

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP COURT ABBOTTABAD.**

BEFORE: **KALIM ARSHAD KHAN .. CHAIRMAN**
SALAH UD DIN .. MEMBER (Judicial)

Service Appeal No.13288/2020

Muhammad Safer son of Muhammad Roshan resident of villoage Kamal ban, Tehsil Balakot, District Mansehra Ex-PST GPS Lari Kaghan.

.....(Appellant)

Versus

1. **The Secretary** Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. **Director**, Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. **District Education Officer (Male)** Mansehra.
4. **Chairman** Board of Intermediate and Secondary Education, Abbottabad.
5. **Controller of Examination**, BISE Abbottabad.
6. **Principal**, GHSS Jaraid, Tehsil Balakot, District Mansehra.

.....(Respondents)

Present:

Mr. Babar Ilyas,
Advocate..... For appellant.

Asif Masood Ali Shah,
Deputy District Attorney..... For respondents.

Date of Institution.....20.10.2020

Dates of Hearing.....16.11.2022

Date of Decision.....16.11.2022

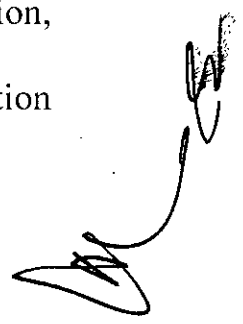
APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION OF WITHDRAWN VIDE NO. 19716-24 DATED 14.11.2014 WHEREBY RESPONDENT NO.3 HAS WITHDRAWN THE APPOINTMENT ORDER VIDE ENDST NO. 8854-10095 DATED 23.06.2017 AND AGAINST THE DEPARTMENTAL APPEAL VIDE NOTIFICATION NO. 172/A 2019 MUHAMMAD

**SAFER SONE OF MUHAMMAD ROSHAN KHAN V/S GOVT:
OF KHYBER PAKHTUNKHWA DATED 31.08.2020.**

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN.: According to the appeal, the appellant, the appellant was appointed vide order No.8854-10095 dated 23.06.2017, on merit against the post of PST in GPS Lari Kaghan, village Council Kaghan, on the recommendation of the departmental selection committee through NTS and after observing all codal formalities; that the appellant performed his duties and continued his services when vide Endst. No.19716-24 dated 14.11.2017, the appointment of the appellant was withdrawn on the allegation that the DMC of FA/Intermediate under roll No.54499 session 2009 annual was found fake and bogus as per the record of the BISE; that the appellant then filed writ petition No.172-A of 2019 before the Honorable Peshawar High Court Bench Abbottabad, which was decided on 03.03.2020 converting the writ petition into appeal and sending the same to the Secretary to the Government of Khyber Pakhtunkhwa, Elementary and Secondary Education, Peshawar(Respondent No.1), who rejected the same vide Notification dated 31.08.2020, hence, this appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who on putting appearance, contested the appeal by filing written reply raising therein numerous legal and



factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

4. It was contended by the learned counsel for the appellant that the impugned actions by the respondents were not justified and it was prayed that the same might be set aside reinstating the appellant in service with all back benefits

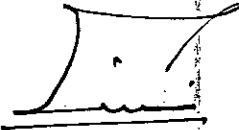
5. On the other side the learned law officer defended the impugned action and prayed for dismissal of the appeal.

6. It appears that the educational testimonials of the appellant, submitted by him, at the time of seeking appointment, were sent to the concerned authorities for verification of the same. The BISE Abbottabad vide letter No.97-F dated 02.11.2017 found the DMC of the appellant to be fake and that is why his appointment order was withdrawn. The appellant has not taken any other steps in the civil court or for that matter with the BISE authorities for declaring the DMC to be valid and not fake. Therefore, the impugned action is quite justified and this appeal is groundless. The same is dismissed accordingly with costs. Consign.

7. ***Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 16th day of November, 2022.***



KALIM ARSHAD KHAN
Chairman
Camp court Abbottabad



SALAH UD DIN
Member (Judicial)
Camp court Abbottabad

ORDER

16th Nov, 2022

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

2. Vide our detailed judgement of today placed on file (containing 04pages), the impugned action is quite justified and this appeal is groundless. The same is dismissed accordingly with costs. Consign.

3. *Pronounced in open court at Abbottabad and given under our hands and seal of the Tribunal on this 16th day of November, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



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

21st Sept 2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for the respondents present.

Appellant seeks adjournment on the ground that his counsel has hospitalized and could not attend the court today. Last chance is given to argue the case. To come up for arguments on 16.11.2022 before D.B at camp court Abbottabad.



(Fareeha Paul)
Member (Executive)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

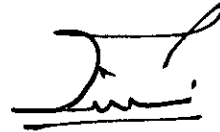
**SCANNED
KPST
Peshawar**

X

21.12.2021

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Notices to the respondents have not been issued, therefore, notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments before S.B on 16.02.2022 at camp court Abbottabad.



(Salah Ud Din)
Member(J)

Camp Court Abbottabad

16.2.2022

*Due to Retirement of worthy
Chairman the Tribunal non functional to come up
For the same on 20-7-22 at camp court. A.Abad*

Shed

20th July 2022

Clerk of learned counsel for the appellant present.
Mr. Noor Zaman Khattak, District Attorney alongwith
Mr. Hamid Mansoor, Office Assistant for the
respondents present.

Written reply submitted on behalf of the
respondents which is placed on file. To come up for
arguments on 21.09.2022 before D.B at camp court
Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

14.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 01.10.2021 for the same as before.


Reader

01.10.2021

Appellant with counsel present. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments in the office within 10 days of the 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 21.12.2021 before D.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee



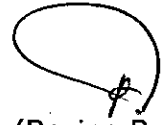

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____


Case No.- 13288 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/10/2020	<p>The appeal of Mr. Muhammad Safeer resubmitted today by Mr. Ikram-ul-Qayyum 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 touring to S. Bench at A.Abad for preliminary hearing to be put up there on <u>15.03.2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>15.03.2021</p> <p>Nemo for appellant.</p> <p>Notice be issued to appellant/counsel for <u>16/06/2021</u> for preliminary hearing, before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

The appeal of Mr. Muhammad Safeer received to-day i.e. on 20.10.2020 is returned to the counsel for the appellant with the direction to submit Two more copies/sets of the appeal along with annexures i.e. complete in all respect within 15 days in file covers.

No. 3006 /S.T,

Dt. 20/10 /2020


Registrar

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Mr. Ikramul Qayyum Adv.
High Court Mansehra