

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 1233/2015

Date of Institution ... 22.10.2015

Date of Decision ... 10.12.2018

Abdullah Faisal, Lecturer in Computer Science at Government ANK(S) Degree College, KTS Haripur. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar and others. ... (Respondents)

MR. JAVED IQBAL GULBELA,
Advocate. ... For appellant

MR. ZIAULLAH,
Deputy District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. HUSSAIN SHAH, ... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

The following appeals are proposed to be decided through the instant common judgment:-

1. Appeal No. 1233/2015 (filed by Abdullah Faisal).
2. Appeal No. 1234/2015 (filed by Sharifullah)
3. Appeal No. 1235/2015 (filed by Khizar Hayat)
4. Appeal No. 1236/2015 (filed by Javed Khan)
5. Appeal No. 1237/2015 (filed by Asghar Khan)
6. Appeal No. 1238/2015 (filed by Zafar Jamal)



7. Appeal No. 1239/2015 (filed by Noor Muhammad)
8. Appeal No. 1240/2015 (filed by Muhammad Farman Ali)
9. Appeal No. 1241/2015 (filed by Kifayat Ullah Khan)
10. Appeal No. 1312/2015 (filed by Mst. Nadia Naznin Faroqi)
11. Appeal No. 1313/2015 (filed by Mst. Shagufta Saad)
12. Appeal No. 1314/2015 (filed by Naqib ur Rehman)
13. Appeal No. 103/2016 (filed by Laiq-ur-Rehman)
14. Appeal No. 104/2016 (filed by Laiq Zaman)
15. Appeal No. 105/2016 (filed by Muhammad Imtiaz)
16. Appeal No. 106/2016 (filed by Sami Ullah) and
17. Appeal No. 107/2016 (filed by Muhammad Rashid)

All the appellants are essentially aggrieved of Corrigendum No. SO(Colleges)/2-5/2009, dated 02.05.2011, through which their date of regularization in service was corrected to read as '24.09.2009' instead of '01.09.2009'.

2. The facts involved in the appeals in hand are that all the appellants were appointed as Lecturers in different Subjects on contract basis during the years 2005, 2006 and 2007. They continued to perform their duties as such when after promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 their service was regularized with effect from 01.01.2009. There were at-least three notifications issued on 18.03.2010, 20.03.2010 and 16.06.2010 by virtue of which the appellants were granted the relief but with effect from the same date. On 02.05.2011, the impugned Notification/Corrigendum was issued by the respondents requiring to read the date of regularization of appellants as 24.09.2009 instead of 01.01.2009.

3. For the sake of convenience and assimilation of facts it shall be useful to divide the appellants in two groups. The first group comprises appellants of Appeals No. 1233/2015, No. 1234/2015, No. 1235/2015, No. 1236/2015, No. 1237/2015, No. 1238/2015, No. 1239/2015, No. 1240/2015, No. 1241/2015, No. 1312/2015, No. 1313/2015 and No. 1314/2015, while the second includes the appellants of Appeals No. 103/2016, No.104/2016, No. 105/2016, No. 106/2016 and No. 107/2016.

The appellants of first group filed Writ Petitions before the Hon'ble Peshawar High Court in the year 2014, praying therein for regularization of their services with effect from the dates of their respective appointments on contract. The Petitions could not find favour and were dismissed in limine on 05.03.2015. As per assertions in the memorandum of appeals before us, these appellants preferred CPLAs before the Apex Court against the order of dismissal of their Writ Petitions. The said CPLAs were also turned down, where-after, the said appellants filed departmental representation/appeals which were rejected on 23.09.2015. The second group of appellants followed the suit, however, without preferring Writ Petitions before the Hon'ble High Court. Their departmental representations brought in the year 2015 remained un-answered till the filing of appeals in hand.

4. We have heard learned counsel for the appellants and learned Deputy District Attorney for the respondents and have considered the available record.

5. It was primarily the argument of learned counsel for the appellants that impugning the Corrigendum Notification dated 02.05.2011 in the year 2015 was due to seeking of remedy by the appellants, in the first group, before the Hon'ble High Court and subsequently the August Supreme Court. He contended that while

disposing of their Writ Petitions the Hon'ble High Court allowed the appellants of first group to seek remedy before an appropriate forum. He further contended that the issue pertaining to the impugned corrigendum was never agitated through the Writ Petition or the CPLAs by the appellants, therefore, the rejection of their departmental appeal on the basis of judgment of Hon'ble Peshawar High Court was ill-founded. In his view, the date of regularization as given in the corrigendum notification i.e. 24.09.2009, was out of the blue and without justification.

On the other hand, learned Deputy District Attorney contended that the departmental appeals by all the appellants were delayed for about four years while seeking remedy before a wrong forum was never a good ground for condonation of delay. He referred to the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 and stated that its application was with immediate effect which could not be stretched to retrospectivity in favour of the appellants.

6. The facts that transpire through the available record are that the appellants of first group, much after the issuance of the impugned Corrigendum Notification, brought Writ Petition before the Hon'ble Peshawar High Court in the year 2014 praying for the relief, inter-alia, in terms of regularization of their respective services from the date of appointment on contract and not with effect from 24.09.2009. However, during the arguments before the court learned counsel for the petitioners attempted to question the corrigendum, also impugned herein, which was not part of the prayer in the Writ Petition. While dismissing the Writ Petition in limine the Hon'ble Bench of the High Court duly noted the following:-

"3. As against that the learned Additional Advocate General duly assisted by the learned counsel for the private respondents submitted that the arguments, so advanced by the learned counsel for the

*petitioners today before the Court, are totally against the prayers of the writ petitions because today he is challenging the corrigendum, whereas, in the prayers of the writ petitions, the petitioners have claimed the benefits of their regularization from the date of their initial appointments, therefore, on this score alone, these petitions are liable to be dismissed. Besides the provisions of the Act *ibid*, itself, are clear and unambiguous in this regard.*

*5. Admittedly, the petitioners have been regularized under the Act, *ibid* and, undoubtedly, they are civil servants but now through these writ petitions they are claiming all the benefits of their regularization including the seniority from the date of their initial appointments but we're afraid, such an issue can't be taken and initiated through constitutional petitions as the provisions of Section 4 and 4-A of the Act *ibid*, are very much clear and the petitions can't seek relief beyond these provisions, specially when, the vires of said provisions haven't been challenged by them. Hence, these petitions are dismissed in limine. However, the petitioners, would be at liberty to seek their appropriate remedy, if any, under the law, for the redressal of their grievance."*

7. Noticeably, when CPLAs were preferred before the Apex Court the point of law agitated therein, inter-alia, in para-(B)(b) and (c) were as follows:-

"b. That the petitioners have rightly assumed their respective charge of duties w.e.f. 01.01.2009 which is in accordance with the said Act of regularization.

c. That the impugned corrigendum dated 02.05.2011 is obviously illegal, without jurisdiction, without lawful authority, discriminatory and arbitrary and against the principles of audi alterm partem as without any notice, therefore, having no legal fact upon the rights of the petitioners."

8. Admittedly, the said CPLAs were disallowed. In the above noted facts and circumstances, when the issue impugned in the appeals in hand was already taken to the Hon'ble High Court as well as the Apex Court and, admittedly, the Courts did not give a favorable verdict, the maintainability of appeals in hand would itself be under clouds in view of provisions contained in Rule 23 of Khyber Pakhtunkhwa Service Tribunals Rules, 1974. It is pertinent to note here that the appellants of first group had held back the order passed in the CPLAs all along and never produced or appended it with the record of appeals in hand.

9. Attending to the arguments of learned counsel for appellants that the date noted in the impugned corrigendum to be effective for regularization of all the appellants was taken from nowhere, it shall be necessary to refer to the relevant provisions contained in the Act, 2009 *ibid*. The preamble of the Act reads as follows:-

"Preamble.--- Whereas it is expedient to provide for the regularization of the services of certain employees appointed on ad-hoc or contract basis, in the public interest, for the purposes hereinafter appearing"

Section 1. Short title and commencement.---(1) This Act may be called the North-West Frontier Province Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once and shall be deemed to have been taken effect at the promulgation of the Ordinance.

10. It is to be kept in consideration that the Government of Khyber Pakhtunkhwa, in its wisdom, intended to regularize the services of contract employees including the appellants and so many others similarly placed through Ordinance (N.W.F.P Ordinance No. VII of 2009) which was promulgated on

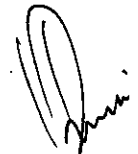
24.09.2009 and was later substituted by the Act XVI of 2009. Having given force to the Act, 2009, from the date of promulgation of the Ordinance i.e. 24.09.2009, the services of all the appellants were required to be regularized with effect from a date even before the date of promulgation of Act, 2009 i.e. 24.10.2009. The provisions contained in the law, therefore, could not have been stretched retrospectively in favour of the appellants and other similarly placed persons before cutoff date contained in the Corrigendum. Needless to note that the provisions contained in Section 4 and 4A in the Act, 2009, regarding determination of seniority and overriding effect of the Act, were already considered and taken note of by the Hon'ble High Court through the aforementioned order passed in Writ Petitions.

11. It is also a fact that in the appeals in hand the first group of appellants has attempted to lay distorted facts by stating that the issue regarding the impugned corrigendum was not agitated before any court in past. The above reproduction of order of High Court and ground of CPLAs suggests otherwise.

12. What has been discussed above we find no merits in the appeals before us which are hereby dismissed. The parties are left to bear their respective costs. File be consigned to the record room.



(HUSSAIN SHAH)
MEMBER(E)



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
10.12.2018

04.12.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Junior to counsel for the appellant seeks adjournment on the ground that his senior counsel is not available today. Granted. To come up for arguments on 06.12.2018 before D.B.

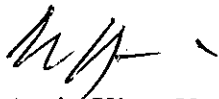
(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

06.12.2018

Junior to counsel for the appellant present. Mr. Kabirullah, Addl: AG for respondents present. Junior to counsel for the appellant seeks adjournment as counsel for the appellant was busy before the Hon'ble Peshawar High Court. Adjourned. Case to come up for arguments on 10.12.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

10.12.2018

Mr. Javed Iqbal Gulbela, Advocate, counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present.

Vide our detailed judgment of today this appeal is dismissed. Parties are left to bear their respective costs. File be consigned to the record room.


Member



Chairman

Announced:
10-12-2018

04.07.2018

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Kundi)
Member

30.08.2018

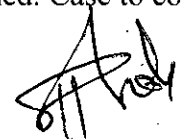
Clerk of the counsel for appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Murad Khan, Superintendent for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 19.10.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

19.10.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 04.12.2018 before D.B.

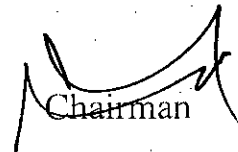

(Hussain Shah)
Member


(Ahmad Hassan)
Member

10.01.2018


Clerk of counsel for the appellant and Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Clerk of counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 13.03.2018 before D.B.


Member


Chairman

13.03.2018


Clerk to counsel for the appellant and Mr. Usman Ghani, learned District Attorney for the respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 19.04.2018 before D.B.


(M.Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

19.04.2018

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Murad Khan, Superintendent for the respondents also present. Clerk of the counsel for appellant stated that learned counsel for the appellant has gone to Saudi Arabia for performing of Umera. Adjourned. To come up for arguments on 04.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

11.05.2017

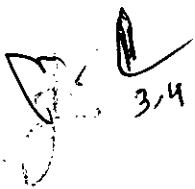
Clerk to counsel for the appellant and Mr. Ziaullah, GP for official respondents present. Clerk to counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 04.09.2017 before D.B.

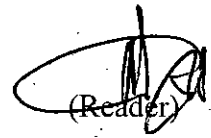

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

04.09.2017

Since 4th September, 2017 has been declared as Public Holiday on account of Eid-UI-Azha. Therefore the case is adjourned for the same on 09/10/17 before D.B. Parties be informed accordingly.


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(Reader)

9/10/2017

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, AAG for the respondents present. Clerk of counsel for the appellant seeks adjournment as his counsel is busy in Peshawar High Court. Adjourned. To come up for arguments on 10/1/2018 before DB.





Member


Chairman

10.5.2016

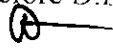
Counsel for the appellant and Mr. Asif Khan, Asstt. (Litigation) alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 23.08.2016.


Chairman

23.08.2016

Counsel for the appellant and Mr. Asif Khan, Assistant (Litigation) alongwith Additional AG for the respondents present. Rejoinder not submitted. Learned counsel for the appellant requested for adjournment to file rejoinder. Request accepted. Adjourned for rejoinder and arguments to

~~26-12-16~~ before D.B.


Member


Member

26.12.2016


Clerk to counsel for the appellant, Mr. Asif, AD and Mr. Murad, Khan, Supdt. alongwith Mr. Ziuallah, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 11.05.2017 for rejoinder and arguments before D.B.


Chairman

11.05.2017

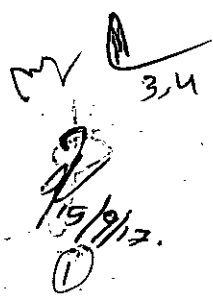
Clerk to counsel for the appellant and Mr. Ziaullah, GP for official respondents present. Clerk to counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 04.09.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

04.09.2017

Since 4th September, 2017 has been declared as Public Holiday on account of Eid-UI-Azha. Therefore the case is adjourned for the same on 09/10/17 before D.B. Parties be informed accordingly.


3,4
15/9/17
①


(Reader)

9/10/2017

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, AAG for the respondents present. Clerk of counsel for the appellant seeks adjournment as his counsel is busy in Peshawar High Court. Adjourned. To come up for arguments on 10/1/2018 before DB.

Member

Chairman



1233/2015


10.5.2016


Counsel for the appellant and Mr. Asif Khan, Asstt. (Litigation) alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 23.08.2016.

23.08.2016

Counsel for the appellant and Mr. Asif Khan, Assistant (Litigation) alongwith Additional AG for the respondents present. Rejoinder not submitted. Learned counsel for the appellant requested for adjournment to file rejoinder. Request accepted. Adjourned for rejoinder and arguments to ~~26-12-16~~ before D.B.



Chairman


Member


Member

26.12.2016

Clerk to counsel for the appellant, Mr. Asif, AD and Mr. Murad, Khan, Supdt. alongwith Mr. Ziuallah, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 11.05.2017 for rejoinder and arguments before D.B.


Chairman

23.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Lecturer and initially appointed on contract basis. That the services of the appellant were regularised vide NWFP Employees (Regularization of Services) Act, 2009 with effect from 1.1.2009. That vide corrigendum dated 2.5.2011 the said regularisation date was substituted from 1.1.2009 to 24.9.2009. That the appellant submitted Writ Petition alongwith others for retrospective seniority with effect from the date of initial appointment which was dismissed vide order dated 5.3.2015 where against appeal before the Supreme Court was also dismissed. That the appellant thereafter submitted department appeal claiming seniority with effect from 1.1.2009 vide departmental appeal dated 29.7.2015 which was rejected on 23.9.2015 and hence the service appeal on 22.10.2015.

Appellant Deposited
Security & Process Fee



That the appellant is entitled to regularisation of services with the effect from the date of Regularization Act 2009 i.e 1.1.2009.

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 2.3.2015 before S.B.


Chairman

02.03.2016



None present for appellant. Mr. Murad Khan, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 10.5.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1233/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.11.2015	<p style="text-align: center;">The appeal of Mr. Abdullah Faisal resubmitted today by Mr. Javed Iqbal Gulbela 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		<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>23-11-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Abdullah Faisal Lecturer in Computer Science received to-day i.e. on 22.10.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- ✓ Memorandum of appeal may be got signed by the appellant.
- 2- ✓ Copies of corrigendum dated 02.05.2009 and 02.05.2001 mentioned in para 4 of the memo of appeal are not attached with the appeal which may be placed on it.
- 3- ✓ Page Nos. 22 to 26 of the appeal are illegible which may be replaced by legible/better one.
- 4- (4) Copy of judgment of Supreme Court of Pakistan mentioned in para 6 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1658 /S.T,

Dt. 26/10 /2015

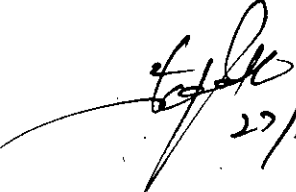

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. J. 99/bal Adv. Pesh.

Respected Sir,

Resubmitted after necessary completion.

*Note: Corrigendum in question is dt.: 02-05-2011
& the same had erroneously been written as
02-05-2009 & 02-05-2001 which is now rectified.
Moreover copy of the Apex Court is not
available so far.*


27/10/15

BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In Re S.A No 1233-/2015

Abdullah Faisal **Vs** Govt of Khyber Pakhtunkhwa etc


I N D E X

S#	Description of Documents	Annexure	Page#
1	Petition		1-8
2.	Affidavit		9
3.	Addresses of Parties		10
4.	Copies of personal record	"A"	11-15
5.	Copies of the Regularization Act & Notifications	"B & C"	16-26
6.	Copy of the Corrigendum	"D"	27-28
7.	Copies of W.P & Judgment dated 05-03-2015	"E & F"	29-44
8.	Copy of CPLA	"G"	45-53
9.	Copies of departmental appeal & Impugned order dated 23-09-2015	"H & I"	54-55
10	Other documents		-
11.	Wakalat Nama		56

DATED 20-10-2015

Petitioners

Through


(JAVED IQBAL GULBELA)
Advocate, High Court,
Peshawar

11

BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In Re S.A No 1233/2015

K.W.F. Provincial
Service Tribunal
Diary No. 1288
Dated 29-10-2015

Abdullah Faisal, Lecturer in Computer Science at Govt. ANK (S)
Degree College, KTS Haripur

.....Appellant

VERSUS

1. Govt of Khyber Pakhtunkhwa Through Chief Secretary KPK
Peshawar
2. Secretary Higher Education Department Khyber Pakhtunkhwa
Peshawar
3. Director Higher Education Khyber Pakhtunkhwa Peshawar
4. Deputy Director, Establishment, Higher Education Department
KPK, Peshawar.

.....Respondents

SERVICE APPEAL U/S 04 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED OFFICE ORDER NO :
24063-76, DATED 23-09-2015 OF THE OFFICE
OF THE RESPONDENTS NO. 3 & 4 WHEREBY
APPEAL AGAINST THE IMPUGNED
CORRIGENDUM NO : SO(COLLEGES)/2-
5/2009, DATED : 02-05-2011 WAS DISMISSED
IN A CLASSICALLY, CURSORY AND WHIMSICAL
MANNER.

Handwritten notes:
10/10/15
to-day

RESPECTFULLY SHEWETH,

Handwritten notes:
re-submitted
5/11/15
to-day

1. That the appellant is a civil servant in BPS- 17 and is a
lecturer in Computer Science , presently posted at Govt.

2

ANK (S) Degree College, KTS Haripur. (Copies of Service record are annexed herewith as Ann "A")

2. That in fact initially the appellant was appointed to the subject slot on contract basis on 01-11-2005 which contractual period was kept on constant extension and thus the pendulum remained intact till the promulgation of Regularization Act 2009.

3. That the service of the appellant along with others were got regularized under the N.W.F.P Employees (Regularization on Service) Ordinance 2009 (NWFP Ordinance No. VII of 2009); the same was later on replaced by NWFP Employees (Regularization of Service) Act 2009 (NWFP Act No. XVI 2009) and thus the service of the appellant was declared to be a regular one w.e.f. 01-01-2009. (Copies of Regularization Act and Notifications are annexed herewith as Annexure B & C, respectively)

4. That after having regularizing the service of the appellant with effect from 01-01-2009 vide Notification No : SO(COLLEGES)/2-5/2009, Dated : 18-03-2010 the respondents issued a Corrigendum No. SO (COLLEGES)/2-5/2009, dated 02-05-20²⁰¹¹11 whereby the service of the appellant was declared to be regularize with effect from 24-09-2009 instead of 01-01-2009 in an illegal, unlawful and unwarranted manner and the same is a clear cut violation of the letter and spirit of the Regularization Act 2009. (Copy of the Corrigendum dated 02-05-20²⁰¹¹11 is annexed herewith as Ann- "D")

3

5. That it is pertinent to mention here that the appellant had earlier filed a Writ Petition No. 938-P/2014 with the sole prayer of declaring the service of the appellant regular w.e.f. initial induction of the appellant into service i.e dated : ~~01-11-2005~~. The same Writ Petition was dismissed by the August Peshawar High Court Peshawar vide impugned Judgment and Order dated : 05-03-2014. (Copies of the Writ Petition and impugned Judgment and Order Dated : 05-03-2015 are annexed herewith as Ann "E & F" , respectively)

6. That feeling aggrieved the appellant preferred CPLA No 1115 of 2015 in the Apex Court of Pakistan, but the same was also turn down vide Judgment and Order dated 02-07-2015 (Copies of CPLA is annexed herewith as Ann- "G")

7. That both the August High Court as well as the Supreme Court of Pakistan directed the appellant to approach this Hon'ble Tribunal viz-a-viz Corrigendum, which was never a subject matter before any of the Superior Courts, nor any relief was ever sought with respect to the instant subject matter; while rest of the claim of the appellant was dishonored by both the Superior Courts. So by virtue of the aforementioned dictums as laid down by the superior courts, the appellant preferred a departmental appeal, but the same was turn down vide the impugned Office Order No . 24063-76, dated 23-09-2015 in a classically cursory and whimsical manner. (Copies of the Appeal and impugned office order dated 23-09-2015 are annexed herewith as annexure "H & I", respectively)

- 4
8. That feeling aggrieved the appellant prefers the instant appeal for site aside the impugned office order dated 23-09-2015 upon the following grounds, inter alia:-

GROUND:-

- A. That the impugned office order 23-09-2015 is against facts of the case, law governing the subject and a blatant violation of the Regularization Act in itself.
- B. That the Departmental Appeal of the appellant was dismissed by holding that "I am directed to refer to your application received through Principal of your respective college on the subject cited above and to inform you that your application has been examined and regretted in light of judgment of Peshawar High Court Peshawar." Now the Hon'ble Peshawar High Court Peshawar never ever dishonored the claim of the appellant viz-a-viz the Corrigendum in question or the act of taking effect the date of regularization and its illegal substitution from 01-01-2009 to 24-09-2009. Now the appellant has never ever raised or sought relief in terms of Corrigendum from the August High Court Peshawar; so the very basis and foundation of dismissing the appeal of the appellant is groundless and unwarranted.
- C. That the Regularization Act provides vide Section-3 which reads as "Regularization of Services of certain employees: All Employees including recommended of

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the High Court appointed on contract or adhoc basis and holding that post on 31st December 2008 having the same qualification and experience for a regular post." Now this particular provision of law provides in a crystal clear manner that the "cut-off" date for regularizing any contractual service is 31-12-2008; so obviously the first date from which the regularization is to be reckoned is 01-01-2009 and by virtue of the same established phenomenon the respondent department issued the Regularization Notifications dated : 18-03-2010, 20-03-2010 and 15-06-2010 which all were duly issued and where under the services of the contractual lecturers were regularized and the same were declared to be so w.e.f. 01-01-2009.

D. That the aforementioned notifications were quiet in conformity with Regularization Act 2009 and its substitution by any subsequent alleged Corrigendum is not only illegal, unwarranted; but as well as violative to the provisions of the Regularization Act 2009 that by substituting the date of taking effect of regularization from 01-01-2009 to 24-09-2009 is not only illegal, but has caused much financial loss, rather constant loss to the appellant and because of the same, the same Corrigendum is liable to be cancelled.

E. That the Learned Appellate Authority without visualizing the outcome of the Corrigendum in question and

b

without diluting upon the case of the appellant and without considering the merits of the case of the appellant and above even without any speaking order dismissed the appeal of the appellant which is illegal, unwarranted and ineffective upon the rights of the appellant.

- F. That before issuing the impugned Corrigendum in question neither the appellant was ever issued any notice, nor was allowed to be heard in spite of being deprived from financial gain and even being a financial matter, nor was ever intimated any prior information; so the whole episode of issuing the Corrigendum and its promulgation is illegal and unwarranted.
- G. That the August High Court as well as the Hon'ble Apex Court directed the appellant to recourses to this Hon'ble Tribunal in the matter of the Corrigendum in question and substitution of date of Regularization and deprivation of the appellant of the financial gain/benefits.
- H. That where similar placed persons are to be dealt with in terms of treatment to be meted out to them, must always be on equal footing, must always be just, fair & transparent without any sort of discrimination and where so many other employees in past & even in present have been extended seniority & back benefit

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since their initial regularization, then in no case the appellant can be deprived of the same in stricto sense of Art- 25 of the Constitution.


- I. That from all prospective & from all four facets of law, the appellant has every right to be dealt with accordance to the law & constitution and to be certainly meted out fair and just treatment.
- J. That from all four corners of law the appellant is equally entitled to be extended their date of regularization from 24-09-2009 to that of 01-01-2009 and be extended all the back benefits in terms of arrears, seniority and promotion.
- K. That the provisions pertaining to the seniority & that of regularization can safely be interpreted & stretched enough to encompass, swayed- in & bring into its ambit the case of the appellant, who is fully entitled for the required relief.
- L. That any other ground not raised here specifically may kindly be allowed to be raised at the time of arguments.

It in, therefore, most humbly prayed that on acceptance of the instant appeal the office order No-24063-76, Dated : 23-09-2015 of the office of the Respondent No – 3 & 4 be set aside and the Corrigendum issued vide impugned No – SO(COLLEGES)2-5/2009, Dated : 02-05-2011 be declared as

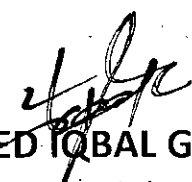
18
illegal and non-existent and further prayed that the appellant be declared to be regular Civil Servant w.e.f 01.01.2009 in terms of Seniority, promotion and arrears and be extended all the arrears thereof.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

DATED 20-10-2015


Appellant

Through


JAVED IQBAL GULBELA
Advocate High Court,
Peshawar

Note :

No such like appeal for the same appellant has earlier been filed by me, upon the subject matter, prior to the instant one, before this Hon'ble Tribunal.


ADVOCATE.

List of Books Referred:

1. Constitution of the Islamic Republic of Pakistan
2. Regularization Act- 2009 and the previous such like Notifications
3. Case Laws
4. Any other book as per need.


ADVOCATE

9

BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In Re S.A.No -----/2015


Abdullah Faisal

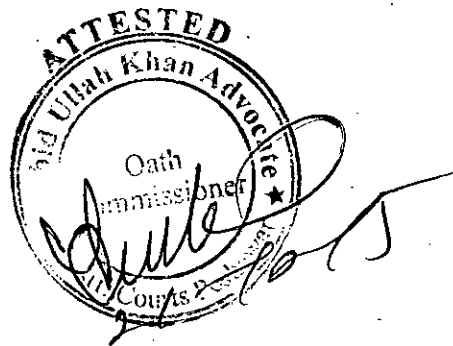
Versus

Govt of Khyber Pakhtunkhwa & Others

AFFIDAVIT

I, Amir Nawaz Advocate Counsel for appellant do hereby solemnly affirm and declare on oath that as per information furnished by my client, all the contents of the Instant appeal are true and correct to the best my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT



(10)

BEFORE THE HONOURABLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In Re S.A No -----/2015

Abdullah Faisal **VS** Govt of Khyber Pakhtunkhwa etc

ADDRESSES OF PARTIES

ADDRESS OF APPELLANT

Abdullah Faisal, Lecturer in Computer Science at Govt. ANK (S)
Degree College, KTS Haripur

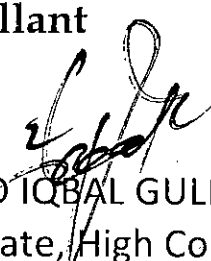
ADDRESSES OF RESPONDENTS

1. Govt of Khyber Pakhtunkhwa Through Chief Secretary KPK
Peshawar
2. Secretary Higher Education Department Khyber Pakhtunkhwa
Peshawar
3. Director Higher Education Khyber Pakhtunkhwa Peshawar
4. Deputy Director, Establishment, Higher Education Department
KPK, Peshawar.

DATED 20-10-2015

Appellant

Through


(JAVED IQBAL GULBELA)
Advocate, High Court,
Peshawar

OFFICE OF THE PRINCIPAL GOVERNMENT DEGREE COLLEGE HAVELIAN


2728-2731

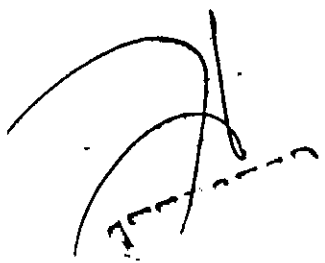
P.F. Abdullah Faisal
Lecturer in Computer Science
on Contract Basis,
Govt: Degree College Havelian.

Dated 16/11/2006.

Am-A-2

1. Copy of the Charge report is submitted to the Director of Higher Education (Colleges) N.E.F., PESHAWAR to his notification No.
2. P.S. to Secretary Higher Education N.E.F., Peshawar.
3. The District account Officer, Abbottabad.
4. Office Record/Officer.


16/11/06
PRINCIPAL
GOVERNMENT DEGREE COLLEGE
HAVALIAN.



CERTIFICATE OF TRANSFER OF CHARGE

I. Certified that we have on the fore/afternoon of 18.11.05 (F.M) respectively made over and received, charge of the Col, the

Principal Govt Degree College Havelian in res of Mr. Abdullat Paissal S/O Hafizur Rahman Lecturer in Computer Science.

Signature of relieved Government servant (MUNA HANIF)

Designation LOCAL BRANCH GOVT DEGREE COLLEGE

Station

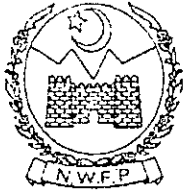
Signature of relieving Government servant (ABDUL FAISAL) 2-16/11/05

Designation LECTURER COMPUTER SCI GOVT DEGREE COL HAVELIAN. COMB BASIS LECTURER COMPUTER SCIENCES GOVT DEGREE COLLEGE HAVELIAN.

Forwarded to 18.11.2005 (F.M)

GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES & LIBRARIES
DEPARTMENT

12



Dated Peshawar the 1/11/2005.

NOTIFICATION

No.SG(COLLEGES)2-5/2005. Consequent upon the recommendation of Departmental Selection Committee in Higher Education Department, the Competent Authority is pleased to appoint the following candidates as Lecturers Male in various subjects on Contract basis as stop gap arrangements for a period of six months or till the availability of selectees of the NWFP Public Service Commission whichever is earlier and to post them in the colleges noted against each:-

S.No	Name/Father Name/Qualification and Address	Subject	Adjustment	Remarks
1.	Abdur Rauf S/O Shuja Mir (MA Arabic) Mama Ziarat Khader Khel P.O and Tehsil Data Khel, SWA.	Arabic	GC, Tank	Against vacant Post
2.	Zaka Ullah S/O Karim Gul (MA Arabic) C/O Ikram Ullah PA to Senior Economist, Finance Department NWFP Civil Secretariat, Peshawar.	Arabic	GC, Bakhshali	Against vacant Post
3.	Kifayat Ullah S/O Abdul Hamid (M.Sc. Biology) Village Kotka Ahmad Khan Sarki Khel Tehsil and District Bannu.	Biology	GC, Paniala	Against vacant Post
4.	Said Ayaz Khan S/O Mir Jamat Khan (M.Sc. Biology) Village Kotka Haji Musa Khan, Pier Bakhel FR Bannu.	Biology	GC, Kulachi	Against vacant Post
5.	Shariat Ullah S/O Samand Khan (M.Sc. Botany) Village Laka Tesra FR Bannu. C/O Shad Ayaz Khan, Lecturer Chemistry GPGC, Bannu.	Botany	GC, Ahmad Abad.	Against vacant Post
6.	Imdad Ullah S/O Manawar Khan (M.Sc. Botany) Razi Hall Room No.333 Peshawar University.	Botany	GDC, Khairabad	Against vacant Post
7.	Ashiq Nawaz S/O Ali Nawaz Bangashi (M.Sc Botany). College Colony, Parachinar (Kurram Agency).	Botany	GC, Hangu.	Against vacant Post
8.	Riaz Hussain S/O Sher Ghulam Jan (M.Sc. Botany).Village Marmandi Azim P.O Serai Naurang Tehsil and District Lakki Marwat.	Botany	GDC, Tajori	Against vacant Post
9.	Tahir-ul-Amin S/O Lal Mohammad (M.Sc. Chemistry) Mohallah Shah Hussain, Nowshera Kalan.	Chemistry	GDC, Kotha	Against vacant Post
10.	Abdul Qayum S/O Alam Gul (M.Sc. Chemistry) Village Serai Gambela P.O Khas, Lakki Marwat.	Chemistry	GDC, Parova (D.I.Khan)	Against vacant Post
11.	Shakir Khan S/O Zahir Shah (M.Sc. Chemistry) Village Habib Abad P.O Fatu Abdur Rahima, Dala Zak Road Peshawar.	Chemistry	GDC, Katlang.	Against vacant Post
12.	Mohammad Yousaf S/O Abdul Khaliq Khan (M.Sc. Chemistry) C/O Muslim Model School Domel (FR Bannu).	Chemistry	GDC, Kulachi.	Against vacant Post
13.	Sajid-ur-Rahman S/O Fazli Rahman (M.Sc. Chemistry) Village Band-e-Obah P.O Karnaal Sher Killi (Swabi).	Chemistry	GDC, Shewa (Swabi)	Against vacant Post

14.	Abdullah Faisai S/O Hafizur Rahman (M.Sc Computer Science) Village Chohar, Tehsil and District Haripur.	Computer Science	GDC, Havelian.	Against vacant Post
15.	Ikramullah S/O Rahmatullah (MA Economics) Village and P.O Kati Garhi Tehsil and District Mardan.	Economics	GC, Babozai.	Against vacant Post
16.	Shakir Afridi S/O Mohammad Javed (MA Economics) Village and P.O Malik Sirmust Sheraki Mubarak Khel, Dara Adam Khel.	Economics	GDC, KDA (Kohat)	Against vacant Post
17.	Anjad Ali S/o Ajab Khan (M.A. Economics)	Economics	GDC, Lachi.	Against vacant Post
18.	S. Murtaza Hussain S/O S. Shabir Hussain (MA Economics) H.No.4 Hazara Mohalah, Parachinar (Kurrum Agency)	Economics	GDC, Essak Khel.	Against vacant Post
19.	Bilal Alam S/O Pir Dad Khan (MA Economics) Assistant Engineer Local Govt. & R&D SW Agency Political Agent Compound Tank.	Economics	GDC, Parova (D.I.Khan)	Against vacant Post
20.	Fida Ullah Khan S/O Mohammad Younis Khan (MA Economics) Village and P.O Matora District Lakki Marwat. C/O Shafiq Uz Zaman, G/S Analyst FMC Aman Abad Palosi Road Peshawar.	Economics	GDC, Ghazni Khel.	Against vacant Post
21.	Sohail Farooq S/o Ghulam Farooq (MA Economics) Village Kutli P.O Indra Dogah Tehsil and District Haripur.	Economics	GDC, Kalabat.	Against vacant Post
22.	Shah Zaman S/O Sahibzada Faiz Rasan (M.Sc Electronic) 106 Gul Bahar No.3 Luki Dheri Road, Peshawar.	Electronics	GPGC, Nowshera	Against vacant Post
23.	Sarfraz Ali Bangash S/O Haji Ghulam Nabi (M.Sc Electronic) C/O F.G Model Public, High School, Parachinar (Kurrum Agency).	Electronics	GC, No.2 Bannu.	Against vacant Post
24.	Tariq Mahmood S/O Fazal-Mahmood (M.A English) Village P.O Khanpur Tehsil Adenzai (Dir Lower)	English	GDC, Thana.	Against vacant Post
25.	Yasir Mohammad Imran S/O Abdur Rahim (MA English) H.No. 688 Mohallah Shero Khel Lakki Marwat.	English	GDC, Lakki Marwat	Against vacant Post
26.	Shamsul Islam S/O Faqir Gul (MA English) Village Garhi Usmani Khel Dargai (Malakand)	English	GDC, Thana.	Against vacant Post
27.	Bakht Zada S/O Sher Zaman Khan, (MA English) Village P.O Barawal Bandi, Dir Upper.	English	GDC, Alpuri.	Against vacant Post
28.	Sibghat Ullah S/O Haq Nawaz (MA English) Village P.O Chahikan Tehsil and Distt. D.I.Khan	English	GDC, Parova (D.I.Khan)	Against vacant Post
29.	Khalil-ur-Rehman S/O Lair Jan (MA English) Dawar Hamzoni Sheen Khwar Miranshah	English	GDC, Tajori	Against vacant Post
30.	Hafizullah Khan S/O Ghani-Ur-Rehman (MA English) H.No.253/C Chambali.Chowk Bannu.	English	GPGC, Bannu	Against vacant Post
31.	Khalid Khan S/O Wazir Mohammad (MA English) Village Spelano Dheri (Kamargai) P.O Hathian Tehsil Takht Bai Mardan.	English	GDC, Babozai.	Against vacant Post
32.	Naik Mohammad S/o Noor Rehman V. P.O Pir Saddo Tehsil Takht Bhai Distt. Mardan.	English	GDC, Gandaf (Swabi)	Against vacant Post
33.	Amjad Ali S/O Ali Bakhsh (M.A English)Village Chalyar P.O Khawaza Khela District Swat.	English	GC, Alpuri	Against vacant Post
34.	Waqar Azim S/O Asfandiyar Zia (MA English) 50-E/3 St. 4 Phase-I Hayatabad, Peshawar.	English	GDC, Matta.	Against vacant Post

	Mohammad Shah (MA Urdu) H.No.132/2 C/O Tariq General Store, Bara Gate, Peshawar Cantt.		Charsadda	Post
78.	Mohammad Shoaib Khan S/O Abdul Jabbar Shah (MA Urdu) H.No.361 Street No.11, Sector P-2, Phase-4, Hayatabad, Peshawar.	Urdu	GPGC, Nowshera	Against vacant Post
79.	Shah Nawaz S/O Dauli Khan (MA Urdu) Village and P.O Zarif Kor, Mohmand Agency, Michni, Peshawar.	Urdu	GC, Banda Daud Shah	Against vacant Post
80.	Abdul Qaddus S/O Ulas Khan (MA Urdu) Village Nowgazi Baba, Tehsil Bara, Khyber Agency.	Urdu	GPGC, Kohat	Against vacant Post
81.	Liaqat Hussain S/O Kifayat Hussain (MA Urdu) C/O Miasam Book House, School Road, Parachinar (Kurram Agency).	Urdu	GC, Hangu.	Against vacant Post
82.	Salim Badshah S/O Aslat Khan (MA Urdu) CT GMS Shahgo (Bajaur Agency).	Urdu	GPGC, Mardan	Against vacant Post
83.	Minhaj-ud-Din S/O Hafiz-ud-Din (MA Urdu) Village Bajewro P.O Ziarat Talash Tehsil Timergar Distt. Dir Lower.	Urdu	GDC, Daggar.	Against vacant post of B-18 by downgrading to B-17
84.	Bahre Karam Khan S/O Abdul Qadir Khan (MA Urdu) Village Chungai Tehsil Barikot (Swat).	Urdu	GDC, Takht Bai.	Against vacant Post
85.	Syed Hassan Jan S/O Syed Ghafoor Jan (MA Urdu) H.No.525 Ittihad Colony, Malakand Road Takht Bhai (Mardan).	Urdu	GC, Totalai.	Against vacant Post
86.	Mohammad Rasheed S/O Hanif Khan (MA Urdu) Village and P.O Chokara Tehsil Takht Nasratti District Karak.	Urdu	GC, Ghori Wala	Against vacant Post

The appointment of the above lecturers will be subject to the following terms and conditions:-

TERMS AND CONDITIONS.

- i. The appointment of the above candidates will be on contract basis for a period of six months or till the arrival of the selectees of the NWFP Public Service Commission, whichever is earlier.
- ii. They will get fix pay @ Rs.9132/- PM.
- iii. No TA/DA will be allowed for their first appointment.
- iv. Their appointments are subject to the production of Physical fitness from Standing Medical Board and verification of character and antecedents from Special Branch/Political Agents concerned.
- v. The appointment of the candidates mentioned in Para.1 above is subject to the condition that they bear the Domicile of NWFP.
- vi. If they want to terminate their contract before expiry of the same, they will have to serve one month notice in advance failing which they will have to deposit one month pay in lieu of such notice in the Govt. Treasury.
- vii. They shall not make any request for transfer from the college where they are posted. In case of such occurrence, their service shall stand terminated.
- viii. They should join their post within 30-days of the issuance of this notification. The Director Higher Education NWFP Peshawar, should furnish a certificate to the effect that the candidates have joined the post or otherwise after one month of the issue of this Notification.
- ix. They shall execute an agreement with the Government before taking over charge to be signed by the Director Higher Education NWFP, on behalf of the Government.
- x. They should not be entitled to any pension or gratuity for the service rendered by them on contract basis.
- xi. Charge report in duplicate should be submitted to all concerned.

Certificate

[Handwritten signature]

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- xii. Their service shall be terminated if they violate any provision of the term & conditions specified in the Agreement Bond.

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT

ENDST: Number & Date as above.

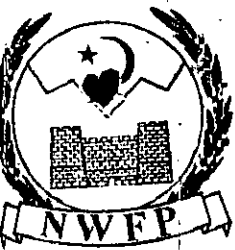
Copy of the above is forwarded to:-

- 1- Accountant General NWFP Peshawar.
- 2- Secretary to Chief Minister NWFP, Peshawar.
- 3- Director Higher Education NWFP Peshawar, with the request to get a copy of Agreement Bond and circulate copies of the same to all Principals of the Government Colleges concerned immediately.
- 4- Director of Education (FATA) NWFP Peshawar.
- 5- Director Recruitment NWFP Public Service Commission Peshawar.
- 6- Districts/Agencies Accounts Officers concerned.
- 7- Principals Government Colleges (Male) concerned.
- 8- Section Officer (FATA) Education Wing, Governor's Secretariat (FATA) Warsak Road Peshawar.
- 9- P.S. to Chief Secretary NWFP Peshawar.
- 10- P.S. to Minister for Education NWFP Peshawar.
- 11- P.S. to Secretary Higher Education NWFP Peshawar.
- 12- Officers concerned.

Thayaufer

(GHAZANFAR ALI)
SECTION OFFICER (COLLEGES)

ATTACHED



BETTER COPY

(16)

Amir

GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

No SOR-VI/E & AD/I-13/2009

Dated Peshawar the 4th November 2009

To

1. Additional Chief Secretary, Govt of NWFP Planning Development Department.
2. Additional Chief Secretary, (FATA), FATA Secretariat Peshawar.
3. Additional Chief Secretary Govt of NWFP Home & Tribal Affairs Department.
4. The Senor Member, Board of Revenue, NWFP.
5. All Administrative Secretaries to Govt. of NWFP.
6. The Secretary to Governor, NWFP.
7. The Principal Secretary to Chief Minister, NWFP.
8. All Divisional Commissioners in NWFP.
9. All Heads of Attached Departments in NWFP.
10. All District Coordination Officers in NWFP and Political Agents in FATA.
11. The Registrar Peshawar High Court, Peshawar.
12. The Registrar, NWFP Service Tribunal, Peshawar.
13. The Secretary, NWFP Public Service Commission, Peshawar.

Subject: The North West Frontier Province Employees (Regularization of Services) Act, 2009 (NWFP Act No XVI of 2009)

Dear Sir,

I am directed to refer to the subject and to enclose a copy of Gazette Notification No. PA/NWFP/Bills/2009/38472 dated 24-10-2009 regarding the North West Frontier Province Employees (Regularization of Services) Act, 2009 (NWFP Act No XVI of 2009) for information and necessary action.

Yours faithfully,

(Signature)
(KALEEM ULLAH)
SECTION OFFICER (REG-VI)

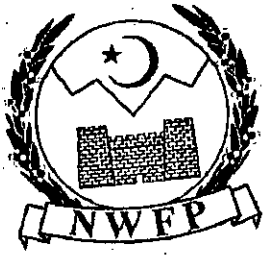
Endst No. & date even.
Copy forwarded to:

1. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department
2. Private Secretaries to all Provincial Ministers in NWFP.
3. Private Secretary to Chief Secretary NWFP, Peshawar.
4. Private Secretary to Secretary Establishment Department.
5. Private Secretary to Secretary Administration Department.
6. The Incharge Resource Centre, Estt. & Admn Department.

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III
GAZETTE

North Waziristan Frontier Province

Public by Authority

PESHAWAR, SATURDAY, 24TH OCTOBER, 2009

**PROVINCIAL ASSEMBLY SECRETARIAT
THE NORTH-WEST FRONTIER PROVINCE**

NOTIFICATION

Dated Peshawar. the 24th October, 2009.

No. PA/NWFP/Bills/2009/38472-The North-West Frontier Province Employee (Regularization of Services) Bills, 2009 having been passed by the Provincial Assembly of North-West Frontier Province on 15th October, 2009 and assented to by the Governor of the North West Frontier Province on 20th October, 2009 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

**THE NORTH-WEST FRONTIER PROVINCE
EMPLOYEES (REGULARIZATION OF SERVICES) ACT; 2009**

(N.W.F.P, ACT NO. XVI OF 2009)

(First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.W.F.P (Extraordinary)
Dated the 24th October, 2009)

AN
ACT

to provide for the regularization of the services of certain employees
appointed on adhoc or contract basis.

Preamble.--- WHEREAS it is expedient to provide for the regularization of the service certain employees appointed on adhoc or contract basis, in the public interest, for the purpose here in after appearing;

It is hereby exacted as follows:-

(18)

1. Short title and commencement:- (1)

(2) It shall come into force at once and shall be deemed to have been taken effect at the promulgation of the Ordinance.

2. Definitions: --- (1) In this Act, unless the context otherwise requires.

(a) "Commission" means the North-West Frontier Province Public Service Commission;

(aa) "Contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment.

(b) "Employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

(c) "Government" means the Government of the North-West Frontier Province.

(d) "Government Department" means any department constituted under rule 3 of the North-West Frontier Province Government Rules of Business 1985.

(e) "Law or Rule" means the law or rule for the time being in force government the selection and appointment of civil servants: and

(f) "Post" means a post under Government or in connection with the after Government to be filled in on the recommendation of the Commission.

(2) The expressions "adhoc appointment" and "civil servant" shall have the meanings as respectively assigned to them in the North-West Frontier Province Civil Servant Act, 1973 (N.W.F.P. Act No. XVIII of 1973).

3. Regularization of services of certain employees: --- All employees including recommended of the High Court appointed on contract or adhoc basis and holding that post on 31st December 2008 having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. Determination of Seniority: --- (1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons any, who in pursuance of the recommendation of the commission made before the commencement of this Act, are to be appointed to the respective service or cadre, respective of their actual date.

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N.W.F.P GOVERNMENT GAZETTE, EXTRA-ORDINARY, 24TH OCTOBER, 2009. 291

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre. Shall be determined on the basis of their continuous officiation on such service or cadre:

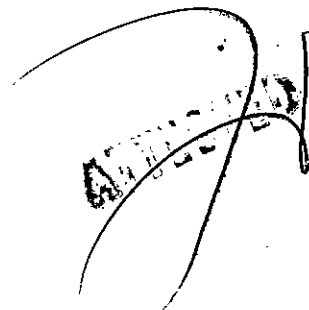
Provided that if the date of continuous officiation in the case of two or more employees is the same. the employee older in age shall rank senior o the younger one.

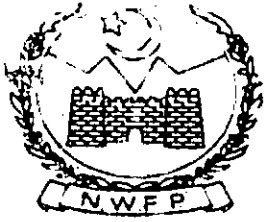
4A. Overriding effect: --- Not withstanding anything to the contrary contained in any other law or rule for the time being in force the provision of this act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. Repeal: --- The North-West Frontier Province Employees (Regularization of Service Ordinance. 2009 (N.W.F.P. Ordinance No. VII of 2009) is hereby repealed.

BY ORDER OF MR. SPEAKER,
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE

AMAN ULLAH
Secretary,
Provincial Assembly of NWFP





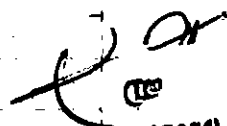
**GOVERNMENT OF N.W.F.P.
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the March 18th, 2010.

NOTIFICATION

NO. SO(COLLEGES)2-5/2009. In pursuance of Section 3 of the NWFP Employees (Regularization of Services) Act, 2009, the Competent Authority is pleased to regularize the services of the following lecturers (BS-17) appointed on contract basis, w.e.f. 01.01.2009: -

S. #	Name / Designation / Present Posting
ARABIC	
2005	
1.	Abid-ur-Rahman, Lecturer in Arabic, GPGC Karak.
2.	Abdur Rauf, Lecturer in Arabic, GDC Tank.
3.	Khizar Hayat, Lecturer in Arabic, GC Khalabat Township Haripur.
4.	Naseerul Haq, Lecturer in Arabic, GDC Dagger (Buner).
2006	
5.	Tauseef Jan, Lecturer in Arabic, GDC Akora Khattak (Nowshera).
6.	Jehanzeb, Lecturer in Arabic, GDC, No. 1, D.I Khan.
ARCHAEOLOGY	
7.	Mohammad Sohail Khan, Lecturer in Archaeology, GDC No. 1 D.I Khan.
BIOLOGY	
8.	Said Ayaz Khan, lecturer in Biology, GDC Kulachi (D.I. Khan).
2006	
9.	Mohammad Daud, Lecturer in Biology, GDC Jowar (Buner).
10.	Noor Mohammad Khan, Lecturer in Biology, GDC Thall.
11.	Tahir Saeed, Lecturer in Biology, GDC Ahmadabad (Karak).
2007	
12.	Allah Nawaz, Lecturer in Biology, GDC Zarcobi (Swabi).
BOTANY	
2005	
13.	Sher Zaman, Lecturer in Botany, GDC Bakhshali (Mardan).
14.	Laiq Zaman, Lecturer in Botany, GPGC Karak.
15.	Riaz Hussain, lecturer in Botany, GDC Tajori, Lakki Marwat.
2006	
16.	Ammar Ali, Lecturer in Botany, GDC Yar Hussain (Swabi).
17.	Abdul Majeed, Lecturer in Botany, GDC Kotha (Swabi).
18.	Hafiz Munib ur Rehman Lecturer in Botany GDC, Paniala (D.I Khan).


SECTION OFFICER (COLLEGES)
Govt. of NWFP
Higher Education Deptt.

(21)

2007

- 20. Inayat Gul, Lecturer in Botany, GDC Banda Daud Shah, Karak.
- 21. Muhammad Hameed Iqbal, Lecturer in Botany, GDC Gul Abad, Dir Lower.
- 22. Mohammad Ishaq, Lecturer in Botany, GDC No. 2, Mardan.

CHEMISTRY

2005

- 23. Tanveer Hussain Shah, Lecturer in Chemistry, GDC Balakot.

2006

- 24. Mohammad Bilal, Lecturer in Chemistry, GDC Zaroobi, Swabi.
- 25. Roohal Qayyum, Lecturer in Chemistry, GDC, Matta, Swat.
- 26. Zia Mohammad, Lecturer in Chemistry, GPGC, Kohat.
- 27. Wahid Ullah, Lecturer in Chemistry, GDC Parova, D. I. Khan.
- 28. Kifayat Ullah Khan, Lecturer in Chemistry, GDC Tank.
- 29. Altaf Hussain, lecturer in Chemistry, GDC KDA Kohat.
- 30. Sher Mohammad, Lecturer in Chemistry, GDC, Dagger, Buner.
- 31. Abdul Aziz, Lecturer in Chemistry, GDC Hangu.
- 32. Noor Muhammad, lecturer in Chemistry, GDC Kohi Sher Haider Bara, Khyber Agency.

2007

- 33. Murad Ali, Lecturer in Chemistry, GPGC Khar, Bajaur Agency.
- 34. Ihsan Ullah, Lecturer in Chemistry, GDC Ghoriwala Bannu.
- 35. Roohul Amin, Lecturer in Chemistry, GPGC Charsadda.
- 36. Abdus Saboor Shah, Lecturer in Chemistry, GPGC Bannu.
- 37. Mahboob Ali, Lecturer in Chemistry, GDC, Katlang, Mardan.
- 38. Mohammad Farman Ali Lecturer in Chemistry, GDC Tajori Lakki Marwat.
- 39. Zia-ul-Hassan, Lecturer in Chemistry, GPGC, Mansehra.
- 40. Yasir Arshad, Lecturer in Chemistry, GPGC, Abbottabad.
- 41. Shaukat Ali Lecturer in Chemistry, GDC Ghazi, Haripur.

COMPUTER SCIENCE

2005

- 42. Aurangzeb, Lecturer in Computer Science, GDC, Khairabad.
- 43. Abdullah Faisal, Lecturer in Computer Science, GDC, Havelian.

2006

- 44. Mohammad Sajid Khan, Lecturer in Computer Science, GDC Shabqadar (Charsadda).
- 45. Mohammad Tufail, Lecturer in Computer Science, GDC Akora Khattak (Nowshera).
- 46. Mutabar Khan, Lecturer in Computer Science GDC Toru (Mardan).
- 47. Farhan Khan, Lecturer in Computer Science, GDC Takht Bhai (Mardan).
- 48. Anwar Saddat, Lecturer in Computer Science, GDC Lahor (Swabi).
- 49. Younas Ali, Lecturer in Computer Science, GDC Dir Upper.
- 50. Mohammad Zahir Shah, Lecturer in Computer Science, GDC Lachi, Kohat.
- 51. Fida Ullah Khan Lecturer in Computer Science GDC Ghori Wala, Bannu.
- 52. Abdullah, lecturer in Computer Science, GDC Samarbagh (Dir Lower).

2007

- 53. Muhammad Aamir, Lecturer in Comp: Science, GPGC Swabi.
- 54. Muhammad Habib Lecturer in Comp: Science GDC Samar Bagh, Dir Lower.
- 55. Kifayat Ullah Khan Lecturer in Comp: Science GDC Tank.
- 56. Muhammad Anwar Lecturer in Comp: Science GPGC Mandian, Abbottabad.

ECONOMICS

2005

- 57. Wisal Ahmad Lecturer in Economics GDC No. 1 DI Khan
- 58. Shakir Afridi Lecturer in Economics GDC KDA (Kohat)

2006

- 59. Jamil Ahmad, lecturer in Economics, GDC Takht-Bhai, Mardan.

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ZOOLOGY

Shah Khalid Lecturer in Zoology GDC, Lund Khwar, Mardan.

Terms and conditions of their regular appointment will be as under:

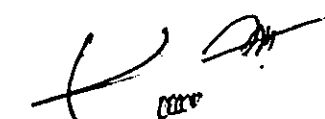
- i. They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled to annual increments as per existing policy.
- ii. They shall be governed by the NWFP Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
- iii. They shall for all intents and purposes, be civil servants except for purpose of pension & gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount as would be contributed by them towards Contributory Provident Fund (CPF) along with the contributions made by Government to their account in the said fund, in the prescribed manner.
- iv. Their employments in the department is purely temporary and their services are liable to be terminated without assigning any reason at thirty (30) days notice or on the payment of 30 days salary in lieu thereof. In case they wish to resign at any time, 30-days notice will be necessary or in lieu thereof 30 days pay will be forfeited.
- v. They shall, initially, be on probation for a period of two years extendable upto 3 years.
- vi. Their seniority shall be determined in accordance with relevant rules but subject to Section-4 of the NWFP Employees (Regularization of Services) Act, 2009.

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT

dst: No. & Date Even.

Copy of the above is forwarded to the: -

1. Secretary to Govt. of NWFP, Establishment Department.
2. Secretary to Govt. of NWFP, Finance Department.
3. Principal Secretary to Chief Minister, NWFP.
4. Secretary to Governor, NWFP.
5. Accountant General, NWFP, Peshawar.
6. Director, Higher Education, NWFP, Peshawar.
7. Director Education (FATA), NWFP, Warsak Road, Peshawar.
8. Director, Information for wide publicity through media.
9. Districts / Agency Accounts Officers concerned.
10. Principals, Government Colleges (Male) concerned.
11. Section Officer (FATA) Education Wing, Governor's Secretariat (FATA), Warsak Road Peshawar.
12. P.S. to Minister for Higher Education, NWFP.
13. Deputy Director (IT), Planning Cell, Higher Education Department.
14. Lecturers concerned.



(WAJID ALI)
SECTION OFFICER (COLLEGES)



GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar: the 20th March, 2010.

NOTIFICATION

No. SO(FC)HE/1-10/06/Regularization. In pursuance of Section 3 of the NWFP Employees (Regularization of Services) Act, 2009, the Competent Authority is pleased to regularize the services of the following lecturers (BS-17) appointed on contract basis, w.e.f. 01-01-2009:-

S#	Name/Designation/Present Posting
2006	BIOLOGY
1. 2007	Nadia Latif, Lecturer in Biology, GGC Bannu
2. 2006	Mehnaz Yaqoob, lecturer in Biology, GFC(W) Peshawar
3. 2007	BOTANY
4. 2007	Shazia Noreen, lecturer in Botany, GGC Serai Salch
5. 2005	Nazia Gul, lecturer in Botany, GGC Thana
6. 2006	CHEMISTRY
7. 2007	Shagufta Saad, lecturer in Chemistry, GGC Lakki
8. 2007	Razia, lecturer in Chemistry, GGC Chitral
9. 2007	Nasreen, lecturer in Chemistry, GGC Khawaza Khela
10. 2009	Nadia Zeb, lecturer in Chemistry, GGC No.1 Charsadda
11. 2009	UmmelKalsoom, lecturer in Chemistry, GGC Sheikh Maltoon
12. 2009	Rufqa Saeed, lecturer in Chemistry, GGC Kohat
13. 2009	Rozina Israr, lecturer in Chemistry, GGC Barikot Swat
14. 2009	Fozia Gul, lecturer in Chemistry, GGC Hayatabad, Peshawar
15. 2007	Sabreena, lecturer in Chemistry, GGC No.1 Abbottabad
16. 2009	COMPUTER SCIENCE
17. 2009	Shakeela, lecturer in Computer Science, GGC Dargai
18. 2009	Sadia Naiz, lecturer in Computer Science, GGC Mandan
19. 2009	Nadia Gul, lecturer in Computer Science, GGC Lakki
20. 2007	Salma Begum, lecturer in Computer Science, GGC Khawaza Khela
21. 2008	ECONOMICS
22. 2008	Bibi Saeeda, lecturer in Economics, GGC Marghuz (Swabi)
23. 2005	Nazia Rehman, lecturer in Economics, GGC Chitral
24. 2005	ENGLISH
25. 2005	Nafisa Masood, lecturer in English, GGC Hangu
26. 2005	Ansa Shabnam, lecturer in English, GGC No. 2 D.I.Khan
27. 2005	Anila Bano, lecturer in English, GGC Chetti Dheri
28. 2005	Sadia Bibi, lecturer in English, GGC Karak

1. Attached herewith is record of notification of 87 Contract lecturers to be regularized of 11th March, 2010.doc

Office of the
Secretary
Higher Education, Archives &
Libraries Department
Peshawar

Special Officer
Higher Education, Archives &
Libraries Department
Peshawar

Better Copy

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GOVERNMENT OF NWFP
HIGHER EDUCATION ARCHIVES
AND LIBRARIES DEPARTMENT

Dated Peshawar the 20-03-2010

NOTIFICATION

No. SO (FC)HE/1-10/06/Regularization:- In pursuance of Section 3 of the NWFP Employees (Regularization of Service) Act, 2009, the Competent Authority is pleased to regularize the service of the following lecturers (BS-17) appointed on contract basis, w.e.f 01.01.2009:-

S#	Name/Designation/Present Posting
2006	BIOLOGY
1	Nadia Latif, Lecturer in Biology, GGC Bannu
2007	
2	Mchnaz Yaqoob, lecturer in Biology, GFC (W) Peshawar
2006	BOTANY
3	Shazia Noreen, lecturer in Botany, GGC Serial Saleh
2007	
4	Nazia Gul, lecturer in Botany, GGC Thana
2005	CHEMISTRY
5	Shagufta Saad, lecturer in Chemistry, GGC Lakki
2006	
6	Razia, lecturer in Chemistry, GGC Chitral
7	Nasreen, lecturer in Chemistry, GGC Khawaza Khela
2007	
8	Nadia Zeb, lecturer in Chemistry, GGC No. 1 Charsadda
9	Umme Kalsoom, lecturer in Chemistry, GGC Sheikh Maltoon
10	Rufqa Saeed, lecturer in Chemistry, GGC Kohat
11	Rozina Israr, lecturer in Chemistry, GGC Barikot Swat
12	Fozia Gul, lecturer in Chemistry, GGC Hayatabad, Peshawar
2009	
13	Sabreena, lecturer in Chemistry, GGC NO. 1 Abbottabad.
2007	COMPUTER SCIENCE
14	Shakeela, lecturer in Computer Science, GGC Dargai
2008	
15	Sadia Naiz, lecturer in Computer Science, GGC Mandan
16	Nadia Gul, lecturer in Computer Science, GGC Lakki
17	Salma Begum, lecturer in Computer Science, GGC Khawaza Khela
	ECONOMICS
2007	
18	Bibi Saeeda, lecturer in Economics, GGC Marghuz (Swabi)
2008	
19	Nazia Rehman, lecturer in Economics, GGC Chitral
	ENGLISH
2005	
20	Nafisa Masood, lecturer in English, GGC Hangu
21	Ansa Shabnam, lecturer in English, GGC NO. 2 D.I Khan
22	Anila Bano, lecturer in English, GGC Chetti Dheri
23	Sadia Bibi, lecturer in English, GGC Karak

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2006	
24	Naseem Taj, lecturer in English, GGC Barikot
25	Sadia Sadaf, lecturer in English, GGC Karnal Sher khan killi Swabi
26	Amna, lecturer in English, GGC Manki Swabi
2007	
27	Bushra Sher Khan, lecturer in English, GGC Hangu
28	Saira Tabassum, lecturer in English, GGC Haripur
29	Saima Anwar, lecturer in English, GGC NO. 1 Abbottabad
30	Shagufta Begum, lecturer in English, GGC Daggar Buner
31	Nasra Begum, lecturer in English, GGC Mardan
2008	
32	Shaima Raheem, lecturer in English, GGC Peshawar
33	Rabia Khatoon, lecturer in English, GGC Haripur
34	Saima Bibi, lecturer in English, GGC Havelian
35	Azra Nawaz, lecturer in English, GGC Karnal Sher khan killi Swabi
36	Hasina Wajid, lecturer in English, GGC NO. 1 Charsadda
GEOGRAPHY	
2007	
37	Nazia Parveen, lecturer in Geography, GGC No. 1 D.I Khan
HOME ECONOMICS	
2006	
38	Shahab, lecturer in Home Economics, GGC Maneri Swabi
39	Nusrat Fatima, lecturer in Home Economics, GGC Bannu
ISLAMIYAT	
2005	
40	Lubna Raheem, lecturer in Islamiyat, GGC Pabbi
41	Asia Durrani, lecturer in Islamiyat, GGC Sunani
2006	
42	Nazakat Jabeen, lecturer in Islamiyat, GGC Pabbi
43	Yasir Khurshid, lecturer in Islamiyat, GGC Sheikh Maltoon
44	Nusrat Sheikh, lecturer in Islamiyat, GGC Daggar Bunair
45	Minhas, lecturer in Islamiyat, GGC Barikot, Swat
2007	
46	Farkhanda Khanum, lecturer in Islamiyat, GGC Thana
47	Kishwar Sultan, lecturer in Islamiyat, GGC Haripur
48	Nuzhat Shaheen, lecturer in Islamiyat, GGC Haripur
49	Rashida Begum, lecturer in Islamiyat, GGC Mardan
50	Saima Rahman, lecturer in Islamiyat, GGC Marghuz
LAW	
2006	
51	Bibi Rizwana, lecturer in Law, GGC Batagram
52	Hafza Aarsal, lecturer in Law, GGC Haripur
53	Tahira Jabeen, lecturer in Law, GGC Marghuz
2007	
54	Aisha Malik, lecturer in Law, GGC Sheikh Maltoon (Mardan)
2008	
55	Bibi Zainab, lecturer in Law, GGC Ghazi
MATHEMATICS	
2005	
56	Sonia Younas, lecturer in Maths, GGC No. 1 D.I Khan
2006	
57	Iffat Karim, lecturer in Maths, GGC Julagram
58	Sadia Shaheen, lecturer in Maths, GGC Khalbat Township Haripur
2007	
59	Tahira Fayyaz, lecturer in Maths, GGC Bannu
60	Nishad Begum, lecturer in Maths, GGC Lundkhwar
61	Bushra, lecturer in Maths, GGC Sheikh Maltoon (Mardan)
62	Ghazala Yasmeeen, lecturer in Maths, GGC Mardan
63	Naheed Begum, lecturer in Maths, GGC Sheikh Maltoon

ATTACHED

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63.	Naheed Begum, lecturer in Maths, GGC Sheikh Maltoon
2007 PAKISTAN STUDIES	
64.	Sarwat Azam, lecturer in Pak; Studies, GGC Kohat
2006 PHYSICS	
65.	Rabia, lecturer in Physics, GGC Daggar Buner
66.	Rawish Gul, lecturer in Physics, GGC Batagram
2006 POLITICAL SCIENCE	
67.	Sabeen Nadar, lecturer in Political Science, GGC Mardan
68.	Nusrat Alam, lecturer in Political Science, GGC Daggar Buner
2007	
69.	Shagufta Roobi, lecturer in Political Science, GGC Mardan
2008	
70.	Sumera Eniz, lecturer in Political Science, GGDC No.1 D.I.Khan
71.	Nascha Naz, lecturer in Political Science, GGC Ghazi
2006 PSYCHOLOGY	
72.	Sadaf Zaib, lecturer in Psychology, GGC Daggar Bunair
73.	Shaista Begum, lecturer in Psychology, GGC Srai Saleh (Haripur)
2007 STATISTICS	
74.	Nasia Bibi, lecturer in Statistics, GGC Karak
2005 URDU	
75.	Abida Bibi, lecturer in Urdu, GGC No.1 Abbottabad
76.	Samia Sultan, lecturer in Urdu, GGC Haripur
2006	
77.	Farzana, lecturer in Urdu, GGC Maneri Swabi
78.	Nafees Gul Mufti, lecturer in Urdu, GGC Mardan
2007	
79.	Haleema Sadia, lecturer in Urdu, GGC Booni Chitral
80.	Sadaf Syed, lecturer in Urdu, GGC Ghazi
81.	Jehan Ara, lecturer in Urdu, GGC Karak
82.	Naheed, lecturer in Urdu, GGC Mardan
83.	Saima Aman, lecturer in Urdu, GGC No.1 D.I.Khan
2008	
84.	Ambareen Begum, lecturer in Urdu, GGC No.2 Charsadda
85.	Maria Gul, lecturer in Urdu, GGC No.2 D.I.Khan
86.	Farhat, lecturer in Urdu, GGC Daggar Buner
2007 ZOOLOGY	
87.	Nighat Umar, lecturer in Zoology, GGC Daggar Buner

TERMS AND CONDITIONS:

- i. They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled to annual increments as per existing policy.
- ii. They shall be governed by the NWFP Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made there-under.

APPROVED

Office of the
Secretary
& Federal
Government

Notification of 87 Contract Lecturers to be regularized of 11th March 2008
JAVED IGHAL QURESHI
Secretary
& Federal Government

iii. They shall for all intents and purposes be Civil Servants, except for the purpose of Pension and Gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount as would be contributed by them towards Contributory Provident Fund (CPF) along with the contributions made by Government to their account in the said fund, in the prescribed manner.

iv. Their employments in the department is purely temporary and their services are liable to be terminated without assigning any reason at thirty (30) days notice or on the payment of 30 days salary in lieu thereof. In case they wish to resign at any time, 30-days notice will be necessary or in lieu thereof 30 days pay will be forfeited.

v. They shall, initially, be on probation for a period of two years extendable upto 03 years.

vi. Their seniority shall be determined in accordance with relevant rules but subject to Section-4 of the NWFP Employees (Regularization of Services) Act, 2009.

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT.

Endst: No. & Date Even

Copy forwarded to the:-

1. Secretary to Govt. of NWFP, Establishment Department, Peshawar.
2. Secretary to Govt. of NWFP, Finance Department.
3. Principal Secretary to Chief Minister NWFP.
4. Secretary to Governor, NWFP.
5. Accountant General NWFP Peshawar.
6. Director Higher Education, NWFP Peshawar.
7. Director Education FATA NWFP.
8. District/Agency Accounts Officers concerned.
9. Director Information for wide publicity through media.
10. Principals of the Colleges concerned. *466-112*
11. PS to Minister of Higher Education.
12. Deputy Director (IT) Planning Cell, Higher Education Deptt:
13. P.S to Secretary, Higher Education Department, NWFP Peshawar.
14. Officers Concerned.

Zubia
(ZUBIA QAMAR)
SECTION OFFICER (Female Colleges)

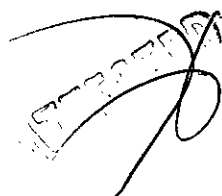
BETTER COPY

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2007 64	PAKISTAN STUDIES Sarwat Azam, lecturer in Pak, Studies, GGC Kohat
2006 65 66	PHYSICS Rabia, lecturer in Physics, GGC Daggar Buner Rawish Gul, lecturer in Physics, GGC Baragram
2006 67 68 2007 69 2008 70 71	POLITICAL SCIENCE Sabeen Nadar, lecturer in Political Science, GGC Mardan Nusrat Alam, lecturer in Political Science, GGC Daggar Buner Shagufta Roobi, lecturer in Political Science, GGC Mardan Sumera Faiz, lecturer in Political Science, GGDC No. 1 D.I Khan Naseha Naz, lecturer in Political Science, GGC Ghazi
2006 72 73	PSYCHOLOGY Sadaf Zaib, lecturer in Psychology, GGC Daggar Bunair Shaista Begum, lecturer in Psychology, GGC Srai Saleh (Haripur)
2007 74	STATISTICS Nasia Bibi, lecturer in Statistics, GGC Karak
2005 75 76 2006 77 78 2007 79 80 81 82 83 2008 84 85 86	URDU Abida Bibi, lecturer in Urdu, GGC No. 1 Abbottabad Samia Sultan, lecturer in Urdu, GGC Haripur Farzana, lecturer in Urdu, GGC Maneii Swabi Nafees Gul Mufti, lecturer in Urdu, GGC Mardan Haleema Sadia, lecturer in Urdu, GGC Booni Chitral Sadaf Syed, lecturer in Urdu, GGC Ghazi Jehan Ara, lecturer in Urdu, GGC Karak Naheed, lecturer in Urdu, GGC Mardan Saima Aman, lecturer in Urdu, GGC No. 1 D.I. Khan Ambareen Begum, lecturer in Urdu, GGC NO. 2 Charsadda Maria Gul, lecturer in Urdu, GGC NO. 2 D.I. Khan Farhat, lecturer in Urdu, GGC Daggar Buner
2007 87	ZOOLOGY Nighat Umar, lecturer in Zoology, GGC Daggar Buner

TERMS AND CONDITIONS:-

- i. They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled to annual increments as per existing policy.
- ii. They shall be governed by the NWFP Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made there-under.



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- iii. They shall for all intents and purposes be Civil Servants, except for the purpose of Pension and Gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount as would be contributed by them towards Contributory Provident Fund (CPD) along with the contributions made by Government to their account to the said fund, in the prescribed manner.
- iv. Their employments in the department is purely temporary and their services are liable to be terminated without assigning any reason at they (30) days notice or on the payment of 30 days salary in lieu thereof. In case they wish to resign at any line, 30 days notice will be necessary or in lieu thereof 30 days pay will be forfeited.
- v. They shall initially, be on probation for a period of two years extendable upto 03 years.
- vi. Their seniority shall be determined in accordance will relevant rules but subject to Section-1, of the NWFP Employees (Regularization of Services) Act, 2009.

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT.

Endst: No. & Date Even

Copy forwarded to the:-

1. Secretary to Govt. of NWFP, Establishment Department, Peshawar.
2. Secretary to Govt. of NWFP, Finance Department.
3. Principal Secretary of Chief Minister NWFP.
4. Secretary to Governor, NWFP.
5. Accountant General NWFP Peshawar.
6. Director Higher Education, NWFP Peshawar.
7. Director Education FATA NWFP.
8. District/ Agency Accounts Officers concerned.
9. Director Information for wide publicity through media.
10. Principals of the Colleges concerned.
11. PS to Minister of Higher Education.
12. Deputy Director (11) Planning Cell, Higher Education Deptt:
13. PS to Secretary, Higher Education Department, NWFP Peshawar.
14. Officers Concerned.

(ZUBIA QAMAR)
SECTION OFFICER (Female Colleges)

ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar: the 15th June, 2011.

NOTIFICATION

SO(FC)HE/1-10/06/Regularization. In pursuance of Section 3 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, the Competent Authority is pleased to regularize the services of the following lecturers (BS-17) appointed on contract basis, w.e.f. 01-01-2009 and posted against colleges mentioned against each:-

Name / Designation	Subject	Posted	Remarks
Mst. Asifa Shabeen lecturer BS-17	Islamiyat	G.C. Hattarian	Already occupied by her
Mst. Tabassum lecturer BS-17	Computer Science	GGC No. 2 Chahadda	-do-
Mst. Safina Shaheen lecturer BS-17	Urdu	GGC No. 2 Chahadda	-do-
Mst. Nabila lecturer BS-17	Computer Science	GGC Manju (Syat)	-do-
Mst. Husna lecturer BS-17	Maths	-do-	-do-
Mst. Nazia Amir Afridi lecturer BS-17	Psychology	-do-	-do-
Mst. Faiza Masood lecturer BS-17	English	GGC No.2 Abhatabad	-do-
Mst. Sarfina lecturer BS-17	Chemistry	GGC Manju (Syat)	-do-
Mst. Ullat Saba lecturer BS-17	Islamiyat	GGC Manju	-do-
Mst. Noorul Wara lecturer BS-17	Computer Science	GGC (W) Peshawar	Vice Ms. Moiza Shermeera (deputed to Punjab Govt.)
Mst. Sharmila Saeed lecturer BS-17	Stats	-do-	Already occupied by her
Mst. Nafis Gul lecturer BS-17	Chemistry	G.C. Takat Bhai (Manju)	-do-
Mst. Irum Shabeen lecturer BS-17	Political Science	GGC Tank	-do-
Mst. Shama Shavakat lecturer BS-17	English	-do-	-do-
Mst. Uzma Batool lecturer BS-17	Law	-do-	-do-
Mst. Nadia Nazreen lecturer BS-17	Home Economics	-do-	-do-
Mst. Shehla Gul lecturer BS-17	Economics	-do-	-do-
Mst. Maria Zeb lecturer BS-17	Computer Science	-do-	-do-
Mst. Namia Nadiq lecturer BS-17	Urdu	-do-	-do-

JAVED IQBAL
Advocate High Court, Peshawar
& Federal Shariat Court of Pakistan

JAVED IQBAL

JAVED IQBAL
Advocate High Court, Peshawar
& Federal Shariat Court of Pakistan

2	Mst. Salma Shaheen lecturer BS-17	Maths	-do-	Already occupied by her
2	Mst. Samia Bibi lecturer BS-17	Islamiyat	GC-1 Saidul Sharif (1 st shift)	-do-
2	Mst. Newsheen Ahmad lecturer BS-17	English	-do-	-do-
2	Mst. Noor Taj lecturer BS-17	Physics	GC-1 Nandan (1 st shift)	-do-
2	Mst. Aleena Younis lecturer BS-17	Computer Science	GC-1 No.1 Nandan	-do-
2	Mst. Shabana Bibi lecturer BS-17	English	GC-1 No.1 Mar shera	-do-
2	Mst. Zeenat Jan lecturer BS-17	Political Science	GC-1 Newsheera (2 nd shift) MVP	Against vacant post
2	Mst. Newsheen Yousaf lecturer BS-17	Economics	GC-1 No.1 Ch. Madh	-do-
2	Mst. Bibi Salma lecturer BS-17	Pakistan Studies	GC-1 No.1 Af. Ittabad (2 nd shift)	✓ -do-
2	Mst. Neelam Naz lecturer BS-17	Maths	-do-	-do-
2	Mst. S. Hina Safdar lecturer BS-17	Physics	GC-1 Booni Miral	-do-
2	Mst. Tahira Sadiq lecturer BS-17	Islamiyat	-do-	-do-
2	Mst. Sadia Bibi Lecturer BS-17	English	GC-1 Thal	-do-
2	Mst. Sadia Khalid lecturer BS-17	Biology	GC-1 B. Ripur (2 nd shift)	-do-
2	Mst. Mehwash lecturer BS-17	Zoology	GC-1 Nandan (2 nd shift)	Already occupied by her
2	Mst. Parkhanda Abid lecturer BS-17	English	-do-	-do-
2	Mst. Mehar-un-nisa lecturer BS-17	Chemistry	-do-	-do-
2	Mst. Parveen lecturer BS-17	Botany	-do-	-do-
2	Mst. Najma Naz Lecturer BS-17	Physics	GC-1 Ch. Meri (S. Nabi)	Against vacant post
2	Mst. Sadia Qazi Lecturer BS-17	Chemistry	GC-1 Newsheera (2 nd shift)	✓ -do-
2	Mst. Ghazala Khuda Baksh lecturer BS-17	Maths	GC-1 Ranjoo (B. Wat)	Already occupied by her
2	Mst. Irum Bibi lecturer BS-17	Physics	GC-1 No.1 E. Khan (2 nd shift)	-do-
2	Mst. Tania Karim lecturer BS-17	Computer Science	-do-	-do-
2	Mst. Tahira Yameen lecturer BS-17	Physics	-do-	-do-
2	Mst. Somaila Salim lecturer BS-17	Computer Science	GC-1 C(W) F. Hawar (2 nd shift)	-do-

(25)

BETTER COPY
GOVERNMENT OF NWFP
HIGHER EDUCATION ARCHIVES
AND LIBRARIES DEPARTMENT

Dated Peshawar the 15-06-2010

NOTIFICATION

No. SO (FC)HE/1-10/06/Regularization:- In pursuance of Section 3 of the NWFP Employees (Regularization of Service) Act, 2009, the Competent Authority is pleased to regularize the service of the following lecturers (BS-17) appointed on contract basis, w.e.f 01.01.2009 and posted them against colleges mentioned against each:-

S/NO	Name/ Designation	Subject	Proposed	Remarks
1.	Mst.Asifa Shaheen lecturer BS-17	Islamiyat	GGC Havelian	Alread Occupied by her
2.	Mst. Tabassum lecturer BS-17	Computer Science	GGC No. 2 Charsadda	-do-
3.	Mst. Saima Shaheen lecturer BS-17	Urdu	GGC No. 2 Charsadda	-do-
4.	Mst. Nabila lecturer BS-17	Computer Science	GGC Kanju (Swat)	-do-
5.	Mst. Husna lecturer BS-17	Maths	-do-	-do-
6.	Mst. Nazia Amir Afridi lecturer BS-17	Psychology	-do-	-do-
7.	Mst. Faiza Masood lecturer BS-17	English	GGC NO. 2 Abbottabad	-do-
8.	Mst. Samina lecturer BS-17	Chemistry	GGC Kanju (Swat)	-do-
9.	Mst. Ulfat Saba lecturer BS-17	Islamiyat	GGC Bannu	-do-
10.	Mst. Noorul Wara lecturer BS-17	Computer Science	GGC Peshawar	-do-
11.	Mst. Shabana Saeed lecturer BS-17	Stats	-do-	-do-
12.	Mst. Naib Gul lecturer BS-17	Chemistry	GGC Takht Bhai	-do-
13.	Mst. Irum Shaheen lecturer BS-17	Political Science	GGC Tank	-do-
14.	Mst.Shaina Shawakat lecturer BS-17	English	-do-	-do-
15.	Mst. Uzma Batool lecturer BS-17	Law	-do-	-do-
16.	Mst.Nadia Nazneen lecturer BS-17	Home Economics	-do-	-do-
17.	Mst. Shehla Gul lecturer BS-17	Economics	-do-	-do-
18.	Mst.Maria Zeb lecturer BS-17	Computer Science	-do-	-do-
19.	Sadiq lecturer BS-17	Urdu		-do-

APPROVED

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20	Mst. Salma Shaheen lecturer BS-17	Math	-do-	Already occupied by her
21	Mst. Samia Bibi lecturer BS-17	Islamiyat	GGC Saidu Sharif	-do-
22	Mst. Newsheen Ahmad lecturer BS-17	English	-do-	-do-
23	Mst. Noor Taj lecturer BS-17	Physics	GGC Mardan	-do-
24	Mst. Aleena Younas lecturer BS-17	Computer Science	GGC No. 1 Mardan	-do-
25	Mst. Shabana Bibi lecturer BS-17	English	GGC No. 1 Mansehra	-do-
26	Mst. Zeenat Jan lecturer BS-17	Political Science	GGC Nowshera	Agaisnt Vacant Post
27	Mst. Newsheen Yousaf lecturer BS-17	Economics	GGC No. 1 Charsadda	-do-
28	Mst. Bibi Saima lecturer BS-17	Pak Studies	GGC No. 1 Abbottabad	-do-
29	Mst. Neelam Naz lecturer BS-17	Maths	-do-	-do-
30	Mst. S. Hina Safdar lecturer BS-17	Physics	GGC Booni Chitral	-do-
31	Mst. Tahira Sadiq lecturer BS-17	Islamiyat	-do-	-do-
32	Mst. Sadia Bibi lecturer BS-17	English	GGC Thall	-do-
33	Mst. Sadia Khalid lecturer BS-17	Biology	GGC Haripur	-do-
34	Mst. Mehwash lecturer BS-17	Zoology	GGC Mardan	Already occupied by her
35	Mst. Farkhanda Abid lecturer BS-17	English	-do-	-do-
36	Mst. Mehar-un-nisa lecturer BS-17	Chemistry	-do-	-do-
37	Mst. Parveen lecturer BS-17	Botany	-do-	-do-
38	Mst. Naima Naz lecturer BS-17	Physics	-do-	Against vacant post
39	Mst. Sadia Qazi lecturer BS-17	Chemistry	GGC Nowshera	-do-
40	Mst. Ghazala Khuda Baksh lecturer BS-17	Maths	GGC Kanjo	Already vacant post
41	Mst. Irum Bibi lecturer BS-17	Physics	GGC No.1 D.I.Khan	-do-
42	Mst. Tania Karim lecturer BS-17	Computer Science	-do-	-do-
43	Mst. Tahira Yasmeen lecturer BS-17	Physics	-do-	-do-
44	Mst. Somaila Salim lecturer BS-17	Computer Science	GC(W) Peshawar	-do-

Mst. Bibi Zainab lecturer BS-17	Pakistan Studies	GC (W) (2 nd shift)	Against vacant post
Basmina Haider lecturer BS-17	Physics	-do-	-do-
Mst. Zakia Raheem lecturer BS-17	Physics	GC (W) Postwar	Already occupied by her
S. Farina Ahmad lecturer BS-17	Mathematics	GC (W) Postwar	-do-
Nahed Begum lecturer BS-17	Urdu	GC (W) (S. 1)	Against vacant post
Mst. Basjeena Awan lecturer BS-17	Philosophy	GC (W) (S. 1) D. Chan	-do-
Mst. Abida Shams lecturer BS-17	Urdu	GC (W) (S. 1) (General)	Already occupied by her
Mr. Maqsood Khan lecturer BS-17	Botany	GC (W) Prova D. Chan	Already occupied by him
Mr. Ambira Khan lecturer BS-17	Botany	GC (W) (S. 1) (General)	-do-

TERMS AND CONDITIONS:

- i. They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled to annual increments as per existing policy.
- ii. They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
- iii. They shall for all intents and purposes be Civil Servants, except for the purpose of Pension and Gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount as would be contributed by them towards Contributory Provident Fund (CPF) along with the contributions made by Government to their account in the said fund, in the prescribed manner.
- iv. Their employments in the department is purely temporary and their services are liable to be terminated without assigning any reason at thirty (30) days notice or on the payment of 30 days salary in lieu thereof. In case they wish to resign at any time, 30-days notice will be necessary or in lieu thereof 30 days pay will be forfeited.
- v. They shall, initially, be on probation for a period of two years extendable upto 03 years.

ADIL ALI KHAN
 District Court
 District of Peshawar

ADIL ALI KHAN
 District Court
 District of Peshawar

JAVED IFTIKHAR
 District Court, Peshawar
 District of Peshawar

Their seniority shall be determined in accordance with relevant rules but subject to Section-4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009.

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT.

Dist. No. & Date Even

Copy forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Accountant General Khyber Pakhtunkhwa Peshawar.
6. Director Higher Education, Khyber Pakhtunkhwa Peshawar.
7. Director Education FATA Khyber Pakhtunkhwa.
8. District/Agency Accounts Officers concerned.
9. Director Information for wide publicity through media.
10. Principals of the Colleges concerned.
11. PS to Minister of Higher Education.
12. Deputy Director (IT) Planning Cell, Higher Education Deptt.
13. P.S to Secretary, Higher Education Department, Khyber Pakhtunkhwa Peshawar.
14. Officers Concerned.

Zubia
(ZUBIA KHAN) (MAR)
SECTION OFFICE (Female College)

BETTER COPY

(26)

45	Mst. Bibi Zainab lecturer BS-17	Pak Studies	GGC Nowshera	Against vacant post
46	Mst. Basmina Haider lecturer BS-17	Physics	-do-	-do-
47	Mst. Zakia Raheem lecturer BS-17	Physics	Peshawar	Already occupied by her
48	S.Fatima Ahmad lecturer BS-17	Maths	GGC Peshawar	-do-
49	Naheed Begum lecturer BS-17	Urdu	GGC Chitral	Against vacant post
50	Mst. Basmeena Awan lecturer BS-17	Philosophy	GGC NO.1 D.I.Khan	-do-
51	Mst. Abida Shamis lecturer BS-17	Urdu	GGC Chitral	Already occupied by her
52	Mr. Maqsood Khan lecturer BS-17	Botany	GGC D.I.Khan	Already occupied by him
53	Mr. Ambara Khan lecturer BS-17	Botany	GGC Daggar	-do-

TERMS AND CONDITIONS:-

- i. They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled at annual increments as per existing policy.
- ii. They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
- iii. They shall for all intents and purpose be Civil Servants, except for the purpose of Pension and Gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount as would be contributed by them towards Contributory Provident Fund (CPF) along with the contributions made by Government to their account in the said fund, in the prescribed manner.
- iv. Their employments in the department is purely temporary and their services are liable to be terminated without assigning any reason at thirty (30) days notice or on the payment of 30 days in lieu thereof. In case they wish to resign at any time, 30 days notice will be necessary / or in lieu thereof 30 days pay will be forfeited.
- v. They shall, initially, be on probation for a period of two years extensible upto 03 years.

P.T.O

26(a)

Their sonority shall be determined in accordance with relevant rules but subject to section-4 of the Khyber Pakhtunkhwa Employees. (Regularization of Services) Act, 2009.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT.

Endst: No. & Date Even

Copy forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Accountant General Khyber Pakhtunkhwa Peshawar.
6. Director Higher Education, Khyber Pakhtunkhwa Peshawar.
7. Director Education FATA Khyber Pakhtunkhwa.
8. District/ Agency Accounts Officers concerned.
9. Director Information for wide publicity through media.
10. Principals of the Colleges concerned.
11. PS to Minister of Higher Education.
12. Deputy Director (IT) Planning Cell, Higher Education Deptt.
13. PS to Secretary, Higher Education Department, Khyber Pakhtunkhwa Peshawar.
14. Officers Concerned.

(ZUBIA QAMAR)
SECTION OFFICER (Female Colléges)

ATTACHED



Page 171 of 171
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar the May 02nd, 2011.

CORRIGENDUM

NO. SO(COLLEGES)/2-5/2009. In Partial modification to this Department's Notifications of even number dated 18.03.2010, 15.11.2010 dated 12.11.2010, Notifications No. SO (FC)HE/1-10/06/Regularization dated 20.03.2010 and dated 20.03.2010 the date of regularization of the lecturers may be read as **24.09.2009** instead of 01.01.2009.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date even.

Copy to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Director of Education (FATA), Warsak Road, Peshawar.
4. Director Information Khyber Pakhtunkhwa for publicity.
5. All Principals of Govt. Colleges (Khyber Pakhtunkhwa / FATA).
6. All District / Agency Accounts Officers, concerned.
7. Deputy Director (IT), Planning Cell, Higher Education Department.
8. P.S to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
9. P.S to Secretary, Establishment Department.
10. P.S to Secretary, Higher Education Department.
11. Officers concerned.

(Signature)
(BASHIR-AHMAD)
SECTION OFFICER (COLLEGES)

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2055
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21/5/11

5/5/11

(Signature)



**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the May 02nd, 2011.

CORRIGENDUM

No. SO (COLLEGES) /2-5/2009. In Partial modification to this Department's Notifications of even number dated 18.03.2010, 15.11.2010 dated 12.11.2010, Notifications No SO (FC) HE/1/10/06/Regularization dated 20.03.2010 and dated 20.03.2010 the dated of regularization of the lecturers may be read as 24.09.2009 instead of 01.01.2009.

**SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT**

Endst: No. & Date even.

Copy to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Director of Education (FATA), Warsak Road, Peshawar.
4. Director Information Khyber Pakhtunkhwa for publicity.
5. All Principals of Govt. Colleges (Khyber Pakhtunkhwa /FATA).
6. All District / Agency Accounts Officers, concerned.
7. Deputy Director (IT), Planning Cell, Higher Education Department.
8. P.S to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
9. P.S to Secretary, Establishment Department.
- 10 P.S to Secretary, Higher Education Department.
- 11 Officers concerned.

**(BASHIR AHMAD)
SECTION OFFICER (COLLEGES)**

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An-IE
2/8

IN THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR

In Re W.P No 238/P 2014

947/14

779/15



1. Mufti Muhammad Azam (Lecturer in Islamiyat) BPS-17
2. Sher Zaman (Lecturer Botany) BPS-17
3. Abdullah Faisal (lecturer in Computer Science) BPS-17
4. Umer Dad Khan (Lecturer in Urdu) BPS-17
5. Naqib Ur Rehman (Lecturer in English) BPS-17
6. Abid Ur Rehman (lecturer in Arabic) BPS-17
7. Zafer Jamal (Lecturer in English) BPS-17
8. Noor Muhammad (Lecturer in Biology) BPS-17
9. Ikram Ullah (Lecturer in Pushto) BPS-17
10. Naveed Ullah (Lecturer in Maths) BPS-17
11. Khizar Hayat (Lecturer in Arabic) BPS-17
12. Ihsan Ullah (Lecturer in History) BPS-17
13. Mst Shagufta Saad (lecturer in Chemistry) BPS-17

For ~~the~~ Hon'ble DB
D.Loc dt. 25/3/15
the list of new
Impaired Respondents
from Sr. No (2) to (37)
is attached.

.....Petitioners.

VERSUS

1. Govt of Khyber Pakhtunkhwa Through Chief Secretary KPK Peshawar
2. Secretary Finance Govt of Khyber Pakhtunkhwa, Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. Secretary Higher Education Department Khyber Pakhtunkhwa Peshawar
5. Director Higher Education Khyber Pakhtunkhwa Peshawar
6. Deputy Director, Planning Cell, Higher Education Department KPK,
Peshawar.

TESTED
EXAMINER
Peshawar High Court,
15 APR 2015

RE-FILED TODAY

Deputy Registrar

24 MAR 2014

.....Respondents

(2) (30)
-15- H

WRIT PETITION UNDER ARTICLE-199
OF THE CONSTITUTION OF THE
ISLAMIC REPUBLIC OF PAKISTAN
1973

RESPECTFULLY SHEWETH,

1. That the petitioners are naturally born bonafide citizens of the Islamic Republic of Pakistan & domiciled of Khyber Pakhtunkhwa, hailing from different parts of the province & are serving as lecturers of different disciplines & presently posted at different Government collages through-out the province.
2. That in fact initially the petitioners applied against the subjected posts in pursuance to vide circulations of different news paper & after being processed their respective applications were put upon the required ordeals laid down for the selection criteria so after going through the mandatory tests & interviews were got selected by the Departmental Selection Committee of the Respondent Department on contract basis vide deferent Notifications No SO (COLLEGES) 2-5 / 2005 dt 7-09-2005 and No. SO (COLLEGES) 2-5/2005 DATED 01-11-2005 (Copies of the Notification No SO (COLLEGES) 2-5 / 2005 dt 7-09-2005 and No. SO (COLLEGES) 2-5/2005 DATED 01-11-2005 are annexed here with as - "A & B, respectively").
3. That initially the petitioners were appointed on contract basis for a period of six months on fixed pay, but against duly recognized & sanctioned posts at different collages. And thus the petitioners took their respective charges of their respective responsibilities.

TESTED
AMINER
Deputy Registrar
15 APR 2015

FILED TODAY
Deputy Registrar
11 MAR 2014

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4. That after the expiry of the initial contract period, the petitioners were extended in their contract for a further similar period & interestingly the thenceforth contract was signed & sanctioned without any interval gap. (copy of Extension Notification No SO (COLLEGES) 2-5/2005 date 18-05-2006 and other Notifications pertaining to the same year are annexed herewith as Ann -"C" to "C/8", respectively.)

5. That after having been extended so in their particular positions, the petitioners intactly adhered to their services & invested all their energies, potentions, deftness & adeptness most sincerely, fairly, justly & left no stone unturned in performing their meritorious services. And because of the same, the Respondent Department persistently & constantly put the contractual period on extension & all the aforementioned extension notifications were extended by further implementing other fresh notifications for keeping the pendulum in constant motion.

6. That this exercise continued till last. And every time either on the fall of next day or with a negligible delay, the former notification of extension was repeated by a fresh one. So after the expiry of the aforementioned notifications, other Notification No # SO (COLLEGES) 2-5/2005, dated # 06-06-2007 was promulgated & the later was replaced by Notification No # 24667/CA-II/ Estt: Branch, dated # 13-12-2007, which in turn gave space to Notification No # SO (COLLEGES)2-5/2007, dated # 14-02-2008, Notifications No # SO (COLLEGES)2-5/2007, dated 26-02-2008, and Notifications No # SO (COLLEGES)2-5/2007 dated # 29-05-2008, No # SO (COLLEGES)HE/2-5/2008, dated #

TESTED

EXAMINER
Jhwar High Court

15 APR 2015

FILED TODAY

Deputy Registrar

11 MAR 2014

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29-7-2008, Notifications No # SO(COLLEGES)2-6/Contract Appointment/2008, dated # 07-10-2008 and Notifications No. SO (COLLEGES)2-5/Extension 2005/2008 dated 21-10-2008 & thus finally Notifications No # SO (COLLEGES)2-5/2009 dated 29-10-2009, was issued & implemented. (copies of Notifications are annexed herewith as Ann - "D to G" , respectively).

7. That ultimately the long standing shadows of dark evaporated & the beacon of new dawn struck the fortune of the Petitioners & their services were regularized vide N.W.F.P Employees (Regularization of Service) Ordinance - 2009 (N.W.F.P Ordinance No- VII of 2009). The same was later on substituted & replaced by N.W.F.P. Employees (Regularization of Service) Act - 2009 (N.W.F.P. Act No XVI of 2009). (Copies of the Regularization Act as Annexed herewith as Ann "H").

8. That even much prior to the promulgation of the subject Regularization Act, a number of times in past, different number of employees of different departments of different pay scales have been regularized & thus adverting to the same, the respondents promulgated the subject Regularization Act. And thus the Petitioners were declared as regular employees of the department of the Higher Education. (Copies of the Regularization Acts - 1987, 1988, 1989, 1990 & 2005 are annexed herewith as Ann "I to M", respectively).

ATTESTED

EXAMINER
Jharkhand High Court

15 APR 2015

FILED TODAY

Deputy Registrar

11 MAR 2014

9. That the Petitioners got appointed against the sanctioned posts had rendered meritorious service since their initial appointments by devoting their full time, energy & skill in fulfilling their required obligations & for furtherance of their noble task of implanting education, but even then when the

ATTESTED

- 18 - (5) (33) 11

same was duly acknowledged to be note-worthy, noble & exalted one, by regularizing them, at the same time the devil showed its ugly toe & the most abominable & bete-noire thing took place & the Petitioners were declared to be deemed to be regular since 01-01-2009. Which date for itself was later on altered to 24-09-2009 vide Corrigendum No SO(COLLEGES)/2-5/2009 dated 02-05-2011 and thus the date to be reckoned for fixation of seniority was declared to be as such. (Copies of regularization Notifications No. SO (COLLEGES) 2-5/2009 dated # 18-03-2010, Notifications No # SO (FC) HE/1-10/06/Regularization dated 20 03-2010 and Notifications No # SO(FC)HE/1-10/06/Regularization, dated # 15-06-2010 and Corrigendum No # SO(COLLEGES)/2-5/2009 dated 02-05-2011 are annexed herewith as Ann "N to Q", respectively) .

10. That in-fact where the Petitioners were appointed in the year-2005 & they constantly & vigorously performed their duties since their initial appointments by rendering services even during the intervening short period between the culminating period of the expiring Contract and fresh one and where the services were duly acknowledged, then the petitioners were also entitled for their regularization with effect from the dates of their initial appointments in the Respondent department and not from the one as notified or rather altered one. And because of the same bone of contention and highly discrimination act, the Petitioners are constrained to invoke the extra-ordinary jurisdiction of this August Court for Recognition, Acknowledgement and Enforcement of their vested and fundamental rights upon the following grounds, inter alia :

SENT TODAY
11 MAR 2014

ATTESTED
EXAMINER
Peshawar High Court
15 APR 2015

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- 187 -

REASONS:-

- A. That there exists no other expedient – cum- expeditious and adequate remedy available to the Petitioners, hence the instant writ petition under the extra-ordinary jurisdiction of this August Court.
- B. That the Petitioners are the naturally born bona-fide & peaceful citizens of the Islamic Republic of Pakistan & are fully & equally, on equality basis, entitled to all basic & fundamental rights, as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land.
- C. That under Act - 4 & 25 of the Constitution equal protection and equal treatment are the fundamental rights of the Petitioners & where other employees either in past or in present were extended the fruition of regularization in the form of back benefits, arrears & promotion, then by keeping the Petitioners at abeyance from the same is not only unwarranted, illegal and against the principles of Natural Justice, but is highly discriminatory and un-constitutional as well.
- D. That where the appointments were against the sanctioned & duly recognized posts, mode of appointment was transparent, continuous performance was there & above all when all the aforementioned factors were duly recognized & acknowledged by the respondent department by regularizing the services of the Petitioners then by not

ATTESTED
 EXAMINER
 Rawalpindi High Court
 15 APR 2015
 11 MAR 2014

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extending the full fruition of the same to the petitioners & not calculating the period fall just before the formal regularization, towards the regular service & not extending the fruition of the subject regularization to the initial date of their appointments is highly illegal, unwarranted, result of unfettered & arbitrary exercise of the discretionary powers vested in the respondents which is blatant violation of Sec - 24 - A of the General Clauses Act as well as that of Art - 25 of the Constitution as well & all these acts required to be checked down at all level.

E. That where in the past so many times, in the similar circumstances, so many employees were granted the required fruition, then why the Petitioners be flayed all & strip of all the same.

F. That interestingly the pay slips of the Petitioners still bears the period of service, commenced from the initial period, which in a way can safely be concluded that the respondent department do acknowledge the validity and legality of the services of the Petitioners, but even then reluctant to extend the benefits arising out of the Regularization Act to them which in not appealable to a prudent mind (copy of pay slips are annexed herewith as Ann "R").

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G. That stuntly enough the Petitioners were initially appointed on fixed pay basis & this practice remained in vogue for two, three yeas, but when the Notification No SO(EDUCATION-II)-2-5/2007, dated 22-02-2007 was promulgated at the fall of

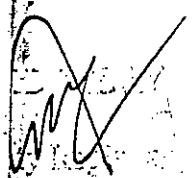
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2007 then the situation was altogether changed volta-face & the appointments of the Petitioners were declared to be in BPS - 17 without specifically mentioning the word "fixed pay", but their benefit of BPS - 17 were kept away from them and the same were kept limited and confined to the appointment or rather the extension letters and not beyond that or vice-versa. As neither the pay in BPS - 17 was ever extended to the Petitioners till their formal regularizations, nor any other benefit arising out of Class-1 grade were ever extended to the Petitioners & thus a most abominable fudge was exercised upon the Petitioners that even by declaring them to be in BPS - 17 & appointing them to the same rank, the same fixed pay were tendered and issued to the petitioners and thus the same chucked-some treatment was meted to them, which at-least does not fall in the purview of the noble treatment as dealt with and meted out to teachers in any social and civilized society.

H. That besides aforementioned unprecedented phenomenon, the Respondent Education department issued and promulgated further appointment and extension Notifications wherein it was categorically laid down that the Petitioners are in BPS - 17, but never ever the same treatment of that caliber was meted out to them, which is against the spirit of Art - 4 of the Constitution which reads as " Art - 4 # To enjoy the protection of law & to be treated in accordance with law is the inalienable right of every citizen, where ever he may be".


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- I. That most astonishingly, the personal numbers that were initially allotted to the Petitioners, remained the same, intact & even not altered after the promulgation of the Regularization Act, which prima-faciely establish the case of the petitioners for back benefits, arrears & regularization since their initial date of appointments, l,e on contract basis.
- J. That even the initial appointment was declared to be on Ad-hoc basis, but just after a short span, the Respondents Department ruse up from its deep slumber & the appointment was declared to be on contract basis & not on Ad-hoc basis, just in order to defeat the rights of the Petitioners.
- K. That besides the above, no Fresh charge report were asked from the Petitioners in-spite of the promulgation of the Act in question, so meaning by that the Respondent Department took into consideration all the previous record of the Petitioners while regularizing the services of the petitioners, but thereafter at the very threshold the devil showed its ugly toe and the Respondent Departments adamantly refused to extend the benefits thereof to the petitioners, which is not allowed under the laws of the land and particularly the fundamental law of the land.
- L. That the petitioners have rendered meritorious services for long few years prior to the promulgation of the Act in question, but all of them evaporated in air without any rim

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or reason, but just on the caprices & whims of the respondents.

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M. That where similar placed persons are to be dealt with in terms of treatment to be meted out to them, must always be on equal footing, must always be just, fair & transparent without any sort of discrimination and where so many other employees in past & even in present have been extended seniority & back benefit since their initial appointments, then in no case the petitioners can be deprived of the same in stricto sense of Art- 25 of the Constitution.

N. That from all prospective & from all four facets of law, the petitioners have every right to be dealt with accordance to the law & constitution and to be certainly meted out fair and just treatment.

O. That from all four corners of law the petitioners are equally entitled to be extended their date of regularization from 24-09-2009 to that of their initial date of appointment & be extended all the back benefits in terms of arrears, seniority and promotion.

ATTESTED

EXAMINER
Peshawar High Court

15 APR 2015

P. That the Respondent Departments are not only adamant in not extending the fundamental rights of the petitioners, to the petitioners, but rather have not even prepared the Seniority List of all those Lecturers, who got regularized in wake of the Regularization Act, including that of the

FILED TODAY
Deputy Registrar
11 MAR 2014

ATTESTED

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petitioners which is ample proof of the sluggishness and candidness of the Respondent Education Department.

- 21 -

Q. That the provisions pertaining to the seniority & date of regularization can safely be interpreted & stretched enough to encompass, swayed- in & bring into its ambit the cases of the Petitioners, who are fully entitled for the required relief.

R. That any other ground not raised here specifically may kindly be allowed to be raised at the time of arguments.

It in, therefore, most humbly prayed that on acceptance of the instant petition an appropriate writ may graciously be issued to the Respondent Departments to extend the benefits of the regularization to the petitioners since their initial appointment in the year 2005, in the Respondent Higher Education Department & they be declared as being Regular Civil Servants for all intents and purposes since then. And further prayed that the Petitioners may graciously be extended all the back benefits in terms of arrears, seniority & promotion by extending the date of Regularization to their initial dates of appointments and lastly prayed that the petitioners be extended their due Seniority with effect from their initial dates of appointment in the Respondent Higher Education Department. Any other relief not specifically asked for may also graciously be extended in favour of the petitioners in the circumstances of the case.

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Deputy Registrar
11 MAR 2014

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EXAMINER
Peshawar High Court
15 APR 2015

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Petitioners

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Through

Javed Iqbal Gulbela
JAVED IQBAL GULBELA

Advocate High Court, Peshawar

Note :

No such like petition for the same petitioners has earlier been filed by me, upon the subject matter, prior to the instant one.

Javed Iqbal Gulbela
ADVOCATE.

List of Books Referred:

1. Constitution of the Islamic Republic of Pakistan
2. Regularization Act- 2009 and the previous such like Notifications
3. Case Laws
4. Any other book as per need.

Javed Iqbal Gulbela
ADVOCATE

[Signature]
10 MAR 2014

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EXAMINER
Peshawar High Court
15 APR 2015
[Signature]

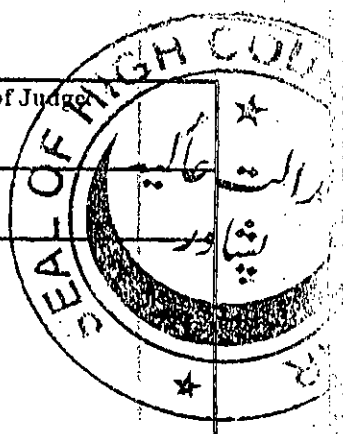
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PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....
 Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge
1	2	3
	<p>ORDER 05.03.2015</p>	<p><u>Writ Petition No.938-P/2014</u></p> <p>Present: Mr. Javed Iqbal Gulbela, Advocate, for Mufti Muhammad Azam etc., petrs.</p> <p>Mr. Waqar Ahmad Khan, Addl. AG, for the officials of Provincial Govt.:</p> <p>Mr. Ghulam Mohy-ud-Din Malik, Adv.: for the remaining respondents.</p> <p style="text-align: center;">*****</p> <p style="text-align: center;"><u>MAZHAR ALAM KHAN MIANKHEL, CJ.-</u></p> <p>Same order as in connected Writ Petition No.947-P of 2014.</p> <p><u>Announced.</u> 05.03.2015</p> <p style="text-align: right;">CHIEF JUSTICE</p> <p style="text-align: right;">JUDGE</p> <p><i>sd/ Muzhar Alam Khan - G</i> <i>sd/ syed Afsoob Shah</i></p> <p style="text-align: right;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: right;">Peshawar Bench Peshawar High Court Authorized Under Article 177 of The Constitution of Pakistan Order 1973</p> <p style="text-align: right;">15 APR 2015</p> <p style="text-align: right;">ATTEST</p>



(Fayaz)

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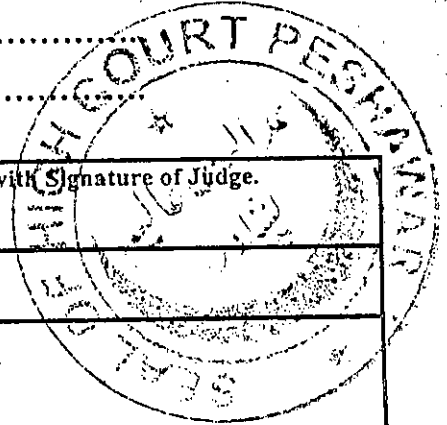
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PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

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Court of.....
Case No.....of.....



Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	<p>ORDER 05.03.2015</p>	<p><u>Writ Petition No.947-P/2014</u></p> <p>Present: Mr. Javed Iqbal Gulbela, Advocate, for Kifayatullah Khan etc., petitioners.</p> <p>Mr. Waqar Ahmad Khan, Addl. AG, for the officials of Provincial Govt.:</p> <p>Mr. Ghulam Mohy-ud-Din Malik, Adv.: for the remaining respondents.</p> <p>*****</p> <p><u>MAZHAR ALAM KHAN MIANKHEL, CJ.-</u></p> <p>By this single order, we propose to decide Writ Petitions No.947-P, 948-P, 938-P, 968-P, 1886-P, 1887-P, 1888-P, 1889-P & 2319-P of 2014, wherein, the petitioners namely, Kifayatullah Khan etc., have asked for the issuance of an appropriate writ directing the respondents to extend them the benefits of the regularization from the dates of their initial appointments i.e. arrears, seniority, promotion etc.</p>

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Peshawar High Court

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2. The main stance of the learned counsel for the petitioners was that though the services of the petitioners have been regularized under Section 3 of the KPK (the then NWFP) Employees (Regularization of Services) Act, 2009 vide separate notifications dated 18.03.2010, 20.03.2010 and 15.06.2010 with effect from 01.01.2009 but later on a corrigendum has been issued, wherein, the crucial date of regularization has been given as 24.09.2009 instead of 01.01.2009, which is totally against the law and amounts to depriving the petitioners from their due rights of seniority.

3. As against that the learned Additional Advocate General duly assisted by the learned counsel for the private respondents submitted that the arguments, so advanced by the learned counsel for the petitioners today before the Court, are totally against the prayers of the writ petitions because today he is challenging the corrigendum, whereas, in the prayers of the writ petitions, the petitioners have claimed the benefits of their regularization from the date of their initial appointments, therefore, on this score alone, these petitions are liable to be dismissed. Besides the provisions of the Act *ibid*, itself, are clear and



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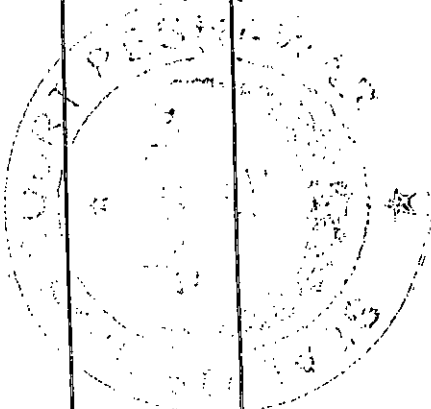
unambiguous in this regard.

4. We have gone through the available record carefully and considered the submissions made by the learned counsel for both the parties.

5. Admittedly, the petitioners have been regularized under the Act, *ibid* and, undoubtedly, they are civil servants but now through these writ petitions, they are claiming all the benefits of their regularization including the seniority from the date of their initial appointments but we're afraid, such an issue can't be taken and initiated through constitutional petitions as the provisions of Sections 4 and 4-A of the Act *ibid*. are very much clear and the petitioners can't seek relief beyond these provisions, specially when, the vires of said provisions haven't been challenged by them. Hence, these petitions are dismissed in limine. However, the petitioners would be at liberty to seek their appropriate remedy, if any, under the law, for the redressal of their grievance.

Announced.
05.03.2015

sd/- Maghez Ahsan Khan - CJ
sd/- Syed Ahsan Shah



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

15 APR 2015

(Fayaz)

IN THE SUPREME COURT OF PAKISTAN

(Appellate jurisdiction)

CPLA NO. _____ Of 2015

1. Abdullah Faisl (Lecturer in computer Science)
S/o . Hafiz ur Rehman R/o Chohar Sharif District
Haripur.
2. Naqib Ur Rehman (Lecturer In English) S/o Fazal
Rehman R/o. Takhti Nusrati Distt. Karak.
3. Zafar Jamal (Lecturer In Biology) S/o Sherin
Muhammad R/o Abad Khel P/o Azim Kala Distt.
Bannu.
4. Noor Muhammad (Lecturer in Biology) BPS-17.
5. Naveedullah (Lecturer In Maths) S/o Mir Qad
Ayaz R/o Mawzi Kala P/o Azim Kala
6. Khizar hayat (Lecturer in Abrabic) S/o Khan
Nawaz R/o Hari Pur
7. Mst. Shugufta Saad (Lecturer in Chemistry W/o
Muhaammad Jamil R/o vill Sher Khan P/o Serai
Gambila Distt. Lakki Marwat.

....Petitioner

Versus

1. Govt. of Khyber Pakhtunkhwa through chief
Secretary KPK Peshawar.
2. Secretary Finance, Govt. of Khyber
Pakhtunkhwa, Peshawar.

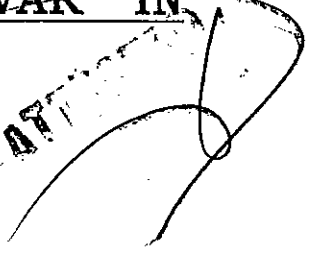
- 2- (46)
3. Accountant General Khyber Pakhtunkhwa,
Peshawar
 4. Secretary Higher Education Department
Khyber Pakhtunkhwa, Peshawar
 5. Director General Education, Khyber
Pakhtunkhwa, Peshawar
 6. Deputy Director , Planning Cell , Higher
Education Department Khyber Pakhtunkhwa,
Peshawar

.....Respondents

7. Mufti Muhammad Azam (lecturer in Islamayat
) BSS-17.
8. Sher Zaman (Lecturer Botany) BPS-17
9. Umar Dad Khan (Lecturer in Urdu) BPS-17
10. Abid-ur-Rehman (Lecturer in Arabic) BPS-17
11. Ikram Ullah (Lecturer in Pushto) BPS-17
12. Ihsan Ullah (Lecturer in History) BPS-17

.....Proforma Respondents

CIVIL PETITION UNDER ARTICLE 185 (3) OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, FOR LEAVE TO
APPEAL AGAINST THE JUDGMENT/ORDER
DATED 05-03-2015 PASSED BY LEARNED
PESHAWAR HIGH COURT , PESHAWAR IN
WRIT PETITION NO. 938-P/2014

ATTACHED


Respectfully Sheweth.

-2- (47)

1. The following important points of law arise for consideration in this case by this August Court:-

A. Whether a learned Division Bench of Peshawar High Court Peshawar, in its impugned order/ judgment dated 05-03-2015 has laid down law which is not in consonance with the known norms of justice in exercise of Writ jurisdiction.

B. Whether the learned Division Bench of Peshawar High Court Peshawar has erred in law in not at all properly referring to and or discussing and giving its own its findings on the points / submissions detailed in the Writ Petition No.938-P/2014 and submissions made at the bar inter-alia on the following aspects;-

ANTE


-2- (48)

a. That section 3 of the north West frontier Province Employees (Regularization of Service Act, 2009, NWFP Act, XVI of 2009 has totally been misconceived by the government / respondents where as it, is very clear and understandable by its mere reading.

b. That the petitioners have rightly assumed their respective charges of duties w.e.f 01-01-2009 which is in accordance with the said Act of regularization.

c. That the impugned corrigendum dated 02-05-2011 is obviously illegal, without jurisdiction, without lawful

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authority, discriminatory and arbitrary and against the principles of audi alteram partem as without any notice, therefore, having no legal effect upon the rights of the petitioners.

d. That the government or the department has neither justification nor any authority of interpretation of statutes in any way.

e. That the impugned corrigendum is also malafide and against the granted and the secured right of the petitioners.

f. That the Hon'ble High Court has also misconceived the law on the subject, section 3 of the

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said regularization Act, needs to
be interpreted judicially. - 8-

C. Error of law and facts is patent on
record

D. Points raised in this petition are
important, law points which are very
likely to arise in such like matters.

2. The Statement of facts giving rise to
the above law points is as under :-

- i. That the services of the petitioners
amongst other were regularized in
compliance with the North West Frontier
Province Employees (Regularization of
Service Act, 2009 (NWFP Act, No. XVI of
2009) W. E.F 31st December 2008 as per
section three of the said Act,
- ii. That accordingly as per the spirit of the
said regularization Act, the government

ATTACHED

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respondents issued notification No. SO (Colleges) 2-5/2009 , dated 18-03-2010 by regularizing their services W. E. F 01-01-2009 . And on the same date they submitted their arrival reports functioning as such till now.

iii. That all of a sudden , without any notice or information the petitioners the Government of KPK / Respondent issued another notification as corrigendum vide dated 02-05-2011 whereby the services of the petitioners have been construed to the regularized with effect from 24-09-2009 instead of 01-01-2009.

iv. That the petitioners filed Writ Petition No. 938-P/2014 before Peshawar High Court, Peshawar , which

ATTESTED

was dismissed vide impugned judgment
dated 05-03-2015.

Hence the petitioner impugn the above
order / judgment dated **05-03-2015** of
the Hon'ble Peshawar High Court,
Peshawar through this CPLA.

3. The decisions and relevant books in
support of propositions of law are as
fallow :-

- i. Constitution of Islamic Republic of
Pakistan , 1973
- ii. CPC,
- iii. Limitation Act.
- Iv. North West Frontier Province
Employees (Regularization of Service
Act, 2009 (NWFP Act, No. XVI of 2009)

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iii. Authorities if required would be cited at
the bar.

PRAYER

It is therefore, very humbly prayed that leave to
appeal against the Judgment/Order Dated **05-03-
2015** Passed by Hon'ble Peshawar High Court ,
Peshawar in Writ Petition No. 947-P/2014, may
kindly be granted in the interest of justice.

Drawn and filed by

(**Syed Safdar Hussain**)
Advocate on Record
Supreme Court of Pakistan
Islamabad.

Dated:-04-06-2015

CERTIFICATE

Certified that, as per
instruction, this is the first
~~Appeal~~ ^{Petition} against the
impugned/order in this Hon'ble
Court.

ATTESTED
S. Safdar Hussain
Advocate on Record.

Note. Muhammad Shah Nawaz Khan Sikandri ASC will
appear on behalf of petitioners

S. Safdar Hussain
Advocate on Record

The Director Higher Education,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

SUB: APPLICATION AGAINST CORRIGENDUM DATED 02.05.2011.

R/Sir,

It is respectfully submitted that I was appointed on contract basis as a lecturer in Computer Science on 01.11.2005 at GDC Havelian and subsequently I was regularized through Regularization of Services Act, 2009 dated 24.10.2009 w.e.f. 01.01.2009. Notification was issued on 18.03.2010 w.e.f. 01.01.2009. (copy attached)

The said regularization act vide section 3 determines my services w.e.f. 01.01.2009 and vide section 4 determines my seniority w.e.f. 01.01.2009.

But the Department issued a corrigendum dated 02/05/2011 which determines my seniority w.e.f 24-09-2009 instead of 01-01-2009. As the corrigendum deprived me and effected my legal seniority, therefore I along with others filed a writ petition before the Honourable High Court Peshawar but the case was dismissed for want of jurisdiction and the same dictum was passed by the August Supreme Court of Pakistan. (copy attached)

Hence this representation / appeal before the proper forum is submitted with a request to implement the correct law on the subject by setting aside / withdrawing the corrigendum dated 02.05.2011.

Thanks.


Yours Obediently,


ABDULLAH FAISAL

Lecturer in Computer Science
Govt. Akhtar Nawaz Khan (S) Degree
College
KTS, Haripur

Endst. No. 917 Dated 29/07/2015

Recommended & forwarded to Director Higher Education Govt. of Khyber Pakhtunkhwa, for further necessary action please.


Principal
Govt. ANK (S) Degree College
KTS, Haripur

TESTED
PRINCIPAL
GOVT. AKHTAR NAWAZ KHAN (S) DEGREE COLLEGE KTS HARIPUR



DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR

Phone # 091-9210242, 9211025/Fax # 9210215
No. 24063-76 A-II/Estt: Branch/A-12/Abdullah Faisal/Computer Science

(55)

Dated Peshawar the 23/9/2015.

To

1. Mr. Abdullah Faisal, Lecturer in Computer Science
Govt: ANK(S) Degree College, KTS Haripur.
2. Mr. Munir Khan Lecturer in Urdu
GPGC, Mardan.
3. Mr. Abdullah Khan, Lecturer in Islamiyat
GDC, Chagharmatti.
4. Mr. Asghar Khan Lecturer in Physics
GPGC, Lakki Marwat.
5. Mr. Javed Khan Lecturer in English
GDC, Sarai Nourang (Lakki Marwat).
6. Mr. Mohammad Farman Ali Lecturer in Chemistry
GPGC, Lakki Marwat.
7. Mr. Kifayatullah Khan Lecturer in Chemistry
GDC, Tank.
8. Mr. Sharifullah Lecturer in Economics
GDC, Landi Jalandar Bannu.
9. Mr. Noor Mohammad Khan Lecturer in Biology
GDC, Landi Jalandar Bannu.
10. Mr. Noor Hayat Lecturer in Maths
GDC, Landi Jalandar Bannu.
11. Mr. Khizar Hayat Lecturer in Arabic
Govt: ANK(S) Degree College, KTS Haripur.
12. Mr. Zakir Shah Lecturer in Urdu
GDC, Katlang (Mardan).
13. Mr. Mohammad Tanveer Lecturer in Islamiyat
GDC No.1 D.I. Khan.
14. Mr. Zafar Jamal Lecturer in English
GDC, Takht-e-Nasrati (Karak)

دبیرٹسٹ کی طرف سے جواب۔
Corrigendum کے خلاف نامی طالبہ والی درخواست کا

SUBJECT: - APPLICATION AGAINST CORRIGENDUM

Memo:

I am directed to refer to your application received through Principal of your respective College on the subject cited above and to inform you that your application has been examined, and regretted in light of judgment of Peshawar High-Court-Peshawar.

h. Bashi

DY: DIRECTOR (ESTABLISHMENT)

Endst; No. _____

Copy of the above is forwarded to the:-

1. PA to Director Higher Education Khyber Pakhtunkhwa.
2. Personal file of the officers concerned.

DY: DIRECTOR (ESTABLISHMENT)

وکالت نامہ

بعدالت: کونرا کونرا کونرا کونرا
 عہدہ: حکومت ریہ بنام حکومت ریہ
 منجانب: ابداہ منیر دعویٰ س
 تاریخ: _____

مخبر
 اسٹیشن
 قلم
 اسٹیشن

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی
 بمقام _____ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ ہائی کورٹ کوہاٹ میں شرط وکیل
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر
 مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر
 مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر
 من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی
 صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پر داخہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ذگری و نظر ثانی اپیل و گرانہ ہر قسم کی درخواست پر دستخط و
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ذگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل
 کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ذگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ذگری بھی موصوف
 کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا
 اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ
 مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔
 مورخہ _____ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

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عہدہ منیر - ابداہ منیر

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