

15th March, 2023

Mr. Kamiran Khan, Advocate for the appellant present.

Mr. Asif Masood Ali Shah, Deputy District for the respondents present.

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

Adjourned. To come up for arguments on 31.05.2023 before the

D.B. Parcha Peshi given to the parties.



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

SCANNED
DIRECT
PESHAWAR

13.12.2022

Counsel for the appellant present.

Mr. Muhammad Jan, District Attorney alongwith
Waheedullah, Senior Clerk for the respondents present.

Learned counsel for the appellant requested for adjournment
in order to further prepare the brief. Granted. To come up for
arguments on 01.03.2023 before the D.B.


(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)

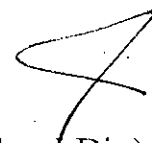
01.03.2023

Clerk of learned counsel for the appellant present.

Mr. Hashmatullah, Superintendent alongwith Mr. Muhammad Jan,
District Attorney for the respondents present.

Lawyers are on strike. To come up for arguments on
15.03.2023 before the D.B. Parcha Peshi given to the parties.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

19.05.2022

Learned counsel for the appellant present. Mr. Farhan Ahmed, Assistant alongwith Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 21.07.2022 before the D.B.

(Salah-ud-Din)
Member (Judicial)

21.07.2022

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Farhan Assistant for respondents present.

File to come up alongwith connected Service Appeal No.6274/2020 titled "Taufeeq Vs. Government of Khyber Pakhtunkhwa" on 28.09.2022 before D.B.

(Fareeha Paul)
Member(E)

(Rozina Rehman)
Member (J)

28.09.2022

Appellant present through counsel. Naseer Ud Din Shah, learned Assistant Advocate General alongwith Ihsan Ullah, Law Officer for respondents present.

File to come up alongwith connected Service Appeal No. 6274/2021 titled "Faufiq Vs. Higher Education Department" on 13.12.2022 before D.B.

(Fareeha Paul)
Member (J)

(Rozina Rehman)
Member (J)

14.09.2021

Counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G for the respondents present.

File to come up alongwith connected Service Appeal No.6274/2020 titled Taufiq Vs. Higher Education Department, on 10.01.2022 before D.B.



(Rozina Rehman)
Member (J)


Chairman

10.01.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Jehanzeb Superintendent for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 22.02.2022.



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


Chairman

22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.05.2022 for the same as before.


Reader

20.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Jehanzeb Superintendent for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents made a request for time to furnish written reply/comments. Opportunity is granted. To come up for written reply/comments on 18.03.2021 before S.B.



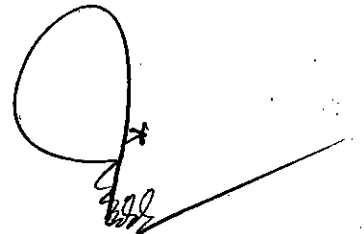
(Rozina Rehman)
Member (J)

18.03.2021

Junior to counsel for the appellant and Addl: AG alongwith Mr. Jehanzeb, Supdt for respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks time to submit the same on the next date. Granted but as a last chance.

Adjourned to 07.05.2021 before S.B.



(Mian Muhammad)
Member (E)

27.05.2021

Junior to counsel for the appellant and Mr. Javaidullah, Asstt. AG alongwith Jehanzaib Supdt. and Naseeb Khan, S.O for the respondents present.

Respondents have furnished Parawsie comments which are placed on file. The appeal is assigned to D.B for arguments on 14.09.2021.



Chairman

30.09.2020

Counsel for the appellant present.

Learned counsel argued that the appellant was initially appointed on 04.11.2010 on adhoc basis as a stop-gap arrangement. On 02.07.2012, his service was regularized through notification. The respondents, however, did not count his service on adhoc basis for the purpose of extending service benefits to the appellant. Learned counsel also referred to the judgment of Honourable Peshawar High Court passed in Writ Petition No. 2039-P/2014 on 24.05.2017. The petition was submitted by the officials placed similar to the appellant, while the last paragraph of the judgment required the respondents to regularize the petitioners therein from their respective dates of initial appointment. The appellant was duly entitled to the similar treatment.

Subject to all just exceptions, instant 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. To come up for written reply/comments on 30.11.2020 before S.B.

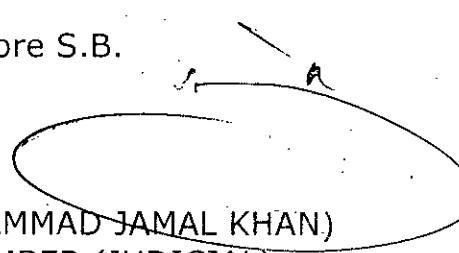
Appellant deposited
Security & Process Fee
- 30/9/20


Chairman

30.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General is directed to ensure presence of representative of the department and submit reply on the next date. Adjourned to 20.01.2021 on which date file to come up for written reply/comments before S.B.

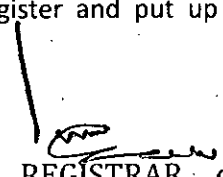

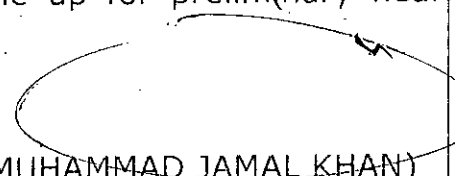

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6774/20 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/06/2020	<p>The appeal presented today by Mr.Noor Muhammad Khttak 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</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/07/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.07.2020	<p>Mr. Kamran Khan, Advocate for the appellant is present and stated that the appeal was not on their diary, therefore, he could not prepare the appeal and requested for adjournment. Adjourned to 30.09.2020. To come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 6274 /2020

TAUFIQ

VS

EDUCATION DEPTT:

INDEX

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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 6274 /2020

Mr. Taufiq, Lecturer in Statistics (BPS-17),
GDC Barkhlozai, District Bajaur **Appellant**

VERSUS

- 1- The Secretary, Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, Higher Education Department, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR PROTECTION OF SENIORITY OF THE APPELLANT IN LIGHT OF SECTION-8 OF THE CIVIL SERVANT ACT, 1973 READ WITH RULE 17 OF THE APPOINTMENT, PROMOTION & TRANSFER RULES, 1989 AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT COUNTING PREVIOUS CONTRACTUAL SERVICE OF THE APPELLANT I.E. w.e.f. 04-11-2010 TILL 6.12.2012 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to count/fix the seniority of the appellant in the cadre of Lecturers from the date of regular appointment i.e. 6.12.2012 and the respondents may further please be directed to count previous contractual service of the appellant towards regular service i.e. w.e.f. 4.11.2010 till 2.7.2012 with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed in the respondent Department as lecturer in computer science, GDC mathra vide order dated 04-11-2010 on adhoc basis as a stop gap arrangement.(Copies of the appointment order and arrival report are attached as annexure..... **A & B).**

- 2- That it is worth mentioning here, that appellant services were further extended for one year and was reappointed vide order dated 07/02/2012 on adhoc basis . Copy of reappointment order dated 07/02/2012 is attached as annexure..... C).
- 3- That lateron, on the recommendations of KP public service commission the respondents appointed the appellant as lecturer in statistics against the regular post in GDC barkhalozai district bajaur vide order dated 02/07/2012, that in response to the aforementioned appointment order the appellant took over the charge as lecturer in statistics in GDC barkhalozai district bajaur on 3/07/2012. Copies of regular appointment order dated 2/07/2012 and arrival report are attached as annexure D).
- 4- That recently vide judgment dated 24.5.2017 those colleagues and junior colleagues of the appellant who have been appointed on adhoc basis in the year 2010 have been regularized from the date of initial adhoc appointment in light of the regularization Act, 2014. That appellant has the apprehension that if the respondents allowed back benefits and seniority to the colleagues and junior colleagues of the appellant then the appellant will definitely be suffered. Copies of the act and judgment are attached as annexure E & F.
- 5- That the appellant filed Departmental appeal before respondents for protection of his seniority and counting of previus service w.e.f. the date of his first appointment i.e. 04/11/2010 but the same has not been responded within stipulated period of ninety days. Copy of departmental appeal is attached as annexure..... G).
- 6- That feeling aggrieve and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

GROUND:

- A- That the inaction of respondents by not protecting the seniority of the appellant in light section-8 of the civil servant Act, 1973 read rule 17 of the APT rules, 1989 and not counting previous contractual service of the appellant w.e.f. 04-11-2010 is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not protecting the seniority of the appellant in light section-8 of the civil

servant Act, 1973 read rule 17 of the APT rules, 1989 and not counting previous contractual service of the appellant w.e.f. 04-11-2010.

- D- That the inaction of the respondents by not protecting the seniority of the appellant in light section-8 of the civil servant Act, 1973 read rule 17 of the APT rules, 1989 and not counting previous contractual service of the appellant w.e.f. 04-11-2010 is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- E- That under Article 38 (e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan, therefore in light of the above mentioned Article the appellant is fully entitle for his seniority of the appellant in light section-8 of the civil servant Act, 1973 read rule 17 of the APT rules, 1989 and counting previous contractual service of the appellant w.e.f. 04-11-2010.
- F- That there is no break in service of appellant from the date of initial appointment till regular appointment upon recommendation of KP public service commission.
- G- That in light of Rule 2.3 of the West Pakistan, Pension Rules, 1963 the appellant is fully entitle for the grant of pay fixation from the date of initial appointment.
- H- That appellant seeks permission to advance other grounds 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

TAUFIQ

THOROUGH:


NOOR MOHAMMAD KHATTAK

&

**SHAHZULLAH YOUSAFZAI
ADVOCATES**



S.No 292 statistics

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

Dated Peshawar the November 04th, 2010.

NOTIFICATION

A-4

No.SO(COLLEGES)2-5/2010. Consequent upon the recommendations of Departmental Selection Committee, the Competent Authority is pleased to appoint the following Male lecturers (BPS-17) on adhoc basis as a stop gap arrangements for a period of one year or till the availability of selectees of Khyber Pakhtunkhwa Public Service Commission whichever is earlier and to post / adjust them in the colleges mentioned against each:

S#	Name & Address	Subject	Zone	Posted at	Remarks
1.	Amir Dost Khan S/o Muhammad Sultan, Village & P/o Bar Shawar Shamkanra, Tehsil Matta, District Swat.	Computer Science	Disable Zone-III Swat	GPGJC Saidu Sharif, Swat.	A.V.P
2.	Tanveer Usman S/o Usman Ghani, Mohalla Shaban, Village & P.O. Khairabad, Nowshera.	Maths	Disable Zone-II Nowshera	GPGC Mardan	A.V.P
3.	Ubaid Ali S/o Abdul Ghafoor, Mch. Badnam Khel, V.P.O Gojar Garhi, Tehsil & District Mardan.	Economics	Disable Zone-II Mardan	GPGC Nowshera	A.V.P
4.	Muhammad Waris S/o Fazli Mabood, MOhallah Shah Dhand, Village & P/o Lund Khwar, Tehsil Takht Bhai, District Mardan.	Computer Science	Disable Zone-II Mardan	GPGC Mardan	A.V.P
5.	Syed Hamid Ali Shah S/o Muhammad Shah, Village Sunigram, Dagger, Buner.	Pak Study	Disable Zone-III Buner	GDC Dagger, Buner.	A.V.P
6.	Muhammad Siraj S/o Muhamad Zarin, Village Kotha, Tehsil Barikot, Swat.	Law	Disable Zone-III Swat	GDC Madyan	A.V.P
7.	Ihsan Ullah S/o Niamat Ullah, P/o Serai Gambela, Village Kotka Mahmood Lakki Marwat.	Physics	Disable Zone-IV Lakki Marwat	GDC Dera Township No. 3, D.I. Khan.	A.V.P
8.	Abdul Khaliq S/o Rasool Jalal, Village & P/o Tabbi Khawa, Tehsil & District, Karak.	Biology	Merit-I Zone-IV Karak	GDC Takht-e-Nasrati, Karak	A.V.P
9.	Nazif Ullah Khan S/o Taklim Khan, Department Micro Biology, Faculty Biological Sciences, Quaid-e-Azam University, Islamabad.	Biology	Zone-I N.W.Agency	Services placed at the Disposal of Director Education (FATA)	
10.	Muhammad Naeem Khan S/o Muhammad Sareer Khan, Village Qilla Anwar Mahal, PO Utmanzai, Tehsil & District Charsadda.	Biology	Zone-2 Charsadda	GDC Garhi Kapoora, Mardan.	A.V.P
11.	Qaisar Zaman S/o Haider Shah, Gul Muqam Zarif Khan Koroonia, P.O. & Tehsil Dargai, District Malakand.	Biology	Zone-3 Malakand	GDC Dagger	A.V.P
12.	Asmat Ullah Khan S/o Rasool Badshah, C/o Rasool Badshah, SET, GHS No.2, Kohat City.	Biology	Zone-4 Karak	GPGC Haripur.	

Section Officer
 Govt. of Khyber Pakhtunkhwa
 Higher Education Department
 Peshawar

ATTESTED

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349.	Qaisar Jamal S/O Bacha Khan Mohallah Gulu Shan Vill & PO Sakhatkot Dargai Malakand	Zoology	Zone-III Malakand	placed as Disposal Director Education (FATA). GPGC Karak.	A.V.P
350.	Asmat Ullah Khan S/O Rasool Badshah C/O Rasool Badshah SET GHS No Kohat city	Zoology	Zone-IV Karak	GDC Latamber, Karak.	A.V.P
351.	Ihsan Ullah S/O Rasheed Khan Vill Mianki Banda PO Inzer Banda Teh takht Nasrati dist Karak	Zoology	Zone-IV Karak	GDC Khanpur, Haripur.	A.V.P
352.	Muhammad Faiz Khan S/o Muhammad Afzal Khan Moh Choinian vill Sikandur Pur Haripur	Zoology	Zone-V Haripur	GDC Zarabi, Swabi.	A.V.P
352.	Khalid Mehmood S/O Ghulam Rasool Vill Bandi Sarara PO Chamiali Teh & Distt Abbottabad	Zoology	Zone-V Abbottabad	GDC Zarabi, Swabi.	A.V.P

ADJUSTMENT:-

Consequent upon the above, the following posting / transfer of lecturers is also made in the best public interest:-

S. #	Name / Designation / present posting	Posted at	Remarks
1.	Attique uz Zaman, lecturer in Statistics, GDC Oghi, Mansehra.	GPGC Haripur.	Against vacant post
2.	Sajjad Ahmad, lecturer in Maths, GDC Samarbagh, Dir Lower.	GPGC Timergara, Dir Lower.	Against vacant post
3.	Ijaz Ahmad, lecturer in Economics, GDC Ahmadabad, Karak.	GPGC Kohat	Against vacant post
4.	Ikram Ullah, lecturer in Political Science, GDC Totakan, Malakand Agency.	GPGC Timergara, Dir Lower.	Against vacant post
5.	Dilawar Khan, lecturer in Chemistry, GDC Dara Adam Khel, FR Kohat.	GDC Hangu	Against vacant post
6.	Rashid Ahmad, lecturer in Pak Study, GDC Puran, Shangla.	GDC Matta, Swat.	Against vacant post
7.	Murad Ali, lecturer in Chemistry, GPGC Khar, Bajaur Agency.	GPGC Timergara, Dir Lower.	Against vacant post

The appointment of the above lecturers from S. No. 01 to 352 will be subject to the following terms and conditions:-

TERMS AND CONDITIONS

- The appointment of the above candidates will be on Adhoc basis for a period of one year upto 4.11.2011 or till the arrival of the selectees of the Khyber Pakhtunkhwa Public Service Commission, whichever is earlier.
- They will get pay and allowances in BPS-17.
- No TA/DA will be allowed for their first appointment.
- The appointment of the candidates mentioned in Para.1 above is subject to the condition that they bear the Domicile of Khyber Pakhtunkhwa.

ATTESTED

OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE BARKHALOZAI
BAJAUR AGENCY

B-7

CHARGE REPORT:

I Taufiq Lecturer in Statistics made and received over the charge of Lecturer on Adhoc Basis at Govt Degree College Barkhalozai Bajaur Agency on the 24/nov/2010 F.Noon vide FATA Secretariat Warsak Road Peshawar No:FS/E/100-80 (vol-3)/11925-61, Dated 23/Nov/2010.

Signature of relieved Against vacant post
Govt. Servant Govt : Servant
Designation Lecturer in Statistics
GDC Barkhalozai Bajaur Agency.

Station:GDC Barkhalozai Bajaur Agency

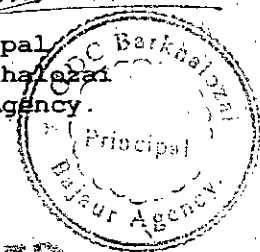
Signature of relieving M
Govt. Servant Govt : Servant
Designation Lecturer in Statistics
GDC Barkhalozai Bajaur Agency.

Endost.No. 132-22 dated 24/11/2010.

Copy to:-

- (1) Director Higher Education, KPK Peshawar.
- (2) Director Education (FATA), KPK Peshawar.
- (3) Agency Accounts officer at Khar Bajaur.
- (4) Office Record.
- (5) Officer Concerned.

M
Principal
GDC Barkhalozai
Bajaur Agency.



ATTESTED

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

Dated Peshawar the February 7th, 2012.

NOTIFICATION

NO. SO(COLLEGES)2-5/2010. In continuation of this Department Notification of even number dated 04.11.2010, the Competent Authority is pleased to re-appoint the following Male lecturers (BPS-17) for a period of one year in various subjects on adhoc basis as purely temporary and stop-gap arrangements for Govt. Colleges of Khyber Pakhtunkhwa. Their salaries will be started from the dates noted against each in Column-4:-

1. S. #	2. Name & Designation	3. Posting station	4. Date from which re-appointed
1.	Amir Dost Khan, adhoc lecturer in Computer Science.	GPGJC Saidu Sharif, Swat	10-11-2011
2.	Ubaid Ali, adhoc lecturer in Economics.	GPGC Nowshera	17-11-2011
3.	Syed Hamid Ali Shah, adhoc lecturer in Pak Study.	GDC Dagger Buner	10-11-2011
4.	Muhammad Siraj, adhoc lecturer in Law.	GDC Madyan, Swat.	12-12-2011
5.	Ihsan Ullah, adhoc lecturer in Physics.	GDC No.3 D.I Khan.	12-11-2011
6.	Nazif Ullah adhoc lecturer in Biology	GPGC Miranshah S.W.A	02-01-2012
7.	Muhammad Naeem Khan, adhoc lecturer in Biology	GDC Ghari Kapoora, Mardan.	16-11-2011
8.	Qaisar Zaman adhoc lecturer in Biology	GDC Dagger Buner	10-11-2011
9.	Ishtiaq Ahmad adhoc lecturer in Botany	GDC Chitral	16-11-2011
10.	Rafi Ullah adhoc lecturer in Botany	GDC Gulabad, Dir Lower.	05-11-2011
11.	Muhammad Usman Khan adhoc lecturer in Botany	GDC Paniala, D.I. Khan.	26-11-2011
12.	Muhammad Israr adhoc lecturer in Botany	GDC Akora Knatta, Nowshehra	11-11-2011
13.	Sabtain Adil adhoc lecturer in Botany	GPGC No.1 Abbotabad	05-11-2011
14.	Taseer Ullah Shah adhoc lecturer in Botany	GDC No.3 D.I Khan	12-11-2011
15.	Muhammad Aamir adhoc lecturer in Botany	GDC Sherwan, Abbottabad.	14-11-2011
16.	Murad Ali adhoc lecturer in Chemistry	GDC Zaida Swabi	11-11-2011
17.	Asif Khan adhoc lecturer in Chemistry	GDC Thali Hangu	12-11-2011
18.	Majid Ali adhoc lecturer in Chemistry	GDC Takht Bhai Mardan	05-12-2011
19.	Muhammad Imran adhoc lecturer in Chemistry	GDC Paharpur D.I Khan	11-11-2011
20.	Sheher yar, adhoc lecturer in Chemistry..	GDC Landi Jalandar, Bannu.	25-11-2011
21.	Ibrahim Khan adhoc lecturer in Chemistry	GPGC Khar Bajur Agency	14-11-2011
22.	Ahmad Khan adhoc lecturer in Chemistry	GPGC Miranshah S.W.A	24-11-2011
23.	Fazal Dad adhoc lecturer in Chemistry	GDC Zarabi Swabi	10-11-2011
24.	Ibrahim Khan adhoc lecturer in Chemistry	GPGC Mardan	05-11-2011
25.	Mansoor Ali adhoc lecturer in Chemistry	GPGC Mardan	05-11-2011
26.	Naseeb Rawan adhoc lecturer in Chemistry	GDC Matta, Swat	05-11-2011

ATTENDED

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62.	Fazal Sher adhoc lecturer in Economics	GDC Totakan Malakand Agency	10-11-2011
63.	Aou Ala Noman adhoc lecturer in Economics	GPGC Kohat	11-11-2011
64.	Waqar Khan adhoc lecturer in Economics	GPGC Bannu	12-11-2011
65.	Muhammad Hanif adhoc lecturer in Economics	GDC Puran, Shangla	16-11-2011
66.	Luqman Khalil adhoc lecturer in Economics	GPGC Kohat	12-11-2011
67.	Ikram Jafar adhoc lecturer in English	GDC Toru, Mardan	10-11-2011
68.	Fahad Haidar Khan adhoc lecturer in English	GDC Ghari Kapoora, Mardan	05-11-2011
69.	Muhammad Uzair Khan adhoc lecturer in English	GDC Takht Bhai Mardan	10-11-2011
70.	Bakht Zamin adhoc lecturer in English	GDC Sada Kuram Agency	24-11-2011
71.	Riaz-ud-Din adhoc lecturer in English	GDC Samar Bagh Dir Lower	10-11-2011
72.	Zahid Aslam Khan adhoc lecturer in English	GPGC Mardan	16-11-2011
73.	Muhammad Rafiq adhoc lecturer in English	GDC Gandaf Swabi	10-11-2011
74.	Hafiz Javedur Rehman adhoc lecturer in English	GDC Tank	12-11-2011
75.	Farooq Ali adhoc lecturer in English	GDC Khairabad Mardan	12-11-2011
76.	Qaisar Ali Khan adhoc lecturer in English	GDC Tank	14-11-2011
77.	Bakht Kamin adhoc lecturer in English	GDC Batkhela Malakand Agency	11-11-2011
78.	Farrukh Kamran adhoc lecturer in English	GDC Lachi Kohat	07-12-2011
79.	Ishfaq Ahmad adhoc lecturer in English	GDC Paniala D.I Khan	17-11-2011
80.	Irfan Ullah adhoc lecturer in English	GPGC Miranshah N.W. Agency.	02-01-2012
81.	Zain Ullah adhoc lecturer in English	GDC Wana S.W.A	25-11-2011
82.	Rahim Ullah adhoc lecturer in English	GPGC Khar Bajur Agency	25-11-2011
83.	Shah Noor Zeb Khan adhoc lecturer in English	GDC Tank	16-11-2011
84.	Nazir Muhammad adhoc lecturer in English	GDC Mardan.	25-11-2011
85.	Muhammad Tariq adhoc lecturer in English	GDC Bagan Kuram Agency	25-11-2011
86.	Abdullah adhoc lecturer in English	GDC Kotka Habibullah, FR Bannu.	25-11-2011
87.	Javed Iqbal adhoc lecturer in English	GDC Darra Adam Khel FR. Kohat	02-12-2011
88.	Nadir Shah adhoc lecturer in English	GSSC Peshawar	11-11-2011
89.	Saeed Ahmad adhoc lecturer in English	GSSC Peshawar	05-11-2011
90.	Junaid ur Rehman adhoc lecturer in English	GPGC Charsadda	10-11-2011
91.	Waqar Ahmad adhoc lecturer in English	GDC Zaida Sawabi	16-11-2011
92.	Muhammad Umair Khan adhoc lecturer in English	GDC Khairabad Mardan	10-11-2011
93.	Muhammad Tariq adhoc lecturer in English	GDC Katlang Mardan	16-11-2011
94.	Mukhtiar Hussain adhoc lecturer in English	GPGC Timargara Dir Lower	12-11-2011
95.	Imran Ullah adhoc lecturer in English	GDC Totakan Malakand Agency	10-11-2011
96.	Kalim Ullah adhoc lecturer in English	GPGC Saidu Sharif, Swat	11-11-2011
97.	Imran Ullah adhoc lecturer in English,	GPGC Timergara, Dir Lower	09.12.2011

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138.	Naveed Khan adhoc lecturer in Islamiyat	GPGC Haripur	02-01-2012
139.	Sohail Khan Jadoon adhoc lecturer in Islamiyat	GPGC No.1 Abbotabad	10-11-2011
140.	Muhammad Ibrar adhoc lecturer in Maths	GPGC Mardan	12-11-2011
141.	Muhammad Sagheer adhoc lecturer in Maths	GDC Bagan Kuram Agency	25-11-2011
142.	Rahim Dad adhoc-lecturer in Maths	GDC Thana Malakand Agency	12-11-2011
143.	Muhammad Izhar adhoc lecturer in Maths	GDC Samar Bagh Dir Lower	11-11-2011
144.	Muhammad Adil adhoc lecturer in Maths	GDC Dagger Buner	10-11-2011
145.	Muhammad Younas adhoc lecturer in Maths	GPGC Miranshah NWA	24-11-2011
146.	Muslim Khan, adhoc lecturer in Maths	GDC Landi Kotal, Khyber Agency.	26.11.2011
147.	Amir Taimor adhoc lecturer in Maths	GDC Ekka Ghund Mohmand Agency	28-11-2011
148.	Fazl-e-Amin adhoc lecturer in Maths	GDC Zaida Sawabi	11-11-2011
149.	Shahid Khan adhoc lecturer in Maths	GDC Chitral	14-11-2011
150.	Nisar Ullah adhoc lecturer in Maths	GDC Matta Swat	10-11-2011
151.	Fanim Ullah Khan adhoc lecturer in Maths	GDC Kulachi D.I Khan	16-11-2011
152.	Farhan Ahmed adhoc lecturer in Maths	GDC Darband Mansehra	17-11-2011
153.	Muhammad Shakeel adhoc lecturer/in Pak Study	GPGC No.1 Abbotabad	17-11-2011
154.	Imtiaz Hussain adhoc lecturer in Pak Study	GDC Gulabad, Dir Lower.	30-11-2011
155.	Muhammad Humayun. adhoc lecturer in Pak Study	GDC Ghari Kapora, Mardan	14-11-2011
156.	Arshad Ali adhoc lecturer in Pak Study	GDC Tangi Charsadda	12-11-2011
157.	Wasim Ullah adhoc lecturer in Pak Study	GDC No.1 D.I Khan	12-11-2011
158.	Khial Ghani, adhoc lecturer in Pak Study	GDC Dara Adam Khel, FR KOhat.	25.11.2011
159.	Humayun khan adhoc lecturer in Pak Study	GDC Mirali N.W.A	28-11-2011
160.	Shafiq-ur-Rehman adhoc lecturer in Pak Study	GDC Bagan Kuram Agency	25-11-2011
161.	Ijaz Rahim adhoc lecturer in Pak Study	GDC Sada Kuram Agency	24-11-2011
162.	Israj Khan adhoc lecturer in Pak Study	GPGC Timergara Dir Lower	12-11-2011
163.	Muhammad Faiq adhoc lecturer in Pak Study	GPGC Swabi	12-11-2011
164.	Muhammad Yasin adhoc lecturer in Pak Study	GDC Puran Shangla	12-11-2011
165.	Muhammad Ayaz adhoc lecturer in Pak Study	GDC Totakan Malakand Agency	10-11-2011
166.	Islam ud Din adhoc lecturer in Pak Study	GDC Agra Malakand.	04-12-2011
167.	Zohaib Insan adhoc lecturer in Pak Study	GDC Hangu	14-11-2011
168.	Aziz Ahmad adhoc lecturer in Pak Study	GDC Nathiagali Abbottabad	10-11-2011
169.	Jamil-ur-Rehman adhoc lecturer in Pak Study	GPGC Charsadda	12-11-2011
170.	Muhammad Iqbal adhoc lecturer in Pashto	GDC Totakan Malakand Agency	23-01-2012
171.	Khalid Mehmood Ali adhoc lecturer in Pashto	GDC Paharpur D.I. Khan	10-11-2011
172.	Muhammad Ali adhoc lecturer in Pashto	GDC Lahor Swabi	10-11-2011
173.	Rafiq Ullah adhoc lecturer in Pashto	GDC Mirali N.W.A	28-11-2011
		GDC Takht Bhal Mardan	02-12-2011

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214.	Muhammad Sohail adhoc lecturer in Political Science	GPGC Charsadda.	30-11-2011
215.	Shabir Khan adhoc lecturer in Political Science	GDC Ekka Ghund Mohmand Agency GPGC No.1 Abbotabad	07-01-2012 11-11-2011
216.	Sohrab Ahmad adhoc lecturer in Political Science	GDC Matta Swat	10-11-2011
217.	Gulmuddin adhoc lecturer in Political Science	GDC Totakan Malakand Agency	10-11-2011
218.	Fahim Ullah Khan adhoc lecturer in Political Science	GDC Kakki Bannu	05-12-2011
219.	Naveed Ali Shah adhoc lecturer in Political Science	GDC Paniala, D.I. Khan.	25-11-2011
220.	Hamayun Khan adhoc lecturer in Political Science	GDC Dara Adam Khel, FR Kohat.	25-11-2011
221.	Abdul Nasir Khan adhoc lecturer in Political Science	Govt. Akhtar Nawaz Khan Degree College KTS Haripur	05-12-2011
222.	Muhammad Amir adhoc lecturer in Political Science	GDC Darband Mansehra	12-11-2011
223.	Sajid Waseem adhoc lecturer in Political Science	GDC Lassan Nawab Mansehra	10-11-2011
224.	Imran Afsar adhoc lecturer in Political Science	GDC Barkhalozai Bajaur Agency	25-11-2011
225.	Taufeeq adhoc lecturer in Statistics	GDC Zaidu, Swabi	05-11-2011
226.	Manzoor Ul Hassan adhoc lecturer in Statistics	GDC Gandaf Swabi	10-11-2011
227.	Rab Nawaz Khan adhoc lecturer in Statistics	GPGC Charsadda.	24-11-2011
228.	Subhan Ullah adhoc lecturer in Statistics	GDC Garhi Kapoora, Mardan.	25-11-2011
229.	Hazrat Ali adhoc lecturer in Statistics	GDC Nawagai Bajur Agency	02-01-2012
230.	Muhammad Abid adhoc lecturer in Statistics	GDC Miranshah N.W.A	24-11-2011
231.	Ansar Ullah adhoc lecturer in Statistics	GDC Landi Kotal Khyber Agency	26-11-2011
232.	Ajmeer Khan adhoc lecturer in Statistics	GPGC Khar Bajur Agency	25-11-2011
233.	Adnan Khan adhoc lecturer in Statistics	GDC Kotha, Swabi.	09.12.2011
234.	Aizaz Ullah, lecturer in Statistics	GDC Gumbat, Kohat.	25-11-2011
235.	Syed Waseem Abbas Shah adhoc lecturer in Statistics	GDC Totakan Malakand Agency	10-11-2011
236.	Muhammad Asad Khan adhoc lecturer in Statistics	GDC Matta Swat	03-12-2011
237.	Tehseen Ullah adhoc lecturer in Statistics	GDC Paniala D.I Khan	17-11-2011
238.	Raza Ullah Khan adhoc lecturer in Statistics	GDC Kulachi D.I Khan	16-11-2011
239.	Kamran Khan adhoc lecturer in Statistics	GDC Oghi Mansehra	10-11-2011
240.	Yasir Ihsan adhoc lecturer in Statistics	GPGC No.1 Abbottabad	11-11-2011
241.	Adil Mehmood Khan adhoc lecturer in Statistics	GDC Darazinda FR D.I. Khan.	25-11-2011
242.	Muhammad Riaz adhoc lecturer in Urdu	GDC Havelian	13-11-2011
243.	Qazi Amjid adhoc lecturer in Urdu	GDC Abbotabad	13-11-2011
244.	Amteaz Khan adhoc lecturer in Urdu	GDC Tank	25-11-2011
245.	Imran Khan adhoc lecturer in Urdu	GDC Nawagai Bajur Agency	25-11-2011
246.	Abdul Amin adhoc lecturer in Urdu	GDC Kotka Habibullah	25-11-2011
247.	Shakoore Jan adhoc lecturer in Urdu	GPGC Charsadda.	12-11-2011
248.	Irfan Ullah adhoc lecturer in Urdu	GPGC Charsadda	02-12-2011
249.	Wahid Murad adhoc lecturer in Urdu	GDC Wadpaga	17-11-2011

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24-11-2011
25-11-2011
Miranshah Degree College
Miranshah District

- ix. They shall not be entitled to any pension or gratuity for the service rendered by them on Adhoc basis; nor they will claim any right of regularization.
- x. Charge report in duplicate should be submitted to all concerned.
- xi. Their service shall be terminated if they violate any provision of the terms & conditions specified in the Agreement Bond.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even.

Copy of the above is forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa Peshawar.
3. Director of Education (FATA), Warsak Road Peshawar.
4. Director Recruitment, Khyber Pakhtunkhwa Public Service Commission Peshawar.
5. Districts / Agency Accounts Officers concerned.
6. Principals of the Government Colleges concerned.
7. Section Officer (Estab-II) FATA Secretariat, Coordination & Administrative Department, Warsak Road Peshawar.
8. P.S. to Secretary Higher Education Department.
9. Lecturers concerned.

Ms/12
(WAHEED KHAN)

SECTION OFFICER (COLLEGES-II)

dc

Ministry of Education

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FATA SECRETARIAT
Social Sectors Department
Warsak Road Peshawar

D-13

Dated Peshawar the 02/07/2012

Notification

No.SO(Edu:SSD)/1-1/Apptt:Lect:/5582-98 Consequent upon the recommendations of Khyber Pakhtunkhwa Public Service Commission, the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) is pleased to appoint the following (Male/Female) candidates as lecturer in Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa in BS-17 (16000-1290-40000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government subject to the conditions inter-alia specified at Para-2 and posted them in the Colleges mentioned against their names below.

S#	Name and Father's Name	Subject	Posted at	Remarks
1	Mr. Taufiq S/O Jawid Villige Shati Kor, Samad Kor Tehsil Ghallanai Mohmand Agency	Statistics	GDC Barkhlozai, Bajaur	Post already occupied by him on adhoc basis
2	Mr.Muhammad Ismail S/O Bakht Munir village and Post office Harrichand Nehir Bangla Tehsil Tangi District Charsadda	Statistics	GPGC Khar, Bajaur	Post already occupied by him on adhoc basis
3	Mr.Asadullah S/O Hukam Dad, Domail Zirraiki District and Tehsil Bannu	Statistics	GDC Darazinda FR D.I.Khan	Post already occupied by him on adhoc basis
4	Mr.Adnan Khan S/O Wasal Khan, Warsak Road Ghalgi Kandar Khel P/O Mathra Peshawar.	Statistics	GPGC Khar, Bajaur	Post already occupied by him on adhoc basis
5	Mr. Ajmir Khan S/O Anwar Khan, Village Qandhari Wali Kor P/O Sandukhel Tehsil Lakaro Mohmand Agency	Statistics	GDC Landikotal, Khyber	Post already occupied by him on adhoc basis
6	Mst. Sadia Nawab D/O Nawab Ali Khan, House No. 112 Street-3 Sector K-4 Phase-3 Hayat Abad Peshawar.	Urdu	GGDC Jamrud, Khyber	Against vacant post
7	Mst. Romana Khan Mahsud D/O Din Ghulam Mahsud Mahsud, House No. 13 LALAZAR Colony Near Govt. College No. 1 (For Boys) Dera Ismail Khan.	English	GGDC Jandola, FR Tank	Against vacant post
8	Mst. Hina D/O Farid Ullah, House # 141/C, Mohallah Nawab, Bannu City	English	GGDC Miranshah, NWA	Vice Nausheen Gul, Adhoc Lecturer who's services shall be terminated

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2. TERMS & CONDITIONS

1. Their services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servants Act 1973 as amended vide NWFP Civil Servants (Amendment) Act 2005. They will however be entitled to Contributory Provident Fund in such a manner and at such rates as prescribed by the Government.
2. The Lecturers who are already in Government Service and are working against pensionable posts on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel are allowed choice of option either to retain benefit of pension & gratuity as allowed to them under their previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to them under the new appointment.
3. Their services are liable to termination on one month's notice from either side. In case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
4. The appointees should join their posts within 30 days of the issuance of this Notification. The Director Education (FATA) would furnish a certificate to the effect that the candidate have joined the post or otherwise, after one month of the issuance of this Notification, failing which their candidature will expire automatically and no subsequent appeal etc shall be entertained.
5. They would be on probation for a period of one year extendable for another period of one year.
6. They will be governed by such rules and regulations as may be issued from time to time by the Government.
7. Their services can be terminated at any time in case their performance is found unsatisfactory during probationary period.
8. Charge report should be submitted to all concerned.
9. They will not be entitled to any TA/DA on their first appointment as Lecturer.

Secretary
Social Sectors Department

Endst No. & Dated Even

Copy forwarded to the:-

1. Secretary Higher Education, Archives & Libraries Department Khyber Pakhtunkhwa.
2. Director Education FATA, Peshawar.
3. Accountant General Khyber Pakhtunkhwa
4. Addl: Accountant General (PR) Sub Office Peshawar.
5. PS to Chief Secretary Khyber Pakhtunkhwa.
6. PS to Secretary Social Sectors Department, FATA Secretariat, Peshawar.
7. Individuals concerned.
8. Personal File.

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2/7/2014
Section Officer (Edu:SSD)

THE KHYBER PAKHTUNKHWA ADHOC LECTURERS
(REGULARIZATION OF SERVICES) ACT, 2014.

(KHYBER PAKHTUNKHWA ACT NO. XXII OF 2014)

[First published after having received the assent of the Governor of
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa
(Extraordinary), dated the 26th May, 2014].

AN
ACT

to provide for regularization of the services of certain lecturers
appointed on adhoc basis in the Province of the Khyber Pakhtunkhwa.

Preamble: WHEREAS Higher Education, Archives and Libraries Department has
appointed on 04.09.2013 upto 30.06.2014, one hundred and ninety-five male and forty-six
female lecturers in various colleges of the Khyber Pakhtunkhwa on adhoc basis;

AND WHEREAS it is expedient to provide for the regularization of the services of
these lecturers, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follow:

1. Short title and commencement. (1) This Act may be called the Khyber
Pakhtunkhwa Adhoc Lecturers (Regularization of Service) Act, 2014.

(2) It shall come into force at once:

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

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "Department" means the Higher Education, Archives and Libraries Department;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants;
- (e) "lecturer" means an adhoc lecturer appointee by Government on 04.09.2013 on adhoc basis against post in various Government Colleges of the Khyber Pakhtunkhwa; and

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(f) "post" means a post of the lecturer in the Department and is required to be filled on the recommendation of the Commission.

(2) The expressions "ad hoc appointment" shall have the same meanings as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. **Regularization of services of ad hoc lecturers.**— (1) Notwithstanding any thing contained in any law or rule, all lecturers, who were holding the posts till the commencement of this Act, shall be deemed to have been validly selected and appointed to those posts on regular basis from the date of the commencement of this Act:

Provided that-

- (a) such lecturers were appointed against those posts which falls within the ambit of the Commission;
- (b) the services of such lecturers shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette;
- (c) such lecturers possess the qualification and experience prescribed for the posts to which they are appointed on regular basis;
- (d) the candidates recommended by the Commission till the date of commencement of this Act shall have the first right for appointment against the post instead of lecturers to be regularized under this Act; and
- (e) such lecturers were appointed after observance of all codal formalities/ criteria.

(2) For the purposes of sub-section (1), the date, on which the recommendation of the Commission is received in the Department, shall be deemed to be the date of recommendation of the Commission.

4. **Determination of seniority.**-(1) The lecturers whose services are regularized under this Act, shall rank junior to all those belonging to same service or cadre, as the case may be, who are in service on commencement of this Act, and shall also rank junior to such other persons, if in pursuance of the recommendation of the commission made before commencement, to be appointed to the respective service of cadre, irrespective of their actual date of joining the service.

(2) The inter-se-seniority of the lecturers whose service are regularized under this Act shall be determined on the basis of their continuous officiating in service.

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Provided that if the date of continuous officiating in the case of two or more lecturers is the same, the lecturer older in age, shall rank senior to the younger one.

5. Overriding effect.- Notwithstanding anything to the contrary in any other law or rule for the time being in force, the provision of the Act shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

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Judgment Sheet

IN THE PESHAWAR HIGH COURT,
PESHAWAR.

(Judicial Department)

WP No. 2039-P/2014

Afsar Khan & others

Vs

Federation of Pakistan & others



JUDGMENT

Date of hearing. 24.05.2017
Petitioner (s) by: Mr. Jehanzeb Mehsud, Advocate
Respondent (s) by: Syed Qaiser Ali Shah, AAG

MUHAMMAD YOUNIS THAHEEM, J.-

The petitioners 253 in number invoked the constitutional jurisdiction of this Court by filing instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 seeking relief for following prayer:

"It is humbly prayed that this Hon'ble Court may graciously be pleased to:

- i. Declare the act of the respondents whereby they have refused to regularize the services of the petitioners and extend the

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09 JUN 2017

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benefits prescribed for 1282 employees of Fata Secretariat by Cabinet Sub-Committee in its meeting held on 13th March, 2013 is against the law, arbitrary, discriminatory and violative of Article 4 & 2-A of the Constitution.

ii. Direct the Respondents to regularize the services of the Petitioners in the light of the decision of Cabinet Sub-Committee in its meeting held on 13th March, 2013."

2. Brief facts of the case are that respondent No.5/Secretary, Administration, Information & Co-ordination FATA Secretariat, Warsak Road, Peshawar invited applications for the posts of Lecturers in (BPS-17) on "ad hoc basis" in various academic Disciplines from candidates belonging to Federally administered tribal domicile area and Khyber Pakhtunkhwa vide advertisement dated 29.05.2011. The petitioners considered themselves as eligible having required qualifications in their respective academic disciplines, applied for the same posts, participated in the selection

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EXAMINER
Peshawar High Court

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Government the petitioners were not regularized, hence this petition on the grounds mentioned therein.

3. Comments were called from respondents No.3 to 5, who submitted their para-wise comments and refuted the submissions of petitioners by raising various legal as well as factual objections particularly raised objection that as petitioners were appointed on "Adhoc basis", therefore, no right had been accrued to them for regularization. Similarly they also objected that as the posts pertain to BPS-17 so it could only be filled through recommendations of Khyber Pakhtunkhwa Public Service Commission so are not entitled for the relief prayed.

4. Arguments heard, record perused.

5. From the perusal of record it is an admitted position that petitioners were appointed after adopting due process of law and their service contract was extended as discussed above. Similar kind of legal controversy arose in WP No.379-P/2015 titled as Dr. Amir-uz-Zaman and others Vs Govt. of KPK & others and the same was settled vide judgment dated 15.06.2016 according to which most of the

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medical officers were regularized under Khyber Pakhtunkhwa Medical Officers (Regularization of Service Act, 2015) but when petitioners of referred WP No.379-P/2015 moved application for their regularization, they were regretted vide order dated 11.09.2015 on ground that they were appointed for FATA and PATA so could not be regularized. The ratio of the judgment passed in WP No.379-P/2015 is as under:

"petitioners are appointed and posted on contract basis till the arrival of Public Service Commission selectees and as such the petitioners while holding the said posts comes within the purview of ibid Act so after the promulgation of the said Act they are regularize employees of the Provincial Government posted in FATA/Agency."

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6. This Court vide order dated 28.05.2015

held that the petitioners mainly relied upon the

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 Peshawar High Court
 05 JUN 2017

judgment of this Court including the judgment of Larger Bench in WP No.969/2010 dated 07.11.2013 and the judgment passed in WP No.2307-P/2013 on 06.11.2014 whereby contract and daily wages employees of FATA were given status of regular employees whereas petitioners in the instant writ petition were initially appointed on "Adhoc basis" as lecturer subject to arrival of nominee from Khyber Pakhtunkhwa Public Service Commission. Thus in view of above, the petitioners filed CM No.1211/2016 seeking relief for amendment in the instant writ petition which was allowed vide order dated 29.06.2016, therefore, the petitioners filed amended writ petition with following prayer:

"Because without prejudice to the above but in addition thereto, the petitioners are employees of Higher Education Department KPK working in FATA as evident from the decision arrived at in a aforementioned meeting held on 16.02.2016, summary for

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 EXAMINER
 Peshawar High Court
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Chief Minister and the comments filed by the respondent No.6, then the petitioners are entitled for regularization as similarly placed adhoc lecturers of Higher Education Department working in settled areas in the province has already been regularized by the respondents."

7. From the perusal of record it is an admitted position that the petitioners were appointed vide above said notifications. Similarly according to minutes of meeting held on 16.02.2016 for regularization of adhoc lecturers in FATA and Teaching Assistants of Higher Education Department a Committee comprising members of Establishment Department, Law Department, Finance Department and Khyber Pakhtunkhwa Public Service Commission was constituted under the Chairmanship of Higher Education Department to prepare a comprehensive case for regularization of services of above said employees/petitioners.

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8. In the meanwhile Federal Government introduced a policy to regularize all contract and daily wages employees whether working in Ministries/Divisions etc and for this purpose a Sub-Committee of Cabinet Division was constituted with a clear mandate to consider and regularize contract and daily wages employees and in this respect a meeting of Cabinet Sub-Committee on "regularization" was held on 13th of March 2013 under the Chairmanship of the then Federal Minister of Religious Affairs so vide agenda item No.247 all those above said employees who served for more than one year were recommended by Sub-Committee under the said policy for regularization. Consequently, in view of Cabinet Sub-Committee decision dated 13.03.2013 as many as 1282 employees of FATA were regularized but inspite of decision of Cabinet Sub-Committee, the matter of regularization of 1282 employees of FATA working as lecturers was delayed on one pretext or other, therefore, WP No.969-P/2010 was filed for which a larger bench of this Court was constituted who gave its verdict on 07.11.2013 wherein it was held that the services of all the petitioners including those who are

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similarly placed persons and are serving on contract basis shall be regularized in the light of Cabinet Sub-Committee decision conveyed to FATA Secretariat by the Cabinet Division meeting held on 13.03.2013 but the services of present petitioners were not regularized despite clear directions of the Cabinet Sub-Committee. It is noticed that Provincial Assembly of Khyber Pakhtunkhwa also passed an Act "Khyber Pakhtunkhwa (Regularization Service Act, 2014)" whereby services of 195 Male and 46 Female lecturers were regularized but petitioner's regularization was not considered. It is also an admitted position that the petitioners according to decision held in minutes of meeting on 16.02.2016 are employees of Higher Education Department, Govt. of Khyber Pakhtunkhwa working in FATA and PATA. Similarly the argument of learned counsel for petitioners that the petitioners became prey to discrimination in the context that most of the employees of higher education department had been regularized vide ibid act 2014 while the employees working in FATA have not been regularized despite the decision of Cabinet Sub-Committee. Even some lecturers working in some

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 Federal High Court
 05 JUN 2017

To,

G-27

The Director, Higher Education Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR FIXATION OF PAY IN BPS-17 w.e.f. 04-11-2010 i.e. FROM THE DATE OF INITIAL APPOINTMENT ADHOC BASIS TO THE POST OF LECTURER

Respected Sir,

With due regard it is stated that I have join the Higher Education Department as lecturer in Statistic vide order dated 04-11-2010 on adhoc basis as a stop gap arrangement. That after completion of one year my services were further extended for one year vide order dated 07/02/2012. That later on consequent upon the recommendations of KP public service commission the concerned authority appointed me as lecturer in Statistic against regular post in GDC Barkhalozai District Bajaur vide order dated 02/07/2012, that in follow to the aforementioned appointment order i took over the charge as lecturer in Statistic in GDC Barkhalozai District Bajaur on 03/07/2012. That I have the apprehension that if the respondents allowed back benefits and seniority to the colleagues and juniors colleagues then I will definitely be suffered. That from the date of my regularization I am requesting the concerned authority for counting of my previous service w.e.f the date of my first appointment i.e. 04.11.2010 but no response has been given to my repeated requests. That feeling aggrieved I preferred the instant Departmental appeal before your good self for protection of my seniority and counting my previous service w.e.f 04.11.2010.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal my previous service w.e.f 04.11.2010 may very kindly be count with all back benefits. Any other remedy which your good self deems fit that may also be awarded in my favor.

Dated: 26.02.2020

Your Sincerely

Taufeeq, Lecturer

GDC Barkhalozai, District Bajaur

~~ATTESTED~~

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2020

Taufiq

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We *Taufiq*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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. ____/____/2020



CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

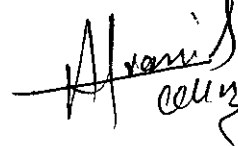
KAMRAN KHAN

MIR ZAMAN SAFI

&

AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:
Flat No.4, 2nd Floor, Juma Khan
Plaza, near FATA Secretariat,
Warsak Road, Peshawar.
Mobile No.0345-9383141



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

S.A.6274/2020

Mr. Taufiq Appellant


Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Department,
Peshawar & Others Respondents

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Respondents


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

(1)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHWAR**

S.A # 6274/2020

Mr. TaufiqAppellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary
and Director, Higher Education Peshawar..... Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1,2 & 3

Respectfully Sheweth: -

Preliminary Objections:-

1. That the appellant has got neither cause of action nor locus standi to file the instant Service Appeal.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the instant appeal is hit by doctrine/principle of laches as the appellant has filed the Service Appeal after 08 years of his appointment through Public Service Commission.
4. That the appellant is estopped by his own conduct to file the instant appeal.
5. That the appellant has not filed any departmental appeal before the departmental/appellant authority, hence this tribunal lacks jurisdiction under section 4(a) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 to entertain the instant appeal.
6. That the instant appeal is badly time-barred.

Facts: -

- 1) Incorrect. That the appellant was not appointed as Lecturer in computer science, instead he was appointed as Lecturer in statistics on Adhoc basis as a stop gap arrangements for a period of one year up to 04-11-2011 or till the availability of selectees of Khyber Pakhtunkhwa, Public Service Commission whichever is earlier vide order dated: 04-11-2010. (Annex-A)
- 2) Correct to the extent that the appellant was re-appointed on Adhoc basis vide order dated: 07-02-2012.(Annex-B)
- 3) Correct to the extent that the appellant was appointed as Lecturer on the recommendation of Public Service Commission vide order dated: 02-07-2012 (Annex-C) rest of the Para pertains to the record.
- 4) Incorrect. That the appellant is appointed on regular basis in 2012 through Public Service Commission and inter-se- seniority has been prepared according to his merit position. (Annex-D). Moreover, feeling aggrieved with decision dated: 24-

05-2017 department has filed an appeal in the Supreme Court of Pakistan where leave to appeal has been granted. (Annex-E)

5) Incorrect. That the appellant has not filed any departmental appeal as no such appeal is available on the record. In Section 4(a) of Khyber Pakhtunkhwa Service Tribunal Act 1974, it is clearly mentioned that

"No appeal shall lie to a Tribunal unless the aggrieved Civil Servant has preferred an appeal or application for review or representation to departmental authority."

(Annex-F)

As no departmental appeal is filed by the appellant, hence the instant service appeal is not maintainable. The appellant was appointed on regular basis by the Khyber Pakhtunkhwa Public Service Commission and his inter-se-seniority has been prepared by the Khyber Pakhtunkhwa Public Service Commission as per his overall merit position. Moreover, the appellant quit the adhoc Service before joining the regular one.

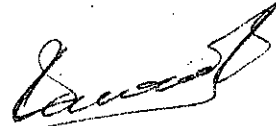
6). Incorrect. As already explained in Para 5.

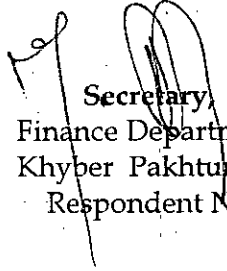
Grounds:-



- A. Incorrect, That the period of Adhoc service is not countable towards the seniority and inter-se- seniority has been prepared by Khyber Pakhtunkhwa Public Service Commission among the successful candidates as per their overall merit position.
- B. Incorrect. That the appellant has been treated in accordance with law and rules.
- C. Incorrect. That the appellant is trying to mislead the Honorable Tribunal. The appellant is treated in accordance with law.
- D. Incorrect. As already explained in preceding Paras.
- E. Incorrect. As already explained in preceding Paras.
- F. Incorrect. That appellant was appointed on Adhoc basis on 04-11-2010 upto 04-11-2011 for one year till arrival of the selectees of the Khyber Pakhtunkhwa Public Service Commission whichever is earlier as already mentioned in the terms and condition of the notification and re-appointed on Adhoc basis vide notification dated: 07-02-2012 w.e.f 25-11-2011 with the gap of two weeks on the same terms and conditions. Thereafter the appellant was recommended by Khyber Pakhtunkhwa Public Service and appointed vide notification dated: 02-07-2012.
- G. Incorrect. That the Appellant is not entitled under the said rules as already explained.
- H. That the respondents may be allowed to raise additional grounds at the time of arguments.

Prayer:-

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/misstatements hence may graciously be dismissed.


Secretary,
Higher Department Education
Khyber Pakhtunkhwa
Respondent No. 1


Secretary,
Finance Department
Khyber Pakhtunkhwa
Respondent No. 2


Director,
Higher Education Khyber Pakhtunkhwa
Respondent No. 3


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

S.A 6274/2020

Mr. Taufiq Appellant

Versus

**Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Department,
Peshawar & Others Respondents**

AFFIDAVIT

I, Jehanzeb Khan Superintendent (Litigation) Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:

**Deponent
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar**

GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION
LIBRARIES DEPARTMENT

Dated Peshawar the November 04th, 2010.

NOTIFICATION

No. 50(COLLEGES)2-5/2010. Consequent upon the recommendations of Departmental Selection Committee, the Competent Authority is pleased to appoint the following Male lecturers (BPS-17) on adhoc basis as a stop gap arrangements for a period of one year or till the availability of selectees of Khyber Pakhtunkhwa Public Service Commission whichever is earlier and to post / adjust them in the colleges mentioned against each:

S#	Name & Address	Subject	Zone	Posted at	Remarks
1.	Amir Dost Khan S/o Muhammad Sultan, Village & P/o Bar Shawar Shamkanra, Tehsil Matta, District Swat.	Computer Science	Disable Zone-III Swat	GPGC Saidu Sharif, Swat.	A.V.P
2.	Tanveer Usman S/o Usman Ghani, Mohalla Shaban, Village & P.O. Khatrabad, Nowshera.	Maths	Disable Zone-II Nowshera	GPGC Mardan	A.V.P
3.	Ubaid Ali S/o Abdul Ghafoor, Moh. Badnam Khel, V.P.O. Gojar Garhi, Tehsil & District Mardan.	Economics	Disable Zone-II Mardan	GPGC Nowshera	A.V.P
4.	Muhammad Waris S/o Fazil Mabeod, Mohallah Shah Dhand, Village & P/o Lund Khwar, Tehsil Takht Bhai, District Mardan.	Computer Science	Disable Zone-II Mardan	GPGC Mardan	A.V.P
5.	Syeri Hamid Ali Shah S/o Muhammad Shah, Village Sunigram, Dagher, Buner.	Pak Study	Disable Zone III Buner	GDC Dagher, Buner	A.V.P
6.	Muhammad Siraj S/o Muhammad Zarin, Village Korha, Tehsil Barikot, Swat.	Law	Disable Zone-III Swat	GDC Madyan	A.V.P
7.	Ihsan Ullah S/o Niamat Ullah, P/o Serai Gambela, Village Kotka Mehmood Lakki Marwat.	Physics	Disable Zone-IV Lakki Marwat	GDC Dara Township No. 3, D.T. Khan.	A.V.P
8.	Abdul Khaliq S/o Rasool Jaleel, Village & P/o Khawa, Tehsil & District, Karak.	Biology	Merit Zone-IV Karak	GDC Takht-e-Nasrati, Karak	
9.	Nazif Ullah Khan S/c Taklim Khan, Department Micro Biology, Faculty Biological Sciences, Quaid-e-Azam University, Islamabad.	Biology	Zone-I N.W. Agency	Services vacant at the disposal of Director Education (FATA)	
10.	Muhammad Naeem Khan S/o Muhammad Sareer Khan, Village Qilla Anwar Mahal, PO Utmanzai, Tehsil & District Charsadda.	Biology	Zone-2 Charsadda	GDC Charsadda	
11.	Qaisar Zaman S/o Haider Shah, Gul Muqam Zari Khan Koroonia, P.O. & Tehsil Dargai, District Malakand.	Biology	Zone-2 Malakand	GDC Malakand	
12.	Asmat Ullah Khan S/o Rasool Badshah, C/o Rasool Badshah, SET, GHS No. 2, Kohat City.	Biology	Zone-1 Karak	GDC Kohat	

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

289	Muhammad Aamir S/O Meharabad Ayub Vill & PO Pandu Meharabad Distt Abbottabad	Political Science	Zone-V Abbottabad	GPGC Nowshera	
290	Muhammad Aamir S/O Muhammad Meharabad PO Kuthiala Distt & Teh Meharabad	Political Science	Zone-V Abbottabad	GDC Darband, Mansehra	
291	Muhammad Aamir S/O Khan Afsar dist & Mansehra Vill & PC Paisal Via Mansehra Nawab	Political Science	Zone-V Mansehra	GDC Lissan Nawab, Mansehra.	A.V.P
292	Muhammad Aamir S/O Khan Afsar dist & Mansehra Vill & PC Paisal Via Mansehra Nawab	Political Science	Merit-I Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA). GDC Zaidu Swabi.	A.V.P
293	Manzoor Ul Hassan S/O Gul Hassan Shah Moh Khadrey KHE , Vill & PO Pani Pir Swabi	Statistics	Merit-II Zone-II Swabi	GDC Gandaf, Swabi.	A.V.P
294	Rab Nawaz Khan S/O Muhammad Gul Vill & PO Touru Mohallah Amu Khel Dist Mardan	Statistics	Merit-II Zone-II Mardan	GDC No. 1, D.I. Khan	A.V.P
295	Mohammad Hamraz S/O Taj Ali Khan Department Of Statistics Quaid -e- Azam University Islamabad	Statistics	Merit-IV Zone-IV Karak		
296	Subhan Ullah S/O Naseer Zaman Vill Sokhta PO Shabqadaar Fort Charsadda	Statistics	Merit-V Zone-II Charsadda	Services placed at the Disposal of Director Education (FATA).	
297	Hazrat Ali S/O Wakeel Dad Vill & POI Gar Munara Teh & Dist Swabi	Statistics	Merit-VI Zone-II Swabi	Services placed at the Disposal of Director Education (FATA).	
298	Muhammad Abid S/O Muhammad Sahib Dist Mardan Teh Takht Bai POI Bad Khawar Vill Gulmura Haji Abad	Statistics	Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA).	
299	Ansar Ullah S/O Fazal Jamir Bajund Hospital Room # 17 Danishabad Peshawar	Statistics	Zone-I NWaziristan Agency	Services placed at the Disposal of Director Education (FATA).	
300	Ajmeer Khan S/O Anwar Khan Room # 36 Hostel # 2 University of Peshawar	Statistics	Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA).	
301	Adnan Khar S/O Wisal Kha Warsak Road Ghajga Khandar Khel P/O Mathera Peshawar	Statistics	Zone-I Mohmand Agency	Services placed at the Disposal of Director Education (FATA).	

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Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

348	Qaisar Jamal S/O Bacha Khan Monallah Gulistan Vill & PO Sakhatkot Dargal Malakand	Zoology	Zone-III Malakand	Services placed at the Disposal of Director Education (FATA).	
349	Ashraf Ullah Khan S/O Rasool Badshah C/O Rasool Badshah SET GHS Norkohat city	Zoology	Zone-IV Karak	GPGC Karak.	A.V.P
350	Ihsan Ullah S/O Rasheed Khan Vill Mianki Banda PO Inzer Banda Teh Takt Nasrati dist Karak	Zoology	Zone-IV Karak	GDC Latamber, Karak.	A.V.P
351	Muhammad Faiz Khan S/o Muhammad Afzal Khan Moh Choinlan vill Sikandur Pur Haripur	Zoology	Zone-V Haripur	GDC Khanpur, Haripur.	A.V.P
352	Khalid Mehmood S/O Ghulam Rasool Vill Bandi Sarara PO Chamiali Teh & Distt Abbottabad	Zoology	Zone-V Abbottabad	GDC Zarabi, Swabi.	A.V.P

ADJUSTMENT:-

Consequent upon the above, the following posting / transfer of lecturers is also made in the best public interest:-

S. #	Name / Designation / present posting	Posted at	Remarks
1.	Attique uz Zaman, lecturer in Statistics, GDC Oghi, Mansehra.	GPGC Haripur.	Against vacant post
2.	Sajjad Ahmad, lecturer in Maths, GDC Samarbagh, Dir Lower.	GPGC Timergara, Dir Lower.	Against vacant post
3.	Ijaz Ahmad, lecturer in Economics, GDC Ahmadabad, Karak.	GPGC Kohat	Against vacant post
4.	Ikram Ullah, lecturer in Political Science, GDC Totakan, Malakand Agency.	GPGC Timergara, Dir Lower.	Against vacant post
5.	Dilawar Khan, lecturer in Chemistry, GDC Dara Adam Khel, FR Kohat.	GDC Hangu	Against vacant post
6.	Rashid Ahmad, lecturer in Pak Study, GDC Puran, Shangla.	GDC Matta, Swat.	Against vacant post
7.	Murad Ali, lecturer in Chemistry, GPGC Khar, Bajaur Agency.	GPGC Timergara, Dir Lower.	Against vacant post

The appointment of the above lecturers from S. No. 01 to 352 will be subject to the following terms and conditions:-

TERMS AND CONDITIONS

- The appointment of the above candidates will be on Adhoc basis for a period of one year upto 4.11.2011 or till the arrival of the selectees of the Khyber Pakhtunkhwa Public Service Commission, whichever is earlier.
- They will get pay and allowances in BPS-17.
- No TA/DA will be allowed for their first appointment.
- The appointment of the candidates mentioned in Para.1 above is subject to the condition that they bear the Domicile of Khyber Pakhtunkhwa.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

If they want to terminate their contract before expiry of the term, they shall have to give one month notice in advance failing which they will have to deposit one month salary in the Govt. Treasury.

They shall not make any request for transfer from the college where they are posted in case of such occurrence, their services shall stand terminated.

They shall join their post within 15-days of the issuance of this Notification. The Director Higher Education, Khyber Pakhtunkhwa Peshawar, should furnish a certificate to the effect that the candidates have joined the post or otherwise after 15-days of the issuance of this Notification.

They shall execute an agreement with the Government before taking over charge to be signed by the Director Higher Education Khyber Pakhtunkhwa, on behalf of the Government.

They shall not be entitled to any pension or gratuity for the service rendered on a contract basis.

Charge report in duplicate should be submitted to all concerned. Their service shall be terminated if they violate any provision of the terms & conditions specified in the Agreement Bond.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Page No. Date Even.

Copy of the above is forwarded to the: -

- 1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
- 2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- 3. Joint Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 4. Secretary to Governor, Khyber Pakhtunkhwa.
- 5. Accountant General Khyber Pakhtunkhwa Peshawar.
- 6. Director Higher Education Khyber Pakhtunkhwa Peshawar, with the request to circulate copies of the Agreement Bond to all Principals of the Government Colleges concerned immediately.
- 7. Director of Education (FATA) Khyber Pakhtunkhwa Warsak Road Peshawar.
- 8. Districts & Agency Accounts Officers, concerned.
- 9. Director Information for wide publicity through media.
- 10. Principals Government Colleges (Male) concerned.
- 11. Section Officer (FATA) Education Wing, Governor's Secretariat (FATA), Warsak Road Peshawar.
- 12. Deputy Director (IT), Planning Cell, Higher Education Department.
- 13. Joint Secretary to Minister of Higher Education, Khyber Pakhtunkhwa Peshawar.
- 14. Officers concerned.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

(HASHIR AHMAD)
SECTION OFFICER (COLLEGES)
64/11/TA



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

Dated Peshawar the February 7th, 2012.

NOTIFICATION

NO. SO(COLLEGES)2-5/2010. In continuation of this Department Notification of even number dated 04.11.2010, the Competent Authority is pleased to re-appoint the following Male lecturers (BPS-17) for a period of one year in various subjects on adhoc basis as purely temporary and stop-gap arrangements for Govt. Colleges of Khyber Pakhtunkhwa. Their salaries will be started from the dates noted against each in Column-4:-

1.	2.	3.	4.
S. #	Name & Designation	Posting station	Date from which re-appointed
1.	Amir Dost Khan, adhoc lecturer in Computer Science.	GPGJC Saidu Sharif, Swat	10-11-2011
2.	Ubaid Ali, adhoc lecturer in Economics.	GPGC Nowshera	17-11-2011
3.	Syed Hamid Ali Shah, adhoc lecturer in Pak Study.	GDC Dagger Buner	10-11-2011
4.	Muhammad Siraj, adhoc lecturer in Law.	GDC Madyan, Swat.	12-12-2011
5.	Ihsan Ullah, adhoc lecturer in Physics.	GDC No.3 D.I Khan.	12-11-2011
6.	Nazif Ullah adhoc lecturer in Biology.	GPGC Miranshah S.W.A	02-01-2012
7.	Muhammad Naeem Khan, adhoc lecturer in Biology	GDC Ghari Kapoora, Mardan.	16-11-2011
8.	Qasim Zaman adhoc lecturer in Biology.	GDC Dagger Buner	10-11-2011
9.	Ishtiaq Ahmad adhoc lecturer in Botany	GDC Chitral	16-11-2011
10.	Rafi Ullah adhoc lecturer in Botany.	GDC Gulabad, D. Lower.	05-11-2011
11.	Muhammad Usman Khan adhoc lecturer in Botany	GDC Paniala, D.I. Khan.	26-11-2011
12.	Muhammad Israr adhoc lecturer in Botany	GDC Akora Khattak Nowshera	11-11-2011
13.	Sabtain Adil adhoc lecturer in Botany	GPGC No.1 Abbotabad	05-11-2011
14.	Taseer Ullah Shah adhoc lecturer in Botany	GDC No.3 D.I Khan	12-11-2011
15.	Muhammad Aamir adhoc lecturer in Botany	GDC Sherwan, Abbottabad.	14-11-2011
16.	Murad Ali adhoc lecturer in Chemistry	GDC Zaida Swabi	11-11-2011
17.	Asif Khan adhoc lecturer in Chemistry	GDC Thal Hangu	12-11-2011
18.	Majid Ali adhoc lecturer in Chemistry	GDC Takht Bhai Mardan	05-12-2011
19.	Muhammad Imran adhoc lecturer in Chemistry	GDC Paharpur D.I Khan	11-11-2011
20.	Shehryar adhoc lecturer in Chemistry.	GDC Landi Jalandar, Bannu.	25-11-2011
21.	Ibrahim Khan adhoc lecturer in Chemistry	GPGC Khar Bajur Agency	14-11-2011
22.	Ahmad Khan adhoc lecturer in Chemistry	GPGC Miranshah S.W.A	24-11-2011
23.	Fazal Dad adhoc lecturer in Chemistry	GDC Zarabi Swabi	10-11-2011
24.	Ibrahim Khan adhoc lecturer in Chemistry	GPGC Mardan	05-11-2011
25.	Mansoor Ali adhoc lecturer in Chemistry	GPGC Mardan	05-11-2011
26.	Naseeb Rawan adhoc lecturer in Chemistry	GDC Malta, Swat.	10-11-2011
27.	Asad Ali adhoc lecturer in Chemistry	GDC Dagger Buner	10-11-2011

ATTESTED
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

214.	Muhammad Sohaib adhoc lecturer in Political Science	GPGC Charsadda.	30-11-2011
215.	Shabir Khan adhoc lecturer in Political Science	GDC Ekka Ghund Morymand Agency GPGC No.1 Abbotabad	07-01-2012 11-11-2011
216.	Sohrab Ahmad adhoc lecturer in Political Science	GDC Matta Swat	10-11-2011
217.	Gulmuddin adhoc lecturer in Political Science	GDC Totakan Malakand Agency	10-11-2011
218.	Fahim Ullah Khan adhoc lecturer in Political Science	GDC Kakki Bannu	05-12-2011
219.	Naveed Ali Shah adhoc lecturer in Political Science	GDC Paniala, D.I. Khan.	25-11-2011
220.	Hamayun Khan adhoc lecturer in Political Science	GDC Daru Adam Khel, FR Kohat.	25-11-2011
221.	Abdul Nasir Khan adhoc lecturer in Political Science	Govt. Akhtar Nawaz khali Degree College KTS Haripur	05-12-2011
222.	Muhammad Amir adhoc lecturer in Political Science	GDC Darband Manshira	12-11-2011
223.	Sajid Waseem adhoc lecturer in Political Science	GDC Lissan Nawab Manshira	10-11-2011
224.	Imran Afsar adhoc lecturer in Political Science	GDC Barkhalozai Bajaur Agency	25-11-2011
225.	Adilgeer adhoc lecturer in Statistics	GDC Zaida, Swabi	05-11-2011
226.	Manzoor Ul Hassan adhoc lecturer in Statistics	GDC Gandaf Swabi	10-11-2011
227.	Rab Nawaz Khan adhoc lecturer in Statistics	GDC Gandaf Swabi	10-11-2011
228.	Subhan Ullah adhoc lecturer in Statistics	GPGC Charsadda.	24-11-2011
229.	Kazrat Ali adhoc lecturer in Statistics	GDC Garhi Kapoora, Mardan.	25-11-2011
230.	Muhammad Abid adhoc lecturer in Statistics	GDC Nawagai Bajaur Agency	02-01-2012
231.	Ansar Ullah adhoc lecturer in Statistics	GDC Miranshah N.W.A	24-11-2011
232.	Ajmeer Khan adhoc lecturer in Statistics	GDC Landi Kotal Khyber Agency	26-11-2011
233.	Adnan Khan adhoc lecturer in Statistics	GPGC Khar Bajaur Agency	25-11-2011
234.	Aizaz Ullah lecturer in Statistics	GDC Kotha, Swabi.	09.12.2011
235.	Syed Waseem Abbas Shah adhoc lecturer in Statistics	GDC Gumbat, Kohat.	25-11-2011
236.	Muhammad Asad Khan adhoc lecturer in Statistics	GDC Totakan Malakand Agency	10-11-2011
237.	Tehseen Ullah adhoc lecturer in Statistics	GDC Matta Swat	03-12-2011
238.	Raza Ullah Khan adhoc lecturer in Statistics	GDC Paniala D.I Khan	17-11-2011
239.	Kamran Khan adhoc lecturer in Statistics	GDC Kulachi D.I Khan	16-11-2011
240.	Yasir Ihsan adhoc lecturer in Statistics	GDC Oghi Manshira	10-11-2011
241.	Arlii Mehmood Khan adhoc lecturer in Statistics	GPGC No.1 Abbotabad	11-11-2011
242.	Muhammad Riaz adhoc lecturer in Urdu	GDC Darazinda FR D.I. Khan.	25-11-2011
243.	Qazi Amjid adhoc lecturer in Urdu	GDC Havelian Abbotabad	13-11-2011
244.	Ambiaz Khan adhoc lecturer in Urdu	GDC Tank	13-11-2011
245.	Imran Khan adhoc lecturer in Urdu	GDC Nawagai Bajaur Agency	25-11-2011
246.	Abdul Amin adhoc lecturer in Urdu	GDC Kotka Habibullah	25-11-2011
247.	Shakoor Jan adhoc lecturer in Urdu	GPGC Charsadda.	12-11-2011
248.	Irfan Ullah adhoc lecturer in Urdu	GPGC Charsadda	02-12-2011
249.	Wahood Murad adhoc lecturer in Urdu	GDC Wadpaga Peshawar	17-11-2011

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Superintendent
 Directorate of Higher Education
 Khyber Pakhtunkhwa Peshawar

ATTESTED

250.	Syed Sultan Zaib Bacha adhoc lecturer in Urdu	GDC Dagger, Buner.	10-11-2011
251.	Sajid Ghani adhoc lecturer in Urdu	GDC Dir Upper	16-11-2011
252.	Muslim Shah adhoc lecturer in Urdu	GDC Ghari Kapora, Mardan	10-11-2011
253.	Sohail Ahmad adhoc lecturer in Urdu	GDC Totakan, Malakand Agency.	10-11-2011
254.	Rennat Ullah adhoc lecturer in Urdu	GDC Tank	16-11-2011
255.	Sheh Wali Shah adhoc lecturer in Urdu	GPGC Bannu	03-12-2011
256.	Khalil-ur-Rehman adhoc lecturer in Urdu	GDC Paniala D.I Khan	10-11-2011
257.	Asif Khan adhoc lecturer in Urdu	GDC Lissan Nawab Mansehra	14-11-2011
258.	Zafar Iqbal adhoc lecturer in Urdu	GPGC No.1 Abbottabad	11-11-2011
259.	Liaqat Khan adhoc lecturer in Urdu	GDC Nathiagali Abbottabad	07-12-2011
260.	Bakht Tareen khan adhoc lecturer in Zoology	GDC Yar Hussain, Swabi.	26-11-2011
261.	Jehangir Khan adhoc lecturer in Zoology	GPGC Nowshera.	30-11-2011
262.	Abdul Khaliq adhoc lecturer in Zoology	GDC No.1 D.I Khan	11-11-2011
263.	Sharbat Ali adhoc lecturer in Zoology	GDC Matta Swat	03-12-2011
264.	Hezb Ullah, adhoc lecturer in Zoology	GDC Bagan, Kurram Agency	25-11-2011
265.	Munarnmad Nisar adhoc lecturer in Zoology	GPGC Mardan.	24-11-2011
266.	Asmat Ullah adhoc lecturer in Zoology	GPGC Karak	11-11-2011
267.	Ihsanullah, adhoc lecturer in Zoology,	GDC Latambar, Karak.	11.11.2011
268.	Muhammad Ali adhoc lecturer in Economics	GDC Toru Mardan	02-01-2012
269.	Zohaib Akhtar adhoc lecturer in Economics	GDC Zaida Swabi	28-01-2012
270.	Mohammad Sabil-ur-Rehman adhoc lecturer in Maths	GPGC Mandian Abbottabad	05-01-2012
271.	Muhammad Anwar adhoc lecturer in English	GDC Agra Malakand	26-01-2012

The appointment of the above lecturers from S. No. 01 to 271 will be subject to the following terms and conditions:-

TERMS AND CONDITIONS

- Their re-appointment will be on Adhoc basis for a period of one year upto the date of expiry as mentioned against each or till the arrival of the selectees of the Khyber Pakhtunkhwa Public Service Commission, whichever is earlier.
- They will get pay and allowances in BPS-17.
- No TA/DA will be allowed for their re-appointment.
- The re-appointment of the candidates mentioned in Para.1 above is subject to the condition that they bear the Domicile of Khyber Pakhtunkhwa.
- If they want to terminate their contract before expiry of the term, they will have to serve one month notice in advance failing which they will have to deposit one month pay in lieu of such notice in the Govt. Treasury.
- They shall not make any request for transfer from the college where they are posted. In case of such occurrence, their services shall stand terminated.
- They shall join their post within 15-days of the issuance of this Notification. The Director Higher Education, Khyber Pakhtunkhwa Peshawar, should furnish a certificate to the effect that the candidates have joined the post or otherwise after 15-days of the issuance of this Notification.
- They shall execute an agreement with the Government before taking over charge to be signed by the Director Higher Education Khyber Pakhtunkhwa, on behalf of the Government.

ATTESTED
 Superintendent
 Directorate of Higher Education
 Khyber Pakhtunkhwa Peshawar

- 19
- ix. They shall not be entitled to any pension or gratuity for the service rendered by them on Adhoc basis, nor they will claim any right of regularization.
- x. Charge report in duplicate should be submitted to all concerned.
- xi. Their service shall be terminated if they violate any provision of the terms & conditions specified in the Agreement Bond.


SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

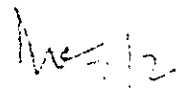
Endst: No. & Date Even.

Copy of the above is forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa Peshawar.
3. Director of Education (FATA), Warsak Road Peshawar.
4. Director Recruitment, Khyber Pakhtunkhwa Public Service Commission Peshawar.
5. Districts / Agency Accounts Officers concerned.
6. Principals of the Government Colleges concerned.
7. Section Officer (Estab-II) FATA Secretariat, Coordination & Administration Department, Warsak Road Peshawar.
8. P.S. to Secretary Higher Education Department.
9. Lecturers concerned.

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Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar


(WAHEED KHAN)
SECTION OFFICER (COLLEGES-II)



(13)

FAIA SECRETARIAT
Social Sectors Department
Warsak Road Peshawar

Notification

Dated Peshawar the 02/07/2012

No.SO(Edu:SSD)/1-1/Apppt:Leclt:/5582-98 Consequent upon the recommendations of Khyber Pakhtunkhwa Public Service Commission, the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) is pleased to appoint the following (Male/Female) candidates as lecturer in Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa in BS-17 (16000-1200-40000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government subject to the conditions inter-alia specified at Para-2 and posted them in the Colleges mentioned against their names below.

S#	Name and Father's Name	Subject	Posted at	Remarks
1	Mr. Taufiq S/O Jawid Village Shali Kor Samad Kor Tehsil Ghallanai Mohmand Agency	Statistics	GDC Barkhlozai, Bajaur	Post already occupied by him on adhoc basis
2	Mr. Muhammad Ismail S/O Bakht Munir village and Post office Harrichand Nehir Bangla Tehsil Tangi District Charsadda	Statistics	GPGC Khar, Bajaur	Post already occupied by him on adhoc basis
3	Mr. Asadullah S/O Hukam Dad, Domail Ziraki District and Tehsil Bannu	Statistics	GDC Darazinda FR D.I. Khan	Post already occupied by him on adhoc basis
4	Mr. Adnan Khan S/O Wasal Khan, Warsak Road Ghalgi Kandar Khel P/O Mathra Peshawar.	Statistics	GPGC Khar, Bajaur	Post already occupied by him on adhoc basis
5	Mr. Ajmir Khan S/O Anwar Khan, Village Qandhari Wali Kor P/O Sandukhel Tehsil Lakaro Mohmand Agency	Statistics	GDC Landikotal, Khyber	Post already occupied by him on adhoc basis
6	Mst. Sadia Nawab D/O Nawab Ali Khan, House No. 112 Street-3 Sector K-4 Phase-3 Hayat Abad Peshawar	Urdu	GGDC Janruki, Khyber	Against vacant post
7	Mst. Romana Khan Mahsud D/O Din Ghulam Mahsud Mahsud, House No. 13 LALAZAR Colony Near Govt. College No. 1 (For Boys) Dera Ismail Khan.	English	GGDC Jandola, FR Tank	Against vacant post
8	Mst. Hina D/O Farid Ullah, House # 141/C, Mohallah Nawab, Bannu City	English	GGDC Miranshah, NWA	Vice Nausheen Gul, Adhoc Lecturer who's services shall be terminated

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Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

TERMS & CONDITIONS

14

1. Their services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servants Act 1973 as amended vide NWFP Civil Servants (Amendment) Act 2005. They will however be entitled to Contributory Provident Fund in such a manner and at such rates as prescribed by the Government.
2. The Lecturers who are already in Government Service and are working against pensionable posts on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel are allowed choice of option either to retain benefit of pension & gratuity as allowed to them under their previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to them under the new appointment.
3. Their services are liable to termination on one month's notice from either side. In case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
4. The appointees should join their posts within 30 days of the issuance of this Notification. The Director Education (FATA) would furnish a certificate to the effect that the candidate have joined the post or otherwise, after one month of the issuance of this Notification, failing which their candidature will expire automatically and no subsequent appeal etc shall be entertained.
5. They would be on probation for a period of one year extendable for another period of one year.
6. They will be governed by such rules and regulations as may be issued from time to time by the Government.
7. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period.
8. Charge report should be submitted to all concerned.
9. They will not be entitled to any TA/DA on their first appointment as Lecturer.

Secretary
Social Sectors Department

Entist No. & Dated Even

- Copy forwarded to the:-
1. Secretary Higher Education, Archives & Libraries Department Khyber Pakhtunkhwa.
 2. Director Education FATA, Peshawar.
 3. Accountant General Khyber Pakhtunkhwa
 4. Addl: Accountant General (PR) Sub Office Peshawar.
 5. PS to Chief Secretary Khyber Pakhtunkhwa.
 6. PS to Secretary Social Sectors Department, FATA Secretariat, Peshawar.
 7. Individuals concerned.
 8. Personal File.

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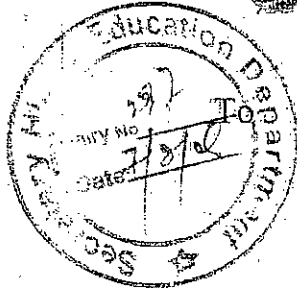
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Section Officer (Edu:SSD)
2/7/2024

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05

Telephone: 091-9214131, 9213563
Ex: 209,212

Khyber Pakhtunkhwa
Public Service Commission
2 Fort Road Peshawar. C
Governor House
SR-VII- No. 002343
Dated: 6/2/19



The Secretary to,
Govt. of Khyber Pakhtunkhwa,
Higher Education Department Peshawar.

**Subject: - REVISED INTER SE MERIT (COMBINED) OF MALE LEC
VARIOUS SUBJECTS (BPS-17) IN HIGHER E
DEPARTMENT (ADVERTISEMENT 04/2010).**

Dear Sir,

In am directed to refer to your letter No. so(C-II)/12-6/2018 dated 18/12/2018 on the subject noted above and to enclose herewith copy of Combined Revised Inter Se Merit of Male Lecturers in various (BPS-17) of Advertisement No 04/2010 for your further necessary action.

ATTESTED

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

Yours Faithfully,

(SHER AJMAL AFRIDI)
ASSISTANT DIRECTOR

Handwritten notes and signatures: "DSC", "SoC", "11/02/19", "Pat up", "13/2", "18/2", "11/2".

(16)

Subject: **REVISED INTER-SE MERIT OF MALE LECTURERS (BPS-17) IN VA
SUBJECTS (ADVERTISEMENT NO 04/2010)**

Advertisement No 04/2010					
Merit Order	Interview Marks	D.O.B	Name with Father's Name	Subject	District
1.	75/43	5.5.81	Yasir Naveed S/O Muhammad Naveed	Islamiyat	Abbott
2.	71/45	3.12.80	Zia Ur Rehman S/O Abdul Shakoor	Islamiyat	Battagr
3.	71/41	12.3.84	Muhammad Faheem Ullah S/O Abdul Karim	Islamiyat	Charsad
4.	71/40	1.6.75	Muhammad Zahir Shah S/O Muhammad Shah	Islamiyat	DIKha
5.	70/48	25.3.78	Zia Ur Rehman Awan S/O Aziz Ur Rehman	Zoology	Bannu
6.	70/44	10.4.85	Muhammad Waqas Ali Shah S/O Iqbal Hussain Shah	Computer Science	DIKha
7.	69/48	30.8.81	Muhammad Umar S/O Fazal Gul	Pak Studies	NWA
8.	69/48	15.3.82	Israj Khan S/O Fazal Wahid	Pak Studies	Mardan
9.	69/48	1.4.87	Navid Iqbal Khan S/O Majid Ullah Khan	Pak Studies	Swat/3
10.	69/48	10.4.82	Qaisar Ali Khan S/O Shabab Ali Khan	English	Bannu
11.	69/48	20.7.84	Jehan Zeb S/O Muhammad Rasool Khan	Zoology	Dir/3
12.	69/48	11.4.85	Muhammad Ibrahim S/O Faqir Muhammad	Geography	Mardan
13.	69/48	1.4.87	Muhammad Uzair Khan S/O Alamgir Khan	English	Mardan
14.	69/45	21.2.83	Haleem Farman S/O Farman Ullah	Computer Science	Peshawar
15.	69/41	15.3.81	Noor Ul Haq S/O Rizwan Ul Haq	Islamiyat	Swabi/Gado
16.	68/48	19.6.81	Zahid Usman S/O Usman Ullah	History	Nowshera
17.	68/48	23.3.84	Khial Ghani S/O Abdur Rehman	Pak Studies	FR Peshawar
18.	68/48	20.7.84	Zain Ullah S/O Tawiz Khan	English	SWA/1
19.	68/46	1.1.85	Subhan Ullah S/O Naseer Zaman	Statistics	Charsadda
20.	68/45	1.4.83	Wahid Gul S/O Khan Muhammad	English	Mohmand Ag
21.	68/44	1.3.84	Anwar Rashad S/O Raham Rashad	Computer Science	Swat/3
22.	68/44	12.11.87	Taufiq S/O Jawid	Statistics	Mohmand Ag
23.	68/42	5.4.84	Waqar Ahmad S/O Muhammad Nawaz	Islamiyat	Hanipur/5
24.	67/48	17.4.76	Tariq Hassan S/O Ghulam Hussain	Pak Studies	Kohat/4
25.	67/48	12.11.77	Arshad Iqbal S/O Abdul Mabood	Pak Studies	Mohmand Agency/1
26.	67/48	3.1.80	Iqbal ud Din S/O Fazal Rehman	Pak Studies	Dir Lower/3
27.	67/48	11.2.80	Fazal Kabir S/O Fazal Mabood	Urdu	Swat/3
28.	67/48	1.4.82	Ismail Khan S/O Amir Muhammad	Pak Studies	Swabi/2
29.	67/48	2.1.84	Diaram Khan S/O Sawar Khan	Pak Studies	Buner/3
30.	67/48	31.3.85	Naveed Azam S/O Azam Khan	Geography	Peshawar/2
31.	67/48	1.7.85	Ahmad Ali Khan S/O Mizaj Gul	Geography	Malakand Agy/1
32.	67/45	24.7.82	Riaz Muhammad S/O Noor Rehman	Zoology	Mohmand Agy/1
33.	67/45	21.3.83	Wasim Ullah S/O Muhammad Murad	Pak Studies	Karak/1

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Superintendent

Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

7618

PRESENT:
Mr. Justice Gulzar Ahmed
Mr. Justice Munib Akhtar

Civil Petition No. 355-P of 2017
(On appeal from the order dated
24.5.2017 passed by the Peshawar
High Court, Peshawar in W.P.2039-
P of 2014)

Govt. of KPK thr. Chief Secretary,
KPK, Civil Secretariat, Peshawar
and others ...Petitioner (s)

Versus

Asfar Khan and others. ...Respondent (s)

For the Petitioner (s) : Mr. Zahid Yousuf Qureshi, Addl. A.G.
KPK.
Mr. Khushi Muhammad S.O. Lit.


Respondent No.1 : In person.

Date of hearing : 17.09.2019

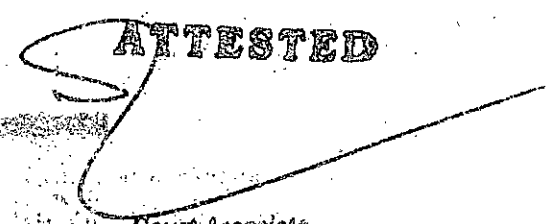
ORDER

Gulzar Ahmed, J. Learned additional Advocate General contends that in the first place a Committee of Cabinet Division was constituted to consider the regularization of the employees of FATA Colleges but the Committee did not recommend their regularization as they were appointed on ad-hoc basis in FATA. Learned Additional Advocate General further contends that no discrimination can be attributed to the legislation made by the Provincial Government i.e. KPK Ad hoc Lecturers (Regularization of Services) Act, 2014 and thus the Peshawar High Court could not

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Superintendent
Directorate of Higher Education,
Khyber Pakhtunkhwa Peshawar

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

CP 385-P/17

have given a decision by ignoring these two valid pieces of documents where discrimination was not at all established. He further contends that at the time when the writ petition was filed, the High Court had no jurisdiction to adjudicate the matter relating to FATA and in terms of Article 247 of the Constitution such jurisdiction was barred. He further contends that this Act, as referred to above, was also not applicable to the employees working in FATA.

Leave to appeal is granted *inter alia* to consider the above submissions of the learned Additional Advocate General, KPK.

Sd/-J
Sd/-J



Certified to be True Copy

NOT APPROVED FOR REPORTING

ATTESTED

Court Accountant
Supreme Court
(Islamabad)

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

17689/09

GR No: _____ Civil/Criminal

Date of Presentation: 17-9-19

No of Wards: _____

No of Folios: _____

Requisition Fee: _____

Copy Fee: _____

Court Fee: _____

Date of _____

Date of _____

Signed: Ahmad

THE ¹[KHYBER PAKHTUNKHWA]
SERVICE TRIBUNALS ACT, 1974.

²[KHYBER PAKHTUNKHWA] ACT NO. I OF 1974.

[28th March, 1974]


CONTENTS.

PREAMBLE

SECTIONS:

1. Short title, commencement and application.
2. Definitions.
3. Tribunals.
- 3A. Adhoc Appointment.
- 3B. Tenure, Terms and condition of service of Chairman and member.
4. Appeals to Tribunals.
5. Constitution of Benches.
6. Hearing of appeals and, their disposals.
7. Power of Tribunals.
8. Abatement of Suits and other proceeding.
9. Limitation.
10. Re-appeal and transfer of cases.
11. Power to make Rules.
12. Repeal.

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Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

¹[(4) The Chairman and members of a Tribunal shall be appointed by the Governor in consultation with the Chief Justice of the Peshawar High Court.]

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of a Tribunal may be appointed by name or by designation.

²[3-A Adhoc appointment.—The Governor may, if necessary or expedient, for a particular case or cases, make an ad hoc appointment on the Tribunal of person qualified to be Chairman or a member as the case may be.]

³[3-B Tenure, Terms and conditions of service of Chairman and members. (1) The Chairman and a member shall hold office for a period of three years or until he attains the age of sixty years, whichever is earlier, and shall not be eligible for re-appointment:

Tenure, Terms and conditions of service of Chairman and members.

Provided that if a judge of the High Court is appointed as Chairman, he shall hold office for a period of three years or until he attains the age of superannuation as judge of the High Court whichever is earlier.

(2) In case, a retired judge of the High Court is appointed as Chairman under clause (a) of sub-section (3) of section 3, he shall hold office for a period of three years and shall not be eligible for re-appointment.

(3) The other terms and conditions of service of the Chairman and members shall be such as may be determined by the Governor.]

~~4. Any civil servant aggrieved by any final order, whether original or appellate made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him ⁴[or within six months of the establishment of the appropriate Tribunal, whichever is later], prefer an appeal to the Tribunal having jurisdiction in the matter:~~

Appeals to Tribunals.

Provided that ----

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Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

¹ Substituted vide Khyber Pakhtunkhwa Act No. XXII of 2013, S.2(b).

² Inserted vide Khyber Pakhtunkhwa Act No. XIII of 1976, S.2.

³ Inserted vide Khyber Pakhtunkhwa Act No. XXII of 2013, S.3.

⁴ Inserted vide Khyber Pakhtunkhwa Act No. IX of 1974, S.3 (a).

- (a) Where an appeal, review or representation to a departmental authority is provided under the [Khyber Pakhtunkhwa] Civil Servants Act, 1973, or any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was preferred;²
- (b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining-
- (i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade ;or
- (ii) the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement³ [; and].
- ⁴[(c) no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969.]

Explanation.—In this section, "departmental authority" means any authority other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of service of civil servants.

5. (1) There may be constituted one or more Benches, each consisting of— Constitution of Benches.
- (a) the Chairman alone ; or
- (b) the Chairman and one or more members ; or
- (c) ⁵[one preferably judicial member] or more member,

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Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.
² Omitted vide Khyber Pakhtunkhwa Act No. IX of 1974, S.3(b)(i).
³ Replaced vide Act No IX of 1974, S.3 (b)(ii).
⁴ Added vide Khyber Pakhtunkhwa Act No IX of 1974, S.3 (b) (iii).
⁵ Substituted vide Khyber Pakhtunkhwa Act No. XXII of 2013, S.4(i)(a)