

25.09.2023

Learned counsel for the appellant present.  
Mr. Lutf Ullah, Assistant alongwith Mr. Asif Masood Ali  
Shah, Deputy District Attorney for the respondents  
present.

Para-wise comments on behalf of respondents  
received through office. Copy of the same handed over to  
learned counsel for the appellant, who requested for  
adjournment on the ground that he has not gone through  
the para-wise comments submitted by the respondents.  
Adjourned. To come up for preliminary hearing on  
23.10.2023 before the S.B at Camp Court Abbottabad.  
Parcha Peshi given to the parties.



(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

*\*Naeem Amin\**

19<sup>th</sup> June, 2023

1. Learned counsel for the appellant present and has been heard.

2. Though the appeal has been resubmitted after fifty two (52) days as against fifteen (15) days given to the appellant yet in the interest of justice the office objection is removed subject to the objection regarding the limitation if any taken by the other side and the office is directed to assign appeal number to this appeal.

3. Let pre-admission notice be issued to the other side. To come up for written reply/comments as well as preliminary hearing on 25.09.2023 before the S.B at camp court Abbottabad. P.P given to the parties.




(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

*\*Adnan Shah, P.A\**

29.03.2023

Appellant present through counsel.

He made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on office objection on 25.04.2023 before S.B at Camp Court, Abbottabad. Parcha Peshi given to the appellant.

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

25-4-23

Due to public holiday to  
come up for the same on 19-6-23

  
Radar

Respected Sir,

It is submitted that the present appeal was received on 12.12.2022 after thoroughly scrutinizing the same many deficiencies were found in it which was returned to the counsel for the appellant for completion and resubmission within 15 days which was to be resubmitted on 28-12-2022 but counsel for the appellant re-filed the same through registered post which was received on 20.02.2023 late by 52 days without removing the objection no.8 & 11.

The appeal is submitted to your Honour under rule-7(c) of Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

  
REGISTRAR


Worthy Chairman

The appeal submitted by Mr. Muhammad Arshad Khan Tanoli Advocate today i.e. on 12.12.2022 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. ✓ Check list is not attached with the appeal.
2. ✓ Appeal has not been flagged/marked with annexures marks.
3. ✓ Annexures of the appeal may be attested.
4. ✓ Affidavit may be got attested by the Oath Commissioner.
5. ✓ In the memo of appeal many places have been left blank which may be filled up.
6. ✓ Copy of first appointment and termination order mentioned in para-1 of the memo of appeal (Annexure-A) are not attached with the appeal which may be placed on it.
7. ✓ Copy of Order dated 05.04.1997 attached with the appeal is illegible which may be replaced by legible/better one.
8. ✓ Address of appellant is hand written which is not acceptable the same may be written according to Khyber Pakhtunkhwa service tribunal rules 1974.
9. ✓ Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
10. ✓ Wakalat nama in favour of appellant be placed on file.
11. ✓ The documents that are to be provided must be legible.

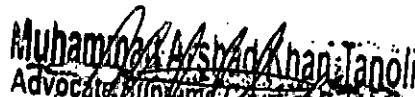
No. 3587 /S.T,

Dt. 13-12 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

M. Arshad Khan Tanoli Adv.  
High Court A.Abad.

Sit Documents and Service  
Appeal resubmitted  
as per order

  
Muhammad Arshad Khan Tanoli  
Advocate Supreme Court of Pakistan  
Office: 13, Minah Plaza Adjacent to  
Distt: Bar Abbottabad



# KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWA

## CHECK LIST

M. Rustom

**Versus**

Govt of KPK & others

..... Appellant

..... Respondents

S NO	CONTENTS	YES	N
1.	This petition has been presented by: <u>Asad Khan Advocate Supreme Court &amp; Reha.</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?		
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled

Name:- Zahid Nawaz

Signature:- [Signature]

Dated:- 17/02/23

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

Service Appeal No. 2004/2022

Muhammad Rustam Pst GPS Saidano Sar Battagram.

....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 6	
2.	Copy of appointment order and termination order of the appellant	7-12	"A"
3.	Copy of appointment order dated 28.02.2018 of the appellant	13-15	"B"
4.	Copy of department appeal	16	"C"
5.	Wakalatnama	17	

....APPELLANT

Through

Dated: \_\_\_\_\_/2022

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

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

Khyber Pakhtunkhwa  
Service Tribunal  
2256  
12/12/22

Service Appeal No. 2021/2022

Muhammad Rustam PST GPs Saidano Sar Battagram.

....APPELLANT

VERSUS

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

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
ACT 1974 FOR DECLARATION TO THE EFFECT  
THAT THE APPELLANT WAS APPOINTED ON  
28-11-95 AND WAS TERMINATED FROM THE  
SERVICE ON 5-4-97. THEREAFTER, THE  
APPELLANT GOT APPOINTMENT AS PST ON  
28.02.2018, AS PER KP SACKED EMPLOYEES  
APPOINTMENT ACT 2012, BUT PREVIOUS



SERVICE W.E.F 28-11-95 TO 5-4-95 AND  
2012 TO 28.02.2018 HAS NOT BEEN COUNTED  
TOWARDS CALCULATION OF PENSION BY THE  
DEPARTMENT.

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PRAYER: ON ACCEPTANCE OF INSTANT  
SERVICE APPEAL, THE RESPONDENTS'  
DEPARTMENT MAY GRACIOUSLY BE DIRECTED  
TO COUNT PREVIOUS SERVICE W.E.F 28-11-95  
TO 5-4-97 AND 2012 TO 28.02.2018 OF THE  
APPELLANT TOWARDS CALCULATION OF  
PENSION AND COMMUTATION.

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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 28-11-95 and his  
service was terminated on 5-4-97. Copy of  
appointment order and termination order 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.
3. That, as per KP Sacked Employees appointment Act 2012, the appellant was appointment PST on the 28.02.2018, but his previous service w.e.f 28-11-95 to 5-4-97 and 2012 to 28.02.2018 has not been counted towards calculation of pension/commutation of the appellant. Copy of appointment order dated 28.02.2018 of the appellant is annexed as Annexure "B".
4. That, the appellant filed departmental appeal to respondents' department but of no avail. Copy of departmental appeal is annexed as Annexure "C". Hence, the instant service appeal is filed inter-alia on the following grounds.

**GROUNDS:-**

- 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 28-11-95 to 5-4-97  
and 2012 to 28.02.2018 counted towards  
calculation of pension and commutation.

- 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 28-11-95 to 5-4-97 and 2012 to  
28.02.2018 of the appellant towards calculation of  
pension and commutation.

  
..APPELLANT

Through;

Dated; \_\_\_\_\_/2022

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

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

Service Appeal No. \_\_\_\_\_ 2022

Muhammad Rustam PST GPs Saidano Sar Battagram

....APPELLANT

VERSUS

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

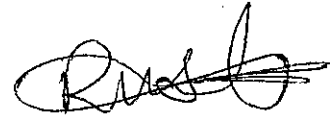
...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Muhammad Rustam PST GPs Saidano Sar Battagram

do hereby solemnly affirm and declare that the contents of foregoing appeal  
are true and correct to the best of my knowledge and belief and nothing has  
been concealed therein from this Honourable Court.



DEPONENT

# Annex - A P-7

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM DISTRICT.

**APPOINTMENT:-**

O. ORDER NO. 13  
DATED, 28/11/95

Consequent upon the selection on merit/recommendation of the selection committee. The following un-trained P.T teachers are here-by appointed against the newly created vacant post in EPS: NO-7 Rs: 1430/-pm. Fixed plus usual allowances as admissible to him under the rules school, mentioned against their name, with effect from the date of their taking-over charge in the interest of public service.

Sr.No.	Name, Father's name & residence.	Name of School, Remarks where posted:
1.	Noor Islam s/o Kamrat Bilal r/o Mano Mera.	GPS: Dabbona, A.V.P.
2.	Rustan s/o Sabir Khan r/o Rajaira.	GPS: Khatoona.
3.	Kamrat Islam s/o M. Zanif r/o Barargai.	GPS: Pak Banda. -do-
4.	Wali Muhammad s/o Roshan Khan r/o Pora.	GPS: Khatoona, -do-
5.	M. Javaid s/o Mir Ahmad r/o Shingli Bala.	GPS: Taya. -do-
6.	Shamsudeen s/o Muhyideen r/o Paimal sharif.	GPS: Bishkot. -do-
7.	Nadir Khan s/o Mir Ahmad Khan r/o Chappargran.	GPS: Mini Mandow. -do-
8.	Attullah s/o Amanullah Khan r/o Thakot.	GPS: Maktiar abad. -do-
9.	Islam shah s/o Mian Gul shah r/o Kartai.	GPS: Maktiar. -do-
10.	S. H. Iqbal shah s/o Mutabar shah r/o Khargari.	Loc: Chamsaidan. -do-
11.	Rahim Dad s/o Gul Bas r/o Gijbri.	GPS: Bajargran. -do-
12.	Saeedur Rahman s/o Kamal Khan r/o Shalthei.	GPS: Maktiar/Abad. -do-
13.	Sardar Muhammad Khan s/o Kamrat younis r/o Taya.	GPS: Chamsaidan. -do-
14.	Anwar Faraz s/o Abdul Wahab r/o Dandigo.	GPS: Khaitwalichen. -do-
15.	Shoukat Ali Shah s/o Noor Nabi shah r/o M/Pasen.	GPS: B/Chamsaid. -do-
16.	Syed Maktiar Ali shah s/o S. Zahar shah r/o Landi.	GPS: Andarwalitaky. -do-
17.	Faisal Bari s/o M. Haseem r/o Thakot.	GPS: Maktiar Abad. -do-
18.	Taleh Mohd S/O Fida Mohammad R/O Battagram.	GPS, Muktia Hanjo -do-

**TERMS AND CONDITIONS:**

1. Charge report should be submitted to all concerned.
2. The appointment of untrained candidate's is made on purely temporary basis and liable to be termination at anytime w/o any reasons.
3. They should be produce their age and Health certificate from Medical-Supt: DEQ: Hospital Battagram.
4. Their age should not less than 18 and more than 30 years.
5. Their original academic qualification certificates should be checked before the taking over charge.

(LEGAL METHOD) 15/11/95  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY BATTAGRAM.

Encl: No. 326-348 / P.No-1/G5/App: EP/PP-43-2nd: Dated, 28/11/95

Copy forwarded for information to cks:-

1. Director Primary Education INEP (Dabgari) Peshawar;
2. P/A to E/le Minister for Primary Education INEP, Peshawar w/ref: to his verbal directive/tel: message and approval.
3. Sub-Divisional Education Officer (Male) Battagram.
4. District Accounts Officer Battagram.
- 5-22-All candidate's concerned.
23. Office order file.

DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY BATTAGRAM.

آرڈر نمبر 104  
Rustam - No 104

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DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION N.W.F.P., PESHAWAR.  
NO. 3789/162/Vol. I/ETD (Male)/  
Dated Peshawar the 4/10/2008.

To

The Secretary to Govt of NWFP,  
Elementary & Secy: Education,  
Peshawar.

Subject: APPLICATIONS/COMPLAINTS, G. GRANTS/PETITIONS.

Memo:

I am directed to refer to letter No. 306/ETD/1-22/2006/  
Complaints dated 02.07.2006 and to enclose herewith a copy of the  
report of the Dy. D.O. (M) Battagram vide his letter No. 2570 dated  
10.08.2008 (copy attached) received from the E.D.O. (E.S.S) Battagram  
vide No. 2886 dated 10.08.08 that there were 154 teachers who were  
de-instated vide Inst. No. 2/14-18 dated 25.07.1997 (copy attached).  
Among them there were 38 who lodged an appeal to NWFP Service  
Commission and as a result they have been re-instated with full back  
benefits and the remaining 116 teachers have yet not been re-instated  
which is submitted for your kind perusal please.

*Allee 4/10*  
Deputy Director (Estt.)  
Elementary & Secy: Education,  
N.W.F.P., Peshawar.

Enstated to

Copy for reference:-

1. E.D.O. (E.S.S) Battagram w/r to his No. cited above.
2. P/O to Director DASE Office.
3. M/ File.

AS

*ed*  
Deputy Director (Estt.)  
Elementary & Secy: Education,  
N.W.F.P., Peshawar.

Secretary (Estt.)

Date: 13/10/08

Signature: *[Signature]*

*[Signature]*

Office: *[Signature]*  
Distt. Abbottabad

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OFFICE ORDER

In the light of findings of the enquiry committee and in compliance with Memo: No. F.No. 33/DFE/M&A/PP/Abdur Rashid/DEO (H) Primary Batagram/AD(M&A)-F.No. 35499 Dated 25.7.97.

The appointment of the following persons have been found illegal ab initio void and against the prescribed rules. Their services are, therefore, dispensed with, with effect from the date of their replacement by those selected on purely merit basis in the light of following the selection procedure as admissible under the rules.

However, they can apply afresh along with others for their selection on merit.

No.	Name of Person	Father's Name	Designation	Name of School
1	Imdadullah	M. Musa Khan	P.T	SPS Sherrinabad
2	Shamul Wahab	Abdul Wahab	"	Gijbori
3	Alem Zaib	Zer Gul Khan	"	Amir Abad
4	Fazal Wahab	Abdul Wahab	"	Sun Barai
5	Shah Khizar	Rustam Khan	"	Shawal Brey
6	Azir Zada	Abdul Qadous	"	Paway Rahto
7	Baz Muhammad	Hazarat Hussa	"	Nasirabad
8	Muhammad Sultan	Ghazi	"	Naowali
9	Qudrat Ali Shah	Nawab Shah	"	Gidri
10	Muhammad Sherin	Hijab Khan	"	Tikar Bandh
11	Talron Khan	Sultan Khan	"	Kuthal
12	Muhammad Shafiqe	Hariullah	"	Qat Baroon
13	Alm Zaib	Qul Faras	"	Amira
14	Honharwan	Machal Khan	"	Gijbori
15	Faizur Rahman	Noorul Hassan	"	Sukhtarabad
16	Shaur Rehman	Bukhtar	"	Gangwal
17	Anwar Faraz	Mubineen	"	Saroo
18	Anwar Zamin	Semander Khan	"	Dorpat
19	Gul Feroz	Abdus Sattar	"	Gurati Amray
20	Idadur Rehman	Shah Jehan	"	Chinow
21	Abdul Basir	Niqab Shah	"	Ranliabad
22	Anwar Zaib	Natirullah	"	Soorai
23	Anwarullah	Muhammad Purnad Khan	"	Shaggy
24	Abdul Ghaffar	Muhammad Ullah	"	Kureg
25	Muhammad Usari	Fardous Khan	"	Dumrai
26	Abdullah	Rahmat	"	Koyar
27	Muhammad Ibrahim	Satiruddin	"	Shalkhey
28	Gul Ahmed	Muhammad Ja	"	Gurji Bhand
29	Soubir Muhammad	Muhammad Khan	"	Bar Bakargob
30	Nedim Azam	M. Mustaf	"	Komal
31	Saeed ur Rehman	Aurangzaib	"	Col: Batagram
32	Raza Muhammad	Ais ur Rehman	"	Hy Batagram
33	Anwar Muhammad	Aval Khan	"	Ashara Nalgy
34	Muhammad Haq	Muhammad Iqbal	"	Okay
35	Anwar Sadad	M. Aslam Khan	"	Palani
36	S. Muhammad	Mukarab Khan	"	Chaykarg
37	Iftakhar	Mair Atteham	"	-do-
38	Riaz Muhammad	Hader Khan	"	Gawal Khana
39	Khelil ur Rehman	Sherooz	"	M. Jambali
40	Fida Muhammad	Zahir Shah	"	Gijbori
41	Anwar Muhammad	Inyat Khan	"	Dhoocha Jun
42	Akhtar Amir	Muhammad Khan	"	Bira
43	Anwar Zaib	M. Ayyaz	"	M. Q. M. Batagram
44	Haq Nawaz	Zahir Shah	"	M. Q. M. Batagram
45	Shad Muhammad	Fagul Khan	"	Kobal Batagram
46	Amir Muhammad	M. A. Khan	"	Rased Batagram
47				I. U. Batagram

*[Signature]*  
Office



51	Suraj Khan	Hakmat Khan	MSQ	Bornal M. Jan.
52	Said Ali Shah	Said Main	"	Bar Kas Pajang.
53	Haik Muhammad	Jalal Khan	"	Gulrehan.
54	Shatur Rehman	Azur Bakht	"	M.K.G.S. Hassan.
55	Inyat ur Rehman	Ali ur Rehman	GPS	D. Azimullah.
56	Mir Sam d. K. an	Hakim Khan	"	Rashid Abad.
57	Mumin Khan	Huzrat Balil	"	Mashkant.
58	Ghulam Farooq	Ajam Khan	"	B. Pattey.
59	Habibullah Shah	Tahir Shah	B. Pattey.	"
60	Liaquat Ali	Ibrahim	MSQ	M. Jan Muhammad.
61	Siraj Khan	Mian Khan	MSQ	Bana Dhoonga.
62	Fazl ur Rehman	Abdul Hamid	"	Dhori Juma Khan.
63	M. Javid M. Tqbul	Aurangzaib	"	Bajragran.
64	Nazir Muhammad	Furhad	GPS	Talshaus.
65	Jihnul Ha.	Abdul Aman	"	Hanifabad.
66	M. Riaz	Ghulam Hussain	MSQ	Kassi Hall.
67	Aurangzaib Khan	Mindra Khan	GPS	Kuthora.
68	S. Zuhrob Shah	Fargan Said	"	Barrad.
69	Munir Khan	Gul Nazroz	"	Daugar.
70	Rustam Khan	Bigra Khan	"	Jabatiruz.
71	M. Shafique	Aqiullah	"	Mashkant.
72	Bedar Khan	Ali Gohar Khan	MSQ	Kiargali U. Khan.
73	Fida Muhammad	Fazl ur Rehman	GPS	Gidri Trad.
74	M. Khelid	Sultan Room	"	M. D. Azimullah.
75	Ibrahimiah	Hidayatullah	"	Damagat.
76	M. Balil	Ikhtiar Malook	"	Rashidabad.
77	Ahmed Khan	Gul M. Khan	"	Gidri Trad.
78	Amal Jan	Saitul Haq	"	Jaba Teroz.
79	Fatehul. ah	M. Farideen	"	Mundri.
80	Zabal. Khan	Abas Khan	"	Dodpatti.
81	Ghulam Rehmani	Fazl ur Rehman	"	Turla Hill.
82	Badiuz. Zaman	Tali Muhammad	"	Chinnow.
83	S. Wahab Shah	M. Said	"	Talshaus.
84	Abdul Ali	Abdul Malik	"	Bagh Banda.
85	Miskia	Abdul Latif	"	Chinow.
86	M. Javid	Amrullah	"	Bajergam.
87	Mahmood Shah	Said Rahmat Shah	"	Pakbada.
88	Shahzada	Abdul Mateen	"	Hanifabad.
89	Shaukat Ayaz	Malik Jan	"	Barney.
90	Inamullah	Sara Khan	"	Mandri.
91	Habibullah	Jansar Khan	"	Bajergam.
92	Aurangzaib	M. Minkoon	"	Turla Hill.
93	Bakht Morin	Muhmak	"	G. Wahab Said.
94	Ali Asar Khan	Miyur Khan	"	Muzzala.
95	M. Iqbal	Gul Muhammad	"	Trad.
96	Rustam Khan	Talab Khan	"	Ohppergram.
97	M. Shaid	Abdul Raqaz	"	Peshora.
98	Attullah	M. Saeed	"	Shalkhay.
99	Shah Rozem	Hayat Khan	"	de.
100	Ali Rehman	Umar Khan	"	Walfarget.
101	Muhammad Ahmed	Sherin Khan	"	Okey.
102	Rab Nawaz Khan	Ameer M. Khan	"	Turbori.
103	Farhat Khan	Murad	"	Rashidabad.
104	Inyat ur Rehman	Gajar Khan	"	Shaukat abad.
105	Hidayatullah	Shah Zad Khan	"	S. Khalibanda.
106	Noor ul Islam	Hazrat Halla	"	Dabona.
107	Rustam	Sobir Khan	"	Khainona.
108	Hazrat Islam	M. Khalif	"	Fak Banda.
109	Wali Muhammad	Roshan Khan	"	Shah Khobana.
110	M. Javid	Mer Ahmed	"	Thaya.
111	Shamud din	Mahyudin	"	G. Binkote.
112	Nadar Khan	Mir Ahmed Khan	"	Miami Mandow.
113	Attullah	Amrullah	"	Rutiar Abad.
114	Islam Shah	Han Gul Shah	"	Kukilar.
115	b. Halim Shah	Mutbar Shah	MSQ	Ohai Saidun.
116	Rahimdad	Gul Raz	GPS	Bajergan.
117	Saeed ur Rehman	Kuchkol Khan	"	H. H. Abad.
118	Sardar Muhammad	Hazrat Younis	"	Gum Saidun.
119	Awar Faraz	Abdul Wahab	MSQ	M. D. Azimullah.
120	Shaukat Ali Shah	Noor M. Shah	"	M. D. Azimullah.
121	M. Muhammad Ali	Shah M. Shah	"	M. D. Azimullah.

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*[Handwritten Signature]*  
Office

101.	Faiz ul Bari	M. Naeem	2.11	Hanji Abad.
102.	Talab Muhammad	Fida Muhammad	"	G.P.S. Hanji.
103.	M. Sahid	Madanah Gul	"	N. Val. G.C.
104.	Ittakhher Ahmad	M. Robban	"	Khalid Wajid Shah.
105.	Abdul Ghani Shah	Munawar Shah	"	Cham Saldan.
106.	Sahni Khan	Fayee Khan	"	G.P.S. B/Oharri Said.
107.	S. Furhad Shah	M. Zahir Shah	"	L.N. Abad.
108.	Waheed Khan	Said Ali Khan	"	A. Darwazi Babya.
109.	Najmul Haq	Abdul Qayyum	"	Deboona.
110.	Said Ahmad	Jan Alam	"	Kaishal.
111.	Hizbullah	Astam Khan	"	Saprocha.
112.	Attaullah	Aftab	"	-do-
113.	Mentoozullah	Wali Walullah	"	Kishal.
114.	Ejaz Ahmad	M. Zanir Shah	"	Barmarin.
115.	Sherin Zada	Ghulam Haider	"	Bar Marini.
116.	Bashir Muhammad	Fazal Haji	"	Kushang Sindi Yar.
117.	Khurshid Khan	M. Imdad	"	-do-
118.	Niaz Muhammad	Muhammad Asa Khan	"	Birkundi.
119.	M. Iqbal	Aurangzaib	"	Narzala.
120.	S. Habibullah	M. Ali Shah	"	-do-
121.	Muhtar Ullah	Mada Khalil	"	Ajlo Ranginabad.
122.	Ismail	M. Hassan	"	Muqil Abad.
123.	Galzarul Wahab	Abdul Wahab	"	Shaukat Abad.
124.	Jihan Zaib	Shah Zada	"	Kuchal.
125.	M. Bashir	Azimullah	"	Mandrawali.
126.	M. Mumtas	Said Ali	"	Hanji.
127.	M. Sharin	Rehmat Ullah	"	Cham Saldan.
128.	M. Khursaid	M. Ayub	"	Hil.
129.	M. Yousif	Ghulam Nabi	"	Deboona.
130.	M. Tariq	Pir Muhammad Khan	"	Bajargram.
131.	Khan Muhammad	Permaz Khan	"	Seri Khalid Banda.
132.	Abaziz	Abdullah	"	Ladai Noman Abad.
133.	Baz Muhammad	Amenullah	"	Cham Saldan Meran.
134.	Abdul Haq	Shah ur Khan	"	Lagharay Karin.
135.	M. Shabir Hussain	Hebab Said	"	Khalid Alamuddin.
136.	Amir Muhammad	Jan Muhammad	"	Tanal.
137.	Ferveiz Khan	Saif Ullah Khan	"	Haz Wal.
138.	Inayat ur Rehman	M. Khurshid	"	Quador.
139.	M. Bayat	M. Noor	"	Banda Battangi.
140.	Abdul Haq	Aziz Khan	"	Kandloo.
141.	Ghulam Youssif	M. Khan Wali	"	Faqiro
142.	Adam Khan	M. Israil	"	Roan Daran.
143.	M. Rehman	(Abdullah Jan)	"	(Kar. Daran)
144.	Gul Khan	Lucha Khan	"	Manso Rashto.
145.	Zulficar Ali	Hadyat ul ah	"	Makani.
146.	Gul Bar	Gul Akbar	"	Susal Bezi.
147.	Gul Bar	Talut ur Rehman	"	Ashurban.
148.	Gul Zahir Shah	M. Muhammad	"	Bazari Abad.
149.	G. Ahmed Shah	Chargul Gul	"	Harbor.
150.	M. Fayaz	S. Habib Shah	"	Harbor.
151.	Bidar Bukht	Aurangzaib	"	Doonga.
152.	Attullah	Poyab Khan	"	Faqiro.
153.	Tajud din	Talut Khan	"	Jami Kendow.
154.	Ghulam Haider	Abdul Karim	"	Jabba Bahaler.
155.	Noor Saad	Shah Fir Ali Shah	"	Batley.
156.	Ghulam Haider	Ahmed Khan	"	Ashurban.
157.	M. Habibullah	Hidayatullah	"	Karin.
158.	Hamidullah	Gul Haider	"	Manso Rashto.
159.	Amir Muhammad	Haji Faiz Wahid	"	Karbori.
160.	M. Sherif	Shamsur Rehman	"	Naryala Sultan.
161.	Shah Ali	Mir Dad	"	Hoter Dighan.
162.	Said Ali Shah	Musatar Khan	"	Reshore.
163.	M. Asad	Umar Said	"	Karin Pora.
164.	Munwar Khan	Jumroz Khan	"	-do-
165.	Karimullah	Aurangzaib Khan	"	Jumbais.
166.	M. Lalim	Abdul Rashid	"	Jamroz Gaha.
167.	Munwar Khan	Mehrezan Nahi	"	-do-
168.	Munwar Khan	Taj. M. Khan	"	Matakoal

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Contd.

*[Handwritten Signature]*  
 Office  
 Date

PAGE NO. 4

- 1. David Tatal
- 2. M. Abdur Raziq
- 3. M. Shafiqullah
- 4. Amir ul Rehman
- 5. Masir Ahmad
- 6. M. Asim Khan

- 1. Dilawar Khan
- 2. Abdul Makim
- 3. M. Mustafa
- 4. Abdur Rehman
- 5. Sakandar Khan
- 6. Shah Nawaz

PP  
"  
"  
"

- 1. M. Maryam Sultan
- 2. Jicool
- 3. M. Chaudhary
- 4. M. Ghosh
- 5. M. Khan

A-12

27/7/97

(M. ABDUR RAHIM)  
DISTRICT EDUCATION OFFICER, (M. E.)  
PRIMARY BATTAGRAM.

Encl: No. 24/4-18 Dated Battagram the 28 / 7 / 1997.  
Copy of the above are submitted to:-

- 1) Director primary Education NWFP, Dalgery Garden Peshawar.
- 2) S.O. of Education NWFP Peshawar.
- 3) MDO (M) Battagram with the remarks to inform all the above mentioned teachers on their present addresses. Moreover, to inform the D.Os/S.Os of other Districts if some one has already been transferred.
- 4) District Account Officer Battagram.

28/7/97

(M) DISTRICT EDUCATION OFFICER  
PRIMARY BATTAGRAM.

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
BATTAGRAM



Email: emisbattagram@gmail.com Ph# 0997-543539/ 543540

APPOINTMENT OF SACKED EMPLOYEES AGAINST PST POST Annex-B

In compliance of the Judgment of Honorable Peshawar High Court Abbottabad Bench Dated:24-05-2016 in W.P No.516-A/2013 upheld by Honorable Supreme Court of Pakistan Vide Order dated:24-05-2017 passed in Civil petition No: 401-P/2016, other connected civil petitions and the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 & recommendation of the Departmental Selection Committee, appointment of the following sacked employees is hereby ordered against the vacant posts of Primary School Teachers (PSTs), in BPS-12 @ (Rs. 13320-960-42120) plus usual allowances as admissible under the rules & existing policy of the Provincial Government, in Teaching Cadre at Schools mentioned /noted against each on the terms and conditions given below with effect from the date of their taking over charge:

S.//	M. No	Name	Father Name	Date of Birth	Qualif:	CNIC	Village/ UC	Place of Posting
1	1	Abdul Ghafar	Firdus khan	07/04/1969	FA	13201-7899868-9	Biari Allai	GPS Umaray Karg
2	2	Fazal Wahab	Abdul Wahab	24/03/1970	SSC	13202-8014480-7	Danian	GPS Deedal
3	3	Muhammad Afzal Khan	Jamroz khan	10/04/1970	SSC	13202-0775644-9	Battagram	GPS Rakban
4	4	Abdul Ghani Shah	Syed Manaur Shah	01/9/1970	SSC	13202-0774792-5	Kuzabanda	GPS Banda Bala
5	6	Matiullah	Gul Muhammad Khan	27/02/1971	SSC	13202-7264505-3	Battamori	GMPS Bhait 1/3
6	8	Mohammad Momtaz	Faiz Ali Khan	20/4/1971	SSC	90403-0117926-5	Shamlai	GPS Doonga
7	9	Amir Muhammad	Muhammad Musa Khan	9/5/1971	FA	13201-1818870-1	Banna Allai	GMPS Gatkha
8	10	Taj Zarin Haq	Khairoo	02/6/1971	FA/PTC	13201-1829757-9	Jambura	GPS Pitow Cheeran
9	11	Muhammad Sultan	Ghazi	13/06/1971	FA/PTC	13202-0747322-5	Rajdhari	GPS Rajdhari
10	12	Gul Zahir Shah	Cheragh Shah	6/8/1971	SSC	13202-9514369-5	Ajmera	GPS Gandori
11	13	Raza Muhammad	Awal Khan	03/12/1971	SSC	13202-0746180-5	Battagram	GPS Chinow
12	14	Muhammad Fayyaz	Aurang Zeb	02/01/1972	FA	13202-0783921-5	Peshora	GPS Peshora
13	15	Faizul Bari	Mohammad Naeem	09/01/1972	SSC	13202-0732901-3	Thakot	GPS Darsar
14	16	Ghulam Farooq	Ajooa Khan	12/01/1972	SSC	13202-8197762-9	Maño Mera	GPS Banda Chari Said
15	17	Niaz Mohammad	Muhammad Essa Khan	01/02/1972	SSC	13201-1812582-9	Banna Allai	GPS Asharban
16	18	Saifur Rehman	Hazar Bakht Khan	02/3/1972	SSC	13202-8878153-5	Arghashori	GPS KoyKandi
17	19	Momin Khan	Gul Namroze	10/5/1972	FA	13202-0732732-7	Amlook Banda	GPS Chatoo
18	20	Abdullah	Istifanosh Khan	19/06/1972	FA	13202-7155960-9	Thakot	GPS Maidan Kannai
19	21	Muhammad Umar	Rehmat	16/7/1972	SSC	13201-1820428-9	Rashang Allai	GPS Kishal Rashang
20	23	Amal Jan	Saiful Haq	20/12/1972	FA/PTC	13202-0772078-7	Kuzabanda	GPS Kaktai
21	24	Syed Farhad Shah	Muhammad Zahir Shah	3/3/1973	SSC	13202-0763560-7	Pihari	GPS Ranjha

Advocate Supreme Court of Pakistan  
Office # 33 Jinnah Plaza Adjacent to  
Distt: Bar Abbottabad.

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25	Javed Muhammad Iqbal	Aurang Zeb Khan	4/3/1973	FA	13202-0745491-9	Thakot	GPS Faqiroo
23	Gul Farn	Shah Jehan	12/03/1973	MA	13202-0741274-5	Chappargram	GMPS Markhanai
24	Liaqat Ali	Ibrahim	12/03/1973	SSC	13202-8959656-7	Ajmera	GMPS Bansair
25	Rab Nawaz Khan	Afsar Muhammad Khan	15/4/1973	SSC	13202-0749397-7	Trand	GPS Kotgala
26	Syed Ali Shah	Ashad Mian	25/04/1973	SSC/PTC	13201-9941924-5	Jambura	GPS Kot Sar
27	Sabir Alam	Jan Alam	10/6/1973	FA/PTC	13201-7115223-7	Kund Allal	GPS Sar Banjar
28	Muhammad Younus	Ghulam Nabi	08/12/1973	SSC	13202-0784422-5	Ajmera	GPS Toopkani
29	Shah Rozam Khan	Hayat Khan	16/4/1974	SSC	13202-6874360-9	Ajmera	GPS Karghari
30	Abdul Haq	Azim Khan	28/8/1974	SSC	13202-0782417-1	Shingri Kakarshang	GPS Bilandpatay
31	Muhammad Saleem	Maraj Nabbi	4/01/1975	FA/PTC	13202-0777202-1	Battamori	GPS Joze
32	Jamilur Rahman	Sher Muhammad Khan	15/01/1975	FA	13202-1556740-5	Shamlai	GPS Shamlai
33	Zulfiqar Ali	Hidayatullah Khan	20/02/1975	FA/PTC	13202-0764712-7	Battagram	GPS Umaray Pokal
34	Fazlur Rahman	Abdul Hamid	02/3/1975	SSC	13202-0728803-7	Kakarshang	GPS Nehrai Ayub
35	Rustam	Sabir	4/3/1975	SSC	13202-0725558-1	Rajmera	GPS Saidano Sar
36	Badiu Zaman	Talib Muhammad Khan	5/3/1975	SSC	13202-0736662-1	Gidri Taleh Muhammad	GPS Nogram
37	Alam Zaib	Mashaf Khan	08/03/1975	SSC	13202-0738239-7	Gijbori	GPS Malkot
38	Amir Muhammad	Jan Muhammad Khan	01/04/1975	SSC	13202-0754006-9	Tamai	GPS Soorgai
39	Syed Wahab Shah	Mehmood Said	05/05/1975	SSC	13202-4331045-5	Ghari Nawab Syed	GPS Jabba Asharban
40	Attallah	Muhammad Saeed	6/6/1975	FA	13202-7799306-5	Bajmera	GPS Thaya Jadeed
41	Inamullah	Haji Bara Khan	12/6/1975	FA	13202-7230467-9	Jesol Bazargai	GPS Ughaz Pazang
42	Anwar Ullah	Muhammad Ullah	10/11/1975	SSC	13201-1833629-9	Biari Allai	GPS Sarkhailosar
43	Muhammad Javed	Mir Ahmad Khan	12/11/1975	SSC	13202-0724730-7	Gijbori	GPS Pashto
44	Wali Muhammad	Roshan Khan	15/11/1975	FA/PTC	4200-495828-9	Pora	GPS Deshwal
45	Muhammad Khalid Khan	Sultan Room Khan	01/01/1976	FA/PTC	13202-0748701-3	Battagram	GPS Uchar Gantar
46	Attiq Ur Rehman	Abdur Rehman	01/01/1976	SSC	132020-726166-3	Gijbori	GPS Peza Banjar

**TERMS & CONDITIONS:**

1. Their services will be considered as regular in terms of section 19 of the KP Civil servant act 1973 amended in 2013 issued vide Govt of KP Finance Department (Regulation wing) No SOS R-III/FD/12-1/2005 dated 27-02-2013. They will be governed by such rules and regulations as may be framed by the Govt from time to time for the category to which they belong.
2. This appointment order is subject to the Court decision in W.P.No: 1187-A of 2015, W.P.No: 1135-A of 2015 & W.P.No: 1056-A of 2015.
3. They will be on probation for a period of one year extendable to another year keeping in view their performance.

التیاریہ لکھنے کے لیے

Muhammad Nadeem Khan  
 Judge  
 Superior Court of Pakistan  
 S-10, Jinnah Road, Adjacent to



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- their appointments have been made in pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment Act: 2012), hence under section 5 of the said Act: they shall not be entitled to any claim of seniority, promotion or other back benefits.
5. The period during which they remained dismissed, removed or terminated from service till the date of their appointment shall have been deemed automatically relaxed. Their appointment has been made in pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment) Act 2012, Hence under section 4 of the said Act the period during which they remained dismissed, removed or terminated from service till the date of their appointment shall have been deemed automatically relaxed.
  6. Their Services are liable to termination on one month prior notice from either side. In case of resignation without prior notice, their one month pay plus allowances shall be forfeited to Government treasury.
  7. The appointment is made subject to the condition that the candidate is permanent domicile holder of District Battagram.
  8. If their performance is found un-satisfactory, they will be proceeded under E&D Rules, 2011.
  9. DDO Concerned will submit copies of their documents to this office for verification after 30 days of the issuance of appointment order to be sent for verification to concerned Board/ Universities. Pay will not be released by the DDO Concerned until and unless notification to this effect is issued by this office that their certificates are verified, anyone found producing bogus, forged documents his appointment order shall stand automatically cancelled from the date of his appointment order & will be reported to law enforcing agencies.
  10. They shall obtain Medical fitness certificate from Medical Superintendent / Civil Surgeon DHQ Hospital Battagram within seven days from the date of taking over charge.
  11. The competent authority has the right to rectify the errors / omissions if any noted / observed at any stage.
  12. Before handing over charge, once again their documents may be checked by the DDO concerned.
  13. The prescribed qualification for appointment of PST as per appointment Policy in vogue during 1996-97 is SSC from a recognized Board with PTC Certificate / ADE from a recognized University / Institute. Candidates not in possession of requisite training shall acquire the same within 03 Three years from the date of issuance of this appointment order, failing which their appointment order shall stand cancel automatically, in the light of Judgment passed by the Peshawar High Court Abbottabad bench dated: 24-05-2016 upheld by the Supreme Court of Pakistan vide order dated: 24-05-2017.
  14. They shall join their post within 30 days of the issuance of this appointment order If no willingness or response is received / failed to assume the charge of his/ their post within stipulated period, their / his candidature will stand automatically cancelled and the next senior sacked employee shall be considered for appointment in the light of section 7(3) of Khyber Pakhtunkhwa SACKED Employees (Appointment) Act, 2012.
  15. Charge reports should be submitted to all concerned.
  16. No TA/DA is allowed.

Jehan Muhammad  
District Education Officer (M)  
Battagram

Endst No 1775-84 /EB-II/ PST Sacked

Dated 28/02/2018

Copy forwarded for information and necessary action to the:-

1. Additional Registrar Peshawar High Court Abbottabad Bench w/r to Judgment passed in W.P No.516-A / 2013 announced on 24.5.2016.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department Peshawar.
4. Deputy Commissioner Battagram.
5. District Accounts Officers Battagram.
6. District Monitoring Officer IMU Battagram.
7. Sub Divisional Education Officers (Male) Battagram & Allai.
8. Teachers Concerned.
9. Master File.

District Education Officer (M)  
Battagram

Muhammad Jehan  
Advocate Supreme Court of Pakistan  
Office # 33 Jinnah Plaza Adjacent to  
Distt: Bai Abbottabad  
0997-311225

بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

عنوان: درخواست برائے ادائیگی سابقہ تقاضات و سروس۔  
Annex - C P-16

جناب عالی!

گزارش ہے کہ سائل 28-11-1995 (PST) پوسٹ پر بھرتی کیا گیا تھا۔ پھر 1997ء کو سیاسی بنیاد پر ملازمت سے برطرف کیا گیا۔ اور بعد ازاں وفاقی حکومت نے 1997ء کے برطرف ملازمین بحالی کیلئے ایک صدارتی آرڈیننس 11 of 2009 جاری کیا۔ جس کے تحت سائل کی بحالی 1997ء سے تھی۔ جبکہ صوبہ خیبر پختونخواہ حکومت نے 2012ء میں Sacked Employees 2012 Act جاری کیا لیکن سائل کے بارہا درخواستیں دینے کے باوجود DEO بگرام نے بحال نہیں کیا۔ بلکہ DEO صاحب بگرام نے 28 فروری 2018ء آرڈر نمبر 84-1775 کو نئے سرے سے تعینات کیا۔ جبکہ سائل نہ 2012ء ایکٹ کے تحت بحال ہوا اور نہ صدارتی آرڈیننس کے تحت مراعات دیئے۔ استدعا ہے کہ سائل کو صدارتی آرڈیننس 2009ء کے تحت مراعات و سروس کے احکامات جاری فرمانے کا حکم صادر فرمایا جاوے۔

المرقوم: 29-30-2018

- العارضی -

محمد رسم ولد صاحب (PST)

رابطہ نمبر: 0336-4590371

Muhammad Rasm-ul-Walid  
Advocate Supreme Court of Pakistan  
Office # 33 Jinnah Plaza Adjacent to  
Dist: Bar Abbottabad

کورٹ فیس

P-17

وکالت نامہ

Service Tribunal Appn Peshawar بعدالت

Muhammad Rustam نام Court of Appn چک عنوان

Appellant منجانب

Service Appeal نوعیت مقدمہ

باعث تحریر آنکہ

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

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کی کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے 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 بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ 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 جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت نالش بصیئہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المقوم:

بمقام:

Advocate Supreme Court of Pakistan  
Distt Bar Abbottabad



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL CAMP COURT ABBOTTABAD**

**SERVICE APPEAL No. of 2023**

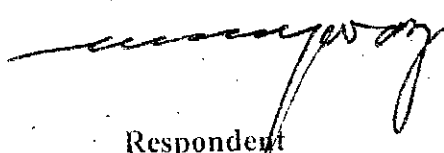
M Rustam .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary E&SE KPK  
Peshawar and others.....Respondents

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1	Comments		1 to 3
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3	Copy of Sacked Employees Act 2012	A	
4	Copy of Judgment	B	

  
Respondent

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL CAMP COURT ABBOTTABAD

SERVICE APPEAL No. of 2023

M Rrustam .....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary E&SE KPK  
Peshawar and others.....Respondents

Joiant Para-wise comments /Reply on behalf of  
Respondents NO. 1 to 3

Respectfully Sheweth:

Preliminary Objections

1. That the appellant has no cause of action/locus standi to file the present appeal.
2. That the appellant has concealed the material facts from this Hon'ble Tribunal.
3. That the appellant has not come to this Hon'ble Tribunal with clean hands.
4. That the appellant has filed the instant appeal on malafide grounds, just to put pressure on the respondent Department for illegal pension benefits.
5. That the appellant's appeal is against the prevailing rules and law.
6. That the appellant is estopped by his own conduct to file the instant appeal.
7. That the instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
8. As per Law/ Section 5 of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012, 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; hence the instant appeal is liable to be dismissed without any further proceeding.
9. That the instant appeal is against the terms and conditions of the appellant's appointment and also Sacked Employees Appointment Act 2012, hence not

maintainable and liable to be dismissed without further proceedings.

**ON FACTS**

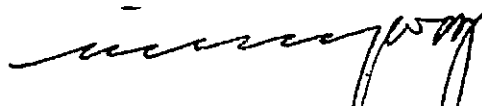
1. Para No. 1 of the appeal is correct. Pertaining to the appointment and further termination of the appellant; hence needs no comments.
2. In reply of Para No. 2, it is submitted that the appellant was appointed as a fresh appointee along with others in the light of Khyber Pakhtunkhwa Sacked employees Appointment Act 2012.
3. Para No. 5 of the appeal is incorrect and denied. As per Section 5 of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012, it is clearly mentioned that "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". Hence the plea of the appellant is against the law/act and also the judgments of this Hon'able Court in this regard. (Copy of the Act and Judgment of Service Tribunal are attached as "Annex. A & B").
4. The appellant has no cause of action.

**ON GROUNDS:**

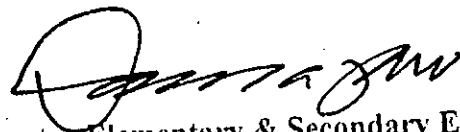
- a. Ground "a" of the appeal is incorrect, hence denied. The appellant is appointed in the light of Sacked Employees Appointment Act 2012 and it is clearly mentioned in the Act that this appointment shall be a fresh appointment and the appointee shall not be entitled for any kind of back benefits, hence respondents are not bound to obey the demands of the appellant in contrary with the Act.
- b. Ground "b" of the appeal is incorrect. Detailed reply is given in the preceding paras.
- c. Ground "c" of the appeal is incorrect. Detailed reply is given in the preceding paras..
- d. Respondents seek permission of this Honour able Court to agitate other legal and factual ground at the time of arguments.

It is therefore humbly prayed that on acceptance of above Para-wise comments, the appeal of the appellant may graciously be dismissed with cost.

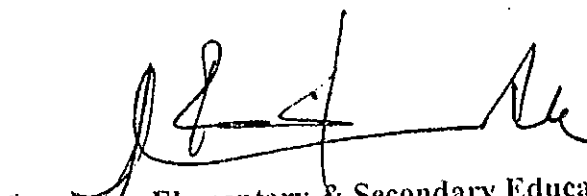
RESPONDENT NO. 3

  
District Education Officer (Male)  
Battagram

RESPONDENT NO. 2

  
Director Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

RESPONDENT NO. 1

  
Secretary Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL CAMP COURT ABBOTTABAD

SERVICE APPEAL No. \_\_\_\_\_ of 2023

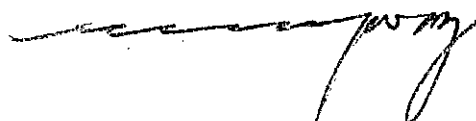
M Rustam .....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary E&SE KPK  
Peshawar and others.....Respondents

AFFIDAVIT

I Hafiz Muhammad Nawaz, District Education officer (Male) Battagram  
do hereby affirm and declare on oath that contents of accompanying Joint Para-  
wise comments on behalf of respondent NO. 1 to 3 are true and correct to the  
best of my knowledge and belief that nothing has been concealed from this  
Honorable Court.



DEPENDENT  
CNIC: 6116118839553



(5)

Annex - A

**THE KHYBER PAKHTUNKHWA  
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.  
(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)**

**CONTENTS**

**PREAMBLE**

**SECTIONS**

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of sacked employees.
4. Age relaxation.
5. Sacked employees shall not be entitled to claim seniority and other back benefits.
6. Preference on the basis of age.
7. Procedure for appointment.
8. Removal of difficulties.
9. Act to override other laws.
10. Power to make rules.

**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 Khyber Pakhtunkhwa (Extraordinary), dated the 20<sup>th</sup> 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 1998 on various grounds;

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

**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 to a civil post in the Province of the Khyber Pakhtunkhwa 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.

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 six months from the date of commencement of this Act, for his appointment in the said Department:

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

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

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

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

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

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

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

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

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 purposes of this Act.

(9)

Annex - B

Service Appeal No. 691/2019 titled "Muhammad Miskeen-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 577/2019 titled "Afreen Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others". Service appeal No. 578/2019 titled "Ghulam Yousaf-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No. 579/2019 titled "Abdul Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" decided on 21.07.2022 by Division Bench comprising Kulim Arshad Khan, Chairman, and Salah UJ Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

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

*Service Appeal No.691/2019*

Mohammad Miskeen S/O Abdul Latif Khan, presently Serving SPST  
GPS, Thaya District Battagram.

.....(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Director (Estab) Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. District Education Officer (Elementary & Secondary Education) Male Primary Battagram.
4. District Account Officer, Battagram.

.....(Respondents)

Present:

Abdul Aziz Khan Tanoli,  
Advocate.....For appellant.

Mr. Kabiruallah Khattak,  
Additional Advocate General,

Mr. Noor Zaman Khattak,  
District Attorney.....For respondents

Date of Institution.....03.05.2019  
Dates of Hearing.....21.07.2022  
Date of Decision.....21.07.2022

*Service Appeal No.577/2019*

Afreen Khan S/O Tor Khan R/O presently serving as Junior Clerk  
GGHS, Gul Muhammad Abad, District Battagram.

.....(Appellant)

Service Appeal No. 691/2019 titled "Muhammad Miskeen-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 577/2019 titled "Ahsan Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 578/2019 titled "Ghulam Yousaf-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No. 579/2019 titled "Abdul Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" decided on 21.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah Ud Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad

Versus

- 5. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.-
- 6. Director (Estab) Elementary & Secondary Education, Khyber Pakhtunkhwa.
- 7. District Education Officer (Elementary & Secondary Education) Male Primary Battagram.
- 8. District Account Officer, Battagram.

.....(Respondents)

Present:

Abdul Aziz Khan Tanoli,  
Advocate.....For appellant.

Mr. Kabiruallah Khattak,  
Additional Advocate General,

Mr. Noor Zaman Khattak,  
District Attorney.....For respondents

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Date of Institution.....03.05.2019  
 Dates of Hearing.....21.07.2022  
 Date of Decision.....21.07.2022

Service Appeal No.578/2019

Ghulam Yousaf S/O Molvi Khan Wali R/O Presently Serving SPST GPS, Dood Pati, District Battagram.

.....(Appellant)

Versus

- 9. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
- 10. Director (Estab) Elementary & Secondary Education, Khyber Pakhtunkhwa.
- 11. District Education Officer (Elementary & Secondary Education) Male Primary Battagram.
- 12. District Account Officer, Battagram.

Service Appeal No. 691/2019 titled "Muhammad Miskeen-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 577/2019 titled "Afsreen Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 578/2019 titled "Ghulam Yousaf-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No. 579/2019 titled "Abdul Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" decided on 21.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah Ull Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.

.....(Respondents)

Present:

Abdul Aziz Khan Tanoli,  
Advocate.....For appellant.

Mr. Kabiruallah Khattak,  
Additional Advocate General,

Mr. Noor Zaman Khattak,  
District Attorney.....For respondents

Date of Institution.....03.05.2019

Dates of Hearing.....21.07.2022

Date of Decision.....21.07.2022

Service Appeal No.579/2019

Abdul Aziz S/O Haji Abdullah R/o presently serving PST GPS,  
Gulibagh, District Battagram.

.....(Appellant)

Versus

- 13. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
- 14. Director (Estab) Elementary &, Secondary Education, Khyber Pakhtunkhwa.
- 15. District Education Officer (Elementary & Secondary Education) Male Primary Battagram.
- 16. District Account Officer, Battagram.

.....(Respondents)

Present:

Abdul Aziz Khan Tanoli,  
Advocate.....For appellant.

Mr. Kabiruallah Khattak,  
Additional Advocate General,

Mr. Noor Zaman Khattak,


*Service Appeal No. 691/2019 titled "Muhammad Muskeen-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 377/2019 titled "Afreen Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 578/2019 titled "Ghulam Yousaf-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No. 579/2019 titled "Abdul Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" decided on 21.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah Ud Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.*

District Attorney.....For respondents

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 Date of Institution.....03.05.2019  
 Dates of Hearing.....21.07.2022  
 Date of Decision.....21.07.2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST APPELLANT IS WORKING IN THE RESPONDENTS DEPARTMENT AND HIS SERVICES WERE TERMINATED ON 28.07.1997 THEREAFTER UNDER THE KHYBER PAKHTUNKHWA ACT XVII 2012 AND IN THE LIGHT OF JUDGMENT PESHAWAR HIGH COURT ABBOTTABAD BENCH DATED 17.01.2013 THE APPELLANT WAS APPOINTED AS PST IN BPS-12, VIDE ORDER DATED 15.02.2013, THE APPELLANT IS ENTITLED FOR BACK BENEFITS FROM THE DATE OF TERMINATION I.E 28.07.1997 TO THE DATE OF ORDER DATED 15.02.2013 BUT THE RESPONDENTS DID NOT GRANTED ALL CONSEQUENTIAL BACK BENEFITS FROM THE DATE OF TERMINATION TO THE ORDER DATED 15.02.2013 WHICH IS AGAINST THE PROVISIONS OF SAID ACT, AS WELL AS DISCRIMINATION AS OTHER DEPARTMENTS ALLOWED THE BACK BENEFITS TO THE OTHER EMPLOYEES AS WELL. THE CONDUCT OF THE RESPONDENTS TOWARDS THE APPELLANT IS ILLEGAL, MALAFIDE, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, WITHOUT JURISDICTION, ARBITRARY, PERVERSE, HARSH, VOID AB-INITIO AND AGAINST THE PRINCIPLE OF NATURAL JUSTICE INEFFECTIVE UPON RIGHT OF THE APPELLANT.

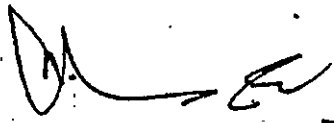
#### CONSOLIDATED JUDGMENT

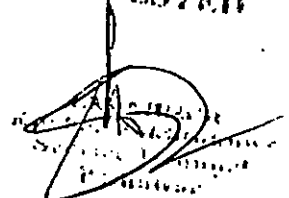
  
KALIM ARSHAD KHAN CHAIRMAN: This judgment shall dispose of the instant service appeal as well as connected service appeals No.577/2019 titled "Afreen Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", appeal No. 578/2019 titled "Ghulam Yousaf-vs- Government of Khyber

*Service Appeal No. 691/2019 titled "Muhammad Miskeen-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 577/2019 titled "Afreen Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others". Service appeal No. 578/2019 titled "Ghulam Yousof-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No. 579/2019 titled "Abdul Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" decided on 21.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah Ud Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.*

Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and appeal No. 579/2019 "titled Abdul Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" as similar questions are involved in all these appeals.

2. The facts surrounding the appeals are that the appellants of this appeal and of the connected appeals were appointed as PST (BS-07) and Junior Clerk by the respondent-department; that they were terminated/dismissed vide impugned order; that again they were was appointed as PST (BS-12) and Junior Clerk (BS-07) vide order dated 15.02.2013 on the basis of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 as well as judgment of the Hon'ble Peshawar High Court, Abbottabad Bench dated 17.01.2013, but without back benefits; that some conditions were mentioned in the appointment orders of the appellants by the respondent-department that the appellant will not claim back benefits but later on the said terms and conditions were withdrawn by the respondent-department; that the appellants were terminated without any reason, therefore, they were entitled for back benefits for the period they remained out of service; that the appellant filed departmental appeals which were not responded within the statutory period of ninety days, compelling them to file these appeals.

  
21.7.22

ATTESTED  


*Service Appeal No. 691/2019 titled "Muhammad Miskeen-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 577/2019 titled "Afreen Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 578/2019 titled "Ghulam Yousaf-vs- Government of Khyber Pakhtunkhwa through-Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No. 579/2019 titled "Abdul Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" decided on 21.07.2022 by Division Bench comprising Kullin Arshad Khan, Chairman, and Salah Ud Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.*

3. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellants.
4. We have heard learned counsel for the appellants and District Attorney as well as learned Additional Advocate General for the respondents.
5. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned AAG controverted the same by supporting the impugned order.
6. It is not disputed that initially the appellants were appointed as PSTs and Junior Clerk. Later on when it came to the notice of the respondents that their appointments were made in violation of rules, they were terminated vide the impugned orders. In the meanwhile the Provincial Government promulgated the Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012. When grievances of the appellants were not redressed at the departmental level he resorted to litigation by filing writ petition in the Hon'ble Peshawar High Court, Abbottabad Bench. Finally in pursuance of the directions of the Hon'ble Peshawar high Court, Abbottabad Bench they were appointed as PSTs and Junior Clerk with immediate effect vide order dated 15.02.2013. The

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Service Appeal No. 691/2019 titled "Muhammad Miskeen-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 577/2019 titled "Afsheen Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 578/2019 titled "Ghulam Yousof-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", and Service Appeal No. 579/2019 titled "Abdul Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" decided on 21.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah Ud Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.

appellants are asking for reappointment from the date of their termination from service. But Section-5 of the aforementioned Act, lays down that the sacked employee should not be entitled to claim seniority and other back benefits. The relevant provision is reproduced below for ready reference:-

"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"

7. When the learned counsel for the appellants was confronted with the above provision of law, he did not defend the situation and rightly so because he does not defend which is indefensible.

08. As a resultant consequence, this and the connected appeal being groundless are dismissed. Costs shall follow the event. Copy of this judgment be placed in the connected files. Consign.

9. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 21<sup>st</sup> day of July, 2022.*



*[Handwritten signature of Kalim Arshad Khan]*

**KALIM ARSHAD KHAN**  
Chairman  
Camp court Abbottabad

*[Handwritten signature of Salah Ud Din]*

**SALAH UD DIN**  
Member (Judicial)  
Camp court Abbottabad

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