



27<sup>th</sup> Sep, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Behramand, A.D for the respondents present.

2. Arguments heard. To come up for consideration/order on 12.10.2023 before D.B. Parcha Peshi given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)


  
(Rashida Bano)  
Member (J)

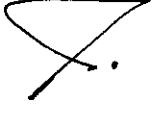
\*kamranullah\*

11.05.2023

Clerk of learned counsel for the appellant present. Mr. Mehtab Gul, Law Officer alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 01.08.2023 before the D.B. Parcha Peshi given to the parties.


  
(Muhammad Akbar Khan)  
Member (E)


  
(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

1<sup>st</sup> August, 2023 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 27.09.2023 before the D.B. PP given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Rashida Bano)  
Member (J)

\*Kaleemullah


SC Bench  
Khyber  
Peshawar

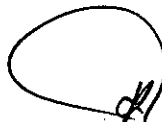
12.12.2022

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Behramand Khan AD and Mehtab Gul Law Officer for the respondents present.

File to come up alongwith connected Service Appeal No. 7544/2021 titled "Mst. Alia Vs. Government of Khyber Pakhtunkhwa" on 06.02.2023 before D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

06.02.2023

Junior to learned counsel for the appellant present. Mr. Azam Umair Khan, learned Addl. Advocate General alongwith Bahramand, Assistant Director for the respondents present.

File to come up alongwith connected Service Appeal No. 7544/2021 titled "Mst. Alia Vs. Government of Khyber Pakhtunkhwa" on 11.05.2023 before the D.B.

  
(FAREEHA PAUL)  
Member (E)

  
(ROZINA REHMAN)  
Member (J)


SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar

13<sup>th</sup> Oct., 2022

Counsel for the appellant present. M. Muhammad Adeel Butt, Addl. Advocate General alongwith Director E&SE Khyber Pakhtunkhwa (respondent No. 2) in person Bahramand ADEO for the respondents present.

File to come up alongwith connected Service Appeal No. 7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa" for arguments on 03.11.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)


  
(Kalim Arshad Khan)  
Chairman


03.11.2022

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No. 7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa" for arguments on 15.11.2022 before D.B.


  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

15<sup>th</sup> Nov. 2022 Counsel for the appellant present.

Mr. Muhammad Jan, District Attorney alongwith Bahramand, Assistant Director and Mehtab Gul, Law Officer for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned To come up for arguments on 12.12.22022 before the D.B.

  
(FAREEHA PAUL)  
Member(E)

  
(ROZINA REHMAN)  
Member (J)

SCANNED  
KPST  
Peshawar

14.07.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 12.09.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

12.09.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney alongwith Bahraman ADEO for respondents present..

File to come up alongwith connected Service Appeal No.7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa" on 29.09.2022 before D.B.



(Fareeha Paul)  
Member(E)



(Rozina Rehman)  
Member(J)

29.09.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney alongwith Bahraman ADEO and Muhammad Tufail Assistant for respondents present.

File to come up alongwith connected Service Appeal No.7623/2021 titled "Shakir Ullah Vs. Government of Khyber Pakhtunkhwa" on 13.10.2022 before D.B.



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)

17.06.2022

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to death of his close relative. Adjourned. To come up for arguments on 24.06.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

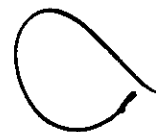
24<sup>th</sup> June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Bakhtmal Jan, AD and Mehtab Gul, Law Officer for the respondents present.

During the course of arguments it came to the notice of the Bench that earlier appeal of the appellant filed against the order dated 04.04.2019 was decided by a Bench headed by Mrs. Rozina Rehman, Learned Member (Judicial) who had also handed down the judgment. Therefore, it is appropriate that this appeal be placed before the Bench of Mrs. Rozina<sup>M</sup> Rehman, Learned Member (Judicial). To come up for arguments on 01.07.2022 before the D.B.



(Fareeha Paul)  
Member(E)



Chairman

01.07.2022

Bench is not available, therefore, case is adjourned to 01.07.2022 for the same as before.



Reader

04.01.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present and furnished copy of enquiry report, which is placed on file. Preliminary arguments heard and record perused.

Vide my detail order of today in connected service appeal No.7623/2021 this appeal is also admitted for full hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 26/04/2022 before S.B.

Rs-500/-  
Appellant Deposited  
Security & Process Fee

Affidavit  
05/04/22

Chairman

26.04.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 01.06.2022 before S.B.

SCANNED  
KPST  
Peshawar

(MIAN MUHAMMAD)  
MEMBER(E)

1<sup>st</sup> June, 2022

Counsel for the appellant present. Mr. Haseenullah, Assistant for respondent No. 1 & 2 and Mr. Hamid Saleem, Law Officer for the respondent No.3 present.

Respondent No. 1 & 2 have submitted reply/comments, which is placed on file. Respondent No.3. submitted application for deletion from the panel of respondents. Case to come up for arguments on 17.06.2022 before D.B.

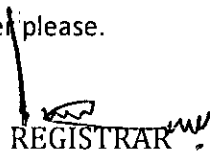


Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7624/2021 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2021	<p>The appeal of Mr. Muhammad Naeem presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>11/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.11.2021	<p>Counsel for the appellant present. Case to come up on 04.01.2021 before S.B alongwith connected Service No. 7623/2021 titled "Shakirullah Vs. Secretary, E&amp;SE Department, Khyber Pakhtunkhwa Peshawar and others".</p> <p style="text-align: right;"> Chairman</p>



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

SERVICE APPEAL NO. 7624 /2021

MUHAMMAD NAEEM

V/S

EDUCATION DEPTT.

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Dated: \_\_\_\_\_ -10.2021

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

FLATE NO. 04, 2<sup>ND</sup> FLOOR,  
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,  
WARSAK ROAD, PESHAWAR

**0345-9383141**

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

APPEAL NO. \_\_\_\_\_/2021

Mr. Muhammad Naeem, SST (BPS-16),  
GHS Landikotal, District Khyber.

..... **APPELLANT**

**VERSUS**

- 1- The Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Chairman Khyber Pakhtunkhwa Public Service Commission, Fort Road, Peshawar.

..... **RESPONDENTS**

**SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 11.6.2021 WHEREBY THE WITHDRAWAL NOTIFICATION DATED 4.4.2019 REGARDING APPOINTMENT OF THE APPELLANT AS S.S.T (G) (BPS-16) HAS BEEN RESTORED IN UTTER VIOLATION OF LAW AND RULES AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned Notification dated 4.4.2019 and 11.6.2021 may kindly be set aside and the appellant may kindly be reinstated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

**R.SHEWETH:**

**ON FACTS:**

- 1- That during service the Khyber Pakhtunkhwa Public Service Commission advertised various posts including the post of SST (G) (BPS-16) the appellant having the requisite qualification applied for the said post and resultantly recommended by the Khyber Pakhtunkhwa public Service Commission. Copies of the advertisement and Educational testimonials are attached as annexure .....**A&B.**

- 2- That in light of the ibid recommendation the respondents appointed the appellant as Secondary School Teacher (BPS-16) vide Notification dated 25.5.2012. That in response the appellant got himself medically examined and also submitted arrival report. That where after the appellant was adjusted at GHS Kharghali, Khyber Agency vide order dated 30.5.2012 and in response the appellant started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors. Copies of the Notification and order are attached as annexure .....**C&D.**
- 3- That after proper verification of Educational antecedents and service documents the salary of the appellant has been released/started by the concerned authorities. That it is pertinent to mention that during the said period the appellant has successfully completed his probationary period and as such the Department confirmed the appellant against the post of SST (BPS-16).
- 4- That unfortunately vide impugned Notification dated 4.4.2019 the appointment Notification dated 25.5.2012 of the appellant has been disowned by the respondents without any reason and clear justification. Copy of the impugned Notification dated 04-04-2019 is attached as annexure .....**E.**
- 5- That feeling aggrieved from the impugned notification dated 04-04-2019, the appellant preferred Departmental appeal followed by service appeal before this august Service Tribunal. That this august Service Tribunal vide judgment dated 20.1.2021 accepted the appeal of the appellant by set aside the impugned Notification dated 4.4.2019 and reinstated the appellant with further direction to the respondents to conduct proper Departmental inquiry. Copies of the Departmental appeal and judgment are attached as annexure ..... **F&G.**
- 6- That vide Notification dated 15.3.2021 the appellant was reinstated into service for the purpose of de-novo inquiry. That in response the appellant submitted his charge report and started his duty but again vide impugned Notification dated 11.6.2021 the respondent No.2 restored the Notification dated 4.4.2019 in utter violation of the judgment of this august Service Tribunal. Copies of the Notification, arrival reports and impugned Notification are attached as annexure ..... **H, I&J.**
- 7- That feeling aggrieved the appellant filed Departmental appeal but no reply has been received so far. Hence the instant appeal on the following grounds is filed before this august Tribunal. Copy of the Departmental appeal is attached as annexure.....**K**

## **GROUNDS:**

- A- That the impugned Notifications dated 4.4.2019 and 11.6.2021 issued by the respondent No.2 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the concerned authority in accordance with law and rules and as such the authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned Notifications dated 4.4.2019 and 11.6.2021 has been issued by the respondents in violation of the Principle of locus Poenitentiae.
- D- That no charge sheet and statement of allegation has been issued by the respondents before issuing the impugned Notifications dated 4.4.2019 and 11.6.2021.
- E- That no show cause notice has been issued to appellant before issuing the impugned Notifications dated 4.4.2019 and 11.6.2021 by the respondents.
- F- That no chance of personal hearing/defense has been provided to the appellant and as such the appellant has been condemned unheard.
- G- That during service the appellant had successfully completed his probationary period and as such the Department confirmed the appellant against the post of SST (BPS-16).
- H- That the appellant was also assigned seniority in the cadre of SST (BPS-16) and was due for promotion to the next higher scale but unfortunately the authority without any reason & rhyme and without following codal formalities straight away issued the impugned Notifications dated 4.4.2019 & 11.6.2021 whereby the appointment Notification of the appellant dated 25.5.2012 has been disowned by the authority.
- I- That the concerned authority acted in arbitrary and malafide manner while issuing the impugned Notifications dated 4.4.2019 and 11.6.2021.
- J- That appellant seeks permission and advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

Dated: \_\_\_\_\_-10.2021

**APPELLANT**

**MUHAMMAD NAEEM**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

**&**

**HAIDER ALI**

**ADVOCATES**

**PESHAWAR**

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

**MOHAMMAD NAEEM**

**VS**

**EDUCATION DEPTT:**

**AFFIDAVIT**

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



*M. Naem*  
**DEPONENT**

**CERTIFICATE:**

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

*M. Naem*  
**CERTIFICATION**

## NWFP PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: [www.nwfppsc.gov.pk](http://www.nwfppsc.gov.pk)

6

Dated: 26-01-2009

ADVERTISEMENT No. 01 / 2009.

Applications are invited for the following posts from Pakistani citizens of N.W.F.P./F.A.T.A domicile by 26-02-2009 (13-03-2009 for candidates from abroad). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall also be rejected without intimation to the candidates.

AGRICULTURE LIVESTOCK & CO-OPERATIVE DEPTT:

(S.No. 01) One (01) Post of assistant Botanist. In Livestock Research & Devt Deptt:

QUALIFICATION: M.Sc Agriculture or B.Sc (Hons) Agriculture (Obtained) after "4" Years Instructions after F.Sc) from a recognized University under research programme in the subject relating to the subject groups as specified in schedule -I] to which the Vacancy occurs..

AGE LIMIT: 21 to 33 years. PAY SCALE: BPS-17. ELIGIBILITY: Both Sexes.

ALLOCATION: Merit.

(S.No. 02) Two (2) Posts of Research officers Fodder. In L&DD Deptt:

QUALIFICATION: M.Sc Agriculture or B.Sc (Hons) Agriculture (Obtained) after "4" Years Instructions after F.Sc) from a recognized University under research programme in the subject relating to the subject groups as specified in schedule -II] to which the Vacancy occurs..

AGE LIMIT: 21 to 33 years. PAY SCALE: BPS-17. ELIGIBILITY: Male.

ALLOCATION:

Merit	Zone-1
01	01

CHIEF ENGINEER WORKS & SERVICE DEPARTMENT.

(S.No. 03) Five (05) Posts of Data Entry Operators:

QUALIFICATION: (i) 2<sup>nd</sup> Division FA/FSc with one year Diploma in Computer Science from the recognized Institute. (ii) Speed of Ten thousand key depression per hour for punching/data entry/verification.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11. ELIGIBILITY: Both Sexes.

ALLOCATION:

Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
01	01	01	01	01

DIRECTORATE OF INDUSTRIES COMMERCE MINERAL DEV: LABOUR & TECHNICAL EDUCATION DEPARTMENT.

(S.No. 04) One (01) Post of Male Inspector Mines

QUALIFICATION: (i) Bachelor Degree in Mining Engineering from recognized University and (ii) 1<sup>st</sup> Class Mines Manager's certificate of Competency granted under the provision of Mines Act, 1923 and (iii) Two years experience in Govt. or Semi Government Mining Industries registered under the Mines Act, 1923.

AGE LIMIT: 21 to 33 years. PAY SCALE: BPS-17. ELIGIBILITY: Male.

ALLOCATION: NOTE: In case of non-availability of candidates possessing the

provisions of the rules for the time being in force.  
**NOTE:** For History-cum-Civics The candidates must possess Master's Degree either in History or Political Science provided the other required subjects has studied at B.A level. The other requirement of teaching degree will, however, remain intact.  
**For Biology:** 2<sup>nd</sup> Class Master Degree in Botany or Zoology provided that other subject have been studied at graduate level.  
**AGE LIMIT:** 25 to 40 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female.  
**ALLOCATION:**

S.No	Subject	No. of Posts	Allocation
5	Islamiyat	02	Merit Quota
6	Pak. Study	03	Merit Quota
7	History-Cum-Civics	02	Merit Quota
8	Economics	02	Merit Quota
9	English	02	Merit Quota
10	Statistics	02	Merit Quota
11	Maths	02	Merit Quota
12	Biology	02	Merit Quota
13	Chemistry	02	Merit Quota
14	Physics	02	Merit Quota

(S.No. 52) Sixteen Hundred Eighty One (1681) Posts of Male SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

**QUALIFICATION:** For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.  
 For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.  
**AGE LIMIT:** 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.  
**ALLOCATION:**

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
420	280	281	280	210	210

(S.No. 53) Thirty Four (34) Posts of Male Disabled SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

**QUALIFICATION:** For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.  
 For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.  
**AGE LIMIT:** 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.  
**ALLOCATION:** Merit.

(S.No. 54) Ninty Two (92) Posts of Male SETs. /S.S.Ts For Earth Quake Quota (I.E) Battagram, Mansehra, Shangla, Kohistan, Abbottabad. (Both Science & Arts) (with out graduaty and pension).

**QUALIFICATION:** For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.  
 For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.  
**AGE LIMIT:** 21 to 35 years. **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male.  
**ALLOCATION:** Merit.

ATTESTED

ATTESTED

ATTESTED



8

(S.No. 55)

Nine Hundred and Seventy Three (973) Posts of Female SETs. /S.S.Ts (Both Science & Arts) (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-16 ELIGIBILITY: Female.

ALLOCATION:

Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
243	162	162	162	122	122

(S.No. 56)

Twenty One (21) Posts of Female SETs. /S.S.Ts Disabled (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 40 years. years (10 years age relaxation)

PAY SCALE: BPS-16 ELIGIBILITY: Female.

ALLOCATION: Merit.

(S.No. 57)

Fifty One (51) Posts of Female SETs. /S.S.Ts For Earth Quake Quota (I.E) Battagram, Mansehra, Shangla , Kohistan, Abbottabad, (with out graduaty and pension).

QUALIFICATION: For Secondary School Teacher (General) (i) B.A Second Division from a recognized University and (ii) B.Ed or Equivalent Qualification from a recognized University.

For Secondary School Teacher (Science) (i) BSc Second Division with at least Two of the Subjects of Physic, Chemistry, Zoology, Botany, and Mathematics -A or Mathematics-B and (ii) B.Ed or Equivalent Qualification from a recognized University.

AGE LIMIT: 21 to 40 years. PAY SCALE: BPS-16 ELIGIBILITY: Female.

ALLOCATION: Merit.

TECHNICAL EDUCATION AND MAN POWER TRAINING DEPARTMENT.

(S.No. 58)

Two (02) Posts of Assistant Professor Commerce in Govt: Colleges of Commercial/Govt: Commercial Training Institutes.

QUALIFICATION: (i) Ph. D in the relevant subject from a recognized University with three year teaching experience in recognized college / Govt: Commercial Institutes/ Govt: Commercial Institutes/ Govt: Commerce College ass Instructor/ Lecturer.

OR (ii) Master's Degree from a recognized University in the relevant subject with Five Years experience of teaching as Lecturer / Junior Instructor in a recognized college / Govt: Commercial Institute/ Govt: Commerce College.

AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-18. ELIGIBILITY: Male.

ALLOCATION: Merit.

ATTESTED

(S.No. 59)

Two (02) Posts of Assistant Professor in Computer Engineering in Govt: College of Technology & Govt: Polytechnic Institute.

QUALIFICATION: (a) Ph. D in Engineering from a recognized University / Institute with one years's teaching/ professional experience in the relevant subject as such OR (b) Master's Degree in Engineering from a recognized University/ Institute with five years teaching/ professional experience in the relevant subject as such: OR (c)

ATTESTED

ATTESTED

9

(S.No. 66) Ten (10) Posts of Male office Assistant.

QUALIFICATION: Bachelor degree from recognized University.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14. ELIGIBILITY: Male.

ALLOCATION:

Zone-1	Zone-2	Zone-3	Zone-4	Zone-5
02	02	02	02	02

(S.No. 67) One (01) Post of Female office Assistant.

QUALIFICATION: Bachelor degree from recognized University.

AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14. ELIGIBILITY: Female.

ALLOCATION: Merit.

### CORRIGENDUM

1. The Post of Research Officer for Earth Quake Quota appearing at S.No.2 Advt. No.07/2007 may be read as 02 Post for Chemistry and one for cereal Crops.
2. The Post of Reader Advertised in Advt. No. 07/2008 S.No. 39 may be read as one post instead of Two Posts.

### GENERAL CONDITIONS.

- (i) Age, qualification and experience etc shall be reckoned on 26-02-2009 Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Govt Servants who have completed 2 years continuous service, upto 10 years for disabled persons and upto 3 years for candidates belonging to backward areas of Zone-1, Zone-3, Merged Areas of Hazara and Mardan Divisions and upper Tanawal, Districts of Swat, Upper Dir, Lower Dir, Chitral, Buner, Kala Dhaka Area, Kohistan District, Shangla, Gadoon Area in Swabi, Backward areas of Mansehra and Batagram, backward areas of Haripur District i.e., Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo Circle of Tehsil Ghazi. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them.
- (ii) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificate for all the examination shall necessarily be required and these should be attached with the application forms.
- (iii) ALLOCATION of vacancies in BPS-17 and below shall be strictly in accordance with the Zonal ALLOCATION as indicated against each post(s). The applications of the candidates other than the specified zone(s) shall be ignored except for posts reserved for Merit quota. No zonal reservation stands for posts allocated to disabled quota and also for the posts in BPS-18 and above. All such posts shall be filled in on Open Merit.
- (iv) The candidates applying against disabled posts must attach with their application forms of disability certificate from the Provincial Council for Rehabilitation of Disabled Persons as well as disability certificate from the respective Medical Superintendent / Medical Board showing therein the specific disability.

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yp4430 2018 Abdul malik vs Govt USB 403 pags

ATTESTED

- (v) Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30-days of the closing date.
- (vi) Applications should be on the prescribed application form obtainable from the listed below branches of the NATIONAL BANK. Application Fee is Rs. 285/- (Rupees Two Hundred Eight Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs. 15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.
- (vii) Application must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (viii) Applicants married to Foreigners are considered only on production of the Govt. Relaxation Orders.
- (ix) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (x) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (xi) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (xii) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xiii) In cases where the number of applications received for post(s) are disproportionately higher than the number of available vacancies, shortlisting of the candidates may be done in any one of the following manner:
  - (a) Written Test in the Subject.
  - (b) General Knowledge or Psychological General Ability Test.
  - (c) Academic and / or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

Main Branches of:

- (i) Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Manshra.
- (ii) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (iii) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and city Branch Tank.

ATTESTED

(Atta Ur Rehman)

Secretary

NWFP Public Service Commission  
2-Port Road Peshawar Cantt. Ph: 9212962

ATTESTED

ATTESTED

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

# University of Peshawar (Pakistan)

Session ANNUAL 2000

MOHAMMAD NAEEM SON of MOHAMMAD SALEEM

and a student of GOVT. POSTGRADUATE COLLEGE HANDBAN

having passed the prescribed examination held in JULY 2000  
is this day admitted by the University of Peshawar to the Degree of  
**Bachelor of Science**  
in SECOND Division

The Examination was taken as a whole / in parts.

Serial No. 023132

Registration No. 97-112346

Roll No. 761

Result declared on MAY 23, 2001



M. Javed Khan  
Registrar

Countersigned  
Vice-Chancellor

ANNEX B

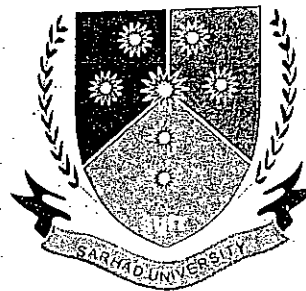
11

ATTACHED

ATTACHED

Registration No. SUIT-05-01-25115

Serial No. 004378



12

# Sarhad University of Science & Information Technology

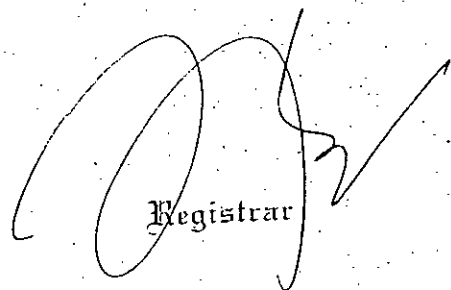
This is to certify that Muhammad Naeem son/daughter of Muhammad Salim

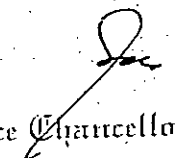
Having passed the requisite examination, is hereby awarded the degree of

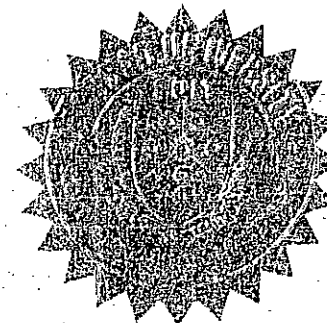
Bachelor of Education

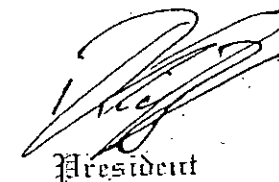
With all the rights and privileges appertaining thereto.

Given at Peshawar (PAKISTAN) on the Twentieth day of February Two Thousand Nine.

  
Registrar

  
Vice Chancellor



  
President

ATTESTED

S No. 8024

Roll No. 156238

Group: Pre-Engineering

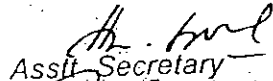



ATTESTED

Board of Intermediate and Secondary Education  
Peshawar NWFP Pakistan

INTERMEDIATE EXAMINATION  
SESSION 1997 - ANNUAL

This is to Certify that Muhammad Naeem Son/Daughter of Muhammad Saleem  
and a Student / resident of Government Post Graduate College Mardan Registered No. 195-B/M-95  
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar  
held in May, 1997 as a Regular Candidate. He / She obtained 682 Marks out of 1100  
and has been placed in Grade B Representing Very Good He / She has been awarded Grade B on the  
basis of internal assessment by the institution concerned. The Examination was taken as a whole / in parts.

  
Asst. Secretary

  
Secretary

ATTESTED

This certificate is issued without alteration or erasure.

14

S. No. PBR-007883



Roll No. 137541

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



**Peshawar N.W.F.P. Pakistan**  
**Secondary School Certificate Examination**

SESSION 1995 (ANNUAL)  
(SCIENCE GROUP)

THIS IS TO CERTIFY THAT Muhammad Naeem  
Son/Daughter of Muhammad Salim  
and a student of Govt High School, Jalala (Mardan)  
has passed the Secondary School Certificate Examination  
of the Board of Intermediate and Secondary Education, Peshawar held in April 1995  
as a *Regular candidate*. He/She obtained 611 Marks out of 850  
and has been placed in Grade  A  Representing Excellent

The Candidate passed in the following subjects.

- |            |                     |                |              |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat        | 5. Mathematics | 7. Chemistry |
| 2. Urdu    | 4. Pakistan Studies | 6. Physics     | 8. Biology   |

He/She has been awarded Grade  A  on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is: Twenty Fifth March  
one thousand nine hundred and Seventy Nine (25-3-1979)

Asst. Secretary  
28th July, 1995.

*This certificate is issued without alteration or erasure.*

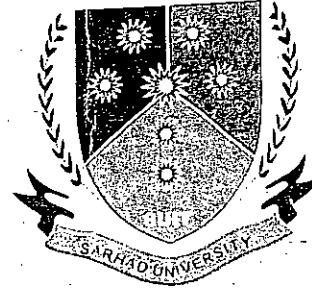
Secretary

**ATTESTED**

**ATTESTED**

Registration No. SUIT-05-01-25115

Serial No. 004378



ATTACHED

51

# Sarhad University of Science & Information Technology

This is to certify that Muhammad Naeem son/daughter of Muhammad Salim

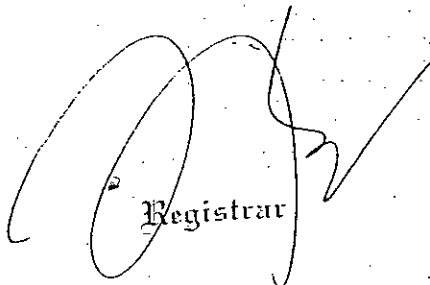
Having passed the requisite examination, is hereby awarded the degree of

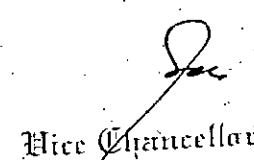
Bachelor of Education

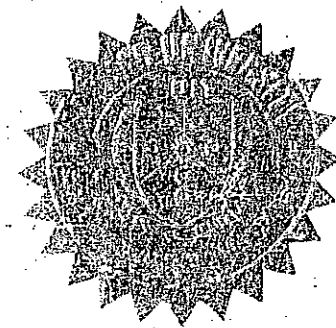
With all the rights and privileges appertaining thereto.

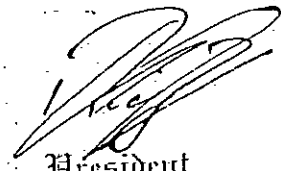
Given at Peshawar (PAKISTAN) on the Twentieth day of February Two Thousand Nine.

ATTACHED

  
Registrar

  
Vice Chancellor



  
President



16

ANNEX C

Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,  
9210437, 9210957, 9210468  
Fax 091-9210936  
E-mail [desekpk@yahoo.com](mailto:desekpk@yahoo.com)



Notification.

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of Secondary School Teacher (SST Gen.) in BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further his Services placed at the disposal of Director of Education FATA for further posting against vacant SST General posts:-

SNO	Name	Father Name	Domicile	Zone	Permanent Address	Place of Posting
1	2	3	4	5	6	7
1.	Maqsood Anwar	Saqi Muhammad	FR Banru	I	Moh. Palosi Road Rahat Abad Near Peshawar University	Services placed at the disposal of Director of Education FATA for further posting against vacant SST Gen posts.
2.	Muhammad Naeem	Muhammad Saleem	Bajur Agency	I	Village Parau Tehsil Takhi Bhai District Marikan	-Do-
3.	Attuallah	Abdul Jabar	Mohmand Agency	I	Village Kogpand Daghmeta Tehsil Lakarey Dist: Mohmand Agency	-Do-
4.	Ahmad Shah	Suleman Shah	Mohmand Agency	I	Village Sheikh Kalli P.O. Agra Tehsil & Dist: Charsadda	-Do-
5.	Shakrirullah	Zargar	Mohmand Agency	I	Halqemzai Aha Khel P.O. Ghalani Tehsil Upper Mohmand	-Do-

Terms and conditions:-

1. His services will be considered regular but without pension & Grutuity in terms of section 19 of the NWFP civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. He will however be entitled to Contributory provident fund in such a manner and at such rates as per prescribed by the Govt.
2. In case, he is already in Government service and working against pensionable post on regular basis before 1<sup>st</sup> day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public service Commission through proper channel and selection by the commission, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to his under his previous terms of appointment or to avail the benefit of contributory provident fund allowed to him under new appointment.

ATTESTED ATTESTED

3. His services are liable to termination on one months notice from either side. In case of resignation with out notice his one-month pay/allowances shall be forfeited to the Government.
4. He should join his post within 30 days of the issuance of this notification. In case of failure to join there post within one month of issuance of this notification his appointment will expire automatically and no subsequent appeal etc shall be entertained.
5. He would be on probation for a period of one year extendable for another one year.
6. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
7. His Services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
8. Charge report should be submitted to all concerned
9. The Director of Education FATA concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of his posting orders.
10. The Director of Education FATA concerned will verify their documents before release of pay.
11. His seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
12. No TA/DA will be allowed to the appointee for joining his duty.

( Muhammad Rafiq Khattak )  
 Director  
 Elementary and Secondary Education  
 Khyber Pakhtunkhwa Peshawar.

Endst: No. 3506-13/ File No. 2/A-14/SST(F)/PSC/Appt: Dated Peshawar 25/5/2012

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
3. Director of Education FATA Warsak Road Peshawar.
4. All Agency Accounts Officer in FATA.
5. Official Concerned
6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
7. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
8. M/File

ATTESTED

Dy: Director (E&SE) 25/5/2012  
 Elementary and Secondary Education

18



SECRETARIA  
DIRECTORATE OF EDUCATION  
FATA  
ANNEX D

ADJUSTMENT

Consequent upon their appointment as SST in BPS-16 on the basis of recommendation of Khyber Pakhtunkhwa Public Service Commission and placement of their services at the disposal of Director Education, FATA vide Director Elementary & Secondary Education Khyber Pakhtunkhwa's Notification No. 3506-13/File No.2/A-14/SST(F)/PSC/Appnt. dated 25-5-2012, the following SSIs are hereby adjusted in the schools noted against each with immediate effect:-

S/II	Name/Father's Name/Domicile/Address	Posted at	Remarks
1	Mr. Maqsood Anwar S/O Saqi Muhammad (FR-Bannu) Moh. Palosi Road Rahat Abad Near Peshawar University	GHS Zihara Khyber Agency	Against vacant post
2	Muhammad Nazeem S/O Muhammad Saleem (Bajour) Vill. Pano Tehsil Takht Bhai District Mardan Agency	GHS Muhammad Khan Kili Khyber Agency	-do-
3	Mr. Atta Ullah S/O Abdul Jabar (Mohmand) Vill. Kog Pand Dagnula Tehsil Lakarai Mohmand Agency	GHS Kharghali Khyber Agency	-do-
4	Mr. Ahmad Shah S/O Suleman Shah (Mohmand) Vill. Sheikh Kalli PO: Agra Tehsil & District Charsadda	GHS Abdul Ghafoor Khan Kili Khyber Agency	-do-
5	Shakriullah S/O Zargar (Mohmand), Haleemzai Aba Khel PO: Ghalani Tehsil Upper Mohmand	GHS Duma Kor Khyber Agency	-do-

Note:-

The terms & conditions of their posting will be the same as already prescribed in the above mentioned Notification of Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar. However the Agency Education Officer concerned will verify their documents before release of pay.

(FAZLI MANAN)  
DIRECTOR EDUCATION (FATA)

7057-70

Encls: No. 1/A-14 Appnt. of SST (Gen/PSC) 2012 Dated Pesh. the 30/5/2012

Copy forwarded to the:-

- 1 Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar w/r to his Notification cited above.
- 2 Agency Education Officer Khyber Agency at Jamrud
- 3 Agency Accounts Officer Khyber Agency at Jamrud
- 4 Principal/Headmasters concerned
- 5 Candidate concerned
- 6 P.A to D.E FATA

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ADDL. DIRECTOR (FATA)



ANNEX

E

DATED: .....

NOTIFICATION

1. WHERE AS: one Mr. Muhammad Naeem S/O Muhammad Saleem who himself appointed/adjusted as SST (G) in GHS Muhammad Khan Killi District Khyber vide Notification No. 3506-13/File No. 2/A-14/SST(M)/PSC/Apptt: dated 25/5/2012 and No. 7057-70/A-1/Apptt: of SST (General) (PSC)2012 dated 30/5/2012 upon the production of fake/bogus appointment/adjustment order not issued by the Directorate of Education erstwhile FATA, Nor by the Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa.
2. AND WHERE AS, the competent authority has directed the above said accused SST to produce authentic and verified service record from the concerned authorities, but he failed to comply with the legitimate directions of high ups regarding production of requisite authentic documents/record.
3. AND WHERE AS, further an inquiry committee was constituted by the competent authority vide Notification No. 8154-63 dated 04/8/2016 who have gone through the entire case record and it has been proved that the said appointment/adjustment order for the aforesaid post advertised by Public Service Commission Khyber Pakhtunkhwa was turned out fake/bogus.
4. AND WHERE AS, it has come to the notice of the competent authority that Mr. Muhammad Naeem S/O Muhammad Saleem, having no legal status of the said appointment/adjustment order.
5. NOW THEREFORE, under the mandatory provision and power conferred under Section-20 & 21 for General clauses Act-1897 as amended in 1956 and in pursuance of the scrutiny of selection/appointment record in r/o the above mentioned SST which was found fake/bogus, thus his appointment/adjustment Notification No. 3506-13/File No. 2/A-14/SST(M)/PSC/Apptt: dated 25/5/2012 and No. 7057-70/A-1/Apptt: of SST (General) (PSC)2012 dated 30/5/2012 is hereby "DISOWNED" ab initio and with the direction to District Education Officer (concerned) to recover salaries and other allied benefits drawn by Mr. Muhammad Naeem S/O Muhammad Saleem in the interest of Public Service.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

5734-38  
Endst: No. \_\_\_\_\_ dated 4/4 2019

Copy forwarded to the:-

1. Deputy Commissioner, District Khyber with the request to take legal action.
2. District Education Officer District Khyber with the direction to take necessary steps for the recovery of outstanding amount against fake/bogus SST concerned.
3. District Account Officer Khyber to co-operate in the matter.
4. Principal GHS Mohammad Khan Killi District Khyber.
5. PS to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa.
6. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.

~~ATTESTED~~

ATTESTED

Deputy Director (Estab)  
Merged Districts

4/4/19

# بھنور جناب سیکرٹری E&SE ڈیپارٹمنٹ KP پشاور

20

محکمہ اعلیٰ بر خلاف نوٹیفیکیشن محررہ 4-4-2019 جس کی رو سے ڈائریکٹر صاحب KP پشاور نے اپیلنٹ (Appilant) کے بھرتی کے احکامات بحیثیت SST محررہ 25-5-2012 اور بعد از محررہ 30-5-2012 کو یکطرفہ طور پر جعلی و فرضی ابتلا کر اپیلنٹ (Appilant) کو ملازم ماننے سے انکار کر دیا۔

استدعا: نوٹیفیکیشن محررہ 4-4-2019 مجاز یہ جناب ڈائریکٹر صاحب E&SE ڈیپارٹمنٹ KP پشاور کو قاعدہ کرنے کے اپیلنٹ (Appilant) کو ملازمت پر تمام مراعات کے ساتھ بحال کیا جائے۔

جناب عالی!

۱- یہ کہ M.A, B.Ed. Appilant تک تعلیم یافتہ ہے۔

۲- یہ کہ محکمہ E&SE ڈیپارٹمنٹ KP پشاور نے بزرگوار اشتہار محررہ 2009 مجاز یہ KPPSC نے صوبہ سرحد اب KP کے اہل امیدواروں کے لیے SST کی پوسٹوں کے لئے درخواستیں طلب کئے۔ چونکہ Appilant تمام شرائط پر پورا اتر رہا تھا۔ اس لیے بزرگوار PSC اپلائی کی۔

۳- یہ کہ بھرتی کے مزاجہ طریقہ کار سے نکتے ہوئے Appilant میرٹ لسٹ میں جگہ بنانے میں کامیاب ہوا۔

۴- یہ کہ Appilant کو KPPSC نے باقاعدہ E&SE ڈیپارٹمنٹ KP پشاور کو منظور کیا۔ جو کہ محکمہ نے بزرگوار نوٹیفیکیشن محررہ

25-05-2012 تصدیق کے احکامات جاری کر کے بعد از روئے حکم محررہ 30-5-2012 ٹرانسٹل ڈسٹرکٹ خیبر جی ایچ ایس محمد خان کئے میں

ایڈجسٹ کیا گیا۔ اس کے بعد Appilant کا GHS Landikotal 07-05-2018 تبادلہ کیا گیا۔

۵- یہ کہ بغیر چارج شیٹ اور شوکا ز نوٹس و پرسنل ہینڈنگ اور ریگولر انکوائری کے Appilant کو یکطرفہ احکامات محررہ 04-04-2019 کی رو سے نوکری سے برخاست کیا گیا۔ بلکہ بھرتی احکامات کو جعلی و فرضی کر دیا گیا جو کہ ظلم اور نا انصافی کا منہ بولتا ثبوت ہے۔ اس لیے قابل منسوخی ہے۔

۶- یہ کہ Appilant کے 7 سال سے زیادہ عرصہ ملازمت کو بہ یک جنبش قلم ختم کر کے نہ صرف گھر بھیج دیا بلکہ دور ملازمت تمام تنخواہیں واپس لی جانے کے احکامات جاری کیے گئے جو کہ آئین اور قانون کے منافی ہے۔

لہذا التماس ہے منظور فرمائی درخواست ہذا نوٹیفیکیشن محررہ 4-4-2019 کو قاعدہ کرنے کے Appilant ملازمت پر بحال کیا جائے۔

آپ کا مخلص محمد نعیم ایس ایس ٹی

جی ایچ ایس لنڈی کوتل

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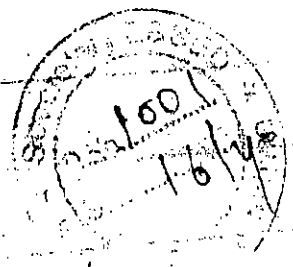
ATTESTED

Deputy Director (Establishment)  
Merged District

4/4/19

- 1- (1) عبدالرشید ولد سید محمد شاہ GMS
- 2- (2) یار خان ولد علی زرعان GMS
- 3- (3) عبدالرشید ولد محمد طیب GMS
- 4- (4) عبدالرشید ولد عبدالرشید GMS
- 5- (5) عبدالرشید ولد عبدالرشید GMS
- 6- (6) عبدالرشید ولد عبدالرشید GMS
- 7- (7) عبدالرشید ولد عبدالرشید GMS
- 8- (8) عبدالرشید ولد عبدالرشید GMS
- 9- (9) عبدالرشید ولد عبدالرشید GMS
- 10- (10) عبدالرشید ولد عبدالرشید GMS
- 11- (11) عبدالرشید ولد عبدالرشید GMS
- 12- (12) عبدالرشید ولد عبدالرشید GMS
- 13- (13) عبدالرشید ولد عبدالرشید GMS
- 14- (14) عبدالرشید ولد عبدالرشید GMS
- 15- (15) عبدالرشید ولد عبدالرشید GMS
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- 50- (50) عبدالرشید ولد عبدالرشید GMS

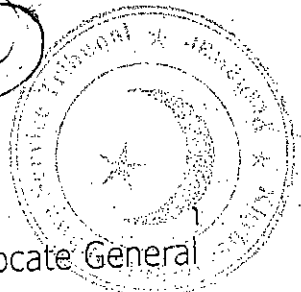


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ANNEX - G

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20.01.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Hamid Salim Law Officer, Hayat Khan Assistant Director and Abdul Wahid ADEO for respondents present.

Vide detailed judgment of today of this Tribunal placed on file of connected service appeal No.1014/2019 tilted Mst. Ishrat Vs. Education Department, the impugned orders stand set aside and the appellant is reinstated in service with direction to the Department to conduct proper inquiry. They shall investigate the issue through a proper inquiry reaching to a logical conclusion to find out the real culprits who maneuvered to make it possible and thereafter, the fate of appellant be decided in the light of the said inquiry. The respondents shall conclude the proceedings within 90 days after receipt of this judgment. The issue of back benefits shall be subject to the outcome of inquiry. With no order as to costs. File be consigned to the record room.

Announced.  
20.01.2021

(Atiq-ur-Rehman Wazir)  
Member (E)

(Rozina Rehman)  
Member (J)

**Certified to be true copy**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation 24-6-21  
Number of Words 800  
Copying Fee 10.00  
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Date of Completion of Copy 25-6-21  
Date of Delivery of Copy 25-6-21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1014/2019



Date of Institution ... 02.08.2019  
Date of Decision ... 20.01.2021

Mst. Ishrat W/O Sher Afghan Khan Ex-SST (Gen), R/O Village Fazal Abad,  
Tehsil Takht Bhai, District Mardan.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education, Civil Secretariat Peshawar and two others.

(Respondents)

Present:

Amin ur Rehman Yousafzai,  
Advocate ... For appellant.

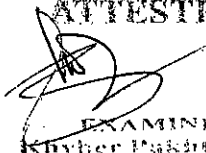
Kabir Ullah Khattak,  
Additional Advocate General ... For official respondents.

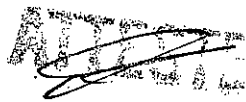
ROZINA REHMAN ... MEMBER (J)  
ATIQU UR REHMAN WAZIR ... MEMBER (E)

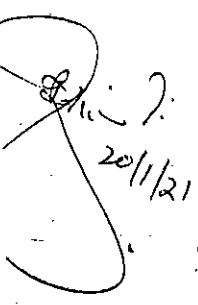
JUDGMENT

ROZINA REHMAN, MEMBER: This judgment is intended to dispose of 40  
connected service appeals which are:

1. Service Appeal No.958/2019
2. Service Appeal No. 959/2019
3. Service Appeal No.960/2019
4. Service Appeal No.961/2019

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



  
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5. Service Appeal No.962/2019
6. Service Appeal No.963/2019
7. Service Appeal No.964/2019
8. Service Appeal No.965/2019
9. Service Appeal No.966/2019
10. Service Appeal No.967/2019
11. Service Appeal No.968/2019
12. Service Appeal No.969/2019
13. Service Appeal No.970/2019
14. Service Appeal No.971/2019
15. Service Appeal No.972/2019
16. Service Appeal No.973/2019
17. Service Appeal No.974/2019
18. Service Appeal No.975/2019
19. Service Appeal No.1009/2019
20. Service Appeal No.1010/2019
21. Service Appeal No.1011/2019
22. Service Appeal No.1012/2019
23. Service Appeal No.1013/2019
24. Service Appeal No.1014/2019
25. Service Appeal No.1015/2019
26. Service Appeal No.1016/2019
27. Service Appeal No.1017/2019
28. Service Appeal No.1018/2019
29. Service Appeal No.1024/2019
30. Service Appeal No.1025/2019
31. Service Appeal No.1026/2019

20/1/21

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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32. Service Appeal No.1027/2019
33. Service Appeal No.1028/2019
34. Service Appeal No.1029/2019
35. Service Appeal No.1030/2019
36. Service Appeal No.1031/2019
37. Service Appeal No.1032/2019
38. Service Appeal No.1033/2019
39. Service Appeal No.1041/2019
40. Service Appeal No.1111/20219

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

2. Precisely stated the facts of the case are that the appellants were appointed as SSTs. They were directed to produce service record but failed. After completion of codal formalities, they were removed from service by means of orders dated 04.04.2019 and 05.04.2019. They preferred departmental appeals but the same were not responded to, hence, the present service appeals.

3. Learned counsel for appellants submitted that the appointments were made in accordance with law by following the prescribed procedure which cannot be held fake appointments. That notifications dated 04.04.2019 and 05.04.2019 are against law and facts. That the appellants were not treated in accordance with law and they were not given an opportunity to defend themselves as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan 1973. Learned counsel further argued that neither regular inquiry was conducted nor the appellants were served with show cause notices, hence, they all were condemned unheard. That all the appellants being qualified, were properly appointed after due process of law.

ATTESTED

  
 Peshawar  
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JB

and fulfillment of all codal formalities but they were shown out of service with a single stroke of pen without care and caution of its legal consequences which caused grave miscarriage of justice. In order to substantiate his version, reliance has been placed on 2011 SCMR 1581; 2004 SCMR 303; 2016 SCMR 1299 and 2010 PLD SC 483.

4. Conversely learned A.A.G appearing on behalf of respondents, controverted the contentions of learned counsel for appellants by contending that claim of the appellants regarding their appointment is baseless and liable to be rejected as they never applied for the said post nor appeared in any interview, therefore, their appointment was declared fake & bogus and have been disowned by the Department vide notifications dated 04.04.2019 and 05.04.2019. He submitted that they were treated as per law, rules and policy and there is no question of violation of Article 10-A of the Constitution of Islamic Republic of Pakistan 1973, hence stance of the appellants is baseless and liable to be rejected and lastly, he submitted that those appellants who claimed to have been recommended by the Khyber Pakhtunkhwa Public Service Commission, failed to produce any proof of their recommendation by Public Service Commission. Reliance was placed on 2005 SCMR 1814; 2005 SCMR 1040; 2009 SCMR 1492 and 2012 SCMR 673.

5. Before dilating upon the main issue, it merits a mention here that total 40 connected cases are intended to be disposed of through this single judgment. There are three categories of cases; category-I includes fives cases of those employees who were appointed on contract basis and subsequently were regularized in service under the KP Employees (Regularization of Service) Act, 2009 and it was on 04.04.2019 when they received notification vide which appointment record in respect of these

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

ATTESTED

appellants was found bogus, thus, their appointment/adjustment notification dated 11.02.2010 was disowned. Category-II includes those employees who upon recommendation of D.S.C, were appointed as PTC, subsequently applied for SSTs' posts and were selected by the Khyber Pakhtunkhwa Public Service Commission. It was on 04.04.2019 when they received notification vide which appointment record in respect of these appellants was found bogus, thus, their appointment notification was disowned. Appellants of category-III are those, who were appointed as SSTs on the recommendations of KPPSC and two of them were promoted to the rank of S.S and it was on 04.04.2019 when they received notification vide which appointment record in respect of these appellants was found bogus, thus, their appointment/adjustment notification was disowned.

6. Secondary School Teachers (SST) previously known as S.E.T are usually appointed through Departmental Promotion Committee or through Public Service Commission. As per existing policy, the promotion share is 75% of various Teaching Cadre and 25% is through initial recruitment. Recruitment of SSTs were lastly made through Public Service Commission in 2012 while in the year 2008, SSTs were recruited on Adhoc/Contract Basis and later on, they were regularized. As per respondents there were rumors that various number of SSTs, SETs have been inducted in the system and working in different agencies without adopting the proper recommendation of Public Service Commission or Departmental Promotion Committee. This task was assigned to two Assistant Directors who checked the credentials of all the SSTs and submitted report where-after another Inquiry Committee was constituted and 69 SSTs were declared fake being directly inducted in the system. The Inquiry report was not available on record and it was produced upon the directions of Bench. There is a riddle as to how the

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 Khyber Pakhtunkhwa  
 Public Service Commission

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respondents came to know without any inquiry after a long period of service by all the appellants that their appointment order is fake. Different documents were produced by the appellants which were placed on file which show that some of the appellants applied for a post published by the Public Service Commission as they produced application forms. Appellant in Service Appeal No.964/2019 Shakir Ullah produced his application form, one Abdul Malik appellant in Service Appeal No.968/2019 also produced Call Letter for Interview from Public Service Commission. Similarly, appellant in Service Appeal No.1010/2019 also produced his Call Letter. Some documents were produced by appellant in Service Appeal No.965/2019 vide which he was directed by the Commission to rectify the deficiencies. Another letter addressed to the Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education vide which recommendations in favor of 21 recommendees was sent and few recommendees are still in service. Another recommendation in favor of three ladies is available on file wherein appellants Mst. Sarwat Jehan and Mst. Tahira Naz are available at Serial No. 1 & 3 whereas Mst. Rabia Shams at Serial No.2 is still in service. Similarly, other documents also show same entries. Record further shows that appellants in Service Appeals No.1027/2019 and 1033/2019 i.e. Mst. Sarwat Jehan and Mst. Seema Mujahid respectively were properly promoted as there was nothing against them. They are qualified and they served the Department for a long period. They drew their salaries and lastly, they were removed by the authority by disowning their service record. As per recommendations of the Inquiry report, 69 SSTs were neither recommended by the Public Service Commission nor promoted/recruited by the Elementary & Secondary Education Khyber Pakhtunkhwa. Their salaries were recommended to be stopped and proceedings under the Khyber

20/4/21

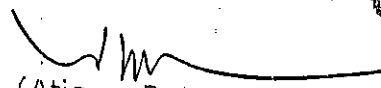
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Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 were recommended to be initiated. The competent authority while passing the impugned order did not bother to go through the contents of the inquiry report. The appellants have received salaries for a long period which strengthen their case. The respondents did not irk to conduct proper inquiry as to who issued such orders and who processed and submitted their salaries to the Account Office. The respondents avoided all such mandatory steps and out rightly stopped their salaries by disowning their appointment orders, thus allow the real culprits to stay behind the curtain, knowing the fact that the appellants have now developed a vested right over the posts as they have drawn salaries for a long period against the sanctioned posts. The respondents handled the case carelessly by not reaching to a logical conclusion, hence, left the appellants in a hanging position.

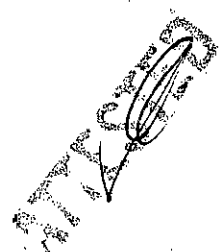
7. In view of the situation, the impugned orders stand set aside and the appellants are reinstated in service with direction to the Department to conduct proper inquiry. They shall investigate the issue through a proper inquiry reaching to a logical conclusion to find out the real culprits who maneuvered to make it possible and thereafter, the fate of appellants be decided in the light of the said inquiry. The respondents shall conclude the proceedings within 90 days after receipt of this judgment. The issue of back benefits shall be subject to the outcome of inquiry. With no order as to costs. File be consigned to the record room.

ANNOUNCED.  
20.01.2021

  
(Atiq ur Rehman Wazir)  
Member (E)

Certified to be true copy  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
Rozina Rehman)  
Member (J)



DIRECTORATE OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA

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NOTIFICATION

ANNEX

H<sup>2</sup>

In compliance to the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar Judgment dated 20-01-2021 rendered in Service Appeal #961/2019 the impugned order/notification in respect of Muhammad Mueem S/O Muhammad Saleem Ex SST (General) GHS Muhammad Khan Nilli District Khyber issued vide this Directorate under endorsement No. 5690-95 dated 04-04-2019 is hereby set aside for the purpose of de novo inquiry.

**Director  
Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar**

Order No. 335/2021 /A-12/Re-instatement/SST (M&F)

Dated Peshawar the 15/03 /2021

Copy forwarded to the:-

1. District Education Officer Khyber for further necessary action as per the Honorable Service Tribunal Peshawar Judgment referred above.
2. Additional Director (Estab) Merged District Khyber Pakhtunkhwa Peshawar.
3. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

**Deputy Director (Estab)  
Merged Districts**

S. PET B.S. 16  
GHS Khanjani  
Moo Khel Dist. Mohmand

15/03/2021

Annual Report.

ANNEX I

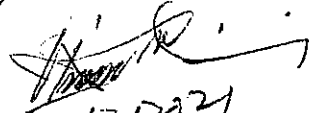
(31)

In compliance to the Director  
Elementary and Secondary Education  
Icbyber Pakhtunkhwa Peshawar notification.

Encl. No. 3525-271/A-12/ Re-instatement  
SSI (M/F) dated 15-03-2021

1. Mr. Muhammad Naeem SSI (G)  
Submit annual report to your school  
office for duty please on 16-03-2021 before <sup>Naeem</sup> 16/3/2021

Name: Muhammad Naeem SSI  
G/H, Landi Kotla  
Distt: Icbyber

  
16/3/2021

ATTESTED





DIRECTORATE OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA

NOTIFICATION

ANNEX

J

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WHEREAS, the judgment of the Honorable Khyber Pakhtunkhwa, Service Tribunal Khyber Pakhtunkhwa Peshawar, dated 20-01-2021 rendered in Service Appeal #961/2019 in respect of Muhammad Naeem S/O Muhammad Saleem Ex. SST (General) GHS Muhammad Khan Killi, District Khyber is with the direction to the competent authority to set aside the impugned order/notification issued vide this Directorate under endorsement No. 5690-95 dated 04-04-2019 and to conduct proper Inquiry.

AND WHEREAS, the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar set aside the impugned order/notification issued by this Directorate under endorsement No. 5690-95 dated 04-04-2019, vide Notification No. 3585-87 dated 15-03-2021 and constituted an inquiry committee vide notification No. 1911-16 dated 08-02-2021.

AND WHEREAS, the inquiry committee submitted its report vide No. 778 dated 24-04-2021.

NOW THEREFORE, in the light of recommendations of the inquiry committee, the set aside notification in respect of Muhammad Naeem S/O Muhammad Saleem Ex SST (General) GHS Muhammad Khan Killi District Khyber issued vide Notification No. 5690-95 dated 04-04-2019 is hereby restored, while the notification issued vide Notification No. 3585-87 dated 15-03-2021 is hereby withdrawn with effect from the date of its issuance.

Director

Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 9/26-31 /A-12/Re-instatement/SST (M)

Dated Peshawar the 11/06/ 2021

Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. District Education Officer Khyber.
3. District Accounts Officer Khyber.
4. Principal/Headmaster concerned.
5. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
6. PA to Additional Director (Estab) Merged Districts Khyber Pakhtunkhwa Peshawar.

Deputy Director (Estab)  
Merged Districts

ATTESTED

To,

The Secretary (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION DATED 11.6.2021 WHEREBY THE DISOWNED ORDER DATED 4.4.2019 HAS BEEN RESTORED**

**R.SHEWETH:**

That initially the appellant was inducted/ appointed as Secondary School Teacher (BPS-16) on the proper recommendation of Khyber Pakhtunkhwa Public Service Commission vide Notification dated 25.5.2012. That in response the appellant got himself medically examined and also submitted arrival report. That where after the appellant started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors. That after proper verification of Educational antecedents and service documents the salary of the appellant has been released/started by the concerned authorities.

That it is pertinent to mention that appellant is equipped with the qualification of B.A and professional qualification of Bachelor of Education which is over and above the requisite qualification for the post of SST (BPS-16). That it is pertinent to mention that during the said period the appellant has successfully completed his probationary period and as such the Department confirmed the appellant against the post of SST (BPS-16).

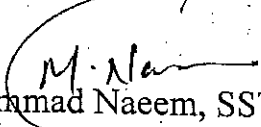
That unfortunately the authority without any reason & rhyme and without following codal formalities straight away issued the impugned Notification dated 4.4.2019 whereby the appointment Notification of the appellant dated 25.05.2012 has been disowned by the authority. Against which the appellant filed Departmental appeal followed by service appeal before the Tribunal and the august Tribunal directed the authority to re-instate the appellant into service and where after conduct denovo inquiry in the matter.

That unfortunately vide impugned Notification dated 11.6.2021 the disowned order dated 4.4.2019 has been restored without any regular inquiry.

It is therefore most humbly prayed that on acceptance of this Departmental appeal the impugned Notification dated 11.6.2021 may kindly be set aside and the appellant may be re-instated into service with all back benefits.

DATED: 09.7.2021

APPELLANT

  
Muhammad Naeem, SST (BPS-16),  
GHS Landi Kotal, District Khyber.

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**VAKALATNAMA**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

APPEAL NO \_\_\_\_\_ OF 2021

M. NAEEM

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**


EDUCATION DEPTT:OTHERS

(RESPONDENT)  
(DEFENDANT)

I/We M. Naeem

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK, Advocate, HIGH COURT, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_\_/\_\_\_\_\_/2020



**CLIENT**

**ACCEPTED**

**NOOR MUHAMMAD KHATTAK**

**SAID KHAN**

**UMAR FAROOQ MOHMAND  
ADVOCATES**

**OFFICE:**

Flat No.4, 2<sup>ND</sup> Floor,  
Juma khan plaza near  
FATA secretariat, warsak road  
Peshawar City.  
Mobile No.0345-9383141