BEFORE THE HONORABLE CHAIRMAN SERVICE TRIBUNAL PESHAWAR CAMP COURT AT SWAT

CM No _____ of 2023

In

Service appeal No 5193- 2021

Irshad Ahmad VS The Secretary Education and others

Index

No .	*Documents*	*Pages*
1)	*Application*	*1*
2)	*PTC Training DMC*	*2*
3)	*Letter No .1733 / AD(Lit:II) dated 10/10/2013*	*3*
4)	*Letter dated 26/10/2013*	*4*
5)	*Copy of service book*	*5-8*

Petitioner in person

Irshad Ahmad

BEFORE THE HONORABLE CHAIRMAN SERVICE TRIBUNAL PESHAWAR CAMP COURT AT SWAT

CM No _____ of 2023

Entry ... 8243

Dated ... 11/10/23

In

Service appeal No . _____ 2021

Irshad Ahmad VS The Secretary Education and others

APPLICATION FOR PLACING THE ADDITIONAL DOCUMENTS

Respectfully Sheweth:

1) *That, the above titled service appeal is pending adjudication before this Honorable Tribunal wherein for hearing fixed today.*

2) *That, this Honorable Tribunal directed the petitioner to place on file any additional or other documents which could strengthen case of the petitioner.*

3) *That as per direction of this Honorable Tribunal the petitioner wants to place on file the documents.*

It is therefore, humbly prayed that the documents may please be placed on file for just decision of the case.

Petitioner in person

Irshad Ahmad

Most Immediate
Court Matter

DIRECTORATE ELEMENTARY & SECONDARY EDUCATION KPK PESHAWAR

No 1733 /AD (Lit: II) Dated Peshawar the 10 / 10 /2013

To

The District Education Officer (Male)
District Swat.

Subject:- **DEPARTMENTAL APPEALS OF EX-PST MR. ALI REHMAN & IRSHAD AHMAD OF DISTRICT SWAT.**

Memo:

I am directed to refer to your letter No: 11159/re-instatment/PST/M/dated 26/9/2013 and No: 1005 dated 31/8/2013 and to ask you that the Khyber Pakhtunkhwa Sacked Employees(Appointment) Act, 2012(Khyber Pakhtunkhwa Act No: XVII of 2012) is very clear whereby in section 2(g) defined as Sacked Employee means a person who was appointed on regular basis to civil post in the Province and who possessed the prescribed qualification and experience for the said post at the time, during the period from Ist day of November, 1993 to the 30th day of November 1996(both days inclusive) and was dismissed removed or terminated from the service during the period from Ist: day of 1998 on the ground of irregular appointment.

Further more under section-6 of the above cited Act, the sacked employee may file an application to the concerned department with in 30-days from the date of commencement of this Act i.e 4/10/2012.

Now, if the applicants Mr. Irshad Ahmad S/O Bacha Khan R/O Banr Mingora District Swat, & Mr. Ali Rehman S/O Azizur Rehman R/O Saidu Sharif District Swat have submitted their application along with their credentials in the stipulated period. Then there case be decided according in the light of rules & procedure of the Khyber Pakhtunkhwa, Act No: XVII of 2012 with intimation to this office with 15-days positively.

9/10/13

Dy: Director (Estab:)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Endst: No 1734 /

Copy forwarded to PA to Director local Office

9/10/13

Dy: Director (Estab:)
E&SE Khyber Pakhtunkhwa,
Peshawar.

ATTESTD

Attested
To be true copy
Advocate

OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT

No._____/Re-inst:/M/PST Dated 26/10/2013.

To,

The Director,
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject :- DEPARTMENTAL APPEAL OF EX-PST MR.ALI REHMAN AND IRSHAD AHMAD OF DISTRICT SWAT.

Memo:

Please refer to your office letter No:1733/AD(Lit-II) dated 10/10/2013 on the subject noted above.

It is stated for your kind information that with reference to the sacked employees Act No.XVII 2012,applications from the sacked employees including the appellants have been received, processed in due time and interview conducted, but due to a status quo order passed by a local civil court, the appointment process is still pending. As and when the status quo is vacated, then their appointments will be considered on priority basis, please.

DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT.

Endst:No:_____

Copy of the above is forwarded for information to the:-

1- P.A to Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT

Attested

Attested
To be true copy
Advocate

BUREAU OF CURRICULUM & EXTENSION WING SINDH JAMSHORO

Book No: OEN

Certificate

000251

No. 125016

Certificate showing the number of Marks secured by Mr./Miss/Mrs. Irshad Ahmed S/o- D/o Bacha Khan -

Religion Islam - of Government Elementary College of Education (Men/Women) Qasimabad, Karachi in each head of

PRIMARY TEACHER'S CERTIFICATE (Semester System) Annual Examination 1993-94 held in the month April of 1995

SEAT No.	Principles of Edu: & Methods of Teaching		Child Development & Counselling/Guidance		School Organization & Classroom Management		Language & Mehods of teaching Sindhi/Urdu/English (M.T.)		Mathematics & Methods of Teaching		Science & Methods of Teaching		Social Studies & Methods of Teaching		Islamiat/Islamic History & Methods of Teaching		Art & Practical Art and Methods of Teaching		Health & Physical Education		English as an Additional language/Advanced English		Total Marks in Theory	PRACTICE OF TEACHING			GRAND TOTAL	PASS/FAIL	GRADE	REMARKS
118755																													
Max. Marks	100		100		100		100		100		100		100/75		100/75		100/75		100/75		100		1000	200			1200			
Pass Percentage 33% in theory & 45% in Practical	Int.	Ext.	Int.	Ext.	Int.	Ext.	Int.	Ext.	Int.	Ext.	Int.	Ext.	Int.	Ext.	Int.	Ext.	Int.	Ext.	Int	Ext.	Int.	Ext.	Int. + Ext.	Int. 90/96 P/L	Int. 30/24 D/L	Ext. 80 A/L				
Marks Obtained	17	34	19	36	18	33	19	34	17	36	18	33	17	34	18	34	17	35	19	38	18	31	585	65	19	68	125	Pass	'B'	

Note:- Passing the examination in Internal & External Evaluation separately is must.

Dated: _____

Abbreviations: Ext. External Evaluation
Int. Internal Evaluation
P/L. Practical Lessons
D/L. Discussion Lessons
A/L. Annual Lessons

REGISTRAR
DEPARTMENTAL EXAMINATIONS

Signature and Designation of the Head of the Office or other attesting Officer in attestation of Column 1 - 8	Date of Termination or Appointment	Reason of Termination (such as promotion, Transfer, Dismissal etc)	Signature of the head of the office or other attesting officer	Leave: Nature & Duration of Leave taken	Leave: Allocation of period of leave on average pay up to four months for which leave salary is debit able to another government — Period	Government to which debit able	Signature of the Head of the Office or other attesting officer	Reference to any recorded punishment or censure or reward or praise of the government servant
								Appointed PST Vide DEO(M) Swat Order No 7615-17 Dt: 15-2-2020.
S.D.E.O (M) Pry: Swat	30-11-2020	Ann Inc	S.D.E.O (M) Babozai Swat					
S.D.E.O (M) Babozai Swat	30-11-21	Ann Inc	S.D.E.O (M) Babozai Swat				Sub Divnl. Edu. Officer (M) Saidu Sharif Swat	
S.D.E.O (M) Babozai Swat	30-6-22	Scale Revised	S.D.E.O (M) Babozai Swat					Pay Released vide DEO (M) Swat Order No 1693 DT: 11-6-2020 at S/No
S.D.E.O (M) Babozai Swat	30-11-22	Ann Inc	S.D.E.O (M) Babozai Swat					
S.D.E.O (M) Babozai Swat							Sub Divnl. Edu. Officer (M) Saidu Sharif Swat	

CPT No 8450642 dt 2-7-2020
Draw Pay & allowances w.e.f 2-3-2020 to 30-6-2020 G: Rs 102157/= only
Deduc 5300/=
Net 96857/=

CP.T.No. 8450692
5/08/020

Drawn regular Pay + allowance the light of court decision w.e.f 03/2020 to 31/07/020 Gross Rs. 127904/-
Ded Rs. 6625/-
NET Rs. 121279/-

DCA SWAT.

Pay Released after [illegible] of Documents through [illegible] by the Concerned [illegible] vide DEO (M) Swat Endst No 2512 dated 08/07/2020

verified w.e.f 02-03-2020 [illegible]2020 form acc roll & other of this office.

Sub Divnl. Edu. Officer (M) Babozai Swat.

DA 10/8/[illegible]

Attested

...ure and ...ion of the ... of the ...ce or ...ting Officer ...tation of ...m 1 - 8	Date of Termination or Appointment	Reason of Termination (such as promotion, Transfer, Dismissal etc)	Signature of the head of the office or other attesting officer	Leave: Nature & Duration of Leave taken	Leave: Allocation of period of leave on average pay up to four months for which leave salary is debit able to another government — Period	Leave: Allocation of period of leave on average pay up to four months for which leave salary is debit able to another government — Government to which debit able	Signature of the Head of the Office or other attesting officer	Reference to any recorded punishment or censure or reward or praise of the government servant
						Service	Verified w.e.f. 01-01-2021 To 31-12-2021 from Pay Bill & other Records of the office	
						TR/1646 13/02	DOB change ref of 02/2023	

Attested

e entries on this page should be renewed are re-attested as least every five years in the signature to lines
2 should be dated

me Irshad Ahmad

No. 13602-3751154-5

e Afghan 4. District of Domicile Swat.

idence Moh. Bunr Mingora Swat.

her name and residence Bacha Khan

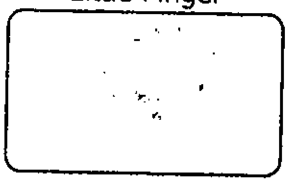
e of Birth by Christian era as 10-10-1973 ✓
ly as can be ascertained: (10th October Nineteen Seventy Three)

t height by measurement: 5-6

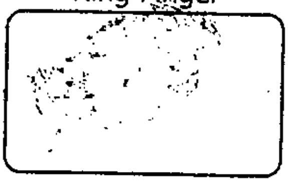
onal Marks for Identification: —

Hand Thumb and Finger Impression of (Non Gazetted Officer)

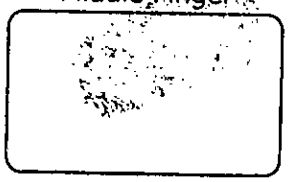
Little Finger



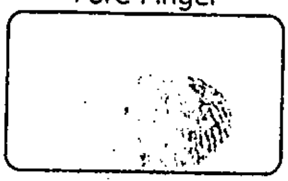
Ring Finger



Middle Finger



Fore Finger



Thumb

Attested

ture of Government Servant:

ture & Designation of the Head of the
, or other attesting officer.

Name of Post	Substantive or officiating and whether permanent or temporary	appointment, or (ii) whether service counts for pension under art 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
PST GPS Bajir Mingora No1			BPS-12-(13320-960-42320)				
-do-			Rs 13320/=			02-3-2020	[signature]
-do-			Rs 14280/=			1-12-2020	[signature]
-do-			Rs 15240/=			1-12-21	[signature]
-do-			Rs 22630/=			1-7-22	[signature]
-do-			Rs 24060/=			1-12-22	[signature]
			31-12-22 01-01-2023				
			Sub Divisional Education Officer (M) Babuzai Swat				

(For Civil Servants & Police Department)

Heirs,

1. _____ 2. _____

3. _____ 4. _____

FIRST APPOINTMENT ORDER:

Left Thumb Impression 

Academic and Professional Qualification	Date	Verification/Roll No. Dated
S.S.C	Passed SSC (A) Exam 1993 under Roll 3422 from BISE Saidu Sharif Marks 837	
Intermediate	Passed FA Exam 1997 under Rno 206720 from BISE Swat Division Swat Result Declared 11-1997.	
Bachelor / B.S.	Passed BA Exam 2008 under Roll No 5356 from Al Khair University Result declared 5th September 2008 Marks 434/800.	
Master / M.S.		
Other Qualifications	Passed PTC Exam 2002 Under Roll No 6490451 from AIOU Islamabad Marks 500/276.	

Sub Divnl. Edu. Officer (M)
Babozai Swat

Plan-drawing

Drill Instructing

Court Duties

Reserve Duties

Pleadership Examination

Training School Final Examination

Attested

6

4

1

BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1583 /2013

Ex- PTC/PST Irshad Ahmad S/o Badshah Khan, Bunr Minguara Swat, Tehsil and District Swat .....Appellant.

Versus

1. The District Eduation Officer (E & SE) (Male), Minguara Swat.
2. The Director of Education (E & SE), Dubghri Garden, Peshawar .....Respondents.

Service Appeal under section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 13-02-1997 passed by respondent No.2, wherein he terminated (Dispense with) the legal service of the appellant and to set aside the same and reinstate the appellant with all back benefits.

Prayer:-

On acceptance of the instant Service Appeal, this Honourable Tribunal may graciously be pleased to declare the order dated 13-02-1997 Of the respondent No.1 is void abinito, illegal, unlawful and without lawful authority and set aside the same and re-instate the appellant with all back benefits on the score/strength of reported Judgment of the Honourable Supreme Court of Pakistan 1996 SCMR 1185, 2002 SCMR 71, 1999 SCMR 336, 2009 SCMR 01as well as on merits.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That appellant was appointed as PTC on regular basis vide Order dated 30-04-1995 and posted at GPS, Sher Khani (Marghuzar), Swat. Apellant assumed the charge

Irshad Ahmad VS Govt

12.07.2016

Counsel for the appellant and Mr. Muhammad Sacod, SS alongkwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of to-day in connected Service Appeal No. 1497/2013, titled "Ali Rehman Versus EDO (E&SE) District Swat and another". This appeal is also disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

Announced
12.07.2016

Sd/-
Member

Sd/-
Chairman
Camp Court
Swat

19-07-2016

850

19-07-2016

19-07-2016

Attested

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(9)

Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.

Order or proceedings.

2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

1. Appeal No. 1497/2013 Ali Rahman and

2. Appeal No. 1583/2013 Irshad Ahmad Versus EDO, E&SE, Swat and another.

JUDGMENT

12.07.2016

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Counsel for the appellant and Mr. Muhammad Saeed, Subject Specialist alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present.

2. This judgment shall dispose of Service Appeal No. 1497/2013 preferred by Mr. Ali Rahman and Service Appeal No. 1583/2013 preferred by Mr. Irshad Ahmad as identical questions of facts and law are involved in both the appeals.

3. Brief facts of the cases of appellants Ali Rahman as well as Irshad Ahmad are that they were appointed as PTC Teachers on regular basis vide order dated 30.04.1995 and while serving so their service were terminated vide order dated 13.02.1997 alongwith similarly placed other employees. That services of other similarly placed employees were restored but appellants discriminated with despite the fact that they were also entitled

Attested

to reinstatement in service.

4. Learned counsel for the appellants has argued that the appellants were also entitled to same treatment. That during the process of departmental appeals of the appellants a letter dated 26.10.2013 was issued by the District Education Officer (Male) District, Swat addressed to the Director of Education, Khyber Pakhtunkhwa Peshawar wherein it was pointed out that the process of appointment of the appellants was stopped due to status-quo order passed by a Civil Court. He further argued that despite withdrawal of the said civil suit the process of appointment is still held in abeyance and the appellants deprived of their due rights.

5. Learned Senior Government Pleader argued that process was not resumed as the appellants were not found eligible to reinstatement due to lake of prescribed qualification.

6. We have heard arguments of learned counsel for the parties and perused the record.

7. Letter dated 26.10.2013 referred to above would suggest that the applications of the appellants were processed and appellants interviewed in the light of provisions of the Sacked Employees Act No. XVIII 2012 but no final orders were passed due to status quo order issued by a civil court. Though the said status quo order was no longer in field yet the relevant authority did not process cases of the appellants despite their commitment reflecting in the said letter. We are not in a position to consider cases of the appellants for reinstatement in service at this stage and deem it

Attested

11

appropriate that cases of the appellant be considered and decided by the relevant authority within a period of one month from the date of receipt of judgment of this Tribunal keeping in view the contents of letter dated 26.10.2013 referred to above. In case the authority fail to consider and decide cases of the appellants within the prescribed period of one month from the date of receipt of this judgment then in such eventuality they shall be liable to be proceeded against for omissions on their parts. Both the appeals are disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

Announced
12.07.2016

fridi)

Sd/- M. Azim Khan Afridi,
Chairman

Sd/- Ahmad Hassan,
Member

Certified to be true copy
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date of Presentation of Application 19-07-2016
Number of Words 1600
Copying Fee 10
Urgent 2
Total 12
Name of Copyist
Date of Completion 19-07-2016
Date of Delivery 19-07-2016

Attested

6

4

1

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Sd/-
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Camp Court
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Announced
12.07.2016

fridi)

Sd/- M. Azim Khan Afridi,
Chairman

Sd/- Ahmad Hassan,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 19-07-2016
Number of Words 1600
Copying Fee 10
Urgent 2
Total 12
Name of Copyist
Date of Completion 19-07-2016
Date of Delivery 19-07-2016

Attested
Jan