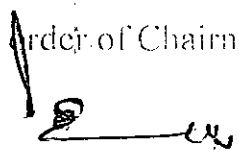


FORM OF ORDER SHEET

Court of _____

Case No. - _____

734/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/04/2023	<p>The appeal of Mr. Awais Khan presented today by him. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant for the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A. 734 2023


Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,
Akora Khattak, Tehsil and District Nowshera.....**Appellant.**

Versus

Director, Directorate of Higher Education, Khyber Pakhtunkhwa,
Peshawar and others.....**Respondent**

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1.	Appeal	1-6	-
2.	Appointment Order dated 05.01.2023	7	A
3.	DMC Matric	8	B
4.	Revised Retirement Order dated 08.12.2022	9	C
5.	Application/representation dated 30.01.2023	10	D
6.	Letter dated 13.03.2023	11	E
7.	Copies of Advertisement of other colleges	12-13	F & G


Awais Khan Khattak
Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A. 734 2023

Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,
Akora Khattak, Tehsil and District Nowshera.....**Appellant**

Versus

1. Director, Directorate of Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal Government Khuhsal Khan Khattak Degree College, Akora Khattak, District Nowshera.
3. Principal Government Postgraduate College, Nowshera.
4. Government of Khyber Pakhtunkhwa through Secretary Higher Education Civil Secretariat Peshawar.....**Respondents**

APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
RESPONDENTS WHEREBY THE
APPLICATION/REPRESENTATION DATED
30.01.2023 FOR CHANGE OF POST HAS NOT
BEEN CONSIDERED BY THE RESPONDENTS.

PRAYER:

On acceptance of this appeal, the respondents may kindly be directed to change the post of the appellant from chowkidar to Laboratory Attendant/ Naib Qasid or any other suitable post at any nearby college at District Nowshera.

Respectfully sheweth:

Appellant humbly submits as under:

- 1) That the appellant has been appointed as chowkidar under 100% medical invalidation quota at Government Khushal Khan Khattak degree college vide office order dated

05.01.2023 issued by respondent No.2 (Copy at Annexure-A).

- 2) That the appellant has passed matric examination (Copy of DMC is at Annexure-B).
- 3) That father of the appellant was working as Laboratory Attendant at Government Khushal Khan Khattak Degree College, Akora Khattak and stood retired from the said college on medical ground/invalidation (Revised Retirement Order is at Annexure-C).
- 4) That after the appointment order dated 05.01.2023 issued by respondent No.2, the appellant submitted an application/representation to respondent No.2 for changing the post of the appellant to Laboratory Attendant/Naib Qasid, however, the respondent No.1 has not considered the request on the ground that post of Chowkidar was lying vacant and the appellant has been informed accordingly vide letter dated 13.03.2023 (copies at Annexure-D and E).
- 5) That number of relevant posts are lying vacant in different colleges at District Nowshera and the appellant could/can be adjusted against the same (Copies of some advertisements are at Annexure-F and G)
- 6) That being aggrieved the appellant has come before this Hon'ble Court in this appeal on the following amongst the other.

GROUND:

- a. That the respondents have failed to properly consider the request/application/representation and thereby arrived at wrong conclusion in not considering the application/request.
- b. That the letter dated 13.03.2023 issued by the respondent No.1 is against the law, rules and is untenable in the eyes of law.
- c. That number of posts of Laboratory Attendants/Naib Qasids and other suitable posts are lying vacant at District

Nowshera and the appellant could/can be adjusted against the same.

- d. That the respondents have failed to appreciate the fact that father of the appellant was working as Laboratory Attendant, therefore, on priority the appellant could/should have been appointed on the said post.
- e. That the relevant Rule of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 provides as under:

10. Appointment by Initial Recruitment :-(1) Initial appointment to posts [in various basic pay scales] shall be made-

.....
 [4 Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board, notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant or if the child has not attained the age prescribed for appointment in Government service, the widow or wife as the case may be, of such civil servant, to a posts in any of the basic pay scales 3 to 11 in Provincial cadre post and basic pay scales 3 to 12 in District cadre posts:

Provided that the child or the widow or wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows or wives of the deceased civil servant, as the case may be, preference shall be given to the elder widow or wife:


Provided also that appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies, in different pay scales, are available at a time and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale:

Provided also that the provision of this sub-rule shall not be applicable to posts falling within the purview of the Commission.]

- f. That there is no bar in the said Rules and according to *ibid* Rule in case of vacant posts the child of the invalidated (medical ground retired) person may be appointed to the post carrying higher pay scale. Though some seats were/are lying vacant at District Nowshera and the appellant may please be adjusted against the same.
- g. That the application/representation submitted before the respondent No.1 has been declined/decided without providing an opportunity of hearing to the appellant.
- h. That the respondent No.3 maintain the seniority list of children of retired class-IV employees at District level and also maintains the details of vacant posts at District level.
- i. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is therefore, most prayed that on acceptance of this appeal, the respondents may kindly be directed to change the post of the appellant from Chowkidar to Laboratory Attendant/Naib Qasid or any other suitable post in any nearby college at District Nowshera.

Any other relief which this Hon'ble Court deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted.



Awais Khan Khattak
Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A _____ 2023

Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,
Akora Khattak, Tehsil and District Nowshera.....**Appellant.**

Versus

Director, Directorate of Higher Education, Khyber Pakhtunkhwa,
Peshawar and others.....**Respondents**

AFFIDAVIT

I, Awais Khan Khattak son of Liaqat Khan R/o Mohallah Qaziyan, Akora Khattak, Tehsil and District Nowhera do hereby affirm and declare that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court Tribunal.

(A ★)

Awais Khan Khattak

Deponent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

S.A _____ 2023

Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,
Akora Khattak, Tehsil and District Nowshera.....**Appellant.**

Versus

Director, Directorate of Higher Education, Khyber Pakhtunkhwa,
Peshawar and others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Awais Khan Khattak son of Liaqat Khan
R/o Mohallah Qaziyan, Akora Khattak,
District Nowhsera. Cell No.0331-7455985

RESPONDENTS:

1. Director Higher Education, G.T Road, Peshawar.
2. Principal Government Khuhsal Khan Khattak Degree College,
Akora Khattak, District Nowshera.
3. Principal Government Postgraduate College, Nowshera.
4. Government of Khyber Pakhtunkhwa Through Secretary
Higher Education Civil Secretariat Peshawar.

Appellant

(A*)

Awais Khan Khattak

OFFICE ORDER:

Consequent upon the Supreme Court order and subsequent recommendations of the Selection committee, the Competent Authority is pleased to appoint Mr. Awais Khan S/O Liaqat Khan as Chowkidar BPS-03, against vacant post under 100% medical invalidation quota with effect from taking over charge of the post with the following terms and conditions.

Terms & conditions

1. His appointment is subject to the production of Medical fitness certificate from District Head Quarter Hospital Nowshera.
2. He will be initially, on probation for a one year.
3. His services shall be governed under the service rules & regulations of the Provincial Government applicable to the Government employees of the same category.
4. His services are liable to terminated on one-month prior notice from either side. In case of resignation from the service, one-month prior notice will be given by the civil servant or in lieu thereof one month's salary, if any, shall be forfeited.
5. His appointment is subject to the verification of character & antecedents to the satisfaction of the appointing authority. His services will be liable to be terminated without any notice if they are not found fit subsequently.
6. His documents if needed, have to be verified from the concerned departments & if found incorrect, his services shall stand cancelled.
7. He is required to report for duty within 30 days of the issue of this order positively otherwise his appointment shall stand cancelled.
8. Charge reports shall be submitted to all concerned.
9. No TA/DA is allowed on joining the post.

Principal

Govt: K.K.K. Degree College Akora Khattak.

Endst No 586 - 592, dated 05-01-2023.

Copy forwarded for information & further necessary action:

- 1) Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
- 2) District Account Office Nowshera.
- 3) Coordinator JMC Nowshera, Principal GPGC Nowshera.
- 4) Copy to Manager Employment Exchange District Nowshera.
- 5) Appointee concerned.
- 6) In charge Class-IV.
- 7) Office Record.

Principal

Principal
Govt: K.K.K. Degree College Akora Khattak
Govt. K.K.K. D.C.
Akora Khattak



- 8 -

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MARDAN KHYBER PAKHTUNKHWA PAKISTAN**

S.No. MDN 046294

Roll No. 110160

Enrolment No. 1088-B/AKN-07

Group. ARTS

PROVISIONAL AND DETAILED MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION
Session 2011 (Annual)



Awais Khan Khattak

Son/Daughter of Liaqat Ali Khan Khattak

of Institution/District NOWSHERA

has secured the marks shown against each subject in the Secondary School Examination held in the month of March/April as Private Candidate

Subject	Marks			MARKS OBTAINED					
	Theory	Pract	Total	9Th		10Th			In Words
				Th	Pract	Th	Pract	Total	
1. English	75	-	150	25	-	27	-	52	Fifty-Two
2. Urdu	75	-	150	33	-	33	-	66	Sixty-Six
3. Islamiyat (Comp)	75	-	75	37	-	-	-	37	Thirty-Seven
4. Pakistan Studies	75	-	75	-	-	29	-	29	Twenty-Nine
5. Maths	75	-	150	42	-	25	-	67	Sixty-Seven
6. General Science	75	-	150	27	-	32	-	59	Fifty-Nine
7. Islamic Studies	75	-	150	25	-	25	-	50	Fifty Only
8. Pashto	75	-	150	29	-	37	-	66	Sixty-Six

Total 1050

426-D Four Hundred Twenty-Six Only

Date of Birth (In Figures) 03 February, 1990

Remarks

(In Words) Three, February, One Thousand Nine Hundred Ninety

Prepared by [Signature]

Result Date 15-06-2011

Checked by

Issue Date 15-JUN-11

Note:- Error & Omissions are excepted. Any mistake in above particulars must be intimated within 30 days after declaration of result.

[Signature]
Controller of Examinations
BISE Mardan

NOTIFICATION,

Subject: CORRIGENDUM IN R/O LIAQAT ALI (Liaqat Khan), EX. LAB: ATTEND,
RETIREMENT ORDER.

With reference to letter No, 23837/CA-VII/Estt: Branch/A-167/GKKKDC Akora Khattak M21V-4, dated 06-12-2022, for corrigendum in the retirement Notification of Ex-Lab Attendant dated 15-09-2017 in the light of Honorable Supreme court order dated 31-05-2022 for constituting a Medical board, furthermore the concerned Ex- Servant Liaqat Ali (Liaqat Khan) was Examined by the Medical Board dated 14-11-2022, consisted of four medical officers and senior medical officer as chairman, as per medical report of the Medical board dated 14-11-2022 declared the concerned Ex-Servant Liaqat Ali (Liaqat Khan) as still symptomatic. In the light of medical board report and as per directions of Directorate Higher Education (Letter No mentioned above) retirement of the Ex-Servant Liaqat Ali (Liaqat Khan) Lab-Attendant, retirement notification of dated 15-09-2017 is replaced by retirement notification on Medical Grounds (Invalidation retirement).

SAC

Principal

Govt: K.K.K. Degree College Akora Khattak

Endst No 549-55 dated 08-12-2022.

Copy forwarded for information & further necessary action:

- 1) Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
- 2) District Account Office Nowshera.
- 3) Coordinator JMC Nowshera, Principal GPGC Nowshera.
- 4) Official concerned.
- 5) In charge Class-IV.
- 6) Office Record.

S
Principal
Principal

Govt. K.K.K. D.C.
Akora Khattak

To

The Hon'ble Director,
Directorate of Higher Education,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: REQUEST FOR APPOINTMENT ON THE POST OF NAIB QASID/LAB ATTENDANT INSTEAD OF CHOWKIDAR.

Respected Sir,

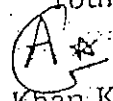
It is respectfully submitted as under,

1. That in pursuance of decision of the Hon'ble Supreme Court of Pakistan passed in Civil Petition No.200/2019 and medical board of my father conducted at Police Services Hospital, Peshawar, I have been appointed as Chowkidar at Govt. Khushal Khan Khattak Degree College, Akora Khattak (copy of appointment order is attached).
2. That my father was serving as Lab Attendant in the said college, however, I have been appointed as Chowkidar instead of Lab Attendant.
3. That our family has some issues/enmity, therefore, I may please be appointed on other post instead of chowkidar.
4. That chowkidar has to perform his duty in shifts and there is no else in my family to take care of them, however, during day time duty my family can manage the situation.

It is therefore, requested that the applicant may kindly be appointed as Naib Qasid/Lab Attendant instead of Chowkidar.
I shall be thankful.

Dated:30.01.2023

Yours truly,


Awais Khan Khattak,
Chowkidar,
s/o Liaqat Khan (Retired Class-IV)
Mohallah Qazian/Khattak,
Akora Khattak,
District Nowshera,
Cell No:0331-7455985



-11-

DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR

E-mail: dhekpkeshe@gmail.com Facebook.com/dhekpkesheawar Twitter.com/dhekpkesheawar1

No. _____ /CA-VI/Estt Branch/A-167/GDC Akora Khattak (Nowshera) M 21 V-1 P-186 Dated Peshawar the 13/03/2023

To

The Principal,
Government Khushal Khan Khattak Degree College,
Akora Khattak (Nowshera).

Subject - REQUEST FOR APPOINTMENT ON THE POST OF SAIB QASID/LAB ATTENDANT INSTEAD OF CHOWKIDAR.

Respected Sir, السلام عليكم

I am directed to refer to your Letter No. 636 Dated 20-02-2023 on the subject noted above and to enclose herewith a copy of Notification No. SO(R-VI)ESAD/1-3/2015 Dated 19-04-2016 of Establishment Department (Regulation Wings) Government of Khyber Pakhtunkhwa wherein it has been clarified that the appointment under Deceased/Medical Invalidation Quota (100%) shall be made subject to the availability of a vacant post. In the subject case a post of Chowkidar was vacant against which the appellant Mr. Awais Khan Khattak, Chowkidar was appointed. Hence he may be informed accordingly, please.

Encl: As Above

(Gohar Khan)

DEPUTY DIRECTOR (ESTABLISHMENT)

Endst. No 4538 /

Copy of the above is forwarded to the Mr. Awais Khan Khattak, Chowkidar, Government Khushal Khan Khattak Degree College, Akora Khattak (Nowshera) w/r to his application.

DEPUTY DIRECTOR (ESTABLISHMENT)

GENERAL LETTERS

PC-1

اسامیاں خالی ہیں

گورنمنٹ ڈگری کالج خان کوہی (نظامپور) نوشہرہ میں نائب قاصد اور لیب اٹینڈنٹ کی ایک ایک اسامی کو پُر کرنے کیلئے ضلع نوشہرہ کے مستقل سکونتی باشندوں سے درخواستیں مطلوب ہیں۔ معذور افراد کیلئے الگ سے کوٹہ موجود ہے۔ عمر کی حد 18 تا 40 سال ہے۔ تعلیم یافتہ امیدواروں کو ترجیح دی جائے گی۔ درخواستیں بمعہ تصویر، شناختی کارڈ، ڈومیسائل، بے روزگاری سرٹیفکیٹ و دیگر تعلیمی اسناد کی فوٹوکاپیوں کے ساتھ زبردستخطی کے دفتر 06-02-2023 تک پہنچ جانی چاہئیں۔ انٹرویو مورخہ 14-02-2023 کو زبردستخطی کے دفتر میں صبح 10:00 بجے منعقد ہوگا۔ جس کیلئے علیحدہ خط جاری نہیں کیا جائے گا۔ نامکمل اور تاخیر سے بھیجی گئی درخواستیں قابل قبول نہیں ہوں گی۔ امیدواروں کو کوئی ٹی اے اے نہیں دیا جائے گا۔

INF(P) 258/23

پرنسپل، گورنمنٹ ڈگری کالج خان کوہی (نظامپور) نوشہرہ

آسامی حالی ہے

گورنمنٹ پوسٹ گریجویٹ کالج نوشہرہ میں ٹیوب ویل آپریٹر (BPS-03) کی آسامی کو پُر کرنے کے لئے ضلع نوشہرہ کے مستقل سکوتی باشندوں سے درخواستیں مطلوب ہیں۔ عمر 18 تا 40 سال۔ تعلیم یافتہ امیدواروں کو ترجیح دی جائے گی۔ درخواستیں بمعہ تصویر، شناختی کارڈ، ڈومیسائل، بے روزگاری سرٹیفکیٹ و دیگر تعلیمی اسناد کی فوٹو کاپیوں کے ساتھ زیر دستخطی کے دفتر 31/12/2022 تک پہنچ جانی چاہئیں۔ انٹرویو مورخہ 07/01/2023 کو زیر دستخطی کے دفتر میں صبح 10:00 بجے منعقد ہوگا۔ جس کے لئے علیحدہ خط جاری نہیں کیا جائے گا۔ نامکمل اور تاخیر سے بھیجی گئی درخواستیں قابل قبول نہیں ہوں گی۔ امیدواروں کو کوئی ٹی اے/ڈی اے نہیں دیا جائے گا۔

INF(P)
6989/22

پرنسپل، گورنمنٹ پوسٹ گریجویٹ کالج نوشہرہ