



10.10.2023

1. Junior to counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Junior to counsel for the appellant requested for adjournment on the ground that senior counsel is busy before Worthy Peshawar High Court, Peshawar. To come up for arguments on 17.11.2023 before D.B. P.P given to the parties.

SCANNED  
PESHAWAR

  
(Muhammad Akbar Khan)  
Member (E)


  
(Rashida Bano)  
Member (J)

18<sup>th</sup> April, 2023

1. Counsel for the appellant present. Mr. Muhammad Jan,  
District Attorney for the respondents present.

2. Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity granted, failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 21.06.2023 before the D.B. P.P given to the parties.

SCANNED  
K.P.S.T  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

*\*Fazle Subhan P.S\**


21.06.2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Learned Member (Executive) Ms. Fareeha Paul is on leave, therefore, bench is incomplete. To come up for arguments on 10.10.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
K.P.S.T  
Peshawar

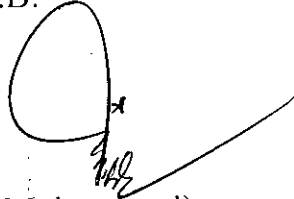
*\*Naeem Amin\**

  
(Salah-ud-Din)  
Member (J)


23.11.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents.

Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation for arguments. Adjourned. To come up for arguments on 12.01.2023 before D.B.



(Mian Muhammad)  
Member (E)

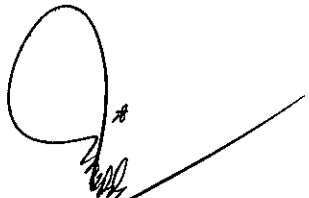


(Salah-Ud-Din)  
Member (J)

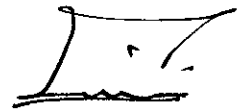
12.01.2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the brief of the instant appeal. Adjourned. To come up for arguments on 18.04.2023 before the D.B.



(Mian Muhammad)  
Member (E)




(Salah-Ud-Din)  
Member (J)

SCANNED  
KPST  
Peshawar

14<sup>th</sup> Oct., 2022

Because of strike of the Bar, this matter is adjourned to

28.10.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

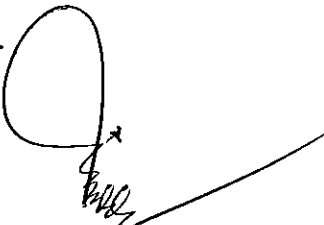
  
(Fareeha Paul)  
Member (E)

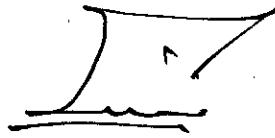
  
(Kalim Arshad Khan)  
Chairman

28.10.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 23.11.2022.

  
(Mian Muhammad)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

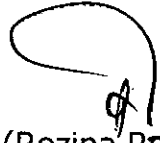
SCANNED  
KPSST  
Peshawar

03.11.2021

Junior to counsel for appellant present.

Javid Ullah, learned Assistant Advocate General alongwith  
Munawar Khan ADEO for respondents present.

File to come up alongwith connected Service Appeal  
No.1389/2019 titled Shah Hussain Vs. Education  
Department, on 08.02.2022 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

8-2-2022

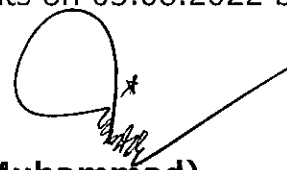
Due to retirement of the Honorable  
Chairman the case is adjourned to come  
up for the same as before on 30-5-2022

  
Reader.

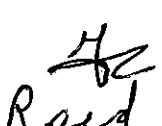
30<sup>th</sup> May, 2022

Learned counsel for the appellant present. Mr. Asif  
Masood, DDA, alongwith Munawar Khan ADO litigation for  
the respondents present.

Learned counsel for the appellant seeks adjournment  
in order to properly assist the court. Adjourned. To come up  
for arguments on 03.08.2022 before D.B.

  
(Mian Muhammad)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

3-8-2022 Proper DB not available the case is  
adjourned to 14-10-2022  
  
Reader


31.03.2021

Junior to counsel for the appellant present.

Addl: AG alongwith Mr. Munawar Khan, ADEO for respondents present.

Written reply/comments not submitted despite last chance. Representative of the respondents seeks further time to submit written reply/comments. Request regretted.

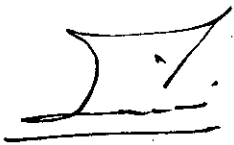
To come up for arguments on 14.07.2021 before D.B.

  
(Atiq Ur Rehman Wazir)  
Member(E)

14.07.2021

Mr. Umar Farooq, Advocate, for the appellant present. Mr. Munawar Khan, ADO alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and requested that time may be granted for submission of written reply/comments, therefore, last chance is given to the respondents for filing of written reply/comments at the costs of Rs. 500/- on retrieval of which, the same shall be paid to the appellant. Adjourned. To come up for written reply/comments and costs of Rs. 500/- on behalf of respondents before the D.B on 03.11.2021.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

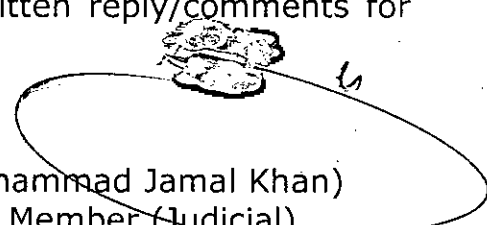
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

R

22.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Munawar Khan, SST are present.

Representative of respondent No. 3 seeks further time to submit written reply/comments while neither written reply on behalf of respondents No. 1, 2 & 4 submitted nor any representative on their behalf is present, therefore, notices be issued to them for submission of written reply/comments for 31.12.2020 before S.B.

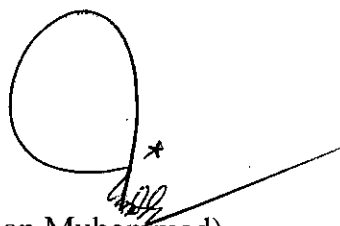
  
(Muhammad Jamal Khan)  
Member (Judicial)

31.12.2020

Learned counsel for the appellant present. Asst: AG alongwith Mr. Munawar Khan, ADEO, SO for respondents present.

Written reply/comments on behalf of the respondents not submitted. Representative of the respondents seeks time to submit the same on the next date.

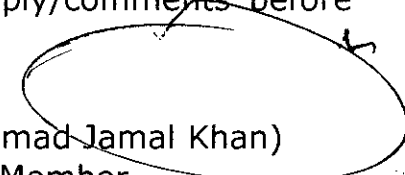
Adjourned to 23.02.2021 before S.B.

  
(Mian Muhammad)  
Member(E)

24.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing as a last chance. Adjourned to 31.03.2021 on which date file to come up for written reply/comments before S.B.

  
(Muhammad Jamal Khan)  
Member

02.07.2020

Learned counsel for the appellant present.

On the strength of judgment of this Tribunal dated 02.07.2010, handed down in Service Appeal No.318/2009, instant appeal is admitted to regular hearing, subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.09.2020 before S.B.

Appellant Deposited  
Security & Process Fee

Chairman

02.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Munawar Khan, SST for the respondents present.

Representative of the respondents seeks time to furnish reply/comments. Adjourned to 22.10.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman



24.02.2019

Appellant with counsel present. Heard.

The appellant was appointed against the project post of PTC for a project period for three years vide order dated 28.06.2003.

Consequent upon the approval of the Departmental Selection Committee, the appellant, being a PTC male local trained candidate, was appointed against PTC post on temporary/contract basis vide order dated 20.03.2007.

Learned counsel for the appellant could not demonstrate that the appellant is entitled to the pay fixation w.e.f 28.06.2003.

Opportunity is granted to learned counsel for the appellant to further prepare the brief. To come up for and preliminary hearing on 09.04.2020 before S.B.



Member

09.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 02.07.2020 for the same. To come up for the same as before S.B.

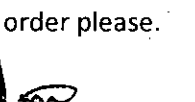

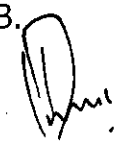



Reader

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1392/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/10/2019	<p>The appeal of Mr. Javed Khan presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 22/10/19</p>
2-	04.12.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/12/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for the appellant.</p> <p>Notices be issued to appellant and his counsel for preliminary hearing on 13.01.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	13.01.2020	<p>Junior to counsel for the appellant present.</p> <p>Requests for adjournment due to general strike of the Bar. Adjourned to 24.02.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

SCANNED  
 BY  
 R. K. S. T.  
 PESHAWAR

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

APPEAL NO. 1392 /2019

**JAVID KHAN**

**V/S**

**EDUCATION DEPTT:**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1	Memo of appeal	.....	1- 3.
2	Education testimonials	<b>A</b>	4- 7.
3	Appointment order	<b>B</b>	8.
4	Regularization	<b>C</b>	9.
5	Service book	<b>D</b>	10- 19.
6	Departmental appeal	<b>E</b>	20.
6	Judgment	<b>F</b>	21- 23.
7	Implementation order	<b>G</b>	24.
8	Vakalatnama	.....	25.

**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

**APPEAL NO. \_\_\_\_\_/2019**

Mr. Javid Khan, PST (BPS-12),  
GMPS Karamat Killi, Bara, District Khyber ..... **APPELLANT**

**VERSUS**

- 1- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Education Merged Area Districts, Merged Area Secretariat, Warsak Road, Peshawar.
- 3- The District Education Officer, District Khyber.
- 4- The District Account Officer, District Khyber.

..... **Respondents**

**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR FIXATION OF PAY w.e.f 28-06-2003 i.e. FROM THE DATE ON WHICH THE APPELLANT WAS APPOINTED TO THE POST OF PRIMARY SCHOOL TEACHER AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f 26-06-2003 i.e. from the date on which the appellant was appointed as Primary School Teacher by counting the previous contractual service of the appellant towards regular service. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**

- 1- That appellant is law abiding citizen of Pakistan and permanently residing at Qambar Khel Killi, Tehsil Bara, District Khyber.
- 2- That appellant having the requisite qualification and eligibility was initially appointed vide order dated 28.06.2003 as PST (BPS-07) on contract basis at boy's community school Tirah Maidan, District Khyber on the proper recommendation of Departmental Selection

Committee. (Copies of the Education Testimonials & appointment order are attached as annexure.....**A & B**).

- 3- That later on the appellant was appointed/adjusted against regular PST post at GMPS RAHMAT KHAN Killi vide order dated 20/03/2007. That till then the appellant performing his duty quite efficiently and up to the entire satisfaction of his superiors. (Copies of the regular appointment order and service book are attached as annexure.....**C & D**).
- 4- That the appellant preferred Departmental Appeal to the respondent No.2 for fixation of his pay w.e.f. the date of his initial appointment i.e. 28.06.2003 in light of the judgment of this august Tribunal dated 02.07.2010 and subsequent order dated 16.7.2012 but the same has not been responded within the stipulated period. Copies of the Departmental appeal, judgment and order are attached as annexure ..... **E, F & G**.
- 5- That appellant having no other remedy prefer the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That by not fixing the pay of the appellant w.e.f 28-6-2003 by the respondents is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not granting/ allowing pay fixation to the appellant w.e. from 28-6-2003.
- D- That similar nature cases has already been decided by this august Service Tribunal in service appeal No.318/2009, decided on 02.07.2010, whereby fixation of pay was granted from the date of initial appointment.
- E- That under Article 38(e) of the Constitution of Pakistan, 1973 state is bound to reduce disparity in the income and earnings of the individuals including persons in the various services of Pakistan, thus not allowing pay fixation to the appellant is utter violation of the above mentioned Article.
- F- That under the principle of Consistency reported in 2009 SCMR page 1 and 1996 SCMR Page 1185 the appellant is fully entitled for the relief meted out to other employees of various departments.

- G- That the respondents acted in discriminatory manner by not counting the previous service of the appellant towards regular service/pension.
- H- That not counting the previous service of the appellant the respondents violated Rule 2.3 of the West Pakistan pension Rules, 1963.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

**APPELLANT**

  
**JAVAJD KHAN**

**THOROUGH:**  
  
**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**&**

  
**MIR ZAMAN SAFI**  
**ADVOCATES**

S.No. 7231

Roll No. 131139

matric



A-74

Board of Intermediate and Secondary Education  
Peshawar N.W.F.P. Pakistan  
Secondary School Certificate Examination  
SESSION 1998 - ANNUAL  
(Science Group)

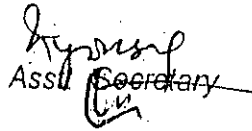
This is to Certify that Javid Khan Son / Daughter of Wali Man Shah  
and a student of Govt: High School, Jan Khan Killi, Khyber Agency has passed the Secondary School Certificate  
Examination of the Board of Intermediate and Secondary Education, Peshawar held in May/June 1998 as a Regular  
candidate. He / She obtained 602 Marks out of 850 and has been placed in Grade A Representing Excellent

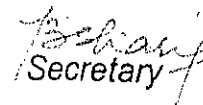
The Candidate passed in the following subjects:

- |            |                     |                |              |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat        | 5. Mathematics | 7. Chemistry |
| 2. Urdu    | 4. Pakistan Studies | 6. Physics     | 8. Biology   |

He / She has been awarded Grade A on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form March 1, 1981

  
Assl. Secretary

  
Secretary

This certificate is issued without alteration or erasure.

F.S.C

(P)

# Board of Intermediate & Secondary Education PESHAWAR

## DETAILED MARKS CERTIFICATE Intermediate Examination (Pre-Engineering Group)



S. No: PBPE-II

45364

Part - II

Session 19 2000 (Annual / Supplementary)

Name

Javed Khan

Father's Name

Waliullah Shah

Roll No

58364

SUBJECT	Marks Allotted			Marks Obtained			REMARKS	
	Part-I	Part-II		Part-I		Part-II		
		Theory	Practical	Theory	Practical	Theory		Practical
1. English	100	100					81	587
2. Urdu	100	100					111	
3. Islamic Education	50							
4. Pakistan Studies		50					60	
5. Mathematics	100	100					121	
6. Physics	100	75	25				96	
7. Chemistry	100	75	25				110	
Total	550	500	50	1100			/	

Note: Errors/Omissions excepted

Total Marks in Words

587

Date

19

Five Hundred and Eighty Seven

*[Signature]*

Controller of Examinations

Board of Intermediate & Secondary Education  
PESHAWAR

Prepared by

[Signature]

Checked by

[Signature]



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

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6

# University Of Peshawar

(Pakistan)



Session: Annual 2003

JAVED KHAN Son Of WALIMAN SHAH and a

Private Candidate Of Khyber Agency having Passed the

prescribed examination held in June 2003 is this day admitted by the University Of Peshawar to

the Degree of Bachelor of Arts in End Division

The examination was taken As a Whole

Registration No. 2002-PC-11801

Roll No. 78017

C.N.T.C.No. 21201-7695069-1

Result Declared on October 11, 2003



010375

*[Signature]*  
Registrar

*[Signature]*  
Vice-Chancellor

No 049289

B.Ed

UNIVERSITY OF PESHAWAR

7



Pakistan  
Detailed Marks Certificate

Bachelor of Education

(B.Ed)

Annual Examination 2011

Khyber Institute of Education Peshawar



Regular

Name: JAVED KHAN

Gender: Male

Roll No: 1940

Father's Name: WALI MAN SHAH

Registration No: 2002-PC-11801

Division: 2nd

Papers	Max Marks	Marks Obtained	
		In Figures	In Words
Persp: of Edu: & Cont Social Issues	100	42	Forty Two
School Org: & Classroom Manag: (New)	100	41	Forty One
Edu: Psychology, Guidance & Counseling	100	48	Forty Eight
Evaluation Techniques	50	28	Twenty Eight
Curriculum & Instruction	100	48	Forty Eight
Functional English	50	39	Thirty Nine
Islamiat/I.History(for non-muslim)(New)	100	67	Sixty Seven
Method of Teaching of English	100	48	Forty Eight
Method of Teaching of Mathematics	100	57	Fifty Seven
Elec: Foundation of Education	100	41	Forty One
Practice of Teaching:	200	154	One Hundred and Fifty Four
	1100	613	Six Hundred and Thirteen

Errors & omissions are subject to subsequent rectification

Chances Availed: 1

The Examination was taken As a Whole

Examination held From 24-Jun-2011 to 16-Jul-2011

Result Declared on Tuesday, November 29, 2011

Issue Date: 01-Dec-2011

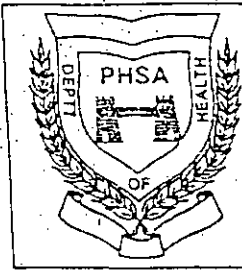
2:21 pm

Computerized by RTC

(Iftekhar Hussain Khan)  
CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR

+

G-24  
P-20



**Provincial Health Services Academy**

Dept. of Health Govt. of Khyber Pakhtunkhwa  
Budhni Road Duran Pur Peshawar,  
☎ # 091-2650861, 2260109; Fax # 091- 2261249  
E-mail: phsa\_peshawar@yahoo.com

*To be substituted by even No. & date.*

**OFFICE ORDER**

Ex-post facto approval is hereby accorded to regularize the services of the following driver of Nursing School Kohat with effect from the date of appointment i.e. 06/12/1994 as ordered by the honorable Services Tribunal, Peshawar judgment dated 02/07/2010 in Service Appeal No. 318/2009 on the analogy of Mr. Sahib-ur-Rahman Driver, vide Finance Department letter No. BVI/FD/4-48/2007/08 dated 12/05/2008 and Secretary Health letter No. SO-III/ 8-90/07 (Sahib-ur-Rahman) dated 21/01/2008. However, arrear of pay & allowances will be admissible from 14/02/2000.

Name	Designation	Date of appointment
Mr. Mian Siraj	Driver	06/12/1994

-sd-  
DIRECTOR

F/No. 215/PHSA/Admn/Appointment/2012-13/5517-20

Dated . 16/07/2012

Cc:

1. District Accounts Officer, Kohat.
2. Vice Principal, School of Nursing Kohat for compliance under intimation to this office.
3. Registrar, Services Tribunal Pakhtunkhwa Peshawar.
4. Mr. Mian Siraj Driver, School of Nursing Kohat.

ATTESTED

DIRECTOR

Attested  
q

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD  
 APPOINTMENT ORDER

Consequent upon the approval of the Departmental Selection Committee the following P.T.C. Male Local trained Cardholders of Tehsil Bara, Khyber Agency are hereby appointed purely on temporary/Contract basis against newly created/Vacant P.T.C. Posts in BPS No. 07-Rs. 2555-140-6755 P/M plus usual allowances as admissible under the rules w.e.f. the date of their taking over charge in the schools noted against their names in the interest of public service.

S.No	Name	Father's Name	Appointed At	Remarks
01	Javid Khan	Wali Man Shah	GMPS Rehman Khan Killi Bara	Against Vacant P.T.C. Post
02	Muhammad Hamayun	Yar Baz Khan	GMS Yara Jan Killi Bara (Primary Portion)	Against Vacant P.T.C. Post
03	Haji Gul	Khana Gul	GPS Allah Dhand Bara	Against Vacant P.T.C. Post
04	Bakht Zamir	Badshah Mir	GPS Ismail Killi Aka Khel Bara	Against newly created P.T.C. Post
05	Sajjad Hussain	Mesri Khan	GPS Ismail Killi Aka Khel Bara	Against newly created P.T.C. Post
06	Alam Zeb	Rehman Shah	GMPS Mamel Mela Bara	Against Vacant P.T.C. Post
07	M. Jamil Khan	Taweez Gul	GMPS Jranjo Killi Bara	Against Vacant P.T.C. Post
08	Hayat Muhammad	Anar Gul	GMPS Spina Tiga Bara	Against Vacant P.T.C. Post
09	Muhammad Tariq	Farid Khan	GPS Sher Khan Killi Kala Khel Bara	Against newly created P.T.C. Post
10	Janas Khan	Umar Khan	GPS Sher Khan Killi Kala Khel Bara	Against newly created P.T.C. Post
11	Khan Sher	Maviz Khan	GPS Benai Bara	Against Vacant P.T.C. Post
12	Sadar Jan	Gul Mar Jan	GPS Sori Khel Bara	Against Vacant P.T.C. Post
13	Muhammad Ali	Awal Baz	GPS Baber Khel Bara	Against Vacant P.T.C. Post
14	Muhammad Asghar	Khair Bad Shah	GPS Khawangai Bara	Vice Hazrat Shah P.T.C. transferred to GPS Baranai Alam Sher Bara Against vacant P.T.C. post
15	Qadar Jar	Gul Mar Jan	GPS Jamal Khan Killi Ghar Kamar Khel	Against newly created P.T.C. Post
16	Imran Ullah	Ashna Khan	GPS Jamal Khan Killi Ghar Kamar Khel	Against newly created P.T.C. Post
17	Khan Zeb	Jehan Zeb	GPS Jabbar Mela Bara	Against newly created P.T.C. Post
18	Shah Khalid	Waris Khan	GPS Jabbar Mela Bara	Against newly created P.T.C. Post
19	Rehman Shah	Gul Bac Shah	GPS Mesri Khan Kamar Khel	Against newly created P.T.C. Post
20	Irfan Ullah	Lawang Khan	GPS Mesri Khan Kamar Khel	Against newly created P.T.C. Post
21	Ghaffar Khan	Farid Khan	GPS Imrozai Haider Kandow Tirah Bara	Against newly created P.T.C. Post
22	Sahib Shah	Said Badshah	GPS Imrozai Haider Kandow Tirah Bara	Against newly created P.T.C. Post
23	Shah Wali	Pir Gul	GPS Habib Shah Killi Haider Kandow	Against newly created P.T.C. Post
24	Masud Khan	Nasrullah	GPS Habib Shah Killi Haider Kandow	Against newly created P.T.C. Post

Notc:-

1. Charge report should be submitted to all concerned.
2. The appointment of the candidates are made purely on temporarily/ Contract basis & are liable to terminate at any time without any notice
3. If a candidate wishes to resign his post he will give one-month prior notice or his pay for one month will be forfeited in lieu there-of.
4. They should produce their original certificates/ Domicile before taking over charge and attested copies there-of be kept on record of the school/ Office after proper verification from the Board/University concerned.
5. They should produce their Health and Age certificate from the Agency surgeon concerned.
6. They may not be handed over charge if they are below 18 years are above 33 years
7. If they fail to report their arrival within 15 days of the issue of this appointment order the appointment will be treated as cancelled.

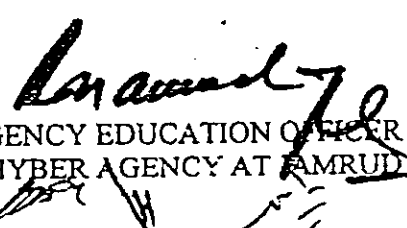
(MR, MOHAMMAD YOUSAF)  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

Endst: No 1311/26

Dated 20/3 /2007

Copy forwarded to the:-

- 1 Director of Education FATA (NWFP) Peshawar
- 2 --Agency Accounts Officer Khyber at Jamrud
- 3 Agency Surgeon Khyber Agency at Landi Kotal .
- 4 AAEO's /Pay clerk concerned Local Office
- 5-22 Officials concerned

  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

20/3/07



D-10

21-11-2011  
3  
Vice-Chancellor  
Jawahar Education Centre  
Jawahar Education Centre

(5) Passed M.A. B.S. exam from University of Peshawar under Roll No. 35267, Session Annual 2010, marks obtained 689/1100, Result declared on 9-3-2011.

1

Passed M.A. B.S. exam from University of Peshawar under Roll No. 35267, Session Annual 2010, marks obtained 689/1100, Result declared on 9-3-2011.

3

Passed F.T. Examination from U.P. B.T.B. M.F.O. Peshawar under Roll No. 913 marks obtained 761/1200 in 1st Session in 2002.

2

Passed I.Sc. Examination from B.S.E. Peshawar under Roll No. 2001/A1 marks obtained 587 out of 1100 in 1st Session in 2003.

4  
Passed B.A. Examination from Peshawar University under Roll No. 78017 in the Session 2003 marks obtained 217/550 in 2nd Session - vide verification letter No. 855/EE/sec dt. 19-5-11 Result declared on 11-10-2003.



Signature and position of the Head of the Office or other Agency Investigating  
Special Agent in Charge  
Date

Signature of Government Agent  
Middle Finger  
Ring Finger

Left hand thumb and finger impressions of (non-injured) object

7. Personal parts for identification  
Scrub on left foot

6. Excerpt from identification  
1-5

5. Date of birth by Christian era as nearly as can be ascertained  
First month N.H. 3-1981

4. Father's name and residence  
William Stark

3. Residence with  
Sytan Kille, Kasim P. & Kille  
Telkoff, Bruce, W. Lyber Agency

2. Name  
A. Kille, B. G. Kille

1. Name  
Mr. J. Kille

118  
119





14

Name and rank of the head of office or other officer in charge of the office	Date of termination of employment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other authority Officer	Nature and duration of leave taken	Allocation of period of leave as average or upto four months for which leave salary is payable to another Government	Signature of the head of the office or other authority Officer	Remarks (such as amount of gratuity, etc.)
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>
<i>[Signature]</i>	<i>[Date]</i>	<i>[Reason]</i>	<i>[Signature]</i>		<i>[Allocation]</i>	<i>[Signature]</i>	<i>[Remarks]</i>

27th Post  
GNPS Rammat  
Khankeel Baza.

Rs 24050/-

1 7/8 Jan

- do -

Rs 4220/-

1 12/2008 Jan

- do -

Rs 4510/-

1 12/2009 Jan

- do -

Rs 24740/-

1 12/2010 Jan

Jan

Rs 7720/-

1 7/2011 Jan

Rs 8100/-

1 12/2011 Jan

Rs 8150/-

1 12/2012 Jan

Rs 8860/-

1 12/2013 Jan

9240/-

Rs 11430

1 12/14 Jan

Rs 11975/-

1 7/15 Jan

Rs 12470/-

1 12/15 Jan

Rs 15350/-

1 7/16 Jan

*[Signature]*

15

<p>1. Name of the candidate</p> <p>2. Roll No.</p> <p>3. Date of birth</p> <p>4. Education</p> <p>5. Address</p>	<p>6. Name of the parent/guardian</p> <p>7. Address</p> <p>8. Telephone No.</p>	<p>9. Name of the Head of the Office or other attending officer</p> <p>10. Signature</p>	<p>11. Name of the candidate</p> <p>12. Roll No.</p> <p>13. Date of birth</p> <p>14. Education</p> <p>15. Address</p>	<p>16. Name of the parent/guardian</p> <p>17. Address</p> <p>18. Telephone No.</p>	<p>19. Name of the Head of the Office or other attending officer</p> <p>20. Signature</p>
<p>TR No 1626 dated 17-10-16</p> <p>up to 2012</p> <p>1/17/2012 to 30/1/2016</p> <p>102544/2</p>			<p>IDENTIFIED</p> <p>Javid Khan</p> <p>1-7-12</p> <p>Destination PSI</p>		
<p><i>[Handwritten signatures and marks]</i></p>			<p>TESTED</p> <p><i>[Handwritten signature]</i></p>		
<p><i>[Large handwritten scribbles]</i></p>			<p>07-2012</p> <p><i>[Handwritten marks]</i></p>		



17

9	10	11	12	13	14	15
1. Name of the candidate	2. Roll No.	3. Division	4. Nature of the post	5. Date of birth	6. Date of application	7. Remarks

dl  
 219  
 Promoted to  
 BPS 17

Consequent upon the recommendation of D.P.C promoted from PST/SPST to PSIT Post BPS 17 with immediate effect vide D.E.O Khyber No. 148-157 Date 31-5-2019

*[Signature]*  
 21/5

dl  
 205  
 Promoted to  
 BPS 15

Trans-547 dt 12/9/18  
 Appan as Drawn 3206 on Act 37 Promotion n. 67 20/5/2018 to 30/4/18

*[Signature]*  
 17/07/2019

*[Signature]*

Name of Post	Whether substantive or officiating and whether permanent or temporary	state (i) Substantive 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	Gr
			Rs 8500/-			1/7	
	De-merit inc		Rs 9000/-			2/12	Si
			Rs 9000/-			1/12	Si
			Rs 9500/-			1/12	
			Rs 10000/-			1/12	Si
						1/14	
			Rs 12955/-			1/15	
			Rs 13687/-			1/15	Si
			Rs 16740/-			7/16	Si
			Rs 13500/-			1/12	Si
			Rs 17000/-			1/12	Si
			Rs 21900/-			1/12	Si

30/11/2009 A/O  
 30/11/2010 A/O  
 30/11/2011 A/O  
 30/11/2012 A/O  
 30/11/2013 A/O  
 30/11/2014 A/O  
 30/11/2015 A/O  
 30/11/2016 A/O  
 30/11/2017 A/O  
 30/11/2018 A/O  
 30/11/2019 A/O  
 30/11/2020 A/O  
 30/11/2021 A/O  
 30/11/2022 A/O  
 30/11/2023 A/O  
 30/11/2024 A/O  
 30/11/2025 A/O  
 30/11/2026 A/O  
 30/11/2027 A/O  
 30/11/2028 A/O  
 30/11/2029 A/O  
 30/11/2030 A/O

SERVICES VERIFIED  
 From 22-11-2008 To 30-11-2009  
 From the Pay Bill & other record  
 of this Office.

Agency Education Officer  
 Khyber Agency at Jamrud

SERVICES VERIFIED  
 From 1-12-09 To 30-11-2010  
 From the Pay Bill & other record  
 of this Office.

Agency Education Officer  
 Khyber Agency at Jamrud

SERVICE VERIFIED  
 From 1-12-2010 To 30-11-2012  
 From the Pay Bill & other record  
 of this Office.

Agency Education Officer  
 Khyber Agency at Jamrud

SERVICES VERIFIED  
 From 1-12-2012 To 30-11-2013  
 From the Pay Bill & other record  
 of this Office.

Agency Education Officer  
 Khyber Agency at Jamrud

To

E - (20)

The Director, Education Merged Area Districts,  
Merged Area Secretariat, Warsak Road, Peshawar.

**Subject: DEPARTMENTAL APPEAL FOR FIXATION OF PAY w.e.f  
28-06-2003 TILL 20.03.2007**

**Respected Sir,**

With due respect it is stated that I was initially appointed before your good self Department vide order dated 28.06.2003 as PST (BPS-07) on contract basis at boy's community school Tirah Maidan, District Khyber on the proper recommendation of Departmental Selection Committee. After appointment I have submitted my arrival report and started performing duty at the concerned station quite efficiently and upto the entire satisfaction of my superiors. During service on contract basis I was appointed/adjusted against regular PST post at GMPS RAHMAT KHAN Killi vide order dated 20/03/2007 and till then I am performing my duty with all zeal and zest. Respected Sir, the previous service i.e. w.e.f. 28.06.2003 till my regularization has not been counted. That I am fully entitle for pay fixation for the period w.e.f. 28.03.2003 till 20.03.2007 which has already been awarded to other employees on the judgment of the Honorable Service Tribunal, Peshawar. I am feeling aggrieved from the inaction of the concerned authority by not fixing the my pay w.e.f. 28.06.2003 till 20.03.2007 preferred this Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Department appeal my pay may very kindly be fixed as regular service w.e.f 28.06.2003 till 20.03.2007.

**Dated: 26.06.2019.**

*Attested*  
*[Signature]*

*Javid Khan*  
Your Obediently

**JAVOID KHAN**  
PST GMPS RAHMAT KHAN KILLI,  
DISTRICT KHYBER



135  
F - (21)

BETTER COPY OF ANNEXURE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. 318/2009

Date of institution.....21.02.2009

Date of Decision.....02.07.2010

Mian Siraj, Driver, School of Nursing, Kohat.

Village & P/O Bilitang Tehsil and District Kohat.....Appellant

VS

- 1- Government of NWFP (K.P.K) through Secretary Health Department Peshawar.
- 2- Director provincial Health Services Academy, Peshawar.
- 3- Accountant General, NWFP (K.P.K), Peshawar.
- 4- District Accounts Officer, Kohat..... Respondents

APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNAL ACT 1974 FOR FIXATION OF PAY WITH EFFECT FROM THE DATE OF APPOINTMENT AS PER NOTIFICATION DATED 30-7-2008 AS IS DONE TO THE OTHER EMPLOYEES AGAINST WHICH APPELLANT SUBMITTED HIS DEPARTMENTAL APPEAL DATED 10-11-2008 BUT THE SAME IS NOT RESPONDED DESPITE LAPSE OF 90 DAYS.

Mr. Waqar Ahmad Seth, Advocate

.....For appellant

Mr. Sher Afghan Khattak, Addl. Advocate General

.....For Respondents

Mr. Sultan Mehmood khattak

.....Member

Mr. Noor Ali Khan

.....Member

JUDGMENT

SULTAN MEHMOOD KHATTAK MEMBER:- According to the appointments made in the appeal, the appellant namely Mian Siraj was appointed as Driver in Family Health Project in the year 1994. On winding up of the said project on 31-12-1999, the Finance Department created posts

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[Signature]

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(24)

of Drivers on fixed pay of Rs. 2500/- per month, without any break. The appellant was accordingly appointed as Driver Nursing School Kohat vide order dated 19-7-1999. At that time number of other employees were appointed on regular basis but the same was discriminated. Respondent No. 1 vide letter dated 21-1-2008 for the fixed employee namely Sahib-Ur-Rehman Driver into regular who is similarly placed employee like appellant, therefore respondent is requested for conversion of all other Drivers into regular pay scales. The Finance Department vide letter dated 12-5-2008 gave concurrence for conversion for the posts of Drivers on fixed pay into pay scale No.1 and in accordance with the said concurrence. Notification was issued by respondent No.2 on 17-5-2008, wherein the appellants name appeared at S. No. 7, but with immediate effect, whereas pay fixation of other employees was done with effect from the date of appointment. Feeling aggrieved the appellant submitted his departmental appeal on 09-11-2008, but with no response within the stipulated period, hence this appeal with the prayers that on acceptance of the appeal the respondents be directed to fix the pay of the appellant from the date of initial appointment in dated of 12-5-2008 along-with arrears to bring it at par with the length of service with such other relief as may deem fit in the circumstances of the case may also be granted.

2. The respondents have filed their written reply, wherein they refuted the post of the appellant and stated that the case of the appellant is different from the case of other employees and that he was appointed in Family Health Project on 6-12-1994 till the project life i.e. 31-12-1999. He was adjusted as Driver at Nursing School on 14-2-2000 as per entry made in his service book on fixed pay of Rs. 3500/- P-M. Moreover he was brought to regular BPS-4 vide Finance Department's Notification dated 12-5-2008, with immediate effect. As such he is not entitled to the relief claimed by him.

Arguments heard and record perused.

3. As <sup>no</sup> doubt the appellant was appointed as Driver in the Family Health Project on 06-12-1991 but before winding up the project on 31-12-1999, he was appointed as Driver in Nursing School Kohat vide office order dated 19-7-1999. As per entry in the service book the appellant was later on adjusted as Driver at fixed pay @ Rs. 2500/- per month vide order dated 14-2-2000. In the light of Finance Department's letter dated 12-5-2008, the post of the appellant was

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reverted to BPS-4 on regular side, vide Notification dated 17-5-2008 of respondent No.2, but with immediate effect. The main contention of the appellant is that in the light of Finance Department's letter dated 30-7-2008 he is entitled to fixation of his pay from the date of his initial appointment instead of 12-5-2008 the Sahib-Ur-Rehman, similarly placed employee. Moreover, respondent No.2 has also addressed a letter dated 15-10-2008 to respondent No.4 in favor of the appellant for fixation of his pay from the date of appointment. However, it was observed that he will not be entitled to arrears up to 30-6-2008.

4. In view of the above the Tribunal deems it appropriate to remand the case of the appellant to the respondent Department with the direction to consider his claim with regard to entitlement of fixation of his pay from the date of appointment in the light of the aforesaid letters as well as case of Sahib-Ur-Rehman Driver, strictly in accordance with law/rules on the subject within a period of one month of the receipt of this order. The appeal is disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record.

ANNOUNCED

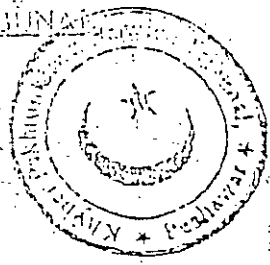
ATTESTED



Case (A)

①  
②  
③  
④  
F-21

THE N.W.F.P. SERVICE TRIBUNAL  
PESHAWAR.



Service Appeal No. 1132/09  
Date of institution 21.02.2009  
Date of decision 02.07.2010

M. Siraj, Driver, School of Nursing, Kohat,  
Village & P.O. Bilitang,  
Tehsil & District, Kohat.

(Appellant)

VERSUS

Government of NWFP (N.P.K.) through,  
Secretary Health Department, Peshawar,  
Director, Provincial Health Services Academy, Peshawar,  
Accountant General, NWFP (N.P.K.) Peshawar,  
District Accounts Officer, Kohat.

(Respondents)

APPEAL UNDER THE N.W.F.P. SERVICE TRIBUNALS ACT, 1971  
FOR FIXATION OF PAY WITH EFFECT FROM THE DATE OF  
APPOINTMENT AS PER NOTIFICATION DATED 30.7.2008, AS IS  
APPLIED TO THE OTHER EMPLOYEES AGAINST WHICH  
APPELLANT SUBMITTED HIS DEPARTMENTAL APPEAL  
DATED 10.11.2008 BUT THE SAME IS NOT RESPONDED  
DESPITE LAPSE OF 90 DAYS.

Mr. Saqar Ahmad Seth, Advocate;  
Mr. Sher Afgan Khattak,  
Addl. Advocate General.

For appellant

For respondents

Mr. Mian Muhsinud Din,  
Mr. Mian Ali Khan

Member  
Member

JUDGMENT

MR. MIAN MUHSINUD DIN, MEMBER:-

According to the

statements made in the appeal, the appellant, namely, Mian Siraj, was appointed as Driver in Family Health Project in the year 1994. On winding up of the said Project on 31.12.1999, the Finance Department created posts of Drivers on fixed pay of Rs. 2500/- per month without any break. The appellant was accordingly appointed as Driver of Family Health Project vide order dated 19.7.1999. At that time number of other employees were appointed on regular basis but the

**ATTESTED**

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... was discriminated. Respondent No.1 vide letter dated 21.01.2008  
... the fixed pay employee, namely, Sahib-ur-Rahman Driver into regular  
... who is similarly placed employee like appellant, therefore, respondent  
... requested for conversion of all other Drivers into regular pay scales. The  
... Department vide letter dated 12.5.2008 gave concurrence for conversion  
... of Drivers on fixed pay into Pay Scale No.1 and in accordance with  
... said concurrence. Notification was issued by respondent No.2 on 17.5.2008,  
... wherein, the appellant's name appeared at S.No.7, but with immediate effect,  
... whereas pay fixation of other employees was done with effect from the date of  
... appointment. Feeling aggrieved, the appellant submitted his departmental appeal  
... on 09.11.2008, but with no response within the stipulated period, hence his  
... appeal with the prayer that on acceptance of the appeal, the respondents be  
... directed to fix the pay of the appellant from the date of initial appointment  
... instead of 12.5.2008 along with arrears to bring it at par with the length of  
... service with such other relief as may deem fit in the circumstances of the case  
... may also be granted.

The respondents have filed their written replies, wherein, they refuted the  
... of the appellant and stated that the case of the appellant is different from  
... the case of other employees and that he was appointed in Family Health project  
... on 6.12.1994 till the project life i.e. 31.12.1999. He was adjusted as Driver at  
... Nursing School on 14.2.2000 (entry made in his service book on fixed pay  
... B-2500/P.M). Moreover, he was brought to regular BPS-4 vide Finance  
... Department's Notification dated 12.5.2008, with immediate effect. As such, he  
... is not entitled to the relief claimed by him.

Argument heard and record perused.

**ATTESTED**

*Attested*  
*[Signature]*

*[Signature]*

*Attested*  
*[Signature]*

⑧  
⑧  
⑧-29

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...doubt, the appellant was appointed as Driver in the Family Health Project on 06.12.1994 but before winding up of the Project on 31.12.1999, he was engaged as Driver in Muslim School Kofiat, vide office order dated 19.7.1999. As per entry in the service book, the appellant was later on adjusted as Driver of fixed pay @ Rs.2500/- per month vide order dated 14.2.2000. In the light of Finance Department's letter dated 12.5.2008, the post of the appellant was changed to H.P.S.D on regular basis vide Notification dated 17.5.2008 of respondent No.2, but with immediate effect. The main contention of the appellant is that in the light of Finance Department's letter dated 30.7.2008 he is entitled to fixation of his pay from the date of his initial appointment instead of 12.5.2008 like Sahib-ur-Rehman, similarly placed employee. Moreover, respondent No.2 has also addressed a letter dated 15.10.2008 to respondent No.4 in favour of the appellant for fixation of his pay from the date of appointment. However, it was observed that he will not be entitled to arrears upto 30.6.2008.

5. In view of the above, the Tribunal deems it appropriate to remand the case of the appellant to the respondents department with the direction to consider his claim with regard to entitlement of fixation of his pay from the date of appointment in the light of the aforesaid letters as well as case of Sahib-ur-Rehman, Driver, strictly in accordance with law/rules on the subject within a period of two months of the receipt of this order. The appeal is disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record.

ANNOUNCED  
21/07/2010

(NIGOR ALI KHAN)  
MEMBER

(GULFAN MEHMOOD KHATAK)  
MEMBER

*Attested*  
*[Signature]*

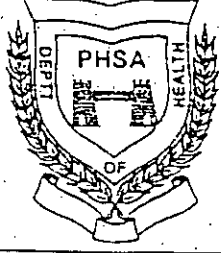
Certified true copy  
Khyber Pakhtunkhwa  
Service Tribunal

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*[Signature]*

**ATTESTED**

*[Signature]*

G-24  
P-10

	<p><b>Provincial Health Services Academy</b> Dept: of Health Govt. of Khyber Pakhtunkhwa Budhni Road Duran Pur Peshawar, ☎ # 091-2650861, 2260109; Fax # 091- 2261249 E-mail: phsa_peshawar@yahoo.com</p>
---	---

*To be substituted by even No. & date.*

**OFFICE ORDER**

Ex-post facto approval is hereby accorded to regularize the services of the following driver of Nursing School Kohat with effect from the date of appointment i.e. 06/12/1994 as ordered by the honorable Services Tribunal, Peshawar judgment dated 02/07/2010 in Service Appeal No. 318/2009 on the analogy of Mr. Sahib-ur-Rahman Driver, vide Finance Department letter No. BVI/FD/4-48/2007/08 dated 12/05/2008 and Secretary Health letter No. SO-III/ 8-90/07 (Sahib-ur-Rahman) dated 21/01/2008. However, arrear of pay & allowances will be admissible from 14/02/2000.

Name	Designation	Date of appointment
Mr. Mian Siraj	Driver	06/12/1994

-sd-  
DIRECTOR

F/No. 215/PHSA/Admn/Appointment/2012-13/5517-20





Dated . 16/07/2012

Cc:

1. District Accounts Officer, Kohat.
2. Vice Principal, School of Nursing Kohat for compliance under intimation to this office.
3. Registrar, Services Tribunal Pakhtunkhwa Peshawar.
4. Mr. Mian Siraj Driver, School of Nursing Kohat.

ATTESTED

  
DIRECTOR

  
  
  
Attested  


**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Javid Khan

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Javid Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2019

Javid Khan  
CLIENT

ACCEPTED  
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&

MIR ZAMAN SAFI  
ADVOCATES

OFFICE:  
Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Mobile No.0345-9383141



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR****Appeal No...1392/2019****JAVID KHAN .....Appellant****Versus****The Director E&SE Department Khyber Pakhtunkhwa and other... Respondents****INDEX**

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR****Appeal No...1392/2019**

JAVID KHAN .....Appellant

**Versus**

The Director E&amp;SE Department Khyber Pakhtunkhwa and other... Respondents

**Comments on behalf of Respondents No.1 & 3**

Respectfully Sheweth;

**Preliminary objections**

- That the Petitioner has got no cause of action, Locus Standi to file the instant Petition
- That the matter in the instant petition is a close transaction as has already been dismissed by the Honorable Peshawar High Court in W.P 4597-P/2018 decided on 30-10-2019.
- That the petitioner has not added the necessary party in the instant petition
- That the Petitioner has not come to this Court with clean hands
- That the petitioner has concealed material facts from the Honorable court

**ON FACTS**

1. No comments.
2. Incorrect and baseless hence denied. The Appellant was initially appointed against project post of PTC on temporary basis just for three years only.
3. That initially the petitioner was appointed as PST Community School Teacher on temporary basis under a project namely Community School Teacher project for three years only. Later on, on the recommendation of Departmental Selection Committee the petitioner was regularly appointed on the post of PTC but that was to be considered as a Fresh appointment as mentioned in his appointment order (**Copy of the appointment order attached as annex A**).
4. The departmental appeal of the appellant was properly examined and regretted on basis that the petitioner was appointed on the post of PTC on regular basis but that his appointment was to be considered as fresh appointment as mentioned in his appointment order. Therefore, he is not entitled for pay fixation. Hence para No.4 is also denied.

**On Grounds**

- A.** Incorrect. Hence denied. As elucidated in para-3.
- B.** Incorrect. Hence denied. The respondent being bound by law acts in accordance with law and while doing so no provision <sup>of</sup> any law has been violated.
- C.** Incorrect and baseless. Hence denied. As elucidated in above para-3.
- D.** Incorrect. Hence denied. The matter in the instant appeal is a closed transaction as has already been dismissed by the Honorable Peshawar High Court in W.P 4597-P/2018 decided on 30-10-2019. So, the appellant is not entitled for the pay fixation as prayed for. **(Copy Of The Judgment is Attached As C)**
- E.** Legal, needs no comments. However the respondent does not violate any law and provision of constitution.
- F.** Incorrect. The case of the appellant is totally different from the one referred in the subject para. The petitioner was regular on the post of PTC but that was to be considered as a Fresh appointment as mentioned in his appointment order, Therefore he is not entitled for pay fixation, as prayed for.
- G.** Incorrect. Hence denied. As elucidated in above para-3.
- H.** Incorrect. Hence denied. As elucidated in above para-3.
- I.** That with the kind permission of the Honorable Court, The respondents may be allowed to take any other grounds at the time of arguments of the instant petition.

**Pray**

In light of the above stated facts and legal position, it is humbly requested that the case of the petitioners may kindly be dismissed.

**Respondent 1:**

  
Director Education

Khyber Pakhtunkhwa

**Respondent 3:**

  
District Education Officer

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

Appeal No...1392/2019


JAVID KHAN .....Appellant

**Versus**

The Director E&amp;SE Department Khyber Pakhtunkhwa and other... Respondents

**Comments on behalf of Respondents No.1 & 3****Affidavit**

We the respondents do hereby solemnly affirm and declare that the contents of the accompanying para wise comments submitted by the respondent are correct to the best of their knowledge and belief and nothing has been concealed from this honorable court.

**Respondent. 1:****Director Education  
Khyber Pakhtunkhwa****Respondent. 3 :****District Education Officer  
NMD Khyber**

## Authority Letter

Mr. Munawar Khan /focal Person of (Litigation) District education Officer Khyber is hereby authorized to submit parawise comments in the court on the behalf of respondent.

  
District education Officer  
NMD Khyber

AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD. P-0. H.V. 11-07-2009

APPOINTMENT.

Consequent upon the selection of Departmental Selection Committee the following PTC Fresh (Male) local candidates of Tehsil Bara Khyber Agency are hereby appointed against the PTC posts on regular basis (Non pension-able) at the school noted against their name in BPS No (07) of the National Pay Scale @ Rs.(3530-190-9230) PM plus usual allowances as admissible under the Rules in the interest of public service.

S.No	Name/Father Name	Post at	Remarks
01	Hafeezullah Amin S/o Zari Jan BCS Said Rasan Kili Khapur Teerah.	GPS Alladhand Bara Khyber Agency.	Against vacant PTC post
02	Muhammad Ashfaq s/o Haji Sikandar Khan	GPS Kaga Chara Bra Khyber Agency.	--do--
03	Najeebullah S/o Shahbaz Khan	GPS Zafar Kili Tirah Khyber Agency.	--do--
04	Shamsudin S/o Sultan Muhammad	GPS Choor Lakka Bara Khyber Agency.	--do--
05	Khan Sher S/o Sabz Ali Khan	GPS Tandi Bughdad Khel Bara Khyber Agency.	--do--
06	Musafar Shah S/o Khial Noor	GPS Sarkai Kamar Bara Khyber Agency.	--do--
07	Mukharif Shah S/o Abdul Wahab	GPS Ghari Kamar Khel Bara Khyber Agency.	--do--
08	Shah Hussain S/o Gulat Khan BCS Habib Shah Killi	GPS Mothray Dada Nika Aka Khel Teerah Khyber Agency.	--do--
09	Jalalud Din S/o Shamsu Din BCS Shakerullah Killi Sepah	GPS Hukam Khan Kili Bara Khyber Agency.	--do--
10	Shah Muhammad S/o Shah Muhammad BCS Haji Muhammad Killi Teerah	GPS Benay Arbab Kili Bara Khyber Agency.	--do--
11	Arif Khan S/o Alam Khan	GPS Benay Arbab Kili Bara Khyber Agency.	--do--
12	Rehman Gul S/o Abdul Amin BCS Haji Rasool Din Killi Teerah	GPS Stori Khel Almas Kili Bara Khyber Agency.	--do--
13	Rahim Shah S/o Khial Badshah	GPS Stori Khel Almas Kili Bara Khyber Agency.	--do--
14	Misal Khan S/o Fazali Rahim	GPS Mothray Dada Nika Aka Khel Teerah Khyber Agency.	--do--
15	Javed Iqbal S/o Hazrat Gul BCS Koki Khel zioddin Mastak	GPS Sarkai Kamar Bara Khyber Agency.	--do--
16	Amanullah S/o Asmatullah	GPS Ghari Kamar Khel Bara Khyber Agency.	--do--
17	Muhammad Akber s/o Hanif Gul	GPS Khurmatang Bara Khyber Agency.	--do--

TERMS AND CONDITIONS.

1. The Appointee will take over charge on 1/9/2009 (after the reopening of schools after summer vacations) at their respective schools. Charge report should be submitted to all concerned.
2. The appointment of the candidates is made purely on temporary basis and is liable to terminate without assigning any notice.
3. If the candidate wishes to resign his post he will be give one month prior notice or his pay for one month will be forfeited in lieu thereof.
4. Their documents, Date of birth, NIC and Domicile certificate should be checked before handed over charge of the post and attested copies thereof may be kept on record of the school/office.
5. They should produce their Health and Age certificate from the Agency Surgeon concerned.

- 21 / 07/2009

11-07-2009

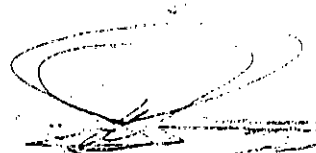
- K-7  
Annex - A
6. They may not be handed over charge if he is below 18-years and above 36-years.
  7. If they fails to report their arrival within 15-days of the issue of this appointment order then it will be treated as cancelled.
  8. No salary may be drawn before the verifications of all the testimonials from the quarter concerned.
  9. If any technical legal flaw is pointed out, the appointment will stand as cancelled.
  10. They will not be entitled for pension/commutation and C.P.Fund emoluments as per Govt. policy. However they are entitled for C P Fund.

(HASHIM KHAN)  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

Endst: No 3300-3324/Estab:/C-4/Vol-III/Khy.  
Copy of the above is forwarded to the:-

Dated Jamrud the 11/7/2009

1. Director of Education FATA (NWFP) Peshawar.
2. Political Agent Khyber Agency at Peshawar.
3. Agency Accounts Officer Khyber at Jamrud.
4. Agency Surgeon Khyber Agency at Landi Koral
5. Principal/Headmasters concerned.
6. EMIS Computer cell local office.
7. Candidates concerned.

  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

دستور العمل  
11-7-2009

JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR  
(Judicial Department)

W.P No. 4597-P/2018 along with  
C.M No. 2293-P/2019

JUDGMENT

Date of hearing: 30.10.2019

Petitioner: (Anzar Gul & others) by  
Mr. Saadullah Marwat, Advocate.

Respondents (Director Education FATA &  
others) by: Mr. Rab Nawaz Khan, A.G.

\*\*\*

MOHAMMAD IBRAHIM KHAN, J.- The

Department of Education FATA, in order to  
raise literacy level, launched a project of  
Community Schools under FATA Annual  
Development Program in the year 1998 till  
20.10.2010 wherein, 956 schools were opened  
and total 1912 (02 per school) were appointed  
as PST since 2003 including the petitioners  
after fulfilment of all codal formalities. Due to  
law and order situation in FATA, many  
schools were destroyed and being non-



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functional schools, it was decided to close the same as the teachers were getting salaries without performing their duties. In meeting of Standing Committee of SAFRAN held on 21.12.2011, it was decided that the FATA Secretariat should regularize the services of Community School teachers from their initial recruitment vide letters dated 16.01.2012 and 26.04.2012. After approval of Summary by the Government of Khyber Pakhtunkhwa, the Community School teachers were adjusted against regular posts of PST BPS-07 and in this respect, the Secretary Social Sectors Department FATA issued notification on 11.05.2012 and they were subsequently regularized however, the services rendered by the petitioners on contract basis for more than 10 years were not extended to them for ~~penal~~ penal benefits, against which the

petitioners filed representation but the same was regretted on 29.08.2018, hence, this writ petition preferred by them under Article 199 of the Constitution of the Islamic Republic of Pakistan with the following perspective prayers:-

*"It is, therefore, most humbly prayed that on acceptance of this Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this Hon'ble Court may graciously be pleased to:*

- a. *Declare notification dated 29.8.2018 of the R No. 01 to be illegal, improper, unjust, discriminatory, mala fide, without lawful authority and of no legal effect.*
- b. *Direct the authority to regularize the initial service of the petitioners rendered in the Community Schools to the regular service for pensionary and other benefits.*
- c. *Any other writ/order/ direction deemed proper and just in the circumstances of the case be also issued/ordered/ given."*

*(Handwritten signature)*

2. Having heard arguments of learned counsel for the petitioners and learned AAG on behalf of the official respondents,

record with their valuable assistance gone through.

3. The respondents were on high alert to submit their comments accordingly, the respondents No. 1, 2 and 5 jointly submitted their para-wise comments. True, that the petitioners were initially appointed in the project of Community Schools under the FATA Annual Development Program in the year 1998 wherein, 1912 teachers (02 per school) were appointed including the petitioners on PST Posts in the year 2003 but due to the law and order situation in FATA, some schools were non-functional but even then the petitioners were regularized after fulfilling all the codal formalities by the respondents. Now there arises factual controversy that the community schools were functional or non-functional in FATA; thus, it

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leads to factual controversy to utter declare that the schools were functional or non-functional. The writ petition in view of factual controversy is not at all maintainable. The constitutional jurisdiction of this court would seriously be barred as such like controversy can be agitated before the Civil Court. In support of the matter being of factual controversy wisdom is derived from 2005 PLD 347 Supreme Court titled *Mst. Irshad Begum and 2 others vs Muhammad Arshad*, 2005 PLC 366 Supreme Court titled *Pervez Alam vs Pakistan Dairy Products (Pvt) Ltd, Karachi*, 2005 SCMR 1650 Supreme Court titled *Muhammad Ayub vs Ghulam Muhammad*, 2005 SCMR 1542 Supreme Court titled *Muhammad Ramzan vs Additional District Judge, Multan*, 2004 PLC 2013 Supreme Court titled *Riaz*

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*Ahmed Malik vs Administrator, Municipal*

*Corporation Bahawalpur, 2004 SCMR 1602*

*Supreme Court titled *Muhammad Safdar**

*Abbasi vs Amir Yar Mallk, 2004 SCMR*

*1521 Supreme Court titled *Mst. Hanifa Bibi**

*vs Munawar Ahmad, 2004 SCMR 979*

*Supreme Court titled *Mirza Abdul Rehman**

*vs Deputy Commissioner/ Returning Officer,*

*Attock and 2003 SCMR 225 Supreme Court*

*titled *Commanding Officer, Frontier Works**

*Organization, Karachi vs Haji Abdul*

*Yaheed.*

4. In view of the above, this petition

has no force, which is hereby dismissed.

Announced.

Di: 30.10.2019

*Gaur*  
JUDGE

*ho*  
JUDGE