23rd Feb, 2023 Learned counsel for the appellant present.

Learned counsel for the appellant wants time to address the office objection. To come up on 28.04.2023 before S.B at camp court Abbottabad.

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

28th April, 2023

1. Register

2. Learned counsel for the appellant present.

3. The office has reported that the appeal was returned to the learned counsel for the appellant on 23.11.2022 for completion and resubmission within fifteen days but the appeal was re-filed on 03.02.2023 i.e after 57 days and that too without removal of objections. Learned counsel for the appellant submits that it was a financial matter and no limitation ran. Let pre-admission notice be given to the other side to file reply also responding the late/ resubmission of file on or before 20.06.2023 before S.B at camp court Abbottabad. The appellant shall deposit the expenses of TCS for summoning of respondents. P.P given to the parties.

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Adnan Shah, P.A

Form-A

FORMOF ORDERSHEET

Court of_____

Case No._____/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15.02.2023	As per direction of the Worthy Chairman counsel for the appellant is directed to argu the case before the Hon'ble Court on Office Objection on dated 22-2-2023 REGISTRAR

The appeal of Mr. Muhammad Irfan PST GPS Umer Shah District Mansehra received today i.e. on 22.11.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Page Nos. 16 to 24 of the appeal are illegible which may be replaced by legible/better one.
2- In appointment and termination orders the name of the appellant may be highlighted with clear ink.

No. 3345 /S.T,

Dt. 23/11 /2022

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Arshad Khan Tanoli Adv. A.Abad.

The documents obtained with hectic efforts. case is submitted

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office 33 Jindan Plaza Adjacent to
District Bar Abbottabad

BEFORE KHYBER PKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST

Case Title: Muhammad Irfan vs Govt of KPK

S.#	Contents	Yes	No
1.	This appeal has been presented by: Abdul Jamil Adv.		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?		
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Zahid

Signature: [signature]

Dated: 22/11/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 965 2022

Muhammad Irfan PST, Government Primary School Banda Umer Shah, District Mansehra.

....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

M. Irfan

...APPELLANT

Through

Dated: _____/2022

(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
At Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 965 2023

Muhammad Irfan PST, Government Primary School Banda Umer Shah, District Mansehra.

....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Mansehra.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS APPOINTED ON 22/11/1994 AND WAS TERMINATED FROM THE SERVICE ON 13/021997. THEREAFTER, THE APPELLANT GOT APPOINTMENT AS PST ON 20/06/2019,

APPOINTMENT ACT 2012, BUT PREVIOUS SERVICE W.E.F 22/11/1994 TO 13/02/1997 AND 2012 TO 20/06/2019 HAS NOT BEEN COUNTED TOWARDS CALCULATION OF PENSION BY THE DEPARTMENT.

PRAYER; ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE RESPONDENTS' DEPARTMENT MAY GRACIOUSLY BE DIRECTED TO COUNT PREVIOUS SERVICE W.E.F 22/11/1994 TO 13/02/1997 AND 2012 TO 20/06/2019 OF THE APPELLANT TOWARDS CALCULATION OF PENSION AND COMMUTATION.

Respectfully Sheweth;-

The facts forming the background of the instant service appeal are arrayed as under;

1. That the appellant got appointment in the respondents' department on 22/11/1994 in year and his service was terminated on 13/02/1997.

AS PER KP SACKED EMPLOYEES APPOINTMENT ACT 2012, BUT PREVIOUS SERVICE W.E.F 22/11/1994 TO 13/02/1997 AND 2012 TO 20/06/2019 HAS NOT BEEN COUNTED TOWARDS CALCULATION OF PENSION BY THE DEPARTMENT.

PRAYER; ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE RESPONDENTS' DEPARTMENT MAY GRACIOUSLY BE DIRECTED TO COUNT PREVIOUS SERVICE W.E.F 22/11/1994 TO 13/02/1997 AND 2012 TO 20/06/2019 OF THE APPELLANT TOWARDS CALCULATION OF PENSION AND COMMUTATION.

Respectfully Sheweth;-

The facts forming the background of the instant service appeal are arrayed as under;

1. That the appellant got appointment in the respondents' department on 22/11/1994 in year and his service was terminated on 13/02/1997.

Copy of appointment order dated 22/11/1994 and termination order dated 13/02/1997 of the appellant is annexed as Annexure "A".

2. That, the Khyber Pakhtunkhwa announced KP Sacked Employees appointment Act 2012, wherein, the employees appointed in the year 1993-94 and was terminated in the year 1997-98 were to be re-instated in service. Copy of KP sacked employees Appointment Act 2012 is annexed as Annexure "B".

3. That, as per KP Sacked Employees appointment Act 2012, the appellant was appointment PST on the 20/06/2019, but their previous service w.e.f 22/11/1994 TO 13/02/1997 and 2012 to 20/06/2019 has not been counted towards calculation of pension/commutation of the appellant. Copy of appointment order dated 20/06/2019 of the appellant is annexed as Annexure "C".

4. That, the appellant filed departmental appeal to respondents' department but of no avail. Copy of department appeal is annexed as Annexure

"D". Hence, the instant service appeal is filed inter-alia on the following grounds.

GROUNDS;-

a. That as per judgment of service tribunal as well as of the Apex Court protected period of service has been declared to be counted towards calculation of pension/ commutation of the sacked employees. Therefore, the appellant is entitled to have the period w.e.f 22/11/1994 TO 13/02/1997 AND 2012 TO 20/06/2019 counted towards calculation of pension and commutation. Copy of judgment of KP service Tribunal and the Apex Court is annexed as Annexure "E".

b. That, department was supposed to count the above mentioned period of the appellant towards calculation of pension etc on the analogy of similar and similarly placed employees.

c. That the respondents' department is supposed to have one yard stick while

dealing with the employees who are similarly placed. Besides, once a point of law is decided by the Superior Courts that must be made applicable to all the employees who are similarly placed and no discrimination may be mated out.

d. That the matter in issue relates to the terms and conditions of service, therefore, the Honourable Tribunal has jurisdiction to entertain the lis under Article 212 of the Constitution.

It is therefore, very humbly prayed, that on acceptance of instant service appeal, the respondents' department may graciously be directed to count previous service w.e.f 22/11/1994 to 13/02/1997 and 2012 to 20/06/2019 of the appellant towards calculation of pension and commutation.

M. Intan

..APPELLANT

Through;

Dated; _____/2022

(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____2022

Muhammad Irfan PST, Government Primary School Banda Umer Shah, District Mansehra.

....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, ***Muhammad Irfan PST, Government Primary School Banda Umer Shah, District Mansehra,*** do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

DEPONENT

ATTESTED
SYED MUZAFFAR AHMED SHAH
NOTARY PUBLIC
No SO(Judl)HD/ND/2011/(Abbott)2020/04-I
Advocate High Court
21/11/22

Annex - A

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA.

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OFFICE ORDER NO. 88
DATED 22/11/1994.

APPOINTMENT

Consequent upon the finalization of the lists of un-trained candidates duly approved by the Minister for Primary Education N.W.F.P, the following candidates are hereby appointed in BPS-7 @ Rs.1480 fixed per month plus usual allowances as admissible under the rules w.e.f. the date of their taking over the charge against the vacant posts in the interest of public service:

S.No.	Name & Father's Name	Address	Place of posting	Remarks
1-	Fakhruddin s/o Ghulam Mohyud Din.	Nambal	GPS Nambal	Against vacant post.
2-	Muhammad Khalid s/o Abdul Qayum.	Lassan Nawab	Mos:Khaliyala	-do-
3-	Sheikh Amjad s/o Sheikh Taj Muhammad.	Shakooki	GPS Bat Doga	-do-
4-	Muhammad Sajjad s/o Ali Akbar.	Takkar Mera	Mos:Pojdara	-do-
5-	Zulfiqar s/o Fazal Rehman	Shergarh	GPS Seri Goria	-do-
6-	Sarfaraz s/o Muhammad Jan.	Moorat Mera	Mos:Nathra	-do-
7-	Khalid s/o Sher Muhammad	Mera Khurd	GPS Nambal	-do-
8-	Sain Ahmad s/o Muhammad Zaman.	Naryala	Mos:Lohar Banda	-do-
9-	Muhammad Aslam s/o Fazal Rehman.	Chan Sair	GPS Seri Goria	-do-
10-	Haider Zaman s/o Muhammad Suleman.	Karrori	GPS Beerian	-do-
11-	Amjad Hussain s/o Anwar Shah.	Dhaman Dheri	GPS Bat Doga	-do-
12-	Saeedur Rehman s/o Haider Zaman.	Gali Badral	GPS Daroo	-do-
13-	Muhammad Parvez s/o Muhammad Akbar.	Kala Mera	Mos:Sinjeliyala	-do-
14-	Muhammad Mushtaq s/o Sher Muhammad.	Pangorhi	Mos:Khamari	-do-
15-	Muhammad Irfan s/o Muhammad Zaman.	Gali Badral	GPS Lubar	-do-
16-	Muhammad Saeed s/o Muhammad Ayub.	Shakooki	Mos:Sinjel Bandi	-do-
17-	Muhammad Youris s/o Fazlur Rehman.	Mando	Mos Tunimar	-do-
18-	Muhammad Riaz s/o Kala Khan.	Hari Doga	GPS Chamial	-do-
19-	Muhammad Tariq s/o Abdur Rehman.	Chansair	GPS Sunj	-do-
20-	Muhammad Haroon s/o Ghulam Haider.	Moorat Mera	GPS Sunj	-do-

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ATTESTED

Advocate Supreme Court of Pakistan
Office No.33 Jinnah Plaza Abbottabad
Cell: 0333-5125000

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ATTESTED

Advocate Supreme Court of Pakistan
Office: 23 Nawab Plaza Peshawar

xx22 2 xxxx

20-A	Lal Khan s/o Fazlur Rehman	Paikong	GPS Tarmang	A.V.Post.
21-	Abdus Sattar s/o Maroof.	Kalas	GPS Sera Gali	A.V.Post
22-	Niaz Ali Shah s/o Farman Ali Shah.	Darband	Mos:Chakli Miangan	-do-
23-	Muhammad Ishaq s/o Ghulam Qadir.	Makan Gali	GPS Chatta	-do-
24-	Aftab Ahmad s/o Abdul Jalil.	Hari Doga	GPS Chatta	-do-
25-	Abdul Malik s/o Rehmatullah.	Chan Sair	GPS Bai	-do-
26-	Muhammad Shameer s/o Omar Zaman.	Jasgaran	GPS Sokal	-do-
27-	Naeem Anwar s/o Muhammad Anwar.	Shungli	GPS Neel Batla	-do-
28-	Muhammad Haroon s/o Khalilur Rehman.	Kutaira	GPS Neel Batla	-do-
29-	Abid Hussain Shah s/o Hussain Shah.	Ismail Bandi	GPS Nawan Sher	-do-
30-	Shakil s/o Abdul Jabbar.	Sokal	GPS Sokal	-do-
31-	Rashid Manan s/o Abdul Manan.	Lassan Nawab	GPS Sokal	-do-
32-	Taj Muhammad s/o Sher Dil.	Chakli	GPS Namshera	-do-
33-	Shaukat Ali s/o Gohar Rehman	Darband	GPS Namshera	-do-
34-	Abdur Rashid s/o Abdul Khaliq	Jund Seri	GPS Namshera	-do-
35-	Javed s/o Fazlur Rehman x/	Sharotta	GPS Khudian	-do-
36-	Muhammad Arshad s/o Sher Muhammad.	Sahaki	GPS Khudian	-do-
37-	Muhammad Fayaz s/o Niaz Muhammad	Bandi Mera	GPS Garwal	-do-
38-	Muhammad Arif s/o Wali Muhammad	Rooria	Mos:Parkhain	-do-
39-	Muhammad Gulab s/o Sikandar Khan.	Rarri	Mos:Jorian	-do-
40-	Abdus Sadiq s/o Bahram.	Kalas	GPS Minjahani	-do-
41-	Muhammad Ali s/o Taj Muhammad	Thakia Shah Miskeen.	GPS Dham Nalla	-do-
42-	Naeem Kausar s/o Ghulam Sarwar	Lassan Nawab	GPS Hallan	-do-
43-	Muhammad Humayun s/o Habibur Rehman.	Bandian	GPS Mat Serian	-do-
44-	Muhammad Parvez s/o Muhammad Zaman.	Tharmang	GPS Miana Gali	-do-
45-	Zulfiqar s/o Ghulam Sarwar.	Darband	Mos:Karam	-do-
46-	Habibur Rehman s/o Jamilur Rehman.	Gali Badral	GPS Chuntran	-do-
47-	Muhammad Saeed s/o Muhammad Israil.	Kalas	Mos:Mohar Khurd	-do-
48-	Muhammad Bukhtiar s/o Khane Zaman	Rorie	GPS Miana Gali	-do-
49-	Iftikhar s/o Ghulam Haider.	Gojra	GPS Kahawa	-do-
50-	Fida Hussain s/o Aziz Muhammad	Chohar Bandi	GPS Matserian	-do-
51-	Ghulam Mustafa s/o Hafizullah	Chamial	GPS Nikka Pani.	-do-
52-	Zulfiqar s/o Dure Aman	Sinjliyala	Mos:Doga	-do-
53-	Muhammad Bashir s/o Abdul Akbar.	Machral	Mos:Hari Doga	-do-
54-	Sher Muhammad s/o Taj Muhammad.	Fateh Bandi	Mos:Kaloo Bashi	-do-
55-	Shah Feroz s/o Firdoos.	Jaman Moori	Mos:Takkra Pain	-do-

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56-	Munawar s/o Masood.	Lassan Nawab	GPS Tarmang	A.V.Post
57-	Ghulam Abbas s/o Abdus Sattar.	Deligri	Mos:Batangi	-do-
58-	Muhammad Azam s/o Khawaj Muhammad.	Khalian Arian	GPS Karka	-do-
59-	Anwar Zeb s/o Sikandar Khan.	Sharotta	GPS Hallah	-do-
60-	Akram s/o Suleman.	Sharotta	GPS Mera Khairoo	-do-
61-	Nazir Muhammad s/o Sher Muhammad.	Phuldhar	Mos:Nalbori	-do-
62-	Chiria Khan s/o Abdur Rehman,	Jhangi	GPS Sinjliyala	-do-
63-	Muhammad Tariq s/o Parvez.	Sokal	GPS Shanaya Pain	-do-
64-	Dost Muhammad s/o Mir Muhammad.	Khair Abad	Mos:Dolarian	-do-
65-	Jehangir s/o Fazal Karim.	Hal Kaloo	GPS Hariyala	-do-
66-	Manzoor Ahmad s/o Maqboolur Rehman.	Chandoor	GPS Chandoor	-do-
67-	Lal Khan s/o Sher Muhammad.	Jhanda		-do-
68-	Sultan s/o Rehmatullah.	Nara Doga	Mos:Gora	-do-
69-	Dure Aman s/o Wazir Muhammad	Sharotta	Mos:Kamari	-do-
70-	~~Muhammad Azam s/o Sher Muhammad~~			
70-	Salar Khan s/o Abdul Akbar.	Karrori	GPS Akhun Bandi	-do-
71-	Iftikhar Ahmad s/o Ali Zaman	Shakokki	GPS Kandar	-do-
72-	Mubarak S/o Haider Zaman	Pakoona	GPS Matserian	-do-
73-	Sabir s/o Muhammad Yaqoob	Pakoona	GPS Ghazi Kot	-do-
74-	Dildar s/o Faqir Muhammad	Mohar	Mos Belan	-do-
75-	Rafiq s/o Sikandar	Bandian	GPS Bandi Khan Khel.	-do-
76-	Shakil Ahmad s/o Ayub.	Khalwal	Mos:Kotla Darwaza	-do-
77-	Siddique s/o Farid	Jhand	Mos:Gud	-do-
78-	Khurshid s/o Faqir Muhammad	Chitti Moori	GPS Chontra	-do-
79-	Muhammad Farooq s/o Kala Khan	Kajla	GPS Kajla	-do-
80-	Nazar Hussain s/o Ghulam Haider.	Nikka Pani	Mos:Gali Tendki	-do-
81-	Sarwar s/o Abdul Nabi.	Thanda	GPS Chaniyal	-do-
82-	Muhammad Hanif s/o Ghulam Sarwar.	Sokal	GPS Mera Khairoo	-do-
83-	Nazir Ahmad s/o Ghulam Sarwar	Battal Pain	Mos:Khajambar	-do-
84-	Ali Munsaf s/o Ali Zaman.	Doga	GPS Bradarh	-do-
85-	Sarfraz s/o Ali Zaman.	Jhangi	GPS Thathi Kalan	-do-
86-	Iqbal s/o Yaqoob.	Lari	Mos Shanaya Pain	-do-
87-	Muhammad Afzal s/o Ayub	Tangarh	Mos: Kharan	-do-
88-	Hakim Khan s/o Gohar Rehman	Khaliala	GPS Mera Khairoo	-do-
89-	Zaman Shah s/o Gulab Shah	Shergarh	GPS Seri Goria	-do-
90-	Saleem s/o Samandur	Shanaya	Mos:Bradar	-do-
91-	Munibur Rehman s/o Muhammad Zaman.	Kandar	GPS Kandar	-do-
92-	Sajid s/o Habibur Rehman	Phulra	GPS Kajla	-do-
93-	~~Yousaf s/o Muhammad Phulra~~ Muhammad Haroon s/o Ali Zaman	Bai Buhal	GPS Bat Doga	-do-
94-	Muhammad Javed s/o Aurangzeb	Jhanda	GPS Gali Badral	-do-
95-	Muhammad Ismail s/o Muhammad Zaman.	Gorha	GPS Theri	-do-
96-	Muhammad Riaz s/o Rafiullah.	Bandi Mera	Mos:Khamian	-do-

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ATTESTED

Muhammad Ashraf Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 23 Jinnah Plaza Adjacent to
District Bar Abbottabad

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ATTESTED

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent

97-	Naveed Shah s/o Muazam Shah	Shah Kot.	GPS Dham Nalla	A.V.Post
98-	Muhammad Nazir s/o Muhammad Aseem	Nika Pani	GPS Neel Batla	-do-
99-	Muhammad Azam S/o Sher Muhammad .	Bandian	GPS Nara Doga	-do-
100-	Abid Hussain s/o Abdur Rehman.	Dokoona	GPS Chaniyal	-do-
101-	Muhammad Asif s/o Wali Jan	Munda Gucha	GPS Chilyani	-do-
102-	Nabid Ahmad s/o Ghulam Nabi	Jaboori	GPS Sundi	-do-
103-	Muhammad Naeem s/o Attai Khan	Phalai	GPS Neelban	-do-
104-	Muhammad Naveed s/o Muhammad Ayub.	Sucha Kalan	GPS Bahadra	-do-
105-	Muhammad Shakil s/o Muhammad Mussa	Sucha Kalan	GPS Said Abad	-do-
106-	Ghulam Hassan s/o Muhammad Ishaq	Nalla Jabbar	GPS Nalla Jabbar	-do-
107-	Muhammad Khalid s/o Azizur Rehman.	Munda Gocha	GPS Munda Gocha	-do-
108-	Gul Dad s/o Mughal Dad	Punjool	GPS Sukian	-do-
109-	Muhammad Aslam s/o Muhammad Alam	Gali Jabbar	GPS Jabbar	-do-
110-	Ghulam Nabi s/o Arsala Khan	Keeri Bala	GPS Sattan Gali	-do-
111-	Akhtar Nawaz s/o Haq Nawaz Khan.	Sucha Kalan	GPS Kodar	-do-
112-	Gul Niaz s/o Sarfaraz Khan	Buz Bela	GPS Banda Gee Sach	-do-
113-	Ghulam Nabbi s/o Qadai.	Chotta Bala	GPS Mohri	-do-
114-	Javed Iqbal s/o Ahmad Jee.	Punjool	GPS Mohri	-do-
115-	Ashiq Hussain Shah s/o Mumtaz Ali Shah.	Bai Bala	GPS Thatta	-do-
116-	Sajid Hussain Shah s/o Hayat Shah	Kot Chattar	GPS Dheri Nambardar	-do-
117-	Muhammad Fayaz s/o Abdul Wahab.	Nilkot	GPS Deri Haleem	-do-
118-	Javed Hussain Shah s/o Nawab Said Shah.	Lachi Mang	GPS Deri Nambardaran	-do-
119-	Zulfiqar Ali Shah s/o Sadiq Shah.	Bai Bala	GPS Shangreta	-do-
120-	Abdul Ghaffar Ali Shah s/o Pir Bad Shah	Saloona	Gps Chinar Kot.	-do-
121-	Ijaz Hussain Shah s/o Shah Said Shah.	Bhumla Chattar	GPS Khotri	-do-
122-	Qaisar Rauf s/o Abdur Rauf Khan.	Sucha Kalan	GPS Keeri Nawaz Abad.	-do-
123-	Dahshat Khan s/o Haji Farid Khan.	Shar Kool	GPS Deri Haleem	-do-
124-	Muhammad Saeed s/o Miskeen	Karan	GPS Mat Serian	-do-
125-	Abdur Razaq s/o Mir Hussain	Makan Gali	GPS Dokal	-do-
126-	Muhammad Ijaz s/o Omar Zaman	Dhanaka	Mos;Pagora	-do-
126-A	Muhammad Aslam s/o Omar Zaman	Gundan	GPS Dattian	-do-
127-	Abdus Sattar s/o Abdur Rehman	Dhaman	GPS Chatta	-do-
128-	Muhammad Yousaf s/o Aurangzeb	Deri Gali	GPS Shanaya	-do-
129-	Fariddud Din s/o Abdul Hai	Mat Deri	GPS Jiggi	-do-

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129- A Sidique s/o Haider Zaman	Purni	GPS Hariyala	A.V.Post.
130- Azmat Ayub S/o Muhammad Ayub.	Naryala	GPS Chameyari Ghazi Kot.	A.V.Post
131- Said Bad Shah s/o Mudassar Shah.	Sarori K.D.		K.D.
132- Muhammad Mustafa s/o Yasin Khan.	Judba		K.D.
133- Abdul Bashir s/o Gulraiz.	Uthlair		K,D.
134 Fanoos Shah s/o Syed Azeem Shah ~~s/o~~	Bongaly		K.D.
135- Syed Wahab s/o Muhammad Mustaffa.	Jatka		K.D.
136- Pir Mukamil Shah s/o Pir Ahmad Shah.	Jatka		K.D
137- Liaqat Ali, s/o Sher Muhammad Khan	Chinkiari		K.D.
138- Safdar Zaman s/o Shah Izat Khan.	Deri Kaka Khel		K.D.

TERMS AND CONDITIONS

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and and Professional certificates/documents. Their original Academic and Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn untill they produce age and Health certificate from Medical Superintendent DHQ Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of N.W.F.P.

(MUHAMMAD ISHAQ)
I/C DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MANSEHRA.

Endstt:No. 2485-2626 GB(G/I-Vol-III/94 Dated Mansehra the 22/11/94.

Copy forwarded to the:

1- Secretary to Government of N.W.F.P, Education Deptt; Peshawar.
2- Director, Primary Education, N.W.F.P (Hayatabad) Peshawar.
3- District Accounts Officer Mansehra.
4- Sub Divisional Education Officer (Male) Mansehra.
5-143- All the candidates concerned.
144- Superintendent local Office.

I/C DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA.

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(For use in Police Department only).

Heirs.

1. Passed S.S.C. Examination under R-No: 282328 Session
2. (A) 1990 & obtend 522 marks.
3.

Verification Roll No. dated received back

Left thumb-impression.

Qualification	Date	Qualifications	Date
English		First Arts	
Pashtu		B. L. or B. A.	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger print		Other qualifications—	
Drill instructing			
Court duties			
Reserve duties			

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

ATTESTED

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Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name Muhammad Irfan Khan

2. Race Tanoli

3. Residence vill Gali Badral P/o Shergarh Teh and Distt Mansehra.

4. Father's name and residence Muhammad Zaman Khan vill Gali Badral P/o Shergarh Teh & Distt Mansehra.

5. Date of birth by Christian era as nearly as can be ascertained 15-9-1962. Fifteenth september nineteen hundred sixty two

6. Exact height by measurement 5—8"

7. Personal marks for identification A mole of Left Back Neck.

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger Ring Finger

Middle Finger Fore Finger

Thumb.

9. Signature of Government servant.

10. Signature and designation of the Head of the Office, or other Attesting Officer.

ATTESTED

S.D.E.O. (W)
TMAR

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
District Bar Association

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4

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state whether substantive appointment, or whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
M-R 328	MR 90	UP 75					
SPS Lubar PTC	74/8		148			23-11-94	
F.O.S. Sharafian	5		148			16 9/96	

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9	10	11	12	13			14	15
				Leave				
Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government. Period	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government. Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or award or praise of the Government Servant.
		23-5-9	Tr					appointment as A.P.T Teacher Office O- No 88 Dated 22-11-1994	
		13-2-97	Service Terminated					Endst No 2485-2626 GB(G/I vol III 94 Dated Mans: 22-11-94	
									S.D.E.O. (M) Mansehra
								Service Verified w.e.f 23-11-94 To 30-11-95 from the Acq/Roll and other records kept in this Office.	S.D.E.O. (M)
								Relaxation of age limit beyond 30 years for the Period Two years Two months & Seven days vide Director Training Elementary & Secondary Education Peshawar 18834-38 dated 18-5-95	Sub-Divisional Education Officer (M) Mansehra
								Service Verified w.e.f 13-2-97 from the Acq/Roll & other records	Sub-Divisional Education Officer (M) Mansehra

3.

Appt. order No. 88
22/11/94.
Endst No = 2485-2626
22-11-94.

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22/11/94
2/13/97

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA.

NO.5
Dated February 13, 1997

OFFICE ORDER

On perusal of the relevant record, the appointments of the following Primary Teachers have been found illegal ab initio void and against the prescribed rules. Their services are, therefore, hereby dispensed with, with immediate effect:

S.No.	Name & Father's Name	Residence	Place where Appointed
1.	Fakhar-ud-Din S/O Ghulam Mohyud Din	Numbal	GPS Nambal
2.	Muhammad Khalid S/O Abdul Qayum	Lassan Nawab	Msq:Khalyala
3.	Sheikh Amjid S/O Sheikh Taj Muhammad	Shakopki	GPS Bat Dogar
4.	Muhammad Sajjad S/O Ali Akbar	Thakar Mera	Msq:Pojdara
5.	Zulfiqar S/O Fazal-ur-Rehman	Shergarh	GPS Seri Goria
6.	Sarfaraz S/O Muhammad Jan	Moorat Mera	Msq:Hathra
7.	Khalid S/O Sher Muhammad	Meral Khurd	GPS Nambal
8.	Sain Ahmad S/O Muhammad Zaman	Naryala	Msq:Loharbanda
9.	Muhammad Aslam S/O Fazal Rehman	Chansair	GPS Seri Goria
10.	Haider Zaman S/O Muhammad Suleman	Karori	GPS Beerian
11.	Amjid Hussain S/O Anwar Shah	Dhaman Dheri	GPS Batdoga

Contd:Page No. 2

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12.	Saeed-ur-Rehman S/O Haider Zaman	Gali Badral	GPS Daroo
13.	Muhammad Pervaiz S/O Muhammad Akbar	Kala Mera	Msq:Sinjeliyala
14.	Muhammad Mushtaq S/O Sher Muhammad	Pandorhi	Msq:Khamari
15.	Muhammad Arfan S/O Muhammad Zaman	Gali Badral	GPS Lubar
16.	Muhammad Saeed S/O Muhammad Ayub	Shakhoki	GPS Sinjal Bandi
17.	Muhammad Younis S/O Fazal-ur-Rehman	Mandp	Msq:Tunimar
18.	Muhammad Riaz S/O Kala Khan	Hari Doga	GPS Chamial
19.	Muhammad Tariq S/O Abdur Rehman	Chansair	GPS Sunj
20.	Muhammad Haroon S/O Ghulam Haider	Moorat Mera	GPS Sunj
21.	Lal Khan S/O Fazal-ur-Rehman	Tarmang	GPS Tarmang
22.	Abdus Satar S/O Maroof	Kalas	GPS Seri Gali
23.	Niaz Ali Shah S/O Farman Ali Shah	Darband	Msq:Chakli Miangan
24.	Muhammad Ishaq S/O Ghulam Qadar	Makan Glai	GPS Chatta
25.	Aftab Ahmad S/O Abdul Jalil	Hari doga	GPS Chatta
26.	Abdul Malik S/O Rehmatullah	Chansair	GPS Bal
27.	Muhammad Shameer S/O Omar Zaman	Jasgran	GPS Sokal
28.	Naheem Anwar S/O Muhammad Anwar	Shangli	GPS Neel Batla
29.	Muhammad Haroon S/O Khalil ur Rehman	Kutaira	GPS Neel Batla

Contd:Page No.....3

Muhammad Arshad Khan
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
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30.	Abid Hussain Shah S/O Hussain Shah	Ismail Bandi	GPS Nawan Shen
31.	Shakeel S/O Abdul Jabar	Sokal	GPS Sokal
32.	Rashid Manan S/O Abdul Manan	Lassan Nawab	GPS Sokal
33.	Taj Muhammad S/O Sher Dil	Chakli	GPS Namshera
34.	Shuakat Ali S/O Gohar Rehman	Darband	GPS Namshera
35.	Abdur Rashid S/O Abdul Kaliq	Jandi Seri	GPS Namshera
36.	Javaid S/O Fazal-ur-Rehman	Sharotta	GPS Khudian
37.	Muhammad Arshid S/O Sher Muhammad	Sahaki	GPS Khudian
38.	Muhammad Fayaz S/O Niaz Muhammad	Bandi Mera	GPS Garwal
39.	Muhammad Arif S/O Wali Muhammad	Roorra	Msq: Parkhain
40.	Muhammad Gulab S/O Sikandar Khan	Rarra	Msq: Jorian
41.	Abdus Sadiq S/O Behram	Kalas	GPS Minjahani
42.	Muhammad Ali S/O Taj Muhammad	Faqia Shahmiskeen	GPS Dham Nalla
43.	Naeem Kausar S/O Ghulam Sarwar	Lassan Nawab	GPS Hallan
44.	Muhammad Humayun S/O Habib-ur-Rehman	Bandian	GPS Matserian
45.	Muhammad Pervez S/O Muhammad Zaman	Tharmang	GPS Miana Gali
46.	Zulfiqar S/O Ghulam Sarwar	Darband	Msq:Karam

Contd:Page No.....4

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
District Bar Abbottabad

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Page No.....4

47.	Habib-ur-Rehman S/O Jamil-ur-Rehman	Gali Badra	GPS Chuntran
48.	Muhammad Saeed S/O Muhammad Israil	Kalas	Msq:Mohar Khuro
49.	Muhammad Bukhtiar S/O Khani Zaman	Noria	GPS Miana Gali
50.	Iftikhar S/O Ghulam Haider	Gojra	GPS Kahawa
51.	Fida Hussain S/O Aziz Muhammad	Chor Bandi	GPS Mad Serian
52.	Ghulam Mustafa S/O Hafizullah	Chamiai	GPS Nikka Pani
53.	Zulfiqar S/O Duri Aman	Sinjiiyala	Msq:Doga
54.	Muhammad Bashir S/O Abdul Akbar	Machral	Msq:Hari Doga
55.	Sher Muhammad S/O Taj Muhammad	Fateh Bandi	Msq:Kaloo Basthi
56.	Shah Feroz S/O Ferdoss	Jaman Moori	Msq:Thakkra Pain
57.	Munawar S/O Masood	Lassan nawab	GPS Tarmang
58.	Ghulam Abas S/O Abdus Satar	Dehgri	Msq: Batangi
59.	Muhammad Azam S/O Khawaj Muhammad	Khalian Arian	GPS Karka
60.	Anwar Zeb S/O Sikandar Khan	Sharotta	GPS Hallah
61.	Akram S/O Suleman	Sharotta	GPS Mora Khairoo
62.	Nazir Muhammad S/O Sher Muhammad	Phuldhar	Msq: Nalbori
63.	Chiria Khan S/O Abdur Rehman	Jhangi	GPS Sinjiiyala
64.	Muhammad Tariq S/O Parvez	Sokal	GPS Shanaya payeen

Contd:Page No.....5

Muhammad Arshad
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
Distt. Bar Abbottabad

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65.	Dost Muhammad S/O Mir Muhammad	Khair Abad	Msq:Dolarian
66.	Jehangir S/O Fazal Karim	Hal Kaloo	GPS Harivala
67.	Manzoor Ahmad S/O Maqbool-ur-Rehman	Chandoor	Msq:Chandoor
68.	Lal Khan S/O Sher Muhammad	Jhanda	Msq:Chandoor
69.	Sultan S/O Rehmatullah	Nara Doga	GPS Gora
70.	Duri Aman S/O Wazir Muhammad	Sharotta	Msq:Kamari
71.	Salar Khan S/O Abdul Akbar	Karrori	GPS Akhun Bandi
72.	Iftikhar Ahmad S/O Ali Zaman	Shakokki	GPS Kandal
73.	Mubarak S/O Haider Zaman	Pakoona	GPS Maserian
74.	Sabir S/O Muhammad Yaqoob	Pakoona	GPS Ghazi Kot
75.	Dildar S/O Faqir Muhammad	Mohar	Msq:Belan
76.	Rafique S/O Sikandar	Bandian	GPS Bandi Khan Khel
77.	Shakeel Ahmad S/O Ayub	Khatwal	Msq:Kotla darwaza
78.	Sadique S/O Farid	Jahand	Msq: Gud
79.	Khurshid S/O Faqir Muhammad	Chitti Moori	GPS Chontra
80.	Muhammad Farooq S/O Kala Khan	Kajla	GPS Kajla
81.	Nazar Hussain S/O Ghulam Haider	Nikka Pani	Msq: Gali Tendki
82.	Sarwar S/O Abdul Nabi	Thanda	GPS Chaniyal

Contd:Page No.....6

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33, Jinnah Plaza
Distt: Bar Abbottabad

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383.	Muhammad Hanif S/O Ghulam Sarwar	Sokal	Mera Khairoo
384.	Nazir Ahmad S/O Ghulam Sarwar	Batal Pain	Msq: Khajambar
385.	Ali Munsat S/O Ali Zaman	Doga	GPS Bradarh
386.	Sarfaraz S/O Arizaman	Jangi	GPS Thathi Kalan
387.	Iqbal S/O Yaqoob	Larri	Msq:Shanaya Pain
388.	Muhammad Arzal S/O Ayub	Jangarh	Msq:Kharan
389.	Hakim Khan S/O Gohar Rehman	Khaliala	GPS Mera Khairoo
390.	Zaman Shah S/O Gulab Shah	Shergarh	GPS Seri Gonia
391.	Saleem S/O Samandur	Shanaya	Msq:Bradar
392.	Munib ur Rehman S/O Muhammad Zaman	Kandar	GPS Kandar
393.	Sajid S/O Habib-ur-Rehman	Phulra	GPS Kajla
394.	Muhammad Haroon S/O Ali Zaman	Bai Buhal	GPS Batdoga
395.	Muhammad Javaid S/O Aurang Zeb	Jhanda	GPS Gali Badral
396.	Muhammad Ismail S/O Muhammad Zaman	Gorha	GPS Theri
397.	Muhammad Riaz S/O Rafiullah	Bandi Mera	Msq:Khamran
398.	Naveed Shah S/O Muazam Shah	Shah Kot	GPS Dam Nulla
399.	Muhammad Nazir S/O Muhammad Aseem	Nikka Pani	GPS Neel Batla
100.	Muhammad Azam S/O Sher Muhammad	Bandian	GPS Nara Doga

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Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
District Bar, Abbottabad

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101. Abid Hussain S/O Abdur Rehman	Pakooha	GPS Chaniyal
102. Muhammad Asif S/O Wali Jan	Munda Gucha	GPS Chilyani
103. Nahib Ahmad S/O Ghulam Nabi	Jabori	GPS Sundi
104. Muhammad Naeem S/O Attai Khan	Phalai	GPS Neel Gan
105. Muhammad Naveed S/O Muhammad Ayub	Sachan Kalan	GPS Bahadra
106. Muhammad Shakel S/O Muhammad Musa	Sachan Kalan	GPS Said Abad
107. Ghulam Hassan S/O Muhammad Ishaq	Nalla Jabbar	GPS Nalla Jabbar
108. Muhammad Khalid Aziz ur Rehman	Munda Gocha	GPS Munda Gocha
109. Gul Dad S/O Mughaldad	Punjool	GPS Sukian
110. Muhammad Aslam S/O Muhammad Alam	Gali Jabbar	GPS Jabbar
111. Ghulam Nabi S/O Arsala Khan	Keeri Bala	GPS Sattan Gali
112. Akhtar Nawaz S/O Haq Nawaz Khan	Sucha Kalan	GPS Kodar
113. Gul Niaz S/O Sarfaraz Khan	Ruz Bela	GPS Banda Geesach
114. Ghulam Nabi S/O Qadai	Chotta Nala	GPS Mohri

GPS Mohri

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent
Distt: Bar Abbottabad

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118. Muhammad Fayaz S/O Abdul Wahab	Hilkot	GPS Dheri Haleem
119. Javed Hussain shah S/O Nawab Said Shah	Lachi Mang	GPS Dheri Nambardaran
120. Zulfiqar Ali Shah S/O Sadiq Shah	Bai Bala	GPS Shangrota
121. Abdul Ghaffar Ali shah S/O Pir Badshah	Saloona	GPS Chinarkot
122. Ijaz Hussain Shah S/O Shah Said shah	Bhumla Chattar	GPS Khotri
123. Qaisar Rauf S/O Abdur Rauf Khan	Sachan Kalan	GPS Keeri Nawazabad
124. Dahshat Khan S/O Haji Faric Khan	Sharkool	GPS Dheri Haleem
125. Muhammad Saeed S/O Miskeen	Karan	GPS Matserian
126. Abdur Razaq S/O Mir Hussain	Makan Gali	GPS Dokal
127. Muhammad Ijaz S/O Omar Zaman	Dhanaka	Msq:Pagora
128. Muhammad Aslam S/O Omar Zaman	Gundan	GPS Battian
129. Abdus Sattar S/O Abdur Rehman	Dhaman	GPS Chatta
130. Muhammad Yousaf S/O Aurang Zeb	Seri Gali	GPS Shanaya
131. Farid-ud-Din S/O Abdul Hai	Matseri	GPS Jiggi
132. Sadique S/O Haider Zaman	Purni	GPS Hariyala
133. Azmat Ayub S/O Muhammad Ayub	Naryala	GPS Chameyari Ghazi Kot
134. Said Badshah S/O Mudassar Shah	Sarori (K.D)	Msq:Cheer

Contd:Page No.....9

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
District Bar, Abbottabad

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135. Muhammad Mustafa S/O Yasin Khan	Judba	Msq:Kalala
136. Abdul Bashir S/O Gul Raiz	Uthlair	Msq:Mohri Danna
137. Fanoos Shah S/O Syed Azeem Shah	Rongaly	Msq:Soormal Madda Khail
138. Syed Wahab S/O Muhammad Mustafa	Jatka	Msq:Laka Tiga
139. Pir Mukamil Shah S/O Pir Ahmad Shah	Jatka	Msq:Tara Madda Khail
140. Liaqat Ali S/O Sher Muhammad Khan	Shinkiari	Msq:Jhangri
141. Sardar Zaman S/O Shah Izat Khan	Deri Kaka Khail	Msq:Markharain

(HAQ NAWAZ KHAN)
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA.

Endst:No.217-367...../Dated Mansehra the February 13, 1997

Copy forwarded to the :-

1. P.S to Secretary to Government of N.W.F.P Education Department Peshawar.
2. P.A to Director Primary Education N.W.F.P Peshawar.
3. District Accounts Officer Mansehra.
4. Sub-Divisional Education Officer (Male) Mansehra.

5-10. ASDEO Circl. Pulra, Shergarh, Oghi, Battal, Jabori & Kala Dhaka

11-151. All concerned.

DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA.

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Abbottabad
Distt. Bar Abbottabad

ANNEX-B,

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EXTRAORDINARY GOVERNMENT

REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 20TH SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6077. The Khyber Pakhtunkhwa Sacked Employees (Appointment) Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 10th September, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th September, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012).

AN
ACT

to provide relief to those sacked employees in the Government service, who were dismissed, removed or terminated from service, by appointing them into the Government service

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1st day of November, 1993 to the 30th day of November, 1995 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on various grounds;

WHEREAS the Federal Government has also given relief to the sacked employees by enactment;

ATTESTED

Advocate Supreme Court of Pak
Office # 33 Jinnah Plaza Abbottabad
District Bar Abbottabad

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AND WHEREAS the Government of the Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest;

It is hereby enacted as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.

(2) It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-

(a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;

(b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District offices working thereunder;

(c) "Government" means the Government of the Khyber Pakhtunkhwa;

(d) "Prescribed" means prescribed by rules;

(e) "Province" means the Province of the Khyber Pakhtunkhwa;

(f) "rules" means the rules made under this Act; and

(g) "sacked employee" means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on the ground of irregular appointments.

3. Appointment of sacked employees.— Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service:

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority.

ATTESTED

Muhammad Sajid Khan
Advocate Supreme Court of Pak
Office # 33 Jinnah Plaza Adjoin
District Bar Abbottabad

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4. Age relaxation.— The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.

5. Sacked employees shall not be entitled to claim seniority and other back benefits.— A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.

6. Preference on the basis of age.— On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.

7. Procedure for appointment.—(1) A sacked employee, may file an application, to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:

Provided that no application for appointment received after the due date shall be entertained.

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be constituted in the prescribed manner, for appointment:

Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

8. Removal of difficulties.— If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

ATTESTED

Advocate Supreme Court of Pakistan
Office # 33, Jinnah Plaza Adjacent to
District Bar Abbottabad

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4

9. Act to override other laws.— Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

10. Power to make rules.— Government may make rules for carrying out the purpose of this Act.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

ATTESTED

Advocate, Supreme Court of Pakistan
Office # 13, Jinnah Plaza Adjacent
District Bar Association

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KHYBER PAKHTUNKHWA
PUBLISHED BY AUTHORITY
PESHAWAR, THURSDAY, 20TH SEPTEMBER 2012
PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION
Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6077. The Khyber Pakhtunkhwa Sacked Employees (Appointment) Bills, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 10th September 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th Setember, 2012 is hereby published as an Act of the Provincial legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

(First Published after having received the assent of the Governor of the (Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhunkhwa (Extraordinary), dated the 20th September, 2012).

AN
ACT

To provide relief to those sacked employees in the Government service who was dismissed moved or terminated from service by appointing them into the Government service.

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhunkhwa and who possessed the regular basis qualification and

ATTESTED

Advocate, Supreme Court of Pakistan
Office # 32, Imran Plaza Adjacent
District Bar Peshawar

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experience required for the said post. During the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive), and were dismissed removed, or terminated from service during the period from 1st November, 1996 to 31st day of December, 1998 on various grounds;

WHEREAS the Federal Government has also gives relief to the sacked employees by enacqltment;

Khyber Pakhtunkhwa Government Gazette, Extraordinary, 20th September, 2012.

AND WHERE AS the Government of Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest.

It is herby enacted as follows:

1. Short the extent and commencement (1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.
2. It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).
3. It shall come into force at one.

DEFINITIONS: In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say.

a. Civil post means a post created by the Finance Department of Government for the members of civil service of the Province.

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Distt: Bar Abbottabad

b. Department in cause the Department and the attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District offices working there under.

c. Government means the Government of the Khyber Pakhtunkhwa.

d. Prescribed means prescribed by rules.

e. Province means the Province of the Khyber Pakhtunkhwa.

f. Rules means the rules made under this act. And

g. Sacked employee means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time During the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed removed or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on the ground of irregular appointments.

Appointment of sacked employees. Not with standing contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7 may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal removal and termination from service.

Provided that the socked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and

verification of their character antecedents tot eh satisfaction of the concerned competent authority.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20TH SEPTEMBER 2012.

4. Me relaxation:- The period during which a sacked employee remanded dismissed removed or terminated from service till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.

5. **SACKED EMPLOYEES SHALL NOT BE ENTITLED TO CLAIM SENIORITY AND OTHER BACK BENEFITS:** A sacked employee appointed under section 3, shall not be entitled to any claim of seniority promotion or other back benefits and his appointment shall be considered as fresh appointment

6. **PREFERENCE ON THE BASIS OF AGE:-** On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share preference shall be given to the sacked employee who is older in age.

7. **PROCEDURE FOR APPOINTMENT:-** A sacked employee may file an application to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:

Provided that no application for appointment received after the due date shall be entertained.

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(2). The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3). If any vacancy occurs against the thirty percent available share of th sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the district Selection Committee, as the case may be to be constituted in the prescribed manner for appointment.

(4). The concerned Departmental Selection Committee or District Selection Committee as the case may be will determine the suitability or eligibility of the sacked employee.

(5). The sacked employee is available against thirty percent vacancy reserved irrespective cadre in a Department, then the post shall be filled through initial recruitment.

REMOVAL OF DIFFICULTIES:- Any difficulty arises in giving effect o any of the provisions Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

Provide that no such power shall be exercised after the expiry of one year form coming into force of this Act.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20TH SEPTEMBER 2012.

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ACT TO OVERRIDE OTHER LAWS:- No by the standing any thing to the contrary contained in any other law or rules for the time being in force the prevision of this Act shall have overriding effect and the provisions of any other law or rules to the extent of in consistency of this Act, shall cease to have effect.

POWER TO MAKE RULES:- Government may make over for carrying out the purpose of this act.

BY ORDER OF MR SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
SECRETARY
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

Annex- C

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

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APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-20416,03-04-2018 & 07-03-2019 in W/P No 516-A/2013, 676-A/2015,20-A/2014,216-A/2015,1155-A/2015,702-A2014, 15-A/2014, and orders of Honorable High Court in COC No.22-A/2016,COCNo. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016,COC 14/2019, and recommendation of the Departmental Selection Committee the appointment of the following candidates are hereby ordered against the vacant post of **PRIMARY SCHOOL TEACHER (PST) BPS-12(Rs.13320-960-42120)** plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S. #	Name	Father's Name	Date Of Birth	Domicile	Permanent Address	Place of posting	Remarks
1.	MUHAMMAD AJMAL	SULEMAN	22-01-1961	MANSEHRA	VILLAGE CHOTIAN P/O DARBAND TEHSIL OGHI DISTRICT MANSEHRA.	GPS DOKAL GHAZIKOT	AGAINST VACANT POST
2.	M.IRFAN	M.ZAMAN	15-9-1962	MANSEHRA	VILLAGE GALI BADRAL U/C SHERGARH TEHSIL OGHI DISTRICT MANSEHRA.	GPS BANDA UMERSHAH	AGAINST VACANT POST
3.	M KHALID QURESHI	AZIZ UR REHMAN	16-3-1963	MANSEHRA	VILLAGE & P/O MANDA GAUCHA TEHSIL & DISTRICT MANSEHRA	GPS PANJOOL	AGAINST VACANT POST
4.	AKHTAR NAWAZ	HAQNAWAZ KHAN	01-07-1964	MANSEHRA	VILLAGE SACHAQ P/O SHINKIARA TEHSIL BAFFA DISTRICT MANSEHRA	GPS SUNDI	AGAINST VACANT POST
5.	MUHAMMAD SIDDIQUE	MUHAMMAD FARID	01-05-1967	MANSEHRA	VILLAGE JHANDBALA P/O SHERGARH TEHSIL OGHI DISTRICT MANSEHRA.	GMPS JOAD BALA	AGAINST VACANT POST
6.	SALAR KHAN	ABDUL AKBAR	15-03-1967	MANSEHRA	VILLAGE KARORI PAEIN P/O KARORI TEHSIL OGHI DISTRICT MANSEHRA.	GPS BANDI PARAW	AGAINST VACANT POST
7.	MUHAMMMD ANWAR	KHANIZAMAN	01-02-1968	MANSEHRA	VILLAGE KHAMIAN PAIN, LASSAN NAWAB SAHIB TEHSIL & DISTRICT MANSEHRA	GPS MIANA GALI	AGAINST VACANT POST
8.	MUHAMMAD JAVEED	AURANGZAIB	4-6-1968	MANSEHRA	VILLAGE JANDA MAIRA P/O PERHINNA TEHSIL & DISTRICT MANSEHRA.	GPS THATHI KALAN	AGAINST VACANT POST
9.	ALTAF HUSSAIN	MUHAMMD REHMAN	25-07-1968	MANSEHRA	VILLAGE CHIRYA POST OFFICE AFZALABADTEHSIL & DISTT MANSEHRA	GPS TRANGRI PAIN	AGAINST VACANT POST
10.	MUHAMMAD SALEEM	SAMUNDAR	10-10-1968	MANSEHRA	VILLAGE SHANAYA PAEEN P/O NEW DARBAND TEHSIL OGHI DISTRICT MANSEHRA.	GPS NAZRAL KHAN	AGAINST VACANT POST
11.	NAZAR HUSSAIN	HAJI GHULAM HAIDAR	12-05-1968	MANSEHRA	VILLAGE NKKA PANI BEERH P/O OGHI TEHSIL OGHI DISTRICT MANSEHRA.	GPS CHAMB	AGAINST VACANT POST
12.	M GULAB	SIKANDAR KHAN	15-04-1969	MANSEHRA	VILLAGE RARRI ,PERHINNA P/O CHANIAL TEHSIL & DISTT MANSEHRA	GPA PAWAY	AGAINST VACANT POST
13.	MUHAMMAD NAVEED	M.AYUB KHAN	5-02-1969	MANSEHRA	VILLAGE & P/O SACHAN KALAN,JABBORI TEHSIL BAFFA DISTRICT MANSEHRA.	GPS BAKKI NADIHAR	AGAINST VACANT POST
14.	GUL NIAZ	MUHAMMAD SARFRAZ	01-05-1970	MANSEHRA	VILLAGE BOZBAILA P/O JABBORI TEHSIL BAFFA DISTRICT MANSEHRA	GPS CHANYANI	AGAINST VACANT POST
15.	MUHAMMAD PERVAIZ	GUL ZAMAN	04-02-1971	MANSEHRA	VILLAGE KANSHAIN TEHSIL BALAKOT DISTRICT MANSEHRA.	GPS PHAGAL	AGAINST VACANT POST
16.	ABDUL QAYYUM	SHAH WALI	15-03-1972	MANSEHRA	VILLAGE KUND BALA U/C HILKOT TEHSIL AND DISTRICT MANSEHRA.	GPS KANDI HILKOT	AGAINST VACANT POST
17.	NAZIR MUHAMMAD	SHER MUHAMMAD	04-02-1972	MANSEHRA	VILLAGE PHULDAR P/O NEW DARBAND TEHSIL OGHI DISTRICT MANSEHRA	GPS BRADDAR	AGAINST VACANT POST
18.	M FIAZ	M ZAMAN	05-05-1972	MANSEHRA	VILLAGE DARWAISH P/OLASSAN NAWAB TEHSIL & DISTT MANSEHRA.	GPS PALSALA	AGAINST VACANT POST
19.	MUHAMMAD ARSHAD	MALIK AMAN	14-10-1973	MANSEHRA	VILLAGE JERAKH U/C SAWAN MAIRA P/O LASSAN NAWAB TEHSIL & DISTT MANSEHRA.	GPS MOHAR	AGAINST VACANT POST
20.	MUHAMMAD ASSAD	MUHAMMAD ASHRAF	13-03-1974	MANSEHRA	VILLAGE PHOJDARA P/O JHANGI TEHSIL & DISTRICT MANSEHRA	GPS JANDA	AGAINST VACANT POST
21.	QAISAR RAUF	ABDUL RAUF	15-03-1974	MANSEHRA	VILLAGE & P/O SACHAN KALAN,JABBORI TEHSIL BAFFA DISTRICT MANSEHRA.	GPS RICHARI	AGAINST VACANT POST
22.	JEHANGIR KHAN	KALA KHAN	11-04-1974	MANSEHRA	VILLAGE BHERKUND P/O BHERKUND TEHSIL & DISTRICT MANSEHRA	GPS PATHAN COLONY	AGAINST VACANT POST

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years after issuance of this appointment order, failing which their appointment order shall stand terminated atomically, without any further notice.

16. Before handing over charge once again their documents must be checked by Head of institution and convey deficiencies in qualification to DEO office.
17. Before handing over charge they will sign an affidavit by stating that they will not claim seniority or back benefits/service and they will acquire required qualification within stipulated period of time, failing which they will have no objection on their removal.
18. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.
19. The candidates appointed against the school(s) falling in summer vacation shall be handed over the charge w.e.f 01-09-2019 on opening of school after summer vacation.
20. Their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him.

DISTRICT EDUCATION OFFICER
(MALE)MANSEHRA

Endst: No. 12239-46/PST/Sacked Apptt:/2019/Dated Mansehra the 28/6/2019

Copy forwarded for information to the: -

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. District Monitoring Officer Mansehra.
6. All SDEO(Male) in District Mansehra.
7. Budget & Account Officer Local Office.
8. Officials Concerned.
9. Office Order File

Sd/-
DY: DISTRICT EDUCATION OFFICER
(MALE)MANSEHRA

ATTESTED

Annex-D

بخدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن پشاور

درخواست بمراد اداکاؤنٹ کیے جانے protected پیریئڈ تحت ایکٹ 2012ء وفیصلہ سپریم کورٹ آف پاکستان

=======================================

جناب عالی!

گزارش ہے کہ سائل کو 20/11/1994 PST کی پوسٹ پر بھرتی کیا گیا اور پھر 13/02/1997 کو سائل کو ملازمت سے برطرف کر دیا گیا تھا اور بعد ازاں حکومت نے Sacked Emplyees Act, 2012 کا نفاذ کرتے ہوئے 1993-94ء میں بھرتی ہونے والے اور 1997-98ء میں برطرف شدہ ملازمین کی بحالی کا حکم نامہ جاری کیا گیا سائل کو DEO مانسہرہ نے بمطابق قانون 2012ء کے بحال نہیں کیا جس کی وجہ سے سائل نے پشاور ہائی کورٹ ایبٹ آباد بینچ میں W.P No. 516-A/2013 دائر کی جس کا فیصلہ 24/05/2017 کو سائل کے حق میں ہوا اور بعد ازان سپریم کورٹ آف پاکستان نے بھی 24/05/2017 کو ہائی کورٹ کے فیصلہ کو بحال رکھا۔ لہذا سائل کو بروئے حکم عدالت عالیہ مورخہ 06-12-2017 کو بحال کر دیا سائل 2012 سے نوکری کا حق رکھتا تھا اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو ٹرمینیشن کی تاریخ سے بحال کیا۔

لہذا استدعا ہے کہ اکاؤنٹ کیے جانے protected پیریئڈ تحت ایکٹ 2012ء وفیصلہ سپریم کورٹ آف پاکستان۔

الرقوم: 20/8/2022

العــــــــــــــــــــــــــــــــــارض

ATTESTED

محمد عرفان PST

Annex- E

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA, PESHAWAR

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Service Appeal No. 572 /2019

Muhammad Haroon son of Khalil ur Rehman, GPS Phulra District Mansehra.

...APPELLANT

Khyber Pakhtunkhwa Service Tribunal
Diary No. 641
Dated 28/4/2019

VERSUS

1. Government of KPK through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary& Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) District Mansehra.

...RESPONDENTS

Filed to-day
Registrar
22/4/19

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS REINSTATED IN SERVICE WITH EFFECT FROM 04/12/2017 VIDE APPOINTMENT ORDER ENDST NO. 20672-702 DATED 04/12/2017 UNDER THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES APPOINTMENT ACT 2012, AS WELL AS IN THE LIGHT OF JUDGEMENT OF PESHAWAR HIGH

Re-submitted to-day and filed.
Registrar
3/5/19

ATTESTED
Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

ATTESTED

Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent
Mansehra Abbottabad

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 572/2019

Date of Institution ... 22.04.2019
Date of Decision ... 18.03.2021

Muhammad Haroon son of Khalil ur Rehman, G.P.S Phulra District Mansehra.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and two others.

... (Respondents)

Muhammad Arshad Khan Tanoli, Advocate ... For appellant.

Riaz Khan Paindakheil, Assistant Advocate General ... For respondents.

ROZINA REHMAN ... MEMBER (J)
ATIQ UR REHMAN WAZIR ... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of 04 connected service appeals which are:

1. Service Appeal No.572/2019
2. Service Appeal No. 573/2019
3. Service Appeal No. 574/2019
4. Service Appeal No. 575/2019

ATTESTED

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent
Distt: Sai Abbottabad

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In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as C.Ts in the year 1993-94 and were terminated from service in the year 1997-98. After the announcement of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 , they were required to be reinstated in service but the appellants were not appointed accordingly, therefore, they filed Writ Petition before the Hon'ble High Court for their appointment under the said Act and it was during the pendency of the Writ Petition when appointment orders were accordingly issued on 04.12.2017. Some of the employees under the said Act were appointed in 2012-13 but the appellants were appointed on 04.12.2017, therefore, they filed departmental appeal which was not responded to, hence the present service appeal.

3. We have heard Muhammad Arshad Khan Tanoli Advocate for appellants and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Arshad Khan Tanoli Advocate learned counsel appearing on behalf of appellants, inter-alia, argued that the respondent No.3 was supposed to appoint appellants under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 when the said Act was promulgated in the year 2012 but their appointment order was issued on 04.12.2017 which is against law and discriminatory.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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Learned counsel further argued that some of the employees who were juniors to appellants were appointed, whereas, appellants were reinstated later on which act is against the principle of equality and natural justice. He submitted that appellants are to be treated at par with other employees in the said Department and lastly, he submitted that similar employees were given benefit by the Apex Court by counting of their service for the protected period for payment of pensionary benefits, therefore, request was made for the stated relief.

5. As against that, learned A.A.G submitted that appellants were appointed as P.S.Ts but later on, their appointments were declared illegal and they were terminated. The Government of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 and the appellants were appointed as P.S.Ts under Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 as well as upon the direction of august High Court Abbottabad Bench. He submitted that as per Section-5 of the Sacked Employees (Appointment) Act, 2012, sacked employees shall not be entitled to seniority and other back benefits and that such nature cases were dismissed by the Service Tribunal. He, therefore, requested for dismissal of instant service appeals.

6. From the record, it is evident that appellants and others who were appointed back in 1994-95 were terminated in 1996-97. Sacked Employees (Appointment) Act, 2012 was specifically promulgated to extend relief to such sacked employees. Appellants were not

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Advocate Supreme Court of Pakistan
Office # 20 Jinnah Plaza Adjacent
Distt & Sessions Bar Abbottabad

considered for the reason best known to the respondents. The respondents however, considered other similar cases just after promulgation of the Act ibid which was discriminatory on the part of respondents. It was upon the intervention of the Hon'ble Peshawar High Court that appellants were reinstated at a belated stage in 2017 but with immediate effect. The main concern of the appellants is that such employees would reach the age of superannuation before earning qualifying service for pensionary benefits. We have observed that appellants had possessed all the qualifications as prescribed in the Act like others. It is also on record that co-employees tried their level best for back benefits and their cases were dismissed by this Tribunal as their earlier stance was to get all service benefits. Feeling aggrieved from the judgment of this Tribunal CPLAs were filed in the Apex Court and relief of back benefits to co-employees was refused by the Apex Court too. However, Apex Court allowed counting of their service for the protected period for payment of pensionary benefits. The present appellants have a strong case as they had every right to be reinstated just after promulgation of the Act as they were having requisite qualification as prescribed in the Act. Their claim was accepted by the august High Court and reinstatement was ordered.

7. The present appellants have also prayed for all service back benefits with a request for counting of their service for the protected period in the light of judgment of the Apex Court which was passed in the case of co-employees. So, from the record, it is crystal clear that

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Member
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Advocate Supreme Court of Pakistan
Office of Khyber Pakhtunkhwa Affairs
District Peshawar

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despite promulgation of an Act in the year 2012, appointment order of the appellants were issued in the year 2017 and that too, on the directions of the august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees counting of their service for the protected period for payment of pensionary benefits only. Case of the present appellants is at par with those sacked employees who were granted this benefit by the Apex Court, therefore, these appeals are accepted to the extent that appellants are allowed counting of their services from the date of promulgation of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits. No order as to costs. File be consigned to the record room.

ANNOUNCED.
18.03.2021

(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad

Certified to be ture copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

Date of Presentation of Application 06/4/21
Number of Words 2000
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Urgent
Total 22/-
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Date of Completion of Copy 06/4/21
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Advocate Supreme Court of Pakistan
Office 139, Imran Plaza Adjacent
District Bar Abbottabad

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Annex-
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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN

CIVIL PETITIONS NO.468-P, 469-P, 471-P & 472-P OF 2016.
(Against the judgment dated 12.07.2016 passed by the Khyber Pakhtunkhwa Service Tribunal Camp Court, Swat in Appeals No.1202 and 1203 of 2013).

Muhammad Sheryar.
(in CP.468-P/16)

Anwar Zeb.
(in CP.469-P/16)

The Secretary to Education (E&S), Government of Khyber Pakhtunkhwa, Peshawar and others.
(in CPs.471-P & 472-P/16)

...Petitioner(s)

Versus

The Secretary to Education (E&S), Government of Khyber Pakhtunkhwa, Peshawar and others.
(in CPs.468-P & 469-P/16)

Muhammad Sheryar.
(in CP.471-P/16)

Anwar Zeb.
(in CP.472-P/16)

...Respondent(s)

For the Petitioner(s): Mr. M. Asif, ASC.
(For Petitioners in CPs.468-P & 469-P/16 & For Respondents in CPs.471-P & 472-P/16))

Barrister Qasim Wadood, Addl. A.G. KP.
(in CPs.471-P & 472-P/16))

Date of Hearing: 27.03.2020.

ORDER

GULZAR AHMED, CJ.- We have heard the learned Additional Advocate General, Khyber Pakhtunkhwa appearing for the Petitioners in Civil Petitions No.471-P and 472-P of

2016 as well as Mr. Muhammad Asif, learned ASC for the petitioners in Civil Petitions No.468-P and 469-P of 2016. The petitioners in Civil Petitions No.468-P and 469-P of 2016 *(to be referred as the petitioners)* were employed as PTC Teachers. Their services were terminated in the year 1997 against which they filed service appeals before the Khyber Pakhtunkhwa Service Tribunal *("the **Tribunal**")* which vide judgment dated 04.01.2013 accepted the appeals with direction to the Respondents to consider their grievances. Pursuant to this direction of the Tribunal, the petitioners were reinstated in service, vide Office Order dated 05.07.2013 from the date of their taking charge but back benefits were not allowed to them for the period they remained out of service. The petitioners again filed service appeals before the Tribunal which vide impugned judgment dated 12.07.2016 accepted the appeals.

2. The learned counsel for the petitioners contends that the petitioners were entitled to grant of back benefits but we are unable to see as to how such back benefits could have been allowed to them more so when in the earlier judgment of the Tribunal dated 04.01.2013 no such relief was allowed to the petitioners and by the impugned judgment dated 12.07.2016 also apparently no such relief has been granted to them. He adds that some other similarly placed employees have been given back benefits.

3. We have asked the learned counsel for the petitioners to show us as to whether in the memo of appeal

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before the Tribunal such point has been urged or any other ground in this regard was taken. He went through the memo of appeal and conceded that no such assertion in the memo of appeal was taken by the petitioners. The Tribunal has disallowed back benefits to the petitioners twice and it is obvious that such has been disallowed to the petitioners for the reason that they have not served the department for the said period and there is no material on record on the basis of which relief of back benefits could be allowed to them. There appears no illegality in the impugned judgment. Even otherwise, no substantial question of law of public importance in terms of Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973 has been raised.

5. For what has been discussed above, all the listed petitions being devoid of merit stand dismissed and leave to appeal is refused.

6. It is however observed that the petitioners will be allowed counting of their service for the protected period for payment of pensionary benefits.

ATTESTED

Advocate Supreme Court of Pakistan
Office # 33, Imran Plaza Adjacent
District Bar Abbottabad

ISLAMABAD,
27.03.2020.
ZR/-
'Not Approved For Reporting'

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وکالت نامہ

عدالت: Service Tribunal KPK Peshawar

عنوان: M. Irfan PSI Govt etc

بنام

بجانب: Appellant

Service Appell

مقدمہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آں مقام

M. Arshad Khan Tanoli Asc AT

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے اقبال دعویٰ و صورت دگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات حاصل ہوں گے اور اس کا باختیار پرداختہ منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل صاحب موصوف کے اختیار میں ہوگا نیز بقایا و رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر وکیل مذکور صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکور کریں اور اگر وکیل صاحب موصوف مقدمہ کی پیروی نہ کریں تو وکیل صاحب موصوف کا کوئی اختیار نہ ہوگا۔ نیز مقدمہ کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہٰذا وکالت نامہ تحریر کر دیا کہ سند رہے۔

الرقم ..... مقام

Accepted

Attested