

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

06.07.2022

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

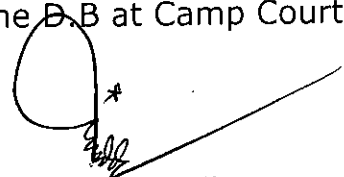
*due to summer vacation the case is adjourned to 7-9-22 for the same.*




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

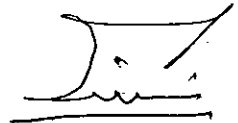


(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat

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

7<sup>th</sup> 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.

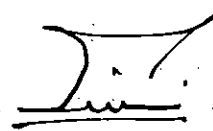
  
Reader

05.04.2022

Nemo for the appellant. Mr. Riaz Ahmed Paindakhel, 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

15/12/21




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

Form- A

## FORM OF ORDER SHEET

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

Case No. 5193/2021

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. Irshad Ahmad 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> 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> 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> Chairman</p>

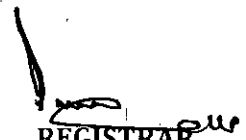
The service appeal of Irshad Ahmad s/o Bacha Khan received today i.e. on 20-05-2021 is incomplete on the following scores which is returned to the appellant for completion and resubmission with 15 days.

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. 828 /S.T.

Dt. 20/05 /2021.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Fazal Karim Adv.  
Swat

*R*esubmitted after completion.



20/5/21

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2021

Irshad Ahmad.

...

...

(Appellant)

**VERSUS**

1. The Secretary Education and others.

... (Respondents).

**INDEX OF APPEAL.**

Sr. No.	Description of documents	Annexure	Pages.
1.	Grounds of appeal		01 - 06
2.	Affidavit & Addresses of parties.		07 - 10
3.	Appointment letter	"A"	11
4.	Termination letter	"B"	12
5.	Sacked Employees Act	"C"	13 - 16
6.	Order dated 12.07.2016	"D"	17 - 19
7.	Appointment order of reinstatement	"E"	20 - 21
8.	Appointment letter of applicant	"F"	22 - 23
9.	Application to DEO	"G"	24 - 25
10.	Departmental appeal	"H"	26 - 28
11.	W.P No. 1001-M/2018	"I"	29 - 34
12.	Wakalatnama		35



APPELLANT.



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

(In Appellate Jurisdiction)

Service Appeal No. \_\_\_\_\_ of 2021

Irshad Ahmad

.....Appellant

**VERSUS**

The Secretary Education & others

.....Respondents

**INDEX**

S.NO	DESCRIPTION	ANNEXURE	PAGES
1	Grounds of Appeal	-	1-6
2	Affidavit & memo of addresses of parties	-	7-10
3	Appointment letter	A	11
4	Termination letter	B	12
5	Sacked Employees Act	C	13-16
6	Order Dated 12/7/2016	D	17-19
7	Appointment order of re-employment	E	20-21
8	Appointment letter of Applicant	F	22-23
9	Application to DEO	G	24-25
10	Departmental Appeal	H	26-28
11	WP No. 1001	I	29-34
12		--	
14		--	
15	Wakalatnama	--	35

Appellant through counsel,

  
**FAZAL KARIM,**  
Advocate, High Court

Office: 2<sup>nd</sup> Floor, Continental Plaza, Makanbagh, Mingora District Swat.  
Cell #: 0342-960-6030

①

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

Khyber Pakhtunkhwa  
Service Tribunal

(In Appellate Jurisdiction)

Diary No. 5255

Service Appeal No. 5193 of 2021

Dated 20/5/2021

Irshad Ahmad son of Bacha Khan R/o Bunr, Mingora, 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 30-04-1995 WITH ALL BACK**  
**BENEFITS AND FURTHER PRAYED THAT APPELLANT**  
**BE TREATED LIKE OTHER COLLEAQUES AS PER**  
**RULES OF CONSISTENCY AND MAY NOT BE**  
**DISCRIMINATED.**

Filed to-day  
Registrar  
20/5/2021

Re-submitted to-day  
and filed.  
Registrar  
20/5/2021

2

**PRAYER:**

**ON THE ACCEPTANCE OF INSTANT SERVICE APPEAL, BY DECLARING THE SENIORITY OF THE APPELLANT BE RECKONED FROM TIME TO TIME OF INITIAL APPOINTMENT I.E 30-04-1995 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 Bunnr, Mingora, Tehsil Babozai, District Swat.*
- 2) That the appellant was appointed to the post of PTC vide appointment order bearing 1885-87 Dated 30-04-1995, The appellant was appointed on post of PTC vide ibid order on 30-04-1995 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").*

2

- 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 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*

(W)

*seniority of the appellant but the Respondent No. 5 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)*

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

5

*made illegality and irregularity. (Peshawar High Court Order Dated:22/10/2019 is annexed I)*

**GROUNDS:**

- a) That after regularization the appellant entitled for benefit of pay protection and seniority from the date of initial 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 reckoned from date of initial appointment i.e 30-04-1995 with all back

7

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

*(In Appellate Jurisdiction)*

Service Appeal No. \_\_\_\_\_ of 2021

Irshad Ahmad

.....Appellant

**VERSUS**

The Secretary Education & others

.....Respondents

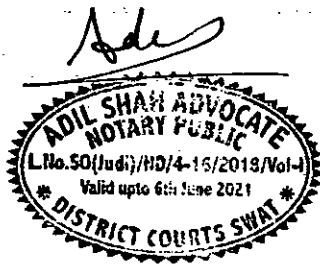
**AFFIDAVIT**

I, Irshad Ahmad son of Bacha Khan Resident of Bunr, Mingora, Tehsil Babozai bearing CNIC No. 15602-3751154-5, 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.

Deponent,

**Irshad Ahmad  
Appellant**

NO: 115  
19/5/2021



**Identified by:**

Fazal Karim, Advocate High Court

8

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

*(In Appellate Jurisdiction)*

Service Appeal No. \_\_\_\_\_ of 2021

Irshad Ahmad

.....Appellant

**VERSUS**

The Secretary Education & others.....Respondents

**MEMO OF CORRECT ADDRESSES OF THE APPELLANT**

**Correct addresses of the appellant is as under:**

Irshad Ahmad son of Bacha Khan R/o Bunn, Mingora, Tehsil  
Babozai District Swat

CNIC #: 15602-3751154-5

Cell No. 0346 9554142

.....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*



9

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

*(In Appellate Jurisdiction)*

Service Appeal No. \_\_\_\_\_ of 2021

Irshad Ahmad

.....Appellant

**VERSUS**

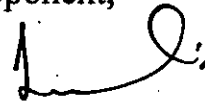
The Secretary Education & others

.....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: 116  
19/5/2021



10

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

*(In Appellate Jurisdiction)*

Service Appeal No. \_\_\_\_\_ of 2021

Irshad Ahmad.....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**

OFFICE ORDER.

~~Annex - Appointment order~~  
S/No 2

Consequent upon the appointment of all trained PTC on the merit list in PP-66/Swat-2 the appointment in r/o the following candid-  
ates are hereby ordered at the schools noted against each on PTC post  
in OPS-07 @ Rs. 1480-81-2695 per month fixed plus allowances with immed-  
iate effect in the interest of public service as per terms and condi-  
tions given below:-

S/No.	Name, F. Name & Qualif;	Residence.	N/A School where appointed.	Remarks
1.	Akbar Hussain s/o Jan Alwan, Matric.	Awan Kot.	GPS; Chohna.	V/Post
2.	Taqhad Ahmad s/o Bedohau Khan,	Gunn Mingora	GMPS; Shair Khan (Marghuzar)	-do-
3.	Shur Shah s/o Mashid Roon Mian, Matric.	Awan Kot.	GMPS; Mirata.	-do-
4.	Ubidullah s/o Fazal Haq, Matric.	Ashari	GPS; Shinkay.	-do-

TERMS AND CONDITIONS.

- The appointment is temporary and is liable to termination/Reve-  
nation at any time without any reasons being assigned.
- In case of resignation he will to submit one month prior notice  
to the department forfeit one month pay in lieu thereof to the  
govt;
- He should not be allowed to takeover charge if their ages are  
less than 18 years or above 30 years.
- He is required to produce Health & ages certificates from the  
Medical Supdt; (Saidu group of Hospital, Saidu Sharif).
- They should take over the charge of their post within the spec-  
ified period but not later than 30 days.
- Charge report should be submitted to all concerned.
- Certificates should be checked before handing over charge.
- The academic certificate/Degree of all the candidates should be  
got verified from the respective examination Board and U/SICG,  
within 15 days.
- The SDEO concerned is directed to adjust them in other schools  
if the post against which they are posted are not vacant.

Sd/-  
(PAZLI WAHEEM KHAN),  
DISTRICT EDUCATION OFFICER,  
(M) PRIMARY DISTRICT SWAT.

Order No. 1885-87 /E-2/T & A Dated. 30-04-1995.

Copy of the above is forwarded for information & n/a to:-

- The Director Primary Education, N.S.P.P, Faisalabad.
- The District Accounts Officer, Swat.
- The SDEO (M) Saidu Sharif, Swat.
- The candidates concerned.

LECTURER  
Department Engg.  
University of Malakwal

S. E. T.  
Govt. Centennial  
Model High School,  
Mehrauli Swat

DISTRICT EDUCATION OFFICER,  
(M) PRIMARY DISTRICT SWAT.

AT (TED)

B. Amir (11)

Better copy

**OFFICE ORDER**

On perusal of the relevant record, the appointment of the following persons has been found illegal ab-initio void and against described rule. Their services are therefore thereby dispensed with, immediate effect

Name	F/Name	Designation	Name of place
NAZIR AHMAD	GUL ZADA	PTC/BPS-7	GPS
HAMID JAN	GUL MUHAMMAD	PTC/BPS-7	GPS
IRSHAD AHMAD	BACHA KHAN	PTC/BPS-7	GPS
IHSANULLAH	KHURSHID ROOM,	PTC/BPS-7	GPS
UMAR HAYAT	MUHAMMAD	PTC/BPS-7	GPHS SHAHDABA
ZIAUR REHMAN	KHALID UR REHMAN	PTC/BPS-7	GPS KACHAPOT
ZIA ULLAH	FAZAL RAHMAN	PTC/BPS-7	GPS CHAIL
INAYAT UR REHMAN	FAZAL KARIM	PTC/BPS-7	GPS FAZAL ABAD
USMAN ALI SHAH	BAHADAR DIN	PTC/BPS-7	GPS SHAGA JAMO
BAKHT BAIDAR	GHULAM	PTC/BPS-7	GPS
ALI MUHAMMAD	RASOOL AHMAD	PTC/BPS-7	GPS
MOHD. SHARIYAR	MUHD. SHALYAR	PTC/BPS-7	GPS
AFTAB ALI	AFARIN KHAN	PTC/BPS-7	GPS
AFZAL KHAN	KIWAS HAIDER	PTC/BPS-7	GPS GIRA
MUHD. IQBAL	MUHD. YOUSAF	PTC/BPS-7	GPS SEGRAM
MUHD. RAHIM	IBRAHIM	PTC/BPS-7	GPS SHALAKYAR
JAVID IQBAL	KHADIM ULLAH	PTC/BPS-7	GHPS TANGAI
FARMAN ALI	MUHD. SAEED	PTC/BPS-7	GPS MALOO
MUHIBULLAH	KHADIMULLAH	PTC/BPS-7	GPS KUNDA
AMIR ZAMAN	MUHD. KHAN	PTC/BPS-7	GMPS DUSHA
AZIZ UR REHMAN	MUHD. TAHIR	PTC/BPS-7	GPS BIJAWRA
MIAN SAID ALI	MIAN GUL BUHAR	PTC/BPS-7	GPS DARMAI
MIAN AKHTAR ZEB	MIAN GUL	PTC/BPS-7	GPS AZAD BANDA
AQIL ZADA	MUHABIT KHAN	PTC/BPS-7	GPS AZAD BANDA
RASHID AHMAD	MOHD. RAHMAN	PTC/BPS-7	GPS ASHARAY BALA
RIFAYATULLAH	HIDAYAT UR REHMAN	PTC/BPS-7	GPS JANA
SHER BAHADAR	SALIMULLAH KHAN	PTC/BPS-7	GPS ZAWRA
AHMAD ZEE	AURANGZEB	PTC/BPS-7	GPS BAKAR
MALIK JAN	MULA JAN	PTC/BPS-7	GPS JAGRAK
MUHD. AYUB	ABDULLAH	PTC/BPS-7	GPS
FAZAL HAKAN	ZARMOSH HAN	PTC/BPS-7	GPS GAT
LIAQAT ALI	ZARFAROSH	PTC/BPS-7	GPS BARYA
INAYAT UR REHMAN	ABDUL KARIM	PTC/BPS-7	GMPS SARBIA
SABOOR KHAN	BILADAR	PTC/BPS-7	GMPS
ZUBAIR SHAH	MUHD. JALAL	PTC/BPS-7	GMPS ILMAGAI
ATAULLAH	ALI MUHD.	PTC/BPS-7	GMPS SOR BANR
ROSHAN	MUHD. ARIF	PTC/BPS-7	GPS
MUHD. AFZAL	KHAWAS FAQIR	PTC/BPS-7	GPS
AKBAR SHAH	TABOON MIAN	PTC/BPS-7	GPS SHANGLA
		PTC/BPS-7	GPS OTLAI

Tc  
/

Sd/-

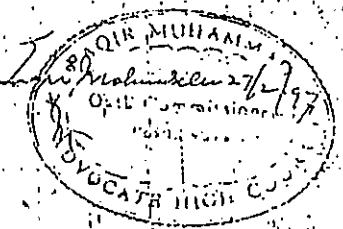
OFFICE ORDER

On perusal of the relevant record, the appointment of the persons has been found illegal, null and void against the prescribed rules. Their services are therefore hereby dispensed with with immediate effect.

NAME	F/NAME	DESIGNATION	NAME OF SCHOOL
MAZIP AHMAD	GUL ZADA	PTC/BPS-7	GPS WAMALAL BANDA
HANID JAN	GUL MOHAMMAD	PTC/BPS-7	GPS SARRAY
USHAD AHMAD	BACHAKI	PTC/BPS-7	GPS SHERKAT
MUSANULLAH	KHURSHAH ROOH	PTC/BPS-7	GPS SHANDARA
IMAN HAYAT	MOHMOOD	PTC/BPS-7	GPS KACHAOT
ZAUUR RAHMAN	KHALI QURAN	PTC/BPS-7	GPS CHALL ABKAR
ZULFIKAR KHAN	FAZAL RAHMAN	PTC/BPS-7	GPS FAZAL AHAD BAND
MAYATUR RAHMAN	FAZAL KARIM	PTC/BPS-7	GPS SHABA JARD
USMAN ALI SHAH	BAHRUD DIN	PTC/BPS-7	GPS KULAPATAY
BAKIT RAIDARI	GHULAM	PTC/BPS-7	GPS SAMSERAY
ALI MOHAMMAD	RASOOL AHMAD	PTC/BPS-7	GPS SHINKAY
MOHD SHAKYAR	MOHD SHAKYAR	PTC/BPS-7	GPS SAHADAR BANDA - 116-66
AFTAB ALI	KINWASE	PTC/BPS-7	GPS MALO
FAZAL KHAN	MOHD YOUSAF	PTC/BPS-7	GPS BIRAY EAD
MOHD IQBAL	IBRAHIM	PTC/BPS-7	GPS DEGRAM
MOHD RAHIM	KHAID MULLAI	PTC/BPS-7	GPS SHALAKYAR
DAVID IQBAL	MOHD ZEED	PTC/BPS-7	GPS TANGAL
FAKMAN ALI	KHAID MULLAI	PTC/BPS-7	GPS MALOCH
MUHTIBULLAH	MOHD KHAN	PTC/BPS-7	GPS KUNDA
AMIR ZAMAN	MOHD FARIQ	PTC/BPS-7	GPS DUSHAI
AZIZUR RAHMAN	MIAN GUL BUHAR	PTC/BPS-7	GPS BIJAWNA -
MIAN SAID ALI	MIAN GUL	PTC/BPS-7	GPS DARMAI - 116-93-0943
MIAN AKIFAR ZEB	MUHAMMAD KHAN	PTC/BPS-7	GPS AZAD BANDA - 116-73-147064
AGIL ZADA	MOHD RAHMAN	PTC/BPS-7	GPS AZAD BANDA - 116-70-257670
RASHID AHMAD	HIDAYATUR RAHMAN	PTC/BPS-7	GPS ASHARAY BALASOOR - 116-88-13361
SIFAYATULAH	SALIMULLAH KHAN	PTC/BPS-7	GPS JANA - 506-66-178214
SHER BAHADAR	AURANG ZEB	PTC/BPS-7	GPS ZAWRA - 116-88-034828
AHMAD ZEB	MULA JAN	PTC/BPS-7	GPS BAKAR - 116-87-096113
MALIK JAN	ABDULLAH	PTC/BPS-7	GPS JAGRAM - 116-91-078436
MOHD AYUB	ZARFAROSH KHAN	PTC/BPS-7	GPS JISAR
FAZAL HANAN	ABDUL KARIM	PTC/BPS-7	GPS GAT BOLA
LIQAT ALI	MOHD JALAL	PTC/BPS-7	GPS DARVAAY BANDA
MAYATUR RAHMAN	ALI MOHD	PTC/BPS-7	GPS SARRAY
SABDOR KHAN	MOHD AKIF	PTC/BPS-7	GPS ILMAAL
ZUBAIR SHAH	SHAWAST FAKIR	PTC/BPS-7	GPS SON BARR
ATAULLAH	TACCOON MIAN	PTC/BPS-7	GPS SHE
MOHD AFZAL			GPS KAN
AKBAR SHAH			GPS SHAMLA
			GPS OTLA

Accepted  
S. E. T.  
Govt. Centennial  
Model High School.  
Waddia Sharif Swat

Photocopy attested  
ATTESTED



(12) 3 And C  
Annex 47  
a

**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 20<sup>th</sup> 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 1<sup>st</sup> day of November 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1<sup>st</sup> day of November 1996 to 31<sup>st</sup> 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 1<sup>st</sup> day of November, 1993 to 30<sup>th</sup> 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,-

etc  
h

*[Signature]*

**ATTESTED**

14


- (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 1<sup>st</sup> day of November 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1<sup>st</sup> day of November 1996 to 31<sup>st</sup> 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  


**ATTESTED**

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  
h

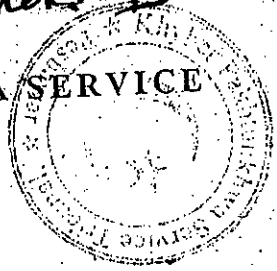
ATTESTED



17

Annex-D

BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 1583 /2013

Ex- PTC/PST Irshad Ahmad S/o Badshah Khan, Bunn Minguara 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.

Handwritten notes and stamps including '1583' and '5/11/13'.

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 (185, 2002 SCMR 71, 1999 SCMR 336, 2009 SCMR 01 as well as on merits.

Handwritten notes: '5/11/13' and other illegible scribbles.

Respectfully Sheweth,

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

re-submitted to and filed.

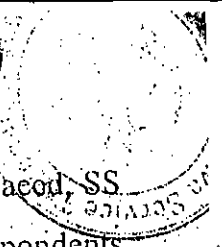
1. That appellant was appointed as PTC on regular basis vide Order dated 30-04-1995 and posted at GPS, Sher Khani (Marghuzar), Swat. Appellant assumed the charge

Handwritten signature and stamp 'ATTACHED'.

Handwritten signature and stamp 'ATTACHED'.

A. No. 1583/2013

Irfan Ahmad vs Govt (18)



07/2016

Counsel for the appellant and Mr. Muhammad Saad, SS  
alongwith Mr. Muhammad Zubair, Sr.GP for the respondents  
present. Arguments heard and record perused.

Vide our detailed judgment of to-day in connected Service  
Appeal No. 1497/2013, titled "Ali Rehman Versus EDO (E&SE)  
District Swat and another". This appeal is also disposed of as per  
detailed judgment. Parties are left to bear their own costs. File be  
consigned to the record room.

Announced

12<sup>th</sup> 07. 2016 Self-  
Member

Self-  
Chairman  
Camp Court  
Swat

17-07-2016

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8-  
10-000

19-07-2016  
19-07-2016

ATTACHED

A. No. 1583/2013

Ishward Ahmad vs Govt (19)



07.2016

Counsel for the appellant and Mr. Muhammad Saood, SS along with Mr. Muhammad Zubair, Sr.GP for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of to-day in connected Service Appeal No. 1497/2013, titled "Ali Rehman Versus EDO (E&SE) District Swat and another". This appeal is also disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

Announced

12<sup>th</sup> 07. 2016 self Member

self Chairman  
Cmp Court  
Swat

17-07-2016

6800  
2-2  
8-2

19-07-2016  
19-07-2016

RECORDED



(28) **Annex - E** N<sup>o</sup> 13  
2

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

**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 20<sup>th</sup> 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 form 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



*[Signature]*  
To be true copy  
Advocate

ATTESTED



22

Annex P<sub>5</sub>

	<p><b>OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) AT GULKADA DISTRICT SWAT</b></p> <p>Phone/Fax No. 09469240228/09469240209</p>	
---	---	---

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	Bacha Khan	10.10.1973	Banr Mingora	GPS Mingora No. 7

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 with in 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



22

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT

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.**

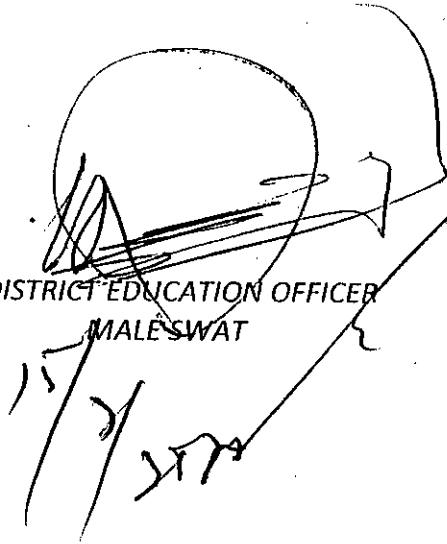
7615-17  
Endst:NO. \_\_\_\_\_

(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

APPROVED





25

(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



عریضہ

ارشاد احمد / سائل

موبائل نمبر 03469554142

ATTESTED

BEFORE THE DIRECTOR ELEMNTARY AND  
SECONDARY EDUCATION KHYBER PAKHTUNKHWA  
AT PESHAWAR

Departmental Appeal No. \_\_\_\_\_/2021

Irshad Ahmad son of Bacha Khan R/o Bunnr, Mingora, 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 30-04-1995.  
(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.

ATTACHED

- 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 Peshawar 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. (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.

ATTACHED

(28)

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



**IRSHAD AHMAD**

**CELL NO: 03469554142**

**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



**IRSHAD AHMAD**


Dated: 18/02/2021

**ATTESTED**



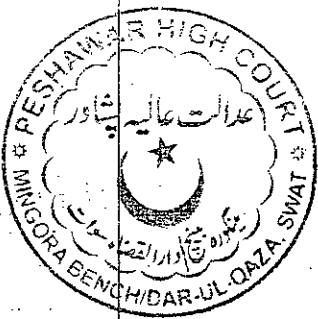
PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Annex 

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>SCANNED</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><b>Present:</b> <i>Mr. Arshad Khan, Advocate for the petitioners.</i></p> <p><i>Mr. Wilayat Ali Khan, A.A.G for the respondents.</i></p> <p>*****</p> <p><b>WIQAR AHMAD, J.-</b> 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"> <li><i>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;</i></li> <li><i>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;</i></li> <li><i>iii. Any other relief deemed appropriate in the circumstances of the case not specifically asked for, may also be granted to the petitioners.”</i></li> </ol>

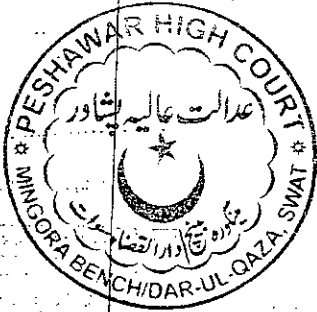
Abdul Sabooh

(D.B)

HON'BLE MR. JUSTICE IVED 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.

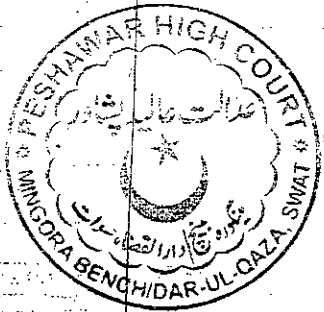
Abdul Saboon\*

(D.B)

HON'BLE MR. JUSTICE IYED ARSHAD 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.



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.

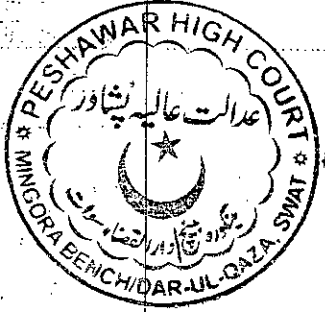
Abdul Saboon\*

(D.B)

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

**ATTESTED**

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

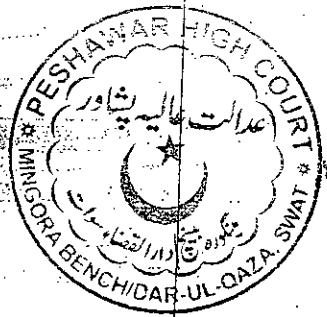
ATTESTED

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

ATTESTED



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



*[Handwritten signature]*

**ATTESTED**

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

Abdell Sahneh

(D.8)

HON'BLE MR. JUSTICE SYED ARIF AHAD ALI  
HON'BLE MR. JUSTICE WIQAR AHMAD

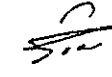
**ATTESTED**

36

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

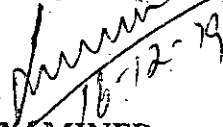
8. In light of what has been discussed above, the writ petition in hand is allowed as prayed for and respondents are directed to consider the petitioners for appointment under the Act but without grant of back benefits. The placement of petitioners in their seniority among the re-instated Sacked Employees 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**



EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat  
Authorized Under Article 47 of Cantonment Statute Order 1994



JUDGE

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

Office  
14/12/2019

ATTACHED

35

Before the Hon'ble Chairman Khyber Pakhtunkhwa Service Tribunal  
at Peshawar

## WAKALAT NAMA

Case No. \_\_\_\_\_ of \_\_\_\_\_:

Titled:

Irshad Ahmad

VERSUS

Secretary Education etc


I/we, Irshad Ahmad

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/decreed 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 20/5/2021.

  
Signature of Executant(s) Irshad Ahmad

ATTESTED & ACCEPTED BY:



FAZAL KARIM  
Advocate, High Court

**"A"**

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

No.

APPEAL No..... 5193 ..... of 20 <sup>21</sup>

Irshad Ahmad

Appellant/Petitioner

- Versus

Through Chief Secy: KPSC Pesh.

RESPONDENT(S)

Counsel

Notice to Appellant/Petitioner.....

Fazul Karim

Advocate High Court

office 2nd Continental Pota Plaza Makumbagh

Mingora Dist: Swat

0342-9606030

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 .....

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

at Peshawar

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

**"A"**

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

No.

APPEAL No. 5193 of 20 21

*Irshad Ahmad*

Appellant/Petitioner

Versus

*Through Chief Secy: IAPK Pesh,*

RESPONDENT(S)

*Irshad Ahmad S/o Bach*

Notice to Appellant/Petitioner

*R/O Bury, Mingora 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 27-7-2021 at 11:00 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*

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

**"A"**

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

*TIB*

No.

APPEAL No. 5193 of 2021

*125 had Ahmad*

Appellant/Petitioner

Versus

*through Chief Secy: up to Pesh:*

RESPONDENT(S)

*Counsel*  
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 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*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"A"**

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

No.

TB

APPEAL No. 5193 of 20 21.

Ishad Ahmad

Appellant/Petitioner

Versus

Through chief Secy. upr Pesh.

RESPONDENT(S)

✓  
Notice to Appellant/Petitioner

Ishad Ahmad S/o  
Bacha Khan R/O Buner  
Mingara Tehsil Batozai  
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

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

**“B”**

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

TB

No.

*Regd*

Appeal No. 5193 of 2011

Ishad Ahmad Appellant/Petitioner

Versus

through Chief Secy. H.P.C. Pesh. 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 8-2-2012 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 17/11

Day of Dec 2011

*at Camp Court Swat*

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

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



**"B"**

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

No. 7B  
Appeal No. 5193 of 20 21

istad ad Appellant/Petitioner  
Versus  
through Chief Secy: KPtC Pesh: Respondent  
Respondent No. 2

Notice to: the Secy: E&E Sec: Education Deptt:  
Govt: of KPtC 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 8-2-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 17th

Day of.....20

at Comp Court Swat

R  
23/12/21

[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. 5193 of 2022

17 Shah Ahmad Appellant/Petitioner

Versus

Through Chief Secy: KPK Pesh. Respondent

Respondent No. 7

Notice to:

Chief Secy: 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 8-2-2022 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 7th

Day of Dec 2022

at Camp Court Swat

ISSUE BRANCH  
CHIEF CLERK  
GOVERNMENT  
KHYBER PAKHTUNKHWA

[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.

TB

No.

Appeal No. 5193 of 20 21

12 Ghad Road Appellant/Petitioner

Versus

Through Chief Secy. Pesh. Respondent

Respondent No. 3

Notice to: —

The Director Educ Sec: Education  
Dep H: Govt: of KP 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 17/12

Day of Dec: 20 21

at Camp Court Seat  
[Signature]  
29-12-21

[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. 5793 of 20 21

to Shad Ahmad Appellant/Petitioner

Versus

Through Chief Secy. to Govt. Pesh. Respondent

Respondent No. 1

Notice to:

The Additional Director Ele. & Sec. Education Govt. of KPK 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 8-2-22 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 17th

Day of Dec 20 21

at Camp Court Swat  
[Signature]  
29/12/21

[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 Swat

Appeal No. 5193, 5194 ..... of 2021

Ali Rehman, Ishaq Ahmad Appellant/Petitioner

Versus

Through Chief Secy. Peshawar Respondent

Respondent No. 2

Notice to: Secretary (ESSE) Peshawar No. \_\_\_\_\_

Dated \_\_\_/\_\_\_/\_\_\_

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 11.5.22 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.

For Reply ✓

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 13

Day of 4 2022

at court

Swat

[Signature]

Registrar,

Khyber Pakhtunkhwa Service Tribunal, Peshawar.

along with another connected appeal is also attached.

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. *TB Swat*

No.

*5193, 5194* *21*  
Appeal No. of 20

*Ali Rehman, Irshad Ahmad.*  
Appellant/Petitioner

*Through Chief Secy: Pesh*  
Respondent

Respondent No.

Notice to:

*Govt of KPK Through Chief Secretary  
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 *11-5-22* 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.

*For Reply*

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 *13*.....

Day of *4* *22* *20*.....

*at camp court*

*Swat*

*[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.

*along with another connected  
appeal is also attached.*

1501 BRANCH  
*[Signature]*  
*11/5/22*

“B”

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

TR Swat

No.

Appeal No. 5193, 5194 of 2021

Ali Rehman, Iqbal Ahmad Appellant/Petitioner

Versus

Through Chief Secy. Pesh Respondent

Respondent No. 4

Notice to:

Additional Director (E & SE)  
Deptt for Newly Merged District 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 11-5-2022 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.

For Reply

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 13

Day of ..... 6/2022

at camp court

Swat

(along with another connected appeal is also attached.)

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. *TB Swat*

No.

Appeal No. *51935194* of 20 *21*

*Ali Rehman, Irshad Ahmad*  
Appellant/Petitioner

*Through Chief Secy: Pesh*  
Respondent

Respondent No. *3*

Notice to: *Director (ESSE) Peshawar*



WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration 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 *11-5-2022* 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.

*For Reply*

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 *13*

Day of..... *4.20 22*

*at Camp Court Swat*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

*along with another connected*

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.

*appeal is also attached.*



**"B"**

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

No.

TB Swat

Appeal No. 5193, 5194 of 20 21

Ishad Ahmad Ali Rehman Appellant/Petitioner  
Versus

Trust Chief Sarg Respondent  
Respondent No. 2

SECRETARY DIARY

Notice to: —

Secretary (ESSF) Peshawar

*[Signature]*  
gots

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

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

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

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

at camp court Swat  
along with another  
connected appeal is  
also attached.

*[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.

*[Handwritten signature]*

**"B"**

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

*TB Swat*

No.

Appeal No. 5193, 5194 of 20  
18 Shad Ahmad Ali Rehman  
Appellant/Petitioner

Through chief <sup>Versus</sup> Secy Respondent

Respondent No. \_\_\_\_\_  
Govt of KPK through Chief Secretary  
Peshawar

Notice to: \_\_\_\_\_

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 7-6-22 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 20

Day of 5/20/22

*At camp Court*

*Swat*

*[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.

*[Handwritten signature]*

**"B"**

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

No.

Appeal No. *5193, 5194* of 20 *21*

*Irshad Ahmad Al Rehman* Appellant/Petitioner

*Chief Secy* Respondent

Respondent No. *3*

Notice to: *Director (F&SE) Pesh*

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 *7-5-2022* 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.....

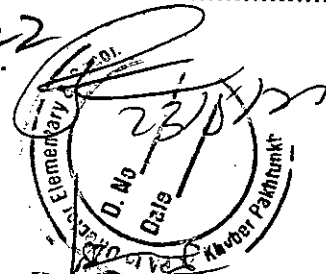
Given under my hand and the seal of this Court, at Peshawar this *20*

Day of.....*5* 20 *22*

*at camp court Swat*

*along with another connected appeal is also attached.*

*[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.

TR Swat

Appeal No. 5193, 5194 ..... of 2021

Irshad Ahmad Ali Rehman Appellant/Petitioner  
Versus

Timour Ali Jang Respondent

Respondent No. 4

Notice to:

- Additional Director (ESSE)  
Newly Merged Distt areas Pesh.

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 27/6/22 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.

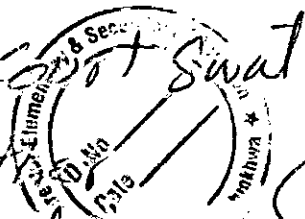
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition 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 20

Day of 5 2022

at camp court Swat  
along with another  
connected appeal is  
also attached.



Handwritten signature of the Registrar.

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.

Reply  
No.

TB Swat

Appeal No. 5193, 5194 of 20 21

Ali Rehman, Iqbal Ahmad / Petitioner  
Versus

Through Chief Secy. Peshawar / Respondent

Respondent No. 5

Notice to: — District 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 7-6-2022 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 13 Day of .....

at CAMP Court  
Swat

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Along with another connected

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.

Appeal is also attached)

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR. TB Swat

Regd  
No.

APPEAL No. 5193, 5194 of 20 21

Ali Rehman - Irshad Ahmad.

Appellant/Petitioner

Versus

through chief Secy: Pesh-

RESPONDENT(S)

Notice to Appellant/Petitioner

Ali Rehman s/o Aziz ur Rehman  
R/o Mohallah Masar Khel Sajdu 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 11-6-2022 at 8:00 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

along with another connected appeal is also attached.

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

"A"

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

*Recd*  
No.

*TB Swat*

APPEAL No. *5193, 5194* ..... of 202*2*.

*Ali Rehman, Irshad Ahmad.*

Appellant/Petitioner

Versus

*Through Chief Secy. Pesh*

RESPONDENT(S)

*counsel*  
Notice to Appellant/Petitioner *Fazal Karim*

*Advocate High Court  
Swat*

*0342 960 6030*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *7-6-2022* ..... at *8.00 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.

*along with another  
connected appeal  
is also attached.*

*at camp court*

*Swat*

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

Service Appeal No. 5193/2021

Irshad Ahmad S/O Bacha Khan, R/O Buner, Mingora, 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**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annexures</b>	<b>Pages</b>
1	Para-wise-comments	-	1-4
2	Affidavit	-	5
3	Authority Letter	-	6

  
**DISTRICT EDUCATION OFFICER (M)**  
**SWAT AT GULKADA**



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

Service Appeal No. 5193/2021

Irshad Ahmad S/O Bacha Khan, R/O Buner, Mingora, 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

(B)

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.

### **GROUND**

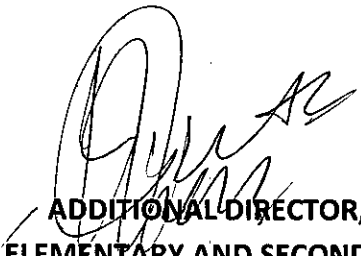
- a) That the Para No. a is quiet astonishing and not clear about the regularization of the Appellant. Hence, denied
- b) That the Para No. b is again the repetition of the above paras. Hence, no comments.
- c) That the Para No. c is incorrect and denied. The Appellant has not served the Department.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

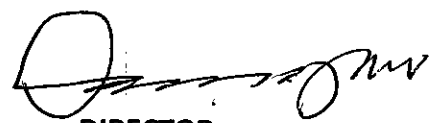
Honorable PHC Mingora Bench/Dar Ul Qaza Swat has also denied the claim of the Appellant regarding back benefits.

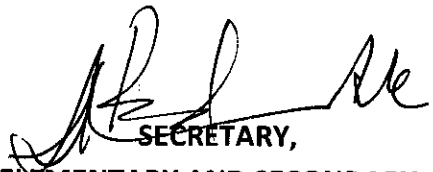
- d) That the Para No. d is legal hence no comments.
- e) That the para No. e pertains to record. Hence, no comments.
- f) That the para No. f is irrelevant. However, respondents also seek permission of this Honorable Tribunal to advance further grounds at the time of arguments.

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)



5

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

Service Appeal No. 5193/2021  
Irshad Ahmad S/O Bacha Khan, R/O Buner, Mingora, Tehsil Babuzai, District Swat.

.....Appellant

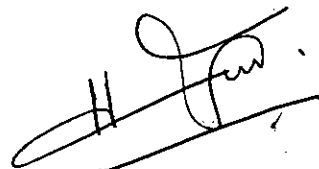
**Versus**

Provincial Govt. of Khyber Pakhtunkhwa & others

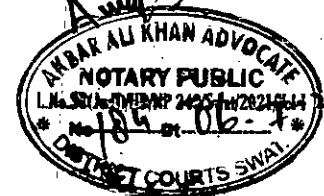
..... Respondents

**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**  
A. Malik  
  
ARBAK ALI KHAN ADVOCATE  
NOTARY PUBLIC  
L.M. SWAT DISTRICT 24051 INZ021414  
\* 184 of 06-1 \*



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
DISTRICT SWAT

Email: [emisswat@gmail.com](mailto:emisswat@gmail.com)

Phone No. 09469240228

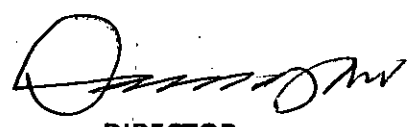
6


**AUTHORITY LETTER**

Mr. Hussain Ali Legal Representative, office of the undersigned is hereby authorized to submit comments in *Service Appeal No. 5193/2021* case titled *Irshad Ahmad 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

  
DIRECTOR,  
ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA  
(RESPONDENTS NO. 3-4)

  
SECRETARY,  
ELEMENTARY AND SECONDARY  
EDUCATION DEPTT PESHAWAR  
(ON BEHALF OF RESPONDENTS NO. 1-82)

