
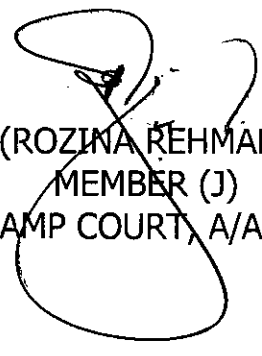


S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18.03.2021	<p><u>Present.</u></p> <p>Muhammad Arshad Khan Tanoli, ... For appellant Advocate</p> <p>Riaz Khan Paindakheil, ... For respondents Assistant Advocate General</p> <p>Vide our detailed judgment of today of this Tribunal placed on file of appeal No.572/2019 titled Muhammad Haroon Vs. Education Department, instant appeal is accepted to the extent that appellant is allowed counting of his 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> (ATIQ 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.



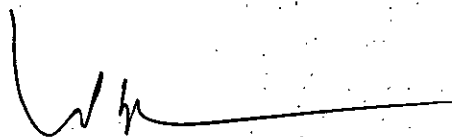
(Rozina Rehman)
Member (J)

16.03.2021

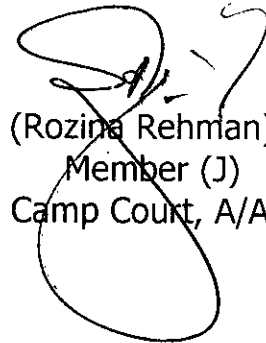
Appellant present through counsel.

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)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

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, Abbattabad

18.02.2021

Learned counsel for 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, A/Abad.



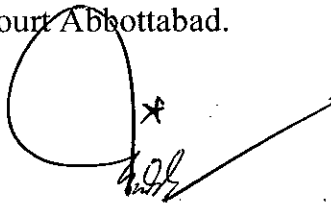
(Rozina Rehman)
Member (J)
Camp Court, A/Abad.


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, 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)

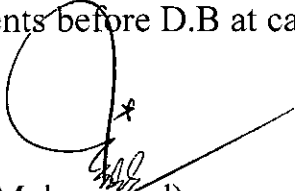

(Muhammad Jamal)
Member(J)
Camp Court Abbottabad

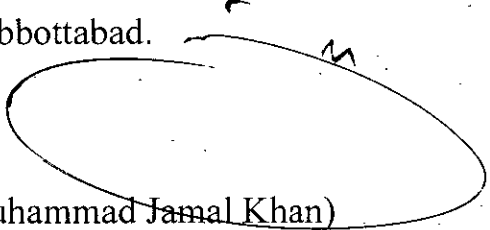
17.11.2020

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 abbottabad.

Reader

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

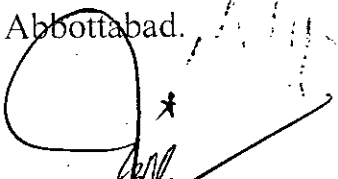

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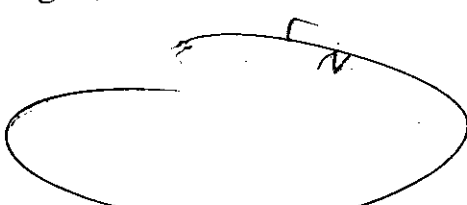
14.09.2020

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 Oclock. 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 Abbottabad.


(Mian Muhammad)
Member(E)


(Muhammad Jamal)
Member
Camp Court A/Abad

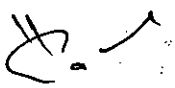
17.09.2019

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

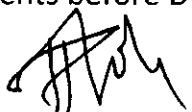
24.10.2019


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 18.12.2019 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 Ishtiaq 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

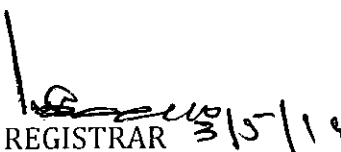
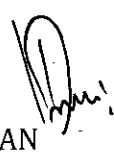
15/7/19


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 574/2019


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 Ishtiaq 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 style="text-align: right;"> 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>12-7-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Ishtiaq son of Muhammad Mahroof GPS Thakar Maira 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.

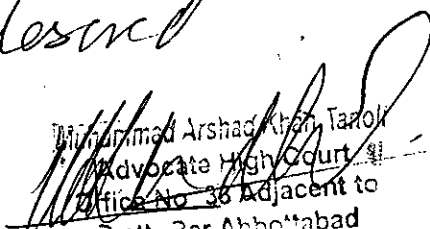
No. 794 /S.T,

Dt. 23-4- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

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

*Sir, case is re-submitted
as desired*


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 36 Adjacent to
Distt. Bar Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 574 /2019

Muhammad Ishtiaq son of Muhammad Mahroof, GPS Thakar Maira, 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	9-20	"A" & "B"
3.	Copy of Khyber Pakhtunkhwa Sacked Employment Act, 2012	21-30	"C"
4.	Copy of Writ Petition	31-45	"D"
5.	Copy of Appointment order dated 04/12/2017 of the appellant	46-47	"E"
6.	Copy of departmental appeal	48-49	"F"
7.	Copies of similar employees who were appointed in other districts	50-51	"G"
8.	Wakalatnama		"H"

Muhammad Ishtiaq
...APPELLANT

Through

Dated: _____/2019

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 574 /2019

Muhammad Ishtiaq son of Muhammad Mahroof, GPS Thakar Maira, District Mansehra.

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 643

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

Re-submitted to
and filed.

Registrar
3/5/19

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 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 ACCEPTANT 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".

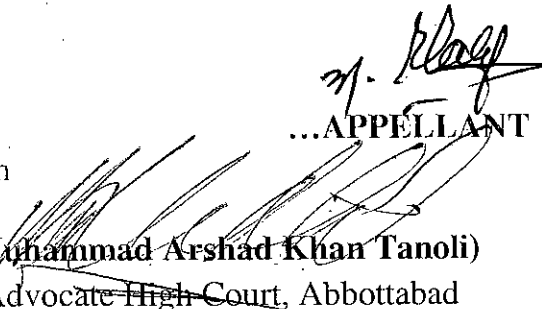
- d) That the appellant is to be given all service back benefits i.e salary either the date of termination and period of service i.e. in the year 1997-98 to 04/12/2017 is to be counted towards length of qualifying service for pensionary benefits.
- e) That respondents-department has led the appellant 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 acceptance 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


 (Muhammad Arshad Khan Tanoli)
 Advocate High Court, Abbottabad

...APPELLANT

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 Ishtiaq son of Muhammad Mahroof, GPS Thakar Maira, District
Mansehra

...APPELLANT

VERSUS

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

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Ishtiaq son of Muhammad Mahroof, GPS Thakar Maira, 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

Annex-A

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANJEHRA.

OFFICE ORDER NO. 88

DATED 22/11/1994.

P-183

R-9

APPOINTMENT

Consequent upon the finalization of the lists of un-trained candidates duly approved by the Minister for Primary Education N.W.F.P, the following candidates are hereby appointed in BPC-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.	Wakkar Mera	Mos:Pojdara	-do-
5-	Zulfiqar s/o Fazal Rehman Shergarh	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 Suleman.	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 Farvez s/o Muhammad Akbar.	Kala Mera	Mos:Sinjeliyala	-do-
14-	Muhammad Mushtaq s/o Sher Muhammad.	Pangorhi	Mos:Khamari	-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 Doge	GPS Chomial	-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

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

P-10

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20-A	Lal Khan s/o Fazlur Rehman Pathong	xxxxx 2 xxxxx	GPS Tarmang	A.V.Pos
21	Abdullah s/o Haroon	Kalasa	GPS Sera Gali	A.V.Pos
22	Muhammad Shafiq s/o Farooq	Darband	Mos: Chakli Mangan	-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 Saip	GP Bai	-do-
26	Muhammad Shameer s/o Omar Zaman	Jasgaran	GPS Sokal	-do-
27	Naeem Anwar s/o Muhammad Anwar	Bhungli	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	Corji	GPS Namshera	-do-
35	Javed s/o Fazlur Rehman x/	Sharotta	GPS Khudian	-do-
36	Muhammad Arshad s/o Sher Muhammad	Sahaki	GPS Khudian	-do-
37	Muhammad Fayaz 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	Kalasa	GPS Minjahani	-do-
41	Muhammad Ali s/o Taj Muhammad Thakia Shah	Miskeen	GPS Dham Walla	-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	Tharmang	GPS Miana Gali	-do-
45	Zulfiqar s/o Ghulam Sarwar	Darband	Mos: Karam	-do-
47	Muhammad Saeed s/o Muhammad Israil	Gali Badral	GPS Chuntrun	-do-
48	Muhammad Bukhtiar s/o Phane Zaman	Kalasa	Mos: Mohar Khurd	-do-
49	Iftikhar s/o Ghulam Haider	Roria	GPS Miana Gali	-do-
50	Fida Hussain s/o Aziz Muhammad	Chobar Bandi	GPS Kahawa	-do-
51	Ghulam Mustafa s/o Hafizullah Chami	1	GPS Matserian	-do-
52	Zulfiqar s/o Dure Aman	Sinjliyal	GPS Nika Pani	-do-
53	Muhammad Bashir s/o Abdul Akbar	Machral	Mos: Doga	-do-
54	Sher Muhammad s/o Taj Muhammad	Machral	Mos: Hari Doga	-do-
55	Shah Feroz s/o Firdoos	Fateh Bandi	Mos: Kaloo Banhi	-do-
		Jaman Moori	Mos: Takra Pain	-do-

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Muhammad Iqbal Khan Tanoli
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57-	Munawar s/o Masood.	Lassan Nawab	GPS Tarmang	A.V.Post
58-	Ghulam Abbas s/o Abdus Sattar.	Bahgri	Mos:Batangi	-do-
59-	Muhammad Azam s/o Khawaj Muhammad.	Khalian Arian	GPS Karka	-do-
60-	Anwar Zeb s/o Sikandar Khan.	Sharotta	GPS Hallah	-do-
61-	Akram s/o Suleman.	Sharotta	GPS Mera Khairoo	-do-
62-	Nazir Muhammad s/o Sher Muhammad.	Phuldhari	Mos:Malbori	-do-
63-	Chiria Khan s/o Abdur Rehman, Jhangi		GPS Singliyal	-do-
64-	Muhammad Tariq s/o Farvez.	Sokal	GPS Shanaya Pain	-do-
65-	Dost Muhammad s/o Mir Muhammad Khair Abad		Mos:Dolariyan	-do-
66-	Jehangir s/o Fazal Karim.	Hal Keloo	GPS Hariyala	-do-
67-	Manzoor Ahmad s/o Magboodur Rehman.	Chandoor	GPS Chandoor	-do-
68-	Lal Khan s/o Sher Muhammad.	Jhanda		-do-
69-	Sultan s/o Rehmatullah.	Nara Doga	Mos:Gora	-do-
70-	Dure Aman s/o Nazir Muhammad	Sharotta	Mos:Kamari	-do-
70-	XXXXXXXXXXXXXXXXXXXX Salar Khan s/o Abdul Akbar.	Larora	GPS Akhun Bandi	-do-
71-	Iftikhar Ahmad s/o Ali Zaman	Shakokki	GPS Kandar	-do-
72-	Mubarak s/o Haider Zaman	Pakoona	GPS Matsorian	-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 Sikander	Bandian	GPS Bandi Khan Khel.	-do-
76-	Shakil Ahmad s/o Ayub.	Khulwal	Mos:Kotla Darwaza	-do-
77-	Siddique s/o Farid	Jhand	Mos:Gud	-do-
78-	Khurshid s/o Faqir Muhammad	Chitti Moorl	GPS Chontra	-do-
79-	Muhammad Farooq s/o Kala Khan Kajla		GPS Kajla	-do-
80-	Nazar Hussain s/o Ghulam Haider.	Nikka Par	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	Khaliala	GPS Mera Khairoo	-do-
89-	Zaman Shah s/o Gulab Shah	Sheregarh	GPS Seri Goria	-do-
90-	Saleem s/o Samandur	Shanaya	Mos:Bradar	-do-
91-	Munibur Rehman s/o Muhammad Zaman.	Kandar	GPS Kandar	-do-
92-	Sajid s/o Habibur Rehman	Phulra	GPS Kajla	-do-
93-	XXXXXXXXXXXXXXXXXXXX Muhammad Haroon s/o Ali Zaman	Bai Buhai	GPS Bat Doga	-do-
94-	Muhammad Javed s/o Aurangzeb	Jhanda	GPS Gali Badral	-do-
95-	Muhammad Ismail s/o Muhammad Zaman.	Gorha	GPS Theri	-do-
	Muhammad Khan Tanoli s/o Rafiullah.	Bandi Mera	Mos:Khamian	-do-

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98-	Muhammad Nazir s/o Muhammad Asceem.	Nika Pani	GPS Neel Batla	-do-
99-	Muhammad Azam s/o Sher Muhammad	Bandian	GPS Nara Doga	-do-
100-	Abid Hussain s/o Abdur Rehman.	Dakona	GPS Chaniyal	-do-
101-	Muhammad Asif s/o Wali Jan	Munda Gucha	GPS Chilyani	-do-
102-	Nabid Ahmad s/o Ghulam Nabi	Jaboori	GPS Suidi	-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	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 Khah.	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 Mumtaz Ali Shah.	Bai Bala	GPS Thatta	-do-
116-	Sajid Hussain Shah s/o Hayat Shah	Kot Chattar	GPS Dheri Nambardar	-do-
117-	Muhammad Fayaz 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	Caloona	Gps Chinar Kot.	-do-
121-	Ijaz Hussain Shah s/o Shah Said Shah.	Bhumla Chattar	GPS Khotri	-do-
122-	Caisar Rauf s/o Abdur Rauf Khan.	Sucha Kalan	GPS Keeri Nawaz Abad.	-do-
123-	Dahshat Khan s/o Haji Farid Khan.	Ghar Kool	GPS Deri Haleem	-do-
124-	Muhammad Saqeed s/o Miskeen	Keran	GPS Mat Serian	-do-
125-	Abdur Razag s/o Mir Hussain	Nakan Gali	GPS Dokal	-do-
126-	Muhammad Ijaz s/o Omar Zaman	Dhanaka	Mos; Pagora	-do-
126-A	Muhammad Aslam s/o Omar Zaman	Gundan	GPS Battian	-do-
127-	Abdus Sattar s/o Abdur Rehman	Dheman	GPS Chatta	-do-
128-	Muhammad Yusef s/o Aurangzeb	Geri Gali	GPS Shanaya	-do-
129-	Fariddud Din s/o Abdul Hai	Mat Seri	GPS Jiggi	-do-

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130-	A Sidique s/o Haider Zaman	5 - Purni	GPS Hariyala	A.V.Post.
130-	Azmat Ayub S/o Muhammad Ayub	Naryala	GPS Chameyari	A.V.Post
131-	Gaid Bad Shah s/o Mudassar Shah	Sarori K.D.	Ghazi Kot.	
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	Rongaly		K.D.
135-	Syed Wahab s/o Muhammad Mustafa	Jatka		K.D.
136-	Pir Mukamil Shah s/o Pir Ahmad Shah	Jatka		K.D.
137-	Liaqat Ali s/o Sher Muhammad Khan	Chinkiar		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 DHQ Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of NWFP.

(MUHAMMAD ICH)
 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.

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Annex-B

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA.

NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee the District Education Officer (Male) Primary Mansehra has been pleased to appoint the following trained FTC candidates of P.F-46 (Hard Area) at the schools noted against their names in B.S-7 (Rs.1480-81-2695) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms & conditions.

S.NO	N.ME, FATHER'S NAME & ADDRESS	D/O BIRTH	NO. OF SCHOOL WHERE POSTED	REMARKS
1.	Habibur Rehman S/O Jamilur Rehman R/O Gali Badral.	20.12.69	1 GFS Chamial	Vice Mohd Bashir Not selected on merit, hence terminated
2.	Abdur Rashid S/O Abdur Razzaq R/O Nambal.	06.03.75	2 GFS Serian	Vice Sher Mohd: -do-
3.	Ihsanul Haq S/O Abdul Haq R/O Choja.	02.01.74	3 GMS Guda	Vice Nazir Mohd: -do-
4.	Dilawar Khan S/O Kachkol R/O Chakli Seri.	22.09.72	4 GFS Beerhat	Vice Dost Mohd: -do-
5.	Akhtar Nawaz S/O Khaliq Dad R/O Palsala.	03.06.77	5 GFS Akhooon Bandi	Vice Sala Khan: -do-
6.	Aamir Shahzad S/O Rehmatullah R/O Shergarh.	20.09.77	6 GFS Seri Mehar Gul	Vice M. Rafique -do-
7.	Abdul Majid S/O Abdur Razzaq R/O Lassan Nawab	01.04.72	7 GFS Kalor Basti	Vice M. Saddique -do-
8.	Abdul Baseer S/O Abdur Rashid R/O Beerian	01.02.77	8 GFS Kajla	Vice M. Farooq -do-
9.	Riaz Ahmad S/O Muhammad Tayyub R/O Jiggi Payyen.	19.04.74	9 GFS Nikka Fani,	Vice Nazir Hussain -do-
10.	Muhammad Sarwar S/O Muhammad Umar R/O Bandi Gargwal.	09.12.72	10 GMS Tareri	Vice M. Iqbal, -do-
11.	Muhammad Asif S/O Jan Muhammad R/O Jhokan.	03.02.72	11 GFS Bajna	Vice Zaman Shah -do-
12.	Muhammad Ilyas S/O Abdul Manan R/O Seri Gorla.	02.06.75	13 GFS Devel	Vice M. Saleem -do-
13.	Muhammad Miskeen S/O Yaqoob R/O Sokal.	20.08.76	14 GFS Nikka Fani	Vice M. Nazir -do-
14.	Mx Mukhtar Ahmad S/O Muhammad Maroof R/O Chakli Pansial.	02.02.76	15 GMS Sinjliala	Vice Abdur Razr

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2.	3.	4.	5.	6.
Munir Ahmad S/O Abdul Aziz R/O New Darband	01.01.73	16	GM S Baskarar Dala.	Vice Zulfiqar not selected of merit hence terminated.
Shaukat Rehman S/O Attar Rehman R/O Jubbair	20.04.78	17	GPS Majibong	Vice Sarfaraz --do--
ian Bahador S/O Muhammad Yaqoob R/O Dagri.	12.03.60	18	GPS Chakkal	Vice Khalid --do--
Matur Rehman S/O Q. Maqboolur Rahman R/O Nambal.	01.03.70	19	GTS Seri Danda Khozian.	Vice Sayoon Ahmad --do--
Muhammad Farooq S/O Shaukat Zaman R/O Karori Dala	15.10.78	20	GM S Gabi	Vice M. Aslam --do--
Quider Faqir S/O Faqir Muhammad & R/O Shergarh	02.07.77	21	GTS Baccian	Vice Haider Zaman --do--
Abdus Sattar S/O Maroof R/O Zalag	12.07.75	22	GTS Gali Badral.	Vice Saoodur Rehman --do--
Khan Muhammad S/O Gulsh Khan R/O Nambal.	06.04.78	24	GM S Sharoliam	Vice Muhammad Irfan --do--
Mufti Nasirud Din S/O Abdul Hajid R/O Tarakhi.	15.7.74	25	GTS Namshera	Vice Muhammad Riaz --do--
Ejaz Ahmad S/O Shar Zaman R/O Karori Dala	16.11.78	29	GTS Chakkal	Vice Muhammad Tariq. --do--
Muhammad Waseem S/O Abdul Malik R/O New Darband	28.04.77	30	GTS Jandi Knith	Vice Muhammad Haroon --do-- ✓
Saoodur Rehman S/O Haider Zaman R/O Gali Badral.	01.01.70	31	GTS Chairan	Vice Rinz Ali Shah --do--
Mansoor Ahmad S/O Maqboolur Rehman R/O Changare	6.3.74	32	GTS Mulhar	Vice Aftab Ahmad --do--
Zulfiqar Ali S/O Ghulam Haider R/O Thachi Ghare	1.4.74	33	G S Chensair	Vice Abdul Khaliq --do--
Muhammad Rashid S/O Muhammad Ayyub R/O Sera Kunder	15.1.73	34	GTS Meer Banda	Vice Sabir Hussain Shah --do--
Muhammad Ishaq S/O Shaukat Qadir R/O Nakhan Gali.	5.1.72	35	GM S Shamel Jandi	Vice Taj Muhammad --do--
Muhammad Rashid S/O Abdur Rehman R/O Knoafan.	1.8.66	36	GTS Namshera	Vice Muhammad Rashid --do--
Muhammad Yousuf S/O Said Khan R/O Changare	3.1.70	37	G S Chairan	Vice Zulfiqar --do--

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Dist. Dera Ismael Khan

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	3.	4.	5.	6.	
Muhammad Yervez S/O Muhammad Akbar R/O Sera	11.5.72	39	G.S Chamial	Vice Ghulam Mustafa	not selected on merit, hence terminated.
Ilum Zeb S/O Chani Zaman R/O Fapliala.	19.12.73	40	G.S Makhiala	Vice Muhammad Farman	--do--
Muhammad Anwar S/O Ayaz Mansoor R/O Chamrosi	1.6.72	41	G.S Kochatti	Vice Altaf Hussain.	--do--
Abdul Wahid S/O Salim Khan R/O Fapliala	14.4.71	42	G.S Chamian Seri	Vice Muhammad Imran	--do--
Ali Jan S/O Muhammad Miskoon R/O Sera	3.1.73	43	G.S Miska Pani	Vice Kala Khan	--do--
Shoeb Akhtar S/O Haqan Ahmad R/O hangl	3.5.77	44	G.S Msh	Vice Aajmal Khan	--do--
Salid Hamid S/O Ali Muhammad R/O Sera	22.10.77	45	G.S Chaman Seri	Vice Muhammad Parvaz	--do--
Rizur Rehman S/O Abdul Hanan R/O Sera	6.9.75	46	G.S Msh	Vice Makhlan Khan	--do--
Saidullah Shah Tahir Arman Shah R/O Sera	25.2.72	47	GMS Sera Darband	Vice Muhammad Irfan	--do--
Az Muhammad S/O Anwar Bahader R/O Sera	23.6.76	48	GMS Sera	Vice Abdul Hafid	--do--
Masfiqur Rehman S/O Ar Zaman R/O Sera	05.04.73	49	GMS Sera	Vice Muhammad Saloom	--do--
Mahil Ahmad S/O Abdul Qayyum R/O Sera	25.6.77	50	G.S Sera Sala	Vice Muhammad Bashir	--do--
Muhammad Saleem S/O Ar Zaman R/O Sera	10.12.76	51	G.S Sera Sala	Vice Muhammad Anwar	--do--
Muhammad Khalid S/O Taj Muhammad R/O Sera	8.6.76	52	G.S Chhamb	Vice Muhammad Tariq	--do--
Muhammad Fayyaz S/O Muhammad Arman R/O Sera	4.4.73	54	G.S Kachhatla	Vice Muhammad Hanif	--do--
Muhammad Waqar S/O Abdul Qayyum R/O Sera	1.4.74	55	G.S Dekol	Vice Same Ullah.	--do--
Abdul Hamid S/O Ali Abdul Aziz Sera	15.4.75	56	G.S Sera Mshar Gul	Vice Anwar B. hid	--do--
Anwar Muhammad S/O Ar Zaman R/O Sera	20.6.73	57	G.S Sera Badwal	Vice Fida Muhammad	--do--
Muhammad Arshid S/O Ar Khan R/O Sera	25.2.76	58	G.S Sera Sala	Vice Muhammad Sandique.	--do--

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	3	4	5	6	
Jahan S/C Malik r/o Janga	1-4-74	59	G.S. Sari Balalian	vice Shamaur-rahman	not selected on merit hence terminated. --do--
Muhammad Javid S/C Muhammad Hiskeen Danda Khalian	1-4-78	61	G.S. Kangali	vice Muhd:Arshad	--do--
Muhammad Javed S/C Muhammad Faridique J. Janga.	1.1.75	62	G.S. Ghazikote Chamberi	Vice Muhammad Younis	--do--
Muhammad S/C Jahan S/C Har Gran	26.2.75	63	G.S. Sari Halwal	Vice Muhammad Javed	--do--
Muhammad Jahan S/C Muhammad Quadir S/C Shian	3.1.75	66	G.S. Lokal	vice Muhammad Younis	--do--
Muhammad S/C Muhammad S/C Jaha.	1.1.77	67	G.S. Shahni	Vice Liaqat Khan	--do--
Muhammad S/C Muhammad Shah S/C Janga	11.5.78	68	G.S. Thakra.	Vice Fakhrud Din	--do--
Muhammad S/C Muhammad Haidar S/C Janga	13.12.72	69	G.S. Hanjehani	Vice Muhammad Saleem	--do--
Muhammad Hanif S/C Muhammad Karim S/C Janga	10.4.73	70	G.S. Kander.	Vice Faridud Din	--do--
Muhammad S/C Muhammad Yusuf S/C Janga	10.10.72	71	G.S. Gali	Vice Muhammad Yusuf	--do--
Muhammad Nazir S/C Muhammad S/C Janga	1.12.72	72	G.S. Deodal	Vice Chirya Khan	--do--
Muhammad S/C Muhammad S/C Janga	4.8.75	73	G.S. Sehra Gali	Vice Abdus Sattar	--do--
Muhammad S/C Muhammad S/C Janga	15.9.71	74	G.S. Maryala	Vice Sher Muhammad	--do--
Muhammad S/C Muhammad S/C Janga	4.4.76	75	G.S. Gajra	Vice Muhammad Hiaz	--do--
Muhammad S/C Muhammad S/C Janga	6.12.76	76	G.S. Gajra	Vice Abdul Khed	--do--
Muhammad S/C Muhammad S/C Janga	2.2.69	77	G.S. Tawny	Vice Sulfiqar Ali	--do--
Muhammad S/C Muhammad S/C Janga	14.3.76	78	G.S. Gajra	Vice Alam Zeb	--do--
Muhammad S/C Muhammad S/C Janga	23.3.74	79	G.S. Gajra	Vice Muhammad Hiaz	--do--

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Muhammad Arshad Khan Tanoli
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(CONTINUED PAGE NO. 15...)

[Handwritten initials]

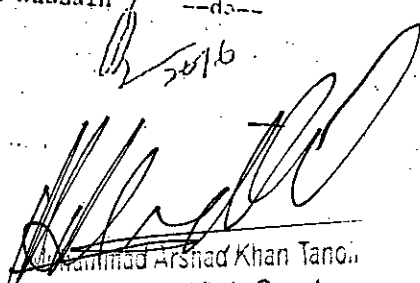
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3.	4.	5.	6.
Abdul Malik S/O Asghar Rahman R/O Ghar Bala	12.5.74	80	GTS Darra Bala Vice Khan Mohd not selected on merit hence terminated.
Mujibur Rehman S/O Sikander R/O Daga Garwal.	10.1.70	81	GTS Umar Mera Vice Abdul Khanan --do--
Mukhtar S/O Firdos R/O Tarappi	10.11.76	82	GTS Ichrian Sarrao Vice Mohammad Tahtiaq --do--
Abdul Hafiz S/O Azizur Rehman R/O Bandi Khan Khol.	2.10.74	83	GMPS X Jurian Vice Muhammad Asad --do--
Muhammad Arshid S/O Sabir Zaman R/O Tarappi	1.4.76	86	GTS Chakli Ilyas Vice Muhammad Ilyas --do--
Muhammad Tawala R/O Haider Zaman R/O Chamial Pata	1.4.74	87	GTS Muzammat Haidar Vice Shahzada --do--
Muhammad Irfad S/O Muhammad Khalid R/O Narotrs Mera	3.4.71	88	GTS Khorl Vice Manzoor Ahmad --do--
Muhammad Riaz S/O Khawaj Muhammad R/O Banda	23.3.74	89	GTS Munegron Vice Muhammad Ejaz --do--
Muhammad Khalid S/O Nawab Khan R/O Talgala.	10.2.76	90	GTS Sinjliala Vice Kala Khan --do--
Muhammad Piaz S/O Muhammad Umar R/O Bandi Kargwal	9.1.73	91	GTS Sinjlian Vice Muhammad Ayub --do--
Ali Farman S/O Muhammad Ayub R/O Khorian	15.1.66	92	GTS Karlakcion. Vice Jehangir --do--
Jamil Hussain Shah S/O Baqir Hussain Shah R/O Shinay Syedan.	02.4.73	93	GMPS Khaliala Vice Muhammad Khalid --do--
Muhammad Hazir S/O Muhammad Yaqoob Shalcooki	18.2.76	94	GMPS Sinjal Bandi Vice Muhammad Seed --do--
Muhammad Safoor S/O Gulab Khan R/O Jalgon Bala/	2.4.72	95	GMPS Nikani Vice Haqem Kosar --do--
Chan Zeb S/O Sher Zaman R/O Tareri.	02.2.78	97	GTS Sinjliala Vice Muhammad Sarwar. --do--
Muhammad Asif S/O Ahmad Zaman R/O Tnathi Khurd	2.3.74	98	GMPS Seri Gali. Vice Muhammad Sultan --do--
Ali Munsif S/O X Ali Zaman R/O Doga.	6.8.70	99	GTS Thokar Mera Vice Muhammad Sajid --do--
Muhammad Hanif S/O Abdullah R/O Pathani Seri.	4.4.73	100	GTS Karka Syedan Vice Muhammad Sabir --do--
Muhammad Saddique S/O Ali Zaman R/O Karka.	6.5.67	101	GTS Janda Vice Muhammad Sarfaraz --do--
Muhammad Tayyub S/O Abdul Aziz R/O Bani Bahal.	12.12.76	102	GTS Parkhayan Vice Abid Hussain --do--

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 District Court

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2.	3.	4.	5.	6.
1. Abdur Razaq S/O Nasrur Rehman R/O Kutchra.	7.2.75	103	G/S Chammat	Vice Muhammad Gulab not selected on merit hence terminated. ---do---
92. Waheed Murad S/O Muhammad Imran R/O Thakar Nera.	5.3.79	104	G/S Chountran	Vice Lal Khan ---do---
93. Zareen Akhtar S/O Sultan Muhammad R/O Munir.	7.5.71	105	G/S Talia Shah Hidgon.	Vice Muhammad Ali ---do---
94. Khan Mahmud R/O Muhammad Younis R/O Thakar Nera.	19.10.71	106	G/S Shah Kulu	Vice Muhammad Saddique ---do---
95. Ali Asghar S/O Fazalur Rahman R/O Tarappi	3.2.71	107	G/S Kotehra	Vice Muhammad Haroon ---do---
96. Manzoor Ahmad S/O Muhammad Yaqoob R/O Naashera.	17.3.71	108	G/S Perhinnah Village.	Vice Zulfiqar ---do---
97. Atiq Ahmad Shah S/O S/Karim Haider Shah R/O Chakriali	25.5.74	03	G/S Kali Geeti	X Against Vacant post. Dis-able. quota.
98. Muhammad Saeed S/O Abdul Majeed R/O More Baffa Kalan	20.3.71	05	G/S Kaloo Basti	Against Vacant Post Disable quota.

TERMS & CONDITIONS.

1. They will governed by such rules & regulations as may be prescribed by the Govt; from time to time for the category of the Govt servant to which they belong.
2. Their services will be liable to termination on one month notice from either side. In case of resignation without notice, one month pay will be forfeited ~~xxx~~ in lieu thereof.
3. They should join the post within one month of the issue of this notification.
4. Their inter-seniority will be determined in accordance with the merit of departmental selection committee.
5. Charge reports should be submitted to all concerned.
6. They will be on probation for a period of two years and will have to pass the departmental examination. In case a candidate fails to qualify the departmental examination, he will be given one more chance. If he fails again, then his services will be terminated. On arrival/availability of trained teachers, the services of untrained teachers shall be terminated.
7. The original certificates/degree should be checked and verified from the concerned University/BISE/IDE and Islamic Madrassas ~~xxx~~ before handing over the charge.
8. Service books of the teachers must be prepared complete in all respect before handing over the charge.
9. The declaration of assets should be obtained from them immediately and placed on record.
10. They are required to produce health and age certificate from the medical authority concerned before handing over the charge.
11. Charge should not be given to over age candidates unless their cases for age relaxation are sent to the quarters concerned.

(Continued on p. 7.)

[Handwritten Signature]

Muhammad Arshad Khan Tano.
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

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P-48

P-80

(Page No. 9)

- 12. Efforts for transfer before the completion the tenure will dis-qualify him from services.
- 13. B.T./A. is allowed.
- 14. An under trainee shall be obtain from diploma & degree holders (TC) that they will serve the department for at least five years while they are selected by the public service commission for that post.
- 15. In case of person appointed as an untrained teacher, he will have to pass the requisite training examination within a period of four years failing which his services will be terminated.

NOTE: - Complete information of appointments in consolidated lists on the prescribed proforma (Attached alongwith charge reports to be submitted by the lower offices to the Director Primary Education/D.E.O (Male) Manshera within a week positively.

1503-1609

Muhammad Sarwar Khan
 (MULHAMMAD SARWAR KHAN) 26/6
 DISTRICT EDUCATION OFFICER,
 (M.L.E) PRIMARY MANSHERA.
 Dated Manshera the 26/6/1997.

Order No. _____ /G.B/G-I/1997
 Copy forwarded for information to:-

- 1. Director Primary Education N.W. Feshawar.
- 2. Sub Divisional Education Officer (Male) Manshera.
- 3. District Account Officer Manshera.
- 4. All the candidates concerned.
- 5. Office Order File.

Muhammad Sarwar Khan
 24/6
 DISTRICT EDUCATION OFFICER
 (M.L.E) PRIMARY MANSHERA.

S.No 39

attested

Muhammad Sarwar Khan
 M.L.E. Manshera

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

18.9

18.9

Annex-C,

P-21

Amended

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.H.
GAZETTE

KEYBER 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. XVIII 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;

Muhammad Arshad Khan, Barrister
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

P-22

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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 1st day of November, 1993 to 30th 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;

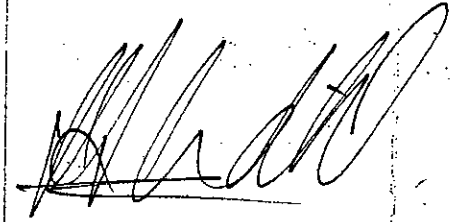
(f) "rules" means the rules made under this Act; and

(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 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November, 1996 to 31st 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
Distt Bar Association

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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 elder 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 Tanoli
Advocate High Court
Office No-33 Adjacent to
Distt Bar Abbottabad

P-24

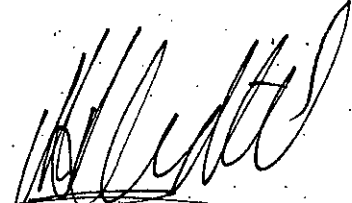
14th KYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

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 purpose of this Act.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KYBER
PAKHTUNKHWA

(AMRULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Daily & Fiq. Deptt., Khyber Pakhtunkhwa, Peshawar.


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

Better copy P-25

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) Bills, 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)

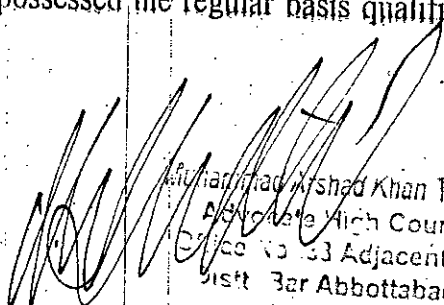
(First Published after having received the assent of the Governor of the
(Khyber Pakhtunkhwa in the Gazettes of the Khyber Pakhtunkhwa
(Extraordinary), dated the 20th September, 2012).

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


Arshad Khan Jang,
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

P-26

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 November, 1996 to 31st 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, 20th September, 2012.

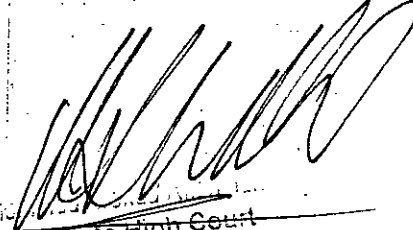
AND WHERE AS the Government of Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest.

It is hereby enacted as follows:

1. Short the 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 1st day of November, 1993 to 30th 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.


Advocate High Court
Office No 33 Adjacent to
Distt

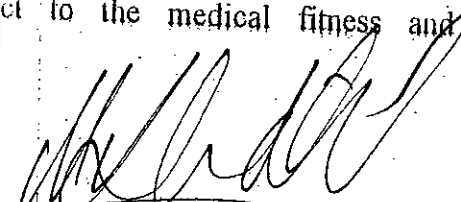
P-27

- 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 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed removed or terminated from service during the period from 1st day of November, 1996 to 31st 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 Janohi
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

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

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE,
EXTRAORDINARY, 20TH 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 Esq.
Advocate High Court
Office No. 33 Adjacent

(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.

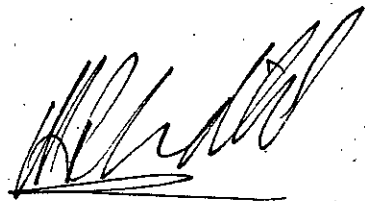
(4). The concerned Departmental Selection Committee or District Selection Committee as the case may be will determine the suitability or eligibility of the sacked employee.

(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, 20TH
SEPTEMBER 2012.



Muhammad Arshed Khan Tanc.
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

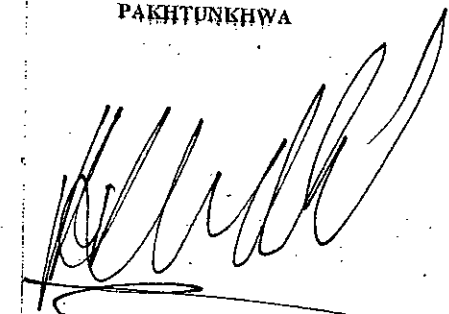
ACT TO OVERRIDE OTHER LAWS:- No by the standing any thing to the contrary contained in any other law or rules for the time being in force the provision of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency of this Act, shall cease to have 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 Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

①

Annex-D

BEFORE THE PESHAWAR HIGH COURT

ABBOTTABAD BENCH

P-31

Writ Petition No. 516 /2013

1. Iftikhar Khan S/O Abdul Hakeem Govt Middle School Jalkot, Kohistan.
2. Afzal Khan S/O Abdul Haq Govt Middle School Barigo Kohistan.
3. Khayal Muhammad S/O Tajbar Govt Middle School Bargheen, Kohistan.
4. Zulfiqar Ali S/O Zahoor Muhammad Govt Middle School Bargheen, Kohistan.
5. Mohtaram Shah S/O Mahroof Shah Govt Middle School Shotid, Kohistan.
6. Muhammad Saleem Khan S/O Gul Zareen CT, Govt Middle School Ghazia Abad, Kohistan.
7. Nasir Khan S/O Hamidullah, PET Govt Middle-School Beela, Kohistan.
8. Javed Hayat Akhtar, S/O Rehmatullah Govt Middle School Dag, Kohistan.
9. Gohar Zaman S/O Badi-uz-Zaman, Govt. Middle-School Barbaheen, Kohistan.
10. Noor Syed S/O Umar Gul, Govt Middle School Dag, Pattan, Kohistan.
11. Shakeel Ahmed Khan S/O Musharaf Khan, Govt Middle School Barsharial, Kohistan.
12. Murad Ali Shah S/O Haji Imran-ud-Din, Govt Middle School Paragari, Kohistan.
13. Zarab Khan S/O Noor Habib Govt Middle School Madakhail, Kohistan.
14. Shahai Nawab S/O Abdul Hameed, Govt Middle School Peerobela, Kohistan.
15. Umar Khitab S/O Daray Khan CT, Govt Middle School Barghaheen, Kohistan.

Certified to be a true copy
28/5/16
Muhammad Arshad Khan
Advocate High Court
Office No. 33 Adjacent
Distt Bar Abbottabad

No 1984
26-9-13

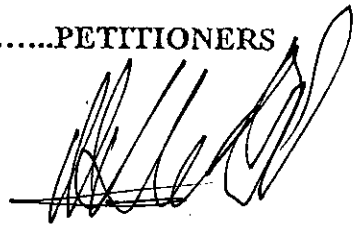
No 1888
18/9/13

Muhammad Arshad Khan
Advocate High Court
Office No. 33 Adjacent
Distt Bar Abbottabad

- 16. Qari Maqbool-ur-Rehman QT, GHS, Thakra Teh & District Mansehra.
- 17. Muhammad Haroon (Ex-PTC) GPS Neel Batla Teh & District Mansehra.
- 18. Ifikhar Ahmed (Ex-PTC) GPS Kahawah Teh & District Mansehra.
- 19. Abdul Manan (Ex-TT) GHS Mansehra No. 1 Tehsil & District Mansehra.
- 20. Kala Khan Ex-PST Tehsil & District Mansehra.
- 21. Sarfraz Ex-PST Tehsil & District Mansehra.
- 22. Bibi Shazia Maroof Ex-PST Tehsil & District Mansehra.
- 23. Rehmat Ali S/O Haq Nazar CT GMS Sherakot District Kohistan.
- 24. ~~Jamal~~ Jamal-ud-Din S/O Muhammad Farooq DM GHS Pattan Kohistan.
- 25. Rasheed Ali S/O Muhammad Ziad CT GMS Aleel Kohistan.
- 26. Fazal-e-Rabi S/O Nam-e-Haq CT GMS Dargeen Kohistan.
- 27. Fazal-e-Haq S/O Muhammad Ayub Khan CT GMS Mujgali Kohistan.
- 28. Bher-e-Karam S/O Bher-e-Room DM GMS Jaba Made Khail Kohistan
- 29. Muhammad Saleem S/O Muhammad Miskeen Junior Clerk Govt Higher Secondary School Dhodial District Mansehra.
- 30. Muhammad Miskeen GMS Baila Mansehra

Certified to be a True Copy
 Peshawar High Court
 Abbotabad Bench
 Authorized Under: Sec 15-A of Ordinance

.....PETITIONERS

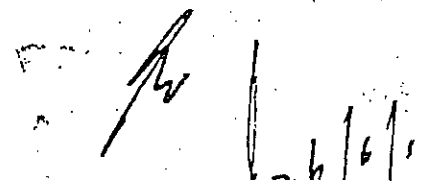


VERSUS

- 1. Govt. of KPK through Secretary Education (E&SE) KPK Peshawar.
- 2. Director (E&SE) KPK Peshawar.
- 3. District Education Officer (Male) District Kohistan.
- 4. District Education Officer (Male) District Mansehra.

Muhammed Arshad Khan Tanch
 Advocate High Court
 Office No: 33 Adjacent to
 Court for Abbotabad

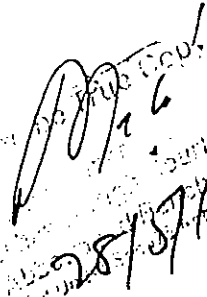
.....RESPONDENTS

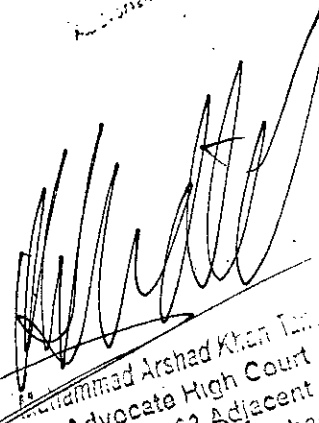


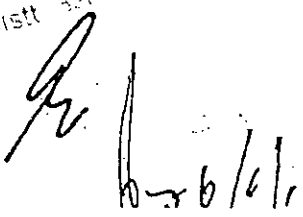
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P-33

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.


 28/5/16


 Muhammad Arshad Khan
 Advocate High Court
 Office No- 33 Adjacent to
 Distt Bar Abbottabad


 10-6/16

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

(4)

P-34

RE-INSTATE THE PETITIONERS
FORTHWITH AS MORE THAN SEVEN
MONTHS HAS ELAPSED AFTER THE
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 bounds 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,

Certified to be true Copy
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 10 of the Ordinance

Re-Filed Today
 20/6/16

Advocate High Court
 Office No 33 Adjacent to
 New Town Abbottabad

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

P-35

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".

(Certified to be a true copy)
 28/9/16
 ABSTRACT COURT
 District Bar Swabi

28/9/16

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

- c. That respondents are violating the provision of the act and they are bound appoint the petitioners without further delay but the indolence, negligent behavior in implementing the law is laws 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

M. A. / 2075/16

[Signature]

Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

Re-Filed Today

[Signature] / 26/6/12

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".

Certified to be true Copy
Federal High Court
Abbottabad Bench
Authorized under Sec 5 Act 19 of 2002

Muhammad Iqbal Khan Tareh
Advocate High Court
Office No. 33 Adjacent to
3rd Abbottabad

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.

Certified to be a true Copy
28/8/13
[Signature]

.....PETITIONERS

Ifikhar Khan

Through

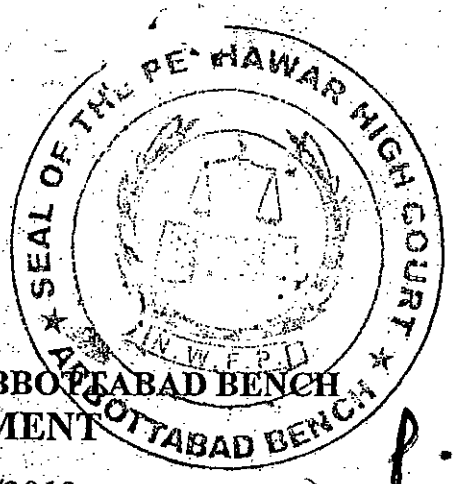
Dated; _____/2013

[Signature]
(MUSLIMAD ARSHAD KHAN TANOLI)
&

(SARDAR MUHAMMAD ASIF)
&

(Yasir Zahoor Abbasi)
Advocates High Court
Abbottabad

[Signature]
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 53 Adjacent to
Left Bar Abbottabad
20/8/13



Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH
JUDICIAL DEPARTMENT

Writ Petition No. 516-A/2013.

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JUDGMENT

Date of hearing.....24.05.2016.....

Petitioners Aftab Khan by Mr. Mohammad Arshad
Adroc

Respondents: Govt etc Mr. Mohammad Aslam Abbas
AAG

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27/5/16
Peshawar Bench
Authorized when these Acts Ords

27/5/16

ROOH-UL-AMIN KHAN, J.- Through this single judgment

we intend to dispose of connected W.P.No. 20-A/2014 titled

"Akram Khan & 05 others Vs. Government of Khyber
Pakhtunkhwa through Secretary Education (E&SE) Peshawar

& 03 others", W.P.No. 546-A/2013 titled "Waseem Gul Khan

& 47 others Vs. Government of Khyber Pakhtunkhwa through

Secretary Education (E&SE) Peshawar & 14 others", W.P.No.

676-A/2015 titled "Abdul Razaq Vs. Government of Khyber

Pakhtunkhwa through Secretary Education (E&SE) Peshawar

& 02 others", W.P.No.105-A/2015 titled "Mst. Saima Noreen

& 04 others Vs. Government of Khyber Pakhtunkhwa through

Secretary Education (E&SE) Peshawar & 03 others", W.P.No.

189-A/2015 titled "Muhammad Zafar Iqbal. Vs. Government of

Khyber Pakhtunkhwa through Secretary Education (E&SE)

Muhammad Arshed Khan Junc
Peshawar High Court
Office No. 33 Adjacent
Distt. for Abbotabad

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P-40

Peshawar & 02 others", W.P.No. 216-A/2015 titled "Muhammad Nawaz & 46 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 03 others", W.P.No. 1155-A/2015 titled "Rashid Iqbal & 14 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others", W.P.No. 702-A/2014 titled "Shaheen Akhtar Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others and W.P.No. 115-A/2014 titled "Khalid Khan & another Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others" as the petitioners of all these petitions have prayed for reinstatements in their services on the basis of "Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012".

2. Succinct facts leading to the instant petitions are that the petitioners were appointed by the respondents against their respective posts in accordance with the prescribed method of recruitment and later on their services were illegally terminated by the respondents, whereafter the Government of Khyber Pakhtunkhwa introduced "Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012" whereunder the

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Abbottabad Bench
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Office No: 33 Adjacent to
Distt Bar Abbottabad

27/5/16

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respondents were bound to reinstate the petitioners as per criteria mentioned in the Act *ibid* but they did not appoint the petitioners inspite of the fact that more than hundreds posts were lying vacant in different cadres and were available in the establishment of respondent No.3, which conduct of the respondents towards the petitioners, being perverse, callous, malafide, is liable to be declared illegal and against the law. Initially comments of the respondents were called for, which were submitted accordingly wherein the claim of petitioner was refuted on the grounds that at the time of initial appointment, petitioners were not qualified to be selected as teacher, as they were not possessing the requisite training certificates.

3. In essence, grievance of the petitioners is that they were recruited by the respondents after fulfilling all the legal and codal formalities but their services were terminated in the year 1996-97 on the basis of political victimization, however, the Provincial Government promulgated the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 for reinstatement of the employees, who had been appointed on regular basis to a civil posts in the Province and equipped with the prescribed

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Khan Tanvir
Advocate High Court
Office No. 33 Adjacent to
Peshawar Bench

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Peshawar Bench
Under Sec 75 Acts Ordms

27/5/16

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qualification and experience of sacked employees at the time during the period from 01.11.1993 to 30.11.1996.

4. In pursuance of the enabling provisions of the Act, the petitioners approached the respondent-department but were refused the benefit of the Act *ibid* on the sole ground that at the time and during their initial service they were lacking the prescribed teaching training.

5. At the very outset, learned counsel for the petitioner produced a judgment of this court rendered in W.P.No. 1662-P/2013, whereby the respondents were directed to consider the untrained teachers for appointments against their respective posts, for the reason that at the time of initial appointments of the employees, under the laid down criteria, the untrained candidates were made eligible for appointment against the post of PTC.

6. The learned Additional Advocate General representing the respondent-department reiterated the same old arguments that the petitioners were lacking the requisite training certificate, therefore, under the Act *ibid* they cannot be considered for appointment.

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Peshawar Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ord.

27/5/16

2002/16

Muhammad Aslam Khan
Advocate High Court
District Bar Abbottabad

7. We are not in consonance with the arguments advanced by the learned AAG for the reason that the respondent-department itself has considered numerous employees under the Act *ibid*, who were not in possession of the training certificate whereas they were provided opportunity to complete their training within three years. The relevant para of the reinstatement order / notification of various employees is reproduced below for ready reference: -

"16. In case of having less qualification which ever is prescribed intermediate / FA for PST as well as PST certificate as professional the candidate must be qualified both the academic / professional qualification within three years after issue of this appointment order, failing which their appointment order shall stand terminated automatically, without any further period."

Muhammad Arshad Khan Tanc.
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

8. It is golden principle of law that alike shall be treated alike which has further been elaborated by the apex court in the case of *"Hameed Akhtar Niazi Vs. The Secretary, Establishment Division, Government of Pakistan & others"* reported as 1996 SCMR 1185 and again in the case of *"Government of Punjab through Secretary Education & others*

Approved
Appeals Bench
Court
9/5/16
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27/5/16

Lawyer

Vs. Sameena Parveen & others” reported as 2009 SCMR 01

where it has been held as under: -

“if a Tribunal or this Court, decides a point of law relating to the terms and conditions of a civil servant, who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the same decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum.”

In view of the above, all these petitions are disposed of

in the following terms: -

- i. That the petitioners though eligible for appointment but not equipped with training certificate, shall be considered for reinstatement against their respective posts under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 immediately;
- ii. The concerned District Education Officer shall scrutinize the case of each individual petitioner independently;
- iii. Thereafter, the department shall arrange and manage the requisite training course for them and the petitioners shall be provided opportunity

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Arshad Khan Tanc.
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27/5/16

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to acquire the requisite training certificate;

- iv. In case the petitioner failed to acquire the requisite training certificate within the stipulate period, specified by the department, their services shall stand terminated automatically

Needless to remark, that the respective EDOs of each district shall complete the process of reinstatement of the petitioners within one month positively.

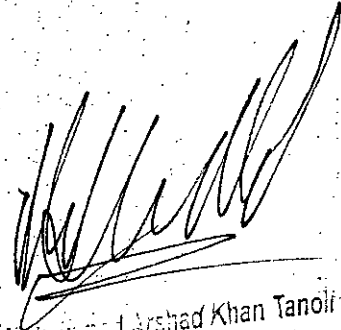
Certified to be a true Copy
 Peshawar
 Advocate
 District Court, Swat
 District Court, Swat

27/5/16

Announced:
24.05.2016

Self/Judge
 Self/Judge

(*Saif*)



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



APPOINTMENT

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-A2014,115-A/2014, and orders of Honorable High Court in COC No.22-A/2016,COCNo. 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	GMPS Doga
2.	SHER MUHAMMAD	TAJ MUHAMMAD	11-05-65	Village Fateh Bandi P/o Shergarh Tehsil Oghi & Distt Mansehra	GPS Ghagkar Harian
3.	GHULAM HASSAN	M MUHAMMAD ISHAQUE	02-04-68	Village Nalla Jabbar Tehsil & District 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	GHULAM HAIDER	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 Bal Bala P/O Chattar Plain Tehsil & District Mansehra	GPS Bali Mang
7.	NAEEM KOSAR	GHULAM SARWAR	07-03-72	Village Dub No.2 Mansehra Tehsil & Distt Mansehra	GPS Ogra
8.	JAVAID IQDAL	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 Takla 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 Balla Raqib
12.	MUHAMMAD AYUB	ABDUL UR REHMAN	06-02-74	Village Dhaman P/o Madserian Tehsil & Distt Mansehra	GPS Murad Pur
✓ 13.	JEHANZAIB	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 DASHIR	ABDUL AKBAR	08-01-76	Village Macchral P/o Karori Tehsil Oghi & Distt Mansehra	GPS Shungli
16.	MUHAMMAD ISHTIAQ	MUHAMMAD MAROOF	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 Belian
18.	MUHAMMAD RIAZ	WALI MUHAMMAD	20-06-77	Village Gandan post office Lissan Nawab Tehsil & Distt Mansehra	GPS Kalwal
19.	SHAHID USMAN	MUHAMMAD AKRAM	20-11-78	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 Pakhtunkhawa, 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 Pakhtunkhawa, 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 Janc.
High Court
Distt Mansehra

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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 concern 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 atomically, 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 to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.

Sd/-
DISTRICT EDUCATION OFFICER,
(MALE)MANSEHRA

Endst: No. 20672-702 /File No./PST/Sacked Apptt:/2017/Dated Mansehra the 4/12 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

Muhammad Arshad Khan Tank
Advocate High Court
DY: DISTRICT EDUCATION OFFICER, 33 Adjacent to
(MALE)MANSEHRA
Distt 3rd Abbottabad

Annex-F

بخدمت جناب ڈائریکٹر صاحب ایلمنٹری اینڈ سیکنڈری ایجوکیشن پشاور۔
درخواست برائے ادائیگی سابقہ سروس تقاضا جات۔

P-48

جناب عالی!

گزارش ہے کہ سائل کو 17-01-1996 کو pst کی پوسٹ پر بھرتی کیا گیا اور پھر 26-06-1997 کو سائل کو ملازمت سے برطرف کر دیا گیا تھا اور بعد ازاں حکومت نے Sacked Employees Act 2012 کا نفاذ کرتے ہوئے 1993-94ء میں بھرتی ہونے والے اور 1997-98ء میں برطرف شدہ ملازمین کی بحالی کا حکم نامہ جاری کیا گیا سائل کو DEO مانسہرہ نے برطابق قانون 2012ء کے بحال نہیں کیا جسکی وجہ سے سائل نے پشاور ہائیکورٹ ایپلٹ آبادیج میں W.P.No. 516-A/2013 دائر کی جس کا فیصلہ 24-05-2017 کو سائل کے حق میں ہوا اور بعد ازاں سپریم کورٹ آف پاکستان نے بھی 24-05-2017 کو ہائیکورٹ کے فیصلہ کو بحال رکھا۔ لہذا سائل کو بروئے حکم عدالت عالیہ مورخہ 06-12-2017 کو بحال کر دیا سائل 2012 سے نوکری پر بحالی کا حق رکھتا تھا اور یہ کہ وفاقی حکومت نے اپنے تمام ملازمین کو ٹرمینیشن کی تاریخ سے بحال کیا۔

اندریں حالات استدعا ہے کہ سائل کی نوکری سال 1997ء اور بعدہ 2012ء سے پنشن کے لئے اکاؤنٹ کرتے ہوئے تنخواہ کے تقاضا جات بھی ادا کئے جائیں۔

الرقوم: 27-12-2017

ارض

محمد اشتیاق ولد محمد معروف (PST)
گورنمنٹ پرائمری سکول ٹھا کر میرا پڑھنے
سکنہ گجراں ڈاک خانہ پڑھنے تحصیل ضلع مانسہرہ
رابطہ نمبر: 0346-5637713

M. Arshad Khan

Muhammad Arshad Khan Tan.
Advocate High Court
Office No. 33 Adjacent to
Dist. Jail Manshera



Annex - G

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

NOTIFICATION:

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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 Behaki 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 take over the charge of the schools falls in summer zones areas w.e.f. 01/09/2015 and in case of winter zones areas w.e.f. 01/03/2015.

Muhammad Khan Teron
Advocate High Court
Office No 33 Adjacent to
District Court Abbottabad

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- 18. They will take over the charge in case schools full 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


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Endst: No. _____ /File No. _____ /CT/Sacked /appointment/Dated Mansehra the 01/77 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



Muhammad Arshad Khan Tanzeel
 Advocate High Court
 Office No: 33 Adjacent to
 Distt Bar Abbottabad

کورٹ فیس

وکالت نامہ

Service Tribunal KPIC Peshawar بعدالت

عنوان: Govt نامہ 07. Shiq

منجانب: Appellant

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے **Muhammad Arshad Khan Tanoli** Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی 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 کارروائی 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 ساختہ پرداختہ مجھ کو منظور 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 بمراد استجارت ناش بیضہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المترقوم:

بمقام: *Abulhasan**Arshad Khan*

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.574/2019

Muhammad Ishtiaq**APPELLANT**

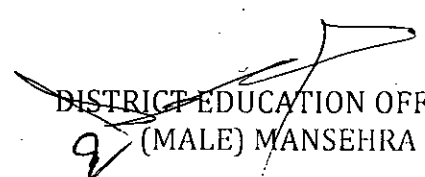
VERSUS

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:-

INDEX

S.No	Description of documents	Annexure	Pages
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.574/2019

Muhammad IshtiaqAPPELLANT.

VERSUS

- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
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- 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.

GROUND:-

- 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*

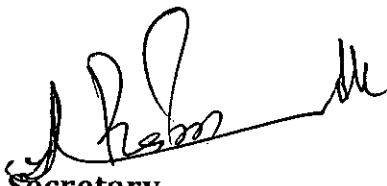
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dismissed by this Honourable Service Tribunal in his Judgement dated 20/2/2019 in service appeal No. 1377/2015 titled "Syed Naveed Hussain shah vs Govt of Kpk and others. (Copy of Sacked Employee Act, 2012 and Copy of the Judgement 20/02/2019 are annexed as annexure A & B) Incorrect and denied, the appellant has been treated as per law and rules & act, wherein no question of violation of law, rules & policy.

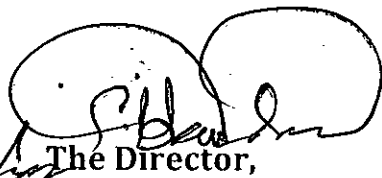
- e. Legal right of the appellant.
- f. Incorrect and denied. As replied above.
- g. Incorrect & misleading. However the Respondents seek leave of this Honorable Tribunal to submit addition grounds & record at the time arguments before this Honorable Tribunal.

PRAYER:

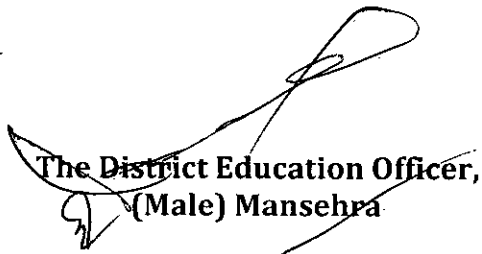
In the view of above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department in the interest of justice.



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.574/2019 titled Muhammad Ishtiaq 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.

Annex A

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**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.

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**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 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;

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 1st day of November, 1993 to 30th 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 1st day of November 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November 1996 to 31st 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.

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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.

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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.

Annex B3

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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,
MR. MUHAMMAD AMIN KHAN KUNDI ---

MEMBER (Executive)
MEMBER (Judicial)

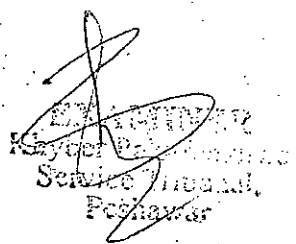
JUDGMENT

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
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 Nalia 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"

ATTESTED

Signature
Date

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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
(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
20.02.2019

Date of Presentation of Application 03-05-19
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