### FORM OF ORDER SHEETHING A LOOK by THE RELATION

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## Appeal No. 2153 /2023

A. 64.2023

S.No.	Date of order proceedings	Order or other proceedings with signature of Judge
1	2	3 Section 2.1. Section 2.1. Section 2.1. Section 2.1.
1.	23/10/2023	The instant appeal presented today by Mr. Khaled
		Rehman Advocate. It is fixed for preliminary hearing before
		Single Bench at Peshawar on Parcha Peshai is
		given to the counsel for the appellant.

·By the order of Chairman

REGISTRAR

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 3/2023

Raj Muhammad	Appellant
Versus	••
The Govt. of KPK and others	Respondent

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Through

Appellant

Khaled Rahman

Advocate, Supreme Court

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Muhammad Amin Ayub

Muhammad Ghazanfar Ali

Muhammad Ghazanfar Advocates, High Court 4-B, Haroon Mansion Khyber Bazar, Peshawar Off: Tel: 091-2592458

Dated: \_\_/08/2023

### BEFORE THE KHYBÉR PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 2023 /2023

Raj Muhammad,

SPST GPS Kotkai, Tirah, Bara, District Khyber.....

Appellan

#### Versus

1. The Govt. of Khyber Pakhtunkhwa

through Secretary, Elementary & Secondary Education, Civil Secretariat, Peshawar.

2. The Director,

Elementary & Secondary Education, Khyber Pakhtunkhwa.

3. The District Education Officer (Male),

District Khyber at Jamrud.....

Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 29.08.2018 WHEREBY DEPARTMENTAL REPRESENTATION OF THE APPELLANT DATED 22.03.2017 FOR COUNTING OF HIS PREVIOUS SERVICE FOR THE PURPOSE OF PENSION, INCREMENTS, PAY PROTECTION ETC. WAS UNLAWFULLY REGRETTED.

### PRAYER:

On acceptance of the instant appeal, the impugned order dated 29.08.2018 may kindly be set aside and Respondents be directed to act in the matter in accordance with law and to count the previous service of the appellant for the purpose of pension, increments, pay protection etc. with all back benefits.

#### Respectfully Sheweth,

### Facts giving rise to the present writ position are as under-

- 1. That way back in 1998, the Govt. of Pakistan launched a Project i.e. *Opening Community Schools* in FATA under the Annual Development Program. Since then till 20.10.2010 as many as 956 Community Schools were opened throughout ex-FATA wherein 1912 teachers at the ratio of 02 teachers/per School were appointed. The appellant being eligible was also appointed as Primary School Teacher BPS-7 vide order dated 08.01.2004 (Annex:-A) after observing all the codal formalities.
- 2. That after appointment of the appellant, he performed his duty to the entire satisfaction of high-ups inspite of the meager salaries and during his stint no complaint whatsoever was voiced against him from any quarter. Moreover, the Department also prepared proper Service Book (Annex;-B) wherein all the necessary entries were made from time to time including Annual Increments.

- 3. That during 2009, the ex-FATA in particular and the adjoining settled areas in general were immersed in devastating terrorism at the hands of miscreants. Many Schools in the ex-FATA were blown up and people at the area became IDPs as immediately thereafter military operation was launched in the area. Many Community Schools became non-functional and thus were closed down and the teachers therein were directed to be issued Notices of one month as is evident from the letter dated 15.11.2010 (Annex:-C). Similarly, rumors erupted in the area that many Community Schools are ghost Schools without any physical presence. In view of the situation ibid, all Agency Education Officers were directed vide letter dated 13.12.2010 (Annex;-D) to terminate the services of all teaching and non-teaching staff of the Community Schools irrespective of the fact whether the Schools were functional or nonfunctional.
- 4. That after a few days; thereafter, scrutiny of the working Community Schools was started vide circular letter dated 12.01.2011 (Annex;-E) whereby it was decided to carry out meaningful scrutiny/verification of Community Schools all over ex-FATA. The Committees were constituted under the Chairmanship of Political Agent/ Additional Political Agent with Members comprising of Representative of LEA, Agency Education Officer and Member from the teaching community. Fixed timeline was given for the entire verification process. The TORs of the Committee were to ascertain the functional Schools, to physically verify the enrolment of students in those Schools and to physically check the presence of teachers.
- 5. That granted that some Community Schools were non-functional but instead of closing down same, the entire Community Schools were closed down and all the teaching/non-teaching staff was laid off indiscriminately. Thus the Community School Teachers who regularly performed their duties and whose Schools were never non-functional like appellant and others, agitated the matter before the high-ups. A large number of teachers staged a sit-in before the National Assembly at Islamabad for several months. Similarly, the local elders of ex-FATA also raised the issue of closing down Schools in their areas adversely affecting their kids without any just reasons. However, the matter was delayed inspite of the timeline given in the letter ibid.
- 6. That finally the Scrutiny Committees completed the process of verification and made recommendations for re-opening of the Schools. In pursuance of the recommendations ibid, out of 956, 742 functional Community Schools were reopened. Consequently, the ex-FATA Secretariat vide letter dated 12.09.2011 (Annex;-F) directed all the Agency Education Officers to re-appoint those Community School Teachers who were working in the operational Community Schools but closed on 31.12.2010 without any fresh recruitment process. Later on another circular dated 06.10.2011 (Annex;-G) was also issued by the Directorate of Education FATA Secretariat. Re-appointment order of the appellant was accordingly issued vide dated 28.10.2011 (Annex;-H). It will not be out of place to mention that the Department was required to have first carried out verification process and then to close down the non-functional Schools and terminate the teachers therein.
- That the issue of Community School Teachers was also debated in the Standing Committee of the National Assembly on SAFRON held on 21.12.2011 (Minutes Annex;-I) wherein in Para

No.10, the Committee raised concern over the plight of Community School Teachers and directions were made to <u>regularize their services including their past service and grant of graded pay to them.</u> Similarly, the Senate Standing Committee on SAFRON also discussed the issue in its meeting held on 09.03.2012 (Minutes *Annex*;-J) and directed for solving the problem of their dues and regularization. In the meanwhile, a Summary (*Annex*;-K) was also processed for the approval of the Governor Khyber Pakhtunkhwa for regularization of Community School Teachers which was approved on 30.04.2012 and duly notified vide Notification dated 11.05.2012 (*Annex*;-L) with the following directions:-

- 1. The available regular vacant PST (BS-7) posts in the Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective Agencies/FRs.
- The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PST (BS-7) after adjustment of local qualified teachers.
- 3. The services of the un-qualified teachers shall be dispensed with.
- 4. The Community Schools whose teachers are appointed and shifted to other Schools against regular posts, would be closed down.
- 5. The respective Community Schools students would be shifted to nearby regular schools and no further recruitment of Community School teachers will be made.
- 8. That thereafter in the light of the Policy ibid, subsequent letters dated 02.09.2013, 29.10.2013 (Annex;-M), regularization process started and the Community School Teachers were appointed from time to time against the regular sanctioned posts. The appellant was also regularized/adjusted vide order dated 11.06.2013 (Annex;-N). However, after regular appointment fresh Service Book (Annex;-O) was prepared wherein the relevant entries were made.
- 9. That since the previous long continuous service of the appellant was altogether ignored without any just and legal cause resulting into loss to the appellant, therefore, he preferred a Departmental Appeal (Annex;-P) to the Director Education FATA which was processed and accordingly referred to an Appellate Committee for recommendations. The appeal was however, rejected on the recommendations of the Appellate Committee and communicated to the appellant vide impugned order dated 29.08.2018 (Annex;-Q).
- 10. That the appellant and his other colleagues being aggrieved of the impugned order ibid, filed Writ Petition No.4597-P/2018 (Annex;-R) on 17.09.2018 before the Peshawar High Court, Peshawar which remained pending for about four long years and vide Judgment dated 03.11.2022 (Annex;-S) the Writ Petition was disposed of with the following directions:-.
  - "6. Accordingly, by now the Petitioners have acquired the status of civil servants and the relief claimed through the instant petition relates to enforcement of their terms and conditions of service. This Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 has no jurisdiction to interfere in the matter. However, this case is pending before this Court since 2018, therefore, instead of dismissing

this petition on question of jurisdiction, this petition be transmitted to worthy Khyber Pakhtunkhwa Service Tribunal for adjudication on merit. Copy of this petition be retained in office while the original file along with the annexure be sent to the worthy Tribunal."

11. That appellant being aggrieved of the impugned order dated 29.08.2018, files the instant Service Appeal inter-alia on the following grounds:-

#### **GROUNDS:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully refused to count the previous service of the appellant for the purpose of pension, increments, pay protection etc. which is unjust, unfair and hence not sustainable in the eye of law.
- B. That under Rule 2.3 of the pension Rules 1963 "temporary and officiating Service followed by confirmation counts for pension." Interestingly under Rule 2.5 of the Rules ibid ½ of the period of apprenticeship, qualify for pension. Likewise period of training, leave, Deputation, suspension for pension as per ibid Rules 2.6, 2.7, 2.9, 2.10. The same issue has been decided by the Peshawar High Court in numerous Judgments with direction to Respondents to pay pension to the families of deceased civil servants while for the retired employees whose cases were referred to the Department for extending the same relief to them. Thus the appellant is also entitled for the same relief under the law of consistency and equality before law. Moreover, the Government of Khyber Pakhtunkhwa Finance Department by means of Notification dated 22.05.2019 has taken decision in light of Judgments passed by this Peshawar High Court in identical cases.
- C. That this Tribunal has also rendered judgements in numerous service appeals filed by similarly placed community school teachers claiming the same benefits and the Tribunal has allowed those appeals and granted the same relief to those community school teachers, therefore, appellant is also entitled for the same relief under the law laid down by the Tribunal. There are also judgments on the same subject-matter delivered by the Hon'ble Supreme Court of Pakistan.
- D. That in 1990s the Provincial Govt. had formulated the policy of appointing untrained teachers due to non-availability of trained teachers on fixed pay basis and later on would allow graded pay on acquiring the requisite qualification. The untrained period of service was subsequently counted for the purpose annual increments vide circular dated 30.10.2009 (Annex;-T). Thus the fixed pay service has to be considered for the purpose of annual increments and consequently countable towards pension as done in the case of large number of other teachers.
- E. That there is no service break from the date of initial appointment till date with the slight break which was due to the inadvertence on the part of the Respondents because the Community School of the appellant was never non-functional. However, mistakenly the same was closed down on 31.12.2010 but immediately thereafter the survey was started on

12.01.2011 and it was clarified that the School of the appellant was functional and therefore, the appellant was restored to his service on 28.10.2011 without fresh process of recruitment. Thus the appellant has at his credit more than 20 year service which is pensionable under the law.

- F. That appellant has served the Department since date of his initial appointment with full dedication and is entitled for the pensionary benefits under the law but then Respondents have unlawfully refused the same to the appellant which is unlawful, arbitrary and hence not maintainable under the law.
- G. That the case of appellant which is identical in nature with those cases where similarly employees have been extended the same benefit by the Tribunal as well as High Court and Supreme Court of Pakistan, therefore, the appellant is also entitled to the same relief as per the judgments in the cases of "Hameed Akhtar Niazi ...Vs...The Secretary Establishment Division, Government of Pakistan and others" reported in 1996 SCMR 1185 and in the case of "Tara Chand and others...Vs... Karachi Water and Sewerage Board, Karachi and others" reported in 2005 SCMR 499 and another Judgment reported in 2009 SCMR 1 & 2022 PLC (CS) 610 (SC) wherein it has been laid down that when a Tribunal or Court decides a point of law relating to the terms of service of a civil servant which covered not only the case of the civil servants who litigated, but also of other civil servants, who might have not taken any legal proceedings, the dictates of justice and rules of good governance demand that the benefits of the decision be extended to the other civil servants, who might not be parties to the litigation instead of compelling them to approach the Tribunal or any other forum.
- H. That appellant would like to offer some other additional grounds during the course of arguments when the stance of the Respondents is known to the appellant.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.

Through

Appenant (

Khaled Rahman Advocate, Supreme Court

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Muhammad Amin Ayub,

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Muhammad Ghazanfar Ali Advocates, High Court

Dated: • /08/2023

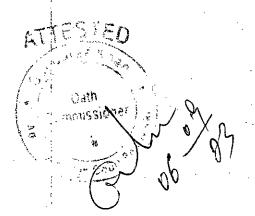
### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service .	Apı	peal	No.		/2023

Raj Muhammad			Annellant
	Versus		·
The Govt. of KPK and	others	·	Respondents

### <u>AFFIDAVIT</u>

I, Raj Muhammad S/o Zahir Shah, SPST GPS Kotkai, Tirah, Bara, District Khyber, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.



## OFFICE OF THE AGENCY EDUCATION OFFICER

### <u>APPOINTMENT ORDER</u>

Consequent upon the recommendation of Political Administration & approval by the Director of Education FATA (NWFP) Peshawar, the following candidates are hereby appointed against the project post of PTC in BPS No. 7 for the project period of three years (03) at Boys Communal Schools in inaccessible area of Bara/Landi Kotal Khyber Agency against newly created posts with effect from the date of taking in the schools noted against each:

S.No.	Name/Father Name	Qulf:	Name of School	Remarks
1	Muhammad Seyar S/o Litab Gul	FA	BCS Shin Qamar Bara Tirah	From the date of taking over charge
2	Sutlan Shah S/o Adil Shah	SSC	-do-	-do-
3	Ishaq Khan S/o Said Wali Shah	SSC	BCS Wali Muhd: Killi	-do-
4	Muhammad Israr S/o Said Wali Shah	SSC	BCS Rt: Sub: Bacha Ugda Dara L/Shilm	-do-
<sup>5</sup> V	Raj Muhammad S/o Zahil Shah	SSC	BCS Sub yar Hamza Tandi Tirah Miri Khel	From 01-03-2004 after winter vacation
6 V	Gul Zaman S/o Sroof Khel	SSC	-do-	-do-
7	Hafizullah Amin S/o Zari Jan	SSC.	BCS Ktrnpur Tirah Bara	-do-

#### Note:

- 1. The employee shall serve the Govt: as communal schools teachers from the date of assumption of
- They shall devote his whole time to their duties as communal school teacher. 2.
- They shall submit himself to the lawful orders of the Govt: officers: 3.
- They shall motivate the parents to send their children to school. 4.
- These posting will not be transferable, however; local teachers preferably trained can be adjusted 5. against regular posts on case to case basis.
- They shall produce Health and Age certificate from the Agency Surgeon concerned. 6.
- Their original Education Qualification, date of birth and Domicile certificate should be checked 7. before handed over charge of the school/office. 8.
- If they fails to report within 15 days the order will be treated as cancelled.
- 9. Charge report should be submitted to all concerned.
- They will not be handed to over the charge if they are blow 18 years and above 33 years of age. 10.

(SAYED RAZI SHAH KAZMI) AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD

### Endst No. 777-84/Apptt:/PTC/Khy

Dated Jamrud the 08/01/2004

Copy forwarded for information to the:

- Additional Secretary Governor's Govt: of NWFP Peshawar. 1.
- Director of Education FATA, N.W.F.P, Peshawar. 2.
- Political Agent Khyber at Peshawar. 3.
- Agency Accounts Officer at Peshawar. 4.
- Asstt: Political Agency Bara Khyber Agency. 5.
- S.A.P (Coordination)/ATA/PE&D Department Govt. of NWFP, Peshawar. 6.
- 7. Accountant Leoal Office.
- 8. AAEO (Male) Local Office.
- 9. Candidates concerned.

AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD

Consequent upon the recommendation of Political Administration & Approval by the DE(FATA) NWPP, Poshawar the following candidates are hereby appointed against the project post of PTC in BLS No 7.PM fixed florthe project period of three years (0.3) at Boys Communal School in John Baral Landl kotal Khyber Agency ngainst newly created posts with effect from the date of taking in the schools noted against each:> ·

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J	Said Wafi Shale		la Shaman
()4.	Muhammad Israr S/O	SSC	BC.s. RuSub Bucha
	Said Wali Shah.		
103	Raj Muhammad S/O	SSC	Urda Dara I /Sililini,
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These posting will not be transferable, however local teachers preferably trained can be adjusted against regular posts on case-to-case basis.

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10. The will not be handed over the charge if they are below 18-years and above 33years of aige.

> (SAYED RAZI SHAH KAZIM AGENCY EDUCAION OF LICER KHYBER ADENCY AT JAMRUD

Undst; NR 77-84/Appu/GCS/Kliv Duted Jamifud the 8 /01/2004 Copy forwarded for information to the;

Additional Secretary difference's Secretarial Govt; of NWIP Peshawar.

- Director of Education PATA NWIP Perhawar. -

Political Agent Khyber at Feshavvar.

Agency Accounts Officer Khyber at Peshawar.

5. Assit Political Agent Bata Khyber Agney.

S.A.P. (coordinator) FATA PE&D Department Govt; of NWFP Peshawar.

7. Accountant local office.

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Memo:

All the Agency Education Officers In FATA...

### Closure of Non functional Community Schools in FAT.

The Community Schools in some areas i.e Bara Tehsil of Khyper Agency, Baizai Tehsil in Mohmand Agency, Shawai Area of NWA, Mahsood Area of SWA, some pockets in Bajaur and Orakzai Agencies, and FR Kohat/Peshawar were closed and teachers of these closed Community Schools get their salaries at homes without performing their duties, which is a huge burden on Govi exchequer and development budget. It has therefore been decided by the Competent Authority to close the Community Schools and terminate the services of Community Schools teacher/class IV working in these schools with one month notice under intimation to this office.

I am therefore directed to request you to immediately issue notices to teaching/non teaching staff of the non functional Community Schools in the closed areas on OR before 30.11.2010 for termination of their services w.e.f., 31.12.2010 and report compliance to this office.

Dy: Director (P&M)

- L. All Political Agents in FATA.
- DCO Peshawar, Kohat, Lakki, Bennu, Tenk, D.I.Khan
- FS to Additional Chief Secretary FATA
- 4. PS to Secretary A&C FATA
- 5. PS to Secretary Finance FATA
- 6. PS to Secretary P&D FATA.
- 7. PA to Director Education, FATA

Dy: Director (P.S.M)



### FATA SECRETARIAT DIRECTORATE OF EDUCATION

WARSAK ROAD PESHAWAR, PAKISTAN PHONE 091-9210166 FAX 091-9210216

No. 88-37 Dated. 13/12/2010

All the Agency Education Officer

oin FATA

CLOSURE OF ALL COMMUNITY SCHOOLS IN FATA W.E.F.

21.12.2010

Memo.

Subject:

I am directed to convey the policy of decision of the competent authority on the above noted subject and to ask to close all the community schools in FATA w.e.f 31.12.2010, the teachers and class-IV working in these schools should be given a notice to the effect that their services will be dispensed with 31.12.2010. however they may be given preference in recruitment against regular posts be given experience marks for his service rendered in community schools as per policy. The regular vacant posts be advertised immediately and recruitment process completed as per prescribed procedure on priority.

-sd-

Deputy Director (P&M)

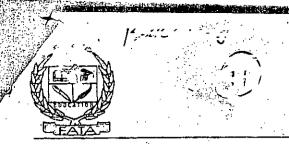
Endst. No. 8888-89

- 1. Additional Chief Secretary FATA.
- 2. Secretary Governor Khyber Pakhtunkhwa.
- 3. Secretary Al&C Department FATA.
- 4. Secretary P&D FATA Secretariat Peshawar.
- 5. Secretary LAW & Order FATA Secretariat Peshawar.
- 6-12.All the political Agents in FATA.
- 13-18. Districts Coordination Officers Peshawar, Kohat, Bannu, Lakki, Tank and DI Khan.
- AGPR sub Office Peshawar.
- 20-26. All Agency Account Officers.
- 27-32. District Account Officers, Kohat, Lakki, Bannu, DI Khan, Tank.
- PA to Director Education FATA.

-sd-

Deputy Director (P&M)





## FATA SECRETARIAT DIRECTORATE OF EDUCATION WARSAK ROAD PESHAWAR, PAKISTAN

WARSAK ROAD PESHAWAR, PAKISTAN PHONE 091-9210166 FAX 091-9210216

No. 88-87 Dated, 13/12/2010

То

All the Agency Education Officer in FATA

Subject:

CLOSURE OF ALL COMMUNITY SCHOOLS IN FATA W.E.F 21.12.2010

Memo.

I am directed to convey the policy of decision of the competent authority on the above noted subject and to ask to close all the community schools in FATA w.e.f 31.12.2010, the teachers and class-IV working in these schools should be given a notice to the effect that their services will be dispensed with 31.12.2010, however they may be given preference in recruitment against regular posts be given experience marks for his service rendered in community schools as per policy. The regular vacant posts be advertised immediately and recruitment process completed as per prescribed procedure on priority.

-sd-

Deputy Director (P&M)

Endst. No. 8888-89

- 1. Additional Chief Secretary FATA.
- 2. Secretary Governor Khyber Pakhtunkhwa.
- 3. Secretary AI&C Department FATA.
- 4. Secretary P&D FATA Secretariat Peshawar.
- 5. Secretary LAW & Order FATA Secretariat Peshawar.
- 6-12.All the political Agents in FATA.
- 13-18. Districts Coordination Officers Peshawar, Kohat, Bannu, Lakki, Tank and DI Khan.
- 19. AGPR sub Office Peshawar.
- 20-26. All Agency Account Officers.
- 27-32. District Account Officers, Kohat, Lakki, Bannu, DI Khan, Tank.
- 33. PA to Director Education FATA.

-sd-

Deputy Director (P&M)



FRX NO. :52/0/0467

PATA K.P.K.PFSHAWAR

9769-78

To,

-- FROM :J

All the Agency Education Officer; in FATA.

Memo

I am directed to enclose herewith a copy of letter No.FS/SO(Edu)/1-0/Misc/2010/194-210 dated 12.01.2011 of FATA Secretariat on the above noted subject for information and necessary action at your end on priority.

Dy: Director (P&M)

Endst: No. Copy to the:-

- PS to Secretary A&C, FATA.
- P.A to Director Education FATA.



### **FATA SECRETARIAT PESHAWAR**

All Political Agents in FATA/DCOs FRs

Subject: Scrutiny verification of working Community Schools.

After receiving a lot of reports from the Political Agents and other official sources, the. Fata Secretariat, with the approval of the competent authority, has decided to carry out a meaningful scrutiny verification of Community Schools all over FATA. This is more so important to ensure efficiency and efficacy in the utilization of public money especially in education sector where the problems of ghost schools and teachers have been reported often. In such circumstances the following Committee stands constituted in order to carry out such verification in the order as given at Para 2:-

### Scrutiny Committee

- Political Agent/Additional Political Agent
- Representative of LEAs
- Agency Education Officer
- Member from Teachers Association/Press
- Scrutiny Schedule
- Verification of actual presence of teachers by the Committee: On 0-10 days: or before 20-01-2010 and collection of academic certificates. The teachers are to be asked to appear before the Committee on the given day with their CNICs and educational certificates.
  - Verification of academic certificates. The Certificates are to be 11-20 days: got verified from the concerned Boards through special massengers.
- 21-30 days: Submission of names by verified community school teachers with verified credentials to Fata Secretariat/Directorate of Education. During this same time Community Teachers would be asked to provide names and particulars of students studying in gher School.
- 31-45 days: Submission of Form B of Such students by the Community School Teachers.

Final scrutiny by the committee and submission of report to 46 - 60 days: FATA Secretariat.

TAL-001\_001AN19 Fev- 091\_0014015

It must be noted that on physical verification of a Community School Teacher's presence, the educational qualification forming the basis of his appointment and the presence of required students in the School would the spy and emoluments of such a teacher be released. You are therefore to ensure that the scrutiny verification is carried out swiftly but properly with involvement of all stake holders.

Timely action is expected please.

(Muhammad Abid Majeed)
Secretary A&C FATA

Copy to:

1- Director Education FATA.

2- PS to ACS FATA.

FATA SECRETARIAT DIRECTORATE OF EDUCATION 5994-6006 Onto Posh;

All the Agency Education Officers

Re-Opening of Functional Community Schools at Agency/FR Leve

Memo:

In partial modification of this office letter No.5795-5810 dated 20.8.2011 on the above cited subject, I um directed to state that all the teachers. who had been working in the operational community schools closed on (31.12.2010 may be reappointed in their respective schools W.E.F. the date of approval of the scheme for reopening of functional community schools under ADP 2011-12 at each Agency/FR level without going into fresh recruitments, as they have rendered valuable service/experience. in community schools.

> Addi: Director (P&M) Fan: No.091-5200-167

1-7. All the Political Agents in FATA.
(8-13.) The District Coordination Officers Peshawar, 14. P.S to Secretary A&C, FATA Secretariat. Kobal, Banno, Lakki, Tank, D.I.Khan,

PS to Secretary P.&D, FATA Secrement.

P.A to Director Education PATA.

Addl: Director (P.S.M.)

### BETTER COPY OF THE PAGE NO. FATA SECRETARIAT

## DIRECTORATE OF EDUCATION

Dated, Pesh the 12/09/2011

All the Agency Education Officers

In FATA

Subject:

RE-OPENING OF FUNCTIONAL COMMUNITY SCHOOLS AT

AGENCY/FR LEVEL

Memo:

In partial modification of this office letter No. 5796-5810 dated 26.8.2011 on the above cited subject, I am directed to state that all the teachers who had been working in the operational community schools closed on 31.12.2010 may be reappointed in their respective schools W.E.F the date of approval of the scheme for reopening of functional community schools under ADP 2011-12 at each Agency/FR level without going into fresh recruitments, as they have rendered valuable service/experience in community schools.

> Addl: Director (P&M) FaxNo 091-5200467

Endst No. Copy forwarded to:

1-7. All Political Agents in FATA.

8-13. The District Coordination Officers Peshawar, Kohat, Bannu, Lakki, Tank,

PS to Secretary A&C, FATA Secretariat.

15. PS to Secretary P & D, FATA Secretariat, Peshawar.

P.A to Director Education FATA

Dy Director (P&M)



### DIRECTORATE OF EDUCATION FATA SECRETARIAT

th: the /6/2011

. To

All the Agency Education Officers in FATA.

Subject:

REOPENING OF FUNCTIONAL COMMUNITY SCHOOLS IN FATA IN THE 1<sup>ST</sup> WEEK OF OCTOBER 2011

Memo; .

I am directed to refer to the above noted subject and to ask you to reopen all the functional community schools strictly in accordance with the recommendations of the Scrutiny Verification Committees of your respective Agency / FR and direct all the teaching / non-teaching staff of concerned schools to make sure their presence in their respective schools and start academic activities with immediate effect. These schools should immediately be provided Student Attendance registers and free textbooks as per actual enrolment of the students.

You are further directed to process PC-1s of the scheme "Reopening of functional community schools" by including pay of the staff w.e.f 1.10.2011 and process the same for approval of the competent forum within Three days, positively.

Addl: Director (P&M)

Endst No. Copy to the:-

All the Political Agents in FATA.

- 2. District Coordination Officers Peshawar, Kohat, Bannu, Lakki, Tank and
- 3. PS to Additional Chief Secretary FATA.
  - 4. PS to Secretary Admn: & Coord: FATA Secretariat.
  - 5. PS to Secretary P&D FATA Secretariat.
  - PA to Director Education FATA

Addi: Director (P&M)

## 71-18

## ÁGENCY EDUCATION OFFICE KHYBER AGENCY AT JAMRUD RE-APPOINTMENT ORDER.

Consequent upon the approval of competent authority letter No. 6487-99 dated 6/10/2011 and recommendations of Scrutiny Verification Committee of Khyber Agency, the following candidates are hereby re-appointed against the project posts of PTC having SSC @ Rs. 11000/-PM fixed and having FA/F.Sc: 2<sup>nd</sup> Division @ Rs. 13500/-PM fixed for the project period at Boys Communal Schools of Tehsil Bara Khyber Agency against vacant posts with effect from 1/10/2011 in the schools noted against each their names: –

S.1	No Name	Father's Name	- Annual grant and a second and
1	Muhammad Karim	Khan Karim	Name of School
2	Shah Jehan	Gul Zamir	BCS Batoor Killi Bara
3	Samal Jan	Sial Khan	do
-4	Haji Muhammad	Allah Baz	BCS Shakir Uliah
5	Siraj Akber		.do.
6	Abdul Qadeem	Muqeem Khan Rehmat Khan	BCS Habib Ullah Shin Kamar
7	Muhammad Alam		.do.
	Khan	Abdullah Mir Khan	BCS Haji Amir Khan BQK Tirah
8	Muhammad Amin	Abdullah Mir	
9	Said Ahmed	Lal Madar	.do.
10	Guli Jan	Haji Baghwan Gul	BCS Saleem Khan Takhtakai
11	Wahid Khan		BCS Zale Khan MDK Tirah
12	Sohail Ahmed	Zardad Khan	.do, i
13	Muhamamd Sadiq	Zar Baz Khan	BCS Duran Gul MDK Tirah
14	Abdul Baqi	Zarbaz Khan	do.
15	Hukam Khan	Hassan Khan	BCS Nooran Shah BQK Tirah
16	Shahid Khan	Said Jamai	.do.
17		Muqam Din	BCS Kaleem Mastak Ziouddin
18	Suleman Shah	Gul Bad Shah	do:
19	Rab Nawaz	Muhammad Khan	BCS Pakistan Tora Wela Ziouddin
	Iqbal Hussain	Sher Muhammad	.do.
20_	Yar Muhammad	Mirza Gul	
21	Said Mar Jan	Saida Jan	BCS Barkat Shah Mastak Tirah
22	Mazullah	Dilawar Khan	
23	Waris Khan	Nasir Khan	BCS Adam Khan Mastak Ziouddin
4	Abdur Rehman	Payo Khan	<del></del>
25	Shahid	Muhammad Sarwar	BCS Bangi Jan Mastak
26	Abdur Rouf	Muhammad Yousaf	<del></del>
27	Hamidullah	Afsar Khan	BCS Maroof Khan Bango Kass
28	Fazle Akber	Khiai Noor	<del></del>
29	Muhammad Ishaq	Miraj Gul	BCS Haji Muhammad BQK Tirah
()	Shoukat Khan	Muhammad Yousaf	4 · 4 · · · · · · · · · · · · · · · · ·
1	Mir Akbar	Gul Akbar	BCS Zar Muhammad Sandapat Tirah
F.)		<u> </u>	BCS Mughal Jan Tora Wela Ziaud Din
<u>2</u>	Irat Khan	Ilyas Khan	
<u>.</u> 4.	Irfanullah	Chaman Khan	BCS Kuki Khel Gagai Tirah .do.
<u>+</u> 5	Abdul Qayum	Rehmat Gul	
	Gul Amin	Angor Khan	BCS Rehmat Khan Shahi Baig Tirah .do.
5	Sajidullah	Gul Samand	<del></del>
7	Muhammad Khan	Shaus Khan	BCS Kimya MDK Nakai Tirah
3	Hojat Khan	Samand Khan	<del></del>
			BCS Raj Malook Bango Kass Ziaud Din Tirah
}	Yar Muhammad	Khana Jan	.do.
	Rayees Khan	Nauroos Khan	
	Mushtagullah	Said Lal	BCS Awal Karini BQK Tirah
	Sifatullah Khan	Gul Nawaz	.do,
	Muhammad Farooq		BCS Zarmast BQK Tirah
	Abdul Hanan	Sayd Muhammad	BCS Habib Shah Sari Kandow Tirali
		Janan Khan	(6).

19

	Muhammad	17.2.		
745	Jehangir Kha	n   Khawaja Mi	manimad	BCS Arab Shah Spin Drand Tirah
47	Fateh Khan	Mula Khel	<del></del>	· Drand Tirali
·   **/	Hilmand	Freight		.do.
		Fagir Hussai	n	
48	Wajahat		_ ·	BCS Said Ahmad Shah MDK Nakai Tìrah
49	Qimat Khan	Majeed Khan	-	
50	Maroot Khan	H.Ajar Khan		.do:
51	Raj Muhammac	Arbab Khan		BCS Meena Gul Aka Khel Tirah do.
52	Gul Zaman	Zahir Shal	2	.do.
53	Mim: O	Stori Khel		BCS Yar Hamza Aka Khel Tirah do.
	Miraj Gul	Zain Gul	<u> </u>	do.
54	Alita		1	BCS Gul Asghar Bai Ghari Stori Khe 'irah
55	Abid Khan	Zain Gul		irah
<u>-</u>	Muhammad Akb	par Awal 2	1.0	do.
56	Bakht Marian			
101	Kafeeullah	Qandhar Khan		CS Ilyas Aka Khel Tirah
28	Majeed Khan	Abdul Majeed		
39	Khalid Khan	Dawlat Shah	15	CS Mian Alunad Gul MDK Nakai Tir o.
	Jamshid Khan	Nazar Shah		O. NAKH TH
61	Shariat Khan	Nawah Khan	130	CS Muhammad Din Shah SQK Tirah ).
	went izuan	Lalmar Jan	frji	). Sigk Tirah
62 N	Voor Jamal		130	S Zahir Shah Sheeta
63 K	Third D	Shamal Jan	<u>[Ti</u>	S Zahir Shah Shadalay Aka Khel ah
	Chial Bat Khan	Daulat Khan	du	A STATE OF THE PARTY OF THE PAR
	nzar Gul	Zar Dia W	BC	S Salim Khan Tamboo BQK Tirah
	oor Mar Jan	Zar Din Khan	.do	Tirah Tamboo BQK Tirah
20 T	ariq Usman	Issar Gul	BC	S.V.
. W	azir Khan	Arsala Khan	.do.	S Khushal Khan BQK Tirah
38 M	uhammad Afzat	Saadullah Khan		
9 Ni	az Ali	Ayub Khan	DUS	Sharif Khan Spin Drand Tirah
O M	three three			i arun 11.91
1 116	ihammad Ayaz	Shahzad Mir	BCS	Malik Murad Stori Khel Tirah
	at Shah	Sharif Khan	.do.	was an Stori Khel Tirah
	d Ghani	Amaria	BCS	Said Rasan Khapoor Tirah Wachan Cal Co
$\frac{Sar}{Sar}$	neen Gul	Anar Gul	BCC	Walter Khapoor Tirah
Mui	mtaz Khan	Zar Khel	500	Wachan Gul Qamar Khel Tirah
Sha	kirullah	Khaista Jan	rico:	Than than
Mul	lamme-l D	Shah Bahadar	$-\frac{1808}{}$	Jumat Gul Stori Khel Tirah
	nammad Raziq	- Noor Zada	BCS I	Mawaz Ghaibi Nika Sepah Tirah
	n Malik	Sahib Gul	.do.	TVIKa Sepah Tirah
727	lam Nabi	Lai Mar Jan	BCS A	amir Jan Kola Aka Tirah
- Luai	sta Noor	Walayat Ci	.do.	Total Aka Tirah
Fazle	e Ghani	Walayat Shah		
Said	Noor	City	.do.	ra Jan Aka Khel Tirah
Hazra	at Wali	Gul Muhammad		
Gul F	2525	Mian Jan	DC2 1-1	aji Masood BQK Tirah
Muha	mmad D	Mian Khel		
Abdul	Maion	Doulat Khan	RCS KI	air Jan Aka Khel Tirah
Farha	d VI	Lal Mar Jan	.do.	inei Tirah
Salid		Saida Khan	BCS Kh	ial Mar Jan Alex Id
A hall		ayo Khel	do.	ial Mar Jan Aka Khel Tirah
Tungal		Sardar Ali	BCS Sal	eem Khan SQK Tirah
1 Nami I	711	rula Dan ta	I.do.	Man SQK Tirah
1 Saint C		ala Baz Khan Afridi	BCC	
LATICI				
Afridi Said Re		las Khan	Joon Jam	al Khan BQK Tìrah

1. The employee shall serve the Govt: as communal schools teachers from the date of assumption of at



- 4. They shall motivate the parents to send their children to schools.
- 5. These posting will not be transferable.
- 6. If they fail to report within 15 days, the order will automatically be treated as candelled.
- 7.1. Charge people should be submitted to all concerned.
- 8. Their services are only for the project period.
- 9. In case of regularization of communal schools they will not claim regular service. They will be treated as terminated from service as and when the concerned communal schools are regularized.
- 10. The A.A.E.O (Male) of concerned Tehsil/Circle will verify their presence through original CNIC.
- 11. Each and every teacher will submit an affidavit that she will perform duty personally not through substitute.

(HASHAM KHAN AFRIDI) AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD

Apptt: Comm:/Khyber Dated Jamrud the 28/10/2011

Copy of the above is forwarded to the

- 1. Director Education (FATA) at Peshawar
- 2. Political Agent Khyber Agency at Peshawar
- 3. Agency Accounts Officer Khyber Agency at Jamrud
- 4. AAEO (Male) local office. (They will be held responsible if any discrepancy/negligence found later on).
- 5. Superintendent local office
- 6. Accountant/Pay clerk concerned.
- 7. Official concerned.

AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD

Dec. 23 2211 84:692M P1

IMPTEDIATE BY NAME NATIONAL ASSEMBLY BUSINES

### Mo.F.11(1)-Tajuli GOVENNENT OF PARIETAN STATES AND FRONTIER REGIONS DIVISION

To

Islamabad, the 23rd December, 2011.

The Additional Chief Secretary (FATA), FATA, Secretariat, Pestawar.

Afternion Mr. Muhammad All (PRO).

SUBJECT: MEETING OF THE NATIONAL ASSEMBLY STANDING COMMITTEE ON STATES AND FRONTIER REGIONS HELD ON 21" DECEMBER, 2011 AT 10.30 A.M. IN PARLIAMENT HOUSE, ISLAMABAD.

Dear Sir.

I am directed to enclose a copy of Mational Assembly Standing Committee's finding/recommendations on the above subject.

It is therefore, requested that the further necessary action may be taken eccordingly.

Each As above.

Yours faithfully

VQUANAN (ZIR-UR-REUMAN) Section Officer (TA)

Dy Secy (Comi)
Dairy No. 13 10
Dairy No. 13 10
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So
RO

10 m 2 / 29/12

T) ; Jan 1: 02: 2 KA

MAK NO. 1 0515775049

Subject .

Rich Solld Husseln Turk, MNA challed the meeting on Wednesday 25° December, 2011 at 02:00 PM in Committee Room No. 7, Perliamont House, Islamabad. The agenda of meeting was as under-

1. Further discussion on Sanctioned New Employee's (ENEW) of all departments lying pending in FNT'. Semaintel (se Seeded in the meating of the Committee held on 92 December, 2011 that Secretary Finance will of the Committee on this agenda from).

2. Further discussion on justification for her - refress of funds of Flysses in billions for creation of 4848 posts of FATA Secretariet since 2008, (23 decided in the mosting of the Committee held on 02" December, 2011 that Secretary Finance will brist the Commisses on this agence item).

3. Status of Community Schools in FATA in light of the decicion taken by the Governor KPK and Parlamentariens.

4. Briefing on the performance of Sports Directorato, FATA.

Any other item with the permission of the Chair.

Mr. Jawed Husseln, MNA, and Moulto Asmetulish, MNA, attended the metality-Basides Engineer Shaukatullah, Minister for State and Frontier Regions, Mr. Munit When Orekzel, MNA, Mr. Albhammed Kamran Khah, MNA, Mr. Nosaul-Hac Carlo. ALLA, M. Cafer Dog, Bhiltoni, Mr.A. and Mr. Mamiduliah Jon Afrid, ARA as a Spacial invites and Mr. Heolbulkh Khan, Secretary, SAFRON, Mr. Arched Ahmed, FA (CAFRON) Mr. Nazir Ahmod Kiten, DFA (CAFRON), Sheh Sahib, Sepretary, Finance, FATA, Wa. Fool Hamor, Birentor Education, FATA, Mr. Pelsel Josef, England Consider The make of 1977 13 8 to Editor in a comment formall production and The management of the Torontonia miles. gariitianied.

The moving stated with the resiztion of Holy Curen. After a long disliberations indosing finding the commontations were made-

### FAX NO. 11 es15263e Findsiyoo/P.Soommend

23 2811 84:18PM P3 9730 Dec. 22 2811 11:589K P2

推了1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,1000年,

- 4. Ministry of Pinence delayed the case for 6 to 6 years for not releasing the funde of 4338 SNEs of FATA Secretariat. Whereas Mr. Amhed Ahmed and Mr. Nazir Ahmed stated that FATA Secretariat is responsible for delay. Secretary, Ministry of SAFRON will hold meeting and for the responsibility and inform the Committee. The Committee noted that even is pending since 2002 and FATA Secretariat as well as Ministry of Finance has dead nothing.
- 5. The critical in distriction of 1979 pools of Education and Health Department stoods be breezparent, retionalized and allocated after consultation of Porliamentarians.
- 3. The Committee recommended that it is irony that code! formative were completed and relevant PCs were submitted but funds were not released. The allocation for development budget with non-development budget is not relicinal and it should be decided to increase the budget of non-development fund at appropriate level. The funds for FCR tribunal should be released without further delay. Secretary, Ministry of Finance, SAFROM and FATA Secretaries should readize the lesus which one month.
- The Committee expressed concern that no Additional Secretary from Mulcing Ci Finance has come to attend the meeting. Autien will be taken under Rule 227 Rules of Procedure and Conduct of Businese of the National Assembly, 2007.
- 3. The Committee recommended Secretary, Ministry of Finance to technically clear 2000 SNEs within week and rest of posts should be cleared without fusion dalay. The agenda was deferred. Next meeting will be held on 5th January, 2011. Secretary, SAFRON, Secretary, Ministry of Finance, FA, DFA and FATA Secretarist will held meeting before 5th January, 2011 and inform to the Committee.
- 5. The Committee expressed serious concern for delay by Ministry of Finance relating to "Multi Donor Funds" for FATA which were under consideration since two years and five programs were approved whereas Finance Division has advised to get these funds from ADP, FATA. This item will be discussed in the meeting scheduled to be held on 5th January, 2011.
- (10.) The Committee expressed concern that 871 Community Schools in FATA were closed from 01-01-2011 and the pendices of all Community Schools Gestient were clipple sed on 18-13-2010. FATA Sourcitaties should regularise the services of topologies.



FAX ND. :9519219772

Dec. 23 2011 04:10PM P4 Dec. 22 2011 11:55AM P3

FAR NO. : 0515722049

- 11. The Committee recommended that Sport Directorate FATA Should furnish agency wise distribution of funds to the Committee Secretary, Ministry of Finance.
- Minister SAFPION informed that all work in FATA with regard to sports activities was done by himself when he was Minister sports. Every Agancy has Sworts Complex, mostly are operational. Recently construction of Senasir Ehutto Shaheed Sports Complex including Earling cum Badminton Hall and Fitness Gymnasium hall with allied facilities at Sajaur Agancy has been inaugurated by Honorable Engal Shauketolish Khan, Federal Minister SAFRON.
- 13. The meeting ended with vote of thanks.

ath grows and

# SENATE SECRETARIAT



No. F. 2(2)/2011-Com-II

Islamabad, the 12th March, 2012.

Senate Standing Committee on States and Frontier Regions in its meeting held on 9th March, 2012 has advised that the Ministry of Finance and Planning Division should provide Rs.15 billion (as promised) to the FATA Secretariat for the financial year 2011-2012 for the completion of various

- Besides the Committee recommended that ex-Parliamentarians of FATA must be invited in official functions/meetings/Jirgas to be held in their respective areas regarding FATA issues. 3.
- It was also decided that FATA Disaster Management Authority will take all necessary steps to re-settle the flood affectees as well as internally displaced persons (IDPs) due to operation in FATA according to international standard. 4
- Finally the Committee advised that problems of the teachers serving in FATA schools may be solved by clearing their all dues and regularization of their services etc. With regards.

Yours faithfully,

(CHULAM MURTAZA) JS/Secretary Committee

Ph.No.9212636

The Secretary, Ministry of States and Frontier Regions, Government of Pakistan, Islamabad.

The Secretary, linistry of Finance, Government of Pakistan, <u>Íslamabad.</u>

The Secretary, Planning Division, Government of Pakistan, Islamabad.

Additional Chief Secretary, FATA Secretariat, Peshawar.

30-4-12

I'ATA SECRETARIAT (SOCIAL SECTORS DEPARTMENT

# SUMMARY FOR GOVERNOR, KHYBER PAKHTUNKHWA

Subject;

# RECRUITMENT OF COMMUNITY SCHOOL TEACHERS AGAINST REGULAR POSTS IN FATA

In order to raise literacy level in FATA and make the education available at the doorstep, the project of opening community schools was faunched under FATA Annual Developmental Program in 1998, During 1998-2010, 956 Community Schools were opened throughout FATA wherein 1912 teachers (02 per school) were appointed on contract trasis.

After receiving reports about the non-functional community schools in ATA. The community schools project was closed and the services of teaching/non-functiong staff working in these schools were terminated with effect from 01.01,2011;

However, on the persistent demand of Teachers Associations and local of Political Agents/Additional Political Agents in each Agency/FR to verify the status durational community schools in FATA cancito recommend reopening of only 2011-12. Based on the recommendation of prescribed community schools were reopened throughout FATA, and teachers working in these of informational community schools were reappointed on contract basis (Agency wise list of informational community schools were reappointed on contract basis (Agency wise list

- It is worth mentioning that the community school teachers in FATA have tendered more than 10 years service on contract basis and have ledged repeated appeals and protests mentioned in the Newspapers for regularization of their
- In addition, the National Assembly / Senate Standing Committees for services of community school tractions to their meetings held 21.12.2011 and

FATA SECRETARIAT (SOCIAL SECTORS DEPARTMENT)



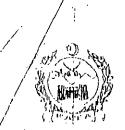
## SUMMARY FOR GOVERNOR, KHYBER PAKETTUNKHWA

The total working strength of community school tenchers in FATA is 1432 (046 lemale ± 586 male) as per Agency/cend it was break up given at L/I. Its of them are untrained and not qualified for regular posts vide F/F. Similarly, 259 female teachers are non-local and can only be considered for appointment, against regular posts after adjudstment of local qualified females F.G. Under the directions of ACS, FATA, the Additional Political Agents have been directed to reverify the existence of the Community Schools, presence of teachers and enrolment of students. These verification reports will be recordingly.

There are 303 existing vacant. PTC (BS-7) posts in FATA, SNE for creation of 542 PTC posts has been sent to SAFRON Organi, Islamabad while that of 192 posts is under process with Finance Department, FATA Socretarial as per details given at F/H which are expected in the near future.

A similar issue of adjustment of community school teachers against regular PTC posts had been resolved in the year 2007 by moving a summary for approval of the Envernor with the proposal to adjust those community school teachers against regular posts who had been selected on ment and possessed the prescribed professional and academic qualification with more than 03 years service at their credit. The services of those who did not possess the prescribed qualification and experience for PTC posts were dispensed with Allency Education Officers accordingly (FA).

Keeping in view their long teaching experience and services rendered for the pornollon of literacy in FATA, it is proposed that the community school teachers, who qualify to be posted against the PTC (BS-7) may be considered for appointment against the proposed manner purely on merit basis as per existing permitment criteria but in relaxation of upper age limit. The available 303 regular vacant posts in the newly constructed Primary/Middle schools in FATA will be filled up from amongst the community school teachers and no fresh candidates considered for recruitment till all the community school teachers are absorbed against regular posts in FATA. The 259 non-local teachers will be considered for appointment after adjustment of local qualified feachers. The services of unqualified teachers shall be dispensed with. This entails that the community schools would be closed down & teachers would shift to constructed schools, not necessarily in the regular schools. No further recruitment of community schools students would be shifted it to nearby regular schools. No further recruitment of community schools school teachers will be unade.



FATA SECRETARIAT (SOCIAL SECTORS DEPARTMENT)

### SUMMARY FOR GOVERNOR, KHYBER PAKHTUNKHWA

10. The proposal contained in Para 09/N is submitted for approval of the Governor, Khyber Pakhtunkhwa, please

Secretary Social Sectors, FATA

Sucretary Finance, FATA (co. home)

ECIPTALY FATA

Adul: Chief Secretary, IAIA

Para - 4/N in Ludinetted for approval

Additional Additional

Governor, Khyber Pakhlundiwa

13. Nava 9 improved

Governar der Portion

ACS (3)

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D.E.

14/r.

7/5

### FATA SECRETARIAT Social Sectors Department Warsak Road Peshawar

### **Notification**

No. SO(E)/SSD/CSTR/99-108/ The Governor Khyber Pakhtunkhwa in his capacity as the Competent Authority has been pleased to approve the re-appointment of Community School Teachers who qualify to be posted against the regular posts of PST (BS-7) in phased manner at the respective Agencies & FRs, purely on merit basis in accordance with the existing recruitment criteria but in relaxation of upper age limit with immediate effect as specified below.

- 1. The available regular vacant PST (BS-7) posts in the Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective
- 2. The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PST (BS-7) after adjustment of local qualified teachers.
- 3. The services of the un-qualified teachers shall be dispensed with.
- 4. The Community Schools whose teachers are appointed and shifted to other
- 5. The respective Community Schools students would be shifted to nearby regular schools and no further recruitment of Community School teachers will

Secretary Social Sectors Department, FATA Secretariat, Peshawar

Endst No. Even Dated Peshawar the 11/05/2012

Copy forwarded to the:-

- 1. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
- 2. Addl: Accountant General (PR) Sub Office Peshawar.
- 3. Director Education FATA, Peshawar.
- 4. All Political Agents in FATA.
- 5. DCO Peshawar, Kohat, Bannu, Lakki, D.I.Khan & Tank. 6. Agency/ District Accounts Officers concerned
- 7. All the Agency Education Officer in FATA
- 8. PS to Additional Chief Secretary FATA Peshawar.
- 9. PS to Secretary Social Sectors Department, FATA Secretariat, Peshawar.

Section Officer (Edu) SSD FATA Secretariat



FATA SECRETARIAT
DIRECTORATE OF EDUCATION
WARSAK HOAD PESHAWAR, PAKISTAN

116.10380

Date Pesh: the 02/09/2013.

 $T_0$ 

The Agency Education Officer, Khyber Agency.

Subject:-

Guidance for Regularization of Community School Teachers.

Memo,-

I am directed to refer to your letter No.4596 dated 23.8.2013 on the tablect cited above and to state that ban is only for initial recruitment not on adjustment/regularization.

Re-appointment of Community Teachers are adjustment/regularization as per governor's policy.

Wille

Asstr Director (P&D)

Endst.No.

Copy forwarded to the;-

1. P.A to Director Education FATA Peshawar.

Asstt:Director (P&D)



29-10-15

FATA SECRETARIAT
DIRECTORATE OF EDUCATION

Nottication

Consequent upon approval of the Competent Authority the adjustment of Community School Teachers who qualify to be posted against the regular posts of PST (BPS-7) is allowed against regular vacant PST posts purely on merit basis in accordance with the existing approved policy regarding re-appointment of Community Teachers with immediate effect. School

Secretary Social Sectors FATA

Endst: No. 2085-90

Copy forwarded for information to the:-

- PS to Additional Chief Secretary FATA
- PS to Secretary SSD FATA.
- S to Secretary AI&C FATA.
- 4. Agency Education Officers in FATA.
- 5. Agency Account Officers in FATA.
- P.A to Director Education FATA

Addl: Director (P&M)

#### OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD.

#### RE-APPOINTMENT ORDER.

Consequent upon Notification No. SO (E)/SSD/CSTR-99-108/ dated 11/5/2012 issued by Secretary Social Sector Department FATA Secretariat Peshawar. The following Local (Male) Communal School Teachers of <u>Tehsil Bara</u> are hereby Re-appointed/adjusted against regular vacant PST posts from Tehsil-Wise merit list purely on temporary basis in BPS No. 07(5800-320-15400) 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 Name Abdul Baqi S/O Hassan Khan	Name Community School BCS Noran Shah BQK	Posting as Regular School GPS Sandali Killi Bara	Tehsil Bara	Remarks Vacant Post	
2	Raj Muhammad S/O Zahir Shah	BCS Yar Hamza Aka Khel	GPSKotkai Tirah Bara	Bara	Vacant Post	

#### TERMS/CONDITIONS.

- The appointments of the candidates are being made purely on temporary basis & Is liable to termination at any time without assigning any reason.
- They will not be entitled to get pension gratuity benefits, however C.P.Fund will be deducted as per rules.
- 3. Charge report should be submitted to all concerned.
- 4. All kinds of documents would be verified from the concerned Boards/University before the drawal of their salaries.
- Health and Age certificate, should be produced to this office to be obtained from the Agency Surgeon Khyber Agency.
- 6. Their age should be according to the Govt: policy.
- If they failed to report of their arrival within 15-days their appointment order will be automatically considered as cancelled.

(JADOON KHAN WAZIR) AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD

Endst:No. 3694-100-1

Dated Jamrud the \_\_\_\_\_/\_\_\_/2013

Copy of the above is forwarded to the: -

1. Director Education (FATA) at Peshawar.

2. Political Agent Khyber Agency at Peshawar.

3. Agency Accounts Officer Khyber Agency at Jamrud.

4. AAEO (Male) concerned.

5. Supernatant Local Office

6. Accountant/Pay Clerk concerned.

Official concerned.

AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRU

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Agency Education Officer, Khyber Agency, at Jamrud

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## بجنبور جنات ذائر يكثرا يجوكيشن صاحب نيبر پختونخواه بيثاور

ورخواست پرائے سابقہ سرولBenifit and increments بحالی -

موربات لا اش به كريم و في كزار PST سائد و كرام در سال سيزاند و مديك اللسل سائد قبال العلائ كيون سول يا الجياف عس نده و المراح من المراح المراح المراح المراح المراح المراح المراح المراكبين المراكبين المراكبين المراح المر ر سول با میون اسالة و كی سرعاروار سروس أید جسمند (عدهم كی رعایت) كرماتريو و كی را براي اين از مينول براسي سطران اور ميگوراتر ينتر كوش سروس ايد مينول براسي سطران اور ميگوراتر ينتر كوش سروس ايد مينول براسي سطران اور ميگوراتر ينتر كوش سروس ايد مينول براسي سود براي مينول ب کوروزی باخوانواد کا مطاحه دیکس ان اسا تذوی کنریک عرصه بازمت مروی کوابتدائی برا بیک مروی سے سابقدروی Valueable/Countable تشیم کردی سے مابقدروی کا مطاحه دیکس ان اسا تذوی کنریک عرصه بازمت مروی کوابتدائی برا بیک مروی دبا سان اسا مذول مروس ريوارا في مست كوموجوده العينالي (Inatail Recura ment) قرارو ي كرسانق سرايات واجبات واجبات ي تيم بحروم كرسانة سات وسال استعبل میں سیار فی موان اور بنائزمند سے وقت فیش کر بھری حقوق ہے مورم کیا۔ حالا تک برطابق ریجول اکر میش المسکون ن SO(E)SSD/CSTR99-100 مورى 2012-05-111وگورزانظائ حكما سفير SO-1/1-1GS/2012 كمطابق كيول اسا تذوك سون ستنى وك ا الله المنظم الله المنظم الم

GOVT of KPK, FINANCE DEPARTMENT (REGULATION, WING.) Endst No.FD(PRC) 5-2/2002 Dated Peshawar The الله المراكز على مناكن وراأل اور الوساء إلىdated 30-10-2009

(1) GRANT OF ANNUAL INCREMENT TO FIX PAY TEACHERS IN THE LIGHT OF SUPREME COURT JUDGMENT . (That all those teachers who were appointed on fix pay and were subsequently regularized against their posts, on occurring completing requiste training successfully, would be entitled for such benefits of annual increments from the date of their first appointments as such but without arroars

(2) As per S No. 10 of the recommendation of the standing committee of SAFRON held on 21 st December, 2011 of the pathment House Islamabad (FIA) FATA Secretariat should regularize the service of the Community School Teliphons at suding their previous services and granted salanes as per previous practice without further delay

The specified of the senate standing committee of SAFRON date 09-03-2012 finally committee advised that president of sommunal teachers serving in FATA school may be solved by cleaning their all duse and regularization of their parvice ato ره در مراسسانير 5000 موريد 2011-10-12 كميزل سكول پراجيك عن دو باره تعينات امها تذه كي سابقد پراجيك استفريك سروس و Vajueau e

رة ) مرسرة 2015-2014 و2015-1021 ومواسليم 10380 مبري 2013-09-2012 مين المستري ويست مريك المريض ويراث المواسليم والمسترين والمسترين المواسليم والمسترين المواسليم والمسترين المواسليم والمسترين والمس

المناسبة ال المراح والمراك المال والمراك والمرك مين لواش مركا -

4

جناب عالى!

درخواست برائے سابقہ سروس Benefit and increments بحالی

GOVT of KPK, FINANCE DEPARTMENT (REGULATION WING) Endst No.FD(PRC) 5-2/2002 Dated Peshawar The dated 30-10-2009

- (1) GRANT OF ANNUAL INCREMENT TO FIX PAY TEACHERS IN THE LIGHT OF SUPREME COURT JUDGMENT (That all those teachers who were appointed on fix pay and were subsequently regularized against their posts, on acquiring completing requisite training successfully, would be entitled for such benefits of annual increments from the date of the first appointments as such but without arrears
- (2) As per S No. 10 of the recommendation of the standing committee of SAFRON held on 21 st December, 2011 at the parliament. House Islamabad (FIA) FATA Secretariat should regularize the service of the Community School Teachers including their previous services and granted salaries as per previous practice without further delay.
- (3) As per S No 4 of the senate standing committee of SAFRON date 09-03-2012 finally committee advised that problem of communal teachers serving in FATA school may be solved by clearing their all duse and regularization of their service etc

(4) مراسله نمبر 6006-5994 مورجه 12/10/2011 کمیول سکول پراجیک میں دوبارہ تعینات اساتذہ کی سابقہ پراجیک استوریک سروس کو Valuable/Countable تشکیم کیا گیا۔

(5) مراسا نہیں 90-2085 مورجہ 29/10/2015 اور مراسلہ نمبر 10380 مورجہ 02/09/2013 میں وضاحت موجود ہے کہ کمیوٹل اساتذہ سروی مستقلی ابتدائی تغییاتی (Initial Rrecruitment) نہیں بلکہ گورز پالیسی کے مطابق سروس ریگولرا پیجہ شمنٹ ہے۔

لېذامندرجه بالاشوامدوحقائق كروشى ميں ان اساتذه كے سابقه سروس معد بقایا جات ادائيگى كا حكامات صادر فرما كرانصاف كابول بالا كياجائے -عين نوازش ہوگی -

P



DIRECTORATE OF EDU NEWLY MERGED TRIBAL WARSAK ROAD PESHAWAR, P PHONE. 091-9210166 FAX 091-9

No. /Date Pesh: the /

## NOTIFICATION.

The Competent Authority is pleased to regret the appeal of the commun teachers for their regularization from retrospective effect on the recommendations of t appellate committee in the meeting held on 20/7/2017 as not admissible under the rules at policy.

Endst: No. 1096-99

Copy forwarded to the:-

- 1. District Education Officer, Khyber District. 2. PA to Director Education NMTD.
- Teachers concerned.

DIRECTOR EDUCATION NIVITD

Dated Pesh the 39 / 08 /2018.

Deputy Director (Estab.)

#### IN THE PESHAWAR HIGH COURT, PESHAWAR

SE PES

W.P No. 115972018

R-43

- Anzar Gul S/O Zar Din, PST, Government Primary School, Saeed Ullah Jan Kalley, Bara Khyber Agency.
- Sadiq Ahmad S/O Sher Jan, PST,
   Government Primary School
   Toor Dara Jamrood Khyber Agency.
- Khiai Gui S/O Zahir Shah, PST,
   Government Primary School Toor Dara,
   Jamrood Khyber Agency.
- Mohibullah S/O Ihsan Ullah, PST,
   Government Primary School Toora
   Tara Jamrood Khyber Agency.
- 5. Irat Khan S/O Ilyas Khan, PST,
  Government Primary School Jani Khel,
  Jamrood Khyber Agency
- Muhammad Jan S/O Allah Baz, PST,
   Government Primary School Nazar
   Kalley, Landi Kotal Khyber Agency
- 7. Arman Gul S/O Lal Mat Khan, PST, Government Primary School Rekaley Jamrood Khyber Agency.
- 8. Ameen Shah S/O Mustan Shah, PST,
  Government Primary School
  Choora No. 03, Jamrood Khyber Agency.
- 9. Rehman Gul S/O Ghirat Gul, PST,Government Primary School Attari,Jamrood Khyber Agency.
- 10. Sabit Khan S/O Gul Mar Jan, PST, Government High School Choora, Jamrood Khyber Agency.

AMINER Shawar High Count

- Shah Wall S/O Payo Noor, PST,Government Primary SchoolFiazoo Kalley, Jamrood Khyber Agency.
- 12. Sajid Ahmad S/O Payo Khei, PST,
  Government Primary School Wazir
  Dand, Jamrood Khyber Agency.
- 13. Noorat Khan S/O Awal Khan, PST,
  Government Primary School
  Jawara Mania, Jamrood Khyber Agency.
- 14. Mushtaq Ullah S/O Abdul Qahar, PST,
  Government Primary School
  Nawar Manla, Jamrood Khyber Agency.
- 15. Tariq Khan S/O Khan Sahib Khan, PST, Government Primary School Khan Mast Kalley, Jamrood Khyber Agency.
- 16. Shufqat Ullah S/O Gul Said Khan, PST,
  Government Primary School Khadim
  Kalley, Jamrood Khyber Agency.
- 17. Jam Dad Khan S/O Jan Muhammad Khan,
  PST,Government Primary School Wallo Milla,
  Jamrood Khyber Agency.
- 18. Sher Zali S/O Khan Badshah, PST, Government Primary School Meer Ahmad Shah Kalley, Jamrood Khyber Agency.
- 19. Umar Khan S/O Lai Mat Khan, PST, Government Primary School Redi Gui Kalley, Jamrood Khyber Agency.
- 20. Saleh Jan S/O Khaista Meer, PST,Government Primary SchoolLashora Jamrood Khyber Agency.
- Abdul Qadir S/O Abdul Jalil, PST,
   Government Middle School Sher
   Afzal Kalley, Jamrood Khyber Agency.
- 22. Muhammad Wakeel S/O Abdul Jalil, PST, Government Primary School Kambila Malagori, Khyber Agency.

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- 23. Fazale Rehman S/O Masooz Khan, PST, Government Primary School Mian Jaffar Shah Kalley, Jamrood Khyber Agency.
- 24. Istekhar Khan S/O Rooh Khan, PST, Government Primary School Pastoki, Landi Kotal Khyber Agency.
- 25. Farid Ullah S/O Kabal Sher, PST, Government Primary School Gulab Kalley, Landi Kotal Khyber Agency.
- 26. Serfarz Khan S/O Anwar Khan, PST,
  Government Primary School Jawara
  Mela, Malagori Khyber Agency.
- 27. Janab Khan S/O Shoghli Maan Khan, PST, Government Primary School Lashora Jamrood Khyber Agency.
- 28. Samad Meer S/O Muhammad Sald,
  PST, Government Primary School Lal
  Mat Kalley, Jamrood Khyber Agency.
- 29. Islam Gul S/O Nabat Khan, PST,
  Government Primary School Fazal
  Ahmad Kalley, Jamrood Khyber Agency.
- 30. Gulab Sher S/O Aqal Meer, PST,
  Government Primary School
  Malak Sardar Meer Kalley,
  Jamrood Khyber Agency.
- 31. Muhammad Saeed Khan S/O
  Enzar Gul, PST, Government Primary
  School Zabit Khan Kalley,
  Jamrood Khyber Agency.
- 32. Umar Said S/O Sir Meer Khan, PST, Government Primary School Chapari, Jamrood Khyber Agency.
- 33. Hunar Said S/O Sir Meer Khan, PST, Government Primary School Kambila, Jamrood Khyber Agency.
- 34. Anzal Khan S/O Kazam Baig, PST,
  Government Primary School
  Gujjar Dand, Jamrood Khyber Agency.

- 35. Fazai Rabi Khan, S/O Ghulam Nabi, PST,
  Government Primary School, Ali Masjid,
  Jamrood Khyber Agency.
- 36. Mir Habib S/O Fazal Khan, PST,
  Government High School Badshah
  Meer Kalley, Jamrood Khyber Agency.
- 37. Wazir Khan S/O Said Ullah Khan, PST, Government Primary School Sandana, Bara Khyber Agency.
- 38. Khyal Batt Khan S/O Doulat Khan, PST, Government Higher Secondary School Speen Dand, Jamrood Khyber Agency.
- 39. Samin Gul S/O Zar Khalil, PST, Government Primary School Sher Bahadar Kalley, Bara Khyber Agency.
- 40. Yar Muhammad S/O Mirza Gul, PST, Government Primary School Zareef Kalley, Bara Khyber Agency.
- 41. Muhammad Khan S/O Shaus Khan, PST, Government Primary School Raza Khan, Bara Khyber Agency,
- 42. Miraj Gul S/O Zain Gul, PST,
  Government Primary School Kotkal
  Tirah, Bara Khyber Agency.
- 43. Abid Khan S/O Zain Gul, PST,
  Government Primary School Zafar Khan
  Kalley, Bara Khyber Agency.
- 44. Hujat Khan S/O Samand Khan, PST,
  Government Primary School Azam Din,
  Bara Khyber Agency.
- 45. Said Ghani S/O Anar Gul, PST,
  Government Primary School Kotaki,
  Bara Khyber Agency.
- 46. Siraj Akbar S/O Muqeem Khan, PST,
  Government Primary School Mamal Mela,
  Bara Khyber Agency.

EXAMPLER Peshari High Court

- 47. Karna Khel S/O Talib Shah, PST,
  Government Primary School
  Mashkanara Mela, Bara Khyber Agency.
- 48. Syed Ahmad S/O Lal Madar, PST,
  Government Middle School
  Sheen Kamar, Bara Khyber Agency.
- 49. Hameed Ullah S/O Afsar Khan, PST,
  Government Primary School Choora,
  Bara Khyber Agency.
- 50. Iqbal Hussain S/O Zar Muhammad, PST, Government Primary School Zangai Bara Khyber Agency.
- 51. Shahid Khan S/O Muqam Din, PST,
  Government High School Jafar Khan Kalley,
  Bara Khyber Agency.
- 52. Suleman Shah S/O Gul Badshah,
  PST, Government Primary School Pastoki,
  Bara Khyber Agency.
- 53. Shah Je Khan S/O Gul Zameer, PST,
  Government Primary School Zafar Kalley,
  Bara Khyber Agency.
- 54. Abdul Qayum S/O Rehmat Gul, PST,
  Government Primary School Gulab Khel,
  Bara Khyber Agency.
- 55. Gul Amin S/O Angar Khan, PST,
  Government Primary School
  Khuramtan Kalley, Bara Khyber Agency.
- 56. Gul Zaman S/O Storee Khan, PST, Shari Khal.
  Government Primary School
  Yar Hamza Kalley, Bara Khyber Agency.
- 57. Raj Muhammad S/O Zahir Shah,
  PST, Government Primary School
  Kotkal, Bara Khyber Agency.
- 58. Bakht Mar Jan S/O Qandahar Khan, PST, Government Primary School Habib Shah, Bara Khyber Agency.

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- 59. Raees Khan S/O Nauroz Khan, PST,Government Primary SchoolJafar Khan Kalley, Bara Khyber Agency.
- 60. Mir Akbar S/O Gul Akbar, PST,
  Government Primary School Zangal,
  Bara Khyber Agency.
- 61. Muhammad Raziq S/O Noor Zada,
  PST, Government Primary School
  Baber Khel Kalley, Bara Khyber Agency.
- Guli Jan S/O Baghwan Gul, PST,Government Primary SchoolZafar Kalley, Bara Khyber Agency.
- 63. Shariat Khan S/O Lai Mar Jan, PST, Government Primary School Zafar Kalley, Bara Khyber Agency.
- 64. Abdul Rehman S/O Paya Khan, PST,
  Government Primary School
  Bine Bara Khyber Agency.
- 65. Irfan Ullah S/O Chaman Khan, PST, Government Primary School Zangi, Bara Khyber Agency.
- 66. Khaista Noor S/O Waliyat Shah, Walayat Shah.
  PST, Government Primary School
  Hayat Mir, Bara Khyber Agency.
- 67. Gul Hameed S/O Noor Zaden, PST, Government Primary School Hukam Shah, Bara Khyber Agency.
- 68. Saeeda Jehanzeb D/O Jehanzeb, PST,
  Government Girls Primary School
  Yar Gul Khel Kalley, Bara Khyber Agency.
- 69. Sajid Ullah S/O Gul Samand, PST, Government Primary School Sandana, Bara Khyber Agency.
- 70. Zenat D/O Abdul Qayum, PST, Government Girls Primary School Hayat Shah, Bara Khyber Agency.

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- 71. Nadia Tabasum D/O Fazal Rahim,
  PST, Government Girls Primary School
  Sandana, Bara Khyber Agency.
- 72. Farzana Jabeen D/O Qamar Din, PST, Government Girls Primary School Sultan Khel, Bara Khyber Agency.
- 73. Roeeda Gul D/O Zareen Khan, PST, Government Girls School Islam Gul, Bara Khyber Agency.
- 74. Rubina Shaheen D/O Faqir Muhammad, PST, Government Girls Primary School Amir Khan Kalley, Bara Khyber Agency.
- 75. Shakeela Bano D/O Ghulam Muhammad, PST, Government Girls Primary School Kapar Tangi, Bara Khber Agency.
- 76. Salma Khan D/O Dr. Khan, PST,
  Government Girls Primary School
  Mkkhar Kot, FR Tank.
- 77. Basroo D/O Muhammad Zaman, PST,
  Government Girls Primary School
  Payo Kot, FR Tank.
- 78. Zainab Bibi D/O Hussain, PST,
  Government Girls Primary School
  Nawaz Khan Korona, FR Tank.
- 79. Taj Bibi D/O Qalam Khan, PST,
  Government Girls Primary School
  Mussam Khan, FR Tank.
- 80. Amna Bibi D/O Esa Khan, PST,
  Government Girls Primary School
  Akram Khan, FR Tank.
- 81. Zaheena Sayed D/O Noor Muhammad Khan, PST, Government Girls Primary School Denak, FR Tank.
- 82. Ambareen Bibi D/O Ghulam Qadir, PST, Government Girls Primary School Ghulam Sahee, FR Tank.

EXAMINER Shawar High Count

- 83. Bilal Khan S/O Mamid Khan, PST,
  Government Primary School
  Shahbaz Kot, North Waziristan Agency.
- 84. Abdul Ghafoor Khan S/O Gul Abad Khan, PST, Government Primary School Neik Umar Kot, NWA.
- 85. Afrasiyab Khan S/O Akhtar Ali Khan, PST; Government Primary School Surma Jan Kot, NWA,
- 86. Aziz Ullah S/O Payel Khan, PST, Government Primary School Macha Khel, NWA.
- 87. Nor Zali Khan S/O Ghulam Jalil Khan, PST, Government Primary School Dewgar Saidgi, NWA.
- 88. Abdul Mutalib Khan S/O Sakhi Mar Jan, PST; Government Primary School Issor Kot, NWA.
- 89. Muhammad Ilyas S/O Badiuzaman,
  PST, Government Primary School
  Nimat Kot, NWA.
- 90. Muhammad Ghufran S/O Inayat Ullah Khan, PST, Government Primary School Muhammad Amin Kot, NWA.
- 91. Ubaid Ullah Khan S/O Niaz Bat Khan, PST, Government Primary School Khwaja Wani, NWA.
- 92. Gul Attaullah S/O Umar Khan, PST, Government Primary School Muhammad Amin, NWA.
- 93. Hamid Ullah S/O Amir Muhammad, PST,
  Government Primary School
  Fazal Rehman, NWA.
- 94. Muhammad Zaman S/O Hazrat Khan, PST, Government Primary School Jalalabad Kot, NWA.

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- 95. Tehsil Khan S/O Bakhel Jan, PST, Government Primary School Payo Jan Kot, NWA.
- 96. Muhammad Aslam Khan S/O Gul Rehman,
  PST, Government Primary School
  Wali Mad Khan Kot, NWA.
- 97. Noor Sala Khan S/O Yaqoob Khan, PST, Government Primary School Niamat Kot, NWA.
- 98. Shah Wazir S/O Yaqoob Khan, PST, Government Primary School Mir Ali Camp, NWA.
- 99. Baz Muhammad Khan S/O
  Muhammad Azam Khan,
  PST, Government Primary School
  Rai Khan Kot, NWA.
- 100 Abid Ullah Khan S/O Mir Kalam Khan, PST, Government Primary School Abdi Khel, NWA.
- 101 Javid Iqbal S/O Amir Akbar, PST, Government Primary School Fateh Khan Kot, NWA.
- 102 Amal Khan S/O M. Nawaz Khan, PST, Government Primary School Rai Khan, NWA.
- Atta Muhammad S/O Ghulam Muhammad,
  PST, Government Middle School
  Khair Khel Kalley, NWA.
- 104. Khan Walli S/O Mir Sali Khan, PST, Government Primary School Darpa Khel Kot, NWA.
- 105. Pawan Din S/O Gul Zaman, PST, Government Primary School Zar Jam Khel, NWA.
- 106. Nazar Gul S/O Ajeeb Gul, PST, Government Primary School Hangu Kot, NWA.

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- 107. Amir Nawaz Khan S/O Akbar Khan, PST, Government Primary School Sakhi Marjan, NWA.
- 108 Arif Nawaz S/O Akbar Khan, PST, Government Primary School Mushki Alam, NWA.
- 109 Muhammad Ayaz Khan S/O Arsala Khan, PST, Government Primary School Noor Khan, NWA.
- 110 Jahan Baz Khan S/O Rameez Khan, PST, Government Primary School Hakeem Kot, NWA.
- Hidayat Ullah S/O Pakhar, PST,
  Government Middle Primary School
  Patas Kot, NWA.
- 112 Aqal Zaman S/O Khushal Khan, PST, Government Primary School Abdullah Din, NWA.
- 113 Mir Shah jehan S/O Khyal Khan, PST, Government Primary School Sakhi Mar Jan, NWA.
- 23 Zahid ud Din S/O Ahmad Kaleem, PST, Government Primary School Syed Khan Kot, NWA.
- 115 Janat Khan S/O Mir Azam Khan, PST, Government Primary School Shahadat Kot, NWA.
- 116 Amir Salah Khan S/O Sharen Khan, PST, Government Primary School Usman Khel, NWA.
- 117 Hazrat Ullah S/O Sahib Khan, PST, Government Primary School Garyum, NWA.
- 118. Muhammad Ihsan S/O Sharen Khan, PST, Government Primary School Muhammad Daraz, NWA.

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- 119. Nor Hayat Khan S/O Nawab Khan, PST, Government Primary School Zaman Khan Kot, NWA.
- 120. Ata Uliah Jan S/O Maiz Uliah Khan, PST, Government Primary School Walli Mad Khan, NWA.
- 121. Farmanullah S/O Toor Jan, PST, Government Primary School Zaman Khan, NWA.
- 122. Sarfaraz S/O Gul Raheem, PST, Government Primary School Noor Khan, NWA.
- 123 Muhammad Kamal Khan S/O M. Alam, PST, Government Primary School Gulab Khel, NWA.
- 124 Muhammad Asghar S/O Sayed Wali, PST, Government High School Ghondi Jamrood Khyber Agency.
- 125 Ezat Shah S/O Nooram Shah, PST,
  Government Primary School
  Arak, Kurram Agency.
- 126 Multan Aurang S/O Gul Samand,
  PST, Government Primary School
  Chapre, Kurram Agency.
- 127 Daulat Khan S/O Bahadar Khan,
  PST, Government Primary School
  Kamal Baza, Kurram Agency.
- 128. Nor Mar Jan S/O Gul Mar Jan, PST, Government Primary School Mir Bagh, Kurram Agency.
- 129. Shughla Hussain D/O Ghulam Hussain,
  PST, Government Girls Primary School
  Dogar, Kurram Agency.
- 130 Muhammad Zubair S/O Dilbar Khan, PST, Government Primary School Dagari No. 03, Kurram Agency.

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- 131. Gul Haider Jan S/O Ghazi Mar Jan, PST, Government Primary School Dagari, Kurram Agency.
- 132 Noor Khan S/O Zari Gul, PST, Government Primary School Mir Bagh, Kurram Agency.
- 133 Shareef Gul S/O Gul Mar Jan, PST, Government Primary School Kalat Mir Bagh, Kurram Agency.
- 134 Tahir Gul S/O Akhtar Gul, PST, Government Primary School Pastwan, Kurram Agency.
- 135 Wasim Shah S/O Sayed Anwar,
  PST, Government Primary School
  Super Kot, Kurram Agency.
- 136 Maqbool Ahmad S/O Muhammad Jan, PST, Government Primary School Sher Khan Mir Bagh, Kurram Agency.
- 137 Gohar Simab W/O Doost Muhammad, PST, Government Girls Primary School Shahbaz Samma, Kurram Agency.
- 138 Riffat Naz W/O Sheeren Badshah, PST, Government Girls Primary School Shahbaz Samma, Kurram Agency.
- Gul Zahra D/O Zameen Akbar, PST, Government Girls Primary School Kagawaga, Kurram Agency.
- 140 Hussan Par D/O Nasir Hussain, PST, Government Girls Primary School Dall, Kurram Agency.
- 141. Nighat Naseem D/O Laiq Hussain, PST,
  Government Girls Primary School
  Lar Zar, Kurram Agency.
- 142. Fozia Afzal D/O Muhammad Afzal, PST, Government Girls Primary School Luqman Khan, Kurram Agency.

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- 143. Naveeda Asghar D/O Asghar Jan, PST,
  Government Girls Primary School
  Adil Colony, Kurram Agency.
- 144. Shakeel Khatoon D/O Rehmat Hussain, PST, Government Girls Primary School No. 01 Para Chinar, Kurram Agency.
- 145 Nageena D/O Ali Mohgib, PST,
  Government Girls Primary School
  Amal Kot, Kurram Agency.
- 146. Bibi Masooma D/O Sayed Agzal, PST, Government Girls Primary School Para Chinar, Kurram Agency.
- 147. Salma Bangesh D/O Rajab All, PST, Government Girls Primary School Luqman Khel Sehra, Kurram.
- 148. Shamal Jan Afridi S/O Sayal Khan Afridi, PST, Government Primary School Dada Nika, Bara Khyber Agency.
- 149. Fateh Khan S/O Mula Khel, PST,
  Government Primary School Mashkano
  Mela, Bara Khyber Agency.
- 150. Shakir Ullah S/O Shah Bahader, PST, Government Primary School Sheen Kamar, Bara Khyber Agency
- 151 Najida D/O Tahseen Ullah, PST, Government Girls Primary School Shekhmal Khel, Bara Khyber Agency.
- 152. Alia Begium D/O Ghulam Jan, PST, Government Girls Primary School Musa Khan, Landi Kotal.
- 153. Najma Begium D/O Hameed Khan, PST, Government Girls Primary School Turkistan Kalley, Bara Khyber Agency.
- 154. Naz Gul D/O Mehar Dil, PST, GFCS Mulagori, Jamrood Khyber Agency.

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- 155. Ghulam Mustafa S/O Sharbat Khan,
  PST, Government Primary School
  Nasir Kalley, Jamrood Khyber Agency.
- 156. Nighat D/O Yar Muhammad, PST,
  Government Girls Primary School
  Khyal Gul Kalley, Landi Kotal.
- 157. Fatmla Habib D/O Ghulam Habib, PST, Government Girls Primary School Kose Wall Khel, Landi Kotal
- 158. Khan Malik S/O Amir Jan, PST,
  Government Primary School Kotki,
  Bara Khyber Agency.
- 159. Shahid S/O Muhammad Sarwar,
  PST, Government Primary School
  Jaffar Khan Kalley, Bara Khyber Agency.
- 160. Noor Jamai S/O Shamai Jan, PST,
  Government Primary School Mastk,
  Bara Khyber Agency.
- 161. Waris Khan S/O Naseer Khan, PST, Government Primary School Khana Zyarat, Bara Khyber Agency.
- 162. Naveeda Robi D/O Madad Khan, PST,
  Government Girls Primary School
  Hayat Khan Kalley, Jamrood Khyber Agency.
- 163. Shabana D/O Masal Khan, PST, Government Girls Primary School Neki Khel, Landi Kotal Khyber Agency.

All C/O Petitioner No. 1. . . . . . .

Petitioners

#### VERSES-

- 1. Director of Education, FATA Secretariat, Warsak Road Peshawar.
- Agency Education Officer,Khyber Agency at Jamrud.

wp4597 2018 Anzar Gull vs DG USB 70 pags

EXAMINER STED

Agency Education Officer, North Waziristan Agency.

- 4. Agency Education Officer, FR Tank at D.I. Khan.
- Agency Education Officer. Kurram Agency at Parachinar. . . .

... Respondents

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WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, <u> 1973:</u>

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*** 

#### Respectfully Sheweth:

That in order to raise literacy level in FATA and make the education available at the door step, the Project of opening Community Schools was launched under FATA Annual Development Program in the year 1998. Since 1998 till 20-10-2010, 956 Community Schools were opened throughout FATA wherein 1912 teachers (02 per schools) were appointed and for the purpose, petitioners were appointed as PST since 2003, etc. (Copies as annex "A")

That petitioners after appointment in due course of law i.e. advertisement, etc. used to perform satisfactory services to the department and no complaint, whatsoever, was made against them but their performance was highly appreciated.

That it happened so, and was / is in the knowledge of everyone that Settled area generally and FATA areas particularly faced worst law and order situation at the un-mercy hands of miscreants. Government machinery was totally falled as the miscreants were not only ruling the area but the kidnapped, beheaded and blasted Govt. assets, especially educational institutions was the main target. Petitioner's schools came under the said dilemma as many schools were blown up, wo4597 2018 Anzar Gull vs DG USB 70 pags

Regarding the aforesaid aspects of the schools after receiving reports to the authorities about the destructions of the schools reports were made about its none functional of the schools in FATA and it was decided to close the same because the teachers were getting their salaries without performing duties in the schools. The authorities terminated their services of teachers and other staff.

That after the said action, teachers the local elders and its union made efforts to save the services of the teachers and other staff vide letter dated 15-11-2010, as by then, the wave of miscreants to some extent was released. (Copy as annex "B")

That Standing Committee of SAFRAN held meeting on 21-12-2011 at Parliament House Islamabad to regularize services of petitioners and it was recommended that FATA Secretariat should regularize the services of Community School Teachers including their previous services and graded pay as per previous practice without further delay. Summary will be also moved for approval of Governor KP, for relaxation in recruitment rules and regularization of the Community School Teachers from the date of initial recruitment against the posts vide letter dated 16-01-2012, followed by subsequent letter dated 26-04-2012. (Copies as annex "C")

That on 30-04-2012, Summary for the purpose was submitted before the Governor KP and approved the same to regularize services of the Community School Teachers and other staff. (Copy as annex "D")

That on 11-05-2012, Secretary, Social Sectors department FATA Secretariat, Peshawar issued notification, stating therein that the Governor has approved the appointment of the Community School Teachers against regular posts of PST B-07 in respective Agencies and FRs purely on merit basis with some terms and conditions mentioned therein. (Copy as annex "E")

That on 29-10-2015, Secretary Social Sector, FATA issued subsequent notification regarding adjustment of Community School Teachers against regular posts of PST was allowed on merit basis in accordance with policy. (Copy as annex "F")

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MINER War High Court

- That after taking into account all aspects of the case, the authority was pleased to regularize services of petitioners vide order dated 02-11-2015, 07-01-2016, 08-01-2016, 20-07-2016, 20-07-2016, etc. (Copies as annex "G")
- 10. That petitioners rendered services in the schools on contract basis for more than 10 years but no benefit of the same was extended to them to count the same for pensionary benefits, so submitted representation before Director Education FATA Secretariat, Peshawar on 22-03-2017, but the same was regretted for no legal reason vide notification dated 29-08-2018. (Copies as annex "H" & "I")

Hence this Writ Petition, Inter alia, on the following grounds:

#### GROUNDS

a.

That admittedly petitioners served the department after initially appointing them in the schools from the date of their appointment in the schools and served the department devotedly.

That the schools were closed due to law and order situation by the authorities while on the other hand, petitioners never refused to perform duty and such aspect of the case shall not be attributed to them.

That as and when services of petitioners were regularized, the same should have been from the date of initial appoint and not with immediate effect as at the same time, petitioners performed their duty like other regular employees of the department.

That fresh vacancies were created at the time of appointment of petitioners in the schools. There was no difference in the duties of the contract employees as well as of the regular employees, thus petitioners was not treated at par and discriminated.

That petitioners seeks relief of the rendered services to be counted towards pensionary benefits and non the else.

That petitioners files the petition in hand before this hon'ble court to the Real adjudicate upon as no term and condition of the existing service is that conviolated, so the hondble court of the existing service is the period of the existing service is the book of the existing service is the

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That services of some of the employees of the Community schools have been regularized / counted towards the present service, petitioners also deserves the said treatment.

That by not treating petitioners at par with other colleagues / regular employees of the department by the authority is not only discrimination but such act is based on malafide.

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

- a. Declare notification dated 29-08-2018 of the R. No. 01 to be illegal, improper, unjust, discriminatory, malafide, 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;

#### AND / OR

c. Any other writ/order/direction deemed proper and just in the circumstances of the case be also issued/ordered/given.

Through

Petitioners

Inhah Klen

Saadullah Khan Marwat

STED

AVILMER

Amjad Khan

Advocates,

Dated: 17-09-2018

#### LIST OF BOOKS:

h.

1. Constitution

2. W.P. No. 2307/13

CERTIFICATE:

As per instructions of my client, certified that no such like Writ Petition was earlier filed by the petitioner before this Honorable Court. (it's a DB case)

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### IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No.\_\_\_\_\_\_/2018

Anzar Gul & Others

versus

Director & Others

#### AFFIDAVIT

I, Anzar Gul S/O Zar Din, PST, Government Primary School Saeed Ullah Jan Kalley, Bara Khyber Agency, (Petitioner No. 01) do hereby solemnly affirm and declare that the contents of the Writ Petition are true and correct to the best of my knowledge and belief.

Identified By:

Zild El

Saadullah Khan

Advodate,

SERTIFIED TO BE TRUE COPY

Anyul DEPONENT

CNIC#: 2/201-27013/2-5

Certified that the parties affirmation by

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PESHAWAR HIGH COURT, PESHAWAR

(JUDICIAL DEPARTMENT)

WP No. 4597-P/2018

Anzar Gul and others

.....Petitioners

V/s

Director of Education, FATA Secretariat, Peshawar and others.

.....Respondents.

For the Petitioners:

Mr. Saadullah Khan Marwat,

Advocate.

For the Respondents:

Syed Sikandar Hayat Shah,

AAG.

Date of hearing:

03.11.2022

#### **JUDGMENT**

SYED ARSHAD ALI, J:- The petitioners, through the instant constitutional petition, have approached this Court praying that:-

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

a. Declare notification dated 29.08.2018 of R. No.01 to be illegal, improper, unjust, discriminatory, malafide, 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; AND/OR

c. Any other writ/order/direction deemed proper and just in the circumstances of the case be also issued/ordered/given."

2. Short but relevant facts of the case as alleged in petition are that the petitioners were appointed as Community School Teachers in a Project on contract basis and later, their services were regularized against the regular posts of PST vide orders dated 02.11.2015, 07.01.2016, 08.01.2016 & 20.07.2016, however, it is the claim of petitioners that the services

EXAMINER HIGH COURT

rendered by them on contract basis for more than ten years have not been counted towards pensionary benefits, against which, they filed representation before the Director Education FATA Secretariat, Peshawar on 22.03.2017, but, the same was regretted vide Notification dated 29.08.2018; hence, the instant Writ Petition.

- 3. Respondents No. 1, 2 & 5 have furnished their comments wherein it is alleged that the petitioners were appointed as Community School Teachers in a Project, however, the said Project was closed on 31.12.2010. Later, after revised PC-1, the community schools were reopened in the year, 2011-2012 and the petitioners were adjusted against regular posts in view of Notification dated 11.05.2012. The said Notification was challenged by some other persons before this Court through various constitutional petitions and this Court vide judgment dated 06.08.2013 rendered in WP No. 2662/2012 declared the said Notification as policy for recruitment of new candidates in future; hence, this petition is hit by principle of resjudicata and requested for its dismissal.
- 4. Arguments heard and record perused.
- Perusal of the record reveals that the petitioners were <u>5.</u> appointed against the project posts of PTC and were posted as Communal School Teachers in Boys Communal Schools at places in erstwhile FATA. the contract/project posts were for a period of three years which was then extended from time to time; however, in view of the wave of militancy and then Army operation, these community's schools became non-functional and were closed and the services of the Communal School Teachers were terminated w.e.f. 31.12.2010. It is pertinent to mention here as alleged by the respondent that most of the appointees were not holding the prescribed qualification at the relevant time. Later, it was decided vide Notification dated 29.10.2015 to appoint/adjust the Communal School Teachers against the regular posts of PST in case they are holding the prescribed

EXAMNER President High Court qualification and that it was in view of the decision of the Government that the petitioners were regularized/ adjusted through different letters available on the file. In the instant case, the petitioners have two main claims i.e. regularization from retrospective effect and counting of their previous project/contract service for the purpose of pension.

6. Admittedly, by now the petitioners have acquired the status of civil servants and the relief claimed through the instant petition relates to the enforcement of their terms and conditions of service. This Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 has no jurisdiction to interfere in the matter. However, this case is pending before this Court since 2018, therefore, instead of dismissing this petition on question of jurisdiction, this petition be transmitted to Worthy Khyber Pakhtunkhwa Service Tribunal for adjudication on merit. Copy of this petition be retained in office while the original file along with the annexure be sent to the Worthy Tribunal.

<u>7.</u> Disposed of in the above terms.

ANNOUNCED. 03.11.2022

Chief Justice

Judge

57707 29 8 - 5/1/2023

awab Shah CS (DB) Justice Qaiser Rashid Khan CJ & Justice Syed Arahad Ali .

2 FES 3/23



## COVERNMENT OF N.W.F FINANCE DEPARTMEN (REGULATION WING)

NO. PD (PRC) 5-2 /2002

Dated Peshawar the: 30-10-2009

The Secretary to Govi. of NWFP. Elementary & Secondary Education Department, Peshawar.

Subject:

To:

CRANT UNTRAINED TEACHERS ANNUAL INCREMENT COURT JUDGMENT.

Dear Sir.

I am directed to refer to this Department letter No.FD (PRC) 5 dated 30-03-2009 on the subject noted above and to say that certain quarters have raised some quarries about the subject matter which are clarified as under:-

- All those untrained teachers who were appointed on the were subsequently regularized against their posts, on acquiring & completing requisite training successfully, would be entitled for such benefits of annual increments from the date of their first Pappointments as stien, but william to the
- The above benefit would also he admissible to all those retired teachers who fulfil the above conditions.
- The above benefit would not be admissible to those who menseives resigned, as were removed / terminated from service.
- This Department letter of even number dated 30-03-2009 shall be deemed to have been modified to the shove extent.

ours Faithivity

(Staukat ullah) SECTION OFFICER (SR-1)

Endst: of even No. & date

Copy for information and necessary action;-

- Accountant General, NWFP. 2.
- All District Coordination Officers, NWIPD
- All District / Agency Accounts Officers, NWFD / PAT

SECTION OFFICER (SR-1)

# BETTER COPY OF THE PAGE NO. GOVERNMENT OF N.W.F.P FINANCE DEPARTMENT (REGULATION WING)

65

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No. FD(PRC)5-2/2002 Dated Peshawar the: 30-10-2009

The Secretary to Govt. of NWFP,

Elementary & Secondary Education Department,

Peshawar.

Subject:

GRANT OF ANNUAL INCREMENT/RUNNING PAY TO UNTRATNED TEACHERS IN THE LIGHT OF SURPEME COURT JUDGMENT

Dear Sir,

I am directed to refer to this department letter NO. FD (PRC) 5-2/2002 dated 30-03-2009 on the subject noted above and to say that certain quarters have raised some quarries about the subject matter which are clarified as under:

- All those untrained teachers who were appointed on fix pay and were subsequently regularized against their posts, on acquiring/completing requisite training successfully, would be entitled for such benefits of annual increments from the date of their first appointments as such, but without arrears.
- ii. The above benefit would also be admissible to all those retired teachers who fulfill the above conditions.
- iii. The above benefit would not be admissible to those who snemseives resigned, or were removed/terminated from service.
- 2. This Department letter of even number dated 30/03/2009 shall be deemed to have been modified to the above extent.

Yours Faithfully

(SHAUKAT ULLAH) SECTION OFFICER (SR-I)

#### Endst: of even No. & date

Copy for information and necessary actin:

- 1. Accountant General, NWFP.
- 2. All District Coordination Officers, NWFP.
- 3. All District/Agency Accounts Officers, NWFP/FATA.

SECTION OFFICER (SR-I)

## WAKALAT NAMA

# THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Rajn	whamma	d		
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			Appella	nt(s)/Petitioner(s)
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The Govt. Of	Khyber Pakhtunk	hwa and oth	ers	Danner
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Khaled F	Kahman,			•

Advocate,

Supreme Court of Pakistan

&

Muhammad Amin Ayub Advocate, High Court

Muhammad Ghazanfar Ali

Advocate, High Court

4-B, Haroon Mansion Khyber Bazar, Peshawar Off: Tel: 091-2592458