


FORM OF ORDER SHEET

Court of _____

Appeal No. 1531/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2023	<p>The appeal of Mr. Faisal Shahzad Hussain resubmitted today by registered through Mr. Sajjid Hussain Advocate. It is fixed for preliminary hearing before touring Single Bench at A. Abad on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Faisal Shahzad versus
.....Appellant

Govt of KPK etc
.....Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>AMIR MALIK Advocate High Court</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 AG/DAG?	√	
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 cutting/overwriting?	x	
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 fulfill

Name:- AMIR MALIK

Signature:- [Signature]

Dated:- 12-7-2023

PHC & M Composing Center, Peshawar High Court, Peshawar
Center of legal drafting & composing
Cell No:- +923028834600/+923119149544/+9231159737151
Email:- phc.m.composing@gmail.com

office No 26 Jinnah lawyer Plaza Near
ketchary Bar Room District Court
Abbottabad: Sajid Hussain: 03459583633

SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

Appeal No. 1531 of 2023

Faisal Shahzad Hussain

...APPELLANT

VERSUS

Govt. of KPK & others

....RESPONDENTS

SERVICE APPEAL
INDEX

S.No.	Description of Document	ANNEXURE	Page No.
1.	Service Appeal alongwith verification and affidavit	--	1-11
2.	Copy of appointment letter	"A"	12-13
3.	Copy of letter / notification	"B"	14-16
4.	Copies of notification	"C"	17-18
5.	Copy of application is letter	"D"	19-21
6.	Copy of application is letter	"E"	22
7.	Copy of W.P No.1298/A and order dated 18.10.2022	"F" & "F1"	23-33
8.	Copy of notification dated 19.12.2022	"G"	34
9.	Copy of application	"H"	35-36
10.	Copy of pay slip	"I"	37-38
11.	Copy of letter	"J"	39
12.	Copy of order and Writ Petition	"K" & "K1"	40-50
13.V	Vakalt Nama		51



...APPELLANT

Through counsels

Dated: 12/07/2023


(AAMIR MALIK)

&
SAJID HUSSAIN TAJOLI
Advocate High Court
Abbottabad


(SAJID HUSSAIN)

Advocates High Court, Abbottabad

0345-9583633

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

Appeal No. 1531 of 2023

Faisal Shahzad Hussain S/o Asad Hussain R/o Allama Iqbal Colony,
Mohallah Jogan, Nawanshehr Town Committee, Tehsil and District
Abbottabad.

...APPELLANT

V E R S U S

- 1) Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, through Secretary Khyber Pakhtunkhwa Peshawar.
- 2) Director Elementary and Secondary Education Department, through Secretary Khyber Pakhtunkhwa Peshawar.
- 3) District Education Officer (Female) Battagram.
- 4) District Account Office Battagram.

...RESPONDENTS

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 FOR THE
DECLARATION TO EFFECT THAT THE
IMPUGNED ORDER DATED 28.03.2023 VIDE
WHICH APPELLANT WORKING AS ASSISTANT

PROGRAMMER BPS-17 WAS RELIEVED BY THE RESPONDENT NO.3 THEN BEING NOT COMPETENT PROPER AUTHORITY PASSED / ISSUED THE IMPUGNED ORDER AGAINST APPELLANT, FURTHER MORE IMPUGNED NOTICE DATED 18.03.2023 REGARDING ABSENTEE PASSED BY RESPONDENT NO.3 UPON WHICH SALARY OF APPELLANT WAS STOPPED BY RESPONDENT NO.4 IS ALSO VIOLATION OF LAW, HENCE BOTH IMPUGNED ORDERS AND ACTION OF RESPONDENTS DEPARTMENT IS ILLEGAL, UNLAWFUL, LIABLE TO BE SET-ASIDE.

PRAYER:

ON ACCEPTANCE OF INSTANT APPEAL:

DIRECTION MAY KINDLY BE GIVEN AGAINST RESPONDENTS / DEPARTMENT:

1) THAT BOTH THE IMPUGNED ORDERS DATED 28.03.2023 AND 18.03.2023 MAY PLEASE BE DECLARED AS WRONG, ILLEGAL, UNLAWFUL AND AGAINST THE FUNDAMENTAL RIGHTS OF THE APPELLANT. HENCE LIABLE TO BE SET-ASIDE.

2) DIRECTION MAY KINDLY BE ISSUED TO RESPONDENT / DEPARTMENT FOR POSTING OF THE APPELLANT AT APPROPRIATE PLACE / DESIGNATION.

3) DIRECTION MAY ALSO BE GIVEN TO RESPONDENT NO.4 TO RELEASE THE ENTIRE SALARY OF APPELLANT SO WITHHELD / STOPPED ILLEGALLY.

4) DIRECTION MAY ALSO BE GIVEN TO RESPONDENT NO.4 REGARDING PAY PURPOSE ADJUSTMENT NOTICE ISSUANCE ON 17.02.2023 THROUGH NOTIFICATION NO.SO(S/M) / E & SED/7-1/2022, WHICH RESPONDENT NO.3 HAS NOT RELEASED TILL DATE WHICH IS AGAINST THE LAW.

ANY OTHER RELIEF WHICH THIS HON'BLE COURT DEEM FIT AND APPROPRIATE MAY ALSO BE GRANTED TO THE APPELLANT IN THE BEST INTEREST OF JUSTICE.

Respectfully Sheweth,

Brief Facts of the case are as under:

1. That the appellant was appointed as Computer operator BPS-11 in respondent department.

(Copy of appointment letter is annexed as Annexure "A")

2. That service of the appellant was regularized from the year 2007. **(Copy of letter / notification is annexed as Annexure "B")**
3. That Government of KPK had upgraded the post of key punch operator / date entry operator / computer assistant / computer operator to BPS-12 and again in 2016 competent authority again upgraded and re-designated all computer operator to BPS-16. **(Copies of notification are annexed as Annexure "C")**
4. That appellant gave an application regarding adjustment against the vacant post of Assistant Director (IT) BPS-17 upon which he was adjusted against vacant seat. **(Copy of application is letter is annexed as Annexure "D")**
5. That post was again upgraded from BPS-16 to BPS-17 vide notification and appellant who was already working through adjustment became eligible after upgrade of post.

6. That the Deputy Director (Admin) in the office of respondent withdraw the letter Ends No.2254-58 dated 26.04.2022 regarding adjustment against post without relieving the appellant and his salary was also stopped **(Copy of adjustment order and with drawl order is annexed as annexure "E" & "E1")**
7. That appellant invoked the jurisdictions of Hon'ble Peshawar High Court through Writ Petition No.1298/A which was entertained. **(Copy of W.P No.1298/A and order dated 18.10.2022 are annexed as Annexures "F" & "F-1")**
8. That during the pendency of Writ Petition No.1298-A/22 appellant was posted/ transfer to District Battagram through notification dated 19.12.2022. **(Copy of notification dated 19.12.2022 is annexed as Annexure "G")**
9. That thereafter appellant gave his arrival report and regularly performed his duties with devotion.
10. That despite of several requests of appellant to respondent for sanctioning leave respondent No.3 neither accepted nor consider the genuine

cause and issued absence notice but it is evident from extract taken from register so maintained, that appellant had applied for leave.

(Copy of application is annexed as Annexure "H")

11. That irony of the situation was aggravated when after issuing absence notice on 18.03.2023, salary of appellant was also stopped. (without show cause or imposing minor penalty in shape of salary deduction or warning). **(Copy of pay slip is annexed as Annexure "I")**

12. That the act of respondent has not only deprived the appellant from his hand earned salary but also his service period is not being taken into account hereby adversely affecting his seniority and pay.

13. That respondent No.3 after imposing penalty in shape of absentee notice and illegally stop the salary of appellant, thereafter relieved the appellant from DEO (Female) Battagram with malafide intension. **(Copy of letter is annexed as Annexure "J")**

14. That during the pendency of departmental appeal, appellant also knocked the door the of Hon'ble High Court in shape of Writ Petition for the redressal to the extent of release of salary in which Hon'ble High Court directed the petitioner to approach the proper forum. **(Copy of order and Writ Petition and departmental appeal is annexed as annexure "K", "K-1", "L", "L-1" & "L-2" respectively)**
15. That appellant seeks the indulgence of this Hon'ble Court, inter-alia on the following grounds as no effective alternate remedy is available:-

GROUND:-

- a) That act of respondent is against the law, unconstitutional discriminatory, victimizing malafide, reversed and void ab-initio hence liable to be interfered in this Hon'ble tribunal.
- b) That the act of respondents is discriminatory against a complete violation of Service Rules.
- c) That act of respondent squarely fall within the definition of exploitation.
- d) That the appellant is the sole bread winner of entire family and it is extremely difficult from him to keep both ends meet. Appellant has no other

source of income so stopping the salary hence caused extreme hardships for the appellant and his family hence gracious indulgence of this Hon'ble Court is sought to remedy the situation.

- e) That the impugned orders have been passed in blatant disregard of the judgments passed by the Superior Courts on the subject.
- f) That the public functionaries are bound to act in accordance with law but the appellant has not been dealt with in accordance with law and constitution, which warrants immediate interference by Hon'ble Court.
- g) That act of respondent department is not only against the norms of justice but also discriminatory against law and unwarranted.
- h) That the Appellant has no other adequate and efficacious remedy except to knock the doors of this Hon'ble tribunal by filing the instant Service appeal for the redressal of his grievances.
- i) That other legal and factual points shall be agitated at the time of argument with the prior permission of this Honourable Tribunal.

PRAYER:

It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal, direction may kindly be given against respondents / department:

- 1) That both the impugned orders dated 28.03.2023 and 18.03.2023 may please be declared as wrong, illegal, unlawful and be set-aside as well as against the fundamental rights of the appellant.
- 2) Direction may kindly be issued to respondent / department for posting of the appellant at appropriate place.
- 3) Direction may also be given to respondent No.4 to please / issue entire the salary of appellant withheld has been stopped / illegally.
- 4) Direction may also be given to respondent no.4 regarding pay purpose adjustment notice issuance on 17.02.2023 through notification No.SO(S/M) / E & SED/7-1/2022, which respondent no.3 has not released till date which is against the law.

Any other relief which this Hon'ble Court deem fit and appropriate may also be granted to the appellant in the best interest of justice.

F.S. Khan
...APPELLANT

Through counsels

Dated: 12/07/2023

[Signature]
(AAMIR MALIK)

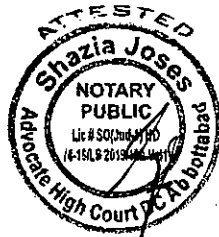
&
SAJID HUSSAIN YANOLI
Advocate High Court
Abbottabad

(SAJID HUSSAIN)
Advocates High Court, Abbottabad

VERIFICATION:-

Verified that the contents of the instant **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing material has been suppressed from this Honorable Tribunal Court.

Dated: 12/07/2023



12/7/2023

[Signature]
...APPELLANT

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

Appeal No. _____ of 2023

Faisal Shahzad Hussain

...APPELLANT

VERSUS

Govt. of KPK & others

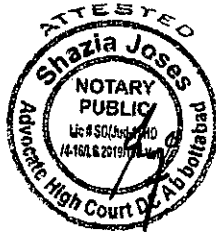
....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Faisal Shahzad Hussain S/o Asad Hussain R/o Allama Iqbal Colony, Mohallah Jogan, Nawanshehr Town Committee, Tehsil and District Abbottabad, Appellant, do hereby solemnly affirm and declare that the contents of foregoing *Service Appeal* are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

Dated: 12/07/2023



12/7/2023

...Deponent
13101-0882442-7

OFFICE OF THE DIRECTOR CURRICULUM & TEACHER EDUCATION NWFP / ABBOTTABAD
APPOINTMENT ON CONTRACT BASIS

Consequent upon the recommendation of the selection committee, the following candidates are hereby appointed as Computer Operator in BPS-11 (2980-200-8980) plus usual allowances as admissible under the rules against the vacancies noted against each on contract basis till the life of project w. a. f. the date of their taking over charge:-

Sr	Name and Address	Qualification	Place of Appointment
1.	Mr. Faisal Shahzad S/O Asad Hussain PO Box 15 GPO Abbottabad	BS Hon.	Provincial Education Assessment Centre (PEACE) NWFP
2.	Miss. Aysha D/O Qazi Wajid H. No 522 Mohallah Kunj Jadedd Abbottabad	MCS	-Do-
3.	Mr. Mubashar Ahmed S/O Zaffar Ahmed House No. 1704/3 compound Mian Sahib Digi Mohallah Abbottabad	BS Hon.	-Do-

"TERMS AND CONDITION OF APPOINTMENTS"

1. They will sign the agreement form before joining service
2. The candidate will enter into an agreement with the Govt. and will be governed by the terms and conditions hereinafter mentioned in such agreement.
3. Their salary is subject to execution of agreement deed based on the terms and conditions of the contract through Deputy Director concerned.
4. They will get initial of the scale including usual allowances as admissible under the rules. They are entitled to annual increment after completion of one year of service
5. The Deputy Director should obtain security bond as well as agreement bond executed by each candidate to obey contract. Policy and will have no right to challenge the policy in any Court of Law.
6. They will not be considered for regularization at any stage and they will not claim their seniority.
7. Their services are liable to termination on one month's prior notice from either side in case of resignation without prior notice their one month pay/ allowance, if any shall be forfeited to Government.
8. They will not contribute any amount toward G.P. Fund, however they will contribute G.P. Fund of 5% of the minimum of pay and 5% contribution will be made by Government.
9. The appointees should join their posts within 15 days of the issuance of this order, otherwise their order stand cancelled.
10. Their services can be terminated at any time in case their performance is found unsatisfactory and they will be proceeded against under the removal from service (Special Power) Ordinance, 2000 and E&L Rules 1973.
11. They shall be required to furnish copies of all their certificates/ Degrees along with the original receipts and photo copy thereof pertaining to the verification fee of concerned examining body (Board/ University) to the Deputy Director concerned. Their pay bills should not be submitted to the District Accounts Office concerned before verification of all certificates. Degrees from the concerned Boards/University of each candidate.
12. The Deputy Director concerned should check their original certificates/ Degrees before handing over charge.
13. The Over-age Candidate should not be handed over charge the age limit is 21 to 35
14. No TA/DA will be allowed to the candidates.
15. Charge reports should be submitted to all concerned.
16. Any aggrieved candidate has the right of appeal within 07 days of the issue of this notification from the acceptance junior most in this order will be replaced.
17. They should produce their Medical Fitness certificate from the Concerned Medical Superintendent.

Guzal Mehrez
 Director
 Curriculum & Teacher Education
 NWFP Abbottabad

Enlist. No. 17/20 /NB/Appt/ CO/PEACE

Dated A. Abad, the 17/10/2005

Copy of the above is forwarded to the:-

1. Deputy Director Provincial Education Assessment Centre (PEACE) NWFP
2. District Accounts Officer Abbottabad
3. PA to Secretary S & L Department Govt. of NWFP
4. PA to C.P.S & L Department Govt. of NWFP
5. PA to Director Curriculum & Teacher Education NWFP Abbottabad.
6. Office File.

Attested by
SAJID HUSSAIN TARIQ
 Advocate High Court
 Abbottabad

BETTER COPY**OFFICE OF THE DIRECTOR CURRICULUM & TEACHER EDUCATION NWFP ABBOTTABAD
APPOINTMENT ON CONTRACT BASIS**

Consequent upon the recommendation of the selection committee, the following candidates are hereby appointed as computer operator in BPS-11(2980-200-8980) plus usual allowance as admissible under the rules against the vacancies noted against each on contract basis till the life of project w.e.f. the date of their taking over charge.

#	Name & address	Qualification	Place of Appointment
	Mr. Faisal Shahzad S/o Asad Hussain Po Box 15 GPO Abbottabad.	BS Hon	Provincial education assessment center (PEACE) NWFP
	Miss. Aysha D/o Qazi Wajid H.No.5:22 Mohallah Kunj Jaded Abbottabad.	MCS	-DO-
	Mr. Mubashar Ahmed S/o Zaffar Ahmed House No.1704/3compund Main Sahib Digi Mohallah Abbottabad	BS Hon:	-DO-

"TERMS AND CONDITION OF APPOINTMENT"

1. They will sign the agreement from before joining service
2. The candidates will enter into an agreement with the Govt. and will be governed by the terms and conditions hereinafter mentioned in such agreement.
3. Their salary is subject to execution of agreement deed based on the terms and conditions of the contract through deputy director concerned.
4. They will get initial of the scale including usual allowances as admissible under the rules, they are entitled to annual increment after completion of one year of service.
5. The Deputy Director should obtained security bond as well as agreement bond executed by each candidate to obey contract. Policy and will have no right to challenge the policy in any court of law.
6. They will not be considered for regularization at any stage and they will not claim their seniority.
7. Their services are liable to termination on one month's prior notice from either side in case of resignation without prior notice their one month pay / allowance, if any shall be forfeited to Government.
8. They will not contribute any amount toward G.P fund, however they will contribute C.P Fund@5% of the minimum of pay and 5% contribution will be made by government.
9. The appointees should join their posts within in 15days of the issuance of this order, otherwise their order stand cancelled.
10. Their services can be terminated at any time in case their performance is found on satisfactory and they will be proceeded against under the removal from service (Special Power) Ordinance, 2000 and E & D Rules 1973.
11. The shall be required to furnish copies of all their certificates / degrees along with the original receipts and photo copy thereof pertaining to the verification fee of concerned examining body (Board / University) to the deputy director concerned, their pay bills should not be submitted to the district accounts office concerned before verification of all certificate Degrees from the concerned Boards/ University of each candidate.
12. The Deputy Director concerned should check their original Certificates / Degrees before handing over charge.
13. The overage candidate should not be handed over charge the age limit is 21to35
14. No TA/DA will be allowed to the candidates.
15. Charge reports should be submitted to all concerned.
16. Any aggrieved candidate has the right of appeal within 07days of the issue of this notification incase of acceptance junior most in this order will be replaced.
17. They should produce their Medical Fitness Certificate from the Concerned Medical Superintendent.

(Fazal Mehmood)

Director

Curriculum & Teacher Education
NWFP Abbottabad

Endst No.6012-20/EB/Apptt:/CO/PEACE:

Dated A.Abād the 15 / 10 /2005

Copy of the above is forwarded to the:

1. Deputy Director Provincial Education Assessment Centre (PEACE) NWFP.
2. District Accounts Officer Abbottabad.
3. PA to Secretary S & L departme it Govt of NWFP.
4. PA to CPO S& L Department Govt. of NwFP.
5. PA to Director Curriculum & Teacher Education NWFP Abbottabad.
6. Office File.

Deputy Director
Curriculum & Teacher Education
NWFP Abbottabad

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

Notification

(N-W.F.P. ACT NO. XVI OF 2009)

THE NORTH-WEST FRONTIER PROVINCE EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.

NOTIFICATION

Dated Peshawar, the 24th October, 2009.

No.PA/NWFP/Bills/2009/38472. — The North-West Frontier Province Employees (Regularization of Services) Bill, 2009 having been passed by the Provincial Assembly of North-West Frontier Province on 15th October, 2009 and assented to by the Governor of the North-West Frontier Province on 20th October, 2009 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE

EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.

(N-W.F.P. ACT NO. XVI OF 2009)

(First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.-W.F.P. (Extraordinary). Dated the 24th October, 2009).

AN

ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

Preamble. --- WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement. --- (1) This Act may be called the North-West Frontier Province Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once and shall be deemed to have been taken effect at the promulgation of the Ordinance.

Attested by
SAJID HUSSAIN TANOLFI
Advocate High Court
Abbottabad

2. **Definitions.** --- (1) In this Act, unless the context otherwise requires:-

- (a) "Commission" means the North-West Frontier Province Public Service Commission;
- (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;
- (c) "Government" means the Government of the North-West Frontier Province ;
- (d) "Government Department" means any department constituted under rule 3 of the North-West Frontier Province Government Rules of Business, 1985;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "adhoc appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the North-West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act No. XVIII of 1973).

3. **Regularization of services of certain employees.**--- All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

4. **Determination of seniority.**--- (1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority *inter se* of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. **Overriding effect.**--- Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. **Repeal.**--- The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

By the orders of Mr. Speaker
Provincial Assembly of Khyber Pakhtunkhwa
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 29-07-2016

NOTIFICATION

NO.KC/FD/SO(PR)/7-3/2015-16. The Competent Authority has been pleased to upgrade and re-designate all the existing posts of Computer Operator and Data Processing Supervisor as Computer Operator (BPS-16) in all the Departments / Offices of the Government of Khyber Pakhtunkhwa with immediate effect as per details given below:

S.No	Existing Nomenclature	Present BPS	Up-graded to BPS
1	Computer Operator	12	16
2	Data Processing Supervisor	14	16

- The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
- All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Encls No. & Date given.

Copy of the above is forwarded for information and necessary action to the:-

- PS to Additional Chief Secretary, P.A.A.
- A. Administrative Secretaries Government of Khyber Pakhtunkhwa
- Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- Assistant General, Khyber Pakhtunkhwa, Peshawar.
- Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- Secretary Province Assembly, Khyber Pakhtunkhwa.
- A. Heads of Attached Departments of Khyber Pakhtunkhwa.
- Registrar, Peshawar High Court, Peshawar.
- All Deputy Commissioners, Political Agents, District & Sessions Judges-Executive District Officers in Khyber Pakhtunkhwa.
- Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- Registrar, Service Tribunal Khyber Pakhtunkhwa.
- All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- Secretary to Govt of Punjab, Sindh and Balochistan, Finance Deptt. Lahore, Karachi and Quetta.
- The District Controller of Accounts, Pesh, Mardan, Kohat, Bannu, Abbottabad, Swat and Dir Lower.
- The Secretary of Audit Office Peshawar, Swat, Chitral, Dir Lower, Mardan, Bannu and G.D. Khan.
- The Treasury Officer, Peshawar.
- All District/Agency Accounts Officers in Khyber Pakhtunkhwa (T.A.A)
- PS to Minister for Finance, Khyber Pakhtunkhwa.
- PS to Chief Secretary, Khyber Pakhtunkhwa.
- Director Loan Fund Audit, Khyber Pakhtunkhwa Peshawar.
- PS to Finance Secretary.
- PS to All Additional Secretaries- Deputy Secretaries in Finance Department.
- All Section Officers, Budget Officers - Finance Department.
- Director PMU All Budget Officer Finance Department to take effect in the Budget books.
- Syed Habibullah, President of Information Technology Staff Association (ITSA), Civil Services, Khyber Pakhtunkhwa.

SECTION OFFICER (FR)

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

BETTER COPY
GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE
DEPARTMENT
REGULATION WING

Dated Peshawar, the 29-07-2016

Notification:

No. KC/FD/SO(FR)/7-3 / 2015-16 the competent authority has been pleased to upgrade and re-designate all the existing posts of computer operator and data procession supervisor as computer operator (BPS-16) in all the department / offices of the government of Khyber Pakhtunkhwa with immediate effect as per details given below:

S.#	Existing Nomenclature :	Present BPS	Up- graded to BPS
1.	Computer operator	12	16
2.	Data processing supervisor	14	16

1. The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
2. All the concerned Department will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst No. & Date even

Copy of the above is forwarded for information and necessary action to the:

1. PS to additional chief secretary FATA.
2. All administrative secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant general Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
6. Principal Secretary to chief Minister, Khyber Pakhtunkhwa.
7. Secretary provincial assembly, Khyber Pakhtunkhwa.
8. All heads of attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court Peshawar.
10. All deputy commissioners, political agents, District & Sessions judges / executive District officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa public service commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the autonomous and semi-Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt. of Punjab, Sindh, Baluchistan, Finance Deptt: Lahore, Karachi, and Quetta.
15. The district Comptroller of Accts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat, and D.I. Khan.
16. The senior District Accts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra, and Dir Lower.
17. The treasury officer, Peshawar.
18. All district / Agency Accounts officers in Khyber Pakhtunkhwa.
19. Ps To Minister for finance Khyber Pakhtunkhwa.
20. PSO to Chief Secretary Khyber Pakhtunkhwa.
21. Director Local fund Adult Khyber Pakhtunkhwa Peshawar.
22. PS TO finance Secretary.
23. PAS to all Additional Secretaries / Deputy Secretaries in Finance Department.
24. All section officers / Budget Officers in Finance Department.
25. Director PMIU all Budget officer Finance department to take effect in the budget books.
26. Syed Habibullah president of information Technology Staff Association (ITSA) Civil Secretariat Khyber Pakhtunkhwa.

Abdullah
SAJID HUSSAIN TANOLI
 Advocate High Court
 Abbottabad

SECTION OFFICER (FR)

19

Annexure "D"

To

The Director,
Curriculum & Teacher Education,
Khyber Pakhtunkhwa, at Abbottabad.

Subject: ADJUSTMENT AGAINST THE POST OF ASSISTANT DIRECTOR
(IT) (BPS-17)

Respected Sir;

It is submitted that I was promoted as Assistant Programmer (B-16) vide No. 2689-95/A-23/MS/Promotion Computer Operator to Assistant Programmer/2021 dated 26/8/2021 and later on adjusted against the post of Audit Officer (BPS-16) at Directorate of Curriculum & Teacher Education, Abbottabad vide No. 9037-42/F.No.541/A-23/MS/DCTE dated 4/9/2021..

I came to know that Mr. Muhammad Farooq working on the post of Assistant Director (IT) has submitted an application for adjustment on his original post of Superintendent which is lying vacant in this Directorate.

It is humbly requested that I may please be adjusted against the IT Cadre post of Assistant Programmer (IT) at DCTE, Abbottabad and oblige.

Thanks.

E_s# = B2

26/11/2021

(FAISAL SHAHZDAD HUSSAIN)
AUDIT OFFICER
DCTE, KHYBER PAKHTUNKHWA
ABBOTTABAD

26/11/2021

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Finance Department Govt. of Khyber Pakhtunkhwa
No.SO(FR)FD/10-22/2022/R&SED
Dated Peshawar the 15th March, 2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: UP-GRADATION OF THE POST OF ASSISTANT PROGRAMMERS
FROM BPS-16 TO ASSISTANT PROGRAMMERS BPS-17.

Dear Sir,

I am directed to refer to your Department letter No.SO(B&A) 1-18/2022/Programmer dated 02-03-2022 on the subject noted above and to state that in pursuance of recommendation of the Upgradation Committee Minutes dated 23.09.2021 and approval of the competent authority (Chief Secretary), Finance Department agrees to upgrade the posts of Assistant Programmers from BPS-16 to Assistant Programmers BPS-17 alongwith incumbents in Elementary & Secondary Education Department with immediate effect.

2. The Administrative Department will amend the Service Rules accordingly through SSRC.

3. Audit copies may be prepared and sent to this department for authentication please.

Your's faithfully.

(MUHAMMAD NADIR)
SECTION OFFICER (FR)

ASG
17/3

SECRETARY DIARY.

No

Dated

17/3/22

9139

DS (Budget)

807B

Att. to Dy
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

BETTER COPY

21

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
REGULATION WING

No. SO (FR)FD/10.22/2022/E&SED

Dated Peshawar the 15 March 2022

To

The secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

SUBJECT: UP-GRADATION OF THE POST OF ASSISTANT PROGRAMMERS
FROM BPS-16 TO ASSISTANT PROGRAMMERS BPS-17.

Dear sir.

I am directed to refer to your Department letter No So(B&A) 1-18/2022 programmer date 02.03.2022 on the subject noted above and to state that in pursuance of recommendation of the upgradation committee minutes dated 23.09.2021 and approval of the competent authority (chief secretary) finance department agrees to upgrade the posts of assistant programmers from BPS-16 to assistant programmers BPS-17 alongwith incumbents in elementary & secondary education department with immediate effect.

2. The Administrator Department will amend the Service Rules accordingly through SSRC.
3. Audit copies may be prepared and sent to this department for authentication please.

Yours faithfully

Secretary Diary
No. 2139
Date: 17/03

MUHAMMAD NADIR
SECTION OFFICER (FR)

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad



22

Annexure E

DIRECTORATE OF CURRICULUM AND TEACHER EDUCATION
KHYBERPAKHTUNKHWA ABBOTTABAD
Phone # 0992-382634 Fax: 0992-381527

OFFICE ORDER

Consequent upon the approval of the Competent Authority, Mr. Faisal Shahzad Hussain, Assistant Programmer, working against the post of Audit Officer, local Directorate, is hereby adjusted against the vacant post of Assistant Director (IT) BPS-17 in the Directorate of Curriculum and Teacher Education Khyber Pakhtunkhwa, Abbottabad on his own pay and scale in the interest of public service with immediate effect.

NOTE:-

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

DIRECTOR

Endst: No. 2254-58 /EB/AE-I PF-1 Dated A/Abad the: 26/4 /2022.

Copy of the above is forwarded for information to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar
2. District Accounts Officer Abbottabad
3. Budget & Accounts officer (Local Directorate)
4. Officer Concerned
5. PS to Director (Local Directorate)

Deputy Director (Admn)

Attested by
SAJIB HUSSAIN TANOLI
Advocate High Court
Abbottabad

BETTER COPY

DIRECTORATE OF CURRICULUM AND TEACHER EDUCATION
KHYBER PAKHTUNKHWA ABBOTTABAD
Phone 0992382634 Fax 0992381527

No.3575/EB/AE-II

Dated A/Abad the: 27-07-2022

To

The Secretary to,
 Govt: of Khyber PakhtunKhwa Elementary & Secondary
 Education Department Peshawar

Subject: POSTING / TRANSFER

Sir,

I am directed to refer to Director E&SE KP, Peshawar letter vide Endst, No.9037-42 dated 14.09.2021 on the subject cited above where in Mr. Faisal Shahzad, Assistant programmer BPS-16 was adjusted against the post of Audit Officer BPS-16 and to state that later on the post of Assistant Programmer has been up graded from BPS-16 to BPS-17 along with incumbents on regular basis in E&SE Department vide Govt: of KP , Notification No. SO (B&A)/1-18/2022/ Assistant Programmer Dated 15-03-2022. Therefore, Mr. Faisal Shahzad, Assistant Programmer was internally adjusted against the post of AD (IT) System Analyst BPS-17 and consequently Mr. Muhammad Farooq, Supdt: occupying the post of Ad (IT) BPS-17 in the light of E&SE Department Notification No. SO(SM) E&SED/7-1/2019/ posting/ transfer/ general dated 13-01-2019, was adjusted against the post of Superintendent (Now promoted as B&AO). As posting / transfer of all Assistant Programmer BPS-17 came under the jurisdiction of Secretary E&SE Department. This Directorate has already conveyed wrong posting vide letter No.8357 dated 24-11-2021, in response to your department letter No. SO (AB) E&SE/10-11/ General/2020 Dated 05-11-2021, internal adjustment in respect of Faisal Shahzad, Assistant programmer vide Endst. No. 2254-58 dated 26-04-2022, is here by withdrawn and you are therefore, requested that, the proper adjustment may be made against the post of AD (IT) / system Analyst as per criteria/ Policy being your jurisdiction, Please.

Deputy Director
 (Admin)

Endst: No.3576-77/

Copy of the above is forwarded for information to the:

1. Director E&SE KP, Peshawar, w/r to your office order quoted above.
2. Section Officer (School Male) E&SE Department.
3. Mr Faisal Shahzad, Asstt: programmer working against the post of AD (IT) / System Analyst DCTE KP, Abbottabad.
4. PS to Director(Local Directorate)

Deputy Director(Admin)

Attested
 SAJID HUSSAIN TANOLI
 Advocate High Court
 Abbottabad



DIRECTORATE OF CURRICULUM AND TEACHER EDUCATION
KHYBER PAKHTUNKHWA ABBOTTABAD
Phone 0992382634 Fax: 0992381527

No.3575/EB/AE-III/PF

Dated A/Abad the: 27.07.2022

To

The Secretary to,
 Govt. of Khyber Pakhtunkhwa Elementary & Secondary
 Education Department Peshawar.

Subject: - POSTING / TRANSFER
 Sir,

Mr. E I am directed to refer to Director E&SE KP, Peshawar letter vide Endst. No. 9037-42 dated 14.09.2021 on the subject cited above wherein Mr. Faisal Shahzad, Assistant programmer BPS-16 was adjusted against the post of Audit Officer BPS-16 and to state that later on the post of Assistant Programmer has been up-graded from BPS-16 to BPS-17 alongwith incumbents on regular basis in E&SE Department vide Govt. of KP, Notification No.SO (B&A)/1-18/2022/Assistant Programmer dated 15.03.2022. Therefore, Mr. Faisal Shahzad, Assistant Programmer was internally adjusted against the post of AD (IT) / System Analyst BPS-17 and consequently Mr. Muhammad Farooq, Supdt. occupying the post of AD (IT) BPS-17 in the light of E&SE Department Notification No. SO(SM) E&SED/7-1/2019/Posting / Transfer / General dated 13.01.2019, was adjusted against the post of Superintendent (Now promoted as B&AO). As posting / transfer of all Assistant Programmers BPS-17 came under the jurisdiction of Secretary E&SE Department. This Directorate has already conveyed wrong posting vide letter No. 8357 dated 24.11.2021 in response to your Department letter No. SO (AB) E&SE/10-11/General./2020 dated 05.11.2021, internal adjustment in respect of Faisal Shahzad, Assistant programmer vide Endst. No. 2254-58 dated 26.04.2022, is hereby withdrawn and you are therefore, requested that, the proper adjustment may be made against the post of AD (IT) / System Analyst as per criteria / Policy being your jurisdiction, please.

[Signature]
 Deputy Director (Admn)

Endst: No. 3576-77/

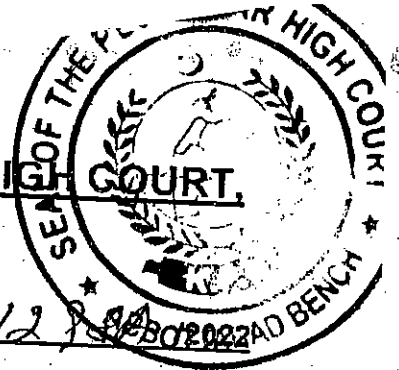
Copy of the above is forwarded for information to the:-

1. Director E&SE KP, Peshawar, w/r to your office order quoted above
2. Section Officer (School Male) E&SE Department
3. Mr. Faisal Shahzad, Asstt; Programmer working against the post of AD (IT) / System Analyst DCTE KP, Abbottabad
4. PS to Director (Local Directorate)

Deputy Director (Admn)

[Signature]
 SAJID HUSSAIN TANOLI
 Advocate High Court
 Abbottabad

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.



W.P. No. 12/2022

Faisal Shahzad Hussain S/o Asad Hussain R/o Illama Iqbal Colony,
 Muhallah Jogan, Nawansher Town Committee, Tehsil and District
 Abbottabad.

...PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa Elementary and Secondary through Secretary Education Peshawar.
2. Deputy Director (Admn) Directorate of Curriculum and Teacher Education KPK Peshawar.
3. Director DCTE Abbottabad.
4. Mr. Attaullah Khan Assistant Programmer DCTE Abbottabad.
5. Account Office Abbottabad.

RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
 CONSTITUTION OF ISLAMIC REPUBLIC OF
 PAKISTAN, 1973, AS AMENDED, UPTO-DATE
 AGAINST IMPUNGED ORDER 27.07.2022 VIDE
 WHICH POSTING OF PETITIONER AS
 ASSISTANT PROGRAMMER BPS-17 WAS
 WITHDRAWN. WHERE BY THE RESPONDENT

NO.2, THEN BEING NOT COMPETENT

Notified to be True Copy
 EXAMINER
 21 OCT 2022
 Peshawar High Court Atd Bench
 Authorized Under Sec 75 Evid Ord.

ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH

SAJID HUSSAIN TANOLI
 Advocate High Court
 Abbottabad

AUTHORITY PASSED / ISSUED, THE IMPUGNED ORDER AGAINST PETITIONER, AS EARLIER, THE POST OF ASSISTANT PROGRAMMER WAS UPGRADED TO BPS-17 IN THE LIGHT OF NOTIFICATION 15.03.2022 FURTHER MORE IMPUGNED ORDER DATED 15.08.2022 PASSED BY THE RESPONDENT NO.2 IS ALSO VIOLATION OF LAW. HENCE BOTH IMPUGNED ORDER AND ACTION OF RESPONDENT DEPARTMENT IS ILLEGAL UNLAWFUL LIABLE TO BE SET-ASIDE.

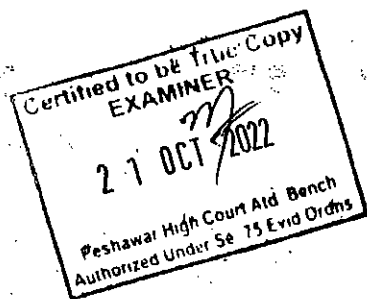
PRAYER:

IT IS PRAYED THAT ON ACCEPTANCE OF INSTANT WRIT PETITION, DIRECTION MAY KINDLY BE GIVEN AGAINST RESPONDENTS / DEPARTMENT.

1. THAT BOTH THE IMPUGNED ORDERS DATED 27.07.2022 & 15.08.2022 MAY KINDLY BE SET-ASIDE.

2. THE DIRECTIONS AGAINST RESPONDENT / DEPARTMENT MAY BE KINDLY ISSUED FOR POSTING OF THE PETITIONER AS ASSISTANT PROGRAMMER BPS-17 AT DCTE OFFICE ABBOTTABAD.

3. DIRECTION MAY ALSO BE GIVEN TO RESPONDENT #5 TO GENERATE/ ISSUE THE SALARY



SAJID HUSSAIN
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

Sajid Hussain
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

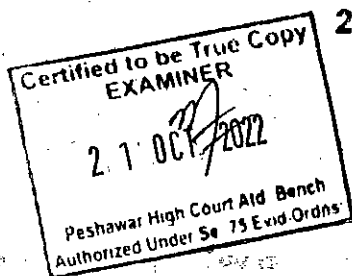
OF PETITIONER WHICH IS STOPPED ILLEGALLY AND AGAINST FUNDAMENTAL RIGHT.

4. ANY OTHER RELIEF WHICH THIS HONORABLE COURT DEEM FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED IN THE BEST INTEREST OF JUSTICE.

Respectfully Sheweth

ON FACTS:-

1. That the Petitioner was successfully qualified the competitive exam and got appointment as computer operator BPS 11 in the respondent department Vide notification Endost No 6012-20/EB/Apptt:/CO/PEACE dated 15/10/2005. (Copy of Appointment letter is annexed as Annexure "A")
2. That in 2007 project was regularize and all employees of project was also regularize. (Copy of Regularization is annexed as Annexure "B")
3. That the Government of KPK had upgraded the post of key punch operator / Data Entry



ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

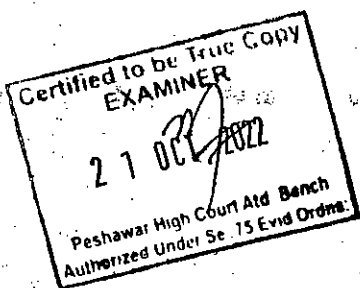
Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

operator/computer assistant/ computer operator to BPS-12. (Copy of letter dated 12/07/2010 No. KC/FD/SO(FR)/7-3/2001 is annexed as Annexure "C")

4. That in 2016 competent Authority again upgrade and re-designate all computer operators to BPS-16 vide notification No. KC/FD/SO(FR)/7-3/2015-16 dated 29.07.2016. (Copy of letter is annexed as Annexure "D")

5. That upon recommendation of departmental promotion committee held on 12-08-2021 petitioner was posted to DEO Female Mansehra through Endst No 2689-95 dated 26.08.2021. (Copy of letter is annexed as Annexure "E")

6. That Director Elementary and Secondary Education issued a Corrigendum regarding 26-08-2021 of posting of Petitioner was modified and posted to Audit Officer BPS-16 at DCTE Office Abbottabad against vacant post of Assistant programmer of DEO (F) Office Abbottabad. (Copy of letter Endst No.9037/42



ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

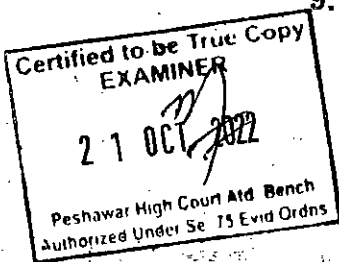
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

F.NO.541/A-23MS/DCTE Dated 14-09-2021 is annexed as Annexure "F")

7. That Petitioner gave an application regarding adjustment against the vacant post of Assistant Director (IT) BPS-17 on 26.01.2022 upon which he was adjusted against the seat through letter Endst No. 2254-58/EB/AB-I PF- / Dated 26.04.2022. (Copy of Application & letter is annexed as Annexures "G" & "H" respectively)

8. That the post was again upgraded vide Notification No. SO(B&A)1-18/2022/ Assistant Programmer Dated 15-03-2022. And BPS-16 to BPS-17 and post in which Petitioner was already working through adjustment, he become eligible after upgrade of post.

9. That Deputy Director (Admin) with drawn the letter Endst No.2254-58 dated 26.04.2022 regarding adjustment against post without relieved the petitioner and held him in the air. (Copy of letter Dated 27.07.2022 is annexed as annexure "I")



ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

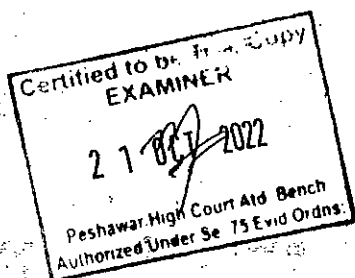
Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

10. That the despite repeated requests respondent have neither adjust nor relieved the petitioner which is evident from the extract taking from register that he is making his regular attendance in office and withdraw his salary till month of August. (Copy of Attendance is annexed as Annexure "J")

11. That the letter Dated 27-07-2022 of withdrawal of notification 2254-58 and also appointing respondent # 5 on same post of same cadre and designation through letter No.SO(SM)E&SED/5-17(2022) Dated 04-08-2022. Transpires the malafide of respondent No.2.

12. That the irony of the situation was aggravated when after issuing letter, salary of petition is also stopped. (Copy of pay slip is annexed as annexure "K")

13. That the act of respondent has not only deprived the petitioner from his hard earned salary but also his service period is not being taken into account, adversely affecting his seniority & pay of petitioner.



ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

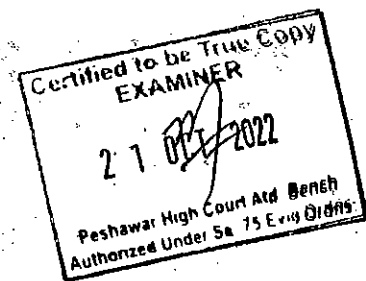
Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

14. That having neither final order against the petitioner nor any alternate equally efficacious remedy for the redressed of the grievance, the petitioner has come to this Honourable court, invoking constitutional jurisdiction.

GROUND:-

- a) That it is mentioned here that petitioner is adjusted against post of BPS-17-DCTE Office Assistant Programmer through earlier order dated 26-4-2022 and petitioner rendered his services to best of his office and High Ups. after four month the post of Assistant Programmer BPS-16 was upgraded on 15.03.2022 and petitioner after the up gradation as was already rendering services against post of BPS-17 for one month the respondent No.2 is just to accommodate his bluer eyed caused impugned order which are self-explanatory hence liable to be set-aside.

- b) That when post of present petitioner was upgraded the petitioner was acting and rendered his services BPS-17 in this respect



ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

SAJID HUSSAIN TANOLVI
Advocate High Court
Abbottabad

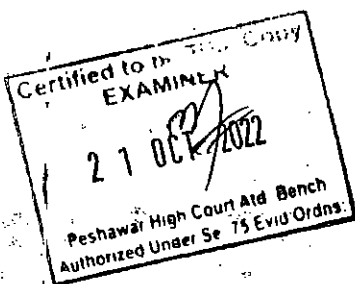
respondent No.2 being Not competent authority as no locus standi to pass impugned order, Hence act of respondent squarely fall within the definition of exploitation hence being not warranted by law both impugned order liable to be set-aside.

c) That act of respondent is against the law, unconstitutional discriminatory, victimizing, malafide, bised, reversed and void ab-initio hence liable to be interfered in Constitutional Jurisdiction of this Honourable Court.

d) That the petitioner is discriminatory against a complete violation of Article-25 of the Constitution of Pakistan

e) That act of respondent squarely fall within the definition of exploitation as defined in the constitution of Islamic republic of Pakistan

f) That the public functionaries are bound to act in accordance with law but the petitioner has not been dealt with in accordance with law & constitution, which warrants immediate interference by Honor 'able Court



ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
S/O

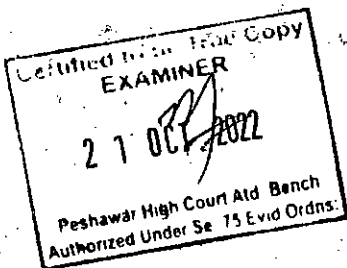
Attested by
SAJID HUSSAIN TANOLLI
Advocate High Court
Abbottabad

- g) That act of respondent department is not against the norms of justice but also discriminatory against law and unwarranted.
- h) Notices have been served upon respondents as per High Court rules. (Copies of notices along with postal receipts are attached as Annexure "L")
- i) That requisite Court fee is attached.

PRAYER:

It is prayed that on acceptance of instant Writ Petition, direction may kindly be given against respondents / department.

1. That both the impugned Orders dated 27.07.2022 & 15.08.2022 may kindly be set-aside.
2. The directions against respondent / department may be kindly issued for posting of the petitioner as Assistant Programmer BPS-17 at DCTE Office Abbottabad.



ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD
21/10/22

Attested by
SAJID MUSSIN TANOLI
Advocate High Court
Abbottabad

- 4. Direction may also be given to respondent #5 to generate / issue the salary of petitioner which is stopped illegally and against fundamental rights.
- 4. Any other relief which this Honorable Court deem fit and proper in the circumstances of the case may also be granted in the best interest of Justice.

F. Hussain

...PETITIONER

Through:

Dated: 27-09-2022

(Signature)

(AAMIR MALIK)
&

Certified to be
EXAMINER
21 OCT 2022
Peshawar High Court Atd Bench
Authorized Under Sec 75 Evid Ordns

(SAJID HUSSAIN)
Advocates High Court,
Abbottabad.
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

VERIFICATION:-

Verified that the contents of the instant *Writ Petition* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated: 27-09-2022

F. Hussain

...PETITIONER

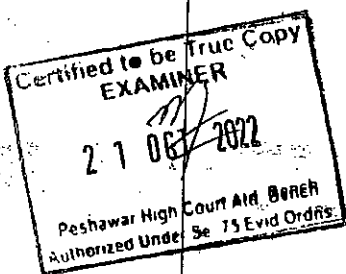
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
(Signature)

Attest
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
18.10.2022	<u>WP No. 1298-A/2022</u>
	<p>Present:- Mr. Sajid Hussain Tanoli, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p>Comments be called from respondents No. 1, 2 and 3, so as to reach this Court within a fortnight. Mr. Sajid-ur-Rehman Khan, AAG accepted notice on behalf of respondents.</p> <p><u>Interim Relief.</u></p> <p>Notice for 15.12.2022. Learned AAG seeks time to get instructions from the concerned department as to for what <u>seat</u> petitioner would be paid salary.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>



Tufail*

Hon'ble Justice, Wajid Ahmad
Hon'ble Justice Fazal Subhan

[Signature]
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

34

Annexure "G"



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091 9223533

Peshawar: Dated 19th December, 2022

NOTIFICATION

NO.SO(SM)E&SED/5-18/2022/ PT/Assistant Programmer: Mr. Faisal Shahzad Hussain. Assistant Programmer (BS-17) awaiting posting, is hereby transferred/posted as Assistant Programmer (BS-17) at the office of DEO (F) Battagram against the vacant post. with immediate effect, in the best public interest.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Battagram
4. District Accounts Officer Battagram.
5. Director, EMIS E&SE Department.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Estab) E&SE Department.
9. Officer concerned.
10. Office order file.

Naseer
19.12.22
(NASEER ABBAS KHALIL)
SECTION OFFICER (SCHOOLS MALE)

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

35

Annexure "H"

To

The District Education Officer (F)
Battagram

Subject: APPLICATION FOR LEAVE

Respected Ma'am

With due respect, it is stated that I am unable to attend my office because I have hearing of my case in court. Kindly grant me leave for today. I will be very thankful to you for this act of kindness.

Thank you

F. Hussain
Faisal Shahzad Hussain

Assistant Programmer BPS- 17

DEMIS Section 11/2/2023

Dated: 11-02-2023

Not allowed

11/02/2023

GS CamScanner

Attest
SAJID HUSSAIN FARUQI
Advocate High Court
Abbottabad

DATE AND HOURS		NAME	
DAY	TIME	NAME	TIME
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			

Daily Attendance Register of the School

for the Month of *March* 20*23*

Signature

[Handwritten Signature]

CHANGE ALERT - 22.03.2023
(00208679 - FAISAL HUSSAIN)

Salary Slip



Employee Services 6 days ago
to me. ✓

00208679

FAISAL HUSSAIN

BM6097

LEAVING ACTION PERFORMED (SALARY STOPPED) with effect from 01.03.2023
DESIGNATION CHANGED to 99999999 - ASSOCIATE PROFESSOR

یہ ای میل خودکار نظام کے تحت بھیجی جا رہی ہے جس کا مقصد ٹی ڈی او کو ملازمین کی چینجز سے متعلق ہر وقت مطلع کرنا ہے۔۔ اگر اس ای-میل میں شامل ملازمین کی چینجز میں کوئی غلطی پائی جا رہی ہو، تو جلد از جلد اپنے متعلقہ اکاؤنٹ آفس سے رابطہ کر کے درستگی کروا لیں

Kind Regards,

FABS Directorate

<http://www.fabs.gov.pk>

* This is an auto generated mail from PSH system, Do not reply ***

**Errors & omissions excepted

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad



OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE) BATTAGRAM
(Phone # 0997-310460) E-mail: demisfbattagram@yahoo.com

RELIEVING ORDER.

Mr. Faisal Hussain Assistant Programmer Local Office is hereby relieved from this office on account of his willful absence, involvement in anti-intuitional activities, instigation of staff against female officers and reluctance to meet his designated responsibilities as stated by the Deputy District Education Officer (F) local office with immediate effect in the larger interest of this office as well as general public and his services are placed at the disposal of Directorate of Elementary & Secondary Education at Peshawar for further adjustment anywhere in the province in Male office as he is not fit for female offices.

**DISTRICT EDUCATION OFFICER
(FEMALE) BATTAGRAM**

Battagram the 28 / 03.2023

Endst: No 866-71

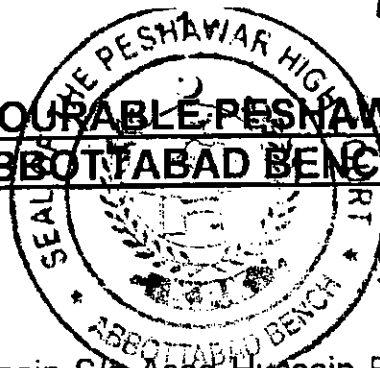
A copy of the above is forwarded for information and n/a to the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Battagram.
3. Deputy District Education Officer (F) Local Office.
4. B&AO Local Office.
5. EMIS local Office.
6. Official concerned.

**DISTRICT EDUCATION OFFICER
(FEMALE) BATTAGRAM**

Attested by
SAJID MUSSAIN TANOLI
Advocate High Court
Abbottabad

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**



W.P.No. 598 of 2023

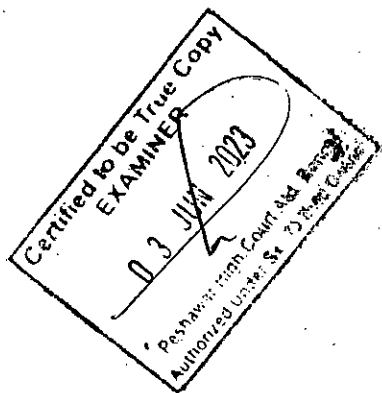
Faisal Shahzad Hussain S/o Asad Hussain R/o Allama Iqbal Colony,
Mohallah Jogan, Nawanshehr Town Committee, Tehsil and District
Abbottabad.

...PETITIONER

VERSUS

- 1) Government of Khyber Pakhtunkhwa, Elementary and Secondary through Secretary Khyber Pakhtunkhwa Peshawar.
- 2) District Education Officer (Female) Battagram.
- 3) Account Office Battagram.
- 4) Director Elementary and Secondary through Secretary Khyber Pakhtunkhwa Peshawar.

...RESPONDENTS



FILED TODAY
AD. KHALID KHAN
P.H. ABBOTTABAD BENCH
9/6/23

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 AS AMENDED UPTO-DATE AGAINST THE IMPUGNED ORDER DATED 28.03.2023 VIDE WHICH PETITIONER WORKING AS ASSISTANT PROGRAMMER BPS-17 WAS RELIEVED BY THE RESPONDENT NO.2 THEN BEING NOT COMPETENT PROPER AUTHORITY PASSED / ISSUED THE IMPUGNED ORDER AGAINST PETITIONER, FURTHER MORE IMPUGNED NOTICE DATED 18.03.2023 REGARDING ABSENTEE PASSED BY

Filed by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

RESPONDENT NO.2 UPON WITHHELD SALARY OF PETITIONER HAS BEEN STOPPED BY RESPONDENT NO.3 is ALSO VIOLATION OF LAW, HENCE BOTH IMPUGNED ORDERS AND ACTION OF RESPONDENTS DEPARTMENT IS ILLEGAL, UNLAWFUL, LIABLE TO BE SET-ASIDE.

PRAYER: ON ACCEPTANCE OF INSTANT WRIT PETITION, DIRECTION MAY KINDLY BE GIVEN AGAINST RESPONDENTS / DEPARTMENT:

- 1) THAT BOTH THE IMPUGNED ORDERS DATED 28.03.2023 AND 18.03.2023 MAY PLEASE BE DECLARED AS WRONG, ILLEGAL, UNLAWFUL AND BE SET-ASIDE AS WELL AS AGAINST THE FUNDAMENTAL RIGHTS OF THE PETITIONER.
- 2) DIRECTION MAY KINDLY BE ISSUED TO RESPONDENT / DEPARTMENT FOR POSTING OF THE PETITIONER AT APPROPRIATE PLACE.
- 3) DIRECTION MAY ALSO BE GIVEN TO RESPONDENT NO.3 TO PLEASE / ISSUE ENTIRE THE SALARY OF PETITIONER WITHHELD HAS BEEN STOPPED / ILLEGALLY.
- 4) DIRECTION MAY ALSO BE GIVEN TO RESPONDENT NO.3 REGARDING PAY PURPOSE ADJUSTMENT NOTICE ISSUANCE ON 17.02.2023 THROUGH NOTIFICATION NO.SO(S/M) / E & SED/7-1/2022, WHICH RESPONDENT NO.2 HAS NOT RELEASED TILL DATE WHICH IS AGAINST THE LAW.

Certified to be True Copy
 EXAMINER
 07 JUN 2023
 Provincial Government Bench
 Islamabad

FILED TODAY
 ADMIRAL KHALID
 ABBOTTABAD BENCH
 9/5/23

Attested by
 SAJID HUSSAIN TANGELI
 Advocate High Court
 Abbottabad

ANY OTHER RELIEF WHICH THIS HON'BLE COURT DEEM FIT AND APPROPRIATE MAY ALSO BE GRANTED TO THE PETITIONER IN THE BEST INTEREST OF JUSTICE.

Respectfully Sheweth,

That the facts forming the background of instant Writ Petition are arrayed as under:-

1. That the petitioner was appointed as Computer operator BPS-11 in respondent department. (Copy of appointment letter is annexed as Annexure "A")
2. That service of the petitioner was regularized from the year 2007. (Copy of letter / notification is annexed as Annexure "B")
3. That Government of KPK had upgraded the post of key punch operator / date entry operator / computer assistant / computer operator to BPS-12 and again in 2016 competent authority again upgraded and re-designated all computer operator to BPS-16. (Copies of notification are annexed as Annexure "C")
4. That petitioner gave an application regarding adjustment against the vacant post of Assistant

Certified to be True Copy
EXAMINER
03 JUN 2023
Peshawar High Court And Bench
Authorized Under Sec 75 of the Ordinance

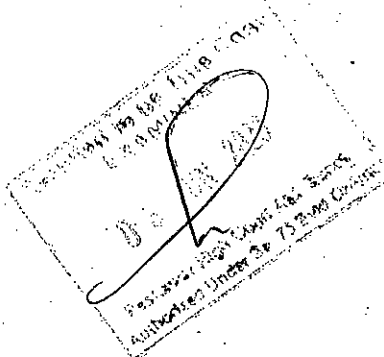
FILED TODAY
ADJ. KULSHRAK
PESHAWAR HIGH COURT BENCH
9/5/23

Attested by
SAJID MUSSAMMIL TAWOIT
Advocate High Court
Abbokabad

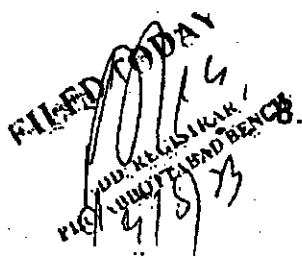
Director (IT) BPS-17 upon which he was adjusted against vacant seat. (Copy of application is letter is annexed as Annexure "D")

5. That post was again upgraded to BPS-16 to BPS-17 vide notification and petitioner who was already working through adjustment income eligible after upgrade of post. "D"

6. That Deputy Director (Admin) withdraw the letter Ends No.2254-58 dated 26.04.2022 regarding adjustment against post without relieving the petitioner and his salary was also stopped (Copy of application is letter is annexed as Annexure "E")



7. That petitioner invoked the jurisdictions of Hon'ble Court through Writ Petition No.1298/A which was entertained. (Copy of W.P No.1298/A and order dated 18.10.2022 are annexed as Annexures "F" & "F-1")



That during the pendency of Writ Petition No.1298-A/22 petitioner was posted/ transfer to District Battagram through notification dated



19.12.2022. (Copy of notification dated 19.12.2022 is annexed as Annexure "G")

9. That thereafter petitioner gave his arrival report and regularly performed his duties with devotion.

10. That the despite of the request of petitioner to respondent by applying for leave giving application respondent No.2 neither accepted nor consider the genuine cause and issued absence notice but it is evident from extract taking from register that petitioner had applied for leave. (Copy of application is annexed as Annexure "H")

11. That irony of the situation was aggravated when after issuing absence notice on 18.03.2023, salary of petitioner is also stopped. (without imposing minor penalty in shape of salary deduction or warning). (Copy of pay slip is annexed as Annexure "I")

12. That the act of respondent has not only deprived the petitioner from his hand earned salary but also his service period is not being taken into

Certified to be True Copy
EXAMINER
03 JUN 2023
District High Court and Bench
Abbottabad Sd. J. & C. Officers

FILED TODAY
16
REGISTRAR
ABBOTTABAD BENCH
19/5/23

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

account adversely affecting his seniority and pay.

13. That respondent No.4 after imposing penalty in shape of absentee notice and illegally stop the salary of petitioner, thereafter relieved the petitioner from DEO (Female) Battagram with malafide intension. (Copy of letter is annexed as Annexure "J")

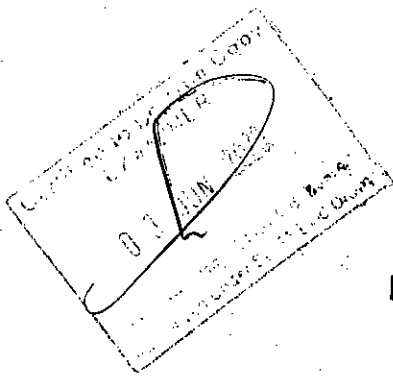
14. That petitioner seeks the indulgence of this Hon'ble Court, inter-alia on the following grounds as no effective alternate remedy is available:-

GROUNDS:-

a) That act of respondent is against the law, unconstitutional discriminatory, victimizing malafide, reversed and void ab-initio hence liable to be interfered in Constitutional jurisdiction of this Hon'ble Court.

b) That the petitioner is discriminatory against a complete violation of Article-25 of the Constitution of Pakistan.

c) That act of respondent squarely fall within the definition of exploitation as defined in the Constitution of Islamic Republic of Pakistan.



FILED TODAY
JUDGE
ABOTTABAD BENCH
9/10/13

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Ab-ttatabad

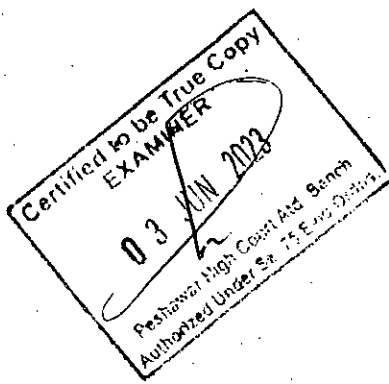
d) That the petitioner is the sole bread winner of entire family and it is extremely difficult from him to keep both ends meet. Petitioner has no other source of income so stopping the salary hence caused extreme hardships for the petitioner and his family hence gracious indulgence of this Hon'ble Court is sought to remedy the situation.

e) That the impugned orders have been passed is blatant disregard of the judgments passed by the Superior Courts on the subject.

f) That the public functionaries are bound to act in accordance with law but the petitioner has not been dealt with in accordance with law and constitution, which warrants immediate interference by Hon'ble Court.

g) That act of respondent department is not against the norms of justice but also discriminatory against law and unwarranted.

h) That the Petitioner has no other alternate, adequate and efficacious remedy except to knock the doors of this Worthy Court by filing



FILED TODAY
SAJID HUSSAIN TANCHEE
Advocate High Court
Abbotabad
29/6/23

Attested by
SAJID HUSSAIN TANCHEE
Advocate High Court
Abbotabad

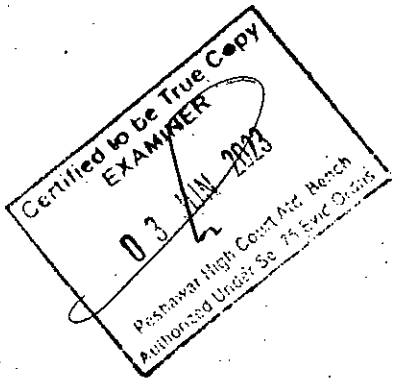
the instant Writ Petition for the redressal of his grievances.

- i) That other legal and factual points shall be agitated at the time of argument with the prior permission of this Honourable Court.
- j) That notices are served upon respondents as per rules. (Copies of notices alongwith postal receipts are annexed as Annexure "K")
- k) That, Court fees stamp paper worth Rs.500/- is attached herewith.

PRAYER:

It is, therefore, humbly prayed that on the acceptance of the instant Writ Petition, direction may kindly be given against respondents / department:

- 1) That both the impugned orders dated 28.03.2023 and 18.03.2023 may please be declared as wrong, illegal, unlawful and be set-aside as well as against the fundamental rights of the petitioner.
- 2) Direction may kindly be issued to respondent / department for posting of the petitioner at appropriate place.



FILED TODAY
MR. KLGIS ILMAN
PJC ABBOTTABAD BENCH
9/1/23

Attested by
SALIM HUSSAIN TANCCI
Advocate High Court
Abbottabad

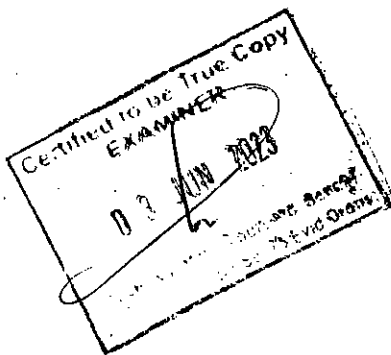
3) Direction may also be given to respondent No.3 to please / issue entire the salary of petitioner withheld has been stopped / illegally.

4) Direction may also be given to respondent no.3 regarding pay purpose adjustment notice issuance on 17.02.2023 through notification No.SO(S/M) / E & SED/7-1/2022, which respondent no.2 has not released till date which is against the law.

Any other relief which this Hon'ble Court deem fit and appropriate may also be granted to the petitioner in the best interest of justice.

INTERIM RELIEF:

It is further prayed that respondents may graciously be directed to release the salary of petitioner till the final disposal of instant Writ Petition.



Fish
...PETITIONER

Through counsel

Dated: 08/05/2023

(Signature)
(AAMIR MALIK)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing *Writ Petition* are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Dated: 08/05/2023

(Signature)
Sd/- M. A. H. Khan
District Registrar
Abbottabad Bench
9/5/23

Fish
...PETITIONER

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD.

W.P No. -A/2023

Faisal Shahzad Hussain

...PETITIONER

V E R S U S

Govt. of KPK & others


....RESPONDENTS

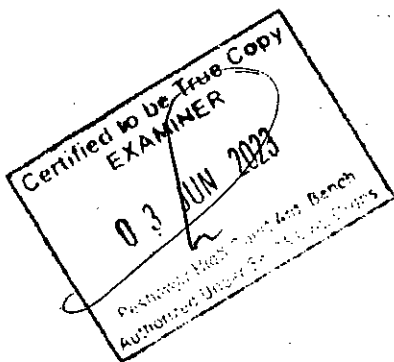
WRIT PETITION

AFFIDAVIT

I, Sardar Saeed Ali S/o Sardar Shoukat R/o Narian Road House No.183, Abbottabad Cantt, Tehsil and District Abbottabad, Attorney of the Petitioner, do hereby solemnly affirm and declare that the contents of foregoing *Writ Petition* are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Dated: 08/05/2023


...Deponent
1301-5373822-7



AFFIDAVIT

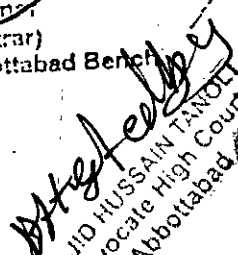
S.No 2899/211 Receipt No: 211

Certified that the above was verified on Solemn affirmation Saeed before me on this 08 day of May 2023 by Sardar Saeed Ali S/o Sardar Shoukat R/o Narian Road House No.183 who has been identified by Saeed Who is personally know is me

Oath Commissioner
(Additional Registrar)
Peshawar High Court Abbottabad Bench

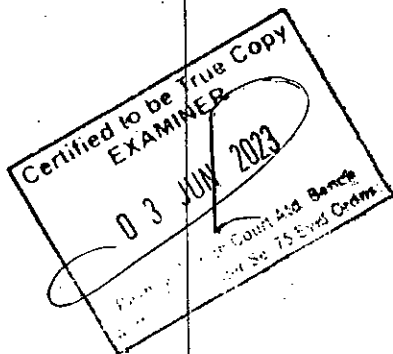
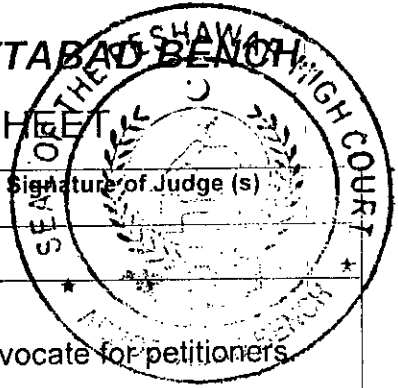
FILED TODAY
JUD. HELD IN
ABBOTTABAD BENCH
13/5/23

8-5
23


SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM OF ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1 30.05.2023	2 <u>W.P.No.598-A/2023.</u> Present: Mr. Aamir Malik, Advocate for petitioners. *** <u>KAMRAN HAYAT MIANKHEL, J.-</u> After arguing the case at great length, when learned counsel for petitioner was confronted with the situation that transfer and stoppage of salary of petitioner falls within terms and conditions of service and this court cannot entertain the instant writ petition under Article 212 of the Constitution of Islamic Republic of Pakistan. He frankly conceded the same and requested for withdrawal of instant writ petition with permission to approach the proper forum for redressal of grievance of the petitioner. Order accordingly. Announced 30.05.2023.



sel

JUDGE

JUDGE

Attested by
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

To

1. Honourable Secretary,
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar
2. Honourable Director,
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar
3. Honourable Deputy Commissioner Battagram

Subject: APPEAL REGARDING UNLAWFUL STOPPAGE OF PAY

Respected Sir,

With due respect it is stated that we are working as IT Staff in the office of District Education Officer (Female) Battagram.

We are performing our duties regularly with honesty punctuality and there is no pendency of work was ever recorded on our part.

District Education Officer (Female) Mst. Rehana Yasmin has some personal issues with us. Most of the time even on urgent needed she is not allowing us the Causal leaves rather than submitting the leave application before one day. (Copies attached).


We were on leave on 17-18/03/2023 and our applications are on record. The same were not allowed and torn by DEO, Mst. Rehana Yasmin and she issued absent notice and stopped our salaries (Notification & Source Attached) without any personal hearing/Explanation/ Show cause.

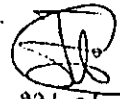
Mst. Rehana Yasmin has created her own rules and regulations and challenges the authorities. It is worth mentioning that one of our IT staff colleague Mr. Muhammad Asad Khan Computer Operator whose transfer order was withdrawn on 20-01-2023 by Director E&SE, Peshawar (Copy Attached) is still waiting to take over the charge and release of salary since January 2023 but she did not allow him and challenging the order of higher authorities. On the other hand, official naming Murshid Alam who is not the part of this office is getting salary illegally.

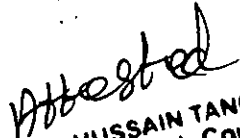
It is also to convey your good self that a notification regarding pay purpose in respect of Mr. Faisal Shahzad Hussain AP of this office was issued by Secretary E&SED, Peshawar for the release of previous pays w.e.f. 01/08/2022 to 31/12/2022 but she is not willing to release the same and instructed the accounts person of local office not to prepare the bills which is also the act to challenge the Higher Authorities.

It is to bring in to your notice that DEO Mst. Rehana Yasmin is not marking her attendance on attendance register which is mandatory for every Government employee. She is not regular in the office as she visits the office twice or thrice a week. She uses office accommodation, whenever she visits and also receiving the house rent allowance which is unlawful. She is receiving TA/DA for visits to school that are located within 16 km which is illegal and unlawful. She poses rude behaviour with the staff yelling and disrespect is the custom of her.

It is therefore you are requested kindly probe the matter and release our pays which are unlawfully and illegally stopped by her and make oblige.


Faisal Shahzad Hussain
AP 22/3/2023
DEO(Female) Battagram


22/03/2023
Muhammad Jamil Khan
CO
DEO(Female) Battagram


SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

52

Annexure "L-1" *Amal*

To

1. The Honorable Secretary,
Elementary & Secondary Education Department
Govt of Khyber Pakhtunkhwa, Peshawar
- ✓ 2. The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
3. Deputy Commissioner
District Battagram

Subject: **ILLEGAL PAY STOPPAGE AND UNLAWFUL RELEASED FROM OFFICE OF DEO (F) BATTAGRAM**

Respected Sir,

It is stated that I am working as Assistant Programmer (BPS-17) at District Education Office (F) Battagram.

An application was already submitted with your office having subject **APPEAL REGARDING UNLAWFUL STOPPAGE OF PAY Received by Deputy Commissioner Battagram** under diary number 1152 dated March 24, 2023 and already submitted by registered mail through Post Office dated March 22, 2023 to your office.

It is to bring into your notice that after getting knowing about the mentioned Appeal to your good self she marked me absent despite I was present in the office and marked my attendance on attendance register.

Now today on 30/3/2023 Rehana Yasmin DEO (F) Battagram relieved me from this office without any solid grounds. The reasons she mentioned in the order are baseless.

It is requested to your good self to please take action against this unlawful and illegal action of her and make oblige.

I shall be grateful and thankful for this act of kindness and favor.

Regards,

F. Hussain 30/3/2023

Faisal Shahzad Hussain
Assistant Programmer, DEO (F) Battagram

Attest
SAJID HUSSAIN TANOLI
Advocate High Court
Abbottabad

53

Annexure "2-2" *Amir*

To

The Honorable Secretary
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

Subject:

APPEAL REGARDING UNLAWFUL STOPPAGE OF SALARY AND
ILLEGALLY RELIEVED FROM SERVICE BY MST. REHANA
YASMEEN DEO (F) BATTAGRAM

Respected Sir,

With due respect it is stated that I am working as Assistant Director (IT) (BPS-17) at District Education Office (F) Battagram.

Sir, on 17/3/2023 my salary was stopped by Mst. Rehana Yasmeen DEO (Female) Batagaram on the allegation of absentecism which is unjustified and my application for leave was on record. A letter/appeal against this illegal act of stoppage of pay was forwarded to your office through registered mail on 22/3/2023, neither impose minor penalty or deduction from salary.

Further more on 28/3/2023 I was relieved unlawfully by imposing false allegations and the same was forwarded to your good self on 31/3/2023.

Sir, as it is evident from the relieving letter that DEO (Female) Batagaram has personal grudge that's why she did not conduct any inquiry or sending the case to the department.

Sir, it is also to bring into your kind notice that a notification No. SO(S/M)/E&SED/7-1/2022/Purpose of Pay dated 17/2/2023 regarding Pay Purpose Adjustment was issued by your office for the release of pay w.e.f. 1/8/2022 to 31/12/2023, but she is not willing to release the same and instructed the accounts person of local office not to prepare the bills and keep it pending till July 2023.

It is again requested to probe into the illegal action by her and make obliged. I shall be thankful and illegal

Attested
SAJID MUSSAIN TANOLI
Advocate High Court
Abbottabad

Regards,

F. Shahzad Husain

Faisal Shahzad Husain
Assistant Director (IT) BPS-17)

S.No. 199632

52



وکالت نامہ

Ch Muhammad Naseem
Finance Secretary
District Bar Association
Abbottabad

Name of Advocate ساجد حسین

DBA NO. 714 TBA NO. _____

BC No. 16-6597

R.s.200/=

بعدالت جناب سروس ٹریڈنگ کمپنی پکتن آباد لشار

عنوان: فیصل شہزاد بنام Govt of KP

منجانب: ایسٹ انڈیا سروس نوعیت مقدمہ Service

باعث تحریر آئٹم

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی پر اسے پیشگی یا تصدیق مقدمہ بمقام ایسٹ انڈیا سروس کے لیے

عام ملازم ایڈووکیٹ (ساجد حسین) کی طرف سے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشگی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے

جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشگی پر مظہر حاضر نہ ہو اور مقدمہ شہزادی غیر حاضری کی وجہ

سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر مددگار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے

علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پچھلے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ

سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات سے اسے پچھلے یا پچھلے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ

کسی معاوضہ کے ادا کرنے یا محتاجی کے ادا کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف

مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے نوٹوں کی نظر ثانی اپیل نگرانی و ہر قسم

درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کو ادا کرنے اور ہر قسم کا دوسرا وصول کرنے اور رسید دینے اور داخل کرنے

اور ہر قسم کے بیان دینے اور اس پر جانشینی اور نامہ و بیعت و حلف کرنے اور اسی کے ساتھ کسی اختیار ہوگا اور بصورت جانے میری نجات

از پکھری صدر اپیل و برآمدگی مقدمہ منسوخ ڈگری یکطرفہ درخواست حکم اجرائی یا تقرری یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب

موصوف کو بشرط ادا جنگی علیحدہ عقائدہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے

کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے کو اس کے لئے چاہئے یا اسے چاہئے مقرر کریں اور ایسے وکیل کو بھی ہر امر میں

وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف

کاتق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ

کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2023/07/12

SAJID HUSSAIN TAN
Advocate High Court
Abbottabad

Attestation

مضمون وکالت نامہ سن لیا ہے اور منظور ہے۔

لہذا وکالت نامہ لکھ دیا ہے کہ سن لیا ہے

وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی