26-10-23

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal .No. -/2022

Muhammad Iqbal

VERSUS

Govt;

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PETITIONER

Dated: - 04-10-2023

Through:

AmanUllah Khan Salik Advocate High Court

Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. -/2022

Muhammad Iqbal

VERSUS

t; Diary No. 8280

APPLICATION SOLICITING INCLUSION OF CERTAIN DOCUMENTS

Respectfully Sheweth:-

This petition mainly proceeds, on the following grounds.

- i. That the captaincies service appeal is pending disposal before this honourable Tribunal wherein proceedings have been adjourned to 26.10.2023 from 27.09.2023.
- ii. That it was on 27.09.2023 when during, the course of argument, at certain stage, this honourable Tribunal, graciously, allowed to place on record, certain documents, to which reference was made at the stage of the arguments.
- iii. That, through instant application the inclusion of those documents, so allowed be brought on recasd is aimed and intended.

If therefore respectfully requested that, the attached documents be permitted to be brought on record.

Petitioner/Applicant

Dated 04-10-2023

Through

AmanUllah Khan Salik Advocate High Court Abbottabad. s. Nº 386038



Roll No. __45357

Peshawar N.W.F.P. Pakistan Secondary School Certificate Examination SESSION 1982 (ANNUAL)

Son/Daughter of		•				
and a student of	THIS IS	TO CERTIFY THAT MUHAMMAD LOBAL				
has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Peshawar held in April 1982 as a Regular candidate. He/She obtained Marks out of 850 and has been placed in Grade Representing File The Candidate passed in the following subjects: 1. English 3. Islamiyat 5. Physicature 8. File 2. Urdu 4. Physics 6. Chestary 8. File 3. Secretary Assti: Secretary Assti: Secretary Secretary	Son/Daughter	of				
of the Board of Intermediate and Secondary Education, Peshawar held in April 1982 as a Regular candidate. He/She obtained						
as a Regular candidate. He/She obtained Marks cut of 850 and has been placed in Grade Representing File The Candidate passed in the following subjects: 1. English 3. Islamiyat 5. PartStudies 7. Mathematics 2. Urdu 4. Physics 6. Checistry 8. Placed Production on the basis of internal assessment by the Institution concerned. Date of birth according to admission form is There (27-5-1965) Assft Secretary Secretary	has p	passed the Secondary School Certificate Examination				
The Candidate passed in the following subjects: 1. English 3. Islamiyat 5. Free Studies 7. Natheratios 2. Urdu 4. Physics 6. Chesistery 8. Plotogy He/She has been awarded Grade on the basis of internal assessment by the Institution concerned. Date of birth according to admission form is Therety Sevents in the passes of internal assessment by the Institution concerned. Asstit. Secretary Secretary	of the Board of	Intermediate and Secondary Education, Peshawar held in April 1982				
The Candidate passed in the following subjects: 1. English 3. Islamiyat 5. Part Studies 7. Mathematics 2. Urdu 4. Physics 6. Chesistry 8. Procedy He/She has been awarded Grade on the basis of internal assessment by the Institution concerned. Date of birth according to admission form is Theory Seventh line one thousand nine hundred and Characteristics Asstit Secretary Secretary	as a Regular c	andidate. He/She obtained <u>422</u> Marks out of 850				
1. English 3. Islamiyat 5. PALISTONES 7. HATHERATIOS 2. Urdu 4. PHYSTOS 6. CHESTRY 8. BIOLOGY He/She has been awarded Grade 0 on the basis of internal assessment by the Institution concerned. Date of birth according to admission form is TWENTY SEVENTH THE one thousand nine hundred and 11 YTM FIVE (177-6-1965) Assft. Secretary Secretary	and has been	placed in Grade Representing				
2. Urdu 4. PHYSTOS 6. CHESTRY 8. FIDLOGY He/She has been awarded <i>Grade</i> on the basis of internal assessment by the Institution concerned. Date of birth according to admission form is TWENTY SEVENTH THE One thousand nine hundred and SIVEN FIVE (27-6-1965) Assft. Secretary Secretary	The Candidate	passed in the following subjects:				
He/She has been awarded <i>Grade</i> on the basis of internal assessment by the Institution concerned. Date of birth according to admission form is	1. English	3. Islamiyat 5. PartStudies 7.Mathematics				
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one thousand nine hundred and Assit: Secretary Secretary						
Secretary	Date of birth according to admission form is TWENTY SEVENTH THE one thousand nine hundred and TYTE (17-5-1965)					
11th August, 1982 This certificates served without allefation or erasure.	Assti: Secretary Socretary					
	11th August, 1982	This certificates sisted without alteration or erasure.				

931

B. /PC

Roll No. / A Co.

Peshawar N.W.F.P. Pakistan

PROVISIONAL CERTIFICATE INTERMEDIATE EXAMINATION

Annual/Supplementary THIS IS TO CERTIFY THAT Son/daughter.of_ and a candidate of has passed the INTERMEDIATE EXAMINATION of the Board of Intermediate & Secondary Education, Peshawar held in Allin E as a Regular/Private candidate. He/She obtained 52/ Marks out of 1100 and has been placed in Grade () Representing_ The Examination was taken as a whole/in parts. Prepared by Checked by_ Asstt: Secretary (certificates Date of Preparation

ALLAMA IQBAL OPEN UNIVERSITY. ISLAMABAD PROVISIONAL RESULT CARD

Serial No

545636

Roll No.

AV493191

Registration No.

13NBM00615

Name

Final Semester

MUHAMMAD ICBAL

AUT-2015

Father's Name MUHAMMAD YOUNIS

Addres

YAR MUHAMMAD HARD WEAR SHOP NR PETROL PUMP

BATTAGRAM

Tehsil

BATTAGRAM

District

BATTAGRAM

has succesfully completed

BACHELOR OF ARTS

GROUP-GENERAL

The detail of passed courses is as under

emester	Course	Title of Courses	Marks		
	Code		Maximum	Obtained	
AUT- 13	0417	PAKISTAN STUDIES (C)	100	48	
AUT- 13	1423	COMPULSORY ENGLISH-I	100	59	
AUT- 13	1431	BASICS OF INFORMATION & COMM. TECHNOLOGY	100	56	
SPR- 14	0404	ਪਮ ਹਰੇ	1.00	-6d	
SPR- 14,	0413	SOCIOLOGY-II	100	45	
SPR- 14	1424	COMPULSORY ENGLISH-II	1.00	42	
SPR- 14	0416	ISLAMIAT (C)	100	59	
AUT- 14	0405	IQBALIAT	100	55	
AUT- 14	0445	HISTORY OF URDU ADAB	100	ε2	
SPR- 15	0427	PAKISTANI ADAB-I	100	63	
SPR- 15	0455	BOOK EDITING	100	58	
AUT- 15	0426	PAKISTANI ADAB-II	100	62	
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		A STATE OF THE STA			
		Education Den E&S			
		Battagram Battagram			

Credit

Date of Issue

Result Declared on SEPTEMBER 09,2016

NOVEMBER 01,2016

Total Marks/Obtained Percentage/Grade

1200 / 667

56

Controlle; 6. Examination

Disclaimer:

This result eard is issued provisionally, errors and omission excepted, all a notice only. Any entry appearing it this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

Board of Intermediate & Secondary Education

PESHAWAR DETAILED MARKS CERTIFICATE

Intermediate Examination Humanities Group

SESSION 19 90 (Annuai/Supplementary)

Sr. No

174672

ather's Name	Muham	ramma	Your	nis	Roll No. 12906
	Subjects	MARKS OBTAINED			
Subjects	Marks	Part-I Part-II	Total in		
				Figures	Words
1. English	200			93	
2. Urdu	200			89	
3. Islamic Education	50			0	
4. Pakistan Studies	50/			56	
s. Elo	200	-		91	
6. Civ.	200			102	·
7 /s	.200		·	90	Time handie of threat
Total	1100		,		/

Note: Errors/Ommissions excepted.

Date	•	19	
			-

Controller of Examinations

Board of Intermediate & Secondary Education PESHAWAR

Prepared by _____ Checked By____

Education Department
Battagram

Board of Intermediate & Secondary Education **PESHAWAR**

DETAILED MARKS CERTIFICATE Secondary School Certificate Examination (SCIENCE GROUP)

-(Annual/Supplementary)

Father's Name Roll No. 45356 Total Number **SUBJECT** of marks MARKS OBTAINED allotted la figure-In words 1. English 150 2. Urdu 150 3. Islamiyat 75 4. Fakistan Studies 75 Mathematics 100 Physics 100 7. Chemistry 100 8. Biology 100: Total 850_{...} 009710 Controller of Examination Board of Intermediate & Secondary Education PESHÁWAR

> Assistant District
> Office (P&D) E&S Education Department Battegrem

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Name of Examination: -		To	1	
Name of Candidate:	yhamma c	Spal	84	<u> </u>
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Examination Held in th	e Month of	Session	2015	
SUBJECTS	MAX. MARKS	MARKS OBTAINE	RES	JLT
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HYDERABAD REGION HYDERABAD
PASS CERTIFICATE
ELEMENTARY / INTER GRADE DRAWING EXAMINATION 2015
Certified that 70 Soom Kham "3387".
Son / Daughter of Tohammac Nifob B/C -
having successfully completed the course during the Academic Session 2015
passed Elementary Inter Grade Orawing Examination .
held in Jans He/She was placed in B. Division/Grade
He/She was Examined in the following subjects. 1. Nature Drawing. 2. Geometry & Lettering.
3. Object Drawing. 4. Memory Drawing.
He/She obtained distinction in
Result Declared on 20 . 00. 2015
Date of Issue 23. 2. 2015
Controller Inspector of Drawing Grade Examinations For Sindh Directorate of Science
Education Hyderabad.
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Vistrice Newin Battagram



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DISTRICT BATTAGRAM



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

OFFICE ORDER

1. Whereas you the following Ex DMs (Sacked Employee) were appointed vide order Endst; No. 7825-31 dated 15-02-2013 in the light of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012 with the condition that "The candidates having less qualification will acquire requisite training and obtain FA qualification within three (03) years failing which their appointments shall stand terminated automatically" incorporated in your appointment order in the light of order dated 25-05-2011 of Hon'ble Supreme Court of Pakistan in Civil Appeals No. 51-P and 52-P of 2009 as "The appellants shall be appointed as P.S.T (Primary School Teacher) in their respective Union Councils immediately and in case the appellants fail to acquire the training and the said qualification within three years, their appointment shall stand terminated automatically".

Muhammad Iqbal S/O Muhammad Younas DM GMS Soorgai.

- ii. Masoom Khan S/O Niqab Ex DM GMS Ghari Nawab Said.
- 2. And whereas you failed to fulfill terms and conditions of your appointment order i.e could not acquire requisite qualification within stipulated period of three years as per condition No. 7 of your appointment order, resultantly your appointments/services stood terminated automatically.
- 3. And whereas a general Notification Endst; No. 137-43 dated 04-01-2017 was issued/circulated wherein it was clarified that, "those (Sacked Eployaes) who failed to fulfill the requisite qualification for the post within stipulated period of three years from the date of issuance of their appointment orders, their services stood terminated automatically and they are no more civil servants/on the strength of Department".
- 5. And whereas you filed Writ Petitions before Peshawar High Court Abbottabad Bench which were disposed of on 14-02-2017 with the direction to Secretary E&SE Khyber Pakhtunkhwa for making a uniform policy.
- 6. And whereas in compliance with the directions of Hon'ble Court dated 14-02-2017, all the DEOs (Male & Female) were directed by the E&SE Department Khyber Pakhtunkhwa vide letter No. SO (Lit-1) E&SE/1-1/2017/Sacked Employees dated 10-11-2017 to follow strictly the provision as mentioned in Sections-2(g), 3 and 7 of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act- 2012.
- 7. And whereas you filed Contempt of Court Petitions before the Hon'ble court which were disposed of on 11-01-2018 with the direction to undersigned to decide the case of petitioners within 30 days.

Now in the light of direction of Hon'ble Peshawar High Court Abbottabad Bench dated 11-01-2018, the undersigned is pleased to decide your case and to issue this order in continuation of Notification dated 04-01-2017 that as per condition No. 7 of your appointment order and in the light of Judgment of Peshawar High Court Abbottabad Bench dated 24-05-2016 in W.P NO. 516-A of 2013 as well as order of Hon'ble Supreme court of Pakistan dated 24-05-2017 in C.P. 401 and connected Petitions, your services had stood terminated automatically and you remained no more on the strength of this Department.

District Education Officer (Male)

Battagram

Dated. 31-01-2018

Endst: No. 1311-15/EB/Secy/Sacked Employees.

Copy for information to the.

1. Additional Registrar Peshawar High Court Abbottabad Bench.

2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

3. Deputy Commissioner Battagram.

4. District Monitoring Officer (IMU) Battagram.

5. The above mentioned Ex DMs.

A.K.Salis, planeoutsp
BATTMC ...AM

District Education Officer (Male)

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Short Start Start

BETTER 11 COPY

DIRECTORATE OF THEMEN LARY & SECONDARY EDUCATION KHYBBR PAKHTUNKUWA, PESHAWAR

NOTIFICATION

WHERE AS, the following candidates were appointed against the post of DM/PST by the District Education Officer (Male) Battagram in accordance with the Khyber pakt tohi hwill sacked employees Act, 2012 and Hon'ble Peshawar High Count Abbottabad Bench Judgment dated 17-02-2017 with the condition that the condidates having less qualification will begulies equils to training as well as FA qualification within three years failing which their appointinent shall stand terminated automatically vide order No. 7825-31 & No. 7804-10 dated 15-02-2013.

iMr. Mosoom Khan EMIGHS Nahar.

Mr. Balidaar Khan P. T. GPS Kanal

III. Mr. Nowskerwan PS GPS Malkoti

V. Mr. Islam Shan PST CPS Trangar.

Mr. Muhan mad Sharia PST GPS Trangar.

AND WHEREAS, after completion of their balyears services the DEO (M) Battagram stopped their salaries with effect from Anc. Ust, 2016

A.K.Salu. (Acchecate)

AND WHEREAS, the above mentioned agorieved teachers submitted writ petition before the Peshawar High Gourt, Abbottabad Bench for releasing their salaries/justice.

AND THE PERHAWAR High Court, AbbottabaakBench sent their writ petition to The DECIMILE attagnorm with the direction to a decide the constitution of thirty (30) accordances with the order of this count direction of the constitution of the co patitioners strictly in

approachthe competent form against the said aegision with the competent Abbottabad Bench AND WHEREASEIN the light of the direction of Reshawar High Court Abbottabad Bench dated: 11:01 2018 (the DED (Male) Battagramster minated the major their services vide

afficerorae No.1311-15-Bated 31-01-2018) White appearimental appear before the AND WHEREAS the aggine ved teacher, Submitted appearimental appear beshawar for Director Elementary & Secondary Edication, Khyber, Pakhtunkhwa, Peshawar for Director Elementary rie instare menevide datud 16703/2018

AND WHEREAS; The Director Elementon & Secondary Education knyber Fakhturkhwa Peshawar seni i Heir appeal to DEO (NI) Battagram, for comments/report vide dated

AND WHEREAST THE DEOXIMIC BOTTOGOTH IN SUBMILLED SUSSECOMMEDIS/FEBORE VIDE DOTE

AND WHEREAS, They birector Elementally & Becondo Aystalucation Knyber Polyhiunkhwar Se pathawar appointed amountably without the modern of the property of the second second and the second second

ANDIWHEREAS THE Indulty of Icersub) Intentistepolity ide No 289 dated in 24 with the following recommendations t

- i. The above mentioned Ex ps. 1/DM acquired the required qualification.

 Within the due time and ps. 1/DM acquired the required qualification. Within the due time, so they may be reinstitled into their services from the date of their removed they may be reinstitled into their services from the date of their removal and the intervening period may be treated as leave
- NOW THEREFORE, in exercise of powers conferred under the Government of knyce that the shows the Pakhtunkhwa, Government Servants (EE') Rules-2011 Received under the Government of the short mentioned facts and recommendations of the inquiry report the above named to leachers are hereby leachers are hereby reinstated in their services with immediate effect and their intervening parished and their services with immediate effect and their intervening parished in their services. intervening period wie f. 31-01-2018 to date is treated as Extra Ordinary Leave (leave without not). without pay),

. A.K.Salii. (Aztvoratę) No Sacked Teachers/EX PST (M) Bottogram Endst: No. - BATTACKAM a saled heshawatthe

Copy of the above is forwarded for information and agricult

- District Education Officer (Male) Shangig
- 2. District sugailhts Officer Juniples
- 3, SDEQ (M) concerned
- Ex tégéners éoncernes.
- PS to Secretary to Gove of Khyhei Pakhtunkhwau Rase Department

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BETTER COPY

DIRECTORATE OF ELEMINTRY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

NOTIFICATION

WHERE AS, the following candidates were appointed against the post of DM/PST by the District Education Officer (Male) Battagram in accordance with the Khyber Pakhtunkhwa, sacked employees Act, 2012 and Hon'ble Peshawar High Court Abbottabad Bench Judgment dated 17-01-2017 with the condition that the candidates having less qualification will acquire requested training as well as FA qualification within three years failing which their appointment shall stand terminated automatically vide order No 7825-31 & No. 7804-10 dated 15-02-2013.

- (i) Mr. Masoom Khan DM GHS Nahar.
- (ii) Mr. Bahadar Khan PST GPS Kanal.
- (iii) Mr. Nowsherwan PST GPS Malkot.
- (iv) Mr. Islam Shah PST GPS Sar Nasim.
- (v) Mr. Muhammad Shafiq PST DPS Trangar.

A.K.Salin (Aniverage BATTAGRAM

- 2. AND WHEREAS, after completion of their 03 years' services the DEO (M) Battagram stopped their salaries with effect form August, 2016.
- 3. AND WHEREAS, the above mentioned aggrieved teachers submitted writ petition before the Peshawar High Court, Abbottabad Bench for releasing their salaries/justice.
- 4. AND WHREAS, the Peshawar High Court, Abbottabad Bench sent their writ petition to the DEO (M) Battagram with the direction to decide the case of the petitioners strictly in accordance with the order of this court dated 14-02-2017 within a period of thirty (30) days positively vide dated 11-01-2018 and if the petitioners are aggrieved then, they can approach the competent form against the said decision.
- 5. AND WHEREAS, in the light of the direction of Peshawar High Court Abbottabad Bench dated 11-01-2018, the DEO (Male) Battagram terminated them from their services vide officer order No. 1311-15 dated 31-01-2018.
- 6. AND WHEREAS, the aggrieved teachers submitted a Departmental appeal before the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar for reinstatement vide dated 16-03-2018.
- 7. AND WHEREAS, the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar sent their appeal to DEO (M) Battagram for comments/report vide dated 18-03-2018.
- 8. AND WHEREAS, the DEO (M) Battagram submitted its comments/report vide dated 18-03-2018.

- 9. AND WHEREAS, the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar appointed Mr. Fida Muhammad as Inquiry Officer vide No. 5540-42 dated 19-032019.
- 10. AND WHEREAS, the Inquiry Officer submitted its reported vide No. 389 dated 08-04-2019:-

with the following recommendations:-

i. The above mentioned Ex PST/DM acquired the required qualifications within the due time, so they may be reinstated into their services from the date of their removal and the intervening period may be treated as leave without pay.

NOW THEREFORE, in exercise of powers conferred under the Government of Khyber Pakhtunkhwa, Government Servants (E&) Rules, 2011, keeping in view the above mentioned facts and recommendations of the Inquiry report, the above named E, Teachers are hereby reinstated in their services with immediate effect and then intervening period w.e.f. 31-01-2018 to date is treated as Extra Ordinary Leave (Leave without pay),

DIRECTOR

Fndst: No. 9700-5/F. No. Sacked Teachers/ EX PST (M) Battagram.

Dated Peshawar the 25-04-2019

Copy of the above is forwarded for information & n/action to the:-

- 1. District Education Officer (Male) Shangla.
- 2. District Accounts Officer Shangla.
- 3. SDEO (M) concerned.
- 4. Ex teachers concerned.
- 5. Ps to Secretary to Govt of Khyber Pakhtunkhwa, E&SE Department.
- 6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar
- 7. Master File.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) emisbattagram@gmail.com BATTAGRAM 0997543540



NOTIFICATION:

In the light of Notification No: 9700-5/F. to. Sacked Teachers / Ex-PST (M) Battagram dated 25-04-2019 issued by Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, Mr. Masoom Khan Ex-DM is hereby reinstated in service with immediate effect at GMS Soorgai and his intervening period w.e.f 31-01-2018 to date is treated as Extra Ordinary Leave (Leave without pay)

Endstt: No:

Copy to the:

1. Charge report should be submitted to all concerned.

2. Necessary entry should be made in their service book accordingly

District Education officer (MALE) Battagram

Dated: 3/5/2019

Director E&SE Khyber Pakhtunkhwa Peshawar with reference to his office notification no mentioned here above.

2. District Accounts Officer Battagram. . .

District Monitoring Officer (IMU) Battagram. 3.

B&AO Local Office.

Incharge Pay Section Middle Schools Local Office

Teacher Concerned.

Office Copy.

BATTACHAM

(MALE) Batta



DIRECTORATE OF ELEMENTARY & SECONDA RY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR

	No	/F.No. Sacked Employees Battagram Dated:/2019
То		
	The District Education Officer (Male) Battagram.	Allested Cintuls A.K.Sast. Amoreose BATTAC RASS
Subject: -	DEPARTMENTAL APPEAL	

I am directed to refer to your appeal dated 3-3-2019 on the subject cited above and to ask you that the case/appeal in respect of Muammad Iqbal S/O Muahmmad Younas DM GMS Soorgai District Battagram, has been examined/analyzed by this office. Hence inform the appellant concerned that his appeal has been rejected by the Appellate Authority.

Assistant Director Estab (Male) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

Endst No. COdd

Copy of the above is forwarded to: -

1. Muammad Iqbal S/O Muahmmad Younas DM GMS Soorgai District Battagram

2. PA to Director E&SE local Office.

3. Master File.

Assistant Director Estab (Male) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

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26/10/23

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