under the rules with immediate effect in the interest of public service with the following terms and conditions:-

**TERMS AND CONDITION**

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

**HAJI MOHAMMAD ZAMAN KHAN**  
**DISTRICT EDUCATION OFFICER**  
**(MALE) PRIMARY MARDAN**

Endst No.3784-85/F.No.25/Apptt: PTC/I-AE, Dated :25/10/1995

Copy of the above is forwarded to the:-

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

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

11

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MARDAN.  
APPOINTMENT ORDER.

Mr. Inanullah S/O Mohammad Ayub R/O Mayar  
District Mardan, hereby appointed as P.T.C. U/Trained Teacher at  
P.T.C. (BAP) A.V.P. in RPO-7 @ Rs. 1480/PM fixed plus usual  
allowances as admissible, to him under the rules with immediate  
effect in the interest of public service with the following terms  
and conditions:

TERMS AND CONDITIONS :-

1. His appointment is made purely on temporary basis and is  
liable to termination at any time with out assigning any  
reason or notice.

2. In case of resignation he will have to submit one Month's  
prior notice to the Deptt. or forfeit one Month's pay in  
lieu thereof to the Government.

3. He is required to produce Health and Age Certificate from  
the Medical Supt. DHO Hospital Mardan before taking over  
charge.

4. His original Certificates should be checked before handing  
over charge.

5. He should not be allowed to take over charge if his age is  
not between 18 & 30 years.

6. If he fail to take over charge of the post within 15 days  
on the issue of this order his appointment order will be  
cancelled.

7. S.T.A/DA is allowed.

8. Charge reports should be submitted to all Concerned.

(HAJI MOHAMMAD ZAMAN KHAN)  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY MARDAN.

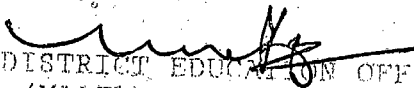
No. 3784-85/

Copy to the:-

Dated Mardan the, 25/10 /1985

Sub Divisional Education Officer (Male) Mardan.

Candidate Concerned.

  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY MARDAN.



Signature and name of the head of office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period	Government to which debitable		
<del>S. ...</del> MADAN	26/10/95 24/96	No award	<del>S. ...</del> MADAN					Appointed against DT/ITC Post in BPS No 7 Rs. 1450/- PM Fixed Plus usual allowances as admissible to him under the scales vide DEO(M) Punjab Madan Enrol. No. 3784 of 25-10-1995.
<del>S. ...</del>	30/11/96	No award						
<del>S. ...</del>	30/11/97	Punished for cause						
	22/97							Terminated on 22/97 and paid all arrears up to 22/97.
								Service verified w.e.f. 26/10/95 to 22/97 for the record.



113

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

1. Name: GNAMULLAH

2. Race: AFGHAN

3. Residence: Village & P.O. Mayar Mohallah Sadi Kelah  
Tehsil & Distt. Mardan

4. Father's name and residence: Mohammad Ayub (As Above)

5. Date of birth by Christian era as nearly as can be ascertained: 25-3-1970  
Twenty Five March Nineteen Seventy

6. Exact height by measurement: 5-5

7. Personal marks for identification: A Black mole on the left side of upper lip.

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

Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb

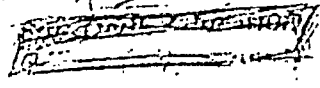


Signature of Government Servant

*[Handwritten signature in Urdu]*

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

*[Handwritten signature]*  
Sub Divl: Educ  
Officer (M) Mardan.



2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Secy
BDS No. 7 @ B. 1480/- Fixed 1480-81-2695						
KASS Kelli (CNP)	Sub/off.	B. 1480/-	Fixed		26 <sup>10</sup> / <sub>95</sub>	
No. 2. Mayar.	-b-	B. 1480/-	Fixed		4 24 <sup>4</sup> / <sub>96</sub>	
-b-	-b-	B. 1480/-	Fixed		12 1 <sup>12</sup> / <sub>96</sub>	
-b-	-b-	B. 1480/-	Fixed		12 1 <sup>12</sup> / <sub>97</sub>	
-b-	-b-	B. 1480/-	Fixed		6 22 <sup>6</sup> / <sub>97</sub>	

(2)

2 - 15

(For use in Police Department only)

Heirs.

Passed S.S.C Exam (A) 1988 from B.I.S.E Peshawar  
Under Roll No. 15551 marks obtained 441/850  
in 2nd Division result declared on 31-8-1988.

1.

2.

3.

*Officer (M) Mardan,*

Verification Roll No.

dated

received back.

Left Thumb-Impression

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

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

16  
Amend C<sup>2</sup>

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

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

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

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

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

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

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

It is hereby enacted as follows:

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

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

(3) It shall come into force at once.

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

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

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

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

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

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

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

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

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

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

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

- 18

Sacked Employees (Appointment) Act, 2012

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

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

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

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

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

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

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

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

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

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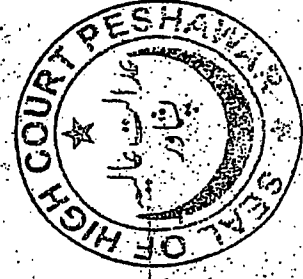
- 19 Anna D<sup>2</sup>

IN THE PESHAWAR HIGH COURT PESHAWAR

2438

WRIT PETITION No. /2016

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



**TESTED**  
EXAMINER  
Peshawar High Court  
13 APR 2018

**FILED TODAY**  
Deputy Registrar  
16 MAY 2016

D



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

Petitioners

Versus

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

FILED TODAY  
116 MAY 2016

- 21

IN THE PESHAWAR HIGH COURT PESHAWAR

C.M. No. \_\_\_\_\_ /2017

IN

W.P. No.2439-P/2016



Iftikhar Ali and others .....Petitioners

Versus

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

Application for the correction of the name of Petitioner No.27.

Respectfully Sheweth,

1. That the titled Writ Petition is pending before the august Court wherein the next date of hearing is fixed on 12.12.2017.
2. That as a matter of fact the name of Petitioner No.24 is *Muhammad Zahir* while that has inadvertently been written as *Zahir Khan*, which is not correct.
3. That it is in the interest of justice to rectify the error as mentioned above.

It is therefore, humbly prayed that on acceptance of this application, the name of Retitioner No.27 may graciously be rectified by substituting the same with that given in Para No.2 above.

Dated: 02/12/2017.

Through

Applicant/Petitioner

Khaled Rahman  
Advocate,  
Supreme Court of Pakistan

CERTIFIED TO BE TRUE COPY

Esq. Khaled Rahman  
Peshawar High Court, Peshawar  
Authority of Judge, Article 87 of  
The Constitution of Pakistan 1973

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DEPT. OF REGISTRY

02 DEC 2017

17 DEC 2017

IN THE PESHAWAR HIGH COURT PESHAWAR

C.M. No. \_\_\_\_\_/2017

IN

W.P. No.2439-P/2016

Ifikhar Ali and others ..... Petitioners

Versus

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

Affidavit

I, Muhammad Zahir (Petitioner No.27) S/o Muhammad Arif, R/o Mohallah Gulbahar, Canal Road near Masjid Khaatim-ul-Anbia, Mardan, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.

Petitioner No. 27

Deponent

Identified by

Khaled Rehman  
Advocate Peshawar

16101-5402851-9

No. 10677  
 Certified that the above was verified on solemnly affirmation before me in office, this 3<sup>rd</sup> day of Nov 2017 by Muh. Zahir s/o. Muh. Arif who was identified to me by Khaled Rehman who is personally known to me.  
 Oath Commissioner  
 Peshawar High Court, Peshawar

CERTIFIED TO BE TRUE COPY

Notary Public  
 Peshawar High Court, Peshawar  
 Authorized under Article 87 of  
 The Oath-taking Order 1984

13 APR 2018

FILED TODAY  
 Deputy Registrar

02 DEC 2017

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

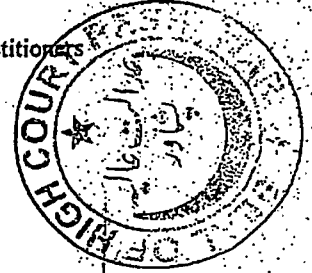
**Writ Petition No.2439-P/2016**

Iftikhar Ali and 33 others,

**VERSUS**

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

Petitioners



Respondents

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

Date of hearing: **12.04.2018**

**JUDGMENT**

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

**Announced:**  
**12.04.2018**

*Shuja Afridi P.S.*

JUDGE

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

CERTIFIED TO BE TRUE COPY

Examiner,  
Peshawar High Court, Peshawar  
Authorized Under Article 57 of  
The Qanun-e-Shahadat Order 1984

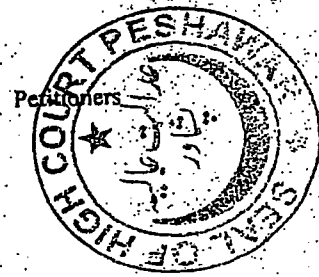
13 APR 2018

24

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

**Writ Petition No. 2438-P/2016**

Mst. Samina Qazi and 42 others.



**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 Ifikhar Ali and 33 others and Abdul Ahad and 50 others (to be referred hereinafter as petitioners), as identical question of law and facts are involved therein.

2. In essence, grievance of the petitioners is that during the period since 1993 to 1995, 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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**ATTESTED**  
Examined  
Peshawar High Court  
13 APR 2018

- 25

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

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

*Lockwood*

*AT*  
15/11/2015

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

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

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

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

*Law*

**ATTESTED**  
 JUDGE  
 Peshawar High Court  
 13 APR 2018

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

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

The aforesaid judgment of this Court was impugned before the Hon'ble apex Court in C.P. No.401-P/2016 by the Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar, and the Hon'ble Supreme Court while maintaining the judgment of this Court vide judgment dated 24.06.2017 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)

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



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

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

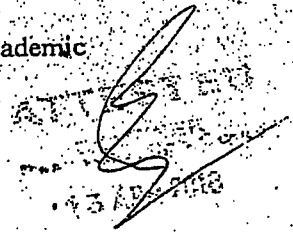
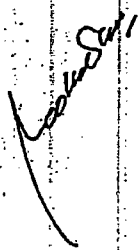
"Sacked employee" means a person who was appointed on regular basis to a civil post in the ~~province and who possessed the prescribed~~ qualification and experience for the said post at that time, during the period from 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996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

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,

*Case No. 1*

ATTESTED  
 JUDGE  
 13 APR 2018

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



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

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

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

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

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

Announced:  
12.04.2018

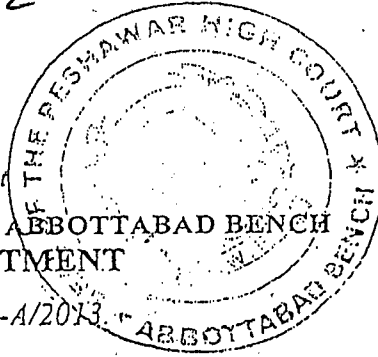
Straj Afridi P.S.

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JUDGE

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JUDGE

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12-9  
72-1  
20/2/2022  
20/2/2022  
20/2/2022

*[Signature]*



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 Arshad K.  
Advocate

Respondents. Govt etc by Mohammad Aslam Abbasi  
Advocate

\*\*\*\*\*

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

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

"Akram Khan & 05 others Vs. Government of Khyber

Pakhtunkhwa through Secretary Education (E&SE) Peshawar

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

& 47 others Vs. Government of Khyber Pakhtunkhwa through

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

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

Pakhtunkhwa through Secretary Education (E&SE) Peshawar

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

& 04 others Vs. Government of Khyber Pakhtunkhwa through

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

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

Khyber Pakhtunkhwa through Secretary Education (E&SE)

Certified to be True Copy  
Examiner  
Peshawar High Court  
Abbottabad Bench  
authorized Under Section 21 of Act 1973  
28/5/15

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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".

Certified to be True Copy  
 Examiner  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Sec. 275 of the Ordinance  
 28/07/15

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

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

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

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 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Section 10 of the  
 28/5/15

20/5/15

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

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

5. At the very outset, learned counsel for the petitioner produced a judgment of this court rendered in W.P.No. 1662-P/2013, whereby the respondents were directed to consider the untrained teachers for appointments against their respective posts, for the reason that at the time of initial appointments of

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Peshawar High Court  
Abbottabad Bench  
Authorized Under Section 5-A of the P.T.C. Ordinance  
28/8/16

the employees, under the laid down criteria, the untrained candidates were made eligible for appointment against the post of PTC.

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



- 36

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: -

"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*"

For Mr. Mansoor  
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 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Section 25 of the (1973) Act  
 28/5/14

10/5/14

*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."

منسوخ

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

Delivered by the Judge  
 Peshawar High Court  
 Abbottabad Bench  
 28/8/16

منسوخ

منسوخ

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

/\*Saif\*/

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 Abbottabad Bench  
 Authorized Under Section 47(1) of the  
 28/5/16

Sl. No.	510
Date of receipt of application	28.5.16
No. of pages	30
Page No.	60K
Page No.	24
Page No.	62K
Name of applicant	A
Date of submission of copy	28.5.16
Date of receipt of copy	28.5.16



39 Anna F

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) M/**

**OFFICE ORDER**

*In Compliance with Peshawar High Court Peshawar Coc No.511-2018 in Writ petition No.2438-2016, cc 2018 in W.P No.2440-2016, Coc No.670-2018 in WP No.2439-2016, COC No.685-2018 in WP No 2440-No.718-2018 in W.P No.2438-2016, 671-2016 in W.P No.4762-2016, the appointment order of the follow candidate is hereby ordered against the vacant post of PST in BPS -12 (Basic plus usual allowances) as under the rules under the existing policy of Provincial government in teaching cadre in Sacked employees terms and conditions given below with effect from the date of their taking overcharge.*

S.No.	Name	Father Name	POST	School where appoi
1	HAZRAT ALI	SAID AHMAD KHAN	PST	GPS AHMAD ABAD
2	ZUBAIR SHAH	ABDUL GHANI	PST	GPS ADA KATLANG
3	MAUROOD KHAN	FAQIR UR RAHMAN	PST	GPS PALOSAI FATM
4	INAM ULLAH	M. AYUB KHAN	PST	GPS ZAMAN SHAH
5	HAZRAT MUHAMMAD	TAMASH GUL	PST	GPS TEKADAR KILL
6	IFTIKHAR ALI	MIR BAHADAR	PST	GPS KHAIR ABAD
7	FALAK NAZ	MOMIN KHAN	PST	GPS SHAMANDROC
8	TAJ ALAM	YOUSAF KHAN	PST	GPS NO 3 KORAGH
9	RAHEEM KHAN	ALADAD	PST	GPS NARI SURANG
10	KHALID KHAN	ASLAM KHAN	PST	GPS KOTARPAN
11	RIAZ ALI	LAJBAR KHAN	PST	GPS BHAI KHAN
12	WAZIR MUHAMMAD	WALI MUHAMMAD	PST	GPS SHAGO KILLI I
13	FAZAL AHMAD SHAH	GUL PARAS	PST	GPS SHEIKH YOUS
14	M. NAEEM KHAN	SARFARAZ KHAN	PST	GPS DAD MUHAMM

**Terms & Condition:**

- 1 The appointment will be subject to the condition of decision of Supreme Court of Pakistan in the light of CPLA already pending, if the decision of the Honorable Supreme Court of Pakistan come against them, their appointment shall stand cancelled w.e.f the date of issuance
- 2 No TADA etc is allowed
- 3 Charge report should be submitted to all concerned.
- 4 Their appointment is subject to the conditions that their certificates/ documents and domicile should be verified from the concerned Authority before release of their Salary in the light of Section 3 of the said Act
- 5 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 6 Their appointment has been made in pursuance of Khyberpakhtunhwa, Sacked employees (appointment) Act 2012, hence under section 5 of the said act, he shall not be entitled to claim any kind of seniority, promotion and other back
- 7 They will produce Health and Age Certificate from the M/S of D.H.Q Mardan.
- 8 Their appointment has been made in pursuance of Khyberpakhtunhwa, Sacked Employee Act 2012, hence under section 4 of the said Act the period during which they remained dismissed, removed or terminated from service till the date of his appointment shall have been automatically relaxed.
- 9 They Should join their post within 15 days of the issuance of this Notification, In case of failure to join the post within issuance of this notification, his appointment will be consider as cancelled automatically and no subsequent appeal is entertained.
- 10 Their pay will be released after the verification of his documents by the SDO/H.M/Principal concerned.
- 11 In case their/his documents are found fake/bogus on verification from issuing Authority, the service of the official will terminated and legal action be taken against him under the law

**Sub Divisional  
Officer (M) Mardan**

طریقہ اولیٰ ب

صوبہ سرگودھا کے لئے طلبہ کی فہرست کے احاطہ میں آج کے مطابق اردن

3784-85 آمدہ از دفتر EDEO، سرانجام

25-10-95

گورنمنٹ ہائی اسکول، SAP، ایس ایس سی 26/10/1995

کو قبل از دو روزہ کی - PTC - ڈیڑھ گھنٹہ

کا جاری کیا گیا -

طرح لکھنے والا

طرح لکھنے والا

انشاء اللہ تعالیٰ

Mohammad Durrani  
Head Teacher  
G.P.S. Kas Killi  
Taru Alandun.

58  
26-10-95

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Amir H

سراج

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

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

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

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

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

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

**VERSUS**

Iftikhar Ali & others  
Abdul Ahad & others

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

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

For the respondent(s): Not represented

Date of hearing: 5.9.2018

**ORDER**

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

Sd/-HCJ

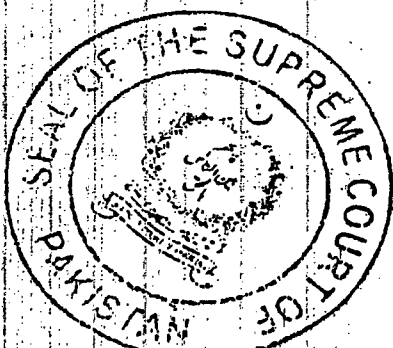
Sd/-J

Certified to be True Copy

AC

Senior Court Associate  
Supreme Court of Pakistan

Islamabad



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

M. Ashraf Malik

CR No: \_\_\_\_\_  
Date of Presentation: \_\_\_\_\_  
No of Words: \_\_\_\_\_  
No of Folios: \_\_\_\_\_  
Requisition Fee Rs: \_\_\_\_\_  
Copy Fee in: \_\_\_\_\_  
Court Fee Stamps: \_\_\_\_\_  
Date of Completion of Copy: 11-11-2018  
Date of delivery of Copy: 11-11-18  
Compared by: \_\_\_\_\_

-42

Amr J



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

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

No.6236-39/TPD/Pre-Service

Dated: 21/10/2019

To

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)



43 43 Anna J

**OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER,  
(Male) Takht Bhal**  
E-mail: sdo@tdhbl.com

470 No. 17-12

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. 5236-39 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 Appt:	Remarks
1.	Imran Khan,	No. 1 Takht Bhal	PTC	09.10.2018	
2.	Shakir Ullah	Nbar 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.	Fazl Wahid	Afzal Abad	PTC	10.10.2018	
7.	Ibne Amin	Akhar Abad	PTC	09.10.2018	
8.	Muhammad Naeem	Dad Muhammad Killi	PTC	11.10.2018	
9.	Mujahid Khan	Daman Banda	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

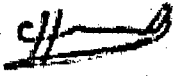
K



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 ASDEO group.

S.No	Name	Designation	School	Remarks
1	Imran Khan	PET	GPS NOI TAKHT BHAI	Received
2	Shakir Ullah Khan	PST	GPS Jharkhan kill	Received
3	Taj Muhammad	P.S.T	GPS Afzalabad No.1	Received
4	Khurshed Ali	PST	GPS Gungaj T.Bhai	Received
5	Muhammad Bakhsh	P.S.T	GPS Nohi: T.Bhai	Received
6	Fuzliwahid	PST	GPS Nisarabad T.B	Received.
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 09  
 2020  
 Agent: Sub. Div.  
 Educ Officer  
 All Pw. Takht Pw.

-45

Aman K

OFFICE OF THE DISTRICT EDUCATION OFFICER  
INTELLIGENCE  
No. 267 Dated 08/01/2021

The Director  
ESSE Khyber Pakhtunkhwa, Peshawar

SUBJECT DATA OF SACKED EMPLOYEES OF P.T.C 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 letter No 4619-21 dated 26-10-2020 on the subject cited above

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

S.No	Name of Teacher	School Name	Training For	Date of Appt	Remarks
1	Imran Khan	GPS No 1 Takht Bhai	PTC	09-10-2018	
2	Shakirullah	GPS Hbar Khan Killi	PTC	09-10-2018	
3	Taj Muhammad	GPS Alzal 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	Fazl Wahid	GPS Afsar Abad	PTC	09-10-2018	
7	Idhe Aman	GPS Afsar Abad	PTC	11-10-2018	
8	Muhammad Naeem	GPS Dad Muhammad Killi	PTC	03-09-2018	
9	Muhammad Khan	GPS Usman Banda	PTC	09-10-2018	
10	Sohail Ahmad	GPS Dilaram Killi	PTC	09-10-2018	
11	Safdar Khan	GPS No 1 Fozal Abad	PTC	09-10-2018	
12	Rahim Khan	GPS Nari Surang	PTC	06-11-2018	
13	Muhammad Ayaz	GPS Adina Oheri	PTC	10-10-2018	

DISTRICT EDUCATION OFFICER  
INTELLIGENCE

08/01/2021

Encl No 267 /sacked training/Dated 08-01-2021

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

DISTRICT EDUCATION OFFICER  
INTELLIGENCE

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

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**

46

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALT) MALAKAND

No. 7465 / Dated 11-12-2020

To

The Director,  
LESE, Fyber Pakhtunkhwa Peshawar

Subject: DATA OF SACKED EMPLOYEES OF PST FOR TRAINING

Reference to the Director Curriculum and Teacher Education, Khyber Pakhtunkhwa  
Peshawar letter No. 1014/21 dated 26-10-2020 on the subject cited above.

Kindly advise the Director 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 Applt	Remarks
1	Fazal Ahmad Shah	GPS Hassan Abad	PTC	30-10-2018	
2	Ahsan Ahmad	GPS No 1 Mayar	PTC	09-10-2018	
3	Muhammad Majid	GPS Bala Korona	PTC	10-10-2018	
4	Saeed Muhammad	GPS Ittehad Colony	PTC	10-10-2018	
5	Taj Alam	GPS No 3 Korak	PTC	08-11-2018	
6	Malik Arman	GPS Shamshad Abad 2	PTC	09-10-2018	
7	Hassan Ali	GPS Ahmad Abad	PTC	10-10-2018	
8	Fazal Naz	GPS Shamshad Killi	PTC	10-10-2018	
9	Muhammad Muhammad	GPS Anarjung 1	PTC	09-10-2018	
10	Muhammad Muhammad	GPS Chitkani	PTC	09-10-2018	
11	Fazal Muhammad	GPS Jala Bala Gumbat	PTC	09-10-2018	
12	Saidul Asfar	GPS No 2 Mohit Banda	PTC	10-10-2018	
13	Shamsher Rehman	GPS Bicket Gung 1	PTC	09-10-2018	
14	Nasir Ahmad	GPS Bicket Gung 1	PTC	09-10-2018	
15	Said M Tahir	GPS Mawas	PTC	09-10-2018	
16	Azam Chae	GPS Moho Narai	PTC	07-10-2018	
17	Fazal Hassan	GPS Sowaryan	PTC	09-10-2018	
18	Muhammad Ali	GPS Marghano Kili	PTC	09-10-2018	
19	Siraj Muhammad	GPS Jangi Dher 2	PTC	09-10-2018	
20	Fazal Muhammad	GPS Azam Shahi	PTC	09-10-2018	
21	Sajid Ali	GPS Karampur	PTC	09-10-2018	
22	Sajid Ali Chae	GPS Gulistan 2	PTC	09-10-2018	
23	Fazal Hassan	GPS Sarsar Pind Shera	PTC	10-10-2018	
24	Ahmad Ali Bahman	GPS Bharat Engr	PTC	11-12-2018	

*(Handwritten signature and date)*  
 11/12/2020

Copy for the Director Curriculum and Teacher Education, Peshawar dated 11/12/2020

Copy forwarded to the

Director, LESE, Abbottabad with letter No. 4619/21 dated 26/10/2020

*(Handwritten signature)*  
 DISTRICT EDUCATION OFFICER  
 (MALT) MALAKAND

(46)

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

To,

The Director  
E&SE Khyber Pakhtunkhwa, Peshawar

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

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

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

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

**DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**

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

Copy forwarded to the

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

**DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**

- 47

Raza L

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALL) MANDIAN

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

To

The Director,  
E&SE Khyber Pakhtunkhwa, Peshawar

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

**Memo:** Reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa Peshawar letter No: 4619-21 dated 26-10-2020 and in continuation of this office letter No: 7465 dated 11-12-2020 and letter No: 266 dated 09-01-2021 on the subject stated 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 sentenced and are not equipped with departmental PST certificate.

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

S.No	Name of Teacher	School Name	Training for	Date of Apptt	Remarks
1	Fazal Ahmad Shah	GPS Hassani Abad	PST	30-10-2018	
2	Abdul Ahad	GPS No 1 Mayai	PST	09-10-2018	
3	Muhammad Mujahid	GPS Batai korona	PST	10-10-2018	
4	Saeed Muhammad	GPS Iteliad Colony	PST	10-10-2018	
5	Taj Alam	GPS No.3 Koragh	PST	06-11-2018	
6	Malik Aman	GPS Shamshad Abad-2	PST	09-10-2018	
7	Hazrat Ab	GPS Ahmad Abad	PST	30-10-2018	
8	Falah Naz	GPS Shamandroz Killi	PST	30-10-2018	
9	Wisal Muhammad	GPS Anarbaig-1	PST	09-10-2018	
10	Amanullah Khan	GPS Landaki	PST	09-10-2018	
11	Fayaz Muhammad	GPS Saadudin Gumbat	PST	09-10-2018	
12	Said ul Akbar	GPS No.2 Mohib Banda	PST	10-10-2018	
13	Shamsur Rehman	GPS Bicket Gung 1	PST	09-10-2018	
14	Nasir Ahmad	GPS Bicket Gung 1	PST	09-10-2018	
15	Syed M Tulah	GPS Mirwas	PST	09-10-2018	
16	Azam Khan	GPS Mahi Nara	PST	09-10-2018	
17	Tariq Hussain	GPS Sowaryan	PST	09-10-2018	
18	Musaid Ali	GPS Marghano Killi	PST	09-10-2018	
19	Sajid Muhammad	GPS Jangi Dher-2	PST	09-10-2018	
20	Fazal Mahmood	GPS Azeeb Shah	PST	09-10-2018	

*[Handwritten Signature]*  
01/03/2021

*[Handwritten mark]*

**LEGIBLE COPY**Office of the Education Officer  
(Male) Mardan

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

47

To,

**The Director****E&SE Khyber Pakhtunkhwa, Peshawar****Subject:- DATA OF SACKED EMPLOYEES OF PST FOR TRAINING IN LIGHT OF COURT DECISION.**

Memo

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

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

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

S.No	Name of Teacher	School Name	PST	Date of Apptl	Remarks
21	Sultan Ali	GPS Ikrampur	PST	09-10-2018	
22	Sabz Ali Khan	GPS Gullbagh 2	PST	09-10-2018	
23	Riaz Ali Khan	GPS Speen Jumiati Shero	PST	30-10-2018	
24	Ahmad ur Rahaman	GPS Bharat Khel	PST	31-12-2018	PTC course has already completed
25	Iqbal Khan	GPS No.1 Takht Bhar	PST	09-10-2018	
26	Shakirullah	GPS Ibar Khan Kili	PST	09-10-2018	
27	Taj Muhammad	GPS Afzal Abad-1	PST	09-10-2018	
28	Khurshid Ali	GPS Gunja	PST	09-10-2018	
29	Muhammad Ibrahim	GPS No.4 Takht Bhar	PST	10-10-2018	
30	Fazl Wahid	GPS Afsar Abad	PST	09-10-2018	
31	Iqbal Amin	GPS Afsar Abad	PST	11-10-2018	
32	Muhammad Naveem	GPS Dad Muhammad Kili	PST	03-09-2018	
33	30	GPS Usman Banda	PST	09-10-2018	
34	Sohail Ahmad	GPS Dilaram Kili	PST	09-10-2018	
35	Saidar Khan	GPS No 1 Fazal Abad	PST	09-10-2018	
36	Rahim Khan	GPS Nari Surang	PST	06-11-2018	
37	Muhammad Ayaz	GPS Adina Dheri	PST	10-10-2018	

— *Sd* —  
 DISTRICT EDUCATION OFFICER  
 (MALE) MARDAN

Enrol No 1897 /sacked training/Dated 01-03/2021

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

DISTRICT EDUCATION OFFICER  
 (MALE) MARDAN  
*01/03/2021*



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**



DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax #. 0937933151

Email address: [deomalemardan@gmail.com](mailto:deomalemardan@gmail.com)

OFFICE ORDER

Annex 'O'

WHEREAS, in Compliance with Peshawar High Court Peshawar COC No.511-2018 in WP No:2438-2016, cor 2018 No.564-2018 in W.P No:2440-2016, coc No:670-2018 in W.P No:2439-2016, coc No 685-2018 in WP No:2440-2016, coc No:718-2018 in WP No:2438-2016, coc No:671-2016 in WP No:4762-2016, one Mr Inamullah s/o M. Ayub Khan has been appointed in sacked employee quota on PST post vide this office No:8302/G dated 30-10-2018 at S.No:04.

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

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

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

Endst No. 6303/1 /sacked/ Dated: 17-08-2022

copy forwarded for information and necessary action to the:-

1. Secretary E&SE Education Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. DAO Mardan
4. SDEO(M) Mardan. 12/09/22
5. Official concerned. 17-08-2022

District Education Officer  
(Male) Mardan

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

Received through Rahim Gul Chowdhry 23/8/2022 4/15/22  
working at SDEO (M) Mardan  
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To  
 SO  
 The Director,  
 Elementary & Secondary Education,  
 Khyber Pakhtunkhwa, Peshawar  
 Anwar P<sup>2</sup>

Subject: Departmental Appeal against the impugned office order dated 17.08.2022 passed by the DEO (Male), Mardan communicated to appellant on 12.09.2022 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 PSI 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

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 26-9-22

3/6/22

- 51

appellant even a fact finding inquiry was not conducted. Moreover, the 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 17.08.2022 may kindly be set aside and appellant be reinstated into service with all consequential back benefits.

Yours faithfully

Mr. Iqbalullah  
Ex-PT, P/S, U.S. & P/S  
Mansarovar

Dated: 26/11/2022



52 *Amir & 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.

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

Endst: No. \_\_\_\_\_ /

Copy forwarded to the: -

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

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

*Q*

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

**NOTIFICATION**

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

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

**AMENDMENTS**

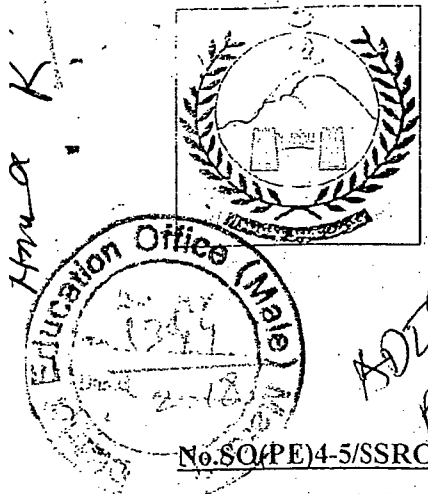
In the Appendix,-

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

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

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

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



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

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

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

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

(b) Physics Maths or Statistics; or (c) Humanities and other equivalent groups at degree level with English as subject; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	
---	--

(iii) against Serial No. 10, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

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

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

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



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

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

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

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

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

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

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

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

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

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

**SECRETARY TO  
GOVERNMENT OF KHYBER PAK  
ELEMENTARY & SECONDARY  
DEPARTMENT.**

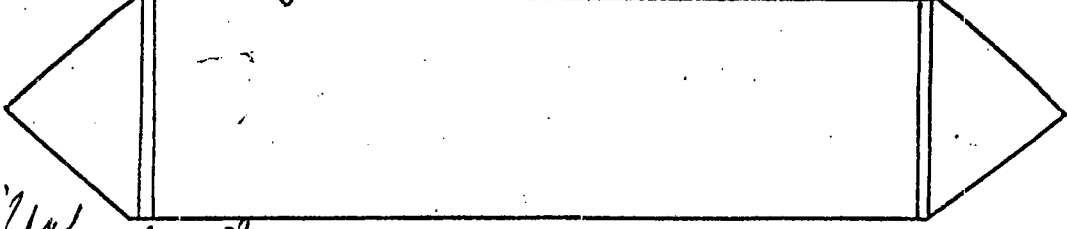
**Endst: of even No. & date:**

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (E&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officers (M&F) in Khyber Pakhtunkhwa. *Melal*
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.

*[Signature]*  
**SECTION OFFICE**

57

# بعدالت کا نام و سہیل کی مد



2022ء منجانب امداد کے  
بینام حکومت

انعام اللہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

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

المرقوم ۲۳  
ماہ اکتوبر ۲۰۲۲ء

واہ العب

کے لئے منظور ہے۔

بمقام

Handwritten signature and stamp area.