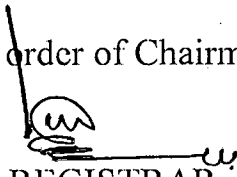


FORM OF ORDER SHEET

Court of _____

Case No.- 1639/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/11/2022	<p>The appeal of Mr. Muhammad Ayaz resubmitted today by Mr.Changaiz Khan Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Ayaz son of Ghulam Shams-u-Tabriz District Dir Lower received today i.e. on 21.10.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of first appointment order, held abeyance order and order dated 26.8.1998 mentioned in para-1 of the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Copies of reinstatement order and enquiry report mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Copies of orders dated 24.4.2003 and 04.04.2015 mentioned in para-4 of the grounds of appeal is not attached with the appeal which may be placed on it.

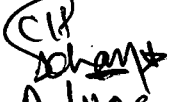
No. 3003 /S.T,

Dt. 26/10 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Changaiz Khan Yousafzai Adv. Pesh.

Respected Sir, the Order dated 26-08-1998 is annexed as Annexure A. It is actually the holding in abeyance order, which is now attached as Annexure A1 on page No. 7A. Reinstatement order has not been issued, which is mentioned in memo of appeal. Although he has been reinstated in the light of judgment dated 06/02/2017. Copies of orders dated 24-04-2003 & 04/11/2015 mentioned in para 2 are already annexed with the memo of appeal.


Advocate
15/11/2022

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1639/2022

Muhammad Ayaz
VERSUS
Govt of KPK & Others

INDEX

S#	Description of the documents	Annex	Pages
1.	Service Appeal along grounds		1-6
2.	Copy of adjustment order dated 26/08/1998	A	7
3.	Copy of order dated 24/04/2003	B	8-10
4.	Copy of order dated 04/11/2015	C	11-14
5.	Copy of order dated 06/02/2017	D	15-18
6.	Copy of service book and pay roll	E & E1	19-28
7.	Copy of departmental appeal	F	29
8.	Copy of advertisement dated 03/10/1997	G	30
9.	Vakalat Nama	-	31

Through

Appellant

CH
Sham

CHANGAIZ KHAN YOUSAFZAI
Advocate High Court

Dated: 17/10/2022

**FLAT NO 2, FIRST FLOOR, AFZAL PLAZA, OPPOSITE SHALIMAR
GARDEN, CHARSADEA ROAD PESHAWAR**
0341-9245730/0341-9059028

①

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

S.A No. 1639 /2022

Muhammad Ayaz S/O Ghulam Shams-u-Tabriz,
R/O Yar Khan Banda Tehsil Timergara, Distt Dir Lower
presently posted at Tari No. 1 TimergeraDistt Lower Dir.

.....Appellant

V E R S U S

- 1) Government of KPK, Through Chief Secretary KPK,
Peshawar.
- 2) District Education Officer (male), Dir Lower.
- 3) Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**APPEAL U/S 4 OF KPK SERVICE TRIBUNALS ACT 1974 FOR
THE GRANT OF SALARIES FROM 01-01-2013 UPTO DATE,
BACK BENEFITS FROM THE DATE OF SHIFTING OF
APPELLANT TO SURPLUS POOL DUE TO HIS SUBSEQUENT
NON-ADJUSTMENT AND ADDITION/INCLUSION OF HIS
NAME IN HRIS(Human Resources Information System)
AND SENIORITY LIST.**

Respectfully Sheweth!

The appellant most humbly submits as under:

1. That the appellant was first appointed as PTC (Now PST) on 24-06-1997 and posted at BPS ToranMiskini, where he served as such upto 12-03-1998 and the services of the appellant were held in

abeyance(his appointment among others were held in abeyance) through letter dated 09-07-1997 while the respondent No. 2 issued a nominal adjustment order dated 26-08-1998 just to save their skin as they were adjusted at schools which were already provided with enough staff/overburdened while no arrangement was made for their accommodation in the concerned school. **(Copy of Office letter dated 26/08/1998 is attached annexure A)**

2. That the appellant, pursuant to the order dated 26/08/1998, approached the Honorable Peshawar High Court Peshawar in WP No: 1425/2000 along with others for their adjustment against vacant posts but in vain **(Copy of order dated 24/04/2003 is attached as Annexure "B")**
3. That the august Service Tribunal has held in its decision dated 04-11-2105 deciding similar view that earlier decisions having been decided in similar fashion and persons not litigating the same may be entitled to the benefits of their decisions. Reliance is placed on 2009 SCMR 1. **(Copy of order dated 04-11-2015 is annexed as annexure "C")**
4. That the appellant was terminated from service vide order dated 30-04-2013 on the allegation of willful absence w.e.f 15-10-2010; the order was communicated to the appellant on 17-09-2013 where against his appeal dated 24/9/2013 was also rejected vide final order dated 05/05/2014; **his service appeal was allowed vide order dated 06/02/2017 of Service Appeal No. 893/2014**; he was reinstated in service while respondents were placed at liberty to conduct de novo enquiry against the appellant within a period of two months from the date of judgment and in case they failed to conduct inquiry within the given period, the appellant would be deemed reinstated and period of absence will be treated as leave of the kind due **(Copy of order dated 06/02/2017 is attached as Annexure "D")**
5. That the salary of the appellant was stopped from December 2012 and he was under reported in January 2013; the appellant was later on reinstated by the service tribunal, but the salary of the appellant hasnot been resumed since the date. **(Copy of Service book and pay poll of Dec 2012 is attached E & E1)**
6. That the appellant preferred departmental appeal on 28/06/2022 for the purpose of grant of salaries, back benefits, service upto date and his inclusion in HRIS, results of de novo inquiry, if any, to the appellant but in vain, hence instance Service Appeal. **(copy of departmental appeal dated 28/06/2022 is attached as Annexure F)**

The appellant having no other efficacious remedy, approaches this honorable Tribunal, *inter alia*, on the following rounds.

GROUND:

- A. That appellant was held in abeyance vide letter dated 09-07-1997 which was illegal, void ab initio and ineffective upon the rights of the appellant as the appellant has attended the school; has performed his duties, hence he was entitled for the grant of back benefits on this score alone.
- B. The appellant was adjusted nominally against a school having no vacant posts, hence the act of respondents was in violation of law and rules. The appellant performed his duty without hiatus in his service.
- C. That the respondent No. 2 advertised various posts through advertisement dated 03-10-1997 in clear violation of surplus pool policy as the same warrants the adjustment of previously placed employees in surplus pool on the vacant posts (Copy of Advertisement dated 03/10/1997 as attached "G")
- D. That the appellant has attended the school and performed his duties with full zeal and devotion, hence entitled for grant back benefits from his initial appointment.
- E. That the august Service Tribunal as well as Supreme Court have held that alike should be treated alike and the services of persons placed at similar positions in initial appointment shall be at par in their services, hence the appellant's service needs to be brought at par with others along with back benefits.
- F. That the appellant has been held in abeyance; adjusted on post already allotted to other civil servants, hence the appellant was never at fault, however the respondents have made him rolling stone shifting and transferring him from one place to another without any security of his service.
- G. That the appellant has performed his duties; he has submitted charge report against a non-vacant post, following and complying every order of the respondent; he has marked his attendance in the period, hence he is entitled for grant of back benefits.
- H. That equal pay for equal work is the fundamental of principles of natural justice which has been violated by the respondents hence the appellant is entitled for grant of back benefits from the date of his appointment.
- I. That the appellant, when terminated, approached this august Service Tribunal which graciously reinstated the appellant and placed respondents at liberty to conduct De novo inquiry within a period of

two months else he would be considered as reinstated from the date of order; The department failed to conduct inquiry within the specified time hence he was reinstated but the respondent have not resumed his salary since January 2013 till date despite repeated request of the appellant hence the appeal.

- J. That it is well established by law that the appellant has earned the back benefits since his appointment; he has earned the benefits by putting his efforts towards his duty as a teacher and as such he is entitled to the back benefits since his appointment.
- K. That the appellant has not been treated in accordance with law, rules on the subject and in clear violation of the fundamental rules.
- L. That order of the termination of the appellant has already been set aside by the august Service tribunal and he has been exonerated of any charges levelled against him; he has been allowed to take charge as PST in the Distt; he has been performing his duties since the date of decision of Service Appeal, hence the appellant is entitled to grant of salaries from January 2013 till date.
- M. That the appellant has been deprived of his rightfully earned salaries overtime; the appellant has been teaching at primary levels and has been striving day in and day out to secure the future of upcoming generations; it has been difficult for the appellant to live his life and take care of his family in the age of this inflation; he has time and again visited the respondents for grant of his salaries since January 2013 till date but of no avail, hence the appeal.
- N. That the appellant has preferred certain applications for the grant of salaries and service up-to date but the respondents have not paid any heed toward the same.
- O. That the delay in the adjustment of appellant as well was not attributable to any fault on his behalf but it was a sheer negligence or for that matter omission onpart of the department for which appellant cannot be made to suffer for all the times to come.
- P. That the appellant has earned his salaries for performing his duties over time, hence he is entitled to the same and the refusal on part of the department is nothing but harassment and vexation of the appellant.
- Q. That under service Appeal No. 377/2002, the back benefits as prayed for were granted by acceptance of the appeal but the respondent department has failed to implement the same in letter and spirit and appellant is very much entitled for the same relief under the principles of consistency and equality before law as per verdict of the apex court reported in 2009 SCMR 1.
- R. That the appellant has been meted out a discriminatory treatment in as much as they were adjusted on the orders of High Court

Peshawar, so the appellant is entitled to same on the grounds of consistency and fair play.

- S. That the appellant cannot be punished for the lapses of the respondent department, hence grant of back benefits in his favor is need of the time.
- T. That the appellant having served the department for more than 25 years is also entitled for pensionary benefits.
- U. That pursuant to the order of Peshawar High Court, dated 24-04-2003, certain appeals were preferred to the August Service Tribunal in various appeals vide order dated 04-11-2015, wherein all the persons whether litigated or not were extended the relief. It held that the relief when granted to some civil servants should not be refused to others; it directed the respondent Department to remit all the appeals to respondents-department to constitute a committee to scrutinize case of those PTC teachers who were appointed vide order dated 09-07-1997 in one go once for all. By following the same analogy, the appellant had performed his duties with full zeal and devotion, therefore, he stood out of the categorization made by respondent department in respect of all affected teachers. (Copies of order dated 24/04/2003 and 04/11/2015 are attached H and H1).
- V. That additional grounds shall be urged at the time of arguments with the prior permission of this Honorable Tribunal.

PRAYER

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the honorable service tribunal may be pleased to:

- a) **Grant salaries to the appellant from 01/01/2013;**
- b) **Grant back benefits from the date of shifting the appellant to surplus pool and thereafter his non-adjustment being the sole responsibility of the respondents; and,**
- c) **Include/add name of the appellant in the HRIS (Human Resource Information System) for the purpose of seniority.**

Any other relief which the Honorable Tribunal deems the appellant entitled may also be granted in his favor.

Appellant

Through

CH Khan

CHANGAIZ KHAN YOUSAFZAI
Advocate High Court

&

Fawad ur Rehman

FAWAD UR REHMAN
Advocate High Court

AFFIDAVIT

It is hereby verified and declared on oath that the contents of above Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

M. Khan
Deponent

ATTESTED
G. Khan
Advocate High Court Peshawar

To,

The District Education Officer (M)
(Dir) at Timergara.

From:

The Sub-Divisional Education Officer (M)
(Dir) at Timergara.

Subject: - ADJUSTMENT OF TWO TEACHERS.

NAME 1) Mohammad Ayaz
2) Sirbaland Khan.

In GPS, 3 Zaro Dogai Shekhan
Bagh, Doshkhel I/R of against
newly created post

R/Sir,

The enclosed application in original and their
previous order are hereby submitted for ^{for their advice} approval please.

No. 2231 /

Dated 26/8 / 1998.

Sub-Divisional Education Officer
(M) Dir at Timergara

CA
Sany
ATTESTED

Annexure

A1

7A

DIRECTORATE OF PRIMARY EDUCATION,
NWFP, PESHAWAR.

Annex #

F.NO.1/DPE/M&A/Advt:PTC/A.O.
Dated Peshawar, the 9/7/1997.

Four Copy

To

The Distt; Edu; Officer(Male)/
(Female) Primary, Dir at Timergara.

Subject;- APPOINTMENT OF PTC CANDIDATES IN UPPER DIR.

Memo;-

I am directed to refer the above noted subject and in this connection, it has been decided that in the light of Notification No.23629/Rev:VV/S/96 dated 13.8.1996 that the merit lists of PTC candidates of Districts Upper Dir and Lower Dir is some prepared separately.

I am, therefore, further directed to ask you to held in-abeyance the appointments order of PTC candidates of lower Dir appointed in Upper Dir till further orders.

I am further directed to ask you to attend this office alongwith Merit lists/applications of the candidates to prepare fresh merit lists of both the Districts.

sd/-x x x x x
For/Director Primary Education,
NWFP, Peshawar.

Copy forwarded for information to:-

1. Mr.Najmud Din Khan, Member Provincial Assembly,NWFP.
2. PA to Director Primary Education,NWFP,Local Office.

sd/-x x x x x
For/Director Primary Education,
NWFP, Peshawar.

S
Attested

FORM OF ORDER SHEET

Court of

Case No. of

Order or clings	Date of Order or Proceedings	Order or other Proceedings with Signature of Jud. Magistrate and that of parties or counsel where nec. by
--------------------	---------------------------------	--

24.4.2003

W.P.No. 1425/2000.

Present: Gazi Zakiuddin, Advocate
for the petitioners.

Mr. Akhtar Naveed, D.A.G.
for respondents No. 1 to 4
alongwith Muhammad Yousaf, ADEO
Education Department Lower Dir.

MALIK HAMD SAEED, J.- Muhammad Yousaf,

A.D.E.O. Educational Department, Lower Dir who

is present in the Court made a statement
rather confessed that order of appointments of
the petitioners still hold field and the same
was neither cancelled nor withdrawn and
further under-takes that in future after
creation of the vacancies the petitioners will
be given postings and thereafter if any
vacancies left, the same will be filled in
through advertisement after observing other
formalities. The statement of A.D.E.O. is
recorded in the Court and placed on the
record.

The learned counsel for the

ATTESTED

EXAMINED
Peshawar High Court

petitioners is satisfied that in view of the statement made by the respondents through ADEO, he does not press the writ petition with request that in case the respondents failed to accommodate the petitioners against the posts of P.T.C. as they have already been appointed, they may be permitted to approach this Court by way of filing fresh writ petition.

The writ petition is dismissed being not pressed with direction to the respondents to accommodate the petitioners, the moment vacancies becomes vacant from today onward in areas meant for their recruitment and no fresh appointment be made unless all the petitioners in the writ petition are not posted first. The learned counsel for the petitioners assured the Court and stated that in case of their posting on the strength of letters of appointment earlier issued, they will not claim any back benefits i.e., salary etc for the period in which they have not rendered their services. The petitioners are, however, at liberty to approach this Court again in case the

ATTESTED

EXAMINER
Peshawar High Court

respondents violated the orders of this Court,
if occasion arises.

*Jd. Malik Hanid Saed
Jd. Aziz Hussain Khan
Judges*

Announced.
Dt: 24.4.2003.

PL

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorised Under Section 75 Acts Order

14/7/2003

440

No. *14/7/2003*

Date of Presentation of Application *14/7/2003*

No. of Pages *4-5*

Stamping Fee *15-50*

Post Fee *2-50*

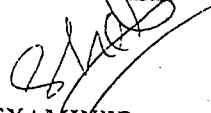
Date of Preparation *14/7/2003*

Date of Delivery of Copy *14/7/2003*


Annexure (C)

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1.	04.11.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <ol style="list-style-type: none">1. Appeal No.1092/2012, Muhammad Shawkat.2. Appeal No. 1093/2012, Noor-Rehman,3. Appeal No. 1094/2012, Tahir.4. Appeal No. 1095/2012, Anwar Hussain,5. Appeal No. 1096/2012, Amir Badshah6. Appeal No. 1097/2012, Rahim-ul-Haq,7. Appeal No. 1098/2012, Asghar Khan,8. Appeal No. 1099/2012, Jamal Abdul Nasir9. Appeal No. 1100/2012, Muslim Khan,10. Appeal No. 1101/2012, Akhtar Gul,11. Appeal No. 1102/2012, Ikramullah.12. Appeal No. 1103/2012, Yousaf Khan. <p style="text-align: center;">Versus E.D.O (E&SE) Dir Lower and others.</p> <p style="text-align: center;">JUDGMENT</p> <p style="text-align: center;">PIR BAKHSH SHAH, MEMBER.- Counsel for the appellant (Mr. Ijaz Anwar, Advocate) and Addl. Advocate General (Mr. Muhammad Adeel Butt) for the respondents present.</p> <p>2. A total of 179 PTC Teachers were appointed by DEO(M) Dir at Timergara vide his order dated 24.06.1997. It was argued on behalf of the appellants that in pursuance of this order, appellants submitted their charge reports. Since District Dir a single district in the past was bifurcated into two districts of Upper Dir and Lower Dir, therefore, letter dated 09.7.1997 was issued from the office of Director of Education (Primary) KPK, Peshawar vide which appointment orders of PTC candidates of Lower Dir appointed in Upper Dir was held in abeyance</p>

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

till further orders. It is the contentions of the appellants in these appeals that in compliance with their appointment order dated 24.06.1997, they had timely put in their charges ^{reports} but for the above letter dated 09.07.1997, they were not let to work in the schools, the fault for which does not lie with them. It was further submitted that this Tribunal in a number of identical cases has allowed the appeals. Hence, the appellants have submitted that their services may be counted from the date when they were appointed i.e. 24.6.1997 and that arrears of the intervening period may also be paid to them.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

3. Arguments heard and record perused.

4. The learned counsel for the appellants referred to the following judgments of this Tribunal:-

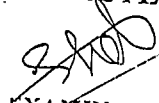
1. Appeal No. 377/2002, titled Naheed Shah Vs. EDO and others, decided on 14.01.2004.
2. Appeal No. 1082/2008, titled Shah Nawaz Vs. EDO (S&L) Dir Lower and others decided on 31.12.2008.
3. Appeal No. 1074/2009, titled Anwar Ali Versus EDO (E&SE) Dir Lower, and others decided on 10.5.2010.

appeals in hand. He further submitted that once a decision is given by the Hon'ble Superior Courts/ Apex Courts or the Tribunal so the same is binding on the department concerned and the department is bound to grant same relief also to those civil servants who might not have litigated. In this respect reliance was placed on 2009-SCMR-1. The learned counsel stressed that on the analogy of the said appeals, these appeals may also be accepted.

5. The learned Addl. Advocate General on the other hand resisted the appeal that since the appellants have not worked in the intervening period, therefore, they cannot claim pay for the period for which they did not work. He submitted that the appeal may be dismissed.

6. This Tribunal has allowed so many appeals in some of which the respondent department was given direction to extend the relief also to those civil servants who may not have litigated. Through the impugned order dated 11.07.2012 departmental appeal of the appellant was rejected but not through a speaking and well reasoned order particularly that when a relief was given to some of the civil servants on what grounds it should be refused to other civil servants if the two cases are identical. For these reasons the Tribunal is of the considered view to remit all these appeals to the respondent-department with the following directions:-

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

14

The respondent department should constitute a committee to scrutinize cases of those PTC Teachers who were appointed vide order dated 24.06.1997 but they suffered merely because of order dated 09.7.1997. The department should also ensure that ^{if} the case is genuine and identical and that the civil servant suffered only due to letter dated 09.07.1997, such all cases be decided in one go, once for all.

8. Needless to mention that the impugned orders are set aside and the cases are remanded to the respondent department as per directions above. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
04.11.2015.

Sd

(PIR BAKHSH SHAH)
MEMBER

Sd

(ABDUL LATIF)
MEMBER

ified to be true copy

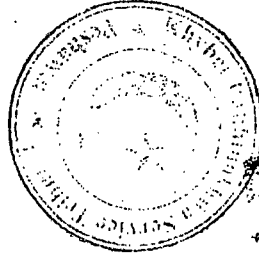
Z. Chaudhary
EXAMINER
er Pakhtunkhwa
rice Tribunal,
Peshawar

Annexure (D)

(15)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.Appeal No. 893 /2014



891
13-6-2014

Muhammad Ayaz PST,
GPS, Kurshung, Maidan
Tehsil Lal Qila, Dir Lower Appellant

Versus

1. District Education Officer (Male), Dir Lower
2. Director (E&SE) Khyber Pakhtunkhwa, Peshawar..... Respondents.

APPEAL U/S 4 OF THE KPK SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED ~~30~~² 04.2013 RECEIVED ON
17.09.2013 WHEREBY THE APPELLANT
WAS TERMINATED FROM SERVICE.

Sheweth;

1. That the appellant at the first instance was appointed as PTC (Now PST) on 24.06.1997 and posted at BPS Toran Miskini, where he served as such upto 12.03.1998, but no salary was paid to him. (Attendance record is appended as Annexure "A")

That on the intervention of local MPA, the appellant was not allowed any more to rendered his services there, which constrained him to file a case before the Peshawar High Court.

Re-submitted to
and filed.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1.	2.	3.
	06.02.2017	<p style="text-align: center;">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT SWAT</p> <p style="text-align: center;">Service Appeal No. 893/2014</p> <p style="text-align: center;">Muhammad Ayaz Versus District Education Officer (Male) Dir Lower and others.</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p style="text-align: center;">Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Fayazud Din, ADO for respondents present.</p> <p>2. Muhammad Ayaz, Ex-PST GPS Kurshung, Maidan hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated <u>30.04.2013</u> vide which his services were terminated on the allegations of wilful absence w.e.f. 15.10.2010 which order was communicated to the appellant on 17.09.2013 where-against his departmental appeal dated 24.09.2013 was also rejected vide final order dated 05.05.2014 which order was communicated to him on 16.05.2014 constraining him to prefer the instant service appeal on 13.06.2014.</p> <p>3. Learned counsel for the appellant argued that the appellant has never absented himself from duty. That the competent authority has directed him to wait for adjustment order and that the enquiry</p>

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

proceedings were conducted ex-parte and that no opportunity in the mode and manners prescribed by rules was extended to the appellant. That the provisions of Rule 9 of Government Servants (E&D) Rules 2011 were not complied with.

4. Learned Senior Government Pleader has argued that the charges of absence against the appellant were established. That the impugned order is in accordance with law and warrants no interference.

5. We have heard arguments of learned counsel for the parties and perused the record.

6. Perusal of record pertaining to enquiry proceedings would suggest that the enquiry committee has neither collected any evidence in the mode and manners prescribed by rules nor appellant was associated with the said enquiry. The appellant was thus condemned unheard and treated in the mode and manners contrary to rules.

7. In view of the above we are constrained to accept the present appeal and set aside the original order dated 30.04.2012 as well as final order dated 5.5.2014 and reinstate the appellant in service. The respondents are placed at liberty to conduct denovo enquiry against the appellant within a period of 2 months from the date of receipt of this judgment and shall then pass orders deemed appropriate. In case the respondents fail to conduct and conclude the enquiry within the prescribed period of 2 months then it shall be deemed that the appellant has been reinstated in service and the

ATTENDED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

17

period of absence till date shall then be treated as leave of the kind
due. Parties are left to bear their own costs. File be consigned to the
record room.

Announced *Sh. M. Azim Khan Afzali*

06.02.2017

*Chairman
Comp Court Suiet*

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

*Sh. Ahmad Hassan,
Member*

Date of Presentation of Application *15-02-2017*

Number of copies *1600*

Copying Fee *1000*

Urgent *20*

Total *1200*

Name of Applicant *[Signature]*

Date of Completion *15-02-2017*

Date of Delivery *15-02-2017*

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

1. Name MUHAMMAD AYAZ

N.I.C. NO. 109-92-045842

2. Race Afghani (Tajik; Sardar Khal)

3. Residence Vill. Yarkhan Banda P.O. Timergara Dist. DIR L,

4. Father's name and residence GHULAM SHAMAS TABRAIZ (As above)

5. Date of birth by Christian eras nearly as can be ascertained 1-7-1974 (1st July 1974)

6. Exact height by measurement 6

7. Personal marks for identification A wound Scar on Right Eye-brow

8. Left hand thumb and Finger impression of (non-gazetted) officer



9. Signature of Government servant Muhammad Ayaz

10. Signature and designation of the Head of the Office or other Attesting Officer

Signature of Head of Office

Stamp: A.D.O. (M) Timergara Dist. Lower

ATTESTED

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating state: (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
905.510 Gal	Temp	Temp	Rs. 2835/-			17/05	Muhammad Ayaz
do			2975/-			12/05	Muhammad Ayaz
do	do	do	3115/-			12/06	Muhammad Ayaz
<p>2835/-</p> <p>2005</p> <p>OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR</p> <p>PAY FIXED IN THE REVISED BASIC PAY SCALES</p> <p>OF RS. 2555-140-6755</p> <p>AT RS. 2835/- N.W.F.P. 1-07-2005</p> <p>With Next Increment on 1-12-2005</p> <p><i>M. Shah</i> Accounts Officer Pay Fixation Party, N.W.F.P. Peshawar</p>							
BPS No 7 (2940-160-7740)							
do	do	do	3580/-			12/07	Muhammad Ayaz
do	do	do	3740/-			12/07	Muhammad Ayaz
BPS No 7 (3185-190-8885)							
do	do	do	3755			10/07	Muhammad Ayaz

ADD (M)
Timmargara
Distt. Dir. Lower
ATTACHED

25

Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
					Period		
<i>[Signature]</i> D.D.O. MALE TIMERGARA	30/11/08	<i>[Signature]</i>	<i>[Signature]</i> D.D.O. MALE TIMERGARA				Service Verified w. c. 1/30-11-09 1-12-09 From the Office Record
<i>[Signature]</i> D.D.O. MALE TIMERGARA	30/11/09	<i>[Signature]</i>	<i>[Signature]</i> Dy.D.O(M) E&SE Timergara Dir (L)				Dy.D.O(M) E&SE Timergara Dir (L)
<i>[Signature]</i> Dy.D.O(M) E&SE TIGrara Dir (L)	30/11/06	<i>[Signature]</i>	<i>[Signature]</i> Dy.D.O(M) E&SE TIGrara Dir (L)				Paid on 8 PTHRA WCF 1-10-2007 to 31-12-28/11/854/
<i>[Signature]</i> Dy.D.O(M) E&SE TIGrara Dir (L)	30/11/2011	<i>[Signature]</i> Pay scale B-9 to B-12	<i>[Signature]</i> Dy.D.O(M) E&SE TIGrara Dir (L)				
<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)	30/11/2011	<i>[Signature]</i>	<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)				Service Verified w. c. 1/30-11-09 1-12-09 From the Office Record
<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)	30/11/2012	<i>[Signature]</i>	<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)				Dy.D.O(M) E&SE TIGrara Dir (L)
<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)	1-12-2012	<i>[Signature]</i> Pay scale B-9 to B-12 upgraded from	<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)				Service Verified w. c. 1/1-12-09 3-11-2010 From the Office Record
<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)			<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)				Dy.D.O(M) E&SE TIGrara Dir (L)
<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)			<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)				Pay scale upgraded from B-9 to B-12 w.e. 1-7-2011
<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)			<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)				V.M. E.D.M. notification FD 80 (PR) RD/10-22 (E) 2010 dt 26/6/2012
<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)			<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)				Wes 1-12-2012 after A/D one w.e. B-9 w.e. 1-12-2012
<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)			<i>[Signature]</i> Deputy Distt Officer (M) (E&SE) Timergara Distt Dir (L)				

ATTESTED

[Handwritten signature]

FE & SE
Distt Dir Lower

Annexure (E1)

(28)

SH:1 Dir at Timargar

Pers #: 00267477 Buckle: 0
Name: MUHAMMAD AYAZ
Dsg.: PRIMARY SCHOOL TEACHER
NIC No.: 10992045842
GPF Interest Applied
09 Active Permanent

P Sec: 001 Month: December 2012
DA6151 - GOVT. PRIMARY SCHOOLS (M)
Min: Education Schools
NTN:
GPF #: EDUDA012431
Old #: 10992045842

PAYS AND ALLOWANCES:		DA6151	-20
0001-Basic Pay			9,240.00
1000-House Rent Allowance			1,146.00
1210-Convey Allowance 2005			1,500.00
1300-Medical Allowance			1,000.00
1923-UAA-OTHER 20%(1-15)			1,000.00
1948-Adhoc Allowance 2010@ 50%			2,600.00
1970-Adhoc Relief Allow 2011			780.00
2118-Adhoc Relief Allow (2012)			1,848.00
Gross Pay and Allowances			19,114.00
DEDUCTIONS:			
GPF Balance	48,349.00		
3501-Benevolent Fund		Subrc:	595.00
3511-Addl Group Insurance			180.00
3604-Group Insurance			7.00
3990-Emp. Edu. Fund KPK			67.00
			75.00
Total Deductions			924.00
			18,190.00

D. O. B
01.07.1974
09 Years 08 Months 09 Days

LFP Quota:
NEP TIMARGARA DIR
C/A 5446-B NEP TIMARGARA DIR

AK

CH
Attested
ATTESTED

18 190
260
1845

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) لوئیر ریجن

[درخواست برائے Back Bench
سروس 24/6/1997 سے تاحال]

جناب عالی

مؤدبانہ گزارش یہ ہے کہ نذرہ

کا آرڈر کو میوٹی نذرہ کے تمام ATC سلیٹوں جو اب

ATC ہے . 24/6/1997 سے سپریم کورٹ نے بحوالہ آرڈر نذرہ

بکوارٹ 11019 ڈورنگولم کیا گیا اور تمام مراعات دیئے گئے ہیں۔ بغیر سزا

کے میں نے 24/6/1997 کو سبکی طوراً میں چارج سنبھال لیا

اور ڈیوٹی سرانجام دے رہا ہوں

درخواست کے ساتھ ریٹائرمنٹ فوری اور چارج رپورٹ کے بقول لکھی ہیں

میں آپ سے استریا لگائی ہے کہ نذرہ کو 24/6/1997 سے

Back Bench اور سروس تاحال ٹنگ بحال کیا جائے

تو عین نوآغازی ہوگی

فقط

CH
Attested
TESTED

موضوع 28-6-2022

آپ کا تابع حکم صدر میں محمد نیاز علی خاں جو درجی پی اس نذرہ نذرہ

Annexure = E



تفصیلات کے ساتھ انگریزی میں لکھی گئی ہے۔

پرائمری ترقیاتی پروگرام (SAP) کے تحت ترقیاتی پروگرام کے تحت انگریزی میں لکھی گئی ہے۔

پرائمری ترقیاتی پروگرام (SAP) کے تحت ترقیاتی پروگرام کے تحت انگریزی میں لکھی گئی ہے۔

پرائمری ترقیاتی پروگرام (SAP) کے تحت ترقیاتی پروگرام کے تحت انگریزی میں لکھی گئی ہے۔

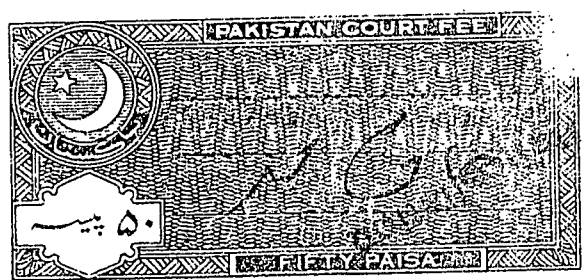
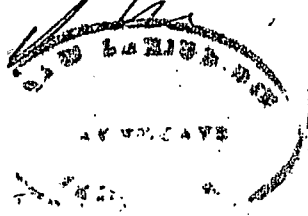
تاریخ	موضوع	نمبر
3-10-97	پرائمری ترقیاتی پروگرام	35
4-10-97	پرائمری ترقیاتی پروگرام	07
5-10-97	پرائمری ترقیاتی پروگرام	10
7-10-97	پرائمری ترقیاتی پروگرام	13
8-10-97	پرائمری ترقیاتی پروگرام	17
9-10-97	پرائمری ترقیاتی پروگرام	11
10-10-97	پرائمری ترقیاتی پروگرام	14
11-10-97	پرائمری ترقیاتی پروگرام	
1-11-97	پرائمری ترقیاتی پروگرام	
3-11-97	پرائمری ترقیاتی پروگرام	
4-11-97	پرائمری ترقیاتی پروگرام	

INF (P) 1012

Daily Washing
Friday October 3, 1997

Attested

ATTESTED



VAKALAT NAMA
BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

SA No. _____/2022

Muhammad Ayaz _____ Appellant (s)

VERSUS

Govt of KPK & Others _____ Respondent(s)

I **appellant**, do hereby appoint and constitute **Mr. FAWAD UR REHMAN & CHANGAIZ KHAN** advocates High Court Peshawar, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated: 17/10/2022

M
Muhammad Ayaz
(CLIENTS)

ACCEPTED

CH
Changaiz Khan

CHANGAIZ KHAN
ADVOCATE HIGH COURT

Fawad Ur Rehman
&

FAWAD UR REHMAN
ADVOCATE HIGH COURT.

FLAT NO 2, FIRST FLOOR, AFZAL PLAZA, OPPOSITE SHALIMAR GARDEN, CHARSA DDA ROAD PESHAWAR
0341-9245730/0341-9059028