

07.09.2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for respondents present.

Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment on the ground that he has not prepared the brief. Last opportunity is granted for arguments. To come up for arguments on 16.11.2022 before D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

16.11.2022

Counsel for the appellant present.

Muhammad Jan learned District Attorney for respondents present.

Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 10.01.2023 before D.B.



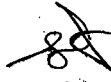
(Fareeha Paul)
Member (E)



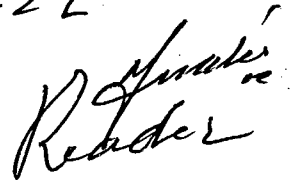
(Rozina Rehman)
Member (J)

RECORDED
16/11/2022

24.11.2021 Proper D.B is not available, therefore, case is adjourned to 4/3/2022 for the same as before.


Reader

4-3-22 Due to Retirement of the Hon'ble Chairman
The case is adjourned to come up for the
Same as before on 13-6-22


Reader

13rd June. 2022

Appellant in person present. Mr. Kabeer
ullah Khattak, AAG alongwith Shahid Anwar,
ADEO (Litigation) for the respondents present.

Respondents have submitted written reply/
comments which is placed on file. To come up for
arguments on 07.09.2022 before D.B.



(Kalim Arshad Khan)
Chairman

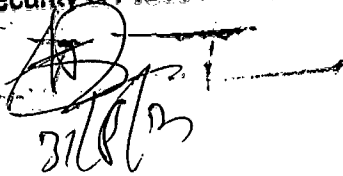
25.08.2021

Appellant alongwith his counsel Mr. Kamran Khan, Advocate, present. Preliminary arguments heard.

Points raised need consideration, therefore, the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, whereafter 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 24.11.2021 before the D.B.

SCANNED
KFSST
Kamran

Appellant Deposited
Security & Process Fee



15/11/21






(SALAH-UD-DIN)
MEMBER (J)

FORM OF ORDER SHEET

Court of _____

Case No.- _____ /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/08/2021	<p>The appeal of Mr. Muhammad Dawood resubmitted today by Mr. Shahzullah Yousafzai 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 25/8/2021</p>
2-	07.05.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to demise of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Muhammad Dawood PST GPS Kamala U/C Khadagzai Dir Lower received today i.e. on 22/02/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Power of Attorney/Wakalat nama of the counsel engaged is not attested/signed by the appellant.

No. 385 /S.T,

Dt. 22/02 /2021



REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Shahzullah Adv. Pesh.

*objection removed
resubmitted accordingly
Shahzullah Gondatzen
Advocate*

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

APPEAL NO. 3223 /2021

MUHAMMAD DAWOOD VS GOVT. OF KP

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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2	Copy of advertisement	A	4
3	Copy of merit list	B	5
4	Copy of notification	C	6-10
5	Copy of judgment	D	11-14
6.	Copy of impugned order	E	15
7.	Copy of departmental appeal	F	16
8	Wakalat Nama		

APPELLANT

THROUGH:


**SHAHZULLAH YOUSAFZAI,
ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. _____/2021

Mr. Muhammad Dawood PST (BPS-12)
GPS Kamala, U/C Khadagzai District Dir Lower.

..... **APPELLANT**

VERSUS

- 1- The Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
- 2- The Director E&SE Department Khyber Pakhtunkhwa Peshawar.
- 3- The District Education Officer (Male) District Dir Lower.
- 4- The District Account Officer District Dir Lower.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 09/07/2013 TO THE EXTENT OF APPOINTING APPELLANT WITH IMMEDIATE EFFECT AND NOT FROM THE DATE WHEN HIS OTHER COLLEAGUES WERE APPOINTED I.E 26/11/2011 AND AGAINST THE IN ACTION OF RESPONDENTS BY NOT DECIDING DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTEY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 09/07/2013 may kindly be modified and the appellant may please be appointed from the date when his other colleagues were appointed i.e from ~~26/11/2011 with all back benefits.~~ Any other remedy which this august Tribunal deems fit in the circumstances of the case may also be awarded to appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the respondents advertised various teaching post including the post of primary school teachers in district dir lower in a daily news paper whereby applications were called from eligible candidates. Copies of advertisement is attached as annexure.....**A.**

- 2- That Appellant being eligible in all respect applied to the post of primary school teacher and after going through proper selection process he secured first position in merit list of union council khadagzai district dir lower. Copy of merit list is attached as annexure**B.**
- 3- That astonishingly the respondents issued appointment orders against all vacant post of primary school teachers vide notification dated 26/11/2011 in all union council but appellant was ignored appointment despite meritorious position and vacancy in union council khadagzai. Copies of notification dated 26/11/2011 is attached as annexure.....**C.**
- 4- That feeling aggrieved the appellant filed writ petition no.26-M/2012 in Peshawar high court mingora bench which was allowed vide judgment dated 04/07/2013 with observation **"in the light of above discussions, facts and circumstances of the case, this writ petition is allowed and respondents are directed to consider the case of petitioner for appointment against the said post positively within one month"**. Copy of the judgment dated 04/07/2013 is attached as annexure **D.**
- 5- That in follow of to the above mentioned judgment the respondents appointed the appellant against the vacant post of primary school teacher vide impugned order dated 09/07/2013 with effect from taking over charge and not from the date i.e 26/11/2011 when his other colleagues were appointed. Copy of impugned order dated 09/07/2013 to the extent of immediate effect is attached as annexure.....**E.**
- 6- That feeling aggrieved from the impugned order dated 09/07/2013, to the extent of appointing appellant from the date of taking over charge and not from the date i.e 09/07/2013 when his other colleagues were appointed, the appellant filed departmental appeal but the same was not responded within statutory period of ninety days. Copy of departmental appeal is attached as annexure.....**F.**

GROUND:

- A- That the impugned appointment order dated 09/07/2013 to the extent of appointing appellant from the date of taking over charge and not from the date i.e 26/11/2011 when his other colleagues were appointed is against the law, facts

and norms of natural justice hence not tenable in the eye of law and liable to be modified.

- B- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That appellant was denied appointment despite the fact that appellant was on top of merit list of union council khadagzai and vacancy was also available at the relevant time. That appellant was later on appointed in light of aforementioned judgment of honorable Peshawar high court and that too with immediate effect, hence the appellant is entitle to be appointed with effect from the date when his other colleagues were appointed with all back benefits.
- D- That respondents malafidly denied appointment to appellant, despite eligibility of appellant and vacancy in union council khadagzai at the relevant time, on no fault of appellant, hence principle of natural justice required that he must have been appointed from the date when his other colleagues were appointed with all back benefits and not with immediate effect.
- E- That the appellant has been discriminated on the subject above and as such the respondents violated principle of natural justice.
- F- That any other grounds deem appropriate in the circumstances of the case would be agitated at the time of arguments.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 18.02.2021

APPELLANT

Muhammad Dawood

THROUGH:


SHAHZULLAH YOUSAFZA


&
KAMRAN KHAN
ADVOCATES

9 B-5

Sr	R NO	Name of Candidate	Father Name	Residence	D/O birth	QUALIFICATION											Qualification Score						REM.		
						SSC		FA/FSc		BA/BSc		MA/MSc		Mph/PHD		ETEA	Prof:	SSC	FA/	BA/	MA/	Mph/		ETEA	Total
						Tot	OBT:	Tot	OBT	Tot	OBT:	Tot	OBT	Tot	OBT:	Marks			FSc	BSc	MSc	PHD			

U/C BADWAN

1	5227	SEMIN KHAN	SAEED KHAN	BADWAN	29/04/1985	850	619	1100	715	4350	3443					148	10.92	19.50	3.96				19.73	54.11	
2	4584	WAQAR KHAN	DAWOOD KHAN	BADWAN	04/02/1991	900	652	1100	704							172	10.67	19.20				22.93	53.00		
3	4668	AZAZ KHAN	MUHD ZAMAN KHAN	BADWAN	15/04/1983	850	525	3550	2034	1600	1163					148	9.26	17.19	3.70			19.73	49.88	FA/SC	
4	4437	WAKIL KHAN	BAKHT RAWAN	BADWAN	11/03/1987	850	522	1100	642	550	263					140	9.39	17.51	2.39			16.67	47.95		
5	5225	Z.A UR RAHMAN	KHALILUR RAHMAN	BADWAN	23/05/1989	1050	733	1100	646	1950	991					124	10.47	17.62	2.54			16.53	47.16		
6	4470	MURAD HUSSAIN	MUHD DREES	SHAMLAH	23/03/1988	850	465	1100	584	550	292					152	8.28	15.93	2.65			20.27	47.12		
7	4632	JAVED KHAN	ABDUL JASSAR KHAN	BADWAN	20/03/1983	850	461	1100	592	550	310	1100	518			120	8.49	16.15	2.62	2.35		15.00	45.81		
8	4783	ISLAM UDDIN	MUMTAZ	ADAMDHARA	05/03/1975	850	435	1100	454	550	290	1100	604			124	7.73	13.47	2.64	2.75		16.53	43.12	O/AGE	
9	4534	AMIN RAHMAN	KAMRAN	BADWAN	10/03/1989	1050	715	1100	540							132	10.21	14.73				17.60	42.54		
10	4342	YAQOOB KHAN	MUMTAZ KHAN	BADWAN	06/05/1977	850	443	1100	451	550	301	1100	567			124	7.82	12.30	2.74	2.58		16.53	41.95		

U/C KHADAGZAI

1	4724	MUHD DAWOOD	KASHMALI KHAN	TANGI PAYEEN	20/04/1979	850	497	1100	535	550	259	1000	457			132	8.77	14.70	2.35	2.29		17.60	45.71	
2	4814	SADIQ HUSSAIN BACHA	RAFFIQ ZAMAN BACHA	MAINA BATTAN	11/04/1976	850	520	1100	540	550	265					140	9.16	14.73	2.41			15.67	44.96	
3	4116	AMIR RAHMAN	SHEER MUHAMMAD	KAMALA	20/04/1977	850	502	1100	455	550	274					120	8.66	13.23	2.45			15.00	40.55	

PST male

Annex- C-6



OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
(E&SE) DIR LOWER.

OFFICE ORDER:

Consequent upon the recommendation / approval of the District Selection Committee / District Promotion Committee (Elementary & Secondary Education) Dir Lower in its meeting held on 24&25/11/2011, the following PST (Male) are hereby appointed in BPS-07 (Rs.5800-320-15400) plus usual allowances as admissible to them under the rules, against the vacant posts at the schools noted against their names with immediate effect in the interest of public service subject to the following terms and conditions.

S#	Name	Father Name	Union Council	Merit	School Where Appointed	ADJ: U/C
1	MUSLIM SHAH	AWDALI	ASBANR	48.27	GPS KHWAR KASHMIR	
2	BAKHT ROZ	HASHTAMAND	ASBANR	45.32	GPS SHORSHING	
3	MUHD KHAN	LAAL BADSHAH	B. DUSH KHAIL	56.8	GPS KATAN	- FC (A.T)
4	MUHD BADSHAH	RAHMAN SAID	BALAMBAT	56.79	GPS KOHARAY	
5	FAHIM UR RAHMAN	ABDUL MALIK	BISHGRAM	56.06	GPS GUMBAT BANDA	
6	INAYATUL HAQ	AMIN UL HAQ	BISHGRAM	54.41	GPS SHPONKAY	
7	FAZAL HAMID	MUHD GUL	BISHGRAM	52.59	GPS BANDA GUMBAT	
8	REHANULLAH	AKHUN ZADA	BISHGRAM	49.32	GPS SHPONKAY	
9	SHER MUHD	SHER GUL	BISHGRAM	48.69	GPS KANDO MACHLA	
10	MUHD AYOUB	ABDUL QUDDUS	BISHGRAM	48.49	GMPS SAR BALA	
11	UMAR HASSAN	HAMIM ROZ KHAN	BISHGRAM	46.99	GPS DALGRAM	
12	MUHD TARIQ	MUHD NAEEM	CHAKDARA	46.17	GPS ADAM DHERAI	-
13	MUHAMMAD IBRAHIM	MUHAMMAD AYOUB	CHAKDARA	44.64	GPS CHAKDARA NO.3	-
14	FARMANULLAH	MIR HASAN KHAN	DARANGAL	43.89	GPS NAWAY KALAY	
15	MUHAMMAD ZAMAN KHAN	LAL ZAMAN KHAN	DRANGAL	41.85	GPS SHALKO KASS	ADJ: U/C KAMBAT
16	BAHRAWAR SAID	BAHRAMAND	GALL	51.63	GPS LACHA BALA	
17	ANWAR RAHMAN	HAJI RAHMAN	GALL	51.24	GPS LACHA BALA	
18	SHER ALAM KHAN	SHER RAHMAN	GALL	45.86	GPS LAMOTAI	
19	SADDIQUILLAH	AKHOON ZADA	GALL	45.70	GPS LAMOTAI	
20	MUHD TARIQ	MUHD ZAMIN	GALL	43.06	GPS SRAFO MANZAI	
21	S ZADA AJMAL KHAN	GUL SAHIB ZADA	HAYASERI	55.65	GPS SANGWALAI BALA	
22	SHAKIRULLAH	ZIARAT KHAN	HAYASERI	50.23	GPS MISAR KHANAY	
23	SAMIULLAH	MUHD ALI KHAN	HAYASERI	50.2	GMPS NASAFI	
24	MUHD SULIMAN	RAFI ULLAH	HAYASERI	48.97	GPS SANGWALIA BALA	

Intikhab Photo State
Near National Bank Colony,
Balambat Chowk, Timergara.
Ph: 0945-822994, Mob: 0300-9398707

M. J. Khan
Executive Distt Officer
(E&SE) Dir Lower

25	MUHAMMAD NISAR KHAN	ABDUSALAM KHAN	KAMBAT	40.05	GMPS GIWAND	ADJ: U/C DRANGAL
26	ALI RAHMAN	TAJ BAR KHAN	KAMBAT	39.85	GPS GAWARDISH	ADJ: U/C DRANGAL
27	ABDUL WALI JAN	SYED ALAM PACHA	KAMBAT	52.2	GPS CHOPRAQA	
28	ABDUL AZIZ	SYED ALAM PACHA	KAMBAT	47.73	GPS LOHAR	
29	BILAL AHMAD	RAHIM ULLAH	KAMBAT	43.61	GPS DAWAGIRA	
30	ZIA UDDIN	SYED KAMALUDDIN	KAMBAT	42.95	GPS CHOPRAQA	
31	SULTAN ZEB	ZIARAT GUL	KAMBAT	40.4	GPS NEKHAN BANDA	
32	REHANULLAH	SAEEDULLAH	KHAL	43.07	GPS HAIDARY	ADJ: U/C TOORMANG
33	MUHD IMRAN KHAN	WAKIL	KHANPUR	48.42	GPS BUCHAKAY	
34	IHSAN UDDIN	BURHAN UDDIN	KHANPUR	48.08	GPS BUCHAKAY	
35	SULIMAN KHAN	AKBAR KHAN	KHANPUR	48.02	GPS BAGH NO.1	
36	MUHD SHAHZADA	GHULAM YAQUB	KHANPUR	47.56	GPS BAGH NO.1	
37	ARSHAD KAMAL	GUL RAHIM	KHANPUR	46.03	GPS NARAI MANZAI	
38	LATIF ULLAH	GUL RAHIM	KHANPUR	45.46	GPS NARAI MANZAI	
39	YOUSAF MALAK	SAR BELAND	KHANPUR	44.77	GPS KHARKANAI SIA	
40	RAFIQULLAH	ANWAR KHAN	KHANPUR	43.37	GPS KHARKANAI SIA	
41	NOOR ISLAM	SAID MUHAMMAD	KHANPUR	42.83	GPS BAGH NO.2	ADJ: U/C ASBANR
42	INAMUL HAQ	HABIBUL HAQ	KHANPUR	41.98	GPS NAWAGAI	ADJ: U/C ASBANR
43	SAID ZAMAN	GUL MADAT	KHANPUR	40.34	GPS SHORSHING	ADJ: U/C ASBANR
44	ASGHAR KHAN	NAZIR JAN	KHAZANA	61.13	GPS DAG GUSAM GPS ASHARI MANAI	
45	IJAZ AHMAD	GUL MAHMOOD	KOTIGRAM	57.09		
46	M SALIM KHAN	GUL ZAMIN KHAN	KOTIGRAM	54.59	GMPS BAKANA	
47	PARVEZ KHAN	LAJBAR KHAN	KOTIGRAM	51.65	GMPS SANZALO	
48	FARID KHAN	INAYATUR RAHMAN	KOTIGRAM	49.62	GPS LARAM	
49	INAM ULLAH	ABDULLAH KHAN	KOTKAY MAIDAN	54.33	GPS NASAFI	
50	NASEEBULLAH	ABDUR RAHIM	KOTKAY MAIDAN	48.31	GPS TARAN BALA	
51	ASAD ULLAH	MOLVI FAZAL AHAD	KOTKAY MAIDAN	46.91	GMPS KANDOLO	
52	GOHAR ZAMAN	FAZAL SATAR	KOTKAY MAIDAN	46.84	GPS TARAN BALA	
53	SHAKIRULLAH	AMINULLAH	LAJBOK	60.28	GPS ZANDRAL	
54	TASLEEM UL HAQ	KATTA BAZ KHAN	LAJBOK	50.18	GPS LANDAI	
55	HAYAT MUHD	NAZIR MUHD	LAJBOK	46.65	GPS ZANDRAL	
56	SAEED UR RAHMAN	SHAMSUR RAHMAN	LAJBOK	46.2	GPS LAJBOK	
57	SANAULLAH	UBAID ULLAH	LAJBOK	44.46	GPS LANDAI	
58	TAHIR ULLAH	MALOOM KHAN	SHALFALAM	49.1	GPS MANDO MANZAI	ADJ: U/C LAJBOK
59	ATAUR RAHMAN	TALIMAND KHAN	LAL QILLA	52.68	GPS GUL ABAD	
60	MASEHULLAH	ABDUL KARIM	LAL QILLA	51.14	GPS ASMAN BANDA	

Executive Secy
E: & Sec. Edu.
Lower

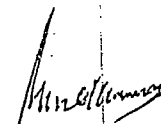
61	SAEED UL HAQ	ABDUR RAZAQ	MASKINAY	46.11	GPS RANGUL BALA	
62	FAZAL GHANI KHAN	MIRZA MUHD	MAYAR	49.25	GPS MANDAL	ADJ: U/C MASKINAI
63	HANIFUR RAHMAN	TAJ MUHD	MAYAR	58.24	GPS BADIN	
64	ABDUS SAEED	MUHAMMAD SHER KHAN	MIAN KALAY	54.92	GPS RANI DALAY	ADJ: U/C MASKINAI
65	MUBARAK SHAH	RAHIM SHAH	MAYAR	51.96	GPS ASILO BANDA	
66	MUHD NASIM	ABDUL SATAR KHAN	MAYAR	49.1	GPS KOLALANO	ADJ: U/C MASKINAI
67	SOHAIL MUHD	KHAISTA MUHD	MAYAR	47.77	GPS BADIN	
68	MAHBOOB UR RAHMAN	HAZRAT RAHMAN	MAYAR	47.07	GPS GANJLA	ADJ: U/C MASKINAI
69	KHALID KHAN	MIR ALI KHAN	MAYAR	47.06	GPS DHAL PAYEEN	ADJ: U/C MASKINAI
70	KHALID KHAN	SHAH MURAD KHAN	MAYAR	46.74	GPS JAN PASA	ADJ: U/C MASKINAI
71	MUHD AYOUB	MUHD TAHIR	MAYAR	44.05	GPS KOLALANO	ADJ: U/C MASKINAI
72	GAWHAR AMIN	MUHD YOUNES	MAYAR	44	GPS MORAGAI	ADJ: U/C MASKINAI
73	MUHD IBRAHIM	MUHD NAEEM KHAN	MIAN KALAY	58.9	GPS TOOR QILLA	
74	GUL RASOOL KHAN	GHULAM RASOOL	MUNDA	58.65	GPS BAZWANAI	
75	MUJIB ULLAH	NOOR BAHADAR KHAN	MUNDA	49.41	GPS SORI PAW	
76	SUBHANU DDIN	FAZAL WADOOD KHAN	MUNJAI	53.68	GPS SAR BANDA	
77	ANWAR ULLAH	GHULAM MUHD KHAN	MUNJAI	48.09	GPS SAR BANDA	
78	ABDUL BASIT	UMAR LAIQ	MUNJAI	45.73	GPS RANI	
79	INTIZAR MUHD	MUHD JAN	MUNJAI	44.66	GPS SAR BANDA	
80	BADSHAH WALI	KHAN BACHA	NOORA KHAIL	49.87	GPS ATAK KHONAKO	
81	MURAD HUSSAIN	ATA UR RAHMAN	OUCH	51.59	GMPS ZARBAIG BATAN	
82	MOMIN KHAN	ABDUR RAHMAN	OUCH	49.45	GPS KANDARO OUCH	
83	AMANULLAH KHAN	ATTAULLAH	OUCH	49.4	GPS KHONI DAND	
84	AMJAD ALI KHAN	JEHAN BADSHAH	RABAT	59.25	GPS JOGI BANDA	
85	IRFANULLAH	MUHD RAUF	RABAT	50.66	GPS ASILO	
86	IMRAN ALI	KHALILUR RAHMAN	RABAT	48.37	GPS SIYAL KOTO	
87	SHAFIULLAH	SHAH HAIDER	S.BAGH	54.71	GPS GHWARA BANDA	
88	DAWOOD KHAN	SARBILAND KHAN	SADBAR KALAY	45.14	GPS KHARKAI	ADJ: U/C MASKINAI
89	KAMAL KHAN	RAHMATULLAH KHAN	SADBAR KALAY	44.97	GPS PRATA DHERAI	ADJ: U/C MASKINAI
90	RAZA KHAN	TJAMUL KHAN	SADBAR KALAY	49.36	GMPS SWARA GHWANDAI	
91	IBRAHIM	SHAH SAWAR KHAN	SADBAR KALAY	48.53	GPS CHAMAR TALAI	
92	JAN RAHIM	FAZAL AZAM	SADBAR KALAY	47.29	GPS ISLAM GAT	
93	MUJIB UR RAHMAN	AMIR MUHD	SAMAR BAGH	44.83	GPS SHALKHO KASS	ADJ: U/C DRANGAL
94	FAZAL HAQ	ABDUR RAHMAN	SAMAR BAGH	44.58	GPS BINSHAHI	ADJ: U/C DRANGAL
95	LATIFUR RAHMAN	MUHD RAHMAN	SAMAR BAGH	54.13	GPS ZANGIYAN	ADJ: U/C DRANGAL
96	SALIMULLAH	AMIN MUHD	SAMAR BAGH	50.48	GPS NEKHAN BANDA	ADJ: U/C KAMBAT

Handwritten signature
 Executive District Officer
 District Office
 Dibrugarh

97	MATIULLAH	MUHD HUSSAIN	SAMAR BAGH	44.32	GPS KHARKAI	ADJ: U/C MASKINI
98	KALEEM ULLAH	INAYAT ULLAH	SHALFALAM	54.75	GPS SHALKANAI	
99	IZHARUL HAQ	MUHD ASHRAF	SHALFALAM	53.61	GPS SHALKANAI BALA	
100	MUHD ZAHID KHAN	GUL MUHD	TAZAGRAM	46.04	GPS SHAGAI ASBANR	ADJ: U/C ASBANR
101	RIAZUL HASSAN	SHARIF GUL	TAZAGRAM	52.42	GPS KALA DHERAI	
102	IHSANULLAH	SAID LAL BACHA	TAZAGRAM	51.13	GPS KALA DHERAI	
103	HAZRAT AMIN	ROOH UL AMIN	TAZAGRAM	45.78	GPS SHAGAI ASBANR	ADJ: U/C ASBANR
104	ARSHAD ALI	ABDUR RAHMAN	TAZAGRAM	44.21	GPS RAGHBANAI	ADJ: U/C ASBANR
105	SAIFULLAH KHAN	SHAH WAZIR	TAZAGRAM	43.64	GPS DHERAN	ADJ: U/C ASBANR
106	DAWOOD KHAN	HASHTAMAND KHAN	TAZAGRAM	48.69	GMPS SANAM	
107	MUHD AYAZ	MUHD SHER	TIMERGARA	49.7	GPS SHINGRAI	
108	MUKHTIYAR ALI	ALIF ZADA	TOORMANG	47.79	GPS MULA PATAY	
109	IKRAMULLAH JAN KHAN	GUL WAZIR	TOORMANG	47.3	GPS GUMAGAT	
110	NASIB GUL	MUHD RAZIQ	TOORMANG	42.43	GPS KANDAWONO	
111	NOOR UL ISLAM	NOOR MUHD	TOORMANG	41.3	GPS GUMAGAT	
112	M SAEED UL HAQ	NAIMUL HAQ	ZIMDARA	45.25	GPS BANDA SORI PAW	ADJ: U/C GALL
113	IMAD UD DIN	ABDUR RAHIM	ZIMDARA	55.87	GPS BAGH BANDA	
114	RAFIULLAH	BAHRAMAND KHAN	ZIMDARA	53.58	GMPS BARA QILA MANZA	
115	MUBARAK JAN	UMER RAHMAN JAN	ZIMDARA	49.51	GPS CHAMYARAY	
116	NAWAB KHAN	KHANIZAR GUL	ZIMDARA	46.78	GPS KAS BALO KHAN	
117	SHAFIQ AHMAD	MUHD SABIR	ZIMDARA	46.54	GPS KHANDAQ	
118	GULAB RAHMAN	TALIMAND KHAN	ZIMDARA	45.97	GPS KHANDAQ	
119	SHAH BAHADAR	SAID AKBAR	ZIMDARA	43.18	GPS BANDA SORI PAW	ADJ: U/C GALL
		2 % DISABLE QUOTA				
1	ABDUR RAHMAN	NOOR MUHD	KOTO	52.69	GPS ANDHERAY	
2	ISRAR BAHADAR	MUHD AZOOL KHAN	BANDAGAI	51.1	GPS KHADANG	ADJ: U/C SHAHI KHAIL /AVP
		DECEASED SON				
1	ZIA ULLAH (FA,PTC)	MUHAMMAD ANWAR KHAN	ZIMDARA		GPS MIRGAM KARAKAR	

TERMS AND CONDITIONS:

1. They will be governed by such rules and regulations as may be prescribed by the government from time to time for the category of government servants to which they belong.
2. Their appointments are purely on temporary basis liable to termination at any time without notice. In case leaving the service, they shall be required to submit one month prior notice OR deposit one month's pay in the government treasury in lieu thereof.
3. They are directed to produce their Health & Age certificate from the Civil Surgeon Dir lower at Timergara.


 Executive Distt Officer
 (EJ:&Sec:Edu:)
 Dir Lower.

4. The appointment of the candidates mentioned above is subject to the condition that they are domiciled in District Dir Lower.
5. NO TA/DA will be paid to them on joining the post.
6. Their age may not exceed 35 years or below 18 years.
7. Charge reports should be submitted to all concerned.
8. Drawing & Disbursing Officers concerned are directed to collect photo copies of their testimonials along with verification fees and submit the same to the office of the undersigned for further verification from the institutions concerned.
9. This office will issue clearance certificate regarding verification of documents and release of pay, till then their pay may not be released.
10. This order is issued; errors and omissions accepted, as a notice only.
11. They shall be on probation for a period of two years which is extendible to one year more.
12. They will get all the benefits of civil servants except GP Fund, pension & gratuity vide letter No.6.(E&AD)1-13/2006 dated 10-8-2005 and Act 2003 NWFP 23-7-2005.

(MAHMOOD ASLAM WAZIR)
DISTRICT CO-ORDINATION OFFICER
DISTRICT DIR LOWER

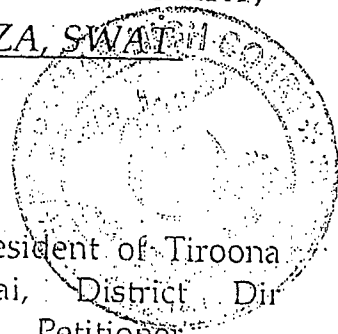
Endost; No. 20530-35 Dated Timergara the 26/11/2011

Copy of the above is forwarded to:

- 1) The PS to Secretary Elementary & Secondary Education Department Khyber Pukhtunkhwa, Peshawar.
- 2) The Director Elementary & Secondary Education Khyber Pukhtunkhwa, Peshawar.
- 3) The District Coordination Officer, Dir Lower.
- 4) The District Account Officer, Dir Lower.
- 5) DDO (M) Timergara & Samar Bagh.
- 6) The Candidates concerned.


EXECUTIVE DISTRICT OFFICER
(E&SE) DISTRICT DIR LOWER.

BEFORE THE HON'BLE PESHAWAR HIGH COURT,
MINGORA BENCH/DAR-UL-QAZA, SWAT



ADO (Petitioner)
P. v. with detail
proposed
Ammy
8/7/13

Writ Petition No. 26 of 2013

Muhammad Dawood s/o Kashmiri Khan Resident of Tiroona
Tangay, Tehsil Adinzai, UC Khadagzai, District Dir
Lower..... Petitioner.

Versus

1. Govt. of Khyber Pakhtoonkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Govt; of Khyber Pakhtoonkhwa, Peshawar.
3. Executive District Officer Elementary & Secondary Education District Dir Lower.
4. District Coordination Officer Distt; Dir Lower..... Respondents.

Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, to the effect that the respondents 3 and 4 be directed to appoint petitioner as PST teacher in UC Khadagzai, District Dir Lower Khyber Pakhtoonkhwa or any other adjoining UC.

Respectfully Sheweth:

1. That the petitioner is a bonafide resident of village Tiroona, UC Khadagzai, Tehsil Adinzai, District Dir Lower.
2. That the petitioner has passed his M.A, PST and B.Ed examinations.
3. That respondent No, 3 advertised some posts in the teaching cadre including the posts for PST (Primary School Teacher) in

PESHAWAR HIGH COURT MINGORA BENCH

(DAR-UL-QAZA), SWAT

JUDICIAL DEPARTMENT

Write petition No. 26/2012.

JUDGMENT SHEET

Date of Hearing: 04.7.2013

Petitioner: (Muhammad Dawood) by
Ms. Sabir Shah Advocate

Respondent: (Govt. of K.P.K. etc.) by
Muhammad Jawid O.A.G.



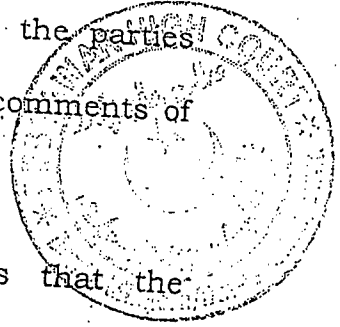
ASSADULLAH KHAN CHAMMKANI, J.- Muhammad

Dawood, the petitioner, has filed this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeking therein direction to respondents to appoint him on the Post of PST being fit and eligible candidate.

Assadullah Khan

2. Brief facts of the case are that respondent No.3 invited applications through advertisement for appoints on different categories of the posts in Education Department at District Dir Lower. The petitioner applied for one of the posts of PST, mentioned at Serial No. 7 of the said advertisement. The petitioner was on the top of merit list in Union Council, Khadagzai, but he was not considered to be appointed as PST teacher, hence, the present writ petition.

3. Comments of the respondents were called for, which were, accordingly, submitted. We have heard arguments of learned counsel for the parties and gone through the record as well as comments of the respondents.



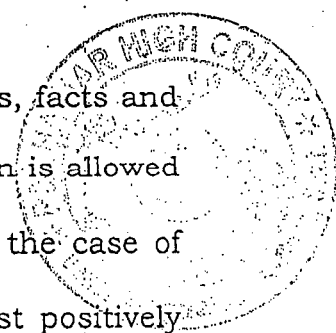
Assand... 10/11/11

4. Perusal of comments reveals that the petitioner was, though, on the top of merit list of his Union Council but he was not appointed on the ground that there was no vacant post at that time. The record speaks that on 26.11.2011 most of the PST teachers were promoted as Certified Teachers. Out of them, one Muhammad Zarin, PST, Union Council, Khadagzai, was also promoted to the post of CT and he had been transferred and posted as CT in GHS, Ghumbat Banda, due to which a post of PST in Union Council of the Petitioner was fallen vacant. The petitioner also submitted copies of retirement orders regarding two PST teachers, namely, Muhammad Nisar and Muhammad Zubair of Union Council Khadagzai. Merit list of candidates pertaining to Union Council, Khadagzai has also been prepared by the respondents. Admittedly, the name of petitioner is figured on the top of merit list of said Union Council. After thrashing the entire record, we have come to the conclusion that petitioner has wrongly been deprived

(14)

of appointment against the post of PST which requires interference by this Court.

In the light of above discussions, facts and circumstances of the case, this writ petition is allowed and respondents are directed to consider the case of petitioner for appoint against the said post positively within one month.



Announced.
04.7.2013.

~~Signature~~
JUDGE

~~Signature~~
JUDGE

Office
6/7

S No. 2405
 Name of Applicant Mulraj
 Date of Presenting of Application 25-07-13
 Date of Copy 26-07-13
 No. of Copy 048
 Fee Chg. 08
 Date of Delivery of Copy 26-07-13

Certified to be true copy

Peshawar High Court
Authorized Under Article 193 of the Constitution of Pakistan
C-1934

Annexure - E-(15)



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) DISTRICT DIR LOWER

Tel: 0945-9250083

0945-9250082

E-mail: emisdirlower@yahoo.com

Appointment:-

In pursuance of the decision of the Honorable Peshawar High Court Mingora Bench Darul Qaza Swat in Writ Petition No,26/2012 announced 04/07/2013, Mr. Mohammad Dawood MA/PTC S/O Kashmali Khan village Tiroona Tangay U.C. Khadagzai Tehsil Adenzai Distt. Dir Lower is hereby appointed as Primary School Teacher in BPS-12 (Rs 7000-500-22000) plus usual allowances as admissible to him under the rules, against the vacant post of PST at GPS Kamala U.C. Khadagzai with effect from the date of his taking over the charge, in the interest of public service, subject to the following terms and conditions.

Terms & conditions

1. He will be governed by such rules and regulations as may be prescribed by the government from time to time for the category of government servants to which he belongs.
2. His appointment is purely on temporary basis liable to termination at any time without notice. In case leaving the service, he will be required to submit one month prior notice OR deposit one month's pay in the government treasury in lieu thereof.
3. He is directed to produce his Health & Age certificate from the Civil Surgeon Dir Lower at Timergara.
4. The appointment of the candidate mentioned above is subject to the condition that he is having domiciled in district Dir Lower.
5. NO TA/DA will be paid to him on joining the post.
6. Charge report should be submitted to all concerned.
7. Drawing & Disbursing Officer concerned is directed to check / verify his documents from the concerned boards / institutions before release of his pay.
8. This order is issued, errors and omissions accepted, as notice only.
9. He will get all the benefits of civil servants except pension & gratuity vide letter No:6 (E&AD)1-13/2006 dated 10-8-2005 and Act 2003 NWFP 23-7-2005.

(Mohammad Ibrahim)
District Education Officer
(Male) District Dir Lower

Endst: No. 10653-57 Dated Timergara the 09/07/2013

Copy to:-

1. Additional Registrar Peshawar High Court Mingora Bench/Darul Qaza Swat
2. The District Accounts Officer Dir lower at Timergara
3. The Deputy Distt; Education Officer(M) Local office
4. The Sub-Divisional Education Officer(M) Timergara
5. The Candidate concerned.

بعدالت

Kp service Tribunal

Appellant 2، منجانب
بنام

service appeal

مورخہ

مقدمہ

دعویٰ

جرم

Muhammad Dawood

Vs

Education Deptt.

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے یہ محاسبہ کی کارروائی کی گئی ہے۔
آن مقام سے اور کیلئے شاہ زوالد جو سفیر کی اینڈ صاحب مین اینڈ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

20

ماہ صفر

25

المرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

مقام

Accepted
by
Shahidullah Puralrai

“B”

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

No.

Appeal No. 3223 of 20 21
Muhammad Dawood Appellant/Petitioner
 Versus
The Secy: ERSE I/PK Peshawar Respondent
 Respondent No. 3

Regd

Notice to: — The Distt: Education Officer (Male)
Distt: Dir Lower

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 24/11/2021 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 31st
 Day of Aug 20 21

(for Reply)

[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.

No. 245 D-E-O Rs. 30

For insurance Notices see reverse.
Stamps affixed except in case of
un **RGL58040244**
the ~~under weight prescribed in the~~
Post Office Guide or on which no
acknowledgement is due.

Received a registered*
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Initials of Receiving Officer _____
*Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

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

Insurance fee Rs.	Rs.	Weight	Kilo
		(in words)	Grams
Name and address of sender	<u>D. H. Lowes</u>		

"B"

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

No.

Appeal No. 3223 of 20 21

Muhammad Dawood Appellant/Petitioner

Versus

The Secy: ERSE KPK Peshawar Respondent

Respondent No. 4

legd
Notice to: The Distt. Account Officer Distt. Dir Lower

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 24/11/2021 at 8.00 A.M. If you wish to urge anything against the appelland/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 31st

Day of Aug 20 21

(108 Reply)

[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. D.B

No.

Appeal No..... 3223 of 20 21

Muhammad Dawood Appellant/Petitioner

Versus

The Secy. ERSE KPK Peshawar Respondent
Respondent No..... 2

Notice to: — The Director ERSE Deptt. KPK Peshawar.

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..... 21/11/2021 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.

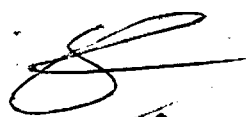
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Given under my hand and the seal of this Court, at Peshawar this..... 31/11
Day of.....

Day of..... Aug 20 21

(For Reply)


13/11
2


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 *DB*
PESHAWAR.

No.

Appeal No. 3223 of 2021

Muhammad Dawood Appellant/Petitioner

Versus
The Secy: ERSE KPK Peshawar Respondent

Respondent No. 1

Notice to: —

The Secretary ERSE Deptt. KPK Peshawar.

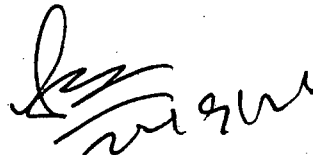
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 24/11/2021 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.

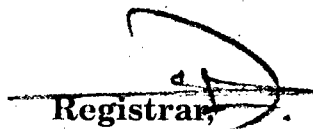
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Day of Aug 20 21

(108 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.

7/1/2
①

BEFORE THE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 3223/2021

1. Muhammad Dawood, District Dir Lower

(Appellant)

Versus

1. The Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
 2. The Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
 3. The District Education Officer (M) Dir Lower at Timergara. And others
- (RESPONDENTS)

Index:

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2	<i>Affidavit</i>	3
3	<i>Authority</i>	4
4		

[Signature]
✓ District Education officer (M)
District Dir Lower
Respondent No.3

2

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO.3223/2021.

MR. Muhammad Dawood.

.....Appellant

VERSUS

1. The Secretary Elementary and Secondary education Khyber Pakhtunkhwa Peshawar.
2. The Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Male) Dir lower at Timergara.

(RESPONDENTS)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS, 1,2,3

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. The appellant is not an aggrieved person with the meaning of Article 212 of the constitution of the Islamic republic of Pakistan.
2. The appellant has concealed the material facts from this Hon; Able Tribunal, hence liable to be dismissed.
3. The appellant has not approached this Honorable Tribunal with clean hands.
4. The appellant has filed the instant appeal on malafide motives.
5. The instant appeal is against the prevailing laws & rules.
6. That the instant service appeal suffers from laches, hence not maintainable in the form.
7. The appellant has got no locus standi to file the instant appeal.
8. The instant appeal is frivolous, besides being time bard.

ON FACT:


1. This para pertains to the record hence need no comments.
2. Para-2 of the facts also pertain to record, furthermore it is correct that the appellant applied to the post of PST in the Union Council khadagzai which was not advertised that's why the appellant was not considered for appointment later on the appellant filed the writ petition No. 26-M/2012 in Peshawar High Court Mingora Bench which was allowed and the appellant was appointed as per judgment dated 4/7/2013.
3. Para-3 of the facts is correct to the extent of the appointment order issued dated 26-11-2011 whereas the appellant was not considered for appointment for the reason that there was no post of PST advertised in UC khadagzai.
4. Para-4 of the fact is also correct and further stated that the appellant was appointed in lieu of the judgment ibid with immediate effect as per court order.
5. Para-5 of the fact is also correct that the appellant was appointed as per Court order w.e.f 9-7-2013 as there is no direction in judgment for appointment of the Appellant from the date i.e 26-11-2011 when his other colleagues were appointed.

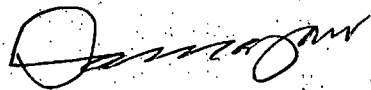
6. Incorrect hence denied and further stated that the appellant ³ does not come in the ambit of the aggrieved person as the appellant was appointed vide order dated 9-7-2013 as per Court order, while the appeal annexed as "F" which is also pertain to record has been filed after lapse of more than 7 years, hence the instant service appeal being badly time bared is not maintainable on the ground inter alia.

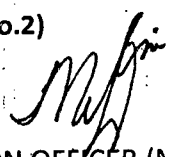
GROUND:-

- A. Incorrect, The appellant was appointed as per Court judgment and no illegality has been done by the official respondent.
- B. Incorrect and further stated that the appellant has been treated as per law rules and policy.
- C. Incorrect, hence denied. Detail has been submitted in the facts above.
- D. Incorrect and further stated that no post of PST was advertised in the UC Khadagzai in the advertisement 2011 that's why the appellant was not appointed.
- E. Incorrect and further stated that a detail reply has been submitted in the above paras.
- F. The Respondent department will, if allowed argue more at the time of hearing.

It is therefore, humbly prayed that on acceptance of the above submission, the instant Service appeal may very graciously be dismissed in favor of the answering respondents with cost.


SECRETARY
GOVT: KHYBER PUKHTOON KHWA
ELEMENTRY AND SECONDARY DEPARTMENT
(Respondent No.1)


DIRECTOR
ELEMENTRY & SECODARY
EDUCATION KHYBER PAKHTOON KHWA
(Respondent No.2)


DISTRICT EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA
(Respondent No.3)

4

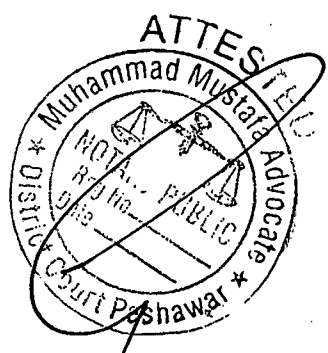
AFFIDAVIT

All the contents of the enclosed reply submitted by respondent no 3, is correct to the best of my knowledge & belief, Nothing misstated or concealed what's so ever.

✓ ~~DE (C)~~ Mal

DIY Lower at Timotyru

136
202



13 JUN 2022



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
DIR LOWER AT TIMERGARA.

E-Mail: deomaledirlower@gmail.com Tel: 0945-9250081-82

NOTIFICATION

Mr. Shahid Anwar Head Master GHS Banda Talash (Ex. ADEO Primary) is hereby notified as incharge Litigation cell office of the DEO (M) Dir Lower in addition to his original task as HM GHS Banda Talash along with the following additional responsibilities.

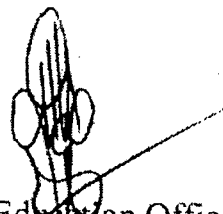
1. He is directed to look after the Establishment (primary) matters till the arrival of incumbent.
2. He is authorized to monitor, pursue and prepare comments for all court cases pending in KP service tribunal on behalf of the undersigned.
3. He is authorized to deal as focal person for EMA, Citizen Portal and Assembly business.

District Education Officer
(M) Lower Dir.

3230-36
Endst; No. _____ / Dated. 01/06/2022

Copy of the above is forwarded to:-

1. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. The Registrar Khyber Pakhtun Khwa Peshawar.
3. The District Monitoring Officer (EMA) Dir Lower.
4. All the SDEOs / Principals / Head Masters Dir Lower.
5. Head Master GHS Banda Talash.


District Education Officer
(M) Lower Dir.

7/1/21
①

BEFORE THE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 3223/2021

1. Muhammad Dawood, District Dir Lower

(Appellant)

Versus

1. The Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
2. The Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
3. The District Education Officer (M) Dir Lower at Timergara. And others

(RESPONDENTS)

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4	<i>Authenticity</i>	4

Xan
✓ District Education officer (M)
District Dir Lower
Respondent No.3

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

SERVICE APPEAL NO.3223/2021.

MR. Muhammad Dawood.

.....Appellant

VERSUS

1. The Secretary Elementary and Secondary education Khyber Pakhtunkhwa Peshawar.
2. The Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (Male) Dir lower at Timergara.

(RESPONDENTS)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS, 1,2,3

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. The appellant is not an aggrieved person with the meaning of Article 212 of the constitution of the Islamic republic of Pakistan.
2. The appellant has concealed the material facts from this Hon; Able Tribunal, hence liable to be dismissed.
3. The appellant has not approached this Honorable Tribunal with clean hands.
4. The appellant has filed the instant appeal on malafide motives.
5. The instant appeal is against the prevailing laws & rules.
6. That the instant service appeal suffers from laches, hence not maintainable in the form.
7. The appellant has got no locus standi to file the instant appeal.
8. The instant appeal is frivolous, besides being time bard.

ON FACT:

1. This para pertains to the record hence need no comments.
2. Para-2 of the facts also pertain to record, furthermore it is correct that the appellant applied to the post of PST in the Union Council khadagzai which was not advertised that's why the appellant was not considered for appointment later on the appellant filed the writ petition No. 26-M/2012 in Peshawar High Court Mingora Bench which was allowed and the appellant was appointed as per judgment dated 4/7/2013.
3. Para-3 of the facts is correct to the extent of the appointment order issued dated 26-11-2011 whereas the appellant was not considered for appointment for the reason that there was no post of PST advertised in UC khadagzai.
4. Para-4 of the fact is also correct and further stated that the appellant was appointed in lieu of the judgment ibid with immediate effect as per court order.
5. Para-5 of the fact is also correct that the appellant was appointed as per Court order w.e.f 9-7-2013 as there is no direction in judgment for appointment of the Appellant from the date i.e 26-11-2011 when his other colleagues were appointed.

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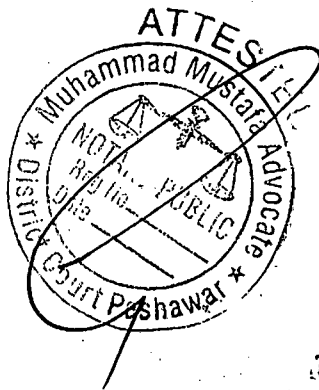
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