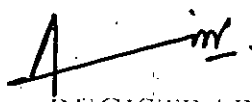


FORM OF ORDER SHEET

Court of _____

Appeal No. 1173/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/05/2023	<p>The appeal of Mr. Muhammad Zakariya presented today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1173 /2023

Muhammad Zzakariya

V/S

EDU Deptt.

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-06
2.	Copy of the appointment order	A	07-10
3.	Copy of NOC	- B -	11
4.	Copy of appointment order	- C -	12-13
5.	Copy of charge report	- D -	14
6.	Copy of lien retention order	- E -	15-17
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8.	Copy of termination order	- G -	20
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10.	Copy of departmental appeal	- I -	22-23
11.	Vakalat Nama	-----	24


APPELLANT


Muhammad Zakariya

THROUGH:


(M. ASIF YOUSAFZAD)

ASC


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

& 
(HILAL ZUBAIR)

ADVOCATE, PESHAWAR

(1)

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

Service Appeal No. 1173 2023

Muhammad Zakariya SST-Bs-16
R/o Mohallah Eid Gah Akora Khattak, Nowshera

APPELLANT

VERSUS

1. The Secretary (E&SE) KPK Peshawar.
2. The Director Education Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (male) Nowshera.

RESPONDENT

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 06/01/2020
RECEIVED BY THE APPELLANT ON 23.01.2023
WHEREBY THE APPELLANT WAS RELIEVED
FROM SERVICE AND NOT ALLOWING THE
APPELLANT TO REJOIN HIS DEPARTMENT
(RETAIN LIEN ON) AND AGAINST NOT TAKING
ACTION ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN STATUTORY PERIOD
OF 90 DAYS.**

PRAYER:

**THAT ON ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 06/01/2022 MAY BE DECLARED. AS
ILLEGAL AND INEFFECTIVE UPON THE RIGHTS OF
APPELLANT AND THE SAME MAY BE SET ASIDE
AND THE DEPARTMENT MAY BE DIRECTED TO
ALLOW THE APPELLANT TO RE-JOIN HIS
DEPARTMENT AS SST-16. BEING LIEN NOT
TERMINATED AS PER JUDGMENTS OF SUPREME
COURT AND JUDGMENT OF THIS HON'ABLE
SERVICE TRIBUNAL, WITH ALL BACK AND
CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY,
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND**

APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:
FACTS:

1. That the appellant was appointed as SST (BPS-6) in District Nowhere vide order dated 11-11-2011. The appellant performed his duty up to entire satisfaction of his superiors and there was no complaint against him. **Copy of appointment order is attached as annexure-A.**
2. That the appellant was applied for the project post of Regional Electric Inspector BS-18 in Energy and Power Deptt: through proper channel and the appellant was appointed against the same vide order dated 13/12/2016 and the appellant submitted arrival report on 20/12/2016. **(Copy of NOC, Appointment order and charge report are attached as Annexure-B, C & D).**
3. That the appellant request to retain lien in Education department which was entertained and the lien was retained by the department which was extended time to time. **Copy of lien retention orders are attached as Annexure-E.**
4. That thereafter, the appellant was conditionally/provisionally regularized against the post of Deputy electric Inspector BS-18 in light of Peshawar High Court judgment in w.p No. 3454-p/2019. 3552/2019 & 3472/2019 vide order dated 02/06/2021. **Copy of order is attached as Annexure-F.**
5. That the regularization of the appellant was conditional for the reason that the Deptt filed CPLA against the Appellant. The CPLA of the deptt was accepted on 19/01/2023, in light of which appellant was terminated from the service being temporary employee vide order dated 09/03/2023. **Copy of the termination order is attached as annexure-G.**
6. That thereafter the appellant approached to his parent deptt on 23/01/2023 for joining his previous post as SST but the deptt refused to allow the appellant to join his post by stating that you are already relieved from the post your lien has terminated and handed over him the order dated 06/01/2020 wherein the appellant was relived from the post of SST. **Copy of the order dated 06/01/2020 is attached as annexure-H.**
7. That the appellant feeling aggrieved filed a Departmental appeal which was not replied by the respondents within statutory period

of 90. Hence the present appeal on the following grounds amongst the others. **Copy of the Departmental appeal is attached as annexure-I.**

GROUND:

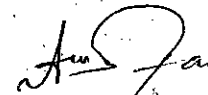
- A) That the impugned order dated 06-01-2020 is against the law, facts, material on record and norms of justice and liable to be set aside.
- B) That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C) That the inaction of the respondents by not allowing the appellant to join his previous post of SST is against the law, facts, norms of natural justice and materials on the record hence not tenable in the eye of Law.
- D) That in light of FR 14(A) the appellant is fully entitle for rejoining of his previous post of SST but the respondents are not willing to do the same.
- E) That the respondents acted in arbitrary and malafide manner while not allowing the appellant to rejoin his parent Department in light of FR 14(A).
- F) That appellant is highly qualified and skillful person having sufficient experience in the respondents Department, therefore appellant is fully entitle for rejoining of his post of SST.
- G) That the inaction of the respondents by not allowing the appellant to join his parent is violative of clause 24(A) of the General clauses Act 1897.
- H) That Supreme Court of Pakistan in its judgment reported in 1996 SCMR 284 have held that civil servant having not been confirmed in any of his subsequent jobs, his lien with his parent department remained intact throughout in-spite of the fact that he joined service in another department.
- I) That Apex Court in its other judgments reported in 1992 SCMR 435 and 2005 SCMR 1212 have held that lien of a permanent civil servant could not be terminated even with consent of the appellant unless he had been confirmed against some other permanent post.

- J) That the Honorable service tribunal already accepted similar nature appeal no 1444/2019 and 718/2010, so the appellant may also be entitled to the similar relief already granted to other appellant under the principle of constancy and law of good governance.
- K) That as per clause-5 of the project policy 2009 the permanent employee shall be treated on extra ordinary leave so there is no question arise as termination of lien.
- L) That the appellant has not been treated according to law and rules.
- M) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

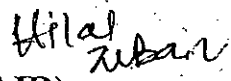
It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.


APPELLANT
Muhammad Zakariya

THROUGH:


(M. ASIF YOUSAFZAD)
ASC


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

& 
(HILAL ZUBAIR)
ADVOCATE, PESHAWAR

(5)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Muhammad Zakariya

V/S

Education Deptt:


CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.


DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

6

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Muhammad Zakariya

V/S

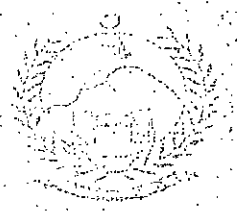
Education Deptt:

AFFIDAVIT

I, Muhammad Zakariya, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT


Muhammad Zakariya



Directorate of Elementary and Secondary Education

Khyber Pakhtunkhwa Peshawar

PI No. 091-9210389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936

E-mail desekpk@yahoo.com

1
A 7

Notification

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of Secondary School Teacher (SSS, Sc) in SPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further posted in the school noted against each:-

S.No	Name	Father's Name	Domestic District	Zone	Permanent Address	Place of Posting	Remarks
1	Imam Ullah	Muhammad Shah	Charsadda	II	Vill: Ochawala P/O Shabqadar Tehsil & Distt: Charsadda	GHS Manikhela Charsadda	A.V.P
2	Shakeel Ahmad Khan	Abdur Rashid Khan	Charsadda	II	Distt: Charsadda Tehsil Shabqadar P/O Haji Zai, Vill: Mahmood Abad Via. Sabqadar Port	GHS Dhaki Charsadda	A.V.P
3	Muhammad Aman	Muhammad Nadeem	Charsadda	II	Moh: Mirozai (Hajyan) Vill: & P/O Turangzai Tehsil & Distt: Charsadda	GHS Nisatta Charsadda	A.V.P
4	Zahir Shah	Gulob Khan	Charsadda	II	Vill: Sawan P/O Shakoar Tehsil Tangi Distt: Charsadda	GHS Katozai Charsadda	A.V.P
5	Hazrat Munir	Rashid Munir	Charsadda	II	Distt: Charsadda Tehsil Shabqadar Vill: Mahzara P/O Haji Zai Moh: Pajyan	GHS Battagram Charsadda	A.V.P
6	Hyas	Faqir Muhammad	Charsadda	II	Vill: Kagan P/O Mandani Tehsil & Distt: Charsadda	GHS Dalozak Charsadda	A.V.P
7	Farhad Ali	Umar Sir	Charsadda	II	Vill: Dado Kalli P/O & Tehsil Tangi Distt: Charsadda	GHS Mera Gul Abad Charsadda	A.V.P
8	Rajwan Ahmad	Muhammad Zahir Khan	Charsadda	II	Vill: Passand Kali P/O Shakh No.6 Tehsil Tangi Distt: Charsadda	GHS Daragal Charsadda	A.V.P
9	Jamil Ahmad	Fazal Khan	Charsadda	II	Vill: P/O & Tehsil Tangi Moh: Nusrotzai (Bochayani) Distt: Charsadda	GHS Shaker Dhand Charsadda	A.V.P
10	Rajwan Shah	Muhammad Shah	Charsadda	II	Moh: Hafiz Abad Gulhahar No.2 Mardan Road, Tehsil & Distt: Charsadda	GHS Turkotli Charsadda	A.V.P
11	Muhammad Ahmad Hassan	Azad Ali	Charsadda	II	Vill: Prang Biluhar Bazaar Tehsil & Distt: Charsadda	GHS Khan Kuli Charsadda	A.V.P
12	Muhammad Zubair Ullah	Haji Muhammad	Charsadda	II	Vill: Sandarar P/O Shabqadar (Port) Distt: Charsadda	GHS Aagra Charsadda	A.V.P

Principal
Govt. Centennial Model High School
Akora Khattak

Principal

	Shakeel Khan	Fazal-e-Subhan	Nowshera	II	Vill: & P/O Tarkho Distt: & Tehsil Nowshera	GHS Zakhi Qabristan Nowshera	A.V.P.
33	Sultan Ali	Mian Shah Wali	Nowshera	II	Vill: & P/O Dak Ismail Khel, Distt: & Tehsil Nowshera Moh: Ghazi Abad	GHS Regi Peshawar	A.V.P.
34	Zahid Ali	Gul Hassan	Nowshera	II	Vill: & P/O Tarujabba Tehsil Pabbi Distt: Nowshera	GHS Dak Ismail Khel Nowshera	A.V.P.
35	Zakir Ali	Mumtaz Ali	Nowshera	II	Vill: P/O Khairabad Distt: & Tehsil Nowshera	GHS Khair Abad Nowshera	A.V.P.
36	Ahsan Ullah Khan	Lal Zada	Nowshera	II	Tehsil & Dist: Nowshera P/O Nizampur Vill Asokhail	GHS Nizam Pur Nowshera	A.V.P.
37	Muhammad Zakariya	Gul Rahman	Nowshera	II	Moh: Eidgah Akora Khattak Distt: Nowshera	GCMHS Akora Khattak Nowshera	A.V.P.
38	Noora Rehman	Abdul Khan	Nowshera	II	Vill: & P/O Tarujabba Tehsil & Distt: Nowshera	GHS No.3 Peshawar Cantt	A.V.P.
39	Anjad Ali	Murad Ali	Peshawar	II	Vill: & P/O Adezai Moh: Khwaja Khalil Tehsil & Dist: Peshawar	GHS Adezai Peshawar	A.V.P.
40	Pakir-e-Alam	Muhammad Ashraf	Peshawar	II	Street No. 5 Gharib Abad P/O Shahera Town Peshawar	GHS Kagawala Peshawar	A.V.P.
41	Imran Khan	Muhammad Iqbal	Peshawar	II	Vill: Shahi Payan P/O Shahi Bala Peshawar	GHS Shahibala Peshawar	A.V.P.
42	Ishaq Ahmad	Muhammad Chaman Khan	Peshawar	II	Vill: Patwar Payan P/O Mathra Tehsil & Distt: Peshawar	GHS Ghari Sher Dad Peshawar	A.V.P.
43	Jehangir Khan	Waqif Khan	Peshawar	II	Vill: & P/O Badaber Moh: Dandi Ghorib Abad, Badaber Peshawar	GHS Badaber Peshawar	A.V.P.
44	Muhammad Arif	Muhammad Yousaf	Peshawar	II	Vill: & P/O Maryamzai Tehsil & Distt: Peshawar	GHS Surizai Bala Peshawar	A.V.P.
45	Muhammad Jehangir Khan	Abdus Salam	Peshawar	II	Moh: Dara Khel Vill: Sufaid Dheri Peshawar	GCMHS Nahqi Peshawar	A.V.P.
46	Muhammad Rafiq	Muhammad Shafi	Peshawar	II	Haji Camp Khel Colony Sathi Town Peshawar	GHS Umar Payan Peshawar	A.V.P.
47	Muhammad Shafiq	Abdul Malik	Peshawar	II	Vill: & P/O Balaber Kohat Road Peshawar Moh: Dandia Gharib Abad	GHS Sherkira Peshawar	A.V.P.
48	Muhammad Yasir	Taha Muhammad	Peshawar	II	Mira Public School & College Shah Alam Pul Charsadda Road, P/O Nahqi Tehsil, Distt: Peshawar	GHS Takht Abad Peshawar	A.V.P.
49	Saeed ur Rehman	Gul Dad	Peshawar	II	C/O Qari Abdul Latif Hashmi House, No. 398/D Lane Bahari Lal Moh: Moujina Allaudain, Distt: Peshawar	GHS Telaband Peshawar	A.V.P.
50	Sajjad Ahmad	Mosam Khan	Peshawar	II	Vill: Bela Baramad Khel (Tahir Gillah) P/O Nahqi Tehsil & Distt: Peshawar	GHS Bela Baramad Khel Peshawar	A.V.P.

M. S. ...
 Peshawar
 Govt. Centennial Model High School
 Akora Khattak

S. No. 37

M. S. ...
 CIPAL
 M.M.H.S.

130	Noor ul Islam	Rajan Sach	Lakki Marwat	IV	Vill: & P/O Meli Mandra Khel Lakki Marwat	GIS Top Takhti Khel Lakki Marwat	V.P.
131	Perooz Khan	Abdur Rahman	Lakki Marwat	IV	Vill: & P/O Gaudi Khan Khel Lakki Marwat	GIS Landiwa Lakki Marwat	V.P.
132	Tambeer Ali	Amir Nawaz	Lakki Marwat	IV	Moh: Saeed -A- Khel Vill: & P/O Dallo Khel Lakki Marwat	GIS Khatuaya Khel Lakki Marwat	V.P.
133	Fariq Hameed	Abdul Hameed	Lakki Marwat	IV	Vill: Kotka Lali P/O Sarai Gambila Tehsil Serai Nourang, Distt: Lakki Marwat	GIS No.2 Tajori Lakki Marwat	V.P.
134	Umar Jan	Muhammed Hassan Khan	Lakki Marwat	IV	Distt: Lakki Marwat Tehsil Naurang, P/O Gambila Vill: Kotka Mehmoood	GIS Wanda Shah Khel Lakki Marwat	V.P.
135	Binyamin Khan	Umar Khan	Tank	IV	Vill: Mamraiz Puthan Tehsil & Distt: Tank	GIS Garah Shahbaz Tank	V.P.
136	Niaz Ali	Sadar Ali	Tank	IV	Vill: & P/O Gulnam Tehsil & Distt: Tank	GCMIS No.3 Tank	V.P.
137	Muhammad Nawaz	Muhamm. Miskeen	Abbottabad	V	Vill: Lailah P/O Muslim Abad Distt: Abbottabad	GIS No.1 Abbottabad	V.P.
138	Fawad Hussain	Pakhar Hussain	Haripur	V	II/No. 242 Moh. Javed Khoo, Tehsil & Distt: Haripur	GIS Bhara Haripur	V.P.
139	Iqbal Khan	Nazir Ahmad	Haripur	V	Moh: Rajgan #. 2 Near Mobilink Tower, Plot # 28-B Phase # 1 PC# 22650 Khaurpur Distt: Haripur	GIS Choi Haripur	V.P.
140	Muhammad Imran	Ali Mardana	Haripur	V	Moh: Mara Near Poly Technical College, Vill: & P/O Sarai Saleh Tehsil & Distt: Haripur	GIS Najaf Pur Haripur	V.P.
141	Muhammad Qaiser Khan	Misal Khan	Haripur	V	II/No. 2 Officer Colony Khyber Textile Mills, Balther Distt: Haripur	GIS Panian Haripur	V.P.
142	Nisar Ahmad	Muhamm. Ashraf	Haripur	V	Moh: Swatan Vill: Sikanderpur Distt: Haripur	GIS Noor Pur Haripur	V.P.
143	Khurshid Ahmad	Muhamm. Daud Fayyaz	Manshera	V	Vill: & P/O Bahari Distt: Manshera, Qalender Abad	GIS Jal Gali Haripur	V.P.

Terms and conditions:

1 His services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. He will however be entitled to Contributory Provident Fund in such a manner and at such rates as per prescribed by the Govt.

2 In case, he is already in Government service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel and selection by the Commission, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to him under his

previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to him under new appointment.

3. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
4. He should join his post within 30 days of the issuance of this notification. In case of failure to join their post within one month of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
5. He would be on probation for a period of one year extendable for another one year.
6. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
7. His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
8. Charge report should be submitted to all concerned.
9. The EDOs concerned should furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of his posting orders.
10. The EDOs concerned shall verify their documents before release of pay.
11. His seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
12. No TA/DA will be allowed to the appointee for joining his duty.

M. Rafiq
 PRINCIPAL
 Govt. Centennial Model High School
 Akora Khattak

(Muhammad Rafiq Khattak)
 Director
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar.

Enclst: No. 778-928/ File No. /A-14/SST/PSC/Apptt: Dated Peshawar the 11/11/2011.

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
3. Executive District Officer (E&SE) Concerned
4. District Accounts Officer Concerned
5. Official Concerned.
6. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
7. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
8. M/File

M. Rafiq
 PRINCIPAL
 G. Centennial M.H.S
 Akora Khattak
 (Nowshera)

M. Rafiq
 Dy. Director (E&SE)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar



B (1)

**OFFICE OF THE
DISTRICT EDUCATION OFFICER(M)
NOWSHERA**

(Office Phone#0923-9220228, Fax#0923-9220228)
No. 3988-27/DEO (E&SE) NSR/NOC/SST/
Dated Nowshera the 13/08/2015

NO OBJECTION CERTIFICATE


The competent authority is please to grant (NOC) in respect of
Mr. Muhammad Zakariya S/o Gul Rahman SST(Math/Phy) GCMHS Akhora
Khattak Nowshera for the Post regional Assistant inspector at Power and energy
Department Khyber Pakhtunkhwa.

District Education Officer (Male)
Nowshera

No & dated even

Copy for information to the :-

1. Principal GCMHS Akhora Khattak Nowshera
2. Officer concerned


District Education Officer (Male)
Nowshera



GOVERNMENT OF KHYBER PAKHTUNKHWA
ENERGY & POWER DEPARTMENT

PHONE: 091-92223625, FAX: 091-9223624

Dated Peshawar the 13-12-2016

Notification No. E&P/SO(Estt)/Electric Inspector/2016 :- Consequent upon the selection of Mr. Muhammad Zakariya s/o Gul Rahman, Regional Electric Inspector (BPS-18), Swat Region in project "Restructuring / Strengthening of Electric Inspectorate of Energy & Power Department, Khyber Pakhtunkhwa" by the Departmental Selection Committee on fixed salary basis, initially for a period of One year (2016-2017) subject to verification of his antecedents. This contract will be extendable subject to satisfactory performance further till completion of the Project on yearly basis. The appointment with immediate effect, on the following terms and conditions:-

Terms & conditions:

- i) **Pay Package:** Rs. 85000/-P.M (Fixed Pay) with annual increment of 5% as per the project policy.
- ii) **Period of Contract:** One year (2016-2017) initially with immediate effect, extendable on yearly basis till project life. The extension will be granted on satisfactory performance of the employee.
- iii) A project employee shall work against that post for which he/she was recruited and shall not be transferred to any other post in the project.
- iv) The contract shall be liable to termination on 15 days notice (if the performance of the employee is found unsatisfactory) or payment of 15 days salary in lieu thereof by either side.
- v) On completion of the project, the services of the project employees shall stand terminated however, they shall be reappointed on need basis, if the project is extended over to any new phase or phases.
- vi) Staff appointed by initial recruitment in a project shall not be entitled to pension or CP fund. They shall not be treated as a "civil servant".
- vii) Project employees will receive medical allowance as per policy of the Provincial Government.
- viii) **Leave:** You will be entitled for leave admissible to the Civil servants under the Khyber Pakhtunkhwa Revised Leave Rules-1986, except maternity leave, extra ordinary leave without pay and study leave.
- ix) **Traveling Allowance:** Traveling Allowance for journey as admissible under the rules.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ENERGY & POWER DEPARTMENT

PHONE: 091-92223625, FAX: 091-9223624

(13)

- x) **Seniority:** Being a temporary post there shall exist no relative seniority in your case in relation to other regular or temporary employees of your category in the Energy & Power Department.
- xi) You will be governed by the Provincial Govt. rules as amended from time to time.
- xii) You will not be required to contribute towards General Provident Fund nor entitled to any benefit of the General Provident Fund.
- xiii) You will not divulge, either directly or indirectly, to any person any knowledge or information of a confidential nature which you may acquire concerning the affairs, property, enterprise and undertaking of the department during the course of your service.

Secretary to Govt: of Khyber Pakhtunkhwa
Energy & power Department

Endst: No & Date Even:

Copy to:-

1. The Secretary to-Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, P&D Department, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. PD of the Project.
- ✓ 6. Officer concerned
7. P.S to Secretary Energy & Power Department.
8. Personal file.

Sehan
Section Officer (Estt)

To

The Electric Inspector/Project Director
Restructuring /Strengthening of Electric Inspectorate
Govt: of Khyber Pakhtunkhwa
Energy & Power Department Peshawar.

D/
14

Subject : JOINING/REPORTING LETTER

Dear Sir,

I, Muhammad Zakariya S/O Gul Rahman, have the honour to inform you that I am joining today dated 20-12-2016; (F.N) as Regional Electric Inspector (BPS-18) posted at Swat Region in respect to Energy & Power appointment letter reference No. E&P/SO(Estt)/Electric Inspector/2016/31-8 dated 13-12-2016.

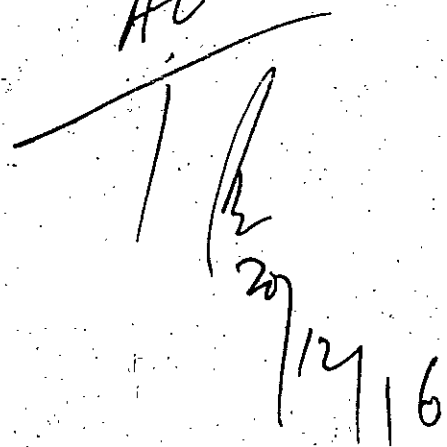
I kindly request you to accept my joining/reporting letter.

Kind Regards,



MUHAMMAD ZAKARIYA S/O GUL RAHMAN
MOH: Eid Gah Akora Khattak District Nowshera.
Cell# 0333-9131443

AO



Annexure - (A)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

EE (15)

OFFICE ORDER

To be substituted with the same No. and date.

The lien in respect of Muhāmmad Zakariya SST (Science) GCMHS, Akorā Khattak District Nowshera appointed as Regional Electric Inspector (BPS-18) in Government of Khyber Pakhtunkhwa, Energy & Power Department vide officer letter No. CPO/RS-EI/E&P/2016 dated 20-09-2016 is hereby retained for one year against the SST post in District Nowshera with effect from 19-12-2016 to 18-12-2017.

Furthermore he is hereby relieved from his duty w.e.f. 19-12-2016 (AN) on his own request.

•• DIRECTOR

Endst: No.4378-80/F.No.111/SST (M) Lien/Apptt; of SST.

Dated Peshawar the 28-12-2016

Copy of the above is to the:-

1. District Education Officer (M) Nowshera w/r to his letter No.2418-19 dated 19-12-2016.
2. District Accounts Officer Nowshera.
3. Principal GCMHS, Akora Khattak Nowshera.
4. SST concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

11/1/17
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

11/1/17

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

16

NOTIFICATION

To be substituted with the same No. and date.

The lien in respect of Muhammad Zakariya Ex SST GCMHS, Akora Khattak District Nowshera (working as Regional Electric Inspector BS-18 on project basis retained vide Notification No. 4378-80 dated 11-01-2017 is hereby extended for a period of one year w.e.f. 19-12-2017 to 18-12-2018 against the post of SST at District Nowshera.

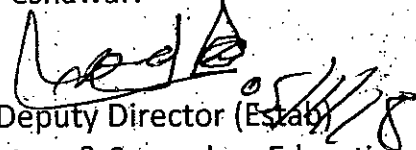
DIRECTOR

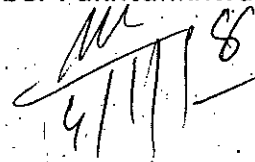
Endst: No.4505-07/F.No.111/SST (M) Lien Retention

Dated Peshawar the 23/10/2017

Copy of the above is to the:-

1. District Education Officer (M) Nowshera.
2. District Accounts Officer Nowshera.
3. Principal GCMHS, Akora Khattak Nowshera.
4. SST concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.


4/11/18

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

17

NOTIFICATION

The lien in respect of Muhammad Zakariya Ex SST GCMHS, Akora Khattak District Nowshera (working as Regional Electric Inspector BS-18 on project basis retained vide Notification No. 4505-07 dated 23-10-2017 is hereby further extended for a period of one year w.e.f. 19-12-2018 to 18-12-2019 against the post of SST at District Nowshera.

Endst: No. 5651-55

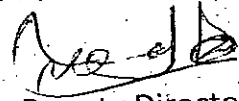
/F.No.111/SST (M) Lien Retention

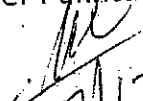
DIRECTOR

Dated Peshawar the 20/12/2018

Copy of the above is to the:-

1. District Education Officer (M) Nowshera.
2. District Accounts Officer Nowshera.
3. Principal GCMHS, Akora Khattak Nowshera.
4. SST concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa


17/12/18

AO





GOVERNMENT OF KHYBER PAKHTUNKHWA
Energy & Power Department
 1st Floor, Block-A, Abdul Wali Khan Multiplex Civil Secretariat Peshawar
 Tel. 091-9223626 - Fax 091-9223624

Dated Peshawar, the 02nd June, 2021

NOTIFICATION

No. SOE.IV/E&P/5-7/2021/Vol-V/ In pursuance of the judgment dated 24.04.2019 & 20.11.2019 of the Honourable Peshawar High Court Peshawar judgment in Writ Petition No. 3454-P/2019, 3552-P/2019 & 3472-2019, titled "Mr. Muhammad Zakria Vs Government of Khyber Pakhtunkhwa etc, Mr. Javed Iqbal and others Vs Government of Khyber Pakhtunkhwa etc and Mr. Wasim Jehangir & others Vs Government of Khyber Pakhtunkhwa and others", the Competent Authority is pleased to regularize the services of the following employees on provisional/conditional basis subject to final decision of the Supreme Court of Pakistan:-

Sr. No.	W.P No.	Name of Employees	Designation with BPS	Region
1	3454-P/2019	Mr. Muhammad Zakariya	Deputy Electric Inspector (BS-18)	Swat
2	3552-P/2019	Mr. Javed Iqbal	Assistant Electric Inspector (BS-17)	Swat
3	-do-	Mr. Tariq Saif Ullah	Electric Sub Inspector (BS-12)	Bannu
4	-do-	Mr. Umar Khan	Chowkidar (BS-03)	Bannu
5	-do-	Mr. Farid Khan	Naib Qasid (BS-03)	Bannu
6	-do-	Mr. Zahoor Ahmad	Naib Qasid (BS-03)	Bannu
7	3472-P/2019	Mr. Wassem Jehangir	Electric Sub Inspector (BS-12)	Abbottabad
8	-do-	Mr. Sohail Ahmad	Electric Sub Inspector (BS-12)	Abbottabad
9	-do-	Mr. Zakir Khan	Electric Sub Inspector (BS-12)	Abbottabad
10	-do-	Mr. Faiz Muhammad	Electric Sub Inspector (BS-12)	Swat
11	-do-	Mr. Abdul Khaliq	Computer Operator (BS-16)	Abbottabad
12	-do-	Mr. Muhammad Shahid	Chowkidar (BS-03)	Abbottabad
13	-do-	Mr. Imad ud Din	Naib Qasid (BS-03)	Swat
14	-do-	Mr. Mubeen Akhtar	Naib Qasid (BS-03)	Abbottabad
15	-do-	Mr. Sudheer Ahmad	Naib Qasid (BS-03)	Abbottabad

TERMS AND CONDITIONS

1. Consequent upon regularization, the above officers/officials shall remain employees of Electric Inspectorate Provincial, Energy and Power Department.
2. The above officers/officials shall submit their arrival to Energy and Power Department, Government of Khyber Pakhtunkhwa;
3. On arrival the incumbents shall produce medical fitness certificate/attested copies of their academics/credentials and clearance certificate from Project "Restructuring/Strengthening of Electric Inspectorate Energy and Power Department".
4. Any error occurred will be rectified.

[Handwritten Signature]

-sd-
Secretary
Energy & Power Department

Ends: No. & Date Even:

Copy of the above is forwarded for further necessary action to the:-

- 1 Registrar, Peshawar High Court Peshawar
- 2 Accountant General, Khyber Pakhtunkhwa Peshawar.
- 3 Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 4 Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.

(Cont'P/2)

PA/Add: Secy E&P Deptt-II



GOVERNMENT OF KHYBER PAKHTUNKHWA
Energy & Power Department
1st Floor, Block-A, Abdul Wali Khan Multiplex Civil Secretariat Peshawar
Tel. 091-9223626 - Fax 091-9223624

- 2 -

- 5. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
- 6. Secretary to Government of Khyber Pakhtunkhwa, Law Department
- 7. Project Director, Restructuring/Strengthening of Electric Inspectorate / Additional Secretary (Power), Govt. of Khyber Pakhtunkhwa, Energy & Power Department.
- 8. Electric Inspector Provincial, Khyber Pakhtunkhwa Peshawar.
- 9. PS to Secretary Energy & Power Department.
- 10. PS to Special Secretary, Energy & Power Department.
- 11. Section Officer (Li/AB), Energy & Power Department, Peshawar w/r to above.
- 12. Budget Officer-II, Finance Department, with the request that the remaining three (03) number posts of Driver (BPS-06) may kindly be created/sanctioned immediately vide this Department letter No. SO(E.I)E&P/5-7/2021/30-01 dated 26-05-2021.
- 13. PS to Special Assistant to Chief Minister for Energy and Power, Khyber Pakhtunkhwa.
- 14. PA to Additional Secretary (Admn), Energy & Power Department.
- 15. PA to DS (Power), Energy & Power Department.
- 16. Officers/Officials Concerned.
- 17. Master file.

Rahmatullah
(Rahmatullah) 2/6/21
Section Officer (E.I)



GOVERNMENT OF KHYBER PAKHTUNKHWA
Energy & Power Department

G 20

Dated Peshawar, the 09th March, 2023

NOTIFICATION

No. SO(E-I)E&P/2-1/Restructuring of E-I/2022/ : In pursuance of the order dated 19.01.2023 of the Honorable Supreme Court of Pakistan in CMA No. 5326/2020, CP No. 295-P/2020, CP 296-P/2020 and CP No. 297-P/2020, the competent authority is pleased to withdraw this department's notifications No. SO (E-I)E&P/5-7/2021/Vol-VI dated 02-06-2021 and No. SO(E-I)E&P/5-7/2021/Vol-VI/560-20 dated 01-09-2021 regarding conditional regularization of the following officers/officials of Electric Inspectorate Provincial with immediate effect.

S.No	Name of officers/officials	Designation with BPS
1	Muhammad Zakareia	Deputy Electric Inspector (BPS18)
2	Javid Iqbal	Assistant Electric Inspector (BPS-17)
3	Tariq Saif Ullah	Electric Sub Inspector (BPS-12)
4	Umar Khan	Chowkidar (BPS-03)
5	Farid Khan	Naib Qasid (BPS-03)
6	Zahoor Ahmad	Naib Qasid (BPS-03)
7	Hameed Ullah	Driver (BPS-06)
8	Waseem Jahangir	Electric Sub Inspector (BPS-12)
9	Sohail Ahmad	Electric Sub Inspector (BPS12)
10	Zakir Khan	Electric Sub Inspector (BPS-12)
11	Faiz Muhammad Khan	Electric Sub Inspector (BPS-12)
12	Abdul Khaliq	Computer Operator (BPS16)
13	Muhammad Shahid	Chowkidar (BPS-03)
14	Amad Ud Din	Naib Qasid (BPS-03)
15	Mobeen Akhtar	Naib Qasid (BPS-03)
16	Sudeer Ahmad	Naib Qasid (BPS-03)
17	Muhammad Riaz	Driver (BPS-06)
18	Waqar Ahmad	Driver (BPS-06)

Sd/-
SECRETARY
ENERGY & POWER DEPARTMENT

Endst: No. & Date Even:

Copy is forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
3. PS to Secretary Energy & Power Department.
4. PS to Special Secretary, Energy & Power Department.
5. PA to Add: Secretary (Power) Energy & Power Department.
6. PA to Deputy Secretary (Power) Energy & Power Department.
7. The Chief Manager, State Bank of Pakistan, Field Office Peshawar.
8. Electric Inspector Provincial, Khyber Pakhtunkhwa Peshawar.
9. Deputy Electric Inspector, concerned.
10. District Account Officer, concerned.
11. Officers/Officials concerned.

Section Officer (E-I)



DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

H
211

NOTIFICATION

Consequent upon the approval of the Competent Authority, Mr. Muhammad Zakariya SST (BPS-16) at GCMHS Akora Khattak District Nowshera is hereby relieved of this Department due to expiry of his Lien w.e.f. 19-12-2016 to 18-12-2019 in the interest of public service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. 402 F.NO.111/SST(M)/Lien Cases :

Dated the Peshawar 06-1-2019-2020

Copy forwarded to the:

1. District Education Officer (Male) Nowshera.
2. District Accounts Officer. Nowshera.
3. Officer Concerned.
4. Master Copy.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

[Signature]
6/01/2020

To,

The Director,
Directorate of E&SE Khyber Pakhtunkhwa,
Peshawar.

I

(2)

SUBJECT:- HOLDING OF LIEN AND ALLOWING THE
UNDERSIGNED TO JOIN HIS DEPARTMENT BACK AS
SST (BPS-16)

Sir,

1. Most profoundly it is submitted that I was the permanent employee of E&SE and was holding the post of SST BPS-16 at GCMHS Akora Khattak District Nowshera. I was having more than about 06-Years service at my credit at the time with some project posts were advertised in the year 2015.
2. I applied to the post of Regional Electric Inspector with the permission of this Department and after competition I was selected against the that post as per project policy 2009 of the government. During my service in project my Lien was erroneously extended from time to time and lastly my Lien was held expired on 06.01.2020.
3. If the project policy 2009, Clause-5 is perused, the condition of lien termination is not applicable at all and also as provided in the Law and Rules regarding Lien his always **terminable** when an official joined and other permanent post by leaving the previous one whereas joining of project post cannot be termed as a permanent post and as such the condition of 03 Years for retention of Lien is not applicable in that case. It is also provided in Clause-5 of the project policy of 2009 that a permanent government servant is to be treated as on EOL.

Therefore keeping in view the true spirit of Law, Rules, governing the issue of Lien as well as clause-5 of the Project Policy, 2009 the order dated 06.01.2020 seems to be incorrect order which needs correction.

D-2126

23

Therefore it is requested that the order dated 06.01 2020 may be reviewed/ corrected and as my Lien could not be terminated legally due to appointment in project, I may be allowed to resume my duty against my permanent post as SST BPS-16

I shall be obliged for an appropriate and prompt action.

APPLICANT

M. Zakariya
M. Zakariya SST(BPS-16)
Mohalladh Eid Gah Akora
Khattak District Nowshera
Mobile: No. 03339131443

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF JP Service Tribunal, Peshawar

Muhammad Zakariya

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt.

(Respondent)
(Defendant)

I/We, Muhammad Zakariya

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court of Pakistan & Syed Noman Ali Bukhari, Advocate High Court & Hilal Zubair Advocate** 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.


AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.


PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

Dated _____/2023


(CLIENT)

ACCEPTED



(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.
(BC No. 10-7327)

 &
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

Cell No 0302-5548451
0333-9103240
0306-5109438
0310-9503909


&
HILAL ZUBAIR
Advocate