

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
FORM OF 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	<p>As per direction of the Worthy Chairman counsel for the appellant is directed to argue the case before the Hon'ble Court on Office Objection on dated <u>22.02.23</u></p> <p> REGISTRAR</p>
	23 rd Feb, 2023	<p>Learned counsel for the appellant present.</p> <p>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.</p> <p></p> <p>(Kalim Arshad Khan) Chairman Camp Court Abbottabad</p>

*Accept the notice
will be informed
to Reg. Department*

Respected Sir,

It is submitted that the present appeal was received on 22.11.2022 after thoroughly scrutinizing the same many deficiencies were found in it which was returned to the counsel for the appellant for completion and resubmission within 15 days which was to be resubmitted on 07-12-2022 but counsel for the appellant re-filed the same today on 03.02.2023 late by 57 days without removing the objection no.1.

The appeal is submitted to your Honour under rule-7(c) of Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

REGISTRAR

3/2/2023

Worthy Chairman

O/o in all the connected CAs
to be found before the Court of the
appellant shall also explain
the delay first

10/2/23

The appeal of Mr. Gul Dad PST GPS Nokot, 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. 12 to 17 and 31 to 32 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.

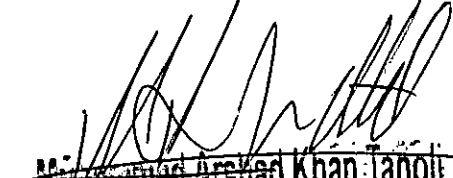
No. 3344 /S.T,

DL. 28/11 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Arshad Khan Tanoli Adv. A. Abad.

*The documents obtained with
hectic efforts. case is
re-submitted*


~~M. Arshad Khan Tanoli~~
Advocate Supreme Court of Pakistan
Office # 33, Qinnah Plaza Adjacent to
Distt. Bar Abbottabad

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

Case Title: Muhammad Iqbal vs Govt of KPN

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

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. 966 2022

Gul Dad PST, Government Primary School Nokot, District Mansehra.
....APPELLANT

V E R S U S

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

SERVICE APPEAL

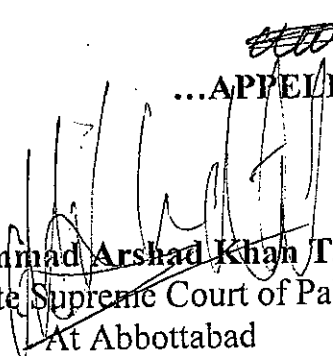
INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 6	
2.	Copy of appointment order dated 22/11/1994 and termination order dated 13/02/1997 of the appellants	7-20	"A"
3.	Copy of KP sacked employees Appointment Act 2012	21-30	"B"
4.	Copy of appointment order dated 20/06/2019 of the appellants	31-32	"C"
5.	Copy of department appeal	33	"D"
6.	Copy of judgment of KP service Tribunal and the Apex Court	34-42	"E"
7.	Wakalatnama	43	

~~.....~~
...APPELLANT

Dated: _____ /2022

Through


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



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

Service Appeal No. 966 2023

Gul Dad PST, Government Primary School Nokot, 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
13/02/1997. THEREAFTER, THE APPELLANT
GOT APPOINTMENT AS PST ON 20/06/2019,
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.

GROUND:-

- 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 made out.

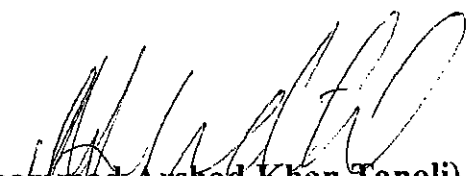
- d. That the matter in issue relates to the terms and conditions of service, therefore, the Honourable Tribunal has jurisdiction to entertain the lis under Article 212 of the Constitution.

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.


..APPELLANT

Through;

Dated; _____/2022


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____ 2022

Gul Dad PST, Government Primary School Nokot, District Mansehra.
....APPELLANT

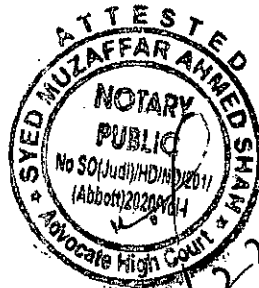
VERSUS

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

SERVICE APPEAL

AFFIDAVIT

I, *Gul Dad PST, Government Primary School Nokot, 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.



[Signature]
DEPONENT

Annex-A

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

P-7

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 NWFP, the following candidates are hereby appointed in BP-7 @ Rs.1489 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:

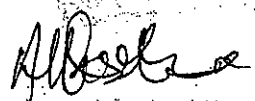
S.No.	Name & Father's Name	Address	Place of posting	Remarks
1-	Fakhruddin s/o Ghulam Mohyud Din.	Nambal	GPS Nambal	Against vacant post.
2-	Muhammad Khalid s/o Abdul Qayum.	Lassan Nawab	Mos:Khaliyala	-do-
3-	Sheikh Amjad s/o Sheikh Taj Muhammad.	Shakooki	GPS Bat Doga	-do-
4-	Muhammad Sajjad s/o Ali Akbar.	Takkar Mera	Mos:Pojdara	-do-
5-	Zulfiqar s/o Fazal Rehman Shergarh		GPS Seri Gorla	-do-
6-	Garfaraz s/o Muhammad Jan.	Moorat Mera	Mos:Mathra	-do-
7-	Khalid s/o Sher Muhammad Mera Khurd		GPS Nambal	-do-
8-	Sain Ahmed s/o Muhammad Zaman.	Naryala	Mos:Lohar Banda	-do-
9-	Muhammad Aslam s/o Fazal Rehman.	Chan Sair	GPS Seri Gorla	-do-
10-	Haider Zaman s/o Muhammad Guleman.	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 Farvez 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 Younis 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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APPROVED

Arshad Khan Tunoi
Advocate Supreme Court of Pakistan
Office # 23 Jinnah Plaza Adjacent to
District Bar Abbottabad

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 Muhammad Arshad Khan Tano
 Advocate Supreme Court of Pakistan
 Office # 33 Jinnah Plaza, Lahore
 GPS: Sana Gali A.V. Post
 District: Sahiwal

20-A	Lal Khan s/o Fazlur Rehman	Palchoh	GPS	A.V. Post
21-	Abdus Sattar s/o Maroof	Kalas	GPS	A.V. Post
22-	Niaz Ahi 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	Jasgeran	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 Khalig Jund Seri		GPS Namshera	--do--
35-	Javed s/o Fazlur Rehman	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:Moher Khurd	--do--
48-	Muhammad Bukhtiar s/o Phane Zaman	Roria	GPS Miana Gali	--do--
49-	Iftikhar s/o Ghulam Haider	Gojra	GPS Kahawa	--do--
50-	Fida Hussain s/o Aziz Muhammad Choker Bandi		GPS Matserian	--do--
51-	Ghulam Mustafa s/o Hafizullah Chamial		GPS Ni-ka Pani	--do--
52-	Zulfiqar s/o Dure Aman	Sinjliyal	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 Basshi	--do--
55-	Shah Feroz s/o Firdoos	Jaman Moori	Mos:Takkra Pain	--do--

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56-	Munawar s/o Masood.	Lassen Nawab	GPS Tarmang	A.V.Post
57-	Ghulam Abbas s/o Abdus Sattar.	Dehgri	Mos:Batangi	--do--
58-	Muhammad Azam s/o Jhawaj Muhammad.	Khalian Arian	GPS Karaka	--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-	Chiris Khan s/o Abdur Rehman, Jhangi		GPS Sinjliyala	--do--
63-	Muhammad Teriq s/o Parvez.	Sokal	GPS Shanaya Pain	--do--
64-	Dost Muhammad s/o Mir Muhammad Thair 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 Amen 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-	Sibir s/o Muhammad Yaqoob	Pakoona	GPS Ghezi 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 Darweza	--do--
77-	Siddique s/o Farid	Jhend	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	Bettal 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 Yaqcob.	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-	Muhammad Haroon s/o Ali Zaman	Bai Buhel	GPS Bat Doga	--do--
93-	Muhammad Haroon s/o Ali Zaman Bai Buhel		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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[Signature]
 Advocate Arshad Khan Tanoli
 Advocate Supreme Court of Pakistan
 Office # 33 Jinnah Plaza Adjacent to
 District Bar Abbottabad

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

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97-	Naveed Shah s/o Muzam Shah	Shah Kot.	GPS Dham Nalla	A.V. Post
98-	Muhammad Nazir s/o Muhammad Assem	Assem Mika Pani	GPS Neel Batla	-do-
99-	Muhammad Azam s/o Sher Muhammad	Bandian	GPS Nara Doga	-do-
100-	Abid Hussain s/o Abdur Rehman.	Dakoona	GPS Chanial	-do-
✓ 101-	Muhammad Asif s/o Wali Jan	Munda Gucha	GPS Chilyani	-do-
102-	Mahid 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	Sucha Kalan 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 Alan	Gali Jabbar	GPS Jabbar	-do-
110-	Ghulam Nabi s/o Arzala 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 Tach	-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 Muntaz Ali Shah.	Bai Bala	GPS Thatta	-do-
116-	Sajid Hussain Shah s/o Hayat Shah	Kot Chatter	GPS Dheri Nambardar	-do-
117-	Muhammad Fayez s/o Abdul Wahab.	Hilkot	GPS Deri Haleem	-do-
118-	Javed Hussain Shah s/o Nawab Said Shah.	Bachi Mang	GPS Deri Nambardaran	-do-
119-	Zulfiqar Ali Shah s/o Tadiq Shah.	Bai Bala	GPS Shangreta	-do-
120-	Abdul Ghaffar Ali Shah s/o Pir Bed Shah	Saloon	GPS Chinar Kot.	-do-
121-	Ijaz Hussain Shah s/o Shah Said Shah.	Bhumla Chatter	GPS Khotri	-do-
122-	Caiser Rauf s/o Abdur Rauf Khan.	Sucha Kalan	GPS Keeri Nawaz Abad.	-do-
123-	Dahshat Khan s/o Haji Farid Khan.	Shar Fool	GPS Deri Haleem	-do-
124-	Muhammad Saeed s/o Miskeen	Karan	GPS Mat Serian	-do-
125-	Abdur Rezaq s/o Mir Hussain	Makan Gali	GPS GPS Dokal	-do-
126-	Muhammad Ijaz s/o Omar Zaman	Dhanaka	Mos; Pagora	-do-
126A	Muhammad Aslam s/o Omar Zaman	Gundan	GPS Battian	-do-
127-	Abdus Sattar s/o Abdur Rehman	Dheman	GPS Chatta	-do-
128-	Muhammad Yousef s/o Aurangzeb	Teri Gali	GPS Shanaya	-do-
129-	Fariddud Din s/o Abdul Hai	Mat Seri	GPS Jiggi	-do-

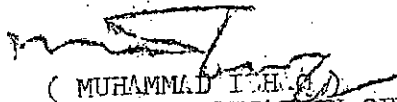
Next page/5

P-11

129-A	Sidique s/o Haider Saman	Purni	GPS Hariyala	A.V.Post.
130-	Azmat Ayub S/o Muhammad Ayub.	Naryala	GP, 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 xxx	Rongaly		K.D.
135-	Syed Mahab s/o Muhammad Mustaffa.	Jatka		K.D.
136-	Pir Mukamil Shah s/o Pir Ahmad Shah.	Jatka		K.D.
137-	Fiaqat Ali, s/o Sher Muhammad Khan	Chinkhari		K.D.
138-	Safdar Zaman s/o Shah Isat 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 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 until they produce age and Health certificate from Medical Superintendent DHO Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of NWFP.

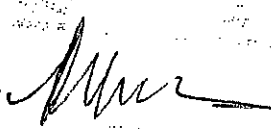

 (MUHAMMAD ISHAQ)
 I/C DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MANSEHRA.

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 NWFP, Education Deptt; Peshawar.
- 2- Director, Primary Education, NWFP (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.


 Director, Primary Education, NWFP
 Office # 33, Jinnah Park, Adjacent
 to the Bar Abad, Peshawar

22/11/94
 Enclst NO = 2485-2626
 22-11-94

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

NO. 5
 Dated February 13, 1997

22/11
 2/13
 97

OFFICE ORDER

On perusal of the relevant record, the appointments of the following Primary Teachers have been found illegal as initiation was not 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 Numbal
2.	Muhammad Khalid S/O Abdul Glayum	Lassan Nawab	Msq: Khalivala
3.	Sheikh Amjad S/O Sheikh Taj Muhammad	Shakooki	GPS Bat Doga
4.	Muhammad Sajjad S/O Ali Akbar	Thakar Mera	Msq: Poydara
5.	Zulfiqar S/O Fazal-ur-Rehman	Shergarh	GPS Seri Goria
6.	Sartaraz S/O Muhammad Jan	Moorat Mera	Msq: Hathra
7.	Khalid S/O Sher Muhammad	Beral Khurd	GPS Nadbal
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.	Amjad Hussain S/O Anwar Shah	Dhaman Dheri	GPS Batdoga

Contd: Page No. 2

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

P-13

12.	Sayed-ur-Rehman S/O Haider Zaman	Gali Badral	GPS Daroo
13.	Muhammad Ishaq S/O Muhammad Talib	Kali Mera	Msq: Singliyal
14.	Muhammad Farhat S/O Sher Muhammad	Pandori	Msq: Khamari
15.	Muhammad Arif S/O Muhammad Zaman	Gali Badral	GPS Lubar
16.	Muhammad Saad S/O Muhammad Ayub	Shakooki	GPS Singli Bandi
17.	Muhammad Younis S/O Fazal-ur-Rehman	Hando	Msq: Tunimar
18.	Muhammad Riaz S/O Kala Koon	Hari Doga	GPS Chamtai
19.	Muhammad Tariq S/O Abour Rehman	Chansair	GPS Suni
20.	Muhammad Haroon S/O Ghulam Haider	Mohrat Mera	GPS Suni
21.	Lal Khan S/O Fazal-ur-Rehman	Tarmang	GPS Tarmang
22.	Abdur Salar S/O Harroof	Kalos	GPS Seri Gali
23.	Riaz Ali Shah S/O Farman Ali Shah	Darband	Msq: Chakli Miangan
24.	Muhammad Ishaq S/O Ghulam Qadar	Makan Glai	GPS Chatta
25.	Attab Ahmad S/O Abdul Jalil	Hari Doga	GPS Chatta
26.	Abdul Malik S/O Rehmatalillah	Chansair	GPS Bai
27.	Muhammad Shameer S/O Omar Zaman	Jasgran	GPS Sokal
28.	Haheem Anwar S/O Muhammad Anwar	Shangli	GPS Neel Batia
29.	Muhammad Haroon S/O Khalil ur Rehman	Kutaira	GPS Neel Batia

Mue
 Advocate Supreme Court of Pakistan
 Office: 13, Jinnah Plaza, Lahore
 Tel: 3733333

P-124

Page No. 3

- Dist 30. Abul Hussain Shah S/O Ismail Gandhi GPS Nawar Sher
Hussain Shah
- 31. Shakeel S/O Sokol GPS Sokal
Abdul Jabbar
- 32. Rashid Manan S/O Lashan Nawab GPS Sokal
Abdul Manan
- 33. Taj Muhammad S/O Chakli GPS Namshera
Sher Dil
- 34. Shuakat Ali S/O Darband GPS Namshera
Gohar Rehman
- 35. Abdur Rashid S/O Jand Seri GPS Namshera
Abdul Kalia
- 36. Javid S/O Sharotta GPS Khudian
Fazal-ur-Rehman
- 37. Muhammad Arshid S/O Sahaki GPS Khudian
Sher Muhammad
- 38. Muhammad Fayaz S/O Bangi Mera GPS Garwal
Niaz Muhammad
- 39. Muhammad Arif S/O Rooria Msq: Parkhain
Wali Muhammad
- 40. Muhammad Gulab S/O Rara Msq: Jorian
Sikandar Khan
- 41. Abdus Sadiq S/O Kalas GPS Minjahan
Behram
- 42. Muhammad Ali S/O Farqia Shatuniskeen GPS Dham Nalla
Taj Muhammad
- 43. Maseem Kausar S/O Lashan Nawab GPS Hallan
Ghulam Sarwar
- 44. Muhammad Humayun S/O Bandhan GPS Matserian
Habib-ur-Rehman
- 45. Muhammad Pervez S/O Tharmang GPS Miana Gali
Muhammad Zaman
- 46. Zulfikar S/O Darband Msq: Karam
Ghulam Sarwar

Contd: Page No. 4

M. K.
 Advocate Supreme Court of Pakistan
 Office # 33, Anand Plaza, Adjacent
 Chaudhary Bhai Abad, Lahore

P. 13

Page No. -----

- 47. Habib-ur-Rehman S/O
Jamal-ur-Rehman Gali Badra GPS Chuntran
Msq: Mohar Khura
- 48. Muhammad Saleed S/O
Muhammad Jirail Kalas GPS Miana Gali
- 49. Muhammad Bukhtiar S/O
Khan Zaman Roria GPS Kahawa
- 50. Iftikhar S/O
Ghulam Haider Chor Bandi GPS Mad Serhan
- 51. Fida Hussain S/O
Aziz Muhammad Chamlati GPS Nikka Pani
- 52. Ghulam Mustafa S/O
Hafizullah Msq: Doga
- 53. Zulfiqar S/O Duri Aman Sinjiliyala Msq: Hari Doga
- 54. Muhammad Bashir S/O
Abdul Akbar Machral Msq: Kaloo Basthi
- 55. Sher Muhammad S/O
Taj Muhammad Faten Bandi Msq: Thakkra Pani
- 56. Shah Feroz S/O
Ferdoss Jaman Moorj GPS Tarmang
- 57. Munawar S/O Masood Lassan nawab Msq: Batangi
- 58. Ghulam Abbas S/O
Abdus Satar Dehri GPS Karkai
- 59. Muhammad Azam S/O
Khawaj Muhammad Khalian Arian GPS Hallah
- 60. Anwar Zeb S/O
Sikandar Khan Sharotta GPS Mera Khairoo
- 61. Akram S/O Suleman Sharotta Msq: Nalbor
- 62. Nazir Muhammad S/O
Sher Muhammad Prudhar GPS Sinjiliyala
- 63. Chiria Khan S/O
Abdur Rehman Jhangli GPS Shanaya payean
- 64. Muhammad Tariq S/O
Parvez Sokal

Contd: Page No. -----

ATTESTED

[Signature]

Admission Superintendent
Office No. 22 Jinnah Plaza
Islamabad

P 16

816/ 65.	Dost Muhammad S/O Mir Muhammad	Khaji Abad	Msq: Dolarian
1766.	Jehangir S/O Fazal Karim	Hal Kaloo	GPS Mariyala
3767.	Nanzoor Ahmad S/O Maqbool-ur-Rehman	Chandoor	Msq: Chandoor
3768.	Lal Khan S/O Sher Muhammad	Jhanda	Msq: Chandoor
3769.	Sultan S/O Rehmatullah	Nara Doga	GPS Gora
3770.	Duri Aman S/O Wasir Muhammad	Sharotta	Msq: Kamara
827/ 71.	Salar Khan S/O Abdul Akbar	Karrori	GPS Akhun Bandi
3772.	Iftikhar Ahmad S/O Ali Zaman	Shakokki	GPS Kandal
3773.	Mubarak S/O Haider Zaman	Pakoona	GPS Maserian
474.	Sabir S/O Muhammad Yaqoob	Pakoona	GPS Ghazi Kot
475.	Dildar S/O Faqir Muhammad	Mohar	Msq: Belan
476.	Rafique S/O Sikandar	Bandian	GPS Bandi Khan Khel
477.	Shakeel Ahmad S/O Ayub	Khatwal	Msq: Kotla darwaza
828/ 75.	Sadique S/O Farid	Jahand	Msq: Gud
479.	Khurshid S/O Faqir Muhammad	Chitti Moori	GPS Chontra
1029/ 80.	Muhammad Farooq S/O Kala Khan	Kajla	GPS Kajla
830/ 81.	Nazar Hussain S/O Ghulam Haider	Nikka Pani	Msq: Gali Tendki
482.	Sarwar S/O Abdul Nabi	Thanda	GPS Chaniya

ATTESTED

Signature and official stamp of the attesting authority.

R 15

	Page No.		
4283. Muhammad Hanif S/O Ghulam Sarwar	Sokal	Mera Khairoo	
4284. Nazir Ahmad S/O Ghulam Sarwar	Batal Pain	Msq: Khajambar	
4285. Ali Husein S/O Ali Zaman	Doga	GPS Bradarh	
4286. Saifuraz S/O Alizaman	Jangal	GPS Thatthi Kalan	
8287. Iqbal S/O Yaqoob	Larri	Msq: Shanaya Pain	
4288. Muhammad Afzal S/O Ayub	Jangarh	Msq: Kharan	
5739. Hakim Khan S/O Gohar Rehman	Khaliata	GPS Mera Khairoo	
8290. Zaman Shah S/O Gulab Shah	Shergarh	GPS Seri Goria	
8291. Saleem S/O Samandur	Shanaya	Msq: Bradar	
5292. Munib ur Rehman S/O Muhammad Zaman	Kandar	GPS Kandar	
5293. Sajid S/O Habib-ur-Rehman	Phutra	GPS Kujla	
5294. Muhammad Haroon S/O Ali Zaman	Bai Buhai	GPS Batdoga	
5295. Muhammad Javaid S/O Aurang Zeb	Jhandia	GPS Gali Badral	
5296. Muhammad Ismail S/O Muhammad Zaman	Gorha	GPS Theri	
5297. Muhammad Riya S/O Rafiullah	Bandi Mera	Msq: Khamian	
5298. Naveed Shah S/O Muazam Shah	Shah Kot	GPS Dam Nulla	
8299. Muhammad Nazir S/O Muhammad Aslam	Nikka, Pani	GPS Neel Batia	
52910. Muhammad Azam S/O Sher Muhammad	Bandian	GPS Nara Doga	

Contd: Page No. 7

ATIES ED

Handwritten signature

Office of the
Secretary

- 101. Abid Hussain S/O
Abdur Rehman
- 102. Muhammad Asif S/O
Wali Jan
- 103. Habib Ahmad S/O
Ghulam Nabi
- 104. Muhammad Nazeem S/O
Attai Khan
- 105. Muhammad Naveed S/O
Muhammad Ayub
- 106. Muhammad Shakai S/O
Muhammad Mussa
- 107. Ghulam Hassan S/O
Muhammad Ishaq
- 108. Muhammad Khalid
Aziz ur Rehman
- 109. Gul Dad S/O Mughal Dad
- 110. Muhammad Aslam S/O
Muhammad Giam
- 111. Ghulam Nabi S/O
Arsala Khan
- 112. Akhtar Nawaz S/O ✓
Haq Nawaz Khan
- 113. Gul Niaz S/O ✓
Sarfraz Khan
- 114. Ghulam Nabi S/O
Qadaf

- Pakpona
- Munda Gocha
- Jabori
- Phala
- Sachan Kalan
- Sachan Kalan
- Nalla Jabbar
- Munda Gocha ✓
- Punjool
- Gali Jabbar
- Keeri Gala
- Gucha Kalan
- Ruz Gola
- Chotta Gola

- GPS Chaniyal
- GPS Chilyani
- GPS Sundi
- GPS Nael Gan
- GPS Bahadra
- GPS Said Abad
- GPS Nalla Jabbar
- GPS Munda Gocha
- GPS Sukian
- GPS Jabbar
- GPS Sattan Gali
- GPS Kodar
- GPS Banda Geesach
- GPS Mohri
- GPS Mohri

ATTESTED

[Handwritten Signature]

Office of the
District Officer
District Peshawar

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Page No.

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. Zulfikar Ali Shah S/O Sadiq Shah	Bai Bala	GPS Shangreta
121. Abdul Ghaffar Ali Shah S/O Pir Badshah	Saloopa	GPS Chinarkot
122. Ijaz Hussain Shah S/O Shah Said Shah	Whumla Chatter	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	Hakan 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	Matsari	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

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[Signature]
 District Officer
 District Office
 District of Faisalabad
 Faisalabad

[Signature]

P-18 20

Page No.

- 135. Muhammad Mustafa S/O Yasin Khan
- 136. Abdul Bashir S/O Gul Raiz
- 137. Farooq Shah S/O Syed Azeem Shah
- 138. Syed Wahab S/O Muhammad Mustafa
- 139. Pir Mukamil Shah S/O Pir Ahmad Shah
- 140. Liaqat Ali S/O Sher Muhammad Khan
- 141. Sardar Zaman S/O Shah Izat Khan

- Judba
- Behal
- Rongaly
- Jatka
- Jatka
- Shinkiaqi
- Deri Kaka Khail

- Msq: Kalala
- Msq: Mohri Danna
- Msq: Soormal Mada Khail
- Msq: Laka Tiga
- Msq: Tara Mada Khail
- Msq: Jhangri
- Msq: Markharain

دفعہ نمبر

(Handwritten signature/initials)

(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
- Sub-Divisional Education Officer (Male) Mansehra
- 5-10. ASDEO Circi. Pulra, Shergarh, Oghi, Battal, Jabori & Kala Dhaka
- 11-151. All concerned.

(Signature: Cewar)
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA

ATTESTED

(Handwritten signature)

Office of the District Education Officer
Mansehra

ANNEX-B

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Annexure

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
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/Olls/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, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1st day of November, 1998 to 31st day of December, 1998 on various grounds;

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

145

ATTESTED

[Signature]

Office of the Provincial Secretary
Peshawar

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(2)

146 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

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 the 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 per cent 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.

APPROVED

[Signature]

Secretary to Government
Office of the Secretary to Government
Khyber Pakhtunkhwa

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3

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 such benefits.— A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other such 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 employees shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be considered 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.

ii. 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

[Handwritten Signature]

Secretary, Government of Khyber Pakhtunkhwa
Peshawar

P-24



4-

14th KYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012

- 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 KYBER
PAKHTUNKHWA

(AMIRULLAH)
Secretary
Provincial Assembly of Kyber Pakhtunkhwa

Printed and published by the Director,
State & Print, Deptt., Kyber Pakhtunkhwa, Peshawar.

ATTESTED

M. S.

Office of the Secretary
Provincial Assembly of Kyber Pakhtunkhwa
Peshawar

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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 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)

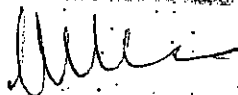
(First Published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazettes of the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012).

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 Pakhtunkhwa and who possessed the regular basis qualification and

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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 enactment;

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 hereby enacted as follows:

1. Short title 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.

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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Government of Khyber Pakhtunkhwa
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- b. Department in case 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 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

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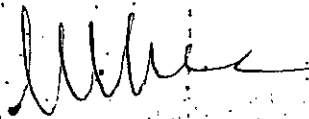
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verification of their character antecedents to the satisfaction of the concerned competent authority.

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

4. **Me 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:-** 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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Secretary
Khyber Pakhtunkhwa Government
Peshawar

(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.

(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.

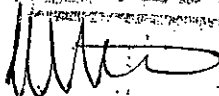
(5). The sacked employee is available against thirty percent vacancy reserved irrespective cadre in a Department, then the post shall be filled through initial recruitment.

REMOVAL OF DIFFICULTIES:- Any difficulty arises in giving effect to 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 from coming into force of this Act.

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

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Peshawar

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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 provision of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency 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

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Office of the Secretary
Provincial Assembly of Khyber
Pakhtunkhwa



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

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, In W/P No 516-A/2013,676-A/2015,20-A/2014,216-A/2015,1155-A/2015,702-A2014,115-A/2014, and orders of Honorable High Court in COC No.22-A/2016,COCCo. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PST; School based and in 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. #	COC/Writ Petition	Name	Father's Name	Date Of Birth	Permanent Address	Place of posting
1.	COC 46-A/2016	GHULAM NABI	ARSALA	06-4-1975	VILLAGE KAIRI NAWAZABAD TEHSIL AND DISTRICT MANSEHRA.	GPS ANDRASI
2.	COC 46-A/2016(10)	AFTAB AHMED	ABDUL JALIL	22-05-1966	VILLAGE HAR BADOGA POST OFFICE KARORI TEHSIL OGHI & DISTT MANSEHRA	GPS PATTIAN
3.	WP 20-A/2015	MUHAMMAD JAN	MAROOF	02-01-1978	VILLAGE SHERGARH P/O HILKOT TEHSIL & DISTT MANSEHRA.	GPS DILBORI
4.	WP 216-A/2015	FIDA MUHAMMAD	RAJA KHAN	05-04-1975	VILLAGE KARORI PAEIN P/O SHERGARH TEHSIL OGHI DISTRICT MANSEHRA	GPS MALIAR
5.	WP 216-A/2015	MUHAMMAD SULEMAN	MUHAMMAD YAQOOB	26-04-1977	VILLAGE LAMBI DHERI P/O KOTKAY TEHSIL & DISTRICT MANSEHRA	GPS REERII
6.	WP 716-A/2015 (3)	ABDUL KHALIQ	MAQBOL UR. REHMAN	11-11-1974	VILLAGE BANDI KHAN KHAIL POST OFFICE SHERGARH TEHSIL & DISTT MANSEHRA	GPS CHAJJAR PAEIN
7.	WP 731-A/2016 (4)	ABDUL KHANAN	BEHRAM KHAN	10-4-1973	VILLAGE TARMANG P/O PHULRA TEHSIL & DISTRICT MANSEHRA	GPS ICHIRIAN
8.	WP 731-A/2016 (01)	M.SAEED	M.MISKEEN	10-03-1976	VILLAGE KACII KHAKI TEHSIL & DISTRICT MANSEHRA.	GPS SOKAR
9.	WP 731-A/2016 (06)	RASHID MANAN	ABDUL MANAN	01-07-1966	VILLAGE LASSAN NAWAB P/O LASSAN NAWAB TEHSIL & DISTT MANSEHRA	GPS MOHAR
10.	WP 731-A/2016 (17)	KHAN MUHAMMAD	MEHMOOD	13-04-1974	VILLAGE SARNI POST OFFICE PHULRA TEHSIL & DISTT MANSEHRA	GPS GUDWAI
11.	WP 731-A/2016 (26)	ZULFIQAR AHMED	GHULAM SARWAR	07-04-1976	VILLAGE NEW DARBAND TEHSIL OGHI DISTRICT MANSEHRA	GPS KHAN DHERI
12.	WP 731-A/2016 (30)	M.HAROON	GHULAM HAIDAR	15-03-1973	VILLAGE MORAT MAIRA TEHSIL & DISTT MANSEHRA	GPS SAI DAR HU I.
13.	WP 731-A/2016 (32)	MUHAMMAD SULTAN	REHMATULLAH	03-01-1971	VILLAGE NARRA DOGA P/O PHULRA TEHSIL & DISTT MANSEHRA	GPS KOTLI PAIN
14.	WP 731-A/2016 (33)	M. IRFAN	M.MISKEEN	15-02-1972	VILLAGE SHINAYA PAEIN P/O NEW DARBAND TEHSIL OGHI DISTRICT MANSEHRA.	GPS KARMANIC BALA
15.	WP 731-A/2016 (38)	M.IMRAN	BADRI ZAMAN	03-02-1975	VILLAGE KALI GATTI SERI GORIA P/O SHERGARH TEHSIL OGHI DISTRICT MANSEHRA	GPS KHAN HAJA
16.	WP 731-A/2016 (47)	MUHAMMAD ASLAM	MUHAMMAD ALAM	02-02-1971	VILLAGE JABBAR GALI P/O JABBAR TEHSIL & DISTT MANSEHRA	GPS CHITTA BATTI
17.	WP 731-A/2016 (51)	M.ZAHED	ALI AKBAR	05-03-1977	VILLAGE PARONA TEHSIL & DISTRICT MANSEHRA.	GPS HAJLA RAQEEN
18.	WP 731-A/2016 (52)	ABDUL SADIQ	BRAHIM KHAN	02-01-1977	VILLAGE KALAS P/O LASSAN NAWAB TEHSIL & DISTT MANSEHRA	GPS SAMIAN
19.	WP 731-A/2016 (7)	HAQIM KHAN	GOHAR REHMAN	16-02-1969	VILLAGE KHAILYALA P/O LASSAN NAWAB TEHSIL & DISTRICT	GPS ARAN KHAN

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Office # 33 Jinnah Plaza Adjacent to
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Sl. No.	WP No.	Applicant Name	Spouse Name	Date of Birth	Location	Category
	WP 740-A/2016	GULJAD KHAN	MUGHAL DAB KHAN	00-01-1967	MANSEHRA VILLAGE PANJOL POST MANDAGAUCHA TEHSIL & DISTRICT MANSEHRA.	GPS JACHA NO.1
21.	WP.1040-A/17	SHEIKH AMJID	S TAJ MUHAMMAD	15-05-1972	VILLAGE SHIKAKI LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS BHAG
22.	WP.690-A/2016 (1)	MUHAMMAD SARWAR	AUDUL NAUI	10-03-1974	VILLAGE THIANDA P/O PERIINNA TEHSIL & DISTRICT MANSEHRA.	GPS JAH GIDAR PUR
23.	WP.690-A/2016 (10)	MUHAMMAD RAFIQUE	SIKANDAR	09-04-1971	VILLAGE BANDI KHAN KILAI, P/O PHULRA TEHSIL & DISTRICT MANSEHRA	GPS SUNI
24.	WP.690-A/2016 (13)	MUHAMMAD PERVAIZ	MUHAMMAD ZAMAN	15-04-1973	Village TARMANG PHULRA P/O Khaki TEHSIL & DISTRICT MANSEHRA	GPS MAKHIAN MAINA
25.	WP.690-A/2016 (2)	MUHAMMAD NAZEER	ASEEM KHAN	14-4-1960	VILLAGE NIKKA PANI P/O SIERGARI TEHSIL OGHI & DISTRICT MANSEHRA	GPS PODNAI
26.	WP.690-A/2016 (4)	MUHAMMAD FAROOQ	KALA KHAN	16-1-1969	VILLAGE KAJLA P/O DARBAND TEHSIL OGHI DISTRICT MANSEHRA	GPS DEVI
27.	WP.690-A/2016 (5)	MUHAMMAD MUSHTAQ	SHER MUHAMMAD	03-01-1975	VILLAGE PANGORI P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS SAMIAN
28.	WP.690-A/2016 (6)	ANWAR ZID	ALI MUHAMMAD	2-11-1977	VILLAGE MAHAWALIAN P/O BEHALI TEHSIL & DISTRICT MANSEHRA.	GPS FOOT GALI
29.	WP.690-A/2016 (7)	MUHAMMAD SALEEM	ABDUL REHMAN	07-01-0975	VILLAGE KHAMBIAN PAIEN P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS BANDI GIAN
30.	WP.690-A/2016 (8)	MUHAMMAD NAHEEM	ATAE KHAN	10-6-1972	Village phalli P/O BALI MONG TEHSIL & DISTRICT MANSEHRA.	GPS GALI DALI MANG
31.	WP-1102-A/15(1)	M ASIM FAROOQ	SHAHNAWAZ KHAN	23-04-1975	VILLAGE MALIK PUR TEHSIL & DISTRICT MANSEHRA	GPS TIMBER KHOLA
32.	WP-731-A/2016 (10)	S SAJJAD HUSSAIN SHAIH	SYED HAYAT SHAIH	02-04-1970	VILLAGE KOT P/O CHATTAR PLAIN TEHSIL & DISTRICT MANSEHRA.	GMPS GALI DALI MANG
33.	WP-731-A/2016 (12)	IFTIKHAR ANIMED	ALI ZAMAN	06-11-1974	VILLAGE SHAKOKO P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS TAJAL
34.	WP-731-A/2016 (25)	M.HAMAYUN	HABIB UR REHMAN	11-04-1969	VILLAGE BANDIAN P/O MADSERIAN TEHSIL & DISTRICT MANSEHRA.	GPS ATTERSHEESHA
35.	WP-731-A/2016 (39)	MUHAMMAD ASIF	WALI JAN	28-04-1966	VILLAGE MANDAGAUCHA TEHSIL & DISTRICT MANSEHRA.	GPS NOKUT
36.	WP-731-A/2016 (42)	SAJJID HUSSAIN	SAIH MUHAMMAD	01-03-1968	VILLAGE TARHA BALA P/O BERKUND TEHSIL & DISTRICT MANSEHRA.	GPS BAFFA DOIIRAYA
37.	WP-731-A/2016 (49)	MUHAMMAD AFZAL	MUHAMMAD AYUB	5-1-1972	VILLAGE TANGHAR P/O PHULRA TEHSIL & DISTRICT MANSEHRA.	GPS RUIJIARY MARKAZI

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government savant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhawa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhawa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed

Signature
 Muhammad Arshad Khan
 Advocate Supreme Court of Pakistan
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- removed or terminated from services, till the date of their appointment shall have been deemed automatically relaxed.
7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
 8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
 9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
 10. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.
 11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
 12. Health and Age Certificate should be produced from the Medical Superintendent, King Abdul-Ilah Teaching Hospital Mansehra before taking over charge.
 13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
 14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
 15. Their appointments are made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
 16. Before handing over charge once again their documents may be checked if they have not the required qualifications they may not be handed over charge.
 17. Before handing over charge they will sign an affidavit with the department, otherwise this order will not be valid.
 18. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.

Sd/-
DISTRICT EDUCATION OFFICER,
(MALE) MANSEHRA

Endst: No. 2329-74 /File No./PST/Sacked Appt./2018/Dated Mansehra the 20/2/2018

Copy forwarded for information and necessary action 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. All SDEO(Male) in District Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File

DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

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

خدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن پشاور

R-37

درخواست بمزاداد اکاؤنٹ کیے جانے protected پیریئڈتحت ایکٹ 2012ء و فیصلہ سپریم کورٹ آف پاکستان

جناب عالی!


گزارش ہے کہ سائل کو PST 20/11/1994 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 Employees 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 ازاں 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 2017-12-06 کو بحال کر دیا سائل 2012 سے نوکری کا حق رکھتا تھا اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو رٹینیشن کی تاریخ سے بحال کیا۔

لہذا استدعا ہے کہ اکاؤنٹ کیے جانے protected پیریئڈتحت ایکٹ 2012ء و فیصلہ سپریم کورٹ آف پاکستان۔

المرقوم: 2022/2078

ارض

گل داد PST


Director, Government of Punjab
Office of the Director, Government of Punjab
Lahore, Punjab, Pakistan

Annex-E

P-34

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR



Service Appeal No. 372/2019

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

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Entry No. 641

Dated 28/4/2019

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

Wife-to-day
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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.

[Signature]
Registrar
3/5/19

ATTESTED

[Signature]
ATTESTED

Office of the Registrar
Office # 23, Jinnah Plaza, Peshawar
District Mansehra

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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)
ATIQU 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

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Supreme Court of Pakistan
Office # 23, Aman Plaza Adjacent to
Ministry of Education

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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Office of the Court of Sessions
Office of the District Judge
Office of the District Magistrate
Office of the District Collector
Office of the District Engineer
Office of the District Health Officer
Office of the District Social Welfare Officer
Office of the District Veterinary Officer
Office of the District Forest Officer
Office of the District Milk Producers' Cooperative Societies Officer
Office of the District Labour Officer
Office of the District Child Development Officer
Office of the District Family Welfare Officer
Office of the District Extension Officer
Office of the District Information Officer
Office of the District Public Relations Officer
Office of the District Training Officer
Office of the District Welfare Officer
Office of the District Youth Welfare Officer

ATTESTED

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MEMBER
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

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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 Peshawar

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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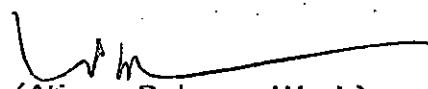
MEMBER
 Peshawar High Court
 Service Tribunal
 Peshawar

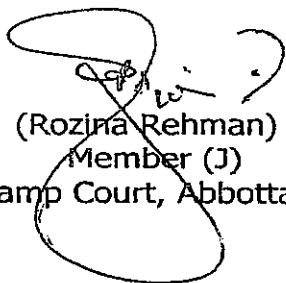
Secretary, Government of Punjab
 Office of the Human Resource Department
 100, Park Road, Lahore

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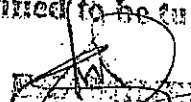
despite promulgation of an Act in the year 2012, appointment order of the appellants were issued in the year 2017 and that too, on the directions of the august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees 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.

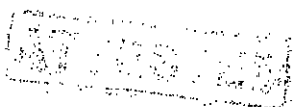
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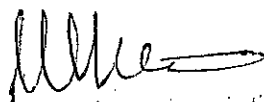

(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


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

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar





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Annex- 07

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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

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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

[Handwritten Signature]

ISLAMABAD.

27.03.2020.

ZR/n

Not Approved For Reporting

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17/4/20

Office of the Joint Public Accountant
Office of the Joint Public Accountant
Office of the Joint Public Accountant

کورٹ فیس

وکالت نامہ

Service Tribunal KPH

بعدالت

Quilada

بنام Govt of KPH

عنوان:

Applicant

منجانب:

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام
 اور سرکار کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل
 صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر 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 اپنی
 بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا
 ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے
 مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا
 حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں
 کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد
 استجارت ناش بصفہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

Amirul
 بقام:

المرقوم: