

20.09.2022

Learned counsel for the appellant present. Mr. Zahid Ullah Khan, Litigation Officer on behalf of respondents No. 1 to 3 alongwith Mr. Muhammad Adeel Butt, Additional Advocate General present. None present on behalf of official respondent No. 4 as well as private respondents No. 5 to 7.

Written reply on behalf of official respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant.

Previous two consecutive dates were changed on Reader Note, therefore, notice be issued to respondents No. 4 to 7 through registered A.D with the direction to submit written reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck of. Adjourned. To come up for submission of written reply/comments on behalf of respondents No. 4 to 7 on 04.11.2022 before the S.B.

The appellant shall submit registered A.D within 02 days.




(Salah-Ud-Din)
Member (J)

04.11.2022

Clerk of counsel for the appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No. 12780/2020 titled "Shams Un Nehar Vs. Education Department" on 15.12.2022 before S.B.



(Rozina Rehman)
Member (J)

SCANNED
PE
2022


27.06.2022

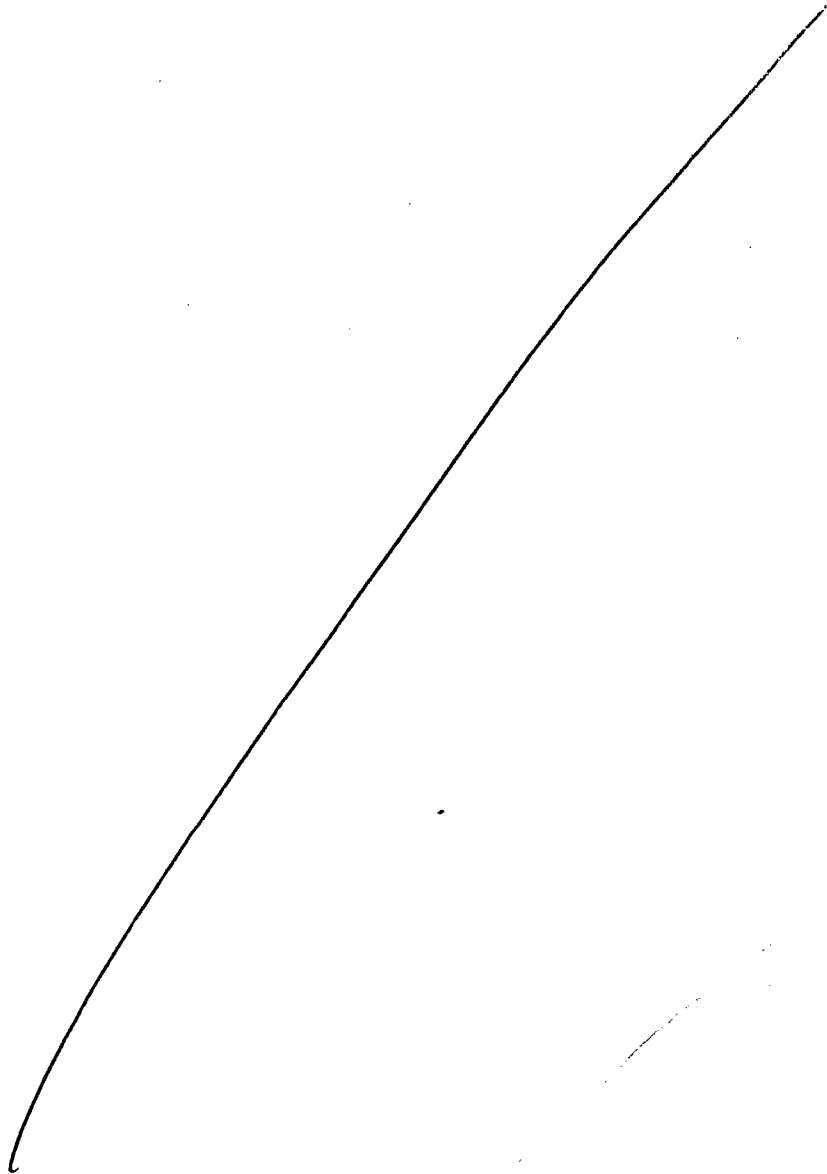
Appellant alongwith his counsel present.

Learned Member (Executive), is on leave.
Therefore, the case is adjourned to 08.08.2022
for the same as before.


READER

8.8.2022 Due to the Public Holiday The
case is Adjourned to 20-9-2022


Reader



14.12.2021


Counsel for the appellant present. Mr. Noor Zaman Khattak,
District Attorney for respondents present.

Written reply/comments not submitted. Learned District
Attorney seeks time to contact the respondents for submission of
written reply/comments. Fresh notice be issued to the
respondents for submission of written reply/comments.
Adjourned. To come up for written reply/comments on
23.02.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

23.02.2022

Due to retirement of the Hon'able Chairman, the case is
adjourned to 9.05.2022 for the same before D.B.


Reader

09.05.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate
General alongwith Haseen Ullah Assistant for respondents
present.

File to come up alongwith connected Service Appeal
No.12780/2020 titled Shams un Nihar Vs. Government of
Khyber Pakhtunkhwa 27.06.2022 before S.B.


(Rozina Rehman)
Member (J)

Stipulated period passed reply not submitted.

29.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

06.10.2021

Ms. Najma Kamran, Advocate, for the appellant present and submitted fresh Wakalat Nama on behalf of the appellant, which is placed on file. Ms. Surrya, District Education Officer (F) and Mr. Mujeeb-ur-Rehman, Assistant Accounts Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents present and sought time for submission of reply/comments. Adjourned. To come up for reply/comments as well as arguments on 14.12.2021 before the D.B.

None present on behalf of private respondents No. 5 to 7 therefore, notice be issued to them for submission of reply/comments as well as arguments for the date fixed.

(MIAN MUHAMMAD)
MEMBER (E)

(SALAH-UD-DIN)
MEMBER (J)

10.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal and just objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 26.10.2021 before the D.B.

**Appellant Deposited
Security & Process Fee**

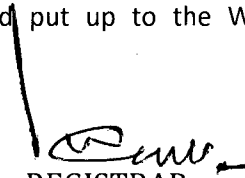

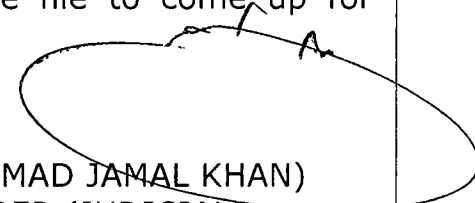


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12926 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/10/2020	<p>The appeal resubmitted today by Mr. Masood-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/11/2020</u>.</p> <p> CHAIRMAN</p>
30.11.2020	fi	<p>Neither appellant nor anyone else representing him has appeared despite having been called time and again, therefore, appellant as well as his respective counsel be noticed for 24.02.2021 on which date file to come up for preliminary hearing before S.B.</p> <p> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>
24.02.2021		<p>The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 10.06.2021.</p> <p> Reader</p>

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The appeal of Mr. Asmatullah resubmitted to-day i.e. on 19.10.2020 is returned again to the counsel for the appellant with the direction to submit three more copies/sets of the appeal along with annexures i.e. complete in all respect within 15 days in file covers.

No. 3022 /S.T,


Dt. 21/10 /2020


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Mr. Masood-ur-Rehman
Adv. High Court Bannu.

Respected Sir

After removal of
office objection case
is submitted
and again


26/10

To,

The Registrar,
KPK Service Tribunal,
Peshawar .

SUBJECT: Application under Khyber Pakhtunkhwa Service Tribunal Rules, 1974, under Rule.6 clause (e) sub clause G for waiving of Judgment of Peshawar High Court Abbottabad Bench.

Dear Sir,

That petitioner counsel file appeal for back benefit on behalf of appellant and in office objections in para 2 of the objections for submitting Peshawar High Court Abbottabad Bench.

That petitioner annexed the judgment of Peshawar High Court Bannu Bench in which all the judgments are discussed and petitioner counsel will submit judgment of Abbottabad Bench during course of arguments.

It is, therefore, requested that Khyber Pakhtunkhwa Service Tribunal Rules, 1974, under Rule.6 clause (e) sub clause G Judgment of Peshawar High Court Abbottabad Bench may kindly be waived for the ends of justice.

Dated: 16/10/20



Masood Ur Rahman Advocate
Peshawar High Court
Bannu Bench

The appeal of Mr. Asmatullah Khan PST GPS Hamesh Gul Kakki Bannu received today i.e. on 06.10.2020 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Addresses of respondents no. 5 to 7 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copies of Writ Petition and Judgment of Peshawar High Court Abbottabad Bench mentioned in para-3 and 5 of the memo of appeal respectively are not attached with the appeal which may be placed on it.
- 3- Annexures-B and E of the appeal are illegible which may be replaced by legible/better one.
- 4- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 5- Annexures of the appeal may be attested.
- 6- Annexures of the appeal may be flagged.


No. 2852 /S.T,

Dt. 06/10 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Masood-ur-Rehman Wazir
Advocate High Court Bannu.

- Respected Sir, After renewal of objection as,
- 1- Address of Respondent 5 to 7 are added in memo of address.
 - 2- Appellant relies on Judgment of PHE Bench in which Judgment of Abbottabad Bench is discussed also placed on file while Judgment Bannu Bench is already annex E.
 - 3- Better copy as well legible copy is ^{placed} ~~replaced~~.
 - 4- Placed in sequence as well annexure.
 - 5- Annexure of appeal already attested by C.T.E sign by counsel as (Certified by True Copy)
 - 6- Annexure are flagged as mention in memo of appeal


16/10

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

Service Appeal No. 12926/2020.

Asmat Ullah Khan

...(Appellant)

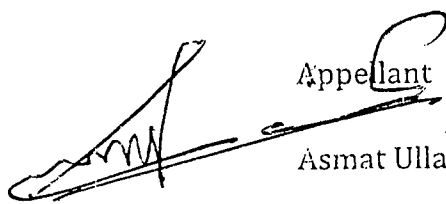
Versus.

Government of Khyber Pakhtunkhwa through Secretary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar and others.

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4.	Copy of Advertisement	"A"	7
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Dated: 30/9/20


Appellant
Asmat Ullah Khan
Through,

Masood Ur Rehman Wazir
Advocate, High Court, Bannu
cell 03339749590

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

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11079

Dated 06/10/2020

Service Appeal No. _____/2020.

Asmat Ullah Khan S/O Muhammad Jan PST Teacher posted at GPS
Hamesh Gul Kakki Tehsil & District Bannu.

...(Appellant)

Versus.

1. Government of Khyber Pakhtunkhwa through Secretary Education
Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Director Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer Male Bannu.
4. District Account Officer Bannu.
5. Farooq Khan S/O Muhammad Arif PTC Teacher R/O Sabo Khel
Mandan Bannu.
6. Raqiaz Khan S/O Bahader Sher PTC Teacher R/O Mandew District
Bannu.
7. Atta Ullah Khan S/O Wali Ayaz Khan PTC Teacher R/O Mumir Kaki
District Bannu.

.....Respondents / defendants

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 FOR GRANT OF SENIORITY/ARREAR OF PAY
AND OTHER BACK BENEFITS W.E.F 30/05/2000 TO 03/11/2015
WHICH IS GRATED TO RESPONDENTS NO.5 TO 7 ALONGWITH
ABOVE HUNDRED OTHER CANDIDATES WHO ARE APPOINTED
THROUGH COURTS ORDER FROM 25% QUOTA A.I.O.U 1999
QUOTA AND DENIED TO PETITIONER WHICH IS DISCRIMINATORY
AND VIOLATION OF ARTICLE 25 OF CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN 1973.

Re-submitted to -day
and filed.

Registrar

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL AND
GRANTING SENIORITY ARREAR OF PAY AND OTHER
BACK BENEFITS WHICH IS GRANTED TO RESPONDENTS
NO.5 TO 7 ALONGWITH ABOVE HUNDRED OTHER PST

06/10/2020
Registrar

5

TEACHERS APPOINTED FROM 25% QUOTA A.I.O.U
1999 AND OTHER PST TEACHERS FROM 30/05/2000
TILL THEIR APPOINTMENT ORDER WHO ARE
STANDING ON SAME FOOTING HENCE PETITIONER
MAY BE GRANTED SENIORITY ARREAR OF PAY AND
OTHER BACK BENEFIT.

RESPECTFULLY SHEWETH:

- 1) That, respondent No.1 to 4 issue advertisement for appointment of PTC teacher on dated 07/02/1999.
(Copy of advertisement as annexure "A")
- 2) That, on response appellant submitted application for appointment appeared in test and interview and denied appointment on the soul ground that he has got PTC certificate from Ilama Iqbal Open University Islamabad.
- 3) That, the august Supreme Court of Pakistan in C.A No. 1904, 1906, 1907 of 2000 decided that all certificates are equal hence in 2004 in writ petition No.75/2004 titled Shaukat Ullah VS Provincial Government 25% quota is allocated to those candidate who are denied from appointment in 1999. **(Copy of writ petition is annexure as "B")**
- 4) That on dated 03/11/2015 Petitioner is appointed as PTC teacher on direction of Court from 25% denied candidate quota and upto High Court Judgment is maintained. **(Copies of Court order and appointment order are annexed as C & D)**
- 5) That respondent No. 5 to 7 along with other hundred PTC teachers who are appointed on denied 25% quota were given seniority arrear of pay and other back benefits on the direction of Honourable Peshawar High Court Bench Bannu and writ petition No. 242-B/2014 and writ petition No.543A/2012 titled Baber Ilahi vs

Govt of KPK & other decide by Peshawar High Court Abbottabad Bench. (Copy of the Judgment of PHC Bannu Bench is annexed as E)

- 6) That petitioner made departmental appeal on dated 09/06/2020 to the respondent No.1 but till date not decided hence approach this Honourable Service Tribunal enter alia the following grounds. (Copies of service appeal & registry receipt are annexed as F & G)

GROUNDS:

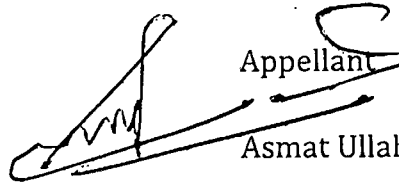
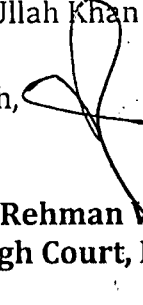
- A) That, petitioner is not treated according to law, rules and regulations and as per Judgment deliver by the Peshawar High Court Bannu Bench and Abbottabad Bench and it is well established principle of law that once question of law is decide a competent forum then its benefits will be also extended to those Civil Servant who are not before the Court (2009 SCMR page 1).
- B) That, respondents made discrimination to giving back benefits seniority arrears to respondents No.5 to 7 along with hundred others while refusing to appellant which is against norms of good administration.
- C) That, when from same merit list interview list giving back benefit of service from 2000 while refusing to appellant is against article 25 of the Constitution of Islamic Republic of Pakistan 1973 and against legitimate expectation, good governance.
- D) That, every monthly pay giving fresh cause of action to the petitioner hence petitioner is entitled to claim seniority along with other benefits granted to others appointees of 25% quota while refusing to appellant so coming in the ambit of term & condition of civil servant hence this tribunal has got the jurisdiction and appeal of the appellant is with in time.

(4)

E) That, appellant is victim of the discriminatory treatment and it is the for most duty of the Court/Tribunal to save the citizen/employees from discriminatory treatment and decide the fundamental rights granted by the Constitution of Islamic Republic of Pakistan 1973 which is coming in the ambit of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptance of instant service appeal and appellant may granted seniority, arrear of pay and other back benefits from 30/05/2000 till 03/11/2015 which is granted to respondents and other PST teachers from 30/05/2000 till appointment order who are standing on same footing as appellant.

Dated: 30/9/20


Appellant
Asmat Ullah Khan
Through, 

Masood Ur Rehman Wazir
Advocate, High Court, Bannu

5

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

Service Appeal No. _____/2020.

Asmat Ullah Khan

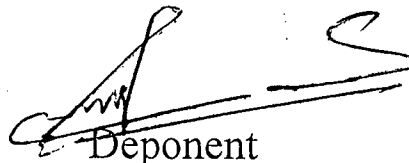
...(Appellant)

Versus.

Government of Khyber Pakhtunkhwa through Secretary Education Khyber
Pakhtunkhwa Civil Secretariat Peshawar and others.


Affidavit

I Asmat Ullah Khan S/O Mehmood Jan PST Teacher posted at GPS Hamesh Gul
Kakki Tehsil & District Bannu, do hereby solemnly affirm and declare that
the contents of the above noted appeal are true correct and noting has
been kept secret or concealed from this Honourable Court.



Deponent

Asmat Ullah Khan


ADVOCATE
BANNU
1-10-2020

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

Service Appeal No. _____/2020.

Memo of addresses.

Asmat Ullah Khan S/O Mehmood Jan PST Teacher posted at GPS
Hamesh Gul Kakki Tehsil & District Bannu.

...(Appellant)

Versus.

1. Government of Khyber Pakhtunkhwa through Secretary Education
Khyber Pakhtunkhwa Civil Secretariat Peshawar.
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Bannu, posted at GPS mandew khas Bannu.
7. Atta Ullah Khan S/O Wali Ayaz Khan PTC Teacher R/O Mumir Kaki
District Bannu.

.....Respondents / defendants

Dated: 30/9/20

Appellant

Asmat Ullah Khan

Through,

Masood Ur Rehman Wazir
Advocate, High Court, Bannu

ننگہ تعلیم پر انگریزی صوبہ سرحد پٹی سی اسامیوں کے لئے صرف تربیت یافتہ اور صوبہ سرحد کے سکونتی مرد اور خواتین امیدواروں سے مقررہ از مود فارموں پر درخواستیں تقابلی طور پر پیش کرنا لازمی ہے۔ ڈی ایس ایس کے مصدقہ فتوے کے ساتھ مردانہ 23.02.1999 تک مطلوب ہیں جو صلاحتہ مسز ک ایجوکیشن آفیسرز (مردانہ) پر انگریزی سکول کے دفاتر کو ارسال کیے جائیں۔ شریانی تمام درخواستیں ہر لحاظ سے مکمل ہونی چاہئیں۔ ناکمل یا تاخیر سے پہنچنے والی درخواستوں پر غور نہیں کیا جائے گا۔ ۲۔ انٹرویو سے پہلے تمام امیدواروں سے سکریٹ اینک ٹیسٹ لیا جائے گا۔ جو امیدوار ٹیسٹ میں کامیاب ہو جائے صرف وہ انٹرویو کے لئے اہل ہوگا۔ ۳۔ کامیاب امیدواروں ذیل میں دیئے گئے پروگرام کے مطابق صبح 8:30 بجے حاضر ہونے کے لئے کوئی ٹی اے ڈی ایس ٹیسٹ لیا جائے گا۔ ۴۔ انٹرویو کے لئے کوئی پندرہ سالوں یا زیادہ عمر کا ہو کر ہونا چاہئے۔ ۵۔ تقریری حوالہ دہن اور حکومت صوبہ سرحد کے آئی ڈی اے اور اے ایف ایف کے تحت ہوگی۔ ۶۔ امیدواروں کے لئے درخواست فارم صوبائی سطح پر پیش کرنا لازمی ہے۔ ۷۔ انٹرویو کے وقت پیش کرنا لازمی ہے۔ ۸۔ امیدواروں کی عمر مردانہ 23.02.99 تک مرد حضرات کے لئے 18-33 سال اور خواتین کے لئے 18-40 سال ہونا ضروری ہے۔ ۹۔ اسٹیڈی اسٹیٹس اور دیگر امور کے وقت پیش کرنا لازمی ہے۔ ۱۰۔ جعلی اسناد پیش کرنے والے امیدواروں کے خلاف قانونی کارروائی کی جائے گی۔ ۱۱۔ معذور افراد کے لئے مقررہ کردہ کونڈ کے مطابق مل واریڈی ٹیسٹ میں ملنے والے امیدواروں کو **standing medical Board** کا جاری کردہ سرٹیفکیٹ پیش کرنا لازمی ہوگا۔ ۱۲۔ پسماندہ علاقہ جات یعنی کوہستان کی مردت، بنگرام، بونیر، اپر توغل، کالا ڈھاکہ، دیر بالا اور پشاور کے لئے شریانی تربیت یافتہ خواتین امیدواروں کی اہم دستیابی کی صورت میں غیر تربیتی یافتہ امیدواروں کی درخواستوں پر غور کیا جائے گا۔ اور ان اضلاع کے سکونتی خواتین باشندوں کے ناملے کے صورت میں دیگر اضلاع کے امیدواروں کی درخواستوں پر غور کیا جائے گا۔ ۱۳۔ سلیکشن و تقریری یا حکومت کے معتمد جزیل مردانہ خواتین کے مطابق ہوگی۔ 75 فیصد کے تقریری صبح دانزد کونسل دانزد جبکہ 25 فیصد ایمن میرٹ پر کی جائے گی۔ ۱۴۔ تقریری کوہستان کے علاوہ تمام اضلاع کا شہری علاقوں میں 50 فیصد اور 50 فیصد ناڈون کینی ایسوسی ایٹ کینی ایسوسی ایٹ کارپوریشن جبکہ دیہاتی علاقوں میں 75 فیصد کونسل اور 25 فیصد ضلعی میرٹ کے حساب سے کیے جائیں گے۔ متعلقہ یونین کونسل یا کینیٹی میں تربیتی یافتہ افراد نہ ملنے کی صورت میں اسامیاں ضلعی میرٹ کی بنیاد پر کی جائے گی۔ (ضلع کوہستان میں 100 فیصد تقریری یونین کونسل کی بنیاد پر کی جائے گی۔ یونین کونسل میں تربیتی یافتہ افراد نہ ملنے کی صورت میں خالی اسامیاں صوبائی سطح پر میرٹ اور ضلعی میرٹ سے پوری کی جائے گی۔ ۱۵۔ امیدواروں کے تمام اسناد کی چند بین تقریری کے وقت متعلقہ بورڈ یونیورسٹی اور اساتذہ سے حقی طور پر کی جائے گی۔ جس کی فیس وغیرہ امیدواروں کے ذمہ واجب الادا کی جائے گی۔ ۱۶۔ پشاور ہائی کورٹ کے فیصلے کے مطابق سب سے پہلے صوبہ سرحد کے گورنمنٹ ہسپتالی کالجوں کے پاس شدہ امیدواروں کو جب کے دوسرے نمبر پر علامہ اقبال اوپن یونیورسٹی اسلام آباد سے پاس شدہ امیدواروں اور آخر میں دوسرے کالجوں سے پاس شدہ امیدواروں کو ملی الترتیب ترجیح دی جائے گی۔ ٹیسٹ اور انٹرویو کے تمام نتائج ڈی او دیو (D.O) مردانہ ازمانہ پر امری کرے گا۔ درخواست فارم متعلقہ DEO مردانہ ازمانہ پر انگریزی کی دفتر سے ملے گا۔ 55 روپے ٹوٹن دستیاب ہو گئے۔ جس میں استقامتی فیس بھی شامل ہے۔ ہر امیدوار کو مردانہ اور خواتین کے لئے ایک ہی فارم پیش کرنا ہے۔

۱۰۔ ۱۱۔ ۱۲۔ ۱۳۔ ۱۴۔ ۱۵۔ ۱۶۔ ۱۷۔ ۱۸۔ ۱۹۔ ۲۰۔ ۲۱۔ ۲۲۔ ۲۳۔ ۲۴۔ ۲۵۔ ۲۶۔ ۲۷۔ ۲۸۔ ۲۹۔ ۳۰۔ ۳۱۔ ۳۲۔ ۳۳۔ ۳۴۔ ۳۵۔ ۳۶۔ ۳۷۔ ۳۸۔ ۳۹۔ ۴۰۔ ۴۱۔ ۴۲۔ ۴۳۔ ۴۴۔ ۴۵۔ ۴۶۔ ۴۷۔ ۴۸۔ ۴۹۔ ۵۰۔ ۵۱۔ ۵۲۔ ۵۳۔ ۵۴۔ ۵۵۔ ۵۶۔ ۵۷۔ ۵۸۔ ۵۹۔ ۶۰۔ ۶۱۔ ۶۲۔ ۶۳۔ ۶۴۔ ۶۵۔ ۶۶۔ ۶۷۔ ۶۸۔ ۶۹۔ ۷۰۔ ۷۱۔ ۷۲۔ ۷۳۔ ۷۴۔ ۷۵۔ ۷۶۔ ۷۷۔ ۷۸۔ ۷۹۔ ۸۰۔ ۸۱۔ ۸۲۔ ۸۳۔ ۸۴۔ ۸۵۔ ۸۶۔ ۸۷۔ ۸۸۔ ۸۹۔ ۹۰۔ ۹۱۔ ۹۲۔ ۹۳۔ ۹۴۔ ۹۵۔ ۹۶۔ ۹۷۔ ۹۸۔ ۹۹۔ ۱۰۰۔

امتحان کے کل نمبرات

ہر استاد امتحان کے لئے مقرر کردہ نمبرات ذیل ہو گئے۔

میٹرک	پٹی سی	ایف اے ایف سی۔	بی اے ای ایس سی	ایم اے ایم سی
30	25	20	10	10

تجربہ کے نمبر ایک تا تین سال کے لئے 5 نمبر دو سال کے لئے 3 نمبر ایک سال کے لئے 2 نمبر
۱۷۔ اسٹ اور انٹرویو معتمد جزیل پروگرام کے مطابق ہو گئے۔

تاریخ ٹیسٹ	تاریخ انٹرویو امیدواران برائے اضلاع	مردانہ	زنانہ	مردانہ	زنانہ
02/03/99	04/03/99	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ
02/03/99	04/03/99	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ
06/03/99	08/03/99	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ
06/03/99	08/03/99	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ
10/03/99	12/03/99	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ
10/03/99	12/03/99	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ
14/03/99	16/03/99	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ
14/03/99	16/03/99	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ	پشاور، ملاکنڈ، چارسدہ

تاریخ انٹرویو کے وقت شناختی کارڈ امانت ہو جائے۔

تمام مضامین۔

ڈائریکٹر تعلیمات پر انگریزی صوبہ سرحد پشاور۔

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JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT D.I KHAN BENCH

JUDGMENT

Date of hearing. 28/04/2004

Appellant/Petitioner: _____

Respondents: _____

TARIQ PARVEZ KHAN, J: by this common judgment we intend to dispose of Writ Petition No.75/03, 120/03 and 43/04 as all the petitioners in the three petitions are holder of Primary Teaching Certificate but from Allama Iqbal Open University.

1. They all applied for their appointment in the Education Department but were denied the appointment on the basis of a policy then prevalent i.e. if there shall be available vacancies of PTC Teachers, the education Department shall advertise it. 25% shall be filled on District wise basis and 75% on the basis of Union Council/batch wise. It was further subjected to those candidates who have qualified/obtained their Primary Teaching Certificate from Government Elementary Schools/Collage/Institutions shall get preference over candidates who have similar qualification i.e from Allama Iqbal Open University.

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I. KHAN BENCH
(JUDICIAL DEPARTMENT)

W.P. No. 75 of 2003

JUDGMENT

Date of hearing: 28-4-2004

Appellant-petitioner: (Shaukat Ali, & others) vs. Mr. S. Zafar Abbas Zaidi, Advocate

Respondents: Govt. of NWFP by Mr. Muhammad Shauq, Secretary Primary Education, Mr. Farid Nawaz Khan E.D.O. Bannu

TARIQ PAVEZ KHAN, J.- By this common judgment we intend to dispose of Writ Petitions No. 75/03, 120/03 and 43/04 as all the petitioners in the three petitions are holder of Primary Teaching Certificate, but from Allama Iqbal Open University.

They all applied for their appointment in the Education Department but were denied the appointment on the basis of a policy then prevalent i.e. if there shall be available vacancies of P.T.C. teachers, the Education Department shall advertise it. 25% shall be filled on District wise basis and 75% on the basis of Union Council/batch wise. It was further subjected to those candidates who have qualified/obtained their Primary Teaching Certificate from Government Elementary Schools/College/Institutions shall get preference over candidates who have similar qualification i.e. from Allama Iqbal Open University.

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EXAMINOR
Peshawar High Court
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2. At some stage in our province difference of opinion arose between the two benches of equal jurisdiction, therefore, matter was placed before a full bench of this Court in Writ Petition No. 374/98 (Darher Elahi and others VS Director of Education Primary Schools NWFP Peshawar and others). The Full Bench on 20/05/2000 held that certificate obtained from Government Institutions and the one obtained from Allama Iqbal Open University should be taken not only equal but as par and if the then policy of the Govt. was allowed to continue was held to be discriminatory.

3. The Government dissatisfied from the Full Bench Judgment of this Court filed petition before august Supreme Court of Pakistan as well as certain private individuals and the august Supreme Court upheld the decision of this Court vide judgment dated 28/05/2002 and in para 7 of its judgment observed as under:-

In most of the appeals, learned counsel stated at the Bar that the appellants/respondents were duly selected by the relevant selection committees of the government on merits but their appointments have been withheld on account of order of status quo passed by this Court while granting leave to appeal on 17/08/2000. Since these appeals are being finally disposed of such selectees subject to academic qualifications shall be immediately appointed to their respective posts as, prima facie: there is no other embargo in their way. We are informed at the Bar that a large number of vacancies of PTC Teachers, exist at the moment. Such of the appellants who were non-suited in C.A No. 1910 of 2000 shall be sympathetically considered for appointment in the first instance and, if they are otherwise qualified and suitable

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EXAMINOR
Peshawar High Court
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for the job, they must be given preference over new entrants. In case some of the effected appellants/respondents are over-age by passage of time, Provincial Government shall consider their case with utmost compassion and fairness by relaxing upper age limit. Needless to urge that technicalities should not thwart the course of justice, as legal procedures are essentially meant to regulate the proceedings and to advance the cause of justice rather than to frustrate the ends of justice.

4. We have heard learned Counsel for the petitioners and learned Deputy Advocate General who is appearing alongwith Mr. Farid Nawaz DEO Bannu.

The latter informs that notwithstanding judgment of Full Bench of this Court and the august Supreme Court of Pakistan But Now policy for appointment to the post of PTC Teachers has been changed by the Provincial Government and batch wise appointment/consideration has been omitted, thus the petitioners if at all would like to be appointed as PTC Teachers shall compete on open merit.

5. We doubt that the contentions raised by learned counsel for the respondents, when seen on the touchstone of justice and when applied to the case of the petitioners, would be tenable.

Present policy apart, the petitioners who were similarly placed as were the petitioners before Full Bench of this Court and the parties before august Supreme Court of Pakistan could not be discriminated nor denied any advantage merely on the ground that they did not approached the High Court or the Supreme Court at that

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The latter informs that notwithstanding judgment of Full Bench of this Court and the august Supreme Court of Pakistan but now policy for appointment to the post of PTC Teacher has been changed by the Provincial Government and batch wise appointment/consideration has been omitted, thus the petitioners if at all would like to be appointed as PTC Teachers shall compete on open merit.

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Present policy apart, the petitioners who were similarly placed as were the petitioners before Full Bench of this court and the parties before august Supreme Court of Pakistan could not be discriminated nor denied any advantage merely on the ground that they did not approach the High Court or the

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Peshawar High Court
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stage when other petitioners were knocking the door of the courts for seeking redress.

6. The purpose of our reproducing para 7 of the judgment of the august Supreme Court is to get support that where the petitioners were discriminated against candidates holding certificate from Government Elementary Institutions and when such discrimination was set aside by the High Court and by the august Supreme Court, their non-consideration in the first instance on the basis of the then prevalent policy was not legal and if it was not legal they shall be having a legal right to ask for their appointment.

7. Whether in the given scenario have got an outright right of appointment? We doubt it cannot be answered in affirmative. However, respondents are directed that the petitioners if apply against the vacancies of PTC Teachers they shall be given their own merit position as against new entrants keeping in view the fact that at the time they first appeared they were to be considered on batch wise basis with other candidates of the same batch.

Now as the policy of appointment on batch wise basis has been done away with we, therefore, while allowing these writ petitions direct the respondents that since refusal meter out to the petitioners has been tested by the august Supreme Court and Full Bench of this court whereby they have been held to be at par with candidates holding certificates from Government institutions, respondents-Government shall henceforth adopt the procedure that whenever the vacancies of PTC Teachers occurred they shall be accordingly notified. The

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7. Whether in the given scenario petitioners have got an outright right of appointment? We doubt it cannot be answered in affirmative. However, respondents are directed that the petitioners if apply against the vacancies of P.T.C Teachers they shall be given their own merit position as against new entrants keeping in view the fact that at the time they first appeared they were to be considered on batch wise basis with other candidates of the same batch.

Now as the policy of appointment on batch wise basis has been done away with we, therefore, while allowing these writ petitions direct the respondents that since refusal meted out to the petitioners has been tested by the august Supreme Court of Pakistan and Full Bench of this court whereby they have been held to be at par with candidates holding certificates from Government institutions, respondents-Government shall henceforth adopt the procedure that whenever the vacancies of P.T.C Teachers occurred they shall be accordingly notified. The

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petitioners or any other candidates similar to the case of the petitioners shall be allocated 25% seats of the available vacancies 75% vacancies shall go to the new entrant. This 25% is for those who were denied because of holding certificate from Allama Iqbal Open University and such 25% would be filled amongst them but on the basis of their own merit separately prepared.

8. By the time that all the candidates like petitioners and similarly placed persons are adjusted but on merit, those found fit on merit if because of earlier denial to their appointment by the Government, the government shall relax age as permissible under the law. With these recommendations we allow these three writ petitions but with no order as to costs.

Announced:

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Announced:
28.04.2004

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IN THE COURT OF SHAKIL ARSHAD
CIVIL JUDGE/JM-X, BANNU

Civil Suit No. 184/1

Date of institution: 05/11/2012

Date of Decision: 26/06/2014

1. Asmat Ullah Khan s/o Mahmood Jan r/o Kotka Akhundana Kakki Tehsil and District Bannu.
2. Mumtabaz Khan s/o Attlas Khan r/o Kotka Akhundana Kakki Tehsil and District Bannu.

..... *PLAINTIFFS*

V E R S U S

Government of Khyber Pakhtoonkhwa through Secretary Education, KPK,
Peshawar Etc.

..... *DEFENDANTS*

SUIT FOR DECLARATION ETC

JUDGMENT

Plaintiffs brought the present suit for declaration cum perpetual mandatory injunction against the defendants to the effect that plaintiffs belongs to union council Kakki and they are highly educated. They passed the PTC course and submitted an applications form to the defendants for the post of PTC in the year 1999. They passed the test and interview and secured 44.40 and 37.30 marks respectively, but defendants have not considered the degrees of the plaintiffs and refused to appoint the plaintiffs on the post of PTC, which is against the law, rules & regulations and judgments of the Hon'able High court and Supreme Court. That defendants have made appointments of PTC on the basis of 25% quota of the denied candidates since 2005 to 2012, but they have not considered the plaintiffs in the said quota, rather they appointed the candidates having less score than the plaintiffs. That defendants were asked time and again to consider the plaintiffs in 25% quota, reserved by the Hon'able Higher Courts for the denied candidates, but they denied, hence the instant suit.

Defendants were summoned, who appeared and submitted written statement. They denied the claim/suit of the plaintiffs by raising certain legal and factual objections. The pleadings of the parties were reduced to the following issues.

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1.7.14

ISSUES:

1. Whether plaintiffs have got a cause of action?
2. Whether plaintiffs have got a locus standi?
3. Whether plaintiffs comes to the court with clean hands?
4. Whether defendants have appointed candidates having low score from the plaintiffs on the basis of 25% quota in the light of judgment of High Court, which is wrong and against the law?
5. Whether plaintiffs have properly applied for the post of PTC and participated in the test and interview and their names are mentioned in the list of denied candidates?
6. Whether plaintiffs are entitled to the decree as prayed for? OPP
7. Relief

Both the parties produced pro and contra evidence. Records have gone through. In the light of valuable arguments of both the learned counsel, my issue wise findings are as under:

ISSUE NO. 03:

Defendants objected that plaintiffs have not come to the court with clean hands, but in this regard neither they leads evidence, nor stressed by the learned GP, hence the issue is decided in negative.

ISSUES NO. 4&5:

Both the issues are interlinked and discussed together.

Plaintiffs alleged that on the basis of 25% quota, reserved by the Hon'able High Court, defendants have appointed candidates having low scores than the plaintiff, but they denied to appoint the plaintiffs.

On the other hand defendants have taken the plea that the names of the plaintiffs are not mentioned in the list of denied candidates of 1999.

Perusal of the oral and documentary evidence, placed on file reveals, that the witness PW-1 Ijaz Khan record clerk Education Office Bannu submitted interview list of the Union Council Kakki alongwith appointment order of the denied candidates of 1999 as EXPW1/1 and EXPW1/2. During the course of cross examination, the witness PW-1 stated that the names of the plaintiffs are not mentioned in the list of denied candidates, prepared by them on the direction of Hon'able High Court. He further stated that they appointed all the denied candidates as per rules and regulations and no one was deprived.

Plaintiff No1 for himself and attorney for the plaintiff No.2 appeared as PW-3 and narrated the whole facts as mentioned in the plaint. He mentioned the

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Lower Court Bannu

15/7/15

names of candidates, whose names are not mentioned in the list of denied candidates and stated that defendants appointed candidates having low score than the plaintiffs in violation of the direction of High Court. He further stated that the original denied candidates of 1999 were dropped by the defendants they prepared a bogus list of the denied candidates and appointed those candidates, who have not appeared in the test and interviews. The plaintiff was cross examined, but noting in material was abstracted from his mouth.

On the other hand Riaz Khan ADO Establishment of Education Office Bannu DW-1 submitted list of the denied candidates and judgment of Hon'able Peshawar High Court D.I. Khan Bench as EXDW1/1 and EXDW1/2 respectively.

During the course of cross examination he submitted appointment order as EXDW1/dx-1 and stated that they appointed Muhammad Farooq, Mahmood Rehman and Muhammad Nasim, whose names are not mentioned in the list of denied candidates EXDW1/1, but he further explained that these candidates were appointed on the direction of Hon'able Peshawar High Court. It was admitted correct by the witness DW-1 that the names of the plaintiffs are mentioned at serial No.55 and S.No.99 respectively in the list of interview of 1999 and they have obtained 44.40 and 37.30 marks respectively. He further admitted that the scores of plaintiffs are high than the appointed candidates Shukat Ullah, Muhammad Jamil, Bahdur Nawaz and Sher Bahadur. It was also admitted correct that according to the merit score, plaintiffs are entitled for the post of PTC.

In the light of above discussion and perusal of record it reveals that plaintiffs are highly educated and have passed the PTC from the Allama Iqbal Open University. They applied to the post of PTC in 1999 and have passed the test and interview and secured 44.40 and 37.30 marks respectively. Record suggest that the names of plaintiffs are mentioned in the list of interview at S.No.55 and S.No.99 respectively, but they were denied despite of 25% quota reserved by the Hon'able Peshawar High Court D.I.Khan Bench.

No doubt defendants have made list of the denied candidates as EXDW1/1, which consisting of 59 candidates, but the ground reality as per list of interview of the candidates of 1999 shows that their numbers are more than 59, but they have not mentioned the plaintiffs and other candidates in the list of denied candidates. They made numerous appointments since 2005 upto 2012, but uptill now the denied candidates of the so called list EXDW1/1 were not appointed, rather they appointed the candidates, not mentioned in the list of denied candidates. This facts has been admitted by the witness (DW-1) Riaz Khan ADO Establishment of Education Office. He also admitted it correct that the score of appointed candidates are less than the plaintiffs. It was also admitted by him

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Lower Court Bannu

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that Mir Attaullah was not appeared in the interview, but despite of that he was appointed. Similarly Fazal Malik mentioned at S.No.20 of the so called list of denied candidates was also appointed on the basis of denied candidates of 2000. The said conduct and attitude of the defendants shows malafide on their part and violation from the rules and judgments of Hon'able Peshawar High Court D.I.Khan Bench. The said practice of the defendants is not warranted by law. They are bound to treat the denied candidates of 1999 equally and should not compelled each and every individual/candidates to knock the door of the court.

Thus it is held that plaintiffs are also entitled to be appointed on the post of PTC on the basis of 25% quota subject to rules and regulations. Both the issues are decided in affirmative.

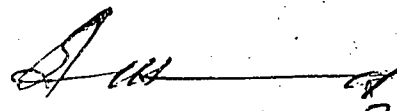
ISSUES NO. 01, 02 & 06:

Perusal of record and my finding and above issues, plaintiffs are entitled to be considered for appointment on the basis of 25% quota reserved by the Hon'able Peshawar High Court D.I.Khan Bench subject to eligibility of plaintiffs and rules & regulations. Thus it is held that plaintiffs have got a cause of action/locus standi and they are entitled to the decree as prayed. All the above issues are decided in affirmative.

RELIEF:

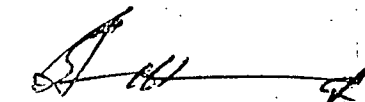
As a sequel to above discussion, plaintiffs have proved their case, rather admitted by the defendants, therefore the suit in hand stands decreed. No order as to cost. File be consigned to record room after its completion.

ANNOUNCED
26.06.2014


SHAKIL ARSHAD 26/6/14
Civil Judge/JM-X, Bannu

CERTIFICATE:

Certified that this judgment of mine is consisting upon four (04) pages. Each page has been checked, corrected wherever necessary and then signed by me.


SHAKIL ARSHAD 26/6/14
Civil Judge/JM-X, Bannu

Registration No. 4032

Date of Presentation 20-6-14


Date of 1-7-14


Date of 1-7-14

Date of 1-7-14

No. of 4

Total Fee 8

Signature of Copyist 

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Lower Court Bannu
1-7-14

لندن کالج کالج صاف 10 سہولت 270

26/14

تقدیر نمبر 184 ر 91
5-11-12
20-6-14
مستند

- 1- عہدت اللہ ولد شوہان سنگھ کو ٹیکہ اخوندان لکھی تحصیل وضع بنوں
- 2- ممتاز قریشی ولد اطللس خاں سنگھ کو ٹیکہ اخوندان لکھی تحصیل وضع بنوں۔ مدعیان

بنام

SHAKIL ARSHAD
Civil Judge/JM-X,
Bannu

1- صوبائی حکومت بدلیہ سیکرٹری ایجوکیشن جیٹر خٹوخواہ پشاور

ایگزیکٹو ایجوکیشن آفیسر بنوں

ڈسٹرکٹ کوارٹر مین آفیسر بنوں مدعا علم

0-6

14/2/13

حزوت

"مدعیان" دعویٰ بھراہ صدور ڈگری اسکول آرہ بدیں جنوں کم مدعیان کا
 میٹرک سکولز بالترتیب 44.4 اور 37.30 ہے جو کہ یونین
 کونسل لکھی سے متاثرہ 99 کوٹر کے تحت PTE پوسٹ
 پر تعیناتی کے لئے مستحق مقدار ہے جبکہ مدعیان سے کم
 میٹرک سکولز ایسڈوران کی تعیناتی خداز قانون، روز
 در گولڈن مینی ہر دفعہ، خداز اور مینی ہر بدینی ہے
 اور مدعیان کے حق / امتیازات لہذا، لکھی
 سے انکار خداز قانون یا لکھی 25% کوٹر عدوم اقبال
 کے خلاف ہے لہذا مدعا علم کا انکار منع و کالعدم
 قرار دیکر مدعیان کو ملحقہ میٹرک متاثرہ 99 کے
 تحت تعیناتی کے لئے مقدار اور مستحق قرار دیا جاو
 علم خداز مقدمہ

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13-7-14

"مدعیان" دعویٰ بھراہ صدور ڈگری حکم اتنا ہی جارہی ذوالی تاکید
 بدیں جنوں کم مدعا علم کو حکم دیا جاو کہ وہ اپنے لہذا
 کو تعیناتی مستاء قانون و میٹرک یا لکھی استعمال
 کرے مدعیان سے ملحقہ قانون سکولز کے اور قرار دیا
 PTE پوسٹ پر ملحقہ میٹرک 99 متاثرہ جاری کرے
 علم خداز مقدمہ

مالیت مقدمہ جو فیاضی اختیار سماند
 مدائف " 15/12
 مدب " 15/12

مالیت مقدمہ جو فیاضی کورٹ میں
 مدائف " 15/12
 مدب " 15/12

11/12/14
 S.C.J. BANNU

ضابطہ عالی :- دعویٰ مدعیان ذیل سے

ORDER-40
 26-06-2014

Parties alongwith their learned counsel present. Arguments already heard and record have gone through.

Vide my detail judgment consisting of (04) pages, placed on file. plaintiffs have proved their case, rather admitted by the defendants, therefore the suit in hand stands decreed. No order as to cost. File be consigned to record room after its completion.

Announced:
 26-06-2014

(Signature)

SHAKIL ARSHAD
 Civil Judge/JM-X,
 Bannu

خرچہ پیشہ لاء لاشی

نمبر	خرچہ مدعی	پیسہ	روپیہ	خرچہ مدعی	پیسہ	روپیہ
	اشامپ عرضی دعوی			اشامپ عرضی دعوی		
	اشامپ مختیار نامہ		280-	اشامپ مختیار نامہ		
	اشامپ وکالت نامہ			اشامپ وکالت نامہ		
1.	Registration No.	4032		اشامپ وکالت نامہ		
2.	Date of Presentation of Application	20/6/14		اشامپ وکالت نامہ		
3.	Date of Filing of Application	1-7-14		اشامپ وکالت نامہ		
4.	Date of Judgment	1-7-14	400-	خرچہ گواہان		
5.	Date of Execution	1-7-14		خرچہ گواہان		
6.	No. of Copies	2		مترق		
7.	Order	5		مترق		
8.	Urgent Fee	5		مترق		
9.	Total Fee	5		مترق		
10.	Signature of Copyist	<i>(Signature)</i>	680-	مترق		

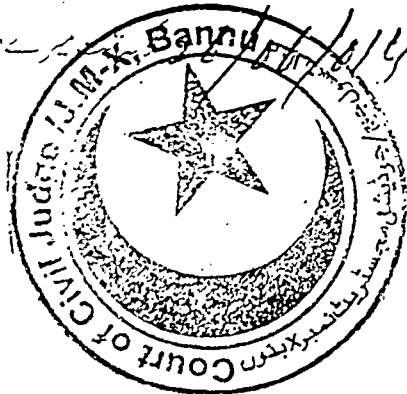
آج تاریخ 11/12/14 سے دستخط اور مہر عدالت کے جاری کیا گیا ہے۔

SHAKIL ARSHAD
 Civil Judge/JM-X,
 Bannu

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 Lower Court, Bannu

1-7-14



APPOINTMENT ORDER

In compliance with the Judgment issued by the Civil Judge/AM-X, Bannu dated: 26-06-2014 and the appeal in the subject case rejected by the Additional District Judge No.1 Bannu dated: 21-02-15 and now in light of execution proceeding in the Court of Civil Judge No.10 Bannu, the undersigned is pleased to appoint the below mentioned Male PST candidates in light of Court directions in BPS mentioned against each plus usual allowances as admissible under the existing rules/ policy in the schools noted against each candidate with effect from the date of taking over charge in the best interest of public service subject to the terms /conditions given below.

S.No.	Name	Father Name	U/Council	Place of posting	BPS	Remarks
1-	Asmatullah	Muhammad Jan	Kakki	GPS Hamash Gul Kakki	12	Against V/P
2-	Mumtabaz Khan	Atlas Khan	Kakki	GPS Dildar Landidak	12	-do-

TERMS & CONDITIONS

1. His/Their service will be considered regular with pension & gratuity as they are related police deptt: Khyber Pakhtunkhwa and applied to Edu: Deptt: through proper channel.
2. His/Their services will be liable to termination on one month's notice from either side; in case of resignation without notice his/ their one month pay & allowances shall be forfeited to Govt. treasury accordingly.
3. They will be on probation for a period of two years extendable for another one year.
4. His/Their services can be terminated at any time, in case of his/ their performance is found unsatisfactory during probationary period. In case of misconduct they will be proceeded against under the KPK E&D Rules 2011 & the rules framed from time to time.
5. The candidates should join their post with in 15. The SDEO (M) Bannu should furnish a certificate to the effect that the candidates have joined the post or otherwise, after 15 days of the issuance of this order, failing which, his/ their order will be treated as cancelled.
6. Charge should not be handed over if age of the candidate is below 18 years or above 35 years as per Govt. Rules/ policy, in case of over age he/they should obtained proper age relaxation from the competent authority before taking over charge.
7. In case of fake certificates/ Degree or any other mistake in the said appointment order detected later on the undersigned reserves the right of amendment in the appointment order accordingly.
8. Their services are not transferable for three years from the UC where they are appointed.
9. Their seniority will determined from the date of taking over charge according to rules.
10. He /They will produce Health & Fitness certificates from Medical Superintendent concerned before taking over charge.
11. An appeal against the subject case is submitted in Peshawar High Court Bannu Bench and the subject appointment case will be reconsidered in light of Hon: Court decision.
12. As they are regular Police constable therefore their age will be considered in light of Government age relaxation rules.
13. If the above Terms & Conditions are acceptable to them, they should join the post and submit their charge reports to all concerned accordingly.
14. No TADA etc is allowed.

e.d.o.
District Education Officer
(Male) Bannu

Endstt: No 7157-62 /AF-I (M) Prv.

Dated Bannu the 03-11-2015.

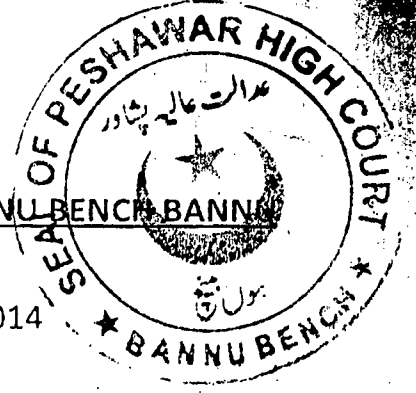
Copy For information & necessary action to:-

- 1- PS to Secretary Elementary & Secondary Edu: Khyber Pakhtunkhwa.
- 2- Director Elementary & Secondary Edu: Khyber Pakhtunkhwa.
- 3- The Court of Civil Judge No.10 Bannu.
- 4- SDEO (M) Bannu with the remarks that their pay may not be drawn until & unless their testimonials are not verified from concerned Board/University and after completion of all coddle formalities accordingly as per rules.
- 5- District Police Officer Bannu.
- 6- District Account officer, Bannu.
- 7- Candidates concerned for strict compliance & report.

JH

Amended F-19

BEFORE THE PESHAWAR HIGH COURT BANNU BENCH BANNU



Writ Petition No. 242-B/2014
with GR

- 1) Farooq Khan Son of Muhammad Arif Khan Resident of Sabo Khel Mandan Bannu.
- 2) Raqiaz Khan Son of Bahadur Sher Khan Resident of Mandeve, District Bannu.
- 3) Ataullah Khan Son of Wali Ayaz Khan Resident of Momeer Kakki, District Bannu.
- 4) Farid Ullah Khan Son of Mir Nawaz Khan Resident of Sikander Bharat, District Bannu.
- 5) Muhammad Tariq Son of Mir Saudad Khan Resident of Hakim Bharat, District Bannu.
- 6) Irfan Ul Haq Son of Abdul Khalim Resident of Kotka molvi Fazal Ghani Daud Shah, District Bannu.
- 7) Muhammad Imtiaz Khan Son of Muhammad Ghulam Khan Resident of Nar Sharif Nar Jaffar, District Bannu.
- 8) Inam Khan Son of Maeen Ullah Khan Resident of Nekam Kakki, District Bannu.
- 9) Bashir Ahmad Son of Abbas Khan Resident of Niab Kakki, District Bannu.
- 10) Sher Andaz Khan Son of Muhammad Ali Khan Resident of Shah Baz Kakki, Bannu.
- 11) Farooq Khan Son of Mir Wali Khan Resident of Kakki Khas District Bannu..
- 12) Hakim Nawaz Khan Son Balqiaz Khan Resident of Bharat District Bannu.
- 13) Umer Ayaz Khan Son of Muhammad Daraz Khan Resident of Nekam Kakki, District Bannu.
- 14) Gulap Khan Son of Sakhi Sarwat Resident of Mandeve District Bannu.
- 15) Nawab Khan Son of Mir Zalim Khan Resident of Nekam Kakki District Bannu.
- 16) Naimat Ullah Khan Son of Aman Ullah Khan Resident of Nekam Kakki, District Bannu.

ATTESTED

CERTIFIED TO BE TRUE COPY
Filed Today
Peshawar High Court Bannu Bench
Authorized Under Section
15 of the Peshawar High Court Act 1973
Naim-e-Shahadat Q.

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- 17) AKhter Ali Shah Son of Bahader Ali Shah Resident of Machan Khel Khojari District Bannu.

All are Primary School Teachers. (Petitioners)

VERSUS

- 1) Secretary to Government of K.P, Elementary & Secondary Education Department Civil Secretariat, Peshawar.
- 2) Secretary to Government of K.P, Finance Department, Civil Secretariat, Peshawar.
- 3) Director Elementary & Secondary Education K.P.K, Peshawar.
- 4) District Education Officer (Male) Bannu.
- 5) District Account Officer Bannu. (Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.**

**PRAYER: ON ACCEPTANCE OF INSTANT WRIT PETITIONER, THIS
HONOURABLE COURT MAY VERY GRACIOUSLY BE DIRECTED THE
RESPONDENTS TO VERIFY THE SERVICE BOOKS OF THE
PETITIONERS SINCE 2000 AND MAY ALSO GRANTED ARREARS /
SALARIES SINCE 30/05/2000 TILL 2003.**

Note: Addresses of the parties given above are sufficient for the purpose of

Service.

Filed Today

Additional Registrar

Respectfully Sheweth;

- 1) Brief facts of the case in hand are that on 07/02/1999 the respondent No. 3 advertised PST posts / vacancies in daily news paper for public attention,

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

[Signature]

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**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH.
(Judicial Department)**

W.P No. 242-B of 2014

Farooq Khan etc Vs Government of Khyber

Pakhtunkhwa etc

JUDGMENT

Date of hearing 04/04/2016

Appellant-Petitioner Farooq Khan and Others By
Pir Hameedullah Shah Adv.

Respondent Country and others By Qudusullah
Jehan Gondopir Adv. AG A/o Farzand Ali Lupelt.

HAIDER ALI KHAN J.- Farooq Khan and 16 others

petitioners seek constitutional jurisdiction of this Court praying
that :

*"On acceptance of instant Writ
petition, this honourable court
may very graciously be directed
the respondents to verify the
service books of petitioners
since 2000 and may also
granted arrears/salaries since
30/05/2000 till 2003"*

Handwritten signature

REGISTERED
EXAMINER
Peshawar High Court
Bannu Bench

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2. Brief facts giving rise to the instant Writ petition are that initially some posts of Primary School teachers (PST) were advertised on 07/02/1999 in the Daily News paper by the District Education Officer (M), Bannu (respondent No.4), to which the petitioners had also applied being eligible and qualified for the said posts of PST having certificates of Primary School teachers from Allama Iqbal Open University Islamabad; that after qualifying the test and interview, merit list was prepared and those who were having Primary teaching certificates (PTC) from Elementary Colleges were appointed while the petitioners were not considered by the respondents at par with P.T.C teachers, having certificates from Government Elementary Colleges; that the petitioners approached the Peshawar High Court D.I.Khan Bench against such like discrimination vide Writ petition No.79/1999 which was allowed on 30/05/2000 by treating the petitioners at par with others while appointment orders of those who were appointed in pursuance of advertisement dated 07/02/1999, having certificates of P.S.T from Government Elementary Colleges, were also declared illegal, void ab-initio and having no sanctity in the eyes of law; that the said decision of Peshawar High court, D.I.Khan Bench was challenged by said appointed candidates before the august Supreme court of Pakistan in C.A.No.1904 of 2000, CA No.1906 of 2000 and C.A No. 1907 of 2000 which were decided in their favour on 28/05/2002 and in compliance of that order, appointment orders

ATTESTED
EXAMINER
Peshawar High Court
Bannu

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of the petitioners were issued. Relevant portion of said order dated 01/07/2002, issued by Executive District Officer, Literacy and Education, Bannu is reproduced herein below:-

"His arrear/appointment will be considered with effect from 30.05.2000 as per the decision/judgment of the Hon'ble Peshawar High Court, DIKhan Bench (announced on 30/05/2000), but their pay will be drawn with effect from taking over charge, i.e 01/09/200".

4) The petitioners time and again requested the respondents to verify the service books of petitioners since 2000 and they may also be granted arrears/salaries since 30/05/2000 till 2003" but invain, hence the instant Writ petition.

3. The comments were invited from the concerned respondents, which were submitted accordingly, wherein prayer for dismissal of instant Writ petition has been made.

4. We have heard valuable arguments of the learned counsel for the parties and gone through the record appended with the petition.

5. Learned counsel for petitioner argued that respondents refused to verify the service books of petitioners since 2000 and to grant arrears/salaries since 30/05/2000 till 2003" with malafide and without any justification. He relied on

15/7/2002
Peshawar
Bannu

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judgment delivered by this court in WP No.62 of 2008 on 10/05/2011.

6. From perusal of the record, it appears that the appointment orders of the petitioners were outcome of the judgment of the Peshawar High court and in this respect, petitioners have faced the ordeal of lengthy litigation upto the august Supreme Court of Pakistan and after their appointment orders, their service books were issued and entries were also made therein. Admittedly grievances of petitioners stand redressed except verification of service books of petitioners, while in similar circumstances Abbot Abad Bench of this Court has allowed the following Writ petitions whereby the petitioners of those petitions were held entitled for their arrears/back benefits. The act of the respondents was also declared against the constitution:-

"WP No.543-A/2012, titled Babar Illahi & others VS Government of Khyber Pakhtunkhwa etc decided on 29/03/2011 as well as Writ petition No.62/2008 of 2008, titled Muhammad Saeed & others Vs Government of Khyber Pakhtunkhwa, etc, decided on 10/05/2011"

7. Thus it is very much clear that it is incumbent upon the respondents to consider and to verify their respective service books from the date of their appointment and similarly their

ATTEST
EXAMINER
Peshawar High
Court

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salaries need to be fixed right from their dates of appointment and are also entitled for their arrears and salaries.

8. In light of the above, coupled with the judgments of this court as well as august Supreme Court of Pakistan, this writ is allowed and respondents are directed to verify the service books of petitioners in accordance with law.

Announced.
Dt.04/04/2016

Sd/ Mr. Justice Muhammad Ghazanfar Khan, J
Sd/ Mr Justice Haider Ali Khan, J

[Handwritten signature]
04/04/2016

CERTIFIED TO BE TRUE COPY

Haider Ali Khan
Examiner
Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Ordinance 1984

14/10/2020

Azmat Awan

بخدمت جناب سیکرٹری ایجوکیشن خیبر پختونخواہ پشاور

عنوان: اپیل / بمراد سینارٹی

جناب عالی!

گزارش ہے کہ سائل نے 1995 میں PTC کورس علامہ اقبال اوپن یونیورسٹی اسلام آباد سے پاس کیا ہے اور ایم اے، پی ٹی سی، سی ٹی، بی ایڈ تک تعلیم یافتہ ہے۔ سائل نے سال 1999 میں محکمہ ایجوکیشن بنوں سے پی ایس ٹی پوسٹ کے لئے کاغذات جمع کیے تھے۔ اس وقت سائل ٹیسٹ اور انٹرویو پاس کر کے میرٹ پر تعیناتی کا حقدار تھا۔ لیکن سائل کو بد نیتی سے تعینات نہ کیا گیا۔ اور ایلمینٹری کالجز کے امیدواران جو سائل سے سیشن اور میرٹ اسکور میں کم تھے تعینات کیے گئے۔ اس وقت سیشن وائز پالیسی تھی۔ جو 25% ضلع میرٹ اور 75% یونین کونسل کی بنیاد پر بھرتیاں کی جاتی تھیں۔ سیشن اور میرٹ کے لحاظ سے سائل تعیناتی کا حقدار تھا۔ لیکن سائل کو اس وجہ سے نظر انداز کیا گیا کہ سائل نے پی ٹی سی کورس علامہ اقبال اوپن یونیورسٹی اسلام آباد سے پاس کیا تھا اور اس طرح علامہ اقبال یونیورسٹی سے PTC کورس کے پاس شدہ امیدواران کو تعیناتی سے محروم رکھا گیا۔ اور ایلمینٹری کالجز سے PTC کورس کے پاس شدہ امیدواران جو سائل سے سیشن میں کم اور Low میرٹ اسکور تھے۔ سال 1999 میں تعینات کئے گئے اور سائل کی ڈگری ماننے سے انکار کیا، جس پر عدالت عالیہ اور عدالت عظمیٰ نے DEO بنوں کے احکامات کو امتیازی سلوک قرار دے کر سائل اور دوسرے امیدواران کو پچیس فیصد کوٹہ دیا اور علامہ اقبال اوپن یونیورسٹی اور ایلمینٹری کالجز کی ڈگریاں مساوی قرار دی۔ سائل نے پچیس فیصد کوٹہ کے تحت DEO بنوں کو تعیناتی کے لیے بار بار درخواست دی لیکن سائل پر اس طرح وقت گزارا کہ آج اور کل ہم آپ کو تعینات کر رہے ہیں۔ آخر سائل نے مجبور ہو کر عدالت سے رجوع کیا۔ عدالت سول کورٹ، سیشن کورٹ، پشاور ہائی کورٹ، بنوں بینچ اور سپریم

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کے

کوڈ آف پاکستان نے سائل کے تعیناتی کے حق میں فیصلے کیئے۔ آخر کار DEO بنوں نے 03/11/2015 کو سائل کو PST پوسٹ پر تعینات کرنے کا حکم صادر فرمایا۔

جناب والا سائل کو عدالت عالیہ و عظمیٰ نے سال 1999 میں ٹیسٹ اور انٹرویو پاس کرنے، میرٹ پر پورا اترنے اور تعینات کرنے کے حقوق دیے ہیں۔ لیکن DEO صاحب بنوں نے سائل کے ساتھ دوبارہ دھوکہ، فراڈ، ناانصافی اور رولز ریگولیشن کے خلاف سلوک کر کے مورخہ 03/11/2015 سے تعینات کیا ہے۔ اور 1999 کی سینیاریٹی سے محروم رکھا ہے۔ جبکہ سائل نے سال 1999 میں ٹیسٹ اور انٹرویو پاس کیا تھا اور سال 1999 میں سائل سے کم میرٹ والے امیدواران کو بھرتی کیے تھے۔ ان بھرتی شدہ امیدواروں کو 1999 سے سینیاریٹی مع Benefit دی گئی ہے۔

جناب والا سائل نہایت غریب ہے۔ سائل کا تاریخ پیدائش 06/02/1997 ہے۔ سائل کی عمر تقریباً 45 سال ہے۔ اگر سائل کو 1999 کی سینیاریٹی سے محروم رکھا گیا تو ہمیشہ کے لیے سائل پر ترقی کے دروازے بند ہو جائیں گے۔ لہذا سال 1999 میں بھرتی شدہ دیگر امیدواروں کی طرح سائل کو بھی 1999 سے اپنا سینیاریٹی مع Benefit دیئے جانے کا حکم صادر فرمادیں۔ سائل دعا گو رہے گا۔

مورخہ: 31/05/2020

سائل عصمت اللہ خان PST جی پی ایس ہمیش گل کئی تحصیل و ضلع بنوں

موبائل نمبر: 0333-9738810

No. 637

For insurance Notices see reverse.

Stamp RGL37439492

the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 50
28

Received a registered* addressed to _____

Date Stamp

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

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

insured.

Insurance fee Rs. _____ Ps. _____ (in words) _____ Weight _____ Kilo _____ Grams _____

Name and address _____

بغداد KPI سرسٹریٹ جیولری ور

عبدالرحمن محمد صہبائی صدقہ و شہرہ

مورخہ
مقدمہ
جرم
تھانہ

سرسٹریٹ جیولری
باعث تحریر آئندہ

مقدمہ مندرجہ بالا عنوان بالا میں اپنی طرف سے واسطے بیروی و جواب دہی و کل کاروائی متعلقہ ان مقام بہنوں کیسے
 محو اور کھن و سرسٹریٹ جیولری کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی
 کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ تقرر ثالث و فیصلہ پر حلف دینے جو ابذہبی اور اقبال دعویٰ اور بصورت
 ڈگری کرانے اجراء اور وصولی چیک، روپیہ اور عرضی اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز
 بصورت ڈگری کرانے اجراء اور وصولی چیک، روپیہ اور عرضی اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہو
 گا۔ نیز بصورت عدم بیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے
 کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے کسی اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا
 کوئی اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
 و پرداختہ بھی منظور قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے استحقاق وکیل
 صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا پیشی
 سے باہر تو وکیل صاحب پابند نہ ہوں گے کہ بیروی مقدمہ مذکور کریں۔ نیز اگر بھی وجہ مثلاً بیماری، معذوری، علالت وغیرہ
 کی وجہ سے عارضی یا استثنیٰ بیروی مقدمہ نہ لڑیں تو بھی وکیل صاحب یا اس کے لواحقین کو بقایا فیس (اگر کوئی ہے) ادا
 کرنے کا کہ پابند ہوں گے اور ادا شدہ فیس کی واپسی کا تقاضہ کرنے کا حق نہیں ہوگا۔ مضمون وکالت نامہ سن اور سمجھ کر وکالت
 نامہ لکھ دیا تاکہ سند رہے۔

۲۰۲۰
العبد

3۰ ماہ محمد
گواہ شدہ

المقوم
العبد محمد احمد
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قیمت
50 روپے

103549



ایڈویکیٹ: مکی عابد ارخان اسٹوڈنٹس ایسوسی ایشن
بار کونسل/ ایسوسی ایشن نمبر: BL1861 & Co 8
رابطہ نمبر: 03369137720

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر جسٹس ڈی ایچ شہزاد

منجانب: عیبت الارخان ولد محمود جہان

دعویٰ: سروس ایپل

علت نمبر: 12926/20



مورخہ: /
جرم: /
تھانہ: /

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کیلئے کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لے سکتے ہیں۔ نیز رکا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

26-10-2021

PESHAWAR BAR ASSOCIATION
PESHAWAR

منظور ہے

پشاور

مقام

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔

صلح بنوں
عیبت الارخان ولد محمود جہان اسٹوڈنٹس ایسوسی ایشن

عیبت الارخان ولد محمود جہان
اسٹوڈنٹس ایسوسی ایشن

(127)

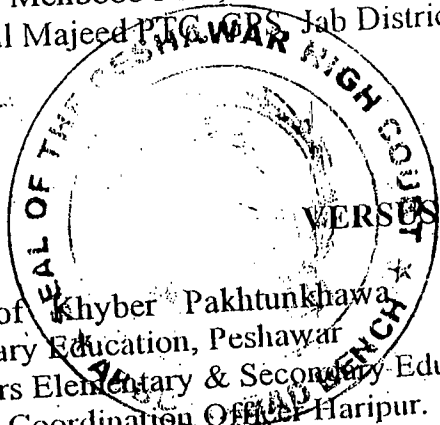
(G)

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

W. P No. 543-A/12012

1. Babar Ellahi, PTC, GPS Noor Pur, District Haripur.
2. Arif Mehmood PTC, GPS, Chitti Dhaki District Haripur.
3. Tahir Mehboob PTC, GPS, Khanpur District Haripur.
4. Abdul Majeed PTC, GPS, Jab District Haripur.

...PETITIONERS



1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar
2. Directors Elementary & Secondary Education Peshawar.
3. District Coordination Officer Haripur.
4. Executive District Officer, Elementary & Secondary Education Haripur.
5. Deputy District Officer, Elementary Education, Haripur.

....RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

Respectfully Sheweth: -

FILED TODAY

The brief facts leading to the present writ petition are as under;

1. That prior here to petitioners filed writ petition No. 205/2011, for declaration that verification of their service and fixation in their service books may kindly be considered from the year 2000 instead of

g. allan
Additional Registrar
Peshawar High Court
Abbottabad Bench
6-7-2012

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No 6/7/12

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Peshawar High Court
Abbottabad Bench
Authorized Under Section 75 Acts Ordms.

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28/04/2003. Attested copy of writ petition alongwith all the relevant annexures are annexed as Annexure "A" to "G".

2. That on 29/03/2011, Honourable Court directed the respondents to verify their service books according to law. Attested copy of order dated 29/03/2012 in writ petitioner No. 205/2011 is attached as Annexure "H".

3. That on 15/05/2012, respondent No. 4, issued order vide Endst No. 5427-35 and ordered that the service of the petitioner may be treated from 10/04/2000. Copy of order/ letter dated 15/05/2012 is annexed as Annexure "I".

4. That in the letter/ order dated 15/05/2012, it was mentioned in note two that there service should be fixed from 10/04/2000 instead of 28/04/2003 on presumptive basis and in Para No. 1 of note it was mentioned they are not entitled for arrears prior to be 28/04/2003, due to reason that they have not performed their duties from 10/04/2000 to 28/04/2003.

5. That this fact was ignored by the respondents that petitioners were dragged into litigation by the respondents from 2000 uptill now and petitioners were

TODAY

G.ullah
Additional Registrar
Peshawar High Court
Abbottabad Bench
6-7-20h

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Peshawar High Court
Abbottabad Bench
Authorized Under Section 23 Act 1909

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entitled for their service from the year 2000 but due to the fault of respondents they were inducted into the service from the year 2003.

6. That the respondents moved an application before respondents that they are entitled for their salary/arrear from 10/04/2000 to 28/04/2003 but respondent heald no attention towards the grievance of the petitioners. Copy of application is attached as Annexure "J".
7. That service books of the petitioners were verified and fixed from the year 2000. Copies of extracts of service book are attached as Annexure "K".
8. That feeling aggrieved of the above, the petitioner has come this Honourable Court with the instant petition, inter-alia, on the following grounds:-

GROUNDS

- a. That the impugned act of respondents is illegal, unlawful, without lawful authority, arbitrary, perverse and is against the principle of natural justice and of no legal effect on the rights of petitioner.

TODAY

Additional Registrar
Peshawar High Court
Abdullah Bench

6-7-2012
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Peshawar High Court
Abdullah Bench
Automated Stamp Sec 25 Act 1973

AWC

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b. That, it is against the natural justice that the petitioners were constrained to fall into a long ordeal of litigation for their rights since 1998 and after all petitioners were succeeded on 14/06/2007 and once again petitioners were aggrieved by the act of the respondents for non verifying of their services from the Year 2000, and petitioners were again dragged into the litigation and after that an order was issued in favour of the petitioners on 15/05/2012 on the basis of order of this Honourable Court and in the order dated 15/05/2012 another un-logical para mentioned that they are not entitled for their salary since 10/04/2000 to 28/04/2003 and according to para No. 2 their salary may be fixed since 10/04/2000 instead of 28/04/2003. That the para No.1 is totally contradictory.

c. That the respondents ignored the fact that petitioners were fully entitled for the service since 2000 but their wrong discriminatory action petitioners were deprived from their legal right and they could not be in service since the year 2000.

TODAY

K. J. Allaha
 Additional Registrar
 Peshawar High Court
 Abbottabad Bench
 6-6-2013

Att

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 26.6.13
 Additional Registrar
 Peshawar High Court
 Abbottabad Bench

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d. That by the act of respondents, petitioners were not in service from the year 2000 to 2003 but according to the order dated 15/05/2012 if their salary was fixed from 10/04/2000 instead of from 28/04/2003 so they are fully entitled for their arrears/salary and they could be deprived from their legal right.

e. That act of respondents is against the vires of Constitution of Islamic Republic of Pakistan and petitioners are fully entitled for their back salary and the para No. 4 in the Note of the order dated 15/05/2012 is totally against the law, illegal, without jurisdiction and without lawful authority and is against the natural justice.

f. That the act of respondents is based on malafide and discriminatory towards the petitioners.

g. There is no speedy, adequate and efficacious remedy available to the petitioners, except the instant writ petition.

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

FILED TODAY

K. J. Iqbal
Additional Registrar
Federal High Court
Abbottabad Bench

G 6-7-20h

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26-6-13
Registrar
Abbottabad Bench
Authorized Under Section 46 of the
Punjab Courts Act 1925

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RHR

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i. That addresses of the parties given in the heading is correct.

j. That the other points shall be urged at the time of arguments.

It is, therefore, humbly prayed that on acceptance of instant writ petition the act of respondents for non payment of their arrears/ salary from the year 2000 to 2003 may kindly be declared illegal, unlawful, without lawful authority, malafide, against the natural justice, capricious, corum non judice, and respondents be kindly directed to release the salary /arrears of the petitioners from the year 10/04/2000 to 28/04/2003 with immediate effect. Any other relief deemed fit and proper in the circumstances of the case.

INTERIM RELIEF:

It is further prayed that to the extent of para No.1 of Note in order dated 15/05/2012 may kindly be suspended and salary /arrears of the petitioners from 10/04/2000 to 28/04/2003 may kindly be released forthwith.

Dated _____/2012

Through

(RAHEELA MUGHAL)

Advocate High court Abbottabad

...PETITIONERS

VERIFICATION:

Verified that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and that nothing material has been concealed therein.

FILED TODAY

...PETITIONERS

A
G. allelu
Additional Registrar
Peshawar High Court
Abbottabad Bench
6-7-2012

2012
20.6.13
Abbottabad Bench
Accountant Under Sec 75, Act 1973

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A JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

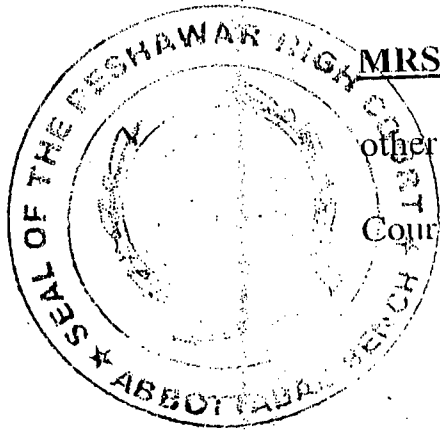
W.P No. 543-A of 2012

JUDGMENT

Date of hearing 13-06-2013.

Appellant(s)/Petitioner (s) Babar Elahi and others by MB. Rahela original Advocate

Respondent (s) Govt. S.P.K Etc by A.A. G. (Mr. Naveed Khan Sidi)



MRS. IRSHAD QAISER, J:- Babar Elahi and three other petitioners seek the Constitutional jurisdiction of this Court praying that;

“The act of respondents for nonpayment of their arrears/salary from the year 2000 to 2003 may kindly be declared illegal, unlawful, without lawful authority, malafide, against the natural justice, capricious, corum non iudice, and respondents be kindly directed to release the salary/arrears of the petitioners from the year 10.04.2000 to 28.04.2003 with immediate effect.”

2. As per contents of the petition, petitioners filed writ petition No.205/2011 for declaration to verify the service of the petitioners with effect from 10.04.2000 to 2003. That on 29.03.2011, this Court directed the respondents to verify their service books according to law. That on 15.05.2012 EDO (respondent No4) issued order vide Endst No.5427-35 dated 15.05.2012 vide which the

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Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75, Acts Ord 1973

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service/appointment of the petitioners were treated from 10.04.2000 on the ground that they are not entitled for arrear prior to 28.04.2003. That the petitioners were dragged into litigation by the respondents from year 2000 up till now and petitioners are entitled for their service from the year 2000 but due to their default the petitioners were inducted in to service from the year 2003. That service books of the petitioners were verified and fixed from the year 2000. Respondents have submitted their comments.

3. Arguments heard and record perused with the assistance of learned counsel for the parties.

4. In their comments the respondents have admitted the issuance of letter Endst. No.5427-35 dated 15.05.2012 and in response to para No.5 of writ petition they stated that in compliance with the judgment of this Court, the service of the petitioners were regularized with effect from 10.04.2000 except the salary due to the reason that they are not performing of duty during this period.

5. It appears from the record that on the basis of above letter the following entries were made in the service books of the petitioners "consequent" upon the judgment of the Peshawar High Court Abbottabad Bench dated 10.05.2011 issued vide Endst No.5427-35 dated 15.05.2012, the date of appointment is 10.04.2000 instead of 28.04.2003.

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 Abbottabad Bench
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[Signature]
 9

6. Record shows that petitioners were constrained to fall in to long ordeal litigation for their right, since 1998 and after struggle, the respondents issued order dated 15.5.2012 on the basis of order of this Court. But that order is contradictory and confusing because in main order it is stated that their appointment be treated w.e.f 10.04.2000 while subsequently three paras in the shape of note were added. In para No.1 it is stated that they are not entitled for arrear prior to 28.04.2003 due to reason that they have not performed their duties w.e.f 10.04.2000 to 28.04.2003 while in Para No.2 it is mentioned that their salaries should be fixed w.e.f 10.04.2000 instead of 28.4.2003 on presumption basis.

7. If the date of appointment of petitioners are considered from 10.04.2010, their salary was also fixed from 10.04.2000 instead of from 28.04.2003, then they are fully entitled for their arrears/back salary and the act of respondents is against the viries of constitution. Thus, para No.1 of note of order dated 15.05.2012 is deleted being illegal, against the law and natural justice.

8. Keeping in view the circumstances stated hereinabove, the writ petition is admitted and allowed.

Announced:
13.06.2013

SD. JUDGES

[Signature]

Received by the File Copy
26.6.13
Peshawar Bench
Abbonabad Bench
Assigned to Secy Secy

"A"

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

No.

APPEAL No. 12926 of 20 20

Asmatullah Khan

Appellant/Petitioner

Royd

Versus

Court CF KPK through Secy Edu. Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

Asmatullah Khan S/O

Muhammad Jan PST Teacher posted at

CPK Hamirah, Gul Karkhi Tehsil & Distt. Bannu.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 24/2/2021 at 9:am

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

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“B”

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

No. *Regd*

Appeal No. 12926-12932 of 2021

Asmatullah Khan & 6 Others Appellant/Petitioner

Govt of KPK through Secy: Edu: KPK Respondent

Respondent No. 03

Notice to: District Education officer (Male) Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26-7-21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 24th Day of June 2021.

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

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

“B”

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

513

No.

Regd

Appeal No.....12926-12932..... of 20 20

Asmatullah Khan & Others, Appellant/Petitioner

Versus

Govt of KPK through Secy Edu, KPK Respondent

Respondent No.....04.....

Notice to: - District Account officer Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....26/06/2021.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....26/7/21.....

Day of.....June.....20 21

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Regd

SB

Appeal No. *12926-12932* of 20

Asmatullah Khan & 6 Others Appellant/Petitioner
 Versus

Govt of KPK through Secy. Edu. KAR Respondent
 Respondent No. *175*

Notice to: — *Farooq Khan s/o M. Arif, PTC Teacher R/o Sabo Khel Mandan Bannu.*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... *26-10-2021* at **8.00 A.M.** If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this..... *24th*
 Day of..... *June* 20 *21*

[Signature]
 Registrar
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No. Regd

Appeal No. 12926-12932 of 2020

Asmatullah Khan & 6 others Appellant/Petitioner

Versus

Govt. of K.P.K through Secy: Edu: KPK Respondent

Respondent No. 06

Notice to: - Rasiaz Khan 40 Bahadar Sher PTC Teacher
R/o Mandew District Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26-10-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 21st.....

Day of..... June..... 2021.


Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Regd
 Appeal No. 12926-12932 of 2020

Asmatullah Khan & Others Appellant/Petitioner

Versus

Govt. of KPK through Secy: Edu: KPK Respondent

Respondent No. 07

Notice to: - Attaullah Khan s/o Wali Ajaaz Khan, PTC Teacher
 R/o Mumir Kaki District Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....26.10.2021.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this...2nd 11th.....

Day of.....June.....2021.


 Registrar,

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

"B"

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

No.

Appeal No. / 2926 to 12932 of 2020

Asmat Ullah Khan & 5 others Appellant/Petitioner

Versus

Through Secy Edu Pesh Respondent

Respondent No. 5

Notice to:

Farooq Khan s/o Muhammad Arif PTC
 Teacher R/o Sabo Khel Mandam Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....23/2/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

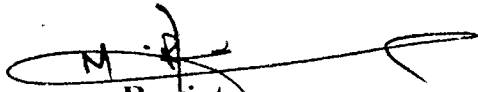
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition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

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

Given under my hand and the seal of this Court, at Peshawar this.....21/12.....

Day of.....Dec. 20 21

(For Reply)


 Registrar,

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

"B"

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

No.

Appeal No. 12926 to 12932 of 20 20

Asmat Ullah Khan & 5 Others Appellant/Petitioner

Versus

Through Secy Edu Pesh. Respondent

Respondent No. 6

Ragiaz Khan s/o Bahadar Sher PTC

Notice to: —

Teacher R/o Mandew Distt: Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 23/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 21th

Day of Dec 20 21

(For Reply)

M. J. O.
 Registrar,

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

"B"

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

S.G

No.

Recd

Appeal No. 12926 to 12932 of 2020

Asmatullah Khan 8 (5) Others Appellant/Petitioner

Versus

Through Secy Edu Pesh: Respondent

Respondent No. 7

Notice to:

Atta ulah Khan s/o Wali Ayaz Khan PTC
Teacher R/O MUMIR KAKI Dist: Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 23/2/2022 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 21st

Day of Dec 2021

(For Reply)

M. I. P.
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 12926/2020

Asmat Ullah Khan

APPELLANT

Versus

Govt of KPK and Others

RESPONDENTS

S. No	Description	Annexure	Pages
1	Comments		1-3
2	Affidavit		4
3	Authorities		5
4	Decided S. A 19/12	A	6-8
5	Appointment order	B	9
6			
7			

Asmat Ullah Khan
Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KPK PESHAWAR

Service Appeal No. 12926/2020

Asmat ullah Khan Pst at GPs Hameesh
Gul KARKI Bannu

Appellant

VERSUS

Government of KPK through Secretary E&SE & Others

Joint Parawise reply on behalf of the Respondents No. 1 to 3.

Respectfully Sheweth:

PRELIMINARY OBJECTION ON APPEAL:

- 1- That service appeal of the appellant is not maintainable in its present form.
- 2- That the appellant has got no cause of action to lodge the instant appeal.
- 3- That the appellant is not entitled for the arrears/ back benefits as the appellant has not been appointed in the year 1999.
- 4- That the appellant has tried to conceal the material facts from this Honorable Tribunal as he has not performed a single day official duty of the said period before his appointment.
- 5- That since the appellant was not appointed in the year 1999, therefore the question of his back benefits etc would also not arise.
- 6- That the instant appeal filed by the appellant is extremely suffering from material as well as factual defects.
- 7- That the appellant is legally and lawfully bound to abide by the terms and conditions of the appointment order issued to him and thereafter, the appellant has made compliance of the said appointment letter.
- 8- That such like service appeals have been dismissed by this Honorable Service Tribunal.
- 9- That the appellant by filing the instant appeal is going to waste the precious time of this Honorable Tribunal as well as the Govt: Functionary body.
- 10- That the instant service appeal would definitely violate the terms and conditions of service/ appointment order of the appellant.
- 11- That the appeal of the appellant is badly barred by the Law and Limitation.

FACTS

- 1- That 1st para of the appeal is relates to official record of

- 2- Incorrect: As per advertisement the terms and conditions vide No.16, in the order dated February 1999, 1st priority was to be given to elementary colleges diploma / Certificate holders and then AIOU and others for appointment of PST/ PTC. Copy of Advertisement has already been "Annexed as A" in the main service appeal.
- 3- That the instant para of the appeal pertains to the record of Apex Court verdicts, however, the appellant is not entitled to the relief as claimed by him in his service appeal. Since the appellant was not appointed to the post of PTC/PST in the year 1999, hence, the appellant's seniority would also not arise. Reference is made to appeal No. 191/2012 titled Farhatullah V/S Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar announced by this Honorable Tribunal dated 19-08-2016, wherein, the same question of law and fact has been resolved by this Honorable Tribunal. (Attached as Annexure "A")
- 4- Correct: that the Respondent Department in reference of court decree and directions appointed the appellant to the post of PST in B-12, however, the terms and conditions of the said appointment order are very much clear and transparent as the appointment order of the appellant has been made and ordered with immediate effect. Anti-dating appointments are not possible to be made as per prevailing rules and policy of the Govt. According to clause/condition No. 10 of the appointment order of the appellant it has been vividly mentioned that if the above terms and conditions of the appointment are acceptable to the appellant then he should assume the charge of the post and report to office within 15 days accordingly. (Attached as Annexure B)

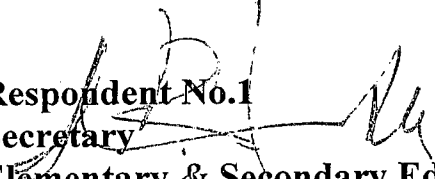
However, this Honorable Service Tribunal has set aside numerous identical nature of appeals wherein, the appellants were seeking anti-dating seniority of their service after when their appointments had been made in compliance and reference of the court judgments. Since the appellant was not appointed in the year 1999, therefore, the question of his seniority would also not arise and even illegal in terms of the above made submissions by the Deptt.


- 5- That the instant para also pertains to official record of ~~this~~ office as well as courts, however, the facts and circumstances of the present appellant and appeal is altogether different and separate than that of the respondents No.5 to 7.
- 6- That the para pertains to the personal record of appellant, however, the appellant is not an aggrieved person and is not entitled to the relief claimed by him.


GROUND:

- (A) That incorrect and not admitted. The respondents are duty bound to act in accordance of rules and law and the material facts in field.
- (B) That the para is not admitted and is incorrect: the appellant is not legally and lawfully entitled to be granted back benefits cum seniority of his service after his appointment order in light of court directions. Again, on plain reading of all the courts decree and judgments no where it has been mentioned that the appellant be also granted / entitled the back benefits as well as seniority. The facts and circumstances of the present appellant and appeal is altogether different and separate than that of the respondents No.5 to 7
- (C) That incorrect: As explained in the above para.
- (D) That incorrect: That since the appellant was not appointed back in the year 1999 but was appointed in reference of below learned court decree in 2015, hence, question of his seniority cum financial benefits would not arise.
- (E) That no indiscrimination or ill treatment has ever been made or exercised with the appellant by the respondents.

It is therefore, humbly prayed that the para wise reply in response to service appeal of the appellant may be accepted and appeal of the appellant may kindly be set aside with heavy cost throughout.


Respondent No.1
Secretary
Elementary & Secondary Education
KPK Peshawar

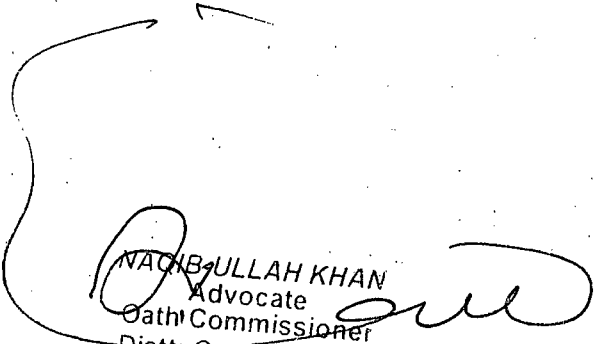

Respondent No.2
Director
Elementary & Secondary Education
KPK Peshawar


Respondent No.3
District Education Officer
(Male) Bannu

AFFIDAVIT

I Mr. Zahid Ullah Khan Litigation Officer of the office of District Education Officer (Male) Bannu do hereby solemnly declare on oath that all the contents of the para wise comments/Reply in response to service appeal No. 2928 /2019 titled Zamat Ullah VS Govt. of Khyber Pakhtunkhwa are true and correct to best of my knowledge and belief and that nothing has been kept concealed deliberately from this honorable tribunal.


Deponent


NADEEM ULLAH KHAN
Advocate
Oath Commissioner
Distt. Court Bannu

AUTHORITY

I do hereby authorized Zahid Ullah Khan Litigation Officer to submit the para wise comments before Honorable service tribunal Peshawar on the behalf of undersigned/respondent, in service appeal No. 12926/2020 titled as _____ vs Govt of KPK.


District Education Officer

Male (Bannu)

17/9/20

Before the KPK Service Tribunal Peshawar (6)

Appeal No. 191 /2012

Farhat Ullah, AT, Govt. High School Koti Sadat District Bannu

..... Appellant

Versus

1. Government of KPK through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. Executive District officer, District Bannu.
4. District co-ordination officer, District Bannu.
5. Departmental selection committee, Elementary and Secondary Education Peshawar.
6. Amir Sabir Shah S/O Amir Yousaf Shah, AT, Govt. High School Jan killa, Tehsil and District Bannu.
7. Asad Ullah Khan s/O Shams-ul-Islam, AT, Govt High School Bezin Khel, Tehsil and district Bannu.
8. Nisar Khan S/O Jehan Sardar, AT, Govt High School, ^{Dardasez,} Jani Khel, Tehsil and district Bannu.
9. Muhammad Umar S/O Sher Bahadar, AT, Govt High School Bhangi Khan Khojerri, Tehsil and district Bannu.

..... Respondents

Appeal under section 4 of KPK Service Tribunal Act, 1974 whereby the appellant who possessed high merit As compared to respondents No.6 to 9 as revealed from merit list at annexure 'F' was ignored from appointment on Arabic teacher post and respondents No. 6 to 9 were appointed vide annexure 'A' and the appellant was also deprived from seniority over them.

Respectfully Shewith:

The appellant respectfully submits as under:

1. That the respondent No.2 had advertised Arabic teacher Posts and other vide annexure 'B'.
2. That the appellant with the following qualification had applied for appointment on Arabic post.
 - a. MA Islamivat

(7)

No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	19.08.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 191/2012</p> <p style="text-align: center;">(Farhat Ullah-vs- Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p style="text-align: center;">Counsel for the appellant (Mr. Aslam Khan Khattak, Advocate) and Mr. Usman Ghani, Senior GP for official respondents present.</p> <p>2. The following prayer has been made by the appellant in this appeal as:-</p> <p style="padding-left: 40px;">"It is therefore, prayed that on acceptance of appeal, the official respondents may be directed to issue the appointment order of appellant on at post from 05.04.1999 with all back benefits and also he may be declared senior to respondents No.6 to 9 in the seniority list of Arabic Teachers to meet the ends of justice".</p> <p>3. The facts narrated by learned counsel for the appellant were that some posts of the Arabic Teacher were advertized by the official respondents as a result whereof appellant and private respondents No.6 to 9 applied for the same. That in the merit list, the appellant scored higher</p>

position than the private respondents but objection was raised on testimonial of the appellant for which reason he was not appointed. That finally, proved to be an invalid objection. That private respondents were appointed in the year 1999 whereas the appellant was finally appointed in the year 2011 on the order of the Hon'able High Court and thus the appellant suffered financially as well as in seniority, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

4. Arguments heard and record perused.

5. A careful perusal of the record reveals that the appellant, to seek the relief, went before the learned Civil Court which round of litigation culminated into the judgment dated 02.11.2010 of the Hon'able High Court, D.I Khan Bench vide which the respondents were directed to appoint the petitioner against the vacant post. Consequently, the appellant was appointed vide order dated 24.02.2011. The above situation clearly shows that at the relevant time the appellant was not a Civil Servant therefore, his prayer on this count cannot be treated to be from a Civil Servant and competent. Since the appellant was not appointed in the year 1999, therefore, the question of his seniority would also not arise. The Tribunal is of the considered view that there is no merit in this appeal, the same is, therefore, dismissed. Parties are left to bear their own cost. File be consigned to the record room.

Announced 19.08.2016 *Ed. P. Bakht Shab*
Member

Ed. M. Aamir Nazir
Member

Certified to be true copy
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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(6) (910) (2)

A. J. D.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU

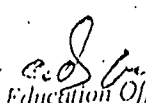
APPOINTMENT ORDER

In compliance with the Judgment issued by the Civil Judge, JM-X, Bannu dated: 26-06-2014 and the appeal in the subject case rejected by the Additional District Judge No.1 Bannu dated: 21-02-15 and now in light of execution proceeding in the Court of Civil Judge No.10 Bannu, the undersigned is pleased to appoint the below mentioned Male PST candidates in light of Court directions in BPS mentioned against each plus usual allowances as admissible under the existing rules policy in the schools noted against each candidate with effect from the date of taking over charge in the best interest of public service subject to the terms/conditions given below.

S.No.	Name	Father Name	U/Council	Place of posting	BPS	Remarks
1.	Asmatullah	Muhammad Jan	Kakki	GPS Hamash Gul Kakki	12	Against V/P
2.	Mumtaz Khan	Atlas Khan	Kakki	GPS Dildar Lundidak.	12	do

TERMS & CONDITIONS

1. His/Their service will be considered regular with pension & gratuity as they are related police deptt. Khyber Pakhtunkhwa and applied to Edu. Deptt. through proper channel.
2. His/Their services will be liable to termination on one month's notice from either side; in case of resignation without notice his/ their one month pay & allowances shall be forfeited to Govt. treasury accordingly.
3. They will be on probation for a period of two years extendable for another one year.
4. His/Their services can be terminated at any time, in case of his/ their performance is found unsatisfactory during probationary period. In case of misconduct they will be proceeded against under the KPK E&D Rules 2011 & the rules framed from time to time.
5. The candidates should join their post with in 15. The SDEO (M) Bannu should furnish a certificate to the effect that the candidates have joined the post or otherwise, after 15 days of the issuance of this order, failing which, his/ their order will be treated as cancelled.
6. Charge should not be handed over if age of the candidate is below 18 years or above 35 years as per Govt. Rules/ policy, in case of over age he/they should obtained proper age relaxation from the competent authority before taking over charge.
7. In case of fake certificate/ Degree or any other mistake in the said appointment order detected later on the undersigned reserves the right of amendment in the appointment order accordingly.
8. Their services are not transferable for three years from the UC where they are appointed.
9. Their seniority will determined from the date of taking over charge according to rules.
10. He /They will produce Health & Fitness certificates from Medical Superintendent concerned before taking over charge.
11. An appeal against the subject case is submitted in Peshawar High Court Bannu Bench and the subject appointment case will be reconsidered in light of Hon. Court decision.
12. As they are regular Police constable therefore their age will be considered in light of Government age relaxation rules.
13. If the above Terms & Conditions are acceptable to them, they should join the post, and submit their charge reports to all concerned accordingly.
14. No TA/DA etc is allowed.


 District Education Officer
 (Male) Bannu

Encls: No 7157-62 /AE-1 (M) Prv.

Dated Bannu the 03-11-2015.

Copy For information & necessary action to:-

- 1- PS to Secretary Elementary & Secondary Edu. Khyber Pakhtunkhwa.
- 2- Director Elementary & Secondary Edu. Khyber Pakhtunkhwa.
- 3- The Court of Civil Judge No.10 Bannu.
- 4- SDEO (M) Bannu with the remarks that their pay may not be drawn until & unless their testimonials are not verified from concerned Board/University and after completion of all coddle formalities accordingly as per rules.
- 5- District Police Officer Bannu.
- 6- District Account officer. Bannu.
- 7- Candidates concerned for strict compliance & report.

