



25.09.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan Learned Deputy District Attorney present. Case called time again but none appeared on behalf of the appellant. On the previous date too no one turned up on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

  
(Hussain Shah)  
Member


  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
25.09.2018

12.04.2018


Junior to counsel for the appellant and Addl. AG  
alongwith Hazrat Shah, Superintendent for the respondents  
present. Senior counsel for the appellant is not in attendance.  
Seeks adjournment. Granted. To come up for arguments on  
27.06.2018 before the D.B.

  
Member

  
Chairman

27.06.2018


Appellant absent. Learned counsel for the appellant and  
Mr. Kabirullah Khattak, Additional AG for the respondents  
present. Learned counsel for the appellant seeks adjournment.  
Adjourned. To come up for arguments on 16.08.2018 before D.B.


  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

16.08.2018

Appellant absent. Learned counsel for the appellant absent. Mr.  
Usman Ghani learned District Attorney present. Adjourned. To come up  
for arguments on 25.09.2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

10.04.2018

Appellant in person and Addl: AG alongwith Mr. Inayat Ullah, ADO for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 25.04.2018 before S.B.

  
Member

25.04.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 21.06.2018 before S.B.

  
Reader

21.06.2018

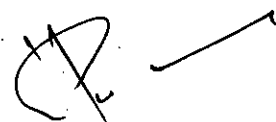
Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Inayatullah, ADO for the respondents present. Written reply on behalf of respondent No. 2 & 3 submitted. Representative of respondents No. 2 & 3 also rely on the written reply submitted by respondents No. 2 & 3 on behalf of respondent No. 1. Adjourned. To come up for rejoinder and arguments on 16.08.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

16.08.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney present. Adjourned. To come up for arguments on 25.09.2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

06.02.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as untrained PET (BPS-09) in Education Department on 07.03.1993. After completion of training the respondents allowed the graded pay to the teacher's w.e.f 13.05.1997. However, this benefit was not extended to the appellant. Feeling aggrieved he filed departmental appeal on 09.09.2017 which failed to evoke any response from the respondents, hence, the instant service appeal. As issue of pay is involved so limitation will not have any implications on this case.

Appellant Deposited Security & Process Fee

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 26.03.2018 before S.B.

(AHMAD HASSAN)  
MEMBER

26.03.2018

Appellant in person present. Mr. Kabir Ullah Khattak, Addl: AG for the respondent present. Written reply not submitted. Learned Additional AG requested for adjournment? Adjourned. To come up for written reply and comments on 10.04.2018 before S.B.

Member



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Form-A  
FORM OF ORDERSHEET

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

Case No. 79/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22/1/2018	<p>The appeal of Mr. Daftar Khan presented today by Mr. Muhammad Adit Butt Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	23/01/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Service Appeal No. 79, 2018

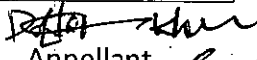
Dafter Khan (SPET), Government High School, Wazeer Garhi, District Nowshera

Versus

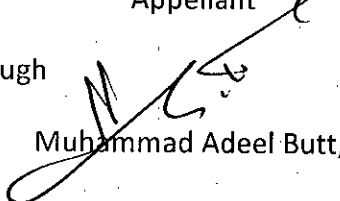
Govt. Of Khyber-Pakhtun kiwa & Others

Index

S.No	Description of documents	Annex	Page
1	Grounds of Appeal along with Affidavit		01-4
2	Addresses of the Parties		05
3	Copy of the appointment Order	A	06
4	Copy of the departmental appeal/re presentation	B	07-08
5	Copy of the service record	c	09-16
6	Wakalatnama		

  
Appellant

Through

  
Muhammad Adeel Butt,  
Advocate, Peshawar

Dated 22/11/2018

Before the honorable Service Tribunal Khyber Pakhtun Khwa , Peshawar.

Service Appeal No. 79, 2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 77

Dated 22-1-2018

Dafter Khan (SPET) ,Government High School ,Wazeer Garhi, District Nowshehra

Versus

1. The Government of Khyber Pakhtun Khwa-through Secretary E&SL), Peshawar
2. The Director E&S ,Directorate E&S ,Peshawar
3. The District Education Officer <sup>(M)</sup> ,Nowshehra
4. District Accounts Officer, Nowshehra.

**Appeal under section 4 of the Service Tribunal Act, 1974 whereby the Respondents have given no attention to the Representation for the grant of graded pay as been made by the Appellant against the impugned orders**

**On Acceptance of this Appeal, this Honorable Court may please hold the Appellant entitled for the award of graded pay and all the benefits attached to it.**

Filed to-day

Registrar

22/1/18

Respectfully Sheweth,

1. That the Appellant was appointed on 07/03/1993, on temporary & Adhoc basis against the Post of C.T in BPS -9 by the Respondents department on fixed pay and since then he is serving the department with zeal and devotion.(Copy of the appointment Order is annexed as Annexure "A").

It is important to mention that during the days of Appellant's appointment, there were available no trained teachers and the Respondent Department had no other option; hence, the appointment of untrained teachers took place. Due to their appointment thousands of students were able to get education.(copy of the appointment order is attached as Annexure "A").

- 2. That, upon completion of J.D.P.E teachers training, , the Respondents allowed the graded pay / regularization with effect from 13/05/1997.
- 3. That the appellant throughout his service agitated for the payment of arrears and graded pay w.e.f the date of his appointment but no attention, to his legitimate demand, was ever given by the respondents.
- 4. That the Appellant filed the Representation before the competent Authority which was not responded within statutory period of 90 days and hence the instant service appeal, despite the fact, the Representation contains the judgments of the higher courts in this respect. (copy of the Representation is annexed as Annexure "B").
- 5. That the appellant, being aggrieved of the acts and omission by not treating her at par with other similarly placed employee on the same grounds, and having no other adequate and efficacious remedy, assails the same through this appeal inter alia on the following grounds:-

**Grounds.**

- A. That the appellant has not been treated in accordance with law and has been discriminated among similarly placed persons who were allowed graded pay for the untrained period but it was illegally denied to the appellant.
- B. That in the absence of any condition regarding the training and regularization , in the appointment Order , the Respondents have no rights whatsoever to deny the legitimate rights related to regularization , graded pay , seniority , promotion and other allowances, increments, etc. Had that not been the situation the Appellant might have completed his training soon after assuming the charge. It is in fact the reason that the Superiors Courts were pleased to allow the increments from the date of induction in to service to untrained teachers.

It is important to mention that the appellant been related to the Teaching Profession was appointed during the times when the trained teachers were not available and undoubtedly such teachers are the pioneers in developing the Education structure of the Province. By denying the Appellant's Service legitimate benefits, the respondents are not acknowledging their efforts, roles rather in a way they are disrespecting the Appellant's important role in developing the Education Sector

- C. That it is a well settled principle of Law that when a point of Law was decided by the Superior Courts which not only covered the cases of Civil Servants who litigated but also those who have not litigated so the dictates of good governance demands that those judgments should also be implemented in the cases of others employed instead of constraining them to approach the Courts.
- D. That as per judgment of the Honorable Supreme Court of Pakistan, if is made to work on a particular post, thean the employee will be entitled to all remuneration attached to that post.

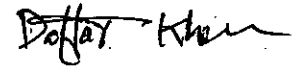


- E. That numerous Judgments of the August Supreme Courts allowed the graded pay/running pay to untrained teachers vide Notification 30-10-2009. The Appellant been a similarly placed person cannot be deprived from the right that has already been granted to other similarly placed Persons.
- F. That Appellant case is similar and identical to those numerous cases in which civil servant had been allowed graded pay from the date of their induction in to service.
- G. That beyond any shadow of doubt the Appellants were serving on the higher grade and no law of the land restricts the Respondent to disallow such benefits to its employees, rather the August Supreme Court of Pakistan and this Service Tribunal itself has allowed numerous appeals on the same ground.
- H. That it is also important to mention that the Respondents have granted graded pay and other related benefits to other untrained teachers from the date of their induction into service, hence the appellant has been discriminated.

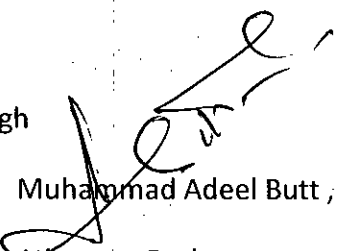
It is, therefore, most humbly requested that on the acceptance of this Service Appeal this Honorable Tribunal may please hold the Appellant entitled for the graded pay, seniority, promotion with effect from his date of his induction/ appointment into the service and the same period in service be also counted towards his service .

Any other remedy, this Honorable Tribunal may deems appropriate may also be granted to the appellant under the circumstances

22/1/2018

  
Appellant

Through

  
Muhammad Adeel Butt,  
Advocate Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Dafter Khan (SPET) ,Government High School ,Wazeer Garhi, District Nowshehra

Versus

The Government of Khyber Pakhtun Khwa through Secretary E&SL, Peshawar

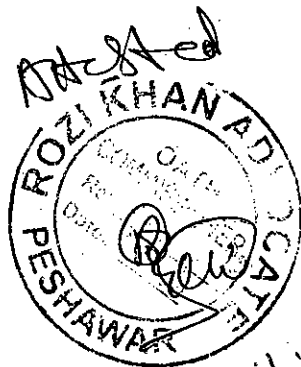
**Affidavit**

I, Dafter (SPET) ,Government High School ,Wazeer Garhi, District Nowshehra do hereby solemnly affirm and declare on oath that all the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

*Dafter Khan*

Deponent

Identified by :-



*Muhammad Adeel Butt*  
Muhammad Adeel Butt,  
Advocate, Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

Dafter Khan (SPET) ,Government High School ,Wazeer Garhi, District Nowshehra

Versus

Govt. Of Khyber Pakhtun khwa & Others

**Memo of Addresses**

**APPELLANT**

Dafter Khan (SPET) ,Government High School ,Wazeer Garhi, District Nowshehra

**Respondents.**

1. The Government of Khyber Pakhtun Khwa through Secretary E&SL, Peshawar
2. The Director E&S ,Directorate E&S ,Peshawar
3. The District Education Officer ,Nowshehra
4. District Accounts Officer, Nowshehra.

*Dafter Khan*

Appellant

Through

*Muhammad Adeel Butt*  
Muhammad Adeel Butt,  
Advocate, Peshawar

Ullah

Ammer 2/11/10 (A)

6

OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION (S) PESHAWAR DIVN: PESHAWAR.

*[Handwritten signature]*

Consequent upon the Selective recommendation of the Selective Committee the following Candidates are hereby appointed against PET in the Basic Pay Scale-0 (Rs. 100/-PM fixed) plus usual allowances as admissible under the rules W.E. From the date of their taking over charge in the schools noted against each:-

<u>Name &amp; Address.</u>	<u>Marks.</u>	<u>School where posted.</u>	<u>Remarks.</u>
1. Noushad Khan S/O Shamsul Qamar	660	GMS Zahid Abad Charsadda	Against vacant PET post.
2. Daftar Khan S/O Harif Khan, Vill: Dag Besud NSR:	568	GHS No.2 NSR: Cantt.	-do-
3. Jamal Abdul Nasir S/O Mashalur Rehman Vill: Akbar Pura NSR:	561	GHS Rashakai Nowshera.	-do-
4. Ziaur Rehman S/O Shafiqur Rehman, Vill: M.M. Khel Chd:	561	GMS Walai Nowshera.	-do-
5. Muhammad Saeed S/O Mian Rahim Shah Dhakki Chd:	559	GMS Dhab Charsadda.	-do-
6. Asadullah S/O Hakeemullah, Vill: Chamkani Pesh:	541	GHSS Urmar Payan Peshawar.	-do-
7. Javed Iqbal S/O Asmat Khan, Vill: Camp Koroonia Akbar Pur	541	GHS Mughelki Nowshera.	-do-
8. Muhammad Asif Khan S/O Amanullah Khan, Vill: Chamkani Peshawar.	539	GMS Taila Band Peshawar.	-do-
9. Mir Afzal Shah S/O Mukamil Shah, Zairat Ailli Tangi Chd:	539	GMS Walai Nowshera.	-do-
10. Noushad Khan S/O Rehmanud Din, Katozai Chd:	538	GMS Eashakai Charsadda.	-do-
11. Hoor Zada S/O Sher Zada, Din Bahar Colony Pesh:	532	GHS Regi Peshawar.	-do-
12. Atiqur Rehman S/O Lal Fudshah, Vill: & P.O Aza Khel NSR:	513	GMS Kana Nowshera.	-do-
13. Muhammad Ayaz S/O Ali Haider, Vill: Dagi Ghulam Qadir Chd:	512	GMS Hamid Mian Dheri Chd:	-do-
14. Muhammad Ali S/O Faqir Muhammad, Moh: Pir Gulab Shah.	511	GMS Yousaf Khel Peshawar.	-do-
15. Ghulam Farooq S/O Dir Muhammad, Kohitsyan Peshawar.	510	GHSS Urmar Payan Peshawar.	-do-
16. Anjad Khan S/O Farid Khan, Vill: Katozai Chd:	508	GMS Jaboba NSR:	-do-
17. Azmat Ali S/O Ghaffar Ali, Vill: Pishongari NSR.	505	GMS Nowshera Kalan.	-do-
18. Bashir Khan Ek-J/C O/O the DDE(S) Pesh: Divn: Peshawar.	499	GMS Landi Alkhun Ahmad Pesh:	-do-
19. Mukdaram Shah S/O Muhammad Shah, GMS Rashid Koroonia Madjari Chd:	496	GMS Misalpur Nowshera.	-do-

*[Handwritten signature]*

ATTESTED

Contd; on page "2"

*[Handwritten signature]*

MEMO NO. 201/1933

1. The appointments are purely temporary and liable to termination at any time without assigning any reason or giving any notice.
2. In case of resignation they will have to give one month's notice to the Government or terminate one month's pay due to Govt. Servants.
3. They are required to produce Medical and Age Certificates from the Medical authorities concerned before taking over charge in case they are not already Govt. Servants.
4. They are not allowed to take over charge if their age is less than 20 years and above than 25 years in case of fresh appointment.
5. All original Educational character and Domicile Certificates must be verified by the Head of Institution concerned before handing over charge. If any discrepancy was detected the matter be reported to all concerned including this Directorate and he should not be handed over charge.
6. If they fail to take over charge of the post within 14 days from the issue of this order the appointment will be automatically considered as cancelled and no other chance will be given.
7. Charge reports should be submitted to all concerned.
8. No. SA/DA etc. is allowed.
9. The passing of HPE as a subject in the Intermediate Examination is a must and they should not be handed over charge if failed or not studied HPE.

(SUE LIAM KHAN)  
 DIV: DIRECTOR OF EDUCATION (SCHOOLS)  
 PESHAWAR DIV: PESHAWAR.

Dated Peshawar the 7/3/1933.

Copy forwarded to the:-

1. To Minister for Education H.P. Peshawar.
2. To Secy. Education H.P. Peshawar.
3. District Education Officer (M) Dary: Peshawar, Houshora, & Charsadda.
4. Candidate concerned.
5. Institutions concerned.
6. Supdt. Establishment Branch.
7. To Div: Director of Education Peshawar Div: Peshawar.

*Handwritten signature/initials*

*Handwritten notes:*  
 EG- above order P. 5-11-19  
 Attached  
 [Handwritten signature]

For/Div: Director of Education(S)  
 Peshawar Div: Peshawar.

SST (P. 3+3-17)  
 G.H.S. & (M) (MSR)

## بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری سکول خیبر پختونخوا

عنوان: اپیل برائے نظر ثانی سروس ریگولر ازمیشن Graded Pay از تاریخ بھرتی 07/03/1993 تا 12/05/1997 و عطا یگی سنیاری دائر

جناب عالی!

مذکورہ باندہ گزارش ہے کہ فذوی مورخہ 07/03/1993 کو تھیت P.E.T ان ٹرینڈ ٹیچر بھرتی ہوا تھا۔ فذوی چار سال ان ٹرینڈ رہا اس کے بعد فذوی نے 13/05/1997 کو J.D.P.E ٹریننگ مکمل کی اسی اثناء میں سپریم کورٹ آف پاکستان نے 06/09/2007 بحوالہ آرڈو نمبر 1081-1088 تمام ان ٹرینڈ ٹیچر کو ان ٹرینڈ انگریز تھیت دینے اور سروس ریگولر کرنے کا اعلامیہ جاری کیا اور تاریخ بھرتی سے ہمیں ریگولر کیا گیا۔ فذوی اعلیٰ تعلیم یافتہ یعنی MSc(HPE) ہے۔ حالانکہ اس سے قبل SSST-SS اساتذہ کو چھ ماہ کیلئے ایڈھاک پر بھرتی کیا گیا اور ریگولر کر دیئے گئے جبکہ فذوی کو چار سال کا عرصہ ریگولر نہ کرنا کہا کا انصاف ہے۔ اب چونکہ فذوی کو باوثوق ذرائع سے معلوم ہوا ہے کہ عدالت سروس ٹریبونل KPK نے بے شمار ملازمین کو ان ٹرینڈ دورانیہ کا Graded Pay سروس ریگولر ازمیشن دینے کے احکامات جاری کئے ہیں۔

لہذا آپ صاحبان کی خدمت میں عرض ہے کہ فذوی کا چار سال کا عرصہ صارتی میں رکھنے کے احکامات سادر فرمائیں

نوٹ۔ نقولات نوٹیفیکیشن، آرڈرز، حکم فیصلہ عدالت وغیرہ درخواست اپیل کے ہمراہ لف ہیں۔

عین نوازش ہوگی۔

سوری 09-09-2017

العارض

Daffat 7 Alau

آپ کا ہاتھ اردنتر خان (SPET) گورنمنٹ ہائی سکول وزیر پورھی ضلع نوشہرہ

سورہ نمبر۔ 0331-5143006

نوٹ۔ تمام درخواستوں کے ساتھ منسلک ہے۔

کاپی برائے اطلاع

1۔ سیکرٹری تعلیم KPK

2۔ چیف سیکرٹری KPK

3۔ DEO(M)-3 نوشہرہ

Forwarded to DEO (Male) Nowshera  
for N/A

Head Master  
G.H.S. Wazir Garhi  
Nowshera

ADD(S)

11/9/2017

Asst (S)

for n/a

12/9/17

Dairy No. 1240 dt 12/9/2017  
OIO The DEO (M) NSR

ATTESTED

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## بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری سکول خیبر پختونخوا

عنوان:- اپیل برائے نظر ثانی سروس ریگولر ایزیشن Graded Pay از تاریخ بھرتی 07/03/1993 تا 12/05/1997 و عطا گئی سینیاریٹی وائز

جناب عالی!

مودبانہ گزارش ہے کہ فدوی مورخہ 07/03/1993 کو کھسٹ P.E.T ان ٹرینڈ ٹیچر بھرتی ہوا تھا۔ فدوی چار سال ان ٹرینڈ رہا اس کے بعد فدوی نے 13/05/1997 کو J.D.P.E ٹریننگ مکمل کی اسی اثنا میں سپریم کورٹ آف پاکستان نے 06/09/2007 بحوالہ آڈر نمبر 1088-1081 تمام ان ٹرینڈ ٹیچر کو ان ٹرینڈ انگریڈ کر دینے اور سروس ریگولر کرنے کا اعلامیہ جاری کیا اور تاریخ بھرتی سے ہمیں ریگولر کیا گیا۔ فدوی اعلیٰ تعلیم یافتہ یعنی Msc (HPE) ہے۔ حالانکہ اس سے قبل SST-SS استاذہ کو چھ ماہ کے لیے ایڈھاک پر بھرتی کیا گیا اور ریگولر کر دیے گئے جبکہ فدوی کو چار سال کا عرصہ ریگولر نہ کرنا کہاں کا انصاف ہے۔ اب چونکہ فدوی کو باوثوق ذرائع سے معلوم ہوا ہے کہ عدالت سروس ٹریبونل KPK نے بے شمار ملازمین کو ان ٹرینڈ دورانہ کا Graded Pay سروس ریگولر ایزیشن دینے کے احکامات جاری کئے ہیں۔

لہذا آپ صاحبان کی خدمت میں عرض ہے کہ فدوی کا چار سال کا عرصہ سینیاریٹی میں رکھنے کے احکامات صادر فرمائیں عین نوازش ہوگی

العارض

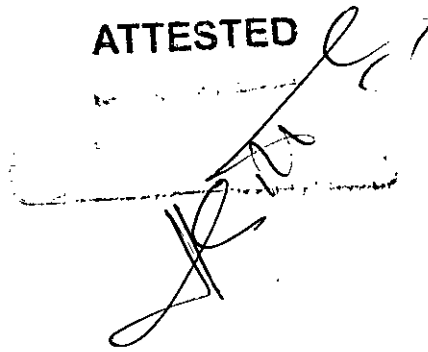
مورخہ: 27-12-2017

آپ کا تابعدار دفتر خان (SPET) گورنمنٹ ہائی سکول وزیر گڑھی ضلع نوشہرہ

موبائل نمبر:- 0331-5143006

تمام متعلقہ نقولات درخواست کے ساتھ منسلک ہے

ATTESTED



ڈائریکٹر/ام فنی

1337

تاریخ 27/12/2017

Ammeter (C)

(9)

10 ✓

(For use in Police Department only).

Heirs,

- 1.
- 2.
- 3.

Verification Roll No. dated received back

Passed S.D.P.E annual Exam 1995-96 under R.No 326 from Gomal University D.I. Khan, securing 565 marks out of 1050 and was placed in 2nd division. Result declared on 30.1.99.

Left thumb-impression.

Principal  
G.H.S. Aza Khol Bala  
Nowshera.

Passed M.Sc (Health & Physical Edu)

Qualification	Date	Qualifications	Date
Under R/No 409 in Session 2006-07			
(1) Secured 662 marks out of 1300 English and placed in 2nd division. Result declared on 18-05-2009.		First Arts	
Pashtu		B. L. or B. A.	
Urdu		Pleadership examination	
Plan-drawing		Training School final examination	
Finger print		Other qualifications--	
Drill instructing			
Court duties			
Police duties			

Asghar Khan S.S.T (Bio. Ch)  
G.H.S  
Wazir Garhi (Nowshera)

Attested  
Daud Khan  
S.S.T G.H.S  
Pabli (NSR)  
ATTESTED

Not to be taken under the qualification mentioned.



Note—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name DAFTAR KHAN

2. Race Afghan

3. Residence VIA DAG, Besud, 70 Tublo.  
Dist & Teh. Nowshera.

4. Father's name and residence Hareef Khan

5. Date of birth by Christian era as nearly as can be ascertained (01-02-1972)  
1st Feb. 1972 Seventy two

6. Exact height by measurement 5-6

7. Personal marks for identification NIL

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger. Ring Finger

Middle Finger. Fore Finger

Thumb.

9. Signature of Government servant Daftar Khan

10. Signature and designation of the Head of the Office, or other Attesting Officer.

**ATTESTED**

*[Signature]*

*[Stamp]*  
19/3/72  
Nowshera Kalar

*[Signature]*  
Asghar Khan S.S.I (Bio. C.)  
G.H.S  
Wazir Gami (Nowshera)

*[Signature]*  
D. H. C.  
E. Head of Office  
19/3/72



10	11	12	13		14	15
			Nature and duration of leave taken	Leave		
Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Government to which debitable		

*Khan*  
 S.S. OHS, Nowshera Kalam  
 31/5/94

Pay Scale Revised.

*[Signature]*  
 S.S. OHS, Nowshera Kalam

Appointed against PET Post.  
 Vide Div. Director of Educ(S)  
 Peshawar Division, Peshawar  
 Order No 535575/105 dt. 7.3.93

*[Signature]*  
 Head Master  
 Govt. High School No. 7  
 Nowshera Kalam

*[Signature]*  
 S.S. OHS, Nowshera Kalam

*Munir Khan S.S. 1 (BIO. CH.)*  
 Govt. High School  
 Nowshera Kalam  
 30/11/95

*[Signature]*  
 Principal  
 Govt. High School  
 Nowshera Kalam

Passed S.S.C. (A) Examination  
 under Roll No 192/1 in 1989  
 securing 492 marks out of  
 850 (Grade 'C' from the  
 BISE, Peshawar

*[Signature]*  
 H.S. P-131 (a) 395/19  
 Mr B. 13818/15 - 214  
 Study leave up to 6/7  
 to 20/7/96

*[Signature]*  
 13/3/95

Passed Intermediate  
 (A) Exam under Roll No  
 56309 in 1991 securing  
 577 marks out of 1000  
 from the BISE Peshawar Div.

ATTESTED

*[Signature]*

*[Signature]*  
 David Khan  
 S.S.T. OHS  
 Rahbi (NSR)

*[Signature]*  
 13/2/91

(C) 12

Name of Post	Whether substantive or temporary	If officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Act 371	Pay in substantive Post	Additional Pay for officiating	Other conditions fixing under the same pay	Date of Appointment	Name of Officer
PET. (Trained) G.H.S. No. 2 NSR Kalam	Temp.	BPS-14 (2065-161-4480)	Rs. 2065/- P.M	AT		13 <sup>5</sup> / <sub>97</sub>	Daffar Khan
- 50 -	- 50 -		Rs. 2226/- P.M.			1-12-97	Daffar Khan
- 50 -	- 50 -		Rs. 2387/- P.M.			1-12-97	Daffar Khan
G.H.S. Azakhel Bala NSR	Temp.		Rs. 2387/- P.M.			15 <sup>12</sup> / <sub>98</sub>	Daffar Khan

Attached

Asghar Khan S.S.T (Bio, Ch)  
G.H.S  
Wazir Garhi (Nowshera)  
E.T

Attested  
David Khan  
S.S.T G.H.S  
Rahbi (NSR)

Under Taking

I Mr. Daffar Khan PET give the under taking that if any over payment made to me as a result of in-correct award of B-15 S.G/C. Pay/Fixation of pay and if detected later on, it will be made good by me even for my pay/pension/Gratuity etc as may be fixed by the Govt.

Daffar Khan

ATTESTED

[Signature]

(Daffar Khan)

(C) (13)

10	11	12	13	14	15	
Signature and name of the head of the office or other officer in charge of the institution of the Government	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other appointing Officer	Nature and duration of leave taken Allocation of period of leave on average pay upto four months for which leave salary is debutable to another Government Period Government to which debutable	Signature of the head of the office or other appointing officer	Reference to any recorded punishment or censure or reprimand or praise of the Government Service
<i>[Signature]</i> Principal, Govt. High School, Kulali	30/1/97	Annual increment	<i>[Signature]</i>	Service rendered up to 10/7/93 to 30/1/93 from the 17/1/93 and record of this office.	<i>[Signature]</i> M.A. O.S. No. 84 "Service Verified" Govt. High School, Kulali	
<i>[Signature]</i> Principal, Govt. High School, Kulali	14/12/98	Promotion	<i>[Signature]</i>	14/12/98	M.A. O.S. No. 21 "Service Verified" Govt. High School, Kulali	
Asghar Khan S.S. I (Blo. C) S.H.S. Wazir Gani (Nowshera)	15/11/94	Promotion	<i>[Signature]</i>	31-12-95	M.A. O.S. No. 14-93, 19-10-94 Govt. High School, Nowshera	
<i>[Signature]</i> Principal, Govt. High School, Kulali	29/1/99	Acclamation	<i>[Signature]</i>	31-12-96	M.A. O.S. No. 15 "Service Verified" Govt. High School, Kulali	Period from 1994-1995 under roll no 20909 in 1994 securing marks 924 out of 550 and placed 1st division from the university of Peshawar. Result declared on 13-5-97
<i>[Signature]</i> Principal, Govt. High School, Kulali	14-36	Promotion	<i>[Signature]</i>	31-12-96	M.A. O.S. No. 13 "Service Verified" Govt. High School, Kulali	
<i>[Signature]</i> Principal, Govt. High School, Kulali	14-36	Promotion	<i>[Signature]</i>	31-12-96	M.A. O.S. No. 13 "Service Verified" Govt. High School, Kulali	
<i>[Signature]</i> Principal, Govt. High School, Kulali	14-36	Promotion	<i>[Signature]</i>	31-12-96	M.A. O.S. No. 13 "Service Verified" Govt. High School, Kulali	
<i>[Signature]</i> Principal, Govt. High School, Kulali	14-36	Promotion	<i>[Signature]</i>	31-12-96	M.A. O.S. No. 13 "Service Verified" Govt. High School, Kulali	
<i>[Signature]</i> Principal, Govt. High School, Kulali	14-36	Promotion	<i>[Signature]</i>	31-12-96	M.A. O.S. No. 13 "Service Verified" Govt. High School, Kulali	
<i>[Signature]</i> Principal, Govt. High School, Kulali	14-36	Promotion	<i>[Signature]</i>	31-12-96	M.A. O.S. No. 13 "Service Verified" Govt. High School, Kulali	
<i>[Signature]</i> Principal, Govt. High School, Kulali	14-36	Promotion	<i>[Signature]</i>	31-12-96	M.A. O.S. No. 13 "Service Verified" Govt. High School, Kulali	

ATTESTED  
*[Signature]*

Daud Khan  
S.S.T. G.H.S. Sec. Verified W.F.F. 19/10/94  
Publi (NSR)  
5/11/95 from 2/11/95 and other





(c) 16

1	2	3	4	5	6	7	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Act, 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature Government servant
B.P.S No: 15 (2190-177-4845)-							
P.E.T.							
G.H.S Aza Khar Bala C.H.S.P.I	W/P	2387	Rs (2544) p.m.			30/1/99	Daftar
do		2548	Rs (2721) p.m.			1/12/99	Daftar
<p><b>Asghar Khan S.S. I (Bio, Ci)</b>  <b>G.H.S</b>  <b>Wazir Garhi (Nowshera)</b></p>							
do	do	2709	Rs (2898) p.m.			1/12/2000	Daftar
<p><b>ATTESTED</b></p> <p><i>(Signature)</i></p>							





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 79/2017

Daftar Khan .....Appellant

VERSUS

Govt of KPK & Others..... Respondents

Respectively Sheweth

Written comments/reply on behalf of respondents.

Preliminary Objections

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this honorable service tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for non-joinder and mis joinder of necessary parties.
4. That the instant appeal is badly time barred.
5. That the appellant has concealed material facts from this Honorable Tribunal.
6. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
7. That the instant appeal is barred by law.

On Facts

1. Pertain to record.
2. Correct subject to proof.
3. Incorrect. According to the Finance Department (Regulation Wing) Notification No. FD (PRC) 5-2/2002 dated Peshawar the.30-10-2009 the services of all those untrained teachers who were appointed on fix pay and were subsequently regularized against their psots, on acquiring / completing requisite training successfully, would be entitled for such benefits of annual Increment from the date of their first appointments as such, but without arrears. In the light of the above the appellant is not entitled for arrears.
4. Incorrect.
5. No Comments.

GROUND:

- A. Incorrect. The appellant was treated in accordance with law.
- B. Incorrect. There is clear direction/notification of the Finance Department regarding payment/nonpayment of arrears (Annexure A).

- C. Correct, but the Court Judgment is to the extent of payment from date of training/professional qualification.
- D. Incorrect. As explain in the above para.
- E. Incorrect. The appellant was also treated in the light of notification dated 30-10-2009.
- F. Incorrect. As explained in the above para's.
- G. Incorrect. As per paras above.
- H. Incorrect. The appellant was not discriminated.

It is therefore, requested before your Honor that the present Service Appeal is illegal, against facts and without force, may kindly be dismissed with cost.

**Respondent No.1**

Secretary E & SE  
Govt of KPK Peshawar

**Respondent No.2**

  
Director  
(E & SE) KPK Peshawar

**Respondent No.3**

  
District Education Officer (M)  
Nowshera

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Appeal No. 79/2017**

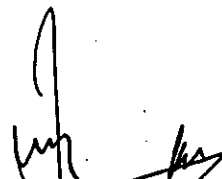
**Daftar Khan .....Appellant**

**VERSUS**

**Govt of KPK & Others..... Respondents**

**AFFIDAVIT**

I Fayyaz Hussain, District Education Officer (M) Nowshera do solemnly affirmed and declare on oath that the contents of Par wise comments/ reply on behalf of respondent are true and correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

  
Deponent



GOVERNMENT OF N.W.F.P  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD (PRC) 5-2 /2002  
Dated Peshawar the: 30-10-2009

To:

✓ The Secretary to Govt. of NWFP,  
Elementary & Secondary Education Department,  
Peshawar.

Subject:

GRANT OF ANNUAL INCREMENT / RUNNING PAY TO  
UNTRAINED TEACHERS IN THE LIGHT OF SUPREME  
COURT JUDGMENT.

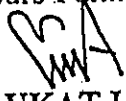
Dear Sir,

I am directed to refer to this Department letter No.FD (PRC) 5-2/2002, dated 30-03-2009 on the subject noted above and to say that certain quarters have raised some qu<sup>e</sup>arries about the subject matter which are clarified as under:-

- i. All those untrained teachers who were appointed on fix pay and were subsequently regularized against their posts, on acquiring / completing requisite training successfully, would be entitled for such benefits of annual increments from the date of their first appointments as such, but without arrears.
- ii. The above benefit would also be admissible to all those retired teachers who fulfil the above conditions.
- iii. The above benefit would not be admissible to those who themselves resigned, or were removed / terminated from service.

2. This Department letter of even number dated 30-03-2009 shall be deemed to have been modified to the above extent.

Yours Faithfully,

  
(SHAUKAT ULLAH)  
SECTION OFFICER (SR-1)

Endst: of even No. & date.

Copy for information and necessary action:-

1. Accountant General, NWFP.
2. All District Coordination Officers, NWFP.
3. All District / Agency Accounts Officers, NWFP / FATA.

SECTION OFFICER (SR-1)