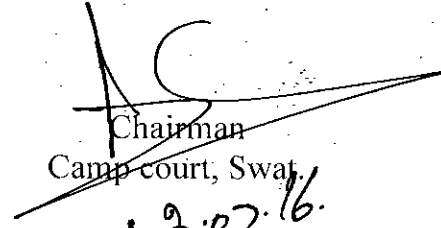


12:07.2016

Counsel for the appellant and Mr. Muhammad Saeed, SS
alongwith Mr. Muhammad Zubair, Sr.GP for the respondents
present. Arguments heard and record perused.

Vide our detailed judgment of to-day in connected Service
Appeal No. 1497/2013, titled "Ali Rehman Versus EDO (E&SE)
District Swat and another", This appeal is also disposed of as per
detailed judgment. Parties are left to bear their own costs. File be
consigned to the record room.


Member


Chairman
Camp court, Swat.

12.07.16.

24.12.2014

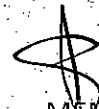
No one is present on behalf of the appellant. Mr. Muhammad Saeed, S.S on behalf of respondent No. 1 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 09.04.2015.



Reader.

9.04.2015

Appellant in person and Mr. Muhammad Saeed, S.S along with Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing. The case pertains to territorial limits of Malakand Division and as such to be heard at Camp Court Swat on 2.6.2015.



MEMBER

2.6.2015

Appellant with counsel and Mr. Muhammad Saeed, S.S along with Mr. Anwar-ul-Haq, G.P for respondents present. Rejoinder submitted. The Court time is over. To come up for final hearing on 5.8.2015 at camp court Swat.



Member



Chairman
Camp Court Swat

6. 22.05.2014

Appeal No. 1583/2013.
Mr. Ghulam Ahmad.

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 13.02.1997, he filed departmental appeal on 10.07.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 05.11.2013. He further relied on the judgment of Supreme Court of Pakistan as reported (i) 1996 SCMR 1185; (ii) 2002 SCMR 71 and ⁽ⁱⁱⁱ⁾ 2009 SCMR 01 and requested that the instant appeal may be admitted for regular hearing.

The learned Government Pleader while assisting the Tribunal was of the view that the instant appeal is time barred before the appellate authority and not competent before the Tribunal. He further relying on 1995 SCMR 1505(c); 2009 SCMR 1435(b) and 2013 SCMR 911(c). He requested that the appeal may be dismissed.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 19.08.2014.

Member

This case be put before the Final Bench T for further proceedings.

Chairman

7. 22.05.2014


19.8.2014

The Hon'ble Bench is on tour to Abbottabad, therefore, case adjourned to 24.12.14.

Reader

4.
20.02.2014

Counsel for the appellant present. Preliminary arguments to some extent heard. Pre-admission notice be issued to the Government Pleader to assist the Tribunal on the point of maintainability on 10.04.2014.


Member

5.
10.04.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 22.05.2014.


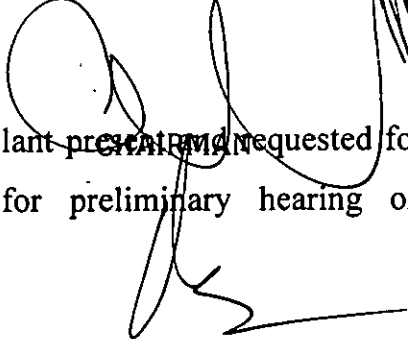

Member



Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 1583/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/12/2013	<p>The appeal of Mr. Irshad Ahmad resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-12-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>29-1-2014</u></p>
3-	29.1.2014	<p>Mr. _____ Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 20.2.2014.</p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mr. Sirshad Ahmad Ex-PTC Teacher, Swat received today i.e. on 05.11.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1. Heading of the appeal is incomplete which may be completed.
- 2. Memorandum of appeal may be got signed by the appellant.
- 3. Page Nos. 14, 17 to 19 of the appeal are illegible which may be replaced by legible/better one.
- 4. Copy of impugned order in respect of appellant is not attached with the appeal which may be placed on it.

No. 1594 / S.T.

Dt. 7/11 / 2013

L.S.O.
 REGISTRAR
 SERVICE TRIBUNAL
 KHYBER PAKHTUNKHWA
 PESHAWAR.

Mr. Abdul Haleem Khattak Adv. Pesh.

Re-Submitted

The objection complied as per directions

Ashraf
 Ashraf Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1583/2013

Ex- PTC/PST Irshad Ahmad S/o
Badshah Khan Bunr Minguara,
Swat, Tehsil and District Swat
.....Appellant

Versus

The District Education Officer (E
& SE) (Male), Minguara Swat.
and others
.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal with affidavit			1-5
2.	Copy of appointment letter, charge report and certificates		A	6-10
3.	Copy of termination Order (Dispense with)	13-02-1997	B	11-13
4.	Copies of orders of re-instated employees		C	14-19
5.	Copy of Judgment of this Honourable Tribunal	05-07-2013	D	20-26
6.	Copy of departmental appeal	10-7-2013	E	27-28
7.	Copies of correspondence		F	29-30
8.	Wakalat Nama			31

Through Appellant ✓
Abdul Haleem Khattak

and
Ashraf Ali Khattak
Advocates, Peshawar

Dated: _____ / 10/ 2013

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

Service Appeal No. 1583 /2013

Ex- PTC/PST Irshad Ahmad S/o Badshah Khan, Bunr Mingwara
Swat, Tehsil and District SwatAppellant.

Versus

1. The District Education Officer (E & SE) (Male), Mingwara Swat.
2. The Director of Education (E & SE), Dubghri Garden,
PeshawarRespondents.

Service Appeal under section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 13-02-1997 passed by respondent No.2, wherein he terminated (Dispense with) the legal service of the appellant and to set aside the same and reinstate the appellant with all back benefits.

Prayer:-

On acceptance of the instant Service Appeal, this Honourable Tribunal may graciously be pleased to declare the order dated 13-02-1997 Of the respondent No.1 is void abinito, illegal, unlawful and without lawful authority and set aside the same and re-instate the appellant with all back benefits on the score/strength of reported Judgment of the Honourable Supreme Court of Pakistan 1996 SCMR 1185, 2002 SCMR 71, 1999 SCMR 336, 2009 SCMR 01 as well as on merits.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That appellant was appointed as PTC on regular basis vide Order dated 30-04-1995 and posted at GPS, Sher Khani (Marghuzar), Swat. Appellant assumed the charge

W.F. Peshawar
No. 1583
dated 5/11/13

~~Filed to...~~
5/11/13.

re-submitted to...
and filed.
4/12/12.

- and served as such till 13-02-1997 (Annexure-A).
2. That vide order dated 13-02-1997 the regular service of the appellant was dispense with along with others without assigning any justifiable reason and adopting prescribed procedure (Annexure-B).
 3. That later on picks and chose system was adopted and number of terminated employee were re-instated with all attached benefits (Annexure-C).
 4. That it is pertinent to mention here that some of terminated employee assailed their termination order before Service Tribunal and were re-instated on the strength of the judgment of Tribunal.
 5. That by now Mr. Anwar Zeb and Mr. Shehryar, who has also been terminated along with appellant vide the same order have been re-instated vide order dated 05-07-2013 on the strength of the judgment of the Honourable Service Tribunal (Annexure-D).
 6. That the case of the appellant is similar and identical to the re-instated employee in all respect both on legal and factual aspect, therefore, deserve to treat at par with them.
 7. That appellant submitted departmental appeal before the respondent No.2 (Annexure-E), where he requested that he may also be treated at par with those re-instated employees as well as on the score of merits. The departmental appeal was duly processed (Annexure-F) but still pending without disposal and no head has been paid to the legitimate rights of the appellant.
 8. That appellant, being aggrieved of the acts and actions of Respondents and having no other adequate and

efficacious remedy, files this Service appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated petitioner 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.
- B. That appellant has been condemned unheard.
- C. That there is no word "Dispense with" in the service laws. Civil Servant is either removed or dismissed from service, but cannot be dispense with.
- D. That Appellant was appointed on regular basis therefore, he had Constitutional Safeguards and is not governed by principle of master and servant, as he is possessor of a legal character and for the enforcement of which he can bring an action....Employer in such cases would be bound to follow the procedure provided for, in the statute and statutory rules before terminating the service of the employee...In absence of conformity to such procedure, the termination of service will not be clothed with validity and the employee would be entitle to an action for his re instatement. On this score the impugned order is liable to be set aside.
- E. That the case of the appellant is similar and identical to the re-instated employee in all respect both on legal and factual aspect, therefore, deserve to treat at par with them.
- F. That it has been held by the Honourable Supreme Court of Pakistan that when Service Tribunal or Supreme Court decide a point of law relating to the term and condition of a civil servant, which cover not only the case of civil servant, who litigated, but also

others; dictates of justice and rule of good governance demanded that the benefit of such judgment should also be extended to other civil servant, who were not be parties to the litigation and the subsequent litigation would not suffer from laches on the same question of law.

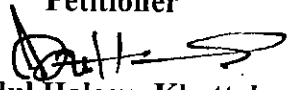
- G. That appellant is jobless since his removal from service, therefore, entitle for back benefits.
- H. That appellant would like to seek the permission of this Honourble Tribunal to place some more grounds at the time of hearing.

It is, therefore, humbly prayed that the appeal may kindly be allowed/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 petitioner.

Through

Petitioner


Abdul Haleem Khattak

and


Ashraf Ali Khattak
Advocates, Peshawar.

Dated: _____ / 10/ 2013

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

Service Appeal No. _____/2013

Ex- PTC/PST Irshad Ahmad S/o Badshah Khan Bunn
Minguara, Swat, Tehsil and District Swat.....Appellant.

Versus

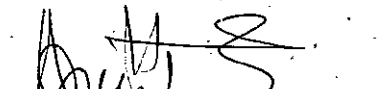
The District Education Officer (E & SE), Minguara Swat
and one another.....Respondents.

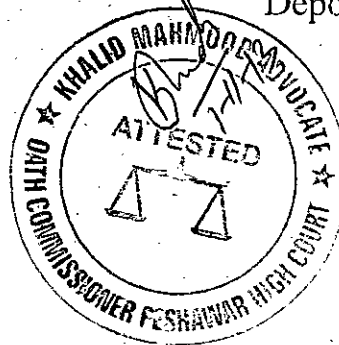
Affidavit

I, Ex- PTC/PST Irshad Ahmad S/o Badshah Khan Bunn
Minguara, Swat, Tehsil and District Swat, do hereby
solemnly affirm and declare on oath that the contents of
this Service Appeal are true and correct to the best of my
knowledge, and nothing has been concealed from this
Hon'ble Tribunal.


Deponent

Identified by


Abdul Haleem Khattak
Advocate, Peshawar



OFFICE OF THE DISTT. EDUCATION OFFICER (M) PRIMARY DISTRICT SWAT.

OFFICE ORDER.

7

APPOINTMENT.

Consequent upon the appointment of all trained PTC on the merit list in PP-66/Swat-2 the appointment in r/o the following candidates are hereby ordered at the schools noted against each on PTC post in BPS-07 @ Rs.1480-81-2695 per month fixed plus allowances with immediate effect in the interest of public service as per terms and conditions given below:-

S/No.	Name, F.Name & Qualif;	Residence.	N/A School where appointed.	Remarks
1.	Akbar Hussain s/o Jan Alam, Matric.	Aman Kot.	GPS: Ohaha.	V/Post
2.	Irshad Ahmad s/o Badshah Khan,	Gaur Mingora	GMPS: Shair Khan (Marghuzar)	-do-
3.	Sher Shah S/o Shahi Room Mian, Matric.	Aman Kot.	GMPS: Mirata.	-do-
4.	Ubaidullah s/o Fazal Haq, Matric.	Ashari	GPS: Shinkay.	-do-

TERMS AND CONDITIONS.

- The appointment is temporary and is liable to termination/Revocation at any time without any reasons being assigned.
- In case of resignation he will to submit one month prior notice to the department forfeit one month pay in lieu thereof to the govt;
- He should not be allowed to takeover charge if their ages are less than 18 years or above 30 years.
- He is required to produce Health & ages certificates from the Medical Supdt; (Saidu group of Hospital, Saidu Sharif).
- They should take over the charge of their post within the specified period but not later than 30 days.
- Charge report should be submitted to all concerned.
- Certificates should be checked before handing over charge.
- The academic certificate/Degree of all the candidates should be got verified from the respective examination board and U/Sity; within 15 days.
- The SDEO concerned is directed to adjust them in other schools if the post against which they are posted are not vacant.

(FAZLI NAJUM KHAN),
DISTT. EDUCATION OFFICER,
(M) PRIMARY DISTRICT SWAT.

Andst: No. 1885-87 /E-2/T & A Dated. 30-04-1995.

Copy of the above is forwarded for information & n/a to:-

- The Director Primary Education, N.W.F.P, Islamabad.
- The District Accounts Officer, Swat.
- The SDEO (M) Saidu Sharif, Swat.
- The candidates concerned.

LECTURER
Department English
University of Malakand

S. E. T.
Govt. Centennial
Model High School,
Madadta Saidu Sharif Swat.

DISTT. EDUCATION OFFICER,
(M) PRIMARY DISTRICT SWAT.

Allama Iqbal Open University, Islamabad



Mr/Ms. IRSHAD AHMAD son / daughter of BACHA KHAN

Registration No. 98-NST-0856 Roll No. J-6490451 has completed all the requirements of

Primary Teaching Certificate

in Spring / Autumn of semester, BY JULY, 2002.

<u>Code/Course</u>	<u>Marks obtained</u>	<u>Code/Course</u>	<u>Marks obtained</u>
611-Workshop & Teaching Practice	<u>79</u> / 100	617-Teaching of Urdu	<u>55</u> / 100
613-Principles of Education	<u>53</u> / 100	618-Teaching of Mathematics	<u>61</u> / 100
614-Educational Psychology	<u>49</u> / 100	619-Teaching of Science & Physical Education	<u>51</u> / 100
615-School Organisation	<u>48</u> / 100	62-Teaching of Islamiat & Social Studies	<u>46</u> / 100
616-School, Community & practical Arts	<u>47</u> / 100		

He/She has secured 54 % marks and cumulative grade C.

Prepared by: [Signature]

Checked by: [Signature]

[Signature]
Govt. Centennial
Model High School,
Wedalia Street, Rawalpindi

[Signature]
Controller of Examinations

[Signature]
[Signature]
LECTURER
Department English
University of Malakand

8

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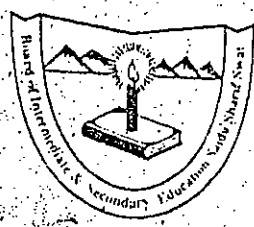
بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

SW NO. (SA) 7414

Roll No. 5420

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Saidu Sharif Swat N.W.F.P. Pakistan
 Secondary School Certificate Examination
 SESSION ANNUAL 1993



THIS IS TO CERTIFY THAT: IRSHAD AHMAD

Son/Daughter of BACHA KHAN

and a student of GOVT. HIGH SCHOOL NO. 3 MINGORA DISTT. SWAT.

has passed the Secondary School Certificate Examination
 of the Board of Intermediate and Secondary Education, Saidu Sharif Swat held in
 1993 as a Regular/Private candidate. He/She obtained 357 Marks out of 850 and has
 been placed in Grade D Representing FAIR

The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|-------------|----------------|
| 1. English | 3. Islamiyat | 5. G3 MATHS | 7. G3 SCIENCE |
| 2. Urdu | 4. Pakistan Studies | 6. PASHTO | 8. IS3 STUDIES |

(He/She has been awarded Grade D on the basis of Internal assessment by the Institution concerned.)

Date of birth according to admission form is TENTH OCTOBER

one thousand nine hundred and SEVENTY THREE (10-10-1973)

Asst. Secretary
Amir

This certificate is issued without alteration or erasure.

Secretary
 Secretary

Attested
Attested
 LECTURER
 Department of
 University of Malakand

CERTIFICATE OF TRANSFER OF CHARGE.

1. Certified that we have on the fore/afternoon of this day 30/4/85 respectively made over and received charge of this office of the P.T.C. *S.M.P.S. Sher Khanan (Marghuzar)*

2. Particulars of cash and important secret and confidential documents handed over are noted on the reverses:—

Signature of relieved Government servant

[Signature]
30/4/85

Station *S.M.P.S. Sher Khanan*

Destination

Signature of relieving Government servant

[Signature]

Designation

P.T.C.

Dated 30/4/85

Forwarded to the *M.A. S.M.P.S. Sher Khanan (Marghuzar)*

N.-W. F. P, Acctt. Try. No. 42.

w/r to DE (M) Pnc/ No 1885-87 dated 30/4/85

Attested

*S. E. T.
Govt. Centennial
Model High School,
Village S/Sharif Swat.*

Attested
[Signature]

LECTURER
Department Eng
University of Malak...

S-A-C

- 10 -

R.
DOMICILE CERTIFICATE

I declare that I ~~was~~ born of parents who are permanently domiciled in North-West Frontier Province having been born ~~in~~/settled in this Province.

I was born at Village / Mohallah BUNR MINGORA

Tehsil BABOZI

District SWAT

ارشاد احمد
Signature of the applicant,

Dated 16/8/93

Pursuance to the declaration dated IRSHAD AHMAD

filed by Mr./Ms. IRSHAD AHMAD

Son/Daughter BACHA KHAN

domiciled in North-West Frontier Province. it is hereby certified that the said IRSHAD AHMAD is born of parent who are permanent residents of the North-West Frontier Province having been born /settled within it

I have satisfied myself from my Personal knowledge/verification that the above declaration is true and certify accordingly.

This 16th day of August 1999

No 610
16/8/93

MAGISTRATE 1ST CLASS

(Name Syed Aftab Hussain)

COUNTERSIGNED

[Signature]
DISTRICT MAGISTRATE, SWAT.

(Name Deputy Commissioner Swat)

[Signature]
LECTURER
Department English
University of Malakand



* Strike off which-ever is not applicable.

No 6099 / Acrl
17/8/93

We:-

- 3018131
1. Mohd. Alim S/O Amir Salam Khan R/O Mingora swat.
 2. Said Rahman S/O Gul Rahman R/O Mingora swat.

do here by undertake and state that

Irshad Ahmad.....is born of Parents: who are

permanent residents of village Bunn-Mingora Tehsil.....Babazi District Swat, having been born within it and domiciled in the North West Frontier Province.

I. C. No 114-60-246678

I. C. No 114-91-028903.....

VERIFIED AS ABOVE

PRINCIPAL,
Govt. High School No-1
MINGORA. Swat

~~PRINCIPAL~~
~~Govt. High School No-1~~

PPON

3018131

B Amir (11)

OFFICE ORDER

On perusal of the relevant record, the appointment of the following persons has been found illegal ab-initio void and against described rule. Their services are therefore thereby dispensed with, immediate effect

Name	F/Name	Designation	Name of place
NAZIR AHMAD	GUL ZADA	PTC/BPS-7	GPS
HAMID JAN	GUL MUHAMMAD	PTC/BPS-7	GPS
IRSHAD AHMAD	BACHA KHAN	PTC/BPS-7	GPS
IHSANULLAH	KHURSHID ROOM,	PTC/BPS-7	GPHS SHAHDFAFA
UMAR HAYAT	MUHAMMAD	PTC/BPS-7	GPS KACHAPOT
ZIAUR REHMAN	KHALID UR REHMAN	PTC/BPS-7	GPS CHAIL
ZIA ULLAH	FAZAL RAHMAN	PTC/BPS-7	GPS FAZAL ABAD
INAYAT UR REHMAN	FAZAL KARIM	PTC/BPS-7	GPS SHAGA JAMO
USMAN ALI SHAH	BAHADAR DIN	PTC/BPS-7	GPS
BAKHT BAIDAR	GHULAM	PTC/BPS-7	GPS
ALI MUHAMMAD	RASOOL AHMAD	PTC/BPS-7	GPS
MOHD. SHARIYAR	MUHD. SHALYAR	PTC/BPS-7	GPS
AFTAB ALI	AFARIN KHAN	PTC/BPS-7	GPS GIRA
AFZAL KHAN	KIWAS HAIDER	PTC/BPS-7	GPS SEGRAM
MUHD. IQBAL	MUHD. YOUSAF	PTC/BPS-7	GPS SHALAKYAR
MUHD. RAHIM	IBRAHIM	PTC/BPS-7	GHPS TANGAI
JAVID IQBAL	KHADIM ULLAH	PTC/BPS-7	GPS MALOO
FARMAN ALI	MUHD. SAEED	PTC/BPS-7	GPS KUNDA
MUHIBULLAH	KHADIMULLAH	PTC/BPS-7	GMPS DUSHA
AMIR ZAMAN	MUHD. KHAN	PTC/BPS-7	GPS BIJAWRA
AZIZ UR REHMAN	MUHD. TAHIR	PTC/BPS-7	GPS DARMAI
MIAN SAID ALI	MIAN GUL BUHAR	PTC/BPS-7	GPS AZAD BANDA
MIAN AKHTAR ZEB	MIAN GUL	PTC/BPS-7	GPS AZAD BANDA
AQIL ZADA	MUHABIT KHAN	PTC/BPS-7	GPS ASHARAY BALA
RASHID AHMAD	MOHD. RAHMAN	PTC/BPS-7	GPS JANA
RIFAYATULLAH	HIDAYAT UR REHMAN	PTC/BPS-7	GPS ZAWRA
SHER BHADAR	SALIMULLAH KHAN	PTC/BPS-7	GPS BAKAR
AHMAD ZEE	AURANGZEB	PTC/BPS-7	GPS JAGRAK
MALIK JAN	MULA JAN	PTC/BPS-7	GPS
MUHD. AYUB	ABDULLAH	PTC/BPS-7	GPS GAT
FAZAL HAKAN	ZARMOSH HAN	PTC/BPS-7	GPS BARYA
LIAQAT ALI	ZARFAROSH	PTC/BPS-7	GMPS SARBIA
INAYAT UR REHMAN	ABDUL KARIM	PTC/BPS-7	GMPS
SABOOR KHAN	BILADAR	PTC/BPS-7	GMPS ILMAGAI
ZUBAIR SHAH	MUHD. JALAL	PTC/BPS-7	GMPS SOR BANR
ATAULLAH	ALI MUHD.	PTC/BPS-7	GPS
ROSHAN	MUHD. ARIF	PTC/BPS-7	GPS
MUHD. AFZAL	KHAWAS FAQIR	PTC/BPS-7	GPS SHANGLA
AKBAR SHAH	TABOON MIAN	PTC/BPS-7	GPS OTLAI

T.C
/m

Sd/-

OFFICE ORDER

On perusal of the relevant record, the appointment of the persons has been found illegal, and it is void and against the prescribed rules. Their services are therefore hereby dispensed with with immediate effect.

NAME	F/NAME	DESIGNATION	NAME OF SCHOOL
NAZIP AHMAD	GUL ZADA	PTC/BPS-7	GPS BAWALAL
HANID JAN	GUL MOHAMMAD	PTC/BPS-7	GPS FARAY
<u>ISHAQ AHMAD</u>	BACHA	PTC/BPS-7	GPS SHERKHALI
THEANULLAH	KHURSHAT ROOM	PTC/BPS-7	GPS SHARADA
IMAN HAYAT	MOHMOOD	PTC/BPS-7	GPS KACHAPOT
ZIAUR RAHMAN	KHALID RAHMAN	PTC/BPS-7	GPS KACHAL
ZIAULLAH KHAN	FAZAL RAHMAN	PTC/BPS-7	GPS FAZAL ABAD
INAYATUR RAHMAN	FAZAL KARIM	PTC/BPS-7	GPS SHARA JANGI
USMAN ALI SHAH	BAHRUD DIN	PTC/BPS-7	GPS KACHAPOT
BAKHT BAIDAR	GHULAM NABAH	PTC/BPS-7	GPS SAMSERAY
ALI MOHAMMAD	RASOOL AHMAD	PTC/BPS-7	GPS SHINKAY
MOHD SHAKYAR	MOHD SHALYAR	PTC/BPS-7	GPS SAHADAT BANDA - 116-88
AFTAB ALI	SAFAR KHAN	PTC/BPS-7	GPS MALO
AFZAL KHAN	KHAWASSA QADIR	PTC/BPS-7	GPS STRAY
MOHD IQBAL	MOHD MOUSAFIR	PTC/BPS-7	GPS CEGNAK
MUHAMMAD RAHIM	IBRAHIM	PTC/BPS-7	GPS SHALAYAR
JAVID IQBAL	KHADIMULLAH	PTC/BPS-7	GPS TANGAI
FARMAN ALI	MOHD SAEED	PTC/BPS-7	GPS MALOCH
MUHTIBULLAH	KHADIMULLAH	PTC/BPS-7	GPS KUNDA
AMIR ZAMAN	MOHD KHAN	PTC/BPS-7	GPS DUSHAI
AZIZUR RAHMAN	MOHD TARIQ	PTC/BPS-7	GPS BIJAWNA
MIAN SAID ALI	MIAN GUL BUHAR	PTC/BPS-7	GPS DARMAI - 116-93-0943
MIAN AKHTAR ZEB	MIAN GUL	PTC/BPS-7	GPS AZAD BANDA - 116-73-117064
AGIL ZADA	MUHAMMAD KHAN	PTC/BPS-7	GPS AZAD BANDA - 116-90-257670
RASHID AHMAD	MOHD RAHMAN	PTC/BPS-7	GPS ASHARAY BALASOR - 116-88-12361
SIFAYATULLAH	HIDAYATUR RAHMAN	PTC/BPS-7	GPS JANA - 506-66-178214
SHER BAHADAR	SALIMULLAH KHAN	PTC/BPS-7	GPS ZAMRA - 116-88-2034820
AHMAD ZEE	AURANG ZEB	PTC/BPS-7	GPS BAKAR - 116-87-246113
MALIK JAN	MULLA JAN	PTC/BPS-7	GPS JAGRAH - 116-91-078431
MOHD AYUB	ABBULLAH	PTC/BPS-7	GPS JISAR
FAZAL HANAN	ZAKIYAH KHAN	PTC/BPS-7	GPS GAT BEA
LIAQAT ALI	ZARFAROSH	PTC/BPS-7	GPS BARYA AY BISA
INAYATUR RAHMAN	ABDUL KARIM	PTC/BPS-7	GPS SARRI
SARBOR KHAN	BILADAR	PTC/BPS-7	GPS ILMALAI
ZUBAIR SHAH	MOHD JALAL	PTC/BPS-7	GPS SOR BARR
ATAULLAH	ALI MOHD	PTC/BPS-7	GPS SHE
ROSHAN	MOHD ARIF	PTC/BPS-7	GPS KAN
MOHD AFZAL	KHAWASS FAHAR	PTC/BPS-7	GPS SHANGLA
ARBAZ SHAH	TAGOON MIAN	PTC/BPS-7	GPS OTLA

Accepted

[Signature]

S. E. T.
Govt. Centennial
Model High School,
Wadudia S/Sharif Swat

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Photocopy collected
ATTESTED





(17)

98. Shamsheer Ali	Fateh Mohd Khan	do	GPS Jaigat
99. Hayat Mohd Khan	Mohabat Khan	do	GPS Kwrata
100. Anar Jamal	Mumtaz	do	GPS Goda
101. Mumtaz Ali	Shah Romi	do	GPS Shaplai
102. Amer Zaman	Mohd Jan	do	GPS Doshai

(SAID ALI SHAH)
DISTRICT EDUCATION OFFICER (M)
PRIMARY DISTRICT SWAT

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY SWAT DISTRICT SWAT

Endst No.581-607

Dated Mingora the 13.2.1997

Copy of the above is forwarded for information and necessary action to:

1. The Secretary Education N.W.F.P, Peshawar.
2. The Director Primary Education N.W.F.P, Peshawar
3. The District Accounts Officer Swat.
4. The SDEO (M) Said Sharif Swat.
5. The SDEO (M) Alpuri.
6. The Teacher concerned.

DISTRICT EDUCATION OFFICER (M)
PRIMARY DISTRICT SWAT

Attested

by

(Signature)

(Signature)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LIT) SWAT

OFFICE ORDER:-

ADJUSTMENT:-

Consequent upon the re-instatement order issued by the District Coordination officer, Swat under Indutino. 1161-65/51/DCO/Estt: dated 13.5.2003 No. 1045-51/DCO/Estt: dated 21.04.2003 and No. 330-42/51/DCO/Estt: dated 04.02.2003 the following PTC(M) teachers are hereby adjusted with immediate effect in the following schools in the interest of public service as provided by the DEO(M) Pys: Swat vide his office letter No. 19234 dated, 19.5.2003, As per terms and Condition given below:-

TERMS AND CONDITION:-

1:- ~~XXXXXXXXXXXXXXXXXXXX~~

S.No.	Name of teachers:-	Place of adjustment:	Remarks
1:-	Mr. Fazli Rehman (Disable).	at GPS, Zarray.	Ag: Resulted vacancy in due to routine death:-
2:-	Mr. Abdul Ghaffar PTC	at GPS Bahdar Banda	..do..
3:-	Mr. Sohrab PTC.	at GPS Sarbala.	..do..
4:-	Mr. Sher Ali PTC	at GPS Juggah (Bahrain)	..do..
5:-	Mr. Sultanat Khan PTC	at GPS Katil Ramit.	..do..
6:-	Mr. Abdul Bain PTC.	at GPS R Anrait.	..do..
7:-	Mr. Bakht Nand PTC.	at GPS Dohay.	..do..
8:-	Mr. Khyal Mohd: PTC.	at GPS Kharaway.	..do..

TERMS AND CONDITION:-

- The Services of the above named PTC teachers will be terminated at any stage of any irregularity is found at any stage.
- Their Academic/Professional Qualification must be Verified from the institutions concerned before drawl of their pay.
- No TA/DA is allowed.
- Charge report should be submitted to all concerned.

(FAZLI WADOOD)

Executive District officer
Schools and Literary Swat.

Enstt: No. 19234 / Adjustment File / Dated 19/5/2003.

Copy of the above is forwarded to:-

- The District Coordination officer, Swat w/r to his letter attached above pt.
- The DEO(M) Pys: Swat w/r to his letter No. cited above.
- The District Accounts officer, Swat.
- The H/T Government.
- The Teacher Organization.
- P. S. L. Mr. S. D. D. Dept of Lit. Swat.

(Signature)
S. D. D. Dept of Lit. Swat.

(Signature)
19/5/03

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOL & LIT) SWAT

OFFICE ORDER

ADJUSTMENT

Consequent upon the re-instatement order issued by the District Coordination Officer, Swat under Endst: No. 1161-65/51/DCO/Estt: dated 13.5.2003 No.1045-51/DCO/Estt: dated 21.04.2003 and NO.330-45/51/DCO /Estt: dated 04.02.2003. The following PTC (M) teachers are hereby adjusted with immediate effect in the following schools in eh interest of public service as provided by the DEO(M) Pry; Swat vide his office letter No.19234 dated 19.5.2003, as per terms and condition given below

TERMS & CONDITION:-

S.No	Name of teacher	Place of adjustment	Remarks
1.	Mr. Fazli Rehman (Disable)	As GPS, Zarray	Asl resulted vacancy
2.	Mr. Abdul Ghaffar PTC	As GPS Bahadar Banda	Due to retire death
3.	Mr. Sohrab PTC.	As GPS Sarbala	-do-
4.	Mr. Sher Ali PTC	As GPSJaggah (Bahrain)	-do-
5.	Mr. Sultanat Khan PTC	As GPS Tatil Ramit	-do-
6.	Mr. Abdul Bain PTC	As GPS Asrait	-do-
7.	Mr. Bakht Nand PTC	As GPS Doshay	-do-
8.	MR. Khyal Mohd: TC	As GPS Kharaway	-do-

Terms and condition:

- 1) The Services of the above named PTC teachers will be terminated at any stage of any irregularity is found at any stage.
- 2) Their Academic/professional Qualification must be verified from the institutions concerned before dravl of their pay(s).
- 3) Nor TA/DA is allowed.
- 4) Charge report should be submitted to all concerned.

(Fazli Wadood)
Executive District Officer
Schools and Literacy Swat

Endst. No. _____/Adjustment File/Dated 19/5/2003
Copy of the above forwarded to:-

1. The District Coordination Officer, Swat w/r to this letter
2. The PTC (M) Payment w/r to his letter No.dated above.
3. The District Accounts Officer, Swat
4. _____

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKADA.

No. 11579 /51/DCO/Estt:

Dated the 9 /6/2005.

O R D E R.

Brief facts of the case are that Mst. Rashida-Begum PTC, Government Girls Primary School, Kulalai, Shangla was appointed as PTC Teacher by the then District Education-Officer(Female) Primary Education, Swat vide office of the District Education Officer(F) Order No. 3791-99, dt: 3.11.1996. She was transferred to GGPS Kulalai, previous in District Swat (now in District Shangla) by the same Appointing-Authority of District Swat, vide her Office No. 3189-85, dated 15/6/1999. The same office in this District terminated her vide No. 2385-9/F.222-Est-DEO (F) dated 19/12/2000 with the reason that the PTC certificate of Mst. Rashida Begum PTC, Kulalai was found bogus. The devolution started and it could not be ascertained as to who was the appellate authority. Mst. Rashida Begum submitted an application to Secretary Education NWFP which the Secretary Education marked to EDO Schools and Lit: Shangla, but the EDO Schools and Lit: Shangla could not decide the case for want of record of the case and jurisdiction, as the cause of termination occurred at the time when the appellant was PTC in District Swat. During this time she remained shuttle in the offices of S& Lit: in Swat and Shangla and thus it was at very belated stage that she came-up with review petition. The undersigned being Competent Authority under the Appeal Rules waived of the limitation period and admitted her petition for hearing. This office asked the EDO Schools and Lit: Swat for submitting her record/service book and the enquiry on the basis of which she was terminated, but the EDO Schools and Lit: Swat failed to provide the same.

On one hand if it was made before the undersigned that the Schools and Lit: Department of Swat badly failed in providing the record of the case, on the other hand the reason of termination was reported to the production of bogus certificate of PTC from Jam Shooro Bureau of Curriculum and Extension Wing Sindh. Thus the case became simple for investigation. This office accordingly got the alleged bogus PTC Certificate from the Bureau of Curriculum and Extension Wing Sindh on 5/5/2005. The PTC certificate was reported to be correct. Therefore, the very cause of termination ceased and justice demands that prompt remedy is extend to her. She is therefore, re-instated with immediate effect. No back benefit of service are allowed to

all in!
 District Coordination Officer
 SWAT. A

.....to the appellant, as she has not worked for the period under termination. The Executive District-Officer, Schools and Literacy Swat is directed to adjust her against a vacant post of PTC, whereafter she may like to get herself transferred to District Shangla through Director Primary Education, NWFP, Peshawar.

M. J. Khan
DISTRICT COORDINATION OFFICER SWAT.

NO. 11580-83 / 51 DCO/Estt:

Copy forwarded to:-

- 1) The Executive District Officer, Schools and Lit: Swat, for immediate compliance under intimation to this office, within a week time.
- 2) The Deputy District Officer (F) Schools and Lit: Swat.
- 3) The District Accounts Officer, Swat.
- 4) Teacher concerned.

District Coordination Officer,
SWAT.

Ali Khan
DISTRICT COORDINATION OFFICER SWAT.

Q. J.
District Coordination Officer,
SWAT.

Appointment order - 17 - *
Fresh
Annex A
(4)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY SWAT DISTRICT SWAT.

OFFICE ORDER

APPOINTMENT

As ordered by the Director Primary Education, NWFP, Peshawar vide his Memo No. 59748 dated 15.11.97 and his telephonic orders dated 19.11.97 to District Education Officer (M) Prys Swat and Dy. D.F.O (M) Prys Swat as well as verbal orders dated 24.11.97 at Meeting Room of Provincial Assembly NWFP, Peshawar, regarding consideration of the appeal of Mr. Mohd Akbar Hussain Khan S/O Muhammad Khan R/O Nazar Abad, stand on the merit list at S.No 28-A and allowed 6 marks of interview as additional to the 10 marks of the decision of High Court and as such total marks for merit is 58.

In pursuance of the above orders of the DPE, NWFP, Mr. Mohd Akbar Hussain Khan S/O Muhammad Khan R/O Nazar Abad, FA PTC Trained is hereby posted as PTC at GPS, Swat, in PBS-7 i.e 4460-81-2695, plus usual allowances from the date of taking over charge subject to the condition that he will not claim his seniority and additional emoluments etc as per terms and conditions given below:-

TERM & CONDITIONS

1. They will be governed by such rules & regulations as may be prescribed by the Govt from time to time for category of the Govt servant which they belong.
2. Their services will be liable to termination on month notice from either side. In case of resignation without notice, one month pay will be forfeited in lieu thereof.
3. They should join the posts within one month of the issue of this notification.
4. The inter-c-seniority will be determined in accordance with the merit of Departmental Selection Committee.
5. Charge report should be submitted to all concerned.
6. They shall be probation of a period of two years and will have to pass Departmental examination. In case of candidate fails to qualify the Departmental examination he will be given one more chance. If he fails again then his service will be terminated on arrival/availability of trained teacher the services of untrained teachers occupies the post will be terminated.
7. Their original certificates/Degrees should be checked and verified from the concerned University/DISE/IDE and Islamic Madrasas concerned before handing over charge.
8. Service books of the teachers must be prepared complete in all respect before handing over charge.
9. The declaration of assets should be obtained from them immediately and placed on record.
10. They are required to produce health & age certificate from Medical

Attested
O/S

Attested
To be true copy
Advocate

Attested
SARDAR ALI,
S.E.T, D-17
GMS-172 Mingone

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY SWAT
DISTRICT SWAT

OFFICER ORDER

APPOINTMENT

As order by the Director Primary Education NWFP, Peshawar vide his memo No.59748 dated 15.11.97 and his telephonic orders dated 17.11.97 to District Education Officer (M) Pry: Swat and Dy; D.F.O. (M) Pry: Swat as well as verbal orders dated 24.11.97 at Meeting Room of Provincial Assembly NWFP, Peshawar regarding consideration of the appeal of Mr. Mohd. Akbar Hussain Khan S/o Muhammad Khan R/o Nazar Abad, stand on the merit list at S.No. 28-A and allowed 6 marks of interview with additional to the to marks of he decision of High Court and as such total marks for merit is 58.

In pursuance of the above orders of the DPE, NWFP, Mr. Mohd. Akbar Hussain Khan S/o Muhammad Khan R/o Nazar Abad, FA, PTC trained in hereby posted as PTC at GPS, Swatai, in BPS-7 i.e. 4480-81-2695, plus usual allowances form the date of taking over charge subject to the condition that he will not claim his seniority and additional emoluments etc as per terms and conditions given below:-

Terms and Conditions:-

1. They will be governed by such rules and regulations as may be prescribed by the Govt. from time to time for category of the Govt. servant which they belong.
2. Their services will be liable to termination on month notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the posts within one month of the issue of this notification.
4. The inter-e-seniority will be determined in accordance with the merit of Departmental Selection Committee.
5. Charge report should be submitted to all concerned.
6. They shall be probation of a period of two years and will have to pas Departmental examination. In case of condition falls to qualify the Departmental examination he will be given one more chance. If he falls again then his service will be terminated on arrival /availability of trained teacher the services of untrained teachers occupies the post will be terminated.
7. Their original certificates/Degrees should be checked and verified form the concerned university /BISE/RDE and Islamic Madrasas concerned before handing over charge.
8. Services books of the teachers must be prepared complete to all respect before handing over charge.
9. The declaration of assets should be obtained from them immediately and placed on record.
10. They are required to produce Health & age certificate from Medical.

Sd/-

- 10 They are required to produce receipt of the certificate from Ministry placed on record
- 9 The declaration of assets should be submitted from them immediately and before handing over charge
- 8 Services books of the teachers must be prepared complete to all respects before handing over charge.
- 7 The concerned principals, VICE-PRINCIPAL and junior teachers concerned from official certificates/degrees should be checked and verified form be returned.
- 6 Principal in the services of government teachers occupies the post will obtain from his service will be terminated on mutual understanding of Departmental examination he will be given one more chance. If he fails Departmental examination in case of condition fails to qualify the trial shall be duration of a period of two years and will have to pass service before should be submitted to all concerned Departmental selection Committee.
- 5 The inter-unionary will be determined in accordance with the merit of nomination.
- 4 They should join the post within one month of the issue of this in their interest.
- 3 They should be able to resignation without notice one month, but will be considered as vacant unless they resign.
- 2 They will be governed by such rules and regulations as may be

Terms and Conditions:-

Place below:-

State his authority and additional appointments etc. as per terms and conditions from the date of taking over charge subject to the condition that he will not be P.T.C. or C.B.T. Swami, in B.P.S. 16, 4180-81-2002, plus usual allowances from S.V. Government from K.O. Water Works, E.V. P.T.C. named in letter board in pursuance of the above orders of the D.P.E. W.W.E.P. Mr. Mohd. Akbar Hussain decision of High Court and as such total marks for work is 28. 28-4 and allowed 6 marks of interview with additional to the 10 marks of the K.O. Water Works from K.O. Water Works, stand on the merit list at S.V.O. Registrar regarding consideration of the appeal of Mr. Mohd. Akbar Hussain letter orders dated 24.11.02 at meeting Room of Provincial Assembly W.W.E.P. District Education Officer (M) P.T.C. Swami and (M) D.E.O. (M) P.T.C. Swami as per memo no 20748 dated 12.11.02 and his telephone orders dated 12.11.02 to as order of the Director Primary Education W.W.E.P. Registrar vide his

APPROVAL

OFFICE ORDER

DISTRICT SWAMI

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMAERY SWAMI

Best Copy Page No. 13

NO. 1788 /51/DCO/Estt: Dated the 27/1/2005.

O R D E R.

Consequent upon the acceptance of Review Petition of Mr. Fazal Rahman Ex.FTC by the competent authority, he is hereby re-instated in service with immediate effect, on contract basis as per terms and conditions prescribed by the Provincial Government.

[Handwritten signature]

DISTRICT COORDINATION OFFICER SWAT.

NO. 1787-51 /51/DCO/Estt:

Copy forwarded to:-

- 1) The EDO Schools and Lit:Swat, with the request to submit his adjustment proposal to this office as early as possible.
- 2) The District Accounts Officer, Swat.
- 3) Mr. Fazal Rahman, for information.

[Handwritten signature]

DISTRICT COORDINATION OFFICER SWAT.

Received

Fazal Rahman
27/1/05

Attested
[Signature]
To be true copy
Advocate

[Signature]
H. H. D. O. Swat,
Distt: Coordination Office
SWAT.

[Handwritten initials]

E. A. D.

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKADA.

No.1288___/51/DCO/Estt:

Dated the 27/1/2005.

ORDER

Consequent upon the acceptance of Review Petition of Mr. Fazal Rahman Ex.PTC by the competent Authority, he is hereby reinstated in service with immediate effect on contract basis as per terms and conditions prescribed by the Provincial Government.

Sd/-

DISTRICT COORDINATION OFFICER SWAT

No. 1289-91 /51/DCO/Estt:

Copy forwarded to:-

1. The EDO Schools and Lit: Swat, with the request to submit his adjustment proposal to this office as early as possible.
2. The District Accounts Officer, Swat
3. Mr. Fazal Rahman, for information.

Sd/-

DISTRICT COORDINATION OFFICER SWAT

OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT AT GULKANA.

Dated the 27/1/2005.

No.1288___\21\DCO\Estt.

ORDER

Consistent upon the acceptance of Review Petition of Mr. Fazal Rahman Ex.PTC by the competent Authority, he is hereby re-instated in service with immediate effect on contract basis as per terms and conditions prescribed by the Provincial Government.

24/-

DISTRICT COORDINATION OFFICER SWAT

No. 1288-01 ___\21\DCO\Estt.

Copy forwarded to:-

1. The EDO Schools and Lic. Swat, with the request to submit his adjustment proposal to this office as early as possible.
2. The District Accounts Officer, Swat.
3. Mr. Fazal Rahman, for information.

24/-

DISTRICT COORDINATION OFFICER SWAT

No. 4592 /51/DCO/Estt:

Dated the 11 /4/2005.



CORRIGENDUM.

WHEREAS Mr. Fazal Rahman, PTC, GPS Doshay Swat was re-instated in service with effect from 27/4/2005 (on Contract basis) on acceptance of his appeal vide this office Order bearing No. 1288/51/DCO/Estt: dated 27/1/2005 and 1.420 Order No. 2264/51/DCO/Estt: dated 10/3/2005; -1.421

AND WHEREAS the official submitted an appeal for release of all back benefits on the grounds that the Court has re-instated other CT PTC Teachers with all back benefits;

NOW THEREFORE, the competent authority has been pleased to re-instate Mr. Fazal Rahman, PTC on regular ~~xx~~ basis with effect from the date of his termination, with the only back benefit of increments but without arrears under FR-26.

[Signature]
DISTRICT COORDINATION OFFICER SWAT.

No. 4593-95 /51/DCO/Estt:

Copy forwarded to:-

- 1) The EDO Schools and Lit: Swat.
- 2) The District Accounts Officer, Swat.
- 3) Official concerned.

Alli Ali
[Signature]

H.R.D. OFFICER,
Distt: Coordination Office
SWAT. (

[Signature]
DISTRICT COORDINATION OFFICER SWAT.

Attested
To be true copy
Advocate

P.393

Attested
by
[Signature]

[Handwritten notes and signatures on the left side of the page]

OFFICE OF THE DISTRICT COORDINATION OFFICER, SWAT AT GULKADA.

No. 4592 /51/DCO/Estt:

Dated the 11/4/2005.

WHEREAS Mr. Fazal Rahman, PTC, GPS Doshay Swat was re-instated in service with effect from 27/1/2005 (on contract basis) on acceptance of his appeal vide this office order bearing No.1288/51/DCO/Estt: dated 27/1/2005 and Order No.2264/51/DCO/Estt: dated 10/3/2005.

AND WHEREAS the official submitted an appeal for released of all back benefits on the grounds that the court has re-instated other CT PTC Teachers with all back benefits.

NOW THEREFORE, the competent Authority has been pleased to re-instate Mr. Fazal Rahman, PTC on regular xx basis with effect from the date of his termination, with the only back benefit of increments but without appears under FR-26.

Sd/-

DISTRICT COORDINATION OFFICER SWAT

No. 4593-95 /51/DCO/Estt:

Copy forwarded to:

1. The EDO Schools and Lit: Swat
2. The District Accounts Officer, Swat.
3. Official concerned

Sd/-

DISTRICT COORDINATION OFFICER SWAT

OFFICE OF THE DISTRICT COORDINATION OFFICER, SWAT AT GULZADA.

Dated: 11/4/2005

No. 4592 /51\DCO\Estt

WHEREAS Mr. Fazal Rahman, P.T.C. (1st Class) was re-instated in service with effect from 27/1/2005 (on contract basis) on acceptance of his appeal vide this office order bearing No.1288/51\DCO\Estt dated 27/1/2005 and Order No.2264/51\DCO\Estt dated 10/3/2005

AND WHEREAS the official submitted an appeal for release of all back benefits on the grounds that the court has re-instated other C.T.P.C Teachers with all back benefits.

NOW THEREFORE, the competent Authority has been pleased to re-instate Mr. Fazal Rahman, P.T.C on regular basis with effect from the date of his termination, with the only back benefit of increments but without arrears under FR-20.

24/-
DISTRICT COORDINATION OFFICER SWAT

No. 4593-05 /51\DCO\Estt

Copy forwarded to:

1. The FDO Schools and Lit. Swat
2. The District Accounts Officer, Swat
3. Official concerned

24/-
DISTRICT COORDINATION OFFICER SWAT

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
N.W.F.P., PESHAWAR**



Appeal No. 533 /2008

Anwar Zeb Khan S/O Hunar Mand
R/O Kot Mera Tehsil Charbagh District Swat. Appellant

Versus

- Assistant Coordinating Officer Swat.
- District Coordination Officer Swat.
- Executive District Education Officer Swat.
- Fazal-e-Rehman PTC Teacher Swat Education Department
- R/O Tehsil Babozai Landakay Manglawar Swat.
- Mst. Rasheeda Begum PTC Teacher Swat Education Department Govt. Girls Primary School, Kulalaj Shangla. Respondents

Handwritten notes:

1. ✓

2. ✓

3. ✓

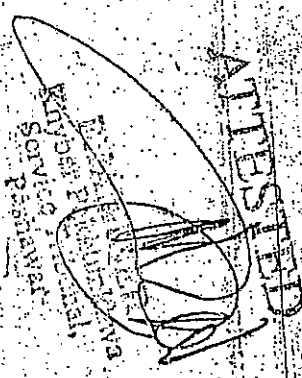
4. ✓

5. ✓

12-07-07, 10-04-04, 11-11-2011

Ex - parte

13/08



Received to-day and filed.

Signature
26/3/08

=====

APPEAL AGAINST THE ORDER OF RESPONDENT NO.1 & 2 BEARING NO.11267/51/DCO/EST. DATED 24.08.2007 WHEREBY THEY REFUSED TO REINSTATE THE APPELLANT WITH THE PRAYER THAT THE SAID ORDER MAY KINDLY BE SET ASIDE AND DECLARE ILLEGAL AND APPELLANT MAY GRACIOUSLY BE RE-INSTATE WITH THE BACK BENEFIT FROM THE DATE OF HIS TERMINATION.

=====

Attested
Signature
To be true copy
Advocate



04.01.2013

Counsel for the appellant and Mr. Abdul Aziz Shalheen, ADO on behalf of the respondents with Mr. Arshad Alam, G.P present. Arguments heard and record perused.

Wide detailed judgment of today, placed on connected Appeal No. 532/2008 titled 'Muhammad Sheryar vs ACO, Swat etc.', the impugned order of DCO Swat (Respondent No.2) dated 24.8.2007, which is not sustainable in law, is set aside on the partial acceptance of the appeal. Resultantly, the departmental appeal is deemed to be pending before the DCO Swat, who shall decide the same within reasonable time, but not later than a month of the receipt of copy of the judgment/order, while keeping in view observations contained in the judgment, and furnishing reasons for his decision in accordance with the provision of Section 2-I-A(2) of the General Clauses Act, 1897; whereafter, if the appellant still felt aggrieved of the final order of the appellate authority, he may seek remedy available to him under the law. In view of facts and circumstances of the case, the cost of litigation shall be borne by respondent No.2.

sd/-
Members
sd/-
Chairman

ANNOUNCED
04.01.2013

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested
To be true copy
Advocate

Date of Presentation 11-1-2013
Number 800
Copy 6
Total 2
Name of Applicant
Date of Completion 11-1-2013
Date of Delivery 11-1-2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



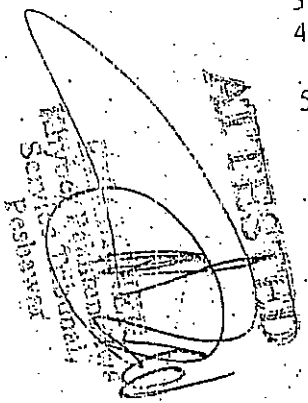
APPEAL NO. 532/2008

Date of institution ... 05.03.2008
Date of judgment ... 04.01.2013

Muhammad Sheryar S/o Muhammad Shalyar,
R/o Village Kuza Duresh Khela Tehsil Matta,
District Swat. ... (Appellant)

VERSUS

1. Assistant Coordination Officer, Swat.
2. District Coordination Officer, Swat.
3. Executive District Education Officer, Swat.
4. Fazale Rehman, PTC Teacher, Swat Education Deptt.
R/o Tehsil Babozai Landakay Manglanor Swat.
5. Mst. Rasheeda Begum PTC Teacher, Swat Education Deptt.
GGPS, Kulalai Shangla. ... (Respondents)



APPEAL AGAINST THE ORDER OF RESPONDENTS 1 &
2 BEARING NO. 11267/51/DCO/ESTT DATED 24.8.2007,
WHEREBY THEY REFUSED TO REINSTATE THE
APPELLANT WITH THE PRAYER THAT THE SAID
ORDER MAY KINDLY BE SET ASIDE AND DECLARED
ILLEGAL AND APPELLANT MAY GRACIOUSLY BE
REINSTATED WITH BACK BENEFITS FROM THE DATE
OF HIS TERMINATION.

Mr. Abdul Halim Khattak, Advocate.
Mr. Arshad Alam, Govt. Pleader

For appellant.
For official respondents.

Respondent No. 4 has been deleted while respondent
No. 5 placed ex-parte.

Mr. Qalandar Ali Khan,
Mr. Noor Ali Khan,

Chairman
Member

Attested
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To be true copy
Advocate

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- This appeal by Muhammad Sheryar, appellant, and Appeal No. 533/2008 by Anwar Zeb involve identical questions. therefore, this single judgment will also dispose of the afore-mentioned appeal by Anwar Zeb.

2. The facts of the case, as narrated in the appeals, are that the appellants were appointed as PTC Teachers by the authority vide orders dated 21.5.1995 and 6.6.1995 respectively. The appellants alleged that they were trained teachers and performed their duties upto 13.02.1997 but their services were terminated by the District Education Officer, Swat vide order dated 13.2.1997. They further alleged that one Fazal Rehman

(Respondent No.4), also a PTC teacher and terminated alongwith the appellants, challenged his termination order in review petition which was accepted vide order dated 27.01.2005 and corrigendum order was issued in his case on 11.4.2005. Likewise, according to the appellants, Mst.Rasheeda (Respondent No.5), whose services were also terminated, was reinstated after five years. The appellants submitted appeals to the competent authority i.e. DCO, but the latter rejected the appeals on the ground of jurisdiction on 24.8.2007. There-after, the appellants lodged writ petition before the Hon'ble Peshawar High Court, which was returned to the appellants, as they requested for permission to withdraw the writ petition in order to move this Tribunal. The writ petition was disposed of as withdrawn on 23.01.2008. Hence these appeals.

3. The appeals have been lodged on the grounds that orders of the respondents were illegal and against law and rules, as the appellants were trained teachers and their services were terminated without fulfilling proper formalities; that the impugned orders were discriminatory, therefore, not sustainable in law; that private respondents No.4 & 5 were reinstated by the DCO, Swat (Respondent No.2), but he denied the same relief to the appellants on the pretext of lack of jurisdiction; and that the appellants had performed their duties and there was nothing adverse against them during service. Therefore, their termination, without completion of the requisite formalities, was not justified. The appellants, therefore, prayed for their reinstatement with back benefits from the date of their termination on setting aside order dated 24.8.2007 of the DCO Swat (Respondent No.2).

4. The respondents resisted the appeals. Besides taking the legal plea of bar of limitation in their written replies, the other main plea of the respondents was that all the terminated teachers alongwith the appellants filed writ petition No. 346/97 in the Hon'ble Peshawar High Court, Peshawar for reinstatement, which was disposed of on 27.3.97, with direction to the department to proceed ahead with the process of recruitment for the advertised posts on merit basis while allowing the qualified petitioners 10 additional marks alongwith relaxation in age; and that the appellants were not selected in the subsequent interview, therefore, not appointed at that time. The respondents, however, candidly admitted that the appellants were trained teachers and that one Fazal Rehman PTC, mentioned in the appeals, challenged his termination order in review petition, which was accepted. The respondents advanced reason for acceptance of his review petition that his nature of appointment was different than that of the appellants as the appellants were appointed on leave vacancies. They also defended reinstatement of respondent No.5 on the same ground. In his written reply, private respondent No.4 also admitted reinstatement of other similarly placed employees of the department.

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 Advocate

5. The appellants also filed rejoinders to the written replies/comments of the respondents, wherein, they reiterated their case and refuted allegations of the respondents; whereafter, arguments of the learned counsel for the appellants and learned Govt. Pleader heard, and record perused.

6. The record would show that services of the appellants alongwith several others (total 102) were 'dispensed with' by District Education Officer (M) Primary, District Swat (Respondent No.3), vide his order dated 13.2.1997, on the grounds that 'on perusal of the relevant record the appointment of the following persons has been found illegal, ab-initio void and against the prescribed rules'. Out of the terminated PTC Teachers, quite a number of them, including Sohrab Khan, Abdul Ghaffar and Bakhtmand approached this Tribunal through service appeals in the years 1997, 1998 and 2000 respectively, and their appeals were accepted and they were reinstated alongwith others by the DCO, Swat (Respondent No.2) and were adjusted by the EDO(S&L) Swat (Respondent No.3) vide his order dated 19.5.2003. It is, indeed, noteworthy that the other reinstated PTC teachers, namely Fazal Rehman, Muhammad Akbar Hussain and Mst. Rasheeda Begum had approached the departmental authorities and they were reinstated in pursuance of orders on their departmental appeals by the DCO, Swat and respondent No.3. The applications for reinstatement of Fazal Rehman show political recommendations in his favour, which were acted upon and he was reinstated in service after more than eight years of termination of his services. Similarly, service appeal of Bakhtmand was entertained by the Tribunal after three years of the impugned order and accepted on the ground that a similar nature appeal was decided by the Tribunal in favour of the appellant in that appeal. Moreover, the Tribunal remanded the cases back to the respondent-department for reconsideration, but the respondent-department straight away reinstated the said persons vide order dated 19.5.2003. The respondent-department, however, declined to extend the same relief to the appellants, though the appellants were entitled to similar treatment by the department under the law (2009 SCMR-1-Supreme Court of Pakistan).

7. The main objection of the respondent-department is with regard to limitation, as, according to the respondents, the appeals have been lodged with delay of more than ten years. While raising this objection, the respondents conveniently ignored this fact that not only authorities in the department condoned delay of eight years when they accepted departmental appeals/review petitions of similarly placed employees, but this Tribunal also did not consider delay fatal in similar nature cases when accepted appeals of terminated PTC Teachers after almost three years of the impugned order. In these cases, the appellants preferred departmental appeals on 7.6.2006, which were filed/rejected by the DCO Swat vide memo dated 24.8.2007, not on the ground of limitation.

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Advocate

but on the ground of lack of jurisdiction. The appellants approached the Hon'ble Peshawar High Court, invoking its writ jurisdiction, but the writ petition was dismissed as withdrawn when the appellants requested for permission to withdraw the petition in order to assail their termination before the Service Tribunal. The order of the Hon'ble Peshawar High Court is dated 23.01.2008, copy whereof was received by the appellants on 9.2.2008, and these appeals were lodged on 5.3.2008. Needless to say that the DCO could not file/reject the departmental appeals on the ground of lack of jurisdiction after he had already assumed jurisdiction in similar nature cases, and had accepted departmental appeals, thereby providing relief to the similarly placed employees.

8. The next and foremost objection of the respondents is that the appellants participated in the interview for the advertised posts in pursuance of the judgment of the Hon'ble Peshawar High Court dated 27.3.97 but were not selected in the interview, therefore, they were not entitled for reinstatement. In this connection, not only appellants furnished affidavits to the effect that only one out of a number of terminated teachers was reinstated on the recommendation of MPA, the notification of respondent No.3 dated 24.6.97 also shows names of persons like Fazal Rehman etc. who could not qualify the interview but were reinstated later on by the department on the acceptance of their departmental appeals/review petitions. As such, this objection of the respondent-department is also not tenable.

9. The learned Govt. Pleader vehemently argued that appointment of the appellants was against leave vacancies, but entry to the effect of their regularization in service vide DEO(M) Primary Swat Endst: dated 6.6.95 proves to the contrary. The learned C.P. stated that entries in the service book of the appellants to this effect were wrong, but he replied in the negative when was asked about action taken against the responsible officer for making the alleged wrong entry. Moreover, services of the appellants alongwith the reinstated PTC Teachers were 'dispensed with' by respondent No.3 vide the same order dated 13.2.97, on the ground that their appointments were found illegal, ab initio void and against the prescribed rules, therefore, there appears no justification to treat the appellants differently.

10. Having said that, the departmental appeals of the appellants were filed/ rejected by the DCO, Swat on the ground of lack of jurisdiction, which is not plausible, as discussed above; and the Tribunal had also remanded/sent back cases of the other PTC Teachers for re-consideration in accordance with law; therefore, the impugned order of DCO Swat (Respondent No.2) dated 24.8.2007, which is not sustainable in law, is set aside on the partial acceptance of the appeals. Resultantly, the departmental appeals are deemed to be pending before the DCO Swat, who shall decide the same within reasonable time, but not later than a month of the receipt of copy of this judgment/order.

MAJID
PESHAWAR
ADVOCATE

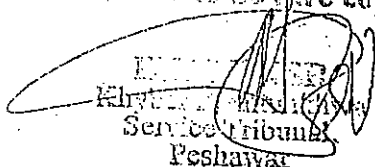
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Advocate

while keeping in view observations contained in this judgment, and furnishing reasons for his decision in accordance with the provision of Section 24-A(2) of the General Clauses Act, 1897; whereafter, if the appellants still felt aggrieved of the final order of the appellate authority, they may seek remedy available to them under the law. In view of facts and circumstances of the case, the cost of litigation shall be borne by respondent No.2.

ANNOUNCED
01.01.2013

Mr. Balender Ali Khan
Chairman
Mr. Noor Ali Khan
Member

Certified to be true copy



Date of Presentation of Application 11-1-2013
Number of Words 2000
Copying Fee 12
Deposit 2
Total 14
Stamp of Copy 14
Date of Completion of Copy 11-1-2013
Date of Delivery of Copy 11-1-2013

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To be true copy
Advocate

To

The Honourable Director Education (E &
SE), Peshawar.

Subject: Departmental appeal

Respected Sir,

With due respect I have the honour to submit this departmental appeal/representation for your kind consideration and favourable action on the following facts and grounds:

1. That appellant was appointed as PTC on regular basis vide Order dated 30-04-1995 and posted at GPS, Sher Khani, Swat. Appellant assumed the charge. Appellant served as such till 13-02-1997 (Annexure-I).
2. That vide order dated 13-02-1997 the regular service of the appellant was dispense with along with others without assigning any justifiable reason and adopting prescribed procedure (Annexure-II).
3. That later on pick and chose system was adopted and number of terminated employee were re-instated with all attached benefits (Annexure-III).
4. That it is pertinent to mention here that some of terminated employee assiled their termination order before Service Tribunal and were re-instated on the strength of the judgment of Tribunal (Annexure-IV).
5. That by now Mr. Anwar Zeb and Mr. Shehryar, who has also been terminated along with appellant vide the same order have been re-instated vide order dated 05-07-2013 on the strength of the judgment of the Honourable Service Tribunal (Annexure-V).
6. That the case of the appellant is similar and identical to the re-instated employee in all respect both on legal and factual aspect, therefore, deserve

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Advocate

to treated at par with them.

7. That it has been held by the Honourable Supreme Court of Pakistan that when Service Tribunal or Supreme Court decide a point of law relating to the term and condition of a civil servant, which cover not only the case of civil servant, who litigated, but also others; dictates of justice and rule of good governance demanded that the benefit of such judgment should also be extended to other civil servant, who were not be parties to the litigation and the subsequent litigation would not suffer from laches on the same question of law (Judgment are attached as Annexure-VI).

It is, therefore, humbly requested that on acceptance of this departmental appeal Your Honour may graciously be pleased to treat the appellant at par with those who have been re-instated either on the strength of Judgments of the Honourable Service Tribunal or on the strength of departmental action and re-instate the appellant with all attached benefits.



Yours faithfully

Irshad Ahmad S/c Badshah Khan,

Bunr Minguara, Swat,

Tehsil and District Swat.

Dated: 10/07/2013

Attested

To be true copy
Advocate

Annex F

- 29 -

F



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT

No. _____ /Re-inst:/M/PST

Dated 26/06/2013 2013.

To,

The Director,
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject :- DEPARTMENTAL APPEAL OF EX-PST MR.ALI REHMAN AND IRSHAD AHMAD OF DISTRICT SWAT.

Memo:

Please refer to your office letter No:1733/AD(Lit-II) dated 10/10/2013 on the subject noted above.

It is stated for your kind information that with reference to the sacked employees Act No.XVII 2012, applications from the sacked employees including the appellants have been received, processed in due time and interview conducted, but due to a status quo order passed by a local civil court, the appointment process is still pending. As and when the status quo is vacated, then their appointments will be considered on priority basis, please.

Endst:No: 600

SA
DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT.

Copy of the above is forwarded for information to the:-

- 1- P.A to Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

[Signature]
DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT

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to be true copy
Advocate

Most Immediate
Court Matter



**DIRECTORATE ELEMENTARY & SECONDARY
EDUCATION KPK PESHAWAR**

No 1733 /AD (Lit: II) Dated Peshawar the 10 / 10 /2013

To

The District Education Officer (Male)
District Swat.

Subject:-

**DEPARTMENTAL APPEALS OF EX-PST MR. ALI REHMAN &
IRSHAD AHMAD OF DISTRICT SWAT.**

Memo:

I am directed to refer to your letter No: 11159/re-instatment/PST/M/dated 26/9/2013 and No: 1005 dated 31/8/2013 and to ask you that the Khyber Pakhtunkhwa Sacked Employees(Appointment) Act, 2012(Khyber Pakhtunkhwa Act No: XVII of 2012) is very clear whereby in section 2(g) defined as Sacked Employee means a person who was appointed on regular basis to civil post in the Province and who possessed the prescribed qualification and experience for the said post at the time, during the period from 1st day of November, 1993 to the 30th day of November 1996(both days inclusive) and was dismissed removed or terminated from the service during the period from 1st day of 1998 on the ground of irregular appointment.

Further more under section-6 of the above cited Act, the sacked employee may file an application to the concerned department with in 30-days from the date of commencement of this Act i.e 4/10/2012.

Now, if the applicants Mr. Irshad Ahmad S/O Bacha Khan R/O Bann Mingora District Swat, & Mr. Ali Rehman S/O Azizur Rehman R/O Saidu Sharif District Swat have submitted their application along with their credentials in the stipulated period. Then there case be decided according in the light of rules & procedure of the Khyber Pakhtunkhwa, Act No: XVII of 2012 with intimation to this office with 15-days positively.

Endst: No 1734

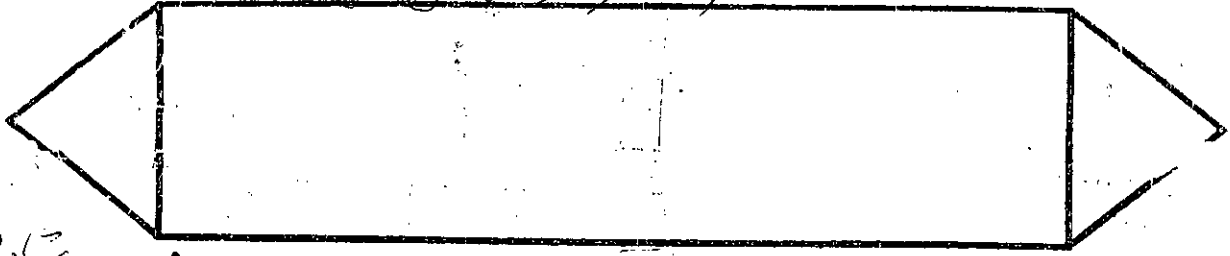
Q 9/10/13
Dy: Director (Estab:)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Copy forwarded to PA to Director local Office.

Q 9/10/13
Dy: Director (Estab:)
E&SE Khyber Pakhtunkhwa,
Peshawar.

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[Signature]
To be true copy
Advocate

بعدالت سرسری سندھ لٹاؤ ۱۷۲۱



۲۰ مخانب ارشاد ۱۷۲۱

بنام

سرسری محمد مقدم ۱۷۲۱

ارشاد احمد

کو سرسری

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام لٹاؤ کیلئے عبدالرحیم سنگھ سرسری لٹاؤ کے لئے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی اکل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز وائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیروی
 مذکور کریں۔ لٹاؤ کا لٹ نامہ لکھ دیا کہ سند ہے۔

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30 ماہ اسکوا

الرقوم

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واہ

کے لئے منظور ہے۔

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بمقام

۱۷۲۱

BEFORE THE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 1583/2013

IRSHAD AHMAD Ex-PTC GMPS SHAIKHANAI MARGHZAR SWAT.

..... APPELLANT

VERSUS

1- DISTRICT EDUCATION OFFICER (MALE) DISTRICT SWAT

2- DIRECTOR E&S EDUCATION KPK PESHAWAR.

.....RESPONDENTS

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO 1& 2

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

- 1- The appellant has no locus standi/No cause of action to file the instant appeal against the respondents.
- 2-The appellant has not come to This Honorable Tribunal with clean hands.
- 3- The appellant has concealed the material facts from This Honorable Tribunal, hence liable to be dismissed.
- 4- The appellant has filed the instant appeal just to pressurize the respondents.
- 5- The present appeal is liable to be dismissed for Non-joinder/ misjoinder of necessary parties.
- 6- The appellant has filed the instant appeal on malafide motives.
- 7- The instant appeal is against the prevailing law, rules, and policies.
- 8- The appellant is estopped by his own conduct to file the instant appeal.
- 9-The instant appeal is not maintainable in the present form.
- 10-**The instant service appeal is time barred.**

FACTS:-

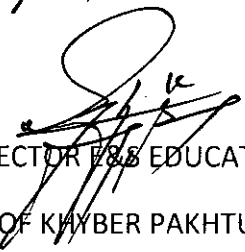

- 1- Denied as drafted the appellant was appointed as an **untrained PTC teacher on 25/04/ 1995, and his appointment was purely on temporary basis and was subject to termination** at any time without assigning any reason as stated in his appointment order. (Order copy appended annex "A")

- D- Incorrect and not admitted. All the codal formalities' were followed during determination order dated 13/02/1997.
- E- Incorrect the case of appellant is not similar and identical to the re-instated employee both on legal and factual aspect therefore deserve not to be treat at par with them.
- F-The appellant case is not same in all respects to the others mentioned in the appeal because the appellant did not fulfill the prescribed criteria/ qualifications for the post of PTC. (Already clarified in Para7.)
- G- Incorrect the appellant is not entitled for remedy.
- H- The respondents seek permission of the Honorable Tribunal to raise additional grounds the time of arguments.

In view of the above fact and circumstances, This Honorable Tribunal may very graciously be pleased to dismiss the present appeal with cost in favor of Respondents.



DISTRICT EDUCATION OFFICER
(MALE) DISTRICT SWAT.



DIRECTOR P&S EDUCATION
GOVT OF KHYBER PAKHTUNKHWA.

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY DISTRICT SWAT.

OFFICE ORDER.

APPOINTMENT.

Annex-A Appointment order
S/No 2

Consequent upon the appointment of all trained PTC on the merit list in PF-66/Swat-2 the appointment in r/o the following candidates are hereby ordered at the schools noted against each on PTC post in BPS-07 @ Rs. 1480-81-2695 per month fixed plus allowances with immediate effect in the interest of public service as per terms and conditions given below:-

S/No.	Name, F. Name & Qualif;	Residence.	N/ASchool where appointed.	Remarks
1.	Akbar Hussain s/o Jan Alam, Matric.	Aman Kot.	GPS; Chohn.	V/Post
2.	Trohad Ahmad s/o Badshah Khan,	Bunr Mingora	GMPS; Shair Khani (Marghuzar)	-do-
3.	Shar Shah S/o Shahi Room Mian, Matric.	Aman Kot.	GMPS; Minata.	-do-
4.	Ubaidullah s/o Fazal Haq, Matric.	Ashari	GPS; Shinkay.	-do-

TERMS AND CONDITIONS.

- The appointment is temporary and is liable to termination/Revocation at any time without any reasons being assigned.
- In case of resignation he will to submit one month prior notice to the department forfeit one month pay in lieu thereof to the govt;
- He should not be allowed to takeover charge if their ages are less than 18 years or above 30 years.
- He is required to produce Health & ages certificates from the Medical Supdt; (Saidu group of Hospital, Saidu Sharif).
- They should take over the charge of their post within the specified period but not later than 30 days.
- Charge report should be submitted to all concerned.
- Certificates should be checked before handing over charge.
- The academic certificate/Degree of all the candidates should be got verified from the respective examination board and U/Sity; within 15 days.
- The SDEO concerned is directed to adjust them in other schools if the post against which they are posted are not vacant.

Sd/-
(FAZLI WAHEEM KHAN),
DISTRICT EDUCATION OFFICER,
(M) PRIMARY DISTRICT SWAT.

Order No. 1885-87 /E-2/T & A Dated. 30-04-1995.

Copy of the above is forwarded for information & a/c to:-

- The Director Primary Education, N.W.F.P, Faisalabad.
- The District Accounts Officer, Swat.
- The SDEO (M) Saidu Sharif, Swat.
- The candidates concerned.

LECTURER
Department of Education
University of Malakwal

S. E. T.
Govt. Centennial
Model High School,
Medialia Saidu Sharif Swat.

DISTRICT EDUCATION OFFICER,
(M) PRIMARY DISTRICT SWAT.

Annex-B
-11-Annex
B

13

Termination
order
13/2/1997OFFICE ORDER

On perusal of the relevant record the appointment of the following person has been found illegal ab-initio void and against the prescribed rules their services are therefore hereby dispensed with, immediate effect.

<u>S.L.</u>	<u>NAME</u>	<u>F/NAME</u>	<u>DESIGNATION</u>	<u>NAME OF SC WHERE APPO</u>
1	2	3	4	5
1.	Khalid	Haji Mohd Hanif	PTC/PBS-7	GMPS Busha
2.	Akber Shah	Tajoon Mian	do	GMPS Kanda
3.	Bakhmand	Chatay	do	GPS Karin Gabral
4.	Sher Ali	Akhtar Ali	do	GMPS Churat Kalam
5.	Khyal Mohd	Abdul Hakeem	do	GMPS Shalada
6.	Abdul Bais	Abdul Wadood	do	GPS Shalada
7.	Abdur Rehman	Saranzeb	do	GPS Jaikoo
8.	Ali Rehman	Mohd Sharif	do	GPS Khandowg
9.	Afreen Khan	Sher Dil Khan	do	GPS Byan
10.	Rehmat Ali	Shah Dawran	do	GPS Jaigat
11.	Inayat Hussain	Sanobir	do	GPS Dashay
12.	Sardar Ali	Asfandyar Mian	do	GPS Bargad
13.	Khug Bacha	Khukyalay Mian	do	GPS Balagats
14.	Salauddin	Khalilur Rehman	do	GPS Nimcha
15.	Mohd Riaz	Mohd Iqbal	do	GPS Araq
16.	AKhtar Ali	Said Ali	do	GPS Nawagai
17.	Sher Alam Khan	Mohd Zaman	do	GMPS Sari Banda
18.	Mohd Khurshid	Fazal Shani	do	GPS Archali
19.	Sardar Ali Shah	Samir Aslam Khan	do	GPS Fazil Banda
20.	Ayaz Ahmad Khan	Bakht Biland	do	GPS Luta
21.	Mohd Yunus	Mian Gul	do	GPS Belgabral
22.	Gul Haider	Gwaday	do	GPS Garraikandi
23.	Rehmat Ullah	Amra Khan	do	GPS Garra - do -
24.	Amin Ullah	Qahir ul Bashar	do	GPS Gambat
25.	Javed Ali	Hazrat Ali	do	GPS Kotkai
26.	Asghar Khan	Abdu Walid	do	GPS Dera Seri
27.	Rehman Ali	Abdu Hamid Khan	do	GPS Gul Dheray
28.	Zubair Khan	Biladar	do	GPS Almanai
29.	Akhtar Ali	Said Abdul Mukhtiar	do	GPS Malam
30.	Anwer Zeb	Hunerman	do	GPS Alam Ganj
31.	Gohar Ali	Fatehr Khan	do	GPS Belajnu
32.	Mohd Rehman	Umer Sahib	do	GPS Gerkin
33.	Amin Mohd	Ghuam Mohd	do	GPS Madar Banda
34.	Hidayatur Rehman	Aziz ur Rehman	do	GPS Jawaz
35.	Gul Zada	Jan Faqir	do	GMPS Lagan Ker
36.	Mohd Roshan	Shamsi Noor	do	GMPS Hawairal
37.	Mian Said Ali	Hazrat Ali Mian	do	GMPS Bai Ber
38.	Fazal Haq	Mohd Ayub Khan	do	GPS Dodal
39.	Mutasar Khan	Lalbar Khan	do	GPS Sarkhazana
40.	Mohd Karim	Amir Afzal	do	GPS Qalagak
41.	Shujaulah	Abdur Rouf	do	GPS Sarqig

Attested

(Signature)

42.	Ali Rehman	Aziz ur Rehman	do	GPS Loiband
43.	Attaullah	Muambar Khan	do	GPS Zowra
44.	Jan Badshah	Amir Said	do	GMPS Kuzalar
45.	Zakir Hussain	Amir Jan	do	GMPS Serai Banda
46.	Amjid Ali	Zar Gul	do	GPS Liobar
47.	Badshah Khalid	Shah Zamin Mian	do	GMPS Tangi
48.	Obaid Ullah	Khalil Ur Rehman	do	GPS Shingartan
49.	Zubair Shah	Mohd Jalal	do	GPS Samir Banr
50.	Aslam Pervaz	Abdul Qayum	do	GPS Sangar
51.	Ayub Khan	Asad Ullah	do	GMPS Jishal
52.	Sharif ud Din	Nosher Khan	do	GPS Qunrtowal
53.	Sultanat Khan	Zakoom	do	GPS Chalamramat
54.	Fida Mohd	Sardar Kaihan	do	GPS Nagwaigari
55.	Rehmat Ali	Qubad Khan	do	GPS Qaz
56.	Khurshid Iqbal	Mohd Hanif	do	GPS Bandnr
57.	Swab Gul	Khaista Gul	do	GPS Sangar
58.	Manzoor Elahi	Saranzeb Mian	do	GPS Jaga
59.	Mohd Sajid	Momin Khan	do	GPS Fazli Bain
60.	Mohd Akbar Hussain	Mohd Khan	do	GMPS New Colony
61.	Abdul Karim	Abdul Satar	do	Matta
62.	Fazal-e-Rehman	Murda Sher	do	GPS Samerband
63.	Mohd Shah Hussain	Mohd Khan	do	GPS Qandar
64.	Rehmat Ali	Ahmad Gul	do	GPS Kwaray
65.	Fazal Ghafoor	Abdul Qayum	do	GPS Sangar
66.	Nisar Ali	Rashid Ali	do	GPS Baqari
67.	Fazal-e-Rehman	Hibibur Rehman	do	GPS Baraky
68.	Shaukat Hayat	Abdul Ghafar	do	GPS Zowra
69.	Mohd Nasir	Karai Khan	do	GPS Shingartan
70.	Alam Mohd	Abdul Kabir Khan	do	GPS Fazli Biggori
71.	Abdul Ghafar	Mohd Khan	do	GMPS New C. Matta
72.	Sher Yar Khan	Mohd Shalyar	do	GPS Loya Banda
73.	Deen Nawab	Dawa Khan	do	GMPS Bahadar Banda
74.	Bakht Biland	Shahid Khan	do	GPS Qandogai
75.	Sohrab	Alamgir	do	GPS Dolagai
76.	Sujat Hussain	Sultan Akbar Mian	do	GPS Sardan
77.	Zaibul Haq	Ahmad Khan	do	GPS Whiranmat
78.	Gohar Ali	Bakht Ghulam	do	GMPS Suri Sah
79.	Mohd Siddiq	Mohd Farid	do	GPS Sur Dehri
80.	Sher Nawab	Farhad Khan	do	GPS Kuz Qali Dandi
81.	Zia ullah Khan	Jani Room	do	GPSS Manwar
82.	Bakht Munir	Muqam	do	GPS Manwab
83.	Abdul Satar	Mohd Afreen	do	GPS Konshai
84.	Noor Mohd	Shah Jehan	do	GPS Korora Anawi
85.	Obaid Ullah	Sher Zaman Khan	do	GPS Kormang
86.	Kishwar Ali	Zarfarosh	do	Gandorai
87.	Azadai	Bakht Zaman Khan	do	GPS Godari
88.	Mehboob Ali	Mian Gul Siraj	do	GPS Sardan
89.	Akbar Hussain	Jani Alam	do	GPSS Spalabandi
90.	Sher Shah	Shahi Room	do	GPS Chuha
91.	Obaid Ullah	Fazal Haq	do	GPS Mirata
92.	Rehman Ghani	Umar Sharif	do	GPS Shankay
93.	Naik Zada	Sher Zada	do	GPS Spani Oba
94.	Nisar Ahmad	Mohd Rasheed	do	GPS Baragat
95.	Ahsan Ullah	Mohd Bashir	do	GPS Jawaz
96.	Mehboob Subhani	Sufi Ahmad Gul	do	GMPS Biluga
97.	Mohd Amin A	Abdul Satar	do	GPS Bargai
			do	GPS Baragat
			do	GPS Kuzjaba

A. H. S. S. S.

(9)

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(17)

98.	Shamsher Ali	Fateh Mohd Khan	do	GPS Jaigat
99.	Hayat Mohd Khan	Mohabat Khan	do	GPS Kwrata
100.	Anar Jamal	Mumtaz	do	GPS Goda
101.	Mumtaz Ali	Shah Romi	do	GPS Shaplat
102.	Amer Zaman	Mohd Jan	do	GPS Doshai

(SAID ALI SHAH)
 DISTRICT EDUCATION OFFICER (M)
 PRIMARY DISTRICT SWAT

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY SWAT DISTRICT SWAT

Endst No.581-607

Dated Mingora the 13.2.1997

Copy of the above is forwarded for information and necessary action to:

1. The Secretary Education N.W.F.P, Peshawar.
2. The Director Primary Education N.W.F.P, Peshawar
3. The District Accounts Officer Swat.
4. The SDEO (M) Said Sharif Swat.
5. The SDEO (M) Alpuri.
6. The Teacher concerned.

DISTRICT EDUCATION OFFICER (M)
 PRIMARY DISTRICT SWAT

*Attested
 by
 [Signature]
 [Signature]*

Allama Iqbal Open University, Islamabad



PTC Training
Session 2001-02

Mr/Ms. IRSHAD AHMAD son / daughter of BACHA KHAN

Registration No. 98-NST-0856 Roll No. J-6490451 has completed all the requirements of

Primary Teaching Certificate

in Spring, 4th year of 01 semester, 31 JULY, 2002. ✓

<u>Code/Course</u>	<u>Marks obtained</u>	<u>Code/Course</u>	<u>Marks obtained</u>
611-Workshop & Teaching Practice	<u>79</u> /100	617-Teaching of Urdu	<u>55</u> /100
613-Principles of Education	<u>53</u> /100	618-Teaching of Mathematics	<u>61</u> /100
614-Educational Psychology	<u>49</u> /100	619-Teaching of Science & Physical Education	<u>51</u> /100
615-School Organisation	<u>48</u> /100	620-Teaching of Islamiat & Social Studies	<u>46</u> /100
616-School, Community & practical Arts	<u>47</u> /100		

He/She has secured 54 % marks and cumulative grade C.

Prepared by: [Signature]

Checked by: [Signature]

Attested
[Signature]
Cover: Centennial
Model High School,
Wazirpur, Islamabad

[Signature]
Controller of Examinations

[Signature]
[Signature]
LECTURER
Department English
University of Malakand

8

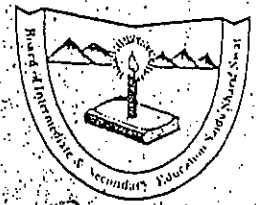
ارشاد احمد

SW No. (SA) 7414

Roll No. 5422

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Saidu Sharif Swat N.W.F.P. Pakistan
 Secondary School Certificate Examination
 SESSION ANNUAL 1993



Saidu Sharif Swat N.W.F.P. Pakistan
 Secondary School Certificate Examination
 SESSION ANNUAL 1993

THIS IS TO CERTIFY THAT: IRSHAD AHMAD

Son/Daughter of BACHA KHAN

and a student of GOVTS HIGH SCHOOL NO. 3 MINGORA DISTT SWAT.

has passed the Secondary School Certificate Examination
 of the Board of Intermediate and Secondary Education, Saidu Sharif Swat held in
 1993 as a Regular/Private candidate. He/She obtained 357 Marks out of 850 and has
 been placed in Grade D Representing FAIR

The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|-------------|----------------|
| 1. English | 3. Islamiyat | 5. G3 MATHS | 7. G3 SCIENCE |
| 2. Urdu | 4. Pakistan Studies | 6. PASHTO | 8. IS3 STUDIES |

(He/She has been awarded Grade D on the basis of Internal assessment by the Institution concerned.)

Date of birth according to admission form is TENTH OCTOBER

one thousand nine hundred and SEVENTY THREE (10-10-1973)

Asst. Secretary
Amir

This certificate is issued without alteration or erasure.

Secretary
Amir

Attested
Attested
 LECTURER
 Department C
 University of Malakand

CERTIFICATE OF TRANSFER OF CHARGE.

1. Certified that we have on the fore/afternoon of this day 30/4/95 respectively made over and received charge of this office of the P.T.E. *SMPS. Sher Khanan (Mazhar)*
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:—

Signature of relieved Government servant.....

Designation.....

Station *SMPS. Sher Khanan*

[Signature]
30/4/95

Signature of relieving Government servant.....

Designation.....

[Signature]

Dated 30/4/95 Forwarded to the *M.A. SMPS. Sher Khanan (Mazhar)*

N.-W. F. P, Acctt. Try. No. 42.

w/r to DE (M) Pny: No 1885-82 dated 30/4/95

Attested

*S. E. T.
Govt. Centennial
Model High School,
Village of Sharif Swat.*

Attested

[Signature]

*Charge Report
30/4/1995*

LECTURER
Department Eng
University of Malaka.

9-A-C

- 10 -

(12)

DOMICILE CERTIFICATE

I declare that I was born of parents who are permanently domiciled in North-West Frontier Province, having been born & settled in this Province.

I was born at Village / Mohallah BUNR MINGORA
Tehsil BABOZI District SWAT

Signature of the applicant, *اوشا خان*

Dated 16/8/93

Pursuance to the declaration dated IRSHAD AHMAD filed by Mr./Ms. IRSHAD AHMAD Son/Daughter BACHA KHAN

domiciled in North-West Frontier Province, it is hereby certified that the said IRSHAD AHMAD is born of parent who are permanent residents of the North-West Frontier Province having been born & settled within it

I have satisfied myself from my Personal knowledge/verification that the above declaration is true and certify accordingly.

This 16th day of August 1993

No 610 940/15
17/8/93

MAGISTRATE 1ST CLASS

(Name) *Shahid Hussain*

COUNTERSIGNED

DISTRICT MAGISTRATE, SWAT.

(Name of Deputy Commissioner) Swat

Shahid Hussain
Shahid Hussain

LECTURER
Department English
University of Malakand



* Strike off which-ever is not applicable.

no 4099 / ACI
17/8/93

We:-

1. Mohd. Alim S/O Amir Salam Khan R/O Mingora swat.
2. Said/Rahman S/O Gul Rahman R/O Mingora swat.

do here by undertake and state that

Irshad Ahmad.....is born of Parents, who are

permanent residents of village Bunn-Mingora----- Tehsil.....Babazi..... District Swat, having been born within it and domiciled in the North West Frontier Province.

I. C. No 114-60-246678

I. C. No 114-91-028905.....

VERIFIED AS ABOVE

PRINCIPAL,
Govt. High School No-1
MINGORA, Swat

CONSULTANT ENGINEER
Gulistan

To

The Honourable Director Education (E & SE), Peshawar.

Subject: Departmental appeal

Respected Sir,

With due respect I have the honour to submit this departmental appeal/representation for your kind consideration and favourable action on the following facts and grounds:

1. That appellant was appointed as PTC on regular basis vide Order dated 30-04-1995 and posted at GPS, Sher Khani, Swat. Appellant assumed the charge. Appellant served as such till 13-02-1997 (Annexure-I).
2. That vide order dated 13-02-1997 the regular service of the appellant was dispense with along with others without assigning any justifiable reason and adopting prescribed procedure (Annexure-II).
3. That later on pick and chose system was adopted and number of terminated employee were re-instated with all attached benefits (Annexure-III).
4. That it is pertinent to mention here that some of terminated employee assiled their termination order before Service Tribunal and were re-instated on the strength of the judgment of Tribunal (Annexure-IV).
5. That by now Mr. Anwar Zeb and Mr. Shehryar, who has also been terminated along with appellant vide the same order have been re-instated vide order dated 05-07-2013 on the strength of the judgment of the Honourable Service Tribunal (Annexure-V).
6. That the case of the appellant is similar and identical to the re-instated employee in all respect both on legal and factual aspect, therefore, deserve

Attested
[Signature]
To be true copy
Advocate

7/10/2013
10/7/2013

to treated at par with them.

7. That it has been held by the Honourable Supreme Court of Pakistan that when Service Tribunal or Supreme Court decide a point of law relating to the term and condition of a civil servant, which cover not only the case of civil servant, who litigated, but also others; dictates of justice and rule of good governance demanded that the benefit of such judgment should also be extended to other civil servant, who were not be parties to the litigation and the subsequent litigation would not suffer from laches on the same question of law (Judgment are attached as Annexure-VI).

It is, therefore, humbly requested that on acceptance of this departmental appeal Your Honour may graciously be pleased to treat the appellant at par with those who have been re-instated either on the strength of Judgments of the Honourable Service Tribunal or on the strength of departmental action and re-instate the appellant with all attached benefits.



Yours faithfully

Irshad Ahmad S/o Badshah Khan,

Bunr Minguara, Swat,

Tehsil and District Swat.

Dated: 10/07/2013

Attested
to be true copy
Advocate

Annex. F
(30)

- 29 -



**OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT**

No. _____/Re-inst:/M/PST

Dated 26/06 / 2013.

To,

The Director,
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Subject :- DEPARTMENTAL APPEAL OF EX-PST MR.ALI REHMAN AND
IRSHAD AHMAD OF DISTRICT SWAT.

Memo:

Please refer to your office letter No:1733/AD(Lit-II) dated
10/10/2013 on the subject noted above.


It is stated for your kind information that with reference to the
sacked employees Act No.XVII 2012, applications from the sacked employees including
the appellants have been received, processed in due time and interview conducted,
but due to a status quo order passed by a local civil court, the appointment process is
still pending. As and when the status quo is vacated, then their appointments will be
considered on priority basis, please.

Endst:No: 600


DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT.

Copy of the above is forwarded for information to the:-

- 1- P.A to Director, Elementary and Secondary Education Khyber Pakhtunkhwa
Peshawar.


DISTRICT EDUCATION OFFICER (M)
DISTRICT SWAT

Attested
To be true copy
Advocate



**DIRECTORATE ELEMENTARY & SECONDARY
EDUCATION KPK PESHAWAR**

No. 1733 /AD (Lit: II) Dated Peshawar the 0 / 10 /2013

To

The District Education Officer (Male)
District Swat.

Subject:-

**DEPARTMENTAL APPEALS OF EX-PST MR. ALI REHMAN &
IRSHAD AHMAD OF DISTRICT SWAT.**

Memo:

I am directed to refer to your letter No: 11159/re-instatment/PST/M/dated 26/9/2013 and No: 1005 dated 31/8/2013 and to ask you that the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (Khyber Pakhtunkhwa Act No: XVII of 2012) is very clear whereby in section 2(g) defined as Sacked Employee means a person who was appointed on regular basis to civil post in the Province and who possessed the prescribed qualification and experience for the said post at the time, during the period from 1st day of November, 1993 to the 30th day of November 1996 (both days inclusive) and was dismissed removed or terminated from the service during the period from 1st day of 1998 on the ground of irregular appointment.

Further more under section-6 of the above cited Act, the sacked employee may file an application to the concerned department with in 30-days from the date of commencement of this Act i.e 4/10/2012.

Now, if the applicants Mr. Irshad Ahmad S/O Bacha Khan R/O Banr Mingora District Swat, & Mr. Ali Rehman S/O Azizur Rehman R/O Saidu Sharif District Swat have submitted their application along with their credentials in the stipulated period. Then there case be decided according in the light of rules & procedure of the Khyber Pakhtunkhwa, Act No: XVII of 2012 with intimation to this office with 15-days positively.

Endst: No

1734

Q 9/10/13
Dy: Director (Estab:)
E&SE Khyber Pakhtunkhwa,
Peshawar.

b/c

Copy forwarded to PA to Director local Office

Q 9/10/13
Dy: Director (Estab:)
E&SE Khyber Pakhtunkhwa,
Peshawar.

b/c

Attested
[Signature]
To be true copy
Advocate