



20.02.2020

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.


(Mian Muhammad)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
20.02.2020


13.05.2019

Nemo for the appellant. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to leave of the worthy Chairman the case is adjourned to 23.07.2019 for arguments before D.B.


(Hussain Shah)
Member

23.07.2019

Miss. Syed Uzma, learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Arshed Ali, ADO for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 09.10.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

9-10-2019

Due to tour of Honble member to camp court Grant the case is adjourned to 18/12/19
Reader

18.12.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 20.02.2020 before D.B.


Member


Member

28.11.2018

Counsel for the appellant and Mr. Kabirullah Khattak
Addl. AG for the respondents present.

The former requests for adjournment ^{as} ~~that~~ brief in the
instant appeal could not be prepared due to over-load.
Adjourned to 21.01.2019 before the D.B.


Member


Chairman

21.01.2019

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak,
Additional AG for the respondents present. Clerk of counsel for the
appellant requested for adjournment on the ground that learned counsel for
the appellant is not available today due to strike of Khyber Pakhtunkhwa
Bar Council. Adjourned to 12.03.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


12.03.2019

Appellant in person and Assistant A.G alongwith
Arshad Ali, ADO for the respondents present.

Appellant requests for adjournment due to
engagement of his learned counsel before the Honourable
High Court today in many cases.

Adjourned to 13.05.2019 before the D.B.


Member


Chairman

10.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 04.07.2018.


Reader

04.07.2018

None present on behalf of appellant. Mr. Sardar Shaukat Hayat, Addl: AG alongwith Mr. Arshad Ali, ADO for the respondents present. Written reply submitted. The appeal is assigned to D.B. for rejoinder and final hearing on 29.08.2018.


Member

29.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Arshed Ali, ADO for the respondents present. Learned counsel for the appellant seeks adjournment to furnish rejoinder. Adjourned. To come up for rejoinder and arguments on 16.10.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

16.10.2018


Clerk to counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for appellant seeks adjournment as counsel for appellant is not in attendance. Adjourn. To come up for arguments on 28.11.2018 before D.B.


Member


Member

05.03.2018

Clerk of the counsel for appellant and Assistant AG for the respondent present. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. To come up for written reply/comments on 20.03.2018 before S.B.


(Gul Zeb Khan)
Member


20.03.2018

Appellant absent. Clerk of the counsel present on behalf of appellant, Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Written reply not submitted. Learned Addl: AG requested for adjournment. Adjourned. To come up for written reply and comments on 03.04.2018 before S.B.


Member

03.04.2018


None present on behalf of appellant and his counsel. Mr. Kabir Ullah Khattak, Additional AG present. Representative of the respondent department is also absent. Therefore, fresh notices be issued to the appellant and his counsel as well as respondent department to attend the court positively. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on **10.05.2018** before S.B.


Member

17.01.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as PST. It was further contended that the appellant submitted application to the higher authority for grant of extra ordinary leave or in alternative for resignation vide application dated 01.11.2015. It was further contended that the appellant was not granted extra ordinary leave therefore, the appellant submitted application for withdrawal of the said application on 16.07.2016 but the respondent-department malafidely has not withdraw the said application of resignation rather accepted the resignation of the appellant vide order dated 18.07.2016. It was further contended that the appellant had submitted application for withdrawal of the resignation before the impugned order but the same was not considered by the respondents malafidely. It was further contended that under the rules the respondent was bound to dispose the said application regarding resignation of the appellant within in one month but the same was not disposed within the stipulated period therefore, the same is illegal and liable to be set-aside. It was further contended that the appellant also filed departmental appeal and service appeal within time.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 05.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member


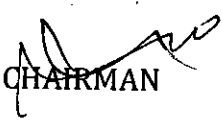

Appellant Deposited
Security & Process Fee

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1377/2017


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
<p>1</p> <p>2</p>	<p>13.12.2017</p> <p>15/12/17.</p>	<p>The present appeal was received on 13.04.2017 which was returned to the counsel for the appellant for completion and resubmission within 15 days. Today i.e on 13.12.2017 he resubmitted the same late by 227 days. The same may be entered in the institution register and put up to the Worthy Chairman for appropriate order please.</p> <p style="text-align: right;">  REGISTRAR - 13/12/17 </p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/01/18</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>
<p>01.01.2018</p>		<p>Clerk of the counsel for appellant present and Assistant Advocate General for the respondents present. Notice be issued to the respondent department for submission of implementation report on 17.01.2018 before S.B.</p> <p style="text-align: right;">  (Gul Zeb Khan) Member (E) </p>

The appeal of Mr. Muhammad Ilyas son of Khuda Baksh PST GPS Zahir Abad Peshawar received today by post on 13.04.2017 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of the appeal may be got signed by the appellatant.
- 3- Annexures referred to in the memorandum of appeal are not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flaged.
- 6- Approved file cover is not used.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 756 /S.T,

Dt. 14/4 /2017


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Aybab Saiful Kamel Adv. Pesh.

Sir,

All the objections are removed,
so resubmitted for onward action Mr,


11

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1378 / 2017

Muhammad Ilyas

versus

D.E.O & others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Appointment order dated 13-01-2007	"A"	4-11
3.	Application for study leave/resignation dated 01-11-2015	"B"	12
4.	With drawl application dated 16-07-16	"C"	13
5.	Acceptance of resignation, 18-07-16	"D"	14
6.	Representation dated 15-12-2016	"E"	15-16

Appellant

Through



Arbab Saif Ul Kamal
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 03459047738

Dated 13-04-2017

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1377 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 377

Dated 13-4-2017

Muhammad Ilyas S/O Khuda Baksh,
PST, Govt. Primary School, Zahir Abad,
Peshawar Appellant

Versus

1. District Education Officer
(Male) Peshawar
2. Director, Elementary & Secondary
Education, KP, Peshawar
3. Secretary, Elementary & Secondary
Education, KP, Peshawar Respondents

⇄<=>⇄<=>⇄<=>⇄<=>⇄

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 1027-32, DATED 18-
07-2016 OF R. NO. 1 WHEREBY SO CALLED
RESIGNATION OF APPELLANT WAS ACCEPTED
FOR NO LEGAL REASON AND THAT R. NO. 2
FAILED TO DECIDE THE DEPARTMENTAL APPEAL
OF APPELLANT WITHIN THE STATUTORY PERIOD
OF 90 DAY:**

Filed to-day

Registrar

13/4/17

⇄<=>⇄<=>⇄<=>⇄<=>⇄

Respectfully Sheweth:

1. That appellant is highly educated and respondents published advertisement in various News papers for numerous vacancies including some vacancies of PST.
2. That appellant applied to the same in prescribed manner for appointment as such and after observing the due-codal formalities of the rules, he was appointed as such vide order

Resubmitted to-day
13/4/17

Registrar
13/4/17

dated 13-01-2007 at S. No. 31 and assumed the charge of the said assignment at GPS Telaband Peshawar. (Copy as Annex "A")

3. That appellant intended to get higher qualifications of P.hD, so for the purpose study leave was required. He then submitted application before R. No. 01 to allow him the said leave and to transfer him to nearest station near University of Peshawar or in the alternate, if the said request is not acceded to then his resignation from the post be accepted to continue his P.hD study with devotion vide application dated 01-11-2015. (Copy as Annex "B")
4. That the request of the appellant was under consideration, so on 16-07-2016, he submitted application for with drawl of the same. Such application was processed but was not honored. (Copy as Annex "C")
5. That on 18-07-2016, after with drawl application of resignation, the impugned order was passed by R. No. 01 whereby his resignation was accepted with immediate effect. (Copy as Annex "D")
6. That on 15-12-2016, appellant submitted representation/appeal before R. No. 02 with met dead response till date. (Copy as Annex "E")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

1. That appellant submitted application dated 01-11-2015 to the authority first for grant of study leave for higher education and thereafter in the compelling circumstances, resignation from the post of PST was requested.
2. That the said application for higher study was under processes when in the meanwhile, he submitted application before R. No. 01 to cancel his request for resignation: In the circumstances the authority was legally bound to accede his request as at the time, his resignation was not accepted.

3. That the request of resignation was not volunteer but was due to some compelling and un-avoidable circumstances which was later on resiled.
4. That the impugned order dated 18-07-2016 was after thought as before passing such order, fate of application dated 16-07-2016 was to be decided first. Such order is based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 18-07-2016 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

Through



Wajid Khan



Arbab Saiful Kamal
Advocates.

Dated.13-04-2017

A 4

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOL & LITERACY PESHAWAR.

APPOINTMENT :-

Consequent upon the selection by the Department selection committee the following PST (PTC) trained male candidates are hereby appointed on regular basis in BPS 07 (Rs 2555-140-6755) plus usual allowances as admissible under the rules from the date of their taking over charge in the school noted against each their name on the following terms and conditions:-

OPEN MALE 25%							
S.NO	APPL: NO.	NAME,FATHER'NAME AND ADDRESS.	POSTION IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
1	456	Haseeb Nawaz S/O Nissar Mohammad r/o Mohallah: Katia Khel PO Badaber Peshawar	1	23/3/1986	62.11	GPS SHAHAB KHEL	Against newly post.
2	501	Ejaz Ahmad Khan Khalil S/O Mumtaz Ahmad Khan Khalil r/o Palosi Atozi PO University of Peshawar	2	3/11/1978	61.67	GPS PAF SHAHEEN CAMP	Against newly post.
3	1032	Hafizur Rehman S/O Khalil ur Rehman r/o Moh: Babra Ghan Urmar Miana Peshawar	3	1/9/1983	61.11	GPS Ghari Khewa Gul	Against newly post.
4	736	Rehmat Gul S/O Akhtar Gul r/o O/S Yakatoot Moh: Shekh Amir Abad Col: Peshawar	4	16/2/1979	60.69	GPS WAZIR BAGH PESH: NO.1	Against newly post.
5	55	Masood Ahmad S/O Sultan Mohammad r/o Moh: New Ghan St:#2 Bakshi Pul Chd Rd Pesh:	5	15/9/1974	60.13	GPS LARAMA	Against newly post.
6	314	Imran Khan S/O Mohammad Nawaz r/o H # t-1800 School St: # 4 PO Ashrafia Col: Pesh:	6	18/2/1984	60.01	GPS AFGHAN COLONY NO.1	Against newly post.
7	798	Ibrar Ahmad S/O Mohammad Chaman r/o vill: Pulwar Payan PO Mathra Peshawar	7	15/4/1974	59.99	GPS NEEZAWAR	Against newly post.
8	965	Ghulam Hussain S/O Ghulam Mohammad r/o Village Ghari Hamza Nahaqi Peshawar.	8	10/1/1972	59.89	GPS GARHI HAMZA	Against newly post.

ATTESTED


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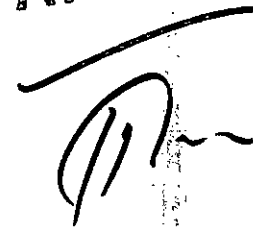
S.NO	APPL: NO.	NAME,FATHER'NAME AND ADDRESS.	POSTION IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
9	132	Rashid Ali S/O Mumtaz Ahmad r/o Village & PO Gulbala Peshawar	9	1/4/1983	59.46	GPS KARARI	Against newly post.
10	293	Mohammad Afzal S/O Mohammad Gul r/o Moh: Bazar Ghari Mochain Chamkani Peshawar	10	2/4/1979	59.09	GPS QADEEM KALAY	Against newly post.
11	903	Mohammad Abid S/O Phulil Khan r/o Vill: & PO Urmar Miana Peshawar.	11	10/4/1983	58.94	GPS KHAN WALI	Against newly post.
12	1069/A & 270	Wajidullah S/O Nazir ullah r/o Village & PO GHalgi Kandar Khandar Khel Pesh:	12	15/1/1982	58.70	GPS CHOLY BALA	Against newly post.
13	3	Sanaullah S/O Fazal Akbar r/o Tehkal Payan Moh: Daud Zai Peshawar	13	3/1/1982	58.58	GPS Sangu No.2	Against newly post.
14	378	Saqib Noor S/O Hayat Noor r/o Moh: Chaga Khel Chamkani Peshawar	14	14/8/1976	58.42	GPS SHAHAB KHEL	Against newly post.
15	755	Amin Bahadar S/O Syed Bahadar r/o Garhi Chandan Urmar Bala	15	1/1/1984	58.38	GPS GARHI FAIZULLAH NO.1	Against newly post.
16	763	Khaif Ullah S/O Said Karim r/o vill: & PO Gul Bela Peshawar.	16	13/4/1983	58.37	GPS CHOLY BALA	Against newly post.
17	400	Nisar Ali S/O Syed Jamal Shah r/o Fatha Killi PO Hindu Kassi Warsak Rd Peshawar	17	28/1/1980	58.06	GPS HAKIM KHAN KILLI	Against newly post.
18	955	Nawab Khan S/O Nasrullah Khan r/o Vill: Karari PO Gul Bela Peshawar.	18	25/8/1976	57.95	GPS Urmar Bala No. 1	Against newly post.
19	244/A	Amjid Ali S/O Javed Ahmad r/o Vill: & PO Tehkal Bala Peshawar	19	10/12/1980	57.92	GPS REGI LALAM NO.1	Against newly post.
20	585	Zahidullah S/O Abdul Latif r/o Vill: & PO Budahi Peshawar	20	5/1/1980	57.80	GPS KANKOLA	Against newly post.
21	470	Syed Jafar Shah S/O Syed Abdul Rauf Shah r/o Vill: & PO Dalazak Peshawar.	21	8/7/1977	57.60	GPS AHMED KHEL NO.3	Against newly post.

ATTESTED

(Signature)

S.NO	APPL: NO.	NAME, FATHER' NAME AND ADDRESS.	POSTION IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
22	788	Sabir ullah S/O Hamish Gul r/o H # 1024/2 Moh: H. Ghani Gul Ramdas Chowk Peshawar	22	30/6/1981	57.23	GPS TELABAND NO. 2	Against newly post.
23	986	Syed Sikandar Shah S/O Syed Tayyab Shah r/o Nasir Pur Peshawar.	23	15/4/1972	57.20	GPS MOHAMMAD GUL	Against newly post.
24	745	Haroon Jan S/O Amin Jan r/o Vill: & PO Regi MuH: Afteezi Pehsawar	24	1/1/1978	57.15	GPS BARA BAZAR	Against newly post.
25	133	Ashraf Gul S/O Hazrat Gul r/o Ghari Baghbanan Urmar Bala Peshawar	25	2/5/1977	57.12	GPS URMER BALA NO.1	Against newly post.
26	230	Mohammad Faheem Khan S/O Azeem Khan r/o H No. 675 Moh: Kotla Sultan Khan Sabz Pir Peshawar	26	2/4/1978	57.03	GPS GHARI MOHAMMAD GUL	Against newly post.
27	1064/A	Mohammad Nawaz S/O Ghulam Hassan r/o Moh: Akhoon Abad # 2 O/O Mushtaq G Store Peshawar	27	14/6/1976	56.91	GPS Burj Nasir Khan	Against newly post.
28	475	Zahoor Ullah S/O Masal Khan r/o Boda Kandar Khel PO Mathra Peshawar	28	10/1/1979	56.91	GPS Bazid Khel Gulabad No.3	Against newly post.
29	591	Farmanullah S/O Abdul Qabir r/o Ghari Karim Dad Nahaqi Peshawar	29	25/8/1976	56.72	GPS Bazid Khel Gulabad No.3	Against newly post.
30	1124 & 595	Abdul Mabood S/O Islamud Din r/o Ghalgi Kandar Khel Mathra Pesh:	30	16/3/1979	56.72	GPS Burj Nasir Khan	Against newly post.
31	967	Mohammad Ilyas S/O Khuda Bakhsh r/o Ghari Bazar Chamkani Pesh:	31	6/5/1977	56.61	GPS Tala Band No. 4	Against newly post.
32	1091	Faheem Khalil S/O Fazal Karim r/o Pishtakhara Payan C/O Noor ul Qamar General Store Kanday Bala, Bara Road Peshawar	32	13/12/1979	56.59	GPS AHMAD KHEL NO. 3	Against newly post.

ATTESTED



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S.NO	APPL: NO.	NAME,FATHER'NAME AND ADDRESS.	POSTION IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
44	109	Wajid Ali S/O Abdul Aziz r/o Village & PO Pushta Khara Payan Bara Rd Pesh:	45	6/7/1975	56.05	GPS Sangu No. 2	Against newly post.
45	480	Manzoor Hussain S/O Musali Khan r/o Vill: & PO Mathra Peshawar	46	12/4/1971	55.98	GPS Mattani No. 1	Against newly post.
46	1023	Naseeb Gul S/O Gul Noor Khan r/o Mera Sunsai Payan Peshawar	47	2/2/1986	55.98	GPS Garhi Mohammad Gul	Against newly post.
47	87	Nigha Hussain S/O Umar Gul r/o Moh: Badshah Khel village & PO Bedber Pesh:	48	5/2/1976	55.97	GPS Mashoo Gagar No.2	Against newly post.
48	944	Lal Mohammad S/O Fazal Mohammad r/o Gulab Abad Rashid Garhi Pesh:	49	20/4/1979	55.96	GPS Mashoo Gagar No.2	Against newly post.
49	594	Noorul Amin S/O Roohul Amin r/o Chaghar Matti Peshawar	50	12/4/1974	55.85	GPS Mohammad Sher Killi	Against newly post.
50	61	Ghulam Qadar S/O Gul Bahadur r/o Urmar Miana Moh: Yousef Khel Pesh:	51	28/4/1981	55.82	GPS Tala Band No.1	Against newly post.
51	953	Tufail Mohammad S/O Taj Mohammad O/S Yakatoot Moh: Qari Abad Street # 2 Peshawar	52	14/4/1978	55.73	GPS Wazir Bagh Pesh: No. 1	Against newly post.
52	616	Asad Khan S/O Shad Khan r/o Hindukasi Peshawar	53	1/5/1975	55.70	GPS Mattani No. 1	Against newly post.
53	870	Ibadullah S/O Mohammad Ayaz r/o Haryan Ghar Pesh	54	25/3/1980	55.65	GPS Mattani No. 1	Against newly post.
54	916	Mohammad Saeed S/O Qasim Shah r/o vill: Zoor Garhi PO Charpariza Pesha	55	12/1/1983	55.56	GPS Ali Zai	Against newly post.
55	847	Mohammad Mussa S/O Mohammad Ismail r/o Urmer Miana Peshawar	56	22/11/1980	55.56	Gps Teri Payan	Against newly post.

ATTESTED



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S.NO	APPL: NO.	NAME,FATHER'NAME AND ADDRESS.	POSTION IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
56	822	Faisal Nadeem S/O Akhtar Ali r/o H # 3 Street # 1 Municipal Colony # 2 Dalazak Road Peshawar	57	10/4/1975	55.47	GPS Zaryab Colony No. 4	Against newly post.
57	1137	Daud Jan S/O Mohammad Ayoub Khan r/o H # 1000 Chaka Gali Karim Pura Pesh	58	16/1/1979	55.40	GPS Mattani No. 1	Against newly post.
58	681	Mohammad Imran Baber S/O Bahadar Khan r/o H # 882 Sheikh Abad # 4 Pesh	59	19/7/1977	55.39	GPS Mattani No.1	Against newly post.
59	92	Imtiaz Ahmad S/O Mohammad Akram Khan r/o H # 882 Sheikh Abad # 4 Peshawar	60	10/2/1978	55.38	GPS Mattani No.1	Against newly post.
60	533	Haider Khan S/O Anwar Khan r/o H No. 1751 Moh: Dandian I/S Asia Gate Allaqa Dabgri Peshawar	61	9/4/1982	55.35	GPS Mattani No.1	Against newly post.
61	961	Abid Zaib S/O Jehan Zaib r/o Yousef Abad Near GGHS Khaber Colony Dalazak Road Peshawar	62	1/3/1985	55.31	GPS Mattani No.4	Against newly post.
62	1	Mr. Mohammad Asif S/O Umar Baksh r/o Qasim Abad Street # 5 H # 149 Kakshal Zinda Pir Peshawar	63	10/6/1978	55.28	GPS Mattani NO.1	Against newly post.
63	168	Noor Nawaz Khan S/O Afridi Khan r/o Hindko Killa Peshawar	64	9/8/1975	55.26	GPS Mattani No.3	Against newly post.
64	708 & 709	Waheed Ahmad Shah S/O Noor Ahmad Shah r/o Shinwari town Ring Road Peshawar	65	3/2/1980	55.18	GPMS Model Primary School Mashoo Khel	Against newly post.
UNION COUNCIL WISE CONDIDATES MALE 75 %							
6-MAHAL TARI 1							
1	294	Syed Rizwanullah Shah S/O Syed Lal Badshah r/o Afghan Col: S: # 1 House-2 Peshawar	4	1/7/1974	53.52	GPS Afghan Colony NO. 1	Against Newly post.

ATTESTED



S.NO	APPL: NO.	NAME,FATHER'NAME AND ADDRESS.	POSTION IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
33	374	Mubashir Khan S/O Mohammad Ashraf r/o Kotla Mohsin Khan Pesh:	33	7/1/1978	56.54	GPS SHAHAB KHEL	Against newly post.
34	922	Taif Ullah S/O Ghandal Khan r/o Muh: Alfalah City Mall Gudown Hashtnagri Pesh:	34	2/3/1978	56.52	GPS MOHAMMAD SHER KILLI	Against newly post.
35	502	Mohammad farooq S/O Said Rahman r/o Vill: Palosoi Atozai Bala Pesh:	35	22/2/1979	56.51	GPS SHAHAB KHEL	Against newly post.
36	1113	Mohammad Munir Khan S/O Zahid Ali Khan r/o H # 75 Street # 04 Sector E-1 Phase-1 Hayatabad Pesh:	37	1/2/1976	56.46	GPS Mashoo Pekey NO. 1	Against newly post.
37	40	Mohammad Zahid Akhtar S/O H Taj Mohammad r/o Kotla Mohsin Khan Moh: Nawaz Abad H. No. 066 Landi Arbab Rd Peshawar.	38	3/3/1977	56.36	GPS TELABAND NO. 2	Against newly post.
38	613	Mir Saifur Rahman S/O Ikramullah Jan r/o St: # 7 Ittihad Col: Peshawar	39	10/4/1978	56.35	GPS AFGHAN Colony NO. 1	Against newly post.
39	223	Khurshid Anwar S/O Firoz Khan r/o Vill: Haryana Payan PO Charpariza Pesh:	40	14/3/1978	56.32	GPS CHOLY BALA	Against newly post.
40	383	Syed Arshad Iqbal S/O Syed Ghulam Mohammad Shah r/o Vill: PushthaKhara Payan Peshawar	41	5/8/1975	56.30	GPS SHEIKH MUHAMMADI NO.1	Against newly post.
41	1011	Sibghatullah S/O Bahadur Khan r/o H # 086 Bajori Abad Yadgaar Peshawar	42	9/11/1973	56.33	GPS GARHI HAKEEM KHAN	Against newly post.
42	9	Ashiq Hussain S/O faqir Hussain r/o Moh: Mughal Zai Tahkai Bala Peshawar	43	1/2/1973	56.08	GPS MOHAMMAD SHER KILLI	Against newly post.
43	806	Khan Raziq S/O Abdul Raziq r/o Vill: & PO Urmar Miana Peshawar.	44	15/4/1980	56.06	GPS Tala Band No.4	Against newly post.

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S.NO	APPL: NO.	NAME,FATHER'NAME AND ADDRESS.	POSTION IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
5	450	Saleem Noman S/O Mohammad Aslam r/o H # 2652 Moh: Malik Shahzad Peshawar	8	16/12/1980	43/98	GPS Wazir Bagh Pesh: No.1	Against Newly Post
6	656	Zafar Ali S/O Abdul Qayum r/o Sardar Ghari Peshawar	9	6/2/1980	43.97	GPS PAF Sheeheen Camp	Against Newly Post

TERMS & CONDITIONS:-

1. They will be governed by such rules and regulation as may prescribed by the Govt: from time to time for category of the Govt: servants to which they belong.
2. Their Service will be liable to termination at any time with out any notice. In case of resignation one month prior notice should be given by the official / teacher concerned other wise one month pay / allowances will be forfeited in lieu thereof in to the Govt: treasury.
3. They should take over charge of their post with in fifteen (15) days after issue of this Notification / order other wise the offer of appointment should stand cancelled automatically .
4. Their appointments are purely temporary and liable to termination / reverted at any stage without assigning any notice / reason.
5. Their service will be liable to termination at any stage if their certificates / Degrees / Testimonial & Domicile etc: found fake and they will be handed over to the police.
6. Their original certificates / Degrees should be checked and verified from the concerned Boards / University etc: by the DDO (Male) concerned before handing over charge being a DDO & the candidates having qualification is SSC PTC may be considered in BPS.05 (Rs. 2415-115-5865) plus usual allowances as admissible under the rules.
7. Their salary may not be drawn till the complete verification of certificates / Degrees etc:
8. Their declaration of Assets should be obtained and kept in safe custody by the DDO concerned.
9. They are required to produced Health & age certificate from the civil surgeon concerned before their taking over charge.
10. Charge report should be submitted to all concerned.
11. No. TA/DA etc: is allowed being 1st appointment.
12. They should not apply for transfer at any stage.
13. All the candidates appointed on regular basis to a services or post in the prescribed manner after the commencement of the said act shall for all in tents & purpose be civil servant except for the purpose of pension or gratuity, Such a civil servant shall in lieu of pension and gratuity be entitled to receive such amount contributed by them towards the contributory provident funds along with the contribution made by the Govt: to his account in the said fund in the prescribed manner.
14. They are entitled to get the benefits of regular employees except pension / gratuity.
15. The above candidates will be entitled for C B Fund for which the Govt: and Civil servant will pay 10% as

ATTESTED


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16. The above selection has been hence on the following criteria:-

Obtained marks multiplied by allocated marks to certificates / Degrees and Divided by total marks i.e.

(550 X 30/ 850 = 19.41)

Allocation Marks.

SSC	30
FA/F.Sc	20
BA / B.Sc	10
MA / M.Sc	05
Professional	30
Experience.	05, one year = 2 marks , two year = 03 & three years & above= five marks

Sd: —

MR. SAID REHMAN
EXECUTIVE DISTRICT OFFICER
SCHOOL ELITARY PESHAWAR.

E.NO. _____ F.No. 11/VOL: V/Apptt./PST Dated _____/2007

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

1. PS to Minister for Education N.W.F.P.
2. PS to Secretary to Govt: of N.W.F.P. (School & Literacy Dept: Peshawar.)
3. PA to Director Schools & Literacy N.W.F.P.
4. District Accounts Officer Peshawar with the list of finance bill of the above name candidates may not be honour till the verification their certificates / Degrees etc: from the concerned authorities duly authenticated by the DDO concerned.
5. PSO to District Nazim City District Govt: Peshawar.
6. PS to Distict Co-Ordination Officer City District Govt: Peshawar.
7. vccccDy District Officer (Male) Peshawar with the request this to verify all original certificates / Degrees etc: personally from the concerned authorities area compare these with the merit list lying in the office to avoid any complication at the letter stage filing with they will be personally held responsible for any misshaped. They are further directed to furnish certificate that physical verification has been carried out and also mentioned in the certificate (A huge cases Nil or (B) Name of candidates with bogus certificates along with name of certificate / Degree and name of A.D. Exams: / Board / University etc: in 6-260. Head Master concerned.

261-513. All candidates concerned.

514-516, AD) (Estab:) / ADO / Accounts / Supt: (Estb) concerned.

ATTESTED

Sd: —

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERARY PESHAWAR

"B" 12

1-11-15

To

The EDO
Elementary & Secondary Education Peshawar

Subject Study leave or resignation

Sir,
Most respectfully it is stated that I am a PST in G.P.S. Zahirabad. I have taken noc. for my ph.D. in physics. I hope if I pay fully attention to my ph.D. it will be complete next year.

I am facing problem in my study leave so I request to you to transfer me to school near Peshawar University or allow me to teach on need basis in higher secondary school at FSC level. So as to get ease to continue my ph.D. The G.C.H.M.S. School Peshawar has started secondary classes. The board did not assigned him staff a subject specialist. So the competent authority transfer me on need basis to G.C.H.M.S. I am teaching there physics & chemistry to FSC level, both subject due to unavailability of teachers. but I get a shocked when I was again ordered to go back to join G.P.S. Zahirabad.

It is my request to transfer me to higher secondary school to teach FSC level and give benefit to the new generation. and also get facility in my ph.D. study or give me study leave for a period of 02-11-2015 to 26/05/2016 As I took noc.

If I am not eligible for further study leave then accept my resignation from the post, so as to continue my ph.D. study with full devotion. I can not work as PST in G.P.S. Zahirabad as it is very far away from my university.

PST محمد علی محمد زکریا
G.P.S. Zahirabad
26/05/2016

Forwarded to
ASDEO
Date 1/11/2015

Yours sincerely
Muhammad Ilyas
PST-GPS Zahirabad
02/11/2015

Relevant document is attached.

AD-12

C^N 13 16-7-16

The DEO male
Peshawar

Subject: Cancellation of earned leave/Resign


Respected Sir,

Most respectfully it is stated that

I have given application for earned leave from
November to May ²⁰¹⁴ in October for my ²⁰¹⁶ PhD physics
Research. After completing my Research work
I have joined my duty at Zahirabad on
19 May, 2016.

It is therefore requested that my
Designation order may please be cancelled.

I will be very Thankful for you


Muhammad Shuja PST
s/o Khuda Bakhsh

GIPS Zahirabad.

Provide duty from
certificate from
AS&D, arrival
16/5/2016
PST/SP
report also
18/5/2016

HEAD MASTER
GIPS
Zahirabad

FORWARDED TO ASPD

ATTESTED

DICBY NO
Gulam
Nabi
1916

Chughai Pur Circle
Peshawar

Chughai Pur Circle
Peshawar

16-07-2016



D¹⁴ 14 18-7-16

2047

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.

RESIGNATION:-

The resignation tendered by Mr. Mohammad Ilyas PST, GPS Zahir Abad Peshawar is hereby accepted on his own request with immediate effect.

Note:-

1. Entry to this office should be made in his S/Book.
2. His one month pay may be forfeited and deposit into the Govt: Treasury.

District Education Officer,
(Male) Peshawar.

Endst: No. 1027 / Dated Peshawar the 18/7 /2016

Copy for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Sub Divisional Education Officer (Male) Peshawar w/r to his No 2288 dated 16/04/2016.
3. ASDEO (Male) Circle concerned.
4. Official Concerned.
5. Cashier O/O the SDEO (M) Peshawar.

707
19/07

Deputy District Education Officer,
(Male) Peshawar.

ATTESTED

(7) یہ درخواست مورخہ 01/11/2015 میں سائل نے چھٹی دینے یا یونیورسٹی کے قریب ٹرانسفر کرنے یا پھر استعفیٰ دینے کے التجا کی۔

(8) یہ کہ کچھ وقت کے بعد سائل نے مذکورہ بالا درخواست کے بابت معلومات کی تو بتایا گیا کہ سائل کا استعفیٰ منظور ہونے والا ہے۔ لہذا مورخہ 16/07/2016 کو درخواست بخدمت EDO میل پشاور گزار کی کہ سائل کا استعفیٰ منظور نہ کیا جائے۔

(9) یہ کہ مورخہ 18/07/2016 کو سائل کا استعفیٰ منظور کیا گیا۔

لہذا اپیل بابت حکم استعفیٰ واپس لینے کے لئے اپیل ہذا ذیل کی وجوہات پر دائر کی جاتی ہے۔

(1) یہ کہ ہر انسان اعلیٰ سے اعلیٰ کی حصول کا متمنی ہوتا ہے۔ لہذا سائل نے محکمے سے بار بار التجا کی کہ سائل کو برائے PhD حاصل کرنے چھٹی بلا معاوضہ عطاء کی جائے۔

(ب) یہ کہ سائل کی سروس دو سال سے زیادہ تھی لیکن محکمے نے غلط حساب کتاب کر کے اسے دو سال سے کم ظاہر کیا۔ جو خلاف حقیقت و مبنی بددیانتی ہے۔

(ج) یہ کہ سائل نے عادی کوئی غیر حاضری نہیں کی بلکہ اعلیٰ تعلیم کے خاطر بار بار درخواست دی لیکن محکمے نے کسی بھی درخواست کا جواب نہیں دیا۔

(د) یہ کہ سائل نے PhD مکمل کی ہے اور صرف Thesis باقی ہیں۔ جو وہ بھی آخری مراحل میں ہیں۔ برائے خط

مورخہ 09/04/2016 میں 3.00 (ICGPA) حاصل کی ہے۔ جو کہ سائل کی اعلیٰ استعداد کی دلالت کرتا ہے۔

استدعا ہے کہ حکم مورخہ 18/07/2016 جاری کردہ DEO میل پشاور کو کالعدم قرار دے کر سائل کو تمام سہاوقہ

مراعات کے ساتھ سروس پر بحال کرنے کا حکم صادر فرمایا جائے۔

(ڈ) یہ کہ سائل کا استعفیٰ ابھی تک منظور نہیں ہوا تھا کہ سائل نے منظوری نئے پہلے درخواست گزاری کی کہ سائل استعفیٰ واپس لینا چاہتا ہے اور اس کے استعفیٰ کو منظور نہ کیا جائے۔

المرقوم: 15 12 2016

ATTESTED

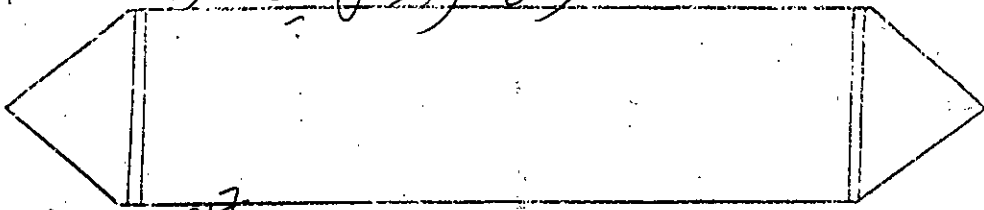
العارض

محمد الیاس ولد خدا بخش (PST)

گورنمنٹ پرائمری سکول

ظاہر آباد پشاور

بعد الترتیب سے سزائی ہوگی اور



2017ء پنجاب ایپل سٹیشن
محمد الیاس بنام محمدہ تعلیم

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکھ

مقدمہ عدالت عتوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام ریٹائرمنٹ کے لیے لاحد خان اینڈ رریا سب اٹھال

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعوی اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعوی اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکسر رخصت یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر و اختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو چیز چاہے ہر جہاں اتنا ائے 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
ذکورہ کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔


المرقوم 11 ماہ دسمبر 2017


العبد العواہ

بمقام  کے لئے منظور ہے۔

Attested & Accepted

By


Wajid Khan


Advocate


محمد الیاس

SERVICE APPEAL NO.1377/2017

Muhammad Ilyas

V/S

DEO (M) & others

REPLY ON BEHALF OF RESPONDENT NO.1, 2 & 3.

Respectively Sheweth:

The Respondent submits below:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon'ble Tribunal.
3. That the Appellant has been estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bed for mis- joinder and non- joinder of the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.

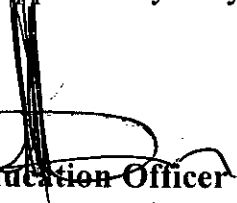
ON FACTS.

1. That Para No.1 pertains to record.
2. That Para No.2 pertains to record.
3. That in reply to Para No.3, it is submitted that the Appellant himself submitted application for resignation and in light of his application the respondents accepted his resignation. The application of the Appellant has already been annexed as Annex: B with the Service Appeal of the Appellant.
4. That Para No.4 is incorrect and misleading. The respondent has already processed the case of the Appellant and his resignation was accepted.
5. That in reply to Para .No.5, it is submitted that the Appellant submitted the application for resignation and the same was accepted.
6. That Para No.6 is pertains to record.

GROUND

1. That Ground – 1 has already discussed in the facts Para.
2. That Ground- 2 has also discussed in the facts Para.
3. That Ground- 3 is incorrect, misleading and against the facts.
4. That Ground- 4 incorrect the respondent had done all proceeding in light of Appellant application.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.


District Education Officer
(M) Peshawar


Director
(E & SE) KPK


SECRETARY
(E & SE) KPK