

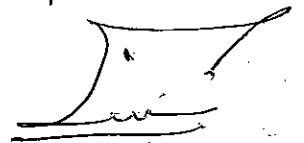
06.10.2022

Appellant alongwith junior of his counsel present. Mr. Fazle Khaliq, Deputy DEO alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for arguments on 10.11.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat




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

6.07.2022

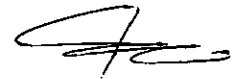
Appellant present in person. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Hussain Ali, Litigation Officer for official respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over to the appellant. To come up for rejoinder/arguments on 02.08.2022 before D.B at camp court, Swat.


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

2. 8. 22

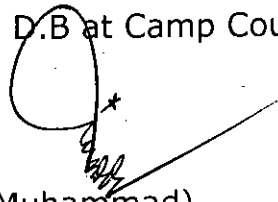
due to summer vacation the case is adjourned to 7. 9. 22 for the same.

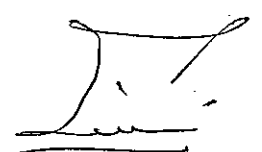


07.09.2022

Nemo for the appellant. Mr. Hussain Ali, ADEO (Litigation) alongwith Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on the strength of Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for rejoinder as well as arguments on 06.10.2022 before the D.B at Camp Court Swat.


(Mian Muhammad)
Member (Executive)
Camp Court Swat


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

11.05.2022

Nemo for the appellant. Mr. Noor Zaman Khattak, District Attorney present.

Vide previous order sheet, it was ordered that notices be issued to the respondents as well as appellant/counsel for the appellant through registered post, however on perusal of the record, it transpired that the same have not been sent to the respondents as well as appellant/counsel for the appellant, therefore, in this respect explanation be called from the Muharrar. Notices be issued to respondents as well as appellant/counsel for the appellant through registered post and to come up for submission of written reply/comments on behalf of the respondents on 07.06.2022 before the S.B at Camp Court Swat.

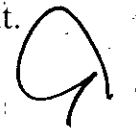


(Salah-Ud-Din)
Member (J)
Camp Court Swat

7th June, 2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Hussain Ali, Litigation Officer for respondents present.

Written reply on behalf of respondents not submitted. Representative of the respondents seeks time to submit written reply/comments. To come up for written reply/comments on 06.07.2022 before the S.B at camp court Swat.



(Kalim Arshad Khan)
Chairman
Camp Court Swat


08.02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 05.04.2022 for the same as before at Camp Court Swat.


Reader

05.04.2022 Nemo for the appellant. Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General present.


Previous date was changed on Reader Note, therefore, notices be issued to the respondents through registered post and to come up for submission of written reply/comments on 11.05.2022 before the S.B at Camp Court Swat.

Notice also be issued to appellant/counsel for the appellant for the date fixed.


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

04.10.2021

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing before the S.B on 07.12.2021 at Camp Court Swat.

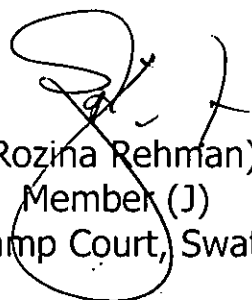

(ROZINA REHMAN)
MEMBER-(JUDICIAL)
CAMP COURT SWAT

07.12.2021

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

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 08.02.2022 before S.B at Camp Court, Swat.

Appellant Deposited
Security & Process Fee



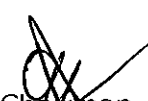

(Rozina Rehman)
Member (J)
Camp Court, Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5194/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/05/2021	<p>The appeal of Mr. Ali Rehman resubmitted today by Mr. Fazal Karim Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	04/06/2021	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing on 27/07/2021.</p> <p style="text-align: right;"> CHAIRMAN</p>
	27.07.2021	<p>This case belongs to territorial limits of Malakand Region and such cases were previously heard at camp Court, Swat. May be notices issued to appellant/counsel have not been received by them, therefore, they are not in attendance.</p> <p>Fresh notices be issued to appellant/counsel for preliminary hearing on 04.10.2021 at camp court, Swat.</p> <p style="text-align: right;"> Chairman</p>

The service appeal of Ali Rehman s/o Aizi Ur Rahman received today i.e. on 20-05-2021 is incomplete on the following scores which is returned to the appellant for completion and resubmission with 15 days.

1. Index of the appeal shall be typed.
2. Annexure-B of the appeal is illegible which may be replaced with legible/better copy.

No. 824 /S.T,

Dt. 20/05 /2021.

REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Fazal Karim Adv.
Swat

Resubmitted after completion

[Signature]
20-5-2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2021

Ali Rehman (Appellant)

VERSUS

1. The Secretary Education and others. ... (Respondents).

INDEX OF APPEAL.

Sr. No.	Description of documents	Annexure	Pages.
1.	Grounds of appeal		01 - 05
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4.	Termination letter	"B"	11 - 13
5.	Sacked Employees Act	"C"	14 - 17
6.	Service Tribunal Order dt 12.07.16	"D"	18 - 21
7.	order of reinstatement	"E"	22 - 23
8.	Appointment order	"F"	24 - 25
9.	Application to DEO	"G"	26 - 27
10.	Departmental appeal	"H"	28 - 30
11.	W.P No. 1001-M/2018	"I"	31 - 36
12.	Wakalatnama		37


APPELLANT.

BEFORE THE HON'BLE CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

(In Appellate Jurisdiction)

Service Appeal No. _____ of 2021

Ali Rahman

.....Appellant

VERSUS

The Secretary Education & others

.....Respondents

INDEX

S.NO	DESCRIPTION	ANNEXURE	PAGES
1	Grounds of Appeal	-	1-5
2	Affidavit & memo of addresses of parties	-	7-9
3	Appointment Letter	A	10
4	Termination Letter	B	11-13
5	Sacked Employees Act	C	14-17
6	Service Tribunal order 12/7/18	D	18-21
7	Order Re-Instatement	E	22-23
8	Appointment Order	F	24-25
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10	Departmental Appeal	H	28-30
11	WP No. 1001M/2018	I	31-36
12		--	
14		--	
15	Wakalatnama	--	37

Appellant through counsel,


FAZAL KARIM,
Advocate, High Court

Office: 2nd Floor, Continental Plaza, Makaanbagh, Mingora District Swat.

Cell #: 0342-960-6030

①

BEFORE THE HON'BLE CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

(In Appellate Jurisdiction)

Service Appeal No. 5194 of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5254

Dated 20/5/2021

Ali Rahman son of Aizi Ur Rahman, R/o Mohallah Nasar Khel, Saidu
SHarif Tehsil Babozai District Swat.....Appellant

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat at Peshawar.
2. The Secretary, Elementary & Secondary Education Department, Govt: of Khyber Pakhtunkhwa at Civil Secretariat at Peshawar.
3. The Director, Elementary & Secondary Education Department, Peshawar.
4. The Additional Director, Elementary & Secondary Education Department for the newly merged districts / areas, Govt: of Khyber Pakhtunkhwa at Peshawar.
5. The District Education Officer, District Swat.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
READ WITH ALL ENABLING PROVISIONS OF LAW AS
AMENDED FROM TIME TO TIME, THAT SENIORITY OF
THE APPELLANT BE RECKONED FROM DATE OF
INITIAL APPOINTMENT I.E 24-04-1995 WITH ALL BACK
BENEFITS AND FURTHER PRAYED THAT APPELLANT
BE TREATED LIKE OTHER COLLEAQUES AS PER
RULES OF CONSISTENCY AND MAY NOT BE
DISCRIMINATED.

PRAYER:

ON THE ACCEPTANCE OF INSTANT SERVICE APPEAL,
BY DECLARING THE SENIORITY OF THE APPELLANT
BE RECKONED FROM TIME TO TIME OF INITIAL

Filed to-day
Registrar
20/5/2021

Re-submitted to-day
and filed.

Registrar
20/5/2021

APPOINTMENT I.E 24-04-1995 WITH ALL BACK BENEFITS AND FURTHER PRAYED THAT APPELLANT BE TREATED LIKE OTHER COLLEAQUES AS PER RULES OF CONSISTENCY AND MAY NOT BE DISCRIMINATED.ANY OTHER RELIEF WHICH THOUGH HAS NOT BEEN SPECIFICALLY PRAYED FOR BUT FOR WHICH THE APPELLANT ARE OTHERWISE ENTITLED, MAY ALSO BE GRANTED PLEASE.

Respectfully Sheweth:

Brief facts giving rise to the instant appeal are as under:

- 1) *That the appellant is a permanent and bonafide resident of Saidu Sharif, Tehsil Babozai, District Swat.*
- 2) *That the appellant was appointed to the post of PTC vide appointment order bearing 1648-50 Dated 24-04-1995, The appellant was appointed on post of PTC vide ibid order on 24-04-1995 by the District Education Officer, District Swat. Copy of the appointment order is annexed herewith as "Annexure A".*
- 3) *That, the appellant performs his duty with great zeal and zest and to the satisfaction of the competent authorities without any complaints, whatsoever.*
- 4) *That in the year 1997 duties of the appellant along with other employees was sacked with one stroke in contravention of law and rules. (Copy of termination order is annexed as Annexure "B").*
- 5) *That the Government of Khyber Pakhtunkhwa passed an Act called as Khyber Pakhtunkhwa Sacked Employees Act 2012 under which all those employees whose services were sacked were to be appointed against 30% quota for them in all fresh recruitments in*

③

their respective cadre. (Copy of sacked Employees (Appointment) Act is annexed herewith as annexure "C")

- 6) *That the appellant has submitted his application within stipulated time according to Sacked Employees (Appointment) Act 2012 but his application was not entertained at all.*
- 7) *That the appellant filed an appeal to the Service Tribunal whereas the Hon'ble Service Tribunal decided the appeal vide Appeal No. 1497 on Dated: 12/07/2016 in favor of the appellant. (Copy is annexed herewith as annexure "D").*
- 8) *That respondent No. 5 ignored re-instatement of appellant on pretext that appointment of the appellant was irregular, void ab initio and against prescribed rules.*
- 9) *That some colleagues of the appellant were re-instated into service by department himself, some colleagues were re-instated by tribunal and others in light of judgment Peshawar High Court, Mingora Bench, Swat under the umbrella of Sacked Employees Act 2012. Copy of appointment order is annexed as "Annexure E".*
- 10) *That the appellant was appointed on 15-02-2020 instead of re-instatement. (Appointment letter is annexed F)*
- 11) *That the appellant moved an application to District Education Officer (Male) Swat/ Respondent No. 5 for consideration of seniority of the appellant but the ibid officer did not bother to answer the appellant and the respondent No. 5 turned deaf ears upon the application of the appellant. (Copy is annexed as annexure G)*

(4)

12) That having so dishearten and dissatisfied, the appellant then preferred departmental appeal/representation dated 19-01-2021 to the respondent No. 3 to grant them seniority giving effect from date of initial appointment i.e 30/04/1995 with all back benefit but that too fell on deaf ears. Copy of departmental appeal is annexed as "Annexure H".

13) That the Department not included the name of appellant in seniority list, which is illegal and injustice

14) That having no other adequate remedy and to entertain the constitutional right to appeal, the appellant prefers the instant appeal before this Hon'ble Tribunal for granting of all back benefits *inter alia* on the following grounds/reasons with so many others:

15) That the appellant is discriminated and not re-instated by the department, so the appellant filed W.P No. 1001-M/2018 for re-instatement being discriminated. The honorable Court is kind enough to accept the W.P and the appellant is re-instated into services. The department is directed to give seniority to the appellant with his colleagues.

16) That the department should have to pass an order of re-instatement in light of the Order of the worthy High Court, Mingora Bench, Swat on dated: 22/10/2019. Hence the department made illegality and irregularity. (Peshawar High Court Order Dated:22/10/2019 is annexed I)

GROUND:

- a) That after regularization the appellant entitled for benefit of pay protection and seniority from the date of initial

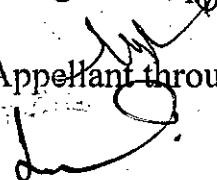
5

appointment along with all back benefits but respondent No. 5 in this regard not treating the appellant according to the law.

- b) That after regularization the period already served by the appellant entitled him to benefit of pay protection in the form of increment and salary etc as normally available to civil servant.
- c) That the appellant has a legitimate right of seniority, increment from his initial appointment but contrary to his legitimate expectation the appellant has been deprived.
- d) That there is no efficacious remedy available to the appellant except to file the instant appeal.
- e) That the as per the requirements of law, advance copies of the instant appeal have been sent to the respondents via registered mail and receipts have been annexed with the instant appeal.
- f) That further grounds will be agitated at the time of arguments with prior permission of this hon'ble Tribunal.

In light of the above submissions, it is, therefore, humbly prayed that on the acceptance of instant appeal, seniority of the appellant be reckoned from date of initial appointment i.e 30-04-1995 with all back benefits and further prayed that appellant be treated like other colleagues as per rules of consistency and may not be discriminated. Any other relief which though specifically has not been prayed for but for which the appellant is otherwise entitled may also be granted, please.

Appellant through counsel,


FAZAL KARIM
Advocate, High Court

Dated: 20/05/2021

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**BEFORE THE HON'BLE CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

(In Appellate Jurisdiction)

Service Appeal No. _____ of 2021

Ali Rahman

.....Appellant

VERSUS

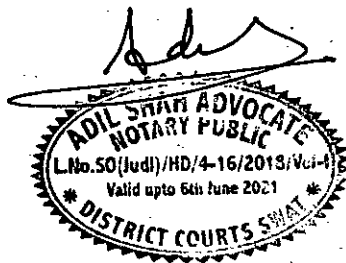
The Secretary Education & others

.....Respondents

AFFIDAVIT

I, Ali Rahman son of Azoiz Ur Rahman Resident of Saidu Sharif, Tehsil Babozai bearing CNIC No. 15602-0237960-7, do hereby solemnly affirm and declare on oath that the contents of the accompanied appeal are true and correct and that nothing has been concealed from this Hon'ble Tribunal. Moreover, no such like appeal has earlier been filed before any other forum on the same subject matter.

No: 113
19/5/2021



Deponent,

**Ali Rahman
Appellant**

Identified by:

Fazal Karim, Advocate High Court

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**BEFORE THE HON'BLE CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

(In Appellate Jurisdiction)

Service Appeal No. _____ of 2021

Ali RahmanAppellant

VERSUS

The Secretary Education & others.....Respondents

MEMO OF CORRECT ADDRESSES OF THE APPELLANT

Correct addresses of the appellant is as under:

Ali Rahman son of Aizi Ur Rahman, R/o Mohallah Nasar Khel, Saidu
SHarif Tehsil Babozai District Swat

CNIC #: 15602-0237960-7

Cell No. 0334 8381517

.....Appellant

Correct addresses of the respondents are as under:

1. Govt: of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat at Peshawar.
2. The Secretary, Elementary & Secondary Education Department, Govt: of Khyber Pakhtunkhwa at Civil Secretariat at Peshawar.
3. The Director, Elementary & Secondary Education Department, Peshawar.
4. The Additional Director, Elementary & Secondary Education Department for the newly merged districts / areas, Govt: of Khyber Pakhtunkhwa at Peshawar.
The District Education Officer, District Swat

N.B: Contact numbers & email addresses of the respondents are not available to the appellant.



FAZAL KARIM,
Advocate, High Court

8

BEFORE THE HON'BLE CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

(In Appellate Jurisdiction)

Service Appeal No. _____ of 2021

Ali rahman

.....Appellant

VERSUS

The Secretary Education & others

.....Respondents

AFFIDAVIT

I, Fazal Karim, Advocate High Court, do hereby affirm that as per information of my clients, the contents of the accompanied appeal are true and correct and that nothing has been kept concealed from this Hon'ble Tribunal.

Deponent


FAZAL KARIM,
Advocate High Court

No: 114

19/5/2021



(02)

BEFORE THE HON'BLE CHAIRMAN KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

(In Appellate Jurisdiction)

Service Appeal No. _____ of 2021

Ali Rahman.....Appellant

VERSUS

The Secretary Education & others.....*Respondents*

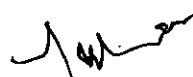
APPLICATION FOR THE GRANTING SENIORITY
LIST IN RESPECT OF THE APPELLANT SINCE HIS
INITIAL APPOINTMENT IN THE YEAR 1995 TILL
NOW

Respectfully Sheweth:

The applicants / appellant very humbly submit as under:

1. That the captioned service appeal is being filed today in this right hon'ble Tribunal along with the instant civil miscellaneous application in which no date of hearing has yet been fixed so far.
2. *That the subject seniority list is necessary for just and fair disposal of the instant appeal.*

It is therefore, very humbly submitted that the subject application may very graciously be accepted and the respondent No. 5 may please be directed to furnish the subject seniority list.


Applicant / appellant through Counsel,


FAZAL KARIM,
Advocate High Court

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Annex - A
A

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE)PRIMARY SWAT DISTRICT SWAT

OFFICE ORDER

APPOINTMENT/

Consequent upon the appointment of regular trained PTC on the merit list, the appointment in R/O Ali Rahman Matric S/O Azizur Rahman R/O Saidu Sharif Swat is hereby ordered at GPS Loi banr Swat against newly created post in BPS-7 @Rs.1480-81-2695 per month fixed plus usual allowance with immediate effect in the interest of public service as per terms and conditions given below:-

TERMS & CONDITION:

1. His appointment is temporary and is liable to termination/reversion at any time without any reason being assigned.
2. In case of resignation he will have to submit one month prior notice to the Deptt: or forfeit one month pay in lieu thereof to the Govt:
3. He should not be allowed to take over charge if his age is less than 18 years or above 30 years .
4. He is required to produce Health & Age certificate from the Medical Supdt: Saidu Group of Hospitals Saidu Sharif .
5. Charge report should be submitted to all concerned.
6. If he failed to take over charge of the post within 15 days after the issue of this order has apptt: shall stand as cancelled.
7. Certificates should be checked before handing over charge.
8. The SDEO, is directed to make transfers of the senior teachers on the basis of tenure against the above fresh appointee in the General transfer according to Govt: policy .
9. The academic certificates/Degrees of all the candidates should be got verified from the respective Examination Board and University within 15 days.

(FAZLI NAEEM KHAN)
DISTRICT EDUCATION OFFICER (M)
PRIMARY SWAT DISTRICT SWAT

ENDST: NO 1648-50 / E-2/T&A. Dated 25-4-95
Copy of the above is forwarded for information and necessary action to the:-

1. The Director Primary Education NWFP, Hayatabad Peshawar.
2. The District Accounts Officer Swat.
3. The Sub-Divl: Education Officer(M) Saidu sharif Swat.
4. Candidate concerned.

DISTRICT EDUCATION OFFICER (M)
PRIMARY SWAT DISTRICT SWAT

RECEIVED

BETTER COPY

Annex-B

Bottom copy

Annex

B

-15-

OFFICE ORDER

(15) Termination order

13/2/9

On perusal of the relevant record the appointment of the following person has been found illegal ab-initio void and against the prescribed rules their services are therefore hereby dispensed with, immediate effect.

<u>S.L.</u>	<u>NAME</u>	<u>F/NAME</u>	<u>DESIGNATION</u>	<u>NAME OF SC WHERE APPO</u>
1	2	3	4	5
1.	Khalid	Haji Mohd Hanif	PTC/PBS-7	GMPS Busha
2.	Akber Shah	Tajoon Mian	do	GMPS Kanda
3.	Bakhmand	Chatay	do	GPS Karin Gabral
4.	Sher Ali	Akhtar Ali	do	GMPS Churat Kalam
5.	Khyal Mohd	Abdul Hakeem	do	GMPS Shalada
6.	Abdul Bais	Abdul Wadood	do	GPS Shalada
7.	Abdur Rehman	Saranzeb	do	GPS Jaikoo
8.	Ali Rehman	Mohd Sharif	do	GPS Khandowg
9.	Afreen Khan	Sher Dil Khan	do	GPS Byan
10.	Rehmat Ali	Shah Dawran	do	GPS Jaigat
11.	Inayat Hussain	Sanobir	do	GPS Dashay
12.	Sardar Ali	Asfancyar Mian	do	GPS Bargad
13.	Khug Bacha	Khukyalay Mian	do	GPS Balagats
14.	Salauddin	Khalilur Rehman	do	GPS Nimcha
15.	Mohd Riaz	Mohd Iqbal	do	GPS Araq
16.	AKhtar Ali	Said Ali	do	GPS Nawagai
17.	Sher Alam Khan	Mohd Zaman	do	GMPS Sari Banda
18.	Mohd Khurshid	Fazal Ghani	do	GPS Archali
19.	Sardar Ali Shah	Samir Aslam Khan	do	GPS Fazil Banda
20.	Ayaz Ahmad Khan	Bakht Biland	do	GPS Luta
21.	Mohd Yunus	Mian Gul	do	GPS Belgabral
22.	Gul Haider	Gwaday	do	GPS Garraikandi
23.	Rehmat Ullah	Amra Khan	do	GPS Garra - do -
24.	Amin Ullah	Qahir ul Bashar	do	GPS Gambat
25.	Javed Ali	Hazrat Ali	do	GPS Kotkai
26.	Asghar Khan	Abdu Walid	do	GPS Dera Seri
27.	Rehman Ali	Abdu Hamid Khan	do	GPS Gul Dheray
28.	Zubair Khan	Biladar	do	GPS Almanai
29.	Akhtar Ali	Said Abdul Mukhtiar	do	GPS Malam
30.	Anwer Zeb	Hunerman	do	GPS Alam Ganj
31.	Gohar Ali	Fateh Khan	do	GPS Belajnu
32.	Mohd Rehman	Ume Sahib	do	GPS Gerkin
33.	Amin Mohd	Ghuam Mohd	do	GPS Madar Banda
34.	Hidayatur Rehman	Aziz ur Rehman	do	GPS Jawaz
35.	Gul Zada	Jan Faqir	do	GMPS Lagan Ker
36.	Mohd Roshan	Shamsi Noor	do	GMPS Hawairal
37.	Mian Said Ali	Hazrat Ali Mian	do	GMPS Bai Ber
38.	Fazal Haq	Mohd Ayub Khan	do	GPS Dodal
39.	Mutasar Khan	Lalbar Khan	do	GPS Sarkhazana
40.	Mohd Karim	Amir Afzal	do	GPS Qaiagak
41.	Shujaullah	Abdur Rouf	do	GPS Sarqig

Attested [Signature]

Attested [Signature]
To be a copy
Advocate

42.	Ali Rehman	Aziz ur Rehman	do	GPS Loiband
43.	Attaullah	Muambar Khan	do	GPS Zowra
44.	Jan Badshah	Amir Said	do	GMPS Kuzalar
45.	Zakir Hussain	Amir Jan	do	GMPS Serai Banda
46.	Amjid Ali	Zar Gul	do	GPS Liobar
47.	Badshah Khalid	Shah Zamin Mian	do	GMPS Tangi
48.	Obaid Ullah	Khalil Ur Rehman	do	GPS Shingartan
49.	Zubair Shah	Mohd Jalal	do	GPS Samir Banr
50.	Aslam Pervaz	Abdul Qayum	do	GPS Sangar
51.	Ayub Khan	Asad Ullah	do	GMPS Jishal
52.	Sharif ud Din	Nosher Khan	do	GPS Qunrtowal
53.	Sultanat Khan	Zakoom	do	GPS Chalamramat
54.	Fida Mohd	Sardar Kaihan	do	GPS Nagwaigari
55.	Rehmat Ali	Qubad Khan	do	GPS Qaz
56.	Khurshid Iqbal	Mohd Hanif	do	GPS Bandnr
57.	Swab Gul	Khaista Gul	do	GPS Sangar
58.	Manzoor Elahi	Saranzeb Mian	do	GPS Jaga
59.	Mohd Sajid	Momin Khan	do	GPS Fazli Bain
60.	Mohd Akbar Hussain	Mohd Khan	do	GMPS New Colony Matta
61.	Abdul Karim	Abdul Satar	do	GPS Samerband
62.	Fazal-e-Rehman	Murda Sher	do	GPS Qandar
63.	Mohd Shah Hussain	Mohd Khan	do	GPS Kwaray
64.	Rehmat Ali	Ahmad Gul	do	GPS Sangar
65.	Fazal Ghafoor	Abdul Qayum	do	GPS Baqari
66.	Nisar Ali	Rashid Ali	do	GPS Baraky
67.	Fazal-e-Rehman	Hbibur Rehman	do	GPS Zowra
68.	Shaukat Hayat	Abdul Ghafar	do	GPS Shingartan
69.	Mohd Nasir	Karai Khan	do	GPS Fazli Biggori
70.	Alam Mohd	Abdul Kabir Khan	do	GMPS New C. Matta
71.	Abdul Ghafar	Mohd Khan	do	GPS Loya Banda
72.	Sher Yar Khan	Mohd Shalyar	do	GMPS Bahadar Banda
73.	Deen Nawab	Dawa Khan	do	GPS Qandogai
74.	Bakht Biland	Shahid Khan	do	GPS Dolagai
75.	Sohrab	Alamgir	do	GPS Sardar
76.	Sujat Hussain	Sultan Akbar Mian	do	GPS Whiranhmat
77.	Zaibul Haq	Ahmad Khan	do	GMPS Suri Sah
78.	Gohar Ali	Bakht Ghulam	do	GPS Sur Dehri
79.	Mohd Siddiq	Mohd Farid	do	GPS Kuz Qali Dandi
80.	Sher Nawab	Farhad Khan	do	GPSS Manwar
81.	Zia ullah Khan	Jani Room	do	GPS Manwab
82.	Bakht Munir	Muqam	do	GPS Konshai
83.	Abdul Satar	Mohd Afreen	do	GPS Korora Anawi
84.	Noor Mohd	Shah Jehan	do	GPS Kormang Gandorai
85.	Obaid Ullah	Sher Zaman Khan	do	GPS Godari
86.	Kishwar Ali	Zarfarosh	do	GPS Sardar
87.	Azadai	Bakht Zaman Khan	do	GPSS Spalabandi
88.	Mehboob Ali	Mian Gul Siraj	do	GPS Chuha
89.	Akbar Hussain	Jani Alam	do	GPS Mirata
90.	Sher Shah	Shahi Room	do	GPS Shankay
91.	Obaid Ullah	Fazal Haq	do	GPS Spani Oba
92.	Rehman Ghani	Umar Sharif	do	GPS Baragat
93.	Naik Zada	Sher Zada	do	GPS Jawaz
94.	Nisar Ahmad	Mohd Rasheed	do	GMPS Biluga
95.	Ahsan Ullah	Mohd Bashir	do	GPS Bargai
96.	Mehboob Subhani	Sufi Ahmad Gul	do	GPS Baragat
97.	Mohd Amin A	Abdul Satar	do	GPS Kuzjaba

Attested

by
[Signature]

[Signature]

Attested
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98. Shamsher Ali	Fateh Mohd Khan	do	GPS Jalgat
99. Hayat Mohd Khan	Mohabat Khan	do	GPS Kwrata
100. Anar Jamal	Mumtaz	do	GPS Goda
101. Mumtaz Ali	Shah Romi	do	GPS Shaplai
102. Amer Zaman	Mohd Jan	do	GPS Doshai

(SAID ALI SHAH)
DISTRICT EDUCATION OFFICER (M)
PRIMARY DISTRICT SWAT

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY SWAT DISTRICT SWAT

Endst No.581-607.

Dated Mingora the 13.2.1997

Copy of the above is forwarded for information and necessary action to:

1. The Secretary Education N.W.F.P, Peshawar.
2. The Director Primary Education N.W.F.P, Peshawar
3. The District Accounts Officer Swat.
4. The SDEO (M) Said Sharif Swat.
5. The SDEO (M) Alpuri.
6. The Teacher concerned.

13/2/97

DISTRICT EDUCATION OFFICER (M)
PRIMARY DISTRICT SWAT

Attended
by
[Signature]
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Attended
to [Signature]
[Signature]

Annex B (A) (A) (A) (A)

On perusal of the relevant records, the appointment of the following persons has been found to be void and against the prescribed rules. Their services are therefore, hereby dispensed with, immediate effect.

1	2	3	4	5	6	7
	NAME	NAME	DESIGNATION	NAME OF SCH	WHERE APPOINTED	
1	Khalid	Haji Mohd Hanif	PTC/BPS-7	GMPS Dushay		
2	Akber Shah	Tajoon Mian	do	GMPS Kanda		
3	Bakhtmand	Chatay	do	GPS Karin		
4	Sher Ali	Ahmad Ali	do	Gabral		
5	Khyal Mohd	Abdul Hakeem	do	GMPS Churat		
6	Abdul Baiz	Abdul Wadood	do	Kelam		
7	Abdur Rehman	Saranzab	do	GPS Shalada		
8	Ali Rehman	Mohd Sharif	do	GPS Shalada		
9	Afreen Khan	Sheer Dil Khan	do	GPS Jaikoo		
10	Rehman Ali	Shahdauwan	do	GPS Khenlow		
11	Inayat Hussain	Sanobar	do	GAT		
12	Sardar Ali	Ashraf Mian	do	GPS Byaw		
13	Khuz Bacha	Khuzwalay Mian	do	GPS Jaigat		
14	Salauddin	Khulil ur Rehman	do	GPS Dushay		
15	Mohd Riaz	Mohd Iqbal	do	GMPS Durgad		
16	Akhtar Ali	Said Ali	do	GMPS Balagat		
17	Sher Alam Khan	Mohd Zamin	do	GPS Niche		
18	Mohd Khurshed	Fazal Ghani	do	GPS Araq		
19	Sardar Ali Shah	Ganoo Aslam Khan	do	GPS Nawagai		
20	Iyaz Ahmed Khan	Muhammad Bakht Mian	do	GMPS Seri Bad		
21	Mohd Younas	Mian Gul	do	GPS Archani		
22	Gul Haider	Uwaday	do	GPS Fuzil Mian		
23	Rehmatullah	Amraz Khan	do	GPS Kota		
24	Amin Ullah	Qahir ul B shir	do	GPS Belgabral		
25	Javed Ali	Hazrat Ali	do	GPS Gerraikend		
26	Asghar Khan	Abdul Malik	do	GPS Garai		
27	Rehman Ali	Abdul Hamid Khan	do	BPS Gambat		
28	Zubair Khan	Biladar	do	GPS Kotkai		
29	Akhtar Ali	Said Abdul Mukhtayar	do	GPS Dura Seri		
30	Anwar Zeb	Humermand	do	GMPS Gul Duri		
31	Goher Ali	Fateh Khan	do	GPS Alamanai		
32	Mohd Rehman	Umer Sahib	do	GPS Malam		
33	Amin Mohammad	Abul Mian Mohd	do	GPS Alauddin		
34	Hidayatur Rehman	A Nur Rehman	do	GPS Beleju		
35	Gul Zada	Jen Pageer	do	GMPS Gorkin		
36	Mohd Roshan	Shamshi Noor	do	GPS Madar Banda		
37	Mian Said Ali	Hazrat Ali Mian	do	GPS Jawaz		
38	Fazal Haq	Mohd Ayub Khan	do	GMPS Lagan Kar		
39	Mutassar Khan	Mohd Lalbar Khan	do	GPS Hawairamal		
40	Mohd Karim	Amir Afzal	do	GMPS Bar B ngah		
41	Shujallah	Abdur Rauf	do	GPS Dodal		
			do	GPS Sarkhaz		
			do	GPS Qalagok		
			do	GPS Sarqog		

30 Anwar Zeb

طرح مشورتي

APPROVED

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42	Ali Rehman	Aziz Rehman	do	GPS Loibanr
43	Attaullah	Munaber Khan	do	GPS Zowra
44	Jehan Badshah	Amir Sahib	do	GMPS Kuzalar
45	Zakir Hussain	Amir M Jan	do	GMPS Serai E
46	Amjad Ali	Zar Gul	do	GPS Liobar
47	Badshah Khelid	Sarzamin Mian	do	GMPS Tangi
48	Ubaidullah	Kahlilur Rahman	do	GPS Shingart
49	Zubir Shah	Mohd Jalal	do	GPS Samir Ba
50	Aslam Pervex	Abdul Qayum	do	GPS Sangar
51	Ayub Khan	Asadullah	do	GMPS Jishar
52	Sharifuddin	Nowsher Khan	do	GPS Quartorw
53	Sultanat Khan	Zakoom	do	GPS Chalamra
54	Fida Mohd	Sadar Kaihan	do	GPS Megwaiga
55	Rehmat Ali	Qubad Khan	do	GPS Qaz
56	Khursheed Iqbal	Mohd Hanif	do	GPS Bandnr
57	Swab Gul	Kh... Gul	do	GPS Sangar
58	Manqoor Elahi	Sanazob Mian	do	GPS Jagu
59	Mohd Sajeed	Momin Khan	do	GPS Fazilbai
60	Mohd Akbar Hussain	Mohd Khan	do	GMPS New C&L
61	Abdul Karim	Abdul Sattar	do	Matta
62	Fazal Rehman	Murda Sher	do	GPS Samarben
63	Mohd Shah Hussain	Mohd Khan	do	GPS Qandar
64	Rehmat Ali	Ahmed Gul	do	GPS Kwaray
65	Fazal Ghafoor	Abdul Qayum	do	GPS Sangar
66	Naseer Ali	Rasheed Ali	do	GPS Baqari
67	Fazali Rehman	Habib ur Rehman	do	GPS Baraky
68	Shaukat Hayat	Abdul Ghafar	do	GPS Zowra
69	Mohd Nisar	Kali Khan	do	GPS Shinganta
70	Alim Mohd	Abdul Kabir Khan	do	GPS Fazilbai
71	Abdul Ghafar	Mohd Khan	do	GMPS New C. L
72	Shehryar Khan	Mohd Shalyar	do	GPS Loya Band
73	Dir Nawab	Dawa Khan	do	GPS Bahader B...
74	Bakht Biland	Shahshad Khan	do	GPS Qandogai
75	Sohrab	Alangir	do	GPS Dolgai
76	Shujat Hussain	Sultan Akbar Mian	do	GPS Sarden
77	Zabul Haq	Ahmed Khan	do	GPS Whirahmat
78	Goher Ali	Bakht Ghulam	do	GMPS Suri Sah
79	Mohd Sidiq	Mohd Farid	do	GPS Sur Dari
80	Sher Nawab	Farahat Khna	do	GPS Puz Qali
81	Zia ullah Khan	Jani Room	do	Dandi
82	Bakht Munir	Mukam	do	GPS Kai Kot
83	Abdul Sattar	Mohd Afreen	do	Damorai
84	Noor Mohd	Shah Jehan	do	GPSQ Manwan
85	Obaid Ullah	Sher Zaman Khan	do	GPS Manwan
86	Kishwar Ali	Zafaroosh	do	GPS Konshai
87	Azadai	Bakht Zamin Khan	do	GPS Korora Ane
88	Mehboob Ali	Mian Gul Siraj	do	GPS Kormang
89	Akber Hussain	Jani Alam	do	Gandorai
90	Sher Shah	Shahi Room	do	GPS Godari
91	Abd Ubaidullah	Fazal Haq	do	GPS Sarden
92	Rehman Ghani	Umer Sharif	do	GPS Spalebandi
93	Naik Zada	Sher Zada	do	GPS Chuha
94	Nisar Ahmed	Mohd Rashid	do	GPS Mirata
95	Ihsanullah	Muher Baghar	do	GPS Shankey
96	Megboob Subhani	Safi Ahmed Gul	do	GPS Spani Oba
97	Mohd Amin A	Abdul Sattar	do	GPS Beragata
			do	GPS Jewaz
			do	GMPS Bilagat
			do	GPS Bargai
			do	GPS KuzJabar

75 = Sohrab s/o Alimgaer

Alimgaer

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98	Shamsher Ali	Fateh Mohd Khan	do	GPS Jaigt
99	Hayat Mohammed Khan	Mohabat Khan	do	GPS Kwrut
100	Anwar Jamal	Muntaz	do	GPS Godu
101	Muntaz Ali	Shah Romi	do	GPS Shap
102	Amer Zaman	Mohd Jan	do	GPS Dosh

(SAID ALI SHAH)
 DISTRICT EDUCATION OFFICER (M)
 PRIMARY DISTT: SWAT

OFFICE OF THE DISTT: EDUCATION OFFICER (M) PRIMARY SWAT DISTRICT SWAT

Endst No. 581-607

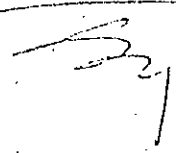
Dated Mingora the 13.2.1997

Copy of the above is forwarded for information and necessary action to:-

1. The Secretary Education NWFP Peshawar.
2. The Director Primary Education NWFP Peshawar.
3. The District Accounts Officer Swat.
4. The SDEO (M) Saidu Sharif Swat.
5. The SDEO (M) Alpuri.
6. The Teachers concerned.

DISTRICT EDUCATION OFFICER (M)
 PRIMARY DISTT: SWAT.

Attested



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THE KHYBER PAKHTUNKHWA
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012]

AN
ACT

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

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

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

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

It is hereby enacted as follows:

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

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

(3) It shall come into force at once.

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

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

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

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

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

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

etc


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

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

7. Procedure for appointment.---(1) A sacked employee, may file an application, to the concerned Department within a period of six months from the date of commencement of this Act, for his appointment in the said Department:

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

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be constituted in the prescribed manner, for appointment:

Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The Concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

8. Removal of difficulties.--- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

etc
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9. Act to override other laws.---Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

10. Power to make rules.--- Government may make rules for carrying out the purposes of this Act.

C. K. J.

ATTESTED

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Annex-D

BEFORE THE KHYBER PAKHTUNKWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1497/2013

Ex- PTC/PST Ali Rehman S/o Haji Aziz Ud Din, Mohallah Nasir Khel Saidu
Sharif Swat, Tehsil and District Swat

Appellant.

Versus

1. The District Education Officer (E & SE) (Male), Minguara Swat.
 2. The Director of Education (E & SE), Dubghri Garden,
Peshawar
- Respondents.

Service Appeal under section-4 of Khyber
Pakhtunkhwa Service Tribunal Act, 1974 against the
order dated 13-02-1997 passed by respondent
No.2, wherein he terminated (Dispense with) the legal
service of the appellant and to set aside the same and
reinstate the appellant with all back benefits.

Prayer:-

On acceptance of the instant Service Appeal, this Honourable
Tribunal may graciously be pleased to declare the order dated
13-02-1997 Of the respondent No.1 is void abinito, illegal,
unlawful and without lawful authority and set aside the same
and re-instate the appellant with all back benefits on the
score/strength of reported Judgment of the Honourable
Supreme Court of Pakistan 1996 SCMR 1185, 2002 SCMR 71,
1999 SCMR 336, 2009 SCMR 01 as well as on merits.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That appellant was appointed as PTC on regular basis
vide Order dated 30-04-1995 and posted at GPS, Sher

Re-submitted to ~~the~~
and filed.

5/11/13

ATTTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTTESTED

ate of
Order or
proceedings.

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Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

1. Appeal No. 1497/2013 Ali Rahman and
2. Appeal No. 1583/2013 Irshad Ahmad Versus EDO, E&SE, Swat and another.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

12.07.2016

Counsel for the appellant and Mr. Muhammad Saeed, Subject Specialist alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present.

2. This judgment shall dispose of Service Appeal No. 1497/2013 preferred by Mr. Ali Rahman and Service Appeal No. 1583/2013 preferred by Mr. Irshad Ahmad as identical questions of facts and law are involved in both the appeals.

3. Brief facts of the cases of appellants Ali Rahman as well as Irshad Ahmad are that they were appointed as PTC Teachers on regular basis vide order dated 30.04.1995 and while serving so their service were terminated vide order dated 13.02.1997 alongwith similarly placed other employees. That services of other similarly placed employees were restored but appellants discriminated with despite the fact that they were also entitled

ATTESTED

to reinstatement in service.

4. Learned counsel for the appellants has argued that the appellants were also entitled to same treatment. That during the process of departmental appeals of the appellants a letter dated 26.10.2013 was issued by the District Education Officer (Male) District, Swat addressed to the Director of Education, Khyber Pakhtunkhwa Peshawar wherein it was pointed out that the process of appointment of the appellants was stopped due to status-quo order passed by a Civil Court. He further argued that despite withdrawal of the said civil suit the process of appointment is still held in abeyance and the appellants deprived of their due rights.

5. Learned Senior Government Pleader argued that process was not resumed as the appellants were not found eligible to reinstatement due to lake of prescribed qualification.

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

7. Letter dated 26.10.2013 referred to above would suggest that the applications of the appellants were processed and appellants interviewed in the light of provisions of the Sacked Employees Act No. XVIII 2012 but no final orders were passed due to status quo order issued by a civil court. Though the said status quo order was no longer in field yet the relevant authority did not process cases of the appellants despite their commitment reflecting in the said letter. We are not in a position to consider cases of the appellants for reinstatement in service at this stage and deem it

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appropriate that cases of the appellant be considered and decided by the relevant authority within a period of one month from the date of receipt of judgment of this Tribunal keeping in view the contents of letter dated 26.10.2013 referred to above. In case the authority fail to consider and decide cases of the appellants within the prescribed period of one month from the date of receipt of this judgment then in such eventuality they shall be liable to be proceeded against for omissions on their parts. Both the appeals are disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

Announced

12.07.2016

Sd/- M. Azim Khan Afridi
 (fridi)
 Chairman

Sd/- Ahmad Hassan,
 Member

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Certified copy
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of Disposition 19-07-16
 Number of Writs 1600
 Cases 10
 Petitions 2
 Total 12
 Date of Receipt 19-07-16
 Date of Disposal 19-07-16

REGISTERED



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Annex-E
Anwar Zeb

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

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OFFICE ORDER:-

In pursuance of the judgment of Honorable KPK Service Tribunal Peshawar passed on 04/01/2013 in service appeal No 532/2008 under title Muhammad Shereyar ...VS...ACO Swat and other mentioning therein service Appeal Service Appeal No. 533/2008 under Title Anwar Zeb ...VS... ACO Swat and further directions of the Government Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide No.SOR-I (E&AD) 3-86/96/95 dated 20th May 2013 regarding the implementation of the judgment of the Honorable service Tribunal in light of Rule-4 Sr.No.3(ii) of Khyber Pakhtunkhwa civil Servant (Appointment, promotion and Transfer) Rules-1989, the undersigned being competent authority is pleased to notify the Re-Instatement order of the following Ex-PST's without backbenefit at the schools noted against each in BPS-12 (7000-500-22000) plus usual allowance as admissible under the rule except section 19 of Khyber Pukhtun Khwa Rule 1973 with effect from the date of their taking over charge subject to the following term and conditions given below.

S.No	Name	Father Name	Address	Place of posting	Remark
1.	Muhammad Shereyar	Muhammad Shalyar	Koza Durish Khela Swat	GPS: Khakhtay	Against Vacant Post
2.	Anwar Zeb	Hunar Mand	Charbagh Swat	GPS: Asharbanr Swat	Against Vacant Post

TREMS AND CONDITIONS

1. The amended section 19 will be applicable in case of those civil servants who were appointed to a pension able post on regular basis before 1st day of July 2001, having regular service without any break and have applied through their department shall be given an option either to retain the benefit of pension and gratuity as allowed to them under the previous terms of appointment or to avail the benefit of contributory provident fund allowed to them under their new appointment.
2. All Degrees/Certificate will be verified from the concerned Board/ university on the expenses of the candidates concerned within one month after taking over charge.
3. The Candidates should submit challan/Bank draft in the name of controller of Examination of the concerned Board/University along with photocopies of the testimonials for verification within ten days after taking over charge.
4. In case any certificate/degree found incorrect/fake/unverified the appointment of the candidate concerned shall be cancelled automatically.
5. The original certificate/Degree and health & age certificate of the candidate must be checked before handing over charge to them by the SDEO (M) or Head of the School concerned.

Attested
[Signature]
To be true copy
Advocate

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[Signature]
To be true copy
Advocate

They will be governed by terms and conditions as prescribed by the government from time to time.

7. Their services can be terminated any time in case their performance is found unsatisfactory and they will be proceeded under special power ordinance 2011.
8. They should join the post within 15 days of the issuance of this order other wise his appointment will be cancelled automatically.
9. In case of resignation he will have to give one month prior notice to the Department or forfeit one month salary in lieu thereof to the government.
10. The Candidates will not apply for transfer at least for two years.
11. The senior employees can appeal for transfer against the place of newly appointees within a month time positively, later on any appeal will not be considered.
12. No TA/DA is allowed.

(SULTAN MEHMOOD MIAN)
DISTRICT EDUCATION OFFICER (M)
SWAT

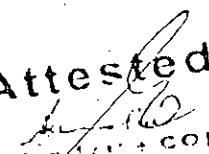
Endst: No. 777-32 / PST(M)/Apptt:

Dated. 5/7/2013

Copy of the above is forwarded:-

1. The Director Elementary and Secondary Education Khyber Paktunkhwa Peshawar.
2. The District Comptroller of Accounts Swat at Saidu Sharif.
3. The Sub-Divisional Education officer (M) Swat.
4. The Assistant Sub-Divisional Education officer (M) Concerned.
5. The Superintendent (M) local office.
6. P.A to the District Education Officer (M) local office.
7. The teacher Concerned.


DISTRICT EDUCATION OFFICER (M)
SWAT

Attested

To be true copy
Advocate


To be true copy
Advocate

ATTESTED

24

Annex - F



**OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) AT GULKADA
DISTRICT SWAT**

Phone/Fax No. 09469240228/09469240209



OFFICE ORDER.

In compliance with the judgment of Peshawar High Court Mingora Bench/Darul Qaza Swat in writ petition No.1000-M/2018 Dated 22.10.2019 and in the light of recommendations of litigation branch local office & Committee, the appointment order of the following candidates is hereby ordered against the vacant post of PST in BPS-12 (Basic plus allowances) as admissible under the existing policy of Provincial Government in teaching cadre in Sacked employee quota on the terms and condition given below with effect from the date of their taking over charge:-

S.NO	NAME	FATHER NAME	D/O BIRTH	Residence	SCHOOL WHERE POSTED
1	Ali Rahman	Haji Azizur Rahman	22.04.1968	Saidu Sharif	GPS Haji Abad
2	Irshad Ahmad	Bocha Khan	10.10.1973	Banr Mingora	GPS Mingora No. 1

TERMS & CONDITIONS.

1. The appointment will be subject to the condition of decision of Honorable Supreme Court of Pakistan in the light of CPLA already pending. If the decision of the Honorable Supreme Court of Pakistan come against them, their appointment shall stand cancelled w.e.f the date of issue.
2. Charge report should be submitted to all concerned.
3. No TA/DA is allowed.
4. Their appointment is subject to the condition that their certificate/documents and domicile should be verified from the concerned Authority before release of their salary in the light of Section 3 of the said Act.
5. They will be governed by such rules and regulations as may be issued from time to time by the Government.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa Sacked employees (Appointment) Act 2012, hence under section 5 of the said Act, they shall not be entitled to claim any kind of seniority, promotion and other back benefits.
7. They will produce Health & Age certificate from the M/S Swat.
8. Their appointment has been made in pursuance of Khyber Pakhtunkhwa Sacked employee Act 2012, hence under section 4 of the said Act the period during which they remained dismissed, removed or terminated from service till the date of their appointment, their age shall have been automatically relaxed.
9. They should join their post within 15 days of the issuance of this Notification, In case of failure to join the post within 15 days of the issuance of this Notification, his appointment will be considered as cancelled automatically and no subsequent appeal etc shall be entertained.
10. They should join their posts within 15 days after 01.03.2019. In case of failure to join the post within 15 days of the issue of this Notification their appointment shall stand expired automatically and no subsequent appeal etc. shall be entertained.
11. Their pay will be released after the verification of their documents by the concerned institution.
12. In case their/his documents are found fake/bogus on verification from issuing authority, the service of the official will be terminated and legal action be taken against him under the law.
13. The SDEO concerned should furnish a certificate to the effect that the candidate has joined the post or otherwise after 15 days of the issue of his posting/appointment order.
14. Their services can be terminated at any time in case of his performance is found unsatisfactory. In case of misconduct he will be proceeded under the rules framed from time to time by the Government..

ATTESTED



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

5

CORRIGENDM.

Please read terms & condition No.10 as" 01.03.2020 and writ petition No.1001-M/2018 dated 22.10.2019 in the appointment order of sacked employee issued vide this office Endst:No.7082-86/P.F/Ali Rahman/ dated 29/01/2020.

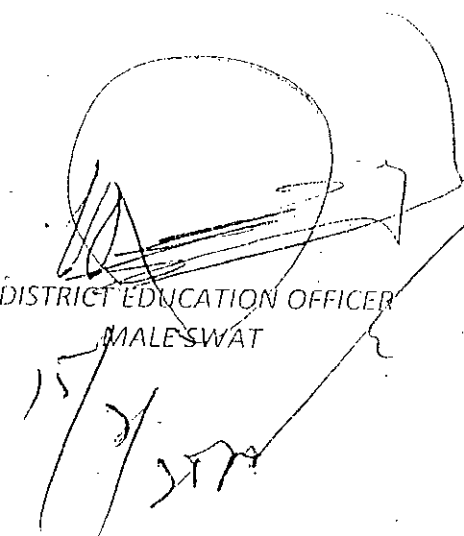
Note:-All terms and conditions will remain the same.

Endst:NO. 7615-17

(MUHAMMAD AMIN)
DISTRICT EDUCATION OFFICER
MALE SWAT
Dated 15/2/2020

Copy forwarded to :-

1. District Comptroller of Accounts Swat.
2. The DMO Swat.
3. SDEO Babozai Swat.
4. Teachers concerned.
5. PA to DEO Swat


DISTRICT EDUCATION OFFICER
MALE SWAT

ATTESTED

بھنور جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) ضلع سوات۔

علی رحمان ولد عزیز الرحمان سکھنہ محلہ ناصر خیل، سیدو شریف تحصیل بابوزی ضلع سوات

سائل-----

درخواست بدیں مراد کہ سائل کو حکم و فیصلہ مصدرہ 22/10/2019 عدالت عالیہ پشاور ہائی کورٹ مینگورہ

بیچ در مقدمہ رٹ پٹیشن نمبر 1001 M of 2018 کی روشنی میں دوبارہ بحال کر کے Seniority list
میں شامل کر کے جملہ بقایا جات کی ادائیگی کا حکم صادر فرمایا جائے۔

جناب عالی اور درخواست سائل ذیل عرض ہے۔

(1) یہ کہ سائل سیدو شریف سوات کا اصل اور مستقل باشندہ ہے اور محکمہ تعلیم میں بحیثیت PTC سال 1995 میں تعینات ہوا ہے۔

(2) یہ کہ بعدہ سائل ہمراہ دیگر PTC ملازمین کی ملازمت سے برخاست کیے گئے اور بعدہ خیبر پختون خواہ نے بروئے " Khyber Pakhtunkhwa Sacked employees Appointment Act 2012 " کی رو سے 30 فیصد کوٹہ کی بنیاد پر برخاست ملازمین کی بھرتی کے لیے قانون سازی کی ہے۔

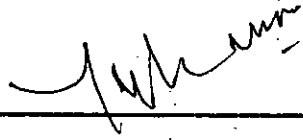
(3) یہ کہ سائل نے مجاز حکام سے بار بار رابطہ کیا اور اپنی ملازمت کی بحالی ہمراہ دیگر مراعات کے لیے استدعا کی لیکن سائل کی داد رسی نہ ہو سکی۔ بدیں وجہ سائل نے بہ امر مجبوری پشاور ہائی کورٹ مینگورہ بیچ سے رجوع کر کے عدالت عالیہ پشاور ہائی کورٹ مینگورہ بیچ نے سائل کو رٹ پٹیشن نمبر 1001 M of 2018 مورخہ 22/10/2019 کو منظور کی ہے (نقل رٹ پٹیشن حکم و فیصلہ لف ہے)

(4) یہ کہ سائل کو حکم و فیصلہ عدالت عالیہ مذکورہ بالا کی روشنی میں بحال نہیں کیا گیا ہے، نہ ہی سائل کو سینیاریٹی دی گئی ہے اور نہ ہی سائل کو سابقہ بقایا جات کی ادائیگی کی گئی ہے۔

(5) یہ کہ سائل شرعی و قانونی طور پر حقدار ہے کہ حکم و فیصلہ عدالت عالیہ پشاور ہائی کورٹ مذکورہ بالا و حکم و فیصلہ عدالت عظمیٰ سپریم کورٹ آف پاکستان SCMR2013 صفحہ نمبر 752 کی روشنی میں سائل کو اپنی پوسٹ پر دوبارہ بحال کر کے سینیاریٹی دی جائے اور سابقہ بقایا جات کی ادائیگی کی جائے۔

(7) یہ کہ درخواست ہذا اندر میعاد ہے۔

لہذا استدعا ہے۔ کہ بمنظوری درخواست ہذا سائل کو اپنی پوسٹ پر
تعیینات کر کے سینارٹی دینے اور سابقہ بقایاجات کی ادائیگی کا حکم
صادر فرمایا جائے۔ المرقوم 19/01/2021



عریض

علی رحمان / سائل

موبائل نمبر 03348361517

RECEIVED

(28) (28) H Annex - H

**BEFORE THE DIRECTOR ELEMNTARY AND
SECONDARY EDUCATION KHYBER PAKHTUNKHWA
AT PESHAWAR**

Departmental Appeal No. _____/2021

Ali Rahman son of Haji Aziz Ur Rahman R/o Saidu Sharif, Tehsil
Babozai District Swat

.....Appellant

**SUBJECT: DEPARTMENTAL APPEAL FOR NOT INCLUDING THE
NAME OF APPELLANT IN SENIORITY LIST AT PROPER PLACE.**

PRAYER:

**ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL THE
APPELLANT MAY BE PLACED IN SENIORITY LIST AT HIS
PROPER PLACE.**

Respectfully Shewith:

- 1) That, appellant was appointed as a PTC on 25-04-1995.
(Appointment letter is annexed A)
- 2) That, the appellant performs his duty with great zeal and zest and
to the satisfaction of the competent authority.
- 3) That in the year 1996 the duties of the appellant along with other
employees were sacked.
- 4) That the Government of Khyber Pakhtunkhwa passed an Act called
as Khyber Pakhtunkhwa Sacked Employees Act 2012 under which
all those employees whose services were sacked were to be
appointed against 30% quota for them in all fresh recruitments in
their respective cadre.

ATTENDED

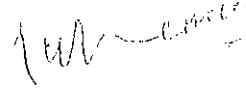
29

- 5) That some colleagues of the appellant were re-instated into service by department himself, some colleagues were re-instated by tribunal and High Court under the umbrella of Sacked Employees Act 2012.
- 6) That the appellant is discriminated and not re-instated by the department, so the appellant filed W.P No. 1001-M/2018 for re-instatement being discriminated. The honorable Court is kind enough to accept the W.P and the appellant is re-instated into services. The department is directed to give seniority to the appellant with his colleagues.
- 7) That the appellant was appointed on 15-02-2020 instead of re-instatement. (Appointment letter is annexed B)
- 8) That the department should have to pass an order of re-instatement in light of the Order of the worthy High Court, Mingora Bench, Swat on dated: 22/10/2019. Hence the department made illegality and irregularity. (Peshawar High Court Order Dated:22/10/2019 is annexed C)
- 9) That the Department not included the name of appellant in seniority list, which is illegal and injustice.
- 10) That the appellant moved an application to District Education Officer (Male) Swat for consideration of seniority of the appellant but the *ibid* officer did not bother to answer the appellant and turned deaf ears upon the application of the appellant. (Copy is annexed as annexure D)
- 11) That the appellant is constrained to file the departmental appeal.
- 12) That not including the name of the appellant in his respective seniority list at proper place.

ATTENDED

It is therefore, humbly prayed that by accepting the instant departmental appeal, the appellant may be included in respective Seniority List at his proper place.

Appellant



ALI RAHMAN
CELL NO: 03348361517

CERTIFICATE

Certified that contents of the above departmental appeal is true and correct to the best of my knowledge and belief and nothing had been concealed there from.

Appellant



ALI RAHMAN

Dated: 18/02/2021

ATTENDED

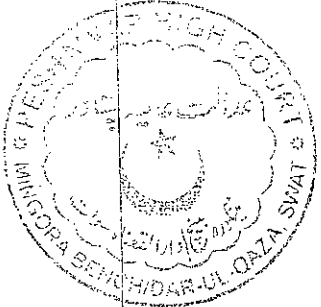
FORM OF ORDER SHEET

31

Annex - I

Court of

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

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2
<p>22-10-2019</p>  <p>ATTESTED</p> <p>Examiner Peshawar High Court Bench Mingora Dar-ul-Qaza, Swat.</p>	<p><u>W.P No. 1001-M/2018</u></p> <p>Present: Mr. Arshad Khan, Advocate for the petitioners.</p> <p>Mr. Wilayat Ali Khan, A.A.G for the respondents.</p> <p>*****</p> <p><u>WIQAR AHMAD, J.</u>- This order is directed to dispose of Writ Petition bearing No. 1001-M of 2018 filed by the petitioners under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer;</p> <p><i>"It is therefore, humbly prayed that, on acceptance of the instant writ petition,</i></p> <ol style="list-style-type: none"> i. Declaration to the effect that office order No. 10069-72/P-F/sacked employees dated 15.08.2016 be declared unconstitutional, ultra vires, discriminatory, in violation of law laid down by the august Supreme Court, hence, ineffective upon the rights of the petitioners; ii. Direct the respondents to act in accordance with law, and to make appointment of the petitioners as per entitlement, and with all back benefits; iii. Any other relief deemed appropriate in the circumstances of the case not specifically asked for, may also be granted to the petitioners."

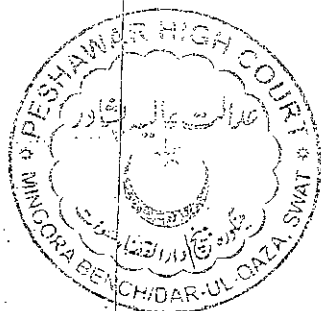
SECRET

Andul Sabneh

(D.B)

HON'BLE MR. JUSTICE IYED ARSHAD ALI
HON'BLE MR. JUSTICE WIQAR AHMAD

ATTESTED



2. Petitioners who are two in number have stated in their Writ Petition that they had been appointed in the year 1995 on PTC post in BPS-07 but in the year 1996, their services were terminated. On promulgation of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (hereinafter referred to as 'the Act'), they filed applications to the respondents department and requested for their re-instatement but same was not entertained. Thereafter, they filed appeals before the Khyber Pakhtunkhwa Service Tribunal for redressal of their grievances. During pendency of their appeals, respondent No. 3 issued a letter dated 26.10.2013, wherein it had been stated that "*applications from sacked employees including the appellants i.e. present petitioners have been received, processed in due time and interview conducted but due to status quo order passed by a local civil Court, the appointment process was still pending. As and when the status quo is vacated, than their appointments will be considered on priority basis.*" In light of the letter dated 26.10.2013, the Khyber Pakhtunkhwa Service Tribunal Camp Court, Swat vide its judgment dated 12.07.2016 disposed of appeals of the appellants (petitioners) and directed the respondents to consider and decide cases of the appellants (petitioners) within a period of one month, keeping in view the

ATTESTED

Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat

(D.B)

HON'BLE MR. JUSTICE WED AHMAD ALI
HON'BLE MR. JUSTICE WIQAR AHMAD

ATTESTED

contents of the above-referred letter. Pursuant to the said judgment, respondent No. 3 issued office order dated 15.08.2016 on the basis of an Inquiry Committee report and the petitioners were not considered for re-instatement on the ground that they did not possess the prescribed qualification of PTC at the time of their first appointment. Against that, the petitioners filed the instant constitutional petition.



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3. Comments were called from the respondents No. 2 & 3, who filed the same and have contended that the petitioners were appointed on temporary basis and they were also not professionally trained at the time of their appointments, therefore they did not deserve re-instatement under the Act.

4. Arguments heard and record perused.

5. Perusal of record reveals that the respondents have mainly taken two defences in their comments viz;

- a) that the petitioners had been appointed on temporary basis;
- b) that they had not been trained teachers at the time of appointment.

6. Their first defence is belied by the very

ATTESTED

Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

Ahmed Sabrooh

(D.B)

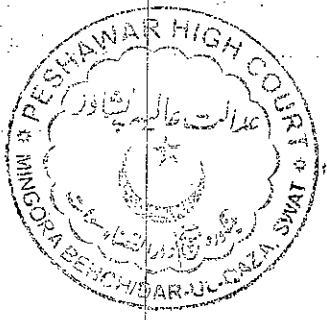
HON'BLE MR. JUSTICE IYED ARSHAD ALI
HON'BLE MR. JUSTICE WIGAR AHMAD

ATTESTED

(34)

appointment order dated 30.04.1995 of petitioner No. 1 namely Irshad Ahmad, which states that he was appointed on PTC post in BPS-07 @ Rs. 1480-81-2695 per month fixed puls allowances with immediate effect in the interest of public service as per terms and conditions given therein. Though the order was temporary but it has nowhere been stated that it had been made against a leave vacancy or as a stopgap arrangement. Same was the case with the appointment order dated 25.04.1995 of petitioner No. 2 namely Ali Rahman.

7. So far as objection regarding the fact that petitioners had been untrained teachers at the time of their appointment, is concerned, it is pertinent to mention here that this Court vide judgment dated 24.12.2014 given in the case of Hazrat Hussain etc vs The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar (Writ Petition bearing No. 1662-P/2013) has already resolved the controversy and has held that the appointment of untrained teachers was allowed and being made in routine under the prevalent policy at the relevant time. The petitioners of this petition cannot therefore be singled out for denial of appointment when numerous other similarly placed untrained teachers had already



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ATTESTED

Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

Abdul Samad

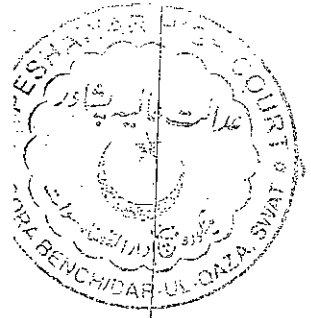
(D-3)

HON'BLE MR. JUSTICE SYED ARSHAD ALI
HON'BLE MR. JUSTICE WISAR AHMAD

ATTESTED

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been extended the benefit of re-instatement under the Act. The petitioners have stated in para-5 of the writ petition that they had filed an application within stipulated time after commencement of the Act, but their application had not been entertained. In respect of the said para, the respondents have stated in their comments that the said para was irrelevant, therefore no comments. The para had not been specifically denied by the respondents in their comments. Same shall therefore be accepted as admitted. The petitioners have also annexed with their writ petition a letter bearing No. 600 dated 26.10.2013 of the Office of respondent No. 3 at page 24, wherein it had been stated that both the petitioners had filed their applications under section 7 of the Act within the stipulated time. They had also approached the departmental authorities by filing departmental appeal, as well as the Khyber Pakhtunkhwa Service Tribunal through their appeal No. 1497/2013 and appeal No. 1583/2013, which were sent to the department for consideration vide order dated 12.07.2016. Nothing remains with the respondents as to why the petitioners should be discriminated and should not be appointed in service when the law gives them the right of re-instatement. Delay in filing the writ petition was also satisfactorily explained by learned counsel for petitioners



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ATTESTED

Examiner
Swat High Court Bench
Ingora Dal-ul-Qaza, Swat.

Atul Sharma

(D.B)

HON'BLE MR. JUSTICE SYED ARHAD ALI
HON'BLE MR. JUSTICE WIGAR AHMAD

[Handwritten signature]

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by referring to the earlier efforts of petitioners for their re-instatement.

8. In light of what has been discussed above, the writ petition in hand is allowed as prayed for and respondents are directed to consider the petitioners for appointment under the Act but without grant of back benefits. The placement of petitioners in their seniority among the re-instated Sacked Employees shall however be determined by the department itself, after their reinstatement, according to law.

Announced!
Dt: 22.10.2019


JUDGE

Certified to be true copy

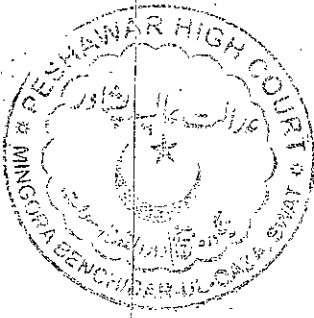

16-12-19


JUDGE

EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Authorized Under Article 87 of Concom-Swabata Order 1981

S.No-----33-----
Name of Applicant-----2xshad Ahmed-----
Date of Presentation of Applicant-----24-10-19-----
Date of Completion of Copies-----16-12-19-----
No of Copies-----18-2-----
Urgent Fee-----
Fee Charged-----36/------
Date of Delivery of Copies-----16-12-19-----



Office
14/12/2019

(D.8)

HON'BLE MR. JUSTICE SYED AHMAD ALI
HON'BLE MR. JUSTICE WIGAR AHMAD

FILED

(37)

Before the Hon'ble Chairman Khyber Pakhtunkhwa Service Tribunal

at Peshawar

WAKALAT NAMA

Case No. _____ of _____:

Titled:

Ali Rahman

VERSUS

The Secretary Education & others

I/We, Ali Rahman

do hereby appoint

Fazal Karim Advocate, High Court, in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1) To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2) To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.
- 4) To do any act necessary or ancillary to the above acts, deed and things.
- 5) To appoint any other counsel to do any/all of the acts, deeds and things.
- 6) I/we, shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non appearance, any adverse judgment/order/decree is passed, they will not be held responsible.

IN WITNESS whereof I/we have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 20/05, 2021.

Ali Rahman
Signature of Executant(s) Ali Rahman

ATTESTED & ACCEPTED BY:

Fazal Karim

FAZAL KARIM
Advocate, High Court

"A"

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

No.

APPEAL No.....5194..... of 20
21

Ali Rahman

Appellant/Petitioner

Versus

Through Chief Secy: H.P.S. Peshi

RESPONDENT(S)

Notice to Appellant/Petitioner

Ali Rahman S/o Aziz ur
R/o Mahallah Nisar Khel
Sardar Sharif Taleel Babozai Distt: Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 27-7-2021 at 9:00 AM

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

at Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No..... 5194 of 20 21

Ali Rahman

Appellant/Petitioner

Versus

Through Chief Secy: KPST Pesh:

RESPONDENT(S)

Notice to Appellant/Petitioner

Fazal Karim

*Advocate High Court
Swat*

03429606030

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

27-7-2021 9:00 AM

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

at Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

TB

APPEAL No.....157/2021..... of 2021

Mi Rehman

Appellant/Petitioner

Versus

Through Chief Secy. Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Fazal Karim
Advocate Court High Court
Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 4/10/2021 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.~~

"A"

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

No.

T/B

APPEAL No. 5194 of 20 21

Mi Rehman

Appellant/Petitioner

Versus

Through chief Secy: KPST Pesh.

RESPONDENT(S)

Rehman

Notice to Appellant/Petitioner

Mi Rehman S/o Aizi ur

R/o Mahallah Nisar Khel

Saidu Sharif Tehsil Babozai
Distt. Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 9/10/2021 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.**

No. .

TB

Appeal No. 5194 of 2022

Ali Rahman Appellant/Petitioner

Versus

Engr. Chirag Saig. M. H. No. 8h Respondent

Respondent No. 5

Notice to: The Distt. Education Officer, Distt. 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 8-2-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Day of Jan 2022

~~At Court of Peshawar~~

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

7B

Appeal No. 5196 of 20 23

Abi Rahman Appellant/Petitioner

Versus

Govt. of KPK through Chief Secy, Pesh. Respondent

Respondent No. 7

Notice to: —

Govt. of KPK through Chief Secy:
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....8-2-2023.....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.....10th.....

Day of.....Mon.....2023

at Camp Court P. P. Road
ISSUE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar

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.

“JB”

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

No.

JB

Appeal No. 5194 of 2021.

Abi Robinson Appellant/Petitioner

Versus

through chief Secy: Mr. P. H. Pesh: Respondent

Respondent No. 2

Notice to:

the Secy: E.C. 2 Sec: Education Dept: of 18/01
Mr. P. H. Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8-2-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of Jan 2022

~~at Camp Court P. H. Pesh~~

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

TB

Appeal No. 5194 of 2021

Atiq Raiman Appellant/Petitioner

Versus

through Chief Secy. P.P.S. Pesh: Respondent

Respondent No. 3

Notice to: The Director, E.L. & Sec. Education Govt. of
1st Pk Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 5-1-22 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 10/11

Day of Jan 2022

at Camp Court A Road
21-1-22

M. Malik
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.

713

No.

Appeal No. 5194 of 20²¹

Mi Rehman Appellant/Petitioner

Versus

Incharge chief Secy. H.P.C Respondent

Respondent No. 4

Notice to: The Additional Director, Ed. & Sec. Education Govt of K.P.K. Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8-2-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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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 10/11 Day of Jan 20 22

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

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

"B"

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

No.

TB

Appeal No. 51.94 of 20 21

Ali Rahman Appellant/Petitioner

Versus

Through Chief Secy: Peshawar Respondent

Respondent No. 5

Notice to: — The Distt. Education Officer, Distt. 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 8-2-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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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 24/12

Day of Jan 20 22

نوٹ: یہ کیس سوائے اپنا ٹور میں نہیں ہے
 علی سے دیپٹ ایڈیشن

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

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

"B"

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

No.

TB

Appeal No. 5194 of 2022

Mi. Rahman Appellant/Petitioner

Versus

through Chief Secy: K.P.S.T. Respondent

Respondent No. 4

Notice to: —

The Additional Director, El: & Sec. Educ. Deptt: newly merged Dist. Areas K.P.S.T.

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 8-2-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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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 24/1/22

Day of Feb 2022

*نوٹ: یہ کیس سوار نہیں ہو رہا ہے اور اس میں فیلس ہے۔
مخلصی سے ایسٹ آباد میں تھا*

24/1/22
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. of 20 JB

5194 Appellant/Petitioner

Ali Rana Versus

Respondent:
through Chief Secy. Pesh.

Notice to: —

Director Ele. & Sec. Education Govt. of
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....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.....

Day of.....Presh. 20.....

Jaw: [Signature]
24/1/27

24/1/27

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

نوٹ: یہ کیس سوانہ کیس کو درج ذیل میں ختم کیا گیا ہے
3

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

"B"

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

No.

TB

Appeal No. 5194 of 2021.

Mi. Rahman Appellant/Petitioner

Versus

through Chief Secy. Pesh. Respondent

Respondent No. 2

Notice to: —

Secy. Education Etc. Govt. of
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8-2-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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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 24/12

Day of 24 Feb 2022

نوٹ: - یہ ایس سروس ٹریبونل میں فیصلہ
خلی سے ایبٹ آباد میں ہے

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.

713

Appeal No. 5794 of 20 21

Ali Rahman Appellant/Petitioner
Versus

Through Chief Secy. Pesh. Respondent
Respondent No. _____

Notice to: —

Genl. of P.P. Through Chief Secy. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8-2-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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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 24/12

Day of 20 22

نوٹ: یہ کیس سوانہ کیس ڈور میں نہیں ہے۔
اعلیٰ قیام سے ایبٹ آباد میں ہے۔

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.

24/12/01
Govt of Peshawar

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP COURT
SWAT

Service Appeal No. 5194/2021

Ali Rahman S/O Aziz Ur Rahman, R/O Mohallah Nasar Khail Saidu Sharif, Tehsil Babuzai, District Swat.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat at Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
3. Director Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
4. Additional Director, Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
5. District Education officer (Male) Swat.

..... Respondents

INDEX

S.No	Description of Documents	Annexures	Pages
1	Para-wise-comments	-	1-4
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3	Authority Letter	-	6


DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL
CAMP COURT SWAT.**

Service Appeal No. 5194/2021

Ali Rahman S/O Aziz Ur Rahman, R/O Mohallah Nasar Khail Saidu Sharif, Tehsil Babuzai, District Swat.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat at Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
3. Director Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
4. Additional Director, Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
5. District Education officer (Male) Swat.

..... Respondents

Parawise Comments on Behalf of the Respondents:

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. That the Appellant has filed this instant service appeal just to pressurize the respondents.
5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
6. That the instant service appeal is against the prevailing law and rules.
7. That the Appellant has filed this instant Service Appeal on malafide motives.
8. That the instant appeal is badly time barred.
9. That the Appellant has been appointed conditionally in compliance with the Honorable Peshawar High Court Mingora Bench/Dar Ul Qaza Swat judgment and under the provision of Sacked Employees Appointment Act, 2012 wherein it is clearly mentioned that the appointment of Sacked employees will be considered as fresh appointment and they shall not be entitled to claim any seniority, promotion or other back benefits.
10. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
11. That the Appellant has estopped by his own conduct.
12. That the Appellant has concealed the material facts from this Honorable Tribunal.

FACTS:

1. That the Para No.1 pertains to his personal information. Hence no comments.
2. That the Para No.2 pertains to record. Hence no comments.
3. That the Para No.3 is irrelevant. Hence no comments.
4. That the Para No.4 is incorrect and denied. The Appellant was terminated from service in accordance with the terms and conditions of the appointment order wherein it is clearly mentioned that his appointment is temporary and is liable to termination/reversion at any time without any reason being assigned. Moreover, the appointment order of the Appellant was irregular, ab-initio, void and against the prescribed rules. Therefore, the appointment was liable to termination and the Appellant was terminated from the service.
5. That the Para No.5 is correct to the extent of promulgation of the Sacked Employees (appointment) Act, 2012. However, it is worth to mention here that according to the section 2 (g) of the said Act, the Appellant did not come in the definition of Sacked employee as the Appellant was appointed on purely temporary basis and was liable to termination.
6. That the para No. 6 pertains to record. Hence no comments.
7. That the para No. 7 is correct to the extent of filing of Service Appeal No 1497. The rest of the para is incorrect and denied. This Honorable Tribunal has **not decided** his Service Appeal dated 12-07-2016 in his favor. In fact, this Honorable Tribunal sent his Appeal to the relevant authority/Department for decision. The Department constituted an enquiry committee. The committee concerned submitted enquiry report wherein it was recommended that the Appellant was appointed on 25-04-1995 and got PTC training on 2-08-1995 means at the time of appointment he was not having prescribed qualification. Therefore, he was not considered for appointment. **(Service Tribunal Judgment dated 12-07-2016 is already Annexed with the instant Service Appeal as Annexure D)**
8. That the Para No. 8 is correct.
9. That the Para No. 9 is incorrect and denied. The order annexed with the instant Service Appeal by the Appellant has not been issued under the provisions of the Sacked Employees Act, 2012. The two appointees (Mr. Muhammad Shereryar and Mr. Anwar Zeb) mentioned in the appointment order had filed service Appeals no. 532/2008 and 533/2008 before this honorable Tribunal in the year 2008. This Honorable Tribunal decided their services appeals vide order dated 04-01-2013 and accordingly they were appointed in pursuance to the order of this Honorable Tribunal dated 04-01-2013 vide DEO (M) Swat Office order Endst No.727-32 dated 05-07-2013 meaning there by that they had filed appeals well before the promulgation of the Sacked Employees Act, 2012. Therefore, the present appellant cannot claim same treatment.
10. That the Para No.10 is correct to the extent of appointment date of the Appellant. The rest of the para is incorrect and denied. The Appellant is

conditionally appointed with immediate effect into services under Khyber Pakhtunkhwa Sacked Employees (appointment) Act, 2012 and in compliance with the Honorable PHC Mingora Bench/Dar Ul Qaza Swat. According to section 5 of the said Act, "A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment." Hence, the Appellant is not entitled for seniority and back benefits. If the Appellant felt aggrieved of the Honorable Court judgment, he should have filed appeal in the proper forum against the said judgment. The Appellant accepted the appointment order as well as the judgment of the PHC Mingora Bench/Darul Qaza Swat. **(Sacked Employees Act, 2012 is already Annexed with the instant Service Appeal as Annexure C)**

11. That the Para No. 11 is the repetition of the above paras. Detail reply has been given in para No. 10 above.
12. That the para No. 12 is again the repetition of the para No. 10 above. Hence, no comments.
13. That the Para No. 13 is incorrect and denied. The Appellant has been appointed in compliance with the Honorable PHC Mingora Bench/Dar Ul Qaza Swat order dated 22-10-2019 in W.P No. 1001-M/2018 under the provisions of the Sacked Employees Act, 2012. The Appellant is not entitled for seniority before his appointment.
14. That the para No. 14 is irrelevant. Hence, no comments.
15. That the para No. 15 is correct to the extent of Writ Petition of the Appellant. The rest of the para is incorrect and denied. No discrimination whatsoever has been made with the Appellant. He has been conditionally appointed subject to the final judgment of the Honorable Apex Court in CPLA filed by the Department. As for as seniority of the Appellant is concerned, his name will be included in seniority list with effect from his appointment dated 15-02-2020.
16. That the para No. 16 is incorrect and denied. The Honorable PHC Mingora Bench/Dar Ul Qaza Swat clearly denied back benefits to the Appellant while determination of seniority has been kept on the disposal of the Department. Hence, accordingly he will be given seniority w.e.f his appointment dated 15-02-2020.

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

GROUNDS

- a) That the Para No. a is quiet astonishing and not clear about the regularization of the Appellant. Hence, denied
- b) That the Para No. b is again the repetition of the above paras. Hence, no comments.
- c) That the Para No. c is incorrect and denied. The Appellant has not served the Department. Therefore, he is not entitled to increments and seniority from his initial appointment. It is further stated that the

Honorable PHC Mingora Bench/Dar Ul Qaza Swat has also denied the claim of the Appellant regarding back benefits.

- d) That the Para No. d is legal hence no comments.
- e) That the para No. e pertains to record. Hence, no comments.
- f) That the para No. f is irrelevant. However, respondents also seek permission of this Honorable Tribunal to advance further grounds at the time of arguments.

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

ADDITIONAL DIRECTOR,
ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

DIRECTOR,
ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

(ON BEHALF OF RESPONDENTS No. 384)

SECRETARY,
ELEMENTARY AND SECONDARY
EDUCATION DEPTT PESHAWAR

(ON BEHALF OF RESPONDENTS NO. 182)



**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL CAMP
COURT SWAT**

Service Appeal No. 5194/2021
Ali Rahman S/O Aziz Ur Rahman, R/O Mohallah Nasar Khail Saidu Sharif, Tehsil
Babuzai, District Swat.

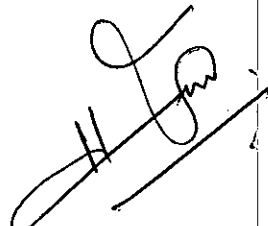
Versus

Provincial Govt. of Khyber Pakhtunkhwa & others

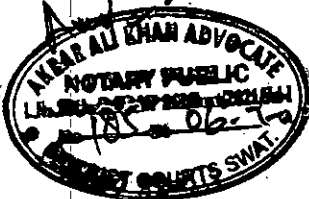
..... Respondents

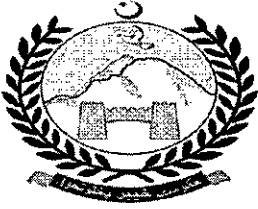
AFFIDAVIT

I, Hussain Ali, Legal Representative, do hereby solemnly affirm and declare on oath on the directions and on the behalf of the Respondents that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Court.



**HUSSAIN ALI LEGAL REPRESENTATIVE
O/O DEO (M) SWAT**

ATTESTED

AKBAR ALI KHAN ADVOCATE
NOTARY PUBLIC
DISTRICT COURTS SWAT



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT SWAT

Email: emisswat@gmail.com

Phone No. 09469240228

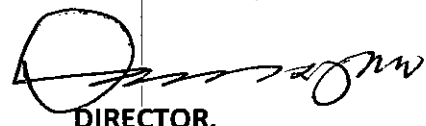
6

AUTHORITY LETTER

Mr. Hussain Ali Legal Representative, office of the undersigned is hereby authorized to submit comments in *Service Appeal No. 5194/2021* case titled *Ali Rahman Vs Govt of KPK and others* and attend Khyber Pakhtunkhwa Service Tribunal Camp Court Swat on behalf of respondents.


DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA


ADDITIONAL DIRECTOR,
ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA


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ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA

(ON BEHALF OF RESPONDENTS NO. 384)


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EDUCATION DEPTT PESHAWAR

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