

07.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments.

Adjourned. To come up for arguments on 31.01.2023 before D.B.

31.01.2023 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

31st Jan, 2023

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Riaz Khan, SO for respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Last chance is given to the appellant. To come up for arguments on 10.05.2023 before the D.B.



(Muhammad Akbar Khan)
Member(Executive)



(Kalim Arshad Khan)
Chairman


SCANNED
K.P.S.T
Peshawar

SCANNED
K.P.S.T
Peshawar

23rd May, 2022

Counsel for the appellant present. Mr. Kabeer ullah Khattak AAG for the respondents present.


Reply by respondent NO.1 to 3 submitted. Respondent No.4 failed to submit reply. Hence, his right to submit reply shall have been deemed struck off by virtue of previous order. To come up for arguments on 02.08.2022 before D.B.


Fareeha Paul
Member (E)


(Kalim Arshad Khan)
Chairman

2-8-2022

Proper DB not available the case is
adjourned to 31-10-2022

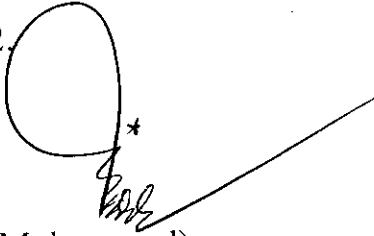

Reader


31.10.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on

07.12.2022.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

07.12.2021

Counsel for the appellant present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks
time to contact the respondents for submission of written
reply/comments. Adjourned. To come up for written
reply/comments on 24.01.2022 before S.B.




(MIAN MUHAMMAD)
MEMBER (E)

24.01.2022

Junior to counsel for the appellant present. Mr.
Kabirullah Khattak, Addl. AG for respondents present.

Reply/comments on behalf of respondents are still
awaited. Learned Additional Advocate General sought time for
submission of reply/comments. Last opportunity is granted to
respondent to furnish reply/comments on or before next date,
failing which their right to submit reply/comments shall be
deemed as struck off by virtue of this order. To come up for
arguments before the D.B on 23.05.2022.





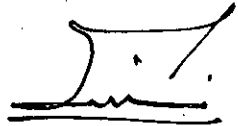
(Atiq-Ur-Rehman Wazir)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6729 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/07/2021	<p>The appeal of Mr. Sami Ullah resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/08/21</u>.</p> <p> CHAIRMAN</p>
	23.08.2021	<p>Mr. Fazal Shah Mohmand, Advocate, for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 07.12.2021 before the D.B.</p> <p> (SALAH-UD-DIN) MEMBER (J)</p>

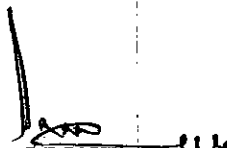
Appellant Deposited
Security & Process Fee

The appeal of Mr. Sami Ullah Primary School Teacher GPS Maho Dheri Mardan received today i.e. on 25.06.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Appeal has not been flagged/marked with annexures' marks.
- 3- Annexures of the appeal may be attested.
- 4- Copy of appointment order of appellant as PST is not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal are illegible which may be replaced by legible/better one.
- ⑥ Copy of impugned order is not attached with the appeal which may be placed on it.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1089 /S.T.

Dt. 28/06 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

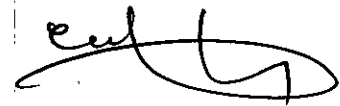
Mr. Fazal Shah Mohmand Adv. Pesh.

Sir,
Resubmitted after necessary completion, however it is added that the appointment order has not been annexed whereas his pay release order dated 7th/₁₇ is attached with petition, hence may please be placed before the honorable Tribunal.

Sir,

The impugned entry in the service book of the appellant dated 4th/₂₁ is attached as

Annexure "F" on page: 17.


Advo

5-7-2021

Rabin
6-7-21

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 5729 /2021

Sami Ullah.....Appellant.

VERSUS

D.E.O & others.....Respondents

I N D E X

S.No	Description of documents	Annexure	Pages
1.	Service Appeal with affidavit		1-3
2.	Copy of NOC	A	4
3.	Copy of discharge certificate, documents, Service book & Pay release order	B, C & D	5-14
4.	Copy of Notification dated 21-03-2019	E	15-16
5.	Copy of Extract from the service book dated 04-02-2021	F	17
6.	Copy of Department Appeal dated 25-02-2021	G	18-19
7.	Wakalat Nama		20


Dated:-25-06-2021


Appellant

Through


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

&


RABIA MUZAFFAR
ADVOCATE PESHAWAR

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

-1-

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2021

Sami Ullah, Primary School Teacher (BPS-12), Govt. Primary School,
Maho Dheri, Mardan

Appellant.
Khyber Pakhtunkhwa
Service Tribunal

V E R S U S

Diary No. 6661

Dated: 25/6/2021

1. District Education Officer (Male), Mardan.
2. Director, Elementary and Secondary Education, KPK, Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary Education Department Peshawar.
4. Govt. of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.

.....**Respondents**

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ENTRY IN THE SERVICE BOOK OF THE APPELLANT DATED 04-02-2021 WHEREBY RECOVERY OF THE AMOUNT Rs. 217040/- HAS BEEN ORDERED FROM THE APPELLANT AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal, the impugned entry in the service book of the appellant dated 04-02-2021 may kindly be set aside and the previous regular service rendered by the appellant may kindly be given protection for the purpose of pay, pension and seniority with all back benefits.

Respectfully Submitted:-

1. That the appellant was enrolled/appointed as Naik/Nursing Assistant in Pak Army on 04-12-2006 and there he served on regular basis for about eleven years. The appellant applied for appointment as Primary School Teacher with the permission/NOC of Pak army when the same were advertised. **(Copy of NOC is enclosed as Annexure A).**

2. That the appellant after due process of law was finally appointed as Primary School Teacher (BPS-12) on 12-05-2017 by respondent No.1 where after he was discharged from service of Pak army on 05-12-2017 after receiving all his dues. The pay of the appellant was released after taking charge as PST. **(Copy of discharge certificate, documents, Service book & Pay release order is enclosed as Annexure B, C & D).**

Filed to-day
Registrar
5/6/2021

3. That vide Notification dated 21-03-2019 pay protection was sanctioned in favor of the appellant and as he had served in Pak army on regular basis, so the appellant was considered as regular employee from the date of first appointment with all benefits. **(Copy of Notification dated 21-03-2019 is enclosed as Annexure E).**
4. That astonishingly vide entry dated 04-02-2021 of the pay fixation party in service book of the appellant, recovery of Rs. 217040/- was ordered from the appellant illegally and in violation of law and rules on the subject. **(Copy of Extract from the service book dated 04-02-2021 is enclosed as Annexure F).**
5. That the appellant filed departmental appeal against the impugned order and of recovering the amount from the appellant which has not been responded so far despite the lapse of more than the statutory period of ninety days. **(Copy of Departmental Appeal is enclosed as Annexure G).**
6. That the impugned entry in the service book of the appellant dated 04-02-2021 whereby recovery of Rs. 217040/- has been ordered is against the law, facts and principles of natural justice on grounds inter-alia as follows:

G R O U N D S :-

- A. That the impugned entry in the service book of the appellant dated 04-02-2021 is illegal and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated and the appellant has not been treated according to law and rules.
- C. That the appellant has been condemned unheard and his rights secured under the law and the constitution of the land have been denied to him.
- D. That the appellant is entitled to be given protection to his past regular service for the purpose of pay, pension and even seniority as per Civil Service Regulations and pension rules etc.
- E. That as per numerous Judgments of this honorable Tribunal, High Court and even Apex Court, the appellant is entitled to all the benefits of regular service rendered by him in other department.

- F. That even the appellant was given the benefits of previous regular service and under the principle of locus poenitentiae the appellant is entitled to be given protection of his past regular service.
- G. That the appellant could not be deprived of the benefits of service he has rendered.
- H. That the appellant has about four years of service with unblemished service record.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated:-25-06-2021


Appellant

Through


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

&


RABIA MUZAFFAR
ADVOCATE PESHAWAR

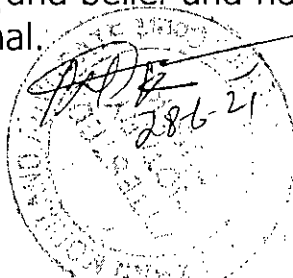
Certificate

Certified that as per instructions of my client, no Writ petition on the same subject and between the same parties has been filed previously or concurrently before this honorable Court.


ADVOCATE

AFFIDAVIT

I, Sami Ullah, Primary School Teacher (BPS-12), Govt. Primary School, Maho Dheri, Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.




DEPONENT

✓
RESTD

ROUTINE

AMC School & Centre (RW)
Abbottabad

Tel: 33792

RO-2705/S-1(A)-19M4X5

10 Oct 2017

-4- "A"

To: 72 Med Bn

ID: AMC School & Centre- SRO
AMC School & Centre-RO-4
AMC School & Centre-RO-6

Subj: Issue of NOC for Emp in Civ Dept

Your ltr no. 579/Coy-C2K3IC dated 22 Sep 2017 (att in view docus) ref.

1. Permission of OIC Records is hereby accorded IRO 7370367 Nk/N/A Sami Ullah, AMC of your unit for emp as PST in BPS-12 at GPS Maho Dheri, Teh & Distt Mardan.
2. S-3 Sec Only. Appl regarding rel/disch from svc at own request IRO a/n sldr is encl herewith for further nec action, pl.
3. Posting Branch Only. Fwd for info/nec action, if a/n sldr is under posting to another unit.



Docu ID: 19M4X5 APPROVED By Record Offr-C Major (R) Saad Bin Khalid Bhutta on 10 Oct 2017

Note: Computer Generated Documents Do Not Require Signature.

RESTD

RESTD

ROUTINE

AMC School & Centre (RW)

Abbottabad

Tel: 33792

RO-2709/S-3(a)-19MDXZ

23 Nov 2017

"B"

-S-

To: 72 Med Bn

ID: AMC School & Centre- SRO
AMC School & Centre-RO-1
AMC School & Centre-RO-2
AMC School & Centre-RO-3
AMC School & Centre-RO-4
AMC School & Centre-RO-5
AMC School & Centre-RO-6
AMC School & Centre-RO-7
AMC School & Centre-RO-8
AMC School & Centre-RO-9

Subj: Rel / Disch from Svc at his Own Request

Your ltr no. 582/Coy-CPK179 dated 10 Nov 2017 ref.

1. No. 7370367 Nk/N/A Sami Ullah, AMC of your unit is to be disch from svc under AR (I) 171 (n) and PAA Rule-12 (2), Item-III (IV) due to emp in civ dept at his own request before fulfilling the conditions of his enr and tfr to reg res str type 'B'. The indl will be SOD/SOS wef 05 Dec 2017 (FN).
2. PAFY-1948A duly completed (Part I, II, III), part IV (2nd portion only) and disch duly sanctioned by CO/OC will be fwd lmed. The cause of disch under which the a/n indl is to be disch from svc will be noted against para 14, 17 and on the top of PAFY-1948A. Character will be assessed in the lt of AR (I) 172.
3. Please ensure action in accordance with ROI-81/2015 and AMC Record Wing ltr no. RO-4317/E-4/Coord/Ruling dated 30 Sep 1993 at top pri.
4. Please info the indl concerned that his request for re-instate will not be entertained later.

Docu ID: 19MDXZ APPROVED By Record Offr-4 Major (R) Saad Bin Khalid Bhutta on 23 Nov 2017
Note: Computer Generated Documents Do Not Require Signature.

RESTD

LAST PAY CERT - JCOs/SLDRS

In Lieu of PAFA-447

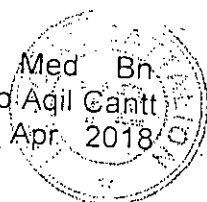
-6-

No. 7370367 Rank: Nk/N/A Name: Sami Ullah, AMC
 Unit: 72 Med Bn Pnl SOS to: AMC School & Centre (RW) Atd

Ser	Credit	Amount	Debit	Amount
1.	Basic Pay (Y-2)	19750.00	DSP Fund	200.00
2.	10% Adhoc 2017	1975.00		
3.	10% Spec Allce 2017	1975.00		
4.	10% Adhoc 2016	1381.00		
5.	Distr Pay	485.00		
6.	J/Alice	300.00		
7.	CA	1932.00		
8.	CILQ/Consy Alice	1230.00		
9.	SSA	200.00		
10.	Appt Pay	30.00		
	Total	29258.00		

- a. Paid upto and for: 04 Dec 2017
 b. Date of SOD/SOS 05 Dec 2017 (FN)

Unit : 72 Med Bn
 Sta : Pand Aqil Cantt
 Dated : 02 Apr 2018



Slee
 72 Med Bn
 Station

(Signature)
 Maj
 Accts Offr
 (Faisal Bashir) Maj
 Accounts Officer
 72 Med Bn

✓ 8 -7-

PROVISIONAL DISCHARGE CERTIFICATE

Certificate that Army Number Ex-7570367 Naik Nursing Assistant Sami Ullah was enrolled in Pakistan Army Medical Corps on 04 December 2006 and discharged from service on 05 December 2017 from this Battalion due to employment in civil department at his own request.

Date of Enrollment: 04 December 2006

Date of Discharged: 05 December 2017 ✓

Total Period Served: 11 Yrs

Character: Exemplary

CNIC No. 16101-1242177-3

72 Medical Battalion
Pano Aqil Cantt
Tel: Mil - 35636
No. 502 / Accts
27 Feb 2019



Ullah Capt
For CO
(Ubaid Ullah Siddiqi)

"C" R

-8-

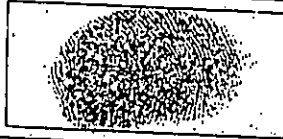
Heirs,

1. _____ 2. _____

3. _____ 4. _____

FIRST APPOINTMENT ORDER:

Left Thumb Impression:



Academic and Professional Qualification

Date

Verification/Roll No. Dated

1. S.S.C.: Passed S.S.C Examination From Bise Pesh under Roll No 65160 Session 2002. Marks obtained 603/850 (Grade A) Result declared on 29/06/2002. Sub Divisional Officer Mardan

2. Intermediate: Passed F.S.C Exam From B.S.E Mardan under Roll No 24764 Session 2004. Marks obtained 62/100 (Grade C) Result declared on 01/05/05. Sub Divisional Officer Mardan

3. Bachelor: Passed B.A Exam From U-Pesh under Roll No 8173 Session 2004. Obtained marks (28/50) Grade-C. Result declared on 22/09/2011. Sub Divisional Officer Mardan

4. Master: Passed MA Exam From U-Pesh under Roll No 27780 Session 2014. Marks obtained 705/100 (Grade B) Result declared on 20/1/2015. Sub Divisional Officer Mardan

5. P.T.C.: Passed P.T.C Exam From A.T.O.U under Roll No 62872 Session 2007. Marks obtained 547/100 (Grade B) Result declared on 20/09/2007. Sub Divisional Officer Mardan

Drill Instructing

Court Duties

Reserve Duties

Pleadership Examination

Training School-Final Examination

Signature of Assistant Sub Divisional Education Officer (M) Mardan, dated 30/11.

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

-9-

Note: The entries on this page should be renewed are re-attested as least every five years in the signature to lines 11 and 12 should be dated

1. Name SAMI ULLAH

2. NIC No. 16101-1242177-3

3. Race AFGHAN 4. District of Domicile MARDAN

5. Residence VILL: SARBAND P/O KHANJAR DIST & TEH MARDAN

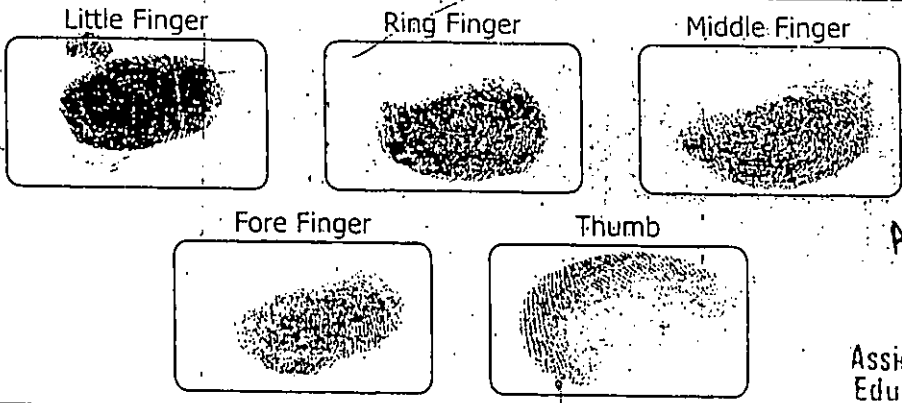
6. Father name and residence SHER MUHAMMAD > As Above

7. Date of Birth by Christian era as nearly as can be ascertained: 14/01/1985 (Fourteen January Nienteen Eighty Five)

8. Exact height by measurement: (5' - 8")

9. Personal Marks for Identification: NIL

10. Left Hand Thumb and Finger Impression of (Non Gazetted Officer)



AT
 11/21
 Assistant Sub Divisional
 Education Officer (M)
 Mardan

11. Signature of Government Servant: [Signature]




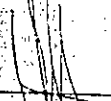
12. Signature & Designation of the Head of the Office, or other attesting officer. [Signature]
 Sub Divisional Officer
 (Male) Mardan

4
108
19
79
4

1	2	3	4	5	6	7	8
Name of Post	Substantive 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
PST GPS MAHO DHERI							
					BPS NO: 12 (Rs 11140-800-35140)		
					Rs: 11140/PM	12 ⁰⁵ / ₂₀₁₇	<i>[Signature]</i>
					Pay Revised BPS: 12 (13320-960-42120)		
					Rs: 13320/PM	01 ⁰⁷ / ₂₀₁₇	<i>[Signature]</i>
					Fo-I verified 12/17		
					1 DAO 14/12/17		
					(Regularization of Service)		
					Rs: 11140/PM 12-5		
					P/R B-12 Rs: (13320-960-42120) 17		
					Rs: 13320/PM 1-7-15		
					Rs: 14280/PM 1-12-17		
					Service regularized my Council		
					1 DAO		
							<i>[Signature]</i> 30/1/21
							Assistant Sub Divisional Education Officer (MI) Mardan
					Rs: 15240/PM	1-12-18	<i>[Signature]</i>

9	10	11	12	13		14	15
Signature and Designation of the Head of the Office or other attesting Officer in attestation of Column 1 - 8	Date of Termination or Appointment	Reason of Termination (such as promotion, Transfer, Dismissal etc)	Signature of the head of the office or other attesting officer	Leave		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
				Nature & Duration of Leave taken	Allocation of period of leave on average pay up to four months for which leave salary is debit able to another government.		
				Period	Government to which debit able		
Sub Div: Edu: Officer (M) Mardan	30-6-2017	Pay Revised	Sub Div: Edu: Officer (M) Mardan			Appointment	
S.D.E. (M) Mardan	20-3-18	Entines Revised	S.D.E. (M) Mardan			Appointed as PST Bps-12 School and U/C Based on adhoc for one year vide DEO-(M) Mardan	
Sub Div: Edu: Officer (M) Mardan						Endst No: 4660/9 Dated: 12-05-2017	
AFC				17-5-17 to 31-11-17		S.No: 05	
Assistant Sub Divisional Education Officer (M) Mardan						PAY Released	
S.D.E. (M) Mardan	30-6-2017	Pay Revised	S.D.E. (M) Mardan			Consequent upon the verification of service documents from concerned boards/universities by DEO (M) Pay released vide Endst No: 9732/9 dated 07-11-2017	
S.D.E. (M) Mardan	30-11-18	Apmt	S.D.E. (M) Mardan			DEO (M) Pay released vide Endst No: 9732/9 dated 07-11-2017	
S.D.E. (M) Mardan	30-11-18	Apmt	S.D.E. (M) Mardan			DEO (M) Pay released vide Endst No: 9732/9 dated 07-11-2017	
S.D.E. (M) Mardan	30-11-18	Apmt	S.D.E. (M) Mardan			DEO (M) Pay released vide Endst No: 9732/9 dated 07-11-2017	
S.D.E. (M) Mardan	30-11-18	Apmt	S.D.E. (M) Mardan			DEO (M) Pay released vide Endst No: 9732/9 dated 07-11-2017	
S.D.E. (M) Mardan	30-11-18	Apmt	S.D.E. (M) Mardan			DEO (M) Pay released vide Endst No: 9732/9 dated 07-11-2017	
Sub Div: Education Officer (M) Mardan	21.3.19	Entines Revised	Sub Div: Education Officer (M) Mardan			NOTIFICATION Appointment and Regularization of Service No. of Staff allocated 268 vide No. 2451/13 dated 20-3-2015	

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under art 371 S.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
<p>LPC 197507 Pay 2 PST QPS Maho Dheri</p>	<p>Sub/Off</p>	<p>Formalium</p>	<p>Pay Retained of Previous Service as regular BPS No. 12 C (L. 11140 - 800 - 35140) Rs. 20740/00</p>			<p>12.5.17</p>	<p><i>[Signature]</i></p>
<p>do</p>	<p>do</p>	<p>AME</p>	<p>Rs. 24840/00</p>			<p>17.17</p>	<p><i>[Signature]</i></p>
<p>do</p>	<p>do</p>	<p>13320/ ✓ Edu: Rs. (21000/2)</p>	<p>Rs. 25800/00</p>	<p>Rs. 19750/00</p>		<p>1.12.17</p>	<p><i>[Signature]</i></p>
<p>do</p>	<p>do</p>	<p>14280/ ✓ R. (21960)</p>	<p>Rs. 26760/00</p>			<p>5-12-2017 1.12.18</p>	<p><i>[Signature]</i></p>
			<p>pay limited due to pay protection in 4/2019</p>				
		<p>15240/ ✓ Rs. 22920/00</p>	<p>12/2019</p>	<p>QAD 1.12.19</p>			
		<p>Pay @ Rs. 21000/- PM verified 14.05.17 with next increment on 1.12.17</p>				<p>Max. Avance 708</p>	
		<p>Rs. 81600/-</p>	<p>may recommend for this salary in Loma form.</p>				
				<p>Asst. P.F.P. 01/02/2019</p>			<p><i>[Signature]</i> 30/11/21</p>
							<p>Assistant Sub Divisional Education Officer (M) Mardan</p>
						<p>Rs. 15240/00</p>	<p>12/2019</p>

9	10	11	12	13		14	15
				Nature & Duration of Leave taken	Leave		
Signature and Designation of the Head of the Office or other attesting Officer in attestation of Column 1 - 8	Date of Termination or Appointment	Reason of Termination (such as promotion, transfer, Dismissal etc)	Signature of the head of the office or other attesting officer		Allocation of period of leave on average pay up to four months for which leave salary is debit able to another government.	Period	Signature of the Head of the Office or other attesting officer
				Government to which applicable			
Sub Divn: Education Officer (M) Mardan	30.6.17	P. Revisin	 Sub Divn: Education Officer (M) Mardan	Pay Protection		Sanction accorded to the Pay Protection of previous service as regular	
Sub Divn: Education Officer (M) Mardan	30.11.17	A/ant	 Sub Divn: Education Officer (M) Mardan	D.E.O (M) Mardan No. 2794-95 21-03-2019 at 200202			
Sub Divn: Education Officer (M) Mardan	30.11.18	A/ant	 Sub Divn: Education Officer (M) Mardan			Sub Divn: Education Officer (M) Mardan	
Sub Divn: Education Officer (M) Mardan							
				<u>Under Taking</u>			
ME 622 dt: 12/4/18				Mr. Samullah Pst hereby gives an under taking to the effect if any over payment is made to me as payment of fraction of pay protection the same may be recovered from my pay provision.			
Drawn by 220944/18 etc of anns of Off. of pay & ad. due to pay protection w.e.f. 12/4/18				Sig. of Govt Servant			
Pay (25800-14280) (26760-15240)				 Fullah			
				Sub Divn: Education Officer (M) Mardan			
				Service Verified from Acq: Roll and record of this Office.			
				30 Assistant Sub Divisional Education Officer (M) Mardan			
				S.D.E.O (M) Mardan			

✓ 6
-14-
D
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN
PAY RELEASE ORDER

Consequent Upon the verification of academic/professional qualifications received from concerned universities and boards carried out by this office, the pay in respect of Mr. Samiullah PST (NTS) GPS Maho Dheri at S.No 05 in the appointment order # 4660/G dated 12-05-2017 in BPS-12 is hereby released w.e.f the date of his taking overcharge with the following terms and conditions.

Note: The candidate is entitle for receiving his pay after the date which is shown in the LPC issued from his parent department.

JA
(IJAZ ALI KHAN)

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst.No. 9738/K Dated: 7-11- /2017

Copy forwarded to the:-

1. SDEO(M) Mardan for necessary action.
2. DAO Mardan
3. Official concerned

A/c
J. M. A.
7/11/17

[Signature] 6/11
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

No 2507
Dated 07/11/17

[Signature]
S.D.E.O. (M)
Mardan

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

✓ 7
"E"
-15-

NOTIFICATION

Sanction for protection of pay in r/o the following PSTS appointed on adhoc basis against PST posts in various schools of district Mardan vides various orders issued from the office of DEO(M) Mardan and later on they are regularized against their posts from the date of their initial appointments, before their appointments as PST, they were regular employee of various departments without any break of service. Hence they are considered as regular employees from the date of their 1st appointment with all benefits as admissible to them under the rules.

S.	Name	Ex-Designation & Department/Date	D/O appointed in Education Department
1	Bakht Zamin Shah s/o Islam Shah, PST GPS Kass Killi	Chowkidar, Social Welfare Home Nowshera, 05-11-2008	16-06-2014
2	Samir ullah s/o Sher Muhammad, PST GPS Maho Dheri.	Nursing Asstt, Pakistan Army Medical Corps, 04-12-2006	05-12-2017

Note: The cited teachers will update their fixation from fixation party within 03 months. Furthermore they will submit an affidavit that if any overpayment made to them, the same will be deducted from them.

(Zulfiqar ul Mulk)

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

2794-95
Endst No. _____ Vol: I/ Dated: 21-03-2019

Copy forwarded to the:-

1. SDEO(M) Mardan along with service books.
2. DAO Mardan
3. Official concerned


DISTRICT EDUCATION OFFICER
(MALE) MARDAN

(*)

Paglist JCOs/DR/HCSs - 8

18-DEC-2017 for the Unit: 72 MEDICAL DR(06026) Company: 6 Group: 7 Seat: 02 Page: 13

-16-

No	Army No. Rank, Name	Catg	R Pag	DIST-PAY HC/UA-A SPL 2017 I-TAX-D AC-ADU	CS-PAY CLD-A AD-2015 DSPF-SUB	APT-PAY TK-A ADH-16 ELEC-CH-R	D-ALLCE H/D-A ADH-17 PTU FEE R/O	RTM-A LR-A R/0	JRM-A RISC ARR RISC-REC	CONVY-A BAT RISC-REC	CILD-A FOOD ALLC RISC-REC	SHU-A ADHOC-13 RISC-REC	FR-A AD-2014 RISC-REC	Total	Net Pag
109	7369277 MK, RASHID ALI, N/A 1804094280841, HBP, CANTT BR, PANDAQIL CNIC 432015972391	Y-2	Credits 21675	485	150	2168			300	1932	1230	230	1221	Total Cr 33405	
			Debits		200	1514 1774	2168 70		332					Total Dr 3130	30275
110	7369278 SEP, ASSAD OLLAH, N/A 71003081391836, HBP, CANTT BR, PANDAQIL CNIC 4310249685641	Y-1	Credits 21605	485	2161				300	1932		230		Total Cr 30390	
			Debits		200	1516 1774	2161 70							Total Dr 200	30190
111	7369314 MK, IMTIAZ ALI, N/A 7004053267522, HBP, CANTT BR, PANDAQIL CNIC 4120346007481	Y-2	Credits 21605	485	150	2161	1432	2161	332	300	1932	1230	230	Total Cr 32018	
			Debits		2500		1432	2161	332					Total Dr 3586	28432
112	7369420 SEP, ZAHID ALI, N/A 2803118373008, HBP, CANTT BR, PANDAQIL CNIC 4530101448077	Y-2	Credits 21605	485	2161		1432	2161	300	1932		230	3263	Total Cr 35659	
			Debits		3000		1432	2161	2090					Total Dr 3000	32659
113	7369625 SEP, FAISAL SALEEM, N/A 7003049483431, HBP, CANTT BR, PANDAQIL CNIC 3710204955547	Y-1	Credits 19750	485	150	1975	1381	1975	332	300	1932	1230	240	Total Cr 29750	
			Debits		5000		1381	1975	332					Total Dr 6086	23664
114	7369787 SEP, ZIA OLLAH, N/A 7004034419242, HBP, CANTT BR, PANDAQIL CNIC 3820121291351	Y-1	Credits 19750	485	150	1975	1381	1975	332	300	1932		930	Total Cr 29445	
			Debits		200		1381 1774	1975 70	332				1000	Total Dr 4130	25315
115	7370074 SEP, SHOHAB AHMED, N/A 1004094280976, HBP, CANTT BR, PANDAQIL CNIC PLEASE PROVIDE CNIC NO	Y-1	Credits 20450	485	2045		1432	2045	300	1932		230	1803	Total Cr 30722	
			Debits		3000		836	35	1230	2701				Total Dr 7802	22920
116	7370246 SEP, MOHAMMAD ALI, N/A 1003045774044, HBP, CANTT BR, PANDAQIL CNIC PLEASE PROVIDE CNIC NO	Y-1	Credits 19050	485	1905		1330	1905	300	1932	1230	220		Total Cr 28357	
			Debits		500									Total Dr 500	27857
117	7370367 SEP, SAJI OLLAH, N/A GUIDE 16-054174/C NO. ON SEPERTAE SHEET CNIC 1610112421773	Y-1	Credits 19750	485	1975		30		300	1932	1230	200		Total Cr 29258	
			Debits		200		1381	1975						Total Dr 24934	24324

23834

Handwritten signatures and initials at the bottom right of the page.

17-11-71

8	7	6	5	4	3	2	1
Government of Ontario	Ontario	Ontario	Ontario	Ontario	Ontario	Ontario	Ontario
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Office of the Accounting General Kingston, Ontario</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">PAYEE'S ACCOUNT</p>							
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">No. 123456</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Name of Payee</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Address</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">City</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Province</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Country</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Signature</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Date</p>							
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Remarks</p>							

-18- "G"

BEFORE THE DISTRICT EDUCATION OFFICER (MALE)
MARDAN

Subject:- Departmental appeal against the impugned entry in the service book of the appellant dated 04-02-2021 whereby recovery of Rs. 217040/- has been ordered from the appellant.

Respectfully Submitted:-

1. That the appellant was enrolled/appointed as Naik/Nursing Assistant in Pak Army on 04-12-2006 and there he served on regular basis for about eleven years. The appellant applied for appointment as Primary School Teacher with the permission/NOC of Pak army when the same were advertised by your office. **(Copy of NOC is enclosed as Annexure A).**
2. That the appellant after due process of law was finally appointed as Primary School Teacher (BPS-12) on 12-05-2017 by your honor where after he was discharged from service of Pak army on 05-12-2017 after receiving all his dues. The pay of the appellant was released after taking charge as PST. **(Copy of discharge certificate, documents, Service book & Pay release order is enclosed as Annexure B, C & D).**
3. That vide Notification dated 21-03-2019 pay protection was sanctioned in favor of the appellant and as he had served in Pak army on regular basis, so the appellant was considered as regular employee from the date of first appointment with all benefits. **(Copy of Notification dated 21-03-2019 is enclosed as Annexure E).**
4. That astonishingly vide entry dated 04-02-2021 of the pay fixation party in service book of the appellant, recovery of Rs. 217040/- was ordered from the appellant illegally and in violation of law and rules on the subject. **(Copy of Extract from the service book dated 04-02-2021 is enclosed as Annexure F).**
5. That the impugned entry in the service book of the appellant dated 04-02-2021 whereby recovery of Rs. 217040 has been ordered is against the law, facts and principles of natural justice on grounds inter-alia as follows:

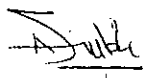
G R O U N D S :-

- A. That the impugned entry in the service book of the appellant dated 04-02-2021 is illegal and void ab-initio.

- B. That mandatory provisions of law and rules have badly been violated and the appellant has not been treated according to law and rules and the appellant did nothing that amounts to misconduct.
- C. That the appellant has been condemned unheard and his rights secured under the law and the constitution of the land have been snatched from him.
- D. That the appellant is entitled to be given protection to his past regular service for the purpose of pay, pension and even seniority as per Civil Service Regulations and pension rules etc.
- E. That as per numerous Judgments of the honorable Service Tribunal, High Court and even Apex Court, the appellant is entitled to all the benefits of regular service rendered by him in other department.
- F. That the appellant was given any opportunity of defense and fair trial as enumerated in the Constitution and law of the land.

It is therefore prayed that on acceptance of this appeal, the impugned entry in the service book of the appellant dated 04-02-2021 may kindly be set aside and the previous regular service rendered by the appellant may kindly be given protection for the purpose of pay, pension and seniority with all back benefits.

Dated:-25-02-2021

Sam Ullah, 
Primary School Teacher (BPS-12)
Govt. Primary School, Maha Dheri,
Mardan.
Cell # 0343-5871076

JH 5/3/2021
Head Master
GPS. No: 1, Maha Dheri,
Mardan.

VAKALATNAMA

-11-20-

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2021

Sami UllahAppellant

VERSUS

DEO and others Respondents

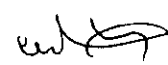
I/We, the undersigned, do hereby appoint and constitute **Fazal Shah Mohmand** Advocate Supreme Court & **Rabia Muzaffar** Advocate Peshawar. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

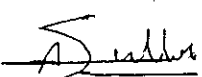
1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.


AND I/We hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on

24-6-21

ACCEPTED BY:


FAZAL SHAH MOHMAND
Advocate,
Supreme Court of Pakistan.


CLIENT(S)
Sami Ullah

&

RABIA MUZAFFAR
Advocate Peshawar.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 6729/2021

Sami Ullah PST,(BPS-12) S/O Govt Primary School Maho Dheri District Mardan.
(Appellant)

Versus

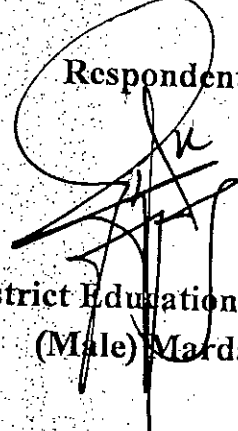
The District Education Officer (Male), Mardan, & Others.

(Respondents)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with affidavit		01	04
2.	Copy of Notification	"A"	---	05

Respondent


District Education Officer
(Male) Mardan

2

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No: 6729/2021

Sami Ullah PST, (BPS-12) S/O Govt Primary School Maho-Dheri District Mardan.
(Appellant)

Versus

The District Education Officer (Male), Mardan, & Others.

(Respondents)

Para Wise Comments On Respondents 1 to 3

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has concealed the material facts from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the instant appeal is based on malafide intention, hence the appeal is liable to be dismissed.

FACTS:

1. Para No 1 pertains to record, hence needs no comments.
2. Para No 2 pertains to record, hence needs no comments.
3. Para No 3 pertains to record, hence needs no comments.
4. Para No 4 is incorrect, baseless, against facts & law, as the pay fixation party checked in the service book of the appellant and as per rule recovering the amount from the appellant, hence denied.
5. Para No 5 Pertains to record, hence need no comments.
6. Para No 6. is incorrect, baseless, against facts & law, as the entry in the service book of the appellant dated 04-02-2021 has not been against the law, facts and principles of natural justice, hence denied.

The detail grounds as under:

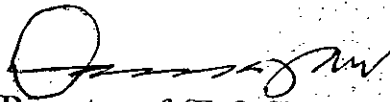
GROUND:


- A. Para A is incorrect, baseless as the entry in the service book of the appellant dated 04-02-2021 is legal and according to law, hence denied.

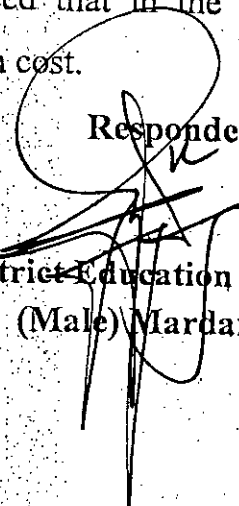
- 3
- B. Para B is incorrect, baseless as the provision of law and rules have not been violated and the appellant has treated according to law and rules, hence denied.
- C. Para C is incorrect, baseless as the respondent being a responsible Govt Officers acted according to law, hence denied.
- D. Para D is incorrect, baseless, against facts & law, as the pay fixation party checked in the service book of the appellant and as per rule recovering the amount from the appellant and the appellant is not entitled, hence denied.
- E. Para E is incorrect, baseless, against facts & law, as there are each and every case have their own merits and circumstances, hence denied.
- F. Para F is incorrect, baseless, against facts & law, as the respondent No 1 issued order that, the appellant is considered as regular employee from the date of his 1ST appointment with all benefits as admissible to him under the rules, but the pay fixation party checked in the service book of the appellant and as per rule recovering the amount from him and the appellant is not entitled to the above mentioned benefits, hence denied.
- G. Para G is incorrect, baseless; against facts & law, as the respondent No 1 issued order that, the appellant is considered as regular employee from the date of his 1ST appointment with all benefits as admissible to him under the rules, hence denied. (Copy of Notification is as Annexure A)
- H. Para H pertains to record, hence needs no comments.

That the respondents seek permission to raise additional grounds at the time of arguments.

It is therefore humbly prayed that in the light of above facts, the appeal may please be dismissed with cost.


Director of (E & SE)
Education of KPK, Peshawar


Secretary (E & SE)
Education of KPK, Peshawar


Respondents
District Education Officer
(Male) Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 6729/2021

Sami Ullah PST, (BPS-12) S/O Govt Primary School Maho Dheri District Mardan.
(Appellant)

Versus



The District Education Officer (Male), Mardan, & Others.

(Respondents)

AFFIDAVIT

I, Mr. Sajid Khan Litigation Officer Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Deponent


Sajid Khan
16101-6005318-5


Annex A

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

NOTIFICATION

Sanction for protection of pay in r/o the following PSTs appointed on adhoc basis against PST posts in various schools of district Mardan vide various orders issued from the office of DEO(M) Mardan and later on they are regularized against their posts from the date of their initial appointments, before their appointments as PST, they were regular employee of various departments without any break of service. Hence they are considered as regular employees from the date of their 1st appointment with all benefits as admissible to them under the rules.

S.	Name	Ex-Designation Department/Date	&	D/O appointed in Education Department
1	Bakht Zamin Shah s/o Islam Shah, PST GPS Kassi Killi	Chowkidar, Social Welfare Home Nowshera, 05-11-2008		16-06-2014
2	Sami ullah s/o Sher Muhammad, PST GPS Maho Dheri	Nursing Asstt, Pakistan Army Medical Corps, 04-12-2006		05-12-2017

Note: The cited teachers will update their fixation from fixation party within 03 months. Furthermore they will submit an affidavit that if any overpayment made to them, the same will be deducted from them.

(Zulfqar ul Mulk)

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst. No. 2794-95 Vol: / Dated: 21-03-2019

Copy forwarded to the:-

1. SDEO(M) Mardan along with service books.
2. DAO Mardan
3. Official concerned.

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

(*)