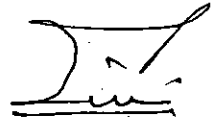


21.04.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General present.

Notices be issued to the respondents through registered post with the directions to submit written reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off. Adjourned. To come up for submission of written reply/comments on 15.06.2022 before the S.B at Camp Court Abbottabad.



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

15.06 2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Hafiz Shakil Ahmad, ADEO Litigation for the respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over to the clerk of learned counsel for the appellant. To come up for rejoinder as well as arguments before D.B at camp court Abbottabad on 16.08.2022.

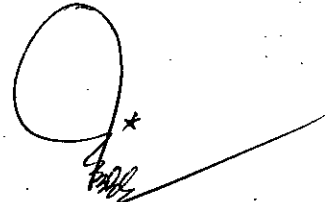


Fareeha Paul
Member (E)
Camp Court, Abbottabad

17.11.2021

Appellant in person present.

Appellant requested for adjournment on the ground that his learned counsel is busy at camp court Abbottabad. He also submitted an application for transfer of the instant service appeal to camp court Abbottabad which is placed on file. Application is allowed. To come up for preliminary hearing on 19.01.2022 before S.B at camp court Abbottabad.



(Mian Muhammad)
Member(E)

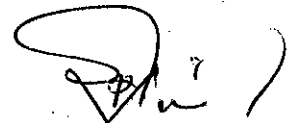
19.01.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 21.04.2022 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee

24/01/22



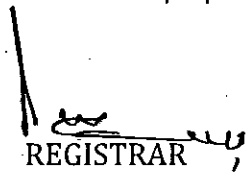

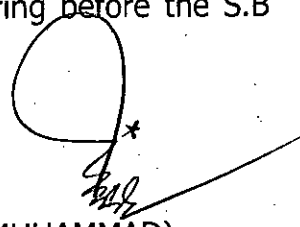
(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7261 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/08/2021	<p>The appeal of Mr. Muhammad Zafran received today by post through Mr . Muhammad Arshad Khan Tanoli 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 S. Bench at Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on- <u>24/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	24.09.2021	<p>None for the appellant present.</p> <p>Notice be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing before the S.B on 17.11.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Muhammad Zafran Post office Jabari Village Budhar Haripur received today i.e. on 08.06.2021 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- ① Annexure-B of the appeal is illegible which may be replaced by legible/better one.
- 2- In annexure-B the name of the appellants may be highlighted.
- 3- Certificate be given to the effect that appellants has not filed any service appeal earlier on the subject matter in this form.

No. 955 /S.T,

Dt. 08/06 /2021

REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Arshad Khan Tanoli Adv.
High Court A. Abad.

Sir,

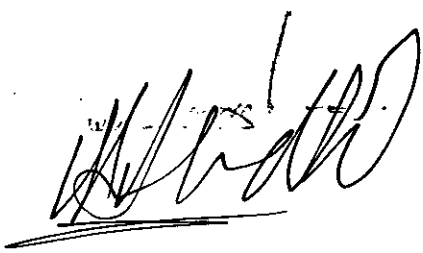
1- It is submitted with due respect that legible copy of Annex "B" is not available and said Annexure bears no significance / importance on merit of the case.

2- Name of the appellants has been highlighted as desired.

3- That the appellants though filed a service appeal before this Honourable Tribunal. The Tribunal returned the appeal for removal of objection but the appellants did not re-submit the appeal before the Honourable

P.T.O

tribunal. Now the appellant
* is submitting the appeal
on different law point^{which} has
been settled by the apex court



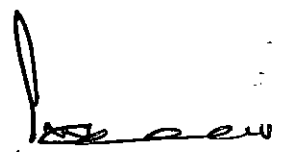
M. Ashraf Khan
Advocate
Date 19.6.2021

verified that the
contents of the
foregoing reply is
correct to the best
of my knowledge
& belief

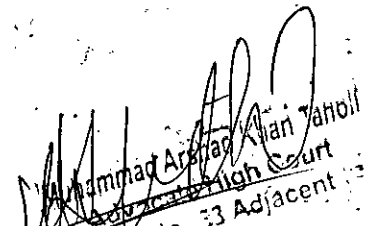

Appellant

4 case/appeal is re-submitted pl.

objection No. 1 is still stand.
The appeal is again returned to the court for
the appellant for completion & re-submission
within (10) days.


7/7/2021

Sir, objection removed
& better copy as required
is attached


M. Ashraf Khan
Advocate
Office No. 33 Adjacent
High Court

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

2261
Appeal No. _____ of 2021

Muhammad Zafran, Post Office Jabari Village Budhar District Haripur.

...APPELLANT

V E R S U S

Government of KPK through Secretary Elementary & Secondary
Education, Khyber Pakhtunkhwa, Peshawar and others

...RESPONDENTS

SERVICE APPEAL
INDEX

S.No	Description of Document	Annexure	Page No.
1.	Service Appeal alongwith Verification and affidavit	--	1-8
2.	Copy of appointment and termination order	"A" & "B"	9-16
3.	Copy of KPK Sacked Employees, Appointment Act 2012	"C"	17-20
4.	Copy of application dated 12.10.2012	"D"	21
5.	Copy of appointment order dated 13.10.2017 and charge report dated 16.10.2017	"E"	22-24
6.	Copy of order dated 29.11.2017	"F"	25
7.	Copy of impugned withdrawal end No.2821-24/3-1/E.B/Sacked Employee dated 21.05.2018	"G"	26
8.	Copy of departmental appeal dated 20.06.2018	"H"	27
9.	Copies of judgment dated 15.09.2018 of the Apex Court and application of the appellant dated 15.01.2021	"I" & "J"	28-29
10.	Copy of judgment of the Apex Court reported 2009 SCMR Page 119	"K"	30-37
11.	Vakalat Nama	--	38


...APPELLANT

Through:

Dated:- _____/2021


(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. _____ **of 2021**

Muhammad Zafran, Post Office Jabari Village Budhar District Haripur.

...APPELLANT

V E R S U S

- 1) Government of KPK through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2) Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3) District Education Officer (Male), District Haripur.

...RESPONDENTS

**SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974.**

Respectfully Sheweth

Facts of the case:

1. That the Appellant got appointment as PST against leave vacancies vide appointment order dated 17.05.1995 and thereafter, services of the appellant were terminated on 13.02.1997. (Copy

of appointment and termination order are annexed as Annexures "A" & "B" respectively)

2. That Government of Khyber Pakhtunkhwa announced Khyber Pakhtunkhwa Sacked Employees Appointment Acts 2012, wherein, those employees who were appointment w.e.f 01.11.1993 to 03.11.1996 and terminated w.e.f 01.11.1996 to 31.12.1998 are to be reinitiated in service against 30% vacant posts. (Copy of KPK Sacked Employees Appointment Act 2012 is annexed as Annexure "C")
3. That the appellant applied to the District Education Officer Haripur for appointment for the post of PST under the Sacked Employees Appointment Act 2012 vide application dated 12.10.2012. (Copy of application dated 12.10.2012 is annexed as Annexure "D")
4. That following this, as per KP Sacked Employee Appointment Act 2012, respondent No.3 appointed the appellant as PST in GPS Budhar

against the vacant post vide appointment order dated 13.10.2017 and similarly, the appellant took over the charge of the post on 16.10.2017. **(Copy of appointment order dated 13.10.2017 and charge report dated 16.10.2017 are annexed as Annexure "E")**

5. That, after a period of one month, respondent No.3 held in abeyance appointment order of the appellant dated 13.10.2017 vide order dated 29.11.2017. **(Copy of order dated 29.11.2017 is annexed as Annexure "F")**

6. That, thereafter, respondent No.3 withdrew appointment order dated 13.10.2017 of the appellant vide withdrawal order dated 21.05.2018. **(Copy of impugned withdrawal order No.2821-24/3-1/E.B/Sacked Employee dated 21.05.2018. is attached as Annexure "G")**

7. That the appellant filed departmental appeal against the impugned order dated 20.06.2018. Reply of the departmental appeal is still awaited.

(Copy of departmental appeal dated 20.06.2018 is annexed as Annexure "H")

8. That, though the appellant was appointed against leave vacancy. Therefore his appointment order on regular basis was terminated under Section 2 (G) of Sacked Employee Appointment Act 2012. Therefore the appellant found no law to agitate the matter before the Service Tribunal KP Peshawar. Now the appellant found unreported judgment dated 05.09.2018 of the Apex Court, wherein, similarly employee who was appointed against leave vacancy were allowed to serve in the respondents' department. The appellant received a copy of judgment dated 05.09.2018 by a well-wisher on 15.01.2021. Therefore, the appellant against applied to respondent No.2 for his reinitiated in service as per judgment dated 15.09.2018. (Copies of judgment dated 15.09.2018 of the Apex Court and application of the appellant dated 15.01.2021 are annexed as Annexures "I" & "J" respectively)

Hence, the instant service appeal is filed inter-alia on the following grounds:

GROUND:-

- a) That once a point of law is decided by the superior Courts in favour of employees that must be made applicable to all the employees, who are similarly placed. Reliance is placed on reported judgment 2009 SCMR-1. (Copy of judgment of the Apex Court reported 2009 SCMR Page 119 is annexed as Annexure "K")
- b) That valuable rights of filing service appeal have been accrued to the appellant from the date of receipt of judgment dated 05.09.2018 of the Apex Court received by the appellant on 15.01.2021.
- c) That withdrawal order dated 21.05.2018 is void, against the law, discriminatory and without following the codal formalities which are sine quo non for withdrawal order.
- d) That no proper inquiry has been conducted by the respondent No.3 prior to issuance of withdrawal order. Besides, no opportunity of

personal hearing Show Cause Notice and statement of allegation have been provided to the appellant. Hence withdrawal order dated 21.05.2018 is liable to be set-aside.

- e) That the appellant was appointed under the Sacked Employees Appointment Act 2012 respondent No.3 was supposed to conduct proper inquiry under E&D Rules 2011. It is further submitted that there is no concept of withdrawing regular appointment order of the appellant as per Rules in vogue.
- f) As the withdrawal order is void, therefore, no limitation run against the void order in the appellant received judgment dated 05.09.2018 of the Apex Court on 15.01.2021. Therefore, the Appellant got cause of action w.e.f 15.01.2021 to the date of filing of the instant appeal.
- g) That the matter relates to the terms and conditions of service, therefore, this Hon'ble Tribunal has jurisdiction to entertain the instant Service Appeal.
- h) That other points shall be raised at the time of arguments with prior permission of this Honourable tribunal.

PRAYER:

It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, impugned withdrawal order dated 21.05.2018 may be set-aside and respondents may be directed to reinstate the appellant in service from the date of appointment i.e. 13.10.2017 with all service back benefits besides, service period of the appellant w.e.f the date of promulgation of KP Sacked Employees Appointment Act 2012 may also be counted towards calculation of pension. Any other relief which this Hon'ble Tribunal deem appropriate in the circumstances of the case may also be granted to the appellant.


...APPELLANT

Through:

Dated:- _____/2021


(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court Abbottabad

VERIFICATION:-

*Verified that the contents of the instant **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honorable Tribunal Court.*

Dated:- _____/2021


...APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. _____ **of 2021**

Muhammad Zafran, Post Office Jabari Village Budhar District Haripur.

...APPELLANT

VERSUS

Government of KPK through Secretary Elementary & Secondary
Education, Khyber Pakhtunkhwa, Peshawar and others

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Zafran, Post Office Jabari Village Budhar District Haripur, *Appellant*, do hereby solemnly affirm and declare on Oath that the contents of instant *Service Appeal* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal Court.



DEPONENT

Annex "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY HARIPUR.

OFFICE ORDER NO.3
DATED HARIPUR THE 17.5.95

Appointments against leave vacancy.

P-9

Appointments/Adjustments of the following candidates under temporary arrangements are hereby made against PTC leave vacancies in D.P.S-07 @ Rs. 1480/- PM fixed plus usual allowances as admissible under the rules for the period noted against each in the interest of public service w.e.f the date of taking over charge on the terms and conditions given below:-

S.No.	Name Fathers Name & address	School Where adjusted	Period of Applt./ Leave Period.	Remarks
1	Rab Nawaz S/O Hussain Dakhsh Vill: Viljan P.O Plind Gujran Tehsil & Dist: Haripur.	GPS Tamgran	1.6.95 to 30.4.97	Vice Nazir Ahmed already transferred to GPS Jabar Rajdhani against L/Vacancy of Mr. Sajid Mehmood
2	Tahir Jameel S/O Ajab Khan Vill March Abad P.O Khanpur Teh: & District Haripur.	GPS Khabal	1.2.95 to 31.1.97	Vice Mir Ahmed already transferred to GPS No. 1 Sec.No.3 KTS against L/Vacancy of Haq Nawaz PTC
3	Muht: Zulran S/O Mir Gul Khan Vill Dudhar P.O Jabri Teh: & Dist: Haripur	GPS Budhar	1.2.95 to 31.1.97	Vice Ajab Khan Proceeded on long leave.
4	Muht: Sajid S/O Haldar Zaman Vill Chechlan P.O Mang Teh: & Dist Haripur	GPS Kherl	1.2.95 to 31.12.95	Vice Mumtaz Ali PTC proceeded of Study Leave.

Terms & Conditions

- 1 The appointments of the above candidates are made only for the leave period noted against each and will automatically stand as cancelled on the arrival of incumbent teacher proceeded on leave or on the expiry ^{of leave} period.
- 2 These appointments are made purely on temporary basis and liable to termination at any time without assigning any reason or serving prior notice.
- 3 In case any candidate wishes to leave/resign from the service before the expiry of leave period will have to submit one month prior notice or forfeit one month's pay & allowances to the Govt: in lieu thereof.
- 4 Candidates who fails to take over charge within 15 days shall automatically lose his right of appointment against Leave vacancy.
- 5 Charge report should be submitted to all concerned in duplicate.
- 6 No. T.A.D.A is allowed on first appointment.
- 7 Age and Health certificate from the Medical Supdt: D.P.O Haripur must be produced within seven days from the date of taking over charge.
- 8 Candidate should not be handed over charge if their age exceeds 50 years & below 18 years.
- 9 Their Original Educational/Professional Certificates/Documents should be checked by the Sub Divl: Education Officer thoroughly. If their original certificates are not found correct they should not be handed over charge.

(AL-HAJ ABDUL QAYYUM AWAN)
DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY HARIPUR.

Attested
Muhammad
Advocate
Office No. 33
Haripur

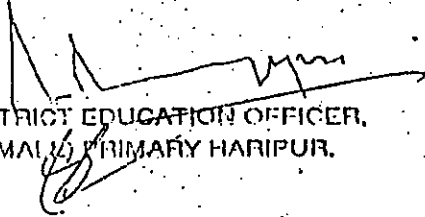
P-15

Page.2.

Encls: No. 916-9224F No. 234/Egt: Dated Haripur the 17.5.95

Copy forwarded to the:-

- 1 P.A to Director, Primary Education, NWFP Peshawar.
- 2 Sub Divisional Education Officer (M) Haripur.
- 3 District Account Officer Haripur.
- 4-8 Head Teacher's Concerned.
- 9-13 Candidates concerned
- 14 Office order file.


DISTRICT EDUCATION OFFICER,
(MAL) PRIMARY HARIPUR.

Admitted
Wek

Muhammad
Advocate
Office No. 234 of
Distt. Bar abdu

Annex B

Handwritten initials and signature
R 10

OFFICE OF THE DISTRICT EDUCATION OFFICER, PUNJAB, INDIA

Date: 13 - 2 - 1993

OFFICE ORDER.

On perusal of the relevant record, the appointments of the following persons have been found illegal, de jure void and against the prescribed rules. Their services are, therefore, hereby dispensed with with immediate effect.

S.NO	NAME/FATHER'S NAME/ADDRESS	SCHOOL, PUNJAB	POST WHICH APPOINTED	REMARKS
1	Ali Bahadar s/o Khan Bahadar, r/o Pipkaha Ghazi Haripur.	GPS Khadwala	PTC	VOID O/O NO.01 DATED 8.10.95
2	Mohammad Javed s/o Baniyamin, r/o Ghazi Haripur.	GPS Pathan	PTC	VOID O/O NO.01 DATED 8.10.95
3	Fayyaz Ali s/o Sher Bahadar r/o Jhamian Ghazi Haripur.	GPS Gawan	PTC	VOID O/O NO.01 DATED 8.10.95
4	Museebullah s/o Ghazi Haripur.			
5	Khalid s/o Ghazi Haripur.			
6	Rajid Ali s/o Chairman Din r/o Haseela Haripur.	GPS Haseela	PTC	VOID O/O NO.01 DATED 8.10.95
7	Waqar Ali Shah s/o Liaqat Shah r/o Qawalain Haripur.	GS No. 15	PTC	VOID O/O NO.01 DATED 8.10.95
8	Shahid Nawaz s/o Haq Nawaz r/o Haq Haripur.	GPS Sultanpur	PTC	VOID O/O NO.01 DATED 8.10.95
9	Ishaiq Ahmad s/o Mushtaq Ahmad r/o Ali Khan Haripur.	GPS Ghadial	PTC	VOID O/O NO.01 DATED 8.10.95
10	Shahzoda Ehsan s/o Syed Ehsan r/o Mehmood Haripur.	GPS Mehmood	PTC	VOID O/O NO.01 DATED 8.10.95
11	Shahid s/o Abdul Rashid Moh: Ramzani Haripur.	GPS Ramzani	PTC	VOID O/O NO.01 DATED 8.10.95
12	S. Asim Hussain Shah s/o Mahmood Hussain Shah r/o Sila	GPS Sila	PTC	VOID O/O NO.01 DATED 8.10.95
13	Janas Khan s/o Mohd: Sultan r/o Kiyas	GPS Kiyas	PTC	VOID O/O NO.01 DATED 13.10.95
14	Mohd: Nazir s/o Ghaz Bin r/o Sara Haripur.	GPS Sara	PTC	VOID O/O NO.01 DATED 13.10.95

Handwritten signature
Attested

ATTESTED

OFFICE ORDER

On personal of the relevant record the appointments of the following persons have been found illegal abinitio void and against the prescribed rules. Their services are therefore hereby dispensed with immediate effect.

S.NO	NAME & FATHER NAME / ADDRESS	SCHOOL / OFFICE WHERE INITIALLY APPOINTED	POST AGAINST WHICH APPOINTED	MARKS
1.	Ali Bahadar s/o Khan Bahadar r/o Pipliala Ghazi Haripur.	GPS Khanbara	PTC	Vide 0/0 110.01 Dated.08.10.1995
2.	Muhammad Javed s/o Binyamin r/o Jhamrah Ghazi Haripur.	GPS Pakki Ban	PTC	Vide 0/0 110.01 Dated.08.10.1995
3.	Liyaqat Ali s/o Sher Bahadar. r/o Ghazi Mumlel Haripur .	GMPS Gawari	PTC	Vide 0/0 110.01 Dated.08.10.1995
4.	Naseer Muhd: s/o H. Fariq Muhd: r/o Ghazi Haripur.	GPS Thalikut	PTC	Vide 0/0 110.01 Dated.08.10.1995
5.	Khalid s/o Umer Farooq r/o Khaloo Ghazi Haripur .	GPS Sokra	PTC	Vide 0/0 110.01 Dated.08.10.1995
6.	Sajid Ali s/o Channan Din r/o Gudwallan Haripur.	GPS Chemiari	PTC	Vide 0/0 110.01 Dated.08.10.1995
7.	Waqar Ali Shah s/o Faqh Shah r/o Gudwallan Haripur.	GPS No. Psec,2 nd S	PTC	Vide 0/0 110.01 Dated.08.10.1995
8.	Shahid Nawaz s/o Haq Nawaz r/o Mang Haripur.	GPS Sultan Pur	PTC	Vide 0/0 110.01 Dated.08.10.1995
9.	Ishtiaq Ahmed s/o Mushtaq Ahmed r/o Ali Khan Haripur.	GPS Gandian	PTC	Vide 0/0 110.01 Dated.08.10.1995
10.	Shahzada Khan s/o Moonan Haripur.	GPS Keya Dheri	PTC	Vide 0/0 110.01 Dated.08.10.1995
11.	Khalid Mehmood s/o Abdur Rashid r/o Moh: Ramzani Haripur.	GPS Ramani (Beelgall)	PTC	Vide 0/0 110.01 Dated.08.10.1995
12.	S.Asim Hussain Shah s/o Mehmood Hussain Shah r/o Sikandarpur.	GPS Gujriyala	PTC	Vide 0/0 110.01 Dated.09.10.1995
13.	Janas Khan s/o Mir Sultan	GPS Phanian Sunbai	PTC	Vide 0/0 110.01 Dated.18.10.1995

	r/o kiya			
14.	Muhd: Nazir s/o Nara Amazal	GPS Kupri No. 2	PTC	Vide 0/0 110.01 Dated.18.10.1995
15.	Dakhat Nawaz s/o charwal N/A	GMPS Chalidi Bala	PTC	Vide 0/0 110.01 Dated.18.10.1995
16.	Saleem Akhtar s/o Pambala Khan pur	GPS Samgra Masla	PTC	Vide 0/0 110.01 Dated.18.10.1995
17.	Haq Nawaz s/o Gohar Rehman r/o Fonnori	GMPS Lanpath	PTC	Vide 0/0 110.01 Dated.18.10.1995
18.	Saqib Khan s/o Aurangzeb Khan r/o Bagra	GPS Kohil Daka	PTC	Vide 0/0 110.01 Dated.18.10.1995
19.	M.Asrar Khan s/o Khaliq Dad khan r/o Druskhil	GPS Kohil Daka	PTC	Vide 0/0 110.01 Dated.18.10.1995
20.	Nizakat Shah s/o Asil Shah r/o pharhala	GPS Chlihal	PTC	Vide 0/0 110.01 Dated.18.10.1995
21.	Muhad Nazir s/o M. Miskeen : r/o Mohallah Ali pathan	GPS Shaldan	PTC	Vide 0/0 110.01 Dated.18.10.1995
22.	Muhad Nazir s/o Muhammad Miskeen	GPS Deo	PTC	Vide 0/0 110.01 Dated.18.10.1995
23.	Bakhsheeh s/o Pagli Muhd:	GPS Deo	PTC	Vide 0/0 110.01 Dated.18.10.1995
24.	Rahm Nawaz s/o Ayub Khan	GPS Deosal	PTC	Vide 0/0 110.01 Dated.18.10.1995
25.	Chanzeb s/o Taj Muhammad	GPS Daloongi	PTC	Vide 0/0 110.01 Dated.18.10.1995
26.	Dilawar s/o Ghulam Sarwar	GPS Nara Katha (Daloongi)	PTC	Vide 0/0 110.01 Dated.18.10.1995
27.	Qazi Zahid s/o Qazi Muhd: Asif	GPS Koan Choha	PTC	Vide 0/0 110.01 Dated.18.10.1995
28.	Fahad hussain shah s/o Kharamal Shah	GPS Lari Sathana	PTC	Vide 0/0 110.01 Dated.18.10.1995
29.	M. Asif Khan s/o Muhd: Afzal Khan	GMPS Lari Sathana	PTC	Vide 0/0 110.01 Dated.18.10.1995
30.	Aroon s/o Khan Muhd:	GPS Zhara Dilla	PTC	Vide 0/0 110.01 Dated.18.10.1995
31.	Abdul Maleeh s/o Taj Muhammad	GPS Kanhruchna	PTC	Vide 0/0 110.01 Dated.18.10.1995
32.	Shahzad Awan s/o Fakhre Alam	GPS Balt N/A	PTC	Vide 0/0 110.01 Dated.10.10.1995
33.	Muhd: Idrees s/o Muhd: Nawaz	GPS Balt	PTC	Vide 0/0 110.01 Dated.10.10.1995
34.	M.Jamshaid s/o Muhd: Nawaz	GPS Bari	PTC	Vide 0/0 110.01 Dated.10.10.1995
35.	Rafaqat Ali s/o Sher Afzal	GPS Kupri No. 2	PTC	Vide 0/0 110.01 Dated.10.10.1995
36.	Akhtar Nawaz s/o Hisab Gul	GPS Kupri No. 2	PTC	Vide 0/0 110.01 Dated.10.10.1995
37.	M. Illahi s/o M. Yusaf	GPS Kupri No. 2	PTC	Vide 0/0 110.01 Dated.10.10.1995
38.	Waheed-u-Zaman s/o Khyer Zaman	GMPS Gumbnday	PTC	Vide 0/0 110.01 Dated.10.10.1995

39.	Noor-u-Haq s/o Habib-u-Rohman	GPS Baji Dara	PTC	Vide 0/0 110.01 Dated.19.10.1995
40.	Illal H. Shah s/o Miskeen	GPS Baji Dara	PTC	Vide 0/0 110.01 Dated.19.10.1995
41.	M. Shafqat shah s/o Talaro Dollgram	GPS Sathana No.1	PTC	Vide 0/0 110.01 Dated.18.10.1995
42.	Shoukat Hayat s/o Yaqub Khan	GPS Sathana No.1	PTC	Vide 0/0 110.01 Dated.10.10.1995
43.	Muhd: Liqat s/o M. Sidique	GPS Sathana No.1	PTC	Vide 0/0 110.01 Dated.10.10.1995
44.	Muhd: Azhar s/o Abdul Shakool	GMPS Sherol	PTC	Vide 0/0 110.01 Dated.10.10.1995
45.	Asif Khan s/o gulzaib Khan	GPS	PTC	Vide 0/0 110.01 Dated.10.10.1995
46.	Jhanzeb	GPS	PTC	Vide 0/0 110.01 Dated.10.10.1995
47.	Tariq Mehmood s/o Muhammad	GPS	PTC	Vide 0/0 110.01 Dated.10.10.1995
48.	Saeed Akhtar	GPS	PTC	Vide 0/0 110.01 Dated.10.10.1995
49.	Ajab Khan s/o Gulab Khan	GPS	PTC	Vide 0/0 110.01 Dated.10.10.1995
50.	Saleer Ahmed s/oMuhd Arhsal	GPS Janigian	PTC	Vide 0/0 110.01 Dated.19.10.1995
51.	Naeem Gul s/o Khaliq Dad Khan	GPS Makhaniai	PTC	Vide 0/0 110.01 Dated.19.10.1995
52.	Muhd: Shakeel s/o Muhammad Jameel	GPS gali karam din	PTC	Vide 0/0 110.01 Dated.19.10.1995
53.	G. Mujtaba Shah s/o shah Muhd:	GPS Khor Bagran	PTC	Vide 0/0 110.01 Dated.19.10.1995
54.	Nizakat Haidar s/o Ali Haidar	GPS Ani	PTC	Vide 0/0 110.01 Dated.10.10.1995
55.	Abdul Saboor s/o Ajab Khan	GPS bagh Dheri	PTC	Vide 0/0 110.01 Dated.18.10.1995
56.	Shoukat Zaman s/o Juhan Dad	GPS Gandian	PTC	Vide 0/0 110.01 Dated.26.10.1995
57.	Muhd: Khurshid s/o Abdul Rashid	GMPS Devi Khall Shera	PTC	Vide 0/0 110.01 Dated.26.10.1995
58.	Sheraz Ali s/o Noor Huda	GMPS kaapara	PTC	Vide 0/0 110.01 Dated.26.10.1995
59.	Razeb khan s/o M. Nawaz	GMPS Bringwal	PTC	Vide 0/0 110.01 Dated.26.10.1995
60.	Shujahat Ali s/o Azamat Khan	GMPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
61.	Muhd: Sabir s/o rale Talab	GMPS Chhan Chho	PTC	Vide 0/0 110.01 Dated.26.10.1995
62.	Alla-ur- Rehman s/o A. Saboor	GPS Jhamarah	PTC	Vide 0/0 110.01 Dated.26.10.1995
63.	Aurangzeb s/o Baso Maira	GPS Dharian	PTC	Vide 0/0 110.01 Dated.26.10.1995
64.	Muhd: Saleem s/o Muhd: Basal	GPS Chakh(B. G)	PTC	Vide 0/0 110.01 Dated.26.10.1995
65.	M. Shah s/o shah Muhd:	GPS Dhab	PTC	Vide 0/0 110.01 Dated.10.10.1995
66.	Muhd: Haeem-u-Rehman s/o Gehar	GPS Harela	PTC	Vide 0/0 110.01 Dated.10.10.1995

67.	Shah Nawaz s/o Lal Hussain	GPS	PTC	Vide 0/0 110.01 Dated.10.10.1995
68.	Haq Islam	GPS	PTC	Vide 0/0 110.01 Dated.10.10.1995
69.	Shakeel Awan s/o A. Rasheed	GPS	PTC	Vide 0/0 110.01 Dated.10.10.1995
70.	Muhd:ullah	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
71.	Muhammad Zafran son Mir Gul Khan	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
72	Shujat Ali son of Bostan Khan	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
73	Abdul Saboor son of Abdul Ghafoor Khan	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
74	Zahid Khalid osnof Khalil ur Rehman	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
75	Rizwan Khan son of Ghula Habib	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
76	Malik Zubair Akhtar son of Muhammad Khan	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
77	Bilal Nawaz son of Muhammad Iqbal	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
78	Muhammad Jamil son of Abdul Qayum	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
79	Muhammad Ijaz	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
80	Raja Yarab Ali son of R. Muhammad Sadiq	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
81	Ahmad Shah son of Afsar Shah	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
82.	Khan Bhadar S/o Sardar Zaman R/o Phalagali	GPS	PTC	Vide0/0 110.01 Dated.01.12.1995
83.	Khan Bhadar S/o Sardar Zaman R/o Phalagali	GPS	PTC	Vide0/0 110.01 Dated.01.12.1995
84.	Akhtar Khan S/o Minsif Khan R/o Kot Najibullah	GPS	PTC	Vide0/0 110.01 Dated.01.12.1995
85.	Zubair Tubanum S/o Shot Uahadan	GPS Dada N/A	PTC	Vide0/0 110.01 Dated.01.12.1995
86.	Abdul Wahid S/o Umer	GPS Devi N/A	PTC	Vide0/0 110.01 Dated.01.12.1995
87.	Mirza Saeed S/oMirza R/o New Khanpur	GPS Baghpu	PTC	Vide0/0 110.01 Dated.01.12.1995
88.	Nawazish Rashid S/o Abdur Rashid	GPS DhoK. Ghazi	PTC	Vide0/0 110.01 Dated.31.12.1995
89	Maqsood Shah son of Sarwar Shah	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
84	Muhammad Riasat son of Abdul Rehman	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
85	Ali Shah son of Mardan Shah	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
86	Shazeb Khan son of Muhammad Nawaz Khan	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
87	Imran Khan son of Abdul Qadoos Khan	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
88	Aurangzeb son of Munir Shah	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995

89	Shahzad Khan son of Khanzada Khan	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
90	Azhar Hussain son of Abid	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
91	Saif ur Rehman son of Abdul Majeed	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
92	Rab Nawaz son of Hussain Baksh	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995
93	Babar Khan son of Muhammad Javed Khan	GPS	PTC	Vide 0/0 110.01 Dated.26.10.1995

DISTRICT EDUCATION OFFICER
(Male) Primary Haripur

Endst No.153-284

Copy to the:-

1. Director to Primary Education NWFP Peshawar.
2. PA to Secretary Education NWFP Peshawar.
3. Sub Divisional Education Officer (M) Haripur.
4. District Accounts Officer, Haripur.
5. Office Order file.

DISTRICT EDUCATION OFFICER
(Male) Primary Haripur

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1	Balhat Nawaz s/o Abdullah Shah r/o Charwai S/A	GPS Bahar Dara	PTC	
16	Fareem Akhtar s/o Golat Khan r/o Panabalat Haripur	GPS Bahar Dara	PTC	
17	Hay Nawaz s/o Cohar Rehman r/o Kangetari	GPS Bahar Dara	PTC	
18	Sajid Khan s/o Alamzeab Khan r/o Bagra	GPS Bahar Dara	PTC	
19	M. Ahsan Khan s/o Khalig Dasi Khan r/o Drushkhal	GPS Bahar Dara	PTC	
20	Nizar-kut Shah s/o Asif Shah r/o Pharchaha	GPS Bahar Dara	PTC	
21	Muht. Nawaz s/o M.Naseeb r/o Mairai Abdulah	GPS Bahar Dara	PTC	
22	Bakhsh-eesh Bahi s/o Wasil Muht. r/o Baltol	GPS Bahar Dara	PTC	
23	S.Sajid s/o Shah s/o Dilwari Shah r/o M.Wal	GPS Bahar Dara	PTC	
24	Qasim Khan s/o Shah r/o	GPS Bahar Dara	PTC	
25	Chauzal s/o T. T. Mohammad r/o Bahar Dara	GPS Bahar Dara	PTC	
26	Dilwanay s/o Ghulam Sarwar r/o Kahak	GPS Bahar Dara	PTC	
27	Q.Zahid s/o Q. Muht. Asif r/o Qaylan	GPS Bahar Dara	PTC	
28	Muht. H. Shah s/o Karamat Shah r/o Soc. J. RTS.	GPS Bahar Dara	PTC	
29	M. Asif Khan s/o Muht. Afzal Khan r/o KTS-1	GPS Bahar Dara	PTC	
30	Arcen s/o Khan Muht. r/o Talhaul Bahar Dara	GPS Bahar Dara	PTC	
31	Abdul Arsoen s/o Muht. r/o Shah Mohammad	GPS Bahar Dara	PTC	
32	Shahzad Alam s/o Fakher Alam r/o Bahar	GPS Bahar Dara	PTC	
33	Muht. Latees s/o Mohd. Khan r/o Jhumtah	GPS Bahar Dara	PTC	

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Office No. 224
Bahar Dara



Shrestha
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Advocate
Office No. 22

18	M. J. Umshaid s/o Mohd. Rayez r/o Thali Kot.	G.M.P.S. - Kinn	NO. 04 19.10.95
19	Sahayat Ali s/o Shah Afzal r/o K.P.S.-3	G.M.P.S. Mal...	NO. 04 19.10.95
26	Ahmed Nawaz s/o Husab Gul r/o Ghaz	G.M.P.S. Kupp...	NO. 04 19.10.95
33	M. Hikal s/o M. Yusuf r/o Pala, Kot. M.	G.M.P.S. Kupp...	NO. 04 19.10.95
38	Waqar Hussain r/o Basa Nauka.	G.M.P.S. Gubb...	NO. 04 19.10.95
39	Nagru Haq s/o Khalid Rehman r/o Kahigade Colony.	G.M.P.S. Dait...	NO. 04 19.10.95
40	Khalid Shah s/o Alisheen r/o Guxwalia.	G.M.P.S. Dait...	NO. 04 19.10.95
41	M. Shafiq Shah s/o Rahim r/o Bahar Mogaram.	G.M.P.S. Dait...	NO. 04 19.10.95
42	Sahayat Ali s/o Mohd. Khan	G.M.P.S. Dait...	NO. 04 19.10.95
43	Sahabat Ali s/o Mohd. Khan	G.M.P.S. Dait...	NO. 04 19.10.95
44	Sahabat Ali s/o Mohd. Khan	G.M.P.S. Dait...	NO. 04 19.10.95
45	Sahabat Ali s/o Mohd. Khan	G.M.P.S. Dait...	NO. 04 19.10.95
46	Sahabat Ali s/o Mohd. Khan	G.M.P.S. Dait...	NO. 04 19.10.95
47	Tariq Ahmad s/o Mohammad r/o	G.M.P.S. Dait...	NO. 04 19.10.95
48	Sayed Ali s/o Mehboob Khan r/o Khai Mair	G.M.P.S. Dait...	NO. 04 19.10.95
49	Ahmed Khan s/o Khan r/o	G.M.P.S. Dait...	NO. 04 19.10.95
50	Sajid Ahmad s/o Mehboob Khan r/o 150, Colony	G.M.P.S. Dait...	NO. 04 19.10.95
51	Muhammed s/o Duk Khan r/o	G.M.P.S. Dait...	NO. 04 19.10.95
52	Muhammed s/o Duk Khan r/o	G.M.P.S. Dait...	NO. 04 19.10.95

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- 51. G. Rajub Shah s/o
Shah Mohi s/o Gh
Mansoor
- 52. Nizam Ali s/o
Haidar s/o Gh
- 53. Abdul Sattar s/o
Khan s/o
Moteh Abad
- 54. Shaukat Rehman s/o
Jehun Dad s/o
- 55. Mutal Khan s/o
Kashid s/o
Sateh
- 56. Sheraz Ali s/o
Mohd s/o
- 57. Raza Khan s/o
Haidar s/o
- 58. Shujaat Ali s/o
Khan s/o
- 59. Ali s/o
- 60. Mohd s/o
Khan s/o
- 61. Mohd Zafang s/o
Ali s/o

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- 123. Abdul Hussain s/o. /
Abdul H. Khan s/o /
Behala Bala.
- 124. Saifur Rahim s/o. /
Abdul Hussain s/o /
Dhaka/Sukotadi.
- 125. Rob Hussain s/o /
Hussain Bahadur s/o /
Bijon.
- 126. Taber Khan s/o /
M. Javed Khan s/o /
Serjan Begra.

CPD, Dhaka
CPD, Dhaka
CPD, Dhaka
CPD, Dhaka (II)
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DATE: 11/17/66

Sd/
DISTRICT EDUCATION OFFICER
(D.A.) P.O. Dhaka

Date: 13.11.1966

Endst. No. 155-204

- 1. Director, Dhaka
- 2. PA to Secretary, Dhaka
- 3. Sub-Div. Dhaka
- 4. District, Dhaka
- 5. Dhaka
- 6. Dhaka

ATTEST

Muhammad

Muhammad
Advocate
Office No. 13

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51	U. Mujtaba Shah s/o Shah Mohd r/o Gh Mamoon	PTC	VIDE 070 No 10 DATED 26-10-09
54	Nizakat Haidar s/o Haidar r/o Sandhya	PTC	VIDE 070 No 10 DATED 26-10-09
55	Abdul Saboor s/o Khan r/o Mateh Abad.	PTC	VIDE 070 No 10 DATED 26-10-09
56	Shaukat Rehman s/o Jehan Dad r/o Teer	PTC	VIDE 070 No 10 DATED 26-10-09
57	Muhammad Khurshid s/o Rashid r/o Sarai Sakhi	PTC	VIDE 070 No 10 DATED 26-10-09
58	Sheraz Ali s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
59	Razeh Khan s/o Inqilab r/o	PTC	VIDE 070 No 10 DATED 26-10-09
60	Shujahat Ali s/o Khan r/o	PTC	VIDE 070 No 10 DATED 26-10-09

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61	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
62	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
63	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
64	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
65	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
66	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
67	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
68	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09
69	Muhammad s/o Mohd r/o	PTC	VIDE 070 No 10 DATED 26-10-09

ARRESTED

Annex-C

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Annexure

P-17

EXTRAORDINARY
GOVERNMENT

REGISTERED NO. P.H.
GAZETTE



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY 20th SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6077, The Khyber Pakhtunkhwa Sacked Employees (Appointment) Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 10th September, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th September, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

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 the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012).

Attested
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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

Advocate Genl.
Office No. 33 Ad.
Dist. Bar/80

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;

P. 33 T
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146 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

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 Governmental Rules of Business, 1985, including the Divisional and District offices working thereunder;

(c) "Government" means the Government of the Khyber Pakhtunkhwa;

(d) "Prescribed" means prescribed by rules;

(e) "Province" means the Province of the Khyber Pakhtunkhwa;

(f) "rules" means the rules made under this Act; and

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

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

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

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

Muhammad Arif
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Muhammad Arif
Advocate
Office No. 33
Distt. Bar A

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012. 147

- 4. Age relaxation— The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.
- 5. Sacked employees shall not be entitled to claim seniority and other back benefits— A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.
- 6. Preference on the basis of age— On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.
- 7. Procedure for appointment— (1) A sacked employee, may file an application, to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:

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

(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 employees shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be considered 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 Departmental, 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.

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Muhammad Arif
Advocate
Office No. 324
Islamabad

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1418 KYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

- 9. Act to override other laws.— Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.
- 10. Power to make rules.— Government may make rules for carrying out the purpose of this Act.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KYBER
PAKHTUNKHWA

(AMIRULLAH)
Secretary
Provincial Assembly of Kyber Pakhtunkhwa

Printed and published by the Manager,
Styl. & Ptg. Dept., Kyber Pakhtunkhwa, Peshawar.

Muhammad Arif
Arif
Muhammad Arif
Advocate High Court
Office No. 33 A
Distt. Bar Association



Office of the District Education Officer (M)

~~CONFIDENTIAL~~

(13)

H No. 0995-610178, 610268

(deomalehrp@yahoo.com)

Annex - E

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Notification

- e) In pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment) Act: 2012 and
- f) In compliance with the Judgments passed by the Honorable Peshawar High Court Abbottabad Bench in Writ Petition No-20-A/2014 and WP No-115-A/2013 vide order dated 25-05-2016 which was upheld by the august Supreme Court of Pakistan vide order dated 24.05.2017, and
- g) In compliance with COC No-58-A/2016 & COC No-31-A/2017 vide order dated 08.08.2017 and
- h) Consequent upon the recommendations of Departmental Selection Committee in its meeting held on 08-09-2017, the competent authority is pleased to order the appointments of the following Sacked Employees in BPS-12 (Rs-13320-960-42120) plus usual allowances as admissible under the rules against the post of **Primary School Teacher** and posted him/them against vacant position in the School mentioned against their name with immediate effect, on the terms and conditions given below.

S. No	Name & CNIC.	Father's Name.	Date of Birth.	Union Council.	Station.	Remarks
1	Muhammad Zafran 13302-8396709-5	Mir Gul	01-02-1967	Jabri	GPS Jabri Budhar	A.V.P
2	Waheed ud Zaman	Khybar Zaman	27-03-1971	Dehanda	GMPS Kund Singliala	A.V.P
4	Abid Ehali 13302-0460673-1	Mehboob Ehali	07-11-1976	K.N.Bullah	GPS Juma Abad.	A.V.P

Terms & Conditions:

(A) Specific Conditions.

- (a) Their appointments are subject to the conditions that their Certificates /Documents and their domicile be verified from their issuing authority before release of their/his monthly salary. (In the light of section 3 of the sacked Employee ACT 2012).
- (b) The Verification of his/their service/duty record from schools where he/they had been performed his/their duty during previous appointments, (During the period from 1st day of November 1993 to the 30th Day of November 1996. and terminated from the 1st day of November 1996 to 31st Day of December 1998).
- They shall not be entitled to claim any of Seniority, promotion and their back benefits, Their/his appointments have been made in pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment Act:2012) Hence under Section 5

Attested

5/4

[Signature]

Approved
District Education Officer (M)

14

P 23

of the said Act: they shall not be entitled to claim any of Seniority, promotion and their back benefits.

3. The period during which they/he remained dismissed, removed or terminated from service till the date of their/his appointment shall have been deemed automatically relaxed. Their/His appointment have been made in pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment) Act:2012. Hence under Section 4 the said Act: the period during which they remained dismissed, removed or terminated from service till the date of their appointment shall have been deemed automatically relaxed.
4. In case they/he failed to acquire the requisite training certificate within the 03 Years, specified by the department, their services shall stand terminated automatically, In the light of Judgment passed by the Peshawar High Court Abbottabad bench dated 24.05.2016 in pare 8 (IV).

(B) General Conditions

1. They will be on probation for a period of one year extendable to another one year keeping in view their/his performance.
2. They will be governed by such rules and regulations enforced and as may be prescribed by the Government from time to time for the category of Govt: Servant to which they belong.
3. In case they failed to assume the charge of their/his post within 15 days of his appointments, their/his candidature ship will be stand atomically cancelled.
4. Their services liable to termination on one month prior notice from either side in case of resignation without prior notice, their/his one month pay /allowance shall be forfeited to Government treasury.
5. If their performance is found un-satisfactory, they/ he will be preceded under E&D Rules.
6. Pay will not be drawn until and unless a certificate to this effect is issued by this Office that their/his certificates are verified.
7. They should obtain Medical fitness certificate from Medical Superintendent /Civil Surgeon DHQ Hospital Haripur, within seven days to date of T/over charge.
8. Charge reports should be submitted to all concerned.
9. NO TA/DA is allowed.

Note: The competent authority resumes the right to rectify the errors/omission if any Noted/observed at any stage.

Sd

Distr: Education Officer,(M)

Haripur.


Dated 13/10/2017.

Endst;No 11213-21 /3-1/EB/Apptt: Sacked 2017.

Copy forwarded for information to:-

- 10: Registrar Peshawar High Court Peshawar Abbottabad Bench.
- 11: Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
12. Senior District accounts Officer Haripur.
13. The District Monitoring Officer IMU Haripur.
14. The Sub Divisional Education Officer (Male) Haripur/Ghazi.
15. Assistant Sub Divisional Education Officers Estb Local Office .
16. Account Branch Local Office.
17. Teacher Concerned.
18. Office recode.

Attested
Mueer


Dy-Dist: Education Officer,(M)
Haripur.

Muhammad Ali
Advocate
Office No 33
Distt Bar An

(15)

طریقہ اور طریقہ

تصویر نمبر DED ریگسٹریشن اور راجہ (حدی لور)

دقت برقی کیا جاتا ہے کہ کسی چیز وغیرہ ان کو عید میں جہاں سے ہوا

نہ آئے ہوئے 16/10/2017 کو پتہ در پتہ آئیں اور راجہ

11213-21 3-1/EB 2017 Sacred APPH

آئیں اور راجہ کے ریگسٹریشن اور راجہ (حدی لور)

صفت جھٹکی نامی دروس طریقی کے ہے

طریقہ دہرہ
[Signature]

طریقہ دہرہ
[Signature]
16/10/2017
Head Master
GPS Buchar
Dist. Hanpur

Attested
[Signature]

Muhammad Ali
Advocate
No. 33 A



(21)

~~Annul~~ Annul - F

Office of the District Education Officer (Male)

HARIPUR

PH No. 0995-610178, 610268

P-25

Notification.

Appointment order issued vide this office Endst: No 11213-21/3-1/EB dated 13.10.2017 in respect of Mr, Muhammad Zafaran at S.No.01 appointed as PST at GPS Jabri Budhar as sacked employee is hereby held in abeyance till further order.

Sd:
District Education Officer (M)
Haripur.

Dated 29/11/2017.

Endst No 14760-65-1/EB/Sacked Vol:II.

Copy for information:-

- 1. Senior Distt:Account Officer Haripur.
- 2.SDEO(M) Haripur with direction not to release the pay of said teacher.
- 3. SDEO(M) Khanpur.
- 4. ASDEO Circle kahnpur.
- 5. PSHT GPS Jabri Budhar, with the remarks that he may not be marked the attendance in attendance register.
- 6. Office record.

SDEO(M) Circle
Khanpur

To note please.

29/11/17

[Signature]
Dy; District Education Officer (M)
Haripur.

Attested

[Signature]

Office No. 35 A



Office of the District Education Officer (Male)
Haripur

PH No. 0995-510178, 510268

With Encl

(22)

~~Annex-9~~

Annex-9

As approved by competent authority, this office order Endst: No 11213-21 /3-1/EB/Vol III /Apptt: /sacked /2017 Dated 13/10/2017 at S.No 1 in respect of Mr Muhammad Zafran S/O Mir Gul as PST at GPS Budhar is hereby with drawn in the light of Section - 29 and section - 7 of Khyber Pakhtunkhwa Sacked Employee (appointment) ACT 2012 (Khyber Pakhtunkhwa Act No. XVII of 2012

P-26

Sd/
District Education Officer (Male)
Haripur

Endst: No. *5821-21* /3-1/E.B/Sacked Employee

dated: 24 /05/2018.

Cc:

1. The District Accounts Officer Haripur.
2. SDEO(M) concerned.
3. Teacher Concerned.
4. Office Copy.

M
Asst: District Education Officer (M)
Haripur

*Received on
31/5/18*

Attested
llll

Muhammas
Advocate
Phone No. 334

Annex - H

بخدمت جناب ڈائریکٹر صاحب E&SE پشاور

P-27

عنوان: محکمانہ اپیل برخلاف غیر قانونی Withdrawal آرڈر

محررہ 21-05-2018

جناب عالی!

گزارش ہے کہ من سائل بروئے Sacked Employee (Appointment) Act, 2012 کے تحت بطور PST گورنمنٹ پرائمری سکول بدھار میں مورخہ 13-10-2017 کو تعینات کیا اور بعد ازاں من سائل کا آرڈر محررہ 29-11-2017 کو Held in Abeyance کر کے مورخہ 21-05-2018 کو Withdraw کر لیا۔ (جملہ آرڈرز لف ہیں)

مزید یہ کہ ڈسٹرکٹ ایجوکیشن آفیسر ہری پور نے بغیر انکوائری کیے غیر قانونی طور پر سائل کا آرڈر محررہ 21-05-2018 کو Withdrawل کر دیا جو کہ غیر قانونی ہے۔

لہذا استدعا ہے کہ سائل کے Withdrawل آرڈر محررہ 21-05-2018 کو منسوخ فرمایا جا کر سائل کو ملازمت پر بحال کیا جائے۔

المترجم: 20-06-2018

العارض

M. Saad

محمد زعفران ولد میر گل۔۔۔ سائل

سکنہ بدھار، تحصیل ضلع ہری پور۔

شناختی کارڈ نمبر: 5-8396709-13302

رابطہ نمبر: 0349-9127610

Attested

lllll

Muhammad Saad
Advocate
Phone No. 334...

Annex-1

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

P-28

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

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

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

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

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

VERSUS

Iftikhar Ali & others
Abdul Ahad & others

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

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

For the respondent(s): Not represented

Date of hearing: 5.9.2018

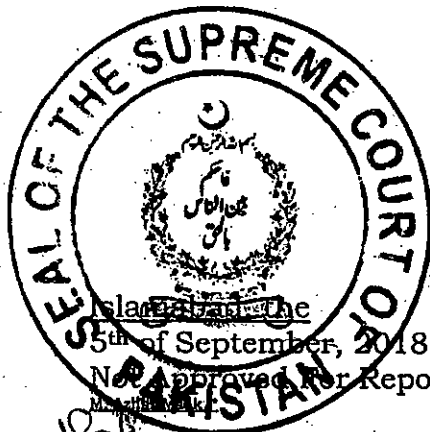
ORDER

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

Attested

Mell

Sd-CJ
Sd-J
Sd-J



Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

Annex - J

فہرست نامہ - ڈائریکٹر ایجوکیشن سندھ ایجوکیشن

P 29 کا 12 کا نام

عنوان: کمیٹی کے رپورٹ With Draw اور رٹورن
21/5/2018

صاحب نام: نذیر احمد صاحبین ٹائل گولڈ پوسٹ

گورنمنٹ پرائمری سکول بدھنار میں دورہ
13/10/2017 کو ہر طرف پتہ 2012

تعمیرات کیا اور 21/5/2018 کو appointment

اور رٹورن 13/10/17 کو WITH Draw کی

جو نیم سال کی vacant leave vacant

تعمیرات سے ٹائل کو سکس 2-9 اپریل 2012
کے قریب پتہ کر دیا۔ ان ٹائل کو سیریل نمبر
آف پاکستان کا reported ہے دورہ 5/9/2018

ٹائل کو 15/11/21 کو واپس لیا گیا ہے

vacant leave vacant پر عہدہ دے ملا مہتمم کی سرکاری کاپی

انڈین عدالت نذیر احمد صاحبین ٹائل کو بہرے سے
سیریل نمبر 2012 آف پاکستان نوکری پر بحال ہے

15/11/21

M B... نذیر احمد صاحبین ٹائل کو بہرے سے
پتہ 2012 آف پاکستان نوکری پر بحال ہے

Attested
M B
Advocate
Office No 33 A/B
Dist. Bar Abroad

16-12-2006 mainly on the ground that the time was not the essence of the contract. Revision Application No.323 of 2007 before the High Court was also dismissed through the impugned judgment.

3. We have heard Mr. Ibad-ur-Rehman Lodhi, learned Advocate Supreme Court for the petitioner and have perused the record.

4. After perusal of the facts, the learned counsel for the petitioner contended that the time was essence of the contract and failure of respondent to make payment called for forfeiture of the amount of earnest money and under the terms of the agreement. There was no case for specific performance after failure of respondent to make payment of the balance amount of sale consideration within the stipulated period. In support of his contention, the learned Advocate Supreme Court has placed reliance on the cases of Ghulam Nabi and others v. Seth Muhammad Yaqoob and others PLD 1983 SC 344 and Jamil Akhtar and others v. Las Baba and others PLD 2003 SC 494.

5. Indeed the agreement between the parties provided for payment of balance amount at the time of the registration of the sale-deed and transfer of property on or before 30-5-1991, however, the said payment was subject to transfer in the office of C.D.A. Islamabad. In the instant case, obtaining of N.O.C. was a precondition for such transfer and sale of property. The N.O.C. was to be issued by an independent agency beyond the control either party N.O.C. bears the date 23-11-1991 and was issued on or after that date by the C.D.A. therefore, the respondent could not held liable on account of such delay by the C.D.A. The question of time being essence of contract has to be decided with reference to the facts of the each case. By virtue of section 4 of the Transfer of Property Act, 1882, transactions involving sale of immovable property are subject to the relevant provisions of the Contract Act, 1872. Section 55 of the Contract Act, 1872 stipulates the contracts where time is essence of contract, which is generally not attracted to transactions involving sale of immovable property. Merely mentioning of a specific date for performance of the agreement would not make time the essence of the contract but such intention is to be gathered from the terms agreed amongst the parties contained in the contract in the light of the facts and circumstances of the case as held by this Court in the case of Ghulam Nabi (supra). In the instant case the condition of transfer of property in the office of C.D.A. clearly stipulated further condition in addition to the date. In the absence of issuance of N.O.C. such transfer was not possible. The record further shows that within couple of days after the issuance of N.O.C. on 23-11-1991, the respondent served legal notice dated 8-12-1991 calling upon the petitioner to transfer the property in his favour followed by the suit for specific performance.

6. In the case of Mst. Batul and others v. Mst. Razia Fazal and others 2005 SCMR 544, this Court has already taken a view where the transfer was obliged to obtain the clearness certificate as a precondition for valid execution and registration of sale-deed. The delay in obtaining the same not attributable to the vendee could not effect the claim for specific performance of contract. The case of Ghulam Nabi (supra) relied upon by the learned counsel, therefore, does not support the case as the impugned judgment is in conformity with the principle laid down by this Court.

In the case of Jamil Akhtar (supra) the question pertained to registration of transfer of property by an attorney in his own name where registered general power of attorney did not authorize such a transfer. It is settled principle of law that whenever a general attorney transfers the property of his principal in his own name or in the name of his close fiduciary relations, he has to take special permission from the principal. Therefore, the case is distinguishable from the present petition.

7. For the foregoing reasons, no ground for indulgence is made out in the impugned judgment. Accordingly, the instant civil petition is dismissed. Leave refused.

M.H./M-66/SC

Petition dismissed.

2009 SC MR 117

[Supreme Court of Pakistan]

Present: Abdul Hameed Dogar, C.J., Ejaz Yousof
and Muhammad Farrukh Mahmud, JJ.

MUHAMMAD SALEEM KHAN---Petitioner

versus

SECRETARY, MINISTRY OF DEFENCE,
GOVERNMENT OF PAKISTAN and others---Respondents

Civil Petition No.982 of 2007, decided on 14th April, 2008.

(On Appeal from the judgment, dated 31-10-2007 of the Federal
Service Tribunal, Islamabad passed in Appeal No.992(R)(C.S.) of 2004)

Civil service---

---Promotion---Adverse remarks in the ACR which were not
communicated to the civil servant would be ignored in case of
promotion---If a civil servant, who had not been considered for

promotion at a stage and was subsequently promoted and no order for inter se seniority had been passed by the competent authority, then such civil servant would be considered to have been promoted in the same batch as his juniors, meaning thereby that he will maintain the seniority of his batchmates. [p. 119] A

Abdul Jabbar Khan v. Government of Sindh 1996 SCMR 850 and Muhammad Farooq Chauhan v. The Province of Punjab PLD 1987 SC 271 ref.

Muhammad Shoaib Shaheen, Advocate Supreme Court and Ejaz Muhammad Khan, Advocate-on-Record for Petitioner.

Ms. Nahida Mehboob Ellahi, D.A.-G. and M.S. Khattak, Advocate-on-Record for Respondents Nos. 1 and 2.

Nemo for Respondents Nos. 7, 11, 12, 20, 21, 24.

Other respondents in person.

ORDER

ABDUL HAMEED DOGAR, C.J.— Through this petition petitioner seeks leave to appeal against judgment, dated 31-10-2007 passed by learned Federal Service Tribunal, Islamabad, whereby Appeal No. 992(R)(C.S.) of 2004 filed by him claiming promotion with effect from 30-7-2004 instead of 26-12-2005 was dismissed.

2. Briefly, stated facts giving rise to the filing of instant petition are that petitioner joined his service as Sub-Engineer (Grade-II) in Engineer-in-Chief's Branch on 10-4-1986 and subsequently promoted to the post of Sub-Engineer (Grade-I). Respondent No. 2 vide Order No. 1017/9/EIE, dated 11-8-2004 promoted Sub-Engineers junior to petitioner as AEE/M, ignoring the criteria laid down for the promotion. Feeling aggrieved, petitioner filed departmental representation to respondent No. 1 which was not responded despite the lapse of statutory period of 90 days. As such, he filed appeal before the learned Federal Service Tribunal, Islamabad on 30-11-2004 which was admitted for regular hearing. During the pendency of appeal, the petitioner was promoted as AEE/M vide order, dated 6-1-2006 with effect from 26-12-2005 but not from due date i.e. 30-7-2004. Thus, he filed amended appeal which came up for hearing and was dismissed vide impugned judgment as stated above.

3. We have heard Mr. Muhammad Shoaib Shaheen, learned counsel for the petitioner, Ms. Nahida Mehboob Ellahi, learned D.A.-G. and private respondents appearing in person at length and have gone through the record and proceedings of the case in minute particulars.

4. It is vehemently contended by learned counsel for the petitioner that the impugned judgment of the learned Federal Service Tribunal is against the facts and law. According to him, petitioner had been superseded because of adverse remarks contained in his A.C.R. for the year 1999 which were never conveyed to him. He referred to para. 3.1(vii) of the Performance Evaluation Guide wherein it has been stated that a confidential report containing adverse remarks should not be taken into consideration until it has been communicated in writing to the officer concerned within one month from the date the report is countersigned. He further contended that the A.C.R. in question is for the period from 5-10-1999 to 31-12-1999 and in view of para. 2.24A(ix) of the Performance Evaluation Guide it should not be considered as the period is less than three months. In support he placed reliance on the case of Abdul Jabbar Khan v. Government of Sindh 1996 SCMR 850 and Muhammad Farooq Chauhan v. The Province of Punjab PLD 1987 SC 271.

5. When confronted with the above contentions of learned counsel for the petitioner, learned Deputy Attorney-General could not controvert the same and admitted that A.C.R. is for a period less than three months which cannot be considered against petitioner.

6. The respondents have not brought anything on record showing that adverse remarks were communicated to the petitioner within the time as contemplated by the Rules. Non-communication of adverse remarks makes the authenticity of such remarks ineffective and petitioner cannot suffer the consequences of any adverse order until the same was communicated to him enabling him to challenge the same before competent forum. It was held by this Court in the case of Muhammad Farooq Chauhan referred (supra) that in case of promotion, the adverse remarks would be ignored only if they are not communicated. It was also held by this Court in the case of Abdul Jabbar (supra) that if a civil servant, who has not been considered for promotion at a stage and is subsequently promoted and no order for inter se seniority has been passed by the competent authority, then such civil servant would be entitled to have been promoted in the same batch as his juniors, meaning thereby that he will maintain the seniority of his batchmates.

7. In view of above, this petition is converted into appeal and is allowed. The impugned judgment of the learned Federal Service Tribunal, Islamabad is set aside. The appellant shall be entitled for promotion from the date his juniors were promoted. No orders as to costs.

M.B.A./M-76/SC

Abdul Hameed Dogar
C.J.

Appeal allowed.



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 572 / 2019

Muhammad Haroon son of Khalil ur Rehman, GPS Phulra District Mansehra.

...APPELLANT

Khyber Pakhtunkhwa Service Tribunal

VERSUS

Diary No. 641

Dated 22/4/2019

1. Government of KPK through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) District Mansehra.

...RESPONDENTS

Filed to-day
Registrar
22/4/19

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS REINSTATED IN SERVICE WITH EFFECT FROM 04/12/2017 VIDE APPOINTMENT ORDER ENDST NO. 20672-702 DATED 04/12/2017 UNDER THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES APPOINTMENT ACT 2012, AS WELL AS IN THE LIGHT OF JUDGEMENT OF PESHAWAR HIGH

Re-submitted to-day and filed.

Registrar
3/5/19

ATTESTED
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Attested

Muhammad Haroon
Advocate
Office No. 11/201
Distt. Bar Assn.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 572/2019



Date of Institution ... 22.04.2019
Date of Decision ... 18.03.2021

Muhammad Haroon son of Khalil ur Rehman, G.P.S Phulra
District Mansehra.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Peshawar and two others.

... (Respondents)

Muhammad Arshad Khan Tanoli,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

ROZINA REHMAN

... MEMBER (J)

ATIQ UR REHMAN WAZIR

... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER: This judgment is intended to dispose of
04 connected service appeals which are:

1. Service Appeal No.572/2019
2. Service Appeal No. 573/2019
3. Service Appeal No. 574/2019
4. Service Appeal No. 575/2019

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
Advocate

[Signature]
Advocate

Office No. 33 A/11
Distt. Bar Abad

In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as C.Ts in the year 1993-94 and were terminated from service in the year 1997-98. After the announcement of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, they were required to be reinstated in service but the appellants were not appointed accordingly, therefore, they filed Writ Petition before the Hon'ble High Court for their appointment under the said Act and it was during the pendency of the Writ Petition when appointment orders were accordingly issued on 04.12.2017. Some of the employees under the said Act were appointed in 2012-13 but the appellants were appointed on 04.12.2017, therefore, they filed departmental appeal which was not responded to, hence the present service appeal.

3. We have heard Muhammad Arshad Khan Tanoli Advocate for appellants and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Arshad Khan Tanoli Advocate learned counsel appearing on behalf of appellants, inter-alia, argued that the respondent No.3 was supposed to appoint appellants under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 when the said Act was promulgated in the year 2012 but their appointment order was issued on 04.12.2017 which is against law and discriminatory.

Attested

ATTESTED

EXAMINER
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Advocate
Office No. 33
Peshawar

Learned counsel further argued that some of the employees who were juniors to appellants were appointed, whereas, appellants were reinstated later on which act is against the principle of equality and natural justice. He submitted that appellants are to be treated at par with other employees in the said Department and lastly, he submitted that similar employees were given benefit by the Apex Court by counting of their service for the protected period for payment of pensionary benefits, therefore, request was made for the stated relief.

5. As against that, learned A.A.G submitted that appellants were appointed as P.S.Ts but later on, their appointments were declared illegal and they were terminated. The Government of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 and the appellants were appointed as P.S.Ts under Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 as well as upon the direction of august High Court Abbottabad Bench. He submitted that as per Section-5 of the Sacked Employees (Appointment) Act, 2012, sacked employees shall not be entitled to seniority and other back benefits and that such nature cases were dismissed by the Service Tribunal. He, therefore, requested for dismissal of instant service appeals.

6. From the record, it is evident that appellants and others who were appointed back in 1994-95 were terminated in 1996-97. Sacked Employees (Appointment) Act, 2012 was specifically promulgated to extend relief to such sacked employees. Appellants were not

Attested

ATTESTED
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Advocate General
 Office No. 13
 Court Building

considered for the reason best known to the respondents. The respondents however, considered other similar cases just after promulgation of the Act which was discriminatory on the part of respondents. It was upon the intervention of the Hon'ble Peshawar High Court that appellants were reinstated at a belated stage in 2017 but with immediate effect. The main concern of the appellants is that such employees would reach the age of superannuation before earning qualifying service for pensionary benefits. We have observed that appellants had possessed all the qualifications as prescribed in the Act like others. It is also on record that co-employees tried their level best for back benefits and their cases were dismissed by this Tribunal as their earlier stance ^{was} to get all service benefits. Feeling aggrieved from the judgment of this Tribunal CPLAs were filed in the Apex Court and relief of back benefits to co-employees was refused by the Apex Court too. However, Apex Court allowed counting of their service for the protected period for payment of pensionary benefits. The present appellants have a strong case as they had every right to be reinstated just after promulgation of the Act as they were having requisite qualification as prescribed in the Act. Their claim was accepted by the august High Court and reinstatement was ordered.

8/10/17

7. The present appellants have also prayed for all service back benefits with a request for counting of their service for the protected period in the light of judgment of the Apex Court which was passed in the case of co-employees. So, from the record, it is crystal clear that

ATTESTED

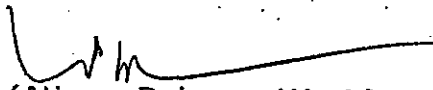
[Signature]
 MEMBER
 Peshawar Panchayat
 Service Tribunal
 Peshawar

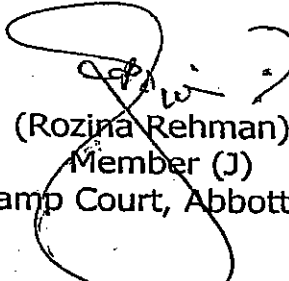
Attested

[Signature]

despite promulgation of an Act in the year 2012, appointment order of the appellants were issued in the year 2017 and that too, on the directions of the august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees counting of their service for the protected period for payment of pensionary benefits only. Case of the present appellants is at par with those sacked employees who were granted this benefit by the Apex Court, therefore, these appeals are accepted to the extent that appellants are allowed counting of their services from the date of promulgation of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits. No order as to costs. File be consigned to the record room.

ANNOUNCED.
18.03.2021


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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وکالت نامہ

کونٹ فیس

مقدمہ میں سر میں سرینوئل

بذات

شہرینوئل نام حکومت

عنوان

اس

مخاطب

سر میں اس

توجیہ مقدمہ

باعث تحریر آئنگہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آن مقام
شہر ارشد خان سے ترقی اس کے بعد عدالت اس کے بار

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل
صاحب موصوف کو کرنے راجسی نامہ و تقرر ثالث و فیصلہ بر حلیہ دو سے اقبال و مخوفی اور بصورت دیگر ڈگری
کرنے اجراء وصولی چیک رو پیو و عرضی و غیرہ کی ساری چیزیں پر دستخط کرنے کا اختیار ہوگا اور بصورت
ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی
بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا
ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جائیداد التوائے مقدمہ کے سبب ہوگا اس کے
مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہویا
حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں
کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برادر
استجارت ناش بھیضہ مفلسی نے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔
لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم:

مقام: اسلام آباد

حکومت

Accepted
Mr. Abdul Wahab Khan

“B”

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

No.

713

Appeal No. 7261 of 20 22

Mohammad Zafran Appellant/Petitioner

Versus

Through Secy. Edu. Dept. Pesh. Respondent

Respondent No. 3

Notice to: — Distt. Education office (male) Distt. Haripur

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 21-01-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 24/12

Day of Jan 20 22

at Camp Court A. Shah

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

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

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

No.

18

Appeal No. 7261 of 20 22

Mohammad Zafar Appellant/Petitioner

Versus

Through Secy. Educ. Dept. of K.P.K. Pesh. Respondent

Respondent No. I

Notice to: —

Govt. of K.P.K. through Secy. E.D. 2 Sec. Educ. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 21.01.2022 at 8.00 A.M. If you wish to urge anything against the appellat/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 25/1/22

Day of Jan 20 22

at Camp Court Road

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

38 hm
7/2/2022

"B"

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

No.

7261

27

Appeal No. *Mohammad Zufraz* of 20

..... *Through Secy. Govt. P.O.* Appellant/Petitioner
..... 2 Respondent

Respondent No. *Director, Elec. & Sec. Education, Govt. of P.O. Peshawar*

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 24/12

Given under my hand and the seal of this Court, at Peshawar this.....
Day of.....20

at Camp Court Road
[Signature]

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

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"A"

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

No.

APPEAL No..... of 20

7261

21

Mohammad Zafar Appellant/Petitioner

Versus

through Sayy. Ebn. K. P. S. J. RESPONDENT(S)
Tanoli

Notice to Appellant/Petitioner

Courts

Mohammad Arshad Khan
Advocate High Court
Abulataad

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

24/9/2021

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 Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

7261

21

APPEAL No..... of 20

Muhammad Zafraan

Appellant/Petitioner

Versus

Through Secy. Edu: K.P. P.S.

RESPONDENT(S)

✓
Notice to Appellant/Petitioner

*Muhammad Zafraan Post office
Sabari Village Budhar
Distt. Haripur*

Take notice that your appeal has been fixed for Preliminary hearing,
~~replication, affidavit/counter affidavit/record/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 Peshawar

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