

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
KFST
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

Reader

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 07/09/22 for the date fixed 12/09/22.

27.05.2021

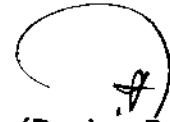
Appellant present through counsel.

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.

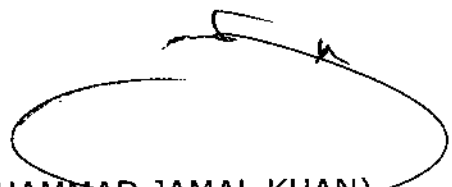


Reader.

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.

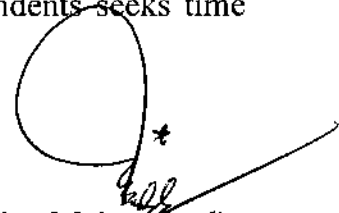

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

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.

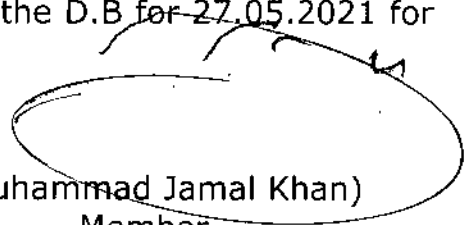
Adjourned to 23.02.2021 before S.B.


(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. 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.

Appellant Deposited
Security & Process Fee

10/6/20


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.- 4681 /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. Bakht 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. Bakht Zada S/O Shahzada 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. 1158 /S.T,

DT. 20-05 /2020


Registrar
Service Tribunal
Khyber Pakhtunkhwa
Peshawar.

Mr. Hamad Hussain Adv. Pesh.

Resubmitted the instant
appeal after removal
of objection
on 21/5/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. UG 81 /2020

Bakht Zada S/o Shahzada, PST, GPS Dewo Derai, District Mohmand.
.....Appellant

Verses

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


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| 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 judgment similar is | I | |
| 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. 4681/2020

Bakht Zada S/o Shahzada, PST, GPS Dewo Derai, 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 Mohamand 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 HonourableService 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 departmentthat 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 the 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 Niazivs 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

(1)

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

Bakht

Appellant

Through

(Hamad Hussain)
(HAMAD HUSSAIN)

And

ARSHAD SAFI

Advocates High Court Peshawar

03120952763

AFFIDAVIT

I, Bakht Zada S/o Shahzada, PST, GPS Dewo Derai, 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.

Bakht

Deponent

(5)

OFFICE OF THE AGENCY EDUCATION OFFICER, MOHMAND AGENCY AT GHALLANAI

APPOINTMENT ORDER:-

Consequent upon the approval of the Political Agent Mohmand Agency at Ghallanai, 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 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 Behlola (Lower Mohmand) | Against newly Created Post (ADP No.259) |
| 2 | Jan Nisar S/O Sher Zamin | =do= | =do= |
| 3 | Eal Zada S/O Sautar Khan | C.S Kurkani (Lower Mohmand) | =do= |
| 4 | Imr Mulla S/O Sheikh Mulla | =do= | =do= |
| 5 | Zakia D/O Sher Qadir | FCS Chaugul Anbar (Lower Mohmand) | =do= |
| 6 | Nagina D/O Mullah Shah | =do= | =do= |
| 7 | Hikmat Ullah S/O Abdul Rahim | C.S Sheikh Baba (Upper Mulla) | =do= |
| 8 | Sanoor S/O Sarkat Khan | =do= | =do= |
| 9 | Nizakat D/O Rashid Gul | FCS Wali Jan (Upper Mohmand) | =do= |
| 10 | Nagina Begum D/O Nazir Mulla | =do= | =do= |
| 11 | Nazma Anwar D/O Mulla Anwar | FCS Qala Gai | =do= |
| 12 | Rohina-Rahman D/O Altaf Rahman | =do= | =do= |
| 13 | Mutida D/O Asmat Ullah | FCS Chinari (Upper Mohmand) | =do= |
| 14 | Nighat Yasmeen D/O Sher Qadir | =do= | =do= |
| 15 | Shahnoor Gul D/O Saz Gul | FCS Jarobi (Baizai area) | =do= |
| 16 | Mareena D/O Shamroz Khan | =do= | =do= |
| 17 | Wajida D/O Fazli Elahi | FCS Shamsai (Baizai area) | =do= |
| 18 | Nadia D/O Ghatayat | =do= | =do= |
| 19 | Khatoun D/O Rabnawaz | FCS Shamsai (H/Umar Khan) (Baizai area) | =do= |
| 20 | Azra D/O Nihar Khan | =do= | =do= |
| 21 | Munhaj D/O Awais Mir | FCS Kuda Khel (Baizai) | =do= |
| 22 | Ruqia D/O Mulla Fazil | =do= | =do= |
| 23 | Ghazala D/O Sher Afsar | FCS Ucha Jewara (Khwaizai area) | =do= |
| 24 | Shaguffa D/O Karim Baksh | =do= | =do= |
| 25 | Falak Naz D/O Masal Khan | FCS kung Khwaizai | =do= |
| 26 | Farzana D/O yousaf Khan | =do= | =do= |
| 27 | Mulla Ishaq S/O Abdur Rahman | C.S Sheikhhan Baizai | do not of 55 Community School |
| 28 | Hikhar Alam S/O Alam Khan | =do= | =do= |
| 29 | Mulla Ishaq S/O Gul Said | C.S Shawal Kuda Khel Baizai | =do= |
| 30 | Hikhar S/O Bahadar Khan | =do= | =do= |
| 31 | Hyat Mulla S/O Toor Mulla | C.S Olai Baizai | =do= |
| 32 | Dilawar S/O Hakim Khan | =do= | =do= |
| 33 | Adil Shah S/O Gul Shah | C.S Jarobi Fazal | =do= |
| 34 | Nasir Khan S/O Abdur Rahman | C.S Sana Khel Shandara | =do= |
| 35 | Mulla 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 Ingar Jarobi | =do= |
| 38 | Qasim Shah S/O Ali Gul | C.S Main Khel (Istari Bad Shah) | =do= |
| 39 | Khurshid Begum D/O Anwar Khan | FCS Spinki Tangi | Newly Created Post ADP No.259 |
| 40 | Uzaira D/O Mulla Zamin | =do= | =do= |
| 41 | Shahzai Qamar D/O Mulla Qamar | FCS Manzari Cherna | =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 or 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.

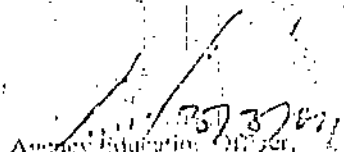
(H. Gul Balochan)

Agency Education Officer,
Mohmand Agency at Ghallanai.

Final No. 12280-10/APPN/C/S Dated. 03/03/2014

Copy of the above is forwarded to the:-

- 1) Director of Education (D.E.T.A) 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) AAEo (Male/Female) Concerned.
- 9) Head Mistress UCHS 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.E | 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 Misalkhenn | 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 | IfthikharAlam s/o Alam khan | Do | Do |
| 29 | MuhdIshfaq s/o Gul Said | CS shawalkudakhelBaizai | Do |
| 30 | Ifthikhar 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 AnarGUIPayan | 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 & CONDICATIONS

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

6

7

FATA SECRETARIAT
 DIRECTORATE OF EDUCATION
 FEDERAL TERRITORY OF PUNJAB, PESHAWAR
 PHONE: 031-251364, FAX: 031-251365
 H.O. 05/2-87
 GALL. PATH: C-13/11/2010

Attention: Education Officers

CLOSURE OF ALL COMMUNIT. 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 employees of these schools should be given a 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. In this matter, the usual policy of the regular vacant posts be followed in the recruitment process computed as per the order of merit of priority.

[Signature]
 Director (E&M)

- 1. All Districts
- 2. Aditi Chit Secretariat FATA
- 3. Secretary to Govt. Punjab, Peshawar
- 4. Secretary AGC, FATA Peshawar
- 5. Secretary P&D, FATA Peshawar
- 6. Secretary Law & Crim. FATA Peshawar
- 7. All Political Agencies FATA
- 8. District Commissioner, Peshawar, Kohat, Bumbal, Lakki, Tank, D.I. Khan.
- 9. AGPR Sub Office Peshawar
- 10-26. All Agency Accountants Peshawar
- 27-32. District Accounts Officers Kohat, Mardan, Lakki, Tank, D.I. Khan.
- 33. P.A to Director Education FATA.

Director (T&M)

Attested

(7)

Better Copy Page No. 12

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



DIRECTORATE OF EDUCATION
FATA SECRETARIAT

No. 6457-991

Date Pesh: 12 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.


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 D.I 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)

(JA)

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

F1436 P 0017/001



FATA SECRETARIAT
Social Sectors Department
Warsak Road Peshawar

Attention
جواب دے

Handwritten marks and a circular stamp.

Notification

No. SO(E)/SSD/CSTR/09-105/ 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

Indst 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 Officer in FATA.
8. AS to Addition / Chief Secretary FATA Peshawar.
9. AS to Secretary Social Sectors Department, FATA Secretariat, Peshawar.
10. AS to Secretary I.D. FATA Sub. Kohat, Peshawar.

Azhar
Section Officer (Edu) SSD
FATA Secretariat, Peshawar

Attested

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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

13

OFFICE OF THE AGENCY EDUCATION OFFICER
MOHMAND AGENCY AT GHALLANAI
P.NO.0924290180 FAX:0924250180
NO. _____ DATED Ghallanai _____ / _____ / 2013.

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 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 Dastgir | Khwazai Baizai | 1. Anwar Shamim 2. Sameer Ahmad | |
| 5 | BCS Siraj SanghaKhi | Khwazai Baizai | 1. Araf Khan 2. Aurad Ali | |
| 6 | BCS Kung Sabzali Jalal Kore | Khwazai Baizai | 1. Mikram 2. Nigab | |
| 7 | BCS Soor Dagi | Khwazai Baizai | 1. Gul Nabil 2. Gul Zar | |
| 8 | BCS Ucha Jura Naik Mohd | Khwazai Baizai | 1. Aslam Khan 2. Ali Akbar | |
| 9 | BCS Awishni Kore Hunar Jan | Khwazai Baizai | 1. Raz Muhammad 2. Saz Muhammad | |
| 10 | BCS Khusha Kore Karamat Gul | Khwazai Baizai | 1. Anwar Khan 2. Abidullah | |
| 11 | BCS Khan Bag Fozia Mawan | Khwazai Baizai | 1. Jamil Shah 2. Sartaj | |
| 12 | BCS Khan Bag Gul | Khwazai Baizai | 1. Khanadin 2. Hazrat Shah | |
| 13 | BCS Kung Mehrao Gul | Khwazai Baizai | 1. Daltar Khan 2. Sultan Muhammad | |
| 14 | BCS Shamir Khan Abad | Khwazai Baizai | 1. Fazle Dayan 2. Dawood Shah | |
| 15 | BCS Koda Khe, Kheirband. | Khwazai Baizai | 1. Naseer Khan 2. Hisadad | |
| 16 | BCS Koda Khe, Matana | Khwazai Baizai | 1. Muhammad Idress 2. Muhammad Saadiq | |
| 17 | BCS Toora Khwa Sherin | Khwazai Baizai | 1. Mustafa Khan 2. Muhammad Raz | |
| 18 | BCS Manzari Cheena Makong | Khwazai Baizai | 1. Muhammad Ishaq 2. Muhammad Shah | |
| 19 | BCS Masti Kore Musaf Khan | Khwazai Baizai | 1. Abdoullah Shah 2. Niaz Muhammad | |
| 20 | BCS Masti Kore Shawal | Khwazai Baizai | 1. Muhammad Ishaq 2. Iftikhar | |

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 Ohar | 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~~

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| | | | |
|----|-----------------------------|----------------|--------------------------------------|
| | BCS Atam Killi (Malik Sher) | Khwazai Baizai | 1. Adif Shah 2. Fazia Subhan |
| 2 | BCS Koda Khel Dag Qalin | Khwazai Baizai | 1. Amir Khan 2. Saqi Khan |
| 22 | BCS Khanjar Killi | Khwazai Baizai | 1. Irfanullah 2. Zahir |
| 24 | BCS Baidmanai 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 Killi Faiz Ali | Khwazai Baizai | 1. Bacha Hassan 2. Abdul Malik |
| 27 | BCS Zoor Killi Aflatoon | Khwazai Baizai | 1. Ghulam Said 2. Shahid Naseem |
| 28 | BCS Gul Wali Lakhkar Killi | 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 Nazar |
| 33 | BCS Spinki Tangi Nader | Khwazai Baizai | 1. Muhammad Naseer 2. Khal Jan |
| 34 | BCS Gultar | Khwazai Baizai | 1. Muhammad Ilyas 2. Ijaz Ali |
| 35 | FCS Khra Shah | Prang Ghar | 1. Saliha taj 2. Bushra Begum |
| 36 | FCS Meva Shah | Prang Ghar | 1. Shamim Begum 2. Wasakat |
| 37 | FCS Navi Dhand | Prang Ghar | 1. Farah Naz 2. Roshan Bibi |
| 38 | FCS Suliman Umar Khel | Prang Ghar | 1. Aisha Bibi 2. Muslimia Begum |
| 39 | FCS Noor Sadiq | Prang Ghar | 1. Shahida 2. Palwasha |
| 40 | FCS Ali Raza | Ekka Ghund | 1. Nizakat 2. Rodifa |
| 41 | FCS Bahi Kor | Ekka Ghund | 1. Fauzia Nourcen 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. Rukhshanda |
| 45 | FCS Bakare Shah | Ghallanai | 1. Nighat 2. Rukhsana |
| 46 | FCS Umar Khitab | Ghallanai | 1. Samina 2. Nageen Begum |
| 47 | FCA Abdur Rahim Ato Kha | Ghallanai | 1. Shagufta Nawaz 2. Shazia Qamar |
| 48 | FCS Baghi Shah | Ghallanai | 1. Fatima 2. Najma Naeem |
| 49 | FCS Mata Kor | Ghallanai | 1. Shazia 2. Sadaqat Begum |
| 50 | FCS Shaheed Banda M/Tajmir | Pandiiali | 1. Ghazala Bibi 2. Nusrat Shaheen |

Attested

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|----|--|----------------|-------------------------------------|
| | FCS Ahmadi Kore M.Bohran | Pandioli | 1. Shereen Gul 2. Rabia |
| 52 | FCS Yakh Dand Tamanzai Hussain Mehmood | Pandioli | 1. Mareena 2. Rozi Gul |
| 53 | FCS Yakh Dand Tamanzai | Pandioli | 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 Nair |
| 57 | FCS Fazle Akbar | Safi | 1. Ghazal 2. Kharoman |
| 58 | FCS Abdullah Jan | Safi | 1. Nadia 2. Shamim Gul |
| 59 | FCS Kuzu Kas Sher Zada | Khwazai Baizai | 1. Falak Naz 2. Falooda |
| 60 | FCS Prangan Aslam | Khwazai Baizai | 1. Tahira Begum 2. Seena Gul |
| 61 | FCS Abe Kor | Khwazai Baizai | 1. Shaista 2. Dushra |
| 62 | FCS Jalal Kore Farmanullah | Khwazai Baizai | 1. Farzana 2. Shazia |
| 63 | FCS Ucha Jaura Pawesh | Khwazai Baizai | 1. Tausheen 2. Nadia |
| 64 | FCS Samghakhi | Khwazai Baizai | 1. Nighat Bano 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 Kishi | 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 minimum 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/ir. Concerned cluster incharge, in case any one fails in submission of arrival report in the concerned school on or 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/ir 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 within 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.

Endst.No. 6046-5119 / Dated Ghallanai the 09/12/2011.
Copy Forwarded to the:-

- 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.

Attestation

[Signature]
Agency Education Officer,

13

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.16343-49, 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 | Abdul 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 |

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| | | | | | |
|----|-----------------------------------|---------------------------|------------------------------|------------|--------------------------------------|
| 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 Kanakar Killi | GPS Shewa Kash | 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 Khel Atmar | 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 Shamsheer | 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 vacant |
| 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 | Iftikhar 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 Amrai 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 Tangi | Halimzai | Against Vacant Post |

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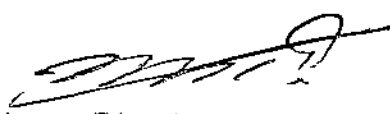
| | | | | | |
|----|---------------------------------|--------------------------|----------------------------|----------|----------------------------|
| 40 | Gulzar S/O Khan Said | CS Soor Dagi | GPS Bahi Dag | Khwezai | Against newly created post |
| 41 | Janat Gul S/O Zuifan Khan | CS Ghair Dand | 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 Shamsher 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 Qiila | 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/I 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 |

Endst No. 14047-59 Project/ Appointment

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. AAEOs concerned.
6. Accountant local office.
7. Teachers concerned.

(SAID MUHAMMAD)
Agency Education Officer
Mohmand Agency at Ghallanai.
Dated 30/8 /2013


Agency Education Officer
Mohmand Agency at Ghallanai

To, The Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

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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

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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 Divsional 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

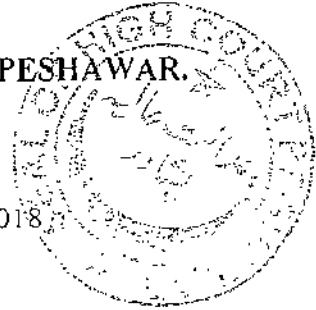
Dated 25/01/2020



Bakht Zada S/o Shahzada
Basic Community School Balola
Tribal District Mohmand Tehsil Prang Ghar
Cell #

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 5585P /2018



1. Mr. Azmat Gul, PST
Government Primary School Ghallani, 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 Mahmood 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

WP5585/2018 ADMICR/2018/10/10/10

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(C)

**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

WP5085-2018- ADMIRAL GUPTA vs. STATE OF PUNJAB

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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 be 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.

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Deputy Registrar

31 OCT 2018

ATTESTED

EXAMINER
Peshawar High Court

WP/2018-2019- Azmat Gul VS Govt of F.P. (16)

22

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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
Authorised Under Article 67 of
The Qanun-e-Shahadat Order 1984

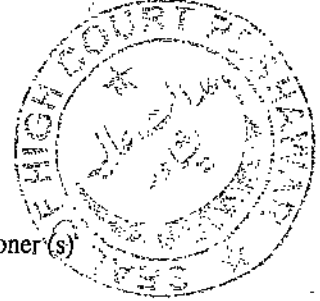
07 JAN 2020

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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: Rooh-ul-Amin Khan

ATTESTED

EXAMINER
Peshawar High Court

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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

Learned Counsel

ATTESTED
EXAMINER
Peshawar High Court

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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
Sraaj Afridi P.S.

Loon S...
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 16-17
Copying fee 500/-
Total 500/-
Date of Preparation of Copy 07/1/2020
Date of Delivery of copy 07/1/2020
Received By PC

CERTIFIED TO BE TRUE COPY

EXAMINER
High Court, Faisalabad
Under Article 8.7 of
The Qanun-e-Shahadat Order 1984

06 JAN 2020

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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 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 these 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/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 23.12.2011 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.**

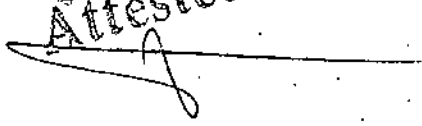
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3. However, on the persistent demand of Teachers Associations and local elders, the FATA Secretariat constituted scrutiny committees under the chairmanship of Political Agents/Additional Political Agents in each Agency/FR to verify the status of closed 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
ation 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.

Ahmad
Secretary Social Sectors, FATA

18/4/12

Secretary Finance, FATA

Addl: Chief Secretary, FATA

Secretary to Governor

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moved from
the allowance
which would
be due of such

Servants Act, 1973

CHAPTER - II

SERVICE QUALIFYING FOR PENSION

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 or 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 in 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-915/65 Dated 6th May, 1965

See sub-section 2.3 (b) Council

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

Attested

(30)

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.

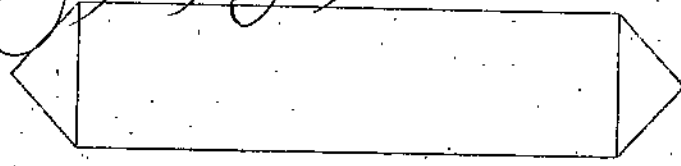
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- (ii) Temporary and officiating service followed by confirmation shall also count for pension or gratuity.

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~~

بعدالت مسر میں سر مو سٹریٹ



مورخہ
مقدمہ
دعویٰ
جرم

2 مخانب
بنام
کو مسٹریٹ

بکٹ ڈاؤن

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام میں سر کے لیے عارضی

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 ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں 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 داخستہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہوگا۔ 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 لکھد یا کہ سندر ہے۔

المرقوم ۱۹ ماہ ۲۰۰۰

العہدہ العہدہ العہدہ

کے لئے منظور ہے۔

حکومت

مقام

بعدالت KP پیروں (پیرسٹل سٹاٹا)



2 منجانب
بنام

Bakhtzade

OS

Edn

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 مسس اور کیلئے فضل شاہ صاحب نے وکیل ارشد صاحب

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 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 پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہوگا۔ 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 ہے۔

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ماہ

المرقوم

العبد د گ واہ العبد

کے لئے منظور ہے۔

شاہ

مقام