

18.08.2022

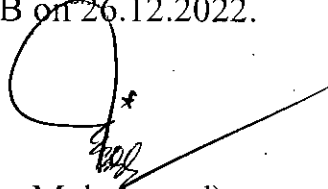
Tour to camp court Abbottabad has been cancelled, therefore, the case is adjourned on 20.10.2022 for the same.

  
READER

20.10.2022

Nemo for the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

Previous date was changed on the strength of Reader's Note, therefore, notice be issued to the respondents for submission of reply/comments. Notice be also issued to the appellant as well as his counsel to attend the court on the next date. Adjourned. To come up for reply/comments before the S.B on 26.12.2022.


  
(Mian Muhammad)  
Member (E)

15.03.2022 Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 17.05.2022

  
Reader


17.05 2022 None for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Previous date was changed through Reader note therefore, notices be issued to the respondents for submission of reply/comments. To come for the same before S.B at camp court Abbottabad on 17.06.2022.

  
(Fareeha Paul)  
Member (E)  
Camp Court Abbottabad

14.06.2022 None for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

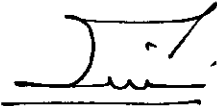
Reply on behalf of respondents is still awaited. Notices be issued to the respondents for submission of written reply/comment on or before 18.08.2022 before S.B at Camp Court Abbottabad.

  
(Fareeha Paul)  
Member (E)  
Camp Court A/Abad

13.10.2021

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 29.12.2021 at Camp Court Abbottabad.



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

29.12.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Points raised need consideration. Subject to all just and legal objections, this appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 15.03.2022 before S.B at camp court, Abbottabad.

Appellant Deposited  
Security & Process Fee

04/01/22



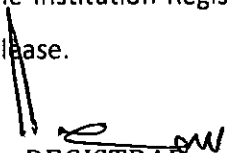
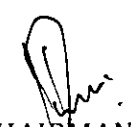
Chairman  
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

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

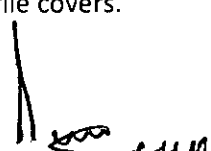
Case No.- 1562 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/01/2021	<p>The appeal of Mr. Jehangir Khan resubmitted today by post through Ikram-ul-Qayum 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,</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-06-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
18.06.2021		<p>Due to COVID-19, tour to Abbottabad has been cancelled, therefore, case to come for the same as before on 13.10.2021.</p> <p style="text-align: right;">Reader</p>

The appeal of Mr. Jehangir Khan received to-day i.e. on 31.12.2020 by registered post which is returned to the counsel for the appellant with the direction to submit Two more copies/sets of the appeal along with annexures i.e. complete in all respect within 15 days in file covers.

No. 04 /S.T,

Dt. 04/01 /2021

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Mr. Ikram-ul-Qayum Advocate,  
High Court Mansehra

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA**

**PESHAWAR**

Service appeal No..... of 2020

JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND POST  
OFFICE BHERKUND TEHSIL AND DISTRICT MANSEHRA, EX PST  
GPS PATHAN COLONY MANSEHRA..... APPELLANT

**VERSUS**

1. Secretary, Elementary and Secondary Education Department  
Peshawar..... Respondents

**SERVICE APPEAL**

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DATED 24.12.2020

JEHANGIR KHAN

Through; IKRAM UL QAYYUM

BABARILYAS ADVOCATES HIGH COURT

①

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN**

**KHWA PESHAWAR**

Service appeal No. **1562** of 2020

JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND  
POST OFFICE BHERKUND TEHSIL AND DISTRICT  
MANSEHRA, EX PST GPS PATHAN COLONY  
MANSEHRA... APPELLANT

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. **16978**

Dated **31/12/2020**

**VERSUS**

- 1) Secretary, Elementary and Secondary Education  
Department Peshawar
- 2) Director, Elementary and Secondary Education  
Department Peshawar.
- 3) District Education Officer (Male)  
Mansehra..... Respondents

**APPEAL UNDER SECTION 4 OF KPK SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
NOTIFICATION NO.5356-60 DATED 22.7.2020  
WHEREBY RESPONDENT NO 03 HAS WITHDRAWN  
THE APPOINTMENT NOTIFICATION OF THE  
APPELLANT VIDE DATED 20.06.2019 AND AGAINST  
NOT TAKING ANY ACTION ON THE DEPARTMENTAL  
APPEAL OF THE APPELLANT WITHIN STATUTORY  
PERIOD OF NINTY (90) DAYS.**

**Filed to-day**

**Registrar**

**31/12/20**

PRAYER:-

On acceptance of the appeal, the impugned NOTIFICATION NO. 5356-60 Dated 22.07.2020 may graciously be set-aside being illegal, void, without Lawful authority, of having no legal effect and factually erroneous and appellant be reinstated into service as PET with all back benefits and other admissible allowances as per law

on the subject and any other order as may deem fit and appropriate in the fact and circumstances of the case.

**Respectfully Sheweth:-**

1. That, initially, appellant was appointed against vacant post of PST at GPS CHOWANY KD vide appointment Order Endst: No.1269-76 Dated 22.01.1996. by Competent Authority (Respondent No 03)

***(Copy of appointment order dated 22.01.1996 is annexed as annexure "A").***

2. That, appellant performed his duties and continued his services, wherein the salary had been drawn, unfortunately the service of appellant was terminated on grounds of irregular appointment vide termination order dated 26.06.1997 by Competent authority. ***(Copy of Register Salary withdrawn and other relevant documents are annexed as annexure "B")***

3. That, the Government of Khyber Pakhtun Khawa, enacted the Khyber Pakhtukhawa Sacked Employees (Appointment) Act, 2012, for reinstatement of Sacked Employees whose terminated during 1996-98, where under, appellant applied for his reinstatement/ appointment through an application in year 2012, whereupon Respondent No. 03 regretted to reinstate/ appoint the appellant on the ground of having not possessing the prescribed professional qualification at the initial period, despite the facts that number of similar placed Sacked Employees were re instated into government service by competent Authority.

4. That, the appellant filed Writ Petition No. 82-A of 2018 before Hon'ble Peshawar High Court Abbottabad bench against the non appointment of appellant as Sacked Employees, during the pending adjudication of Writ



(3)

Petition Respondent No.3 issued a letter to appellant to be provided all relevant record along with attested of service book vide letter No. 5644-49 dated 02-04-2019, for re instatement, which was duly submitted in the office of Respondent. Thereafter, appellant was re instated/appointed, into Government Service after checking/scrutiny of application and relevant record of the appellant in office concerned and on the recommendation of Departmental Selection Committee, by the respondent No.3 vide appointment Notification Endst: No.10239-46 dated 20-06-2019 and posted as PST at GPS Pathan Colony (Mansehra) against vacant post.

**(Copy of appointment order vide dated 20-06-2019 is annexed as annexure "C").**

5. That, in compliance of appointment order dated 20-06-2019, the appellant took over the charge of the post by submitting arrival report and charge report vide dated 21-06-2019 at GPS Pahtan Colony Mansehra and is devotedly serving with his utmost endeavour and to the best of his ability from the date of his appointment and also appellant participated different type of inter service training Course conducted by department.

**(Copies Charge Report vide dated 21-06-2019 and other relevant documents are annexed as annexure "D,E").**

6. That, all of a sudden, and to the utter surprise of the appellant, Respondent No. 03 served a Show Cause Notice vide No.481ö dated 31-06-202ö upon the appellant in which he was required to explain his position in respect of alleged the termination order of appellant is fake hence committed fraud with the department, whereupon the appellant replied and denied the baseless, after thought and unfounded allegation mentioned in the Show Cause Notice.

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**(Copy of Show Cause Notice dated 31.06.2020 is annexed as annexure "F")**

7. That, Respondent no 03 in the ibid Show cause notice was pleased to dispense with the conduct of formal/regular inquiry without any reason which shows mala-fide on the part of Respondent No 03.
8. That, without having proved the allegations leveled in the Show Cause Notice dated 31.06.2020, the appointment order of the appellant vide appointment dated 20.06.2019 was withdrawn with immediate effect through a mechanical impugned Notification Endst: No. 5356-60 dated 22-07-2020, by Respondent No. 03.

**(Copy of impugned Notification dated 22-07-2020 is annexed as annexure "G").**

9. That, appellant filed a departmental appeal against impugned Notification vide dated 22-07-2020, before appellate authority (Respondent No 02) on 19-08-2020, and waited for 90 days but no reply has been received by the respondent to the appellant so far.

**(Copies of departmental appeal dated 19.08.2020 is annexed as annexure "H").**

10. That, appellant aggrieved from the impugned Notification dated 22.07.2020 passed by Respondent No. 03, appellant having no other remedy except to file the present appeal before this worthy Tribunal for interference inter alia on the following amongst other grounds.

**GROUND:**

- A. That, admittedly, appellant was initially, appointed against the vacant post of PST on dated 22.01.1996 and till 26.06.1997, he performed his duties and kept on

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receiving his salary/ pay. Whereas the impugned Notification vide dated 22-07-2020 of withdrawn of appointment order is perverse, discriminatory, malafide, against the law and liable to be set aside.

- b. That, the services of the appellant were terminated on the ground of irregular appointment in the year 1997, and appellant applied for his appointments in the view of KPK Sacked Employees Act, 2012, respondent No 03 was appointed in due course and after inquiry by concerned quarter and furthermore scrutiny of the service record of the appellant wherein no deficiency in respect of the case of the appellant was found and he was declared "OK"
- c. That the meeting of District Selection Committee was held on 11-06-2019 under the Chairmanship of Respondent No. 3 for determining the eligibility and suitability for appointment of Sacked Employee, wherein the appellant was recommended for appointment as PST being eligible and suitable for appointment, after observing all codal formalities the withdrawal of appointment order appellant is against the law, rules and malafide on the part of respondents and against the natural justice.

**(Copy of minutes of meeting of DSC is annexed as Annexure "I")**

- D. That, admittedly, appellant being Sacked Employee was appointed by respondent No. 3 after checking/ Scrutiny of all relevant document as per record in office concerned and on recommendation of Departmental Selection Committee and also as per Judgment of, Hon"ble Peshawar High Abbottabad Bench, issuing of impugned Notification vide dated 22-07-2020 is baseless, unlawful, unconstitutional, based on malafide is liable to be struck down.

- E. That, the impugned notification vide dated 22.07.2020 against the law, rules, and also against the judgment of Hon'ble high court, that the appellant was appointed in due course and after adopting all codal formalities and after inquiry by concerned equator and on the recommendation of DSC and scrutiny of documents in office concerned by Scrutiny committee, thereafter, the appointment order vide dated 20-2019 was issued by respondent No.3.
- F. That, there is no cavil to the service legal proposition that regular inquiry must be held in denied and disputed question of fact, but department (respondent No.3) with malafide intention dispensed with holding of regular inquiry into the present case, due to which the impugned notification dated 22-07-2020 is not legally sustainable.
- G. That, the appellant was never provided an opportunity to rebut the allegation levelled against him in the show cause notice dated 30-06-2020 nor he was confronted with any evidence in respect of fakeness of earlier appointment and termination orders nor appellant was provided in opportunity of personal hearing, hence the impugned notification vide dated 22-07-2020 is inherently flawed and legally unsustainable.
- H. That, the fresh appointment order of appellant dated 20-06-2019, would reveal that it was issued on the recommendation of DSC and after though and in-depth scrutiny of entire record of appellant, and no deficiency of whatsoever kind and nature was found by the scrutiny committee in the case of appellant.
- I. That no regular inquiry was held in the alleged allegation as mentioned in impugned notification dated 22-07-2020, hence the allegation setup by respondent has only remained the allegation and it has not been proved at all.

- J. That, neither any statement of allegation was prepared nor charge sheet was issued to the appellant and he was condemned un heard.
- K. That, no proper and lawful procedure was adopted by respondent, only appointment order was withdrawn on the bases of fake report of Head Master after though and fabricated manner hence the impugned notification is not sustainable.
- L. That, respondent/authorities were biased against the appellant and they wilfully and with malafide intention did not associate the appellant with any procedure.
- M. That, the alleged allegation of the respondent to the effect that the termination order is not fake, which is seem to be after though and fabricated by respondent just to deprive the appellant of his vested right.
- N. That, the entire scheme of service law does not recognize the expression '**WITHDRAWN**' of appointment order, hence, respondent No.3 himself fabricated the allegation against the appellant of having fake record or not found in previous school, though self coined terminology of withdrawn of appellant appointment order, which had been issued in compliance of the judgment of Hon"ble Peshawar High Court Abbottabad bench, vide judgments dated 24-05-2016, 27-03-2018, 07,03-2019, in Writ Petition No.516-A of 2013, 676-A of 2015, 20-A of 2014, 216-A of 2015, 1155-A of 2015, 702-A of 2014, 115-A of 2014 and 944-A of 2019.
- O. That, facts and circumstance of the case suggest that appellant has been made a scapegoat by respondent No.3 for ulterior motive and with malafide.
- P. That, whatever angle, the legality and propriety of the impugned notification is analyzed, it is liable to be declared void, patently illegal, unlawful, without

jurisdiction and of having no legal effect without second though.

- Q. That, in fact the entire proceeding and action against the appellant were wrong, illegal against the rules and regulation and hence void-ab-intio.
- R. That, this fact may not be left to fade in oblivion that withdrawal of appointment order of appellant is arbitrary, one sided and ex-parte therefore, notification has no legal sanctity and is nullity in the eye of law.
- S. That, there is no other efficacious and prompt remedy available to the appellant except the invocation of jurisdiction of this Hon'ble Tribunal.
- T. That, appellant seeks the permission of this Hon'ble Court to agitate any other grounds available at the time of arguments

**PRAYER:-**

On acceptance of the appeal, the impugned NOTIFICATION NO. 5356-60 dated 22.07.2020 may graciously be set-aside being illegal, void, without Lawful authority, of having no legal effect and factually erroneous and appellant be reinstated into service as PST with all back benefits and other admissible allowances as per law on the subject and any other order as may deem fit and appropriate in the fact and circumstances of the case.

Dated 24-12-2020

*Jehangir Khan*  
JEHANGIR KHAN  
 (APPELLANT)

Through:

*Ikram ul Qayyum*  
IKRAM UL QAYYUM  
BABAR ILYAS ADVOCATES HIGH  
COURT DISTRICT COURT  
MANSEHRA

9

**VERIFICATION:**

**JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND  
POST OFFICE BHERKUND TEHSIL AND DISTRICT  
MANSEHRA, EX PST GPS PATHAN COLONY do  
hereby solemnly affirm and declare that the contents  
of fore-going Appeal are true and correct to the best of  
my knowledge and belief and nothing has been  
concealed or suppressed form this Hon"ble Tribunal.**

*Jehan Khan*  
JEHANGIR KHAN

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN**

**KHWA PESHAWAR**

Service appeal No..... of 2020

JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND  
POST OFFICE BHERKUND TEHSIL AND DISTRICT  
MANSEHRA, EX PST GPS PATHAN COLONY  
MANSEHRA... APPELLANT

**VERSUS**

1) Secretary, Elementary and Secondary Education  
Department Peshawar..... Respondents

**APPEAL**

**AFFIDAVIT**

I JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND  
POST OFFICE BHERKUND TEHSIL AND DISTRICT  
MANSEHRA, EX PST GPS PATHAN COLONY MANSEHRA  
DO HERBY SOLEMNLY AFFIRM AND DECLARE ON OATH  
THAT THE NO SUCH SUBJECT MATTER APPEAL HAS  
EVER BEEN FILED BEFORE THIS HONORABLE COURT  
NOR PENDING NOR DECIDED. THAT THE CONTENTS OF  
FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO  
THE BEST OF MY KNOWLEDGE AND BELIEF AND  
NOTHING HAS BEEN CONCEALED OR SUPPRESSED  
FROM THIS HONOURABLE TRIBUNAL.

JEHANGIR KHAN

DEPONENT

*Jehangir Khan*



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA**  
**PESHAWAR**

Service appeal No..... of 2020

JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND POST  
OFFICE BHERKUND TEHSIL AND DISTRICT MANSEHRA, EX PST  
GPS PATHAN COLONY MANSEHRA..... APPELLANT

**VERSUS**

1. Secretary, Elementary and Secondary Education Department  
Peshawar..... Respondents

**SERVICE APPEAL**

**APPLICATION FOR CONDONATION OF DELAY**

Respectfully Seweth.

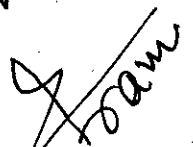
1. That the above title appeal is being file in this honour able court, for redress of grievance of appellant.
2. That delay in filing of accompanied in appeal occasion due to domestic reasons and death of close relative.
3. That the huge interest of appellant is involved with the appeal.
4. That if the delay occur is not be condone than the appellant would suffer an irreparable loss of bread and batter.

***It is therefore humbly prayed that in the light of above submission the delay in filing of accompanied appeal may kindly be condone in the interest of justice.***

Dated 24,12,2020

JEHANGIR KHAN

Through;

  
IKRAM UL QAYYUM AND BABAR ILYAS  
ADVOCATES HIGH COURT

12

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN**

**KHWA PESHAWAR**

Service appeal No..... of 2020

JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND  
POST OFFICE BHERKUND TEHSIL AND DISTRICT  
MANSEHRA, EX PST GPS PATHAN COLONY  
MANSEHRA... APPELLANT

**VERSUS**

1) Secretary, Elementary and Secondary Education  
Department Peshawar..... Respondents

**APPEAL**

**AFFIDAVIT**

I JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND  
POST OFFICE BHERKUND TEHSIL AND DISTRICT  
MANSEHRA, EX PST GPS PATHAN COLONY MANSEHRA  
DO HERBY SOLEMNLY AFFIRM AND DECLARE ON OATH  
THAT THE NO SUCH SUBJECT MATTER APPEAL HAS  
EVER BEEN FILED BEFORE THIS HONORABLE COURT  
NOR PENDING NOR DECIDED. THAT THE CONTENTS OF  
FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO  
THE BEST OF MY KNOWLEDGE AND BELIEF AND  
NOTHING HAS BEEN CONCEALED OR SUPPRESSED  
FROM THIS HONOURABLE TRIBUNAL.

JEHANGIR KHAN

DEPONENT

*Jehangir Khan*

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN**

**KHWA PESHAWAR**

Service appeal No..... of 2020

JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND POST  
OFFICE BHERKUND TEHSIL AND DISTRICT MANSEHRA, EX PST  
GPS PATHAN COLONY MANSEHRA.....

APPELLANT

**VERSUS**

1) Secretary, Elementary and Secondary Education  
Department Peshawar..... Respondents

**APPEAL**

**COORECT ADDRESSES OF THE PARTIED**

**APPEALLANT**

JEHANGIR KHAN SON OF KALA KHAN VILLAGE AND POST  
OFFICE BHERKUND TEHSIL AND DISTRICT MANSEHRA, EX PST  
GPS PATHAN COLONY

**RESPONDENTS;**

4) Secretary, Elementary and Secondary Education  
Department Peshawar

5) Director, Elementary and Secondary Education  
Department Peshawar.

6) District Education Officer (Male)  
Mansehra..... Respondents

**DATED 24.12.2020**

JEHANGIR KHAN

Through;

IKRAM UL QAYYUM AND BABAR ILYAS ADVOCATES HIGH COURT

(14)

Annure (A)

DISTRICT EDUCATION OFFICER(MALE) PRIMARY, MANSEHRA

OFFICE ORDER NO. \_\_\_\_\_  
DATED 22.1.96/1996

APPOINTMENTS:

Consequent upon the finalization of the lists of untrained candidate on need basis duly approved by the Minister for Primary Education, NWFP and endorsed by the Director Primary Education, NWFP, Peshawar MR. Mohammad Jahangir No Kala Khan is hereby appointed at GP/GMPS Chaway A.P. in PF-46 in BPS-7 @ Rs. 1480/- fixed per month plus usual allowances as admissible under the rules w.e.f. the date of their taking over charge in the interest of public service.

TERMS & CONDITIONS:

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional Certificates/documents. Their original Academic and Professional Certificates/documents should be checked thoroughly before handing over the charge and should not be handed over charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 50 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age and Health certificate from Medical Superintendent DHO Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of NWFP.

(MUHAMMAD ISHAK)  
DISTRICT EDUCATION OFFICER(MALE)  
PRIMARY, MANSEHRA.

Order No. 1269-71 Dated Mansehra the 23/1/1996

- Copy forwarded to the:-
1. Secretary to Government of NWFP, Education Department, Peshawar.
  2. Director, Primary Education, NWFP, Peshawar.
  3. District Accounts Officer, Mansehra.
  4. Sub-Divisional Education Officer(Male), Mansehra.
  5. Candidates concerned.
  6. Superintendent Local Office.

DISTRICT EDUCATION OFFICER(MALE)  
PRIMARY, MANSEHRA

*Mirza*  
*Qasim*  
*Qasim Ilyas*  
Advocate High Court  
Mansehra

### چارج رپورٹ!

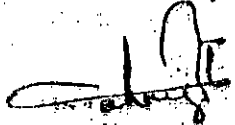
قولی ہے کہ اہم جہانگیر خانہ کی تیزی مجسم انسٹ آرڈر ف 67-2  
 29-9-96  
 دفتر 50 سر دائر برائے حکم سے گورنمنٹ سکول بہاولپور  
 (کالائٹھاکہ) سے گورنمنٹ سکول لنگ ریک جنرل سکول کے لئے  
 لاکٹ ہے۔

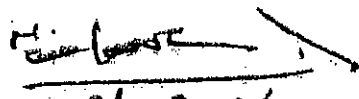
مدرسہ منگور نے مدرسہ ہذا کا جملہ چارج سکول بہاولپور سے  
 اہم جہانگیر خانہ کے سپرد کر دیا ہے سکول بہاولپور میں جو کہ طالبانی میں  
 گورنمنٹ برائے سکول (جنرل سکول) میں تبدیل ہو چکا ہے۔  
 لہذا! اللہ علی رپورٹ عرض فرماتا ہے

چارج سیریز

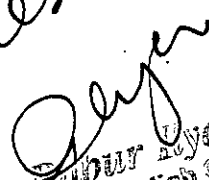
چارج دھندہ

سکول بہاولپور سے لنگ ریک سکول لنگ۔ جہانگیر خانہ سکول لنگ  
 P.T.C

  
 24/9/96

  
 24-9-96

53  
 24-9-96

Attest  
  
 Babur Uyas  
 Advocate High Court  
 Manshra

(16)

HEALTH & AGE

(A)

S.W.F.P., Med. No 4.

GS&PD-NWFP 303 P. S. 2007 of 100-5-19 87-3)

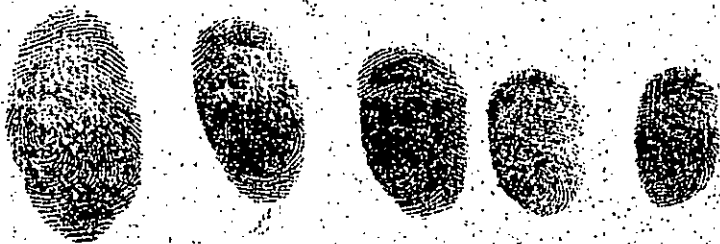
MEDICAL CERTIFICATE.

Name of Official..... Mr. Jahangir Khan  
 Caste or race..... Pathan  
 Father's name..... Kala Khan  
 Residence..... Village & P.O. Bher Kund  
 Tehsil & District. Mausehra  
 Date of birth..... 11-4-1974  
 Exact height by measurement..... 5-6  
 Personal mark of identification..... Scar mark on left wrist  
 Signature of the Official..... [Signature]  
 Signature of head of office.....

Seal of Office.....

I do hereby certify that I have examined Mr. Jahangir Khan a candidate for  
 employment in the Office of the..... Education Department, Mausehra  
 and can not discover that he had any disease communicable or other constitutional  
 affection or bodily infirmity except..... Nil

I do not consider this as disqualification for employment in the office of the.....  
 ..... as above His age according to his own statement..... 22 year and by  
 appearance about..... 22 years. Twenty two



LEFT HAND THUMB AND FINGER IMPRESSIONS.....

[Signature]  
 ALI GAYAN  
 Advocate High Court  
 Mausehra

[Signature]  
 Medical Superintendent,  
 Civil Hospital, - Mausehra  
 Medical Superintendent,  
 District Headquarters Mausehra  
 Mausehra

~~Head of the Office  
General Manager  
Revenue Department~~

Amulsa B

1986-1987  
1987-1988

Mr. QAM  
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11/15  
31-157  
101-100  
2262-124-  
907-228/  
1223/  
200

QAM  
1887/13/11/4  
31-157  
101-100  
2262-104  
907-228/  
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18

(B)

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) MANSEHRA.

No. \_\_\_\_\_  
Dated 22/09/1996.

(B)

ADJUST UNDER DEPLOYMENT OF STAFF

Mr. Jehangir Khan PTC  
is hereby adjusted & posted  
along with post (Post: /Temp) circle  
with immediate effect.

(MUKHTAR AHMED SWATI)  
SUB-DIVISIONAL EDUCATION OFFICER  
(MALE) MANSEHRA

Sl. No. 2-67 dated 22/09/1996.

Copies of the above are forwarded for information to:-

1. Director Primary Education N.W.F.P Peshawar W/P to his Memo No. E.No. 405/DPE/PRD/SAD/OP/AD (P.S.O)-1 Dated Peshawar 06/02/1996.
2. District Education Officer (Male) Primary Manshera W/P his approval and No. 3985 Dated 04/07/88 1995.
3. A.S.D.E.O (MALE) Circle concerned.
4. Teachers Concerned.

*[Signature]*  
SUB-DIVISIONAL EDUCATION OFFICER  
(MALE) MANSEHRA.

*[Signature]*  
**Abdul Hyees**  
Advocate High Court  
Mansehra



ماضری ایجوکیشن (B)

بجوالہ آف آرڈرنگ = آرڈرنگ 2-87  
287 29-9-96

آمرہ آرڈرنگ 5-5-96 مہا (برون) ضلع تحصیل سوات  
کے تحت مہانگہ فاف نے آجورنگ 24/9/96 کو گورنمنٹ سیکولر سکول  
نگ پی کے قبل از دوپہر ماضری کر دی ہے

ایجوکیشن مہا

دستخط لائل مدرس گورنمنٹ سیکولر سکول نگ کر کے لغہ

دستخط (نام) 24/9/96

Head Teacher  
Govt. Secular School  
Lang. ...

رستورفہ و کتابت 52  
24-9-96

Attested:  
Dayan

R. Dayan  
Advocate High Court



(20)

Annexure 'C'

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.**

**APPOINTMENT**

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-20418, 03-04-2018 & 07-03-2019 in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 15-A/2014, and orders of Honorable High Court in COC No.22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, COC 14/2019, and recommendation of the Departmental Selection Committee the appointment of the following candidates are hereby ordered against the vacant post of **PRIMARY SCHOOL TEACHER (PST) BPS-12 (Rs.13320-9 i0-42120)** plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, or the terms and condition given below with effect from the date of their taking over charge:-

S. #	Name	Father's Name	Date Of Birth	Domicile	Permanent Address	Place of posting	Remarks
1.	MUHAMMAD AJMAL	SULEMAN	22-01-1961	MANSEHRA	VILLAGE CHOTIAN P/O DARBAND TEHSIL OGHII DISTRICT MANSEHRA.	GPS DOKAL GHAZIKOT	AGAINST VACANT POST
2.	M.IRFAN	M.ZAMAN	15-9-1962	MANSEHRA	VILLAGE GALI BADRAL U/C SHERGARH TEHSIL OGHII DISTRICT MANSEHRA.	GPS BANDA UMERSHAH	AGAINST VACANT POST
3.	M KHALID QURESHI	AZIZ UR REHMAN	16-3-1963	MANSEHRA	VILLAGE & P/O MANDA GAUCHA TEHSIL & DISTRICT MANSEHRA	GPS PANJOL	AGAINST VACANT POST
4.	AKHTAR NAWAZ	HAQNAWAZ KHAN	01-07-1964	MANSEHRA	VILLAGE SACHAQ P/O SHINKIARA TEHSIL BAFFA DISTRICT MANSEHRA	GPS SUNDI	AGAINST VACANT POST
5.	MUHAMMAD SIDDIQUE	MUHAMMA D FARID	01-05-1967	MANSEHRA	VILLAGE JHANDBALA P/O SHERGARH TEHSIL OGHII DISTRICT MANSEHRA.	GMPS JOAD BALA	AGAINST VACANT POST
6.	SALAR KHAN	ABDUL AKBAR	15-03-1967	MANSEHRA	VILLAGE KARORI PAEIN P/O KARORI TEHSIL OGHII DISTRICT MANSEHRA.	GPS BANDI PARAW	AGAINST VACANT POST
7.	MUHAMMMD ANWAR	KHANIZAM AN	01-02-1968	MANSEHRA	VILLAGE KHAMIAN PAIN, LASSAN NAWAB SAHIB TEHSIL & DISTRICT MANSEHRA	GPS MIANA GALI	AGAINST VACANT POST
8.	MUHAMMAD JAVEED	AURANGZAI B	4-6-1968	MANSEHRA	VILLAGE JANDA MAIRA P/O PERHINNA TEHSIL & DISTRICT MANSEHRA.	GPS THATHI KALAN	AGAINST VACANT POST
9.	ALTAH HUSSAIN	MUHAMMD REHMAN	25-07-1968	MANSEHRA	VILLAGE CHIRYA POST OFFICE AFZALABAD TEHSIL & DISTRICT MANSEHRA	GPS TRANGRI PAIN	AGAINST VACANT POST
10.	MUHAMMAD SALEEM	SAMUNDAR	10-10-1968	MANSEHRA	VILLAGE SHANAYA PAEEN P/O NEW DARBAND TEHSIL OGHII DISTRICT MANSEHRA.	GPS NAZRAL KHAN	AGAINST VACANT POST
11.	NAZAR HUSSAIN	HAJI GHULAM HAIDAR	12-05-1968	MANSEHRA	VILLAGE NKKA PANI BEERH P/O OGHII TEHSIL OGHII DISTRICT MANSEHRA.	GPS CHAMB	AGAINST VACANT POST
12.	M GULAB	SIKANDAR KHAN	15-04-1969	MANSEHRA	VILLAGE RARRI, PERHINNA P/O CHANIAL TEHSIL & DISTRICT MANSEHRA	GPA PAWAY	AGAINST VACANT POST
13.	MUHAMMAD NAVEED	M,AYUB KHAN	5-02-1969	MANSEHRA	VILLAGE & P/O SACHAN KALAN, JABBORI TEHSIL BAFFA DISTRICT MANSEHRA.	GPS BAKKI NADIHAR	AGAINST VACANT POST
14.	GUL NIAZ	MUHAMMA D SARFRAZ	01-05-1970	MANSEHRA	VILLAGE BOZBAILA P/O JABBORI TEHSIL BAFFA DISTRICT MANSEHRA	GPS CHANYANI	AGAINST VACANT POST
15.	MUHAMMAD PERVAIZ	GUL ZAMAN	04-02-1971	MANSEHRA	VILLAGE KANSHAIN TEHSIL BALAKOT DISTRICT MANSEHRA.	GPS PHAGAL	AGAINST VACANT POST
16.	ABDUL QAYYUM	SHAH WALI	15-03-1972	MANSEHRA	VILLAGE KUND BALA U/C HILKOT TEHSIL AND DISTRICT MANSEHRA.	GPS KANDI HILKOT	AGAINST VACANT POST
17.	NAZIR MUHAMMAD	SHER MUHAMMA D	04-02-1972	MANSEHRA	VILLAGE PHULDAR P/O NEW DARBAND TEHSIL OGHII DISTRICT MANSEHRA	GPS BRADDAR	AGAINST VACANT POST
18.	M FIAZ	M ZAMAN	05-05-1972	MANSEHRA	VILLAGE DARWAISH P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS PALSALA	AGAINST VACANT POST
19.	MUHAMMAD ARSHAD	MALIK AMAN	14-10-1973	MANSEHRA	VILLAGE JERAKH U/C SAWAN MAIRA P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS MOHAR	AGAINST VACANT POST
20.	MUHAMMAD ASSAD	MUHAMMA D ASHRAF	13-03-1974	MANSEHRA	VILLAGE PHOJDARA P/O JHANGI TEHSIL & DISTRICT MANSEHRA	GPS JANDA	AGAINST VACANT POST
21.	QAISAR RAUF	ABDUL RAUF	15-03-1974	MANSEHRA	VILLAGE & P/O SACHAN KALAN, JABBORI TEHSIL BAFFA DISTRICT MANSEHRA.	GPS RICHARI	AGAINST VACANT POST
22.	JEHANGIR KHAN	KALA KHAN	11-04-1974	MANSEHRA	VILLAGE BHERKUND P/O BHERKUND TEHSIL & DISTRICT MANSEHRA	GPS PATHAN COLONY	AGAINST VACANT POST

*Abdullah*  
*Hyas*  
Account High Court

years after issuance of this appointment order, failing which their appointment order shall stand terminated atomically, without any further notice.

- 16. Before handing over charge once again their documents must be checked by Head of institution and convey deficiencies in qualification to DEO office.
- 17. Before handing over charge they will sign an affidavit by stating that they will not claim seniority or back benefits/service and they will acquire required qualification within stipulated period of time, failing which they will have no objection on their removal.
- 18. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any tage in instant order issued erroneously.
- 19. The candidates appointed against the school(s) falling in summer vacation shall be handed over the charge w.e.f 01-09-2019 on opening of school after summer vacation.
- 20. Their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him.

*[Handwritten Signature]*

DISTRICT EDUCATION OFFICER,  
(MALE)MANSEHRA

1239-46

Endst: No. /PST/Sacked Apptt:/2019/Dated Mansehra the 28/6/2019

Copy forwarded for information to the: -

- 1. Registrar Honorable Peshawar High Court Abbottabad Bench.
- 2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
- 4. District Accounts Officer Mansehra.
- 5. District Monitoring Officer Mansehra.
- 6. All SDEO(Male) in District Mansehra.
- 7. Budget & Account Officer Local Office.
- 8. Officials Concerned.
- 9. Office Order File

Sd/-

DY: DISTRICT EDUCATION OFFICER  
(MALE)MANSEHRA

*Allesled*

*[Handwritten Signature]*  
Dabur Alyas  
Advocate

(22)

Annexure D

# ARRIVAL REPORT

In Compliance with the order of worthy district education officer (M)

Mansehra Vide Endst No 10239 - 46 dated 20.06.2019 I Mr

Jahangir Khan do here by submitted my arrival report for joining my

duty on 21-06-2019

Before noon against the post of PST, BPS# 12.

Sign and seal

*M. Khan*  
PST

G.P.S Pathan Colony  
Khaki Mansehra

21-06-2019

*[Signature]*  
SUB DIVISIONAL EDU OFFICER  
(Male) Mansehra

*Attest  
Dyan*

C.R. No. 87

(23)

(P)

**OFFICE OF THE MEDICAL SUPERINTENDENT  
KING ABDULLAH TEACHING HOSPITAL MANSHEHRA  
HEALTH & AGE CERTIFICATE**

Name of Official: Jahangir Khan  
 H/Father Name: Kala Khan  
 Date of Birth: 11-04-1974  
 Caste of Race: Pathan  
 Address: Mohalla Swati Plo Birkand, Birkand Utda  
 Tehsil: Manshehra District: Manshehra  
 Exact height by measurement: 5-7"  
 Personal mark of Identification: Nil  
 National Identity Card No.: 13503-0530368-9  
 Signature of Official: [Signature]  
 Signature of head of Office: [Signature]

SEAL OF OFFICE  
Manshehra

I do hereby certify that I have examined Mr. Jahangir Khan  
Employment in the office of the Education Deptt. Manshehra

And can not discover that he had any disease communicable or other constitutional affection or  
bodily infirmity except Nil

I do not consider this as disqualification of employment in the office of  
the as above. His age according to his own statement is 45 years and by appearance  
about 45 Years.

Left hand thumb and finger impression

[Signature]  
Manshehra

[Signature]  
Medical Superintendent  
King Abdullah Teaching  
Hospital Manshehra  
21-06-2019

(24)

(D)

**SERVICE CERTIFICATE**

Certified that Mr. Jahangir khan PST S/O Kala khan Government Primary School Pathan Colony Circle Khaki Mansehra has served in Education Department w.e.f 20.06.2019 to 22.07.2020 till his termination . His performance was very good.

*Amir Khan*

21/08/2022

Head Teacher GPS Pathan Colony

Mansehra



*Attest*  
*Amir Khan*  
Head Teacher  
GPS Pathan Colony  
Mansehra

25

Annure (E)



# REGIONAL INSTITUTE OF TEACHER EDUCATION (MALE) HARIPUR

Sr. No. RITE/20/149

Dated: 16-03-2020

## Course Completion Certificate

Certified that

Mr. JAHANGIR KHAN S/O KALA KHAN was admitted in PTC condensed course on 16-12-2019 and is now relieved from the institution after completion of his PTC course on 15-03-2020. His conduct remained Good.

*[Signature]*

Admission Incharge

*[Signature]*

Class Incharge

*[Signature]*

Principal  
Regional Institute of Teacher Education (Male) Haripur

*[Signature]*  
Advocate High Court  
Mangaluru

27

Amare: (F)



**SHOW CAUSE NOTICE.**

I, District Education Officer (M) Mansehra, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve a show cause notice to Mr. Jehangir Khan PST GPS Pathan Colony Mansehra on account of producing fake /tempered documents for appointment in District Mansehra are as follows:

- i. Whereas Mr. Jehanir Khan s/o Kala Khan PST was reappointed and posted at GPS Pathan colony District Mansehra under sacked Employee Act 2012 vide this office vide Endst No.10239-46 dated 20-06-2019, On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018.
- ii. Whereas according to the Terms and Condition NO.20 of the appointment order is that "their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him"
- iii. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- iv. Whereupon during the course of scrutiny of their documents/service record, it was pointed out that Mr. Jehangir Khan tempered his name at serial No.31 in termination order vide Endst No.1678-1713 dated 26-06-1997. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- v. Whereas on the verbal direction of DEO (M) Mansehra. initial inquiry conducted by SDEO (M) Mansehra and submitted his report vide dated 11-06-2020, with the remarks that "Mr Jehangir Khan tempered his name in serial No.31 in termination order vide Endst No.1678-1713 dated 26-06-1997,he committed fraud from his department , he may be proceeded under (E&D) rule,2011 and their appointment order withdrawn immediately.
- vi. I am satisfied that you found guilty of misconduct, inefficiency and committed illegal act as specified in rule 3 of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

2. In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the competent authority is hereby pleased to serve you with the show cause notice with the direction to submit your defense in writing within 07 (Seven) of the receipt of this notice as to why one of the major penalty of rule-4 of the said rules should not be imposed upon you.

3. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.

*Alleged*  
*Ghyer*

**Babur Ilyas**  
Advocate High Court  
Mansehra

**Jehangir Khan S/o Kala Khan**  
GPS Pathan Colony  
District Mansehra

*[Signature]*  
**COMPETENT AUTHORITY**

*21/03/2020*  
*3/7/2020*



Annexure (9) 27 (9)


OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

Phone # 0997-382271 Fax # 0997-382244  
E-mail Address: edo@du\_mansehra@yahoo.com

**NOTIFICATION**

Mr. Jehangir Khan S/o Kala Khan PST GPS Pathan Colony, Mansehra. WHEREAS Mr. Jehangir Khan PST GPS Pathan Colony Mansehra was proceeded against under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 account of producing fake /tempered documents for appointment in District Mansehra are as follows:

- i. Whereas Mr. Jehangir Khan s/o Kala Khan PST was reappointed and posted at GPS Pathan colony District Mansehra under sacked Employee Act 2012 vide this office vide Endst No 10239-46 dated 20-06-2019, On the basis of documents provided by you as per direction of Honourable Peshawar High Court Abbottabad Bench vide his judgment dated 03-04-2018
- ii. Whereas according to the Terms and Condition NO 20 of the appointment order is that 'their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him'
- iii. After verification of your documents/service record, fake and fabricated documents have been found in your service record.
- iv. Whereupon during the course of scrutiny of their documents/service record, it was pointed out that Mr. Jehangir Khan tempered his name at serial No.31 in termination order vide Endst No.1678-1713 dated 26-06-1997. It shows that you have committed misconduct /illegality thus violated E&D rule, 2011.
- v. Whereas on the verbal direction of DEO (M) Mansehra, initial inquiry conducted by SDEO (M) Mansehra and submitted his report vide dated 11-06-2020 with the remarks that 'Mr Jehangir Khan tempered his name in serial No.31 in termination order vide Endst No.1678-1713 dated 26-06-1997 he committed fraud from his department, he may be proceeded under (E&D) rule,2011 and their appointment order withdrawn immediately.
- vi. WHEREAS as per inquiry report dated 11-06-2020, a showcause notice was issued to concerned vide this office No. 4810 dated 30-06-2020, and received reply of showcause on 07-07-2020.
- vii. Whereas, he was called for personal hearing vide this office No.5061-62 dated 11-07-2020, while attending the office of undersigned on 16-07-2020 and heard.
- viii. Whereas the competent authority District Education Officer (M) E & SE Mansehra, after having considered the charges and evidence on record, perusal of reply of show cause notice, report of inquiry officer & documentary proof is of the view that the charges against the accused Teacher have been proved. Therefore the Appointment order vide Endst No. 10239-46 dated 20-06-2019 in r/o Mr. Jehangir Khan PST GPS Pathan Colony Mansehra Placed at S.No.22 is hereby **WITHDRAWN** with immediate effect.

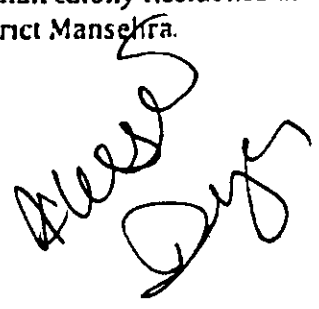
  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA


5356-60

Endst. No. \_\_\_\_\_ /F.No.Final Showcause/Appointt. 2019 (M)//Dated 22/7 /2020.

Copy forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer (DMO) Mansehra.
3. District Account Officer Mansehra.
4. SDEO (Male) Concerned
5. Mr. Jehangir Khan PST GPS Pathan colony Residence of village Muhallah Swati Bherkund Uta Post Office Bherkund Tehsil & District Mansehra.
6. Office File.



  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

(28)

Ammanure: ④ H

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar

Subject:-

**APPEAL AGAINST THE IMPUGNED NOTIFICATION DATED 22.07.2020 WHEREBY DEO Male Mansehra HAS WITHDRAWN THE APPOINTMENT ORDER NOTIFICATION OF THE APPELLANT VIDE DATED 20.06.2019**

Respectfully Sheweth:-

1. That, initially, appellant was appointed against vacant post of PST at GPS Chowany KD Mansehra vide appointment Order Endst: No.1269-76 Dated 22.01.1996. by Competent Authority. Whereas the service of appellant was terminated on grounds of irregular appointment vide termination order dated 26.06.1997 by Competent authority.
2. That, the Government of Khyber Pakhtun Khawa, enacted the Khyber Pakhtukhawa Sacked Employees (Appointment) Act, 2012, for reinstatement of Sacked Employees whose terminated during 1996-98, appellant applied under Act ibid but in vain.
3. That, the appellant filed Writ Petition No. 82-A of 2018 before Hon'ble Peshawar High Court Abbottabad bench against the non appointment of appellant as Sacked Employees, during the pending adjudication of Writ Petition, the appellant was re instated/appointed, into Government Service after checking/scrutiny of application and relevant record of the appellant in office concerned and on the recommendation of Departmental Selection Committee, by the DEO male Maneshra vide appointment Notification Endst: No.10239-46 dated 20-06-2019 and posted as PST at GPS Pathan Colony (Mansehra) against vacant post. The appellant took over the charge vide dated 21-06-2019.
4. That, appellant performed his duties and continued his services, from the dated of his appointment vide 20.07.2020 till the date of withdrawal of appointment order vide date

Alles  
Abdur Ilyas  
Advocate High Court  
Mansehra

22.07.2020; whereby the appellant is also entitled for the salary of working period which has declined by DEO.

- 5. That all of a sudden, and to the utter surprise of the appellant, DEO served a Show Cause Notice upon the appellant in which he was required to explain his position in respect of alleged submission of fake termination order to which appellant replied and denied the baseless, after thought and unfounded allegation mentioned in the Show Cause Notice.
- 6. That, without having proved the allegations leveled in the Show Cause Notice, the appointment order of the appellant vide appointment dated 20.06.2019 was withdrawn with immediate effect through a mechanical impugned Notification Endst: No. 17756-60 dated 09-11-2019, by DEO Male Mansehra.

(Copy of impugned Notification dated 09-11-2019 is annexed )

A. That, admittedly, appellant was initially, appointed against the vacant post of PST on dated 22.01.1996 and till 26.06.1997, he performed his duties and kept on receiving his salary/ pay. Whereas the impugned Notification vide dated 22-7-2020 of withdrawn of appointment order is perverse, discriminatory, malafide, against the law and liable to be set aside.

**PRAYER:-**

On acceptance of the appeal, the impugned NOTIFICATION NO.5356-60 dated 22.7.2020 may graciously be set-aside being illegal, void, without Lawful authority, of having no legal effect and factually erroneous and appellant be reinstated into service as PST with all back benefits.

Dated 19-08-2020

*Alwase*  
*Bojras*  
**BOJRAS**  
 ADVOCATE  
 Mansehra

*Jhangir Khan*  
*19/8/2020*

JEHANGIR KHAN SO KALA  
KHAN Ex PST GPS PATHAN  
COLONY VILLAGE AND PO  
BHERKOND TEHSIL AND  
DISTRICT MANSEHRA.



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

**MINUTES OF THE MEETING OF DISTRICT SELECTION COMMITTEE HELD ON 11 JUNE 2019 AT 12:00 PM IN THE OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA**

A meeting of the District Selection Committee was held on June 11-06-2019 at 12:00 PM under the chairmanship of District Education Officer (Male) Mansehra for determining of eligibility & suitability for appointment of PST, C.T, T.T, QARI, A.T, DM, PET, Junior Clerk & Class-iv Sacked Employees, in the Elementary and Secondary Education Department Khyber Pakhtunkhwa District Mansehra under sacked employee Act 2012 & in light of decision passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad in COC No.22-a/2016, COC 47-a/2016, COC58-a/2016, COC83-a/2016, in the light of judgments/order sheet vide dated 24-05-2016, 27-03-2018, 03-04-2018 & 07-03-2019, in w/p no 516-a/2013, 676-a/2015, 20-a/2014, 216-a/2015, 1155-a/2015, 702-a/2014, 115-A/2014, and under subsequent COC,s under process before Honorable Peshawar High Court Abbottabad Bench.

The following attended the meeting:-

- |   |              |
|---|--------------|
| 1. Mr. Khan Muhammad D.E.O (Male) Mansehra                    | In Chairman. |
| 2. Mr. Zahid Hussain Dy: D.E.O (Male) Mansehra                | Member       |
| 3. DEO (F) Mansehra Representative of the Director            | Member       |
| 4. Mr. Tariq Mehmood Supdt: (Estt :) DEO (M) Office Mansehra. | Member       |
| 5. Mr. Saif Ul Malik ADEO (Estt :) (M) Mansehra               | Member       |
| 6. Mr. Sakmullah ADEO (Lit :) Local Office Mansehra           | Member       |

The meeting started with recitation from the Holy Quran. The chair briefed the forum regarding criteria of eligibility and suitability for appointment under the Sacked Employee (Appointment) Act 2012. The Assistant District Education Officer (Litigation) explained the legal aspects of the Act and informed the forum that according to the said Act & the judgment of Honorable Peshawar High Court Abbottabad Bench (dated 24-05-2016, 27-03-2018, 03-04-2018 & 07-03-2019) in which the employees who were terminated in the period between 01-11-1993 to 30-11-1996 will have to be re-appointed if they fulfill the criteria fixed for selection. He told the forum that a process was started by receiving the applications from the candidates for re-instatement under the Act as per procedure lays down in sacked Employee Act 2012. The application received on the direction of Honorable Peshawar High Court Abbottabad Bench, this office received applications for each category as per detail given below,

CT=15, PST=133, AT=07, TT=11, DM=01 JC=07 PET=03, QARI=06, C-IV=07 TOTAL=190.

He further told that all the applications were received within stipulated period of time as per directions of the court and this office constituted scrutiny committee vide Endst: No 6359-61/ dated 07-04-2018 for scrutinizing the documents of the applicants for determining the eligibility of candidates for re-appointment against the above mentioned posts. The scrutiny committees submitted its report on 29-08-2018, and again re-check the documents and submitted his detail report on 15-03-2019, as per direction of Honorable Court in COC No.22-a/2016, COC 47-a/2016, COC58-a/2016, COC83-a/2016, this office nominated an inquiry officer vide Endst No.14120 dated 24-09-2018, Mr. Luqman Ali Khan Principal GHSS NO.1 Mansehra for verification of record of sacked employee, the officer submitted his complete report with the remarks that the scrutiny committee will considered the eligibility/suitability in the light of sacked Employee Act 2012, the competent authority constituted the scrutiny committee vide Endst No : 9010-11 dated 27-12-2018 for scrutinizing the documents of the applicants for determining the eligibility of candidates for re-appointment against the above mentioned posts. The scrutiny committee submitted its report on 13-03-2019.

Admission Officer

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In the light of the report of the scrutiny committee the deficiency letter have been sent to the candidates as well as exhibited on the notice board, In response to the deficiencies letter the candidates have re-submitted their documents regarding removal of objections of committee, in continuation of the process a letter No. 6344-46 dated 18-04-2019 regarding the constitution of committee was issued and the whole documents were put up to the committee for scrutinizing the documents of the applicants for determining the eligibility of candidates for re-appointment against the above mentioned posts. The scrutiny committees submitted its detail report on 11-05-2019.

The chair asked the Superintendent local office to brief the forum regarding number of vacant posts in light of the said Act. The Superintendent informed the forum that in light of section 3 of the Sacked Employees (Appointment) Act 2012, 30% of vacant posts are to be filled through Sacked Employees. He elaborated the Number of posts under these criteria as below:

PST	126	DM	05
CT	09	PET	10
TT	05	QARI	7
AT	6	J/CLERK	01
CLASS-IV	NIL	TOTAL	169

(12)

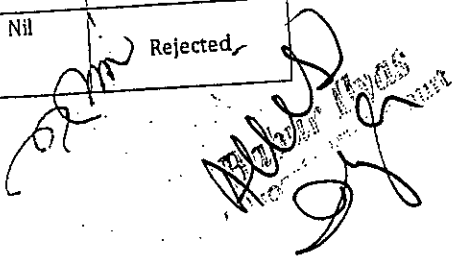
The chair asked the Superintendent Establishment for placing all the applications before the committee for scrutiny and checking of date birth, Appointment Order, Adjustment order/Transfer orders, Charge Report, Attendance Register, Medical certificate Termination orders, Service Books and qualifications with dates.

The committee checked the applications and document of the following candidates of various categories one by one and determined their eligibility and suitability for appointment in light of Sacked Employees (appointment) Act 2012, and in light of decision passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad and recorded their remarks of Recommended, Differ and Rejected against the name of each candidate in the column of remarks.

1. **PRIMARY SCHOOL TEACHER:**

The forum was briefed that only those candidates are eligible in light of Sacked Employee (Appointment) ACT 2012 who were appointed during 01/11/1993 to 30/11/1996 and terminated during the period 01/11/1996 to 31/12/1998. The forum was further briefed that under the P.S.T Category (133) candidates have submitted their applications, after detail deliberation/perusal of record the following decision were made. The committee checked the record of all candidates one by one and determined their eligibility and suitability for appointment in light of Sacked Employees (appointment) Act 2012, and recorded their remarks Recommended, Differed and Rejected against the name of each candidate in the column of remarks.

S#	NAME OF TEACHER	FATHER NAME	DATE OF BIRTH	Domicile	Endst No	Date Of IST App	Issuing Authority	Endst No	D/O Termination	App:	CNIC	Apptt: order	Arr: Reper t	S/ Book	Att: Reg:	Qulf :	Dom:	Term: order	REMARKS
1	M.KHALID	M.AMEER	1/4/1963	Mansehra	730-35	17-1-1996	DEO (M) Primary: Mans	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	SSC	yes	Nil	Rejected
2	ABDUL RASHEED	ABDUL WAHAB	8/1/1965	Mansehra	1028-33	17-1-1996	do	NIL	NIL	Yes	Nil	Nil	Nil	Nil	Nil	SSC	yes	Nil	Rejected



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	ZULFIQAR ALI	MUHAMMAD FAROOQ	3/7/1975	Mansehra	866-71	17-1-96	do	1508-1609	26-6-1997	yes	yes	yes	yes	Nil	yes	SSC	yes	yes	Recommended For Appointment
✓	JEHANGIR KHAN	KALA KHAN	11/4/1977	Mansehra	1269-71	22-01-96	do	1678-1713	26-6-97	Yes	Yes	Yes	yes	Yes		SSC	yes	yes	Recommended For Appointment
	NAHEED AHMED	GHULAM NABI	15-04-1967	Mansehra	2485-2626	22-11-94	do	217-367	13-2-1997	Yes	Yes	Yes	Yes	Yes	Yes	SSC	YES	yes	Died
	MUNAWAR KHAN	GUL BADSHAH	3/6/1969	Mansehra	3431-32	12/5/1996	do	13907	25-11-96	Yes	yes	yes	yes	Nil	Nil	SSC	yes	Nil	Rejected
3	TAJ MUHAMMAD	M.HAROON	5/12/1969	Mansehra	913-920	17-2-1996	do	732-34	29-2-1997	Yes	yes	yes	yes	Nil	Nil	Nil	yes	Nil	Rejected
4	MUHAMMAD HAROON	MIRZA	18-02-1972	Mansehra	1932-38//1132-42	19-1-1996///30-1-1996	do	7686-99	28-4-1997	Yes	yes	yes	yes	Nil	Nil	Nil	yes	Nil	Rejected
5	SALAHEEN	HADAYATUL LAH	10/1/1977	Mansehra	1654-70	31-3-1996	do	7686-99	28-4-1997	Yes	yes	yes	yes	Nil	Nil	Nil	yes	Nil	Rejected
6	SHAFQAT	M.ZAREEN	1/4/1973	Mansehra	19414-22	19-1-1996	do	529-31	29-2-1997	Yes	yes	yes	yes	Nil	Nil	SSC	yes	Nil	Rejected
7	IQBAL AHMED	GULDAN	12/11/1977	Mansehra	2169-74	19-1-1996	do	380-416	13-02-97	Yes	yes	yes	yes	yes		SSC	Yes	Nil	Rejected
8	SYED MUZAMAL SHAH	SYED NOOR NABI SHAH	15-01-1974	Mansehra	463-66	16-1-1996	do	7686-99	28-4-1997	Yes	yes	yes	yes	Nil	Nil	SSC	yes	Nil	Rejected
9	ABDUL SHAKOOR	MIAN DAD	4/4/1974	Mansehra	1280-86	22-1-1996	do	7686-99	28-4-1997	Yes	yes	yes	yes	Nil	Nil	SSC	yes	Nil	Rejected
100	MUHAMMAD SAFDAR	MUHAMMAD SHAHJAHAN	25-04-1974	Mansehra	896-902	17-2-1996	do	713-15	29-2-1997	Yes	yes	yes	yes	Nil	Nil	SSC	yes	Nil	Rejected
101	MUHAMMD ASIF	MUHAMMAD ZAMAN	11/2/1978	Mansehra	230-36	2/1/1996	do		NIL	Yes	yes	yes	yes	Nil	Nil	SSC	Yes	Nil	Rejected
102	DILDAR	HABIB UR REHMAN	15-02-1978	Mansehra	1080-84	21-1-1996	do	688-70	29-2-97	Yes	yes	yes	yes	Nil	Nil	SSC	Yes	Nil	Rejected

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**DECISION:**

After thorough deliberation and discussions the committee declared the candidates at serial No.01, 02, 03, 04, 05, 06 and 07 as rejected as they did not possess the required Documents at the time of scrutiny. Hence the committee declared these candidates as Rejected in the light of Sacked Employee (Appointment) Act 2012.

Meeting ended with vote of thanks and from the Chair.

1. Khan Muhammad, District Education Officer, (Male) Mansehra
2. Zahid Hussain Dy: District Education Officer, (Male) Mansehra
3. DEO (F) Mansehra Representative of the Director
4. Tariq Mehmood Supdt: (Estt:) DEO (M) Office Mansehra.
5. Saif ul Malik ADEO (Estt:) DEO (M) Mansehra
6. Sakinullah ADEO (Lit) DEO(M) Mansehra.

DISTRICT EDUCATION OFFICER,  
(MALE) MANSEHRA

Ends: No. 9924-67 sacked employee Dated Mansehra the 15/6 /2019.

Copy forwarded for information and necessary action to the:-

1. The Director, Elementary & Secondary Education Peshawar.
2. District Accounts Officer Mansehra.
3. District Education Officer (Female) Mansehra.
4. PA to Secretary Khyber Pakhtunkhwa E & SE Department Peshawar.
5. Office File

DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

Advocate  
Bader Abbas  
Advocate High Court  
Mansehra

DBAM No.

619

S.No

Fee Rs. 100/-

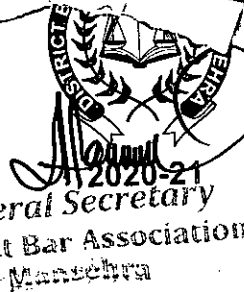
C No.

17-8/112

Name of Advocate

بایر الیاس  
ایسٹریٹ لاء  
کوارٹرز

وکالت نامہ



General Secretary  
District Bar Association  
Mansehra

بعدالت: عدلیہ سروس ٹرو سینٹرل سٹارڈ کمپ کورٹ ایڈٹ آباد  
عنوان: عمر جہانگیرہ  
منجاب: ایسٹریٹ  
بنام: صوبائی حکومت و غیرہ  
نوعیت مقدمہ: سروس ایڈٹ

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی پر جواب دی بر مقام ایسٹریٹ سٹارڈ کے لئے  
بایر الیاس ایسٹریٹ لاء کوارٹرز  
کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے  
جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ  
میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے علاوہ  
کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ  
کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار  
نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست  
بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کا روپیہ وصول  
کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دتالی و رضی نامہ و دستبرداری و اقبال و دعویٰ کا اختیار بھی ہوگا  
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف  
کر بشرط ادائیگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہونگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا پیر سٹر کو  
بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو  
اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت  
میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔  
لہذا وکالت نامہ لکھ دیا ہے اور دستخط اٹکوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

Jhangri Khan

appellant

مورخہ 20/04/20

ACCEPTED

ایسٹریٹ لاء  
بایر الیاس  
کوارٹرز

