

19.04.2017

Counsel for the appellant and Mr. Hamid Mansoor, Assistant alongwith Mr. Muhammad Bilal, Government Pleader for the respondents present. Rejoinder submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 17.10.2017 at camp court, Abbottabad.

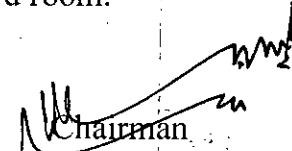

Chairman
Camp court, A/Abad

17.10.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Hamid Mansoor, Junior Clerk for the respondents present. The learned counsel for the appellant stated at the bar that grievance of the appellant has been redressed and he wants to withdraw the present appeal.

In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record room.


Member


Chairman
Camp Court, A/Abad.

ANNOUNCED
17.10.2017


17.11.2015

None present for appellant. Mr. Shafiq-ur-Rehman, ADO alongwith Mr. Muhammad Siddique, Sr.G.P for respondents present. Written reply submitted by respondents No.1 to 3 while respondents No. 4 & 5 failed to submit the same despite last opportunity. No further opportunities are extended to the said respondents. The appeal is assigned to D.B for rejoinder and final hearing for 17.5.2016 at Camp Court A/Abad.

17.05.2016

None for the appellant and Mr. Zahid ^{Chairman} ADO alongwith ADO alongwith Mr. Muhammad Siddique Sr.G.P for respondents present. Learned counsel for the appellant intends to place certain documents on record. Seeks adjournment. Learned counsel for the appellant may apply for placing documents on record within a fortnight in office with a copy in advance to Sr.GP. To come up for reply/arguments on application before D.B on 22.11.2016 at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad,

22.11.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mst. Bushra Bibi, Government Pleader for respondents present. The Bench is incomplete. Counsel for the appellant submitted application for placing on file certain documents. Copy supplied to learned Government Pleader. To come up for arguments on application as well as final hearing before D.B on 19.04.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

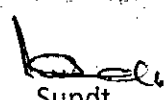
4 20.5.2015

None present for appellant. Mr. Abdullah, EDO Torghar alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/ comments on 20.7.2015 at camp court A/Abad.


Chairman
Camp Court A/Abad


21.07.2015

Since the 21st July 2015 has been declared as a public holiday on account of Eid-ul-Fiter. Therefore case is adjourned to 14.09.2015 for submission of written reply at Camp Court Abbottabad.


Supdt. —

14.9.2015

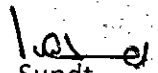
None present for appellant. Mr. Shafiq-ur-Rehman, ADO alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 17.11.2015 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

4 20.5.2015 None present for appellant. Mr. Abdullah, EDO Torghar alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/ comments on 20.7.2015 at camp court A/Abad.


Chairman
Camp Court A/Abad

20.07.2015 Since the 20th July 2015 has been declared as a public holiday on account of Eid-ul-Fiter. Therefore case is adjourned to 14.09.2015 for submission of written reply at Camp Court Abbottabad.


Supdt.

14.9.2015 None present for appellant. Mr. Shafiq-ur-Rehman, ADO alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 17.11.2015 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad



17.11.2014

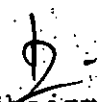
Counsel for the appellant present. The Tribunal is incomplete. To come up for preliminary hearing at camp court A/Abad on 16.03.2015.


Reader

3. 16.3.2015 Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially employed in Police Department in BPS-5 and, after obtaining NOC, he was employed in Education Department in BPS-7 and that the appellant is now serving in Education Department in BPS-12. That the respondents have denied to count previous service of the appellant rendered in Police Department towards the service benefits. That the appellant preferred service appeal which was converted into a departmental appeal by the Tribunal vide judgment dated 13.11.2013. That the departmental appeal was not responded within the statutory period and hence the present service appeal on 7.4.2014.

That the appellant is entitled to service benefits rendered by him in the Police Department and that the previous service is countable towards the financial benefits accrued to the appellant during the course of service.

Points urged need consideration. Admit. Subject to deposit of security & process fee within 10 days, notices be issued to the respondents for written reply for 20.5.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad


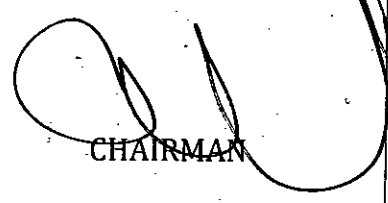
Appellant Deposited
Security & Process Fee

11-11-14


Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 478/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/04/2014	<p>The appeal of Mr. Niaz Ashraf presented today by Mr. Sardar Javaid Iqbal Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	2-5-14	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>17-11-14</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 478 of 2014

Niaz Ashraf.....Appellant

VERSUS

Director, Elementary and Secondary
Education, Peshawar etc.....Respondents

SERVICE APPEAL

INDEX

S#	Particulars of documents	Annexure	Pages
1	Memo of service appeal.	1-6
2	Correct addresses of the parties.	7
3	Copy of the appointment order.	"A"	8-9
4	Copy of advertisement.	"B"	10
5	Copy of appointment order.	"C"	11-13
6	The copy of application to D.C.O.	"D"	14
7	Attested copy of the appeal.	"E"	15
8	Attested copy of order dated 18.11.2013.	"F"	16-17
9	Copy of envelope sent by the respondent No.1.	"G"	18
10	Wakalat Nama.	

Dated 04.04.2014

Niaz Ashraf
...Appellant

Through



SARDAR JAVED IQBAL,
Advocate High Court,
Mansehra.

① ~~XXXXXXXXXX~~

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

Service Appeal No. 478 of 2014

Sl. No. of Respondents
No. of Pages
Date 07-4-2014

Niaz Ashraf son of Muhammad Ashraf, PST
Government Masjid School Dheri Labarkot,
resident of Village Labarkot, Tehsil and
District MansehraAppellant

VERSUS

1. Director, Elementary and Secondary Education, Peshawar.
2. Secretary Education Elementary & Secondary Education, Peshawar.
3. Executive District Officer Education, Mansehra.
- ④ District Co-ordination Officer, Mansehra.
- ⑤ District Police Officer, Mansehra
.....Respondents.

17/11/2015
No opportunity
for reply

~~XXXXXXXXXX~~
[Signature]
7/4/2014

**APPEAL UNDER SECTION-IV OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 TO COUNT
APPELLANT'S PREVIOUS SERVICE
W.E.F. 21.11.2003 TO 31.08.2009
RENDERED IN POLICE DEPARTMENT
ACCORDING TO THE SERVICE
RULES.**

Respectfully Sheweth!

1. That, the appellant joined police department as a police constable and

served the department for about more than seven years.

(Copy of the appointment order is annexed as annexure "A").

2. That, an advertisement was published by E.D.O Education Mansehra asking for application for the post of teachers and the appellant also submitted application for the appointment through proper channel. The application of the appellant was duly processed and after completion of all requisites formalities appellant was appointed as teacher.

(Copy of advertisement and appointment order are annexed as annexure "B" & "C" respectively).

3. That, after joining the new post as a teacher the appellant started his duties to best satisfaction of his superiors but while serving as such the appellant came to know that his previous service in police department was not being considered.
4. That, appellant submitted diverse application E.D.O Education for the redressal of his grievances but no

action has been taken on said application.

5. That, appellant submitted an application before District Coordination Officer, Mansehra requesting him to pass an order for counting his previous service but no intimation has been conveyed by the appellate authorities with regard to the fate of his appeal.

(The copy of application is annexed as annexure "D").

6. That, later on, the appellant filed an appeal No.301/11 before this Honourable Court in which on 18.11.2013, the said appeal was converted into petition, before him and referred the same to the appellate authority (Respondent No.1) for disposal of the same on merits within three months. The appellant handed over the appeal to respondent No.1 but he refused to receive the same and return back the appeal to appellant on 25.03.2014.

(Attested copy of the appeal, order dated 18.11.2013 and envelope sent by the



respondent No.1 are annexed as annexure "E, F & G" respectively).

7. That, the conduct of the respondent No.1 clearly shows that they are not interested in redressal of the grievance of the appellant, therefore, the instant appeal is being filed.
8. That, the appellant seeks indulgence of this Honourable Court on the following amongst other grounds:-

GROUNDS

- a. That, the reluctance rather the refusal of respondent No.2 to count his Service rendered in police department against the facts and law.
- b. That, in order to debar the appellant from the Service rendered by him in police department, respondent No.3 has showed cold shoulder in deciding the issue relating to his service.
- c. That, according to FR-26, the service so rendered in other departments shall be counted for the purpose of pension or other benefits:

- d. That, no where in the advertisement it has been mentioned that in case of appointment the previous service will not be counted in the absence of specific indication in the advertisement, it would tantamount to glaring violation of FR-26.
- e. That, the appellant has joined the new assignment/post through proper channel and of the acceptance of his application he was offered the post and started his duties, therefore, he cannot be deprived of the counting of his previous service on any consideration.
- f. That, neither respondent No.3 nor respondent No.4 has applied their independent mind to look into the grievance of appellant and appellant is initiated for the inclusion of his previous service but he deprived of such benefit on one or other pretext which shows malafide on the part of respondent No.3 and respondents No.4.
- g. That, previously in most of the cases education department has counted the previous service of candidates the


6

proof of which should be produced at the time of arguments.

- h. That, the respondent No.1 while refusing from receiving the appeal of the petition has grossly violated the order passed by this Honourable Court and his act comes with the ambit of contempt of court.

It is, therefore, most humbly prayed and requested that respondent No.3 may kindly be directed to count the service rendered by appellant in police department.

Dated 04.04.2014


Niaz Ashraf
...Appellant

Through

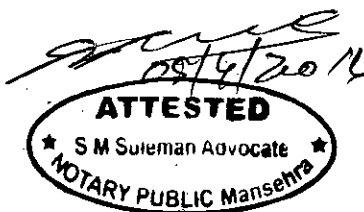

SARDAR JAVED IQBAL,
Advocate High Court,
Mansehra.

AFFIDAVIT.

I, Niaz Ashraf son of Muhammad Ashraf, PST Government Masjid School Dheri Labarkot resident of Village Labarkot, Tehsil and District Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 04.04.2014

Niaz Ashraf
(DEPONENT)






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

Service Appeal No. _____ of 2014

Niaz Ashraf.....Appellant

VERSUS

Director, Elementary and Secondary
Education, Peshawar etc.....Respondents

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT

Niaz Ashraf son of Muhammad Ashraf, PST
Government Masjid School Dheri Labarkot
resident of Village Labarkot, Tehsil and District
Mansehra.


RESPONDENTS

1. Director, Elementary and Secondary
Education, Peshawar.
2. Secretary Education Elementary & Secondary
Education, Peshawar.
3. Executive District Officer Education,
Mansehra.
4. District Co-ordination Officer, Mansehra.
5. District Police Officer, Mansehra.

Dated 04.04.2014

Niaz Ashraf
...Appellant

Through


SARDAR JAVED IQBAL,
Advocate High Court,
Mansehra.

ORDER

As approved by the Recruitment committee constituted by the Provincial Police Officer NWFP Peshawar under the chairman ship of Mr. Ahsan Mehboob District Police Officer Abbottabad, the following candidates who have qualified and recommended for recruitment by the said committee are hereby appointed as constable in BPS-5 (Rs. 2100-100-5100) against the vacancies of FRP with effect from 21-11-2003. Their appointment are purely on temporary basis and are liable to be terminated any time.

They are allotted FRP constabulary Nos as noted against their name:-

S. No	Name, Parentage and Address	Constabulary No.
1	Kafoor Afzal s/o Muhammad Afzal r/o village Bagal Char Bala PS Garhi Habibullah	1741 FRP Hazara Region
2	Liaqat Khan s/o Fazal Dad Khan r/o Mera Amjad Ali PS Saddar Mansehra	1684 FRP Hazara Region
3	Sajjad s/o Ali Asgher r/o Basund PS Saddar	1754 FRP Hazara Region
4	Fiaz Muhammad s/o Muhammad Aslam r/o village Nokot PS Baffa	1872 FRP Hazara Region
5	Niaz Ashraf s/o Muhammad Ashraf r/o village Laberkot PS City Mansehra	1787 FRP Hazara Region
6	Ibrar Ahmed s/o Mukhtiar Ahmed r/o Data PS Saddar Mansehra	1706 FRP Hazara Region
7	Muhammad Zaheer s/o Muhammad Saeed r/o village Nanotra PS Phulra	1720 FRP Hazara Region
8	Muhammad Javed s/o Ali Akbar r/o village Tarbori PS Phulra	1806 FRP Hazara Region
9	Saeedur Rehman s/o Ghulam Rehman r/o Lassan Nawab PS Phulra	1680 FRP Hazara Region
10	Syed Naseer Hussain Shah s/o Habib Ali Shah r/o village Bai Bala PS Battal	1818 FRP Hazara Region

Revision of Basic Pay Scales 2007
 Pay fixed as in BPS No. 05
 @Rs. 3185/- w.e from 1/7/2007
 Vide Govt. Of Pakistan Finance Division Letter No. F.1(1)Imp/2007
 Dated 13th July 2007
 Superintendent of Police FRP
 Hazara Division Abbottabad

[Signature]
 District Police Officer,
 Mansehra.

Allowed Pay as Constable
 in BPS No. 05 From 3185/-
 To 3320/- w.e from 01-12-07

service from 01-12-06
 To 31-12-07 verified from
 the Pay Bills/Accounts Rolls and other
 Records Kept in this office.

[Signature]
 Supt. of Police (F.R.P.)
 Hazara Division Abbottabad

[Signature]
 Superintendent of Police FRP
 Hazara Region Attd.

[Signature]
 Attestd
[Signature]

Revision of ... 05
 39807
 Govt. of Pakistan Finance Division Letter No. F/1/Imp/2008
 Dated 13th July 2008.
 Superintendent of Police FRP
 Hazara Region Attd.

Service from 01-12-07
 To 30-11-08 verified from the Pay Bill and other Records kept.

Superintendent of Police (F.R.P.)
 Hazara Region Attd. Abbottabad

Allowed Pay as Car Allow
 in BPS No. 05 From 39807
 To 41407 with effect from 01-12-08

Service from 01-12-2008
 To 30-06-2009 and from the Pay Bill and other Records kept.

Superintendent of Police (F.R.P.)
 Hazara Region Attd. Abbottabad

Superintendent of Police FRP
 Hazara Region Attd.

OFFICE OF THE ACCOUNTS GENERAL
 N.W.F.P.
 PAY FIXED IN THE REVISED BASIC PAY SCALE
 GR NO. 2780-735-683
 AT RS. 3707 P.M. W.E.F. 1-07-2007
 With Next increment on 1-12-2007

2007
 OFFICE OF THE ACCOUNTS GENERAL
 N.W.F.P.
 PAY FIXED IN THE REVISED BASIC PAY SCALE
 GR NO. 2780-735-683
 AT RS. 3707 P.M. W.E.F. 1-07-2007
 With Next increment on 1-12-2007

Pay Fixation Party N.W.F.P. Peshawar

Accounts Officer
 Pay Fixation Party N.W.F.P. Peshawar

Transferred to Distt. Police Manshro with D.O. 14/07/08, per order no. 17520-22/15 of D. 14-07-2008.

Superintendent of Police FRP
 Hazara Region Attd. Abbottabad

Transferred from FRP NWFP, Peshawar to order Manshro Distt. vide PO NWFP Peshawar order end: no. 17520-22-11 dt 14/07/08
 Drawn B. 12376/- by 5/11/07 was on WSDT 12-8-2007 by order no. 41407 dt 1-12-08

Superintendent of Police FRP
 Hazara Region Attd. Abbottabad

LAST PAY CERTIFICATE

P/NO. 93464

Last Pay Certificate of CONSTABLE NIAZ ASHRAF

of the MANSEHRA DISTRICT POLICE

proceeding to TRANSFER TO EDUCATION DEPARTMENT MANSEHRA

He has been paid upto 31-8-2009

as the following rates:—

Particulars:

Substantive Pay: _____
Officiating Pay: 2/NO. 93464
Exchange Compensation Allowance:—

B-Pay - 41140-
HRA - 1002-
MA - 500-
RA - 681-
WA - 100-
CRA - 300-
SRA - 330-
ARA - 330-
DA - 414-
RISK ALL: 3340-
Incentive - 775-
A.O.R 2009 = 828-

Deductions:—

Member of G.P.F. 290/001
Add'l group ins. 7/PM
Group ins. 62/PM

He made over charge of the Office of IV Pol NO. 3153/05
ATD

on the _____ noon of _____

Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

He has ben paid leave salary as detailed below. Deductions have been made as noted on the reverse.

From _____ to _____ at Rs. _____ a month
From _____ to _____ at Rs. _____ a month
From _____ to _____ at Rs. _____ a month

Pay & Allowance of his rank grade, was

He is entitled to draw the following:—

He is also entitled to joining time for _____ days.

The details to the Income Tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

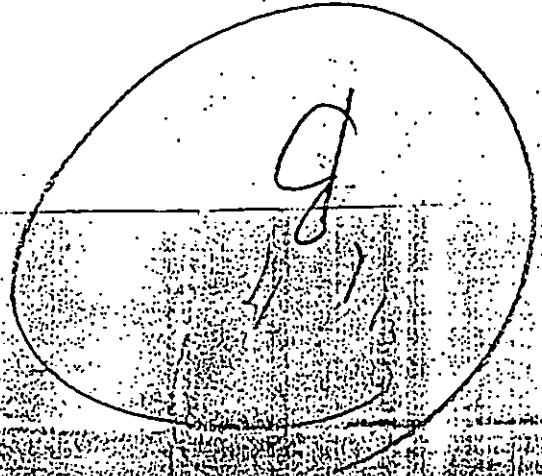
No 9870

Dated at 07-9-09 19

Attested
[Signature]

Signature: [Signature]
Designation: District Police Office
Mansehra.

Attested
P.O.



Handwritten text in Arabic script, likely a header or introductory section of a document.

رد	الرد	رقم	التاريخ	الجهة	ملاحظات
10	10	10	10	10	10
11	11	11	11	11	11
12	12	12	12	12	12
13	13	13	13	13	13
14	14	14	14	14	14
15	15	15	15	15	15
16	16	16	16	16	16
17	17	17	17	17	17
18	18	18	18	18	18
19	19	19	19	19	19
20	20	20	20	20	20
21	21	21	21	21	21
22	22	22	22	22	22
23	23	23	23	23	23
24	24	24	24	24	24
25	25	25	25	25	25
26	26	26	26	26	26
27	27	27	27	27	27
28	28	28	28	28	28
29	29	29	29	29	29
30	30	30	30	30	30

Annex (B)



Annex "B"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

NOTIFICATION

Consequent upon the approval of competent authority & Up-gradation of Posts, the following Primary Teacher BPS No. 12 are hereby adjusted in the interest of public service school mentioned against their names with immediate effect.

S NO	S L N O	SCHOOL	TEACHERS NAME	UC	PROPOSED SCHOOL	REMARKS
1		GPS Gudwai	M Javiad	Attershisha	GPS Gudwai	Occupied Post
2		GPS Gudwai	Nisar Ahmed	Attershisha	GPS Mundihar	Same UC
3		GPS Gudwai	Jhanzeb	Attershisha	GMPS Bela Akbr Khan	Adjacent UC
4		GPS Jaba	M Riaz	Attershisha	GPS Jaba	Occupied Post
5		GPS Arab Khan	Muhammad Fiaz	Attershisha	GPS Arab Khan	Occupied Post
6		GPS Arab Khan	Muhammad Ilyas	Attershisha	GPS Ghouter	Same UC
7		GPS Suki Kasi	Muhammad Idrees	Attershisha	GPS Suki Kasi	Occupied Post
8		GMPS jaba NO 2	M Chanzeb	Attershisha	GMPS Jaba No 2	Occupied Post
9		GPS Phagla	Mian Gul Shah	Attershisha	GPS Phagla	Occupied Post
10		GPS Suki Kasi	Sajjad Ahmed	Attershisha	GPS Chitti Dehri	Adjacent UC
11		GPS Jaba	M Khalid	Attershisha	GMPS Noqzi	Adjacent UC
12		GMPS Dhana	Ghulam Jan	Attershisha	GMPS Dhana	Occupied Post
13		GPS Jaba	Muhammad Nisar	Attershisha	GPS Chanja	Adjacent UC
14		GPS Gudwai	Muhammad Tufail	Attershisha	GMPS Miskeenabad	Disable
15		GMPS Kangr katha	Liaqat Ali	Attershisha	GMPS Kangar Katha	Occupied Post
16		GPS Kagoth Gali	Ibrar Ahmed	Attershisha	GPS Kagoth Gali	Occupied Post
17		GPS Attershisha	Ehsan Danish	Attershisha	GPS Attershisha	Occupied Post
18		GPS Attershisha	Naveed ul Rehman	Attershisha	GMPS Bela Mund har	Same UC
19		GPS Kagoth Gali	Abdul Waheed	Attershisha	GMPS Thithar	Adjacent UC
20		GPS Jaba Pahlwan	Malik Junaid	Attershisha	GPS Bi Chantari	Adjacent UC
21		GPS Jaba Pahlwan	Jafar Sadiq	Attershisha	GPS Jaba Phalwan	Occupied post
22		GPS Phagla	Safeer Ahmed	Attershisha	GPS Ujarian	Adjacent UC
23		GMPS Bagh Attershisha	Zahid Aziz	Attershisha	GMPS Bagh Attershisha	Occupied Post
24		GMPS Dastan	Munir	Attershisha	GMPS Dastan	Occupied Post
25		GPS Lundi Mundhar	Naheem	Attershisha	GPS lundi Mundhar	Occupied Post
26		GMPS Kilyal	Farid	Behali	GMPS Kilyal	Occupied Post

Attested
Ref

12

91	GPS Labarkot	Tahir Hameed	Labar Kot	GPS Labarkot	Occupied Post
92	GMPS Butreath	Ghulam Muhammad	Labar Kot	GMPS Butreath	Occupied Post
93	GPS Kalgan	Abdul Manan	Labar Kot	GPS Kalgan	Occupied Post
94	GPS Kotkay	Muhammad Saeed	Labar Kot	GPS Kotkay	Occupied Post
95	GPS Khrar Mera	Rehan Gul	Labar Kot	GPS Khrar Mera	Occupied Post
96	GPS Kotkay	Shabeer Ahmed	Labar Kot	GPS Kotkay	Occupied Post
97	GPS Kalgan	Qazi Badar Bakht	Labar Kot	GPS Kalgon	Occupied Post
98	GPS Labarkot	Iftakhar Ahmed	Labar Kot	GMPS Tiasar	Same UC
99	GPS Khrar Mera	Shahb ul Din	Labar Kot	GPS Haji Abad	Same UC
100	GPS Labarkot	Rafaqat Husain	Labar Kot	GMPS Ghrib Abad	Adjacent UC
101	GPS Kalgan	Iftikhar Ahmed	Labar Kot	GMPS Thakra	Adjacent UC
102	GPS Khrar Mera	Nazaqat	Labar Kot	GMPS Datta	Adjacent UC
103	GPS Kotkay	Shahid Iqbal	Labar Kot	GMPS Lmabi Dehri	Same UC
104	GPS Kotkay	Muhammad Ijaz	Labar Kot	GMPS Zakir Mera	Adjacent UC
105	GPS Labarkot	Abdul Shakoor	Labar Kot	GMPS Karlal	Adjacent UC
106	GPS Kalgan	Muhammad Asif	Labar Kot	GMPS Bujia Data	Adjacent UC
107	GPS Kalgan	Niaz Ashrif	Labar Kot	GMPS Dheri Labarkot	Same UC
108	GMPS Basti Kala Khan	Ishtiaq Ahmed	Labar Kot	GMPS Basti Kala Khan	Occupied Post
109	GPS Hado Bandi	Muhammad Khalid	Mansehra Deh	GPS Hado Bandi	Occupied Post
110	GPS Batdarian	Fazale Rabi	Mansehra Deh	GPS Batdarian	Occupied Post
111	GPS Hado Bandi	Muhammad Khalid	Mansehra Deh	GMPS Doraha Chakia	Adjacent UC
112	GPS Sufaida	Muhammad Fiaz	Mansehra Deh	GPS Sufaida	Occupied Post
113	GPS Dara	Zahoor	Mansehra Deh	GPS Dara	Occupied Post
114	GPS Sajwal Sharif	Waqar Ahmed	Mansehra Deh	GPS Sajwal Sharif	Occupied Post
115	GPS Dhangri NO 1	Sarwar Shah	Mansehra Deh	GPS Dhangri 1	Occupied Post
116	GPS Brari	Aurang Zeb	Mansehra Deh	GPS Brari	Occupied Post
117	GPS Ganda	Naveed Ahmed	Mansehra Deh	GPS Ganda	Occupied Post
118	GPS Dara	Arshid Jan	Mansehra Deh	GMPS Darra	Same UC
119	GPS Dara	Manzoor ahmed	Mansehra Deh	GMPS Ahmed Abad	Same UC
120	GPS Sufaida	Hafiz Tanveer	Mansehra Deh	GPS Nabeer	Adjacent UC
121	GPS Dhangri No2	Nisar Ahmed	Mansehra Deh	GPS Dhangri No 2	Occupied Post
122	GPS Batdarian	Rajab Ali Shah	Mansehra	GMPS Basti Shah Dad	Same UC

Attested
Rafiq

153	GPS MM Poll	Mahbob ur Rehman	Sandeser	GPS MM Poll	Occupied Post
154	GPS Reerh	Muhammad Mushtaq	Sandeser	GPS Hathi Mera	Same UC
155	GPS Chitta Batta	Muhammad Naseer	Sandeser	GPS Chitta Batta	Occupied Post
156	GPS Chitta Batta	Muhammad Jabar	Sandeser	GPS Chitta Batta	Occupied Post
157	GPS Chitta Batta	Muhammad Pervez	Sandeser	GMPS Aziz Abad	Adjacent UC
158	GPS Bakrial	Aurang Zeb	Sandeser	GPS Bakrial	Occupied Post
159	GPS Seri Mungan	Muhammad Riaz	Sandeser	GPS Seri Mungan	Occupied Post
160	GPS Batang Mera	Tahir Rasheed	Sandeser	GPS Batang Mera	Occupied Post
161	GPS MM Poll	Sajjad Ahmed	Sandeser	GMPS Lundi Labr Kot	Adjacent UC
162	GPS Dhman Sharif	Tajmal Husaian	Sandeser	GPS Dhman Sharif	Occupied Post
163	GPS Chitta Batta	Malik Attiquo	Sandeser	GMPS Dak Bangla	Adjacent UC
164	GPS Reerh	Tanveer Husain	Sandeser	GPS Madan	Adjacent UC
165	GPS Reerh	Muhammad Sabir	Sandeser	GPS Charach	Adjacent UC
166	GPS Sandser	Abdul Razaq	Sandeser	GPS Sandesar	Occupied Post
167	GPS Chitta Batta	Jamshaid	Sandeser	GPS Banda Sydan	Adjacent UC
168	GMKS DAB	Syed Arif Hussain Shah	City No 4	GMKB Dab	Occupied Post
169	GPS Mathial	Muhammad Asif	Behali	GPS Mathial	Occupied Post
170	GPS Kothri	Jamhat ali Shah	Battal	GMPS Dhakan Nanoha	AVP Phulra

Note:

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed to any one.

sd.
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. ~~7239-749~~/Estt: (M) Promotion: Primary School Head Teacher (M)/Dated 16-7-2013.

Copy forwarded for information and necessary action to the:-

1. PS to Secretary to Government of Khyber Pakhtun Khwa E&SE Department Peshawar.
2. Director E&SE Department Khyber Pakhtun Khwa Peshawar.
3. ASDEO (M) Circle,
4. District Accounts Officer Mansehra
5. Dy: District Officer Finance & Planning Mansehra
6. B&AO local office.
7. Officials concerned.

[Signature]
SUB DIVISIONAL EDUCATION OFFICER
(MALE) MANSEHRA

Attested
[Signature]

Amrta "D" (14)

EDU (EDU)

To

The D.C.O Sb (School, & Literacy) Mansehra.

*In necessary
action and repo
the reasons was
is not being
expedite.*

SUBJECT:- COUNTING OF PREVIOUS POLICE SERVICE

*to this office
their previous
counted. please*

officer
District Coordination Officer
Mansehra 13/10/10

Respected Sir,

Most respectfully, it is submitted for your kind and gracious honour that we have joined the education department with the permission of Education & Police Departments.

Now we are servicing in different Schools as PST posts from approximately one and half (1 1/2) years and we are taking salary regularly. Now we are requesting that count our previous service with Education Department.

For this act of kindness we ever remain thankful and oblige.

Thanking you.

Dated: 13-10-2010

Yours faithfully,

(Signature)

- 1. Niaz Ashraf GPS Kotaky Mansehra *Raf*
- 2. Attaullah GPS Arbora Oghi *Am*
- 3. Muhammad Ihsan uz Zaman GPS Hussain banda Oghi *Am*
- 4. Ashiq Hussain GPS Basool Dhodial *Am*
- 5. Jamshid Khan GPS Chitta Batta Manshra *Am*
- 6. Aqeel Ahmad GPS Hussainia Mansehra *Am*

*Attested
Raf*

15

Annexure 'E'

To

The Director E&SE,
KPK, Peshawar.

Subject: Counting of Previous Police Service

Respectfully Stated:

1. That the appellant had field an appeal titled Niaz Ashraf S/O Muhammad Ashraf vs Secretary Education Elementary & Secondary Education Peshawar etc. Before the service tribunal KPK, Peshawar and said was treated as departmental appeal and was sent to this office for decision with in 90 days.
2. That as per order of the tribunal the copy of the appeal might have been sent to this office but as a matter of precaution I am submitting the copy of the tribunal for consideration in Accordance with the order of Service Tribunal KPK, Peshawar. (attested copy of the said order dated: 18-11-2013)is hereby annexed.

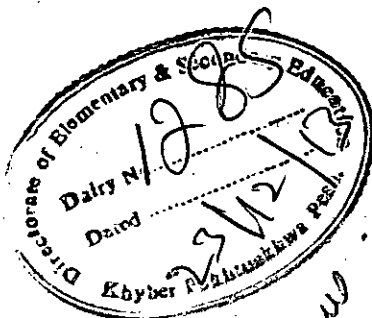
Thanking you in anticipation.

Dated : 19-12-2013

Your Faithfully,

Niaz Ashraf S/O Muhammad Ashraf
GPS Kotkay village Labarkot Mansehra.

Signature Niaz



Handwritten signature/initials on the left side of the stamp.

Handwritten signature/initials below the stamp.

16 Answer "F"

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTOONKHAWA, PESHAWAR



Appeal No. 301/2011

Niaz Ashraf son of Muhammad Ashraf, P.S.T GPS Kotkay R/o
Village Labarkot, Tehsil & District Mansehra.....Appellant

VERSUS

1. Secretary Education Elementary & Secondary Education Peshawar.
2. E.D.O Education Mansehra.
3. D.C.O Mansehra.
4. District Police Officer, Mansehra.....Respondents

Service Tribunal
Duty No. 233
Date 11-02-11

APPEAL UNDER KHYBER PAKHTOONKHAWA SERVICE TRIBUNAL ACT 1974 TO COUNT APPELLANT'S PREVIOUS SERVICE W.E.F 21.11.2003 TO 31.08.2009 RENDERED IN POLICE DEPARTMENT ACCORDING TO THE SERVICE RULES.

Respectfully Sheweth:-

1. That the appellant joined police department as a police constable and served the department for about six years. (Copy of appointment order as Annexure "A").
2. That an advertisement was published by E.D.O Education Mansehra asking for application for the post of teachers and the appellant also submitted application for the appointment through proper channel. The application of the appellant was duly processed and after completion of all requisites formalities appellant was appointed as teacher. (Copy of advertisement and appointment order are annexed as Annexure "B" & "C" respectively).

That after joining the new post as a teacher the appellant started his duties to best satisfaction of his superiors but

Filed to...
11/2/11

ATTESTED
Khyber Pakhtoonkhwa Service Tribunal
Peshawar

301/11



18.11.2013

Appellant with counsel and Mr.Sakinullah, ADO on behalf of respondents No.1 to 3 with Mr.Muhammad Tahir Aurangzeb, G.P for the respondents present. Representative of the respondents produced copies of service record of Ashiq Hussain appellant in the connected appeal, and preliminary arguments heard.

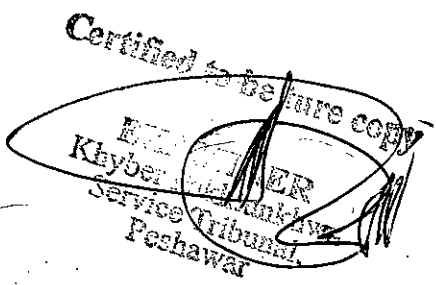
At the outset of arguments, it was pointed out to the learned counsel for the appellant that a service appeal lies to the Tribunal under section 4 of the NWFP (KPK) Service Tribunal Act, 1974 only when a civil servant is aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service; but in this case neither there is any final order, original or appellate, nor a departmental appeal in terms of the above referred law has been made available by the appellant so far. The appellant has placed on file a simple joint application dated 13.10.2010 of the appellant and other appellants in the connected appeals to the DCO Mansehra for counting of previous police service, which was referred by the DCO to the EDO (Education); and when no action was taken on the application, this appeal was lodged for counting previous service of the appellant rendered by him in the Police Department.

The learned counsel, in view of the above situation, prayed for treating this appeal as a departmental appeal and referring the same to the appellate authority (now Director, E&SE, KPK, Peshawar) for disposal of the same on merits. In view of the predicament being faced by the appellant due to inaction on the part of the respondent-department on his application moved for the purpose of counting his previous service, the request of the learned counsel for the appellant is accepted and while treating service appeal as a departmental appeal, the same is referred to the appellate authority i.e. Director, E&SE, KPK, Peshawar for decision on merits within reasonable time but not later than three months of the receipt of this order; where-after, if the appellant still feels aggrieved of the order of the appellate authority, he may have recourse to the remedy available to him under the law. The appeal is disposed of accordingly, with no order as to costs. File be consigned to the record.

Chairman
Amir Ahsan Jaleel

ANNOUNCED
18.11.2013

Date of Presentation 6-12-2013
Number of Pages 800
Copying Fee 6-00
Urgent 2-00
Total 8-00
Name of Counsel
Date of Completion 6-12-2013
Date of Disposal 6-12-2013



12/15/2013

Niaz Ashraf S/O Muhammad Ashraf
GDS Kotkey village- Jabarkot Mansabura

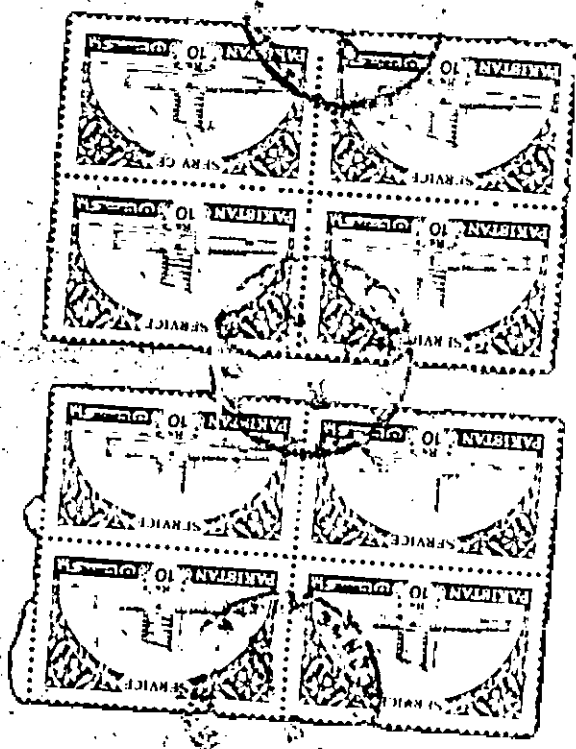
Cell 0347-9546170

SHARIF ABLI
PESTANAD

104784-1130

12/15/2013

Answer "5"



PAKISTAN TO THE WORLD

وکالت نامہ

Before The Service Tribunal KPK Peshawar
عدالت جناب

نیاز اشرف
ڈائریکٹر ایئر لائنز سکینڈری ائیر کانسٹیبل وڈ
ذاتی یا جرم اپیل

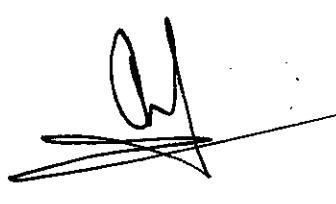
مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جواب دہی بنام جاوید امینال اسم و کسٹ بائیکر

بدریں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے پر وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کھل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز روپیہ وصول کرنے اور سید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد تاشی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا کیے علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ یہ سندر ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ذاتی یا جرم
نیاز اشرف
اپیل

مورخہ ۲۰۰۰

Attested & Accepted



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

Service Appeal No.478/2014

Niaz Ashraf.....PETITIONER
VERISUS

Director E&SE Department KPK Peshawar and
others.....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974 OF
KHYBER PAKHTOONKHWA

INDEX

Writ Petition

<i>S.No</i>	<i>Description of documents</i>	<i>Annexure</i>	<i>Pages</i>
1.	Comments of Respondents		1-3
2.	Affidavit		4

**Before Khyber Pakhunkhwa Service
Tribunal Peshawar.**

Appeal No 478/2014

Niaz Ashraf.....Appellant

VERISUS

1. Director, Elementary and Secondary Education Peshawar

2. Secretary (E & SE) KPK, Peshawar

3. Executive District Officer Education (M) Mansehra

4. District Co-Ordination Officer, Mansehra

5. District Police officer Mansehra Respondents

Service Appeal

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No.1,2 & 3 AS

UNDER:-

PRELIMINARY OBJECTIONS.

1. That the Appellant is not aggrieved person .
2. That the Appellant has got no cause of action/locus standi to file the instant appeal.
3. That the appeal is not maintainable in the present circumstances of the issue.
4. That the appellant has concealed the material facts from Honorable Service Tribunal.
5. That the appeal is time barred and not maintainable in eye of Law.
6. That the appeal is groundless and based on malafide, hence the same is liable to be dismissed.
7. That the appellant is estopped by his own conduct.
8. That the appeal is against the fact, prevailing rules and Law.

FACTUAL OBJECTIONS.

1. No comments.
2. In -correct. The appellant did not apply through proper channel and did not provide any NOC or permission from Police Deptt. The appellant applied for the PST post in Education Deptt Manshra as a fresh candidate on simple application along with necessary academic documents.
3. No comments
4. In-correct.
5. No comments
6. In-correct. Need to proof.
7. In-correct
8. The appeal is against the facts, prevailing rules and Law and liable to be dismissed.

GROUNDS

- A. In-correct .The appellant neither appealed to respondent No.2, and nor the respondent refused .
- B. In- correct .Para B is incorrect ,the appellant did not apply through proper channel as per rules.
- C. Correct .Para C is correct, if any employee apply through proper channel with the permission of his/her parent Deptt.
- D. Para D is incorrect , all the Govt employees were bound to apply through proper channel to avail this benefit.
- E. Para E is incorrect ,the appellant did not apply through proper channel .Hence does not deserve the counting of Police services.
- F. In-correct

G. Correct .Para G is correct, services of the all those employees counted who joined Education Department after observing all the legal and codal formalities.


H. Incorrect, the appellant has no right to file an appeal before KP Service Tribunal Peshawar that the respondents has further solid/genuine ground will be given at the time of Arguments.

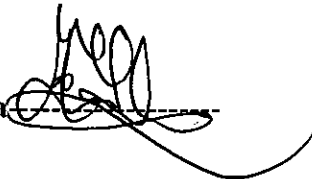
PRAYER.

It is therefore humbly prayed that this Honorable Service Tribunal may very graciously dismiss the appeal with cost.

Respondent 1to 3.....


1.The Director (E & SE)KPK 

2.The Secretary (E & SE) KPK, 

3.The DEO(M) Mansehra 

AFFIDAVIT

I, Abdullah District Education Officer (Male) Mansehra, do hereby solemnly affirm and declare that the Reply in service appeal No.478/2014 of titled Niaz Ashraf versus Govt; is true to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Niaz Ashraf.....Appellant

VERSUS

Director Elementary and Secondary Education,
Peshawar and othersRespondents.

SERVICE APPEAL

**REJOINDER ON BEHALF OF THE
APPELLANT**

Respectfully Sheweth!

PRELIMINARY OBJECTIONS.

1. Para No.1 of the preliminary objection is incorrect. The appellant is an aggrieved person.
2. Para No.2 of the preliminary objection is incorrect. Appellant has got cause of action to file the instant appeal.
3. Para No.3 of the preliminary objection is incorrect. The appeal is maintainable in its present form.
4. Para No.4 of the preliminary objection is incorrect. The appellant has never concealed any fact from this Honourable tribunal.
5. Para No.5 of the preliminary objection is incorrect. The appeal is never time barred nor any thing has been pint pointed by the respondents in this regard.
6. Para No.6 of the preliminary objection is incorrect. Neither any malafide has been

urged at the bar nor discernible from the record.

7. Para No.7 of the preliminary objection is incorrect. Estoppel does not attract to the appeal in hand.
8. Para No.8 of the preliminary objection is incorrect. Instant appeal has been filed in accordance with relevant law, rules and regulations.

FACTUAL OBJECTIONS.

1. Para No.1 of the comments needs no reply.
2. Para No.2 of the comments is incorrect. The appellant duly applied for the post in hand in accordance with relevant law, rules and regulations and also submitted NOC from the department with the application that's why the mother/police department relieved the appellant and after fulfilling the legal and codal formalities and requisite test/interview, the appellant was appointed in Education Department.
3. Para No.3 of the comments needs no reply. Whereas the para No.3 of the appeal is correct.
4. Para No.4 of the comments is incorrect whereas the para No.5 of the appeal is correct.
5. Para No.5 of the comments needs no reply. Whereas the para No.5 of the appeal is correct.
6. Para No.6 of the comments is incorrect whereas the para No.6 of the appeal is correct

and all the relevant record has been annexed with the appeal by the appellant.

7. Para No.7 of the comments is incorrect. As the respondents' conduct was clearly that they are not going to redress the grievances of the appellant, therefore, the instant appeal has been filed by the appellant for redressal of his grievances which is liable to be accepted.
8. Para No.8 of the comments is incorrect. Whereas the para No.8 of the appeal is correct. Instant appeal has been filed in accordance with the relevant law, rules and regulations.

GROUND

- a. Para No.(a) of the grounds is incorrect. The appellant filed an appeal before the respondent No.1 according to rules and regulations which is available on the file as annexure "E" and it was the duty of the respondent No.1 to inform the respondent No.2 regarding the said appeal. Furthermore, as the appeal is well in the knowledge of the respondent No.2, therefore, he was duty bound to do the needful in accordance with law, rules and regulations but despite the knowledge of instant appeal, the respondent No.2 has not done any needful in this regard which amounts refusal.
- b. Para No.(b) of the grounds is incorrect. The appellant applied through proper channel

and the appellant also annexed NOC from police department with his application for appointment that's why the Parent/police department relieved the services of the appellant and after due test/interview and fulfillment of legal and codal formalities, the appellant was posted in Education Department.

- c. In reply to Para No.(c) of the grounds it is submitted that the appellant has applied through proper channel with duly permission/NOC from his parent department. Similarly, other employees who applied through their parent department have been enjoying their benefits but the respondents are refusing the same to the appellant in a sheer malafide and discriminatory manner.
- d. Para No.(d) of the comments is incorrect whereas para No.(d) of the appeal is correct.
- e. Para No.(e) of the comments is incorrect whereas the para No.(e) of the appeal is correct. The appellant is entitled for the counting of period of police service.
- f. Para No.(f) of the comments is incorrect whereas the para No.(f) of the appeal is correct.
- g. In reply to para No.(g) of the comments it is submitted that the petitioner has fulfilled all the legal and codal formalities and deserves the counting of his period during which he served the police department like those employee who were accommodated by the respondents as law and constitution favour equal treatment with all the employees.

h. Para No.(h) of the comments is incorrect whereas the para No.(h) of the appeal is correct.

It is, therefore, most humbly prayed that the appeal of the appellant may please be accepted and the respondent No.3 may kindly be directed to count the service rendered by appellant in police department.

Dated 15.04.2017

Niaz Ashraf
...Appellant

Through




SARDAR JAVED IQBAL,
Advocate High Court,
Mansehra.

AFFIDAVIT.

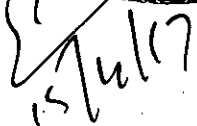
I, Niaz Ashraf son of Muhammad Ashraf, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Dated 15.04.2017


Niaz Ashraf
(DEPONENT)

ATTESTED




15/4/17

**BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Aqeel Ahmed.....Appellant

VERSUS

Director Elementary and Secondary Education,
Peshawar and othersRespondents.

SERVICE APPEAL

**REJOINDER ON BEHALF OF THE
APPELLANT**

Respectfully Sheweth!

PRELIMINARY OBJECTIONS.

1. Para No.1 of the preliminary objection is incorrect. The appellant is an aggrieved person.
2. Para No.2 of the preliminary objection is incorrect. Appellant has got cause of action to file the instant appeal.
3. Para No.3 of the preliminary objection is incorrect. The appeal is maintainable in its present form.
4. Para No.4 of the preliminary objection is incorrect. The appellant has never concealed any fact from this Honourable tribunal.
5. Para No.5 of the preliminary objection is incorrect. The appeal is never time barred nor any thing has been pint pointed by the respondents in this regard.
6. Para No.6 of the preliminary objection is incorrect. Neither any malafide has been

urged at the bar nor discernible from the record.

7. Para No.7 of the preliminary objection is incorrect. Estoppel does not attract to the appeal in hand.
8. Para No.8 of the preliminary objection is incorrect. Instant appeal has been filed in accordance with relevant law, rules and regulations.

FACTUAL OBJECTIONS.

1. Para No.1 of the comments needs no reply.
2. Para No.2 of the comments is incorrect. The appellant duly applied for the post in hand in accordance with relevant law, rules and regulations and also submitted NOC from the department with the application that's why the mother/police department relieved the appellant and after fulfilling the legal and codal formalities and requisite test/interview, the appellant was appointed in Education Department.
3. Para No.3 of the comments needs no reply. Whereas the para No.3 of the appeal is correct.
4. Para No.4 of the comments is incorrect whereas the para No.5 of the appeal is correct.
5. Para No.5 of the comments needs no reply. Whereas the para No.5 of the appeal is correct.
6. Para No.6 of the comments is incorrect whereas the para No.6 of the appeal is correct

and all the relevant record has been annexed with the appeal by the appellant.

7. Para No.7 of the comments is incorrect. As the respondents' conducted was clearly that they are not going to redress the grievances of the appellant, therefore, the instant appeal has been filed by the appellant for redressal of his grievances which is liable to be accepted.
8. Para No.8 of the comments is incorrect. Whereas the para No.8 of the appeal is correct. Instant appeal has been filed in accordance with the relevant law, rules and regulations.

GROUNDS

- a. Para No.(a) of the grounds is incorrect. The appellant filed an appeal before the respondent No.1 according to rules and regulations which is available on the file as annexure "E" and it was the duty of the respondent No.1 to inform the respondent No.2 regarding the said appeal. Furthermore, as the appeal is well in the knowledge of the respondent No.2, therefore, he was duty bound to do the needful in accordance with law, rules and regulations but despite the knowledge of instant appeal, the respondent No.2 has not done any needful in this regard which amounts refusal.
- b. Para No.(b) of the grounds is incorrect. The appellant applied through proper channel

and the appellant also annexed NOC from police department with his application for appointment that's why the Parent/police department relieved the services of the appellant and after due test/interview and fulfillment of legal and codal formalities, the appellant was posted in Education Department.

- c. In reply to Para No.(c) of the grounds it is submitted that the appellant has applied through proper channel with duly permission/NOC from his parent department. Similarly, other employees who applied through their parent department have been enjoying their benefits but the respondents are refusing the same to the appellant in a sheer malafide and discriminatory manner.
- d. Para No.(d) of the comments is incorrect whereas para No.(d) of the appeal is correct.
- e. Para No.(e) of the comments is incorrect whereas the para No.(e) of the appeal is correct. The appellant is entitled for the counting of period of police service.
- f. Para No.(f) of the comments is incorrect whereas the para No.(f) of the appeal is correct.
- g. In reply to para No.(g) of the comments it is submitted that the petitioner has fulfilled all the legal and codal formalities and deserves the counting of his period during which he served the police department like those employee who were accommodated by the respondents as law and constitution favour equal treatment with all the employees.

h. Para No.(h) of the comments is incorrect whereas the para No.(h) of the appeal is correct.

It is, therefore, most humbly prayed that the appeal of the appellant may please be accepted and the respondent No.3 may kindly be directed to count the service rendered by appellant in police department.

Dated 15.04.2017

Aqeel Ahmed
...Appellant

Through


SARDAR JAVED IQBAL,
Advocate High Court,
Mansehra.

AFFIDAVIT.

I, Aqeel Ahmed son of Muhammad Muqarrab, appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Dated 15.04.2017


Aqeel Ahmed
(DEPONENT)

ATTESTED

