17th Nov 2022

None for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Lutfullah, Senior A.T for respondents present.

Written reply/comment on pre-admission notice not submitted. Representative of the respondents seeks some time. Last chance is given to them. Notices be also issued to the appellant and his counsel. To come up for written reply/comments as well as preliminary hearing on 15.12.2022 before S.B at camp court Abbottabad.

(Kalim Arshad Khan) Chairman Camp Court Abbottabad 19th Oct., 2022

Nemo for the appellant. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments on behalf of the respondents have not been submitted. Learned AAG seeks further time to contact the respondents and submit reply/comments on the next date. Granted. This case pertains to Abbottabad and because of cancellation of tour the matter was fixed on 19.10.2022 at the Principal Seat. Appellant and his learned counsel did not appear. Notice be issued to appellant and his counsel for the next date. To come up for written reply/comments—and preliminary hearing—on 17.11.2022 before S.B.

(Fareena 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

1.9.05 2022

Nemo for the appellant

Previous date was changed on Reader Note, therefore, notice be issued to petitioner as well as his counsel. To come up for preliminary hearing before S.B on 16.06.2022 at camp court Abbottabad.

(Fareeha Paul) Member (E) Camp Court Abbottabad

16.06.2022

Appellant alongwith his counsel present.

Let pre-admission notice be issued to respondents for submission of reply/comments. To come up for reply/preliminary hearing on 17.08.2022 before S.B at Camp Court, Abbottabad.

(Rozina Rehman) Member (J) Camp Court, A/Abad 23.12.2021

Learned counsel for the appellant present and sought time for preparation of preliminary hearing. Adjourned. To come up for preliminary hearing on 18.01.2022 before the S.B at Camp Court Abbottabad.

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

18.01.2022

Junior to counsel for appellant present.

He made a request for adjournment as senior counsel is indisposed; granted. To come up for preliminary hearing on 17.03.2022 before S.B at Camp Court, Abbottabad.

(Rozina Rehman) Member (J) Camp Court, A/Abad Nemo for appellant.

Counsel are on general strike, therefore, case is adjourned to 18.01.2021 for preliminary hearing before S.B at Camp Court, Abbottabad.

(Rozina Rehman)

Member (J)

Camp Court, A/Abad

18.1.2021

Due to covid 14, case is adjusted so

9-2021 far The Jame

20.09.2021

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 15.11.2021 at Camp Court Abbottabad.

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

15.11.2021

Appellant alongwith counsel present.

A request was made for adjournment on behalf of learned counsel for appellant in order to produce relevant record in respect of appellant. Last chance is given.

Case is adjourned to 23.12.2021 for preliminary heraing before S.B at Camp Court, Abbottabad.

(Rozina Rehman) Member(J) Camp Court, A/Abad 16.12.2019

Junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned to 21.01.2020 for preliminary hearing before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi) Member Camp Court Abbottabad

21.01.2020

Appellant in person present and seeks adjournment as his counsel is not in attendance. Adjourn. To come up for preliminary hearing on 19.02.2020 before S.B at Camp Court Abbottabad.

Member Camp Court, Abbottabad

Due to covid ,19 case to come up for the same on / / at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on

21 / 101 w at camp court abbottabad.

21.10.2019

Petitioner and present. Counsel for the petitioner is not present due to general strike of Khyber Pakhtunkhwa Bar Council. Petitioner requested for adjournment. Adjourn. To come up for arguments on restoration application on 21.11.2019 before S.B at Camp Court, Abbottabad. Original record of service appeal be also requisitioned for the date fixed.

Member Camp court, A/Abad

21.11.2019

Counsel for the petitioner present. The present appeal was dismissed on account of non-prosecution vide order dated 21.12.2018. Learned counsel for the petitioner argued that the said appeal was received in this Tribunal through registered post and entry to this effect was made on 10.08.2018. According to the invogue procedure, the staff of the Tribunal was required to issue proper notices to the learned counsel for the petitioner as well as the petitioner. However, the record placed before us revealed that notices were not issued by the staff of notice branch of this Tribunal. On the other hand when the matter was inquired by the learned counsel for the appellant from the office of Registrar of this Tribunal on 23.07.2019, he came to know about dismissal of the appeal on account of non-prosecution.

Available papers have proved that the appellant could not be held responsible for the delay occurred in preferring application for restoration of service appeal. Request for restoration of the instant service appeal appears to be genuine. As such the instant appeal is restored to its original number and be fixed to its previous proceedings on 16.12.2019 before S.B at camp court Abbottabad.

Member
Camp Court Abbottabad

Form-A

FORM OF ORDER SHEET

Court of	
Annual's Destaration Application No.	207/2010

S.No.	Date of	Order or other proceedings with signature of judge
	order	` ` `
1	Proceedings 2	3
1	26.07.2019	The application for restoration of appeal No. 992/2018
		received by post through Amanullah Khan Salik Advocate, may
		be entered in the relevant register and put up to the Court for
		proper order please. REGISTRAR >617
2	16-8-19	This restoration application is entrusted to touring S.
		Bench at A.Abad to be put up there on 21-10-19 CHAIRMAN
Q1120	9 E	(Petitioner in person Counse) for the petitioner (is) of Engline to general strike of Khyber Pakht. Joner requested for adjournment Adjourn To come up) of monts on restoration application on 21.11.2019 before S.B.
	_	Thirt, Abbottabac)
		(Member) (Camp.court, A/Abz ()

21.12.2018

Nemo for appellant.

This appeal was called several times today and it is now 12.15 P.M despite no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman Camp court, A/Abad

ANNOUNCED

21.12.2018

Form- A FORM OF ORDER SHEET

Court of		·
Case No.	000/200	
case No	992 /2018	

	Case No	992 /2018	
S.No.	Date of order proceedings	Order or other proceedings with signature of judge	···
1	2	3	
1	10/08/2018	The appeal of Mr. Shahi Khan received today by po	
		Mr. Amanullah Khan Salik Advocate may be entered in the	•
	16- 8-2018	Register and put up to the Worthy Chairman for proper or REGISTRAR	10/8/N
2-	10, 9 200	This case is entrusted to touring S. Bench at	_
•		preliminary hearing to be put up there on $\frac{19-10-}{}$	18_
		\bigcirc	
		CHAIRMA	N .
	·		
			-
		·	
19. 1	0.2018	Neither appellant nor his counsel present. A	Adjourned
]	o come up for preliminary hearing on 21.12.20	18 before
		B at camp court, Abbottabad.	
•			
			, -
		Chairm	an
		Camp Court,	A/Abad
		·	
		l ·	stre.
			.

21.12 .2018

Nemo for appellant.

This appeal was called several times today and it is now 12-15. 15.12 PM despite no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman
Camp Court A/Abad

Announced: 21.12.2018

• BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHAWA PESHAWAR

Sewice Appeal No 992 /2018

Shahi Khan

...APPELLANTS

VERSUS

Govt; KPK & Others.

.....RESPONDENTS

SERVICE APPEAL INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Service appeal with addresses of parties		1-5
2.	Order of High Court	-A-	6-17
	Impugned order	-B- ·.	18
3.	Departmental Appeal	-C-	19
4.	Wakalat Nama	=	20

APPELLANT

Through:

Dated:- 9/8 /2018

(Amanullah Khan Salik) (Advocate High Court),

Abbottabad.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHAWA PESHAWAR

Service Appeal No 992 /2018

1. Shahi Khan s/o Pai khan R/o Peshora, Tehsil

and District BattagramAPPELLANT

VERSUS

Diary No. 127/ Dared 10/8/20/8

- Govt; Khyber Pakhtun Khawa, Through Secretary Education Peshawar.
- 2. Director Elementary and Secondary Education Peshawar
- 3. District Education officer (male) Battagram

....RESPONDENTS

SERVICE APPEAL; AGAINST THE ORDER

Filedto-day
Registraro

No 1305-10/EB/PRY/SACKED/EMPLOYEES

DATE 31/01/2018 BATTAGRAM WHEREBY

APPELLANT IS TERMINATED

PRAYER:- Allowing this appeal, service of the appellant, be restored/ be reinstalled, with all the back benefits of the service through out.

Respectfully,

This appeal proceeds on the following main facts and legal points;-

- That appellant was appointed in the year 1995, but his services were terminated in the year 1998, on political grounds.
- ii. That result of the "SAKE" employees policy of Govt; Khyber Pakhtunkhawa, appellant was reinstated in the year 2013.
- That through and ambiguous general order, appellant were again terminated Service of where against Honourable Peshawar High Court Abbottabad Bench directed respondent No.1 for a uniform order. Copy is......Annexure "A"
- iv. That under the direction of respondent No 1,
 Through respondent no 2, respondent No3,
 repeated the same Order.

Copy is Annexure "B"

GROUNDS;-

It is in this background, appellant beg to solicit as under;

- a. That order herein impugned is against law, facts of the case, contrary to the principles of natural justice hence not tenable..
- b. That, without any intimation for several months' salary of the appellant was stopped, for no good reasons at all.
- c. That appellant is duly qualified and does not suffer from any disqualification.
- d That, respondent did not issue any notice to the appellant, and all of sudden initiated punitive action against the appellant which is against the principles of natural justice.
- e. That order passed is unilateral, arbitrary and tainted with malafide.

f. That others points/submissions, if graciously allowed shall be made at the time of the arguments.

It is therefore humbly prayed service of the appellant, be restored/ be reinstalled, with all the back benefits of the service through out.

APPELLANT

Super

Through:

Dated:- 9/8 /2018

(Amanullah Khan Salik) (Advocate High Court),

Abbottabad.

VERIFICATION:-

Verified that the contents of the instant **appeal** are true and correct to the best of my knowledge and information furnished by my client and that nothing has been concealed from this Hon'ble Court.

Dated:- 9/8 /2018

(Amanullah Khan Salik)
(Advocate High Court),

Abbottabad.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHAWA PESHAWAR

ADDRESSES OF PARTIES

Shahi Khan s/o Pai khan R/o Peshora, Tehsil ;and District Battagram
....APPELLANTS

Govt; Khyber Pakhtun Khawa, Through Secretary Education Peshawar.

Director Elementary and Secondary Education Peshawar

District Education officer (male) Battagram
.....RESPONDENTS

APPELLANT

Through:

Dated:- 9/8 /2018

(Amanullah Khan Salik) (Advocate High Court),

Abbottabad.





<u>NOTIFICATION</u>

In pursuance of the order of Honorable Supreme Court of Pakistan in Civil Appeals Numbers 51-p and 52-p of 2009 whereas appeal was disposed of with the term & condition that appellants shall be appointed as PST (Primary School Teacher) in their respective Union Councils immediately and in case if the appellants fail to acquire the training and the said qualification within three years, their appointments shall stands terminated automatically".

Subsequently the appointments of sacked employees were made against various cadres i.e CT, DM, TT, PET & PSTs with the same Terms & Conditions that the appointee having less qualification will acquire requisite training and minimum qualification for the post within three years of failing which "their appointments shall stand terminated automatically".

Hence the sacked employees who were appointed against the reserved quota under sacked employees Act 2012 with the terms and conditions as per judgment of Supreme Court of Pakistan and incorporated in their appointment order, and those who failed to fulfill the requisite qualification for the post within stipulated period of three years from the date of issuance of their appointment orders, their services stood terminated automatically and they are no more civil servants / on the strength of department: 🕟 😽 to the pass to the way.

> District Education Officer (Male) Battagram

/Dated: 1/01/2017 Copy for information & n/a to the:

- Director E&SE KP Peshawar.
- 2. Deputy Commissioner Battagram.
- District Accounts Officer Baltagram. 3.
- 4. DDEO (Male) Battagram... 5.
- SDEO (M) Battagram... 6.
- SDEO (M) Allai Principals / Head Masters 6. GHSs & GHSSs in District Battagram.

with the direction

1. that if any appointees fulfill the requisite Training / Qualification for the post within stipulated period of three years his case along with documents may please be submitted to this office for onward submission to concerned Board / University [, for verification

2. Provide the data of those sacked appointees who failed to acquire the requisite qualification for the post within stipulated period.

District Education Office

BATTAGRAM

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

C.O.C No.

2-7 -A/2017. IN ABAD

Writ Petition No. 994-A/2016

ANNEXURE

Muhammad Iqbal son of Muhammad Younas resident of Batian, Battagram, Presently DM Govt. Middle School Sorgay Hotel Batkool, Battagram.

...PETITIONER

VERSUS

Allisted

Continues.

A.E. Solik (Administry

BATTAGRAM

- 1. Shahzad Bangash Secretary Elementary & Secondary Education, KPK, Peshawar.
- 2. Rafique Khattak, Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3. Muhammad Riaz Khan Swati, District Education Officer (Male), Battagram.

Certified to be True Copy
EXAMINER

Peshawar High Court Atd. Dench
Authorized Under Se: 75 Evid Ordas:

PETITION UNDER ARTICLE 204, ISLAMIC REPUBLIC OF PAKISTAN 1973, FOR INITIATING CONTEMPT PROCEEDING FOR WILLFULLY DISOBEYING THE ORDERS OF THIS HONOURABLE COURT CONTAINED IN JUDGMENT DATED 14/02/2017 PASSED IN WRIT PETITION NO. 994-A/2016.

an ates

PESHAWAR HIGH COURT, ABBOTTABAD BENCH. FORM OF ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s).	
1	All a common and the second	
	2	
11.01.2018	C.O.C.No. 23-A/2017.	
	Present: Mr. Hamayun Khan, Advocate, for the petitioner.	
	Sardar Muhammad Asif, Assistant A.G alongwith Sahibzada Hamid Mehmood, Additional Director, Haq Nawaz, ADO Battagram and Majeedullah, Litigation Officer.	

	SYED ARSHAD ALI, J- When the case was taken up for	
	hearing, at the very outset, the learned Assistant Advocate	
•	General, appearing on behalf of the respondents-contemnors,	
	produced a letter bearing No. SO(Lit-I) E&SE/1-1/2017/Sacked	
	Employees dated 10.11.2017, issued by the Government of	
	Khyber Pakhtunkhwa Elementary & Secondary Education	
Stope Trac Copy	Department, whereby instructions were issued to all the	
i Jan Jan	Directors E&SE, PITE, DCTE, Abbottabad and District	
High Court Atd. Bench Inder Se: 75 Evid Ordns:	Education Officer (M/F) in Khyber Pakhtunkhwa qua	
and the second	appointment of sacked employees in pursuance of the order of	
	this court dated 14.02.2017 passed in writ petitions No. 859-A,	
	994-A, 1038-A, 1040-A, 1041-A and 990-A of 2016 with	
	direction to strictly follow the provision as mentioned in	
	Sections 2 (g), 3 and 7 of the Khyber Pakhtunkhwa Sacked	
	Employees (Appointment) Act, 2012.	

Peshawa Authorized In view of the ibid letter, the learned AAG has requested for time to decide the case of the petitioners in light of the direction of this court within a period of thirty (30) days. In this view of the matter, the DEO Battagram is directed to decide the case of the petitioners strictly in accordance with the order of this court dated 14.02.2017 within a period of thirty (30) days positively and if the petitioners are aggrieved then, they can approach the competent forum against the said decision. This and the connected COCs bearing No. 24-A and 25-A of 2017 stand disposed of accordingly.

A.K.Sulik (Adio) ... BATTAGRAM

Sa/ Julge

The stay of the wind sing sons

Saif. PS.

Hon'ble Mr. Justice Syed Muhammad Attique Shah Hon'ble Mr. Justice Syed Arshad Ali.

THE

PESHAWAR HIGH COURT,

ABBOTTABAD BENCH

Ph. 0992-9310058 Fax: 0992-9310055

GRANDE HIGH

7/4

Dated Abbottabad

Managy 2018

italijie vyldi tronali Registrar, Peshavar Frah Court, Abbotlabad Bench.

> Lipe District Education Officer (Male), Battagram

COC NO. 23-A of 2017.

Muhammad Iqbal S/o Muhammad Younas R/o Battian Battagram, presently DM Govt. Middle School Sorgay Hotel Batkool Battagram.

....Petitioner

VERSUS

Shahzad Bangish Secretary Elementary & Secondary Education KPK Peshawar & others.

.... Respondents.

(Additional Registrar)

Memo,

I am directed to forward herewith a copy of judgment dated 11.01.2018, passed by the Honourable Division Bench in the above noted case for information and compliance.

COURT COURT

Certifier to be True Copy
EXAMINER

1 6 JAN 2019

Peshawar High Court Atd Bench
Authorized Under Se: 75 Evid Ordns

BEFORE THE PESHAWAR HIGH COURT. ABBOTTABAD BENCH

Writ Petition No.

200 A

A/2016

Imdadullah Khan son of Musa Khan resident of Shareen Abad cum Koza Banda Post Office Ghidari, Tehsil & District Battagram.

...PETITIONER

VERSUS

Alless

Govt. of Khyber Pakhtunkhwa, through Secretary Elementary Elementa

District Education Officer Male, Battagram.

...RESPONDENTS

WELL.

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, AS AMENDED UPTO DATE

ectfully Sheweth; -

TODAY

The petitioner humbly submits as under;-

Registrar High Court Lad Bench

1. That petitioner was appointed as teaching during the year 1995 where after the

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET.

Court of	 . \	8
· Canal N	************	 ••••••
Case No	 of	

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
14.02.2017	W.P.No. 859-A/2016.
	Present: Malik Masood-ur-Rehman Awan, Advocate, for the petitioner.
	Mr. Rab Nawaz Khan, AAG alongwith Haq Nawa ADEO Battagram.
	*** Austra
,	IKRAMULLAH KHAN, J Through the instant pelition the
to the	petitioners of this and of the connected petitions have prayed for to
	undo the term and condition i.e. "the candidate having less
	qualification will acquire requisite training and obtain F.A
9/1	qualification within three years failing which their appointment shall
A. A.	stand terminated automatically" and not to take any adverse action
A STATE OF THE STA	against the petitioners.
	2. The main thrust of the arguments of learned counsel for the
1	petitioners was that similarly placed employees have been reinstated
	under the Sacked Employee (Reinstatement) Act 2010, who ar
	presently performing their duties while the services of the petitioner
•	have been terminated which is sheer malafide on part of th
,	respondents rather discrimination. Further stated that many of th
, ,	petitioners have already acquired the requisite qualification as we
	as the training, but even then their services have been terminated o
	extraneous reasons.
	3. In such view of the matter, when serious question (

discrimination is being raised vehemently by the petitioners and they have also put some orders which reveal that the respondents have not adopted a uniform policy, we, with the mutual consent of the learned counsel for the parties, deem it appropriate to send all these petitions to the Secretary Education (Elementary & Secondary Education) Government of Khyber Pakhtunkhwa with direction to him to probe into the matter and finalize the appointment or otherwise of the petitioners as well as of those, who have not approached this court, through a uniform policy and if possible, after giving benefit of experience to the petitioners, their cases be disposed of within thirty (30) days from today. In case any person was found aggrieved from the order of the worthy Secretary Education then, he would be at liberty to approach the competent court of jurisdiction for redressal of his grievance. In the meanwhile, all those petitioners, who are still serving, shall be paid their due salaries till the decision of the worthy Secretary Education. All these potitions stands disposed accordingly,

/*Saif */

- 1. }

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BEFORE THE PESHAWAR HIGH COURT.

ABBOTTABAD BENCE

Writ Petition We

Muhammad Iqbal son of Muhammad Younas, resident of Batian, Battagram, presently DM at Govt. Middle School Sorgay Hotel Batkool, Allai,

..PETITIONER

VERSUS

AMISIER
A.K.Salik (Advocate)
BATTAGRAM

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

- 2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- Deputy Education Officer (Male), Battagram.

 Deputy Education Officer (Malc), Battagram.

..RESPONDENTS

11/30.16

MAGOT COLUM

Abbolianay Bench

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, FOR DECLARATION TO THE EFFECT THAT THE RESPONDENTS ARE LEGALLY DUTY BOUND TO RELEASE

MONTHLY SALARY OF THE PETITIONER
AND ORDER NO.7109/2015 DATED 13/07/2016
BE DECLARED NULL AND VOID, AGAINST
THE LAW, NATURAL JUSTICE AND
AGAINST THE POLICY AND RULES.

PRAYER: ON ACCEPTANCE OF THE INSTANT WRIT PETITION, RESPONDENTS BE DIRECTED TO RELEASE THE MONTHLY SALARY OF THE PETITIONER SINCE AUGUST 2016 WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

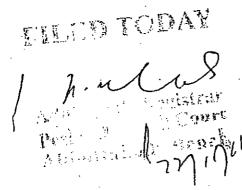
The state of the s

Respectfully Sheweth;

CAUMAS A.K.Salih (Advocate) BATTAGRAM

Brief facts of the instant writ petition are as under;-

1. That the petitioner was appointed as DM teacher in the year 1995.



PESHAWAR HIGH COURT, ABBOTTEABAD BENCH.

FORM OF ORDER SHEET

Co	urt of	***************************************	(2)	<i>:</i>
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Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
14.02.2017	W.P.No. 994-A/2016.
.1	Present: Mr. Humayun Khan, Advocate, for the petitioner
	Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.
	IKRAMULLAH KHAN, J For reasons recorded in the detailed
	judgment of even date in the connected W.P.No. 859-A/2016 titled
	"Imdadullah Vs. Government of Khyber Pakhtunkhwa through
	Secretary Elementary & Second Education, Peshawar", this petition
	stands disposed of in the same terms as mentioned therein.
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/<u>*Saif */</u>

PESHAWAR HIGH COURT, ABBOUTABAD BEN

FORM OF ORDER SHEET

Case No.. Date of Order of Proceedings

	Date of Order of Proceedings	Order or other Property
	1	Order or other Proceedings with Signature of Judge (s)
	14.02.2017	2
- {	14.02.2017	W.P.No. 990-A/2016.
		Present: Mr. Humayun Khan, Advocate, for the petitioner.
	Pri p	Mr. Rab Nawaz Khah, AAG alongwith Haq Nawaz
	; ř	***
	i (i)	IKRAMULLAH KHAN, J For reasons recorded in the detailed judgment of even date in the connected W.P.No. 859-A/2016 titled "Imdadullah Vs. Government of Vi
		"Imdadullah Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Second Education, Peshawar", this petition
		of in the same terms as mentioned therein.
	Year	Self Puel De A.K. Sulin (Advocate) BATTAGRAM

/*Saif */



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DISTRICT BATTAGRAM

ali sa kalanda da tangga pangga kalanda da kalanda kalanda da kalanda da kalanda da kalanda da kalanda da kala



Email: emisbattagram@gmail.com Ph# 0997-543539/ 543540

ANNEXURE

OFFICE ORDER

- 1. Whereas you the following Ex PSTs (Sacked Employee) were appointed vide order Endst; No. 7825-31 dated15-02-2013 in the light of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012 with the condition that "The candidates having less qualification will acquire requisite training and obtain FA qualification within three (03) years failing which their appointments shall stand terminated automatically" incorporated in your appointment order in the light of order dated 25-05-2011 of Hon'ble Supreme Court of Pakistan in Civil Appeals No. 51-P and 52-P of 2009 as "The appellants shall be appointed as P.S.T (Primary School Teacher) in their respective Union Councils immediately and in case the appellants fail to acquire the training and the said qualification within three years, their appointment shall stand terminated automatically".
 - Bahadar Khan S/O Ali Gohar Khan Ex PST GPS Mukhtiar Abad
 - Muhammad Hayat S/O Muhammad Noor Ex PST GPS Landi Kass
 - iii. Nosherwan S/O Noorul Hassan Ex PST GPS Malkot
 - iv. Zebal Khan S/O Mubaras Khan Ex PST GPS Piza Batkool
 - lmdadullah Khan S/O Musa Khan Ex PST GPS Barmai
 - Shahi Khan S/O Bai Khan Ex PST GPS Peshora
 - vii. Muhammad Riaz S/O Ghulam Husain Ex PST GPS Trangar
 - viii. Khursheed Khan S/O Muhammad Arshad Khan Ex PST GPS Deshwal
 - Islam Shah S/O Mian Gul Shah Ex PST GPS Ranja
 - Rustam Khan S/O Palas Khan Ex PST GPS Sangu
 - Rustam Khan S/O Begrah Khan Ex PST GPS Nerai Thakot
 - xii. Muhammad Shafiq S/O Atiqullah Ex PST GPS Chattoo

A.K.Salik (Adonesia

BATTAGRAM

- 2. And whereas you failed to fulfill terms and conditions of your appointment order i.e could not acquire requisite qualification within stipulated period of three years as per condition No. 7 of your appointment order, resultantly your appointments/services stood terminated automatically.
- 3. And whereas a general Notification Endst; No. 137-43 dated 04-01-2017 was issued/circulated wherein it was clarified that, "those (Sacked Eployees) who failed to fulfill the requisite qualification for the post within stipulated period of three years from the date of issuance of their appointment orders, their services stood terminated automatically and-they are no more civil servants/on the strength of Department".
- 5. And whereas you filed Writ Petitions before Peshawar High Court Abbottabad Bench which were disposed of on 14-02-2017 with the direction to Secretary E&SE Khyber Pakhtunkhwa for making a uniform policy.
- 6. And whereas in compliance with the directions of Hon'ble Court dated14-02-2017, all the DEOs (Male & Female) were directed by the E&SE Department Khyber Pakhtunkhwa vide letter No. SO (Lit-1) E&SE/1-1/2017/Sacked Employees dated 10-11-2017 to follow strictly the provision as mentioned in Sections-2(g), 3 and 7 of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012.
- 7. And whereas you filed Contempt of Court Petitions before the Hon'ble court which were disposed of on 11-01-2018 with the direction to undersigned to decide the case of petitioners within 30 days.

19/ C 6/69)

Now in the light of direction of Hon'ble Peshawar High Court Abbottabad Bench dated 11-01-2018, the undersigned is pleased to decide your case and to issue this order in continuation of Notification dated 04-01-2017 that as per condition 200. 7 of your appointment order and in the light of Judgment of Peshawar High Court Abbottabad Benon dated 24-05-2016 in W.P NO. 516-A of 2013 as well as order of Hon'bic Supreme court of Pakisian dated 24-05-2017 in C.P. 401 and connected Petitions, your services had stood terminated automatically and you remained no more on the strength of this Department.

> District Education Officer (Male) Battagrain

Dated. 31-01-2018

Endst: No.1305-10/EB/Pry/Sacked Employees.

Copy for information to the. 1. Additional Registrar Peshawar High Court Abbottabad Bench.

2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

1. Deputy Commissioner Battagram.

4. District Monitoring Officer (IMU) Battagram.

5. Sub Divisional Education Officers (Male) Battagram & Allai.

will the rocket mentioned Ex PSTs.

Officer (Male) District Education

Battagram

كرون فعا دار رو مرك ها . حراف المعالى المعالى الم

اسل سر عالی وا دانسی شخراه - در س - Julie نودمان دروم محفور الورع كم سالمرن 1995 مس محم لعلم من الطور T.S.T كافيرى موك تھے- ليبران 1998 ميں نورز تو ہوت علوقت ميں - W Apply on 3 / Sezion - Wis de José AKSON in 3 3 2018 en cue 15,1,00 (10,1 10) 2018 en 2018 2015 et 360:3 esper - 2018 الم مرساندن دسانوزشا ي را دي بوي مي رادر يا عنال د له ماي المرادي بوي م The cost of the state of the المساعي فان وبرين كي فان ساند يوره كفر وطل برلا

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHAWA PESHAWAR

Appeal No.

/2018

Shahi Khan

VERSUS

Govt. of KPK & others

APPLICATION SOLICITING CONDONATION OF DELAY

Respectfully sheweth;

May I have the Honour to submit;

- 1. That the appellant after filling the departmental appeal, intrusted / handed over, his documents to the applicant.
- That the applicant waited for the expiry of request period, however, inadvertently miss-calculated the dates March for January that is 31-01-2018 for 01-03-2018.
- 3. That the delay if any is not deliberate or due to delinquent conduct, but is result of human error of miss calculation.

APPELLANT

Through:

5...

(Amanullah Khan Salik)

(Advocate High Court), *Abbottabad*.

AFFIDAVIT

i, Amanullah Khan Salik Advoca	ate, counsel for the Apr	ellarit. do hereby
solemnly affirm and declare on oath that the	contents of instant Applic	cation are true and
correct up to the best of my Knowledge and b this Honourable tribunal.	ellet and nothing has bee	en concealed from
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Dated:- /2018

Dated:-9/8 /2018

DEPONENT

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Assi	74 ASal. :	وابدى برائے پیش بمقام	ں یں میں اپنی طرف سے واسطے پیردی وج مر ع ا م	لدمه مندرجه بالاعتوال
ا) ما سون/	ك بائى كورك (بطكرا	لِک ایڈووکیر	أمان الثدسا	1/9/
			مر،ایرنگرفال، نیازنگرفا ل	
			شرا كلروكيل مقرركيا ب كديس بر	
			صاحب موصوف كواطلاع ديرم	
			۔ یے خلاف ہو گیا تو صاحب موصوف ا	
لےعلاوہ کسی اور جگہ	ذ مه دارنه مو نگے اور مقدمه کچبری۔	وز تعطیل پیروی کرنے کے	ہری کے اوقات سے پہلے یا چیھیے یا بر	علاوه سي حکيه ماسج
ریااس کے واسطے	لمرکوکوئی نقصا <u>ن پنیج</u> تواس کے ذمہ د	ہآگے پیچھے پیش ہونے بر ^{مغ}	ہ بیب ہے۔ یا بروز تعطیل یا کچہری کے اوقات کے	ساعت ہونے پر
د صاحب موصوف	پردارنه بو نگے مجھ کوگل ساختہ برداخ	۔ پہ کے بھی صاحب موصوف ذم	ادا کرنے یا مخانہ کے والیس کرنے۔	مسی معاوضہ کے
اپیل محرانی و ہرفتم	ل درخواست اجرائے ڈ ^{گر} ی ونظر ٹا ڈ	_ کوعرض دعویٰ یا جواب دعوهٔ	 ظور ومقبول ہوگا۔اور صاحب موصوف	مثل کرداد ات ^م
			ر وتقدرین کرنے کا بھی اختیار ہوگا۔	
			کے بیان دینے اس پر ٹالٹی وراضی	
باری واجراء ڈگری	عمامتناي باقرتي بإكرفآري فبل ازكر	ئى ۋگرى ئىطرفە درخواست	ی صدرایل دبرآ مدی مقدمه یامنسو ^خ	یه ونجات از کچم
تبارموگا كەمقدمە	ضرورت صاحب موصوف کو به بھی ا	ں کا اختیار ہوگاادر بصورت ''	و وف کو بشر ط ادائیگی علیحده مختانه پیرو ک	میرویات میرون مجمی صاحب موص
			ے برکی کاروائی کے یا بصورت ایک ^س	
			و یسے بی اختیار حاصل ہو نگے جیسے ص	
رااختيار ہوگا كہوہ			ریک دگااگر وکیل صاحب موصوف کو پوری	
-STED	ن کریشانهٔ خمیس مدها	بطاله کمی قتم کا صاحب موصر	د کریں اورائی صورت میں میرا کوئی [.] نہریں اورائی صورت میں میرا کوئی [.]	مقدمه کی پیروی
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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

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

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Registrar,

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Registrar, Khyber Pakhtunkhwa Service Tribunal,

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Registrar, Rhyber Pakhtunkhwa Service Tribunal, Peshawar.

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Notice to Appellant/Detition on	Rustan Klan So Bogas lone
Notice to Appenant/Petitioner	840 That Cot ten and DISH
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	appeal has been fixed for Preliminary hearing,
replication, affidavit/gounter	affidavit/reebrd/arguments/order before this Tribunal
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PE	SHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.	BALA
No. 796,997,9	98/18
APPEAL No. 792, 993, 994, 995 of 20.	
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