


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 62/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03/02/2023	<p>The C.O.C application of Mr. Said ul Ibrar submitted today by Mr. Muhammad Farooq Malik Advocate. Original file be requisitioned. It is fixed for hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/ counsel.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

AA9

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

COC No. 62 /2023

In COC No. _____/

In

Service Appeal No. 734/2019

Said ul ibrarPetitioner

VERSUS


Iftikhar ul GhaniRespondent

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Appellant

Through


Mohammad Farooq Malik,
Advocate
Supreme Court of Pakistan

Dated: 27.01.2023

(5)

AA9

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

COC No. 62 /2023

In COC No. _____/

In

Service Appeal No. 734/2019

Said ul ibrar S/o Fazal Karim R/o village Cheengli District Bunir
.....Petitioner

VERSUS

Iftikhar ul Ghani, District Education Officer (DEO) District
Bunir.....Respondent

APPLICATION FOR INITIATION OF CONTEMPT OF
COURT (COC) PROCEEDING AGAINST DELINGUISH
OFFICER/RESPONDENT

Respectfully Sheweth

1. That petitioner had filed service appeal No 734 of 2019 before this Hon'able tribunal which was eventually allowed in favor of applicant vide judgment & order dated 07.10.2021 as prayed for. (Copy of judgment and order dated 07.10.2021 of this hon'able tribunal is attached as Annexure-A)
2. That before filing the instant COC application the applicant also filed COC Application before Learned Service Tribunal wherein 49 of 2022, which was disposed off vide order dated 03.08.2022 with follow observations:-

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"The respondents assured that they will modified this order within a month. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed of in the above terms. Consign. (Copy of Execution Petition alongwith order dated 03.08.2022 are attached as Annexure B).

3. That thereafter applicant in compliance of this Hon'ble Tribunal approached and assume charge on 07.09.2022 before official respondent but till date no modification for back benefits has been given to the applicant as committed by official respondent in above mentioned order. (Copy of the charge report is attached Annexure C).
4. That official respondents despite regularization Act, 2022 promulgated by provincial government issued conditional regular appointment of the applicant. (Copy of the official order dated 27.12.2022 alongwith regularization Act are attached as Annexure D)
5. That withholding the relief so granted by this Hon'able tribunal to the petitioner is somehow amount to contempt of court willfully committed by official respondent.
6. That feeling aggrieved from high headiness of the official respondent approached to this Hon'able tribunal through instant COC petition inter alia on the following grounds

GROUNDS


- a. That the act and action done by the Respondent is calculated to lower the authority of Hon,able Court to obstruct or interfere with due course of justice and lawful process of the court this Petition for Contempt of Court is being filed not to wreak vengeance but to vindicate honor of the court so as to keep the public confidence in superior court undiminished

- b. Those Contempt of Court proceedings are criminal in nature, the respondent is to be prosecuted by framing charge, recording evidence and awarding adequate sentence both of imprisonment and fine so that it shall be a lesson for all the other likeminded people.
- c. That the act of Respondent manifestly amounts to disobey and disregard the order and directions of this Hon'ble Court.


It is, therefore, prayed that on acceptance of instant COC petition respondent may graciously be directed to implement judgment and order of this Hon'able tribunal in its true prospective

or


Any other remedy been appropriate in the fact and circumstances the case may graciously be passed in favor of petitioner


Appellant

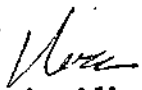
Through


Mohammad Farooq Malik,
Advocate
Supreme Court of Pakistan

&


Matiullah Malik
Advocate Peshawar

&


Hasnain Ali
Advocate Peshawar

Dated : 27.01.2023

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

COC No. _____/2023

In COC No. _____/

In

Service Appeal No. 734/2019

Said ul ibrarPetitioner

VERSUS

Iftikhar ul GhaniRespondent

ADDRESSES OF PARTIES.

APPELLANT


Said ul ibrar S/o FAzal Karim R/o village Cheengli District Bunir
.....Petitioner

RESPONDENT

Iftikhar ul Ghani, District Education Officer (DEO) District
Bunir.....Respondent


Appellant

Through


Mohammad Farooq Malik,
Advocate
Supreme Court of Pakistan

محکمہ صحت DEO ڈسٹرکٹ ایجوکیشن انسپکشن ضلع کوئٹہ

سائل سید الاکبر ولد فضل کریم سندھ سینٹرل کالج کوئٹہ

درواست بھارت مجال تحصیل سابقہ آرڈر مطابق کورٹ فیصلہ ایجوکیشن جمع

صاحب عالی۔۔۔ درواست بھارت

۱/ یہ سائل مذکورہ بالا سوالوں کے متعلق اور نوٹس نامہ

۲/ یہ سائل کا علم تبلیغ سے 28/02/2019 بحیثیت PST آرڈر سے

۳/ یہ سائل کا مقدمہ ۲۰۱۹ PST آرڈر کا علم تبلیغ کینسل کر دیا جس کے

تحتیماً سائل نے سندس کٹریبیوٹل شمارہ میں مقدمہ کی تیسراں کی طرف

۴/ یہ سائل نے سندس اپیل نمبر 734/2019 مقدمہ دہلیز کی

28/05/2019 فیصلہ تاریخ 07/10/2021 پر مقدمہ فیصلہ سائل

۵/ یہ سائل نے آرڈر بحالی جمع سابقہ سینٹریٹ وغیرہ کے مطابق

کورٹ فیصلہ بحالی کیا جائے تو داد رکائی ہوگی

الغریب

سائل سید الاکبر ولد فضل کریم

Attested

25/10/2021

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ANNEXURE A/1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT SWAT.

Service Appeal No. 734/2019

Date of Institution ... 28.05.2019

Date of Decision ... 07.10.2021



Saidul Ibrar S/O Fazal Karim Ex-PST Government Primary School Mirzaki Cheenglai,
R/O Village Cheenglai, District Buner. ... (Appellant)

VERSUS

District Education Officer (M) Buner and five others. ... (Respondents)

MR. MUSHTAQ AHMAD KHAN
Advocate ... For Appellant

MR. RIAZ KHAN PAINDAKHEIL,
Assistant Advocate General ... For official respondents No. 1 to 5

MR. MUHAMMAD IKRAM KHAN
Advocate ... For private respondent No.6

ROZINA REHMAN ... MEMBER (JUDICIAL)
ATIOQ-UR-REHMAN WAZIR ... MEMBER (EXECUTIVE)

JUDGMENT

ATIOQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the case are that the appellant was appointed as Primary School Teacher (PST) vide order dated 28-02-2019 and the appellant assumed the charge of his duty. Appointment order of the appellant was withdrawn vide order dated 09-03-2019 and respondent No. 6 was appointed in his place. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 10-05-2019, hence the instant service appeal

Attested

Attested

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with prayers that the impugned orders dated 09-03-2019 and 10-05-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are against law, rules and natural justice as the appellant was appointed by the competent authority after observance of due process of law, but while withdrawing his appointment order, no chance of defense was offered to the appellant to clarify his stance and it is a well settled legal proposition that any irregularity, whatsoever, if committed by the appointing authority itself, appointee could not be harmed or damaged. Reliance was placed on 2009 SCMR 663; that the principles of Audi altum partum has grossly been violated and on this score alone, the impugned orders are liable to be set at naught. Reliance was placed on 2011 PLC (C.S) 1651; that the appellant has been removed from service through an alien procedure which is not known to law and rule applicable to the civil servants; that the impugned order of withdrawal of the appointment order of the appellant and appointment of respondents No. 6 in his place is illegal and result of mala fide on part of the respondents; that the appellant could not be removed from service as he had neither obtained such appointment through fraudulent means nor through any misrepresentation, rather the respondents had appointed the appellant after approval and recommendation of the departmental selection committee; that legal procedure was not adopted, which resulted into refusal of chance to defend his cause, which is contrary to the norms of natural justice; that the appellant has not been treated in accordance with law applicable to the civil servants, hence the impugned orders are against the spirit of prevailing law, and rules; that duration of obtaining secondary and higher secondary qualification as well as inter board co-ordination committee (IBCC) qualification in respect of respondent No. 6 are at the same time duration, which was required to be verified by the appellate committee as to how respondent No. 6 had obtained such qualifications at one time; that respondent No. 6 applied to the post on BISE qualification and accordingly his merit position was low than the

ATTESTED

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appellant but after conclusion of the whole process, the IBCC qualifications were considered at a belated stage by the respondents, which is violation of clause-8 of the advertisement, which provides that no changes would be admissible in documents after cutoff date.

03. Learned Assistant Advocate General for official respondents has contended that the appellant was appointed against the post of PST vide order dated 28-02-2019 and he took over charge and performed his duty in GPS Mirzakai for only three days; that after declaration of result and selection of candidates, respondent No. 6 submitted an appeal that he is also holding qualification of IBCC exam of "Shahadat-us-Sanwia Khassa" and "Shahadat-us-Sanwia Aama", therefore IBCC equivalent marks may be considered in his favor instead of Board of Intermediate and Secondary Education (BISE) marks; that on BISE marks the merit score of respondents No. 6 was 102.06 but after consideration of his IBCC equivalent marks, his score raised to 107.06, hence the score of respondent No. 6 stood higher than the appellant whose score was 106.28 and he was the last candidate, hence appointment of the appellant was withdrawn and respondent No. 6 was appointed in his place; that the appellant has been treated in accordance with law and his appointment order was withdrawn due to lower marks than respondent No. 6.

04. Learned counsel for respondent No. 6 has contended that as per clause-6 of terms and condition of the appointment order dated 28-02-2019, it has been very clearly mentioned that if any meritorious candidate is deprived of appointment by this order, the appointment order of the lowest candidate in merit shall be withdrawn on acceptance of the appeal and adjustment order will be reviewed accordingly as per merit; that the appointment order of the appellant was withdrawn by the competent authority after hearing the appeal of respondent No. 6, who had higher marks than the appellant, but due to non consideration of equivalency certificate issued by IBCC at the time of appointment, respondent No. 6 was placed low in merit position and when his IBCC marks were considered, the merit position raised and he was

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considered for appointment in place of the appellant; that it is undisputed that IBCC qualification are equivalent to BISE qualification, hence calculating marks of respondent No 6 on such qualification is not illegal.


05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that District Education Officer Buner advertized posts of PST with prescribed qualification of Bachelor Degree, but with no mention of any equivalent qualification. Besides other, the appellant as well as respondent No. 6 applied for the post. Appellant was the last selected candidate in order of merit amongst the selected candidates obtaining 106.28 marks, whereas respondent No 6 being the leftover candidate had obtained 102.06. Respondent No. 6 submitted an appeal to the appellate committee requesting therein that the he is also holding qualification of IBCC exam of "Khassa" and "Aama" and his marks in Khassa and Aama are higher than SSC and FA qualification, therefore IBCC Aama and Khassa marks may be considered instead of Board of intermediate and secondary education(BISE) marks. The appellate committee considered his request and his marks were re-calculated based on his IBCC qualification, which raised his marks to 107.06, thus the appointment letter of the appellant being the last candidate in order of merit in the selected candidates was withdrawn and respondent No. 6 was appointed in his place.

07. We have observed that in the first place, there is no mention of any equivalent qualification in the advertisement made for the purpose, but equivalent qualifications in respect of respondent No 6 were considered for calculation of his merit and that too after issuance of appointment order to the appellant, which was not warranted. It is undisputed that IBCC qualifications are equivalent to BISE qualifications, but such qualifications were not required as per advertisement, hence calculation of his merit on such documents would be illegal. Had the intention of concerned department been to appoint candidates having qualification equivalent to

IBCC, it would have stipulated the same in the advertisement, but non-mentioning of such fact in the advertisement meant that only those candidates were required who had (specific) qualification as laid down in the advertisement and deviation from the dictates published in the advertisement amounts to illegality. Reliance is placed on 2014 PLC (C.S) 39 and PLJ 2014 Lahore 670. Respondent No-6 initially applied on SSC, HSSC and Bachelor degree, but was not selected due to his low merit position, which necessitated him to submit his IBCC qualifications to the appellate committee, whereas the appellate committee re-considered his marks based on equivalent qualification, which raised his merit position and the appellant, who was already appointed and who had also assumed his duty, was removed which procedure is nowhere mentioned in the service rules and which also is negation of their own terms and conditions published in the advertisement. It was also noted that both the qualification of SSC, FA and equivalent IBCC qualifications were obtained by respondent No. 6 in the same time period, which could not attract attention of the appellate committee to verify such point, but which certainly creates doubts, as to how one can get equivalent qualification in the same time period, but now it would be futile to dig out such issue, as the respondent No. 6 has also developed vested rights over the post, upon which he served for two and half years and he also shall not suffer for fudge of the respondents. It is otherwise a question of common sense that qualification of Khassa and Aama are not specific for the subject post and mere its equivalency with SSC and FA does not mean that it can be taken interchangeably when it was not specifically required as prescribed qualification. Placed on record is an advertisement, through which the subject recruitments were held, Clause-8 of the advertisement provides that no changes would be admissible in educational documents after the cutoff date, but documents of respondent No. 6 were changed even after announcement of result and issuance of appointment orders. Placed on record is another advertisement for District Abbottabad, which clearly mentions in its terms and condition that no marks will be considered for qualification of Khassa and Aama which means that the marks considered for respondent No. 6 on account of

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such qualification was not in accordance with their own terms and conditions framed for such recruitment and when prescribed procedure is not followed by the concerned authority, the civil servant could not be blamed for what was to be performed and done by the competent authority, rather competent authority should be held responsible and liable for the lapses on their part. Reliance is placed on 2004 SCMR 303. We have also noted that appointment order of the appellant was neither illegal nor contrary to any provision of law nor issued by an incompetent authority, in a situation, respondents had no authority to withdraw such appointment arbitrarily. Reliance is placed on 2011 MLD 1494 and PLJ 2013 Peshawar 132(DB). It is a well settled law that before withdrawal of such order, appointing authority must adopt proper course to hold a full-fledged inquiry, which however was not done in case of the appellant. Reliance is placed on 1993 SCMR 603. In the present case the appellant applied for the post concerned, was selected, appointed and order was communicated to the appellant, in consequence whereof he joined duty, such order of appointment, which had taken legal effect, was not amenable to withdrawal. Reliance is placed on 2011 PLC (CS) 1651.

08. We are of the considered opinion that the appellant has not been treated in accordance with law as he was deprived of his rights accrued to him by considering irrelevant marks of respondent No. 6, thus injustice was done to the appellant, hence the impugned order dated 09-03-2019 is liable to be set aside. On the other hand, the same principles as discussed above, would equally be required to be applied in favor of respondent No. 6, as he has already developed vested rights over such post and to deprive him of his post, would be contrary to the principles already laid down in case of the appellant as discussed above, hence in order to meet the ends of justice, the instant appeal is accepted, impugned orders dated 09-03-2019 and 10-05-2019 stands set aside and appointment order dated 28-02-2019 in respect of the appellant is hereby restored with all back benefits. Appointment order of respondent No. 6 cannot be withdrawn for follies of the official respondents,


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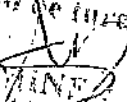
12

hence respondents are further directed that respondent No.6 shall be adjusted upon occurrence of vacancy. Parties are left to bear their own costs. File be consigned to record room.

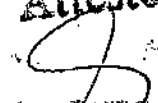
ANNOUNCED
07.10.2021


(ROZINA REHMAN)
MEMBER (J)
CAMP COURT SWAT


(ATIQ UR REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT

Certified to be true copy

EXAMINEE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Receipt of ... 22/10/21
Number of ... 2800
Camping Fee 20/-
Amount 4/-
Total 24/-
Number of ...
Date of ... 22/10/21
Date of ... 22/10/21

Attested

to be true copy

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BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

COC

Execution Petition No. 49/21

In

Service Appeal No. 734/2019



139
18/21
2021

Said ul ibrar S/o FAzal Karim R/o village Cheengli District Bunir
.....Petitioner

VERSUS

Iftikhar ul Ghani, District Education Officer (DEO) District
Bunir.....Respondent

Application FOR INITIATION OF CONTEMPT OF
COURT (COC) PROCEEDING AGAINST DELINGUISH
OFFICER/RESPONDENT

Respectfully Sheweth

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1. That petitioner had filed service appeal No 734 of 2019 before this Hon'able tribunal which was eventually allowed in favor of applicant vide order and judgment dated 07.10.2021 as prayed for. (Copy of judgment and order dated 07.10.2021 of this hon'able tribunal is attached as Annexure-A)
2. That after getting attested copy of judgment and order of this hon'able tribunal, petitioner through an application dated 25.10.2021 approached respondent for fulfillment of judgment and order of this hon'able tribunal, but till date that has not been materialized for the reason best known to the official respondent.

- 3. That withholding the relief so granted by this Hon'able tribunal to the petitioner is somehow amount to contempt of court willfully committed by official respondent.
- 4. That feeling aggrieved from high headiness of the official respondent approached to this Hon'able tribunal through instant COC petition inter alia on the following grounds

GROUNDS

- a. That the act and action done by the Respondent is calculated to lower the authority of Hon'able Court to obstruct or interfere with due course of justice and lawful process of the court this Petition for Contempt of Court is being filed not to wreak vengeance but to vindicate honor of the court so as to keep the public confidence in superior court undiminished
- b. Those Contempt of Court proceedings are criminal in nature, the respondent is to be prosecuted by framing charge, recording evidence and awarding adequate sentence both of imprisonment and fine so that it shall be a lesson for all the other likeminded people.
- c. That the act of Respondent manifestly amounts to disobey and disregard the order and directions of this Hon'ble Court.

ATTESTED
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

It is, therefore, prayed that on acceptance of instant COC petition respondent may graciously be directed to implement judgment and order of this Hon'able tribunal in its true prospective

or

15

any other remedy been appropriate in the fact and circumstances the case may graciously be passed in favor of petitioner

Certified to be true copy
EX-11/11/2022
Khayber Paktunkhwa
Service Tribunal
Peshawar

[Signature]
Appellant

Through

[Signature]

Mohammad Farooq Malik,
Advocate

Supreme Court of Pakistan
&

[Signature]
Sohib Malik
Advocate High court

& *[Signature]*

Matiullah Malik
Advocate Peshawar

& *[Signature]*
Naveed Ullah
Advocate Peshawar

Date of Presentation of Application: 26-8-2022
Number of Words: 1600
Copying Fee: 2000
Deposit: 2000
Date of Receipt of Copy: 29-8-2022
Date of Receipt of Copy: 29-8-2022





Execution Petition 49/2022

3rd August, 2022

1. Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Mr. Iftikhar Ul Ghani, DEO(M) Buner for respondents present.

2. Mr. Iftikhar Ul Ghani, DEO(M) Buner produced a copy of office order substituted with office order bearing endorsement No. 3158-65 dated 01.07.2022 in compliance of the judgment of the Tribunal. Learned counsel for the petitioner objected that although the reinstatement of the petitioner was ordered but back benefits was not granted to the petitioner. The respondents assured that they will modified this order within a month. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms.

Consign:

4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 3rd day of August, 2022.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman

(17)

Annex = C



DISTRICT EDUCATION OFFICER (Male) BUNER



CHARGE REPORT


Certified that Miss SAID UL IBRAR S/O FAZLE KARIM resident of Chinglal Tehsil Khudukhail Distt Buner is hereby restored on his old PST post at GPS Mirzakay Tehsil Khudukhail District Buner under the order of DEO (male) Buner.

Therefore, he took over charge of his duty against his old post of PST (BPS-12) at GPS Mirzakay on 07-09-2022.


Endst: No: 3158-85

Official Order Date: 01-07-2022

Judgment Date: 03-08-2022



Signature of Appointee



Head Teacher
HEAD MASTER
GPS Mirzakay
Distt: Buner
7/9/2022

انجمن امداد د.ع.و صحت لوندی

سید اذیدار ولد افضل کیم سنگه محلہ فیضہ منیل ڈاکخانہ
عامہ فیضانہ فیضہ منیل فیضہ لوندی سائل

دفعہ استعفاء و عطا یگی اجازت نہرا بحال نہرا
من سائل کو P.S.T. پوسٹ پر حکم عدالت حضور
سروس نہ پورا کر کے P.S.T. بحال نہرا

صاحب مال ا

① یہ سائل آپ کے پاس کون سا ہے؟
پورا نہیں ہوا ہے۔

② یہ سائل فوراً 03/08/2022 کو عدالت حضور سے
(Judgment) فیصلہ سے فیضہ منیل کو
من سائل کو عدالت پورا پورا بحال نہرا
اور سائل کو نکال دیا جائے گا

لہذا اس کے لئے
سائل کو P.S.T. پوسٹ پر حکم عدالت حضور
سید اذیدار (P.S.T.)

CNIC = 1510-7134647-1

mob = 0314-9996937

31/08/2022



(19)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



TO BE SUBSTITUTED WITH THIS OFFICE ENDST. NO. 3158-65 DATED 01/7/2022

OFFICE ORDER

WHEREAS Mr. Said Ul Abrar was appointed vide this office Endst No. 1124-32 dated 28-2-2019.
AND WHEREAS Mr. Rukhtaj Khan (Private Respondent No.6) submitted an appeal to DEO (M) Buner regarding his non-consideration of IBCC certificates and the resultant exclusion from appointment order.

AND WHEREAS the DEO (M) constituted a committee to decide appeals in the light of rules and policy. The committee after threadbare scrutiny decided all the cases in the light of rule and policy. The case of appellant was decided falling at S.No. 15 of the minutes, wherein appeal of Rukhtaj Khan (Private Respondent No. 6) was accepted.

AND WHEREAS in the light of decision of the committee, One Year contract School Based Appointment of Mr. Said Ul Abrar (Appellant) was withdrawn vide this office endst No. 1307-14 dated 09/03/ 2019 and Mr. Rukhtaj Khan (Private Respondent No. 6) was appointed vide this office endst No. 1323-30 dated 09/03/2019.

AND WHEREAS the appellant filed an appeal before the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar vide Service Appeal No. 734/2019, which was allowed in favour of the appellant.

AND WHEREAS CPLA No. 765-P/2021 has been filed in the August Supreme Court of Pakistan in the instant case.


NOW, THEREFORE, in compliance with the Honourable Court's directive, render in its judgment Dated 7/10/2021 in Service Appeal No. 734/2019, I, Iftikhar Ul Ghani, District Education Officer (M) Buner as Competent Authority conditionally restore appointment order in respect of Said Ul Abrar issued vide this office endst No. 1124-32 dated 28-2-2019, subject to the final outcomes of the CPLA already filed in the August Supreme Court of Pakistan vide No. 765-P/2021. Since private respondent No. 6 (Rukhtaj Khan) has already performed duty and received salaries on one and the same school based post at GPS Mirzakay till February 2022, therefore, financial benefits/salaries in respect of the appellant (Said Ul Abrar) shall be subject to final outcomes of CPLA.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
(MALE) BUNER

Endst. No. Even No. & Date.

Copy for information to :-

1. Registrar Khyber Pakhtunkhwa Service Tribunal at Camp Court, Swat.
2. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Monitoring Officer Buner.
5. SDEO (M) Khada Khel (Buner).
6. Teachers Concerned.
7. Master File.


DISTRICT EDUCATION OFFICER
(MALE) BUNER 01/7/22

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Annex 10



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



NOTIFICATION

1. WHEREAS Mr. Saidul Ibrar s/o Fazal Karim R/O Chinglai Buner was appointed as a PST at GPS Mirzakai vide DEO (M) Buner, order No. 1124-32 Dated 28-02-2019.
2. AND WHEREAS an aggrieved candidate namely Rukhtaj s/o Dur Jamil Shah R/O Chinglai Tehsil Khudo Khel, submitted an appeal to DEO (M) Buner holding the stance that he is higher in merit than Mr. Saidul Ibrar and he has the right to be appointed against the post of PST.
3. AND WHEREAS a committee was constituted to examine the complaint and to propose its recommendations. The committee after thorough perusal and examining the relevant record and merit list; declared the appeal of Mr. Rukhtaj to be valid.
4. AND WHEREAS the DEO (M) Buner withdrew the appointment order of Mr. Saidul Ibrar vide order No. 1307-14 Dated 09-03-2019 and consequently appointed Mr Rukhtaj Khan vide Enst; No.1323-30 Dated; 09/03/2019.
5. AND WHEREAS Mr. Saidul Ibrar, being aggrieved by the withdrawal order, filed a Service Appeal No.734/2019 in Service Tribunal Peshawar.
6. AND WHEREAS the Honorable Service Tribunal Peshawar in its detailed judgment directed the DEO (M) Buner to restore the appointment order of Mr.Saidul Ibrar.
7. AND WHEREAS in pursuance of the directives in the operational part of the court's judgment appointment order of Mr. Saidul Ibrar was conditionally restored subject to the final outcome of CPLA already filed in the August SC Of Pakistan vide CP No.765-P/2021 vide DEO(M) notification No.3158-65 Dated; 01/07/2022.

NOW, THEREFORE, I, Mr.Iftikhar Ul Ghani, District Education Officer (M) Buner, being the Competent Authority in pursuance of the Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education (Appointment & Regularization of Services) Act 2022 (Khyber Pakhtunkhwa Act No.XLI of 2022) conditionally regularize service of Mr. Saidul Ibrar PST.GPS Mirzakai till the final judgment of Honorable Supreme Court Of Pakistan
Note. His seniority will remain intact from the date of his first appointment i.e 28/02/2019.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
(MALE) BUNER

Endst; No. 6594-99 Dated. 27 / 12 / 2022
Copy for information to :-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Monitoring Officer EMA Buner
3. District Accounts Officer Buner
4. SDEO Concerned
5. Teacher Concerned.
6. Master File.

DISTRICT EDUCATION OFFICER
(MALE) BUNER
27/12/22




21

GOVERNMENT OF KHYBER PAKHTUNKHWA
Elementary and Secondary Education Department
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 011 2310422, Fax: 011 2310419

**RECORD NOTE OF THE DISCUSSION RELATED TO THE EXEMPTION OF
REGULARIZATION OF ADHOC/CONTRACT TEACHERS FROM THE AMENDED
SECTION-19 OF THE CIVIL SERVANTS ACT 1973**

The subject matter was discussed in detail with the honorable Minister Elementary and Secondary Education and it was decided that Provincial Assembly will be approached for amendment in the Regularization Bill of Adhoc /Contract Teachers for amendment related to the exemptions of the subject regularization from the amended Section-19 of the Civil Servants Act as they have been recruited before the said amendment to avoid legal complications.


Director 19/7/21
Elementary & Secondary Edu. KPK

Copy to:

- 1) PS to Minister E&SED Khyber Pakhtunkhwa.
- 2) PS to Minister Finance Department.
- 3) PS to Chief Secretary Khyber Pakhtunkhwa.
- 4) PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 5) PS to Secretary Finance Department.
- 6) PS to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa.


Director 19/7/21
Elementary & Secondary Edu. KPK

FOR THE EXTRAORDINARY GAZETTE ISSUE OF THE KHYBER PAKHTUNKHWA

PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20/09/2022.

No.PA/Khyber Pakhtunkhwa Bills-245/2022/ 4642 The Khyber Pakhtunkhwa Teachers (Appointment and Regularization of Services) Bill, 2022 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 12th September, 2022 and assented to by the Governor of the Khyber Pakhtunkhwa on 16th September, 2022 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA TEACHERS (APPOINTMENT AND REGULARIZATION OF SERVICES) ACT, 2022.

(KHYBER PAKHTUNKHWA ACT NO. XLI OF 2022)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 20/09/2022)

(Here print as in the accompaniment).

Signature of Secretary

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above)

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

Proof should be sent to this Secretariat before publication.

Signature of Secretary

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa (Bills-245/2022) 4643-47 Dated 20/09/2022

A copy of the above is forwarded to the:-

- 1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 2. Secretary to Government of Khyber Pakhtunkhwa, Law Department.
- 3. Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department
- 4. Director Information, Khyber Pakhtunkhwa.
- 5. Additional Director I.T. Provincial Assembly Secretariat, for official website.

Signature of Secretary

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

3. Regularization of services of teachers.--(1) Notwithstanding anything contained in any law or rules, for the time being in force, all the teachers, who are holding various posts from 08.03.2017 till the commencement of this Act, shall be validly appointed, on regular basis, from the date of their initial appointment; provided that,-

- (a) they possess the same qualification and experience required for a regular post;
- (b) they have not resigned from their services or terminated from services on account of misconduct, inefficiency or any other ground, before the commencement of this Act;
- (c) the service promotion quota of all service cadres shall not be affected; and
- (d) they shall be entitled for seniority and pay from the date of their initial appointment on ad-hoc/contract basis.

(2) The services of the teachers shall be deemed to have been regularized only on the publication of their names in the official Gazette.

Heirs,

- 1. _____ 2. _____
- 3. _____ 4. _____

FIRST APPOINTMENT ORDER: Vrde DEO(M) Endast: No-1124-32 dt 28/02/2019.

Left Thumb Impression



Academic and Professional Qualification	Date	Verification/Roll No. Dated
---	------	-----------------------------

- ① S.S.C. Passed Annual Exam. 2006 from BISE Mardan Under R.No. 9527 and obtained 630/1050 Marks Grad. B. Result Declaration on 24/06/2006. *b/bn*
- ② Intermediate F.Sc. Examination Passed (A) 2008 from BISE Mardan Under R.No. 35965 and obtained 527/1100 Marks Grad. D. Result declared 12-3-2008. *b/bn*
Sined Sar Primary Khudakhel Distt: Buner
- ③ Master/M.S. Passed Bachelors of Commerce Annual Exam 2011 from University of Peshawar Under R.No. 4801 & obtained 673/1400 Marks. Result declared on 05/10/2011. *b/bn*
Sined Sar Primary Khudakhel Distt: Buner
- ④ Passed Master of Commerce Examination 2013 from University of Malakand Under R.No. 2454 Regi.No. 2011600106 obtained 814/1400 Marks Result declared 26-02-2014. *b/bn*
Sined Sar Primary Khudakhel Distt: Buner
- Plan-drawing
- Drill Instructing
- Court Duties
- Reserve Duties
- Pleadership Examination
- Training School Final Examination

N.B. Line to be drawn under the qualification possessed.

(25) (23)

Note: The entries on this page should be renewed are re-attested as least every five years in the signature to lines 11 and 12 should be dated

1. Name Mr. SAID UL QBRAR

2. NIC No. 15101-7134647-1

3. Race Afghan 4. District of Domicile Buner

5. Residence Tajaf Chinglai P.O. Chinglai Tehsil ^{Khad} Khanda Khad District Buner

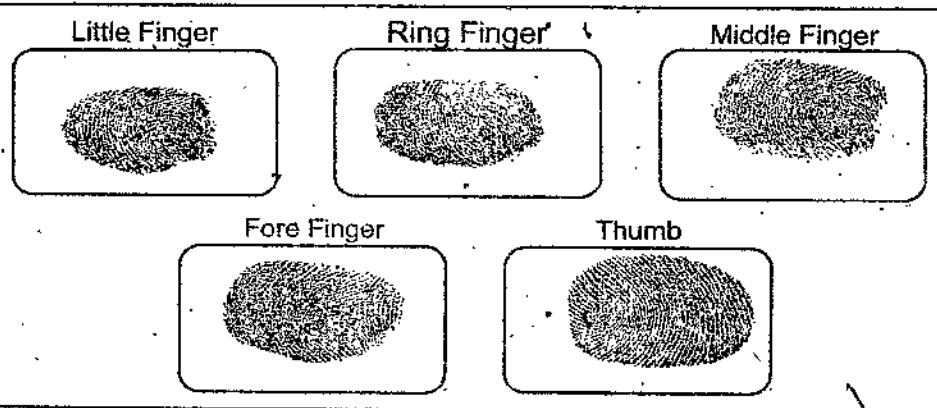
6. Father name and residence FAZLE KARIM

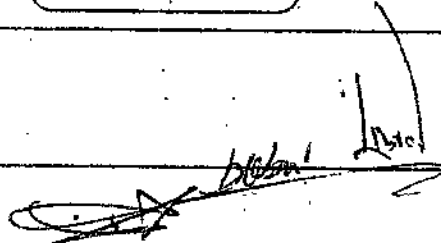
7. Date of Birth by Christian era as nearly as can be ascertained: 28-06-1990 (28th June N.H. & Ninety only)


8. Exact height by measurement: 5-5" (Five Feet & Five Inches)

9. Personal Marks for Identification: N.A

10. Left Hand Thumb and Finger Impression of (Non Gazetted Officer)



11. Signature of Government Servant: 

12. Signature & Designation of the Head of the Office, or other attesting officer. 
S/O (M) Primary
Kharukhal
Dist. Buner

9	10	11	12	13		14	15	
Signature and Designation of the Head of the Office or other attesting Officer in attestation of Column 1 - 2	Date of Termination or 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 & Duration of Leave taken	Allocation of period of leave on average pay up to four months for which leave salary is debit able to another government			
					Period			Government to which debit able
Signature SBES (M) Primary Khudakhei Distt: Buner					Conditionally Restoration order Reference office order issued vide DECON Buner Endst. No 3158-65 Dated: 01-07-22 In Compliance with the Honourable Court's directive, render in its judgment Dated 7-10-2021 in Service Appeal No-734/2019, Mr. Jbtikhar ul Ghani, District Education officer (M) Buner as Competent Authority Conditionally restore appointment order in respect of Said Ul Abbas issued vide this office endst No. 1124-32 dated 28-2-2019, Subject to the final outcomes of the CPLA already filed in The Aug Supreme Court of Pakistan vide No-765-P/2021. The financial benefits/salaries in respect of the appellant (Said Ul Abbas) shall be subject to final outcomes of CPLA.			
					The official concerned took over charge of his duties as PST BB-12 at G.P.S. Mirzakai in compliance of the appointment order No. 3158-65 Dated: 01-07-2022 on dated: 07-07-2022.			
						Signature SBES (M) Primary Khudakhei Distt: Buner		

(4) (B)

9	10	11	12	13		14	15
Signature and Designation of the Head of the Office or other attesting Officer in attestation of Column 1-8	Date of Termination or 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 & Duration of Leave taken	Allocation of period of leave on average pay up to four months for which leave salary is debit able to another government		
					Period		
						<p><u>Pay Release order</u></p> <p>Pay release order in v/o Mr. Said ul Ibrar PST GRS Mirzakai issued vide DEO (M) Buner Endest No: 6209 Dated 10-8-2022.</p> <p><i>[Signature]</i> SDEO (M) Primary Khudukhot District Buner</p>	
						<p><u>Regularization</u></p> <p>Reference notification 6594-99 Dated: 27-12-2022, Mr. Jftikhor ul Ghani, District Education officer (M) Buner being the Competent Authority in pursuance of the Khyber Pakhtunkhwa Employees of the Elementary of Secondary Education (Appointment & Regularization of Service) Act 2022 (Khyber Pakhtunkhwa Act No. XLI of 2022 Conditional regularize service of Mr. Said ul Ibrar PST GRS Mirzakai till the final judgment of Honorable Supreme Court of Pakistan. According to note notified No: 6594-99/Dated: 27-12-2022 His Seniority will remain intact from the date of Lt appointment i.e. 28-02-2019</p> <p><i>[Signature]</i></p>	

SOURCE-1 (30)

NIC 15101-7134647-1 DATE OF BIRTH 28-06-1990

DATE OF APPOINTMENT 07-09-2022 MR/MRS Said Ul Ibrar

LAST NAME Ibrar FATHER NAME Fazle Karim

FIRST NAME Said Ul DOMICILE DISTT: Buner

MARITAL STATUS PROVINCE OF DOMICILS Buner KPK

NATIONALITY Pakistani RELIGION Islam

PERSONAL ARET Chinglai COST CENTRE BD-6221

CONTRACT GOVT Contract POSTION G/AZ/NON GAZ Non Gazette

DESIGNATION/JOB KEY PST BUCKLE NO

ORIGANISATIONAL UNIT/MINISTRY

FUND SECTION 0001 PAY ROLL SECTION 0001

ADDRESS

COMP ANY HOUSING HRA ADMISSIABLE/OR NOT Admissible

PERMANENT/TEMPORARY/CONTRACT/FIXEED Contract

BASIC PAY SCALE 12 INCREMENT-LEVEL STAGES No

BASIC PAY RS 19770/- SPECIAL PAY Nil

BANK BRANCH CODE

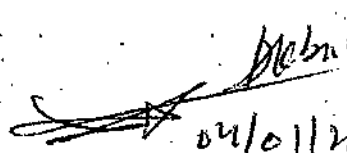
ACCOUNT NUMBER PAYMENT METHOD

GPF WAGE TYPE GPF SUBSCRIPTION RS

INTEREST APPLIED YES/NO GPF BALANCE ON 30TH JUNE RS

G.P.F ACCOUNT NUMBER CASH CENTRE

PAGE 1 OF 2


04/01/2023
SDEO (M) Primary
Khuaukhet
Distt: Buner



**PAYROO SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY**
OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M) KHUDU KHEL Distt: Buner.
FOR THE MONTH OF: January, 2023

FORM: PAY02

Date: _____

Page No: _____

DDO Code

(Cost Center)

Personnel

Number

B | D | 6 | 2 | 2 | 1

0 | 0 | | | | |

Description

SUB-DIVISIONAL EDUCATION OFFICER (M) KHUDU KHEL

Employee

Name SAID UL IBRAR

National ID

Card Number: Old NIC: _____

Grade (Pay Scale Group)

1 | 2

P.S.T.

Salary Status

Start

Stop

Info Type	GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS			Remarks	
	Field ID	New Contents	Wage Type	Amount			Effective Date
				PAY			
		Adjustment				01-01-2023	
		Adj: B.PAY	5801	75126			
		Adj: HOUSE RENT ALLOW:	5002	11172			
		Adj: Convey: All	5011	10853			
		Adj: M.A	5012	5700			
		Adj: U. A. A	5886	3800			
		Adjust: Teaching Allow:	5150	10123		Period	
		Adj: Disp: Red: All: 15%22	5155	7592		07-09-2022 to	
		Adj: A.R.A. 15% 22 (PS17)		7592		31-12-2022	

31

[Signature]
SDEO (M) Primary
Krudukhel
Distt: Buner
12/2022

(32)


OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICE (M) KHUDU KHEL BUNER
 DETAIL OF ARREAR OF PAY & ALLOWANCE IN R/O SAID UL IBRAR

W.E.F. 07-09-2022 TO 31-12-2022

Detail of B. Pay and Allowances

Detail of Basic Pay

BPS-12(13320-960-42120)	Post	Period	PAY 0001		Diff	Total
			DUE	DRAW		
Mr SAID UL IBRAR	PST	07-09-2022 TO 30-09-2022 24 DAY	19770	0	15816	15816
		01-10-2022 TO 31-12-2022 3 M	19770	0	19770	59310
		TOTAL				75126
		DETAIL OF HOUSE RENT ALLOW:				
		07-09-2022 TO 30-09-2022 24 DAY	2940	0	2352	2352
		01-10-2022 TO 31-12-2022 3 M	2940	0	2940	8820
		TOTAL				11172
		DETAIL OF CONVEYANCE ALLOW:				
		07-09-2022 TO 30-09-2022 24 DAY	2856	0	2284.8	2285
		01-10-2022 TO 31-12-2022 3 M	2856	0	2856	8568
		TOTAL				10853
		DETAIL OF MEDICAL ALLOW:				
		07-09-2022 TO 30-09-2022 24 DAY	1500	0	1200	1200
		01-10-2022 TO 31-12-2022 3 M	1500	0	1500	4500
		TOTAL				5700
		DETAIL OF COMPEN ALLOW:				
		07-09-2022 TO 30-09-2022 24 DAY	1000	0	800	800
		01-10-2022 TO 31-12-2022 3 M	1000	0	1000	3000
		TOTAL				3800
		TEACHING ALLOW: 2316				
		07-09-2022 TO 30-09-2022 24 DAY	2664	0	2131.2	2131
		01-10-2022 TO 31-12-2022 3 M	2664	0	2664	7992
		Total				10123
		DETAIL OF Disp.Red;All.				
		07-09-2022 TO 30-09-2022 24 DAY	1998	0	1598.4	1598
		01-10-2022 TO 31-12-2022 3 M	1998	0	1998	5994
		TOTAL				7592
		DETAIL OF Adh: Rel: All: 2022 PS-17				
		07-09-2022 TO 30-09-2022 24 DAY	1998	0	1598.4	1598
		01-10-2022 TO 31-12-2022 3 M	1998	0	1998	5994
		Total				7592
		TOTAL				131958


 SDEO (M) Primary
 Khudu Khel
 Dist: Buner

(33)



OFFICE OF THE DISTRICT EDUCATION OFFICER
-(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



No: 6209

Dated 8/12 /2022

To

The District Accounts Officer
District Buner.


Subject: **PAY RELEASE ORDER**

Memo: -

Certified that academic certificates/ degrees have been verified from the concerned boards/ universities in r/o the following Primary School Teacher (PST).

Hence, his pay may be released subject to the condition, that in case any of his documents is found bogus/ fake in future, recovery of the paid amount shall be made followed by disciplinary proceedings under the rules.

S. No	Name	Place of Posting	Certificates / Degrees Verified	Remarks
1	Said Ul Ibrar PST	GPS Mirzakay	SSC, FSc, B.Com, M.Com	Verified


 DISTRICT EDUCATION OFFICER (M)
 BUNER
 8/12/22

Endst. No. _____

Dated _____ /2022.

Copy forwarded for information to the;

1. Sub Divisional Education Officer (M) Primary k Buner.
2. Officials concerned.

DISTRICT EDUCATION OFFICER (M)
BUNER

وکالت نامہ

بعدالت ہیجٹ پانچویں سیشن کے لیے

مندرجہ ذیل کی طرف

منجانب ڈیفنڈنٹ

تھانہ ایف آئی آر

تاریخ

باعث تحریر آنکے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام

محمد فاروق ملک ایڈووکیٹ ہائی کورٹ کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روز بروز عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر سن منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشوری کے کسی اور جگہ یا پشوری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پشوری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور سید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرڈنٹاٹی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فرقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا ہوگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹز کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف سے نہیں ہوگا۔

برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سندر ہے مورخہ 12/1/2022 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

ATTESTED & ACCEPTED:
 Naved Ullah Advocate
 BC-19-12-2022

Mohammad Farooq
 Advocate Peshawar.

Naved Ullah
 Advocate Peshawar
 Bc-19-12-22