


25.09.2023

Learned counsel for the appellant present.  
Mr. Lutf Ullah, Assistant along with 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 as before on  
19-6-23



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<sup>EU</sup>  
20/2/2023.

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. 3578 /S.T,

Dt. 13-12 /2022

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

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

Sig.

Document and Service  
Appeal is re-submitted

as desired

Muhammad Arshad Khan Tanoli  
Advocate Supreme Court of Pakistan  
Office # 33 Jinnah Plaza Adjacent to  
Distt. Bar Abbottabad

# KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

## CHECK LIST

Mr. Zahid Nawaz **Versus** Court of KPA? chris  
 ..... Appellant ..... Respondents

| S NO | CONTENTS   | YES | N |
|------|--|-----|---|
| 1.   | This petition has been presented by: <u>Mr. Sahid Advocate Supreme Court of Pesh.</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. 2013 2022

Taj Zareem Haq PST L/S Pilow Cheeran Battagram

....APPELLANT

VERSUS

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

...RESPONDENTS

**SERVICE APPEAL**

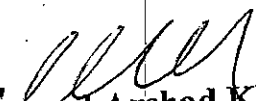
**INDEX**

| 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 | 7-11     | "A"      |
| 3.  | Copy of appointment order dated 28.02.2018 of the appellant      | 12-14    | "B"      |
| 4.  | Copy of department appeal  | 15       | "C"      |
| 5.  | Wakalatnama  | 16       |          |

  
...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. 2013 2022

Taj Zareen Haq PST Q/s Pilew Charsan 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  
12.6.95 AND WAS TERMINATED FROM THE  
SERVICE ON 5.6.97. 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 13-6-95 TO 5-4-97 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 13-6-95  
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 13-6-95 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 13-6-95 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.

**GROUND:-**

- a. That as per judgment of service tribunal as well as of the Apex Court protected period of service has been declared to be counted

towards calculation of pension/  
commutation of the sacked employees.

Therefore, the appellant is entitled to have  
the period w.e.f 13-6-95 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 13-6-95 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

*Taj Zareem Haq PST LPS Pilow Cherasan Battagram*

...APPELLANT

**VERSUS**

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

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, *Taj Zareem Haq PST LPS Pilow Cherasan 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.

*Taj Zareem Haq*  
DEPONENT

HEADMASTER  
GMS Tandoor  
Alai Bagram

Mr. M. M. Khan  
S.P. B. II

*[Handwritten signature]*

*[Handwritten signature]*

Copy of the above is forwarded to the  
Sub-Divisional Education Officer (P) Bagram.

13/4/95

OFFICE OF THE  
SUB-DIVISIONAL EDUCATION OFFICER (P)  
BAGRAM

The date of consideration should not be less than 15 days or more than 30 days before the date of the examination. The candidates should be produced in the prescribed form. The candidates should be produced in the prescribed form. The candidates should be produced in the prescribed form. The candidates should be produced in the prescribed form.

Mr. M. M. Khan, S.P. B. II, Alai Bagram, Tandoor, Sindh. The date of the examination is 13/4/95. The candidates should be produced in the prescribed form. The candidates should be produced in the prescribed form.

Mr. M. M. Khan, S.P. B. II, Alai Bagram, Tandoor, Sindh. The date of the examination is 13/4/95. The candidates should be produced in the prescribed form. The candidates should be produced in the prescribed form.

The following candidates are hereby appointed to the vacant posts in the Government Schools. The candidates should be produced in the prescribed form. The candidates should be produced in the prescribed form.

P-7  
A  
Annex X

13/4/95

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (P) BAGRAM

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (P) BAGRAM

P-8

1965/16/20 Shahbaz Khan

9

OFFICE OF THE DISTRICT EDUCATION OFFICER, (M) PRIMARY BATTAGRAM

OFFICE ORDER NO. 17997  
DATED 28/7/97

OFFICE ORDER

In the light of findings of the enquiry committee and in compliance with Memor. No. P.No. 33/DEE/MSA/PV Abdur Rashid/DNO (M) Primary Battagram/AD(MSA)-M 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.

| S.No. | Name of Person    | Father's Name     | Designation | Home of School       |
|-------|-------------------|-------------------|-------------|----------------------|
| 1.    | Imdadullah        | sa Musa Khan      | P.T         | SPS Sherrinabad.     |
| 2.    | XShamul Wahab     | Abdul Wahab       | "           | " Jijbori.           |
| 3.    | Alam Zaib         | Zar Gul Khan      | "           | " Sharif Abad.       |
| 4.    | XFazal Wahab      | Abdul Wahab       | "           | " Sun Haradi.        |
| 5.    | Shah Khisro       | Rustam Khan       | "           | " Shawal B rey.      |
| 6.    | Amir Zada         | Abdul Qadicos     | "           | " Haway Fashio       |
| 7.    | Uz Muhammad       | Hazarat Huss      | "           | " Nasirabad.         |
| 8.    | Muhammad Sultan   | Ghazi             | "           | " Darwali            |
| 9.    | Qudrat Ali Shah   | Nawab Shah        | "           | " Ghri.              |
| 10.   | Muhammad Sherin   | Hijab Khan        | "           | " Tikar Banda.       |
| 11.   | XTareez Khan      | Sultan Khan       | "           | " Kuthal.            |
| 12.   | Muhammad Shafique | Harizullah        | "           | " Qat Haroon.        |
| 13.   | XIhsan-ullah      | Gul Faraz         | "           | " Ajmera.            |
| 14.   | Alm Zaib          | Mushal Khan       | "           | " Gijbori.           |
| 15.   | XMosharwan        | Noorul Haqoon     | "           | " Bukhterabad.       |
| 16.   | XVaizar Rahman    | Dukhter           | "           | " Gangwal.           |
| 17.   | XBaur Rehman      | Mahineon          | "           | " Sangoo.            |
| 18.   | XAnwar Faraz      | Bumandar Khan     | "           | " Doda patti.        |
| 19.   | XAnwar Zamin      | Abdus Satter      | "           | " Durati Akhway.     |
| 20.   | XGul Fea          | Shah Jehan        | "           | " Chinow.            |
| 21.   | XIbadur Rahman    | Niqab Shah        | "           | " Rashidabad.        |
| 22.   | Abdul Baeir       | Natiffullah       | "           | " Sooral.            |
| 23.   | XAnwar Zaib       | Xanna Purhad Khan | "           | " Shagey.            |
| 24.   | XAnwarullah       | Muhammad Ullah    | "           | " Kurag.             |
| 25.   | Abdul Chaffar     | Mardoon Khan      | "           | " Muzrai.            |
| 26.   | Muhammad Umar     | Nahmat            | "           | " Koyar.             |
| 27.   | Abdullah          | Istifenech        | "           | " Shalkhey.          |
| 28.   | Muhammad Ibrahim  | Muhammad Ja       | "           | " Garhi N.Said.      |
| 29.   | Gul Ahmed         | chushal Khan      | "           | " Bar Sakargah.      |
| 30.   | Saabir Muhammad   | M. Mustaf         | "           | " Lalmai.            |
| 31.   | Nedim Azam        | Aurangzaid        | "           | " Col. Battagram     |
| 32.   | XSaad ur Rehman   | Azia ur Rehman    | "           | " H/ Balkool.        |
| 33.   | XRaza Muhammad    | Awal Khan         | "           | " Akhoro Kaley.      |
| 34.   | XAfzar Muhammad   | Muhammad Iqbal    | "           | " Dkey.              |
| 35.   | Mahibul Haq       | Muqool Khan       | "           | " Palang.            |
| 36.   | XAnwar Sada       | M. Sada Khan      | "           | " Chapatkong.        |
| 37.   | M. Bhauabi        | Akharab Khan      | "           | " do-                |
| 38.   | Iftachar          | Azir A. Akhara    | "           | " Gangwal Harad.     |
| 39.   | XRiaz Muhammad    | Masir Khan        | "           | " Junbaig            |
| 40.   | XKhelil ur Rehman | Saeed Qaz         | "           | " Bijiya.            |
| 41.   | XRida Muhammad    | Kohir Shah        | "           | " Dhooaga Jambire.   |
| 42.   | XAnwar Muhammad   | Inayat Khan       | "           | " Ghattoo.           |
| 43.   | XAshter Amir      | Sugrab Khan       | "           | " CPO Gangwal Harad. |
| 44.   | XAnwar Zaib       | M. Ayyaz          | "           | " MCO Kodal Kotal.   |
| 45.   | Haq Haqez         | Zahir Shah        | "           | " Kodal Shaboo.      |
| 46.   | XShad Muhammad    | Fogal Khan        | "           | " Rawan Koda.        |
| 47.   | XAmir Muhammad    | Musa Zada         | "           | " I.N. Harad.        |

*Amir*  
*Amir*

*[Signature]*  
Distt. Officer

1. H. M. S. 2. Ba. 3. Ali. 4. Rusi. 5. S. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47.

|      |                    |                 |    |      |                     |
|------|--------------------|-----------------|----|------|---------------------|
| 3.   | ✓ Duraj Khan       | Hakmat Khan     | IT | MSQ: | Borai M. Jan.       |
| 4.   | Said Ali Shah?     | Said Main       | "  |      | Bar Kas Kazang.     |
| 51.  | ✓ Haik Muhammad?   | Jalal Khan      | "  |      | Gulrehan.           |
| 52.  | Shatur Rehman?     | Azar Bakht      | "  |      | G. R. G. S. Hassan. |
| 53.  | ✗ Inyat ur Rehman? | Ali ur Rehman   | "  | GPS  | D. Azimullah.       |
| 54.  | ✓ Mumin Khan?      | Hakim Khan      | "  |      | Rashidabad.         |
| 55.  | Ghulam Farooq?     | Hazrat Balil    | "  |      | Mashkoni.           |
| 56.  | ✗ Habibullah Shah? | Ajam Khan       | "  |      | H. Pettey.          |
| 57.  | Lisquat Ali?       | Faizur Shah     | "  | MSQ  | H. Jan Muhammad.    |
| 58.  | ✗ Siraj Khan?      | Ibrahim         | "  |      | Bara Dhoonga.       |
| 59.  | Fazl ur Rehman?    | Miam Khan       | "  |      | Dhari Jusa Khan.    |
| 60.  | ✗ Javid M. Iqbal   | Abdul Hamid     | "  |      | Bajrgram.           |
| 61.  | ✗ Nazir Muhammad   | Aurangzaib      | "  |      | Talshaus.           |
| 62.  | ✗ Jihenul Ha.      | Furhad          | "  |      | Hanifabad.          |
| 63.  | ✗ M. Riaz          | Abdul Aman      | "  | MSQ  | Kassi Hall.         |
| 64.  | ✗ Aurangzaib Khan  | Ghulam Hussain  | "  | GPS  | Kuthora.            |
| 65.  | ✗ S. Zuhraab Shah  | Mindra Khan     | "  |      | Barwai.             |
| 66.  | ✗ Munir Khan?      | Furqan Said     | "  |      | Dangar.             |
| 67.  | ✗ Rustam Khan?     | Gul Namroz      | "  |      | Jabatiruz.          |
| 68.  | M. Shafique?       | Bigra Khan      | "  |      | Hastkanai.          |
| 69.  | Badar Khan?        | Aqiullah        | "  | MSQ  | Kiangali U. Khan.   |
| 70.  | Fida Muhammad?     | Ali Gohar Khan  | "  | GPS  | Gidri Trand.        |
| 71.  | ✗ M. Khelid?       | Fazl ur Rehman  | "  | "    | X D. Azimullah.     |
| 72.  | Ibrahuliah?        | Sultaa Room     | "  |      | Damgat.             |
| 73.  | M. Balil?          | Hidayatullah    | "  |      | Rashidabad.         |
| 74.  | ✗ Ahmed Khan?      | Ikhbar Malook   | "  |      | Gidri Trand.        |
| 75.  | Amal Jan?          | Gul M. Khan     | "  |      | Jaba Teroz.         |
| 76.  | Fatehul ah?        | Saitul Haq      | "  |      | Mundri.             |
| 77.  | Zabal Khan?        | M. Farideen     | "  |      | Doodpatti.          |
| 78.  | ✗ Ghulam Rehmani?  | Abas Khan       | "  |      | Taria Hill.         |
| 79.  | ✗ Badiuz Zaman?    | Fazl ur Rehman  | "  |      | Chindow.            |
| 80.  | ✗ S. Wahab Shah    | Tali Muhammad   | "  |      | Talshaus.           |
| 81.  | Abdul Ali?         | M. Said         | "  |      | Bagh Banda.         |
| 82.  | ✓ Miskin?          | Abdul Malik     | "  |      | Chidow.             |
| 83.  | M. Javid?          | Abdul Latif     | "  |      | Bajrgram.           |
| 84.  | Muhamad Shah?      | Zamanullah      | "  |      | Fakhandu.           |
| 85.  | Shahzada?          | Said Rahmt Shah | "  |      | Hanifabad.          |
| 86.  | Shaukat Ayaz?      | Abdul Mateen    | "  |      | Barney.             |
| 87.  | Inamullah?         | Mulak Jan       | "  |      | Mundri.             |
| 88.  | ✗ Habibullah?      | Bara Khan       | "  |      | Bajrgram.           |
| 89.  | ✗ Aurangzaib       | Jansar Khan     | "  |      | Taria Hill.         |
| 90.  | ✓ Bakht Morin?     | M. Miskeen      | "  |      | G/Hawab Said.       |
| 91.  | Ali Asar Khan?     | Hushnak         | "  |      | Murjila.            |
| 92.  | ✗ M. Iqbal         | Misar Khan      | "  |      | Trand.              |
| 93.  | ✗ Rustam Khan      | Gul Muhammad    | "  |      | Chappergram.        |
| 94.  | ✗ M. Shahid        | Telas Khan      | "  |      | Peshora.            |
| 95.  | ✗ Attullah         | Abdul Razaq     | "  |      | Shalkhay.           |
| 96.  | ✗ Shah Rozen?      | M. Saeed        | "  |      | do                  |
| 97.  | ✗ Ali Rehman       | Hayat Khan      | "  |      | Walarget.           |
| 98.  | Mussain Ahmed?     | Umra Khan       | "  |      | Okey.               |
| 99.  | Rab Nawaz Khan?    | Sherin Khan     | "  |      | Parhori.            |
| 100. | Farhat Khan?       | Afsar M. Khan   | "  |      | Rashidabad.         |
| 101. | ✗ Inyat ur Rehman  | Murad           | "  |      | Shaukat abad.       |
| 102. | Hemayatullah?      | Gujar Khan      | "  |      | S. Khalibanda.      |
| 103. | Noor ul Islam?     | Shah Zad Khan   | "  |      | Dabona.             |
| 104. | ✓ Rustam?          | Hazrat Halla    | "  |      | shabona.            |
| 105. | Hazrat Islam?      | Sabir Khan      | "  |      | Fak Banda.          |
| 106. | Wali Muhammad?     | M. Zanif        | "  |      | raza Khatona.       |
| 107. | ✗ M. Javid?        | Roshan Khan     | "  |      | Thaya.              |
| 108. | ✗ Shamsud din      | Naz Ahmed       | "  |      | J. Biskote.         |
| 109. | ✗ Nadar Khan       | Muliyudin       | "  |      | Alami Kondow.       |
| 110. | Attullah?          | Mir Ahmed Khan  | "  |      | Ruturabad.          |
| 111. | Islem Shah?        | Aamullah        | "  |      | Kuklar.             |
| 112. | ✗ b. Helim Shah?   | Alan Gul Shah   | "  |      | MSQ: Chasaidan.     |
| 113. | ✗ Rahimdad?        | Mutabar Shah    | "  | GPS  | Bajrgram.           |
| 114. | Saeed ur Rehman?   | Gul Raz         | "  |      | R. N. Abad.         |
| 115. | Sardor Muhammad?   | Kuchkol Khan    | "  |      | MS: Chasaidan.      |
| 116. | ✗ Anwar Faraz      | Hazrat Younis   | "  | GPS  | Raft Walishab.      |
| 117. | Shaukat Ali Shah?  | Abdul Wahab     | "  |      | D/Cheriseid.        |
| 118. | S/Mukhtiar Ali?    | Noor Mahab      | "  |      | Barweli Sikoy.      |

*Musaid*  
*Adnan*

*[Handwritten signatures and stamps]*



PAN. NO. .... 3. ....

|                          |                   |         |                     |
|--------------------------|-------------------|---------|---------------------|
| 119. ✓ Faiz ul Bari      | M. Nasseem        | P.T     | Manik Abad.         |
| 120. ✓ Talsh Muhammad    | Fida Muhammad     | "       | Manjo.              |
| 121. ✓ H. Zahid          | Badshah Gul       | "       | K. Water G. G.      |
| 122. ✓ Aftakher Ahmed    | M. Rehman         | "       | Khat Wajis Shah.    |
| 123. ✓ Abdul Ghani       | Shah Munawar Shah | "       | Chan Aidan.         |
| 124. ✓ Ghani Khan        | Payee Khan        | "       | G.P. B/Darwi Said.  |
| 125. ✓ S. Furhad Shah    | H. Zahir Shah     | "       | L.H. Abad.          |
| 126. ✓ Wahed Khan        | Said Ali Khan     | "       | Andarwali Takyu.    |
| 127. ✓ Najmul Haq?       | Abdul Qayyum      | "       | Daboong.            |
| 128. ✓ Baid Allah?       | Jan Alam          | "       | Kaishah.            |
| 129. ✓ Muzbulah          | Astam Khan        | "       | Sapochia.           |
| 130. ✓ Attullah          | Aftab             | "       | -do-                |
| 131. ✓ Mehtoozullah      | Wajid Walullah    | "       | Kaishah.            |
| 132. ✓ Ejaz Ahmed        | M. Zahir Shah     | "       | Darwarin.           |
| 133. ✓ Sherin Zada       | Ghulam Haider     | "       | Bar Murin.          |
| 134. ✓ Wazir Muhammad    | Fazal Haji        | Kuchang | Wandi Yar.          |
| 135. ✓ Khurshid Khan     | H. Irghad         | "       | -do-                |
| 136. ✓ Mirz Muhammad?    | Muhammad Asa Khan | "       | Sirkundi.           |
| 137. ✓ M. Iqbal          | Aurangzaib        | "       | Harzala.            |
| 138. ✓ S. Habiullah      | M. Ali Shah       | "       | -do-                |
| 139. ✓ Abu Hta Ullah?    | Mada Khali        | "       | Ajlo Manginabad.    |
| 140. ✓ Iemal             | M. Hussain        | "       | Mugli Abad.         |
| 141. ✓ Gulzarul Wahab?   | Abdul Wahab       | "       | Shaukat Abad.       |
| 142. ✓ Jihon Zaid?       | Shah Zada         | "       | Kuchal.             |
| 143. ✓ M. Dastir?        | Aziullah          | "       | Andarwali.          |
| 144. ✓ M. Mumtas?        | Said Ali          | "       | Manjo.              |
| 145. ✓ M. Shurin         | Rehmat Ullah      | "       | Onam Saidan.        |
| 146. ✓ M. Khurshid       | M. Ayub           | "       | Hil.                |
| 147. ✓ M. Yacnis?        | Ghulama Nabi      | "       | Daboong.            |
| 148. ✓ M. Tariq          | Pir Muhammad Khan | "       | Bajurgan.           |
| 149. ✓ Khan Muha mad     | Taimaz Khan       | "       | Seri Khali Danda.   |
| 150. ✓ Abaziz            | Abdullah          | "       | Leadii Momen Abad.  |
| 151. ✓ Baz Muhammad?     | Amadullah         | "       | Chan Saidan Merani. |
| 152. ✓ Abdul Haq         | Shah ur Khan      | "       | Ingharay Karin.     |
| 153. ✓ S. Shabir Hussain | Habib Said        | "       | Muht Aladdin.       |
| 154. ✓ Amir Muhammad     | Jan Muhammad      | "       | Tamri.              |
| 155. ✓ Feroiz Khan?      | Saif ulloh Khan   | "       | Baz Wali.           |
| 156. ✓ Inayat ur Rahman  | M. Rashid         | "       | Gandor.             |
| 157. ✓ M. Hayat?         | M. Noor           | "       | Banda Pattangi.     |
| 158. ✓ Abdul Haq?        | Azia Khan         | "       | Kendloo.            |
| 159. ✓ Ghulam Yousef     | M. Khan Wali      | "       | Faqiro.             |
| 160. ✓ Adam Khan         | M. Israail        | "       | Reem Darra.         |
| 161. ✓ M. Rehman         | Abdullah Jan      | "       | Kar.                |
| 162. ✓ Haj Zarin Haq     | Khairoo           | "       | Hana Kuchang.       |
| 163. ✓ Zulfiqar Ali      | Hadyat ul ah      | "       | Hugkani.            |
| 164. ✓ Gul Bar?          | Gul Akher         | "       | Musal Seri.         |
| 165. ✓ Zia ur Rehman?    | Fazl ur Rehman    | "       | Asharban.           |
| 166. ✓ Jamil ur Rehman   | Shah Muhammad     | "       | Darmer Ali.         |
| 167. ✓ Fida Muhammad?    | Sultana Muhammad  | "       | Karbori.            |
| 168. ✓ Akhter Ali        | Tora Baz          | "       | Gingbbil.           |
| 169. ✓ Agui Zahir Khan   | Chargeh Gul       | "       | Detelet.            |
| 170. ✓ S. Ahmed Shah?    | S. Habib Shah     | "       | Badr.               |
| 171. ✓ M. Fayaz?         | Aurangzaib        | "       | Deonga.             |
| 172. ✓ Bidar Bukht?      | Peyab Khan        | "       | Faqiro.             |
| 173. ✓ Attullah          | Talut Khan        | "       | Alami Kadow.        |
| 174. ✓ Tajud din         | Abdul Karim       | "       | Jabba Bahar.        |
| 175. ✓ Ghulam Haider     | Shah Pir Ali Shah | "       | Batley.             |
| 176. ✓ Noor Said         | Ahmed Khan        | "       | Asharband.          |
| 177. ✓ S. Hamidullah     | Saidullah         | "       | Karin.              |
| 178. ✓ M. Kaseer         | Gul Nazir         | "       | Kala Dacehoo.       |
| 179. ✓ Hamidullah        | Haji Faiz Wahid   | "       | Kartori.            |
| 180. ✓ Amir Muhammad     | Shamur Rehman     | "       | Maryala Sultan.     |
| 181. ✓ M. Sharif         | Mir Dad.          | "       | Matar Dighan.       |
| 182. ✓ Shur Ali          | Masatar Khan      | "       | Karbori.            |
| 183. ✓ Said Ali Shah     | Umer Said         | "       | Karbori.            |
| 184. ✓ M. Arsaad         | Jumroz Khan       | "       | -do-                |
| 185. ✓ Bahar Khan        | Aurangzaib Khan   | "       | Karbori.            |
| 186. ✓ Khayatullah?      | Abdul Rashid      | "       | Jamroz Gade.        |
| 187. ✓ M. Dulim?         | Mehrajun Nabi     | "       | -do-                |
| 188. ✓ Nawaz H. Khan     | Fajir Khan        | "       | Butar...            |

*Handwritten signatures and notes in the right margin.*

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..PAGE NO...4.....

|                      |               |    |                     |
|----------------------|---------------|----|---------------------|
| 100. Wajid Iqbal     | Dilwar Khan   | PT | QPS Maryela Sultan. |
| 101. M. Abdur Rauf   | Abdul Hakim   | "  | Incol.              |
| 102. Aszi Shofialiah | M. Mustafa    | "  | a Chawali.          |
| 103. Atiq ur Rehman  | Abdur Rehman  | "  | Argashori.          |
| 104. Wazir Ahmed     | Bakandar Khan | "  | Mutta Mansoor.      |
| 105. N. Asim Khan    | Bhab Nawaz    | "  | Maq. Vassaa.        |

*[Handwritten signature]*  
24/7/97

(MALLI ABBON WAZID)  
DISTRICT EDUCATION OFFICER, (M) PRIMARY BATTAGRAM.

Indstr. No. 244-18 / Dated Battagram the 24 / 1997.

Copy of the above are submitted to:-

- 1). Director Primary Education WFP Dalgari Garden Peshawar.
- 2). F.B. to Secretary of Education WFP Peshawar.
- 3). EDCO (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.

*[Handwritten signature]*  
28/7/97

DISTRICT EDUCATION OFFICER  
(M) PRIMARY BATTAGRAM.

*[Handwritten signature]*  
Ahsan  
Dawar

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 | Banian        | 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 Dhait 1/3       |
| 6    | 8     | Mohammad Momtaz     | Faiz Ali Khan       | 20/4/1971     | SSC     | 90403-0117926-5 | Shamlai       | GPS Doonga 1/1       |
| 7    | 9     | Amir Muhammad       | Muhammad Musa Khan  | 9/5/1971      | FA      | 13201-1818870-1 | Banna Allai   | GMPS Gatkhwa         |
| 8    | 10    | Taj Zarin Haq       | Khairoo             | 02/6/1971     | FA/PTC  | 13201-1829757-9 | Jambora       | 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       | Awai 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 Barsar           |
| 14   | 16    | Ghulam Farooq       | Ajoon 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 | Pirhari       | GPS Ranjha           |

Muhammad Ahsan Ullah  
District Education Officer (Male)  
Office #43 Jinnah Plaza Adjacent to  
Jinnah Park, Battagram

|    |    |                      |                     |            |         |                 |                      |                    |
|----|----|----------------------|---------------------|------------|---------|-----------------|----------------------|--------------------|
| 23 | 25 | Javed Muhammad Iqbal | Aurang Zeb Khan     | 4/3/1973   | FA      | 13202-0745491-9 | Thakot               | GPS Faqiroo        |
| 24 | 26 | Gul Farn             | Shah Jehan          | 12/03/1973 | MA      | 13202-0741274-5 | Chappargram          | GMPS Markhanai     |
| 25 | 27 | Liaqat Ali           | Ibrahim             | 12/03/1973 | SSC     | 13202-8959656-7 | Ajmera               | GMPS Dansair       |
| 26 | 28 | Rab Nawaz Khan       | Afsar Muhammad Khan | 15/4/1973  | SSC     | 13202-0749397-7 | Trand                | GPS Kotgala        |
| 27 | 29 | Syed Ali Shah        | Ashad Mian          | 25/04/1973 | SSC/PTC | 13201-9941924-5 | Jambura              | GPS Kot Sar        |
| 28 | 30 | Sabir Alam           | Jan Alam            | 10/6/1973  | FA/PTC  | 13201-7115223-7 | Kund Allai           | GPS Sar Banjar     |
| 29 | 32 | Muhammad Younus      | Ghulam Nabi         | 08/12/1973 | SSC     | 13202-0784422-5 | Ajmera               | GPS Toopkani       |
| 30 | 33 | Shah Rozam Khan      | Hayat Khan          | 16/4/1974  | SSC     | 13202-6874360-9 | Ajmera               | GPS Karghari       |
| 31 | 35 | Abdul Haq            | Azim Khan           | 28/8/1974  | SSC     | 13202-0782417-1 | Shingri Kakarshang   | GPS Bilandpatay    |
| 32 | 38 | Muhammad Saleem      | Maraj Nabbi         | 4/01/1975  | FA/PTC  | 13202-0777202-1 | Battamori            | GPS Joze           |
| 33 | 39 | Jamilur Rahman       | Sher Muhammad Khan  | 15/01/1975 | FA      | 13202-1556740-5 | Shamlai              | GPS Shamlai        |
| 34 | 42 | Zulfiqar Ali         | Hidayatullah Khan   | 20/02/1975 | FA/PTC  | 13202-0764712-7 | Battagram            | GPS Umaray Pokal   |
| 35 | 43 | Fazlur Rahman        | Abdul Hamid         | 02/3/1975  | SSC     | 13202-0728803-7 | Kakarshang           | GPS Nehrai Ayub    |
| 36 | 44 | Rustam               | Sabir               | 4/3/1975   | SSC     | 13202-0725558-1 | Rajmera              | GPS Saidano Sar    |
| 37 | 45 | Badiu Zaman          | Talih Muhammad Khan | 5/3/1975   | SSC     | 13202-0736662-1 | Gidri Taleh Muhammad | GPS Nogram         |
| 38 | 46 | Alam Zaib            | Mashal Khan         | 08/03/1975 | SSC     | 13202-0738239-7 | Gijbori              | GPS Malkot         |
| 39 | 47 | Amir Muhammad        | Jan Muhammad Khan   | 01/04/1975 | SSC     | 13202-0754006-9 | Tamai                | GPS Soorgai        |
| 40 | 48 | Syed Wahab Shah      | Mehmood Said        | 05/05/1975 | SSC     | 13202-4331045-5 | Ghari Nawab Syed     | GPS Jabba Asharban |
| 41 | 49 | Attaullah            | Muhammad Saeed      | 6/6/1975   | FA      | 13202-7799306-5 | Bajmera              | GPS Thaya Jadeed   |
| 42 | 50 | Inamullah            | Haji Bara Khan      | 12/6/1975  | FA      | 13202-7230467-9 | Jesol Bazargai       | GPS Ughaz Pazang   |
| 43 | 51 | Anwar Ullah          | Muhammad Ullah      | 10/11/1975 | SSC     | 13201-1833629-9 | Biari Allai          | GPS Sarkhailosar   |
| 44 | 52 | Muhammad Javed       | Mir Ahmad Khan      | 12/11/1975 | SSC     | 13202-0724730-7 | Gijbori              | GPS Pashto         |
| 45 | 53 | Wali Muhammad        | Roshan Khan         | 15/11/1975 | FA/PTC  | 4200-495828-9   | Pora                 | GPS Deshwal        |
| 46 | 54 | Muhammad Khalid Khan | Sultan Room Khan    | 01/01/1976 | FA/PTC  | 13202-0748701-3 | Battagram            | GPS Uchar Gantar   |
| 47 | 55 | 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.

Muhammad Ahsan Ullah  
 Advocate Supreme Court of Pakistan  
 Office # 55 Jinnah Plaza Adjacent to  
 Nizam Bar Abbottabad

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P-38

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.

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.

3/

Jehan Muhammad  
District Education Officer (M)  
Battagram

Endst No 1775-84 /EB-III/ 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 Akhbar Khan Tanzeel  
Advocate (Supreme Court of Pakistan)  
Office # 33 Jinnah Plaza Adjacent to  
District Bar Abbottabad

کمیٹی برائے سبکدوشی  
کشمیری ایجوکیشنل ڈیپارٹمنٹ  
ڈیڑا، گرام  
0997-371225

بخدمت جناب ڈائریکٹر صاحب ایگزیکٹو اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

عنوان: درخواست برائے ادائیگی سائنس ترقیاتی خدمات و سروس  
Annex-C  
P-15

جناب عالی!

گزارش ہے کہ سائل 13-06-1995 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 بار بار درخواستیں دینے کے باوجود DEO بگرام نے بحال نہیں کیا۔ بلکہ DEO صاحب بگرام نے 28 فروری 2018ء آرڈر نمبر 84-1775 کوٹے 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 جائے۔

المرقوم: 27-03-2018

الغرض۔

کا 2 زریں حق PST  
PST پیتاؤ خیبر ان کورڈ  
ضلع بگرام  
کے ج زریں

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

کورٹ فیس

وکالت نامہ P-16

بعدالت Service Tribunal KPK Peshawar

عنوان: نام Govt. FKP 27 Taj Zaheen Lt tag

منجانب: Applicant

نوعیت مقدمہ:

### باعث تحریر آنکہ

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

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلاف 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 اتوائے 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 بیرونی 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 بمراد استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم:

بمقام:

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL CAMP COURT ABBOTTABAD**

**SERVICE APPEAL No. of 2023**

Taj Zarin ul Haq .....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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Respondent



BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL CAMP COURT ABBOTTABAD

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

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VERSUS

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

Joint 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**

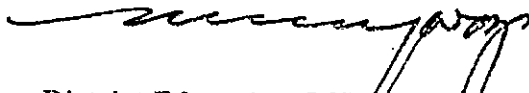
1. Para No. 1 of the appeal is correct. Pertaining to the appointment and further termination of the appellant; hence needs no comments.
2. In reply of Para No. 2, it is submitted that the appellant was appointed as a fresh appointee along with others in the light of Khyber Pakhtunkhwa Sacked employees 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 entitle 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.

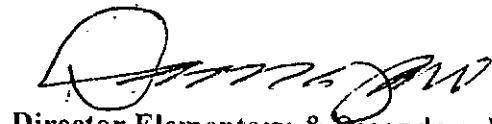
It is therefore humbly prayed that on acceptance of above Para-wise comments, the appeal of the appellant may graciously be dismissed with cost.

RESPONDENT NO. 3



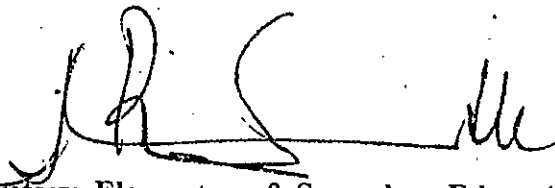
District Education Officer (Male)  
Battagram

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

Taj Zarin ul Haq .....Appellant

VERSUS

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

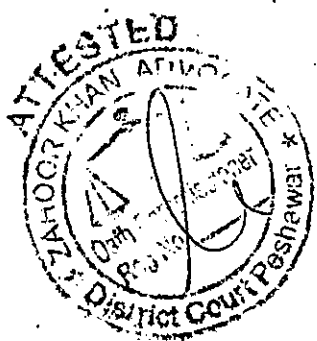
AFFIDAVIT

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.

*[Handwritten Signature]*

DEPENDENT

CNIC: 611011889553



(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 Kalim Arshad Khan Chairman, and Salah Ud 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 "Afsen Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 573/2019 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

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 "Afsheen Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 378/2019 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 Kalin Arshad Khan, Chairman, and Salah Ud 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 "Alhannad Miskeen-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 577/2019 titled "Afreem 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

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.

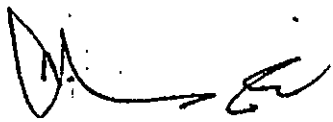
CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: This judgment shall dispose of the instant service appeal as well as connected service appeals No.577/2019 titled "Afreem 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 "Afreem 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 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 "Afreem 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 Kullim 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

*U.D.*  
*21.07.22*  
*U.D.*  
*21.07.22*

Service Appeal No. 691/2019 titled "Muhammad Miskven-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others", Service appeal No. 577/2019 titled "Afreem 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.

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

*[Handwritten signature and notes at the bottom left]*

*[Handwritten notes and signatures on the right side, including 'Page 7' and '19/7/22']*