

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 572/2019

Date of Institution ... 22.04.2019  
Date of Decision ... 18.03.2021

Muhammad Haroon son of Khalil ur Rehman, G.P.S Phulra  
District Mansehra.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Peshawar and two others.

(Respondents)

Muhammad Arshad Khan Tanoli,  
Advocate

... For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General

... For respondents.

ROZINA REHMAN

... MEMBER (J)

ATIQ UR REHMAN WAZIR

... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of

04 connected service appeals which are:

1. Service Appeal No.572/2019
2. Service Appeal No. 573/2019
3. Service Appeal No. 574/2019
4. Service Appeal No. 575/2019

SCANNED  
K. S. T  
Peshawar



In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as C.Ts in the year 1993-94 and were terminated from service in the year 1997-98. After the announcement of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, they were required to be reinstated in service but the appellants were not appointed accordingly, therefore, they filed Writ Petition before the Hon'ble High Court for their appointment under the said Act and it was during the pendency of the Writ Petition when appointment orders were accordingly issued on 04.12.2017. Some of the employees under the said Act were appointed in 2012-13 but the appellants were appointed on 04.12.2017, therefore, they filed departmental appeal which was not responded to, hence the present service appeal.

3. We have heard Muhammad Arshad Khan Tanoli Advocate for appellants and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

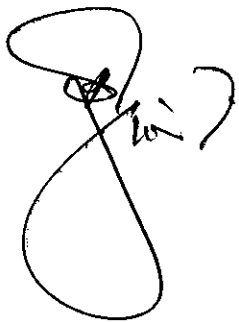
4. Muhammad Arshad Khan Tanoli Advocate learned counsel appearing on behalf of appellants, inter-alia, argued that the respondent No.3 was supposed to appoint appellants under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 when the said Act was promulgated in the year 2012 but their appointment order was issued on 04.12.2017 which is against law and discriminatory.



Learned counsel further argued that some of the employees who were juniors to appellants were appointed, whereas, appellants were reinstated later on which act is against the principle of equality and natural justice. He submitted that appellants are to be treated at par with other employees in the said Department and lastly, he submitted that similar employees were given benefit by the Apex Court by counting of their service for the protected period for payment of pensionary benefits, therefore, request was made for the stated relief.

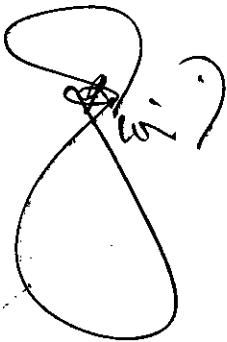
5. As against that, learned A.A.G submitted that appellants were appointed as P.S.Ts but later on, their appointments were declared illegal and they were terminated. The Government of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 and the appellants were appointed as P.S.Ts under Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 as well as upon the direction of august High Court Abbottabad Bench. He submitted that as per Section-5 of the Sacked Employees (Appointment) Act, 2012, sacked employees shall not be entitled to seniority and other back benefits and that such nature cases were dismissed by the Service Tribunal. He, therefore, requested for dismissal of instant service appeals.

6. From the record, it is evident that appellants and others who were appointed back in 1994-95 were terminated in 1996-97. Sacked Employees (Appointment) Act, 2012 was specifically promulgated to extend relief to such sacked employees. Appellants were not




considered for the reason best known to the respondents. The respondents however, considered other similar cases just after promulgation of the Act ~~ibid~~ which was discriminatory on the part of respondents. It was upon the intervention of the Hon'ble Peshawar High Court that appellants were reinstated at a belated stage in 2017 but with immediate effect. The main concern of the appellants is that such employees would reach the age of superannuation before earning qualifying service for pensionary benefits. We have observed that appellants had possessed all the qualifications as prescribed in the Act like others. It is also on record that co-employees tried their level best for back benefits and their cases were dismissed by this Tribunal as their earlier stance <sup>was</sup> to get all service benefits. Feeling aggrieved from the judgment of this Tribunal CPLAs were filed in the Apex Court and relief of back benefits to co-employees was refused by the Apex Court too. However, Apex Court allowed counting of their service for the protected period for payment of pensionary benefits. The present appellants have a strong case as they had every right to be reinstated just after promulgation of the Act as they were having requisite qualification as prescribed in the Act. Their claim was accepted by the august High Court and reinstatement was ordered.

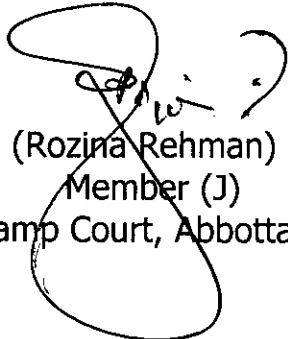
7. The present appellants have also prayed for all service back benefits with a request for counting of their service for the protected period in the light of judgment of the Apex Court which was passed in the case of co-employees. So, from the record, it is crystal clear that


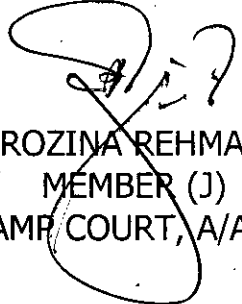


despite promulgation of an Act in the year 2012, appointment order of the appellants were issued in the year 2017 and that too, on the directions of the august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees counting of their service for the protected period for payment of pensionary benefits only. Case of the present appellants is at par with those sacked employees who were granted this benefit by the Apex Court, therefore, these appeals are accepted to the extent that appellants are allowed counting of their services from the date of promulgation of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits. No order as to costs. File be consigned to the record room.

ANNOUNCED.  
18.03.2021

  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad

  
(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18.03.2021	<p><u>Present.</u></p> <p>Muhammad Arshad Khan Tanoli, ... For appellant Advocate</p> <p>Riaz Khan Paindakheil, ... For respondents Assistant Advocate General</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, appeals are accepted to the extent that appellants are allowed counting of their services from the date of promulgation of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits. No order as to costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 18.03.2021</p> <p> (ATIQU UR REHMAN WAZIR) MEMBER (E) CAMP COURT, A/ABAD</p> <p> (ROZINA REHMAN) MEMBER (J) CAMP COURT, A/ABAD</p>

11.03.2021

Appellant present through counsel.

Noor Zaman Khan Khattak learned District Attorney for respondents present.

Bench is incomplete due to leave of the Hon'ble Member (Executive) and as such, announcement is not possible today.

Adjourned to 16/3/2021 for orders before this D.B at Camp Court, Abbottabad.



(Rozina Rehman)  
Member (J)

16.03.2021

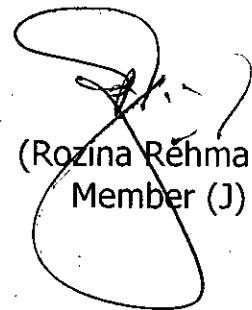
Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Toseef ADEO for respondents present.

Certain points need consideration, therefore, further arguments were heard. To come up for order on 18.03.2021 before D.B at Camp Court, Abbottabad.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

21.01.2021

Due to COVID-19, the case is adjourned for the same on 16.02.2021 before D.B.

  
READER

16.02.2021

Counsel for appellant present:

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Partial arguments heard. A request for adjournment was made by learned A.A.G; allowed. To come up for arguments on 18.02.2021 before this D.B at Camp Court Abbottabad.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad



(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

18.02.2021

Learned counsel for the appellant present.

Noor Zaman Khattak learned District Attorney alongwith Toseef ADEO for respondents present.

Arguments heard. To come up for order on 11.03.2021 before this D.B at Principal Seat Peshawar.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad



(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

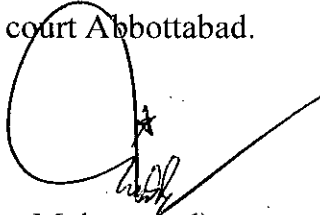


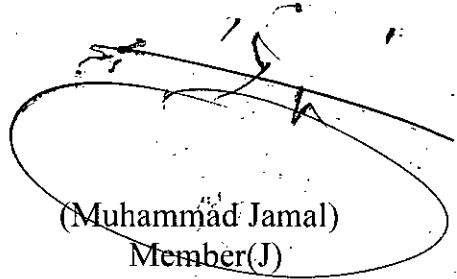
17.09.2020

Counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Touseef, ADEO for respondents present.

Learned District Attorney informed the Bench that similar nature of appeal titled Hukam Khan has been adjourned to 17.11.2020, therefore, the same may also be clubbed with the said appeal. In the circumstances <sup>cases</sup> ~~we~~, therefore, deem it appropriate to club the instant appeal with the above stated appeal.

Adjourned to 17.11.2020 for arguments before D.B at camp court Abbottabad.

  
(Mian Muhammad)  
Member (E)

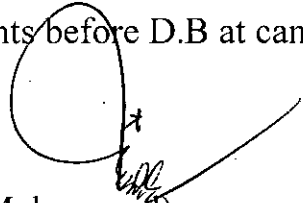
  
(Muhammad Jamal)  
Member(J)  
Camp Court Abbottabad

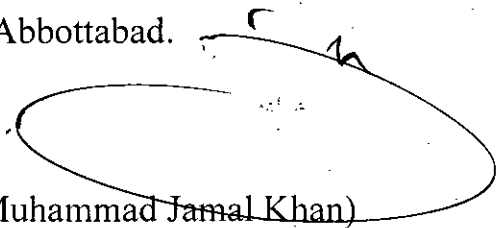
17.11.2020

Mr. Zahid, Clerk to counsel for the appellant is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Touseef, ADEO for respondents is present.

The former requests for adjournment as learned counsel for the appellant was busy before the Hon'able Peshawar High Court, Abbottabad Bench.

Adjourned to 21.01.2021 on which date to come up for arguments before D.B at camp court Abbottabad.

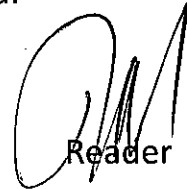
  
(Mian Muhammad)  
Member(E)

  
(Muhammad Jamal Khan)  
Member(J)  
Camp Court Abbottabad

Due to covid, 19 case to come up for the same on / /  
at camp court abbotabad.

Reader

Due to summer vacation case to come up for the same on  
14 / 9 / 20 at camp court abbotabad.

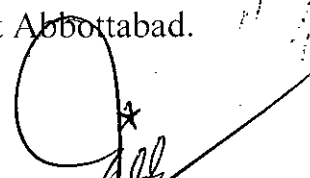
  
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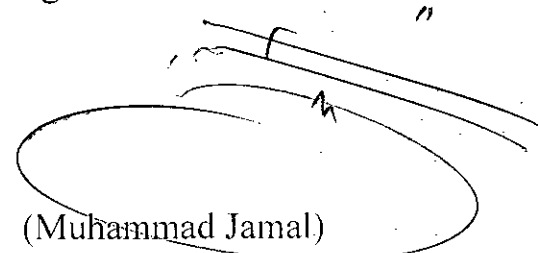
14.09.2020

Appellant in person alongwith his counsel Mr. Muhammad Arshad Khan Tanoli, Advocate is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General ~~for respondents present.~~

There is rush of work and almost arguments in four appeals have been concluded. It is now quarter past 4 O'clock. The time of the Tribunal is over, therefore, the appeal is adjourned by tomorrow.


Adjourned to 17.09.2020 for arguments before D.B at camp court Abbotabad.

  
(Mian Muhammad)  
Member(E)

  
(Muhammad Jamal)  
Member  
Camp Court A/Abad


17.09.2019

Clerk of counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Faheem Anwar, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further time to file written reply. Adjourned to 24.10.2019 for written reply/comments before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad


24.10.2019


Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Hamid Mansoor, Asstt. for the respondents present and furnished parawise comments/written reply of the respondents, placed on record. To come up for rejoinder if any and arguments on 19.12.2019 before D.B at camp court, Abbottabad.

  
Member  
Camp court, A/Abad

19.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned to 18.02.2020 for rejoinder if any and arguments before D.B at Camp Court Abbottabad.

  
(Hussain Shah)  
Member  
Camp Court Abbottabad


  
(M. Amin Khan Kundi)  
Member  
Camp Court Abbottabad

12.07.2019

Counsel for the appellant Muhammad Haroon present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Primary School Teacher during the period in between 1993-96. It was further contended that the appellant was terminated during the period in between 1997-98. It was further contended that the Khyber Pakhtunkhwa Sacked Employees Appointment Act, 2012 was enforced by the Provincial Government. It was further contended that as per section-3 of the said Sacked Employees Appointment Act, 2012 the department was bound to appoint the appellant under 30 % quota of Sacked Employees Appointment Act against the total posts who were terminated during the period in between 1997-98. It was further contended that the department has not appointed the appellant under the Sacked Employees Appointment Act, 2012 therefore, the appellant alongwith others filed Writ Petition before the Worthy High Court which was accepted vide consolidated judgment dated 24.05.2016. It was further contended that on the basis of judgment of the worthy High Court, the department on the recommendation of Departmental Selection Committee appointed the appellant vide order dated 04.12.2017. It was further contended that the department was bound to appoint the appellant under Sacked Employees Appointment Act, 2012 in the year 2012 but due to fault of the department, the appellant was appointed on the basis of judgment of the worthy High Court in the year 2017 therefore, the department was bound to appoint the appellant in the year 2012 but the department has illegally appointed the appellant in the year 2017 due to which the appellant has sustained loss of increments, allowances and length of service therefore, the impugned appointment order of the appellant is liable to be rectified.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 17.09.2019 before S.B at Camp Court Abbottabad.


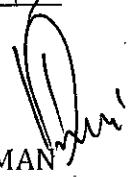
Appellant Deposited  
Security & Process Fee  
15/7/19

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

Form- A  
FORM OF ORDER SHEET

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

Case No. 572/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/05/2019	<p>The appeal of Mr. Muhammad Haroon received today by post through Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 3/5/19</p>
2-	10-5-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>12-09-19</u></p> <p> CHAIRMAN</p>

The appeal of Mr. Muhammad Haroon son of Khalil ur Rehman GPS Phulra District Mansehra received today i.e. on 22.04.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of first appointment and termination order mentioned in para-1 of the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Copies of Khyber Pakhtunkhwa Sacked Employees Act 2012 mentioned in para-2 of the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Copies of W.P, reappointment order and departmental appeal mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 4- Memorandum of appeal may be got signed by the appellant.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 796 /S.T,

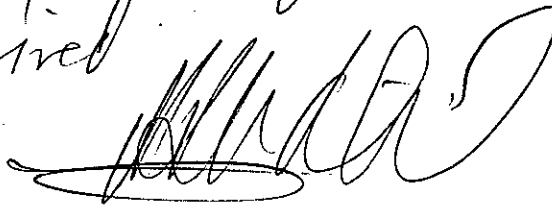
Dt. 23-4- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arshad Khan Tanoli  
Advocate High Court A.Abad.

Sir,

case is resubmitted  
duly rectified as  
desired



Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Abbottabad

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

Service Appeal No. 572/2019

Muhammad Haroon son of Khalil ur Rehman, GPS Phulra District Mansehra.

...APPELLANT

VERSUS

Government of KPK through Secretary Elementary and Secondary Education,  
Peshawar.

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 8	
2.	Copies of appointment order and termination order	9-31	"A" & "B"
3.	Copy of Khyber Pakhtunkhwa Sacked Employment Act, 2012	32-41	"C"
4.	Copy of Writ Petition	42-48	"D"
5.	Copy of Appointment order dated 04/12/2017 of the appellant	49-50	"E"
6.	Copy of departmental appeal	51-53	"F"
7.	Copies of similar employees who were appointed in other districts	54-55	"G"
8.	Wakalatnama	56	"H"

Dated: \_\_\_\_\_/2019

Through

  
...APPELLANT

(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

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

Service Appeal No. 572/2019

Muhammad Haroon son of Khalil ur Rehman, GPS Phulra District Mansehra.

...APPELLANT

Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 641

Dated 22/4/2019

1. Government of KPK through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) District Mansehra.

...RESPONDENTS

Filed to-day

Registrar

22/4/19

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS REINSTATED IN SERVICE WITH EFFECT FROM 04/12/2017 VIDE APPOINTMENT ORDER ENDST NO. 20672-702 DATED 04/12/2017 UNDER THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES APPOINTMENT ACT 2012, AS WELL AS IN THE LIGHT OF JUDGEMENT OF PESHAWAR HIGH

Re-submitted to-day  
and filed.

Registrar

3/5/19



COURT BENCH ABBOTTABAD IN WRIT PETITION NO. 516-A/2013 DECIDED ON 24/05/2016 THE APPELLANT WAS TO BE REINSTATED IN SERVICE I.E. HIS DATE OF TERMINATION FROM SERVICE I.E. 06/03/1996 OR FROM THE DATE OF PROMULGATION OF THE ACT, 2012 WITH ALL SERVICE BACK BENEFITS BUT RESPONDENT NON.3 APPOINTED / REINSTATED THE APPELLANT IN SERVICE ON 04/12/2017 WHICH IS DISCRIMINATORY, PERVERSE AGAINST THE LAW.

=====

**PRAYER:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO REINSTATE THE APPELLANT EITHER 06/03/1996 OR FROM THE DATE OF PROMULGATION OF SACKED EMPLOYEES APPOINTMENT ACT, 2012 WITH ALL SERVICE BACK BENEFITS AND THE SAID PERIOD MAY ALSO BE COUNTED TOWARDS PENSIONARY BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE MAY ALSO BE GRANTED TO THE APPELLANT.

=====

Respectfully Sheweth;-

Brief Facts of the case are as under:-

1. That the appellant was appointed as CT in the year 1993-94 and was terminated from service in the year 1997-98. Copies of appointment order and termination order are annexed as Annexure "A" & "B".
2. That Govt. of Khyber Pakhtunkhwa announced KPK Sacked Employees Appointment Act, 2012 wherein all the sacked employees who were appointed in the year 1993-1996 and terminated from service in the year 1997-1998 are to be reinstated in service. Copy of Khyber Pakhtunkhwa Sacked Employment Act, 2012 is attached as Annexure "C".
3. That the respondent No. 3 did not appoint the petitioner as per KPK Sacked Employees Act, 2012 in time. Hence, the appellant filed writ petition 516-A/2013 before Honourable High Court, Bench Abbottabad for his appointment under the said Act. Copy of Writ Petition is attached as Annexure "D".

4. That during the pendency of the writ petition, respondent No 3 issued appointment order vide No 20672-702 dated 04/12/2017. Copy of appointment order dated 04/12/2017 of the appellant is attached as Annexure "E".
5. That the respondent No.3 also appointed some similar employees under the said Act in the year 2012-13 but appointed the appellant on 04/12/2017 which is discriminatory, perverse, against the law and the appointment order of the appellant should have been issued either from the date of termination from service in the year 1997-98 or from the dated Promulgation Sacked Employees Appointment Act 2012. The appellant filed departmental appeal to respondent No.2 for redressal of his grievance in December 2017 but respondent No.2 did not bother to reply the appellant so far. Copy of departmental appeal is attached as Annexure "F".
6. That feeling aggrieved, the instant appeal is filed inter-alia, on the following grounds:-

**GROUND:**

- a) That respondent No.3 was supposed to appoint the appellant under KPK Sacked Employees Appointment Act 2012, as and when the said Act was promulgated in the Year 2012 but respondent No.3 finally issued appointment order of the appellant 04/12/2017 which is against the law and discriminatory. Hence the appellant is entitled to have all the service back benefits w.e.f the date of termination of service in the Year 1997-98 as has been granted by the Federal Govt. to its employees in the Year 2010.
- b) That respondent No.3 appointed some similar employees who are juniors in age from the appellant, whereas the appellant has been appointed/reinstated in service on 04/12/2017 which is against the principle of equality and natural justice as well as principle of good governance.
- c) That District Education Officer under the control of respondents No.1 & 2 issued

appointment orders of similar employees in other districts under the said Act in the year 2013. Copies of similar employees who were appointed in other districts are attached as Annexure "G".

- d) That the appellant is to be given all service back benefits i.e salary either the date of termination and period of service i.e. in the year 1997-98 to 04/12/2017 is to be counted towards length of qualifying service for pensionary benefits.
- e) That respondents-department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice. The appellant is to be treated at par with other employees under the control of the respondents-department.
- f) That when the law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise.

g) That there is no other efficacious and adequate remedy available to the appellant, except the present appeal.

h) That other points shall be raised before the Honourable Tribunal at the time of arguments.

It is, therefore, humbly prayed that, on acceptant of the instant service appeal, respondents may graciously be directed to reinstate the appellant either from the year 1997-98 or from the date of promulgation of Sacked Employees Appointment Act, 2012 with all service back benefits and the said period may also be counted towards pensionary benefits. Any other relief which this Honourable Tribunal deems appropriate may also be granted to the appellant.

Dated: \_\_\_\_\_/2019

Through

  
...APPELLANT  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

**VERIFICATION:-**

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

  
...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2019

Muhammad Haroon son of Khalil ur Rehman, GPS Phulra District Mansehra.

**...APPELLANT**

**VERSUS**

Government of KPK through Secretary Elementary and Secondary Education,  
Peshawar.

**...RESPONDENTS**

**SERVICE APPEAL**

**AFFIDAVIT**

I, Muhammad Haroon son of Khalil ur Rehman, GPS Phulra District Mansehra, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

  
**DEPONENT**

OFFICE ORDER NO. 88  
 DATED 22/11/1994.

APPOINTMENT

**Annex-A**

**P-9**

Consequent upon the finalization of the lists of un-trained candidates duly approved by the Minister for Primary Education NWFP, the following candidates are hereby appointed in BPL-7 @ Rs.1480 fixed per month plus usual allowances as admissible under the rules w.e.f. the date of their taking over the charge against the vacant posts in the interest of public service:

S.No.	Name & Father's Name	Address	Place of posting	Remarks
1-	Fakhruddin s/o Ghulam Mohyud Din.	Nambal	GPS Nambal	Against vacant post.
2-	Muhammad Khalid s/o Abdul Qayum.	Lassan Nawab	Mos:Khaliyala	-do-
3-	Sheikh Amjad s/o Sheikh Taj Muhammad.	Shakooki	GPS Bat Doga	-do-
4-	Muhammad Sajjad s/o Ali Akbar.	Takkar Mera	Mos:Pojdara	-do-
5-	Zulfiqar s/o Fazal Rehman Shergarh		GPS Seri Gorla	-do-
6-	Sarfraz s/o Muhammad Jan.	Moorat Mera	Mos:Mathra	-do-
7-	Khalid s/o Sher Muhammad Mera Khurd		GPS Nambal	-do-
8-	Sain Ahmad s/o Muhammad Zaman.	Naryala	Mos:Lohar Banda	-do-
9-	Muhammad Aslam s/o Fazal Rehman.	Chan Sair	GPS Seri Gorla	-do-
10-	Haider Zaman s/o Muhammad Guleman.	Karrori	GPS Beerian	-do-
11-	Amjad Hussain s/o Anwar Shah.	Dhaman Dheri	GPS Bat Doga	-do-
12-	Saeedur Rehman s/o Haider Zaman.	Gali Badral	GPS Daroo	-do-
13-	Muhammad Parvez s/o Muhammad Akbar.	Kala Mera	Mos:Sinjelijala	-do-
14-	Muhammad Mushtaq s/o Sher Muhammad.	Pangorhi	Mos:Khamar Advocate High Court Office No 33 Adjacent to Dist Bar Abbottabad	-do-
15-	Muhammad Irfan s/o Muhammad Zaman.	Gali Badral	GPS Lubar	-do-
16-	Muhammad Saeed s/o Muhammad Ayub.	Shakooki	Mos:Sinjel Bandi	-do-
17-	Muhammad Younis s/o Fazlur Rehman.	Mando	Mos Tunimar	-do-
18-	Muhammad Riaz s/o Kala Khan.	Hari Doga	GPS Chamial	-do-
19-	Muhammad Tariq s/o Abdur Rehman.	Chansair	GPS Sunj	-do-
20-	Muhammad Haroon s/o Ghulam Haider.	Moorat Mera	GPS Sunj	-do-

Next page/2



20-A	Lal Khan s/o Fazlur Rehman	Palkot	GPS Tarmang	A.V. Post.
21-	Abdus Sattar s/o Maroof.	Kalas	GPS Sera Gali	A.V. Post.
22-	Niaz Abi Shah s/o Farman Ali Shah.	Darband	Mos: Chakli Miangan	-do-
23-	Muhammad Ishaq s/o Ghulam Qadir.	Makan Gali	GPS Chatta	-do-
24-	Aftab Ahmad s/o Abdul Jalil.	Hari Doga	GPS Chatta	-do-
25-	Abdul Malik s/o Rehmatullah.	Chan Sair	GPS Bai	-do-
26-	Muhammad Shameer s/o Omar Zaman.	Jasgaran	GPS Sokal	-do-
27-	Naeem Anwar s/o Muhammad Anwar.	Shungli	GPS Neel Batla	-do-
28-	Muhammad Haroon s/o Khalilur Rehman.	Kutaira	GPS Neel Batla	-do-
29-	Abid Hussain Shah s/o Hussain Shah.	Ismail Bandi	GPS Nawan Sher	-do-
30-	Shakil s/o Abdul Jabbar.	Sokal	GPS Sokal	-do-
31-	Rashid Manan s/o Abdul Manan.	Lassen Nawab	GPS Sokal	-do-
32-	Taj Muhammad s/o Sher Dil.	Chakli	GPS Namshera	-do-
33-	Shaukat Ali s/o Gohar Rehman	Darband	GPS Namshera	-do-
34-	Abdur Rashid s/o Abdul Khalig	Jund Seri	GPS Namshera	-do-
35-	Javed s/o Fazlur Rehman	Sharotta	GPS Khudian	-do-
36-	Muhammad Arshad s/o Sher Muhammad.	Sahaki	GPS Khudian	-do-
37-	Muhammad Fayez s/o Niaz Muhammad	Bandi Mera	GPS Garwal	-do-
38-	Muhammad Arif s/o Wali Muhammad	Rooria	Mos: Parkhain	-do-
39-	Muhammad Gulab s/o Sikandar Khan.	Rarri	Mos: Jorian	-do-
40-	Abdus Sadiq s/o Bahram.	Kalas	GPS Minjahani	-do-
41-	Muhammad Ali s/o Taj Muhammad	Thakia Shah Miskeen.	GPS Dham Nalla	-do-
42-	Naeem Kausar s/o Ghulam Sarwar	Lassen Nawab	GPS Hallan	-do-
43-	Muhammad Humayun s/o Habibur Rehman.	Bandian	GPS Mat Serian	-do-
44-	Muhammad Parvez s/o Muhammad Zaman.	Tarmang	GPS Miana Gali	-do-
45-	Zulfiqar s/o Ghulam Sarwar.	Darband	Mos: Karam	-do-
46-	Habibur Rehman s/o Jamilur Rehman.	Gali Badral	GPS Chuntran	-do-
47-	Muhammad Saeed s/o Muhammad Israil.	Kalas	Mos: Mohar Khurd	-do-
48-	Muhammad Bukhtiar s/o Khane- Zaman	Roria	GPS Miana Gali	-do-
49-	Iftikhar s/o Ghulam Haider.	Gojra	GPS Kahawa	-do-
50-	Fida Hussain s/o Aziz Muhammad	Choker Bandi	GPS Matserian	-do-
51-	Ghulam Mustafa s/o Hafizullah	Chamial	GPS Nika Pani.	-do-
52-	Zulfiqar s/o Dure Aman	Sinjliyal	Mos: Doga	-do-
53-	Muhammad Bashir s/o Abdul Akbar.	Machral	Mos: Hari Doga	-do-
54-	Sher Muhammad s/o Taj Muhammad.	Fateh Bandi	Mos: Kaloo Basshi	-do-
55-	Shah Feroz s/o Firdoos.	Jaman Moori	Mos: Takkra Pain	-do-

11

56-	Munawar s/o Masood.	Lassan Nawab	GPS Tarmang	A.V.Post
57-	Ghulam Abbas s/o Abdus Sattar.	Dehgri	Mos:Batangi	-do-
58-	Muhammad Azam s/o Khawaj Muhammad.	Khalian Arian	GPS Karka	-do-
59-	Anwar Zeb s/o Sikandar Khan.	Sharotta	GPS Hallah	-do-
60-	Akram s/o Sulaman.	Sharotta	GPS Mera Khairoo	-do-
61-	Nazir Muhammad s/o Sher Muhammad.	Phuldhar	Mos:Nalbori	-do-
62-	Chiria Khan s/o Abdur Rehman,	Jhangi	GPS Sinjliyala	-do-
63-	Muhammad Tariq s/o Parvez.	Sokal	GPS Shanaya Pain	-do-
64-	Dost Muhammad s/o Mir Muhammad	Thair Abad	Mos:Dolarian	-do-
65-	Jehangir s/o Fazal Karim.	Hal Kaloo	GPS Hariyala	-do-
66-	Manzoor Ahmad s/o Maqboolur Rehman.	Chandoor	GPS Chandoor	-do-
67-	Lal Khan s/o Sher Muhammad.	Jhanda	-do-	-do-
68-	Sultan s/o Rehmatullah.	Nara Doga	Mos:Gora	-do-
69-	Dure Aman s/o Wazir Muhammad	Sharotta	Mos:Kamari	-do-
<del>69-</del>	<del>Muhammad Aman s/o Sher Muhammad</del>			
70-	Salār Khan s/o Abdul Akbar.	Larrori	GPS Akhun Bandi	-do-
71-	Iftikhar Ahmad s/o Ali Zaman	Shakokki	GPS Kandar	-do-
72-	Mubarak s/o Haider Zaman	Pakoona	GPS Matserian	-do-
73-	Sabir s/o Muhammad Yaqoob	Pakoona	GPS Ghazi Kot	-do-
74-	Dildar s/o Faqir Muhammad	Mohar	Mos Belan	-do-
75-	Rafiq s/o Sikandar	Bandian	GPS Bandi Khan Khel.	-do-
76-0	Shakil Ahmad s/o Ayub.	Khelwal	Mos:Kotla Darwaza	-do-
77-	Siddique s/o Farid	Jhand	Mos:Gud	-do-
78-	Khurshid s/o Faqir Muhammad	Chitti Moori	GPS Chontra	-do-
79-	Muhammad Farooq s/o Kala Khan	Kajla	GPS Kajla	-do-
80-	Nazar Hussain s/o Ghulam Haider.	Nikka Pani	Mos:Gali Tendki	-do-
81-	Sarwar s/o Abdul Nabi.	Thanda	GPS Chaniyal	-do-
82-	Muhammad Hanif s/o Ghulam Sarwar.	Sokal	GPS Mera Khairoo	-do-
83-	Nazir Ahmad s/o Ghulam Sarwar	Battal Pain	Mos:Khajambar	-do-
84-	Ali Munsaf s/o Ali Zaman.	Doga	GPS Bradarh	-do-
85-	Sarfraz s/o Ali Zaman.	Jhangi	GPS Thathi Kalan	-do-
86-	Iqbal s/o Yaqoob.	Lari	Mos:Shanaya Pain	-do-
87-	Muhammad Afzal s/o Ayub	Tangarh	Mos:Kharan	-do-
88-	Hakim Khan s/o Gohar Rehman	Khaliyala	GPS Mera Khairoo	-do-
89-	Zaman Shah s/o Gulab Shah	Shergarh	GPS Seri Goria	-do-
90-	Saleem s/o Samandur	Shanaya	Mos:Bradarh	-do-
91-	Munibur Rehman s/o Muhammad Zaman.	Kandar	GPS Kandar	-do-
92-	Sajid s/o Habibur Rehman	Phulra	GPS Phulra	-do-
<del>93-</del>	<del>Yousaf s/o Farid Muhammad</del>	<del>Rhokra</del>		
93-	Muhammad Haroon s/o Ali Zaman	Bai Bupal	GPS Bai Bupal	-do-
94-	Muhammad Javed s/o Aurangzeb	Jhanda	GPS Gali Badral	-do-
95-	Muhammad Ismail s/o Muhammad Zaman.	Gorha	GPS Theri	-do-
96-	Muhammad Riaz s/o Rafiullah	Bandi Mera	Mos:Khamian	-do-

Handwritten signature and stamp: Advocate High Court, Office No. 33, Adalat Road, Faisalabad.


97-	Naveed Shah s/o Muazam Shah	Shah Kot.	GPS Dham Nalla	A.V. Pos
98-	Muhammad Nazir s/o Muhammad Assem	<del>Assem</del>		
	Assem	Nika Fani	GPS Neel Batla	-do-
99-	Muhammad Azam s/o Sher Muhammad	Bandian	GPS Nara Doga	-do-
100-	Abid Hussain s/o Abdur Rehman	Pakoona	GPS Chaniyal	-do-
101-	Muhammad Asif s/o Wali Jan	Munda Gucha	GPS Chilyani	-do-
102-	Nehid Ahmad s/o Ghulam Nabi	Jaboori	GPS Sundi	-do-
103-	Muhammad Naeem s/o Attai Khan	Phalai	GPS Neelban	-do-
104-	Muhammad Naveed s/o Muhammad Ayub	Sucha Kalan	GPS Bahadra	-do-
105-	Muhammad Shakil s/o Muhammad Mussa	Sucha Kalan	GPS Said Abad	-do-
106-	Ghulam Hassan s/o Muhammad Ishaq	<del>GPS</del> Nalla Jabbar	GPS Nalla Jabbar	-do-
107-	Muhammad Khalid s/o Azizur Rehman	Munda Gocha	GPS Munda Gocha	-do-
108-	Gul Dad s/o Mughal Dad	Punjool	GPS Sukian	-do-
109-	Muhammad Aslam s/o Muhammad Alam	Gali Jabbar	GPS Jabbar	-do-
110-	Ghulam Nabi s/o Arsala Khan	Keeri Bala	GPS Sattan Gali	-do-
111-	Akhtar Nawaz s/o Haq Nawaz Khan	Sucha Kalan	GPS Kodar	-do-
112-	Gul Niaz s/o Sarfaraz Khan	Buz Bela	GPS Banda Gee Sach	-do-
113-	Ghulam Nabbi s/o Qadai	Chotta Bala	GPS Mohri	-do-
114-	Javed Iqbal s/o Ahmad Jee	Punjool	GPS Mohri	-do-
115-	Ashiq Hussain Shah s/o Muntaz Ali Shah	Bai Bala	GPS Thatta	-do-
116-	Sajid Hussain Shah s/o Hayat Shah	Kot Chattar	GPS Dheri Nambardar	-do-
117-	Muhammad Fayez s/o Abdul Wahab	Hilkot	GPS Deri Haleem	-do-
118-	Javed Hussain Shah s/o Nawab Said Shah	Lachi Mang	GPS Deri Nambardaran	-do-
119-	Zulfiqar Ali Shah s/o Sadiq Shah	Bai Bala	GPS Shangreta	-do-
120-	Abdul Ghaffar Ali Shah s/o Pir Bad Shah	Saloon	GPS Chinar Kot.	-do-
121-	Ijaz Hussain Shah s/o Shah Said Shah	Bhumla Chattar	GPS Khotri	-do-
122-	Qaiser Rauf s/o Abdur Rauf Khan	Sucha Kalan	GPS Keeri Nawaz Road	-do-
123-	Dahshat Khan s/o Haji Farid Khan	Shar Kool	GPS Deri Haleem	-do-
124-	Muhammad Saeed s/o Miskeen	Karan	GPS Mat Serian	-do-
125-	Abdur Razaq s/o Mir Hussain	Makan Gali	GPS Dokal	-do-
126-	Muhammad Ijaz s/o Omar Zaman	Dhanaka	Mos; Pagora	-do-
126A	Muhammad Aslam s/o Omar Zaman	Gundan	GPS Battian	-do-
127-	Abdus Sattar s/o Abdur Rehman	Dhaman	GPS Chatta	-do-
128-	Muhammad Yousaf s/o Aurangzeb	Seri Gali	GPS Shanaya	-do-
129-	Fariddud Din s/o Abdul Hai	Mat Seri	GPS Jiggi	-do-

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129-A Sidique s/o Haider Zaman	Purni	GPS Hariyala	A.V. Post,
130- Azmat Ayub S/o Muhammad Ayub.	Naryala	GPS Chameyari	A.V. Post
131- Said Bad Shah s/o Mudassar Shah.	Sarori K.D.		K.D.
132- Muhammad Mustafa s/o Yasin Khan.	Judba		K.D.
133- Abdul Bashir s/o Gulraiz.	Uthlair		K.D.
134 Fanoos Shah s/o Syed Azeem Shah <del>xxx</del>	Rongaly		K.D.
435- Syed Wahab s/o Muhammad Mustaffa.	Jatka		K.D.
436- Pir Mukamil Shah s/o Pir Ahmad Shah.	Jatka		K.D.
137- Liaqat Ali s/o Sher Muhammad Khan	Chinkhari		K.D.
138- Safdar Zaman s/o Shah Izat Khan.	Deri Kaka Khel		K.D.

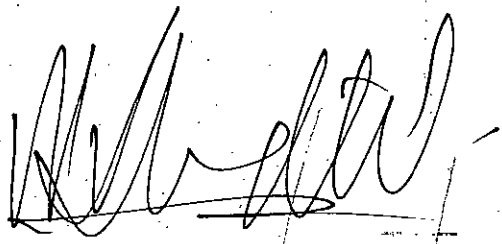
TERMS AND CONDITIONS

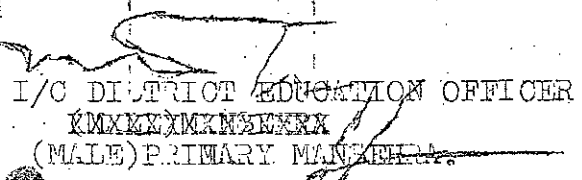
1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional certificates/documents. Their original Academic and Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age and Health certificate from Medical Superintendent DEQ Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of NWFP.

  
 ( MUHAMMAD ISHAQ )  
 I/C DISTRICT EDUCATION OFFICER,  
 (MALE) PRIMARY MANSEHRA.

Endstt: No. 2485-2626 GB(G/I-Vol-III/94 Dated Mansehra the 22/11/94.

- Copy forwarded to the:
- 1- Secretary to Government of NWFP, Education Deptt; Peshawar.
  - 2- Director, Primary Education, NWFP (Hayatabad) Peshawar.
  - 3- District Accounts Officer Mansehra.
  - 4- Sub Divisional Education Officer (Male) Mansehra.
  - 5-143- All the candidates concerned.
  - 144- Superintendent local Office.



  
 I/C DISTRICT EDUCATION OFFICER  
 (MALE) PRIMARY MANSEHRA.

Advocate High Court  
 Office No. 38 Adjacent to  
 Dist Bar/Abbottabad

App. Order No. 88

22/11/94

Enclst No = 2485-2626

22-11-94

Annex B

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA

NO. 5  
Dated February 13, 1997

P-14

OFFICE ORDER

On perusal of the relevant record, the appointments of the following Primary Teachers have been found illegal, ab initio, void and against the prescribed rules. Their services are, therefore, hereby dispensed with, with immediate effect.

S.No.	Name & Father's Name	Residence	Place where Appointed
1.	Fakhar-ud-Din S/O Ghulam Mohyud Din	Numbal	GPS Numbal
2.	Muhammad Khalid S/O Abdul Gayum	Lassan Nawab	Msq: Khalyala
3.	Sheikh Amjad S/O Sheikh Taj Muhammad	Shakooki	GPS Bat Doga
4.	Muhammad Sajjad S/O Ali Akbar	Thakar Mera	Msq: Pojara
5.	Zulfiqar S/O Fazal-ur-Rehman	Siersarh	GPS Seri Gorla
6.	Sarfraz S/O Muhammad Jan	Moorat Mera	Msq: Mathra
7.	Khalid S/O Sher Muhammad	Samra Khurd	GPS Numbal
8.	Sain Ahmad S/O Muhammad Zaman	Naryala	Msq: Loharbanda
9.	Muhammad Aslam S/O Fazal Rehman	Chansair	GPS Seri Gorla
10.	Haider Zaman S/O Muhammad Suleman	Karori	GPS Beerian
11.	Amjad Hussain S/O Anwar Shah	Dhaman Dheri	GPS Batdoga

Contact Page No. 2

Arshed Khan Janon  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Court

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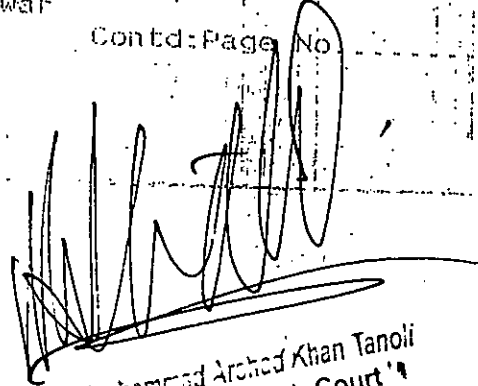
12	Muhammad Farhan S/O Fazal ur Rehman	Gali Badral	GPS Daroo
13	Muhammad Farhan S/O Muhammad Anwar	Khalid Mera	Msq: Sinjeliyala
14	Muhammad Farhan S/O Shah Muhammad	Panorid	Msq: Khamari
15	Muhammad Farhan S/O Muhammad Zaman	Gali Badral	GPS Lubar
16	Muhammad Farhan S/O Muhammad Ayub	Shakooki	GPS Ginjaal Bendi
17	Muhammad Younis S/O Fazal ur Rehman	Mando	Msq: Tunimar
18	Muhammad Riaz S/O Kala Khan	Hari Doga	GPS Chamial
19	Muhammad Farhan S/O Abdur Rehman	Chansair	GPS Sunj
20	Muhammad Haroon S/O Ghulam Haidan	Moorat Mera	GPS Sunj
21	Lal Khan S/O Fazal ur Rehman	Tarmang	GPS Tarmang
22	Muhammad Farhan S/O Khalid Mera	Kalas	GPS Seri Gali
23	Niaz Ali Shah S/O Farhan Ali Shah	Darband	Msq: Chakli Niangan
24	Muhammad Yshaq S/O Ghulam Qadar	Makan Glai	GPS Chatta
25	Aftab Ahmad S/O Abdul Jalil	Hari Doga	GPS Chatta
26	Abdul Malik S/O Rehmatullah	Chansair	GPS Sai
27	Muhammad Shauqer S/O Umar Zaman	Jasgran	GPS Sokal
28	Muhammad Anwar S/O Muhammad Anwar	Shangli	GPS Neel Batia
29	Muhammad Haroon S/O Khalid ur Rehman	Kutaira	GPS Neel Batia

*[Handwritten Signature]*

Office No 33 Adjacent  
Dist Bar Anwar  
Advocate HCS  
Muhammad Anwar

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287	30. Abid Hussain Shah S/O Hussain Sihan	Jamail Bandi	GPS Nawan Sher
1531	31. Shakbal S/O Abdul Jabar	Sokal	GPS Sokal
1132	32. Rashid Manan S/O Abdul Manan	Lassan Nawab	GPS Sokal
824	33. Taj Muhammad S/O Sher Dil	Chakli	GPS Namshera
	34. Shuakat Ali S/O Gohar Rehman	Darband	GPS Namshera
824	35. Abdur Rashid S/O Abdul Kalid	Jand Seri	GPS Namshera
1736	36. Javaid S/O Fazal-ur-Rehman	Sharotta	GPS Khudian
1837	37. Muhammad Arshid S/O Sher Muhammad	Sahaki	GPS Khudian
1938	38. Muhammad Fayaz S/O Niaz Muhammad	Bandi Mera	GPS Garwal
2039	39. Muhammad Arif S/O Wali Muhammad	Rooria	Msd: Parkhain
2140	40. Muhammad Gulab S/O Sikandar Khan	Rappi	Msd: Jorian
2241	41. Abdus Sadiq S/O Behram	Kalac	GPS Minjehani
2342	42. Muhammad Ali S/O Taj Muhammad	Taqia Shahmiskeen	GPS Dham Nalla
2443	43. Naeem Kausar S/O Ghulam Sarwar	Lassan Nawab	GPS Hallan
2544	44. Muhammad Humayun S/O Habib-ur-Rehman	Bandian	GPS Matsarian
2645	45. Muhammad Pervez S/O Muhammad Zaman	Tharmang	GPS Miana Gali
824	46. Zulfikar S/O Ghulam Sarwar	Darband	Msd: Karam



Muhammad Arshed Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Tr. Abbottabad

P. 17

47.	Habib-ur-Rehman S/O Jamil-ur-Rehman	Gali Badra	GPS Chuntran
48.	Muhammad Saeed S/O Muhammad Israil	Karias	Msq: Mohar Khurd
49.	Muhammad Bukhtiar S/O Khan Zaman	Roria	GPS Miana Gali
50.	Iftikhar S/O Ghulam Haider	Gojra	GPS Kahawa
51.	Fida Hussain S/O Aziz Muhammad	Chor Bandi	GPS Mad Serian
52.	Ghulam Mustafa S/O Hafizullah	Chamial	GPS Nikka Pani
53.	Zulficar S/O Duri Aman	Sinjliyal	Msq: Doga
54.	Muhammad Bashir S/O Abdul Akbar	Machral	Msq: Hari Doga
55.	Sher Muhammad S/O Taj Muhammad	Fateh Bandi	Msq: Kaloo Basthi
56.	Shah Feroz S/O Ferdosa	Jaman Moori	Msq: Thakkra Pain
57.	Munawar S/O Masood	Lassan Nawab	GPS Tarmang
58.	Ghulam Abbas S/O Abdus Satar	Dohri	Msq: Batangi
59.	Muhammad Azam S/O Khawaj Muhammad	Khalian Arian	GPS Karka
60.	Anwar Zeb S/O Sikandar Khan	Sharotta	GPS Hallah
61.	Akram S/O Suleman	Sharotta	GPS Mera Khairoo
62.	Nazir Muhammad S/O Sher Muhammad	Phuldhar	Msq: Nalbori
63.	Chirra Khan S/O Abdur Rehman	Jhangi	GPS Sinjliyal
64.	Muhammad Tariq S/O Parvez	Sokal	GPS Shahaya payeen



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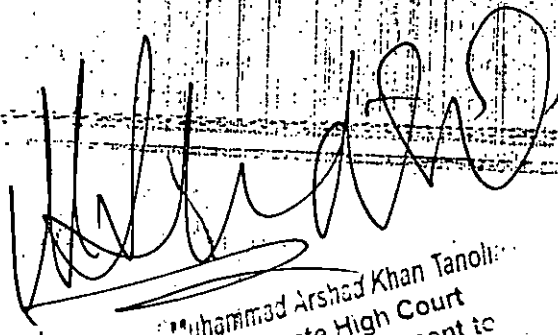
- 81/65. Dost Muhammad S/O  
Mish Muhammad Khair Abad Msq: Dolarian
- 3766. Jehangir S/O  
Fazal Karim Hal Kaloo GPS: Hariyala
- 3767. Manzoor Ahmad S/O  
Maqbool -ur- Rehman Chandoor Msq: Chandoor
- 3768. Lal Khan S/O  
Sher Muhammad Ihanda Msq: Chandoor
- 3769. Sultan S/O Rehmatullah Nara Doga GPS: Gora
- 3770. Duri Aman S/O  
Wazir Muhammad Sharotta Msq: Kamar
- 82/71. Salar Khan S/O  
Abdul Akbar Karrori GPS: Akhun Bandi
- 3772. Ittikhar Ahmad S/O  
Ali Zaman Shakokki GPS: Kandal
- 3773. Mubarak S/O  
Haider Zaman Pakoona GPS: Maserian
- 474. Sabir S/O  
Muhammad Yaqoob Pakoona GPS: Ghazi Kot
- 475. Dildar S/O  
Faqir Muhammad Mohar Msq: Belan
- 476. Rafique S/O Sikandar Bandian GPS: Bandi Khan, Khel
- 477. Shakeel Ahmad S/O Ayub Khalwal Msq: Kotla darwaza
- 82/78. Sadique S/O Farid Jahand Msq: Gud
- 479. Khurshid S/O  
Faqir Muhammad Chitti Moori GPS: Chontra
- 480. Muhammad Farooq S/O  
Kala Khan Kajla GPS: Kajla
- 82/81. Nazar Hussain S/O  
Ghulam Haider Nikka Pani Msq: Gali Tendki
- 482. Sarwar S/O Abdul Nabi Thanda GPS: Chaniyal

Contd: Page No

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Hall of Abbotsabad

B. 9

4183.	Muhammad Hanif S/O Ghulam Sarwar	Sokal	Mera Khairoo
4184.	Nazir Ahmad S/O Ghulam Sarwar	Batal Pain	Msq: Khajambar
4185.	All Munsaf S/O Ali Zaman	Doga	GPS Bradarh
4186.	Sarfraz S/O Alizaman	Jangi	GPS Thathi Kalan
4187.	Iqbal S/O Yaqoob	Larri	Msq: Shanaya Pain
4188.	Muhammad Atzal S/O Ayub	Tangarh	Msq: Kharan
4189.	Hakim Khan S/O Gohar Rehman	Khaliala	GPS Mera Khairoo
4190.	Zaman Shah S/O Gulab Shah	Shergarh	GPS Seri Gorla
4191.	Saleem S/O Samandur	Shanaya	Msq: Bradar
4192.	Munib ur Rehman S/O Muhammad Zaman	Kandar	GPS Kandar
4193.	Sajid S/O Habib-ur-Rehman	Phulra	GPS Kajla
4194.	Muhammad Haroon S/O Ali Zaman	Bal Buhal	GPS Batdoga
4195.	Muhammad Javaid S/O Aurang Zeb	Jhandia	GPS Gali Badral
4196.	Muhammad Ismail S/O Muhammad Zaman	Gorha	GPS Theri
4197.	Muhammad Riaz S/O Rafiullah	Bandi Mera	Msq: Khamian
4198.	Naveed Shah S/O Muazzam Shah	Shah Kot	GPS Dam Nulla
4199.	Muhammad Nazir S/O Muhammad Aseem	Nikka Pani	GPS Neel Batla
4200.	Muhammad Azam S/O Sher Muhammad	Bandian	GPS Nara Doga

  
 Muhammad Arshad Khan Tanoli  
 Advocate High Court  
 Office No 33 Adjacent to  
 Dist. Tr. Abbottabad

101. Abid Hussain S/O Abdur Rehman	Pakoona	GPS Chaniya
102. Muhammad Asif S/O Wali Jan	Munda Gucha	GPS Chilyani
103. Nahib Ahmad S/O Ghulam Nabi	Jabori	GPS Sundi
104. Muhammad Naeem S/O Attai Khan	Phalai	GPS Neel Ban
105. Muhammad Naveed S/O Muhammad Ayub	Sachan Kalan	GPS Bahadra
106. Muhammad Shakel S/O Muhammad Mussa	Sachan Kalan	GPS Said Abad
107. Ghulam Hassan S/O Muhammad Ishaq	Nalla Jabbar	GPS Nalla Jabbar
108. Muhammad Khalid Aziz ur Rehman	Munda Gocha ✓	GPS Munda Gocha
109. Gul Dad S/O Mughal Dad	Punjool	GPS Sukian
110. Muhammad Aslam S/O Muhammad Aiam	Gali Jabbar	GPS Jabbar
111. Ghulam Nabi S/O Arsala Khan	Keeri Bala	GPS Sattan Gali
112. Akhtar Nawaz S/O ✓ Haf Nawaz Khan	Sucha Kalan	GPS Kodar
113. Gul Niaz S/O ✓ Sarfaraz Khan	Buz Bela	GPS Banda Geesach
114. Ghulam Nabi S/O Qada	Chotta Bala	GPS Mohri
115. Javed Iqbal S/O ✓ Ahmad Jee	Punjool	GPS Mohri
116. Ashiq Hussain Shah S/O Muntaz Ali Shah	Bai Bala	GPS Matta
117. Sajid Hussain Shah S/O Hayat Shah	Kot Chattar	GPS Dheri Nambardar

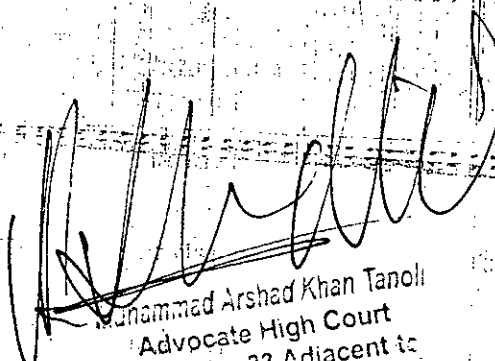
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 Muhammad  
 Ayub  
 Office

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Page No. .... 8

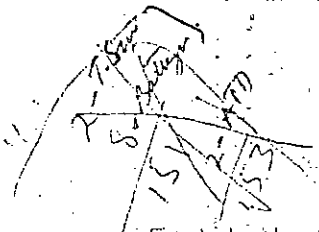
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|--|----------------|----------------------------|
| 118. Muhammad Fayaz S/O<br>Abdul Wahab         | Hirkot         | GPS Dheri Haleem           |
| 119. Javed Hussain Shah S/O<br>Nawab Said Shah | Lachi Mang     | GPS Dheri Nambardaran      |
| 120. Zulfikar Ali Shah S/O<br>Sadiq Shah       | Bai Bala       | GPS Shangreta              |
| 121. Abdul Ghaffar Ali Shah<br>S/O Pir Badshah | Saloon         | GPS Chinarkot              |
| 122. Ijaz Hussain Shah S/O<br>Shah Said Shah   | Bhumla Chatter | GPS Khotri                 |
| 123. Qaisar Rauf S/O<br>Abdur Rauf Khan        | Sachan Kalan   | GPS Keeri Nawazabad        |
| 124. Dahshat Khan S/O<br>Haji Farid Khan       | Sharkool       | GPS Dheri Haleem           |
| 125. Muhammad Saeed S/O<br>Miskeen             | Karan          | GPS Matserian              |
| 126. Abdur Razaq S/O<br>Mir Hussain            | Nakan Gali     | GPS Dokal                  |
| 127. Muhammad Ijaz S/O<br>Omar Zaman           | Dhanaka        | Msq: Pagora                |
| 128. Muhammad Aslam S/O<br>Omar Zaman          | Gundan         | GPS Battian                |
| 129. Abdus Sattar S/O<br>Abdur Rehman          | Dhaman         | GPS Chatta                 |
| 130. Muhammad Yousaf S/O<br>Aurang Zeb         | Seri Gali      | GPS Shanaya                |
| 131. Farid-ud-Din S/O<br>Abdul Hai             | Matseri        | GPS Jiggi                  |
| 132. Sadique S/O<br>Haider Zaman               | Purni          | GPS Hariyala               |
| 133. Azmat Ayub S/O<br>Muhammad Ayub           | Naryala        | GPS Chameyari<br>Ghazi Kot |
| 134. Said Badshah S/O<br>Nudassar Shah         | Sarori (K.D)   | Msq: Cheer                 |

Contd: Page No. .... 9

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Dist. Bar, Abbottabad

- 135. Muhammad Mustafa S/O Yasin Khan Judda Msq: Kalala
- 136. Abdul Bashir S/O Gul Raiz Uthair Msq: Mohri Danna
- 137. Fanoos Shah S/O Syed Azeem Shah Rongaly Msq: Soormal Mada Khail
- 138. Syed Wahab S/O Muhammad Mustafa Jatka Msq: Laka Tiga
- 139. Pir Rukamit Shah S/O Pir Ahmad Shah Jatka Msq: Tara Mada Khail
- 140. Liaqat Ali S/O Sher Muhammad Khan Shinkiaqi Msq: Jhangri
- 141. Sardar Zaman S/O Shah Izat Khan Deri Kaka Khail Msq: Markharain

دفعہ نمبر



sd (

(HAQ NAWAZ KHAN)  
DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY MANSEHRA.

Encls: No. 217-367...../Dated Mansehra the February 13, 1997

Copy forwarded to the :-

- 1. P.S to Secretary to Government of N.W.F.P Education Department Peshawar.
- 2. P.A to Director Primary Education N.W.F.P Peshawar.
- 3. District Accounts Officer Mansehra.
- 4. Sub-Divisional Education Officer (Male) Mansehra.
- 5-10. ASDEO Circi, Pulra, Shergarh, Oghi, Battal, Jabori & Kala Dhaka
- 11-151. All concerned.

DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY MANSEHRA.

Haq Nawaz Khan Janoli  
10-33 High Court  
Adjacent to  
Abbottabad

P. 23

Annex - B

BETTER COPY

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA

P-33

No. 5  
Dated: February 13.1997OFFICE ORDER

On perusal of the relevant record, the appointments of the following Primary Teachers been found illegal, ab-initio void and against the prescribed rules. Their services are the restore, hereby dispensed with. with immediate effect.

S.#	Name & Father's Name	Residence	Place where appointed
1.	Fakhar ud Din S/o Ghulam Mohi ud Din	Numbal	GPS Numbal
2.	Muhammad Khalid S/o Abdul Qayyum	Lassan Nawab	Msq Khalyala
3.	Sheikh Amjid S/o Sheikh Taj Muhammad	Shakoori	GPS Bat Doga.
4.	Muhammad Sajjad S/o Ali Akhtar	Thakar Mera	Msq. Pojdara
5.	Zulfiqar S/o Fazal ur Rehman	Shergarh	GPS Seri Gorla
6.	Sarfaraz S/o Muhammad Jan	Moorat Mera	Msq: Hathra
7.	Khalid S/o Sher Muhammad	Mera Khurd	GPS Numbal
8.	Sain Ahmad S/o Muhammad Zaman	Naryala	Msq: Loharbanda
9.	Muhammad Aslam S/o Fazal Rehman	Chansair	GPS Seri Gorla
10.	Haider Zaman S/o Muhammad Suleman	Karori	GPS Beerian
11.	Amjid Hussain S/o Anwar Shah	Dhaman Dheri	GPS Batdoga

Muhammad Arshad Khan  
Advocate High Court  
Office No. 33 Adjacent to

21. XYNNA

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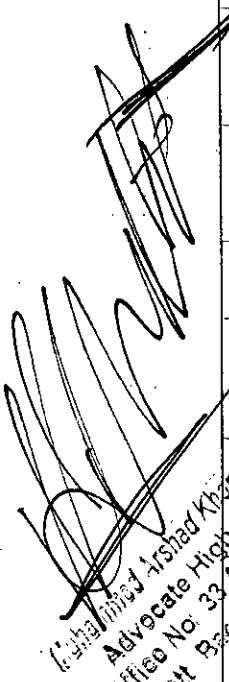
P. 24

P-34

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12.	Shafiq ur Rehman S/o Haider Zaman		Gali Badral	GPS Daroo
13.	Muhammad Parvaiz Muhammad Akbar	S/o	Kalu Mera	Msq. Sinjeliyala
14.	Muhammad Mushtaq Sher Muhammad	S/o	Panserhi	Msq. Khamari
15.	Muhammad Aslan Muhammad Zaman	S/o	Gali Badral	GPS Lubar
16.	Muhammad Saeed Muhammad AYub	S/o	Shakook	GPS Sinjal Bandi
17.	Muhammad Younus Fazal ur Rehman	S/o	Mando	Msq: Tunimar
18.	Muhammad Riaz S/o Khan	Kala	Hari Doga	GPS Chamial
19.	Muhammad Tariq S/o Rehman	Abdur	Chamsair	GPS Sunj
20.	Muhammad Haroon Ghulam Haider	S/o	Moorat Mera	GPS Sunj
21.	Lal Khan S/o Fazal ur Rehman		Tarmang	GPS Tarmang
22.	Abdus Sattar S/o Maroof		Kalas	GPS Seri Gali
23.	Niaz Ali Shah S/o Farman Ali Shah		Darbānd	Msq: Chakli Miangan
24.	Muhammad Ishaq Ghulam Dadar	S/o	Makan Glai	GPS Chatta
	Aftab Ahmad S/o Abdul Jalil		Hari Doga	GPS Chatta
26.	Abdul Malik S/o Rehmatullah		Chansair	GPS Bar
27.	Muhammad Shameer Omar Zaman	S/o	Jasgran	GPS Sokal
28.	Naheem Anwar Muhammad Anwar	S/o	Shangli	GPS Neel Btla
29.	Muhammad Haroon Khalil ur Rehman	S/o	Kutaira	GPS Neel Batla

  
 (Muhammad) Arshad Khan Tabali  
 Advocate High Court  
 Office No. 33 Adjacent to  
 Dist Bar Association



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P. 25

P-35

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30.	Abid Hussain Shah Hussain Shah	S/o	Ismail Bandi	GPS Nawanshehr
31.	Shakeel S/o Abdul Manan		Sokal	GPS Sokal
32.	Rashid Manan S/o Abdul Manan		Lassan Nawab	GPS Sokal
33.	Taj Muhammad S/o Sher	Ali	Chakli	GPS Namsehra
34.	Shaukat Ali S/o Gohar Rehman		Darband	GPS Namshera
35.	Abdul Rashid S/o Abdul Khalid		Jand Seri	GPS Namshera
36.	Javaid S/o Fazal ur Rehman		Sharotta	GPS Khudian
37.	Muhammad Arshid S/o Muhammad	Sher	Sahaki	GPS Khudian
38.	Muhammad Fayaz S/o Muhammad	Niaz	Bandi Mera	GPS Garwal
39.	Muhammad Arif S/o Muhammad	Wali	Rooria	Msq: Parkhain
40.	Muhammad Gulab Sikandar Khan	S/o	Rarri	Msq: Jorian
41.	Abdus Sadiq S/o Behram		Kalas	GPS Minjahani
42.	Muhammad Ali S/o Muhammad	Taj	Taqia Shahmiskeen	GPS Dham Nalla
43.	Naeem Kausar S/o Ghulam Sarwar		Lassan Nawab	GPS Hallan
	Muhammad Hamayun Habib ur Rehman	S/o	Bandian	GPS Matserian
	Muhammad Parvez Muhammad Zaman	S/o	Tharmag	GPS Miana Gali
46.	Zulfiqar S/o Ghulam Sarwar		Darband	Msq: Karam

Muhammad Ahsan Khan Sarwar  
Advocate High Court  
Office No. 23 Adjacent  
Dist. 45. Abbottabad

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47.	Habib ur Rehman S/o Jamil ur Rehman	Gali Badra	GPS tran
48.	Muhammad Saeed S/o Muhammad Jarail	Kalas	Msq: Khurd ar
49.	Muhammad Bukhtiar S/o Khani Zaman	Roria	GPS Miana
50.	Iftikhar S/o Ghulam Haider	Gojra	GPS Kahawa
51.	Fida Hussain S/o Aziz Muhammad	Chor Bandi	GPS Mad Serian
52.	Ghulam Mustafa S/o Hafizullah	Chamial	GPS Nikka Pani
53.	Zulfiqar S/o Duri Aman	Sinjliyala	Msq: Hari Doga
54.	Muhammad Bashir S/o Abdul Akbar	Machral	Msq: Hari Doga
55.	Sher Muhammad S/o Taj Muhammad	Fateh Bandi	Msq: Kaloo Bashti
56.	Shah Feroz S/o Firdous	Jaman Moori	Msq: Thakkra Pain
57.	Munawar S/o Masood	Lassan Nawab	GPS Tarmang
58.	Ghulam Abbas S/o Abdus Satar	Dehari	Msq: Batangi
59.	Muhammad Azam S/o Khawaj Muhammad	Khakian Arian	GPS Karka
60.	Anwar Zeb S/o Sikandar Akram	Sharotta	GPS Hallan
	Akram S/o Suleman	Sharotta	GPS Mera Khairoo
	Nazir Muhammad S/o Sher Muhammad	Phuldhar	Msq: Nalbori
63.	Ghiria Khan S/o Abdur Rehman	Jhangi	GPS Sinjliyala

Advocate  
No. 1062  
Distt. Jhang

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64.	Muhammad Tariq S/o Parvez	Sokal	GPS Shanaya Payeen
65.	Dost Muhammad S/o Mir Muhammad	Khairabad	Msq: Dolarian
66.	Jehangir S/o Faal Karim	Hal Kaloo	GPS Hariyala
67.	Manzoor Ahmad S/o Maqbool ur Rehman	Chandoor	Msq: Chandoor
68.	Lal Khan S/o Sher Muhammad	Jhanda	Msq; Chandoor
69.	Sultan S/o Rehmatullah	Nara Doga	GPS Gora
70.	Duri Aman S/o Wazir Muhammad	Sharotta	Msq: Kamari
71.	Salar Khan S/o Abdul Akbar	Karrori	GPS Akhun Bandi
72.	Iftikhar Ahmad S/o Ali Zaman	Shakokki	GPS Kandal
73.	Mubarak S/o Haider Zaman	Pakoona	GPS Maserian
74.	Sabir S/o Muhammad Yaqoob	Pakoona	GPS Ghazi Kot
75.	Dildar S/o Faqir Muhammad	Mohar	Msq: Belan
76.	Rafique S/o Sikandar	Bandian	GPS Bandi Khan Khel
77.	Shakeel Ahmad S/o Ayub	Khalwal	Msq: Kotla Darwaza
78.	Sadique S/o Farid	Jahand	Msq: Gud
	Khurshid S/o Faqir Muhammad	Chitti Moori	GPS Chontra
	Muhammad Farooq S/o Kala Khan	Kajla	GPS Kajla
81.	Nazar Hussain S/o Ghulam Haider	Nikka Pani	Msq: Gali Tendki
82.	Sarwar S/o Abdul Nabi	Thanda	GPS Chaniyal

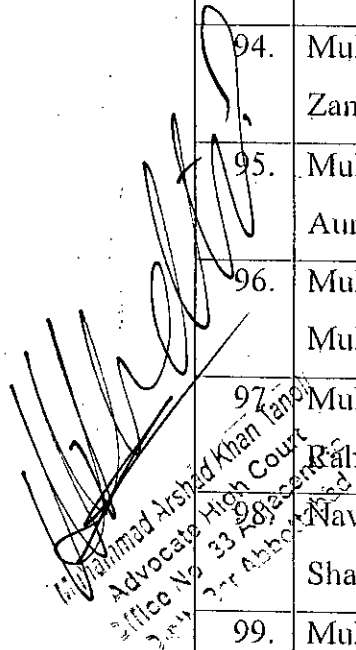
  
 Advocate (High Court)  
 Office No. 12, Adilabad  
 Hyderabad

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83.	Muhammad Hanif S/o Ghulam Sarwar	Sokal	Mera Khairoo
84.	Nazir Ahmad S/o Ghulam Sarwar	Batal Pain	Msq: Khaj Ambar
85.	Ali Munsaf S/o Ali Zaman	Doga	GS Bradarh
86.	Sarfraz S/o Ali Zaman	Jangi	GPS Thathi Kalan
87.	Iqbal S/o Yaqoob	Larri	Msq: Shanaya Pain
88.	Muhammad Afzal S/o Ayub	Tangarh	Msq: Kharan
89.	Hakim Khan S/o Gohar Rehman	Khaliala	GPS Mera Khairoo
90.	Zaman Shah S/o Gulab Shah	Shergarh	GPS Seri Gorla
91.	Saleem S/o Samandur	Shanaya	Msq: Bradar
92.	Munib ur Rehman S/o Muhammad Zaman	Kandar	GPS Kandar
93.	Sajid S/o Habib ur Rehman	Phulra	GPS Kajla
94.	Muhammad Haroon S/o Ali Zaman	Bai Buhai	GPS Batdoga
95.	Muhammad Javaid S/o Aurangzeb	Jhanga	GPS Gali Badral
96.	Muhammad Ismail S/o Muhammad Zaman	Gorha	GPS Their
97.	Muhammad Riaz S/o Rahiullah	Bandi Mera	Msq: Khamian
98.	Naveed Shah S/o Muazam Shah	Shah Kot	GPS Dam Nurla
99.	Muhammad Nazir S/o Muhammad Aseem	Nikka Pani	GPS Neel Batla
100.	Muhammad Azam S/o Sher Muhammad	Bandian	GPS Nara Doga

  
 Muhammad Arshad Khan  
 Advocate High Court  
 Office No. 33  
 2nd Floor  
 2nd Floor  
 2nd Floor

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101.	Abid Hussain S/o Abdur Rehman	Pakoona	GPS Chaniyala
102.	Muhammad Asif S/o Wali Jan	Munda Gucha	GPS Chilyani
103.	Nahib Ahmad S/o Jabori	GPS Sundi	
104.	Muhammad Naeem S/o Attai Khan	Phalai	GPS Neel Ban
105.	Muhammad Naveed S/o Muhammad Ayub	Sachan Kalan	GPS Bahadra
106.	Muhammad Shakeel S/o Muhammad Mussa	Sachan Kalan	GPS Saidabad
107.	Ghulam Hassan S/o Muhammad Ishaq	Nalla Jabbar	GPS Nala Jabbar
108.	Muhammad Khalid S/o Aziz ur Rehman	Munda Gocha	GPS Murida Gocha
109.	Gul Dad S/o Mughaldad	Punjool	GPS Sukian
110.	Muhammad Aslam S/o Muhammad Alam	Gali Jabbar	GPS Jabbar
111.	Ghulam Nabi S/o Arsala Khan	Keeri Bala	GPS Sattan Gali
112.	Akhtar Nawaz S/o Haq Nawaz Khan	Sucha Kalan	GPS Kodar
113.	Gul Niaz S/o Sarfraz Khan	Buz Kela	GPS Banda Geesach
114.	Ghulam Nabi S/o Qadar	Chotta Kala	GPS Mohri
115.	Maved Iqbal S/o Ahmad Jee	Punjool	GPS Mohri
116.	Ashiq Hussain Shah S/o Mumtaz Ali Shah	Bai Bala	GPS Thatta
117.	Sajid Hussain Shah S/o Hayat Shah	Kot Chattar	GPS Dheri Nambardar

Muhammad Shah  
 Advocate High Court  
 Office No. 23  
 Dist. Ferozpur

118.	Muhammad Fayaz S/o Abdul Wahab	Hilkot	GPS Dheri Hale
119.	Javed Hussain Shah S/o Nawab Said Shah	Lachi Mang	GPS Dheri Nambardar
120.	Zulfiqar Ali Shah S/o Sadiq Shah	Bai Bala	GPS Shangreta
121.	Abdul Ghaffar Ali Shah S/o Pir Badshah	Saloon	GPS Chinarkot
122.	Ijaz Hussain Shah S/o Said Shah	Ghumla Chattar	GPS Khotri
123.	Qaisar Rauf S/o Abdur Rauf Khan	Sachan Kalan	GPS Keeri Nawab
124.	Dahshat Khan S/o Haji Farid Khan	Sharkool	GPS DHeri Hale
125.	Muhammad Saeed S/o Miskeen	Karan	GPS Matserian
126.	Abdur Razaq S/o Mir Hussain	Makan Gali	GPS Dokal
127.	Muhammad Ijaz S/o Omar Zaman	Dhanaka	Msq: Pagora
128.	Muhammad Aslam S/o Omar Zaman	Qundan	GPS Battian
129.	Abdus Sattar S/o Abdur Rehman	Dhaman	GPS Chatta
130.	Muhammad Yousaf S/o Auranzeb	Seri Gali	GPS Shanaya
131.	Farid ud Din S/o Abdul Hai	Matseri	GPS Jiggi
132.	Sadique S/o Haider Zaman	Purni	GPS Hariyala
133.	Azmat Ayub S/o Muhammad Ayub	Naryala	GPS Chameyari Ghazikot
134.	Sadi Badshah S/o Shah	Mudssar Sarori (K.D)	Msq: Cheer

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135.	Muhammad Mustafa S/o Yasin Khan	Judba	Msq: Kalala
136.	Abdul Bashir S/o Gul Raiz	Uthlair	Msq: Mohri Danna
137.	Fanoos Shah S/o Syed Azeem Shah	Rongaly	Msq: Soormal Madda Khail
138.	Syed Wahab S/o Muhamad Mustafa	Jatka	Msq: Laka Tiga
139.	Pir Mukamal Shah S/o Pir Ahmad Shah	Jatka	Msq: Tara Madda Khail
140.	Liaqat Ali S/o Sher Muhammad Khan	Shinkiari	Msq: Jhangri
141.	Sardar Zaman S/o Shah Izat Khan	Deri Kaka Khail	Msq: Markharain

Sd/-  
(HAQ NAWAZ KHAN)  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY MANSEHRA

Enclst: No. 217-367 \_\_\_\_\_ /

Dated Mansehra the February 13, 199

Copy forwarded to the;-

1. P.S. to Secretary to Government of NWFP Education Department,  
Peshawar.
2. P.S. to Director Primary Education NWFP, Peshawar.
3. District Accounts Officer, Mansehra.
4. Sub-Divisional Education Officer (Male), Mansehra.
- 5-10 ASDEO Circle Pulra, Shergarh, Oghi, Battal, Jabori and Kala  
Dhaka.

11-151. All concerned

Sd/-  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY MANSEHRA

Annex-C,

P-32

Annexure

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. P.H.  
GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, THURSDAY 20th SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

**NOTIFICATION**

Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6077. The Khyber Pakhtunkhwa Sacked Employees (Appointment) Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 10th September, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th September, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012).

AN  
ACT

to provide relief to those sacked employees in the Government service, who were dismissed, removed or terminated from service, by appointing them into the Government service.

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on various grounds;

WHEREAS the Federal Government has also given relief to the sacked employees by enactment;

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Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Association

(11)

146 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

AND WHEREAS the Government of the Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.

(2) It shall apply to all those sacked employees, who were holding various civil posts during the period from 1<sup>st</sup> day of November, 1993 to 30<sup>th</sup> day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:-

(a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;

(b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District offices working thereunder;

(c) "Government" means the Government of the Khyber Pakhtunkhwa;

(d) "Prescribed" means prescribed by rules;

(e) "Province" means the Province of the Khyber Pakhtunkhwa;

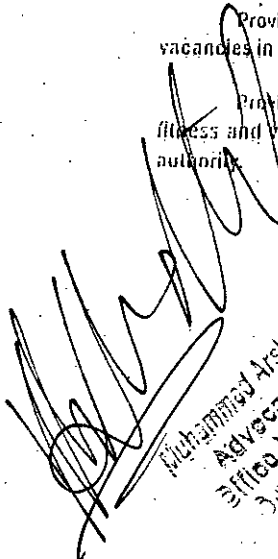
(f) "rules" means the rules made under this Act; and

(g) "sacked employee" means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1<sup>st</sup> day of November, 1996 to 31<sup>st</sup> day of December, 1998 on the ground of irregular appointments.

3. Appointment of sacked employees.--- Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service:

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority.

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
July 2012

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4. Age relaxation.-- The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.
5. Sacked employees shall not be entitled to claim seniority and other back benefits.-- A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.
6. Preference on the basis of age.-- On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.
7. Procedure for appointment.-- (1) A sacked employee, may file an application, to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:

Provided that no application for appointment received after the due date shall be entertained.

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be constituted in the prescribed manner, for appointment.

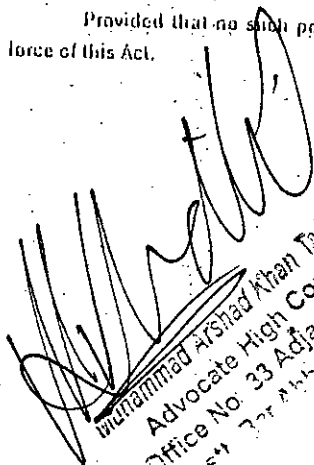
Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

8. Removal of difficulties.-- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister, Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

  
Muhammad Arshad Khan Torral  
Advocate High Court  
Office No. 33 Adjacent to  
Jail

1487 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

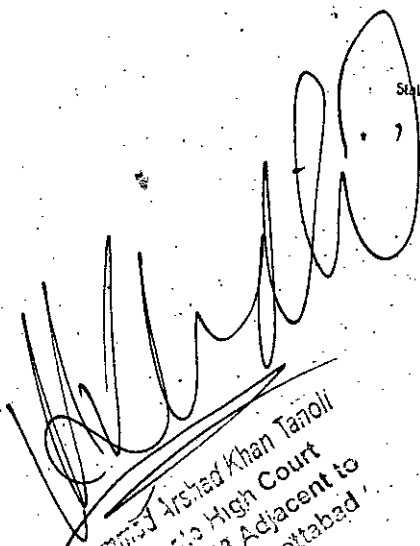
18. Act to overrule other laws.— Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

19. Power to make rules.— Government may make rules for carrying out the purpose of this Act.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMRULLAH)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,  
Saly. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

  
Justice Arshad Khan Tanoli  
Justice High Court  
Office No. 33 Adjacent to  
Post Box Abbottabad

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**KHYBER PAKHTUNKHWA**  
**PUBLISHED BY AUTHORITY**  
**PESHAWAR, THURSDAY, 20<sup>TH</sup> SEPTEMBER 2012**  
**PROVINCIAL ASSEMBLY SECRETARIAT**  
**KHYBER PAKHTUNKHWA**

**NOTIFICATION**

Dated Peshawar, the 20<sup>th</sup> September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6077. The Khyber Pakhtunkhwa Sacked Employees (Appointment) Bills, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 10<sup>th</sup> September 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17<sup>th</sup> September, 2012 is hereby published as an Act of the Provincial legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES**  
**(APPOINTMENT) ACT, 2012**

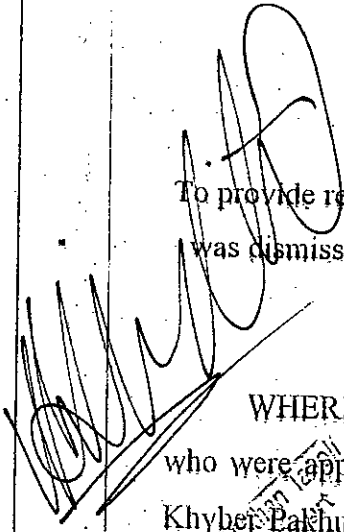
(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

(First Published after having received the assent of the Governor of the  
(Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa  
(Extraordinary), dated the 20<sup>th</sup> September, 2012).

AN  
ACT

To provide relief to those sacked employees in the Government service who  
was dismissed moved or terminated from service by appointing them into  
the Government service.

WHEREAS it is expedient to provide relief to those sacked employees  
who were appointed on regular basis to a civil post in the Province of the  
Khyber Pakhtunkhwa and who possessed the regular basis qualification and

  
Muhammad Arshad  
Advocate High Court  
Office No 33 Adjacent



experience required for the said post. During the period from 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive), and were dismissed removed, or terminated from service during the period from 1<sup>st</sup> November, 1996 to 31<sup>st</sup> day of December, 1998 on various grounds;

WHEREAS the Federal Government has also gives relief to the sacked employees by enactment;

Khyber Pakhtunkhwa Government Gazette, Extraordinary, 20<sup>th</sup> September, 2012.

AND WHERE AS the Government of Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest.

It is hereby enacted as follows:

1. Short title and commencement (1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.
2. It shall apply to all those sacked employees, who were holding various civil posts during the period from 1<sup>st</sup> day of November, 1993 to 30<sup>th</sup> day of November, 1996 (both days inclusive).
3. It shall come into force at once.

**DEFINITIONS:** In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say.

a. Civil post means a post created by the Finance Department of Government for the members of civil service of the Province.

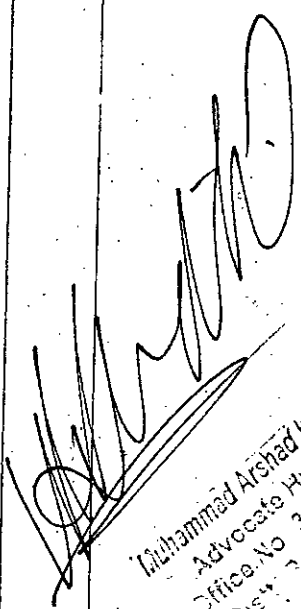
Muhammad Arshad Khan Farooqi  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Association

- b. Department means the Department and the attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District offices working there under.
- c. Government means the Government of the Khyber Pakhtunkhwa.
- d. Prescribed means prescribed by rules.
- e. Province means the Province of the Khyber Pakhtunkhwa.
- f. Rules means the rules made under this act. And
- g. Sacked employee means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time. During the period from 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed removed or terminated from service during the period from 1<sup>st</sup> day of November, 1996 to 31<sup>st</sup> day of December, 1998 on the ground of irregular appointments.

Appointment of sacked employees. Not with standing contained in any law or rule for the time being in force, on the commencement of this Act all sacked employees subject to section 7 may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal removal and termination from service.

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and

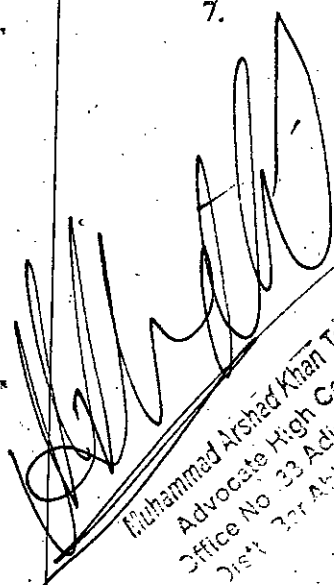
  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Court Abbottabad

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verification of their character antecedents to the satisfaction of the concerned competent authority.

**KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE,**  
**EXTRAORDINARY, 20<sup>TH</sup> SEPTEMBER 2012.**

4. Me relaxation:- The period during which a sacked employee remained dismissed removed or terminated from service till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.
5. **SACKED EMPLOYEES SHALL NOT BE ENTITLED TO CLAIM SENIORITY AND OTHER BACK BENEFITS:** A sacked employee appointed under section 3, shall not be entitled to any claim of seniority promotion or other back benefits and his appointment shall be considered as fresh appointment
6. **PREFERENCE ON THE BASIS OF AGE:-** On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share preference shall be given to the sacked employee who is older in age.
7. **PROCEDURE FOR APPOINTMENT:-** A sacked employee may file an application to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:  
Provided that no application for appointment received after the due date shall be entertained.

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Association

(2). The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3). If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the district Selection Committee, as the case may be to be constituted in the prescribed manner for appointment.

(4). The concerned Departmental Selection Committee or District Selection Committee as the case may be will determine the suitability or eligibility of the sacked employee.

(5). The sacked employee is available against thirty percent vacancy reserved irrespective cadre in a Department, then the post shall be filled through initial recruitment.

**REMOVAL OF DIFFICULTIES:-** Any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

Provide that no such power shall be exercised after the expiry of one year from coming into force of this Act.

**KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20<sup>th</sup>**  
**SEPTEMBER 2012.**

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Govt. Bldg. Abbottabad

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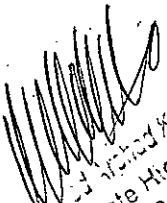
**ACT TO OVERRIDE OTHER LAWS:-** No by the standing any thing to the contrary contained in any other law or rules for the time being in force the provision of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency of this Act, shall cease to have effect.

**POWER TO MAKE RULES:-** Government may make over for carrying out the purpose of this act.

BY ORDER OF MR SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMANULLAH)  
SECRETARY  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

  
Muhammad Ahsan Khan Tanoli  
Advocate High Court  
Office No 23 Adjacent to  
Dist Bar Abbottabad

Annex-D

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BEFORE THE PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

Writ Petition No. 576/2013

1. Iftikhar Khan S/O Abdul Hakeem Govt Middle School Jalkot, (13) - O  
Kohistan. DM Post
2. Afzal Khan S/O Abdul Haq Govt Middle School Barigo 25-42 (SNO)  
Kohistan. CT (22)
3. Khayal Muhammad S/O Tajbar Govt Middle School Bargheen, 24. ✓  
Kohistan. PET 16(1) ✓
4. Zulfiqar Ali S/O Zahoor Muhammad Govt Middle School 83  
Bargheen, Kohistan. CT
5. Mohtaram Shah S/O Mahroof Shah Govt Middle School Shotid, 22 ✓  
Kohistan. DM
6. Muhammad Saleem Khan S/O Gul Zareen CT, Govt Middle 361  
School Ghazia Abad, Kohistan. CT
7. Nasir Khan S/O Hamidullah, PET Govt Middle School Beela, 21 ✓  
Kohistan. PET
8. Javed Hayat Akhtar, S/O Rehmatullah Govt Middle School Dag, 20 ✓  
Kohistan. PET
9. Gohar Zaman S/O Badi-uz-Zaman, Govt Middle School 19 ✓  
Barbaheen, Kohistan. CT
10. Noor Syed S/O Umar Gul, Govt Middle School Dag, Pattan, 18 - ✓  
Kohistan. CT
11. Shakeel Ahmed Khan S/O Musharaf Khan, Govt Middle School 17 - ✓  
Barsharial, Kohistan. PE 16(2)
12. Murad Ali Shah S/O Haji Imran-ud-Din, Govt Middle School (23) ✓  
Paragari, Kohistan. CT
13. Zarab Khan S/O Noor Habib Govt Middle School Madakhail, 15 - ✓  
Kohistan. PET
14. Shahai Nawab S/O Abdul Hameed, Govt Middle School 16 - ✓  
Peerobela, Kohistan. DM
15. Umar Khitab S/O Daray Khan CT, Govt Middle School 12  
Bargaheen, Kohistan. CT

C.T.C  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

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WRIT PETITION UNDER ARTICLE 199 OF  
THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, READ WITH  
ARTICLE 25 OF THE CONSTITUTION TO  
THE EFFECT THAT THE PETITIONERS  
WERE TERMINATED IN THE YEAR 1996-  
97 BY THE RESPONDENTS AND GOVT  
OF KPK INTRODUCE KHYBER  
PAKHTUNKHAW SACKED EMPLOYEES  
(APPOINTMENT) ACT 2012 WHEREIN  
RESPONDENTS ARE BOUND TO  
RE-INSTATE THE PETITIONERS BUT THE  
RESPONDENTS ARE NOT ISSUING  
RE-INSTATEMENT ORDERS OF THE  
PETITIONERS WHEREAS SIMILAR  
SACKED EMPLOYEES HAVE BEEN  
RE-INSTATED IN DIFFERENT DISTRICTS  
OF KPK VIZ DISTRICT SWABI AND  
DISTRICT BATTAGRAM ETC, WHICH IS  
MALA FIDE, AGAINST THE LAW,  
DISCRIMINATORY AGAINST THE  
NATURAL JUSTICE

---

PRAYER ON ACCEPTANCE OF THE  
INSTANT WRIT PETITION, THAT THE  
RESPONDENTS MAY BE DIRECTED TO

C.T.C  
*Muhammad*  
Muhammad  
Advocate High Court  
Office No 33 Adjacent to  
Distt

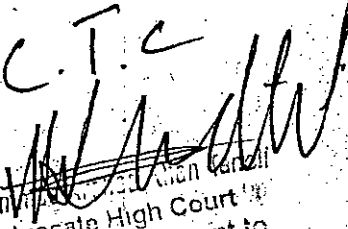
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RE-INSTATE THE  
FORTHWITH AS MORE THAN  
MONTHS HAS ELAPSED AFTER  
PROMULGATION OF THE SAID ACT.

---

Respectfully Sheweth:

1. That the petitioners were appointed by the respondents according to the prescribed method of recruitment and their services were illegally terminated in the year 1996-97. Copies of appointment orders are attached as Annexure "A".
2. That as per sacked employees (appointment) act 2012 of KPK, the respondents are bound to re-instate the petitioners as per criteria mentioned in the said act but the respondents did not appoint the petitioners in spite of the fact that more than hundreds posts are vacant in different carders and are available on the establishment of respondent No 3. The conduct of the respondents towards the petitioners is perverse, callous, mala fide and also speaks of ulterior motives. Hence,

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Advocate High Court  
Office No 33 Adjacent to  
District...



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the petitioners filed instant writ petition  
inter alia on the following grounds.

**GROUND:-**

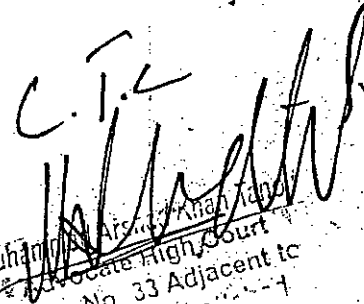
- a. That the once in act, law and notification is issued by the competent authorities all the state functionaries are bound to implement the said act, rules and notification, but the respondents are not implementing the provision of said employees act in letter and sprits which amounts to misconduct. It is the mandate of good governance that the conduct of any officer or authority can be looked into in case that official / authority does not implement the rules / act.
- b. That the said act has been promptly implemented by the concerned authorities of other Districts of KPK and appointed the said employees under the sacked employees appointment act 2012. Copies of appointment orders of similar employees of District Swabi and Battagram are attached as Annexure "B and C".

C.T.C

Muhammad Aslam Khan  
Advocate High Court  
Office No 33 Adjacent to  
District Court Swabi

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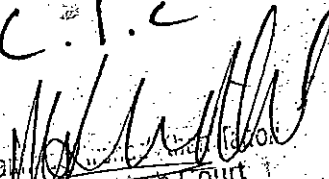
- c. That respondents are violating the provision of the act and they are bound to appoint the petitioners without further delay but the indolence, negligent behavior in implementing the law is illegal and accountable.
- d. That all the authorities / state functionaries are bound to act according to law when a law prescribes something which is to be done in a particular manner that must be done according to that law and not otherwise.
- e. That the KPK sacked employees (appointment) act 2012 has been promulgated on 20.09.2012 but the respondents has fully failed to implement the said law and re-instate the petitioners as teacher in education department within a period of more than seven months.
- f. That it is sorrow state of affairs that whenever, the petitioners visit the office of respondent No 3 who is not providing plausible reasons for creating delay.
- g. That respondents are continuously creating delay and the petitioners are mentally

C.T.K  
  
Muhammad Arshad Khan  
Advocate High Court  
Office No 33 Adjacent to  
District

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tortured as well as the petitioners are being discriminated by respondents which is clear violation of article 25 of the Constitution of Islamic Republic of Pakistan.

- h. That the respondents are exploiting the petitioners, which is totally against the Article 4 of the constitution as no one can exploit any other illegally and respondents are bound to discharge their duties and obligations towards the petitioners without further delay.
- i. That the petitioners previously filed writ petition No 592/10 before the passing of KPK sacked employees (appointment) act 2012 and the said writ petition was converted into representation by this Honourable Court dated 05.12.2012 but the respondents did not act upon the directions which were rendered by this Honourable Court. Copy of order of this Honourable Court dated 05.12.2012 in writ petition No 592/10 is attached as Annexure "D".

C.T.C  
  
Muhammad Ali  
Advocate High Court  
Office No. 33 Adjacent to  
District Court

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- j. That there is no other prompt and efficacious remedy available to the petitioners except the invocation of Constitution Jurisdiction of this Honourable Court.
- k. Court fee Rs 500 affixed with the writ petition.


PRAYER: It is therefore, humbly prayed that on acceptance of the instant writ petition, that the respondents may be directed to re-instate the petitioners forthwith as more than seven months has elapsed after the promulgation of the said act.

.....PETITIONERS

Iftikhar Khan

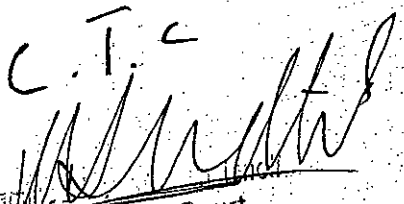
Through

Dated; \_\_\_\_\_/2013

  
(MUSLIM LIAISON OFFICER KHAN TANOLI)  
&

(SARDAR MUHAMMAD ASIF)  
&

(Yasir Zahoor Abbasi)  
Advocates High Court  
Abbottabad

C.T.C  
  
Muhar  
Advocate High Court  
Office No 33 Adjacent to  
Distt. Court Abbottabad

**APPOINTMENT****Annex - E**

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshawar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1155-A/2015, 702-A/2014, 115-A/2014, and orders of Honorable High Court in COC No. 22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PST, School based and in BPS-12 (Rs.13320-960-42120) plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S.#	Name	Father's Name	Date of Birth	Permanent Address	Place of posting
1.	MUHAMMAD RASHEED	ABDUL KHALIQ	02-02-60	Village Karori Post Office Oghi Tehsil Oghi & Distt Mansehra	GPS Doga
2.	SHER MUHAMMAD	TAJ MUHAMMAD	11-05-65	Village Fateh Bandi P/O Shergarh Tehsil Oghi & Distt Mansehra	GPS Ghaggar Marlan
3.	GHIYATH HANISAN	M MUHAMMAD FIAH	02-04-68	Village Malla Jahhar Tehsil & Distt Mansehra	GPS Sundi
4.	MUHAMMAD HAROON	KHALIL UR REHMAN	03-04-68	Village Kotehra post office Phulra Tehsil & Distt Mansehra	GPS Phulra
5.	IFTIKHAR AHMED	GHIYATH HANISAN	13-01-70	Village Gojra P/O Phulra Tehsil & District Mansehra	GPS Bandi Gulo No.1
6.	SYED ZULFIQAR HUSSAIN SHAH	SYED SADIQ SHAH	16-06-71	Village Bai Bala P/O Chhattar Plain Tehsil & District Mansehra	GPS Dall Mang
7.	NAEEM KOSAR	GHULAM SARWAR	07-03-72	Village Dub No.2 Mansehra Tehsil & Distt Mansehra	GPS Ogra
8.	JAVAID IQBAL	AHMAD JI	15-07-72	Village Panjool P/O Mandagacha Tehsil & District Mansehra	GPS Panjool Bala
9.	MUHAMMAD ASLAM	BHAG ALI	09-11-72	Village Takka Perhinna Tehsil & Distt Mansehra	GPS Tarmang
10.	KALA KHAN	ARSALLAH	29-12-73	Village Perhinna Tehsil & District Mansehra	GPS sawan Mera
11.	MUHAMMAD SARFRAZ	ALI ZAMAN	22-01-74	Village Jhangi P/O Perhinna Tehsil & District Mansehra	GPS Bala Raqib
12.	MUHAMMAD AYUB	ABDUL UR REHMAN	06-02-74	Village Dhaman P/O Maudserian Tehsil & Distt Mansehra	GPS Murat Pur
13.	JEHANZAD	ABDUL REHMAN	21-02-74	Village Ichrian Perhinna Tehsil & Distt Mansehra	GPS Kalgan
14.	MUHAMMAD FARMAN	MUHAMMAD YOUNIS	28-12-74	Village Thakra Paein P/O Shergarh Tehsil Oghi & Distt Mansehra	GPS Chairan
15.	MUHAMMAD BASHIR	ABDUL AKBAR	08-01-76	Village Macchral P/o Karori Tehsil Oghi & Distt Mansehra	GPS Shungli
16.	MUHAMMAD ISHTIAQ	MUHAMMAD MAIROOF	09-12-76	Village Gojran Perhinna Tehsil & Distt Mansehra	GPS Thakar Maira
17.	MUHAMMAD HAMID	RAFI UD DEEN	01-03-77	Village Madina Colony Post Office Oghi Tehsil Oghi & Distt Mansehra	GPS Delian
18.	MUHAMMAD RIAZ	WALI MUHAMMAD	20-06-77	Village Gandan post office Lassan Nawab Tehsil & Distt Mansehra	GPS Kalwal
19.	SHAHID USMAN	MUHAMMAD AKRAM	20-12-78	Village Hari Maira P/O Khaki Tehsil & Distt Mansehra	GPS Hamsharian

**TERMS & CONDITIONS.**

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile be verify from the concerned authority before releasing their salary in the light of Section 3 of the said ACT.
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government savant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed removed or terminated from services, till the date of their appointment shall have been deemed atomically relaxed.

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt. Cor Abbottabad

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7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
9. Their pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/degrees are verified from the concerned board/university.
10. The Principal / Headmaster School concerned is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.
11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Mansehra before taking over charge.
13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
15. Their appointments are made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
16. In case of having less qualification whichever is prescribed Academic FA for PST as well as classical certificate as profession the candidate must be qualified the above prescribed qualification i.e Academic/Professional within 3 years after issue of this appointment order, failing which their appointment order shall stand terminated at once, without any further notice.
17. Before handing over charge once again their documents may be checked if they have not the required qualifications they may not be handed over charge.
18. Before handing over charge they will sign an affidavit with the department, otherwise this order will not be valid.
19. The competent authority reserve the right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.

— 30 —  
DISTRICT EDUCATION OFFICER,  
(MALE)MANSEHRA

Endst: No. 90672-702 / File No. / PST / Sacked Appt: / 2017 / Dated Mansehra the 11/12/2017

Copy forwarded for information and necessary action to the: -

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa E&SE Department Peshawar.
4. District Accounts Officer Mansehra.
5. All SDEO(Male) in District Mansehra.
6. Budget & Account Officer Local Office.
7. Officials Concerned.
8. Office Order File

Principal  
Mansehra

DY-DISTRICT EDUCATION OFFICER  
(MALE)MANSEHRA

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist Bar Abbottabad

P-51

بخدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن، خیبر پختونخواہ، پشاور۔

Annex-F

درخواست برائے ادائیگی سابقہ سروس و بقایا جات

عنوان:

جناب عالی!

گزارش ہے کہ سائل کو 22-11-1994 کو PST پوسٹ پر بھرتی کیا گیا اور پھر 26-07-1997 کو سائل کو ملازمت سے سیاسی بنیادوں پر برطرف کر دیا گیا تھا اور بعد ازاں حکومت نے 2012 Sacked Employees Act کا نفاذ کرتے ہوئے سال 1993-94 میں بھرتی ہونے والے اور 1997-98ء میں برطرف شدہ ملازمین کی بحالی کا حکم نامہ جاری کیا لیکن سائل کو بار بار درخواستیں دینے کے باوجود DEO مانسہرہ نے بمطابق قانون 2012 کے بحال نہیں کیے جسکی وجہ سے سائل نے پشاور ہائی کورٹ سرکٹ بیچ میں W.P.No.516-A/2013 دائر کی جس کا فیصلہ 24-05-2016 کو سائل کے حق میں ہوا اور بعد ازاں سپریم کورٹ آف پاکستان نے بھی 24-05-2017 کو ہائی کورٹ کے فیصلہ کو بحال رکھا۔ لہذا سائل کو بروئے حکم عدالت عالیہ مورخہ 05-12-2017 کو بحال کر دیا جبکہ سائل 2012 سے نوکری پر بحالی کا حق رکھتا تھا اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو ریٹرنیشن کی تاریخ سے بحال کیا۔

اندریں حالات استدعا ہے کہ سائل کو نوکری سال 1997 سے اور بعد 2012ء سے پینشن کیلئے کاؤنٹ کرتے ہوئے تنخواہ کے بقایا جات بھی ادا کئے

جائیں۔

المرقوم: 26-12-2017

العارض  
محمد ہارون ولد خلیل الرحمن  
گورنمنٹ پرائمری سکول مچھلڑہ  
سالہ کوٹ مچھلڑہ ڈاکٹریٹ مچھلڑہ تحصیل و ضلع مانسہرہ

رابطہ نمبر 9594334-0344

دستخط،

2017-12-26

Muhammad Anwar Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
District Court Mansherah

تصدیق کی جاتی ہوگی کہ محمد یونس ولد ضلیل الرحمن ساکنہ کوئٹہ کوئٹہ یونین کونسل

پستلنگ کے لئے درخواست کی ہے جس پر ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ہزارہ

مائلہ آفس آرڈر نمبر - انڈیکسٹڈ نمبر 20672-72 کے تحت گورنمنٹ  
4-12-2017

ہزارہی سکول ٹیبلر سکول ٹیبلر ہوئی ہے مدرس مذکورہ نے آئے

صفحہ 07-12-17 کو قبل از حد گورنمنٹ ہزارہی سکول ٹیبلر

سین ماہری کر رہی ہے۔

لکھنؤ ایجوکیشنل ڈسٹرکٹ ہے۔

No - 290  
7-12-17

Abdul Rashid Qureshi  
S.C.I.B-16  
G.H.S Gurwal Manshera

Headmaster  
Govt. Model Primary School  
Phulra (Manshera)

Muhammad Arshed Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist Bar Abbottabad





Annex - G

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

**NOTIFICATION:**

P-55

In pursuance of Khyber Pakhtunkhwa Sacked Employee (Appointment) Act 2012 and decision passed by Peshawar High Court Abbottabad Bench in W/P No 497/2013 dated 25/06/2013 and in W/P No 401-A/2013 dated 22/05/2013 and also in compliance of COC No 70-A 2013 in W/P No 401-A/2013 vide order dated 21/05/2015 and 23/06/2015 and consequent upon recommendation by the Departmental Selection Committee in its meeting held on 25/06/2015, the competent authority in the E&SE District Mansehra is pleased to order the appointment of the following sacked employee in BPS-15 (Rs.8500-700-29500) plus usual allowances as admissible under the rules against the post of Certified Teacher and post them against the vacant position in the schools mentioned against their names with immediate effect, on the terms and condition given:-

S.#	Name	Father's Name	D.O.B	Posted AT	Remarks
1.	Muhammad Akbar Khan	Sayed Ul Haq	02-02-1966	GHSS Battal	A/V Post
2.	Muhammad Ayaz	Salar Khan	04-03-1966	GHSS Battal	A/V Post
3.	Shaukat Ali Khan	M. Yousaf Khan	01-06-1971	GHS Madserian	A/V Post
4.	Nadeem Asahraf	Muhammad Ashraf	07-09-1971	GMS Arbora (Oghi)	A/V Post
5.	Matloob Ahmed	Said Mehmood	17-01-1975	GHS Schaki Bala	A/V Post

**TERMS & CONDITIONS**

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their appointment are subjected to the condition that their Certificates/ Documents And Domicile Be Verified From The Concerned Authority Before Release Of Their Salary in the light of section 3 of the said ACT
4. They will be governed by such rules and regulations enforced and as may be prescribed by the Government from time to time for the category of the Government servants to which they belong.
5. Their appointments have been made in pursuance of Khyber Pakhtunkhwa, Sacked Employees (Appointment) Act 2012. Hence under Section 5 of the said Act they shall Not be entitled to claim any of seniority, promotion and other back benefits.
6. They should obtain Medical Fitness certificate from the Medical Superintendent/ Civil Surgeon DHQ Hospital Mansehra.
7. Their appointment have been made in pursuance of Khyber Pakhtunkhwa, Sacked Employees (Appointment) Act 2012. Hence under Section 4 of the said Act the period during which they remained dismissed, removed or terminated from service, till the dated of their Appointment shall have been deemed automatically relaxed.
8. In case they failed to assume the charge of their post within 15 days of their appointments, their candidature-ship will be stand automatically cancelled.
9. They will be on probation for a period of one year, extendable to another one year keeping in view their performance.
10. They have not served in any other Department/ Corporation/ Agency etc.
11. The principal/ DDO should not release pay of the teacher till the pay release order by the District Education Officer (M) Mansehra. After verification of their documents.
12. The Principal/Head Master concerned is directed to submit their degrees/certificates etc for verification from the concerned Board/University/Institute before any payment made to them.
13. In case their documents are found Fake/ Bogus on verification from the issuing authority, the service of the official shall be terminated and an FIR be lodged against him under the relevant law.
14. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice; his one month pay/allowances shall be forfeited to Government treasury.
15. If their performance is found un-satisfactory, they will be proceeded under E&D Rules.
16. In case of having less qualification which ever is prescribed Academic BA/B.Sc for CT as well as classical certificate as professional the candidate must be qualified the above prescribed qualification i.e. Academic/professional within 3 years after issue of this appointment order, failing which their appointment order shall stand terminated automatically, without any further notice.
17. Their appointment is made on school based. They will have to serve at the place of posting and their service is not transferable to any other school.  
They will took over the charge in schools falls in summer zones areas w.e.f. 01/09/2015 and in case of winter zones areas w.e.f. 01/08/2015

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Court for Abbottabad.

A 55

18. They will took over the charge in case schools fills in summer zones areas w.e.f. 01/09/2015 and in case of winter zones areas w.e.f 01/08/2015.
19. The Competent Authority resume to right to rectify by the errors/omission if any noted/observed at any stage in instant order issued erroneously.

-Sd-  
DISTRICT EDUCATION OFFICER,  
(MALE)MANSEHRA

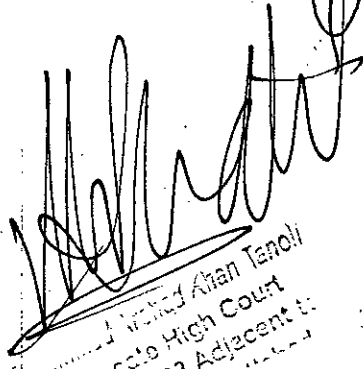
926677

Endst: No. \_\_\_\_\_ /File No. \_\_\_\_\_ /CT/Sacked /appointment/Dated Mansehra the 01/7/15 2015

Copy forwarded for information and necessary action to the: -

1. Registrar Peshawar High Court Abbottabad Bench Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar
3. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer Mansehra.
5. District Monitoring Officer Mansehra.
6. Principal/Head Master School concerned
7. B&AO Local Office.
8. Official Concerned.
9. Office File

  
DY: DISTRICT EDUCATION OFFICER,  
(MALE)MANSEHRA



Advocate Khair Tanoli  
Advocate High Court  
Office No 33 Adjacent to

کورٹ فیس

## وکالت نامہ

Service Tribunal kpk Peshawar بعدالت

M. Haroon عنوان: Gatt ele نام

Appellant منجانب:

Service Appeal نوعیت مقدمہ:

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

Muhammad Arshad Khan Tanoli

Advocate High Court

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب دفتر کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختمہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برادر

استجارت نالاش بیضخہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم:

بمقام:

Muhammad Arshad Khan Tanoli

Advocate High Court

Office No: 33 Adjacent to

Court for Abbottabad

(original copy)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**  
**CAMP COURT ABBOTTABAD.**

Service Appeal No.572/2019

Muhammad Haroon .....APPELLANT.

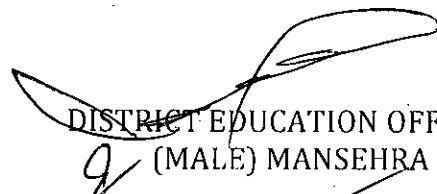
**VERISUS**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education Department KPK Peshawar.
3. District Education Officer (Male) Mansehra.....**RESPONDENTS.**

**PARA WISE COMMENTS/WRITTEN REPLY ON BEHALF OF RESPONDENTS**  
**No.1 2 AND 3 AS UNDER:-**

**INDEX**

<b>S.No</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Comments of Respondents		1-3
2.	Affidavit		04
3	Copy of Act	A	05-09
4	Copy of the Judgenment dated 20/02/2019	B	10-12

  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR**  
**CAMP COURT ABBOTTABAD.**

Service Appeal No.572/2019

Muhammad Haroon .....APPELLANT.

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education Department KPK Peshawar.
3. District Education Officer (Male) Mansehra.....RESPONDENTS.

**PARA WISE COMMENTS/WRITTEN REPLY ON BEHALF OF RESPONDENTS**

**No.1 2 AND 3 AS UNDER:-**

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got no cause of action locus standi.
2. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
3. That the instant service appeal is based on malafide intentions.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is not entitled for the relief he has sought from this Honorable Tribunal.
6. That the instant service appeal is against the prevailing law and rules.
7. That the appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
8. That the instant service appeal is not maintainable in its present form.
9. That the service appeal of the Appellant is not maintainable as per Khyber Pakhtun Khawa Sacked Employee appointment Act, 2012. **Under section 5, wherein sacked Employee shall not be entitled to claim seniority and other back benefits. A sacked Employee appointment under section 3, shall not be entitles any claim seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.**Hence bound by Law.

**FACTUAL OBJECTIONS.**

1. Para No.1 is incorrect. Appellant was appointed as PST at GPS Khawa on 22.11.1994 and later on their appointment may be consider contrary to law and policy, then such irregularly appointees were later on declared illegal and were terminated on 13.02.1997. *(copy of appointment order and termination order are attached as annexure A and B of the appeal at page No.9-11)*

2. Para No.2 is correct to the extent that the government of Khyber Pakhtun Khawa promulgated Khyber Pakhtun Khawa Sacked Employee Act, 2012.
3. Para No.3 is correct to the extent that the Appellant filed a writ petition no.516-A/2013 before Honorable High Court Abbottabad Bench, which was decided on 24-5-2016, and also a filed COC No 47-A/2016 against non compliance of the judgment ibid, wherein respondent Department appointed the appellant as PST under KPK Sacked Employee Act, 2012, as well as the direction of Honorable High Court Abbottabad Bench, on 24-05-2016.
4. Para No.4 is correct to the extent that the appellant was appointed as per sacked Employee Act 2012, as well as the direction of Honorable High Court Abbottabad Bench.
5. Para No.05 is incorrect that those Sacked Employee who submitted their application to the concerned Department within a period of thirty days from the date of commencement of this Act, will be appointed during the year 2014-15 as per Sacked Employee Act 2012, while rest of the Para is incorrect the appellant did not file departmental appeal.
6. Para No.9 of the appeal is incorrect; the appellant is not aggrieved person in the meaning sacked Employee Act, 2012, inter-alia, on the following grounds.

**GROUNDS:-**

- a. Incorrect and denied; that appointment order of the appellant was made subject to availability of vacant post as per section 3 of sacked Employee Act 2012, wherein the sacked Employee shall be appointed against thirty percent of the available vacancies in the Department.
- b. Incorrect and denied, the appellant was appointed in the light of sacked Employee Act 2012, as per rules and policy and also direction of Honourable Peshawar High Court Abbottabad Bench. That the appointment order of the appellant was issued in accordance with the rules, Act and policy of the Government.
- c. Para No.C is pertaining to the record of the appellant.
- d. Para No.D is incorrect; that *as per sacked Employee appointment Act, 2012, under section 5, sacked Employee shall not be entitled to claim seniority and other back benefits:* A sacked Employee appointment under section 3, shall not be entitled to claim seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment, wherein the appellant is not entitled to any claim of the back benefits. The same nature case has been

dismissed by this Honourable Service Tribunal in his Judgement dated 20/2/2019 in service appeal No. 1377/2015 titled " Syed Naveed Hussain shah vs Govt of Kpk and others.(Copy of Sacked Employee Act,2012 and Copy of the Judgement 20/02/2019 are annexed as annexure A & B)

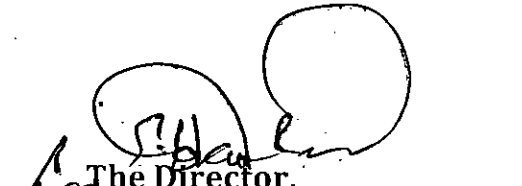
- e. Incorrect and denied, the appellant has been treated as per law and rules & act, wherein no question of violation of law, rules & policy.
- f. Legal right of the appellant.
- g. Incorrect and denied. As replied above.
- h. Incorrect & misleading. However the Respondents seek leave of this Honorable Tribunal to submit addition grounds & record at the time arguments before this Honorable Tribunal.

**PRAYER:**

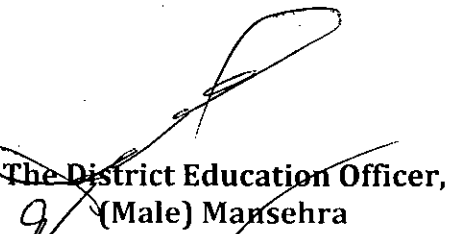
*In the view of above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department in the interest of justice.*



The Secretary  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.



The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar



The District Education Officer,  
(Male) Mansehra

## AFFIDAVIT

I, Mr. Muhammad Toseef Assistant District Education officer on Behalf of District Education Officer (M) Mansehra do, hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No.572/2019 titled Muhammad Haroon versus Govt, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

DEPONENT \_\_\_\_\_



ASSISTANT DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.



**THE KHYBER PAKHTUNKHWA  
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.  
(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)**

**CONTENTS**

**PREAMBLE**

**SECTIONS**

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of sacked employees.
4. Age relaxation.
5. Sacked employees shall not be entitled to claim seniority and other back benefits.
6. Preference on the basis of age.
7. Procedure for appointment.
8. Removal of difficulties.
9. Act to override other laws.
10. Power to make rules.

**THE KHYBER PAKHTUNKHWA  
SACKED EMPLOYEES (APPOINTMENT) ACT, 2012.**

**(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)**

*[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 20<sup>th</sup> September, 2012].*

**AN  
ACT**

*to provide relief to those sacked employees in the Government service, who were dismissed, removed or terminated from service, by appointing them into the Government service.*

**WHEREAS** it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1<sup>st</sup> day of November 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1<sup>st</sup> day of November 1996 to 31<sup>st</sup> day of December 1998 on various grounds;

**WHEREAS** the Federal Government has also given relief to the sacked employees by enactment;

**AND WHEREAS** the Government of the Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.

(2) It shall apply to all those sacked employees, who were holding various civil posts during the period from 1<sup>st</sup> day of November, 1993 to 30<sup>th</sup> day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

2. **Definitions.**--- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-

- (a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;
- (b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985, including the Divisional and District Offices working thereunder;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "Prescribed" means prescribed by rules;
- (e) "Province" means the Province of the Khyber Pakhtunkhwa;
- (f) "rules" means the rules made under this Act; and
- (g) "Sacked employee" means a person who was appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1<sup>st</sup> day of November 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1<sup>st</sup> day of November 1996 to 31<sup>st</sup> day of December 1998 on the ground of irregular appointments;

3. **Appointment of sacked employees.**--- Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service:

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority.

4. **Age relaxation.**--- The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.

5. **Sacked employees shall not be entitled to claim seniority and other back benefits.**--- A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.

6. **Preference on the basis of age.**--- On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.

7. **Procedure for appointment.**---(1) A sacked employee, may file an application, to the concerned Department within a period of six months from the date of commencement of this Act, for his appointment in the said Department:

Provided that no application for appointment received after the due date shall be entertained.

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, to be constituted in the prescribed manner, for appointment:

Provided that no willingness or response is received within a period of thirty days, the next senior sacked employee shall be considered for appointment.

(4) The Concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through initial recruitment.

8. **Removal of difficulties.**--- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

9. Act to override other laws.---Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

10. Power to make rules.--- Government may make rules for carrying out the purposes of this Act.

(8) 66

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
AT CAMP COURT ABBOTTABAD.

Service Appeal No. 1377/2015

Date of Institution ... 10.12.2015

Date of Decision ... 20.02.2019



Syed Naveed Shah son of Muazzam Shah, PST, Govt: Primary School Maira Hajaam, District Mansehra. ... (Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education, Peshawar and two others. ... (Respondents)

MR. MUHAMMAD ARSHAD KHAN TANOLI,  
Advocate ---

For appellant.

MR. MUHAMMAD BILAL,  
Deputy District Attorney ---

For respondents

MR. AHMAD HASSAN, ---

MEMBER(Executive)

MR. MUHAMMAD AMIN KHAN KUNDI ---

MEMBER(Judicial)

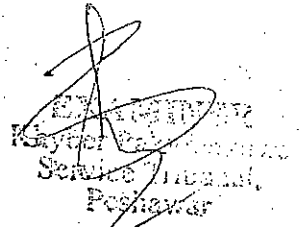
JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

ARGUMENTS

2. Learned counsel for the appellant argued that he joined the Education Department as PST on 22.11.1994. That his services were terminated vide order dated 13.02.1997. After promulgation of Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012, all the employees who were appointed in the year 1993-96 and terminated in 1997-98 were reinstated. As the appellant was not reinstated so he filed writ petition no. 401-A/2012 before the Peshawar High Court, Abbottabad bench. Judgment of the Peshawar High Court Abbottabad bench dated 22.05.2013 was not implemented by the respondents so C.O.C no. 70-A/2013 was filed. Resultantly, vide impugned order dated 01.07.2015, the appellant was reinstated in service with immediate effect. Feeling aggrieved, he filed

  
Ahmad Hassan  
Member (Executive)  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar

departmental appeal on 29.07.2015 which was not responded within the stipulated period, hence, the present service appeal. The appellant is required to give all service benefits w.e.f 03.02.1997 to 01.07.2015.

3. Learned Deputy District Attorney argued that as the appellant was appointed in violation of invogue rules, hence, his services were terminated vide order dated 13.02.1997. Under the Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012, he was reappointed as PST vide order dated 01.07.2015. According Section-5 of the said Act sacked employees shall not be entitled to claim seniority and other back benefits. Appellant was treated according to law and rules.

#### CONCLUSION.

4. It is not disputed that initially the appellant was appointed as PST at GPS D m Nalla on 22.02.1994. Later on when it came to the notice of the respondents that his appointment was made in violation of rules, hence, his services were terminated vide order dated 13.02.1997. In the meanwhile the provincial government promulgated Khyber Pakhtunkhwa Sacked Employees Appointment Act 2012. When grievances of the appellant were not redressed at departmental level he resorted to litigation by filing writ petition in Peshawar High Court, Abbottabad Bench. Finally in pursuance of the directions of the Peshawar high Court, Abbottabad Bench he was appointed as PSt at GPS Mira Hajam with immediate effect vide order dated 01.07.2015. The appellant is asking for reappointment from the date of his termination from service dated 03.02.1997. Attention is drawn to Section-5 of the aforementioned Act, wherein it is clearly laid down that the sacked employee shall not be entitled to claim seniority and other back benefits. The relevant provision is reproduced below:-

"A sacked employee appointed under Section-3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment"

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5. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)  
Member  
Camp Court Abbottabad.

(MUHAMMAD AMIN KHAN KUNDI)  
Member

ANNOUNCED  
20.02.2019

Date of Presentation of Application 03-05-19  
 Number of Copies 1650  
 Copying Fee 10/-  
 Urgent —  
 Total 10/-  
 Name of Copyist   
 Date of Completion of Copy 15-5-19  
 Date of Delivery of Copy 15-5-19

Certified to be true copy  
 M. U. Khan  
 Secretary  
 Camp Court Abbottabad



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 693 /ST

Dated 13 /04/ 2021


To

The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Mansehra.

Subject: JUDGMENT IN APPEAL NO. 572/2019, MR. MUHAMMAD HAROON & OTHERS.

I am directed to forward herewith a certified copy of Judgement dated 18.03.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.