

16<sup>th</sup> Nov, 2022

Learned counsel for the appellant present. Mr. Asif Masood Ali  
Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment being not  
prepared for arguments today. To come up for arguments on 15.12.2022  
before the D.B at Camp Court Abbottabad.



(Salah Ud Din)  
Member (Judicial)  
Camp Court Abbottabad



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

12.07.2021


Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 13.10.2021.

  
Reader

13.10.2021

Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Tauseef, ADEO for the respondents present.


Written reply/comments of the respondents is still awaited. Last opportunity is granted to the respondents to furnish reply/comments on next date, otherwise their right for filing of reply shall be deemed as struck off. Case to come up on 30.11.2021 before S.B at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

30.11.2021

Clerk of counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, AAG alongwith Muhammad Tauseef, ADEO for the respondents present.

Representative of the respondents has furnished reply/comments. Placed on file. To come up for rejoinder, if any, and arguments on 15.02.2022 before the D.B at camp court, Abbottabad.

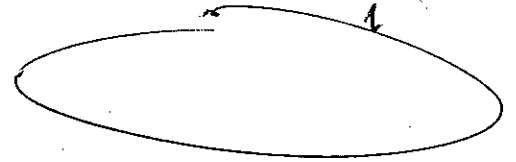
  
Chairman  
Camp Court, A/Abad

16.09.2020

Appellant has not forth come despite making of repeated calls at different interval and the last call in this regard was made on 01:22 P.M.

The last two adjournments were made on the basis of note Reader due to spread of disease of COVID-19 and summer vacation, therefore, in the circumstances it is deemed appropriate to issue notice to appellant as well as his respective counsel.

Adjourned to 18.12.2020 for preliminary hearing before S.B at Camp Court, Abbottabad.



(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD

*Due to COVID-19 case  
is adjourned to 17-03-2021*



17.03.2021

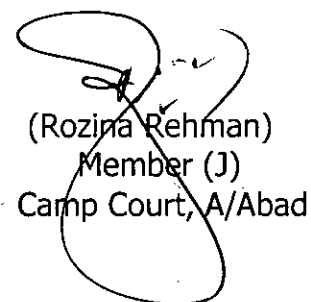
Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days.

Appellant Deposited  
Security & Process Fee

*29/3/21*

Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 12/7/2021 before S.B at Camp Court, Abbottabad.




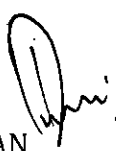

(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 2087/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/12/2019	<p>The appeal of Jehanzeb received today by post through Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>21-02-20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to covid ,19 case to come up for the same on / / at camp court abbottabad.</p> <p style="text-align: right;">Reader</p> <p>Due to summer vacation case to come up for the same on <u>9 / 120</u> <u>116</u> at camp court abbottabad.</p> <p style="text-align: right;"></p>

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

Service Appeal No. 2087/2019

Jehanzeb son of Abdul Rehman, PST Government Primary School Kalgam, Tehsil  
& District Mansehra.

...APPELLANT

**VERSUS**

Government of KPK through Secretary Elementary and Secondary Education,  
Peshawar & Others.

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 8	
2.	Copies of appointment order and termination order	9 to 10	"A" & "B"
3.	Copy of Khyber Pakhtunkhwa Sacked Employment Act, 2012	11 to 20	"C"
4.	Copy of Writ Petition	21 to 27	"D"
5.	Copy of Appointment order dated 04/12/2017 of the appellant	28 to 29	"E"
6.	Copy of departmental appeal	30 to 32	"F"
7.	Copies of similar employees who were appointed in other districts	33 to 34	"G"
8.	Wakalatnama	35	

↓  
...APPELLANT

Dated: \_\_\_\_\_/2019

Through

Muhammad Arshad Khan Tandi  
Advocate High Court  
Office No. 33 Adjacent  
(Muhammad Arshad Khan Tandi)  
Advocate High Court, Abbottabad

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

Service Appeal No 2087/2019

Jehanzeb son of Abdul Rehman, PST Government Primary School Kalgam, Tehsil  
& District Mansehra.

**...APPELLANT**  
Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 2311  
Dated 24/12/19

1. Government of KPK through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) District Mansehra.

**...RESPONDENTS**

**SERVICE APPEAL** UNDER SECTION 4 OF  
SERVICE TRIBUNAL ACT 1974 FOR  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT WAS REINSTATED IN SERVICE  
WITH EFFECT FROM 28/02/2018 VIDE  
APPOINTMENT ORDER ENDST NO. 1765-  
74/EB/II/CT SACKED DATED 28/02/2018 UNDER  
THE KHYBER PAKHTUNKHWA SACKED  
EMPLOYEES APPOINTMENT ACT 2012, AS WELL  
AS IN THE LIGHT OF JUDGEMENT OF PESHAWAR

**Filed to-day**  
*[Signature]*  
24/12/19  
**Registrar**

HIGH COURT BENCH ABBOTTABAD IN WRIT  
PETITION NO. 516-A/2013 DECIDED ON 24/05/2016  
THE APPELLANT WAS TO BE REINSTATED IN  
SERVICE I.E. HIS DATE OF TERMINATION FROM  
SERVICE I.E. 26/06/1997 OR FROM THE DATE OF  
PROMULGATION OF THE ACT, 2012 WITH ALL  
SERVICE BACK BENEFITS BUT RESPONDENT  
NON.3 APPOINTED / REINSTATED THE  
APPELLANT IN SERVICE ON 28/02/2018 WHICH  
IS DISCRIMINATORY, PERVERSE AGAINST THE  
LAW.

---

**PRAYER:** ON ACCEPTANCE OF THE INSTANT  
SERVICE APPEAL, RESPONDENTS MAY  
GRACIOUSLY BE DIRECTED TO REINSTATE THE  
APPELLANT EITHER 26/06/1997 OR FROM THE  
DATE OF PROMULGATION OF SACKED  
EMPLOYEES APPOINTMENT ACT, 2012 WITH ALL  
SERVICE BACK BENEFITS AND THE SAID  
PERIOD MAY ALSO BE COUNTED TOWARDS  
PENSIONARY BENEFITS. ANY OTHER RELIEF  
WHICH THIS HONOURABLE TRIBUNAL DEEMS  
APPROPRIATE MAY ALSO BE GRANTED TO THE  
APPELLANT.

---

Respectfully Sheweth;-

Brief Facts of the case are as under:-

1. That the appellant was appointed as CT w.e.f 23/06/1996 and was terminated from service in the year 1997. Copies of appointment order and termination order are annexed as Annexure "A" & "B".
2. That Govt. of Khyber Pakhtunkhwa announced KPK Sacked Employees Appointment Act, 2012 wherein all the sacked employees who were appointed in the year 1993-1996 and terminated from service in the year 1997-1998 are to be reinstated in service. Copy of Khyber Pakhtunkhwa Sacked Employment Act, 2012 is attached as Annexure "C".
3. That the respondent No. 3 did not appoint the petitioner as per KPK Sacked Employees Act, 2012 in time. Hence, the appellant filed writ petition 516-A/2013 before Honourable High Court, Bench Abbottabad for his appointment



under the said Act. Copy of Writ Petition is attached as Annexure "D".

4. That during the pendency of the writ petition, respondent No 3 issued appointment order vide No 20672 dated 04/12/2017. Copy of Appointment order dated 04/12/2017 of the appellant is attached as Annexure "E".

5. That the respondent No.3 also appointed some similar employees under the said Act in the year 2012-13 but appointed the appellant on 04/12/2017 which is discriminatory, perverse, against the law and the appointment order of the appellant should have been issued either from the date of termination from service i.e 03/02/1997 or from the dated Promulgation Sacked Employees Appointment Act 2012. The appellant filed departmental appeal to respondent No.2 for redressal of his grievance on 27/03/2018 but respondent No.2 did not bother to reply the appellant so far. Copy of departmental appeal is attached as Annexure "F".

6. That feeling aggrieved, the instant appeal is filed inter-alia, on the following grounds:-

**GROUND:**

- a) That respondent No.3 was supposed to appoint the appellant under KPK Sacked Employees Appointment Act 2012, as and when the said Act was promulgated in the Year 2012 but respondent No.3 finally issued appointment order of the appellant 04/12/2017 which is against the law and discriminatory. Hence the appellant is entitled to have all the service back benefits w.e.f the date of termination of service i.e 03/02/1997 as has been granted by the Federal Govt. to its employees in the Year 2010.
- b) That respondent No.3 appointed some similar employees who are juniors in age from the appellant, whereas the appellant has been appointed/reinstated in service on 04/12/2017 which is against the principle of equality and natural justice as well as principle of good governance.

- c) That District Education Officer under the control of respondents No.1 & 2 issued appointment orders of similar employees in other districts under the said Act in the year 2013. Copies of similar employees who were appointed in other districts are attached as Annexure "G".
- d) That the appellant is to be given all service back benefits i.e salary either the date of termination and period of service i.e. 03/02/1997 to 04/12/2017 is to be counted towards length of qualifying service for pensionary benefits.
- e) That respondents-department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice. The appellant is to be treated at par with other employees under the control of the respondents-department.
- f) That when the law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise.

- g) That there is no other efficacious and adequate remedy available to the appellant, except the present appeal.
- h) That other points shall be raised before the Honourable Tribunal at the time of arguments.

It is, therefore, humbly prayed that, on acceptant of the instant service appeal, respondents may graciously be directed to reinstate the appellant either 06/03/1996 or from the date of promulgation of Sacked Employees Appointment Act, 2012 with all service back benefits and the said period may also be counted towards pensionary benefits. Any other relief which this Honourable Tribunal deems appropriate may also be granted to the appellant.

Dated: \_\_\_\_\_/2019

Through

  
...APPELLANT

  
(Muhammad Arshad Khan Tanoli)

Advocate High Court, Abbottabad

Muhammad Arshad Khan Tanoli

Advocate High Court

Office No 33 Adjacent to

Defence Club Abbottabad

**VERIFICATION:-**

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

  
...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2019

Jehanzeb son of Abdul Rehman, PST Government Primary School Kalgam, Tehsil  
& District Mansehra.

**...APPELLANT**

**VERSUS**

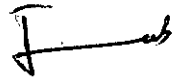
Government of KPK through Secretary Elementary and Secondary Education,  
Peshawar & Others.

**...RESPONDENTS**

**SERVICE APPEAL**

**AFFIDAVIT**

I, Jehanzeb son of Abdul Rehman, PST Government Primary School Kalgam,  
Tehsil & District Mansehra, do hereby solemnly affirm and declare that the  
contents of foregoing appeal are true and correct to the best of my knowledge and  
belief and nothing has been concealed therein from this Honourable Court.



**DEPONENT**

# Annex - A

P-9

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE) PRIMARY, MANSEHRA.

OFFICE ORDER NO. 32  
DATED 17/1 /1996.

APPOINTMENTS:

Consequent upon the finalization of the lists of un-trained candidate on need basis duly approved by the Minister for Primary Education, NWFP and endorsed by the Director Primary Education, NWFP, Peshawar MR. Jehan Zeb S/O Abdur Rehman R/O Poonia, Ichrian is hereby appointed at ~~XXX~~/GMPS Chitta Batta. in PE-46 in BPS-7 @ Rs.1480/- fixed per month plus usual allowances as admissible under the rules w.e.f. the date of their taking over charge in the interest of public service.

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

TERMS & CONDITIONS:

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional Certificates/documents. Their original Academic and Professional Certificates/documents should be checked thoroughly before handing over the charge and should not be handed over charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years, in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age and Health certificate from Medical Superintendent DMC Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of NWFP.

sdl-

(MUHAMMAD ISHAQ)  
DISTRICT EDUCATION OFFICER(MALE)  
PRIMARY, MANSEHRA.

Endst:No: 778-83

Dated Mansehra the 17/1 /1996.

Copy forwarded to the:-

1. Secretary to Government of NWFP, Education Department, Peshawar.
2. Director, Primary Education, NWFP, Peshawar.
3. District Accounts Officer, Mansehra.
4. Sub Divisional Education Officer(Male), Mansehra.

Annex-13

BETTER COPY

P-10

No. 7097-0290

Divisional Directorate of Edu;  
Hazara Division Abbottabad  
O.O No. 12  
Dated: 05/04/1997

To,

All the D.E.Os (M&F),  
Hazara Division, Abbottabad.  
All the Principals/ Headmasters/ Headmistresses,  
GHSS, GGHSS, GHS, & GGHS in Hazara Division.

Subject: IRREGULAR APPOINTMENTS.

ATTESTED

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

I am directed to refer Director of Education, (secy) NWFP, Peshawar's No. 4392-438 dated 31/03/1997 and to say that all the irregular appointments made from 01/11/1993 to date have been terminated by this office and as well as pointed out by the enquiry committees and inspite of this if any irregular appointee has been left and detected later on, the concerned will be held responsible for the consequences. In case there is any ambiguity regarding regular or irregular appointee, the fact can be verified from this office within a week time.

Therefore, after all such efforts made by this office/ depart: if any irregular appointee is detected the concerned DDO will be held personally responsible for the consequences.

Sd/-  
ASSISTANT DIRECTOR (ESTT)  
DIVISIONAL DIRECTOR OF EDU: ATD.

Endst: No. 8297-99 / Dated 05/04/1997

Copy of:-

1. The Director of Edu: (Secy) NWFP, Peshawar w/r to his No. mentioned above.
2. ADE Local Directorate.
3. O.O File.

Sd/-  
ASSISTANT DIRECTOR (ESTT)  
DIVISIONAL DIRECTOR OF EDU: ATD.

Annex C. C.

P-21

P-11

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. P.H.  
GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, THURSDAY 20th SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

**NOTIFICATION**

Dated Peshawar, the 20th September, 2012.

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

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XV OF 2012)

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

AN  
ACT

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

**ATTES ED**

Muhammad Khan Janoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

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

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



P-22

P-12

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

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

It is hereby enacted as follows:

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

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

(3) It shall come into force at once.

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

(a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;

(b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District offices working thereunder;

(c) "Government" means the Government of the Khyber Pakhtunkhwa;

(d) "Prescribed" means prescribed by rules;

(e) "Province" means the Province of the Khyber Pakhtunkhwa;

(f) "rules" means the rules made under this Act; and

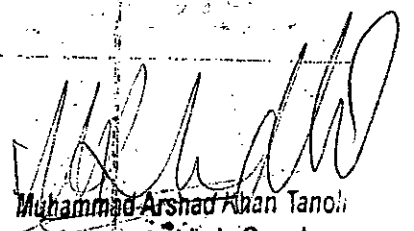
(g) "sacked employee" means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1<sup>st</sup> day of November, 1996 to 31<sup>st</sup> day of December, 1996 on the ground of irregular appointments.

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

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

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

TESTED



Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent

P-13

P-23

3

4. Age relaxation— The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.
5. Sacked employees shall not be entitled to claim seniority and other back benefits— A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.
6. Preference on the basis of age— On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is elder in age.
7. Procedure for appointment— (1) A sacked employee, may file an application, to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:

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

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

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, in the prescribed manner, for appointment.

Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

ii. Removal of difficulties— If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

**ATTESTED**

Muhammad Usfad Khan Janjoo  
Advocate High Court  
Office No: 33 Adjacent to  
Distt Bar Abbottabad

P-14

P-27

1487 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

- 9. Act to override other laws.— Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.
- 10. Power to make rules.— Government may make rules for carrying out the purpose of this Act.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMIRULLAH)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,  
State & Fug. Deptt., Khyber Pakhtunkhwa, Peshawar.

TESTED

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

P-25  
P-15

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

**NOTIFICATION**

Dated Peshawar, the 20<sup>th</sup> September, 2012.

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

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

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

(First Published after having received the assent of the Governor of the  
(Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa  
(Extraordinary), dated the 20<sup>th</sup> September, 2012).

**ATTESTED**

AN

ACT

To provide relief to those sacked employees in the Government service who  
was dismissed moved or terminated from service by appointing them into  
the Government service.

WHEREAS it is expedient to provide relief to those sacked employees  
who were appointed on regular basis to a civil post in the Province of the  
Khyber Pakhtunkhwa and who possessed the regular basis qualification and

**ATTESTED**

*Muhammed Arshed Khan*  
Muhammed Arshed Khan  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

P-26 P-16

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

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

Khyber Pakhtunkhwa Government Gazette, Extraordinary, 20<sup>th</sup> September, 2012.

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

It is hereby enacted as follows:

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

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

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

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

P-27

P-17

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

Appointment of sacked employees. Not with standing contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7 may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal removal and termination from service.

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and

ATTESTED

Muhammad Arshad Khan Janjani  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbotabad

P-28 P-18

verification of their character antecedents to the satisfaction of the concerned competent authority.

**KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE,**  
**EXTRAORDINARY, 20<sup>TH</sup> SEPTEMBER 2012.**

- 4. Me relaxation:- The period during which a sacked employee remanded dismissed removed or terminated from service till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.
- 5. **SACKED EMPLOYEES SHALL NOT BE ENTITLED TO CLAIM SENIORITY AND OTHER BACK BENEFITS:** A sacked employee appointed under section 3, shall not be entitled to any claim of seniority promotion or other back benefits and his appointment shall be considered as fresh appointment
- 6. **PREFERENCE ON THE BASIS OF AGE:-** On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share preference shall be given to the sacked employee who is older in age.
- 7. **PROCEDURE FOR APPOINTMENT:-** A sacked employee may file an application to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:  
Provided that no application for appointment received after the due date shall be entertained.

**ATTESTED**

**ATTESTED**

Muhammad Akbar Khan  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Association

P-29 P-19

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

(3). If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the district Selection Committee, as the case may be to be constituted in the prescribed manner for appointment.

(4). The concerned Departmental Selection Committee or District Selection Committee as the case may be will determine the suitability or eligibility of the sacked employee.

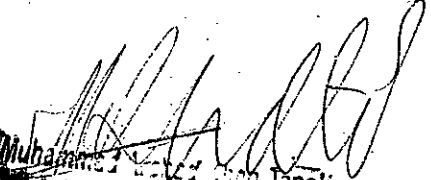
(5). The sacked employee is available against thirty percent vacancy reserved irrespective cadre in a Department, then the post shall be filled through initial recruitment.

**REMOVAL OF DIFFICULTIES:-** Any difficulty arises in giving effect to any of the provisions of the Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

Provide that no such power shall be exercised after the expiry of one year from coming into force of this Act.

**KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20<sup>TH</sup> SEPTEMBER 2012.**

**ATTESTED**

  
Muhammad Aslam Khan  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Association



P-20 P-20

ACT TO OVERRIDE OTHER LAWS:- No by the standing any thing to the contrary contained in any other law or rules for the time being in force the provision of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency of this Act, shall cease to have effect.

POWER TO MAKE RULES:- Government may make over for carrying out the purpose of this act.

BY ORDER OF MR SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMANULLAH)  
SECRETARY  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

ATTESTED

Muhammad Iqbal Khan Tanoli  
Advocate High Court  
Office No 23 Adjacent to  
Dist. Bar Abbottabad

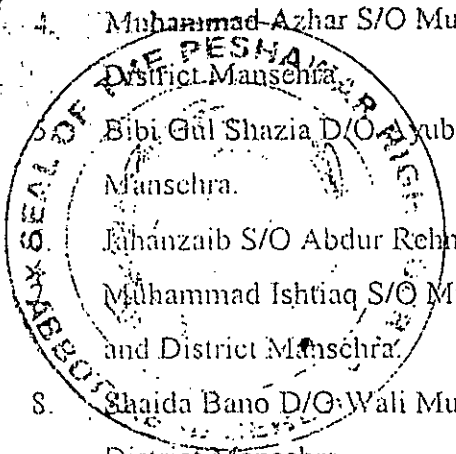
# Annex - D

BEFORE THE PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

P-21

Writ Petition No. 368 /2013

1. Abdur Razzaq S/O Muhammad Ismail TT GMS Ram Kot Teshil and District Manshra.
2. Khan Muhammad S/O Muhammad Akbar PST R/O Shah Kot GPS Shergarh Teshil and District Manshra.
3. Iftikhar Ahmed S/O Abdul Sadiq AT GMS Ghazi Kot Teshil and District Manshra.
4. Muhammad Azhar S/O Muhammad Asif JC R/O Chitta Batta Teshil and District Manshra.
5. Bibi Gul Shazia D/O Ayub Shah DM R/O Bherkund Teshil and District Manshra.
6. Jahanzaib S/O Abdur Rehman PST Ichrian Teshil and District Manshra.
7. Muhammad Ishtiaq S/O Muhammad Maroof PST R/O Gojra T Teshil and District Manshra.
8. Shaida Bano D/O Wali Muhammad CT R/O Thathi Khurd Teshil and District Manshra.
9. Farzana D/O Muhammad Zaman PT R/O Ghongi Teshil and District Manshra.
10. Muhammad Aslam S/O Bagh Ali R/O Village Rooria Teshil and District Manshra.
11. Mst. Nasreen D/O Rehmatullah PST R/O Talhari Teshil and District Manshra.
12. Tariq Guliam S/O Muhammad Mumtaz TT R/O GMS Lohar Banda Teshil and District Manshra.
13. Muhammad Riaz S/O PST R/O Lissan Nawab Teshil and District Manshra.
14. Muhammad Ijaz Ahmed <sup>PST</sup> S/O Haji Muhammad R/O Kot Najeebullah Teshil and District Haripur.



NO 1401  
4/13/13  
PT EP TODAY

VERSUS

PETITIONERS  
Muhammad Ijaz Ahmed  
Advocate High Court  
Office No. 13 Adjacent to  
Dist. Bar At Abbottabad

Continued to be true copy

Additional Magistrate  
Peshawar District Court

M. S. Dost

1. Govt. of KPK through Secretary Education (E&SE) KPK Peshawar.
2. Director (E&SE) KPK Peshawar.
3. District Education Officer (Male) District Manshra.
4. District Education Officer (Male) District Haripur.

.....RESPONDENTS

=====

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, READ WITH ARTICLE 25 OF THE CONSTITUTION TO THE EFFECT THAT THE PETITIONER WERE TERMINATED IN THE YEAR 1996-97 BY THE RESPONDENTS AND GOVT. OF KPK INTRODUCED KHYBER PAKHTUNKHAW SACKED EMPLOYEES (APPOINTMENT) ACT 2012 WHEREIN RESPONDENTS ARE BOUND TO RE-INSTAATE THE PETITIONERS BUT THE RESPONDENTS ARE NOT ISSUING RE-INSTAATEMENT ORDERS OF THE PETITIONERS WHEREAS SIMILAR SACKED EMPLOYEES HAVE BEEN RE-INSTATED IN DIFFERENT DISTRICTS OF KPK VIZ DISTRICT MARDAN AND DISTRICT BATTAGRAM ETC, WHICH IS MALA FIDE, AGAINST THE LAW, DISCRIMINATORY AGAINST THE NATURAL JUSTICE

FILED TODAY

*[Signature]*  
 Additional Registrar  
 Peshawar High Court  
 Abbottabad Bench

4/5/13

**ATTESTED**

*[Signature]*  
 Advocate (Shan Ishaq)  
 Office No 33 Adjacent to  
 Dist Bar Abbottabad

Certified to be True Copy  
 24.5.13  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Section 10 of the District Courts Act, 1973

P-23

PRAYER ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THE RESPONDENTS MAY BE DIRECTED TO RE-INSTATE THE PETITIONER FORTHWITH AS MORE THAN SEVEN MONTHS HAVE ELAPSED AFTER THE PROMULGATION OF THE SAID ACT.

Respectfully Sheweth:

FILED TODAY

Additional Registrar  
Peshawar High Court  
Abbottabad Bench

4/5/13

1. That the petitioners were appointed by the respondents according to the prescribed method of recruitment and their services were illegally terminated in the year 1996-97. Copies of appointment orders are attached as Annexure "A".

2. That as per sacked employees (appointment) act 2012 of KPK, the respondents are bounds to re-instate the petitioner as per criteria mentioned in the said act but the respondents did not appoint the petitioners in spite of the fact that more than hundreds posts are vacant in different cadres and are available on the establishment of respondent No 3. The conduct of the respondents towards the petitioners is perverse, callous, mala fide and also speaks of ulterior motives. Hence, the petitioners filed instant writ petition inter alia on the following grounds.

Certified to be True Copy

Registrar  
Abbottabad Bench  
Authorized Under Section 10 of the Court of Sessions Act, 1972

Muhammad Ishaq Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Office - Abbottabad

2. Mr. Muhammad Nawaz Khan Additional Advocate General present in Court accepts notice on behalf of the respondents.

3. This Court has earlier in WP No. 343-A/2013 held that:-

*"3. Admittedly, all the employees in different departments have been reinstated as per the above said Act but respondent No. 3 has not acted upon the said Act in letter and spirit for the last seven months hence deprived the petitioners of their right under the said Act hence the petitioners are liable to re-appointed/reinstated in service. Previously, petitioners had filed WP No. 592/2010 which was sent to the respondents for appropriate action under the rules but even then the respondents did not bother to take notice of the said judgment passed by this Court on 03.5.2012.*

*4. Accordingly, the instant writ petition is sent to the respondent No. 3 for considering the case of petitioners as per Sacked Employees Act, 2012 and be finalized positively within one month."*

4. In view of the judgment rendered by this Court in the aforementioned writ petition, this writ petition is

Consider to be True Copy

Justice  
Abdullah Binch  
Administered Under Sec 75 Act Ordins

**ATTESIED**

Advocate General Janoli  
Office No 33 Adjacent to  
Distt Bar Abbottabad

GROUNDS: -

- a. That the once in act, law and notification is issued by the competent authorities all the state functionaries are bound to implement the said act, rules and notification, but the respondents are not implementing the provision of said employees act in letter and sprits which amounts to misconduct. It is the mandate of good governance that the conduct of any officer or authority can be looked into in case that official / authority does not implement the rules / act.
- b. That the said act has been promptly implemented by the concerned authorities of other Districts of KPK and appointed the said employees under the sacked employees appointment act 2012. Copies of appointment orders of similar employees of District Mardan and Battagram are attached as Annexure "B and C".
- c. That respondents are violating the provision of the act and they are bound appoint the petitioners without further delay but the indolence, negligent behavior in implementing the law is laws is illegal and accountable.
- d. That all the authorities / state functionaries are bound to act according to law when a law prescribes something which is to be done in a particular manner that must be done according to that law and not otherwise.

FILED TODAY

Additional Registrar  
 Peshawar High Court  
 Abbottabad Bench  
 24/5/13

*[Signature]*  
 Khan Janoli  
 Advocate High Court  
 Office No 33 Adjacent to  
 Distt Bar Abbottabad

Certified  
 24/5/13  
 Authority

e. That the KPK sacked employees (appointment) act 2012 has been promulgated on 20.09.2012 but the respondents has fully failed to implement the said law and re-instate the petitioners as teacher in education department within a period of more than seven months.

f. That it is sorrow state of affairs that whenever, the petitioners visit the office of respondent No 3 and 4 who is not providing plausible reasons for creating delay.

g. That respondents are continuously creating delay and the petitioners are mentally tortured as well as the petitioners are being discriminated by respondents which is clear violation of article 4, 10 and 25 of the Constitution of Islamic Republic of Pakistan.

That the respondents are exploiting the petitioners, which is totally against the Article 4 of the constitution as no one can exploit any other illegally and respondents are bound to discharge their duties and obligations towards the petitioners without further delay.

i. That there is no other prompt and efficacious remedy available to the petitioners except the invocation of Constitution Jurisdiction of this Honourable Court.

j. Court fee Rs 500 affixed with the writ petition.

FILED TODAY

Additional Registrar  
Peshawar High Court  
Abbottabad Bench  
4/5/13

Certified to be True C

Abbotabad Bench  
Authorizing Under Sec 27 of P.C. Ordinance

ATTESTED

Advocate High Court  
Office NA 33 Adjacent to  
Dist Bar Abbottabad

P. 27

PRAYER: It is therefore, humbly prayed that on acceptance of the instant writ petition, the respondents may be directed to re-instate the petitioner forthwith as more than seven months have elapsed after the promulgation of the said act.

.....PETITIONERS

*Abdul Razzaq*  
Abdur Razzaq

Dated; 29/4 /2013

Through

*Muhammad Asif*  
(MUHAMMAD ARSHAD KHAN TANOLI)  
&

(SARDAR MUHAMMAD ASIF)  
&

(Yasir Zahoor Abbasi)  
Advocates High Court Abbottabad

FILED TODAY

Additional Registrar  
Peshawar High Court  
Dera Ismail Khan Bench

*4/5/13*

Certified to be True Copy.

*M. S. I. B.*  
Peshawar High Court  
Abbottabad Bench  
*(Signature)*

[Stamp]

*Muhammad Arshad Khan Tanoli*  
Muhammad Arshad Khan Tanoli  
Advocate's High Court II  
Office No. 10 Adjacent to  
District Court Abbottabad





## APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Concurrent Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 115-A/2014, and orders of Honorable High Court in COC No.22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PST, School based and in BPS-12 (Rs. 1320-960-12120) plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S.#	Name	Father's Name	Date Of Birth	Permanent Address	Place of posting
1.	MUHAMMAD RASHEED	ABDUL KHALIQ	02-02-60	Village Karori Post Office Oghi Tehsil Oghi & Distt Mansehra	GMPS Doga
2.	SHER MUHAMMAD	TAJ MUHAMMAD	11-05-65	Village Fateh Bandi P/O Shergarh Tehsil Oghi & Distt Mansehra	GPS Ghagkar Harian
3.	GHULAM HASSAN	M MUHAMMAD ISHAQUE	02-04-68	Village Nalla Jabbar Tehsil & District Mansehra	GPS Sundi
4.	MUHAMMAD HAROON	KHALIL UR REHMAN	03-04-68	Village Kotehra post office Phulra Tehsil & Distt Mansehra	GPS Phulra
5.	IFTIKHAR AHMED	GHULAM HAIDER	13-01-70	Village Gojra P/O Phulra Tehsil & District Mansehra	GPS Bandi Gujo No.1
6.	SYED ZULFIQAR HUSSAIN SHAH	SYED SADIQ SHAH	16-06-71	Village Bai Bala P/O Chattar Plain Tehsil & District Mansehra	GPS Dali Mang
7.	NAEEM KOSAR	GHULAM SARWAR	07-03-72	Village Dub No.2 Mansehra Tehsil & Distt Mansehra	GPS Ogra
8.	JAVAID IQBAL	AHMAD JI	15-07-72	Village Panjool P/O Mandagacha Tehsil & District Mansehra	GPS Panjool Bala
9.	MUHAMMAD ASLAM	BHAG ALI	09-11-72	Village Takkia Perhinna Tehsil & Distt Mansehra	GPS Tarmang
10.	KALA KHAN	ARSALLAH	29-12-73	Village Perhinna Tehsil & District Mansehra	GPS sawan Mera
11.	MUHAMMAD SARFRAZ	ALI ZAMAN	22-01-74	Village Jhangl P/O Perhinna Tehsil & District Mansehra	GPS Baila Raqib
12.	MUHAMMAD AYUB	ABDUL UR REHMAN	06-02-74	Village Dhaman P/O Maulserlan Tehsil & Distt Mansehra	GPS Murad Pur
13.	JEBANZAIB	ABDUL REHMAN	21-02-74	Village Ichrian Perhinna Tehsil & Distt Mansehra	GPS Kalgan
14.	MUHAMMAD FARMAN	MUHAMMAD YOUNIS	28-12-74	Village Thakra Paein P/o Shergarh Tehsil Oghi & Distt Mansehra	GPS Chalran
15.	MUHAMMAD BASHIR	ABDUL AKBAR	08-01-76	Village Macchral P/o Karori Tehsil Oghi & Distt Mansehra	GPS Shungli
16.	MUHAMMAD ISHTIAQ	MUHAMMAD MAROOF	09-12-76	Village Gojran Perhinna Tehsil & Distt Mansehra	GPS Thakar Maira
17.	MUHAMMAD HAMID	RAFI UD DEEN	01-03-77	Village Madina Colony Post Office Oghi Tehsil Oghi & Distt Mansehra	GPS Bellan
18.	MUHAMMAD RIAZ	WALI MUHAMMAD	20-06-77	Village Gandan post office Lissan Nawab Tehsil & Distt Mansehra	GPS Kalwal
19.	SHAHID USMAN	MUHAMMAD AKRAM	20-11-78	Village Hari Maira P/O Khaki Tehsil & Distt Mansehra	GPS Hamsherlan

### TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government savant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhawa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhawa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed removed or terminated from services, till the date of their appointment shall have been deemed atomically relaxed.

**ATTESTED**

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

P-29


7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
10. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.
11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Mansehra before taking over charge.
13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
15. Their appointments are made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
16. In case of having less qualification whichever is prescribed Academic FA for PST as well as classical certificate as profession the candidate must be qualified the above prescribed qualification i.e Academic/Professional within 3 years after issue of this appointment order, failing which their appointment order shall stand terminated at once, without any further notice.
17. Before handing over charge once again their documents may be checked if they have not the required qualifications they may not be handed over charge.
18. Before handing over charge they will sign an affidavit with the department, otherwise this order will not be valid.
19. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.

— So —  
DISTRICT EDUCATION OFFICER,  
(MALE)MANSEHRA

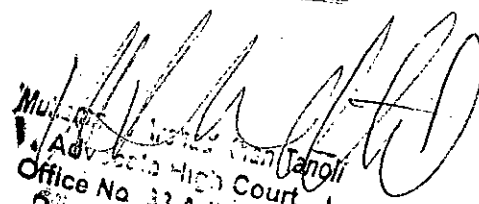
Endst: No. 2672-762 /File No./PST/Sacked Appt:/2017/Dated Mansehra the 4/12 2017

Copy forwarded for information and necessary action to the: -

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. All SDEO(Male) in District Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File

  
DY: DISTRICT EDUCATION OFFICER  
(MALE)MANSEHRA

PST

  
Muzaffar Hussain (Tanoli)  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

بخدمت جناب ڈائریکٹر صاحب ایگزیکٹو اینڈ سیکنڈری ایجوکیشن پشاور۔

درخواست برائے ادا کیگی سابقہ جات۔

P-30

جناب عالی!

گزارش ہے کہ سائل کو 17-01-1996 کو PST کی پوسٹ پر بھرتی کیا گیا اور پھر 26-06-1997 کو سائل کو ملازمت سے برطرف کر دیا گیا تھا اور بعد ازاں حکومت نے 2012 Sacked Employees Act کا نفاذ کرتے ہوئے 1993-94ء میں بھرتی ہونے والے اور 1997-98ء میں برطرف شدہ ملازمین کی بحالی کا حکم نامہ جاری کیا گیا سائل کو DEO مانسہرہ نے برطابق قانون 2012ء کے بحال نہیں کیا جسکی وجہ سے سائل نے پشاور ہائیکورٹ ایپٹ آبادیج میں W.P.No. 516-A/2013 دائر کی جس کا فیصلہ 24-05-2017 کو سائل کے حق میں میں ہوا اور بعد ازاں سپریم کورٹ آف پاکستان نے بھی 24-05-2017 کو ہائیکورٹ کے فیصلہ کو بحال رکھا۔ لہذا سائل کو بروئے حکم عدالت عالیہ مورخہ 05-12-2017 کو بحال کر دیا سائل 2012 سے نوکری پر بحالی کا حق رکھتا تھا اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو ریمینیشن کی تاریخ سے بحال کیا۔

اندریں حالات استدعا ہے کہ سائل کی نوکری سال 1997ء اور بعدہ 2012ء سے پش کے لئے

اکاؤنٹ کرتے ہوئے تنخواہ کے بقایا جات بھی ادا کیئے جائیں۔

المرقوم: 27-12-2017

ارض


جہانزیب ولد عبدالرحمن (PST)

گورنمنٹ پرائمری سکول کلگان سرکل مانسہرہ

سکنہ اچھڑیاں پوسٹ پرمہنہ تحصیل ضلع مانسہرہ

رابطہ نمبر: 0344-9070437

ATTESTED

  
Office No. 33 Adjacent to Court  
Distt. Jar Abbottabad

2179  
6/12/2017

P-31

حافری رپورٹ

سنگھ جہانزیب P.S.T سے آج مورہ 6/12/2017

کو اس آرڈر 20672-702 کے تحت اپنے سے  
4-12-2017

سکول P.S کی کلنگان سہرکل مالکنہ سے قبل اردو میں  
حافری ہے۔

یہ حافری رپورٹ ارسال دفتر ہے۔



**ATTESTED**  
*(Signature)*  
Muhammad Shahid Khan Tanoli  
Advocate-High Court  
Office No: 33 Adjacent to  
Dist. Court



**Annex-G**  
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

**NOTIFICATION:**

P-50

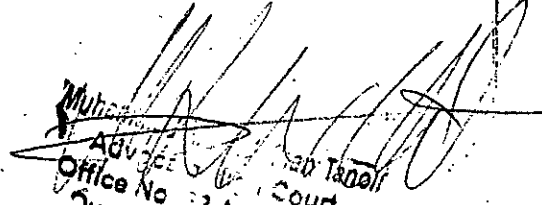
33

In pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment) Act 2012 and decision passed by Peshawar High Court Abbottabad Bench in W/P No 497/2013 dated 25/06/2013 and in W/P No 401-A/2013 dated 22/05/2013 and also in compliance of COC No 70-A 2013 in W/P No 401-A/2013 vide order dated 21/05/2015 and 23/06/2015 and consequent upon recommendation by the Departmental Selection Committee in its meeting held on 25/06/2015, the competent authority in the E&SE District Mansehra is pleased to order the appointment of the following sacked employee in BPS-15 (Rs.8500-700-29500) plus usual allowances as admissible under the rules against the post of Certified Teacher and post them against the vacant position in the schools mentioned against their names with immediate effect, on the terms and condition given:-

S.#	Name	Father's Name	D.O.B	Posted AT	Remarks
1.	Muhammad Akbar Khan	Sayed Ul Haq	02-02-1966	GHSS Battal	A/V Post
2.	Muhammad Ayaz	Salar Khan	04-03-1966	GHSS Battal	A/V Post
3.	Shaukat Ali Khan	M. Yousaf Khan	01-06-1971	GHS Madsarian	A/V Post
4.	Nadeem Asahraf	Muhammad Ashraf	07-09-1971	GMS Arbora (Oghi)	A/V Post
5.	Matloob Ahmed	Said Mehmood	17-01-1975	GHS Behaki Bala	A/V Post

**TERMS & CONDIATIONS**

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their appointment are subjected to the condition that their Certificates/ Documents And Domicile Be Verified From The Concerned Authority Before Release Of Their Salary in the light of section 3 of the said ACT
4. They will be governed by such rules and regulations enforced and as may be prescribed by the Government from time to time for the category of the Government servants to which they belong.
5. Their appointments have been made in pursuance of Khyber Pakhtunkhwa, Sacked Employees (Appointment) Act 2012. Hence under Section 5 of the said Act they shall Not be entitled to claim any of seniority, promotion and other back benefits.
6. They should obtain Medical Fitness certificate from the Medical Superintendent/ Civil Surgeon DHQ Hospital Mansehra.
7. Their appointment have been made in pursuance of Khyber Pakhtunkhwa, Sacked Employees (Appointment) Act 2012. Hence under Section 4 of the said Act the period during which they remained dismissed, removed or terminated from service, till the dated of their Appointment shall have been deemed automatically relaxed.
8. In case they failed to assume the charge of their post within 15 days of their appointments, their candidature-ship will be stand automatically cancelled.
9. They will be on probation for a period of one year extendable to another one year keeping in view their performance.
10. They have not served in any other Department/ Corporation/ Agency etc.
11. The principal/ DDO should not release pay of the teacher till the pay release order by the District Education Officer (M) Mansehra. After verification of their documents.
12. The Principal/Head Master concerned is directed to submit their degrees/certificates etc for verification from the concerned Board/University/Institute before any payment made to them.
13. In case their documents are found Fake/ Bogus on verification from the issuing authority, the service of the official shall be terminated and an FIR be lodged against him under the relevant law.
14. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice; his one month pay/allowances shall be forfeited to Government treasury.
15. If their performance is found un-satisfactory, they will be proceeded under E&D Rules.
16. In case of having less qualification which ever is prescribed Academic BA/B.Sc for CT as well as classical certificate as professional the candidate must be qualified the above prescribed qualification i.e. Academic/professional within 3 years after issue of this appointment order, failing which their appointment order shall stand terminated automatically, without any further notice. Their appointment is made on school based. They will have to serve at the place of posting and their service is not transferable to any other school.
17. They will took over the charge of schools falls in summer zones areas w.e.f. 01/09/2015 and in case of winter zones areas w.e.f 01/03/2015

  
 Muhammad Tahir  
 Adv. Secy  
 Office No 33 Adjacent to  
 Dist Bar Abbottabad

P S

- 18. They will take over the charge in case schools falls in summer zones areas w.e.f. 01/09/2015 and in case of winter zones areas w.e.f. 01/08/2015.
- 19. The Competent Authority resume to right to rectify by the errors/omission if any noted/observed at any stage in instant order issued erroneously.

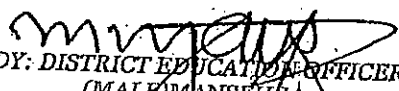
P-34

-Sd-  
DISTRICT EDUCATION OFFICER,  
(MALE) MANSEHRA


926677

Endst: No. \_\_\_\_\_ /File No. \_\_\_\_\_ /CT/Sacked /appointment/Dated Mansehra the 07/77 2015

- Copy forwarded for information and necessary action to the:-
1. Registrar Peshawar High Court Abbottabad Bench Peshawar.
  2. Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar
  3. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
  4. District Accounts Officer Mansehra.
  5. District Monitoring Officer Mansehra.
  6. Principal/Head Master School concerned
  7. B&AO Local Office.
  8. Official Concerned.
  9. Office File

  
DY: DISTRICT EDUCATION OFFICER,  
(MALE) MANSEHRA

**ATTES. ED**

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

# وکالت نامہ

کورٹ فیس

بعدالت Service Tribunal KPK Peshawar

عنوان: Enrol of KPK etc بنام Nahanzab

منجانب: Appellant

نوعیت مقدمہ: Service Appeal

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے اسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

Attd M. Arshad Khan Tanali Adv Itc ATD

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

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

بمقام:

Accepted

القبول

القبول

M. Arshad Khan Tanali

Adv Itc Nabalas

"A"

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

No.

TR

APPEAL No. 2087 of 20 19.

Jehan Zeb

Appellant/Petitioner

Versus

Through Secy, Edn: 15 Pk Pesh.

RESPONDENT(S)

Tarnaki

Notice to Appellant/Petitioner

Counsel

Muhammad Arshad Khan  
Advocate High Court  
Abbottabad

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18-12-2020 at 9:00 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.

at Camp Court A. Abud

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.



“A”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

113  
19

No.

2087

APPEAL No..... of 20

Jehanzeb

Appellant/Petitioner

Versus

Through Secy: Edu. & Pr. Dept.

RESPONDENT(S)

✓ Jehanzeb S/o Abdul Rehman  
PST, Govt. Primary School  
Kalga in Tehsil & Distt. Mansehra

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 13-12-2020 at 9:00 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.

at camp court A. Abad

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.