

14.12.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG for respondents present. Counsel for the appellant seeks adjournment. To come up for arguments tomorrow i.e. on 15.12.2017 before the D.B.

MEMBER

CHAIRMAN

15.12.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, in connected service appeal No. 640/2015, entitled "Issa Dad Vs. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar and others", this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.

*Muhammad Amin*

MEMBER

*[Signature]*  
CHAIRMAN

ANNOUNCED  
15.12.2017

21/8/2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondent present. The Hon'ble Member is on leave, therefore, case to come for reply on 15/11/2017 before SB.

  
READER

15.11.2017

Clerk of counsel for the appellant and Addl. AG for the respondents present. Rejoinder submitted. The learned counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 30.11.2017 before the D.B.

  
Member

  
Chairman

30.11.2017

Appellant in person and Addl: AG for respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 14.12.2017 before D.B.

  
Member

  
Chairman

15.08.2016

Agent to counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for respondents present. Rejoinder not submitted and requested for further time to file rejoinder. To come up for rejoinder and arguments on 22.12.16 before D.B.

  
Member

  
Member

22.12.2016

Appellant in person and Additional AG for the respondents present. Rejoinder not submitted. Appellant requested for adjournment due to non-availability of his counsel. Adjourned. To come up for rejoinder and arguments on 10.05.2017 before D.B.


  
(ASHFAQUE TAJ)  
MEMBER

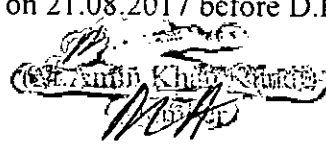
  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

10.05.2017

~~Agent to counsel for the appellant and Asst. AG for respondents~~  
~~present. Counsel for the appellant requested for time to file~~  
~~rejoinder. To come up for rejoinder on 21.08.2017 before D.B.~~

~~(Ahmad Hassan)~~  
~~Member~~

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

12.11.2015

Counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 10.02.2016 before S.B.

  
  
  
Chairman


10.02.2016

Counsel for the appellant and Mr. Daud Jan, Supdt. Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 25.4.2016 before S.B.

  
Chairman

25.4.2016

Agent of counsel for the appellant and Mr. Daud Jan, Head Clerk alongwith Addl. AG for the respondents present. Written reply by respondents No. 3, 4 & 5 submitted. Learned Addl. AG relies on the same on behalf of respondents No. 1 & 2. The appeal is assigned to D.B for rejoinder and final hearing for 15.08.2016.

  
Chairman

4

28.07.2015

Counsel for the appellant present. Learned counsel for the appellant requested for adjournment as he has not annexed the decision of the Hon'ble High Court passed in Writ Petition furnished by the appellant. Adjourned to 11.8.2015 for preliminary hearing before S.B.

  
Chairman

5

11.08.2015

Agent of counsel for the appellant present. Learned counsel for the appellant is stated busy before the august Supreme Court of Pakistan. Appellant shall submit copy of Writ Petition within a week in office where-after the appeal shall be posted for preliminary hearing for 25.8.2015 before S.B.

  
Chairman

25.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Community School Teacher and later on his services regularized on the basis of judgment of the High Court passed in writ petition No. 263 of 201 read with judgment in No. 2265-P/2012. That the services of appellant were regularized on the basis of order dated 30.8.2013 with effect from 1.9.2013 while he was entitled to regularization of the services with effect from the date of appointment. That the appellant preferred departmental appeal on 27.2.2015 which was not responded and hence the instant service appeal on 15.6.2015.

That the appellant is entitled to the services benefits including regularization of his services with effect from the date of appointment.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.11.2015 before S.B.

  
Chairman

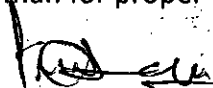


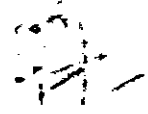
Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 667/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.06.2015	<p style="text-align: center;">The appeal of Mr. Anwar Khan presented today by Mr. Ghualm Nabi Khan Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22-6-15	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>23-6-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	23.06.2015	<p style="text-align: center;">None present for appellant. Adjourned to 28.7.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p> <p style="text-align: right;"></p>

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

Service Appeal No. 667 /2015


Anwar Khan ..... **APPELLANT**

**V E R S U S**


Government of Khyber Pakhtunkhwa  
Through Secretary Education, & Others ..... **RESPONDENTS**

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-4
2.	Affidavit		5
3.	Copy of the Appointment Letter of the Appellant	"A"	6
4.	Copy of Closing Letter	"B"	7
5.	Copy of letter of Respondent No.5	"C"	8
6.	Copy of Re-Appointment letter	"D"	9-11
7.	Copy of Departmental Appeal	"E"	12-14
8.	Copies of letter/documents of FATA Secretariat & Central Government	"F to F/3"	15-22
9.	Wakalatnama		

Through: Appellant  
  
(Ghulam Nabi Khan)  
Advocate,  
Supreme Court of Pakistan  
B-17, Haroon Mansion,  
Khyber Bazar, Peshawar  
Cell No.0300-5845943

&

  
(Mian Tajammal Shah)  
Barrister, Peshawar

Dated 15 /06/2015

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

Service Appeal No. 667 /2015

**H.W.P. Province**  
**Service Tribunal**

Diary No. 716

Dated 16-6-2015

Anwar Khan Son of Habib Khan  
PST GPS Yaqoob Khanzadgan,  
Mohmand Agency .....

**APPELLANT**

**V E R S U S**

1. Government of Khyber Pakhtunkhwa  
Through Secretary Education, Peshawar
2. Additional Chief Secretary, FATA,  
FATA, Secretariat, Warsak Road, Peshawar
3. Director Education FATA,  
FATA Secretariat Warsak Road, Peshawar
4. Agency Education Officer Mohmand Agency at Ghallanai,
5. Secretary Social Sector Department,  
FATA Secretariat, Warsak Road, Peshawar

.....**RESPONDENTS**

*Appeal* UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE ORDER OF RESPONDENT NO.4 DATED  
30.08.2013, WHEREBY THE APPELLANT HAS BEEN RE-  
APPOINTED AT HIS POST WITH EFFECT FROM  
01.09.2013 INSTEAD OF FROM THE DATE OF HIS  
INITIAL APPOINTMENT i.e. 12.07.2004.

**Filed to-day**

**Registrar**

Prayer

*On acceptance of this Appeal the concerned  
respondents may please be directed to give effect to the*



*appointment of the appellant from 12.07.2004 instead of re-appointing him on 30.08.2013.*

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**Respectfully Sheweth:-**

1. That the appellant was appointed on 12.07.2004 at the Post of PST at Community School GPS Yaqoob Khanzadgan, at Mohmand Agency. (Copy of the Appointment letter is attached herewith as Annexure "A").
2. That the Appellant has been serving on the above said post till 31.12.2010, whereafter the services of the Appellant were terminated on closure of all Community Schools. (Copy of termination letter is attached herewith as annexure "B").
3. That as post of the appellant was a Project Post, however, later on it was shifted to the Regular Budget and because of the struggle of the appellant and his colleagues they were re-appointed by respondent No.4 on the same post on 30.08.2013 on Regular Basis. (Copy of the letter of respondent No.5 alongwith appointment letter issued by respondent No.4 are attached as herewith as annexures "C" & "D").
4. That being aggrieved of the above noted re-appointment instead of regularizing the services of the appellant from the date of his original appointment the appellant filed a Departmental Appeal before respondent No.3 on 27.02.2015, however, no heed whatsoever was paid to the said Departmental Appeal. (Copy of the Departmental Appeal is attached herewith as annexure "E").
5. That the regularization of the appellant alongwith his colleagues were made after a long process carried on in the FATA secretariat and the

Central Government. (Copies of the said documents are attached as annexures "F to F/3").

6. That the appellant having no other remedy now approaches this Hon'ble Tribunal on the following grounds amongst the others:-

**G R O U N D S :-**

- A. That the issuance of re-appointment letter instead of regularizing the services of the appellant from the date of his initial appointment is illegal, unlawful, without authority as well as based on the malafide intentions.
- B. That the appellant is eligible to be regularized on his service from the date of his initial appointment i.e. 12.07.2004 instead of the date mentioned in the re-appointment letter i.e. 01.09.2013.
- C. That the malafide of the respondents is very much clear from the fact that then the posts of Community Schools were shifted to the Regular Budget instead of regularizing the appellant on the said post they terminated the appellant just to give benefit to their own blue eyed persons, however, after a long struggle the appellant and his colleagues were able to get regularization letter whereby again they were treated for giving effect of their regularization from 01.09.2013.
- D. That even in the settled areas as well as the FATA area thousands of Civil Servants have been regularized and it has clearly been mentioned therein that it should be considered that they have been appointed on the Regular Basis.
- E. That even the Apex Courts in the similar cases have been pleased to accept the Writ Petitions, whereby the regularization was sought from the date of initial appointment.


F. That the appellant is eligible to be regularized from the date of initial appointment and the regularization of his service given effect from 01.09.2013 is an act illegal/unlawful at the part of the concerned respondents.

It is, therefore, respectfully prayed that on acceptance of this appeal the concerned respondents may please be directed to give effect to the regularization of service of the appellant from the date of his initial appointment i.e. 12.07.2004 instead of the date of mentioned in the Notification i.e. 01.09.2013.


Any other relief deemed proper and fit in the circumstances of the case may also very graciously be granted to the appellant.

  
Appellant

Through:

  
(Ghulam Nabi Khan)  
Advocate,  
Supreme Court of Pakistan  
B-17, Haroon Mansion,  
Khyber Bazar, Peshawar  
Cell No.0300-5845943

&

  
(Mian Tajammal Shah)  
Barrister, Peshawar

Dated 15 /06/2015

**CERTIFICATE:-**

Certified that as per instructions of my client no such Service Appeal on behalf of the petitioner has earlier been filed in this Hon'ble Tribunal on the subject matter.

  
ADVOCATE

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

Service Appeal No. \_\_\_\_\_/2015

Anwar Khan ..... **APPELLANT**

**V E R S U S**

Government of Khyber Pakhtunkhwa  
Through Secretary Education, & Others ..... **RESPONDENTS**

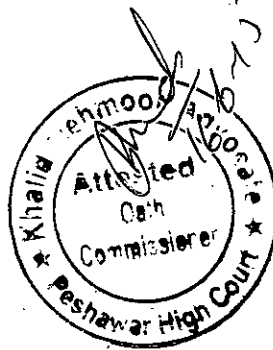
**A F F I D A V I T**

I, Anwar Khan Son of Habib Khan PST GPS Yaqoob Khanzadgan, Mohmand Agency, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:

*Anwar Khan*  
DEPONENT

*Ghulam Nabi Khan*  
(Ghulam Nabi Khan)  
Advocate, Peshawar



2004 - 1301 A (6)

**OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY AT GHALLANAI.**

**APPOINTMENT ORDER.**

Consequent upon the Approval/recommendation of the worthy Political Agent Mohmand Agency vide his Office No.1589/PAM dated 8/7/2004, Mr. Anwar Khan son of Haji Khan is hereby appointed against PTC Post at Community School Anargi Puyan vacated by (Mohammad Aftab PTC Terminated)in BPS.No.07 plus usual allowances as admissible under the rules on contract base for the period of project with effect from 01/08/2004 in the interest of public service.

**TERMS AND CONDITIONS**

- 1:-The appointment is purely made on temporary basis and liable to termination at any time without assigning any reason.
- 2:-Health and age certificate should be produced from the Agency Surgeon Mohmand Agency Ghallanai.
- 3:-He will not be handed over charge of the post if he is below 18 years and above 33 years.
- 4:-If he failed to report of his arrival with in 15 days, his appointment will be considered as cancelled.
- 5:-Charge report should be submitted to all concerned.

(HAJI GUL RAHMAN)  
Agency Education Officer,  
Mohmand Agency at Ghallanai

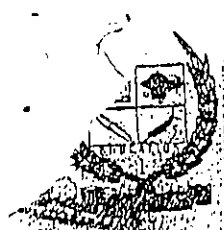
Endst:No. 13871-77 Dated Ghallanai the 12/07/2004.

Copy of the above is forwarded to the :-

- 1. Director of Education (FATA) NWFP, Peshawar.
- 2. Political Agent Mohmand Agency at Ghallanai.
- 3. Agency Accounts Officer Mohmand Agency at Ghallanai.
- 4. Agency Surgeon Mohmand Agency at Ghallanai.
- 5. AAEO (Male) concerned.
- 6. Head Clerk at Local Office.
- 7. Candidate concerned.

Agency Education Officer,  
Mohmand Agency at Ghallanai

*[Handwritten signature and date: 11/27/04]*



B

7

FATA SECRETARIAT  
 DIRECTORATE OF EDUCATION  
 KHAYR PAKHTUNKHWA, WAFSAK ROAD PESHAWAR, PAKISTAN  
 PHONE: 091-9210155 FAX: 091-9210214  
 No. 2878-87  
 Date Pash: the 13/12/2010

To: All the Agency Education Officers  
 in FATA

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

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

Dy. Director (P&M)

Encls: No. \_\_\_\_\_  
 Copy to the:-

1. Addl. Chief Secretary, FATA.
2. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
3. Secretary A&C, FATA Secretariat, Peshawar.
4. Secretary P&D, FATA Secretariat, Peshawar.
5. Secretary Law & Order, FATA Secretariat, Peshawar.
- 6-12. All Political Agents in FATA.
- 13-18. District Coordination Officers Peshawar, Kohat, Bannu, Laski, Tank, D.I.Khan.
19. AGPR Sub Office Peshawar
- 20-26. All Agency Accounts Officers.
- 27-32. District Accounts Officers Kohat, Bannu, Laski, Tank, D.I.Khan.
33. P.A to Director Education FATA.

Dy. Director (P&M)



**FATA SECRETARIAT**  
Social Sectors Department  
Warsak Road Peshawar

C/8

**Notification**

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

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

Secretary  
Social Sectors Department,  
FATA Secretariat, Peshawar

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

Copy forwarded to the:-

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

serb

Section Officer (Edu) SSD  
FATA Secretariat, Peshawar

19

D

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

Consequent upon the notification No.SO(E)/SSD/C/SCR 99-108, dated 11.5.2012 and on the basis of honourable High Court decision dated 06.8.2013, re-appointment order of 52 community teachers issued vide this office No.1636-42 dated 17.8.2012 and No.16-13-19 dated 17/8.2012 is hereby implemented with effect from 01.9.2013 in the interest of public service, with partial modification at S.No.19 and 42 in order No.1636-42 and at S.No.3 in order No.163-13-19, with the remarks that:-

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

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

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



10

15	Muhammad Ishaq Gul Said S/O	CS Shawal	GPS Chamarkand No.2	Halimzai	Against Vacant Post
16	Akbar Khan S/O Sher Jan	CS Kankar Killi	GPS Shewa	Halimzai	Against Vacant Post
17	Ilyas Khan S/O	CS Gulzar	GPS Saugar	Ambar	Against Vacant Post
18	Muhammad Shakil	CS Buidumangi	GPS Anbar	Ambar	Against newly created post
19	Lal Zada S/O Sautar Khan	CS Karkana	GPS Karkana	Ambar	Against newly created post
20	Miaz Muhammad S/O	CS Masti Kore Gulab	GPS Cheena	Baizai	Against newly created post
21	Noor Muhammad	CS Lakhkar Killi	GPS Lakhkar Killi	Baizai	Against newly created post
22	Hayat Muhammad S/O	CS Kung	GPS Masti Kore Gulab	Khwezai	Against newly created post
23	Foot Muhammad	CS Kung	GPS Abdul Kore	Khwezai	Against Vacant Post
24	Sultan Muhammad S/O	CS Khanjar Killi	GPS Chamarkand	Halimzai	Against Vacant Post
25	Muhammad Shah	CS Khang Baig	GPS Masti Kore Gulab	Khwezai	Against newly created post
26	Daltar Khan S/O	CS Fazle Manan	GPS Shamsheer	Khwezai	Against Vacant Post
27	Muhammad Akbar	CS Ijazat	GPS Gai	Khwezai	Against Vacant Post
28	Zahir S/O Bashir	CS Nazar Kore	GPS Warsak	Khwezai	Against Vacant Post
29	Jamil Shah S/O Hakim Khan	CS Soor Dagi	GPS Zanaswar	Khwezai	Against newly created post
30	Hazrat Shah S/O Sahib Jamal	CS Bahlola	GPS Cheena Gul	Prang Ghar	Against newly created post
31	Sajjad S/O Khanzad Gul	CS Faiz Ali	GPS Yousaf Baba	Halimzai	Against Vacant Post
32	Gul Nabi S/O Lal Said	CS Faiz Ali	GPS Kharai	Halimzai	Against Vacant Post
33	Bakht Zada S/O Shahzada	CS Faiz Ali	GPS Baeha	Halimzai	Against Vacant Post
34	Bacha Hassan S/O	CS Bahadur Khan	GPS Kandao	Baizai	Against Vacant Post
35	Ibrahim Shah	CS Shawal	GPS Gul	Baizai	Against Vacant Post
36	Sajid Ali S/O Tawas Khan	CS Gul Rahman	GPS Rahman	Khwezai	Against Vacant Post
37	Hikhar Khan S/O	CS Samghakhi	GPS Yaqoob Khanzadgan	Khwezai	Against Vacant Post
38	Bahadar Khan	CS Samghakhi	GPS Ghanam Shah	Khwezai	Against Vacant Post
39	Anwar Khan S/O Habib Khan	CS Masti Kore Nusaib Khan	GPS Aurai	Ekka Ghund	Against Vacant Post
40	Murad Ali S/O Akhtar Jan	CS Ghairdand	GPS Pai Khan	Ekka Ghund	Against Vacant Post
41	Arit Shah S/O Rahil Shah	CS Rahman Gul	GPS Uehko	Baizai	Against Vacant Post
42	Abdullah Shah S/O	CS Karkana	GPS Suran	Khwezai	Against Vacant Post
43	Hussain Shah	CS Karkana	GPS Suran	Khwezai	Against Vacant Post
44	Ajmal Khan S/O Pir Ghulam	CS Karkana	GPS Karkana	Prang Ghar	Against newly created post
45	Abidullah S/O Ghulam Muhammad	CS Sikandar	GPS Selai	Khwezai	Against Vacant Post
46	Muhammad S/O	CS Shamir Khan	GPS Dawa Jan	Halimzai	Against Vacant Post
47	Taj Muhammad S/O	CS Abad	GPS Faraki	Halimzai	Against Vacant Post
48	Sheikh Muhammad		GPS Tangi		
49	Amin Khan S/O Rawesh Khan				
50	Murad Ali S/O				
51	Muhammad Ali				

11	Gulzar S/O Khan Said	CS Sopor Dagi	GPS Bahi Dag	Khwezai	Against newly created post
12	Janat Gul S/O Zulfan Khan	CS Ghair Dand	GPS Bakhmal Shah	Halimzai	Against Vacant Post
13	Anwar Shamim S/O Ahmad Gul	CS Kuzo Kas	GPS Lakhkar Killi Faiz Ali	Khwezai	Against Vacant Post
14	Faridullah S/O Zazif Khan	CS Kankar Killi	GPS Olai Ambar	Baizai	Against Vacant Post
15	Muhammad Shafiq S/O Karim Khan	CS Manzari Cheena Malang	GPS Shati Miana	Baizai	Against Vacant Post
16	Azmat Gul S/O Rahat Gul	CS Nazar Kore Aslam	GPS Shamsheer Sra Khwa	Halimzai	Against Vacant Post
17	Niqab Khan S/O Khan Sharif	CS Kung Sabzali	GPS Had Kore Ambar	Khwezai	Against Vacant Post
18	Shahid Nasim S/O Muhammad Halim	CS Zoor Killi Aflatoon	GPS Yaqoob Khanzadgan	Halimzai	Against Vacant Post
19	Amir Khan S/O Hanid Khan	CS Dag Qilla	GPS Gumbati Ambar	Halimzai	Against Vacant Post
20	Nasira D/O Akhtar Gul	FCS Ucha Joura Rawesh	GGPS Kung Farmanullah	Baizai	Against newly created post
21	Nighat Bano D/O Jehan Zeb	FCS Samghakhi	GGPS Baghi Shah	Safi	Against newly created post
22	Falooda D/O Gul Zada	FCS Kuzo Kas	GGPS Kuzo Kas	Baizai	Against newly created post
23	Aisha Bibi D/O Ahmad Jan	FCS Umar Khel Suliman	GGPS Baghi Shah	Safi	Against newly created post

11

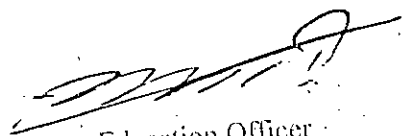
( SAID MUHAMMAD )

Agency Education Officer  
Mohmand Agency at Ghallanai.

Dated 30/8/2013

Endst No. 11/2013/Project/ Appointment  
Copy of the above is forwarded to the:-

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

  
Agency Education Officer  
Mohmand Agency at Ghallanai

To:

The Director of Education (FATA)  
FATA Secretariat,  
Warsak Road, Peshawar.

E

12

Subject: DEPARTMENTAL APPEAL FOR THE  
REGULARIZATION OF THE APPELLANT  
FROM DATE OF HIS APPOINTMENT

Respectfully Submitted:

1. That the Education Department Mohmand Agency advertised some posts including the post of PST Teachers in the year 2003.
2. That the appellant being eligible/qualified for the staid post duly applied and submitted his documents to the concerned authority.
3. That after going through all the process and procedure the appellant was brought into the merit list and finally he was appointed at the post of PTC (BPS-7) on Project Basis with effect from 12/07/2004
4. That the appellant served on the above said post for so many years and it was 11.5.2012 when a Circular with regard to the regularization of the vacant posts of PST (BPS-7) in Primary/Middle Schools in FATA was issued for the Community Schools Teachers by the Social Sector Department FATA Secretariat Peshawar.
5. That after the issuance of the said letter/Notification the process of regularization of all the PSTs was started in Mohmand Agency as well as in all other Schools belonging to FATA.
6. That finally a letter with regard to the regularization of the appellant alongwith other PSTs was issued on 30.8.2013, thereby 52 Teachers serving in the Project were regularized with effect from 1.9.2013.

- 13
7. That it will be pertinent to bring into the kind notice of your good office that similarly regularized employees from the different Sectors have been given effect of their regularization from the date of appointment and not with immediate effect.
  8. That it will also be pertinent to bring into the kind notice of your office that even PST Teachers whom were appointed alongwith the appellant and were serving on the same terms and conditions of the Project Employment have been given effect to the regularization of their services from the date of appointment.
  9. That the appellant submits his appeal for the regularization of his service from the date of his appointment i.e. 01-09-2013 instead of 1.9.2013 on the following grounds:-

GROUNDS:

- a. That the regularization of the appellant instead of his date of appointment has been made on 1.9.2013, which order is illegal, unlawful, without authority/jurisdiction and being based on the malafide intentions.
- b. That in the settled area where the regularization Act has been passed the Civil Servants have been given regularization with retrospective effect and not with immediate effect.
- c. That even in the FATA area the appellant has been treated discriminately, as so many other Civil Servants serving in the FATA area as well as so many other employees serving in the Teaching Cadre and also the PST Teachers have been given effect of regularization of their service since the date of their appointment and not from 1.9.2013.
- d. That the appellant has been treated discriminately which is a clear violation of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.

- e. That the department was obliged to treat all the Civil Servants being on the same footing equally and not in a discriminatory manner.
- f. That when the other employees as well as the PST Teachers have been regularized from the date of appointment it is the right of the appellant that he should also be given the same benefit as has been given to others.
- g. That it will be pertinent to mention in the grounds that on the Pay Slip of the appellant his service mentioned therein has been calculated from the date of appointment and not from the date of regularization which shows that the Department itself has admitted the right of the appellant of regularization of his service from the date of his appointment rather than from the date of regularization.

It is, therefore, humbly prayed that on acceptance of this Departmental Appeal the concerned authority may please be directed to convert the order of regularization of the appellant from the date of his regularization i.e. 1.9.2013 to the date of his initial appointment on the above said post i.e. ~~12-07-2005~~

Dated: 27.02.2015

Appellant

Anwar Khan S/o Habib Khan  
GPS Yaqoob Khanzadgan,  
Mohmand Agency Chahmani

FATA SECRETARIAT  
Admin Infrastructure & Coord Department  
Warsak Road Peshawar

15

No FS/59 1/956 76  
Dated 27/3/2013

F

To

1. All Secretaries, FATA Secretariat.
2. Director General Projects, FATA Secretariat
3. Director General, FATA Disaster Management Authority
4. Secretary, FATA Investment Facilitation Authority
5. All Heads of Line Directorates, FATA Secretariat
6. Project Director TARUCCI.

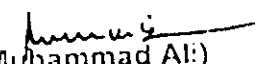
Subject:- REGULARIZATION OF SERVICES.

Dear Sir,

I am directed to request you to provide attested copies of Matriculation/Secondary School Certificate - and Certificate/Degree of the Higher Qualification of those employees whose names have been provided to this office for onward submission to Ministry of SARRON for regularization of their services

Needful may please be done on priority, within a fortnight, please.

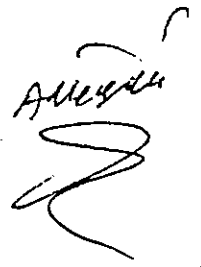
Yours faithfully,

  
(Muhammad Ali)  
Public Relations Officer

C.C

PS to Additional Chief Secretary (FATA).







F-1

FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE: 091 9210166 FAX 091-9210716

No.

Date Pesh: the 28/3/2013

To All the Agency Education Officers  
In FATA..

16

Subject:- Regularization of Service.

Memo:

I am directed to refer the Public Relations officer FATA Secretariat Admn, Infrastructure & Coord: Department letter No.FS/59-1/956-76, dated 27.3.2013 on the above cited subject.

You are requested to submit/produce attested photo copies of all the credentials/documents of contract project employees working in the offices & educational institutions in your respective Agencies/FRs, to this office immediately for onward submission to the quarter concerned please.

Deputy Director (P&D)

Endst: No. 5830-37

Copy to the:-

1. Public Relation Officer, FATA Secretariat w/r to his letter No.quoted above.
2. All the Projects Directors working in Education Department FATA.
3. P.A to Director Education FATA

-PA to D E CR  
Pa infanter ill  
EP

Deputy Director (P&D)

H/M

17

*Governor's Secretariat N.W.F.C.*

**Subject: REGULARIZATION OF EMPLOYEES WORKING IN FATA**

Numerous applications of low paid employees, and delegations arguing on their behalf, have come to me during my last three months as Governor Khyber Pakhtunkhwa requesting for regularization of their services after having worked on project posts for quite number of years and, importantly, being duly appointed through a valid process and contributing to the satisfaction of their superiors.

2. I had to take the following facts into consideration also:

- [i]. Presidential Order No.13 of 1972 enunciates that employees working for the affairs of FATA would be employees of the Provincial Government of Khyber Pakhtunkhwa. However, over a period of time such cadre have come forward which are not available in Khyber Pakhtunkhwa such as after formulation of district cadre from BS-1 to BS-15, correspondent Agency cadre with appointing authorities within Agency officers. Similarly the employees of Finance & Planning Cells in Agencies in FATA have been regularized under the Judgment of Peshawar High Court dated 17.6.2010 when they were appointed solely by the FATA Secretariat albeit in accordance with proper procedure and laws.
- [ii]. Similarly employees working in Community Schools, Model Schools have also been decided as regularized by the then Governor in exercise of powers conferred under Presidential SRO dated 16.9.2007 which states that Governor as Agent to the President shall exercise immediate executive authority for FATA.
- [iii]. I am also cognizant of the fact that employees working in Population Welfare against a PSDP Project have also been given the status of separate regular cadre of FATA on the basis of their lengths of service as well as the grant of same status to their counterparts in the province.
- [iv]. Furthermore there are various sub offices/cells for which there is no parallel set up in the Province such is SAP employees in P&D FATA, the Directorate General of Projects, EMIS Cell in Education

*sed*



F-2  
(69)  
18

GOVERNMENT OF PAKISTAN  
CABINET SECRETARIAT  
ESTABLISHMENT DIVISION  
\*\*\*\*\*

Subject: - MINUTES OF THE MEETING OF THE CABINET SUB-COMMITTEE ON REGULARIZATION OF CONTRACT/DAILY WAGES EMPLOYEES IN THE MINISTRIES / DIVISIONS / ATTACHED DEPARTMENTS / AUTONOMOUS BODIES/ ORGANIZATIONS ETC. HELD ON 13<sup>TH</sup> MARCH 2013 AT 2.00 P.M. IN THE ESTABLISHMENT DIVISION.

A meeting of the Cabinet Sub-Committee on regularization of daily wages/contract employees in the Ministries/Divisions / Attached Departments/ Autonomous Bodies/ Organizations etc. was held on 13<sup>th</sup> March, 2013 in the Committee Room of Establishment Division under the Chairmanship of Syed Khursheed Ahmad Shah, Federal Minister for Religious Affairs. Mir Hazar Khan Bejarani, Federal Minister for Inter Provincial Coordination, Dr. Arbab Alamgir Khan Federal Minister for Communications, Mir Changez Khan Jamali, Federal Minister for Science & Technology, Ch. Manzoor Ahmad, Chairman, People Labour Bureau, also attended the meeting. The list of participants is enclosed.

2. It was deliberated in the start of the meeting that the contract/daily wages employees who have completed one year of contractual service or 3-spells of 89 days as daily wages respectively up-till 15-03-2013 will be considered for regularization during this meeting. Later, the cases of the following Ministries / Divisions were discussed in detail. The Ministries/ Division-wise detail of proceedings is produced below:-

SECTION OFFICER  
ESTABLISHMENT DIVISION  
ISMAIL AHMED

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MINISTRY OF STATES AND FRONTIER REGIONS (SAFRON)

247. The representative of the Ministry of SAFRON presented the case of regularization of 1282 contract / daily wages employees of FATA Secretariat who have served for more than one year and whose services are required to be regularized.

248. It was also informed to the Cabinet Sub-Committee by the representative of the Ministry of SAFRON that there are 809 contract employees in the Ministry of SAFRON under UNHCR Project funded in the Afghan Refugees Organization who have served for more than one year and they have approached the Honourable Islamabad High Court under Writ Petition No.13/2012 where the Honourable High Court has directed that the petitioners' case be considered by the Cabinet Sub-Committee for regularizaion in light of the Regularization Policy.

249. The Cabinet Sub-Committee discussed and observed that the employees under the development project can be considered after transfer of the projects on non-development budget but in the present case there is no chance for the contract employees who are serving for many years rather more than 2 decades for regularization of their services while the funding from the donar agency (UNHCR) seems a regular feature and is is not expected that it would be discontinued after a certain period. It was further informed to the Cabinet Sub-Committee that all these employees are experienced and qualified with the expertise in management/handling of emergencies. And besides the management of Afghan Refugees, their services have been and are being utilized

SECRETARY  
MINISTRY OF STATES AND FRONTIER REGIONS

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by Government in the emergencies like earth quake, floods and the IDI's etc as majority of the contract employees are professional doctors, paramedical staff, engineers and admin staff including camp management etc. They have invested the prime period of their lives in the management of Afghan Refugees and other emergencies and now have become over age and would not be able to have government jobs in other departments being overage besides the loss of professional staff.

~~AGL~~

DECISION

250. The Cabinet Sub Committee discussed and observed that the employees of FATA Secretariat belong to the Project and the employees getting salaries through development budget can not be considered for regularization until and unless their projects are transferred to non development budget or equal number of posts are available with the Ministry on non development budget for regularization of their services. If posts are available on non-development budget or the employees are getting salaries through non development then all those contract / daily wages employees who have served for more than one year can be regularized.

251. The Cabinet Sub-Committee keeping in view all above position, directed that the Ministry of SAFRON should own all these contract employees of the Commissioner for Afghan Refugees and proceed for their regularization by taking up the matter with the Ministry of Finance for creation

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~~SECRETARY~~  
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of posts and provision of budget with a clear mechanism of recoupment of salaries of the relevant employees by UNHCR in to the Federal Government budget.

~~SECTION OFFICER  
ADMINISTRATIVE DIVISION  
UNHCR~~

21

22 " ~~ABP~~ F-9



GOVERNOR'S SECRETARIAT,  
Khyber Pakhtunkhwa, Peshawar

No. SO-1/1-1/GS/2012/10935-52  
May 28, 2013 u/e

To

1. All the Secretaries (FATA).
2. All the Directors (FATA).

Subject: REGULARIZATION OF EMPLOYEES WORKING IN FATA.

Dear Sir,

I am directed to refer to the subject cited above and to enclose herewith a copy of note containing approval of Governor in Para 3/N for regularization of project employees working in FATA for necessary action as desired by the competent authority.

Process of  
S.O.  
29/5/13  
ADDP/19  
22/5/13

Yours faithfully,

Encl: As above.

(Aasma Arif)  
Section Officer-I

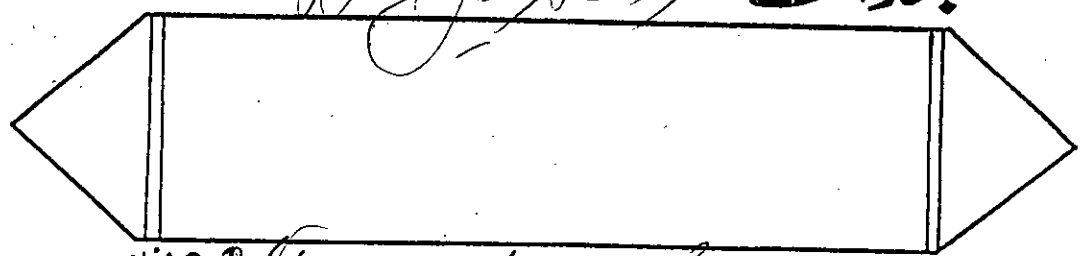
Copy to:-

- PS to Principal Secretary to Governor Khyber Pakhtunkhwa.

Section Officer-I

DD (P&P)  
30/5/13

# بعدالت مروت ٹریڈنگ کمپنی



موزعہ  
مقدمہ  
دعویٰ  
جرم

کے لئے منظر ہے۔  
بنام مروت

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام \_\_\_\_\_ کیلئے \_\_\_\_\_  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سامنے  
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

المرقوم \_\_\_\_\_ 19 \_\_\_\_\_ ماہ \_\_\_\_\_ 20 \_\_\_\_\_

العبد \_\_\_\_\_ واہ العبد \_\_\_\_\_

مقام \_\_\_\_\_ کے لئے منظور ہے۔  
\_\_\_\_\_

**IN THE COURT OF KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No.667/2015

Anwar Khan .....Appellant

**V E R S U S**

Govt. of KPK through Secretary Education & others  
.....Respondents

**Application for bringing on record  
additional documents in the above  
titled Service Appeal.**

---

**Respectfully Sheweth:**

1. That the above titled appeal is pending adjudication before this Honourable Court and is fixed for 25.08.2015.
2. That the following documents are necessary to be included:
  - i. Copy of the judgment of the Peshawar High Court dated 06.08.2013

It is, therefore, most humbly prayed that on acceptance of this application, the above mentioned document may kindly be brought on record.

Applicant/appellant  
Through

  
**Ghulam Nabi Khan**  
Advocate

Date: 18/08/2015

Supreme Court of Pakistan

IN THE PESHAWAR HIGH COURT, PESHAWARW.P. No. 2265/P 2012

1. Arshid Khan S/O Nooran Shah
2. Abdul Manan S/O Khamin Khan
3. Asmat Ullah S/O Hassan Shah
4. Rahid Khan S/o Khial Wazir
5. Muhammad Hakim S/O Gulzar Khan
6. Shakir Ullah S/o Sabil Muhammad
7. Muhammad Israr S/o Hassan Badshah
8. Amin Jan S/o Masta Jan
9. Sherzada S/O Wakeel Khan
10. Muhammad Saeed S/o Jalat Khan
11. Sami ul Haq S/o Talib Jan
12. Fazal Haq S/O Talib Jan
13. Muhammad Farooq S/o Qalandar Khan
14. Shakirullah S/o Sharif Jan
15. Zondi Gul S/O Haji Gul Manan
16. Khafiz Malak Zai S/O Niaz Bahadar
17. Samandar Khan S/O Qalandar Shah
18. Khaista Mir S/o Gul Ajab Khan
19. Rahim Gul S/o Muhammad Gul
20. Munawar Shah S/o Lalmar Shah
21. Muhammad Ibrahim S/O Sanubar Khan

REGISTERED

EXAMINER  
Peshawar High Court

17 AUG 2015

W.P. No. 2265/P/2012  
 31 JUL 2012



22. Ahmad Faisal S/o Sumand Khan

23. Muhammad Younas S/O Adman Khan

24. Mohammad Ismail S/o Mohammad Taib

25. Muhammad Saleem S/o Muhammad Raheem

26. Mohammad Aman S/o Adam Khan

27. Taimur Gul S/o Muhammad Sher

28. Muhammad Idrees S/o Gul Azam Khan

29. Muhammad Sajid S/o Muhammad Salam

30. Shams ur Rehman S/o Mohammad Suliman

31. Zia ul Haq S/o Gul Anwar

32. Muhammad Taib S/O Noor Akbar

33. Razi Ullah S/o Gula Noor

34. Abdul Akbar S/O Rahim Gul

35. Muhammad Idrees S/o Fazal Hameed

36. Liaqat Ali Khan S/o Shah Wali Khan

37. Javid Rehman S/O Lal Wazir

38. Israfeel S/o Fazal Manshah

All resident of Upper Aurakzai Agency, Aurakzai

**VERSUS**

1. Director Education FATA,  
Warsak Road, Peshawar

2. Agency education Officer,  
Aurakzai Agency

3. Secretary, Social Sectors Department, FATA  
Secretariat Peshawar

4. Additional Chief Secretary FATA,  
FATA Secretariat, Warsak Road, Peshawar

ATTESTED

EXAMINER  
Peshawar High Court

17 AUG 2015

31 JUL 2012

FILED TODAY

(e)

5. Secretary P&D, FATA  
Secretariat Peshawar
6. Deputy Director Education  
FATA, Peshawar ..... Respondents

PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN FOR A DECLARATION /ORDER TO  
THE EFFECT THAT THE IMPUGNED  
NOTIFICATION DATED 11.05.2012 AND  
28.06.2012, BE DECLARED AS ILLEGAL  
UNLAWFUL, BASED ON DISCRIMINATION  
AND, THEREFORE, INEFFECTIVE UPON THE  
RIGHTS OF THE PETITIONER AND  
CONSEQUENTLY RESPONDENT, MAY BE  
DIRECTED TO CONSIDER THE PETITIONER,  
FOR THE APPOINTMENT AS AGAINST THE  
POSTS OF PRIMARY SCHOOL TEACHER  
(PST) IN ACCORDANCE WITH THE  
PREVAILING POLICY OF THE  
RESPONDENTS.

Respectfully Sheweth:

1. That all the petitioners are permanent resident of  
Upper Aurakzai, Aurakzai Agency.

ATTESTED

EXAMINER  
Peshawar High Court

17 AUG 2015

RECEIVED  
17 AUG 2015

2. That all the petitioners have acquired their respective qualification and training in the year shown against their names. (Copy of the table showing their names, parentage qualification, date of acquiring the qualification is attached as annexure "A") whereas as their academic testimonials are attached as annexure "B" to "B/34").
3. That it transpires from a letter dated 18.06.2010 addressed to all agency education officers by the Deputy Director Education, FATA Khyber Pakhtunkhwa, Peshawar that a writ petition was filed by the teachers of community school, where it was held that while preparing merit, 5 additional mark may be given to the these school teachers for rendering their services in these school. (Copy of the letter is attached as annexure "B").
4. That petitioners after acquiring the minimum basic qualification were waiting and expecting their appointments as against these posts of PST but were shock and surprised to know that respondent No.3 has issued a notification No. SO(E)/SSD/CSTR/99-108/ dated 11.05.2012 where it was directed that :-

ATTEST :

EXAMINER  
Peshawar High Court,

17 AUG 2015

FILED TODAY

11.05.2012

- 15
- i. Available regular posts will have to be filled from amongst the community school teacher and no fresh candidate shall be considered till all the eligible community school teacher are absorbed in their respective agency /FR.
  - ii. The non-local eligible community school teacher shall be considered for re-appointment after adjustment of local eligible community school teacher. (Copy of the notification is attached as annexure "C").
5. That again Additional Director (ESH) vide his letter dated 28.06.2012 directed all the Agency Education Officers to initiate process of re-appointment as per the requirement policy and guide lines conveyed to them vide aforesaid notification dated 11.05.2012. (Copy of the letter dated 28.06.2012 is attached as annexure "D").
6. That petitioners have acquired the pre-requisite qualification for appointment ~~as~~ PST teacher, and thus they have every rights to be appointed as such but the impugned notification have dashed all their hopes to the drain as they have been kicked out of the run, therefore, they felt themselves aggrieved for the following amongst others grounds:-

Deputy Registrar  
31 JUL 2012

ATTESTED

EXAMINER  
TEACHERS HIGH COURT

17 JUL 2015

1  
1/b  
**1**  
GROUND

- A. That the impugned notification and letter respectively dated 11.05.2012 and 28.06.2012 are illegal, void and unlawful as the same has defeated the fundamental right of the petitioner to be considered for the appointment of PST through a fair and transparent competition.
- B. That the impugned notification has been passed in utter disregard of the judgment of this Honourable Court announced on 13.05.2010 where it was held that only 5 marks be given to the teacher of community School for rendering their services in these school but respondents have given a sweeping edge to them by giving preference them over the petitioners. In this view of the matter the impugned notification being affront of the judgment of this Honorable Court in liable to be se aside.
- C. That the impugned notification is illegal, void and unlawful as through the same petitioners have been deprived of their fundamental right to be posted as PST.

That petitioners have been subjected to unequal treatment and discrimination therefore the impugned notification need to be struck down, and also to bring

FILED TODAY  
Deputy Registrar  
31 JUL 2012

31 JUL 2012  
Deputy Registrar  
31 JUL 2012

it in conformity with the decision of this Honourable court

It is, therefore, prayed that by accepting this petition impugned notification dated 11.05.2012 and the subsequent order dated 28.06.2012 be declared as illegal, unlawful, void ab-initio therefore, ineffective upon the rights of the petitioners and consequently respondents may be directed to subject the petitioner to a fair and transparent processes of appointment as per prevailing policy.

**INTERIM RELIEF**

By the way of interim relief respondents may pleased be restrained from filling the posts of PST through community School teacher only and they may also be directed to maintain status quo till the final decision of their case.

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Authorised Under Article 87 of  
Qanun-e-Shahadat Order 1984

17 AUG 2015

Petitioners  
Through

**Muhammad Ijaz Khan Sabi**  
Advocate, Peshawar

Dated 30.07.2012

**CERTIFICATE**

As per instructions of my client, it is certified that no such like writ petition has earlier been filed by the petitioner before this Honorable Court.

**LIST OF BOOKS:**

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case Law According to Need.

EXAMINER  
Peshawar High Court

17 AUG 2015

Advocate

17

a3  
30-7-12

a3

11.11.2012

Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
PESHAWAR

JUDICIAL DEPARTMENT

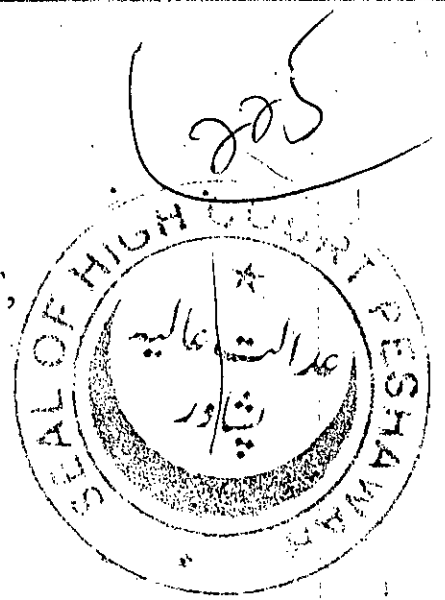
...W.P....No...2265....Of.....2012.

JUDGMENT

Date of hearing.....06.08.2013.....

Appellant (Arshid Khan etc.) By Muhammad Ijaz Khan Sabi Advocate.

Respondent (Director Education FATA etc) By Ijaz Anwar Advocate and Malik Mustafa AAG.



MALIK MANZOOR HUSSAIN, J:- Through this single judgment, we intend to dispose of titled writ petition as well as connected W.P.No.1968/2012 with COC No.314/2012, W.P.No.2086/2012, W.P.No.2662/2012 and W.P.No.3444/12, as common questions of fact and law are involved in all the petitions.

2. Briefly, the facts of the case are that the petitioners are residents of FATA and FRs, having acquired respective training and qualification to be posted as Primary School Teachers. The grievance of the petitioners starts with issuance of notification dated 11.5.2012, issued on the approval of Governor Khyber Pakhtunkhwa, in his capacity as the Competent Authority, whereby as per Clause-1 of said notification the available regular PST Post in Primary/Middle school in FATA had to

ATTES

EXAMINER  
Peshawar High Court

17 AUG 2015

EXAMINER  
Peshawar High Court

17 AUG 2015

(202)

be filled from amongst the Community School Teachers and no fresh candidate was to be considered for recruitment till all the eligible Community School Teachers are absorbed against the relevant post in their respective Agencies/FR. This notification was followed by another notification dated 28.6.2012 issued by Directorate of FATA Secretariat whereby direction was issued to all the Agency Education Officers in FATA for re-appointment of Community School Teachers against the vacant PST post. Being aggrieved, the petitioners of all the above mentioned petitions have impugned the legality and propriety of above mentioned notification through Constitutional petitions.

3. The learned counsel for the petitioners contended that the impugned notifications are not only illegal and void, but the same defeated the fundamental right of the petitioners to be considered for appointment of PST through a fair and transparent competition. He further argued that the impugned notification has been passed in utter disregard of judgment of this Court dated 13.5.2010 passed in W.P.No.2087/2009, wherein it was held that only

ATTEP

EXAMINER  
Reshawar High Court

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(227)

5 marks be given to the teacher of Community School Teachers for rendering their services in these schools. He further argued that present is the case of discrimination and violation of fundamental rights, thus prayed for issuance of appropriate writ against respondents. The learned counsel for the petitioners in connected petitions adopted the arguments of instant petitioners' counsel except the petitioners of W.P.No.2662/2012, who requested for withdrawal of petition.

4. Conversely, the learned Standing counsel appearing on behalf of the respondents argued that the impugned notifications have been issued in order to replace the grievance of Community School Teachers as they had long service at their credit and after a long struggle for their regularization, the matter was put through a summary to worthy Government of Khyber Pakhtunkhwa for their regularization and the existing 293 regular vacant post created in newly constructed Primary/Middle Schools in FATA was to be filled on merit basis from amongst the Community School Teachers and no fresh candidate was to be considered for recruitment

ATTESTED

EXAMINER  
Peshawar High Court.

17 AUG 2015

till all the existing Community School Teachers were absorbed against the newly created regular posts in FATA. This summary was approved through impugned notification dated 11.5.2012 and in compliance of that, all the Community School Teachers, who rendered more than 10 years service on contract basis in the respective schools were made eligible to be posted. He further argued that the petition is not maintainable in its present form, firstly, on the ground that the appointment made in the year 2012 has not been challenged through the instant writ petition and secondly nor the new appointees have been arrayed as respondents. The rights created in favour of Community School Teachers whose services have been regularized through notification dated 11.5.2012 were to be adversely effected, if the instant petitions are allowed.

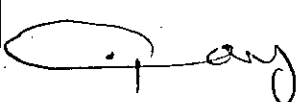
5. Arguments heard and record perused. We have gone through judgment passed in W.P.No.324/2008 dated 28.5.2009 disposed of by a Division Bench of this Court. That writ petition was filed by Community School Teachers against advertisement whereby all the



PTC posts were advertised to be filled through open merits without any preference being given to the already contract employees, wherein a concessional statement was made by Standing counsel for political authorities that the writ petitioners could be given 5 additional marks for their service rendered at PTC and they shall be given preference but subject to merits. So, with these observations, the writ petition alongwith connected 3 writ petitions were disposed of, on the basis of order passed in W.P.No.2087/2009 alongwith connected writ petitions and COCs on 28.5.2009, by this Court.

6. Directorate of Education FATA Secretariat, Peshawar issued direction through letter dated 18.6.2010 to all the Agencies Education Officers in FATA that in the light of decision of this Court dated 13.5.2010, the Community School Teachers are to be given 5 marks for their service rendered in Education Department of FATA.

7. Thereafter grievances were shown by the Community School Teachers which could not get regularization of their service despite the fact they rendered more than 10 years service on



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contact basis in the Community Schools. The National Assembly/Senate Standing Committees for State and Frontier Regions also recommended the regularization of services of Community School Teachers in their meeting held on 21.12.2011 and 9.3.2012 in Parliament House, Islamabad. Thus keeping in view the genuine grievance of the Community School Teachers and the recommendation of Standing Committees, a summary was put for Governor Khyber Pakhtunkhwa by FATA Secretariat, Directorate of Education through Secretary Social Sector FATA Secretariat and the same was approved by the Worthy Governor through impugned notification dated 11.5.2012 followed by letter dated 28.6.2012. It will be useful to reproduce hereunder notification dated 11.5.2012:-

"Notification

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

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relaxation of upper age limit with immediate effect as specified below.

1. The available regular vacant PST (BS-7) posts in the Primary Middle School in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective Agencies/FRs.

2. The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PST (BP-7) after adjustment of local qualified teachers.

3. The services of the un-qualified teachers shall be disposed with.

4. The Community School whose teachers are appointed and shifted to other schools against regular posts, would be closed down.

5. The respective Community School students would be shifted to nearby regular schools and no further recruitment of Community School Teachers will be made."

8. The contention of the learned counsel for the petitioners that these notifications were passed in violation of earlier judgment of this Court dated 28.5.2009 and dated 13.5.2010 have got no substance. As both the judgments were honoured through office order dated 18.6.2010 and fruit of the same was given to

EXAMINE  
Foshawar High Col.

17 AUG 2015

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Community School Teachers and not to fresh candidates. It is pertinent to note that instant and the connected petitions are not filed by Community School Teachers but by the fresh candidates, so they are on different footing. The notification issued by the Governor dated 11.5.2012 is much later than the judgment dated 28.5.2009 and as observed earlier that earlier judgment was passed on different footing and with different context.

9. We have noticed that in pursuance of notification dated 11.5.2012, all the appointments were made in the year 2012 in different Agencies and copies of appointment order dated 17.8.2012 issued for Mohmand Agency is made available on file.

10. Neither these appointment orders have been challenged nor the appointees have been arrayed as party. The impugned notification is issued in the best interest of already working Community School Teachers. This Court has already taken notice of agonies of the existing Teachers and issued directions to regularize the service of existing Teachers. The fresh candidates can be adjusted after available

ATTESTED

EXAMINER  
Peshawar High Court

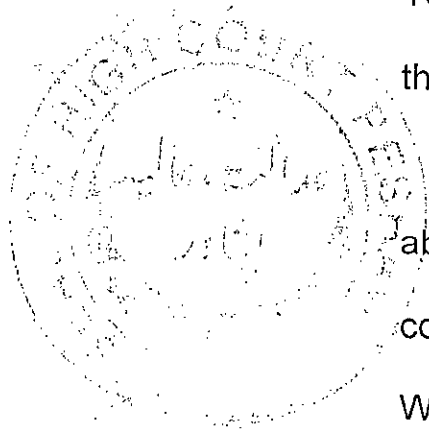
17/AUG 2015

733

regular vacant posts are filled from amongst the existing Community School Teachers.

11. We have noticed that the impugned notification has not closed the door of recruitment for the new candidates in future. No discrimination or vested right to the post could be pointed out by the petitioners. In a similar situation, this Court has already issued a writ bearing No.263/2010 dated 14.6.2011 wherein the Education Department, FAT had been advised to adjust the Community School Teachers having more than 3 years service at their credit against the regular post.

In view of what has been discussed above, we are of the view that instant as well as connected petitions bearing numbers W.P.No.1968/2012, W.P.No.2086/2012 and W.P.No.3444/12 being devoid of any merits are dismissed alongwith COCs and CMs. Writ petition No.2662/2012 is dismissed as withdrawn alongwith the CMs.



Sd/ Malik Manzoor Hussain

JUDGE

Sd/ Ikramullah Khan

JUDGE

Announced.  
Dt.6/8/2013.

Handwritten notes and dates: 26/8/13

CERTIFIED TO BE TRUE COPY  
Peshawar High Court  
Authorised Under Article 87 of  
The Constitution of Pakistan Order 1984

17 AUG 2015

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 667/2015

Amir Khan PST

PS Yarwood

Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar.
2. Additional Chief Secretary FATA Warsak Road Peshawar.
3. Director Education FATA, FATA Secretariat Warsak Road Peshawar.
4. Agency Education Officer Mohmand Agency at Ghallanai.
5. Secretary Social Sector Department FATA Secretariat ..... Respondents.

Para-wise comments on behalf of respondent No:3, 4 & 5.

Respectively Sheweth:

Preliminary Objection

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the appeal is barred by law and no departmental appeal is made to the competent authority against the impugned order. Hence not maintainable under Section-4 of Service Tribunal Act.
7. The appeal is badly time barred.
8. That this Honorable Tribunal has got no jurisdiction to adjudicate the instant appeal.

On Facts:

1. No comments. Pertains to record.
2. No comments. Pertains to record.
3. No comments. Pertains to record.
4. Incorrect. The appellant has been regularized in light of Notification issued by Respondent No. 5 (copy of Notification is attached as Annexure-A), which is in accordance with law and rules so called Departmental Appeal is badly time barred.
5. The appellant has got no cause of action. However detail reply on grounds is as under.

Grounds:

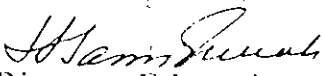
- A. Incorrect. There is no provision in the rules on the basis of which appellant can be regularized from initial appointment and from the date which relates to project period. No action has been taken by the respondents which would be against rules/law.
- B. Incorrect. As per Para-A.
- C. Incorrect. According to rules/policy the appellant is not entitle from 06/02/2003 as he was not a regular employee. The appellant was regularized on vacant post as per policy.
- D. Incorrect. According to Honorable Supreme Court Decision "each & every case has its own merit and circumstances. The appellant has been dealt by the Competent Authority in accordance with law/rules.
- E. Incorrect. As per Para-D.




F. Incorrect. A letter has been issued by the Competent Authority i.e Secretary Social Sectors Department FATA secretariat which is very clear wherein it has been mentioned that non-local eligible community school teachers shall be considered for re-appointment against the regular vacant posts of PST (BS-7) after adjustment of local qualified teachers (copy attached as Annexure-B). Respondents acted as per law and rules.

In light of the above facts it is humbly prayed that the appeal may very kindly be dismissed having no legal force with cost

Respondent NO.3

  
Director Education FATA

Respondent NO.4

  
Agency Education Officer  
Mohmand Agency

Respondent NO.5

  
Secretary Social Sector  
Department FATA


### AFFIDAVIT

We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Tribunal.

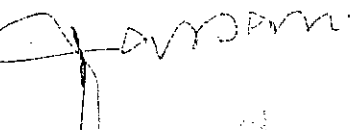
Respondent NO.3


  
Director Education FATA

Respondent NO.4

  
Agency Education Officer  
Mohmand Agency

Respondent NO.5

  
Secretary Social Sector  
Department FATA

(A)  P

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

Consequent upon the notification No.SO(E)/SSD/CSCR 99-108, dated 11.5.2012, Adjustment order of 19 community teachers of functional Community Schools is hereby ordered against regular PST posts in BPS-07 in the schools mentioned against their names in the interest of public service w.e.f 1.9.2013, on the basis of Court decision dated 6.8.2013.

Note:- The candidates/teachers who have not acquired the required qualification for PST posts and PTC are directed to acquire the requisite qualification within 24 months after the using date of this order. Otherwise adjustment of such like candidates will be considered as cancelled and they will be terminated.

S. No	Name with Father's Name	with	Name of Community School	Station of Posting Regular PST	of as	Tehsil	Remarks
1	Jan Nisar Sarzamin Khan	S/O	BCS Bahirola	GPS Kamangara		Ambar	Vacant Post
2	Shad Ali Hasham Khan	S/O	BCS Baidmanai Yad Muhammad	GPS Toor Kore		Baizai	Vacant post
3	Abdul Malik Feroz Khan	S/O	BCS Zabri Jour	GPS Zabri Jour		Baizai	Newly created post
4	Zautar Khan Khan Said	S/O	BCS Zabri Jour	GPS Zabri Jour		Baizai	Newly created post
5	Issa Dad Guladad	S/O	BCS BCS Koda Khel Kahirbandi	GPS Spinki Tangi		Halimzai	Newly created post
6	Naseer Khan Abdur Rahman	S/O	BCS Koda Khel Kahirbandi	GPS Shamshah Guno		Halimzai	Newly created post
7	Irfanullah Alqash Khan	S/O	BCS Khanjar Killi	GPS Toor Khel		Halimzai	Newly created post
8	M.Nasir Khan Ghani Khan	S/O	BCS Spinki Tangi Nadar	GPS Shamsha Guno		Halimzai	Newly created post
9	Sartaj Mahboob Khan	S/O	BCS Khan Baig Fazle Mahan	GPS Qamardin		Halimzai	Vacant post
10	Amir Khan Said Muhammad	S/O	BCS Koda Khel Haji Gulab	GPS Akram Baig		Halimzai	Vacant post
11	Ghulam Said Noor Said	S/O	BCS Zoor Killi Aflatoon	GPS Spinki Tangi		Halimzai	Newly created post
12	Raz Muhammad S/O Shah Rasool		BCS Bakhshi Kore Hunar	GPS Sana Khel		Khwezai	Newly created post
13	Ikramullah Muhammad Sharif	S/O	BCS Kung Sabzali Jalal Kore	GPS Atam Killi		Khwezai	Newly created post
14	Suz Muhammad S/O Shah Rasool		BCS Bakhshi Kore Hunar	GPS Sana Khel		Khwezai	Newly created post

15	Shah Nazar S/O Arsala Khan	BCS Spinki Tangi Sikandar	GPS Kharai Dara No.2	Khweza	Vacant post
16	Saddi Khan S/O Maweez Khan	BCS Koda Khel Dag Qalla	GPS Bahadar Killi	Khweza	Vacant post
17	Fhiali Jan S/O Noor Jan	BCS Spinki Tangi Nadar	GPS Toor Khel	Khweza	Newly created post
18	Mustafa Khan S/O Wasil Khan	BCS Toora Khwa Sherin	GPS Amno Khel	Pandiali	Vacant post
19	Ahmad Khan S/O Niazuddin	BCS Koda Khel Haji Gulab	GPS Serai	Prang Ghar	Vacant post

TERMS AND CONDITIONS.

- All terms & conditions will remain the same, meant fro new appointment, other than the age

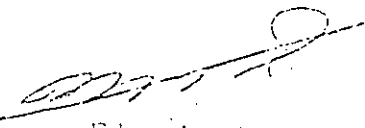
( SAID MUHAMMAD )  
Agency Education Officer  
Mohmand Agency at Ghallanai.

Dated 302/8 /2013

Endst No. 14/053-881 Project/ Appointment

Copy of the above is forwarded to the:-

- PA to Secretary to Governor KPK, Peshawar.
- Director of Education FATA, K.P.K, Peshawar.
- Political Agent Mohmand Agency.
- Agency Accounts Officer Mohmand Agency at Ghallanai.
- AAEOs concerned.
- Accountant local office.
- Teachers concerned.

  
Agency Education Officer  
Mohmand Agency at Ghallanai

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FATA SECRETARIAT  
Social Sectors Department  
Warsak Road Peshawar

C/B  
10

Notification

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

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

Secretary  
Social Sectors Department,  
FATA Secretariat, Peshawar

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

Copy forwarded to the:-

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

Handwritten signature/initials

Section Officer (Edu) SSD  
FATA Secretariat, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

IN RE:  
Service Appeal No. 667 / of 2015

Anwar Khan PST, Government Primary School  
Yaqoob Khanzadgan , Mohmand Agency... .. Appellant


VERSUS

Government of Khyber Pakhtunkhwa,  
Through Secretary Education and 4 others... .. Respondents


INDEX

S.no	Description of documents	Annexures	Pages
1.	Rejoinder		1-3
2.	Affidavit		0-4
3.	Copies of pay slips of the appellant	'R to R-5'	5-10
4.	Vakalat Nama (On Original File)		

Appellant

Through:   
(Ghulam Nabi Khan)  
Advocate,  
Supreme Court of Pakistan  
B-17, Haroon Mansion  
Khyber bazar , Peshawar  
Cell # 0300-5845943

And

  
(Mian Tajammal Shah)  
Barrister, Peshawar.

Dated: 09/05/2017.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

IN RE:

Service Appeal No. 667 / of 2015

Anwar Khan PST, Government Primary School

Yaqoob Khanzadgan , Mohmand Agency... .. Appellant

VERSUS

Government of Khyber Pakhtunkhwa,

Through Secretary Education and 4 others... .. Respondents

REJOINDER ON BEHALF OF THE APPELLANT.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

All the Preliminary Objection as raised are wrong, hence denied. The Appellant has got every cause of action, with clean hands and no concealment, no objection with regard to the estoppel, mis-joinder, limitation and jurisdiction could be raised against the appellant.

ON FACTS:

1. That para No.1 needs no comments as no reply has been submitted.
2. Needs no comments.
3. Needs no comments.
4. Wrong and denied. The appellant has been regularized with immediate effect, whereas the appellant has been serving the department since so many years, hence Notification attached is not according to law. The appellant has got every right to be reinstated in

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his service from the date of his appointment i.e. in the year 2003/2004, whereas he has been reinstated with immediate effect i.e. 01.09.2013 which is a malafide on the part of the respondents' side. It is pertinent to mention before this Honourable Tribunal that in the Pay Slips itself the services of the appellant have been considered since 2003 and his service tenure has been counted since his First Appointment in the year 2003/04. (Copies of the some of the Pay Slips of the appellant are attached as annexures R to R/5).

5. Wrong and denied. The appellant has got every cause of action and nothing material has been given in the grounds against the plea of the appellant.

ON GROUNDS:

- a. Wrong and denied. The appellant has got every right to be appointed from the date of his initial appointment instead of reinstating him with immediate effect i.e. 01.09.2013.
- b. Needs no comments.
- c. Wrong and denied. There is no rule/policy, whereby it has been mentioned therein that the appellant should be reinstated back to his service with immediate effect i.e. 01.09.2013, however, the appellant has got every right to be reinstated back on his service from the date of his initial appointment in the year 2003/04. This position is very much clear in the Pay Slips of the

Appellant, whereas it has been very clearly mentioned in the tenure of the appellant that he is serving since 2003/04.

- d. Wrong and denied. The appellant has not been dealt with in accordance with law, as he has been reinstated back to his service with immediate effect i.e 01.09.2013 instead of the date of his initial appointment in the year 2003/04.
- e. Needs No Comment
- f. Wrong no denied

**in the light of the above submissions it is respectfully prayed that the respondents may please be directed to make the regularization of the appellant from the date of his initial appointment i.e 06.02.2003 instead of 01.09.2013.**

Appellant

Through

  
(Ghulam Nabi Khan)

Advocate,

Supreme Court of Pakistan

Off:- B-17, Haroon Mansion

Khyber Bazar, Peshawar

Cell#0300-5845943

And

  
(Mian Tajammul Shah)

Barrister, Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

IN RE:  
Service Appeal No. 667 / of 2015

Anwar Khan PST, Government Primary School  
Yaqoob Khanzadgan, Mohmand Agency... .. Appellant

VERSUS


Government of Khyber Pakhtunkhwa,  
Through Secretary Education and 4 others... .. Respondents

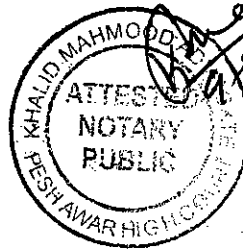
AFFIDAVIT

I, Anwar Khan son of Habib Khan , PST, Government Primary School Yaqoob Khanzadgan Mohmand Agency, do hereby solemnly affirm and declare that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
Deponent

IDENTIFIED BY:

  
(Ghulam Nabi Khan)  
Advocate, Peshawar.





GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
DISTRICT <sup>SARLAWAI</sup>  
PAY ROLL SYSTEM

P. Sec: 001  
MG0005 - Agency Education Office  
Min. of Education

*Handwritten initials and number 6*

Pers. No. 00054798      Buckle:  
Name: ANWAR KHAN  
PRIMARY SCHOOL TEACHER  
CNIC No. 1710211374729  
GPF Interest Applied

NTN:  
GPF #:      *6*  
Old #:

**BPS** 12 Vocational Temporary  
PAYE AND ALLOWANCES:

DEPTT CODE      MG0005

0001-Basic Pay	12,740.00
1000-House Rent Allowance	1,307.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,300.00
1942-Adhoc Allowance @100 50%	1,785.00
2148-15% Adhoc Relief All-2013	329.00
2199-Adhoc Relief Allow @10%	225.00
2211-Adhoc Relief All 2016 10%	1,274.00
Gross Pay and Allowances	29,516.00
<b>DEDUCTIONS:</b>	
GPF Balance 27,004.00	
3661-E. E. F (Exchange)	951.00
3701-Benevolent Fund(Exchange)	100.00
3704-Group Insurance(Exchange)	180.00
3711-Addl Group Insuranc(Exch)	115.00
	75.00
Total Deductions	1,359.00
<b>NET AMOUNT PAYABLE</b>	<b>22,157.00</b>

*Handwritten 'RPS' with a large diagonal slash*

Subrc:

QUALIFYING SERVICE  
YRS. MON.  
12 years 03 months 00d

D. O. B  
01.01.1979  
Days

LFP Quota:  
UNITED BANK LTD.      MANDHNI  
01030991



GOVERNMENT OF PAKISTAN  
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
 DISTRICT  
 PAY ROLL SYSTEM

P. Sec. **PAYMENT ADVICE** 014  
 NG0005 - Agency Education Office  
 Hqs. Pw. of Education

Part No. 0000001  
 Name: **ARID ULLAH**  
 Desg: **P. T. C. TEACHER**  
 CNIC No. **1710240783105**  
 EPF Interest Applied

HTA:  
 SPF #:  
 OLS #:

6

**BFS** 07 Vocational Temporary

DEPTT CODE

000001 - 68

EARNINGS AND ALLOWANCES:		
0001-Basic Pay		3,120.00
1000-House Rent Allowance		1,059.00
1210-Convey Allowance 2005		1,840.00
1300-Medical Allowance		1,000.00
1528-Unattractive Area Allow		1,500.00
1740-Adhoc Allowance 2010@ 50%		1,765.00
1970-Adhoc Relief Allow 2011		529.00
2110-Adhoc Relief Allow (2012)		1,224.00
2151-Adhoc Allowance 2013 @10%		612.00
Gross Pay and Allowances		15,649.00
DEDUCTIONS:		
EPF Balance	4,770.00	Subtr: 530.00
3661-E.E.F (Exchange)		75.00
3701-Benevolent Fund(Exchange)		180.00
3704-Group Insurance(Exchange)		67.00
3711-Addl Group Insurance(Exch)		7.00
Total Deductions		859.00
<b>NET AMOUNT PAYABLE</b>		<b>14,790.00</b>

R-1

QUALIFYING SERVICE  
 YRS Months MON  
 07 Years 07 Months 001 Days

D.O.B  
 01.01.1981

LFP Quota:  
 Payment through CDD.



**GOVERNMENT OF PAKISTAN**  
**ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA**  
**DISTRICT MALAMATI**  
**PAY ROLL SYSTEM**

**PAYMENT ADVICE** 2014  
 P Sec: 001 Month: October  
 MG0005 - Agency Education Office  
 Min. of Education

Name: **AZMAT GUL**  
 PRIMARY SCHOOL TEACHER  
 CNIC No. 2140616581263  
 CPF Interest Applied

NTN:  
 GPF #: **IV. EDU. MND. 5262**  
 Dtd #:

**BPS 12 Vocational Temporary**      **DEPTT CODE MG0005**

PAYE AND ALLOWANCES:	
0001-Basic Pay	12,740.00
1000-House Rent Allowance	1,307.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,700.00
1948-Adhoc Allowance 2010@ 50%	1,765.00
2148-15% Adhoc Relief All-2013	348.00
2195-Adhoc Relief Allow @10%	239.00
2211-Adhoc Relief All 2014 10%	1,274.00
Gross Pay and Allowances	117,727.00
DEDUCTIONS:	
GPF Balance 20,532.00	951.00
3661-E. E. F (Exchange)	100.00
3701-Benevolent Fund(Exchange)	190.00
3704-Group Insurance(Exchange)	115.00
3711-Addl Group Insurance(Exch)	13.00
<b>Total Deductions</b>	<b>1,352.00</b>
<b>NET AMOUNT PAYABLE</b>	<b>116,368.00</b>

*R-J*

**QUALIFYING SERVICE**  
 YRS: 12      MON: 07      Months      025      Days

**D. O. B**  
 01.01.1976

**LFP Quota:**  
 UNITED BANK LTD  
 0010030362

**YAKAGHUND**



GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL PAKISTAN REVENUE  
PESHAWAR  
PAY ROLL SYSTEM

*[Handwritten Signature]*  
**PAYMENT ADVICE**

P Sec:001 Month: August 2014

110005 - Agency Education Officer II  
Min. Of Education

NTM:  
SPE #: IV. EDU. MNO. 5244

REG# N: 00354939 RUC# 15  
Name: AJMAL KHAN  
PRIMARY SCHOOL TEACHER

HL No. 173014267056  
BPS Interest Applied

DEPT CODE

CP Active temporary		120005
<b>PAYE AND ALLOWANCES:</b>		
0001-Basic Pay		11,030.00
1000-House Rent Allowance		1,144.00
1300-Medical Allowance		1,500.00
1528-Unattractive Area Allow		1,700.00
1948-Adhoc Allowance 2010@ 50%		1,765.00
3148-15% Adhoc Relief All-2013		329.00
3199-Adhoc Relief All@ 10%		225.00
3211-Adhoc Relief All 2013 10%		1,108.00
Gross Pay and Allowances		18,853.00
<b>DEDUCTIONS:</b>		
GPF Balance	10,505.00	Subtr: 772.00
3661-S.E.F (Exchange)		75.00
3701-Benevolent Fund(Exchange)		180.00
3704-Group Insurance(Exchange)		67.00
3711-Addl Group Insurance(Exch)		7.00
Total Deductions		
<b>NET AMOUNT PAYABLE</b>		

*R-3*

**QUALIFYING SERVICE**  
YRS MON  
13 Years 05 Months

D.O.B  
12.04.1976  
010 Days

LFP Quota:  
ALLIED BANK LTD. KATCHARY BAZAR  
0010027647320014



GOVERNMENT OF PAKISTAN  
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
 DISTRICT SHALANAI  
 PAYROLL SYSTEM

C91

PAYMENT ADVICE

F. Sec: 001 Month: January 2013  
 580006 Agency: Education Office  
 Min: Min. Of Education  
 NTN:  
 SPF #:  
 Old #:

Emp No: 003540 Buckle:  
 Name: MURAD I  
 Dsg: P.T.C. ACHER  
 NIC No: 17102551945  
 BPS Interest fee

DEPTT CODE 160006

PAYS AND ALLOWANCES:  
 0033-Fixed Base Pay  
 5801-Adj. Basic Pay

15,200.00  
 97,200.00

R-4

Gross Pay and Allowances  
 DEDUCTIONS:

113,400.00

Subtr:

10001 Deductions

0.00

NET AMOUNT PAYABLE

113,400.00

QUALIFYING SERVICE  
 YRS 09 months 02 Days  
 MO 00

D.D. B  
 22.09.1983  
 Days

LFP Quota:  
 HABIB BANK LTD.  
 17997966080201

TANSE

GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL N.W.F.P.

DISTRICT  
PAW BOLLANWASTEMI

PAYMENT ADVICE

SN: 2628

P Ser: 001 Month: February 2009

MG0006 - Agency Education Office

Min: Min. Of Education

NTN:

GPF #:

Old #DEPTT CODE

NIC No: 2140644289949

CPF Interest Free

07 Regular / Contract

MG0006 -02

PAYS AND ALLOWANCES:

0001-Basic Pay	4,100.00
1000-House Rent Allowance	1,059.00
1300-Medical Allowance	500.00
1528-Unattractive Area Allow	200.00
1830-Special Relief All(2005)	333.00
1831-Adhoc Relief (2005)	333.00
1865-Teaching Allowance (2006)	500.00
1872-Dearnes Allowance-EEGRP09	404.00
	7,429.00

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Gross Pay and Allowances

7,429.00

DEDUCTIONS:

3511-Addl Group Insurance	7.00
3661-E. E. F. (Exchange)	4.00
3701-Benevolent Fund(Exchange)	35.00
3704-Group Insurance(Exchange)	67.00

Subrc:

Total Deductions

NET AMOUNT PAYABLE

7,318.00

QUALIFYING SERVICE

YRS

MON

D. O. B

21.09.1982

LFP Quota:

Payment through DDO.

05 Years 11 Months 020 Days



GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
DISTRICT

(16)

PAY ROLL SYSTEM

P Sec: PAYMENT ADVICE 2014  
NG0005 - Agency Education Office  
Min. Of Education

Part 3 No: 00054907 Booklet:  
Name: AJMAL KHAN  
Des.: P. T. C. TEACHER  
CNIC No. 1730142670565  
CPF Interest Free

NTN:  
GPF #:  
Old #:

BPS 07 Regular / Contract  
PAYE AND ALLOWANCES:

DEPT CODE NG0005

0001-Basic Pay	6,120.00
1000-House Rent Allowance	1,059.00
1210-Convey Allowance 2005	1,840.00
1300-Medical Allowance	1,000.00
1520-Unattractive Area Allow	1,500.00
1948-Adhoc Allowance 2010@ 50%	1,785.00
1970-Adhoc Relief Allow 2011	570.00
2118-Adhoc Relief Allow (2012)	1,224.00
2151-Adhoc Allowance 2013 @10%	612.00
Gross Pay and Allowances	15,690.00
DEDUCTIONS:	
3661-E. E. F (Exchange)	530.00
3701-Renevolent Fund(Exchange)	75.00
3704-Group Insurance(Exchange)	180.00
3711-Addl Group Insuranc(Exch)	67.00
	7.00
Total Deductions	859.00
<b>NET AMOUNT PAYABLE</b>	<b>14,831.00</b>

R-5

QUALIFYING SERVICE  
YRS Years MON Months 0  
DAYS Days

D. O. B  
13.04.1976

LFP Quota:  
ALLIED BANK LTD. KATCHARY BAZAR  
0010027647320014





GOVERNMENT OF PUNJAB  
ACCOUNTANT GENERAL  
DISTRICT

(10)

Form No. 001, Month: December 2015  
MG0005 - Agency Education Officer M  
Min. Of Education

Particulars of Salary & Allowances

PRIMARY SCHOOL II, USER  
CNIC No. 1750104144753  
SPF Interest Applied  
BY Notional temporary

MG0005  
GPF II  
DIA

PAY AND ALLOWANCES:

Basic Pay	9,005.00
1000-House Rent Allowance	1,148.00
1210-Convey Allowance 2005	1,532.00
1300-Medical Allowance	1,500.00
1520-Inconvenient Areas Allow.	1,500.00
1940-Adhoc Allowance 2010-2013	1,765.00
2148-15% Adhoc Relief 2011-2013	267.00
2174-Adhoc Relief Allow-2014	458.00
2199-Adhoc Relief Allow 2014	300.00
Gross Pay and Allowances	19,393.00

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DEDUCTIONS:

GPF Balance	12,425.00	
3661-E.E.F (Exchange)		772.00
3701-Renewal Fund(Exchange)		75.00
3704-Group Insurance(Exchange)		130.00
2711-Indi Group Insurance(Exch)		67.00
		7.00
Total Deductions		1,101.00
		18,292.00

Subtr

NET AMOUNT PAYABLE

QUALIFYING SERVICE 19.08.1979  
1 YRS MON Days

LFP Quota  
BANK OF PUNJAB  
387.-7

MAIN BAZAR, CHARSADU