BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15605/2020

Date of institution 30.11.2020

Shakil Ahmad ASST (BPS-16) at GHS Totaki District Karak.

VERSUS

District Education Officer Male District Karak and one other.

<u>ORDER</u> 17.09.2021

Ms. Roeeda Khan, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that as the grievance of the appellant has been redressed, therefore, as per instruction of the appellant she wants to withdraw the instant service appeal, hence the same may be dismissed as withdrawn. In this respect, written endorsement of learned counsel for the appellant obtained at the margin of order sheet.

In light of the above, the appeal in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 17.09.2021

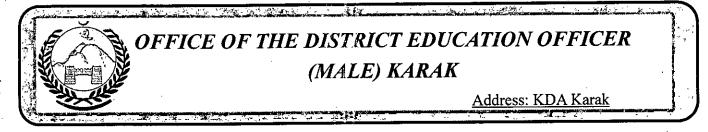
(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL)

ant to will drawn

Page 1 of 1 OFFICE OF THE DISTRICT EDUCATION OF THE PROPERTY OF THE DISTRICT EDUCATION OF THE PROPERTY OF (MALE) KARAK Address Mis. OFFICE ORDER In light of the statement submitted in Service Tribunal, KPK by the Deca Secondary Education Khyber Pakhtunkhwa, Peshiwar in service Appeal No. 15605 n. Ahmad, SST (P/M), GHS Totaki District Karak versus DEO (Male) Karak & others, the contra vide Directorate of Elementary & Secondary Education Kpk, Peshawar Endst:No 4 34-34 Corrigendum/SST(M)/Karak. Dated Peshawar the 16/06/2020 is still intact & the place of participant S No 2 Mr. Ijaz Ahmad, SST (P/M) may be read an GHS Mitha Khel instead of GHS Totaki Note: No TADA is allowed. Ł Charge report should be submitted to all concerned 2 DISTRICT EDUCATION OFFICER (MALE)KARAK Dated Karak the 13 109 12021 Endst No 3627-33 1 Copy forwarded for information and necessary action to the:-PA to the Director E & SE Education Khyber Pakhtunkhwa Peshawar. } 2. Registrar Service Tribunal KPK, Peshawar w/r to Appeal No. & Title cited above 3. District Account Officer Karak. 4 Principal/ Head Master Concerned. 5. DMO Karak. 6. Master file. DISTRICT EDUCATION OFFICER (MALE)KARAK





OFFICE ORDER

In light of the statement submitted in Service Tribunal, KPK by the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar in service Appeal No. 15605/2021 titled Shakeel Ahmad, SST (P/M), GHS Totaki District Karak versus DEO (Male) Karak & others, the corrigendum issued vide Directorate of Elementary & Secondary Education Kpk, Peshawar Endst:No. 4754-57/F.No. Corrigendum/SST(M)/Karak. Dated Peshawar the 16/06/2020 is still intact & the place of posting for S.No.2 Mr. Ijaz Ahmad, SST (P/M) may be read as GHS Mitha Khel instead of GHS Totaki.

Note:

1. No TA/DA is allowed.

2. Charge report should be submitted to all concerned.

DISTRICT EDUCATION OFFICER (MALE)KARAK

Endst No. 3627-33 /

Dated Karak the 13 / 0-9 /2021

Copy forwarded for information and necessary action to the:-

1. PA to the Director E & SE Education Khyber Pakhtunkhwa Peshawar.

- 2. Registrar Service Tribunal KPK, Peshawar w/r to Appeal No. & Title cited above.
- 3. District Account Officer Karak.
- 4. Principal/ Head Master Concerned.
- 5. DMO Karak.
- 6. Master file.

13/9/21

DISTRICT EDUCATION OFFICER

10.09.2021

 $\zeta_{_{T}}$ is

Appellant present. Mr. Sher Nawab, Superintendent alongwith respondent No. 1 Mr. Sheraz Ahmed, DEO (Karak) and Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant submitted rejoinder, copy of which handed over to learned Deputy District Attorney. Learned counsel for the appellant is absent due to strike of lawyers, therefore, to come up for arguments before the D.B on 17.09.2021.

JR-REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL)

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 30.08.2021 for the same as before.

30.08:2021

Due to summer vacations, the case is adjourned to 08.09.2021 for the same as before.

08.09.2021

Appellant alongwith Miss Roeeda Khan, Advocate present. M/S Atiq-ur-Rehman Deputy DEO and Hussain Ullah Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned Deputy District Attorney sought adjournment on the ground that the brief of the instant appeal was handed over to him very lately, therefore, he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 10.09.2021.

(ATIQ UR REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL) **1**9.03.2021

Counsel for the appellant present. Addl: AG for respondents present.

Written reply not submitted. Learned AAG requested for time to contact the respondents for requisite reply. The request is being genuine is allowed. However, learned AAG is required to ensure submission of reply on the next date

Adjourned to 05.04.2021 before S.B.

05.04.2021

Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG alongwith Sher Nawab ADEO for respondents present.

Representative of respondents submitted reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 23.04.2021 before S.B.

(Atiq-Ur-Rehman Wazir) Member (E)

Reader

(Mian Muhammad) Member (E)

23.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 17.08.2021 for the same as before. 14.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 10.02.2021 on which date file to come up for written reply/comments before S.B.

MEMBER (JUDICIAL)

(MUHAMMAD JAMAL KHAN)

10.02.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Written reply of respondents is still awaited. Representative of respondents is not in attendance. Case is adjourned on the request of learned A.A.G for submission of written reply/comments. To come up for written reply/comments on 26.02.2021 before S.B.

> (Rozina Rehman) Member (J)

26.02.2021

Counsel for appellant is present. Mr. KabirullahoKhattak, Additional Advocate General for the respondents also present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing as a last chance. Adjourned to 19.03.2021 on which date file to come up for written reply/comments before S.B.

(Muhammad Jamal Khan) Member

Form- A

TEET

	Court o	form of order sheet
	Case No	15605 12020
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/12/2020	The appeal of Mr. Shakeel Ahmad resubmitted today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
2-		This case is entrusted to S. Bench for preliminary hearing to be pu up there on $2 - 1 + 2 - 2 - 3 = 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3$
		CHAIRMAN
	21.12.2020	Appellant present through counsel. Preliminary arguments heard. File perused. Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days.
ecurity	Deposited Process Fee	Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 14.01.2021 before S.B.
		(Rozina Rehman) Member (J)

The appeal of Mr. Shakeel Ahmad received to-day i.e. on 30.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1. Annexure A of the appeal is incomplete which may be completed.

1. Existen S. C. 🗎

• 2. Annexure A of the appeal may be attested.

3. Vakalatnama in respect of the appellant is not attached with the appeal which may be placed on it

No. 3942 /S.T. Dt. 01/12 /2020

BUNAL AKHTUNKHWA

PESHAWAR.

Miss. Roeeda Adv. High Court, Peshawar.

Objection NOITTO3 has been Removed

Objection no.1 is still stand the appeal is returned again to the counsel for the appellant for completion and resubmission with 15 days.

No. 3995 /S.T. Dated 04 /12/2020

Registrar

Khyber Pakhtunkhwa Service Tribunal Peshawar

Re-supported Alter Renoval of objection Alter Renoval of objection Illi2/2020

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

In Re S.A No. 15/08/12020

Shakil Ahmad

VERSUS

1. District Education Officer Male District& others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-4
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3.	Addresses of parties		6
4.	Condonation of delay		7708
5.	Copy of appointment order	"A"	911
6.	Copies of departmental appeal and corrigendum order	"B & C"	105 19
7.	Wakalatnama	· · · · · · · · · · · · · · · · · · ·	

APPELLANT

Through Re

Roeeda Khan Advocate, High Court Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

In Re S.A No. 15605/2020

Khyber Pakhtukhwa Service Tribunal

Shakil Ahmad ASST (BPS-16) at GHS Totaki District Karak

Appellant

VERSUS

1. District Education Officer Male District Karak

2. Director Elementary & Secondary education KPK Peshawar.

Respondents

SERVICE APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 FOR GIVEN APPROPRIATE DIRECTION TO RESPONDENT DEPARTMENT FOR THE POSTING/TRANSFER OF THE APPELLANT AS IN THEIR RESPECTIVE UNION COUNSEL E.I GCMHS CHOKARA INSTEAD GHS TOTAKI.

Re-suppritted to -day and filed. Registrar 11/12/2020

er:-

ON ACCEPTANCE OF THIS SERVICE APPEAL THE APPELLANT MAY KINDLY BE POSTED/TRANSFER AS IN THEIR RESPECTIVE UNION COUNSEL E.I GCMHS CHOKARA INSTEAD GHS TOTAKI ALONG WITH ALL BACK BENEFITS.

Respectfully Sheweth,

- That the Appellant has been appointed as SST (BPS-16) on 13.05.2020. (Copy of appointment order is attached as annexure "A").
- 2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
- 3. That the appellant belongs to Union Counsel Chokara District Karak and was on the top of on merit list, as per prevailing rules and regulation as well as per merit the top selected has to be appointed in their respective union counsel.
- 4. That instead of prevailing rules and regulation the appellant has been posted at other union counsel which is 62 kilometer away from the appellant although two posts were lying vacant in Tehsil Takht Nusrati in which one was laying vacant in the respective union counsel Chokara of the appellant which is one kilometer away from the hometown of the appellant.

5. That the \cdot appellant submitted а departmental appeal to respondent department on 28.05.2020 in response of which a corrigendum has been issued where by the direction have been given to respondent department for posting/ transferring the appellant their to respective union counsel which has been appellant on received the 20.11.2020.(Copies of departmental appeal and corrigendum order attached are as annexure "B & C").

6. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

<u>GROUNDS:-</u>

- A. That the appellant has not been treated according to law and rules and mandatory provision of law has been violated by the respondent department.
- B. That as per the prevailing rules and regulations and was on the top of merit list the appellant is entitle for posting in their respective union counsel.
- C. That the place of posting was 62 kilometers away from the appellant which is very difficult to the appellant and there is

already one vacant post laying in the union counsel of the appellant.

D. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this appeal the appellant may kindly be posted/transfer as in their respectable union counsel e.i GCMHS Chokara instead GHS Totaki along with all back benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

APPELLANT

Through

Roeeda Khan Advocate, High Court Peshawar.

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

Advocate.



In Re S.A No. ____/2020

Shakil Ahmad

VERSUS

District Education Officer Male District & others

AFFIDAVIT

I, Shakil Ahmad ASST (BPS-16) at GHS Totaki District Karak, do hereby solemnly affirm and declare that all the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

DEPONENT

Identified

Roeeda Khan Advocate High Court Peshawar.



BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

In Re S.A No. ____/2020

Shakil Ahmad

VERSUS

District Education Officer Male District& others

ADDRESSES OF PARTIES

PETITIONER.

Shakil Ahmad ASST (BPS-16) at GHS Totaki

District Karak

ADDRESSES OF RESPONDENTS

- 1. District Education Officer Male District Karak
- 2. Director Elementary & Secondary education KPK Peshawar.

APPELLANT

Through

Roeeda Khan Advocate, High Court Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

In Re S.A No. ____/2020

Shakil Ahmad

VERSUS

District Education Officer Male District& others

APPLICATION FOR CONDONATION OF DELAY (if any)

Respectfully Sheweth,

Petitioner submits as under:

- That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
- 2. That the place of posting was 62 kilometers away from the appellant which is very difficult to the appellant and there is already one vacant post laying in the union counsel of the appellant.
- 3. That as per the prevailing rules and regulations and was on the top of merit list the appellant is entitle for posting in their respective union counsel.
- 4. That the appellant properly submitted departmental appeal against the posting order dated 13.05.2020 in response of which a corrigendum has been issued whereby the

direction has been given to respondent department for the posting of the appellant to their respective Union Council e.i GCMSH Chokara but dispite the given direction the appellant has not been posted in his own union council by the respondent department. Which has been received to the appellant on 20.11.2020.

5. That there are many judgment of the superior court that limitation has not becomes a huddle in way of justice.

Grounds:

- A. That the impugned orders are void order and no limitation run against the void orders. It has been passed without the fulfilling the codal formalities.
- B. That the impugned is also void because no opportunity a personal hearing has been provided to the appellant.
- c. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

Sellant

Through

Roeeda Khan

Advocate, High Court

Peshawar.

SSTs (Mule) Karak

APPOINTMENT OF SECONDARY SCHOOL TEACHERS (P/M) MALE G ON ADITOC BASIS UNDER 25% OF EN QUOTA

13	ir	Roll No	Maine	0/o Birth	CNICH	0		1		
						Permanent Address	Acad: Marks	FTS Marks	fotal Marks	Remarks
	1		Shakeel Ahmad S/O Amir Muhammad	12.4.1991	14203- 8170394-1	Vill: Awad Banda Tohsti T.Nasrati District Karak	56.91	88	144.91	Appointed and adjusted at GHS Totaki
		40275775	Adll Murad S/O Irfan Badshah	12:4,1991	14203- 0478564-5	Vill: Tattar, Tebul Takhil Narati Dist: Karak	57.53	87	144.53	Appointed and adjusted at GHS Takinti-e-Nasrati
	3	40298145	Sufian Ullah S/O Aseer Zada	15.4.1988	14202- 8080031-3	Korak Sor, Karak Near OGOCL Office Mian Hinay Roud	54.25	77	141.25	adjusted at GHS Sabir Abad
	4	40298343	ijaz Ahmad S/O Muliammad Rahlm	28.9.1966	14202- 1274637-0	Mansoor Stationary and Book Center Karak City Disti: Karak	\$6.93	84	140.93	adjusted at GCM Chokara

Terms and conditions:-

1. No TA/DA is allowed.

EMN0.3

- 2. Charge reports should be submitted to all concerned in duplicate.
- 3. Appointment is purely on temporary & contract basis initially for one year with immediate effect.
- 4. They should not be handed over charge if they exceed 35 years or below 19 years of age. Age relaxation case may be submitted to competent authority.
- 5. If any meritorious candidate is deprived of appointment by this order, and the competent authority accepts his appeal, the appointment order of the low merit candidate will be with-drawn, and the adjustment order will be reviewed according to the merit.
- 6. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DFO (concerned), anyone found producing bogus certificate will be reported to the law enforcing agencies for further action.
- 7. Their services are liable to termination on one month's notice from either side. In case of
- resignation without notice their one month pay/allowances shall be forfeited to the Government.
- S. Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) to the effect that their certificates are verified and found correct and genuine.
- 9. They should join their post within-15 days of the issuance of this notification. In case of failure to Join the post within 15 days, their appointment will expire automatically and no subsequent appeal shall be entertained.
- 10. Health and Age certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 11. They will be governed by such rules and regulations as may be Issued from time to time by the Govt.
- 12. Their services shall be terminated at any time, in case his performance is found unsatisfactory during the contract period.
- 13. The appointment is made on school based. They will have to serve at the place of posting, and their vervices are not transferable to any other station.

SSTs (Male) Karak

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14 Before handing over charge, once again their documents may be checked by the Headmaster/Principal (Concerned) and if they do not acquired the relevant qualifications as per rules, they may not be handed over the charge of the post.

15. The appointees shall take nine (09) months mandatory training at RITE Or PITE.

(Hafiz Dr. Muhammad Ibrahim) Director

Elementary and Secondary Education Khyber Pakhtunkliwa Peshawar

Endst: No 1543 - 48 / File No.5/A-14/SST/Adhoe Appt: (BPS-16) Dated Peshawar the 335 2000

Copy forwarded for information and necessary action to the: -

- 1. Accountant General Khyber Pakhtunkhwa Peshawar

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- 3. District Accounts Officer Karak with the request to release their pay on production of duty Certificate duly countersigned by DEO concerned
- 5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department
 6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar 4: Officials Concerned

- 7. M/File

Deputy Director Elementary & Secondary Education



Khyber Pakhtunkhwa

Am-1 (11



The DEO District Education Officer (MALE) Karak

Subject

REQUEST FOR APPOINTMENT WITHIN THE TEHSIL AS PER ROLED

Dear sir,

It is hereby brought to your kind notice, that in the recent appointment list against the post of SST BPS-16 notified on 2019. I was on the top of list against the merit. As per prevailing rules and regulation as well as per merit the top selected are to be appointed in their respective union. There are four vacant posts of SST Maths, Physics in our district (KARAK) respectively. Two posts were lying vacant in Tehsil Takhti-E-Nasrati. One of the two post of our Tehsil was lying vacant in my respective Union i.e Chokara which is 1 KM away from my hometown.

Unfortunately setting aside on the rules and regulation a nominee laying at serial No 4 in the merit list has been appointed in my own union council, which is against the prevailing rules and regulation and I being on the top has been given the post in another Tehsil i.e **B.D SHAH**. Such kind of injustice from your good office as worth astounding.

Therefore your favour is very earnestly requested that the anomaly may kindly please be rectified and I may please be posted it my own Union Council. i.e Chokara.

I shall be highly obliged and shall pray for your long life and prosperity.

Thanks

Ahmed

Date: 28/05/2020 Sharffurd

. .

Shakeel

Your's Obediently

Adress: Village Awazi Banda P/O Bogara Tehsil Takht-E-Nasrati Disst Karak.

Cell No: 03475127121

- 1. Copy to DEO (MALE) Karak.
- 2. Copy to Director of Elementary & Secondary Education KPK Peshawar.
- 3. Copy to Sectary of Elementary & Secondary Education KPK Peshawar.



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATON KHYBER PAKHTUNKHWA PESHAWAR

CORRIGENDUM.

Please read the School Name in respect of the following SSTs as mentioned against each, in the Appointment Order of District Karak, issued *by this office vide No. 1543-48 dated 13-05-2020.*

S.No	Name	Present Station	To be read as
1	Shakeel Ahmad	GHS Totaki	GCMHS Chokara
2	Ijaz Ahmad	GCMHS Chokara	GHS Totaki

aforementioned the and conditions in The terms Appointment Order will remain intact.

> DIRECTOR Elementary & Secondary Education

Khyber Pakhtunkhwa, Peshawar

Deputy Director (Estab)

Khyber Pakhtunkhwa, Peshawar

W754-57 No. Corrigendum/SST(M)/ Karak. Dated Peshawar the Endst: No

Copy of the above is to the:-

J. District Education Officer (M) Karak.

2. District Accounts Officer Karak.

3. Officer concerned

4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

5. Master File.

Elementary & Secondary Education Y J

esthe are were there by « 2 2 2 منجاب السلم ب الله بنام لورخه الحد بنام مقدمه ذعوبي جرم باعث تحريرا نكبه مقدمه مندرجه عنوان بالامیں اپنی طرف سے واسطے پیروی وجواب دہی وکل کا روائی متعلقہ أن مقام ماله كلي لودر الم مقرر کرکے اقر ارکیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کا روائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامه کرنے دتقر رثالث و فیصلہ پر حلف دیتے جواب دہی اورا قبال دعویٰ اور [?] بصورت ذگری کرنے اجراءاور وصولی چیک وروپہ پیار عرضی دعویٰ اور درخواست ہرشم کی تصدیق زرایں پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم ہیروی یا ڈگری یکطرفہ یا پیل کی برامدگی اور منسوخی نیز دائر کرنے ایپل نگرانی ونظر ثانی و پیروی کرنے کا مختار ہوگا۔از بصورت ضرورت مقدمہ مذکور کے کل یاجزوی کاردائی کے داسطےاور دکیل یا مختار قانونی کوایے ہمراہ یا اینے بجائے تقر رکاا ختیار ہوگا۔اورصاحب مقرر شدہ کوبھی وہی جہلہ مذکورہ بااختیارات حاصل ہوں گے اوراس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جوخر چہ ہرجانہ التوائے مقدمہ کے سب ہے دہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حد ہے باہر ہوتو دکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں ۔للہٰذا وکالت نامہ کمھدیا کہ سند رہے۔ المرقوم pro 1 06 27 ·20 2-3 الع و اه بر منظور ہے۔ نكاهب مقام Accelby عذنان ستيتنزي

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ے مار بے چوك متعمر فايشاور فون 2220193 Mob: 0345-9223239

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL <u>PESHAWAR.</u>

Service Appeal No: 15605/2020

Shakeel Ahmad SST BPS-16 GHS Totaki District KarakAppellant.

VERSUS

District Education Officer (Male) Karak & others......Respondents

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-2.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Tribunal.
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.

建石 化环酰糖 计图书名的 法

- 10 That the instant Service Appeal is barred by law.
- 11 That the Transfer & Posting is the discretionary power of the competent authority in view of the judgment 2008, SCMR Page-531.
- 12 That the competent authority has got jurisdiction and competency to transfer & post a Regular Civil Servant under Section-10 of Civil Servants Act 1973 anywhere in the Province wherever his Service against the SST/B-16 post are required.

at the appellant wants to stick to the post & station of his choice in the dent Department.

ON FACTS

- 1 That Para-1, needs no comments being pertains to the service record of the appellant against the SST B-16 post vide Notification dated 13-05-2020.
- 2 That Para-2 is incorrect & misleading on the grounds that the appellant is liable to serve the Respondent Department for the salary & others services benefits he is drawing from the E&SE Department.

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- 3 That Para-3 is incorrect that the post of the appellant is a provincial Cadre post instead of U/C based post & liable to serve anywhere in the province as and when his services are required by the competent authority under the above cited provision of Law.
- 4 That Para-4 is also incorrect & denied, hence, needs no further comments, is detail reply to this para has been given in para-3 of the present reply by the Respondent Department.
- 5 That Para-5 is incorrect & misleading. The appellant has field a Departmental appeal dated 28-05-2020 to the Respondent No.1 which was forwarded to the Respondent No.2. who vide corrigendum order No.4754-57/F.No/Corrigendum/SST(Male)/Karak dated 16-06-2020 with the remarks that the present place of posting of the appellant at GHS Totaki District Karak may be read as GCMHS Chokara with the remarks that the terms & condition of the Notification No.1543-48 dated 13-05-2020 will remain intact. (Copies of the Departmental appeal & Corrigendum order dated 16-06-2020 are Annexure A & B).
- 6 That Para-6 is also incorrect & denied. Hence the appeal in hand is liable to be dismissed on the following grounds inter alia:-

<u>GROUNDS</u>

- A. <u>Incorrect & not admitted.</u> The appellant has been treated as per Law, Rules & Policy in the instant case by the Respondent Department. Hence, the claim of the appellant is baseless & liable to be rejected being an employee of provincial Cadre against the SST B-16 post in the Respondent Department.
- B. <u>Incorrect & not admitted</u>. On the grounds that the plea regarding the adjustment of the appellant in his own union council against the SST B-16 is illegal & even against the policy being an employee of provincial cadre teaching cadre, whereas, adjustment in union council is made against the PST (M & F) posts only instead of the SST B-16 post as claimed by the appellant.
- C. <u>Incorrect & not admitted</u>. Each & every Civil Servant, is legally bound to perform his official duty with due devotion & spirit for the salaries & other allied Service benefits he is drawing from the Govt: treasury & the same

D. <u>Incorrect & not admitted</u>. The stand of the appellant is without any proof & justification. Hence, deserves to be rejected in view of the above made submissions However, the Respondents further seek leave of this Honorable Tribunal to submit additional grounds & case law/record at the time of arguments.

In view of the above made submissions, it is requested that this Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated / /2021.

And Content of the second

RECTOR

E&SE Department Khyber Pakhtunkhwa, Peshawar. (Respondents No: 1 & 2)

AFFIDAVIT

I. Dr. Hayat Khan Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare 0n oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

Deponent

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 15605/2020

Shakeel Ahmad SST BPS-16 GHS Totaki District Karak......Applicant

VERSUS

APPLICATION FOR SUBMISSION OF CORRIGENDUM ORDER DATED 16-06-2020 & ON BEHALF OF RESPONDENTS NO: 1-2.

Respectfully Sheweth :-

The Respondents submit as under:-

- 1. That the titled case is pending for reply before this Honorable Tribunal, wherein, the appellant is seeking for his adjustment against the SST B-16 post at GCMHS Chokara instead of GHS Totki District Karak as evident from the prayer of the appellant in the titled case.
- 2. That vide corrigendum order No.4754-57/F.No/corrigendum/SST (M)/Karak dated 16-06-2020 of the Respondent No.2, the appellant has been adjusted at GCMHS Chokara District Karak. Copy of the Order is attached.

Therefore, in view of the above made submissions, it is requested that this Tribunal may very graciously be pleased to dismiss the instant appeal as the needful has been done by the Respondent No.2 as per prayer of the appellant by posting him at GCMHS Chokara District Karak against the SST B-16 post in the interest of justice please.

Dated __/ /2021.

E&SE Department Khyber Pakhtunkhwa, Peshawar. (Respondents No: 1 & 2)

Deponent

AFFIDAVIT

I, Dr. Hayat Khan Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare 0n oath that the contents of the instant application are true & correct to the best of my knowledge & belief.

I

The DEO District Education Officer (

ak

REQUEST FOR APPOINTMENT WITHIN THE TEHSIL AS PER ROLED

Dear sir,

It is hereby brought to your kind notice, that in the recent appointment list against the post of SST BPS-16 notified on 2019. I was on the top of list against the merit. As per prevailing rules and regulation as well as per merit the top selected are to be appointed in their respective union. There are four vacant posts of SST Maths, Physics in our district (KARAK) respectively. Two posts were lying vacant in Tehsil Takhti-E-Nasrati. One of the two post of our Tehsil was lying vacant in my respective Union i.e Chokara which is 1 KM away from my hometown.

Unfortunately setting aside on the rules and regulation a nominee laying at serial No 4 in the merit list has been appointed in my own union council, which is against the prevailing rules and regulation and I being on the top has been given the post in another Tehsil i.e **B.D SHAH**. Such kind of injustice from your good office as worth astounding.

Therefore your favour is very earnestly requested that the anomaly may kindly please be rectified and I may please be posted it my own Union Council. i.e Chokara.

I shall be highly obliged and shall pray for your long life and prosperity.

Thanks

Date: 28/05/2020 Shayfurl

Your's Obediently

Shakeel

Ahmed

Adress: Village Awazi Banda P/O Bogara Tehsil Takht-E-Nasrati Disst Karak.

Cell No: 03475127121

1. Copy to DEO (MALE) Karak.

2. Copy to Director of Elementary & Secondary Education KPK Peshawar.

Copy to Sectary of Elementary & Secondary Education KPK Peshawar.

То

Subject





DIRECTORATE O. EDUCATON_KHYB

NTARY & SECONDARY TUNKHWA PESHAWAR

CORRIGENDUM,

Please read the School Name in respect of the following SSTs as mentioned against each, in the Appointment Order of District Karak, issued by this office vide No. 1543-48 dated 13-05-2020.

•••	and as	1
	Name Present Station To be read as	/
S No -		
0.110		
1		
	CCWHS Chokara GHO IO	
12	Ijaz Ahmad I OCIMIIO ONI	
·		

aforementioned the conditions in and terms The Appointment Order will remain intact.

> DIRECTOR Elementary & Secondary Education Khyber Paklitunkhwa, Peshawar

No. Corrigendum/SST(M)/ Karak. Dated Peshawar the<u>1 // /</u>2020 Endst: No.

Copy of the above is to the:-

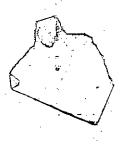
- 1. District Education Officer (M) Karak.
- 2. District Accounts Officer Karak.

3. Officer concerned?

4. PA to Director (E&SE) Khyber Pakhunkhwa, Peshawar.

5. Master File.

Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar





Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Notification

Consequent upon the advertisement No.INF(P)2281/19, and recommendations of the Departmental Selection Committee, the following candidates are appointed to the post of SST (G), SST (B/C) and SST (P/M) Male in BPS-16 (Rs.18910-1520-64510) @ Rs.18910/- fixed plus usual allowances as admissible under the rules on adhoc basis on contract under the existing policy of the Provincial Government, in Teaching Cadre, on the terms and conditions given below with immediate effect.

ITEM NO.1 APPOINTMENT OF SECONDARY SCHOOL TEACHERS (G) MALE BPS-16 ON ADHOC BASIS UNDER 25% OPEN QUOTA

Sr.	Roll No	Name	D/O Birth		Permanent	Acad:	NTS	Total Marks_	Remarks
					Address Village Qadre	Marks 65.35	Marks 96	151.35	Appointed and
1.	40295341	Atif Ur Rehman S/O Anar Khan	27.8.1991	14203- 0686916-1	Khei P/O Fateh				adjusted at GHS Tatar Khel.
					Tehsil Takht e Nasrati				
2,	40293887	Zahid Ullah S/O Nagem Gul	12.4.1988	14202- 8565360-3	Village Wardak P/O Jendral	64.87	94	158.87	Appointed and adjusted at GHS Makori
					Tehsil Karak	68.48	89	157.48	Appointed and
3.	40294459	Shifaat Ur Rehman S/O Umar Farooq	10.12.1991	14203- 4162485-5	Vill Jattan Banda PO Inzaer Banda Tehsil Takhto C Natrati Karak	08.40			adjusted at GHS Gumbati Mina Khe
4.	40294455	Aamir iqbal S/O Zarjanan	10.3.1985	14202- 9087215-1	Village Warana Dali khel PO Warana Teh and distt Karak	61.63	91	152.63	Appointed and adjusted at GHS Latambar
5.	40294723	Arif ullah Khattak S/O Abdul Ghaffar	6.12.1987	14203- 2328249-7	Village and PO Muhabati killa Tehsil T.Nasrati	60.95	94	154.95	Appointed and adjusted at GHSS Jandri
6.	40294543	Afreslab S/O Mir Ahmad Khan	1.5.1993	14203- 2369224-9	Vill: & PO Manzini Banda	63.30	91	154.30	Appointed and adjusted at GHS Jehangri
7.	40272804	Fahad Shams S/O Shamsul Wahab	9.2.1993	14203- 6053899-1	ii No. 441 St 17 Sector X2 Phase 3 Hayalabad	62,60	91	153.60	Appointed and adjusted at GHS Shaheedan Chontr
8.	40294687	Atta Ullah S/O Muhammad Noor Shuh	1.3.1990	14203- 5567425-3	Warana	60.59	93	153.59	Appointed and adjusted at GCMH Chokara
9.	40254371	Kifayat Ullah S/O Shah Daraz	15.3.1992	14202- 9688456-1		63.38	90	153.38	Appointed and adjusted at GHS Tarkha Kohl
10.	40295131	Rizwan Ullah S/O Gul Sali Xhan	8.4.1990	14202- 7457643-5	Vilaige Toor Dhand Teh PO Karak	62.37	91	153.37	Appointed and adjusted at GHS Dabb
11.	40294757	Asif Rara S/O Nasruliah	23.9.1988	14203- 9447897-1	Vill and PO Surati Kalla	56.93	96	152.93	Appointed and adjusted at GHS Su Dak
12	40294077	Haroon Iqbal S/O Sar Anjam Khan	2.6.1987	14203- -2251548-1	Village Shobli Banda Tehsil and PO Takut e Nawahi Oslit Karak	62.76	90	152.76	Appointed and adjusted at GHS Mianki
	40294541	Tablish Attlque S/D Attlque-ur- Rahman	11.4.1991	14203- 6368539-3		62.99	89	151.99	Appointed and adjusted at GHS Ghandi Khatlak

· 1+

	40273122	Aamer Ullah Khan S/O Qudrat Ullah	10.4.1995	14203 5203534-3	Vill Marwatan Danda PO Khojaki Kalia Teh T, Nasrati	58.57	93	151.57	Appointed and adjusted at GHSS Shah Saleem
15.	40294400	Amjad iqbal S/O Noor All Shah	10.4.1991	14203- 1792156-3	Vill and PO Fatter Khel Teh T.Nasratt Distt: Karak	59.35	92	151.35	Appointed and adjusted at GMS Mehmood Khel
16.	40295030	Noor Hayat S/O Sher Hayat	3.11.1985	14703- 4340955-1	Villaeg Kodo Banda po Tehsil Takht e Nasrati Olstrict Karak	63.33	88	151.33	Appointed and adjusted at GMS Siraj Khei
17.	40293985	Faheem Ullah S/O Khial Tawan	14.8.1986	14202- 7682384-5	Mohallah Faqir Khel PO Tehsil and Disit Karak	66.13	85	151.13	Appointed and adjusted at GHS Tarkha Kohl
18.	40294454	Mehlab Alam S/O Farizat Khan	24.3.1988	14203- 6887051-1	Village Jattan Bandu Teh Takht e Nasrati Dist Karak	63.00	88	151.00	Appointed and adjusted at GHS Kando Khei
19.	40294021	Hamad Ahmad S/O Shahzad Ahmad	29.2.1996	14203- 5768409-3	House no, 472. Street No. 15, Sector K-2, Phase 3, Hayat Abad Peshawar	59.84	91	150.84	Appointed and adjusted at GHS Painda Banda
10.	40294390	Mohammad Yasir S/O Mohammad Siddig	26.11.1992	14202- 3405757-1	Merman Children Near Distt:Session	SG.68	94	150.68	Appointed and adjusted at GHS Tarki Khel
	40295453	Mustafa Khurshid Alam S/O Mehboob Alam	16.11.1988	14203- 9143591-5	Vill and PO Ahmad Abad Tehsil Takht e Nasrati Distt Karak	54.65 Reva	96 D	150.65	Appointed and adjusted at GHS Strati Kilo

2218 (MINIC) ---- WK

ITEM NO.2

• C+

APPOINTMENT OF SECONDARY SCHOOL TEACHERS'BIO/CHE) MALE BPS-16 ON ADHOC BASIS UNDER 25% OPEN QUOTA

Sr	Roll No	Name	D/o Birth	CNIC#	Permanent Address	Acad: Morks	FTS Marks	Total Marks	Remarks
1	40274764	Akhlaq Hussain S/O Abdur Raziq	19.6.1993	14201- 7111151-1	New Colony, Teri, District Karak	60.55	88	148.55	Appointed and adjusted at GHS Teri
2	40296931	Muhammad Imran S/O Muhammad Reayat Gul	30.8.1992	14202- 6448548-5	VIII:Gunda Shahbat Khan Tehsil and District Karak	62.28	79 (:	141.28	Appointed and adjusted at GHS Ghundi Mir Khan Khei
3	40296901	Qalser Hayat S/O Noor Hayat Khan	30.4.192	14202- 0221058-3	Villi:Zara Khel PO Sabir Abad Tehsil and District Karak	65.90	75	140.90	Appointed and adjusted at GHS Deli Mela
4	40274653	Asad All Mustafa S/O Muhammad Subhan	20.6.1992	14207- 3880694-3	Vill:Kalr Wala PO Sabir Abad Tehsil and Distt: Karak	68.7G	72	140.76	Appointed and adjusted at GHS Ghunda Shamshaki
5	40297040	Abdul Majid S/O Gul Ajab Khan	10.4.1991	14202+ 8523158-5	Vill: & PO Dabb Sangini Distl: Karak	68.38	72	140.38	Appointed and adjusted at GHS Tarkha Kohi
6	40297102	Sagib Rauf S/O Muhammad Rouf	2.1.1993	14203- 8811476-3	Vill:Saikot Tehsil Teakht- e-Nasrati Distt: Karak	69.37	69	138.37	Appointed and adjusted at GHS Ahmad Abad
7	40295922	Muhammad Younas S/O Pir Nawaz	5.3.1985	14202- 6790293-9	Viii: & PO Rehmat Abad Tehsli and Distt: Karak	61.28	76	137.28	Appointed and adjusted at GHS Bogara
	40274654	Alzaz Shah S/O Amjad Hussain Shah	10.4.1993	14201- 6134045-7	No.1 Moh: Kheiki, Teri, Teh: BD Shah District Karak	66.43	69	135.43	Appointed and adjusted at GHS Ahmadi Banda

SSTs (Male) Karak

NO.3

APPOINTMENT OF SECONDARY SCHOOL TEACHERS (P/M) MALE BPS-16 ON ADHOC BASIS UNDER 25% OPEN OUOTA

55	Roll No	Name	D/o Ulrth	CNIC#	Permanent Address	Acad: Marks	FTS Marks	Total Marks	Remaris
1	40298104	Shakeel Ahmad S/O Amir Muhammad	12.4.1991	14203- 8170394-1	Vill: Awazi Banda Tehsil T.Hasrati District Karak	56.91	88	144.91	Appointed and adjusted at GHS Totaki
2	40275775	Adil Murad S/O Irfan Badshah	12.4.1991	14203- 0428564-5	Vill: Tattar, Tehsli Takhti Nasrati Distt: Karak	57.53	87	144.53	Appointed and adjusted at GHS Takhti-e-Nasrati
3	40298145	Sufian Ullah S/O Aseer Zada	15.4.1988	14202- 8080031-3	Karak Sar, Karak Near OGDCL Office Mian Hinay Road Distt:Karak	64.25	77	141.25	Appointed and adjusted at GHS Sabir Abad
4	40298343	ljaz Ahmad S/O Muhammad Rahim	28.9.1988	14202- 1274837-9	Mansoor Stationary and Book Center Karak City Distt: Karak	56.93	84 Sector	140.93	Appointed and adjusted at GCMHS Chokara

Terms and conditions:-

1. No TA/DA is allowed.

学議会会社

- 2. Charge reports should be submitted to all concerned in duplicate.
- 3. Appointment is purely on temporary & contract basis initially for one years with immediate effect.
- 4. They should not be handed over charge if they exceed 35 years or below 19 years of age. Age relaxation case may be submitted to competent authority.
- 5. If any meritorious candidate is deprived of appointment by this order, and the competent authority accepts his appeal, the appointment order of the low merit candidate will be with-drawn, and the adjustment order will be reviewed according to the merit.
- Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO (concerned), anyone found producing bogus certificate will be reported to the law enforcing agencies for further action.
- 7. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government.
- 8. Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) to the effect that their certificates are verified and found correct and genuine.
- 9. They should join their post within 15 days of the issuance of this notification. In case of failure to
- Join the post within 15 days, their appointment will expire automatically and no subsequent appeal
 shall be entertained.
- 10. Health and Age certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 11. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 12. Their services shall be terminated at any time, in case his performance is found unsatisfactory during the contract period.

13. The appointment is made on school based. They will have to serve at the place of posting, and their services are not transferable to any other station.

Z

SSTs (Male) Karak

14. Before handing over charge, once again their documents may be checked by the Headmaster/Principal (Concerned) and if they do not acquired the relevant qualifications as per rules, they may not be handed over the charge of the post. 15. The appointees shall take nine (09) months mandatory training at RITE Or PITE.

(Hafiz Dr. Muhammad Ibrahim) Director Elementary and Secondary Education Endst: No 1543 - 48 Khyber Pakhtunkhwa Peshawar / File No.5/A-14/SST/Adhoc Apptt: (BPS-16)Dated Peshawar the 13/5/2020 Copy forwarded for information and necessary action to the: -Accountant General Khyber Pakhtunkhwa Peshawar ٩. 2. District Education Officer (M) Karak District Accounts Officer Karak with the request to release their pay on production of duty 3. Certificate duly countersigned by DEO concerned Officials Concerned PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department PA to the Director B&SE Khyber Pakhtunkhwa, Peshawar 6. M/File Reval date Deputy Director Elementary & Secondary Education Khyber Pakhtunkhwa



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCAT<u>ON KHYBER PAKHTUNKHWA PESHAWAR</u>

CORRIGENDUM.

Please read the School Name in respect of the following SSTs as mentioned against each, in the Appointment Order of District Karak, issued by this office vide No. 1543-48 dated 13-05-2020.

S.No	Name	Present Station	To be read as
1	Shakeel Ahmad	GHS Totaki	GCMHS Chokara
2	Ijaz Ahmad	GCMHS Chokara	GHS Totaki

The terms and conditions in the aforementioned Appointment Order will remain intact.

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

4754-Endst: No o. Corrigendum/SST(M)/ Karak. Dated Peshawar the 1/2///2020

Copy of the above is to the:-

1. District Education Officer (M) Karak.

2. District Accounts Officer Karak.

3. Officer concerned/

4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

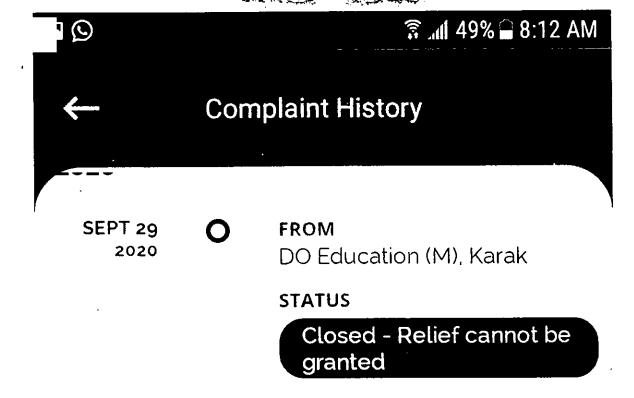
5. Master File.

Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

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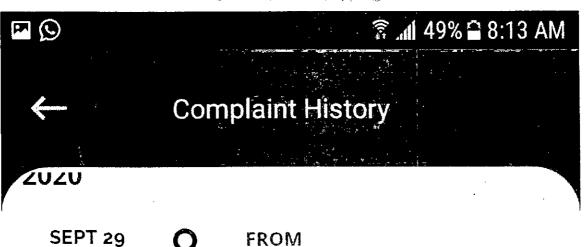


REMARKS

تبصرد

Dear complainant, he has disability certificate. You are requested to show little restraint and wait little to make you adjusted at nearest station soon. Please co-operate DEO Male Karak in the larger interest of public. This Office will remain thankful always.. Thank You

SEPT 16 2020 FROM Secretary, Elementary & Secondary Education STATUS Forwarded



2020

FROM DO Education (M), Karak

STATUS Closed - Partial relief granted

تبصرد

REMARKS

Dear complainant, He has disability certificate. He is adjusted at nearest station on the basis of his dis ability certificate. You are requested to show little restraint in the larger interest of public. And will be adjusted at nearest home station soon In sha Allah. Thank You

SEPT 16 2020

FROM

Secretary, Elementary & Secondary Education

STATUS Forwarded

FEEDBACK

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

REVISED PAY RELEASED ORDER:-

Consequent upon notification by the worthy Director Elementary & Education Kh Dated Peshawa 11/09/2020,No.3324-80/PA/03/DF&SE dated Peshawar the 23.10.2020 and No.6297/F.No.35/55T(M) Gen Cases dated Peshawar the 23.12.2020

The competent authority is pleased to release the pay & Allowances conditionally of the following appointed SST(General) on the basis of his duty performance certificate provided by the Headmaster/Primand countersigned by the DEO(M) Karak w.e.f the date of his taking over charge.

If the documents of anyone declared bogus, he will be reported to law enforcing agencies for neceaction and his appointment will stand withdrawn with immediation

S.No Name of Olficial Father Name Name of School Appointment Order tic8 Day 1 Rizwan Ullah Gut Sali Khan GHS, Dabu 1543-48/File No.5/A 2. Mustafa Mehmoob Alam GHS, Surati Killa 16)Dated Peshthe 13.05.201 2. Mustafa Mehmoob Alam GHS, Surati Killa Do 3.1 3.1 3.1 3.1 3.1 3.1 Mustafa Khurshid Alam Mehmoob Alam GHS, Surati Killa Do Jost Rict EDUCATION OFFICER Jale KARAK Jale KARAK Jale KARAK Findst No/3.61-64 /Revise P Reica e/SST Dated Karak the 3.1 Jale Jale /	1 Rizwan Ullah Pattler Hame Name of School Appointment Order Gels Zoan 1 Rizwan Ullah Gut Sali Khan GHS, Dabu 1543-48/File No.5/A 2. Mustafa Mehmoob Alam GHS, Surati Killa 16)Dated Pesh:the 13.05.20: 2. Mustafa Mehmoob Alam GHS, Surati Killa 16)Dated Pesh:the 13.05.20: 2. Mustafa Mehmoob Alam GHS, Surati Killa Do 31					
2. Mustafa Khurshid Alam Endst. No/36/-64 A to Director Elementary & Surger Advised Alam Killer Killer Kaller K	All Sali Khan GHS, Dabu 1543-48/File No.5/A 4/SST/Adhor Apptt@BP5- 16/Dated Pesh.the 13.05.20; 2. Mustafa Mehmoob Alam GHS, Surati Killa 15/Dated Pesh.the 13.05.20; District EDUCATION OFFICER 31 3/2.1 District EDUCATION OFFICER VARAK Sendst .No/361-64 /Revise P Reica e/SST District EDUCATION OFFICER VARAK Ate Director Elementary & Sinch education Knyber Pakhtunkhwa Pesnawar Set@Accounts Officer Local Officer District EDUCATION OFFICER District EDUCATION OFFICER	S.No			Name of School	(Appointment Order No&Dau
And Alam Mehmoob Alam GHS, Surati KillaDo Khurshid Alam GHS, Surati KillaDo 31 3 2 1 District EDUCATION OFFICER ALE) KARAK Dated Karak the 31 3 /2021. A to Director Elementary & Schulter - Stration Solver Paklatunkhy a Pathimar	An Milistata Mehmoob Alam GHS, Surati KillaDo Khurshid Alam Khurshid Alam DistRict EDUCATION OFFICER DistRict EDUCATION OFFICER DistRict EDUCATION OFFICER DistRict EDUCATION OFFICER DistRict EDUCATION OFFICER DistRict EDUCATION OFFICER		Rizwan Ullah	Gul Sali Khan	GHS,Dabb	1543-48/File No.5/A
Endst .No/361-64	Endst No/361-64	2.	1	Mehmoob Alarn	GHS,Surati Killa	
	DISTRICT EDUCATION OFFICER	A to Director f	Floinentary & Scena		Dated Kar	DUCATION OFFICER BAK

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK REVISED PAY RELEASE ORDER:

Consequent upon notification by the worthy Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar vide No.92637-706/PA/03/DE&SE Dated Peshawar the 11/09/2020, No. 3324-80/PA/03/D&SE Dated Peshawar the 23/10/2020 and No. 6297/F.No.35/SST(M) General Cases Dated Peshawar the 23/12/2020.

The competent authority is pleased to release the pay & allowances conditionally of the following newly appointed Qari on the basis of their duty performance certificates provided by the Head Master/Principal and countersigned by DEO (Male) Karak w.e.f the date of their taking over charge.

If the documents of anyone declared bogus, he will be reported to law enforcing agencies for necessary action and his appointment will stand withdrawn with immediate.

S.No	Nume of Official	Father Name	Name of School	Appointment Order No. & Date
1,	Qaiser Iqbal	Mashal Nawaz	GHS Esak Khumari	1555-62/Apptt:Qari/Estb:Secy: Dated Karak the 08/05/2020
2	Muhammad Noman Khan	Ajmal Khan	GHSS Kando Khel	do
3	Ašmat Ali Khan	Wahib Gul	GHS Darish Khel	do
4	Arif Ullah	Gul Abbas Khan	GHS Jatta Ismail Khel	do
5	Fida Ur Rehiman	Saif Ur Rehman	GHS Wargha Banda	do

DISTRICT EDUCATION OFFICER (MALE) KARAK

70 /Revise.P.Release./Qari Endst: No

Dated Karak The <u>27 / 01 /2021</u>

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Copy to the:

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- 1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. District Accounts Officer Karak
- 3. Principals/Head Masters Concerned.
- 4. Budget & Accounts Officer Local Office

27/1/21

DISTRICT EDUCATION OFFICER

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar No. 21/11/F.No. 490/Vol-5/SST(M)/Complaints Karak Dated Peshawar the 21/06/2021

The District Education Officer, (Male) Karak.

Subject: - <u>COMPLAINT ON PAKISTAN CITIZEN PORTAL</u> Memo:

I am directed to refer to the subject cited above and to enclose herewith a complaint bearing No.KP010621-88454483 (AB) with the remarks to resolve the issue under existing rules/Law/Policy, on the anology of other candidates and avoid discrimination with the appellant please.

21 Assistant Director (Estab) al Elementary & Secondary Education

Khyber Pakhtunkhwa

Endst: No. 3415

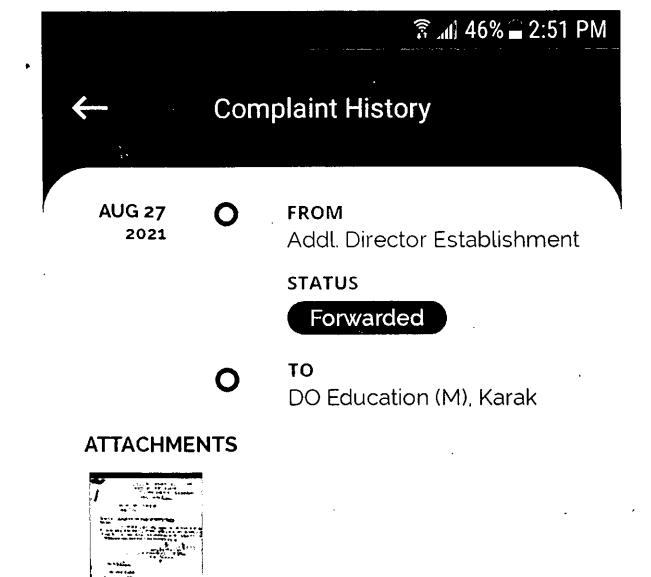
Τo

Copy of the above is to:-

1. PA to Director (E&SE) Local Directorate.

er

Assistant Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa



Attachment

REMARKS

تبصره

Respected DEO, instant compliant is submitted at your office vide attached letter in which you were directed to issue pay release order according in respect of Mr. Shakeel Ahmad SST, it further directed that submit compliance report at this office. Regards

AUG 26 2021

FROM

Directorate of Elementary & Secondary Education

BEFORE THE KPK SERVCIE TRIBUNAL, PESHAWAR.

Service appeal No. 15605 of 2020

Shakil Ahmad (Appellant)

VERSUS

District Education Officer (Male), Karak & Others. (Respondents).

INDEX

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2	Affidavit		4
3	Authority		5

Dated:----/03/2020

Respondent No. 1 District Education Officer (Male), Karak

BEFORE THE KPK SERVCIE TRIBUNAL, PESHAWAR.

Service appeal No. 15605 of 2020

Shakil Ahmad (Appellant)

VERSUS

District Education Officer (Male), Karak & Others. (Respondents).

Joint Parawise Written Comments of Respondents

Respectfully Sheweth

Joint Written comments on behalf of Respondents No. 1 & 2 **Preliminary Objections**.

- 1. That appellant has got no cause of action to file the instant service appeal.
- 2. That the above titled service appeal is wrong, incorrect and against the law & facts.
- 3. That the appellant is estopped to file the instant service appeal by his own conduct .
- 4. That the instant service appeal is not maintainable & entertainable in its present form.

That the appellant has not come to this honourable court with clean hands and concealed the facts.

- 6. That the instant service appeal is liable to be dismissed due to mis-joinder & non-joinder of the party.
- 7. That the instant service appeal is liable to be dismissed in limine.

Factual Objections

- 1. Para-1 is correct.
- 2. Para No. 2 pertains to record.
- 3. incorrect and further reply of Para No. 3 is that the as per policy and rules, the respondents have adjusted / posted the appellant against the vacant post within the district. It is not mandatory / necessary under the law / policy to adjust /posted SST Teacher BPS-16 according to merit position at

the time of issuing appointment order. The SST appointment is to made in district wise not union council wise.

- 4. Incorrect and further reply of Para No. 4 is that there is no policy / rules to appoint SST candidate in union council but SST candidate is to be appointed and adjusted in district wise against vacant post. There is SST vacant post in Tehsil Takhte-Nasrati as at the time of appointment, the SST candidates have been adjusted / posted in district wise according to need based school. There is no provision of distance in adjustment of SST candidates.
- 5. Para No. 5 is incorrect.

Objection on Grounds.

- a. Para-A is incorrect and wrong hence denied.
- b. Para No. "B" is incorrect and wrong. There is no district wise policy is existed in appointment of SST candidates. There is no role of top merit in appointment of SST candidates.
- c. Para No. "C" is incorrect and wrong hence denied. There is no provision of distance in appointment. That the respondents have to be adjusted / posted new appointee against vacant post where necessary and need based. The pleas taken by the appellant in adjustment is totally wrong and wrong.
- d. Para No. "D" needs no comments.

<u>Prayer</u>

So it is, therefore, most humbly and respectfully prayed that keeping in view the above mentioned written comments this Hon'able Service Tribunal may very kindly be pleased to dismiss the service appeal.

Dated:----/02/2021

Respondent No. 1 District Education Officer (Male), Karak

Respondent No. 2

Director, Elementary & Secondary Department KP Peshawar.

BEFORE THE KPK SERVCIE TRIBUNAL, PESHAWAR.

Service appeal No. 15605 of 2020

Shakil Ahmad (Appellant)

VERSUS

District Education Officer (Male), Karak & Others. (Respondents).

AFFIDAVIT

I, Sher Nawab, Superintend BPS-17 in DEO (M), Karak do hereby solemnly affirm and declare on oath that all the contents of accompanying joint parawise comments are true and correct to the best of my knowledge and belief, nothing is lie and nothing has been concealed from this Hon'able Service Tribunal

Dated ----/02/2020

Deponent

Sher Nawab (Superintendent BPS-17) Superintendent (BPS-17) (Superintendent (BPS-17) (Superintendent (BPS-17)) (Superintendent (BPS-17)) (Superintendent BPS-17) (Superintendent BPS-17)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE), KARAK.

No

Dated

AUTHORITY LETTER

Mr. Sher Nawab, Superintendent BPS-17 in DEO (M), Karak, do hereby authorized to file written comments on behalf of Official respondents in Service Appeal No. 15605 of 2019 titled "Shakil Ahmad V.S District Education Officer (Male), Karak & Others Khyber Pakhtunkhwa Service Tribunal, Peshawar,

2 4 (21

District Education Officer (Male) Karak.



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

SSTS (Minic) Karak

Notification

Consequent upon the advertisement No.INF(P)2281/19, and recommendations of the Department Selection Committee, the following candidates are appointed to the post of SST (G), SST (B/C) and SST (P/M) Male in BPS-16 (Rs.18910-1520-64510) @ Rs.18910/- fixed plus usual allowances as admissible under the rules on adhoc basis on contract under the existing policy of the Provincial Government, in Teaching Cadre, on the terms and conditions given below with immediate effect.

APPOINTMENT OF SECONDARY SCHOOL TEACHERS (G) MA BPS-16 ON ADHOC BASIS UNDER 25% OPEN OUOTA ITEM NO.1

		$\underline{\mathcal{D}}$					INTS	Total	Remarks
r		Name	D/O Birth	CNIC	Permanent	Acad. Marki	Marks	Marks	
ir.	Roll No	namic		i	Address	65.35	96	151.35	Appointed and
. 	40295341	Atil Ur Rehman	27.8.1991	14203-	Village Qadre	2.22		i i	adjusted at GHS
1.	40295343	S/O Anar Khan		0686916-1	Khei P/O Fateh		1		Tatar Khol.
1		S/O Aner ener			Sher Band		1		
- i			1	4	Tehsil Takht 🗶				
	•				Nasrati	64.87	94	158.87	Appointed and
		Zahid Ullah S/O	12.4.1988	14202-	Village Wardak	04.07			adjusted at GHS
2.	40293887	Nacem Gul		8565360-3	P/O Jendrai	ł			Makori
		Kiesu oo		1	Tehsil Karak	68.4B	89	157.48	Appointed and
			10.12.1991	14203-	• Vill Jatian	56.45	107		adjusted at GHS
з.	40294459	Shifaat Ur		4162485-5	E Banda PO	•		{	Gumbati Mina Khel
		Rehman S/O	1	1	Inzaer Danda		1		
		Umar Farooq			Tensit Takhte e	1		1	
					Nasrall Karak		91	152 63	Appointed and
			10.3.1985	14202-	Village Warana	61.63	1 31	1	adjusted at GHS
4,	40294455	Aamle iqbat 5/0		9087215-1	Dali khel PO				Latambar
		Zarjanan			Warana Teh		ļ	1	
					and distt Karak			154.95	Appointed and
			6.12.1987	14203-	Village and PO	60.95	94	124.32	adjusted at GH55
5.	40294723	Arif ullah	6.12.1907	2328249-7	- Muhabati kilia				Jandri
•		Khattak S/O			Tehsil T.Nasrall			<u> </u>	
	}	Abdul Ghaffar	1 6 1003	14203-	Vill: & PO	63.30	91	154.30	Appointed and
6.	40294543	Afraslab S/O	1.5.1993	2369224-9	Manzini Banda	1	1		adjusted at GHS
u .		Mir Ahmad	1			İ			Jehangri
		Khan		14203-	H No. 441 51 17	62.60	91	153.60	Appointed and
7.	40272804	Fahad Shams	9,2,1993	6063899-1	Sector K2 Phase		· ·		adjusted at GHS
••		S/O Shamsul		0002020	3 Hayatabad				Shaheedan Chontr
		Wehab		14203	Warana	60.59	93	153.59	Appointed and
8.	40294687	Atta Ullah S/O	1.3.1990	5567425 3			·		adjusted at GCMH
.	1.14	Muhammad		330,417 -	1.				Chokara
		Noor Sheh		14202-		63.38	90	153.38	Appointed and
9.	40294371	Kifayat Ullah	15.3.1992	9688456-1			1		adjusted at GHS
	1	S/O Shah Daraz	i	3000400 .	· ·				Tarkha Kohi
~	· ·			14202-	Vilaige Toor	62.37	91	153.37	Appointed and
(10.)	40295131	Rizwan Ullah	8.4.1990	7457643-5	Dhand Teh PO	1			adjusted at GHS
Ś		S/O.Gul Sail		7437043.3	Karak				Dabb
		xhan			Vill and PO	\$6.93	96	152.93	Appointed and
11.	40294757	Aslf Rata S/O	23.9.1988	14203	Surati Kalla	10.53	50		adjusted at GHS Su
	40294737	Nasruliah		9447897-1	autati kana				Dak
	1		<u></u>		100 han Chabl	62.76	50	152.76	Appointed and
12	40294077	Haroon tobal	2.6.1987	14203-	Village Shobli	04.70	1		adjusted at GHS
- 1		S/O Sar Anjam	1	-2251548-1	Banda Tehsil	[Mianki
:		Khan	1		and PO Takut e	1			1
		1		1	Nawahi Oslit	1	1		
		1			Karak	62.99	89	151.99	Appointed and
-13	40294541	Tabish Attique	11.4.1991	14203-	}	01.55	1	1 1	adjusted at GHS
1.5	Lange P	S/D Attique ur-		6368539-3	1	1	1	1	Ghandi Khattak
1.422	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	Rahman	1.1.1.1.1.1.1.1	1	1	1	1	1	L CITATION IN THE REAL

						-							
	40273122	Aamer Ullah	10.4.1995	14203-	VIII Marwatan	58.57	23	151.57	Appointed and adjusted at GHSS				
•		Khan S/O Qudrat Ullah		5203534-3	Banda PO Khojaki Kalla				Shah Saleem				
		Quorar Dalari			Ten T Nasrati	59.35	92	151.35	Appointed and				
15.	40294400	Amjad iqbal	10.4,1991	14203- 1797156-3	Vill and PO Fatter Knet Teh	39.35			adjusted at GMS				
		5/O Noor All		1131120-3	T.Nasrati Distt:			•	Mehmood Khel				
		Shah			Karak		ļ	151.33	Appointed and				
	40295030	Noor Hayat S/O	3.11.1985	14203-	Villaeg Kada	63.33	88	111.00	adjusted at GMS				
16.	40233030	Sher Hayal		4340955-1	Banda po Tehsil Takht e Nasráti				Siraj Khel				
					District Karak				Appointed and				
		Faheem Ullah	14.8.1986	14202-	Mohallah Faqk	66.13	85	151.13	adjusted at GHS				
17.	40293985	S/O Khial	14.0.000	7682384-5	khel PO Tehsil				Tarkha Kohl				
		Tawan			and Distl Karak	63.00	88	151.00	Appointed and				
18.	40294454 -4	Mehtab Alam	24.3.1988	14203	Village Jattan Bandu Teh	03.00			adjusted at GHS				
	۲	S/O Facital		6887051-1	Takht e Nasrati				Kando Khei				
	+	Khan		·	Dist Karak	<u> </u>		150.84	Appointed and				
19.	40294021 8	-Hamad Ahmad	29.2.1996	14203-	House no. 472.	59.84	91	10.04	adjusted at GHS				
	}	S/O Shahzad		5768409-3	Street No. 15. Sector K-2.	1			Palnda Banda				
						Ahmad		·	Phase], Hayat	1.	.		
	·	• •			Abad Peshawar			150.68	Appointed and				
20.	40294390 9	Mohammad	26.11.1992	14202-	Merman	56.68	94	120,08	adjusted at GHS				
		Yasir S/O		3405757-1	Children Near Distt:Session		{		Tarki Khel				
		Mohammad			Courts Karak				Appointed and				
	40295453 (Siddig	16.11.1988	14203	VIII and PO	54.65	96 0/	150.65	adjusted at GHS				
21)	40733433	Khurshid Alam		9143691-5	Ahmad Abad Tehsil Takht e		hid d	1 Olecto					
		S/O Mehboob			1 1 GUTTI LAWING &	10 20	1 ~ 1	10/10 11					
	l r	1 .			Nascati Distt	IVL		100 60	243° \200				
re	<u>M NO.2</u>	Alam	IPS-16 ON	<u>ADHOC</u>	Nasrali Distt Karak DARY SCHC BASIS UNDI		ACITER	N'BIO	CHEICD				
TE Sr	M NO.2	Alam	TMENT Q PS-16 QN D/o Birth	DT SECON ADHOC	Karak	OL TE R 25%	ACHÉŘ OPEN	S'(BIO OUOTA	ICHE)				
		Alam APPOIN MALE B	IPS-16 ON	CNICH	Karak DARY SCHO BASIS UNDI Permanent Address	OL TEA IR 25% Acad: Morks	ACHUR OPEN FTS Marks	S'(BIO OUOTA Total Marks	ACHE) Remarks				
5r	Roll No	Alam <u>APPOIN</u> <u>MALE B</u> Name Akhlag Hussain	IPS-16 ON	CNIC#	Karak DARY SCHO BASIS UNDI Permanent Address New Colony,	OL TE R 25% Acad:	ACHER OPEN FTS	B'(BIO OUOTA Total	Appointed and				
		Alam <u>APPOIN</u> <u>MALE B</u> Name	D/o Birth	CNICH	Karak DARY SCHO BASIS UNDI Permanent Address	OL TEA IR 25% Acad: Morks	ACHUR OPEN FTS Marks	S'(BIO OUOTA Total Marks	ACHE) Remarks				
5r 1	Roll No 40274764	Alam <u>APPOIN</u> <u>MALE B</u> Name Akhlaq Hussain S/O Abdur Raziq	D/o Birth 19.6.1993	CNIC#	Karak DARY SCHO BASIS UNDI Permanent Address New Colony, Teri, Olstrict Karak Vill:Gunda	OL TEA IR 25% Acad: Morks	ACHUR OPEN FTS Marks	S'(BIO OUOTA Total Marks	Appointed and adjusted at GHS Teri Appointed and				
5r	Roll No	Alam <u>APPOIN</u> <u>MALE B</u> Name Akhlag Hussain	D/o Birth	CNIC# 14201- 7111151-1	Karak DARY SCHO BASIS UNDI Permanent Address New Colony, Teri, Olstrict Karak Vill:Gunda Shahbat Khan	OLTE R 25% Acad: Marks 60.55	CHÉB OPEN FTS Marks 88	S (BIO OUOTA Total Marks 148.55	Appointed and adjusted at GHS Teri Appointed and adjusted at GHS				
5r 1	Roll No 40274764	Alam <u>APPOIN</u> <u>MALE B</u> Name Akhlaq Hussain S/O Abdur Razlq Muhammad Imran S/O Muhammad	D/o Birth 19.6.1993	CNIC#	Karak DARY SCHO BASIS UNDI Permanent Address New Colony, Teri, Oistrict Karak Vill:Gunda Shahbar Khan Tehsil and	OLTE R 25% Acad: Marks 60.55	CHÉB OPEN FTS Marks 88	S (BIO OUOTA Total Marks 148.55	Appointed and adjusted at GHS Teri Appointed and adjusted at GHS				
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RES-16 ON ADHOC IIASIS UNDER 25% OPEN OUOTA APPOINTMENT OF SECONDARY SCHOOL TEACHERS (P/M) MALE

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shemaA	iaioT ZaieM	shiem PTS	Marks Acad:	Permanent Address	כאוכזו	41/10 o/0	amen	on IIos	

L. No TA/DA is allowed. Terms and conditions:-

- 2. Charge reports should be submitted to all concerned in duplicate.
- 3. Appointment is purely on temporary & contract basis initiality for one year and is pureliste effect. (vijacita)
- relaxation case may be submitted to competent authority. 4. They should not be handed over charge if they exceed 35 years or below 19 years of age. Age
- adjustment order will be reviewed according to the merit. accepts his appeal, the appointment order of the tow merit candidate will be with-drawn, and the 5. If any metitorious candidate is deprived of appointment by this order, and the competent authority
- reported to the law enforcing agencies for further action. concerned authorities by the DEO (concerned), anyone found producing bogus certificate will be 6. Appointment is subject to the condition that the certificates/documents must be verified from the
- resignation without notice their one month pay/allowances shall be forfeited to the Government. 7. Their services are liable to termination on one month's notice from either side. In case of
- that their certificates are verified and found correct and genuine. 8. Pay will not be drawn until and uniess a certificate to the effect by DEO(concerned) to the effect
- .bonistrotno od lista Join the post within 15 days, their appointment will expire automatically and no subsequent appeal 9. They should join their post within 25 days of the issuance of this notification. In case of failure to
- taking over charge. נס. אפאוזה אפא הפרוזונג*וונגום א*וסטום be produced from the Medical Superintendent concerned before.
- during the contract period. 12. Their services shall be terminated at any time, in case his performance is found unsatisfactory .1.1. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- and the second standard to any other station. 13. The appointment is made on school based. They will have to serve at the place of posting, and their

E.ON MAT

SSTs (Male) Karak

14. Before handing over charge, once again their documents may be checked by the Headmaster/Principal (Concerned) and if they do not acquired the relevant qualifications as per rules, they may not be handed over the charge of the post.

15. The appointees shall take nine (09) months mandatory training at RITE Or PITE.

(Hafiz Dr. Muhammad Ibrahim) Director

Elementary and Secondary Education

Endst: No 1543 - 48 / File No.5/A-14/SST/Adhoc Appil: (BPS-16)Dated Peshawar the 13/5/2020

Copy forwarded for information and necessary action to the: -

- 1. Accountant General Khyber Pakhtunkhwa Peshawar
- 2. District Education Officer (M) Karak
- 3. District Accounts Officer Karak with the request to release their pay on production of duty Certificate duly countersigned by DEO concerned
 - Officials Concerned 4.
- 5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department
- 6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar
- M/File 7.

Revoluto Deputy Director Elementary & Secondary Education Khyber Pakhtunkhwa ill in its



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATON KHYBER PAKHTUNKHWA PESHAWAR

<u>CORRIGENDUM.</u>

1.00

Please read the School Name in respect of the following SSTs as mentioned against each, in the Appointment Order of District Karak, issued by this office vide No. 1543-48 dated 13-05-2020.

S.No	Name	Present Station	To be read as
1	Shakeel Ahmad	GHS Totaki	GCMHS Chokara
2	Ijaz Ahmad	GCMHS Chokara	GHS Totaki

The terms and conditions in the aforementioned Appointment Order will remain intact.

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst: No. 47 /F.No. Corrigendum/SST(M)/ Karak. Dated Peshawar the 6/6/2020

Copy of the above is to the:-

1. District Education Officer (M) Karak.

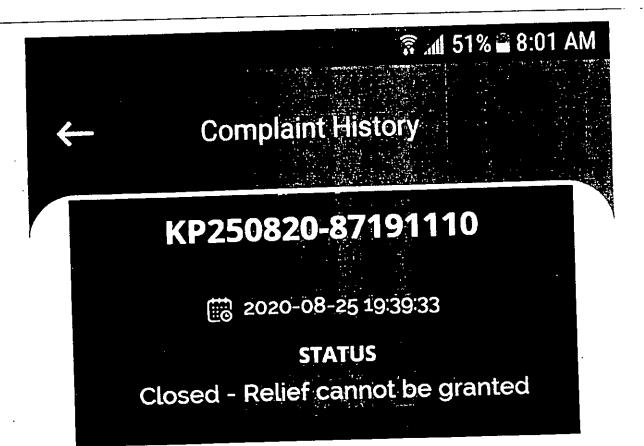
2. District Accounts Officer Karak.

3. Officer concerned

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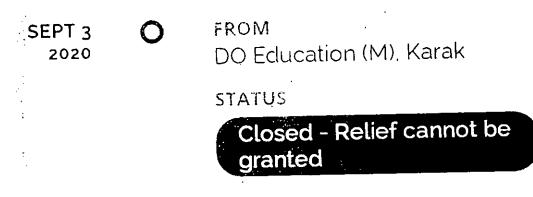
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar. 5. Master File.

Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar



Complaint History

2020



REMARKS

Dear complainant the real-busted on disable quota. There is a



Complaint History

SEPT 29 2020

FROM DO Education (M), Karak

STATUS

Closed - Relief cannot be

🗊 📶 49% 🖬 8:12 AM

REMARKS

SEPT 16

2020

Dear complainant he has disability dertificate. You are requested to show Atle restraint and wait little to make you adjusted at nearest station soon. Please co-operate DEO Male Karak in the larger interest of public. This Office will remain thankful always. Thank You

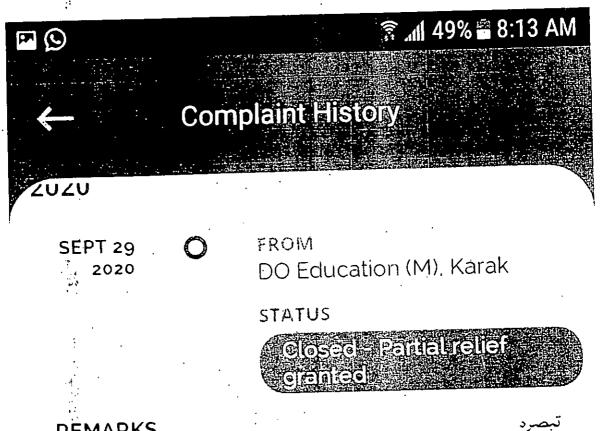
FROM Secretary, Elementary & '

STATUS

Forwards

FEEDBACK

Secondary Education



REMARKS

Dear complainant, He has disability certificate. He is adjusted at nearest station on the basis of his dis ability certificate. You are requested to show little restraint in the larger interest of public. And will be adjusted at nearest home station soon In sha Allah. Thank You

SEPT 16 2020

FROM Secretary, Elementary & Secondary Education

STATUS

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

REVISED PAY RELEASED ORDER:-

Consequent upon notification by the worthy Director Elementary & Education Kh Dated Peshawa 11/09/2020,No.3324-80/PA/03/DE&SE dated Peshawar the 23.10.2020 and No.6297/F.No.35/SST{M} Gen Cases dated Peshawar the 23.12.2020

The competent authority is pleased to remark the pay & Netwances conditionally of the following appointed SSTIGeneral) on the basis of his duty performance cert texts provided by the Headmaster/Primand councelsigned by the DEO(M) tarak will the date of his taking over charge.

If the documents of anyone ductared bogus, he will be reported to law enforcing agencies for nere action and his appointment will stand withdrawn with immediate

S.No Namic of Official Fathe Name Narree Serioon Appointment Order Lod Dar Rizwan Ullah Gul Sali Khan GHS, Dabb 1543-48/File MD 5/4 4/3ST/Adhoc Apptik-8885 10 Dated Peshithe 13.65.202 Mehmooh Alam | GHS Surah Killa Ζ. Mustafa khurshid Alam 3 31 DISTRICT LOUCATION OFFICT & ALEI KARAK Dated Karak the 31 3 3001 Revise Pikesta - 1531 Director Elementary & ha Fighting when the converse a Respector 1.13 counts Officer Karak. Whead Master Concernes Accounts Officer Local Crister DISTRICT EDUCATION OFFICES LE)KARAK,

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK REVISED PAY RELEASE ORDER:

Consequent upon notification by the worthy Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar vide No.92637-706/PA/03/DE&SE Dated Peshawar the 11/09/2020, No. 3324-80/PA/03/D&SE Dated Peshawar/the 23/10/2020 and No. 6297/F.No.35/SST(M) General Cases Dated Peshawar the 23/12/2020.

The competent authority is pleased to release the pay & allowances, conditionally of the following newly appointed Qari on the basis of their duty performance certificates provided by the Head Master/Principal and countersigned by DEO (Male) Karak w.e.f the date of their taking over charge.

If the documents of anyone declared bogus, he will be reported to law enforcing agencies for necessary action and his appointment will stand withdrawn with immediate.

S.No	Name of Official	Father Name	Name of School	Appointment Order No. & Date
1.	Qaiser lqbal	Mashal Nawaz	GHS Esak Khumari	1555-62/Apptt:Quri/Estb:Secy: Dated Karak the 08/05/2020
2	Muhammad Noman Khan	Ajmal Khan	GHSS Kando Khel	do
3	Asmat Ali Khan	Wahib Gul	GHS Darish Khel	do
4	Arif Ullah	Gul Abbas Khan	GHS Jatta Ismail Khel	do
5	Fida Ur Rehman	Saif Ur Rehman	GHS Wargha Banda	do

DISTRICT EDUCATION OFFICER (MALE) KARAK

Endst: No.377 - 70 /Revise P.Release /Qari

Dated Karak The <u>27 / 01 /</u>2021

Copy to the:

瀮

- 1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. District Accounts Officer Karak
- 3. Principals/Head Masters Concerned.
- 4. Budget & Accounts Officer Local Office

27/1/21

DISTRICT EDUCATION OFFICER

 Directorate of Heinemary & Secondary Education No. $\frac{1}{2} = \frac{127}{100}$ Bo, 490/Vol-5/SST(M)/Complaints Karak $\frac{127}{100}$ bo, 490/Vol-5/SST(M)/Complaints Karak

The District Education Officer, (Male) Karak

Subject: - COMPLAINT ON PAKISTAN CITIZEN PORTAL Memo:

I am directed to refer to the subject cited above and to ericlose herewith a complaint bearing No.KP010621-88454483 (AB) with the remarks to resolve the issue under existing rules/Law/Policy, on the anology of other candidates and avoid discrimination with the appellant please.

Endst: No. 3415

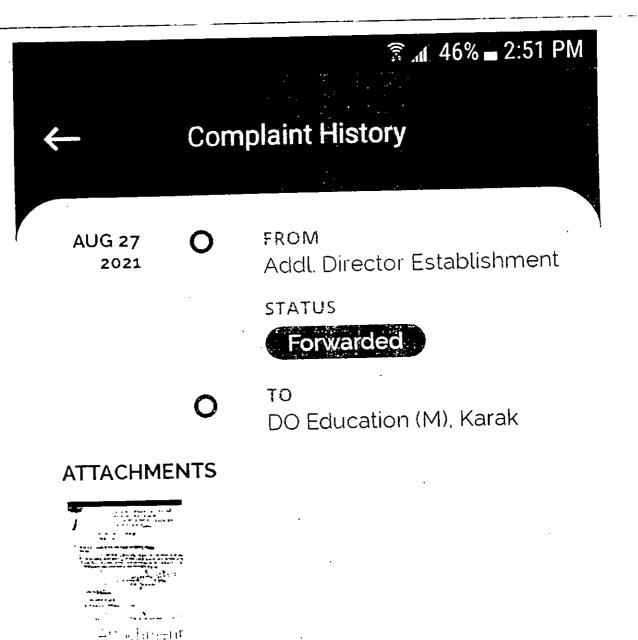
Copy of the above is to:-

1 PA to Director (E&SE) Local Directorate.

Assistant Director (Estab) Assistant Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa

Jc. Elementary & Secondary Education Khyber Pakhtunkhwa

Assistant Director (Estab)



REMARKS

Respected DECL instant compliant is submitted at your tailed order artached letter in which you were directed to issue pay release order according in respect of Mr. Shakeel Ahmad SST in further directed that submit to implicable report at this office. Regards

AUG 26 2021 FROM

()

Directorate of Elementary & Secondary Education

تبصرد

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 15605/2020

Shakeel Ahmad SST BPS-16 GHS Totaki District KarakAppellant.

VERSUS

District Education Officer (Male) Karak & others......Respondents

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-2.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Tribunal.
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 10 That the instant Service Appeal is barred by law.
- 11 That the Transfer & Posting is the discretionary power of the competent authority in view of the judgment 2008, SCMR Page-531.
- 12 That the competent authority has got jurisdiction and competency to transfer & post a Regular Civil Servant under Section-10 of Civil Servants Act 1973 anywhere in the Province wherever his Service against the SST/ B-16 post are ³ required.
- 13 That the appellant wants to stick to the post & station of his choice in the Respondent Department.

ON FACTS

- 1 That Para-1, needs no comments being pertains to the service record of the appellant against the SST B-16 post vide Notification dated 13-05-2020.
- 2 That Para-2 is incorrect & misleading on the grounds that the appellant is liable to serve the Respondent Department for the salary & others services benefits he is drawing from the E&SE Department.
- 3 That Para-3 is incorrect that the post of the appellant is a provincial Cadre post instead of U/C based post & liable to serve anywhere in the province as and when his services are required by the competent authority under the above cited provision of Law.
- 4 That Para-4 is also incorrect & denied, hence, needs no further comments is detail reply to this para has been given in para-3 of the present reply by the Respondent Department.
- 5 That Para-5 is incorrect & misleading. The appellant has field a Departmental appeal dated 28-05-2020 to the Respondent No.1 which was forwarded to the Respondent No.2, who vide corrigendum order No.4754-57/F.No/Corrigendum/SST(Male)/Karak dated 16-06-2020 with the remarks that the present placed of posting of the appellant at GHS Totaki District Karak may be read as GCMHS Chokara with the remarks that the terms & condition of the Notification No.1543-48 dated 13-05-2020 will remain intact. (Copies of the Departmental appeal & Corrigendum order dated 16-06-2020 are Annexure A & B).
- 6 That Para-6 is also incorrect & denied. Hence the appeal in hand is liable to be dismissed on the following grounds inter alia:-

GROUNDS

- A. <u>Incorrect & not admitted.</u> The appellant has been treated as per Law, Rules & Policy in the instant case by the Respondent Department. Hence, the claim of the appellant is baseless & liable to be rejected being an employee of provincial Cadre against the SST B-16 post in the Respondent Department.
- B. <u>Incorrect & not admitted.</u> On the grounds that the plea regarding the adjustment of the appellant in his own union council against the SST B-16 is illegal & even against the policy being an employee of provincial cadre teaching cadre, whereas, adjustment in union council is made against the PST (M & F) posts only instead of the SST B-16 post as claimed by the appellant.
- C. <u>Incorrect & not admitted.</u> Each & every Civil Servant, is legally bound to perform his official duty with due devotion & spirit for the salaries & other allied Service benefits he is drawing from the Govt: treasury & the same cannot accrue any vested right to stick to a post & station of his choice in the Respondent Department.

D. *Incorrect & not admitted.* The stand of the appellant is without any proof & justification. Hence, deserves to be rejected in view of the above made submissions However, the Respondents further seek leave of this Honorable Tribunal to submit additional grounds & case law/record at the time of arguments.

In view of the above made submissions, it is requested that this Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated / /2021.

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DIRECTOR

E&SE Department Khyber Pakhtunkhwa, Peshawar. (Respondents No: 1 & 2)

AFFIDAVIT

I. Dr. Hayat Khan Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare 0n oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

Deponent

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 15605/2020

Shakeel Ahmad SST BPS-16 GHS Totaki District Karak......Applicant

VERSUS

District Education Officer (Male) Karak & others......Respondents

APPLICATION FOR SUBMISSION OF CORRIGENDUM ORDER DATED 16-06-2020 & ON BEHALF OF RESPONDENTS NO: 1-2.

Respectfully Sheweth :-

1

The Respondents submit as under:-

- 1. That the titled case is pending for reply before this Honorable Tribunal, wherein, the appellant is seeking for his adjustment against the SST B-16 post at GCMHS Chokara instead of GHS Totki District Karak as evident from the prayer of the appellant in the titled case.
- 2. That vide corrigendum order No.4754-57/F.No/corrigendum/SST (M)/Karak dated 16-06-2020 of the Respondent No.2, the appellant has been adjusted at GCMHS Chokara District Karak. Copy of the Order is attached.

Therefore, in view of the above made submissions, it is requested that this Tribunal may very graciously be pleased to dismiss the instant appeal as the needful has been done by the Respondent No.2 as per prayer of the appellant by posting him at GCMHS Chokara District Karak against the SST B-16 post in the interest of justice please.

Dated / /2021.

E&SE Department Khyber Pakhtunkhwa, Peshawar. (Respondents No: 1 & 2)

Deponent

AFFIDAVIT

I, Dr. Havat Khan Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare 0n oath that the contents of the instant application are true & correct to the best of my knowledge & belief.

The DEO District Education Officer (MALE) Karak

Subject

То

REQUEST FOR APPOINTMENT WITHIN THE TEHSIL AS PER ROLED

Hur (1923)

Dear sir,

It is hereby brought to your kind notice, that in the recent appointment list against the post of SST BPS-16 notified on 2019. I was on the top of list against the merit. As per prevailing rules and regulation as well as per merit the top selected are to be appointed in their respective union. There are four vacant posts of SST Maths, Physics in our district (KARAK) respectively. Two posts were lying vacant in Tehsil Takhti-E-Nasrati. One of the two post of our Tehsil was lying vacant in my respective Union i.e Chokara which is 1 KM away from my hometown.

Unfortunately setting aside on the rules and regulation a nominee laying at serial No 4 in the merit list has been appointed in my own union council, which is against the prevailing rules and regulation and I being on the top has been given the post in another Tehsil i.e **B.D SHAH**. Such kind of injustice from your good office as worth astounding.

Therefore your favour is very earnestly requested that the anomaly may kindly please be rectified and I may please be posted it my own Union Council. i.e Chokara.

I shall be highly obliged and shall pray for your long life and prosperity.

Date: 28/05/2020 Shartfurd Thanks

Your's Obediently

Shakeel

Ahmed

Adress: Village Awazi Banda P/O Bogara Tehsil Takht-E-Nasrati Disst Karak.

Cell No: 03475127121

1. Copy to DEO (MALE) Karak.

- 2. Copy to Director of Elementary & Secondary Education KPK Peshawar.
- 3. Copy to Sectary of Elementary & Secondary Education KPK Peshawar.



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATON KHYBER PAKHTUNKHWA PESHAWAR

CORRIGENDUM.

Please read the School Name in respect of the following SSTs as mentioned against each, in the Appointment Order of District Karak, issued by this office vide No. 1543-48 dated 13-05-2020.

ANN 18 C

I	S.No	Name		To be read as GCMHS Chokara
	1	Shakeel Ahmad	0115 101010	TTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTTT
	2	Ijaz Ahmad	GCMHS Chokara	GHS Totaki

The terms and conditions in the aforementioned Appointment Order will remain intact.

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

No. Corrigendum/SST(M)/ Karak. Dated Peshawar the<u>1 (, / (,)</u>2020 Endst: No.

Copy of the above is to the:-

- 1. District Education Officer (M) Karak.
- 2. District Accounts Officer Karak.
- 3: Officer concerned/
- 4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
- 5. Master File.

Deputy Director (Estab) Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar



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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

In S.A # 15605/2020

S IF

Mr. Shakil Ahmed

Versus

District Education Officer (Male) Karrak & Others

<u>REJOINDER ON BEHALF OF</u> <u>APPELLANT</u>

Respectfully Sheweth,

All the Preliminary objection raised by the Respondents are incorrect and baseless and not in accordance with law and rules rather the Respondents are stopped due to their own conduct to raised any objection at the stage on the appeal.

Facts

All the facts of the appeal are correct while reply of the Respondent Department is incorrect vide abinitio and illegal, because all the top candidate mentioned in the appointment order has been transferred/ posted on their respectable union council while the appellant has been posted as another union council which is 65 Kilometer away from the union council of the appellant. So the respondent department committed discrimination.

The malafidely of the department has also been shown from the very said act that other candidate who has been appointed with the appellant the salary has been granted to that very candidate from the date take over the charge of the post, while the appellant has been appointed on 13.05.2020 and take over the charged on 15.03.2020, while the salary of the appellant has released 06.08.2020. been on (Copies of appointment order & order regarding salary of other candidate are attached).

ON GROUNDS:-

All the grounds of the appeal are correct and accordance with law and prevailing rules and that of the Respondents are incorrect baseless and not in accordance with law and rules hence denied, because in response of the department appeal of the appellant the respondent department issued a corrigendum on 16.06.2020 in favour of the appellant but dispite that the appellant has not been treated according to that order.

It is, therefore, requested that the appeal may kindly be accepted as prayed for and the appellant may kindly be treated according to the corrigendum order and may kindly be transferred to his own union council e.i Chowkara.

Dated 30/08/2021

Through

Roeeda Khan

Petitioner₁

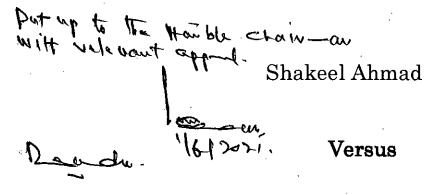
Advocate, High Court

Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

In Re C.M # ____/2021

In S.A # <u>15605/2020</u>



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Order: 02/6/2021 Place on file. Request is regretted.

Education Department

APPLICATION FOR EARLY HEARING

Respectfully Sheweth,

- That the caption Service Appeal No.15605/20 has been pending before this Hon'ble Service Tribunal & fixed for hearing on 17/08.2021.
- 2. That if the captioned case has not been fixed for an early date, the Appellant will suffer irreparable loss.
- 3. That in the given circumstances early fixation of . the instant case is indispensible for the appellant.
- 4. That there is no legal bar for acceptance of the instant appeal.

It is, therefore, most humbly prayed that on acceptance of the instant application, the instant appeal No.15605/20 may very graciously be fixed for an early hearing in the best interest of justice as convenient to this Hon'ble Tribunal.



Through (Roeeda Khan

Advocate, High Court

Dated: 01/06/2021

Peshawar.

<u>BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER</u> <u>PAKHTUNKHWA PESHAWAR</u>

In Re C.M # ____/2021

In S.A # <u>15605/2020</u>

Shakeel Ahmad

Versus

Education Department

AFFIDAVIT

I, Shakeel Ahmad ASST (BPS-16) at GHS Totaki District Karak, do hereby solemnly affirm and declare on oath that the contents of this **application** are true and correct to the best my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Deponent

Identified By:-Roeeda Khan Advocate High Court Pakistan



لورالن ود More المرحة بخاب 11 للالم لف مسلسل الحو بنام المحو بالمحو مقرم دغودكي <u>تر</u>م بالنشتخ برأنكه مقدمہ مندرجہ عنوان بالایں اپن طرف ہے داسطے بیر دی دجواب دہی دکل کاردائی متعلقیہ ان ما العود الله لور ولك الم دار مقرر کرے افرار کیا جاتا ہے۔ کہ ماحب موصوف کو نقد مہ کی کس کاردائی کا کامل اختیار ہوگا نے نیز وکیل صاحب کوراضی نامه کرنے دنفر پر ثالث د فیصلہ برِ حلف دیئے جواب دہی اورا قبال دعویٰ اور بصورت ذکری کرنے اجراءاور دصولی چیک ورویسیار عرضی دع بنی اور در خواست مرتسم کی تصدیق زرایں برد ستخط کرانے کا اختیار ہونا کا ۔ نیز صورت عدم پیردی باذگری کی طرفہ یا ایل کی برارگ اور منسوجی نیز دائر کرنے ایل تحرانی ونظر ثانی و پیروی کرنے کا مختار ہوگا۔از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاردائی کے داسطے اور وکیل یا مختار فانوبی کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اورصاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے ⁻ اوراس کاساختہ پرداختہ منظور ونبول ہوگا ووران مقدمہ میں جوخرینہ ہرجانہ التوائے مقدمہ کے سبب ہے وہوگا۔ کوئی تاریخ پیش مقام رورہ مر ہو یا حد یا ہر ہوتو وکیل صاحب یا ہند ہوں گے۔ کہ پیروی مذکور کریں۔للہ او کالت نامہ کھھدیا کہ سندر ہے۔ الرقوم متنام يرك مشتكر كايثادر كي فبران 220193 Nob: 0345-9223239