

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

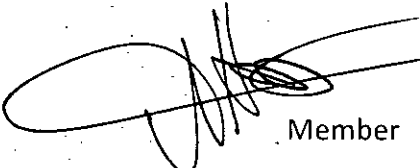
Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, DEO and Mr. Muhammad Kamran, ADO for the respondents present. Further arguments heard. To come up for order on 14.03.2018 before this D.B at camp court, D.I.Khan.


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. 1189/2015

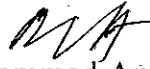
26.04.2016

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

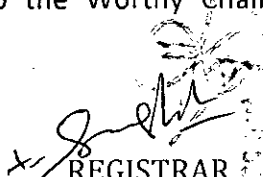
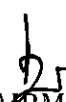
None present for appellant. M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 26.4.2016 before S.B at Camp Court D.I.Khan as the matter pertains to the territorial limits of D.I.Khan Division.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ **1295/2015** _____

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18.11.2015	<p>The appeal of Mr. Amir Hussain Shah 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>22-12-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Amir Hussain Shah son of Iqbal Hussain Shah, 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. 1555 /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 Honorable Tribunal vide judgment dated 27-9-2011. It is not subject matter of this instant appeal. However, it shall be provided at the line of arguments if seems essential.

Termination letter ^{has been} attached.



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1295/2015

Amir Hussain Shah

VERSUS

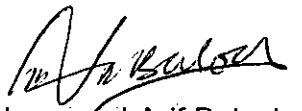
Ministry of Education ETC

INDEX

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Appellant

Through


Muhammad Arif Baloch
Advocate High Court

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1295/2015

Amir Hussain Shah Son of Iqbal 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 a question regarding appointments/recruitments made in year 2007 which was referred to Standing Committee for Elementary and Secondary Education of the Provincial Assembly. Ultimately, the Standing Committee recommended that within one month the department should cancel appointment orders of those candidates who were illegally appointed during the period 1-12-2007 to June

Filed to-day

2/10/15

re-submitted to-day
and filed.

Registrar

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 BA and possessing Primary Teaching Certificate (PTC) issued by recognized institution of Government. The appellant possess prerequisite qualification for the post of PTC. **(Annex-D, Credentials)**

3. That consequent upon the approval of Selection Committee, the respondents appointed the appellant against vacant post of PTC (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 ... illegal, irregular and void ab-initio in term of rule 10(2) of Civil Servant (Appointment, Promotion and Transfer) R... method of recruitment. The Said ground/reason is not att... case because the post has not been in the preview of con... made on the recommendation of Selection Committee

advertised. The appellant has possessed prerequisite qualification for the post as per rule 10(3) of Khyber Pakhtunkhwa 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 Pakhtunkhwa 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.

Amit
Appellant

Through

Muhammad Arif Baloch
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 against impugned order before Tribunal. It is further certified that no appeal has been arisen from violation of non fulfillment of mandatory provisions of law and no appeal, revision; review and writ petition is pending before law.

4

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2015

Amir Hussain

VERSUS

MINISTRY OF EDUCATION ETC

AFFIDAVIT IN APPEAL

I, Amir Hussain S/o Iqbal 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.

Amir
Deponent

Verification:

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

7/10/15
ATTESTED
MUJEEB-UR-REHMAN
Oath Commissioner
Advocate High Court

Amir
Deponent

5

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2015

Amir Hussain **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

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2015

Amir Hussain

VERSUS

MINISTRY OF EDUCATION ETC

AFFIDAVIT IN EXEMPTION APPLICATION

I, Amir Hussain 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.

Amir

Deponent

Verification:

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

Mujib-ur-Rehman
ATTESTED
MUJIB-UR-REHMAN
Oath Commissioner
Advocate High Court

Amir

Deponent

7

OFFICE THE EXECUTIVE DISTRICT OFFICER (L&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. 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 PSTs (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 recommendation of the committee contained at page 103-104 of the enquiry report, their so called services are hereby terminated.

Sr. No.	Appeal No/year	Name of appellant	Father's Name	School
1	2528/10	Tariq Hussain	Ghulam Qasim	GPS Ghumsan
2	Nil	Malik Abdur Rashid	Haji Malik Rashid	GPS Sakhatli
3	Nil	Shoukat Inran	Muhammad Nawaz	GPS Umar Buba
4	2391/10	Muhammad Safdar	Muhammad Azam	GPS Kot Mehsudan Band Kurai
5	2036/10	Atta Muhammad	Allah Jad	GPS Muga
6	3102/10	Abdul Ghafar	Sher Muhammad	GPS Udwal
7	2648/10	Abdul Saeed Khan	Ahmed	GPS Asghan Khel
8	2372/10	Muhammad Asif	Faiz Haseeb	GPS No.1 Kachi Kiri Baz Muhammad
9	2052/10	Muhammad Naeem	Muhammad Ibrahim	GPS Jhoke Dar/Din Pur
10	1893/10	Asif Mahmood	Abdul Aziz	GPS Jhoke Batal
11	2090/10	Saifur Rehman	Sona Khan	GPS No. 4 Kuchhi/GPS No.2 Maddi
12	Nil	Khalid Mahmood Khan	Khawaja Nizam Din	GPS Jandhir Abdul Sattar
13	2114/10	Muhammad Shahid	Falik Saer	GPS Talgai
14	2066/10	Muhammad Aslam	Muhammad Ramzan	GPS Jhoke Sakhani
15	2626/11	Ghulam Abid Shah	Ghulam Abbas Shah	GPS Audwal/GPS Joke Dar
16	1755/10	Mumtaz Ahmad	Ghulam Akbar	GPS Jhoke Dar / Abdul Khel
17	1494/10	Muhammad Javed	Malik Allah Nawaz	GPS Aslam Abac/Kala Gorh
18	1721/10	Kilayatullah	Sarfraz	GPS Jhock Daar
19	2724/10	Muhammad Ali	Malik Allah Wasaya	GPS Sheesha / GPS Rora
20	2101/10	Muhammad Khalilur Rehman	Haji Fazal Rehman	GPS Noor Pur Paliyar
21	1455/10	Ghulam Abbas	Maula Dad	GPS Jok Amiri DIK/No.1 Kot Essa Khan
22	Nil	Muhammad Javed	Muhammad Iqbal	GPS Saidallian/Khanu Khel
23	Nil	Muhammad Ishfaq	Muhammad Mushtaq	GPS Umer Khel
24	2640/10	Sheikh Muhammad Zahid	Sheikh Ghulam Akber	GPS Bait Keheri/GPS Malik Mir/Dhapanwali
25	1989/10	Syed Muhammad Abdullah Shah	S.Nazar Hussain	GPS Kachi Khasore
26	2853/10	Qamar Ali	Jan Muhammad	GPS Kachi Kachi Garh
27	Nil	Karam Elahi	Khan Baksh	GPS Basti Zangadaa Wali
28	1451/10	Umair Hayat Khan	Khan Muhammad	GPS Buzdar / Kiri Malang
29	1425/10	Muhammad Aslam	Muhammad Hassan	GPS Jhoke Rind/GPS Wanda Buchra
30	2377/10	Muhammad Ismail	Muhammad Hayat	GPS Wanda Nadir Shah

(B)

			Khan	
442	2340/10	Muhammad Khalid	Mulazim Hussain	GPS Kot Masoodan
443	231 4/10	Ulfat Ali	Ghulam Shabir	GPS Sadu Wali
444	2542/10	Jamil Hussain	Ghulam Sarwar	GPS Basti Maheer
445	2067/10	Fayaz Muhammad	Niaz Muhammad	GPS Jhoke Rind
446	1429/10	Amir Hussain Shah	Iqbal Hussain	GPS Sardara Wala ✓
447	2336/10	Sheikh Imtiaz Ahmad	Sheikh Riaz	GPS Wanda Khaliq Shah/ GPS Chah Pai Wala
448	1436/10	Saad Ud Din Khan	Mir Alam	GPS Ganju/Kiri Malang
449	2028/10	Muhammad Kamran	Muhammad Latif Khan	GPS No. 1 Mandhran Kalan
450	2322/10	Shah Jehan	Muhammad Jan	GPS Chah Ladha / Kath Garh
451	2208/10	Munir Ahmad	Noor Muhammad	GPS Memood Abad/Jogrind
452	20 96/10	Malik Fazal Rahim	Malik Fazal Karim	GPS Rora
453	1498/10	Kifayat Hussain	Gul Zaman	GPS Kirri, Paiwana/ GPS Nijmat Khuda
454	1649/10	Fazal Abbas Khan	Manzoor Hussain	GPS Chah Pai Wala ✓
455	306 4/10	Fahad Nadeem	Sohail Nadeem	GPS Khushrana/ Wanda Balochan Wala
456	251 5/10	Muhammad Sami Ullah	Abdus Sattar	GPS CHAH Faqir Wala
457	2612/10	Muhammad Imran	Muhammad Ramzan	GPS Basti Tareen
458	2353/10	Muhammad Tahir	Rab Nawaz	GPS No.1 Paharpur
459	2344/10	Gohar Iqbal	Ghulam Rabani	GPS Chah Ladha / Bigwani Shumali
460	2089/10	Abdul Sattar	Shah Jehan	GPS Jhoke Mizam/Kotla Qaim Shah
461	170 7/10	Jamil Ahmad	Muhammad Ismail	GPS Gara Dad
462	2276 /10	Zahid Iqbal	Niaz Muhammad	GPS Tilken
463	2117/10	Intizar Hussain	Mulazim Hussain	GPS No.2 Kath Garh
464	241 0/10	Shahid Akhtar	Rab Nawaz Khan	GPS Shameer
465	2355/10	Amanullah	Nasrullah	GPS Chah Lang Wala / Chah Murad Abad
466	1437/10	Sibghatullah	Baber Khan	GPS Panjanshah
467	1433/11	Muhammad Saleem	Faizullah	GPS Long Khair Shah ✓

9

				Chah Pai Wala
693	2127/10	Mazhar Abbass	Sohna Khan	GPS Chah Hussain Khan
694	Nil	Asmat Ullah Lashari	Atta Muhammad	GPS Sakandar Junabi
695	Nil	Muhammad Aslam	Haq Nawaz	GPS Shala Sharif/Moga
696	2045/10	Muhammad Amjad Khan	Shoukat Hayat	GPS Muchi Wal/ Gandhi Ashiq
697	1797/10	Ishfaq Ahmad Faiz	Faizullah	GPS Bali Wala/Ratta Kulachi
698	3087/10	Munawar Hussain	Ghuam Qasim	GPS Kiara Besharat. Appointed by Transfer
699	2305/10	Tariq Hussain	Allah Nawaz	GPS Kalu Qalander
700	Nil	Shoukat Ali	Rustam Khan	GPS Hassani
701	Nil	Muhammad Taqi Shah	Zawar Hussain Shah	GPS Kachi Baqar
702	2525/10	Muhammad Rashid	Muhammad Bakhs	GPS Teekan/Kurai
703	2806/10	Ghulam Baho	Ghulam Hussain	GPS Wanda Shesha / No.1 Paharpur
704	Nil	Mehmoo Ellahi	Raza Muhammad	GPS Haji Khel
705	1885/10	Muhammad Imran	Mumtaz Khan	GPS No.3 DIKhan
706	2013/10	Muhammad Ibrahim	Muhammad Nawaz	GPS Aman Abad
707	26 00/10	Muhammad Ramzan	Muhammad Ayaz	GPS Tube Well Noor Alam
708		Ghulam Abbas	Fazal Elahi	GPS Mithpur Khurd
709	1454	Muhammad Gulzar	Ghulam Sarwar	GPS Gandhi Ashiq

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

Ends No. 001-7131
Copy for information to:

Dated D.I.Khan the 08/2/2012

1. P.S to Secretary (E&SE) KPK.
2. P.A to Director (E&SE) Peshawar.
3. District Coordination Officer D.I.Khan.
4. District Officer (E&SE) (M/F) D.I.Khan
5. All concerned.

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

K.P.K
بخدمت جناب ڈائریکٹر ایگزیکٹو اینڈ سیکنڈری ایجوکیشن صوبہ پشاور

عنوان :- اپیل

جناب عالی!

موردہ بندہ التماس ہے کہ مسائل محکمہ ایجوکیشن میں P.S.T کی پوسٹ پر ملازم تھا۔ اور مسائل ہر لحاظ سے اس

پوسٹ پر مطلوبہ تعلیمی قابلیت رکھتا ہے۔ مسائل نے ایجوکیشن ڈیپارٹمنٹ میں تقریباً عرصہ دو سال تک ملازمت کی اور محکمہ کے تمام

P. 630
CM 175
کو بجکم آرڈر نمبر

14 5/15

مراعات بھی قانون کے مطابق وصول کرتا رہا لیکن اچانک مسائل کو موری

لے گئے بغیر کسی شوقا رنوش کے بلاوجہ ملازمت سے صرف لیا گیا ہے۔ جو کہ مسائل کے ساتھ سراسر زیادتی اور خلاف

قانون ہے

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

آپ کی عین نوازش ہوگی
فقہا - مورخہ

OR

8 6/15

اعلیٰٰ حضرت
اعلیٰٰ حضرت
اعلیٰٰ حضرت
اعلیٰٰ حضرت
اعلیٰٰ حضرت

Date 07/04/07

مشرفی اخبار

درخواستیں مطلوب ہیں

حکومت تعلیم ذریعہ اسماعیل خان میں درجہ 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 زبردستی کے دفتر سے ملے گا۔ 251 روپے میں دفتری اوقات کار میں وصول کئے جاسکتے ہیں۔ مندرجہ ذیل شرائط کے ساتھ درخواستیں تقابلی / تدریسی استاد مسروس سرٹیفیکیٹ / شاخہ کارڈ اور ڈومیسائل کی مصدقہ نقول کے ہمراہ مورخہ 20/4/07 تک مطلوب ہیں۔ جو کہ ای۔ ڈی۔ او (سکولز اینڈ لٹریسی) ذریعہ اسماعیل خان کے دفتر واقع

کیٹ باقابل ہاتھی پارک دفتری اوقات کار میں پہنچ جانی چاہیں۔ بعد ازاں کوئی درخواست وصول نہیں کی جائیگی۔
 بشرائط: (۱)۔ تمام تقرریاں موجودہ مرد و بچہ گورنمنٹ رولز / پالیسی کی بنیاد پر ہوں گی۔ (۲)۔ سلیکشن کی صورت میں امیدوار پنشن کا مستحق نہ ہوگا۔ (۳)۔ سی پی / پی۔ ای۔ ٹی / ڈرائنگ ماسٹر / نائٹ / مردانہ کی آسامیوں پر تقرری گورنمنٹ کے مروجہ قانون کے مطابق %75 (فیصد) شیڈ وائز / اٹیڑڈ انڈر %25 (فیصد) تقرری اوپن میرٹ کی بنیاد پر ہوگی۔ (۴)۔ پی۔ ایس۔ ٹی (مردانہ / زنانہ) کی آسامیوں پر تقرری گورنمنٹ کے مروجہ قانون کے مطابق %75 یونین کوئٹل میرٹ کی بنیاد پر اور %25 اوپن 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 ہو سکتے۔ 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 زیر ملازمت امیدوار اپنی درخواستیں اپنے متعلقہ آفسر کے توسط سے بعد تصدیق شدہ سرٹیفیکیٹ بھیجنا ہوگی۔ (۸)۔ وہ درخواستیں جس میں امیدوار کی عمر کی حدود درخواست کی وصولی کی آخری تاریخ سے ایک دن بھی زیادہ ہوگی۔ وصول نہیں کی جائیگی۔ (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) کوٹہ مختص ہے۔ جس کیلئے انہیں سٹینڈنگ میڈیکل بورڈ کا جاری کردہ سرٹیفیکیٹ پیش کرنا لازمی ہوگا۔ (۱۱)۔ ٹیسٹ / انٹرویو درجہ ذیل پروگرام کے مطابق صبح 9 بجے شروع ہوگا۔ (۱۲)۔ کوئی ٹی اے / اے / ڈی اے نہیں دیا جائیگا۔ اور نہ ہی کوئی علیحدہ لیٹر جاری کیا جائیگا۔ (۱۳)۔ سی۔ پی۔ ای۔ ٹی / پی۔ ای۔ ٹی / ڈی۔ ایم / ای۔ ٹی / اے / ڈی کی پوسٹ کیلئے مرد / خواتین کی عمر کی حد 18 سے 33 سال جبکہ پی۔ ٹی۔ سی مردانہ / زنانہ کی عمر کی حد 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 / اے ڈی کام بچہ سی ٹی کورس	14/5/07	مردانہ GMS نمبر 1 ذریعہ زنانہ GGHS دین پور
2	ڈرائنگ ماسٹر (DM)	25/4/07	ایف اے / ایف ایس سی / اے ڈی کام بچہ ڈی ایم کورس	15/5/07	مردانہ GMS نمبر 2 ذریعہ زنانہ GGHS دین پور
3	ٹریکل ایجوکیشن ٹیچر (PET)	25/4/07	ایف اے / ایف ایس سی / اے ڈی کام بچہ ہونیوررڈ کورس	15/5/07	مردانہ GMS نمبر 3 ذریعہ زنانہ GGHS دین پور
4	عربی ٹیچر (AT)	26/4/07	میٹرک بچہ شہادت عالیہ سیکنڈ ڈویژن دفتار المدارس یا ایم اے عربی سیکنڈ ڈویژن (تنظیمات المدارس)	16/5/07	مردانہ GMS نمبر 4 ذریعہ زنانہ GGHS دین پور
5	اسلامیات ٹیچر (IT)	26/4/07	میٹرک بچہ شہادت عالیہ سیکنڈ ڈویژن از دفتار المدارس یا پی اے عربی اسلامیات شہادت الخاصہ (تنظیمات المدارس)	16/5/07	مردانہ GMS نمبر 5 ذریعہ زنانہ GGHS دین پور
6	تاری	26/4/07	میٹرک بچہ تجویذ القرآن منظرہ شہادہ لے سے	16/5/07	مردانہ GMS نمبر 6 ذریعہ 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 پالیسی کے مطابق نری برتی جائے گی۔	17/5/07	(برائے تفصیل ذریعہ)۔ مردانہ GMS نمبر 7 ذریعہ زنانہ GGHS دین پور GGHS پھلا پور (برائے تفصیل پھلا پور) GGHS پھلا پور (برائے تفصیل پھلا پور) GGHS کلاں (برائے تفصیل درہاں کلاں) مردانہ GGHS کلاں (برائے تفصیل کلاں) مردانہ GGHS-1 کلاں (برائے تفصیل کلاں) مردانہ

07
4

GOMAL UNIVERSITY

No 0175220



DERA ISMAIL KHAN
(K. P. K PAKISTAN)

DETAILED MARKS CERTIFICATE
MASTER OF ARTS URDU FINAL

Held in April-May 2013

Session 2012/Annual

Roll No: 5112

Name: SYED AMIR HUSSAIN SHAH

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

SUBJECT	Total No of Marks	MARKS OBTAINED	
		In Figure	In Words
Urdu Poetry and Masnavi	100	41	Forty One
Det: Study of Iqbal	100	45	Forty Five
Hist: of Urdu Language	100	53	Fifty Three
Essay	100	52	Fifty Two
Viva Voce	100	59	Fifty Nine
Aggregate Previous	300	108	One Hundred Eight
Total Marks	800	358+2=360	Three Hundred and Sixty

Result Declaration

Date: 20/12/2013

Errors & Omissions Accepted

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

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

رجسٹریشن نمبر 0080- امین ڈی این- 94

رول نمبر 6690235- س

نمبر شمار 51168

حکامہ اقبال اوپن یونیورسٹی اسلام آباد



سپر بہار 1995ء

اقبال حسین شاہ

بن / بنت

امیر حسین شاہ

تصدیق کی جاتی ہے کہ

ساکن / صوبہ	سجود	نے	پروفیسر ٹیچر ٹریفکٹ	مندرجہ ذیل کورسز پاس کر کے حاصل کیا ہے۔
کورس	کورس	کوڈ	کوڈ	حاصل کردہ نمبر
ورکشاپ و تدریسی مشق	64	614	تدریس اردو	62
اصول تعلیم	58	618	تدریس ریاضی	62
تعلیمی نفسیات	54	619	تدریس سائنس و جسمانی تعلیم	59
تنظیم مدرسہ	63	620	تدریس اسلامیات و معاشرتی علوم	64
سکول کمیونٹی اور عملی فنون	65			585/900

گرڈ میں کامیابی حاصل کی

فیصد نمبر اور

65

طالب علم نے مجموعی طور پر پی بی اے میں

Amir
Head Master
Govt. Middle School
Qazi Khokhar D.I. Khan

کمزور امتحانات

یہ سند بغیر کسی نشان و ترمیم کے جاری کی گئی

اسلام آباد
ہجری 1416
1996ء

s.No 614300

Roll No. 42768



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



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

SESSION 1988 (ANNUAL)

THIS IS TO CERTIFY THAT Amir Hussain Shah
Son/Daughter of Iqbal Hussain Shah
and a student of Govt: High School, Mandhra, D.I. Khan

has passed the *Secondary School Certificate Examination*
of the Board of Intermediate and Secondary Education, Peshawar held in April 1988
as a *Regular candidate*. He/She obtained 476 Marks out of 850
and has been placed in Grade Representing 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 Fifteenth April
one thousand nine hundred and Seventy Two (15-4-1972)

Asstt. Secretary
31st August 1988

Secretary
This certificate is issued without alteration or erasure.

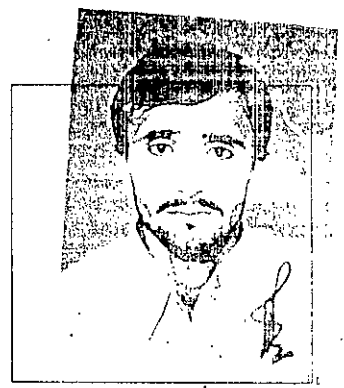
Secretary

15

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

BN No. 001284

Roll No. 59012



Board of Intermediate & Secondary Education
 Bannu N.W.F.P Pakistan
INTERMEDIATE EXAMINATION
Humanities Group
 SESSION 1996 (SUPPLEMENTARY)

THIS IS TO CERTIFY THAT AMIR HUSSAIN SHAH
 Son/Daughter of IQBAL HUSSAIN SHAH
 and a student of DISTRICT D.I.KHAN.
 Registered No. 779-BB/P-93. has passed the Intermediate
 Examination of the Board of Intermediate & Secondary Education, Bannu.
 as a Private 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.

[Signature]
 Asst. Secretary
[Signature]
 19/3/96

[Signature]
[Signature]
 Headmaster
 Govt. Middle School
 Qazi Khokhar D.I.Khan

[Signature]
 Secretary

This certificate is issued without retention of erasure.

Serial No 066147

Registration No. 1554-Gomal-99

Roll No. 3379

Session: XXX

GOMAL UNIVERSITY

DERA ISMAIL KHAN
N.W.F.P
PAKISTAN



Provisional Certificate

This is to certify that Mr. / ~~MISS~~ Mrs. AMIR HUSSAIN SHAH

Son / Daughter / Wife of XXXXXXXXXX IQBAL HUSSAIN SHAH

of the Department / Institute of XXXXXXXXXX PRIVATE CANDIDATE OF DISTT: D.I. KHAN

has passed BA. (P-II) ANNUAL, 2010 Examination held in JUNE, JULY, 2010

in the subject of XX

He / ~~SHE~~ was placed in SECOND

division, Securing 247 marks out of 550

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

Dera Ismail Khan.

Dated 04-10-2010

[Signature]
[Signature]
Head Master
Govt. Middle School
Qazi Khokhar D.I. Khan

[Signature]
ADDITIONAL CONTROLLER OF EXAMINATIONS

17

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (SCHOOLS & LIT:)
DERA ISMAIL KHAN

APPOINTMENT ORDER:

Consequent upon the approval of Selection Committee, the following Male Candidate is hereby appointed against vacant post of PTC in the school noted against their name in BPS 07 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.	Amir Hussain Shah S/O Iqbal-Hussain, Shah R/O DIKhan.	GPS.Sardare Wala

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.
6. No TA/DA is allowed.

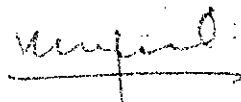
Sd/-
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN

Endst: No. 20520-24 / Dated D.I.Khan the 01/10/ 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. Principal/Headmistress/ Headmaster concerned.
5. Candidate concerned.

EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY DIKHAN



Executive District Officer
Schools & Literacy D.I.Khan


Head Master
Govt. Middle School
Quxi Khokhar D.I.Khan

چارچرپورٹ

میں سید اختر حسین خان نے کسی ایک طرح کے سہولت کار کے

سے جو کہ آج مورخہ _____ قبل بعد از دوپہر بموجب حکم نمبری _____

_____ آمدہ از دفتر _____

تبدیل ہوا ہے _____ PST _____ پوسٹ کا چارج سنبھال لیا ہے۔

مقام _____ گورنمنٹ پرائمری سکول کراچی

مورخہ 07 - 10 - 01

A. A. Ahmad

Head Master
Govt. Middle School
Qazi Khokhar D.I. Khokhar

چارچرپورٹ کا ایجنٹ

کے سر
14/07/07
چارچرپورٹ و سنبھال

تفصیل اسباب بقایا (ذریعہ چارج دہندہ)

نمبر شمار	نام اشیاء	تعداد اشیاء	کل قیمت	بوسیدہ	گھنڈہ	کیفیت

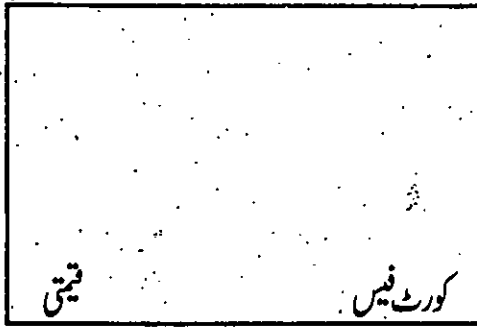
مقام آگورنٹ سیم ایجنسی سکول سرگودھا (رہ) مورخہ 07-10-01
 چارج دہندہ سید جاوید شہزاد چارج گھنڈہ سرگودھا
 نمبر 20320 مورخہ 07-10-01

جناب عالی! چارج 3/4/5 رپورٹ پرت بخدمت عالیہ برائے ضروری کارروائی ارسال ہیں۔

11/10/07
 سید ناصر گوٹھ

عشرت آرٹ پریس بازار کلاں ڈیرہ اسماعیل خان فون نمبر 810981

وکالت نامہ



بعدالت جناب کے پی کے سروس ٹریڈنگ لیسٹ اور

منجانب _____

بنام _____

دعوے یا جرم _____ باعث تحریر آئیکہ _____

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام کے پی کے سروس ٹریڈنگ لیسٹ اور

محمد عرف سلوہ آرٹو وکٹ بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت

حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور

موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنیکے مجاز نہ ہوں گے اگر مقدمہ

پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری 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 او 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 دہاشی 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۔

العبد

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 1295/2015

Ameer Hussain Shah

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. 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. **IsrarUllab 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 prepense malic 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

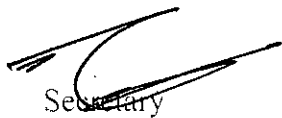
committee comes to the conclusion that the **appointments of the appellants were illegal and irregular in the light of Rule 10(2) of APT-1989 (annexure I).**

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

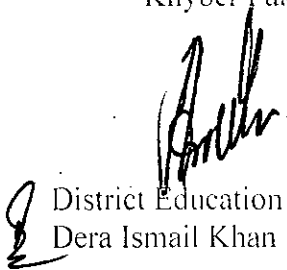
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar



Director

Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar



District Education Officer
Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

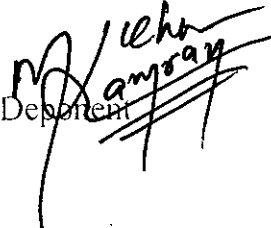
Service Appeal No. 1295/15

Ameer Hussain Shah^{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.


Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

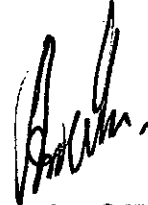
Service Appeal No. 1295/2015

Amir Hussain S/O S

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