


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.

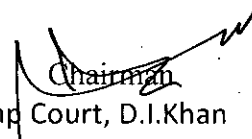

Member


Chairman
Camp Court, D.I.Khan

13.03.2018

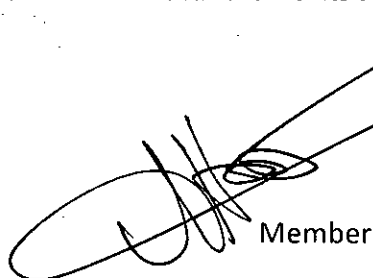
Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Further arguments heard. To come up for order on 14.03.2018 before this D.B at camp court, D.I.Khan.

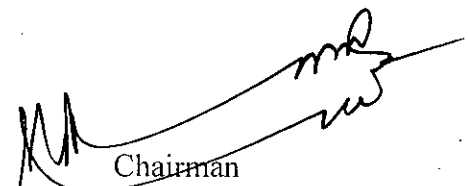

Member


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

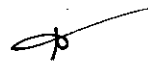
Appellant in person and Mr. Farhaj Sikandar, Deputy District Attorney alongwith Mr. Muhammad Kamran, ADO for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 12.03.2018 before D.B at camp court D.I.Khan.



(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. 1194/2015


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

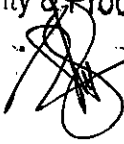
Counsel for the appellant present. Mr. Kamran ADO (Litigation) alongwith Mr. Farhaj Sikandar District Attorney for the respondents present. Representative of the respondents department requested for further time to file written reply. Request accepted by way of last chance. To come up for written reply on 30.11.2017 at Camp Court D.I.Khan.


Muhammad Hamid Mughal
Member (J)
Camp Court D.I.Khan

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 on 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. 1189/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.10.2015	<p>The appeal of Syed Qamar Sultan 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;"> REGISTRAR</p>
2		<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;"> 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;"> Chairman</p>

The appeal of Mr. Syed Qamar Sultan S/O Syed Fazal Hussain for the purpose of Service House No. 1571, Street No. 15, Jinnah Road, Airport Society, Rawalpindi, received to-day 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. 1569 /ST,

Dated 8/10 /2015


REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.

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

The first termination order was set aside by this Tribunal vide judgment dated 27-8-2011 and is not subject matter of this instant appeal. However, may be provided at the line of argument, if required.



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1189/2015

Syed Qamar Sultan Shah

VERSUS

Ministry of Education ETC

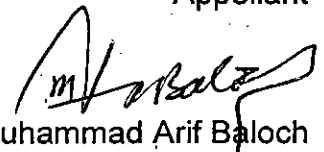
INDEX

S/No.	Description of Documents	Annexes	P/No
1	Memo of Appeal along with affidavit		1-4
2	Exemption Application along with affidavit		5-6
3	Impugned order	A	7-8
4	Departmental Appeal	B	9
5	Credentials Advertisement	C	10
6	Appointment order Credentials	D	11-15
7	Joining Report - Appointment order.	E & F	16-17
8	Power of Attorney	F	18



Appellant

Through



Muhammad Arif Baloch

Advocate High Court

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1189 /2015

Syed Qamar Sultan Son of Syed Fazal Hussain Shah, 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.

11-10-15
7/10/15

re-submitted to-day
and filed;

26/10/15

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 Metric and possessing Primary Teaching Certificate issued by recognized institution of Government. 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) in BPS-7 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 Pakhtunkhwa 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 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

4

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2015

Syed Qamar Sultan

VERSUS

MINISTRY OF EDUCATION ETC

AFFIDAVIT IN APPEAL

I, Syed Qamar Sultan S/o Syed Fazal Hussain Shah, address as given in memo of appeal 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.

Qamar

Deponent

Verification:

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

57/10/2015
ATTESTED
MUIZEB-UR-REHMAN
Oath Commissioner
Advocate High Court

Qamar

Deponent

5

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

Syed Qamar Sultan VERSUS MINISTRY OF EDUCATION ETC


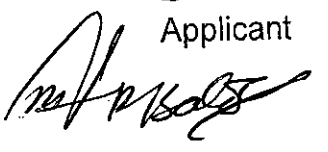
**APPLICATION FOR EXEMPTION OF FILING CERTIFIED COPIES READ
WITH INHERENT POWER OF THIS HONORABLE TRIBUNAL**

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

6

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2015

Syed Qamar Sultan

VERSUS

MINISTRY OF EDUCATION ETC

AFFIDAVIT IN EXEMPTION APPLICATION

I, Syed Qamar Sultan 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.

Qamar

Deponent

Verification:

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

07/10/2015
ATTESTED
MUSEEB-UR-REHMAN
Oath Commissioner
Advocate High Court

Qamar

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 Paroa/GHS Dhalla
10	1973/10	Muhammad Qasim Iqbal	Muhammad Iqbal Khan	GMS Jhoke Darabri/Sadiain
11	2482/10	Muhammad Anjed	Abdul Wahab	GMS Awan/Jhoke Duhari
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 Harif	Karim Bakhsh	GMS Chah Roshan
16	2488/10	Ajab Khan	Haji Tila Khan	GMS Sheikh Yousaf
17	2502/10	Muzhar Abass	Ghulam Shabir	GHSS Muryali/GHS Babar Kacha
18	2164/10	Samiullah Khan	Gul Hassan Khan	GHSS Ramak/GHSS Paroa
19	1811/10	Syed Shamsul Arif	Syed Arif Shah	GMS Wanda Karim/GHS Kachi - Pains Khan/GMS

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52	1643/10	Muhammad Saeed	Ghulam Yaseen	GMS Wanda Nadar Shah
53	2167/10	Muhammad Adil	Malik Abdullah	GHSS Muryali
54	2343/10	Asmatullah	Ghulam Siddique	GHS Rahmani Khel/No.1 Paharpur
55	2481/10	Muhammad Tufail	Muhammad Aslam	GMS Wanda Gandar
56	2501/10	Hafiz Daud Ahmed	Hafiz Burhan ud din	GHS Himat
57	1706/10	Ubaidullah	Hafiz Ghulam Rasool	GHS Himat/Chehkan
58	2487/10	Bismillah Jan	Gulistan	GHS Chowdhwan
59	2503/10	Salim Javed	Jan Muhammad	GMS Zafar Abad Colony
60	2160/10	Rabnawaz	Muhammad Nawaz	GHSS Ramak/GHSS Paroa
61	1423/10	Ghayis-ud-Din	Akhar Shah	GHSS Daraban Kalan
62	2484/10	Abdul Latif	Ghulam Siddique	GHSS Ramak/GHS Mahra
63	1740/10	Sami Ullah	Sher Khan	GMS Wanda Umer Khan
64	2477/10	Sambullah	Amanullah	GHS Kacha Mali Khel
65	2307/10	Muhammad Faheem	Khwada Bax	GMS Wanda Dost Ali
66	2032/10	Ihsanullah	Haq Nawaz	GMS Jhoke Obyaha
67	2483/10	Waqar Ahmed Saqib	Muhammad Ibrahim	GHS Mandhran Kalan
68	1741/10	Muhammad Tahir	Qut bud Din	GHS Bahadri
69	2165/10	Mudassar Nadeem	Abdul Latif	GMS Rind
70	2886/10	Syed Qamar Sultan Shah	Syed Fazal Hussain Shah	GMS Teer Garh/GHSS Kathi Garh.
71	2476/10	Latifullah	Ahmed Khan	GMS Wanda Kali
72	2498/10	Muhammad Afzal	Alam Khan	GHS Kacha Mali Khel
73	2735/10	Muhammad Jayaid Ahmed	Fazal Rahman	GMS Jhoke Dabari/GHS Maddi
74	2290/10	Muhammad Ismail	Ghulam Hussain	GMS W. Dost Ali/Tir Garh
75	2300/10	Muhammad Zubair	Muhammad Akram	GHS No. 1 Paharpur
76	2507/10	Muhammad Imran	Bashir Ahmed	GHS Athog/GHS Rangpur Shumali
77	2302/10	Muhammad Sadique	Muhammad Ramzan	GMS Paharpur
78	1734/10	Noor Aslam	Badshah Khan	GHS Himat/Yarik/GMS Wanda Kali
79	1732/10	Salèem Ullah	Ghulam Akber	GHS Athog/GMS Wanda Umari

بخدمت جناب سیکرٹری ایگزیکیوٹو اینڈ سیکنڈری ایجوکیشن صوبہ KPK پشاور

عنوان: اپیل

جناب عالی!

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

پوسٹ پر مثلاً تعلیمی قابلیت رکھتا ہے۔ سائل نے ایجوکیشن ڈیپارٹمنٹ میں تقریباً عرصہ دو سال تک ملازمت کی اور محکمہ سے تمام

برائے نام بھی قانون کے مطابق وصول کرتا رہا لیکن اچانک سائل کو درجہ ۱۶۵۵ | کو بحکم آرڈر نمبر P/630
cm/175

سے ترقی کے بغیر ان شوقانہ نوٹس کے بلاوجہ ملازمت سے برطرف کیا گیا ہے۔ جو کہ سائل کے ساتھ سراسر زیادتی اور خلاف

قانون ہے۔

اس لئے استدعا ہے کہ سائل کو تمام مراعات کے ساتھ اپنی ملازمت پر بحال کیا جاوے۔ بصورت دیگر سائل
اپنی قانونی حق محفوظ رکھتا ہے۔

آپ کی عین فوازش ہوگی

فقہاً۔ اور

۸۰۶
۱۵

سید قمر سلیمان شاہ

Qamar

are
[Signature]

Date 07/04/07

مشرفی اخبار

درخواستیں مطلوب ہیں

حکومت تعلیم ذریعہ اسماعیل خان میں درج ذیل آسامیوں کیلئے صرف تربیت یافتہ اور ضلع ذریعہ اسماعیل خان کے سکوتی مرد اور خواتین امیدواروں سے مقررہ فارموں پر درخواستیں مطلوب ہیں۔ مقررہ درخواست فارم ذریعہ تحصیل کے دفتر سے ملے۔ 251 روپے میں دفتری اوقات کار میں وصول کئے جاسکتے ہیں۔ مندرجہ ذیل شرائط کے ساتھ درخواستیں تعلیمی / تدریسی / استاد / سرٹیفیکٹ / شائستگی کا رڈ اور ڈومیسائل کی تصدیق / قبول کے لئے موزوں۔ 20/4/07 تک مطلوب ہیں۔ جو کہ ای۔ ڈی۔ او (سکولز اینڈ لٹریسی) ذریعہ اسماعیل خان کے دفتر واقع کینٹ یا مقابل باغی پارک دفتری اوقات کار میں پہنچ جانی چاہیں۔ بعد ازاں کوئی درخواست وصول نہیں کی جائے گی۔

شرائط: (۱)۔ تمام تقرریاں موجودہ مردہ / کورنٹ رولز / پالیسی کی بنیاد پر ہوں گی۔ (۲)۔ سلیکشن کی صورت میں امیدوار پٹیشن کا مستحق نہ ہوگا۔ (۳)۔ سی ٹی / پی / ای۔ ٹی / ڈرائیونگ / مسٹر / مراد کی آسامیوں پر تقرری گورنمنٹ کے مروجہ قانون کے مطابق 75% (فیصد) بیچ داڑ / اینٹر ڈائریکٹوریٹ / 25% (فیصد) تقرری اپن میرٹ کی بنیاد پر ہوگی۔ (۴)۔ پی۔ ایس۔ ٹی / مراد / زنانہ کی آسامیوں پر تقرری گورنمنٹ کے مروجہ قانون کے مطابق 75% (فیصد) کوئٹہ میں میرٹ کی بنیاد پر اور 25% (فیصد) 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 ذریعہ تحصیل 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 جائے گا۔ (۷)۔ محکمہ تعلیم کے زیر ملامت امیدوار اپنی درخواستیں اپنے متعلقہ آفسر کے توسط سے بعد تصدیق شدہ سرٹیفیکٹ بھیجنا ہوگی۔ (۸)۔ وہ درخواستیں جن میں امیدوار 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 جائے گا۔ (۱۰)۔ تمام آسامیوں پر معذور افراد کا 2% (فیصد) کوٹہ 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 جائے گا۔ اور نہ ہی کوئی علیحدہ فیسر جاری کیا جائے گا۔ (۱۳)۔ سی۔ ٹی / پی۔ ای۔ ٹی / ڈی۔ ایم / ای۔ ٹی / پی۔ ای۔ ٹی / قاری کی پوسٹ کیلئے مرد / خواتین کی عمر کی حدود 18 سے 33 سال جبکہ پی۔ ٹی۔ سی / مراد / زنانہ کی عمر کی حدود 18 سے 35 سال ہے۔

شیلڈول 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 / مسٹر (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	فزیکیل ایجوکیشن ٹیچر (PET)	25/4/07	ایف اے / ایف ایس سی / ڈی کام بعد فزیکل ایجوکیشن 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 (مظہمات 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 بی اے عربی اسلامیات شہادت الخاصہ (مظہمات المدارس)	16/5/07	مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور
6	قاری	26/4/07	میٹرک بعد تجویز مقرر آن منظور شدہ ہلے 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)۔ خواتین کیلئے مذکورہ کوائف پورے نہ ہونے کی صورت میں پالیسی کے مطابق نرمی برتی جائے گی۔	17/5/07	(برائے تحصیل ڈیرہ)۔ مردانہ GMS نمبر ڈیرہ زنانہ GGHS دین پور (برائے تحصیل پہلا پور)۔ مردانہ GMS نمبر پہلا پور (برائے تحصیل پورا)۔ مردانہ GGHS پہلا پور (برائے تحصیل پورا)۔ مردانہ GGHS پورا (برائے تحصیل درابن کلاں)۔ مردانہ GGHS کلاں (برائے تحصیل کلاں)۔ مردانہ GGHS-1 کلاں (برائے تحصیل کلاں)۔

انگریزوں کی حکومت نے پاکستان کو دی

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خدمت جناب سیکرٹری ایڈمنسٹری ایٹو سیکشن صوبہ KPK پشاور

عنوان: اپیل

جناب عالی!

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

پوسٹ پر منتقل ہونے کی قابلیت رکھتا ہے۔ سائل نے ایجوکیشن ڈیپارٹمنٹ میں تقریباً عرصہ دو سال تک ملازمت کی اور محکمہ سے تمام

برآمدات بھی قانون کے مطابق وصول کرتا رہا لیکن اچانک سائل کو صرف 14/5 کے ساتھ ملازمت سے ہٹا دیا گیا ہے۔ جو کہ سائل کے ساتھ سراسر زیادتی اور خلاف

قانون ہے۔

اس لیے استدعا ہے کہ سائل کو تمام مراعات کے ساتھ اپنی ملازمت پر بحال کیا جاوے۔ بصورت دیگر سائل اپنی قانونی حق محفوظ رکھتا ہے۔

آپ کی مبینہ نوازش ہوگی

فقط مورخہ

08/06/15

الطاف بخش سید قمر سلیمان شاہ

Ames

cre



Date 07/04/07

مشرفی اخبار

89

درخواستیں مطالبہ ہیں

حکومت نے ڈیڑھ لاکھ روپے خرچ کیا ہے۔ اس میں صرف 25% روپے ہی خرچ ہوئے ہیں۔ باقی 75% روپے صرف 2014/07 تک خرچ ہوئے ہیں۔ باقی 75% روپے صرف 2014/07 تک خرچ ہوئے ہیں۔ باقی 75% روپے صرف 2014/07 تک خرچ ہوئے ہیں۔

1۔ ایف اے / ایف ایس سی / ازی کام بعد سی ٹی کورس
2۔ ایف اے / ایف ایس سی / ازی کام بعد ڈی ایم کورس
3۔ ایف اے / ایف ایس سی / ازی کام بعد جی ٹی ایم کورس
4۔ ایف اے / ایف ایس سی / ازی کام بعد سی ٹی ایم کورس
5۔ ایف اے / ایف ایس سی / ازی کام بعد سی ٹی ایم کورس
6۔ ایف اے / ایف ایس سی / ازی کام بعد سی ٹی ایم کورس
7۔ ایف اے / ایف ایس سی / ازی کام بعد سی ٹی ایم کورس

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 / ازی کام بعد سی ٹی کورس	14/5/07	مردانہ GMS نمبر اڈیرہ نڈانہ GGHS دین پور
2	ڈرائیونگ ماسٹر (DM)	25/4/07	ایف اے / ایف ایس سی / ازی کام بعد ڈی ایم کورس	15/5/07	مردانہ GMS نمبر اڈیرہ نڈانہ GGHS دین پور
3	فونیکل ایگریکیشن ٹیچر (PET)	25/4/07	ایف اے / ایف ایس سی / ازی کام بعد جی ٹی ایم کورس	15/5/07	مردانہ GMS نمبر اڈیرہ نڈانہ GGHS دین پور
4	عربی ٹیچر (AT)	26/4/07	میٹرک بعد شہادت عالیہ سیکنڈ ڈویژن وفاق المدارس یا ایم اے عربی سیکنڈ ڈویژن (مظہمات المدارس)	16/5/07	مردانہ GMS نمبر اڈیرہ نڈانہ GGHS دین پور
5	اسلامیات ٹیچر (IT)	26/4/07	میٹرک بعد شہادت عالیہ سیکنڈ ڈویژن از وفاق المدارس یا بی اے عربی اسلامیات شہادت الخاصہ (مظہمات المدارس)	16/5/07	مردانہ GMS نمبر اڈیرہ نڈانہ GGHS دین پور
6	قاری	26/4/07	میٹرک بعد تجزیہ القرآن مظہر شہادہ سے	16/5/07	مردانہ GMS نمبر اڈیرہ نڈانہ 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 گوانٹ پورے نہ ہونے کی صورت میں پالیسی کے مطابق نرمی برتی جائے گی۔	17/5/07	(برائے تحصیل ڈیرہ) مردانہ GMS نمبر اڈیرہ نڈانہ GGHS دین پور (برائے تحصیل پہاڑ پور) مردانہ GMS نمبر اڈیرہ نڈانہ GGHS پہاڑ پور (برائے تحصیل پرہا) مردانہ GGHS پہاڑ پور (برائے تحصیل درابن کلاں) مردانہ GGHS کلاں (برائے تحصیل کلاہی) مردانہ GGHS-1 کلاہی

انگریز نوٹ: - اس نوٹ کے تحت درخواستیں جمع کروانیں۔

INF(D.L.Khan) I

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DIRECTORATE OF CURRICULUM & TEACHERS EDUCATION, KHYBER PAKHTUNKHWA, PESHAWAR

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

Serial No. 7087

Roll No. 1203

Session 2001

Marks Obtained 639 / 1200

Division II rd

Certified that Mr./Mrs./Miss S. Qamar Sultan Shah
Son/Daughter of S. Fazal Hussain Shah is a student of
Private D. I. Masjid

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 31/3/2002

Date of Issue 16/12/2011



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

cte
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12
Serial No. 068160

Registration No. 3337-D-91
Roll No. 6562
Session: XXX

GOMAL UNIVERSITY

DERA ISMAIL KHAN
N.W.F.P
PAKISTAN



Provisional Certificate

This is to certify that Mr. /Miss. /Mrs. S. QAMAR SULTAN SHAH
FAZAL HUSSAIN SHAH
Son/ Daughter/ Wife of XXXXXXXXXXXX
of the Department / Institute of PRIVATE CANDIDATE OF DISTT: D.I. KHAN
has passed MA. FINAL, ANNUAL, 2009 Examination held in APRIL, MAY, 2010
in the subject of ENGLISH
He / She was placed in THIRD
division, Securing 391 marks out of 900

The examination was taken as a whole/in parts.

Dera Ismail Khan.

Dated 12-03-2011


ADDITIONAL CONTROLLER OF EXAMINATIONS

Serial No. ^{GU} 2 01163

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

B

GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



QAMAR SULTAN SHAH, SON OF FAZAL HUSSAIN SHAH, and

a student of GOVT. COLLEGE No. 1, D.I. KHAN,

having passed the prescribed examination in OCT/NOVEMBER, 1993,

is this day admitted by the Gomal University to the DEGREE of

BACHELOR OF SCIENCE

in the SECOND Division. He passed also in XXX ~~XXXXXX~~

~~Additional Optional Subject~~ /Pakistan Studies and Islamiyat as Compulsory Subjects.

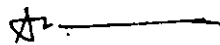
The Examination was taken as a whole/~~in parts.~~

Registered No. 3337-D-91

Roll No. 4664

FEBRUARY 21, 1994

Countersigned


Controller of Examinations




Vice-Chancellor

S. No. 0251547

Roll No. 33267


بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
PESHAWAR

Peshawar N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION
Pre-Medical Group
SESSION 1991 (ANNUAL)

THIS IS TO CERTIFY THAT Qamar Sultan Shah
Son/Daughter of Fazal Hussain Shah
and a student of Govt: College Pahar Pur D.I.Khan
Registered No. 2-B/PRD-89 has passed the *Intermediate Examination* of
the Board of Intermediate & Secondary Education, Peshawar held in May/June 1991
as a *Regular Candidate* He/She obtained 470 Marks out of 1100,
and has been placed in Grade Representing Fair
He/She has been awarded Grade on the basis of internal assessment
by the Institution concerned.

The Examination was taken as a whole.


Asstt: Secretary


Secretary

— This certificate is issued without alteration or erasure.

c/c
Q

s.No 643977

Roll No. 51297



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 1989 (ANNUAL)

THIS IS TO CERTIFY THAT Qamar Sultan Shah
Son/Daughter of Fazal Hussain Shah
and a student of Govt: High School, No,1, Pabarpur.

has passed the *Secondary School Certificate Examination*
of the Board of Intermediate and Secondary Education, Peshawar held in April 1989
as a *Regular candidate*. He/She obtained 584 Marks out of 850
and has been placed in Grade Representing Very Good

The Candidate passed in the following subjects:

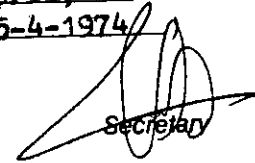
- | | | | |
|------------|---------------------|--------------|----------------|
| 1. English | 3. Islamiyat | 5. Physics | 7. Mathematics |
| 2. Urdu | 4. Pakistan Studies | 6. Chemistry | 8. Biology |

He/She has been awarded Grade on the basis of internal
assessment by the Institution concerned.

Date of birth according to admission form is Fifth April,
one thousand nine hundred and Seventy Four (5-4-1974)


Asstt. Secretary
31st August 1989

This certificate is issued without alteration or erasure.


Secretary

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

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following **Fresh (Male)** is hereby appointed against vacant post of **C.T.** in the school noted against their name in BPS **09** 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.

<u>S.No.</u>	<u>Name of Candidate with Father's Name</u>	<u>Schools where posted.</u>
1).	Syed qamer Sultan S/O Fazaal Hussain R/O Kath garh (DIKhan).	GMS, Tirgarh

TERMS & CONDITIONS:

Executive District Officer
Schools & Literacy D.I. Khan

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.
6. No TA/DA is allowed.

Sd/-
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN

Endst: No. 204110-14,
Copy to the:-

Dated D.I.Khan the 01/10/2007

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.

Ma...
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN

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سید محمد سعید

پروفیسر سید محمد سعید (Ph.D.)

سے جو آج 17 جولائی 2007ء - 1-10-1944ء کو پیدا ہوئے۔

ED - آئی ڈی ایم - آئی ڈی ایم

پوسٹ کا چارج سنبھال لیا ہے

مقام: گورنمنٹ سکول، گورنمنٹ

گورنمنٹ سکول، گورنمنٹ

گورنمنٹ سکول، گورنمنٹ

گورنمنٹ سکول، گورنمنٹ

7756685

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وکالت نامہ

کورٹ فیس

قیمتی

بعدالت جناب کے لئے سروکل سٹریٹ لیسٹ اور

منجانب
صدر قحمر سلطان بنام فیڈرل آف ایجوکیشن و ہلپ

دعوے یا جرم لیسٹ باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام لیسٹ اور

محمد طارق علی اور اہل و عیال بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہونا لگوں گا اور بوقت پکار سے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے 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 مظہر 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 اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد مالشی و راضی نامہ، فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و بشرط ادائیگی 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۔

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1189/2015

Government of KPK

VS

Syed Qamer Sultan

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. 12653-973 dated 02.07.2007. The name of appellant does not reflect in the said appointment order.
1. 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. Incompliance 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. IsrarUllah 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 infertuous.

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
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

District Education Officer
Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1189/2015-

S. Qamar Sultan . 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

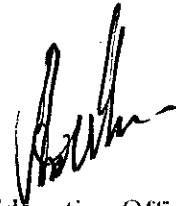
BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1189/2015.

S. Qamox Sultan . VS Government of KPK

Authority

I District Education Officer (M/F) 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/F)
Dera Ismail Khan