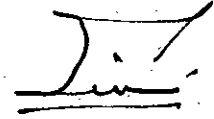


19.04.2022

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.



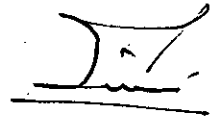
(Fareeha Paul)
Member (E)

سٹیو (جی. جی. ایم)
سیوٹی

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.

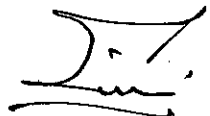


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

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

17.03.2021

Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 14/07/2021 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.




Reader

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

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

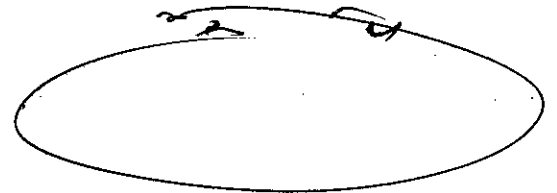
Reader

Due to summer vacation case to come up for the same on
/ / at camp court abbottabad.

Reader

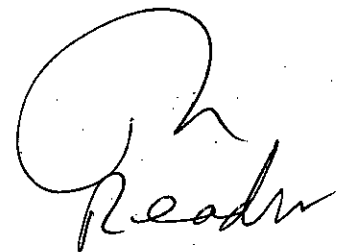
18.09.2020

Appellant Masoom Khan 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.



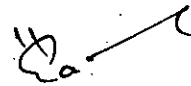
(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

*Due to COVID-19 case is
adjourned to 17-03-2021*



24.10.2019

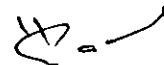
Appellant present in person. Counsel for the appellant is not present. Appellant requested for adjournment. Adjourn. To come up for preliminary hearing on 22.11.2019 before S.B at camp court, Abbottabad.



Member
Camp court, A/Abad

22.11.2019

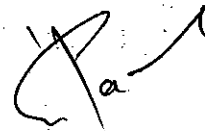
Clerk to counsel for the appellant present and submitted application for adjournment, placed on file of connected service appeal No.67/2019, with the request that next date may be fixed after 15.01.2020. Adjourn. To come up for preliminary hearing on 20.01.2020 before S.B at Camp Court, A/Abad. Last opportunity is granted.



Member
Camp Court, A/Abad

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

19.06.2019

Counsel for the appellant present.

Learned counsel for the appellant states that through notification dated 03.05.2019 the appellant has been reinstated into service but with immediate effect and the intervening period w.e.f. 31.01.2018 till date of notification was treated as extraordinary leave without pay. In the circumstances learned counsel requests for adjournment of instant matter in order to assist the Tribunal regarding competency of appeal in hand

Adjourned to 09.07.2019 before S.B at camp court,
Abbottabad.

Chairman
Camp court, A/Abad

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

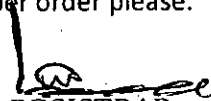

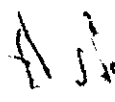

Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 24.10.2019 for preliminary hearing before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 133 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/1/2019	<p>The appeal of Mr. Masoom Khan resubmitted today by Malik Masood-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 29/1/19</p>
2-	1-2-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-4-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
19.04.2019		<p>Nemo for appellant.</p> <p>Notice be issued to appellant/learned counsel for preliminary hearing on 19.06.2019 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman Camp court, A/Abad</p>

Jonty
 P-16/173
 delay

The appeal of Mr. Masoom Khan son of Muhammad Naqab D.M. GMS, Garhi Nawab Syed District Battagram received today i.e. on 15.01.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Copies of first termination order dated 28.7.1997, reinstatement order dated 15.2.2013 and impugned termination order dated 31.1.2018 in respect of appellant mentioned in the memo of appeal are not attached with the appeal which may be placed on it.

No. 99 /S.T,

Dt. 15/01 /2019.

Masood
15/1/19
REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Malik Masood-ur-Rehman Adv.
Abbottabad.

*Re-Submitted
After doing the need
ful work.*

Masood
Malik Masood-ur-Rehman Adv.
Advocate Supreme Court
of Pakistan Abbottabad

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

Service Appeal No. 33 / 2019

Masoom Khan son of Muhammad Naqab, Drawing Master (DM) Govt.
Middle School Ghari Nawab Syed 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 toward appellant was not positive.
 - (c). That the order originally passed termination of appellant is void order.

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/ appellatant 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 appellatant 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, Masoom Khan son of Muhammad Naqab, Drawing Master (DM) Govt. Middle School Ghari Nawab Syed 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.

DEPONENT

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

Service Appeal No. _____/2019

Masoom Khan son of Muhammad Naqab, Drawing Master (DM) Govt. Middle School Ghari Nawab Syed District Battagram.

....APPELLANT

VERSUS

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

....RESPONDENTS

SERVICE APPEAL

INDEX

<i>S.#</i>	<i>Description</i>	<i>Page No.</i>	<i>Annexure</i>
1.	Service appeal along with affidavit	1 to 10	
2.	Copy of order	11 to 12	"A"
3.	Copy of order dated 28/07/1997	13 to 14	"B"
4.	Copy of order is appended herewith	15 to 16	"C"
5.	Copy of sack employees Act	17 to 22	"D"
6.	Copies of educational testimonials and service book	23 to 33	"E"
7.	Copy of writ petition alongwith order	34 to 47	"F"
8.	Copy of order	48 to 50	"G"
9.	Copy of judgment/order passed in COC petition referred above	51 to 58	"H"
10.	Copy of attendance register	59 to 63	"I"
11.	Copy of the order is appended herewith with postal receipt	64 to 68	"J" & "K"
12.	Copy of department appeal and order	69 to 73	"L" & "M"
13.	Wakalatnama	74	

[Handwritten Signature]

....APPELLANT

Through

[Handwritten Signature]
(Malik Masood-ur-Rehman Awan)
Advocate Supreme Court of Pakistan

Dated: 14/1 /2019

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

Service Appeal No. _____/2019

Masoom Khan son of Muhammad Naqab, Drawing Master (DM) Govt.
Middle School Ghari Nawab Syed District Battagram.

....APPELLANT

VERSUS

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

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT ORDER
No.1311-15/EB/SECY/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.1311-15/EB/SECY/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. 8240-49 dated 16/04/1996. 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. 7804-10 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 service 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. 1041-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.

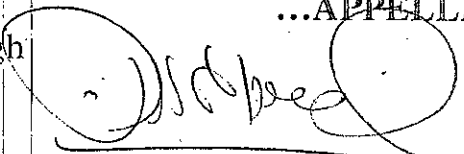
- h. That after the communication of order to the appellant/knowledge, the instant appeal is being filed.

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: 14/1 /2019

Through

...APPELLANT


(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

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

Service Appeal No. _____/2019

Masoom Khan son of Muhammad Naqab, Drawing Master (DM) Govt.
Middle School Ghari Nawab Syed District Battagram.

....APPELLANT

VERSUS

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

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Masoom Khan son of Muhammad Naqab, Drawing Master (DM) Govt.
Middle School Ghari Nawab Syed 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

OFFICE OF THE DLY: DIRECTOR OF EDUCATION (SCHOOLS) HAZARA DIVISION ABBOTTABAD.

APPOINTMENT

Mr/Miss/Mrs Mahscom Khan Son/Daughter of Resident of Bonda Akhoun Zadgan

Muhammad Haqab District Battagram is hereby appointed as Teacher in BPS9 MS Runkanai Battagram

OR: 1605/P.Fixed P.M fixed with effect from the date of taking over charge in their interest of public service on the following terms and conditions:-

1. The appointment is purely on temporary basis and liable to termination at any time with out notice on assuaging reasons.
2. He/She should produce his/her age and health certificate from the concerned Medical Superintendent.
3. The Head of institution/office concerned is required to check all the original educational qualification and professional qualification certificates before handing over charge.
4. The Head of institution/office is required to get verified his/her certificates from Board/University Registrar concerned.
5. Appointment of trained candidate who passed their professional Exam from other than NWFP is provisional & subject to the verification of certificates.
6. In case he/she wishes to resign from service he/she will have to give one month's prior notice or forfeit one month's pay in lieu of short notice.
7. The appointment shall stand automatically cancelled if he/she failed to join the post within 15 days of the issue of this order.
8. Special relaxation of upper age limit for 2 years has already been allowed vide Govt. of NWFP, S&GAD letter No. SOS-III (S&GAD) B(4) 94, dated 17.7.74.
9. NO TA/DA is allowed on 1st appointment.
10. Charge reports should be sent to all concerned.
11. They should not be handed over charge if his/her age exceeds 35 years or it is below 18 years.

Encl: No. 8244-48

DIVL: DIRECTOR OF EDU: (S)
HAZARA DIVISION: ABBAD.

Dated: A. 1974 the 14/11

Copy of the above is forwarded to the:-

1. F/S to Minister of Edu: (S/O) NWFP Peshawar.
2. Director of Secy: Edu: NWFP Peshawar.
3. District Edu: Officer (M/F) Secy: Headmistress MS Runkanai
4. Principal/Headmaster
5. District Account Officer
6. Candidate concerned.
7. ADEO (E) Local Office.
8. Office order file.

FOR: DIVL: DIRECTOR OF EDU: (S)
HAZARA DIVISION: ABBOTTABAD.

14

OFFICE OF THE DISTRICT EDUCATION OFFICE MALE BATTAGRAM

OFFICE ORDER No. _____

DATED: 28-7-1997


OFFICE ORDER

In the light of findings of the inquiry Committee and in compliance with Memo No. P No. 33/DEP/LxA Maqbool Ur Rehman (DEO Male) Battagram/AD(LxA) No (M) No. 33499 Dated 25/07/1997,

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

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

S.No	Name of Person	Father name	Designation	Name of School
1	Masoom Khan	Muhammad Niqab	DM	GMS Rupkani

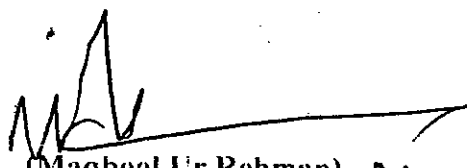

(Maqbool Ur Rehman)
District Education Office (Male)
Battagram

Endst No. 1375-79 Dated Battagram the

28/7/1997

Copy of the above are submitted to

1. Director Education N.W.F.P Dabgari Gardan Peshawar.
2. F.B to Secretary of Education N.W.F.P Peshawar
3. Head Master GMS Rupkani Allai
4. District account Officer


(Maqbool Ur Rehman)
District Education Office (Male)
Battagram

16

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM.

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 Sacked employee Act XVII 2012 and Honorable Court Judgment Peshawar High Court Abbottabad Bench dated 17-01-2013 the following candidates are hereby appointed as DM in BPS 15 (Rs:8500-700-29500) plus usual allowances as admissible under the rules against the vacant post at the school mentioned against each in the interest of public service with effect from the date of his taking over charge.

S. No	Name of Candidates	Father's Name	Address	Posted at	Remarks
1	Muhammad Iqbal	Muhammad Younis	Bhatian Battagram	GMS Soorgai	Against V/Post
2	Masoom Khan	Nidab Khan	Gijbori Battagram	GMS Nehar	Against V/Post

NOTE All the Drawing and disbursing officer are directed to verify their Degrees/Certificates from the concerned Board/University/Institutions from the quarter concerned.

TERMS AND Conditions:-

- 1 The appointment is made purely on temporary basis and liable to termination at any time without assigning any reason or notice.
- 2 Theirs service will be on regular basis but not pension able and they will contribute to CP Fund.
- 3 They will be abide by the rules and regulation issued from time to time by the Provincial Govt: XVII,2012.
- 4 Their appointment has been made in the Act of Sacked Employees Appointments Act, No
- 5 They should obtain Medical fitness Certificate from the Medical Superintendent DHQ Hospital Battagram.
- 6 In case of resignation
- 7 The candidates having less qualification will acquire requisite training and obtain FA qualification within three years failing which their appointment shall stand terminated automatically.
- 8 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.
- 9 Charge report should be submitted to all concerned.
- 10 The DDO is directed to obtain an affidavit on stamp paper duly attested by the 1st Class Magistrate that,
 - (a) They will served the Education department for more then five (5) year countinously.
 - (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.
- 11 No TADA etc is allowed to any one.

DEPUTY COMMISSIONER (CHAIRMAN)
BATTAGRAM

Endst:No 7804-10 /EB/AE-II/ Apptt:Sacked:Emp: DATED 15/02/ /2013

- Copy for information and necessary action to the:
- 1 Deputy Commissioner Battagram.
 - 2 Registrar Honorable High court Peshawar
 - 3 District Accounts Officer Battagram..
 - 4 Head Master concerned School..
 - 5 D.D.E.O (Male) Battagram.
 - 6 Candidates concerned.
 - 7 Office file.

[Signature]
Assistant District Education Officer
Litigation Battagram.

THE KHYBER PAKHTUNKHWA
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.
(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

CONTENTS

PREAMBLE

SECTIONS

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 to 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 20th September, 2012].

AN
ACT

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

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

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

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

It is hereby enacted as follows:

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

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

(3) It shall come into force at once.

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

- (a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;
- (b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District Offices working thereunder;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "Prescribed" means prescribed by rules;
- (e) "Province" means the Province of the Khyber Pakhtunkhwa;
- (f) "rules" means the rules made under this Act; and
- (g) "Sacked employee" means a person who was appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on the ground of irregular appointments;

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

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

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

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

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

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

7. Procedure for appointment.—(1) A sacked employee, may file an application, to the concerned Department within a period of 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.

Book No:
25

Sr. No:
2431

INSPECTOR OF DRAWING EXAMINATION FOR SINDH DIRECTORATE OF SCHOOLS EDUCATION

HYDERABAD REGION HYDERABAD

MARKS CERTIFICATE

CENTER SHS Tama Ali Hyderabad

Name of Examination: **ELEMENTARY / INTER GRADE DRAWING 2015**

Name of Candidate: Noor Khan

Seat No:
"3382"

S/o, D/o Muhammad Nisab

B/C

Examination Held in the Month of Jan Session 2015

SUBJECTS	MAX. MARKS	MARKS OBTAINED
Object Drawing	100	77
Geometry & Lettering	100	60
Nature Drawing	100	70
Memory Drawing	100	68
Design	100	75
Free Hand Drawing	100	60
TOTAL	600	405

RESULT

Grade / Division:
"B"

Result Declared on 20.2.2015 ✓

Date of Issue 23.2.2015 ✓

Prepared on [Signature] Checked by [Signature]

Controller
Inspector of Drawing Grade
Examinations For Sindh Directorate of Schools
Education Hyderabad.

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD



Serial No. 460805

Name: MASOOM KHAN
Father's Name: MUHAMMAD NIGAB
Address: C/O SHAFI UR RAHMAN CLOTHHOUSE AL SYED
MARKET BATTAGRAM P. O BATTAGRAM
Tehsil: BATTAGRAM
District: BATTAGRAM

Roll No. AQ483573
Registration No. 07NMN01622
Final Semester: SPR-2014

has successfully completed BACHELOR OF ARTS
GROUP-GENERAL

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 12	1431	BASICS OF INFORMATION & COMM. TECHNOLOGY	100	62
AUT- 12	1423	COMPULSORY ENGLISH-I	100	54
AUT- 12	0417	PAKISTAN STUDIES(C)	100	73
AUT- 12	0416	ISLAMIAT (C)	100	67
SPR- 13	0484	FOOD & NUTRITION	100	55
SPR- 13	1424	COMPULSORY ENGLISH-II	100	56
SPR- 13	0485	HEALTH & NUTRITION	100	67
SPR- 13	0413	SOCIOLOGY-I	100	56
AUT- 13	1421	INTR. TO ENVIRONMENTAL SCIENCE	100	55
AUT- 13	0482	FOOD MICRO-BIOLOGY	100	70
AUT- 13	0412	SOCIAL & CULTURE ANTHROPOLOGY	100	58
SPR- 14	0458	COMMUNITY DEVELOPMENT	100	56
SPR- 14	1422	ENVIRONMENT POLLUTION	100	68
SPR- 14	0487	CHILD DEVELOPMENT	100	65

CREDITS: 8

Result Declared on FEBRUARY 26, 2015

Date of issue MARCH 5, 2015

Total Marks / Obtained

1400 / 862

Percentage / Grade 62 B

Disclaimer: This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

Controller of Examinations

26



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

RESULT INTIMATION CARD

POSTAGE PREPAID
No postage Required to be Affixed
Examinations Department AiOU

PROGRAMME:

B. ED

SEMESTER:

AUTUMN-15

ROLL NO.:

99505180

REGISTRATION NO.:

07NPN01622

NAME:

MASOOM KHAN

FATHER NAME:

MUHAMMAD NIGAB

ADDRESS:

C/O SYED HALEEM SHAH SHOPKEEPER
ITIFAG MARKET

BATTAGRAM

BATTAGRAM

SR. NO.	COURSE CODE	ASSIGNMENTS			FINAL MARKS			CONFL. MARKS	GRADE	RESULT
		Theory	Practical	Work-Shop	Teach Practice	Exam	Viva			
1	BED-512	90.00								
2	BED-513	90.00								
3	BED-514	73.50				44		59	C	PASS
4	BED-518	90.00				54		65	B	PASS
5	BED-651	90.00				54		70	A	PASS
6	BED-652	90.00				40		56	B	PASS
						50		55	C	PASS
								62	B	PASS

Signature of Dealing Official

Controller of Examinations

The result card is issued, errors and omissions excepted, as a notice only. An entry appearing in it does not itself confer any right or privilege independently to the grant of a proper Certificate/Degree which will be issued under the Regulations in due course.

Note: Pl. Read the instructions overleaf.

Result Declaration Date:

05/08/2016

27



ALLAMA IQBAL OPEN UNIVERSITY

Postage prepaid
agreement 29-03-2007
No postage Required to be affixed

ROLL No. SLIP

SR NO: 9924

SEMESTER: SPR2016

ROLL NO.: BG606180

NAME: MR. MASOOM KHAN

FATHER NAME: S/O MUHAMMAD NIQAB

ADDRESS: C/O SYED HALEEM SHAH SHOPKEEPER
ITIFAQ MARKET
BATTAGRAM

PROGRAMME: B.ED

REGISTRATION NO.: 07-NMN-01622

BATTAGRAM

S.NO	COURSE/S	DAY	DATE	TIME		CENTER
				FROM	TO	
1	BED-0517	MON	03/10/16	1400	1700	GOVT. CENTENNIAL MODEL HIGH SCHOOL NO. 01, BATTAGRAM (463)
2	BED-0654	WED	05/10/16	1400	1700	GOVT. CENTENNIAL MODEL HIGH SCHOOL NO. 01, BATTAGRAM (463)

Controller of Examinations

1 کٹرولر امتحانات کی پیشگی اجازت کے بغیر درج بالا امتحانی مرکز تبدیل کرنے کی صورت میں سرورج امتحانی قواعد کے تحت تاہم سبھی کارروائی عمل میں لائی جائے گی۔
2 موبائل نمبر 099/099 ڈاؤن لوڈ کریں اور بیگ کر کے امتحان میں لانا ممنوع ہے۔

Note: Please read the other instructions at overleaf.



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

RESULT INTIMATION CARD

28

POSTAGE PREPAID
No postage Required to be Affixed
Examinations Department AIU

PROGRAMME: B. ED
 ROLL NO.: 33504180
 NAME: MASOUM KHAN
 FATHER NAME: MUHAMMAD NIGAB
 ADDRESS: C/O SYED HALEEM SHAH SHOPKEEPER
 ITIFAG MARKET
 BATTAGRAM

SEMESTER: AUTUMN-15
 REGISTRATION NO.: 07NPN01622

SR. NO.	COURSE CODE	ASSIGNMENTS		FINAL MARKS				CONFL. MARKS	GRADE	RESULT
		Theory	Practical	Work-Shop	Teach Practice	Exam	Viva			
1	BED-512	90.00								
2	BED-513	90.00				48				
3	BED-514	73.50				54		59	C	PASS
4	BED-518	90.00				69		65	B	PASS
5	BED-651	90.00				56		70	A	PASS
6	BED-652	90.00				40		66	B	PASS
						50		55	C	PASS
								62	B	PASS

Signature of Dealing Official _____

[Handwritten Signature]

The result card is issued, errors and omissions excepted, as a notice only. An entry appearing in it does not itself confer any right or privilege independently to the grant of a proper Certificate/Degree which will be issued under the Regulations in due course.

Controller of Examinations

Note: Pl. Read the instructions overleaf.

Result Declaration Date:

05/08/2016



ALLAMA IQBAL OPEN UNIVERSITY

Postage prepaid
agreement 29-03-2007
No postage Required to be affixed

ROLL No. SLIP

29

SR NO: 9924

SEMESTER: SPR2016

ROLL NO.: BG606180.

NAME: MR. MASOOM KHAN

FATHER NAME: S/O MUHAMMAD NIQAB

ADDRESS: C/O SYED HALEEM SHAH SHOPKEEPER
ITIFAQ MARKET
BATTAGRAM

PROGRAMME: B.ED.

REGISTRATION NO.: 07-NMN-01622

BATTAGRAM

S.NO	COURSE/S	DAY	DATE	TIME		CENTER
				FROM	TO	
1	BED-0517	MON	03/10/16	1400	1700	GOVT. CENTENNIAL MODEL HIGH SCHOOL NO. 01, BATTAGRAM (463)
2	BED-0654	WED	05/10/16	1400	1700	GOVT. CENTENNIAL MODEL HIGH SCHOOL NO. 01, BATTAGRAM (463)

Controller of Examinations

1 کنٹرولر امتحانات کی پیشگی اجازت کے بغیر درج بالا امتحانی مرکز تبدیل کرنے کی صورت میں مروجہ امتحانی قواعد کے تحت تازہ سبھی کارروائی عمل میں لائی جائے گی۔
2 موبائل نمبر 0997 اور ڈاؤن لوڈ کریں کہہ امتحان میں لانا ممنوع ہے۔

Note: Please read the other instructions at overleaf.

(For use in Police Department only)

30

Heirs:—

- 1. Passed DM From Inspector
- 2. of Drawing for South Directorate
- 3. of School Education Secured

404/600 Result dated 20/1/2015
 Verification Roll No. 2002-2015
 Dec 2015 received back

[Signature]
 Sd/- Mr. M. M. Officer
 District Education Officer

Left Thumb-Impression

① Passed S.S.C Exam
 under roll no 66285
 Session 1989 obtained 416 marks
 out of 850 from post exam Board.

Qualifications	Date	Date
English	(Male)	

② Passed Inter Examination
 from Peshawar Board under
 Roll No 28464 Session 1991
 Obtained 437 marks out of 1100

First Arts	
B.L. or B.A.	
Pleadership Examination	

Plan-Drawing

③ District Education Officer
 (Male) Secy

Finger Print

Other Qualifications:—
 Passed BA from
 AIOU Islamabad
 under roll No AQ4838

Drill Instructing

Court Duties

Reserve Duties

73 SPR - 2014
 Obtained 862/1400
 Result checked on
 February 26, 2015

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

[Signature]
 Sd/- Mr. M. M. Officer
 District Education Officer

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

Name: Masoom Khan

Race: Akheer Zada

Residence: Banda Akheer Zadgan

1. Masoom's name and residence Muhammad Nigab
village, Banda Akheer Zadgan Tehsil & District Battagram

5. Date of birth by Christian era as nearly as can be ascertained 1st October Nine hundred Seventy
(01-10-1970)

6. Exact height by measurement. 5' 5"

7. Personal marks for Identification NIL

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

Little Finger Ring Finger

Middle Finger Fore Finger

Thumb

9. Signature of Government Servant Masoom Khan

10. Signature and Designation of the Head of the Office, or other Attesting Officer. Masoom
District Officer (Male) Battagram

38

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government
D-M GMS Roshkani	off/Temp.		B.P.S-09	Rs-1605-	97-3060	4 17/96	Mazga
B.B-15-			8500-	700 =	29500		
D.M GMS Akher			RS = 8500/mon.			16 ² / ₂₀₁₃	Mazga
U				9200/-		1 ¹⁰ / ₁₃	Mazga
U				9900/-		1 ⁶ / ₁₄	Mazga
U				9900/-		1 ¹² / ₁₄	Mazga
U				9900/-		1 ³ / ₁₅	Mazga
Revised Basic Pay scale w.e.F of 07/2015 Grade B.P.S-15-10985-905-38135							
Non-Res GMS U				12795/PM		07 2015	Mazga
U				13700/PM		07 2015	Mazga
G.M.S. GMS Navab Sand				13700/-		3 22/16	
U				16870/-		17 2016	

9	10	11	12	13		14	15
				Nature and duration of leave taken	Leave		
					Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable	
Signature and name of the head of office or other appointing officer in station of posts Nos 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer				Reference to any recorded punishment or censure, or reward or praise of the Government Service
<i>[Signature]</i>	<i>[Date]</i>	<i>Termination</i>	<i>[Signature]</i>				
<i>[Signature]</i>	<i>13</i>	<i>1-Pre-mature</i>	<i>[Signature]</i>				
<i>[Signature]</i>	<i>14</i>	<i>1-Pre-mature</i>	<i>[Signature]</i>				
<i>[Signature]</i>	<i>28/15</i>	<i>School upgrd</i>	<i>[Signature]</i>				
<i>[Signature]</i>	<i>06/30</i>	<i>Pay Scale upgrd</i>	<i>[Signature]</i>				
<i>[Signature]</i>	<i>2015</i>	<i>Annual Increment</i>	<i>[Signature]</i>				
<i>[Signature]</i>	<i>2015</i>	<i>Relief to GMS</i>	<i>[Signature]</i>				
<i>[Signature]</i>	<i>30/6</i>	<i>S/R</i>	<i>[Signature]</i>				

Appointed Against vacant D.M. post at GMS Ropkemi (Alai) vide Divisional Director of Education (S) Hazara Division Abbottabad. Officer order Endosth- No 8240-49

Dated 16-4-96

Re Appointment by the D.M. P.S. B.S. Departmental Selection committee in the light of WPK Sacked employees Act 2 VII 2012 and Honorable Peshawar High Court Abbottabad Bench Judgement dated 17-01-2013 issued Approved by the D.C. Ballal issued vide D.E.O.M. Education Balochistan Circle No. 7804-17 dated 15/2/12

vide Ad. post No. 3232 at 21/03/16

By + adm. no. of 18/2 2013

8	9	10	11	12	13		14	15
					Leave			
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
Signature and position of the head of the office or other attesting officer in Government Ser	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitale	Signature of the head of the office or other attesting officer	Reference to a recorded punishment or censure, or reward or praise of the Government Ser	
							Service Verified w.e.f. 16 ² to 30 ⁰⁶ The 73 ¹⁴ and other record of this office	
							By: DEO (Male) Battagram MB	
							Service Verified w.e.f. 12 to 28 ² for Acquisition of other office record.	
							By: MB	
							By: MB	
							Service Verified w.e.f. 3 to 21 ³ for Service Book of other office record.	
							By: MB	

By: DEO (Male) Battagram MB

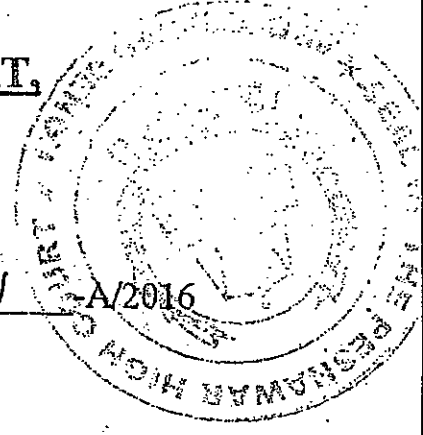
By: MB

By: MB

By: MB

1 (35)

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH



Writ Petition No. 1041 -A/2016

Masoom Khan son of Muhammad Naqab, presently Drawing Master (DM),
Govt. Middle School, Garhi Nawab Syed, District Battagram.

...PETITIONER

Certified to be True Copy

VERSUS

[Signature]
Examiner
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 5, Acts Ordinance

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.
2. Deputy Commissioner, Battagram.
3. District Education Officer (Male), Battagram.
4. Deputy District Education Officer (Male), Battagram.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973, AS AMENDED UPTO DATE.

47/14
no 3-1116
Respectfully Sheweth;-

The petitioner humbly submits as under;-

1. That petitioner was appointed as Drawing Master (DM) during the year 1995 where after the services of the petitioner with others who were appointed during the period of 1st Day of 1993 to 31st day of December 1996 were terminated during the year 1997.

Copies of appointment letter and termination letter are annexed as Annexure "A" & "B" respectively. *Annexure A & B are Copies*

Abdul Wahid Khan
 Chairman
 Revenue High Court
 Abudulwahid Bench
 Authorized Under Section 7 of Act 19 of 1997

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".

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".

2

6/2/11/13

37

4. That the Federal Govt. and Provincial Govt. re-instated all employees which are entitled under the law and others were given relief of "Golden Hand Shake".
5. That the Provincial Govt. also after the meeting of Provincial Cabinet on 3rd February 2009, while expediting the matter, Circular vide letter dated 21st February 2009 was also issued.
6. 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.

Certified to be True

Examiner
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 A

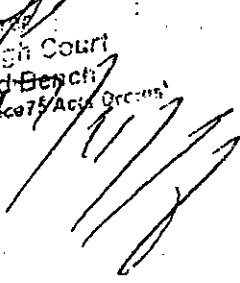
FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench
17/11/15

7. That since after the reinstatement of the petitioner in service, the petitioner is still performing his duties at his present posting station i.e Govt. Middle School Garhi Nawab Syed, District Battagram with the entire satisfaction of his superiors. Copy of attendance register is appended herewith as Annexure H".

8. That now the respondent No.3 without any notice stopped the monthly salary of the petitioner, when the petitioner objected the non-payment of his monthly salary, the respondent No.4 handed over the photocopy of letter No.7109-15/EB-II/Sacked Employees 2013 dated 13/07/2016. Copy of afore-referred letter is appended herewith as Annexure "I".

Certified to be True Copy
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Section 75/Act 1973



9. That after receiving the copy of afore-referred letter the petitioner invited the intention of respondent No.3 & 4 towards the entry made in service record of the petitioner regarding the submission of B.A, B.Ed degree coupled with the Drawing

FILED TODAY

Additional Registrar
 Peshawar High Court
 Abbottabad - 12/11/16

38

Master certificate but inspite the fact that the petitioner has not only passed the afore-referred examination and thereby obtained the requisite qualification but the same has already been submitted before the respondent No.3 & 4. Copies of DM certificate, B.A degree as well as B.Ed degree as appended herewith as Annexure "J", "K" & "L" respectively.

5/11/16

10. That the respondents by putting the objection that the Drawing Master (DM) certificate has not been obtained by the board situated within the limits of KPK Province refused to release the monthly salary of the petitioner.

Certified to be True Copy
Exam. Court
Peshawar
Abbottabad Branch
Authorized Under Sec 75, Act 1973

[Handwritten signature]

11. That at the same time the afore-referred letter vide Annexure "H" another brother colleague petitioner namely Muhammad Iqbal D.M GMS Soorgai Battagram who was also having the Drawing Master (DM) certificate from the said Haiderabad Board was accepted and he was exonerated from the stoppage of his pay.

REGISTRAR
PESHAWAR
Abbottabad Branch
✓
16/11/16

39

12. That since the act of the respondents is malafide, coram-non-judice and is beyond the canon of justice result thereof they issued the letter bearing No.7109-15/EB-II/Sacked Employees 2013 dated 13/07/2016 vide Annexure "H" is against the law and having been issued without lawful authority therefore, the same is hereby called in question on the grounds, set below;

GROUND:-

- a) That the act of respondents is discriminatory and is in violation of the law settled on the subject.

- b) That act of respondent refused to accept the DM certificate issued by the Haiderabad Board is discriminatory, against the settled law on the subject.

- c) That on the same time the respondents accepted the DM certificate of brother

Certified to be True Copy

Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 A of Ordinance

3/1/16

7 40

colleague of petitioner namely Muhammad Iqbal who had also obtained DM certificate from the same institute/ board, whereas, the petitioner has deprived though he has also qualified from the same board and he fulfilled the condition imposed by the respondents at the time of his reinstatement as Sacked Employees within the period of 03 years.

- d) That the similar nature case where the DM certificate was obtained by the other province i.e the Sindh Board. This Honourable Court in writ petition No.66/2009 titled "Muhammad Banaras v/s Govt. of KPK" decided that the DM certificate issued by the Jamshoro Board (Sindh Province) is competent and recognized one that too in writ petition No.2093/2007 decided on 26/06/2012 by the Honourable Peshawar High Court, Swat Bench by placing reliance on judgment passed

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Abbottabad Bench
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Powers of the Judges Act, 1973

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in writ petition No.66/2009. Copies of judgment in writ petition No.66/2009 and writ petition No.2093/2007 decided on 28/06/2012 are appended herewith as Annexure "M" & "N" respectively.

e) That non-acceptance of DM certificate of petitioner issued by the Hyderabad Board is concern is totally against the law and discriminatory and is against the Article 4 read with Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.

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 Abbotabad Bench
 Authorized Under Sec 75 Acts Ordms

f) That there is nothing in any law which prohibits the respondents or any authority not to accept any degree or any certificate issued by any boards/ universities of Pakistan.

g) That the act of respondents is against the recognized principle of natural justice.

d

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42

h) 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.

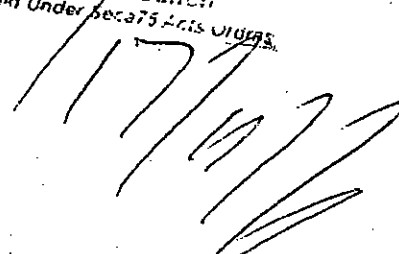
i) That the petitioner rendered his major span of his life in his present and will face rigorous in case of his termination.

j) That on the other hand the petitioner achieved the terms and condition and fulfill within the time prescribed by the respondents.

k) That the conduct of the respondents is against the fundamental rights and act of respondents is discriminatory towards the petitioners.

l) That the respondents are bond to act under the law and they are bond to act while keeping in view Article (4) of

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Abbottabad Bench
Authorized Under Sec 75 Arts 109 & 110



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Peshawar High Court
Abbottabad Bench
3/11/16

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the Constitution of Islamic Republic of Pakistan, 1973.

- m) That the petitioner is still performing 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 job.
- n) That there is no other alternate, efficacious remedy available to petitioner except the instant writ petition.
- o) 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 "O".
- p) That addresses of the parties have correctly been mentioned in the heading of the petition.

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Abbottabad Bench
Authorized Under Sec 75 Act 1973

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Peshawar High Court
Abbottabad Bench

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- q) That the court fee stamp paper worth Rs. 500/- is appended herewith.
- r) That other grounds shall be urged at the time of arguments.

In the giving circumstances, it is therefore, humbly prayed that on acceptance of instant writ petition this Honourable Court may kindly be direct the respondents; -

- A) To issue the direction to the respondents to delete the name of petitioner from the letter No.7109-15/EB-II/Sacked Employees 2013 dated 13/07/2016 vide Annexure "H" by considering the petitioner Drawing Master (DM) certificate issued by Haiderabad Board (Province of Sindh).

- B) To issue direction to the respondents to release the monthly pay of petitioner from August 2016 to till now.

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 Peshawar High Court
 Abbottabad Bench
 As ordered Under Section 35

NO 5370 DAY

REGISTERED
 COURT OF PESHAWAR
 ABBOTTABAD BENCH

45

- C) Not to take any adverse action against the petitioner.
- D) Any other relief which this Honourable Court deems fit and proper in the circumstances of the case.

INTERIM RELIEF; -

The respondents No.3 & 4 may kindly be directed to release the monthly pay of petitioner w.e.f August 2016 to till now and not to take any adverse action against the petitioner.

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Examination
Peshawar Bench
Abbottabad Bench
Authorized Under Sec 75 Acts Ordys

Dated: 26/8/2016

Through

...PETITIONER

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

VERIFICATION:-

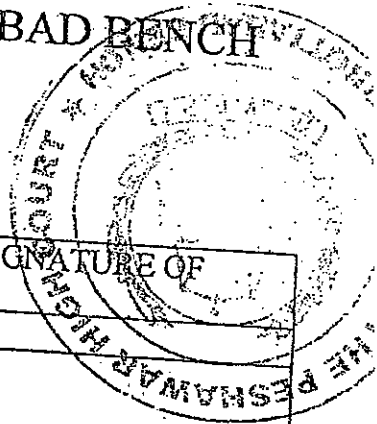
Verified on oath that the contents of foregoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

...PETITIONER

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM 'A'
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
15.11.2016	W.P No.1041-A/2016.
	Present: Malik Masood-ur-Rehman Awan, Advocate, for petitioner.

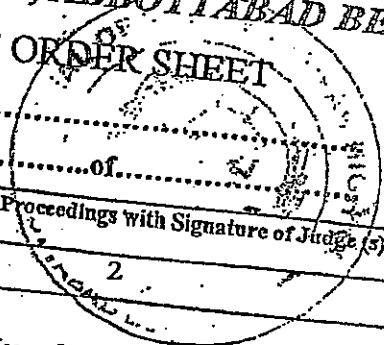
	Comments of respondents No.2 and 3 be called for so as to reach this Court within a fortnight.
	<u>Interim Relief.</u>
	Notice for 06.12.2016. In the meanwhile if the petitioner is actually performing his duty then his salary for the current moth be released forthwith.
	<i>[Handwritten Signature]</i>
Certified to be True Copy	
<i>[Handwritten Signature]</i> Peshawar High Court Abbottabad Bench Created Under Section 10 of the Peshawar High Court Act, 1973	

(Ayub)

Copy of
order
14-2-17

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.
FORM OF ORDER SHEET

Court of.....
Case No.....



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
14.02.2017	<p><u>W.P.No. 859-A/2016.</u></p> <p>Present: Malik Masood-ur-Rehman Awan, Advocate, for the petitioner. Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.</p> <p>***</p> <p><u>IKRAMULLAH KHAN, J.-</u> 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 F.A qualification within three years failing which their appointment shall stand terminated automatically" and not to take any adverse action against the petitioners.</p> <p>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.</p> <p>3. In such view of the matter, when serious question of</p>

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Peshawar High Court Abbottabad Bench
Authorized Under Sec: 75 Evid Ordns:
17/02/17

Sh...
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Appendix

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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.

Sd/- Judge
Sd/- Judge

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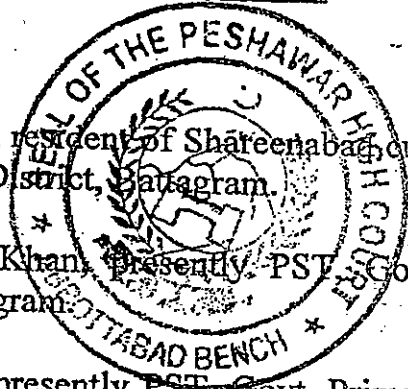
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 Peshawar High Court Abbottabad Bench
 Authorized Under Sec: 78 Evid Ordns:

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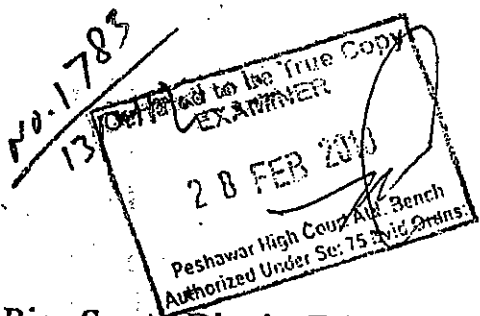
BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

COC No. 25 -A/2017



1. Imdadullah Khan son of Musa Khan, resident of Shareenabad, cum Kuza Banda, P.O Ghidari, Tehsil & District, Battagram.
2. Bahadur Khan son of Ali Gohar Khan, Presently PST, Govt. 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. Noshervan son of Noor ul Hassan, presently PST, Govt. Primary School Malkot, District Battagram.

...PETITIONERS



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

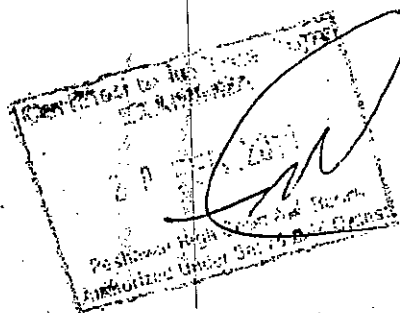
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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

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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
ON 14/02/2017.



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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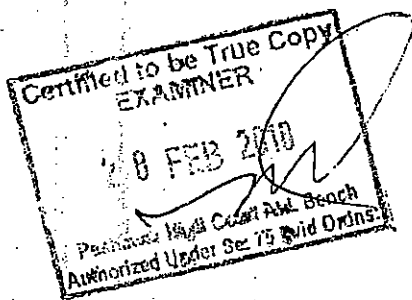
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT



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 &



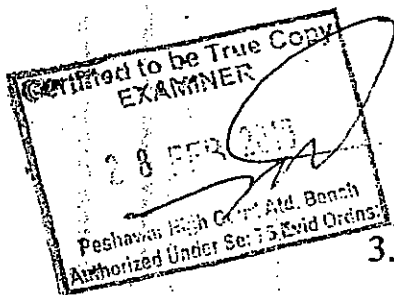
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PESHAWAR HIGH COURT
ADMINISTRATIVE BENCH

C 1314/16

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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".



3.

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

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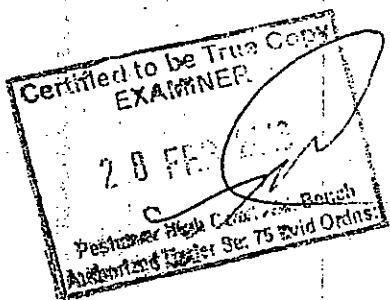
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 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH
 2/13/19



4. 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".

6. 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



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ABBOTTABAD BENCH

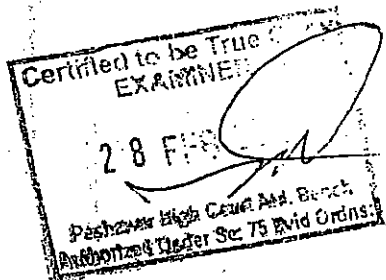
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obeying the order/ judgment passed by this Honourable Court on 14/02/2017.

7. That the respondent/ contemnor has willfully, knowingly, intentionally and 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.

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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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: 12/04/2017

Through

[Signature]

...PETITIONERS

(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.

FILED TODAY
[Signature]
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
2/13/17

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EXAMINER
28 FEB 17
[Signature]
Peshawar High Court
Authorized Under Sec: 75

...PETITIONER

گورنمنٹ نیشنل کالج کراچی

نمبر	کلاس	مدرسین	حاضر	غائب
AT	DM	CT	SST	

تاریخ	آر	دکھ	روائی	دکھ	آر	دکھ	روائی	دکھ	آر	دکھ	روائی	دکھ
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دستخط مدرسین

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وجیشتر حاضری مدارس سین گورنمنٹ لاہور

ایستادہ دستبردار											
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دستخط میزبان

رجسٹر حاضری مدرسین کوئٹہ 20

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قسم رخصت	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
انفائیہ									
استحقاق									
بیماری									
میزان									

دستخط و مہتمم
 GMS
 Qari Nawab Syed

رجسٹر حاضرہ مدرسین گورنمنٹ ہائی اسکول کراچی

62

تاریخ	نمبر	حصہ	موضوع	مدرسین
17/12/20	3	AT	CT	DMT

تاریخ	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی	آمد	دستخط	رواگی
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تعمیر	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان	حالیہ	سابقہ	میزان
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تعمیر												
تعمیر												

دستخط ہیڈ ماسٹر



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT BATTAGRAM

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



OFFICE ORDER

1. Whereas you the following Ex DMs (Sacked Employee) 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 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. Muhammad Iqbal S/O Muhammad Younas DM GMS Soorgai.
 - ii. Masoom Khan S/O Niqab Ex DM GMS Ghari Nawab Said.
2. 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 Employees) 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".
5. 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 Hon'ble Court dated 14-02-2017, 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.


Now in the light of direction of Hon'ble Peshawar High Court Abbottabad Bench dated 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)
Battagram
Dated. 31-01-2018

Endst: No. 1311-15/EB/Secy/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.
5. The above mentioned Ex DMs.


District Education Officer (Male)
Battagram

No. 553

66

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered* addressed to

H. G. ...

Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured

Insured for Rs. (in figures)

(in words)

Insurance fee Rs. Ps.

Weight (in words)

Kilo Grams

Name and address of sender

No. 554

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

Received a registered* addressed to

P. ...

Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured

Insured for Rs. (in figures)

(in words)

Insurance fee Rs. Ps.

Weight (in words)

Kilo Grams

Name and address of sender

No. 555

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

Received a registered* addressed to

T. ...

Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

If insured

Insured for Rs. (in figures)

(in words)

Insurance fee Rs. Ps.

Weight (in words)

Kilo Grams

Name and address of sender

No. 556

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

Received a registered* addressed to

K. ...

Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures)

(in words)

Insurance fee Rs. Ps.

Weight (in words)

Kilo Grams

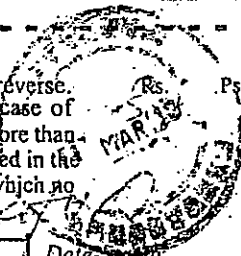
Name and address of sender

67

W-1-1325

No. 560

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide of on which no acknowledgement is due.



Received a registered* addressed to

Date Stamp

*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures)

(in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

Handwritten address lines for the sender.



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

753 /EB/Pry. Dated

Battagram: 10/05/2018

69

The Director
(E&SE) Khyber Pakhtunkhwa
Peshawar.

Subject:- DEPARTMENTAL APPEAL.

Memo:-

Reference Copy of appeal (Attached)

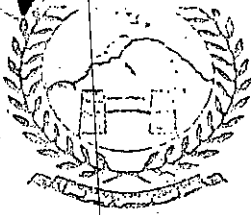
1. The following appellants Ex-PSTs (Sacked Employees) were appointed vide order Endst No.7825-31 Dated 15/02/2013 in the light of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012 with the condition that "The candidates having less qualification will acquire requisite training and qualification 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 issue 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 Department 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.

S N O	NAME	ORDER DATE	PASSING FA	DEEDLINE FOR ACQUIRING ACAD/PROF QUALIFICATI ON PASSING PTC	DATE OF PASSING PTC	DIFFERENCE BETWEEN PASSING PTC/ACQUIR E TIME	Remarks (Documents Attached and marked as)
1	Bahadar Khan	15-02-2013	1993	14-02-2016	10-01-2017	08 Months 27 days	C-1 to C-11
2	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
5	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 days-	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

7/5/18



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

NO 11790-76 Dated: 19/10/2018

To

71

The Appellants

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 Tehsil & district Battagram.
5. Imdad Ullah Ex-PST Village Gidri Shireen Abad Tehsil & District Battagram.

Subject:- DEPARTMENTAL APPEAL.

Memo:-

As Director (E&SE) Khyber Pakhtunkhwa 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.

[Signature]
DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

19/10/18

Endst No: _____ EB /Pry F: Term of Sacked Employees Dated _____ 2018.

Copy for information:-

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

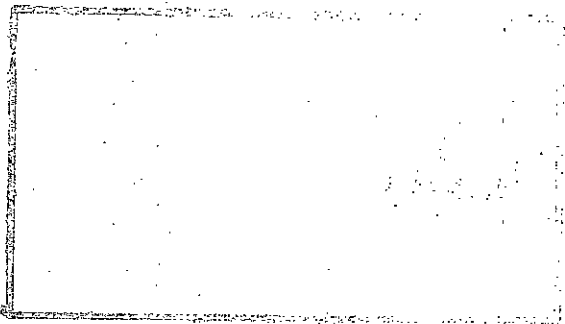
Endst: No 848-52 dt 22-10-2018

sd -
DISTRICT EDUCATION OFFICER
(MALE) BATTAGRAM

Forwarded in original to
ASDEOs concerned for further info
and inform the above Ex-PSTs in time.

SDEO (MALE)

Battagram



سرور پرنسپل ایچ ای کسٹاور

گورنمنٹ آف ایڈمکسیٹیشن و پبلسٹیٹی

حکومت خان

سائل ایچ ای

مقام

مدرسہ اسلامیہ احوال اراکوہ کراچی پاکستان

مدرسہ اسلامیہ احوال اراکوہ کراچی پاکستان
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مدرسہ اسلامیہ احوال اراکوہ کراچی پاکستان

14/07/19

Handwritten signature and scribbles.

Handwritten signature and scribbles.

"A"

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

No.

APPEAL No..... of 20

133

19

TB

Masroor Khan

Appellant/Petitioner

Versus

Through Secy. Edu. KPK Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Malik Masood-ul-Rehman
Advocate Supreme Court of
Pakistan at Abbottabad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on

14-6-2019 at 6:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A. Masood

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

TB

APPEAL No. 133 of 20 17

Masoom Khan

Appellant/Petitioner

Versus

Miraj Saeed Edhi KPA Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Masoom Khan S/o M. Nagab
Drawing Master (DM) Govt. Middle
School Ghazi Nawab Saeed Distt.
Battagram.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 17-6-2017 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A. Abad

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

TB

No.

APPEAL No..... 133 of 20 18

Masoom Khan

Appellant/Petitioner

Versus

Through Secy. Edu. K.P. Pesh.

RESPONDENT(S)

Counsel

Amir

Notice to Appellant/Petitioner

Malik Masood-ur-Rehman
Advocate High Court Supreme
Court of Pakistan at Abbottabad

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-12-2018 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Abbottabad

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

133

18

APPEAL No..... of 20

Masoom Khan

Appellant/Petitioner

Versus

through Secy: Edu: M.P.U. Pesh

RESPONDENT(S)



Masoom Khan S/o M. Nagab

Notice to Appellant/Petitioner

Drawing Master (DM)

Sign

*Govt. Middle School Ghan Nawar
Distt: Battagram*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/proof/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A. Abad

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. of 20

133

19

TB

Masoom Khan

Appellant/Petitioner

Versus

Through Secy: Edm: 14 P...
RESPONDENT(S)

Notice to Appellant/Petitioner

Mahk Masood ur Rehman
Admnr High Court
Abbottabad

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-7-2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Abbottabad

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

7B

APPEAL No. 133 of 20 19

Masoom Khan

Appellant/Petitioner

Versus

Through Secy. Edu. Dept. Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Masoom Khan Secy. Mr. Noqub

Drawing Master (DM)

Quart. No. 2 Middle School
Ghari Namab Syed Distt.
Battagram

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-7-2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A Road

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Regd

APPEAL No. 133 of 20 19

TKS A/A/Adm

Masoom Khan

Appellant/Petitioner

Versus

Through Secy: (ESSE)

RESPONDENT(S)

Notice to Appellant/Petitioner

Malik Masood vs Rehman.

Awan Advocate

Supreme Court of Pakistan

A/Adm.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 17-6-22 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at CAMP Court

A/Adm.

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Recd
No. -

TB - A/Abad

APPEAL No. *133* of 20

Masoom Khan

Appellant/Petitioner

Versus

Through Secy. (F&SE)

RESPONDENT(S)

Notice to Appellant/Petitioner *Masoom Khan S/o*

Mohammad Naqab Drawing Master
(DM) GMS Ghari Nawab Syed
Battagram

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *17-6-22* at *8:00 AM*.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

Abad.

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Rose
No. -

TB - Alabad

APPEAL No. *133* of 20

Masoom Khan

Appellant/Petitioner

Versus

Through Secy. (ESSE)

RESPONDENT(S)

Notice to Appellant/Petitioner *Masoom Khan 3/0*
Mohammad Naqab Drawing Master
(DM) GMS Ghori Nawab Syed
Battagram

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *17-6-22* at *8:00 AM*.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

Alabad,

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Recd
No.

T/S A/Ahead

APPEAL No. *133* of 20 *19*

Masoom Khan

Appellant/Petitioner

Versus

Through Secy, CESSE

RESPONDENT(S)

Notice to Appellant/Petitioner *counsel Malik Musood w/ Rehman.*
Awan Advocate
Supreme Court of Pakistan
DP Abad

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *17-6-20* at *8:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
DP Abad

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.