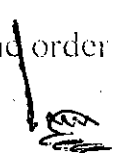


FORM OF ORDER SHEET

Court of

Case No.-

619/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/03/2023	<p>The appeal of Mr. Zahid Rehman resubmitted today by Mr. Javed Ahmad Kakar Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant and his counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR <i>ev</i></p>

The appeal of Mr. Zahid Rehman son of Abdul Jamil r/o Bagan P.O Bagan Lower District Kurram received today i.e. on 17.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal be got signed by the appellant.
- 2- Copies of applications mentioned in para-2 & 7 of the appeal are not attached with the appeal.
- 3- Annexures A & D of the appeal are illegible which may be replaced by legible/better one.
- 4- Print of page no. 1, 2 & of the appeal are very dim.
- 5- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal.

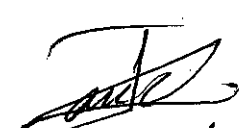
No. 986 /S.T,

Dt. 17/3/2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Ahmad Kakar Adv.
High Court at Peshawar.

Note: That all the objection are removed and re submitted the file.


Javed Ahmad Kakar
AHC

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 619 / 2023


Zaid Rehman

-----VERSUS-----

Government of Khyber Pakhtunkhwa & Others

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Appellant / Zaid Rehman

Date 14/03/2023

Through


JAVED AHMAD KAKAR

&

ARSHAD AMAN GANDAPUR
Advocates High Court Peshawar

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

Service Appeal No. 619 / 2023

Zaid Rehman s/o Abdul Jamil r/o Bagan, P.O Bagan, Tehsil
Lower District Kurram.

.....Appellant

VERSUS

- 1) Govt of Khyber Pakhtunkhwa through Chief Secretary KPK Peshawar
- 2) Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar
- 3) Accountant General Khyber Pakhtunkhwa Peshawar.
- 4) Director of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 5) Deputy Director, Planning Cell, Elementary and Secondary Education KPK, Peshawar.
- 6) District Education Officer Kurram.
- 7) District Accountant Officer Kurram

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT -1974 FOR GIVING RETROSPECTIVE EFFECT TO THE APPOINTMENT ORDER DATED 22/02/2022 IN ORDER TO INCLUDE PERIOD SINCE THE INITIAL APPOINTMENT OF THE OTHER CANDIDATES i.e. DATED 16/11/2020 TILL THE APPOINTMENT ORDER DATED 22/02/2022 WITH ALL BACK BENEFITS, IN THE TERMS OF ARREARS, PROMOTIONS, SENIORITY AND SALARIES OF THE SAID PERIODS IN THE LIGHT OF JUDGMENT AND ORDER DATED 15/02/2022 AND 23/02/2022 RENDERED BY HON'BLE PESHAWAR HIGH COURT PESHAWAR.

PRAYER:

ON ACCEPTANCE OF THIS APPEAL A DIRECTION MAY PLEASED BE ISSUED TO THE RESPONDENT DEPARTMENTS TO EXTEND ALL THE BACK BENEFITS, ARREARS TO APPELLANT IN TERMS OF, SENIORITY & PROMOTION BY EXTENDING TO THE DATE OF INITIAL APPOINTMENT OF THE OTHERS CANDIDATES DATED 16/11/2020.

2

AND FURTHER PRAYED TO DIRECT THE RESPONDENTS TO PAY THE SALARIES SINCE THE INITIAL APPOINTMENT OF OTHERS CANDIDATES DATED 16/11/2020.

Respectfully Sheweth:

That the Appellant is pleased to beseech before this Honorable Court as under;

1. That the respondent No.04 on dated January 1st, 2019 advertised different posts including the post of "PET" (BPS-15) to which the appellant being eligible candidate applied and was on second position of merit list, but the name of the appellant dropped by the respondents from the list of interview on the ground that the appellant has obtained his required qualification after the closing date of advertisement. (Copy of advertisement and merit list are attached as Annexure A & B)
2. That thereafter the appellant approached to the Honourable Constitutional Court, filed a writ petition and challenge the decision of the respondents, while the Honourable High Court Peshawar declare the appellant eligible and fit for the said post and through vide order dated 15/02/2022 directed the respondents to appoint the appellant against the post of PET. (Copy of writ petition, order and judgment are attached as Annexure C-D)
3. That after the decision and direction of the Honourable High Court Peshawar, appellant appointed as PET through vide appointment order No.870-85/Edu dated 22/02/2022 by the respondent, but deprived the appellant from his basic right of the back benefit and all other arrears of the initial appointment. Moreover one Ishaq Khan s/o Ahmad Shah while the other Hassan Sadiq s/o Muhammad Sadiq appointed against the post of PET vide through appointment order No. 1819-25APPTT:PET/2020 dated 16/11/2020. (Copy of appointment orders are attached as Annexure E)
4. That as per the terms and conditions the appointment is purely made on temporary/contract basis initially for one year with the effect from 29-10-2021 to 20-10-2022. Moreover the respondents given the appointment to appellant only and kept away from the back benefit in the terms of arrears, seniority, promotion and payment of salaries, which was claimed by the appellant in his prayer writ petition No 3487-P/2020.

5. That the appellant approached to the department and moved an application for the compliance of order of Peshawar High Court Peshawar, while the Deputy District Education Officer forwarded to the District Education Officer on dated 09/06/2022 for the compliance.

(Copy of application is attached as Annexure F)

6. That the appellant was regularized through vide notification No.Endst.No. 11203-06, dated 07/12/2022 by the respondent No.6.

(Copy of Regularization is attached as Annexure G)

7. That the appellant again file fresh writ petition, No.462-P/2023 before the Honorable Peshawar high Court Peshawar and the same was dismissed through vide order dated 07/03/2023, being not maintainable, however the petitioner is directed to approach proper forum for redressal of his grievances.

(Copy of application and order is attached as Annexure H and I)

8. That the stroke of misfortune hit the appellant when he was rejected and declare ineligible, unfit for the said post intentionally though that he was eligible and fit for the said post of PET, therefore it is the right of the appellant to avail all the back benefits in terms of arrears, seniority & promotion from the initial dates of appointments, i.e. dated 16/11/2020, of the other candidates.

9. That feeling badly peeved, the appellant having no other efficacious remedy knocks the door of this Honourable Court on the following grounds inter alia.

GROUND:

1. That the appellant is naturally born bona-fide & peaceful citizens of the Islamic Republic of Pakistan & is fully & equally, on equality basis, entitled to all basic & fundamental rights, as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land.

2. That the act of the respondents by not paying the salaries to the appellant since inception of the initial appointment i.e. dated 16/11/2022 February 2022, is sheer violation of the fundamental rights of the appellant and against the mandate of law and rules.
3. That it is axiomatic to state here that the appellant ran from pillar to post for the release of his salaries of the month of November 2020, but of no avail and lastly he preferred application request to the respondent No. 06 but again of no avail.
4. That under Art - 4 & 25 of the Constitution equal protection and equal treatment are the fundamental rights of the appellant & as where other employees were initially appointed on dated 16/11/2020 were benefited the fruition of payments, promotion etc., then by keeping the Petitioner at abbey from the same is not only unwarranted, illegal and against the principles of Natural Justice, but is highly discriminatory and unconstitutional as well.
5. That where similar placed persons are to be dealt with in terms of treatment to be meted out to them, must always be on equal footing, must always be just, fair & transparent without any sort of discrimination and where so many other employees in past & even in present have been extended seniority & back benefit since their initial appointments, then in no case the appellant can be deprived of the same in stricto sense of Art- 25 of the Constitution.
6. That no body could be prejudiced due to the act of the public functionaries and person, who was found eligible for the any benefit was entitled to it for from the date when the same accred to him. PLC (C.S) 2022 page 338.
7. That from all prospective & from all four facets of law, the appellant have every right to be dealt with

accordance to the law & constitution and to be certainly meted out fair and just treatment.

8. That where in the past so many times, in the similar circumstances, so many employees were granted the required fruition, then why the appellant be flayed all & strip of all the same.
9. That the case in hand involves the violation of the fundamental rights of the appellant, and denial of all the back benefits in form of payment of salaries, arrears, seniority and promotion.
10. That salary is not bounty but in fact, the fundamental and basic right of every employee is to enjoy, which is also the mandate of article 11 of the constitution of Islamic Republic of Pakistan 1973.
11. That any other ground not raised here specifically may kindly be allowed to be raised at the time of arguments.

PRAYER:

It is therefore, most humbly prayed that on acceptance of this appeal, this Honorable court may graciously be issued the direction to the Respondent Departments to extend the back benefits to appellant since the initial appointment of the others candidates date 16/11/2022, in the Respondent Elementary and Secondary Education Department.

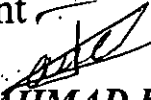

And further prayed that the appellant may graciously be extended to all the back benefits in terms of arrears, seniority & promotion by extending to the date of initial appointment of the others candidates dated 16/11/2020 till the appointment order dated 22/02/2022.

And further prayed to direct the respondents to pay the salaries to the appellant since the initial appointment of others candidates of dated 16/1/2020 till the appointment order dated 22/02/2022.

And lastly prayed that the appellant be extended the due Seniority with effect from the initial appointment of the others candidates dated 16/11/2020 till the appointment order dated 22/02/2022 in the Respondent Elementary and Secondary Education Department.

And any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Date 14/03/2023

Appellant
Through 
JAVED AHMAD KAKAR
& 
ARSHAD AMAN GANDAPUR
Advocates High Court
Peshawar

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No. _____ / 2023

Zaid Rehman

-----VERSUS-----

Government of Khyber Pakhtunkhwa & Others

AFFIDIVATE

I Zahid Rehman s/o Abdul Jamil r/o Bagan, Lower Kurram, District Kurram, do hereby solemnly affirm and declare on oath that the contents of this WRIT petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

Zaid Re
Deponent

Dated: 14/03/2023

CNIC: 21302-6084768-9

Contact: 0300-9519514

Identified by
[Signature]
Advocate

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No. _____ / 2023

Zaid Rehman

-----VERSUS-----

Government of Khyber Pakhtunkhwa & Others

ADDRESS OF PARTIES

APPELLANT

Zaid Rehman s/o Abdul Jamil r/o Bagan, P.O Bagan, Tehsil
Lower District Kurram.

RESPONDENTS

- 1) Govt of Khyber Pakhtunkhwa through Chief Secretary KPK Peshawar
- 2) Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar
- 3) Accountant General Khyber Pakhtunkhwa Peshawar.
- 4) Director of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 5) Deputy Director, Planning Cell, Elementary and Secondary Education KPK, Peshawar.
- 6) District Education Officer Kurram.
- 7) District Accountant Officer Kurram

Date 14/03/2023

Appellant
Through
JAVED AHMAD KAKAR
&
ARSHAD AMAN GANDAPUR
Advocates High Court
Peshawar

ردیف	تفصیلات	کے تحت	نمبر
1	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (CPL) (BFS-15)	35716 سال
2	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (DM) (BFS-15)	35718 سال
3	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (FED) (BFS-15)	35718 سال
4	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (CPL) (BFS-15)	35718 سال
5	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (AT) (BFS-15)	35718 سال
6	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (BFS-12)	35718 سال
7	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (BFS-11) (BFS-15)	35718 سال
8	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (BFS-17)	35718 سال
9	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (BFS-11)	35718 سال
10	(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔ (2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔	سول (BFS-07)	35718 سال

مطلوبہ شدہ تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔

(1) کسی کی تنظیم کو ختم کرنے سے پہلے اس کی تمام اہلیوں کو مطلع کرنا اور ان کے حقوق کو برقرار رکھنا۔
(2) تنظیم کو ختم کرنے کے بعد اس کے اہلیوں کو اس کے اثاثوں اور ذمہ داریوں کے بارے میں اطلاع دینا۔

Attest
[Signature]

INFP
4845

Advised 1-1-2019 to 30-1-2019

Tentative Merit List PET Male District Kurram, Swat

ROLL NO	CANDIDATE NAME	FATHER NAME	MARKS	TOTAL MARKS	75102	75103	75104	75105	75106
1	140007	SHARQ KHAN	65	126.07	75102	75103	75104	75105	75106
2	140122	ZAID REHMAN	60	125.07	75102	75103	75104	75105	75106
3	140097	CASIM JAN	64	124.93	75102	75103	75104	75105	75106
4	140075	MUHAMMAD ASIF	62	122.47	75102	75103	75104	75105	75106
5	140054	HASSAN SADIQ	64	122.11	75102	75103	75104	75105	75106
6	140092	ABDULREHMAN	67	122.03	75102	75103	75104	75105	75106
7	140127	NAIS KHAN	67	121.99	75102	75103	75104	75105	75106
8	140154	SAYED MUHAMMAD HASSA	67	121.57	75102	75103	75104	75105	75106
9	140143	YOUSAF ORAKZAI	64	120.67	75102	75103	75104	75105	75106
10	140045	SHAMS UR REHMAN	60	118.93	75102	75103	75104	75105	75106
11	140149	HAFIZ	62	116.43	75102	75103	75104	75105	75106
12	140032	FAZAL JAN	59	116.27	75102	75103	75104	75105	75106
13	140063	SHAI SAUD	60	114.23	75102	75103	75104	75105	75106
14	140135	IMRAN KHAN	55	113.75	75102	75103	75104	75105	75106
15	140191	ARSHAD REHMAN	47	109.46	75102	75103	75104	75105	75106
16	140115	MUHAMMAD SAID	52	109.41	75102	75103	75104	75105	75106
17	140169	SHAH ADID	47	108.88	75102	75103	75104	75105	75106
18	140151	KHALID AHMAD	55	108.84	75102	75103	75104	75105	75106
19	140053	MUHAMMAD SULMAN	49	108.33	75102	75103	75104	75105	75106
20	140021	SARFARAZ JAN	52	107.79	75102	75103	75104	75105	75106
21	140034	MUHAMMAD HAWAZ	51	106.45	75102	75103	75104	75105	75106
22	140011	MUHAMMAD MIRAN	53	105.84	75102	75103	75104	75105	75106
23	140152	SADIR REHMAN	50	105.21	75102	75103	75104	75105	75106
24	140095	MUHAMMAD JAMIL	50	103.78	75102	75103	75104	75105	75106
25	140079	SAYED AYOUB HUSSAIN	53	103.03	75102	75103	75104	75105	75106
26	140130	MUSARAT KHAN	47	102.96	75102	75103	75104	75105	75106
27	140129	HAFIZ ULLAH	45	102.56	75102	75103	75104	75105	75106
28	140098	MUNIR REHMAN	40	101.99	75102	75103	75104	75105	75106
29	140174	ARIZ REHMAN	24	101.54	75102	75103	75104	75105	75106
30	140110	SYED ADNAN AUSHAN	24	101.06	75102	75103	75104	75105	75106
31	140144	KHUSHAL KHAN	48	100.94	75102	75103	75104	75105	75106
32	140146	ANWAR GUL	50	100.41	75102	75103	75104	75105	75106
33	140133	SANIR BILAL	38	99.83	75102	75103	75104	75105	75106
34	140038	MUHAMMAD	40	99.37	75102	75103	75104	75105	75106
35	140093	ABU REHMAN	58	99.24	75102	75103	75104	75105	75106
36	140110	AYAZ KHAN	52	99.04	75102	75103	75104	75105	75106
37	140120	ABDUL WAHID	43	98.73	75102	75103	75104	75105	75106
38	140077	SAYED ABID	49	98.63	75102	75103	75104	75105	75106
39	140044	NOOR GUL	60	97.36	75102	75103	75104	75105	75106
40	140064	HASN KHAN	55	97.04	75102	75103	75104	75105	75106
41	140051	MUHAMMAD	40	95.31	75102	75103	75104	75105	75106
42	140053	MUHAMMAD	50	94.31	75102	75103	75104	75105	75106

سید الزمان →

Attest

140122
 Roll no 140122

11

Annexure

C



IN THE PESHAWAR HIGH COURT PESHAWAR

W. P No. _____/2020.

Zaid Rehman S/O Abdul Jamil R/O Bagan, Lower Khurram,
District Khurram.

(Petitioners)

VERSUS

1. Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department Civil Secretariat Peshawar.
2. Director Education erstwhile FATA, Khyber Road Peshawar.
3. District Education Officer, Khurram.
4. Controller Examination KUST Kohat.

(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973

Prayer in Writ Petition:

On acceptance of this Writ Petition an appropriate Writ may please be issued declaring the petitioners, fit and eligible for the post of PET BPS-15, the acts and omission of the respondents whereby denied appointment to the petitioner being 2nd in Merit Position out of three posts, on the basis, obtaining the required degree from the university is after the due date of advertisement, thus depriving the petitioner of his due right of appointment is illegal, unlawful, without lawful authority, result of malafide and thus liable to be struck down. The petitioner his better merit in has every right to be appointed as such in the order of merit and in accordance with law with all arrears and benefits, or any other remedy not specifically asked for and deemed proper in the circumstances of the case may also be allowed.

RESPECTFULLY SUBMITTED:

1. That the petitioner is highly educated and having the qualification of BSc Master in Islamiyat, is being fit and eligible for the post of the PET BPS-15. (Copy of the educational documents are attached as Annexure 'A')

2. That the respondent department advertised various posts including the post PET BPS-15 at serial no 3. *(Copy of the advertisement is attached as annexure B).*
3. That the Petitioner has at their credit the prescribed qualification, being fit and eligible for the advertised post, duly applied on the prescribed pro-forma, annexing therewith all his testimonials.
4. That the petitioner was called for test through NTS in which they appeared and qualified the test
5. That the respondents issued final merit list of the successful candidates, in which the petitioner was brought in merit position as 2nd for the total advertised posts i.e 3 among the all candidates applied for the post in question, but astonishingly dropped the name of the petitioner on the ground that the petitioner has obtained his required qualification after closing date of advertisement. *(Copy of Final merit list of successful candidates is attached as annexure C).*
6. That the petitioner has the prescribe qualification and are fit and eligible candidate for the Post of PET BPS-15 and obtain the degree of Master in Arts (Islamiyat) before the closing date of advertisement.
7. That the respondent department refused to call the petitioner for the interview on the basis of degree issued beyond the advertisement date, approached the controller examination university of KUST Kohat, whereas university issued letter dated 10.07.2020 clearly certified that petitioner bearing university registration no 2011-GCB-42, as result declaration date is 30.12.2016 and DMC issued on 12.12.2019 upon his application. *(Copies of letter dated 10.07.2020, 14.07.2020 and 23.01.2020 are attached as annexure D).*
8. That now the Petitioner has got no other efficacious and adequate remedy available in law is constrained to approach this Honourable Court for the issuance of an appropriate writ inter alia on the following grounds.

ATTORNEY
ZARAFAT
Kashmiri
Kohat

GROUND OF PETITION:

- A. That the Petitioner has not been treated in accordance with law, and their rights secured and guaranteed under the Law and Constitution has been violated.
- B. That the Petitioner has at his credit the prescribed qualification, being fit and eligible for the advertised post.
- C. That the inaction on the part of the respondents will adversely affect the career of the petitioners how can the respondents be permitted under the law to appoint their blue eyed ones.
- D. That the case in hand involves the violation of fundamental rights of the petitioners, and denial of appointment to her which is violative of article 2, 2A, 3, 9, 14, 18, 20, 25, 27, 30, 31, 37 and 38 of the constitution of 1973.
- E. That the Petitioner fulfilled the criteria for appointment, the petitioner has gone through the rigors of the selection process, after observance of the codal formalities.
- F. That the petitioners has the prescribe qualification and are fit and eligible candidates for the Post of PET BPS-15 and obtain the degree of Master in Arts before the closing date of advertisement, in this regard the University of KUST issued "Result Declaration Certificate".
- G. That the respondent department refused to call the petitioner for the interview on the basis of degree issued beyond the advertisement date, approached the controller examination university of KUST Kohat, whereas university issued letter dated 10.07.2020 clearly certified that petitioner bearing university registration no 2011-GCB-42, as result declaration date is 30.12.2016 and DMC issued on 12.12.2019 upon his application, dropping the name of the petitioner from the list of successful candidates is illegal, against the law and without lawful authority,
- H. That the Petitioner has not been treated in accordance with law, the rights of the Petitioner for appointment have been denied to them that is not permissible in law and Article 9

ATTORNEY
EXAMINER
Peshawar High Court

read with Article 18 of the Constitution of the Islamic Republic of Pakistan, 1973.


- I. That the decision of the respondents to deprive the petitioner of his genuine means of earning livelihood in an unjust, arbitrary and illegal manner, right to life is constitutionally guaranteed right of every citizen. Reliance is placed on the judgment of the august Supreme Court of Pakistan as reported in 2007 PLC (CS) 997.
- J. That the Petitioners seeks the permission of this Honourable Court to rely on additional grounds at the hearing of this Petition.

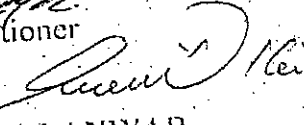
Interim Relief

By the way of interim relief the respondents may kindly be restrained from filling the post of petitioner, furthermore petitioner may also be allowed for interview at his own risk and cost till the final disposal of writ Petition.

It is therefore prayed that on acceptance of this Writ Petition an appropriate Writ may please issued in favor of the petitioners and against the respondents as prayed for.

Through



Petitioner

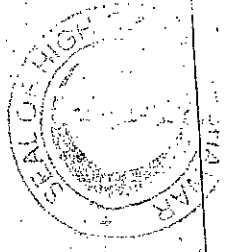

ZARTAJ ANWAR
Advocate, Peshawar

&
IMRAN KHAN
Advocate, Peshawar

CERTIFICATE


Certified that no writ petition on the same subject and between the same parties has been filed previously or concurrently.


Petitioner



PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2
15.02.2022	<p><u>Writ Petition No.3487-P/2020</u></p> <p>Present: Mr. Zartaj Anwar, Advocate, for the petitioner.</p> <p>Mr. Muhammad Sohail, AAG, for the officials of Provincial Govt along with Mr. Tooti Marjan, SCT, Focal Person, Education Department, Kurram.</p> <p>Mr. Mukhtar Ahmad Maneri, Advocate, for the respondent No.4.</p> <p>*****</p> <p>Whereas the learned AAG states that in view of fresh development, the petitioner would be considered for appointment against the post of PET, he is directed to produce the desired appointment order on the next date of hearing. Adjourned to 23rd instant.</p> <p style="text-align: right;">CHIEF JUSTICE</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: right;">Exhibit A Peshawar High Court, Peshawar Authorised Under Article 177 of The Constitution of Pakistan Order No. 31 JAN 2023</p>

(Fayaz)

(D.B) Justice Qaiser Rashid Khan, CJ & Justice Muhammad Faheem Wall, J

16

Approved

D

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT**



Writ Petition No.3487-P/2020 with I.R.

JUDGMENT

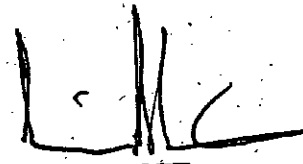
Date of hearing : 23.02.2022
Petitioner (Zaid Rehman) : By Mr. Imran Khan,
Advocate.
Respondent(s) : By Syed Qaiser Ali Shah,
AAG.

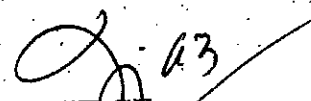
QAISER RASHID KHAN, C.J.- Through the petition in hand, the petitioner has asked for the issuance of an appropriate writ seeking directions to the respondents to appoint him against the post of PET (BPS-15) being 2nd in merit order.

2. Today, the learned counsel for the petitioner, at the very outset, states that the petitioner has been appointed by the respondents against the vacant post of PET (BPS-15) vide appointment order dated 22.02.2022 (placed on file).

3. Since the grievance of the petitioner has been redressed, therefore, this petition having achieved its object stands disposed of.

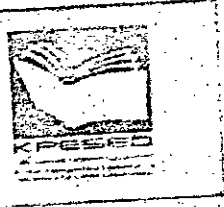
Announced.
Dated: 23.02.2022.


CHIEF JUSTICE


JUDGE

17

ANNEXURE "E"



OFFICE OF THE DISTRICT EDUCATION OFFICER
KURRAM AT PARACHINAR

Email: deokurram110@gmail.com

APPOINTMENT

Consequent upon the decision of Peshawar High Court Peshawar vide Write Petition No.3487-P/2020 dated 15-2-2022, Mr. Zaid Rehman son Abdul Jamil is hereby appointed as PET at Govt Middle School Sarpakh No.2 Central Kurram against the vacant PET post in BPS-15 (16120-1330-560200) plus usual allowance as admissible under the rules on adhoc/contract basis as per existing policy of Provincial Government in the school noted against their name with effect from the date of his taking over charge:-

TERMS & CONDITIONS

1. Charge report should be submitted to all concerned in duplicate.
2. His appointment is purely made on temporary basis initially for one year.
3. He should not be handed over charge, if he do not fulfill the recruitment age criteria.
4. His appointment is purely made on temporary/contract basis initially for one year with effect from 29-10-2021 to 28-10-2022.
5. His appointment is subject to the condition that the Educational & Professional certificates/documents must be verified from the concerned Issuing Authorities. If they found producing bogus/fake certificates/documents, their services will be terminated and reported to the Law Enforcement Agencies for further action.
6. His services will be terminated at any time, in case his performance found unsatisfactory during his probation period.
7. In case they wants to resign his post, he will have to give one month prior notice or forfeit one month pay in lieu thereof.
8. His salarie will not be drawn until or unless their academic/professional certificates/degrees are got verified from concerned Issuing Authorities.
9. He should join their posts within 15 days of the issuance of this notification, in case of failure, his appointment will automatically be considered as cancelled.
10. He is directed to provide his medical certificate from the Medical Superintendent concerned before taking over charge.
11. He will be governed by such rules and regulations as may be issued from time to time by the Government.
12. In case of any discrepancy in documents, oversight or clerical mistake, the Competent Authority has the right to withdraw appointment order.

(Sultan Muhammad)
District Education Officer
District Kurram

No. 879-85 /Edu

Dated 22/2 /2022

Copy forwarded to the:-

1. Director Elementary & Secondary Education K.P Peshawar.
2. Deputy District Education Officer LK/CK at Satta.
3. District Accounts Officer Kurram.
4. District Monitoring Officer (EMA) Kurram.
5. Headmaster concerned.
6. Accountant Local Office at Satta.
7. Candidate concerned.
8. Office file.

Attested
[Signature]
District Education Officer
District Kurram

18

date 16-11-2020

Appendix E1



OFFICE OF THE DISTRICT EDUCATION OFFICER
DISTRICT KURRAM

Email- deokurram110@gmail.com



APPOINTMENT ORDER

Consequent upon the recommendation of the Departmental Selection Committee, appointment of the following candidates is hereby ordered against the post of P.T. Male School based in BPS-15 (Rs.16120-1520-64510) @ Rs. 16120/- fixed plus usual allowances as admissible under the rules on adhoc/Contract basis as per the existing policy of the Provincial Government, in Teaching Cadre against the vacant posts noted against each on the terms and conditions given below with effect from the date of their taking overcharge:-

S#	Name & Father Name	Score	Name Of School Where Posted	Remarks
1.	Abd Khan S/O Ahmad Shah	126.073	GMS Ossal Central Kurram	A.V.P
2.	Muhammad Sadiq S/O Muhammad Sadiq	122.112	GMHS Sadda	A.V.P

TERMS & CONDITIONS

1. Their appointment is subject to outcome of CPLA Challenged in the August Supreme Court of Pakistan.
2. NO TA/DA etc is allowed.
3. Charge reports should be submitted to all concerned in duplicate.
4. Appointment is purely on Adhoc/ Contract/School Based initially for one year.
5. They should not be handed over charge if he exceeds 35 years or below 18 years of age.
6. Their appointment is subject to the condition that the Educational & Professional certificates/documents must be verified from the concerned authorities. If anyone found producing bogus/fake Certificate(s)/ Document(s) will be reported to the law enforcing agencies for further action.
7. 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 treasury.
8. Pay will not be drawn until and unless a certificate to the effect by DDO (concerned) is issued that his/her/ their certificates are verified.
9. He/She/they should join his/her post within 15 days of the issuance of this notification. In case of failure to join his/their post within 15 days of the issuance of this notification, his/her/ their appointment will expire automatically and no subsequent appeal etc shall be entertained.
10. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
11. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His/Her/ their services shall be terminated at any time, in case his performance is found unsatisfactory during his/her their contract period. In case of misconduct, he/she/they shall be proceeded under the rules framed from time to time.
13. His/Her/ their appointment is made on School based, He/She/they will have to serve at the place of posting, and his/her/ their service is not transferable to any other station.
14. Before handing over charge once again his/her/their document may be checked if he/she/they has/have not the required qualifications he/she/they may not be handed over charge.
15. If anyone candidate with fake documents / low score has been appointed erroneously, his/her/ their appointment order would be withdrawn since the day of issuance in the

Alfred

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19
(11)

Annexure

In case of discrepancy in documents, oversight or clerical mistake, the Competent Authority has the right to modify or withdraw appointment order of a candidate in accordance with rules/policy.

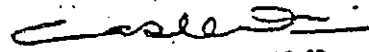
(ABBAS KHAN)

District Education Officer
Tribal District Kurram

1819-25 Apptt: ^{P&T} ~~ET~~ /2020 Dated Kurram the 16/11/2020

Where:-

1. Deputy Commissioner District Kurram.
2. PA to the Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer Kurram.
4. District Monitoring Officer (EMA) Kurram.
5. Principals / Headmasters Concerned.
6. Candidates Concerned.
7. Main Office File


District Education Officer
Tribal District Kurram

AK
/



20

AMEXUDE F

صوبہ خیبر پختونخوا - ڈسٹرکٹ ایجوکیشن آفیسر پاراویٹا، ضلع ٹریم

درخواست برائے ترمیم PET آرڈر

23.2.2022 کی بجائے 16.11.2020 سے

جنا - عالی!

گزارش ہے کہ بندہ نے PET ٹیسٹ کیلئے اپلائی کیا تھا۔
 میٹرک پر پورا اترنے کے باوجود کمیٹی والوں نے آرڈر نہیں کیا۔ جس
 کی بناء پر بندہ نے لاٹیکورٹ میں اپیل کی۔ (with) عالی کورٹ نے میرے
 حق میں فیصلہ دیا اور میرا آرڈر 23.2.2022 پر ہوا۔ لیکن
 میرے ساتھ جو امیدوار تھے ان کا آرڈر 16-11-2020 پر ہوا تھا
 لہذا استدعا ہے کہ میرا آرڈر بھی عالی کورٹ کے فیصلے کے مطابق
 16.11.2020 سے کیا جائے۔
 عالی کورٹ نے اپنے فیصلے میں لکھا ہے کہ میرا آرڈر تمام شرائط کے
 ساتھ (with all arrears and benefits) کیا جائے۔ فیصلے کی کاپیاں
 درخواست دہندہ کے ساتھ منسلک ہیں۔
 بندہ تاحیات دعا گو رہے گا۔

DEO Kurram

The applicants request is
 act on facts
 Honorable court decision
 says "with all benefits
 and arrears!!"
 Requested to honour the
 decision of worthy court, please!
 (copy attached)

الغالب
 زید رحمن PET
 SMS نیریج سنٹرل ٹریم

متن پیغام کارڈس جن فیصلے کوڈنگ کے لئے
 0300 9519514

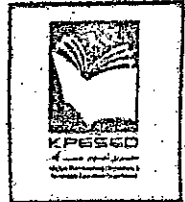
Minister
 DY DEO LK LK
 09.06.2022

Deputy District
 Education Officer Sadda
 LK & C K, Distt, Kurram



OFFICE OF THE DISTRICT EDUCATION OFFICER
(Male) KURRAM

Email:- deomkurrām110@gmail.com



NOTIFICATION

Under the provision of the Khyber Pakhtunkhwa Teachers (Appointment and Regularization of Services) Act, 2022 (Khyber Pakhtunkhwa Act No. XLI of 2022), the services of the following Physical Education Teachers (PET) BPS-15 appointed on Adhoc/Contract basis w.e.f the date mentioned in column 9, are hereby regularized in Teaching Cadre on the terms and conditions given below with effects from the date of their initial appointment till the commencement of the Act ibid:
PET-2022.

S.No	Roll No	Name	Father name	CNIC	D.O.B	T: Marks/ Score	School Name	Appt: order No. and Date	Extension
1	2	3	4	5	6	7	8	9	10
1	140122 2019-CC	Zaid Rehman	Abdul Jamil	2130260847689	15.4.1994	125.5	GMS Sarpakh No.2	879-85/Edu dt: 22.2.2022	Not applicable
2	512980	Jasim Khan	H.Hussain Jan	2130201119305	14.9.1996	128.53	GMS Cham Kall CK	9864-73/Apt/PET dt: 12.9.2022	---do---
3	512836	Muhammad Rafiq	Salfur Rehman	2130250413875	10.4.1995	124.46	GMS Gandaw Spidari CK	---do---	---do---
4	512423	S. Iqtidar Hussain	S.Yousuf Hussain	2130354931231	16.4.1991	114.67	GMS Makhrani CK	---do---	---do---
5	512692	Najeebullah Khan	Ghani Khan	2130364168645	10.3.1994	114.56	GMS Par Cham Kall CK	---do---	---do---
6	513198	S.Naeem Ali Shah	S.Hussain Ali Shah	1610229035571	27.5.1996	113.91	GMS Wali china TK	---do---	---do---

Terms and Conditions:-

1. Their services shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructor and Doctors) Regularity Act, 2011, and such rules and regulation as may be issued from time to time by Government.
2. Their services will be considered regular and they shall be eligible for pension/deduction of GP Fund in term of Khyber Pakhtunkhwa Civil Servant Act,
3. 1973, as amended in 2013, however the teachers appointed on or after 07/06/2022 shall be dealt with Section (2)(2) of Khyber Pakhtunkhwa (Amendment) Act, 2022.
4. Their services are liable to termination on one month notice from either side. In case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.

Cont:P-2.

Handwritten signature
DISTRICT EDUCATION OFFICER
KURRAM

Handwritten signature

5. They shall possess the same qualification and experience required for the subject post on regular basis as specified in Section (3)(a) of the Act.
6. The regularization shall not affect the service promotion quota of all service cadres as specified in Section (3)(c) of the Act.
7. They shall be entitled for seniority and pay from the date of initial appointment on Adhoc/Contract basis as specified in Section (3)(d) of the Act.
8. They shall perform duty for at least three years from the date of taking over charge where they were appointed/posted initially.
9. The regularization shall not be in the favor of those teachers who have not taken over charge, remained absent from the duty and resigned from the service.
10. The teacher's regularization through this notification shall be confirmed after successful completion of in-service mandatory training as specified in their service Rules notified vide notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 07/03/2018 within two consecutive attempts otherwise their appointment order shall be considered as withdrawn/cancelled from the date of declaration of result of the second attempt made in the induction program
11. ADEOs/SDEOs concerned are directed to check/verify the documents/Extension orders etc. service of the regularized teachers once again with the criteria mentioned for regularization. If the teacher do not meet criteria their service shall be considered as ceased.

(Signature)
 (Faridullah Mehsod)
 District Education Officer
 (Male) Kurram

(Signature)

Endst: No. 11207-06 /Extension/Regularization Dated: 07 /12/2022

- Copy to:
1. Director E&SE Department Khyber Pakhtunkhwa Peshawar
 2. District Account Officer Kurram at Parachinar
 3. Principal/Head Master/Head Teacher concerned
 4. Teacher Concerned.
 5. Master File

(Signature)
 District Education Officer
 (Male) Kurram

IN THE HONOURABLE PESHAWAR HIGH COURT,
PESHAWAR.

W.P No. _____ / 2023



Zaid Rehman s/c Abdul Jamil r/o Bagan, P.O Bagan,
Tehsil Lower District Kurram.

.....Petitioner

VERSUS

- 1) Govt of Khyber Pakhtunkhwa through Chief Secretary KPK Peshawar
- 2) Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar
- 3) Accountant General Khyber Pakhtunkhwa Peshawar.
- 4) Director of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 5) Deputy Director, Planning Cell, Elementary and Secondary Education KPK, Peshawar.
- 6) District Education Officer Kurram.
- 7) District Accountant Officer Kurram

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
1973 FOR THE ISSUANCE OF DIRECTION TO THE
RESPONDENTS TO PROVIDE ALL THE BACK BENEFIT
AND ARREARS IN THE TERMS OF SALARIES SENIORITY
AND PROMOTION SINCE THE INITIAL APPOINTMENT i.e
16/11/2022.

PRAYER:

ON ACCEPTANCE OF THIS WRIT PETITION AN APPROPRIAT WRIT MAY PLEASED BE ISSUED DIRCTION TO THE RESPONDENT DEPARTMENTS TO EXTEND ALL THE BACK BENEFITS, ARREARS TO PETITIONER IN TERMS OF, SENIORITY & PROMOTION BY EXTENDING TO THE DATE OF INITIAL APPOINTMENT OF THE OTHERS CANDIDATES DATED 16/11/2020.

AND FURTHER PRAYED TO DIRECT THE RESPONDENTS TO PAY THE SALARIES SENCE THE INITIAL APPOINTMENT OF OTHERS CANDIDATES DATEC 16/1/2020

FILED COPY

Deputy Registrar

01 FEB 2023

TESTER
EXAMINER

Peshawar High Cou

Respectfully Sheweth:

That the petitioner is pleased to beseech before this Honorable Court as under;

1. That the respondents on dated January 1st, 2019 advertised different posts including the post of "PET" (BPS-15) to which the petitioner being eligible candidate applied and was on second position of merit list, but the name of the petitioner was dropped by the respondents from the list of interview on the ground that the petitioner has obtained his required qualification after the closing date of advertisement.

(Copy of advertisement and merit list are attached as Annexure A & B)

2. That the respondent No.6 totally denied the right of the petitioner to be appointed in this regard the petitioner file a writ petition vide W.P. No. 3487-p/2020 for appointment before this Honorable Peshawar High Court Peshawar. Whereas on dated 15.02.2022 this Honorable Court issued direction to the respondents to produce the desired appointment order on the next date of hearing.

(Copy of appointment orders are attached as Annexure C)

3. That the respondents on the direction of Honorable Peshawar High Court Peshawar submitted the appointment order, dated 22/02/2022, whereas the writ petition No.3487-p/2020 was dispose off on dated 23/02/2022 with the remarks which are reproduce below...

" Since the grievances of the petitioner has been redressed, therefore, this petition having achieved its object stand disposed of "

(Copy of application and order are attached as Annexure D-E)

4. That after the decision of this Honorable Court Peshawar High Court Peshawar vide dated 23/02/2022 the petitioner submitted its arrival report.

FILED TODAY

Deputy Registrar

01 FEB 2023

ATTESTED
EXAMINER
Peshawar High Court

25

5. That the petitioner requested to the respondents No. 6 that his service may be regularized from the date when his colleagues namely "*Ishaq Khan s/o Ahmad Shah, while the other Hassan Sadiq s/o Muhammad Sadiq*" were appointed on dated 16/11/2020, but the respondent No. totally denied and deprived the petitioner from the his basic right of the back benefit and all other arrears of the initial appointment.

(Copy of appointment orders are attached as Annexure F)

6. That the stroke of misfortune hit the petitioner when he was rejected and declare ineligible, unfit for the said post intentionally though that he was eligible and fit for the said post of PET, therefore it is the right of the petitioner to avail all the back benefits in terms of arrears, seniority & promotion from the initial dates of appointments, i.e. dated 16/11/2020, of the other candidates.

7. That feeling badly peeved, the petitioner having no other efficacious remedy knocks the door of this Honourable Court on the following grounds inter alia.

GROUND:

1. That the Petitioner is naturally born bona-fide & peaceful citizens of the Islamic Republic of Pakistan & is fully & equally, on equality basis, entitled to all basic & fundamental rights, as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land.
2. That the act of the respondents by not paying the salaries to the petitioner since inception of the initial appointment i.e. dated 16/11/2022 February 2022, is sheer violation of the fundamental rights of the petitioner and against the mandate of law and rules.
3. That it is axiomatic to state here that the petitioner ran from pillar to post for the release of his salaries of the

FILED TODAY
Dated 04 FEB 2023

WP462-2023 ZAID REHMAN V/S 2023 T CF PGS34 USB.pdf

ATTESTED
EXAMINER
Peshawar High Court

26

month of November 2020, but of no avail and lastly he preferred application request to the respondent No. 06 but again of no avail.

4. That under Art - 4 & 25 of the Constitution equal protection and equal treatment are the fundamental rights of the Petitioner & as where other employees were initially appointed on dated 16/11/2020 were benefited the fruition of payments, promotion etc., then by keeping the Petitioner at abbey from the same is not only unwarranted, illegal and against the principles of Natural Justice, but is highly discriminatory and unconstitutional as well.
5. That where similar placed persons are to be dealt with in terms of treatment to be meted out to them, must always be on equal footing, must always be just, fair & transparent without any sort of discrimination and where so many other employees in past & even in present have been extended seniority & back benefit since their initial appointments, then in no case the petitioners can be deprived of the same in stricto sense of Art- 25 of the Constitution.
6. That from all prospective & from all four facets of law, the petitioners have every right to be dealt with accordance to the law & constitution and to be certainly meted out fair and just treatment.
7. That where in the past so many times, in the similar circumstances, so many employees were granted the required fruition, then why the Petitioners be flayed all & strip of all the same.

FILED TODAY
Deputy Registrar

01 FEB 2023

ATTESTED
EXAMINER
Peshawar High Court

8. That the case in hand involves the violation of the fundamental rights of the petitioner, and denial of all the back benefits in form of payment of salaries, arrears, seniority and promotion.
9. That salary is not bounty but in fact, the fundamental and basic right of every employee is to enjoy, which is also the mandate of article 11 of the constitution of Islamic Republic of Pakistan 1973.
10. That any other ground not raised here specifically may kindly be allowed to be raised at the time of arguments.

PRAYER:

It is therefore, most humbly prayed that on acceptance of this writ petition, this Honorable court may graciously be issued the direction to the Respondent Departments to extend the back benefits to petitioner since the initial appointment of the others candidates date 16/11/2022, in the Respondent Elementary and Secondary Education Department.

And further prayed that the Petitioner may graciously be extended to all the back benefits in terms of arrears, seniority & promotion by extending to the date of initial appointment of the others candidates dated 16/11/2020.

And further prayed to direct the respondents to pay the salaries since the initial appointment of others candidates of dated 16/1/2020 till February, 2022.

FILED TODAY

Deputy Registrar

01 FEB 2023

And lastly prayed that the petitioner be extended the due Seniority with effect from the initial appointment of the others candidates dated 16/11/2020 in the Respondent Elementary and Secondary Education Department.

And any other relief not specifically asked for may also graciously be extended in favour of the petitioners in the circumstances of the case.

Date 01/02/2023

Petitioner
Through



JAVED AHMAD KAKAR

&



ARSHAD AMAN GANDAPUR
Advocates High Court
Peshawar

List of Book:

1. Constitution of Islamic Republic Of Pakistan 1973.
2. Fundamental Rules
3. Any Other Book As Per Need



ADVOCATE

FILED TODAY

Deputy Registrar

01 FEB 2023

ATTESTED
EXAMINER
Peshawar High Court

99

IN THE HONOURABLE PESHAWAR HIGH COURT,
PESHAWAR.

W.P No. _____ / 2023

Zaid Rehman

-----VERSUS-----

Government of Khyber Pakhtunkhwa & Others

AFFIDIVATE

I Zaid Rehman s/o Abdul Jamil r/o Bagan, Lower Kurram, District Kurram, do hereby solemnly affirm and declare on oath that the contents of this WRIT petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

Identified by



JAVED AHMAD KAKAR
Advocate High Court




Deponent

CNIC: 21302-6084768-9 ✓

Contact: 0300-9519514

29.1.23
Certified that the above was verified on solemnly affirmation before me in office, this 31 day of Jan 2023 by Zaid Rehman s/o Abdul Jamil r/o Lower Kurram who was identified by Javed Ahmad who is personally known to me.
Oath Commissioner
Peshawar High Court, Peshawar
31/01/2023

FILED TODAY


01 FEB 2023

CERTIFIED TO BE TRUE COPY

Examined
Peshawar High Court Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1999

14 MAR 2023

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
07.03.2023	<p>W.P No.462-P/2023.</p> <p>Present: Mr. Javed Ahmad Kakar, Advocate, for the petitioner.</p> <p style="text-align: center;">*****</p> <p>MUSARRAT HILALI, J.- Through the instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner seeks the following relief:-</p> <p><i>“It is, therefore, most humbly prayed that on acceptance of this writ petition, this Hon’ble Court may graciously be issued the direction to the respondent departments to extend the back benefits to petitioner since the initial appointment of other candidates i.e. 16.11.2022 in the respondent Elementary and Secondary Education Department.</i></p> <p><i>The petitioner may graciously be extended all back benefits in terms of arrears, seniority & promotion by extending to the date of initial appointment of the other candidates dated 16.11.2020.</i></p> <p><i>Direct the respondents to pay the salaries since the initial appointment of other candidates from 16.1.2020 till February, 2022.</i></p> <p><i>Petitioner be extended the due seniority with effect from the initial appointment of the other candidates i.e. 16.11.2020 in the respondent Elementary and Secondary Education Department.”</i></p> <p>2. We have heard arguments of learned counsel for the petitioner and have perused the</p>

ATTESTED
EXAMINER
Peshawar High Court

documents available on the file.

3. Admittedly, the petitioner is civil servant and his grievance relates to the terms and conditions of service, so it exclusively falls within the jurisdiction of the Service Tribunal. Constitutional jurisdiction of this Court is expressly barred under Article 212(2) of the Constitution of Islamic Republic of Pakistan, 1973.

4. In view of the above, this writ petition is dismissed, being not maintainable, however, the petitioner is advised to approach proper forum for redressal of his grievance.

[Signature]
JUDGE

[Signature]

JUDGE

Announced
07.03.2023

CERTIFIED TO BE TRUE COPY
Peshawar High Court Peshawar
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1984
11 MAR 2023

(DB) Hon'ble Justice Musarrat Hilali
Hon'ble Mr. Justice Abdul Shakoor

74254
Date of Presentation of Application 08-03-2023
No of Pages 9-0
Copying fee 36-00
Total 36-00
Date of Preparation of Copy 11-03-2023
Date of Delivery of Copy 11-03-2023

Serial No. 022727
Roll No. 159497

Registration No. 2011-GCB-42

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Kohat University of Science & Technology, Kohat (Pakistan)

Approved A
7

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Session ANNUAL 2015

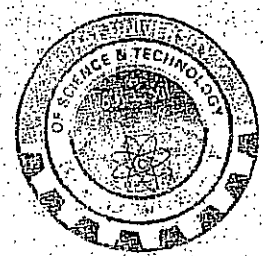
ZAID REHMAN SON of H. ABDUL JAMIL and a student
of DISTRICT KURRAM

having passed the prescribed
examination held in AUGUST 20 15 is this day admitted by

The Kohat University of Science & Technology, Kohat
to the Degree of
Master of Arts

in the SECOND Division
ISLAMIYAT

The Subject of examination being
The Examination was taken as a whole



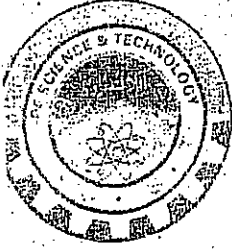
Controller of Examinations

Countersigned

Vice Chancellor

Result declared on DECEMBER 12, 2019

WP3487P2020 ZAID REHMAN VS GOVT OF PG22



33 ORIGINAL NO. 8
Kohat University
of Science & Technology, Kohat (Pakistan)

DETAILED MARKS CERTIFICATE

Master of Arts (Islamiyat) Final Annual
Examination, 2015

Name: Zaid Rehman Roll No. 159497
Father's Name: H. Abdul Jamil Registration No. 2011-GCB-42

Certified that the candidate secured the following marks and is placed in 2nd Division

S U B J E C T S	Maximum Marks	M A R K S O B T A I N E D	
		In Figure	In Words
Translation "2nd Half" & Commentary along with Grammar (VI)	100	61	Sixty One.
Principles of Islamic Jurisprudence (VII)	100	42	Forty Two
Islam and Other World Religions (VIII)	100	44	Forty Four
Kalam & Philosophy of Islam (IX)	100	41	Forty One
Islam and Modern Economic Thought - (X)	100	49	Forty Nine
Viva	100	51	Fifty One
Previous Marks:	500	225	Two Hundred Twenty Five
Total	1100	513	Five Hundred Thirteen

The examination was taken as a whole

Result declared on 12-Dec-19

Errors and omissions are subject to subsequent rectification

التسوية

CONTROLLER OF EXAMINATIONS
Kohat University of Science and Technology
Kohat, Pakistan.

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KOHAT UNIVERSITY OF SCIENCE & TECHNOLOGY

Kohat-26000, Khyber Pakhtunkhwa, Pakistan Ph# 0922-554563-554565, Fax:554556

No1556/ KUST/ACAD/31st AC/20
June 23, 2020




NOTIFICATION

It is notified for the information of all concerned that the Academic Council in its 31st meeting held on 09.06.2020 approved that the date of issuance of DMC and Degree under the annual system shall be based on the date of completion of the requirements of degree, not on the date of application for issuance of degree. This policy will come into force with immediate effect.

ZC Eshan
Deputy Director Academics

- Copy to:
1. Controller of Examinations
 2. PA to Vice Chancellor
 3. PA to Registrar
 4. Master File
 5. Office File

Attyf
[Signature]

50 روپے	65625			
ایڈویٹ: جاوید احمد کاکڑ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: 74 78-17				
رابطہ نمبر: 0314 9049658				

بعدالت جناب: سندھ ہائی کورٹ، خیبر پختونخواہ

Appellant: منجانب:	Appeal: دعویٰ:
زید الرحمن بنام	— علت نمبر:
حکومت خیبر پختونخواہ	— مورخہ:
	— جرم:
	— تھانہ:

باعث تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام میں کیے ارشدہ اعلان لکڑا اور جاوید احمد کاکڑ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا سبب پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

کے لیے منظور ہے۔ 19

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

زید الرحمن و ولد عبد الحمید سلیمان لوشی پشاور

Caution

Attested
Keeper



