

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.


(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

Nemo for the appellant

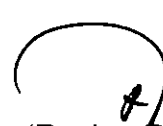
Previous date was changed on Reader Note, therefore, notice be issued to petitioner as well as his counsel. To come up for preliminary hearing before S.B on 16.06.2022 at camp court Abbottabad.


(Fareeha Paul)
Member (E)
Camp Court Abbottabad

16.06.2022

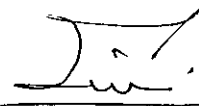
Appellant alongwith his counsel present.

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.

File to come up alongwith Appeal No.992/2018 titled Shahi Khan Vs. Government of Khyber Pakhtunkhwa on 17.03.2022 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)

Camp Court, A/Abad

21.10.2020

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

18-1-21

*Due to COVID 19, case is adjourned
to 9-21 for the same.*



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 present through counsel.


File to come up alongwith connected Service Appeal No.992/2018 titled Shahi Khan Vs. Education Department, on 23.12.2021 before S.B at Camp Court, Abbottabad.



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

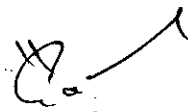
16.12.2019

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 / 10 / 20 at camp court abbottabad.


Reader

21.10.2019

Petitioner not present. Counsel for the petitioner is also not present due to general strike of Khyber Pakhtunkhwa Bar Council. 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.

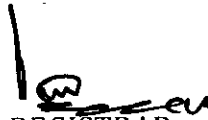



Member
Camp Court Abbottabad

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 293/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.07.2019	<p>The application for restoration of appeal No. 998/2018 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.</p> <p style="text-align: right;"> REGISTRAR 26/7/19</p>
2	16-8-19	<p>This restoration application is entrusted to touring S. Bench at A.Abad to be put up there on <u>21-10-19</u></p> <p style="text-align: right;">CHAIRMAN </p>

998/2018

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. 998/2018

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. Muhammad Khursheed received today by post through Mr. Amanullah Khan Salik Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR 10/8/18
2-	16-8-18	This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-10-18</u> .  CHAIRMAN
	19.10.2018	Neither appellatant nor his counsel present. Adjourned. To come up for preliminary hearing on 21.12.2018 before S.B at camp court, Abbottabad.  Chairman Camp Court, A/Abad

21.12.2018

Nemo for appellant.

^{12:15}
~~15:12~~ This appeal was called several times today and it is now
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

Service Appeal No 998 /2018

Mohammad Khursheed

...APPELLANT

VERSUS

Govt; KPK & Others.

.....RESPONDENTS


SERVICE APPEAL
INDEX

S.No.	Description of Document	Annexure	Page No.
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	Impugned order	-B-	18
3.	Departmental Appeal	-C-	19
4.	Wakalat Nama	--	20

APPELLANT

Through:

Dated:- 8/9 /2018


(Amanullah Khan Salik)
(Advocate High Court),
Abbottabad.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHAWA PESHAWAR

Service Appeal No 998 /2018

1. Mohammad Khursheed S/o Arshad Khan R/o Pakal, Tehsil

and District Battagram

APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1278

Dated 10/8/2018

V E R S U S

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

.....RESPONDENTS

Filed to-day
Registrar
10/8/18

SERVICE APPEAL; AGAINST THE ORDER

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;-

- i. 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 re-instated in the year 2013.
- iii. 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"**
- v. That thereagainst appellant filed departmental appeal, but without any success, hence this appeal. Copy is.....**Annexure "C"**

GROUND:-

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

Through:


9/8
Dated:- 8/9 /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

Appeal No _____ /2018

ADDRESSES OF PARTIES

Mohammad Khursheed S/o Arshad Khan R/o Pakal, Tehsil ;and District Battagram

...APPELLANT

Govt; Khyber Pakhtun Khawa, Through Secretary Education Peshawar.

Director Elementary and Secondary Education Peshawar

District Education officer (male) Battagram

.....RESPONDENTS

Khursheed

APPELLANT

Through:

Dated:- _____ /2018

Amanullah Khan Salik
(Amanullah Khan Salik)
(Advocate High Court),
Abbottabad.

6 N

P-18



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

Phone No. 0997311439 & 09973108

NOTIFICATION

In pursuance of the order of Honorable Supreme Court of Pakistan in Civil Appeals Numbers 51-p and 52-p of 2009, whereas, the 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 stand 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.

Attested
[Signature]

A.K. Salik (Advocate)
BATTAGRAM

[Signature]
District Education Officer (Male)
Battagram

Endstt: No. 137-43 / Dated: 4/01/2017

Copy for information & n/a to the:

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

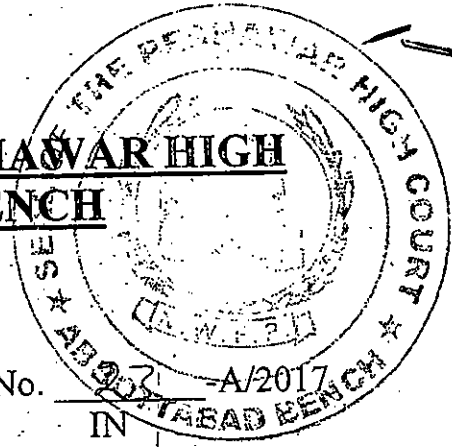
with the direction

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.

[Signature]
District Education Officer (Male)
Battagram

1 7

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, ABBOTTABAD BENCH



C.O.C No. 994-A/2017
IN
Writ Petition No. 994-A/2016

ANNEXURE

A

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

...PETITIONER

VERSUS

Muhammad
A.K. Sultin
A.K. Sultin (Advocate)
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.

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.

no. 1822
0157/17

Certified to be True Copy
EXAMINER
16 JAN 2018
Peshawar High Court At. Bench
Authorized Under Sec: 75 Evid Ordns.

FILED TODAY

ADDITIONAL JUDGE
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
25/1/17

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

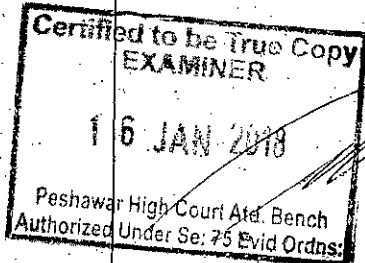
FORM OF ORDER SHEET

Court of.....

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

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
11.01.2018	<p>C.O.C.No. 23-A/2017.</p> <p>Present: Mr. Hamayun Khan, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant A.G alongwith Sahibzada Hamid Mehmood, Additional Director, Haq Nawaz, ADO Battagram and Majeedullah, Litigation Officer.</p> <p style="text-align: center;">***</p> <p style="text-align: right;"><i>Attested</i> <i>A.A. Salik</i> A.A. Salik (Advocate), BATTAGRAM</p> <p><u>SYED ARSHAD ALI, J-</u> 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 Department, whereby instructions were issued to all the Directors E&SE, PITE, DCTE, Abbottabad and District Education Officer (M/F) in Khyber Pakhtunkhwa qua 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.</p>

ANNEXURE



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.

Attested
(Signature)
 A.K. Saif (Advocate)
 BATTAGRAM

Sd/ Judge
 Judge

Certified True Copy
 1-6 JAN 2018
 Peshwar High Court At. Terich
 Authorized Under Ser: 75 Evid Ordns.

~~DEO M
 Battagram
 Impressed & the Court
 order written to
 stipulated time.
 17/01/2018~~

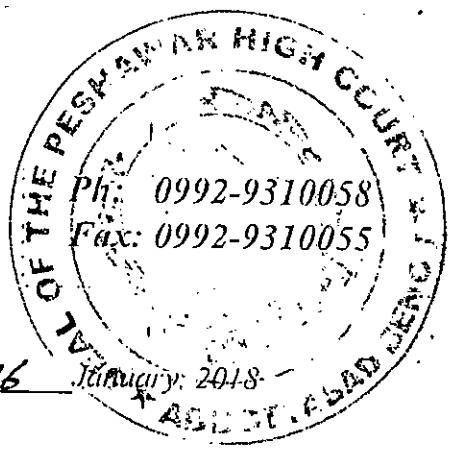
Saif, PS.

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

10



THE
PESHAWAR HIGH COURT,
ABBOTTABAD BENCH



No: 114

Dated Abbottabad 16 January, 2018

From

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.

To

The District Education Officer (Male),
Battagram.

Subject

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

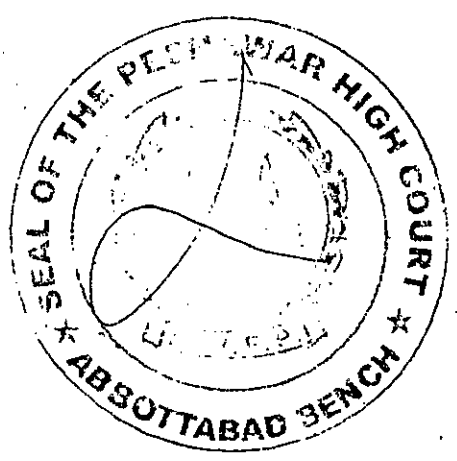
Shahzad Bangish Secretary Elementary & Secondary Education KPK Peshawar
& others.

..... Respondents.

Attested
A.K. Salik
A.K. Salik (Advocate)
BATTAGRAM

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.

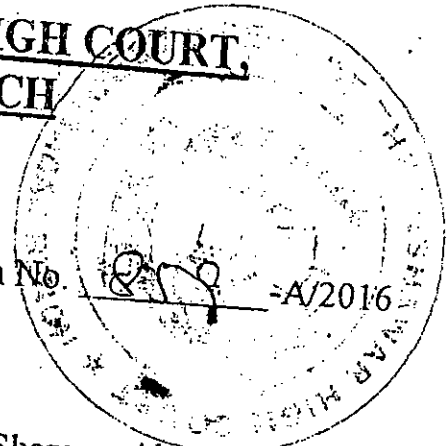


[Signature]
(Additional Registrar)

Certified to be True Copy
EXAMINER
16 JAN 2018
Peshawar High Court Atd. Bench
Authorized Under Sec: 75 Evid Ordns.

11

**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**



Writ Petition No. 209 -A/2016

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

...PETITIONER

VERSUS

Attested
A.K. Salik
A.K. Salik (Advocate)
BATTAGRAM

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education Peshawar.
Deputy Commissioner, Battagram.
District Education Officer Male, Battagram.

...RESPONDENTS

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

Respectfully Sheweth; -

TODAY

The petitioner humbly submits as under;-

Registrar
Registrar
High Court
Abbottabad Bench
8/9/16

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.....

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

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
<p>14.02.2017</p> <p><i>Copy</i></p> <p><i>18</i></p> <p><i>Abbottabad Bench</i></p> <p><i>18/02/17</i></p>	<p><u>W.P.No. 859-A/2016.</u></p> <p>Present: Malik Masood-ur-Rehman Awan, Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.</p> <p>***</p> <p><i>Attsted</i></p> <p><i>A.K.Salik (Advocate)</i></p> <p><i>BATTAGRAM</i></p> <p><u>IKRAMULLAH KHAN, J.-</u> Through the instant petition 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 qualification within three years failing which their appointment shall stand terminated automatically" and not to take any adverse action against the petitioners.</p> <p>2. The main thrust of the arguments of learned counsel for the petitioners was that similarly placed employees have been reinstated under the Sacked Employee (Reinstatement) Act 2010, who are presently performing their duties while the services of the petitioner have been terminated which is sheer malafide on part of the respondents rather discrimination. Further stated that many of the petitioners have already acquired the requisite qualification as well as the training, but even then their services have been terminated on extraneous reasons.</p> <p>3. In such view of the matter, when serious question (</p>

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 petitions stands disposed of accordingly.

Attested

A.K. Salik
 A.K. Salik (Advocate)
 BATTAGRAM

Self/Judge
Self/Judge

Certified to be a True Copy
[Signature]

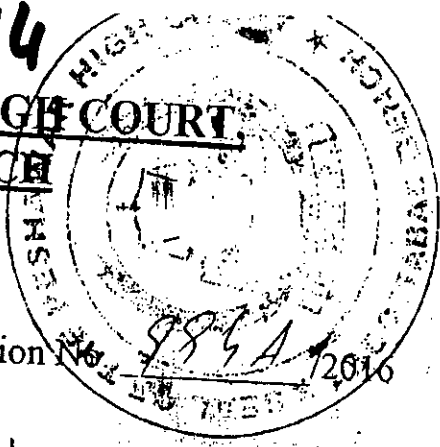
BY AMMER
 Peshawar High Court Abbottabad Bench
 Authorized Under Sec 75 Evid Ord 1973
 18/02/17

/*Saif*/

FI

1/A P A

14
**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**



Writ Petition No. 984 A 2016

Handwritten signature and initials: The 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th

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

...PETITIONER

Accepted
A.K. Salik (Advocate)
BATTAGRAM

VERSUS

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

...RESPONDENTS

**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**

No. 4530
22-10-16

FILED TODAY

Registrar
Court
Abbottabad Bench
22/10/16

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.

COPIES TO THE...
EXAMINER...
18/02/17

Respectfully Sheweth;-

A.K. Salik
A.K. Salik (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.

FILED TODAY

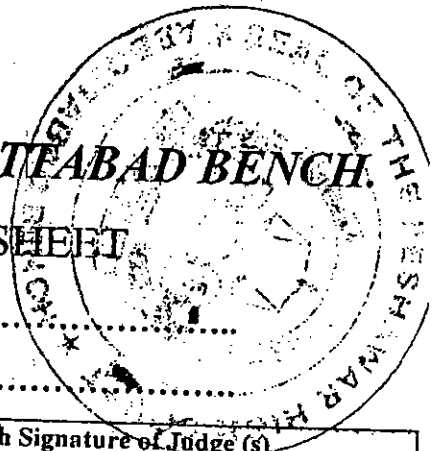
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27/1/17

PESHAWAR HIGH COURT, ABBOTEABAD BENCH.

FORM OF ORDER SHEET

Court of.....

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



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
14.02.2017	<p><u>W.P.No. 994-A/2016.</u></p> <p>Present: Mr. Humayun Khan, Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.</p> <p style="text-align: center;">***</p> <p><u>IKRAMULLAH KHAN, J.-</u> 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.</p>

Controlled to Court Copy

18/02/17

ABBOTEABAD BENCH

18/02/17

sd/ Judge,

sd/ Judge,

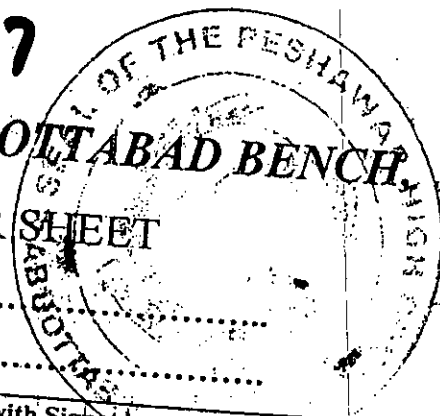
Assisted

A.K. Salih

A.K. Salih (Advocate)

BATTAGRAM

PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM OF ORDER SHEET



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

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
14.02.2017	<p><u>W.P.No. 990-A/2016.</u></p> <p>Present: Mr. Humayun Khan, Advocate, for the petitioner. Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.</p> <p>***</p> <p><u>IKRAMULLAH KHAN, J.-</u> 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.</p> <p style="text-align: right;"><i>Self Judge</i> Attested <i>Cumma</i></p>

Copy to be made

18/02/17

Seal: Peshawar High Court, Abbottabad Bench
18/02/17

Saif



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT BATTAGRAM



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

ANNEXURE

B

OFFICE ORDER

1. Whereas you the following Ex PSTs (Sacked Employee) were appointed vide order Endst; No. 7825-31 dated 15-02-2013 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".

- i. Bahadar Khan S/O Ali Gohar Khan Ex PST GPS Mukhtiar Abad
- ii. Muhammad Hayat S/O Muhammad Noor Ex PST GPS Landi Kass
- iii. Noshawan S/O Noorul Hassan Ex PST GPS Malkot
- iv. Zebal Khan S/O Mubaras Khan Ex PST GPS Piza Batkool
- v. Imdadullah Khan S/O Musa Khan Ex PST GPS Barmai
- vi. 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
- ix. Islam Shah S/O Mian Gul Shah Ex PST GPS Ranja
- x. Rustam Khan S/O Palas Khan Ex PST GPS Sangu
- xi. Rustam Khan S/O Begrah Khan Ex PST GPS Nerai Thakot
- xii. Muhammad Shafiq S/O Atiqullah Ex PST GPS Chattoo

Attested
A.K. Salih (Attorney)
BATTAGRAM

dy

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 Employees) 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 dated 14-02-2017, 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.

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81

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 No. 7 of your appointment order and in the light of Judgment of Peshawar High Court Abbottabad Bench dated 24-05-2016 in W.P NO. 516-A of 2013 as well as order of Hon'ble Supreme court of Pakistan 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.

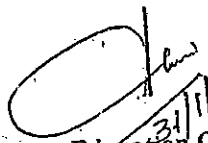
District Education Officer (Male)
Battagram

Dated. 31-01-2018

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

Copy for information to the.

1. Additional Registrar Peshawar High Court Abbottabad Bench.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Battagram.
4. District Monitoring Officer (IMU) Battagram.
5. Sub Divisional Education Officers (Male) Battagram & Allai.
6. All the above mentioned Ex PSTs.


31/1/18
District Education Officer (Male)
Battagram

ANNEXURE

C

مدرسہ عالیہ تعلیم یافتہ اور
 لکھنؤ

اسٹریٹجی اور مالی وادائیگی کے بارے میں

ضابطہ -

Musad
 A.K. Salik (Advocate)
 BATTAGRAM

تو دہائی کے دوران محفوز الورثہ کے سائنڈن 1995 میں حکم تعلیم میں
 بطور P.S.T. کو مقرر کیا گیا۔ لکھنؤ میں 1998 میں نواز شریف حکومت سے
 سائنڈن کو ہر طرف زد کیا گیا۔ سائنڈن نے ملکی کورٹ میں اپیل کیا۔
 اور ملکی کورٹ نے سائنڈن کو بحال کیا۔ فیمن 2002ء کو 15 کوال سکولوں
 کا طے کیا گیا۔ اس کے علاوہ ایسی ڈیوٹی سائنڈن نے 2013ء میں بھی
 کی۔ فیمن 31 کوال سکولوں کی طرف کر دیا اور آدرس میں فیمن 30 کو نواز شریف
 نے سائنڈن کو بحال کیا۔ فیمن 2018ء کو بحال کیا گیا۔

2۔ کہ سائنڈن کے ساتھ ذہنی زیادتی ہوئی ہے۔ اور پانچ سال کے بعد پھر
 کر دیا گیا ہے۔ اور 18 ماہ کی سزا دی گئی۔ اس کی سزا دی گئی ہے

3۔ لکھنؤ کے سائنڈن کے ساتھ ذہنی زیادتی ہوئی ہے۔ اس کے سہ ماہی
 کے دوران سزا دی گئی ہے۔ اور اس کے دوران سزا دی گئی ہے۔

نشین PST لکھنؤ میں حکم تعلیم ضابطہ 1995ء
 ضابطہ -

16/3
 18

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHAWA PESHAWAR

Appeal No /2018

Mohammad Khursheed **V E R S U S** 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.
2. 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:

Dated:- 9/8 /2018


(Amanullah Khan Salik)
(Advocate High Court),
Abbottabad.

AFFIDAVIT

I, **Amanullah Khan Salik Advocate**, counsel for the **Appellant**, do hereby solemnly affirm and declare on oath that the contents of instant **Application** are true and correct up to the best of my Knowledge and belief and nothing has been concealed from this Honourable tribunal.

Dated:- 9/8 /2018


DEPONENT

وکالت نامہ

کورٹ فیس قیثی

SERVICE TRIBUNAL K.P.K.

بعدالت

Mohammad Khurshed نام Govt, K.P.K.

Service Appeal دعویٰ یا جرم Appellant منجانب:

باعث تحریر آنکہ

Abdullah Atad مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجوہات ہی برائے پیشی بمقام:

۱۸ فروری ۱۹۸۱ء **آمان اللہ سائلک ایڈووکیٹ ہائی کورٹ (بٹگرام)** مامون مستند

(جمال عبدالناصر، امیر محمد خان، نیا محمد خان، عنایت اللہ خان) نمبر ڈسٹرکٹ بار ایسوسی ایشن "BATTAGRAM" کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوئے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوئے اور مقدمہ پکھری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عثانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوئے۔ مجھ کو کُل ساختہ پرداخت صاحب موصوف مثل کردا ذات منظور و مقبول ہوگا۔ اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اس پر تائیدی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت جانے بیرونجات از پکھری صدر اپیل و برآمد کی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا قرتی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ عثانہ بیرونی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جزئی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل یا ایئر سٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے قانون کو بھی ہر امر میں دہی اور ویسے ہی اختیار حاصل ہوئے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

ATTESTED & ACCEPTED

..... ماہ لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد ال

Khurshed

محمد خورشید