

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

Service Appeal No. 904/2018

Date of Institution ... 17.07.2018

Date of Decision ... 20.04.2022

Shahzad Maqsood Son of Maqsood Ahmed, Resident of Mohallah Lohar Banda, Mansehra, Tehsil and District Mansehra.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar and three others.

... (Respondents)

MR. MUHAMMAD AWAIS

Advocate

---

For appellant.

MR. MUHAMMAD ADEEL BUTT,  
Additional Advocate General

---

For respondents.

MR. SALAH-UD-DIN

MS. ROZINA REHMAN

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MEMBER (JUDICIAL)

MEMBER (JUDICIAL)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-** Through the instant service appeal, the appellant has invoked jurisdiction of this Tribunal with the prayer copied as below:-

*"on acceptance of the instant service appeal, the respondents may graciously be directed/ordered to restore the appellant on his post i.e PST Teacher and also directions be issued to the respondents to hand over the charge and to release the salaries of the appellant with all back benefits or any other order as this Honourable Tribunal deems fit and appropriate may also be passed."*

2. Precise facts as alleged by the appellant in his appeal are that he was appointed as PTC Teacher and was posted in

Government Primary School Lohar Banda vide Endst: No. 1911-2074 dated 24.03.1992. The appellant performed his duty with zeal and zest. On various occasions, the appellant applied for leave, which was sanctioned accordingly by competent Authority. During the course of his service, the appellant was transferred to Government Primary School Bai Paeen Battal and he took charge in the said school on 20.09.2008. The appellant applied for leave on 29.09.2008 and in the meanwhile his mother got severely ill, therefore, the appellant remained busy in her look after, who eventually died in the year 2016. The appellant approached the respondents for restoration of his service and submitted application for furnishing of details of his leave, however no action was taken by the respondents, therefore, the appellant filed departmental appeal, which was not responded within the statutory period of 90 days, hence the instant service appeal.

3. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

4. Learned counsel for the appellant has contended that neither any show-cause notice nor any charge sheet or statement of allegations were issued to the appellant. He next contended that the appellant remained absent from duty due to un-avoidable circumstances and as no departmental action what-so-ever was taken against the appellant regarding his absence from duty, therefore, the service of the appellant is still intact. He next contended that service record of the appellant is available in office of the respondents and as his service is still intact, therefore, respondents are not justified in refusal of handing over of the charge of his post to the appellant. He further argued that in view of in-action on the part of the respondents in resolving the issue, service appeal in hand is maintainable.

5. On the other hand, learned Additional Advocate General for the respondents has argued that the appellant had already

availed maximum leave, to which he was entitled and has remained absent from duty for more than 05 years, therefore, in view of FR-18, he has ceased to be a government servant. He next contended that the appellant was not interested in performing of his duty and remained absent for considerable long period without any sanctioned leave or prior permission of the competent Authority. He next argued that the appeal in hand is time barred and is liable to be dismissed with costs.

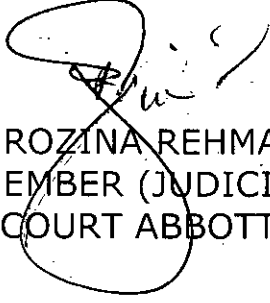
6. Arguments heard and record perused.

7. A perusal of the record would show that the appellant had submitted an application on 29.09.2008, seeking leave with effect from 06.10.2008, however nothing is available on the record, which could show that the same was allowed or rejected. What could be gathered from the contents of the appeal is that the appellant did not perform his duty with effect from 06.10.2008 and approached the department for his adjustment vide application bearing Diary No. 9351 dated 15.11.2017. It is though an admitted fact that the appellant remained absent from duty, however it is astonishing that the respondents remained in deep slumber and did not initiate any disciplinary action against the appellant on the ground of his absence from duty. While going through the comments so submitted by the respondents in the instant service appeal, they have not mentioned any specific date, from which the appellant had remained absent. The contention of learned Additional Advocate General that as the appellant has continuously remained absent from duty for more than 05 years, therefore, he has ceased to be a government employee, is misconceived for the reason that FR-18 has already been omitted vide Notification No. F.1(11)R.4/89 dated 3<sup>rd</sup> November 1992. In this scenario, the service of the appellant is still intact.

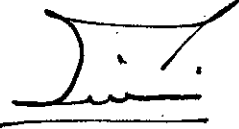
8. In view of the above discussion, the appeal in hand is partially allowed and respondents are directed to adjust the appellant on his post from 15.11.2017, which is the date on which he submitted application to the DEO (Male) Mansehra

for his adjustment. The intervening period with effect from 06.10.2008 till 14.11.2017 may be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.04.2022



(ROZINA REHMAN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD



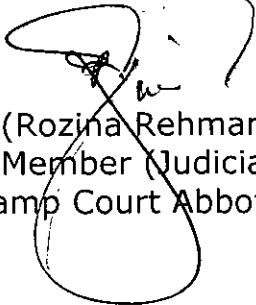
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD


O R D E R  
20.04.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is partially allowed and respondents are directed to adjust the appellant on his post from 15.11.2017, which is the date on which he submitted application to the DEO (Male) Mansehra for his adjustment. The intervening period with effect from 06.10.2008 till 14.11.2017 may be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.04.2022

  
(Rozina Rehman)  
Member (Judicial)  
Camp Court Abbottabad

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

17.06.2021

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

  
Reader

01.10.2021

None present on behalf of the appellant. Mr. Muhammad Rasheed, DDA alongwith Muhammad Tauseef, ADEO for the respondents present.

Since no one is present on behalf of the appellant, case is to come up for arguments on 22.01.2022 before the D.B at Camp court, Abbottabad. Notice be issued to appellant/his counsel for the date fixed.




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



Chairman  
Camp Court, A/Abad

20.01.2022

Nemo for the appellant. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel <sup>through registered post</sup> and to come up for arguments on 20.04.2022 before the D.B at Camp Court, Abbottabad. 



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



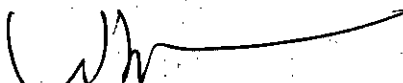
(Salah-Ud-Din)  
Member (J)  
Camp Court A/Abad

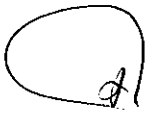
20.10.2020

Appellant in person present.

Usman Ghani learned District Attorney for respondents present.

Due to general strike of the bar, case is adjourned to 16.12.2020 for arguments, before D.B at Camp Court, Abbottabad.

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

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

*Due to COVID-19 case is  
adjourned to 17/03/2021*





17.03.2021

Nemo for appellant.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Touseef Ahmed Litigation Officer for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant and his counsel be put on notice for 17/6/2021 for arguments before D.B at Camp Court Abbottabad.


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

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

21.01.2020

Appellant in person present. Mr. Muhammad Jan, DDA  
for respondents present. Due to general strike of the bar on the  
call of Khyber Pakhtunkhwa Bar Council, the case is adjourned.  
To come up for further proceedings/arguments on 20.02.2020  
before D.B at camp court Abbottabad.

  
Member

  
Member  
Camp Court A/Abad

20.2.20

Due to covid ,19 case to come up for the same on 14/4 / 20  
at camp court abbottabad.

  
Reader

14.4.20

Due to summer vacation case to come up for the same on 10 / 20  
at camp court abbottabad.

  
Reader



21.08.2019

Appellant in person present. Written reply on behalf of respondent No.4 still awaited. Usman Rasheed Sub Accountant representative of respondent No.4 present and seeks time to furnish written reply/comments. Granted by way of last chance. To come up for written reply/comments on 23.10.2019 before S.B at Camp Court, Abbottabad.

Member  
Camp Court A/Abad

23.10.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney present. Mr. Tauseef Ahmad, ADEO for respondents No. 1 to 3 present and furnished reply on behalf of respondents No. 1 to 3, placed on file. No one is present for respondents No. 4. Fresh notice be issued to respondent No. 4. To come up for written reply/comments of respondents No. 4 on 21.11.2019 before S.B at Camp Court, Abbottabad.

Member  
Camp court, A/Abad


21.11.2019

Clerk to counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith M/S Toseef ADEO (for respondents No.1 to 3) and Munir Hussain Shah AAO (for respondent No.4) present. Written reply on behalf of remaining respondent i.e. respondent No.4, submitted. To come up for rejoinder if any and arguments on 21.01.2020 before D.B at Camp Court, A/Abad.

Member  
Camp Court, A/Abad

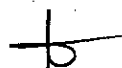
18.04.2019

None for the appellant present. Mr. Muhammad Bilal, DDA for respondents present. Written reply/comments on behalf of respondent no.4 not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on behalf of respondent no.4 on 19.06.2019 before S.B at camp court Abbottabad.

  
(Ahmad Hassan)  
Member  
Camp Court A/Abad


19.06.2019

Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Mr. Tauseef Ahmad, ADEO for respondents no. 1 to 3 present. Neither written reply on behalf of respondent no.4 submitted, nor representative of respondent no.4 is present, therefore, notice be issued to him for submission of written reply/comments. Case to come up for written reply/comments of respondent no.4 on 21.08.2019 before S.B at camp court Abbottabad.

  
(Ahmad Hassan)  
Member  
Camp Court A/Abad

16.01.2019.

Learned counsel for the appellant present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 21.02.2019 S.B at Camp Court Abbottabad.



Member

Camp Court Abbottabad

21.02.2019

Counsel for the appellant present. Mr. Tausif Ahmad ADO for respondents No. 1 to 3 alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Written reply on behalf of respondents No. 1 to 3 submitted today. Neither written reply on behalf of respondent No. 4 submitted nor representative of respondent No. 4 is present therefore, notice be issued to respondent No. 4 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondent No. 4 on 18.04.2019 before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

19.09.2018

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued inter alia that the appellant was appointed as PTC in the year 1992; that the appellant received salaries up till the year 2003; that extraordinary leave was sanctioned to the appellant at different intervals between 2004 till 2008. In the year 2008 the appellant again applied for extraordinary leave without pay but the fate of his application was not brought to his notice. That no original or appellate order was communicated to the appellant regarding any departmental action against him as such the appellant is entitled for adjustment on his post.

Points raised need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 13.11.2018 before S.B at Camp Court A/Abad.

Appellant Deposited  
Security & Process Fee



Member

Camp Court A/Abad

13.11.2018

None for the petitioner present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 16.01.2019 at camp court Abbottabad.



Reader



A/Abad

## Form -A

## FORM OF ORDER SHEET

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

Case No. 904/2018

S.No.	Date of Order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/07/2018  27-7-2018	<p>The appeal of Mr. Shahzad Maqsood presented today by Mr. Yasir Khattak Advocate may be entered in the Institution register and put up to the Wrothy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>The case is entrusted to Touring S. Bench at Abbottabad for preliminary hearing to be put up there on <u>19-09-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR CAMP COURT  
ABBOTTABAD

Service appeal No. 904 of 2018  
Shahzad Maqsood .....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through  
Secretary Education, Peshawar etc.... Respondents

SERVICE APPEAL

INDEX

S#	Particulars of documents	Annexure	Pages
1	Memo of Service appeal alongwith affidavit.	.....	1, to, 9
2	Correct addresses of the parties.	.....	-10-
3	Copy of the appointment order.	"A"	11, to, 13
4	Copies of record regarding sanction of leave.	"B"	14-22
5	Copy of the order dated 18.09.2008.	"C"	-23-
6	Copy of the arrival report.	"D"	-24-
7	Copy of the application.	"E"	-25-
8	Copies of the applications.	"F"	26, 27
9	Copy of the application.	"G"	-28-30-
10	Copy of appeal.	"H"	-31, 32-
11	Copy of the order dated 17.01.2018.	"I"	33-37
12	Wakalat Nama.	.....	38

Dated 30.06.2018

*Shahzad*  
Shahzad Maqsood  
...Appellant

Through

*Muwas*  
*Yasir*  
MUHAMMAD AWAIS,  
YASIR KHATTAK,  
Advocates High Court,  
Mansehra.

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

Service appeal No. 904 of 2018

Shahzad Maqsood son of Maqsood Ahmed  
resident of Mohallah Lohar Banda, Mansehra,  
Tehsil and District Mansehra .....Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Disty No. 1173

Dated 17-7-2018

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director, Elementary & Secondary Education, Peshawar.
3. District Education Officer (Male), Mansehra.
- ✓ 4. District Accounts Officer, Mansehra.  
.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF**  
**KPK ~~Service Tribunal~~ ACT, 1974 FOR**  
**DECLARATION TO THE EFFECT THAT**  
**THE APPELLANT IS STILL IN SERVICE**  
**VIDE ENDST. NO.1911-2074 DATED**  
**24.03.1992 ISSUED BY THE RESPONDENTS**  
**FOR THE APPOINTMENT OF APPELLANT**  
**AS A PTC TEACHER AND HAS NOT BEEN**  
**TERMINATED/DISMISSED TILL DATE**  
**NOR HE RESIGNED FROM THE SERVICE**  
**OF HIS POST. THE ACT OF**  
**RESPONDENTS IN RESPECT OF**  
**DENYING THE SERVICE OF THE**  
**APPELLANT, NON-RENDERING THE**

Filed to-day  
*Sandhu*  
Registrar  
17/7/18

SERVICE DETAIL OF THE APPELLANT  
AND CONSEQUENTLY REFUSAL OF THE  
RESPONDENTS TO HAND OVER THE  
CHARGE TO THE APPELLANT IS  
WRONG, ILLEGAL, UNLAWFUL,  
WITHOUT LAWFUL AUTHORITY,  
BASED ON MALAFIDE, AGAINST THE  
FUNDAMENTAL RIGHTS OF THE  
APPELLANT, ARBITRARY, FANCIFUL,  
PERVERSE, AGAINST THE RELEVANT  
LAW, RULES AND REGULATIONS  
HENCE LIABLE TO BE SET  
ASIDE/STRUCK DOWN.

PRAYER: -

On acceptance of the instant appeal, the respondents may graciously be directed/ ordered to restore the appellant on his post i.e. PST Teacher and also directions be issued to the respondents to hand over the charge and to release the salaries of the appellant with all back benefits or any other order as this Honourable Tribunals deems fit and appropriate in the circumstances of the case, may also be passed.

Respectfully Sheweth!

1. That, the appellant was duly appointed as PTC Teacher at Government Primary School Lohar Banda vide order Endst.



No.1911-2074 dated 24.03.1992  
through serial No.28.

*(Copy of the appointment order is  
annexed as annexure "A").*

2. That, during the service, appellant served the assigned duties with great zeal and zest and during his service, the appellant applied for leave at different times, which was sanctioned accordingly by the respondents.

*(Copies of record regarding sanction of  
leave is annexed as annexure "B").*

3. That, later on, the appellant was transferred from Government Primary School Lohar Banda to Government Primary School Bai Paeen Battal against vacant post of PST through order bearing Endst. No.24305-8 dated 18.09.2008.

*(Copy of the order dated 18.09.2008 is  
annexed as annexure "C").*

4. That, after his transfer, the appellant had taken over the charge through his arrival report No.2470 dated 20.09.2008 in Government Primary School Bai Paeen Battal.

*(Copy of the arrival report is annexed as annexure "D").*

5. That, after taking over the charge, the appellant again applied for leave on 29.09.2008.

*(Copy of the application is annexed as annexure "E").*

6. That, in the meanwhile, the mother of the appellant was severely ill and as there was no other person to look after his mother, therefore, the appellant remained busy in treatment of his mother for a long period and during this time, the appellant properly informed to respondents verbally as well as through written applications and in the meantime, the respondents also received the service book and other service record from the appellant.

*(Copies of the applications are annexed as annexure "F").*

7. That, despite hectic efforts on the part of the appellant, the mother of the appellant did not survive and consequently she died in the year 2016.
8. That, after the death of the mother of the appellant, the appellant approached

the respondents for the restoration of his service and also asked the respondents to furnish the detail of his leave vide applications dated 15.11.2017 and 15.01.2018.

*(Copies of the applications are annexed as annexure "G").*

9. That, the appellant kept awaiting the proceedings on his application but remain invain hence the appellant was constrained to file departmental appeal before the respondent No.2 on 19.03.2018 which is still unattended to.

*(Copy of the appeal is annexed as annexure "H").*

10. That, the appellant being aggrieved from the acts of the respondents seeks the gracious indulgence of this Honourable Tribunal for the restoration of his services, inter alia, on the following grounds: -

#### **GROUNDS**

- a. That, the impugned acts of the respondents in respect of denying the

service of the appellant, non-rendering the service detail of the appellant and consequently refusal of the respondents to hand over the charge to the appellant is wrong, illegal, unlawful, without lawful authority, based on malafide, against the fundamental rights of the appellant, arbitrary, fanciful, perverse, against the relevant law, rules and regulations hence liable to be set aside/struck down.

- b. That, the appellant has never served with any show cause notice nor informed from any other source nor terminated/dismissed from his service which clearly shows the malafide on the part of the respondents only to deprive the appellant from his legal and fundamental right.
- c. That, the appellant many times to the respondents and submitted different applications for furnishing the details about his service and about his service book but the respondents never adhered to the request of the appellant.
- d. That, the appellant is still in service and his service record is also available on the office of respondents but

respondents intentionally pressed down the matter of the appellant just to accommodate/facilitate their blue eyed chap.

- e. That, it is the fundamental right of the appellant to provide all the details pertaining to the service of the appellant and respondents are also duty bound to adjust the appellant against his post i.e. PST Teacher as the appellant had already served the department for a sufficient time but non-rendering the services detail of the appellant and not handing over the charge to the appellant speaks volume of malafide on the part of the respondents.
- f. That, neither any action in any form either been taken against the appellant by the respondents nor under any law the respondents have terminated the services of the appellant thus the appellant is deemed to have been in service till now and the respondents are not entitled to refuse the continuance of the service of the appellant. Similarly, no termination order has ever been served upon the appellant nor communicated to the appellant by any source.

- g. That, the impugned acts of the respondents encroached upon the fundamental rights of the appellant as guaranteed under constitution of Islamic Republic of Pakistan, 1973.
- h. That, it is an inalienable right of the appellant to enjoy the protection of law, rules and regulations and to be treated in accordance with the same whereas this right of the appellant has been infringed by the respondents in a sheer malafide manner.
- i. That, powers or jurisdiction are vested in an authority to exercise it justly, fairly, honestly, judiciously and in accordance with the mandate of law, rules and regulations but the respondents have bypassed all the relevant law, rules and regulations.
- j. That, the grievances of the same like employee have been redressed by this Honourable Tribunal in service appeal bearing No.528/2014 titled "Zahir Shah Vs. Govt. of KPK etc" decided on 17.01.2018 hence the appellant being on same footing is entitled to the same relief.

(Copy of the order dated 17.01.2018 is annexed as annexure "I").

.....PRAYER.....

**It is, therefore, most humbly** requested that on acceptance of the instant appeal, the respondents may graciously be directed/ordered to restore the appellant on his post i.e. PST Teacher and also directions be issued to the respondents to hand over the charge and to release the salaries of the appellant with all back benefits or any other order as this Honourable Tribunals deems fit and appropriate in the circumstances of the case, may also be passed.

Dated 30.06.2018

*Shahzad*  
Shahzad Maqsood  
...Appellant

Through

*Muhammad Awais*  
*Yasir Khattak*  
**MUHAMMAD AWAIS,  
YASIR KHATTAK,**  
Advocates High Court,  
Mansehra.

**AFFIDAVIT.**

I, Shahzad Maqsood son of Maqsood Ahmed resident of Mohallah Lohar Banda, Mansehra, Tehsil and District Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

Dated 30.06.2018

*Shahzad*  
Shahzad Maqsood  
(DEPONENT)



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

Service appeal No. \_\_\_\_\_ of 2018

Shahzad Maqsood .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Education, Peshawar etc....Respondents

**SERVICE APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

**APPELLANT**

Shahzad Maqsood son of Maqsood Ahmed  
resident of Mohallah Lohar Banda, Mansehra,  
Tehsil and District Mansehra.

**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through  
Secretary Education, Peshawar.
2. Director, Elementary & Secondary Education,  
Peshawar.
3. District Education Officer (Male), Mansehra.
4. District Accounts Officer, Mansehra.

Dated 30.06.2018

*Shahzad*  
Shahzad Maqsood  
...Appellant

Through

*Muhammad Awais*  
**MUHAMMAD AWAIS,  
YASIR KHATTAK,**  
Advocates High Court,  
Mansehra.



## OFFICE OF THE DISTRICT EDUCATION OFFICER (MILE) PRIMARY MANSEHRA.

Office Order No 97/ dated 24.3.92.

APPOINTMENT

Consequent upon their selection on merit, the following PTC trained candidates are hereby appointed in BPS 7 Rs. 1095-60-1995 plus usual allowances as admissible under the rules with effect from the date of their taking over charge the against the newly created posts in the schools given against their names each in the interest of public service.

S.NO.	NAME OF CANDIDATE, FATHER NAME AND RESEDENCE.	NAME OF SCHOOL WHERE APPOINTED	REMARKS.
1.	Fazalul Islam S/O Ahmad Khan R/O Kotly Paen	GPS Bisala Dadar	Against Newly created post.
2.	Israrul Haq S/O Hazrat Wousaf R/O Kotly Paen	GPS Kulharay west	vice Mohd Ayub retired from service.
3.	Mohammad Fiaz S/O Fazalur Rehman R/O Kot Ballah	GPS Tarawara (Oghi)	Against newly created post.
4.	Anwar Khan S/O Behram Khan R/O Paras	GPS Naran	--do--
5.	Mohammad Ijaz S/O Noor Mohammad R/O Channial (Mansehra)	Msq: School Ogra	--do--
6.	Azizur Rehman S/O Mohammad Arfan R/O Pairan	Msq: School Moh: Noghazi Parani	--do--
7.	Mohammad Yousaf S/O Mahmood Khan R/O Karori Bala	GPS Kajla	Against newly created add; post.
8.	Mohammad Tariq S/O Abdur-Rashid R/O Jabbi (B/Kote)	GPS Makarya	vice Mohd Ajab Retired.
9.	Sajjad Ahmad S/O Mohammad Ayub R/O Batkarar (B/Kote)	GPS Oghi Village	Against newly created AD post.
10.	Dost Mohammad S/O Malang Khan R/O Tikri (Battagram)	GPS Gurati B/Gram	Against vacant post.
11.	Shahid K. Jamil S/O Mohammad Younas R/O Kotkay	GPS Paro Dheri	Against Newly Addl. post.
12.	M. Ghulam S/O Mohammad Yusuf Shohal Najaf Khan	Msq: Sheet Pira	Against newly created post.
13.	Mohammad Rifaqat S/O Mohammad Zarin R/O Kot Ballah	GPS Hussain Banda (Oghi)	newly created post.
14.	Mohammad Ishtiaq S/O Mohammad Younis R/O Haryala	Msq: School Bela Mutraan.	--do--
15.	Raja Babu Jehangir S/O Raja Babu Sultan R/O Behali.	GPS Bauraj	--do--
16.	Haq Nawaz S/O Khalilur Rehman R/O Hari Mera	Msq: School Khakoo Gidderpur.	--do--

Contd: Page 2

Attested  
Shahad

- Bashir Mohammed S/O Noor Mohd  
R/O Battagram. GPS, Nehr. Against V/Post.
- 18. Alam Zeb S/O Sher Zaman  
R/O Trari(Nambal) Mosque School  
Kharyala. Against New;Cret;  
P13 Post.
- 19. Mohd Azim S/O Abdul Qayum  
R/O Icherian. Mosque School  
Para Ziarat. Against N/Created  
Addl;Post.
- 20. Safdar Zaman S/O Mohd Umar  
R/O Bandi Gargwal(Palsala. Mosque School  
Bandi Karwai. Against Newly Crt;  
P13 Post.
- 21. Alam Zeh S/O Jehanzeb  
R/O Khanpa Mera Shinkiani. GPS, (Shinkiani) Against Newly  
Created Post.
- 22. Sarfaraz S/O Marifatullah  
R/O Jucacha Balakote. GPS, Jouchha  
(Hassa) Against Newly  
created post.
- 23. Mohd Hamayun S/O Mohd Maroof  
R/O Shahkooki. Mosque School  
Jangar. Against Newly  
createe post.
- 24. Mohd Arshad S/O Mohd Arfan  
R/O Bandi Dudkote. GPS, Gendoor Against newly  
created psot.
- 25. Mohd Iftikhar S/O Mohd Shafi  
R/O Shadoor. GPS, Abbas Banda (Ughi) Against Newly  
Cer; Addl;post.
- 26. Mohd Amin S/O Ali Zaman  
R/O Mera Jaffa Kalan. Mosque School  
Icherian(S. Mera) Against newly  
Crt;post.
- 27. Liaqat Hussain S/O Ghulam Hassan,  
R/O Trenna (Balakote) GPS, Sever Satbani. Against newly  
cert; Addl;pst.
- 28. Shahzad Maqsood S/O Maqsood Ahmad  
R/O Lohar Banda. GPS, Lohar Banda Vice Mr. Abdus  
Salam P13 Retired.
- 29. Shah Rafiq S/O Shah Farid  
R/O Khair Abad. Mosque School  
Nambilian(Oghra) Against Newly Cr-  
eated P13 post.
- 30. Shabeer Ahmad S/O Ali Zaman  
R/O Balakote. GPS, Ghari, Habibullah Vice Mr. Noor Elahi  
Retired from Serv.
- 31. Shebeer Hussain S/O Mohd Ayub  
R/O ratseri. GPS, Kayan(Jabhoori) Against Newly  
Crt; Addl;post.
- 32. Mohd Asif S/O Mir Afzal  
R/O Pairan. Mosque School  
Khalial(Oghra) Against Newlt  
Crt;post.
- 33. Shah Jehan S/O Mohd Haroon  
R/O Banwali Battagram. GPS, Dhundara. Agansi V/Post.
- 34. Nawab S/O Mohd Dawood R/O  
Andarwali Battagram. GPS, Dhundara. -do-
- 35. Shakil Ahmad S/O Gulab Khan  
R/O Danna Shohal. GPS, Nullah Jabhar. Against newly  
Created Addl;pst;
- 36. Babu Pervez S/O Abdul Hazar  
R/O Khair Abad B.Gram. GPS, Shaltai. Agansit V/Post.
- 37. Abdul Waheed S/O Rehmatullah  
R/O Balakote. GPS, Balakote. Against newly cr;

*Handwritten signature*

- 5. Their original professional and academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
- 6. Their pay will not be drawn till they produce their age and health certificates issued by the Medical Superintendent DHQ Mansehra.
- 7. They will be Governed under prescribed services rules of Govt of N.W.F.P.

*[Signature]*  
 DISTRICT EDUCATION OFFICER(M),  
 PRIMARY MANSEHRA.

Endst:No. 1911-2074 /GB/Appett:/PTC. Dated Mansehra the 24/3 /92.

Copy of the above forwarded to the:-

- 1.2. Sub-Divisional Education Officer(M) ~~Mansehra & Battagram~~
- 3. ~~163~~ All the candidates concerned.
- 64. O.O.File.

*[Signature]*  
 DISTRICT EDUCATION OFFICER(M),  
 PRIMARY MANSEHRA.

*alleged  
 Shabir*



1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
<u>B-15/No. 7-Rs-1095-60-1995</u>							
P.T.C. Lohar Banda (Manschwa)	Sub: Off.	-	1095/-	-	-	28 <sup>3</sup> / <sub>92</sub>	Shabud
-do-			1155/-			1-12-91	Shabud
-do-			1215/-			1-12-93	Shabud
-do-			1642/-			1-6-94	Shabud
-do-			1728/-			1-12-95	Shabud
-do-			1804/-			1-12-95	Shabud
-do-			1885/-			1-12-96	Shabud
-do-			1966/-			1-12-97	Shabud

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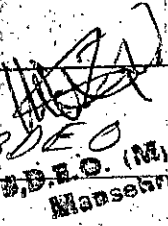
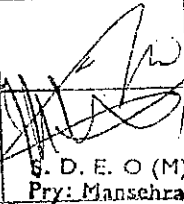
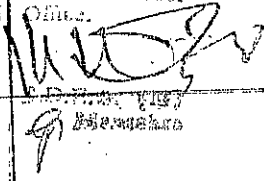
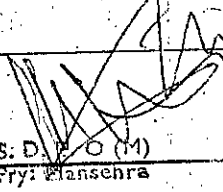
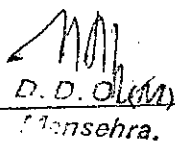
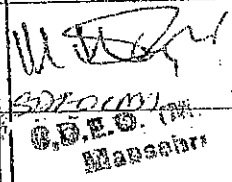
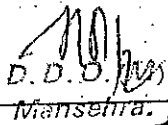


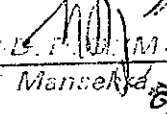



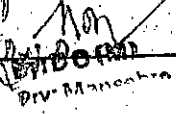
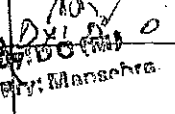

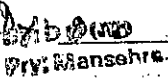

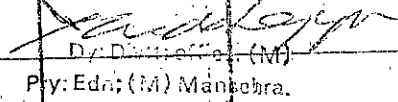
retrospect  
Shabud

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature of head of office of
			BPS No 2					
EP Lohar Banda			2047/			1.12.98	Shahad	S.D. / Fry
da			2128/			1.12.98	Shahad	S.D. / Fry
			2209/			1.12.2000	Shahad	D.D. / Mar
		BPS No 7	2290/			1.12.2001	Shahad	D.D. / Mansi
			3420/			1.12.2001	Shahad	D.D. / Mansi
			3540/			1.12.2002	Shahad	D.D. / Mansi
			3660/			1.12.03	Shahad	D.D. / Mansi

Office of the Accountant General  
N.W.F.P. Peshawar.  
Pay Fixed in the revised basic pay scale 1994  
of Rs. 1480/- P.M. W.E. P. No. 1994  
at Rs. 1642/- P.M. W.E. P. No. 1994  
with next increment on 1-12-1994  
Accounts Officer  
Pay Fixation Party N.W.F.P. Peshawar

Office of the Accountant General  
N.W.F.P. Peshawar.  
Pay Fixed in the revised basic pay scale 2001  
of Rs. 2220/- P.M. W.E. P. No. 2001  
at Rs. 3420/- P.M. W.E. P. No. 2001  
with next increment on 1-12-2001  
Accounts Officer  
Pay Fixation Party N.W.F.P. Peshawar

attested  
Shahad

8	9	10	11	12	13		14	15
Nature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
					Period	Government to which debit		
	 S.D.E.O. (M) Manshra	30/11/95	In	 S.D.E.O. (M) Pry: Manshra			Service Verified for the period w.e.f. 1-12-94 to 30-11-95 from ACQ, Ro's & other Record of this Office.	 S.D.E.O. (M) Manshra
	 S.D.E.O. (M) Pry: Manshra	30/11/2000	In	 D.D. O Manshra.			Service verified w.e.f. 1-12-96 to 30-11-97 from ACQ, Ro's & other office Record.	 S.D.E.O. (M) Manshra
	 D.D. O Manshra.	30/11/2001	In	 D.D. O (M) Manshra				
	 D.D. O Manshra.	1/12/2001	As per Revision	 D.D. O Manshra				
	 D.D. O Manshra.	30/11/2002	In	 D.D. O Pry: Manshra			Service Verified for the period w.e.f. 1-12-97 to 30-11-98 from ACQ, Ro's & other Record of this Office.	 S.D.E.O. (M) Manshra
	 D.D. O Pry: Manshra	30/11/03	In	 D.D. O Pry: Manshra			Service Verified for the period w.e.f. 1-12-98 to 30-11-99 from ACQ, Ro's & other Record of this Office.	 S.D.E.O. (M) Manshra
	 D.D. O Pry: Manshra	30/11/04	In	 D.D. O			Service Verified for the Period w.e.f. 1-12-99 to 30-11-2000 from the ACQ, Ro's & other record of this office.	 D.D. O (M) Pry: Edn: (M) Manshra.

attested  
Shree...

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. K.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
PST							
C/S Lohar-Bamla		BPS-7 @	3780/-	Rs=2555-140-6755		12/04	
SO			4375/-			7/05	
DP			4515/-			12/05	

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attested  
Shankar



8  
Signature of Government servant

9	10	11	12	13		14	15	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
DDO	30 <sup>6</sup> / <sub>05</sub>	S/Ren	DDO	<i>[Signature]</i>	Sanctioned F/leave vide		Reference to any recorded punishment or censure, or reward or praise of the Government Servant.	
DDO	30 <sup>11</sup> / <sub>05</sub>	Inc.	DDO		D.O (M) Manshehra No 12074-			
					dated 22/11/03.			
					2 <sup>12</sup> / <sub>03</sub> to 30 <sup>3</sup> / <sub>04</sub> 120 days on F/Pay.			
					31 <sup>3</sup> / <sub>04</sub> to 19 <sup>4</sup> / <sub>04</sub> 20 days on H/Pay			
					20 <sup>4</sup> / <sub>04</sub> to 31 <sup>10</sup> / <sub>05</sub> 560 days without pay			
					<i>[Signature]</i>			
					<b>D.D.O (M) MANSHEHRA OFFICE</b>			
					(M) Manshehra			
					<b>CANCELLATION OF LEAVE</b>			
					Cancellation Extension of Leave up to: 1-4-2004 To: 31-10-2005 vide D.O (M), Manshehra Under B.S.H NO 5321-22 dt 17-4-2004			
					<i>[Signature]</i> DDO Manshehra			
					<b>Leave Sanction</b>			
					F/leave up to 30 <sup>3</sup> / <sub>04</sub>			
					H/Pay = 2 <sup>12</sup> / <sub>03</sub> to 30 <sup>3</sup> / <sub>04</sub> + H/Pay to 1 <sup>12</sup> / <sub>03</sub>			
					F/Pay = 19-2004 = D.O No 976 at Manshehra 22-4-2004			

8	9	10	11	12	13		14	15
Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Nature and duration of leaves taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
					Period	Government to which debitible		
					<p>Leave Sanctioned vide D.O (M) (S&amp;L) Manschna No 11915-17 dated 23-9-2004. Period w/e/f 1-8-2004 to 31-7-2006 730 days without pay;</p>			
					<p>Sanctioned P/leave vide EDO (S&amp;L) Manschna No. 1378-94 dt: 8-9-2006, w/e/f 01-08-2006 to 31-07-2007 (365 days on A/P)</p>		<p>By: District Officer (Male) Manschna</p>	
							<p>By: District Officer (Male) Prg: Manschna</p>	
								<p>attested S. K. ...</p>

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, SCHOOLS & LITERACY, MANSEHRA.

SANCTION OF LEAVE.

Under the provision of revised leave rules, 1981, sanction is hereby accorded to the grant of Earned leave/E.O.L(without pay) in respect of the following PTC teachers detail given below as due and admissible under the rules.

S.NO.	NAME OF TEACHER/ SCHCOL.	PERIOD OF LEAVE.	REMARKS.
1.	Shahzad Maqsood, PTC, GPS Behar Banda. <i>Received along with Service book Shahzad PTC, 22/11/03</i>	i)wef, 02-12-2003 to 30-03-2004	(120, days) on full pay.
		ii)wef, 31-03-2004 to 19-04-2004	(20, days) on half average pay.
		iii)wef, 20-04-2004 to 31-10-2005	(560, days) E.O. Leave Without pay.
2.	Imam Ali Shah, GMPS Lalwali.	i).wef, 01-08-2003 to 31-10-2003	(92, days) Earned Leave on full pay.

NOTE:-

Necessary entries to this effect should be made in his Service book.

-Sd/-

DISTRICT OFFICER (Male)  
SCHOOLS & LITERACY MANSEHRA.

Endst:No. 12074-75

Dated Mansehra the 22/11/2003.

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

1. Deputy District Officer(Male) Primary Mansehra alongwith two Service books of the above named teachers.
- 2, District Accounts Officer Mansehra.

*[Signature]*  
 DISTRICT OFFICER (Male)  
 SCHOOLS & LITERACY MANSEHRA.

*attested  
Shahzad*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDUCATION MANSEHRA.

SANCTION OF LEAVE.

Under the provision of revised leave rules, 1981, sanction is hereby accorded to the grant of leave in respect the following teachers as due and admissible to them under the rules as per detail below:-

S. No.	Name & Desig./School.	Period	Remarks.
1.	Liakat Ali PST GPS Ahl.	8.5.08 to 25.5.08	(18 days) On T/Pay.
2.	Shahzad Maqsood PST GPS, Lohar Banda.	1.8.07 to 31.7.2008	(365 days leave without pay).
3.	Gulab Khan Chowkidar GPS, Nomshera.	3.8.08 to 20.11.08	(120 days) on T/Pay.

Note: Necessary entries to this effect should be made in their service books.

Sd/-  
EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION MANSEHRA.

Distt: No. 22852

Dated 6/11/2008

Copy to the :-

1. Dy. District Officer (M) Primary & Secondary Mansehra a/w service books.
2. District Accounts Officer Mansehra.
3. Official Concerned.

DISTRICT OFFICER (MALE)  
(E & S) EDUCATION MANSEHRA.

30-6-2012  
28-3-1992  
2-3-20

18-8-2008  
30-6-2012  
1-8-2008  
29-10-3

attested  
Shekhar

*Y. M. (Signature)*  
District Officer  
Elementary & Secondary Mansehra

attested  
Shekhar

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Amix = "C"

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-23-

Annex = "C"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, *Primary Secondary* SCHOOLS & INSTITUTIONS, MANSCHRA

ADJUSTMENT (ON RETURN FROM LEAVE).

On return from leave Mr: *Shahzad Magsud*  
~~SPS/GMS/GMS~~ *SPS Laloo Saada* is hereby adjusted (on return  
from leave at ~~SPS/GMS/GMS~~ *SPS Bai Plass* against vacant  
post of *PST* with effect from *1-8-18* on his own pay and  
scale.

NOTE:-

1. Charge reports should be submitted to all concerned.
2. No TA/DA and transfer Grant is allowed.

SD/-  
E-DISTRICT OFFICER  
*Primary & Secondary* MANSCHRA

Dated *18* / *9* / 200*8*

Radst: No. *24305-8*

Copy to the:

1. ~~Principal/Headmaster concerned.~~ *DDC/ADP Manshra P/S & B.S.*
2. District Accounts Officer Manshra.
3. Teacher concerned.
4. Budget and Accounts Officer: local office.

*Y M Saigal*  
District Officer  
*Primary & Secondary* Manshra

*attested*  
*Shahzad*

-24-

Annex-D

No 2470  
20/9/2008

ایزائیل رپورٹ

تصدیق کی جاتی ہے کہ سٹر سٹیز اور فقود P.S. بھٹائی آفس آرڈر

نمبر 24305-8-8 آمدہ از دفتر ای. ڈی. او. صاحب سکولز اینڈ ایجوکیشن ایف ڈی ایس ہاٹھ

کے تحت آن 2 دورہ 20/9/08 قبل از دوپہر گورنمنٹ پرائمری سکول

بائی پائسن سکول بٹل میں حاضر کر دی ہے

ہذا حاضر رپورٹ ارسال فرمیت ہے

اداریہ ایف ڈی ایس ہاٹھ

Head Master  
Govt. Primary School  
Bai Paicen (Battal)

attested  
Shekhar

سرکار برائے برآمدگی کے لئے اسٹیٹ بینک آف پاکستان کے ذریعے اسٹیٹ بینک آف پاکستان کے ذریعے

معاون - برائے رخصت استحقاقیہ - 25-

خواب عالی

مؤدبانہ گزارش جبکہ سائل کی کچھ گنہگاروں کے معروضات ہیں۔ جسکی وجہ سے  
سائل اپنے فرائض منصبی بطریق احسن ادا نہیں کر سکتا ہے۔ گنہگار سائل  
کو سروس کا آؤٹرز سے ایک سال کی رخصت استحقاقیہ منظور فرمائیں۔

عین گزارش ہوگی

تاریخ 29/9/68

انوار علی

سائل شہزاد محمود گوڈونٹ پرنسپل سکول بائی پائیں سرکس ٹیل فلو مانہ  
دستی دستاویز

attested  
Shehad



جمہور جناب ڈی - ای او صحت ڈسٹرکٹ مالکنہ  
عنوان پرانے گرانہ کی سروس بک، ایڈ جینٹ

26

Annex "F"  
جانبالی -

سورڈ بانہ گزارش جنیکہ سنائل نے 2008ء کو ایک سال کی رحمت استحقاقیہ کیلئے  
درخواست دی تھی۔ سنائل جیب واپس آیا تو دفتر صدا سے رجوع کیا۔

اور چھٹی اور سروس بک کے بارے میں دفتر صدا سے سوال کیا۔

لیکن سنائل کی سروس بک اور چھٹی بارے میں کچھ معلوم نہ ہو سکا۔

سنائل سروس بک اور چھٹی بارے میں ریکارڈ کیلئے بیت پریشان ہے۔

آپ سے استدعا ہے کہ سنائل کی سروس بک پر آمدگی کیلئے اور

متعلقہ ریکارڈ کیلئے احکامات صادر فرمائیں تاکہ سنائل

اپنی سروس پر بحال ہو سکے۔

عین گزارش ہوگی۔

سٹی ڈیپارٹمنٹ، سروس گورنمنٹ برائے سیکرٹری، ایڈ جینٹ، سٹیٹ ایڈمنسٹریٹو سروس، اسلام آباد

الموجودہ 12-06

2012

دستخطی

attested  
Shahad

-27-

ہوڈ بانہ گزارش ہے کہ سائل نے 2008ء کو ایک سال کینڈے رحمت استحقاقیہ  
کی درخواست دفتر عدا کو دی تھی۔ سائل اس درخواست سے پہلے بھی دفتر عدا  
سے رجوع کر چکا ہے۔ اور اس سلسلے میں درخواست بھی ریجسٹر ہوئی۔  
سائل کی سروس بک اور ایک سال کی چھٹی کارڈ کے بارے میں  
ابھی تک کچھ معلوم نہ ہو سکا۔ مختلف اوقات میں سائل خود بھی  
دفتر آکر سروس بک کے بارے میں پوچھا رہا ہے  
آپ سے اسدعا ہے کہ سائل کی سروس بک اور چھٹی کارڈ کی انٹواری  
کینڈے حکم صادر فرمائیں اور یہ کہ سائل کی سیشن پر ایڈجسٹ ہو سکے۔

شکریہ - سائل آپ کینڈے ہمیشہ دعا گو رہے گا۔

سائل شہزاد محمود P.T.C گورنمنٹ پرائمری سکول بائیں بائیں سکول کینڈہ

تاریخ 15-7-2012

دستخط شہزاد محمود

attested  
Shahzad

مختصر حساب - ڈی - ای - او - ماہانہ پندرہ روزہ فلاح مال سیرہ  
 عنوان : برائے برآمدگی سروس بینک

D. No. 9351

18/11/17

جناب عالی !

موڈبانہ گزارشیں جیلنگہ سائل بارہ سال سے بی بی سی پولیسٹ پیر  
 اپنے تراغص سرخام رہتا رہا ہے۔ سائل نے ستمبر 2008 میں بینک  
 سال کی رخصت استحقاقہ کے لیے درخواست جمع سروس بینک دفتر  
 خدا میں دی تھی۔ سائل جب واپس آیا تو سروس بینک نہ ملی  
 سائل نے سروس بینک برآمدگی کے سلسلے میں مفقود درخواستیں دین  
 بہت کوششوں کے باوجود سروس بینک فلاح ناپاں کچھ پتا نہیں  
 یہ کہ سائل دفتر کے چکر لگا لگا کر تھک چکا ہے۔ سائل بے روزگار  
 ہے۔ اور گھر کا واحد کفیل ہے۔ اور نیابت بھی کسی چھپرے کی زفری  
 گزار رہا ہے۔ آپ سے استدعا ہے کہ سائل کی سروس بینک کی برآمدگی  
 کے حوالہ سے حکم صادر فرمائیں اور یہ کہ سائل کی سروس بینک  
 ایڈجسٹ ہو سکے۔

عین گزارش ہوگی

المرفوم 2017-11-18

سائل شہزاد مقصود P.T. گورنمنٹ پرائمری سکول بائیں پائیں پٹیل مال سیرہ

دستخط سائل - Shabaz

موبائل نمبر 03058615832

attested  
 Shabaz

To,

THE DISTRICT EDUCATION OFFICER (MALE),  
Mansehra.

Subject: APPLICATION UNDER SECTION 7 OF  
KHYBER PAKHTUNKHWA RIGHT TO  
INFORMATION ACT, 2013.

Respected Sir,

It is submitted:

1. That, the applicant namely Shahzad Maqsood son of Maqsood Ahmed was appointed as PST Teacher vide serial No.28 of appointment order dated 24.03.1992.

*(Copy of appointment order is annexed herewith).*

2. That, during service in Government Primary School Bai Paen Battal, the applicant took leave from department through application dated 29.09.2008 for one year and also deposited his service book with your goodself.

*(Copy of the application is annexed herewith).*

3. That, the applicant faced some domestic problems during leave period hence he could not join his duty within specific time i.e. leave period.

4. That, when the applicant approached to your goodself for his adjustment as well as for return of service book through different applications as well as verbally but neither your goodself informed the applicant nor considered the applications submitted by the applicant.
5. That, the applicant wants to get information/documents regarding his leave period and later on proceedings against him which is the basic and fundamental right of the petitioner under Right to Information Act.

*(Copy of one of the application is annexed herewith).*

**It is, therefore, most humbly** requested that the documents/information regarding the leave period and later on proceedings in this regarding till now in respect of the service of the applicant, may please be provided to the applicant.

**Dated 15.01.2018**

Yours,

*Shahzad*

**SHAHZAD MAQSOOD**  
Son of  
**MAQSOOD AHMED**  
(Applicant)

**CNIC: 13503-0659043-7**

*Revised*  
*[Signature]*  
*15/1/18*

خدمت جناب ڈائریکٹر صاحب ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور

عنوان: ڈیپارٹمنٹل اپیل نسبت، حوالگی چارج بطور PST ٹیچر۔

جناب عالی! موجبات اپیل ذیل پیش ہیں۔

(۱) یہ کہ ایپلانٹ قبل ازیں باقاعدہ جملہ قانونی تقاضے پورے کرنے کے بعد

بطور PST ٹیچر محکمہ تعلیم مانسہرہ میں گورنمنٹ پرائمری سکول لوہار بانڈہ تحصیل

و ضلع مانسہرہ تعینات ہوا جو بعدہ ایپلانٹ کو باضابطہ طور پر گورنمنٹ پرائمری

سکول بانی پائیس بل میں تعینات کیا گیا۔ (نقولات آرڈر لف ہیں)۔

(۲) یہ کہ بعد ازاں ایپلانٹ نے حسب ضابطہ محکمانہ طور پر چھٹی کے لئے

درخواست کی اور اسی دوران ایپلانٹ کی والدہ شدید بیمار ہو گئیں جن کی

تیمارداری و علاج معالجہ کے لئے ایپلانٹ کے علاوہ دیگر کوئی نہ تھا، کیونکہ

ایپلانٹ اور اس کا ایک دیگر بھائی ہے جبکہ ایپلانٹ کا دیگر بھائی بیرون ملک

مقیم ہے، جس بناء پر ایپلانٹ والدہ ام کے علاج معالجہ کے سلسلہ میں

مصروف ہو گیا۔ اس دوران ایپلانٹ محکمہ کو باقاعدہ اپنی مصروفیات کی

نسبت آگاہ کرتا رہا۔ (نقولات لف ہیں)۔

(۳) یہ کہ سائل کی کافی کوشش کے باوجود والدہ ام صحت یاب نہ ہوئی اور نتیجتاً

والدہ ام سال 2016ء میں وفات پا گئیں اسکے بعد بھی سائل محکمہ تعلیم سے

رجوع اپنی Adjustment کے لئے رجوع کرتا رہا اور آخری بار سائل

نے مورخہ 15.01.2018 کو اپنی سروس کی تفصیلات اور چارج حوالگی

کے لئے رجوع کیا۔

تاکتا رہا اور کوئی معلومات فراہم نہ کی جو بالآخر مجبوراً ایپلانٹ کو اپیل ہذا

attest stamp  
Shahzad

آنجناب کے پاس دائر کرنی پڑی۔

(۴) یہ کہ ایپلانٹ کونہ تو اس کی نوکری سے برخاست کیا گیا ہے اور نہ ہی ایپلانٹ کے خلاف کوئی قانونی ضابطہ کار پورے کرتے ہوئے کوئی کارروائی کی گئی ہے جس سے واضح اور عیاں ہے کہ ایپلانٹ کی سروس تا حال برقرار و جاری و ساری ہے۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا ایپلانٹ کو اس کی پوسٹ پر Adjust کرتے ہوئے جملہ ریکارڈ سے آگاہی فراہم کرتے ہوئے ایپلانٹ کو حسب ضابطہ سروس بک واپس حوالہ کرتے ہوئے بطور PST ٹیچر چارج معہ Back benefits حوالہ کیا جائے۔

المرقوم 19.03.2018

شہزاد مقصود ولد مقصود احمد ساکن محلہ لوہار بانڈہ مانسہرہ..... ایپلانٹ

رابطہ نمبر 0305-8615832

احمد علی

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA, PESHAWAR

Zahir Shah S/O Syed Badshah, Caste Syed C.T. Teacher,  
Government High School, Balakot, resident of Garlat Balakot,  
District Manshara.....Appellant

VERSUS

- (1) The Government of Khyber Pakhtunkhwa, through  
Chief Secretary, KPK, Peshawar.
- (2) The Secretary Education (Schools & Literacy),  
Peshawar.
- (3) The Director, Education (Schools & Literacy),  
Peshawar.
- (4) The District Education Officer, (Male) Manshara.
- (5) The District Accounts Officer, Manshara.
- (6) Principal, Government High School,  
Balakot.....Respondents

Appeal Under Section 4 of K.P.K Civil servant act  
1974 for declaration to the effect that the appellant  
is still in service vide order/notification Endst:  
No:21516/97/AE/III/ CT/SV dated: 13.10.1983  
passed by respondents for the appointment of  
appellant as a C.T. Teacher at Government High  
School, Boi, whereby under Office Endst:  
No:17515-34/Adjustment/TRF/CT /SV(M) dated:  
27.08.1984 issued by respondents for the transfer  
of appellant from Government High School Boi to  
Government High School Balakot and has not been  
terminated/dismissed nor resigned from the service  
from his post, the act of the respondents may  
kindly be declared null and void, against the law  
and the appellant may kindly be restored from his  
service with all back benefits.



-34

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT ABBOTTABAD

Service Appeal No. 528/2014

Date of Institution... 28.03.2014

Date of decision... 17.01.2018



Zahir Shah son of Syed Badshah Caste Syed C.T Teacher Government High School, Balakot resident of Garlat Balakot District Manshra. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 5 others. .... (Respondents)

Sardar Muhammad Ashfaq,  
Advocate ... For appellant.

Mr. Usman Ghani,  
District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. AHMAD HASSAN, ... MEMBER


JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant as per averments in the memorandum of appeal, proceeded on long leave in the year, 1997 and when he came back the department did not accept his arrival report. That the appellant had been submitting applications to the department for his adjustment but the department did not respond to the said requests. That thereafter, due to earthquake in the year, 2005 as per the appellant, the whole record in his home

**ATTESTED**

  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*attested  
Ebeba*

was destroyed and finally he filed departmental appeal in the year, 2013 which was not responded to and thereafter he filed the present service appeal. During pendency of the present service appeal, the department initiated departmental proceedings against the appellant which are still pending.

### ARGUMENTS


3. The learned counsel for the appellant argued that the appellant had been running from pillar to post for redressal of his grievance but the department had been showing cold shoulders to all the requests. That no order of termination was ever passed against the appellant. That there was no other way but to file a departmental appeal and then to approach this Tribunal.

4. The learned District Attorney argued that this Tribunal had no jurisdiction for the reason that there was no original or appellate order within the meaning of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. That the present service appeal was not maintainable on the ground of limitation as well. That this Tribunal cannot pass any order including direction to the department to conclude the pending enquiry due to lack of jurisdiction.

### CONCLUSION.

5. It is a settled jurisprudence that the Tribunal or Courts assumes the jurisdiction subject to law. In the present case there is no original or appellate order as argued by the learned District Attorney in view of Section 4 mentioned above. But the question would be that when the department has not been issuing any order of termination of the appellant and would not issue any such order indefinitely then where the appellant would go in case of wrong done to him. Under the present scheme of law in this Province when there is no other adequate remedy/forum available then the aggrieved person can knock

ATTESTED


  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

attested  
Shahid

jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. But again in service matters Article 212 of the Constitution has been given overriding effect over Article 199 by insertion of *non-obstante* clause in Article 212 and thereby Article 199 has been given subordinate status to Article 212 which means that in matters of terms and conditions a civil servant cannot seek remedy under Article 199 mentioned above. It is a settled jurisprudential principle of *ubi ius ibi remedium* (when there is right there is remedy). The civil servant would be left with no remedy at all under the present scheme of law. In such situation, the law as developed since time immemorial has given the concept of hardship cases. (*Epeikea of Aristotle*). Every procedural law has a provision for such hardship cases in the name of "inherent powers of courts or Tribunal". The inherent powers are exercised by the courts and Tribunal when the law provides no solution to a particular situation. In our administrative law this situation has also been dealt with by providing application of Code of Civil Procedure to the procedure of this Tribunal under Section 7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. Section 151 of the Code of Civil Procedure 1908 deals with the hardship cases and saves the inherent powers of the courts in order to do justice in the matter on which law is silent. So much so that Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 also gives inherent powers to this Tribunal in all those matters as mentioned above which surely includes the ends of justice and to prevent abuse of the process of a court or Tribunal.

6. This Tribunal is therefore, of the view that the present case is a case of hardship and the appellant would be left with no remedy if this Tribunal refuses to assume jurisdiction on the technical ground of non-availability of original/appellate order. The department if allowed to continue the present situation by not deciding the appeal of the appellant or by not ordering the conclusion of pending departmental proceedings it would amount to allowing the department to abuse the process of law on the ground of technicality. In such

**ATTESTED**

  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

attested  
 Shehzad


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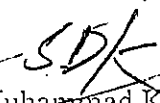
37

situation the superior courts have time and again ruled that technicalities should not come in the way of substantive justice.


7. Another hardship situation in this appeal arise when we go through sub rule 2 of Rule 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. According to this sub rule whenever any service appeal is pending before the Service Tribunal then the department become *functus officio* and no order can be passed by the department during pendency of the service appeal. In this case during the pendency of the present service appeal, the department had initiated departmental proceedings against the appellant which are violative of this sub rule. Now the department under this sub rule cannot pass any order. No limitation would run in such unclear cases.

8. In order to resolve this imbroglio this Tribunal in exercise of its inherent powers assumes the jurisdiction without touching the merits of the appeal and directs the department to decide the pending appeal of the appellant as well as the departmental proceedings mentioned above within a period of ninety days of the receipt of this judgment/order. Decided accordingly. Parties are left to bear their own costs. File be consigned to the record room.


  
(Ahmad Hassan)  
Member

  
(Niaz Muhammad Khan)  
Chairman  
Camp Court, A/Abad

ANNOUNCED  
17.01.2018.

Date of Presentation of Application	01-02-2018
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Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

attested  
Shahzad

DBAM No. 422

S.No 13696

Fee Rs. 100/-



No. 1 2 - 3 4 8 6

Name of Advocate محمد اویس صاحب / بار زنگ

وکالت نامہ  
General Secretary  
District Bar Association  
Mansehra  
2018-19

بعدالت: جناب ایڈووکیٹ جنرل میونسپل جسٹس پختونخواہ لہذا اور  
عنوان: شہزاد تقیود - بنام: حکومت پاکستان  
منجاب: ایڈووکیٹ - نوعیت مقدمہ: ریس اپیل

باعث تحریر آنکے

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام لیٹا اور سمیڈ کورٹ اور ایڈووکیٹ کے لئے  
بار زنگ محمد اویس صاحب ایڈووکیٹ مائل کورٹ  
کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے  
جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ  
میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے علاوہ  
کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ  
کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار  
نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست  
بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کا روپیہ وصول  
کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا  
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتاعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف  
کر بشرط ادا ایگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراء مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو  
بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو  
اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت  
میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔  
لہذا وکالت نامہ لکھ دیا ہے اور دستخط / انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

مورثہ 04 جولائی 2018ء

ACCEPTED

شہزاد تقیود - ایڈووکیٹ

Shahad

Handwritten signature

53

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK**  
**PESHAWAR CAMP COURT ABBOTTABAD**

Appeal No, 904/2018

Shehzad Maqsood .....APPELLANT.

VERSUS

4. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
5. Director Elementary & Secondary Education KPK Peshawar.
6. District Education Officer (Male) Mansehra.

**PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS**  
**NO 1,2 AND 3.**

INDEX

<i>S.No</i>	<i>Description of documents</i>	<i>Annexure</i>	<i>Pages</i>
1.	<i>Comments of Respondents</i>		<b>1-4</b>
2.	<i>Affidavit</i>		<b>5</b>

DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

52

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK**  
**PESHAWAR CAMP COURT ABBOTTABAD**

Appeal No, 904/2018

Shehzad Maqsood .....Appellant.

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) Mansehra.....Respondents.

**PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS NO 1**  
**,2 AND 3.**

**PRELIMANARY HEARING.**

1. That the Appellant is not the "AGGRIEVED" person.
2. That the Appellant is estopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hand.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the appeal is time barred and not maintainable in eye of Law and also time barred hence liable to be dismissed.
7. That the appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
9. That the demand of the appellant is against the law and facts hence the appellant is not entitled for any relief and appeal is liable to be dismissed on this score alone.

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10. That the present appeal is not maintainable because the appellant did not file any Departmental appeal.
11. That this court has no jurisdiction, hence there is no original or appellate order.

**FACTUAL OBJECTIONS:-**

- 1) Para No.01 is related to the service record of the appellant.
- 2) Para No.2 is incorrect.
- 3) That Para No.3 is correct need no comments.
- 4) Para No.4 is correct.
- 5) That the Para No.5 is totally incorrect and misleading that the appellant did not applied for leave, as he already been availed the quota of leave without pay and with pay. After the expiry of leave and after the arrival report he remain absent from the school without any intimation to this office. During this absent period from school he never approached to the office of the competent authority for any kind of leave and left the station without intimation to this office. According to revised leave rule 1981 competent authority sanctioned the leave up to five year, on continuous 10 year service, not otherwise.
- 6) Para 6 is incorrect that his service is ceased due to long absence period of 10 year without any reason to the competent authority and without the prior permission of the department.
- 7) No comments.
- 8) Para No.8 is correct to the extent that the appellant approach the Respondent department after the long gap of ten year time .According to revised leave rule 1981 competent authority sanctioned the leave up to five year, on continuous 10 year service, not otherwise. So in this case competent



authority doesnot restore his service after long gap of ten years.

- 9) Para 9 is incorrect.
- 10) Para No.10 is incorrect that the appellant is not aggrieved person inter allia on the following grounds. ..

**GROUND:-**


- a) That the Para No.5 is totally incorrect and misleading that the appellant did not applied for leave, as he already been availed the quota of leave without pay and with pay. After the expiry of leave and after the arrival report he remain absent from the school without any intimation to this office. During this absent period from school he never approached to the office of the competent authority for any kind of leave and left the station without intimation to this office. According to revised leave rule 1981 competent authority sanctioned the leave up to five year, on continuous 10 year service, not otherwise. After the absence of long period his service is automatically ceased.
- b) Incorrect and denied, detail reply has already been given in the above Para.
- c) Incorrect and denied, because the appellant did not approach to the respondent department.
- d) Incorrect and denied his service is ceased automatically according to FR-18.
- e) Incorrect, respondent department bound to obey the rule and policy of the Government and not will and wishes of anybody.


- 49
- f) Incorrect and denied, according to the leave rule, the appellant remain absent from duty for ten year without any information with the department. After the long absent period of ten his service ceased automatically.
- g) Incorrect and denied.
- h) Incorrect and denied.
- i) Incorrect and denied because the respondent department follow the rules and policy of the Govt.
- j) Para No. j is incorrect because the appeal of the case titled Zahir Shah has already been rejected by the respondent department after observing all codal formalities.


**PRAYER:-**

*It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice..*

Respondent .....

  
**The Secretary**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

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

  
**The District Education Officer,**  
**(Male) Mansehra**

**AFFIDAVIT**

I, Mr. Muhammad Touseef Assistant District Education officer on Behalf of District Education Officer (M) Mansehra do, hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No.904/2018 titled Shahzad Maqsood versus Govt, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

**DEPONENT** \_\_\_\_\_

**DISTRICT EDUCATION OFFICER**  
*M* **(MALE) MANSEHRA.**

8-10

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

**Service Appeal No.904/2018**

**Shahzad Maqsood.....APPELLANT.**

**VERSUS**

**1. District Accounts Officer Mansehra & Others**  
**RESPONDENTS.**

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**PARAWISE COMMENTS / WRITTEN REPLY ON**  
**BEHALF OF RESPONDENTS NO 4.**

**INDEX** No.904/2018

S. No	Description of documents	Annexure	Pages
1.	Comments		1-5
2.	Affidavit		6
3.	Establishment Department Notification No. SOR-II (S&GAD)6(37)/89 dated 03.10.1989	A	7
<b>Reference Books</b>			
1.	Revised Leave Rule 1981		
2.	KPK ESTA Code		
3.	F.R & S.R		15

2

**DISTRICT ACCOUNTS OFFICER**  
**MANSEHRA**

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

**Service Appeal No.904/2018**

**Shahzad Maqsood.....APPELLANT.**

**VERSUS**

- 1. District Accounts Officer Mansehra & Others  
Respondents**
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**PARAWISE COMMENTS / WRITTEN REPLY ON  
BEHALF OF RESPONDENT NO 4.**

**PRELIMINARY OBJECTIONS:-**

1. That the Appellant has not come to the Hon'ble Tribunal with clean hands.
2. That the Appellant has no cause of action/locus standi to file the instant Service Appeal.
3. That instant Service Appeal is against the prevailing law and rules.
4. That the Appellant has concealed the material facts from this Hon'ble Tribunal. Hence not entitled for any relief and Service Appeal is liable to be dismissed without any further proceedings.
5. That the Service Appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
6. The instant Service Appeal is not maintainable in the present form and also in the present circumstances of the issue.
7. That the demand of the Appellant is against the law and facts hence the Appellant is not entitled for any relief and is liable to be dismissed on this score alone.
8. That, the Service Appeal is liable to be dismissed with cost.

## ON FACTS.

- 1) Para No.1 needs no comments.
- 2) Para No.2 needs no comments.
- 3) Para No.3 needs no comments.
- 4) Para No.4 needs no comments.
- 5) Para No.5 needs no comments.
- 6) Para No.6 that, as per Service Book Record the brief history of the appellant is as under:-

Dated	Remarks
24.03.1992 to 01.12.2003	Date of initial appointment as PTC
02.12.2003 to 30.03.2004	120 days Leave on Full Pay, Sanction vide No.12074-75 dated 22.11.2003
31.03.2004 to 19.04.2004	20 days Leave on Half Pay, Sanction vide No.12074-75 dated 22.11.2003
20.04.2004 to 31.10.2005	560 days Extra Ordinary Leave without pay, Sanction vide No.12074-75 dated 22.11.2003
01.04.2004 to 31.10.2005	Leave Cancelled vide office order No. 5321-22 dated 17.04.2004
01.08.2004 to 31.07.2006	730 days Extra Ordinary Leave without pay, Sanction vide 11915-17 dated 23.09.2004
01.08.2006 to 31.07.2007	365 days Extra Ordinary Leave without pay, Sanction vide 1378-94 dated 05.09.2006
01.08.2007 to 31.07.2008	365 days Extra Ordinary Leave without pay, Sanction vide 22892 dated 06.09.2008
<b>01.08.2008 to till date</b>	<b>Absent from duty</b>

Under Rule 12 (1) of KPK Revised Leave Rules 1981, extraordinary leave may be granted outside leave account on each occasion up to a maximum period of five years at a time provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case

a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority, this leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee. And rule 12 (2) of KPK Revised Leave Rules 1981, the maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18 i.e the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined

As per Para-3 of Establishment Department Notification No. SOR-II (S&GAD)6(37)/89 dated 03.10.1989 willful absence from duty for more than 5 year without cogent / convincing reasons such an employee ceased to be Government servant after willful absence for five years or more.

Para -4 (c) of above notification "after 5 year of continuous absence, services of Civil Servant shall automatically stand terminated under Rule 12 of KPK Civil Servant Revised Leave Rules, 1981". In the light of Rule 12 ibid, a willful absence of more than five

years shall not be converted into leave without Pay. "Annuxure A"

While in the instant case the official has availed 2160 days leave on full pay, half pay and EOL without pay respectively beyond the maximum limit of five years in first spell of ten years continues service.

- 7) Para No.7 needs no comments.
- 8) Para No.8 needs no comments.
- 9) Para No.9 needs no comments.
- 10) Para No.10 needs no comments.

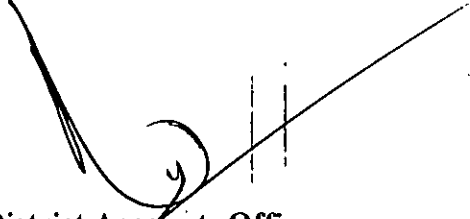
**GROUND:-**

- a) Para No. "a" needs no comments.
- b) Para No. "b" needs no comments.
- c) Para No. "c" needs no comments.
- d) Para No. "d" needs no comments.
- e) Para No. "e" needs no comments.
- f) Para No. "f" needs no comments.
- g) Para No. "g" needs no comments.
- h) Para No. "h" needs no comments.
- i) Para No. "i" needs no comments.
- j) Para No. "j" needs no comments.

In light of Rules / Orders on the subject enumerated above it is submitted that the Appellant is misleading this Honorable Tribunal by misinterpretation of Rules. The demand of the Appellant is not only against the law and facts but also amounts to wastage the precious time of this Honorable Tribunal, hence the Appellant is not entitled



for any relief. It is therefore, prayed that the service  
appeal may graciously be dismissed with cost.



**District Accounts Officer  
Mansehra**

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

Service Appeal No. 904/2018

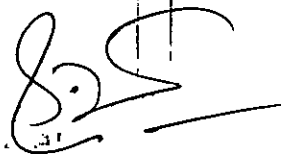
Shahzad Maqsood.....APPELLANT.

VERSUS

1. District Accounts Officer Mansehra & Others.....RESPONDENTS.

**AFFIDAVIT**

I, SYED MUNIR HUSSIAN SHAH, ASSISTANT ACCOUNTS OFFICER,  
DISTRICT ACCOUNTS OFFICE, MANSEHRA DO HEREBY SOLEMNLY AFFIRM  
AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING PARA-WISE  
REPLY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND  
BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS  
HONOURABLE COURT.



SYED MUNIR HUSSAIN SHAH

(DEPONENT)

CONTENTS OF FORE-GOING PARA-WISE

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SYED MUNIR HUSSAIN SHAH

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

**Service Appeal No.904 of 2018**

Shahzad Maqsood .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Education, Peshawar etc.  
.....**Respondents.**

**SERVICE APPEAL**

**REJOINDER ON BEHALF OF  
APPELLANT**

Respectfully Sheweth!

**PRELIMINARY OBJECTIONS.**

1. Para No.1 of the preliminary objections of comments is incorrect. Facts and circumstances mentioned in the appeal clearly show that the appellant is an aggrieved person.
2. Para No.2 of the preliminary objections of comments is incorrect. Appellant is not estopped by his any of conduct.
3. Para No.3 of the preliminary objections of comments is incorrect. Appellant has come to this Honourable Court with clean hands while elaborating all the material facts in his service appeal.

4. Para No.4 of the preliminary objections of comments is incorrect. The appellant has got cause of action/locus standi to file the present appeal.
5. Para No.5 of the preliminary objections of comments is incorrect. Instant appeal has been filed keeping in view the relevant law and rules on the subject clearly support the version of the appellant as taken in the appeal.
6. Para No.6 of the preliminary objections of comments is incorrect. Appeal filed by the appellant is well within time hence maintainable in the eyes of law and deserves acceptance.
7. Para No.7 of the preliminary objections of comments is incorrect. Appeal is based on real facts and there is no malafide or ulterior motives of the appellant for filing the instant appeal.
8. Para No.8 of the preliminary objections of comments is incorrect. Appeal is maintainable in its present form.
9. Para No.9 of the preliminary objections of comments is incorrect. Demand of the appellant is reasonable and justified which also got support from the relevant law and facts hence the appellant is entitled for the remedy sought in the titled appeal. Appeal of

the appellant is not only maintainable but also deserves to be accepted.

10. Para No.10 of the preliminary objections of comments is incorrect. Present appeal is maintainable and the appellant also filed departmental appeal well within time.
11. Para No.11 of the preliminary objections of comments is incorrect. This Honourable court got ample jurisdiction to entertain the titled appeal. The appellant has duly annexed the impugned order with the instant appeal.

**FACTUAL OBJECTIONS.**

1. Para No.1 of the appeal of the appellant is correct and detailed.
2. Para No.2 of the factual objections of comments filed by the answering respondents is incorrect whereas para No.2 of the appeal of the appellant is correct and detailed.
3. Para No.3 of the appeal has been admitted as correct by the respondents hence need no answer.
4. Para No.4 of the appeal has been admitted as correct by the respondents hence need no answer.

5. Para No.5 of the factual objections of comments filed by the answering respondents is incorrect whereas para No.5 of the appeal of the appellant is correct and detailed. The appellant has duly applied for leave on 29.09.2008 and in this respect, appellant has also submitted application to the respondents hence the respondents were duly intimated by the appellant. The appellant never deliberately or willfully absented himself from duty rather the appellant was busy in the treatment of his mother. During the said period, the appellant properly informed the respondents verbally as well as through written application and in the meantime, the respondents also received the service book and other service record from the appellant and these facts clearly shows that the respondents were duly informed/intimated by the appellant. The respondents are misinterpreting the relevant rules on the subject whereas as per law rules and regulations, appellant was entitled for the leave keeping in view the illness and treatment of his mother.
6. Para No.6 of the factual objections of comments filed by the answering respondents is incorrect whereas para

No.6 of the appeal of the appellant is correct and detailed. The absence of the appellant is neither deliberate nor intentional but due to the genuine reason i.e. the illness and treatment of hr mother and that too with proper intimation to the respondents hence the impugned order passed/issued by the respondents is highly injustice with the appellant rather a mockery with the helplessness of the appellant.

7. No comments have been given in response to Para No.7 of the comments hence the contents of the para No.7 of the appeal of the appellant has been admitted as correct.
8. Para No.8 of the factual objections of comments filed by the answering respondents is incorrect whereas para No.2 of the appeal of the appellant is correct and detailed. The appellant properly intimated the respondents regarding his constraint as well as unavoidable circumstances regarding the illness and treatment of her mother. Later on, after the death of his mother, the appellant duly approached the respondents for restoration of his service and it was the bounden duty of the respondents to restore the service of the appellant as the constraint of the

appellant was genuine and based on material facts but the respondents badly to comply with the relevant law and rules on the subject.

9. Para No.9 of the factual objections of comments filed by the answering respondents is incorrect whereas para No.9 of the appeal of the appellant is correct and detailed. Department appeal is duly annexed with the appeal fled by the appellant.
10. Para No.10 of the factual objections of comments filed by the answering respondents is incorrect whereas para No.2 of the appeal of the appellant is correct and detailed. The appellant is aggrieved person for restoration of his services.

#### **GROUND**

- a. Para No.(a) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(a) of the appeal is correct and detailed. The appellant never absented herself from duty willfully rather it was the illness and treatment of her mother due to which appellant could not attend his



duty. The appellant time and again verbally and through application intimated the respondents regarding the illness and treatment of his mother but the request of the appellant has been considered as trash by the respondents. The respondents have wrongly ceased the services of the appellant and now are misinterpreting the relevant law and rules on the subject. As per law as well as cannons of justice, the services of the appellant are liable to be restored. The office/respondents have regularly been intimated by the appellant.

- b. Para No.(b) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(b) of the appeal is correct and detailed.
- c. Para No.(c) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(a) of the appeal is correct and detailed. Appellant duly approached the respondents' department by way of applications for furnishing the details of his service and about his service book but the request of the appellant has never been adhered by the respondents.
- d. Para No.(d) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(d) of the

appeal is correct and detailed. Ceasing the services of the appellant is totally incorrect, unjust and without any legal justification and that too without any intimation to the appellant by the respondents regarding ceasing of his service.

- e. Para No.(e) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(a) of the appeal is correct and detailed. Law and rules on the subject are very much clear and supports the version of the appellant but the same are bypassed/overlooked by the respondents while dealing with the matter of the appellant.
- f. Para No.(f) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(a) of the appeal is correct and detailed. The respondents are misinterpreting the rules on the subject as the service cannot be ceased automatically rather the respondents would have intimated the appellant or given any notice but neither any notice have been served upon the appellant nor the appellant was intimated by the respondents prior to ceasing his service. Similarly neither any statement of allegation nor any

show cause was issued by the respondents to the appellant hence all the proceedings were carried out ex-parte.

- g. Para No.(g) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(g) of the appeal is correct and detailed.
- h. Para No.(h) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(h) of the appeal is correct and detailed.
- i. Para No.(i) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(i) of the appeal is correct and detailed. No law, rule or policy of the Government has been followed by the respondents rather the respondents acted in disregard of the relevant law, rules and regulations.
- j. Para No.(j) of the grounds of comments filed by the answering respondents is incorrect whereas para No.(j) of the appeal is correct and detailed. The respondents are refusing the judgment of this Honourable Court which is not warranted under the law.

.....PRAYER.....

**It is, therefore, most humbly**  
requested that the appeal filed by the  
appellant may please be accepted as  
prayed for.

**Dated 19.06.2019**

Shahzad Maqsood  
.....Appellant

Through

*Muhammad Awais*  
**MUHAMMAD AWAIS,  
YASIR KHATTAK,**  
Advocates High Court,  
Mansehra.

**AFFIDAVIT.**

I, Muhammad Awais, Advocate High  
Court, Mansehra, counsel for the  
appellant, do hereby solemnly affirm and  
declare on oath that the contents of the  
foregoing rejoinder are true and correct  
and nothing has been concealed from this  
Honourable Court.

**Dated 19.06.2019**

*Muhammad Awais*  
**MUHAMMAD AWAIS,**  
Advocate High Court,  
Mansehra.

