

Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Ajmal Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Asim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Fazal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shahi Room Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Ayaz -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Umaid Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Marud Ali -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**
MUHAMMAD AKBAR KHAN ... **MEMBER (Executive)**

Service Appeal No.7376/2021

Date of presentation of Appeal.....01.09.2021
Date of Hearing.....17.04.2024
Date of Decision.....17.04.2024

Rahat Ullah S/O Fazal Rokhan R/O Mohib Road, P/O Par Hooti, Mohallah Tajik Abad, Tehsil and District Mardan, presently (SST) GHS Kandar Mardan*Appellant*

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Law Department** Government of Khyber Pakhtunkhwa, Peshawar.
5. **District Education Officer (Male)** Mardan.
.....(*Respondents*)

Service Appeal No.7377/2021

Date of presentation of Appeal.....26.01.2021
Date of Hearing.....17.04.2024
Date of Decision.....17.04.2024

Ajmal Khan S/O Zarawar Khan R/O Post Office Sattar Khan Colony Tehsil Takht Bhai District Mardan, presently (SST) "G" Mardan.....*Appellant*

Versus



Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Aimal Khan- vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Ham vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Izaf -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shahi Room Khan- vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Fahad Khan- vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Ayaz vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaud Ullah vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalam Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
 2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
 3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.
 4. **Secretary Law Department** Government of Khyber Pakhtunkhwa, Peshawar.
 5. **District Education Officer (Male)** Mardan.
-(**Respondents**)

Service Appeal No.7378/2021

Date of presentation of Appeal.....26.08.2021
 Date of Hearing.....17.04.2024
 Date of Decision.....17.04.2024

Muhammad Alam S/O Izat Khan R/O Mohallah Miana, Village Pushtoon Gari, Tehsil Pabbi District Nowshera, presently (SST) GHSS Pushtoon Gari, Nowshera**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
 2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
 3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.
 4. **Secretary Law Department** Government of Khyber Pakhtunkhwa, Peshawar.
 5. **District Education Officer (Male)** Nowshera.
-(**Respondents**)

Service Appeal No.7379/2021

Date of presentation of Appeal.....26.08.2021
 Date of Hearing.....17.04.2024
 Date of Decision.....17.04.2024



Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Ajmal Khan vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Ifzal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shahi Room Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Aziz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ullah Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalam Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Muhammad Azim S/O Fazal Ahad R/O Mohallah Bazar, Seni Gumbat, Tehsil & District Kohat, presently (SST) GHS Tolanj Jadeed Kohat.Appellant

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Law Department** Government of Khyber Pakhtunkhwa, Peshawar.
5. **District Education Officer (Male)** Charsadda.
.....(Respondents)

Service Appeal No.7380/2021

Date of presentation of Appeal.....26.08.2021
Date of Hearing.....17.04.2024
Date of Decision.....17.04.2024

Ifzal S/O Fida Muhammad R/O Post Office Katti Gahri, Village Shero Trando Tehsil Kalang, District Mardan, presently (SST) "Maths, Physics" Mardan.Appellant

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Law Department** Government of Khyber Pakhtunkhwa, Peshawar.
5. **District Education Officer (Male)** Mardan.
.....(Respondents)

Service Appeal No.7381/2021



Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Ajmal Khan- vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam- vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Ifzal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381-2021 titled "Shahi Room Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman- vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Ayaz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaid Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman- vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Date of presentation of Appeal.....26.08.2021

Date of Hearing.....17.04.2024

Date of Decision.....17.04.2024

Shahi Room Khan S/O Muhammad Ibrahim R/O Par Hooti, Mohallah Shah Gai, Tehsil & District Mardan (SST) GHSS Gaddar, Mardan.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Law Department** Government of Khyber Pakhtunkhwa, Peshawar.
5. **District Education Officer (Male)** Mardan.

.....(**Respondents**)

Service Appeal No.7382/2021

Date of presentation of Appeal.....26.08.2021

Date of Hearing.....17.04.2024

Date of Decision.....17.04.2024

Rashid Usman S/O Fazle Subhan R/O Mohallah Meetha Khail, Village & Post Office, Kheshgi Payaan District Nowshera, presently (SST) GHSS No.1 NSR.....**Appellant**

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Law Department** Government of Khyber Pakhtunkhwa, Peshawar.
5. **District Education Officer (Male)** Nowshera.

.....(**Respondents**)



Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Ajmal Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Jafal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shah Roon Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Ayaz vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaid Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No.7383/2021

Date of presentation of Appeal.....26.08.2021
Date of Hearing.....17.04.2024
Date of Decision.....17.04.2024

Fahad Khan S/O Raees Khan R/O Mohallah Agra Kheol Bala, Post Office Badaaber presently (SST) "Maths, Physics" GHS Kaga Wala Peshawar.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.
4. **Secretary Law Department** Government of Khyber Pakhtunkhwa, Peshawar.
5. **District Education Officer (Male)** Peshawar.

.....(**Respondents**)

Service Appeal No.7384/2021

Date of presentation of Appeal.....26.08.2021
Date of Hearing.....17.04.2024
Date of Decision.....17.04.2024

Muhammad Ayaz S/O Lal Zada R/O Village Tordher, Takht Bhai, District Mardan, presently (SST) Mian Khan Mardan.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Elementary & Secondary Education Peshawar.
2. **Director** Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary Finance Department** of Government of Khyber Pakhtunkhwa, Peshawar.



Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Ajmal Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Ijazal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shahi Room Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Avaz-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaid Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman and Mr. Athanmud Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

4. **Secretary Law Department Government of Khyber Pakhtunkhwa, Peshawar.**

5. **District Education Officer (Male) Mardan.**

.....(**Respondents**)

Service Appeal No.7385/2021

Date of presentation of Appeal.....26.08.2021

Date of Hearing.....17.04.2024

Date of Decision.....17.04.2024

Ubaid Ullah S/O Fateh Gul R/O Village, Abas Kali, P/O Sardheri, District Charsadda, presently (SST) GHS Boobak, Charsadda.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.**

2. **Director Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.**

3. **Secretary Finance Department of Government of Khyber Pakhtunkhwa, Peshawar.**

4. **Secretary Law Department Government of Khyber Pakhtunkhwa, Peshawar.**

5. **District Education Officer (Male) Charsadda.**

.....(**Respondents**)

Service Appeal No.7386/2021

Date of presentation of Appeal.....26.08.2021

Date of Hearing.....17.04.2024

Date of Decision.....17.04.2024

Atiq Ur Rehman S/O Ameer Hamza R/O Village and post office Tajori, Mohallah Dor Kel, District Lakki Marwat presently (SST) GHS Bargi Lakki Marwat.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.**



Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Aimal Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Izhal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shah Raza Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Ayaz -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaid Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

2. **Director Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.**
3. **Secretary Finance Department of Government of Khyber Pakhtunkhwa, Peshawar.**
4. **Secretary Law Department Government of Khyber Pakhtunkhwa, Peshawar.**
5. **District Education Officer (Male) Lakki Marwat.**
(Respondents)

Service Appeal No.7387/2021

Date of presentation of Appeal.....26.08.2021
 Date of Hearing.....17.04.2024
 Date of Decision.....17.04.2024

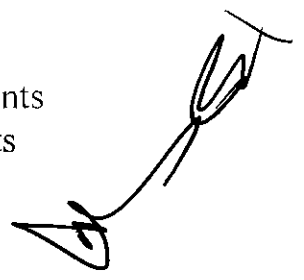
Murad Ali S/O Rehman Gul R/O Village Haji Habib Gul, Post office Dhakki Tehsil Tangi District Charsadda.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.**
2. **Director Elementary & Secondary Education of Government of Khyber Pakhtunkhwa, Peshawar.**
3. **Secretary Finance Department of Government of Khyber Pakhtunkhwa, Peshawar.**
4. **Secretary Law Department Government of Khyber Pakhtunkhwa, Peshawar.**
5. **District Education Officer (Male) Charsadda.**
(Respondents)

Present:

Mr. Inayat Ullah Khan, Advocate.....For the appellants
 Mr. Umair Azam, Additional Advocate General....For respondents



APPEALS UNDER ARTICLE 212 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ WITH SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE SECTION

Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Amal Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Iftal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shahi Koon Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Aziz -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaid Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Anq Ur Rehman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

4 OF THE KHYBER PAKHTUNKHWA EMPLOYEES OF THE ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT (APPOINTMENT AND REGULARIZATION OF SERVICES ACT 2017 BE DECLARED ULTRA VIRES OF CONSTITUTION WHICH IS AT VARIANCE WITH THE SECTION 3 OF THE SAID ACT AND IS VIOLATIVE OF ARTICLES 4, 25 AND 27 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.

CONSOLIDATED JUDGMENT

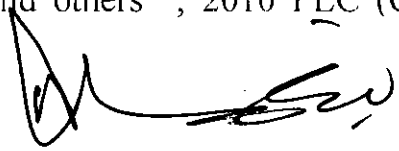
KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment, all the above appeals, being similar in nature and almost with the same contentions, are going to be decided together.

2. These appeals are against Section 4 of the Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education Department (Appointment & Regularization of Services) Act 2017 with the prayer to direct the respondents to amend the Section-4 of the Act 2017 and impugned section be declared as violative of the fundamental rights guaranteed by the Constitution and also null and void the same may be please be struck down as whole in the interest of justice or amend and the appellants for the posts of SST were regularized through this Act be considered for promotion from the date of their initial appointments/regularization, respondents be directed not to issue final seniority list till final disposal of instant appeals or

Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Ajmal Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Iftal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shah Raza Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Aziz vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaid Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Anj Ur Rehman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17/04/2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

constitute the DPC in this respect and other relief that may be permissible under the law and constitution be also allowed to the appellant against the respondents to meet the ends of justice.

3. Learned counsel for the appellant submitted that the impugned section of law was illegal and unlawful, based on malafide, hence, liable to be set aside. He submitted that as per Section 3 (1) Clause (d) of Regularization of Services Act 2017, the services of the appellants were regularized from the date of their initial appointment. Further submitted that as per Article 18 of the Constitution of Islamic Republic of Pakistan, 1973 every citizen had right to enter upon any lawful occupation or profession subject to qualification as might be prescribed, therefore, the appellants were entitled to be treated equally in seniority with those teachers appointed through NTS as SST before commencement of the said Act. Lastly, he concluded that the appellants had been treated discriminately against the Article 25 of the Constitution of Islamic Republic of Pakistan, 1973, therefore, requested for acceptance of the instant service appeals. Reliance was placed on PLD 1980 Supreme Court 153 titled "Iqan Ahmed Khurram Vs. Government of Pakistan and others"; 1991 SCMR 1041 titled I.A Sharwani and others Vs. Government of Pakistan through Secretary Finance Division Islamabad and others" ; 2010 PLC (C.S) 68 titled



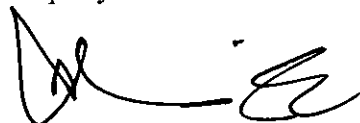
Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Apzal Khan vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Ifzal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7381/2021 titled "Shahi Room Khan vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Ayaz vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaid Ullah vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

“Mushtaq Ahmad Vs. Province of Punjab through Secretary Industries, Lahore and 5 others”; 2014 SCMR 1289 titled “Muhammad Aslam Awan, Advocate, Supreme Court Vs. Federation of Pakistan and others”; 2019 PLC (C.S) 103 Fareeha Rehman and others Vs. Province of Punjab through Secretary Higher Education and others” as well as judgment of this Tribunal in Service Appeal No.974/2016 titled “Muhammad Parvez Vs. Government of Khyber Pakhtunkhwa”.

4. On the other hand, learned Additional Advocate General submitted that the appellants had been treated in accordance with law and rules in terms of Section-4 of the Act of 2017. He argued that the appellants had concealed the material facts from this Tribunal by agitating the irrelevant section of law by ignoring the relevant Section-4 of the Act of 2017. Further submitted that the respondents had not violated the provision of Article 25 of the Constitution of Islamic Republic of Pakistan 1973. Lastly, he submitted that the appeals were time barred, hence, not tenable and were liable to be dismissed.

5. We have heard learned counsel for the appellants and learned Additional Advocate General for the respondents.

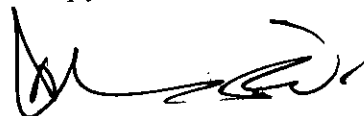
6. We are of the view that the appellants could not point any malafide on the part of the respondents in enacting the provisions of Section-4 of the Khyber Pakhtunkhwa Employees of Elementary &



Service Appeal No.7376/2021 titled "Rahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Ajmal Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Ham vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Ijaz -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shah Room Khan -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Ayaz vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ullah Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7386/2021 titled "Atiq Ur Rehman -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Mirad Ali-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Secondary Education Department (Appointment & Regularization)

Act, 2017. Besides, the judgments produced by the learned counsel were different than the facts and circumstances of the instant cases. In the instant cases, there is a specific provision of determination of seniority provided in Section-4 of the above referred Act, while none of judgments is in respect of the instant Act. Besides, the learned counsel for the appellants failed to point out any ground of violation of fundamental rights of the appellants, in case the provision of Section-4 of the Act are to remain. Regarding the discrimination, alleged to have meted out to the appellants, by provisions of Section-4 of the above referred Act which being different than the provisions of Act of 2022, it is observed that the Act of 2022 was later in time, therefore, this point cannot be considered. Regarding the contention of learned counsel that provisions of Sections 3 & 4 are at variance with each other, it is observed that Section-3 is regarding Regularization of Services of the Employees, wherein the employees who hold the posts till commencement of the Act were deemed to have validly appointed on regular posts from the date of initial appointment. While in subsection (2) of Section-3, it was provided that services of the employees shall be deemed to have been regularized only on the publication of their names in the official gazette. The copy of Act annexed with the



Service Appeal No.7376/2021 titled "Fahat Ullah -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No. 7377/2021 titled "Ainul Khan vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7378/2021 titled "Muhammad Alam-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7379/2021 titled "Muhammad Azim -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7380/2021 titled "Hizal -vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7381/2021 titled "Shahi Room Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7382/2021 titled "Rashid Usman vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7383/2021 titled "Fahad Khan-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7384/2021 titled "Muhammad Ayaz vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7385/2021 titled "Ubaid Ullah vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" Service Appeal No.7386/2021 titled "Atiq Ur Rehman vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" and Service Appeal No.7387/2021 titled "Murad Ali-vs- Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar and others" declared on 17.04.2024 by Division bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

appeal shows that the Act was gazette on 08.01.2018, while there is no official gazette provided showing the names of the appellants, wherein, the names of appellants were publicized, was produced before the Tribunal.

7. Be that as it may, Section-3 is regarding regularization of Services while Section-4 is regarding determination of seniority of the employees whose services were regularized and other different employees. Therefore, this cannot be said to be at variance with each other. This being so, we see no merit in these appeals, which are dismissed. Costs shall follow the event. Copy of this judgment be placed in the files of all the connected service appeals. Consign.

8. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 17th day of April, 2024.


KALIM ARSHAD KHAN
Chairman



MUHAMMAD AKBAR KHAN
Member (Executive)

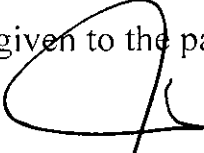
14th Mar, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the case. Adjourned. To come up for arguments on 17.04.2024 before D.B. P.P given to the parties.

SCANNED
KPT
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman


Adnan Shah

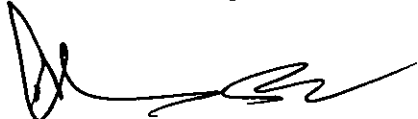
ORDER

17th Apr. 2024 1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Mr. Muhammad Rizwan, Assistant Director for the respondents present.

2. Vide our consolidated judgment of today placed on file of, instant service appeal is dismissed. Costs shall follow the event. Copy of judgment be placed on files of all connected appeals. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 17th day of April, 2024.*


(Muhammad Akbar Khan)
Member (E)

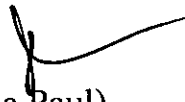

(Kalim Arshad Khan)
Chairman

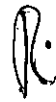
Attaazem Shah

08.08.2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to place on file some additional documents. Adjourned. To come up for arguments on 05.12.2023 before D.B. P.P given to parties.


(Fareeha Paul)
Member (E)



(Rashida Bano)
Member (J)


*Kaleem Ullah

05th Dec. 2023

1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah, Deputy District Attorney the respondents present.

2. Learned counsel for the appellant, when confronted with the situation whether the Tribunal had any power to strike down any Section of an Act of the Provincial Assembly, the learned counsel sought some time to produce the judgment of the Supreme Court of Pakistan in this regard, wherein, the powers of the Tribunal to strike down any provision of an Act or even the entire Act, were discussed. Moreover, the learned counsel was also confronted whether service appeal could be filed against tentative seniority list. He sought time to assist the Tribunal on both the points. Granted. To come up for arguments on 14.03.2024 before D.B. P.P given to the parties.


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

SCANNED
KPST
Peshawar

SCANNED
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Peshawar