

28.11.2022

Learned counsel for the appellant present. Mr. Waheed Ullah, Junior Clerk alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned.

To come up for arguments on 25.01.2023 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

25-1-23

Proper DB is not available

The case is adjourned to 8.5.23

Readed

21.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 21.06.2022 for the same as before.



Reader.

21.06.2022

Nemo for the appellant. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 12.09.2022 before the D.B.



(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

12.09.2022

Junior of learned counsel for the appellant present. Mr. Sajid, Section Officer alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Mr. Mian Muhammad, learned Member (Executive) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 28.11.2022.


(Salah-Ud-Din)
Member (J)


Counsel was informed telephonically on 07/09/2022 for the date fixed 12/09/22.

27.05.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

A request was made for adjournment on behalf of learned A.A.G in order to submit written reply. Last chance is given, where-after, right of defense will be closed. To come up for written reply/arguments on behalf of respondents on 10.08.2021 before D.B


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

10.08.2021

Since, 1st Moharram has been declared as public holiday, therefore case is adjourned to 30/12/2021 for the same as before.


Reader

30.12.2021

Due to winter vacation, the case is adjourned, to come up on 17/3/2022.


Reader

17.03.2022

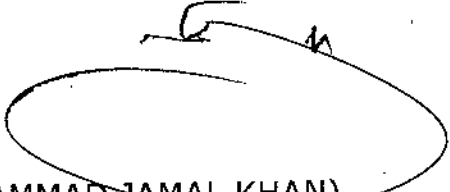
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 21.03.2022 for the same as before.


Reader.

11.11.2020

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Saeed Khan, Focal Person, for the respondents are present.

Written reply on behalf of respondents not submitted. Representative of the department seeks further time to furnish written reply/comments. Adjourned to 31.12.2020 on which date to come up for written reply/comments before S.B but as a last chance.

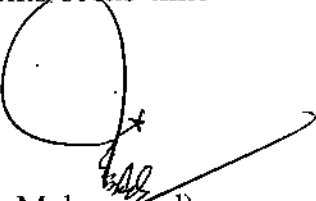

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

31.12.2020

Nemo for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Naseeb Khan, SO for respondents present.

Written reply/comments on behalf of the respondents not submitted. Representative of the respondents seeks time to submit the same on the next date.

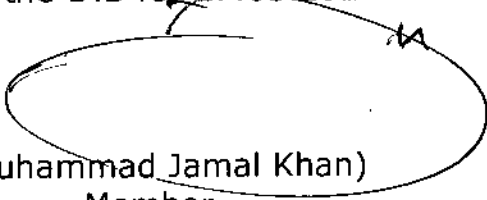
Adjourned to 23.02.2021 before S.B.


(Mian Muhammad)
Member(E)

23.02.2021

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

Written reply on behalf of respondents not submitted despite last chance given in order sheet dated 11.11.2020, therefore, the appeal is posted before the D.B for 27.05.2021 for arguments.


(Muhammad Jamal Khan)
Member

09.06.2020

Counsel for the appellant present.

The grievance of appellant is that having been appointed as PST in a project by the respondents in the year 2004, his service was regularized through notification dated 30.08.2013. Despite, the service rendered by the appellant before regularization the respondents are not allowing him pay protection as well as pension benefits for the relevant period.

In view of the available record and submissions of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions.

Appellant Deposited
Security Process Fee

The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 28.07.2020 before S.B.

Chairman 

28.07.2020

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

Learned AAG seeks time to contact the respondents and furnish reply/comments. Adjourned to 22.09.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman 

22.09.2020

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

Learned AAG seeks further time to contact the respondents and furnish the reply/comments. Adjourned to 11.11.2020 on which date the requisite reply/comments shall be positively submitted.

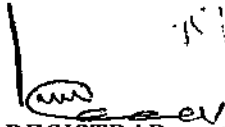

Chairman 

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7679 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/05/2020	<p>The appeal of Mr. Lal Zada resubmitted today i.e 21.05.2020 by Mr. M. Hammad Hussain Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 21/5/2020</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up on <u>09/06/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>


The appeal of Mr. Lal Zada S/O Saotar Khan received today i.e. 19.05.2020 by Mr. Hamad Hussain Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

- 1- Page. No.5 8 & 9 are eligible which may be replaced by legible/ better one.
- 2- In Para D of the ground of appeal Copy of judgment of High Court mentioned as Annexure-I is not attached in the file.

No. 1157 /S.T,

DT. 20-05 /2020


Mr. Hamad Hussain Adv. Pesh.


Registrar
Service Tribunal
Khyber Pakhtunkhwa
Peshawar.

Resubmitted the case
after removal of
objection
on 21/5/2020



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4679/2020

Lal Zada S/o Saotar Khan, PST GPS Yousaf Baba, District Mohmand.

.....Appellant

Verses

The Secretary to Government Khyber Pakhtunkhwa Elementary & Secondary Education Department Civil Secretariat Peshawar and others...Respondents

INDEX

S.N	Descriptions of Documents	Annexure	Page
1	Memo of appeal		1-4
2	Affidavit		4
3	Copy of order Appointment is	A	5
4	copy of orders of closer and reopening orders of the school	B	6-9
5	Copy of Notification and readjustment order	C&D	10-13
6	Copy of regularization order	E	14-16
7	copy of department appeal as	F	17-18
8	Copy of writ petition similar is	G	19-25
9	copy of summary is	H	26-30
10	Copy of notification is	S	
11	Wakalatnama		31

Dated: 19/05/2020


Appellant

Through


Hamad Hussain

&

Arshad Safi 

Advocates High court Peshawar

Mobile: 03120952763

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4679/2020

Lal Zada S/o Saotar Khan, PST GPS Yousaf Baba, District Mohmand.
.....Appellant

Verses

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary to Government Khyber Pakhtunkhwa Elementary & Secondary Education Department Civil Secretariat Peshawar.
- 3- The secretary Finance Department Government Khyber Pakhtunkhwa Civil Secretariat Peshawar.
- 4- The Director Education (Merged Area) warsak Road Peshawar.
- 5- The District Education officer District Mohmand at Ghallani

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION ON THE PART OF RESPONDENTS AND NOT COUNTING THE PREVIOUS/PAST SERVICE OF THE APPELLANT TOWARDS PAY PROTECTION AND PENSIONARY BENEFIT WHICH IS ILLEGAL AND UNLAWFUL AND NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Respectfully Sheweth:-

My humble submission are as under.

1. That the appellant was initially appointed as PST Teacher in the project Community School Teachers in the years 2003 and 2007. science the appointment the appellant is performing his duties upto the entire satisfaction of their superior /officers. (Copy of order is Annexure A).
2. That due to complaints by the local people of the area in many Tribal Districts that various community (s) schools were closed in the years 2010 but reopened all the closed school on the directions of the then ACS Fata Secretariat. (copy of orders of closer and reopening of the school are Annexure B)

3. That in the meantime the worthy Governor Khyber Pakhtunkhwa in the capacity of the competent authority vide notification dated 11/05/2012 a policy/guidelines for accommodating the Community School Teachers against the available regular post. It is also worth to mention here that in various Community Schools Teachers were readjusted/ reappointed against their post in the years 2011. **(Copy of Notification and readjustment order are Annexure C&D).**
4. That the vide notification dated 30/08/2013 the appellant has been regularized w.e. from 01/09/2013, science the regular appointment the applicant is performing their duties up to the entries satisfaction of their superiors officers. **(Copy of regularization order as Annexure E).**
5. That on 25/01/2020 the appellant filed departmental appeal to the Director Elementary & Secondary Education Khyber Pakhtunkhwa for pay protection towards pensionary benefits but after the appellate authority did not responded on the said appeal within stipulated period of (90) days, hence the present appeal **(copy of department appeal as Annexure F).**
6. That some of the colleagues of the appellant approached to the august Peshawar high court Peshawar in writ petition No 5585-P/2018AzmatGul and others VS Government of KPK through Chief Secretary and others whereas the petitioner is directed to approached the Honourable Service Tribunal **(Copy of writ petition is Annexure G).**
7. That feeling aggrieved and having no other remedy to file the instant service appeal on the following grounds.

Grounds.

- A. That the inaction of the respondents and not counting their previous service of more than 10 years towards pay and pension /protection is against the principle of natural justice fair play equity and equality.
- B. That in summary to the worthy Governor it was admitted by the respondents department that the appellant have rendered more than 10 years' service on contract basis and also senate standing committee recommended the regularization of the appellant therefore they should be regularized . on the basis of that summary the worthy governor KPK has issued notification dated

11/05/2012 (Annex-C) ,therefore the appellant is legally entitled to the benefits of previous service towards pay and pension fixation. (copy of summary is annexure H)

- C. That as per pension rule the temporary and officiating service followed by confirmation / regularization shall be counted towards pension and pay protection.as per judgment of the august Supreme Court of Pakistan in another case Civil Appeal 1428/2015 Qayyum Khan Vs Divisional Forest Officer Mardan and others vide judgment dated 25/02/2016.
- D. That in the writ petition No 3221-p/ 2013 the Peshawar high court which was allowed and directed the respondents department to counted the previous service towards pay and pension protection. ~~Copy of judgment is Annexure -~~
- E. That the appellant is not treated in accordance with law and rules keeping in view the above referred judgments the appellant is also deserve same treatments under the principle of equity and equality and consistency.
- F. That the action of the respondents and to not counting the previous service of the appellant towards pay and pension fixation protection is against the principle of Article-2A, 9, 25 and 38 of the constitution of Pakistan.
- G. That act of the department for not regularization of service of the applicant from the date of 1st appointment is against the law and judgments of supra court relied upon the relevant para of judgment of the Supreme Court of Pakistan 1996 SCMR 1185 titled Hameed Akhtar Niazi vs The Secretary Establishment Division, Government of Pakistan "*If the Service Tribunal or Supreme Court decides a point of law relating to the terms of Service of a Civil Servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/ Supreme Court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum*".

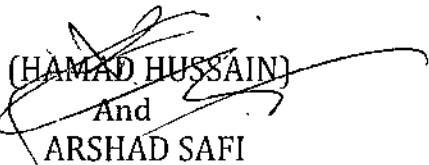
It is, therefore,most humblyprayed that on acceptance this service appeal the inaction on the part of respondents and not counting the previous service of the appellant towards payprotection and pensionary

benefits may declared as illegal unconstitutional arbitrary and exploitation of the past good service of the appellant furthermore the respondents please be directed to allow full pay protection and pensionary benefits of the past service to the appellant to meet the end of justice of equity and by treating them at par with the appellant of the above referred judgments. Any others remedy which this august tribunal deems appropriate may also be awarded in favour of the appellant



Appellant

Through

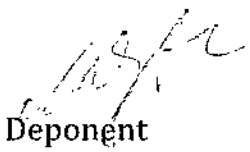

(HAMAD HUSSAIN)
And

ARSHAD SAFI

Advocates High Court Peshawar
03120952763

AFFIDAVIT

I, Lal Zada S/o Saotar Khan, PST GPS Yousaf Baba, District Mohmand, hereby solemnly affirm and declare that all the contents of the instant Execution Petition are true and correct to the best and belief of my knowledge and nothing has been concealed from this Honourable Tribunal.



Deponent



OFFICE OF THE AGENCY EDUCATION OFFICER, MOHMAND AGENCY AT GHALLANA

APPOINTMENT ORDER:-

Consequent upon of the approval of the Political Agent Mohmand Agency at Ghallana, the following (Male/Female) candidates are hereby appointed against PTC Posts in HPS, No. 07 plus usual allowances as admissible under the rules on contract basis for the project period in the schools noted against their names in the interest of public service with effect from the date of taking over charge.

S. #	Name with Fathers Name	School	Remarks
1	Bakht Zada S/O Shah Zada	C. S Beldola (Lower Mohmand)	Against newly created Post (ADP No.259)
2	Jan Nisar S/O Sher Zamin	do	do
3	Eal Zada S/O Sattar Khan	C.S karkana (Lower Mohmand)	do
4	Eaj Mohd S/O Sheikh Mohd	do	do
5	Zakir D/O Sher Qadir	FCS Chargula Anbar (H. Mohmand)	do
6	Nagina D/O Muhd Shah	do	do
7	Hikmat Ullah S/O Abdur Rahim	C.S Sheikh Daba (Upper Muld)	do
8	Sauhar S/O Sarkar Khan	do	do
9	Nizakat D/O Rashid Gul	FCS Wali Jan (Upper Mohmand)	do
10	Nagina Begum D/O Nazir Muhd	do	do
11	Nazma Anwar D/O Muhd Anwar	FCS Qala Gal	do
12	Rubina Rahman D/O Ata ur Rahman	do	do
13	Mufida D/O Asmat Ullah	FCS Chinari (Upper Mohmand)	do
14	Nighat Yasmeen D/O Sher Qadir	do	do
15	Shahjhan Gul D/O Saz Gul	FCS Jarohi (Baizai area)	do
16	Mareeta D/O Shamroz Khan	do	do
17	Wajida D/O Fazli Elahi	FCS Shamsai (Baizai area)	do
18	Nadja D/O Gu-Hayat	do	do
19	Khatun D/O Rabnawaz	FCS Shamsai (H/Umar Khan)(Baizai area)	do
20	Asia D/O Nihar Khan	do	do
21	Mubay D/O Awal Mir	FCS Kuda Khel (Baizai)	do
22	Ruqia D/O Muhd Fazil	do	do
23	Ghazala D/O Sher Afsar	FCS Uchla Jewara (Khwaizai area)	do
24	Shagufa D/O Karim Bakhsh	do	do
25	Falak Naz D/O Masal Khan	FCS kung Khwaizai	do
26	Fareza D/O Yousaf Khan	do	do
27	Muhd Irtiad S/O Abdur Rahman	C.S Sheikhani Baizai	do
28	Mukhar Alam S/O Alam Khan	do	do
29	Muhd Ishaq S/O Gul Said	C.S Shawal Kuda Khel Baizai	do
30	Mukhar S/O Haliadar Khan	do	do
31	Hyat Muhd S/O Toor Muhd	C.S Olai Baizai	do
32	Dilawar S/O Hakim Khan	do	do
33	Adil Shah S/O Gul Shah	C.S Jarohi Fazal	do
34	Nasir Khan S/O Abdur Rahman	C.S Sana Khel Shandara	do
35	Muhd Aftab S/O Sanab Gul	C.S Anar Gai payan	do
36	Javid Ahmad S/O Shahzada	do	do
37	Shah Khalid S/O Zahir Shah	C.S Iugar Jarohai	do
38	Qasim Shah S/O Ali Gul	C.S Main Khel (Islah Bad Shah)	do
39	Khurshid Begum D/O Anwar Khan	FCS Spinki Tangi	Newly Created Post ADP No.259
40	Uzifa D/O Muhd Zamin	do	do
41	Shahzib Qamar D/O Muhd Qamar	FCS Manzari (Jama)	do
42	Samina D/O Sami Ullah Jan	do	do

TERMS & CONDITIONS.

- 1- The appointments of the candidates are purely made on temporary basis and liable to termination at any time without assigning any reasons. In case of their wish to resign the posts they shall have to give one month prior notice and forfeit one month pay in lieu thereof.
- 2- Health and age certificate should be produced from the Agency Surgeon Mohmand Agency at Ghallanai.
- 3- They will not be handed over charge of the posts if they are below 18 Years and above 33 Years.
- 4- If they failed to report of their arrival within 15 days their appointments will be considered as cancelled.
- 5- They will not be paid their salaries until and unless their documents are verified from the concerned deptt institutions.
- 6- Charge report should be submitted in duplicate to all concerned.

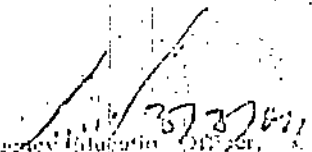
(H. Gul Rahman)

Agency Education Officer,
Mohmand Agency at Ghallanai.

Final No. 12280 of Appn/C.S. / Dated. 03/04/2014

Copy of the above is forwarded to:-

- 1) Director of Education (B&TA) N.W.F.P. Peshawar.
- 2) Political Agent Mohmand Agency at Ghallanai.
- 3-5) Assistant Political Agents Upper, Lower and Buzai (Mohmand Agency)
- 6) Agency Accounts Officer, Mohmand Agency at Ghallanai.
- 7) Agency Surgeon Mohmand Agency at Ghallanai.
- 8) AAO (Male/Female) Concerned.
- 9) Head Mistress GHIS Ghallanai.
- 10) Accountant/Pay Clerk Local Office.
- 11) Candidates Concerned.


 Agency Education Officer,
 Mohmand Agency at Ghallanai

(SA)

(BETTER COPY)

OFFICE OF THE AGENCY EDUCATION OFFICER, MUHMAND AGENCY AT GHALLANI

Appointments Order

Consequent upon of the approval of the political Agent Muhmand Agency at Ghallani the following (Male/Female candidates are hereby appointed against PTC posts in BPS NO 07 plus usual allowances as admissible under the rules on contract basis for the project period in the school noted against their names in the interest of public service with effect from the date of taking over charges.

S.£	Name with father Name	School	Remark
1	Bakhtzada s/o shahzada	C S Behlola lower Mohmand	Against newly project post ADP No259
2	Jan Nisar s/o sherzamin	do	do
3	Lalzada s/o sautar khan	C S karkana lower Mohmand	do
4	TajMuhd so/shiehmuhd	do	do
5	Zakia D/o sherQadir	FCS chargua amber E Mohmand	Do
6	Nagina D/o muhd shah	Do	Do
7	Hikmatullah s/o abdurrahim	CS sheikh baba upper Mohmnd	Do
8	Sanobar s/o sarkuh khan	Do	Do
9	Nizakat D/o Rashid Gul	FCS Walijan upper Mohmnd	Do
10	Nagina D/o NazirMuhd	Do	Do
11	NazmaAnwer D/o mihdAnwer	FCS QalaGai	Do
12	RobinaRehman D/o attarehman	Do	Do
13	Mufida D/o Asmatullah	FCS chainari upper Mohmnd	Do
14	Nighat Yasmeen D/o sherqadir	Do	Do
15	Shamingul D/o sazGul	Fcs Jarobi (Baizia Area)	Do
16	Mareena D/o Shamrozkhenn	Do	Do
17	Wajida D/o FazliElahi	FCS shamsai (Baizia Area)	Do
18	Nadia D/o Gul Hayat	Do	Do
19	Khatoon D/o Rabnawaz	FCS shamsia H/umar khan	Do
20	Asia D/o Nahir khan	Do	Do
21			
22	Ruqia D/o Muhd	Do	Do
23	Ghazala D/o sherAfser	Fcs Uchajewarakhawizai Area	Do
24	Shagufta D/o Karim Bakhsh	Do	Do
25	Falak Nawaz s/o Misalkhen	FCS Kung khwaiazai	Do
26	Farzana D/o Yousaf khan	Do	Do
27	Muhdirshad s/o Abdul Rahmane	CS sheikhanBaizai	Do out 55 CS
28	IftikharAlam s/o Alam khan	Do	Do
29	MuhdIshfaq s/o Gul Said	CS shawalkudakhe!Baizai	Do
30	Iftikhar S/o Bahadar Khan	Do	Do
31	HyatMuhd s/o ToorMuhd	CS OlaiBaizai	Do
32	Dilawar S/o Hakim khan	Do	Do
33	Adil shah S/o Gul shah	CS Jarobafazal	Do
34	Nasir khan S/o AbdurRahmen	CS san khelshandara	Do
35	MuhdAftab S/o sanabGul	CS AnarGulPayan	Do
36	Javid Ahmad S/o Shahzada	Do	Do
37	Shah khalid s/o zahir shah	CS IngarJarobai	Do
38	Qasim shah S/o AlifGul	CS maim khelislam Bad shah	Do
39	KhurshidBegham D/o Anwar Khan	ECS Spinkitangi	New created postADP NO 256
40	Uzlifat D/o Muhdzahir	Do	Do
41	ShahzraQamar D/o MUhdQamar	FCS Manzari	Do
42	Samina D/o Sami ullah Jan	Do	do

ATTESTED

TERMS & CONDITIONS

1. The appointment of the candidates are purely made on temporary basis and liable to termination at any time without assigning any reason. In case of their wish to resign the post they shall have to give one month prior notice full one month pay in hence there.
2. Health and age certificates should be produced from the Agency Surgeon Muhmand agency at Ghallani.
3. They will not be handed over charge of the post if they are below 18 years and above 33 years.
4. If they failed to report of their arrival within 15 days their appointments will be considered as cancelled.
5. They will not be paid their salaries until and unless their documents are verified from the concerned Depts. / institutions.
6. Charge report should be submitted in duplicate to all concerned.

(GUL Rahman)
AGENCY EDUCATION OFFICER
MUHMAND AGENCY AT GHALLANI

Findst No 12250./APPL/CS _____ Dated 03/03/2004.

Copy of the above is forwarded to the:

1. Director of Education (FATA) NWFP Peshawar.
2. Political Agent Muhmand agency at Ghallani
- 3.5. Assistant Political Agent Upper, lower and Bazai Muhmand agency.
6. Agency Accounts officer, Muhmand agency at Ghallani.
7. Agency Surgeon Muhmand agency at Ghallani.
8. AA TO Male/ Female concerned.
9. Head Mistress GGHS Ghallani.
10. Accountant Pay Clerk Local officer.
11. Candidates Concerned


ATTESTED

AGENCY EDUCATION OFFICER
MUHMAND AGENCY AT GHALLANI

FATA SECRETARIAT
 DIRECTORATE OF EDUCATION
 FEDERAL GOVERNMENT OF PAKISTAN
 PESHAWAR
 G.P.O. No. 1000
 PESHAWAR
 TEL: 3272-87
 FAX: 3272-87
 E-MAIL: FATA@PESHAWAR.EDU.PK

49
 1

All concerned Education Officers

CLOSURE OF ALL COMMUNITY SCHOOLS IN FATA W.E.F. 31.12.2010

It is directed to convey the policy decision of the competent authority on the above mentioned subject and to ask you to close all the community schools in FATA w.e.f 31.12.2010. The teachers and staff of these schools should be given Notice to the effect that their services will be dispensed with on 31.12.2010. However, they may be given preference in recruitment against vacant posts by giving experience marks for the service rendered. A similar policy is in vogue as per policy. The regular vacant posts be advertised immediately and recruitment process completed as per the usual procedure of priority.

[Signature]
 Dy. Director (R&N)

- 1. All Chief Secretaries, FATA.
- 2. Secretary to Government, Peshawar.
- 3. Secretary A&C, FATA, Peshawar.
- 4. Secretary P&M, FATA, Peshawar.
- 5. Secretary Law & Crim. FATA Secretariat, Peshawar.
- 6. All Political Agents, FATA.
- 7. District Commissioners, Districts: Kohat, Bannu, Tank, D.I. Khan.
- 8. AGMR Sub Office, Peshawar.
- 9. All Agency Accounts Officers, FATA.
- 10. District Accounts Officers: Kohat, Bannu, Tank, D.I. Khan.
- 11. P.A. to Director, Peshawar.

Dy. Director (P&M)

Attested

FATA SECRETARIAT -
DIRECTORATE OF EDUCATION

To

All the Agency/Education Officers
In FATA.

Subject: CLOSURE OF ALL COMMUNITY SCHOOLS IN FATA
W.E.F 31.12.2010.

Memo:

I am directed to convey the policy decision of the competent authority on the above noted subject and to ask you to close all the community schools in FATA w.e.f 31.12.2010. The teachers Class-IV working in these schools should be given a Notice to the effect that their services will be dispensed with on 31.12.2012. However, they may be given preference in recruitment against regular posts by giving experience marks for the service rendered in community schools as par policy. The regular vacancy posts be advertised immediately and recruitment process completed as per prescribed procedure on priority.

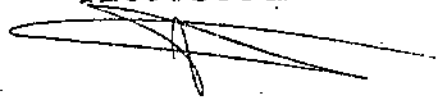
Dy: Director (P&M).

Copy to the:-

1. Additional Chief Secretary, FATA.
2. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
3. Secretary A&C, FATA Secretariat, Peshawar.
4. Secretary P&D, FATA Secretariat, Peshawar.
5. Secretary Law & Order, FATA Secretariat, Peshawar.
6. All political Agents in FATA.
7. District Coordination Officers Peshawar, Kohat, Bannu, Lakki Tank, D.I.Khan.
8. AGPR Sub Office Officers.

Dy: Director (P&M).

Attested



(8)

DIRECTORATE OF EDUCATION
FATA SECRETARIAT

No. 6437-971

Date Pesh: 1st Oct 2011

70

All the Agency Education Officers
in FATA.

Subject: REOPENING OF FUNCTIONAL COMMUNITY SCHOOLS IN FATA
IN THE 1ST WEEK OF OCTOBER 2011

Memo:

I am directed to refer to the above noted subject and to ask you to reopen all the functional community schools strictly in accordance with the recommendations of the Scrutiny Verification Committees of your respective Agency / FR and direct all the teaching / non-teaching staff of concerned schools to make sure their presence in their respective schools and start academic activities with immediate effect. These schools should immediately be provided Student Attendance registers and free textbooks as per actual enrolment of the students.

You are further directed to process PC-1s of the scheme "Reopening of functional community schools" by including pay of the staff w.e.f 1.10.2011 and process the same for approval of the competent forum within Three days, positively.



Add: Director (P&M)

Endst No. _____

Copy to the:-

1. All the Political Agents in FATA.
2. District Coordination Officers Peshawar, Kohat, Bannu, Lakki, Tank and DI Khan.
3. PS to Additional Chief Secretary FATA.
4. PS to Secretary Admn: & Coord: FATA Secretariat.
5. PS to Secretary P&D FATA Secretariat.
6. PA to Director Education FATA

Add: Director (P&M)

DA

BETTER COPY

**DIRECTORATE OF EDUCATION
FATA SECRETARIAT**

No.6467-491

Date pesh the 06.01.2011

To,

**All the Agency Education Officers
In FATA**

Subject:- **REOPENING OF FUNCTIONAL COMMUNITY
SCHOOLS IN FATA IN THE 1ST WEEK OF OCTOBER
2011.**

Memo:

I am directed to refer to the above noted subject and to ask you to reopen all functional community schools strictly in accordance with the recommendations of the Scrutiny Verification Committees of your respective Agency/FR and direct all the teaching/non-teaching staff of concerned schools to make sure their presence in their respective schools and other academic activities with immediate effect. These schools should immediately be provided Student Attendance registers and free textbooks as per actual enrolment of the students.

You are further directed to process PC-1s of the scheme Reopening of functional community schools by including pay of the staff w.e.f 1.10.2011 and process the same for approval of the competent forum within Three days positively.

Addl: Director (P&M)

Endst No. _____

Copy to the:-

1. All the Political Agents in FATA.
2. District Coordination Officers Peshawar, Kohat, Bannu, Lakki, Tank and DI Khan.
3. PS to Additional Chief Secretary FATA.
4. PS to Secretary Admn & Coord: FATA Secretariat.
5. PS to Secretary P&D FATA Secretariat.
6. PA to Director Education FATA.

Addl: Director (P&M)


ATTESTED

(9)

FATA

SI 456 P 4017-03



FATA SECRETARIAT
Social Sectors Department
Warsak Road Peshawar

Attention
06/05/12



Notification

No. SO(E)/SSD/(STR/99-108) The Governor Khyber Pakhtunkhwa in his capacity as the Competent Authority has been pleased to approve the re-appointment of Community School Teachers who qualify to be posted against the regular posts of PST (BS-7) in phased manner at the respective Agencies & FRs, purely on merit basis in accordance with the existing recruitment criteria but in relaxation of upper age limit with immediate effect as specified below.

1. The available regular vacant PST (BS-7) posts in the Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective Agencies/FRs.
2. The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PST (BS-7) after adjustment of local qualified teachers.
3. The services of the un-qualified teachers shall be dispensed with.
4. The Community Schools whose teachers are appointed and shifted to other schools against regular posts, would be closed down.
5. The respective Community Schools students would be shifted to nearby regular schools and no further recruitment of Community School teachers will be made.

Secretary
Social Sectors Department,
FATA Secretariat, Peshawar

Inst No. Even Dated Peshawar the 11/05/2012

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
2. Addl. Accountant General (PR) Sub Office Peshawar.
3. Director Education FATA, Peshawar.
4. All Political Agents in FATA.
5. DCO Peshawar, Kohat, Bannu, Lakki, D.I. Khan & Tank.
6. Agency/ District Accounts Officers, concerned.
7. All the Agency Education Officers in FATA.
8. AS to Additional Chief Secretary FATA Peshawar.
9. AS to Secretary Social Sectors Department, FATA Secretariat, Peshawar.
10. AS to Secretary S.S.D, FATA Secretariat, Peshawar.

Azhar
Section Officer (Edu) SSD
FATA Secretariat, Peshawar

Attested

9A

BETTER COPY

FATA SECRETARIAT
Social Sectors Department
Warsak Road Peshawar

Notification

No.SO(E)/SSD/CSTR/99-108/. The Governor Khyber Pakhtunkhwa in his capacity as Competent Authority has been pleased to approve the re-appointment of Community School Teachers who qualify, to be posted against the regular posts of PST (BS-7) in phased manner at the respective Agencies & FRs, purely on merit basis in accordance with the existing recruitment criteria but in relaxation of upper age limit with immediate effect as specified below.

1. The available regular vacant PST (BS-7) posts in Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment all the eligible Community School, Teachers are absorbed against regular posts in their respective Agencies/FRs.
2. The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PS (BS-7) after adjustment of local qualified teachers.
3. The services of the un-qualified teachers shall be dispensed with.
4. The Community Schools whose teachers are appointed and shifted to other schools against regular posts, would be closed down.
5. The respective Community Schools students would be shifted to nearby regular schools and no further recruitment of Community School teachers will be made.

Secretary
Social Sectors Department,
FATA Secretariat Peshawar

Endst No. Even Dated Peshawar the 11/05/2012

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
2. Addl Accountant General (PR) Sub Office Peshawar.
3. Director Education FATA, Peshawar.
4. All Political Agents in FATA.
5. DCO Peshawar, Kohat, Bannu, Lakki, DI Khan & Tank.
6. Agency District Accounts Officers concerned.
7. All the Agency Education Officers in FATA.
8. PS to Additional Chief Secretary FATA, Peshawar.
9. PS to Secretary Social Sector Department, FATA Secretariat, Peshawar.
10. PS to Secretary, FATA Secretariat, Peshawar.


ATTESTED

Section Officer (Edu) SSD
FATA Secretariat, Peshawar

10



OFFICE OF THE AGENCY EDUCATION OFFICER
 MOHAMMAD AGENCY AT GHALLANAI
 P.NO.0924290180 FAX:0924250180
 NO. _____ DATED Ghallanai _____ 2003.

Subject: - RE-APPOINTMENT OF COMMUNITY SCHOOL TEACHERS.
 Memo:-

Consequent upon the directions of competent authority, and on the basis of arrival of teachers who were present in the interview taken by scrutiny committee, re-appointment of the following 24 male & 66 female community teachers in 67 community schools is hereby ordered in the interest of public service, with the remarks, that re-appointment of regular and duty full teachers of non functional community schools, in those functional schools is also included in this order where the concerned teachers failed to report for arrival or those who were absent in the interview of scrutiny committee.

S.NO	SCHOOL	Tehsil	NAME OF RE-APPOINTMENT TEACHER	REMARKS
1	BCS Karkana	Prang Ghar	1. Lal Zoda 2. Taj Muhammad	
2	BCS Bahlola	Prang Ghar	1. Jan Nisar 2. Bakhat Zada	
3	BCS CS Nazar Kore Aslam	Khwazai Baizai	1. Enjad 2. Azmai	
4	BCS Kuzo Kas Ghulam Basair	Khwazai Baizai	1. Amir Shamim 2. Sumair Ahmad	
5	BCS Siraj Sanghakhli	Khwazai Baizai	1. Araf Khan 2. Murad Ali	
6	BCS Kung Sabzali Jalal Kore	Khwazai Baizai	1. Milkram 2. Nigab	
7	BCS Soor Dagi	Khwazai Baizai	1. Gul Nabi 2. Gul Zair	
8	BCS Ucha Jaura Naik Mohd	Khwazai Baizai	1. Aslam Khan 2. Ali Akbar	
9	BCS Bilalshir Jura Khattar Jan	Khwazai Baizai	1. Raz Muhammad 2. Saz Muhammad	
10	BCS Khushal Kore Rukhsana Gu	Khwazai Baizai	1. Anwar Khan 2. Abidullah	
11	BCS Khan Bag Peera Kharan	Khwazai Baizai	1. Jamil Shah 2. Sartaj	
12	BCS Khan Bag J. 1	Khwazai Baizai	1. Khandan 2. Harrot Shah	
13	BCS Kung Mehrab Gul	Khwazai Baizai	1. Dattar Khan 2. Sultan Muhammad	
14	BCS Shamir Khan Abad	Khwazai Baizai	1. Fazle Dayan 2. Dawood Shah	
15	BCS Koda Khe, Khairbars.	Khwazai Baizai	1. Waseer Khan 2. Hisadad	
16	BCS Koda Khel Mateena	Khwazai Baizai	1. Muhammad Idress 2. Muhammad Saqib	
17	BCS Toora Khwa Sherin	Khwazai Baizai	1. Mustafa Khan 2. Muhammad Raz	
18	BCS Mantari Cheena Malang	Khwazai Baizai	1. Muhammad Ishad 2. Muhammad Shafiq	
19	BCS Masti Kore Musaf Khan	Khwazai Baizai	1. Abdullah Shah 2. Niaz Muhammad	
20	BCS Masti Kore Showal	Khwazai Baizai	1. Muhammad Isnaq 2. Ifikhar	

Attested

OFFICE OF THE AGENCY EDUCATION OFFICE
MOHMAND AGENCY AT GHALLANAI

Subject: RE-APPOINTMENT OF COMMUNITY SCHOOL TEACHERS.

Memo:

Consequent upon the directions of competent authority, and on the basis of arrival of teachers who were present in the interview taken by scrutiny committee, re-appointment of the following 68 Male & 66 Female community teachers in 67 community schools is here by ordered in the interest of public service, with the remarks, that re-appointment of regular and duty full teachers of non functional community schools, in those functional schools is also included in this order where the concerned teachers failed to report for arrival or those who were absent in the interview of scrutiny committee.

S.NO	SCHOOL	Tehsil	Name of RE-APPOINTMENT TEACHER	REMARKS
1.	BCS Karkana	Prang Ghar	1. Lal Zada 2. Taj Muhammad	
2.	BCS Bahlola	Prang Ghar	1. Jan Nisar 2. Bakhat Zada	
3.	BCS CS Nazar Kore Aslam	Khwazai Baizai	1. Sajjad 2. Azmat	
4.	BCS Kuzo Kas Ghulam Bashir	Khawazai Baizai	1. Anwar Shamim 2. Sameer Ahmad	
5.	BCS Siraj Samghakhi	Khwazai Baizai	1. Asif Khan 2. Murad Ali	
6.	BCS Kung Sabzali Jalal Kore	Khwazai Baizi	1. M. Ikram 2. Niqab	
7.	BCS Soor Dagi	Khwazai Baizi	1. Gul Nabi 2. Gul Zar	
8.	BCS Ucha Joura Naik Abad	Khwazai Baizi	1. Aslam Khan 2. Ali Akbar	
9.	BCS Bakhshi Kore Huner Jan	Khwazai Baizi	1. Raz Muhammad 2. Saz Muhammad	
10.	BCS Khushak Kore Rehman	Khwazai Baizi	1. Anwar Khan 2. Abidullah	
11.	BCS Khan Baig Fazle Manan	Khwazai Baizi	1. Jamil Shah 2. Sartaj	
12.	BCS Khan Baig Ijazat	Khwazai Baizi	1. Khanadan 2. Hazrat Khan	
13.	BCS Kung Mehrab Gul	Khwazai Baizi	1. Daftar Khan 2. Sultan Muhammad	
14.	BCS Shamir Khan Abad	Khwazai Baizi	1. Fazle Dayan 2. Dawood Shah	

~~Attested~~

(2)

1
V

	BCS Atam Kili (Malik Sher)	Khwazai Baizai	1. Adil Shah 2. Fazla Subhan
2	BCS Koda Khel Dag Qala	Khwazai Baizai	1. Amir Khan 2. Saqi Khan
22	BCS Khanjar Kili	Khwazai Baizai	1. Irfanullah 2. Zahir
24	BCS Baidmanzi Yad Muhammad	Khwazai Baizai	1. Shad Ali 2. Azizullah
25	BCS Koda Khel Haji Gulab	Khwazai Baizai	1. Ahmad Khan 2. Amir Khan
26	BCS Lakhkar Kili Faiz Ali	Khwazai Baizai	1. Bacha Hassan 2. Abdul Malik
27	BCS Zoor Kili Aflatoon	Khwazai Baizai	1. Ghulam Said 2. Shahid Naseem
28	BCS Gul Wali Lakhkar Kili	Khwazai Baizai	1. Hayat Muhammad 2. Abdul Samad
29	BCS Ghair Dand Babazai	Khwazai Baizai	1. Ajmal Khan 2. Janat Gul
30	BCS Kankar Faridullah	Khwazai Baizai	1. Akbar Khan 2. Faridullah
31	BCS Zabri Jour	Khwazai Baizai	1. Siyar Ahmad 2. Abdul Malik
32	BCS Spinki Tangi Sikandar	Khwazai Baizai	1. Amin Khan 2. Shah Nazir
33	BCS Spinki Tangi Nadar	Khwazai Baizai	1. Muhammad Naseer 2. Khaf Jan
34	BCS Gulzar	Khwazai Baizai	1. Muhammad Ilyas 2. Ijaz Ali
35	FCS Khra Shah	Prang Ghar	1. Soliha taj 2. Dushra Begum
36	FCS Mewa Shah	Prang Ghar	1. Shamim Begum 2. Wasakat
37	FCS Navi Dhand	Prang Ghar	1. Farah Naz 2. Roshan Bibi
38	FCS Sulman Umar Khel	Prang Ghar	1. Aisha Bibi 2. Muslima Begum
39	FCS Noor Sadiq	Prang Ghar	1. Shahida 2. Palwasha
40	FCS Ali Roza	Ekka Ghund	1. Nizakat 2. Rodifa
41	FCS Bahi Kor	Ekka Ghund	1. Fauzia Nooreen 2. Shazia Ihsan
42	FCS Halki Gandhab	Ekka Ghund	1. Nourina 2. Zainab
43	FCS Said Kamal	Ekka Ghund	1. Naveeda Gul 2. Muntaha Begum
44	FCS Soor Braj	Ekka Ghund	1. Sabiha 2. Rukshande
45	FCS Bakaro Shah	Ghallanai	1. Nighat 2. Rukhsana
46	FCS Umar Khatob	Ghallanai	1. Samina 2. Nageen Begum
47	FCS Abdur Rahman Ato Khel	Ghallanai	1. Shagufta Nawaz 2. Shazia Qamar
48	FCS Baghi Shah	Ghallanai	1. Fatima 2. Najma Naseem
49	FCS Mata Kor	Ghallanai	1. Shazia 2. Sadaqat Begum
50	FCS Shahed Banda M/Tajmir	Pandiali	1. Ghazala Bibi 2. Nusrat Shaheen

Attested

3

102

	FCS Ahmadi Kore M. Behram	Pandiali	1. Shereen Gul 2. Rabia
52	FCS Yakh Dand Tamanzai Hussain Mehmood	Pandiali	1. Mareena 2. Rozi Gul
53	FCS Yakh Dand Tamanza.	Pandiali	1. Shamim Ara. 2. Tahira Gul
54	FCS Wali Jan	Ambar	1. Nizakat 2. Meena Gul
55	FCS Salih Kore	Ambar	1. Shazia 2. Rokhsana Gul
56	FCS Sheikh Baba	Safi	1. Nageen 2. Shah Nator
57	FCS Fazle Akbar	Safi	1. Ghazala 2. Kharoman
58	FCS Abdullah Jan	Safi	1. Nadia 2. Shamim Gul
59	FCS Kuzu Kas Sher Zada	Khwazai Baizai	1. Falak Naz 2. Fatooda
60	FCS Prangan Aslam	Khwazai Baizai	1. Tahira Begum 2. Seema Gul
61	FCS Aba Kor	Khwazai Baizai	1. Shaista 2. Bushra
62	FCS Jalal Kore Farmanullah	Khwazai Baizai	1. Farzana 2. Shazi
63	FCS Ucha Joura Pawesh	Khwazai Baizai	1. Touseen 2. Nadia
64	FCS Samghakhi	Khwazai Baizai	1. Nighat Band 2. Saima
65	FCS Zanawar Cheena	Khwazai Baizai	1. Dilshad Begum 2. Ulfat
66	FCS Khairbandi	Khwazai Baizai	1. Nighat Parveen 2. Dil Nasheen
67	FCS Lakhkar Kili	Khwazai Baizai	1. Rashida 2. Samina Gul

- Salaries will be paid to the teachers according to the rates in the approved PC-1 or according to the rates of the approved scheme i.e re-opening of functional community schools.
- Each re-appointed teacher is required to produce arrival report duly verified by concerned AAEO. On 01.10.2011 the re-appointment order of the same teacher will be considered as cancelled.
- Each teacher is required to produce attested copy of CNIC, Domicile, and other relevant documents, to the concerned AAEO/ or establishment branch.
- This re-appointment has been made on contract basis, and for the project period only, No claim for regularization will be entertained on the basis of this re-appointment, however only experience marks will be allowed as per the Government policy, if any community teacher applies for regular post in Education department with in this Agency.
- Pay of no community teacher will be drawn till receipt of a certificate by concerned AAEO, about teachers presence and performance of duties in the school.
- No transfer from one community school to another community school will be allowed.

(SAID MUHAMMAD KHAN)
Agency Education Officer,
Mohmand Agency at Ghallanai.

Encls: No. 6048-6119 / Dated Ghallanai the 09/12/2011.
Copy Forwarded to:-

- Director of Education (FATA) K.P.K. Peshawar.
- Political Agent Mohmand Agency at Ghallanai.
- Agency Accounts Officer Mohmand Agency at Ghallanai.
- A.A.E.Os concerned.
- Accountant/Pay Clerk local office.
- Teachers concerned.

(Signature)
Agency Education Officer,
Mohmand Agency at Ghallanai.

Attested

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY AT GHALLANAI
REGULARIZATION OF COMMUNITY TEACHERS.

Consequent upon the notification No.SO(E)/SSD/CSCR 99-108, dated 11.5.2012 and on the basis of honourable High Court decision dated 06.8.2013, re-appointment order of 52 community teachers issued vide this office No.1636-42 dated 17.8.2012 and No.1643-49 dated 17/8.2012 is hereby implemented with effect from 01.9.2013 in the interest of public service, with partial modification at S.No.19 and 42 in order No.1636-42 and at S.No.3 in order No.1643-49, with the remarks that:-

1. The said appointment was made from Agency wise merit on the verbal directions of Director of Education (FATA) at that time, if Directorate of Education (FATA) declared this order against the present recruitment policy of the Govt: in response to this office letter No.1306 dated 20.8.2013, then regularization of community teacher will be made on tehsil wise merit basis.
2. If any post against which community teacher was regularized was not vacant, then the incumbent will vacate the post for the community teacher on his regularization.
3. Any Community school for which regular posts have not been sanctioned and teachers of this Community Schools got regular posts then this community school will be considered as closed, and class IVs of this school will be considered as terminated w.e.f 1.9.2013 and students of this schools will be advised by the teachers to get admission in near by regular school.
4. Documents, both Professional and academic will be verified by the committee constituted for the purpose. A single person will not carryout the verification process.

Note:- Cases regarding the scales of newly adjusted teachers will be decided individually on the basis of their qualification.

S.No	Name with Father's Name	Name of Community School	Station of posting as regular PST	Tehsil	Remarks
1	Fazle Subhan S/O Abdul Latif	CS Atam Killi	GPS Zoor Killi Aflatoon	Baizai	Against newly created post
2	Muhammad Irshad S/O Abdul Rahman	CS Manzari Cheena	MPS Abdul Jabbar	Halimzai	Against Vacant Post
3	Ahdu Samad S/O Muhammad Rafiq	CS Gul Wali	GPS Lakhkar Killi Faiz Ali	Baizai	Against newly created post
4	Salim Saradar S/O Hakim Said	CS Shamir Khan Abad	GPS Babi Khel Kamali	Halimzai	Against Vacant Post
5	Sameer Ahamad S/O Ahmad Gul	CS Kuzl Kas	GPS Manzari Cheena	Khwezai	Against newly created post
6	Adil Shah S/O Gul Shah	CS Atam Killi	GPS Said Rahman Gurbaz	Halimzai	Against Vacant Post
7	Aslam Khan S/O Hazrat Muhammad	CS Muhammad Naik	GPS Bahi Dag	Khwezai	Against newly created post
8	Azizullah S/O Itbar Khan	CS Muhammad Yad	GPS Grang No.9	Halimzai	Against Vacant Post
9	Khanadan S/O Malik wazir Khan	CS Ijazat	GPS Karrer Habibzai	Halimzai	Against Vacant Post
10	Muhammad Sadiq S/O Muhammad Yar	CS Mateena Malik	GPS Zoor Killi Aflatoon	Baizai	Against newly created post
11	Ali Akbar S/O Hazrat Muhammad	CS Muhammad Naik	GPS Ashraf Abad	Khwezai	Against Vacant Post
12	Muhammad Raz Khan S/O Zarghun Shah	CS Toora Khwa	GPS Din Muhammad	Halimzai	Against Vacant Post
13	Muhammad Idrees S/O Taj Muhammad	CS Mateena Malik	GPS Chamarkand No.1	Safi	Against Vacant Post

(15)

14	Muhammad Ishaq S/O Gul Said	CS Shawal	GPS Chamarkand No.2	Halimzai	Against Vacant Post
15	Akbar Khan S/O Sher Jan	CS Kankar Killi	GPS Shewa Eamoh	Halimzai	Against Vacant Post
16	Ilyas Khan S/O Muhammad Shakil	CS Gulzar Baidnmanai	GPS Sangar Ambar	Ambar	Against Vacant Post
17	Lal Zada S/O Sautar Khan	CS Karkana	GPS Karkana	Ambar	Against newly created post
18	Miaz Muhammad S/O Noor Muhammad	CS Masti Kore Gulab	GPS Manzari Cheena	Baizai	Against newly created post
19	Hayat Muhammad S/O Toot Muhammad	CS Lakhkar Killi	GPS Lakhkar Killi Atmar Khel	Baizai	Against newly created post
20	Sultan Muhammad S/O Muhammad Shah	CS Kung	GPS Masti Kore Gulab	Khwezai	Against newly created post
21	Daftar Khan S/O Muhammad Akbar	CS Kung	GPS Abdul Kore	Khwezai	Against Vacant Post
22	Zahir S/O Bashir	CS Khanjar Killi	GPS Chamarkand	Halimzai	Against Vacant Post
23	Jamil Shah S/O Hakim Khan	CS Khang Baig Fazle Manan	GPS Masti Kore Gulab	Khwezai	Against newly created post
24	Hazrat Shah S/O Sahib Jamal	CS Ijazat	GPS Shamsher	Khwezai	Against Vacant Post
25	Sajjad S/O Khanzad Gul	CS Nazar Kore	GPS Gat Warsak	Khwezai	Against Vacant Post
26	Gul Nabi S/O Lal Said	CS Soor Dagi	GPS Zanawar Cheena Gul Said	Khwezai	Against newly created post
27	Bakht Zada S/O Shahzada	CS Bahlola	GPS Yousaf Baba	Prang Ghar	Against newly created post
28	Bacha Hassan S/O Ibrahim Shah	CS Faiz Ali	GPS Kharai Dara	Halimzai	Against Vacant Post
29	Sajid Ali S/O Tawas Khan	CS Faiz Ali	GPS Bacha Kandao	Halimzai	Against Vacant Post
30	Ifikhar Khan S/O Bahadar Khan	CS Shawal	GPS Gul Rahman	Baizai	Against Vacant Post
31	Anwar Khan S/O Habib Khan	CS Gul Rahman	GPS Yaqoob Khanzadgan	Khwezai	Against Vacant Post
32	Murad Ali S/O Akhtar Jan	CS Samghakhi	GPS Ghanam Shah	Khwezai	Against Vacant Post
33	Arif Shah S/O Rahil Shah	CS Samghakhi	GPS Anrai Kore	Ekka Ghund	Against Vacant Post
34	Abdullah Shah S/O Hussain Shah	CS Masti Kore Nusaib Khan	GPS Pai Khan	Ekka Ghund	Against Vacant Post
35	Ajmal Khan S/O Pir Ghulam	CS Ghairdand	GPS Uchko Suran	Baizai	Against Vacant Post
36	Abidullah S/O Ghulam Muhammad	CS Rahman Gul	GPS Suran	Khwezai	Against Vacant Post
37	Taj Muhammad S/O Sheikh Muhammad	CS Karkana	GPS Karkana	Prang Ghar	Against newly created post
38	Amin Khan S/O Rawesh Khan	CS Sikandar	GPS Selai Dawa Jan	Khwezai	Against Vacant Post
39	Murad Ali S/O Muhammad Ali	CS Shamir Khan Abad	GPS Taraki Fangi	Halimzai	Against Vacant Post

16

40	Gulzar S/O Khan Said	CS Soor Dagi	GPS Bahi Dag	Khwezai	Against newly created post
41	Janat Gul S/O Zuifan Khan	CS Ghair Dand	GPS Bakhmal Shah	Halimzai	Against Vacant Post
42	Anwar Shamim S/O Ahmad Gul	CS Kuzo Kas	GPS Lakhkar Killi Faiz Ali	Khwezai	Against Vacant Post
43	Faridullah S/O Zazif Khan	CS Kankar Killi	GPS Olai Ambar	Baizai	Against Vacant Post
44	Muhammad Shafiq S/O Karim Khan	CS Manzari Cheena Malang	GPS Shati Miana	Baizai	Against Vacant Post
45	Azmat Gul S/O Rahat Gul	CS Nazar Kore Aslam	GPS Shamsheer Sra Khwa	Halimzai	Against Vacant Post
46	Niqab Khan S/O Khan Sharif	CS Kung Sabzali	GPS Had Kore Ambar	Khwezai	Against Vacant Post
47	Shahid Nasim S/O Muhammad Halim	CS Zoor Killi Aflatoon	GPS Yaqoob Khanzadgan	Halimzai	Against Vacant Post
48	Amir Khan S/O Hamid Khan	CS Dag Qilla	GPS Gumbati Ambar	Halimzai	Against Vacant Post
49	Nasira D/O Akhtar Gul	FCS Ucha Joura Rawesh	GGPS Kung Farmanullah	Baizai	Against newly created post
50	Nighat Bano D/O Jehan Zeb	FCS Samghakhi	GGPS Baghi Shah	Safi	Against newly created post
51	Falooda D/O Gul Zada	FCS Kuzo Kas	GGPS Kuzo Kas	Baizai	Against newly created post
52	Aisha Bibi D/O Ahmad Jan	FCS Umar Khel Suliman	GGPS Baghi Shah	Safi	Against newly created post

(SAID MUHAMMAD)

Agency Education Officer


Mohmand Agency at Ghallanai.

Endst No. 14047-58 /Project/ Appointment

Dated 30/8 /2013

Copy of the above is forwarded to the:-

1. PA to Secretary to Governor KPK, Peshawar.
2. Director of Education FATA, K.P.K, Peshawar.
3. Political Agent Mohmand Agency.
4. Agency Accounts Officer Mohmand Agency at Ghallanai.
5. AEOs concerned.
6. Accountant local office.
7. Teachers concerned.


Agency Education Officer
Mohmand Agency at Ghallanai

To, The Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Through: The Director Education Marged Areas
Khyber Pakhtunkhwa Old Fata Secretariat
Warsak Road Peshawar.

Subject; - **DEPARTMENTAL APPEAL FOR COUNTING PREVIOUS SERVICE OF THE APPLICANT TOWARDS PENSIONARY BENEFITS REGARDING PAST SERVICE OF THE APPLICANT.**

Respected Sir,

My humble submission are as under.

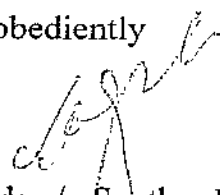
1. That the applicant was initially appointed as PST Teacher in the project Community School Teachers in the years 2003 and 2007.
2. That due to complaints by the local people of the area in many Tribal Districts that various community (s) schools were closed in the years 2010 but reopened all the closed school by the directions of the then ACS Fata Secretariat.
3. That in the meantime the worthy Governor Khyber Pakhtunkhwa in the capacity of the competent authority vide notification dated 11/05/2012 a policy/guidelines for accommodating the Community School Teachers against the available regular post. It is also worth to mention here that in various Community Schools Teachers were readjusted/ reappointed against their post in the years 2011.
4. That the vide notification dated 30/08/2013 the applicant has been regularized W.e. from 01/09/2011, science the regular appointment the applicant is performing their duties up to the entries satisfaction of their superiors officers
5. That since the applicant has more than temporary services at their credit which was not counted towards their Pay and Pension which cost huge financial loss to the applicant.
6. That the applicant is legally entitle to the benefits of pervious service towards pay and pension /protection of fixation, further more the applicant has previous service of more than 10 years towards pay and pension protection which is not protected for the purpose of pensionary benefits as averments of the judgments of the august Supreme Court in case reported as 2016 SCMR 1357 Civil Appeal No. 605/2015 Govt of KPK through

- Secretary Agriculture vs Adnan Ullah and others vide judgment dated 18/02/2015.
7. That as per pension rule the temporary and officiating service followed by confirmation / regularization shall be counted towards pension and pay protection as per judgment of the august Supreme Court of Pakistan in another case Civil Appeal 1428/2015 Qayyum Khan Vs Divisional Forest Officer Mardan and others vide judgment dated 25/02/2016.
 8. That in the writ petition No 3221-p/ 2013 the Peshawar high court as directed the respondents department to counted the previous service towards pay and pension protection.
 9. That act of the department for not regularization of service of the applicant from the date of 1st appointment is against the law and judgments of supra court relied upon the relevant para of judgment of the Supreme Court of Pakistan 1996 SCMR 1185 titled Hameed Akhtar Niazi vs The Secretary Establishment Division, Government of Pakistan *"If the Service Tribunal or Supreme Court decides a point of law relating to the terms of Service of a Civil Servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/ Supreme Court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum"*.

It is, therefore, humbly submitted that on acceptance this departmental appeal the applicant previous service may kindly be counted towards pensionary benefits and further to allow full pay protection and pensionary benefits of the past service to the applicant.

Yours obediently

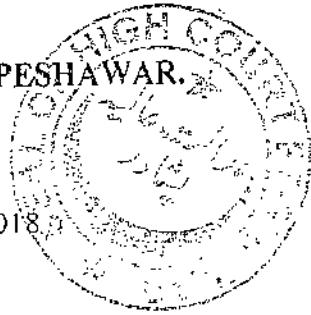
Dated 23/11/2020



Lal Zada s/o Sauthar Khan
Basic Community School Karkana
Tribal District Mohmand Tehsil Prang Ghar
Cell #

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 55857 /2018



1. Mr. Azmat Gul, PST
Government Primary School Ghaliani, District Mohmand.
2. Mr. Khiali Jan, PST,
Government Primary School Zanwarchena, District Mohmand
3. Miss. Shazia Begum, PST,
Government Girls Primary School Mehranban Shah.
4. Miss. Muslima Begum, PST,
Government Girls Primary School Syed Mehmood Jan, District
Mohmand.
5. Miss. Samina, PST,
Government Girls Primary School Autokhel District Mohmand.
6. Tauseen Bano, PST,
Government Girls Primary School, Sultan Khel, District Mohmand.

PETITIONERS

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Additional Chief Secretary (FATA), FATA Secretariat, Warsak Road, Peshawar.
5. The Director Education (FATA), FATA Secretariat, Warsak Road, Peshawar.
6. The District Education Officer District Mohmand at Ghallanai.

RESPONDENTS

FILED TODAY
Deputy Registrar
31 OCT 2018

ATTESTED
EXAMINER
Peshawar High Court

WP55857/2018 Azmat Gul vs Government of Peshawar

20
3

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
AS AMENDED UPTO DATE.**

RESPECTFULLY SHEWETH:

Brief facts giving rise to present petition are as under:-

1. That the petitioners were initially appointed as PST Teacher in the Project Community School Teachers in the year 2003 and 2007. Since the appointment the petitioners are performing their duties upto the entire satisfaction of their superior Officers. Copy of orders are attached as **Annexure-A.**
2. That due to some complaint by the local people of the area in some of the agencies the communities' schools were closed in the year 2010 but reopened by the Fata Secretariat soon. Copies of orders of closer and reopening of the school are attached as **Annexure-B.**
3. That in meantime the worthy Governor Khyber Pakhtunkhwa, in the capacity of the competent authority, notified on 11.05.2012 a policy/guidelines for accommodating the community school teacher against the available regular post. It is also worth to mention here that after the opening Communities schools the petitioners were readjusted / reappointed against their original post in the year 2011. Copies of notification and readjustment order are attached as **Annexure-C & D.**
4. That vide notification dated 30.08.2013 to the petitioners have been regularized w.e.from 01.09.2013. Since the regular appointment the petitioners are continuously performing their duties upto the entire satisfaction of their superiors officers. Copy of regularization order are attached as **Annexure-E.**
5. That since the petitioners have more than temporary services at their credit which was not counted towards their pay and pension protection which cost huge financial loss to the petitioners.

FILED TODAY
Deputy Registrar
31 OCT 2018

ATTESTED
EXAMINER
Peshawar High Court

WP5585-2018-Adm. & Gov. Serv. (S. 199) (19)

21

3

6. That having no other remedy the petitioners are constrained to file the instant main writ petition on the following grounds amongst the others.

GROUND:

- A) That the inaction of the respondents and not counting their previous service of more than 10 years toward pay and pension protection is against the principle of justice fair play equity and equality.
- B) That in summary to the worthy Governor it was admitted by the respondents department that the petitioners have rendered more than 10 years service on contract basis and also Senate Standing Committee recommended the regularization of the petitioners therefore they should be regularized. On the basis of that summary the worthy Governor KPK has issued notification dated 11.05.2012 (Annexure-C), therefore the petitioners are legally entitled to he benefits of previous service towards pay and pension fixation. Copy of Summary is attached as Annexure-F
- C) That as per pension rules the temporary and officiating service followed by confirmation/regularizations will be counted towards pension and pay protection. Copy of the relevant rules is attached as Annexure-G.
- D) That this august Court has already decided writ petition No. 1188-P/2014 and 361-P/2013 wherein the previous service has been ordered to be counted towards pay and pension protection. Copy of Judgment is attached as Annexure-H & I
- E) That even in and other writ petition No. 3221-P/2013 this august Court as directed the respondents to count the previous service towards pay and pension fixation by allowing the writ petition. Copy of Judgment is attached as Annexure-J.
- F) That the petitioners are not treated in accordance with law and rules keeping in view the above referred judgments the petitioners also deserve same treatment under the principle of equity and equality and consistency.
- G) That the inaction and not counting the previous service of the petitioners toward pay and pension fixation protection, is against the principle of Article-2A, 9, 25 and 38 of the Constitution.

That the petitioner seeks permission to advance other grounds and proofs at the time hearing.

FILED TODAY

Deputy Registrar

31 OCT 2018

ATTESTED

EXAMINER
Peshawar High Court

WP5525-2014- Azmat Gul VS Govt Kp, Full PG 05

(22)

It is, therefore, most humbly prayed that on acceptance of this writ petition the inaction on the part of respondents and not counting the previous service of the petitioners towards pay protection and pensionary benefit may be declared as illegal unconstitutional arbitrary and exploitation of the past good service of the petitioners. The respondents may further please be directed to allow full pay protection and pensionary benefit of the past service to the petitioners to meet the ends of justice, principles of equity and by treating them at par with the petitioners of the above referred writ petitions. Any other remedy which this august court deems appropriate may also be awarded in favour of petitioners.

A. S. Gul
PETITIONER

Azmat Gul and others.

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT.
OF PAKISTAN.

VERIFICATION:

It is verified that no other Writ Petition earlier has been filed between the present parties, except the present one.

A. S. Gul
DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Any other case law as per need.

NOTE: Prior Notice along with the copies of the Writ Petition has already been given to the respondents as per amended High Court's Rules dated. 23.02.2016

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,

FILED TODAY
Deputy Registrar
31 OCT 2018

M. Asif Yousafzai
CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
the Quran-e-Shahadat Order 1984

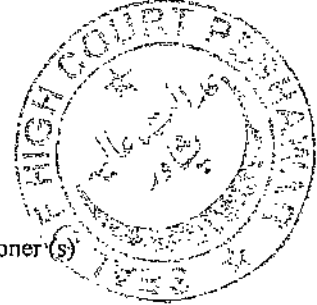
07 JAN 2020

(23)

IN THE PESHAWAR HIGH COURT,
PESHAWAR,
[Judicial Department].

Writ Petition No.5585-P/2018

Azmat Gul, PST and others.



Petitioner(s)

VERSUS

Government of Khyber Pakhtunkhwa,
through Chief Secretary and others.

Respondents

For Petitioner :- Mr. M. Asif Yousafzai, Advocate
For Respondents :- Mr. Arshad Ahmad, AAG.

Date of hearing: 04.09.2019

JUDGMENT

ROOH-UL-AMIN KHAN, J:- By invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, Azmat Gul and five others, the petitioners, who are PST Teachers in the respondents' department, seek issuance of the following writ:-

"It is, therefore, most humbly prayed that on acceptance of this writ petition the inaction on the part of the respondents and not counting the previous service of the petitioners towards pay protection and pensionary benefit may be declared as illegal, unconstitutional, arbitrary and exploitation of the past good service of the petitioners. The respondents may further be directed to allow full pay protection and pensionary benefit of the past service to the petitioners to meet the ends of justice, principles of equity and by

Handwritten signature

ATTESTED

EXAMINER
Peshawar High Court

treating them at par with the petitioners of the above referred writ petitions. Any other remedy which this august court deems appropriate may also be awarded in favour of the petitioners."

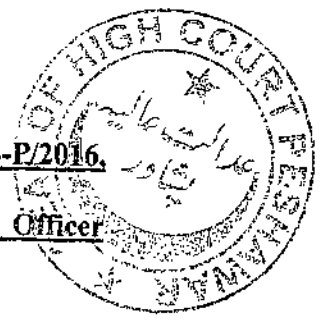
2. In the writ petition, the petitioners have alleged that initially they were appointed as Primary School Teachers in the Project Communities Schools in the year 2003 and 2007, but the said schools were closed in the year 2010. In the meanwhile, the Governor Khyber Pakhtunkhwa vide notification dated 11.05.2012, accommodated the petitioners by re-adjusting/appointing them against the substantive posts. The services of the petitioners were regularized w.e.f. 01.09.2013. Grievance of the petitioners is that the respondents have refused to count their 10 years temporary service towards their regular service for the purpose of pension, hence, this writ petition.

3. At the very outset learned counsel for the petitioners stated at the bar that at the time of retirement, the petitioners had been declared as civil servants, therefore, requested that instead of dismissing the instant writ petition due to bar under Article 212 of the Constitution on the jurisdiction of this Court in the matter involved in the instant case, if the same is treated as departmental appeal on behalf of the petitioners and sent to the respondents for decision in light of the guidelines laid down by Larger Bench of this court in the judgment dated

Mohd Sami

ATTESTED
EXAMINER
Peshawar High Court

25



22.06.2017, rendered in Writ Petition No.3394-P/2016,
titled, "Amir Zeb etc vs the District Account Officer
Nowshera and others".

4. In view of the above, we treat this writ petition as departmental appeal on behalf of the petitioners and transmit the same to the respondents for consideration and decision strictly in accordance with the Civil Servants Pension Rules 1963 as well as the guidelines laid down by the Larger Bench of this court in its judgment dated 22.06.2017, rendered in Writ Petition No.3394-P/2016, titled, "Amir Zeb etc vs the District Account Officer Nowshera and others".

Announced:
04.09.2019
Sraij Afridi P.S.

Rooh Amin Khan
JUDGE
JUDGE

DB of Hon'ble Mr. Justice Rooh-ul-Amin Khan and Hon'ble Mr. Justice Ahmed Ali

No. 20655
Date of Presentation of Application 06/1/2020
No of Pages 16-2
Copying fee 54
Total 1
Date of Preparation of Copy 07/1/2020
Date of Delivery of copy 07/1/2020
Received By akul
PC

Sherif
CERTIFIED TO BE TRUE COPY
EXAMINER
High Court, Peshawar
Under Article 87 of
The Constitution Order 1984
06 JAN 2020

26



10

SUMMARY FOR GOVERNOR, KHAYBER PAKHTUNKHWA

Subject: RECRUITMENT OF COMMUNITY SCHOOL TEACHERS
AGAINST REGULAR POSTS IN FATA

1. In order to raise literacy level in FATA and make the education available at the doorstep, the project of opening community schools was launched under FATA Annual Developmental Program in 1998. During 1998-2010, 956 Community Schools were opened throughout FATA wherein 1912 teachers (02 per school) were appointed on contract basis.

2. After receiving reports about the non-functional community schools in FATA, the community schools project was closed and the services of teaching/non-teaching staff working in these schools were terminated with effect from 01.01.2011.

3. However, on the persistent demand of Teachers Associations and local elders, the FATA Secretariat constituted scrutiny committees under the chairmanship of Political Agents/Additional Political Agents in each Agency/FR to verify the status of closed community schools in FATA and to recommend reopening of only functional community schools. A scheme at each Agency/FR level was included in ADP 2011-12. Based on the recommendation of prescribed committees, 742 community schools were reopened throughout FATA, and teachers working in those functional community schools were reappointed on contract basis (Agency wise list of reopened functional community schools is attached at F/A).

4. It is worth mentioning that the community school teachers in FATA have rendered more than 10 years service on contract basis and have lodged repeated appeals and protests mentioned in the Newspapers for regularization of their services (F/R).

5. In addition, the National Assembly / Senate Standing Committees for States and Frontier Regions have also recommended the regularization of the services of community school teachers in their meetings held 23.12.2011 and 03.3.2012 in Parliament House, Islamabad (F/C & F/D).

Attested

SUMMARY FOR GOVERNOR KHYBER PAKHTUNKHWA

Subject: RECRUITMENT OF COMMUNITY SCHOOL TEACHERS AGAINST REGULAR POSTS IN FATA.

In order to raise literacy level in FATA and make the education available at the doorstep, the project of opening community schools was launched under FATA Annual Development Program in 1998. During 1998-2010, 956 Community Schools were opened throughout FATA wherein 1912 teachers (02 per school) were appointed on contract basis.

2. After receiving reports about the non-functional community schools in FATA, the community schools project was closed and the services of teaching/non-teaching staff working in these schools were terminated with effect from 01.01.2011.

3. However, on the persistent demand of Teachers Associations and local elders, the FATA Secretariat constituted scrutiny committees under the chairmanship of Political Agents/Additional Political Agents in each Agency/FR to verify the status of closed community schools in FATA and to recommend reporting of only functional community schools. A scheme at each agency/FR level was included in ADP 2011-12. Based on the recommendation of prescribed committees, 742 community schools were reopened throughout FATA, and teachers working in those functional community schools were reappointed on contract basis (Agency wise list of reopened functional community schools is attached at F/A).

4. It is worth mentioning that the community school teachers in FATA rendered more than 10 years service on contract basis and have lodged repeated appeals and protests mentioned in the Newspaper for regularization of their services F/B.

5. In addition, the National Assembly / Senate Standing Committees for States and Frontier Regions have also recommended the regularization of the services of community school teachers in their meetings held 23.12.2013 and 9.3.2012 in Parliament House, Islamabad (F/C & F/D)

Attested



Keeping in view their long teaching experience and services rendered for promotion of literacy in FATA, it is proposed that:

(i). The functional community schools as per Agency/FR wise break up given at F/A, may be shifted from project (Dev) side to current budget and the teachers working in these schools reappointed on regular basis.

OR

(ii). All the community school teachers may be considered for appointment against regular posts in phased manner. The existing 293 regular vacant posts created in the newly constructed Primary/Middle schools in FATA will be filled up on merit basis from amongst the community school teachers and no fresh candidates considered for recruitment till all the community school teachers are absorbed against regular posts in FATA. This entails that the community schools would be closed down & teachers would shift to constructed schools, not necessarily in the same location. The respective community schools students then shifted to nearby regular schools and the schools considered as closed on Development side. No further recruitment of community school teachers will be made.

7. Either of the proposals contained in Para-06/N is submitted for approval of the Governor, Khyber Pakhtunkhwa, please.

Ali Nawaz
Secretary Social Sectors, FATA

18/4/12

Secretary Finance, FATA

Addl: Chief Secretary, FATA

Secretary to Governor

CHAPTER - II

SERVICE QUALIFYING FOR PENSION

removed from the allowance which would be due of such

Service Act, 1973

2.1 Conditions of Qualifications - The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions: -

First - The Service must be under Government.

Second - the service must not be Non-pensionable.

Third - the service must be paid by Government from the Provincial Consolidated Fund.

Note - (1) For the previous service of displaced Government servants which qualifies for pension see Chapter - VII.

Note - (2) Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity.

2.2 Beginning of service - Subject to any special rules the service of Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

2.3 Temporary and officiating service - Temporary and officiating service shall count for pension as indicated below:

(i) Government servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and

(ii) Temporary and officiating service followed by confirmation shall also count for pension or gratuity.

2.4 Service in a temporary post on abolition of a permanent post - If a permanent post, on which a Government servant holds a lien, is abolished under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post under Government qualifies for pension.

Note (1) and (2) Substituted vide notification No. SO(SR) V-913765 Dated 6th May, 1965

See Section 26(1)(b) of the Act

(WAZIR MUHAMMAD AFGAR)
SECTION OFFICER (SR.II)

Attested

SUMMARY FOR GOVERNOR KHYBER PAKHTUNKHWA

2.1 **Conditions of Qualifications-** The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions:-

- First: - The Service must be under Government.
- Second: - The service must not be Non-pensionable.
- Third: - The service must be paid by Government from the Provincial Consolidated Fund.
- Note_(1) For the previous service of displaced Government servants which qualifies for pension see chapter-VII.
- Note_(2) Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity.

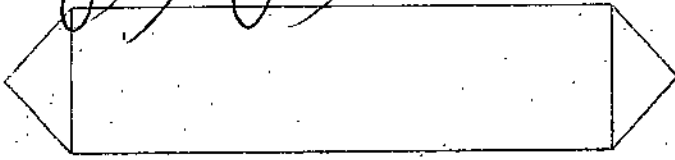
2.2 **Beginning of Service** Subject to any special rules the service of Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

2.3 **Temporary and officiating service:-** Temporary and officiating service shall count for pension as indicated below:-

- (i) Government servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- (ii) Temporary and officiating service followed by confirmation shall also count for pension or gratuity.

2.4 **Service in a temporary post on abolition of permanent post** if a permanent post, on which a Government holds a lien, is abolished under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post under Government qualifies for pension.

~~Attested~~



2 جناب
بنام
انجمن

لعل داؤد

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام مسامحہ کیلئے ۱۲ و ۱۳

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

20

ماہ ۵

۱۹

المرقوم

العہدہ
مقام
کے لئے منظور ہے۔

پیشا
[Signature]

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

Appeal No. 4679 to 4681 of 20 20
Lal Zada & 2 others Appellant/Petitioner

Versus

through chief Secy Peshawar Respondent
Respondent No. 5

Recd

Notice to: —

The Distt. Education Officer, Distt. Mohmand ad Ghalan

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....28/7/2020.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....11/6.....

Day of.....June.....20 20


Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR. 573

No.

Appell No. 4679 to 4681 of 20 20
Lal Zada & Others Appellant/Petitioner

Through Chief *Seyy* Peshawar *versus* Respondent
1

Respondent No.
Through Chief Secretary
Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellat/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 11/15

Given under my hand and the seal of this Court, at Peshawar this.....
Day of..... June 20 20

[Signature]
ISS. T. CH
CH. ARY
Govt. Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

S.B

Appeal No. 4679 to 4681 of 20 20

Lail Zada & others Appellant/Petitioner

through Chief Secy Peshawar Respondent
Respondent No. 3

Notice to:

The Secretary Finance Deptt.
Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20/7/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 11/6/20

Day of June 20 20

Secretary
Khyber Pakhtunkhwa
Dirry No.
Date

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No:..... 4679 to 4681 of 20 20

Lal Zada & @ others.....Appellant/Petitioner

Versus

through Chief Secy Peshawar.....Respondent

Respondent No..... 2

Notice to: —

The Secretary Education Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 23/7/2020.....at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 11/6.....

Day of..... June.....20 20



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

S/B

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

S.B

Appeal No. 4679 to 4681 of 20 20

Lal Zada & Others Appellant/Petitioner

Versus

through Chief Secy Peshawar Respondent

Respondent No. 4

The Director Education (Merged Area)
Peshawar.

Notice to: 12/6/20

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 28/7/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

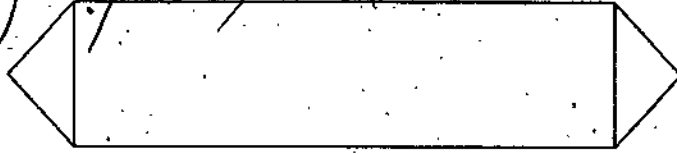
Given under my hand and the seal of this Court, at Peshawar this 11/6

Day of June 20 20


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

بعدالت KP سروس (3) میں سہ ماہی



2 منجانب
بنام

Lal Zade
vs
Edu Dept

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام سہ ماہی کیلئے محض سہ ماہی کے لئے مندرجہ ذیل

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

20

ماہ ۵

المرقوم

الع د گ واء الع د

مقام
سہ ماہی کے لئے منظور ہے۔
A. D.