



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  
KPST  
Peshawar

  
(Muhammad Akbar Khan)  
Member (E)

  
(Rashida Bano)  
Member (J)

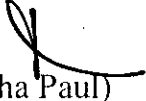
\*KaleemUllah


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  
KPST  
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  
KPST  
Peshawar

*\*Naeem Amin\**

  
(Salah-ud-Din)  
Member (J)

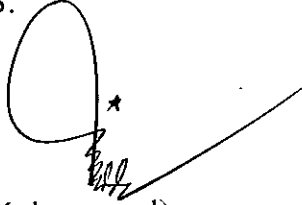
23.11.2022

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

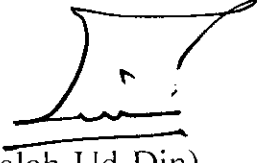
Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation for arguments. Adjourned. To come up for arguments on 12.01.2023 before D.B.

SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar



(Mian Muhammad)  
Member (E)



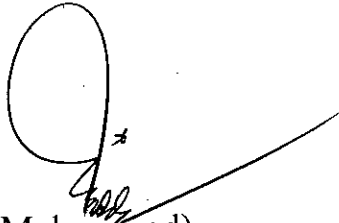
(Salah-Ud-Din)  
Member (J)

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.

SCANNED  
KPST  
Peshawar



(Mian Muhammad)  
Member (E)




(Salah-Ud-Din)  
Member (J)

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.

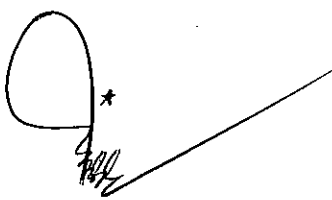
  
(Fareeha Paul)  
Member (E)

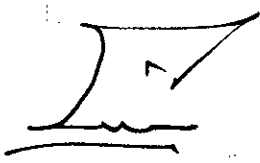
  
(Kalim Arshad Khan)  
Chairman

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  
BY  
PGI MENAR

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 the retirement of the  
Hon.ble 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.

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

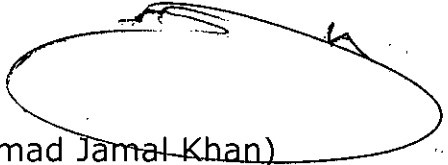
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

D

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.

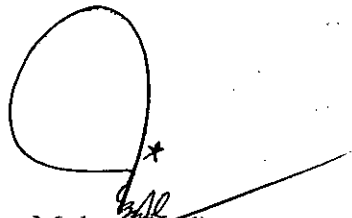
  
(Muhammad Jamal Khan)  
Member (Judicial)

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.

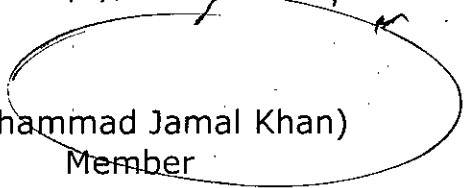
Adjourned to 23.02.2021 before S.B.

  
(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.

Amount Deposited  
Security & Process Fee  
8/7/20

  
Chairman

02.09.2020

Junior to counsel for the appellant and Addl. AG along with 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 in BPS-07/PM fixed for a project period for three years vide order dated 02.06.2004.

Consequent upon the selection of the Departmental Selection Committee, the appellant, being a PTC fresh local candidate, was appointed against PTC post on regular basis vide order dated 11.07.2009.

7/01/2020  
Learned counsel for the appellant could not demonstrate that the appellant is entitled to the pay fixation w.e.f 02.06.2004 instead of 11.07.2009.

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.

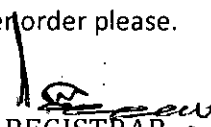



  
Reader

Form- A

# FORM OF ORDER SHEET

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

Case No.- 1391/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/10/2019  <b>SCANNED</b> <b>REGISTER</b> <b>POST</b>	<p>The appeal of Mr. Shah Muhammad 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> <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> <p>13.01.2020</p> <p>Junior to counsel for the appellant present. 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>
2-	06.12.2019	

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

APPEAL NO. 1391 /2019

SHAH MUHAMMAD

V/S

EDUCATION DEPTT:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	.....	1- 3.
2	Education testimonials	A	4- 8.
3	Appointment order	B	9.
4	Regularization	C	10.
5	Service book	D	11- 17.
6	Departmental appeal	E	18.
6	Judgment	F	19- 21.
7	Implementation order	G	22.
8	Vakalatnama	.....	23.

**APPELLANT**

**THROUGH:**

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

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

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

Mr. Shah Muhammad, PST (BPS-12),  
GPS Benay Arbab Killi, Dara, 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**  
**02-06-2004 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 02-06-2004 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 a law abiding citizen of Pakistan and permanently residing at Bar Qambar Khel Jan Khan Killi, Tehsil Bara, District Khyber.
- 2- That appellant having the requisite qualification and eligibility was initially appointed vide order dated 02.06.2004 as PST (BPS-07) on contract basis in boys community school Haji Muhammad Killi

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 GPS Benay Arbab Killi Bara vide order dated 11/07/2009. 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. 02.06.2004 in light of the judgment of this august Tribunal dated 2.7.2010 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 02-6-2004 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 02-6-2004.
- 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**

*Shah*

**SHAH MUHAMMAD**

**THOROUGH:**

*N*  
**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**&**

*MZ*  
**MIR ZAMAN SAFI  
ADVOCATES**

94217

A-④

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



**PESHAWAR**  
**DETAILED MARKS CERTIFICATE**  
 Secondary School Certificate Examination  
 Session 2002 (Annual)

Name: Shah MuhammadFather's Name: Shah BadinRoll No 38758

Subject	Marks	MARKS OBTAINED			
		Theory	Practical	Total	In Words
1. English	150	—	—	87	Eighty-Seven
2. Urdu	150	—	—	73	Seventy-Three
3. Islamiyat (Comp)	75	57	—	57	Fifty-Seven
4. Pakistan Studies	75	29	—	29	Twenty-Nine
5. New Riazi	100	58	—	58	Fifty-Eight
6. Physics	100	33	12	45	Forty-Five
7. Chemistry	100	38	15	53	Fifty-Three
8. Biology	100	35	11	46	Forty-Six

Total 850

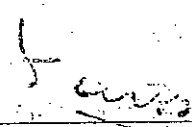
448-C Four Hundred Forty-Eight Only

Remarks

Checked By: \_\_\_\_\_

Date: 29-06-2002

Note: Error / Omission are excepted (subject)

  
 Controller of Examinations

38438

(5)

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION**



**PESHAWAR - PAKISTAN**  
**DETAILED MARKS CERTIFICATE**  
**INTERMEDIATE (ANNUAL) EXAMINATION, 2004**  
**HUMANITIES ( Part-II )**

Name: SHAH MUHAMMADFather's Name: SHAH BADINRoll No: 73134

Subjects	Marks	Marks Obtained					Marks in Words
		Part-I		Part-II		Total	
		Theory	Pract	Theory	Pract		
English	200	44	—	28	—	72	Seventy-Two
Urdu	200	52	—	40	—	92	Ninety-Two
Islamic Education	50	33	—	—	—	33	Thirty-Three
Pakistan Studies	50	—	—	23	—	23	Twenty-Three
Civics	200	49	—	45	—	94	Ninety-Four
Islamic Studies	200	47	—	52	—	99	Ninety-Nine
Pashto	200	53	—	69	—	122	One Hundred Twenty-Two
<b>Total : 1100</b>						535-D	Five Hundred Thirty-Five Only
Remarks :							

Checked By: \_\_\_\_\_

Date: 31-July, 2004

Note: Error / Omissions accepted.

Computer Cell BISE, Peshawar.

4

Controller of Examinations



No 0052616

# University of Peshawar

6



Pakistan

## Detailed Marks Certificate

Bachelor of Arts (B.A.)

Part-II

Annual Examination 2008

Govt: Degree College Kohi Sher Haider Bara Khyber Agency



Name: **SHAH MUHAMMAD**

Gender: *Male*

Roll No: 26142

Regular

Father's Name: **SHAH BADIN**

Registration No: 2004-BARA-272

Division: 2nd

Papers	Max Marks	Marks Obtained	
		In Figures	In Words
English (Comp)	75	31	Thirty One
Pashto	75	40	Forty Only
Islamic Studies	75	42	Forty Two
Pakistan Studies	40	21	Twenty One
<b>Part-I</b>	<b>285</b>	<b>137</b>	<b>One Hundred and Thirty Seven</b>
<b>Part-II</b>	<b>550</b>	<b>271</b>	<b>Two Hundred and Seventy One</b>

Errors & omissions are subject to subsequent rectification

Chances Availed: 3

The Examination was taken in Parts

Examination held From 25-Jun-2008 to 26-Jul-2008

Result Declared on Saturday, October 11, 2008

Issue Date: 14-Oct-2008

6:04 pm

(Dr. Mohammad Shafi)

ADDITIONAL CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR



University of Peshawar

Pakistan

Detailed Marks Certificate

7

Master of Arts in Islamiyat

Final

Annual Examination 2014

District Peshawar



Private

Name: SHAH MUHAMMAD

Gender: Male

Roll No: 28924

Father's Name: SHAH BADIN

Registration No: 2004-BARA-227

Division: 2nd

Papers	Max Marks	Marks Obtained	
		In Figures	In Words
Al Quraan Translation 2nd Half & Com with Grammar-VI	100	60	Sixty Only
Principles of Islamic Jurisprudence-VII	100	47	Forty Seven
Islam & Other World Religions-VIII	100	61	Sixty One
Islam & Contemporary Muslim World-IX	100	42	Forty Two
Islam, Modren Thought & Islamic Law of Inheritance-X	100	61	Sixty One
Viva Voce	100	60	Sixty Only
<b>Previous</b> 17133:Annual-2013	<b>500</b>	<b>295</b>	<b>Two Hundred and Ninety Five</b>
<b>Final</b>	<b>1100</b>	<b>626</b>	<b>Six Hundred and Twenty Six</b>

Errors & omissions are subject to subsequent rectification

Chances Availed: 1

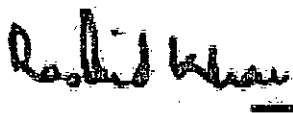
The Examination was taken As a Whole

Examination held From 13-Aug-2014 to 13-Sep-2014

Result Declared on Wednesday, January 21, 2015

Issue Date: 22-Jan-2015

12:50 pm

  
(Prof. Dr. Rashid Khan)  
CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR.

Serial No 113970



**ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD**  
**PROVISIONAL RESULT CARD**

8

Name **SHAH MUHAMMAD**  
 Father's Name **SHAH BADIN**  
 Address **TATARA BOOKS AND SPORTS CENTER**  
**NEAR BUS STOP OLD BARA TEHSIL BARA**  
 Tehsil **KHYBER AGENCY**  
 District **KHYBER AGENCY**

Roll No **Q601514**  
 Registration **04AKR0089**  
 Final Semester **SPRING 2005**

has successfully completed **P.T.C** Programme.

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUTUMN-04	0613	PRINCIPLES OF EDUCATION	100	58
AUTUMN-04	0614	EDUCATIONAL PSYCHOLOGY	100	64
AUTUMN-04	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	57
AUTUMN-04	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	54
SPRING -05	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	78
SPRING -05	0617	TEACHING OF URDU	100	55
SPRING -05	0618	TEACHING OF MATHEMATICS	100	70
SPRING -05	0619	TEACHING OF SCIENCE & PHYSICAL EDUCATION	100	65
SPRING -05	0620	TEACHING OF ISLAMIAT & SOCIAL STUDIES	100	62

Total Credit AIU 5

Result Declared on **January 9, 2006**

Date of issue **February 7, 2006**

Total Marks / Obtained **900 / 573**

Percentage / Grade **64 / B**

**Disclaimer:**

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

**Controller of Examinations**

AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUDE.  
APPOINTMENT ORDER

Consequent upon the recommendation of Political Administration and approval by Director of Education FATA Peshawar the following candidates are hereby appointed against the Project post of PTC in BPS No. 07/PM Excl for the Project period for 03-years at Boys Communal Schools in Landi Kotal Bara & Jinnah Tehsil Khyber Agency with effect from the date of their taking over charge.

S.No	Name / Father Name	Qual.	Name of School	Remarks
01	Rashid Khan S/O Said Duzi	SSC	BGS Jamal BOK Dre Palaram Kandawan	Against vacant post
02	Shah Muhammad S/O	SSC	BGS Haji Muhammad Ki Tirah Maidan	--do--
03	Saminuddin Sabitullah S/O	SSC	BGS Sub: Khalil Badshah, Lashahman LKI.	A.V Post vide Zai Ismailan PTC left the service
04	Wakil Khan S/O Fida Muhammad	F.Sc	Gul Samand BZK LKI.	A/V Post vide Jehangier PTC left the service
05	Abdur Raziq S/O Danaya Gul	SSC	BGS Khan Afzal Killa Bakhti Mela	A.V Post vide Ashraf Jan PTC resigned.
06	Sher Alam S/O Sherza Khan	SSC	BGS Shughala Din Haider Kandow Tirah Bara	Against vacant pos.
07	Farman Ali S/O Sahib Jan	SSC	.do.	.do.
08	Ghulam Nabi S/O Lahgar Jan	SSC	BGS Noorhan Shah Zaidin Sarkat Kandow	.do.
09	Said Rehman S/O Ulas Khan	SSC	.do.	.do.
10	Gulab Sher S/O Doulat Khan	SSC	BGS Haji Saikat Too, Khel Wochy Wenay	A.V Post vide Abdul Nawaz PTC of the service
11	Munir Khan S/O Khilga Jan	FA	BGS Jinnah Gul Killa Stori Khel Bara	Against vacant Post
12	Sarif Sah S/O Pasham Gul	SSC	BGS Jinnahz Killa BZK	Against vacant post
13	Muhammad Afzal S/O	SSC	BGS Sharif Killa Killa Jinnahz Khel Tirah	.do.
14	Ayub Khan Samal Jan S/O	SSC	.do.	.do.
15	Sial Khan Muhammad Ayaz S/O	SSC	BGS Murad Khan Stor, Khel	.do.
16	Sherzad Mir Niaz Ali S/O	SSC	.do.	.do.
17	Alam Khan Khan Malak	SSC	BGS Redd: Amir Jan Qila Tirah	.do.
18	Farhad Khan S/O Saikat Khan	SSC	.do.	.do.

B-9

NOTE

1. They employees shall serve the Govt. as communal school teachers from the date of assumption of charge.
2. They shall devote their whole time to their duties as communal school teachers.
3. They shall submit themselves to the lawful orders of the Govt. Officers.
4. They shall motivate the parents to send their children to school.
5. These posting will be not be transferable, however local teachers preferably trained can be adjusted against regular Posts on case-to-case basis.
6. They shall produce Health and Age certificate from Agency Surgeon concerned.  
Their Original Education Qualifications date of birth and Domestic certificate should be checked before handing over charge of the school.

Encls: No 2887-93 /Appnt/PT/CH/S Date: 02/6/2003

Copy forwarded for information to the

- 1 Additional Secretary Govt. of NWFP
- 2 Director of Education FATA NWFP Pesh.
- 3 Political Agent Khyber Pakhtunkhwa
- 4 Agency Accounts officer Govt. of NWFP
- 5 Asst. Political Agent FATA Khyber Agency
- 6 S.A.F. (Coordinator) FATA P.I. & D.I. Govt. of NWFP Peshawar
- 7 Accountant Local Office
- 8 AAEO (Lat) Local office
- 9 Candidates concerned.

~~AGENCY EDUCATION OFFICER~~  
~~AGENCY EDUCATION OFFICER~~  
 16/11/03

N. Hayat

## 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	Posted 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 Ghara 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 Tandil 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 Shakirullah Killi Sepah	GPS Hukam Khan Kili Bara Khyber Agency.	--do--
10	Shah Muhammad S/o Shah Badeen 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.

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 G.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 3300-324 /Estab:/C-6/Vol-III/Khy.

Dated Jamrud the 11/17/2009

Copy of the above is forwarded to the:-

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 Kotal
5. Principal/Headmasters concerned.
6. EMIS Computer cell local office.
7. Candidates concerned.

AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

P.No. 473537 D-11

0	1	11	12	13 Leave		14	15	
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or reward or praise of the Government Servant
					Period	Government to which debtible		

TR No 1868 dated 19/10/16  
upgraded to BPS 12 w.e. 7-1-17

As= 103333/2

Signature of the head of the office or other attesting officer

shah Mohammad

do hereby give an undertaking to the effect that if any over payment is made to me for the BPS of grade of BPS-12 w.e. 1-12-12 I shall be bound to repay the same to the Government

Designation P.S.T.

Signature

Agency Education Officer  
Khyber Agency at Jamrud

Ungraded (Payroll)  
Mid. Enst. No. 922  
20072/16 Dibr. of  
(Pata) Enst. NO. 02  
Enst. No. 772 w.e. 7-1-7-12  
From BPS 09 to BPS-12  
A.E. Officer Agency

Agency Education Officer  
Khyber Agency at Jamrud



Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

(12)

1. Name: Shah Muhammad

2. Race: Bar Bamber Icheh

3. Residence: Village Qaindai Panel Icheh Bamber Icheh  
Tehsil Bara Wlyber Agency

4. Father's name and residence: Shah Badin

5. Date of birth by Christian era as nearly as can be ascertained: 8-1-1985  
Eighth January N-H Eighty Five

6. Exact height by measurement: 5-<sup>2</sup>/<sub>4</sub>

7. Personal marks for identification: Scar on Lt hand

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:



Ring Finger:



Middle Finger:




Fore Finger:



Thumb:



Signature of Government Servant: Shah Maed

9. Signature and designation of the Head of the Office, or other Attesting Officer:  
  
12/8

④ Passed B.Ed Examination  
 from Allama Iqbal Open  
 University Islamabad under  
 Roll No. AF 618017 session Final  
 semester Aut: 2010, marks obt:  
 554/900, vide verification letter  
 No. F-1-5/verif/8956 dt: 10-12-11,  
 Result declared on 18-07-2011

Passed the C.T. Examination  
 Under Roll No. 656588 marks 604/900  
 From A-I-O-U-Islamabad  
 Result declared on 16-11-

⑬ Agency Education Officer,  
 Khyber Agency, at Jamrud  
 received back

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_

Agency Education Officer  
 Khyber Agency, at Jamrud

Left Thumb Impression

① Passed SSC Examination  
 from B-I-S-E Peshawar under  
 Roll No. 38758 mark Date

② Passed FA exam. from B  
 Peshawar, under Roll No. 383  
 73134, session 2004, Mar  
 obt: 535/1100 in 2nd division  
 Result declared on 31-07-2004

Obtained 448 out of 850.  
 English

First Arts  
 Agency Education Officer  
 Khyber Agency, at Jamrud

Pushto

B.L. or B.A.

Urdu

⑤ Passed BA examination  
 Pledgeship examination  
 from University of Peshawar  
 Under Roll No. 26148,  
 session A/2008, marks  
 obt: 271/550, Result  
 declared on 11-10-2008  
 Other qualifications

Plan-drawing

Finger Print

⑧ Passed PTC Examination from  
 A-I-O-U Islamabad  
 Drill Instructing  
 under Roll No. 6601514  
 registration No. 04AKR0089  
 marks obtained 573/900  
 Result declared on 9/11/2006  
 Reserve Duties

Agency Education Officer  
 Khyber Agency, at Jamrud

Agency Education Officer  
 Khyber Agency, at Jamrud

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, 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	Signature of Government Servant
BIC dat		B-7 = Rs = 2220-120-5820				14	
BES Haji Muhammed tillu			Rs = 2220/PM	Fixed		4 <sup>6</sup> / <sub>04</sub>	Shah Mead
							Shah Mead
							Shah Mead
			Rs = 2220/PM			1 <sup>12</sup> / <sub>04</sub>	Shah Mead
		B = 7 Rs = 2555-140-6755					Shah Mead
			Rs = 2555/PM			1 <sup>7</sup> / <sub>05</sub>	Shah Mead
			Rs = 2555/PM			1 <sup>12</sup> / <sub>05</sub>	Shah Mead
			Rs = 2555/PM			1 <sup>12</sup> / <sub>06</sub>	Shah Mead
		BPS, NO. 7 (Rs. 2940-160-7740)					Shah Mead
do			Rs. 2940/-			1 <sup>7</sup> / <sub>2007</sub>	Shah Mead
do			Rs. 2940/-			1 <sup>12</sup> / <sub>2007</sub>	Shah Mead
		BPS: No. 7 (Rs. 3530-190-9230)					
do			Rs: 3530/-			1 <sup>7</sup> / <sub>2008</sub>	Shah Mead
do			Rs, 3530/-			1 <sup>12</sup> / <sub>2008</sub>	Shah Mead

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave Nature and duration of leave taken Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		14 Signature of the head of the office or other attesting officer	15 Reference to any record of punishment or measure of reward or praise of the Government Servant
				Period	Government to which debitable		
Agency Education Officer Khyber Agency at Jamrud	30 <sup>11</sup> / <sub>04</sub>	A/mc NIL			Appointed against PTE post at BCS Haji Muhammad Killa Turah Maldan in BPS No-7RS-2220/PM Fixed plus usual allowance on contract basis for the three years for the project vide AEO Khyber No. 2887-93 dated 2-6-2004.		
	30 <sup>6</sup> / <sub>05</sub>	R/pay				Agency Education Officer Khyber Agency at Jamrud	
	30 <sup>11</sup> / <sub>05</sub>	A/mc NIL					
	30 <sup>11</sup> / <sub>06</sub>	A/mc NIL			SERVICES VERIFIED. From 4-6-04 To 30-11-2006 From the Pay Bill & other record of this office.		
	30 <sup>6</sup> / <sub>2007</sub>	Revisio off pay		A.E.O. Khyber.		Agency Education Officer, Khyber Agency at Jamrud.	
A.E.O. Khyber.	30 <sup>11</sup> / <sub>2007</sub>	Mid. NIL		A.E.O. Khyber.	SERVICES VERIFIED From 1-12-06 TO 30-11-2008 From the Pay Bill & other record of this Office.		
	30 <sup>6</sup> / <sub>2008</sub>	Revisio off pay		A.E.O. Khyber.			
	30 <sup>11</sup> / <sub>2008</sub>	Mid. NIL			Agency Education Officer Khyber Agency at Jamrud		
A.E.O. Khyber.	30 <sup>8</sup> / <sub>2009</sub>	Adjustment Appointed against Reguldr PTE Post.		A.E.O. Khyber.	Appointed/Adjusted against regular PTE post in BPS No-7 vide AEO Khyber No-2220-32441/09		

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, 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	Signature of Government Servant
P.T.C. post G.P.S. Manual B.S. Mela Bara Mukh Hydr Agency.		BPS No. 7 (Rs = 3530 - 190 - 9230)	Rs. 3530/-			09 1 <sup>09</sup> / <sub>2009</sub>	Shah Medd
do -			Rs. 3530/-			1 <sup>12</sup> / <sub>2009</sub>	Shah Medd
		Revised BPS No. 9 (Rs. 3820 - 230 - 10730)					Shah Medd
do -			Rs. 3820/-			1 <sup>9</sup> / <sub>2009</sub>	Shah Medd
do -			Rs. 3820/-			1 <sup>12</sup> / <sub>2009</sub>	Shah Medd
do -			Rs. 4050/-			1 <sup>12</sup> / <sub>2010</sub>	Shah Medd
do -			Rs. 4050/-			1 <sup>12</sup> / <sub>2010</sub>	Shah Medd
		Revised BPS No. 9 (Rs. 2900 - 290 - 1750)					Shah Medd
do -			Rs. 6580/- P.M			1 <sup>7</sup> / <sub>2011</sub>	Shah Medd

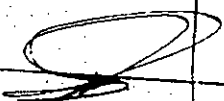


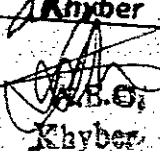
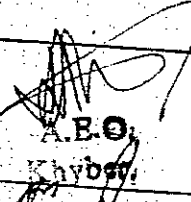
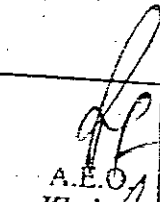

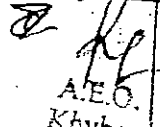
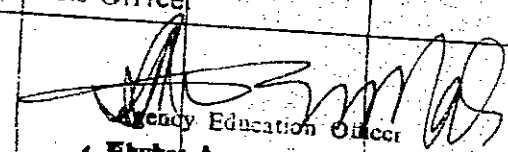
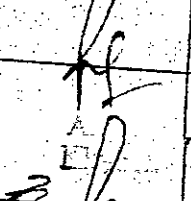
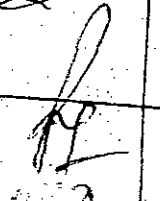
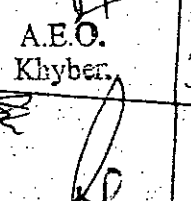
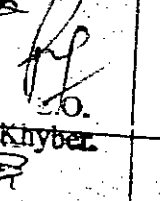
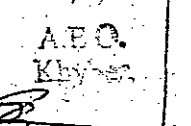
9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
A.E.O. Khyber	Allowed BPS-NO-9 on passing the FA exam w.e.f 01-09-2009	1-9-2009	A.E.O. Khyber		Period Government to which debit to		
A.E.O. Khyber	30-11-2009	Nil	A.E.O. Khyber		Pay drawn up to 29-11-2009		2009
A.E.O. Khyber	30-11-2009	Nil	A.E.O. Khyber		due to appointed from Commission to Regular Post	Agency Accounts Officer Khyber	
A.E.O. Khyber	30-11-2009	Nil	A.E.O. Khyber		SERVICES VERIFIED From 1-12-2008 TO 30-11-2009		
A.E.O. Khyber	30-11-2010	A/19/10/11	A.E.O. Khyber		From the Pay Bill & other record of this Office	Agency Education Officer Khyber Agency at Jamrud	
	THAT THIS IS A COPY OF THE ORIGINAL RECORD						
	of the original record						
	29-11-2009	7-11-2009					
A.E.O. Khyber	30-6-2011	R/Pay	A.E.O. Khyber		Allowed BPS-NO-9 on passing the FA exam. In the light of Govt's notification No. FD (PRC)-89 dated 7-8-1991, vide this office A.E.O. Endt No. 3506-8 dated 7-6-2010, w.e.f 01-09-2009.	Agency Education Officer Khyber Agency at Jamrud.	
A.E.O. Khyber	30-11-2011	MOR	A.E.O. Khyber		SERVICES VERIFIED From 01-07-09 TO 30-11-2009		
					From the Pay Bill & other record of this Office	Agency Education Officer Khyber Agency at Jamrud.	

Agency Education Officer Khyber Agency at Jamrud

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary.	If officiating, 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 tailing under the term "Pay"	Date of Appointment	Signature of Government Servant
PTC Post Lipsi Mand Mela Bora		3745/ND-09 (200-38-17600)					
			Rs. 6960/-			1 <sup>12</sup> / <sub>2011</sub>	Shah Meed
			Rs 7340/-				
			Rs (3740)			1 <sup>12</sup> / <sub>2012</sub>	Shah Meed
MS: 700K Dherel			Rs 27720/-			1 <sup>12</sup> / <sub>2013</sub>	Shah Meed
			Rs (4120)				
			Rs 28100/-			1 <sup>12</sup> / <sub>14</sub>	Shah Meed
		BB09 (2015-495-22265)					
			Rs = 10490/-			1 <sup>7</sup> / <sub>15</sub>	Shah Meed
			Rs = 10985/-			1 <sup>12</sup> / <sub>15</sub>	Shah Meed
		Relis BB09 (9960-610-22265)					
			Rs = 13520/-			1 <sup>7</sup> / <sub>16</sub>	Shah Meed

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Bc  
ML  
t

A.E.  
Khyber  
A.E.  
Khyber  
A.E.  
Khyber

9	10	11		13 Leave		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Remarks in any provided punishment or reward or praise (the Government Servant
					Period	Government to which debitable	
 A.E.O. Khyber	30-11-2012	1/2	 A.E.O. Khyber		SERVICE VERIFIED From 1-12-2011 To 30-11-2012 from the Pay Bill & other records of this Office.		
 A.E.O. Khyber	30-11-2013	1/2	 A.E.O. Khyber				
 A.E.O. Khyber	30-11-2014		 A.E.O. Khyber		SERVICES VERIFIED From 1-12-2012 TO 30-11-2013 From the Pay Bill & other records of this Office.		
 A.E.O. Khyber	30-6-2015		 A.E.O. Khyber		 Agency Education Officer Khyber Agency. at Jamrud		
 A.E.O. Khyber	30-11-2015		 A.E.O. Khyber				
 A.E.O. Khyber	30-6-2016		 A.E.O. Khyber				
 A.E.O. Khyber							





To

E-18

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

**Subject: DEPARTMENTAL APPEAL FOR FIXATION OF PAY w.e.f  
02-06-2004 TILL 11.07.2009**

**Respected Sir,**

With due respect it is stated that I was initially appointed before your good self Department vide order dated 02.06.2004 as PST (BPS-07) on contract basis at boy's community school Haji Muhammad Khan Killi, 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 GPS Benay Arbab Killi, Dara, District Khyber vide order dated 11/07/2009 and till then I am performing my duty with all zeal and zest. Respected Sir, the previous service i.e. w.e.f. 02.06.2004 till my regularization has not been counted. That I am fully entitle for pay fixation for the period w.e.f. 02.06.2004 till 11.07.2009 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. 02.06.2004 till 11.07.2009 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 02.06.2004 till 11.07.2009.

**Dated: 26.06.2019.**

Your Obediently  
*Shah Muhammad*

**SHAH MUHAMMAD**

PST GPS Benay Arbab Killi, Dara  
District Khyber

① - ②  
F-19

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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ATTESTED

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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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**ATTESTED**

*Attested*  
[Signature]

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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

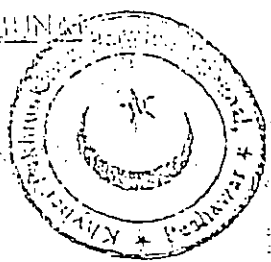
ATTESTED



Amended

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PROVINCIAL HEALTH SERVICES TRIBUNAL  
PESHAWAR



SERVICE APPEAL NO. 18/2009

Date of institution 23.02.2009  
Date of decision 02.07.2010

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

(Appellant)

VERSUS

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

APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNALS 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. Saqar Ahmad Sethi, Advocate  
Mr. Ghisr Afgan Khattak,  
Addl. Advocate General.

For appellant

Mr. Mian Mahmood Khattak,  
Mr. Gour Ali Khan

For respondents

Member  
Member

JUDGMENT

MR. MIAN MAHMOOD KHATTAK, MEMBER:-

According to the

contentions 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 in Family Health Project Kohat vide order dated 19.7.1999. At that  
time number of other employees were appointed on regular basis but the

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... was discriminated. Respondent No.1 vide letter dated 21.01.2008  
 ... of the Respondent employee, namely Sahib-ur-Rafman 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.4 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 this  
 ... 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  
 ... 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 refused to  
 ... of the appellant and stated that the case of the appellant is different from  
 ... case of other employees and that he was appointed in Family Health project  
 ... 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  
 ... Rs.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  
 ... not entitled to the relief claimed by him.

Arguments heard and resolved pursuant to

**ATTESTED**

*Attested*

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In doubt, the appellant was appointed as Driver in the Family Health Project on 06.12.1998 but before winding up of the Project on 31.12.1999, he was appointed as Driver in Ghulam School Kohat, 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 transferred to HPS-1 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 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 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 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  
08/07/2010

(GEOOR ALI KHAN)  
MEMBER

(GULFAN MEHMOOD KHATAK)  
MEMBER

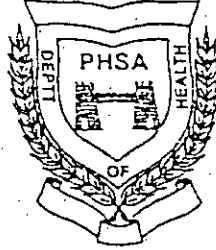
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*[Signature]*

Certified true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**ATTESTED**  
*[Signature]*



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	<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
---	--

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.

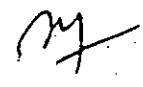
Name	Designation	Date of appointment
Mr. Mian Siraj	Driver	06/12/1994

-sd-  
DIRECTOR

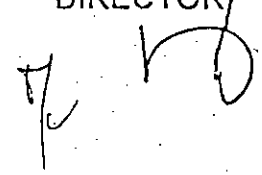
F/No. 215/PHSA/Admn/Appointment/2012-13/5517-20 Dated . 16/07/2012

- 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



**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Shah Muhammad

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Shah Muhammad

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

Shah Muhammad

**CLIENT**

ACCEPTED

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**&**

M. Zaman Safi  
**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...1391/2019

SHAH MUHAMMAD.....Appellant

**Versus**

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

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

**Appeal No...1391/2019**

SHAH MUHAMMAD.....Appellant

**Versus**

The Director E&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  
NMD Khyber

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

**Appeal No...1391/2019**

SHAH MUHAMMAD .....Appellant

**Versus**

The Director E&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. 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	Posted at	Remarks
01	Hafeezullah Amin S/o Zan Jan BCS Said Rasan Kili Khyber Teerah.	GPS Alladhand Bara Khyber Agency.	Against vacant PTC post
02	Muhammad Ashfaq s/o Haji Sikandar Khan	GPS Kaga Ghara 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 Sahz Ali Khan	GPS Tandil 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 Shakirullah Killi Sepah	GPS Hukam Khan Kili Bara Khyber Agency.	--do--
10	Shah Muhammad S/o Shah 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 Stoni Khel Almas Kili Bara Khyber Agency.	--do--
13	Rahim Shah S/o Khial Badshah	GPS Stoni 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



Answer - 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 G.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 3350-3324/Estab/C-6/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 Kotal
5. Principal/Headmasters concerned.
6. EMIS Computer cell local office.
7. Candidates concerned.



AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

3350-3324/Estab/C-6/Vol-III/Khy. - 11-7-2009

JUDGMENT SHEET

PESHAWAR HIGH COURT, PESHAWAR  
(Judicial Department)

W.P. No. 4597-P/2018 alongwith  
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, AAG.

\*\*\*

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 pensionary benefits, against which the

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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."*

*(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*

o — (he)

*Ahmed Malik vs Administrator, Municipal Corporation Bahawalpur, 2004 SCMR 1602, Supreme Court* titled *Muhammad Saifdar Abbasi vs Aamir Yar Malik, 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 Waheed.*

4. In view of the above, this petition has no force, which is hereby dismissed.

Announced.  
Dt: 30.10.2019

*[Signature]*  
JUDGE  
*[Signature]*  
JUDGE