

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR, AT CAMP COURT, ABBOTTABAD

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
SALAH-UD-DIN ... MEMBER (Judicial)

Service Appeal No.992/2018

Date of presentation of Appeal:.....10.08.2018
Date of Hearing.....27.09.2023
Date of Decision.....27.09.2023

Shahi Khan S/O Pai Khan R/O Peshora, Tehsil and District Battagram.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa, through Secretary Education, Peshawar.**
2. **Director Elementary & Secondary Education, Peshawar.**
3. **District Education Officer (Male) Battagram.....(Respondents)**

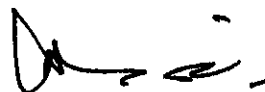
Present:

Mr. Amanullah Khan Salik, AdvocateFor the appellant
Mr. Asad Ali Khan, Assistant Advocate General.....For respondents

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APPEALSERVICE APPEAL AGAINST THE ORDER
NO.1305-10/EB/PRY/SACKED/EMPLOYEES DATE
31/01/2018 BATTAGRAM WHEREBY APPELLANT IS
TERMINATED.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Relevant facts of the case in brief as narrated in the memo and grounds of appeal are that the appellant was appointed in the year 1995 but his services were terminated in the year 1998; that as a result of the "S^GAKED" employees' policy of the Government



of Khyber Pakhtunkhwa, appellant was reinstated in service in the year 2013; that through an order dated 31.01.2018, appellant was again terminated from service. That feeling aggrieved, he filed departmental appeal which was not responded, hence, the instant service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant and learned Assistant Advocate General for the respondents.

04. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned order(s).

05. During the course of arguments learned Additional Advocate General pointed out that the appellant as per decision of august Supreme Court of Pakistan passed in Civil Appeal No.51-P and 52-P of 2009, had to do so, hence, he was dismissed from service. When the appellant was confronted with the above aspect of the case, he could not reply, rather he admitted having not gained the requisite qualification for the post he is fighting for.

06. In view of the⁹ above, as admittedly, the appellant had not completed his required qualification within specified time, then how he can claim for



Service Appeal No. 992/2018 titled "Shahi Khan versus Government of Khyber Pakhtunkhwa through Secretary Education Peshawar and others", decided on 27.09.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Salah Ud Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

his appointment against the said post, hence, the instant service appeal being devoid of any merit, is dismissed. Consign.

07. Pronounced in open Court at Camp Court, Abbottabad and given under our hands and the seal of the Tribunal on this 27th day of September, 2023.



KALIM ARSHAD KHAN
Chairman
Camp Court, Abbottabad

SALAH-UD-DIN
Member (Judicial)
Camp Court, Abbottabad

Mutazem Shah