

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 1622/2013

Date of Institution ... 18.12.2013

Date of Decision ... 03.04.2019

Mian Abdul Majid PST, R/O Jabri Kalish, Balakot, Mansehra.
... (Appellant)

VERSUS

The Secretary, Government of Khyber Pakhtunkhwa (E&SE) Department
Peshawar and three others. ... (Respondents)

MR. TAIMUR ALI KHAN,
Advocate. ... For appellant

MR. KABIRULLAH KHATTAK,
Addl. Advocate General ... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. HUSSAIN SHAH, ... CHAIRMAN
... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant appeal is with the prayer for payment of salary and adjustment of appellant as PST w.e.f. September, 2012.
2. The memorandum of appeal reflects the facts in term that the appellant was appointed as PST on 18.07.2012. Subsequently, he availed extraordinary

leave on 04.09.2012. In the leave sanction order he was required to be adjusted at GPS Kund Balakot upon return from leave. Accordingly the appellant submitted his arrival report on 06.09.2012 at the place of his posting. As the appellant was not paid his salary till October, 2012 he filed applications to the DEO/Deputy Director and Director for his adjustment and release of salary but his applications were not responded to. On 22.08.2013, the appellant submitted a departmental appeal before the Secretary Education (E&SE) which also remained un-responded, hence the appeal in hand.

3. We have heard learned counsel for the appellant, learned AAG on behalf of the respondents and have also perused the available record.

The record shows that in a Writ Petition No. 479-A/2013 filed by the appellant before the Honourable Peshawar High Court Bench Abbottabad, the respondents submitted comments on 13.07.2013 in which it was, inter-alia, noted that the appointment of appellant was not as per merit. His merit number was 09 while the appointments were made upto S.No. 03. It was further laid in the comments that the then District Education Officer vide order No. 610-15 dated 30.11.2012 had cancelled the order of appointment of appellant alongwith some others with the remarks that their orders were fake/scanned. Alongwith the comments a copy of notification dated 30.11.2012 was also attached. The said notification was regarding the cancellation of certain orders from the date of issuance. The list also included endorsement No. 3846-56 dated 18.07.2012 pertaining to appointment of

appellant. It is however, conspicuously provided in the column of names that one Muhammad Hanif was mentioned against said endorsement number while the name of appellant did not exist in the entire list contained in cancellation order.

4. It is also a fact, not denied by the respondents, that the appellant was allowed leave on 04.09.2012 through the signature of Executive District Officer E&S Education Mansehra, however, in their reply the respondents have tagged it as an act due to misrepresentation by the appellant. The reply of respondents is even otherwise evasive, wherein, reliance was placed on the cancellation of notification dated 30.11.2012. Needless to reiterate that the said notification did not contain the name of appellant.

5. It is also admitted that in the matter of alleged fake appointment of appellant no probe or enquiry was ever conducted. As discussed above, the case of appellant required enquiry, more so, when the order of his termination or cancellation of appointment had not seen the light of the day till now.

6. Learned Addl. AG questioned the maintainability of the appeal and stated that the order of withdrawal of appointment of the appellant was not challenged before any forum. We are not convinced by the said objection owing to the fact that there is no order on record, whereby, the appointment of appellant was withdrawn.

7. As a sequel to the above, we allow the appeal in hand and require the respondents to conduct an enquiry in respect of allegations of fabrication of

documents by the appellant. The enquiry shall be concluded within a period of ninety days from the receipt of copy of instant judgment by the respondents, wherein, the appellant shall be provided fair opportunity of defence. We refrain from making any order of reinstatement of appellant into service in view of the fact that there is no order on record regarding termination or cancellation of his appointment order.



Parties are left to bear their respective costs. File be consigned to the record room.


(HUSSAIN SHAH)
MEMBER


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
03.04.2019

311/17s

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	03.4.2019	<p><u>Present.</u></p> <p>Mr. Taimur Ali Khan, .. For appellant Mr. Kabirullah Khattak, .. For respondents Addl. Advocate General</p> <p>Vide our detailed judgment of today, we allow the appeal in hand and require the respondents to conduct an enquiry in respect of allegations of fabrication of documents by the appellant. The enquiry shall be concluded within a period of ninety days from the receipt of copy of instant judgment by the respondents, wherein, the appellant shall be provided fair opportunity of defence. We refrain from making any order of reinstatement of appellant into service in view of the fact that there is no order on record regarding termination or cancellation of his appointment order.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p style="text-align: center;">  Member  Chairman </p> <p><u>ANNOUNCED</u> 03.04.2019</p>

16.11.2018

The Hon'able Chairman has not yet been assumed the charge, therefore, the case is adjourned for the same on 07.01.2019 before D.B.


Reader

07.01.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Adjourn. To come up for arguments on 11.01.2019 before D.B.

Member


Member

11.01.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on ~~21.02.2019~~ before D.B.

21.02.2019


Member


Member

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant request for adjournment. Adjourned. To come up for arguments on 03.04.2019 before D.B


Member


Chairman


24.04.2018 · Learned counsel for the appellant and Mr. Riaz Paindakheil, learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 09.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.08.2018 before D.B.


(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member


20.08.2018 Learned counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 16.10.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

16.10.2018 Junior to counsel for appellant present. Junior to counsel for appellant seeks adjournment as senior counsel for appellant is not in attendance. Adjourn. To come up for arguments on 16.11.2018 before D.B.


Member


Member

18. 04.07.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 25.10.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Hamid Mughal)
Member

25/10/2017

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel appellant seeks adjournment. To come up for arguments on 19/12/2018 before DB.

Member

Chairman

19.12.2017

Clerk to counsel for the appellant and Asst: AG for respondents present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance due to death of his wife. Adjourned. To come up for arguments on 21.02.2018 before D.B.

Member

Chairman

21.02.2018

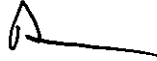
Due to non availability of D.B. Adjourned. To come up on 24.04.2018 before D.B.

(Gul Zeb Khan)
Member

1622/2013

28.10.2016

Appellant with counsel, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Jan, GP for respondents. Learned counsel for the appellant submitted that identical case of Mst. Bibi Nageena has been accepted by the respondent-department and the appellant has been discriminated by not accepting his appeal. The respondents are directed to produce the record of Mst. Bibi Nageena on the next date. To come up for such record and arguments on 2.3.17 before D.B.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

02.03.2017

Counsel for the appellant and Asstt. AG for the respondents present and submitted before the court that the case has been prepared by learned Addl. AG but he is not in attendance due to death of his uncle. To come up for final hearing on 04.07.2017 before the D.B.

(Gul Zehra)
Member

29.07.2015

Appellant with counsel, Mr. Khurshid Khan, SO and Javid Ahmad, Supdt alongwith Addl: AG for the respondents present. Arguments could not be heard as learned Member (Judicial) is on official tour to camp court D.I. Khan, therefore, the case is adjourned to 6-11-2015 for arguments.


Member

6.11.2015

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Learned counsel for the appellant requested for adjournment. To come up for arguments on 14-3-2016.


MEMBER

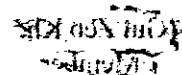

MEMBER

14.03.2016

Counsel for the appellant and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 7/6/16 before D.B.


MEMBER


MEMBER



07.06.2016

Clerk to counsel for the appellant and Asst: AG for respondents present. Clerk to counsel for the appellant requested for adjournment. Adjourned for arguments on 28.10.2016.


Member


Member

08.12.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 06.02.2015.



Reader.

6.2.2015

Counsel for the appellant, M/S- Khursheed Khan, SO for respondent No. 1, Javed Ahmad, Supdt. for respondent No. 2 alongwith Addl. AG for the respondents present. Written reply received on behalf of the respondents No. 1 to 3, copy whereof is handed over to the learned counsel for the appellant. The learned Addl. A.G requested for time to contact respondent No. 4 for submission of written reply. Written reply of respondent No. 4 and rejoinder, if any, in the meantime and case to come up for arguments on 30.4.2015.



MEMBER

30.4.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Javed Ahmad, Supdt. and Khursheed Khan, SO for the respondents present. Due to rush of work, case is adjourned to 29.7.2015 for arguments.



MEMBER



MEMBER

Appeal No. 1622/2013
Mian Abdul Majid

05.06.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Appellant has filed the instant appeal against the non-payment of salary since 18.07.2012 as due to him under Sec-17 of the Khyber Pakhtunkhwa Civil Servant Act, 1973. The appellant filed departmental appeal on 22.08.2013, which has not been responded, hence the present appeal on 18.12.2013. Counsel for the appellant further contended that appointment order of the appellant is still in field and cancellation order (if any) not communicated to the appellant so far and the Sec-17 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 has continuously been violated by not paying monthly salary to the appellant.

The learned Government Pleader while assisting the Tribunal was of the view that there is no final order and according to the judgment of the Hon'able Supreme Court of Pakistan as reported in 2006 SCMR 1630(a), appeal to the Tribunal should always be against a final order as provided in Sec-4 of the Service Tribunal Act 1974; appointment order of the appellant is bogus and the same has been canceled on 30.11.2012, moreover, the Tribunal lacks jurisdiction by directing the respondents as held in 2006 SCMR 1630(b). He requested that the appeal may be dismissed.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 01.09.2014.

Member

This case be put before the Final Bench 1 for further proceedings.

Chairman

1-9-14

The Hon'ble bench is on Res
Restu case is adjd to 8.12.14
Reeds

Appellant Deposited
Security & Process Fee
Rs. 200/- Bank
Receipt is Attached with File.

9/6/14

05.06.2014

8.

5.

14.04.2014.

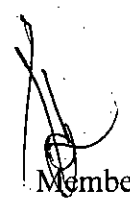
Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 16.05.2014.

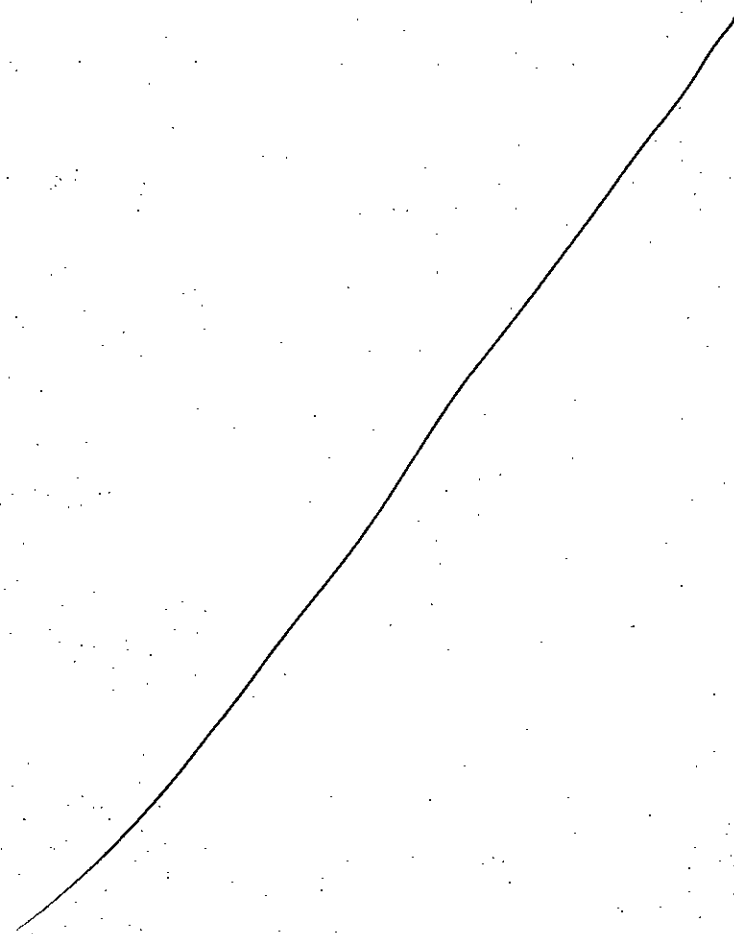

Member

6.

16.05.2014

Counsel for the appellant and Mr. Sakeen Ullah, ADO(Lit) with Mr. Ziaullah, GP for the respondents present. The learned Government Pleader requested for further time to submit attested copy of complete record. To come up for further preliminary hearing/complete record on 05.06.2014.


Member



3.
18.02.2014

Clerk of counsel for the appellant present and requested for adjournment as his counsel was busy in the Peshawar High Court, Peshawar. To come up of preliminary hearing on 07.03.2014.

Member

4.
07.03.2014



Counsel for the appellant present. Pre-admission notices be issued to the respondent No.3 as well as GP to produce complete record of the appellant and explain his position. To come up for preliminary hearing on 14.04.2014.

Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1622/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/12/2013	<p>The appeal of Mr. Mian Abdul Majid presented today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>18-2-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

23-12-2013

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Appeal No. 1622 /2013

Mian Abdul Majid

V/S

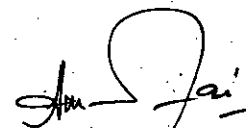
Education Department

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-03
2.	Copy of Order (18.07.2012)	- A -	04-05
3.	Copy of Order (04.09.2012)	- B -	06
4.	Copy of Charge Report	- C -	07
5.	Copy of Application to EDO (31.10.2012)	- D -	08-09
6.	Copy of Application to EDO (29.11.2012)	- E -	10
7.	Copy of Application to Dy: Director (25.02.2013)	- F -	11
8.	Copy of Application to Director (25.05.2013)	- G -	12
9.	Copy of Appeal (22.08.2013)	-H-	13
10.	Vakalat Nama	-----	14

APPELLANT
Mian Abdul Majid

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Appeal No. 1622 /2013

Mian Abdul Majid, PST,
R/O Jabri Kalish,
Balakot, Manseha.

1652
18/12/13

APPELLANT

VERSUS

1. The Secretary, Government of KPK, Education (E&SE) Department, Civil Secretariat, Peshawar.
2. The Director of Education, (E&SE), KPK, Peshawar.
3. The D.E.O. (Male), Education (E&SE), ~~Mansehra~~ *Mansehra*.
4. The Secretary, Government of KPK, ~~Finance~~ *Finance* Department, Civil Secretariat, Peshawar.

RESPONDENTS

.....
APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 FOR PAYMENT OF SALARIES AND ADJUSTMENT AS PST W.E.FROM SEPTEMBER, 2012 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.
.....

Laqul
18/12/13

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO ADJUST THE APPELLANT AS PST AND ALSO PAY HIM MONTHLY SALARIES SINCE SEPTEMBER, 2012 TILL DATE AND ONWARDS BEING STILL ON THE STRENGTH OF THE DEPARTMENT. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant was appointed as PST by the competent authority after observing codal formalities vide order dated 18.7.2012. Copy of Order is attached as Annexure-A.
2. That the appellant after availing leave (E.O.C) was again adjusted at GPS Kund Balakot, Mansehra on 4.9.2012. The appellant reported his arrival on 6.9.2012. Copies of Order and Charge report are attached as Annexure-B and C.
3. That as the appellant was not paid his salaries in October, 2012, he visited the ADO (M) office, who told him verbally to wait for his readjustment because his earlier adjustment has been cancelled and some else were adjusted. So the appellant started wait for his adjustment.
4. That after waiting for some period the appellant filed various application to DEO, Deputy Director and Director for his adjustment but each time, every authority turned deaf ear to the genuine request of the appellant. Copies of Application are attached as Annexure D, E F and G.
5. That finally, the appellant filed appeal, before the Secretary Education (E&SE) on 22.8.2013 and waited for statutory period, but no reply has been received by the appellant so far. Hence the present appeal on the following grounds amongst the others. Copy of Appeal is attached as Annexure-H.

GROUND:

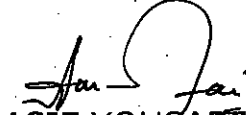
- A) That not adjusting the appellant as PST, non payment of salaries and not taking action on the departmental appeal is against the law, norms of justice and material on record.
- B) That the appellant has not been treated according to law and rules and has been punished for no faults on his part.

- C) That the appellant is still on the strength of the Department and as such he is legally entitled for adjustment and salaries.
- D) That the inaction and non payment of salaries on the part of the respondents is an illegal arbitrary act which is not even permissible under the norms of justice.
- E) That the appellant is validly appointed civil servant and under Section-17 of the Civil Servant Act, 1973, the appellant is fully entitled for pay of PST post as well as adjustment.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT 
Mian Abdul Majid

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.



A

(4)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

ORDER

As approved by the Departmental Selection Committee and on the verification of the documents from the concerned authorities, the Competent Authority has been pleased to appoint the Mian Abdul Majid S/O Muhammad Hassan R/O Jabri Kalish as **PST** against vacant posts at GPS Jabri Kalish in BPS-7 @ Rs.5800-320-15400 pm plus usual allowances as admissible under the rules in the interest of Public Service with effect from the date of their taking over charge subject to the following terms & conditions:-

TERMS & CONDITIONS:

1. His/her appointment are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. He/she will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which he/she belong.
3. In case He/she failed to assume the charge of his/her post within 15 days of his/her appointment, candidature-ship will be stand automatically cancelled.
4. His/her services are regular but will not be entitled for pension/gratuity & he/she will not contribute any amount towards GP Fund however he/she will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
5. He/she will submit to this office, his/her all testimonial and domicile/ UC Certificate from the secretary concerned union councils along-with bank drafts in the name of controller / treasurer of the concerned BISE / University within 7 days after the taking over charge for verification.
6. The release of the pay by the concerned DDOs will be subject to the receipt of verified documents by the appointing authority / (EDO E&SE Mansehra)
7. In case a document or documents is / are found fake or forged or Bogus on such scrutiny or all the verification, the service of the teachers concerned shall be terminated. The whole amount paid to him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.
8. His/her services are liable to termination on one month prior notice from either side in case of resignation without prior notice, his/her one month pay/allowances if any shall be forfeited to Government Treasury.

TESTED

His/her services can be terminated at any time in case his/her performance is found unsatisfactory; he/she will be proceeded against under the removal from service under E&D Rules 2011.

10. He/she should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.

11. He/she may not be handed over the charge if his/her age is above 35 years and below 18 years.

12. The Candidates who are working as regular before 1st July 2001 in pervious post, his/her entitled for pension / gratuity etc.

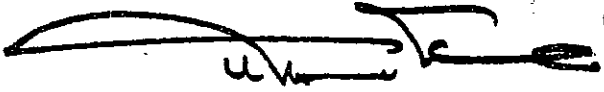
13. No. TA/DA etc is allowed.

14. Charge report should be submitted to all concerned in duplicate.

(Umar Khan Kundi)
EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

Endst: No. 3846-56 / Estt: Apptt: PST//2011-12 Dated Mansehra the 18/7/2012
Copy to the:-

1. Secretary to Govt: of KPK E&SE Department Peshawar.
2. Director E&SE Department KPK Peshawar.
3. District Accounts Officer, Mansehra.
- 4-5. District Officer (M&F) Local Office.
- 6-7. Deputy District Officer (Female & Male) E&SE Mansehra.
8. PA to District Coordination Officer, Mansehra.
9. Budget & Accounts Officer, local office, Mansehra.
10. Candidates concerned.


EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

ATTESTED


273
6/9/12

B
6

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) MANSEHRA

SANCTION.

Under the provision of revised leave rules, 1981 Sanction is hereby accorded to the grant E/L, EOL, ~~Ex-Politan~~ leave for the purpose of ~~House Repair~~ in respect of following teachers as due and admissible to them under the rules and as per detail mentioned against each.

S#	Name & Designation with School.	Period of leave.	Remarks.
	Mian Abdul Majid PST GPs Jabon Kalish Circle Balakot	22/7/2012 To 14/8/2012	23 days without pay.
and on returned from leave He is adjusted at GPs Kund Balakot.			

Note.

Necessary entries to this effect should be made in their service books and Other relevant record.

Sd/-
EXECUTIVE DISTRICT OFFICER
(E&S) EDUCATION MANSEHRA.

Endst: No 7704-7 /AE-II -L/S-PST(M). 4/9 /2012

Copy to the:-

1. District Accounts Officer Manshra.
2. DDO(M) Primary Local Office along with Service Book.
3. Principal/Headmaster GHSS, GHS, GMS, _____ Concerned Schools alongwith Service Books.
4. Officials Concerned.

[Signature]
EXECUTIVE DISTRICT OFFICER
(E&S) EDUCATION MANSEHRA.

ATTESTED
[Signature]

حاضری رپورٹ

لندن کی جاتی سیدہ سہمی میاں عبدالماجد

ولد میاں محمد حسین جن کی ایڈجسٹمنٹ عطا ہو

آفس آرڈر نمبر 7-7704 مورفہ 2012-04 کے

مختہ گورنمنٹ پرائمری سکول لنڈ میں ہوئی تھی

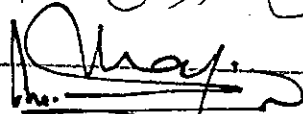
مدرس مورفہ 2012-09-06

کو گورنمنٹ پرائمری سکول لنڈ میں قبل از

دوہر حاضری فرم ہے۔

ہذا عام کارپورس ایصال خدمت ہے

اول مدرس GPS لنڈ



HEAD MASTER
Govt Primary School
KUND

ATTESTED

8

بخدمت جناب ای ڈی اوصاحب ایجوکیشن ڈسٹرک مانسہرہ

جناب عالی!

مودبانہ گزارش ہیکہ سائل G.P.S کنڈ سرکل کا اعلان تحصیل بالا کوٹ میں بطور PST تعینات ہے اور اسی

فرائض سرانجام دے رہا ہے

یہ کہ متعلقہ سرکل کہ ADO نے سائل کو بتا ہا کہ اس کا تعیناتی آڈر منسوخ ہو گیا ہے اور اس کی جگہ کسی دوسرے PST کی

تعیناتی کی گئی ہے لہذا وہ اپنی ایڈجسٹمنٹ کا انتظار کرے۔

لہذا جناب سے استدعا ہیکہ سائل کی بطور PST ایڈجسٹمنٹ بحال کی جائے

عین نوازش ہوگی۔

المرقوعہ: 31-10-2012

العارض

سائل میاں عبدالماجد PST گورنمنٹ پرائمری سکول کنڈ تحصیل بالا کوٹ۔

ATESTED
A

(9)

کاغذات کی جانچ پڑتال کے لیے متعلقہ بورڈز ایونیورسٹیوں کے ڈرافٹس کی تفصیل درج ذیل ہے۔

Draft No: 0593007 نیشنل بینک آف پاکستان 0364 مانسہرہ برانچ (1)

Code No 0977 علامہ اقبال اوپن یونیورسٹی (PTC)

Dated: 07-09-2012

Draft No: 0593007 ہزارہ یونیورسٹی مانسہرہ (BA) (2)

Code No 1487

Date 07-09-2012

Draft No 1487 ہزارہ یونیورسٹی مانسہرہ (MA) (3)

Dated 07-09-2012

سائل میاں عبدالماجد PSt گورنمنٹ پرائمری سکول کندہ تحصیل بالا کوٹ
Mansherah

ATTESTED
A

بخدمت جناب ای ڈی او صاحب ایجوکیشن ڈسٹرکٹ مانسہرہ

عنوان: ایڈجسٹمنٹ برائے PST

جناب عالی!

مودبانہ گزارش ہمیکہ سائل G.P.S کنڈسٹرکٹل کاغان تحصیل بالا کوٹ میں بطور PST تعینات تھا جس کی تعیناتی منسوخ ہو گئی تھی۔ اس سے قبل بھی آپ کی خدمت میں استدعا کی گئی ہے کہ سائل کی ایڈجسٹمنٹ بطور PST بحال کی جائے۔

چونکہ سائل ایک غریب اور نادار شخص ہے اور ساتھ ہی بیروزگاری کی وجہ سے انتہائی کمپرسی کی زندگی گزار رہا ہے۔ لہذا جناب سے استدعا ہمیکہ سائل کی بطور PST ایڈجسٹمنٹ بحال کی جائے جس سے سائل آپ کے لئے نافع و دعا گور ہے گا۔

عین نوازش ہوگی۔

المرقوعہ: 29-11-21012

العارض

سائل میاں عبدالماجد ولد میاں محمد حسین (ایم اے اسلامیات)
PST گورنمنٹ پرائمری سکول کنڈ تحصیل بالا کوٹ۔

ATESTED
A

ATTESTED

ڈیپٹی کمشنر

ڈیپٹی کمشنر برائے سٹیٹ ایجنسیوں اور تنظیموں

پاکستان

25-02-2013

پاکستان

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

پاکستان کے تمام اضلاع میں قائم شدہ تنظیموں اور اداروں کے اہل کاروں کے لئے

(11)

بخدمت جناب ڈائریکٹر صاحب صوبہ خیبر پختون خواہ

عنوان: ایڈجسٹمنٹ بحالی برائے PST

جناب عالی!

یہ کہ مسائل محکمہ تعلیم مانسہرہ کے مشترکہ شدہ اشتہار برائے بھرتی پی ایس ٹی پوسٹ کے لئے اپنے جملہ کاغذات حسب ضابطہ جمع کروائے۔ جملہ کاغذات جمع ہونے کے بعد ایٹا ٹیسٹ پاس کیا پھر انٹرویو کے جملہ امور پورے کئے۔ جس کے بعد میرٹ لسٹیں آویزاں کی گئیں۔ بعد ازاں مسائل کا تعیناتی آرڈر جاری ہو گیا جس کے بعد مسائل نے ڈسٹرک ہسپتال، منسہرہ سے اپنا میڈیکل سرٹیفکیٹ حاصل کیا۔ اس اثناء میں کاغذات کی جانچ پڑتال کے لئے متعلقہ بورڈز ایونیورسٹیوں کے لئے نیشنل بینک سے ڈرافٹ بنا کر متعلقہ ایجوکیشن آفس میں بمعہ جملہ کاغذات جمع کرائے گئے جن کی تفصیل ساتھ لف ہے۔

یہ کہ مسائل کی ایڈجسٹمنٹ پرائمری سکول کنڈر تحصیل بالا کوٹ میں کر دی جو کہ اپنے فرائض سرانجام دیتا رہا جو رجسٹری حاضری معلمین میں موجود ہے۔

یہ کہ اسی اثناء میں مسائل کو ADO آفس نے زبانی کہا کہ آپ کا آرڈر منسوخ ہو گیا ہے، جبکہ مجھے کوئی تحریری آرڈر موصول نہیں ہوا اور نہ ہی باضابطہ آرڈر تک ہوئی،

یہ کہ مسائل کے علاوہ بھی بہت سے سنگل آرڈر ہوئے جن کو کنسل نہیں کیا گیا جو اس وقت بھی ڈیوٹی کرتے ہیں اور تنخواہ وصول کر رہے ہیں اور اس طرح میرے ساتھ امتیازی سلوک کیا گیا۔

یہ کہ مسائل نے اس سے قبل متعلقہ ای ڈی او ایجوکیشن ڈسٹرکٹ مانسہرہ ڈپٹی ڈائریکٹر پشاور کو بھی درخواستیں بمراد ایڈجسٹمنٹ پی ایس ٹی دی ہیں جن پر تاحال کوئی پیش رفت نہیں ہوئی۔

لہذا جناب سے استدعا کی جاتی ہے کہ مسائل کی ایڈجسٹمنٹ بمراد پی ایس ٹی بحال کی جائے۔ جس پر مسائل تا عمر دعا گو رہے گا

عین نوازش ہوگی

المرقوم: 25-05-2013

ارض

میاں عبدالماجد ولد میاں محمد حسین

گاؤں وڈا کخانہ جہڑی کلپش براستہ گڑھی حبیب اللہ تحصیل بالا کوٹ

ڈسٹرکٹ مانسہرہ

ATESTED

بخدمت جناب سیکرٹری ایجوکیشن صاحب صوبہ خیبر پختون خواہ پشاور

عنوان: ایڈجسٹمنٹ بحالی برائے PST

جناب عالی!

یہ کہ سائل محکمہ تعلیم مانسہرہ کے مشہور شدہ اشتہار برائے بھرتی پی ایس ٹی پوسٹ کے لئے اپنے جملہ کاغذات حسب ضابطہ جمع کروائے۔ جملہ کاغذات جمع ہونے کے بعد ایٹانٹیسٹ پاس کیا پھر انٹرویو کے جملہ امور پورے کئے۔ جس کے بعد میرٹ لسٹیں آویزاں کی گئیں۔ بعد ازاں سائل کا تعیناتی آرڈر جاری ہو گیا جس کے بعد سائل نے ڈسٹرک ہسپتال مانسہرہ سے اپنا میڈیکل سرٹیفکیٹ حاصل کیا۔ اس اثناء میں کاغذات کی جانچ پڑتال کے لئے متعلقہ بورڈ زایونورسٹیوں کے لئے نیشنل بینک سے ڈرافٹ بنا کر متعلقہ ایجوکیشن آفس میں بمعہ جملہ کاغذات جمع کرائے گئے جن کی تفصیل ساتھ لف ہے۔

یہ کہ سائل کی ایڈجسٹمنٹ پرائمری سکول کنڈر تحصیل بالا کوٹ میں کر دی جو کہ اپنے فرائض سرانجام دیتا رہا جو رجسٹری حاضری معلمین میں موجود ہے۔

یہ کہ اسی اثناء میں سائل کو ADO آفس نے زبانی کہا کہ آپ کا آرڈر منسوخ ہو گیا ہے، جبکہ مجھے کوئی تحریری آرڈر موصول نہیں ہوا اور نہ ہی باضابطہ آرڈر تک ہوئی،

یہ کہ سائل کے علاوہ بھی بہت سے سنگل آرڈر ہوئے جن کو کنسل نہیں کیا گیا جو اس وقت بھی ڈیوٹی کرتے ہیں اور تنخواہ وصول کر رہے ہیں اور اس طرح میرے ساتھ امتیازی سلوک کیا گیا۔

یہ کہ سائل نے اس سے قبل متعلقہ ای ڈی او ایجوکیشن ڈسٹرک مانسہرہ و ڈپٹی ڈائریکٹر ایجوکیشن صاحب پشاور و ڈائریکٹر ایجوکیشن صاحب پشاور کو بھی درخواستیں بمراد ایڈجسٹمنٹ پی ایس ٹی دی ہیں جن پر تا حال کوئی پیش رفت نہیں ہوئی۔

لہذا جناب سے استدعا کی جاتی ہے کہ سائل کی ایڈجسٹمنٹ بمراد پی ایس ٹی بحال کی جائے۔ جس پر سائل تا عمر دعا گو رہے گا

عین نوازش ہوگی

المرقوم: 22-08-2013

ارض

میاں عبدالماجد ولد میاں محمد حسین

گاؤں وڈا کنخانہ جبرٹی کلشش براستہ گڑھی حبیب اللہ تحصیل بالا کوٹ

ڈسٹرک مانسہرہ

Page 6
adjustment

TESTED

A

(14)

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Mian Abdul Majid (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Dept. (Respondent)
(Defendant)

I/We Mian Abdul Majid (Appellant)

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 18-12/2013

M. Asif
(CLIENT)

ACCEPTED

M. Asif
M. ASIF YOUSAFZAI
Advocate

Ep
Imam Ali Adv.

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

"B"

Pre admission Notice
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Regd
No. *2*

PH

Appeal No.....*1672*..... of 201*3*

Man Avidul Majid.....Appellant/Petitioner

Versus

Secretary Edu. (E&SE) Pesh......Respondent

Respondent No.....*3*.....

Notice to: *The DEO (Male) Edu. (E&SE) Mardan*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*26.11*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....*12*.....

Day of.....*3*.....20*14*

Produce complete record of the appellant.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"A"

Dye admission Notice

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

PH

No.

APPEAL No..... *1622* of 20 *13*

Mian Abdul Majid

Appellant/Petitioner

Versus

Secretary Edu. (E&SE) Peshawar

RESPONDENT(S)

GP

Notice to Appellant/Petitioner

Govt Pleader

Service Tribunal Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *14-4-2013 at 8:10 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Produce complete record of the appellant

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Pr. Tribunal

GP

~~402~~
gb-3

(23)

AMMOC
20/5/12

(32)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&SE MANSEHRA

NOTIFICATION

It is to notify for all concerned that the Mollified orders bearing the following Endst. No. of the Register Dispatch of this office, which are fixed fraudly while the order copies are photo state or Scand or used any other trick, which are neither signed nor issued by the Competent Authority and not exist in the office records.

Therefore the order listed below neither be implementable in future nor part of the office record of this office while the fraudly marked endorsement Nos. may be Considered null and void and have been cancelled / deleted from the dispatch register.

Hence the below listed orders may be considered as cancelled from the issuance date if any of them is tried to be implement in any of the school.

S. No.	Endst. No. / Date	Name / Father's Name	Cadre	School	Remarks
1.	No.5920-31, No.5932-43, No.5944-55 dated 10/5/2012	No entry	No entry	No entry	Due to clerical mistake omission the endst. Nos. have been marked double white issuing U.C wise appointment orders.
2	No. 6500-06 dated: 29/5/12	No entry	No entry	No entry	
3	No. 6514-49 dated: 29/5/12	No entry	No entry	No entry	
4	No. 6550-85 dated: 29/5/12	No entry	No entry	No entry	
5	No.6892-7001 dated 31/05/2012	No entry	PST (M)	No. Entry	
6	No.1298-1302 dated 25/06/2012	Jamila Rani	PST (F)	GGPS Banda Pairan	
7	No.1457-66 dated 26/06/2012	Shah Zaman S/O Baga	PST (M)	GPS Dosum Ballmang	
8	No.1467-76 dated 26/6/2012	No entry	PST	No Entry	
9	No.1477-86 dated 26/6/2012	Sanum Ibrahim	CT (F)	GGMS Kothri	
10	No.3835-45 dated 18/07/2012	Waqar Ahmad	PST (M)	No Entry	
11	No.3845-56 dated 18/07/2012	Muhammad Hanif	PST (M)	No entry	
12	No.4172-82 dated 20/07/2012	Suria Bibi	CT (F)	GGMS Mathera	

Recd on 23/13
Alert

[Signature]
4/6/2013
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

(32)

(23)

ANNEX
to E.O.

(32)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MANSEHRA

NOTIFICATION

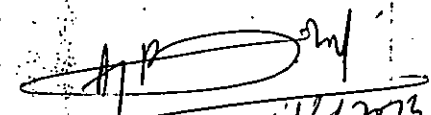
It is to notify for all concerned that the Mollified orders bearing the following Endst: No. of the Register Dispatch of this office, which are fixed fraudly while the order copies are photo state or Scand or used any other trick, which are neither signed nor issued by the Competent authority and not exist in the office records.

Therefore the order listed below neither be implementable in future nor part of the office record of this office while the fraudly marked endorsement Nos. may be considered null and void and have been cancelled / deleted from the dispatch register.

Hence the below listed orders may be considered as cancelled from the issuance date if any of them is tried to be implement in any of the school.

S. No.	Ensd/ No. / Date	Name / Father's Name	Cadre	School	Remarks
1.	No.5920-31, No.5932-43, No.5944-55 dated 18/5/2012	No entry	No entry	No entry	Due to clerical mistake omission the endst. No. have been marked double white. Issuing C.C wise appointment orders.
2	No. 6500-06 dated: 29/5/12	No entry	No entry	No entry	
3	No 6514-49 dated: 29/5/12	No entry	No entry	No entry	
4	No. 6550-85 dated: 29/5/12	No entry	No entry	No entry	
5	No.6892-7001 dated 31/05/2012	No entry	PST (M)	No. Entry	
6	No.1298-1302 dated 25/06/2012	Jamila Rani	PST (F)	GGPS Banda Pairan	
7	No.1457-66 dated 26/06/2012	Shah Zaman S/O Baga	PST (M)	GPS Dosum Ballmang	
8	No.1467-76 dated 26/6/2012	No entry	PST	No Entry	
9	No.1477-86 dated 26/6/2012	Sanum Ibrahim	CT (F)	GGMS Kolhri	
10	No.3835-45 dated 18/07/2012	Waqar Ahmad	PST (M)	No Entry	
11	No.3845-56 dated 18/07/2012	Muhammad Hanif	PST (M)	No entry	
12	No.4172-52 dated 20/07/2012	Suria Bibi	CT (F)	GGMS Malhera	

Received on 23/11/13
Attested
4/11/2013


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

31

29

	No. 4199-205 dated 20/07/2012	Gul Taj	AT (F)	GGMS Kotheri
14	No. 4399-409 dated 23/07/2012	Sibi Nagina	AT (F)	GGMS Chamial
15	No. 5457-04 dated 30/07/2012	Muhamad Rafique	PST (W)	CPS Abi
16	No. 5806-12 dated 31/07/2012	Azra Afaq	OT (F)	GGMS Khakhoo

- Note:- 1- In case of release of pay on implementation of order, the signature of the undersigned may be obtained for the purpose of validation of appointment orders.
- 2- The Dairy / Dispatch Clerk is directed to highlight by writing cancelled Against the above mentioned Enst: Nos. and to be care full in future.

(UMAR KHAN KUNDI)
 EXECUTIVE DISTRICT OFFICER,
 E&SE MANSEHRA

Dated Mansehra the 30/11/2012

Endst: No. 610-15

Copy forwarded to the:-

- The Director E&SE Department Khyber Pakhtunkhwa Peshawar
- The District Coordination Officer Mansehra
- The District Accounts Officer Mansehra
- The District Officer (M & F) E&SE Mansehra (with the remarks to
- The Deputy District Officer (M&F) Mansehra (keep vigilant eyes on
- Deputy District Officer (M) Mansehra

Alien

[Signature]
 DISTRICT EDUCATION OFFICER 4/6/2014
 (MALE) MANSEHRA

EXECUTIVE DISTRICT OFFICER,
 E&SE MANSEHRA

[Faint, illegible text]

[Handwritten signature]

29

BEFORE THE HONORABLE HIGH COURT PESHAWAR BENCH ABBOTTABAD

WRIT PETITION 479-A/2013

Mian Abdul Majid PST..... Petitioners

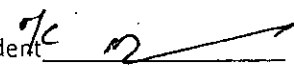
Versus

Education Department Mansehra..... Respondent

Respectfully Sheweth

1. The appointments are not as per merit.
2. His merit No. is 09.
3. We have appointed up to S.No. 03 in cadre PST GPS Shohal Mazullah but the Merit No. of appellatant is 09.
4. The then District Education Officer vide his order No. 610-15 dated 30.11.2012. Has cancelled this order at S.No. 11 has not correct, alongwith others with the remarks that these orders are fake/scanned

On the basis of above facts the appeal of the appellatant of Mr. Mian Abdul Majid PST is not based on facts and cannot be entertained.

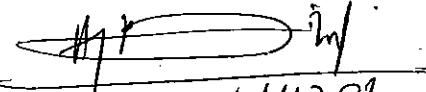
Respondent 
 DISTRICT EDUCATION OFFICER
 (MALE) MANSEHRA

Endst: No. 6303-5 /ADO/Lit:W.P.No.479-A/12 /Dated 13/7/2013
 Copy of the above is submitted for information to the:-

1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar
3. Petitioner Concerned.

Altepu


 DISTRICT EDUCATION OFFICER
 (MALE) MANSEHRA


4/6/2013
 DISTRICT EDUCATION OFFICER
 (MALE) MANSEHRA

BEFORE THE HONORABLE HIGH COURT PESHAWAR BENCH ABBOTTABAD

WRIT PETITION 479-A/2013

Mian Abdul Majid PST..... Petitioners

Versus

Education Department Mansehra..... Respondent

Respectfully Sheweth

1. The appointments are not as per merit.
2. His merit No. is 09.
3. We have appointed up to S.No.03 in cadre PST GPS Shohal Mazullah but the Merit No. of appellat is 09.
4. The then District Education Officer vide his order No.610-15 dated 30.11.2012.Has cancelled this order as: S.No.11 has not correct, alongwih others with the remarks that these orders are fake/scanned

On the basis of above facts the appeal of the appellat of Mr.Mian Abdul Majid PST is not based on facts and cannot be entertained.

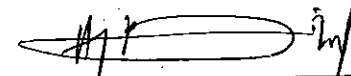
Respondent 
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. 6303-5 /ADO/Lit:W.P.No.479-A/12 /Dated 13/7/2013
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3. Petitioner Concerned.

Altepu


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA


4/6/2013
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Judgment Sheet

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

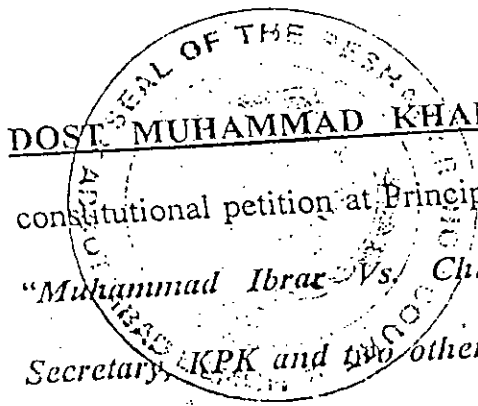
WP No.479-A/2013

JUDGMENT

Date of hearing:.....18/06/2013.....

Appellant... (Mst. Surriya Bibi etc) by Mr. Khan Afzal, Advocate

Respondent



DOST MUHAMMAD KHAN, CJ:- After the decision of constitutional petition at Principal Seat in WP No.3442-P/2012 titled "Muhammad Ibrar Vs. Chief Minister, KPK through Chief Secretary, KPK and two others" dated 06.02.2013, learned counsel stated that the departmental authority be directed to decide the representation filed by the petitioners. Although we have decided not to interfere in such matter in the above cited case, however, being a hardship case, it would be in the fitness of things and the rule of propriety demands that the departmental authority shall decide the representation fairly, justly and honestly within a minimum possible time.

SD. DOST MOHAMMAD KHAN

CHIEF JUSTICE

Announced:
Dt.18/06/2013

Certified to be True Copy
22.6.13
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
Authorized Under Sec 73 Act 16 of 1973

28

BEFORE THE CHAIRMAN SERVICE TRIBUNAL
KPK PESHAWAR.

Appeal No. 1622/2013.

Mian Abdul Majid R/O Jabri Kalish Balakot Mansehra.
.....APPELLANT.

VERSUS

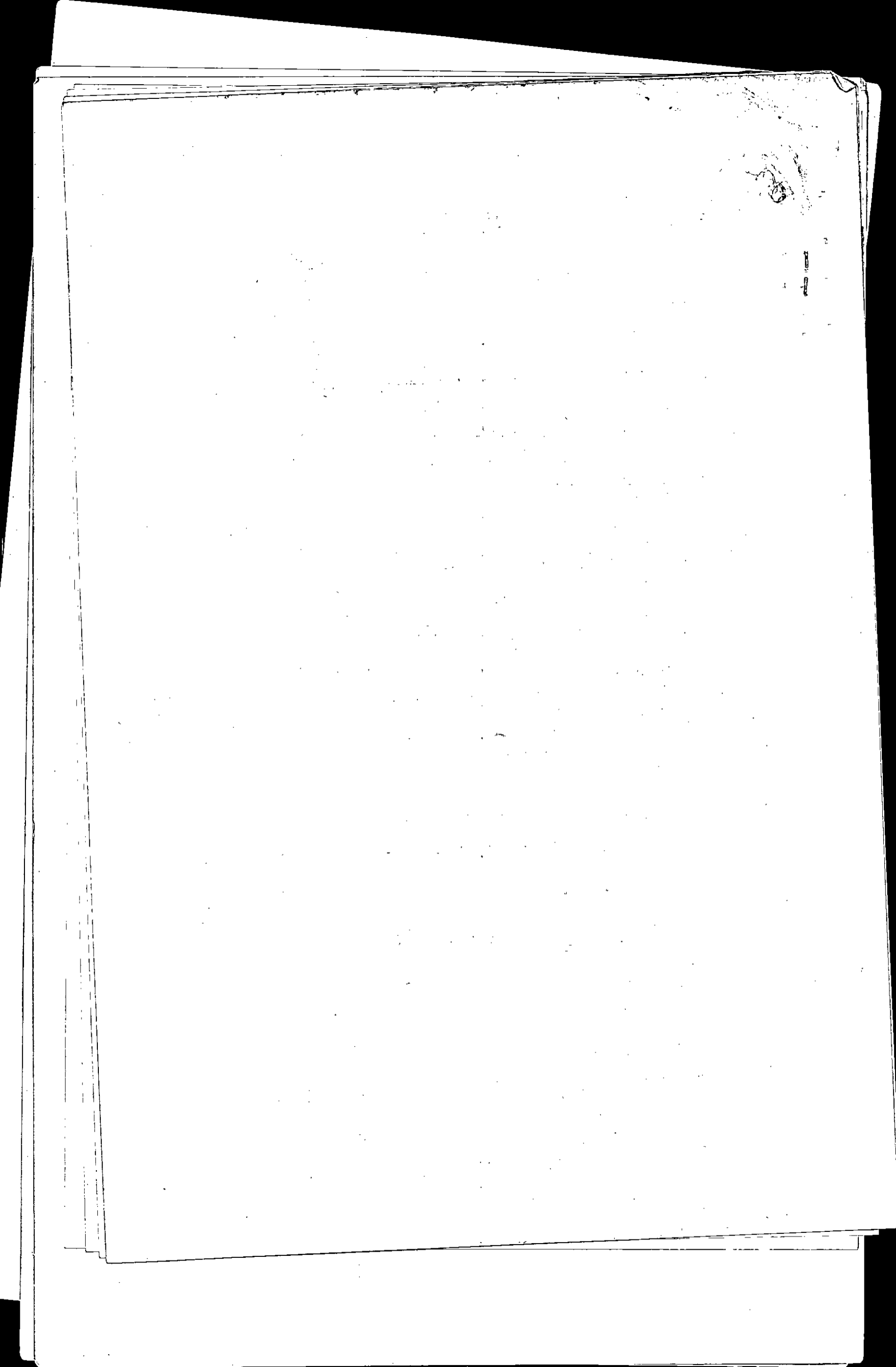
1. Govt Khyber Pakhtunkhwa (KPK), through Secretary Education KPK Peshawar. .
 2. Director Education Elementary and Secondary Education Khyber.
 3. District Education Officer (Male) Mansehra
 4. Govt Khyber Pakhtunkhwa (KPK), through Secretary Finance KPK Peshawar. .
-RESPONDENTS.

WRITTEN REPLY ON BEHAF OF RESPONDENTS 1,2, 3

Respectfully Sheweth

PREIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
3. That the appellant has not come to the court with cleans hands.
4. That the appellant is estopped by his own conduct to file the instant appeal.
5. That the appeal is ground less, and based on malafide.
6. That the appeal is based on false and malades intention hence liable to be dismissed.
7. That the respondents have not violated any law/policy/rules.
8. That the instant appeal is filed just to pressurize the respondents.
9. That the appellant has concealed the material facts from this honorable Tribunal.
10. That the appeal is badly time barred.



28

BEFORE THE CHAIRMAN SERVICE TRIBUNAL
KPK PESHAWAR.

Appeal No. 1622/2013.

Mian Abdul Majid R/O Jabri Kalish Balakot Mansehra.

.....APPELLANT.

VERSUS

1. Govt Khyber Pakhtunkhwa (KPK), through Secretary Education KPK Peshawar. .
2. Director Education Elementary and Secondary Education Khyber.
3. District Education Officer (Male) Mansehra
4. Govt Khyber Pakhtunkhwa (KPK), through Secretary Finance KPK Peshawar. .

.....RESPONDENTS.

WRITTEN REPLY ON BEHAF OF RESPONDENTS 1,2, 3

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8. That the instant appeal is filed just to pressurize the respondents.
9. That the appellant has concealed the material facts from this honorable Tribunal.
10. That the appeal is badly time barred.

27

FACTUAL OBJECTIONS

1. Para No. 1 is incorrect. the appointment order bearing Endst; No.3846-56 dated 18-07-2012 is fake and scanned by the appellant, having no record in the office notification regarding the scanned Endst: No. issued by the EDO E&SE Mansehra is attached as (**Annexure-A**).
2. Para No. 2 is incorrect, the appellant has kept the department in darkness and applied for grant of E/Leave which was sanctioned and he was adjusted at GPS Kund Balakot on 04-09-2012.
3. The Para No. 3 is incorrect. When the appointment order of the appellant is fake, how the appellant claims for his salaries.
4. Para No. 4 is incorrect the appellant has concealed / suppressed the facts from the Honorable Service Tribunal KPK, the appellant has filed W.P. No 479-A/13 in the Honorable High Court is attached as (**Annexure B**) The DEO (M) E&SE Mansehra has submitted the comments in the Honorable High Court Circuit Bench Abbottabad vide Endst: No.6303-5 dated 13-07-2013 in the above mentioned case. (**Annexure C**)
5. Need proof, hence no comments.

Which is sub-judiced before the Honorable High Court, Bench, Abbottabad. Copy of the Write Petition is annexure "B"

GROUND.

Incorrect.

- A- When a appointment order of the appellant is fake, how appellant claims his adjustment and salaries.
- B- Para "B" is incorrect; the appellant has been treated according to law and rules so far.
- C- Para "C" is Incorrect. The appellant is not on the strength of the deptt: and legally he is not entitled for adjustment and salaries.
- D- Para "D" is incorrect, non payment of salaries on the part of the respondents is legal and according to law.
- E- Para E is incorrect, he appellant is not validly appointed and he cannot be treated civil servant and is not entitled for pay of PST post as well as adjustment.
- F- That the respondents seek permission to advance other grounds and proof at the time of arguments.

2/10

PRAYER.

It is humbly prayed that the appeal of the appellant may kindly be dismissed.

Respondent No 1 _____
Secretary Education Khyber
Pakhtunkhwa Peshawar

Respondent No 2 _____
Director, E&SE
Khyber Pakhtunkhwa
Peshawar.

Respondent No 3 _____
District Education Officer
(Male) Mansehra.

AFFIDAVIT

I Khan Muhammad, District Education Officer (Male) Mansehra, do hereby solemnly affirmed and declared that the content of the reply in the above appeal No.1622/2013 Mian Abdul Majid versus Education Department are true to the best of my knowledge and belief. Nothing have been concealed from this Honourable Tribunal.

~~RESPONDENT~~
~~DISTRICT EDUCATION OFFICER~~
~~(MALE) MANSEHRA~~

~~DISTRICT EDUCATION OFFICER~~
~~(MALE) MANSEHRA~~

“ C ”

BEFORE THE HONORABLE HIGH COURT PESHAWAR BENCH ABBOTTABAD

WRIT PETITION 479-A/2013

Mr. Abdul Majid PST..... Petitioners

Versus

Education Department Mansehra..... Respondent

Respectfully Sheweth


1. The appointments are not as per merit.
2. His merit No. is 09.
3. We have appointed up to S.No. 03 in cadre PST GPS Shohal Mazullah but the Merit No. of appellant is 09.
4. The then District Education Officer vide his order No. 610-15 dated 30.11.2012 Has cancelled this order as S.No. 11 has not correct, along with others with the remarks that these orders are fake/scanned

On the basis of above facts the appeal of the appellant of Mr. Mian Abdul Majid PST is not based on facts and cannot be entertained.

Respondent 
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. 6303-5 /ADO/Lit:W.P.No.479-A/12 /Dated 13/7/2013
Copy of the above is submitted for information to the:-

1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar
3. Petitioner Concerned.


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Handwritten notes in Urdu: GPS سہیل مازولہ 5/0 پست نمبر 09

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&SE MAHERA


NOTIFICATION

It is to notify for all concerned that the Modified orders bearing the following Enst: No. of the Register Dispatch of this office, which are fixed fraudly while the order copies are photo state or Scanned or used any other trick, which are neither signed nor issued by the Competent Authority and not exist in the office records.

Therefore the order listed below neither be implementable in future nor part of the office record of this office while the fraudly marked endorsement Nos. may be considered null and void and have been cancelled / deleted from the dispatch register.

Hence the below listed orders may be considered as cancelled from the issuance date if any of them is tried to be implement in any of the school.

S. No.	Enst: No. / Date	Name / Father's Name	Cadre	School	Remarks
1.	No.5920-31, No.5932-43, No.5944-55 dated 10/5/2012	No entry	No entry	No entry	Due to clerical mistake omission the endorsement have been marked double while issuing U-C wise appointment order.
2	No. 6500-06 dated: 29/5/12	No entry	No entry	No entry	
3	No 6514-49 dated: 29/5/12	No entry	No entry	No entry	
4	No. 6550-95 dated: 29/5/12	No entry	No entry	No entry	
5	No.6892-7001 dated 31/05/2012	No entry	PST (M)	No. Entry	
6	No.1298-1302 dated 25/06/2012	Jamila Rani	PST (F)	GGPS Banda Pairan	
7	No.1457-66 dated: 26/06/2012	Shah Zaman S/O Baga	PST (M)	GPS Dosum Ballmang	
8	No.1467-76 dated: 26/6/2012	No entry	PST	No Entry	
9	No.1477-86 dated: 26/6/2012	Sanum Ibrahim	CT (F)	GGMS Kolhri	
10	No.3835-45 dated: 18/07/2012	Waqar Ahmad	PST (M)	No Entry	
11	No.3845-56 dated: 18/07/2012	Muhammad Hanif	PST (M)	No entry	
12	No.4772-82 dated: 20/07/2012	Suzia Bibi	CT (F)	GGMS Mathera	

Received on 10/11/12
T. Nay 23/13


Handwritten signature at the top of the page.

EXECUTIVE DISTRICT OFFICER
EKSE MANSEHRA

Regarding the implementation of the above orders and also verification of documents in form of orders of the photograph order without counter sign of the undersigned. Dated 15/11/2012

- 1. The Director EKSE Department Peshawar
- 2. The District Accounts Officer Manshera
- 3. The District Officer (A) EKSE Manshera
- 4. The District Officer (A) Manshera
- 5. The Deputy District Officer (A) Manshera
- 6. Deputy District Officer (A) Manshera

Dated Manshera the 30/11/2012

(UMAR KHAN KUNDI)
EXECUTIVE DISTRICT OFFICER
EKSE MANSEHRA

Copy forwarded to the:
Endst: No. 6/10-15

Note:-1- In case of release of pay on implementation of order, the signature of the undersigned may be obtained for the purpose of validation of appointment.
2- The Duty / Dispatch Clerk is directed to highlight by writing cancelled orders against the above mentioned Enst: Nos. and to be care full in future.

16	No 5206-12 dated 31/07/2012	AZIA ALAQ	CT (F)	GGMS KHANNOO
15	No 5451-04 dated 30/07/2012	MUHAMMAD RAHQUE	PST (M)	GGMS CHANNAI
14	No 4399-433 dated 23/07/2012	SABI RAHMAN	AT (F)	GGMS KHANNOO
	No 4399-433 dated 23/07/2012		AT (F)	GGMS KHANNOO

31

Handwritten initials or mark.

" B "

Judgment Sheet

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

WP No.479-A/2013

JUDGMENT

Date of hearing:18/06/2013.....

Appellant... (Mst. Surriya Bibi etc) by Mr. Khan Afzal, Advocate

Respondent

DOST MUHAMMAD KHAN, C.J.:-

After the decision of constitutional petition at Principal Seat in WP No.3442-P/2012 titled "Muhammad Ibrat Vs/ Chief Minister, KPK through Chief Secretary, KPK and two others" dated 06.02.2013, learned counsel stated that the departmental authority be directed to decide the representation filed by the petitioners. Although we have decided not to interfere in such matter in the above cited case, however, being a hardship case, it would be in the fitness of things and the rule of propriety demands that the departmental authority shall decide the representation fairly, justly and honestly within a minimum possible time.

Announced:
Dt.18/06/2013

SD: DOST MOHAMMAD KHAN

CHIEF JUSTICE

Certified to be True Copy
22.6.13
Peshawar High Court
Abbottabad Bench
Authorized Under Section 47A of the Act

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1622/2013

Mian Abdul Majid

VS

Education Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT

.....
RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-10) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect. The appointment order is not fake and scanned by the appellant as the appellant was appointed as PST by the competent authority after fulfilling all codal formalities vide order dated 18.7.2012.
- 2 First portion of para 2 is incorrect as the appellant has not kept the department in darkness, while the rest of portion of the para 2 is correct hence no comments.
- 3 Incorrect. The appointment order is not fake as the appellant was appointed as PST by the competent authority after fulfilling all codal formalities vide order dated 18.7.2012. Moreover he performed his duty and under section-17 he is entitled for his full salaries.
- 4 Not replied according to para 4 of the appeal moreover para 4 of the appeal is correct.

5 The appellant filed departmental which is mentioned in main appeal on Annexure-H



GROUND:

- A) Incorrect. The appellant was appointed as PST by the competent authority after fulfilling all codal formalities vide order dated 18.7.2012 and after availing leave (EOL) he was adjusted at GPS Kund balakot Manshera on 4.9.2012. Moreover he has performed his duty and under section-17 of the Civil Servant Act1973, he is entitled for his salaries.
- B) Incorrect. The appellant has not been treated according to law and rules so for.
- C) Incorrect. The appellant is still on the strength of the department as he has not terminated from the service therefore he is legally entitled for adjustment and salaries.
- D) Incorrect. Non-payment of salaries on the part of the respondents is illegal and not according to law.
- E) Incorrect. While para E of the appeal is correct.
- F) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT
Mian Abdul Majid

Through:


(M. ASIF YOUSAFZAI)
&

(TAIMUR ALI KHAN)
ADVOCATES PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



Kai
DEPONENT

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 847 /ST

Dated 29 / 4 / 2019

To


The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Mansehra.

Subject: -

JUDGMENT IN APPEAL NO. 1622/2013, MR. MIAN ABDUL MAJID.

I am directed to forward herewith a certified copy of Judgement dated 03.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.