

Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 231/2024

Date of order  
proceedings

Order or other proceedings with signature of judge

2

3

11.03.2024

The implementation petition of Mr. Said ul Ibrar submitted today by Muhammad Farooq Malik Advocate. It is fixed for implementation report before touring Single Bench at Swat on \_\_\_\_\_. Original file be requisitioned. AAG has noted the next date.

By the order of Chairman

  
REGISTRAR

**BEFORE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

Implementation *Petition no -231/2024*

In

Service Appeal No. 734/2019

Said ul ibrar .....Petitioner.

VERSUS

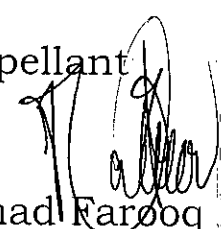
Iftikhar ul Ghani, and another.....Respondent.

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Appellant

Through

  
Mohammad Farooq Malik  
Advocate  
Supreme Court of Pakistan

Date 16-02-2024

(1)

**BEFORE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 11704

Date 11-03-2024

**Implementation**

**In**

Service Appeal No. 734/2019

Said ul ibrar S/o FAzal Karim R/o village Cheengli District

Bunir. *Presently Ex-pst Govt primary school, Mirzaki,  
Cheengali District Bunir.*

.....Petitioner

VERSUS

1- Iftikhar ul Ghani, District Education Officer (DEO)

District Bunir.

2- Fazli Akber SDEO Circle khadu khel buner.

.....Respondent

**APPLICATION FOR IMPLEMENTATION /  
EXECUTION PETITION OF ORDER DATED  
04-09-2023 AND 07-10-2021 OF THIS HON'BLE  
TRIBUNAL.**

**Respectfully Shwetha**

1. That petitioner had filed service appeal No 734 of 2019 before this Hon'ble tribunal which was eventually allowed vide judgment and order dated 07.10.2021 whereby appellant was restored with all back benefits.

2

(Copy of judgment and order dated 07.10.2021 of this hon'ble tribunal is attached as annexure-A)

2. That official respondents were reluctant to implement the judgement of this hon'ble tribunal therefore under compelling circumstances petitioner filed execution petition before this hon'ble tribunal and that execution petition was disposed of vide order dated 04-09-2023 on the analogy that respondent produced a later no. 5092-95 dated 31-08-2023. (copy of order dated 04-09-2023 and later dated 31-08-2023 are attached as annexure "B" and "C").
3. That official respondent despite passing of sufficient time did not release the amount/back benefits therefore having no other remedy, petitioner approached this hon'ble tribunal for the compliance of judgment and commitment made at the bar by the official respondents inter alia on the following grounds.

### GROUNDS

- A. That the act and action done by the Respondents is calculated to lower the authority of Hon'ble tribunal to obstruct or interfere with due course of justice and lawful process of the tribunal this Petition for implementation/execution is being filed not to wreak vengeance but to vindicate honor of the Tribunal so as to keep the public confidence in superior court undiminished

- B. Those implementation/execution proceedings are criminal in nature, the respondent is to be prosecuted by framing charge, recording evidence and awarding adequate sentence both of imprisonment and fine so that it shall be a lesson for all the other likeminded people.
- C. That the act of Respondent manifestly amounts to disobey and disregard the order and directions of this Hon'ble tribunal.

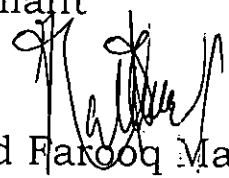
It is, therefore, prayed that on acceptance of instant implementation/execution petition respondent may graciously be directed to to release the outstanding amount of the petitioner for safe administration of justice.

or

any other remedy been appropriate in the fact and circumstances of the case may graciously be passed in favor of petitioner

  
Appellant

Through

  
Mohammad Farooq Malik  
Advocate  
Supreme Court of Pakistan

4

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

**COC**

**In**

Service Appeal No. 734/2019

Said ul ibrar .....Petitioner

VERSUS

Iftikhar ul Ghani .....Respondent

**AFFIDAVIT**

I, Said Ul Ibrar S/o Fazal Karim R/o Mohallah Jaffer khel post office khanakhas , Tehsil Khodokhel, District Bunir do hereby solemnly declare that the accompanying **COC** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
Deponent

NIC#

Identified by



Muhammad Farooq Malik,  
Advocate.



5

**BEFORE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

**Implementation**

**In**

Service Appeal No. 734/2019

Said ul ibrar

.....Petitioner

VERSUS

Iftikhar ul Ghani

.....Respondent

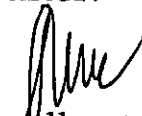
**ADDRESSES OF PARTIES.**

**APPELLANT**

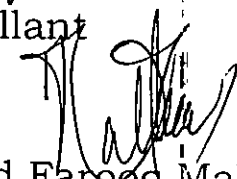
Said ul ibrar S/o FAzal Karim R/o village Cheengli District  
Bunir

**RESPONDENT**

- 1- Iftikhar ul Ghani, District Education Officer (DEO)  
District Bunir.
- 2- Fazli Akber SDEO Circle khadu khel buner.

  
Appellant

Through

  
Mohammad Fareeq Malik  
Advocate  
Supreme Court of Pakistan

(6)

Annex 'A'

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT SWAT.**

Service Appeal No. 734/2019

Date of Institution ... 28.05.2019

Date of Decision ... 07.10.2021



Saidul Ibrar S/O Fazal Karim Ex-PST Government Primary School Mirzaki Cheenglail,  
R/O Village Cheenglail, District Buner. ... (Appellant)

**VERSUS**

District Education Officer (M) Buner and five others.

... (Respondents)

MR. MUSHTAQ AHMAD KHAN  
Advocate ... For Appellant

MR. RIAZ KHAN PAINDAKHEIL,  
Assistant Advocate General ... For official respondents No. 1 to 5

MR. MUHAMMAD IKRAM KHAN  
Advocate ... For private respondent No.6

ROZINA REHMAN ... MEMBER (JUDICIAL)  
ATIQU-UR-REHMAN WAZIR ... MEMBER (EXECUTIVE)

*Handwritten signature*

**JUDGMENT**

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

Brief facts of the case are

that the appellant was appointed as Primary School Teacher (PST) vide order dated 28-02-2019 and the appellant assumed the charge of his duty. Appointment order of the appellant was withdrawn vide order dated 09-03-2019 and respondent No. 6 was appointed in his place. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 10-05-2019, hence the instant service appeal

**TESTED**  
*Handwritten signature*  
Khyber Pakhtunkhwa Service Tribunal Peshawar



with prayers that the impugned orders dated 09-03-2019 and 10-05-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are against law, rules and natural justice as the appellant was appointed by the competent authority after observance of due process of law, but while withdrawing his appointment order, no chance of defense was offered to the appellant to clarify his stance and it is a well settled legal proposition that any irregularity, whatsoever, if committed by the appointing authority itself, appointee could not be harmed or damaged. Reliance was placed on 2009 SCMR 653; that the principles of Audi alturm partum has grossly been violated and on this score alone, the impugned orders are liable to be set at naught. Reliance was placed on 2011 PLC (C.S) 1651; that the appellant has been removed from service through an alien procedure which is not known to law and rule applicable to the civil servants; that the impugned order of withdrawal of the appointment order of the appellant and appointment of respondents No. 6 in his place is illegal and result of mala fide on part of the respondents; that the appellant could not be removed from service as he had neither obtained such appointment through fraudulent means nor through any misrepresentation, rather the respondents had appointed the appellant after approval and recommendation of the departmental selection committee; that legal procedure was not adopted, which resulted into refusal of chance to defend his cause, which is contrary to the norms of natural justice; that the appellant has not been treated in accordance with law applicable to the civil servants, hence the impugned orders are against the spirit of prevailing law and rules; that duration of obtaining secondary and higher secondary qualification as well as inter board co-ordination committee (IBCC) qualification in respect of respondent No. 6 are at the same time duration, which was required to be verified by the appellate committee as to how respondent No. 6 had obtained such qualifications at one time; that respondent No. 6 applied to the post on BISE qualification and accordingly his merit position was low than the

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(8)

appellant but after conclusion of the whole process, the IBCC qualifications were considered at a belated stage by the respondents, which is violation of clause-8 of the advertisement, which provides that no changes would be admissible in documents after cutoff date.

03. Learned Assistant Advocate General for official respondents has contended that the appellant was appointed against the post of PST vide order dated 28-02-2019 and he took over charge and performed his duty in GPS Mirzakai for only three days; that after declaration of result and selection of candidates, respondent No. 6 submitted an appeal that he is also holding qualification of IBCC exam of "Shahadat-us-Sanwia Khassa" and "Shahadat-us-Sanwia Aama", therefore IBCC equivalent marks may be considered in his favor instead of Board of Intermediate and Secondary Education (BISE) marks; that on BISE marks the merit score of respondents No. 6 was 102.06 but after consideration of his IBCC equivalent marks, his score raised to 107.06, hence the score of respondent No. 6 stood higher than the appellant whose score was 106.28 and he was the last candidate, hence appointment of the appellant was withdrawn and respondent No. 6 was appointed in his place; that the appellant has been treated in accordance with law and his appointment order was withdrawn due to lower marks than respondent No. 6.

04. Learned counsel for respondent No. 6 has contended that as per clause-6 of terms and condition of the appointment order dated 28-02-2019, it has been very clearly mentioned that if any meritorious candidate is deprived of appointment by this order, the appointment order of the lowest candidate in merit shall be withdrawn on acceptance of the appeal and adjustment order will be reviewed accordingly as per merit; that the appointment order of the appellant was withdrawn by the competent authority after hearing the appeal of respondent No. 6, who had higher marks than the appellant, but due to non-consideration of equivalency certificate issued by IBCC at the time of appointment, respondent No. 6 was placed low in merit position and when his IBCC marks were considered, the merit position raised and he was

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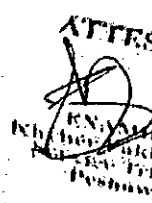
*[Signature]*  
 [Illegible text]

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considered for appointment in place of the appellant; that it is undisputed that IBCC qualification are equivalent to BISE qualification, hence calculating marks of respondent No 6 on such qualification is not illegal.

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

06. Record reveals that District Education Officer Buner advertized posts of PST with prescribed qualification of Bachelor Degree, but with no mention of any equivalent qualification. Besides other, the appellant as well as respondent No. 6 applied for the post. Appellant was the last selected candidate in order of merit amongst the selected candidates obtaining 106.28 marks, whereas respondent No 6 being the leftover candidate had obtained 102.06. Respondent No. 6 submitted an appeal to the appellate committee requesting therein that the he is also holding qualification of IBCC exam of "Khassa" and "Aama" and his marks in Khassa and Aama are higher than SSC and FA qualification, therefore IBCC Aama and Khassa marks may be considered instead of Board of intermediate and secondary education(BISE) marks. The appellate committee considered his request and his marks were re-calculated based on his IBCC qualification, which raised his marks to 107.06, thus the appointment letter of the appellant being the last candidate in order of merit in the selected candidates was withdrawn and respondent No. 6 was appointed in his place.

ATTESTED  
  
 District Education Officer  
 Buner

We have observed that in the first place, there is no mention of any equivalent qualification in the advertisement made for the purpose, but equivalent qualifications in respect of respondent No 6 were considered for calculation of his merit and that too after issuance of appointment order to the appellant, which was not warranted. It is undisputed that IBCC qualifications are equivalent to BISE qualifications, but such qualifications were not required as per advertisement, hence calculation of his merit on such documents would be illegal. Had the intention of concerned department been to appoint candidates having qualification equivalent to

IBCC, it would have stipulated the same in the advertisement, but non-mentioning of such fact in the advertisement meant that only those candidates were required who had (specific) qualification as laid down in the advertisement and deviation from the dictates published in the advertisement amounts to illegality. Reliance is placed on 2014 PLC (C.S) 39 and PLJ 2014 Lahore 670. Respondent No-6 initially applied on SSC, HSSC and Bachelor degree, but was not selected due to his low merit position, which necessitated him to submit his IBCC qualifications to the appellate committee, whereas the appellate committee re-considered his marks based on equivalent qualification, which raised his merit position and the appellant, who was already appointed and who had also assumed his duty, was removed which procedure is nowhere mentioned in the service rules and which also is negation of their own terms and conditions published in the advertisement. It was also noted that both the qualification of SSC, FA and equivalent IBCC qualifications were obtained by respondent No. 6 in the same time period, which could not attract attention of the appellate committee to verify such point, but which certainly creates doubts, as to how one can get equivalent qualification in the same time period, but now it would be futile to dig out such issue, as the respondent No. 6 has also developed vested rights over the post, upon which he served for two and half years and he also shall not suffer for fudge of the respondents. It is otherwise a question of common sense that qualification of Khassa and Aama are not specific for the subject post and mere its equivalency with SSC and FA does not mean that it can be taken interchangeably when it was not specifically required as prescribed qualification. Placed on record is an advertisement, through which the subject recruitments were held, Clause-8 of the advertisement provides that no changes would be admissible in educational documents after the cutoff date, but documents of respondent No. 6 were changed even after announcement of result and issuance of appointment orders. Placed on record is another advertisement for District Abbottabad, which clearly mentions in its terms and condition that no marks will be considered for qualification of Khassa and Aama, which means that the marks considered for respondent No. 6 on account of

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EXAMINER  
 Member District  
 Service Tribunal  
 Peshawar

(11)

such qualification was not in accordance with their own terms and conditions framed for such recruitment and when prescribed procedure is not followed by the concerned authority, the civil servant could not be blamed for what was to be performed and done by the competent authority, rather competent authority should be held responsible and liable for the lapses on their part. Reliance is placed on 2004 SCMR 303. We have also noted that appointment order of the appellant was neither illegal nor contrary to any provision of law nor issued by an incompetent authority, in a situation, respondents had no authority to withdraw such appointment arbitrarily. Reliance is placed on 2011 MLD 1494 and PLJ 2013 Peshawar 132(DB). It is a well settled law that before withdrawal of such order, appointing authority must adopt proper course to hold a full-fledged inquiry, which however was not done in case of the appellant. Reliance is placed on 1993 SCMR 603. In the present case the appellant applied for the post concerned, was selected, appointed and order was communicated to the appellant, in consequence whereof he joined duty, such order of appointment, which had taken legal effect, was not amenable to withdrawal. Reliance is placed on 2011 PLC (CS) 1651.

08. We are of the considered opinion that the appellant has not been treated in accordance with law as he was deprived of his rights accrued to him by considering irrelevant marks of respondent No. 6, thus injustice was done to the appellant, hence the impugned order dated 09-03-2019 is liable to be set aside. On the other hand, the same principles as discussed above, would equally be required to be applied in favor of respondent No. 6, as he has already developed vested rights over such post and to deprive him of his post, would be contrary to the principles already laid down in case of the appellant as discussed above, hence in order to meet the ends of justice, the instant appeal is accepted, impugned orders dated 09-03-2019 and 10-05-2019 stands set aside and appointment order dated 28-02-2019 in respect of the appellant is hereby restored with all back benefits. Appointment order of respondent No. 6 cannot be withdrawn for follies of the official respondents,

W.H.

TESTE

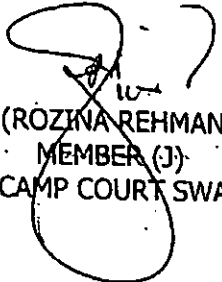
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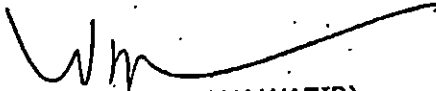
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hence respondents are further directed that respondent No.6 shall be adjusted upon occurrence of vacancy. Parties are left to bear their own costs. File be consigned to record room.

**ANNOUNCED**  
07.10.2021

  
(ROZINA REHMAN)  
MEMBER (J)  
CAMP COURT SWAT

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)  
CAMP COURT SWAT

Certified to be true copy  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 22/10/21  
Number of Words 2800  
Copying Fee 30/-  
Urgent 1/1  
Total 36/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 22/10/21  
Date of Delivery of Copy 22/10/21

خدمت جناب سب ڈویژنل ایجوکیشن آفیسر صاحب (مردانہ) فروغی ضلع پونیر  
عنوائی: درخواست بحوالہ عطا کی گئی سابقہ تقابلات  
جناب عالی!

مؤربانہ زراٹس ہے۔ کہ بندہ کی تقرری بحیثیت PS آ مدرس میں بحورضہ 28  
کو بحوالہ آرڈر نمبر 3-1124 عمل میں لائی گئی۔ اور میں نے باقاعدہ بحورضہ 3  
کا خارج کیا۔ لیکن روسو کے فرد کی مہارت پر فوری درخواست کی گئی  
میں اپنی بحالی کیلئے عدالت میں گیس دائر کی جس کا فیصلہ آئے ہے

دوبارہ فوری بحالی بحورضہ 7 اٹی گئی۔ اور میں نے 9 کو دوبارہ  
خارج کیا۔ اس دوران فوری بحالی کے لئے درخواستیں ساقم  
کے لئے درخواستیں آئی ہیں۔ لیکن مجھے اپنے تئیں فراموشی سے  
لینے دے گئے۔

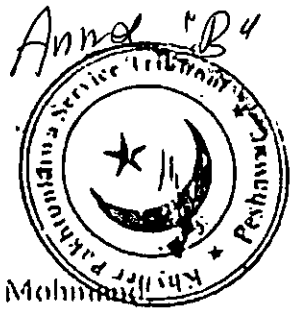
تمام فراموشی کی حصول کے لئے میں نے طلبہ کے خلاف عدالت میں دوبارہ  
ڈٹ دائر کیا۔ جس کی روٹی میں عدالت نے بحورضہ 8 کو بحوالہ  
509295 واضح حکمنامہ جاری کیا کہ مدرس کو تمام سابقہ فراموشی سے  
ڈٹ جائیں۔

آج سے درخواست کی جائے کہ آج صبح صبح کو تمام فراموشی سے  
تاریخ 9 تمام فراموشی سے درخواستیں کی تقابلیات دینے کے حکامات صادر فرمائیں  
تو عدلیہ نواز رہا ہوگا۔

صفحہ 9  
13/02/23

سید لوبار PS آ مدرس  
مدرسہ

14



04.09.2023 01. Petitioner in person present. Mr. Fazal Shah Mohiuddin  
Additional Advocate General alongwith Mr. Ubaid-Ur-Rehman.  
ADFCO for the respondents present.

02. Representative of the respondents submitted copy of office  
order bearing Indst. No. 5092-95 dated 31.08.2023 whereby in  
compliance of the judgment of this Tribunal, the grievance of the  
petitioner has been redressed. Since the order of Tribunal has been  
complied with, therefore, the instant execution petition is filed.  
Consign.

03. Pronounced in open court at camp court Swat and given  
under my hand and seal of the Tribunal this 04<sup>th</sup> day of September.

2023.

*Certified to be true copy*  
*Member (I)*  
Khyber Pakhtunkhwa  
Service Tribunal  
Pratyanas

*(Signature)*  
(Muhammad Akbar Khan)  
Member (I)  
Camp Court Swat





OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-555110  
EMAIL: edobuner@gmail.com



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Amra C

**OFFICE ORDER**

In compliance with the judgments of Honorable Service Tribunal Khyber Pakhtunkhwa in Service Appeal No. 734/2019 Dated 07-10-2021 and E. P. / C. p. C No. 62/2023 Dated 10-03-2023, titled Saic ul Ibrar vs District Education Officer Male Buner and others, the Competent Authority is pleased to conditionally allow back benefits to the appellant subject to the final outcome of CPLA No. 765-P/2021 already filed in the Honorable Supreme Court of Pakistan.

DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst No. 5092-95 Dated 21/08/23 2023

Copy of the above is forwarded for information to:

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar
2. District Accounts Officer Buner
3. SDEO (M) Concerned
4. Official Concerned

  
DISTRICT EDUCATION OFFICER (M)  
BUNER

21/8/23  
h



Regularization

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OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-555110  
EMAIL: edobuner@gmail.com



**NOTIFICATION**

1. WHEREAS Mr. Saidul Ibrar s/o Fazal Karim R/O Chinglai Buner was appointed as a PST at GPS Mirzakai vide DEO (M) Buner, order No. 1124-32 Dated 28-02-2019.
2. AND WHEREAS an aggrieved candidate namely Rukhtaj s/o Dur Jamil Shah R/O Chinglai Tehsil Khudo Khel, submitted an appeal to DEO (M) Buner holding the stance that he is higher in merit than Mr. Saidul Ibrar and he has the right to be appointed against the post of PST.
3. AND WHEREAS a committee was constituted to examine the complaint and to propose its recommendations. The committee after thorough perusal and examining the relevant record and merit list, declared the appeal of Mr. Rukhtaj to be valid.
4. AND WHEREAS the DEO (M) Buner withdrew the appointment order of Mr. Saidul Ibrar vide order No. 1307-14 Dated 09-03-2019 and consequently appointed Mr. Rukhtaj Khan vide Enst; No.1323-30 Dated; 09/03/2019.
5. AND WHEREAS Mr. Saidul Ibrar, being aggrieved by the withdrawal order, filed a Service Appeal No.734/2019 in Service Tribunal Peshawar.
6. AND WHEREAS the Honorable Service Tribunal Peshawar in its detailed judgment directed the DEO (M) Buner to restore the appointment order of Mr.Saidul Ibrar.
7. AND WHEREAS in pursuance of the directives in the operational part of the court's judgment appointment order of Mr. Saidul Ibrar was conditionally restored subject to the final outcome of CPLA already filed in the August SC Of Pakistan vide CP No.765-P/2021 vide DEO(M) notification No.3158-65 Dated; 01/07/2022.

NOW, THEREFORE, I, Mr. Iftikhar Ul Ghani, District Education Officer (M) Buner, being the Competent Authority in pursuance of the Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education (Appointment & Regularization of Services) Act 2022 (Khyber Pakhtunkhwa Act No.XLI of 2022) conditionally regularize service of Mr. Saidul Ibrar PST GPS Mirzakai till the final judgment of Honorable Supreme Court Of Pakistan.

Note. His seniority will remain intact from the date of his first appointment i.e 28/02/2019.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
(MALE) BUNER

Endst; No. 6594-99 Dated. 27 / 12 / 2022  
Copy for information to :-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Monitoring Officer EMA Buner
3. District Accounts Officer Buner
4. SDEO Concerned
5. Teacher Concerned.
6. Master File.

DISTRICT EDUCATION OFFICER  
(MALE) BUNER



Posting order

(17)

OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-555110  
EMAIL: edobuner@gmail.com



TO BE SUBSTITUTED WITH THIS OFFICE ENDST. NO. 3158-65 DATED 01/7/2022

### OFFICE ORDER

WHEREAS Mr. Said Ul Abrar was appointed vide this office Endst No. 1124-32 dated 28-2-2019.

AND WHEREAS Mr. Rukhtaj Khan (Private Respondent No.6) submitted an appeal to DEO (M) Buner regarding his non-consideration of IBCC certificates and the resultant exclusion from appointment order.

AND WHEREAS the DEO (M) constituted a committee to decide appeals in the light of rules and policy. The committee after threadbare scrutiny decided all the cases in the light of rule and policy. The case of appellant was decided falling at S.No. 15 of the minutes, wherein appeal of Rukhtaj Khan ( Private Respondent No. 6) was accepted.

AND WHEREAS in the light of decision of the committee, One Year contract School Based Appointment of Mr. Said Ul Abrar (Appellant) was withdrawn vide this office endst No. 1307-14 dated 09/03/ 2019 and Mr. Rukhtaj Khan (Private Respondent No. 6) was appointed vide this office endst No. 1323-30 dated 09/03/2019.

AND WHEREAS the appellant filed an appeal before the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar vide Service Appeal No. 734/2019, which was allowed in favour of the appellant.

AND WHEREAS CPLA No. 765-P/2021 has been filed in the August Supreme Court of Pakistan in the instant case.

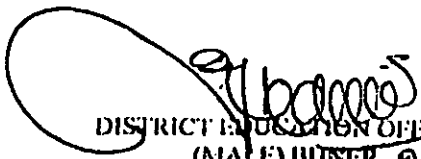
NOW, THEREFORE, in compliance with the Honourable Court's directive, render in its judgment Dated 7/10/2021 in Service Appeal No. 734/2019, I, Iftikhar Ul Ghani, District Education Officer (M) Buner as Competent Authority conditionally restore appointment order in respect of Said Ul Abrar issued vide this office endst No. 1124-32 dated 28-2-2019, subject to the final outcomes of the CPLA already filed in the August Supreme Court of Pakistan vide No. 765-P/2021. Since private respondent No. 6 (Rukhtaj Khan) has already performed duty and received salaries on one and the same school based post at GPS Mirzakay till February 2022, therefore, financial benefits/salaries in respect of the appellant (Said Ul Abrar) shall be subject to final outcomes of CPLA.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
(MALE) BUNER

Endst; No. Even No. & Date.

Copy for information to :-

1. Registrar Khyber Pakhtunkhwa Service Tribunal at Camp Court, Swat.
2. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Monitoring Officer Buner.
5. SDEO (M) Khadu Khel (Buner).
6. Teachers Concerned.
7. Master File.

  
DISTRICT EDUCATION OFFICER  
(MALE) BUNER 01/7/22

وکالت نامہ

بعدالت صاحب سروس سٹریٹ سٹیٹ لہذا صاحب سٹیٹ

مستند نمبر	نام
مخانب	دعویٰ اجرم
تھانہ	ایف آئی آر
	تاریخ

باعث تحریر آنکس سے ... کے لئے مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام

محمد فاروق ملک ایڈوکیٹ سپریم کورٹ آف پاکستان

کو بدین 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 مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا ہزور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا ہزور تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ جتنے کوکل ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور پیردہاشی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخ ڈگری کی طرف درخواست حکم اتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا کی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ مندرجہ مورخہ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Muhammad Farooq Malik  
Advocate  
Supreme Court of Pakistan.  
BC No. 10-3281  
Cell No. 0314-9008308  
CNIC NO. 17301-1530598-9

Said-ul-Ilahi