


FORM OF ORDER SHEET

Court of

Appeal No. 1715/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/08/2023	<p>The appeal of Mr. Muhammad Arshid is presented today by Mr. Muhammad Arshad Khan Tanoli. It is fixed for preliminary hearing before Single Bench at Abbottabad on</p> <p>By the order of Chairman  REGISTRAR</p>

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

Service Appeal No. \_\_\_\_\_ 2023

Muhammad Arshid son of Sher Muhammad (PST) Government Primary School Sehaki Bala, resident Village Sehaki Bala Post office Sehaki Bala, Tehsil and 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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..APPELLANT

Through

Dated: \_\_\_\_\_/2023

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

&

  
(Muhammad Ibrahim Khan)  
Advocate High Court, Abbottabad

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

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**....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 SERVICE ON  
13/02/1997. THEREAFTER, THE APPELLANT**

GOT APPOINTMENT AS PST ON 22/11/1994  
AS PER KP SACKED EMPLOYEES  
APPOINTMENT ACT 2012, BUT PREVIOUS  
SERVICE W.E.F 22/11/1994 TO 13/02/1997  
AND 2012 TO 17/12/2019 HAS NOT BEEN  
COUNTED TOWARDS CALCULATION OF  
PENSION BY THE DEPARTMENT.

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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  
17/12/2019 OF THE APPELLANT TOWARDS  
CALCULATION OF PENSION AND  
COMMUTATION. ANY OTHER RELIEF  
WHICH THIS HONOURABLE TRIBUNAL  
DEEM APPROPRIATE IN THE  
CIRCUMSTANCES OF THE CASE MAY  
ALSO BE ALLOWED TO THE APPELLANT.

---

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 17/12/2019 and his service was terminated on 13/02/1997. Copy of appointment order dated 22/11/1996 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 22/11/1994 and was terminated in the year 13/02/1997 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 17/12/2019, but their previous service w.e.f 22/11/1994 to

13/02/1997 and 2012 to 17/12/2019 has not been counted towards calculation of pension/commutation of the appellant. Copy of appointment order dated 17/12/2019 of the appellant is annexed as Annexure "C".

4. That, the appellant filed departmental appeal to respondents' departmental 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.

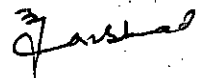
**GROUND:-**

- 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 17/12/2019 counted towards calculation of pension and commutation.

Copy of judgment of KP service Tribunal and the Apex Court is annexed as Annexure "E".

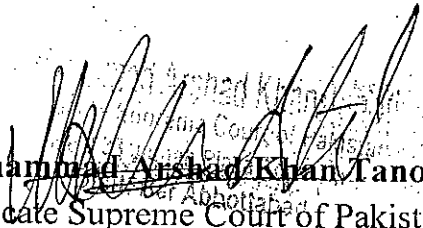
- b. That, department was supposed to count the above mentioned period of the appellant towards calculation of pension etc on the analogy of similar and similarly placed employees.
- c. That the respondents' department should have one yard stick while dealing with the employees who are similarly placed. 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 17/12/2019 of the appellant towards calculation of pension and commutation. Any other relief which this honourable tribunal deem appropriate in the circumstances of the case may also be allowed to the appellant.

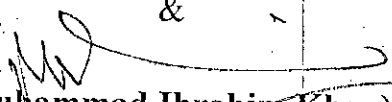
  
..APPELLANT

Dated: \_\_\_\_\_/2023

Through

  
(Muhammad Arshad Khan Tanoli)  
Advocate Supreme Court of Pakistan

&

  
(Muhammad Ibrahim Khan)  
Advocate High Court, Abbottabad



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

Service Appeal No. \_\_\_\_\_ 2023

Muhammad Arshid son of Sher Muhammad (PST) Government Primary School Sehaki Bala, resident Village Sehaki Bala Post office Sehaki Bala, Tehsil and District Mansehra.

**....APPELLANT**

**VERSUS**

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

**...RESPONDENTS**

**SERVICE APPEAL**

**AFFIDAVIT**

I, *Muhammad Arshid son of Sher Muhammad (PST) Government Primary School Sehaki Bala, resident Village Sehaki Bala Post office Sehaki Bala, Tehsil and District Mansehra*, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

  
**DEPONENT**

Annex-A

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

OFFICE ORDER NO. 86  
DATED 22/11/1994.

P-8

APPOINTMENT

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

S.No.	Name & Father's Name	Address	Place of posting	Remarks
1-	Fakhruddin s/o Ghulam Mohyud Din.	Nambal	GPS Nambal	Against vacant post.
2-	Muhammad Khalid s/o Abdul Qayum.	Lassan Nawab	Mos:Khaliyala	-do-
3-	Sheikh Amjad s/o Sheikh Taj Muhammad.	Shakooki	GPS Bat Doga	-do-
4-	Muhammad Sajjad s/o Ali Akbar.	Takkar Mera	Mos:Pojdara	-do-
5-	Zulfiqar s/o Fazal Rehman Shergarh		GPS Seri Gorla	-do-
6-	Ganfaraz s/o Muhammad Jan.	Mocrat Mera	Mos:Hathra	-do-
7-	Khalid s/o Sher Muhammad	Mera Khurd	GPS Nambal	-do-
8-	Sain Ahmad s/o Muhammad Zaman.	Narjala	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 Parvez s/o Muhammad Akbar.	Kala Mera	Mos:Sinjeliyala	-do-
14-	Muhammad Mushtaq s/o Sher Muhammad.	Pangorhi	Mos:Khamari	-do-
15-	Muhammad Irfan s/o Muhammad Zaman.	Gali Badral	GPS Lubar	-do-
16-	Muhammad Saeed s/o Muhammad Ayub.	Shakooki	Mos:Sinjel Bandi	-do-
17-	Muhammad Younis s/o Fazlur Rehman.	Mando	Mos Tunimar	-do-
18-	Muhammad Riaz s/o Kala Khan.	Hari Doga	GP Chamial	-do-
19-	Muhammad Teriq s/o Abdul Rehman.	Chansair	GPS Sunj	-do-
20-	Muhammad Haroon s/o Ghulam Haider.	Moorat Mera	GPS Sunj	-do-

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No.	Name	Address	Post Office	Remarks
20-A	Lal Khan s/o Fazlur Rehman	Parkhain	GPS Tarmang	A.V.Post.
21-	Abdus Sattar s/o Maroof.	Kalas	GPS Sera Gali	A.V.Post.
22-	Niaz Ahi Shah s/o Farman Ali Shah.	Darband	Mos:Chakli Miangan	-do-
23-	Muhammad Ishaq s/o Ghulam Qadir.	Makan Gali	GPS Chatta	-do-
24-	Aftab Ahmad s/o Abdul Jalil.	Hari Doga	GPS Chatta	-do-
25-	Abdul Malik s/o Rehmatullah.	Chan Sair	GP Bai	-do-
26-	Muhammad Shameer s/o Omar Zaman.	Jasgeran	GPS Sokal	-do-
27-	Naeem Anwar s/o Muhammad Anwar.	Shurigli	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.	Lassen Nawab	GPS Sokal	-do-
32-	Taj Muhammad s/o Sher Dil.	Chakli	GPS Namshera	-do-
33-	Shaukat Ali s/o Gohar Rehman	Darband	GPS Namshera	-do-
34-	Abdur Rashid s/o Abdul Khalig	Jund Seri	GPS Namshera	-do-
35-	Javed s/o Fazlur Rehman x/	Sharotta	GPS Fhudian	-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	Lassen 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 Ithane Zaman	Roria	GPS Miana Gali	-do-
49-	Iftikhar s/o Ghulam Haider.	Gojra	GPS Kahawa	-do-
50-	Fida Hussain s/o Aziz Muhammad	Chakar Bandi	GPS Matserian	-do-
51-	Ghulam Mustafa s/o Hafizullah	Chamial	GPS Ni-ka Pani.	-do-
52-	Zulfiqar s/o Dure Aman	Sinjliyal	Mos:Doga	-do-
53-	Muhammad Bashir s/o Abdul Akbar.	Machral	Mos:Hari Doga	-do-
54-	Sher Muhammad s/o Taj Muhammad.	Fateh Bandi	Mos:Karoo Bashti	-do-
55-	Shah Feroz s/o Firdoos.	Jaman Moori	Mos:Takkra Pain	-do-

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Attested  
 District Bar, Abbottabad

56-	Munawar s/o Masood.	Lasan Nawab	GPS Tarmang	A.V.Post
57-	Ghulam Abbas s/o Abdus Sattar.	Dagri	Mos:Batangi	--do--
58-	Muhammad Azam s/o Khawaj Muhammad.	Khalian Arian	GPS Karka	--do--
59-	Anwar Zeb s/o Sikandar Khan.	Sherotta	GPS Hallah	--do--
60-	Akram s/o Suleman.	Sherotta	GPS Mera Khairoo	--do--
61-	Nazir Muhammad s/o Sher Muhammad.	Phuldhar	Mos:Nalbori	--do--
62-	Chiria Khan s/o Abdur Rehman,	Jhangi	GPS Sinjliyala	--do--
63-	Muhammad Tariq s/o Pervez.	Sokal	GPS Shanaya Pain	--do--
64-	Dost Muhammad s/o Mir Muhammad	Thair Abad	Mos:Dolarian	--do--
65-	Jehangir s/o Fazal Karim.	Hal Kaloo	GPS Hariyala	--do--
66-	Manzoor Ahmad s/o Maqboolur Rehman.	Chandoor	GPS Chandoor	--do--
67-	Lal Khan s/o Sher Muhammad.	Jhanda	<del>GPS</del>	<del>--do--</del>
68-	Sultan s/o Rehmatullah.	Nara Doga	Mos:Gora	--do--
69-	Dure Aman s/o Wazir Muhammad	Sherotta	Mos:Kamari	--do--
70-	<del>Muhammad Azam s/o Sher Muhammad</del>			
70-	Salar Khan s/o Abdul Akbar.	Karrori	GPS Akhun Bandi	--do--
71-	Iftikhar Ahmad s/o Ali Zaman	Shakokti	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 Sikandar	Bandian	GPS Bandi Khan Khel.	--do--
76-	Shakil Ahmad s/o Ayub.	Phalwal	Mos:Kotla Darwaza	--do--
77-	Siddique s/o Farid	Jhand	Mos:Gud	--do--
78-	Khurshid s/o Faqir Muhammad	Chitti Moori	GPS Chontra	--do--
79-	Muhammad Farooq s/o Kala Khan	Kajla	GPS Kajla	--do--
80-	Nazar Hussain s/o Ghulam Haider.	Nikka Pani	Mos:Gali Tendki	--do--
81-	Sarwar s/o Abdul Nabi.	Thanda	GPS Chaniyal	--do--
82-	Muhammad Hanif s/o Ghulam Sarwar.	Sokal	GPS Mera Khairoo	--do--
83-	Nazir Ahmad s/o Ghulam Sarwar	Bettal Pain	Mos:Khajambar	--do--
84-	Ali Munsaf s/o Ali Zaman.	Doga	GPS Bradarh	--do--
85-	Sarfraz s/o Ali Zaman.	Jhangi	GPS Thathi Kalan	--do--
86-	Iqbal s/o 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:Bradard	--do--
91-	Munibur Rehman s/o Muhammad Zaman.	Kandar	GPS Kandar	--do--
92-	Sajid s/o Habibur Rehman	Phulra	GPS Kajla	--do--
93-	<del>Muhammad Farooq s/o Faqir Muhammad</del>			
93-	Muhammad Haroon s/o Ali Zaman	Bei Suhel	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 Piaz s/o Rafiullah.	Bandi Mera	Mos:Khamian	--do--

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 The Court of Sessions  
 District Court  
 West Hill, Lahore

P-11

97-	Naveed Shah s/o Muazam Shah	Shh Kot.	GPS Dham Nalla	A.V. Posh
98-	Muhammad Nazir s/o Muhammad Aseem	<del>Ksora</del> Mka Pani	GPS Neel Batla	--do--
99-	Muhammad Azam s/o Sher Muhammad	Badian	GPS Nara Doga	--do--
100-	Abid Hussain s/o Abdur Rehman.	Batoona	GPS Chaniyal	--do--
101-	Muhammad Asif s/o Wali Jan	Muda Gucha	GPS Chilyani	--do--
102-	Wahid Ahmad s/o Ghulam Nabi	Jaboori	GPS Sundi	--do--
103-	Muhammad Naeem s/o Attai Khan	Palai	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	<del>Ksora</del> 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	Bai Bala	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 Muntaz Ali Shah.	Bai Bala	GPS Thatta	--do--
116-	Sajid Hussain Shah s/o Hayat Shah	Kot Chatter	GPS Dheri Nambardar	--do--
117-	Muhammad Fayez s/o Abdul Wahab.	Hilkot	GPS Deri Haleem	--do--
118-	Javed Hussain Shah s/o Nawab Said Shah.	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 Fir Bad Shah	Salogna	Gps Chinar Kot.	--do--
121-	Ijaz Hussain Shah s/o Shah Said Shah.	Bhumla Chatter	GPS Khotri	--do--
122-	Caisar Rauf s/o Abdur Rauf Khan.	Sucha Kalan	GPS Keeri Nawaz Abad.	--do--
123-	Dahshat Khan s/o Haji Farid Khan.	Shar Fool	GPS Deri Haleem	--do--
124-	Muhammad Saeed s/o Miskeen	Karan	GPS Mat Serian	--do--
125-	Abdur Razaq s/o Mir Hussain	Makan Gali	<del>Ksora</del> GPS Dokal	--do--
126-	Muhammad Ijaz s/o Omar Zaman	Dhanaka	Mos; Pagora	--do--
126A	Muhammad Aslam s/o Omar Zaman	Gundan	GPS Battian	--do--
127-	Abdus Sattar s/o Abdur Rehman	Dheman	GPS Chatta	--do--
128-	Muhammad Yousef s/o Aurangzeb	Seri Gali	GPS Shanaya	--do--
129-	Fariddud Din s/o Abdul Hai	Mat Seri	GPS Jiggi	--do--

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*M. Meesard*  
 District Officer  
 District Office  
 Abbottabad

129-	A Sidique s/o Haider Zaman	Purna	GPS Haryala	V. Post
130-	Azmat Ayub s/o Muhammad Ayub	Naryala	GP, Chameyari	V. Post
131-	Said Bad Shah s/o Mudassar Shah	Sagori K.D.		
132-	Muhammad Mustafa s/o Yasin Khan.	Judba		
133-	Abdul Bashir s/o Gulraiz.	Uthlair		
134-	Feroos Shah s/o Syed Azeem Shah	Rongaly		
135-	Syed Wahab s/o Muhammad Mustaffa.	Jatka		
136-	Riz Mukamil Shah s/o Riz Ahmad Shah.	Jatka		
137-	Liaqat Ali s/o Sher Muhammad Khan	Shinkhari		
138-	Safdar Zaman s/o Shah Izat Khan.	Hari Kaka Khel		

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 N.F.P.

( MUHAMMAD T. H. Q. )  
 I/C DISTRICT EDUCATION OFFICER  
 (MALE) PRIMARY MANSEHRA

Endstt: No. 2465-2476 GB(G/T-101-III/94 Dated Mansehra the 11/3/94

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

*Attested*  
 District Education Officer  
 Mansehra

I/C DISTRICT EDUCATION OFFICER  
 (MALE) PRIMARY MANSEHRA

Serial 75

App. No. 88

22/11/94

Encl. No. = 2485-2626

22-11-94

P-13

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

NO.5

Dated February 13, 1997

Termination Order

OFFICE ORDER

On perusal of the relevant record, the appointments of the following Primary Teachers have been found illegal ab initio 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

yr.

1. Fakhar-ud-Din S/O Ghulam Mohyud Din

Numbal

GPS Numbal

2.

Muhammad Khalid S/O Abdul Gayum

Lassan Nawab

Msq:Khalyala

X3

Sheikh Amjad S/O Sheikh Taj Muhammad

Shakooki

GPS Bat Doga

X4

Muhammad Sajjad S/O Ali Akbar

Thakar Mera

Msq:Pojdara

yr.

5. Zulfiqar S/O Fazal-ur-Rehman

Shergarh

GPS Seri Gorla

yr.

6. Sarfaraz S/O Muhammad Jan

Moornat Mera

Msq:Hathra

shop

7. Khalid S/O Sher Muhammad

Mera Khurd

GPS Numbal

yr.

8. Sain Ahmad S/O Muhammad Zaman

Naryala

Msq:Loharbanda

yr.

9. Muhammad Aslam S/O Fazal Rehman

Chansair

GPS Seri Gorla

yr.

10. Haider Zaman S/O Muhammad Suleman

Karori

GPS Deerian

11. Amjad Hussain S/O Anwar shah

Dhaman Dheri

GPS Batdoga

Contd: Page No. 2

Attested [Signature] Distt. Bd Abbottabad

Attested [Signature] SMO

[Signature]

12.	Sayed-Ur-Rehman S/O Omar Zaman	Gali Badral	GPS Daroo
13.	Muhammad Farooq S/O Muhammad Aslam	Kalif Mera	Msq:Sinjeliyala
14.	Muhammad Aslam S/O Sheer Muhammad	Pangorhi	Msq:Khamari
15.	Muhammad Arfan S/O Muhammad Zaman	Gali Badral	GPS Lubar
16.	Muhammad Saeed S/O Muhammad Ayub	Shakooki	GPS Sinjal Bandi
17.	Muhammad Yousaf S/O Fazal-Ur-Rehman	Mandp	Msq:Tunimar
18.	Muhammad Saiz S/O Kala Karan	Hari Doga	GPS Chamial
19.	Muhammad Farid S/O Abdur Rehman	Chansair	GPS Sunj
20.	Muhammad Haroon S/O Ghulam Baider	Moorat Mera	GPS Sunj
21.	Lal Khan S/O Fazal-Ur-Rehman	Tarmang	GPS Tarmang
22.	Abdus Satar S/O Haroof	Kalas	GPS Seri Gali
23.	Muz Ali Shah S/O Farman Ali Shah	Darband	Msq:Chakli Miangan
24.	Muhammad Ishaq S/O Ghulam Qader	Makan Glai	GPS Chatta
25.	Aftab Ahmad S/O Abdul Jalil	Hari doge	GPS Chatta
26.	Abdul Malik S/O Rehmatullah	Chansair	GPS Bai
27.	Muhammad Shameer S/O Omar Zaman	Jasgran	GPS Sokal
28.	Nabeem Anwar S/O Muhammad Anwar	Shangli	GPS Neel Batla
29.	Muhammad Haroon S/O Khalil ur Rehman	Kutaira	GPS Neel Batla

*Attested*  
 Justice Khuram  
 Supreme Court of Pakistan  
 Justice Ijaz Ahmad  
 District Abbotabad



987 30.	Abid Hussain Shah S/O Hussain Shah	Tsmall Bandi	GPS Nawan Sher
31.	Shakeel S/O Abdul Jabar	Sokal	GPS Sokal
32.	Rashid Mahan S/O Abdul Mahan	Lassan Nawab	GPS Sokal
3288 33.	Taj Muhammad S/O Sher Dil	Chakli	GPS Namshera
34.	Shuakat Ali S/O Gohar Rehman	Darband	GPS Namshera
2988 35.	Abdur Rashid S/O Abdul Kalid	Jand Seri	GPS Namshera
17 36.	Jawaid S/O Fazal-ur-Rehman	Shakotta	GPS Khudian
37.	Muhammad Arshid S/O Sher Muhammad	Bahaki	GPS Khudian
19 38.	Muhammad Fayaz S/O Niaz Muhammad	Bandi Mera	GPS Garwal
2 39.	Muhammadarif S/O Wali Muhammad	Rooria	Msq: Parkhain
40.	Muhammad Gulab S/O Sikandar Khan	Rabri	Msq: Jorian
41.	Abdus Sadiq S/O Behram	Kalap	GPS Minjehani
42.	Muhammad Ali S/O Taj Muhammad	Taqia Shahmiskeen	GPS Dham Nalla
43.	Naeem Kausar S/O Ghulam Sarwar	Lassan Nawab	GPS Hallan
44.	Muhammad Humayun S/O Habib-ur-Rehman	Bandian	GPS Matserian
45.	Muhammad Pervez S/O Muhammad Zaman	Tharmang	GPS Miana Gali
82 46.	Zulfikar S/O Ghulam Sarwar	Darband	Msq:Karam

*Attested*  
 District Magistrate  
 District Office  
 District Office  
 District Office  
 District Office  
 District Office

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		Page No.	
47.	Habib-ur-Rehman Jamil-ur-Rehman	S/O	Gali Badra GPS Chuntran
48.	Muhammad Saeed Muhammad Israil	S/O	Kalas Msq: Mohar Khurd
49.	Muhammad Bukhtiar Khana Zaman	S/O	Roria GPS Miana Gali
50.	Iftikhar S/O Ghulam Haider		Gojra GPS Kahawa
51.	Fida Hussain Aziz Muhammad	S/O	Chor Bandi GPS Mad Serian
52.	Ghulam Mustafa Hafizullah	S/O	Chamial GPS Nikka Pani
53.	Zulfiqar S/O Duri Aman		Sinjliyal Msq: Doga Msq: Hari Doga
54.	Muhammad Bashir Abdul Akbar	S/O	Machral Msq: Kaloo Basthi
55.	Sher Muhammad Taj Muhammad	S/O	Fateh Bandi Msq: Thakkra Pain
56.	Shah Feroz Ferdoss	S/O	Jaman Moor GPS Tarmang
57.	Munawar S/O Masood		Lassan nawab Msq: Batang
58.	Ghulam Abbas Abdus Satar	S/O	Dehori GPS Karka
59.	Muhammad Azam Khawaj Muhammad	S/O	Khalian Arian GPS Mallah
60.	Anwar Zeb S/O Sikandar Khan		Sharotta GPS Mera Khairoo
61.	Akram S/O Suleman		Sharotta Msq: Nalbori
62.	Nazir Muhammad S/O Sher Muhammad	S/O	Phuldhar GPS Sinjliyal
63.	Chiria Khan S/O Abdur Rehman		Jhangi GPS Shanaya payeen
64.	Muhammad Tariq Parvez	S/O	Sokal

Contd: Page No. 5

81/65	Dost Muhammad S/O Mir Muhammad	Khair Abad	Msq: Dolarian
366	Jehangir S/O Fazal Karim	Hal Kaloo	GPS Hariyala
367	Manzoor Ahmad S/O Maqbool-ur-Rehman	Chandoor	Msq: Chandoor
368	Lal Khan S/O Sher Muhammad	Thanda	Msq: Chandoor
369	Sultan S/O Rehmatullah	Nara Doga	GPS Gora
370	Duri Aman S/O Wazir Muhammad	Sharotta	Msq: Kamari
371	Salar Khan S/O Abdul Akbar	Karrori	GPS Akhun Bandi
372	Iftikhar Ahmad S/O Ali Zaman	Shakokki	GPS Kandal
373	Mubarak S/O Haider Zaman	Pakopna	GPS Maserian
474	Sabir S/O Muhammad Yaqoob	Pakona	GPS Ghazi Kot
475	Dildar S/O Faqr Muhammad	Mohar	Msq: Belan
476	Rafique S/O Sikandar	Bandian	GPS Bandi Khan Khel
477	Shakeel Ahmad S/O Ayub	Khalwal	Msq: Kotla darwazu
478	Sadique S/O Farid	Jahand	Msq: Gud
479	Khurshid S/O Faqr Muhammad	Chitti Moori	GPS Chontra
480	Muhammad Farooq S/O Kafa Khan	Kajla	GPS Kajla
481	Nazar Hussain S/O Ghulam Haider	Nikka Pani	Msq: Gali Tendki
482	Sarwar S/O Abdul Nabi	Thanda	GPS Chaniyal

*Attested*  
 Muhammad Khan  
 District Court of Pakistan  
 District Jhang, Jhang Adm. Dist. 9

483.	Muhammad hanif S/O Ghulam Sarwar	Sokal	Mera Khairoo
484.	Nazir Ahmad S/O Ghulam Sarwar	Batal Pain	Msq: Khajambar
485.	Ali Munsaf S/O Ali Zaman	Doga	GPS Bradarh
486.	Saifuraz S/O Alizaman	Jangi	GPS Thathi Kalan
824/87.	Iqbal S/O Yaqoob	Larri	Msq: Shanaya Pain
588.	Muhammad Afzal S/O Ayub	Tangarh	Msq: Kharan
5789.	Hakim Khan S/O Gohar Rehman	Khaliala	GPS Mera Khairoo
924/90.	Zaman Shah S/O Gulab Shah	Shergarh	GPS Seri Goria
924/91.	Saleem S/O Samandur	Shanaya	Msq: Bradar
52 92.	Munib ur Rehman S/O Muhammad Zaman	Kandar	GPS Kandar
53 93.	Sajid S/O Habib-ur-Rehman	Phulra	GPS Kajla
✓ 94.	Muhammad Haroon S/O Ali Zaman	Bai Buhal	GPS Batdoga
5395.	Muhammad Javaid S/O Aurang Zeb	Jhanda	GPS Gali Badral
1296.	Muhammad Ismail S/O Muhammad Zaman	Gorha	GPS Theri
57 97.	Muhammad Riaz S/O Rafiullah	Bandi Mera	Msq: Khamian
5798.	Naveed Shah S/O Muazam Shah	Shah Kot	GPS Dam Nulla
1299.	Muhammad Nazir S/O Muhammad Aseem	Nikka Pani	GPS Neel Garia
57 100.	Muhammad Azam S/O Sher Muhammad	Bandian	GPS Nara Doga

*[Handwritten signature]*

101. Abid Hussain S/O Abdur Rehman	Pakoona	GPS Chaniyal
102. Muhammad Asif S/O Wali Jan	Munda Gocha	GPS Chilyani
103. Nahib Ahmad S/O Ghulam Nabi	Jabori	GPS Sundi
104. Muhammad Naem S/O Attai Khan	Phalal	GPS Neel Ban
105. Muhammad Naveed S/O Muhammad Ayub	Sachan Kalan	GPS Bahadra
106. Muhammad Shakeel S/O Muhammad Mussa	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 Mughal Dad	Punjooli	GPS Sukian
110. Muhammad Aslam S/O Muhammad Alam	Gali Jabbar	GPS Jabbar
111. Ghulam Nabi S/O Arsala Khan	Keeri Bala	GPS Gattan Gali
112. Akhtar Nawaz S/O ✓ Haq Nawaz Khan	Sucha Kalan	GPS Kodar
113. Gul Niaz S/O ✓ Sarfaraz Khan	Buz Bela	GPS Banda Geesach
114. Ghulam Nabi S/O Qadai	Chotta Bala	GPS Mohri
115. Javed Iqbal S/O ✓ Ahmad Jee	Punjooli	GPS Mohri
116. Ashiq Hussain Shah S/O Mumtaz Ali Shah	Bai Bala	GPS Khatta
117. Sajid Hussain Shah S/O Hayat Shah	Kot Chatter	GPS Dheri Nambardar

*Attested*

*Muhammad Ali Khan*

*Muhammad Ali Khan*

P-20

Page No. .... S

118. Muhammad Fayaz S/O Abdul Wahab	Hilkot	GPS Dheri Haleem
119. Javed Hussain Shah S/O Nawab Said Shah	Lachi Mang'	GPS Dheri Nambardar
120. Zulficar Ali Shah S/O Sadiq Shah	Bai Bala	GPS Shangreta
121. Abdul Ghaffar Ali Shah S/O Pir Badshah	Saloon	GPS Chinarkot
122. Ijaz Hussain Shah S/O Shah Said Shah	Bhumla Chatter	GPS Khotri
123. Qaisar Rauf S/O Abdur Rauf Khan	Sachan Kalan	GPS Keeri Nawazab
124. Dahshat Khan S/O Haji Farid 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 Chamoyari Ghazi Kot
134. Said Badshah S/O Mudassar Shah	Sarori (K.D)	Msq: Cheer

Contd: Page No. .... S

*Alleged*

*[Signature]*

Shahid Khan  
Pakistan  
[Stamp]

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

ذرائع

*[Handwritten signature and scribbles]*

*[Handwritten signature]*

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

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

Copy forwarded to the :-

- 1. P.S to Secretary to Government of N.W.F.P Education Department Peshawar.
- 2. P.A to Director Primary Education N.W.F.P Peshawar.
- 3. District Accounts Officer Mansehra.
- 4. Sub-Divisional Education Officer (Male) Mansehra.
- 5-10. ASDEO Circi, Pulra, Shergarh, Oghi, Battal, Jabori & Kala Dhaka
- 11-15: All concerned.

*[Handwritten signature: Alif]*  
District Education Officer (Male) Mansehra

DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY MANSEHRA.

*[Handwritten signature: Nawaz]*

Annex-B

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. P.H.  
GAZETTE

P-22

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 20TH SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

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

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

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

AN  
ACT

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

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

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

145

*[Signature]*  
Minister  
Government of Khyber Pakhtunkhwa

*[Signature]*  
Minister  
Government of Khyber Pakhtunkhwa  
Peshawar

*[Signature]*



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 1<sup>st</sup> day of November, 1993 to 30<sup>th</sup> 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 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1<sup>st</sup> day of November, 1996 to 31<sup>st</sup> 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.

*M. A. Khan*  
Secretary  
Khyber Pakhtunkhwa  
Government  
Peshawar

*[Signature]*  
Secretary  
Khyber Pakhtunkhwa  
Government  
Peshawar

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

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

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

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

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

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

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

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

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

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

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

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

*Muhammad Ali*  
District & Sessions Judge  
District of Peshawar

*[Signature]*

Secretary  
Government of Khyber Pakhtunkhwa  
Jinnah Plaza, Peshawar

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 Manager,  
Saly. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

*[Signature]*  
 Secretary  
 Provincial Assembly of Khyber Pakhtunkhwa  
 23 Jinnah Plaza / adjacent to  
 Khyber Assembly

*[Signature]*

*[Signature]*  
 Attested  
 Provincial Assembly of Khyber Pakhtunkhwa  
 23 Jinnah Plaza / adjacent to  
 Distt. Bar, Abbottabad





Annex - C

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

P-26

APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012... Consolidate judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-2014, 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, 115-A/2014, and orders of Honorable High Court in COC No. 22-A/2016, COENo. 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:-

Table with 8 columns: S. #, Name, Father's Name, Date of Birth, Domicile, Permanent Address, Place of posting, Remarks. It lists 22 candidates for the position of Primary School Teacher (PST) BPS-12 in Mansehra.

Handwritten signatures and stamps at the bottom of the page, including a stamp from the District Education Officer, Abbottabad.

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 ISRAEL	01-07-1975	MANSEHRA	VILLAGE KALAS P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS CHOJA	AGAINST VACANT POST
25.	MARSHID	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 DIL	20-07-1975	MANSEHRA	VILLAGE CHAKLI PANSIAL P/O NEW DARBAND TEHSIL OGHRI 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	KHAWAJ MUHAMMAD	17-04-1976	MANSEHRA	VILLAGE KHALIAN AERAN PERHINNA TEHSIL & DISTRICT MANSEHRA	GPS HARYALA	AGAINST VACANT POST
32.	SHAREEL 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 FARHAN SHAH	29-08-1976	MANSEHRA	VILLAGE DEVLII POST OFFICE PHULRA TEHSIL & DISTRICT MANSEHRA	GPS KAMAR MARI	AGAINST VACANT POST
34.	DESHAIY KHAN	HAFI FAREED KHAN	10-03-1977	MANSEHRA	VILLAGE CHATPAR PLAIN TEHSIL BAFFA DISTRICT MANSEHRA	GPS DIHRI SHARCOOL	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 agency for further action.

*M. A. Khan*  
 District Officer  
 District Bahawalpur

*M. A. Khan*

- years after issuance of this appointment order, failing which their appointment order shall stand terminated atomically, without any further notice.
16. Before handing over charge once again their documents must be checked by Head of institution and convey deficiencies in qualification to DEO office.
  17. Before handing over charge they will sign an affidavit by stating that they will not claim seniority or benefits/service and they will acquire required qualification within stipulated period of time, failing which they will have no objection on their removal.
  18. The competent authority reserve to right to rectify the error / omission, if any, noted /observed at any stage in instant order issued erroneously.
  19. The candidates appointed against the school(s) falling in summer vacation shall be handed over the charge w.e.f 01-09-2019 on opening of school after summer vacation.
  20. Their documents if found fake/bogus at any stage, their appointment order shall be withdrawn and legal action be taken against him.

*[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

*[Signature]*  
DY: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

*Attested*  
Distt. B. Mansehra  
*[Signature]*

# Annex-D

بخدمت جناب ڈائریکٹر ایجوکیشن ایجوکیشن پشاور

P-24

اپیل براد اکاؤنٹ کیے جانے Protected پیرینڈتحت ایکٹ 2012ء فیصلہ سپریم  
کورٹ آف پاکستان

جناب عالی!

گزارش ہے کہ سائل کو PST 22/11/1994 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 2012ء 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 ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) 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. 731-A/2016 دائر کی جس کا فیصلہ  
03/04/2018 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 03/04/2018 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 سائل کو بمطابق فیصلہ سپریم کورٹ آف پاکستان 22/11/1994

سے 13/02/1997 اور 2012ء سے 17/12/2019 تک نوکری شامل کی جاوے۔

المرقوم: 2023 / 2574

الحکومت  
Sindh High Court  
Room 33, Jinnah Plaza, Adjacent to  
Jinnah Bldg, Abbotabad

ارض

عمار شد، PST۔۔۔۔۔۔ (سائل)

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

...APPELLANT  
Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Case No. 641  
Dated: 22/4/2019

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

Filed to - day  
Registrar  
22/4/19

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

Re-submitted to - day  
and filed.

Registrar  
3/5/19  
ATTESTED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Attested  
District Judge  
District Mansehra

Attested  
District Judge  
District Mansehra



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

P-31

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

SECRETARY  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

Distr. Secy  
Mansehra

Bar/No. 101/2019

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  
Distt. B...  
M...

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

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 Joint Bench  
 High Court of Federal Capital  
 Islamabad

ATTESTED  
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 MEMBER  
 KHYBER PAKHTUNKHWA  
 SERVICE TRIBUNAL  
 PESHAWAR

considered for the reason best known to the respondents. The respondents however, considered other similar cases just after promulgation of the Act <sup>ibid</sup> 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 <sup>was</sup> to get all service benefits. Feeling aggrieved from the judgment of this Tribunal CPLAs were filed in the Apex Court and relief of back benefits to co-employees was refused by the Apex Court too. However, Apex Court allowed counting of their service for the protected period for payment of pensionary benefits. The present appellants have a strong case as they had every right to be reinstated just after promulgation of the Act as they were having requisite qualification as prescribed in the Act. Their claim was accepted by the august High Court and reinstatement was ordered.

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

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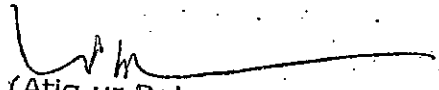
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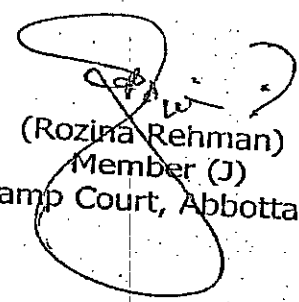
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ATTESTED  
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 Director  
 Peshawar  
 Service Tribunal  
 Peshawar

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.

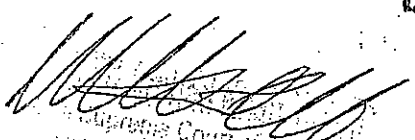
ANNOUNCED.  
18.03.2021

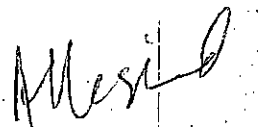
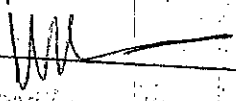
  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad

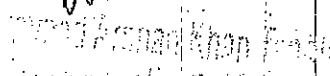
  
(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 06/4/21  
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Camp Court of Justice  
Jinnah Plaza Abbottabad

  
Camp Court of Justice  
Jinnah Plaza Abbottabad

Annex  
P. 1/2  
P. 1/2

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 12.07.2015 passed by the Khyber Pakhtunkhwa Service Tribunal Camp Court, Swat in Appeals No. 1202 and 1203 of 2013)

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

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

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

...Petitioner(s)

Versus

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

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

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

...Respondent(s)

For the Petitioner(s):

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

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

Date of Hearing:

27.03.2020.

ORDER

GULZAR AHMED, CJ - We have heard the learned

Additional Advocate General, Khyber Pakhtunkhwa appearing for the Petitioners in Civil Petitions No. 471-P and 472-P of

*[Handwritten signatures and stamps on the left margin, including 'M. Asif' and 'Barrister Qasim Wadood']*

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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 Attorney General  
 Khyber Pakhtunkhwa  
 Peshawar

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 Attorney General  
 Khyber Pakhtunkhwa  
 Peshawar

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  
ZRY

Not Approved for Reporting

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 Director General  
 Pension Administration  
 Ministry of Labour  
 Islamabad

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 Director General  
 Pension Administration  
 Ministry of Labour  
 Islamabad



کوٹ فیس

وکالت نامہ

Service Tribunal UPK Peshawar

M. Arshad vs Sherv Malik Govt of UPK etc

Appellant

Service Appeal

باعت خیرانکہ

مقدمہ متذکرہ میں اپنی طرف سے واپس پیروی و جواب دہی کی کارروائی متعلقہ آں مقام  
Muhammad Arshad Khan Tanoli, ASc of Peshawar  
M. Ibrahim Khan Adv HC Ad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کارروائی کا کمال اختیار ہوگا نیز وکیل صاحب  
موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر فراموشی کرانے اجراء  
وصولی چیک روپیہ دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور  
کی کل یا کسی جزوی کارروائی 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 ساتھ پر دستخط ہو کر منظور  
قبول ہوگا۔ دوران مقدمہ جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔  
نیز بتایا تم 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 جزد بٹایا ہو تو وکیل صاحب موصوف  
مقدمہ کی پیروی کے پابند ہوں گے۔ نیز درخواست ہمزاد تجارت نامہ بیخہ مفلسی کے دائرہ کرنے اور اس کے  
پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الموقع:

مقام:

Accepted  
M. Ibrahim Khan  
Adv HC Ad

Accepted  
M. Arshad Khan Tanoli  
Asc of Peshawar At.