

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 1801/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/09/2023	<p>The appeal of Mr. Amir Ali Shah 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</p> <p> REGISTRAR</p>

The appeal submitted by Mr. Muhammad Arshad Khan Tanoli Advocate today i.e. 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 26.06.1997 of appellant mention in para 1 is not attached with the appeal.
2. Pages no. 8 & 9 of the appeal are illegible which may be replaced with legible/better one.
3. Appeal has not been flagged / marked with annexures marks.

No. 3097 /S.T,

Dt. 25/08 /2023

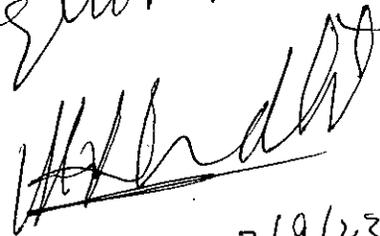


REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arshad Khan Tanoli Adv.  
Supreme Court.

Sir

objection removed  
as required



02/9/23 2/9/23



Due to earthquake 2005 Appellant house was demolished / Destroyed due to which the termination order is not available with the Appellant. Some of required documents are missing from the Appellant.



07/9/2023

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

Service Appeal No. 1801 2023

Guddo Naheed, DM, Government Girls High School Shamdhera, District  
Manshara.

...APPELLANT

VERSUS

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

...RESPONDENTS

**SERVICE APPEAL**

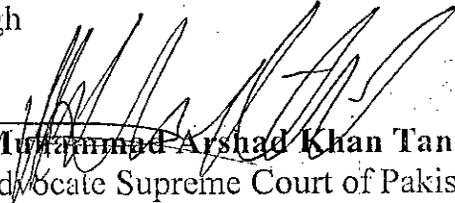
**INDEX**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 7	
2.	Copy of appointment order dated 11.06.1995 and termination order dated 26.06.1997 of the appellant	8-10	"A"
3.	Copy of KP sacked employees Appointment Act 2012	11-14	"B"
4.	Copy of appointment order dated 11.05.2017 of the appellant	15	"C"
5.	Copy of department appeal	16	"D"
6.	Copy of judgment of KP service Tribunal and the Apex Court	17-25	"E"
7.	Wakalatnama		

9/11/23  
...APPELLANT

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

Through

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

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

Service Appeal No. 1801 2023

Guddo Naheed, DM, Government Girls High School Shamdhara, 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 (Female) 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 11.06.1995 AND WAS  
TERMINATED FROM SERVICE ON**

26.06.1997. THEREAFTER, THE APPELLANT GOT APPOINTMENT AS PST ON 15.11.2017, AS PER KP SACKED EMPLOYEES APPOINTMENT ACT 2012, BUT PREVIOUS SERVICE W.E.F 11.06.1995 TO 26.06.1997 AND 2012 TO 11.05.2017 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 11.06.1995 TO 26.06.1997 AND 2012 TO 11.05.2017 OF THE APPELLANT TOWARDS CALCULATION OF PENSION AND COMMUTATION.

---

---

Respectfully Sheweth;-

The facts forming the background of the instant service appeal are arrayed as under;

1. That the appellant got appointment in the respondents' department on 11.06.1995 and her service was terminated on 26.06.1997. Copy of appointment order dated 11.05.1995 and termination order dated 26.06.1997 of the appellant is annexed as Annexure "A".
  
2. That, the Khyber Pakhtunkhwa announced KP Sacked Employees appointment Act 2012, wherein, the employees appointed in the year 1993-94 and was terminated in the year 1997-98 were to be re-instated in service. Copy of KP sacked employees Appointment Act 2012 is annexed as Annexure "B".
  
3. That, as per KP Sacked Employees appointment Act 2012, the appellant was appointment PST on the 15.11.2017, but their previous service w.e.f 11.06.1995 to 26.06.1997 and 2012 to 11.05.2017 has not been counted towards calculation of pension/commutation of the appellant. Copy of

appointment order dated 15.11.2017 of the appellant is annexed as Annexure "C".

4. That, the appellant filed departmental appeal to respondents' department but of no avail. Copy of department appeal is annexed as Annexure "D". Hence, the instant service appeal is filed inter-alia on the following grounds.

**GROUND:-**

- a. That as per judgment of service tribunal as well as of the Apex Court protected period of service has been declared to be counted towards calculation of pension/commutation of the sacked employees. Therefore, the appellant is entitled to have the period w.e.f 11.06.1995 to 26.06.1997 AND 2012 to 11.05.2017 counted towards calculation of pension and commutation. Copy of judgment of KP service Tribunal and the Apex Court is annexed as Annexure "E".

b. That, department was supposed to count the above mentioned period of the appellant towards calculation of pension etc on the analogy of similar and similarly placed employees.

c. That the respondents' department is supposed to have one yard stick while dealing with the employees who are similarly placed. Besides, once a point of law is decided by the Superior Courts that must be made applicable to all the employees who are similarly placed and no discrimination may be made out.

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

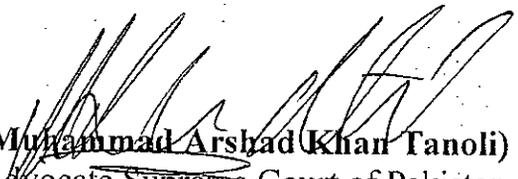
It is therefore, very humbly prayed, that on acceptance of instant service appeal, the respondents' department may graciously be directed to count previous service w.e.f 11.05.1995 to 26.06.1997 and 2012 to 11.05.2017 of the appellant towards calculation of pension and commutation.



..APPELLANT

Through;

Dated; \_\_\_\_\_/2023



(Muhammad Arshad Khan Tanoli)  
Advocate Supreme Court of Pakistan

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

Service Appeal No. 2022

Guddo Naheed, DM, Government Girls High School Shamdhera, District  
Mansehra.

....APPELLANT

**V E R S U S**

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

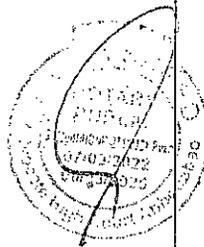
...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, *Guddo Naheed, DM, Government Girls High School Shamdhera, 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.

*GNH*  
**DEPONENT**



*15/08/23*

OFFICE ORDER NO: AE-VII  
DATED 11/6/95

*Annex-A*

*P-8*

**APPOINTMENT:-**

The following appointment of DM (E) candidates are hereby ordered on DM post as noted against each in KPS-3 (No.1605-1/1/90) and DPS-14 (No.2065-161-4/89) in case of trd:/BA.B. Sc with 2nd Div. + usual allowances as admissible under the rules on the following terms and conditions:-

No.	Name of candidate with qualification & address.	School where appointed.	Remarks.
	<b>GUDDO NAHEED D/O</b> Mohammad Zaman, FA Village and post office Balakote Distt:Mansehra.	<b>GGHS Kaghan</b> Mansehra.	Against vacant DM. post.

**CONDITIONS:-**

- The appointments are purely on temporary basis and liable to termination at any time without notice or assigning reasons.
- They should produce their age and health certificate from the concerned Medical Superintendent.
- The Head of Institutions/Office are required to check all the original Educational Qualification/Professional Certificates before handing over charge.
- The newly appointed Head of Institution/Office are required to get verify their academic certificate from Board/University concerned.
- Appointment of trained candidates who passed their Professional Exam from other than NWFP, is provisional & subject to the verification of certificate.
- In case they wish to resign from service/post they will have to give one month's prior notice or forfeit one month's pay in lieu of short notice.
- The appointment shall stand automatically cancelled if they failed to join the post within 15 days of the issue of this order.
- Special relaxation of upper age limit for 2 yrs has already been allowed vide Govt. of NWFP, S&GD letter No:303-III(S&GD)D(4)04, dated 18.7.1994.
- They should not be handed over charge if their age exceed . years or below 15 years.
- No TA/DA is allowed on 1st appointment.
- Charge reports should be sent to all concerned.

(HAJE SAFRAZ KHAN)  
DEPT. DIRECTOR OF EDUCATION(S)  
HAZARA DIVISION, ABBOTTABAD.  
Dated 11-6/95

No: 13587-93 /AE-VII. /Apptt: DM (E)

- Copy of the above is forwarded to the:-
- P/S to Minister for Education(S/C) NWFP, Peshawar.
- P/S to Minister for
- Director Secy: Education, NWFP, Peshawar.
- District Education Officer (Male/Female) /Abad, Mansehra, Haripur & Kohistan.
- Principal, Headmaster, Headmistress, GIS/ GMS/ GMS GGHS Kaghan
- District Accounts Officer, /Abad, Mansehra, Haripur & Kohistan.
- Candidate concerned. (8) A.D.E.O. (E) Local Office. (9) P/S to DDE(S) Hazara.
- Office order file.

For/Divl: Director of Edu: (S)  
Hazara Division, Abbottabad.

**OFFICE OF THE DIRECTOR OF EDUCATION (S) HAZARA**  
**DIVISION ABBOTTABAD**

Office Order No. 65 \_\_\_\_\_  
Dated Abbottabad 11/06/2005

**APPOINTMENT:**

The Following appointment of DM (R) candidate are hereby ordered DM post as note against each in BPS-3 (No. 1605-01-1995) and BPS-14 Rs 2065-161-1460) in case of trd: / BA. B. Sc with 2<sup>nd</sup> Division + allowances as admissible under the rules on the following terms and conditions:-

S.No.	Name of candidate with Justification & address.	School where Appointed.	Remarks.
	GUDDO Naheem D/O Mohammad Zaman FA Village and post officer Balakote District Mansehra	GGHS Kaghan Mansehra	Against vacant DM Post.

**Conditions:-**

The appointments are purely on temporarily basis and liable to termination at any time without notice or assigning reasons.

They should produce their age and health certificate form the concerned Medical Superintendent.

The Head of institutions /office are required to check all the original Educational Qualification/Professional Certificates before handing over charge.

The purpose Head of Institution Officer are required to get verify their academic certificate from Board/ University concerned.

Appointment of trained candidates who passed their Professional Exam Form other than NWFP is provisional & subject to the verification of certificate.

In case they wish to resign from service/ post they will have to give one month's prior notice or forfeit one month's pay in lieu of short notice.

The appointment shall stand automatically cancelled is they failed to join the post within 15 days of the issue or this order.

Special relaxation of upper age limit for 2 years has already been allowed vide court or NWFP, S&CAD letter No SOS:III (S&CAD) (4) 04, dated 10/07/1994.

They should not be handed over charge if their age exceed years or below 1 & 2 Years.

No Ta/Dd is allowed or 1<sup>st</sup> appointment.

Charge reports should be sent to all concerned.

(Haji Surfraz Khan)  
DI VL: Director of educations (E)  
Hazara Division Abbottabad  
Dated A/Abad the 11-06-2005

St:No 13587-93

Copy of the above is forwarded to the:-  
P/S to Minister for Education to (S/O) NWFP, Peshawar.  
P/S to Minister for  
Director Secretary Education, NWFP, Peshawar.  
Principal, Headmaster, Headmistress, GHSS/ CNS, GGHS Kashan.  
District Education Officer Abbottabad, Mansehra, Haripur & Kohistan.  
Candidate programmed (B). A. D. E.O. (E) Local Office (D) D/A to DDE  
(S) Hazara.  
Order file

**FOR/DIVL: DIRECTOR EDU:(S)  
HAZARA DIVISION,  
ABBOTTABAD.**

P-9

2-3-70 16/57

16. Farzana Bibi BA D/O  
Merzoor E. Shahi r/o  
Koh-e-Jibull, Haripur

GGMS  
Bajina  
Man;

Vice Mst:  
Farzana  
terminated. Not sel:  
on merit.

17. Farzana Shaheen BA  
D/O Zareen Khan r/o  
Haripur 29-10-70 17/53

GGMS Pafas,  
Mansehra.

Vice: Mis:  
Gudo Nahsed  
terminated. Not sel:  
on merit.

18. Fana Bibi BA D/O  
A. i Khan r/o Ghandian  
Mansehra 10-10-71 18/56

GGMS. Ehat  
Bandi Man:

Vice Mst:  
Bushra Qayyum  
terminated. Not  
sel: on merit.

19. Sajida Bibi BA D/O  
S. Ieman Khan Nawasheer  
Atd. 1-3-73 19/56

GGMS Bata-

Vice Mst:  
Shahana  
terminated. Not  
sel: on merit.

20. Saqqa Umar BA D/O  
Umar Khatib R/O  
Nawasheer Moh: Shuib-  
Zai: ATD. 2-2-74 20/56

GGMS Bandi-  
Maira Atd.

Vice Mis:  
nisa  
terminated. Not  
sel: on merit.

21. Shubana Bibi BA D/O  
Suleman Khan r/o  
Nawasheer Atd. 2-3-75 21/56

GGMS  
Narrah, Man:

Vice Mst:  
Shamshad  
Bogum Terminated  
as not sel: on merit.

22. Yamin Akhter BA D/O  
A'wul HEYed, Moh: Jama  
Marjid Kavelian ATD. 11-4-65 22/55

GGMS Sher-  
Gahar Man:

Vice Mst  
Rukhsana Rubi  
terminated. Not sel:  
on merit.

23. Fatrukha Shehzad BA D/O  
Gul Muhammad r/o Haripur 13-12-70 23/55

GGMS  
Kaghan

Vice Mst:  
Shahida Aziz  
terminated. Not sel:  
on merit.

24. Rukhsana Khalil FA D/O  
Khalil Khan R/O KTS NO.  
4 Haripur 30-12-68 24/51

GGMS  
Shamdhara

Vice Mis:  
Falak Naz  
Terminated. Not sel:  
on merit.

25. Akram Khan r/o KTS  
Haripur. 2-4-70 25/50

GGMS  
Chaseer

Vice: Mis:  
Nighat Bibi  
Terminated.

26. Chah Mah Jabeen BA D/O  
Muhammad Farid r/o Genda  
Mansehra. 3-2-72 26/50

GGMS  
Ghori, Gullbuli

terminated

27. Ghazal Shabeen FA D/O  
Aurangzeb r/o Fajoya  
Abbottabad 1-1-69 27/49

GGMS  
Phariari  
Haripur

Vice Aneela  
bibi terminated  
Not sel: on merit.

28. Bibi Maryum FA D/O  
Abdur Raza r/o Baffa  
Mansehra. 31-3-73 28/49

GGMS Pattan  
Kohistan.

Vice Mustasana  
terminated. Not sel:  
on merit.

29. Shazia Wali D/O Wali  
Muhammad (FA) r/o Mufti-  
Abid Mansehra 4-4-74 29/49

GGMS Ajmera  
Battagram.

Vice Mst:  
Zeenat Bibi  
terminated. Not  
sel: on merit.

30. Aaysha Tasleem FA, D/O Muhammad  
Din Main Bazar Atd. 19-3-75 30/49

GGMS Khait  
Sarash Man:

Vice Mst:  
Yasmeen Gul  
already  
transferred.

31. Asma Bibi D/O Mirza FA  
Dilau D. Nawasheer Atd. 15-5-75 31/49

GGMS  
Reerh  
Not sel: on merit.

Vice Mst:  
Noor Akhtar  
terminated.

32. Bibi Ghazal DM GGMS (FA)  
Balian Mansehra 1-3-74 32/48

GGMS  
Balian

already  
occupied.

33. Bibi Nohda FA D/O  
Badunk-T. Haripur r/o  
Dalola A. 11-4-76 33/48

GGMS  
Lowe-Malkote

Vice Mst:  
Solia  
Aleem already  
transferred.

34. Parhat Yaqub FA d/o  
Muhd Yaqub r/o Haripur. 2.3.74 34/50

GGMS Nella-  
Sohy Haripur

Mst: Sajida  
Jabeen Termi-

S.No.	Name and Address	Date of Birth.	No. of Merit Marks	School where appointed.	Remarks.
1.	Irfan Bashir, BA DM GGMS Sewan Maira.	4.12.72	1/65	GGMS Sawan Maira, Man.	Post already occupied.
2.	Shiraz Jabeel, BA DM GGMS Jalkote Kohistan	1-10-70	2/65	GGMS Jalkote Kohistan	"
3.	Ancela Zeb, BA DM GGMS Nara Doga Mansehra.	15-6-73	3/64	GGMS Nara Doga Mansehra	"
4.	Naveeda Younas BA DM GGMS Riala, ATD.	4-4-69	4/63	GGMS Riala ATD.	"
5.	Farah Fida BA BARM D/O Iqbal Hussain r/o Sirikote Haripur	1-10-70	5/63	GGMS Sirikote	Vice Mst: Farida Begum Terminated. Not selected on merit. Post already occupied.
6.	Fahim Khan BA DM GGMS Doga Man.	2-2-72	6/63	GGMS Doga	"
7.	Rafiq Bibi BA DM GGMS S.N. Khan Haripur	25-3-70	7/62	GGMS S.N. Khan Haripur	"
8.	Musarrat Jabeen, BA D/O Farid Maskeen, r/o S. Sale Haripur.	10-1-71	8/62	GGMS Chhoi	Vice Mst: Uzma Bibi Terminated. Not selected on merit.
9.	Nazim Usmail, BA D/O Muhd. Saif R/O Man.	4-11-69	9/61	GGMS Thakote	Vice Mst: Shahida Shaheen Term: * Vice S. NO. 15
10.	Rohana Ar. BA D/C Abdul Hamid r/o Nawaz Khan ATD.	10-5-73	10-5-73	GGMS Khanispur	"
11.	Sarima Ahtar BA D/O Zahara Ashraf r/o Mansoor Said Coll: Haripur	3-3-68	11/59	GGMS Nakohri	Vice Mst: Zahida Irum terminated. Not selected on merit.
12.	Sajida Usman BA DM GGMS Manala, ATD.	1-4-71	12/59	GGMS Jambal	Vice Mst: Musarrat Bibi Terminated. Not selected on merit.
13.	Nighat Aftab, BA D/O Magbool Khan Rahman r/o Malik, Ara ATD.	17-5-73	13/59	GGMS Kokal Barseen	Vice Mst: Jabeen Shaheen Terminated.
14.	Nazima Shaheen BA DM GGMS Dheera Haripur	1-3-72	14/58	GGMS Dheera	Post Already occupied.
15.	Farah Nazim BA GGMS Khanispur ATD.	10-4-65	15/57	GGMS Kathwal	Vice Mst: Nighat Almas terminated. Not selected on merit.

01-d

PAGE NO.2

S.No	Name and Address	Date of birih	No of Marit Marks	School where appointed	Remarks.
1.	----- Beshir BA DM ---- Sewan Maira.	04-12-1972	1/65	GGMS Sawan MAaira, Man	Post already occupied.
2.	----- Iqbal BA DM GGHS --- Kohistan	01-10-1970	2/65	GGMS Jalkote Kohistan	Post already occupied.
3.	Anceha Zeb, BA DM GGMS Naradoga Mansehra	15-06-1973	3/64	GGMS Naradoga. Mansehra	Post already occupied.
4.	----- Younas BA DM GGMS Riala	04-04-1969	4/63	GGMS Riala ATD.	Post already occupied.
5.	-----Fida BA D/o ---- Hussain r/o ----- Haripur	01-10-1970	5/63	GGHS Sirikote	Vice Mst Farida Begum terminated not selected on merit
6.	-----	09-02-1972	6/63	GGMS Doga	Post already occupied.
7.	Rafia Bibi BA DM GGHS S.N Khan	25-03-1970	7/63	GGHS S.N. Khan Haripur	Post already occupied.
8.	Musarat Jabeen, BA D/o -- -- Maskeen r/o S,Sale, Haripur	10-01-1971	8/62	GGMS Chhoi	Vice Mst Uzma Bibi terminated as not selected on merit
9.	Nazia Ismail, BA D/o ----- --- r/o Man	04-11-1969	9/61	GGMS Thakote	Vice Mst Shahida Sheen as not selected on merit
10.	Rohana --- BA D/o Abdullah r/o Nawansher Atd	10-05-1973	-----	GGMS Khanispur	Vice S. No. 15
11.	----- Akhtar BA D/o ----- -- Shraf r/o ----- said Coll -----	08-03-1963	11/59	GGMS -----	Vice Mst ZahidaIrrum Terminated not selected on merit
12.	Sajida ----- BA DM GGS -- ----- Atd	01-04-1971	12/59	GGMS -----	Vice Mst Nusrat Bibi terminated not selected on merit
13.	Nighat ----- BA D/o Maqbool-ur-Rehman r/o Malik pura Atd.	17-05-1973	13/59	GGMS Kokal Barseem	Vice Mst Jabeen Shaheen Terminated
14.	Nazima ----- Ba Dm GGMS ----- Haripur	01-03-1972	14/58	GGMS Dhenda	Post Already occupied.
15.	Farah Naz DM FA GGMS Khanispura	10-04-1965	15/57	GGMS	Vice Mst Nighat Almas terminated not selected on merit
16.	Farzana Bibi BA D/o Manzoor .... r/o Kc eniji, bull Haripur	02-03-1970	16/57	GGMS Bajina Man:	Vice Mst Farzana terminate Not selected on merit.
17.	Farzana Sheheen BA D/o Zareen Khan r/o Haripur	29-10-1970	17/55	GGMS Paras, Mansehra	Vice Mis Gudo Naheed terminated not selected No merit.
18.	Farzana Bibi D/o Ali Khan r/o Ghandian	10-10-1971	18/56	GGMS Bhato Bandi Man	Vice Mst Bushra Qayyum Terminated Not selected No merit.
19.	Sajide Bibi EA D/O	01-03-1973	19/56	GGMA Bata	Vice Mst ----- not

	Seleman Khan Nawansher			Mori	selected on merit
20.	---- Umer BA D/O Umer Khatab r/o Nawansher Moh: Shuib-----ATD.	02-03-1971	20/56	GGMS Bandi Maira Atd.	Vice Najum-Nisa terminated not selected on merit.
21.	Shabana Bibi BA D/o Suleman Khan r/o Nawansher	02-03-1975	21/56	GGMS Narrah Moh	Vice Mst Shamshad Bogum Terminated as not selected no merit
22.	Yamin Akhter BA D/o ----- -Moh Jama Masjid Havelian Atd.	11-04-1965	22/55	GGHS Sher Gahar Nam	Vice Mst Rukhsana Rubi terminated Not selected no merit
23.	Farrukh Shahzad BA D/o Gul Muhammad r/o Haripur	13-12-1970	23/55	GGHS Kaghan	Vice Mst Shahida Aziz terminated not selected no merit
24.	Rukhsana Khalil FA D/o Khalil Khan r/o KTs No 4 Haripur	30-12-1968	24/51	GGMS Shamdher	Vice Mis Falak Naz terminated not selected no merit
25.	----- Akhram Khan r/o KTS Haripur	-----	23/50	GGMS Ghanseer	Vice MIs Nighat Bibi Terminated not selected on merit
26.	----- jabeen BA D/o Muhammad Farid r/o Ganda Mansehra	03-02-1972	26/50	-----	-----
27.	Ghaza Shaheen BA D/o Auranzeb r/o Fajoya Abbottabad	---01-1969	27/19	GGMS Phaiari Haripur	Vice ANeela Bibi terminated not selected no merit
28.	Bibi Maryam BA D/o Abdur ---- r/o Bafoo Mansehra	31-03-1973	28/49	GGMS pattan Kohistan	Vice Mustasana terminated not selected no merit
29.	Shazia ---- D/o Wali Muhammad (FA (r/o Mufti Abid Mansehra	04-04-1974	29/49	GGMS Ajmera Battagram	Vice Mst Zeenat Bibi terminated not selected no merit
30.	Ayesha Tasleem FA, D/o Muhammad Din Main Bazar atd	19-03-1975	30/49	GGMS Khait Seresh Man	Vice Mst. Yasmeen Gul already been transferred
31.	Asma Bibi D/o Mirza Allau Din Nawanshehr Abbottabad	15/05/1975	31/49	GGMS Reerh	Vice Mst. Nasir Akhtar terminated not selected no merit
32.	Bibi ..... GGMS Balian Mansehra	01/03/1974	32/48	GGMS Balian	Already occupied
33.	Bibi Naheeda D/o	11/04/1978	88/48	GGMS Lowe Malkote	Vice Mst Solla Alam already Transferred
34.	Farhat Yaqoob FA D/o Muhd Yaqoob r/o Haripur	02-03-1974	26/50	GGMS Nollar Sohn Haripur	Vice MSt Sajida Jabeen Termi

Annex-B

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. P-11  
GAZETTE

P-11

**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, 1999 on various grounds;

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

P-2-12

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 in 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.

P-313 3

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

5. Sacked employees shall not be entitled to claim seniority and other 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 consulted 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.

14

4-

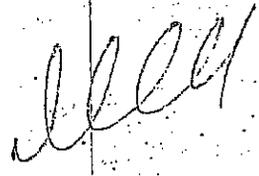
144 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29th SEPTEMBER, 2012.

- 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.



Annex - C P-15

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA**

**NOTIFICATION**

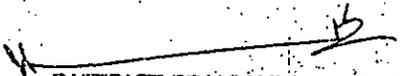
In pursuance of Khyber Pakhtunkhwa School Employees (Appointment) Act 2012 and decision passed by Peshawar High Court Abbottabad Bench w/p No. 516-A/2013 Dated: 24.05.2016 and also in compliance of COC Mst. Saima Noreen & Guddo Naheed vs Govt. of KPK, the competent authority in the E&SE District Mansehra is pleased to order the appointment of the following sacked employee in BPS No. 15 (Rs. 13510-1120-47110) plus usual allowances as admissible under the rules against the post of CT as mentioned against their names with immediate effect on the terms and conditions given:-

S#	Name	Father's Name	D.O.B	Posted AT	Remarks
1	Saima Noreen	Khushal Khan	03/12/1975	GGHS Khawari	Against CT Vacant Post
2	Guddo Nahid	Muhammad Zaman	04/12/1966	GGHS Shamdara	Against DM Vacant Post

**TERMS & CONDITIONS**

1. No TA/DA etc. is allowed.
2. Charge reports should be submitted to all concerned.
3. Their appointment are subjected to the condition that their "Certificates/others documents be verified from the concerned institutions before release of their salary.
4. They will be governed by such rules and regulations enforced and as may be prescribed by the government from time to time for the category of the government servants to which they belong.
5. Their appointment have been made in pursuance of Khyber Pakhtunkhwa, sacked employees (Appointment) Act 2012. Hence under Section 4 of the said act the period during which they remain dismissed, removed or terminated from service, till the dated of their appointment should have been deemed automatically relaxed.
6. They should obtain Medical Fitness certificate from the Medical Superintendent from King Abdullah Hospital Mansehra.
7. In case they failed to assume the charge of their post within 15 days of their appointment, the candidature ship will be stand automatically cancelled.
8. They will be on probation for a period of one year extendable to another one year keeping in view the performance.
9. They have not served in any other department/corporation/agency etc.
10. The Principal/Head mistress/DDO should not release pay of the teacher till the verification of their documents.
11. The Principal/Head Mistress/DDOs concerned is directed to submit their degrees/ certificates etc for verification from the concerned University/Board.
12. In case their documents are found fake/bogus on verification from the issuing authority, their service shall be terminated and an FIR be lodged against the concerned teacher under the relevant law.
13. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice her one month pay/allowance shall be forfeited to government treasury.
14. In case of un-satisfactory performance, they will be proceeded under Govt. of Khyber Pakhtunkhwa E&D rules 2011.
15. Their appointment is made on school based. They will have to serve at the place of posting and their service is not transferable to any other station.
16. The competent authority has the right to rectify the errors/omission & if any noted/observed at any stage in instant order issued erroneously.
17. As per judgment of Honorable High Court Peshawar Bench Abbottabad, In case of having less academic/professional qualification as required for the post, the candidates must qualify that within three years after issue of this appointment order, failing which their appointment order shall stand cancelled automatically, without any further notice.
18. Their appointment have been made in pursuance of Khyber Pakhtunkhwa, sacked employees (Appointment) Act 2012. Hence under section 5 of the said act they shall not be entitled to claim any of seniority, promotion and other back benefits.

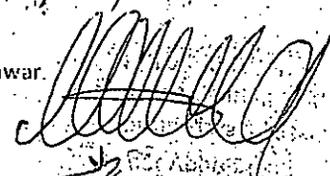
20/5/17

  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA

Endstt: No. /Estt; Branch/AE-II/Sacked Employees Dated 17/1/2017

Copy of the above is forwarded to the:-

1. Registrar, Honourable High Court Peshawar Bench Abbottabad.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Account Officer, Mansehra.
4. District Monitoring Officer, Mansehra.
5. Concerned Principal/Head Mistress.
6. Concerned Teachers.
7. Office Copy.

  
DISTRICT EDUCATION OFFICER

خدمت جناب ڈائریکٹر صاحب ایگزیکٹو ڈپٹی ایجوکیشن پشاور

درخواست براداشمال کیے جانے protected پیریڈتحت ایکٹ 2012ء و فیصلہ سپریم

کورٹ آف پاکستان

جناب عالی!

گزارش ہے کہ سائلہ کو 11/06/1995، PST کی پوسٹ پر بھرتی کیا گیا اور پھر 13/02/1997 کو سائلہ 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 سائلہ کو DEO مانسہرہ نے بمطابق قانون 2012ء کے بحال نہیں کیا جس کی وجہ سے سائلہ نے پشاور ہائی کورٹ ایپلٹ آبادیج میں رٹ پیشش دائر کی جس کا فیصلہ 24/05/2017 کو سائلہ 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 سائلہ کو بروئے حکم عدالت عالیہ مورخہ 06/12/2017 کو بحال کر دیا سائلہ 2012 سے نوکری کا حق رکھتی تھی اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو ریمینیشن کی تاریخ سے بحال کیا۔

لہذا استدعا ہے کہ شامل کیے جانے 11/06/1994 سے 13/02/1995 و

2012 سے 15/11/2017 protected پیریڈتحت ایکٹ 2012ء و فیصلہ سپریم کورٹ آف پاکستان۔

المرقوم: 20/04/2023

ارضی

مسماة گڈونائیڈ PST

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

Annex E

P-17

P-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 CPs 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

P-43

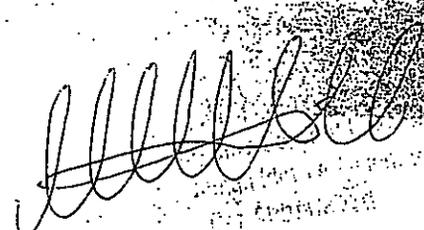
P-18

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

will



P-84

P-19

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/t

Not Approved For Reporting

P-20



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

Service Appeal No. 572/2019

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

...APPELLANT

Khyber Pakhtunkhwa Service Tribunal

VERSUS

Diary 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

Re-submitted to -day  
3/5/19

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

P-21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 572/2019



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

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

(Appellant)

VERSUS

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

(Respondents)

Muhammad Arshad Khan Tanoli,  
Advocate

For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General

For respondents.

ROZINA REHMAN  
ATIQU UR REHMAN WAZIR

MEMBER (J)  
MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of

04 connected service appeals which are:

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

ATTESTED

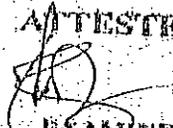
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

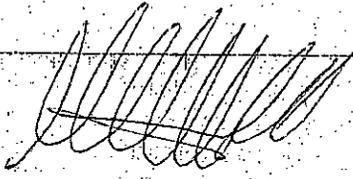
In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as C.Ts in the year 1993-94 and were terminated from service in the year 1997-98. After the announcement of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, they were required to be reinstated in service but the appellants were not appointed accordingly, therefore, they filed Writ Petition before the Hon'ble High Court for their appointment under the said Act and it was during the pendency of the Writ Petition when appointment orders were accordingly issued on 04.12.2017. Some of the employees under the said Act were appointed in 2012-13 but the appellants were appointed on 04.12.2017, therefore, they filed departmental appeal which was not responded to, hence the present service appeal.

3. We have heard Muhammad Arshad Khan Tanoli Advocate for appellants and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Arshad Khan Tanoli Advocate learned counsel appearing on behalf of appellants, inter-alia, argued that the respondent No.3 was supposed to appoint appellants under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 when the said Act was promulgated in the year 2012 but their appointment order was issued on 04.12.2017 which is against law and discriminatory.

ATTESTED  
  
 EXAMINER  
 KHYBER PAKHTUNKHWA  
 SERVICE TRIBUNAL  
 PESHAWAR



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

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

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

125  
10-1

ATTESTED  
 THE ATTORNEY  
 GENERAL  
 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 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 <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.

8

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

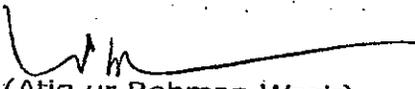
*[Handwritten signature]*

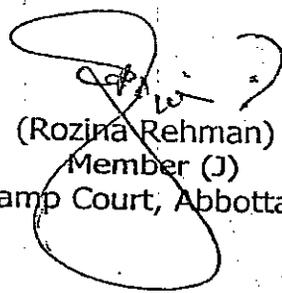
ATTESTED  
  
 MEMBER  
 JUDICIAL OFFICE  
 SERVICE TRIBUNAL  
 PESHAWAR

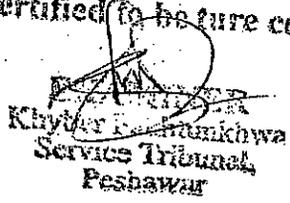
despite promulgation of an Act in the year 2012, appointment order of the appellants were issued in the year 2017 and that too, on the directions of the august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees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

P25

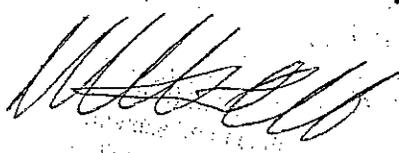
ANNOUNCED.  
18.03.2021

  
(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 22/-  
Urgent     
Total 22/-  
Name of Applicant     
Date of Completion of Copy 06/4/21  
Date of Delivery of Copy 06/4/21



کورٹ فیس

وکالت نامہ

before Service Tribunal KP Peshawar

Crudda Naheed عنوان: Govt of KPK vs

Appellant منجانب:

Service Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آن مقام

M. Ahsan Tanawi Adv S. C. Ibrahim Adv H.C.

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

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلیف دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرنے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جگہ تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختمہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصدیقہ منقلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم:

بمقام:

IBRAHIM ADV H.C.

M. Ahsan Tanawi