

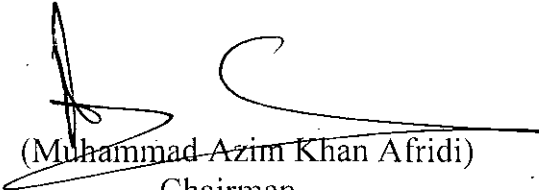
Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	24.01.2017	3
		<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p align="center">Appeal No. 22/2013</p> <p align="center">Mashroof Gul Versus Executive District Officer, Elementary &amp; Secondary Education, Nowshera &amp; others.</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Muhammad Jan, Government Pleader alongwith Hameedur Rahman, AD for respondents present.</p> <p>2. Mr. Mashroof Gul son of Rasham Gul hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 10.07.1980 vide which he was removed from service and where-against his departmental appeal as well as representation were rejected and hence the instant service appeal on 26.12.2016.</p> <p>3. Arguments of the learned counsel for the appellant as well as learned Government Pleader heard and record perused.</p> <p>4. The impugned order of removal from service of the appellant was passed in the year 1980 while the instant appeal was preferred by the appellant by the end of year 2012.</p>


*[Handwritten signature]*  
24.01.17

5. Learned counsel for the appellant failed to persuade us so far as time limitation for filing such appeal against impugned order of removal from service is concerned. As such we are constrained to hold that the appeal of the appellant to the extent of questioning the impugned order of removal is ~~concerned~~ <sup>is</sup> ~~concerned~~ <sup>barred</sup>.

6. It was further argued that the appellant was entitled to compassionate allowance in view of Section 19 (3) of Civil Servants Act, 1973 which was not granted to him and which prayer of the appellant is not hit by time limitation, being money matter. Reliance was placed on 2001-SCMR-1977 (Supreme Court of Pakistan).

7. In view of the afore-stated provisions of the Civil Servants Act, 1973 read with case law referred to above we direct that the appellant shall apply to the relevant authority for consideration of the case of the appellant for compassionate allowance within the meaning of Section 19(3) of the Civil Servants Act and the competent authority shall decide such an application/ representation of the appellant promptly and preferably within 2 months. The appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Azim Khan Afridi)  
Chairman

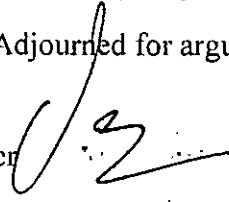
  
(Muhammad Aamir Nazir)  
Member

ANNOUNCED  
24.01.2017

16.05.2016

Counsel for the appellant and Mr. Ziaullah. GP for respondents present. Counsel for the appellant requested for adjournment. Adjourned for arguments on ~~3~~ 10.2016.

Member



Member



03.10.2016

Since 3<sup>rd</sup> October, 2016 has been declared as public holiday on account of 1<sup>st</sup> Muharram therefore, case is adjourned for the same on ~~24-1-17~~.

Reader



27.08.2015

None present for appellant. M/S. Muhammad Irfan, ADO, Javed Ahmed, Supdt. and Khurshid Khan, SO alongwith Addl: A.G for respondents present. Written reply by respondents No. 1 to 3 submitted while learned Addl: A.G made request for adjournment on behalf of respondent No. 4. Last opportunity granted to respondent No. 4 for submission of written reply. To come up for written reply/comments on behalf of respondent No. 4 on 23.11.2015 before S.B.

  
Chairman

23.11.2015

Counsel for the appellant. M/S Hameed-ur-Rehman, AD (lit.) for respondent No. 2 and Khurshid Khan, SO for respondent No. 3 alongwith Addl: A.G for all respondents present. The learned Addl: AG relies on the written statement already submitted by respondents No. 1 to 3 on behalf of respondent No. 4. The appeal is assigned to D.B for rejoinder and final hearing for 12.4.2016.

  
Chairman

12.04.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for rejoinder and arguments on 16.05.2016.

  
Member

  
Member

08.12.2014

No one is present on behalf of the applicant. Mr. Inayatullah, ADO (Lit.) for respondent No. 1 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for further proceedings on 05.03.2015.



Reader

05.3.2015

Appellant in person, M/S Inayatullah, ADO for respondent No. 1, Mosam Khan, AD for respondent No. 2 and Khurshid Khan, SO for respondent No. 3 alongwith Addl. A.G for respondent present. The learned Chairman is on official tour to Swat, therefore, case is adjourned to 9.6.2015 for reply/arguments on applications.



MEMBER

09.06.2015

Counsel for the appellant and Addl. A.G for respondents present. Arguments heard and record perused.

Perusal of record would suggest that the service appeal of the appellant has been admitted to regular hearing. In such an eventuality the respondents are in a position to take up the plea of dismissal of appeal in their written statement. The application for rejection of appeal is, therefore, found misconceived. The same is therefore, rejected with the direction to the respondents to take such plea in the written statement which shall be submitted on 27.8.2015 before S.B.



Chairman

13.3.2014

Appellant with counsel (Arbab Saif-ul-Kamal, Advocate), M/S Muhammad Irfan, ADO for respondent No. 1, Sajjad Rashid, AD for respondent No. 2 and Khurshid Khan, SO for respondent No. 3 with Mr. Muhammad Jan, GP for the respondents present. Reply to application received on behalf of the appellant, copy whereof is handed over to the learned GP for arguments on 11.6.2014.

  
CHAIRMAN

11.6.2014

Appellant with counsel (Arbab Saiful Kamal, Advocate) and M/S Inayatullah, ADO on behalf of respondent No.1, Javed Ahmad, Supdt. for respondent No. 2 Khursheed Khan, SO for respondent No. 3 with AAG for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for arguments on application on 23.09.2014.

  
Chairman

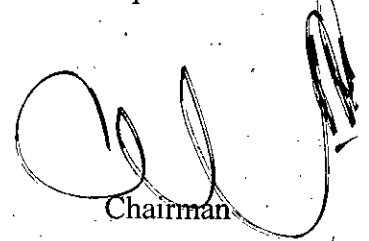
23.09.2014

Appellant with counsel, M/S Inayatullah, ADO (Lit.) for respondent No. 1 and Khurshid Khan, SO for respondent No. 3 with Mr. Usman Ghani, Sr.G.P for the respondents present. At the outset, the learned counsel for the appellant stated that he might be moving application for condonation of delay, which may be moved in the meantime, with copy for the respondents for reply and arguments on both the applications on 8.12.2014.

  
Chairman

11.6.2013

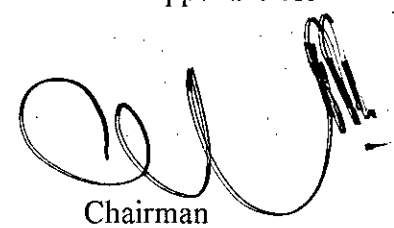
Appellant in person, M/S Mohammad Irfan, ADO for respondent No. 1, Mosam Khan, AD for respondent No. 2 and Khurshid Khan, SO for respondent No. 3 with Mr. Muhammad Jan, GP for the respondents present. To come up for written reply/comments on 26.9.2013.



Chairman

26.9.2013

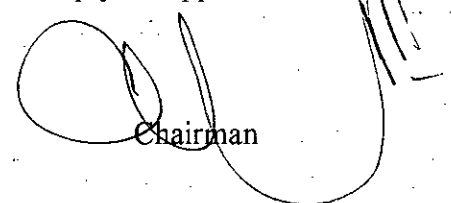
Appellant with counsel (Arbab Saif-ul-Kamal, Advocate), M/S Inayatullah, ADO for respondent No. 1 and Khurshid Khan, SO for respondent No. 3 with AAG for the respondents present. Application for rejection of the appeal moved on behalf of respondent No. 1, copy whereof is handed over to the learned counsel for the appellant for reply and arguments on 23.12.2013.



Chairman

23.12.2013

Counsel for the appellant, M/S Inayatullah, ADO for respondent No. 1 and Khurshid Khan, SO for respondent No. 3 with AAG for the respondents present. Reply to application for rejection of appeal has not been received, and learned counsel for the appellant requested for further time. To come up for reply to application and arguments thereon on 13.3.2014.



Chairman

Appeal No. 22/2013.

Mr. Mushtaq Gul

3. 1.2.2013

Counsel for the appellant and heard. Contended that the appellant is entitled for the grant of pensionary benefits for the service rendered by him for 15/16 years but the same has been denied to him without any justification. The appellant preferred a departmental appeal on 20.10.2012 but the same has not been responded so far. Hence, the instant appeal. Points raised at the Bar need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Case adjourned to 16.4.2013 for submission of written reply.

Appellant deposited  
Security & Process fee  
Rs 2000- Bank receipt  
is attached with  
file

Member.

4. 1.2.2013

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

Chairman

16.4.2013.

Appellant with counsel present. Mohammad Irfan, ADO, Mosam Khan, A.D, Khurshid Khan, S.O, and Syed Shahzad Hussain, AAO are present for respondents 1 to 4. The worthy Chairman is on tour to A/Abad. To come up for written reply/comments on 11.6.2013.



Reader.



Form- A  
FORM OF ORDER SHEET

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

Case No. 22/2013

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/1/2013	<p>The appeal of Mr. Mashroof Gul resubmitted today by Mr.Saadullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p> REGISTRAR</p>
2	8-1-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>1-2-2013</u></p> <p> CHAIRMAN</p>

The appeal of Mr. Mashroof Gul son of Rasham Gul received today i.e. on 26/12/2012 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:-

- 1- Appeal may be got signed by the appellant.
- 2- Annexures-F and G of the appeal are not attached with the appeal which may be placed on it.
- 3- Copy of Impugned order dated 10.07.1980 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 4- Wakalat nama in favour of appellant is not attached with the appeal which may be placed on file.

No. 1517 /S.T,


Dt. 27/12 /2012.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR. SAADULLAH KHAN MARWAT ADV. PESH.

Sir

Resubmitted after completion. No copy  
of order dt 10-7-80 is at present  
available, yet extract from S-Book  
is attached.



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. 22 /2012

Mashroof Gul

Versus

E.D.O & others

**I N D E X**

S.No	Documents	Annex	P.No.
1.	Memo of Appeal		1-3
2.	Appointment order, 26.10.1964	"A"	4
3.	Certificate of Teaching, 25.12.1973	"B"	5
4.	Service Certificate, 26.06.1976	"C"	6
5.	Service Book	"D"	7-9
6.	Removal in Service Book	"E"	10
7.	Representation, 1988	"F"	11
8.	Letter of SDEO, 12.05.1988	"G"	12
9.	Letter of SDEO, 23.05.1988	"H"	13
10.	Letter of SDEO, 26.05.1988	"I"	14
11.	Letter of DEO, 14.03.1992	"J"	15
12.	Letter of SDEO, 21.03.1992	"K"	16
13.	Subsequent Representation, 04/1992	"L"	17
14.	Representation, 20.10.12	"M"	18

Dated. 26.12.2012

Through

سید اسپانہ لوی -

&

Appellant  
Saad Ullah Khan Marwat  
Arbab Saiful Kamal  
Advocates.

21-A Nasir Mension,  
Shoba Bazar, Peshawar.

Ph: 0300-5872676.

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 22 /2012

Mashroof Gul S/o Rasham Gul  
R/o Hisar Tang, Nizampur Nowshera . . . . . Appellant

Versus

1. Executive District Officer,  
Elementary & Secondary Education,  
Nowshera.
2. Director of Education, Elementary  
and Secondary Education, Peshawar.
3. Secretary, Elementary and  
Secondary Education, Peshawar.
4. District Accounts Officer, Nowshera. . . . . Respondents

~~Stamp~~  
1490  
26-12-12

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL AGAINST OFFICE ORDER  
NO.11504-5, DATED 10.07.1980 OF  
THE ENTRY MADE IN THE SERVICE  
BOOK WHEREBY APPELLANT WAS  
REMOVED FROM SERVICE W.E.F.  
THE DATE OF HIS ABSENCE FOR NO  
LEGAL REASON.

~~Stamp~~  
26/12/12

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant has in his credit the educational qualification of SSC & FA passed in the year, 1964 and 1966.
2. That on 26.10.1964, after observing the due codal formalities, appellant along with 148 was appointed as PTC Teacher. His name was figured at S.No.76. (Copy as annex "A")

3. That appellant did Course/Training of School Certificate of Teaching from Haripur which certificate was issued to him on 15.12.1973. (Copy as annex "B")
4. That on 26.06.1976, appellant was issued Service Certificate by showing his service since 07.11.1964 till date. (Copy as annex "C")
5. That in the Service Book, appellant was shown served the department till 22.08.1979. (Copy as annex "D")
6. That appellant became seriously ill and as per Service Book he was shown removed from service with effect from 23.08.1979 vide entry dated 10.07.1980. (Copy as annex "E")
7. That in the year, 1988, appellant submitted representation before Minister of Education, KPK to reinstate him in service which was remarked to DEO (Male) "Please do the needful under the procedure". (Copy as annex "F")
8. That on 12.05.1988, SDEO, Nowshera wrote letter to DEO, Peshawar that Original Service Book of appellant is not available in his office. (Copy as annex "G")
9. That on 23.05.1988, DEO (M) Nowshera wrote letter to SDEO (M) Nowshera to search for Service Book/record of appellant for further proceedings. (Copy as annex "H")
10. That on 26.05.1988, SDEO (Male) Nowshera wrote letter to DEO (Male) Peshawar that SB duly attested is submitted herewith as PTC for further action. (Copy as annex "I")
11. That on 14.03.1992, SDEO (M) Primary, Nowshera wrote letter to SDEO, Nowshera to collect all necessary relevant documents with the help of ASDEO concerned and submit to his office along with Service Book to proceed further in the matter. (Copy as annex "J")
12. That on 31.03.1992, SDEO, Nowshera wrote letter to DEO (M) Primary, Nowshera to file the case. (Copy as annex "K")

13. That in April, 1992, appellant submitted subsequent representations to Minister for Education for reinstatement in service, who marked the same, "please look into the matter and take favorable action" but his grievances were not redressed till date. (Copy as annex "L")
14. That on 20.10.2012, appellant submitted final representation before the authority which met dead response till date. (Copy as annex "M")

Hence this appeal, inter alia, on the following grounds:-

**GROUND S:-**

- a. That much water has been flown beneath the bridge but the matter of the poor and old teacher was not resolved for decades.
- b. That at this stage the reinstatement in service of appellant became meaningless but he was not awarded with the benefits of the rendered service spread over 15/16 years.
- c. That appellant is at the verge of his life, he is undergoing in miserable conditions and has no source of income at such a final stage.
- d. That appellant is entitled for pensionary benefits of the rendered services.
- e. That respondents are not paying the same due to malice reason.

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned order be modified to the extent of pensionary benefits of the rendered service to appellant henceforthwith, with such other relief as may be deemed proper and just in circumstances of the case.

Dated 26.12.2012

Through

*Saif Kamal*  
Appellant  
*Saif Kamal*  
Saad Ullah Khan Marwat  
&  
*Saif Kamal*  
Arbab Saiful Kamal  
Advocates.

A

4

OFFICE OF THE DISTRICT INSPECTORS OF SCHOOLS, PESHAWAR.OFFICE ORDER

The following appointments and transfers are hereby ordered in the interest of public service w.e.f. 01.11.1964 or any subsequent date of taking over charge. The new appointments are made on Rs. 100 per month consolidated pay on temporary basis and their services are liable to termination at any time without any notice. The candidates are further directed to attend this office along with their educational certificates before taking over charge for medical examination. Charge reports should be submitted in duplicate for office record.

S.No	Name	From	To	Remarks
1.	Bahadar Khan	IMS Dosara	P.S Sheikhu,	Addl post
2-74	-	-	-	-
75.	Dost Muhammad R/o Kandar P.O Akbar Pura	Candidate	P.S No.1 Akbar Pura	Addl post
76.	Mashroof Gul Vill Hisar Tang	-do-	P.S, Dher Kati Khel	-do-
77.	Zafar Ali Shah, SV Teacher, MS Aza Khel Bala	-do-	P.S, Kheshgi Bala	-do-
78-147	-	-	-	-
148.	Abdur Rehman	IMS Dosara	P.S,Utmanzai, No.1	Vacant post

Sd/-

(Abdul Qadir Khan)

District Inspectors of Schools  
Peshawar.

Endst, No:26616-26765/ Dated Peshawar the, 26/10/1964

Copy forwarded to the:-

1. Head Masters/Head teachers of Schools concerned with the remarks that no candidate should be allowed to take unless he produces medical fitness certificate.
2. All candidates concerned for information and necessary action and with the remarks that they should attend this office before taking over charge for Medical examination. No pay will be allowed if a candidate takes over before producing the required fitness certificate.
3. A.D.I.S. (Accounts).
4. Pay Clerk.

*Amir*  
47

sd/-

District Inspectors of Schools  
Peshawar.

B

5

25-12-73

Serial No. 1020

# EDUCATION DIRECTORATE



N.W.F.P. Peshawar

SPECIAL CERTIFICATE OF TEACHING

ہنگو/ج.ت./سی/وی

## PERMANENT CERTIFICATE

Certified that MR./MES/MISS Mashroof Gul ✓

Son of Mr. Resham Gul ✓

born on the 15th April, M.N. & Festy - S.H. (15/4/1946) ✓

and a teacher of Govt. P.S. School, Chappari

resident of Hisar Tang, Tehsil Nowshera, District Peshawar,

is awarded special certificate of Teaching

ہنگو/ج.ت./سی/وی

ON 1st September, 1973.

Asst. Director Education  
(Extension)  
Eds. Directorate, N.W.F.P.  
Peshawar

PESHAWAR

The 25th December, 1973

Deputy Director Education,  
Extension  
For Director of Education,  
N.W.F.P., Peshawar.

Attested  
by

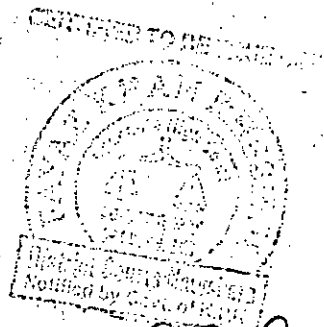


C 6 26-6-76

Service Certificate

Certified that Mr Mashroof Gul F.A.C.T  
has been serving the Edu. Deptt.  
as a Teacher since 7. 11. 1964  
Seventh Nov: N.H. at Sixty Four  
At present he has been posted at  
GPS Charpani as a H/T.  
Date of Issue: 26.6.76

D. Z. Khan  
Mr.



Signature  
D. Z. Khan

Attested  
by

1  
[Vertical text on the left margin, possibly a file number or reference]

D

7

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

1. Name - Mashroof Gul.

2. Race - Afghan.

3. Residence - Village Hisastang P.O. Khis Abad Tehsil Nowshera Distt Peshawar.

4. Father's name and residence - Resham Gul.

5. Date of birth (by Christian era) as nearly as can be ascertained - Fifteenth April one thousand nine hundred and Forty Six (15.4.1946)

6. Exact height by measurement - 5' 5"

7. Personal marks for identification - A boil mark on the left leg.

8. Left hand thumb and finger impression of (non-gazetted) officer

Little Finger.

Ring Finger.

Middle Finger

Fore Finger.

Thumb

9. Signature of Government-servant - Mashroof Gul

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

District Inspector of Schools Peshawar

District Inspector of Schools Peshawar



Attested by

Name of post	Whether substantive and whether permanent or temporary	If officiating - (i) substantive appointment or (ii) whether service counts for pension under Art. 37, C.S. II.	Pay in substantive post	Additional pay for officiating	Other emoluments under the term "pay"	Date of appointment	Signature of Govt. Secy.
H.T. Sps.	Temp.	1/30	Rs. 100/-	Rs. 100/-	69 = 112	11/2	11/2
H.T. Sps. Kudu Kudu	Temp.	1/30	Rs. 100/-	Rs. 100/-	69 = 112	11/2	11/2
A.T. S.L.M.S. Angamudra	Temp.	1/30	Rs. 100/-	Rs. 100/-	69 = 112	11/2	11/2
A.T. S.L.M.S. Angamudra (MSD)	Temp.	1/30	Rs. 100/-	Rs. 100/-	69 = 112	11/2	11/2

65 = 104 21/10/1966  
 66 = 108 19/10/1966  
 69 = 112 11/2/1967  
 69 = 112 11/2/1967

By Rs. 124/2

8

RECEIVED  
 11/2/67

11/2 months  
 7 6/4 months  
 1 1/2 months  
 8 5/6 months  
 23 3/4 months  
 68 10/11 months

E

10

10-7-80

19

7	8	9	10	11	12	13		14	15
						Nature and duration of leave taken	Leave		
							Allocation of periods of leave on average pay up to four months for which leave salary is debitable to another Government		

Services withheld from 1<sup>st</sup> to 22<sup>nd</sup> Jan 79 in the absence of the head of the office.

Mt. S. D. E. O. N. S. R. Sub-Divisional Education Officer (Male) Nowshera

Removal from Service  
 Mr. Mashroof Gul P.T.C. Teacher who was absent from duty w.e.f. 23.8.79 in spite of issuing notice in the press published in the D. S. Mashroof did not resume his duty. The teacher concerned, Mr. Mashroof Gul P.T.C. under A (2) 3 (a) and 4 (a) of N.W.F.P. Govt. servants (Discipline and disciplinary Rules 1973) is hereby removed from service w.e.f. the date of

Appeal of Mashroof Gul his wilful absence Ex. P.T.C. Teacher S.P. Chairman 11.5.4 - 5/Partial Pesh 10.7.1980

Appeal for reinstatement considered by D.E. (S) 02/03 was filed vide his office letter Endlet No 303 dt 6-8-81 & D.E. Postwar Endlet No 12438-39 dt 11/8

Mt. S. D. E. O. N. S. R. Sub-Divisional Education Officer (Male) Nowshera

Mt. S. D. E. O. N. S. R. Nowshera

Attested by

DEO (FD) Pesh.  
Pl. do the needful  
under the procedure.  
sd/- stamped

اسیل بنام وزیر تعلیم صلیب صوم سرحہ

مضمون :- اسیل دوبارہ نوٹری کی بحالی

خدا بے عالی :-

اسیل دریں بارہ کہ میں عدالت لٹا پور میں موضع

صیارنگ کا باشندہ اور سابقہ مدرس ہوں

بندہ نے گونبرائے کھانے موضع  $27 \frac{7}{79}$  سے  $22 \frac{8}{79}$  تک جمعگی کی

بد قسمتی سے بندہ ماہ جولائی 79ء میں کچھ اس قسم کی بیماری ہو گئی کہ  
بالکل پوٹھ و خواص کے جواب دے رہا تھا۔ اور کافی عرصہ بیمار ہو کر زیر علاج

رہا۔ چونکہ بندہ کی جیسے جسمی ختم ہو گئی۔ تو عدالت عدلیہ نے میری نوٹری کی ختم

کر دی۔ کیونکہ میں ڈیڑھ ماہ تک بیمار رہا تھا۔ بعد میں جب نوٹری

بیت صحت یا پائی ہوئی۔ تو میں نے اپنی نوٹری کی بحالی کیلئے اسیل بھیجی کی ہوئی ہے

تین برس تک کچھ عوارض میں رہا۔

لہذا عوارض اسیل ہے۔ کہ میں ایک ایسا بندہ عدالت کا باشندہ

اور بالکل دارم و اور علاج معالجہ پر کافی خرچہ بھی ہو گیا ہے۔

براہ میری بانی کر کے میری نوٹری کی بحالی فرمائیے۔ اور ساتھ

جو بریک آ یا ہوا ہے۔ اسے بھی ملے۔ تنخواہ میری نوٹری سے شامل کیا جائے

میں نوٹری ہوگی۔ فقط دعا ہے

الغرض

مستوفی محل سابقہ ٹیکر حصارنگ تحصیل ٹوٹیرہ

نوٹ :- اسیل عدالت لٹا پور میں مستوفی درجہ کے ہیں

Attest  
by

From: —

SDEO (M) Nowshera,  
Distt Edu. Officer (M)  
Peshawar.

To

No. 7350  
14.5.88subjectService Book for reinstatement

Memo

Reference to your office letter No. 3755,  
F.N. 815, dated 30.4.1988.

It is stated for your kind information that Mr. Mashroof Gul ex-PTC, EPS, Charpani has been relieved from service by the DEO (M) Endust, No. 11504, dt 10.7.80. The said teacher applied for reinstatement which has been rejected by the DEO (M) Peshawar vide office letter No. 625, dt 7.7.81.

The original S/Book is not available in this office.

Copy for information to the

↓ ASDEO (Nizam pur)

sd/

SDEO (M) NSR

14.5.1988

SDEO (M) Pesh

Attest

/

23-5-88

H  
انڈسٹریل ڈسٹرکٹ ایسوسی ایشن آف پاکستان  
پتہ: سٹریٹ ڈیوٹی ایڈمنسٹریشن ڈسٹرکٹ ایسوسی ایشن  
پلاٹ نمبر 40

815/-

93/5787

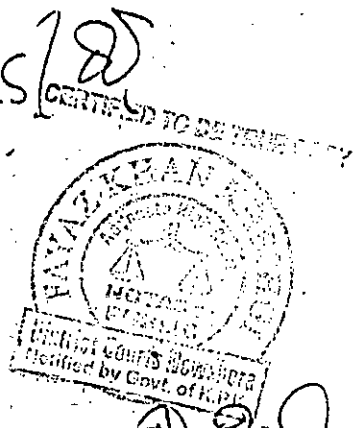
حرفہ

صفحوں - 2 لکھائے

مجموعاً - آج کی چھٹی نمبر 7350 صوف 14.5.88

آج کو سپلائی کی جاتی ہے۔ یہ آج اپنے دفتر میں بھی صوف  
نگل کی سروں تک ٹھہرائے گئے۔ اگر سروں تک نہیں ملتی  
پانچ شدہ ہیں۔ 3 اسٹریٹ ڈیوٹی ایسوسی ایشن کارپوریشن پر  
گئے۔ اس کے علاوہ اندر لکھے گئے ہیں جنہیں کے بعد  
دفتر نم انکمیز میں کامدائی کے لئے اسٹریٹ ڈیوٹی

انڈسٹریل ڈسٹرکٹ ایسوسی ایشن آف پاکستان  
پتہ: سٹریٹ ڈیوٹی ایڈمنسٹریشن ڈسٹرکٹ ایسوسی ایشن  
پلاٹ نمبر 40



Attested  
by

Signature  
07/05/2018

RECEIVED

I

14

26-5-88

2/15

No. / 786/ Dated / 1988.

From:- The Sub Divisional Education Officer, (Male) Nowshera.

To The District Education Officer, (Male) Peshawar.

Sub:- RE-INSTATEMENT

Memo:- Reference your memo; No. 5940 dated 27.5.1988.

Please find herewith the S/Book of Mr. Mushroof Gul S/O Resham Gul Ex-P.T.C. of Govt; Primary School Char Pani duly attested by the undersigned in connection with the Re-Instatement on PTC post as he has been removed from the service due to the long absence from service.

*[Signature]*

Sub Divisional Education Officer, (Male) Nowshera.

Endat; No. *[Handwritten]*

Copy forwarded for information to the:-

- 1- Mr. Mushroof Gul Ex-PTC S/O Resham Gul Village & P/O Hisar Tang (Nizampur) Tehsil Nowshera Distt; Peshawar.

*[Signature]*  
Sub Divisional Education Officer, (Male) Nowshera Distt; Peshawar.

Amir Nawaz.  
0240501988



Hours Post Government

*[Signature]*  
(MASHROOF GUL)  
RESHAM GUL, V/Br. PO  
HISAR TANG, TEHSIL AND  
DISTT. NOWSHERA. NWFP.

DT. /4/1992.

*[Signature]*



J

15

14-3-92

786.

Phone NO: 3094.

DISTRICT EDUCATION OFFICE(MALE)  
PRIMARY NOWSHERA.

NO: \_\_\_\_\_ / F.No: \_\_\_\_\_ / Reinstatement/  
Appointment as PTC/teacher  
District Nowshera.

Dated Nowshera the \_\_\_\_\_ / 1992.

To

The

Mr. Mohammad Zaman Khan  
Sub-Divisional Education Officer(Male)  
Nowshera.

REAPPOINTMENT/APPOINTMENT AS TEACHER.

Subject:-  
REAPPOINTMENT

An appeal lodged by Ex-PTC teacher GPS Charpani  
Circle Nizamgar, Pt. Mashroof Gul S/O Resham Gul received through the  
Honorable Minister for Education and Sports are submitted herewith  
alongwith a photo Stat. copy of the service Book, <sup>P. 19</sup> in which the applicant  
was removed from Govt; service on account of wilful absence from Govt;  
service.

You are therefore requested to please collect all  
necessary relevant documents with the help of <sup>ASAO</sup> concerned and may  
submitted to this office alongwith his service <sup>Book</sup> so that this office may  
be able to proceed further into the matter.

Your personal attention in the matter is requested  
please.

Encl: two.

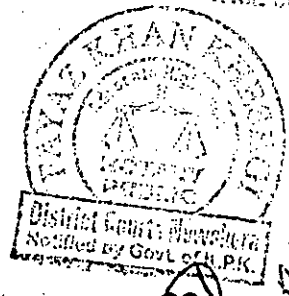
<sup>Scb</sup>  
DISTRICT EDUCATION OFFICER(MALE)  
PRIMARY NOWSHERA.

ADT: NO: 3117 / Dated Nowshera the 14/3 / 1992.

Copy of the above is forwarded to Mr. Mashroof Gul  
Pt. Resham Gul V/Br; P.O. Hisartang Tehsil and District Nowshera with the  
remarks that all the necessary documents pertaining to his Service as  
PTC teacher upto date may please be handed over to the Sub-Divisional  
Education Officer(Male) Nowshera for further necessary action.

*(Signature)*  
DISTRICT EDUCATION OFFICER(MALE)  
PRIMARY NOWSHERA.

CERTIFIED TO BE TRUE COPY



*(Signature)*

02/03/92

*(Signature)*

K

16

21-3-92

NO: /Date: 21/3/1992.

From:- The Sub Divisional Education Officer,  
(Male) Nowshera.

To:- The District Education Officer,  
(Male) Primary Nowshera.

Subject:- REPLACEMENT/REAPPOINTMENT.

Refer to your office letter No. 3443

Dated 21-3-1992.

It is stated for your kind information that the S/Book and other service record in R/O Mashroof Gul S/O Besham Gul ET-PTC is not available in this office although the teacher produced some document for verification. However it is clear from the photo state copy of S/Book P-19 that the teacher concerned was removed from service and his appeal was also filled by the Divisional Director of Education (Schools) Peshawar Division Peshawar. Therefore it is requested that his application may kindly be filed please.

Sub Divisional Education Officer,  
(Male) Nowshera.

Inst. No. 5192 / Copy forwarded to the:-

M. Mashroof Gul ET-PTC P.S Charpani Circle Nizam Pur Nowshera.

*[Handwritten Signature]*

Sub Divisional Education Officer,  
(Male) Nowshera.

21/3/92

RECEIVED



*[Handwritten Signature]*  
22/03/92

*[Handwritten Signature]*

To,

The Minister for Education,  
Government of N.W.F.P. Peshawar.

17

0-4-92

SUBJECT: REINSTATEMENT/APPOINTMENT AS TEACHER.

Respectfully submitted:

The applicant was appointed as teacher in Education Department on 7-II-1964 and rendered his unstigmatised regular services till 20-I-1979 i.e. for almost 15 years. The applicant applied and was granted leave from 21.1.79 to 22.8.79. Meanwhile the applicant was subjected to serious ailment, became insane and remained such for pretty period:

On recovery from such position, the applicant put arrival to the Department; but it disclosed that the applicant had been removed from service. The applicant submitted real facts to the authorities, enclosed Certificates of his illness, the vouchers of his medicines and every proof of the facts, but yet to get good fruits. The applicant submitted applications time and again to the concerned Department but nothing has been heard.

The applicant/petitioner was removed from service while the applicant was seriously ill and due to which could not continue his service.

There is vast exception in services rules that a Government Servant can be granted leave on the lines of Medical ground, and the applicant informed through various applications of the facts to my immediate officer concerned Department with prescription chit.

Keeping in view the above facts and poverty of the applicant, may kindly be reinstated on the line of humanitarian grounds.

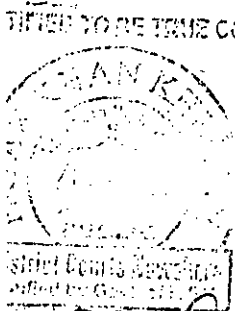
Note:- All necessary documents are attached.

Yours Most Obediently,

Mashroof Gul  
(MASHROOF GUL)  
RESHAM GUL, V/Br. PO  
HISAR TANG, TEHSIL AND  
DISTT. NOWSHERA. NWFP.

DT. \_\_\_/4/1992.

*[Handwritten signature]*



*extension*

*[Large handwritten notes and signatures in the left margin, including 'all app', 'both', and 'Mashroof Gul']*

جدد صحت ڈائریکٹر صحت اعلیٰ ایئر سیکنڈری ایجوکیشن کے پی کے ڈی

درخواست برادیشن پیشہ

صناد عالی - ذیل عرض نمایوں -

۱۔ کہ سائیل FA ٹرن کے بعد مورفہ  $\frac{10}{64}$  26 کو ریگوریشن سے  
بھرتی ہو گیا۔ یہ ریگوریشن سے آ کر س بھی کیا اور نہایت خوش اسلوبی سے  
جان بھی ٹرانسفر اور تعین ہوا احدمات سے انجام دیں۔

۲۔ کہ اس دوران نوبت بیماری لاحق ہوئی۔ بہت صلیح معالجہ کروایا  
سین کوئی افاقہ نہ ہوا۔ سائیل کیل بل فیک کے حوالے ہو کر اجازت سے  
نواز آیا۔

۳۔ کہ بیماری شدید نوعیت اور لمبی تھی لہذا حکم سے سیرم ہو سکا۔ پھر  
سائیل کو موقع  $\frac{8}{79}$  23 کو برطرف کیا۔ صحت پانے کے بعد مسلسل برائے بجائی یہ لڑت  
سال 1979ء،  $\frac{5}{88}$  23،  $\frac{5}{88}$  26، 1989ء، 1990ء،  $\frac{3}{92}$  19،  $\frac{3}{92}$  31، 4/92 اور بعد  
از ان آج تک درخون درخواسٹیں دیں۔ جن پر نوٹر کاروائی کی ہوئی لیکن یہ  
درخواست میں نیا صلہ گواہ کیا کہی درخواست گم ہونے تو کبھی سروس کیل گم ہونے  
بدانہ کیا۔ اور اس کے درمیان کھو گئیں گنا مارے۔

۴۔ کہ ایسا سائیل کی عمر 67 سال ہے۔ زنگ کے افری ایام گزار رہا  
ہے بجائی بر سروس تو درکنار ڈنشن کے حق سے بھی حورم رکھا گیا ہے۔ چکا  
سائیل نرس قانون اولز حورار ہے۔

مبار سے التماس ہے کہ سائیل کو 15/15 کی سروس کی ڈنشن کے  
خواہد سے نواز کر تکریم کا موقع دیں۔ دعا گو رہوں گا۔  
سائیل شرف گل ولاریٹج گل سائن حیدرآباد۔ نظام پور ٹو سیر

پاپی پاپی: E4SE, EDO, ڈیپارٹمنٹ آف فوری کاروائی  
Mashroof equl  
20/10-12

تقریباً  
۲۰

بعد الت جناب سرسٹریٹ ٹریبونل صوبہ سرحد پشاور

منجانب اسلانت

شرف محل بنام محمد نسیم

دعویٰ اسل

### باعث شکریہ اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعید اڈلس خان سرور سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی وکل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور لھنڈا ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست پر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز وار کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے وکل یا تجزیہ کاروائی سے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شاہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم

العبد

العبد

العبد

11  
ارباب نیف اکمال  
ایڈووکیٹ

سعید اللہ خان مرقت  
ایڈووکیٹ

Mashroof sign

No. 961

شرف

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

C.M.A. No. \_\_\_\_\_/2013

In

S.A.No.22/2013

Mushraf Gul.....Vs.....District Education Officer, Nowshera.

APPLICATION FOR REJECTION THE ABOVE TITLED  
SERVICE APPEAL ON LIMITATION.

RESPECTFULLY SHEWETH

1. That the above titled Service Appeal is sub-judice before this Hon'ble Tribunal and is fixed for hearing to-day on 26.9.2013.
2. That the above Service Appeal is badly time barred .
3. That the removal of service order/notification was issued in 1980. The appellant come to this Hon'ble Tribunal after 33 years with unclean hands.

It is, therefore, requested that the above titled service appeal may please be dismissed with costs.

RESPONDENT No 1



DISTRICT EDUCATION OFFICER,  
Nowshera.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

C.M.A. No. \_\_\_\_\_/2013

In

S.A.No.22/2013

Mushraf Gul ..... Vs. .... District Education Officer, Nowshera.

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RESPECTFULLY SHEWETH

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3. That the removal of service order/notification was issued in 1980. The appellant come to this Hon'ble Tribunal after 33 years with unclean hands.

It is, therefore, requested that the above titled service appeal may please be dismissed with costs.

RESPONDENT No 1



DISTRICT EDUCATION OFFICER,  
Nowshera.



**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 22/2013

Mashroof Gul

Versus

E.D.O & others

**REPLY TO THE APPLICATION OF RESPONDENT NO. 1.**

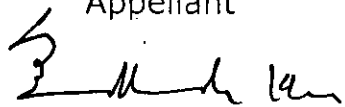
**Respectfully Sheweth;**


1. No comments.
2. The appeal is for the grant of pensionary benefits which is a recurring cause and never gets time barred unless and until the pension is paid to the Civil Servant.
3. Correct to the extent that the appellant was removed but there is no bar in the way of appellant to approach the Hon'ble Tribunal for his legal right of pensionary benefits.

It is, therefore, most humbly requested that the application of respondent No. 1 be dismissed and the appeal may kindly be decided on merit.

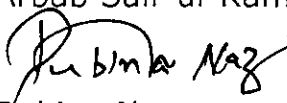
Through

Appellant

  
Saadullah Khan Marwat

  
Arbab Saif-ul-Kamal

&

  
Robina Naz,  
Advocates,

Dated: 13.03.2014

Before The Service Tribunal, K P, Peshawar.

Mashroof Gul

vs

ED-O & others

Shah  
on file  
28/9/14

Application for condonation of delay

Respectfully Sheweth,

- 1- That the above mentioned appeal is pending adjudication before this honourable Court in which today is fixed for proceedings.
- 2- That the appellant was removed from service in the year 1980 but due to illness, the appellant could not pursue his cause well within time, though he was submitting representations time and again but in vein.
- 3- That the matter pertains to pensionary benefits which is a money matter and does not become time bar with the passage of time.
- 4- That it is within the competence of this honourable Tribunal to condon the delay in filing of the appeal.

It is therefore most humbly prayed that on acceptance of this application, the delay in filing of the service appeal may kindly be condoned and the appeal may kindly be decided on merits.

At 23/9/14.

Appellant/Applicant  
Shah  
Saeed Ullah Khan  
Muzamil

Before The Service Tribunal, K P, Peshawar.

Mashroof Gul vs E.D.O & others

Application for Condonation of delay

Respectfully Sheweth,

- 1- That the above mentioned Appeal is pending adjudication before this honourable Court in which today is fixed for Proceedings.
- 2- That the appellant was removed from service in the year 1980 but due to illness, the appellant could not pursue his cause well within time, though he was submitting Representations time and again but in vein.
- 3- That the matter pertains to Pensionary benefits which is a money matter and does not become time bar with the passage of time.
- 4- That it is within the competence of this humble Tribunal to condon the delay in filing of the Appeal.

It is therefore most humbly prayed that on acceptance of this application, the delay in filing of the Service appeal may kindly be condoned and the appeal may kindly be decided on merits.

Dr 23/9/14. Appellant/Applicant  
Mashroof Gul  
Saddul Latif Khan

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Appeal No 22/2013

Mashroof Gul .....Appellant

**VERSUS**

1- District Education Officer & others..... Respondents

Respectively Sheweth

Written reply on behalf of respondents No 1, 2, 3.

Preliminary Objections

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this honorable service tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the instant appeal is badly time barred.
5. That the appellant has concealed material facts from this honorable service tribunal.
6. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.

Factual Objection

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Correct to the extent that the appellant was removed vide order dated 10/7/1980. The remaining para is incorrect. The appellant remained willful absent from duty w.e.f 23/8/1979 inspite of issuing notice in the press published in the daily "Mashriq" but did not resume his duty. The appellant was removed from service under E&D rules 1973 after observing all codal formalities.
7. Incorrect. The representation submitted by the appellant was badly time Barred. Moreover the Minister was not the appellate authority for appeal and the remarks given by the Minister was not regarding his reinstatement.
8. Subject to proof, hence no comments.
9. Incorrect. This office made enough efforts to trace his service book but not found on record.
10. Correct but attested copy of service book was submitted by the appellant not the original one.
11. Pertains to record.
12. Correct.
13. Incorrect. The Minister is not the authority for appeal.
14. Incorrect. After removal from service, the appellant submitted departmental appeal which was filed by the competent authority (Annexure-E of appeal). Moreover repeated representations do not enlarge time, hence the appellant has got no cause of action and his appeal is liable to be dismissed.

Grounds:

- A. Incorrect. The matter is not of the poor and old teacher, but the matter is of the rules and regulations.
- B. Incorrect. The appellant is already removed from service and is not entitled for any benefits.
- C. Incorrect. After removal from service the appellant is not entitled for any benefits.
- D. Incorrect. After removal the appellant is not entitled for pensionary benefits.
- E. Incorrect. As replied above.

It is therefore, requested before your honor that the present appeal is illegal, against facts and without force, may kindly be dismissed with cost.

Respondent No.1&2



District Education Officer (M)  
Nowshera

Respondent No.3



Secretary (E&SE) Department,  
Govt: of KPK.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 214 /ST Dated 25 /1 / 2017


To

The District Education Officer E&SE,  
Government of Khyber Pakhtunkhwa,  
Nowshera.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 24.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.