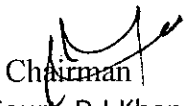


12.03.2018

Counsel for the appellant and AAG alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Arguments of the learned counsel for the appellant heard. The learned AAG requested for adjournment on the ground that their file is incomplete. Adjourned. To come up for arguments tomorrow on 13.03.2018 before the D.B at camp court, D.I.Khan.


Member


Chairman
Camp Court, D.I.Khan

13.03.2018

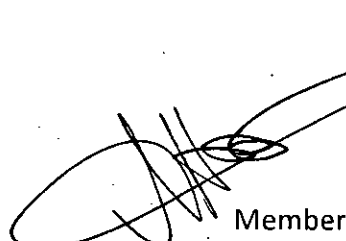
Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Further arguments heard. To come up for order on 14.03.2018 before this D.B at camp court, D.I.Khan.

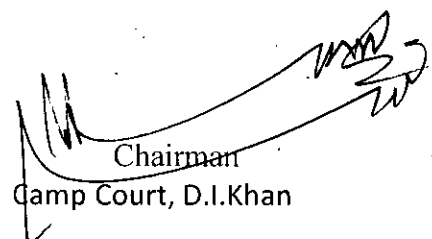

Member


Chairman
Camp Court, D.I.Khan

14.03.2018

Clerk of counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Arguments already heard. Record perused. Vide our detailed judgment of today in service appeal No. 943/2012 entitled "Mst. Mehnaz Begum Vs. The Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar and others" this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp Court, D.I.Khan

ANNOUNCED
14.03.2018

30.11.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (litigation) for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 23.01.2018 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

23.01.2018

Appellant in person and Mr. Farhaj Sikandar, Deputy District Attorney alongwith Mr. Muhammad Kamran, ADO for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 12.03.2018 before D.B at camp court D.I.Khan.



(Ahmad Hassan)
Member (J)




(M. Amin Khan Kundi)
Member (E)
Camp Court D.I. Khan

12.03.2018

Counsel for the appellant and learned AAG alongwith Mr. Attaullah Minakhel, DEO and Mr. Muhammad Kamran, ADO for respondents present. Arguments of learned counsel for the appellant heard. The learned AAG requested for adjournment on the ground that their file is incomplete. Adjourned. To come up for arguments tomorrow on 13.03.2018 before D.B at camp court, D.I.Khan.



Member



Chairman
Camp court, D.I.Khan

Service Appeal No. 1190/2015

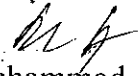
26.04.2016

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.

Reader


23.08.2017

Counsel for the appellant present. Mr. Muhammad Kamran, ADO (litigation) alongwith Mr. Farhaj Sikandar, District Attorney for the respondents also present. Written reply on behalf of respondents not submitted. Representative of respondent-department requested for further time for submission of written reply. Adjourned. To come up for written reply/comments on 26.10.2017 before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

26.10.2017

Counsel for the appellant and Mr. Farkhaj Sikandar, District Attorney alongwith Mr. Kamran, ADO for respondents present. Representative of the respondents seeks time to file written reply. Request accepted. To come up for written reply/comments on 30.11.2017 before S.B at camp court D.I.Khan.


(Muhammad Hamid Mughal)
Member


22.12.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as a Civil Servant in Education Department and after protected litigations including appeal in this Tribunal as well as writ petitions before High Court and it was directed that the appellant be treated in accordance with law and pursuant to the said directives impugned order dated 8.2.2012 terminating the services of the appellant was issued which was communicated to the appellant in writ petition of 14.5.2015 where against departmental appeal was preferred on 8.6.2015 followed by the instant service appeal on 7.10.2015.

Appellant Deposited
Security & Process Fee

That the appointment of appellant was made in the manners prescribed in KPK Civil Servants (APT) Rules, 1989 and, moreover, the inquiry was not conducted in the prescribed manners and findings were based on a fact finding inquiry which is not valid in the eye of law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.2.2016 before S.B.


Chairman

22.02.2016

None present for appellant. M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 26.4.2016 before S.B at Camp Court D.I.Khan as the matter pertains to the territorial limits of D.I.Khan Division.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1199/2015

S.No.	Date of order Proceeding	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.11.2015	<p>The appeal of Mr. Lal Khan resubmitted today by Mr. Muhammad Arif Baloch Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>10-11-15</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3	10.11.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 22.12.2015 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

The appeal of Mr. Lal Khan S/O Fazal Ellahi Khan for the purpose of Service House No. 1571, Street No. 15, Jinnah Road, Airport Society, Rawalpindi, received today i.e. on 08.10.2015 is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

1. Copy of first termination order, Certified copy of judgment of this Tribunal, Order of the Hon'ble High Court and subsequent termination order (complete) may be placed on file.

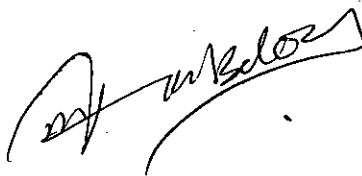
No. 1571 /ST,

Dated 8/10 /2015


REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.

MR. MUHAMMAD ARIF BALOCH ADVOCATE, D.I.KHAN.

First Termination order is not subject matter of dispute and was set aside by this Honorable Tribunal vide judgment dated 27-9-2011. However it shall be provided at the time of argument if seem essential



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1199 /2015

Lal Khan

VERSUS

Ministry of Education ETC

INDEX

S/No.	Description of Documents	Annexes	P/No
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4	Departmental Appeal	B	9
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6	Appointment order Credentials	D	11-18
7	Joining Report - Appointment order.	E-F	19-20
8	Power of Attorney	F	21

Lal Khan

Appellant

Through

Muhammad Arif Baloch

Muhammad Arif Baloch

Advocate High Court

G.W.F. Provincial
Service Tribunal
Diary No. 1181
Dated 7-10-15

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1199 /2015

Lal Khan Son of Fazal Illahi Khan, Address for the purpose of Service House No.1571, Street No. 15, Jinnah Road Airport Society, Rawalpindi. _____ **Appellant**

VERSUS

1. Ministry of Education Block-A, Civil Secretariat KPK, through Secretary Elementary and secondary Education, Peshawar
2. Director of Education (E&SE) Khyber Pakhtunkhawa Peshawar.
3. Executive District officer (E&SE) Dera Ismail Khan. _____ **Respondents**

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER DATED 8-2-2012 (ANNEX-A) WHICH HAS BEEN SUBMITTED BY THE RESPONDENTS DURING PROCEEDINGS ON 14-5-2015 BEFORE HONORABLE HIGH COURT PESHAWAR, D.I KHAN BENCH IN WRIT PETITION NO.630-D/2014, WHEREBY SERVICES OF THE APPELLANT HAS BEEN TERMINATED IN UTTER DISREGARD AND WITHOUT OBSERVING LEGAL REQUIREMENTS. THE APPELLANT FILED DEPARTMENTAL APPEAL ON 8-6-2015 (Annex-B) BUT NO RESPONSE HAS BEEN GIVEN WITHIN STATUTORY PERIOD.

Respectfully Sheweth:

That before proceeding to facts and grounds of instant appeal it is essential to give brief history of the case. The respondents advertised the posts of CT, DM, PET, PST, TT etc in daily "Mashriq" in 7th April, 2007. The appellant and others qualified candidates applied in response to above said advertisement. Resultantly about more than 1600 candidates were selected by the respondents against respective posts in early 2007. (Annex-C Advertisement)

In year 2008, a local Member of the Provincial Assembly raised question regarding appointments/recruitments made in year 2007 which was referred to Standing Committee for Elementary and Secondary Education by the Provincial Assembly. Ultimately, the Standing Committee recommended that within one month the department should cancel appointment orders of those persons who were illegally appointed during the period 1-12007 to June 2008.

Filed to-
Registrar
2/10/15

Re-submitted to-
and filed;
Registrar
20/10/15

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Resultantly, respondents terminated the services of more than 1600 teachers by single order dated 4-9-2009 without authority and adopting legal procedure. After approaching different legal forums, the said order was challenged before this honorable Tribunal. This Honorable Tribunal pleased to set aside termination order dated 4-9-2009 in term of relief granted in Para 9 (iii) of judgment dated 27-9-2011. Afterward no response of any sought has been given to the appellant therefore, he filed a writ petition No. 630-D/2015 in Peshawar High Court, D.I. Khan Bench. In the result of said writ petition the impugned order dated 8-2-2012 has been submitted in the High Court on 14-5-2015. Hence this instant appeal on following facts and grounds:

1. That in daily "Mashriq" Peshawar dated 7th April 2007 advertisement appeared from the respondent No.3 (Executive District Officer Elementary and Secondary Education Dera Ismail Khan), wherein he invited application for unspecified posts both male and female of CT, DM, PET, AT, TT, Qari and PST. Alongwith other conditions for selection of the candidates, the minimum qualification for the post, date of test and interview as well as venues were also mentioned.
2. That appellant is MA in Islamiyat and possessing the certificate of Teaching (CT) Course issued by Directorate of Curriculum and Teachers Education Khyber Pakhtunkhawa Peshawar. The appellant possess prerequisite qualification for the post of CT. **(Annex-D, Credentials)**
3. That consequent upon the approval of Selection Committee, the respondents appointed the appellant against vacant post of CT (Male) (Government Middle School Rang Pur) in BPS-9 vide order dated 1-10-2007. **(Annex-E&F, appointment & joining report)**
4. That appellant resumed his duty on 2-10-2007. The appellant was serving with devotion and sincerity but without Show Cause Notice, association in any inquiry, charge sheet and statement of allegation terminated the service of the appellant vide order dated 4-9-2009 against which appeal was preferred before this Honorable Tribunal. The Honorable Tribunal pleased to set aside termination order dated 4-9-2009 vide judgment dated 27-10-2011 and remanded the case to respondent No.1 for reconsideration.
5. That in post remand proceedings only record (credentials) of the appellant was collected but afterward no response has been given about the result of reconsideration. Therefore, he approached before Honorable Peshawar High Court, D.I.Khan Bench. During the proceeding on 14-5-2015 before Honorable Peshawar High Court, D.I. Khan Bench, the respondents submitted the impugned termination order dated 8-2-2012. Hence this instant appeal on following grounds:
 - A. That reason for termination shows that appointments of CT (Male) were illegal, irregular and void ab-initio in term of rule 10(2) of Khyber Pakhtunkhawa Civil Servant (Appointment, Promotion and Transfer) Rules 1989 and prescribe method of recruitment. The Said ground/reason is not attracted in the appellant's case because the post has not been in the preview of commission hence it was

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made on the recommendation of Selection Committee and post was duly advertised. The appellant has possessed prerequisite qualification for the post as per rule 10(3) of Khyber Pakhtunkhawa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

B. That without prejudice to the above and in addition thereto that appellant should not be made to suffer for such lapses on the part of appointing authority. Reliance is placed on (1996 SCMR 411, 2004 SCMR 303, 2006 SCMR 676, PLJ 2006 SC 81 PLJ 2011 Lahore 736 (Multan Bench Multan) and 2011 SCMR 1581

C. That appellant had been appointed on regular basis and completed his probationary period successfully hence, appellant could not deal beyond the provisions of the Khyber Pakhtunkhawa Civil Servant Act and rules framed there under. There is no charge sheet, statement of allegation and show cause notice stand against appellant therefore, termination from service without charge sheet, statement of allegation and show cause notice has no value in eyes of law impugned order is liable to set aside.

D. That, although the Provincial Assembly, had directed termination of only unlawful appointment, yet for malafide reason the respondents abdicated his authority in favor of the dictate of the Provincial Assembly by wrongly assuming it to be a direction for termination of the service of the appellant.

In view of the above submissions, it is most respectfully prayed that this Honorable Tribunal may kindly be pleased to accept instant appeal and set aside the impugned order of termination dated 8-2-2012 and respondents may kindly be directed to reinstate the appellant into service with back benefits.



Appellant

Through



Muhammad Arif Baloch
Advocate High Court
House No.1571, Jinnah Street, Sector-4,
Airport Society Rawalpindi
Cell No.0300-5082482

Certificate:

It is certified as per instruction received from the appellant that it is first appeal against impugned order before Tribunal. It is further certified that this appeal has been arisen from violation of non fulfillment of mandatory obligation under the law and no appeal, revision; review and writ petition is pending before any court of law.


Counsel

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2015

LAL KHAN

VERSUS

MINISTRY OF EDUCATION ETC

AFFIDAVIT IN APPEAL

I, Lal Khan S/o Fazal Illahi village & Post office Rang Pur Tehsil Paharpur District Dera Ismail Khan, do hereby solemnly affirm and declare that content of accompanied appeal are correct and true to the best of my knowledge and belief, nothing has been concealed intentionally and willfully.

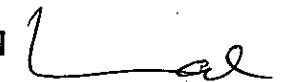


Deponent

Verification:

It is verified on oath at Rawalpindi this day 29th September, 2015 that contents of above mentioned affidavit are correct and true.


ATTESTED
MUJEEB-UR-REHMAN
Oath Commissioner
Advocate High Court



Deponent

8

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2015

LAL KHAN VERSUS MINISTRY OF EDUCATION ETC



**APPLICATION FOR EXEMPTION OF FILING CERTIFIED COPIES READ
WITH INHERENT POWER OF THIS HONORABLE TRIBUNAL**

Respectfully submits:

1. That the contents of the accompanying Appeal may kindly be read as part of the present application as the same are not being repeated herein for the sake of brevity and to avoid prolixity.
2. It is submitted that the Appeal is being filed in urgency and due to paucity of time; the Appellant could not get the certified copies of all annexure attached with the Appeal.
3. it is, therefore, prayed the Appellant may be permitted to file the uncertified copies of annexure.
4. The Appellant undertakes to file the certified copies/typed copies, if this Hon'ble Court so directs.
5. That the present application is being filed bonafide and in the interest of justice.

In view of above submissions it is therefore, prayed that instant application for exemption may graciously be accepted in the interest of justice.

Through


Applicant

Muhammad Arif Baloch
Advocate High Court

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2015

LAL KHAN

VERSUS

MINISTRY OF EDUCATION ETC

AFFIDAVIT IN EXEMPTION APPLICATION

I, Lal Khan S/o Fazal Illahi village & Post office Rang Pur Tehsil Paharpur District Dera Ismail Khan, do hereby solemnly affirm and declare that content of accompanied application are correct and true to the best of my knowledge and belief, nothing has been concealed intentionally and willfully.



Deponent

Verification:

It is verified on oath at Rawalpindi this day 29th September, 2015 that contents of above mentioned affidavit are correct and true.



ATTESTED
MUJEEB-UR-REHMAN
Oath Commissioner
Advocate High Court



Deponent

7

OFFICE THE EXECUTIVE DISTRICT OFFICER (E&SE) D.I.Khan

ORDER:

In pursuance of order dated 27-10-2011 of the KPK Service Tribunal in service appeal No. 1407/2010 and other connected appeals, committee headed by the Secretary to Govt. of Khyber Pakhtunkhwa (E&SE) Department considered the cases of the appellants and similar placed persons and came to the conclusion that the appointment of the following CTs (Male) was illegal, irregular and void ab-initio in terms of rule 10(2) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and prescribed method of recruitment. On the recommendation of the committee contained at page 103-104 of the enquiry report, their so called services are hereby terminated.

S. No	Appeal No/Year	Name of appellant	Father's Name	School
1	2496/10	Muhammad Ashraf	Hussain Bax	GMS Budh
2	2474/10	Muhammad Raees Azam	Muhammad Ishaq	GHS Diyal
3	2310/10	Muhammad Saleem	Allah Ditta	GMS Draban Kalan
4	1744/10	Muhammad Nawaz Khan	Shahbaz Khan	GMS Wanda Shero /GHS Wanda
5	1739/10	Abdul Majid	Mohibullah	GMS Wanda Mer-Dil
6	2500/10	Munir Ahmed	Muhammad Ismail	GMS Gara Rashid/Sagu Shumali/Sardaray Wala/Darabri
7	2553/10	Saiful Moanam	Saifullah Khan	GHSS Ramak
8	2166/10	Mushtaq Ahmed	Juma Khan	GHS Babbar Kacha/Jatta
9	1844/10	Muhammad Shakeel	Muhammad Nawaz	GMS Mir Bazi/No.2 Parou/GHS Dhalla
10	1973/10	Muhammad Qaisar Iqbal	Muhammad Iqbal Khan	GMS Jhoke Darabri/Sadialain
11	2482/10	Muhammad Amjed	Abdul Wahab	GMS Awan/Jhoke Dahari
12	1771/10	Aziz ur Rehman	Muhammad Nawaz	GMS Toba/Wanda Gandhair/ Wanda Karim/GHS Paniala
13	2493/10	Javed Iqbal	Qaiser Parveez Khan	GHS Mandhran Kalan
14	2509/10	Muhammad Tariq	Haji Ahmad Din	GMS Gara Rashid
15	35/11	Muhammad Hanif	Karim Bakhsh	GMS Chah Roshan
16	2488/10	Ajab Khan	Haji Tila Khan	GMS Sheikh Yousaf
17	2502/10	Muzhar Abass	Ghulam Shahir	GHSS Muryali/GHS Babar Kacha
18	2164/10	Samiullah Khan	Gul Hassan Khan	GHSS Ramak/GHSS Parou
19	1811/10	Syed Shamsul Arif	Syed Arif Shah	GMS Wanda Karim/GHS Kachi Paind Khan/GMS

cre
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				DeraTown
20	1705/10	Shakeel Ahmed	Malik Illahi Bakhsh	GMS Ghulamay Wala
21	1729/10	Aqal Khan	Adam Zai	GMS Wanda Feroz
22	2720/10	Khafiz Ullah	Naimat Ullah	GMS Jhoke Rind
23	2478/10	Gulsher	Malik Sona Khan	GHSS Muryali
24	1426/10	Muhammad Bakhsh	Bashir Hussain Shah	GMS Hafiz Abad ✓
25		Saeed ur Rahman	Gul Dad	GMS No. 1 DIKhan
26	1733/10	Muhammad Iqbal	Muhammad Shah	GMS Wanda Mehar Dil
27	1805/10	Muhammad Ramzan	Ghulam Sarwar	GMS Chah Roshan Shah
28	1807/10	Muhammad Farooq	Ghulam Rasool	GMS Mandhran Saidan
29	1736/10	Ifikhar Ahmad	Ihsanullah	GMS Jhoke Dabari
30	1305/10	Syed Tajmal Hussain Shah	Syed Bashir Hussain Shah	GHS Band kuri ✓
31	1770/10	Atiq ur Rehman	Abdullah Khan	GMS Wanda Feroz
32	1871/10	Alan Sher	Gul Sher	GMS Jhoke Gumla/GHS Kurai
33	31/5/11	Ghulam Hussain Shah	Syed Ali Shah	GMS Chah Malwana
34		Ghulam Rasool	Muhammad Ramzan	GHS Kotla Saidan
35	- 105	Zafar Hussain	Allah Bakhsh	GMS Hafiz Abad
36	2308/10	Atullah	Inayatullah	GHS No. 1 Paharpur ✓
37	1704/10	Muhammad Shahid Nadeem	Muhammad Ramzan	GMS Jhoke Gumla/Wanda Hisam
38	1806/10	Tahir Abdullah	Hidayatullah	GMS Jhoke Mozam
39	1964/10	Muhammad Hassain	Khadim Hussain	GMS No. 2 Paharpur/Kot Jal
40	196 9/10	Abdul Rauf	Muhammad Amir	GMS Rajan Pur
41	1959/10	Muhammad Rustam	Muhammad Ramzan	GMS No. 2 Paharpur DIKhan/GHS Kot Jal
42	1937/10	Abdul Aziz	Ghulam Murtaza	GMS Dost Ali
43	1535/10	Lal Khan	Fazal Illahi	GMS Rang Pur ✓
44	1971/10	Munir Ahmad	Malak Hakim	GHSS Dhakki
45	1731	Ali Raza	Abdul Kari	GHS Rehmani Khel
46	21/95/10	Muhammad Nadeem	Ahmad Nawaz	GMS Shah Due/Shore Kot
47	1738/10	Sami Ullah	Abdul Haleem	GMS Wanda Kali
48	1730/10	Abdul Jalil	Noor Muhammad	GHS Katta Khal
49		Inayat Ullah	Fateh Sher	GMS Kala Gurh
50		Zafar Iqbal	Allah Bakhsh	GMS Mir Alami
51	122/11	Nigah Hussain	Riaz Hussain	GMS Wanda Nadar Shah

etc
A

بخدمت جناب سیکرٹری ایگزیکیوٹو اینڈ سیکنڈری ایجوکیشن صوبہ KPK پشاور

عنوان: اپیل

جناب عالی!

مودبانہ التماس ہے کہ سائل محکمہ ایجوکیشن میں ... آئی کی پوسٹ پر ملازم تھا۔ اور سائل ہر لحاظ سے اس

پہلے پتہ پر رہتا تھا۔ لیکن قریباً دو سال پہلے سے وہ سائل نے ایجوکیشن ڈیپارٹمنٹ میں تقریباً دو سال تک ملازمت کی اور محکمہ سے تمام

P-630
CM 175

کو محکمہ آرڈر پر

14/5/15

سائل کو دوری سائل کو دوری

سائل نے یہ نوٹیشن کے بلاوجہ ملازمت سے صرف کیا گیا ہے۔ جو کہ سائل کے ساتھ سراسر زیادتی اور خلاف

قانون ہے

لہذا آپ سے استدعا کی جاتی ہے کہ سائل کو تمام مراعات کے ساتھ اپنی ملازمت پر بحال کیا جاوے۔ بصورت دیگر سائل اپنا حق محفوظ رکھتا ہے۔

آپ کی عین نوازش ہوگی

فقط۔ سوری

8/5/15

الستار احمد

سرخان 5/5/15 فصل الہی

سرخان لقمہ 73

CM 175

C.



Date 07/04/07

مشرفی اخبار

درخواستیں مطالبہ ہیں

محکمہ تعلیم ڈیرہ اسماعیل خان میں درج ذیل آسامیوں کیلئے صرف تربیت یافتہ اور ضلع ڈیرہ اسماعیل خان کے سکول تدریس مرد اور خواتین امیدواروں سے مقررہ فارموں پر درخواستیں مطلوب ہیں۔ مقررہ درخواست فارم زبردستی کے دفتر سے مینج-25/1 روپے میں دفتری اوقات کار میں وصول کئے جاسکتے ہیں۔ مندرجہ ذیل شرائط کے ساتھ درخواستیں تقابلی / تدریسی اسناد نمردس سرٹیفیکٹ شناختی کارڈ اور ڈومیسائل کی مصدقہ نقول کے ہمراہ مورخہ 20/4/07 تک مطلوب ہیں۔ جو کہ ای۔ ڈی۔ او (سکول اینڈ لٹریسی) ڈیرہ اسماعیل خان کے دفتر واقع کینٹ بالمقابل ہاتھی پارک دفتری اوقات کار میں پہنچ جانی چاہیں۔ بعد ازاں کوئی درخواست وصول نہیں کی جائے گی۔

شرائط: (۱)۔ تمام تقرریاں موجودہ مردانہ گورنمنٹ رولز / پولیس کی بنیاد پر ہوں گی۔ (۲)۔ سکینٹیشن کی صورت میں امیدوار پیش کش کا مستحق نہ ہوگا۔ (۳)۔ سی / پی / ای۔ ٹی / ڈرائیونگ ماسٹر زنانہ / مردانہ کی آسامیوں پر تقرری گورنمنٹ کے مروجہ قانون کے مطابق 75% (فیصد) بیچ داڑو / اینٹرو اور 25% (فیصد) تقرری اپن میرٹ کی بنیاد پر ہوگی۔ (۴)۔ پی ایس۔ ٹی (مردانہ / زنانہ) کی آسامیوں پر تقرری گورنمنٹ کے مروجہ قانون کے مطابق 75% یونین کونسل میرٹ کی بنیاد پر اور 25% اپن میرٹ کی بنیاد پر ہوگی۔ (۵)۔ تمام امیدواروں کو مقررہ تاریخ / مقام پر تحریری ٹیسٹ دینا ہوگا۔ صرف ٹیسٹ میں کامیاب امیدوار انٹرویو میں شمولیت کے اہل ہوں گے۔ ٹیسٹ میں کامیاب امیدواروں کی لسٹ زیر دستخطی کے دفتر کے نوٹس بورڈ پر لگائی جائے گی۔ (۶)۔ انٹرویو کے وقت اصل اسناد کا پیش کرنا لازمی ہوگا۔ بصورت دیگر انٹرویو نہیں لیا جائیگا۔ (۷)۔ محکمہ تعلیم کے ذریعہ ملازمت امیدوار اپنی درخواستیں اپنے متعلقہ آفسر کے توسط سے بعد تصدیق شدہ سرٹیفیکٹ بھیجنا ہوگی۔ (۸)۔ وہ درخواستیں جس میں امیدواری کی عمر کی حدود درخواست کی وصولی کی آخری تاریخ سے ایک دن بھی زیادہ ہوگی۔ وصول نہیں کی جائیں گی۔ (۹)۔ تمام درخواستیں ہر لحاظ سے مکمل ہوں۔ نامکمل اور غلط معلومات پر مبنی اور مقررہ تاریخ کے بعد وصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔ (۱۰)۔ تمام آسامیوں پر معذور افراد کا 2% (فیصد) کوٹ مختص ہے۔ جس کیلئے انہیں سینڈنگ میڈیکل بورڈ کا جاری کردہ سرٹیفیکٹ پیش کرنا لازمی ہوگا۔ (۱۱)۔ ٹیسٹ / انٹرویو درج ذیل پروگرام کے مطابق صبح 9 بجے شروع ہوگا۔ (۱۲)۔ کوئی ٹی۔ اے / ڈی اے نہیں دیا جائیگا۔ اور نہ ہی کوئی علیحدہ لائسنس جاری کیا جائیگا۔ (۱۳)۔ پی۔ ٹی / پی۔ ای۔ ٹی / ڈی۔ ایم۔ اے۔ ٹی / آئی۔ ٹی / آئی۔ ٹی / آئی۔ ٹی کی پوسٹ کیلئے مرد / خواتین کی عمر کی حدود 18 سے 33 سال جبکہ پی۔ ٹی۔ سی مردانہ / زنانہ کی عمر کی حدود 18 سے 35 سال ہے۔

شیڈول برائے انٹرویو / ٹیسٹ

نمبر شمار	نام آسامی	تاریخ ٹیسٹ	مجوزہ تعلیمی قابلیت / اہلیت	تاریخ انٹرویو	مقام
1	سی۔ ٹی (CT)	24/4/07	ایف اے / ایف ایس سی / ڈی کام بعد سی ٹی کورس	14/5/07	مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور
2	ڈرائیونگ ماسٹر (DM)	25/4/07	ایف اے / ایف ایس سی / ڈی کام بعد ڈی ایم کورس	15/5/07	مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور
3	فزیکل ایجوکیشن ٹیچر (PET)	25/4/07	ایف اے / ایف ایس سی / ڈی کام بعد فوٹو گریجویٹ کورس	15/5/07	مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور
4	عربی ٹیچر (AT)	26/4/07	میٹرک بعد شہادت عالیہ سیکنڈ ڈویژن وفاق المدارس یا ایم اے عربی سیکنڈ ڈویژن (مختصیات المدارس)	16/5/07	مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور
5	اسلامیات ٹیچر (IT)	26/4/07	میٹرک بعد شہادت عالیہ سیکنڈ ڈویژن از وفاق المدارس یا پی اے عربی اسلامیات شہادت الخاصہ (مختصیات المدارس)	16/5/07	مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور
6	تاری	26/4/07	میٹرک بعد تجویذ القرآن منظر شہادہ سے	16/5/07	مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور
7	پی ایس ٹی (پرائمری سکول ٹیچر)	28/4/07	ایف اے / پی ٹی سی (ٹریڈ) میٹرک پی ٹی سی (ٹریڈ) نوٹ:- خواتین کیلئے مذکورہ کوآئف پورے نہ ہونے کی صورت میں پولیس کے مطابق فرمی برتی جائے گی۔	17/5/07	(برائے تحصیل ڈیرہ)۔ مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور (برائے تحصیل بہاول پور)۔ مردانہ GMS نمبر ڈیرہ زنانہ GGHS بہاول پور (برائے تحصیل پروا)۔ مردانہ GGHS پروا (برائے تحصیل درابن کلاں)۔ مردانہ GGHS کلاں (برائے تحصیل کلاں)۔ مردانہ GGHS-I کلاں (برائے تحصیل کلاں)۔

انجمن کھوارہ سکول تدریس مرد اور خواتین ڈیرہ اسماعیل خان

INF(D.I.Khan) I

Handwritten signature or mark.

CERTIFICATE OF TEACHING (CT) (G)
(ORIGINAL CERTIFICATE)

Serial No. 8047

Session 2001

Roll No. 120

Marks Obtained 757 / 1200

Division Ist

Certified that Mr./Mrs./Miss Lal Khan

Son/Daughter of Fazal Ilahi Khan is a student of

CCE (M) D.I. Khan

having passed the C.T. Examination held in 2001

qualified to teach in Middle/High Schools of Elementary & Secondary Education Department.

Prepared by [Signature]

Checked by [Signature]

Result declaration date 31.5.2002

Date of issue 31.5.2002



[Signature]
Assistant Director (Examinations),
Khyber Pakhtunkhwa, Peshawar.

[Handwritten mark]



34

12

5718

S. No.

Departmental Examinations Education Department



Detailed Marks Certificate

Training Classes Examination CT (General)

Name Lal Khan

Session 2001

Father's name Fazal Ulahi Khan

Roll No. 120

Subject	Maximum Marks	Marks obtained		
		Internal	External	Total
1. Theory and History of Education	100			63
2. Child Development	100			54
3. School and Community Development	100			51
4. General Methodology & Preparation of Teaching Aids	100			63
5. Counselling, Testing and Evaluation	100			45
6. Organisation of Elementary Education of School Management	100			58
7. English	100			40
8. Science/Maths	100			83
9. Social Studies	100			67
10. Islamiyat	100			63
11. Teaching Practice	200			170
Total	1200			757

Seven hundred and fifty seven

Note: Errors/omissions excepted.

Passed/Failed Passed Division: E.T.T.

Prepared by [Signature]

Checked by _____
Department

Date of Declaration of Result _____

Registrar
Departmental Examinations Education
NWFP, Peshawar

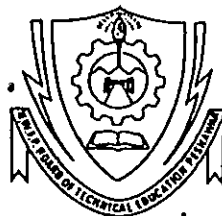
etc
1



S. No. 006692

Roll No. 20678

N.W.F.P. Board of Technical Education



PESHAWAR-PAKISTAN

DIPLOMA IN COMMERCE EXAMINATION

SESSION 19 94

(~~REGULAR~~/ SUPPLEMENTARY)

This is to certify that

~~MISS~~ MR.

DAL KHAN

~~DAUGHTER~~/SON OF MR.

FAZAL ELLAHI

REGISTERED NO.

UCC/DIK/92-3879

OF THE

UNIVERSITY COLLEGE OF COMMERCE DERA ISMAIL KHAN

HAS PASSED THE DIPLOMA IN COMMERCE EXAMINATION OF THE N.W.F.P. BOARD OF TECHNICAL EDUCATION, PESHAWAR HELD IN THE MONTH OF NOVEMBER, 1994 SECURING 303/750 MARKS AND WAS PLACED IN "D" GRADE.

THE CANDIDATE PASSED IN THE FOLLOWING SUBJECTS.

ACCOUNTS GROUP

- | | |
|-------------------------------------|---------------------------------------|
| 1) ENGLISH | 6) ACCOUNTING II |
| 2) URDU | 7) BANKING |
| 3) ISLAMIYAT/ PAK. STUDIES | 8) EXPERIMENTAL ACCOUNTING |
| 4) ECONOMICS OF PAKISTAN | 9) APPLIED ACCOUNTS |
| 5) ENGLISH / TYPEWRITING | |

~~FOR PAKISTAN BOARD OF TECHNICAL EDUCATION~~

In recognition thereof this

is awarded to her/him at Peshawar

on the 29th day of September, 19 95

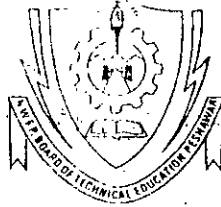
Assistant Secretary

Secretary

S. No. 008124

Roll No. 10462

N.W.F.P. Board of Technical Education



PESHAWAR - PAKISTAN

CERTIFICATE IN COMMERCE EXAMINATION

SESSION 19 93

(~~XXXXXX~~ / SUPPLEMENTARY)

This is to certify that

~~XXXXXX~~/MR. LAL KHAN

~~XXXXXX~~/SON OF MR. FAZAL ILLAHI KHAN

REGISTERED NO. UCC/DIK/92-3779

OF THE UNIVERSITY COLLEGE OF COMMERCE DERA ISMAIL KHAN

HAS PASSED THE CERTIFICATE IN COMMERCE (ACCOUNTS GROUP)
EXAMINATION OF THE N.W.F.P. BOARD OF TECHNICAL EDUCATION, PESHAWAR
HELD IN THE MONTH OF NOVEMBER 1993 BY SECURING 261/650
MARKS AND WAS PLACED IN "D" GRADE.

THE CANDIDATE PASSED IN THE FOLLOWING SUBJECTS.

ACCOUNTS GROUP

- | | |
|--|--------------------------|
| 1) ENGLISH | 5) PRINCIPLE OF COMMERCE |
| 2) URDU | 6) ACCOUNTING I |
| 3) ISLAMIYAT / PAK. STUDIES | 7) BUSINESS ARITHMETIC |
| 4) ENGLISH / URDU TYPEWRITING | |

In recognition thereof this

CERTIFICATE IN COMMERCE

is awarded to her/him at Peshawar

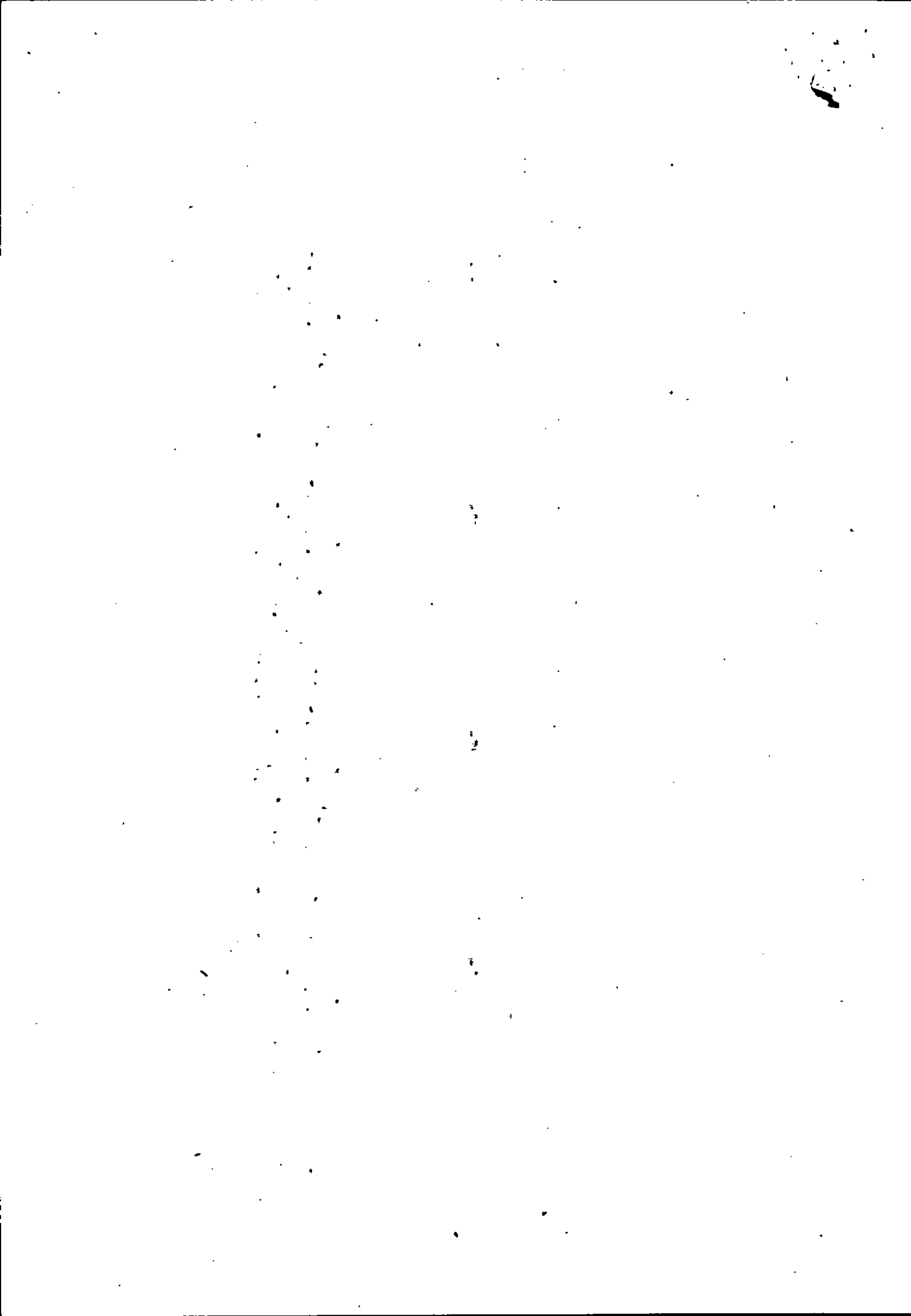
on the 10th day of JULY 1994.

Peshawar 10.7.1994.

[Signature]
ASSISTANT SECRETARY

[Signature]
SECRETARY

[Handwritten initials]



Allama Iqbal Open University Islamabad




Serial No 141615

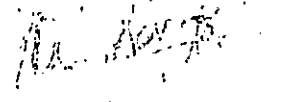
Certified that *Mr/Ms* LAL KHAN
Son/Daughter of FAZAL ILLAHI KHAN
Registration No 07NDN0824 *Roll No* Y416267
Semester Spring 2009 *having met all the requirements under*
the semester system is this day awarded the degree of

Bachelor of Arts Group - General

He/She has secured 57 *%marks*
and has been placed in C *grade*


CONTROLLER OF EXAMINATIONS

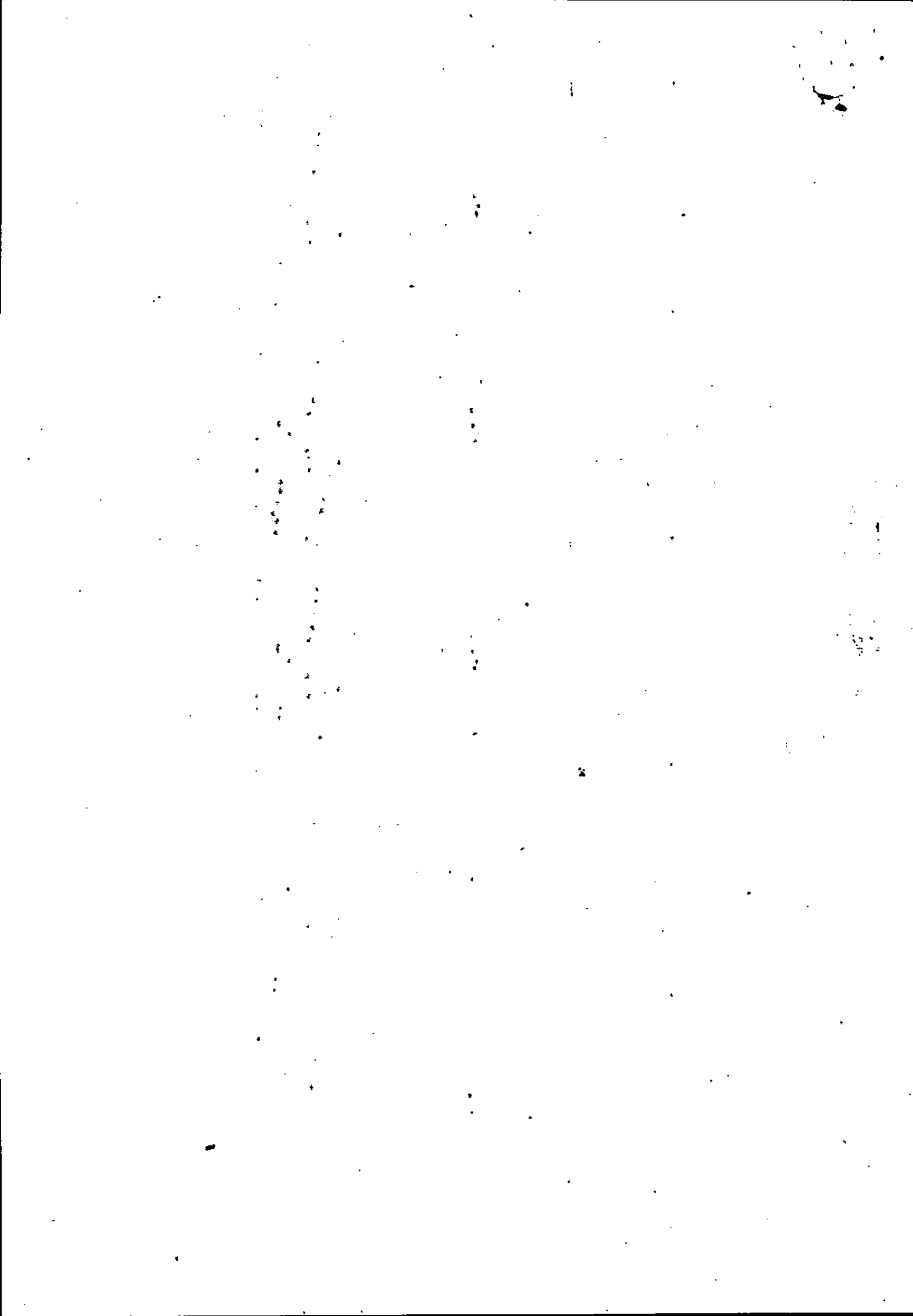



VICE-CHANCELLOR

Result declared on: March 10, 2010

Date of issue: April 27, 2012

CFC
Q



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Serial No. 153801

PROVISIONAL RESULT CARD

Name: LAL KHAN
 Father's Name: FAZAL ILLAHI
 Address: VILL KHANPUR SHUMALI P/O RANG
 Tehsil: PUR ADDA
 District: PAHARPUR
 District: D. I. KHAN

Roll No: Y415767
 Registration No: 07NDN0824
 Final Semester: SPR- 2009

has successfully completed BACHELOR OF ARTS
 GROUP-GENERAL

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 07	0416	ISLAMIAT (C)	100	62
SPR- 07	0417	PAKISTAN STUDIES (C)	100	57
AUT- 07	0435	ENGLISH	100	43
AUT- 07	0436	SEERAT-E-TAYYABA	100	67
SPR- 08	0404	URDU	100	51
SPR- 08	0464	ISLAMIC FIQH	100	59
AUT- 08	0419	EDUCATION	100	60
AUT- 08	0407	HISTORY OF MODERN MUSLIM WORLD	100	63
SPR- 09	0437	ISLAMIC STUDIES (E)	100	47

CREDITS: 8

Total Marks / Obtained 900 / 517

Result Declared on MARCH 10, 2010

Percentage / Grade 57 C

Date of issue MARCH 16, 2010

Controller of Examinations

Disclaimer: This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

GOMAL UNIVERSITY
No 0167464



DERA ISMAIL KHAN
(K. P. K PAKISTAN)

DETAILED MARKS CERTIFICATE
MASTER OF ARTS ISLAMIYAT FINAL (NEW COURSE)

Held in April-May 2013

Session 2012/Annual

Roll No: 3788

Name: LAL KHAN

The Candidate secured the following marks & has been placed in 2nd Division.

SUBJECTS	Total No of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
Al-Fiqah O Usool-e-Fiqah	100	63	Sixty Three
Ilmul-Kalam	100	46	Forty Six
Hadis O Uloom Ul Hadis	100	69	Sixty Nine
Islam And Jadeed Muashi Nazriat	100	42	Forty Two
Tarikh-e-Islam	100	61	Sixty One
Viva Voce	100	42	Forty Two
Aggregate Previous	500	267	Two Hundred and Sixty Seven
Total Marks	1100	590	Five Hundred and Ninty

Result Declaration Date 30/12/2013

Errors & Omissions Accepted

Name
Additional Controller of Examinations
City Campus, Gomal University
Dera Ismail Khan

CJE

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Serial No. 502881

PROVISIONAL RESULT CARD

Name: LAL KHAN
 Father's Name: FAZAL ILLAHI
 Address: VILL KHANPUR SHUMALI P/O RANG PUR ADDA

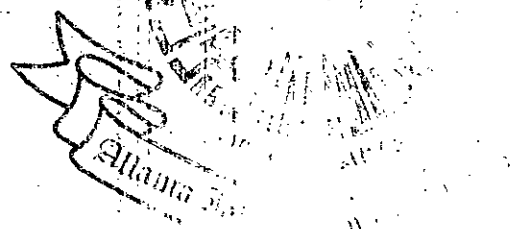
Roll No. AQ662639
 Registration No. 07NDN0824
 Final Semester SPR-2013

Tehsil: PAHARPUR
 District: D. I. KHAN

has successfully completed BACHELOR OF EDUCATION (B. ED)

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT-12	0512	PERSPECTIVES OF EDUCATION	100	69
AUT-12	0513	SCHOOL ORGANIZATION	100	61
AUT-12	0514	EVALUATION, GUIDANCE & RESEARCH	100	67
AUT-12	0518	EDUCATIONAL PSYCHOLOGY, & CURRICULUM	100	71
AUT-12	0651	ENGLISH (COMPULSORY)	100	70
AUT-12	0652	ISLAM, PAKISTAN AND MODERN WORLD	100	65
SPR-13	0517	TEACHING OF PAKISTAN STUDIES +	100	69
SPR-13	0654	TEACHING OF ISLAMIAT +	100	61
SPR-13	0655	WORKSHOP & TEACHING PRACTICE	100	85



CREDITS: 6

Total Marks / Obtained

900 / 618

Result Declared on: DECEMBER 26, 2013

Percentage / Grade

69 B

Date of issue: JANUARY 07, 2014

Controller of Examinations

CFC
D

Disclaimer: This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

19

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (SCHOOLS & LIT.)

DIKHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee the following

Fresh Candidate is hereby appointed against vacant post of CT (male).

In the school noted against their name in BPS 99 Plus usual allowances being

a qualified, fresh candidate as per existing policy in the interest of public service

w.e. from the date of taking over charge on the following terms and conditions.

S.No. Name of Candidate with Father's Name Schools where posted.

1. Lal Khan S/O. Faisal Illahi GMS, Rangpur.
R/O Rangpur.

TERMS & CONDITIONS:

1. Charge reports should be submitted to all concerned.
2. No pensionary benefit will be available.
3. The services of the above named candidate is made purely on temporary basis & liable to terminate at any time with out assigning any notice/ reasons.
4. The candidate will produce Health & Age certificate from the M/S concerned.
5. The original documents may be checked/ verified by concerned Board/ University through DDO concerned before handing over charge.

Sd/

EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN

Endst: No. 20360-64

Dated D.I.Khan the 1/10 2007

Copy to the:-

1. Director Schools & Literacy N.W.F.P. Peshawar.
2. District Co-ordination Officer, D.I.Khan.
3. District Accounts Officer, D.I.Khan.
4. Headmistress/ Headmaster concerned.
5. Candidate concerned.

[Signature]

EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN

CTC
R

چارچ رپورٹ

میں سٹی لیس فائن ہسٹ آف ایس ایس ایم اے محمد اعجاز

سے جو کہ آج مورخہ (20/11/20) قبل بعد از دوپہر بموجب حکم نمبری 64-360/20

آمدہ از دفتر آئی ایس ڈی کے اسٹیشنر اسٹیشن فائن

تسلیم ہوا ہے (میں) کے پوسٹ کا چارج سنبھال لیا ہے۔

مستحقہ رینٹورسٹائی گورنمنٹ سیکولر اسکول ریسٹورسٹائی

مورخہ (20/11/20)

چارچ کرہندہ

چارچ دھندہ

CC
Q

تفصیل اشیاء بقایا (بذمر چارج دہندہ)

نمبر شمار	نام اشیاء	تعداد اشیاء	کل قیمت	بوسیدہ	اگتدہ	کیفیت

مقام گورنمنٹ مدرسہ سکول نوندر شرمالی مورخہ ۰۶-۱۰-۰۷
 چارج دہندہ چارج گرہندہ
 نمبر ۰۸ مورخہ ۰۷-۱۰-۲۰۰۷

جناب عالی! چارج رپورٹ پر توجہ خدمت عالیہ برائے ضروری کارروائی ارسال ہیں۔

M. ASGAR
 MUHAMMAD ASGAR
 S.E.T.B.P.S - 16
 Head Master
 G. N. S. Ranganur Shumali (D.)

عشرت آرٹ پریس بازار کلاں ڈیرہ اسماعیل خان

وکالت نامہ

کورٹ فیس
تیمتی

بعدالت جناب کے لیے لکھے گئے کروٹ سٹریٹ لیس

منجانب
لحل حال بنام
دعوے یا جرم اسل باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام لیس سٹریٹ لیس

محمد عارف ملوچ اور دیگر لوگوں کے لیے لکھے گئے کروٹ سٹریٹ لیس پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنیکے مجاز نہ ہوں گے اگر مقدمہ کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ، فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و بشرط ادا نیگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے۔

محمد عارف ملوچ

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1199/2015

Lal Khan

VS

Government of KPK

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections

1. That the Service Appeal is not maintainable and incompetent in the eyes of law in its present form.
2. That the appellant is estopped by his own unwholesome conduct as Public Servant to file this appeal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal, when there is provision for Review under Rule 3 of Appeal Rules, 1986.
4. That the appellant has not come to this Honourable Court with clean hands and has suppressed all relevant facts.
5. That the appellant has concealed the material facts and ground realities from this Honourable Tribunal.
6. That the appeal is bad due to mis-joinder / non-joinder of necessary parties.
7. That the appellant has not come to Honourable Court with clean hands.
8. That the KPK Service Tribunal has no jurisdiction to entertain the instant petition in its present form.
9. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
10. That the appeal is weak having no force, fabricated, fictitious, based on ill will, malafide motives and having no legal footings in the eyes of law.
11. That the present service appeal is not maintainable in its present form and jurisdiction of this **Honourable Service Tribunal** is barred by the **Section 23 of Khyber Pakhtunkhwa Rules 1974** "According to which no Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
12. That the recommendations of the Committee constituted in light of direction of this Honourable Tribunal were implemented and terminated all the illegal teachers and provided them termination orders. Hence the appeal is badly time barred as well as barred by leeches.
13. That the proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this honourable Tribunal.
14. That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

Objection on Facts

1. Para pertains to the address of parties hence need no comments.
2. Incorrect / not admitted. Vehemently denied. The EDO (S&L) advertised vacant post of PST, CT and other cadres on **07.04.2007**. After completion of codal formalities 309 male PSTs was appointed on merit under joint appointment order No. 12655-973 dated **02.07.2007**. The name of appellant does not reflect in the said appointment order.
 - i. The appellant is one of the 1613 illegal terminated teachers. His services along with 1613 teachers were terminated by the then **DCO DIKhan** vide order dated **04.09.2009**. (annexure A).
 - ii. Termination orders dated **04.09.2009** were challenged before the **Honourable Peshawar High Court DIKhan Bench** and Honourable High Court suspended

- the operation of termination orders dated 04.09.2009 till the decision of writ petitions (**annexure B**).
- iii. On 29.04.2010 writ petitions were returned to the petitioners and termination orders dated 04.09.2009 was implemented with effect from 01.05.2010 (**annexure C**).
 - iv. That the appellant and others preferred service appeal for reinstatement of their services.
 - v. The **Honourable Service Tribunal vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010** instead of outright reinstatement of appellant and others remanded / sent back case of the appellant and similar placed persons to the Secretary E&SE KPK Peshawar for reconsideration (**annexure D**).
 - vi. The High Level inquiry committee headed by the Secretary E&SE KPK Peshawar examined and considered the case of the appellant and others. The committee dismissed the appeals of all the appellants being devoid of merits as well as legal footings and submitted inquiry report to this Honourable Tribunal. The name of the appellant reflects in the findings of inquiry committee.
 - vii. In compliance with the recommendations of the inquiry committee, the then EDO DIKhan issued **termination order on 08.02.2012**. The name of appellant is present in the termination order list.
 - viii. After submission of inquiry report and termination orders some of the aggrieved affectees filed Execution Petitions for the implementation of the order dated 27.10.2011 of the Honourable Tribunal. The Honourable Tribunal disposed of Execution Petition on 14.03.2012. Subsequently order dated 14.03.2012 of the Honourable Tribunal was challenged in CPLA before Supreme Court of Pakistan. But the apex court declined leave to appeal and dismissed the petitions. Thus termination of the service of the appellant and others attained finality. (**annexure E,F**)
3. Incorrect / not admitted. This para pertains to the record.
 4. Incorrect/not admitted, strongly denied. The appellant was appointed as school teacher **without observing all the codal formalities**. The appointment of the appellant was illegal, out of turn without performing all the pre-requisites which are necessary and compulsory for the appointment of the school teacher as per existing rules. The act of the respondents is quite legal, justified, bonafide, based on real legal facts and in the interest of government and the public at large.
 5. Incorrect/not admitted, intensely denied. In year 2008 Mr. **Israr Ullah Khan Gandapur (Late) Ex MPA has raised a question in provincial assembly regarding the illegal appointments and recruitments in the education department DIKhan**. Hence the provincial Assembly constituted a committee No. 26 for Elementary and Secondary Education Department dated 20.08.2008. The standing committee No. 26 scrutinized all the appointments record of the year 2007-08 and concluded that all the illegal appointed teachers were terminated from service during the period of 01.01.2007 to 30.06.2008. (**Annexure G**) Therefore the appellant **has been terminated from service along with all the illegally appointed teachers in the year 2007 & 2008** on the direction of Provincial Government dated 04.09.2009. Then appellant and other terminated teachers approached the **Honourable High Court and Supreme Court of Pakistan, both the courts has dismissed the appeals of appellant**. Then appellant and others approach the Honourable

Service Tribunal and Service Tribunal remanded all the appeals to the Secretary E&SE KPK Peshawar vide judgment dated 27.10.2011 in Service Appeal No. 1407/2010. Therefore, the stance of the appellant is having no truth and is totally false and fictitious.

6. Incorrect / not admitted, vigorously denied. The Secretary Education has constituted a committee to probe the matter. **The committee concluded that the appointment of the appellant and other were illegal and irregular under Rule 10(2) of the Khyber Pakhtunkhwa Civil Servant Appointment Promotion and Transfer Rules 1989** which reproduce as, "initial recruitment to the posts which do not fall within the purview of the commission shall be made on the recommendations of the Departmental Selection Committee after the vacancies have been advertised in the News Papers". The termination order of the appellant has been made in good faith, bonafide and in the best interest of public at-large.
7. Incorrect / not admitted, fervently denied. The recommendations of the enquiry committee were implemented with letter and spirit. In the **Execution Petition No. 34/2012 the Director E&SE KPK Peshawar and EDO DIKhan stated at the bar** dated 14.03.2012 before the Service Tribunal that they have already implemented the recommendations of the committee and issued the termination orders / letter accordingly. Further appellants filed **writ petition No 481/2014** and the same was disposed of on 03.02.2015. This act of the respondents cannot be declared against the law on any ground whatsoever but the straight away rejection of appeal. **(Annexure H)**
8. Incorrect / not admitted. The appeal of appellant is badly time barred. According to Section 23 of Khyber Pakhtunkhwa Rules 1974 "No Tribunal shall entertain any appeal in which the matter directly or substantially has already been finally decided by a Court / Tribunal of competent jurisdiction".
9. Incorrect / not admitted. The Honourable Court has no jurisdiction to interfere in the administrative action of the authority in instant Service Appeal.

Objections on Ground

1. Incorrect/ not admitted, strongly denied. After fulfilling all the codal and legal formalities, besides the act of respondents was according to the law with legal justification and in the light of **Judgment on Service Tribunal in service appeal No. 1407/2010 decided on 27.10.2011**. There is no pre-pense malice in fact and malice in law against the appellant.
2. Incorrect / not admitted, vehemently refuted. The report of committee was comprehensive in all respect as per the direction of Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar.
3. Incorrect / not admitted, forcefully denied. The committee was constituted on the direction of the Honourable Service Tribunal. After personal hearing of appellants

committee comes to the conclusion that the **appointments of the appellants were illegal and irregular in the light of Rule 10(2) of APT 1989 (annexure I).**

4. Incorrect / not admitted, hotly denied. The appellants were treated according to law and provided an **opportunity of hearing and defense** but the appellants failed to defend their illegal appointment orders. The termination orders were issued in the public interest by the Competent Authority after fulfilling all legal and codal formalities, therefore, the petitioner has got no cause of action or locus standi to file the writ petition for his grievances
5. Incorrect / not admitted heatedly denied. It is clear crystal from the **judgment dated 14.03.2012 in EP No. 34/2012 the termination orders were produced before the Honourable Service Tribunal and the same termination order were also presented before the Honourable High Court dated 03.02.2015.** The photocopy of the same was provided to the appellants. Hence the appeal of the appellant is badly time barred and in fruituous.


The respondents also seek leave of the Honourable Court to advance and urge additional as well as further grounds during the course of arguments.

PRAYER:

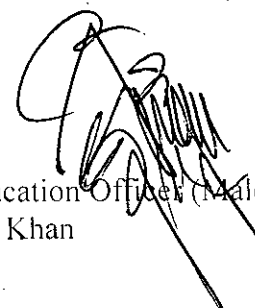
It is, therefore, most humbly prayed that on acceptance of these para-wise comments, the instant Service Appeal being devoid of legal footings and merits, may graciously be dismissed with cost.


Secretary

Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar


Director

Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar


District Education Officer (Male)
Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1199/2015

Lal Khan

VS

Government of KPK

Affidavit

I Mr. kamran Khan legal representative of District Education Officer (M) DIKhan do hereby solemnly affirm and declared on oath that content of the above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honorable Service Tribunal.

~~M. Kamran
Deponent~~

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

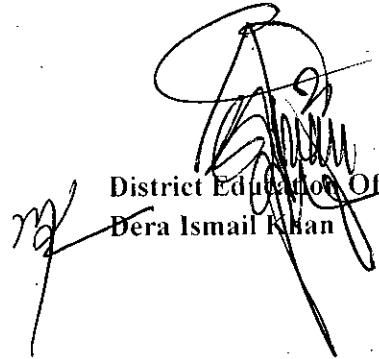
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Authority

I Mr. Nazir Khan District Education Officer (M) DIKhan do hereby authorized Mr. Kamran Khan Legal representative of DEO (M) DIKhan to attend this Honourable Service Tribunal KPK Peshawar DIKhan Bench on my behalf in connection with submission of para wise comments and till the decision of the service appeal.


District Education Officer (M)
Bera Ismail Khan