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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABA.

Service Appeal No. 14228/2020

BEFORE: **MR. KALIM ARSHAD KHAN** ... **CHAIRMAN**
 MISS. FAREEHA PAUL ... **MEMBER(E)**

Arshad Mehmood S/O Sher Afzal Khan, R/O Village Gugrat, P.O Havelian, Tehsil Havelian District Abbottabad.

... (*Appellant*)

Versus

1. **Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.**
2. **Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.**
3. **District Education Officer (Male), District Abbottabad.**

... (*Respondents*)

Mr. Muhammad Arshad Khan Tanoli
Advocate

...

For appellant

Mr. Naseer-ud-Din Shah
Asstt. Advocate General

...

For respondents

.....

Date of Institution.....20.07.2020
Date of Hearing..... 19.05.2022
Date of Decision..... 20.05.2022

JUDGEMENT

FAREEHA PAUL MEMBER (E) The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 03.01.2020 through which the appellant was removed from service.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as CT in the Elementary & Secondary Education Department



Khyber Pakhtunkhwa on temporary basis vide order dated 18.09.1995. Through a letter of the Principal Govt. High School No.1 Havelian dated 18.06.1997 it transpires that his services were terminated w.e.f 13.02.1997 and another teacher was appointed through transfer in his place. Later through a court order pay of the appellant was to be released till regularization of his services. The Government of Khyber Pakhtunkhwa promulgated Sacked Employees (Appointment) Act, 2012 for those whose services were terminated in the year 1997. Under the provisions of that Act the appellant filed application for CT, but his appointment order was not issued on the ground that he was not eligible being untrained. Aggrieved from that the appellant filed writ petition before High Court bench Abbottabad, which was accepted. The respondent filed CPLA against the judgement which was dismissed by the apex court. In pursuance of judgment of Peshawar High Court in writ petition No. 516-A/2013 announce on 24.5.2016 and recommendation of Departmental Selection Committee the appellant was appointed CT vide order dated 28.07.2017. Later on the District Education Officer Abbottabad withdrew the appointment order, vide order dated 18.08.2017 on the ground that in the light of para-7 of the judgement of Peshawar High Court the appellant failed to file his application within 30 days of the commencement of Sacked Employees (Appointment) Act 2012, that is 20.09.2012. The appellant impugned the order dated 03.01.2020 as against the law and prayed for setting it aside and restore the appointment order dated 28.07.2017.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the Assistant Advocate General and perused the case file with connected documents minutely and thoroughly.

4. The learned counsel for the appellant contended that the appellant has submitted his documents in the respondent department well within time, but the DEO, District Abbottabad without any showcause notice and fulfilling other codal formalities



withdrew the appointment order. The appellant filed service appeal No. 443/2018 before the Service Tribunal which was disposed off with the direction to conduct fresh inquiry against the appellant vide its judgment dated 18.09.2019 but the respondents removed him again from service vide order dated 03.01.2020.

5. The learned Additional Advocate General appraised the tribunal that the impugned notification dated 03.01.2020 was issued after completing all the codal formalities which included issuance of showcasue notice and opportunity of personal hearing also. He contended that the appellant did not file the application within a period of 30 days, a requirement under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012 and hence his application was rejected. He invited the attention to the judgment of Service Tribunal dated 18.9.2019, the operating part of which stated, *"As such, we partially accept both the appeals, set aside the impugned order dated 18.08.2017 regarding withdrawal of their appointment order with the direction to respondent department to issue showcause notices to the appellants that why their appointment orders be not withdrawn on such grounds and after replying the said showcause notices and providing opportunity of personal hearing, the respondent department shall pass order deem appropriate within 90 days after receipt of copy of this judgment. However, the reinstatement of the appellant and the issue of back benefits will be subject to the outcome of the decision of showcause notices"*. In the light of the above judgement showcause notice was issued to the appellant vide memo No. 11726 dated 31.10.2019 reply to which was received vide diary No. 9471 dated 18.11.2019. The appellant appeared for personal hearing on 10.12.2019 and on his request the hearing was rescheduled for 13.12.2019. He appeared in person on that date and failed to provide documentary proof regarding submission of his application in the light of the Section-7 of the Act.

6. After hearing both the learned counsel for the appellant and learned Assistant AG and going through record in the case file, it is evident that the appellant had to



submit his application within 30 days of the commencement of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012, which he failed to do and hence, the appeal in hand is not maintainable and therefore dismissed. Parties are left to bear their own costs. Consign.

7. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal this 20th day of May, 2022.*



(KALIM ARSHAD KHAN)
Chairman



(FAREEHA PAUL)
Member (E)

Service Appeal No. 14228/2020

Mr. Muhammad Arshad Khan Tanqli, Advocate for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing ⁰⁴~~03~~ pages, we have arrived at the conclusion that the appellant had to submit his application within 30 days of the commencement of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012, which he failed to do and hence, the appeal in hand is not maintainable and therefore dismissed. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal this 20th day of May, 2022.*



(KALIM ARSHAD KHAN)
Chairman



(FAREEHA PAUL)
Member (E)

17.03.2022


Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 19.05.2022

Reader

19.05 2022

Mr. Arshad Khan Tanoli, Advocate for the appellant present. Mr. Naseer Uddin Shah, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 20.05.2022 before D.B at camp court Abbottabad.


(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

12.07.2021

Due to COVID- 19, tour to Abbottabad has been cancelled, therefore, case to come up for the same as before on 12.10.2021.

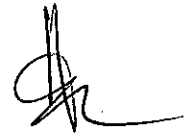


Reader

12.10.2021

Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Sohail Ahmad Zaib, Litigation Officer for the respondents present.

Written reply/comments of the respondents are still awaited. Learned AAG is required to ensure submission of written reply of respondents on the next date positively. In case they fail to submit reply on next date, their right for submission of reply/comments shall be deemed as struck off. Case to come up on 21.12.2021 before the S.B at camp court, Abbottabad.

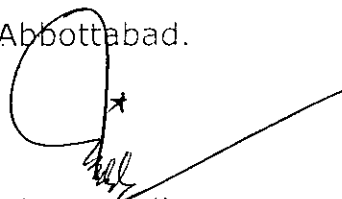


Chairman
Camp Court, A/Abad

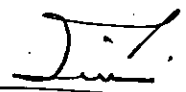
21.12.2021

Appellant in person present. Mr. Sohail Ahmed Zeb, Litigation Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Joint para-wise reply on behalf of respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 17.03.2022 before the D.B at Camp Court Abbottabad.



(Mian Muhammad)
Member (E)
Camp Court A/Abad



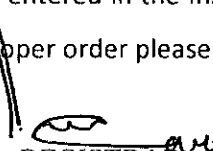

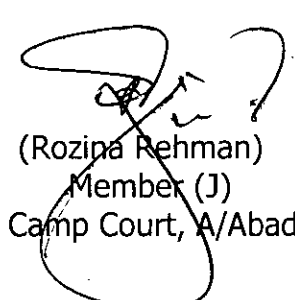
(Salah-ud-Din)
Member (J)
Camp Court A/Abad


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 14228 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/11/2020	<p>The appeal of Mr. Arshad Mehmood resubmitted today by post through Mr. Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p> <p>2-</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>16.03.2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>16.03.2021</p> <p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on <u>12/07/2021</u> before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

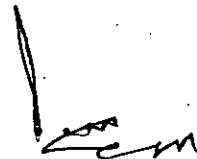
Appellant Deposited Security & Process Fee


The appeal of Arshad Mehmood r/o village Gujrat Havelian District A.Abad received today i.e. on 20.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures-A & B of the appeal are illegible which may be replaced by legible/better one.
- ② Copy of list showing the name of the appellant mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- ③ Copy of impugned order in respect of appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

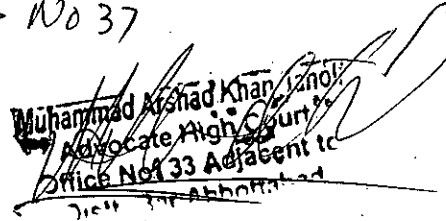
No. 1747 /S.T,

Dt. 20/7 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


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

- Sir
- 1- Legible copies are attached as desired
 2. List showing the name of the appellant has been attached
 3. Impugned order dt 3.1.2020 is attached at Page No 37


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
District Court Peshawar

Objection no. 2 & 3 are still stand.
The appeal is returned again to the
counsel for the appellant for complet
and resubmission within 15 day.

No. 2562 /S.T
dt. 02/09 /2020

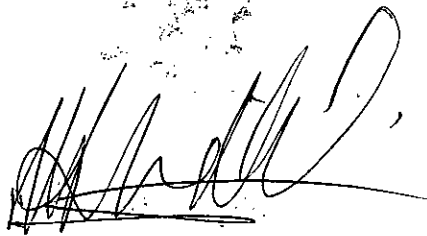

Registrar

(PTD)

Sir,

Please note that:-

1. Name of the appellant is mentioned at S No 2 of the list which is placed at Page No 30A and better copy is placed at Page No 30B to 30E.
2. Impugned order is placed on page No 37 case is resubmitted



Muhammad Arshad Khan Janoli
Advocate High Court
Office No 33 Adjacent to
Court No 77 Abbottabad

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

Service Appeal No. _____/2020

Arshad Mehmood son of Sher Afzal Khan, resident of Village Gujrat, P.O Havelian, Tehsil Havelian District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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5.	Copy of writ petition	20-27	"C"
6.	Copy of list showing name of the appellant	28-29	"D"
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8.	Copy of judgment dated 18/09/2019	31-36	"F"
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...APPELLANT

Dated: _____/2020

Through


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt. Bar Abbottabad

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

Service Appeal No. 14228 /2020

Arshad Mehmood son of Sher Afzal Khan, resident of Village Gujrat, P.O Havelian, Tehsil Havelian District Abbottabad.

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7476

Dated 20/7/2020

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer E&SE (Female) District ~~Manshera~~ Abbottabad

...RESPONDENTS

SERVICE APPEAL UNDER ARTICLE 4 OF KPK SERVICE TRIBUNAL ACT, 1974, FOR DECLARATION TO THE EFFECT THAT THE APPELLANT GOT APPOINTMENT IN RESPONDENTS' DEPARTMENT AS CT ON UNDER KPK SACKED EMPLOYEES (AMENDMENT) ACT, THE APPELLANT TOOK CHARGE OF THE POST IN C.T ON 28/07/2017. THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN WITHDRAWN

Filed to-day

Registrar

20/7/2020

Re-submitted to -day
and filed.

Registrar

13/11/2020

WITHOUT ANY SHOW CAUSE NOTICE AND OTHER CODEL FORMALITIES WHICH WAS PERVERSE, DISCRIMINATORY AGAINST THE LAW. THE APPELLANT FILED SERVICE APPEAL NO. 443/2018 WHICH WAS SENT TO THE DEPARTMENT FOR FURTHER INQUIRY. AS USUAL ON THE BASIS OF INQUIRY REPORT, THE APPELLANT HAS AGAIN BEEN REMOVED FROM SERVICES VIDE IMPUGNED ORDER DATED 03/01/2020 WHICH IS AGAINST THE LAW. ENTITLED TO SERVE IN RESPONDENTS' DEPARTMENT AS CT AS PER APPOINTMENT ORDER DATED 28/07/2017.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL REMOVAL FROM service ORDER DATED 03/01/2020 MAY GRACIOUSLY BE SET ASIDE AND RESPONDENT NO.3 MAY BE DIRECTED TO RESTORE APPOINTMENT ORDER DATED 28/07/2017 OF THE APPELLANT WITH ALL BACK BENEFITS.

Respectfully Sheweth:-

Brief facts of the case are as under:-

1. That the appellant was earlier appointed in respondents' department as CT on 28/07/2017 and was terminated from service in 1997-98. Copies of appointment and termination orders are attached as Annexure "A".
2. That the Govt. of KPK promulgated Sacked Employees (Appointment) Act, 2012 for those whose services were terminated in year 1997. Copy of KPK Sacked Employees (Appointment) Act, 2012 is annexed as Annexure "B".
3. That as per provision of the said Act, the appellant filed application for appointment as CT under the said Act. But appointment order of the appellant was not issued by the then DEO Abbottabad on the ground that the appellant was not eligible for appointment being untrained.

4. That the appellant filed writ petition before the Honourable High Court bench Abbottabad on the point that at the time of appointment, a policy was available for the appointment of CT whether they were trained or untrained. Hence, the writ petition was accepted by the Honourable Court. Copy of writ petition is annexed as Annexure "C".
5. That CPLA of the respondents against the said judgment dated 24/05/2016 has been dismissed by the Apex Court.
6. That the appellant submitted his documents in respondents department well within time. List showing name of the appellant is attached as Annexure "D".
7. That respondent No.3 without any notice, show cause notice and other codal formalities withdrawn appointment order of the appellant vide withdrawal order No. 18 dated 18/08/2017. Copy of withdrawal order is attached as Annexure "E".

8. That the appellant filed service appeal No. 443/2018 before this Honourable Tribunal which was disposed off with the direction to conduct fresh inquiry against the appellant. Copy of judgment dated 18/09/2019 of the appellant is attached as Annexure "F" but respondents again removed the appellant from service on 03/01/2020. Copy of removal from service of the appellant is attached as Annexure "G".

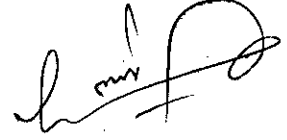
9. That feeling aggrieved, the appellant filed departmental appeal before the next higher authority on 20/01/2020. Copy of departmental appeal is attached as Annexure "G" but the reply is still awaited. Hence, the instant service appeal is filed inter-alia on the following grounds:-

GROUND:-

- a. That removed from service order dated 03/01/2020 without considering the record and reply of the appellant which is against the law, void and is liable to be set aside.

- b. That the inquiry was not conducted as per prescribed procedure and the impugned removal from service order dated 03/01/2020 is liable to be set aside. As per law, the record produced by the appellant has not been perused and no evidence has been recorded by the inquiry officer. The appellant applied for the post within a period of one month as per K.P sacked employee appointment Act, 2012.
- c. That service appeal is within the period of humiliation, because the appellant could not approach the tribunal due to the restriction/ lockdown of Covid-19.
- d. That no other efficacious, speedy and adequate remedy is available to the appellant except the service appeal before this Honourable Tribunal.
- e. That the other points shall be urged at the time of arguments.

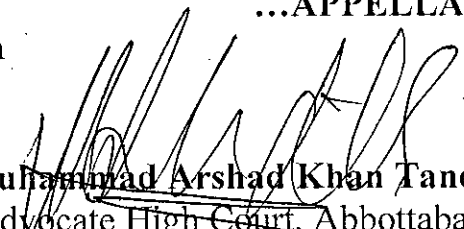
It is therefore, Humbly prayed that On acceptance of the instant service appeal removal from service order dated 03/01/2020 may graciously be set aside and respondent No. 3 may be directed to restore appointment order dated 28/07/2017 of the appellant with all service back benefits.



...APPELLANT

Dated: _____/2020

Through



(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
District Bar Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

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

Service Appeal No. _____/2020

Arshad Mehmood son of Sher Afzal Khan, resident of Village Gujrat, P.O Havelian, Tehsil Havelian District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Arshad Mehmood son of Sher Afzal Khan, resident of Village Gujrat, P.O Havelian, Tehsil Havelian District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

[Handwritten Signature]
DEPONENT
ATTESTED
Sardar Maqbool-ur-Rehman Advocate
Abbottabad
Notary Public

7
16/09/20

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

Service Appeal No. _____/2020

Arshad Mehmood son of Sher Afzal Khan, resident of Village Gujrat, P.O Havelian, Tehsil Havelian District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

APPEAL

**APPLICATION FOR CONDONATION OF
DELAY W.E.F 20/5/20 TO 17/07/20**

Respectfully Sheweth; -

1. That the titled appeal is pending adjudication before this Honourable Tribunal and this application is part and parcel of the main service appeal.

2. That the appellant could not approach the Honourable Tribunal due to Covid-19 and lockdown.

3. That the circumstances were beyond the control of the appellant as human being. Hence, delay w.e.f

20.5.20 to 17.7.20 is to be condoned.

4. That the valuable rights of the appellant are involved.

It is therefore, humbly prayed that on acceptance of instant application delay w.e.f 20/5/20 to 17/5/20 may graciously be condoned in the interest of justice.


...APPELLANT

Through

Dated: _____/2020

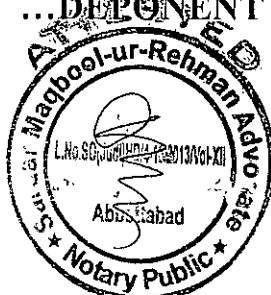

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

~~Muhammad Arshad Khan Tanoli~~
Advocate High Court

Office No. 33 Adjacent to
Village Gujrat, P.O. in Abbottabad

AFFIDAVIT

I, Arshad Mehmood son of Sher Afzal Khan, resident of Village Gujrat, P.O. Havelian, Tehsil Havelian District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...DEPONENT

Magbool-ur-Rehman Advocate
L.No. SC/100/1994-1995/13/01-XII
Abbottabad
Notary Public

16/7/20

Annex - A

OFFICE OF THE DIV. DIRECTOR OF EDUCATION (S) HAZARA DIVISION, ABBOTTABAD.

OFFICE ORDER NO: 3327AE-
DATED ABBOTTABAD THE 18/9/98.

APPOINTMENT:-

The following appointment of CT candidates are hereby ordered on CT post as noted against each in SPS-9 (RS. 1625-67-3262) and SPS-14 (RS. 2065-162-4462) in case of TWT/BA.H. Sr with (and F.Wr) + usual allowances as admissible under the rules on the following terms and conditions:-

S.No.	Name of candidate with qualification & address.	School where appointed.	Remarks.
1.	Mr. Arshad Khan DA Shah Azizul Khan Resident of Mohallan Gajrat PO, Havelian City Tehsil & District Abbottabad.	GIS, Garhi Noorpur M.Cad. Havelian Dist. Abbottabad.	Agst. Vacant CI Post.

CONDITIONS:-

- The appointments are purely on temporarily basis and liable to termination at any time without notice or assigning reasons.
- They should produce their age and health certificate from the concerned Medical Superintendent.
- The Head of Institutions/Office are required to check all the original Educational Qualification/Professional Certificates before handing over charge.
- The Head of Institution/Office are required to get verify their professional certificates from Board/University concerned.
- Appointment of trained candidates who passed their Professional Exam from other than NWFP, is provisional & subject to the verification of certificate.
- In case they wish to resign from service/post they will have to give one month's prior notice or forfeit one month's pay in lieu of short notice.
- The appointment shall stand automatically cancelled if they failed to join the post within 15 days of the issue of this order.
- Special relaxation of upper age limit for 2 yrs. has already been allowed vide Govt. of NWFP, S&AD letter No: SOS-III (S&AD) 0(4) 0, dated 15.7.1994.
- They should not be handed over charge if their age exceed . years or below 14 years.
- No T/DA is allowed on int appointment.
- Charge reports should be sent to all concerned.

22393-98

(HAJI SARFAZ KHAN)
DIV. DIRECTOR OF EDUCATION (S)
HAZARA DIVISION, ABBOTTABAD.
Dated Abbottabad the 18/9/98.

Copy of the above is forwarded to the:-
 1. to Minister for Education (S/A) NWFP, Peshawar.
 2. to Minister for Education, NWFP, Peshawar.
 3. Director Education Officer (Male/Female) Abbott, Havelian, Haripur & Kohistan.
 4. District Education Officer (Male/Female) Mardan, Chitral, Gilgit/Baltistan, Dir, FATA, Poonch & Rawalakot.
 5. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 6. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 7. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 8. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 9. P/A to DME(S) Hazara.
 10. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 11. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 12. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 13. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 14. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 15. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 16. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 17. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 18. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 19. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.
 20. District Education Officer, Muzaffargarh, Multan, Bahawalpur, Faisalabad, Lahore, Rawalpindi, Islamabad, Karachi, Sindh, Balochistan, Punjab & Kohistan.

Attested

[Signature]

For/Div. Director of Edu (S)
Hazara Division, Abbottabad

Attested

Muhammad Arshad Khan Janon
Advocate High Court
Office No: 33 Adjacent to
Post 3ar Abbottabad

OFFICE OF THE DIRECTOR OF EDUCATION (S) HAZARA
DIVISION, ABBOTTABAD

Office order No.332/AE/
Date Abbottabad the 18/9/95

APPOINTMENT:-

The following appointment of CT candidates are hereby ordered on CT post as noted against each in BPS-8(Rs.1605-__-3060) and BPS-14 Rs.2065-161-44__ in _____/B.A, B.Sc with 2nd Division) + usual allowances as admissible under the rules on the following terms and conditions:-

S.No.	Name of candidate with Qualification & address	school where appointed	remarks.
1.	Mr. Arshad Mehmood B.A S/o Sher AFzal Khan resident of Mohallah Gujrat P.O Havelian City, Tehsil & District Abbottabad	GHS, Garhi Noorpur	Agn: vacant Post

Conditions:-

1. The appointments are purely on temporarily basis and liable to termination at any time without notice or assigning reasons.
2. They should produce their age and health certificate from the concerned medical superintendent.
3. The Head of Institutions/office are required to check all the original educational qualification professional certificates before handing over charge.
4. The Had of Institution/Office are required to got verify their _____ certificate from Board//University concerned.
5. Appointment of trained candidates who passed their Professional Examination other then NWFP, is provisional & subject to the verification of certificate.
6. In case they wish to resign from service/ post they will have to give one month's prior notice o forefiet one month's pay in lieu of short notice.
7. The appointment shall stand permanently _____ if they failed to join the post within 15 days of the issue of this order.
8. Special relaxation of upper age limit for 02 yrs has already been allowed vide Govt. of NWFP S&GAD letter No.SOS-III(S&GAD)0(4)04, dated 18/07/1994.
9. They should not be handed over charge, if their age exceed ___ years.
10. No. TA/DA is allowed in the appointment.
11. Charge reports/should be sent to all concerned.

(Haji Sarfraz Khan)
DI VE: Director of Education(s)
Hazara Division, Abbottabad

Endstt: No.22393-98/_____/Apptt: (M) Dated A/Abad the 18/09/1995.

Copy of the above is forwarded to the;-

1. P/A to Minister for Education (S/e) NWFP, Peshawar.
2. P/S to Minister for
3. Director Secy: Education, NWFP, Peshawar.
4. Director Education Officer (Male/Female) GHS/P.S _____, Atd.
5. Director Accounts Officer, A/Abad, Mansehra, Haripur & Kohistan.
6. Candidate _____ (7) ADEO, (8). Local Office, (9). P/A to DDE(S) Hazara.
7. Office order file.

For/Divl: Director of Edu: (S)
Hazara Division Abbottabad

OFFICE OF PRINCIPAL
HIGH SCHOOL NO. 1, HAVELIAN ABBOTTABAD.
No. 782 / Dated 18/6/1997

The Divisional Director of Education
(Schools) Hazara Division Abbottabad.

Subject:- RELEASE OF PAY.

Memo;

Reference correspondence on the subject and as already intimated there in, it is for your kind information that Mr. Arshad Mehmood S.V. teacher of this school was terminated from service with effect from 13.2.1997. Mr. Mumtaz Ahmad, C.T Government Middle School Badah (Haripur) was transferred to this school and adjusted against vacant S.V post from the same date vide your office order No 04 dated 13.2.1997 issued under Endst; No. 3747-5/ AP-III dated 13.2.1997 and has been receiving Pay against S.V post ~~since~~ ^{after} the said order, w.e. from March 1997.

Now in the light of the orders of the Honourable court and vide your office Endst No. 9737-47/ dated 12.5.1997 the pay of Mr. Arshad Mehmood is to be released till the regularisation of his service. But as already stated above, the post being filled up with effect from 13.2.1997, his pay against the said post could ~~be~~ not be drawn.

It is added that the matter could not be reported as the orders of the honourable court, received vide your office Endst; No. cited above later than the date of filling up of the post under reference. However it has continuously been intimated as soon as the orders about the release of pay of such teachers have been received in this office.

In view of the facts stated above, it is therefore requested that necessary decision may kindly be made about the drawl of pay of Mr. Arshad Mehmood, S.V. ^{w.e. 1.3/97} as already requested please.

M. Khan S.S.
PRINCIPAL
GOVERNMENT HIGH SCHOOL NO. 1,
HAVELIAN (ABBO -- ABAD).
Principal
Govt. H.S. School No. 1
Havelian Abbottabad

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[Handwritten signature and stamp in the bottom right corner.]
Muhammad Arshad Khan, Jaothi
Advocate High Court
Office No. 33 Adjacent to
Dist. Court Abbottabad

Annex - B

R 13

EXTRAORDINARY
GOVERNMENT

REGISTERED NO. PH
GAZETTE



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 20th SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

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

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. 28 OF 2012)

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

AN
ACT

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

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

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

C.T.C
Advocate High Court
Office No. 33 Adjacent to
Abbottabad

Muhammad Ahsan Khan, Janjori
Advocate High Court
Office No. 33 Adjacent to
Abbottabad

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

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

It is hereby enacted as follows:

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

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

(3) It shall come into force at once.

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

- (a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;
- (b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa 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 and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on the ground of irregular appointments.

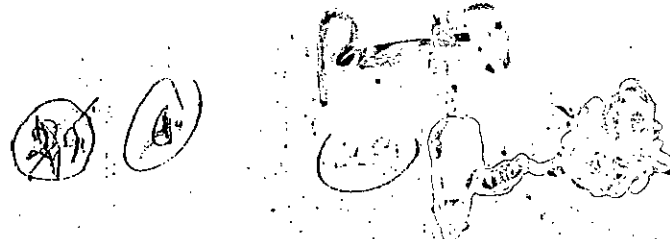
3. Appointment of sacked employees:— (Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts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

Provided that the sacked employees shall be appointed against fifty per cent of the available vacancies in the said Department;

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

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
District Court Abbottabad

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
District Court Abbottabad



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

4. **Act relaxing.**— 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 job-matically relaxed and there shall be no further relaxation under any rules for the time being in force.

5. **Sacked employees shall not be entitled to claim seniority and other such benefits.**— A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other such 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 eldest in age.

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

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

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

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked 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.

C.T.C

C.T.C

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Court Abbottabad

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Court Abbottabad

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148 HYDERABAD GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

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

12. Power to make rules --- Government may make rules for carrying out the purpose of this Act.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(MUSHTAQ) Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Daily & High Press, Peshawar, Pakistan.

C.T.K

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Jail, Abbottabad

Handwritten signature of Muhammad Arshad Khan Tanoli.

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Jail, Abbottabad

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**KHYBER PAKHTUNKHWA
PUBLISHED BY AUTHORITY
PESHAWAR, THURSDAY, 20TH SEPTEMBER 2012
PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

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

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

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

(First Published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazettes of the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012).

AN

ACT

To provide relief to those sacked employees in the Government service who was dismissed, moved 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 regular basis qualification and

C.T.C

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to

C.T.C
Arshad
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Jir Abbot



experience required for the said post. During the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive), and were dismissed removed, or terminated from service during the period from 1st November, 1996 to 31st day of December, 1998 on various grounds;

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

Khyber Pakhtunkhwa Government Gazette, Extraordinary, 20th September, 2012.

AND WHERE AS the Government of 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 and commencement (1) This Act may be called the Khyber Pakhtunkhwa Sacked, Employees (Appointment) Act, 2012.
2. It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).
3. It shall come into force at once.

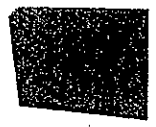
DEFINITIONS: In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say.

- a. Civil post means a post created by the Finance Department of Government for the members of civil service of the Province.

C.T.C

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Bar Association

C.T.C
Attest
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Bar Association



P-16

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

Appointment of sacked employees. Not with standing 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

C.T.C

Muhammad Arshad Khan
Advocate High Court
Office No 33 Adjacent to
Distt. Court Abbottabad

CTC
Muhammad Arshad Khan Jafar
Advocate High Court
Office No 33 Adjacent to
Distt. Court Abbottabad

Annex - C,

P-20

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Annex -

W.P No. 1155 -A/2015

1. ✓ Rashid Iqbal son of Muhammad Iqbal, PST, resident of Tehsil & District, Abbottabad.
2. ✓ Arshad Mehmood son of Sher Afzal, CT, resident of Mohallah Gujrat, Tehsil Havelian, District Abbottabad.
3. Muhammad Azam son of Muhammad Saleem, PST resident of Tehsil & District, Abbottabad.
4. Muhammad Bashir son of Mirdad, PST, resident of Tehsil & District, Abbottabad.
5. Shakeel Ahmed son of Salahud Din Khan, PST, resident of Tehsil & District, Abbottabad.
6. Kousar Ali Shah, PST, resident of Tehsil & District, Abbottabad.
7. ✓ Nasir Mehmood son of Fazal Mehmood, PST, resident of Tehsil & District, Abbottabad.
8. (8) Nazeer Ahmed son of Abdul Latif, DM, resident of Tehsil & District, Abbottabad.
9. ✓ Muhammad Arshad son of Muhammad Yousaf, PTC, resident of Tehsil & District, Abbottabad.
10. ✓ Safer Ahmed son of Munawar, PST, resident of Tehsil & District, Abbottabad.
11. Muhammad Shabbir son of Muhammad Akram, CT, resident of Tehsil & District, Abbottabad.
12. Tanveer Ahmed son of Muhammad Yaqoob, PST, resident of Tehsil & District, Abbottabad.
13. Amir Fazal, PST, residents of Tehsil & District, Abbottabad.
14. ✓ Malik Rashid Mehmood son of Malik Wazir Muhammad, PST, resident of Tehsil Havelian, District Abbottabad.

COPIED
CERTIFIED
11/11/15

A. Teshw
Advocate High Court
Office No. 33 Adjacent to
Dist' Bar Abbottabad

4-11-15

15. ✓ Muhammad Arshad son of Ali Zaman, PET, resident of Tehsil & District, Abbottabad.

...PETITIONERS

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VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education (E&SE), Peshawar.
2. Director Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), District Abbottabad.

....RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 READ WITH ARTICLE 25 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR DECLARATION TO THE EFFECT THAT THE PETITIONERS WERE APPOINTED AS PST, PET, CT AND DM TEACHERS IN 1993-95 AND THEIR SERVICES WERE TERMINATED IN 1997-98 BY THE RESPONDENTS. LATER ON, GOVT. OF KHYBER PAKHTUNKHWA, PROMULGATED KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012 ON 20TH SEPTEMBER, 2012, WHEREIN ALL THE SACKED EMPLOYEES

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Muhammad Arshad Khan Janon
Advocate High Court
Office No 33 Adjacent to
... for Abbottabad

P-22

WHO WERE TERMINATED DURING THE PERIOD
 W.E.F NOVEMBER 1996 TO 31ST DECEMBER 1998
 ARE TO BE RE-INSTATED AGAINST 30% OF
 TOTAL POSTS, RESPONDENT NO. 3 HAS NOT
 APPOINTED/ REINSTATED TRAINED/
 UNTRAINED TEACHERS WHICH IS
 DISCRIMINATORY, MALAFIDE, AGAINST THE
 ADVERTISEMENT POLICY IN VOGUE AT THE
 TIME OF APPOINTMENT, AS WELL AS AGAINST
 THE KHYBER PAKHTUNKHWA SACKED
 EMPLOYEES (APPOINTMENT) ACT, 2012.

PRAYER: ON ACCEPTANCE OF THIS WRIT
 PETITION, RESPONDENTS MAY BE DIRECTED TO
 APPOINT THE PETITIONERS AS PER KHYBER
 PAKHTUNKHWA SACKED EMPLOYEES
 (APPOINTMENT) ACT, 2012, AS PST, PET, CT &
 DM TEACHERS AS WELL AS ON THE ANALOGY
 OF SIMILAR TRAINED, UNTRAINED EMPLOYEES
 WHO HAVE BEEN APPOINTED UNDER THE
 CONTROL OF RESPONDENTS NO. 1 & 2 IN OTHER
 DISTRICTS WITH ALL BACK BENEFITS.

Certified to be true copy
 of the original
 28/11/16

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Attested
 Muhammad Arshad Khan Ismail
 Advocate High Court
 Office No. 33 Adjacent to
 Dist. Jail Abbottabad

P-23

Respectfully Sheweth:-

Brief facts leading to the instant writ petition are arrayed as under:-

1. That the petitioners were appointed as PST, PET, CT & DM teachers in Education Department. Copies of appointment orders are attached as Annexure "A".

2. That as per policy in vogue at the time of appointment of the petitioners, qualification for appointment as PST, PET, CT & DM teachers were either trained or untrained.

certified to be true copy
8/8/16

3. That the petitioners were appointed as per rules, but they were illegally terminated from service in the year 1996-98.

4. That Govt. of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 on 20th September 2012 for appointment of sacked employees whose services were terminated in 1996-98 and had

FILED TODAY

Administrative Bench

Muhammad Shad Khan Jinnah
Advocate High Court
Office No. 133 Adjacent to
Bar Association

P-24

prescribed qualification at the time of their appointments. Copy of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 is attached as Annexure "B".

5. That Honourable High Court Peshawar has declared that sacked employees are to be appointed whether initially appointed as trained/ untrained in writ petition No. 1662-P/2013 decided on 24/12/2014. Copy of judgment dated 24/12/2014 is attached as Annexure "C".

6. That August Supreme Court of Pakistan directed in a case to respondent No. 1 that "*The appellants shall be appointed as P.S.T (Primary School Teacher) in their respective Union Council immediately and in case, the appellants failed to acquire the training and the said appellant within 03 years, their appointment shall stand terminated automatically*", vide judgment dated 25/04/2011. Copy of the judgment dated 25/04/2011 is attached as Annexure "D".

7. That as per judgments of the August Supreme Court of Pakistan reported 1996 SCMR 1128 and

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M.P.
22/12/16

Assessed
High Court
Adjacent

P-25

2009 SCMR-1, once, a point of law is decided by the august Supreme Court of Pakistan in a particular case that must be made applicable in all the cases of employees who are similarly placed.

8. That as per dictum of judgment of August Supreme Court of Pakistan dated 25/04/2011, similar untrained, trained employees have been appointed in District Dir Lower under the control of respondent No. 1 & 2 District Education Officer DIR, and quoted the said judgment in para 14 vide Endst No. 10677/83 dated 10/07/2013. Copy of appointment order of untrained employees who are similar to the petitioner is attached as Annexure "E".

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28/07/16

9. That in other districts of Khyber Pakhtunkhwa, District Education Officer under the control of respondents No. 1 & 2 appointed /reinstated untrained sacked employees. But, the petitioners are not being appointed which is clear discrimination in Elementary and Secondary Education Department in KPK. Copies of appointment orders of untrained sacked employees

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27/7/16

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33 Adjacent to
High Court

of District Battagram and Mansehra are attached as Annexure "F".

P-26

10. That respondent No. 3 is supposed to have one yard stick while appointing sacked employees under Sacked Employees (Appointment) Act, 2012 if untrained sacked employees are being re-instated by the Govt. in other Districts of Khyber Pakhtunkhwa, as well as in District Mansehra then, the petitioners are also entitled to be re-instated/ appointed by respondent No. 3 in District Mansehra. Hence the conduct of respondents is against Article 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.

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28/10/2017
Advocate
28/10/2017

11. That the petitioners are entitled to be appointed as PST, PET, CT & DM teachers having requisite certificates which was obtained after his appointment, on the analogy of some similar employees who are untrained, have been appointed in other districts.

28/10/2017

12. That no other prompt and efficacious remedy is available to the petitioner except the invocation of

Attended
Muhammad Arshad Khan
Advocate High Court
Office No. 33 Adjacent to

constitutional jurisdiction of this Honourable Court.

P-27

- 13. That court fee stamp paper worth Rs. 500/- is attached.

It is, therefore, humbly prayed that on acceptance of this writ petition, respondents may be directed to appoint the petitioners as per Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, as PST, CT, AT & DM teachers as well as on the analogy of similar trained, untrained employees who have been appointed by respondent No. 3 with all back benefits.

[Handwritten Signature]
28/07/15

[Handwritten Signature]
...PETITIONERS

Dated: _____/2015

Through

[Handwritten Signature]
(Muhammad Ashraf Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

[Handwritten Signature]
Registrar
Court
Bench

[Handwritten Signature]
PETITIONERS
Muhammad Ashraf Khan Tanoli
Advocate High Court
Office No 33 Adjacent
Abbottabad

APPOINTMENT OF SACKED EMPLOYEE AGAINST CT POST

Annex-D

Annex
ID 1
(11)

In pursuance to the Judgment of Honorable Peshawar High Court Abbottabad Bench in W.P No.516-A / 2013 announced on 24.5.2016 & recommendation of the Departmental Selection Committee, appointment of the following sacked employees is hereby ordered against the vacant posts of CT, in BPS-15 (Rs. 16120-1330-56020) @ Rs.16120 /- plus usual allowances as admissible under the rules on under the existing policy of the Provincial Government, on the terms and conditions given below with effect from the date of their taking over charge:

S No.	Name	Father,s Name	CNIC	D/O Birth	Quali f: 2017	D/O Ist Apptt	D/O Termination	Previous School	place of posting	REMA -RKS
1/1	Sadaqat Khan	Akram Khan	13101-7600549-9	5/10/1963	B.A	24/1/1996	Nil	GHS Khehri Haripur	GHS Hari Khaizer	AVP
2/2	Arshad Mehmood	Sher Afzal Khan	13101-3283866-3	4/8/1965	B.A, CT	18/9/1995	13/2/97	GHS Gari Noor Pur	GHS Manjla	AVP
3/3	Muhammad Javed Khan	Muhammad Ajab Khan	13101-6201614-7	4/4/1967	B.A, CT	7/12/895	7/7/1997	GHS Kahal, Haripur	GMS Keri Sarafali	AVP

TERMS & CONDITIONS:

1. No TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment is subject to the condition that the certificate/documents are verified from the concerned authorities by the DEO Office, anyone found producing bogus Certificates/documents proceeded against through law enforcing agencies.
4. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
5. Pay will not be drawn until and unless a certificate regarding verification of their documents is issued by this office.
6. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
7. Their services shall be terminated at any time, in case their performance is found unsatisfactory. In case of misconduct, they shall be proceeded under the rules framed from time to time.
8. Before handing over charge, once again their document may be checked by the DDO concerned, if they have not passed the above qualification, they may not be handed over charge of the post.
9. The prescribed qualification for appointment of CT is Bachelor's Degree or equivalent qualification from a recognized University with CT or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.. In case they failed to acquire the requisite qualification/training certificate within three years, their service shall stand terminated automatically. The stipulated period shall be reckoned from the date of issuance of appointment order.
10. Their appointment is subject to the medical fitness & verification of their character antecedents to the stratification of the undersigned in the light of section-3 of the Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012.
11. The period of dismissal, removal and termination from service of the SACKED employee 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 in the light of section-4 of the Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012.
12. SACKED employees shall not be entitled to claim seniority and other back benefits and their appointment shall be considered as fresh appointment in the light of section-5 of the Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012
13. They should join their post within 30 days of the issuance of this appointment order If no willingness or response is received within a period of 30 days, the next senior sacked employee shall be considered for appointment in the light of section -7(3) of Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012
14. Copy of professional standards, core competencies and job description issued vide Govt: of Khyber Pakhtunkhwa E&SED Notification No. SO(PE)4-3/PST/2014 dated 17-09-2014 is attached with the appointment order.

sd
Qazi Tajamal Hussain
District Education Officer (M)
Abbottabad

Attested
Muhammad...
Advocate High Court
Office No 33 Adjacent to
Dist... Abbottabad

2540-48 /EB-II/ CT Sacked

Dated 30/7/2017

P-29

(12)

Copy forwarded for information and necessary action to the:-

1. Additional Registrar Peshawar High Court Abbottabad Bench w/r to judgment passed in W.P No.516-A / 2013 announced on 24.5.2016
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts Abbottabad.
4. All the Principals/HMs of the concerned school
5. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department Peshawar.
6. B&AO Local Office
7. AP EMIS local office.
8. Candidates Concerned.
9. Master File.

District Education Officer (M)
Abbottabad

Attested
Muhammad Aslam Khan
Advocate High Court
Office No 33 Adjacent to
Dist' 307 Abbottabad

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

APPOINTMENT OF SACKED EMPLOYEE AGAINST CT POST (WITHDRAWN)

In pursuance to the Judgment of August Supreme Court of Pakistan Islamabad in Civil Petition No. 639-P of 2014 announced on 10-03-2016; read with Section-7(1) of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012 (Khyber Pakhtunkhwa Act No. XVII of 2012), received vide Advocate General Khyber Pakhtunkhwa Peshawar letter No. 4942-47 dated 25-03-2016 through Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar by fax dated 10-03-2017, appointment order of the following Sacked Employees (CTs) issued inadvertently vide this Office Endst No. 8340-48 dated 28.07.2017 is hereby withdrawn with effect from the date of its issuance in the light of Para-7 of the said judgment as they have failed to filed their application within thirty days from the date of commencement of Sacked Employees Act i.e 20-09-2012.

S No.	Name	Father's Name	CNIC	D/O Birth	Qualif. 2017	D/O 1st Applt	D/O Termination	Previous School	place of posting	REMA-RKS
1/1	Sadaqat Khan	Akram Khan	13101-7600549-9	5/10/1963	B.A	24/1/1996	Nil	GHS Khehri Haripur	GHS Hari Khaiter	AVP
2/2	Arshad Mehmood	Sher Afzal Khan	13101-3283866-3	4/8/1965	B.A, CT	18/9/1995	13/2/97	GHS Gari Noor Pur	GHS Manjla	AVP

Qazi Tajamal Hussain
District Education Officer (M)
Abbottabad

Endst No. /ED-II/ CT Sacked

Dated 18/8/2017

Copy forwarded for information and necessary action to the:-

1. Additional Registrar Peshawar High Court Abbottabad Bench w/r to Judgment passed in W.P No.516-A / 2013 announce on 24.5.2016
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts Abbottabad.
4. All the Principals/IMS of the concerned school
5. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department Peshawar.
6. B&AO Local Office
7. AP EMIS local office.
8. Candidate concerned.
9. Master File.

District Education Officer (M)
Abbottabad

Attested
M. Mansoor
Advocate High Court
Office No 33 Adjacent to
Dist. Court

ANNEXURE Q

P-30-17

LIST OF SACKED CT TEACHERS - DISTRICT ABBOTTABAD

Sr. No.	Name of Sacked Employee with CNIC No.	Father's Name	District/Agency of Domicile	Nomenclature of the post with BPS	Copy of the minutes of the DSC	Sr.No. in merit list	D/O Birth	School address	Representation for termination/dismisal/ removal copy of termination order	Qualification	Representation appeal if any & its outcome	Court decision litigation (copy of judgment)	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Sajjad Khan, 13101-7530549-9	Akram Khan	A/Abad	CT BPS-09	Yes	Nr.	10/05/1993	GHS Lora	13/02/1997	BA	UT	NII	NII
2	Arshid Mahmood, 13101-3283885-3	Sher Afza Khan	A/Abad	CT EPS-09	Yes	Nr.	05/04/1993	GHS Ghari Nurpur	13/02/1997	FA	UT	NII	NII
3	Malik Muhammad Farooq, 13101-0754760-1	Malik Muhammad Saqib	A/Abad	CT EPS-09	Yes	Nr.	14/12/1993	GHS Rajoya	13/02/1997	BA		NII	NII
4	M. Javed Khan, 13101-5201614-7	M. Ajla Khan	A/Abad	CT EPS-09	Yes	Nr.	04/04/1997	GHS Nagri Tutial	07/07/1997	BA	CT	NII	NII
5	M. Shabir, 13102-0343330-3	M. Akram	A/Abad	CT BPS-09	Yes	Nr.	15/09/1997	GHS Khaira Gali	13/02/1997	BA	UT	NII	NII
6	Aamir Khan, 13503-6352205-9	Jalandar Khan	A/Abad	CT BPS-09	Yes	Nr.	15/12/1997	GHS Ghari Nurpur	13/02/1997	BA	UT	NII	NII
7	Shoukat Ali, 13101-0925942-3	Mahboob Ali	A/Abad	CT BPS-09	Yes	Nr.	01/01/1998	GHS Lora	13/05/1997	MA	M.Ed	NII	NII
8	Adil Khan, 37404-0244266-9	Ijaz Khan	A/Abad	CT BPS-09	Yes	Nr.	01/10/1998	GHS Lora	25/05/1997	BA	CT	NII	NII
9	Sajjad Ahmad, 13101-8744881-1	M. Yaseen	A/Abad	CT BPS-09	Yes	Nr.	15/01/1998	GHS Sakot	05/04/1997	FA	UT	NII	NII
10	M. Nawaz, 13101-6274265-5	M. Zaman	A/Abad	CT BPS-09	Yes	Nr.	22/03/1999	GHS Nathia Gali	26-06-1997	BA	CT	NII	NII
11	Abid Hussain Shah, 13101-0955316-9	S. Rasool Shah	A/Abad	CT BPS-09	Yes	Nr.	03/04/1999	GMS Seri Khan Kalan	03/07/1997	BSC	CT	NII	NII
12	Ghulam Jalani, 13101-4308358-5	M. Ahyub Khan	A/Abad	CT BPS-09	Yes	Nr.	01/05/1999	GMS Nakar Khan Kalan	25/05/1997	BA	UT	NII	NII
13	Hafiz ur Rehman, 37405-0485612-7	M. Yousaf	A/Abad	CT EPS-09	Yes	Nr.	10/10/1999	GMS Nara	17/07/1997	MSC	M.Ed	NII	NII
14	M. Haseeb, 13101-0923742-1	M. Bashir	A/Abad	CT BPS-09	Yes	Nr.	04/04/1971	GHS Ghambeer	13/02/1997	FA	UT	NII	NII
15	Wasim Gul Khan, 13101-0977725-7	Ali Anwar Khan	A/Abad	CT BPS-09	Yes	Nr.	10/07/1971	GHS Bandi Dhundan	13/02/1997	FA	UT	NII	NII
16	Muhammad Saleem, 13101-1043037-1	Muhammed Ashraf	A/Abad	CT EPS-09	Yes	Nr.	01/01/1972	GHS Bedra	05/04/1997	FA	UT	NII	NII
17	Mir Zaman, 13501-1359058-1	Sul Zaman	A/Abad	CT BPS-09	Yes	Nr.	15/02/1972	GMS Hadora Bandi	25/05/1997	FA	CT	NII	NII
18	Piaz Ahmad, 13101-0585263-1	Sher Ahmad	A/Abad	CT BPS-09	Yes	Nr.	09/03/1972	GMS Surjai	25/05/1997	BSC	CT	NII	NII
19	Sajid Hussain, 13101-2930172-3	Bashir Hussain	A/Abad	CT BPS-09	Yes	Nr.	04/04/1972	GHS Chaggian	14/07/1997	fa	CT	NII	NII
20	Mukhtar Ahmad Khan, 13101-8513753-5	Shabir Ahmad Khan	A/Abad	CT BPS-09	Yes	Nr.	03/05/1972	GMS Balhian	07/07/1997	fa	CT	NII	NII
21	Khalid Mahmood, 13101-3729519-7	M. Yousaf Khan	A/Abad	CT BPS-09	Yes	Nr.	31/07/1972	GMS Sarla	07/07/1997	FA	UT	NII	NII
22	Jamil Ahmad, 13101-3995810-7	Umer Din	A/Abad	CT BPS-09	Yes	Nr.	01/01/1973	GHS Tamawai	13/02/1997	BSC	B.Ed	NII	NII
23	M. Azam Khan, 13101-0638403-9	M. Aslam Khan	A/Abad	CT BPS-09	Yes	Nr.	25/05/1973	GMS Paltan Kalan	25/05/1997	BA	UT	NII	NII
24	Fakhr ul Islam, 13101-0984343-7	Akhlar Zaman	A/Abad	CT BPS-09	Yes	Nr.	04/04/1974	GMS Bassian	13/06/1997	MA	CT	NII	NII
25	Fayyaz Gul Khan, 13101-4936308-7	M. Aslam Khan	A/Abad	CT BPS-09	Yes	Nr.	28/04/1974	GMS Seri Khan Kalan	25-06-1997	FA	UT	NII	NII
26	Aamir Fazal, 13101-0879242-7	Fazal ur Rehman	A/Abad	CT BPS-09	Yes	Nr.	01/05/1974	GMS Nawanshehr	07/07/1997	BSC	CT	NII	NII
27	Mubashir Zia, 13101-1006616-9	Zia ur Rehman	A/Abad	CT BPS-09	Yes	Nr.	03/11/1974	GHS Tajwal	07/07/1997	MSC	CT	NII	NII
28	Saidar Ali, 13101-0902513-9	Ali Akbar	A/Abad	CT BPS-09	Yes	Nr.	08/10/1975	GMS Malsa	07/07/1997	MA	M.Ed,	NII	NII
29	Arshad Mahmood, 13101-9644603-5	M. Anwar	A/Abad	CT BPS-09	Yes	Nr.	10/04/1975	GHS Salora	25-05-1997	BA	CT	NII	NII
30	Shamroz Khan, 13101-3627160-5	Khawaib Muhammad	A/Abad	CT BPS-09	Yes	Nr.	05/05/1975	GHS Bugh burjheri	15/05/1997	MA	CT	NII	NII
31	Wazir Khan, 13101-0582728-1	Khan Gul Jadhon	A/Abad	CT BPS-09	Yes	Nr.	12/11/1975	GHS Nagri Tutial	25/05/1997	FA	CT	NII	NII
32	Habib ur Rehman, 13101-2356659-5	M. Ramzan	A/Abad	CT EPS-09	Yes	Nr.	04/03/1975	GHS Salora	13/12/1997	BA	CT	NII	NII
33	M. Rashid, 13302-5274444-1	M. Bahane											

ATTESTED
CERTIFIED TRUE PHOTOCOPY

RASHID UL HAQ QAZI
Advocate Supreme Court
Abbottabad

LIST OF SACKED CT TEACHERS, DISTRICT ABBOTTABAD

P-30

No	Name of Sacked Employee with CNIC No	Father Name	District/ Agency of Domicile	Nomenclature of the post with BPS	Copy of the minutes of the DSC	Sr.No in merit list	D/O Birth	School Address	Representation for termination/ dismissal/ removal copy of termination order	Qualification		Representation appeal if any & its outcome	Court decision litigation (copy of judgment)	Remarks
										Acad	Prof			
	2	3					4	5						
1.	Sadaqat Khan 13101-760058-9	Akram Khan	A/ Abad	CT BPS-09	Yes	Nil	10/05/1993	GHS Lora	13/02/1997	BA	UT		Nil	Nil
2.	Arshad Mehmood 13101-32638888-3	Sher Awzal Khan	A/ Abad	CT BPS-09	Yes	Nil	03/04/1955	GHS Gari	13/02/1997	FA	UT		Nil	Nil
3.	Malik Muhammad Farooq 13101-0764760-1	Malik Muhammad Sadiq	A/ Abad	CT BPS-09	Yes	Nil	14/12/1965	GHS Rajoya	13/02/1997	BA			Nil	Nil
4.	Muhammad Javeed Khan 13101-5201614-7	Muhammad Ajab Khan	A/ Abad	CT BPS-09	Yes	Nil	04/04/1967	GHS Nagri Tutial	07/07/1997	BA	CT		Nil	Nil
5.	Muhammad Shabir 13102-0344232-3	Muhammad Akram	A/ Abad	CT BPS-09	Yes	Nil	15/06/1967	GHS Khaira Gali	13/02/1997	BA	UT		Nil	Nil
6.	Amir Khan 13503-8362205-8	Jalandar Khan	A/ Abad	CT BPS-09	Yes	Nil	18/12/1967	GHS Ghari Nurpur	13/02/1997	BA	UT		Nil	Nil
7.	Shokat Ali 13101-	Mehboob Ali	A/ Abad	CT BPS-09	Yes	Nil	01/01/1968	GHS Lora	13/05/1997	MA	M.Ed		Nil	Nil

0925924-3														
Adil Khan37404-0244068-9	Israr Khan	A/ Abad	CT BPS-09	Yes	Null	01/01/1968	GHS Lora	25/06/1997	BA	CT			Null	Null
Sajjad Ahmed13101-8744881-1	Muhammad Yaseen	A/ Abad	CT BPS-09	Yes	Null	15/01/1969	GHS Bakot	05/0/1997	FA	UT			Null	Null
0. Muhammad Nawaz 13101-6274265-5	Muhammad Jamal	A/ Abad	CT BPS-09	Yes	Null	22/03/1969	GHS Nathia Gali	25/06/1997	BA	CT			Null	Null
1. Abid Hussain Shah 13101-09555316-9	Syed Rasool Shah	A/ Abad	CT BPS-09	Yes	Null	03/04/1989	CMS Seri Khan Kalan	03/07/1997	BSC	CT			Null	Null
2. Ghulam Jilani13101-1308558-5	Muhammad Ayub Khan	A/ Abad	CT BPS-09	Yes	Null	01/05/1969	GMS Nakar Khan Kalan	05/05/1997	BA	UT			Null	Null
13. Hafeez ur Rehman 37405-0485612-7	Muhammad younus	A/ Abad	CT BPS-09	Yes	Null	10/10/1969	GMS Nara	17/07/1997	MSC	M.Ed			Null	Null
14. Muhammad Haseeb 13101-0824742-7	Muhammad Bashir	A/ Abad	CT BPS-09	Yes	Null	04/04/1971	GHS Ghambeer	13/02/1997	FA	UT			Null	Null
15. Waseem Gul Khan 13101-0977729-7	Ali Insar Khan	A/ Abad	CT BPS-09	Yes	Null	10/07/1971	GHS Bandi Dhundan	13/02/1997	FA	UT			Null	Null
16. Muhammad Saleem 13101-1043037-1	Muhammad Ashraf	A/ Abad	CT BPS-09	Yes	Null	01/01/1972	GHS Bedla	05/04/1997	FA	UT			Null	Null
17. MirZaman13501-1356058-1	Gul Zaman	A/ Abad	CT BPS-09	Yes	Null	15/02/1972	GMS Hadora Bandi	25/06/1997	FA	CT			Null	Null
18. Riaz Ahmed13101-0585263-1	Sher Ahmad	A/ Abad	CT BPS-09	Yes	Null	09/03/1972	GMS Suqai	25/06/1997	BSC	CT			Null	Null

9.	Sajad Hussain13101-2980172-3	Shbir Hussain	A/ Abad	CT BPS-09	Yes	Null	09/04/1972	GHS Chaggian	14/07/1997	FA	CT		Null	Null
10.	Iftikhar Ahmed Khan 13101-8513753-5	Shbir Ahmed Khan	A/ Abad	CT BPS-09	Yes	Null	03/06/1972	GMS Bathian	07/07/1997	FA	CT		Null	Null
11.	Khalid Mehmood 13101-3729619-7	Muhammad Yousaf Khan	A/ Abad	CT BPS-09	Yes	Null	31/07/1972	GMS Sariie	07/07/1997	FA	UT		Null	Null
12.	Jamil Ahmed 13101-39858103-7	Umar Din	A/ Abad	CT BPS-09	Yes	Null	01/01/1973	GHS Tarnawi	13/02/1997	BSC	B.Ed		Null	Null
13.	Muhammad Azam Khan 13101-0838403-9	Muhammad Aslam Khan	A/ Abad	CT BPS-09	Yes	Null	25/05/1973	GMS Pallan Kalan	25/06/1997	BA	UT		Null	Null
14.	Fakhar ur Islam 13101-0981343-7	Akhtar Zaman	A/ Abad	CT BPS-09	Yes	Null	04/04/1974	GMS Ballian	13/06/1997	MA	CT		Null	Null
15.	Fayaz Gul Khan 13101-4938308-7	Muhammad Aslam Khan	A/ Abad	CT BPS-09	Yes	Null	28/04/1974	GmS Seri khan Kalan	25/06/1997	FA	UT		Null	Null
16.	Amir Afzal 13101-0879242-7	Fazal ur Rehman	A/ Abad	CT BPS-09	Yes	Null	01/05/1974	GMS Nawansher	07/07/1999	BSC	CT		Null	Null
17.	Mubashir Zia 13101-1006816-9	Zia ur Rehman	A/ Abad	CT BPS-09	Yes	Null	08/11/1974	GHS Tajwal	07/07/1997	MSC	CT		Null	Null
18.	Sardar Ali 13101-0902513-9	Ali Akbar	A/ Abad	CT BPS-09	Yes	Null	08/01/1975	GMS Malse	07/07/1997	MA	M.Ed		Null	Null
19.	Arshad Mehmood 13101-9644603-5	Muhammad Anwar	A/ Abad	CT BPS-09	Yes	Null	10/02/1975	GHS Salore	25/06/1997	BA	CT		Null	Null

0.	Shemrooz Khan 13101-3627160- 5CT	Khawaj Muhammad	A/ Abad	CT BPS-09	Yes	Nil	05/06/1975	GHS Bagh Purdheri	15/05/1997	MA	CT		Nil	Nil
1.	Zakar Khan 13101-0882728- 1	Khan Gul Jadoon	A/ Abad	CT BPS-09	Yes	Nil	12/11/1975	GHS Nagn Tulal	25/06/1997	FA	CT		Nil	Nil
2.	Ishtiaq ur Rehman 13 101-2336559-5	Muhammad Ramazan	A/ Abad	CT BPS-09	Yes	Nil	0/02/1976	GHS Slara	13/12/1997	BA	CT		Nil	Nil
3.	Muhammad Rashid 13302- 5376495-1	Muhammad Banaras	A/ Abad	CT BPS-09	Yes	Nil	03/0/1977	GMS Sural	13/02/1997	FA	UT		Nil	Nil

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT ABBOTTABAD

SERVICE APPEAL NO. 443/2018

Date of institution ... 08.01.2018

Date of judgment ... 18.09.2019



Arshad Mehmood son of Sher Afzal Khan
 Resident of Village Gujrat, P.O Havelian,
 Tehsil Havelian District Abbottabad.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer E&SE (Male) District Abbottabad.

... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, FOR DECLARATION TO THE EFFECT THAT THE APPELLANT GOT APPOINTMENT IN RESPONDENT-DEPARTMENT AS CT ON UNDER KPK SACKED EMPLOYEES (APPOINTMENT) ACT, THE APPELLANT TOOK CHARGE OF THE POST IN GPS ON 10.08.2017 THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN WITHDRAWN WITHOUT ANY SHOW CAUSE NOTICE AND OTHER CODEL FORMALITIES WHICH IS PERVERSE, DISCRIMINATORY AGAINST THE LAW. THE APPELLANT IS ENTITLED TO SERVE IN RESPONDENT-DEPARTMENT AS CT AS PER APPOINTMENT ORDER DATED 18.08.2017.

Mr. Muhammad Arshed Khan Tanoli, Advocate.

.. For appellant.

Mr. Muhammad Bilal Khan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this judgment

shall dispose of the instant service appeal as well as Service Appeal No.

444/2018 titled "Sadaqat Khan Versus Government of Khyber Pakhtunkhwa,

through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa,

M. Amin
 18.9.2019

EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar


Peshawar and two others' as common question of law and facts are involved in both the service appeals.

2. Appellants alongwith counsel and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Sohail Ahmed Zeb, Assistant for the respondents present. Arguments heard and record perused.

3. Brief facts of both the service appeals are that the appellant Arshed Mehmood was appointed as Certified Teacher vide order dated 18.09.1995 while the appellant Sadaqat Khan was appointed as Certified Teacher vide order dated 24.01.1996. Both the appellants were terminated from service vide order dated 05.04.1997 on the allegation of irregular appointment. The appellant Arshed Mehmood alongwith others filed Writ Petition Bearing No. 1185-A/2015 before the worthy High Court against the impugned termination order. The worthy High Court disposed of the Writ Petition alongwith other Writ Petitions through common judgment dated 24.05.2016 and on the basis of said judgment. Both the appellants were appointed as Certified Teachers BPS-15 on the recommendation of Departmental Selection Committee vide order dated 28.07.2017. The appellants also assumed the charge and were performing their duties however, the respondent-department on 18.08.2017 withdrawn their appointment orders dated 28.07.2017 on the ground that the both appellants have not applied for appointment through application within 30 days from the commencement of Sacked Employees (Appointment) Act, 2012 as required under section-7 of the Sacked Employees (Appointment) Act, 2012. Feeling aggrieved, the appellants filed departmental appeals on 14.09.2017 which were not responded hence, the present service appeals on 08.01.2018.

4. Respondents were summoned who contested the appeals by filing written reply/comments.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

M. Arshad
18.9.2019

5. Learned counsel for the appellants contended that the appellants were appointed as Certified Teachers by the competent authority vide orders dated 18.09.1995 and 24.01.1996 respectively. It was further contended that both the appellants were terminated vide order dated 05.04.1997 on the ground of irregular appointments. It was further contended that the Sacked Employees (Appointment) Act, 2012 was promulgated by the Government of Khyber Pakhtunkhwa wherein it was mentioned 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 prescribe qualification and experience required for the said post, ⁱⁿ During the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive), and were dismissed, removed, or terminated from service during the period from 1st November, 1996 to 31st day of December, 1998 the ground of irregular appointment. It was further contended that as per Section-7, both the appellants submitted applications for appointment within 30 days from the date of promulgation of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 but the same were not considered by the respondent-department. It was further contended that the appellant Arshed Mehmood alongwith others filed Writ Petition before the worthy High Court against the impugned termination order which was disposed vide judgment dated 24.05.2016 by the worthy High Court and on the basis of judgment dated 24.05.2016 both the appellants were appointed by the respondent-department vide order dated 28.07.2017. It was further contended that again the appointment order dated 28.07.2016 of the appellants was withdrawn by the respondent-department vide order dated 08.08.2017 on the ground that they have not filed any applications for appointment under Section-7 of the Sacked Employees (Appointment) Act, 2012 within 30 days. It was further contended that the appellants filed

Handwritten notes:
 6/02/2019
 M. Arshad

ATTESTED

Signature
 CLERK
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

departmental appeals but the same were not responded. It was further contended that before withdrawal of their appointment orders, the respondent-department was bound to provide opportunity of hearing to the appellants but neither any regular inquiry has been conducted nor any show-cause notice was issued to the appellants nor they were provided opportunity of personal hearing therefore, the respondent-department has violated the principle of natural justice. As such, the appellants were condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside.

6. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellants and contended that the appellants were appointed as Certified Teachers vide order dated 18.09.1995 and 24.01.1996 respectively. It was further contended that they were terminated from service vide order dated 05.04.1997 on the ground of irregular appointment. It was further contended that later on the Government of Khyber Pakhtunkhwa enacted the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 on 20th September 2012 and as per Section-7 of the said act a sacked employee was required to submit application to the concerned department within a period of 30 days from the date of commencement of this act for his appointment in the said department. It was further contended that the appellants were required to file application within 30 days after commencement of the said act but they have not filed any application for their appointment therefore, the respondent-department has rightly withdrawn their appointment order vide order dated 18.08.2017 and prayed for dismissal of both the appeals.

7. Perusal of the record reveals that both the appellants were appointed as Certified Teachers vide orders dated 18.09.1995 and 24.01.1996 respectively.

However, both the appellants were terminated from service vide order dated 15.04.1997 on the ground that their appointment orders were issued irregularly

M. J. Khan
6/08/19

ATTESTED

[Signature]

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

by the competent authority. The Government of Khyber Pakhtunkhwa promulgated Sacked Employees (Appointment) Act, 2012 on 20th September 2012 and as per Section-7 of the said act, sacked employees were required to file applications for their appointment within 30 days. Learned counsel for the appellants claimed that both the appellants submitted applications for their appointment to the respondent-department within thirty days but those applications have not been considered while on the other hand respondent-department has claimed in the impugned order as well as para-wise comments that both the appellants have not submitted application for their appointment under Section-7 of the said act therefore, their appointment order was rightly withdrawn. Admittedly, both the appellants were appointed as Certified Teachers on the basis of judgment of the worthy High Court vide order dated 28.07.2017 and both the appellants have assumed the charge and was performing their duties on their respective posts therefore, in such circumstances, the respondent-department was required to provide opportunity of personal hearing before passing the impugned orders of withdrawal of their appointment orders dated 18.08.2017 but the respondent-department has neither conducted any inquiry proceeding before passing the impugned order nor has issued any show-cause notices nor have provided opportunity of personal hearing before passing the impugned orders. Meaning thereby, that the appellants were condemned unheard and the respondent-department has violated the principle of natural justice which has rendered the impugned order illegal and liable to be set-aside. As such, we partially accept both the appeals,

ATTESTED

set-aside the impugned order dated 18.08.2017 regarding withdrawal of their appointment order with the direction to respondent-department to issue show-cause notices to the appellants that why their appointment orders be not withdrawn on such and such grounds and after replying the said show-cause

M. A. Khan
18-9-2019

[Signature]
CLERK
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

notices and providing opportunity of personal hearing, the respondent-department shall pass order deem appropriate within ninety days after receipt of copy of this judgment. However, the reinstatement of the appellants and the issue of back benefits will be subject to the outcome of decision of show-cause notices. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.09.2019

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDE)
MEMBER
CAMP COURT ABBOTTABAD

[Signature]
(HUSSAIN SHAH)
MEMBER
CAMP COURT ABBOTTABAD

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 04-10-19
Number of Words 2400
Copying Fee 28-00
Urgent 4-00
Total 32-00
Name of Copyist [Signature]
Date of Completion of Copy 04-10-19
Date of Delivery of Copy 04-10-19

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

ORDER

P-37

1. WHEREAS, you Mr. Arshad Mehmood S/O Sher Afzal Khan CT GHS Manjia Abbottabad was appointed inadvertently vide this Office order issued under Endst No. 8340-48 dated 28-07-2017.
2. In pursuance to the Judgement of August Supreme Court of Pakistan in Civil Petition No. 639-P of 2014 announced on 10-03-2016, read with Section-7 1 of the Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012 Khyber Pakhtunkhwa Act XVII of 2012 received vide Advocate General Khyber Pakhtunkhwa Peshawar Letter No. 4942-47 dated 25-03-2016 through Director Elementary and Secondary Education Peshawar by Fax dated 10-08-2017, your appointment order issued inadvertently vide this Office No. 8340-48 dated 28-07-2017 was withdrawn from the date of its issuance in the light of Para-7 of the said Judgement as you failed to file your application within 30 days from the date of commencement of Sacked Employees Act, i.e 20-09-2012 vide this Office Endst No. 9045-52 dated 18-08-2017.
3. AND WHEREAS, in pursuance to the Judgement of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp Court Abbottabad passed in Service Appeal No. 443/2018 dated 18-09-2019 received vide letter No. 1755/ST dated 14-10-2019 under Diary No. 8817 dated 19-10-2019, this Office withdrawal of appointment order issued vide Endst No. 9045-52/EB-II/CT Sacked dated 18-08-2017 was set aside vide this Office Notification issued under Endst No. 11694-702 dated 31-10-2019
4. AND WHEREAS, in pursuance to the said Judgement, Show Cause Notice regarding your "non filing of application for appointment under Section-7 i.e within 30 days from the date of commencement of the Sacked Employees Act dated 20-09-2012" was served upon you through Headmaster GHS Manjia Abbottabad vide this Office Memo No. 11725 dated 31-10-2019 wherein major penalty of Dismissal from service was tentatively imposed upon you.
5. AND WHEREAS, you submitted your reply of the show cause notice received through diary No. 9470 dated 18-11-2019, which was found unsatisfactory and you were summoned for personal hearing on 10-12-2019 through Headmaster GHS Manjia Abbottabad vide this office Memo No. 12563-64 dated 02-12-2019 to avail the opportunity of self-defense.
6. AND WHEREAS you appeared for personal hearing on 09-12-2019 instead of 10-12-2019 and requested for re-schedule of the same. As per your request you were re-called for personal hearing on 13-12-2019 vide this Office Memo No. 12779-80 dated 11-12-2019.
7. AND WHEREAS, you appeared for personal hearing on 13-12-2019 and badly failed to provide the proof of your filing of application for appointment under Section-7 i.e within 30 days from the date of commencement of the Sacked Employees Act dated 20-09-2012 which is mandatory provision for the purpose of appointment under Sacked Employees Act 2012.

NOW THEREFORE, the Competent Authority in exercise of the power conferred upon him under Rule-4(1)(b) (iii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rule, 2011 is pleased to impose major penalty of "REMOVAL FROM SERVICE" upon Mr. Arshad Mehmood, CT, GHS Manjia Abbottabad.

Endst: No. 112-18 /ADO/Li/Sacked

sd/
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Dated 03/01/2020

Copy for information & necessary action to the:-

1. Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp Court Abbottabad with reference to Judgement passed in Service Appeal No. 443/2018 dated 18-09-2019 received vide letter No. 1755/ST dated 14-10-2019 under Diary No. 8817 dated 19-10-2019.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Comptroller of Accounts Abbottabad.
4. District Monitoring Officer (IMU) Abbottabad.
5. The Headmaster GHS Manjia Abbottabad
6. Assistant Programmer EMIS Branch Local Office
7. Mr. Arshad Mehmood, CT, GHS Manjia Abbottabad.

[Signature]
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Annex- H

بخدمت جناب ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن پشاور

درخواست برائے:- محکمہ اپیل بر خلاف غیر قانونی آرڈر نمبر 25-119 مورخہ 03 جنوری، 2020

جس کے تحت من سائل کو غیر قانونی طور پر سروس سے برخاست کر دیا گیا

P-38

جناب عالی!

1- اپیل ذیل عرض ہے کہ۔ جو کہ سائل بر طرف ملازمین کے قانون مجریہ 20/09/2012 کے تحت 28/07/2017 کو بطور CT GHS باڑی کھیتر میں بحال کیا گیا اور بعد ازاں سائل کو 18/08/2017 کو بغیر وجہ بتائے نوکری سے بر طرف کیا گیا اور بعد میں سائل کو کہا کہ قانون 2012 کے بعد ایک ماہ کے اندر درخواست برائے بحالی دینی تھی۔ اور یہ الزام لگایا کہ من سائل نے ایک ماہ کے اندر درخواست نہ دی ہے۔ جو کہ سراسر غلط اور اور خلاف حقائق ہیں۔

2- یہ کہ سائل نے سروس اپیل 444/18 سروس ٹریبونل میں دائر کی جسکی روشنی میں سائل کو مورخہ 31/10/2019 کو نوکری میں بحال کر کے دوبارہ یہ تحریر کر کے پہلے کی طرح دوبارہ لکھا کہ ن سائل ایک ماہ کے اندر درخواست نہیں دی اور من سائل کو دوبارہ چٹھی نمبر 25/119 مورخہ 03/01/2020 کے تحت سائل کو نوکری سے بر طرف کر دیا ہے جو کہ سراسر خلاف قانون ہے۔

3- یہ کہ من سائل کا معاملہ محکمہ ہذا کے ساتھ مختلف دفتر ہائے میں سائل 2012 سے چل رہا ہے اور ہر سال DEO آفس ایبٹ آباد بر طرف ملز زمین کی فہرست ہائے ارسال 2012 تا حال بننا رہا ہے اور لسٹ ہائے سال 2012 کے تا حال سائل کا نام انھوں میں لکھا جاتا رہا ہے چونکہ سائل نے بر طرف ملازمین کی بحالی ایکٹ 2012 کے تحت سکروٹنی کمیٹی نے جملہ کاغذات کی چھان بین کے بعد من سائل کو نوکری میں بحال کیا اگر من سائل کی درخواست اندر 30 یوم بمطابق قانون 2012 ریکارڈ پر موجود نہ ہوتی تو سکور نئی کمیٹی کسی بھی صورت میں سائل کو بحال کا حکم نہ دیتی۔

4- یہ امر قابل ذکر ہے کہ محکمہ میں بر طرف بد عنوانی اور رشوت خوری کا رواج ہے اور من سائل کسی بھی قسم رشوت وغیرہ متعلقہ نہ دی بدیں وجہ سائل کو بار بار نوکری سے بر طرف کر کے زہنی اذیت دی ہے کہ سائل کے چھوٹے چھوٹے بچے زیر تعلیم ہیں جسکی گزر اوقات و خرچ من سائل پورا کرنے کے لئے قطعی قاصر ہے مذید یہ کہ کسی بھی سکور نئی ممبر تا حال کوئی انکوائری

نہیں کی گئی۔ اور نہ محکمہ کے اندر موجود متعلقہ اہلکاران جنھوں نے من سائل کاریکارڈ غائب کر رکھا ہے کسی بھی انکوآری نہ کی گئی اور من سائل کو بغیر کسی قانونی جواز کے سرسری طور ملازمت سے برخاست کیا گیا جو کہ قابل منسوختہ ہے حالانکہ سائل کا نام 2012 اور 2013 میں سیریل نمبر 1 موجود ہے۔ جبکہ سائل کو درخواست دینے پر محکمہ نے فہرست ہائے 2014 دی گئیں ہیں اور انھوں سائل کا نام جان بوجھ کر ختم کیا گیا ہے۔

یہ کہ من سائل 2012 سے لے کر 2019 تک بحالی کیلئے عدالت عالیہ میں مقدمے کر تارہا ہے، جس کا فیصلہ 2017 میں ہوا اور اس مقدمے کے دوران محکمہ نے بھی اعتراض سیکشن 7 جس کے تحت 30 یوم کے اندر درخواست دینی تھی کہ اٹھایا ہے، چونکہ سائل کی درخواست اندر 30 یوم محکمہ کے پاس موجود تھی اور سائل کا نام بھی لسٹ میں موجود تھی۔
نقل لف ہے۔

حالات استدعا ہے کہ غیر قانونی اور آرڈر نمبر 25-119 کو منسوخ فرمایا جائے من سائل کو بمعہ Basic Pay بحال فرمایا جائے۔

سائل آپ کی لمبی عمر کیلئے دعا گو رہے گا

آپ کی عین نوازش ہوگی

ارشد محمود
24/20

العارض

سائل :- ارشد محمود۔ ولد۔ شیر افضل خان

CT گورنمنٹ ہائی سکول مانجھیا

تحصیل حویلیاں ضلع ایبٹ آباد

No. 284

For Insurance Notices see reverse.
Stamps affixed except in case of
insured letters of more than
the initial weight prescribed
Post Office Guide or on which no
acknowledgment is due.

Rs. 20 AD.
68

To: Asif Ahmad Ahmad

Received a registered
addressed to Peshawar

Date Stamp

Initials of Receiving Officer _____
*Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before, when necessary.

Insured for Rs. (in figures) _____ (in words) _____

If insured.

Insurance fee Rs. P-40 Ps. _____ (in words) } Weight _____ Grams

Name and address of sender: 20-1-20-

کورٹ فیس

P-4
وکالت نامہ

Service Tribunal KPK Peshawar بعدالت
Arshad Mehmood نام Govt of Kpk etc عنوان
Appellant منجانب
نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی وجواب دہی کل کاروائی متعلقہ آن مقام

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No* 33 Adjacent to

ATD

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست، ہمداد استجارت ناش بصرہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم:

Accepted

العبد

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No* 33 Adjacent to
Distt Bar Abbottabad

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

No. 3781
Dated 10/04/2021

To
The Registrar
KPK Service Tribunal,
Peshawar.



Subject; **SERVICE APPEAL NO 14228-A/2020 TITLED ARSHAD MEHMOOD VERSUS GOVERNMENT THROUGH SECRETARY AND OTHER.**

Memo:

It is stated that above captioned titled case notice along with Service Appeal has received by your office for attendance, it is brought to your kind notice that instant appeal not relates to this office and wrongly the name of the undersigned mentioned in this appeal. It relates to District Education office (Male) Abbottabad.

Therefore, you are requested to issue notice to the concern and also directed the appellant to add the name of the original nessarary party in the appeal.

[Signature]
District Education Officer
(Female) Abbottabad.

Endst: No _____

Copy forwarded information to the:

1. PA Director E&SE Khyber Pakhtunkhwa Peshawar.
2. DEO (M) Abbottabad.
3. Office record.

[Signature]
District Education Officer
(Female) Abbottabad.

10
Put up to the court with
relevant appeal.

[Signature]
19/4/2021

[Signature]



To

O P S S

The Registrar
RPK Service Tribunal Peshawar

Desparchera
Distt. Edu. Officer
(Female) Abbottabad

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 14228/2020

Arshad Mehmood.....Appellant

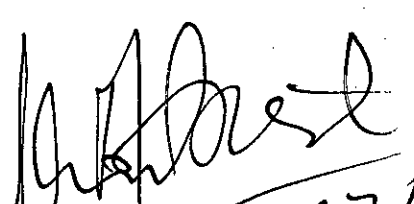
VERSUS

Govt. Of KPK & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

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1	Comments alongwith affidavit	01 to 06	
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	Copy of withdrawal order dated 18-08-2017	- 16	"C"
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District Education Officer (M)
Abbottabad
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 14228/2020

Arshad Mehmood.....Appellant

VERSUS

Govt. Of Khyber Pakhtunkhwa through Secretary E&SED Peshawar & Others....Respondents

SERVICE APPEAL

Joint Para Wise Comments on Behalf of Respondents

Respectfully Sheweth:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTION:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no **locus standi**.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present appeal is hopelessly **time barred** and no plausible justification was given in the application.
6. That the present appeal has been filed just to pressurize and blackmail the respondents.
7. Appellant did not annex the impugned order dated 03-01-2020 with his appeal as appellant annexed the order of Mr. Sadaqat Khan as annexure "G" page 37.
8. That the appellant does not fall within the ambit of Section 7(i) as he did not submit his application to the answering respondent within a period of 30 days hence, not eligible for appointment under "Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012."
9. That appellant did not challenge the **Section 7 (i) of the "Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012."** Hence, appeal in hand is liable to be dismissed on this score alone.
10. **That in pursuance to the judgment of August Supreme Court of Pakistan in CP No. 639-P of 2014 announced on 10-03-2016 the**

requirement of Section 7 (i) of the Khyber Pakhtunkhwa Act XVII of 2012 is mandatory in nature and leave was refused and petition was dismissed hence, the present appeal is not maintainable in view of the ibid judgment.

11. That the impugned Notification dated 03-01-2020 was issued after issuance of the Show Cause Notice to the appellant and opportunity of personal hearing was also provided to the appellant hence, Notification dated 03-01-2020 was issued in accordance with the Law, Rules & Policy.
12. That all the proceedings have been done by the competent authority as per Rule & Law; hence, the appeal is liable to be dismissed without any further proceeding.

Factual Objections:-

1. That the Para No. 1 of the instant appeal relates to service record.
2. That the Para No. 2 of the instant appeal relates to Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012.
3. That the Para No. 3 of the instant appeal as composed is incorrect, hence denied. As per Section 7 (i) of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012, appellant did not file an application within a period of 30 days from the date of commencement of Act for his appointment. (Copy of the Khyber Pakhtunkhwa Sacked Employees Act 2012 and List of Sacked Employees is annexed hereby as Annexure "A" & "B" respectively).
4. That the Para No. 4 of the instant appeal relates to the judicial record.
5. That the Para No. 5 of the instant appeal relates to the judicial record.
6. That the Para No. 6 of the instant appeal as composed is incorrect, hence denied. As appellant neither submitted any application to the department nor annexed any list with his service appeal. Furthermore, appellant annexed his appointment order as annexure "D" page 28 of the Service Appeal instead of List.

7. That the Para No. 7 of the instant appeal as composed is incorrect, hence denied. As the appointment order of appellant was issued inadvertently and same was withdrawn vide Endst: No. 9045-52 dated 18-08-2017 as appellant did not approach to the department within the specific period in terms of Section 7(i) of the Khyber Pakhtunkhwa Sacked Employees Act 2012, which is mandatory in order to avail the benefit of 30% Quota for appointment as the name of appellant does not fall in the Sacked Employees List as well as in pursuance to the judgment of August Supreme Court of Pakistan Islamabad in CP No. 639-P/2014 announced on 10-03-2016, received to the office of answering respondents via Fax on dated 10-08-2017. (Copy of withdrawal order dated 18-08-2017 & judgment of Honourable Supreme Court of Pakistan dated 10-03-2016 are annexed herewith as annexure "C" & "D" respectively).
8. That the Para No. 8 of the service appeal as composed is incorrect, hence denied. The Honourable Tribunal did not direct the department to conduct **fresh inquiry**. Appellant is concealing and twisting the material facts from this Honourable Tribunal as this Honourable Tribunal partially accepted the appeal of the appellant and set aside the impugned order dated 18-08-2017 with the **direction to issue show-cause notice to the appellant that why his appointment order be not withdrawn on such and such grounds and after replying the said show-cause and providing opportunity of personal hearing, the respondent department shall pass order deem appropriate within ninety days after receipt of copy of this judgment. However, the reinstatement of the appellant and the issue of back benefits will be subject to the outcome of decision of show-cause notices.** (Copy of the judgment of

this Honourable Tribunal passed in Appeal No. 443/2018 dated 18-09-2019 has already been annexed as Annexure "F" page 31 to 36 of the appeal).

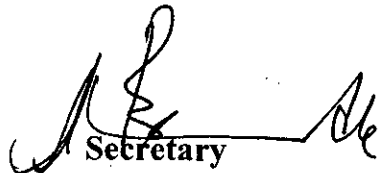
9. In reply to Para No. 9 it is submitted that the instant appeal is barred by law and hopelessly time barred.

GROUND:-

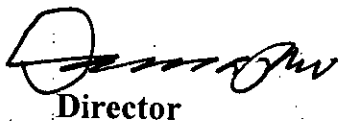
- a. That the ground a, of the instant appeal as composed is incorrect, hence denied. During the proceedings of personal hearing, Appellant failed to provide any proof regarding submission of his application for appointment under Section 7 (i) of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012 and list of Sacked Employees as well.
- b. That the ground b, of the instant appeal as composed is incorrect, hence denied. The Honourable Tribunal did not direct the department to conduct **fresh inquiry**. Appellant is concealing and twisting the material facts from this Honourable Tribunal as this Honourable partially accepted the appeal of the appellant and set aside the impugned order dated 18-08-2017 with the **direction to issue show-cause notice to the appellant that why his appointment order be not withdrawn on such and such grounds and after replying the said show-cause and providing opportunity of personal hearing, the respondent department shall pass order deem appropriate within ninety days after receipt of copy of this judgment. However, the reinstatement of the appellant and the issue of back benefits will be subject to the outcome of decision of show-cause notices.** Further submitted that in pursuance to the judgment of this Honourable Tribunal dated 18-09-2019, the department issued:
1. Show Cause Notice to appellant through Headmaster Manjian Abbottabad vide memo No. 11726 dated 31-10-2019. (Copy of Show Cause Notice is annexed as Annexure "E").
 2. Reply to Show Cause Notice of appellant was received vide Diary No. 9471 dated 18-11-2019. (Copy of Reply to Show Cause Notice is annexed as Annexure "F").

3. Provided an opportunity for personal hearing on 10-12-2019 through Headmaster GHS Manjian Abbottabad vide memo No. 563-64 dated 02-12-2019. (Copy of letter for personal hearing is annexed as Annexure "G").
4. Appellant appeared for personal hearing on 10-12-2019 and requested to reschedule his personal hearing. As per request of the appellant, appellant was re-called for personal hearing on 13-12-2019 vide memo No. 12779-80 dated 11-12-2019. (Copy of the request and letter No. 12779-80 dated 11-12-2019 is annexed herewith as Annexure "H" & "I").
5. That the appellant appeared for personal hearing on 13-12-2019 and failed to provide documentary proof regarding submission of his application in view of the Section 7 (i) of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012. (Copy of the proceeding of the personal hearing dated 13-12-2019 is annexed herewith as Annexure "J").
- c. That the ground c as composed is incorrect, hence denied. The appeal is hopelessly time barred.
- d. As stated in Para "C" ibid.
- e. That the respondents seek permission of this Honorable Tribunal to raise additional grounds/points during the course of arguments.

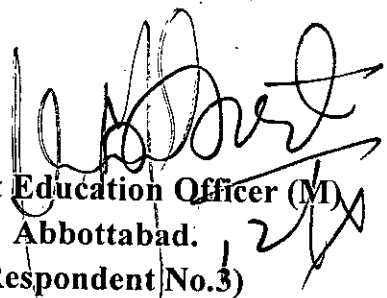
It is, therefore, very humbly prayed that in the light of forgoing comments the appeal in hand may graciously be dismissed with cost throughout.



Secretary
E&SED Khyber Pakhtunkhwa
Peshawar. (Respondent No.1)



Director
E&SE Khyber Pakhtunkhwa
Peshawar. (Respondent No.2)



District Education Officer (M)
Abbottabad.
(Respondent No.3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

Appeal No.14228/2020

Arshad Mehmood.....Appellant

VERSUS

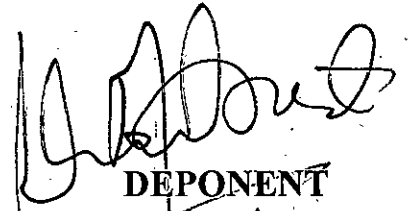
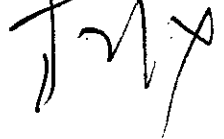
Govt. Of Khyber Pakhtunkhwa through Secretary E&SED Peshawar & Others....Respondents

SERVICE APPEAL

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Muhammad Shaukat, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT


07

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

Appeal No.14228/2020

Arshad Mehmood.....APPELLANT

VERSUS

GOVT: OF KPK & OTHERS.....RESPONDENTS.

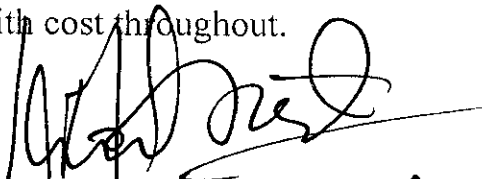
SERVICE APPEAL

REPLICATION TO APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:


1. That Para No. 1 of the application is correct to the extent of filing of appeal while rest of the Para as composed is incorrect hence, denied.
2. That Para No. 2, of the application as composed is incorrect hence, denied.
3. That Para No. 3, of the application as composed is incorrect hence, denied as no plausible reason was mentioned in the application. Furthermore, in pursuance to the Notification No. P.Reg.259/2017-SCJ dated Islamabad, the 26th March, 2020 the delay w.e.f. 20-05-2020 to 17-07-2020 cannot be condoned. (Copy of Notification No. P.Reg.259/2017-SCJ dated Islamabad, the 26th March, 2020 is annexed herewith as Annexure "A").

It is, therefore, very humbly prayed that in the light of forgoing replication the application in hand may graciously be dismissed with cost throughout.


District Education Officer (M)
Abbottabad
(RESPONDENT NO. 3)

AFFIDAVIT

I, Mr. Muhammad Shaukat, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing replication are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT
174

NOTIFICATION

No.P.Reg.259/2017-SCJ: In order to deal with difficulties faced by litigants who are hampered in filing suits, applications, petitions and appeals, etc before various legal fora provided by laws, on account of partial/complete Lockdown announced by the Federal/Provincial Governments, by reason of spread of Pandemic Novel Coronavirus (COVID-19) in different parts of the country:

WHEREAS the Supreme Court of Pakistan including its Institution Branches are functioning all over the country while observing various safety protocols;

AND WHEREAS on account of curtailment of movement and non availability/scarcity of means of transportation, it is difficult for litigants to file suits, applications, petitions and appeals, etc. for reasons beyond their control.

AND WHEREAS it is expedient to facilitate filing of suits, applications, petitions and appeals, etc. before the fora provided by various laws.

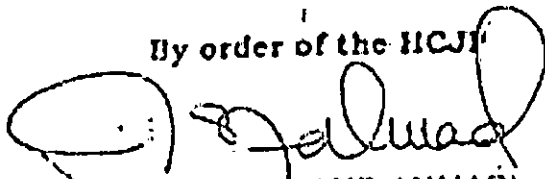
NOW THEREFORE in exercise of powers available under Article 191 of the Constitution of the Islamic Republic of Pakistan, 1973 read with Order II Rule 1 and Order XXXIII Rules 1, 3, 4 & 6 of the Supreme Court Rules, 1980 it is hereby notified as follows:

- i) For the purposes of Section 4 of the Limitation Act, 1908 ("the Act"), for the purpose of calculation of period of limitation, provided under the Act or any other law, the Institution Branch of this Court, at the Principal Seat and the Branch Registries, shall be deemed to be closed from 22.03.2020 till 21.04.2020 (unless withdrawn earlier), for those litigants who are unable to approach this Court on account of the Lockdown announced by the Federal/ Provincial Governments.

ii) Notwithstanding the above, there shall be no bar on filing of applications, petitions and appeals, etc. within the statutory period of limitation.

27 This issues with approval of the competent authority.

By order of the HCJ


(KHAWAJA DAUD AHMAD)
REGISTRAR

The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi.

Copy to:

1. Secretary Law, Justice & Human Rights Division, Islamabad
2. The Attorney General for Pakistan, Islamabad.
3. The Advocate General, Punjab, Lahore.
4. The Advocate General, Sindh, Karachi.
5. The Advocate General, Khyber Pakhtunkhwa, Peshawar.
6. The Advocate General, Balochistan, Quetta.
7. The Registrar, Lahore High Court, Lahore.
8. The Registrar, High Court of Sindh, Karachi.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Registrar, High Court of Balochistan, Quetta.
11. The Registrar, Federal Shariat Court, Islamabad.
12. The Registrar, Islamabad High Court, Islamabad.
13. The Deputy Attorney General for Pakistan, Lahore, Karachi, Peshawar and Islamabad
14. The Secretary, Home Department, Government of the Punjab, Lahore.
15. The Secretary, Home Department, Government of the Sindh, Karachi.
16. The Secretary, Home Department, Government of the Khyber Pakhtunkhwa, Peshawar.
17. The Secretary, Home Department, Government of the Baluchistan, Quetta.
18. The Secretary, Provincial Bar Councils, Lahore, Karachi, Peshawar & Quetta.
19. The Secretary, Law & Justice Commission of Pakistan, Islamabad.
20. The Director General, Federal Judicial Academy, Islamabad.
21. The President, Supreme Court Bar Association, Islamabad.
22. The Secretary, Pakistan Bar Council, Islamabad.
23. High Court Bar Associations, Lahore, Karachi, Peshawar, Quetta and Rawalpindi.
24. Secretary to HCJ,
25. Afs/Sr.PSo/PSs to Hon'ble Judges.
26. Sr.CA, Registrar Office.
27. Judicial Assistant, Adtl. Registrar (A) Office.
28. PA to Registrar.
29. PA to Additional Registrar (A).
30. PA to Additional Registrar (B).
31. PA to D.O, HR Cell
32. All Officers / Officials at Principal Seat, Islamabad.
33. Branch Registrars of the Supreme Court, Lahore, Karachi, Peshawar & Quetta.
34. Notification file.
35. Office Order file.
36. Notice Board.

SACKED EMPLOYEES ACT - 2012

AN
ACT

Annex - A⁶

(09)

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

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

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

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

It is hereby enacted as follows:

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

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

(3) It shall come into force at once.

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

- (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 and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 on the ground of irregular appointments.

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

(11)

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.

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

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

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

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

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

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked 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.

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



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

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Annex - B
14

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.
INTER-SE-MERIT LIST OF SACKED EMPLOYEES HAVING SENIOR IN AGE AGAINST THE POST OF C.T.

No.	Name of Sacked Employee.	CNIC No.	Father's Name.	Date of Birth.	Date of 1st Apptt.	Date of Taking over Charge.	Date of Termination.	School Adjusted.	Remarks.
1	Muhammad Javed Khan	13101-5201614-7	Muhammad Ajab Khan	4/4/1967	7/12/1995	17-12-1995	7/7/1997	GHS Kahal Haripur	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.(CT result declared after termination)
2	Abid Hussain Shah	13101-096531-9	Syed Rasool Shah	3/4/1969	18-09-1995	19-09-1995	3/7/1997	GMS Seri Khan kalan	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.(CT result declared after termination)
3	Waseem Gul	13101-0977728-7	Ali Ansar Khan	10/7/1971	15-11-1995	16-11-1995	13-02-1997	GHS Bandi Dhunda	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.(CT result declared after termination)
4	Muhammad Saleem	13101-1043037-1	Muhammad Ashraf	1/1/1972	7/12/1995	13-12-1995	5/4/1997	GHS Badora	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.
5	Riaz Ahmed	13101-0885263-1	Sher Ahmed	9/3/1972	7/12/1995	17-12-1995	25-06-1997	GMS Surjal	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.(CT result declared after termination)
6	Aamir Fazal	13101-0879242-7	Fazal ur Rehman	1/5/1974	1/4/1996	1/4/1996	7/7/1997	GMS Nawanshehr	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.(CT result declared after termination)
7	Muhammad Shamroz Khan	13101-6327160-5	Khawaj Muhammad Khan	5/6/1975	12/12/1995	12/12/1995	7/7/1997	GHS Bagh Pur Dheri	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.(CT result declared after termination)
8	Ishtaq-ur-Rehman	13101-2336659-5	Muhammad Ramzan	4/2/1976	3/1/1996	3/1/1996	13-12-1997	GHS Satora	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.(CT result declared after termination)

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[Handwritten signature]

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15

9	Sajjad Ahmed	13101-8744861-1	Muhammad Yaseen	15-01-1969	31-10-1996	31-10-1996	5/4/1997	GHS Bakot	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee. (CT result declared after termination)
10	Mir Zaman	13501-1356058-1	Gul Zaman	15-02-1972	27-08-1995	28-08-1995	25-06-1997	GMS Hadora Bandi	Eligible but belongs to Mansehra Recommended
11	Muhammad Nawaz	13101-6274285-5	Muhammad Zaman	22-03-1969	16-11-1995	25-11-1995	26-06-1997	GHS Nathia Gali	
12	Muhammad Azam Khan	13101-0838403-9	Muhammad Aslam Khan	25-05-1973	7/12/1995	7/12/1995	25-06-1997	GMS Pattan Kalan	Having not minimum CT Professional prescribed Qualification, hence does not fall within the definition of sacked employee.

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Annex "C"

16

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

APPOINTMENT OF SACKED EMPLOYEE AGAINST CT POST (WITHDRAWN)

In pursuance to the Judgment of August Supreme Court of Pakistan Islamabad in Civil Petition No. 639-P of 2014 announced on 10-03-2016, read with Section-7(1) of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012 (Khyber Pakhtunkhwa Act No. XVII of 2012), received vide Advocate General Khyber Pakhtunkhwa Peshawar letter No. 4942-47 dated 25-03-2016 through Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar by fax dated 10-08-2017, appointment order of the following Sacked Employees (CTs) issued inadvertently vide this Office Endst No. 8340-48 dated 28.07.2017 is hereby withdrawn with effect from the date of its issuance in the light of Para-7 of the said judgment as they have failed to filed their application within thirty days from the date of commencement of Sacked Employees Act i.e 20-09-2012.

S No.	Name	Father's Name	CNIC	D/O Birth	Quali-ty: 2017	D/O 1st Appl	D/O Termination	Previous School	place of posting	REMA-RKS
1/1	Sadaqat Khan	Akram Khan	13101-7600549-9	5/10/1963	B.A	24/1/1996	Nil	GHS Khehri Haripur	GHS Harl Khaller	AVP
2/2	Arshad Mehmood	Sher Afzal Khan	13101-3283866-3	4/8/1965	B.A, CT	18/9/1995	13/2/97	GHS Gari Noor Pur	GHS Manjla	AVP

Qazi Taz Jamal Hussain
District Education Officer (M)
Abbottabad

Form No. /EU II/ CT Sacked

Dated 12/8/2017

Copy forwarded for information and necessary action to the:-

1. Additional Registrar Peshawar High Court Abbottabad Bench w/r to Judgment passed in W.P No.516-A / 2013 announce on 24.5.2016
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts Abbottabad.
4. All the Principals/HMs of the concerned school
5. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department Peshawar.
6. D&AO Local Office
7. AP EMIS local office.
8. Candidate: Concerned.
9. Master File.

District Education Officer (M)
Abbottabad

Attested
Muhammad Hussain
Advocate High Court
Office No 33 Adjacent to
Dist. Court Abbottabad

4
Anx "D" 55
17



OFFICE OF THE ADVOCATE GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 4942-47 /AG

Dated, Peshawar, the 25/03 /2016

Address: High Court Building, Peshawar
Tel No. 091-9210119

Exchange: 091-9213833
Fax No. 091-9210270

To

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
4. The Deputy Commissioner, Swat.
5. The District Education Officer (M), Swat.

Subject: **Civil Petition NO. 639-P OF 2014**

(on appeal from the judgment of Peshawar High Court, Mingora Bench, (Dar-ul-Qaza), Swat, dated 25/09/2014 passed in W.P.No.258-M/2014)

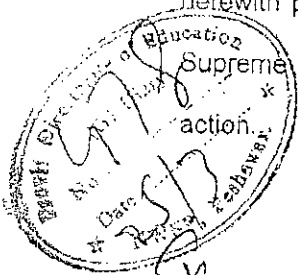
Behre Alam Khan etc

Versus

Govt. of KPK through Secretary Home & Tribal Affairs Deptt., etc.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith photocopy of detailed Order, dated 10/03/2016, passed by the august Supreme Court of Pakistan, Islamabad for information and further necessary action.



6995
10-2-17

Yours faithfully,

(Signature)
(MOHAMMAD ARSHAD KHAN)
ADMINISTRATIVE OFFICER

Endst. No. & date even

Copy alongwith above to the Secretary to Govt. of Khyber Pakhtunkhwa, Law Department, Peshawar.

(Signature)
ADMINISTRATIVE OFFICER

(Handwritten notes and signatures)
19/8/17

Anx "D"
18

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali, HCJ
Mr. Justice Umar Ata Bandial
Mr. Justice Faisal Arab

Civil Petition No.639-P of 2014.

(on appeal from judgment of Peshawar High Court, Mingora Bench,
(Dar-ul-Qaza), Swat, dated 25.9.2014, passed in W.P No.258-M of 2014)

Behre Alam Khan, etc

Petitioners

Versus

Government of KPK through Secretary Home & Tribal Affairs, etc

Respondents

For the petitioners: Malik Jawad Khalid, ASC.

For official respondents: Mr. Mujahid Ali Khan, Addl.A.G. KPK.
Mr. Muhammad Ishaq, Sr. Clerk.

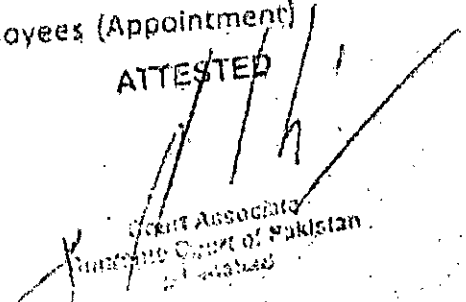
Respondent No.11: In person.

Date of hearing: 10.3.2016

JUDGMENT

Anwar Zaheer Jamali, C.J.- Through this civil petition, leave to appeal is sought by the petitioners against the judgment dated 25.9.2014, in Writ Petition No.258-M/2014, passed by learned Division Bench of the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat (hereinafter referred to as "the High Court"). By this judgment, the petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, filed by the petitioners and respondents No.9 to 15, claiming relief of regular appointment on the basis of Khyber Pakhtunkhwa Sacked Employees (Appointment)

ATTESTED


Sole Agent
Supreme Court of Pakistan
Islamabad

perusal of case record reveals that on 13.5.2014, petitioners and the private respondents had instituted writ petition No.258-M/2014 before the High Court with the following prayer:-

It is, therefore, humbly prayed that on acceptance of this writ petition, the notices/letters issued by the respondents to the petitioners in the month of April 2014 may please be set aside and the respondents may kindly be directed that:

- i. All sort of letters, orders & documents issued by the respondents, which infringed the lawful constitutional right of the petitioners may be declared unlawful, arbitrary, void ab-initio and ineffective upon the legal & constitutional rights of the petitioners, be set aside.
- ii. The respondents may be restrained from issuing any such letters, orders, corrigendum etc regarding refusal of the legal & constitutional rights of the petitioners as to their reinstatement against 30% quota of Govt. Sacked Employees Act, 2012.
- iii. The respondents be issued order and to direct them to reinstate the petitioners against the vacant or newly created posts of CIs, PSTs etc.

Any other remedy which this august court deems just, appropriate & efficacious may also be awarded though specifically not been prayed for in the instant petition, but the interest of justice demand so."

3. Their entire claim was based on the assertions that they were entitled for regularization of service under the Act of 2012, as their appointments had taken place during the period 01.11.1993 to 30.11.1996 and they were dismissed/removed/terminated from service on the ground of irregular appointments during the period from 01.11.1996 to 31.10.1998.

ATTESTED / /

4. Before us, the sole submission of the learned ASC for the petitioners is that since the petitioners/private respondents were duly qualified for appointment in terms of section 3 of the Act of 2012, therefore, the impugned judgment, holding a contrary view, is liable to be set aside.

5. Conversely, the submission of learned Additional Advocate General, KPK is that none of the petitioners was qualified for appointment on regular basis within the meaning of "sacked employee" under section 2(g) of the Act of 2012 as they were neither regular appointees under the prescribed procedure nor they possessed the prescribed qualification for the requisite post against which many of them were appointed on the directives of Nawabzada Khawaja Muhammad Khan Hoti, the Minister for Education (Schools) and Colleges, NWFP, Peshawar; as evident from the contents of their appointment letters.

6. During the arguments, we have also confronted the learned ASC for the petitioners with the language of sections 3 and 7 of the Act of 2012, which respectively read as under:-

Section-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."

ATTESTED

8. We have asked the learned ASC for the petitioners to show us from the contents of the petition or any other material placed before the High Court that the procedural requirement of section 7 (*ibid*) was adhered to by the petitioners as it was a mandatory prerequisite for availing the benefit of the Act of 2012. But, in this regard, he was unable to show us anything from the contents of the petition or the documents annexed therewith. However, he has placed on record some applications of such nature alongwith C.M.A No.8950/2015 filed in the instant petition. A perusal of contents of one such application reveals the date of application is 15.10.2012, though the date originally mentioned in the application was 15.10.2013, which was changed by overwriting to 15.10.2012. The tampering in the date is further substantiated from its reply dated 04.4.2014, given by the District Education Officer (M), Swat. Even otherwise, such assertion on behalf of the petitioners is falsified from the contents of their writ petition filed before the High Court, as not only there is no reference at all of any such application or following of procedure prescribed in section 7 (*ibid*), but it has been categorically stated in paragraph 4 thereof, that the petitioner took initiative after the advertisement was made by the respondent No.7, regarding different vacancies of School Teacher in Education Department, Swat, through publication in dally Mashriq dated 21.6.2013. Had it been a case where the petitioners had duly followed the procedure prescribed under section 7 of the Act of

ATTESTED

Section-2:

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

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

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

(3) If any vacancy occurs against the thirty per cent 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 per cent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment." (underlining supplied for emphasis)

7. A bare reading of above reproduced provisions of law reveals that in order to avail the benefit of thirty percent vacancies provided for sacked employees under section 3 of the Act of 2012, it was necessary for the petitioners to approach the concerned department in terms of section 7 (*ibid*) within 30 days and in case of failure, as per its proviso, they would lose their entitlement for appointment in terms thereof.

ATTESTED

Act, 2017 (hereinafter referred to as "the Act of 2012"), was dismissed *inter alia*, with the following observations:-

"6. ... A look on their appointment orders and perusal of the available case record would reveal that the petitioners were appointed on the directions of the then Provincial Minister for Education, while appointments of some of the petitioners were made as stopgap arrangement. Neither the posts on which the petitioners were appointed, were advertised, nor any Departmental Selection Committee was constituted for the selection process. There is nothing on the record to show whether the petitioners ever had applied for their selection or they ever appeared in any tests or interviews. The entire process of their recruitment was quite contrary to the prescribed rules and was carried out at the whims and directions of someone sitting on the helms of Provincial Education Ministry. So from the above discussion, an opinion can easily be formed that the petitioners were not regularly appointed rather they had procured their appointment orders by hook or by crook and through political influence. Therefore, they are not entitled to any relief under the Act as it is well-settled that protection of law is only available to that right which has been secured through legal means and not to any usurper.

Procedural of appointments

7. ... another important aspect of the instant case is that services of the petitioners were terminated by the respondents pursuant to a judgment of this Court dated 10.12.1996, delivered in writ petition No.649 of 1996, delivered in writ petition No.649 of 1996. Neither order of this Court, nor the termination orders have ever been challenged by the petitioners in any forum even upto now. Had they been aggrieved of their termination orders, they should have challenged the same well within time before proper forum but they kept mum for almost seventeen (17) years which attitude of theirs is sufficient to dismiss their petition."

No challenge to 7. orders.

2. We have heard the arguments of learned ASC for the petitioners and the learned Additional Advocate General, KPK. A

ATTESTED

[Handwritten signature]

24

13

C.P No. 639-P/2014

2012, their case might have been worth consideration, subject to proof of other legal requirements that their earlier appointments to a civil post were made on regular basis, and at the relevant time they were duly qualified and experienced for the said posts. But contrary to it, as rightly held by the learned Division Bench of the High Court in its impugned judgment, these qualifications were also lacking in the case of present petitioners, besides non fulfillment of requirements of section 7 of the Act of 2012, which were also mandatory in nature.

9. This being the position, leave is refused and this petition, is dismissed.

Sd/- Anwar Zaheer Jamali, HCL
Sd/- Umar Ata Bandial, J
Sd/- Faisal Arab, J

Certified to be True Copy

[Signature]
Chief Justice
Supreme Court of Pakistan
Islamabad

SEAL OF THE SUPREME COURT
Islamabad,
10th March, 2016
Not approved for reporting.
18.3.2016

4875/16

CC No: _____ Civil/Criminal
Date of Presentation: 10.3.16
No of Witnesses: _____
No of Filings: _____

OFFICE OF THE DISTT: EDUCATION OFFICER (MALE) ABBOTTABAD.

Ann - "E"

No. 11726 /ADO/Lit/Sacked/CT

Dated 31/10 2019

(25/23)

To,

The Headmaster,
GHS Manjia
Abbottabad.

Subject: - **SHOW CAUSE NOTICE.**

Memo:

Show Cause Notice in respect of Mr. Arshad Mehmood, CT, of your school is attached herewith. You are hereby directed to serve the same to him and return one copy to this office as a token of receipt.

etc
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

SHOW CAUSE NOTICE

I Qazi Tajammal Hussain, District Education Officer (Male) Abbottabad as Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Arshad Mehmood S/O Sher Afzal Khan CT GHS Manjia Abbottabad, as follows:

"That your appointment order was issued inadvertently vide this office Endst No.8340-48/EB-II CT/Sacked dated 28-07-2017.

2. In pursuance to the Judgement of August Supreme Court of Pakistan in Civil Petition NO. 639-P of 2014 announced on 10-03-2016, read with Section-7 1 of the Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012 Khyber Pakhtunkhwa Act XVII of 2012 received vide Advocate General Khyber Pakhtunkhwa Peshawar Letter No. 4942-47 dated 25-03-2016 through Director Elementary and Secondary Education Peshawar by Fax dated 10-08-2017, your appointment order issued inadvertently vide this Office No. 8340-48 dated 28-07-2017 was withdrawn from the date of its issuance in the light of Para-7 of the said Judgement as you failed to file your application within 30 days from the date of commencement of Sacked Employees Act, i.e 20-09-2012 vide this Office Endst No. 9045-52 dated 18-08-2017.
3. There is no need of holding formal inquiry in this case in the light of Judgement of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp Court Abbottabad passed in Service Appeal No. 443/2018 dated 18-09-2019 as the Honorable Tribunal has directed to issue Show Cause Notices by providing opportunity of personal hearing.
4. In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt: Servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice regarding your "**non filing of application for appointment under Section-7 i.e within 30 days from the date of commencement of the Sacked Employees Act dated 20-09-2012**". with the direction to submit your defence in writing within Fifteen (15) days of the issuance of this Notice as to why the major penalty of '**DISMISSAL FROM SERVICE**' under Rule 4 (b)(iv) of the said Rules should not be imposed upon you and also intimate whether you desire to be heard in person.
5. In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.


COMPETENT AUTHORITY

Mr. Arshad Mehmood S/O Sher Afzal Khan CT GHS Manjia Abbottabad.

Ans - E²
275

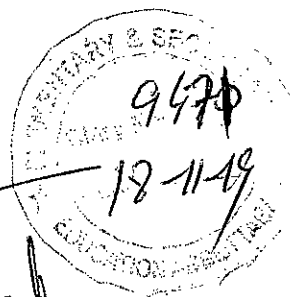
Subject:

REPLY OF SHOW CAUSE NOTICE DATED 23/10/2019 REFERENCE IS MADE TO SHOWCASE NOTICE DATED 31/10/2019 COPY OF SHOWCASE NOTICE DATED 31/10/2019 IS ATTACHED.

- 1- Para No. 1 of showcase Notice is incorrect. The appointment order dated 28/07/2017 has been issued after proper scrutiny of the document of the appellant.
- 2- Para No. 2 is incorrect and denied. The appellant applied for appointment as per saked employees Act 20/09/2012 within a period of one month from the date of commencement of the said Act.
- 3- Para No. 3 is incorrect. The Honourable service Tribunal issued the judgment dated 18/09/2019 as per law.
- 4- Para No. 4 is incorrect denied. As stated above the appellant for appointment under the saked employee Act 2012, within a period of one month

In view of the above it is prayed that Showcase Notice dated 31/10/2019 may graciously be withdrawn.

ADDC(EIS)
Pl: Talke
Fwd by 01/9



16-11-19


ARSHAD MEHMOOD 16/11/2019

Ans - 4

28

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NO 12563-64 EBIII/ADE-Let

Dated 2/12 2019

To

1. Mr. Arshad Mehmood, CT, GHS Manjia.
2. Mr. Sadaqat Khan, CT, GHS Hari Khetar.

Subject:- PERSONAL HEARING

Memo:

I am directed to refer this office show cause Notice issued vide No. 11725 and 11726 dated 31-10-2019, subsequent your reply received through diary No. 9470 and 9471 dated 18-11-2019 and hereby called you for personal hearing on 10-12-2019 at 10.00 AM to avail the opportunity of self-defense.

DY: District Education Officer (M)
Abbottabad

Endst of even No. and Date

Copy forwarded to the

1. HM GHS Hari Khetar Abbottabad with the remarks to direct the teacher concerned to appear for personal hearing on schedule date
2. HM GHS Majia Abbottabad with the remarks to direct the teacher concerned to appear for personal hearing on schedule date

DY: District Education Officer (M)
Abbottabad

regal -

regal -

محرم صواب D-F-O صواب صلح ایبٹ آباد

صواب عالی

تذکرہ میں ہے کہ میں نے ایک ساعے کو پر منزل
پہنچنے میں ترقی تھی۔ میں ہم ایسا دیکھا اور اس میں

اس کی صورت میں جواب میں دے سکتے

لکھنا میں کچھ دنوں میں صحت دی جائے

تاکہ ہم دیکھا دلا سکیں

سائل

اشرف محمد

(C.T) Manjia

108.12.2019

Adv (P/S) / Supdt -
Pl. re-scheerki

10/12/19

13101-3283866-3

Ans "I"

30

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

NO 12779-80 EBIII/ADE-Let

Dated 11/12 2019

To

1. Mr. Arshad Mehmood, CT, GHS Manjia.
2. Mr. Sadaqat Khan, CT, GHS Hari Khetar.

Subject:- **PERSONAL HEARING**

Memo:

I am directed to refer this office Memo No. 12563-64/EB-III/ADO Lit dated 02-12-2019 on the subject noted above and to state that your personal hearing was scheduled on 10-12-2019 at 10:00 AM in this office. You appeared for personal hearing on 09-12-2019 instead of 10-12-2019 and requested that the same may please be re-schedule.

As per your request you are hereby re-called for personal hearing on 13-12-2019 at 10.00 AM. You are hereby directed to attend the office of the undersigned on the scheduled date and avail the opportunity of self-defense.

DY: District Education Officer (M)
of Abbottabad

Endst of even No. and Date

Copy forwarded to the

1. HM GHS Hari Khetar Abbottabad with the remarks to direct the teacher concerned to appear for personal hearing on the schedule date
2. HM GHS Majia Abbottabad with the remarks to direct the teacher concerned to appear for personal hearing on the schedule date

DY: District Education Officer (M)
of Abbottabad

پرستار سیک آرٹسٹریڈیو سی آر

12
2019
GAS ما کھیا لوہہ

صفا صافی

سین فلٹا اسرار کرتا ہوں نہ Sacked
2012 کی شاعت کے تیس دنوں کے اندر داخل جمع کرائی گئی۔ یہ دفتر اس وقت 5:00 بجے تھا۔

جب میں نے داخل جمع کرائی تو نہ مجھے receiving ملی گئی اور نہ میں اور کو۔ ہم نے معلقہ ادارے کو سمجھا دیا۔ معلقہ ادارے نے دفتر میں غفلت کی ہے تو اس کی سزا ہمیں کیوں دی جائے گی۔ ان سزا کا نفاذ کیوں نہیں کیا گیا۔ اس کی غفلت سے ہمارے کام میں فریبٹ کی گئی۔ اس کا ثبوت دفتر میں ہے۔

میرا نام شروع سے Sacked employ کے سٹ میں موجود تھا۔ جب میں معافی کوڑ میں اپیل کرنے گیا تھا تو دیکھ کر اسٹارڈا میر میں نے اس میں لسٹ جیت لی تھی۔ اس میں میرا نام تھا۔ لیکن مانتے پر پھر مجھے اس میں کہ یہ نہیں دی گئی۔ میں نے ہائی کورٹ میں اپیل کی۔ میں سپریم کورٹ میں گیا لیکن حکمتہ اکثریشن نہیں کیا۔ DAC نے ہمارے کا قذات کاہ لے میں بیٹھے۔ ہمارے کوآف کی جانچ رپورٹ لئی گئی اور تمام لسٹوں کی روشنی میں ہمیں سب سے پہلے عمر کے حساب سے پوائنٹ پائپر بھی آج ہم نے جارج نے کمر 13 دن کا آج پھر ہمیں with draw لیا گیا۔ اب ہمارے کمر 13 دن کا آج پھر ہمیں لیا گیا۔ اب ہمارے کمر 13 دن کے معلقہ ایک دن کی سروس کے بعد بھی کوئی سب کو بہ طرف سب کمر 13 دن کا آج

Sacked Employers Act کے تحت 2012 کی شاعت کے بعد سیکشن 7(1) کے تحت 30 روم کے اندر درخواستے پر Re-statement / Appointment دفتر ہذا میں جمع کروائی گئی ہے۔ (S.A.S) Put up 13/12

اگر سوال نمبر I کا جواب ہاں میں ہے تو دائرگی پھر اور ہمارے نام کا حوالہ دیں

Sacked Employers کے نام کے لسٹ میں موجود ہے جو کہ دفتر ہذا نے ایک کی شاعت کے بعد سب کی گئی ہے۔ اگر موجود ہے تو پھر ہمارے نام

13/12/2019

س 4

اس کے علاوہ اپنے دفاع میں سرحد لکھ کر لکھنا چاہتے ہیں تو تحریر کر دیں۔

صناعت خانہ

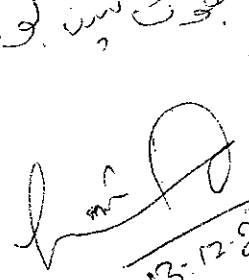
۱۹۹۶ء اور ۱۹۹۷ء کو میں اس طرف گئے تھے۔ حالانکہ میں اس وقت B.A تھا۔ جب کہ آئی سی سی کے لیے F.A ضرورت تھا۔ ۱۹۹۷ء میں میں نے آئی سی سی کی طرف سے اس وقت کے سربراہان کو درخواست دی تھی کہ وہ اس وقت کے سربراہان کو اس وقت کے سربراہان کے طور پر اپنا نام لکھنے کی اجازت دیں۔

اب مجھے کافی سزا مل چکی ہے۔ فراڈ سے اب میرے بچوں کو جو میرے زیر نگرانی ہیں انہیں سزا نہ دیں۔ وہ تعلیم حاصل کر رہے ہیں اور ان سے انہیں نہیں مل سکتا۔ کیونکہ ان کی ضروریات بہت ہیں۔ میں باپ کے پاس آگئے تھے۔ فراڈ سے مجھے کورٹس نے جلا دیا۔ اب بڑے قانون مجھے بحال کر دیں۔

28-07-2017 کا شمارا ^{letter} of appointment

میرا سب سے بڑا شکر ہے

میں ۲ حلف دے سکتا ہوں میں نے کوئی جھوٹ نہیں بولا


13-12-2019

Mobile No
0311-9723682

1-C No

13101-3283866-3

ANNEXURE C

OFFICE OF THE DIVISIONAL DIRECTOR OF
OF EDUCATION SCHOOLS HAZARA ABBOTTABAD

No. 11 / AE-III-B

Dated 5/4 / 1997.

TERMINATION.

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

S.No. Name of Teachers/Schools.

1. Mohammad Arshad Khan CT, GHS, No-I Havelianx Atd.
2. Zulfiqar Ahmed CT, GHS, Morehed Khen Abbottabad.
3. Sigher Akhtar CT, GHS, Nara Abbottabad.
4. Murtaza Khan CT, GHS, Muslamabad Abbottabad.
5. Sajjad Ahmed CT, GHS, Ex Thunda Abbottabad.
6. Jameel Ahmed CT, GHS, Tarnawai.
7. Iftikhar Hussain CT, GHS, Sarnan Abbottabad.
8. Mohammad Sadiq CT, GHS, Nagri Bala Abbottabad.
9. Javeed Khan CT, GHS, Nagri Tutial Abbottabad.
10. Zahid Khan CT, GHSS, Lora Abbottabad.
11. Sajjad Ahmed CT, GHS, Toheed Abad Abbottabad.
12. Javeed Khan CT, GHS, Khanspur Ayubia Abbottabad.
13. Aftab Khan CT, GHS, Bajwa
14. Malik Mahmood CT, GHS, Rajoya Abbottabad.
15. Kameef Gul CT, GHS, Sarnan Abbottabad.
16. Mohammad Nasir CT, GHS, Sarila Abbottabad.
17. Mohammad Fayaz CT, GHS, Chamber Atd.
18. Mohammad Salim CT, GHS, Nara Abbottabad.
19. Mohammad Naeed CT, GHS, Salam khund Haripur.
20. Mohammad Saraj CT, GHS, Meiramada Khel Msh.
21. Fayaz Khan CT, GHS, Seri Khan Kalan Abbottabad.
22. Mehmood Raiz CT, GHS, Laban Bandi Haripur.
23. Tariq Mehmood CT, GHS, KT-Ship No-3 Haripur.
24. Ali Akber CT, GHSS, TP-Ship Haripur.
25. Hafiqur Rehman CT, GHS, Manjgali Kohistan.
26. Mokaib Gul CT, GHS, RAAGOLIA Kohistan.
27. Mohammad Zareen CT, GHSS, Kuza Banda Battagram.
28. Shoukat Ali CT, GHS, Khawar Kohistan.
29. Niaz Mohammad CT, GHS, Khabal.
30. Zafer Iqbal CT, GHS, Parla Amazi Haripur.
31. Anjid Hussain CT, GHS, Hotal Batkool.
32. Mohammad Bashir CT, GHS, Kotegali Msh.
33. Mohammad Javeed CT, GHSS, Baffa Mansehra.
34. Mohammad Sabir CT, GHS, Shankiani Msh.
35. Mohammad Naeem CT, GHS, Jabori Msh.
36. Javed Sarwar DM, GHS, Atwal Abbottabad.
37. Mohammad Salim CT, GHS, Baidhra Mansehra.
38. Mohammad Arshad CT, GHS, Trappi Msh.
39. Bikhtar Ahmed CT, GHSS, Darband Msh.
40. Niaz Ahmed CT, GHS, Mangloor Msh.
41. Habibur Rehman CT, GHS, Ahl Msh.
42. Mohammad Almazab DM, GHS, Rawal Atd.
43. Iftikhar Hussain DM, G. S. M. Rawal Abbottabad.
44. Niaz Ahmed DM, GHS, Havelian Abbottabad.
45. Tariq Hussain Shah CT, GHS, Narbad Msh.
46. Qaiser Mehmood CT, GHS, Rehar Mansehra.
47. Javeed Khan DM, GHS, Havelian Abbottabad.
48. Mohammad Ishaq DM, GHS, Havelian Abbottabad.
49. Aqeed Khan DM, GHS, Havelian Abbottabad.
50. Niaz Ahmed DM, GHS, Havelian Abbottabad.
51. Mohammad Anwar Alam DM, GHS, Chisalian Atd.
52. Sohail Sarwar DM, GHS, Summa Karaga Atd.
53. Jibkeer Gul DM, GHSS, Lora Abbottabad.
54. Abdur Rehman DM, GHS, Madora Bandi Atd.

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AS

ATTESTED
CERTIFIED TRUE PHOTOCOPY

RASHID-UL-HAQ QAZI
Advocate Supreme Court
Abbottabad

OFFICE OF THE CIVIL: DIRECTOR OF EDUCATION(S) HAZ: DIV: A'ABAD.

OFFICE ORDER NO. _____/
AE-III CT
(Male).

DATED _____/1997.

TERMINATION.

On the perusal of relevant record the appointment of the following (Male) teachers have been found illegle, abintio, void and against the prescribed rules; therefore, their services, are hereby dispensed with, with immediate effect:-

- | NO. | Name and Father Name |
|-----|--|
| 1. | Saif-Ur-Rehman S/O Abdul Azam. |
| 2. | Murtaza Khan S/O Israil Khan R/O Abbottabad. |
| 3. | Ishfaq Ahmed S/O Mohd Amin, R/O Abbottabad. |
| 4. | Khan Afsar S/O Mir Afzal Khan R/O Abbottabad. |
| 5. | Riaz Khan S/O Ghulam Sarwar R/O Haripur. |
| 6. | Muhammad Saleem S/O Muhammad Ashraf. |
| 7. | Qaiser Javed S/O Muhammad Bushir. |
| 8. | Muhammed Akhtar S/O Mir Afzal. |
| 9. | Abdul Khatib S/O Muhammad Ishaq. |
| 10. | Tahir Mehmood S/O Muhammad Younis. |
| 11. | Khan Gul S/O Gul Hassan R/O Abbottabad. |
| 12. | Arsalan Khan S/O Saeed Ahmed R/O Mansehra. |
| 13. | Hamid Khan S/O Muhammad Rafique Khan R/O Abbottabad. |
| 14. | Muhammad Rafique S/O Muhammad Khan . |
| 15. | Junaid Khan S/O Farid Khan R/O Abbott abad. |
| 16. | Tariq Mehmood S/O Muhammad Afzal R/O Haripur. |
| 17. | Muhammad Javaid S/O Rustam Khan . |
| 18. | Zaffar Iqbal S/O Noor Muhammad . |
| 19. | Mir Bahadar S/O Ghulam Qader. |
| 20. | Akhtar Nawaz S/O Ghulam Hyder R |
| 21. | Amir Fazal S/O Fazal-Ur-Rehman R/O Abbottabad. |
| 22. | Mubasher Ahmed S/O Nazar Muhammad R/O Haripur. |
| 23. | Khalid Zaman S/O Safdar Zaman . |
| 24. | Ishmail Khan S/O Ilyas Khan . |
| 25. | Nawazish Ali S/O Muhammad Zaheer R/O Mansehra. |
| 26. | Khushdil Khan S/O Sher Dil Khan R/O Abbottabad. |
| 27. | Shoukat Ali S/O Muhammad Yousif. |

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Advocate Supreme Court
Abbottabad

Contd: on P/2.

Resign O/O. Power to 1997

P/2

28. ✓ ~~Qasim S/O Saifur Khan~~
29. Zarg Khan S/O Zar Khan R/O Abbottabad.
30. Mehmo d-Ur-Rehman S/O Noor Hassan .
31. Shoukat Hussain S/O Jilal Shah .
32. Fida Ahmed Abbassi S/O Mushal R/O Abbottabad.
32. Muhammad Irshad S/O Muhammad Arshed R/O Abbottabad.
34. Hafeez-Ur-Rehman S/O Manzoor-Ur-Rehman .
35. Liaqat Mehmood S/O Ali Akbar R/O Haripur.
36. Saifdar Ali S/O Ali Akbar R/O Abbottabad.
37. Attiqur-Rehman S/O Abdur-Rashid R/O Abbottabad.
38. Mazhar Ali S/O Khawaja R/O Manshra.
39. Jamshed Khan S/O Younas Khan Abbottabad.
40. Iftikhar Ahmed S/O Fazalur Rehman
41. Zahid Pervez S/O Dilawer Khan Haripur.
42. Iatasham Ahmed S/O Shabir Ahmed Atd,
43. Ashfaq Ahmed S/O Taj Mohd:Atd.
44. Ali Ahmed S/O Fasherwan
45. Mo hammad Shabir S/O Waris Haripur.
46. Jaseem Asgher S/O Ali Asgher Atd.
47. Anwarul Haq S/O Mohd:Ilyas.
48. Mohammad Javeed S/O Ajab Khan.
49. Moham mad Saraj S/O Noor Khan Manshra.
50. Khalid Mehmo d S/O Khuda Daksh.
51. Rukhsar Ahmed S/O Mohd:Kaurshid.
52. Khawar Khan S/O Farid Kh : Atd.
53. Abdul Zameen S/O Rehim Shah Manshra.
54. Zahid Khan S/O Ajab Khan Atd.
55. Abadur Hussain S/O Khalilur Rehman Atd.
56. Waqar Gul Khan S/O Khan Gul Atd.
57. Mohammad Saifur S/O Jehandad Khan Atd.
58. Munir Ahmed S/O Mefoo zullah Manshra.
59. Mohammad Hamayun S/O Mis Ezen Manshur.
60. Amanullah S/O Qazi Ayaz Khan Atd.
61. Mohammad Arshad S/O Gulistan Khan Atd.
62. A ttiqur Rehman S/O Abdulla Han.
63. Iftikhar S/O Alizaman.
64. Kashaf Khan S/O Hamayun Khan Atd.
65. Arif Lodhi S/O Ayub Lodhi Atd..
66. Naveed Ayaz S/O Mohd:Ayaz Khan Manshra.
67. Mohammad A li Khan S/O Mohammad Mawer Khan Atd.
68. Gulshed Khan S/O Mohsan Manshra.
69. Qaiser Rehman S/O Abdul Rehman
70. Hussain Shah S/O Ilyas Shah..
71. Adil Mir S/O Abdul Latif Mir.
72. Marsof shah S/O Afsar Khan.
73. Amin Khan S/O Mohsan Khan.
74. Binymeen S/O Mohd:Ramzan.
75. Mazakat Hussain Shah S/O Amin Shah.
76. Mohammad Irshad S/O Sohaib Atd.
77. Iftikhar Ahmed S/O Shabir Ahmed.
78. Abdur Rashid S/O Sultan Khan.
79. Ghulam Wajhat S/O Ghulam Rasool.
80. Noor Moham mad Shah S/O Rehman Shah Moh.

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Advocate Supreme Court
Abbottabad

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- Shamroz Khan S/O Khawaj Mohd:
 92. Riaz Ahmed S/O Roshan Din.
 93. Ghulam Jilani S/O Mohd: Ayub.
 94. Mohammad Javeed S/O Mir Ahmed.
 95. Sarfraz Khan S/O Aslam Khan
 96. Abid Khan S/O Amirdad Khan.
 97. Mohd: Nawaz S/O Mohd: Zaman.
 98. Meraj Ali S/O Umer Daraz.
 99. Rashid S/O Mohd: Farooq.
 100. Zaffer Iqbal S/O Ghulam Sarwar.
 101. Mohammad Yahya S/O Mohd: Islam.
 102. Gul Hamid Khan S/O Abidur Rehman.
 103. Khalid Mahmood S/O Mohd: Yousaf.
 104. Mohd: Farooq S/O Mohd: Sajid.
 105. Mohd: Javeed S/O Mir Ahmed.
 106. Kabeer Ahmad S/O bashir Ahmed.
 107. Mohammad Saeed S/O Mohd: Aslam.
 108. Fida Ahmad S/O Nisar Ahmed.
 109. Mohammad Sajid S/O Sultan.
 110. Abdul Qayum S/O Lal Khan.
 111. Mohammad Tasneem S/O Umer Khatab
 112. Mohd: Saeed Bxx & TT, GHS, Kot Najibullah Hpr.
 113. Mazher Iqbal S/O Fazalur Rehman.
 114. Mehboobur Rehman S/O Fazal Dad.
 115. Mirdad Khan S/O Jehondad Khan.
 116. Mohd: Rafique S/O Ali Asghar.
 117. Faqman S/O Jaffer Khan.
 118. At tigur Rehman S/O Noorur Rehman.
 119. Mohd: Tufail S/O Alladad Manshra.
 120. Mohd: Shafique S/O Banaras.
 121. Waris S/O Mahmoodur Rehman.
 122. Mohd: Azam Khan S/O Mohd: Aslam.
 123. Gul Javeed S/O Mansif Khan
 124. Attiqur Rehman S/O Abd ur Rashid.
 125. Mohd: Abid S/O Saifur Khan.
 126. Ejaz Ali S/O Jehondad Khan.
 127. Naseerud Din S/O Nawab Din.
 128. Zulfiqar S/O Abdul Baber.
 129. Annar Gul S/O Alladad Msh:
 130. Mohd: Javeed S/O Kustom Khan.
 131. Mohd: Nawaz S/O Ali Asghar &
 132. Mohammad Waved S/O Dm, GMS, Salhad.

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RASHID-UL-HAQ QAZI
 Advocate Supreme Court
 Abbottabad

All the above mentioned teachers may please be relieved of their duties forthwith where ever they are working at this stage and compliance reported to this office.

(USMER FAROOQ)

DIVIL: DIRECTOR OF EDUCATION(S)
 HAZARA DIVISION ABBOTTABAD.

Endstt: No. 16052-189 / AE III-B

Dated 07/7 / 1994.

Copy to:-

- 1-5. The DEOs (M) Secy: A/Abad, Haripur, Manshra, Battagram and Kohistan.
 6-138. All the Principals/Headmasters GHS/GMS/GSS in Hazara Division, with
 the remarks that since present exact where about is not known the
 services of the above named teachers where ever they are working at
 this stage stand dispensed with and Head of Institutions/DEOs,
 concerned, will be personally responsible if any teacher is left over
 and allowed to continue in services. Complete particulars of above
 teachers may also please be furnished on the following form:-
 S.No. Name/Father's Name Present Sch Gull: D/O Ist: D/O Apptt: No & Date
 & Designation. School. Apptt: ps. of. of Apptt:
 order.

Photo stat attested
 copy of Apptt order may
 be furnished.