

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

16.06.2022

Appellant present through counsel.

Let pre-admission notice be issued to respondents for submission of reply. 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

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 date fixed. To come up for written reply/comments and preliminary hearing on 17.11.2022 before S.B.


(Fareeha Paul)
Member (E)

23.12.2021

Nemo for the appellant.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing on 20.01.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad

20.01.2022

Appellant present in person.

Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 20.04.2022 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)

Camp Court, A/Abad

20.04.2022

Appellant present through counsel.

He made a request for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 16.06.2022 before S.B at Camp Court, Abbottabad.



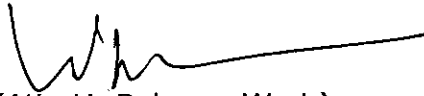
(Rozina Rehman)
Member (J)

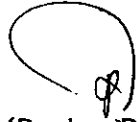
Camp Court, A/Abad

21.10.2020

Appellant present through representative.

Lawyers are on general strike, therefore, case is adjourned to 18.01.2020 for preliminary hearing before S.B.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, A/Abad


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

18.1.2021


Due to COVID 19, case is adjourned to 20.7-2021 for the hearing.


Reader

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 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 ill 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 / 2020 at camp court abbottabad.



Reader

09.07.2019


Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 17.09.2019 for preliminary hearing before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.09.2019


Counsel for the appellant present and requested for adjournment. Adjourned to 23.10.2019 for preliminary hearing before S.B at Camp Court Abbottabad.




(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

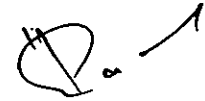
23.10.2019

Counsel for the appellant present. Learned counsel seeks adjournment. Granted. To come up for preliminary hearing on 21.11.2019 before S.B at Camp Court, Abbottabad.


Member
Camp court, A/Abad


21.11.2019

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 16.12.2019 before S.B at Camp Court, A/Abad.


Member
Camp Court, A/Abad


21.03.2019

None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 20.05.2019 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

20.05.2019


Counsel for the appellant present and requested for adjournment. Adjourned to 21.06.2019 for preliminary hearing before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

21.06.2019

Mr. Muhammad Shafiq Awan Advocate on behalf of learned counsel for the appellant present.

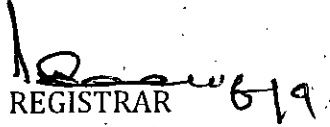


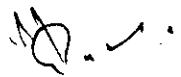
Adjournment is requested due to non-availability of learned counsel for the appellant. Adjourned to 12.07.2019 for preliminary hearing before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1111/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/09/2018	<p>The appeal of Mr. Muhammad Iqbal 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.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	10-9-18	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>16-11-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
16.11.2018		<p>Clerk to Counsel for the Appellant present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 18.01.2019 at camp court Abbottabad.</p> <p style="text-align: right;"> Member</p>
	18.01.2019	<p>Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up preliminary hearing on 24 03.2019 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court A/Abad</p>

The appeal of Mr. Muhammad Iqbal son Muhammad Younas R/o Haji Abad Tehsil and Distt. Battagram received today i.e. on 10.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


Copy of Impugned termination order dated 31.01.2018 mentioned in the memo of appeal in respect of appellant (Muhammad Iqbal) are not attached with the appeal which may be placed on it.

No. 1618 /S.T,

Dt. 10/8 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Amanullah Khan Salik Adv. A.Abad.

~~Resubmitted~~ Resubmitted alongwith
the required and desired
document, and the objection
pointed at is removed after
attending it please


BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHAWA PESHAWAR

Service Appeal No 1112 /2018

Mohammad Iqbal

...APPELLANT

Member

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 /2018

1) Mohammad Iqbal S/o Mohammad Younas, R/o Haji Abad Tehsil
and District BattagramAPPELLANT

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

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"**

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

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

Appeal No _____ /2018

ADDRESSES OF PARTIES

Mohammad Iqbal S/o Mohammad Younas, R/o Haji Abad, 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

APPELLANT

Through:

Dated:- _____ /2018


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



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

Phone # 0997311439 & 0997311440

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.

Sd/-
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

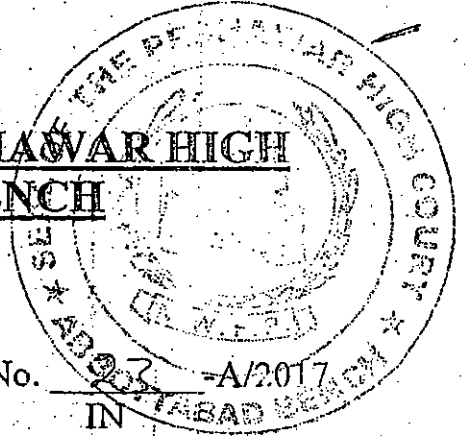
1. that if any appointees fulfill the requisite Training / Qualification for the post within stipulated period of three years his case along with documents may please be submitted to this office for onward submission to concerned Board / University for verification

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

Attested
[Signature]
A.F. Sulek Assistant
BATTAGRAM

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, ABBOTTABAD BENCH



C.O.C No. 994-A/2017
IN

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.

A

...PETITIONER

VERSUS

Attested
[Signature]

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.

no. 1822
01574/17

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

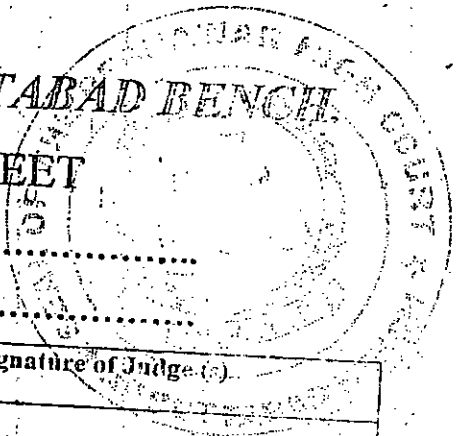
PETITION UNDER ARTICLE 204, ISLAMIC REPUBLIC OF PAKISTAN 1973, FOR INITIATING CONTEMPT PROCEEDING FOR WILLFULLY DISOBEYING THE ORDERS OF THIS HONOURABLE COURT CONTAINED IN JUDGMENT DATED 14/02/2017 PASSED IN WRIT PETITION NO. 994-A/2016.

FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
01574/17

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><u>C.O.C.No. 23-A/2017.</u></p> <p>Present: Mr. Hamayun Khan, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant A.G along with Sahibzada Hamid Mehmood, Additional Director, Haq Nawaz, ADO Battagram and Majeedullah, Litigation Officer.</p> <p>***</p> <p><u>SYED ARSHAD ALLI, 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>

Arshad
Arshad

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

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.

[Signature]
 DEO
 BATTAGRAM

Sd/ Judge
Judge

[Stamp]
 Copy
 DEO Battagram
 17/02/2017

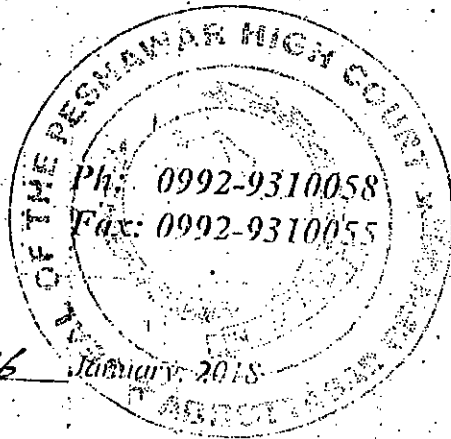
DEO Ms Battagram
Implement the court order within 15 stipulated time.
17/02/2017

Saif PS.

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



THE
PESHAWAR HIGH COURT,
ABBOTTABAD BENCH



No. 114

Dated Abbottabad 16 January, 2018

From

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.

The District Education Officer (Male),
Battagram.

Subject

GOC NO. 23-A of 2017.

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

.....Petitioner.

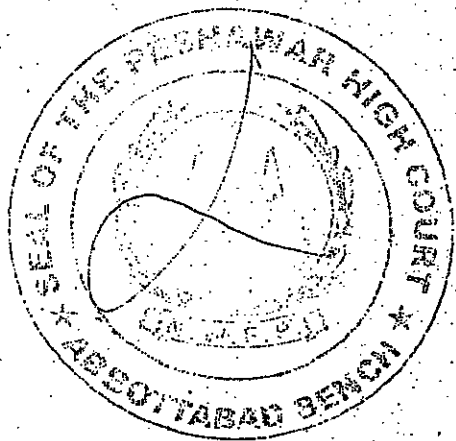
VERSUS

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

..... Respondents.

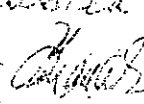
Memo,

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.



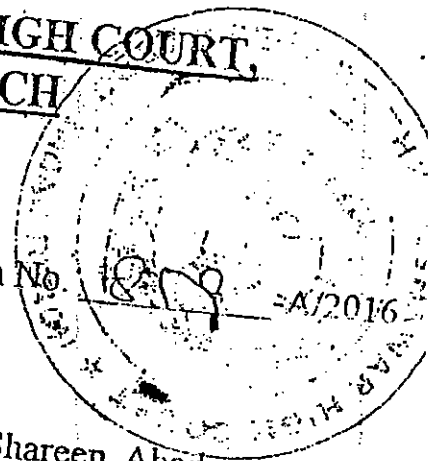

(Additional Registrar)

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

Attested


11

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



Writ Petition No

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

...PETITIONER

Attested

[Signature]

A. B. Sultana (Advocate)
BATTAGRAM DISTRICT

VERSUS

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

Registrar
High Court
Abbottabad Bench

8/4/16

The petitioner humbly submits as under;-

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
14.02.2017	<p><u>W.P.No. 859-A/2016.</u></p> <p>Present: Malik Masood-ur-Rehman Awan, Advocate, for petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.</p> <p style="text-align: right;">***</p> <p><u>IKRAMULLAH KHAN, J.-</u> Through the instant petitioners of this and of the connected petitions have prayed for undo the term and condition i.e. "the candidate having less qualification, will acquire requisite training and obtain F. 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>

Copy to be made
 Peshawar High Court, Abbottabad Bench
 Address: J. J. Road, Abbottabad
 18/02/17

M

discrimination is being raised vehemently by the petitioners and they have also put some orders which reveal that the respondents have 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. Sultana
 A.K. Sultana (Judge)
 BATAIGRAH

Self Judge
Self Judge

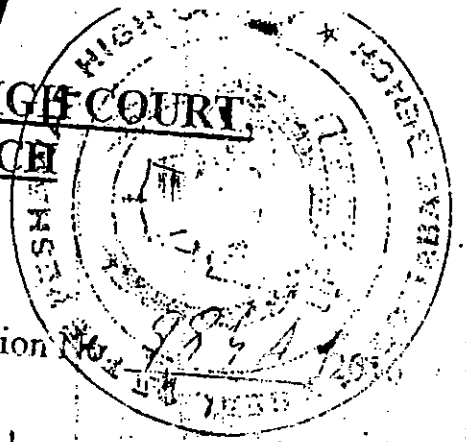
Certified to be True Copy
[Signature]

EXAMINED
 Peshawar High Court
 Authorized Under Sec. 75 Evid Ordns
 18/02/17

Self

A
P
A

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



J

Handwritten signature
Writ Petition No. *9994*
635/111

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

...PETITIONER

Handwritten notes:
to be...
18/02/17

VERSUS

Handwritten notes:
...
...

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

Handwritten:
No. 4530
22-10-16

**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**

FILED TODAY

Handwritten signature
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.

Copy to be filed
EXAMINER
18/02/17

M. S. Sathyanarayana
A.K.Sathyanarayana
BATTAGAL

Respectfully Sheweth;-

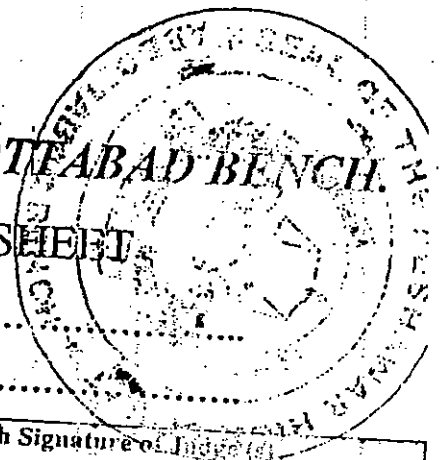
Brief facts of the instant writ petition are as under;-

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

FILED TODAY

[Signature]
Registrar
Court
17/11/17

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
1	2
14.02.2017	<p><u>W.P.No. 994-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 "<u>Imdadullah Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Second Education, Peshawar</u>", this petition stands disposed of in the same terms as mentioned therein.</p>

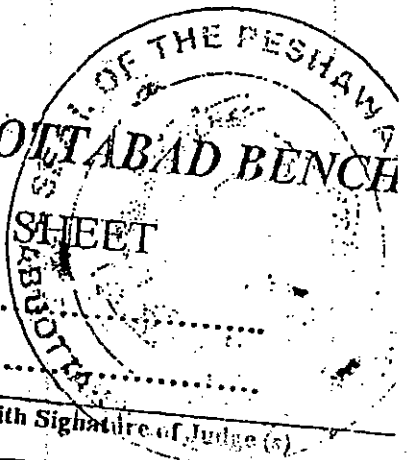
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18/02/17

Self Judge,
Self Judge,

A. J. Soli
BATTAGRAM

PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM OF ORDER SHEET



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

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
I	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 Khah, 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 "<u>Imdadullah Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Second Education, Peshawar</u>", this petition stands disposed of in the same terms as mentioned therein.</p> <p style="text-align: right;"><i>Self Judge</i></p>

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EVANER

Peshawar High Court, Abbottabad Bench

15/02/17

/*Saif*/



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT BATTAGRAM

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



ANNEXURE

OFFICE ORDER

1. Whereas you the following Ex PSTs (Sacked Employees) were appointed vide order Eudst; 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. Noshewan 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 ~~Wazir~~ Peshora
- vii. Muhammad Riaz S/O Ghulam Husain Ex PST GPS Trangar
- viii. Khurshheed 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

Muhammad
Muhammad
A. A. Noor
25/05/2011

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.

395 *6/1/18*

Arif

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.

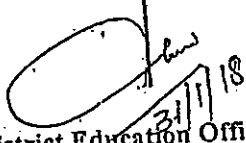
District Education Officer (Male)
Battagram

Dated. 31-01-2018

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


District Education Officer (Male)
Battagram

گورنمنٹ ڈپارٹمنٹ - ایڈمنسٹریٹو سیکشن
ک. پ. ک. سبڈار

اصل برائے ایم ای بھروسہ داد یعنی تنخواہ

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

ANNEXURE

C

یہ سہ ماہی 1995 سے مکمل تعلیم سے بطور D.M. یعنی پوائنٹا اور ضلع سبڈار سے اپنی
ڈیوٹی بھرتی ہوئے اور ان کا ریٹرن 1998 سے نوٹس ہوئے ہیں۔
کو بڈرہ بہر طرف کر دیا۔ لہذا ان کا مکمل عوامت عالمگیر بننے کے لیے کہا گیا۔ اور نوٹس
2013 سے اس وقت تک فراغت کے لیے اس سے ادارہ تیار کیا
اور اس کے تحت نوٹس ہیں اور یہ سب سہ ماہی

یہ اب ایم ای بھروسہ سے ڈیوٹی بھرتی ہوئے اور ان کا ریٹرن 1998 سے نوٹس ہوئے ہیں۔
ڈیوٹی بھرتی ہوئے اور ان کا ریٹرن 1998 سے نوٹس ہوئے ہیں۔
نیل کے نوڈس 33/18 کو ملی ہے۔ بہر طرف کر دیا گیا ہے

Attested
A. K. SINGH (Assistant)
BATECHMAN

یہ سہ ماہی کے ساتھ ساتھ بالخصوص اور زیادتی ہوئی ہے۔ اور بڈرہ بہر طرف
کے ساتھ ساتھ الف نئے ہے۔ عدوہ ازین سے اس کے ساتھ ساتھ 19 ماہ سے
بہر ہے۔ جبکہ کام اور ڈیوٹی کے ساتھ ساتھ اس کے ساتھ ساتھ

4 - کپتانی کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ
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18/3/18
Dm = Gms Surgai Allai
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