

ORDER

25.10.2022

Petitioner alongwith his counsel present.

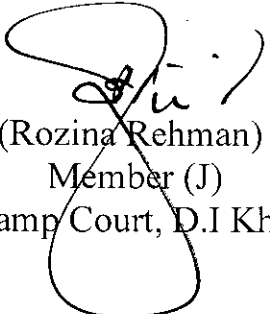
Kabir Ullah Khattak, learned Additional Advocate General alongwith Muhammad Kamran ADEO for respondents present.

At the very outset implementation report in shape of Notification bearing endorsement No.6910-15 dated 30.09.2022 was produced vide which departmental appeal of the petitioner was rejected, therefore, learned counsel for the petitioner requested for dismissal of the instant petition being infructuous as it has served its purpose. To this effect, statement of learned counsel for petitioner was recorded on the margin of order sheet.

In view of written request of learned counsel for petitioner, instant execution petition stands dismissed being infructuous. No order as to costs. File be consigned to the record room.

ANNOUNCED

25.10.2022

  
(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan

*To-day the appellant has received the order, vide which the departmental representation of the appellant has been decided, therefore, the present petition has served its purpose and has become infructuous. Sd/- 25/10/2022*

25.07.2022

Due to summer vacation, the case is adjourned for the same on 26.09.2022.

  
Reader

26<sup>th</sup> Sept 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Adll: AG alongwith Mr. Khalid Saeed, Litigation Officer for respondents present.

Learned Adll: AG and Mr. Musarrat Hussain Baloch DEO(M) D.I.Kh present in the court assured that they will submit compliance report on the next date positively. To come up for implementation report on 25.10.2022 before S.B at Camp Court, D.I. Khan.





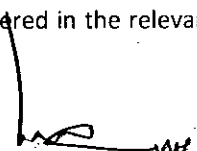


(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan



Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. \_\_\_\_\_ 287/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.05.2022	<p>The execution petition of Mr.Rana Fahim Akhtar submitted today by Mr. Saleemullah Ranazai Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-	25-5-22	<p>This execution petition be put up before touring Single Bench at D.I.Khan on <u>28-6-22</u>. Original file be requisitioned. Notices to the parties be also issued for the date fixed.</p> <p> CHAIRMAN</p>
28 <sup>th</sup>	June 2022	<p>Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Dr. Khalid Saeed, ADEO and Mr. Kamran Khan, ADEO for respondents present.</p> <p>Representative of the respondents assured that the implementation report will be submitted on the next date positively. To come up for implementation report on 25.07.2022 before S.B at camp court D.I.Khan.</p> <p> (Kalim Arshad Khan) Chairman Camp Court D.I.Khan</p>

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

Execution / Implementation petition No. 287 /2022.

In service appeal No.227/2019 decided on 25.11.2021

**Rana Fahim Akhtar.**

**Versus**

**Government of Khyber Pakhtunkhwa, etc.**

**I n d e x**

**S.NO. PARTICULARS OF THE CASE. ANNEXURES. PAGE.**

1. Memo and grounds of petition.
2. Copy of judgment dated 25.11.2021. 'A'
3. Copy of application along with postal receipt 'B'
4. Copy of application along with postal receipt 'C'
5. Vakalatnama.

**Your Humble petitioner:**



**(Rana Fahim Akhtar)  
Through counsel,**

**Dated: 16.05.2022**

  
**(Saleemullah Khan Ranazai)  
Advocate Supreme Court.**

*D-1-kehan*

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

Khyber Pakhtunkhwa  
Service Tribunal

Execution / Implementation petition No. 287/2022.

Diary No. 610

In service appeal No.227/2019 decided on 25.11.2021

Dated 16.11.22

Rana Fahim Akhtar son of Rana Saleem Akhtar resident of Mohalla Dewan Sahib, District Dera Ismail Khan City, Ex-CT Teacher.

(petitioner)

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary (Elementary and Secondary) Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Director (Elementary and Secondary) Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Dera Ismail Khan.
4. District Accounts Officer, Dera Ismail Khan.

(Respondents)

**PETITION WITH THE REQUEST FOR EXECUTION/ IMPLEMENTATION OF THE ORDER DATED 25.11.2021 PASSED IN SERVICE APPEAL NO.227/2019 OF THIS HONOURABLE TRIBUNAL, WHEREBY THE DEPARTMENTAL APPEAL FILED BY THE PETITIONER WAS REMITTED TO THE APPELLATE AUTHORITY WITH THE DIRECTIONS TO DECIDE THE SAME IN ACCORDANCE WITH THE LAW THROUGH SPEAKING ORDER WITHIN PERIOD OF 90DAYS OF RECEIPT OF COPY OF THIS JUDGMENT.**

**Respectfully Sheweth,**

The petitioner prefers the instant petition on the grounds hereinafter submitted apropos the following facts.

(Note:- The addresses of respondents as given above are sufficient for the purpose of service.)

**BRIEF FACTS**

1. That petitioner was initially appointed as PST, where the petitioner applied through proper channel as the petitioner was serving in the postal department in the year 2007.
2. That subsequently the petitioner was appointed as CT in the education department and served the department till 01.05.2010, when the problem regarding 1613 employees surfaced and ultimately the matter went to August Supreme Court, where from once again the matter came to this Honourable Tribunal and on the directions of the Tribunal a high level committee was constituted and its recommendations were subsequently implemented but the case of the petitioner was never decided in the light of the recommendation of the committee, therefore, the petitioner filed writ petition before Peshawar High Court, D.I.Khan Bench, where the department produce his termination order and the petitioner then withdrew the writ petition and file/ preferred departmental representation, which was never decided, so the petitioner preferred service appeal No.227/2019.

3. That the department submitted their comments / reply, where after the Honourable Bench of this Tribunal heard the case and vide judgment dated 25.11.2021 concluded that the department appeal filed by the petitioner is remitted to the appellate authority with the directions to decide the same in accordance with law through speaking order within a period of 90 days of receipt of copy of this judgment and the Honourable Tribunal also ordered to sent the departmental appeal as well as copy of the judgment to the appellate authority for compliance. Copy of judgment dated 25.11.2021 is enclosed herewith as Annexure-A.
4. That the appellant then sent an application along with judgment of this Honourable tribunal on 08.01.2022, after the expiry of 90days but no result came out. Copy of application along with postal receipt is enclosed herewith as Annexure-B.
5. That the petitioner then sent another application on 01.03.2022 with the same prayer but even then, the same was also not responded till date. Copy of application and postal receipt is enclosed herewith as Annexure-C.
6. That being aggrieved the petitioner is seeking execution/ implementation of the order / judgment of this Honourable tribunal on inter-alia the following grounds.

**GROUND:**

1. That the department was very much present at the time of decision of the service appeal of the petitioner, and the order was pronounced in open court, therefore, it cannot be said that the respondents are not aware of the judgment of this Honourable Tribunal.
2. That even in the very judgment of this Honourable Tribunal it has been directed that copy of the judgment and copy of department appeal be sent to the appellate authority and one cannot presume that the office of this Honourable Tribunal may not have sent the judgment of this Tribunal to the respondent.
3. That the petitioner preferred two application, mentioned above for the compliance of the judgment to the respondents but even then, the judgment of this Honourable Tribunal is yet to be complied with in any manner.
4. That petitioner is suffering since 2010 when his pay was stopped and he is availing every remedy, available under the law for the redressal of his grievances but he is yet to be compensated in any manner.
5. That although a clear cut directions were given by this Honourable Tribunal to the appellate authority to decide the appeal within 90 days and if it is presume that the judgment was written with certain delay but even then the petitioner after getting attested copies of the judgment, sent the same with two different applications for compliance to the appellate authority but he did not even bother to inform the petitioner regarding the fate of the department appeal, required to be decided, as per

directions of this Honourable Tribunal, so in the circumstances the petitioner bonafidely presume that the appellate authority did not obey the directions of this Honourable Tribunal and in the circumstances the petitioner is the ultimate sufferer.

6. That the counsel for the petitioner may be allowed to raise additional grounds during the course of arguments.

**PRAYER:-**

In view of the above noted facts and grounds it is humbly prayed that the judgment of this Honourable Tribunal dated 25.11.2021 may be implemented in its true sprit by directing the departmental appellate authority to meet the ends of justice.


Your Humble petitioner:



Dated: 16.05.2022

(Rana Fahim Akhtar)  
Ex-CT Teacher  
Resident of Mohalla Dewan Sahib  
Dera Ismail Khan City

Through counsel

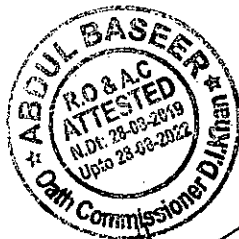
  
(Saleemullah Khan Ranazai)  
Advocate Supreme Court.  
DI-Khan


**AFFIDAVIT**

I, Rana Fahim Akhtar son of Rana Saleem Akhtar resident of Mohalla Dewan Sahib, District Dera Ismail Khan City, Ex-CT Teacher, petitioner do hereby solemnly affirm on Oath that the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



Deponent.  
(Identified by)



  
(Saleemullah Khan Ranazai)  
Advocate Supreme Court.

*Saleem*  
15/05/2022

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT D.I.KHAN.**

Service Appeal No. 227/2019

Date of Institution ... 12.02.2019

Date of Decision ... 25.11.2021



Rana Fahim Akhtar S/O Rana Saleem Akhtar, R/O Mohallah Diwan Sahib, Dera Ismail Khan City, Ex-C.T Teacher.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary (Elementary and Secondary) Education Department, Khyber Pakhtunkhwa, Peshawar and three others.

... (Respondents)

-----  
MR. SALEEM ULLAH RANAZI,  
Advocate

--- For appellant.

MR. NOOR ZAMAN KHATTAK,  
District Attorney

--- For respondents.

MR. AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

Precisely stated the facts as alleged by the appellant in his appeal are that the appellant was working as Clerk (BPS-07) in Post Office Department, when an advertisement was published in newspaper for the posts of PST and CT; that the appellant applied for both the posts of PST and CT through proper channel after obtaining NOC from the Postal Department; that the appellant appeared in both the examinations conducted for appointments on the posts of PST and CT and vide order dated 02.07.2007, the appellant was appointed on the post of PST; that the appellant assumed the

**ATTESTED**


**EXAMINER**  
Khyber Pakhtunkhwa  
Services Tribunal  
Peshawar



charge as PST on 01.09.2007 and started performing his duty; that in the meanwhile, the appointment order of the appellant on the post of CT was also issued on 01.10.2007 and he remained posted on the post of CT till 01.05.2010; that the appellant was allotted personal number and he received his salary also; that the Education Department stopped pay of 1700 employees, therefore, some of the employees approached Khyber Pakhtunkhwa Service Tribunal Peshawar, which rendered judgment and in light thereof a Committee was constituted, which recommended that the pay of the candidates appointed on merit included in the joint appointment order of 309 candidates may be released; that in light of recommendations of the aforementioned committee, so many employees were reinstated; that the appellant submitted so many applications to the respondents that he may also be treated at par with those employees who have been reinstated in service and that he may be reverted to the post of PST, however his applications remained unfruitful; that the appellant then filed Writ Petition in the august Peshawar High Court, D.I.Khan Bench, which came on for hearing on 10.10.2018 and it was on the said date that the department provided copy of termination order of the appellant dated 08.02.2012 to the appellant before the Court and the Writ Petition was disposed of with the observations that the appellant may approach the appropriate forum, if so advised; that the appellant then filed departmental appeal, however the same was not responded within the statutory period, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that in view of recommendations of the scrutiny committee, so many other employees were reinstated and the appellant was also entitled to have been reverted and posted as PST, particularly when the respondents in their comments have themselves

**ATTESTED**  
  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

admitted his appointment to the post of PST as correct and legal; that the appellant was included in the list of 309 candidates, who were appointed to the posts of PSTs on merit but the respondents deliberately did not follow the recommendations of the scrutiny committee constituted in the light of the directions give by Service Tribunal in its judgment dated 27.10.2011; that some of the employees, whose appointment to the post of CT was found illegal were reverted back to their original post of PST, however the appellant was treated with discrimination as the relief granted to other similarly placed employees was not granted to the appellant; that mala-fide of the respondents is evident from the fact that the termination order dated 08.02.2012 was never communicated to the appellant and the same was handed over to him in the court during hearing of the Writ Petition on 10.10.2018; that the appellant was initially working as Clerk in the Postal Department and then joined Education Department through proper channel, therefore, if at all his appointment in the Education Department was not considered to be in accordance with law, the respondents were required to have referred the appellant back to his parent department i.e Postal Department; that the appellant has been treated with discrimination, therefore, the impugned termination order is liable to be set-aside.

4. On the other hand, learned District Attorney for the respondents has contended that the appointment order of the appellant to the post of CT was found illegal and fake by the scrutiny committee, therefore, in light of recommendations of the scrutiny committee, the appellant was terminated from service vide order dated 08.02.2012; that the appellant did not complete one year probation period on the post of PST, therefore, he was not entitled to be reinstated on such post; that Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar was the appellate Authority but the appellant has preferred departmental appeal to District Education Officer (Male) D.I.Khan, which was incompetent, therefore, the appeal in hand is not maintainable; that the

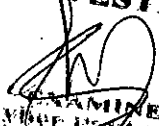
**UNTESTED**  
 [Signature]  
 Director  
 Service Tribunal  
 Peshawar

order of termination was passed vide order dated 08.02.2012, while the departmental appeal was filed on 15.10.2018, which is badly time barred. In the last he requested that the impugned order may be kept intact and the appeal in hand may be dismissed with costs.

5. Arguments heard and record perused.

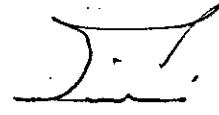
6. A perusal of the record would show that the impugned order of termination of the appellant from service was passed by Executive District Officer (E&SE) D.I.Khan vide order dated 08.02.2012, which was challenged by the appellant through filing of departmental appeal before the District Education Officer (Male) D.I.Khan. The respondents have raised objection that Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar was the appellate Authority, however the appellant has not preferred departmental appeal to the appellate Authority, therefore, the service appeal of the appellant is not maintainable. In view of Rule-6 (d) of Khyber Pakhtunkhwa Civil Servants Appeal Rules, 1986, it was required that the departmental appeal of the appellant should have been withheld and he should have been informed of the fact that the same has been addressed to an officer, to whom the appeal was not lying, however the same has not been done. Second proviso to Rule-6 of Khyber Pakhtunkhwa Civil Servants Appeal Rules, 1986, provides that an appeal withheld for failure to comply with requirement of rule-4 or clause-d of rule-6 may be resubmitted within thirty days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of these rules, the same shall be deemed to be an appeal under rule-3 and shall be dealt with in accordance with the provision of Khyber Pakhtunkhwa Civil Servants Appeal Rules, 1986.

7. In view of the above discussion, the departmental appeal filed by the appellant is remitted to the appellate Authority with the directions to decide the same in

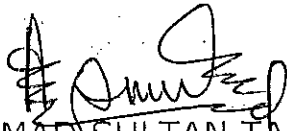
**ATTESTED**  
  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

accordance with law through a speaking order within a period of 90 days of receipt of copy of this judgment, failing which the appellant would be at liberty to seek her remedy in accordance with law. Copy of the departmental appeal as well as copy of this judgment be sent to the appellate Authority for compliance. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
25.11.2021



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN



(AHMAD SULTAN TAREEN)  
CHAIRMAN  
CAMP COURT D.I.KHAN

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 03-01-2022  
Number of Words 2400  
Copying Fee 26/-  
Urgent 4/-  
Total 30/-  
Name of Copyist —  
Date of Completion of Copy 03-01-2022  
Date of Delivery of Copy 03-01-2022

**بخدمت جناب ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن  
پشاور خیبر پختونخواہ**

جناب عالی!

سائل پاکستان پوسٹ آفس سے Through Proper Channel ایجوکیشن ڈیپارٹمنٹ میں PST کی پوسٹ پر میرٹ پر بھرتی ہوا تھا۔ اس میرٹ لسٹ پر جو کہ 309 پر مشتمل تھی۔ بندہ کا نام سیریل نمبر 61 پر ہے۔ اس کے بعد پھر سائل کو CT پوسٹ پر تعینات کر دیا گیا سائل CT پوسٹ پر کام کرتا رہا اور اکاؤنٹس آفس سے تنخواہ بھی حاصل کرتا رہا۔ بطور CT ٹیچر بندہ کی تنخواہ بند کر کے کام سے روک دیا گیا تھا۔

سائل نے محکمہ کو کئی بار درخواست کی کہ بندہ کو بحال کر کے تنخواہ جاری کی جائے۔ لیکن سائل کو جب کوئی تسلی بخش جواب موصول نہیں ہوا تو سائل نے سروس ٹریبونل خیبر پختونخواہ سے اپنی داد رسی کی درخواست کی جس پر عدالت نے اپنا فیصلہ 25/11/2021 کو سناتے ہوئے جناب کو میری اپیل پر غور اور آرڈر صادر فرمانے کا حکم جاری کیا۔

سائل جناب سے مؤدبانہ گزارش کرتا ہے کہ عدالت کے اس فیصلے کو مد نظر رکھ کر سائل کی درخواست پر ہمدردانہ غور کرتے ہوئے سائل کے PST پوسٹ پر آرڈر صادر فرمائیں۔ (عدالت کے آرڈر کی کاپی لف ہے۔) سائل تمام عمر دعا گو رہے گا۔

مورنہ: 08-01-2022

## العارض

سائل رانا فہیم اختر ولد رانا سلیم اختر (UC-4) محلہ دیوان صاحب ڈیرہ اسماعیل خان

موبائل نمبر: 0333-9979346

اللہ

# خدمت جناب ڈائریکٹر ایمنٹی اینڈ سکیورٹی ایجوکیشن پشاور خیبر پختونخواہ

جناب عالی!

سائل پاکستان پوسٹ آفس سے Through Proper Channel ایجوکیشن ڈیپارٹمنٹ میں PST کی پوسٹ پر میرٹ پر بھرتی ہوا تھا۔ اس میرٹ لسٹ جو کہ 309 پر مشتمل تھی۔ بندہ کا نام سیریل نمبر 61 پر ہے۔ اس کے بعد پھر سائل کو CT پوسٹ پر تعینات کر دیا گیا سائل CT پر کام کرتا رہا اور اکاؤنٹس آفس سے تنخواہ بھی حاصل کرتا رہا۔ بطور CT ٹیچر بندہ کی تنخواہ بند کر کے کام سے روک دیا گیا تھا۔ پھر سائل و دیگر ان کو نوکریوں سے فارغ کر دیا گیا جبکہ میری طرح چند لوگوں کو واپسی PST پر Revert کر دیا گیا مگر مجھے نوکری سے فارغ کر دیا گیا جبکہ میں Through Proper Channel بھرتی ہوا تھا اور پھر In Service ہونے پر CT پر تعینات ہوا مگر مجھے Revart کرنے کی بجائے فارغ کیا گیا جو کہ قانون کے خلاف ہے۔ سائل نے کئی درخواستیں گزار کی مگر کوئی سنوائی نہ ہوئی تو آخر میں سائل کو سروس ٹریبونل سے رابطہ کرنا پڑا۔ اور حکم ہوا کہ میری واپسی کی جائے میں نے قبل ازیں بھی مورخہ 08-01-2022 کو درخواست گزار کی مگر جواب نہ آیا اب پھر درخواست گزار رہا ہوں

آپ کی عین نوازش ہوگی۔

مورخہ: 01-03-2022

**العارض**

رانانہ فہیم اختر ولد رانا سلیم اختر محلہ دیوان صاحب ڈیرہ اسماعیل خان آشی

موبائل نمبر: 0333-9979346



# بخدمت جناب ڈائریکٹر ایجنڈی سکینڈی ایجوکیشن پشاور خیبر پختونخواہ

جناب عالی!

سائل پاکستان پوسٹ آفس سے Through Proper Channel ایجوکیشن ڈیپارٹمنٹ میں PST کی پوسٹ پر میرٹ پر بھرتی ہوا تھا۔ اس میرٹ لسٹ جو کہ 309 پر مشتمل تھی۔ بندہ کا نام سیریل نمبر 61 پر ہے۔ اس کے بعد پھر سائل کو CT پوسٹ پر تعینات کر دیا گیا سائل CT پر کام کرتا رہا اور اکاؤنٹس آفس سے تنخواہ بھی حاصل کرتا رہا۔ بطور CT ٹیچر بندہ کی تنخواہ بند کر کے کام سے روک دیا گیا تھا۔

پھر سائل و دیگران کو نوکریوں سے فارغ کر دیا گیا جبکہ میری طرح چند لوگوں کو واپسی PST پھر Revert کر دیا گیا مگر مجھے نوکری سے فارغ کر دیا گیا جبکہ میں Through Proper Channel بھرتی ہوا تھا اور پھر In Service ہونے پر CT پر تعینات ہوا مگر مجھے Revart کرنے کی بجائے فارغ کیا گیا جو کہ قانون کے خلاف ہے۔ سائل نے کئی درخواستیں گزار کی مگر کوئی سنوائی نہ ہوئی تو آخر میں سائل کو سروس ٹریبونل سے رابطہ کرنا پڑا۔ اور حکم ہوا کہ میری واپسی کی جائے میں نے قبل ازیں بھی مورخہ 08-01-2022 کو درخواست گزار کی مگر جواب نہ آیا اب پھر درخواست گزار رہا ہوں

آپ کی عین نوازش ہوگی۔

مورخہ: 01-03-2022

**الارض**

رانا فہیم اختر ولد رانا سلیم اختر محلہ دیوان صاحب ڈیرہ اسماعیل خان اسی

موبائل نمبر: 0333-9979346

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# بخدمت جناب ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن پشاور خیبر پختونخواہ

جناب عالی!

سائل پاکستان پوسٹ آفس سے Through Proper Channel ایجوکیشن ڈیپارٹمنٹ میں PST کی پوسٹ پر میرٹ پر بھرتی ہوا تھا۔ اس میرٹ لسٹ پر جو کہ 309 پر مشتمل تھی۔ بندہ کا نام سیریل نمبر 61 پر ہے۔ اس کے بعد پھر سائل کو CT پوسٹ پر تعینات کر دیا گیا سائل CT پوسٹ پر کام کرتا رہا اور کاؤنٹس آفس سے تنخواہ بھی حاصل کرتا رہا۔ بطور CT ٹیچر بندہ کی تنخواہ بند کر کے کام سے روک دیا گیا تھا۔

سائل نے محکمہ کو کئی بار درخواست کی کہ بندہ کو بحال کر کے تنخواہ جاری کی جائے۔ لیکن سائل کو جب کوئی تسلی بخش جواب موصول نہیں ہوا تو سائل نے سروس ٹریبونل خیبر پختونخواہ سے اپنی داد رسی کی درخواست کی جس پر عدالت نے اپنا فیصلہ 25/11/2021 کو سناتے ہوئے جناب کو میری اپیل پر غور اور آرڈر صادر فرمانے کا حکم جاری کیا۔

سائل جناب سے مفود بانہ گزارش کرتا ہے کہ عدالت کے اس فیصلے کو مد نظر رکھ کر سائل کی درخواست پر ہمدردانہ غور کرتے ہوئے سائل کے PST پوسٹ پر آرڈر صادر فرمائیں۔ (عدالت کے آرڈر کی کاپی لف ہے۔)

سائل تمام عمر دعا گور ہے گا۔

مورخہ: 08-01-2022

## السلامت

سائل رانا فہیم اختر ولد رانا سلیم اختر (UC-4) محلہ دیوان صاحب ڈیرہ اسماعیل خان

موبائل نمبر: 0333-9979346

اللہ



PAKISTAN BAR COUNCIL

PBC ASC CARD

Non Transferable  
In the event of joining or carrying on any other profession, business, service or vocation, the holder will not be entitled to use this Card and shall forthwith surrender it to The Pakistan Bar Council.

Name **MR. SALEEM ULLAH KHAN RANA**  
 Father's Name **HABIB ULLAH KHAN**  
 Date of Birth **10-5-1986** CNIC **121210110741614513**  
 Date of Enrollment as Advocate of Supreme Court **3-6-2002**  
 Enrolment No. **2053** Ref No. **10/PBC/Kpk/J.D.**  
 Address **MEADOWN TOWN, D.I. KHAN**

MR. SALEEM ULLAH KHAN RANA ZAI  
 Advocate  
 Supreme Court of Pakistan (ASC)



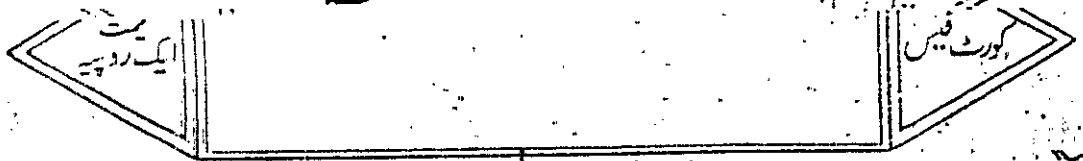
(Adv. of Foreign)  
 Chairman  
 Law & Ethics Committee

Date of Issue: 10-4-2016

(Muhammad Arshad)  
 Secretary  
 Pakistan Bar Council

Tel: Off: 0092-466-714267, Res: 0092-466-713484, Cell: 0333-8159803

If found please return to:  
 PAKISTAN BAR COUNCIL  
 Supreme Court Building, Constitution Avenue, Islamabad  
 Tel No. 0092-61-426805 Fax No. 0092-61-426922



بخدمت محترم  
 محترم جج صاحب  
 رانا صہب اختر  
 نام کوریٹ فیس

تفصیل دعویٰ یا جرم Petition/Implementation

باعث تحریر آنکہ

مقدمہ مندرجہ بالا العنوان میں اپنی طرف واسطے بیرونی وجوہات ہی برائے پیشی یا تفسیر مقدمہ مقام سٹار کیلئے  
 تسلیم کرتا ہوں اور اس پر اس کے لئے اس کے لئے اس کے لئے

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، اگر میں برائے پیشی پر خود بذریعہ اختیار خاص روز عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پاس ہونے کے لئے مقدمہ وکیل صاحب  
 موصول کو اطلاع دیکر عدالت میں حاضر ہوں گا، اگر پیشی پر دستگیر حاضر ہوں، وہاں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصول  
 ایسے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصول مقدمہ مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا کچہری یا ہارڈ فیصلی ہری کرنے کے  
 ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصول مقدمہ مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا کچہری یا ہارڈ فیصلی ہری کرنے کے ذمہ دار نہ  
 ہوں گے۔ اور مقدمہ مقدمہ کچہری کے علاوہ اور جگہ سمیت اس کے لئے یا ہارڈ فیصلی یا کچہری کے اوقات کے آگے واپس ہونے پر مقدمہ کو کوئی نقصان پہنچے تو اس کے ذمہ  
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عائد نہیں کرے گا، یہی مقدمہ ذمہ دار نہ ہوں گے۔ مجھ کو کل سامنے ہر اخط صاحب موصول میں کرو  
 ذات خود منظور و قبول ہوگا۔ اور صاحب موصول کو مرضی دعویٰ یا جواب دہی یا درخواست اجراء کے لئے وکیل مقرر ہائی اور جرم درخواست پر حلف دہن کرنے کا  
 بھی اختیار ہوگا۔ اور کسی علم یا ذکر کی حالت میں اس کے لئے اور جرم کے بیان دینے اور اس پر حلف دہن یا ماضی یا مستقبل پر  
 حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور اس صورت مقرر ہونے پر ہر پیشی مقدمہ مذکورہ عدالت کچہری صدر ہری مقدمہ مذکورہ اختیار ہائی و وکیل اور آڈی  
 مقدمہ یا مستقبل کی تکمیل یا درخواست حکم انتہائی یا ترقی یا کاروائی مل از فیصلہ اجراء کے لئے کسی بھی صاحب موصول کو ہر اخط صاحب موصول کا اختیار ہوگا  
 اور تمام سامنے ہر اخط صاحب موصول میں کروہ ذات خود منظور و قبول ہوگا۔ اور اس صورت ضرورت صاحب موصول کو یہی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے لئے  
 کسی کاروائی یا صورت درخواست نظر ہائی یا کچہری یا دیگر مقام مقدمہ مذکورہ کسی دوسرے جگہ یا ہر جگہ کو اپنے جہانے یا اپنے ہر اخط صاحب موصول میں کروہ  
 بھی ہر اخط صاحب موصول میں کروہ اور دینے، قیامات حاصل ہوں گے، جیسے صاحب موصول کو مصل ہیں، اور وہ وہاں مقدمہ میں خود کو ہر جگہ یا ہر اخط صاحب موصول میں کروہ  
 موصول کا حق ہوگا، ہر صاحب موصول کو ہری نہیں ہری پیشی سے پہلے امانت کرنی کا۔ تو صاحب موصول کو ہر اخط صاحب موصول کو ہر اخط صاحب موصول میں کروہ  
 صورت میں میرا کوئی مطالبہ کسی کا صاحب موصول کے برخلاف نہیں ہوگا۔

روز 16 مئی 2012

مضمون وکالت نامہ میں لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted  
 Saleem Rana

رانا صہب اختر  
 121010991196-5  
 03339979346

03339159808



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

**NOTIFICATION.**

1. **Whereas**, in the year 2007, the then District Education Officer (M) D. I Khan advertised different Teaching Cadre posts vide advertisement dated 7/04/2007 published in daily Newspapers, whereupon, the appellant namely Mr. Rana Fahim Akhtar, an employee of Pakistan Post Department applied for the appointment against the PST post through proper channel basis & consequently, appointed vide order bearing Endst: No. 12655-973 dated 2/7/2007 on one year probation period in terms of Section-6 (1) of the Civil Servants Act, 1973, whereupon, he took over the charge of duty as PST at GPS No.10 D.I. Khan on 01.09.2007 & performed his duty for till September, 2007.
2. **And whereas**, the appellant left his station of duty without formal approval/NOC of the authority concerned & got appointed himself as CT teacher vide fake, forged & even unlawful appointment order dated 1-10-2007. As a result thereof, his services as CT teacher were terminated vide order dated 08-02-2012 by the then EDO E&SE D.I. Khan in the light of recommendations of the scrutiny committee, constituted on the directions of the Honorable Service Tribunal, Peshawar vide Judgement dated 27-10-2011.
3. **And whereas**, feeling aggrieved, the appellant has filed Service Appeal No.227/2019 under case titled Rana Fahim Akhtar Vs Govt: of KPK before the Service Tribunal with the prayer that he may be reverted/reinstated against the PST post which was decided vide Judgement dated 25.11.2021, whereby, case of the appellant was remitted to the Director E&SE KPK Peshawar by treating as Departmental Appeal on behalf of the appellant for disposal of the same in accordance with law through a speaking order within a period of 90 days of receipt of the Judgement as cited above.
4. **And whereas**, in compliance of the judgment supra, the case of the appellant was referred to the Departmental Appellate Committee meeting held on 18/07/2022 in the Directorate of E&SE Peshawar, wherein, the appellant was personally heard & cross-examined, however, after threadbare discussions, the committee unanimously concluded that the appellant is not entitled to be reverted/reinstated against the PST post in the E&SE Department in terms of Section 6(3) of Civil Servants Act, 1973.

Now therefore in pursuance of the judgement dated 25.11.2021 of the Honorable Service Tribunal, Peshawar & in consultation with recommendations of Departmental Appellate Committee meeting, discussed hereinabove, the undersigned, in a capacity of appellate authority, is of the considered view that the appellant is not entitled for his reversion & reinstatement as PST in terms of Section 6(3)(a) of Civil Servants Act, 1973, hence the Departmental Appeal of the appellant is hereby stands rejected with immediate effect in the interest of public service.

**DIRECTOR**  
**Elementary & Secondary Education**  
**Khyber Pakhtunkhwa Peshawar.**

Endst: No: 6910-15 /F.No. Lit-II/SA#227/19/D.I.Khan Dated Peshawar the: 20/9/2022

**Copy forwarded for information & n/action to the: -**

- 1 Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the Judgement dated 25/11/2021 in Service Appeal No. 227/2021.
- 2 PA to Additional Secretary (G) E&SE Department Khyber Pakhtunkhwa Peshawar.
- 3 District Education Officer (Male) D.I.Khan.
- 4 Mr. Rana Fahim Akhtar Ex-CT Teacher D. I Khan.
- 5 PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
- 6 Master file: Office of the Distt. Edu: Officer

Office of the Distt. Edu: Officer  
Diary No: 8188  
Date: 12-10-22

**Deputy Director (Estab/M-I)**  
**Elementary & Secondary Education**  
**Khyber Pakhtunkhwa Peshawar**



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

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**DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.**

Endst: No: 69/0-15 /F.No. Lit-II/SA#227/19/D.I.Khan Dated Peshawar the: 30/9/2022

**Copy forwarded for information & n/action to the:-**

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- 5 PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
- 6 /Master file.

  
**Deputy Director (Estab/M-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

30/9/2022