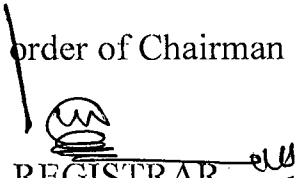


# FORM OF ORDER SHEET

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

Case No.- 1694/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/11/2022	<p>The appeal of Mr. Muhammad Naeem resubmitted today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR <u>ell</u></p>

The appeal of Mr. Muhammad Naeem son of Sarfraz Khan Ex-PST GPS Dad Muhammad Kalay Mardan received today i.e. on 25.11.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copies Judgment dated 24.12.2014 and 12.04.2018 mentioned in para-4 of the memo of appeal are not attached with the appeal which may be placed on it.

No. 3381 /S.T,

Dt. 25/11 /2022

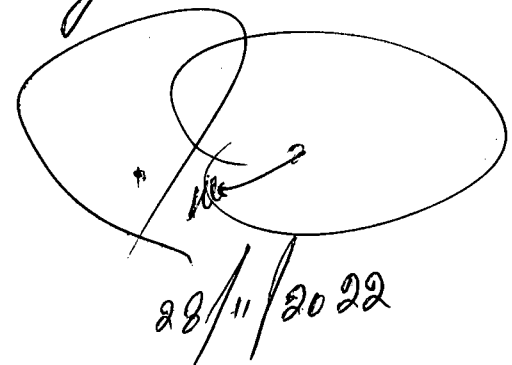


REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khaled Rehman Adv.  
High Court Peshawar

Note:-

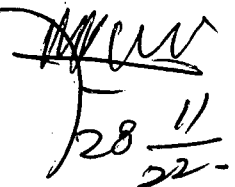
R/Sir,  
The objections has been removed,  
hence resubmitted today dated 28<sup>11</sup>/<sub>22</sub>.  
Date of High court Judgment has been  
corrected as 15.5.2018.



28/11/2022

Respected Sir,

It is submitted that we have given the date  
of Judgment in para no 4 of the fact i.e. 24<sup>12</sup>/<sub>14</sub>  
but only for the reference and not annexed the  
same. More the copy of Judgment dated 15<sup>05</sup>/<sub>18</sub>  
has been annexed as Annexure C which was  
inadvertently mentioned as 12<sup>7</sup>/<sub>18</sub>, which has been  
corrected, therefore the appeal is submitted.



28<sup>11</sup>/<sub>22</sub>

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1694 /2022

Muhammad Naeem ..... Appellant

Versus

The Govt. of KPK and others ..... Respondents

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Through

Appellant

  
Khaled Rahman  
Advocate, Supreme Court

  
Muhammad Amin Ayub

&

  
Muhammad Ghazanfar Ali  
Advocate, High Court  
4-B, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458  
Cell # 0313-9040434

Dated: 10/11/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1694 /2022

Muhammad Naeem S/o Sarfaraz Khan,  
Ex-PST, GPS Dad Muhammad Kaley, District Mardan ..... Appellant

VERSUS

1. The Govt. of Khyber Pakhtunkhwa  
through Secretary, Elementary & Secondary Education  
Civil Secretariat, Peshawar.
2. The Director,  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa, G.T. Road, Peshawar.
3. The District Education Officer (Male),  
District Mardan
4. The District Education Officer (Male),  
District Malakand ..... Respondents

---

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORIGINAL IMPUGNED ORDER DATED 15.08.2022 WHEREBY APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REMOVAL FROM SERVICE AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL ON 22.08.2022 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

---

**PRAYER:**

On acceptance of the instant appeal, the impugned order dated 15.08.2022 passed by Respondent No.3, may graciously be set aside and appellant be re-instated into service with all back benefits.

---

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That initially, appellant was inducted in the Education Department as PST vide appointment order dated 26.05.1996 (*Annex:-A*) in accordance with the then prevailing Policy of the Government. His Service Book was

prepared wherein necessary entries were made from time to time. From the date of his first appointment he performed his duties to the entire satisfaction of the high-ups and was never subjected to any departmental proceedings.

2. That subsequently, with the change of political government, the services of the appellant were illegally dispensed with which was challenged before the Court but the effort proved abortive except that some colleagues in time approached the Court and got the relief.
3. That in the year 2012 the Provincial Government passed "*the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (Annex:-B)*" providing for the reinstatement of the sacked employees and the Department made numerous appointments of similarly placed employees later on law was not fully implemented and appellant was not reinstated.
4. That against the non-appointment as per the Act *ibid*, some colleagues of the appellant approached the Hon'ble Peshawar High Court, Peshawar in Writ Petition No. 1662/2013 which was allowed vide judgment dated 24.12.2014. The appellant alongwith others had filed Writ Petitions No.2439-P/2016, No.2440-P/2016 & No.4762-P/2016 before the Hon'ble Peshawar High Court, Peshawar which were allowed vide consolidated Judgment dated 15.05.2018 (*Annex:-C*), the operative part of which is reproduced as below:-

“7. *Accordingly, this and the connected Writ Petitions are allowed and the Respondents are directed to consider the petitioners strictly in accordance with law, the mode and manner set out by this Court in its judgment dated 24.05.2016 in W.P. No.516-A/2013, and upheld by the august Apex Court in its judgment dated 24.05.2017.*”

5. That the Circuit Bench of Hon'ble Peshawar High Court at Abbottabad further observed in W.P. No.516-A/2013 decided on 24.05.2016 (*Annex:-D*) that:-

“i. *That the Petitioners though eligible for appointment but not equipped with training Certificate, shall be considered for re-instatement against their respective posts under the*

***Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 immediately;***

- ii. ***The concerned District Education Officer shall scrutinized the case of each individual Petitioner independently;***
- iii. ***Thereafter the Department shall arrange and manage the requisite training course for them and Petitioners shall be provided opportunity to acquit the requisite training certificate;***
- iv. ***In case the Petitioners failed to acquire the requisite training certificate within the stipulated period, specified by the Department, their services shall stand terminated automatically.***

***Needless to remark that the respective EDOs of each district shall complete the process of re-instatement of the Petitioners within one month positively.”***

It is pertinent to aver here that the same findings has already been incorporated in Para No.4 of the consolidated Judgment dated 12.04.2018. The Judgment dated 24.05.2016 *ibid*, was already upheld by the Hon'ble Apex Court dated 24.05.2017.

- 6. That later on, appellant and others were appointed vide appointment orders dated 30.10.2018 (***Annex:-E***) against their respective posts but subject to the outcome of CPLA which was then pending adjudication before the Hon'ble Apex Court.
- 7. That pursuant to the order *ibid*, appellant joined duties vide Charge Report & Medical Certificate (***Annex:-F***) and while performing his duties he came to know that the judgment of the High Court in case of the appellant was in fact upheld by the august Supreme Court vide order dated 05.09.2018 (***Annex;-G***) and communicated to the Department by the Advocate General office on 19.09.2018.
- 8. That appellant while performing his duties was waiting for arrangement of requisite training by the Department as per judgment of the Hon'ble High Court. In this respect, the Directorate of Curriculum and Teachers Education, Khyber Pakhtunkhwa Abbottabad addressed a letter dated 21.10.2019 (***Annex:-H***) to the concerned quarter by informing that the Directorate was going to arrange condense courses of PTC, CT, DM, JDPE etc. for sacked employees in light of the Judgment of the Hon'ble Peshawar

High Court, Abbottabad Bench passed in W.P. No.516-A/2013, therefore, complete data of the appellant alongwith others was requisitioned.

9. That pursuant to letter *ibid*, SDEO transmitted letter dated 17.12.2019 (*Annex:-I*) to DEO (Male), Mardan for sending the names of the appellant alongwith others for the requisite training. The Office was supposed to comply with the directions of the Hon'ble Peshawar High Court, Peshawar by sending the names of appellant along with others for such training to Directorate of Curriculum and Teacher Education, Abbottabad. It is further elucidated that the then DEO (Male) Mardan transmitted a letter dated 09.01.2021 (*Annex:-J*) by providing data of the appellant alongwith others for training. Likewise, another letter dated 04.03.2021 (*Annex:-K*) was also issued for the same purpose, however, even thereafter no training for the sacked employees was arranged.
10. That the process of requisite training was not only kept pending, but to the utter bewilderment of appellant vide Show Cause Notice (*Annex:-L*) whereby he was directed to submit reply which he accordingly submitted (Reply *Annex:-M*). However, without fulfilling the codal formalities, appellant was handed over the impugned office order dated 15.08.2022 (*Annex:-N*) whereby appellant was removed from service against which appellant preferred Departmental Appeal (*Annex:-O*) on 22.08.2022 but the same was not disposed of within the statutory period of 90 days.
11. That appellant being aggrieved of the impugned order dated 15.08.2022, files the instant Service Appeal inter-alia on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 and 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That the impugned order dated 15.08.2022 was issued by the incompetent authority as appellant was transferred from Mardan to Malakand vide office



order dated 11.08.2022 (*Annex:-P*). He was relieved by the concerned Headmaster in order to assume the charge against the subject post at Malakand vide Relieving Slip dated 13.08.2022 (*Annex:-Q*). He consequently took over the charge at GPS Matkani, District Malakand vide Arrival Report (*Annex:-R*)

- C. **That** discrimination has been meted out towards the appellant because similar placed employees were issued Show Cause Notices which were later on withdrawn and now they are regularly performing their duties against the subject post while appellant was singled out despite the fact that the Writ Petition filed by the appellant was allowed by the Hon'ble Peshawar High Court, Peshawar and the same as upheld by the Apex Court, therefore, as per Article-25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973 similarly placed persons are supposed to be treated alike. Reliance is placed on:

**2002 SCMR 82**

*---Art.25---Equality before law---Employer could not mete out different treatment to two groups of its employees,. as dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart it.*

Likewise, Reference is made to the *Sheikh Riazat-ul-Haq case that under Article-9 of the Constitution a civil servant has fundamental rights to be treated as per law*. Reliance is placed on 2017 PLC(CS) Note 23 which is as under;-

*“Article-25: ..... Discrimination ..... Similar treatment .... Scope ..... Alike should be treated Alike.”*

- D. **That** it is transpired from the Judgment of the Hon'ble Peshawar Court, Peshawar wherein the Department was directed to arrange and manage the requisite training course for appellant and others and provide them opportunity to acquire the requisite Training Certificate, which the Department failed to do inspite of repeated requests by the concerned quarter to the Department to forward the data/names of the appellant and sacked employees for training, therefore, appellant should not be made to suffer for the acts and omissions of the Department.

- E. **That** the acts and omissions of the Department are not only based upon malafide intention but also squarely falls within the ambit of contempt of Court of lawful orders of the Hon'ble High Court which was maintained by the Apex Court, therefore, the Department has failed to comply with the Court directions without any legal justification, therefore, the impugned office order dated 15.08.2022 is not tenable in the eye of law.
- F. **That** the requisite training for the PTC/PST has been abolished (*Annex:-S*) by the Provincial Government, therefore, the objection is no more in field. Moreover, as has already been explained hereinabove that the process of training was deliberately kept pending by the Department. It is further added that as per Article-189 of the Constitution of Islamic Republic of Pakistan, 1973 judgment of the Hon'ble Supreme Court is binding upon all the Institutions of the Government.
- G. **That** no proper opportunity has been provided to the appellant in the Minutes of the Meeting dated 12.08.2022 on the basis of which the impugned order dated 15.08.2022 was passed, therefore, appellant was supposed to be represented in the Meeting and if he would have been heard then he would have been explained his position well and turning decision definitely in his favor.
- H. **That** appellant was supposed to be treated as per Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 because the legislation has codified the word "*shall*", therefore, appellant has not been treated in accordance with law and rules. Thus the impugned order is void ab-initio in the eye of law and is liable to be brushed aside.
- I. **That** Rule-2(1)(l) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 stipulates misconduct. The bear perusal of the same will reveal that the acts and omissions as have been attributed to appellant do not fall within the definition of misconduct. Moreover, it has been narrated that infact Department was/is responsible for the failure in arranging the requisite training.

J. **That** a proper mechanism has been provided in Rule-5 of the Rules *ibid*, wherein it was held that:

*5(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against Government servants under these rules it shall either:-*

*(a) Proceed itself against the accused by issuing a Show Cause Notice under Rule-7 and, for reasons to be recorded in writing, dispense with inquiry."*

Therefore, neither Show Cause Notice nor Statement of Allegations were served upon appellant rather he was condemned unheard and the impugned order has been issued at his back.

K. **That** it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collecting of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross-examining the witnesses. Thus the impugned order is nullity in the eye of law and hence liable to be set aside.

L. **That** no opportunity of personal hearing was afforded to the appellant neither by the competent authority, nor by the Enquiry Officer nor even by the appellate authority which are the mandatory requirements of law. Reliance is placed on 2003 SCMR 1126, which states that:-

*"where the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be void ab-initio."*

Further reliance is placed on PLD 2008 SC 412 which states as under:-

*"Natural Justice, principles of --- Opportunity of hearing --- Scope --- order adverse to interest of a person cannot be passed without providing him an opportunity of hearing --- Departure from such rule may render such order illegal."*

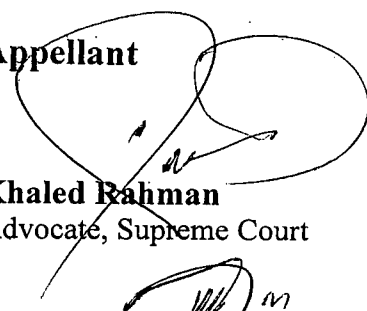
It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.



**Appellant**

**Through**




**Khaled Rahman**  
Advocate, Supreme Court

**&**



**Muhammad Amin Ayub**

**&**



**Muhammad Ghazanfar Ali**  
Advocates, High Court

**Dated: 25 /10/2022**

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2022

Muhammad Naeem ..... Appellant

Versus

The Govt. of KPK and others ..... Respondents

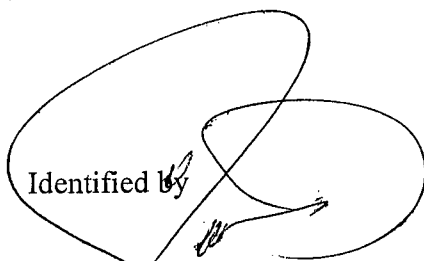
**Affidavit**

I, Muhammad Naeem S/o Sarfaraz Khan, Ex-PST, GPS Dad Muhammad Kaley, District Mardan, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.



Deponent

Identified by

  
Khaled Rahman  
Advocate, Peshawar

APPOINTMENT.

OFFICE ORDER.

*Amor A*

Mr. Mohamed Nasser / District Hardar is hereby appointed as PTC, Un-Trained Teacher at 975 Charge Sir Killya in BES-2 (Gr. 4000/PM fixed plus usual allowances and increments to him under the rules with immediate effect in the interest of public service with the following terms and conditions:

TERMS AND CONDITIONS.

1. His appointment is made purely on temporary basis is liable to termination at any time without assigning any reason or notice.
2. In case of resignation he will have to submit one month prior notice to the Department or forthwith one month pay in lieu thereof to the Govt.
3. He is required to produce health and age certificate from the M/S. DRQ Hospital Hardar before taking over charge.
4. His original certificate should be checked before handing over charge.
5. He shall be governed by such services discipline and conduct rules have been or may be prescribed thereafter by the Government.
6. He should not be allowed to take over charge if his age is less than 18 years and above than 20 years.
7. If he fails to take over charge of the post within 15 days on the issue of this order his appointment order will be cancelled.
8. FO, TA/DA etc is allowed.
9. Charge report should be submitted to all concerned.
10. *He will take over charge on 14/11/76*

DISTRICT EDUCATION OFFICER,  
(Male) PRIMARY EDUCATION

Endot. No. 268/76 / S. No. 25 / Appt. PTC / AB, Dt. 14/11/76

Copy of the above is forwarded to the

1. The Sub-Divisional Education Officer (Male) Hardar/ Taluk. Mohl.
2. Candidate Concerned

*[Signature]*  
DISTRICT EDUCATION OFFICER,  
(Male) PRIMARY EDUCATION

0001	0010
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- 10

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MARDAN  
APPOINTMENT.

OFFICE ORDER.

Mr. Muhammad Naeem Khan S/O Sarfaraz Khan R/o Takht Bhai  
District Mardan is hereby appointed as PTC Un-Trained Teacher at GPS Charagh Din Kaley in  
BPS-07 Rs.1480/PM fixed plus usual allowances as admissible to him under the rules with  
immediate effect in the interest of public service with the following terms and conditions:

TERMS AND CONDITIONS

1. His appointment is made purely on Temp: basis in liable to termination at any time without assigning any reason or notice.
2. In case of resignation he will have to submit one Month prior notice to the Department or forfeit one month's pay in lieu thereof to the Govt.
3. He is required to produce Health and age certificate from the M/S DHQ Hospital Mardan before taking over charge.
4. His original certificate should be checked before handing over charge.
5. He shall governed by such services discipline and conduct rules have been or may be prescribed thereafter by the Govt. NWFP.
6. He should not be allowed to take over charge if his age is less than 18 years and above 30 years.
7. If he fails to take over charge of the post within 15 days on the issue of this order his appointment order will be cancelled.
8. No TA/DA etc. is allowed.
9. Charge report should be submitted to all concerned.
10. He wil take over charge w.e.f. 1.9.96

DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY MARDAN

Endst: No. 2487/G/F.No.25/Apptt:PTC/I-AE

Dt: 26-5-96

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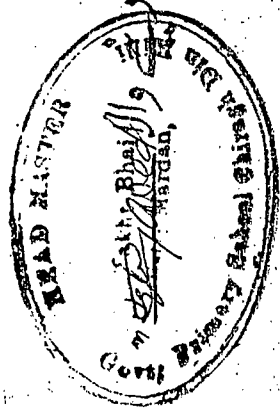
1. The Sub-Divisional Education Officer (Male) Mardan/Takht Bhai
2. Candidate concerned.

Sd/  
DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY MARDAN

چارج ریپورٹ

میں سبھی خوردینم صلا نے آج بمورثہ 01-09-96  
قبل از دوپہر بجیت پی۔ پی۔ سی ٹیچر گورنمنٹ پرائمری سکول جرائع ذریعہ  
میں اپنے عہدے کا چارج سنبھالا بحکم ڈی۔ ای۔ او (میل)

مردانہ بمطابق آرڈر نمبر 2487/94 مورثہ 26-5-96  
رپورٹ برائے ضروری کارروائی ارسال فرماتے ہیں۔



چارج لینے والا  
مدرسہ جامعہ اسلامیہ  
مکھنڈ  
ڈائریکٹر اور سکول بورڈ  
تاریخ



12  
Annex B

Sacked Employees (Appointment) Act, 2012

**Khyber Pakhtunkhwa  
Sacked Employees (Appointment) Act, 2012**

<sup>1</sup>[Act XVII of 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

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 enactment;

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 1st day of November, 1993 to 30th 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 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st day of December 1998 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.

**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 older 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.

- 14

Sacked Employees (Appointment) Act, 2012

(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, to be constituted 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.

**8. 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.

**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.

-15

Amir C

IN THE PESHAWAR HIGH COURT PESHAWAR  
WRIT PETITION No. 4762/2016



1. ✓ Mst. Khadija  
D/o Khan Bahadar,  
R/o Village Mayar, Mardan.
2. ✓ Mst. Saceda Anwar  
w/o Muhammad Ikram,  
R/o Babar Khel, Sawaldher, Mardan.
3. ✓ Mst. Shaheen Begum  
D/o Fuzli Wahid,  
R/o Mohallah Babar, Takkar Road, Mardan.
4. ✓ Mst. Mufida Begum D/o Taj-ur-Rehman,  
R/o Village Gujrat, Mardan
5. ✓ Mr. Arshid Ali S/o Saif-ur-Rehman,  
R/o Mohallah Qiyam-ud-Din,  
Shamsi Road, Mardan.
6. ✓ Mr. Fayaz Khan S/o Gul Barg,  
R/o Shahi Bagh, Gul Bagh, Mardan.
7. ✓ Mr. Amir Ali Shah S/o Hamid Ali,  
R/o Bostan-Abad, Shaheen Muslim Town, Peshawar.
8. ✓ Mr. Naveed Jan S/o Haji Ahmad Jan,  
R/o Mohallah Ahmad Abad, Supply Road, Peshawar
9. ✓ Mr. Muhammad Tariq S/o Wisal Muhammad  
R/o Mohallah Sikka Ram, Peshawar.
10. ✓ Mr. Muhammad Tahir S/o Malik Niaz Muhammad,  
R/o Village Markhel, Rajar, Charsadda.
11. ✓ Mr. Muhammad Amin S/o Hazrat Shah,  
R/o Mohallah Noorani, Amir Abad, Rajar, Charsadda.
12. ✓ Mr. Masood Jan S/o Farid Gul,  
R/o Fatmaceen Khel, Taurangzai, Charsadda
13. ✓ Mr. Zia-ur-Rehman S/o Khanimullah,  
R/o Village Pirpai, Mohallah Sadri Khel, Nowshera.
14. ✓ Mr. Asad Khan S/o Faqir Muhammad,  
R/o Rustam Khel, Mardan
15. ✓ Mr. Muhammad Iqbal S/o Isiam Gul,  
R/o Faqir Katey, Mardan.
16. ✓ Mr. Ghulam Qadir S/o Sher Bahadr,  
R/o Mohallah Baricham, Mardan.
17. ✓ Mr. Muhammad Naeem Khan  
S/o Sarfaraz Khan,  
R/o Village Pati, Takkar Road, Mardan
18. ✓ Mr. Fayaz Ahmad Shah S/o Gul Paras,  
R/o Mardan.
19. ✓ Mr. Muhammad Ikram S/o Gul Zada,  
R/o Tumbulak, Mardan.

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Peshawar High Court  
21 MAY 2018

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16 DEC. 2016

Correction  
in the name  
of Peshawar  
no 18  
13th court  
dt 14/4/17  
Abdullah

C

- 20. ✓ Mst. Nagina Jehanzeb,  
D/o Jehanzeb,  
R/o J/7, University Campus,  
University of Peshawar
- 21. ✓ Mr. Sajjad Ahmad Jan S/o Sultan Ahmad,  
R/o Papra Koroona, Tangi Road, Charsadda.
- 22. ✓ Mr. Muhammad Zahid Khan S/o Nisar Muhammad,  
R/o Mohallah Painda Khel, Charsadda.
- 23. ✓ Mr. Aslam Khan S/o Anwar Khan,  
R/o Bosa Khel, Charsadda Town, Charsadda. .... Petitioners

Versus

- 1. The Secretary  
Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education  
Department, Civil Secretariat, Peshawar.
- 2. The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.
- 3. The District Education Officer (Female)  
District Mardan
- 4. The District Education Officer (Male)  
District Mardan.
- 5. The District Education Officer (Male)  
District Charsadd
- 6. The District Education Officer (Male)  
District Peshawar
- 7. The District Education Officer (Female)  
District Peshawar
- 8. The District Education Officer (Male)  
District Nowshera..... Respondents

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

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

- 1. That petitioners are the permanent and bonafide residents of Districts Mardan, Peshawar, Charsadda and Nowshera. They were appointed as Junior Clerks, S.V/C.T, PST, C.T., Naib Qasid, P.E.T, D.M. and A.T on different dates after observing all the codal formalities vide orders dated 23.03.1996, 29.06.1995, 26.05.1996, 11.03.1996, 04.03.1996, 20.12.1994, 23.05.1996, 24.10.1996, 01.09.1996, 05.10.1996, 15.03.1996, 17.01.1996, 21.10.1996, 04.07.1996, 15.09.1996 and 25.03.1996. At the moment more of the petitioners are qualified

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EXAMINER  
Peshawar High Court  
21 MAY 2018

for the posts against which they were initially appointed.

2. That after their appointments, petitioners were satisfactorily and devotedly performing their duties for years to the entire satisfaction of the high-ups but with the change of Government, the successor Government out of sheer reprisal and to settle scores with the previous Government terminated the services of petitioners vide orders dated 19.12.1996, 06.01.1997, 13.02.1997, 17.01.1996, 23.05.1996, 15.09.1996, 06.01.1997, 31.05.1997, 26.06.1997, 18.10.1997 and 06.12.1997. (Appointment Orders/Credentials/ Termination Orders of Petitioners *Annex:-A*).
3. That after their termination, petitioners left no stone unturned and made inexorable and untiring efforts for restoration of their services. They have been agitating their genuine grievances before every forum, higher authority for the last more than 1½ decade but could not succeed with exception of some of their colleagues who within prescribed period of limitation approached the Hon'ble Khyber Pakhtunkhwa Service Tribunal and were reinstated with all back benefits by the Provincial Service Tribunal on 11.08.2003 and 02.05.2002 which were upheld by the Apex Court on 18.11.2004, and the Judgments then were implemented by the Department vide orders dated 20.04.2006, 19.12.2004 (*Annex:-B*). Previously a decision in this respect was taken by the Cabinet of the Provincial Government but the same was not implemented.
4. That in the years 2010 the Federal Government, while realizing the miseries of politically victimized sacked employees of the 1996-99 in view of their longstanding grievances/complaints, passed "*the Sacked Employees (Re-Instatement) Act, 2010*" (to be referred hereinafter as the Act of 2010) whereby all the employees appointed by the Government and then terminated by the next Government on political grounds/ considerations were reinstated into service.
5. That since the employees in the Provincial Government were also terminated during the same period of time on the same political grounds also needed similar treatment therefore the Provincial Government of Khyber Pakhtunkhwa also decided to reinstate similarly terminated employees, therefore, "*The Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012*" (to be referred hereinafter as "the Act of 2012") was passed by the Provincial Assembly of Khyber Pakhtunkhwa and assented to by the Governor on 17.09.2012 and notified on 20.09.2012 (*Annex:-C*).

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- 6. That since the promulgation of the Act of 2012 the same was not properly implemented in letter and spirit and by one way or the other its provisions were defeated by the interested quarters so as to deprive the deserving candidates including the petitioners although they properly applied to the competent authority for their appointment within 30% quota mandated by the Act but without any success.
- 7. That similarly other colleagues approached this Hon'ble Court in W.P.No.1662-P/2013 decided on 24.12.2014 (*Annex:-D*) which was recently implemented vide orders dated 14.04.2016 (*Annex:-E*) which was followed by another judgment dated 18.09.2015 (*Annex:-F*) passed in W.P.No.3592-P/2014. Since the case of petitioners is identical, therefore, they are also entitled to the same relief under the principle of consistency and equality before law.
- 8. That petitioners time and again approached the Respondents for extending the benefit of the Act of 2012 but they have unlawfully refused, therefore, having no other adequate and efficacious remedy, petitioners now file this constitutional petition inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated petitioners in accordance with law, rules and policy on subject and acted in violation of Articles 4 and 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully refused to extend the benefit of the Act of 2012, which is unjust, unfair, and hence not sustainable in the eye of law.
- B. That petitioners are entitled to be re-appointed under the Act of 2012 inas much as they are covered by the definition of the Sacked Employees as well as other beneficial provisions of the Act but the Respondents are denying the rights of petitioners without any justification muchless lawful which has resulted in miscarriage of justice.
- C. That this Hon'ble Court has interpreted the Provisions of the Act of 2012 in favour of other similarly placed colleagues of the petitioners and granted them relief vide Judgments ibid which were then implemented by the Respondents. Petitioners are also entitled to the same relief being similarly placed under the principle of consistency and equality as per the judgments laid down by Hon'ble

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Supreme Court of Pakistan in the cases of "*Hameed Aklutar Niazi ...Vs...The Secretary Establishment Division, Government of Pakistan and others*" reported in 1996 SCMR 1185 and in the case of "*Tara Chand and others...Vs... Karachi Water and Sewerage Board, Karachi and others*" reported in 2005 SCMR 499 and another Judgment reported in 2009 SCMR 1 wherein it has been laid down that "when a Tribunal or Court decides a point of law relating to the terms of service of a civil servant which covered not only the case of the civil servants who litigated, but also of other civil servants, who might have not taken any legal proceedings, the dictates of justice and rules of good governance demand that the benefits of the decision be extended to the other civil servants, who might not be parties to the litigation instead of compelling them to approach the Tribunal or any other forum."

D. That it will not be out of place to mention here that the policy of appointment of untrained teachers by the Education Department of the Government was fully in vogue at the time of appointment of petitioners and even till 2011 and financial benefits were allowed to teachers for the untrained period of their service in 2009. Now more of the Petitioners have acquired the relevant qualifications of the posts against which they were initially appointed and at the moment they are qualified for the posts may over and above the prescribed qualification for the posts.

E. That after their appointments in the Education Department and serving for years, Petitioners had acquired rich teaching experience which has also not been taken into account by the Respondents. Since the promulgation of the Act of 2012, 04 selection process have been done wherein more than 1000 vacancies have been filled out of which quota of the Sacked employees has not been observed which is still outstanding as per the Act of 2012.

F. That the very object of the Act of 2012 was to redress the grievances of Petitioners and to provide them justice for which Petitioners and other similarly sacked employees have been craving for more than one and half decade and therefore, it was a beneficial legislation but because of the denial on the part of the Respondents to obey the law, the object of the Act was frustrated, therefore, the refusal of the Respondents to extend the benefit of the Act of 2012 to petitioners is not sustainable in the eye of law.

For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may graciously be pleased to declare the refusal of the

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Respondents to extend the benefit of Act of 2012 to petitioners by appointing them against the requisite posts in 30% quota reserved for the sacked employees, as without lawful and hence of no legal effect and this august Court may further be pleased to direct the Respondents to act in the matter in accordance with law and to appoint petitioners against their requisite posts w.e.f. the due date with all consequential back benefits.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioners.

Interim Relief

By way of interim relief, the Respondents may graciously be restrained for making fresh appointments till the final disposal of the instant writ petition.

Dated: 03/11/2016

Through

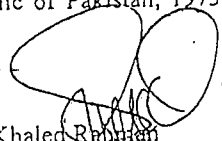
Petitioners  
*[Signature]*  
Khaled Rahman  
Advocate  
Supreme Court of Pakistan

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EXAMINER  
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21 MAY 2016

CERTIFICATE

Certified on instruction that petitioners have not previously moved this Hon'ble Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 regarding present matter.


  
Khaled Rehman  
Advocate, Peshawar

List of Books

1. The Constitution of the Islamic Republic of Pakistan, 1973.
2. Services Law.

NOTE

1. Three spare copies of the Writ Petition are enclosed in a separate file cover.
2. Memo of addresses is also attached.

  
Khaled Rehman  
Advocate, Peshawar

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Peshawar High Court  
21 MAY 2018

IN THE PESHAWAR HIGH COURT PESHAWAR

W.P. No. 1762 / 2016

Mst. Khadija etc ..... Petitioners

Versus

The Secretary E&SE and others ..... Respondents

Affidavit

I, Mr. Muhammad Tariq (Petitioner No.7) S/o Wisal Muhammad R/o Mohallah Sikka Ram, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this writ petition are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.

*[Signature]*  
Deponent

17301-3285265-7

Identified by  
*[Signature]*  
Khaled Rahman  
Advocate, Peshawar

No. 13438  
Certified that the above was verified on solemnly  
affirmation before me in office, this 16  
day of Dec 2016 by Muhammad Tariq  
s/o Muhammad Wisal Peshawar  
who was identified by Khaled Rahman  
Who is personally known to me:  
*[Signature]*  
Oath Commissioner  
Peshawar High Court Peshawar.

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*[Signature]*  
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Peshawar High Court  
21 MAY 2018

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IN THE PESHAWAR HIGH COURT PESHAWAR

W.P. No. 4762 / 2016

Mst. Khadija etc ..... Petitioners

Versus

The Secretary E&SE and others ..... Respondents

Addresses of Parties

1. Mst. Khadija  
D/o Khan Bahadar,  
R/o Village Mayar, Mardan.
2. Mst. Saeeda Anwar  
w/o Muhammad Ikram,  
R/o Babar Khel, Sawaldher, Mardan.
3. Mst. Shaheen Begum  
D/o Fazli Wahid,  
R/o Mohallah Babar, Takkar Road, Mardan.
4. Mst. Mufida Begum D/o Taj-ur-Rehman,  
R/o Village Gujrat, Mardan
5. Mr. Arshid Ali S/o Saif-ur-Rehman,  
R/o Mohallah Qiyam-ud-Din,  
Shamsi Road, Mardan.
6. Mr. Fayaz Khan S/o Gul Barg,  
R/o Shahi Bagh, Gul Bagh, Mardan.
7. Mr. Amir Ali Shah S/o Hamid Ali,  
R/o Bostan Abad, Shaheen Muslim Town, Peshawar.
8. Mr. Naveed Jan S/o Haji Ahmad Jan,  
R/o Mohallah Ahmad Abad, Supply Road, Peshawar
9. Mr. Muhammad Tariq S/o Wisal Muhammad  
R/o Mohallah Sikka Ram, Peshawar.
10. Mr. Muhammad Tahir S/o Malik Niaz Muhammad,  
R/o Village Markhel, Rajar, Charsadda.
11. Mr. Muhammad Amin S/o Hazrat Shah,  
R/o Mohallah Noorani, Amir Abad, Rajar, Charsadda.
12. Mr. Masood Jan S/o Farid Gul,  
R/o Fatmacen Khel, Taurangzai, Charsadda
13. Mr. Zia-ur-Rehman S/o Khanimullah,  
R/o Village Pirpai, Mohallah Sadri Khel, Nowshera.
14. Mr. Asad Khan S/o Faqir Muhammad,  
R/o Rustam Khel, Mardan
15. Mr. Muhammad Iqbal S/o Islam Gul,  
R/o Faqir Kaley, Mardan.

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- 16. Mr. Ghulam Qadir S/o Sher Bahadr,  
R/o Mohallah Baricham, Mardan.
- 17. Mr. Muhammad Naeem Khan  
S/o Sarfaraz Khan,  
R/o Village Pati, Takkar Road, Mardan
- 18. Mr. Fayaz Ahmad Shah S/o Gul Paras,  
R/o Mardan.
- 19. Mr. Muhammad Ikram S/o Gul Zada,  
R/o Tambulak, Mardan.
- 20. Mst. Nagina Jehanzeb,  
D/o Jehanzeb,  
R/o J/7, University Campus,  
University of Peshawar
- 21. Mr. Sajjad Ahmad Jan S/o Sultan Ahmad,  
R/o Papra Koroon, Tangi Road, Charsadda.
- 22. Mr. Muhammad Zahid Khan S/o Nisar Muhammad,  
R/o Mohallah Painsa Khel, Charsadda.
- 23. Mr. Aslam Khan S/o Anwar Khan,  
R/o Bosa Khel, Charsadda Town, Charsadda..... Petitioners

Versus

- 1. The Secretary  
Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education  
Department, Civil Secretariat, Peshawar.
- 2. The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.
- 3. The District Education Officer (Female)  
District Mardan
- 4. The District Education Officer (Male)  
District Mardan.
- 5. The District Education Officer (Male)  
District Charsadd
- 6. The District Education Officer (Male)  
District Peshawar
- 7. The District Education Officer (Female)  
District Peshawar
- 8. The District Education Officer (Male)  
District Nowshera..... Respondents

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16 DEC 2016

Through

Petitioners

*Khaled Usman*  
Advocate  
Supreme Court of Pakistan

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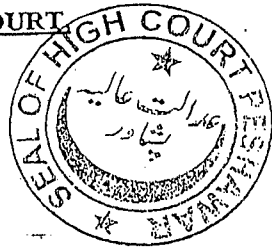
EXAMINER  
Peshawar High Court

21 MAY 2018

Dated: 03/11/2016

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IN THE PESHAWAR HIGH COURT  
PESHAWAR,  
Judicial Department.



Writ Petition No.4762-P/2016

Mst. Khadija d/o Khan Bahadar,  
r/o village Mayar, Mardan and  
22 others.

Petitioner (s)

VERSUS

The Secretary,  
Govt of KP, Elementary & Secondary Education,  
Department, Civil Secretariat, Peshawar and others.

Respondents

For Petitioners :-  
For Respondents :-

Mr. Khaled Rehman, Advocate.  
Mr. Moeen ud Din Hamayoun, AAG.

Date of hearing: 15.05.2018

JUDGMENT

ROOH-UL-AMIN KHAN, J:- By invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 (the Constitution), Mst. Khadija and 22 others, the petitioners, seek issuance of a writ to the effect that refusal of the respondents about their re-instatement against 30% quota reserved for sacked employees be declared as illegal, unlawful and without lawful authority and the respondents be directed to extend the benefit of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (the Act of 2012), to the petitioners and re-instate them in the service against the aforesaid quota.

*Rooh-ul-Amin*

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2. In essence, the grievance of the petitioners is that during the period 1995-1996, they were appointed as Junior Clerks, SV/CTs, PSTs, Naib Qasids, PETs, DMs and ATs, on different dates, in the Education Department, Peshawar, Mardan and Charsadda, but with the change of the Government, they were terminated from the service on the pretext of alleged irregularities in their appointments. The petitioners agitated their grievance before different fora but their efforts proved abortive. In the year 2010, the Federal Government enacted 'the Sacked Employees (Re-Instatement) Act, 2010' (the Act of 2010) to provide relief to persons in corporation service or autonomous or semi autonomous bodies or in the Government service who were dismissed, removed or terminated from service. The Provincial Government of Khyber Pakhtunkhwa while following the Act of 2010, also enacted 'the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012' (the Act of 2012) so as 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 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

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1<sup>st</sup> day of November, 1996 to 31<sup>st</sup> day of December, 1998 on various grounds.

3. Respondents have filed their Para-wise comments, wherein it is averred that under the Act of 2012, sacked employee is 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 a period from 1<sup>st</sup> day of November, 1993 to 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. It is further averred in the comments that some of the petitioners being lacking the prescribed academic qualification and criteria laid down by the Act of 2012, and some being untrained, could not be extended benefit of the Act of 2012.

4. Having heard the arguments of learned counsel for the parties, it would not be out of the context to mention here that the controversy of re-instatement of sacked employees cropped up before this Court in "Writ Petition No.1662-P/2013, titled, "Hazrat Hussain etc Vs the Govt of Khyber Pakhtunkhwa and others"" which was decided on 24.12.2014, in the following way:-

"It is worth to note that persons similarly, placed with the petitioners have been re-instated by the department while giving effect to the judgments

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Peshawar High Court  
24.12.2014



given by the Khyber Pakhtunkhwa Service Tribunal. Moreso, one Mst. Gul Rukh whose services were terminated by the respondents along with the petitioners, has been appointed under the Act vide order dated 09.05.2013. It is cardinal principle of law that similarly placed persons should be treated alike and no different yard stick should be used while redressing their grievances. It is the hall mark and grundnorm of our constitution that every person is entitled to equal protection of law. Not only similarly placed colleagues of the petitioners have been appointed by the respondents but the petitioners are also entitled to the relief given to the sacked employees under the Act.

For what has been discussed above, we admit and accept both the writ petitions and direct the respondents to consider the petitioner for their appointment in accordance with the provision of the Act."

Subsequently, *W.P. No.516-A/2013, titled, "Ifikhar Khan etc Vs Govt of Khyber Pakhtunkhwa etc"* and so many other writ petitions, were filed by the sacked employees with regard to relief of their reinstatement in service, before the Abbottabad Bench of this Court, which were disposed of through a common judgment dated 24.05.2016, placed in *W.P. No.516-A/2013*, in the following terms:-

- i. *That the petitioners though eligible for appointment but not equipped with training certificate, shall be considered for re-instatement against their respective posts under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 immediately;*
- ii. *The concerned District Education Officer shall scrutinize the case of each individual petitioner independently;*
- iii. *Thereafter the department shall arrange and manage the requisite training course for them and the petitioners shall be provided opportunity to acquit the requisite training certificate;*
- iv. *In case the petitioner failed to acquire the requisite training certificate within the stipulated period, specified by the department, their services shall stand terminated automatically.*

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**TESTED**  
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*Needless to remark that the respective EDOs of each district shall complete the process of reinstatement of the petitioners within one month, positively.*

The aforesaid judgment of this Court was impugned before the Hon'ble apex Court in *C.P. No.401-P/2016* by the Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar, and the Hon'ble Supreme Court while maintaining the judgment of this Court vide judgment dated 24.05.2017 observed as under:-

"We have been apprised by learned counsel for the respondents that according to the advertisement and appointment letters issued to the respondents, two kinds of candidates could be appointed (i) those who have the requisite academic qualifications and training (ii) those who have the requisite academic qualification but do not possess the necessary training. As regards the second category, such persons would be provided with an opportunity to complete the training within a specific period. This is exactly what the learned High Court as allowed in the relief granting portion of the impugned judgment. Undoubtedly, this is in consonance with the Department's own advertisement and the terms and conditions of service, therefore, the learned High Court did not fall into any error by requiring the Department to allow the respondents to complete training within a specific period of time and to take action against them in case of failure to do so. No exception can be taken to the impugned judgment, which is upheld. Resultantly, Civil Petition No.401-P/2016 is dismissed on merit. The connected petitions are also dismissed on the above score and for being time-barred as no sufficient cause has been shown for condonation of delay."

5. In section 2 (g) of the Act of 2012, sacked employee has been defined as under:-

"Sacked employee" means a person who was appointed on regular basis to a civil post in the province and who possessed the prescribed

**ATTESTED**  
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Peshawar High Court  
21 MAY 2018

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."

The petitioners having been appointed during the period in between 1995-96, do fall within the meaning of section 2 (g) of the Act of 2012. Section 3 of the Act (ibid), provides mechanism for appointment of the sacked employees, according to which on commencement of the 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. Proviso attached to section 3 provides that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department and according to second proviso attached to section 3 provides 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. The case of the present petitioners is not on different footing from the other sacked employees who have already been granted the relief of re-instatement in their service in light of decision of the Service Tribunal as well as the judgment of this Court and the Hon'ble

*Luokla Sam*

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Perthwar High Court  
21 MAY 2019

Supreme Court (supra). The respondents have not specifically mentioned as to what kind of the academic qualification the petitioners are lacking. So far as the objection of the respondents that some of the petitioners are untrained is concerned, suffice to say that this objection has exhaustively been dealt with by the Hon'ble apex Court in the judgment (supra), that according to the advertisement and appointment letters issued to the petitioners, two kinds of candidates could be appointed (i) those who have the requisite academic qualifications and training (ii) those who have the requisite academic qualification but do not possess the necessary training. As regards the second category, such persons would be provided with an opportunity to complete the training within a specific period.

6. It is golden principle of law that alike shall be treated alike which has further been elaborated by the apex Court in the case of "Hameed Akhtar Niazi Vs the Secretary Establishment Division, Government of Pakistan and others" reported as (1996 SCMR 1185) and again in the case of "Government of Punjab through Secretary Education and others Vs Sameena Parveen & others" reported as (2009 SCMR 01), in the following words"-

*Handwritten signature/initials*

*"If a Tribunal or this Court, decides a point of law relating to the terms and conditions of a civil servant, who litigated and there were other civil*

**ATTESTED**  
 EXAMINER  
 Peshawar High Court  
 24 MAY 2018

servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the same decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum".

7. For the reasons discussed above, we see no reason and ground, much less convincing to differ with the view already taken by this Court in the aforesaid writ petition and affirmed by the Hon'ble apex Court. Accordingly, the instant writ petition is disposed of in the manner that the respondents shall consider the petitioners strictly in accordance with the mode and manner set out by this Court in its judgment dated 24.05.2016 in W.P. No.516-A/2013, and upheld by the august apex Court in its judgment dated 24.05.2017.

Announced:  
15.05.2018

*Sh. Rooh-ul-Amin Khan*  
*Sh. Iqbal Hussain*

Siraj Afridi P.S.

*[Handwritten notes]*

22987

No. ....

Date of Presentation ..... *12/5/18*

No. of Pages ..... *12*

Copying ..... *262*

Urgent ..... *2415712*

Total ..... *7115712*

Date of Entry ..... *11/5/18*

Date of Delivery ..... *11/5/18*

Received By ..... *[Signature]*

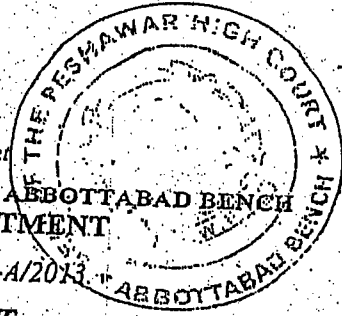
JUDGE

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EXAMINER  
IN THE HIGH COURT OF SINDH  
AT KARACHI  
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*[Signature]*

33 Annex D



Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH  
JUDICIAL DEPARTMENT

Writ Petition No. 516-A/2013

JUDGMENT

Date of hearing.....24.05.2016.....  
Petitioners Iftikhar Khan by Mr. Mohammad Asghar Khan  
Respondents Govt etc Mr. Mohammad Aslam Abbasi

\*\*\*\*\*  
ROOF-UL-AMIN KHAN, J.- Through this single judgment we intend to dispose of connected W.P.No. 20-A/2014 titled "Akram Khan & 05 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 03 others", W.P.No. 546-A/2013 titled "Waseem Gul Khan & 87 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 14 others", W.P.No. 676-A/2015 titled "Abdul Razzaq Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others", W.P.No.105-A/2015 titled "Mst. Salma Noreen & 04 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 03 others", W.P.No. 189-A/2015 titled "Muhammad Zafar Iqbal Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE)

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Examiner  
Peshawar High Court  
Abbottabad Bench  
28/5/16

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Peshawar & 02 others", W.P.No. 216-A/2015 titled  
 "Muhammad Nawaz & 46 others Vs. Government of Khyber  
 Pakhtunkhwa through Secretary Education (E&SE) Peshawar  
 & 03 others", W.P.No. 1155-A/2015 titled "Rashid Iqbal & 14  
 others Vs. Government of Khyber Pakhtunkhwa through  
 Secretary Education (E&SE) Peshawar & 02 others", W.P.No.  
 7(2)-A/2014 titled "Shaheen Akhtar Vs. Government of Khyber  
 Pakhtunkhwa through Secretary Education (E&SE) Peshawar  
 & 02 others and W.P.No. 115-A/2014 titled "Khalid Khan &  
 another Vs. Government of Khyber Pakhtunkhwa through  
 Secretary Education (E&SE) Peshawar & 02 others" as the  
 petitioners of all these petitions have prayed for reinstatements  
 in their services on the basis of "Khyber Pakhtunkhwa Sacked  
 Employees (Appointment) Act, 2012".

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 Examiner  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized under Section 23 Act Ordinance

28/01/15

S  
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2. Succinct facts leading to the instant petitions are that the  
 petitioners were appointed by the respondents against their  
 respective posts in accordance with the prescribed method of  
 recruitment and later on their services were illegally terminated  
 by the respondents, whereafter the Government of Khyber  
 Pakhtunkhwa introduced "Khyber Pakhtunkhwa Sacked  
 Employees (Appointment) Act, 2012" whereunder the

respondents were bound to reinstate the petitioners as per criteria mentioned in the Act ibid but they did not appoint the petitioners inspite of the fact that more than hundreds posts were lying vacant in different cadres and were available in the establishment of respondent No.3, which conduct of the respondents towards the petitioners, being perverse, callous, mala fide, is liable to be declared illegal and against the law. Initially comments of the respondents were called for, which were submitted accordingly wherein the claim of petitioner was refuted on the grounds that at the time of initial appointment, petitioners were not qualified to be selected as teacher, as they were not possessing the requisite training certificates.

3. In essence, grievance of the petitioners is that they were recruited by the respondents after fulfilling all the legal and codal formalities but their services were terminated in the year 1996-97 on the basis of political victimization; however, the Provincial Government promulgated the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 for reinstatement of the employees, who had been appointed on regular basis to a civil posts in the Province and equipped with the prescribed

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 Abbottabad Bench  
 Authorized Under Section 49 of the  
 28/5/11

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36

qualification and experience of sacked employees at the time during the period from 01.11.1993 to 30.11.1996.

4. In pursuance of the enabling provisions of the Act, the petitioners approached the respondent-department but were refused the benefit of the Act ibid on the sole ground that at the time and during their initial service they were lacking the prescribed teaching training.

5. At the very outset, learned counsel for the petitioner produced a judgment of this court rendered in W.P.No. 1662-P/2013, whereby the respondents were directed to consider the untrained teachers for appointments against their respective posts, for the reason that at the time of initial appointments of the employees, under the laid down criteria, the untrained candidates were made eligible for appointment against the post of PTC.

6. The learned Additional Advocate General representing the respondent-department reiterated the same old arguments that the petitioners were lacking the requisite training certificate, therefore, under the Act ibid they cannot be considered for appointment.

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Examiner  
Peshawar High Court  
Abbotabad Bench  
Authorized Under Section 20 of the  
28/8/16

*[Handwritten signature]*

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7. We are not in consonance with the arguments advanced by the learned AAG for the reason that the respondent-department itself has considered numerous employees under the Act *ibid*, who were not in possession of the training certificate whereas they were provided opportunity to complete their training within three years. The relevant para of the reinstatement order / notification of various employees is reproduced below for ready reference: -

*For the Trainee*

Certified to be a true copy  
 of the original  
 Peshawar High Court  
 Abbottabad Bench  
 Audited under Sec. 75 of the  
 28/8/15

"16. In case of having less qualification which ever is prescribed intermediate / FA for PST as well as PST certificate as professional the candidate must be qualified both the academic / professional qualification within three years after issue of this appointment order, failing which their appointment order shall stand terminated automatically, without any further period."

8. It is golden principle of law that alike shall be treated alike which has further been elaborated by the apex court in the case of "*Hameed Akhtar Niazi Vs. The Secretary, Establishment Division, Government of Pakistan & others*" reported as 1996 SCMR 1185 and again in the case of "*Government of Punjab through Secretary Education & others*"

*Lawyer*

36

*Vs. Sameena Parveen & others*" reported as 2009 SCMR 01

where it has been held as under: -

"if a Tribunal or this Court, decides a point of law relating to the terms and conditions of a civil servant, who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the same decision be extended to other civil servants also, who may not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum."

منسوخ

9. In view of the above, all these petitions are disposed of in the following terms: -

Delivered by: *[Signature]*  
28/8/16  
Peshawar High Court  
Abbottabad Bench

*[Handwritten signature]*

- i. That the petitioners though eligible for appointment but not equipped with training certificate, shall be considered for reinstatement against their respective posts under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 immediately;
- ii. The concerned District Education Officer shall scrutinize the case of each individual petitioner independently;
- iii. Thereafter, the department shall arrange and manage the requisite training course for them and the petitioners shall be provided opportunity

منسوخ

to acquire the requisite training certificate;

- iv. In case the petitioner failed to acquire the requisite training certificate within the stipulate period, specified by the department, their services shall stand terminated automatically

Needless to remark, that the respective EDOs of each district shall complete the process of reinstatement of the petitioners within one month positively.

Announced:  
24.05.2016

*Self*

Certified to be True Copy  
*[Signature]*  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Section 47(1) of the  
 28/5/16

No.	510
Date of presentation of application	28.5.16
No. of pages	3
Page No.	601
Page No.	71
Page No.	651
Date of issue	28/5/16
Date of presentation of copy	28.5.16

40 Annex E

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN**

**OFFICE ORDER**

In Compliance with Peshawar High Court Peshawar Coc No.511-2018 in Writ petition No.2438-2016, coc No.564-2018 in W.P No.2440-2016, Coc No.670-2018 in WP No.2439-2016, COC No.685-2018 in WP No.2440-2016, COC No.718-2018 in W.P No.2438-2016, 671-2016 in W.P No.4762-2016, the appointment order of the following candidate is hereby ordered against the vacant post of PST in BPS-12 (Basic plus usual allowances) as admissible under the rules under the existing policy of Provincial government in teaching cadre in Sacked employee quota on the terms and conditions given below with effect from the date of their taking overcharge.

S.No.	Name	Father Name	POST	School where appointed
1	HAZRAT ALI	SAID AHMAD KHAN	PST	GPS AHMAD ABAD TORU
2	ZUBAIR SHAH	ABDUL GHANI	PST	GPS ADA KATLANG
3	MAUROOD KHAN	FAQIR UR RAHMAN	PST	GPS PALOSAI FATMA
4	INAM ULLAH	M. AYUB KHAN	PST	GPS ZAMAN SHAH
5	HAZRAT MUHAMMAD	TAMASH GUL	PST	GPS TEKADAR KILLI
6	IFTIKHAR ALI	MIR BAHADAR	PST	GPS KHAIR ABAD
7	FALAK NAZ	MOMIN KHAN	PST	GPS SHAMANDROOZ KILLI
8	TAJ ALAM	YOUSAF KHAN	PST	GPS NO.3 KORAGH
9	RAHEEM KHAN	ALADAD	PST	GPS NARI SURANG
10	KHALID KHAN	ASLAM KHAN	PST	GPS KOTARPAN
11	RIAZ ALI	LAJBAR KHAN	PST	GPS BHAI KHAN
12	WAZIR MUHAMMAD	WALI MUHAMMAD	PST	GPS SHAGO KILLI KATLANG
13	FAZAL AHMAD SHAH	GUL PARAS	PST	GPS SHEIKH YOUSAF
14	M. NAEEM KHAN	SARFARAZ KHAN	PST	GPS DAD MUHAMMAD KILLI

**Terms & Condition:**


1. The appointment will be subject to the condition of decision of Supreme Court of Pakistan in the light of CPLA already pending, if the decision of the Honorable Supreme Court of Pakistan come against them, their appointment shall stand cancelled w.e.f the date of issuance.
2. No TADA etc is allowed
3. Charge report should be submitted to all concerned
4. Their appointment is subject to the conditions that their certificates/ documents and domicile should be verified from the concerned Authority before release of their Salary in the light of Section 3 of the said Act.
5. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
6. Their appointment has been made in pursuance of Khyberpakhtunkwa, Sacked employees (appointment) Act 2012, hence under section 5 of the said act, he shall not be entitled to claim any kind of seniority, promotion and other back benefits.
7. They will produce Health and Age Certificate from the M/S of D.H.Q Mardan.
8. Their appointment has been made in pursuance of Khyberpakhtunkwa, Sacked Employee Act 2012 hence under section 4 of the said Act the period during which they remained dismissed, removed or terminated from service till the date of his appointment shall have been automatically relaxed.
9. They should join their post within 15 days of the issuance of this Notification. In case of failure to join the post within 15 days of the issuance of this notification, his appointment will be consider as cancelled automatically and no subsequent appeal etc shall be entertained.
10. Their pay will be released after the verification of his documents by the SDEO/H.M/Principal concerned.
11. In case their/his documents are found fake/bogus on verification from issuing authority, the service of the official will be terminated and legal action be taken against him under the law.
12. The SDEO/Principal/H.M concerned should furnish a certificate to the effect that the candidate has joined the post or otherwise after 15 days of the issue of his posting/appointment order.

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*E*

- 41

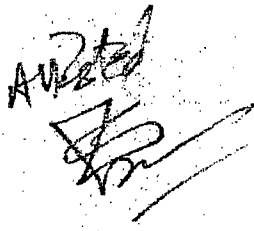
- 13 Their services can be terminated at any time in case of his performance is found unsatisfactory or cases of misconduct. He will be proceeded under the rules framed from time to time by the Govt.
- 14 In case of resignation they/ra will submit his one month prior notice to the Department, otherwise he will forfeit the gratuity pay/allowances to Government Treasury.
- 15 In case of having no prescribed qualification, the same may be obtained within 03 years after issuing of this order otherwise appointment will be automatically stand cancelled.
- 15 The competent authority resumes the right to rectify the errors/omission if any noted/observed at any stage in instant order issued erroneously.

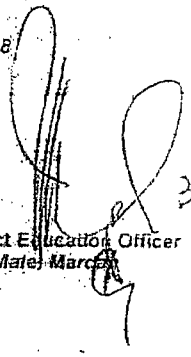
  
**IAZ ALI KHAN**  
 District Education Officer  
 (Male) Mardan

Encl: No. 8302/K Prg/Branch Dated 30-10- 2018

*Copy forwarded for information and necessary action to the:-*

- 1 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- 2 District Account Officer Mardan.
- 3 Principal/H. MSDEO(M) concerned.
- 4 Official Concerned.

  
 AVZED


  
 District Education Officer  
 (Male) Mardan

CHARGE REPORT - 112

Amir F

It is certified that Mr. Muhammad Naeem Khan has appointed as PST through order no. 8302/h on dated 30/10/018 by DEO (m) Pzj Mardan and has taken his charge on 07/11/018 at G.P.S Dad Muhammad Killi as PST before noon.

Charge Given by

  
HEADMASTER  
G.P.S Dad Muhammad Kallay  
Takit Bhai (Mardan)

Charge Taken by



F

43

**MEDICAL CERTIFICATE**

No. 1736/017

Name of Official Muhammad Naqam Khan 15402-1730027-7

Caste of Race Afghan

Father's Name Sarfraz Khan

Residence Mohallah Kari Khel Matkari Tahsil  
Balkhela District Malakand

Date of Birth 06-04-1975 (As per CNIC)

Exact Height by measurement 5-6

Exact mark of identification

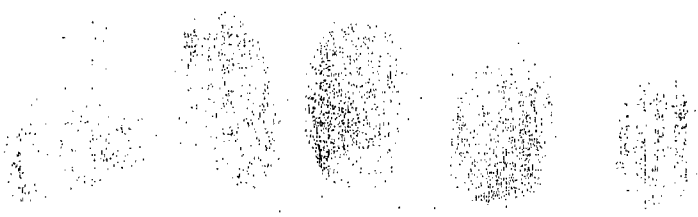
Signature of the Official


Signature of the Head of Office

Seal of Office

I do hereby certify that I have examined Mr. Muhammad Naqam Khan  
for employment in the office of the DEO (Male) Mardan  
and cannot discover that he had any disease communicable or other constitutional  
affection or bodily infirmity except Nil

I do not consider this is disqualification for employment in the office of the  
above as PST BPS-12 his age according to his own statement  
43 year and by appearance about year Forty three years



  
08/11/2018  
Medical Superintendent,  
DHQ Hospital, Mardan.

LEFT HAND THUMB AND FINGER IMPRESSION

Dated 08-11-2018



44 Anwar G

**PRESENT:** MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE UMAR ATA BANDIAL  
MR. JUSTICE IJAZ UL AHSAN

**CIVIL PETITIONS NO.481-P AND 482-P OF 2018**  
(Against the judgment dated 13.4.2018 of the Peshawar High Court,  
Peshawar passed in WP Nos.2439-P of 2016 & 2440-P of 2016)

Government of KPK through Secretary Elementary & Secondary  
Education Peshawar & others

...Petitioner(s)  
(In both cases)

**VERSUS**

Iftikhar Ali & others  
Abdul Ahad & others

In C.P.481-P/2018  
In C.P.482-P/2018  
...Respondent(s)

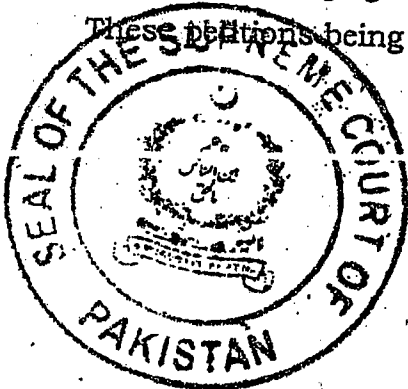
For the petitioner(s): Mr. Zanid Yousaf Qureshi, Addl. A.G.

For the respondent(s): Not represented

Date of hearing: 5.9.2018

**ORDER**

**MIAN SAQIB NISAR, CJ.-** The only point raised is that the respondents who sought restoration on the basis of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (the Act) were not working on a regular basis but against leave vacancies. Learned counsel could not satisfy us as to how that rendered the respondents disentitled to relief under the Act. We do not find any legal or factual error in the impugned judgment calling for interference by this Court. These petitions being without merit are, therefore, dismissed.



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Certified to be True Copy

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Islamabad, the  
5th of September, 2018  
Not Approved For Reporting  
M. Azhar Malik

G

Amal H

45



Directorate of Curriculum and Teacher Education  
Khyber Pakhtunkhwa, Abbottabad.

Phone #:0992-382634 Fax #:0992-381527 E-mail: dte-kpk@hotmail.com

No.6236-39/TFD/Pre-Service

Dated: 21/10/2019

10 Copy  
22/10/19

To

1. Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa.
2. All DEO (F/M),  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa.

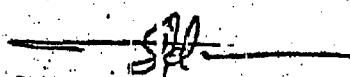
Subject: DATA OF SACKED EMPLOYEES OF DIFFERENT CADRES (PTC, DM, CT etc.)

Dear Sir /Madam,

I am directed to refer to E&SE Deptt. letter No.SO(B/T)E&SE-13/2009/PTE/PTC Training dated 16-10-2019, and to inform that the Directorate of Curriculum and Teachers Education is going to arrange condense courses of PTC,CT,DM, JDPE, etc for sacked employees in light of the Judgment of Honourable Peshawar High Court, Abbottabad Bench passed Writ Petition No. 516-A/2013.

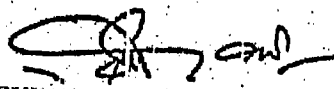
You are, therefore requested to provide complete data of sacked employees according to format as under.

S#	Name of teacher	Name of school	Course for training (PTC,CT,DM, JDPE)	Date of Appointment	Districts /Division
1.					
2.					

  
SUBJECT SPECIALIST (Pre-Service)

Copy for information to the:

1. Secretary Elementary & Secondary Education Department Government of Khyber Pakhtunkhwa Peshawar.
2. PA to Director local office.

  
SUBJECT SPECIALIST (Pre-Service)

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46

Page 1



OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER,  
(Male) Takht Bhal  
sdos@t.bhal@gmail.com

470 No. 17-13

To: The District Education Officer,  
(Male) Mardan.

Subject: DATA OF SACKED EMPLOYEE FOR PTC TRAINING.

Memo:  
Please refer to Directorate of Curriculum and Teacher Education Hyber Pakhtoon Khwa, letter No. 5235-39 dated: 21/10/2019, And No. 4619-21 dated: 26/10/2020 on the subject cited above. The requisite data of sacked PTC employees is submitted as under for further necessary action/process please.

S.No.	Name of P.T.C Teacher	Name of School / GPS	Course for training	Q.CI Assmt	Remarks
1.	Imran Khun	No. 1 Takht Bhal	PTC	09.10.2018	
2.	Shahir Dillih	Hbar Khan Kili	PTC	09.01.2018	
3.	Taj Muhammad	Afzal Abad No.1	PTC	09.10.2018	
4.	Murshid Ali	Ganjai	PTC	09.10.2018	
5.	Muhammad Ibrahim	No. 4 Takht Bhal	PTC	02.03.2018	
6.	Fazl Wahki	Afzal Abad	PTC	30.10.2018	
7.	Ume Anis	Afzal Abad	PTC	09.10.2018	
8.	Muhammad Naeem	Dad Muhammad Kili	PTC	11.10.2018	
9.	Mujahid Khan	Larain Banda	PTC	01.09.2018	
10.	Sahil Ahmad	Dilaram Kili	PTC	09.10.2018	
11.	Saidar Khari	No. 1 Afzal Abad	PTC	09.10.2018	

SUB-DIVISIONAL EDUCATION OFFICER  
(Male) Takht Bhal, Mardan

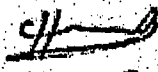
107

(47)

List of sacked Employees circle takht bhai.

the undersigned has been directed by S.D.E.O (male) Primary Takht Bhai office through whatsapp information to submit data of sacked employees on Performa shared on circle ASDEO group.

S.No	Name	Designation	School	Remarks
1	Imran Khan	PET	Gps No. Takht Bhai	Received
2	Shakir ul Islam	PST	Gps No. Takht Bhai	Received
3	Taj Muhammad	PST	Gps No. Takht Bhai	Received
4	Khurshed Ali	PST	Gps No. Takht Bhai	Received
5	Muhammad Urhin	PST	Gps No. Takht Bhai	Received
6	Fazli Wahid	PST	Gps No. Takht Bhai	Received
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<del> </del>				
<del> </del>				

  
 09  
 2020  
 Addl. Sub. Div.  
 Educ. Officer  
 All Prv. Takht Bhai

48 Hana J

Office of the District Inspector  
 District Education Officer  
 District Education Office  
 Islamabad  
 No. 267 Dated 08/01/2021

The Director  
 LCSE Khyber Pakhtunkhwa, Peshawar

**SUBJECT: DATA OF SACRED EMPLOYEES OF P.T.C. TRAINING**

**Memo** In continuation to this office letter No. 2665 dated 11-12-2020 and reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa, Peshawar letter No. 4619/21 dated 26-10-2020 on the subject cited above.

I have the honor to submit the required information of sacked employees on prescribed proforma for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Appointment	Remarks
1	Imran Khan	GPS No. 1 Tashir Bhatti	PTC	09-10-2018	
2	Shakirullah	GPS Dilaram Killa	PTC	09-10-2018	
3	Taj Muhammad	GPS Alzal Abad 1	PTC	09-10-2018	
4	Khurshid Ali	GPS Gungai	PTC	09-10-2018	
5	Muhammad Ibrahim	GPS No. 4 Tashir Bhatti	PTC	10-10-2018	
6	Fahri Syahid	GPS Ahsar Abad	PTC	09-10-2018	
7	Umar Amin	GPS Ahsar Abad	PTC	11-10-2018	
8	Muhammad Raees	GPS Dadi Muhammad Killa	PTC	01-09-2018	
9	Mujahid Khan	GPS Usman Banda	PTC	09-10-2018	
10	Sahail Ahmad	GPS Dilaram Killa	PTC	09-10-2018	
11	Saidar Khan	GPS No. 1 Fazal Abad	PTC	09-10-2018	
12	Rahim Khan	GPS Nari Surang	PTC	09-10-2018	
13	Muhammad Ayaz	GPS Adina Dheri	PTC	06-11-2018	
			PTC	10-10-2018	

08/01/2021  
 DISTRICT EDUCATION OFFICER  
 DISTRICT EDUCATION OFFICE  
 ISLAMABAD

Encl. No. 267 Sacked Training Dated 08-01-2021

Copy forwarded to the  
 1. Director DCTE Abbottabad with letter No. 4619/21 dated 26-10-2020

DISTRICT EDUCATION OFFICER  
 DISTRICT EDUCATION OFFICE  
 ISLAMABAD

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**LEGIBLE COPY**

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) MARDAN  
No.266/Dated 09.01.2021



To,

The Director  
E&SE Khyber Pakhtunkhwa, Peshawar

Subject:- **DATA OF SACKED EMPLOYEES OF PST FOR TRAINING**

Memo:-

In continuation to this office letter No.7465 dated:11.12.2020 and reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa, Peshawar No.4619-21 dated:26.10.2020 on the subject noted above.

I have the honor to submit the required information of sacked employees on prescribed proforma for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1.	Imran Ullah	GPS No.1 Takht Bhai	PTC	09.10.2018	
2.	Shakirullah	GPS Itbar Khan Killi	PTC	09.10.2018	
3.	Taj Muhammad	GPS Afzal Abad 1	PTC	09.10.2018	
4.	Khurshid Ali	GPS Gunjai	PTC	09.10.2018	
5.	Muhammad Ibrahim	GPS No.4 Takht Bhai	PTC	10.10.2018	
6.	Fazli Wahid	GPS Afsar Abad	PTC	09.10.2018	
7.	Ibne Amin	GPS Afsar Abad	PTC	11.10.2018	
8.	Muhammad Naeem	GPS Dad Muhammad Killi	PTC	03.09.2018	
9.	Mujahid Khan	GPS Usman Banda	PTC	09.10.2018	
10.	Sohail Ahmad	GPS Dilaram Killi	PTC	09.10.2018	
11.	Safdar Khan	GPS No.1 Fazal Abad	PTC	09.10.2018	
12.	Rahim Khan	GPS Nari Surang	PTC	06.11.2018	
13.	Muhammad Ayaz	GPS Adina Dheri	PTC	10.10.2018	

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst No.267/sacked training/Dated:09.01.2021

Copy forwarded to the

1. Director DCTE Abbotabad with letter No.4519-22 dated:26.10.2020

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

50 Amir K

- 49

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALL) MALIHAN  
No. \_\_\_\_\_ / Dated 14-03-2021

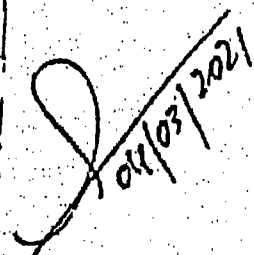
To

The Director,  
T&SE Khyber Pakhtunkhwa, Peshawar

**SUBJECT: DATA OF SACKED EMPLOYEES OF PST FOR TRAINING IN LIGHT OF COURT DECISION**

**Memo:** Reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa Peshawar letter No: 4619-21 dated 26-10-2020 and in continuation of this office letter No: 7465 dated 11-12-2020 and letter No: 266 dated 09-01-2021 on the subject cited above. It is stated that this office has appointed various teachers in SACKED EMPLOYEE QUOTA as PST in light of Peshawar High Court Peshawar with conditions that department shall arrange and manage the requisite training for them who are untrained and are not equipped with departmental PST certificate.

Therefore the required information of sacked employees on prescribed proforma for the purpose of training is hereby submitted as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptl	Remarks
1	Fazal Ahmad Shah	GPS Henson Abad	PST	10-10-2018	
2	Abdul Ahad	GPS No 1 Mayal	PST	09-10-2018	
3	Muhammad	GPS Batai Koroona	PST	10-10-2018	
4	Muhammad	GPS Hichad Colony	PST	10-10-2018	
5	Taj Alam	GPS No.3 Korappi	PST	06-11-2018	
6	Malik Aman	GPS Shamshad Abad-2	PST	09-10-2018	
7	Hazrat Ali	GPS Ahmad Abad	PST	30-10-2018	
8	Falah Naz	GPS Shamandroz Killi	PST	30-10-2018	
9	Wisal Muhammad	GPS Anarbag-1	PST	09-10-2018	
10	Amanullah Khan	GPS Lanidaki	PST	09-10-2018	
11	Fayaz Muhammad	GPS Saadudin Gumbat	PST	09-10-2018	
12	Said ul Akbar	GPS No.2 Mohib Banda	PST	10-10-2018	
13	Shamsur Rehman	GPS Hicket Gunj 1	PST	09-10-2018	
14	Rashid Ahmad	GPS Hicket Gunj 1	PST	09-10-2018	
15	Syed M Tulab	GPS Mirway	PST	09-10-2018	
16	Azam Khan	GPS Makh Naran	PST	09-10-2018	
17	Tariq Hussain	GPS Suwayjan	PST	09-10-2018	
18	Muhammad	GPS Karighano Killi	PST	09-10-2018	
19	Sayid Muhammad	GPS Jangi Dher-2	PST	09-10-2018	
20	Fazal M. Khattak	GPS Azraim Shah	PST	09-10-2018	

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51  
**LEGIBLE COPY**

Office of the Education Officer  
(Male) Mardan

No. \_\_\_\_\_ /Dated 04.03.2021

To,

The Director

E&SE Khyber Pakhtunkhwa, Peshawar

Subject:- **DATA OF SACKED EMPLOYEES OF PST FOR TRAINING IN LIGHT OF COURT DECISION.**

Memo.

Reference to the Director Curriculum and Teacher Education Khyber Pakhtunkhwa Peshawar letter No.4619-21 dated: 26.10.2020 and in continuation of this office letter No.7465 dated:11.12.2020 and letter No.266 dated: 09.01.2021 on the subject noted above it is stated that this office has appointed various teachers in SACKED EMPLOYEE QUOTA as PST in light of Peshawar High Court, Peshawar with conditions that department shall arrange and manage the requisite training for them who are \_\_\_\_\_ and are not equipped with departmental PST certificate.

Therefore, the required information of sacked employees on prescribed proforma for the purpose of training is hereby submitted as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1.	Fazal Ahma Shah	GPS Hassan Abad	PTC	30.10.2018	
2.	Abdul Ahad	GPS No.1 Mayar	PTC	09.10.2018	
3.	Muhammad Mujahid	GPS Batai Korona	PTC	10.10.2018	
4.	Saeed Muhammad	GPS Ittehad Colony	PTC	10.10.2018	
5.	Taj Alam	GPS No.3 Koragh	PTC	06.11.2018	
6.	Malik Aman	GPS Shamshad Abad 2	PTC	09.10.2018	
7.	Hazrat Ali	GPS Ahmad Abad	PTC	30.10.2018	
8.	Falak Naz	GPS Shamandaroz Killi	PTC	30.10.2018	
9.	Wisal Muhamrnad	GPS Anarbaig 1	PTC	09.10.2018	
10.	Amanullah Khan	GPS Landaki	PTC	09.10.2018	
11.	Fayyaz Muhammad	GPS Saadudin Gumbat	PTC	09.10.2018	
12.	Said Ul Akbar	GPS No.2 Mohib Banda	PTC	10.10.2018	
13.	Shamsur Rehman	GPS Bicket Gunj 1	PTC	09.10.2018	
14.	Nasir Ahmad	GPS Bicket Gunj 1	PTC	09.10.2018	
15.	Syed M Tufail	GPS Mirwas	PTC	09.10.2018	
16.	Azam Khan	GPS Maho Narai	PTC	09.10.2018	
17.	Tariq Hussain	GPS Sowryan	PTC	09.10.2018	
18.	Muracl Ali	GPS Marghano Killi	PTC	09.10.2018	
19.	Siraj Muhammad	GPS Jangi Dher 2	PTC	09.10.2018	
20.	Fazal Mahmood	GPS Azeem Shah	PTC	09.10.2018	



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**LEGIBLE COPY**

OFFICE OF THE DISTRICT EDUCATION

OFFICER

(MALE) MARDAN

No.7465/Dated 11.12.2020

To,

The Director  
E&SE Khyber Pakhtunkhwa, Peshawar

Subject:- **DATA (OF SACKED EMPLOYEES OF PST FOR TRAINING**

Memo:- Reference to the Director Curriculum and Teacher Education  
Khyber Pakhtunkhwa, Peshawar No.4619-21 dated:26.10.2020 on the subject  
noted above.

I have the honor to submit the required information of sacked employees on  
prescribed proforma for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1.	Fazal Ahma Shah	GPS Hassan Abad	PTC	30.10.2018	
2.	Abdul Ahad	GPS No.1 Mayar	PTC	09.10.2018	
3.	Muhammad Mujahid	GPS Batai Korona	PTC	10.10.2018	
4.	Saeed Muhammad	GPS Ittehad Colony	PTC	10.10.2018	
5.	Taj Alam	GPS No.3 Koragh	PTC	06.11.2018	
6.	Malik Aman	GPS Shamshad Abad 2	PTC	09.10.2018	
7.	Hazrat Ali	GPS Ahmad Abad	PTC	30.10.2018	
8.	Falak Naz	GPS Shamandaroz Killi	PTC	30.10.2018	
9.	Wisal Muhammad	GPS Anarbaig 1	PTC	09.10.2018	
10.	Amanullah Khan	GPS Landaki	PTC	09.10.2018	
11.	Fayyaz Muhammad	GPS Saadudin Gumbat	PTC	09.10.2018	
12.	Said Ul Akbar	GPS No.2 Mohib Banda	PTC	10.10.2018	
13.	Shamsur Rehman	GPS Bicket Gunj 1	PTC	09.10.2018	
14.	Nasir Ahmad	GPS Bicket Gunj 1	PTC	09.10.2018	
15.	Syed M Tufail	GPS Mirwas	PTC	09.10.2018	
16.	Azam Khan	GPS Maho Narai	PTC	09.10.2018	
17.	Tariq Hussain	GPS Sowryan	PTC	09.10.2018	
18.	Murad Ali	GPS Marghano Killi	PTC	09.10.2018	
19.	Siraj Muhammad	GPS Jangi Dher 2	PTC	09.10.2018	
20.	Fazal Mahmood	GPS Azeem Shah	PTC	09.10.2018	
21.	Sultan Ali	GPS Ikrapur	PTC	09.09.2018	
22.	Sabz Ali Khan	GPS Gulberg 2	PTC	09.10.2018	
23.	Riaz Ali Khan	GPS Spin Jumat Shero	PTC	10.10.2018	
24.	Ahmad Ur Rehman	GPS Bharat Khel	PTC	11.12.2018	

DISTRICT EDUCATION OFFICER

(MALE) MARDAN

Endst No. \_\_\_\_\_/sacked training/Dated: \_\_\_\_\_, 2020

Copy forwarded to the

1. Director DCTE Abbotabad with letter No.4619-22 dated:26.10.2020

DISTRICT EDUCATION OFFICER

(MALE) MARDAN

52  
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S.No	Name of Teacher	School Name	PST	Date of Apptt	Remarks
21	Sultan Ali	GPS Ikrampur	PST	09-10-2018	
22	Sabz Ali Khan	GPS Galluapli-2	PST	09-10-2018	
23	Riaz Ali Khan	GPS Sjoon Jumat Shero	PST	30-10-2018	
24	Ahmad ur Rahiman	GPS Bharat Khel	PST	31-12-2018	PTC course has already completed
25	Imran Khan	GPS No.1 Takht Bhai	PST	09-10-2018	
26	Shakirullah	GPS Ilbar Khan Kili	PST	09-10-2018	
27	Taj Muhammad	GPS Arzal Abad-1	PST	09-10-2018	
28	Khurshid Ali	GPS Gunja	PST	09-10-2018	
29	Muhammad Ibrahim	GPS No.4 Takht Bhai	PST	10-10-2018	
30	Fazli Wahid	GPS Asar Abad	PST	09-10-2018	
31	Ime Anun	GPS Asar Abad	PST	11-10-2018	
32	Muhammad Nzeem	GPS Dad Muhammad Kili	PST	03-09-2018	
33		GPS Usman Banda	PST	09-10-2018	
34	Sohail Ahmad	GPS Dikaram Kili	PST	09-10-2018	
35	Saidar Khan	GPS No.1 Fazal Abad	PST	09-10-2018	
36	Itahum Khan	GPS Nari Surang	PST	06-11-2018	
37	Muhammad Ayaz	GPS Adina Dheri	PST	10-10-2018	

*Sd*  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst No 1897 /sacked training/Dated 01-03-2021

Copy forwarded to the  
1. Director DCTE Abbottabad with letter No 4619-22 dated 26-10-2020

*104*  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN  
*01/03/2021*

53  
LEGIBLE COPY

21.	Sultan Ali	GPS Ikrampur	PTC	09.09.2018	
22.	Sabz Ali Khan	GPS Gulberg 2	PTC	09.10.2018	
23.	Riaz Ali Khan	GPS Spin Jumat Shero	PTC	10.10.2018	
24.	Ahmad Ur Rehman	GPS Bharat Khel	PTC	11.12.2018	
25.	Imran Khan	GPS No.1 Takh Bhai	PTC	09.10.2018	
26.	Shakirullah	GPS Itbar Khan Killi	PTC	09.10.2018	
27.	Taj Muhammad	GPS Afsar Abad -1	PTC	09.10.2018	
28.	Khurshid Ali	GPS Gunjai	PTC	09.10.2018	
29.	Muhammad Ibrahim	GPS No.4 Takht Bhai	PTC	10.10.2018	
30.	Fazli Wahid	GPS Afsar Abad	PTC	09.10.2018	
31.	Ibne Amin	GPS Afsar Abad	PTC	11.10.2018	
32.	Muhammad Naeem	GPS Dad Muhammad Killi	PTC	03.09.2018	
33.		GPS Usman Banda	PTC	09.10.2018	
34.	Sohail Ahmad	GPS Dilaram Killi	PTC	09.10.2018	
35.	Safdar Khan	GPS No.1 Fazal Abad	PTC	09.10.2018	
36.	Rahim Khan	GPS Nari Surang	PTC	06.11.2018	
37.	Muhammad Ayaz	GPS Adina Dheri	PTC	10.10.2018	

**DISTRICT EDUCATION OFFICER**

**(MALE) PRIMARY MARDAN**

Endst No.1897/sacked training/Dated 04.03.2021

Copy forwarded to the:-

1. District DC TE Abbotabad with letter No.4619-22 dated:26.10.2020.

**DISTRICT EDUCATION OFFICER**  
**(MALE) PRIMARY MARDAN**

54

LEGIBLE COPY

OFFICE OF THE DISTRICT EDUCATION  
OFFICER  
(MALE) MARDAN  
No.7465/Dated 11.12.2020

To,

The Director  
E&SE Khyber Pakhtunkhwa, Peshawar

Subject:- **DATA OF SACKED EMPLOYEES OF PST FOR TRAINING**  
Memo:- Reference to the Director Curriculum and Teacher Education  
Khyber Pakhtunkhwa, Peshawar No.4619-21 dated:26.10.2020 on the subject  
noted above.

I have the honor to submit the required information of sacked employees on  
prescribed proforma for the purpose of training as desired please.

S.No	Name of Teacher	School Name	Training For	Date of Apptt	Remarks
1.	Fazal Ahma Shah	GPS Hassan Abad	PTC	30.10.2018	
2.	Abdul Ahad	GPS No.1 Mayar	PTC	09.10.2018	
3.	Muhammad Mujahid	GPS Batai Korona	PTC	10.10.2018	
4.	Saeed Muhammad	GPS Ittehad Colony	PTC	10.10.2018	
5.	Taj Alam	GPS No.3 Koragh	PTC	06.11.2018	
6.	Malik Aman	GPS Shamshad Abad 2	PTC	09.10.2018	
7.	Hazrat Ali	GPS Ahmad Abad	PTC	30.10.2018	
8.	Falak Naz	GPS Shamandaroz Killi	PTC	30.10.2018	
9.	Wisal Muhammad	GPS Anarbaig 1	PTC	09.10.2018	
10.	Amanullah Khan	GPS Landaki	PTC	09.10.2018	
11.	Fayyaz Muhammad	GPS Saadudin Gumbat	PTC	09.10.2018	
12.	Said Ul Akbar	GPS No.2 Mohib Banda	PTC	10.10.2018	
13.	Shamsur Rehman	GPS Bicket Gunj 1	PTC	09.10.2018	
14.	Nasir Ahmad	GPS Bicket Gunj 1	PTC	09.10.2018	
15.	Syed M Tufail	GPS Mirwas	PTC	09.10.2018	
16.	Azam Khan	GPS Maho Narai	PTC	09.10.2018	
17.	Tariq Hussain	GPS Sowryan	PTC	09.10.2018	
18.	Murad Ali	GPS Marghano Killi	PTC	09.10.2018	
19.	Siraj Muhammad	GPS Jangi Dher 2	PTC	09.10.2018	
20.	Fazal Mahmood	GPS Azeem Shah	PTC	09.10.2018	
21.	Sultan Ali	GPS Ikrapur	PTC	09.09.2018	
22.	Sabz Ali Khan	GPS Gulberg 2	PTC	09.10.2018	
23.	Riaz Ali Khan	GPS Spin Jumat Shero	PTC	10.10.2018	
24.	Ahmad Ur Rehman	GPS Bharat Khel	PTC	11.12.2018	

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst No. \_\_\_\_\_/sacked training/Dated: \_\_\_\_\_, 2020

Copy forwarded to the

1. Director DCTE Abbotabad with letter No.4619-22 dated:26.10.2020

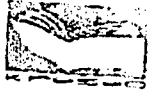
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN



DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax #. 0937933151

Email address: [deomalemardan@gmail.com](mailto:deomalemardan@gmail.com)



No. 5191 /sacked/ Dated: 21-06-2022

Area 2

SHOW CAUSE NOTICE

I, Zulfikar ul Mulk, District Education officer (Male) Mardan as Competent Authority under the Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mr. Muhammad Naqom PST GPS Dad Muhammad Killi show cause notice as follows:

- You have been appointed conditionally vide No:8302/G dated 30-10-2018 in light of Court Decisions and were bound to fulfill prescribed qualifications within 03 years in light of terms & conditions at S.No 15 of appointment, but you failed to do so till date.
- In exercise of the power conferred by the KPK Govt servant (Efficiency & Discipline) Rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice with the direction to submit your defense in writing within 07 days of the issuance of this notice as to why the major penalty of Rule (b) of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.
- In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

(Zulfikar ul Mulk)

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Copy to the:

- SDEO(M) Takht Bhai to serve this show cause notice and ensure his reply

  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

KEEP NOTHING UNDER THE TABLE, EXCEPT YOUR SHOES & USE THEM TO KICK OUT CORRUPTION

L

To

The District Education Officer (M) Mardan.

Respect Sir,

56

(37)

Amir M

Reply of show cause on behalf of Muhammad Naeem Khan PST GPS Dad Muhammad Killi, Takht Bhai.

- A) In the reply of para A, (1) the Peshawar High Court Peshawar, directed the competent authority as mentioned in the words, the department shall arrange and manage the requisite training course for them and the petitioner shall be provided opportunity to acquire the requisite training certificate, in the light of this direction, the competent authority sent so many letters to the director E&SE KPK and director curriculum and teacher Education Khyber Pakhtun Khwa. In recently No. 266 dated 09-01-2021, the District education officer (M) Mardan submitted a letter to Director E&SE Peshawar KPK to inform the director curriculum and teacher Education KPK to arrange the training for the sacked employees appointed by the department but yet to now failed to arrange the training program. Letters are attached.
- 2) That the petitioner has acquired and passed FA qualification which was the required academic qualification at that time for PTC and BA is in progress from Alama Iqbal Open University Islamabad are attached (FA and BA documents)
- 3) That the Supreme Court of Pakistan dismissed the CPLA filed by the department in this particular case. (Copy of Judgment is attached)
- B) That Para B is related to the (E&D) rules, the petitioner all the orders issued by the competent authority.
- C) That the petitioner has produced his defense in the above para.

It is therefore, humbly requested that the instant show cause notice may please be withdrawn as there is negligence on the part of the petitioner.

You're Obedient  
*M. Naeem Khan*  
Muhammad Naeem Khan PST GPS Dad Muhammad Killi

Date: 23-06-2022

Forwarded to SDO  
T. Bhai for further  
Submission to DED  
Mardan

03139779108

~~ASDEO~~  
Primary Circle  
Sher Garh

DA R  
Please take up  
B

M



DISTRICT EDUCATION OFFICE (M) MARDAN

Phone & Fax #. 0937933151

Email address: [deomalemardan@gmail.com](mailto:deomalemardan@gmail.com)



57

OFFICE ORDER

Annex N

WHEREAS, in Compliance with Peshawar High Court Peshawar COC No.511-2018 in WP No:2438-2016, coc 2018 No.564-2018 in W P No:2440-2016, coc No:670-2018 in W.P No:2439-2016, coc No:685-2018 in WP No:2440-2016, coc No:718-2018 in WP No 2438-2016, coc No:671-2016 in WP No:4762-2016, one Mr Muhammad Naeem Khon s/o Sorforaz Khan has been appointed in sacked employee quota on PST post vide this office No:8302/G dated 30-10-2018 at S.No:14.

AND WHEREAS, as per terms and conditions No:15 of cited order, he was bound to complete the prescribed qualification for the said post within 03 years, in case of failure his appointment order will stand cancelled.

AND WHEREAS, after passing more than 03 years, this office after knowing his existing qualification, has issued a show cause notice to him.

AND WHEREAS, after receiving his written reply in which he confessed that he does not possess the prescribed qualification at present even by passing more than 03 years.

AND WHEREAS, in light of August Supreme Court of Pakistan decision announced on 28-01-2022.

Therefore, in exercise of the power conferred under Khyber Pakhtunkhwa Govt servants E&D rules 2011 (4b), and on the basis of evidence on the record, the undersigned being Competent Authority is pleased to impose the penalty of Removal from Service upon, Mr. Muhammad Naeem Khan PST GPS Dad Muhammad Killi with immediate effect.

(Zulfiqar ul Mulk)  
District Education Officer  
(Male) Mardan

Endst No. G198/G /sacked/ Dated: 15/8/2022

copy forwarded for information and necessary action to the:-

1. Secretary E&SE Education Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. DAO Mardan
4. SDEO(M) Takht Bhai.
5. Official concerned.

District Education Officer  
(Male) Mardan

AA E/Accountant  
order, make entry  
in S/Brook and stop pay  
17/8

KEEP NOTHING UNDER THE TABLE, EXCEPT YOUR SHOES & USE THEM TO KICK OUT CORRUPTION

4

To

58

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar

Annex "O"

Subject: **Departmental Appeal against the impugned office order dated 15.08.2022 passed by the DEO (Male), Mardan whereby appellant was removed from service.**

Respected Sir,

I have the honour to submit the departmental Representation for your favourable consideration on the following facts and grounds:

1. That initially, appellant was inducted in the Education Department as PST way back in the year 1995 in accordance with the then prevailing Policy of the Government whereafter he performed his duties to the entire satisfaction of the high-ups and was never subjected to any departmental proceedings.
2. That subsequently, with the change of political government, the services of the appellant were illegally dispensed with which was challenged before the Court but the effort proved abortive except that some colleagues in time approached the Court and got the relief.
3. That in the year 2012 the Provincial Government passed "*the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012*" providing for the reinstatement of the sacked employees and the Department made numerous appointments of similarly placed employees later on law was not fully implemented and appellant was not reinstated.
4. That against the non-appointment as per the Act *ibid*, some colleagues of the appellant approached the Hon'ble Peshawar High Court, Peshawar in Writ Petition which was allowed. The Judgment of the Hon'ble High Court was called in question before the Hon'ble Supreme Court of Pakistan but was dismissed on 24.05.2017.
5. That later on, appellant and others were appointed vide appointment orders against their respective posts but subject to the outcome of CPLA which was then pending adjudication before the Hon'ble Apex Court. They took over the charge and started performing duties but all of sudden appellant along with others visited the impugned office order dated 15.08.2022 whereby they were removed from service.
6. That appellant was not treated in accordance with law and rules. Moreover, Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 stipulates civil servants shall be dealt with in accordance with prescribed procedure. Neither Charge Sheet was issued nor Statement of allegations to appellant.
7. That now it is admitted fact that in case of imposition of major penalty, the Department is supposed to conduct a regular inquiry while in case of appellant even a fact finding inquiry was not conducted. Moreover, the



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principle of natural justice i.e. opportunity of personal hearing was also not provided to appellant which vitiates the whole proceedings.

8. That the impugned order is void ab-intio because District Education Officer (Male), Mardan is not competent to remove appellant from service as appellant was transferred from Mardan to District Malakand by means of transfer order dated 10.08.2022 (*Annex:-A*) and took over the charge of the post vide charge report (*Annex:-B*), therefore, it is now admitted fact that where the basic order is without lawful authority then superstructure build thereon would fall to the ground automatically.

It is, therefore, requested that on acceptance of this Departmental Appeal, the impugned office order dated 15.08.2022 may kindly be set aside and appellant be reinstated into service with all consequential back benefits.

Yours faithfully

*M. Naeem Khan*

Muhammad Naeem Khan  
Ex-PST, GPS Matkani,  
District Malakand.

Dated: 22 /08/2022



- 60      Amr P<sup>07</sup>

**OFFICE OF THE DIRECTOR ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.**

**OFFICE ORDER**

Consequent upon the approval of the Competent Authority, Muhammad Naeem Khan PST (BPS-12) Govt. Primary School Dad Muhammad Killi District Mardan is hereby transferred and posted against the vacant post of PST (BPS-12) at Govt. Primary School Matkani District Malakand in his own pay & BPS in the interest of public service with immediate effect.

CNIC#: (15402-1730027-7)

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. The District Education Officer concerned with the direction to check and verify his original Service Book and all documents before the release of salary.
4. His Seniority will be determined at the bottom of the seniority list of the PSTs as per rules.

(Dr. Hafiz Muhammad Ibrahim)  
**DIRECTOR**

Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5083-87 /F.No.200/Vol:III/Inter District Transfer

Pesh. Dated: 11/8/2022

Copy of the above is forwarded for information and necessary action to the:-

1. District Education Officer (Male) Mardan.
2. District Education Officer (Male) Malakand.
3. District Accounts Officer Mardan.
4. District Accounts Officer Malakand.
5. Teacher concerned.
6. Mr. Hidayat Ullah Shah, Focal Person of iEMIS.
7. P.A to Director Elementary and Secondary Education local office.

*Amr*  
11/8/22  
**Assistant Director (Estab-1)**

Directorate of Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar

P

Certified that Mr. Muhammad Naeem PST  
G.P.S. Dad Muhammad Kelli circle Shergarh  
district Mardan has been transferred to G.P.S.  
Matkari Distt Malakand through order No:-  
5283-87 on dated 11/8/2022 by Directorate of Elem-  
entary & Secondary Education Khyber Pakhtunkhwa  
Peshawar. So I am relieving you before noon  
and you are directed to take your charge  
at the after noon on 13-8-2022 at G.P.S. Matkari  
District Malakand.

*[Signature]*  
13/8/2022

**HEAD MASTER**  
G.P.S. Dad Muhammad Kelli  
Taluk (Shergarh)

-62

Anna R

ARRIVAL REPORT.

Consequent upon transfer Office Order Endst: No 5283-87 dated 11/08/2022, issued by Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. It is submitted that I have been transferred as PST BPS-12 Post from GPS Dad Muhammad Killi District Mardan to GPS Matkani District Malakand.

Therefore, I submitted my arrival report for duty on 13-08-2022 F.Noon.

*M. Naeem Khan*

Mr. Muhammad Naeem Khan PST  
GPS Matkani District Malakand.

*[Signature]*

Head Master  
GPS Matkani  
Distt: Malakand  
Head Teacher  
GPS Matkani Distt: Mkd:

R

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

**NOTIFICATION**

Peshawar, dated the 30<sup>th</sup> January, 2018.

**No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017:-** In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department hereby directs that, in this Department's Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated 13-11-2012, amendments shall be made, namely:-

In the Appendix:-

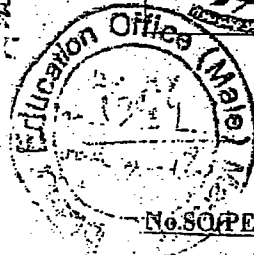
**AMENDMENTS**

- (i) against Serial No.1, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree or four (4) years BS Degree in the relevant subject; and	21 to 35 years
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE)..	

- (ii) against Serial No.1B, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree from a recognized University from the following groups with two subject on need basis.	19 to 35 years
(a) Chemistry, Botany or Zoology; or	



*ADDC(D)  
ADDC(S) - Ibal  
1/15/18*

*63 Annex S*

*S*

*1/15/18*

(b) Physics, Maths or Statistics; or (c) Humanities and other equivalent groups at degree level with English as subject; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	
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(iii) against Serial No. 10, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

<p style="text-align: center;"><b>3.</b></p> (i) At least Second Class Master's Degree in Arabic from a recognized University; or at least Second Class Bachelor's Degree from a recognized University with Shahadatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	<p style="text-align: center;"><b>4.</b></p> 19 to 35 years";
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(iv) against Serial No. 11, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

<p style="text-align: center;"><b>3.</b></p> (i) At least Second Class Master's Degree in Islamiyat from a recognized University; or at least Second Class Secondary School Certificate from a recognized Board with Shahadatul Alamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and (ii) nine months in service mandatory professional training at Regional institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	<p style="text-align: center;"><b>4.</b></p> 19 to 35 years";
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<p>(b) Physics Maths or Statistics; or  (c) Humanities and other equivalent groups at degree level with English as subject;  and  (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	
--	--

(iii) against Serial No. 10, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
<p>(i) At least Second Class Master's Degree in Arabic from a recognized University; or at least Second Class Bachelor's Degree from a recognized University with Shahadatul Alamia Fii Uloomul Arabia wai Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Daroshi Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and  (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	<p>19 to 35 years</p>

(iv) against Serial No. 11, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
<p>(i) At least Second Class Master's Degree in Islamiyat from a recognized University; or at least Second Class Secondary School Certificate from a recognized Board with Shahadatul Alamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by Government from time to time; and  (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	<p>19 to 35 years</p>

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against Serial No. 13, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

	3.	4.
(i)	Bachelor's Degree from a recognized University; and	19 to 35 years";
(ii)	nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

(vi) against Serial No. 17, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

	3.	4.
(i)	Bachelor's Degree from a recognized University; and	19 to 35 years";
(ii)	nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

(vii) against Serial No. 18, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

	3.	4.
(i)	Bachelor's Degree from a recognized University; and	19 to 35 years";
(ii)	nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

(viii) against Serial No. 21, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

	3.	4.
(i)	Bachelor's Degree from a recognized University; and	19 to 35 years"; and
(ii)	nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	



against Serial No.22, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) Bachelor's Degree from a recognized University and Qirat Sanad from registered Institution; and	19 to 35 years
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

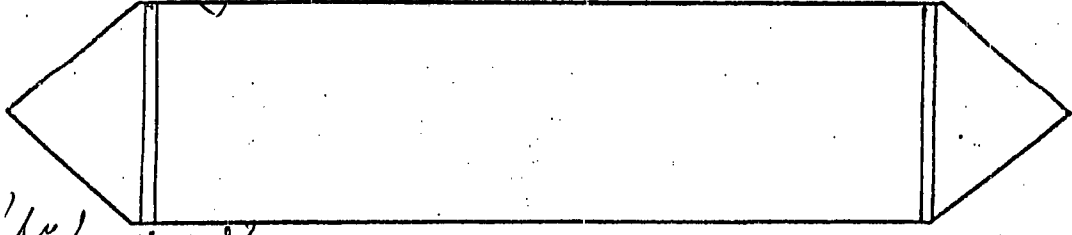
SECRETARY TO  
GOVERNMENT OF KHYBER PAK  
ELEMENTARY & SECONDARY  
DEPARTMENT.

Endst. of even No. & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (E&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officers (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officers in Khyber Pakhtunkhwa.
15. All Agency Education Officers/ Agency Accounts Officers in FATA.
16. PS to Governor Khyber Pakhtunkhwa. Peshawar.
17. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
19. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
20. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.

SECTION OFFICE

# بعد التذکرہ کی طرف سے درخواست



2022ء منجانب ایڈووکیٹ

محمد لعل محمد بنام محمد رحمت

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آئینہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کیلئے جاری کیا گیا ہے۔

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا یکطرفہ یا اپیل کی برادگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی 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 یا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے دہوگا۔ 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 لکھد یا کہ سندر ہے۔

المرقوم 25 ماہ 2022ء

واہ العب

کے لئے منظور ہے۔

بمقام

محمد لعل محمد

محمد رحمت