



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

DISTRICT MANSEHRA

No. 11532

Date 07/12/2023

NOTIFICATION:

1. Whereas the Appellants were Appointed contrary to law and policy in year 1996 then such irregularly appointees were letter on declared illegal and were terminated in year 1997, Later on in year 2012, Govt of Khyber Pakhtun Khawa promulgated Khyber Pakhtun Khawa Sacked Employee (Appointment) Act, 2012
2. Whereas Mr. Kala Khan S/o Arsala PST, Iftikhar Ahmed S/o Ghulam Haider PST, Muhammad Haroon S/o Khalil Ur Rehman PST, Muhammad Ishtiaq S/o Muhammad Maroof PST were Re-appointed as per Sacked Employee Act 2012, in the light of Judgment of Peshawar High Court Bench Abbottabad in writ Petition No.516-A/2013 decided on 24-05-2017, and also filed COC against non-compliance of the judgment ibid, wherein respondent department appointed the Appellants as a PST vide dated 04-12-2017.
3. Whereas the appellants filed Service Appeal No.572/2019 titled as Muhammad Haroon,573/2019 titled as Iftikhar Ahmed,574/2019 titled as Muhammad Ishtiaq ,575/2019 titled as Kala Khan, before the Honourable Service Tribunal Peshawar Regarding the counting of service and back benefits from the date of termination from service i.e 06-03-1996 OR from Promulgation of the Act,2012 with all service Back benefits.
4. Whereas *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 entitles any claim seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.*
5. Whereas the service Appeal was decided on 18-03-2021, the operative part of the Judgment reproduced in Para 7 as "The present appellants have also prayed for all service back benefits with a request for counting of their service for the protected period in the light of judgment of the Apex court which was passed in the case of co-employees, so from the period, it is crystal clear that despite promulgation of an Act in the year 2012, appointment order of the appellants were issued in year 2017 and that too, on the direction of the August High Court. No doubt, similar appeals of the sacked Employee were dismissed regarding the back benefits but the apex Court allowed the co-employees counting of their service for the protected period for Payment of pensionary benefits only, case of the present appellants is at par with those sacked Employees who were granted the benefits by the Apex Court, therefore, these appeals are accepted to the extent that appellants are allowed counting of their service from the date of promulgation of the Khyber Pakhtunkhwa Sacked Employee (Appointment) Act,2012 only for payment of pensionary benefits".
6. Whereas the case sent to Law Department for legal opinion and the case is FIT for filing of CPLA, Wherein respondents filed the case before the August Supreme Court of Pakistan and still pending before the supreme Court of Pakistan.
7. Whereas the appellant filed Execution Petition No.581-A/2023 titled as Kala Khan and 03 others vs Govt of KPK before the Honourable Service Tribunal Peshawar regarding non-implementation of the judgment ibid.
8. Whereas the Competent Authority after having examined the aforementioned case in the light of decision of Honourable Service Tribunal Peshawar Camp Court Abbottabad.
9. Whereas In compliance of the order of Honourable Service Tribunal Camp court Abbottabad Mr. Kala Khan S/o Arsala PST, Iftikhar Ahmed S/o Ghulam Haider PST, Muhammad Haroon S/o Khalil Ur Rehman PST, Muhammad Ishtiaq S/o Muhammad Maroof PST are all allowed for counting of their service from the date of promulgation of the Khyber Pakhtunkhwa Sacked Employee (Appointment) Act,2012 only for Payment of Pensionary Benefits". Provisionally/Conditionally till the final decision of the Apex Court.

Note: Appellants must give an affidavit on stamp paper If any decision passed against the Appellants by the August Supreme Court of Pakistan pensionary benefits must be recover from him through Chalan into Govt Treasury.

-Sd-

**DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA**

Endst No. 11533-36 dated 07/12/2023.

Copy for information to:-

1. The Registrar Honourable Service Tribunal Peshawar implementation of Execution Petition 581/2023 in service Appeal No.572-74/2019 titled as Muhammad Haroon and 03 others Vs Govt of KPK and others.
2. PA to Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. District Account Officer Mansehra.
4. Official Concerned.
5. Office File.

**DY : DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA**