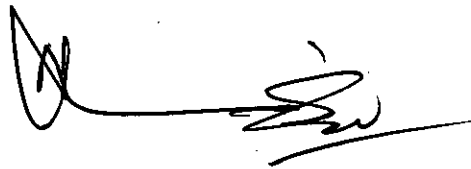


19th July 2022 1. Petitioner in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Noor Zali Khan, SO for respondents present.

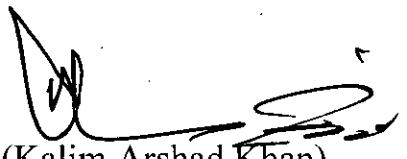
2. The petitioner was Teaching Assistant when he was removed from service on 29.12.2017 through impugned Notification, which he challenged in service appeal No. 384/2018. The appeal was allowed on 21.05.2019 and the appellant was directed to be reinstated in service. In compliance with the said judgment of the Tribunal, the respondents/judgment debtor produced copy of Notification No. SO(C-II)/HED/2-6/2018/Nazakat Hussain dated 20.06.2022 reinstating the appellant as Teaching Assistant i.e the post from which he was removed from service on 29.12.2017. When confronted with the situation, the petitioner submitted that all the Teaching Assistants were regularized by an Act of the Assembly before his removal from service and as such he ought to have been reinstated as Lecturer instead. Since, the petitioner was removed from service vide Notification 29.12.2017, as aforesaid, when he was Teaching Assistant, and his service appeal by the Tribunal was allowed, setting aside the removal order meaning thereby he was to be reinstated as Teaching Assistant. As regard his grievance of his posting/appointment/reinstatement as Lecturer is concerned, he may take up that with the authority concerned for redressal of the same. As regard this execution petition, the compliance of the judgment of the Tribunal has been made in accordance with the terms of the judgment, therefore, it is filed.

A handwritten signature in black ink, consisting of a large, stylized initial 'W' followed by a series of loops and a horizontal line at the end.

3. Vide previous order sheet dated 13.06.2022 salaries of the respondents were attached. As the compliance of the Tribunal's judgment has been made, therefore, the salaries of the respondents attached on the previous date, be released. Consign.

4. *Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 19th day of July, 2022.*




(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.06.2022 for the same as before.

Reader.

13th June, 2022

None for the petitioner present. Mr. Kabirullah Khattak, AAG for the respondents present.

Despite clear directions given on the previous date, respondents have not attended the Tribunal alongwith implementation report. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, Mansehra are directed to attach salaries of the respondents till further orders by this Tribunal.

Copy of this order sheet be sent to the Chief Secretary Khyber Pakhtunkhwa to look into the conduct of the respondents and take necessary action against them under intimation to the Tribunal through its Registrar.

To come up on 19.07.2022 for further proceedings at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman

18.01.2022

Petitioner alongwith his counsel present. Mr. Noor Zali, Section Officer (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Representative of the respondents stated at the bar that process for conditional implementation of the judgment under execution has been initiated. In this respect, he produced copy of letter dated 13.01.2022 addressed by Deputy Director Establishment to the Secretary Government of Khyber Pakhtunkhwa Higher Education Department Peshawar, which is placed on file. Respondents are directed to execute the judgment in light of the guidance provided in order dated 30.09.2021 passed in the instant Execution Petition and to produce the implementation report on 25.01.2022 before the S.B at Peshawar.

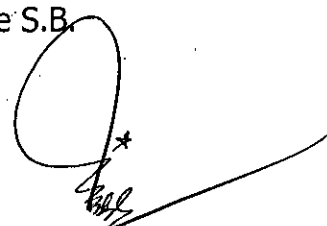


(Salah-ud-Din)
Member (J)
Camp Court A/Abad

25.01.2022

Clerk of counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: Advocate General for respondents present.

Clerk of learned counsel for the petitioner seeks adjournment due to general strike of the bar. Adjourned. To come up for further proceedings on 14.03.2022 before S.B.



(Mian Muhammad)
Member (E)

objection as to effective date of removal of the petitioner from service for the time being is out of question. The department is directed to issue reinstatement order of the petitioner subject to decision of CPLA by August Supreme Court of Pakistan after obtaining affidavit from the petitioner that he will return the benefit of reinstatement if the judgment of this Tribunal is set aside by the August Supreme Court of Pakistan. In pursuance to petitioner's reinstatement as aforesaid the department is at liberty to conduct the denovo enquiry as directed in the judgment. The question of back benefits shall be subject to decision of CPLA. To come up for implementation report on 17.11.2021 before S.B. at Camp court, Abbottabad


Chairman
Camp Court, A/Abad

17.11.2021

Counsel for the petitioner and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG along with Qazi Muhammad Ayaz, Litigation and Muhammad Shaukat Focal Person for the respondents present.

The representative of the department has produced the copy of letter dated 19.09.2021 addressed to the Director Higher Education by the Administrative Department for views/comments in the matter of execution Petition. The respondents are directed to accelerate the efforts for execution of the judgment as clarified vide order dated 30.09.2021 in this execution petition and come up with a viable implementation report on 18.01.2021 before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

17.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 30.09.2021.


Reader

30.09.2021

Counsel for the petitioner and Mr. Muhammad Rasheed, DDA alongwith Qazi Muhammad Sajid, Litigation Officer and Muhammad Shaukat Focal Person for the respondents present.

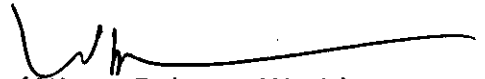
Learned Deputy District Attorney with assistance of departmental representative raised the preliminary objection on the Execution Petition with the submission that the petitioner was removed from service w.e.f 05.10.2017 on the basis of order dated 29.12.2017 as set aside by the judgment under execution. He contended that according to the effective date of removal from service, the petitioner was not holding the post of Teaching Assistant at the time of promulgation of Regularization of Services of Teaching Assistants as Lecturer Act, 2017, notified on 25.10.2017. Section 3 of the said Act has been discussed in the judgment and has been read today at the bar. Accordingly, all the Teaching Assistants who were holding the post till the commencement of the Act were deemed to have been validly selected/appointed as Lecturer to these posts on regular basis from the date of commencement of the Act. As the impugned order is no more in the field due to setting aside by this Tribunal so far not suspended by the August Supreme Court of Pakistan which the respondent department has purportedly challenged in CPLA. So the

16.03.2021

Nemo for petitioner.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Atta-ur-Rehman Assistant and Muhammad Shoukat Lecturer for respondents present.

Representative of respondents submitted implementation report which is placed on file. To come up for further proceedings on 17/06/2021 before S.B at Camp Court, Abbottabad. Appellant and his counsel be put on notice for the date fixed.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

E.P No. 344/2019

14.09.2020

Mr. Muhammad Arshed Khan Tanoli, Advocate for petitioner is present. Mr. Usman Ghani, District Attorney alongwith representatives of the department Mr. Zahid Ashraf, Assistant Professor and Mr. Muhammad Shoukat, Focal Person are also present. Learned counsel for the petitioner is seeking adjournment. Adjourned to 20.10.2020. File to come up for further proceedings before S.B at Camp Court, Abbottabad.

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

20.10.2020

Petitioner present in person.

Usman Ghani, learned District Attorney alongwith Zahir Shah, Assistant Professor and Muhammad Shoukat Lecturer for respondents present.

Lawyers are on general strike, therefore case is adjourned to 15.12.2020 before S.B at Camp Court, Abbottabad. Representative of respondents requested for time to submit implementation report; granted with direction to submit implementation report on the next date positively.

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

15.12.2020

Due to Covid-19, case is adjourned to 16.03.2021 for the same as before.

Reader.

19.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the petitioner is not available today. Mr. Ziaullah, Deputy District Attorney alongwith M/S Professor Malik Muhammad Saddique for respondent No. 1 and Muhammad Shoukat, Lecturer for respondent No. 3 present. Implementation report not submitted. Representatives of the department requested for further adjournment. Adjourned to 18.02.2020 for implementation report before S.B at Camp Court Abbottabad.

MA

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader



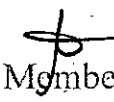
Due to summer vacation case to come up for the same on 11/4
9/12 at camp court abbottabad.

Reader
Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 344 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.09.2019	<p>The execution petition of Mr. Nazakat Hussain submitted today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This execution petition be put up before touring S. Bench at A.Abad on <u>20-11-2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
20.11.2019		<p>Petitioner in person present. Mr. Usman Ghani, District Attorney for respondents present. Notices be issued to the respondents for submission of implementation report. To come up for further proceedings on 19.12.2019 before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> Member Camp Court Abbottabad</p>

Before the Chairman KPK Service Tribunal

KPK Peshawar

Execution Petition No. 344/2019

Nazakat Hussain S/o Faiz Alam Resident of Village

Shohal Najaf Khan Tehsil Balakot District Mansehra

....Appellant / Petitioner

VERSUS

Secretary Higher Education KPK Peshawar and others

... Respondents

INDEX

S#	PARTICULARS	ANNEXURES	PAGES
1.	Service Appeal & Affidavit		1-5
2.	Copy of Appointment Order & removal from service order dated 29-12-2017	ANNEXURE-A	6-9
3.	Copy of appointment order of similar employees and regularization act 2017	ANNEXURE-B	10-15
4.	Copy of Judgment dated 21-05-2019	ANNEXURE-C	16-21
5.	Wakaltnama		22

Dated: 28 / 8 /2019

Nazakat Hussain
Appellant / Petitioner

Through

Muhammad Arshad Khan Tanoli
Muhammad Arshad Khan Tanoli
Advocate High Court

①

Before the Chairman KPK Service Tribunal

KPK Peshawar

Execution Petition no. 344/19

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 952

Nazakat Hussain S/o Faiz Alam Resident of Village 17-9-2019

Shohal Najaf Khan Tehsil Balakot District Mansehra

....Appellant / Petitioner

VERSUS

1. Secretary Higher Education KPK Peshawar

2. Director Higher Education Peshawar

3. Principal Government Degree College Oghi

...Respondents

IMPLEMENTATION PETITION

**APPLICATION FOR IMPLEMENTATION OF
JUDGMENT DATED 21-05-2019 IN SERVICE
APPEAL NO. 384/2018 WHEREIN, THIS
HONOURABLE TRIBUNAL AFTER SETTING ASIDE
REMOVAL FROM SERVICE ORDER DATED 29-12-
2017, REINSTATED THE APPELLANT AND
DIRECTED THE RESPONDENTS TO CONDUCT
PROPER INQUIRY AGAINST THE
APPELLANT. THE RESPONDENTS HAVE NOT
REINSTATED THE APPELLANT IN SERVICE**

2

which amounts to contempt of this honourable tribunal.

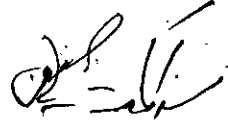
Respectfully sheweth,

1. That the appellant got appointment in the respondents department as Teaching Assistant and was removed from service on 29-12-2017. Copy of appointment order of the applicant dated 10-12-2014 and removal from service order dated 29-12-2017 are attached as annexure A.
2. That, in the meantime, government of KPK announced the KPK Regularisation of services of Teaching Assistants as Lectures act , 2017 wherein all similar employees have been regularised except the applicant. Copy of appointment order of similar employees and Regularisation act 2017 are attached as annexure B.
3. That the applicant filed service appeal No 384/18 before this honourable tribunal, which has been decided by this honourable tribunal on 21-05-2019, and set aside removal from service order dated 29-12-2017. This honourable Tribunal reinstated the appellant in service with the direction to conduct inquiry against the applicant. Copy of judgment dated 21-05-2019 is attached as annexure C .
4. That, in spite of clear verdict of this honourable tribunal, respondents did not reinstate the applicant in service so far, which amounts to misconduct on the part of respondents.
5. That respondent are bound to obey and implement the judgment of this honourable tribunal, otherwise they shall face criminal

3

proceedings for their wilful disobedience of the judgment of this honourable tribunal.

In view of the above, it is prayed that respondents may be directed to reinstate the applicant in service, failing which, contempt of court / criminal proceedings may be initiated against them.



Appellant /Petitioner

Through


Muhammad Arshad Khan tanoli

Advocate High court Abbottabad

28/8/19

4

Before the Chairman KPK Service Tribunal
KPK Peshawar

**Nazakat Hussain S/o Faiz Alam Resident of Village
Shohal Najaf Khan Tehsil Balakot District Mansehra**

....Appellant / Petitioner

VERSUS

**Secretary Higher Education KPK Peshawar and
others**

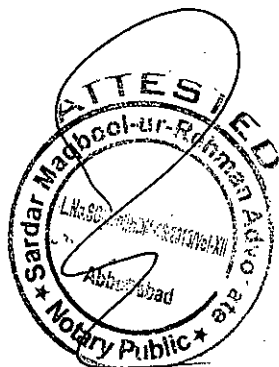
... Respondents

AFFIDAVIT

I, Nazakat Hussain S/o Faiz Alam Resident of Village Shohal Najaf Khan Tehsil Balakot District Mansehra do hereby solemnly affirm on oath that the contents of above petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Dated: 28/8/2019.

H. Hussain
Deponent



16/9
2019

5

Before the Chairman KPK Service Tribunal
KPK Peshawar

Nazakat Hussain S/o Faiz Alam Resident of Village
Shohal Najaf Khan Tehsil Balakot District Mansehra

....Appellant / Petitioner

VERSUS

Secretary Higher Education KPK Peshawar and
others

... Respondents

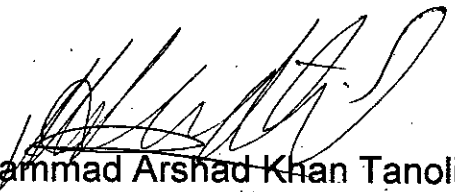
ADDRESSES OF THE PARTIES

Correct and complete addresses of the parties are furnished in the heading of the Petition for the purpose of service.

Dated: 28 / 8 / 2019


Appellant / Petitioner

Through


Muhammad Arshad Khan Tanoli
Advocate High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Annex 'A'.

6

Dated Peshawar, 10th December, 2014.

NOTIFICATION

No.SO(C-II)/2-6/2014/HED/Teaching Assistants/ In pursuance of recommendation of Grievance Redressal Committee of Higher Education Department, the Competent Authority in exercise of the powers conferred under second schedule Rule 5 XXXVII of the delegation of powers of re-appropriation Rules 2001 is pleased to engage the services of 171 (Female:49, Male:122) persons as per list attached for a period of One (01) year & Eleven (11) Months excluding long winter / summer vacations with the following terms and conditions.

Terms and Conditions

1. Their services will be for a period from the date of notification to 30-10-2016 excluding long winter / summer vacations on a fixed pay of Rs. 30,000 per month for the said period. They will not get pay during long winter / summer vacations (60 days or more).
2. Their services will be purely temporary and they will not be deemed to be Civil Servants.
3. Their engagement will be purely institution based and non-transferable.
4. Their services will be automatically terminated on the arrival of Public Service Commission selectee or Provincial Selection Board promotee.
5. They will not be entitled to more than 20 days leave per annum.
6. They are required to report to the colleges mentioned against each, within 15 days, from the date of issuance of this notification; failing which it shall be presumed that they are not interested and the post will be filled from the merit list, as per criteria.
7. The Principal concerned shall be required to submit a certificate verifying academic credentials.
8. The Principal of concerned college will submit monthly evaluation report about their performance, to the Directorate of Higher Education.
9. Medical fitness and character certificates will be submitted to the Principals concerned, for onward submission to the Directorate of Higher Education, within 15 days.
10. The Principal concerned will obtain an affidavit, that the Teaching Assistant is not in government service and will not form any association / group.

Arshad Khan
Muzaffar Arshad Khan
Advocate High Court
Sui-1000
Distt. Bar Abbottabad

107.	Mohammad Altaf Anwar S/O Abdul Razaq Noor Tailor Shop No.22 Pir Market Tank Adda D.I.Khan	Chemistry	Tank	GDC, Ama Khel Tank	Against Vacant Post
108.	Aqeel Aziz S/O Abdur Rasheed Mr. Book Chowk Puwara Masjid Circular Road Haripur	Chemistry	Haripur	GPGC, Haripur	Against Vacant Post
109.	Shah Ali Asghar S/O Daftar Shah C/O Hazara School and College Terbila Road Ghazi Haripur.	English	Haripur	GPGC, Haripur	Against Vacant Post
110.	Sadaqat Hussain S/O Mohammad Sarfaraz Sabzi Mandi Havelian Road Abbottabad.	English	Abbottabad	GPGC, No.1 Abbottabad	Against Vacant Post

111.	Mohammad Waqar Khan S/O Mohammad Zahir Ali Qazi Chand Pir Street DEPOT Road Havelian Abbottabad.	Economics	Abbottabad	GPGC, No.1 Abbottabad	Against Vacant Post
112.	Zahid Rashid S/O Abdur Rashid Village P.O Chanool, Balakot.	Computer Sc.	Manshera	GPGC, No. 1 Abbottabad	Against Vacant Post
113.	Shafiq Khan S/O Musharaf Gul Govt. House Road Kashmir Point Murree Cadet College Murree.	Computer Sc.	Mardan	GPGC, No.1 Abbottabad.	Against Vacant Post
114.	Adil Ishaq S/O Mohammad Ishaq Insaf Karyan Store Lower Malik Pura Maira Near Police Line Abbottabad.	Statistics	Abbottabad	GPGC, Mandian	Against Vacant Post
115.	Mian Abdul Wajid S/O Mian Mohammad Hussain Village and P.O Jabri Kalash VIYA Ghari Habibullah Manshera	Computer Science	Manshera	GPGC, Mandian	Against Vacant Post
116.	Junaid Hussain S/O Fida Hussain Mohallah Bagori Town Baffa Manshera.	Computer Science	Manshera	GPGC, Manshera	Against Vacant Post
117.	Mohammad Sahfiq S/O Mohammad Iqbal Mohallah Shori Point Haripur	Maths	Haripur	GPGC, Manshera	Against Vacant Post
118.	Murad Khan S/O Gul Rehman Global Institute of Science P.O Baffa Manshera	Chemistry	Manshera	GDC, Darband	Against Vacant Post
119.	Naeem Iqbal S/O Mohammad Iqbal SG Mohammad Iqbal Security Office Ayub Medical College Abbottabad	Physics	Abbottabad	GDC, Darband	Against Vacant Post
120.	Nizakat Hussain S/O Faiz Alam Village and P.O Shohal Najeeb Khan Balakot Manshera	Urdu	Manshera	GDC, Oghi	Against Vacant Post
121.	Ghulam Mujtaba S/O Ghulam Mustaf Village and P.O Khwari Manshera.	English	Manshera	GDC, Balakot	Against Vacant Post
122.	Syed Mohammadd Murtaz S/O Syed Sajid Mian Near GPO, Mohallah Gabri opposite Wapda Majid Manshera.	Political Sc.	Manshera	GPGC, Masehra	Against Vacant Post



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

11. They will not form any association / group or approach any authority directly or indirectly for regularization of their services or to extract any undue extra benefits.

12. The Director Higher Education is authorized to dispense with their services in case of seven (7) days willful absence from duties, misconduct and inefficiency upon the recommendation of the Principal concerned.

8

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principals of the Colleges concerned.
4. District Accounts Officers concerned.
5. PS to Minister for Higher Education.
6. PS to Secretary Higher Education Department.

Section Officer (C-II)

A. N. N. N. N.
M. M. M. M. M.
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9211803
Dated Peshawar the 29/12/2017

Amir
(9)

NOTIFICATION

The Director, Higher Education, Khyber Pakhtunkhwa is pleased to order the removal from service in respect of Mr. Nazakat Hussain, Teaching Assistant in Urdu, Govt: Degree College, Oghi (Mansehra) w.e.f 05.10.2017 on account of his willful absence from duty in the light of clause-12 of the Terms and Conditions of the appointment of Teaching Assistant.

*Mr. Nazakat Hussain
for information.
10/1/2018*

DIRECTOR HIGHER EDUCATION

Endst: No. 34820-22 / CA-II/ Estt: Branch/ A-167/Teachi: Assistant/Mansehra

Copy of the above is forwarded to the:-

1. Section Officer (Colleges-II), Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar.
2. Principal, Govt; Degree College, Oghi (Manshera) with reference to his letter No. 151 dated 25.11.2017.
3. District Accounts Officer, Mansehra.
4. Teaching Assistant concerned.

P. B. Khan
29/12/17
DY: DIRECTOR (ESTABLISHMENT)

Attested
[Signature]
Mr. [Name] [Address]
[Address]
[Address] adjacent to
[Address] Abbottabad

NOTIFICATION**Annal B** (10)

NO. SQ(C-II)HED/2-5/2018. In pursuance of Section 3 of the Khyber Pakhtunkhwa Teaching Assistant (Regularization of Services) Act, 2017, the Competent Authority is pleased to regularize the services of the following Teaching Assistants, appointed from 31.10.2014 till 02.12.2015 and holding the same posts till commencement of the aforementioned Act, as lecturer (BS-17), w.e.f. 25.10.2017, subject to the terms and conditions mentioned hereunder:-

S.#	NAME & STATION	POSTED AS	REMARKS
1.	Muhammad Rizoz S/O Wali Muhammad, TA in Islamiyat GC, Peshawar	Lecturer in Islamiyat, GC, Peshawar	AVP
2.	Fayaz Khan S/O Ilwas Khan TA in Geography, GC, Peshawar	Lecturer in Geography, GC, Peshawar	AVP
3.	Muhammad Abid Qazi S/O Muhammad Tahir Qazi, TA in Computer Science, GC, Peshawar	Lecturer in Computer Science GC, Peshawar	AVP
4.	Ahmad Farooq S/O Anwar Khan, TA in English GC, Peshawar	Lecturer in English GC, Peshawar	AVP
5.	Muhammad Mohsin kumal S/O Muhammad Shahid Kamal, TA in Maths, GC, Peshawar	Lecturer in Maths GC, Peshawar	AVP
6.	Haroon Rasheed S/O Muhammad Khan, TA in Physics GC, Peshawar	Lecturer in Physics GDC, No.1 D.I.Khan	AVP
7.	Muhammad Hashim S/O Muhammad, TA in Urdu, GC, Peshawar	Lecturer in Urdu GC, Peshawar	AVP
8.	Muhammad Iqbal S/O Ameer Gul, TA in Botany, GC, Peshawar	Lecturer in Botany GC, Peshawar	AVP
9.	Inam Ullah S/O Muhammad Iqbal TA in Zoology, GC, Peshawar	Lecturer in Zoology GC, Peshawar	AVP
10.	Akhtar Alam S/O Zar Muhammad TA in Computer Science GDC, Mathra, Peshawar	Lecturer in Computer Science GDC, Mathra, Peshawar	AVP
	Suleiman Khan S/O Muhammad Jar., TA in Physics GDC, Mathra, Peshawar	Lecturer in Physics GC, Peshawar	AVP
12.	Zakriya S/O Nazar Muhammad TA in Pak Study GDC, Wadpaga, Peshawar	Lecturer in Pak Study GDC, Achini Payan, Peshawar	AVP
	Muhammad Shah Nawaz S/O Muhammad Ilyas TA in Statistics GSSC, Peshawar	Lecturer in Statistics GSSC, Peshawar	AVP
14.	Umar Farooq S/O Zakir ud din TA in Physics GSSC, Peshawar	Lecturer in Physics GSSC, Peshawar	AVP
15.	Mussawar Shah S/O Hassan Shah TA in Economics GSSC, Peshawar	Lecturer in Economics GSSC, Peshawar	AVP

Office No. 33 Ad
Dist Bar Abb

Handwritten signature/initials.

11

- ii. In case of resignation, they will have to give one-month prior notice. In absence of such notice, their one-month pay shall be forfeited to Government.
- iii. The selectees must join their posts within 30-days of the issuance of this Notification failing which it shall be presumed that they are not interested to join the same. Charge report should be submitted to all concerned. The Director, Higher Education, Khyber Pakhtunkhwa, Peshawar should furnish a certificate to the effect that the appointees have joined their posts or otherwise, after one month of the issuance of this Notification.
- iv. In case of disciplinary matters, Khyber Pakhtunkhwa Government Servants, (Efficiency & Disciplinary Rules), 2011 shall be applicable.
- v. They will be on probation for a period of one year extendable for another year with specific order of the competent authority within two months of the expiry of first year of probation period in terms of Section-15 amended on 07.12.2017 of Appointment, Promotion, and Transfer Rules, 1989.
- vi. They will undergo mandatory training for the purpose of promotion / direct recruitment, as the case may be.
- vii. They will get pay in BPS-17 including usual allowances as admissible under the rules.
- viii. They will be entitled to annual increment like other Civil Servants.
- ix. Their seniority shall be determined in light of Section-4 of the Khyber Pakhtunkhwa Teaching Assistants (Regularization of Services) Act, 2017.


Attested
[Signature]

Secretary to Government
Khyber Pakhtunkhwa
High Court
Peshawar

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA,
HIGHER EDUCATION DEPARTMENT

Copy Forwarded to the: -

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Secretary (Infrastructure, Coordination & Administration Department, FATA Secretariat, Warsak Road, Peshawar.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar w/r to get verified their Educational documents from the concerned institutions.
8. Director Education (FATA), Khyber Pakhtunkhwa, Warsak Road, Peshawar.
9. Director, Information for wide publicity through media.
10. District/Agency Accounts Officers concerned.
11. Principals, Government Colleges (Male) concerned.
12. P.S. to Minister for Higher Education, Khyber Pakhtunkhwa.
13. P.S. to Secretary, Higher Education Department.
14. Lecturers concerned.


(MUHAMMAD FAYAZ KHAN)
SECTION OFFICER (COLLEGES-II)

Attested
M. H. Qadir
Muhammad H. Qadir Khan Tanoli
Advocate High Court
Office No. 68 Adjacent to
Distt. Jail Peshawar

FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA

13

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

25
Dated Peshawar, the 25/10/2017.

No. PA/Khyber Pakhtunkhwa/Bills/2017/10/30 The Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 13th October, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 20th October, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF TEACHING ASSISTANTS AS LECTURERS ACT, 2017
(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2017)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 25/10/2017).

(Here print as in the accompaniment).

[Signature]

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

[Signature]

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa/Bills/2017/10/31-35 Dated 25/10/2017

A copy of the above is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Higher Education, Archives and Library Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Director I.T/ Special Secretary Provincial Assembly of Khyber Pakhtunkhwa.

[Signature]

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

[Signature]

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

AN
ACT

14

To provide for regularization of the services of Teaching Assistants as Lecturers appointed in Government Colleges by Higher Education, Archives and Libraries Department in the Province of the Khyber Pakhtunkhwa.

Preamble: WHEREAS Higher Education, Archives and Libraries Department has appointed Teaching Assistants through various notifications from 31.10.2014 till 02.12.2015, whereby 772 (SEVEN HUNDRED AND SEVENTY TWO) incumbents male and female are performing duties as Teaching Assistants in various Government colleges of the Khyber Pakhtunkhwa;

AND WHEREAS it is expedient to provide for the regularization of the services of these Teaching Assistants as Lecturers in pursuance of Call Attention No. 663 moved in the Assembly and Recommendation of Standing Committee for Higher Education, Archives and Libraries Department, which report was adopted by the House (Provincial Assembly of Khyber Pakhtunkhwa) on 28th March 2016, in the Public interest, for the purpose hereinafter appearing;

It is hereby enacted as follow:

1. Short title and commencement.- (1) This Act may be called the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017.

(2) It shall come into force at once.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "Department" means the Higher Education, Archives and Libraries Department;
- (c) "Government" means the Provincial Government of the Khyber Pakhtunkhwa;
- (d) "law or rule" means the law or rule for the time being in force governing the Selection and appointment of civil servants;
- (e) "Teaching Assistant" means Teaching Assistants appointed by department on fix pay against the vacant post of lecturer. -
- (f) "Post" means a post of lecturer (BS-17) in the Higher Education Archives and Libraries Department and as required to be filled in, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission.

(2) The expressions "Contract appointment" shall have the meanings as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of Services of Teaching Assistants.- Notwithstanding anything contained in any law or rules all Teaching Assistants who are holding the posts till the commencement of this Act, shall be deemed to have been validly selected and appointed as lecturer to these posts on regular basis from the date commencement of this Act.

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

15

- (c) Such Teaching Assistants possess the qualification and experience prescribed for the post to which they are appointed on regular basis;
- (d) The candidates recommended by the Commission till the date of commencement of this Act, shall have the first right for appointment against the post instead of Teaching Assistants to be regularized under this Act; and
- (e) Such Teaching Assistants were appointed through due process after conducting a test by EATA on district basis.

(2) For the purposes of sub-section (1), the date, on which the recommendation of the Commission is received in the Department, shall be deemed to be the date of recommendation of the Commission.

4. Determination of seniority.- (1) The Teaching Assistants whose services are regularized under this Act, shall rank junior to all those belonging to same service or cadre, as the case may be, who are in service on Commencement of this Act and shall also rank junior to such other persons, if in pursuance of the recommendation of the Commission made before commencement, to be appointed to the respective service of cadre, irrespective of their actual date of joining the service.

(2) The inter-se-seniority of the Teaching Assistants whose services are regularized under this Act shall be determined on the basis of their merit order of Appointment as Teaching Assistants in Higher Education Archives & Libraries Department:

Provided that if the merit order in the case of two or more Teaching Assistants is the same, the Teaching Assistants older in age shall be rank senior to the younger one:

Provided that persons selected for appointment to posts in an earlier notification shall rank senior to the persons selected in a later notification.

5. Removal of Difficulties.- If any difficulty arises in giving effect to any provision of this Act, Government may make such order not inconsistent with the provision of this Act as may appear to it, to be necessary for the purpose of removing such difficulty.

6. Overriding effect.- Notwithstanding anything to the contrary in any other law or rule for the time being in force, the provision of this Act, shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this Act, shall cease to have effect.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Attested
Muhammad

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

Annex c 16

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



No. _____/ST Dated _____ / 2019


To:


1. The Director Higher Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. The Secretary Higher Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - JUDGMENT IN APPEAL NO. 384/2018, MR. NAZAKAT HUSSAIN.

I am directed to forward herewith a certified copy of Judgement dated 21.05.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



15



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 384/2018

Date of Institution ... 15.03.2018

Date of Decision ... 21.05.2019

Nazakat Hussain son of Faiz Alam, Resident of Village Shohal Najif Khan, Tehsil Balakot, District Mansehra. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Higher Education, Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

SYED MEHBOOD AHMAD SHAH, Advocate	---	For appellant.
MR. MUHAMMAD BILAL, Deputy District Attorney	---	For respondents
MR. AHMAD HASSAN	---	MEMBER (Executive)
MR. MUHAMMAD AMIN KHAN KUNDI	---	MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that vide notification dated 10.12.2014, he was appointed as Teaching Assistant for the period mentioned in the said order. The appellant continued performing duty regularly and up to the entire satisfaction of the superiors. From time to time, his contract was extended and last extension was granted upto 31.10.2017. His performance was also appreciated by the Principal of the concerned college in a letter dated 23.01.2018. While in service the appellant suddenly fell ill and was diagnosed to be suffering from Dengue fever. He was examined by the Physician at King Abdullah Government Hospital,

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Mansehra and advised four weeks bed rest. He submitted an application for leave through one Muhammad Shoukat, Lecturer Mathematics in the said college. He also attended the college from 24.10.2017 to 26.10.2017. On account of absence from duty the Principal called his explanation vide letter dated 24.10.2017 to which he replied. Being still indisposed and was unable to perform duty, he was removed from service vide order dated 29.12.2017, against which departmental appeal was filed on 24.01.2018 but was rejected on 14.02.2018, hence, the present service appeal. Absence on the part of the appellant was not willful and deliberate. He was indisposed and this fact was conceded by the respondents in official correspondence. Leave on medical grounds cannot be refused. He was condemned unheard.

3. He further argued that prior to the issuance of impugned order the Provincial Assembly, Khyber Pakhtunkhwa passed enactment no. XXVIII of 2017 w.e.f 25.10.2017, whereby all the Teachers Assistants except the appellant were regularized vide notification dated 07.03.2018. Had the appellant been in service, he would have availed the benefits of regularization. After the said enactment the appellant became a regular civil servant and was required to be treated according to the invogue rules. He cannot be denied the benefits of regularization on the pretext that notification to this effect was issued after his dismissal from service.

4. Learned Deputy District Attorney argued that he was reported absent from duty by the Principal concerned w.e.f 05.10.2017 vide letter no. 151 dated 25.11.2017. It was also mentioned in the said letter that the appellant had not submitted leave application. As he failed to attend duty his explanation was called by the Principal. He remained willfully absent from duty for the period mentioned in the impugned order. As per clause-12 of terms and conditions of the appointment

ATTESTED

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

19

order the Director was authorized to dispense with their services in case of seven days willful absence from duty. Accordingly vide order dated 29.12.2017 he was removed from service. Moreover, he could only avail twenty days leave per annum.

CONCLUSION

5. Vide order dated 10.12.2014 the appellant was appointed as Teaching Assistant on the terms and conditions contained in the appointment order. His contract was renewed from time to time and last extension was granted upto 31.10.2017. Even his performance was appreciated by the Principal concerned in a letter dated 23.01.2018. All of a sudden the appellant fell ill and was diagnosed to be suffering from Dengue fever. To get treatment, he went to King Abdullah Government Hospital, Mansehra and after checkup the doctor concerned advised him four weeks bed rest. He submitted an application duly supported by medical certificate for grant of leave on medical grounds through Muhammad Shoukat, Lecturer Mathematics serving in the same college. Allegedly, he was shown absent from duty w.e.f 05.10.2017. Thereafter, his explanation was called by the Principal vide letter dated 04.10.2017. The Principal in a letter dated 25.11.2017 mentioned that he had submitted medical certificate obtained from King Abdullah Government Hospital, Mansehra dated 16.10.2017 but failed to submit application for leave. Attention is invited to the departmental appeal filed by the appellant on 24.01.2018, wherein he had taken plea that application for grant of leave was handed over to the Principal of the college. He further mentioned that he also attended that college on 24th, 25th and 26th October 2015. The Principal was well aware of his ailment and physical condition. These facts have not been denied/rebutted by the Principal/respondents.

6. Afterwards vide impugned order dated 29.12.2017, he was removed from service on the strength of Clause-12 of the terms and conditions of appointment of

ATTACHED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

20

Teaching Assistants contained in the appointment order. It is mentioned in the said clause that Principal concerned college could dispense with their services in case of seven days willful absence from duty. It is pertinent to point out that under the above clause of the appointment order respondents had the prerogative to initiate action against a delinquent employee in case of willful absence from duty. However, through the available record, it was established that the appellant was not willfully absent from duty coupled with application for leave submitted through a Lecturer of the same college. He was a devoted and dedicated worker, as per available record and nothing adverse was available against him on record. His future cannot be ruined by wrong application of law/rules. He was removed from service without opportunity of defense/ hearing in violation of principles of natural justice. According to Article-10-A of the Constitution opportunity of fair trial was the inalienable fundamental right of the appellant which was denied by the respondents.

7. Attention is further invited to the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017 notified on 25.10.2017. According to Section-3 of the above Act all Teaching Assistants, who were holding the post till the commencement of this Act shall be deemed to have been validly selected/appointed as Lecturer to these posts on regular basis from the date of commencement of this Act. On the strength of this Act services of all the Teaching Assistants except the appellant were regularized w.e.f 25.10.2017 vide notification dated 07.03.2018. After passing substantive law issuance of notification for regularization of services was a mere formality. As a sequel to the promulgation of the Act referred to above, he had become a regular civil servant in terms of Section-3 of the Act. Valuable vested rights had accrued to the appellant and could not be

21

snatched by taking shelter under mere technicalities. Any adverse action against him was to subject to observance of procedure contained in the invogue rules.

8. Furthermore, appointment of the appellant was made by Secretary Higher Education, as appointing authority. According to the available procedure only the appointing authority was authorized to remove/dismiss a government servant. In this case removal order was passed by the Director Higher Education being an incompetent authority, therefore, the same was *corum-non-judice* in the eyes of law. Being an order void ab-initio, it had no legal bearing on the fate of the appellant.

9. As a sequel to above, the appeal is accepted, impugned order dated 29.12.2017 is set aside and the appellant is reinstated in service. The respondents are directed to conduct proper enquiry against the appellant and thereafter pass orders as deemed appropriate within a period of ninety days from the date of receipt of this judgment. He may be fully associated with the inquiry proceedings and also afforded right of defense/personal hearing. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

Certified to be true copy

Khyber Pakhtunkhwa Service Tribunal, Peshawar

(AHMAD HASSAN)
Member
Camp Court Abbottabad.

(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
21.05.2019

Certified to be true copy

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date of Presentation of Application	30-5-19
Number of Words	3600
Copying Fee	14-
Urgent	2-
Total	18-
Name of Copyist	Jm
Date of Completion of Copy	30/5/19
Date of Delivery of Copy	30/5/19

ATTACHED

22

وکالت نامہ

کورٹ فیس

بعدالت حیدر حسین سرویس ٹرانسپورٹ کمپنی
 عنوان: نہایت فوری بنام سیکریٹری یا سٹریٹجی
 منجانب: ایس ایچ ایچ
 نوعیت مقدمہ: سرویس بجائی

باعث تحریر آنکہ

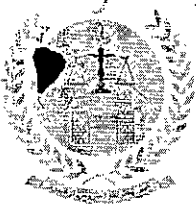
مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام محمد رشید خان تنوی اپنی وکیل کے باجگوانے کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت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

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: 28/8/19

Accepted
 [Signature]
 Nazakat Hussain
 Office No. 33 Adjacent to Distt Bar Abbottabad

ال
 Nazakat Hussain
 نزاکت حسین



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No: 2164-65/ST Dated: 06/07/2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,

- 1 The Accountant General,
Government of Khyber Pakhtunkhwa, Peshawar.
- 2 District Accounts Officer, Mansehra.

Subject: SALARY ATTACHMENT OF THE SECRETARY HIGHER EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR, DIRECTOR HIGHER EDUCATION PESHAWAR, AND PRINCIPAL GOVERNMENT DEGREE COLLEGE Oghi.

I am directed to forward herewith a certified copy of Order dated 13.06.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.


(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

**Before the Learned Provincial Service Tribunal, Khyber
Pakhtunkhwa, Camp Court Abbottabad.**

E.P No. 344/19

In

SA No. 384/18


Nazakat Hussain.....(Petitioner)

VERSUS

**Govt. of Khyber Pakhtunkhwa Through Secretary Higher Education & others
.....(Respondents)**

INDEX

S No.	Description of Documents	Annexure	Pages
1	Reply to Execution Petition		1
2	Affidavit		2


**Section Officer (Litigation)
Higher Education Department,
Khyber Pakhtunkhwa Peshawar**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, ABBOTTABAD

Implementation Petition No. 344/2019

In

S.A # 384/2018

Nazakat Hussain.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa

Through Secretary Khyber Pakhtunkhwa

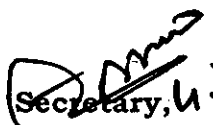
and others.....Respondents.


Subject: REPLY TO IMPLEMENTATION PETITION ON BEHALF OF
RESPONDENTS NO. 1, 2 & 3


1. Pertains to the record.
2. Correct to the extent that Government of Khyber Pakhtunkhwa announced the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017, wherein, all Teaching Assistants have been regularized. It is worth to mention that the appellant was removed from service w.e.f 05/10/2017 due to willful absence from the duty.
3. Correct to the extent that this tribunal accepted the appeal of the appellant. It is worth to mention that the respondent department placed the judgment dated 21/05/2019 before Provincial Scrutiny Committee of Law Department for determination of its suitability for CPLA or otherwise. The Law Department in its meeting held on 13/07/2019 declared the instant case fit for CPLA. Accordingly the respondent department filed CPLA against the judgment passed by this Hon'ble tribunal in the apex court of Pakistan and pending for adjudication.
4. Incorrect. That the respondents are law abiding civil servants and never think to violate the orders of this Hon'ble tribunal. The respondent department just used its legal option by filing CPLA in the apex court of Pakistan.
5. Incorrect. As already explained in the preceding para.

Prayer:

It is, therefore, most humbly that the instant petition may be disposed of accordingly.


Secretary, 4.2.2020
Higher Education, Archives
& Library Department
Respondent No. 01


Director,
Directorate of Higher Education
Respondent No. 02


Principal,
Govt: Degree College,
Oghi, Mansehra
Respondent No. 03
PRINCIPAL
GOVT: DEGREE COLLEGE
OGHI (MANSEHRA)

**BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, CAMP COURT, ABBOTTABAD**

E.P NO. 344/19

IN

S.A No. 384/18

Nazakat Hussain

.....(Appellant)

Versus

Mr. Dawood khan, Govt. of Khyber Pakhtunkhwa


Through Secretary Higher Education Department & others

.....(Respondents)

AFFIDAVIT

I, Zaheer Ashraf (Assistant Professor/ Law Officer), Higher Education Department, Peshawar do hereby solemnly affirm and declare on oath that the contents of reply to the implementation petition are true & correct to the best of my knowledge & belief, nothing has been concealed from this Hon' able Court.

Dated; 16 /03/2021.


16-03-21

Deponent.

CNIC: 13101-4626068-7

Cell #: 03145010810

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, KP PESHAWAR

Muhammad Iqbal Agriculture Inspector Retired Agriculture Inspector
research center Baffa District Mansehra.

...APPELLANT

VERSUS

Government of KPK through Secretary Agriculture Department, Secretariat,
Peshawar & others.

....RESPONDENTS

APPLICATION

INDEX

S.#	Description	Page No.	Annexure
1.	Application alongwith affidavit	1 to 3	
2.	Copy of Rules, 1981	4 - 11	"A"
3.	Copy of Judgment Dated 19/10/2017	12 - 20	"B"

mond by
....APPLICANT

Through

Dated: 19/07/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, KP PESHAWAR

Muhammad Iqbal Agriculture Inspector Retired Agriculture Inspector
research center Baffa District Mansehra

...APPELLANT

VERSUS

Government of KPK through Secretary Agriculture Department, Secretariat,
Peshawar & others.

....RESPONDENTS

APPLICATION IMPLEMENTATION OF
JUDGMENT DATED 19/10/2017 OF THIS
HONOURABLE TRIBUNAL REGARDING GRANT
OF BPS-17 AS RESEARCH OFFICER FROM THE
POST OF RESEARCH INSPECTOR AS PER RULES,
1981

Respectfully Sheweth; -

1. That execution petition No. 389/18 is pending adjudication before this Honourable Tribunal for today.
2. That it is submitted that the applicant was eligible to be promoted from Research Inspector BPS-11 to BPS-17 as

Research Officer under Rules, 1981. Copy of Rules, 1981 is attached as Annexure "A".

3. That incompetent authority i.e. Governor KP amended the Rules under Section 26 of Civil Servant Act 1973 and promulgated Notification 2011, wherein the criteria of promotion/ up-gradation was changed.
4. That this Honourable Tribunal declared the notification 2011 to the extent of method of recruitment as ultra vires vide Judgment dated 19/10/2017. Copy of Judgment Dated 19/10/2017 is attached as Annexure "B".
5. That this Honourable Tribunal directed to the respondent to consider the promotion of the applicant if found fit as per Rules 1981 which were prior to amended notification 2011.

In view of the above, it is prayed that respondents may be directed to consider the applicant for promotion in BPS-17.

Mond 6/3

...**APPLICANT**

Through

Dated: 19/07/2022

8

Annex B

Annex A

IP
R
P-4

GOVERNMENT OF NWFP
SERVICES AND GENERAL ADMINISTRATION
TOURISM AND SPORTS DEPARTMENT
(REGULATION WING)

DATED PESHAWAR THE 1ST FEBRUARY, 1981

NOTIFICATION

No. SOR-II(S&GAD) 2-11/78. In exercise of the powers conferred by Section 26 of the North West Frontier Province Civil Servants Act, 1973, (NWFP Act XVIII of 1973) and in supersession of all previous rules made on the subject in this behalf, the Governor of NWFP is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE
AGRICULTURE DEPARTMENT (RECRUITMENT
AND APPOINTMENT) RULES, 1981

1. (1) These rules may be called the North-West Frontier Province Agriculture Department (Recruitment and Appointment) Rules, 1981
- (2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts specified in column 2 of the Schedule annexed shall be such as given in column 3 to 6 of the said Schedule.

Secretary to Government of

North-West Frontier Province
Services & General Administration
Sports and Tourism Department

No. SOR-II(S&GAD) 2-11/78 Dated Peshawar the 1st Feb. 1981.

A copy is forwarded for information to:-

1. All Administrative Secretaries to Government of NWFP.
2. Director General of Agriculture, NWFP, Peshawar.
3. Deputy Director, Soil Conservation, NWFP, Peshawar.
4. Director of Agriculture (Extension Wing) NWFP, Peshawar.

Attested to be
D

(8)

~~Annex B~~

Annex A

(9)

GOVERNMENT OF NWFP
SERVICES AND GENERAL ADMINISTRATION
TOURISM AND SPORTS DEPARTMENT
(REGULATION WING)

ITC
R
P-4

DATED PESHAWAR THE 1ST FEBRUARY, 1981

NOTIFICATION

No. SOR-II(S&GAD) 2-11/78. In exercise of the powers conferred by Section 26 of the North West Frontier Province Civil Servants Act, 1973, (NWFP Act XVIII of 1973) and in supersession of all previous rules made on the subject in this behalf, the Governor of NWFP is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE
AGRICULTURE DEPARTMENT (RECRUITMENT
AND APPOINTMENT) RULES, 1981

1. (1) These rules may be called the North-West Frontier Province Agriculture Department (Recruitment and Appointment) Rules, 1981
- (2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts specified in column 2 of the Schedule annexed shall be such as given in column 3 to 6 of the said Schedule.

Secretary to Government of

North-West Frontier Province
Services & General Administration
Sports and Tourism Department

No. SOR-II(S&GAD) 2-11/78 Dated Peshawar the 1st Feb. 1981.

A copy is forwarded for information to :-

1. All Administrative Secretaries to Government of NWFP.
2. Director General of Agriculture, NWFP, Peshawar.
3. Deputy Director, Soil Conservation, NWFP, Peshawar.
4. Director of Agriculture (Extension Wing) NWFP, Peshawar.

Attested to be
D

P-5



et Director "On-Farm Water Management Project" NWFP, Peshawar.
ary, NWFP, Public Service Commission, Peshawar.
ger, Government Printing Press, Peshawar for publication in the
rment Gazette. He is requested to supply 50 copies of the Gazette
ation each to the S&GAD and Law Department.
m Officer (R-1) S&GAD, Government of NWFP.

Sd/-
(Abdul Halim)
Section Officer (Regulation)

of General BPS-20
um qualifications prescribed for appointment by initial recruitment or
nsfer.

Ph.D. in any of the subjects relating to the subjects groups specified in
Schedule-II, with at least 15 years experience of holding a post
charged with conducting or controlling research in the field of
agriculture; and

publication of at least 6 research papers on problems encountered in,
or relevant to, the conditions in North West Frontier Province and of
such a quality which have been used as reference by other research
scientists of national and international repute.

um qualifications prescribed for promotion.

Fifteen years experience on responsible research job and

publication of at least 6 research papers on problems encountered
in/or relevant to the conditions in North West Frontier Province and
of such a quality which have been used as reference by other research
scientists of national and international repute.

ut for initial recruitment.

5 years to 50 years

of recruitment

by selection on merit from among Directors of Agri. in the Research
Ving; or

Attested
2

10

P-6

11

- ii. if no suitable candidate is available for promotion, by initial recruitment.
- iii. By transfer.

2. Director/Coordinator, Agriculture Research BPS-19.

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

- a. Ph.D. in any of the subjects relating to the subject groups specified in Schedule-II, with at least 13 years experience of holding a post charged with conducting or controlling research in the field of agriculture; and
- b. publication of at least 4 research papers on problems encountered in, or relevant to the condition in NWFP and of such a quality which have been used as reference by other research scientists of national and international repute.

Minimum qualifications prescribed for promotion.


- a. Master's degree from a recognized university.
- b. 13 years experience of holding a post charged with conducting or controlling research in the field of agriculture; and
- c. publication of at least 4 research papers on problems encountered in, or relevant to the conditions in NWFP and of such a quality which have been used as reference by other research scientists of national and international repute.

Age limit for initial recruitment.

30 years to 45 years.

Method of recruitment

- i. By selection on merit from among Senior Research Officers; or
- ii. if no suitable candidate is available for promotion, by initial recruitment.

Attested


P-7

(11)

(12)

3. Senior Research Officer BPS-18

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

- a. Ph.D in any of the subjects relating to the subject groups specified in Schedule II; and
- b. publication of at least 2 research papers on problems encountered in or relevant to, the conditions in NWFP and of such a quality which have been used as reference by other research scientists of national and international repute.

Minimum qualifications prescribed for promotion.

- a. Master's degree in Agriculture.
- b. 8 years experience on responsible research jobs; and
- c. publication of at least 2 research papers on problems encountered in, or relevant to, the conditions in NWFP and of such a quality which have been used as reference by other research scientists of national and international repute.

Age limit for initial recruitment

25 years to 35 years

Method of recruitment.

- i. Fifty percent by initial recruitment provided that if no suitable candidate is available, then to the extent of non-availability, by promotion; and
- ii. the remaining vacancies shall be filled by promotion through selection on merit from amongst Research Officers.

4. Statistician BPS-18

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

Attested
[Signature]

19

P-8

13

Minimum qualification prescribed for promotion.

- a. - Master's degree in Statistics or Mathematics with specialization in Statistics, from a recognized university and
- b. 8 years experience in planning agricultural experiments and processing the data obtained there from.

Age limit for initial recruitment.

Method of recruitment

By selection on merit from among Additional Statistician in the

5. Research Officer. BPS-17

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

Master's degree under research program in the subject relating to the subject groups, as specified in Schedule II, to which the vacancy belongs, with Bachelor's degree in I.S. Division from a recognized university.

Minimum qualifications prescribed for promotion.

- a. Matriculation or equivalent qualification from a recognized Board; and
- b. 10 years experience in research work.

Age limit for initial recruitment.

21 years to 25 years.

Method of recruitment.

- i. 75% by initial recruitment and
- ii. 25% by promotion on the basis of seniority-cum-fitness from among Field Assis: who have passed the prescribed training course at the Agricultural Training Institute and have demonstrated above average faculties in carrying out experiments and assisting research scientists.

M

P-9

13

189

Note: A Field Assit. promoted to the post of Research Officer shall be appointed in such junior scale as Govt. may, from time to time, determine in this behalf.

6. Additional Statistician (BPS-17)

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

Master's degree in Statistics or Mathematics with specialization in Statistics in Ist Division from a recognized university.

Minimum qualifications prescribed for promotion.

- a. Master's degree in Statistics or Mathematics with specialization in Statistics; and
- b. 5 years experience in planning of agricultural experiments, and processing the data obtained therefrom.

Age limit for initial recruitment.

21 to 25 years.

Method of recruitment.

- i. 50% by initial recruitment; and
- ii. 50% by selection on merit with due regard to seniority from among Assistant Statistics.

7. Assistant Statistician (BPS-16)

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

B.Sc. (Statistics) in Ist division from a recognized university.

Minimum qualifications prescribed for promotion.

- a. Matriculation or equivalent qualification from a recognized Board; and

Attested
J

174

(B)

P-10

b. 10 years experience of work in the Statistical Cell charged with processing of agricultural research data.

Age limit for initial recruitment.

18 years to 25 years.

Method of recruitment.

- i. 75% by initial recruitment; and
- ii. 25% by selection on merit with due regard to seniority from among Senior Computing Clerks/Computers in the Research Wing.

8 Librarian (BPS-16)

Minimum qualifications prescribed for appointment by initial recruitment or by transfer.

B.Sc. in Library Science, from a recognized University. Minimum qualifications prescribed for promotion.

Age limit for initial recruitment

18 years to 25 years.

Method of recruitment

By initial recruitment.

Attested
D

15

SCHEDULE-II

18

Subject Groups

- a) Cereal Crops.
 - i) Maize (including Sorghum and Millet)
 - ii) Wheat (including Barley and Triticale)
 - iii) Rice.
- b) Pulses and Legumes.
Gram, Mung, Mash, Soybean, Lentil.
- c) Oilseeds.
Mustard, Rape, Groundnut, sunflower, sunflowers and castor bean.
- d) Sugar Crops.
Sugarcane and Sugarbeet.
- e) Vegetables.
Potato and Other vegetables.
- f) Horticulture.
Fruit of all kinds.
- g) Miscellaneous Crops.
Forage Crops Tobacco, Cotton, Jute etc.
- h) Plant Pathology.
- i) Plant Physiology.
- j) Entomology.
- k) Chemistry.
Soils, Biochemistry
- l) Food Technology.
- m) Agricultural Economics.

P-11

Attended

2

P-12

BEFORE THE CHAIRMAN, K.P.K.
SERVICE TRIBUNAL PESHAWAR CAMM
ABBOTTABAD

Muhammad Iqbal, Agriculture Inspector
Agriculture Research Centre Baffa
Mansehra.....**Appellant**




Versus

- 1) Government of K.P.K. through Secretary Agriculture Department, Civil Secretariat, Peshawar.
- 2) Director General Agriculture (Research) K.P.K. Peshawar.
- 3) Director Agriculture, Research K.P.K. Peshawar.....**Respondents**

AMENDED APPEAL UNDER SECTION 4
OF NWFP SERVICE TRIBUNAL ACT, 1974
THAT DIRECTION BE GIVEN TO THE
RESPONDENTS THAT APPELLANT
HAVING QUALIFIED IN ALL RESPECT BE
UP-GRADED AND PROMOTED AS
AGRICULTURE OFFICER IN GRADE-17.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Respectfully sheweth!

- 1) That, earlier the appellant had filed writ petition No. 788-A/2013 before the Honourable Peshawar High Court, Abbottabad Bench, which was decided and dismissed vide judgment and order dated 07.11.2013.
- 2) That, the judgment and order dated 07.11.2013 was challenged before Honourable Supreme Court of Pakistan through CPLA No.

(4)

P-18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, CAMP COURT ABBOTTABAD

Service Appeal No.1410/2014

Date of Institution... 15.12.2014

Date of decision... 19.10.2017



Muhammad Iqbal, Agriculture Inspector, Agriculture
Research Centre Buffa, Mansehra. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through
Secretary Agriculture Department, Civil Secretariat,
Peshawar and 2 others. (Respondents)

MR. SAJJAD AHMAD RAMZ,
Advocate *Mansehra*, ... For appellant.

MR. MUHAMMAD BILAL
Deputy District Attorney ... For respondents.

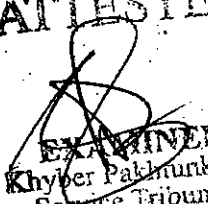
MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments

of the learned counsel for the parties heard and record
perused.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(5)

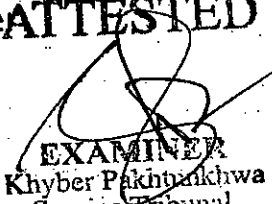
P-M

FACTS

2. The appellant was promoted from the post of Field Assistant (BPS-09) to the post of Agriculture Inspector (BPS-11) in his own pay scale on 14.3.2013. The appellant then filed a Writ Petition before the Worthy Peshawar High Court, Abbottabad Bench on 23.10.2013 which was dismissed on 07.11.2013 for lack of jurisdiction. The appellant assailed this order before the august Supreme Court of Pakistan in Civil Petition No. 2180 of 2013 and the august Supreme Court of Pakistan vide order dated 09.07.2014, disposed of the petition in the light of a judgment reported as PLD 1994-Supreme Court-539 entitled "*Muhammad Anis Vs. Abdul Haseeb*" and by holding that Writ Petition before the Peshawar High Court might be treated as Service Appeal before this Tribunal. This Tribunal then seized of the matter

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was entitled for promotion from BPS-09 to BPS-17 under the existing rules and in this regard, he relied upon a notification issued on 05.06.2005 whereby Agriculture Inspectors (BPS-9) were promoted to BPS-17. He also

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

6

Handwritten signature

referred to two other similar notifications in this regard. He argued that the appellant was also entitled to be promoted to BPS-17 as Research Officer under the existing rules.

4. On the other hand, the learned Deputy District Attorney argued that firstly this service appeal is not maintainable as there is no original order nor the appellant has ever filed any departmental appeal against any order. He further argued that the notifications mentioned by the appellant relates to the years 2005 and 2008 etc. which are prior to the amendments introduced in the concerned appointment rules in 2011. He argued that vide notification dated 30.06.2011, the Secretary to Government of Khyber Pakhtunkhwa Agriculture Livestock and Cooperative Department, existing rules of 1981 were amended and 25% quota for promotion was abolished. That the appellant after this notification was not entitled to be promoted to BPS-17.

CONCLUSION:

5. The appellant in fact is not aggrieved from the order dated 14.03.2013 because the said order of 24.3.2013 has been basically made on the basis of the amendment dated

ATTESTED
Handwritten signature
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

4
⑦
P-18
30.06.2011 whereby method of recruitment and promotion was basically changed.

6. This Tribunal is now to see whether the amendments dated 30.06.2011 were competently made and if not then was the appellant under the legal obligation to challenge the said notification by filing a departmental appeal within a period of 30 days or not. The original rules were framed by the Governor of the Khyber Pakhtunkhwa on 01.02.1981 in exercise of the powers conferred under Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. This is a delegated legislation and any amendment in these rules can only be under Section 26 of the Civil Servants Act of 1973. Though the overarching Appointment, Promotion and Transfer Rules were framed under Section 26 of the Government of Khyber Pakhtunkhwa Civil Servant Act, 1973 firstly in the year, 1975 and then the same were repealed by the rules of 1989 with the same name. Sub rule 2 of rule 3 of the Rules of 1975 and *pari materia* sub rule 2 of Rule 3 of the Rules of 1989 authorizes the concerned department in consultation with the S&GAD and Finance Department to lay down the method of appointment, qualification and other conditions applicable to a post. Some amendments were introduced in

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

exercise of this latter power on 27.10.1987 by amending some rules. We are to see the legality of notification dated 30.06.2011 which is neither passed under Section 26 of the Civil Servants Act, 1973 nor under sub rule 2 of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. This is an executive notification which while upgrading certain posts have laid down some method of recruitment drastically amending the rules of 1981. This notification to the extent of amending the rules of 1981 is *ultra vires* and of no effect as an executive notification cannot amend any rules unless the same is done in exercise of the powers and in the manner delegated in the primary law. This Tribunal undoubtedly has the power to strike such executive notification and even the *vires* of rules as held in *IA Sharwani* case reported as 1991-SCMR-1041.

ATTESTED

7. The next issue for determination is whether the notification dated 30.06.2011 which is held by this Tribunal *ultra vires* above is an original order from which the appellant is aggrieved and was liable to be appealed against. Proviso to Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 clarifies the jurisdiction of this Tribunal with the condition that where an appeal, review or a representation is


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(9)

P-18

provided then the Tribunal has no jurisdiction unless the appellant has exhausted the departmental remedy. For this purpose if we read Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appeals) Rules, 1986 which says that a civil servant aggrieved by an order passed by the **competent authority** relating to the terms and conditions of his service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority. (Emphasis is supplied). The present notification of 30.06.2011 was not passed by the competent authority as held above. Therefore, the appellant was not required to file an appeal against this notification. Section 22 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 says that where a right to prefer an appeal or review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order to the authority next above the authority which made the order. But this sub section 2 of Section 22 has further clarified that where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

(10)

P-19

aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order. (Emphasis is supplied) The representation is to be made within 30 days of the communication of such order. The word "communication" implies those orders which are passed against some specific individuals by name and not general notifications. This gives the result that no representation or departmental appeal is to be preferred against general notification amending the rules as the same is not communicated to any individual. It clearly means that the appellant could not file any representation under proviso to sub section 2 of Section 22 of the Khyber Pakhtunkhwa Civil Servant Act, 1973. He could therefore, straight away come to this Tribunal. But since the appellant approached the Worthy High Court and finally the august Supreme Court of Pakistan converted his Writ into service appeal before this Tribunal, this Tribunal is now to presume that the appellant approached this Tribunal straight away.

ATTESTED
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

8. So far as the limitation to knock the door of this Tribunal is concerned, the notification dated 30.06.2011 is issued by

(11)

P-20

an incompetent authority as is held above to be ultra vires and void and no limitation shall run for challenging this void order as per judgments reported as 2007-SCMR-262, 729 and 2014-SCMR-1189.

9. As a sequel to the above discussion this Tribunal without commenting on the eligibility and fitness of the appellant as per rules prior to 2011 accepts the appeal to the extent of declaring that part of notification of 2011 as ultra vires which amended the method of recruitment. The department is directed to consider the appellant for promotion if the only hurdle in his way was notification of 2011 and if found eligible and fit in accordance with the rules prior to amendments made vide Notification dated 30.06.2011. Parties are left to bear their own costs. File be consigned to the record room.

Announced *SD/- Niqz Muhammad Khan,*
Chairman

19.10.2017

SD/- M. Anis Khan Kundli,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

A
1!

Date of Presentation of Application	28-11-17
Number of Words	3200
Copying Fee	18
Urgent	2
Total	20
Name of Copyist	<i>[Signature]</i>
Date of Completion of Copy	28-11-17
Date of Delivery of Copy	28-11-17



**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the 20th June, 2022

NOTIFICATION

NO.SO(C-II)/HED/2-6/2018/Nazakat Hussain. In pursuance of Khyber Pakhtunkhwa Service Tribunal judgment dated 21.05.2019 titled Nazakat Hussain VS Govt. of Khyber Pakhtunkhwa through Secretary Higher Education Department read with Supreme Court of Pakistan judgment in C.M.A No.1183-P/2019 IN/AND C.P. No.545-P OF 2019 titled Govt. of Khyber Pakhtunkhwa through Secretary Higher Education Department & others VS Nazakat Hussain, Mr. Nazakat Hussain S/O Faiz Alam, Teaching Assistant in Urdu is hereby reinstated into service w.e.f 29-12-2017.

2. The Teaching Assistant concerned is directed to report to Directorate of Higher Education, Khyber Pakhtunkhwa.

-Sd-
SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN:

Copy is forwarded to the:

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Director-IT, (HEMIS Cell), Higher Education Department.
3. Principal, Govt. Degree College Oghi, Mansehra.
4. District Accounts Officer, Mansehra.
5. PS to Secretary, Higher Education Department.
6. Teaching Assistant concerned.
7. Master File.

Attested

[Signature]
PRINCIPAL
Govt Postgraduate College
No.1 Abbottabad

[Signature]
20/6/22
(SAMEERA SABA)
SECTION OFFICER (COLLEGES-II)



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2579-20 /ST Dated 06/09 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph: -091-9212281
Fax: -091-9213262

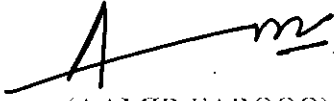
To:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Account Officer, Manshra.

SUBJECT:- ORDER REGARDING RELEASE OF SALARIES IN EXECUTION PETITION NO. 344/2019, TITLED MR. NIZAKAT HUSSAIN -VS- THE SECRETARY HIGHER EDUCATION, GOVERNMENT OF KHYBER PAKHTUKHWA, PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of order dated 19.07.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.


(AAMIR FAROOQ)
ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.