

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

**Service Appeal No. 1547 / 2022**

**Hamid Ullah**

**VERSUS**

**Government of KPK & Others**

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Dated:- 13-06-2023

Next Hearing Date: 21/09/2023  
Place of Hearing: Camp Coast Dikhan



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

Service Appeal No. 1547/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7408

Dated 11/09/23

Hamid Ullah

VS

Govt. of KPK & Others

**PARA WISE REPLIES ON BEHALF OF RESPONDENT NO. 01, 02 & 03**

**RESPECTFULLY SHEWETH:**

1. That the appellant has got no cause of action and locus standi to file the Instant appeal.
2. That the appellant deliberately concealed the material facts from this honorable Tribunal.
3. That the appeal in hand has no legal force.
4. That the appellant does not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped by his own conduct to file this appeal.

**OBJECTIONS ON FACTS:**

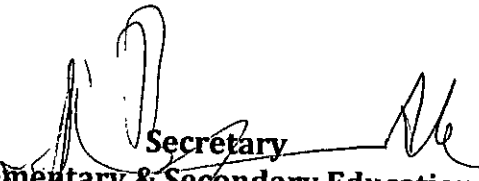
1. That Para No.01 is correct to the extent that Finance Department Ex. Fata Secretariate has established 13 Model Schools in Ex. Fata and sanctioned 1797 Posts vide No. SO (F-II) FD/FA/SNE/2010-11/Vol-III dated 07-01-2013 (Copy of Notification is annexed as Annex: "A")
2. That Para No.02 is correct to the extent that appellant was appointed as Lab Attendant (BPS-01) by the then Agency Education Officer (FR Tank) vide Endst: No. 1023-28 dated 07-05-2013. However, appointment order was withdrawn vide AEO FR Tank Order Endst: No. 1063-69 dated 12-07-2013 in the light of directions received from Dy. Director (P&SD) Directorate Education Ex. Fata Peshawar vide No. 6855-60 dated 09-05-2013. (Copy of appellant's appointment order, appointment cancellation order & Directorate Education Ex. Fata letter are annexed as Annex: "B, C & D")
3. That Para No.03 is correct to the extent that appellant has took over charge. The rest of the Para is incorrect & not admitted.

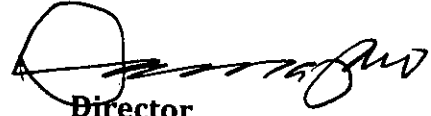
- 4. That Para No.04 is incorrect & not admitted. The appellant appointment order was not maintainable in light of instructions received from the Directorate Education FATA, accordingly his appointment order was withdrawn. Therefore, claiming salaries without performance of duty is against rules & policy.
- 5. That Para No.05 is incorrect & denied. The appellant is not an aggrieved person, his claims for salaries is against rules & policy. His appointment was withdrawn by the then Agency Education Officer in light of instructions received from Directorate Education Ex. Fata.

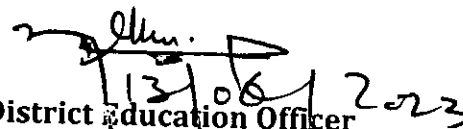
**Grounds:**

- 1. This Para is incorrect & not admitted. The appellant has no vested right to claim salaries of the period, when his service is not intact.
- 2. This Para is incorrect & not admitted. The appellant is treated as per law, he cannot claim arrears of period when his service was neither intact nor maintainable.
- 3. This Para is incorrect & denied. He cannot demand salaries when not performing duties nor his service is intact as per rules & policy.
- 4. This Para is incorrect & not admitted. Detail reply is submitted in above para.
- 5. The counsel for official Respondents may kindly be allowed to raise additional grounds at the time of arguments.

It is therefore, most humbly prayed that on the acceptance of this Para wise comments, the above service appeal may graciously be dismissed with costs.

  
**Secretary**  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa, Peshawar /  
 Respondent No.01

  
**Director**  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa, Peshawar  
 Respondent No.02

  
 13/06/2023  
**District Education Officer**  
 (Male) Tank / Respondent No.03, 04  
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
D.IKHAN BENCH**

Service Appeal No. 1547 /2022

Hamid Ullah

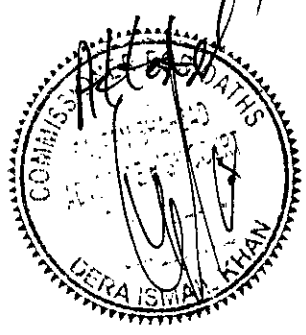
Vs

Govt. of Khyber Pakhtunkhwa etc

**AFFIDAVIT**

I, Dr. Zain Ullah Dy. District Education Officer (M) Tank do hereby solemnly affirm and declared on the oath that the para wise replies to the above service appeal are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Tribunal.

*It is further stated on oath that this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.*

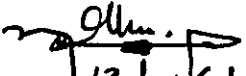


**DEPONENT**  
Dr. Zain Ullah  
Dy. District Education Officer (M) Tank  
CNIC NO. 12201-1879347-5

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK**

**AUTHORITY LETTER**

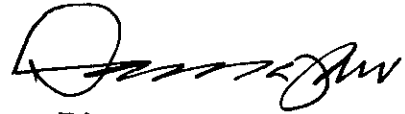
Dr. Zain Ullah Dy. District Education Officer (Male) Tank is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1547/2022 Titled as "Hamid Ullah Vs Govt. of KPK & Others" on behalf of the undersigned.

  
13/06/2023  
District Education Officer  
(Male) Tank / Respondent No. 03, 04  
\*

**OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

**AUTHORITY LETTER**

Dr. Zain Ullah Dy. District Education Officer (M) Tank is hereby authorized to attend the Honorable Service Tribunal Peshawar on behalf of the undersigned on each subsequent date in Service Appeal No. 1547/2022 Titled as "**Hamid Ullah Vs Govt. of KPK & Others**".

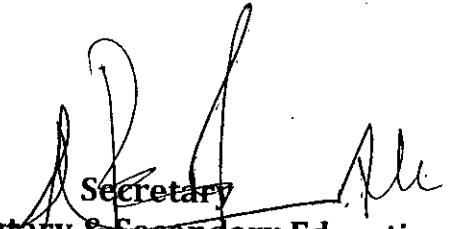


**Director E&SE**  
**Khyber Pakhtunkhwa, Peshawar**  
**Respondent No.02**

**GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY  
& SECONDARY EDUCATION DEPARTMENT PESHAWAR**

**AUTHORITY LETTER**

Dr. Zain Ullah Dy. District Education Officer (M) Tank is hereby authorized to attend the Honorable Service Tribunal Peshawar on behalf of the undersigned on each subsequent date in Service Appeal No. 1547/2022 Titled as "**Hamid Ullah Vs Govt. of KPK & Others**".

  
Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar  
Respondent No.01

Annex: "A" (5) a

FATA SECRETARIAT  
(Finance Department)  
Warsak Road Peshawar

No. SO(F-III)FD/FA/SNE/2010-11/Vol-III  
Dated Peshawar the 7<sup>th</sup> January, 2013

The Additional Accountant General,  
Pakistan Revenue, Sub Office,  
Peshawar.

Subject: CREATION OF 1797 POSTS FOR ESTABLISHMENT OF PUBLIC SCHOOLS, HIGH SCHOOLS, MIDDLE SCHOOLS, IT LABS IN HIGH SCHOOLS AND WOMEN TEACHER HOSTELS UNDER SECONDARY EDUCATION FATA IN AGENCIES / FRs.

Dear Sir,

I am directed to convey sanction of Finance Division, Government of Pakistan, Islamabad, received vide DO No. 5(1)-2011-DFA(S), dated 21-06-2012 for creation of 1797 for Establishment of 05 Public Schools, 52 High Schools, 115 Middle Schools, 142 IT Labs in High/Middle Schools and 15 Women Teacher Hostels in FATA with the following Agency/FR-wise break up of Educational Institutions with immediate effect:-

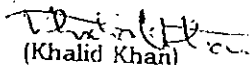
S. No	Name of Agency/FR	Posts for Public Schools	Posts for High Schools	Posts for Middle Schools	Posts for IT Labs	Posts for Women Teacher Hostels	Total
1	Bajaur Agency	30	22	93	24	15	249
2	Mohmand Agency		55	21	28		104
3	Khyber Agency		54	124	36	20	239
4	Orakzai Agency		37	30	18	10	101
5	Kurram Agency	30	54	35	30	05	154
6	NW Agency		35	122	34	10	201
7	SW Agency		36	65	30		131
8	FR Peshawar		09	37	14		60
9	FR Kohat		18	29	16		63
10	FR Bannu		27	103	30	02	167
11	FR Lakki	30	18	36			84
12	FR Tank	30	27	71	14	05	147
13	FR D.I Khan	27	20	35	10	05	97
	Total	147	472	822	284	72	1797

District Edu. Officer  
(Male) Tank

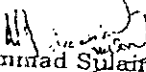


2. The expenditure involved will be debitable to the major Head 09-Education Affairs & Services, 092-Secondary Education Affairs & Services, 0921-Secondary Education Affairs & Services, 092101-Secondary Education under DDO code PR0220-Secondary Education and will be met out within the Sanctioned Budget Grant under Demand No. 101-FATA, in the Current Financial Year 2012-13, subject to observance of all codal formalities under intimation to Finance Department FATA Secretariat and Additional Accountant General, Pakistan Revenue, Sub Office Peshawar.

Your's faithfully

  
(Khalid Khan)  
Section officer (F-19)

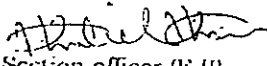
Verified by:

  
(Muhammad Sulaiman)  
Dy: Financial Adviser, FATA

Enclst. No. and date even:

Copy forwarded to the:

- 1) PS to Secretary SAFRON, Islamabad.
- 2) PS to Additional Chief Secretary FATA, Peshawar.
- 3) PS to Secretary Social Sector Department FATA, Peshawar.
- 4) PS to Secretary Finance FATA, Peshawar.
- 5) Director Education FATA, Peshawar.
- ✓ 6) All Agency Education Officers in FATA. *SMA*
- 7) All Agency/District Accounts Officers concerned.

  
Section officer (F-11)

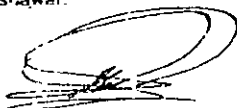
OFFICE OF THE DIRECTORATE OF EDUCATION FATA WARSAK ROAD PESHAWAR.

Enclst No 3600-30 /SNE

Dated Peshawar the 9/11 /2013

Copy of the above creation of post is forwarded for information and implementation to the:

1. Additional Accountant General (PR) Sub Officer Peshawar.
2. Additional Director (Establishment) Local Directorate.
3. All the Agency Education Officers in FATA
4. All Agency Accounts Officers/ District Accounts Officer in FATA
5. Section Officer (FATA-II) Finance Department FATA Secretariat Peshawar w/r to his letter No. SO(F-II)FD/FA/SNE/2010-11/Vol-III dated 07-01-2013.
6. PS to Additional Chief Secretary FATA Secretariat Peshawar.
7. PS to Secretary Social Sectors Department FATA
8. Budget and Accounts Officer local Directorate.
9. PA to Director Education FATA

  
Additional Director (P/M)

Annex: 18 (6)

OFFICE OF THE AGENCY EDUCATION OFFICER, FR TANK.

APPOINTMENT

As recommended by the Deputy Commissioner/PA FR Tank vide letter No 810/DA/FR Dated 7-5-2013

The following candidates (Male) in FR Tank, are hereby appointed as Class-IV in BPS-01 @ (4800-150-9300) plus usual allowances as admissible under the rule with effect from the date of taking over charge against newly created posts in the schools noted against their names

S.No	Name/Father Name	Design	Posted at	Remarks
1	Hanzaia Khan S/o Abdul Qayum Khan	N/Oasid	Model Public School Kifayat Kir Rai Jandola	Against newly created posts
2.	M. Iqbal Khan S/o Kifat Khan	Chowkidar	Do	Do
3.	Jamshed Khan S/o Muhammad Hashim Khan	Sweeper	Do	Do
4.	Saif ur Rehman S/o Muhammad Alam	Mali	Do	Do
5	Hamidullah Khan S/o Ghulam Qadir Khan	Lab Attendant	Do	Do

TERMS & CONDITIONS:

- 1) Charge reports should be submitted to all concerned in duplicates.
- 2) The appointment of candidate is liable to termination at any time without assigning any reason. In case, he wishes to resign their post, he/she will have to give one month's prior notice OR forfeit one month's pay in lieu thereof.
- 3) T.A/ D.A etc are not allowed.
- 4) He/she would not be handed over the charge of his/her post if his/her age is below 18 or above 45 years
- 5) They would have to produce Health & Age Certificate from the Medical Superintendent District Head Quarter Hospital concerned.
- 6) The Pay Scales & Service rules would be subject to revision with the orders to be passed by the Govt. from time to time.
- 7) If he/she fails to report his/her arrival for taking over charge within 15 days, his/her appointment orders will be treated as cancelled.
- 8) His/her services will be terminated if he/she remained willful absent from Govt. duties for 15 days continuously.
- 9) He/she is entitled to get all benefits of regular employees except pension gratuity.
- 10) Necessary entries to this effect should be made in his/her Service Books accordingly.

Agency Education Officer,  
FR Tank.

Endst: No 1023-281

Dated 02/07/2013.

Copy of the above is forwarded to :-

1. The Director Education FATA, KPK Peshawar.
2. District Accounts Officer, D.I.Khan/Tank.
3. Principal Model Public School Kifayat Kir Rai Jandola
4. AAEO FR Tank.
5. The Record clerk local office
6. The candidate concerned.

District Edu. Officer  
(Male) Tank

Agency Education Officer,  
FR Tank.

Annex: "C" (7)

**OFFICE OF THE AGENCY EDUCATION OFFICER, FR, TANK.**

**CANCELLATION**

The appointment orders issued vide this office Endst. No. 1023-28 Dated: 02/07/2013 is hereby cancelled from the date of issuance of appointment order, in the best interest of public service.

**Note:** Necessary entry should be made in their service book and other relevant documents.

Endst. No. 1063-69/1  
Copy of the above is forwarded to:-

Dated

12/07/2013

1. The Director Education FATA, KPK Peshawar.
2. The District Accounts Officer, D.I.Khan/Tank.
3. The Principal Model Public School Kifayat Kirrai Jandola.
4. The Assistant Political Agent FR, Tank.
5. The AAEO FR Tank.
6. Record Clerk local office.
7. Officials concerned.

  
Agency Education Officer,  
FR Tank.

  
Agency Education Officer,  
FR Tank.



FATA SECRETARIAT  
KP, Warsak Road Peshawar, Pakistan  
Phone: 091-9210166 Fax 091-9210211

No. \_\_\_\_\_  
Dated 9/5 /2013

To: The Agency Education Office FR Tank

Subject: THE POST IN RESPECT OF MODEL PUBLIC SCHOOL KEFAYAT KIRRAI JANDOLA MAY NOT BE SHIFTED TO ANY OTHER OFFICE AGENCY

Memo: I am directed to refer to your letter No 491 Dated 12-04-2013 on the subject cited and to state that the shifting of the 30 sanctioned posts in respect of Model Public School Kefayat Kirrai Jandola has already be approved by the secretary Education FATA Governor Secretariat Peshawar on 05-04-2013 and sent to Finance Department FATA Secretariat on 09-04-2013 for issuance of corrigendum.


It is therefore requested that the appointment etc in the above school may not be considered please

Dy: Director (P&SU)

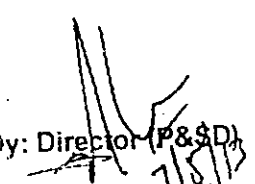
Endst: No. 6855-60

Copy to the:

1. Secretary Education Governor Secretariat Peshawar
2. Secretary Finance Department FATA Secretariat Peshawar
3. Deputy Commissioner Distract Tank
4. Assistant Political Agent FR Tank
5. Distract Account Officer Tank
6. P.A to D.E FATA

  
District Edt. Officer  
(Male) Tank

Dy: Director (P&SD)

  
7/5/13