


# FORM OF ORDER SHEET

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

**Appeal No. 265/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13/02/2024	<p>The appeal of Mr. Ashfaq Ahmad resubmitted today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ . Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR.</p>

This is an appeal filed by Mr. Ashfaq Ahmad today on 02.02.2024 against the seniority list dated 31.12.2022 against which he made/preferred departmental appeal/representation on 04.11.2023 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR=890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 276 /ST.

DL 11/2 /2024.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Noman Bukhari Adv.  
High Court Peshawar.

Sr

Respected sir  
Re-submitted

90 days lapse new Appeal  
The  
13-2-2024

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 265 /2024


Syed Wajid Ali Shah

V/S

Education deptt.

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APPELLANT  
Syed Wajid Ali Shah

THROUGH:

  
(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT,

&   
UZMA SYED

ADVOCATE HIGH COURT

(7)

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 265 /2024

Syed Wajid Ali Shah Qari BPS-12,  
GHS Bakhtai, Nowshera.

(APPELLANT)

VERSUS

1. The Director (E&SE) Government of Khyber Pakhtunkhwa,  
Peshawar.
2. The District Education Officer (Male) Nowshera .

(RESPONDENTS)

-----

**APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974, AGAINST THE IMPUGNED SENIORITY LIST STOOD ON 31-12-2022, AND NOT EVEN CIRCULATED. WHEREIN THE NAME OF THE APPELLANT WAS NOT INCLUDED WITHOUT ANY JUSTIFICATION AND NOT TAKING ANY ACTION AGAINST AN APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90-DAYS.**

**PRAYER:**

**THAT ON ACCEPTANCE OF THIS APPEAL IMPUGNED SENIORITY LIST DATED 31.12.2022 MAY PLEASE BE MODIFIED TO THE EXTENT THAT THE APPELLANT MAY BBE INCLUDED IN SENIORITY LIST AT PROPER PLACE AND THE RESPONDENT MAY BE DIRECTED TO REDRAW, RECAST THE SENIORITY, BY INCLUDING THE NAME OF THE APPELLANT AT HIS PROPER PLACE/SERIAL NO.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant is performing his duty as Qari at GHS Bakhtai Nowshera with the entire satisfaction of his senior and not giving any chance of complain to his superior.
2. That the appellant joined Education Department as Chowkidar vide order dated 24-10-2005, who later on was appointed as Qari in the year 2007. It was in 2010, when heavy floods damaged official record of the respondents, hence the respondents were unable to ascertain the genuineness of their own employees and for the purpose, a fact finding inquiry was conducted, as a result of which appointment of the appellant was declared to be appointed fraudulently vide order dated 20-10-2012. Feeling aggrieved, the appellant filed departmental appeal followed by Service Appeal No. 1301/2012, which was decided vide judgment dated 21-10-2013. The appellant was re-instated and de-novo inquiry was ordered. As a result of de-novo proceedings, the appellant was again terminated from service vide order dated 08-07-2014. Feeling aggrieved, the appellant filed Service appeal no 1254/2014 which was accepted vide judgment dated 27/01/2022 and the appellant was re-instated in to service and intervening period treated as leave without pay. Copy of the service book and judgment is attached as Annex-A & B.
3. That the departmental judgment appellant filed. Execution petition in compliance of which the department issued order dated 04-10-2022 whereby the appellant was reinstated in to service from the date of judgment and intervening period treated as leave without pay. Copy of reinstatement order is attached as annexure-C.
4. That the department issued a final seniority list stood on 31-12-2022 of Qari which was circulated wherein the name of the appellant was not included and appellant came to know when issued promotion was raised. Copy of seniority list is attached as Annex D.
5. That the appellant on 04.10.2022 submitted an application/request to the respondent for the inclusion of his name in the final seniority list which was not responded by the respondents. Then the appellant on 06/11/2022 filed departmental appeal for inclusion of name in the

**GROUND:**

- A) That the impugned seniority list stood on 31-12-2022 ,and non inclusion of the name of the appellant in final seniority list are against the law ,material on record norms of the justices , and violation of the seniority list and law .
- B) That according to section 8 of the Civil Servant Act 1973 , that it is legal right of the appellant to have his name included in the seniority list at his proper place .
- C) That the final seniority list stood on 31-12-2022 was not circulated for inviting objections as required under law and it came into knowledge of the appellant at the time of raising issue of promotion, where after, the appellant forthwith appealed against departmentally. Thus non circulation of seniority list is a malicious act on the part of respondents.
- D) That the acts and inaction of the respondents is in total violation of the section 8 of civil servant Act and Rules 17 of APT Rules, 1989 and it was the legal right of appellant to have his name in the seniority list and keeping secret the impugned seniority list is an act which is not sustainable and permissible under the law.
- E) That act of the respondents by not including the name of the appellant in impugned seniority list was for just depriving the appellant from promotion case before the DPC.
- F) That the impugned seniority list is against the norms of service law and principles of natural justice and dictums of the apex courts.
- G) That the impugned seniority list is the worst example of favoritism, nepotism and colorful exercise of powers which is not warranted under law.
- H) That according to Section-8 of the Civil Servant Act 1973and section-17 of APT Rules 1989, it is the legal right of every civil servant to properly placed in seniority list according to his seniority position, but the same benefits was not extended to the appellant which is the violation of law and rules.
- I) That the appellant was not treated according to the law and rules and

**GROUND:**

- A) That the impugned seniority list stood on 31-12-2022 ,and non inclusion of the name of the appellant in final seniority list are against the law ,material on record norms of the justices , and violation of the seniority list and law .
- B) That according to section 8 of the Civil Servant Act 1973 , that it is legal right of the appellant to have his name included in the seniority list at his proper place .
- C) That the final seniority list stood on 31-12-2022 was not circulated for inviting objections as required under law and it came into knowledge of the appellant at the time of raising issue of promotion, where after, the appellant forthwith appealed against departmentally. Thus non circulation of seniority list is a malicious act on the part of respondents.
- D) That the acts and inaction of the respondents is in total violation of the section 8 of civil servant Act and Rules 17 of APT Rules, 1989 and it was the legal right of appellant to have his name in the seniority list and keeping secret the impugned seniority list is an act which is not sustainable and permissible under the law.
- E) That act of the respondents by not including the name of the appellant in impugned seniority list was for just depriving the appellant from promotion case before the DPC.
- F) That the impugned seniority list is against the norms of service law and principles of natural justice and dictums of the apex courts.
- G) That the impugned seniority list is the worst example of favoritism, nepotism and colorful exercise of powers which is not warranted under law.
- H) That according to Section-8 of the Civil Servant Act 1973and section-17 of APT Rules 1989, it is the legal right of every civil servant to properly placed in seniority list according to his seniority position, but the same benefits was not extended to the appellant which is the violation of law and rules.
- I) That the appellant was not treated according to the law and rules and

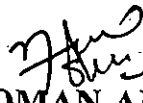
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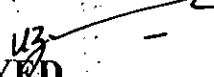
It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

  
Syed Wajid Ali Shah

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

&   
UZAM SYED  
ADVOCATE HIGH COURT



**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. \_\_\_\_\_ /2024

Syed Wajid Ali Shah

V/S

Education deptt.

**CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

  
DEPENDENT


**LIT OF BOOK**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The P.S.T.A CODE
3. Any other case law as per need.

APPELLANT

  
Syed Wajid Ali Shah

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

6

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. \_\_\_\_\_/2024**

Syed Wajid Ali Shah

V/S

Education deptt

**AFFIDAVIT**

I, Syed Wajid Ali Shah, Qari, GHS Bakhtai Nowshera (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**

Syed Wajid Ali shah

Certificate

(7) (A)

Certified that :-

- (1) I have not availed any long term Advances (ie HBAJ cycle etc. during my service
- (2) I have never claimed any long leave.
- (3) I have not been suspended/ Terminated during my service.
- (4) I have not claimed any Pension/ Gratuity previously during my service.
- (5) I have not involved in any Criminal/ Civil Case.
- (6) Sanction for the grant of preparation of duplicate Service Book issued vide order No. MSR. Endst. No 2434-36 dt. 2-9-2010 in this regard S/Book has been distored in flood.

Wajid Ali Shah  
Signature

Attested

(N)

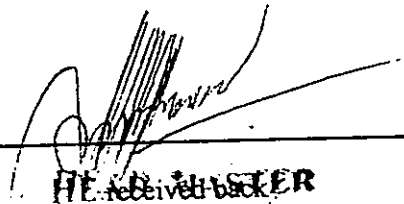
ATTESTED

Distt. Officer (M)  
Elem. Sec. Edu.  
Distt. Officer (M)  
Elem. Sec. Edu.

Heirs,

- 1.
- 2.
- 3.

① Samad of Tajweedul Quran from Darul Uloom  
 Rahmania in the year 2005 dt. 3-7-2005  
 Yous Hussain Dist: Swabi, K.P.K. Pakistan  
 under Ragmushada No. 85. (R.No)



Verification Roll No.

dated

H.E. received back  
 G.S. Bakhtai  
 Dist: Nowshera

Left Thumb Impression

① Passed Shahadat Alif Ba Al Quran Kareem  
 from Wafaqul-Madaris Multan (Pakistan)

Qualification in 2007 obtained	Date	Qualification	Date
Result Declared	20-8-2007	1. Mar 19 80/100	

English

First Arts

~~B.O. (H) (E&SE)  
 Nowshera~~

Pushto

B.L. or B.A

Urdu

Pledership examination

Plan-drawing

Training School Final examination

Finger Print

Other qualifications

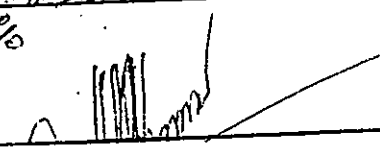
① Passed HSEC Autumn 2011 from AFOO Islamabad District  
 Roll No. 308003760 Marks obtained 58% R.D. on 10-08-2012

② Passed B.A Examination Autumn 2015 from AFOO Islamabad District  
 Roll No. AY491810 Marks obtained 62%

③ Passed M.A Autumn 2018 from AFOO Islamabad District  
 Roll No. BA532533 Marks obtained 61%

Reserve Duties

ATTESTED



Name: WAJID ALI SHAH

Race: Afghan

Residence: Vill, Kurri P.O Taru<sup>#</sup> Jabba  
Tehsil & Dist<sup>n</sup>, Nowshera.



Father's name and residence: MUBARAK SHAH (AS...)



Date of birth by Christian era as nearly as can be ascertained: 10-03-1987 (Tenth March N.H Eighty Seven)


Exact height by measurement: 5'6"

Personal marks for identification: NPL

Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: 



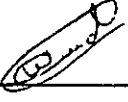

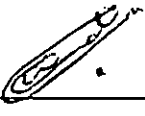
Signature and designation of the Head of the office, or other Attesting Officer. **ATTESTED**  
  
DDO (M)  
PSE NSR

Name of Post	Whether substantive or officiating and whether permanent or temporary.	(a) Whether substantive appointment or (b) Whether service counts for pension under Art. 37 C.S.R.	Pay	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
Chaukedar H/S Pir Sabbag			Rs. 3500/2 PM (Fixed)			01/11/2005	
do			Rs. 4000/2 PM (Fixed)			01/11/2006	
do			Rs. 4000/2 PM (Fixed)			01/12/06	
			BPS-07 (Rs. 2940-160-7740)				
Qari post 7MS KUVVI			Rs. 2940/2 PM ✓			01/09/2007	
do			Rs. 2940/2 PM			01/12/07	
do			BPS-12 (Rs. 3630-260-1430) Revised entry in BPS-12				
			Pay on 1-9-2007 in B-12 Rs. 3630/PM				
			DO (M) (ERSE) D. Newshera				
			Scale Revised				
do			B-12 (4355-310-13655)				
do			Rs. 4355/2			1/2008	

ATTESTED

Name and Designation of head of the office or other attesting officer at attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or cessure, or reward or praise of the Government. Servant	
				Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government			
					Period			Government to Which debtible
DDO (M) (E&SE) Nowshera	31/10/06	pay revised	[Signature]	Appointed as Chakraborty (Fixed) 3500/- pm. wide EDO (SEL) Edu, NSR Endn. No. 8733-37 / Appn. class IV dt. 24-10-2005		[Signature]		
DDO (M) (E&SE) Nowshera	30/11/06	A/om not allowed	[Signature]			[Signature]		
DDO (M) (E&SE) Nowshera	31/8/2007	Appointed to Qari part.	[Signature]			[Signature]		
DDO (M) (E&SE) Nowshera	30/11/2007	A/om not allowed	[Signature]			[Signature]	Service Verified w/ef 01-11-2005 to 31-8-2007 From the appearance Roll of other record of this Office	
DDO (M) (E&SE) Nowshera						[Signature]		
	30/6/2008	Pay Revised	[Signature]			[Signature]	Appointed against Qari part BPS-07 (S-2940-160-7740) at GMS Kurvi wide EDO (SEL) Edu, Nowshera Endn. 9432-40 dt. 31-8-2007	
						[Signature]		
	30/11/2008	A/om	[Signature]			[Signature]		
			[Signature]			[Signature]	Service Verified w/ef 1-9-2007 from the appearance Roll	

(9)

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
Dant (B-17) KURVI			Rs. 4975/- PM			12/2009	
Dant							
MS Anukal			Rs. 4975/- PM			12/2010	
Dant							
MS Pahani Kurvi Khel.			Rs. 4975/- PM			01/9/2010	
<del>2800</del> 555/-							
che			Rs. 5285/- PM			01/12/2010	
Revised (Rs. 7000-500-29000)						B-12 of 17/2011	
8500/2011			Rs. 8500/- PM			1/7/2011	

ATTESTED

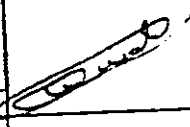
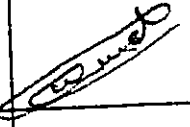
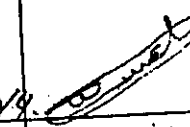
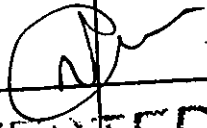


(10)

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure or reward or praise of the Government Servant
				Nature and duration of leave taken	Government to Which debitable		
<del>DO (M) (E&amp;SE) Nowshera</del>	30/11/2009	A/gmt	<del>DO (M) (E&amp;SE) Nowshera</del>				Service verified from the acquaintance Roll and other record of this office w.e.f. 1-12-2008 To 30-11-2009
<del>DO (M) (E&amp;SE) Nowshera</del>	30/6/2010	Transfer to GHS Amm Kat	<del>DO (M) (E&amp;SE) Nowshera</del>			<del>DO (M) (E&amp;SE) Nowshera</del>	Service verified w.e.f. 1-12-2009 to 31-3-2010
<del>DO (M) (E&amp;SE) Nowshera</del>	31/8/2010	Transferred to GHS Jhelum	<del>DO (M) (E&amp;SE) Nowshera</del>			<del>DO (M) (E&amp;SE) Nowshera</del>	Service verified from the acquaintance roll & other record of this office
<del>DO (M) (E&amp;SE) Nowshera</del>	30/11/2010	A/gmt	<del>DO (M) (E&amp;SE) Nowshera</del>			<del>DO (M) (E&amp;SE) Nowshera</del>	Service verified w.e.f. 01-09-2010 to 30-11-2010 from the acquaintance roll & other record of this office.
HEAD MASTER S. Pahari Katti Khel Nowshera.	30/6/11		HEAD MASTER G.H.S. Pahari Katti Khel Nowshera.			HEAD MASTER S. Pahari Katti Khel Nowshera.	
HEAD MASTER G.H.S. Pahari Katti Khel Nowshera.	30/11/2011		HEAD MASTER G.H.S. Pahari Katti Khel Nowshera.			HEAD MASTER S. Pahari Katti Khel Nowshera.	

Office of the Accountant General  
 Pay Scales  
 Pay Fixed @ 31-12-2007  
 Pay Fixed @ 31-12-2008  
 Pay Fixed @ 31-12-2009  
 Pay Fixed @ 31-12-2010  
 Pay Fixed @ 31-12-2011

**ATTESTED**

1	2	3	4	5	6	7	8
Name of Post	Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post.	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
Daxi GHS Paharic beati & khat			Rs 9500/- p.m			1/12/12	
p			Rs 10000/- p.m			1/12/13	
Daxi GHS Paharic			Rs 10000/- p.m			01/02/2014	
 <b>ATTESTED</b>							

Name and Designation of the head of the office or other attesting officer	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to Which debitable		
<del>HEAD MASTER G.H.S. Marooba Nsr</del>	<del>30/11/13</del>	<del>A/c mtr</del>	<del>HEAD MASTER G.H.S. Marooba Nsr</del>	<del></del>			(11) Service Verified w.e.f. 01/12/10 to 30/11/2011 from the roll and other records of this office	
<del>HEAD MASTER G.H.S. Marooba Nsr</del>	<del>30/11/14</del>	<del>Accorded against G.H.S. Marooba Nsr</del>	<del>HEAD MASTER G.H.S. Marooba Nsr</del>	<del></del>			Service Verified w.e.f. 01/12/11 to 28/10/12 from the roll and other record of this office	
Head Master G.H.S. Marooba Nsr							HEAD MASTER G.H.S. Marooba Nsr	
				The official concerned has been terminated from service order issued with notification No. 13845-Si dated 20/10/2012.				
				S. M. R. M. M. M. M. Head Master G.H.S. Marooba Nsr				
Adjustment order				Re-Instatement				
The official concerned adjusted in G.H.S. Marooba order issued with DEO (M) Nowshera no. 8300-02 dated 25/01/2014 against Ho Conf Post.				In compliance with order of The Honourable Service Tribunal KPK. Defendant appeared on 21/10/2013 he was held from service and 20/10/2012 and notification code DEO (M) Nowshera no. 7473-78 dated 20/10/2013.				
S. M. R. M. M. M. M. Head Master				ATTESTED S. M. R. M. M. M. M. Head Master				



Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
<i>Entry in the light of Re Instatement order</i>							
<i>Leave without pay w.e.f 08/07/2014 to 26-01-22</i>							
					10000/-	08/07/14	
					10500/-	01/12/14	
	<i>P/Revised</i>				13605/-	01/07/15	
	<i>(9700-715-31150)</i>				13605/-	01/12/15	
	<i>B/S (13)</i>				13990/-	01/07/2015	
	<i>one step</i>	<i>one pro-nature ad.</i>			14705/-		
	<i>Promotion</i>				14705/-	01/12/15	
	<i>not</i>				18090/-	11/7/16	
	<i>P/Revised</i>				18090/-	1/12/16	
	<i>P/Revised</i>				21610/-	1/7/17	
					21610/-	1/17/17	
					21610/-	1/17/18	
					21610/-	1/17/19	
					21610/-	1/12/20	
					21610/-	1/12/21	
					21610/-	27/01/22	
	<i>P/Revised</i>				32080/-	01/07/22	

**ATTESTED**

Signature and Designation of the head of the office or other attesting officer to whom to be sent to 8	Date of termination or appointment	Termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	leave of average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer.	Recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitable		
	Service verified we. from 25-1-2014 To 9-7-2014 from the record of School.		H/M GHS Marooba	The teacher concerned Mr. Waqid Ali Shah Bari terminated from service order issued DEO (M) Nowshera No. 1223029 Dated 08/07/2014.			H/M GHS Marooba	
			<b>HEAD MASTER</b> Govt. High School Marooba Nowshera				<b>HEAD MASTER</b> Govt. High School Marooba Nowshera	
			<u>Undertaking</u>				<u>Re-Instatement Order:-</u>	
			Mr. Waqid Ali Shah Bari is hereby given an undertaking to the effect that if any employment is made to me in the light of this award, period will be recovered if fixed the fixation party etc.				Mr. Waqid Ali Shah Bari re-instated in service in the light of judgement of The Higher Administrative Service Tribunal, Peshawar passed in Service Appeal No. 1254/2014 dated 27-07-2014 as Bari post with effect from the date of judgement and adjusted at GHS Bakhtai order issued DEO (M) Nowshera No. 6344-50/ DEO (M) NSR/E-SA/Ed/65/16-Instatement/Bari/Dated 04/10/2014. The interring period will be treated as treated leave without pay. i.e. 08/07/2014 to 26-1-22	
			Attested Signature					
			H/M <b>HEAD MASTER</b> GHS Bakhtai Nowshera				H/M	

13 B

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1254/2014

Date of Institution ... 10.10.2014

Date of Decision ... 27.01.2022



Majid Ali Shah Ex-Qari GHS Maroba, Nowshera.

(Appellant)

VERSUS

Secretary Education (E&SE), Peshawar and others.

(Respondents)

Syed Amir Ali Bukhan,

For Appellant

Noor Danish Khattak,

Attorney

For respondents

AHMAD SULTAN TAREEN ...

ATIQU-UR-REHMAN WAZIR ...

CHAIRMAN

MEMBER (EXECUTIVE)

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the

case are that the appellant joined Education Department as Chowkidar vide order dated 24-10-2005, who later on was appointed as Qari in the year 2007. It was in 2013 when heavy floods damaged official record of the respondents, hence the respondents were unable to ascertain the genuineness of their own employees and for the purpose, a fact finding inquiry was conducted, as a result of which appointment of the appellant was declared to be appointed fraudulently vide order dated 20-10-2012. Feeling aggrieved, the appellant filed departmental appeal followed by Service Appeal No. 1301/2012, which was decided vide judgment dated 21-10-2013. The appellant was re-instated and de-novo inquiry was ordered. As a result of de-novo proceedings, the appellant was

*(Signature)*  
**ATTESTED**

**ATTESTED**  
*(Signature)*

again terminated from service vide order dated 08-07-2014. Feeling aggrieved, the appellant filed departmental appeal dated 18-07-2014, which was not responded hence the instant service appeal with prayers that the impugned order dated 08-07-2014 may be set aside and the appellant may be re-instated in service with all back benefits.

Learned counsel for the appellant has contended that the impugned order is against law, facts and norms of natural justice, therefore, not tenable and liable to be set aside; that the appellant has been condemned unheard and has not been treated in accordance with law; that neither the appellant was associated with proceedings of the inquiry nor statements of the witnesses were recorded in presence of the appellant, thus deprived him of the opportunity to defend his cause; that this Tribunal directed the respondents to conduct regular inquiry in accordance with law by affording appropriate opportunity of defense to the appellant but the respondents did not adhere to the verdict of this Tribunal, hence all such actions are illegal and liable to be set aside; that during the course of inquiry the appellant requested for provision of record, which was not provided to the appellant and which shows malafide on part of the respondents; that the appellant was penalized for no fault of him, as all the record vanished away in March of 2010, but the appellant could not be blamed for non-availability of record; that the appellant has been discriminated, as similarly placed employees, whose record was damaged/missing, have not been removed from service.

Learned District Attorney for the respondents has contended that initially the appellant was appointed as Class-IV/Chowkidar vide order dated 24-10-2005 and performed his duty as Chowkidar in various schools until 31-07-2009, thereafter, he was promoted through a fake order to the post of TT vide order dated 31-07-2009; that the appellant was neither appointed as Qari by the competent authority as per law and rule nor he joined the service as Qari on any way and manner; that during the course of de-novo proceedings, the

appellant was afforded opportunity of defense, but the appellant failed to prove his innocence; that the appellant was terminated from service after observing all the codal formalities.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that this Tribunal in its judgment dated 21-10-2013 in Service Appeal No. 1301/2012 have already accepted stance of the appellant and was re-instated in service, as the appellant had produced evidences that he had actually worked against the post of Qari until 2012 and obtained salary against the post. Moreover, the respondents also admitted that the appellant was on the strength of education department until 2009, as is evident from the modified charge sheet/statement of allegation. The question of damage caused to official record in 2010 floods is vital, as the appellant in the de-novo proceedings has been subjected to prove his appointment as original, whereas the appellant repeatedly requested for provision of his service book and other necessary document from the official record, as such record is supposed to be in the official custody, but the respondents also are unable to produce record to show that his appointment was fake. The assumption that such record is not traceable, hence might be bogus, would not work, rather such doubtful situation goes in favor of the appellant, as the appellant is not responsible for official record, which was completely damaged in 2010 floods, hence employee could not be punished for any act or omission of the department. Reliance is placed on 2004 SCMR 1662 and 2009 SCMR 663. Inquiry report placed on record would suggest that the appellant served as Qari in various schools until 2012 but since his appointment as Qari is fake/not traceable, hence he is liable to be struck down, which however is not a proper way of disposing an issue involving fundamental rights of an individual. It however was the statutory duty of the inquiry officer to dig out the issue and reach to a logical conclusion. The order affecting the rights of a person

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to be made in accordance with the principle of natural justice, order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind an order if the same had taken legal effect and created legal rights in favor of the appellant. Reliance is place on 2017 PLC (CS) 1000. Impugned order dated 08-07-2014 would suggest that the appellant was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, but provide for penalty to the appellant in terms of termination from service, which as rightly argued by the learned counsel for the appellant is not included in the list of penalties provided in the rules applied on the appellant. The order, therefore, having been passed in blatant disregard of law can only be termed as void and on this score alone, the impugned order is liable to be set at naught.

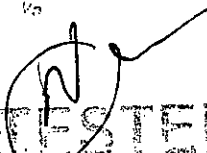
In view of the foregoing discussion, the instant appeal is accepted. The impugned order dated 08-07-2014 is set aside and the appellant is re-instated in service. Intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

**ANNOUNCED**  
27.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Commission  
Peshawar

  
**ARRESTED**



C (15)

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA**

☎ 0923-9020228, ☎ 0923-9220228, ✉ einisnowshehra@yahoo.com

**NOTIFICATION:**

In compliance of the Judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar passed in Service Appeal No. 1254/2014 dated 27-01-2022, the competent authority is pleased to re-instate the appellant Mr. Syed Wajid Ali Shah S/O Syed Mubarak Shah, resident of Village Kurvi Tehsil Pabbi District Nowshera as "Qari" with effect from the date of judgment and adjust him at Government High School Bakhtaj, District Nowshera in BPS-12. However, his intervening period will be treated as leave without pay.

**(SHAH JEHAN)**  
District Education Officer (Male)  
Nowshera

Encl: No. 6344-50/DEO (M) NSR/E-SA/Estab/Re-Instatement Qari/ Dated: 04/10/2022

**Copy of the above is forwarded for information & Necessary action to the:-**

1. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Registrar, KPK Service Tribunal Peshawar in Service Appeal No. 1254/2014 dated 27/01/2022.
3. Senior District Accounts Officer, Nowshera.
4. District Monitoring Officer Nowshera.
5. Principal / Head Master Concerned.
6. Litigation Branch, Local Office.
7. Official Concerned.
8. Master File.

District Education Officer (Male)  
Nowshera

**ATTESTED**

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) NOWSHERA

FINAL SENIORITY LIST QARI TEACHERS IN DISTRICT NOWSHERA AS ON 31-12-2022

① ② ③ ④ 17

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
S.N	Name of School	Teacher Name	Father's Name	Domicile	BPS	Academic Qual.	BA with Distinction	Prof. Qual.	M.A with Subject	Date of Birth	Date of 1st Appnt. in Edu. Deptt.	Date of taking over charge against the present Post	Date of regular Appnt. against the Post	P/N	CNIC	Cell No.	Res.	
1	GHS, Akbar Pura	Abdul Atsbood	Ghulam Said	NSR	12	S S C	---	Qari	NIL	05/04/1967	01/10/1986	01/10/1986	01/10/1986					
2	GHS, Aza Khel Bala	Jameel Hussain	Fazal Muhammad	NSR	12	---	---	Qirat Tajweed	NIL	26/07/1965	26/11/1988	01/12/1988	01/12/1988	134031	17201-2192500-3	3439014576		
3	GHS Ghanib Pura	Shams ur Rahman	Abdul Ahad	NSR	12	FA	---	Tajweed	NIL	11/06/1970	22/11/1990	26/11/1990	26/11/1990	139817	17201-9244066-5	0315-1904998		
4	GSMWHS Pir Piai	Muhammad Anwar ul Haq	Muhammad Mehfooz ul Haq	NSR	12	Middle	---	Shahdatul AlamiaWifaq Madaras	NIL	15/04/1971	25/04/1992	26/04/1992	26/04/1992	139671	17201-5890456-9		NIL	
5	GCMHS Akora Khatak	Noor ul Haq	Sahib Haq	NSR	12	SSC	---	Hafaz ul Qran		10/08/1970	30/05/1992	01/06/1992	01/06/1992	139860	17201-2088048-7	3349226406	NE	
6	GMS Sheikh Ahmad Baba	Mukhtiar Muhammad	Raz Muhammad	NSR	12	SSC	---	Hifz		08/05/1977	31/10/1996	01/11/1996	01/11/1996	138307	17101-0246451-1	0334-9090711	NE	
7	GHS L C Aman Garh	Ayaz Bad Shah	Lal Bad Shah	NSR	12	MA	2nd	B ED	Islamiat	24/02/1983	25/04/2016	06/05/2016	06/05/2016	782472	17201-2259832-7	0312-9685757	147	
8	GMS Malk Aman Koroon	Ibrahim	Shamshad Khan	NSR	12	MA	1st	Hifiz	Islamiat	07.04.1988	25.04.2016	06.05.2016	06.05.2016	785690	17201-4579407-7	0333-8359614	144	
9	GHS DAGI BANDA	Nacem Ullah Jan	Abdul Qayyum	NSR	12	M.A	1st	B.Ed	Islamiat	02/08/1988	07/01/2017	09/01/2017	09/01/2017	830653	17201-9833946-1	0333-2456743	Cou	
10	GHS Hisar Tang	Yousaf Ali	Sher Ali Khan	NSR	12	M.Sc/BSc	1st	Sanad Yafta B.ed (B/C)	Geology	12/05/1991	13/05/2017	13/05/2017	13/05/2017	855421	17201-4543132-1	0316-9391483	129	
11	GMS Aman Garh	Mansoor Ahmad	Abdul Wasi	NSR	12	BS	---	shahadatul Qurq	Phy	10/05/1993	13/05/2017	13/05/2017	13/05/2017	855409	17201-1815736-9	0313-2500600	128	
12	GHS Mali Khel Bala	Abid Ali	Abdul Malik	NSR	12	MA	2nd	shahadatul Qurq	Urdu	13/03/1992	13/05/2017	13/05/2017	13/05/2017	852313	17201-8293298-5	0313-9741117	125	
13	GHS Marhatti Banda	Izaz Ali Shah	Nadar Shah	NSR	12	MSC	1st	B Ed	Math/Phy	01/02/1993	13/05/2017	13/05/2017	13/05/2017	806476	17201-9449488-7	0135-5719437	124	
14	GHS Manki Sharif	Arshad Ali	Rasool Khan	NSR	12	MA	---	Islamiat	Islamiat	17/01/1986	13/05/2017	13/05/2017	17/05/2017	866910	17201-3479965-3	0313-8912751	123	
15	GHS No 1 Nowshera Kalan	Bilal Ahmad	Hafeez Ahmad	NSR	12	ug6	2nd	Hifaz	Islamiat	23/10/1985	13/05/2017	13/05/2017	17/05/2017	860018	17301-5187629-3	0343-9897775	122	
16	GHS Nawar Killi	Muhammad Soliman Shah	Sayed Kamal Shah	NSR	12	M.A	2nd	B.ED.	Ida, Arabic	11/08/1987	13/05/2017	13/05/2017	17/05/2017	851614	17201-7598556-1	0315-1945655	122	
17	GHS Mian Essa	Aonul Mabood	Fazal Mabood	NSR	12	BA	2nd	Shahadullah Alamia		20/06/1990	28/09/2017	04/10/2017	04/10/2017	878954	17201-1521469-7	0336-9020206	NTS	
132.25	GHS Watar	Noor ul Haq	Murshid Khan	NSR	12	MSc	1st	B Ed		15/04/1989	30/01/2019	31/01/2019	31/01/2019	928526	17201-4907279-9	0333-9022521	OK	
125.10	GHS Jallozai	Abul Asla	Shamshad Khan	NSR	12	BS(B/C)	1st	Agriculture	Hons	03/04/1995	31/01/2019	31/01/2019	31/01/2019	912789	17201-4283694-7	0310-9140960	OK	
124.94	GHS Afrido Killi	Shekir Ullah	Wali Muhammad	NSR	12	MC	2nd			08/02/1983	31/01/2019	31/01/2019	31/01/2019	908085	17201-5136187-7	0345-9281448	OK	
120.04	GHS Aza Khel Payan	Adnan Faraz	Muhammad Faraz	NSR	12	BS	---		Mechanical	05/03/1992	31/01/2019	31/01/2019	31/01/2019	910099	17201-3031347-3	0333-6492350	OK	
118.39	GHS Garu	Abdur Rehman	Muran Gul	NSR	12	M.Com	2nd	Hifaz		16/03/1992	31/01/2019	31/01/2019	31/01/2019	915784	17201-8933829-1	306-9578406	OK	
117.99	GHS Spin Kane Khurd	Nazir Ahmad	Qari Abdur Rehman	NSR	12	MA	1st	B Ed	Islamiat	25/03/1987	31/01/2019	31/01/2019	31/01/2019	910095	17201-5682180-5	0321-9306182	OK	
117.35	GHS Palosi Payan	Abdul Qadeer Khan Babar	Abdul Wahid Babar	NSR	12	BS	---	Tajweed	Eco	13/10/1992	31/01/2019	31/01/2019	31/01/2019	910140	17201-5889059-3	0300-5938182	ok	
117.13	GHS Camp Karoon	Muhammad Shoaib	Noor ul Baswar	NSR	12	MSc	1st	B ED		02/01/1992	31/01/2019	31/01/2019	31/01/2019	917229	17201-6301503-1	0342-7011798	OK	
116.83	GHS Kana Khel	Azaz ur Rahman	Habib ul Akbar	NSR	12	MSc	2nd	Bed	Botany	04/03/1994	31/01/2019	31/01/2019	31/01/2019	910103	17201-5014780-5	0345-03	OK	
115.53	GHS Pahari Karti Khel	Ali Hussain	Niaz Muhammad	NSR	12	MA	1st	Hifaz Tajwd	Islamiat	19/10/1992	31/01/2019	31/01/2019	31/01/2019	906666	17201-77860103	0334-9184440	ok	
113.59	GHS Sadiq Abad	Hamid Ameen	Fazli Ameen	NSR	12	MA	---	B Ed	Islamiat	10/04/1985	31/01/2019	31/01/2019	31/01/2019	908604	17201-9475158-1	0311-9192910	OK	
113.51	GHS ASC Colony	Syed Shah Hussain Alam	Syed Shah Rukn Alam	NSR	12	MSc	2nd	M ED	Maths	13/03/1986	31/01/2019	31/01/2019	31/01/2019	910919	17201-9574574-5	0331-7061576	OK	
113.42	GHS Manahi	Nazim Ali Shah	Imam Shah	NSR	12	M Sc MA	2nd	B Ed	(Math) Islamiat	13/12/1991	31/01/2019	31/01/2019	31/01/2019	910094	17201-8850475-9	0343-9420779	ok	

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) NOWSHERA

FINAL SENIORITY LIST QARI TEACHERS IN DISTRICT NOWSHERA AS ON 31-12-2022

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
S.N	Name of School	Teacher Name	Father's Name	Domicile	BPS	Academic Qual:	B.A with Division	Prof. Qual:	M.A with Subject	Date of Birth	Date of 1st Appnt: in Edu: Dept:	Date of taking over charge against the present Post	Date of regular Appnt: against the Post	P/No	CNIC	Cell No.	Ret	
111.77	31	GHS Bakhtai	Qamar Zaman	Muhammad Zaman	NSR	12	MA	2nd	B.ed	Islamiat	20/04/1986	31/01/2019	31/01/2019	31/01/2019	914720	17201-1915106-5	0310-9914533	OK
111.75	32	GHS Khaisari	Hayat Ullah	Said Khan	NSR	12	MA	1st	Bed	Islamiat	10/09/1990	31/01/2019	31/01/2019	31/01/2019	928526	17201-0699205-1	0331-9038394	OK
107.81	33	GHS Saadat Abad	Noor Zaman	Ghani Khan	NSR	12	MA	1st	CT Shahdatul Alima	Islamiat	03/04/1982	31/01/2019	04/02/2019	04/02/2019	905037	17201-9767578-1	0313-3510700	OK
	34	GSSSHSS D I KHEL	Imran Khan	Habib Ur Rahman	NSR	12	MA	2nd	B Ed Hifaz		15/01/1984	31/01/2019	31/01/2019		884839	17201-6274949-3	0317-1927031	NT
	35	GHS Badrashi	Usman Ahmad	Hafeez Ahmad	NSR	12	BS	1st	Hifaz, Tajweed	Civil	20/01/1993	19/05/2020	01/06/2020			17201-3747697-7		
	36	GHS Hamza Rashaka	Muhammad Afaq uz Zaman	Muhammad Jamal	NSR	12	BS (Maths)	2nd	M.ED Hifaz/Tajw		17-01-1997	19/05/2020	19/05/2020	19/05/2020	953726	17201-8777200-1	3488456382	
	37	GHSS Kudi Saleh Khana	Shehzad Ali Shah	Wahid Shah	NSR	12	MA	1st	Hifaz, Tajweed	Arabic	25/02/1997	19/09/2022	19/09/2022	10/12/2022	1041624	17201-3125722-1	0315-9243993	

ATTESTED

گورنمنٹ ہائی اسکول کھنٹی، آصف آباد، ضلع زینیرہ  
پہلے درجہ اندراج سندھ کی لسٹ قاری سندھ

خدا علی ا

گورنمنٹ ہائی اسکول کھنٹی، آصف آباد، ضلع زینیرہ  
پہلے درجہ اندراج سندھ کی لسٹ قاری سندھ  
میں ایک مسئلہ درآگیا ہے۔ اس کے دوبارہ فیڈ بیکز ارسال  
کرائیں۔

۔۔۔ کہ سری تقریباً 2007 کی حکومت نے لٹری کر کے 2012 کو فیڈ کو  
سندھ کی لسٹ قاری سندھ کی لسٹ قاری سندھ کی لسٹ قاری سندھ  
27.0.2023 کو عدالت نے دوبارہ لٹری پر بحال کیا گیا۔

اور تاریخ دوبارہ آجینڈا سے لیکر ایک میں گورنمنٹ ہائی اسکول کھنٹی میں  
غرض منہجی سرانجام کرائیں۔ یہ کہ منہجی سندھ قاری سندھ  
سندھ کی لسٹ میں طبر نام و اندراج میں ہے۔

اس کے ساتھ ساتھ یہاں سے اپیل کرنا ہے کہ منہجی سندھ کی لسٹ قاری سندھ  
میں قریب نام عدالتی احکامات کے تحت 2007 سے شامل کر کے جو میرا حق  
دیا جائے۔ میں ممنون رہتا ہوں۔

Roohul Amin  
11/11/2023  
1879  
08-11-23

Dated. 04-11-2023

Forwarded to DEOS for n/a please -

DEOS  
District Office  
Zainab

F

شاہ طارق ایجوکیشن سوسائٹی کے نام سے۔ نوٹ نمبر ۲۴  
معاون۔ درخواست نمبر اندراج سنیائی لٹریچر سوسائٹی۔ ایل ۲۳

جائزہ

گزارش لکھی کہ میں شاہ طارق ایجوکیشن سوسائٹی کے نام سے فرانس میں کئی سالوں سے کام کر رہا ہوں۔ تھیل / سویٹزرلینڈ میں گذشتہ سالوں سے کام کر رہا ہوں۔ 2012 سے 2013 میں بنیاد پڑائی ہوئی تھی۔ یہ سوسائٹی کراچی، آریوں میں قائم ہے۔ ایل ۲۳  
گورنمنٹ سے رجوع کیا۔ گورنمنٹ عالیہ نے 22-07-2023 کو فیصلہ کیا کہ اس سوسائٹی کی اجازت  
لیٹیٹر ٹاری ایجوکیشن سوسائٹی کے نام سے لکھی گئی ہے۔ لیکر اس کے نام سے لکھی گئی ہے  
شاہ طارق ایجوکیشن سوسائٹی کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے  
میں اس سے پہلے 23-11-2023 کو اور 23-11-2023 کو اس کے نام سے لکھی گئی ہے  
آج اس کا نام ہے۔ اس کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے  
ڈال دیا جائیگا۔

لیکن اس کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے۔  
میرا نام نہیں ہے / اندراج میں لکھا ہے۔

اس کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے۔  
میں شامل کرنا نہ کر سکے۔ اس کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے۔

Dated 19/12/2023

شاہ طارق ایجوکیشن سوسائٹی کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے۔ اس کے نام سے لکھی گئی ہے۔  
D/No 62 dated 19/12/2023 forwarded with the remark: that Majid Ali Sami  
D/No 62 dated 19/12/2023 forwarded with the remark: that Majid Ali Sami  
D/No 62 dated 19/12/2023 forwarded with the remark: that Majid Ali Sami

has been working against Qanun-e-Shariat Bill since 27-07-2022. regularly

Roohul Amin  
for NIA as per  
order of 21/12/2023

HEAD MASTER  
GHS BAHRIA  
Dist: Nowsheer

VAKALAT NAMA

21

NO. \_\_\_\_\_ /2024

IN THE COURT OF KP Service Tribunal, Peshawar

Syed Waqar Ali Shah

Appellant  
Petitioner  
Plaintiff

VERSUS

Education - Deptt

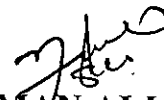
Respondent (s)  
Defendants (s)

I Syed Waqar Ali Shah (Appellant) do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE 1/2 /2024

  
(CLIENT)

ACCEPTED

  
**SYED NOMAN ALI BUKHARI**  
ADVOCATE HIGH COURT  
BC-15-5643