21st Oct., 2022

Nemo present on behalf of the appellant. Lawyers are on strike.

Appellant has not deposited security and process fee since 30.11.2021 despite repeated directions. Last opportunity is granted. Fresh notices be issued to appellant and his counsel to attend the office and deposit the security and process fee within 10 days of the receipt of this notice. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.12.2022 before S.B.

(Fareeha Paul) Member(E) 19.04.2022

Nemo for the appellant. Security and process fee have not been deposited by the appellant, therefore, notice be issued to appellant as well as his counsel through registered post and to come up for further proceedings on 17.06.2022 before the S.B at Camp Court Abbottabad.

(Salah-Ud-Din) Member (J) Camp Court Abbottabad

16.06.2022

None present on behalf of appellant.

Security and process fee was not deposited. Despite directions notice was not issued to appellant/counsel. Therefore, fresh notice be issued to appellant/counsel to deposit security and process fee within 10 working days of the receipt of notice. Whereafter, notice be issued to respondents for submission of reply/comments. To come up for reply/comments on 19.08.2022 before S.B at Camp Court, Abbottabad.

(Fareeha Paul) Member (E) 30.11.2021

Learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal objections including the question of limitation. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 18.01.2022 before the S.B at Camp Court Abbottabad.

(Salah-Ùd-Din) Member (J)

Camp Court Abbottabad

18.01.2022

Clerk of learned counsel for the appellant present and requested for further time to deposit security and process fee.

The appellant is directed to deposit requisite security and process fee within a week, there-after notices be issued to the respondents for submission of written reply/comments before the S.B on 19.04.2022 at Camp Court Abbottabad.

(Salah-ud-Din) Member (J)

Camp Court A/Abad

Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for <a href="Mailto:IU] 7</a> /2021 for preliminary hearing, before S.B at Camp Court, Abbottabad.

(Rozina Rehman) Member (J) Camp Court, A/Abad

14.07.2021

Due to COVID-19, tour to Abbottabad has been cancelled, therefore, case to come for the same as before on 15.10.2021.

Réader

15.10.2021

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 30.11.2021 at Camp Court Abbottabad.

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

20.01.2020

Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for preliminary arguments on 21.02.2020 before S.B at Camp Court Abbottabad.

> Member Camp Court, Abbottabad

Due to covid ,19 case to come up for the same on at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on 18 19 1 20 at camp court abbottabad.

18.09.2020

Appellant Muhammad Shafiq has not forth come despite repeated calls at different intervals since morning, the last call was made at 12:26 P.M but no one appeared on his behalf. A cursory look at the preceding order sheet reveals that the appeal was adjourned twice due to spread of COVID-19, therefore, it is deemed appropriate to issue appellant and his respective counsel notice for appearance for 14.12.2020. File to come up for preliminary hearing before S.B at Camp Court, Abbottabad.

> (MUHAMMAD JAMAL KHAN) MEMBER. CAMP COURT ABBOTTABAD

Due to coupy case is Afourned to 17-03-2021

09.07.2019

Counsel for the appellant present and requested for adjournment. Adjourned to 16.09.2019 for preliminary hearing before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

16.09.2019

Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 24.10.2019 for preliminary hearing before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

24.10.2019

Appellant present in person. Counsel for the appellant is not present. Appellant requested for adjournment. Adjourn. To come up for preliminary hearing on 22.11.2019 before S.B at camp court, Abbottabad.

Camp court, A/Abad

22.11.2019

Clerk to counsel for the appellant present and submitted application for adjournment, placed on file, with the request that next date may be fixed after 15.01.2020. Adjourn. To come up for preliminary hearing on 20.01.2020 before S.B at Camp Court, A/Abad. Last opportunity is granted.

Member Camp Court, A/Abad 24.05.2019 None present on behalf of the appellant. Notice be issued to appellant and his counsel for preliminary hearing for 09.07.2019 S.B at Camp Court Abbottabad. (Muhammad Amin Khan Kundi) Member Camp Court Abbottabad

# Form- A FORM OF ORDER SHEET

Court of		
Case Notaline	67 <b>/2019</b>	

	<b>67/2019</b> .	Case No <u>្</u> ន <u>េធាំ</u>	
	Order or other proceedings with signature of judge	Date of order/ proceedings	S.No.
•	3	2 3	1
	The appeal of Mr. Muhammad Shafiq presented toda Masood-ur-Rehman Advocate, may be entered in the Institution	15/1/2019	1-
	and put up to the Worthy Chairman for proper order please.  REGISTRAR /J  This case is entrusted to touring S. Bench at A./ preliminary hearing to be put up there on 223-19  CHAIRMAN	25-1-19	2-
	Appellant absent. Learned counsel for the apabsent. Adjourn. To come up for preliminary hea 24.05.2019 before S.B at Camp Court A/Abad.	22.03.2019	
Abad	Camp Court A/A		
3 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Appellant absent. Learned counsel for the absent. Adjourn. To come up for preliminary he 24.05.2019 before S.B at Camp Court A/Abad.  Member	,	2-

## E THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 67 /2019

ammad Shafiq son of Attiqullah, PST Govt. Primary School Dabri mal District Battagram.

....APPELLANT

#### **VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

## SERVICE APPEAL APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth;-

The petitioner humbly submit as under;-

- 1. That the service appeal is going to be filed before this Honourable Tribunal today.
- 2. That after the rejection of departmental appeal of appellant on 25/10/2018 the appeal in hand is with time if found otherwise not within time the appellant seeks condonation of delay;-
  - (a). That the delay is not deliberate.
  - (b). That the act of respondents towards appellant was not positive.
  - (c). That the order originally passed for termination of appellant is void order and

under the law no limitation run against such order.

- (d). That the valuable rights of petitioner is involve in the matter in hand, keeping in view of the length of service of petitioner/appellant more then 25 years.
- (e). That the manner in which the order was passed is against the settled principle of natural justice.
- (f). That the miscalculation and non awareness, of law keeping in view the poor condition of appellant is also the valid factor.
- (g). Some other points will be urged at the time of arguments.

Keeping in view the above cited submission, it, therefore, humbly prayed that by acceptance of this petition the delay may kindly be condone.

Dated: /2019

Through APPELLANT

### (MALIK MASOOD UR REHMAN AWAN)

Advocate Supreme Court of Pakistan

#### AFFIDAVIT;-

I, Muhammad Shafiq son of Attiqullah, PST Govt. Primary School Dabri Paimal District Battagram, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable court.

ATTESTED

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FOUR PESTION

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TO THE PESTI

DEPONENT

### BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. <u>67</u>/2019

Muhammad Shafiq son of Attiqullah, PST Govt. Primary School Dabri Paimal District Battagram.

....APPELLANT

#### **VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

### **SERVICE APPEAL**

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4.	Copy of order is appended herewith	27 to 29	"C"
5.	Copy of sack employees Act	30 to 35	"D"
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11.	Copy of the order is appended herewith with	\	"J" & "K"
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12.	Copy of department appeal and order	77 to81	"L" & "M"
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Through

Dated: \_\_\_\_\_/2019

..APPELLANT

(Malik Masood-ur-Rehman Awan)

Advocate Supreme Court of Pakistan

## BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. <u>67</u> /2019

Muhammad Shafiq son of Attiqullah, PST Govt. Primary School Dabri Paimal District Battagram.

....APPELLANT

Khyber Pakhtukhwa Service Tribunal

#### **VERSUS**

Diary No. 64

Dated 15/01/2019

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
- 3. District Education Officer, Battagram.
- 4. District Accounts Officer Battagram.

....RESPONDENTS

Filedto-day
Resistrati

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT ORDER
NO.1305-10/EB/PRY/SACKED EMPLOYEES DATED
31/01/2018 PASSED BY THE RESPONDENT NO. 3
WHEREBY THE SERVICES OF THE APPELLANT

WAS TERMINATED, IS ILLEGAL, UNLAWFUL, AGAINST THE LAW, ARBITRARY, PERVERSE, FANCIFUL, RESULT OF MALAFIDE, ILLEGAL EXERCISE OF POWERS AND INEFFECTIVE UPON THE RIGHTS OF THE APPELLANT.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, BY SETTING ASIDE THE IMPUGNED ORDER NO.1305-10/EB/PRY/SACKED EMPLOYEES DATED 31/01/2018, THE RESPONDENTS BE DIRECTED TO REINSTATE THE APPELLANT IN SERVICE WITH ALL BACK BENEFITS. ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

#### Respectfully Sheweth: -

- 1. That the appellant was appointed in respondents department as PTC Teacher vide office order No. 1520-45 dated 22/11/1994. Copy of order is annexed as Annexure "A".
- 2. That after rendering 5/6 years of service, the appellant was terminated during the year 1997.

Copy of order dated 28/07/1997 is annexed as Annexure "B".

- 3. That after the change of political scenario, the Govt. introduced Sack Employees Reinstatement Act, 2010, amended 2013 and in view of the aforesaid Act, the services of appellant was reinstated vide office order No. 7825-31 dated 15/02/2013. Copy of order is appended herewith as Annexure "C".
- 4. That at the time of reinstatement, condition as per reinstatement office order at Para-7, which was contrary to the afore-referred Sack Employees Act, 2013. Regarding improvement of educational qualification was imposed. Copy of sack employees Act is appended herewith as Annexure "D".
- 5. That even then, the appellant improved his educational qualification prior in time, which were duly incorporated in the service book of appellant.

  Copies of educational testimonials and book are attached as Annexure "E".

- 6. That during the month of September of 2016, when the monthly salary of the appellant was stopped without any notice, then appellant firstly approached to the concerned departmental head, EDO Battagram, and thereafter having failed, approached to the Honourable Peshawar High Court, Abbottabad Bench through a writ petition No. 1042-A/2016, where the Honourable High Court not only issued the restraining order against the department but also later on, allowed the writ petition by issuing direction to the worthy Secretary Education. Copy of writ petition alongwith order is appended herewith as Annexure "F".
- 7. That where-after the worthy Secretary Education while holding a meeting in light of the judgment of Honourable Peshawar High Court, Abbottabad Bench, issued direction to the respondent No.3 for making a uniform policy for redressing the grievance of appellant and others vide order dated 14/02/2017. Copy of order is attached as Annexure "G"

- 8. That where-after when the matter was pending with respondent No. 3 and after the expiry of time set up by the Honourable Peshawar High Court, the appellant filed COC Petition No. 25-A/2017 where the Honourable Peshawar High Court issued the direction for implementation of the order passed in writ petition No. 859-A/2016 dated 14/02/2017, strictly with the judgment / order passed in afore referred writ petition. Copy of judgment/order passed in COC petition referred above is appended herewith as Annexure "H".
- 9. That the appellant performed his duty upto the month of January, 2018, where his attendance at the station is duly marked and checked by the officer concerned. Copy of attendance register is appended herewith as Annexure "I".
- 10. That now when the EDO concerned/respondent No. 3 inspite the undertaking before the court that he will implement the direction/judgment and order of Honourable Peshawar High Court, Abbottabad Bench, but since no order was passed/communicated to the appellant. The appellant again filed a COC petition vide No. 19-

A/2018 before Honourable Peshawar high Court where he came to know that an order dated 31/01/2018 thereby terminating the services of appellant has been passed behind the back of appellant which was later on 03/03/2018 was communicated to the appellant through post. Copy of the order is appended herewith with postal receipt are annexed as Annexure "J" & "K".

- 11. That feeling aggrieved, the appellant preferred an appeal to the respondent No. 1 on 16/03/2018 which was rejected on 26/09/2018 and the said order was communicated to the appellant on 25/10/2018. Copy of department appeal and order are annexed as Annexure "L" & "M".
- 12. That by now feeling still aggrieved after the rejection of departmental appeal vide order dated 26/09/2018 against termination order dated 31/01/2018 the instant service appeal is being filed, assailing the same being unwarranted at law and facts inter-alia on the following:-

### **GROUNDS**; -

- a. That the order regarding the termination of appellant is totally against the Reinstatement of Sack Employees Act, 2013, which reveals that no condition can be imposed upon the any Employees while reinstating his services.
- b. That the appellant challenged the above condition set in Para-7 of his reinstatement order before the Honourable Peshawar High Court, Abbottabad Bench vide W.P No. 859-A/2016 dated 14/02/2017, where the Honourable Peshawar High Court, allowed the writ petition and issued direction for making a uniform policy for reinstatement of Sack Employees Act by comparing the reinstatement order of other districts, where no such condition was impose.
- c. That even in order to fulfill the above condition, the appellant improved his education prior in time and whereafter he submitted his educational certificates /

Sanad Degree to the concerned office which has taken its effect in service book of appellant.

- d. That the order under appeal is also against the judgment / order / direction passed in COC petition as well as the direction issued by the respondent No. 1 to the respondent No. 3.
- e. That the order under appeal regarding the termination of services of appellant is tainted with malafide and has been passed in back date just in order to infringe the right of appeal or any other right remedy to the appellant.
- f. That the impugned order is illegal, unlawful,without jurisdiction, arbitrary and perverse.Hence, liable to be set aside.
- g. That when the Honourable High Court has issued direction, the respondent No. 3 was duty bound to implement the same. Besides, the respondent No. 1 has also issued

directions to the respondent No.3 but both the directions were dealt so casually, calling immediate reversal by respondent No.1.

h. That after the communication of order to the appellant/knowledge, the instant appeal is being filed.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned order may graciously be set-aside and appellant be ordered to be reinstated in service with all back benefits. Any other relief deemed fit and proper in the circumstances of the case

Dated: /2019

Through

(Malik Masood-ur-Rehman Awan) Advocate Supreme Court of Pakistan

#### **VERIFICATION:**

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

.APPELLANT

**APPELLANT** 

## BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

<b>.</b>	A 1	N.T.	10010
Service	Appeal	No.	/2019

Muhammad Shafiq son of Attiqullah, PST Govt. Primary School Dabri Paimal District Battagram.

....APPELLANT

#### VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

#### SERVICE APPEAL

#### **AFFIDAVIT**

I, Muhammad Shafiq son of Attiqullah, PST Govt. Primary School Dabri Paimal District Battagram, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

DEPONENT

THE DISTRICT EDUCATION OFFICER(M) SECONDARY & FRY:

OFFICE ORDER NO.26

DATED BIM THE 22/11,

**PKEMTN** 

ttee the following Male unbrained sundiction of the eclection at the relection as the vacant post of P.T @Rs.1480/E.M. fixed plus usual allowance bible under the rules wie.f. the date of his Taking over charge in interest of public service.

Name father's name & address: Name of Sch: where apptt: Maik Mohammad 3/O Jalai Khan r/o Ajmiru. Mos:Gul Rohan Ag:V:P: Seifur Rehman 15/D Azar Bekhat r/o Arghashori" K.G.S.Hassan -do-Ineyatur Rehman S/O Aliur Rehman r/o Hutel GFS D.A. iniullah -do-Mirsamad Khan S/O Hakim Khan R r/o Pomang "Rashidabad -do-Momin Khan S/O Hazarat Bilai r/o Matta G. Bori GFS Mashkoney do-Ghulam Farooq S/O Ajoon Khan r/o Manomer G.P.S B/Fattey -do-Habibullah Shah S/O Tahir Shah r/o Pirhari GFS B/Fattey -do-Liaqat Ali S/O Ibrahim r/o Tumay Mos:M.Jan Mohd -do Sirai Khan S/O Minn Khan r/o Phagora Mos:Bara Dkooper -do-Biraj Khan S/O Mian Khan r/o Phagora. Wos: Bara Dhoonga -do-Fazalur Rehman S/O Abdul Hamid R/o Kakarshang Mos: D/Juma Khan-do-Javed M. Iqbal S/O Aurangzeb Khan r/o Thakot GFS Bjorgran. -do-Nazir Mohammad S/O Furhad r/o Trand GFS Tal Shaus -do-Jehonul: Hag S/O Abdul Aman r/o F/Sharif M.Riaz s/o Ghulam Hussain r/o Mandarwali Aurangzeb Khan S/O Mundra r/o Kantora GFS Hanifabad -do-Mos:Khase Hill S. Zuhrab Sheh S/O Furgen sad r/o Mirani. -do-GFS Kantora –dʻo⊶ Munir Khan S/O Gul Namroz r/o lmong. GFS Barmai Rustem Khan S/O Begra Khan f/o Thakot --do--CFS Damagar .--do--Mohammad Shafique 5/0 Aigullah r/o Dabri . GIS Jaba Feroz. ~~dc~ GFS Mashkoney

Conditions,

Charge report should be submitted to all concerned and no TA/DA is all:
The appointment is purely temporary and kiable to termination at any
time without of asignation they will have to submit one month prior
notice to the Department or forefited one month pay to Government.
They are required to produce kellth and age certificate from the
Medical Authority concerned before tover charge in contact and Medical Authority concerned before t/over charge in c/o they are not They are not allowed M/o. chargo if their age is less than 18 and more than 25 years, age relaxation for Distt: Batt: for 3 years up January 2000, has been granted vide notification No.4/1/SU/TA-II(HI)//T Dec. 27.9.1994 & age relex: for 2 years has been granted vide H'le Chief Minister NWFF, Feshawar No.SOS-III/S&GAD, dt: 8,4.1994 from the date has been granted vide notification No.4/1/SO/TA-II(HD)/94 Dated All original Educational Characters, domittle certificates must be verified by the Head of institution concerned & one set of documents may be submitted to this office before Handing over charge.
If they fail to toking over charge of the post with in 15 days from the

lsaue of this order the appointment will be automotically considered

FAZAL-E-MEHMOOD KHAM DISTRICT EDUCATION OFFICER (MALE) SECONDARY BATTAGRAM.

:No. 1520-45 /F. No.-EB/App:of PT/UT/ Dated 22/11/1994.

Director Primary Education NWFF, Hayatabad, Peshawar PS to Minister Frimary Education NWFF, Peshowar w/r to hi recommendation & approval No. Nil dated 19.11.1994. Sub-Divisional Education Officer(M) Battagram.

Distt: Accounts Officer Bottogram. All candidates concerned. Office order file.

DISTRICT EDUCATION OFFICE (MALE) SECONDARY BATTACT

# OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SECONDARY & PRY: BATTAGRAM

OFFICE ORDER NO. 26 DATED BTM THE 22/11/

### **APPOINTMENT**

Consequent upon collection/ recommendation of the relection committee the following male untrained \_\_\_\_\_\_ are humbly appointed against the vacant post of P.T Rs. 1480/E.M Fixed plus usual allowances interest of public servied.

### S. No. Name, Father's Name & Address, Name of Sch: Where apptt: Remarks

1	Naik Mohammad S/o Jalal Khan r/o Ajmira Mos: Gul Rohan Ag: V:	
2.	Saifur Rehman S/o Azar Bakhat r/o Arghashori" K.G.S Hassan	_
3.	- Mayanii Kenman Sia ah ne Dahasaa/. TY . 1 aha	-do-
4.	Mirsamad Khan s/o Hakim Khan r/o Pomang Rashidabad	-do-
5.	Momin Khan S/o Harrort Bild 1/o Pollang Rashidabad	-do-
6.	Momin Khan S/o Hazarat Bilal r/o Matta G. Bori GPS Mashkoney	-do-
7.	Ghulam Farooq S/o Ajoon Khan r/o Manomer G.P.S Pattey	-do-
8.	Habibullah Shah S/o Tahir Shah r/o Pirhari GPS B/Pattey	-do-
9.	Liaqat Ali 5/0 Ibrahim r/o Tumay MOS. M. Ion Mos. J.	-do-
=	on a Kilan 5/0 Mian Khan 1/0 Phagora. MOS: Raro Dhoondo	-do-
10.	razai ur Kenman 5/0 Abdul Hamid R/o Karashang Most Dhan-di	-do-
11.	Javed M, Idbal s/o Aurangzeb Khan r/o Thekot GDC Diagram	
12.	Nazir Mohammad S/o Furhed r/o Trand GPS Talshanii	-do-
13.		-do-
14.	M. Riaz s/o Abdul Aman r/o F/sharif GPS Hanifabad  M. Riaz s/o Abdul Aman r/o F/sharif GPSKhase Hill	-do-
15.		-do-
16.	S. Zuhroah Shah S/o Mundra r/o Kantora GPS;Kahtora	-do-
17.	S. Zuhroab Shah S/o Furqan and r/o Miani. GPS Barmai	-do-
18.	Munir Khan s/o Gul Namroz r/o Pmang. GPS Damagar	-do-
=	Rustam Khan s/o Begra Khan r/o Thakot GPS Jaba Ferrar	-do-
19.	Mohammad Shafique s/o Atiqullah r/o Dabri GPS Mashkeney	-do-

### **TERMS & CONDITIONS**

- 1. Charge report should be submitted to all concerned and no TA/DA is all
- 2. The appointment is purely temporary and liable to termination at any.
- 3. Time without of assignation they will have submit one month prior.
- 4. Notice to the department or forfeited one month pay to Government.
- 5. They are required to produce Health and age certificate from the.



- 6. Medical Authority concerned before t/over charge in C/o they a re not Govt. Servant.
- 7. They are not allowed t/o charge if their age is lora than 18 and more than 25 years age relaxation for Distt: Batt: for 3 years up January 2000 has been granted vide notification No. 4 /1/SO/TA-II(HD)/94 dated 27/09/1994.
- 8. All original educational characters, domicile certificates must be verified by the Head of institution concerned & one set of documents may be submitted to this office before Handing over charge.
- 9. If they fail to taking over charge of the post with in 15 days from the issue of this order the appointment will be automatically considered as cancelled.

(FAZAL-E-MEHMOOD KHAN)
District Education Officer
(Male) Secondary Battagram.

### ENDST: NO. 1520-45 /F.NO-EB/APP: OF PT/UT/DATED 22/11/1994

Copy to:-

- 1. Director Primary education NWFP, Hayatabad, Peshawar.
- 2. PS to Minister Primary Education, NWFP, Peshawar w.r to his recommendation & approval No. Nil dated 19/11/1994.
- 3. Sub-Divisional Education officer (M) Battagra.
- 4. Distt: Accounts officer Battagra.
- 5. All Candidates concerned.
- 6. Office order file.

DISTRICT EDUCATION OFFICER (M) SECONDARY BATTAGRAM

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ttoe und in compliance vith Hemor No. V. No. 33/DPE/REA/Hy Abdur Reshid/DaO (H) Friedry Battair.m/AD(F.EA)-M No. 75499 Dated 25.7.5%.

been found illegal adiatio void and ogninut the prescribed rules. Their services are therefore, dispensed with with erresct from the date of their ruplacement by those delected on purely merit bests in the light of following the selection processing an admissible under the rules.

However, they can ap ly afresh along with others for their selection on merit.

P. T

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Palear Robern
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Abdul Basir
Anucr Laib
-Anverulleh
Avdul Ubaffer
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Gul Abasa
Juckir Hubespad
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Almor bedyd

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ո. հրհուգրը ՝

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rasees Khon Bultan Khon
Kuhmand Dasfigne Marizulish
Ilian liah Moahal Kanggaradi
Mosaharan Moorul Honon
Valear Robana Bukhter Susanior Khan
Abdus Agter---Khan Jehan
Kidah Shah
Katifulloh
Khana Yurhad Khan
Islamad Ullah
Verdova Klan
Islamat
Islifanoch incritazoop : Ասրթուու յր Aushal Kian
The Mustal
Aurangsaib
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Gat Huroon

Almera

Gafbori

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Koyar.

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186. Karayatullah, Abdul Rashid
187. M. Sulta T. Henrajun Rabi

PAGE 10....3. Tello Kunkessed Hale Galagessed File Residentshink and Resident Residentshink and Residentshi Heerg nente Abod Glaj Hongo Maka Hongo Kaba Liga G-B 400. Talk al Beri. al Recei 4. Talch kuhaward? Pida Guljamand dent Bekenektinka Arar Beernerhous

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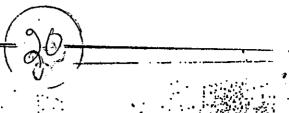
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Copy of the above are aubuitted to:

Director Frimery Education Myr Dalmarichurdan

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District Account Office.

#### OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY BATTAGRAM

OFFICE ORDER NO. \_\_\_\_ DATED: 28/07/1997

#### OFFICER ORDER

In the light of findings of the enquiry committee and in compliance with Memo No. P No. 33/ DEP/ E<sub>X</sub>A Abdur Rashid (DEO (M) Primary Battagram /AD(E<sub>X</sub>A) No. (M) No. \_\_\_\_ 33499 Dated 25/07/1997.

The appointment of the following persons above been found illegal abinitio void and against the prescribe roles. Their services are therefore, dispen sated with, with effect from the date of their replacement by there as located on purely merit basis in the light of following the selection procedure on admissible under the rules.

However, they can apply afresh along with others for their selection on merit.

S/No.	Name of Person	Father Name		Name of School
1.	Indadullah	Musa Khan	P.T	GPS Sherri
2.	Wahab	Abdul Wahab	P.T	Jijbori
3.	Alam Zaib	Zar Gul Khan	P.T	Sharif Abad
4.	Fazal Wahab	Abdul Wahab	P.T	
5.	,	Rustam Khan	P.T	Shawal Boy
6.	Amir Zada	Abdul Qadoos	P.T	Powey
7.	Baz Muhammad	Hazrat	P.T	Nasirabad
8.	Muhammad Sultan	Ghazi	P.T	Banwali
9.	Qudrat Ali Elahi	Wahab Shah	P.T	Gidri
10.	Muhammad Sherin	Hijab Khan	P.T	Tikar Banda
-11.	Tameez Khan	Sultan Khan	P.T	Hutbal
1 12.	Muhammad Shafique		P.T	Gat Baroon
13.		Gul Faraz	P.T	Ajmera
14.	Alam Zaib		P.T	Gijbori
15.		Noorul Haroon	P.T	
.16.	Yasir Rehman	Mukhtar	P.T	Gangwal
17.	Shour Rehman		P.T	Bangoo
18.	Anwar Faraz		P.T	Docdpatti
19.	Anwar Zamin	Abdus Sattar	P.T	Gharati
20.	Gul Fad		P.T	
21.	Ibadur Rehman	Niqab Elahi	P.T	Rashidated
22.	Abdul Bashir		P.T	Sooraj
23.	Anwar Zaib		P.T	

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24.	Anwarullah	Muhammad Ullah	P.T	Kuree
25.	Abdul Ghafoor	Onan	P.T	<u> </u>
26.	Muhammd 'Umer	Rehmat	P.T	
27.	Abdullah		D.T.	· · · · · · · · · · · · · · · · · · ·
28.	Muhammad Ibrahim	Muhammad	P.T P.T	,
29.	Gul Abbas	<del> </del>	P.T	<del> </del>
30.	Shabir Muhammad		P.T	Goli Battagram  B/ Balkool
31.	Nadim azam	Auranual	77.00	
32.	Saeed ur Rehman	Aurangzeb Aziz ur Rehman	P.T P.T	<del>                                     </del>
33.	Raza Muhammad	Abid Khan	P.T	
- 34.	Afsar Rasheed		P.T	<del></del>
35.		Maqbool Khan	P.T	<del> </del>
36.	Anwar	Triaquour Ruan	P.T	<del></del>
37.	M. Shoaib		P.T	
38.	Iftikhar			<del> </del>
39.	Riaz		P.T	<u> </u>
	Muhammad		P.T	
40.	Khalil ur Rehman		P.T	
41.	Fida Muhammad		P.T	
42.			D.T.	
43.	Ameer Muhammad	lnyat Khan	P.T P.T	
44.		Sohrab Khan	P.T	i
45.	Anwar Zaib	M. Ayaz		<u> </u>
46.	Haq Nawaz	Zahir Shah	P.T	·
47.	Shad Muhammad	Fugal Khan	P.T P.T	<u> </u>
48.	Amir Muhammad		P.T	
49.	Duraj Khan	Halamat Khan		<u> </u>
50.	Baid Ali Shah	Halamat Khan	TT	Boraj M. Jan
51.	Outo the Olian	Yelel When	P.T	Bor Kau Jazana
52.	lnyat ur	Jalal Khan Ali ur Rehman	P.T	Gulrehan G.K.G.S
	Rehman	<u> </u>		Hassan
53.	Mir Samad Rehman	Hakim Khan	P.T	D Azimullah
· 54.	Momin Khan	Hazrat Balil	P.T	Dochid 41
55.	Ghulam Farooq	Ajum Khan	P.T	Rashid Abad
56.	Habibullah Shah	Tahir Shah	P.T	Hashkani B. Pattey
57.	Liaqat Ali	lbrahim	N/00	
58.	Siraj Khan	Mian Khan	NSQ P.T	B. Pattey H. Jan
59.	Fazl ur Rehman	Abd.177	D 00	Muhammad
60.	Javid M. Igbal	Abdul Hamid	P.T	Bera Dhoniga
<u> </u>	Javiu IVI. Iddai	Aurangzaib	P.T	Dheri Jame



	<u> </u>			Khan
61.	Nazir	Farhad	P.T	Bajragrab
62.	Jihanul Haq	Abdul Aman	P.T	Talshaud
63.	M. Riaz		P.T	Hanifabad
64.	Aurangzeb Khan	Mindra Khan	P.T	Kassi Hadi
65.	S. Zuhrab Shah	Farqan Said	P.T	Kathora
66.	Munir Khan	Gul Namroz	P.T	Burwai
67.	Rustam Khan	Bigra Khan	P.T	Dawgar
68.	M. Shafique	Abdullah	P.T	Jabatiruz
69.	Badar Khan	Ali Gohar Khan	P.T	Mashkanai
70.	Fida Muhammad	Fazl ur Rehman	P.T	Kiargali U. Khan
71.	M Khalid	Bultan Room	P.T	Gidri Trund
72.	lbrarullah	Hidayatullah	P.T	N D. Azumuliah
73.	M Balil	Ikhtiar Malook	P.T	Damgat
<del>74.</del>	Ahmed Khan	Gul M. Khan	P.T	Rashidabad
75.	Amal Jan	Baitul Haq	P.T	Gidri Trand
76.	Fatebul	M. Faridoon	P.T	Jaba Teroz
77	Zabel Khan	Abad Khan	P.T	Mundri
78.	Ghulam Rehmani	Fazl ur Rehman	P.T	Docdpatti
79.	Badi uz Zaman	Tali Muhammad	P.T	Turia Hill
80.	S. Wahab Shah	M. Said	P.T	Ghinoon
81.	Abdul Ali	Abdul Latif	P.T	Talshous
82.	Miskin	Amanullah	P.T	Bagh Bandi
83.	M Javaid	Said Rehma Shah	t P.T	Chinwo
84.	Mehmood Shah		P.T	Bajergran
85.	Shahzada	Abdul Matein	P.T	Pakbanda
86.	Shoukat Ayaz	Mulak Jan	P.T	Hanifabad
87.	Inamullah	Pera Khan	P.T	Borwey
88.	Habibullah	Junsor Khan	P.T	Mundri
89.	Aurangzeb	M. Miskeen	P.T	Bajergran
90.	Bakht Morin	Hushnak	P.T	Teria Hill
91.	Ali Asar Khan	Misar Khan	P.T	G/Nawab Said
92.	M Iqbal	Gul Muhammad	P.T	Murzala
93.	Rustam Khan	Talas Khan	P.T	Obappergram.
94'	M Shabid	Abdul Razaq	P.T	Peshora
95.	Attaullah	M. Saeed	P.T	Shalkhay
96.	Shah Rozen	Hayat Khan	P.T	Do
97.	Ali Rehman	Umra Khan	P.T	Walarge
98.	Hussain Ahme		P.T	Okey
99.	Rab Nawa Khan			Tarbor
100.	Farhat Khan	Murad	P.T	Rashidabad
101.	Inyat Rehman	ur Gujar Khan	P.T	Shoukat Abec
102.		Shah Zad Kh	an P.T	S. Khal Band
103.	Noor ul Islam		P.T	Dabons



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104.	Rustam	Babir Khan	P.T	TVI
105.	Bazrat Islam	M. Zanif	P.T	Khatoona
106.	Haji	Roshen Khan	P.T	Pak Banna
	Muhammad		1.1	
107.	M Javaid	Mer Ahmed	P.T	
108.	Shamshed Din	177.01 Timined	P.T	Thaya
109.	Nadar Khan	Mir Ahmed		Balakote
		Khan	P.T	
110.	Attullah		<del></del>	
111.	Islam Shah	Amanullah	P.T	Rutiar abad
112.	ratani Sitan	Zain Gul	P.T	Kukilar
113.	<del></del>	Mutabar	P.T	Ghanibaidan
114.	Saeed ur	Gul Naz	P.T	Hajagram
• • • • •	I	Kuchkol Khan	P.T	M.M Ahmed
115.	Rehman			
113.	Sardar	Hasrat Younis	P.T	Khait Walianal
117	Muhammad		]	air wananat
116.	Anwar Faraz	Abdul Wahab	P.T	B/ Cherinbaid
117.	Shokat Ali		P.T	Br Chembard
	Shah	. '	1	]
118.	S. Mukhtair Ali		P.T	<del></del>
119.	Faiz ul Bari		P.T	71-101
120.	Talash		P.T	Hanifabad
	Muhammad		F.1	
121.			P.T	
122.	Iftakhar Ahmed	M Roshen	<del> </del>	
123.	Abdul Ghani	1VI KOSHEN	P.T	
	Shah	-	P.T	Ghari Soldan
124.	- Jimii	751		
		Poyee Khan	P.T	GPS/ B/ Charri
125.	C Forbad Chal			Said
126.	S. Farhad Shah	M. Zahir Shah	P.T	
127.	Habib Khan	Said Ali Khan	P.T	
	Rajwal Haq	Abdul Qayoom	P.T	Daboone
128,	Saib Alam	Jan Alam	P.T	Kaishal
129.	Hizbullah	Astan Khan	P.T	Saprocha
130.	Attaullah	Aftab	P.T	Do
. 131'.	Mehtoozullah	Wali Waliullah	P.T	Kiashal
132.	Ejaz Ahmed	M.Zahir Shah	P.T	
: 1335	Sherin Ahmed	Ghulam Haider	P.T	Barmaria
134.	Bashir	Fazal Haji	P.T	Bar Muria
.•	Muhammad		P. 1	Yar
135,	Khurshid Khan	M. Irshad.	D.T.	
136.	Niaz	Muhammad	P.T	Do
	Muhammad	Asa Khan	P.T	Birkuni
137.	M Iqbal			
138.	- Ivz tejour	Aurangzeb	P.T	Ranzala
139.		M. Ali Shah	P.T	Do
140.	Ismail	Mada Khail	P.T	
141,	Ismail	M. Hassan	P.T	
. 191,	Gulzar ul	Abdul Wahab	P.T	Shoukat Abad
1.40	Wahab	<u> </u>		- Tourat Moad
142.	Jihan Zaib	Shah Zada	P.T	Kuchal
143.	M. Bashir		P.T	Mandrwali
144.	M. Mumtaz		P.T	
145,.		-	P.T	Ranjo
	<del></del>		1.1	Ohem Saidsh



146.		M. Ayub	PT	Illahi
147.	Younis	Ghulam Nabi	P.T	Daboona
148.	M Tariq	Pir Muhammad Khan	P.T	Lagargran
149.	Khan Muhammad		P.T	Deri Bhali Banda
150.	Abaziz	Abdullah	P.T	Landoi Noman Abad
151.	Baz Muhammad	Amanullah	P.T	Chan
152.	Abdul Haq	•	P.T	
153.	S. Shabir Hussain	Habib Said	P.T	
154.	Amir Muhammad	Jan Muhammad	P.T	·
155	Pervaiz Khan	Saif ullah Khan	P.T	
155. 156.	Inayat ur Rehman	Dan dian	P.T	·
167	M. Boyat	M. Noor	P.T	
157. 158.	Abdul Haq	Aziz Khan	P.T	
159.	Ghulam Yousaf	M khan wali	P.T	
159. 160.	Adam Khan	M. Irshad	P.T	Neen Dara
161.	M. Rehman	Abdullah Jan	P.T	Kar
162.	Gul Khan	Lucha Khan	P.T	Hano Pashto
163.	Zultigar Ali	Hedyat ullah	P.T	Muskani
164.	Gul Bar	Gul Akbar	P.T	Dubal Swr
165.	Zia ur Rehman	Fazl ur Rehma		Barwr Ptd
166.	Jamil u		P.T	Karbori
167.	Rehman Fida Mehmood		P.T	Ginjbbri
		Muhammad	P.T	Butteela
168.		Tora Baz	P.T	Butteru
169.	Gul Zahir Shah		P.T	Doonga
170.	S Ahmed Shah		P.T	Fagiro
171.	M. Fayaz	Aurangzeb Poyab Khan	P.T	
172.	Bidar Bakht	Tolut Khan	P.T	Jabba Bahadar
173.	Attullah	Abdul Karia	P.T	Batley
174. 175.	Ghulam Haide Shah		P.T	
176.	Hoor Saeed	Ahmed Khan	P.T	Karin
177.	S. Hamidullah		P.T	Mala Battela
178.			P.T	
179.	Hamidullah	Haji F Wahid	aiz P.T	Naryais Sulta
180.	Amir Muhammad	-	P.T	Roter Dishan
181.	M. Sharif	Hir	P.T	Peshora .
182.	Bhar Ali	Mubatar Kha	an P.T	Karin Pora
182.	Said Ali Shah		P.T	Do ;
184.	M Arshad	Jumroaz Kh		Jambaig
185.	Khawar Khar			Jamroz Gada

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186.		Abudl Rashid	P.T	
187.	M. Balawal	- Loudi Rasing	+	Do
188.	Nawaz Khan	77	P.T	Batarkool
189.		Taj Muhammad	P.T	Naryala Sultar
	Javaid Iqbal	Dilawar Khan	T.T	- 1 tar yana banan
190.	Abdur Rauf	Abdul Hakim	P.T	<del></del>
191.				Jigool
192.	Atiq ur Rehman	Abdu-D-1	P.T	
193.		Abdur Rehman	P.T	Hatta Manssor
94.	Nazir Ahmed	Sakandar Khan	P.T	
174.	M. Naim Khan	Shah Nawaz	P.T	

#### (MALIK ABDUR RASHID) DISTRICT EDUCATION OFFICER, (MALE) PRIMARY BATTAGRA

: 28/	_/199
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Copy of the above are submitted to:-

- 1. Director Primary Education N.W.F.P Dalgari Garden Peshawar.
- 2. F.B. To Secretary of Education N.W.F.P Peshawar.
- 3. SDEO (M) Battagram with remarks to direction all the above mentioned.
- 4. District account officer.

(MALIK ABDUR RASHID)
DISTRICT EDUCATION OFFICER, (MALE)
PRIMARY BATTAGRA

## ORDER

Consequent upon the recommendation of the Departmental Selection Committee and approval of the competent authority (Deputy Commissioner) Battagram, in the light of . Khyber Pakhtunkhwa Act XVII 2012 and Honorable Court Judgment Peshawar High Court Abbottabad Bench dated 17-01-2013 the following Sacked employee are hereby appointed as PST in BPS-12 (Rs:7000-500-22000) (Non pensionable)plus usual allowances as admissible under the rules against the vacant post at the schools mentioned against each in the interest of public service with effect from the date of theirs taking over charge

10	-1.	• • • •				
S. No	Name of Candidates	Father's Name	Address	<del></del>		
1/2	Sardar Mohd; Khan	Hazrat Younas			Posted at	Remarks
3	Ghulam Halder Shah Bahadar Khan	Pir All Shah	Thaya Bani Kuz Madan	an .BTM BTM	- Survou Sarnadi	Against V/Pos
4 5	Ghulam Yousal	Ali Gohar Khan Molvi Khan Wali	Dharian	ВТМ	GPS Kanni	Against V/Pds
9	Muhammad Hayat Nosherwan	Muhammad Noor	Shamlai Trand	BTM BTM	GPS Hill Bach	Against V/Pos Against V/Pos
3	Zeebal Khan	Noor of Hassan Mubaras Khan	Gijbori Thakot	BTM	GPS Kaloota GPS Malkot	Against V/Pos
9	Duraj Khan Pervez Khan	Hukmat Khan Saif ullah	Pokal	BTM Allai	GPS Piza Batkool ·	Against V/Pos Against V/Pos
10	Imdad Ullah Shahi Khan	Musa Khan :	Ajmera Gidn Khaira	R CM	GPS Beran Ganiar	Against V/Post
<u>:</u>	Abdul Aziz	Bai Khan Haji Abdullah	Peshora .	BTM	GPS Barmai	Against V/Post
	Muhammad Miskeon Muhammad Riaz	About Latif Khan	Gulibagh Takia	BTM BTM	GPS Battagram	Against V/Post - Against V/Post
15	Khurshed Khan	Ghulam Hussaln M;Arshad Khan	Banser Shami	ai BTM	GPS Thaya GPS Koshgram	Against V/Post
17	Furhad Khan Momin Khan	Murad	Biari . Ajmera	Allai BTM	GPS Chapri Kare	Against V/Post Against V/Post
19	Islam Shah Ruslam Khan	Bital Khan Mian Gul Shah	Kuzabanda Bandigo	BTM	GPS Nathoo. GPS Nehar Qasim.	Against V/Post
-10	Rusiam Khan	Palas Khan Begrah khan	Phagora	BTM BTM	GPS Sar Nasim.	Against V/Post Against V/Post
	Muhammad Shafio Anwar Faraz	Aliquitah	Thakote Dabri Paimal	BTM	GPS Nehray Thakot	Against V/Post Against V/Post
• •		Abdul Wahab Khan	Banian	BIM	GPS Trangar GPS Jabba Asharban	Against V/Post
	-					Against V/Post

The Drawing and disbursing officer are directed to verify theirs Degrees/Certificates from the concerned Board/University/Institutions from the quarter concerned.

- The appointment is made purely on temporary basis and liable to termination at any time without assigning any reason or notice.
- Theirs service will be on regular basis but not pension able and they will contribute to CP Fund.
- They will be abide by the rules and regulation issued from time to time by the Provincial Govt: Their appointment has been made in the Act of Sacked Employees Appointments Act No XVII,2012,
- They should obtain Medical fitness Certificate from the Medical Superintendent DHQ Hospital In case of resignation
- The candidates having less qualification will acquire requisite training and obtain FA qualification within three years failing which their appointment shall stand terminated automatically.
- They should take over charge within in 15 days after the issuance of this appointment order otherwise the order of appointment shall stand cancel after 15 days.



- Charge report should be submitted to all concerned.
- The DDO is directed to obtain an affidavit on stamp paper duly attested by the 1st Class Magistrate
  - (a) They will served the Education department for more then five(5) year countiniously
  - (b) They are not served any other Department/Corporation/Agency.
  - (c). Their previous services if any will be treated as EOL (without Pay).
  - (d) They will not go in the court for their previous service benefits.
- No TAIDA etc is allowed to any one.

BATTAGRAM

/EB/AE-II/Appn:Sacked:Emp:

DATED

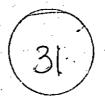
Copy for information and necessary action to the:

- Deputy Commissioner Battagram.
- Registrar Honorable High court Peshawar
- District Accounts Officer Battagram.
- Head Master concerned School,
- D.D.E.O. (Male) Battagram.
- Candidates concerned.

Office file.

Assistant District Editation Officer

Litigation Buttagram



### THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.

(KHYBER PAKHTUNKHWA . . CT NO. XVII OF 2012)

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#### PREAMBLE

#### STOTIONS

- 1. Short title, extent and commencement.
- 2. Definitions.
- 3. Appointment of sacked employees.
- 4. Age relaxation.
- 5. Sacked employees shall not be entitled to claim seniority and other back benefits.
- 6. Preference on the basis of age.
- 7. Procedure for appointment.
- 8. Removal of difficulties.
- 9. Act to override other laws.
- 10. Power is make rules.

### THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.

### (KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary),dated the 20<sup>th</sup>September, 2012].

#### AN ACT

o 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 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;

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 1<sup>st</sup> day of November, 1993 to 30<sup>th</sup> day of November, 1996 (both days inclusive).
  - (3) It shall come into force at once.
- 2. <u>Definitions.</u>— 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 of the Khyber Pakhtunkhwa 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;
- 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. <u>Sacked employees shall not be entitled to claim seniority and other back benefits.</u>— 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 six months 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.

- (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 earrying out the purposes of this Act.







**Father Name:** Reg No: '

### rmediate:and:secondary/education ABBOTTABAD

Khyber Pakhtunkhwa (Pakistan)

**Higher Secondary School Certificate Examination** 

### PROVISIONAL & DETAILED MARKS CERTIFICATE

Roll No:	31105	
Group:	HUMANITIES	
	D. 4 11 .	

Session: 2014 (Supply) **MUHAMMAD SHAFIQUE** ATTIQ ULLAH 2407AB/BG-intFP13

institution/ **BATTAGRAM** District ·

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination Part-II held in the month of Oct/Nov as a Private Candidate.

		Marks Obtained									
Subjects	Marks	: Part-l		Part-II		Total	· Marks in Words				
		Theory	Pract	Theory	Paci.		The state of the s				
English	200	45	/-	33		78	Seventy-Eight				
Urdu (Comp)	200	45		37		· 82	Eighty-Two				
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SE Desember 2044	, ,			Bomai	den .			ļ			

05 December, 2014

Controller of Examinations

Note: Errors / Omissions excepted, Any mistake in Name, Father N me etc must be intimated within 30 days of the issuance date of this certificate to BISE Abbottabad. Visit us: www.biseatd.edu.pk

### ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

PROVISIONAL RESULT CARD

Ragistration No.

Final Semester

Serial No

384395

Name

MUHAMMAD SHAFICUE

Father's Name ATTIQ ULLAH

Addres

C/O RAJGAN EXCHANCE COMPANY B14 ITEFAQ

PLAZA RATTAGRAM P/O SAME

Tehsil

**DATTAGRAM** 

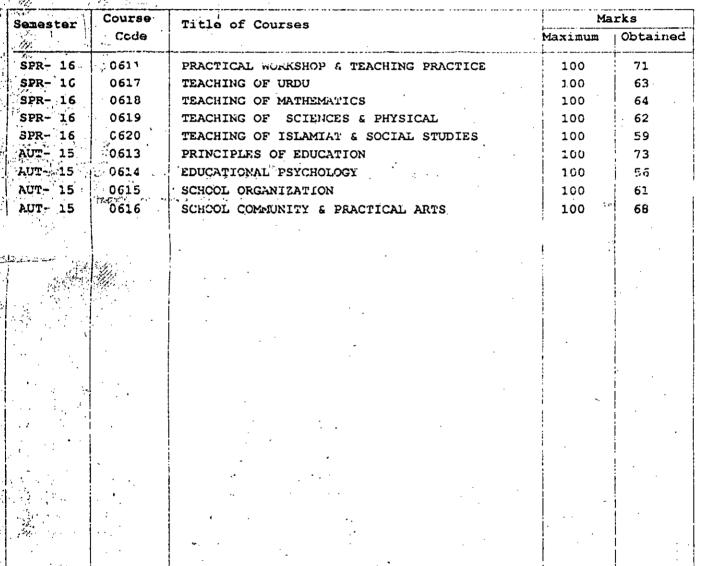
District

BATTAGRAM

has successfully completed

PRIMARY TEACHING CERTIFICATE

The detail of passed courses is as under



5

Result Declared

JANUARY 10,2017

Date of Issue

JAMUARY 20,2017

Total Marks/Obtained

Percentage/Grade

900 577

BF658424

SPR-2016

15NBM00592

Controller of Examinations

all card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any vivilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the rd of the university student.

### INSTRUCTIONS FOR ISSUANCE OF ORIGINAL CERTIFICATE/DIPLOMA/DEGREE

- (i) After completion of programme successfully, a student will have to apply with complete requisite documents to the Controller of Examination for issuance of Certificate/Diploma/Degree.
- (ii) Original Certificate/Diploma/Degree will be issued on his/her turn within a period of two years after submission of proper application and fulfillment of requirements.
- (iii) Original Certificate/Diploma/Degree will be processed after clearing all the dues Outstanding against the students.
- (iv) Admission was granted provisionally on the basis of result cards of Boards/Universities. Therefore, AIOU Certificate/Diploma/Degree will be issued after confirmation of the authenticity of the original Certificate/Diploma/Degree issued from the respective Board/University.
- (v) Certificate/Diploma/Degree will be dispatched to the candidate by registered post at his/her given address available in the University record.
- (vi) If at any stage from admission to issuance of Certificate/Diploma/Degree, the information given by the candidate in the admission form is found wrong or false/fake/tempered Certificate/Diploma/Degree attached at the time of first Admission in the programme, the University has a right to cancel his/her admission, and Certificate/Diploma/Degree as per regulations/rules of the University.

### **Grading Scheme of AIOU**

80% and above	A+ Grade
70% to 79%	A Grade
60% to 69%	B Grade
50% to 59%	C Grade
40% to 49%	D Grade
Below 40%	Fail

نوٹ:
اصل سر شیفکیٹ اڈپلومہ اڈ گری کے حصول کے لئے درخواست بمعہ کممل کوائف
جمع کروانے لازی میں اور باری آنے پر ہی جاری کیا جائے گا۔
پرویژنل رزلٹ کارڈ میں پائی جانے والی غلطی کی تقییج کے لیے 45 دن جبکہ
تاریخ پیدائش کی تقییج کے لیے معرث وت کے 90 دن کے اندر دابطہ کیا جاسکتا ہے۔

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### BEFORE THE PESHAWAR HIGH COURTS ABBOTTARAD RENCH

Writ Petition No.



Muhammad Shafiq son of Atiqullah, presently PST, Govt. Primary School Dabri Paimal, District Battagram.

...PETITIONER

#### **VERSUS**

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

2. Deputy Commissioner, Battagram.

District Education Officer (Male), Battagram.

4. Deputy District Education Officer (Male), Battagram.

...RESPONDENTS

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Peshawar riigh Court
Abbottabad Bench

WRIT PETITION UNDER ARTICLE 199 OF THE

CONSTITUTION OF ISLAMIC REPUBLIC OF

PAKISTAN, 1973, AS AMENDED UPTO DATE.

Respectfully Sheweth; -

The petitioner humbly submits as under;-



- during the year 1995 where after the services of the petitioner with others who were appointed during the period of 1<sup>st</sup> Day of 1993 to 31<sup>st</sup> day of December 1996 were terminated during the year 1997. Copy of appointment letter and termination letter is annexed as Annexure "A" & "B" respectively.
- 2. That during the year 2009 the Govt.

  Promulgated Sacked Employee
  (Reinstatement Ordinance 2010), whereby
  the services of all the employees terminated
  during November 1993 to December 1998
  were reinstated. Copy of referred Ordinance
  is appended herewith as Annexure "C".

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3.

That later on Sacked Employee (Reinstatement) Act 2010 was passed by the legislature and was published. Copy of referred Act is appended herewith as Annexure "D".



- 4. That the Federal Govt. and Provincial Govt. re-instated all employees which are entitled under the law and other were give relief of "Golden Hand Shake".
- 5. That the Provincial Govt. also after the meeting of Provincial Cabinet on 3<sup>rd</sup> February 2009, while expediting the matter, Circular vide letter dated 21<sup>st</sup> February 2009 was also issued.
  - That inspite the afore-referred proceeding and Act referred above, since the respondent No.1 and 3 not consider the reinstatement of the petitioner thus petitioner alongwith others approaches to this Honourable Court through writ petition No. 179-A of 2012, which was disposed of by way of order dated 12/03/2013, thereby the petitioners were reinstated vide office order No. 7825-31 dated 15/02/2013. Copies of writ petition and judgment thereon and copy of letter dated 15/12/2013 are appended herewith as Annexure "E", "F" & "G" respectively.

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6.

FILED TODAY

Additional Registrar
Peshanat High Court
Abbottabad 7

- 7. That at the time of reinstatement, the respondents by putting their own fantastic terms and conditions i.e "in the order vide Annexure "G" acted without lawful authority thereby bypass the KPK Act No. XVII of 2012" relating to the reinstatement of sacked employee.
  - That now the respondents No.3 & 4 without any notice stopped the monthly salary of the petitioner w.e.f September 2016, on objection the respondent is referring the entry in pay role system for the month of September 2016 which reveals as under, "Pay stopped w.e.f September 2016 due to decision of Deputy Commissioner and [EDO (Male) Battagram as he has not finalize the PTC + F.A in three years". Copy of referred pay role system for the month of September, 2016 is appended herewith as Annexure "H".

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9. That since the terms and conditions and entry and pay roll system for the month of

September 2016 on the decision of

Additional Registration Court
Peshance Report
Abbotrabat Report

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respondents is against the law and having been impose without lawful authority therefore, the same is hereby called in question on the grounds, set below;

### **GROUNDS**; -

- a) That the terms and condition are against the law and especially against the "Reinstatement Act of Sacked Employee Act 2012".
- b) That since the petitioner was reinstated in view of afore-referred Act, and after the reinstatement the new terms and conditions, cannot be impose.
- c) That the reinstatement of the petitioner is in fact under the law on the existing terms and condition which was set at the time of his original appointment.

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- d) That the petitioner rendered his major span of his life in his present and will face rigorous in case of his termination.
- e) That on the other hand the petitioner achieved the terms and condition and fulfill it and he is waiting the result of PTC last semester otherwise the F.A certificate is completed. Copy of F.A certificate with the result card of PTC are appended herewith as Annexure "I" & "J".
- f) That the conduct of the respondents is against the fundamental rights and respondents act is discriminatory towards the petitioners.

Abby A special general general

That the respondents are bond to act under the law and they are bond to act while keeping in view Article (4) of the Constitution of Islamic Republic of Pakistan, 1973.

12 rules

- his duty with the entire satisfaction and during this period the petitioner got sufficient experience and job skill and as well as aware about latest method of teaching.
- i) That since at the time of reinstatement no hard copy of reinstatement order was handed over to the petitioner, therefore, petitioner remained unaware the impugned term and condition in black and white.
- that is nothing about imposition of any condition against the appointment thus the condition impose in order vide Annexure "G" is coram-non-judice, having been impose without lawful authority.

That there is no other alternate, efficacious remedy available to

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petitioner except the instant writ

- 1) That notice/ intimation of filing the instant writ petition against the respondents has duly been served upon the respondents through registered post. Copies of notice & receipts are attached as Annexure "K".
- m) That addresses of the parties have correctly been mentioned in the heading of the petition.

Pasinawa righ Court

Abbottaps: Bench

Authorised Under Security Ris Orland

That the court fee stamp paper worth Rs. 500/ is appended herewith.

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That other grounds shall be urged at the time of arguments.

Additional Registrar

Peshawar High Court

Peshawar High Benchin the giving circumstances, it is therefore,

Abboltabad humbly prayed that on acceptance of instant writ

petition this Honourable Court may kindly be

direct the respondents; -

- To undo the term and condition i.e

  "The candidate having less qualification will acquire requisite training and obtain F.A/ PTC qualification within three years failing which their appointment shall stand terminated automatically.
- B) To issue direction to the respondents to release the monthly pay of petitioner from September 2016 to till now.
- C) Not to take any adverse action against the petitioner.

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Example on Court

Abbottous: Bench

Authorized Under Secars Acts Orders

D) Any other relief to which the petitioner is deemed entitled including the extension of time for waiting the result of last semester of PTC may also be granted in the interest of justice.

Additional Registration Court

Abbottabat 3 100



### INTERIM RELIEF: -

The respondent No.3 may kindly be directed to release the monthly pay of petitioner w.e.f September 2016 to till now and not to take any adverse action against the petitioner.

Dated: 26/2/2016

Through ...PETITIONER

(Malik Masood ur Rehman Awan)
Advocate Supreme Court of Pakistan,
Abbottabad

### **VERIFICATION:-**

Verified on oath that the contents of forgoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

...PETITIONER

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Peshawe Joh Court Abbottabad Bench

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH

# FORM 'A' FORM OF ORDER SHEET

<u></u>			
Date of Order	ORD	ER OR PROCEEDINGS	1010
or Proceedings		TIDOR (TOTAL)	WITHSIGNATURE OF
1		JUDGE/JUD	DGES
15.11.2016	WP No 1	042-A/2016.	-EVE OF
	11.11.110.1	042-AV2016.	
	Present:	Malik Masood-ur-Re petitioner.	hman Awan, Advocate, for
		•	
•		***	•
		Comments of respon	dents No.2 and 3 be called
	for so as to	reach this Court within a	a fortnight.
	Interim Re	lief.	
		Notice for 06.12.2016	In the meanwhile if the
	petitioner is		s duty then his salary for
		nonth be released forthw	
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Examiner

Peshawarnish Court

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Order. 14-2-17

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## PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Date of Order of Proceedings

Order or other Proceedings with Signature of Judga (s)

1

14.02.2017

W.P.No. 859-A/2016.

Present:

Maline Maline of Maline (s)

resent: . Malik Masood-ur-Rehman Awan, Advocate, for the petitioner.

Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.

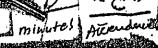
IRRAMULIAH KHAN, J.- Through the instant petition the petitioners of this and of the connected petitions have prayed for to undo the term and condition i.e. "the candidate having less qualification will acquire requisite training and obtain P.A qualification within three years failing which their appointment shall stand terminated automatically" and not to take any adverse action against the petitioners.

- 2. The main thrust of the arguments of learned counsel for the petitioners was that similarly placed employees have been reinstated under the Sacked Employee (Reinstatement) Act 2010, who are presently performing their duties while the services of the petitioners have been terminated which is sheer malafide on part of the respondents rather discrimination. Further stated that many of the petitioners have already acquired the requisite qualification as well as the training, but even then their services have been terminated on extraneous reasons.
- 3. In such view of the matter, when serious question of

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discrimination is being raised vehemently by the petitioners and they have also put some orders which reveal that the respondents have not adopted a uniform policy, we, with the mutual consent of the learned counsel for the parties, deem it appropriate to send all these petitions to the Secretary Education (Elementary & Secondary Education) Government of Khyber Pakhtunkhwa with direction to him to probe into the matter and finalize the appointment or otherwise of the petitioners as well as of those, who have not approached this court, through a uniform policy and if possible, after giving benefit of experience to the petitioners, their cases be disposed of within thirty (30) days from today. In case any person was found aggrieved from the order of the worthy Secretary Education then, he would be at liberty to approach the competent court of jurisdiction for redressal of his grievance. In the meanwhile, all those petitioners, who are still serving, shall be paid their due salaries till the decision of the worthy, Secretary Education. All these petitions stands disposed of accordingly.

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### BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

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-A/2017

Imdadullah Khan son of Musa Khan, resident of Shareenabar dum

COC No.

Kuza Banda, P.O Ghidari, Tehsil & District, Battagram.

2. Bahadur Khan son of Ali Gohar Khan Primary School Kanai, District Battagram.

Primary School Kanai, District Battagram.

3. Islam Shah son of Mian Gul Shah, presently PST, Govt. Primary School Garaug, District Battagram.

- 4. Masoom Khan son of Muhammad Naqab, presently Drawing Master (DM), Govt. Middle School, Garhi Nawab Syed, District Battagram.
- 5. Muhammad Shafiq son of Atiqullah, presently PST, Govt. Primary School Dabri Paimal, District Battagram.
- 6. Nosherwan son of Noor ul Hassan, presently PST, Govt. Primary School Malkot, District Battagram.

...PETÍTIONERS

Peshawar High Coupe All Bench

Authorized Under St. 75 W. G. Arens

1.

**VERSUS** 

Riaz Swati, District Education Officer (Male), Battagram.

...RESPONDENT/ CONTEMNOR

APPLICATION UNDER ARTICLE 204 OF

THE CONSTITUTION OF ISLAMIC REPUBLIC

OF PAKISTAN, 1973, FOR INITIATING

Additional registrar Premaranich Court Abbottaballhench



CONTEMPT PROCEEDINGS AGAINST THE RESPONDENT/ CONTEMNOR FOR NOT IMPLEMENTING CONSOLIDATED JUDGMENT/ ORDER DATED 14/02/2017 PASSED BY THIS HONOURABLE COURT IN WRIT PETITION NO.859-A/2016 ALONGWITH OTHER CONNECTED WRIT PETITIONS NO.1038-A/2016, 1039-A/2016, 1040-A/2016, 1041-A/2016 AND 1042-A/2016.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPLICATION, RESPONDENT/
CONTEMNOR MAY GRACIOUSLY BE
PUNISHED IN ACCORDANCE WITH LAW
AND BE ALSO DIRECTED TO IMPLEMENT
THE CONSOLIDATED JUDGMENT PASSED
IN WRIT PETITION NO.859-A/2016 PASSED

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Respectfully Sheweth;-

1. That the petitioners filed writ petitions bearing No.859-A/2016, 1038-A/2016, 1039-A/2016, 1040-A/2016, 1041-A/2016

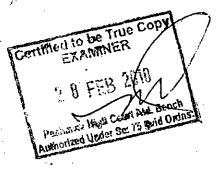
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ADDITIONAL REGISTRAR
PESHAWA & HIGH COURT



and 1042-A/2016 before this Honourable Court, where this Honourable Court on 14/02/2017 disposed off the all these petitions by way of consolidated judgment/ order passed in writ petition No.859-A/2016 alongwith other connected writ petition. Attested copies of the writ petition No.859-A/2016 and judgment dated 14/02/2017 are attached as Annexure "A" & "B".

2. That after passing of the judgment/ order inspite the fact that this Honourable Court clearly directed the respondent in the following terms under paragraph No.3 of the judgment, which is as under;-

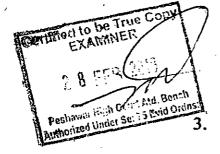


"In such view of the matter, when serious question of discrimination is being raised vehemently by the petitioners and they have also put some orders which reveal that the respondents have not adopted a uniform policy, we, with the mutual consent of the learned counsel for the parties, deem it appropriate to send all these petitions to the Secretary Education (Elementary &

ADDITIONAL REGISTRAR PESHAVIA ARBEIT ARBEIT ARBEIT ARBEIT



Secondary Education) Government of Khyber Pakhtunkhwa with direction to him to probe into the matter and finalize the appointment or otherwise of the petitioners as well as of those, who have not approached this Court, through a uniform policy and if possible, after giving benefit of experience to the petitioners, their cases be disposed off within thirty (30) days from today. In case any person was found aggrieved from the order of the worthy Secretary Education then, he would be at liberty to approach the competent court of jurisdiction for redressal of his grievance. In the meanwhile, all those petitioners, who are still serving, shall be paid their due salaries till the decision of the worthy Secretary Education. All these petitions stands disposed off accordingly".

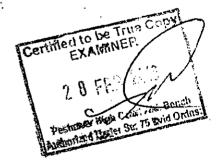


That the petitioners are still performing their duties as assigning to them. Copies of abstract from attendance register are appended herewith as Annexure "C".

ADDITIONAL RECISTRAR PESHAWAY HIGH COURT ABBOTTANAL RENCH



- That after receiving the consolidated judgment/ order passed by this Honourable Court on 14/02/2017 in writ petition No.859-A/2016, worthy Secretary (Elementary & Secondary Education), Khyber Pakhtunkhwa convened a meeting and thereby issued the following recommendation on 10/03/2017. Copy of minutes of the meeting are appended herewith as Annexure "D".
- 5. That the petitioners are still waiting for implementation of the recommendation made during the meeting held on 10/03/2017 vide Annexure "D".
  - That the respondent/ contemnor is duty bound to implement the judgment/ order of this Honourable Court since the petitioners are still performing their duties which is apparent vide Annexure "C" to release the salary of all the petitioners but inspite having the knowledge regarding the release of salary, the respondent/ contemnor is not



6.

ADDITIONAL REGISTRAR PESHAWAN HIGH COURT ADDOTTED DENCH

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obeying the order/ judgment passed by this Honourable Court on 14/02/2017.

7. the respondent/ contemnor willfully, knowingly, intentionally deliberately not obeyed above quoted direction of this Honourable Court and has subjected the petitioner to total confusion, pain and agony as the contemnor intend to willfully subvert such direction and hence his conduct clearly falls within the purview of Article 204 of the Constitution of Islamic Republic of Pakistan and therefore is needed to be punished in an exemplary manner as a lesson.

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8.

That the conduct of the respondent/
contemnor in highly contemptuous,
contumacious and regrettable in willfully,
knowingly and deliberately not obeying
clear direction passed by this Honourable
Court in the titled writ petitions and hence
he is liable for maximum punishment for his
conduct as provided by law.

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ADDITIONAL REGISTRAR

9. That the valuable rights of petitioners are involved.

It is, therefore, humbly prayed that on acceptance of the instant application, respondent/ contemnor may graciously be punished in accordance with law and be also directed to implement the consolidated judgment passed in writ petition No.859-A/2016 passed on 14/02/2017.

Dated: /2 /04 /2017

...PETITIQNERS

(Malik Masood ur Rehman Awan) Advocate Supreme Court of Pakistan, Abbottabad

### **VERIFICATION:**

Verified that the contents of foregoing petition are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.

Certified to be True Con

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Through

ADDITIONAL REGISTRAR
PESHAWAY MIGH COURT

..PETITIONER

63 وا 20 ء نام وضلواجد عبده رُواگِ رځا 17 V. を走 修修 رخوان 12 رين د خط الأنهاجية. الدواكل ניצו 學科學 Fozal 1939 Fozal 1830 1/30 1 وتغزا FOZAS نفرا-1/30 2 ds -jie tozal. 8/30 1/30 3 تقال 11-/-8/30 4 [જુન! 1/30 8/30 5 faral. تقنه razal. نصل 6 8/30 1/30 1/30 8 بريس 8/30 1/30 5/30 9 8/30 foza 1/30 6/30 10 3/50 Fazal. 8/30 11 8/20 Za 8/30 12 8/3 نعن 13 100 نفل تارار Form. 8/30 14 1/30 ezel. Fozal 8/30 Leave 1/30 15 Fozal. Fajal. 8/30 16 1/30 6/30 8/30 17 EPI Trainin Fegal. Ford 1/3. 18 Fazel. 8/30 8/30 Jië. 19 8/30 6/20 20 Cazal 8/30 2.1 1/30 Fozal I vave eau 930 22 8/50 1/30 1 1/30 Eggel. Fozal 1/30 23 8/30 Fort. EPI. 24 ave H Zxv.ni. فيعيمل 06 fizal, 25 8/37 Four 26 8/30 27 ئەتلى: نظتي 28 Çλ 0/30 29 fizal. 1/30 8/30 8/30 109 Post 8/30 30 1/30 0/2 31 56 بدع الثابقة المسا عال طال تزان بمابته يزآن يزن مال اتناتيه ..1 استحقاق بياري ميزان . حَنْ سَيْشْرَى سُورة أردو بازار الما مدر فوان: 942-37226599)

رِدا بَكِي : دسخظ وستط *.* مابتيه أيران

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دسخط ہیڈ ناسر

منع سيشرى سنوره أردد بإزار الابور فون: 37226599-042

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رخظ

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ری طور8 اُروو پزا

رجسٹر حاضری مدرسین گرزت نام وسل داول وبدشنيق مبرارن نهرارن P-5- H-T そ元 دسخظ تر: (ا: ا در 153 رواعي P.S.T دسخط ر خط رواگئ 14. رنظ وسخط رواگی 1 بر ا مار ا مار ر خط وستخط رواگی وسخط ļ, . 2 3 زر 4 5 j. 3) 6 فعل فعل فعل 7 8 9 ς. رس 10 11 ٠. 4, 12 13 . . . . . . 14 7/30 15 Fasar 12/3 Projet 7/30 16 بعتل 17. OY rozal 7/30 18 13/35 د دری . , 19 20 Fozal 7/30 51. 4 com منفتل 21 7/30 22 7/30 تغني .23 , فقل 24 , · 12/35 Fozal 25 12/35 fazal 7/30 7/30 20 7/30 27 1/30 28 7/30 29 م معنل 30 Je 31 Th يزان مالقه ميزان ميزان ا مال مالقه اثفاقيه منابقة الميزان 3 3 استحقاق ι 3 3 3 بياري ميزان يِّنْ سَيْشِرَى سُورُة أردو بازار، لا بور في ن 37,226599 -042 وسخظ بهيزماسر

روانگی

اردوباز

رجسٹر حاضری مدرسین اورسف برائری کو ج

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شن شنیشزی سنو،8 آردوبار ۱۱،۶

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



Email: emisbattagram@gmail.com Ph# 0997-543539/ 543540

#### OFFICE ORDER

Makalandan kalanda keritaka kalanda kinaka hadi merapa kan mengala peranggan mencada kepada mengala mengala me

- 1. Whereas you the following Ex PSTs (Sacked Employee) were appointed vide order Endst; No. 7825-31 dated15-02-2013 in the light of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012 with the condition that "The candidates having less qualification will acquire requisite training and obtain FA qualification within three (03) years-failing which their appointments shall stand terminated automatically" incorporated in your appointment order in the light of order dated 25-05-2011 of Hon'ble Supreme Court of Pakistan in Civil Appeals No. 51-P and 52-P of 2009 as "The appellants shall be appointed as P.S.T (Primary School Teacher) in their respective Union Councils immediately and in case the appellants fail to acquire the training and the said qualification within three years, their appointment shall stand terminated automatically".
  - i. Bahadar Khan S/O Ali Gohar Khan Ex PST GPS Mukhtiar Abad
  - ii. Muhammad Hayat S/O Muhammad Noor Ex PST GPS Landi Kass
  - iii. Nosherwan S/O Noorul Hassan Ex PST GPS Malkot
  - iv. Zebal Khan S/O Mubaras Khan Ex PST GPS Piza Batkool
  - v. Imdadullah Khan S/O Musa Khan Ex PST GPS Barmai
  - vi. Shahi Khan S/O Bai Khan Ex PST GPS Loga Peshora
  - vii. Muhammad Riaz S/O Ghulam Husain Ex PST GPS Trangar
  - viii. Khursheed Khan S/O Muhammad Arshad Khan Ex PST GPS Deshwal
  - ix. Islam Shah S/O Mian Gul Shah Ex PST GPS Ranja
  - x. Rustam Khan S/O Palas Khan Ex PST GPS Sangu
  - xi. Rustam Khan S/O Begrah Khan Ex PST GPS Nerai Thakot
  - xii. Muhammad Shafiq S/O Atiqullah Ex PST GPS Chattoo

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- And whereas you failed to fulfill terms and conditions of your appointment order i.e could not acquire
  requisite qualification within stipulated period of three years as per condition No. 7 of your
  appointment order, resultantly your appointments/services stood terminated automatically.
- 3. And whereas a general Notification Endst; No. 137-43 dated 04-01-2017 was issued/circulated wherein it was clarified that, "those (Sacked Eployees) who failed to fulfill the requisite qualification for the post within stipulated period of three years from the date of issuance of their appointment orders, their services stood terminated automatically and they are no more civil servants/on the strength of Department".
- And whereas you filed Writ Petitions before Peshawar High Court Abbottabad Bench which were disposed of on 14-02-2017 with the direction to Secretary E&SE Khyber Pakhtunkhwa for making a uniform policy.
- 6. And whereas in compliance with the directions of Yon'ble Court dated14-02-2017, all the DEOs (Male & Female) were directed by the E&SE Department Khyber Pakhtunkhwa vide letter No. SO (Lit-1) E&SE/1-1/2017/Sacked Employees dated 10-11-2017 to follow strictly the provision as mentioned in Sections-2(g), 3 and 7 of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012.
- 7. And whereas you filed Contempt of Court Petitions before the Hon'ble court which were disposed of on 11-01-2018 with the direction to undersigned to decide the case of petitioners within 30 days.

Serotely

Now in the light of direction of Hon'ble Peshawar High Court Appoliance --11-01-2018, the undersigned is pleased to decide your case and to issue this order in continuation of Notification dated 04-01-2017 that as per condition No. 7 of your appointment order and in the light of Judgment of Peshawar High Court Abbottabad Bench dated 24-05-2016 in W.P.NO. 516-A of 2013 as well as order of Hon'ble Supreme court of Pakistan dated 24-05-2017 in C.P. 401 and connected Petitions, your services had stood terminated automatically and you remained no more on the strength of this Department.

> District Education Officer (Male) Bactagrain

Dated. 31-01-2018

Endst: No.1305-10/EB/Pry/Sacked Employees.

Copy for information to the.

1. Additional Registrar Peshawar High Court Abbottabad Bench. 2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

3. Deputy Commissioner Battagram.

4 District Monitoring Officer (IMU) Battagram.

.: Sub Divisional Education Officers (Male) Battagram .: Allai.

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Battagram

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### ركال بخد مت جناب ڈائر بکٹر صاحب محکمہ تعلیم سینڈری ایجوکشن، پشاور

### محكمانه أبيل

نا برعاني!

ما نيان حسب ذيل عرض رسال بين -

نزارش کی جاتی ہے کہ سائیلان سال 1993 و 1994 میں بھرتی ہوئیں ہیں اور تقریبا چارسال بعد سیا ک سی سال 1997 میں سائیلان کو برطم نے کیا گیا۔ صوبائی حکومت نے 2012 میں ایک ایک پاس کیا جس کے تحت موجہ کی این طرف سے تیمن سال میں پی ۔ ٹی ۔ تی اور ایف ۔ اے کی شرا اکار کھ دی اور اس دور ان پی ۔ ٹی ۔ تی اور ایف ۔ اسے کمشرا اکار کھ دی اور اس دور ان پی ۔ ٹی ۔ تی اور ایف ۔ اسے کمشرا اکار کھ دی اور اس دور ان پی ۔ ٹی ۔ تی اور ایف ۔ اسے کمشرا جائےگا۔

وتأسيال

احسنورے استدعا ہے کہ مائیلان کوچار ماہ کی پی ۔ ٹی ۔ ی لیٹ پاس کرنے کی رعایت فرمائی جائے اور ہاری تخوا تیں ادر سروس بحالی کی اجازت دی جائے سائیلان اور سائیلان کا خاندان تاحیات دعا گور ہیں گے۔

. (الرقوم:16/03/2018)

. / سائیلان ادرخواست گزاران

بادرخان في في ما الف الداري في اليس الختيارة باد (5640241)

ُ شُنْ یِی ٹی سی/الیف اے/ تی پی ایس، چٹو (1153533-0336) اسلام شاہ پی ٹی سی/الیف اے/ تی بی الیس، رانجھا (5267104-0310)

نوشير وان لي في سي اليف ائد الي اليس الكوث (8123642 0301 - 0301)

ر ادان في في من الف الماري في المسرمائ (0344-9155463) العراح العس

تخصيل ونسلع بلكرام بنزاره

# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

3\_/EB/Pry Dated

Battagram:<u>//a</u>/05/2018

The Director

(E&SE) Khyber Pakhtunkhwa

Peshawar.

Subject:-

DEPARTMENTAL APPEAL.

Memo:-

Reference Copy of appeal (Attached)

- 1. The following appellants Ex-PSTs (Sacked Employees) were appointed vide order Endst No.7825-31 Dated 15/02/2013 in the light of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012 with the condition that" The candidates having less qualification will acquire requisite training and qualification intermediate within three (03) years failing which their appointments shall stand terminated automatically" (Appointment Order attached A-1)
- 2. The appellants failed to fulfill terms and conditions of their appointment order i.e. could not acquire requisite qualification within stipulated period of three years as per condition No.7 of their appointment order.(Appointment Order attached A-1)
- 3. The appellants filed contempt of Court Petitions of Hon, ble court which were disposed of on 11/01/2018 with the direction to undersigned to decide the case of petitioners within 30 days.
- 4. In the light of direction of Hon, ble Peshawar High Court Abbottabad Bench dated 11/01/2018, the undersigned is pleased to decide the case and to issued order in continuation of Notification dated 04/01/2017 that as per condition No.7 of their appointment order and in the light of judgment of Peshawar High Court Abbottabad Bench dated 24/05/2016 in W.P No.516-A of 2013 as well as order of Hon, ble Supreme Court of Pakistan dated 24/05/2017 in C.P. 401 and connected petitions. The services had stood terminated automatically and they remained no more on the strength of this Depairtment vide order No: 13503-10/EB/Pry/Sacked Employees dated 31-01-2018. (Copy attached B-1)

5. Position of acquiring qualification of the following appellants is as under

7	on of acdau un	y qualification (	of the following	appellants is c	is under.		<u> </u>
S N O	NAME	ORDER DATE	Passing Fa	DEEDLINE FOR ACQUIRING ACAD/PROF QUALIFICATI ON PASSING 1 PTC	DATE OF PASSING PTC	DIFFERENCE BETWEEN PASSING PTC/ACQUIR E TIME	Remarks (Documents Attached and marked as)
i	Bahadar Khan	15-02-2013	1993	14-02-2016	10-01-2017	08 Months 27 days	C-1 to C-11
27	Muhammad Shafiq	15-02-2013	05-12-2014	14-02-2016	10-01-2017	08 Months 27 days	D-1 to D-6
3	Islam Shah	15-02-2013	06-08-2015	14-02-2016	10-01-2017	08 Months 27 days	E-1 to E-6
4	Nosharwan	15-02-2013	05-12-2014	14-02-2016	10-01-2017	08 Months 27 days	F-1 to F-7
J.	Imdadullah	15-02-2013		14-02-2016	12-01-2015		G-1 to G-12
6.	Masoom . Khan DM	15-02-2013	26-02-2015 BA	14-02-2016	20-02-2015 DM	Differenc e. between DM/BA 6	H-1 to H-8

In view of the above, the case of the appellants is submitted for perusal and further process please.

DISTRICT EDUCATION OFFICER

(MALE) BATTAGRAM



### OFFICE OF TIME DISTRICT EDUCATION OFFICER OMANED BATTAGRAM



NO 11790 - Bated: 19/10/12018

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#### The Appelants,

- 1. Bahadar khan Ex-PST Village Dharian Tehsil & District Battagram.
- 2. Muhammad Shafiq Ex-PST Village Dabrai Paimal Sharif Tehsil & District Battagram
- 3. Islam Shah Ex-PST Village, Kaktai (Bandigo) Tehsil & District Battagram.
- 4. Masoom Khan Ex-DM Village Gijbori Tehsilå district Battagram.
- 5. Imdad Ullah Ex-PST Village Gidri Shireen Abad Tehsil & District Battagram.

Subject: DEPARTMENTAL APPEAL

Memo:-

Reference Director (E&SE) Khyber Pakhtunkhawa Peshawar No.2508 F.No. Sacked Employees of District Battagram Dated Peshawar the 26/9/2018 on the subject cited above, you are hereby inform that your joint appeal has already been rejected and your joint review appeal dated nil has been filed by the Director (E&SE) Khyber Pakhtunkhwa Peshawar.

(MALE)BATTAGRAM

Copy for information:-

1. Director (E&SE) Khyber Pakhtukhwa Peshawar.

DISTRICT EDUCATION OFFICER

BuditiNo 848-54MALE)BATTAGRAM 30/8

\_EB /Pry F:Term of Sacked Employees Dated\_

For 17/4 Meand with The

Request to Inform The above officials

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وكالن نام 1 Lyched XPX Poly نوعيت مقد بأعث تحريرا نكه مقدمہ مندرجہ میں اپنی طرف سے واسطے ویروی و جواب دی کل کاروائی متعلقہ آل مقام مسعور الرفيان الحزان المرفع للى مرح ورا إصال كودكيل مقرركر كاقراركرتا بول كرما حب مصوف كوقدم كمكل كاردائي كاكال اختيار بوكا نيز وكيل صاحب موصوف کوکرنے رامنی نامدوتقرر فائٹ وفیملہ پر طف ودینے اقبال دموی اور اصورت ویکر ڈکری کرانے اجراء وصولی چیک رویب وعرضی وعوالی گاتهدیق اوراس برد عظ کرنے کا اختیار ہوگا ادر اصورت ضرورت مقدمه فدکور کی لیاکی جروی کاروائی کے لئے کمی اور وکیل یا عارصاحب او فی کوایے مراه ای بجائے تقرر کا اختیار مجى موكا اور صاحب مقرر شده كوجى وى اور ويعيى القيارات مول كاوراس كاساخت يرواخته محدكومتكورو تبول ہوگا۔دوران مقدمہ جوخر چہو جرجاندالتوائے مقدمہ کےسب ہوگاس کے متی ویل صاحب ہول کے۔ نیز بقایارتم وصول کرنے کا بھی اختیار ہوگا۔ اگرکوئی چیٹی مقام دورہ پر ہو یا مدے باہر ہوتو وکیل صاحب موصوف یابند ہوں کے کہ بیروی مقدمہ ندکورہ کریں اور اگر عارمقرر کردہ ش کوئی جزو بھایا ہوتو وکل صاحب موصوف مقدمہ کی پیروی کے بابند نموں مے۔ نیز درخواست بمرادا مجارت نائش بسیغمفلس کے دائر کرنے اوراس کی ويردى كابحى مباحب موصوف كوافقيار موكا لهذادكالت نامة تحرير كردياتا كسندرب

#### "A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD) KHYBER ROAD
Mod PESHAWAR. TBAIAND
APPEAL No. $67.69$ of $20\%$ .
Mohrmad Shafiq Islam Shah
Apellant/Petitione
Versus
Through Sey: (ESSE)
RESPONDENT(
Notice to Appellant/Petitioner Mohamd Shafiq 510
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Take notice that your appeal has been fixed for Preliminary hearing
replication, affidavit/counter affidavit/record/arguments/order before this Tribuns on 17-6-22- at 8-20 AM
You may, therefore, appear before the Tribunal on the said date and at the sai place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.
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### KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

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Note:

UNKHWA SERVICE TRIBUNAL, PESHAWAR.

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