



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2148 /2023

Karna Khel ..... Appellant

Versus

The Govt. of KPK and others ..... Respondents

I N D E X

S.#	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal with Affidavit			1-6
2.	Appointment order of appellant	11.08.2006	A	7
3.	Service Book of appellant		B	8-9
4.	Letter for issuance of Notice	15.11.2010	C	10
5.	Letter directing the Agency Education Officers to terminate the services of teaching and non-teaching staff of the Community Schools	13.12.2010	D	11-12
6.	Circular letter	12.01.2011	E	13-15
7.	Circular for re-opening of Functional Community Schools	12.09.2011	F	16
8.	Circular for re-opening of Functional Community Schools in the first week of October 2011	06.10.2011	G	17
9.	Minutes of the Standing Committee of the National Assembly on SAFRON held on 21.12.2011	21.12.2011	H	18-21
10.	Minutes of the Senate Standing Committee on SAFRON held on 09.03.2012	09.03.2012	I	22
11.	Summary for the approval of the Governor for regularization of Community School Teachers	30.04.2012	J	23-25
12.	Notification by the Ex-FATA Secretariat for regularization of Community School Teachers	11.05.2012	K	26
13.	Letters issued by the Ex-FATA Secretariat	02.09.2013 29.10.2013	L	27-28
14.	Regularization/adjustment order of appellant	04.11.2016	M	29
15.	Fresh Service Book of the appellant		N	30-33
16.	Departmental Appeal		O	34
17.	Impugned order	29.08.2018	P	35
18.	Writ Petition No.4597-P/2018	17.09.2018	Q	36-54
19.	Judgment in Writ Petition No.4597-P/2018	03.11.2022	R	55-57
20.	Circular letter whereby untrained period of service was subsequently counted for the purpose annual increments	30.10.2009	S	58
21.	Wakalat Nama			59

Through

Appellant

Khaled Rahman  
Advocate, Supreme Court

&

Muhammad Amin Ayub

&

Muhammad Ghazanfar Ali  
Advocates, High Court

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

Dated: \_\_\_/08/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2148 /2023

Karna Khel,

SPST GPS Mashkanro Mela, District Khyber..... Appellant

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 REGRETTEED.

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 petition 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 11.08.2006 (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 non-functional.
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 in spite 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. 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.
7. **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;-H*) wherein in Para

No.10, the Committee raised concern over the plight of Community School Teachers and directions were made to regularize their services including their past service and grant of graded pay to them. Similarly, the Senate Standing Committee on SAFRON also discussed the issue in its meeting held on 09.03.2012 (Minutes *Annex;-I*) and directed for solving the problem of their dues and regularization. In the meanwhile, a Summary (*Annex;-J*) 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;-K*) 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.*
  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 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;-L*), 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 04.11.2016 (*Annex;-M*). However, after regular appointment fresh Service Book (*Annex;-N*) 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;-O*) 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;-P*).
10. That the appellant and his other colleagues being aggrieved of the impugned order *ibid*, filed Writ Petition No.4597-P/2018 (*Annex;-Q*) 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;-R*) 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;-S*). 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.

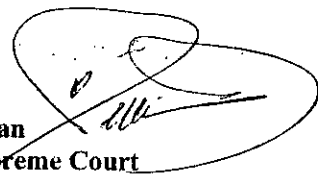
- F. **That** appellant has served the Department since date of his initial appointment with full dedication and is entitled for the pensionary benefits under the law but then Respondents have unlawfully refused the same to the appellant which is unlawful, arbitrary and hence not maintainable under the 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

  
Appellant

  
Khaled Rahman  
Advocate, Supreme Court

&  
Muhammad Amin Ayub,

&  
Muhammad Ghazanfar Ali  
Advocates, High Court

Dated: \_\_\_/08/2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

Karna Khel ..... Appellant

Versus

The Govt. of KPK and others ..... Respondents

**AFFIDAVIT**

I, Karna Khel S/o Talib Shah, SPST GPS Mashkanro Mela, 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.

*Karb*  
Deponent

ATTESTED  
S. J. DEGAZ KHAN  
Oath  
Commissioner  
*[Signature]*  
06/07/23



A-7

copy  
2

**BETTER COPY OF THE PAGE NO.**  
**OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD**

**APPOINTMENT ORDER**

Consequent upon the approval of the Departmental Selection Committee the following untrained PTC (Male) local candidate of Khyber Agency are hereby Temporarily appointed in Communal Schools on contract basis for the project period against vacant PTC post in BPS No. 7 /PM Fixed plus usual allowances as admissible to them 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 services.

S.No.	Name/Father's Name	Appointed at	Remarks
1	Hazrat Wali S/o Mia Jan	BCS Masood Kili Tirah	Against vacant post
2 ✓	Karna Khel S/o Talib Shah	BCS Gul Samand	-do-
3	Muhd Bilal S/o Amin Khan	BCS Sarwar Khan Bokar	-do-
4	Naveed Ahmad S/o Muhammadullah	BCS Kachkool	-do-
5 ✓	Mir Habib S/o Fazal Khan	BCS Zarmast Killi	-do-
6 ✓	Umar Said S/o Sar Mir	BCS Ziarat Gul Killi	-do-

Note.

1. Charge report should be submitted to all concerned.
2. The appointment of the candidates has been made purely on contract basis and is liable to terminate without assigning any notice in case candidates wished to resign their service, they will have to give on month prior notice or forfeit one month pay in lieu thereof.
3. They should produce their original academic/professional certificates, Domicile before their taking over charge and attested copies thereof to be kept on the record of the school/office after the verification from the Board/University concerned.
4. They should produce their health and Age Certificate from the Agency surgeon concerned.
5. They should not be hand over charge, if they are below 18 years or above 33 years of age.
6. If they fail to report their arrival within 15 days the order will be treated as cancelled.
7. Trained local candidates are permissible for transfer any where against available vacant post on case to case basis.

(MR. ABDUR RASHID QURESHI)  
AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

Endst No. 11544-48

Dated: 11/08/2006

Copy forwarded to the:

1. Director of Education FATA (NWFP) Peshawar.
2. Agency Accounts officer Khyber at Jamrud
3. AAEO (Concerned) local Office.
4. Accountant local office.
5. Candidates concerned.

AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

A-2  
7

(1)

AGENCY EDUCATION OFFICER, KYBER AGENCY AT JAMRUI

Order of appointment approval of the following candidates for temporary appointment in Command of various posts in BPS No. 7/1/2006 and plus usual allowances as admissible by Government rules with the date of their joining in charge in the schools noted against their names in the interest of public service.

S.No.	Name/Father's Name	Appointed to
01	Nazim Wali S/O Mr. Jm	BOS Masood Kili Tich
02	Kamran Khan S/O Mr. Jm	BOS G-2 Sargani
03	Muhammad Bilal S/O Mr. Jm	BOS perwar Khan Madan
04	Muhammad Zahid S/O Mr. Jm	BOS Masood Kili Tich
05	Muhammad Bilal S/O Mr. Jm	BOS perwar Khan Madan
06	Muhammad Bilal S/O Mr. Jm	BOS perwar Khan Madan

1. Charge report should be submitted to all concerned.
2. The appointment order of candidates should be made purely on merit basis and is liable for termination without prejudice any notice in case candidates wish not to resign their services they will have to work without gratuity and other benefits for 3 months period after that time.
3. Post holder should produce their original and copy of their school certificate, D.M.C. certificate and other documents that should be attached copies of the same on the record of the school of their posting and notification from the Board/University concerned.
4. They should produce their Health and fitness certificate from the concerned surgeon concerned.
5. They should not be transferred charge if they are below 18 years or above 30 years of age.
6. If they fail to report for arrival within 15 days the order will be treated as cancelled.
7. Transfer of best candidates are permissible for transfer any where against available vacant post on case to case basis.

(MR. ABDUL RASHID QUARISHI, AGENCY EDUCATION OFFICER, KYBER AGENCY AT JAMRUI)

Order No. 11544-45/06  
Copy forwarded to the:

Date: 11/18/2006

1. Director of Education, FATA (NWFP) Peshawar
2. Agency Accounts Officer, Jamber, Islamabad
3. AAO (Concerned) local Office
4. Accountant local office
5. Candidates concerned.

(Signature)  
AGENCY EDUCATION OFFICER, KYBER AGENCY AT JAMRUI

3 old B-8

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

Name: Karna khel

Race: Karnar khel

Residence: village Karnar khel Ichund khel Tehsil  
P/O Bara Ichyber Agency.

Father's name and residence: Talib Shah.

Date of birth by Christian era as nearly as can be ascertained:

06-5-1982  
Sixth May N-H. Eighty two.

Exact height by measurement:

5-3"

Date

Personal marks for identification:

A wound mark on left hand.

Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

9. Signature of Government Servant:

10. Signature and designation of the Head of the Office, or other Attesting Officer:

[Signature]  
Agency Education Officer  
Bara Agency At Ichund

B-2

1	2	3	4	5	6	7	8	9	10
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant	Signature and Designation of head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment
P.T.E.			BPS	7-2555-140-6755					
Bes Gul Samond			Rs. 2555/PM	Fixed		19-8/06		A. E. O. Khyber.	30/11/01
<i>de</i>			Rs. 2555/PM			1-12/06		A. E. O. Khyber.	30/0
<i>de</i>			B=7 Rs= 2940-160-7740						
<i>de</i>			Rs. 2940/PM			1-7/07		A. E. O. Khyber.	30/0
<i>de</i>			Rs. 2940/PM			1-12/07		A. E. O. Khyber.	30/0
<i>de</i>			B=7 Rs= 3530-190-9230						
<i>de</i>			Rs. 3530/PM			1-7/08		A. E. O. Khyber.	30/0
<i>de</i>			Rs. 3530/PM			1-12/08		A. E. O. Khyber.	30/0
<i>de</i>			Rs. 3720/PM			1-12/09		A. E. O. Khyber.	30/0

7 Date of appointment	8 Signature of Government Servant	9 Name and Designation of head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination such as promotion, transfer, dismissal, etc.:	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
						Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government			
							Period			Government to which debit
0-6-55										
8-7-06		A. E. O. Khyber	30/11/06	A/mc NIL	A. E. O. Khyber.	<p>Appointed against P.Te post at BCS Gul Sammel in BPS 7/PM Fixed Plus usual allowance as admissible under the rule on contract basis for Project period vide AEO Khyber Enclst No 11544-43 dt 11-8-</p> <p><i>Abdul</i></p> <p>Agency Education Officer Khyber Agency At Jamrud</p> <p><b>SERVICES VERIFIED</b> From 19-8-06 TO 30-11-2007 From the Pay Bill &amp; other record of this Office.</p> <p>Agency Education Officer Khyber Agency. at Jamrud</p>				
12-06		A. E. O. Khyber.	30/6/07	R/Pay	A. E. O. Khyber.					
7-12		A. E. O. Khyber.	30/11/07	A/mc NIL	A. E. O. Khyber.					
2-17		A. E. O. Khyber.	30/6/08	R/Pay	A. E. O. Khyber.					
3-3		A. E. O. Khyber.	30/11/08	A/mc NIL	A. E. O. Khyber.					
3-3		A. E. O. Khyber.	30/11/09	A/mc	A. E. O. Khyber.					
3-3		A. E. O. Khyber.								


(For use in Police Department only).

Note:—The

Heirs,

- 1.
- 2.

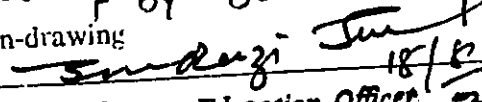
- 1. Na
- 2. R
- 3. R

Passed ATC Examination from  
 A-I-D-U Islam Abad Under  
 Verification Roll No. dated \_\_\_\_\_ received back  
 Roll No. Q 665511 session  
 Sp Imp 2005 marks obtained  
 55/100. Result declared on  
 9-1-2006.  Left thumb-impression.

- 4. F
- 5. I

Agency Education Officer,  
 Khyber Agency of Jamrud.

- 6. I

Qualification	Date	Qualifications	Date
English		First Arts	
Passed SSC Examination Peshawar B.I.S.E Peshawar Under Roll No 177575 marks obtained 389 out of 87850		B. L. or B. A.	
Plan-drawing		Pleadership examination	
 18/12/03		Training School Final examination	
Finger print		Other qualifications—	
Agency Education Officer, Khyber Agency Jamrud.			
Drill instructing		Passed F.A. Examination from	
Court duties		B.I.S.E Peshawar Under Roll No.	
Reserve duties		No 103816 2009(A) marks obtained 461-D out of 1100 vide verification No 1585/inter/BISEP dated 22-1-2010	

- 7.
- 8.

- 9.
- 10.

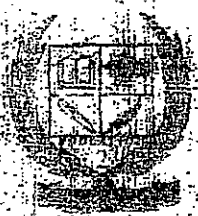
N.B.—Line to be drawn under the qualification possessed.

Agency Education Officer,  
 Khyber Agency of Jamrud.

C-10

FORM NO. 15200457

16 Nov. 2010 09:41AM P1



FATA SECRETARIAT  
 DIRECTORATE OF EDUCATION  
 HUYAS PAKHTUNKHA, WAKAR ROAD PESHAWAR, PAKISTAN  
 PHONS. 091-9410244 FAX 091-9210214  
 No. /  
 Date Recd: 15/11/2010

To: All the Agency Education Officers in FATA.

Subject: Closure of Non functional Community Schools in FATA

Memo: The Community Schools in some areas i.e Bara Tehsil of Khyber Agency, Balzai Tehsil in Mohmand Agency, Shawal 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 Govt 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)

Encl: No. 3109-27 /

Copy to :-

1. All Political Agents in FATA.
2. DCO Peshawar, Kohat, Lakki, Bannu, Tank, D.I.Khan
3. PS 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&M)



D-11

**FATA SECRETARIAT**  
**DIRECTORATE OF EDUCATION**  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE 091-9210166 FAX 091-9210216

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

To

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.

**ATTESTED**

-sd-

Deputy Director (P&M)





12

**FATA SECRETARIAT  
DIRECTORATE OF EDUCATION**

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

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

To

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.

**ATTESTED**

-sd-

Deputy Director (P&M)

DIRECTORATE OF EDUCATION  
FATA K.P.K PESHAWARNo. 9769-78 / 1Dated: - 12/01/2011

To,

All the Agency Education Officer,  
in FATA.**SUBJECT: - SCRUTINY VERIFICATION OF WORKING COMMUNITY SCHOOLS.**

Memo

I am directed to enclose herewith a copy of letter No. PS/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&amp;M)

Encls: No: \_\_\_\_\_

Copy to the:-

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



cy (Admin & Coord)

14  
FATA SECRETARIAT  
PESHAWAR

No. IS/52(24)/1-0/misc/2  
12-01-2011 / 194-210

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**

**0-10 days:** Verification of actual presence of teachers by the Committee: On 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.

**11-20 days:** Verification of academic certificates. The Certificates are to be got verified from the concerned Boards through special messengers.

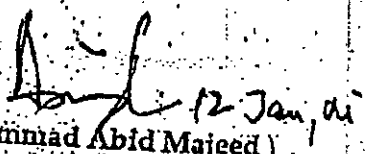
**21-30 days:** Submission of names by verified community school teachers with verified credentials to Fata Secretariat/Directorate of Education. During this same time Community Teachers would be asked to provide names and particulars of students studying in gher School.

**31-45 days:** Submission of Form B of Such students by the Community School Teachers.

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

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:

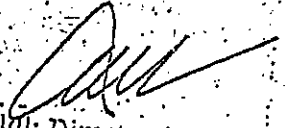
- 1- ✓ Director Education FATA.
- 2- PS to ACS FATA.



To: 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.5795-5810 dated 20.8.2011 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)  
 Fax No.091-3200367

Encl: No. \_\_\_\_\_

- Copy forwarded to:-
- 1-7. All the Political Agents in FATA.
  - 8-13. The District Coordination Officers Peshawar, Kohat, Bannu, Lakki, Tank, D.I.Khan.
  - 14. P/S to Secretary A&C, FATA Secretariat.
  - 15. PS to Secretary P&D, FATA Secretariat.
  - 16. P.A to Director Education FATA.

  
 Addl. Director (P&M)

16

**BETTER COPY OF THE PAGE NO.**  
**FATA SECRETARIAT**  
**DIRECTORATE OF EDUCATION**

Dated, Pesh the 12/09/2011

To,

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, D.I.Khan.
14. PS to Secretary A&C, FATA Secretariat.
15. PS to Secretary P & D, FATA Secretariat, Peshawar.
16. P.A to Director Education FATA.

Dy Director (P&M)

F



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:-

1. All the Political Agents in FATA.
2. District Coordination Officers Peshawar, Kohat, Bannu, Lakki, Tank and DI Khan.
3. PS to Additional Chief Secretary FATA.
4. PS to Secretary Admn: & Coord: FATA Secretariat.
5. PS to Secretary P&D FATA Secretariat.
6. PA to Director Education FATA

Addl: Director (P&M)

G | TF

H-13

IMMEDIATE BY FAX  
NATIONAL ASSEMBLY BUSINESS

No.F.11(1)-FA/2011  
GOVERNMENT OF PAKISTAN  
STATES AND FRONTIER REGIONS DIVISION  
\*\*\*\*\*

Islamabad, the 23<sup>rd</sup> December, 2011.

To

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

Attention Mr. Muhammad Ali (PRO)

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

Dear Sir,

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

2

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

Encl: As above.

Yours faithfully

*Zur Rehman*  
(ZIR-UR-REHMAN)  
Section Officer (JA)

*Circular  
to be issued.*  
*[Signature]*

Dy Secy (Coord)  
Dairy No. 1348  
Date 27/12/11  
SO \_\_\_\_\_  
RO \_\_\_\_\_

*for a/g*  
*SAFE*  
*[Signature]*  
*28/12*  
*29/12*

*on*  
*[Signature]*  
*29/12*

1574  
21-12-2011



Subject: MEETING OF SAFPON HELD ON THE WEDNESDAY 21<sup>st</sup> DECEMBER, 2011 AT 02:30 PM IN COMMITTEE ROOM NO. 7, PARLIAMENT HOUSE, ISLAMABAD.

Mr. Sajid Hussain Tun, MNA chaired the meeting on Wednesday 21<sup>st</sup> December, 2011 at 02:30 PM in Committee Room No. 7, Parliament House, Islamabad. The agenda of meeting was as under:-

1. Further discussion on Sanctioned New Employees (SNEs) of all departments lying pending in FATA Secretariat (as decided in the meeting of the Committee held on 02<sup>nd</sup> December, 2011 that Secretary Finance will brief the Committee on this agenda item).
2. Further discussion on justification for non-release of funds of Rupees 14 billions for creation of 4045 posts of FATA Secretariat since 2008, (as decided in the meeting of the Committee held on 02<sup>nd</sup> December, 2011 that Secretary Finance will brief the Committee on this agenda item).
3. Status of Community Schools in FATA in light of the decision taken by the Governor KPK and Parliamentarians.
4. Briefing on the performance of Sports Directorate, FATA.
5. Any other item with the permission of the Chair.

2. Mr. Jawed Hussain, MNA, and Maulvi Asmatullah, MNA, attended the meeting. Besides Engineer Shaukatullah, Minister for State and Frontier Regions, Mr. Muzt Khan Orakzai, MNA, Mr. Muhammad Kamran Khan, MNA, Mr. Nasir-ul-Haq Qadir, MNA, Mr. Zafer Beg Shikri, MNA and Mr. Parichullah Jan Afridi, MNA as a Special Invitee and Mr. Habibullah Khan, Secretary, SAFPON, Mr. Arshad Ahmed, FA (SAFPON) Mr. Nazir Ahmad Khan, DFA (SAFPON), Shih Sahib, Secretary, Finance, FATA, Mr. Farid Mawani, Director Education, FATA, Mr. Faisal Jamil Shah, Project Director Sports (FATA), Mr. Muhammad Jamil, Chairman Community Teacher also participated.

3. The meeting started with the recitation of Holy Quran. After a long deliberations following findings/recommendations were made:-

Fr. J.S (S/FA)

Placed before

me

Total 3 pages

Disseminated

Forwarded

followup

SECRETARY

*[Signature]*  
29/12/11

S/FA

ENR ASHRAF

*Followup*

JOINT SECRETARY (S/FA)

By: *[Signature]*

Date: *[Signature]*

States & F.R. Division

Secretary Office

By: *[Signature]*

Date: *[Signature]*

FINDINGS/RECOMMEND

4. Ministry of Finance delayed the case for 5 to 6 years for not releasing the funds of 4938 SNEs of FATA Secretariat. Whereas Mr. Anhed Ahmed and Mr. Nazir Ahmed stated that FATA Secretariat is responsible for delay. Secretary, Ministry of SAFFRON will hold meeting and fix the responsibility and inform the Committee. The Committee notes that case is pending since 2002 and FATA Secretariat as well as Ministry of Finance has done nothing.

5. The criteria for distribution of 1200 posts of Education and Health Department should be transparent, rationalized and allocated after consultation of Parliamentarians.

6. The Committee recommended that it is irony that codal committees were completed and relevant FCs were submitted but funds were not released. The allocation for development budget with non-development budget is not rational 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, SAFFRON and FATA Secretariat should resolve the issue within one month.

7. The Committee expressed concern that no Additional Secretary from Ministry of Finance has come to attend the meeting. Action will be taken under Rule 227 Rules of Procedure and Conduct of Business of the National Assembly, 2007.

8. The Committee recommended Secretary, Ministry of Finance to technically clear 2000 SNEs within week and rest of posts should be cleared ~~without further~~ delay. The agenda was deferred. Next meeting will be held on 5<sup>th</sup> January, 2011. Secretary, SAFFRON, Secretary, Ministry of Finance, FA, DFA and FATA Secretariat will held meeting before 5<sup>th</sup> January, 2011 and inform to the Committee.

9. 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 5<sup>th</sup> January, 2011.

9 (10) The Committee expressed concern that 571 Community Schools in FATA were closed from 01-01-2011 and the services of all Community Schools teachers were displaced on 13-12-2010. FATA Secretariat should regularize the services of teachers

including their previous services and pay graded salaries as per previous practice without further delay. FATA Secretariat should carry regular visits of schools and make verifications with consultation of MAs. There is no monitoring system in FATA Secretariat to increase the efficiency and level of education. Secretary, Ministry of SAFRON to look into the matter and direct the concerned quarters.

11. The Committee recommended that Sport Directorate FATA Should furnish agency wise distribution of funds to the Committee Secretary, Ministry of Finance. *Said Jan*

12. Minister SAFRON informed that all work in FATA with regard to sports activities was done by himself when he was Minister sports. Every Agency has Sports Complex, mostly are operational. Recently construction of Benazir Bhutto Shaheed Sports Complex including Boxing cum Badminton Hall and Fitness Gymnasium hall with allied facilities at Bajaur Agency has been inaugurated by Honorable Engr. Shaukatullah Khan, Federal Minister SAFRON.

13. The meeting ended with vote of thanks.

(E)



# SENATE SECRETARIAT

Most Immediate

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

Islamabad, the 12<sup>th</sup> March, 2012.

Senate Standing Committee on States and Frontier Regions in its meeting held on 9<sup>th</sup> 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 development schemes in FATA.

2. 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,

(GHULAM MURTAZA)  
JS/Secretary Committee  
Ph.No.9212636

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

The Secretary,  
Ministry of Finance,  
Government of Pakistan,  
Islamabad.

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

Additional Chief Secretary,  
FATA Secretariat,  
Peshawar.

J-23

30-4-12



FATA 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 launched 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 basis.

After receiving reports about the non-functional community schools in FATA, the community schools project was closed and the services of teaching/non-teaching staff working in these schools were terminated with effect from 01.01.2011.

However, on the persistent demand of Teachers Associations and local leaders, the FATA Secretariat constituted scrutiny committees under the chairmanship of Political Agents/Additional Political Agents in each Agency/FR to verify the status of closed community schools in FATA and to recommend reopening of non-functional community schools. A scheme at each Agency/FR level was included in ADP 2011-12. Based on the recommendation of proscribed committees, 742 community schools were reopened throughout FATA, and teachers working in these functional community schools were reappointed on contract basis (Agency wise list of reopened functional community schools is attached at F/A).

It is worth mentioning that the community school teachers in FATA have rendered more than 10 years service on contract basis and have lodged repeated appeals and protests mentioned in the Newspapers for regularization of their services (I/B).

In addition, the National Assembly / Senate Standing Committees for States and Frontier Regions have also recommended the regularization of the services of community school teachers in their meetings held 21.12.2011 and 9.3.2012 in Parliament House, Islamabad (F/C & F/D).

K A



FATA SECRETARIAT  
(SOCIAL SECTORS DEPARTMENT)

### SUMMARY FOR GOVERNOR, KHYBER PAKHTUNKHWA

6. The total working strength of community school teachers in FATA is 1437 (846 female + 591 male) as per Agency/center wise break up given at F/1. 15 of them are untrained and not qualified for regular posts vide F/1. Similarly, 259 female teachers are non-local and can only be considered for appointment against regular posts after adjustment 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 received in a few days and the lists of schools and teachers will be updated/corrected accordingly.

7. There are 303 existing vacant PTC (BS-7) posts in FATA. SNE for creation of 542 PTC posts has been sent to SAFRON Division, Islamabad while that of 192 posts is under process with Finance Department, FATA Secretariat as per details given at F/1 which are expected in the near future.

ii. 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 Governor with the proposal to adjust those community school teachers against regular posts who had been selected on merit 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 (F/1). The proposal was very kindly approved by the Governor and instructions issued to all Agency Education Officers accordingly (F/1).

ii. Keeping in view their long teaching experience and services rendered for the promotion 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 regular posts in phased manner purely on merit basis as per existing recruitment 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 <sup>eligible</sup> 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 teachers. 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 same location. The respective community schools students would be shifted to nearby regular schools. No further recruitment of community school teachers will be made.



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

*Ausman 30/4/2012*  
Secretary Social Sectors, FATA

Secretary Finance, FATA (on leave)

*Finance Department, FATA, Islamabad, para-9/N*

*[Signature]*

Chief Secretary, FATA

FATA SECRETARIAT  
Social Sectors Department  
Secretary

12. Para - 9/N is submitted for approval.

*[Signature]*  
Additional Secretary  
FATA

Governor, Khyber Pakhtunkhwa

13. Para 9 approved. Same

Governor  
Khyber Pakhtunkhwa

*ACSC*

*[Signature]*

D.E.

*[Signature]*  
4/5

*[Signature]*  
9/5



**FATA SECRETARIAT**  
Social Sectors Department  
Warsak Road Peshawar

K-26

**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.

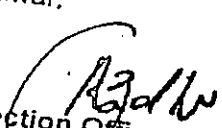
1. The available regular vacant PST (BS-7) posts in the Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective Agencies/FRs.
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 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.

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

  
Section Officer (Edu) SSD  
FATA Secretariat, Peshawar

2012



L-27



FATA SECRETARIAT  
 DIRECTORATE OF EDUCATION  
 WARSAK ROAD PESHAWAR, PAKISTAN  
 PHONE: 091-9210100 FAX: 091-9210114  
 No. 10380  
 Date Pesh: the 02/09/2013.

To: 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 subject 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.

*[Signature]*  
 Asstt: Director (P&D)

Encls.No. \_\_\_\_\_

Copy forwarded to the:-

1. P.A to Director Education FATA Peshawar.

*[Signature]*  
 Asstt: Director (P&D)

2013

77



29-10-15

FATA SECRETARIAT  
DIRECTORATE OF EDUCATION  
WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE 091-9210166 FAX 091-9210216  
NO. .... DATED 29/10/2015

Notification

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 School Teachers with immediate effect.

Secretary Social Sectors FATA

Endst: No. 2085-90

Copy forwarded for information to the:-

- 1. PS to Additional Chief Secretary FATA
- 2. PS to Secretary SSD FATA
- 3. PS to Secretary AI&C FATA
- 4. Agency Education Officers in FATA
- 5. Agency Account Officers in FATA
- 6. P/A to Director Education FATA

Addl: Director (P&M)

2015

M-29

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD.

SERVICES REGULARIZATION /ADJUSTMENT ORDER

Consequent upon Notification No. SO (E)/SSD/CSTR-99-108/ dated 11/5/2012 issued by Secretary Social Sector Department FATA Secretariat Peshawar and subsequent guidance received from Directorate of Education FATA vide No.10380 dated 02/09/2013, the Services of the following Local (Male) Communal Schools Teachers of **Tehsil Bara & Tehsil Jamrud** are hereby Regularized/Adjusted against regular vacant PST posts, in the School noted against their names from, Tehsil-Wise merit list, purely on temporary basis in BPS-12 (11140-800-35140) plus usual allowances as admissible under the rules with immediate effect in the interest of public service.

S.No	Name	Father Name	Name of Community School	Posting at Regular School	Tehsil	Remarks
1	Muhammad Khan	Shaus Khan	BCS Main Ahmad Gul MDK	GPS Raza Khan Killi Bara	Bara	Vacant
2	Gul Amin	Angor Khan	BCS Pakistan Tora Wela Ziouddin	GPS Khormatang Aka Khel Bara	Bara	Vacant
3	Kama Khel	Talib Shah	BCs Mughal Jan Tora Wela Ziouddin	GPS Mashkano Mela	Bara	Vacant
4	Khan Malik	Sahib Gul	BCS Amir Jan Qula Aka Khel	GPS Kotkai Tirah Maidan	Bara	Vacant
5	Fateh Khan	Mulla Khel	BCS Syed Ahmad Shah MDK	GPS Mashkano Mela	Bara	Vacant
6	Farid Ullah	Kabul Sher	BCS Nabat Khan Toor Sapor Tirah	GPS Gulab Killi Loi Shalman Landi Kotal	Jamrud	Vacant

TERMS/CONDITIONS.

1. The appointment of the candidate is made purely on temporary basis.
2. Charge report should be submitted to all concerned.
3. All kinds of documents would be verified from the concerned Boards/University before the drawal of his salaries.
4. Health and Age certificate should be produced to this office to be obtained from the Agency Surgeon Khyber Agency.
5. Official age should be according to the Govt. policy.
6. If the Official failed to report his arrival within 15-days, of the issuance of this Order, his appointment order will be automatically considered as cancelled.

AGENCY EDUCATION OFFICER  
KHYBER AGENCY AT JAMRUD

Endst.No. 9016-221 Community

Dated 4/11/2016

Copy of the above are 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 Superintendent Local Office
- 6 Accountant/Pay Clerk concerned.
- 7 Official concerned.

Agency Education Officer  
Khyber Agency at Jamrud

M-1

(For use in Police Department only).

N-30

1. Passed SSC exam from  
 BISE Peshawar Session 2002  
 (Annual) under Roll No - 84986-  
 marks obtained 453 out of 750/-  
 2.  
 3.

Agency Education Officer  
 Kyber Agency at Jamrud  
 Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back

2. Passed F.A exam from  
 BISE Peshawar Session  
 2014 under Roll No 73477  
 marks obtained 595 out of 1000-  
 Left Thumb Impression

Agency Education Officer  
 Kyber Agency at Jamrud

Qualification	Date	Qualification
3. Passed P.T.C exam from A.I.O.W. Islamabad session. English Spring 2008 under Roll No - 2610231 marks obtained Pushto 586 out of 900. The result declared on 14-02-2009 -		First Arts
		B.L. or B.A
Urdu		Pleadership examination
Plan-drawing		Training School Final examination
Finger Print		Other qualifications—
Drill Instructing		
Court Duties		
Reserve Duties		

N.B - Line to be drawn under the qualification possessed.

M4

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

Name: Karna Kheil

Address: Abidi

Residence: Buzan Khyber Agency



Holder's name and residence: Talib Shah



Date of birth by Christian era as early as can be ascertained: 06/05/1982

Exact height by measurement: 5'5"

Personal marks for identification:

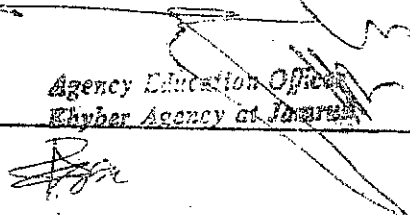
Left hand thumb and Finger impression (Non-Gazetted) officer:

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: 

Signature and designation of the head of the office, or other Attesting officer:   
Agency Education Officer  
Khyber Agency at Jaranak

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 374 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government Servant
PST C-PS Mashhad Mela Baba			RS 11140/-			5 <sup>11</sup> / <sub>2016</sub>	
			RS 11140/-			1 <sup>12</sup> / <sub>2016</sub>	

9 id Designation of the office posting officer classification of posts 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government			
					Period			Government to Which debtible
<i>AEO, Khyber,</i>	<i>30/1/2016</i>	<i>No Inc.</i>	<i>AEO, Khyber,</i>	<i>Service Regularized/adjusted against Regular vacant post Post BPS No-12 (11140-800-3540) plus USVAC allow as admissible under the rules vide AEO Khyber Endstr No - 9016-22/Community dated 4-11-2016.</i>				

*Agency Education Officer  
Khyber Agency of Jamrud*

*TR No: 1761 dt 14/1/2017  
S-I verified.*

*Agency Education Officer  
Khyber*

*TR No 640 dt 8-3-2017  
A rule of 10% of allowanc  
used 3/11/2016 to 31/3/2017  
Rs- 34130/-*

*[Handwritten signature]*

11	12	13
----	----	----

### محکمہ تعلیم و تربیت، فوجی سکول، پشاور

درخواست برائے سابقہ سروس Benifit and increments

تاریخ

مورہ یادگزارش ہے کہ ہم پر مشتمل گزراہ PST اساتذہ کرام اس سال سے زائد عرصہ تک مسلسل کے ساتھ قبلی اطلاع کے کیش سکول پراجیکٹ میں شامل ہوئے ہیں۔ باوجود اس کے بعد پالیسی کی تاثر کیشوں پر ایسے طریقوں اور ریکورڈنگز میں کیشی کے سفارشات اور گورنر خیر پختونخواہ کے احکامات کے مطابق یہ سروس اساتذہ کی طرف سے اساتذہ کو اساتذہ کی پراجیکٹ میں ابتدائی تقرری کے وقت سے ہی واجبات و تالیفات سروس ریکورڈنگز میں کیشی کے سفارشات اور گورنر خیر پختونخواہ کے احکامات کے مطابق اساتذہ کی کثیرت عرصہ ملازمت سروس کو ابتدائی پراجیکٹ سروس سے سابقہ سروس Valueable/Countable تسلیم کرنے کے لیے اساتذہ کو اساتذہ کی سروس میں ریکورڈنگز میں اساتذہ کو اساتذہ کی کثیرت اور عارضی (Inatal Recurament) قرار دے کر سابقہ سروس واجبات و تالیفات سے کثیرت سروس کے اساتذہ کو اساتذہ کی سروس میں ریکورڈنگز میں اساتذہ کو اساتذہ کی کثیرت اور عارضی (Inatal Recurament) قرار دے کر سابقہ سروس واجبات و تالیفات سے کثیرت سروس کے اساتذہ کو اساتذہ کی سروس میں ریکورڈنگز میں اساتذہ کو اساتذہ کی کثیرت اور عارضی (Inatal Recurament) قرار دے کر سابقہ سروس واجبات و تالیفات سے کثیرت سروس کے اساتذہ کو اساتذہ کی سروس میں ریکورڈنگز میں اساتذہ کو اساتذہ کی کثیرت اور عارضی (Inatal Recurament) قرار دے کر سابقہ سروس واجبات و تالیفات سے کثیرت سروس کے

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 their 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 (F/A) 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 finaly committee advised that regularization of their services of communital teachers serving in FATA school may be solved by clearing their all duse and regularization of their services

12-10-2011 کیوں سکول پراجیکٹ میں دوبارہ تعینات اساتذہ کی سابقہ پراجیکٹ کثیرت سروس Valueable/Countable

29-10-2015 اور اسلئے نمبر 10380 مورخہ 02-09-2013 میں اضافت موجود ہے۔

(Inat al Recurament) نہیں۔ بلکہ گورنر پالیسی کے مطابق سروس ریکورڈنگز میں کیشی کے سفارشات اور گورنر خیر پختونخواہ کے احکامات کے مطابق اساتذہ کی کثیرت اور عارضی (Inatal Recurament) قرار دے کر سابقہ سروس واجبات و تالیفات سے کثیرت سروس کے اساتذہ کو اساتذہ کی سروس میں ریکورڈنگز میں اساتذہ کو اساتذہ کی کثیرت اور عارضی (Inatal Recurament) قرار دے کر سابقہ سروس واجبات و تالیفات سے کثیرت سروس کے

میں توازن ہوگی۔



درخواست برائے سابقہ سروس Benefit and increments بحالی

مودبانہ گزارش ہے کہ ہم عرضی گزار PST اساتذہ کرام دس سال سے زائد عرصہ تک تسلسل کے ساتھ قبائل اضلاع کے کیونٹل سکول پراجیکٹ میں خدمات سرانجام دیتے رہیں۔ بالآخر جہد مسلسل کے بعد پارلیمان کی قائمہ کمیٹیوں برائے سیران ڈویژن اور ریگولرائزیشن کمیٹی کے سفارشات اور گورنر خیبر پختونخوا کے احکامات کی روشنی میں کیونٹل سکول پراجیکٹ اساتذہ کو ان کی پراجیکٹ میں ابتدائی تقرری کے مدت سے مع واجبات و بقایا جات سروس ریگولرائزیشن کمیٹی کا حق تسلیم کیا گیا، جس کی رو سے دستیاب PST پوسٹوں پر کیونٹل اساتذہ کی مرحلہ وار سروس ایڈجسٹمنٹ (حد کی عمر کی رعایت) کے ساتھ ہوتی رہی لیکن پارلیمان کے قائمہ کمیٹیوں برائے سیران اور ریگولرائزیشن کمیٹی کے سفارشات اور گورنر خیبر پختونخوا کے احکامات برعکس ان اساتذہ کی کنٹریکٹ عرصہ ملازمت سروس کو ابتدائی پراجیکٹ سروس سے سابقہ سروس Valuable/Countable تسلیم کرنے کے بجائے ان اساتذہ کی سروس ریگولرائزیشن کمیٹی کو موجودہ تعیناتی (In tail Recurament) قرار دے کر سابقہ سروس مراعات واجبات و بقایا جات سے محروم کر کے ان اساتذہ کو حال و مستقبل میں سناریٹی پروموشن اور ریٹائرمنٹ کے وقت پنشن گریجویٹی حقوق سے محروم رکھا۔ حالانکہ بمطابق ریگولرائزیشن نوٹیفیکیشن نمبر SO(E)SSD/CSTR99-109 مورخہ 11/05/2012 اور گورنر انتظامی حکمانہ نمبر SO-1/1-1GS/2012 کے مطابق کیونٹل اساتذہ کی سروس مستقلی ان کی کنٹریکٹ پراجیکٹ سروس کے بنیاد پر ہوتی ہے جبکہ KPK میں دیگر پراجیکٹ / کنٹریکٹ ملازمین کے سابقہ سروس بٹیفٹ کے حق میں پشاور ہائی کورٹ اسپریم کورٹ بھی فیصلے دے چکی ہے جس کے متعلق حقائق و دلائل اور ثبوت یہ ہیں۔

GOVT of KPK, FINANCE DEPARTMENT (REGULATION WING) Endst No.FD(PCR) 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) مراسلہ نمبر 5994-6006 مورخہ 12/10/2011 کیونٹل سکول پراجیکٹ میں دوبارہ تعینات اساتذہ کی سابقہ پراجیکٹ / کنٹریکٹ سروس کو Valuable/Countable تسلیم کیا گیا۔

- (5) مراسلہ نمبر 2085-90 مورخہ 29/10/2015 اور مراسلہ نمبر 10380 مورخہ 02/09/2013 میں وضاحت موجود ہے کہ کیونٹل اساتذہ سروس مستقلی ابتدائی تعیناتی (Initial Rrecruitment) نہیں بلکہ گورنر پالیسی کے مطابق سروس ریگولرائزیشن کمیٹی ہے۔ لہذا مندرجہ بالا شواہد و حقائق کے روشنی میں ان اساتذہ کے سابقہ سروس مع بقایا جات اداگی کے احکامات صادر فرما کر انصاف کا بول بالا کیا جائے۔ عین نوازش ہوگی۔



17-35  
DIRECTORATE OF EDUCATION  
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 commur 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 ai policy.

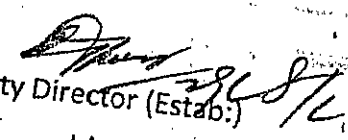
Endst: No. 11096-99

Copy forwarded to the:-

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

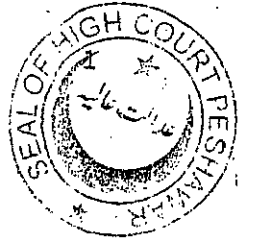
DIRECTOR EDUCATION NMTD

Dated Pesh: the 29/08 /2018.

  
Deputy Director (Estab.)

P-36

**IN THE PESHAWAR HIGH COURT, PESHAWAR**



W.P No. 14597 2018

1. Anzar Gul S/O Zar Din, PST,  
Government Primary School,  
Saeed Ullah Jan Kalley,  
Bara Khyber Agency.
2. Sadiq Ahmad S/O Sher Jan, PST,  
Government Primary School  
Toor Dara Jamrood Khyber Agency.
3. Khial Gul S/O Zahir Shah, PST,  
Government Primary School Toor Dara,  
Jamrood Khyber Agency.
4. 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
6. 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  
Choorra 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 Choorra,  
Jamrood Khyber Agency.

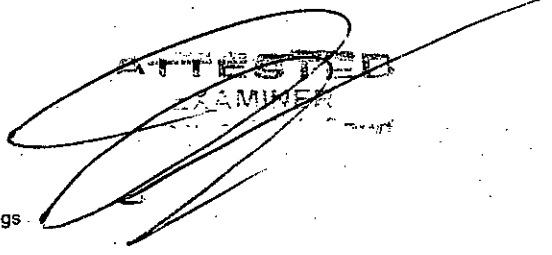
ATTESTED  
EXAMINER  
Peshawar High Court

11. Shah Wali S/O Payo Noor, PST,  
Government Primary School  
Fiazoo Kalley, Jamrood Khyber Agency.
12. Sajid Ahmad S/O Payo Khel, 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 Mania, 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. Jami 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 Lal Mat Khan, PST,  
Government Primary School Redi Gul  
Kalley, Jamrood Khyber Agency.
20. Saleh Jan S/O Khaista Meer, PST,  
Government Primary School  
Lashora Jamrood Khyber Agency.
21. 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 Kambilla  
Malagori, Khyber Agency.

WITNESSED  
EXAMINER  
Peshawar High Court

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 Said,  
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 Kamblla,  
Jamrood Khyber Agency.
34. Anzal Khan S/O Kazam Balg, PST,  
Government Primary School  
Gujjar Dand, Jamrood Khyber Agency.

ATTESTED  
EXAMINER



35. Fazal 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 Muqem Khan, PST,  
Government Primary School Mamal Mela,  
Bara Khyber Agency.

**ATTESTED**  
**EXAMINER**  
Peshawar 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 Chooria,  
Bara Khyber Agency.
50. Iqbal Hussain S/O Zar Muhammad,  
PST, Government Primary School  
Zangal 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, *stari Khel.*  
Government Primary School  
Yar Hamza Kalley, Bara Khyber Agency.
57. Raj Muhammad S/O Zahir Shah,  
PST, Government Primary School  
Kotkai, Bara Khyber Agency.
58. Bakht Mar Jan S/O Qandahar Khan, PST,  
Government Primary School Habib Shah,  
Bara Khyber Agency.

**ATTESTED**  
EXAMINER  
Peshawar High Court

- 59. Raees Khan S/O Nauroz Khan, PST,  
Government Primary School  
Jafar 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.
- 62. Gul Jan S/O Baghwan Gul, PST,  
Government Primary School  
Zafar Kalley, Bara Khyber Agency.
- 63. Shariat Khan S/O Lal 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, *Waliyat 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.

**ATTESTED**  
**EXAMINER**  
 Peshawar High Court



- 42
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 Tangl, Bara Khyber 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. Zaiqab 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.

ATTESTED  
EXAMINER  
Peshawar High Court

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  
Nelk 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 Badruzaman,  
PST, Government Primary School  
Nimat Kot, NWA.
90. Muhammad Ghufraan 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.

ATTESTED  
EXAMINER  
Peshawar High Court

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.
103. 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.

**ATTESTED**  
EXAMINER  
Peshawar High Court

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.
111. 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.
114. 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.

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

119. Nor Hayat Khan S/O Nawab Khan,  
PST, Government Primary School  
Zaman Khan Kot, NWA.
120. Ata Ullah Jan S/O Maiz Ullah 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 Wall,  
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.

**ATTESTED**  
EXAMINER  
Peshawar High Court

131. Gul Halder 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.
139. 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.

ATTESTED  
EXAMINER  
Peshawar High Court

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 Ali, PST,  
Government Girls Primary School  
Luqman Khel Sehra, Kurram.
148. Shamal Jan Afridi S/O Sayal Khan Afridi,  
PST, Government Primary School Dada Nilka,  
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  
Shekmal 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.

ATTESTED  
EXAMINER  
Peshawar High Court

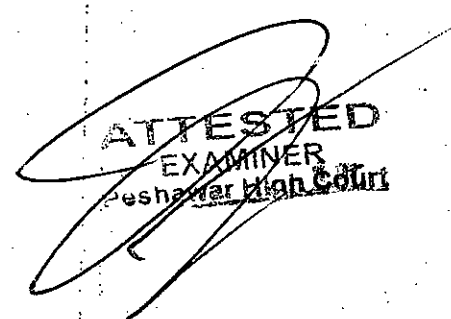
- 155. Ghulam Mustafa S/O Sharbat Khan,  
PST, Government Primary School  
Nasir Kalley, Jamrood Khyber Agency.
- 156. Nighat D/O Yar Muhammad, PST,  
Government Girls Primary School  
Khyal Gul Kalley, Landi Kotal.
- 157. Fatmia Habib D/O Ghulam Habib, PST,  
Government Girls Primary School  
Kose Wall 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 Jamal S/O Shamal 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.
- 2. Agency Education Officer,  
Khyber Agency at Jamrud.

**ATTESTED**  
**EXAMINER**  
 Peshawar High Court





3. Agency Education Officer,  
North Waziristan Agency.
4. Agency Education Officer,  
FR Tank at D.I. Khan.
5. Agency Education Officer,  
Kurram Agency at Parachinar. .... Respondents

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

**WRIT PETITION UNDER ARTICLE  
199 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN,  
1973:**

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

**Respectfully Sheweth:**

1. 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")
2. 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.
3. 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-merciful hands of miscreants. Government machinery was totally failed 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.

**TESTED**  
**EXAMINER**  
Lawyer High Court

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.

4. 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")
5. 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")
6. 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")
7. 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")
8. 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")

ATTESTED  
EXAMINER  
Peshawar High Court

9. 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.
- b. 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.
- c. That as and when services of petitioners were regularized, the same should have been from the date of initial appointment and not with immediate effect as at the same time, petitioners performed their duty like other regular employees of the department.
- d. 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 were not treated at par and discriminated.
- e. That petitioners seek relief of the rendered services to be counted towards pensionary benefits and none else.
- f. That petitioners filed the petition in hand before this honorable court to adjudicate upon as no term and condition of the existing service is violated, so the honorable court has the exclusive jurisdiction in the matter.

ATTESTED  
 AMINER  
 High Court

g. 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.

h. 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:

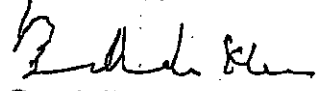
- a. Declare notification dated 29-08-2018 of the R. No. 01 to be illegal, improper, unjust, discriminatory, malafide, without lawful authority and of no legal effect.
- b. Direct the authority to regularize the initial service of the petitioners rendered in the Community Schools to the regular service 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.

Petitioners

Through

  
Saadullah Khan Marwat

Amjad Khan

Advocates,

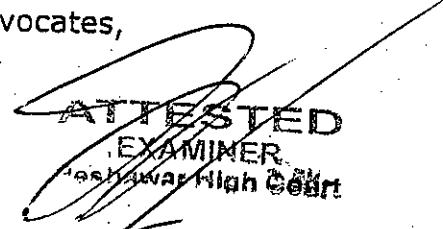
Dated: 17-09-2018

**LIST OF BOOKS:**

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)

  
**ATTESTED**  
**EXAMINER**  
Peshawar High Court

**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:

*Saadullah Khan*

**Saadullah Khan**  
Advocate,

*Anzar Gul*  
**DEPONENT**

CNIC#: 21201-2701312-5

No.:	660.0
Certified that the above was written on solemn affirmation by	
day of	18 <sup>th</sup> Sep 18
at	Anzar Gul Kalley Bara Khyber Agency
who was	Saeed Ullah Jan
who is present	
<i>Saadullah Khan</i> 17/9/18	

CERTIFIED TO BE TRUE COPY  
28/09/2018

*Nadra Verified*

R-55

**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

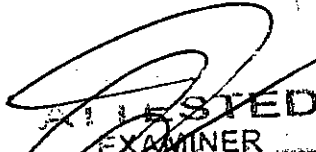
**JUDGMENT**

**SYED ARSHAD ALLI, 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

  
JUDGED  
EXAMINER

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.

5. Perusal of the record reveals that the petitioners were appointed against the project posts of PTC and were posted as Communal School Teachers in Boys Communal Schools at different places in the erstwhile FATA. Initially, 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

5.1.7

**ATTESTED**  
**EXAMINER**  
 Peshawar 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.

7. Disposed of in the above terms.

**ANNOUNCED.**  
03.11.2022

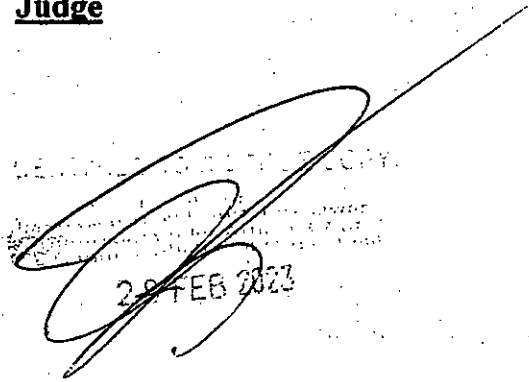
  
**Chief Justice**

  
**Judge**

57707

Date of Presentation: 05/11/2023  
No. of Pages: 22  
Copy No.: 88  
Date of Filing: 08/12/2023  
Date of Disposal: 08/12/2023  
119

=====

  
28 FEB 2023





GOVERNMENT OF N.W.F.P.  
FINANCE DEPARTMENT  
(REGULATION WING)

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

To: ✓ The Secretary to Govt. of NWFP,  
Elementary & Secondary Education Department,  
Peshawar.

Subject: GRANT OF ANNUAL INCREMENT / RUNNING PAY TO  
UNTRAINED TEACHERS IN THE LIGHT OF SUPREME  
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 queries about the subject matter which are clarified as under:-

- i. 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 fulfil the above conditions.
- iii. The above benefit would not be admissible to those who themselves 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,

*WA*  
(STIAUKAT ULLAH)  
SECTION OFFICER (SR-1)

Endstr. of even No. & date

- Copy for information and necessary action:-
1. Accountant General, NWFP.
  2. All District Coordination Officers, NWFP.
  3. All District / Agency Accounts Officers, NWFP / PATA.

SECTION OFFICER (SR-1)

52

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

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

To,

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

Subject: **GRANT OF ANNUAL INCREMENT/RUNNING PAY TO UNTRAINED TEACHERS IN THE LIGHT OF SUPREME COURT JUDGMENT**

Dear Sir,

I am directed to refer to this department letter NO. FD (PCR) 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:

- i. 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 themselves 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 action:

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

SECTION OFFICER (SR-I)

T

WAKALAT NAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Kayana Kheal

Appellant(s)/Petitioner(s)

VERSUS

The Govt. Of Khyber Pakhtunkhwa and others

Respondent(s)

I/We APPELLANT do hereby appoint Mr. Khaled Rehman, Advocate, Supreme Court, Mr. Muhammad Amin Ayub & Muhammad Ghazanfar Ali, Advocates in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

Ka  
Signature of Executants

**Khaled Rahman,**  
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