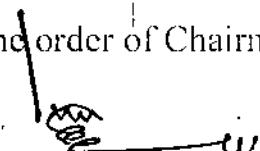


FORM OF ORDER SHEET

Court of _____

Case No.- 27/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/01/2023	<p>The appeal of Mr. Fakhar ud Din presented today by Mr. Burhan Latif Khaisori Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

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

Case Title: _____ vs _____

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____		✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		✓
26.	Whether copies of comments/reply/rejoinder submitted? on _____		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		✓

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Fateh uddin

Signature: _____



Dated: _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 27 /2023

Fakhar-Ud-Din

VERSUS

Govt of KPK & other

SERVICE APPEAL

INDEX

Sr. #	Particulars of Documents	Annexure	Page
1.	Facts and Grounds of appeal along with affidavit	--	1-6
2.	Copies of appointment order along with Masters degree	A	7-16
3.	Copy of order dated 07/05/2010	B	17-18
4.	Copy of letter 20/05/2010	C	19-20
5.	Copy of application + PAY SLIP	D	21-23
6.	Copy of Writ Petition	E	24-26
7.	Copy of the order dated 26/09/2022	F	27
8.	Copy of Appeal along with its better copy	G	28-31
9.	Wakalat nama		32

Dated: 02 / 01 /2023

Your humble appellant



Fakhar-Ud-Din

Through Counsel



Burhan Latif Khaisori
Advocate Supreme Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE**TRIBUNAL, PESHAWAR**Service Appeal No. 27 /2023Khyber Pakhtunkhwa
Service TribunalDiary No. 2632Dated 2-1-2023

Fakhar-ud-Din S/o Abdul Qayyum R/o Wanda Muazam,
D.I.Khan.(Ex-Qari GHS Yarak, Dera Ismail Khan).

(Appellant)**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department K.P.K. Peshawar.
2. Director of Education (E&S) Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male). *D.I. Khan*
4. District Account Officer, D.I.Khan.

(RESPONDENTS)

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974, AGAINST ORDER DATED 07/05/2020 VIDE IMPUGNED LETTER NO.8301-11/EDO(MALE SECTION).

PRAYER:-

On ACCEPTANCE OF THE PRESENT INSTANT SERVICE APPEAL, RESPONDENTS MAY KINDLY BE DIRECTED TO ACT UPON THE IMPUGNED LETTER NO. 8301-11/EDO(MALE SECTION) DATED 07/05/2010 BY REINSTATING THE APPELLANT INTO HIS SERVICES WITH ALL BACK BENEFITS OR ANY OTHER APPROPRIATE RELIEF, WHICH THIS HONORABLE COURT MAY DEEMS BEST IN INTEREST OF JUSTICE, MAY ALSO BE GRANTED TO APPELLANT.

Handwritten signature
2/1/2023

②

Respectfully Sheweth;

1. That the appellant has completed his Academic qualification and was appointed against the vacant posts of QARI on disabled quota on 01/10/2007 after observing all codal formalities. Copies of appointment order along with Masters degree are **Annexure-A.**
2. That later on the basis of political victimization of the Government in the year 2010 conducted an inquiry against the appellant and others, which resultantly terminated the hundreds of the appointed teachers. Copy of order dated 07/05/2010 is **Annexure-B.**
3. That respondents after officer order dated 07/05/2010 regarding termination of teachers, a corrigendum dated 20/05/2010 was issued by respondent no.3 in which it is clarified that termination order dated 07/05/2010 was not implemented on those teachers who were appointed on disable quota etc but did not complied the same. Copy of letter 20/05/2010 is **Annexure-C.**
4. That some of effectees after knowledge filed writ petition against such illegal termination which was accepted on 24/05/2016.
5. That on coming knowledge, the appellant moved an application regarding reinstating on the said post according to letter dated 20/05/2010 and Judgement of Hon'able court but was refused without any reason. Copies of application, Pay Slip are **Annexure- D.**
6. That the appellant preferred the Writ Petition No.614-D/2016 on 25/07/2016 when the tribunal was not functional and this writ was entertained by the Hon'ble

②

Peshawar High Court Bench Dera Ismail Khan. Copy of Writ Petition is enclosed as **Annexure-E.**

7. That on 26/09/2022, the Hon'ble High Court Bench D.I.Khan after keeping in view the situation, converted the Writ Petition of the appellant into representation/departmental appeal and sent the same to the respondent no.2/Director Elementary & Secondary Education Department to decide the same. Copy of the order dated 26/09/2022 is enclosed as **Annexure-F.**
8. That the respondent no.2 was bound to decide the departmental appeal/ representation duly sent to him by the Hon'ble Peshawar High Court Bench D.I.Khan vide order dated 26/09/2022 within 90 days but after the lapse of 90 days still no reply has ever been communicated to the appellant.
9. That as the departmental representation/appeal has not been decided by Respondent No.2 within 90 days as mentioned above, the appellant does not have any other remedy except to knock at the door of this Honourable Court inter alia on the following grounds;-

GROUND S:-

- a. That the act of the respondents is against the law, facts and circumstances of the case and the same amounting to high handedness on the part of the respondents.
- b. That the respondent was appointed on the said post on the basis of 2% disabled quota with requisite qualification. The respondents with malafide intention,



reinstatement their favourites but refused the appellant without any reason.

- c. That as per the letter dated 20/05/2010, it is crystal clear that the case of the appellant purely comes under the definition of the said letter vide which the petitioner was very much entitled to be reinstated as the appellant was appointed on disable quota.
- d. That it is settled law that when a point of law relating to terms and condition of civil servant which covers not only the cases of civil servant who litigation but also of other who may not taken any legal proceeding, the dictates of and rules of good governess demands that benefit of such judgment be extended to other civil servants who may not be parties to the litigation instead of compelling them to approach any forum.
- e. That the appellant also submitted his departmental appeal which was also well within time but the respondents did not bother to reply the same and now even after the clear directions by the Honourable High Court DIKhan bench for deciding the said appeal but up till now no action has ever been taken. Copy of Appeal along with its better copy is enclosed as **Annexure-G.**
- f. That since there is no other efficacious remedy is available to the appellant except to file the instant appeal.
- g. That as the appellant since 2010 remained in litigation for the redressal of his grievances and finally his writ petition was treated as departmental representation

8/11/14

on 26/09/2022, hence, the appeal and the proceedings of the appellant are well within time.

- h. That the appellant has been discriminated while the similar place person along with the appellant were reinstated as per the letter mentioned above vide which the 131 candidates were restored to their services.
- i. That any further grounds if will be needed will be agitated during the course of arguments.

It is therefore, Humbly prayed that on acceptance of the present instant Service Appeal, Respondents may kindly be directed to act upon the Impugned Letter No. 8301-11/EDO(Male Section) dated 07/05/2010 by reinstating the Appellant into his services with all back benefits or any other appropriate relief, which this Honorable Court may deems best in interest of justice, may also be granted to Appellant.

Dated: 02/01/2023

Your humble appellant



Fakhar-Ud-Din
Through Counsel



Burhan Latif Khaisori
Advocate Supreme Court

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

Service Appeal No. _____/2022

Fakhar-Ud-Din

VERSUS

Govt of KPK & other

SERVICE APPEAL

CERTIFICATE

Certified that appellants have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

02.01.2023


Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

02.01.2023


Appellant's counsel

AFFIDAVIT

I, **Fakhar-Ud-Din**, the appellant, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following my instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.


Deponent

Identified By:-


Burhan-Latif Khaisori
Advocate Supreme Court,



"Anex A"

~~B~~ H

7

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LIT.)
DERA ISMAIL KHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following Male Candidate is hereby appointed against vacant post of QARI (Disable) in the school noted against their name in BPS 07 plus usual allowances being a qualified, fitly candidate as per existing policy in the interest of public service, from the date of taking over charge on the following terms and conditions:

<u>S.No.</u>	<u>Name of Candidate with Father's Name</u>	<u>Schools where posted:</u>
1.	Fakhar-ud-Din S/O Abdul Qayyum R/O W. Mbazam DIKhan.	GHS. No.2 DIKhan

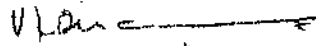
TERMS & CONDITIONS:


1. Charge reports should be submitted to all concerned.
2. No pensionary benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

sd/-
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN


Endst: No. 20140-44 / 1 Dated D.I.Khan the 01/10/2007

- Copy to the:
1. Director Schools & Literacy N.W.F.P. Peshawar.
 2. District Co-ordination Officer, D.I.Khan.
 3. District Accounting Officer, D.I.Khan.
 4. Principal/Headmistress/ Headmaster concerned.
 5. Candidate concerned.


EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN


Executive District Officer
Schools & Literacy D.I.Khan

Attested as per
original



M. AWAR AWAR
1000000

8

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOL & LIT:)
DERA ISMAIL KHAN

APPOINTMENT ORDER:

Consequent upon the approval of selection Committee, the following **Male Candidate** is hereby appointed against vacant post of **QARI (Disable)** in the school noted against their name is BSP 07 plus usual allowances being a qualified fresh candidate as per existing policy in the interest of public service w.e.from the date of taking over charge on the following terms and conditions.

<u>S.No</u>	<u>Name of Candidate with Father's Name</u>	<u>School where posted</u>
1.	Fakhar-ud-Din S/O Abdul Qayyum R/O W, Moazam DIKhan.	GHS. No.2 DIKhan

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No Pensioner benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time without assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

Sd/-
**EXECUTIVE DISTRICT OFFICER,
SCHOOL & LITERACY DIKHAN**

Endst: No, 2014441

Dated D.I.Khan the ___/___/200

Copy to the: -

1. Director School & Literacy N.W.F.P Peshawar.
2. District Co-ordination Officer, D.I.Khan.
3. District Accounts, Officer, D.I.Khan.
4. Principal/Headmistress/Headmaster concerned.
5. Candidate concerned.

**EXECUTIVE DISTRICT OFFICER,
SCHOOL & LITERACY DIKHAN**



No 254844

9

GOMAL UNIVERSITY



DERA ISMAIL KHAN

(Khyber Pakhtunkhwa, Pakistan)

DETAILED MARKS CERTIFICATE

MASTER OF ARTS ISLAMIYAT (FINAL)

Held in October - November :- 2021

Session 2020 / Annual

Roll No. 4481

Name. Fakhr UddinThe Candidate secured the following marks & has been placed in Second Division.

SUBJECT	Total No. of Marks Allotted	Marks Obtained	
		In Figure	In Words
Hadis O Uloom Ul Hadis	100	48	FourtyEight
Al-Fiqah O Usool-E-Fiqah	100	38	ThirtyEight
Tarikh-E-Islam	100	35	ThirtyFive
Humul Kalam	100	50	Fifty
Islam & Jadeed Muashi Nazriyat	100	48	FourtyEight
Viva Voce	100	50	Fifty
Aggregate Previous	500	268	Two Hundred SixtyEight
Total	1100	537	Five Hundred ThirtySeven

Result Declaration Date . 28-03-2022

Errors & Omission Accepted

Attested as per
original
ASL

Controller of Examinations
Gomal University, D.I.Khan

10

PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name: **Fakhar Ud Din**

Father Name: **Abdul Qayyum Khan**

Gender: **M** Country of Stay: **Pakistan**

Identity Number: **12101-9256298-7** Date of Birth: **14.08.1989**

Date of Issue: **23.03.2020** Date of Expiry: **Lifetime**

Holder's Signature

Handwritten notes: قریب ترین CASE, عبدالقیوم خان

12101-9256298-7

101051267799

Registrar General of Pakistan

Handwritten notes: قریب ترین CASE, قریب ترین اسماعیل خان

گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں

ASL

71

EXECUTIVE DISTRICT OFFICER
(SCHOOL & LITERACY) DIKHAN

No. 25757 /

Dated 13/11/2008

~~7/11/2008~~

To: THE DISTRICT COORDINATION OFFICER,
DERA ISMAIL KHAN


Subject: SANCTION FOR GRANT OF BPS-
Memo

It is intimated that following candidate, have been appointed in the Education Department against various posts. All these candidates were graduate having Higher qualification. There were granted BPS-14 under the existing rules in the light of NWFP Finance Deptt. Notification No. ED/PRO/199/2007 and No. 16-04/1992.

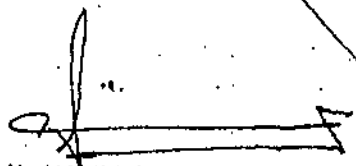
Now the privatization party NWFP, Peshawar raised objection that the sanction for award of BPS-14 due to higher qualification is the competency of District Coordination Officer, D.I. Khan.

It is therefore requested to kindly accord sanction for award of BPS-14 on the basis of having higher qualification in respect of following officials may please be granted.

S.#	Name of Candidate with address	Post on which appointed	Academic/ Professional Qualification	Date of Award BPS-14	No. & Date of sanction already granted by the E.D.O(S & L) DIKhan.
1.	Masood ur Rehman TT.GHS, Gaid Umar Khan.	BPS. 14			v. e. from 23. 5. 2006.
2.	Ghulam Faider Shah Qawi GHS, Kachi Poid Khan.	BPS. 12.			v. e. from 1. 10. 2007.
3.	Qari Fatharu-Bin Qari GHS, Yarrick.	BPS. 12			v. e. from 1. 10. 2007.
4.	Hazir Hussain Qawi, A.W. GHS, 200000 Rajan Pur	BPS/15			v. e. from 1. 10. 2007.
5.	Qaviser Abbas Qari GHS, Mandhra	BPS. 12.			v. e. from 1. 10. 2007.
6.	Azla Rashid A.T GHS, Kaish.	BPS. 15			v. e. from 10/09/07, 23. 5. 2006.
7.	Abdul Sattar AT, GHS, Rora (DIK.	BPS. 15			v. e. from 23. 5. 2006.
8.	Rozina BM GHS, Rukh Now, D. I. Khan.	BPS. 14			v. e. from 1. 10. 2007.


4/12





EXECUTIVE DISTRICT OFFICER
(SCHOOL & LITERACY) DIKHAN

12

Better Copy.

Executive District Officer
(School & Literacy) DIKhan.
No. 25757
Dated 13/11/2008

To,

The District Co-ordinations officer,
Dera Ismail Khan.

SUBJECT:- SANCTION FOR GRANT OF BPS

Memo;

It is informed that following candidate, have been appointed in the Education Department against vacant post. All the candidates were graduate having higher qualification. There were granted BPS-07, was under the existing Rules in the light of NWFP Finance Deptt. Notification No. EDOPRC as following as 1991 and No. 16/04/1992.

As per fixation party NWFP, Peshawar raised objection that the sanction for award of BPS-14 due to higher qualification is the competency of District Coordination Officer, Dikhan.

It is therefore, requested to kindly accord sanction for award of BPS-14 on the basis of having higher qualification to post of following officials may please be granted.

S No.	Name of candidate with address.	Post on which appointed	Academic / Professional Qualification	Date of Award BPS-14	No. & Date of sanction already granted by the EDO(S&L) DIKhan.
1	Masood Ur Rehman	TT GHS Ganid Umar Khan, BPS-14			W.e.from 23/05/2006
2	Ghulam Haider Shah	Qari GHS Kachi Paid Khan PBS 12			w.e.from 01/10/2007
3	Qari Fatharu Din	Qari GHS Yarrik BPS-12			w.e.from 01/10/2007
4	Wazir Hussain	Qari AT GHS Rajan Pur, PBS-15			w.e.from 01/10/2007
5	Qaisar Abbas	Qari GHS Mandra BPS-12			w.e.from 01/10/2007
6	Asia Rashid	AT GHS Kaiek, BPS 13			w.e.from 25/05/2006
7	Abdul Sattar	AT GHS, Rora DIK BPS-15			w.e.from 23/05/2006
8	Rozina	DM GMS Rukh Now, DIKhan BPS-14			w.e.from 01/10/2007

District Officer
(School & Literacy) DIKhan.

OFFICE OF THE DISTRICT COORDINATION OFFICER, DERA ISMAIL KHAN

278-80/DCO (LC's/Education)

Dated D.I.Khan the 3rd /12/2008.

CE ORDER

[Handwritten signature]

In pursuance to the Government of NWFP, Finance Department, (Regulation wing) notification No. FD/PRC/1-89 dated 09-08-1991, No. FD/SO(FR)/10-22(13)/2007 Vol-II, dated 2008 No. FD/SO (FR) 10-22/2007 Dated 26.01.2008 and Govt of NWFP (S&I) Deptt, Peshawar notification No. SO(B&A) 10-13/AT CT Teacher/S&I, dated 27-05-2006 sanction is hereby accorded to of higher pay scale in favour of the following officers as mentioned against each subject to entitlement

name of official	Scale Awarded	Date of Award
Maji Akber, Qari, GHSS No.2, D.I.Khan	BPS-12	01.10.2007
Ahmat Ullah, Qari, GHIS Gandhi Umar Khan	BPS-12	01.10.2007
Abdul Wadood, Qari, GHIS Chawdwar	BPS-12	01.10.2007
Abu Bakar, TT, GHIS Sara Garh	BPS-14	27.08.2008
Muhammad Rafiq, Qari, GHIS No.5, D.I.Khan	BPS-12	01.10.2007
Amna, AT GGMS Central Jull, D.I.Khan	BPS-15	30.10.2008
Aziza Gul, DM GGMS Rukh Now D.I.Khan	BPS-14	01.10.2007
Ambreen Bibi, PST, GGMS Muddi	BPS-09	01.10.2007
Azsood ur Rehman, TT, GHIS Gandhi Umar Khan	BPS-14	23.05.2006
Ahlan Haider Shah, Qari, GHIS Kachi Pand Khan	BPS-12	01.10.2007
Akhar ud Din, Qari, GHIS Yarik	BPS-12	01.10.2007
Aziz Hussain, Qari, AT GHIS Rajan Pur	BPS-15	01.10.2007
Aisar Abbas, Qari, GHIS Maudran	BPS-12	01.10.2007
Asta Rashid, AT, GHIS Kutch	BPS-15	25.05.2006
Abdul Samar, AT, GMS Rora	BPS-15	23.05.2006
Rozina, DM GMS Rukh Now, D.I.Khan	BPS-14	01.10.2007
Hafiz Tasneem, AT, GGHS, Kachi Shumozai	BPS-14	01.10.2007
Abdul Majeed, TT, GMS No.1, D.I.Khan	BPS-14	23.05.2006
Muhammad Fahim, Qari, GHSS No.4, D.I.Khan	BPS-12	01.10.2007
Ismail, TT, GHIS Garahi Hayat, D.I.Khan	BPS-14	01.10.2007
Fukhar ul Islam, PET, GMS Jhok Dabari, Pakpur, D.I.Khan	BPS-14	01.10.2007
Mushaq Hussain, PET, GHIS Yari	BPS-15	01.10.2007
Shaukat Hayat, DM GMS Jhok Ubra, D.I.Khan	BPS-15	01.10.2007
Gul Zaman, DM GHIS Yarik	BPS-15	01.10.2007
Muhammad Subail, DM, GMS Chah Roshan	BPS-14	01.09.2007
Muhammad Subail, DM, GMS Chah Roshan	BPS-15	01.10.2007
Iram Ibrah, CT, GHSS No.2, D.I.Khan	BPS-15	01.10.2007
Arshad Abbas, DM, GMS Saggi Shumozai	BPS-15	01.10.2007
Muhammad Ishaq, TT, GMS No.1, Parou	BPS-14	23.05.2006

District Coordination Officer
D.I.Khan.
DISTRICT COORDINATION OFFICER
DERA ISMAIL KHAN

Copy forwarded to the:-

- The EDO (C & S), Dera I.D.I.Khan w.r to his memo No. 26272 dated 21.11.2008, No. 25757 dated 13.11.2008, No. 26235 dated 24.11.2008, No. 25675 dated 12.11.2008, No. 26130 dated 20.11.2008, No. 26429 dated 26.11.2008, No. 26372 dated 25.11.2008, No. 7628, dated 25.11.2008, No. 26130 dated 27.11.2008, No. 26540 dated 29.11.2008 and No. 26131 dated 26.11.2008.
- The District Accounts Officer, D.I.Khan.
- Officials concerned.

[Handwritten signature]
DISTRICT COORDINATION OFFICER
DERA ISMAIL KHAN
District Coordination Officer

14

Better Copy.

OFFICE OF THE DISTRICT COORDINATION OFFICER DERA ISMAIL KHAN.

No. 2978-80/DCO(1-Sc/Education) dated DIKhan the 03/12/2008

OFFICE ORDER.

In pursuance to the Government of NWFP, Finance Department (Regulation wing) Notification No. FD/PRC/1-89 dated 07/08/1991, No. FD/SO(FR)/10-22(B)/2007 Vol-II, dated 12/11/2008 No. FD/SO(FR) 10-22/2007 dated 26/001/2008 and Govt of NWFP (S&L) Deptt. Peshawar Notification No. SO(B&A)10-13/AT CT Teacher / S&L dated 27/05/2006 sanction is hereby accorded to award of higher pay scale in favour of the following officials as mentioned against each subject to entitlement.

S No.	Name of official	Scale Awarded	Date of Award
1	Haji Akbar, Qari GHSS No. 2, DIKhan.	BPS-12	01/10/2007
2	Rehmat Ullah, Qari, GHS Gandhi Umer Khan	BPS-12	01/10/2007
3	Abdul Wadood, Qari GHS Chodwan	BPS-12	01/10/2007
4	Abu Bakkar, TT GHS Sara Garah	BPS-14	27/08/2008
5	Muhammad Rifat, Qari, GHS No. 5, DIK	BPS-12	01/10/2007
6	Samina, AT GGMS Central Jail, DIK	BPS-15	30/10/2008
7	Rozina Gul DM GGMS Rukh Now DIKhan	BPS-14	01/10/2007
8	Ambreen Bibi, PST, GGPS Maddi	BPS-09	01/10/2007
9	Masood Ur Rehman, TT GHS Gandhi Umer Khan	BPS-14	23/05/2006
10	Ghilam Haider Shah, Qari GHS Kachi Paind Khan	BPS-12	01/10/2007
11	Fakhar Ud Din, Qari, GHS Yarik	BPS-12	01/10/2007
12	Nazir Hussain, Qari AT GHS Rajanpur	BPS-15	01/10/2007
13	Qaisar Abbas, Qari GHS Mandran	BPS-12	01/10/2007
14	Asia Rashid, AT GHS Kaich	BPS-15	25/05/2006
15	Abdul Sattar, AT GMS Rora	BPS-15	23/05/2006
16	Rozinia, DM GMS Rakh Now, DIK	BPS-14	01/10/2007
17	Ifat Tasneem, AT GGHS, Kirri Shamoza	BPS-14	01/10/2007
18	Abdul Majeed, TT GMS No. 1 DIK	BPS-14	23/05/2006
19	Muhammad Fahim, Qari, GHSS No. 4 DIKhan	BPS-12	01/10/2007
20	Ismail, TT GHS Garah Hayat, DIKhan	BPS-14	01/10/2007
21	Fakhar Ul Islam PET GMS Jhok Dabari, Paharpur DIKhan	BPS-14	01/10/2007
22	Mushtaq Hussain PET GHS Yari	BPS-15	01/10/2007
23	Shaukat Hayat, DM GMS Jhok Ubba, DIKhan	BPS-15	01/10/2007
24	Gul Zaman DM GHS Yarik	BPS-15	01/10/2007
25	Muhamamd Suhail, DM GMS Chah Roshan	BPS-14	01/09/2007
26	Muhammad Suhail, DM, GMS Chah Roshan	BPS-15	01/10/2007
27	Iram Ibrar, CT GGHS No. 2, DIKhan	BPS-15	01/10/2007
28	Arshad Abbas, DM, GMS Sagu Shumali,	BPS-15	01/10/2007
29	Muhammad Ishaq TT GMS No. 1 Parova	BPS-14	23/05/2006

**District Coordination Officer
DIKhan**

Copy forwarded to the:-

1. The EDO (E&Ed) DIKhan with to the memo of 26272 dated 24/11/2008, No. 25757 dated 13/11/2008, No. 26235 dated 21/11/2008, No. 285675 dated 12/11/2008, No. 23130 dated 26/11/2008, No. 26449 dated 26/11/2008, No. 26332 dated 25/11/2008, No. 7628 dated 24/11/2008, No. 26177 dated 21/11/2008, No. 26540 dated 29/11/2008, and No. 26431 dated 26/11/2008.
2. The District Accounts Officer DIKhan.
3. Official concerned.

**District Coordination Officer
Dera Ismail Khan.**

چارچرپورٹ

10

میں مسیٰ خزانہ دین نے مسیٰ سید فیروز حسین شاہ برنسپل

سے جو کہ آج مورخہ _____ قبل بعد از دوپہر بموجب حکم نمبری 44-20140

صوفہ 2007/11/10 آمدہ از دفتر FDO سکولز اینڈ کونٹریکٹس ڈپٹی ایس ایچ خان

تعمینات ہوئے اور بطور قاری پوسٹ کا چارج سنبھال لیا ہے

مقام ڈپٹی ایس ایچ خان گورنمنٹ ہائر سیکنڈری سکول، کھڑی اکی خان

مورخہ 9-10-2007

چارچرپورٹ

(Signature)

(Signature)

Principal
Govt. Higher Secondary
School No:2, D.I. Khan

چارچرپورٹ

(Signature)

(A)

تفصیل اشیاء بقایا (بذمہ چارج دہندہ)

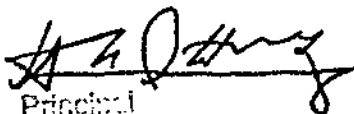
نمبر شمار	نام اشیاء	تعداد اشیاء	کل قیمت	بوسیدہ	گمشدہ	کیفیت
/						

گورنمنٹ ہائر سیکنڈری سکول نمبر 3 مورخہ دہلی خان

پارج دہندہ سید فیروز حسین شاہ (نائب چارج گریڈ دہندہ)

نمبر Nil مورخہ

جناب عالی! چارج 3/4/5 رپورٹ پرت بخدمت عالیہ برائے ضروری کارروائی ارسال ہیں۔


Principal
Govt. Higher Secondary
School No:2, D.I.Khan

ہیڈ ماسٹر گورنمنٹ



"Anex B"

17

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, E&SE
DISTRICT D.I. KHAN.

~~Att / 16~~

No. 822/EDDO (Male Section)

Dated D.I. Khan the 27/05/2010.

To:

- 1-2) The District Officer (M/E) E&SE, in D.I. Khan.
- 3-10) P/c Dy. District Officer (M/E) E&SE, in D.I. Khan.
- 11) All Heads of Educational Institutions (M/E) Higher & High Schools in D.I. Khan.

Subject: IMPLEMENTATION OF TERMINATION ORDERS.

It is to inform you that the Peshawar High Court (D.I. Khan Bench) has returned the petition to the petitioners and has held in its judgment announced on 29/04/2010, that the matter in issue is to adjudicate upon the Khairat Pakhtun Khaw Service Tribunal and the jurisdiction is barred. Moreover, the said court has also held that they present the petition in the proper form, if they so desire. It means they are no more Govt Servants.

You are, therefore, requested that the termination orders already issued by the District Coordination Officer, D.I. Khan vide No. 803/DCO (LdO), dated 04-09-2009 duly endorsed by the undersigned vide No. 10239, dated 04-09-2009 should be implemented in letter and spirit in the light of above referred judgment. However, 309 PST (Male), 131 PST (Female) appointed on merit and 64 Class-IV servants are exempted in view of the decision of the Standing Committee No. 20 on E&SE.

You are further directed that their pay should be stopped from the date of judgment, failing which strict disciplinary action will be initiated against the concerned under Special Powers (Removal from Service) Ordinance, 2000.

[Signature]
Executive District Officer
E&SE, District D.I. Khan

Encls. No. 822/EDDO (Male Section)

Copies of the above is forwarded for information & n action etc.

- 1) The Secretary to K.P.K.P. E&SED, Peshawar.
- 2) The Director E&SED, K.P.K.P. Peshawar.
- 3) The District Coordination Officer, D.I. Khan.
- 4) The S/O (Ligation) E&SED, Peshawar.
- 5) The District Accounts Officer, D.I. Khan.

[Signature]
Executive District Officer
E&SED, District D.I. Khan

.....Better Copy.

18

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, E&SE
DISTRICT DIKHAN.

No. 8301-11/DEO (Male Section) Dated DIKhan the 07/05/2010.

To

- 1-2) the District Officer (M/F) E&SE, in DIKhan.
- 3-10) The Dy. District Officer (M/F) E&SE, in DIKhan.
- 11) All Heads of Educational Institutions (M/F) Higher /high schools in DIKhan.

SUBJECT:- IMPLEMENTATION OF TERMINATION ORDERS.

It is to inform you that the Peshawar High Court, DIKhan Bench has returned the petition to the petitioners and has held in its judgment announced on 29/01/2010, that the matter in issue is to adjudicated upon the Khaiber Pakhtunkhwa, Service Tribunal and the jurisdiction is barred. Moreover, the said Court has also held that they present the petition to the proper forum, if the accordance if means they are no more Govt. Servants.

You are , therefore, requested that the termination orders already issued by the District Coordination Officer, DIKhan vide No. 8021/DCO (Edu) dated 04/09/2009 duly endorsed by the undersigned vide No. 10239, dated 04/09/2009 shold be implemented in letter and spirit in the light of above refererd judgment. However, 309 PST (male), 131 PST (Female) appointed on merit and 61 Class-IV servants are exempted in view of the decision of the standing committee No. 26 on E&SE.

You are further directed that their pay should be started from the date of judgment, failing which strict disciplinary action will be initiated against the defendant under special Powers (Removal from service Ordinance 2000.

Executive District Officer
E&SED, District Dikhan.

Endst; No. 8312-16/DEO (Male Section).

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

1. The Secretary to KPKP, E&SED, Peshawar.
2. The Director, E&SED, KPKP Peshawar.
3. The District Coordination Officer, DIKhan.
4. The SO (Litigation)E&SED, Peshawar.
5. The District Accounts Officer, DIKhan.


Executive District Officer
E&SED, Distt; DIKhan.

"Anex C"

~~11~~ / 10

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
(ELEMENTARY & SECONDARY EDUCATION) DERA ISMAIL KHAN

19

No. 967-69 /AE-I

Dated D.I.Khan the 20/5/2010

To

1. The Distt. Officer M/F (E&SE) D.I.Khan.
2. The Dy. Distt. Officer M/F (E&SE) D.I.Khan.
3. All Heads of Educational institutions (M/F) Higher, High School in D.I.Khan Distt.

Subject:- CORRIGENDUM

Memor:-

in continuation of this office Memo No.8301-11/EDDO /Dated 07-05-2010 and No.8412-14, Dated 12-05-2010.

The personnel appointed from January 2007 to 30th Jun 2008 are hereby terminated in the light of honorable Peshawar High Court Bench D.I.Khan ^{except} 131(F) PST, 309 (M) PST+ deceased Son quota, disabled quota, minority quota who are exempted.

[Handwritten Signature]
20/5/10

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
DERA ISMAIL KHAN.

Encls: No. 9670-75

Dated D.I.Khan the 20/5/2010

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

1. The Secretary to K.P.K E&SE Peshawar.
2. The Director E&SE Deptt: K.P.K Peshawar.
3. The Distt. Coordination Officer D.I.Khan.
4. The S.O (Litigation) E&SE Deptt: Peshawar.
5. The District Accounts Officer D.I.Khan.

[Handwritten Signature]
20/5/10

EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
DERA ISMAIL KHAN.

[Handwritten Initials]
ASL

.....Better Copy.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
(ELEMENTARY & SECONDARY EDUCATION) DERA ISMAIL KHAN.

No. 9067-69/AE-1

dated DIKhan the 20/05/2010.

To

1. The Distt; Officer M/F (E&SE) DIKhan.
2. The Dy; Distt; Officer M/F (E&SE) DIKhan.
3. All Heads of Educational Institutions (M/F) Higher, High School in DIKhan Distt.

SUBJECT:- CORRIGENDUM.

Memo;

In continuation of this office Memo No. 8301-11/EDO/dated 07/05/2010 and No. 8412-14, dated 12/05/2010.

The personal appointed from January 2007 to 30th Jun 2008 are hereby terminated in the light of Honourable Peshawar High Court Bench DIKhan except 131(F) PST, 309 (M) PST + deceased son quota, disable quota, minority quota who are exempted.

Executive District Officer
Elementary & Secondary Educations
Dera Ismail Khan.

Endst; No. 9070-75/ dated DIKhan 25/05/2010

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

1. The Secretary to KPK E&E&SE Peshawar.
2. The District E&SE Deptt; KPK, Peshawar.
3. The Distt; Coordination Officer, DIKhan.
4. The SO (Litigation) E&SE Deptt; Peshawar.
5. The District Accounts Officer, DIKhan.

Executive District Officer
Elementary & Secondary Educations
Dera Ismail Khan.



بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردان) محکمہ تعلیم ڈیرہ اسماعیل خان

جناب عالی!

I/2A
شودبانہ گزارش ہے کہ بندہ معذور کوٹے سے تعلق رکھتا ہے۔ بندہ کا دایاں ہاتھ معذور ہے (معذوری سرٹیفکیٹ لف ہے)۔ چنانچہ اسی کوٹے کے تحت بندہ نے 2007ء میں آنجناب کے دفتر کی طرف سے مشہور شدہ قاری پوسٹ کی آسامی پر بھرتہ کیلئے apply کیا اور مقررہ 480088 کے بعد بندہ کو آنجناب کے دفتر کے فیمو نمبر 20140-44 مورخہ 01-10-07ء کے تحت معذور کوٹے میں قاری پوسٹ پر بھرتہ کر دیا گیا۔ (آرڈر کی کاپی لف ہے)۔

بعد میں کچھ وجوہات کے بناء پر جنوری 2007ء سے 30 جون 2008ء تک کے سارے بھرتے شدہ اساتذہ کو محکمہ نے درخواست کر دیا اور یوں بندہ کو بھی قاری پوسٹ سے برخاست کر دیا گیا۔

لیکن جناب عالی! اسے Termination آرڈر نمبر 69-67 مورخہ 20-05-2010ء میں یہ واضح طور پر لکھا ہوا ہے کہ جو اساتذہ مذکورہ پیریڈ میں deceased کوٹے، سن کوٹے، معذور کوٹے اور اقلیتی کوٹے کے تحت بھرتے ہوئے ہیں وہ مستثنیٰ ہیں یعنی وہ برخاست شمار نہیں ہونگے (اسے فیمو کی کاپی لف ہے)۔

جناب عالی! چونکہ بندہ معذور کوٹے سے تعلق رکھتا ہے اور بندہ کے آرڈر بھی معذور کوٹے کے تحت ہوئے ہیں اسلئے اس لیسٹر کی روشنی میں بندہ کو بحال ہونا چاہیئے تھا لیکن پانچ سال تک آنجناب کے دفتر کے حکم کاٹے رہا ہوں اور میرا مسئلہ ابھی تک حل نہیں ہوا۔ (تخوہ کا آخری پے سلپ اپریل 2010ء میں لف ہے)

فائل نمبر
12170
19-12-015

لہذا آپ صاحب میرا پی فرمائرف شدہ ڈاکو منٹس کا غور سے مطالعہ فرمادیں اور بندہ کو مذکورہ قاری پوسٹ پر دوبارہ بحال فرمادیں۔ امید ہے آنجناب ہمدردانہ غور فرمادیں گے۔ بندہ تا عمل دعا کر رہے گا۔

مورخہ: 16-08-15
فخر الدین % عبدالقیوم گاؤں وڈا کھانہ منظم تحصیل و ضلع ڈیرہ اسماعیل خان
سابقہ قاری ٹیچر No. 2 HSS ڈیرہ اسماعیل خان

(BETTER COPY)

22

D.I.Khan

S#:1

P Sec:002 Month April 2010

DI6063 -PRINCIPAL GHSS YARIK D.I.K

Pers #: 00387985 Buckle: Min: Education Schools

Name: FAKHAR-UD-DIN WTN:

Dsg: QARI CPF#:

CNIC No. 1210192562987 Old#

CPF Interest Free

12 Regular/Contract

DI6063

PAYS AND ALLOWANCES:

0001-Basic Pay 4,975.00

1000-House Rent Allowances 1,306.00

1300-Medical Allowances 500.00

1908-Adhoc Relief-2009 (01-16) 995.00

Gross Pay and Allowances 7,776.00

DEDUCTIONS:

CPF Balance 13,060.00 Subrc: 653.00

3501-Benevolent Fund 35.00

3511-Addl Group Insurance 13.00

3604-Group Insurance 115.00

3663-EEF NWFP Fund 20.00

Total Deductions 836.00

6,940.00

D.O.B

LFP Quota:

14.08.1989

BOK, D.I.KHAN BRANCH D.I. KHAN BRACH CIRC

02 Years 07 Months 001 Days PLS-08331-002

Government Contribution to CPF: 653.00

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23

SN: 1

D. I. Khan

Pers # : 00387985 Buckle:
Name: FAKHAR-UD-DIN
Dsc: GARI
CNIC No. 1210192562907
CPF Interest Free
12 Regular / Contract

P. Sec: 002 Month: April 2010
DI6063 -PRINCIPAL GHSS YARIK D. I. K
Min: Education Schools
NTN:
CPF #:
Old #:

PAYS AND ALLOWANCES:
0001-Basic Pay
1000-House Rent Allowance
1300-Medical Allowance
1908-Adhoc Relief-2009 (01-16)

DI6063
1,975.00
1,306.00
500.00
99E.00

Gross Pay and Allowances
DEDUCTIONS:

CPF Balance 13,060.00
3501-Benevolent Fund
3511-Addl Group Insurance
3604-Group Insurance
3663-EEF MWFP Fund

Subrc: 653.00
135.00
13.00
15.00
20.00

Total Deductions

836.00
6,940.00

D.O.B
14.08.1989
02 Years 07 Months 001 Days
Government Contribution To CPF

LFP Quota:
BOK, D. I. KHAN BRANCH, D. I. KHAN, BRANCH, CIRC
PLS-08331-002
653.00

Salary relieved For 31 Months

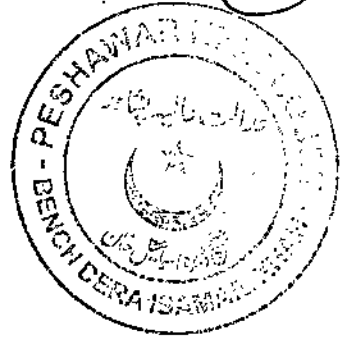
8/1/10

BEFORE THE PESHAWAR HIGH COURT BENCH DERA ISMAIL KHAN

Writ Petition No. 614-D of 2016.

'Anex E'

Fakhar-Ud-Din S/O Abdul Qayum R/O Wanda Muazam D.I.Khan.



Filed by 2632
Adm. Registrar
25/7/16

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department K.P.K Peshawar.
2. Director of Education (E&S) Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male).
4. District Account Officer D.I.Khan.

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

RESPECTFULLY SHEWETH,

1. The petitioner has completed their Academic qualification and was appointed against the vacant posts of QARI on disabled quota on 01.10.2007 after observing all codal formalities. Copies of certificates and appointment order is Annexure A & B.
2. That later on the basis of political victimization the Government in the year 2010 conducted an inquiry against the petitioner and others, which resultantly, terminated the hundreds of the appointed teachers. Copy of order dated 07.05.2010 is Annexure C.

TESTED
12.12.022
EXAMINOR

- 3. That the respondent after office order dated 07-05-2010 regarding termination of teachers, a corrigendum dated 20-05-2010 was issued by respondent no 3 in which it is clarified that termination order dated 07-05-2010 was not implemented on those teachers who were appointed on disable quota etc but did not complied the same. Copy of letter 20-05-2010 is annexure D.
- 4. That some of affectees after knowledge filed writ petition against such illegal termination which was accepted on 24-05-2016. Copy of writ petition and judgment is Annexure E.
- 5. That on coming knowledge, the petitioner moved an application regarding re-instating on the said post according to letter dated 20-05-2010 and Judgment of Hon'ble court but was refused without any reason. Copies of application, Pay Slip are Annexure F & G
- 6. That the respondents all together ignored the rights so accrued hence, having no other alternate remedy, the petitioner is constrain to challenge the same inter alia the following grounds.

Filed today 2632
 Add. Registrar
 25/7/16

Annexure

GROUND:

- i. That the act of the respondents is against the law, facts and circumstances of the case and the same amounting to high handedness on the part of the respondents.
- ii. That the respondent was appointed on the said post on the basis of 2% disabled quota with requisite qualification. The respondents with malafide intention, reinstating their favorites but refused the petitioner without any reason.

Grounds of WP No 614-D of 2016 title Fakh ru Din Vs Govt of KPK

EXAMINOR
 Peshawar High Court Bench
 Dera Ismail Khan

- iii. That it is settled law that when a point of law relating to terms and condition of civil servant which covers not only the cases of civil servant who litigated but also of other who may not taken any legal proceeding, in such cases, the dictates of and rules of good governess demands that benefit of such judgment be extended to other civil servants who may not be parties to the litigation instead of compelling them to approach any forum.
- iv. That since there is no other efficacious remedy is available to the petitioner except to file the instant petition.
- v. That counsel of the petitions may kindly be allowed to raise further grounds during the course of arguments.

It is, therefore, Humbly prayed that by accepting the present Writ Petition, respondents may kindly be directed to act upon the letter No-9067-69 dated 20.05.2010 in accordance with law and also comply the Judgment of Hon'ble High Court dated 25-05-2016 and re-instate the petitioner with all back benefits up till now Or any other appropriate relief, which this Honorable Court may deems best in the interest of justice, may also be granted to petitioner.

Filed today 2632
 Asst. Registrar.
 2517/16

Dated: 22-07-2016.

Yours Humble Petitioners

Fakhar
 Fakhar-Ud-Din

Anwar Ad
 Muhammad Anwar Awan
 Advocate Supreme Court

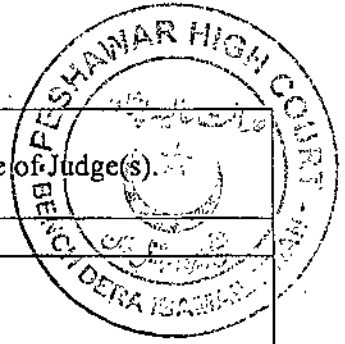
TESTE.
[Signature]
 12.12.02
 EXAMINOR
 Peshawar High Court
 Peshawar



"Annex F"

27

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of Order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
26.09.2022	<p><u>WP No.614-D/2016 with CMs No.114 & 276-D/2022</u></p> <p><u>Present:</u> Muhammad Idrees Khan Advocate for petitioner.</p> <p>Mr. Adnan Ali Assistant Advocate General for respondents.</p> <p>***</p> <p><u>Muhammad Faheem Wali, J.-</u> At the very outset, learned counsel for petitioner requested that this petition was filed before this Honourable Court because at the time of filing this petition, service tribunal was non-functional therefore, in order to save their time, petitioner approached this Court. Now the Service Tribunal is fully functional, therefore, petitioner may be permitted to approach the same without being affected by the period of limitation.</p> <p>2. In this view of the matter and for the ends of justice, the request of learned counsel for petitioner is acceded and this petition is converted into Representation/Departmental Appeal and sent to respondent No.2/Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, to decide the same in accordance with law. Order accordingly.</p> <p><u>Announced.</u> 26.09.2022.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

Office
27/9

*M/Subhan

(D.B) Hon'ble Mr. Justice Muhammad Faheem Wali and Hon'ble Mr. Justice Shahid Khan

EXAMINOR
12.12.2022
Peshawar High Court Bench,
D.I. Khan

"Anex G"

28

To: The Director,
Elementary & Secondary Education,
Khyber Pakhtun Khan,
Peshawar.

Through: Proper Channel.

Subject: DEPARTMENTAL APPEAL



Respected Sir,

The appellant humbly submits as under:

1. That the appellant being eligible and having required qualification was appointed as Gari by the Executive District Officer, Elementary & Secondary Education (formerly known as Schools & Literacy), D.I.Khan, after due course/process of recruitment vide appointment order No. 20140-44 dated 01-10-2007.
2. That, after furnishing Medical Fitness Certificate and taking over the charge of said post, the appellant started performing her official duties regularly with due diligence, care, devotion and to the satisfaction of superiors and leave no stone unturned in performance of his/her official duties.
3. That during the period the services rendered by the appellant remained up-to the mark and no deficiency, inefficiency, negligence or irregularity of the appellant was reported.
4. That, due to the political influence, some inquiries were conducted and during course of such inquiries appellant was not served with any notice, whatsoever nor appellant was given any opportunity of hearing. Thus, the appellant condemned un-heard.
5. That, thereafter, the DCO, D.I.Khan terminated the appellant being appointed in the year 2007, along with others and the E.D.O, Elementary & Secondary Education D.I.Khan vide order No. 10238 dated 04/09/2009, complied with the directions of D.C.O, D.I.Khan; however, this termination order was not implemented but was suspended by the Honourable Peshawar High Court and as such, appellant was performing her official duties and thus remained in service up-till 15/05/2010.
6. That the Writ Petition was dismissed on 29/04/2010 and on 07/05/2010, vide letter No. 8301-11/EPD, dated 07/05/2010 the Executive District Officer, Elementary & Secondary Education, D.I.Khan, ordered for implementation of the termination orders. Thus, the appellant was forcefully stopped to perform his/her official duties after 15/05/2010 and accordingly his/her pay was also stopped.
7. That this time too, neither any inquiry under the relevant law was conducted nor the appellant was provided with a chance of hearing and also there was no private or departmental complaint against the appellant, but the appellant was terminated on the basis of political victimization.
8. That, keeping the verdict dated 29/04/2010 of Honourable Peshawar High Court in view, whereby the appellant along with 1613

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affectedees was directed to approach proper forum, cognized with the fact that termination of appellant was carried out on/after 15/05/2010, the instant appeal is very event within time, however, for the delay (if caused) a separate application for condonation of delay is being filed along with.

9. That it is worth mentioning that the regarding the matter in issue a CPLA was filed before Honourable Apex Court of the Country and vide decision dated 28-6-2010 it was observed by the august Supreme Court of Pakistan, the limitation should not be hurdle in the way of relief sought by the petitioner.

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the termination orders No. 10238 dt. 04/09/2010 and No. 8301-11/EDO dt. 07/05/2010 may please be set aside and the appellant may graciously be re-instated with all back/future benefits.

Yours Humble Applicant

Encls: (as above).

DA 9-7-2010

Fakhar-ud-Din s/o Abdul Qayyum
village & P/o. Wanda Moogram
Teh & Distt D.I. Khan

Note: That this appeal is being filed directly to the Director in the Office of Executive District Officer, Elementary & Secondary Education, D.I. Khan, was reluctant to forward this appeal, being through proper channel.

- 1) Copy to the Secretary, Elementary & Secondary Education Peshawar.
- 2) Copy to the District Coordination Officer, Dera Ismail Khan.
- 3) Copy to the Executive District Officer, Elementary & Secondary Education, Dera Ismail Khan.



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BETTER COPY

To

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

Through: **PROPER CHANNEL**

Subject: Departmental appeal

Respected Sir,

The appellant humbly submits as under;

1. That the appellant being eligible and having required qualification was appointed as Qari by the Executive District officer elementary and secondary Education (formerly known as School & Literacy) D.I.Khan after due course/process of recruitment vide appointment order No. 20140-44 dated 01/10/2007.
2. That after furnishing medical fitness certificate and taking over the charge of said post the appellant started performing her official duties regularly with due diligence, care, devotion and to the satisfaction of superiors and leave no stone unturned in performance of his/her official duties.
3. That during the period the service rendered by the appellant remained up-to the mark and no deficiency, inefficiency, negligence or irregularity of the appellant was reported.
4. That due to the political influence some inquiries were conducted and during course of such inquiries appellant was not served with any notice whatsoever, nor appellant was given any opportunity of hearing, thus the appellant condemned unheard.
5. That, thereafter, the DCO D.I.Khan terminated the appellant being appointed in the year 2007 along with others and the E.D.O elementary & Secondary Education D.I.Khan vide order No. 10238 dated 04.09.2009 complied with the directions of D.C.O D.I.Khan however, this termination order was not implemented but was suspended by the honourable Peshawar high court and as such appellant, was performing her, official duties and thus remained in service up-till 15/05/2010.
6. That the writ petition was dismissed on 29/04/2010 and on executive district officer, elementary & secondary education D.I.Khan ordered for implementation of the termination orders. Thus, the appellant was forcefully stopped to perform his/her official duties after 15.05/2010 and accordingly his/her pay was also stopped.

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7. That this time too, neither any inquiry under the relevant law was conducted nor the appellant was provided with a chance of hearing and also there was no private or departmental complaint against the appellant: but the appellant was terminated on the basis of political victimization.
8. That, keeping the verdict dated 29/04/2010 of honourable Peshawar high court in view, hereby the appellant along with 1613 affectless was directed to approach proper forum complete with fact that termination of appellant was carried out on/after 15.05.2010. the instant appeal is very much within tune however, for the delay (if caused) a separate application for condonation of delay is being filed along-with.
9. That it is worth mentioning that the regarding the matter in issue a CPLA was filed before honourable apex court of the country and vide decision dated 28/06/2010 it was observed by the august supreme court of Pakistan, the limitation should not be hurdle in the way of relief sought by the petitioner.

In wake of above submissions, it is respect fully frayed that on acceptance of instant appeal, the termination orders No 10238 dt 04.09.2010 and No. 8301-11/EDO dt.07.05.2010 may please be set-aside and the appellant may graciously be re-instated with all back/future benefits.

Yours humble appellant

Encls : (as above)

Fakhar-Ud-Din S/O Abdul Qayyum

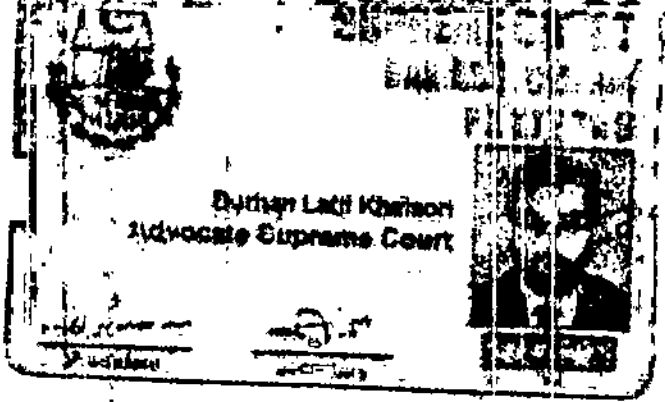
Dt. 9-7-2010

Village Wanda Moazam Tehsil
& District D.I.Khan.

Note. That this appeal is being filed directly in the dues not as the office of executive district officer, elementary & secondary education D.I.Khan was reluctant to forward this appeal, being through proper channel.

1. Copy to the secretary, elementary & Secondary education Peshawar.
2. Copy to the district coordination officer, Dera Ismail Khan.
3. Copy to the executive district officer, elementary & Secondary education, Dera Ismail Khan.

وکالت نامہ



بدالت جناب
 Before the Services Tribunal, KP Peshawar
 From Appellant منجانب
 Fakhar-ud-din vs Govt: of KPK
 Services Appeal

دعویٰ یا جرم
 تفصیل دعویٰ یا جرم

باعث تحریر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی و جو بددی برائے پیشی یا تھفیر مقدمہ بمقام

BURHAN LATIF KHAISORI ADVOCATE SUPREME COURT OF PAKISTAN

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر وقت پر خود بذریعہ اختیار خاص رد و بدالت حاضر ہونا ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر بدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پشوری کے علاوہ کسی جگہ یا پشوری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر مقام پشوری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جتانا واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل اختہ پر اخذ صاحب موصوف شل کردہ ذات خود قبول منظور ہوگا۔ اور صاحب موصوف کو کرضی دعویٰ یا درخواست اجرائے ڈگری و نظر ثانی نگرانی اپیل نگرانی و ہر قسم درخواست پر تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے ہر قسم کے بیان دینے اور اس پر تاشی یا راضی نامہ فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پشوری صدر بیروی مقدمہ مذکورہ نظر ثانی و نگرانی و برآمدگی مقدمہ یا سنوئی ڈگری کی طرف یا درخواست حکم استغاثی یا ترقی یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ جتانا بیروی کا اختیار ہوگا اور تمام ساختہ پرداختہ صاحب موصوف شل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزوی کارروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا ایگزیکٹو کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں دعویٰ اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانا التوا پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سنا رہے۔

مورخہ 23 / 01 /

منجانب وکالت نامہ لکھ دیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ACCEPTED

BURHAN LATIF KHAISORI
 Advocate
 Supreme Court of Pakistan OIC
 Enr# 5164,
 Cell: 0333-9973433

BC-09-0933

Fakhar-ud-Din
 (Appellant)