


FORM OF ORDER SHEET

Court of _____

Appeal No. 1783/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/09/2023	<p>The appeal of Mr. Muhammad Arshid resubmitted today by Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal submitted by Mr. Muhammad Arshad Khan Tanoli Advocate today
be. on 16.08.2023 is incomplete on the following score which is returned to him for
completion and resubmission within 15 days.

1. Copy of termination order date 13.02.1997 of appellant mention in para 1 is not
attached with the appeal.
2. Pages no. 8 & 20 of the appeal are illegible which may be replaced with
legible/better one.

No. 3096 /S.T.

Dt. 25/08 /2023

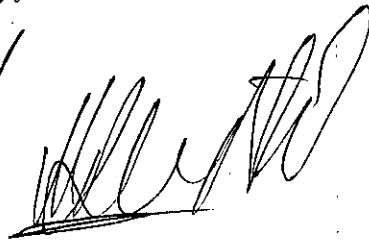


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Arshad Khan Tanoli Adv.
Supreme Court.

Sir,

objection have been removed.
as desired



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

Service Appeal No/ 783 2023

Muhammad Arshid son of Malik Aman (PST) Government Primary School
Government Primary School Mohar, resident Village Jerakh union council
Lassan Nawab Tehsil and District Mansehra.

...APPELLANT

V E R S U S

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

...RESPONDENTS

SERVICE APPEAL

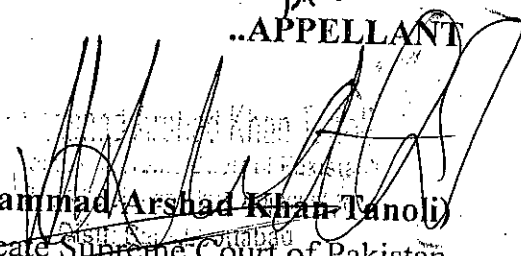
INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 7	
2.	Copy of appointment order dated 22/11/1996 and termination order dated 13/02/1997 of the appellant	8-15	"A"
3.	Copy of KP sacked employees Appointment Act 2012	16-19	"B"
4.	Copy of appointment order dated 20/06/2019 of the appellant	20-22	"C"
5.	Copy of department appeal	23	"D"
6.	Copy of judgment of KP service Tribunal and the Apex Court	24-32	"E"
7.	Wakalatnama	33	

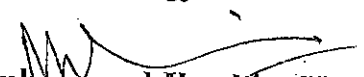

...APPELLANT

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/7832023

Muhammad Arshid son of Malik Aman (PST) Government Primary School
Government Primary School Mohar, resident Village Jerakh union council
Lassan Nawab Tehsil and District Mansehra.

....APPELLANT

V E R S U S

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

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 FOR DECLARATION
TO THE EFFECT THAT THE APPELLANT
WAS APPOINTED ON 22/11/1994 AND WAS
TERMINATED FROM SERVICE ON
13/02/1997. THEREAFTER, THE APPELLANT**

GOT APPOINTMENT AS PST ON 22/11/1996
AS PER KP SACKED EMPLOYEES
APPOINTMENT ACT 2012, BUT PREVIOUS
SERVICE W.E.F 22/11/1994 TO 13/02/1997
AND 2012 TO 20/06/2019 HAS NOT BEEN
COUNTED TOWARDS CALCULATION OF
PENSION BY THE DEPARTMENT.

PRAYER: ON ACCEPTANCE OF INSTANT
SERVICE APPEAL, THE RESPONDENTS'
DEPARTMENT MAY GRACIOUSLY BE
DIRECTED TO COUNT PREVIOUS SERVICE
W.E.F 22/11/1994 TO 13/02/1997 AND 2012 TO
20/06/2019 OF THE APPELLANT TOWARDS
CALCULATION OF PENSION AND
COMMUTATION. ANY OTHER RELIEF
WHICH THIS HONOURABLE TRIBUNAL
DEEM APPROPRIATE 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 20/06/2019 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 20/06/2019, but their previous service w.e.f 22/11/1994 to 13/02/1997 and 2012 to 20/06/2019 has not

been counted towards calculation of pension/commutation of the appellant. Copy of appointment order dated 20/06/2019 of the appellant is annexed as Annexure "C".

4. That, the appellant filed departmental appeal to respondents' 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 20/06/2019 counted towards calculation of pension and commutation. Copy of judgment of KP service Tribunal

and the Apex Court is annexed as Annexure "E".

- b. That, department was supposed to count the above mentioned period of the appellant towards calculation of pension etc on the analogy of similar and similarly placed employees.
- c. That the respondents' department 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 20/06/2019 of the appellant towards calculation of pension and commutation. Any other relief which this Honourable Tribunal deem appropriate 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 Malik Aman (PST) Government Primary School
Government Primary School Mohar, resident Village Jerakh union council
Lassan Nawab Tehsil and District Mansehra.

....APPELLANT

V E R S U S

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

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I *Muhammad Arshid son of Malik Aman (PST) Government Primary
School Government Primary School Mohar, resident Village Jerakh union
council Lassan Nawab 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

P-9

(At Serial No 74)

P.F-46
Tide-98

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

NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee the District Education Officer (Male) Primary Mansehra has been pleased to appoint the following trained P.T.C. candidates of P.F-46 (Hard Area) at the schools noted against their names in BPS-7 (Rs.1480-81-2695) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms & conditions.

S.NO	NAME, FATHER'S NAME & ADDRESS	D/O BIRTH	NO. OF MERIT	SCHOOL WHERE POSTED	REMARKS
1.	Habibur Rehman S/O Jamilur Rehman R/O Gali Badral.	20.12.69	1	GPS Chanial	Vice Mchd Bashir Not selected on merit, hence terminated
2.	Abdur Rashid S/O Abdur Razaq R/O Nambal.	06.03.75	2	GPS Serian	Vice Sher Mohd: -do-
3.	Ihsanul Haq S/O Abdul Haq R/O Choja.	02.01.74	3	GMPS Guda	Vice Nazir Mohd: -do--
4.	Dilawar Khan S/O Kachkol R/O Chakli Seri.	22.09.72	4	GPS Beerbat	Vice Dost Mohd: -do-
5.	Akhtar Nawaz S/O Khaliq Dad R/O Palsala.	03.06.77	5	GPS Akhoon Bandi	Vice Sala Khan -do-
6.	Aamir Shahzad S/O Rehmatullah R/O Shergarh.	20.09.77	6	GPS Seri Mehar Gul	Vice M.Rafique -do-
7.	Abdul Majid S/O Abdur Razaq R/O Lassen Nawab	01.04.72	7	GPS Kalor Basti	Vice M.Saddique -do-
8.	Abdul Baseer S/O Abdur Rashid R/O Beerish	01.02.77	8	GPS Kajla	Vice M.Farooq -do-
9.	Riaz Ahmad S/O Muhammad Tayyub R/O Jiggi Fayyen.	19.04.74	9	GPS Nikka Fani,	Vice Nazir Hussain -do-
10.	Muhammad Sarwar S/O Muhammad Umar R/O Bandi Gargwal.	09.12.72	10	GM.S Tareri	Vice M.Iqbal. -do-
11.	Muhammad Asif S/O Jan Muhammad R/O Jhokan.	03.02.72	11	GPS Bajna	Vice Zaman Shah -do-
12.	Muhammad Ilyas S/O Abdul Manan R/O Seri Gorla.	02.06.75	13	GPS Devel	Vice M.Saleem -do-
13.	Muhammad Miskeen S/O Yaqoob R/O Sokal.	20.08.76	14	GPS Nikka Fani	Vice M.Nazir -do-
14.	Muz Mukhtar Ahmad S/O Muhammad Maroof R/O Chakli Pansial.	02.02.76	15	GMPS Sinjliala	Vice Abdur Razaq -do-

Continued Page No.2.

Attested
Arshad Khan Talib
District Education Officer (Male)
Primary Mansehra
District Mansehra

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1.	2.	3.	4.	5.	6.
15.	Munir Ahmad S/O Abdul Aziz R/O New Darband	01.01.73	16	GMPS Batkaran Bala.	Vice Zulfiqar not selected of merit hence terminated.
16.	Shaukat Rehman S/O Attaur Rehman R/O Jabbian	20.04.78	17	GPS Bajibang	Vice Sarfaraz --do--
17.	Khan Bahader S/O Muhammad Yaqoob R/O Degri.	12.03.60	18	GPS Chakkal	Vice Khalid --do--
18.	Natur Rehman S/O Q. Maqboolur Rehman R/O Nambal.	01.03.70	19	GPS Seri Danda Kholian.	Vice Sayeen Ahmad --do--
19.	Muhammad Farooq S/O Shaukat Zaman R/O Karori Bala	15.10.78	20	GMPS Gobi	Vice M. Aslam --do--
20.	Qaiser Faqir S/O Faqir Muhammad & R/O Shergarh	02.07.77	21	GPS Beerian	Vice Haider Zaman . --do--
21.	Abdus Sattar S/O Maroof R/O Kalas	12.07.75	22	GPS Gali Badral.	Vice Saeedur Rehman --do--
23.	Khan Muhammad S/O Gulab Khan R/O Nambal.	06.04.78	24	GMPS Sharolian	Vice Muhammad Erfan --do--
24.	Mufti Nasirud Din S/O Abdul Majid R/O Tarakki.	15.7.74	25	GPS Namshera	Vice Muhammad Riaz --do--
25.	Ejaz Ahmad S/O Sher Zaman R/O Karori Bala	16.11.78	29	GPS Chakkal	Vice Muhammad Tariq. --do--
26.	Muhammad Useem S/O Abdul Malik R/O New Darband	28.04.77	30	GPS Bandi Kainth	Vice Muhammad Haroon --do--
27.	Saeedur Rehman S/O Haider Zaman R/O Gali Badral.	01.01.70	31	GPS Chairan	Vice Niaz Ali Shah --do--
28.	Manzoor Ahmad S/O Maqboolur Rehman R/O Chandore	6.3.74	32	GPS Mulhar	Vice Aftab Ahmad --do--
29.	Zulfiqar Ali S/O Ghulam Haider R/O Thathi Khurd	1.4.74	33	GPS Chansair	Vice Abdul Khaliq --do--
30.	Muhammad Arshid S/O Muhammad Ayyub R/O Seri Kander	15.1.73	34	GPS Reen Banda	Vice Sabir Hussain Shah --do--
31.	Muhammad Ishaq S/O Ghulam Qadir R/O Makhan Gali.	5.1.72	* 35	GMPS Shamal Bandi	Vice Taj Muhammad --do--
32.	Muhammad Rashid S/O Abdur Rehman R/O Khamian.	1.8.66	36	GPS Namshera	Vice Muhammad Rashid --do--
33.	Muhammad Yousuf S/O Said Rasool R/O Chamraosi	3.1.70	37	GPS Chairan	Vice Zulfiqar --do--
34.	Ali Farman S/O Haider Zaman R/O Dhair.	5.10.76	38	GPS Darco	Vice Habibur Rehman --do--

Continued Page No. 3.

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Government of Punjab, Pakistan

 1978

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2.	3.	4.	5.	6.	
35. Muhammad Farvez S/O Muhammad Akbar R/O Kala Mera	11.5.72	39	GFS Chamial	Vice Ghulam Mustafa	not selected on merit, hence terminated.
36. Alam Zeb S/O Khani Zaman R/O Pepliala.	19.12.73	40	GFS Makhiala	Vice Muhammad Farman	--do--
37. Muhammad Anwar S/O Abdur Rasool R/O Chamrasi	1.6.72	41	GFS Kochatti	Vice Altaf Hussain.	--do--
38. Abdul Wahid S/O Kaloo Khan R/O Sinjliala	14.4.71	42	GFS Ghamian Seri	Vice Muhammad Imran	--do--
39. Ali Jan S/O Muhammad Miskeen R/O Moorat Mera.	3.1.73	43	GFS Nikka Rand	Vice Kala Khan	--do--
40. Waheed Akhtar S/O Khaqan Ahmad R/O Jhangri	3.5.77	44	GFS Moh	Vice Ajmal Khan	--do--
41. Khalid Hamid S/O Wali Muhammad R/O Shakooki.	22.10.77	45	GFS Ghamian Seri	Vice Muhammad Parvez	--do--
42. Azizur Rehman S/O Abdul Hanan R/O Chohian.	6.9.75	46	GFS Moh	Vice Makhan Khan	--do--
43. Ubaidullah Shah Tahir Farman Shah R/O Timber	25.2.72	47	GMFS Nera Darband	Vice Muhammad Irfan	--do--
44. Niaz Muhammad S/O Khan Bahader R/O Chakli Mansial	20.6.76	48	GMFS Fogori	Vice Abdul Majid	--do--
45. Shafiqur Rehman S/O Mir Zaman R/O Gali Sadral	05.04.73	49	GFS Jiggi	Vice Muhammad Saleem	--do--
46. Shakil Ahmad S/O Abdul Qayyum R/O Moorat Mera	25.6.77	50	GFS Jara Bala	Vice Muhammad Bashir	--do--
47. Muhammad Saleem S/O Mir Zaman R/O Dhair.	10.12.76	51	GFS Sai Bala	Vice Muhammad Anwar	--do--
48. Muhammad Khalid S/O N Taj Muhammad R/O Bac Bohal.	8.6.76	52	GFS Chhamb	Vice Muhammad Tariq	--do--
49. Muhammad Tayyub S/O M. Wasir Rehman R/O Bandi Gulloo.	4.4.73	54	GFS Neelbatla	Vice Muhammad Hanif	--do--
50. Muhammad Riaz S/O Abdul Qayyum R/O Namshera	1.4.74	55	GFS Dokal	Vice Sana Ullah.	--do--
Abdul Hamid S/O Molvi Abdul Aziz R/O Rankote	15.4.75	56	GFS Seri Mehar Gul	Vice Abdur Ra hid	--do--
2. Khan Muhammad S/O Gul Zaman R/O Bai Bohal	20.6.73	57	GFS Seri Malwal	Vice Fida Muhammad	--do--
Muhammad Arshid S/O Pir Khan R/O Moosli Mera.	25.2.76	58	GFS Jara Bala	Vice Muhammad Saddique.	--do--

Continued. Page No. 4.

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GOVERNMENT OF PUNJAB
 DEPARTMENT OF AGRICULTURE
 FERTILIZER & PESTICIDES CONTROL BOARD
 LAHORE

	3	4	5	6	
	Shahzad Khan S/O Kalsoo Malik r/o Seri Jand.	1-4-74	59	GFS Seri	Balolian vice Shansur-rehman not selected on merit hence terminated. --do--
55.	Muhammad Javid S/O Muhammad Miskeen r/o Danda Kholian	1-4-78	61	GFS Kangali	(vice Muhd: Ershad) --do--
56.	Muhammad Javed S/O Muhammad Saadique R/O Jand.	1.1.75	62	GFS Ghazikote Chamberi	Vice Muhammad Younis --do--
57.	Asif Shehzad S/O Kala Khan R/O Lohar Gran.	26.2.73	63	GFS Seri Malwal	Vice Muhammad Javed --do--
58.	Jehangir Khan S/O Ghulam Qadir R/O Chohian	3.1.75	66	GFS Dokal	vice Muhammad Younis --do--
59.	Alam Zeb S/O Haider Zaman R/O Salaha.	1-1-77	67	GMS Shoshni	Vice Liaqat Khan --do--
60.	S. Waqar Shah S/O S. Suleman Shah R/O Mundgran	11.5.78	68	GFS Thakra.	Vice Fakhrud Din --do--
61.	Badrud Zaman S/O Ghulam Haider R/O Namshera	13.12.72	69	GFS Manjehani	Vice Muhammad Aslam --do--
62.	Muhammad Hanif S/O Muhammad Maroof R/O Dhair	10.4.73	70	GFS Kander.	Vice Faridud Din --do--
63.	Muhammad Aslam S/O Muhammad Yousuf R/O Phulra.	10.10.72	71	GFS Ahl	Vice Muhammad Yousuf --do--
64.	Muhammad Nazir S/O Sli Zaman R/O Bandi Badhal.	1.12.72	72	GMS Deedal	Vice Chirya Khan --do--
65.	Sher Muhammad S/O Ali Zaman R/O Hallan.	4.8.75	73	GFS Sehra Gali	Vice Abdus Sattar --do--
65.	Kala Khan S/O Khawas Khan R/O Mera	15.9.71	74	GFS Haryala	Vice Sher Muhammad --do--
67.	Muhammad Ejaz S/O Sardar Muhammad R/O Changer	4.4.76	75	GFS Gojra	Vice Muhammad Fiaz --do--
68.	Muhammad Intiaz S/O Nawab Khan R/O Jisgran	6.12.76	76	GFS Gojra	Vice Abdul Wheed --do--
69.	Sanaullah S/O Mehd Khitab. R/O Ghazikote.	2.2.69	77	GFS Paway	Vice Zulfiqar Ali --do--
70.	Zulfiqar Ali S/O Ghulam Haider R/O Tareri	14.3.76	78	GFS Pangori	Vice Alam Zeb --do--
71.	Muhammad Kaleem S/O Muhammad Nazafar Khan Kashmir Pani.	23.3.74	79	GFS Miana Gali	Vice Muhammad Fiaz --do--

(CONTINUED PAGE NO. 5.)

Attested
 District Court of Pakistan
 District Court of Pakistan
 District Court of Pakistan

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2.	3.	4.	5.	6.
272. Abdul Malik S/O Abdur Rehman R/O Ghar Sala	12.5.74	80	GFS Darra Bala	Vice Khan Mohd not selected on merit hence terminated.
73. Mujibur Rehman S/O Sikander R/O Bzga Garwal.	10.1.70	81	GFS Ambar Mera	Vice Abdul Khanan --do--
74. Mukhtar S/O Firdos R/O Tarappi	10.11.76	82	GFS Ichria Sarran	Vice Mohammad Ishtiaq --do--
75. Abdul Hafiz S/O Azizur Rehman R/O Bandi Khan Khel.	2.10.74	83	GMFS K Jurian	Vice Muhammad Asad --do--
76. Muhammad Arshid S/O Sabir Zaman R/O Tarappi	1.4.76	86	GFS Chakli Ilyas	Vice Muhammad Ilyas --do--
77. Muhammad Younis S/O Haider Zaman R/O Chamial Fain	12.4.64	87	GFS Dhaman Nallah	Vice Shahzada --do--
78. Muhammad Irshad S/O Miskeen R/O Narotra Mera	3.4.71	88	GFS Khori	Vice Manzoor Ahmad --do--
79. Muhammad Riaz S/O Khawaj Muhammad R/O Banda	23.3.74	89	GFS Mundgran	Vice Muhammad Ejaz --do--
80. Muhammad Khalid S/O Nawab Khan R/O Falsala.	10.2.76	90	GFS Singliala	Vice Kala Khan --do--
81. Muhammad Fiaz S/O Muhammad Umar R/O Bandi Kargwal	9.1.73	91	GFS Singlian	Vice Muhammad Ayub --do--
82. Ali Farman S/O Muhammad Ayub R/O Khorian	15.1.66	92	GFS Karlakkian.	Vice Jehangir --do--
83. Jamil Hussain Shah S/O Bashir Hussain Shah R/O Selaya Syedan.	20.4.73	93	GMFS Khalliala	Vice Muhammad Khalid --do--
84. Muhammad Nazir S/O Muhammad Yaqoob Shakooki	18.2.76	94	GMFS Singal Bandi	Vice Muhammad Seed --do--
85. Muhammad Safeer S/O Gulab Khan R/O Jisgran Sala/	2.4.72	95	GMFS Nikani	Vice Nasem Kosar --do--
86. Chan Zeb S/O Sher Zaman R/O Tareri.	02.2.78	97	GFS Singliala	Vice Muhammad Sarwar. --do--
87. Muhammad Ashfaq S/O Ahmad Zaman R/O Thathi Khurd	2.3.74	98	GMFS Seri Gali.	Vice Muhammad Sultan --do--
88. Ali Munsif S/O E Ali Zaman R/O Doga.	6.8.70	99	GFS Thakar Mera	Vice Muhammad Sajid --do--
89. Muhammad Hanif S/O Abdullah R/O Pathani Seri.	4.4.73	100	GFS Karka Syedan	Vice Muhammad Sabir --do--
90. Muhammad Saddique S/O Ali Zaman R/O Karka.	6.5.67	101	GFS Janda	Vice Muhammad Sarfaraz--do--
91. Muhammad Tayyub S/O Abdul Aziz R/O Dai Behel.	12.12.76	102	GFS Parkhayan	Vice Abid Hussain --do--

(Continued Page No. 6.)

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 The District Court of Pakistana
 District of Jhang District of Pakistana
 Jang Bar & Bhattas

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(Page No.6.)

1.	2.	3.	4.	5.	6.
91.	Abdur Razaq S/O Noorur Rehman R/O Kutehra.	7.2.75	103	GFS Chammat	Vice Muhammad Gulab not selected on merit hence terminated. --do--
92.	Wahsed Murad S/O Muhammad Imran R/O Thaker Mera.	5.3.79	104	GPS Chountran	Vice Lal Khan --do--
93.	Zareen Ahtar S/O Sultan Muhammad R/O Dhair.	7.5.71	105	GMIS Takia Shah Miskeen.	Vice Muhammad Ali --do--
94.	Khan Bahader S/O Muhammad Yousuf R/O Thathi Khurd.	15.10.71	106	GMPS Shah Kcte	Vice Muhammad Saddique --do--
95.	Ali Asghar S/O Fazalur Rehman R/O Tarappi	3.2.71	107	GPS Kotehra	Vice Muhammad Haroon --do--
96.	Manzoor Ahmad S/O Muhammad Yaqcob R/O Namshera.	17.3.71	108	GPS Terhinnah Village.	Vice Zulfiqar ---do---
97.	Attiq Ahmad Shah S/O S/Karin Haider Shah R/O Chakriali	25.5.74	03	GPS Kali Geeti	X Against Vacant post. Dis-able. quota.
98.	Muhammad Saeed S/O Abdul Majeed R/O More Baffa Kalan	20.3.71	05	GPS Kaloo Basti	Against Vacant Post Disable quota.

TERMS & CONDITIONS.

1. They will governed by such rules & regulations as may be prescribed by the Govt: from time to time for the category of the Govt: servant to which they belong.
2. Their services will be liable to termination on one month notice from either side. In case of resignation without notice, one month pay will be forfeited from ~~xxxxxx~~ in lieu thereof.
3. They should join the post within one month of the issue of this notification.
4. Their inter-seniority will be determined in accordance with the merit of departmental selection committee.
5. Charge reports should be submitted to all concerned.
6. They will be on probation for a period of two years and will have to pass the departmental examination. In case a candidate fails to qualify the departmental examination, he will be given one more chance. If he fails again, then his services will be terminated. On arrival/availability of trained teachers, the services of untrained teachers shall be terminated.
7. The original certificates/degree should be checked and verified from the concerned University/BISE/IDE and Islamic Madrassas ~~xxx~~ before handing over the charge.
8. Service books of the teachers must be prepared complete in all respect before handing over the charge.
9. The declaration of assets should be obtained from them immediately and placed on record.
10. They are required to produce health and age certificate from the medical authority concerned before handing over the charge.
11. Charge should not be given to over age candidates unless their cases for age relaxation are sent to the quarters concerned.

(Continued Page No.7.)

Attested
 Muhammad Khan
 District Court of Pakistan
 13 Jinnah Plaza Adjacent to
 Dist. Bar Abbottabad

26/6

M. M. M.
 Director Primary Education, D.E.O. (Male) Manshehra.
 District Education Officer (Male) Manshehra.

M. M. M.
 District Education Officer (Male) Manshehra.
 26/6

1. Director Primary Education, D.E.O. (Male) Manshehra.
2. Sub Divisional Education Officer (Male) Manshehra.
3. District Account Officer Manshehra.
4. All the candidates concerned.
5. Office Order File.

Copy forwarded for information to the:-

Encls: No. 1508-1609 / G.B/G-I/1997
 Dated Manshehra the 26/6/1997.
 (MUHAMMAD SARWAR AHAN) 26/6
 DISTRICT EDUCATION OFFICER, (MALE) PRIMARY MANSHEHRA.

NOTE:- Complete information of appointees in consolidated lists on the prescribed proforma (attached along with charge reports) be submitted by the lower offices to the Director Primary Education/D.E.O (Male) Primary Manshehra within a week positively.

12. Efforts for transfer before the completion the tenure will dis-qualify him from service.
13. No 1st/2nd is allowed.
14. An under taken shall be obtain from Master & degree holders etc that they will serve the department for at least five years while they are selected by the public service commission for any post.
15. In case of person appointed as an untrained teacher, he will have to pass the requisite training examination within a period of four years failing which his services will be terminated.

Annex-B

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P/11
GAZETTE

P-16

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 20TH SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

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

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

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

AN
ACT

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

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

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

[Handwritten signatures and stamps]
Minister for Provincial Government
Khyber Pakhtunkhwa
Jinnah Plaza, Peshawar
District: Peshawar

[Handwritten 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 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

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

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

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

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

(d) "Prescribed" means prescribed by rules;

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

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

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

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

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

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

Attested
By *[Signature]*
Secretary
Finance Department
Government of Khyber Pakhtunkhwa
District Bar, Abbottabad

[Signature]

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

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

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

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

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

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

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

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

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

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

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

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

Attested
Justice (Retd) Iftikhar Ahmad
Chief Justice
Supreme Court of Pakistan
10th Floor, Plaza Adjacent to
District Court, Abbottabad

[Signature]
Justice (Retd) Iftikhar Ahmad
Chief Justice
Supreme Court of Pakistan
10th Floor, Plaza Adjacent to
District Court, Abbottabad

1431 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

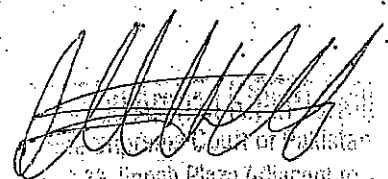
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

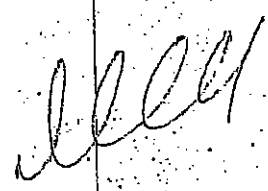
(AMANULLAH)

Secretary

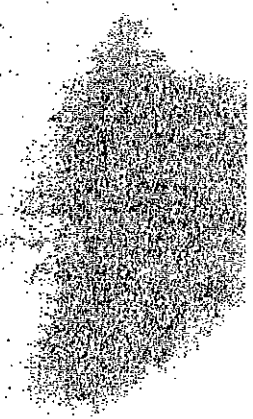
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Saly. & Ptg. Dept., Khyber Pakhtunkhwa, Peshawar.


The Provincial Assembly of Khyber Pakhtunkhwa
23 Jinnah Plaza Adjacent to
District Bar, Abbottabad.



Attested
The Provincial Assembly of Khyber Pakhtunkhwa
23 Jinnah Plaza Adjacent to
District Bar, Abbottabad.



Annex C

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

S.No 27

P. 20

APPOINTMENT

In pursuance of Ministry Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-2018, 03-04-2018 & 07-03-2019 in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 115-A/2014, and orders of Honorable High Court in COC No. 22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, COC 14/2019, and recommendation of the Departmental Selection Committee the appointment of the following candidates are hereby ordered against the vacant post of PRIMARY SCHOOL TEACHER (PST) BPS-12 (Rs.13320-960-12120) 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. No, Name, Father's Name, Date of Birth, District, Permanent Address, Place posting, Remark. Contains 22 entries of candidates for Primary School Teacher (PST) BPS-12 positions in Mansehra district.

Handwritten signature and stamp of the District Education Officer (Male) Mansehra, dated 20/6/19.

Handwritten signature and stamp of Khalid Mahmood, BPS-16, SST, G.H.S Lissan Nawab Mansehra.

23.	SIYAMS UR REHMAN	MUHAMMAD ZAMAN	26-12-1974	MANSEHRA	VILLAGE & P/O MORAT MAIRA TEHSIL & DISTRICT MANSEHRA	GPS MOORAT MAIRA	AGAINST VACANT POST
24.	MUHAMMAD SAEED	MUHAMMAD ISRAEEL	01-07-1975	MANSEHRA	VILLAGE KALAS P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS CHOJA	AGAINST VACANT POST
25.	M ARSHID	SHER MUHAMMAD	03-02-1975	MANSEHRA	VILLAGE & P/O SEHAKI DALA TEHSIL & DISTRICT MANSEHRA.	GPS SEHAKI DALA	AGAINST VACANT POST
26.	ZULFIQAR ALI	MUHAMMAD FAROOQ	03-07-1975	MANSEHRA	VILLAGE MAWAN SHER P/O PERHINNA TEHSIL & DISTRICT MANSEHRA	GPS PHALKOTE	AGAINST VACANT POST
27.	KALAKHIAN	ALI ZAMAN	10-03-1975	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 NAWAB DALA 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 UGHI DISTRICT MANSEHRA	GPS GIDDO DAGLA	AGAINST VACANT POST
30.	SYED MUHAMMAD ZAFFAR SHAH	SYED SHAH ZAMAN SHAH	15-02-1976	MANSEHRA	VILLAGE CHOONTIAN P/O PARAS TEHSIL BULANDI DISTRICT MANSEHRA	GPS BAILA PARAS	AGAINST VACANT POST
31.	MUHAMMAD AZAM	KHAWAJ MUHAMMAD	17-04-1976	MANSEHRA	VILLAGE KHILIAN AERAN PERHINNA TEHSIL & DISTRICT MANSEHRA	GPS HARYALA	AGAINST VACANT POST
32.	SHAKEEL AHMED	M AYUB	05-04-1976	MANSEHRA	VILLAGE KALWAL P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA.	GPS TARMANG	AGAINST VACANT POST
33.	SYED PEER ALI SHAH	SYED FARHAN SHAH	29-08-1976	MANSEHRA	VILLAGE DEVI POST OFFICE PIULRA TEHSIL & DISTRICT MANSEHRA	GPS KAMAR MAH	AGAINST VACANT POST
34.	DEHSHAT KHAN	HAFI FAREED KHAN	10-03-1977	MANSEHRA	VILLAGE CHATTAR PLAIN TEHSIL BAFFA DISTRICT MANSEHRA	GPS DHIRI SHARKOOL	AGAINST VACANT POST
35.	MUHAMMAD IHJAZ	KHAN 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/documents 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) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 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 agencies for further action.
8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
10. The Principal / Headmaster School concern is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.
11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Mansehra before taking over charge.
13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
14. Their services shall be terminated at any time in case his performance is found unsatisfactory during their probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
15. In case of having less qualification which ever is prescribed Academic BA for PST as well as classical certificate as profession the candidate must attain prescribed qualification for his post i.e. Academic & Professional within 3

M. Shad Khan Tanoli
 District Court of Pakistan
 Room No. 33 Jinnah Plaza Adjacent to
 District Bar Abbottabad

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

[Signature]
 DISTRICT EDUCATION OFFICER,
 (MALE)MANSEHRA

Encls: No. 1038-46 /PST/Sacked Appvt./2019 Dated Manshara 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 Manshara.
5. District Monitoring Officer Manshara.
6. All SDEO(Male) in District Manshara
7. Budget & Account Officer Local Office.
8. Officials Concerned.
9. Office Order File

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

Attested
at SRO 27

Attested
 District Bar Abbottabad

[Signature]
 Khalid Mehmood
 BPS-16
 G.N.S Layan Nowah Manshara

APPOINTMENT

P-2

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, 27-03-2018, 03-04-2018 & 07-03-2019 in W/P No 516-A/2011, 576-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, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, COC 14/2019, and recommendation of the Departmental Selection Committee the appointment of the following candidates are hereby ordered against the vacant post of **PRIMARY SCHOOL TEACHER (PST) BPS-12 (Rs.13320-960-42120)** plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

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


(Signature)
Office # 23 Jinnah Plaza Adjacent to
Distt. Office Abbottabad

P-287

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 SAEED	MUHAMMAD ISRAEEL	01-07-1975	MANSEHRA	VILLAGE KALAS P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS CHOJA	AGAINST VACANT POST
25.	M ARSHID	SHER MUHAMMAD	03-02-1975	MANSEHRA	VILLAGE & P/O SEHAKI BALA TEHSIL & DISTRICT MANSEHRA	GPS SEHAKI BALA	AGAINST VACANT POST
26.	ZULFIQAR ALI	MUHAMMAD FAROOQ	03-07-1975	MANSEHRA	VILLAGE NAWAN SHER P/O PERHINNA TEHSIL & DISTRICT MANSEHRA	GPS PHALKOTE	AGAINST VACANT POST
27.	KALA KHAN	ALI ZAMAN	18-03-1975	MANSEHRA	VILLAGE KARHI SALAMIA P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS BANDI GULO NO.2	AGAINST VACANT POST
28.	RUSTAM	GOHER AMAN	05-01-1975	MANSEHRA	VILLAGE KALAS RACHARI P/O NAWAZABAD TEHSIL BAFFA DISTRICT MANSEHRA	GPS ANDRASI	AGAINST VACANT POST
29.	TAJ MUHAMMAD	SHER DIL	20-07-1975	MANSEHRA	VILLAGE CHAKLI PANSIAL P/O NEW DARBAND TEHSIL OCHI DISTRICT MANSEHRA	GPS GIDDO BAGLA	AGAINST VACANT POST
30.	SYED MUHAMMAD ZAFFAR SHAH	SYED SHAH ZAMAN SHAH	15-02-1976	MANSEHRA	VILLAGE CHOONTIAN P/O PARAS TEHSIL BALAKOT DISTRICT MANSEHRA	GPS BAILA PARAS	AGAINST VACANT POST
31.	MUHAMMAD AZAM	KHUWAJ MUHAMMAD	17-04-1976	MANSEHRA	VILLAGE KHALIAN AERAN PERHINNA TEHSIL & DISTRICT MANSEHRA	GPS HARYALA	AGAINST VACANT POST
32.	SHAKIB AHMED	MAYMUN	05-04-1976	MANSEHRA	VILLAGE KALWAL P/O LASSAN NAWAB TEHSIL & DISTRICT MANSEHRA	GPS FARMANG	AGAINST VACANT POST
33.	SYED PEER ALI SHAH	SYED FARMAN SHAH	29-08-1976	MANSEHRA	VILLAGE DEVL I POST OFFICE PHULRA TEHSIL & DISTRICT MANSEHRA	GPS KAMAR MARI	AGAINST VACANT POST
34.	DEHSIAT KHAN	HAFI FAREED KHAN	10-03-1977	MANSEHRA	VILLAGE CHATTAR PLAIN TEHSIL BAFFA DISTRICT MANSEHRA	GPS DHIRI SHAUKOOL	AGAINST VACANT POST
35.	MUHAMMAD EHIAZ	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.


 Arshad Khan
 Supreme Court of Pakistan
 # 33 Jinnah Plaza Adjacent to
 Distt: Faisalabad

خدمت جناب ڈائریکٹر ایجوکیشن ایڈ سیکنڈری ایجوکیشن پشاور

P-23

اپیل برادر کاؤنٹ کیے جانے Protected پیروی تحت 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 برطبق 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 2012ء سے نوکری کا حق رکھتا تھا اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو ڈیمینیشن کی تاریخ سے بحال کیا۔

لہذا استدعا ہے کہ سائل کو برطبق فیصلہ سپریم کورٹ آف پاکستان 22/11/1994

سے 13/02/1997 اور 2012ء سے 20/06/2019 تک نوکری شامل کی جاوے۔

المرقوم: 2023/ 2574

محمد ارشد
District: Bahawalpur
Dist: Bahawalpur

ارضی

محمد ارشد، PST (سائل)

Arshad

Annex-E



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

P-24

Service Appeal No. 572/2019

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

...APPELLANT

Khyber Pakhtunkhwa Service Tribunal

VERSUS

Story No. 641

Dated 27/4/2019

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
3/5/19

Re-sited to-day
and filed.

Registrar
3/5/19

ATTESTED

Signature of Registrar

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

Signature of Respondent 1

Attested
Signature of Registrar

P-25 P-20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 572/2019



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

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

(Appellant)

VERSUS

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

(Respondents)

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

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

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

JUDGMENT

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

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

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested

Assistant Advocate General
Peshawar

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
District Judge
Abbotabad

ATTESTED
EXAMINER
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PUNJAB

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

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

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

Attested
 Justice (Retd) M. Iqbal
 Additional Judge
 High Court of Khyber Pakhtunkhwa
 Abbottabad

[Signature]
 Justice (Retd) M. Iqbal
 Additional Judge
 High Court of Khyber Pakhtunkhwa
 Abbottabad

ATTESTED
[Signature]
 MEMBER
 KHYBER PAKHTUNKHWA
 SERVICE TRIBUNAL
 PASTORAL

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

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

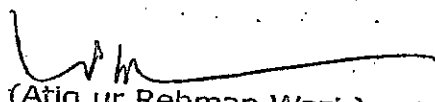
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 Peshawar High Court
 Peshawar

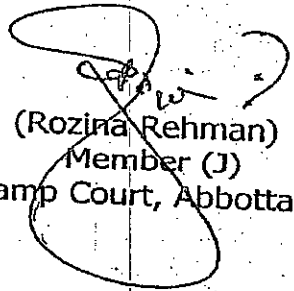
ATTESTED

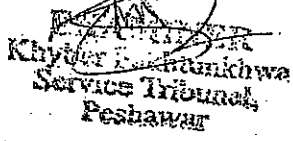
 Director
 Peshawar High Court
 Peshawar

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.

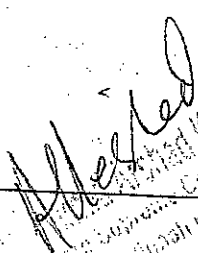
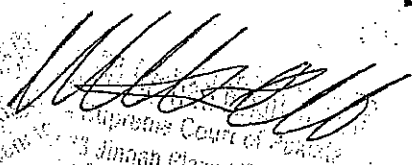
ANNOUNCED.
18.03.2021


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


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

Certified to be true copy

Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

Date of Presentation of Application 06/4/21
 Number of Words 2000
 Copying Fee 20/-
 Urgent
 Total 20/-
 Name of Copyist
 Date of Completion of Copy 06/4/21
 Date of Delivery of Copy 06/4/21



Khyber Pakhtunkhwa
Services Tribunal,
Camp Court, Abbottabad

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Amir
P. 468
A. 17

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

CIVIL PETITIONS NO. 468-P, 469-P, 471-P & 472-P OF 2016.

(Against the judgment dated 12.07.2016 passed by the Khyber Pakhtunkhwa Service Tribunal Camp Court, Swat in Appeals No. 1202 and 1203 of 2013)

Muhammad Sheryar.
(in 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

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Supreme Court of Pakistan
Islamabad

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P-108

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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 P-103
 P-108
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P-39

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

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

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

ISLAMABAD.

27.03.2020

ZR/A

Not Approved for Reporting

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Justice (Retired) Khuram
 Supreme Court of Pakistan
 22 Jinnah Plaza Adjacent to
 District Bar Abbottabad

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 Justice (Retired) Khuram
 Supreme Court of Pakistan
 22 Jinnah Plaza Adjacent to
 District Bar Abbottabad

کورٹ فیس

وکالت نامہ

Service Tribunal KPK Peshawar

M. Arshad Yousaf Malik Aman Gov of KPK etc

Appellant

ترجمت مقدمہ

باعث تحریر آنگہ

مقدمہ مندرجہ میں اپنی طرف سے وائس چیئرمین اور جوائنٹ سیکرٹری جنرل کارروائی سبکدوشی کے لئے
Ad M. Arshad Khan Tanoli ASC of Pak at

M. Ibrahim Khan Adv HC at

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے کی راضی نامہ و تقریر ثالث و فیصلہ بر عطف و دہے اقبال و جوائنٹ اور لاء صورت و دیگر ڈگری کرانے اجراء

و وصولی چیک روپیہ و عرضی و کوئی کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور لاء صورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقریر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساتھ پر داخلہ مجھ کو منظور

قبول ہوگا و در ان مقدمہ جو فرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے تحت وکیل صاحب ہوں گے

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشگی تمام و در پر ہو یا جس سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ بیرونی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو لفظاً ہو تو وکیل صاحب موصوف

مقدمہ کی بیرونی کے پابند ہوں گے۔ نیز درخواست براد استیانت پائس یعنی طلبہ کے دائرہ کے اور اس کے

بیرونی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ مشورہ ہے۔

الرقوم

Abbotabad

Accepted

M. Ibrahim Khan Adv HC at

Accepted

M. Arshad Khan Tanoli ASC of Pakistan at