12.03.2018 Counsel for the appellant and AAG alongwith Mr. Attaullah Minakhel, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Arguments of the learned counsel for the appellant heard. The learned AAG requested for adjournment on the ground that their file is incomplete. Adjourned. To come up for arguments tomorrow on 13.03.2018 before the D.B at camp court, D.I.Khan.

Member Chairman
Camp Court, D.I.Khan

13.03.2018 Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Further arguments heard. To come up for order on 14.03.2018 before this D.B at camp court, D.I.Khan.

Member Chairman
Camp Court, D.I.Khan

14.03.2018 Junior to counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Arguments already heard. Record perused. Vide our detailed judgment of today in service appeal No. 943/2012 entitled "Mst. Mehnaz Begum Vs. The Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar and others" this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Member Chairman
Camp Court, D.I.Khan

ANNOUNCED
14.03.2018

26.10.2017 Counsel for the appellant present. Mr. Kamran ADO (Litigation) alongwith Mr. Farhaj Sikandar District Attorney for the respondents present. Representative of the respondents department requested for further time to file written reply. Request accepted by way of last chance. To come up for written reply on 30.11.2017 at Camp Court D.I.Khan.

Muhammad Hamid Mughal
Member (J)
Camp Court D.I.Khan

30.11.2017 Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) and Mr. Naveed Zafar, Assistant Account Officer for the respondents also present. Written reply on behalf of respondents No. 1, 2 and 5 submitted. Representative of respondent No. 4 requested for adjournment for filing of written reply/comments. Representative of respondent No. 3 is not in attendance therefore, notice be issued to respondent No. 3 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Another last opportunity granted to respondents No. 3 & 4 for filing of written reply. Adjourned. To come up for written reply/comments on behalf of respondents No. 3 & 4 on 25.01.2018 before S.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

25.01.2018

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation)

22.02.2018

Counsel for the appellant present. Mr. Usman Ghani, and Mr. Naveed Zafar, Assistant Account Officer for the District Attorney alongwith Mr. Muhammad Kamran, ADO for respondents also present. Written reply on behalf of respondents respondents No. 1, 2 & 5 and Mr. Naveed Zafar, Assistant No. 1, 2 and 5 already submitted. Representative of respondent Account Officer for respondent No. 4 also present. None present No. 4 requested for further adjournment. Another last opportunity on behalf of respondent No. 3 hence, proceeded ex-parte. Written granted. Adjourned. To come up for written reply/comments on reply on behalf of respondent No. 4 submitted. Written reply on behalf of respondents No. 3 and 4 on 22.02.2018 before S.B at behalf of respondents No. 1, 2 & 5 already submitted. Adjourned. Camp Court D.I.Khan.

To come up for rejoinder and arguments on 12.03.2018 before D.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

23.2.2016 Counsel for the appellant present. Preliminary arguments heard which shows that the appellant has already gone through many forums including the hon'ble High Court for redressal of his grievances. It was also brought into the notice of the Tribunal that there were about 1630 sacked employees and presently more than 200 appeals are pending at different stages on various dates and that the matter involved is one and the same. Hence, it is deemed proper to consolidate all the appeals for hearing in order to avoid conflicting situation and decisions. Hence, case to come up for further proceedings with connected appeals on 26-7-16 at camp court, D.I.Khan.

MEMBER
Camp Court, D.I.Khan

26.07.2016 Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.

Reader

23.08.2017 Counsel for the appellant present. It was contended by learned counsel for the appellant that this Tribunal has already admitted service appeals of similar nature appeal for regular hearing, therefore, this appeal may also be admitted for regular hearing.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing. Appellant is directed to deposit the security and process fee within 10 days thereafter, notices be issued to the respondents for written reply/comments for 26.10.2017 before S.B at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

FORM-A

FORM OF ORDER SHEET

Court _____.

Case No._____

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	12.10.2015	The appeal of Mr. Rustam Khan presented to-day by Mr. Muhammad Anwar Awan Advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing. REGISTRAR This case be put up before the S.B at Camp court, D.I.Khan for preliminary hearing on 26-10-15. CHAIRMAN
	26.10.2015	Clerk of counsel for the appellant present. Senior counsel for the appellant is not available, therefore, case to come up for preliminary hearing at camp court, D.I.Khan on 23-12-15. MEMBER Camp court, D.I.Khan

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal no..1135. of 2015.

Rustam Khan **VERSUS** **Govt; Of KPK and others**

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4	Copy of Judgment Dated 27.10.2011	C	7— 21
5	Copy of list of appellants.	D	22-24
6	Copy of Inquiry Report Dated 26.01.2012.	E	25- 36
7	Copy of Order Dated 14.03.2012.	F	31- 33
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Your humble Petitioner

Rustam

Rustam Khan

Dated; 11-10-2015

Anwar adv

Mohammad Anwar Awan
Advocate Supreme Court.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR CAMP COURT AT D.I.KHAN.

Appeal no. 1135 of 2015.

Rustam Khan S/O Fateh Sher R/O Band Kurai
(GPS Band No. 1 Band Kurai D.I.Khan.

VERSUS

1. Director Elementary and Secondary Education Deptt: Peshawar.
2. District Education officer (Elementary and Secondary Education Deptt:) D.I.Khan.
3. Deputy Commissioner D.I.Khan.
4. Account Officer Kechary Road Dera Ismail Khan.
5. Government of KPK through secretary Elementary and Secondary Education Deptt: Peshawar.

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ILLEGAL AND MALAFIDE BACK DATED TERMINATION ORDER 08.02.2012 FROM SERVICE ON THE BACK OF APPELLANT.

Jawad

That the brief facts of the case are as under:

1. **That the appellant is permanently resident of Tehsil and District D.I.Khan and having qualification of PST along with F.A.**

2. **That the respondent advertised some post in daily Mashriq Peshawar dated 7th April 2007 of different categories including PST. The appeared applied for the post and appeared in test and interview. The appellant was appointed as PST on 21-10-2007. Copies of advertisement and appointment order are Annexure A & B.**

12/10/15

3. **That the appellant after getting medical certificate, took the charge and performed his duty to the ut-most satisfaction of his high-ups.**

4. **That the some so called inquiries were conducted against some appointment and they terminated all the appointment orders during January 2007 to 30th June 2008 including the appellant. The appellant challenged the impugned order through service appeal**

which was accepted and impugned termination orders in their cases is set aside and remanded/sent back the cases to the Secretary Education for consideration in the light of above observation for reinstatement of qualified appellants. Copies of Judgment dated 27.10.2011are Annexure C.

5. That according to the order of learned service tribunal ,the secretary education conducted so called inquiry, inviting the appellant in circuit house D.I.Khan to those candidates who filed appeal in Service Tribunal and Clerk of education department provided a Proforma, which were filled by the appellant and submitted the same to the clerk. The Proforma contain inquiry regarding qualification of the appellant in which no show cause was given nor it contained charges of allegation. Copy of List of appellants is Annexure D.

6. That the inquiry committee after submission of Proforma, prepared his report in which recommendations were made against appellant and other for their termination due to the reason that they were appointed without observing codal formalitities. Copy of recommendation dated 26.01.2012 is Annexure E.

7. That the inquiry report was produced before the service tribunal who directed the department to ensure the compliance with the recommendation without any wastage of time, so the aggrieved persons can seek remedy available to them. Copy of order Dated 14.03.2012 is Annexure F.

8. That appellant after the inquiry report waiting for the decision and implementation of department and contacted several time for their reinstation or termination order but they reluctant to issue any such order. Feeling aggrieved from the act of the respondents, the appellant alongwith other filed writ petition before Hon'ble High Court for redressal of their grievances in which directions were issued to the respondents to provide termination Orders to the petitioners. Copies of writ along with judgment dated 14-05-2015 and termination Order are Annexure G & H.

9. That feeling aggrieved from the illegal back dated termination order, the appellant filed department appeal on 27-05-2015 which was not decided by the respondents till now. Copy of departmental appeal alongwith postal receipt is Annexure I.

10. **That feeling aggrieved from above said action appellant is constrained to approaches this honorable court on the following amongst other:**

GROUNDS;

1. That the appellant is not treated in accordance with law and the actions of the respondents are malafide besides being discriminatory and harsh.

2. That the report of committee is nothing more than a recommendation to Government. The said report could not be made sole ground for termination of large number of civil servants.

3. That the report of committee is not based on the direction of the service tribunal in which it is clearly mentioned that qualification of the teacher should be checked but committee terminated them on the basis of non observance of codal formalities which issued was already decided by the Hon'ble Service Tribunal in his judgment dated 27-10-2011.

4. That appellant is being penalized without giving them any opportunity of hearing, they were neither associated with the proceeding of standing committee nor have given any show cause notice by the department, which is against the principal of natural justice and equity.

5. That the respondent on the direction of Hon'ble court prepared back dated termination order in booklet shape from which it is evident that they had not issued any order to the appellant nor it was communicated to them.

In view of the above, It is, therefore, most respectfully prayed that on acceptance this appeal this honorable court may pleased to declare that the back dated termination order dated 08.02.2012 communicated to the petitioner on

14-05-2015, be without lawful authority and has no legal effect and respondents may pleased be directed to reinstate the appellant with all back benefits.

YOUR HUMBLE APPELLANT

Rustam Khan
Through Counsel

Dated; 11.10.2015

Mohammad Anwar Awan
Advocate Supreme Court

AFFIDAVIT

Rustam Khan do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

Deponent.

Oath Commissioner
D.I. & A.C
Attested
No.

مرحم خان

A-5

MASHRIQ
روزنامہ مشرق پشاور
مسلسل اشاعت کے 40 سال

7 اپریل

درخواستیں مطلوب ہیں

محکمہ تعلیم ڈیرہ اسماعیل خان میں درج ذیل اسامیوں کیلئے صرف تربیت یافتہ اور ضلع ڈیرہ اسماعیل خان کے سکونتی مرد اور خواتین امیدواروں سے مقررہ فارموں پر درخواستیں مطلوب ہیں۔ مقررہ درخواست فارم زیرِ دستخطی کے دفتر سے مبلغ -/25 روپے میں دفتری اوقات کار میں وصول کئے جاسکتے ہیں۔ مندرجہ ذیل شرائط کے ساتھ درخواستیں تعلیمی / تدریسی اسناد، ڈومیسائل سرٹیفیکیٹ، شناختی کارڈ اور ڈومیسائل کی مصدقہ نقول کے ہمراہ مورخہ 20/4/07 تک مطلوب ہیں۔ جو کہ ای۔ ڈی۔ او (سکولز اینڈ لٹریسی) ڈیرہ اسماعیل خان کے دفتر واقع کینٹ بالمقابل ہاشمی پارک دفتری اوقات کار میں پہنچ جانی چاہیں۔ بعد ازاں کوئی درخواست وصول نہیں کی جائیگی۔

شرائط: (۱)۔ تمام تقرریاں موجودہ مروجہ گورنمنٹ رولز / پالیسی کی بنیاد پر ہوں گی۔ (۲)۔ سلیکشن کی صورت میں امیدوار پنشن کا مستحق نہ ہوگا۔ (۳)۔ سی ٹی / پی۔ای۔ٹی / ڈرائنگ ماسٹر زنانہ / مردانہ کی آسامیوں پر تقرری گورنمنٹ کے مروجہ قانون کے مطابق 75% (فیصد) یونین کونسل / ایریا وائز اور 25% (فیصد) تقرری اوپن میرٹ کی بنیاد پر ہوگی۔ (۴)۔ پی ایس ٹی (مردانہ / زنانہ) کی آسامیوں پر تقرری گورنمنٹ کے مروجہ قانون کے مطابق 75% یونین کونسل میرٹ کی بنیاد پر اور 25% اوپن میرٹ کی بنیاد پر ہوگی۔ (۵)۔ تمام امیدواروں کو مقررہ تاریخ / مقام پر تحریری ٹیسٹ دینا ہوگا۔ صرف ٹیسٹ میں کامیاب امیدوار انٹرویو میں شمولیت کے اہل ہونگے۔ ٹیسٹ میں کامیاب امیدواروں کی لسٹ زیرِ دستخطی کے دفتر کے نوٹس بورڈ پر لگائی جائے گی۔ (۶)۔ انٹرویو کے وقت اصل اسناد کا پیش کرنا لازمی ہوگا۔ بصورت دیگر انٹرویو نہیں لیا جائیگا۔ (۷)۔ محکمہ تعلیم کے زیر ملازمت امیدوار اپنی درخواستیں اپنے متعلقہ آفیسر کے توسط سے بمعہ تصدیق شدہ سرٹیفیکیٹ بھیجتا ہوگی۔ (۸)۔ وہ درخواستیں جس میں امیدوار کی عمر کی حد درخواست کی وصولی کی آخری تاریخ سے ایک دن بھی زیادہ ہوگی۔ وصول نہیں کی جائیگی۔ (۹)۔ تمام درخواستیں ہر لحاظ سے مکمل ہوں۔ نامکمل اور غلط معلومات پر مبنی اور مقررہ تاریخ کے بعد وصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔ (۱۰)۔ تمام آسامیوں پر معذور افراد کا 2% (فیصد) کوٹہ مختص ہے۔ جن کیلئے انہیں بینڈنگ میڈیکل بورڈ کا جاری کردہ سرٹیفیکیٹ پیش کرنا لازمی ہوگا۔ (۱۱)۔ ٹیسٹ / انٹرویو درج ذیل پروگرام کے مطابق صبح 9 بجے شروع ہوگا۔ (۱۲)۔ کوئی ٹی اے / ڈی اے نہیں دیا جائیگا۔ اور نہ ہی کوئی علیحدہ لیٹر جاری کیا جائیگا۔ (۱۳)۔ سی ٹی / پی۔ای۔ٹی / ڈی۔ایم / اے۔ٹی / ٹی۔ٹی / قاری کی پوسٹ کیلئے مرد / خواتین کی عمر کی حد 18 سے 33 سال جبکہ پی۔ایس۔ٹی مردانہ / زنانہ کی عمر کی حد 18 سے 35 سال ہے۔

شیڈول برائے انٹرویو / ٹیسٹ

نمبر شمار	نام آسامی	تاریخ ٹیسٹ	مجوزہ تعلیمی قابلیت / اہلیت	تاریخ انٹرویو	بمقام
1	سی۔ٹی (CT)	24/4/07	ایف اے / ایف ایس سی / ڈی کام بمعہ سی ٹی کورس	14/5/07	مردانہ GMS نمبر ا ڈیرہ، زنانہ GGHS ڈین پور
2	ڈرائنگ ماسٹر (DM)	25/4/07	ایف اے / ایف ایس سی / ڈی کام بمعہ ڈی ایم کورس	15/5/07	مردانہ GMS نمبر ا ڈیرہ، زنانہ GGHS ڈین پور
3	فزیکل ایجوکیشن ٹیچر (PET)	25/4/07	ایف اے / ایف ایس سی / ڈی کام بمعہ جونیئر ڈپلومہ کورس	15/5/07	مردانہ GMS نمبر ا ڈیرہ، زنانہ GGHS ڈین پور
4	عربی ٹیچر (AT)	26/4/07	میٹرک بمعہ شہادت عالیہ سیکنڈ ڈویژن وفاق المدارس یا ایم اے عربی سیکنڈ ڈویژن (تنظیمات المدارس)	16/5/07	مردانہ GMS نمبر ا ڈیرہ، زنانہ GGHS ڈین پور
5	اسلامیات ٹیچر (TT)	26/4/07	میٹرک بمعہ شہادت عالیہ سیکنڈ ڈویژن تر وفاق المدارس یا بی اے عربی اسلامیات ' شہادت العالمیہ (تنظیمات المدارس)	16/5/07	مردانہ GMS نمبر ا ڈیرہ، زنانہ GGHS ڈین پور
6	قاری	26/4/07	میٹرک بمعہ تجوید القرآن منظور شدہ بورڈ سے	16/5/07	مردانہ GMS نمبر ا ڈیرہ، زنانہ GGHS ڈین پور
7	پی ایس ٹی (پرائمری سکول ٹیچر)	28/4/07	ایف اے ' پی ٹی سی (ٹرینڈ) میٹرک پی ٹی سی (ٹرینڈ) نوٹ:۔ خواتین کیلئے مذکورہ کوائف پورے نہ ہونے کی صورت میں پالیسی کے مطابق نرمی برتی جائے گی۔	17/5/07	[illegible] مردانہ GMS نمبر ا ڈیرہ [illegible] (برائے تحصیل پہاڑپور) مردانہ GMS [illegible] (برائے تحصیل [illegible]) [illegible] GHS [illegible] (برائے تحصیل [illegible]) GGHS کلاں، زنانہ GGHS کوراہن کلاں (برائے تحصیل کلاچی) مردانہ GHS-1 کلاچی، زنانہ GGHSS کلاچی

ایگزیکٹو ڈسٹرکٹ آفیسر ایجوکیشن ڈیرہ اسماعیل خان

INF(D.I.Khan)11

ATTESTED
M. Anwar Awan
Advocate

F.A B-6

OFFICE OF THE EXECUTIVE DISTRICT OFFICER,(SCHOOLS & LIT:)
DERA ISMAIL KHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee,the following ***Male Candidate*** is hereby appointed against vacant post of ***PTC*** in the school noted against their name in BPS ***07*** plus usual allowances being a qualified, fresh candidate as per existing policy in the interest of public service w.e.from the date of taking over charge on the following terms and conditions.

S.No.	*Name of Candidate with Father's Name*	*Schools where posted.*
1.	Rustam Khan S/O Fateh Sher R/O D.I.Khan.	GPS. Band Kurai No.1

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No pensionery benefit will be available.
3. The services of the above-named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.
6. No TA/DA is allowed.

Sd/-
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN

Endst: No. 20320-24 / Dated D.I.Khan the 21/10/2007

Copy to the:-

1. Director Schools & Literacy N.W.F.P. Peshawar.
2. District Co-ordination Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Principal/Headmistress/ Headmaster concerned.
5. Candidate concerned.

EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN

M. Anwer Awan
Advocate

C-7

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 1407/2010

Date of institution ... 21.07.2010
Date of judgment ... 27.10.2011

Abdul Salam S/o Shah Suliman,
D.I.Khan Ex. P.T.C GPS, Kamal Khel .. (Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director of Education (E&S) Khyber Pakhtunkhwa,Peshawar.
3. Executive District Officer (E&S) Dera Ismail Khan.
4. District Coordination Officer, Dera Ismail Khan. ...(Respondents)

APPEAL U/S 4 OF NWFP (KHYBER PAKHTUNKHWA) SERVICE TRIBUNALS ACT, 1974 AGAINST IMPUGNED ORDER DATED 04.9.2009, WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE BY THE INCOMPETENT AUTHORITY, DISREGARD OF THE RULES, AND WITHOUT OBSERVING THE LEGAL REQUIREMENTS, AND HIS DEPARTMETNAL APPEAL ELICITED NO RESPONSE WITHIN STATUTORY PERIOD.

1. Shahzada Irfan Zia, Advocate for the appellant
2. Ashraf Ali Khattak
3. Ghulam Nabi
4. Saadullah Khan Marwat
5. Muhammad Arif Baloch
6. Muhammad Anwar Awan
7. Shaukat Ali Jan
8. Matiullah Rand
9. Abdul Qayyum Qureshi
10. Muhammad Ismail Alizai
11. Abdul Hamid Khan
12. Muhammad Waqar Alam
13. Muhammad Saeed Bhutta
14. Muhammad Saeed Khan & M.Asghar Khan
15. Rustam Khan Kundi
16. Gul Tiaz Khan
17. Zahid Muhibullah
18. Khalil-ur-Rehman Hissam
19. Fazal-ur-Rehman Baloch
20. Javed Iqbal
21. Yasir Zakria Baloch
22. Allah Nawaz, Advocates

Advocates from S.No.2 to 22 for the remaining appellants.
Mr.Sher Afgan Khattak, AAG. .. For respondents

ATTESTED
Anwar Awan
Advocate

Mr.Qalandar Ali Khan — Chairman
Syed Manzoor Ali Shah — Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- This single judgment is also directed to dispose of the appeals mentioned in the list appended herewith, as common questions of law and facts are involved in all the appeals.

2. In the Daily 'Mashriq' Peshawar dated 7th April 2007, a publication/ advertisement appeared from the Executive District Officer (EDO), E&SE, D.I.Khan, inviting applications for unspecified posts, both male and female, of C.T, Drawing Masters (D.M), Physical Education Teachers (PET), Arabic Teachers (A.T), Islamiyat (Theology) Teachers (TT), Qari and Primary School Teachers (PST) by 20.4.2007, and alongwith other conditions for selection of the candidates, the minimum qualification for the posts, dates of test and interview as well as places/venues of interview were also mentioned. The record would show that a large number of applications were received. Test and interview were also conducted for the said posts, resulting in appointments not only against the above mentioned posts but also against other posts like Junior Clerks, Lab: Assistants and Assistant Store Keeper (M) in the year 2007. However, in the year 2008, a local Member of the Provincial Assembly, raised question No.31 regarding recruitment/appointments made in the Education Department of District D.I.Khan by the EDO D.I.Khan, which was referred to Standing Committee No.26 for Elementary & Secondary Education, by the Provincial Assembly. The Standing Committee deliberated upon the issue, during which the Committee was informed that inquiries had also been conducted into appointments in Education Department of District D.I.Khan and Inquiry Committee/Inquiry Officers have made recommendations for appropriate legal/departmental action. After deliberations, the Standing Committee recommended

ATTESTED
M. Amanullah Khan
Advocate

that within one month the department should cancel appointment orders of those persons who were illegally appointed during the period between 1st January 2007 and June 2008 and also take stern disciplinary action against officers/officials found involved in illegal appointments. The record further shows that a Writ Petition was lodged in the High Court Bench D.I.Khan, which was accepted and an Hon'ble Bench of the Peshawar High Court D.I.Khan Bench directed the department to act upon the inquiry report dated 05.01.2009 positively within two months from 11.6.2009, where upon the District Coordination Officer (DCO) D.I.Khan passed office order dated 4.9.2009 thereby implementing the decision of the Standing Committee No.26, order of the Peshawar High Court D.I.Khan Bench dated 11.6.2009 and order of the Chief Minister NWFP (Khyber Pakhtunkhwa) contained in the Elementary & Secondary Education Department letter dated 26/8/2009, and terminated services of all the 'illegally/irregularly' appointed teachers, detail of which was given in Annexure to the office order. This office order of the DCO D.I.Khan was followed by a letter dated 7.5.2010 from the EDO(E&SE) D.I.Khan to all concerned for implementation of termination orders issued by the DCO on 4.9.2009, and also a corrigendum on 20.5.2010 thereby terminating all the personnel appointed from January 2007 to 30th June 2008 except 131 (F)PST, 309 (M) PST + deceased son quota, disabled quota and minority quota in the light of decision of the Peshawar High Court, D.I.Khan Bench. It is against the said order of DCO D.I.Khan that the appellant in the instant appeal as well as appellants in the connected appeals, listed in the enclosed list, first preferred departmental appeals and then lodged these appeals. In the meantime, some of the appellants had also approached Peshawar High Court, D.I.Khan Bench and had filed Writ Petitions which were returned to the petitioners for presentation to the proper forum (KPK Service Tribunal) if they so desire, vide order dated 29.4.2010. The petitioners moved the august Supreme Court of Pakistan where-from the petitions were withdrawn and consequently dismissed by a Hon'ble Bench of

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Advocate

august Supreme Court of Pakistan vide order dated 28.6.2010 with the observation that if the petitioners approached proper forum for redressal of their grievances, the question of limitation be considered sympathetically if so raised. There-after, the appellants started lodging these appeals one by one, inter-alia, on the grounds that the impug ied order dated 4.9.2009 was void, illegal and without jurisdiction because DCO D.I.Khan was not competent to terminate the services of officials in BPS-1 to BPS-10; that the DCO did not apply his independent mind and just acted upon the direction of Chief Minister and recommendation of a politically constituted Standing Committee; that before passing the impugned order, legal requirements were not fulfilled and the appellants were terminated from service without any charge sheet and/or show cause notice; that no chance of personal hearing was afforded to the appellants before passing the impugned order, hence they were condemned unheard; that even during the course of successive inquiry proceedings, the appellants were not associated to justify their respective position and thus the entire proceedings were conducted ex-parte; and that if there was any fault or lapse on the part of the department in the selection process, the appellants should not have been punished for the same.

3. It may be mentioned here that quite a number of affectees of the impugned termination order had also approached this Tribunal in the year 2009 and vide order dated 10.2.2009, this Tribunal had disposed of around 49 appeals with direction to the Secretary to Government of NWFP (S&L) to constitute a committee of experts of his department and, if need be, of the Establishment Department and Finance Department, to consider the cases of all the appellants named in the order as well as cases of all similarly placed persons, and decision regarding the same be given at the level of the competent authority, so that the parties are saved from unnecessary litigation, in the interest of justice, and in the interest of public work. It was expected that such a committee would be in a position to finalize its findings, and the competent authority may be in a position

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to grant a decision in these cases, within a period of three months from the date of delivery of the order. The said order was not implemented within the specified time, therefore, implementation petitions were lodged, wherein directions were accordingly issued to the department for implementation of the order, following which, a committee, comprising a Chairman and three other Members was constituted, which conducted its proceedings and submitted its report, which has been kept in the office record, while a copy of report/findings/recommendations has been placed on this file. The Scrutiny Committee concluded that appointments of all the appellants, except that of Shahana Niazi D/o Ghulam Sadiq (Service Appeal No.2177/2010), were illegal and irregular. The report/findings/recommendations of the Scrutiny Committee reveals appointments of more than two thousand teachers of various categories against following 1390 sanctioned posts:-

PST	961
AT	61
TT	59
Qari	50
CT	171
DM	43
PET	45
Total	1390

4. The respondents defended the impugned termination order and resisted the appeals on several legal and factual grounds including the one that the services of a civil servant can be terminated without notice during the initial or extended period of his probation under section 11(i) of the NWFP (Khyber Pakhtunkhwa) Civil Servants Act, 1973. They alleged, in their written reply/comments, that the appellants were neither eligible/qualified for the posts, nor requisite codal formalities for appointment were observed, hence the appointments were illegal and fake. They contended that more than one inquiries were conducted and the matter was taken up in the Provincial Assembly and that it was recommended as a result of inquiries as well as by the Standing

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Committee, recommendations of which were unanimously adopted by the Provincial Assembly, to terminate the services of all persons illegally appointed. They maintained that all the appointments were found illegal and in violation of recruitment policy except 309 (M) and 131 (F) PST. They concluded that the decisions of the Inquiry Committees and recommendations of the Standing Committee, adopted unanimously by the Provincial Assembly, were also confirmed by the Chief Minister as well as by the Peshawar High Court D.I.Khan Bench, which were followed by the DCO by terminating the services of all those persons who were illegally/irregularly appointed and that the order of DCO was also followed by corrigendum issued by the EDO.

5. Arguments of the learned counsel for the appellants and learned AAG heard, and record perused.

6. The main thrust of the arguments of the learned counsel for the appellants was against the impugned order dated 4.9.2009 of the DCO D.I.Khan, which was a general order in all the cases of 'illegal/irregular' appointments. The objections to the impugned order were two-fold. Firstly, the order was general in nature on the direction/ recommendation of the Standing Committee of the Provincial Assembly without application of mind to each and every case, and thereby services of around 1613 male and female teachers of various categories were terminated with one stroke of pen; and, secondly, the order was passed by the DCO D.I.Khan who was not appointing authority for employees in BPS-1 to BPS-10, and thus not competent to dispense with their services. The learned counsel further laid stress on the non-observance of codal formalities essentially required for termination of services of civil servants, like service of charge sheet and/or show cause notice and providing them opportunity of defence and hearing. They also alleged non-association of appellants in the inquiry proceedings conducted in the matter. The learned counsel contended that the appellants were appointed after qualifying test and interview for the posts conducted in pursuance of

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advertisement/publication made in the newspaper by the department/authority and after their applications for the posts were found in order by the department. They maintained that the appellants had joined service and performed their duty without any complaint about their performance from the quarter concerned.

7. The learned AAG assisted by the representatives of the department vehemently contested claim of the appellants/counsel for the appellants and argued that the appointments were made without first obtaining proper sanction of the posts, without advertisement, and without observance of the codal formalities including test and interview, preparation of merit list, and its approval by the competent authority. It was argued on behalf of the department that some of the appointments were made even before advertisement, without specifying the posts against which the appointments were being made and without checking whether the educational qualification of the candidates fulfilled the academic requirements for the posts. It was pointed out that all 440 PSTs appointed on merits and after observance of codal formalities were retained, while the rest appointed 'illegally/irregularly' were terminated as a result of more than one inquiries, recommendation of the Standing Committee, and orders of the Chief Minister as well as Peshawar High Court, D.I.Khan Bench. It was alleged on behalf of the department that the competent authority i.e. EDO D.I.Khan not only endorsed the impugned order of DCO D.I.Khan dated 4.9.2009 but also issued a follow up letter dated 7.5.2010 and corrigendum on 20.5.2010. They further pointed out that none of the appellants was in possession of proper documents showing his eligibility for the post and also proper appointment order against the post. They concluded that the appointments of the appellants have been found by various legal and constitutional forums as illegal/ irregular, besides fake in most of the cases.

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Khyber Service Tribunal Peshawar

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M. Amin

8. From whatever has been narrated above, as well as from perusal of the record, the following points emerge which are critically important for determination of fate of these appeals:-

(a) The services of the appellants, appointed in 2007, were dispensed with vide a general order of the DCO D.I.Khan dated 4.9.2009, against which some of them preferred departmental appeals and then lodged appeals in the Tribunal, which were disposed of vide order dated 10.2.2009, while the rest moved the Peshawar High Court D.I.Khan Bench in writ jurisdiction, but their writ petitions were returned to them for presentation to the proper forum vide judgment/order dated 29.4.2010, against which petitions were moved in the august Supreme Court of Pakistan, which were dismissed as withdrawn with the observation that if the petitioners/appellants approached the appropriate forum for redressal of their grievances, the question of limitation be considered sympathetically if so raised. Not only that the question of limitation has not been raised so vehemently by the department, the appellants have also been vigilantly pursuing their case, albeit in the wrong forum, therefore, the appeals lodged in the Tribunal after disposal of their petitions by the august Supreme Court of Pakistan cannot be held as time-barred, especially when the august Supreme Court of Pakistan directed for sympathetic consideration of the question of limitation, together with certain facts of the case warranting interference by the Tribunal. Besides, the impugned order has been issued by the DCO D.I.Khan who was not appointing authority of civil servants in BPS-1 to BPS-10, and, as

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M. Anwar Awan
Advocate

such, the impugned order would be deemed to be an order by an authority not competent to issue the order, and, as such, void; and no limitation would run against such order (2007 SCMR 262 (a) and PLJ 2005 SC 709 (Appellate Jurisdiction).

(b) The posts of Junior Clerks, Lab.Assistants and Assistant Store Keeper (M) were never advertised, and, as such, no codal formalities were observed for appointment of 14 Junior Clerks, 03 Lab.Assistants and one Assistant Store Keeper. Their appointments were, therefore, aptly termed as illegal/irregular, and, consequently, their services have rightly been terminated, as appointments secured through illegal/irregular orders would be void ab-initio and would not confer any right on the holders of such appointment orders. Their appeals also deserve to be dismissed on this score.

After painstaking exercise in pursuance of the order dated 20.01.2011 in one of the implementation/execution petitions, for which the then Secretary Education, Mr.Muhammad Arifeen Khan, and his team genuinely deserve commendation, the Scrutiny Committee prepared a detailed report, stretching over hundreds of pages, wherein they held only the appointment of PST Shahana Niazi D/o Ghulam Sadiq (Service Appeal No.2177/10) according to the prescribed procedure, as her name also appeared in the merit list, and recommended her reinstatement into service. The respondent-department also did not contest her appeal in the manner they contested appeals of other appellants. Therefore, her appeal deserves to be accepted.

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M. Anwar Awan
Advocate

(d) Regarding the remaining cases, the respondents have resisted the appeals on the grounds that neither the posts on which appointments of the appellants were made were sanctioned before advertisement, nor the appellants qualified or were eligible for the posts and codal formalities like test and interview, preparation of merit list and approval of competent authority were not observed: but these assertions of the respondents are belied by the available record as well as some documents produced by the appellants/ counsel for the appellants alongwith a joint affidavit by Muhammad Ayub Khan, SET GHS Panyala and Abdullah TT GHS Panyala who performed duty during test and interview of the appellants on 24th, 25th and 26th April 2007, during the course of arguments, showing constitution of committees for conducting test and interview, preparation of merit list after test and interview, besides revealing some cases in which the candidates other than those claimed by the respondents to have been appointed on merit secured more marks than the latter. So far sanction prior to advertisement/publication is concerned, it was duty of the authority to secure the requisite sanction prior to advertising/publicizing the posts for inviting applications, and the appellants can, by no stretch of imagination, be held responsible for any fault/lapse in this respect on the part of the authority i.e. EDO D.I.Khan. Notwithstanding the fact that appellants have placed on file verification of the certificates/testimonials of some of the appellants by the respondent-department, even if some irregularity was found in the appointments, the appellants/appointees should

M. Arshad Khan
Advocate

not be made to suffer for such lapses on the part of the appointing authority (1996 SCMR 411 (Supreme Court of Pakistan), 2004 SCMR 303 (Supreme Court of Pakistan), 2006 SCMR 678 (Supreme Court of Pakistan), PLJ 2006 SC 81 (Appellate Jurisdiction), PLJ 2011 Lahore 736 (Multan Bench Multan), and last but not the least 2011 SCMR 1581 (Supreme Court of Pakistan).

(e) It is a matter of record that not in a single inquiry out of so many inquiries by the department, the then EDO D.I.Khan has been confronted with his signatures on appointment letters, so conveniently termed by the respondent-department as bogus and fake. When the 'authority' has never and no-where disowned his signatures on such appointment letters, how the same can be held as bogus and fake. No-doubt, the record shows departmental proceedings against the then EDO, and major penalty of compulsory retirement has been imposed upon him, but only after causing colossal loss to the national exchequer, for which he must be made accountable and also made to make good the loss so caused to the pubic money, and also landing hundreds of jobless persons in deep trouble by forcing them to engage in protracted litigation, during which they have not only been robbed of whatever money was left with them after securing the jobs; while himself enjoying post retirement life with all perks and privileges. In view of implications/consequences of the acts on the part of the then EDO D.I.Khan, the penalty imposed on him does not appear commensurate with the gravity of his guilt, but since that matter is

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M. Khwaja
Advocate

not before us, we would stop short of making any order with respect to the departmental proceedings against him, but would, indeed, direct the respondent-department to recover the pay/salary paid to the illegally/irregularly appointed persons from the pension etc. of the then EDO instead of burdening the public exchequer for illegal/irregular acts on the part of the then EDO D.I.Khan.

(f) No-doubt, an illegal/irregular and an order void ab-initio would not confer a right on the holder of such order, but an order passed by a competent authority in the discharge of his duty after observance of codal formalities does confer right on the holder of such order to be heard in support of order in his favour and his case decided on merit instead of a general order on the direction of some outside authority. If authorities are needed , one can readily refer to a number of cases including cases reported as 1995 PLC(C.S) 419 (Lahore High Court), 2005 SCMR 1814 (Supreme Court of Pakistan), 2006 PLC (C.S) 1140(Northern Areas Chief Court), 2005 SCMR 85 (Supreme Court of Pakistan), 1987 PLC (C.S) 868 (b), 2007 SCMR 330 (Supreme Court of Pakistan), 2008 PLC (C.S) 582 (Northern Areas Chief Court), and 2007 MLD 703 (Lahore). Undoubtedly, notices were not issued to the appellants prior to the impugned order by the DCO D.I.Khan , and they were never provided opportunity of hearing either by the 'authority' prior to passing of the impugned order or during inquiry/ scrutiny proceedings by several committees during the pre and post period of impugned order. As such, the principle of audi-alteram partem was violated at all levels and at all stages, rendering the impugned

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Advocate

order void and invalid, in respect of those who were found eligible for the posts after observance of codal formalities.

(g) There is no dispute that in the case of appointments, in BPS-1 to BPS-10, the appointing authority, in view of notification of the Provincial Government dated 7th October 2005, was EDO and thus also competent authority for disciplinary matters, whereas the District Coordination Officer was appointing authority for officials in BPS-11 to 15; therefore, the impugned order in respect of the appellants issued by the DCO D.I.Khan was an order by an incompetent authority and not sustainable in law as held in cases reported as 1983 PLC (C.S) 354(Service Tribunal Punjab), 2001 PLC (C.S) 1097, 2008 PLC (C.S) 949 (Lahore High Court) and 1985 PLC (C.S) 1002. The contention of the respondents was that the competent authority i.e. EDO D.I.Khan not only endorsed the impugned order issued by the DCO D.I.Khan and issued a letter for implementation of termination order but also issued corrigendum thereby terminating the services of the appellants. Apart from the fact that endorsement of the order of an incompetent authority by the competent authority and follow up letter by him would not validate a void order issued by an incompetent authority, the corrigendum issued after more than 8 months of the impugned order would also not serve any useful purpose in view of PLD 2000 SC 104, as after issuance of termination order the department had become functus-officio.

(h) It was urged on behalf of the respondents that recommendations of the Standing Committee of the Provincial Assembly assumed legal

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M. Anwar Khan Advocate

status following judgment/order dated 11.6.2009 of the Peshawar High Court, D.I.Khan Bench, whereby a clear direction was issued to act upon the inquiry report, but they lost sight of the fact that no direction of any authority could absolve the departmental authority from following the law/rules on the subject and fulfill necessary legal requirements before passing the impugned order.

9. As a sequel to the foregoing discussion, we would make the following order:-

(i) All the appeals of Junior Clerks, Lab. Assistants and Assistant Store Keeper(M) are dismissed with costs, being devoid of merit.

(ii) The appeal of Ms.Shahana Hazi (Service Appeal No. 2177/10) is accepted, and by setting aside the impugned order, she is reinstated in service with consequential/back benefits.

(iii) The appeals of the rest of the appellants including PSTs(M&F), CTs(M&F), PETs(M&F), DMs(M&F), ATs(M&F), TTs(M&F) and Qaris (M&F) are also accepted and impugned termination order in their cases set aside, but instead of their outright reinstatement, their cases are remanded/sent back to the Secretary, Elementary & Secondary Education Department, Peshawar (Respondent No.1) for reconsideration of the cases in the light of above observations for reinstatement of the qualified appellants and a speaking order in respect of those who are not found qualified, by the competent authority, after affording opportunity of hearing to the said appellants through an efficient and fair mechanism to be evolved for the purpose by him so as to ensure compliance with the mandatory legal requirements on the one hand

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Advocate

and integrity of the proceedings on the other hand. Since the matter has already been delayed inordinately, it is expected that the proposed exercise should not take more than three months, whereafter a progress report be submitted to the Registrar of the Tribunal.

(iv) The respondent-department should also look into claim of those appellants who have alleged performance of duty for considerable time after their appointments, and if they are found to have actually performed duty for certain period, and, as such, entitled to pay/salary for the period of the duty, legal procedure should be adopted for recovery of their claims from the then EDO D.I.Khan who has already been held responsible for appointments in-question as a consequence of departmental proceedings against him.

ANNOUNCED
27.10.2011

Sd/- Roaidad Khan Khattak
Chairman
Sd/- Syed Manzoor Ali Shah
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 15-1-2014
Number of Words 6000
Copying Fee 32
Urgent 2
Total 34
Name of Copyist
Date of Preparation of Copy 15-1-2014
Date of Delivery of Copy 15-1-2014

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Advocate

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LIST OF CONNECTED APPEALS		
S#	Appeal No	Appellant Name
1	1408/10	Niaz Din
2	1409/10	Allah Dita
3	1410/10	Muhammad Saleem Khan
4	1411/10	Abdul Rashaid
5	1412/10	Muhammad Sheraz
6	1413/10	Ahmad Nawaz
7	1414/10	Muhammad Suliman
8	1415/10	Inayat Ullah Khan
9	1416/10	Saifullah
10	1417/10	Fazal ur Rehman
11	1418/10	Nabeela Ambreen
12	1419/10	Robina Bibi
13	1420/10	Rabia Bibi
14	1421/10	Amina Bibi
15	1422/10	Qari Ahsan Ullah Farooqi
16	1423/10	Ghias udin
17	1424/10	Haji Muhammad
18	1425/10	Muhammad Aslam
19	1426/10	Muhammad Baksh
20	1427/10	Shahid Khan
21	1428/10	Ehasanullah
22	1429/10	Amir Hussain Shah
23	1430/10	Naimat Ullah
24	1431/10	Rozi Khan
25	1432/10	Tasleem Akhtar
26	1433/10	Muhammad Salim
27	1434/10	Mohsan Hassan Khan
28	1435/10	Muhammad Ayub Khan
29	1436/10	Saad ud Din Khan
30	1437/10	Sibghatullah
31	1438/10	Sultan Saifoor Khan
32	1439/10	Muhammad Sadiq
33	1440/10	Zahidullah
34	1441/10	Hafiz Hizbullah
35	1442/10	Inamullah Khan
36	1443/10	Saifullah Khan
37	1444/10	Himayatullah
38	1445/10	Hizbullah Khan
39	1446/10	Rehmat Jan
40	1447/10	Hidayatullah
41	1448/10	Malik Amjad
42	1449/10	Shaukat Ali
43	1450/10	Manzoor Ahmad
44	1451/10	Umer Hayat Khan
45	1452/10	Qayyum Nawaz
46	1453/10	Ihsan Ullah Khan

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EXAMINER
Khyber Pakhtunkhwa
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575	2346/10	Mira Khan
576	2347/10	Rukhsana Gul
577	2348/10	Muhammad Iqbal
578	2349/10	Asmat Ullah
579	2350/10	Kalsoom Akhtar
580	2351/10	Allah Nawaz
581	2352/10	Ch: Muhammad Shahid
582	2353/10	Muhammad Tahir
583	2354/10	Arif Hussain
584	2355/10	Amanullah
585	2356/10	Muhammad Bilal
586	2357/10	Abdul Aziz
587	2358/10	Azmat Abbass
588	2359/10	Hafeez Ullah
589	2360/10	Muhammad Arif
590	2361/10	Rashid Mehmood
591	2362/10	Zahida Rasheed
592	2363/10	Zulqarnan
593	2364/10	Touqeer Hussain
594	2365/10	Sanaullah
595	2366/10	Niaz Hussain
596	2367/10	Asma ul Husna
597	2368/10	Samiullah
598	2369/10	Syed Baqir Hussain
599	2370/10	Tayba Kusar
600	2371/10	Muhammad Bilal
601	2372/10	Muhammad Asif
602	2373/10	Kazim Ali
603	2374/10	Muhammad Hasnain
604	2375/10	Muhammad Bilal
605	2376/10	Muhammad Salim
606	2377/10	Muhammad Ismail
607	2378/10	Salma Nawaz
608	2379/10	Rustam Khan
609	2380/10	Aslam Khan
610	2381/10	Mureed Hassan
611	2382/10	Muhammad Usman
612	2383/10	Abdullah Jan
613	2384/10	Muhammad Imran
614	2385/10	Muhammad Ilyas
615	2386/10	Syed Qamer Sultan Shah
616	2387/10	Muhammad Sajid
617	2388/10	Naseem Akhtar
618	2389/10	Naseem Akhtar
619	2390/10	Riaz Hussain
620	2391/10	Muhammad Safdar
621	2392/10	Naheed Akhtar
622	2393/10	Sumaira Fatima

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1007	317/11	Shahabudin
1008	385/11	Zaffar Abbass
1009	415/11	Shafqat Ullah
1010	416/11	Asia Bibi
1011	432/11	Shah Jahan
1012	534/11	Shahzad Khan
1013	535/11	Shaheen Akhtar
1014	632/11	Muhammad Aslam
1015	633/11	Ahmad Hassan
1016	634/11	Zafar iqbal
1017	635/11	Rehmat Ullah
1018	790/11	Irum Noshad
1019	893/11	Hamayun Saifullah

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EXAMINER
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Service Tribunal,
Peshawar

Date of Presentation of Application 5-11-2011
Number of Words 8800
Copying Fee 46-00
Urgent 2-00
Total 48-00
Name of Copyist
Date of Completion of Copy 14-11-2011
Date of Delivery of Copy 14-11-2011

E-25

Registered

MOST IMMEDIATE / COURT CASE.

(20)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NO.SO (Lit) E&SED/1-3/2011
Dated Peshawar, the 26-01-2012.

To

The Executive District Officer,
Elementary & Secondary Education
D. I. Khan.

Subject: - INQUIRY REPORT REGARDING THE KHYBR PAKHTUNKHWA SERVICE TRIBUNAL JUDGMENT DATED 27-10-2011 ON SERVICE APPEAL NO. 1407/ 2010 AND OTHER CONNECTED APPEALS ON ILLEGAL/ IRREGULAR APPOITMENTS IN DISTRICT D.I.KHAN.

I am directed to refer to the subject noted above and to enclose herewith a copy of the Inquiry report regarding the judgment dated: 27-10-2011 in Service Appeal No. 1407/ 2010 and other connected appeals on illegal/ irregular appointments in District D.I.Khan for necessary action and strict compliance in letter and spirit under intimation to this Department and all other concerned.

Enclosure: (As above)

SECTION OFFICER (LITIGATION)

Endst: of even No. & date.

Copy is forwarded for information to:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. D.C.O. D.I.Khan.
4. P.S to Secretary E&SE Department.

SECTION OFFICER (LITIGATION)

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M. Anwar Khan
Advocate

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ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

REPORT/FINDINGS/RECOMMENDATIONS/ OF THE COMMITTEE WITH REFERENCE TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT NOTIFICATION NO SO LITIGATION/E&SE/1-3/2011 /D.I.KHAN DATED 29.11.2011 IN PURSUANCE OF KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ORDER DATED 27.10.2011 ON SERVICE APPEAL NO 1407/2010 AND OTHER CONNECTED APPEALS.

INTRODUCTION:

In pursuance of the judgment of Khyber Pakhtunkhwa Services Tribunal dated 27.10.2011 in Service Appeal No 1407/2010 Abdusl Salam versus Province of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education and the others connected Service appeals, (Annexure-A) , and judgment dated 16.12.2011 also in Service Appeal No 3052/2010 Lubna Sadia versus Province of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education ," Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa constituted a Committee vide Notification No SO Litigation/E&SE/1-3/2011 /D.I.Khan dated 29.11.2011 comprising of the following for reconsideration of the cases in light of the judgment of the Honourable Services Tribunal vide (Annexure-B)

1. Secretary) E&SE Department (Chairman).
2. Director (E&SE) Khyber Pakhtunkhwa, Peshawar (Member).
3. Abdul Wali Khan Dy Director (E&SE) (Member).
4. Ghulam Qasim EDO (E&SE) Tank. (Member).
5. Feroz Hussain Shah EDO (E&SE) DI Khan (Member).
6. Mushraf Ali AD (F&A) E&SE (Member).

TOR:

- To examine the appeals of the rest of the appellants including PST(M&F),CT(M&F),PET(M&F),DM(M&F),AT(M&F),TT(M&F) and Qaris (M&F) in the light of the judgment of Khyber Pakhtunkhwa Services Tribunal dated 27.10.2011 in Service Appeal No 1407/2010 and the others connected Service appeals.
- To examine, scrutinize the record of local office D.I.Khan regarding the appointments in the year 2007-08.

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Anwar Awan
Advocate

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- *To frame efficient and fair mechanism and procedure to find out the qualified appellants according to the observations in the aforesaid judgment and implement.*
- *To ensure compliance with the mandatory legal requirements on the one hand and integrity of the proceedings on the other.*
- *To consider the claim of those appellants who have alleged performance of duty for considerable time after their appointment as directed by the Honourable Services Tribunal.*
- *To provide an opportunity of hearing to the appellants.*
- *To provide an opportunity to all concerned to prduce record,documents etc in support of their claims and possible remedy.*
- *To act in accordance with rules, Law and Policy prevailing in 2007-08 regarding the recruitment of the above said posts.*
- *To fulfill the given task within the period as expected and proposed by the Honourable Service Tribunal in his judgment dated 27.10.2011.*
- *To consign the record in the safe custody of the competent authority.*
- *To pass on evidence,both documentary and verble,record and analysis conclude findings and make recommendations as wayforward so as to ensure equity and justice.*

BRIEF HISTORY OF THE CASE:

In District D I Khan reportedly illegal and irregular appointments were made in Elementary and Secondary department at a large-scale during the period from 01.01.2007 to 30.06.2008. The matter was highlighted by one Honourable member of Provincial Assembly through Assembly Question No.31.The Provincial Assembly declared the same appointments as illegal and irregular and politically motivated which was debated in the house on 19.08.2008 and was referred to Standing Committee No.26 for scrutiny. The Committee finalized its report/recommendations and presented to the Assembly on 12.01.2009, which was adopted on the same day. In order to implement the decision of the Standing Committee, duly adopted by the Provincial Assembly .The Elementary and Secondary Education Department constituted the following three Committees to check the appointments record of the appointments made by Ex-Executive District Officer (E&SE) DI Khan for the period from 01.01.2007 to 30.06.2008 in pursuance of the Minutes of the meeting held on 13.01.2009 of the Standing Committee No. 26 of Provincial Assembly vide Notification No. SO (AB) E&SED/4-4/Enq/DIK/2009 dated 01-01-2009.

Committee No.1 for scrutiny of Illegal/Irregular appointments of KPOs /PSTs /Lab Assistants /Junior Clerks/ Assistant Store Keepers and Class-IV Male and Female.

CommitteeNo.2 for scrutiny of Illegal/Irregular appointments of CT, DM, PET Male and Female.

Committee No.3 for scrutiny of Illegal/Irregular appointments of Arabic Teacher, Theology Teacher and Qari Male and Female.

The enquiry Reports were submitted to the Standing Committee on 08.04.2009. The Standing Committee recommended to the department to terminate the

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Advocate

departmental Selection Committee after the vacancies have been advertised in the newspapers"

6. In case of appointment of the applicants the vacancies were not advertised and Departmental Selection Committee has not recommended the applicants for the appointment.
7. Appeals being merit less deserve to be dismissed on the analogy of the decision of the Khyber Pakhtunkhwa Services Tribunal decision under Para-9(i) read with Para-8(b).

RECOMMENDATIONS:

The Committee heard personally and scrutinized the record and appeals of terminated PST (M&F), CT (M&F), DM (M&F), PET (M&F), AT (M&F), TT (M&F), Qari (M&F) teachers/officials lying in the office of the Executive District Officer (E&SE) D. I. Khan on case to case basis in accordance with Khyber Pakhtunkhwa Services Tribunal order dated 27.10.2011, and segregated /check/scrutinize their cases on the basis of different categories of Teachers/officials from 19.12.2011 to 24.12.2011,

All the appointments of the appellants against the posts of PST (M&F), CT (M&F), DM (M&F), PET (M&F), AT (M&F), TT (M&F), Qari (M&F) appended under various categories from S.No 1 to 41 have been made without observing codel formalities/procedure, Government Policy and Merit and in violation of Rule 10(2) of the NWFP (now Khyber Pakhtunkhwa) Civil Servants (Appointment, Promotion and Transfer Rules 1989. The appointments of the appellants are declared illegal and irregular. Cases being merit less deserves to be terminated. The following steps are recommended to be taken.

a. Executive District Officer Elementary and Secondary Education D I Khan is required to issue proper termination orders of the above appellants and similar cases listed above under various categories PST (M&F), CT (M&F), DM (M&F), PET (M&F), AT (M&F), TT (M&F), Qari (M&F) teachers in the findings from S.No.1-41 excepts those who were working on lower posts and were appointed on higher posts in other categories, they may be reversed to their original posts.
b. Executive District Officer Elementary and Secondary Education D I Khan is further required to release/activate the pay of those PST Male who were appointed on merit included in the joint appointment order of 309 candidates dated 02.07.2007 and PST Female who were appointed on merit included in the joint appointment order of 131 candidates dated 02.07.2007. (Annexure- E-1),
c. Executive District Officer Elementary and Secondary Education D I Khan is required to advertise the vacant posts immediately and complete the recruitment process before 15 March , 2012 and the terminated teachers may be provide opportunity to compete if otherwise they have the qualification required for the post and further they may be awarded extra 2 marks per year of span of service rendered if they actually performed duty after appointment.
d. District Coordination Officer D I Khan is required to recover the claim of appellants who have alleged performance of duty for the considerable

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time after their appointment and they have actually performed duty for certain period to be calculated by Executive District Officer Elementary and Secondary Education D I Khan through legal procedure in accordance with Khyber Pakhtunkhwa Services Tribunal order dated 27.10.2011.

1. Syed Feroz Hussain Shah
Executive District Officer
E & S E D I Khan (Member)

2. Ghulam Qasim
Executive District Officer
E & S E Tank (Member)

3. A- Wali Khan
Dy Director E&SE)
Khyber Pakhtunkhwa.
(Member)

4. (Muhammad Rafiq Khattak)
Director,
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.
(Member)

5. Muhammad Mushtaq Jadoon)
Secretary
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.
(Chairman)

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Advocate

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S.No.of Order or proceedings	Date of Order or proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
		Execution Petition No.34/12 Muhammad Hassan Khan etc.....(Petitioners) Versus Secretary, E&SE Department, KPK,etc. (Respondents).
	14.03.2012	Counsel for the petitioners, Mr.Muhammad Rafique-Khattak, Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and Syed Feroz Hussain-Shah, EDO(E&SE) D.I.Khan in person alongwith Mashal Khan, L.O and Muhammad Nawaz, ADO on behalf of the respondents with AAG present. The respondents have already provided implementation report, which has been perused in the light of judgment of the Tribunal. The implementation report would show that after providing opportunity of hearing to the petitioners and appellants in the connected appeals, and scrutinizing record on case to case basis, the Committee made certain recommendations including issuance of termination/ removal orders of those found illegally appointed and reversion to lower posts of those who were appointed on higher posts in other categories, and also releasing/activating pay of those PSTs (Male) and (Female) who were found validly appointed on merit. The Director (E&SE) KPK and EDO (E&SE) D.I.Khan stated at the Bar that they have already implemented recommendations of the Committee and issued the orders/letters accordingly, in accordance with the recommendations and letter and spirit of the judgment of the Tribunal dated 27.10.2011 in Service Appeal No. 1407/2010 titled 'Abdul Salam-vs-Province of KPK through Secretary, Elementary & Secondary Education, Peshawar etc.'. Be that as it may, the fact remains that in accordance with the afore-

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Advocate

mentioned judgment of the Tribunal, the respondent-department not only widely publicized hearing of cases of the petitioners and other appellants through publication in the newspapers but have also prepared list of those who appeared before the Committee in response to the publication and obtained their signatures on the list. The learned counsel for the petitioners also confirmed holding of meeting by the Committee at D.I.Khan and participation of the petitioners and other connected persons in the proceedings of the Committee. The implementation report also shows that each and every case has been examined by the Committee after providing opportunity of hearing to the petitioners/appellants, and in pursuance of such proceedings, recommendations have been made by the Committee which are being implemented by the respondent-department. In short, in accordance with the judgment dated 27.10.2011 of the Tribunal, the Secretary, E&SE, KPK, Peshawar (Respondent No.1) constituted a Committee, headed by him, and comprising five other officers of the Education Department including Director, E&SE, KPK, Peshawar and EDO(E&SE) D.I.Khan, conducted proceedings at D.I.Khan after widely publicizing the same through newspapers and thereby ensuring participation of the petitioners and other appellants and providing opportunity of hearing to them and also scrutinizing cases of the petitioners and other appellants on case to case basis and thereafter making certain recommendations which are being implemented through issuance of appropriate orders. As such, the judgment of the Tribunal stands implemented in its letter and spirit."

The learned counsel for the petitioners, however, raised

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Mr. Anwar Khan
Advocate

objections regarding the proceedings conducted by the Committee; but he was unable to augment his contentions in this regard with support of law; as fresh order in pursuance of the proceedings and recommendations of the Committee would accrue a fresh cause of action for appeal or any other remedy prescribed by the law, which is, certainly, beyond the scope of the implementation/execution proceedings. The misgivings, probably, emanate from lack of knowledge about proceedings of the Committee, which have been provided to the Tribunal in the shape of a book, but not available either with the counsel for the petitioners or petitioners and other appellants. Therefore, the respondents are directed to place the report on the website of the department so that the petitioners, appellants and all concerned should get knowledge of the proceedings and recommendations and chalk out future course of action in accordance with law. The respondents are further directed to ensure compliance with the recommendations of the Committee forthwith, without further wastage of time, so that the aggrieved persons can seek remedy available to them under the law.

In view of the above, the implementation/execution petition is disposed of as having served the purpose. File be consigned to the record.

ANNOUNCED
14.03.2012

MEMBER CHAIRMAN

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 14-3-12
Number of Words 1200
Copying Fee 8-00
Urgent 8-00
Total 8-00
Name of Copyist
Date of Completion 20-3-12
Date of Delivery of Copy 20-3-12

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BEFORE THE PESHAWAR HIGH COURT BENCH DERA ISMAIL KHAN

Writ petition No. 166-P of 2015.

1. M. Safdar Shah S/O Muhammad Azam GPS Kot Mehsudan D.I.Khan.
2. M. Ilyas S/O Ghulam Abbas GPS Zawar Shumali D.I.Khan.
3. Sami Ullah S/O Ghulam Qadir GPS Hero Khel D.I.Khan.
4. Rehmat S/O Ahmad Hussain GPS Pharpur 2 D.I.Khan.
5. Shah Jehan S/O Muhammad Jan GPS Chah Ladha D.I.Khan.
6. Sana Ullah S/O Ghulam Saddique GPS Pharpur 3 D.I.Khan.
7. Muhammad Ismail S/O Muhammad Hayat GPS Wanda Nadir Shah D.I.Khan.
8. Riaz Hussain S/O Muhammad Ibrahim GPS Islam Pur D.I.Khan.
9. Aman Ullah S/O Nasrullah GPS Chah Langhan Walan D.I.Khan.
10. Arif Hussain S/O Khuda Bakhsh GPS Wanda Jamali D.I.Khan.
11. Rustam Khan S/O Fateh Sher Khan GPS Band Kurai No. 1 D.I.Khan.
12. Muhammad Tahir S/O Rab Nawaz GPS Basti Malana No. 1 D.I.Khan.
13. Nasrullah S/O Muhammad Khan GPS Wanda Shahbaz D.I.Khan.
14. Muhammad Iqbal S/O Kalu GPS Wanda Shehbaz D.I.Khan.
15. Allah Nawaz Khan S/O Haqnawaz GPS Wanda Dau D.I.Khan.
16. Malik Hamid Ullah S/O Malik Mamdu GPS Band Kurai D.I.Khan.
17. Khanzaman S/O Muhammad Akbar GPS Toba D.I.Khan.
18. Kashmir Khan S/O Ghazi Khan GPS Niazi Abad D.I.Khan.
19. Ullat Ali S/O Ghulam Shabbir GPS Kachi Kathi Garh D.I.Khan.
20. Mureed Hassan S/O Muhammad Hassan GPS Rasool Abad D.I.Khan.
21. Aslam Khan S/O Haji Sardar Khan GPS Murad Abad D.I.Khan.
22. Abdul Aziz Khan S/O Haji Gul Habib Khan GPS No. 1 Band Kurai D.I.Khan.
23. S. Touqeer Hussain Shah S/O Nazar Hussain Shah GPS Burz Wali D.I.Khan.
24. S. Ibne Hassan Shah S/O Niaz Hussain Shah GPS Bilot Sharif D.I.Khan.
25. Muhammad Saleem S/O Malik Khan GPS Qazi Khokhar D.I.Khan.
26. Qazim Ali S/O Ghulam Sarwar GPS Rasool Abad D.I.Khan.
27. Gohar Iqbal S/O Ghulab Shabani GPS Chah Ladha D.I.Khan.

PESHAWAR HIGH COURT BENCH DERA ISMAIL KHAN

Filed today 9-3-15

Advocate Peshawar

11/3/15

ATTESTED

EXAM NOR
Peshawar High Court
D I Khan Bench 16/3/15

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28. Rehmat Ullah S/O Allah Diwaha GPS Kot Mehsudan D.I.Khan.
29. M. Husnain S/O Abdul Qadoos GPS Sheru D.I.Khan.
30. M. Usman S/O M. Bakhsh GPS Luthrana D.I.Khan.
31. M. Farooq S/O M.Ramzan GPS No. 3 D.I.Khan.
32. M. Nawaz S/O Ghulam Ali GPS Pharpur No. 1 D.I.Khan.
33. Ghulam Abbas S/O Allah Bakhsh GPS Niazi Abad D.I.Khan.
34. Muhammad Khalid S/O Rab Nawaz GPS Gandi Umer Khan D.I.Khan.
35. Farhat Abbas S/O Ghulam Sadiq GPS Jhok Muhana No. 1 D.I.Khan.
36. Muhammad Sajid S/O Imam Bakhsh GPS Kala Gorh No. 1 Pharpur D.I.Khan.
37. Ulfet Sumaira S/O Khuda Bakhsh GGPS Amar Abad D.I.Khan.
38. Shaista Bibi D/O Muhammad Hafeez GGPS Wanda Jani D.I.Khan.
39. Safeena Bibi D/O Muhammad Akram GGPS Jhok Musa D.I.Khan.
40. Safroorna Bibi D/O Ghulam Akber GGPS Bhagwani Shumali D.I.Khan.
41. Hafsa Bibi D/O Ghulam Akber GGPS Wanda Bechohra D.I.Khan.
42. Aziz Fatma D/O Abdul Qadoos GGPS Qazi Khokhar D.I.Khan.
43. Naseem Akhter D/O M. Ramzan GGPS Kachi Kath Garh D.I.Khan.
44. Shaheen Akhter D/O Ashiq Hussain Shah GGPS Band Kurai D.I.Khan.
45. Hafeez Ullah S/O Muhammad Jan GPS Risal Dil Abad D.I.Khan.
46. Kifayat Ullah S/O Ghulam Hassan GPS Bilot Sharif D.I.Khan.
47. Dr. Allah Ditta S/O Muhammad Nawaz GPS Matwala Shah D.I.Khan.
48. Rehmat Ullah S/O Muhammad Ashraf GPS Hafi Khel D.I.Khan.
49. M. ShahidS/O Muhammad Azam GPS New Chura D.I.Khan.
50. Tehmina S/O Meharban Khan GGPS No. 1 Takwara D.I.Khan.
51. Abdul Haleem S/O Ghulam Fareed GPS Kachi Kath Garh D.I.Khan.
52. Mati Ullah S/O Jamal KhanGPS Kotla Lodhian D.I.Khan.
53. S. Sibtain ul Hassan S/O S. Nazar Hussain Shah GPS Kahushrana D.I.Khan.
54. M. Ibrahim S/O Rehmat Ullah GPS Khokhara D.I.Khan.
55. Ruskhsana Gul S/O Mehmood Ul Hassan GGPS Wanda Nankani D.I.Khan.
56. Inayat Ullah S/O Habib Ullah GPS Riaz Abad D.I.Khan.
57. Syed Sibtain Shah S/O Syed M. Arif Shah GPS Wanda Dost Ali D.I.Khan.
58. Iqbal Hassan S/O Ghulam Hassan GPS Mehmood Abad D.I.Khan.

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EXAMINER
D.I.Khan Bench
16/5/15

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Advocate

59. M. Iqbal S/O Ghulam Muhammad GPS Kotjai No. 2 D.I.Khan.

60. Kifayat Ullah S/O Sarfaraz Khan GPS Jhock Daara D.I.Khan.

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VERSUS

1. Government of Khyber Pukhtunkhwa through Secretary Elementary & Secondary Education Department K.P.K Peshawar.
2. Director of Education (E&S) Khyber Pukhtunkhwa Peshawar.
3. District Education Officer (Male) D.I.Khan.
4. District Education Officer (Female) D.I.Khan.
5. District Account Officer D.I.Khan.

WRIT PETITIONER UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Filed today 7-4-15
Asstt. Registrar
11/3/15

RESPECTFULLY SHEWETH,

1. That the petitioners above named are peaceful respectable, law abiding and bona fide citizen of District Dera Ismail Khan, Islamic republic of Pakistan. The petitioners have completed their Academic qualification and was appointed against the vacant posts of PST etc. Later on the basis of political victimization the Government in the year 2010 conducted an inquiry against the petitioner, which resultantly, the dismissal of the hundreds of the appointed teachers. Copies of orders are Annexure A.
2. That feeling aggrieved from the termination orders, petitioners preferred an appeal before the service tribunal, which was decided vide its order dated 27-01-

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EXAMINER
16/5/15

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Advocate

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2011 directing the respondents to conduct an inquiry in the light of direction given by Hon'ble Service Tribunal. The copy of judgment is Annexure B.

3. That on the basis of the judgment dated 27-10-201, the so-called inquiry was conducted by Government of Khyber Pukhtunkhwa vide later No. SO (Lit) E & SED/1-3/2011 Dated Peshawar, the 26-01-2012 communicated recommendations of the committee which is annexed as Annexure C.

4. That it is to be noted that the committee vide its report dated 26-01-2012 also framed certain recommendation which besice the others also include a proper termination orders of all the affectees by the then decision of service tribunal report 26-01-2012 and inquiry report dated 27-01-2011.

Filed today 7 M 4
Addl Registrar 11/3/15

5. That service of the effectives opted to execute the judgment dated 27-10-2011 before the Honorable service tribunal Khyber Pukhtunkhwa, which was decided vide its judgment dated 14-03-2012. Copy of the order is Annexure D.

6. That the petitioners time and again approached to the respondents for the implementation of all the orders along with recommendation but no proper order of termination has yet been issued/ communicated to the petitioners. The some of the affectees challenged the illegal act of the respondent through writ petition No 48-D/2014 which were decided on 03-02-2015 with the direction that termination orders were handed over to the affectees and also the copy of the same is placed on the record of above mentioned petition. Copy of writ petition along with order dated 03-02-2015 is Annexure E.

7. That petitioners on coming to the knowledge of above mentioned order dated 03-02-2015, moved an application for issuance of copy of termination order but respondent clearly refused so. Copy of Application is Annexure F.

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Advocate

G. That the respondents all together ignored the rights so accrued, having no other alternate remedy, the petitioner is constrain to challenge the same inter alia the following grounds.

GROUNDS:

i. That the act of the respondents is against the law, facts and circumstances of the case and the same amounting to high handedness on the part of the respondents.

ii. That the non-issuance of the termination letters is based on malafide and deliberate act of the respondents whereby, the petitioner have become made disable to challenge the same before service tribunal.

Filed today 7 MAR
Addl: Registrar
11/3/15

iii. That very purposely the termination letter were withheld by the respondents up till now, as the non-availability of the termination letters has created a legal disability for challenging the act/recommendation of the committee before the Honorable Service Tribunal, hence, the acts of the respondents is against the law, good governess and fundamental rights of a citizen who has the right to have an access to all the legal forums as per law.

iv. That it is settled law that if any point related to the terms of service was decided by a court then the benefit of such judgments be extended to

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Peshawar High Court
10/5/15

ANWAR ALI
ADVOCATE

others who may not be parties to the litigation instead of compelling them to approach the court.

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v. That counsel of the petitions may kindly be allowed to raise further grounds during the course of arguments.

It is , therefore, Humbly prayed that by accepting the present Writ Petition, respondents may graciously by directed to issue the termination orders of the petitioners with all back benefits up till now Or any other appropriate relief, which this Honorable Court may deems best in the interest of justice, may also be granted to petitioners.

11/3/15

Yours Humble Petitioners

Safdar Shah and Others

Dated: 09-03-2015

Muhammad Anwar Awan

Advocate Supreme Court

CERTIFICATE

Certified that petitioner in this honorable court has earlier filled no other write petition on the subject.

Petitioners

BOOKS REFE:

Constitution of Pakistan 1973

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IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
14.5.2015.	*W.P.No.156-D/2015.* Present: Mohammad Anwar Awan, Advocate for petitioners. ******* *MUSARRAT HILALI, J.*- At the very outset learned counsel for the petitioners requests that if direction be given to respondents to provide termination orders passed by them in favour of the petitioners in that case he would not like to press the instant petition. 2. Hence, the instant writ petition is disposed of accordingly. However, the respondents are directed to provide termination orders to the petitioners. *Announced.* 14.5.2015. JUDGE JUDGE

1615/15

1615/15

Aftab/*

ATTESTED
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Awan
Advocate

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OFFICE THE EXECUTIVE DISTRICT OFFICER (E&SE) D.I.Khan

ORDER:

In pursuance of order dated 27-10-2011 of the KPK Service Tribunal in service appeal No. 1407/2010 and other connected appeals, committee headed by the Secretary to Govt. of Khyber Pakhtunkhwa (E&SE) Department considered the cases of the appellants and similar placed persons and came to the conclusion that the appointment of the following PSTs (Male) was illegal, irregular and void ab-initio in terms of rule 10(2) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and prescribed method of recruitment. On the recommendation of the committee contained at page 103-104 of the enquiry report, their so called services are hereby terminated.

S. No.	Appeal No/year	Name of appellant	Father's Name	School
1	2528/10	Tariq Hussain	Ghulam Qasi	GPS Ghumsan
2	Nil	Malik Abdur Rashid	Haji Malik Rashid	GPS Sakhani
3	Nil	Shoukat Imran	Muhammad Nawaz	GPS Umar Buba
4	2391/10	Muhammad Safdar	Muhammad Azam	GPS Kot Mehsudan Band Kurai
5	2036/10	Atta Muhammad	Allahdad	GPS Muga
6	3102/10	Abdul Ghafar	Sher Muhammad	GPS Udwal
7	2648/10	Abdul Saeed Khan	Ahmad	GPS Asghan Khel
8	2372/10	Muhammad Asif	Faiz Rasool	GPS No.1 Kaich Kiri Baz Muhammad
9	2052/10	Muhammad Naeem	Muhammad Ibrahim	GPS Jhoke Dar/Din Pur
10	1893/10	Asif Mehmood	Abdul Aziz	GPS Jhoke Balal
11	2090/10	Saifur Rehman	Sona Khan	GPS No. 4 Kulachi/GPS No.2 Maddi
12	Nil	Khalid Mehmood Kha	Chaudry Nijmu Din	GPS Jandhir Abdul Sattar
13	2114/10	Muhammad Shahid	Falik Sher	GPS Talgai
14	2066/10	Muhammad Aslam	Muhammad Ramzan	GPS Jhoke Sakhani
15	2626/11	Ghulam Abid Shah	Ghulam Abbas Shah	GPS Audwal/GPS Joke Dar
16	1755/10	Mumtaz Ahmad	Ghulam Akbar	GPS Jhoke Dar / Abdul Khel
17	1494/10	Muhammad Javed	Malik Allah Nawaz	GPS Aslam Abad/Kala Gorh
18	1721/10	Kifayatullah	Sarfaraz	GPS Jhock Daar
19	2724/10	Muhammad Ali	Malik Allah Wasaya	GPS Sheesha / GPS Kora
20	2101/10	Muhammad Khalilur Rehman	Haji Fazal Rehman	GPS Noor Pur Paliyar
21	1455/10	Ghulam Abbas	Maula Dad	GPS Jok Amin DIK/No.1 Kot Essa Khan
22	Nil	Muhammad Javed	Muhammad Iqbal	GPS Saidallian/Khanu Khel
23	Nil	Muhammad Ishfaq	Muhammad Mushtaq	GPS Umer Khel
24	2640/10	Sheikh Muhammad Zahid	Sheikh Ghulam Akber	GPS Bait Keheri/GPS Malik Mir/Dhapanwali
25	1989/10	Syed Muhammad Abdullah Shah	S.Nazar Hussain	GPS Kachi Khasore
26	2853/10	Qamar Ali	Jan Muhammad	GPS Kachi Kath Garh
27	Nil	Karam Elahi	Khuda Baksh	GPS Basti Zangadaa Wali
28	1451/10	Umar Hayat Khan	Khan Muhammad	GPS Buzdar / Kiri Malang
29	1425/10	Muhammad Aslam	Muhammad Hussain	GPS Jhoke Rind/GPS Wanda Buchra
30	2377/10	Muhammad Ismail	Muhammad Hayat	GPS Wanda Nadir Shah

Assistant Director (Legal) Office of the Director E&SE Khyber Pakhtunkhwa Peshawar

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Advocate

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495	202 4/10	Muhammad Mushtaq	Haq Dad	GPS No.2.Jehan Khani
496	1501/10	Muhammad Tagi	Mahboob Shah	GPS Lang Khair Shah
497	2348/10	Muhammad Iqbal	Kalu Khan	GPS Wanda Shbaz
498	176 8/10	Muhammad Arif	Umer Khitab	GPS Haibitti / GPS Paniala
499	1726/10	Shahid Nawaz	Rab Nawaz	GPS Jhi Rozi Khan
500	1644/10	Niamatullah	Khuda Bakhsh	GPS Jhoke Uttra
501	1434/10	Mohsan Hassan Khan	Hassan Khan	GPS Rindh/Takwara
502	1430/10	Nimat Ullah	Muhammad Ramazan	GPS Gara Audal/Joke Sarwar
503	3088/10	Muhammad Khalid	Meher Din	GPS Chah Mapal
504	574/10	Aziz Ur Rehman	Abdur Rehman	GPS Bigwani shumali
505	2570/10	Muhammad Faheem Khan	Azhar Ubaidullah Jan	GPS Shaikh Mali
506	2113/10	Ghulam Qasim	Karam Elahi	GPS Ara
507	2617/10	Samiullah	Juma Khan	GPS Kot Tagga/Langer Kot/Kot Musa
508	1646/10	Rashid Ashraf	Muhammad Ashraf	GPS Hafaz Abad
509	2297/10	Manzoor Hussain	Kalu Khan	GPS Wanda Khaliq Shah
510	2086/10	Muhammad Abid	Muhammad Jahangir	GPS No. 2 Paroa DIKhan
511	151 0/10	Rangeen Khan	Faizullah Khan	GPS No.2.Gara Nawabi
512	2306/10	Muhammad Hayat	Sardar Baksh	GPS No.3 Paharpur
513	152 4/10	Mushtaq Hussain	Ghulam Rasool	GPS Thatha Blouchan
514	2072/10	Inamullah Khan	Abdul Razaq Khan	GPS No. 2 Rori
515	151 4/10	Saifullah	Ghulam Fareed	GPS No .2 Dhalla
516	1765/10	Muhammad Barkatullah	Shoukat Ullah	GPS Wanda Karim Dirkhan
517	2518/10	Muhammad Aslam	Nabi Bakhsh	GPS Saggu Shumali/Benazir Colony
518	2379/10	Rustam Khan	Fateh Khan	GPS No.1 Band Kuri
519	1722/10	Kleemullah	Karim Bakhsh	GPS Gara Teli
520	208 7/10	Muhammad Iqbal	Ahmad Nawaz	GPS Wanda Balochan
521	1415/10	INNAYATULL AH	Lal Khan	GPS Basti Rajab ali
522	236 4/10	Tauqeer Hussain	Nazar Hussain	GPS Burz Wali/GPS No.1 Kathgarh

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				Chah Pai Wala
693	2127/10	Mazhar Abbass	Sohna Khan	GPS Chah Hussain Khan
694	Nil	Asmat Ullah Lashari	Atta Muhammad	GPS Sakandar Junabi
695	Nil	Muhammad Aslam	Haq Nawaz	GPS Shala Sharif/Moga
696	2045/10	Muhammad Amjad Khan	Shoukat Hayat	GPS Muchi Wal/ Gandi Ashiq
697	1797/10	Ishfaq Ahmad Faiz	Faizullah	GPS Bali Wala/Ratta Kulachi
698	3087/10	Munawar Hussain	Ghuam Qasim	GPS Kiara Besharat. Appointed by Transfer
699	2305/10	Tariq Hussain	Allah Nawaz	GPS Kalu Qalander
700	Nil	Shoukat Ali	Rustam Khan	GPS Hassani
701	Nil	Muhammad Taqi Shah	Zawar Hussain Shah	GPS Kachi Baqar
702	2525/10	Muhammad Rashid	Muhammad Bakhsh	GPS Teekan/Kurai
703	2806/10	Ghulam Baho	Ghulam Hussain	GPS Wanda Shesha / No.1 Paharpur
704	Nil	Mehmoob Ellahi	Raza Muhammad	GPS Haji Khel
705	1885/10	Muhammad Imran	Mumtaz Khan	GPS No.3 DIKhan
706	2013/10	Muhammad Ibrahim	Muhamad Nawaz	GPS Aman Abad
707	26 00/10	Muhammad Ramzan	Muhammaz Ayaz	GPS Tube Well Noor Alam
708		Ghulam Abbas	Fazal Elahi	GPS Mithpur Khurd
709	1454	Muhammad Gulzar	Ghulam Sarwar	GPS Gandi Ashiq

EXECUTIVE DISTRICT OFFICER
(E&SE) D.I.Khan

Ends No. 001-7131 Dated D.I.Khan the 08/2/2012

Copy for information to:

1. P.S to Secretary (E&SE) KPK.
2. P.A to Director (E&SE) Peshawar.
3. District Coordination Officer D.I.Khan.
4. District Officer (E&SE) (M/F) D.I.Khan
5. All concerned.

EXECUTIVE DISTRICT OFFICER
(E&SE) D.I.Khan

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M. Anwar Awan
Advocate

(11)

1-44

The Director,

Elementary & Secondary Education

Khyber Pakhtun Khaw

Peshawar.

Through: Proper Channel.

Subject: DEPAETMENTAL APPEAL AGAINST ILLEGAL VERBAL TERMINATION FROM SERVICE

Respected Sir,

The appellant humbly submits as under:

1. That the appellant being eligible and having required qualification was appointed by the Executive District Officer, Elementary & Secondary Education D.I.Khan after due course/ process of recruitment.
2. That, after furnishing Medical Fitness Certificate and taking over the charge of said post, the appellant started performing her official duties regularly with due diligence, care devotion and to the satisfaction of superiors and leave no stone unturned in performance of his/her official duties.
3. That during the period the services rendered by the appellant remained up-to the mark and no deficiency, inefficiency, negligence or irregularity of the appellant was reported.
4. That, due to the political influence, some inquiries were conducted and during course of such inquiries appellant was no served with any notice, whatsoever, not appellant was given any opportunity of hearing. Thus, the appellant condemned un-heard and thereafter, the DCO D.I.Khan terminated the teachers being appointed in the year 2007 and the E.D.O D.I.Khan Elementary & Secondary Education D.I.Khan.
5. That feeling aggrieved from the illegal termination orders of E.D.O.D.I.Khan, the appellant filed an appeal along with others before learned Service Tribunal, who after hearing the counsel for the parties, accepted the appeal of some appellants on 27-10-2011 with the direction that qualification of the appellants have been checked.
6. That secretary education conducted so called inquiry, inviting the appellant in circuit house D.I.Khan and Clerk of education department provided a Proforma, which were filled by the appellant and submitted it to the same clerk. The Proforma contain inquiry regarding qualification of the appellant in which no show cause was given nor it contained charges of allegation on the appellant.
7. That secretary education after inquiry, recommended termination of all teachers which were appointed in 2007 and on such recommendation E.D.O D.I.Khan verbally informed the court during the proceeding of implementation of the judgment that he terminated the all the teacher who were present in the inquiry but did not issue any termination order nor same was received to the appellant. Feeling aggrieved from the

M. Anwar Khan
Advocate

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situation, the appellant filed writ petition regarding issuance of termination order, in which direction was issued by the Hon.ble court on 14.05.2015 that termination orders passed by the department be provided to the petitioners. It is also evident from the combined termination orders of the 1691 teachers that it was not signed by the EDO but stamped signatures were shown on the termination orders. The combined termination order has no sanctity in eyes of law. It is also evident from the department record that termination orders were not issued to the appellant.

8. That feeling aggrieved from the illegal termination order, appellant filed this departmental appeal.
9. That education official did not issue any charge sheet, nor issue any show cause notice but provided a Performa which did not contained any allegation regarding inquiry. The inquiry was conducted only for checking of qualification of all civil servants which were terminated.

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the termination orders may please be set aside and appellant may graciously be re-instated with all back/ future benefits.

Rustam
Your Honorable Appellant
رستم خان ولد فتح شیر
سکنہ بندکورائی

1) Copy to the Sectry elementry and Secondary Education K.P.K Peshawar.

Attested
Awan
M. Anwar Awan
Advocate

No 002708

بسم الله الرحمن الرحيم

ROLL NO. 55589

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

BANNU

N.W.F.P. PAKISTAN

PROVISIONAL CERTIFICATE

INTERMEDIATE EXAMINATION

SESSION 19 95 Annual/Supplementary

HUMANITIES GROUP

THIS IS TO CERTIFY THAT Rustam Khan

Son / Daughter of Ali Sher

and a candidate of Dist. Dera Ismail Khan.

Registered No. _____ *has passed the INTERMEDIATE EXAMINATION of the Board of Intermediate & Secondary Education, Bannu held in* Dec: 1995 *as a Regular / Private candidate. He / She has obtained* 473 *Marks out of 1100 and has been placed in Grade (* D *)* Fail.

The Examination was taken as a whole / in parts.

Attested

Habib Ullah
S.S.T (Gen) B.P.S
G.H.S Hazro Abad

Prepared by _____

Checked by _____

Date of Preparation _____

Asstt: Secretary (Certificates)

Attested

M. Anwar Awan
Advocate

Serial No. A- 146626

Allama Iqbal Open University, Islamabad

Mr/Ms. Rustam Khan son / daughter of Fath Sher

Registration No. 00-NDN-0171 Roll No. J-6176817 has completed all the requirements of

Primary Teaching Certificate

in ~~Spring~~/Autumn 01 semester on 31st July, 2002

Code/Course	Marks obtained	Code/Course	Marks obtained
611-Workshop & Teaching Practice	54 /100	617-Teaching of Urdu	52 /100
613-Principles of Education	57 /100	618-Teaching of Mathematics	82 /100
614-Educational Psychology	53 /100	619-Teaching of Science & Physical Education	48 /100
615-School Organisation	52 /100	620-Teaching of Islamiat & Social Studies	49 /100
616-School, Community & practical Arts	48 /100		

Islamabad Dated:- 22nd July, 2003

He/She has secured 55% marks and cummulative grade B.

Prepared by:

Checked by:

Controller of Examinations

Attested
Habib-Ullah
S.S.T (Gen) B.P.S
G.H.S Hattiabad

M. Anwar Awan
Advocate

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No. 29971

BOARD OF INTERMEDIATE & SECONDARY EDUCATION
B A N N U
DETAILED MARKS CERTIFICATE
Intermediate Examination (Humanities Group)
Part I & II

Session 1995 (Annual/Supplementary)

Name Rustam Khan

Father's Name Fateh Sher Roll No. 56589

SUBJECTS	Total Marks	MARKS OBTAINED			
		Part-I	Part-II	Total in Figures	Words
1. English	200			76	
2. Urdu	200			69	
3. Islamic Education	50			40	
4. Pakistan Studies	50				
5. PH	200			68	
6. PS	200			118	
7. HPE	200			101	
Total	1100			472	D

four hundred and seventy two

Attested

Hafiz Ullah
S.S.T (Ger)
G.H.S Hathala

NOTE :- Errors/Omissions excepted.

Prepared by _____

Checked by _____

Date _____ 19

Controller of Examination
Board of Intermediate & Secondary Education,
BANNU.

ATTESTED
M. Anwar Awan
Advocate

VAKALATNAMA

IN THE COURT OF ..... K.P.K Service Tribunal Camp D.I.KHAN

Rustam Khan **VERSUS** Govt of K.P.K

SUIT/OFFICE..... Appeal .....

I/WE..... Appealant .....

The above named..... Rustam Khan .....**hereby appoint**

MUHAMMAD ANWAR AWAN ADVOCATE, HIGH COURT D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.

2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.

3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the precedings.
To do all other acts and things, which may deemed necessary or advisable during the court of Proceedings.

AND hereby agree:

a) To ratify whatever advocates may do the proceedings.

b) Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence form the court when it is called for hearing.

c) That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remain UN-paid.

d) That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read / explained to me/us fully understood by me/us this.

Date..11-10-015.....

Rustam Khan

Signature of executant (s)

Accepted bv:

Anwar Adv

MUHAMMAD ANWAR AWAN
ADVOCATE
HIGH COURT
Distt: Courts, D.I.Khan.
Ph.# (off) 0966-730828

Samina

SAMINA KANWAL
ADVOCATE
HIGH COURT

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1135/2015

Rustam Khan **VS** **Government of KPK**

JOINT PARAWISECOMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections

1. That the Service Appeal is not maintainable and incompetent in the eyes of law in its present form.
2. That the appellant is estopped by his own unwholesome conduct as Public Servant to file this appeal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal, when there is provision for Review under Rule 3 of Appeal Rules, 1986.
4. That the appellant has not come to this Honourable Court with clean hands and has suppressed all relevant facts.
5. That the appellant has concealed the material facts and ground realities from this Honourable Tribunal.
6. That the appeal is bad due to mis-joinder / non-joinder of necessary parties.
7. That the appellant has not come to Honourable Court with clean hands.
8. That the KPK Service Tribunal has no jurisdiction to entertain the instant petition in its present form.
9. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
10. That the appeal is weak having no force, fabricated, fictitious, based on ill will, malafide motives and having no legal footings in the eyes of law.
11. That the present service appeal is not maintainable in its present form and jurisdiction of this **Honourable Service Tribunal** is barred by the **Section 23 of Khyber Pakhtunkhwa Rules 1974** "According to which no Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
12. That the recommendations of the Committee constituted in light of direction of this Honourable Tribunal were implemented and terminated all the illegal teachers and provided them termination orders. Hence the appeal is badly time barred as well as barred by leeches.
13. That the proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this honourable Tribunal.
14. That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

Objection on Facts

1. Para pertains to the address of parties hence need no comments.
2. Incorrect / not admitted. Vehemently denied. The EDO (S&L) advertised vacant post of PST, CT and other cadres on **07.04.2007**. After completion of codal formalities 309 male PSTs was appointed on merit under joint appointment order No. 12655-973 dated 02.07.2007. The name of appellant does not reflect in the said appointment order.
   i. The appellant is one of the 1613 illegal terminated teachers.His services along with **1613 teachers were terminatedby the then DCO DIKhan** vide order dated 04.09.2009. **(annexure A)**.
   ii. Termination orders dated 04.09.2009 were challenged before the **Honourable Peshawar High Court DIKhan Bench**and Honourable High Court suspended

the operation of termination orders dated 04.09.2009 till the decision of writ petitions **(annexure B)**.

iii. On 29.04.2010 writ petitions were returned to the petitioners and termination orders dated04.09.2009 was implemented with effect from 01.05.2010 **(annexure C)**.

iv. That the appellant and others preferred service appeal for reinstatement of their services.

v. The **Honourable Service Tribunal vide judgment dated 27.10.2011** in **Service Appeal No. 1407/2010** instead of outrightreinstatement of appellantand others remanded / sent back case of the appellantand similar placed persons to the Secretary E&SE KPK Peshawar for reconsideration **(annexure D)**.

vi. The High Level inquiry committee headed by the Secretary E&SE KPK Peshawar examined and considered the case of the appellant and others. The committee dismissed the appeals of all the appellants being devoid of merits as well as legal footings and submitted inquiry report to this Honourable Tribunal. The name of the appellant reflects in the findings of inquiry committee.

vii. Incompliance with the recommendations of the inquiry committee, the then EDO DIKhan issued **termination order on 08.02.2012**. The name of appellant is present in the termination order list.

viii. After submission of inquiry report and termination orders some of the aggrieved affectees filed Execution Petitions for the implementation of the order dated 27.10.2011of the Honourable Tribunal. The Honourable Tribunal disposed of Execution Petition on 14.03.2012. Subsequently order dated 14.03.2012 of the Honourable Tribunal was challenged in CPLA before Supreme Court of Pakistan. But the apex court declined leave to appeal and dismissed the petitions. Thus termination of the service of the appellant and others attained finality.**(annexure E,F)**

3. Incorrect / not admitted. This para pertains to the record.

4. Incorrect/not admitted, strongly denied. The appellant was appointed as school teacher **without observing all the codal formalities.** The appointment of the appellant was illegal, out of turn without performing all the pre-requisites which are necessary and compulsory for the appointment of the school teacher as per existing rules.The act of the respondents is quite legal, justified, bonafide, based on real legal facts and in the interest of government and the public at large.

5. Incorrect/not admitted.intensely denied. In year 2008 Mr. **IsrarUllah Khan Gandapur (Late) Ex MPA has raised a question in provincial assembly regarding the illegal appointments and recruitments in the education department DIKhan**. Hence the provincial Assembly constituted a committee No. 26 for Elementary and Secondary Education Department dated 20.08.2008. The standing committee No. 26 scrutinized all the appointments record of the year 2007-08 and concluded that all the illegal appointed teachers were terminated from service during the period of 01.01.2007 to 30.06.2008. **(Annexure G)**Therefore the appellant **has been terminated from service along with all the illegally appointed teachers in the year 2007 & 2008** on the direction of Provincial Government dated 04.09.2009. Then appellant and other terminated teachers approached the **Honourable High Court and Supreme Court of Pakistan, both the courts has dismissed the appeals of appellant**. Then appellant and others approach the Honourable

Service Tribunal and Service Tribunal remanded all the appeals to the Secretary E&SE KPK Peshawar vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010.Therefore, the stance of the appellant is having no truth and is totally false and fictitious.

6. Incorrect / not admitted, vigorously denied. The Secretary Education has constituted a committee to probe the matter. **The committee concluded that the appointment of the appellant and other were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa Civil Servant Appointment Promotion and Transfer Rules 1989** which reproduce as,**"initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the Departmental Selection Committee after the vacancies have been advertised in the News Papers".** The termination order of the appellant has been made in good faith, bonafide and in the best interest of public at-large.
7. Incorrect / not admitted, fervently denied. The recommendations of the enquiry committee were implemented with letter and spirit. In the **Execution Petition No. 34/2012 the Director E&SE KPK Peshawar and EDO DIKhan stated at the bar** dated 14.03.2012 before the Service Tribunal that they have already implemented the recommendations of the committee and issued the termination orders / letter accordingly. Further appellants filed **writ petition No 481/2014 and** the same was disposed of on 03.02.2015.This act of the respondents cannot be declared against the law on any ground whatsoever but the straight away rejection of appeal.**(Annexure H)**
8. Incorrect / not admitted. The appeal of appellant is badly time barred. According to Section 23 of Khyber Pakhtunkhwa Rules 1974 "No Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
9. Incorrect / not admitted. The Honourable Court has no jurisdiction to interfere in the administrative action of the authority in instant Service Appeal.

Objections on Ground

1. Incorrect/ not admitted, strongly denied. After fulfilling all the codal and legal formalities, besides the act of respondents was according to the law with legal justification andin the light of **Judgment onService Tribunalin service appeal No. 1407/2010 decided on 27.10.2011.**There is no prepense malic in fact and malice in law against the appellant.
2. Incorrect / not admitted, vehemently refuted. The report of committee was comprehensive in all respect as per the direction of Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar.
3. Incorrect / not admitted, forcefully denied. The committee was constituted on the direction of the Honourable Service Tribunal. After personal hearing of appellants

committee comes to the conclusion that the **appointments of the appellants were illegal and irregular in the light of Rule 10(2) of APT 1989 (annexure I).**

4. Incorrect / not admitted, hotly denied. The appellants were treated according to law and provided an **opportunity of hearing and defense** but the appellants failed to defend their illegal appointment orders.The termination orders were issued in the public interest by the Competent Authority after fulfilling all legal and codal formalities, therefore, the petitioner has got no cause of action or locus standi to file the writ petition for his grievances
5. Incorrect / not admitted heatedly denied. It is clear crystal from the **judgment dated 14.03.2012 in EP No. 34/2012 the termination orders were produced before the Honourable Service Tribunal** and the **same termination order were also presented before the Honourable High Court dated 03.02.2015.** The photocopy of the same was provided to the appellants. Hence the appeal of the appellant is badly time barred and in fructuous.

The respondents also seek leave of the Honourable Court to advance and urge additional as well as further grounds during the course of arguments.

PRAYER:

It is, therefore, most humbly prayed that on acceptance of these para-wise comments, the instant Service Appeal being devoid of legal footings and merits, may graciously be dismissed with cost.

Secretary
Elementary &Secondary Education Department
Khyber Pakhtunkhwa Peshawar

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

District Education Officer ( )
Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1135. 2015.

Rustam. Khan.

VS **Government of KPK**

Affidavit

I Mr. kamran Khan legal representative of District Education Officer (M) DIKhan do hereby solemnly affirm and declared on oath that content of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honorable Service Tribunal.

M Khan Kamran

Deponent

BEFORE THE HONOURABLESERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1135-2015.

Rustam. Khan. **VS** **Government of KPK**

Authority

I District Education Officer (M/F) DIKhan do hereby authorized Mr. Kamran Khan Legal representative of DEO (M) DIKhan to attend this Honourable Service Tribunal KPK Peshawar DIKhan Bench on my behalf in connection with submission of para wise comments and till the decision of the service appeal.

District Education Officer (M/F)
Dera Ismail Khan