


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>22-2-2023</u></p> <p style="text-align: right;"> 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 style="text-align: right;"> (Kalim Arshad Khan) Chairman Camp Court Abbottabad</p>

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

The appeal of Mr. Muhammad Khaled Qureshi PST GPS Panjool 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 18 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.

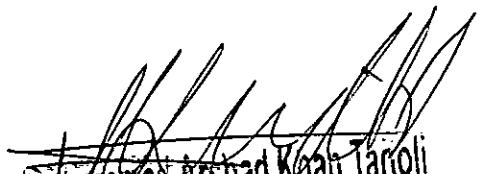
No. 3346 /S.T,

Dt. 23/11 /2022

M. Arshad Khan Tanoli Adv. A.Abad.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

*the documents obtained
with hectic efforts.
the case is submitted*


M. Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office: 33 Jinnah Plaza Adjacent to
District Bar Abbottabad

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

Case Title: Muhammad Khalid vs USA GK

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>A/Sher Khan</u>	✓	
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:

Muhammad Khalid

Signature:

[Signature]

Dated:

22/11/22

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

Service Appeal No. 968 2022

Muhammad Khalid Qureshi PST, Government Primary School Panjool,
District Mansehra.

...APPELLANT

VERSUS

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

...RESPONDENTS

SERVICE APPEAL

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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 appellant	7-19	"A"
3.	Copy of KP sacked employees Appointment Act 2012	20-29	"B"
4.	Copy of appointment order dated 20/06/2019 of the appellant	30-32	"C"
5.	Copy of department appeal	33	"D"
6.	Copy of judgment of KP service Tribunal and the Apex Court	34-42	"E"
7.	Wakalatnania	43	

Muhammad Arshad Khan Tanoli
...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. 968 2023

Muhammad Khalid Qureshi PST, Government Primary School Panjool,
District Mansehra.

....APPELLANT

V E R S U S

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

Muhammad Khalid Qureshi PST, Government Primary School Panjool,
District Mansehra.

....APPELLANT

V E R S U S

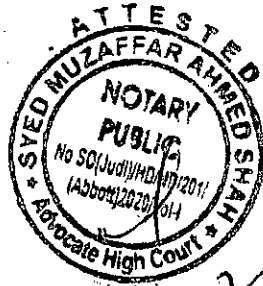
Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Muhammad Khalid Qureshi PST, Government Primary School Panjool,
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.



Muhammad Khalid Qureshi
DEPONENT

OFFICE ORDER NO. 88

DATED 22/11/1994.

P-7

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.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 Gorla	-do-
6-	Sarfraz 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 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:Sinjelijala	-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.	Shakeeki	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
 District Education Officer
 Office # 33 Jinnah
 District Bar / Mansehra

20-A	Lal Khan s/o Fazlur Rehman	Palkohg	GPS Tarmang	A.V.Post.
21-	Abdus Sattar s/o Maroof.	Kalas	GPS Sera Gali	A.V.Po
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	GP Bai	-do-
26-	Muhammad Shameer s/A 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/A Fher Dil.	Chakli	GPS Namshera	-do-
33-	Shaukat Ali s/A Gohar Rehman	Darband	GPS Namshera	-do-
34-	Abdur Rashid s/o Abdul Khalig	Jund Seri	GPS Namshera	-do-
35-	Javed s/o Fazlur Rehman s/ Muhammad.	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:Mojar Khurd	-do-
48-	Muhammad Bukhtiar s/o Khane. 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 Nilka 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	Kaloo Basshi Mos:XXXXXX	-do-
55-	Shah Feroz s/o Firdoos.	Jaman Moori	Mos:Takkra Pain	-do-

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Office of the Registrar
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Plaza Adjacent to
Ministry of Education
Islamabad

97-	Naveed Shah s/o Muazam Shah Shah Kot.		GPS Dham Nalla	A.V. Post
98-	Muhammad Nazir s/o Muhammad Aslam Aslam	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.	Pakoona	GPS Chaniyal	-do-
101-	Muhammad Asif s/o Wali Jan	Munda Gocha	GPS Chilyani	-do-
102-	Nehid 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	GPS 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 Chatter	GPS Dheri Nambardar	-do-
117-	Muhammad Fayaz s/o Abdul Wahab.	Wilkot	GPS Deri Haleem	-do-
118-	Javed Hussain Shah s/o Nawab Seid 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	Saloon	GPS Chinar Kot.	-do-
121-	Ijaz Hussain Shah s/o Shah Said Shah.	Bhumla Chatter	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	Keran	GPS Mat Serian	-do-
125-	Abdur Razaq s/o Mir Hussain	Makan Gali	GPS GPS Dokal	-do-
126-	Muhammad Ijaz s/o Omar Zaman	Dhanake	Mos; Pagora	-do-
126A	Muhammad Aslam s/o Omar Zaman	Gundan	GPS Battian	-do-
127-	Abdus Sattar s/o Abdur Rehman	Dhaman	GPS Chatta	-do-
128-	Muhammad Yousef s/o Aurangzeb	Seri Gali	GPS Shanaya	-do-
129-	Feriddud Din s/o Abdur Hai	Mat Seri	GPS Jiggi	-do-

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56-	Munawar s/o Masood.	Lassan Nawab	GPS Tarmang	A.V.Post
57-	Ghulam Abbas s/o Abdus Satter.	Dehgri	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:Naibori	-do-
62-	Chiria Khan s/o Abdur Rehman, Jhangi		GPS Sinjliyala	-do-
63-	Muhammad Tariq s/o Pervez.	Sokal	GPS Shanaya Pain	-do-
64-	Dost Muhammad s/o Mir Muhammad Phair 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	Moher	Mos Belan	-do-
75-	Rafiq s/o Sikander	Bandian	GPS Bandi Khan Khel.	-do-
76-0	Shakil Ahmad s/o Ayub.	Khalwal	Mos:Eotla Darwaza	-do-
77-	Siddique s/o Farid	Jhend	Mos:Gud	-do-
78-	Khurshid s/o Faqir Muhammad	Chitti Moori	GPS Chontra	-do-
79-	Muhammad Ferooq 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 Painn		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 Gorla	-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 Baroon s/o Ali Zaman Bai Buhai		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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129	A Sidique s/o Haider Zaman	Purni	GPS Hariyala	A.V.Post.
130	Azmat Ayub S/o Muhammad Ayub.	Naryala	GPS Chameyari	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	Rongaly		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	Shinkiri		K.D.
138	Safdar Zaman s/o Shah Izat Khan.	Deri Faka 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 ICHER)

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.

(MUHAMMAD ICHER)

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

Office Order No. 88
22/11/94
Enclst NO = 2485-2626
22-11-94

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

NO. 5
Dated February 13, 1997

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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 Numbal
2.	Muhammad Khalid S/O Abdul Gayum	Lassan Nawab	Msq: Khalyala
3.	Sheikh Amjad S/O Sheikh Taj Muhammad	Shakooki	GPS Bat Doga
4.	Muhammad Sajjad S/O Ali Akbar	Thakar Mera	Msq: Poddara
5.	Zulfiqar S/O Fazal-ur-Rehman	Shergarh	GPS Seri Gorla
6.	Sarfraz S/O Muhammad Jan	Moorat Mera	Msq: Hathra
7.	Khalid S/O Sher Muhammad	Heral Khurd	GPS Numbal
8.	Sain Ahmad S/O Muhammad Zaman	Naryala	Msq: Loharbanda
9.	Muhammad Aslam S/O Fazal Rehman	Chansair	GPS Seri Gorla
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

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

22/11/94
2/13/97

824/11	12.	Saeed-ur-Rehman S/O Haider Zaman	Gali Badral	GPS Daroo
	13.	Muhammad Parvaiz S/O Muhammad Abbas	Kala Mera	Msq: Sinjeliyala
	14.	Muhammad Musharraf S/O Sher Muhammad	Pandorhi	Msq: Khamara
15 9/5/11	15.	Muhammad Arfan S/O Muhammad Zaman	Gali Badral	GPS Lubar
	16.	Muhammad Saeed S/O Muhammad Ayub	Shakooki	GPS Sinjal Bandi
	17.	Muhammad Younis S/O Fazal-ur-Rehman	Mando	Msq: Tunimar
824/11	18.	Muhammad Riaz S/O Kala Khan	Hari Doga	GPS Chamial
824/11	19.	Muhammad Tariq S/O Abdur Rehman	Chansair	GPS Sunj
	20.	Muhammad Haroon S/O Ghulam Haider	Mograt Mera	GPS Sunj
	21.	Lal Khan S/O Fazal-ur-Rehman	Tarmang	GPS Tarmang
	22.	Abdus Satar S/O Maroof	Kalas	GPS Seri Gali
Shaff	23.	Niaz Ali Shah S/O Farman Ali Shah	Darband	Msq: Chakli Miangan
	24.	Muhammad Ishaq S/O Ghulam Qadar	Makan Glai	GPS Chatta
824/11	25.	Aftab Ahmad S/O Abdul Jalil	Hari Doga	GPS Chatta
824/11	26.	Abdul Malik S/O Rehmatullah	Chansair	GPS Bai
	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

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- 30. *30* Abid Hussain Shah S/O Hussain Shah Ismail Bandi GPS Nawar Shen
- 31. *31* Shakeel S/O Abdul Jabbar Sokali GPS Sokal
- 32. *32* Rashid Manan S/O Abdul Manan Lissan Nawab GPS Sokal
- 33. *33* Taj Muhammad S/O Sher Dil Chakli GPS Namshera
- 34. Shuakat Ali S/O Gohar Rehman Darband GPS Namshera
- 35. *35* Abdur Rashid S/O Abdul Kalid Jand Seri GPS Namshera
- 36. *36* Javaid S/O Fazal-ur-Rehman Sharotta GPS Khudian
- 37. *37* Muhammad Arshid S/O Sher Muhammad Sahaki GPS Khudian
- 38. *38* Muhammad Fayaz S/O Niaz Muhammad Bandi Mera GPS Garwal
- 39. *39* Muhammad Arif S/O Wali Muhammad Rooria Msq: Parkhain
- 40. *40* Muhammad Gulab S/O Sikandar Khan Barri Msq: Jorian
- 41. *41* Abdus Sadiq S/O Behram Kalas GPS Minjahani
- 42. *42* Muhammad Ali S/O Taj Muhammad Faria Shahmiskeen GPS Dham Nalla
- 43. *43* Naeem Kausar S/O Ghulam Sarwar Lissan Nawab GPS Hallan
- 44. *44* Muhammad Humayun S/O Habib-ur-Rehman Randian GPS Matserian
- 45. *45* Muhammad Pervez S/O Muhammad Zaman Tharmang GPS Miana Gali
- 46. *46* Zulfiqar S/O Ghulam Sarwar Darband Msq: Karam

Contd: Page No. 4

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

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GPS Chuntran

47. Habib-ur-Rehman S/O
Jamil-ur-Rehman

Gali Badra

Msq: Mohar Khuro

48. Muhammad Saeed S/O
Muhammad Jerafi

Kalas

GPS Miana Gali

49. Muhammad Bukhtiar S/O
Khan Zaman

Roria

GPS Kahawa

50. Ittikhar S/O
Ghulam Haider

Gojra

GPS Mad Serian

51. Fida Hussain S/O
Aziz Muhammad

Chor Bandi

GPS Nikka Pani

52. Ghulam Mustafa S/O
Hafizullah

Chamial

Msq: Doga

53. Zulfiqar S/O Duri Aman
Sinjliyal

Sinjliyal

Msq: Hari Doga

54. Muhammad Bashir S/O
Abdul Akbar

Machral

Msq: Kaloo Basthi

55. Sher Muhammad S/O
Taj Muhammad

Fateh Bandi

Msq: Thakkra Pain

56. Shah Feroz S/O
Ferdoss

Jaman Moori

GPS Tarmang

57. Munawar S/O Masood

Lassan Nawab

Msq: Batangi

58. Ghulam Abbas S/O
Abdus Satar

Dehori

GPS Karka

59. Muhammad Azam S/O
Khawaj Muhammad

Khalian Arian

GPS Hallah

60. Anwar Zeb S/O
Sikandar Khan

Charotta

GPS Mora Khairoo

61. Akram S/O Suleman

Charotta

Msq: Malbori

62. Nazir Muhammad S/O
Sher Muhammad

Phudhar

GPS Sinjliyal

63. Chiria Khan S/O
Abdur Rehman

Jhangi

GPS Shanaya payeen

64. Muhammad Tariq S/O
Parvez

Sokal

Contd: Page No

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

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81/65	Dost Muhammad S/O Mir Muhammad	Khair Abad	Msq: Dolarian
1/66	Jehangir S/O Fazal Karim	Mal Kaloo	GPS Hariyala
3/67	Manzoor Ahmad S/O Maqbool-ur-Rehman	Chandoor	Msq: Chandoor
5/68	Lal Khan S/O Sher Muhammad	Jhanda	Msq: Chandoor
3/69	Sultan S/O Rehmatullah	Nara Doga	GPS Gora
3/70	Duri Aman S/O Wazir Muhammad	Sharbitta	Msq: Kamar
82/71	Salar Khan S/O Abdul Akbar	Karoori	GPS Akhun Bandi
3/72	Iftikhar Ahmad S/O Ali Zaman	Shakokki	GPS Kandal
3/73	Mubarak S/O Haider Zaman	Pakoona	GPS Maserian
4/74	Sabir S/O Muhammad Yaqoob	Pakoona	GPS Ghazi Kot
4/75	Dildar S/O Faqr Muhammad	Mohar	Msq: Belan
4/76	Rafique S/O Sikandar	Bandian	GPS Bandi Khan Khel
4/77	Shakeel Ahmad S/O Ayub	Khalwal	Msq: Kotla darwaza
82/78	Sadique S/O Farid	Jahand	Msq: Gud
4/79	Khurshid S/O Faqr Muhammad	Chitti Moori	GPS Chontra
102/80	Muhammad Farooq S/O Kala Khan	Kajla	GPS Kajla
82/81	Nazar Husain S/O Ghulam Haider	Nikka Pani	Msq: Gali Tendki
4/82	Sarwar S/O Abdul Nabi	Thanda	GPS Chanival

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
Dist: Rawalpindi

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423.	Muhammad Hanif S/O Ghulam Sarwar	Sokal	Mera Khairoo
424.	Nazir Ahmad S/O Ghulam Sarwar	Batal Pain	Msq: Khajambar
425.	Ali Munsaf S/O Ali Zaman	Doga	GPS Bradarh
426.	Sartaraz S/O Arizaman	Haugi	GPS Thathi Kalan
427.	Iqbal S/O Yaqoob	Larri	Msq: Shanaya Pain
428.	Muhammad Atzal S/O Ayub	Langarh	Msq: Khanan
429.	Hakim Khan S/O Gohar Rehman	Khatiala	GPS Mera Khairoo
430.	Zaman Shah S/O Gulab Shah	Shergarh	GPS Seri Gonia
431.	Saleem S/O Samandur	Shanaya	Msq: Bradar
432.	Munib ur Rehman S/O Muhammad Zaman	Kandar	GPS Kandar
433.	Sajid S/O Hudaib-ur-Rehman	Phulra	GPS Kalla
434.	Muhammad Haroon S/O Ali Zaman	Bai Dihal	GPS Batdoga
435.	Muhammad Javaid S/O Aurang Zeb	Jhanda	GPS Gali Badral
436.	Muhammad Ismail S/O Muhammad Zaman	Gorha	GPS Theri
437.	Muhammad Riaz S/O Rafiullah	Bandi Mera	Msq: Khamfan
438.	Naveed Shah S/O Muazam Shah	Shah Kot	GPS Dam Nulla
439.	Muhammad Nazir S/O Muhammad Aseem	Nikka Pani	GPS Neel Batla
440.	Muhammad Azam S/O Sher Muhammad	Bandian	GPS Nara Doga


Contd: Page No. 7

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

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- | | | |
|--|---------------|-------------------|
| 101. Abid Hussain S/O
Abdur Rehman | Pakoocha | GPS Chaniya |
| 102. Muhammad Asif S/O
Wali Jan | Munda Gocha | GPS Chilyani |
| 103. Nahib Ahmad S/O
Ghulam Nabi | Jabori | GPS Gundi |
| 104. Muhammad Nazeem S/O
Attai Khan | Phalaj | GPS Neel Ban |
| 105. Muhammad Naveed S/O
Muhammad Ayub | Sachan Kalan | GPS Bahadra |
| 106. Muhammad Shakel S/O
Muhammad Musaa | 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 Mughalidat | 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 ✓
Sarfaraaz Khan | Ruz Bela | GPS Banda Geesach |
| 114. Ghulam Nabi S/O
Qadai | Chotta Bala | GPS Mohri |


Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
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. Zulliqar Ali Shah S/O
Sadiq Shah | Hai Bala | GPS Shangrda |
| 121. Abdul Ghaffar Ali Shah
S/O Pir Badshah | Saloon | GPS Chinarkot |
| 122. Ijaz Hussain Shah S/O
Shah Said Shah | Whumla Chatter | GPS Khotri |
| 123. Qaisar Raut S/O
Abdur Raut 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 | Sarofi (K-D) | Msq: Cheer |

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

Contd: Page No. 9

Renr

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135. Muhammad Mustafa S/O
Yasin Khan

Judbar

Msq: Kalala

136. Abdul Bashir S/O
Gul Raiz

Uchitair

Msq: Mohri Danna

137. Fanoos Shah S/O
Syed Azoem Shah

Rongaly

Msq: Soormal
Madda Khail

138. Syed Waleed 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

Shinkiaqi

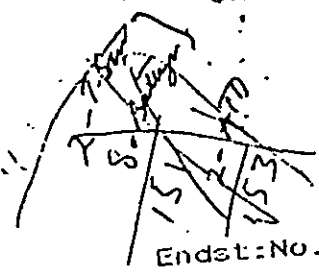
Msq: Jhangri

141. Sardar Zaman S/O
Shah Izat Khan

Deri Kaka Khail

Msq: Markharain

دفعہ 140



(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.
- S-10. ASDEO Circi. 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 Adjacent to
Distt: Bar Abbottabad

آنحضرت ص ۱۱/۲۹ کو کسی کد خالد دار عزیز الرحمن صاحب سندھ کلمہ نے

گورنمنٹ پرائمری سکول سندھ کلمہ میں بوجہ آرڈر نمبر ۸۸ ص ۱۱/۲۲

آئدہ روز دفتر خیاب ڈاکٹر سید ابو کبیر صاحب پرائمری سکول

سکولز ٹالسٹوہ جیل اور دیگر حاضری کوری سے لہذا حاضری رپورٹ ارسال فرماتے ہیں

دستیخط حاضری سندھ

M. Adil
29-11-1974

دستیخط اولیادین

M. Adil

Head Teacher
Govt. Primary School
Mau, Lucha, Manshera

29-11-74

ATTACH-15,

P-21 P-20

Amended

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.H.
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/D.II/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. XXV 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, 1999 on various grounds;

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

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(15)

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 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.

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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, in 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 employees 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 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.

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.

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1481 KHYBER 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 KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Honours,
Govt. & Pub. Dept., Khyber 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 Gazette of the Khyber Pakhtunkhwa
(Extraordinary), dated the 20th September, 2012).

AM
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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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 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 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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- 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 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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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.

(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 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.

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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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

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.APPOINTMENTAnnex-C

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, 27-03-2018, 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-A/2014, 15-A/2014, and orders of Honorable High Court in COC No.22-A/2016, COC No. 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 OGH I DISTRICT MANSEHRA.	GPS DOKAL GHAZIKOT	AGAINST VACANT POST
2.	M.IRFAN	M.ZAMAN	15-9-1962	MANSEHRA	VILLAGE GALI BADRAL U/C SHERGARH TEHSIL OGH I 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 PANJOOOL	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	MUHAMMA D FARID	01-05-1967	MANSEHRA	VILLAGE JHANDBALA P/O SHERGARH TEHSIL OGH I DISTRICT MANSEHRA.	GMPS JOAD BALA	AGAINST VACANT POST
6.	SALAR KHAN	ABDUL AKBAR	15-03-1967	MANSEHRA	VILLAGE KARORI PAEIN P/O KARORI TEHSIL OGH I DISTRICT MANSEHRA.	GPS BANDI PARAW	AGAINST VACANT POST
7.	MUHAMMMD ANWAR	KHANIZAM AN	01-02-1968	MANSEHRA	VILLAGE KHAMLAN PAIN, LASSAN NAWAB SAHIB TEHSIL & DISTRICT MANSEHRA	GPS MIANA GALI	AGAINST VACANT POST
8.	MUHAMMAD JAVEED	AURANGZAI B	4-6-1968	MANSEHRA	VILLAGE JANDA MAIRA P/O PERHINNA TEHSIL & DISTRICT MANSEHRA.	GPS THATHI KALAN	AGAINST VACANT POST
9.	ALTAH HUSSAIN	MUHAMMD REHMAN	25-07-1968	MANSEHRA	VILLAGE CHIRYA POST OFFICE AFZALABAD TEHSIL & DISTRICT MANSEHRA	GPS TRANGRI PAIN	AGAINST VACANT POST
10.	MUHAMMAD SALEEM	SAMUNDAR	10-10-1968	MANSEHRA	VILLAGE SHANAYA PAEEN P/O NEW DARBAND TEHSIL OGH I DISTRICT MANSEHRA.	GPS NAZRAL KHAN	AGAINST VACANT POST
11.	NAZAR HUSSAIN	HAJI GHULAM HAIDAR	12-05-1968	MANSEHRA	VILLAGE NKKA PANI BEERH P/O OGH I TEHSIL OGH I DISTRICT MANSEHRA.	GPS CHAMB	AGAINST VACANT POST
12.	M GULAB	SIKANDAR KHAN	15-04-1969	MANSEHRA	VILLAGE RARRI, PERHINNA P/O CHANIAL TEHSIL & DISTRICT 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	MUHAMMA D SARPAZ	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 MUHAMMA D	04-02-1972	MANSEHRA	VILLAGE PHULDAR P/O NEW DARBAND TEHSIL OGH I DISTRICT MANSEHRA.	GPS BRADDAR	AGAINST VACANT POST
18.	M FIAZ	M ZAMAN	05-05-1972	MANSEHRA	VILLAGE DARWAISH P/O LASSAN NAWAB TEHSIL & DISTRICT 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 & DISTRICT MANSEHRA.	GPS MOHAR	AGAINST VACANT POST
20.	MUHAMMAD ASSAD	MUHAMMA D ASHRAF	13-03-1974	MANSEHRA	VILLAGE PHODARA 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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23.	SHAMS UR REHMAN	MUHAMMAD ZAMAN	26-12-1974	MANSEHRA	VILLAGE & P/O MORAT MAIRA TEHSIL & DISTRICT MANSEHRA	GPS MOORAT MAIRA	AGAINST VACANT POST
24.	MUHAMMAD SAIED	MUHAMMAD ISRAEEL	01-07-1975	MANSEHRA	VILLAGE KALAS P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS CHOJA	AGAINST VACANT POST
25.	M ARSHID	SHER MUHAMMAD	03-02-1975	MANSEHRA	VILLAGE & P/O SEHAKI BALA TEHSIL & DISTRICT MANSEHRA.	GPS SEHAKI BALA	AGAINST VACANT POST
26.	ZULFIQAR ALI	MUHAMMAD FAROOQ	03-07-1975	MANSEHRA	VILLAGE NAWAN SHER P/O PERHINNA TEHSIL & DISTRICT MANSEHRA	GPS PHALKOTE	AGAINST VACANT POST
27.	KALA KHAN	ALI ZAMAN	18-03-1975	MANSEHRA	VILLAGE KARHI SALAMIA P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS BANDI GULO NO.2	AGAINST VACANT POST
28.	RUSTAM	GOHER AMAN	05-01-1975	MANSEHRA	VILLAGE KALAS RACHARI P/O NAWAZABAD TEHSIL BAFFA DISTRICT MANSEHRA	GPS ANDRASI	AGAINST VACANT POST
29.	TAJ MUHAMMAD	SHER DJL	20-07-1975	MANSEHRA	VILLAGE CHAKLI PANSIAL P/O NEW DARBAND TEHSIL OGI DISTRICT MANSEHRA	GPS GIDDO BAGLA	AGAINST VACANT POST
30.	SYED MUHAMMAD ZAFFAR SHAH	SYED SHAH ZAMAN SHAH	15-02-1976	MANSEHRA	VILLAGE CHOUNTIAN P/O PARAS TEHSIL BALAKOT DISTRICT MANSEHRA	GPS BAILA PARAS	AGAINST VACANT POST
31.	MUHAMMAD AZAM	KHUWAJ MUHAMMAD	17-04-1976	MANSEHRA	VILLAGE KHALIAN AERAN PERHINNA TEHSIL & DISTRICT MANSEHRA	GPS HARYALA	AGAINST VACANT POST
32.	SHAKEEL AHMED	M AYUB	05-04-1976	MANSEHRA	VILLAGE KALWAL P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS TARMANG	AGAINST VACANT POST
33.	SYED PEER ALI SHAH	SYED FARMAN SHAH	29-08-1976	MANSEHRA	VILLAGE DEVLJ POST OFFICE PHULRA TEHSIL & DISTRICT MANSEHRA	GPS KAMAR MARI	AGAINST VACANT POST
34.	DEHSHAT KHAN	HAIJ FAREED KHAN	10-03-1977	MANSEHRA	VILLAGE CHATTAR PLAIN TEHSIL BAFFA DISTRICT MANSEHRA	GPS DHERI SHARKOOL	AGAINST VACANT POST
35.	MUHAMMAD EHJAZ	FAQEER MUHAMMAD	09-8-1978	MANSEHRA	VILLAGE THAKAR MAIRA P/O PERHINNA TEHSIL & DISTRICT MANSEHRA	GPS PERHINNA VILLAGE	AGAINST VACANT POST

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 Pakhtunkhwa, Sacked Employee (appointment) AC 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 Pakhtunkhwa, Sacked Employee (appointment) AC 2012. Hence Section 4 of the said ACT period during which they remained dismissed, removed or terminated from services, till the date of their appointment shall have been deemed atomically 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 agencie 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/degree 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 Abdullah 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 probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
15. In case of having less qualification which ever is prescribed Academic BA for PST as well as classical certificate as profession the candidate must attain prescribed qualification for his post Le. Academic & Professional within 3

OFFICE

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- 16. years after issuance of this appointment order, falling which their appointment order shall stand terminated automatically, without any further notice.
- 17. 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, falling 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.

[Signature]
 DISTRICT EDUCATION OFFICER,
 (MALE)MANSEHRA.

Endst: No. 1039-46 /PST/Sacked Apptt./2019/Dated Mansehra the 27/6/2019

- 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.

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Annex-D

بخدمت جناب ڈائریکٹر صاحب ایلیمینٹری اینڈ سیکنڈری ایجوکیشن پشاور

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درخواست براداد اکاؤنٹ کیے جانے protected پیریئٹڈ تحت ایکٹ 2012ء 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 2012 Sacked Employees Act 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 05-12-2017 کو بحال کر دیا سائل 2012 سے نوکری کا حق رکھتا تھا اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو ریمینیشن کی تاریخ سے بحال کیا۔

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

المقوم: 20/8/2022

ارضی

خالد قریشی PST

Annex E

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, 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

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

Presented to-day
Haroon
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

[Signature]
Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

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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
ATIQU UR REHMAN WAZIR

MEMBER (J)
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


EXAMINER
KHYBER PAKHTUNKHWA
Service Tribunal
Peshawar

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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.

ATTESTED


EXAMINER
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

ATTESTED

 DEPUTY CLERK
 SERVICE TRIBUNAL
 PESHAWAR

APPELLANT'S COUNSEL
 MR. [Name]
 [Address]

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

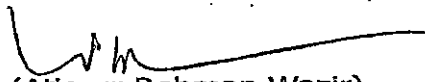
ATTESTED

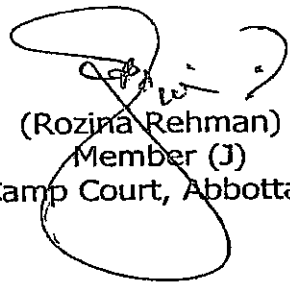
MEMBER
 Director Peshawar
 Service Tribunal
 Peshawar

Office of the Director
 Peshawar Service Tribunal
 Peshawar

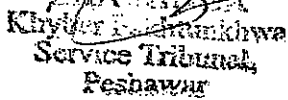
despite promulgation of an Act in the year 2012, appointment order of the appellants were issued in the year 2017 and that too, on the directions of the august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees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


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


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

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Annex- G
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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, C.J. - 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.

ISLAMABAD.

27.03.2020.

ZR/

Not Approved For Reporting

17/4/20

کورٹ فیس

وکالت نامہ

Before the District Court

Kheili

بینام

Sart of kph

Appeal

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام
 // سسرٹن لٹری انٹرنل سے مہم کو در طرح اور
 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 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 پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ 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 براد
 استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

صاحب موصوف
 بمقام

المرقوم: