

23.12.2021

Nemo for appellant.

Case was called time and again but none appeared before this Bench till its rising. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced  
23.12.2021


  
(Rozina Rehman)  
Member (J)

**Badshah Rawan 3532/2021**

08.09.2021 Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while arguing the case, referred to the case history of appellant who was appointed as PTC (BS-07) on 01.12.1996. He was granted 1652 days (Long Leave!) w.e.f 01.10.2000 to 31.12.2004 and entry to this effect made in his service Book. The appellant thereafter requested for extension in leave w.e.f 01.01.2005 to 31.12.2007 owing to family enmity at native town. Another application was submitted on 20.06.2012 requesting therein for sanction of leave w.e.f 01.01.2005 to 21.06.2012 as well as posting against any vacant post of PST. Last applications, in this regard, were submitted to respondent No.3 on 09.10.2020 and 20.11.2020.

Learned counsel for the appellant was confronted with the question as to whether any original or appellate order (S) have been issued by the respondents vide which the appellant feels aggrieved? He simply responded that it is an issue of "impugned inaction". Moreover, he produced copy of the service appeal No. 351/2015 titled Latf-Ur-Rehman, Ex-PST (BS-09) decided by the Service Tribunal on 06.11.2019 whereby an issue of the same nature of similarly placed appellant was entertained by this Tribunal. Keeping in view the position, pre-admission notice be issued to the respondents. File to come up for further proceedings on 26.10.2021 before the S.B.

  
(Mian Muhammad)  
Member(E)

26.10.2021 Junior of learned counsel for the appellant and Mr. Muhammad Adeel Butt, Addl: AG for the respondents present.

Former requests for adjournment on the ground that learned senior counsel for the appellant is not available today. Granted. To come up for preliminary hearing on 23.12.2021 before S.B.



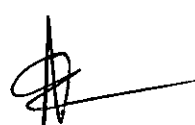
  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.:- 3532 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	15/03/2021	<p>The appeal of Mr. Badshah Rawan presented today by Mr. Shahzaullah Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR <sup>aw</sup> 15/3/2021.</p> <p>2-</p>	25/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/05/21</u></p> <p style="text-align: right;"> CHAIRMAN (for completion)</p> <p>25.05.2021</p> <p>Junior to counsel for the appellant present. He states that learned senior counsel for the appellant is indisposed today and requests for adjournment. Adjourned to 08.09.2021 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

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

**APPEAL NO. \_\_\_\_\_/2021**

**BADSHAH RAWAN VS EDUCATION DEPARTMENT**

**INDEX**

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**APPELLANT**

**THROUGH:**  
  
**SHAHZULLAH YOUSAFZAI,**  
**ADVOCATE**

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

Khyber Pakhtunkhwa  
Service Tribunal

**SERVICE APPEAL NO. 3532/2021**

Diary No. 3604

Mr. Badshah Rawan, PST,  
Govt. Primary School Ghawardesh, Tehsil Samarbagh District Dir Lower.

Dated 15/3/2021

.....**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Education Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Dir Lower.

.....**RESPONDENT**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT ADJUSTING/ RE-INSTATING THE APPELLANT AND NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this service appeal the impugned inaction of the respondents by not adjusting/ re-instating the appellant may very kindly be declare as illegal and unlawful and respondents may please be directed to adjust/re instate appellant against the post of primary school teacher with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

**R/SHEWETH:**

**ON FACTTS:**

1- That the appellant has been appointed as Primary School Teacher and his services was regularized vide order dated 01-12-1996 and was posted at GPS Ghawardesh, Tehsil Samarbagh, District Dir Lower. Copy of the order dated 01-12-1996 is attached as annexure  
.....**A.**

2- That while performing his duties the appellant applied for the grant of Leave without pay and the same was accepted by the respondent and the leave was sanctioned without pay w-e-f 01-10-2000 to 31-12-2004. Copy of the leave granting order is attached as annexure  
.....**B.**

Filed to-day  
Registrar  
15/3/2021

- 3- That it is pertinent to mention here that the mentioned leave was also incorporated in the service book of the appellant. Copy of the service book entry is attached as annexure .....**C.**
- 4- That it is important to mention here that during the leave period the appellant got a dispute in the locality and due to that the appellant along with his family migrated to Azad Kashmir due to serious threat to his life. That due to that situation the appellant preferred another application for extension of leave w-e-f 01-01-2005 but the same was not responded by the respondents. Copy of the application is attached as annexure .....**D.**
- 5- That in the year 2012 the matter was resolved amicably, thereafter the appellant preferred an application before the competent authority i.e. Executive Officer Primary Education (M) for his re-adjustment on 20-06-2012 and the same was forwarded to the Executive District Officer for necessary action. Copies of the application and the order is attached as annexure .....**E&F.**
- 6- That appellant preferred a number of applications for his re-adjustment but no response has been to the appellant give till date. Copies of the applications are attached as annexure .....**G.**
- 7- That appellant feeling aggrieved from the inaction of the respondents preferred departmental appeal before the respondents but not response has been given within the stipulated period of ninety days. Copy of the departmental appeal is attached as annexure .....**H.**
- 8- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

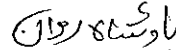
- A- That the impugned inaction of the respondents by not adjusting/ reinstating the appellant is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That no absence notice has been served on the appellant nor any proceedings whatsoever had been conducted by the respondents department and the appellant is still the employee of the respondent department.

D- That there is no adverse order against appellant nor any proceeding has been conducted against him, therefore in absence of any adverse order the appellant is entitle to be adjusted against his post.

E- That the appellant seeks permission to advance any other ground and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT



**BADSHAH RAWAN**

THROUGH:

  
**SHAHZULLAH YOUSAFZAI**

&

  
**KAMRAN KHAN**  
**ADVOCATES**

A-4

~~XXXXXXXXXX~~

**OFFICE ORDER:-**

The following trained PTC, candidates are hereby appointed as PTC, teacher in BPS No. 7 plus allowances from the date of their taking over charge in the schools mentioned against their names subject to the following terms and conditions:-

S.No.	Name of candidate.	Father's Name	Residence.	PTC marks.	PF	School where adjusted
1.	Dost Mohammad	Fazal Mohd	Ziarat	828	75	GPS, Daabar Ushera against V. post.
2.	Mohd Islam	Taj Mohd	Panjo	803	75	Satara Buchakail (M) A. V. P.
3.	Jalalud Din	Mumtaz	Bambolai	796	78	Kolalano Shah A. V. Post.
4.	Abdul samir	Mian Adam khan	Patodara	794	75	Gurrai (B) A. V. post.
5.	Umar Badshah	Rahmat badshah	Mayar	794	76	Toragwandai AV post.
6.	Habibul Mukhtiar	Noorul Manan	shawa	785	78	Torabdin, AVP.
7.	Inamullah Khan	Inayatul Haq	Y.K. Banda	768	75	Tangi darra A. V. P.
8.	Badshah Rawan	Bakht Rawan	Timergara	764	75	Ghawardesh vice Mohammad Nazir.
9.	Sher Alam Khan	Niazmullah Khan	Takoro	762	76	Tawzo (B) A. V. P.
10.	Sardar Mohd	Fazal Mohd	Ranai	707	75	Cheragalai (B) AVP
11.	Inayatur Rehman	Saifur Rehman	Shaw, Dir	756	73	Gurrai (B) A. V. P.
12.	Khan Munair	Mohd Rasool Khan	Parpetai	756	73	Meramai. A. V. P.

**TERMS AND CONDITIONS:-**

1. Charge report should be submitted to all concerned.
2. They will have to reproduce Health & Age certificate from the civil surgeon, Dir at T/Gara.
3. They may not be handed over the charge if their age exceeds 30 years or below 18 years.
4. So for handing over charge to them their original documents should be checked.
5. Their appointment are purely made on temporary basis and can be terminated at any time without any notice.
6. In case of leaving service they are bound to give one month prior notice or deposit one month pay.
7. The SDEO shall not draw the pay of the appointees if the strength of Trs. exceeds from the sanctioned posts.

(Fazal Naeem Khan)

DEO (M) Prys: Dir at Timergara

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) PRY: DIR AT TIMERGARA.

Endst: No.6198-6216/PED/Estt:A-I Dated Timergara the 01/12/1996

Copy forwarded for information to :-

1. The SDEO(M) Dir, Warai, Timergara & Samarbagh.

5. The DAO Dir at Timergara.

6-18. The Candidates concerned.

Sd/-

District Education Officer(M)  
Pry: Dir at Timergara.

CTC  
Amd

TESTED



(5)

MEDICAL CERTIFICATE.

Name of Official .. Mr. Badshah Rawan .....

Caste or race ..... Muslim .....

Father's Name ..... Mr. Bakht Rawan .....

Residence .... Village and P.O. Timargara. Tehsil. Timargara. District. Dir. ....

Date of birth ..... 1/1/1972 .....

Exact height by measurement ..... 5'-5" .....

Personal mark of identification ..... A wound scar near Right Eye-brow. ....

Signature of the Official ..... Badshah Rawan .....

Signature of head of office .....

I do hereby certify that I have examined Mr. Badshah Rawan... a candidate for employment in the office of the Education Department and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

I do not consider this as disqualification for employment in the office of the Education His age according to his own statement 25 years and by appearance about twenty five

LEFT HAND THUMB AND FINGER IMPRESSIONS

5/12/1996.

CIVIL SURGEON, Medical Officer in Charge, Civil Hospital, Dir at Timargara 5712/196

TESTED

OFFICE ORDER:-

The following Trained PTC, candidates are hereby appointed as PTC, teachers in EP, NO.7 plus usual allowances from the date of their taking over charge in the schools mentioned against their names subject to the following terms and conditions:-

Sl. No.	Name of Candidate.	Father's Name.	Residence.	PTC mark	PF. School Where adjusted.
1	Dost Mohammad,	Fazal Mohd,	Ziarat.	828 75	GPS, Daabar Usheri against V.post.
2	Mohd Ishtiaq,	Taj Mohd,	Panje.	803 75	:.Satara Buchakal (M) A.V.P.
3	Salalud Din,	Mumtaz,	Bambolai.	796 78	:.Kolalano Shah A.V.post.
4	Abdul Hamid,	Mian Adam Khan,	Petodaraw.	794 75	:.Fazal Gurrail (B) A.V.Post.
5	Umar Badshah,	Rahmat Badshah,	Mayar,	794 76	:.Toraghowandai A.V.post.
6	Habibul Mukhtiar,	Noorul Manan,	Shawa,	785 78	:.Tofabdin, AVP
7	Inamullah Khan,	Inayatul Haq,	Y.K. Banda,	768 75	:.Tangil Garra A.V.post.
8	Badshah Rawan,	Bakht Rawan,	Timergara.	764 75	:.Ghawardesh, Vice Mohd Nazir.
9	Sher Alam Khan,	Niazmullah Khan,	Takoro.	762 76	:.Jawzo (B) AVP
11	Inayatul Rehman,	Saifur Rehman,	Shaw, Dir.	756 73	:.Gurrail (B) AVP.
12	Khan Munir,	Mohd Rasool,		756 73	:.Meramaie, AVP.

TERMS AND CONDITIONS:-

1. Charge report should be submitted to all concerned.
2. They should produce Health & Age certificate from the Civil Surgeon, Dir at Timergara.
3. They may not be handed over the charge if their age exceeds 30 years or below 18 years.
4. Before handing over charge to them their original documents should be checked.
5. Their appointment are purely made on temporary basis and can be terminated at any time without any notice.
6. In case of leaving service they are bound to give one months prior notice or deposit one months pay.
7. The SDEO shall not draw the pay of the appointees if the strength of Trs: exceeds from the sanctioned posts.

(FALLI NAEM KHAN)  
DISTT: EDUCATION OFFICER (M)  
PRY: DIR AT TIMERGARA.

OFFICE OF THE DISTT: EDUCATION OFFICER (M) PRY: DIR AT TIMERGARA.  
Endst: NO. 6198-6216/PED/Estt: A-I Dated Timergara the 1/12/96

Copy forwarded for information to:-

1. The SDEO (M) Dir, Wari, Timergara & Samarbagh.
5. The DAO, Dir at Timergara.
- 6-18. The candidates concerned.

DISTT: EDUCATION OFFICER (M)  
PRY: DIR AT TIMERGARA

OFFICE ORDER:-

B-6

(10)

Annex B (13)

(21)

(38)

Sanction is hereby accorded to the grant of long leave on private affairs without pay for the period from 1.10.2000 to 31.12.2004 (1652 days) in favour of Mr. Bad Shah Rawan, PTC, Govt: Primary School Shekhan Sub-Division Timergara as due and admissible to him under the leave rules.

Necessary entries to this effect should be made in the service book of the teacher accordingly.

(GUL NAWAZ KHAN)  
Distt: Education Officer(M),  
Pry: Dir Lower at Timergara.

OFFICE OF THE DISTT: EDUCATION OFFICER(M) PRY: DIR LOWER AT TIMERGARA.  
Endst: No. 1058-59/ Dated Timergara the 15/5/2001.

Copy of the is forwarded for information and necessary action to:-

1. The Sub-Divisional Education Officer (M) Timergara.
2. The District Accounts Officer Dir Lower at Timergara.
3. Teacher concerned.

~~Distt: Education Officer(M),  
Pry: Dir Lower at Timergara.  
Distt: Education Officer(M),  
Primary Dir Lower at Timergara.~~

etc  
↓

*[Handwritten signature]*

C-7

(For use in Police Department only).

Hairs,

- 1.
- 2.
- 3.

Verification Roll No.                      dated                      received back

Left thumb-impression.

Qualification	Date	Qualifications	Date
English		First Arts	
Pashtu		B. L. or B. A	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger print		Other qualifications -	
Drill instructing		(1) Passed matriculation examination under Roll no 34481 in 1989 (A) from the Board of Peshawar and obtained 474 marks Grade C,	
Court duties		(2) Passed F.A. Exmt. from B.P.S.E Peshawar under Roll no: 13525 in 1991 (Sup) and obtained 484 marks Grade D	
Reserve duties		(3) Passed P.T.C. Exmt under Roll no 117 in 1996 (A) from Govt. College of Edu. for E.L.T. Teachers (M) Peshawar and obtained marks 759	

N. B—Line to be drawn under the qualification possessed.

Signature and Stamp

1	2	3	4	5	6	7	8
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 Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
			B-7 (1480-81-2695)				
G.P.S. Rampur desh PTG post	Temp.	Temp.	Rs. 1480/-	l	-	12/3/96	B. Sh. - Rampur
PTC G.P.S. Jagan Desh	- do -	- do -	Rs. 1642/-	l	-	12/3/96	B. Sh. - Rampur
PTC G.P.S. gaudesi	do-	do-	Rs. 1642/-	l	-	28/7/97	B.S.R. Rampur
do-	do-	do-	1723/-	l	-	1/12/97	B.S.R. Rampur
do-	do-	do-	1804/-	l	-	1/12/98	B.S.R. Rampur
G.P.S. Shekhar Timpasa	do	do	1804/-	-	-	12/10/99	B.S.R. Rampur
							cutting attested
PTC G.P.S. Chamatalai	Temp	Temp	1804/2	l	-	25/6/99	B.S.R. Rampur
PTC G.P.S. Shekhar T/gara	do	do	1804/2	l	-	12/10/99	B.S.R. Rampur
do-	do-	do-	Rs. 1885/-	l	-	1/12/99	T.K.S.

S.D.O.  
Bandoil S. Bandoil

*[Handwritten signature]*

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 *Mr. Badshah Rawan*

2. Race *Afghan*

3. Residence *village, p.o. Teh. Timargara Distt. D.H.*

4. Father's name and residence *Mr. Bakht Rawan village, p.o and Tehsil Timargara Distt - D.H.*

5. Date of birth by Christian era as nearly as can be ascertained *01-01-1972*

*1st January one thousand nine hundred and seventy two*

6. Exact height by measurement *5-5*

7. Personal marks for identification

*A wound scar near Right Eye-brow*

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.

*B. Sh. Rawan*

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

*[Signature]*  
Sub Divisional Education Officer  
(M) Jandool at Gumar Bagh  
D. Distt Dis.

9

1	2	3	4	5	6	7	8
Name of post	Whether substan- live or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant

**ATTESTED**

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 4	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	Signature of the head of the office or other attesting officer	Reference to any recorded panishment of censure, or reward or praise of the Government	<p>Appointed as P.T.C. trained teacher            order no. - 6198-6216            Office of D.E.O. (M) 1-12-96            primary Timargora Distt Dis.</p>	
<i>[Signature]</i>	12/3/96	2 adv. / new on FA 9	<i>[Signature]</i>				
<i>[Signature]</i>		DEO (M) No 4293-96 dated 9-12-97	<i>[Signature]</i>				
<i>[Signature]</i>	27/97	Transfer	<i>[Signature]</i>				
<i>[Signature]</i>	30/11/97	A/med	<i>[Signature]</i>				T 10/3 9/12/97
<i>[Signature]</i>	30/11/98	A/S	<i>[Signature]</i>				Paid arrears of P.Y + C.A on award of the advance funds on basis of F.A WEF- 3-12-96 to 30-11-97 = Rs 2064/-
<i>[Signature]</i>	25/99	Transfer	<i>[Signature]</i>				
<i>[Signature]</i>	11/1/99	Transfer	<i>[Signature]</i>				Services verified w-e-f 3-12-96 to 21-12-1996 from the office record.
<i>[Signature]</i>			<i>[Signature]</i>				
<i>[Signature]</i>	30/11/99	A/S	<i>[Signature]</i>				Services verified w-e-f 1-1-97 to 31-12-97 from the office record.
<i>[Signature]</i>			<i>[Signature]</i>				
<i>[Signature]</i>			<i>[Signature]</i>				Service verified w-e-f 1st up to 30/11/99 from the office record.



~~SECRET~~


long leave sanctioned from 1-10-2002 to 31-12-2004 (658 days) without pay with 181/2 hrs. extra (cash) Primary Div. Mumbai. Home Office. No. 1058-59 dt. 15/5/2001

15  
14  
13  
12  
11  
10  
9

(10)

محترم جناب ایگزیکٹو افسیر صاحب ابتدائی ثانوی تعلیم ضلع دیر پکستان (11) - D

کنواں! درخواستیہ درخواست کو وسیع چھٹی

جناب ملک!  
مورد نامہ گزارشات حسب ذیل ہے۔

یہ کہ فردوسی محلہ تعلیم میں ایجنسیا P.T.C ٹیچر C.P.S پٹنجان  
ٹیچرنگ میں اپنی فرائض منصبی سرانجام دے رہا تھا۔ سمہریلہ ضروریات  
یعنی گھسٹنگ ٹیکس و دیگر کے سلسلے میں فردوسی نے  $1 \frac{10}{2000}$  تا  $1 \frac{12}{2004}$  چھٹی  
لیا تھا نقل لفظی۔ دوران چھٹی پڑوس میں تعلقات خراب ہو گئے اور  
نوبت نقل مکانی تک پہنچ کر فردوسی بعد ایل و دیگر کشمیر چلے گئے۔

یہ کہ اب فردوسی کر چھٹی  $31 \frac{12}{2004}$  کو ختم ہونے کو چکے اور مسائل  
دو شہسہ کے وجہ سے محالہ و ایسی ایسی اسلٹا۔ اسلٹا چھٹی میں  
توسیع  $1 \frac{1}{2005}$  تا  $31 \frac{12}{2007}$  کے لیے درخواست کی گئی ہے۔

لہذا منظور کارروائی بذرا مسائل کر چھٹی سے  $1 \frac{1}{2005}$  کا  
تک توسیع ضروری ہے۔  $31 \frac{12}{2007}$

$31 \frac{12}{2007}$

تاجدار بادشاہ وواک PST ٹیچر  
گوانشا پرائمری سکول پٹنجان ٹیچرنگ دیر پکستان

بادشاہ وواک ایقلم خود

ATTESTED

E-12  
محترم جناب ایئر لیکو آفیسر صاحب ایئر ڈسٹریکٹ ٹائوی تعلیم ضلع دیر پائین

عنوان! (5)  
درخواست براد ایڈجسٹمنٹ پوسٹ آفس،  
منظور چھٹی از 10/2/2005 تا 06/2/2012

جناب عالی!

موردانہ گذارش حسب ذیل ہے۔

یہ کہ فزوی محکمہ تعلیم میں پوسٹ آفس پرنسپل پرائمری سکول شیخان تیرگرہ  
میں اپنی فرٹلٹھ منجی سرانجام دے رہا تھا۔ گھریلو ضروریات یعنی گھر کی تعمیر وغیرہ کے  
سلسلے میں فزوی نے 10/2/2005 تا 06/2/2012 کو چھٹی لیا تھا نقل لف ہے۔ دوران چھٹی  
پڑوس میں تعلقات خراب ہو گئے اور نوبت نقل مکانی تک پہنچ کر فزوی ہمہ  
اہل و عیال کشمیر چلے گئے۔ چھٹی کے اختتام پر چھٹی میں توسیع کے لیے درخواست  
بذریعہ ڈاک دفتر ڈپٹی ڈسٹرکٹ آفیسر (روانہ) تیرگرہ بھیج دیا تھا۔  
عالی جاہ! چونکہ فزوی نے راضی نام کیا ہے اور واپس نقل مکانی بھی کہ ہے  
اور اب فزوی بغیر کسی خوف و خطر ڈپوٹی سرانجام دینے کے قابل ہے۔

محالات بالا استدعا عرض ہے

کہ آپ صاحبان مہربانی کر کے فزوی کو کسی  
خالی آفس آسامی پر تعینات کر کے چھٹی میں  
آز 10/2/2005 تا 06/2/2012 تک توسیع کی منظوری  
دیگر مشکور فرمادیں۔ فزوی تاحیات دعا گو  
رہے گا۔ فقط

المصوم 20/06/2012

Nawshad Khan

Make all entries  
in his S/Borth  
of the next up

تابلور

بادشاہ روان سابقہ آفس آسامی  
گورنمنٹ پرائمری سکول شیخان تیرگرہ دیر  
لوئیر

بادشاہ روان ایجوکیشن آفیسر

Received on 1-9-2012  
after necessary entry

16/7/12

REGISTERED

Forwarded in original to the  
Executive Distt. Officer (E&SE)

In view of further necessary  
action please

27.08.12  
Deputy Distt. Officer  
(M) (E&SE) Timergaon  
Distt. Dir (L)

(26)

F. 13

Forwarded in original to the  
Executive Dist. Office (ES&D)  
In lower for further necessary  
action please.

*[Signature]*  
27.08.12  
Deputy Dist. Officer  
(M) (E&SE) Timaru  
Dist. Dir (L)

~~ATTESTED~~

سکھوان : درخواستیچر ایڈجسٹمنٹ بحیثیت PST

جناب عالی! موڈبانہ گزارش صاحبہ فرماتی ہے۔

یہ کہ فدوی حکمہ تعلیم میں بحیثیت P.T.C پیپر 2004 میں لکری سکول، شیخان  
تعمیرتہ میں اپنی فرائض سرانجام دے رہی تھی۔  
یہ کہ فدویان ذاتی مصروفیت کے بناء پر حکمہ سے 10/01 تا 12/04/04 تک

حاضر نہ تھی۔  
یہ کہ دوران حججہ فدوی کس اپنی گاؤں میں اپنی خاندان کیساتھ تعلقاً  
ضراب پیرنگی جس کس وجہ سے فدویانے جگہ کو حضورہ لاحق کیا بدینہ 2004  
سائل اپنی فیصلہ کیساتھ آزاد کشمیر منتقل ہوئے۔

یہ کہ 2004 میں سائل کا مخالف فریق کیساتھ راضی نامہ پورا اور سائل  
دوبارہ اپنی گاؤں والیں آئندے۔

یہ کہ سائلانے حکمہ کے کوائف سے آپ صاحبہ کے حضور کئی درخواستیں گزارا  
ہے کہ سائل کو P.T.C پوسٹ پر ایڈجسٹ کیا جائے لیکن ایسے سائلان  
درخواستوں پر کوئی مستثنائی نہیں ہوتی ہے۔

یہ کہ سائل کے خلاف حکمہ کی طرف سے کوئی (Removal) یا ڈسمیس (Dismissal)  
حکمہ میں ہے۔

لہذا ایجنٹ فوری درخواست حفا سائل کو P.T.C پوسٹ پر  
ایڈجسٹ کیا جائے سائلانے زندگی بھر دعاگو ہیں۔  
شاہد، بادشاہ روایں بی ٹی سہا، جھڑی ایس، شیخان  
تعلیم ضلع

ACCEPTED

## خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب ضلع دیر پائین بمقام تیرگرہ

درخواست، برادصدور حکم نسبت بحال کرنے سائیل / بادشاہ زوان ولد بخت زوان  
سناکن شینگرنی، ڈھب کورونہ تحصیل تیرگرہ ضلع دیر پائین

جناب عالی!

- (۱) سائیل حسب ذیل عرض رساں ہے۔  
یہ کہ سائیل ذہبہ شینگرنی، ڈھب کورونہ کا مستقل سکوتی رہائشی باشندہ ہے۔
- (۲) یہ کہ سائیل حکمہ ایجوکیشن میں بحیثیت PST گورنمنٹ پرائمری سکول شیخان تیرگرہ میں از مورخہ 01-12-1996 تعینات ہوا  
کرمین سائیل احسن طریقے سے ڈیوٹی سرانجام دیتا رہا تھا۔ جبکہ سائیل نے بعدہ گھریلو ضروریات یعنی گھر کے تعمیر کے سلسلے میں از  
مورخہ 01-10-2000 تا 31-12-2004 چھٹی لیا تھا جو آپ صاحبان کے زیر دفتر حکام نے منظور کر کے بعد از بدوران چھٹی  
من سائیل کا پڑوس میں تعلقات خراب ہو گئے۔ جس نسبت نوبت نقل مکانی تک پہنچ کر من سائیل نے آپ صاحبان کو درخواست  
نسبت توسیع چھٹی دائرہ کر کے جو بھی آپ صاحبان نے تا مورخہ 31-06-2012 منظور کی تھی۔ جبکہ بعدہ جب من سائیل نے  
راضی نامہ کیا تو اسی روز سے تاحال من سائیل آپ صاحبان کے زیر دفتر چکر لگواتا ہے۔ لیکن من سائیل کیساتھ ٹال مٹول سے کام لیا  
جا رہا ہے۔ اور من سائیل کی بحالی تاحال نہیں ہو چکی ہے۔ (نقولات لف ہے)
- (۳) یہ کہ من سائیل نے بدوران ڈیوٹی کبھی بھی غفلت سے کام نہیں لیا ہے اور اپنی فرائض منصبی خوش اسلوبی سے سرانجام دیتا رہا تھا۔
- (۴) یہ کہ من سائیل نے چھٹی منظور ہونے کے بعد غیر حاضری کی ہے جبکہ من سائیل کو حکمانہ کسی قسم کی کوئی Termination  
Order وغیرہ مرسل نہیں ہوئی ہے۔ نہ ہی من سائیل کیخلاف کوئی اشتہار یا نوٹس وغیرہ شائع کیا گیا ہے۔
- (۵) یہ کہ من سائیل تقریباً آٹھ نو سال سے آپ صاحب کے دفتر آتا جاتا ہے جبکہ من سائیل کیساتھ ٹال مٹول سے کام لیا جا رہا ہے۔  
جبکہ سائیل اپنے پوسٹ متذکرہ کا بمطابق قانون حقدار و مستحق ہے۔
- (۶) یہ کہ سائیل ایک غریب انفس انسان ہو کر سائیل کا کوئی ذرائع معاش نہ ہے اور سائیل نے اپنی زندگی پوسٹ متذکرہ کیلئے وقف  
کرتے سائیل نے کوئی دوسرے کاروبار یا نوکری کے بارے میں سوچھا تک نہیں اور یوں سائیل اب Over Age بھی ہو کر  
Fresh Job کیلئے اہل نہیں ہے۔
- (۷) یہ کہ اسی نسبت من سائیل نے آپ صاحبان کو 10-11 سے زیادہ تک درخواست ہائے دائر کی ہے۔ جس پر تاحال کوئی عمل درآمد  
نہیں ہوا ہے۔
- (۸) یہ کہ بدیں وجہ سائیل آپ صاحبان کو عرض کی جاتی ہے کہ آپ صاحبان مہربانی کر کے سائیل کو اپنے پوسٹ PST پر بحال کرنے  
کے احکامات صادر فرمائی جاوے۔
- (۹) یہ کہ دریں بارہ کوئی قانونی امر مانع نہ ہے بلکہ قانون و قرین انصاف ہے۔

پس بحالات بالا استدعاء ہے کہ حسب استدعاء درخواست ہذا منظور فرمائی جاوے۔

مورخہ 09-10-2020

العباسی زوان

To

A-116

The District Education  
Officer (Male) District Dir (L)

Subject: Departmental Appeal for adjustment/re-instatement  
against the post of primary school teacher.

---

R/Sir,

With due respect it is stated that the appellant was appointed against the post of primary school teacher vide order dated 1/12/1996. That the appellant was performing his duty quite efficiently. That the appellant preferred application for extra ordinary leave with out pay from 01/12/2000 to 31/12/2004 which was accepted. That during the aforementioned leave period the appellant migrated to Kashmir along with his family due to blood feud in his village. That ~~at~~ before expiry of the aforementioned leave the appellant preferred another application for extension of leave due to the aforesaid reason, but the same was not responded.

That in 2012 after compromise with the opponent party the appellant again shifted to his village and approached the Office of your good self for adjustment against the post of primary school teacher but the same has not been responded.

ATTESTED





That it is pertinent to mention here  
That appellant several time approached your  
goodself Office through various applications  
but no response received to the appellant  
till now. That it is also worth mentioning  
that there is no adverse order against appellant.

It is therefore, most humbly prayed  
That on acceptance of this appeal the  
appellant may kindly be adjusted against  
the post of primary school feeder with  
all back benefits.

Date. 20/11/2020

Yours obediently  
بادشاہ رومان  
Badshah Roman  
PST C.P.S. Shikhan  
Dir (lower)



(17)

**VAKALATNAMA**

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

\_\_\_\_\_ OF 2021

Badshah Rawan

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt

(RESPONDENT)  
(DEFENDANT)

I/We Badshah Rawan

Do hereby appoint and constitute **Shahzullah Yousafzai, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2021

Badshah Rawan

**CLIENT(S)**

**ACCEPTED**  
**SHAHZULLAH YOUSAFZAI**

**&**  
**KAMRAN KHAN**  
**ADVOCATES**

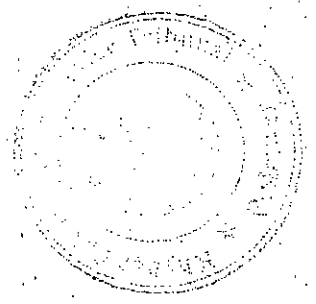
OFFICE:  
OFFICE: Flat No.4, 2<sup>nd</sup> Floor,  
Juma Khan Plaza,  
Near FATA Secretariat,  
Warsak Road, Peshawar.  
Mobile No: 0345-9383141

H - 18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
AT CAMP COURT SWAT

SERVICE APPEAL NO. 351/2015

Date of institution ... 21.04.2015  
Date of judgment ... 06.11.2019



Latf-ur-Rehman, Ex: PST (BPS-09),  
R/o Pir Abad, P/O Sakhakot, Tehsil Daragi, District Malakand:

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. Director of Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (M), District Malakand.

(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENT NO. 3 BY NOT ALLOWING THE APPELLANT TO SUBMIT HIS ARRIVAL REPORT AS PRIMARY SCHOOL TEACHER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

M. Amin  
6.11.2019

Mr. Mir Zaman Safi, Advocate.  
Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

For appellant.  
For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI  
MR. HUSSAIN SHAH

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant Advocate

General for the respondents present. Arguments heard and record perused.

ATTESTED

2. Brief facts of the case as per present service appeal are that the appellant was appointed as Primary School Teacher by the competent authority on the recommendation of Departmental Selection Committee alongwith 69 others vide order dated 06.11.2004. After medical fitness certificate, the appellant

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assumed the charge and was performing his duty. The appellant submitted application for leave for a period of two years with effect from 1<sup>st</sup> September 2005 on 27.07.2005 but the order of the respondent-department on the said application is not available on the record. The appellant again submitted another application for leave for two years on 30.07.2007 but the sanctioned order on the said application is also not available on the record. On 31.07.2009, the appellant submitted application to the competent authority to allow him to join duty but he was not allowed therefore, the appellant filed departmental appeal on 05.01.2015 for adjustment on the said post of Primary School Teacher with all back benefits but the departmental appeal was also not responded, hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Primary School Teacher vide order dated 06.11.2004. It was further contended that the appellant was performing his duty regularly after assuming the charge. It was further contended that the appellant submitted application for leave for two years with effect from 1<sup>st</sup> September 2005 on 27.05.2005 which was sanctioned (however, the sanctioned order is not available on the record). It was further contended that after the aforesaid leave, the appellant again submitted application for leave for a period of further two years on 30.07.2007 but the same was also not responded by the respondent-department. It was further contended that after expiry of the said leave, the appellant reported to join duty on 31.07.2009 but the appellant was not allowed to join duty. It was further contended that neither any absence notice was issued to the appellant nor the appellant was terminated or removed from service.

*M. Anwar*  
6.11.2019

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*[Handwritten signature]*

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therefore, the respondent-department was bound to allow the appellant to join the duty and prayed for acceptance of appeal.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was appointed as Primary School Teacher vide order dated 06.11.2004. It was further contended that the appellant took the charge on 08.11.2004 and was performing his duty, however, the appellant remained absent from 01.09.2005, therefore, the respondent-department has rightly not allowed the appellant to join duty due to his long absence and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was appointed as Primary School Teacher vide order dated 06.11.2004. The appellant was performing his duty but he remained absent from duty. The record further reveals that neither any absence notice has been issued to the appellant nor any departmental proceeding has been initiated against the appellant nor any adverse order i.e removal or termination has been passed against the appellant and when the appellant submitted application on 31.07.2009 to allow him to join duty, he was not allowed to join duty. It is also proved from the record that the appellant has also submitted departmental appeal on 5<sup>th</sup> January 2015 but the same has also not been responded by the departmental authority, therefore, in the circumstances when neither any absence notice was issued to the appellant nor any departmental proceeding was initiated against the appellant nor any termination or removal order has been passed against the appellant by the competent authority, we deem it appropriate to direct the departmental authority to decide the departmental appeal dated 5<sup>th</sup> January 2015 of the appellant through speaking order after providing him opportunity of personal hearing within a period of 60 days from the date of copy of receipt of this judgment and

M. J. Prasad  
12.11.2019

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12/11/2019

ATTESTED

*[Signature]*

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the departmental authority order be communicated to the appellant and thereafter, if the appellant was aggrieved from the order of departmental authority he will be at liberty to file service appeal subject to all legal objections. The appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
06.11.2019

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
CAMP COURT SWAT

*Hussain Shah*  
(HUSSAIN SHAH)  
MEMBER  
CAMP COURT SWAT

*[Signature]*  
CAMP COURT SWAT  
SWAT  
FOLLOW UP

Date of Transmission of ..... 20-11-19  
Number of Pages ..... 1600  
CJ/DA/No ..... 18-00  
..... 24-00  
..... 22-00  
Name of .....  
Date of ..... 20-11-19  
Date of Disposal of Case ..... 20-11-19

TESTED  
*[Signature]*