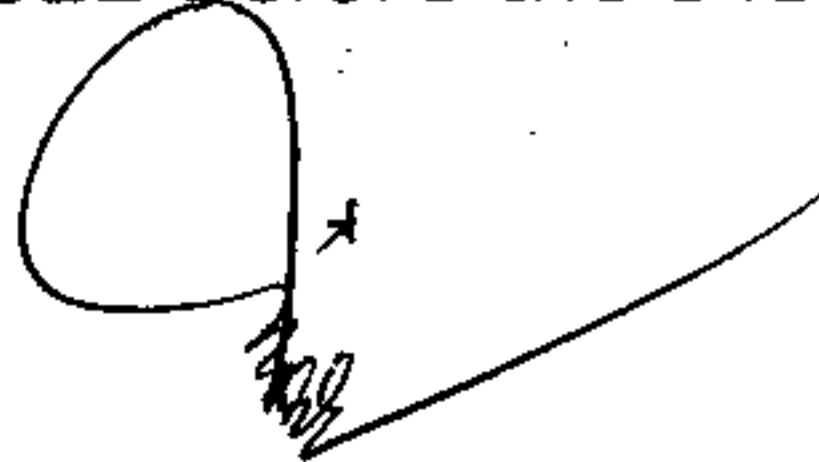


06.09.2022

Learned counsel for the appellant present. Mr. Muhammad Jamil, Account Officer alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

To come up for arguments alongwith connected Service Appeal bearing No. 670/2019 titled "Alamgeer (SCT) Versus District Education Officer (Male) Swat and four others", on 05.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

05.10.2022

Learned counsel for the appellant present. Mr. Obaid-ur-Rehman, ADEO and Mr. Amir Zaman Shah, Assistant Accountant alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

To come up for arguments alongwith connected Service Appeal bearing No. 670/2019 titled "Alamgeer (SCT) Versus District Education Officer (Male) Swat and four others", on 05.12.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



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

9th June, 2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Yakmeen Khan, ADEO for respondents present.

Counsel are on strike. To come up for arguments on 06.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

06.07.2022

Counsel for appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

File to come up alongwith connected Service Appeal No. 671/2019 titled "Salat Khan Vs Government of Khyber Pakhtunkhwa" on 06.09.2022 before D.B at camp court, Swat.



(Fareeha Paul)
Member (E)
Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat.

06.01.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Hussain Ali, Assistant Litigation for respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that his counsel is not available today due to general strike of the Bar. Adjourned. To come up for arguments on 09.03.2022 before D.B at camp court Swat.



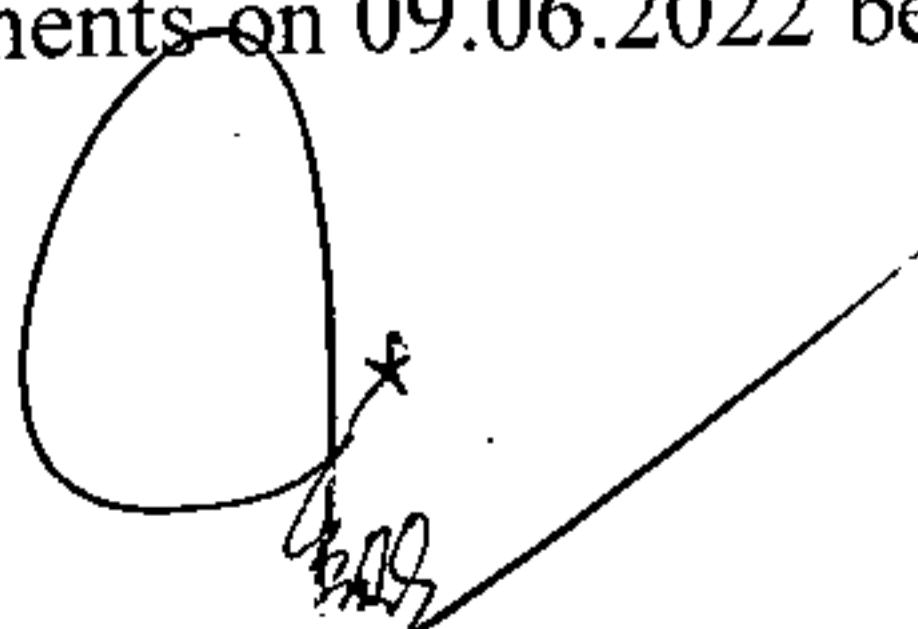
(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)
Camp Court Swat

11.05.2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseeb Khan, SO, Mr. Muhammad Jamil, Account Officer and Mr. Fazal Rehman, Principal for respondents present and produced copy of order dated 02.06.2021 passed by august Supreme Court of Pakistan, whereby judgment dated 08.06.2017 passed by august Peshawar High Court in Writ Petition No. 913-P/2014 has been set-aside and the matter has been remanded to august Peshawar High Court for re-deciding the above mentioned Writ Petition as well as other connected Writ Petitions afresh, after issuing of notice under Order XXVII-A CPC to the Advocate General, Khyber Pakhtunkhwa, in accordance with law. In this view of the matter, learned counsel for the appellant stated that an adjournment may be granted. Adjourned. To come up for arguments on 09.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member(E)

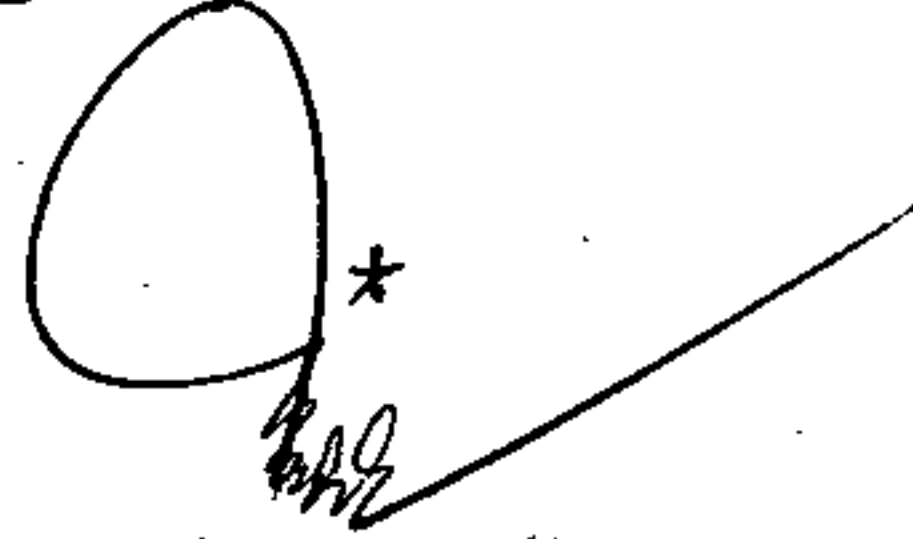


(Salah Ud Din)
Member(J)
Camp Court Swat

06.01.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ameer Zaman Shah, AAO and Mr. Obaid Ur Rehman, ADEO for respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that his counsel is not available today due to general strike of the Bar. Adjourned. To come up for arguments on 09.03.2022 before D.B at camp court Swat.



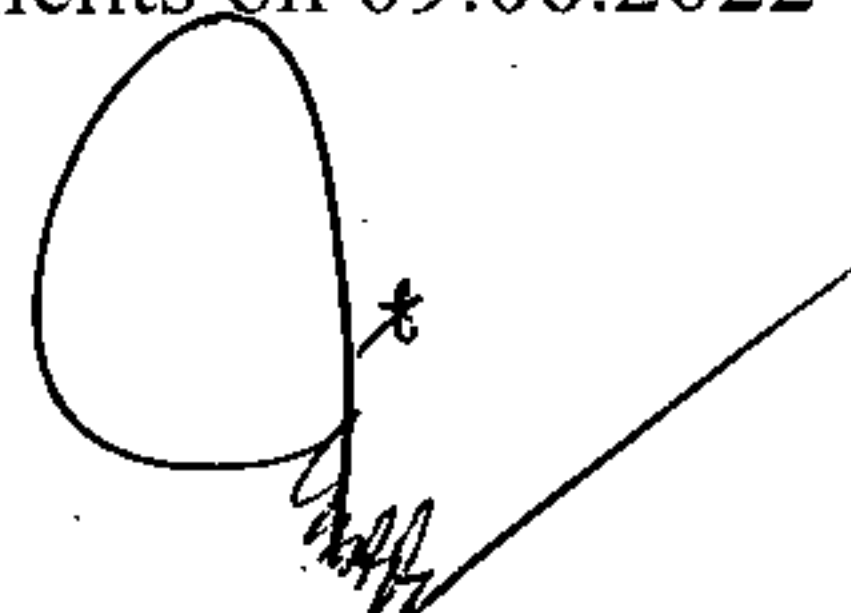
(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)
Camp Court Swat

11.05.2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseeb Khan, SO, Mr. Muhammad Jamil, Account Officer and Mr. Fazal Rehman, Principal for respondents present and produced copy of order dated 02.06.2021 passed by august Supreme Court of Pakistan, whereby judgment dated 08.06.2017 passed by august Peshawar High Court in Writ Petition No. 913-P/2014 has been set-aside and the matter has been remanded to august Peshawar High Court for re-deciding the above mentioned Writ Petition as well as other connected Writ Petitions afresh, after issuing of notice under Order XXVII-A CPC to the Advocate General, Khyber Pakhtunkhwa, in accordance with law. In this view of the matter, learned counsel for the appellant stated that an adjournment may be granted. Adjourned. To come up for arguments on 09.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)
Camp Court Swat

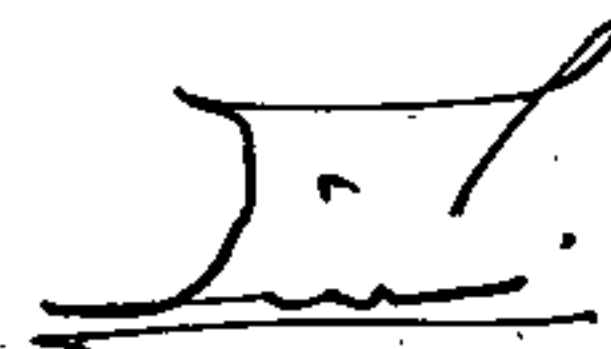
04.11.2021

Learned counsel for the appellant present. Mr. Obaid-ur-Rehman, ADEO (Litigation) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Reply/comments on behalf of respondent No. 1 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Representative of the department stated that cost will be paid on the next date. Reply/comments on behalf of respondents No. 2 & 3 have already been submitted. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 09.12.2021 at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat



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

09.12.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.671/2019 titled Salat Khan Vs. Education Department, on 06.01.2022 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.



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

P.S

23.09.2021

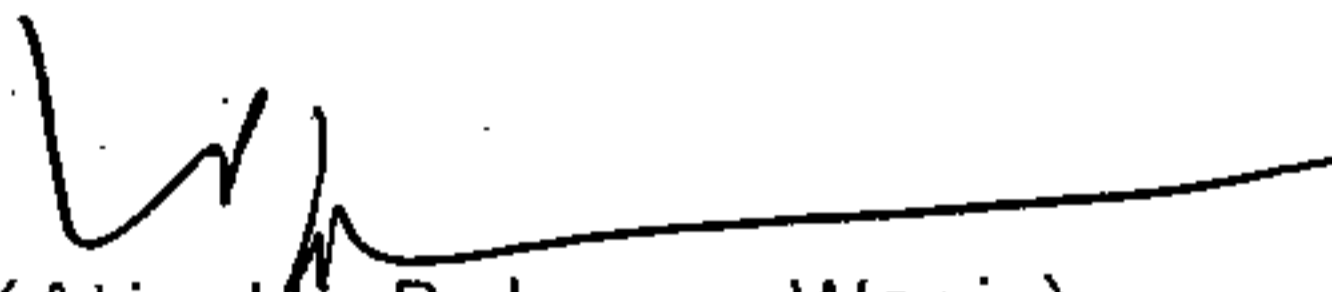
Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

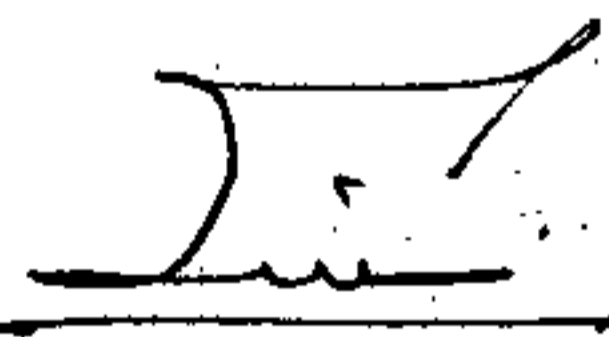

Chairman

03.11.2021

Appellant in person present. Mr. Muhammad Jamil, Assistant Accounts Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Reply/comments on behalf of respondents No. 2 & 3 submitted, which is placed on file and copy of the same is handed over to appellant, while reply/comments on behalf of respondent No. 1 has already been submitted. Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 06.01.2022 at Camp Court Swat.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat


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

06/04/2021

Due to COVID-19, the case is adjourned to

08/06/2021 for the same.



READER

26.07.2021

To come up for written reply/comments of respondents No. 2 & 3 on 25.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.



Chairman

25.08.2021

Junior to counsel for the appellant and Mr. Muhammad Riaz Khan Pindakhel, Asstt. AG alongwith Hussain Ali, Assistant and Muhammad Jamil, AAO for respondents present.

Representative of the respondents 2 and 3 seeks further time. Respondents No. 2 & 3 are directed to submit written reply/comments in office at Peshawar within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.11.2021 before the D.B, at camp court Swat.

Stipulated period has passed and reply has not been submitted.



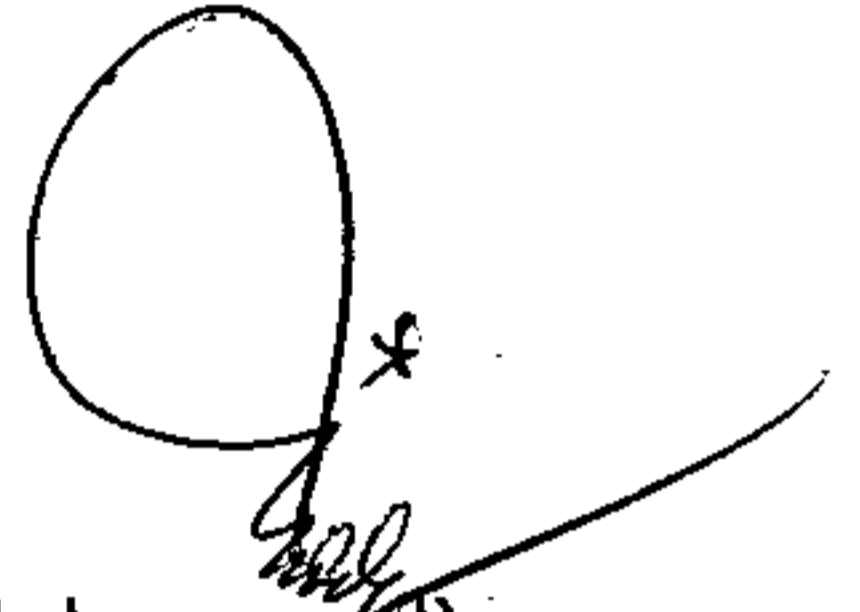
Chairman

Camp Court Swat.

01.03.2021

Junior to counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Hussain Ali, Assistant (Litigation) for respondent No.1 and Mr. Muhammad Jamil, AAO for respondent No. 2 and 3 present.

Representative of respondent No. 1 submitted written reply which is placed on file while representative of respondent No. 2 and 3 requests for time to submit written reply on the next date. Granted. To come up for written reply on 06.04.2021 before S.B at camp court Swat.



(Mian Muhammad)
Member(E)
Camp Court Swat

8/12/20

Due to COVID-19 case to come
up for the same on 02-02-2021


Reader

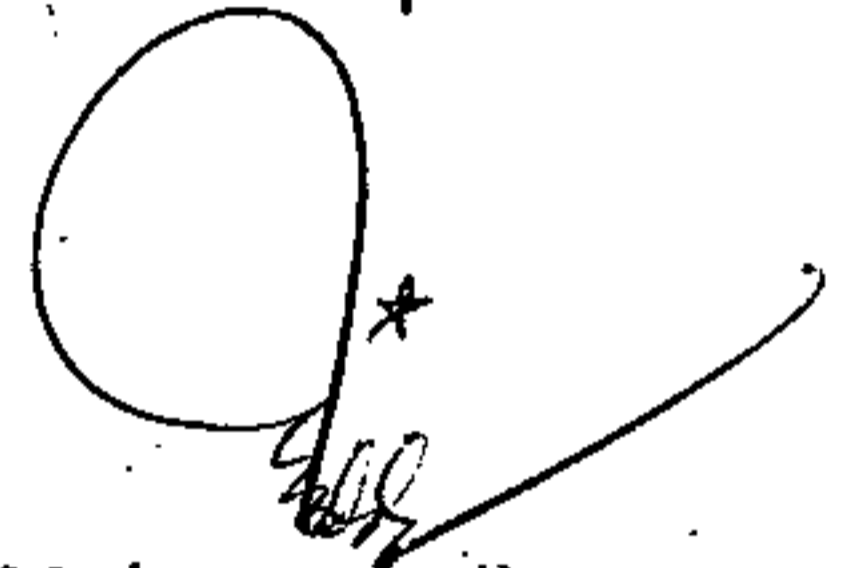
02.02.2021

Counsel for the appellant present.

Muhammad Riaz Khan Paindakhel, Assistant Advocate
General for respondents present.

As the case had been adjourned previously on Reader
note due to Covid-19, therefore, notice to the parties be
issued..

Adjourned to 01.03.2021 before S.B at camp court
Swat.

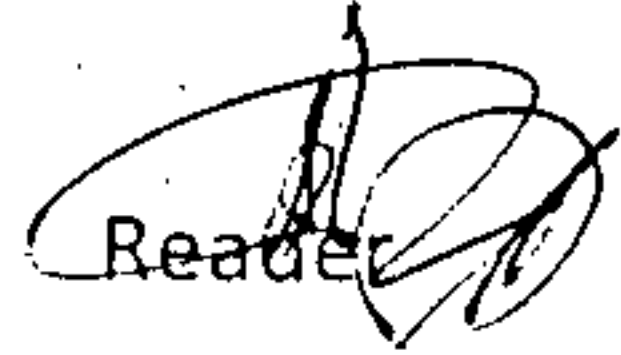


(Mian Muhammad)
Member(E)
Camp Court Swat

_____ .2020

Due to COVID19, the case is adjourned to

S/10/2020 for the same as before.


Reader

05.10.2020

Assistant of learned counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Obaid Ullah, ADEO (Litigation) are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time to furnish written reply/comments. File to come up for written reply/comments on 03.11.2020 before S.B at Camp Court, Swat.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT SWAT

03.11.2020

Appellant in person present

Muhammad Jan learned Deputy District for respondents present.

Written reply on behalf of respondents is still awaited. Notice be issued to respondents by way of last chance, for written reply/comments for 08.12.2020, before S.B at Camp Court, Swat.


Member (E)
Camp Court, Swat

01.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 06.07.2020, at camp court Swat.



Reader

06.07.2020


Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 06.08.2020, at camp court Swat.



Reader


08.01.2020

Appellant in person present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith M/S Syed Mohsin Ali, Assistant on behalf of respondent No. 1 and Ameer Zaman Shah, Assistant Accounts Officer on behalf of respondent No. 3 present. Representatives of respondents No. 1 & 3 requested for further time to file written reply/comments. Neither representatives of respondent No. 2 is present nor written reply on his behalf submitted therefore, notice be issued to him with the direction to direct the representative to attend the court and submit written reply on the next date. Case to come up for written reply/comments on 04.02.2020 before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

04.02.2020

Clerk to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Hussain Ali Litigation Officer (for respondent No.1) and Jamil Shah AAO (for respondents No.2 & 3) present and requested for time to furnish reply. Representatives are directed to furnish reply on the next date, otherwise, heavy cost shall be imposed upon the respondents. Adjourn. To come up for written reply/comments on 06.04.2020 before S.B at Camp Court Swat.

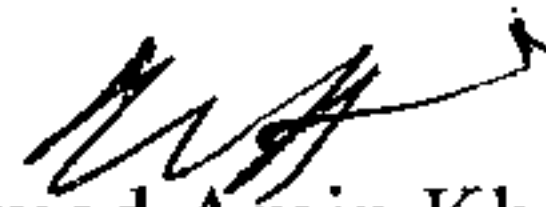

Member
Camp Court, Swat.

Due to coron. virus tour to
Camp court swat has been cancelled
To come up for the same on - 1-26-2020

Reads


07.10.2019

Counsel for the appellant and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Amir Shah, Assistant Account officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the respondents requested for adjournment. Adjourned to 04.11.2019 for written reply/comments before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

04.11.2019


Junior counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Ubaid-ur-Rehman, ADEO for respondent No. 1 and Mr. Mir Zaman Shah, Assistant Account Officer for respondent No. 3 present. None present on behalf of respondents No. 2, therefore, notices be issued to him with the direction to direct the representative to attend the court and submitted written reply on the next date positively. Case to come up for written reply/comments on 03.12.2019 before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

03.12.2019

Clerk to counsel for the appellant present. Amir Zaman Shah Assistant Accountant representative of the respondent department present and requested for ~~time~~ to furnish written reply/comments. Granted. To come up for written reply/comments on 08.01.2020 before S.B at Camp Court, Swat.

Member


Member
Camp Court, Swat

12.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued inter-alia that the appellant (SST) is aggrieved from the action of the respondents in the shape of recovery of advance increments on higher educational qualification, which have already been paid to the appellant. Prayer of the appellant is that the respondents may be directed that no recovery should be made from the appellant as per Section (2) of THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION ACT, 2012.

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 reply/comments. To come up for written reply/comments on 01.07.2019 before S.B at Camp Court, Swat.

Appellant Deposited
Security & Process Fee

14/6/19

Member
Camp Court, Swat.

01.07.2019

No one present on behalf of appellant. Written reply not submitted. M/S Hussain Ali Litigation Officer (for respondent No.1), Muhammad Jameel Assistant Accounts Officer (respondents No.2 & 3) present and requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 07.10.2019 before S.B at Camp Court, Swat.

Member
Camp Court, Swat.

The appeal of Mr. Hidayatullah SST at GHS Qamber Swat received today i.e. on 27.03.2019 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 over payment recovery order and notification dated 11.5.2016 mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- In para-5 of the memo of appeal respondent no. 4 is mentioned but in the heading of appeal there are only 3 respondents therefore, the same may be rectified.

No. 614 /ST

Dt. 29-3- /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shamsul Hadi Adv.
High Court Swat.

that all the deficiencies has been removed/completed except 2 the said notification dated # 11-05-2016 which is mentioned and the said notification has already been annexed in the main appeal title Wakeel Zadags Court Swat. which is fixed on 18-06-2019 before the Service Tribunal. So these appeals will be argued together so this appeal may kindly be fixed before the court

Note: That the objection No-1 is not in the possession of the appellant and the department are not handed over to the appellant and the objection No-2 ~~at~~ at page 16 objection No-3 are removed. Please place before the court.

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 685/2019

Hidayatullah(SST).....Appellant

V E R S U S

District education Officer (M) Swat and othersRespondents

INDEX

S.N	Description of Documents	Annex	Pages
1.	Memo of Appeal.		1-4
2.	Application for Status-quo along with Affidavit		5-6
3.	Addresses of Parties.		7
4.	Copies Service Book along with impugned of DATED:02/12/2014	A	8-15
5.	Copy departmental appeal.	B	16
6.	Wakalat Nama		17

Appellant

Through


Shams ul Hadi

Advocate, Peshawar.

Office: St/3 Abshar Colony

Warsak Road Peshawar.

Cell No. 0313-9772262

Dated: 22/03/2019.

1

BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019.

Hidayatullah (SST)

Presently posted at GHS Qamber, Swat.....Appellant

V E R S U S

1. District Education Officer(Male) ~~Swat~~ *Swat*
2. Accountant General, Khyber Pakhtunkhwa, Civil secretariat,
Peshawar.
3. District Accounts Officer, Swat.....Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE ORDER
DATED:30/05/2014.**

PRAYER IN APPEAL:

On acceptance of this appeal, the impugned Office Order Dated: 30.05.2014 may kindly be set aside and the respondents may kindly be directed not to recover the disputed amount in shape of recovery of advance increments and further the respondents may kindly be directed issue/release the recovered amount if so to the appellant.

Respectfully Sheweth:

1. That the appellant being Teacher "SST" joined the respondent/department since long and as such performing his duties with zeal and zest.
1. That initially, the appellant and others approached the Peshawar High court and Service Tribunal Khyber Pakhtunkhwa for grant of "Advance increments granted to

government servant vide notification dated: 11.08.1991 issued by Respondent No. 4 and as such the same petitions were allowed.

2. That latter on, the said advance increments were awarded to the appellants and such like others and finally the government of Khyber Pakhtunkhwa passed an Act i-e ***"The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act, 2012"*** from provincial assembly through which, all kind of notifications and legal instruments regarding claim for payments of arrears on account of advance increments on higher educational qualification were revoked and it was further declared that no further claim whatsoever on the basis of these instruments shall be entertained but according to ***section (2)*** of the said it was further declared ***that on the basis of any notifications and courts judgments, any amount paid there-under on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient government employees*** and as such once for all the issue of advance increments on the basis of higher qualification was resolved.

3. That now with utmost surprise of the appellant, once again in the service books of the appellant, the Respondents have made entries in shape of Recovery of advance increments through impugned entry/order

DATED:30/05/2014 and as such re-open the issue which is against the law and "The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act,2012".(Copies Service Book along with impugned **DATED:30/05/2014** is annexure-A)

4. That against the impugned order of recovery, the appellant approached Peshawar High court through Writ Petition No.610/2015 and as such during pendency of title writ petition this Hon;ble Tribunal resolved the issue of "Recovery of advance increments" while deciding Service Appeal No.312/2015 through judgment dated:10.01.2018, hence the writ petition was transmitted to this Hon;ble Tribunal through order dated:19.10.2018 by the high court for further adjudication where this august Tribunal after receiving the same, converted in to service appeal and is still subjudice before this august Tribunal bearing Service Appeal No.1328/2018 titled as "Wakil Zada Vs Govt".
5. That during pendency of writ petition of appellant, in his written reply, Resp No.3 took plea that regarding the issue in hand they have issued a Notification dated:11.05.2016 through which recovery of advance increments was waved off and further it was advised to appellant to approach concerned quarters, so in light of the comments and notification dated:11.05.2016, the appellant filed departmental appeal against the impugned order of recovery dated:30.05.2014 which was not decided within statutory delay.(Copies Departmental appeal is annexure-B)

That being aggrieved from the actions and inactions of Respondents and according to directions of this august Tribunal vide order sheet dated:08.03.2019, the appellant prefer this petition on the following grounds amongst others inter-alia:

GROUND:

- A. That the actions and inactions of Respondents in shape of recovery of advance increments which have already been paid to the appellant on the basis of Higher Educational qualification is against the law and The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act,2012.
- B. That issue in hand has now already been decided by this august Tribunal in his judgment dated:10.01.2018 in connection of service appeal No.312/2015 title "Muhammad Islam Vs Govt" which hence the appellant deserve for the same treatment.

It is, therefore, humbly prayed that on acceptance of this appeal,

- i) Impugned Office Order Dated:30.05.2014 may kindly be declare against the section (2) of "The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act,2012".
- ii) And further impugned Office Order Dated: 30.05.2014 may kindly be set aside and the respondents may kindly be directed not to recover the disputed amount in shape of recovery of advance increments and further the respondents may kindly be directed to issue/release the recovered amount if so to the appellant.

Appellant

Hidayatullah (SST)

Through

Shams-ul-Hadi
Advocate, High court.

Dated: 22/03/2019

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____/2019

Hidayatullah(SST).....Appellant

V E R S U S

District education Officer (M) Swat and othersRespondents

Application for Status-quo/Suspension of Impugned office order Dated: 30.05.2014 regarding recovery of the amount and further the respondents may kindly be directed not to recover the disputed amount or made deduction from the monthly salary of the appellant and further the respondents may kindly be restrain from taking any adverse action against the appellant, till final disposal of the titled appeal .

Respectfully Sheweth:

1. That the appellant/petitioner filed instant application along with service appeal in which no date is fixed so for.
2. That facts and grounds of the appeal may kindly be considered part and parcel of this application.
3. That prima facie the appellant has good case and is sanguine about its success.
4. That if the impugned Impugned Office Order Dated:30.05.2014 regarding recovery of the amount is not suspended at this stage the appellant will suffer irreparable loss.

So on acceptance of this application a staus-quo order may kindly be issued as prayed for in the headings of the instant application.

Through

Applicant

Shams-ul- Hadi
 Advocate High Court.

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

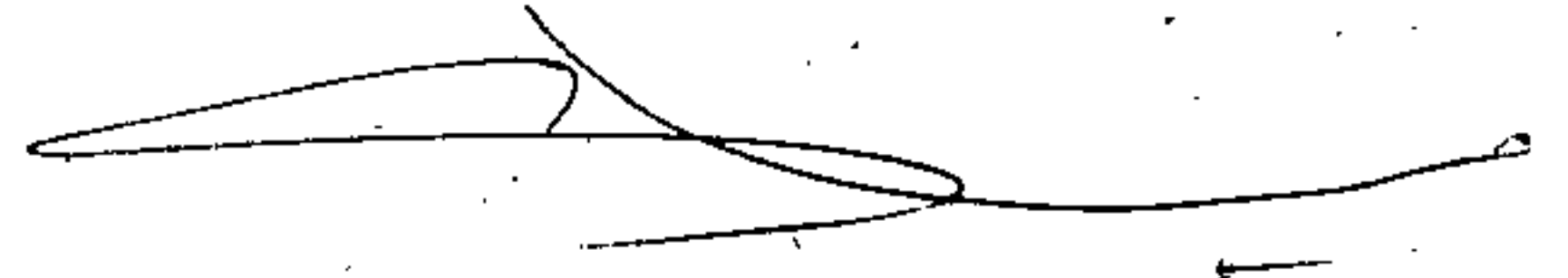
Hidayatullah(SST).....Appellant

V E R S U S

District education Officer (M) Swat and othersRespondents

AFFIDAVIT

I, Shams ul Hadi, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



A D V O C A T E

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

Hidayatullah(SST).....Appellant

V E R S U S

District education Officer (M) Swat and othersRespondents

ADDRESSES OF THE PARTIES

APPELLANT:

Hidayatullah(SST)

Presently posted at GHS Qamber, Swat.

Cell No.0347-4773440.

RESPONDENTS:

1. District Education Officer(Male) Swat.
2. Accountant General, Khyber Pakhtunkhwa, Civil secretariat,
Peshawar.
3. District Accounts Officer, Swat.

Appellant

Through

Shams ul Hadi

Advocate, Peshawar.

Dated: 22/03/2019

(For use in Police Department only)

Annex
A, (8)

Hairs,

2

- 1.
- 2.
- 3.

Verification Roll No.

dated

received back

Left thumb-impresion

Declaration of receipt

Fingerprint

Qualification

Date

Qualifications

English

SSC: 24524

6/19/100

First Art

Passed B.A. Exam under roll No 5628 obtained 230 marks. Result declared on 18.7.80

Pashto

B.A.

B.L. or B.A.

Passed in 17.2.91 Head-master, Govt. High School, TINDODAG, Distt. Swat

Urdu Passed M.A in Islamiat in Second divl under roll No 5945 obtained 498 marks Result declared on 1.4.1989

Training School Final examination

Finger print

25/11/89

Other qualifications - Passed SSC Exams under Roll no: 24524 from BISE Peshawar in 1976(A) securing 612/1000 marks Grade B

Drill instructor Govt. High School, TINDODAG, Distt. Swat

Court duties

Passed C.T Exam in 1990 under Rule NO 705 in the (Civil) division. Reserve exam 705 marks Result declared on 4.11.90

2) Passed Inter. Exam from BISE Peshawar in 1978 securing 431/1000 marks

Head master, Govt. High School, TINDODAG, Distt. Swat

Passed C.T Exam under Rule No 705 obtained 584 marks. Result declared on 4.11.90

3) Passed B.A. Exam under R. no. 5628 from the University of Peshawar in 1976(A) securing 230 marks

C-1-C

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

3
HIDAYAT ULLAH

(9)

Name
Race - Afghan

Residence - Vill: Kolladain
P.O. Saich Sharif
Dist: Swat

Father's name and residence - Sultan Sikandar
as above

Date of birth by Christian era as nearly as can be ascertained - first Jan. 1/14 fifty nine
(1-1-1959)

Exact height by measurement - 5-6

Personal marks for identification.. A black mole on the right side of neck

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

Index Finger

Ring Finger

Middle Finger

Index Finger

Thumb

Signature of Government servant

Hulluh

PRINCIPAL
Govt. High School

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

S. D. E. O.
Timarguwa.

④ Passed BEd under R/o 1310 securing 413 marks having 3rd Div: 8 The Result declared on 8-5-94
Asst. Prncipal
Govt. High School

⑤ Passed MA (3rd) under R/o 5945 in 2nd Div: 8 The Result declared on 1-4-89.

PRINCIPAL
Govt. High School

Handwritten signature

1201 of 1911

Whether subordi-
nate or officiating
and whether
permanent or
temporary

If officiating
state
(1) substantive
appointment or
(2) whether
revival certificate
for pension
under Act. 371
of 1911

Pay in
actual pay
band

Amount of
pay for
officiating

Group
and whether
acting or
temporary

Grade of
officiating

Remarks
of the
Government

S.V.

G.H.S. Pindoolay
Sawat

Sub/Pur

2381

Rs 2478/-

12/94

Hallah

Do

Do

2478

Rs 2575/-

12/95

Hallah

Do

Do

2575

Rs 2672/-

12/96

Hallah

B-9 (1185-72-2265)

Do

Do

Rs 1473/-

6/91

Hallah

Do

Do

Rs 1545/-

12/91

Hallah

Do

Do

Rs 1617/-

12/92

Hallah

Do

Do

Rs 1680/-

12/93

Hallah

B-9 (1605-97-3060)

Do

Do

Rs 2281/-

6/94

Hallah

Do

Do

Rs 2381/-

12/94

Hallah

Do

Do

Rs 2478/-

12/95

Hallah

Do

Do

Rs 2575/-

12/96

Hallah

Do

Do

Rs 2672/-

12/97

Hallah

Do

Do

Rs 2672/-

10/98

Do

Do

Rs 2769/-

12/98

C.A.C.

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating state (A) substantive appointment, or (B) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature Government servant	9 Sign based on other office at work
D.O The Head of Mingora School		B/S No. 15 @	4350	350	4350			
D.O		R. 8200	7850	7850		11/7/07	Mudlak	520
D.O		R. 8550	8200	8200		1/12/07	Mudlak	5
D.O		B/S No. 15 @	5220	620	17820			
D.O		R. 10260	9840	9840		01/07/08	Mudlak	5
D.O			10260			01/12/08	Mudlak	

UNDERTAKING
 I Mr. Harish Chandra working against CF Post at GMSIGEMS Nalpur do hereby given an undertaking to the effect that if any over Payment is made to me as a result of in correct Fixation of my Pay, w.e.f. 1-7-2006, it will be made good by recovery from my Family Pension/Gratuity.

Departmental Pay Fixation-In-Review
 Pay Scale No. 12
 @ Rs. 15500-21500-39000
 W.E.F 1-7-2006 vide No. PD(PHC) 1-1-2009
 Dated Pushawar the July 9-2009
 Pay in Existing Scale No. 12 on 30.11.2005 Rs. 5477
 Equal/Next Stage in Revised Pay Scale No. 12 Rs. 6305
 Pay Fixed on 1-7-2006 Rs. 6305
 With Next annual increment on 1-12-2005.

ATTESTED

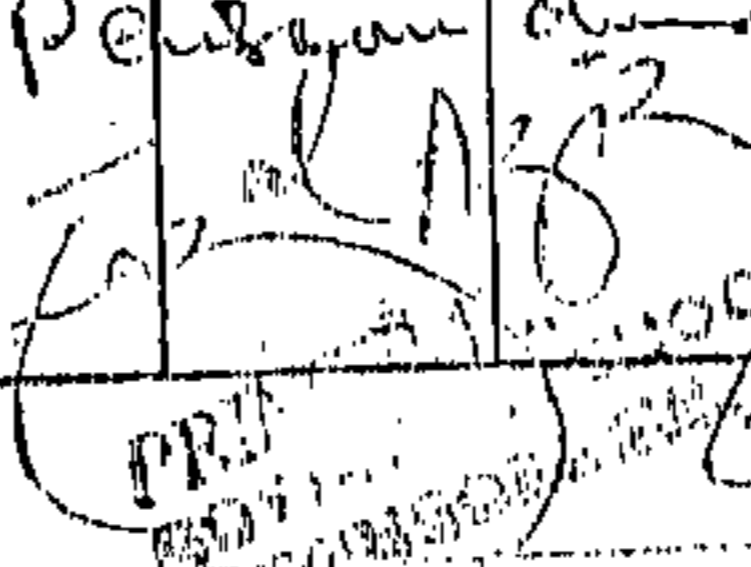
Signature of Govt. Servant

Harish Chandra
 PRINCIPAL,
 Govt. High School No-1
 Mingora Distt: Swat.

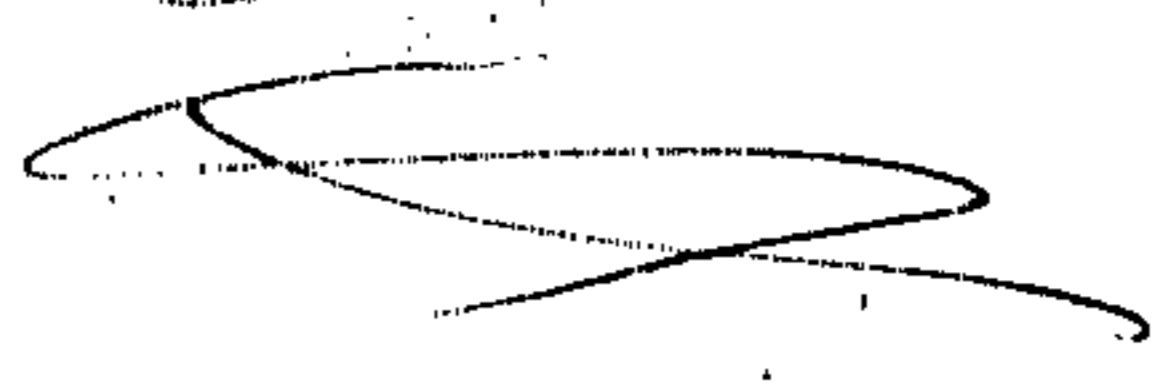
Harish Chandra
 PRINCIPAL,
 Govt. High School No-1
 Mingora Distt: Swat.

C.F.C

[Signature]

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "p"	7 Date of appointment	8 Signature of Government Servant.	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment
CT Post at RHS No. 01 Mingora	Per.	BPS No. 15 (3220-420-17320)	B 12780/-			1/12/2009	Hullak	PRINCIPAL O.H.S. No-7 Mingora Swat.	30/8
- Do -	- Do -		B 13200/-			1/12/2010	Hullak		30/8
- Do -	- Do -	BPS No 15 (28500-700-29500)	B 21500/-			1/7/2011	Hullak		30/8
- Do -	- Do -	27200	B 22500/-			1/12/2011	Hullak		30/8
- Do -	- Do -	22500	B 23200/-			1/12/2012	Hullak		30/8
Under taking									
<p>I Mr. Hidayatullah SCT do have by under taken to the effect that if any amount payment made to me due to fixation in B.P.S. 15 on my promotion to the post, shall be deducted from my pay Pension and gratuity.</p> <p style="text-align: right;">  Hidayatullah 24/1/2013 </p>									

C - C



8 Signature of Government Servant.	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure 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 debit to another Government		
Hullah	PRINCIPAL G.H.S. No-7 Mangora Swat.	30/11/2010	Annul	PRINCIPAL G.H.S. No-7 Mangora Swat.				
Hullah	PRINCIPAL G.H.S. No-7 Mangora Swat.	30/06/2011	pay c/c	PRINCIPAL G.H.S. No-7 Mangora Swat.			9/3/2011	
Hullah	PRINCIPAL G.H.S. No-7 Mangora Swat.	30/11/2011	Annul	PRINCIPAL G.H.S. No-7 Mangora Swat.				
Hullah	PRINCIPAL G.H.S. No-7 Mangora Swat.	30/11/2012	Annul	PRINCIPAL G.H.S. No-7 Mangora Swat.				
Hullah	PRINCIPAL G.H.S. No-7 Mangora Swat.			PRINCIPAL G.H.S. No-7 Mangora Swat.				

Notification

Mr Hidayatullah CT BPS 15 is promoted to BPS 16 vide No. SO (B&A) 1-18/ESSE/2012 dated 11-7-2012 and DEO Male Swat order Endst No 6833-40 dated 27/2/2013 and took over charge on 3/2013

Service verified w-e f 1-12-2012 to 5-4-13 from acq Roll & other Record of this office.

PRINCIPAL G.H.S. No-7 Mangora Swat.

Handwritten signature and scribbles at the bottom of the page.

Handwritten notes at the bottom left corner.

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "pay"	7 Date of appointment	8 Signature of Government Servant.	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8
<p><i>held</i> <i>This teacher concerned already on R.P.S. or R.P.S.</i></p>		<p><i>concerned</i> <i>and concerned</i></p>						
<p><i>(4) R.P.S. concerned</i> <i>and concerned</i></p>								
<p><i>R.P.S. concerned</i> <i>and concerned</i></p>								

Office of the Accounts Officer
Khyber Pakhtunkhwa Government
Pay Fixed in the Revised Basic Pay Scales
w.e.f. 01-07-2010

Pay Fixed @ Rs. _____
R.B.P.S. _____
Pay Fixed @ Rs. _____
Date of Next Increment: _____

Accounts Officer
Pay Revision Party
Peshawar

Handwritten signature

16



اپیل، خدمت جناب اکاؤنٹ جنرل خیبر پختونخواہ پشاور

عنوان: نوٹیفیکیشن نمبر 1-1/89 FD(PRC) اور خیبر پختونخواہ ایکٹ نمبر 2012 of 1 کے تحت غیر قانونی ریکوری

جناب عالی!

مودہ نامہ گزارش ہے کہ ہمیں نوٹیفیکیشن نمبر 1-1/89 FD(PRC) مورخہ 11-08-1991 کے تحت جس پر نوٹیفیکیشن یعنی ایم اے 1

ایم ایس سی پر جو چارج increments دیئے گئے تھے تو Fixation party اور DAOs نے ان میں سے دو increments کی ریکوری کی ہے اور مزید کر رہے ہیں۔ جو کہ مذکورہ نوٹیفیکیشن اور ایکٹ کے خلاف ہے۔

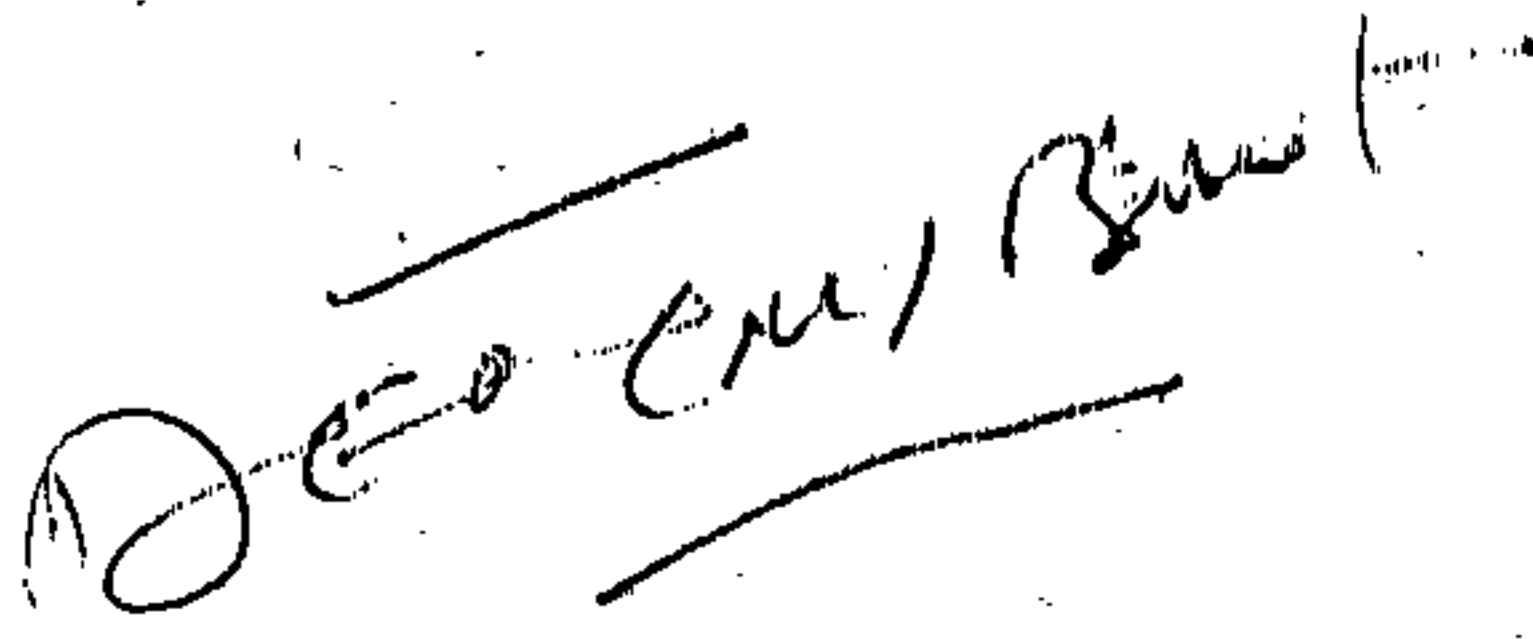
لہذا آپ کی خدمت میں اپیل کی جاتی ہے کہ اگر آپ صاحبان مہربانی کر کے ہم سے مطلوبہ ریکوری اور مزید کٹوتی بند کرنے کے احکامات جاری فرمائیں تو

تاحیات مرہون منت رہیں گے۔ فقط

عرض کنندگان

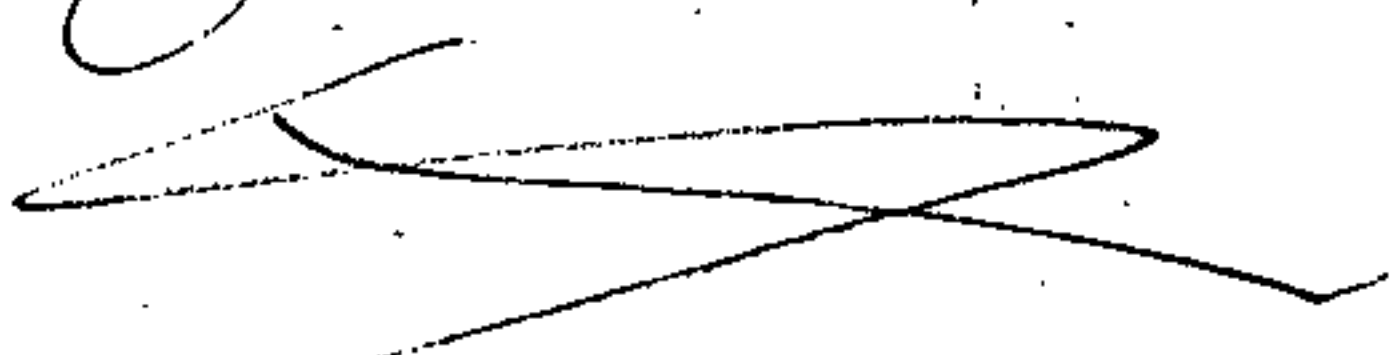
7
12/5
2018

صلواتیہ (S. J. A.)
A. S. A.

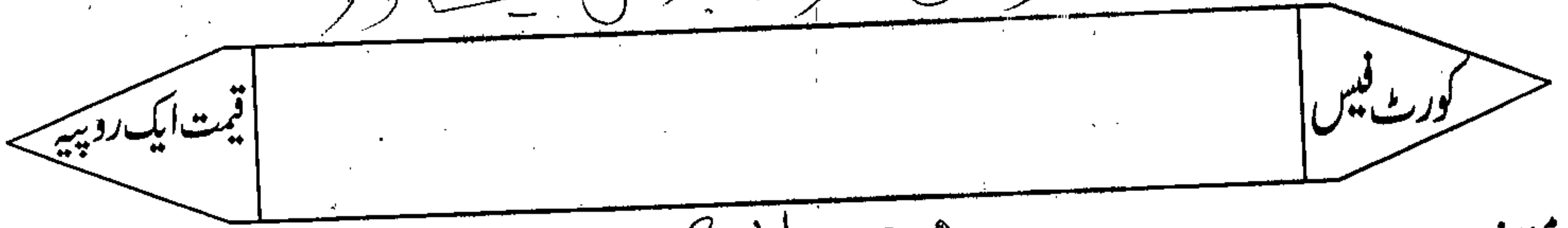


7
12/5
2018

C. A. C



بعدالت سرس نہری سول مشاور



۲۵ مارچ ۱۹۲۰ء منجانب
بیت اللہ ہمام حکومت

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی وجواب دہی و کل کاروائی متعلقہ آن مقام سرس نہری سول مشاور کے لئے لکھی گئی ہے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور اپیل یا ملٹار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو اہمی ہملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

۱۹۲۰

ماہ مارچ

المرقوم ۲۵

العبد گواہ شہدہ العبد
بمقام سرس نہری سول مشاور کے لئے منظور ہے

BEFORE THE KHYBER PAKTUN KHWA SERVICE TRIBUNAL AT CAMP COURT

SWAT.

Service Appeal No. 685/2019

Hidayatullah SST Government High School Qamber, District Swat.

.....Appellant

Versus

1. District Education officer (Male) Swat.
2. Account General, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. District Account Officer, District Swat.

..... Respondents.

Parawise Comments on Behalf of the Respondents No. 1 only:

Respectfully shewith

Preliminary objections

1. That the appellant is not an aggrieved person within the meaning of Section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this honorable court with clean hands.
4. The instant Service Appeal is liable to be dismissed on the grounds of non-joinder and miss-joinder of the necessary parties.
5. That the appellant has filed this instant service appeal just to pressurize the respondents.
6. The present service appeal is badly time barred as the disputed order was passed on 30.05.2014 while the appellant approached this Honorable Tribunal in the year 2019.
7. That the instant service appeal is against the prevailing law and rules.
8. That the appellant has filled this instant Service Appeal on malafide motives.
9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. That the appellant has estopped by his own conduct.
11. That the appellant has concealed the material facts from this honorable tribunal. In fact, the post of the Appellant is SCT and not SST.

FACTS

1. That the Para No.1 pertains to the appointment of the appellant, hence no comments while the rest of the para is irrelevant.

1. That the Para No.1 is correct to the extent of notification 11/08/1991. The rest of the para is irrelevant to the present issue.

2. That the Para No.2 is correct as it is about the promulgation of the Act 2012.
3. That the Para No.3 is correct to the extent of letter dated 30-05-2014, the rest of the para is irrelevant to respondent No. 2 & 3.
4. Para No. 4 is correct.
5. That the Para No.5 is the repetition of the above paras, hence no comments.

That the instant service appeal of the appellant is bereft of any merit, hence liable to be dismissed inter alia following grounds.

GROUND:

- A. As stated in the above paras.
- B. As stated in the above paras.
- C. As stated in the above paras.

It is, therefore, very humbly prayed that the instant service appeal of the appellant may be dismissed with cost in favor of the respondents.



DISTRICT EDUCATION OFFICER (M)



SWAT AT GULKADA

بعدالت سرس سیریل میٹاور

کورت فیس	قیمت ایک روپیہ
----------	----------------

مورخہ
مقدمہ
دعویٰ
جرم

۲۰ مارچ ۱۹۲۰ء منجانب

بدرایت اللہ ہمام حکومت

باعث تحریر آنکے

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی وجواب دہی و کل کاروائی متعلقہ آن مقام سرس سیریل میٹاور کیلئے گئی کاروائی مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا ملٹار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

۱۹۲۰

ماہ مارچ

المرقوم ۲۰

العبد گواہ نشدہ العبد
بمقام سرس سیریل میٹاور کے لئے منظور ہے

Attestie Shamsul Haq
Advocate

"B"

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

No.

TB

Appeal No..... 635 of 29 9

..... H. Aizyatullah Appellant/Petitioner
Versus

..... D.E.O., (M) Suroat Respondent

Respondent No..... 3

Notice to: - Distt. Accounts Officer Suroat

WHEREAS an appeal/petition under the provision of the North-West Frontier 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..... 29-9-2018at 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..... 17/9

Day of..... Nov20 20

at Camp Court Suroat
By the way last chance name

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.

TB

Appeal No. 685 of 2019

Hidayatullah Appellant/Petitioner

Versus

DEO, @ Swat Respondent

Respondent No. I

Notice to: Distt. Education officer (Male)
Swat

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 8-12-2019 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 11th

Day of Nov 20 20

at Camp Court Swat
By the way last chance notice

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.

TB

Appeal No.....685..... of 20 19

.....H. C. Daryalullah..... Appellant/Petitioner
Versus

.....D. E. O. (M) Swat..... Respondent

Respondent No.....2.....

Notice to: Accountant General, K P K Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....8.12.2019.....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.....11/12.....

Day of.....Nov.....2020

at Camp Court Swat
By the way last chance notice

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.

713

No.

APPEAL No. 685 of 20 19.

Hidayatullah

Appellant/Petitioner

Versus

DEO, Edm: (M) Swat

RESPONDENT(S)

✓
Notice to Appellant/Petitioner

Hidayatullah SSI,
Presently Posted at GHS,
Damber Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 1-3-2021 at 9:00 AM

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

at Camp Court Swat


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

TB

No.

Appeal No. 685 of 2019

Hidayatullah Appellant/Petitioner

Versus

DEO, Edm: (M) Swat Respondent

Respondent No. I

Notice to:

Distt. Education Officer, (Male) Swat

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 1-3-2021 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.

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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 17th

Day of Feb. 20 21

at Camp Court Swat



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.

Appeal No. 685 of 29

Hidayatullah Appellant/Petitioner

Versus

DEO, F.P.M. Swat Respondent

Respondent No. 3

Notice to: Distt. Accounts Office, Swat

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 1-3-2021 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 17th

Day of Feb. 20 2021.

at Camp Court Swat

[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.

**BEFORE THE KHYBER PAKTUN KHWA SERVICE TRIBUNAL AT CAMP COURT
SWAT.**

Service Appeal No. 685/2019

Hidayatullah SST Government High School Qamber, District Swat.

.....Appellant

Versus

1. District Education officer (Male) Swat.
2. Account General, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. District Account Officer, District Swat.

..... Respondents.

Parawise Comments on Behalf of the Respondents No. 1 only:

**Respectfully shewith
Preliminary objections**

1. That the appellant is not an aggrieved person within the meaning of Section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this honorable court with clean hands.
4. The instant Service Appeal is liable to be dismissed on the grounds of non-joinder and miss-joinder of the necessary parties.
5. That the appellant has filed this instant service appeal just to pressurize the respondents.
6. The present service appeal is badly time barred as the disputed order was passed on 30.05.2014 while the appellant approached this Honorable Tribunal in the year 2019.
7. That the instant service appeal is against the prevailing law and rules.
8. That the appellant has filled this instant Service Appeal on malafide motives.
9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. That the appellant has estopped by his own conduct.
11. That the appellant has concealed the material facts from this honorable tribunal. In fact, the post of the Appellant is SCT and not SST.

FACTS

1. That the Para No.1 pertains to the appointment of the appellant, hence no comments while the rest of the para is irrelevant.

1. That the Para No.1 is correct to the extent of notification 11/08/1991. The rest of the para is irrelevant to the present issue.

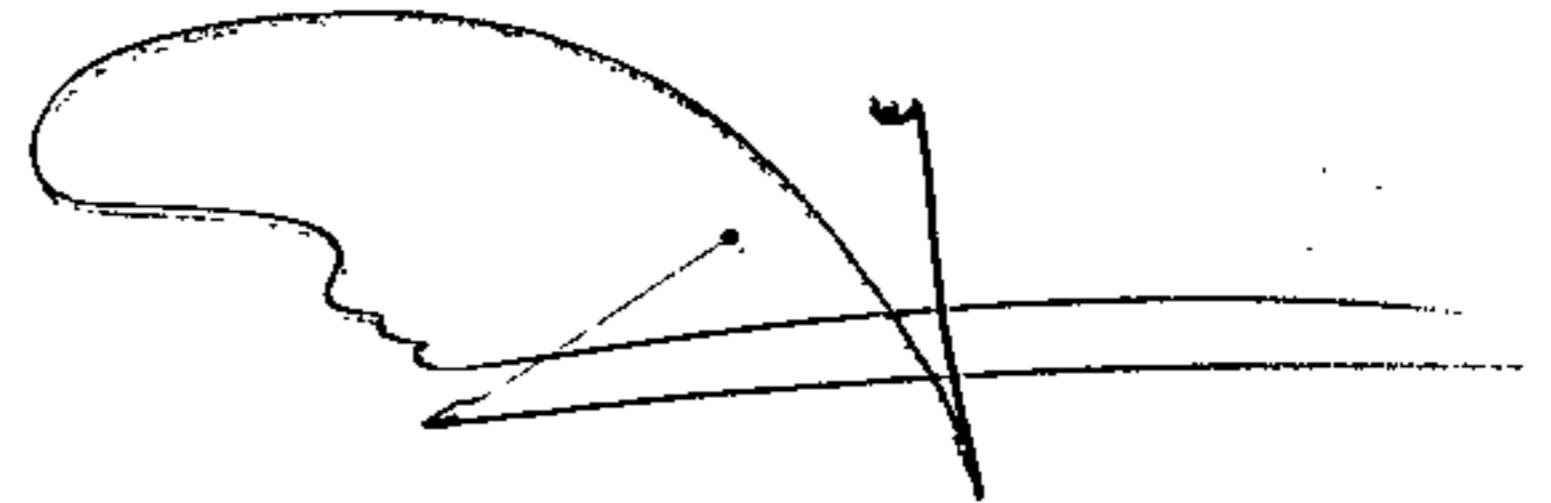
2. That the Para No.2 is correct as it is about the promulgation of the Act 2012.
3. That the Para No.3 is correct to the extent of letter dated 30-05-2014, the rest of the para is irrelevant to respondent No. 2 & 3.
4. Para No. 4 is correct.
5. That the Para No.5 is the repetition of the above paras, hence no comments.

That the instant service appeal of the appellant is bereft of any merit, hence liable to be dismissed inter alia following grounds.

GROUND:

- A. As stated in the above paras.
- B. As stated in the above paras.
- C. As stated in the above paras.

It is, therefore, very humbly prayed that the instant service appeal of the appellant may be dismissed with cost in favor of the respondents.



DISTRICT EDUCATION OFFICER (M)

SWAT AT GULKADA