


FORM OF ORDER SHEET

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

Appeal No. 1295/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/06/2023	<p>The appeal of Mr. Saleem Javed presented today by Mr. Qaiser Rahim Advocate. It is fixed for preliminary hearing before touring Single Bench at D.f.Khan on 19-06-2023.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Service Appeal No. <sup>1295</sup> of 2023

**Saleem Javed**..... Appellant

**Versus**

**Government of Khyber Pakhtunkhwa through the Secretary Elementary & Secondary Education Peshawar and Others**

**Respondents**

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Dated:-\_\_\_\_.06.2023

*Saleem*  
**Saleem Javed Son of Bahawal Khan**  
(PTC Teacher at DEO Office Dera Ismail Khan)  
Address:- Baloch House Near Sardar Bahadur  
Eye Hospital Daraban Road Dera Ismail Khan  
**Through Counsel**

*Qaiser*  
**Qaiser Rahim**  
Advocate High Court  
Dera Ismail Khan

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

Service Appeal No. <sup>1295</sup> of 2023

**Saleem Javed Son of Bahawal Khan (PTC Teacher at DEO Office Dera Ismail Khan) Address:- Baloch House Near Sardar Bahadur Eye Hospital Daraban Road Dera Ismail Khan**

**Appellant**

**VERSUS**

- 1. Government of Khyber Pakhtunkhwa through the Secretary Elementary & Secondary Education Peshawar**
- 2. Director Elementary & Secondary Education Peshawar**
- 3. District Education Officer, Dera Ismail Khan.**
- 4. District Account Officer, Dera Ismail Khan.**

**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED AGAINST THE NON POSTING OF THE APPELLANT TO ANY POST AND TO DIRECT THE RESPONDENTS TO RELEASE THE DUE SALARIES OF THE PETITIONER ALONG WITH ALL CONSEQUENTIAL BENEFITS SINCE REINSTATEMENT.**

**PRAYER IN SERVICE APPEAL**

- a) **On acceptance of instant service appeal, this Tribunal may be pleased to direct the respondents to issue posting Order of the appellant and to allow all consequential benefits to the**

**appellant after re-instatement Order of DCO Dera Ismail Khan.**

**b) To grant any other relief *ex debito justitiae* due to the Appellant may please be extended in his favour as against the Respondents.**

**Note:-** Addresses given above shall suffice the object of service

**Respectfully Sheweth,**

The Appellant humbly submits as under:-

- 1. That** Appellant was appointed as regular employee as PTC teacher in BPS-07 vide DEO Office Dera Ismail Khan appointment Order No.230-44 Dated 08/01/1996 and was posted at GMPS Basti Dir Khan Dera Ismail Khan . Copy of Order is enclosed as **Annexure-A**.
- 2. That** the appellant was later on transferred to GMPS Chah Pipal Wala and performed duties from 29/9/1996 to 14/6/1997.
- 3. That** the appellant in order to get Higher degrees (MA) in Education applied for study leave and was granted study leave from 01/10/1997 to 30/9/1999 (2 Years) Vide DEO Male Dera Ismail Khan Office Order bearing number:1323-26/AE-1 Dated 25/4/1998. Copy of Order is enclosed as **Annexure-B**.
- 4. That** after availing two Years of Study Leave the appellant resumed his duties at GPS Chah Pipal Wala on 19/9/1999.
- 5. That** after that the appellant was transferred to GPS Gara Alam Vide DEO Male letter No.1889-91 Dated 23/5/2000. Copy of Order is enclosed as **Annexure-C**.

6. **That** the appellant performed his duties with Zest and Zeal at the said school from 01/6/2000 to 31/5/2001.
- 7. **That** the appellant was terminated from his services on the ground of willful absence by the Executive District Officer (Lit & Edu) Dera Ismail Khan vide Order bearing Endst No:2496-2500/AE-11(M/P) Dated 15/02/2002. Copy of Order is enclosed as **Annexure-D.**
8. **That** the appellant filed an appeal before District Co-Ordination Officer Dera Ismail Khan (As DCO Dera Ismail Khan was the Competent Authority at that time under the relevant Rules) on 13/3/2002. Copy of Appeal is enclosed as **Annexure-E.**
9. **That** the District Co-Ordination Officer accepted the appeal of the appellant and re-instated the appellant into his service under the Powers vested upon him vide Rule 6(2) (C) of the NWFP District Government Rules of Business and the treated the period of appellant willful absence into Leave without Pay.
10. **That** the District Co-Ordination Officer Dera Ismail Khan issued re-instatement into service Order Dated 22/6/2002 of the appellant. Copy of Order is enclosed as **Annexure-F.**
11. **That** the District Co-Ordination Officer Dera Ismail Khan also re-instated three other fellow colleagues of the appellant whom were terminated on 20-2-2002 by the then Executive District Officer (Lit & Edu) Dera Ismail Khan.
12. **That** all the other three colleagues of the appellant were given duty stations after re-instatement however the appellant was neither given duty Station nor was given monthly salary till date.
13. **That** the appellant has at his credit an unblemished service record. During this entire long service career, the appellant performed his duties with zeal and zest and never gave any occasion of complaint to his Worthy high ups.

**14. That** as stated earlier the appellant served the esteemed Office with an unblemished and spotless career and there is no adverse entry during this long period in his service record.

**15. That** the appellant has approached the respondents many times for relief and in this an application of appellant respondent No.3 has submitted a report which clearly depicts that the appellant has got a valid cause of action. Copy of report is annexed as Annexure G.

**16. That** at last, the appellant assailed/question the same by filing departmental appeal vide appeal Dated 14.02.2023, however, the same has not been responded. Copy of the Departmental Appeal Dated 14.02.2023 is enclosed as Annexure H.

**17. That** now the appellant wants to assail/question the verbal act of the EDO Dera Ismail Khan by filing instant departmental appeal on the following grounds: -

### G R O U N D S

- a. **That** the act of the EDO Dera Ismail Khan of non-issuance of posting Order is against law, facts of the case and material available on the record, hence, not tenable in the eyes of law. Thus, the posting Order and release of salary Order should be issued on this score alone.
- b. **That** as the appellant has already been re-instated by DCO Dera Ismail Khan, therefore it is necessary that the Appellant needs to be restored by the DEO Dera Ismail Khan.
- c. **That** after the re-instatement Order of the appellant by the DCO Dera Ismail Khan, the services of the Appellant needs to be reinstated with all back benefits.
- d. **That** at the moment the non-issuance of posting Order and non-release of Salary to the appellant, having no legal sanctity and liable

to be Ordered for issuance of posting Order in the light of the Order of re-instatement of the appellant.

- e. **That** the appellant on the basis of re-instatement Order alone which has gain finality, the appellant should be given posting with all back benefits.
- f. **That** after insertion of Article-10(A) through 19<sup>th</sup> Amendment of the Constitution of Islamic Republic of Pakistan, 1973, it was inalienable fundamental rights of the undersigned to be dealt with in accordance with law and due process along with fair treatment be given to the Appellant.
- g. **That** the Appellant rendered services with unblemished service record and it is great injustice to vanish the services of the Appellant in such like manner and at the time when the appellant and his family are running from pillar to post to earn livelihood. The impugned action amounts to convict a person without evidence and trial which is against the spirit of fundamental rights guaranteed in Chapter-1 by the Constitution of Islamic Republic of Pakistan, thus the impugned action needs to be rectified by issuing posting Order with all back benefits.
- h. **That** the instant departmental appeal is being preferred within statutory period after the verbal rejection of the final mercy Petition as envisaged under the law, thus needs acceptance having sound and legal footings.
- i. **Counsel** for Appellant may please be allowed to urge additional grounds at the time of final hearing.

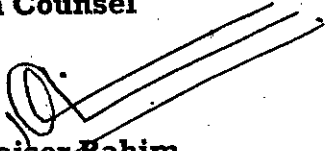
It is, therefore, most humbly prayed that on acceptance of instant departmental appeal, the respondents may please be directed to issue posting Order of the Appellant in the light of the re-instatement Order of the DCO Dera Ismail Khan and to pay the salary of the appellant with all consequential and back benefits.

Dated:- \_\_\_\_ .06.2023

*Saleem*

**Saleem Javed Son of Bahawal Khan**  
(PTC Teacher at DEO Office Dera Ismail Khan)  
Address:- Baloch House Near Sardar Bahadur  
Eye Hospital Daraban Road Dera Ismail Khan

**Through Counsel**

  
**Qaiser Rahim**  
Advocate High Court  
Dera Ismail Khan



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

Service Appeal No. of 2023

**Saleem Javed..... Appellant**

**Versus**

**Government of Khyber Pakhtunkhwa through the Secretary  
Elementary & Secondary Education Peshawar and Others  
Respondents**

**SERVICE APPEAL**

**MEMO OF ADDRESSES OF THE PARTIES**

**APPELLANT**

**Saleem Javed Son of Bahawal Khan (PTC Teacher at DEO Office Dera Ismail Khan)  
Address:- Baloch House Near Sardar Bahadur Eye Hospital Daraban Road Dera Ismail  
Khan**

**RESPONDENTS**

- 4. Government of Khyber Pakhtunkhwa through the Secretary Elementary & Secondary Education Peshawar**
- 5. Director Elementary & Secondary Education Peshawar**
- 6. District Educatio Officer, Dera Ismail Khan.**
- 7. District Account Officer, Dera Ismail Khan.**

Dated:-\_\_06.2023

Your Humble Appellant



**Saleem Javed Son of Bahawal Khan  
(PTC Teacher at DEO Office Dera Ismail Khan)  
Address:- Baloch House Near Sardar Bahadur  
Eye Hospital Daraban Road Dera Ismail Khan**

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

Service Appeal No. of 2023

**Saleem Javed..... Appellant**

**Versus**

**Government of Khyber Pakhtunkhwa through the Secretary  
Elementary & Secondary Education Peshawar and Others**

**Respondents**

**AFFIDAVIT**

I, **Saleem Javed**, PTC Teacher at DEO Office Dera Ismail Khan the Appellant, do hereby solemnly affirm and declare on Oath:-

1. **That** accompanying service appeal has been drafted by my Counsel following my instructions
2. **That** all Para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

*Hem*

Dated:- \_\_\_\_ .06.2023 .

**Deponent**

12101-5240345-7

(09)

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

Service Appeal No of 2023

**Saleem Javed..... Appellant**

**Versus**

**Government of Khyber Pakhtunkhwa through the Secretary Elementary &  
Secondary Education Peshawar and Others**  
**Respondents**

**SERVICE APPEAL**

**CERTIFICATE**

Certified that this is first ever service appeal involving the instant subject matter and that the Petitioner has not filed any other petition or service appeal earlier in this tribunal regarding the above stated controversy.

*[Signature]*  
**Appellant**

Note:-

Service Appeal with annexures along with Six sets thereof are being presented in Six separate enclosed covers.

*[Signature]*  
**Counsel for Appellant**

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE) PRIMARY, DIKRAJ

APPOINTMENT ORDER.

The following appointments of PTC trained Candidates on the basis of their marks in EPS-7 1-e 7480-31-2695 plus usual allowances as admissible under the rules with effect from their date of taking over charge of the schools noted against their names in the interest of public service. Also with a list of Interview Marks Obtained: School where appointed. Remarks

1. Sd/- Javed S/o Bahawal 93-94 (10) 870	GPS No. 4, DIK (17-53).	Ghulam Hassan
2. Sd/- ... (11) 858	GPS 3/Umran Shumali, PE-53.	Muhammad Hassan
3. Subhansad Suleman Khan J/O (12) 842	GPS, Khilafati Rashid, PE-53.	Muhammad Hassan
4. Sd/- ... (13) 835	GPS Darul Uloom, Hazrat Salaha, PE-53.	Ghulam Hassan
5. Sd/- ... (14) 830	GPS, Sohlan, PE-53.	Sd/- Retired

1. These reports should be submitted to all concerned.
2. ... should be checked on the eve of their taking over charge.
3. ... should be checked on the eve of their taking over charge.
4. ... should be checked on the eve of their taking over charge.
5. ... should be checked by the DDO concerned before taking over charge.
6. ... should be checked on the eve of their taking over charge.
7. ... should not be made over charge if their age are less or more than ...
8. ... within 15-days of the issue of ... will be considered as ...

(Sd/-) (ARSHAD MAHIN KHAN) DISTRICT EDUCATION OFFICER (MALE) PRIMARY, DIKRAJ

230-414

... appointment / PTC (S) PTC: DDK, dt 8/1/96 ... District Accounts Officer ... DISTRICT EDUCATION OFFICER (MALE) PRIMARY, DIKRAJ

**BETTER COPY**  
**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY D.I.KHAN**  
**APPOINTMENT ORDER**

The following appointments of PTC trained candidates on merit are hereby made in BPS-07 i.e. 1480-81-2695 plus usual allowances as admissible under the rules with effect from their date of taking over charge in the schools noted against their names in the interest of public service.

S. No	Name with address	Session	Marks in interview	Obtained marks	School where posted	Remarks
1	Salim Javed s/o Bahawal Khan r/o Baloch House PF-53	93-94	10	870	GPS No. 4 DIK, PF-53	Ghulam Hussain Retired
2	Muhammad Shuaib Nawaz s/o Rab Nawaz Mohallah Mujahid Nagar PF-52	Do	11	856	GPS B/Ustrana Sumali PF-53	Muhammad Hassan Retired
3	Muhammad Suleman Awan s/o Muhammad Ramzan Moh: Jogianwala PF-53	Do	12	842	GMPS Khilafati Rashida PF-53	Niaz Muhammad Retired
4	Aziz ur Rehman s/o Faiz Rasool r/o Tauseef Abad PF-53	Do	13	836	GMPS Darul Aloom Nomania Saleha PF-53	Ghulam Sarwar Retired
5	Zulfaqar Ali s/o Allah Yar K/Paind Khan PF-53	Do	14	835	GPS Sohlan PF-53	Rab Nawaz Retired

**TERMS & CONDITION:-**

1. Charge report should be submitted to all concerned.
2. No TA/DA etc is allowed on the any of their 1<sup>st</sup> appointment.
3. Their appointments are made purely on temporary bass and are liable to termination at any time without assigning any notice/reasons
4. They should produce their health & age certificates, employment exchange card from Medical Superintendent District Headquarter Hospital D.I.K/Manager Employment Exchange Dera Ismail Khan.
5. Their original documents should be checked by the SDEO concerned before taking over charge.
6. The candidates should report for their duties to their respective SDEO before taking over charge.
7. They should not hand over charge if their ages are less or more than 18/30 years.
8. They should report for their duties within 10 days of the issue of this order, failing which the appointment order will be considered as withdrawn.

**(Abdul Rahim Khan)**  
**DISTRICT EDUCATION OFFICER**  
**(MALE) D.I.KHAN**

Endst No. 230-44/\_\_\_\_/Appointment/PTC(M)Pry:DIK

Dt 08/01/96

Copy to:

- 1) Sub Divisional Education Officer (Male) D.I.Khan.
- 2) Manager Employment Exchange D.I.Khan.
- 3) District Accounts Officer D.I.Khan.
- 4) Head Teachers concerned.
- 5) Candidates concerned.
- 6) P.A to Director Pry: Education NWFP, Peshawar.
- 7) ADEO (Accounts) Local offices.

PROVISIONAL AND INTERIM APPOINTMENT OFFICER (M.A.S.) PUNJAB UNIVERSITY

Sanction is hereby accorded to the grant of Ex-Gratia leave with pay for the period two years v.e.f. 1.10.97 to 31.10.99. <sup>AD</sup> M/c Salim A Javid I.C.S. Bhatti/No.2. Bikaner in eye of Administration in M.A. Class in Punjab University as admissible to him under the rules.

NOTE:- Necessary entry to this effect should be made in his S/Book.

*[Handwritten Signature]*

DISTRICT EDUCATION OFFICER  
(MALE) BIKANER, DISTRICT.

Order No. 1323-26/AB-I Dated Bikaner the, 25/4/1998.

- Copy to be:-
- 1- BLSO (M) Bikaner w/f to his SO. with along with S/Book.
  - 2- Chairman Punjab University Lahore.
  - 3- BLSO (A) Local Office.

*VAC*  
*LSM/198*  
DISTRICT EDUCATION OFFICER  
(MALE) BIKANER, DISTRICT.

Annexure-B  
13

**BETTER COPY**  
**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY**  
**D.I.KHAN**

**Sanction**

Sanction is hereby accorded to the grant of Extra Ordinary leave without pay for the period two years w.e.f 01/10/1997 to 30/09/1999 in R/o Salim Javed PTC, GPS, Basti.Ali No. 2 D.I.Khan in eve of Admission in M.A. Class in Punjab University as admissible to him under the rules.

Note:-

Necessary entry to this effect should be made in his S/book.

District Education Officer  
(Male) Primary, D.I.Khan

Endst: No. 1323-26/A3-1

Dated DIKhan the, 25/04/1998

Copy to the:-

1. SDEO (M) DIKhan w/r to his No. NIL along with s/book
2. Chairman Punjab University Lahore.
3. ADEO (A) Local Offices

District Education Officer  
(Male) Primary, D.I.Khan

Annexure - C

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY, DIKHAN.

ORDER:-

In the Light of Complaint of GPS Chah Pipal received from Army Monitoring Cell. The following BTC teachers are hereby transfer with immediate effect:-

<u>S.No.</u>	<u>Name of Teacher.</u>	<u>From</u>	<u>To</u>	<u>Remarks.</u>
1-	Fazal Mehmood PTC, GPS,	Chah Pipal	GPS, Ganju (Kulachi)	on complaint Vice No.3
2-	Salim Javid PTC, GPS,	Chah Pipal	GPS, Gara Alam (Kulachi)	On complaint Vice S.No.4
3-	Tahir Mehmood PTC, GPS,	Ganju (Kulachi)	GPS, Chah Pipal	Vice S.No.1
4-	Najum-u-Din PTC, GPS,	Gara Alam Khan	Chah Pipal	Vice S.No.2.

NOTE:-

- 1- Charge report should be submitted to all concerned.
- 2- No TA/DA is allowed.

Enclst: No. 1889-91 /

Dated DIKhan the, 23-5 / 2000

DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY, DIKHAN.

- Copy to the:-
- 1-2. SDEC (M) DIKhan / Kulachi.
  - 3- Army Monitoring Cell DIKhan.

*V. H. Dip*  
*23/5/2000*  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY, DIKHAN.



Termination

Page No. 13  
Annexure - D

15

OFFICE OF THE EXECUTIVE DISTRICT OFFICER LITERACY EDUCATION DIKHAH.

ORDER:

Services of the following PTC teachers are hereby ordered from the date mentioned against each as the period of their willful absence is beyond their power and not adjustable under the rules.

- 1- Rafhullah PTC GPS: Mangal No. 1 Kulachi. 19-11-1997.
- 2- Saleem Javaid PTC GPS: Gara Alam Khan Kulachi 16-12-2000.

Note: Necessary entry to this effect should be made in their S/Book.

Executive District Officer  
Literacy & Education DIKhan.

Endst No. ~~2496~~<sup>2500</sup> /AE-II(M/P) dated DIKhan the 15/2 /2002.

Copy to the:-

- 1- District Coordination Officer DIKhan for information please.
- 2- ~~Director~~ Primary Education NWFP Peshawar for information pl.
- 3- Dy: District Officer (M) Kulachi w/r to his No. 702 dated 9-10-2001, and No. OS dated 18-1-2002, alongwith service Book.
- 4- District Accounts Officer DIKhan.
- 5- ADO Budget & Accounts Local Office.

*[Signature]*  
Executive District Officer  
Literacy & Education DIKhan.

Annexure - D

16

**BETTER COPY**  
**OFFICE OF THE EXECUTIVE DISTRICT OFFICER LITERACY**  
**EDUCATION D.I.KHAN**

**ORDER**

Services of the following PTC teachers are hereby ceased from the date mentioned against each as the period of their willful absence is beyond their power and no adjustable under the rules.

1. Rafiullah, PTC GPS; Mangal No. 1 Kulachi. 19/11/2017
2. Saleem Javed PTC GPS Gara Alam Khan Kulachi 16/12/2000.

Note: Necessary entry to this effect should be made in their S/book.

Executive District Officer  
Literacy & Education D.I.Khan

Endst: No. 2496-2500/AE-II(M/P)

dated D.I.Khan the 15/12/2002

Copy to the:-

1. District Coordination Officer DIKhan for inform please.
2. District Primary Education NWFP Peshawar for information pl.
3. Dy: District Officer (M) Kulachi w/r to his No. 702 dated 09/10/2001, and No. OS dated 18/01/2002, along with service book.
4. District Accounts Officer D.I.Khan.
5. ADO Budget & Accounts Local Office.

Executive District Officer  
Literacy & Education D.I.Khan

To,

The D.C.O  
D.I.Khan.

Annexure - E

(17)

Respected Sir,

Most respectfully I beg to say that I am retired official of an Edu. Deptt. I got my son appointed in an Edu. Deptt as a P.T.C teacher in 1995 with hard efforts. He performed his duty sincerely for about six years.

Due to bad-luck, I have received an enclosed letter from Executive Distt. Officer (literacy and education) D.I.Khan, in which the service of my son has been ceased with effect of 16-12-2000, on account of willful absence.

Sir,

I may inform your kind honor that my son had applied for leave without pay from 16-12-2000 as he was preparing for C.S.S Examination for which he was entitled under the rules of the Deptt.

Sir,

In view of the said effects it earnestly requested that the Edu. Deptt: may kindly be directed to restore the service of my son.

Sir,

The particulars of my son are given below:

Name	Saleem Javid Khan.
Designation	P.T.C (Gara Alam Khan Tehsil Kulachi)
Address	Baloch House Opp: Sardar Floor Mills Daraban Road D.I.Khan.
Qualification	M.A. (Pol. Science) From Govt. College Lahore.

I shall be highly obliged for you kind and speedy action in the respect.

Thanks

Yours most obediently,

*Bhawal Khan*  
Bhawal Khan (Retd)  
Head Master (G.H.School)  
F/O Saleem Javid Khan  
Baloch House Opp: Sardar Floor  
Mills Daraban Road D.I.Khan.

Copy of the above submitted to Executive Distt. Officer. (Literacy and Edu) D.I.Khan with the humble request to please re-consider the case of my son favorably. Absence period may kindly be treated as leave not due without pay, which is admissible under the rules.

Thanks

Yours most obediently,

*Bhawal Khan*  
Bhawal Khan (Retd)  
Head Master (G.H.School)  
F/O Saleem Javid Khan  
Baloch House Opp: Sardar Floor  
Mills Daraban Road D.I.Khan.

Reinstatement

Page No. 22  
Annexure - F

(18)

DISTRICT GOVERNMENT  
DERA ISMAIL KHAN.

No. 6116 /DCO(LCS)

Dated D.I.Khan the 22/6/2002.

OFFICE ORDER

The appeal of Mr. Saleem Javed, F.T.C. Teacher, G.F.S. Gara Alam Khan, Kulachi dated 13.3.2002 has been examined and found that the Executive Distt. Officer (Lit: & Education) D.I.Khan has issued termination orders of the above named teacher vide No. 2496-2500/AS-II, (M/P), dated 15.2.2002 without lawful authority as required under A.S.P.F. District <sup>Govt</sup> Rules of Business, 2001 and therefore the appeal of Mr. Saleem Javed F.T.C. is hereby accepted and he is re-instated in service with immediate effect. His absence period should be treated as leave without pay.

Sd/-

DISTRICT COORDINATION  
OFFICER, D.I.KHAN.

Andst. No. 6117-19 /DCO(LCS) Dated D.I.Khan the 22/6/2002.

Copy to:

1. The Executive Distt. Officer (Education/Literacy) D.I.Khan w/rtohis Memo: No. 10382/AS-II (M/P), dated 30.5.2002.
2. The District Accounts Officer, D.I.Khan.
3. The Official concerned for information & necessary action.

*Hamid*  
ASSISTANT COORDINATION  
OFFICER, D.I.KHAN.

Better Copy  
DISTRICT GOVERNMENT  
DERA ISMAIL KHAN

Amexme - F

19

NO 6116 /DCO(LCs)  
DATED DIKHAN THE 22/6/2002

OFFICE ORDER

The appeal of Mr. Saleem Javed, P.T.O Teacher, G.P.S. Gara Alam Khan, Kulachi Dated 13.3.2002 has been examined and found that the Executive Distt. Officer (Lit: & Education) DIKhan has issued Termination orders of the above named Teacher vide No.2496-2500/AE-II, (M/P), dated 15/2/2002 without lawful authority as required under N.W.F.P. District Govt. Rules of Business, 2001 and therefore the appeal Mr. Saleem Javed PTC, is hereby accepted and he is re-instated in service with immediate effect. His absence period should be treated as leave without pay.

Sd/-  
District Coordination Officer,  
DIKHAN.

Endst. No. 6617-19/DCO(LCs) Dated DIKhan the 22/6/2002.

Copy to"

1. The executive Distt. Officer (Education & Literacy) DIKhan W.R to his Memo No 10382/AE-II (M/P), Dated 30/05/2002.
2. The District Accounts Officer, DIKhan.
3. The official concerned for information & Necessary action

ASSISTANT COORDINATION OFFICER,  
D.I.KHAN.

Annexure - G

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OFFICE OF THE SUB-DIVISIONAL EDUCATION  
OFFICER (MALE) DARABAN KALAN

No: 169

Dated D.I.Khan the: 31/10/2022

To

The District Education Officer  
(Male) Dera Ismail Khan

**SUBJECT: DETAILS COMMENTS/REPORT IN RESPECT OF SALIM JAVED EX-PTC GPS GARA ALAM KHAN.**

With the reference to your letter No.2216. Dated 15/09/2022 wherein it was directed to submit details comments/Report in respect of Salim Javed Ex.PTC GPS Gara Alam.

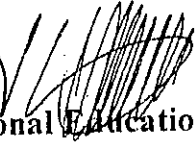
As per available record in office as well as in the concerned schools where the said official had been performing his duties are as under.

1. Mr. Salim Javed was appointed as a PTC teacher in BPS.07 at GPS.No.4 DIKHAN on 8/1/1996, vide DEO Office Appointment Order No:230-44. (Annex-I, II, III, IV)
2. He was performing his duty at GMPS Basti Dir Khan
3. Mutual Transfer was made/ ordered between Muhammad Aslam GMPS Zakori Sharif and Mr. Salim Javed PTC GMPS Basti Dir Khan vide SDEO (Male) DIKHAN Endst No:4643-47.Dated 29/9/1996.(Annex-V, VI).
4. It is pertinent to mention here that GMPS Zakori Sharif was merged in GPS.Chah Pipal Wala. He took his charge there and started his duties from 29/9/1996 to 14/06/1997 in GPS Chah Pipal Wala.(Copies of teachers attendance register). (Annex-VII)
5. He availed study leave for doing MA w.e.f 1/10/1997 to 30/09/1999(02 years) vide DEO Male DIKHAN office No:1323-26/AE-1.Dated 25/4./1998. (Annex-VIII)
6. After the consummation of his study leave which was 02 years, he resumed his duty at GPS CHAH PIPAL WALA on 19/09/1999.(Copies of teacher's attendance register) (Annex-IX)
7. He was transferred from from Chah Pipal Wala to GPS Gara Alam vide DEO Male DIKHAN letter No.1889-91.Dated 23/5/2000.(Transfer order copy is attached). (Annex-X,XI)
8. He performed his duties at GPS Gara Alam from 1/6/2000 to 31.5.2001.(Copies of teacher's attendance register). (Annex-XII)
9. He was terminated from service by then Executive District Officer(Lit&Edu) DIKHAN on 16/12/2000 vide EDO( Lit&Edu) DIKHAN Order Endst NO:2496-2500/AE-11(M/P).Dated 15/02/2002 (Annex-XIII)
10. He filed an appeal on 13/03/2002 to DCO DIKHAN(as DCO was competent authority at that time under the relevant rules) . (Annex-XIV)
11. District coordination officer accepted his appeal and reinstated his services under the powers vested upon him vide Rule 6(2)(c) of the NWFP District Government Rules of Business and treated the period of his willful absence into E.O.L(leave without pay) (Annex-XV)

- 12. District Coordination Officer D.I.Khan issued another letter for re-instatement in service in R/O of the said teacher (Annex-XVI)
- 13. Three other teachers who were also terminated on 20-02-2002 by the then Executive District Officer (Lit & Edu) DIKhan, Re-instated by the then DCO DIKhan and duty stations were allotted (Annex-XVII)
- 14. However Mr Salim Javed Ex-PTC GPS Gara Alam who was re-instated by the then District Coordination Officer D.I.Khan , but he was not allotted any duty station by the then Executive District Officer (Lit & Edu) D.I.Khan

It is pertinent to mention here, that the Original Service Book of the Said teacher is not available and found missing

Hence the details report is forwarded to your good self for further process please.

  
**Sub-Divisional Education Officer  
(Male) Daraban Kalan D.I.Khan**

Annexure - H

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To:

**The Secretary**  
**Elementary & Secondary Education**  
**Government of KPK**  
**Peshawar**

**THROUGH PROPER CHANNEL**

**The District Education Officer**  
**(Male) Dera Ismail Khan.**

Subject:- **DEPARTMENTAL APPEAL AIMED AGAINST THE NON**  
**ALLOTMENT OF DUTIES AND POSTING IN THE DEPARTMENT**

**THROUGH REGISTERED A.D, TCS/BY HAND**

Respectfully Sheweth,

The Appellant humbly submits as under:-

1. That Appellant was appointed as regular employee as PTC teacher in BPS-07 vide DEO Office Dera Ismail Khan appointment Order No.230-44 Dated 08/01/1996 and was posted at GMPS Basti Dir Khan Dera Ismail Khan . Copy of Order is enclosed as **Annexure-A.**



2. That the appellant was later on transferred to GMPS Chah Pipal Wala and performed duties from 29/9/1996 to 14/6/1997.
3. That the appellant in order to get Higher degrees (MA) in Education applied for study leave and was granted study leave from 01/10/1997 to 30/9/1999 (2 Years) Vide DEO Male Dera Ismail Khan Office Order bearing number:1323-26/AE-1 Dated 25/4/1998. Copy of Order is enclosed as Annexure-B.
4. That after availing two Years of Study Leave the appellant resumed his duties at GPS Chah Pipal Wala on 19/9/1999.
5. That after that the appellant was transferred to GPS Gara Alam Vide DEO Male letter No.1889-91 Dated 23/5/2000. Copy of Order is enclosed as Annexure-C.
6. That the appellant performed his duties with Zest and Zeal at the said school from 01/6/2000 to 31/5/2001.
7. That the appellant was terminated from his services on the ground of willful absence by the Executive District Officer (Lit & Edu) Dera Ismail Khan vide Order bearing Endst No:2496-2500/AE-11(M/P) Dated 15/02/2002. Copy of Order is enclosed as Annexure-D.
8. That the appellant filed an appeal before District Co-Ordination Officer Dera Ismail Khan (As DCO Dera Ismail Khan was the Competent Authority at that time under the relevant Rules) on 13/3/2002. Copy of Appeal is enclosed as Annexure-E.

9. That the District Co-Ordination Officer accepted the appeal of the appellant and re-instated the appellant into his service under the Powers vested upon him vide Rule 6(1) (b) of the NWFP District Government Rules of Business and the treated the period of appellant willful absence into Leave without Pay. Copy of Order is enclosed as Annexure-F
10. That the District Co-Ordination Officer Dera Ismail Khan issued re-instatement into service Order Dated 22/6/2002 of the appellant. Copy of Order is enclosed as Annexure-G.
11. That the District Co-Ordination Officer Dera Ismail Khan also re-instated three other fellow colleagues of the appellant whom were terminated on 20-2-2002 by the then Executive District Officer (Lit & Edu) Dera Ismail Khan.
12. That all the other three colleagues of the appellant were given duty stations after re-instatement however the appellant was neither given duty Station nor was given monthly salary till date.
13. That the appellant has at his credit an unblemished service record. During this entire long service career, the appellant performed his duties with zeal and zest and never gave any occasion of complaint to his Worthy high ups.
14. That as stated earlier the appellant served the esteemed Office with an unblemished and spotless career and there is no adverse entry during this long period in his service record.
15. That the appellant requested several time verbally and in writing many times with mercy Petitions for giving posting and monthly Salary to the appellant, before the concerned "Authorities" but of no avail.

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16. That now the appellant wants to assail/question the verbal act of the EDO Dera Ismail Khan by filing instant departmental appeal on the following grounds: -

**G R O U N D S**

- a. That the act of the EDO Dera Ismail Khan of non-issuance of posting Order is against law, facts of the case and material available on the record, hence, not tenable in the eyes of law. Thus, the posting Order and release of salary Order should be issued on this score alone.
- b. That as the appellant has already been re-instated by DCO Dera Ismail Khan, therefore it is necessary that the Appellant needs to be restored by the EDO Dera Ismail Khan.
- c. That after the re-instatement Order of the appellant by the DCO Dera Ismail Khan, the services of the Appellant needs to be reinstated with all back benefits.
- d. That at the moment the non-issuance of posting Order and non-release of Salary to the appellant, having no legal sanctity and liable to be Ordered for issuance of posting Order in the light of the Order of re-instatement of the appellant.
- e. That the appellant on the basis of re-instatement Order alone which has gain finality, the appellant should be given posting with all back benefits.

- f. **That** after insertion of Article-10(A) through 19<sup>th</sup> Amendment of the Constitution of Islamic Republic of Pakistan, 1973, it was inalienable fundamental rights of the undersigned to be dealt with in accordance with law and due process along with fair treatment be given to the Appellant.
- g. **That** the Appellant rendered services with unblemished service record and it is great injustice to vanish the services of the Appellant in such like manner and at the time when the appellant and his family are running from pillar to post to earn livelihood. The impugned action amounts to convict a person without evidence and trial which is against the spirit of fundamental rights guaranteed in Chapter-1 by the Constitution of Islamic Republic of Pakistan, thus the impugned action needs to be rectified by issuing posting Order with all back benefits.
- h. **That** the instant departmental appeal is being preferred within statutory period after the verbal rejection of the final mercy Petition as envisaged under the law, thus needs acceptance having sound and legal footings.

(27)

It is, therefore, most humbly prayed that on acceptance of instant departmental appeal, the EDO (Edu & Lit) Dera Ismail Khan may please be directed to restore the services of the Appellant in the light of the re-instatement Order of the DCO Dera Ismail Khan and to issue posting Order with all back benefits.

Dated: 14-02-2023

  
Saleem Javed

(PTC Teacher at DEO Office Dera Ismail Khan),

Cell No :- 0333-9962086

Address:- Baloch House Near Sardar Bahadur Eye Hospital Daraban Road Dera Ismail Khan

RGL105208529

No. 901

For Insurance Notices see reverse. Rs. Ps.  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due.

Received a registered\*  
addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

\*Write here "letter", "postcard", "packet" or "parcel"  
initials of Receiving Officer with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_  
Weight \_\_\_\_\_ Kilo  
Grams

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender \_\_\_\_\_  
19 2 23

902

For Insurance Notices see reverse. Rs. Ps.  
Star RGL105208530  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due.

Received a registered\*  
addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

\*Write here "letter", "postcard", "packet" or "parcel"  
initials of Receiving Officer with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_  
Weight \_\_\_\_\_ Kilo  
Grams

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender \_\_\_\_\_  
19 2 23



Sanaullah Shamim Gandapur  
Advocate

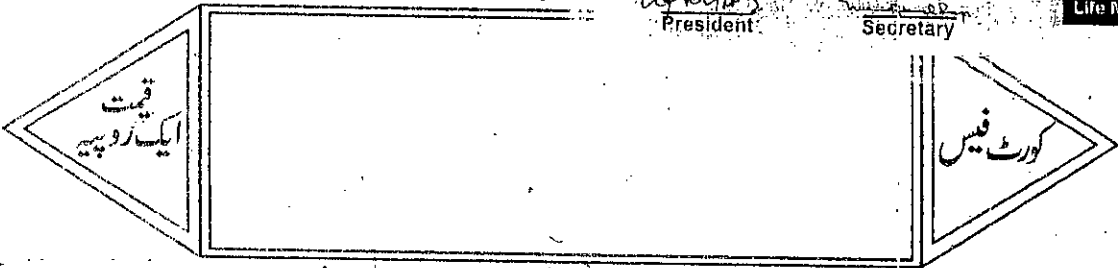


Life Member

# ثانہ

President

Secretary



بعدالت جناب سر سید شہباز حسین صاحب

مخانب مسٹر جاوید

بنام مسٹر جاوید

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی وجود اپنی برائے پیشی یا تصفیہ مقدمہ بمقام D. 1 کیلئے

سنا دانتہ صاحب مسٹر جاوید A-S

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر چہ پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہونا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوا۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی تاوان یا عتاب واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مثل کر وہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو مرضی دعویٰ یا درخواست اجراء کے ذریعہ نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دخل و تصرف کرنے کا بھی اختیار ہوگا۔ اور کسی بھی ذریعہ یا وکری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر غائبی یا راضی نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و برآمدگی مقدمہ یا منسوقی و ذریعہ یا درخواست علم اختتامی یا قرتی یا گرفتاری اہل از فیصلہ اجراء کے ذریعہ بھی صاحب موصوف کو بشرط ادائیگی علیحدہ عائد بیروی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مثل کر وہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر مشر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ التوا ہر پکا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ 8 مارچ 2019

مضمون وکالت نامہ سن لیا ہے۔ اور چکی طرح سمجھ لیا ہے اور منظور ہے۔  
العبد  
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العبد