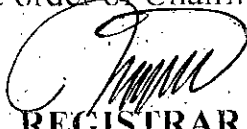


# FORM OF ORDER SHEET

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


Appeal No. 458 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/03/2024	<p>The appeal of Mr. Kazim Ali Bangish-resubmitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>02-04-2024</u> Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p><b>REGISTRAR</b></p>


Copy of writ petition Ali Bangash received today i.e on 19.03.2024 is incomplete on following grounds which is returned to the counsel for the appellant for completion and submission to the court.

- 1. Appeal has not been tagged/marked with annexures marks.
- 2. Index list is not attached with the appeal.
- 3. Documents referred to in the memo of appeal are not attached with the appeal be placed on file.
- 4. All documents that are to be provided must be readable/illegible.
- 5. Three copies/sets of the appeal along with annexures i.e. complete in all respect for appellant and one for each respondent may also be submitted with the appeal.

634  
21/3/24

  
21/3/24  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

For and to the Command Ady.  
Sd. Court at Peshawar.

Resubmitted  
all objection are removed.  


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

Service Appeal No. 458 /2024

Kazim Ali Bangash..... **Appellant**

**V E R S U S**

Director & others..... **Respondents**

**I N D E X**

<b>S. No</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Service appeal with Affidavit	*	1-4
2.	Copies of Orders dated 24-02-1967, Order dated 16-06-1967 & Service Book	A to C	5-18
3.	Copy of Service Appeal & Order dated 29-07-2021	D	19-27
4.	Copy of Order dated 19-10-2023	E	28
5.	Copy of departmental appeal	F	29-31
6.	Vakalat Nama	*	31

**Dated:-19-03-2024**

**Appellant**

**Through**

**Fazal Shah Mohmand**  
**Advocate,**  
**Supreme Court of Pakistan,**

**Baseer Ahamd Shah**  
**&**  
**Ibad Khan Khalil**  
**Advocates, Peshawar**

**OFFICE:-** Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841  
**Email:-** fazalshahmohmand@gmail.com

①

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

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 458 /2024

Diary No. 11814

Dated 19/3/24

Kazim Ali Bangash, Ex-Drawing Master, Govt. Middle School **Toru Mera** District Mardan. ....Appellant

**V E R S U S**

1. Director, Elementary & Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male) Mardan.

.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE NON POSTING/NON ADJUSTMENT OF THE APPELLANT AGAINST HIS POST AND NON RELEASE OF SALARIES OF THE APPELLANT W.E.F SEPTEMBER 1977 TILL SUPERANNUATION FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.**

**Respectfully Submitted:-**

1. That the appellant was initially appointed Assistant Workshop Instructors/Drawing Master along with others vide Appointment Order dated 24-02-1967 and was transferred from Govt. Middle School Togh Bala, Kohat to Govt. Middle School Ibrahimzai Kohat vide Order dated 16-06-1967, and was since then performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. It is pertinent to mention that the appellant served in District Kohat w.e.f. 24-02-1967 to 10-05-1977. **(Copies of Orders dated 24-02-1967, Order dated 16-06-1967 & Service Book is enclosed as Annexure A, B & C).**
2. That the appellant during the year 1976 proceeded on study leave and thereafter joined his duties, the appellant was transferred from GMS Nasrat Khel to GMS **Tora Mera** Mardan on 11-05-1977 where he took charge of his post the same day where he served till 05-09-1977. The appellant also passed his LLB Degree.

3. That the appellant time and again approached respondents for his posting and pensionary benefits etc. but to no avail where after he after he filed Civil suit for pension and gratuity etc. which was later on returned due to lack of jurisdiction and then after availing departmental remedy filed Service Appeal No 4921/2020 before this honorable Tribunal which was dismissed due to non-compliance of Order of producing certain record in limine vide Order dated 29-07-2021. **(Copy of Service Appeal & Order dated 29-07-2021 is enclosed as Annexure D).**
4. That against the order dated 29-07-2021, the appellant approached the Apex Court by filing CPLA No 5652 of 2021 which was also dismissed vide Order dated 19-10-2023. **(Copy of Order dated 19-10-2023 is enclosed as Annexure E).**
5. That since the services of the appellant has never been terminated and the appellant being in service accordingly reported arrival but he was not allowed arrival, the appellant finally approached respondents by filing departmental appeal dated 21-11-2023 for release of salaries and adjustment which has not been responded so far despite the lapse of statutory period of ninety days. **(Copy of departmental appeal is enclosed as enclosed as Annexure F).**
6. That the inactions, omissions and commissions of respondents of not allowing him arrival/posting and releasing his salaries, is against the law, facts and principles of justice on grounds inter-alia as follows:-

**G R O U N D S :-**

- A. That the omissions and commissions of respondents are illegal, unlawful, without lawful authority and of no legal effect.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant is not been treated according to law and rules.
- C. That the service of the appellant is still intact, therefore he is entitled to be adjusted/posted against his post and

his salaries released forth with. Even law and rules are very much clear on the point.

- D. That the appellant being in service is entitled to posting/adjustment and release of salaries as well.
- E. That the appellant since 1967 is in service thus having long service with unblemished service record with no complaint during his entire service career.
- F. That there is no omission or commission on part of the appellant and he could not be punished for the fault of others if any.
- G. That as per Section 17 of the Civil Servants Act, 1973, the appellant is entitled to the pay of his post.
- H. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

**It is therefore prayed that on acceptance of this appeal, respondents may kindly be ordered to:**

**I. Post/adjust the appellant against the post of Drawing Master and his salaries may kindly be ordered to be released with effect from September 1977 till his age of superannuation.**

**OR**

④

II. Retire the appellant with retiring benefits including gratuity and other retiring benefits with all back benefits.

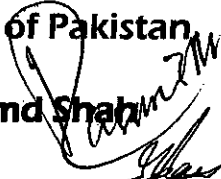
Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-19-03-2024

  
Appellant

Through

  
Fazal Shah Mohmand  
Advocate,  
Supreme Court of Pakistan

  
Baseer Ahmad Shah  
&  
Ibad Khan Khalil  
Advocates, Peshawar

**LIST OF BOOKS**

1. Constitution 1973.
2. other books as per need

**CERTIFICATE:**

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

  
ADVOCATE

**AFFIDAVIT**

I, Kazim Ali Bangash, (Retired) Drawing Master, Govt. Middle School **Toru Mera** District Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

  
DEPONENT



Copy of office order No. 42, dated 28.1.67 from the Director of Education, Peshawar Region, Peshawar received in this office vide his order No. 9753-70/A-167/Tech: dated 28.1.67

~~XX~~ A

Ann ~~XX~~ (5)

APPOINTMENT

The following candidates are hereby appointed as Workshop Instructors in the schools mentioned against each on Rs. 120/- P.M. fixed with effect from the date of their taking over charge. The appointment is purely as a stop-gap measure and is liable to termination at any time without any notice and assigning any reasons or on the arrival of qualified persons. They have no right of confirmation etc. even if they complete their period of probation.

Name of Candidate	Qualifications	School at which appointed
1:- Syed Shahadat Hussain, P.O. (N.K.)		G.S.S. Khudoni (Kohat)
2:- Mir Ali Khan	P.A. (Metric with Sc. G.A.S. Jahangiri Banda Drg)	
3:- Kamla Ali	Metric with Science Drawing	G.S.S. Fagh Baloch (Kohat)
4:- Mohd Nazeef		G.S.S. Ghant Baghri

- Note:-
1. Their charge reports with other service documents may be furnished to this office for record.
  2. They should be sent to the Civil Surgeon for medical test and no pay should be drawn for them till they produce their Health Age Certificates.
  3. They will have to give one month's prior notice or forfeit one month's pay to Govt. if desire to resign.
  4. Their original certificates may be checked and may not be handed over if their age exceeds 30 years or less than 18 years.
  5. No P.A. is allowed.

Sd/- *[Signature]* Director ( )  
for Director of Education,  
Peshawar Region, Peshawar.

OFFICE OF THE DISTRICT INSPECTOR OF SCHOOLS, PESHAWAR

Order No. 1785-93 / P-1.0.0, dated Kohat, the 24 Feb '67.

Copy of the above forwarded for information and necessary action to the:-

- 1:- Headmasters, G.S.S. Khudoni, Jahangiri, Ghant Baghri with the remarks that the candidates appointed attend the schools should be given charge on the specified date after the issue of these orders.
  - 2:- P.O. (Ar), (K), (A) and P.O. of the local office.
- Charge reports should be submitted to the local office.

*[Signature]*  
District Inspector of Schools

File/-



Copy of office order No.42, dated 23.1.67 from the Director of Education, Peshawar region, Peshawar received in this Office vide his endst No.9758-79/A-167/Tech. dated Peshawar the 28.1.67

Appointment

The following candidates are hereby appointed as Asstt. Workshop instructors in the school mentioned against cash on Rs.125/- P.M fixed with effect from the dates of their taking over charge. The appointment is purely a stop-gap-measure and is liable to termination at any time without any notice and assigning any reasons or on the arrival of qualified persons. They have no right of confirmation etc. even if they complete their period of probation.

<u>Name of candidate</u>	<u>Qualification</u>	<u>School at which appointed</u>
1: Syed Shabadat Hussain	PSc (N.M)	G.H.S Ghadozai (Kohat)
2: Mir Ali Khan	F.A (Matric with SC Drg)	GHS jahangerai Banda
3: Kazim Ali	Matric with Science Drawing	G.H.S Togh Bala (Kohat)
4. Mohd. Nazeef	B.A	G.H.S Ghand Baghr)

- Note
1. Their change report with other service for test and no pay should be drawn for then till the produce their Heath Age Certificate
  2. They should be sent to the civil Engineer for written test and no pay should be drawn for them til they produce their Health Age certificate
  3. They will have to five one Months prior notice or forfeit one month pay to Govt. if desire
  4. Their original certificate may be charged and may not handed over if their age exceeded 30 years
  - 5 NO T.A is allowed

Sd/-XXXX Dy. Director  
for Director of Education  
Peshawar

OFFICE OF THE DISTRICT INSPECTOR OF SCIENCE

Endst. No.1785-93/A-1, dated Kohat 24, Feb, 67

- 1.4 Headquarters, G.H.S Khadezai, Jehangira TOgh Bala, District Saghri with the remarks that the candidate is attend the schools should be five ..... Date after the issue of these orders.
- 5-3. A.S.J (Kr), (K), (A) and P.S of the Charge report should be submitted

Sd/-XXXX Dy. Director  
for Director of Education

(6) B

Copy of office order No. 309, dated 12.6.67 from the Director Education, Peshawar Region, Peshawar received in this office vide his endst.No.57728-48/A-15, D. M. Genl: dated 12.6.67.

**SUBJECT**

**TRANSFERS/APPOINTMENTS.**

The following transfers and appointments of Drawing Masters are hereby ordered in the interest of public service with immediate effect.

S.No.	Name & Designation.	From	To	Remarks.
1-2.	NIL.			
2.	Mr. Mohd Sadiq, D.M.	G.T.S. Kohat	G.U.S.No.4, Kohat	vice Sr.No.
3.	Mr. Kazim Ali, A.W.I.	G.M.S. Togh Bala	G.M.S. Ibrahimzai	Vice Sr.No.
4.	Mr. Abdullah Jan, A.W.I.	G.M.S. Ibrahimzai	G.T.S. Kohat	Vice No.
5-14.	NIL.			

Notes:- 1. Charge reports in duplicate should be submitted to office.

2. No T.A. is allowed to Sr.No. 1,12-14 on their first appointments.

3-5. NIL

Sd/-x x x x x D.S.  
for Director of Education,  
Peshawar Region, Peshawar.

OFFICE OF THE DISTRICT INSPECTOR OF SCHOOLS, KOHAT.

Endst.No. 6719-23/A-1, D.D. dated Kohat, the 16th June, 67.

Copy of the above forwarded for information and necessary action to the:-

1. Headmasters, G.M.S. Togh Bala and Ibrahimzai.
2. A.D.I.S.(KOHAT)(HANGU) and Pay clerk of the local office.

Charge Reports should be submitted in sixuplicate. The post Togh Bala should remain vacant till further orders.

District Inspector of Schools  
Kohat.

Pir/-

Note of  
Shohul  
17.6.67

Informed  
Kazim Ali  
17-6-67

7 C

Note:—The entries in this page should be renewed or re-attested at least every year. Lines 9 and 10 should be dated.

1. Name *Kazim Ali Bangash*

2. Race *Pathan .. Bangash*

3. Residence *V.P.O. Ushizai Payan Distt. Kohat*  
*Ushizai*

4. Father's name and residence

*Ghulam Hussain V.P.O. Ushizai Payan Kohat*

5. Date of birth by Christian era as nearly as can be ascertained

*20-2-1949 Twenty February N.H forty nine*

6. Exact height, by measurement

*5-7*

Date

7. Personal marks for identification

*wound mark on left leg.*

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.

Ring Finger

Middle Finger

Fore Finger

Thumb.

9. Signature of Government servant

*Kazim*

10. Signature and designation of the Head of the Office, or other Attesting Officer.

*—sd—  
D/S Kohat*

*Attested*

*D/S Kohat*

8

25

14

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. It.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of appointment	8 Signature of Government servant
A.W.1 Tugh Sala	Temp.			Rs 125/- P.M		25-3 57	[Signature]
A.W.1 G.M.3 Shrahanjini Hobani	Perf.			Rs 125/- P.M		20-6 57	[Signature]
D.M. G.H.5 Hawaji	Temp.			Rs 115/- P.M		10-7 58	[Signature]
				Rs 193/-		13-10 58	[Signature]



10

1

AK

6

Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 and the head of the office or other officer in Government of 1 to 8
D.M. S.M.S.	Temp.		Rs 225/-			27/10/75 27/10/75	[Signature]
Nasrat Ullah S.T.			6/-				
D.M. S.M.S. Tara Masra Hosdhan			225/-			11/3/77	



12

OFFICE OF THE DIRECTOR OF EDUCATION NWFP PESHAWAR.

RESUMPTION OF DUTY.

On return from leave Mr Kazim Ali Drawing Master Govt Middle School, Nasrat Khan Kohat is hereby allowed to take over charge at Govt Middle School, Toru Mardan against vacant Drawing Master post with effect from 11-5-1977.

Charge report should be sent to this office,

(MOHAMMAD MOHSIN)  
Dy: Director of Edu (Schools)  
N.W.F. Province, Peshawar.

11241-43

Encl No. 12/Kazim Ali dated 19/5/77

Copy forwarded for information and necessary action to the:-

- 1) Inspector of Schools, Peshawar Division, Peshawar.
- 2) District Inspector of Schools, Kohat.
- 3) District Inspector of Schools, Mardan.

*M.M. Mohsin*  
Dy: Director of Schools,  
N.W.F.P. Peshawar.

Encl - N: 3631-33 @ 30/5/77

*C.M.J. & info...*

- 1) H.S. Toru
- 2) A.D. 1851-72
- 3) Q.A. 4

*J. 2th*



ADEN - B

Leighly Arts  
C

12  
12

**OFFICE OF THE DIRECTOR OF EDUCATION NWFP**  
**PESHAWAR RESUMPTION OF DUTY**

On return from leave Mr Kazim Ali Drawing Master Govt. Middle School, Nasrat Khel, Kohat is hereby allowed to take over charge at Govt. Middle School, Toru Mardan against vacant Drawing Master post with effect from 11.05.1977.

Charge report should be sent to this office.

**(Muhammad Mohsin)**

**Dy: Director of Edu (Schools)**

**N.W.F. Province, Peshawar.**

**Endst No. 11241-43 12 / Kazim Ali dated: 19.05.77**

**Copy forwarded for information and necessary action to the:-**

1. Inspector of Schools, Peshawar Division, Peshawar.
2. District Inspector of Schools, Kohat.
3. District Inspector of Schools, Mardan.

Sd-

Dy: Director of Schools

N.W.F.P. Peshawar.

**Endst No. 3631-33 dated: 30.05.77**

**Copy forwarded for information to the:-**

1. H.M JMS Toru
2. ADI
3. Account.

Sd-

Asst - 8

(13)

Legible copy

**LEAVE CERTIFICATE**

(14)

This is to certify that **Mr. Kazim Ali** Drawing Master of a Middle School, Nasrat Khel (District Kohat) has been proceeded on I leave i.e from 1.1.1976 to 31.5.1976 (Five months).

Dated: 13.03.1976.

Sd-

**Distt: Inspector of  
Schools Kohat**

14


BEFORE SERVICE TRIBUNAL PESHAWAR.

SUBJECT: - PROVISION OF REQUIRED SERVICE RECORD IN  
R/O KAZIM ALI EX-DM.

I am to refer to the subject noted above and to state that:-

1. Mr. Kazim Ali Ex-DM was appointed on AWI post at GHSS Togh Bala Kohat vide order No 1785-93/A-1D,D dated 24.2.1967 (Annexure A & B)
2. A letter received regarding submission of service record in R/O Kazim Ali Ex-DM from Principal GHS Usterzai Bala Kohat stated therein that the whole record was checked but no service record found in respect of Kazim Ali( copy attached annexure "C")
3. Mr. Kazim Ali has transferred to District Mardan, a letter wrote to District Education Officer Male Mardan for submission of service record vide this office No 5103/ Litigation/Kazim Ali Ex-DM dated 3.11.2020 and reminder No 6189/ Litigation/Kazim Ali Ex-DM dated 15.12.2020 but no response received till the date(copy attached as Annexure "D & E").

Hence information regarding required service record is submitted please.

  
District Education Officer,  
(Male) Kohat.

جواب DEO کا حوالہ | انگریزی میں ڈیٹا کی آئیٹم اور اس کے  
ضابطہ

لازروں کا جتنا ہے اس سے قبل

میں بہترین کیا درخواستیں آ کر صفحہ میں دی ہیں۔ کیا مجھے ذرا  
تعمیر کرنے ہوتی ہے۔ یہی ہے۔ ڈیٹا کی آئیٹم اور اس کے  
میں بہترین کیا ہے۔ ڈیٹا کی آئیٹم اور اس کے  
پیشہ ورانہ رہیں کیا ہے۔ ڈیٹا کی آئیٹم اور اس کے  
ڈیٹا کی آئیٹم اور اس کے۔ ڈیٹا کی آئیٹم اور اس کے  
فہم ہے۔ ڈیٹا کی آئیٹم اور اس کے۔ ڈیٹا کی آئیٹم اور اس کے  
عدالت کا رخ کروں۔ ڈیٹا کی آئیٹم اور اس کے۔ ڈیٹا کی آئیٹم اور اس کے  
مجھے کیا ہے۔ ڈیٹا کی آئیٹم اور اس کے۔ ڈیٹا کی آئیٹم اور اس کے  
عدالت کی آئیٹم اور اس کے۔ ڈیٹا کی آئیٹم اور اس کے۔ ڈیٹا کی آئیٹم اور اس کے

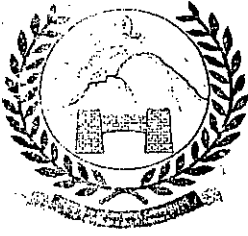
12  
32002

منہ صفحہ

آپ کا نام

انگریزی میں ڈیٹا کی آئیٹم اور اس کے





GOVERNMENT OF KHYBER PAKHTUNKHWA  
KP INFORMATION COMMISSION  
7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building,  
6th Saddar Road, Peshawar  
Email: [Complaints.kprti@kp.gov.pk](mailto:Complaints.kprti@kp.gov.pk)  
Ph: 92-91-9212643  
Fax: +92-91-9211163

REMINDER

No. KPIC/AR/1-6020/19  
Dated: 08 OCT 2019

7841-42

To:

The District Education Officer (M)/PIO,  
Mardan.

Sub:

**COMPLAINT AGAINST NON-SUPPLY OF INFORMATION**  
**(COMPLAINT NO: 06020)**

I am directed to refer the Summon letter No. RTIC/AR/1-6020/19/7230-31  
dated 16<sup>th</sup> September, 2019.

Your Reply to the above mentioned letter is still awaited.

It is to direct to provide the requisite information within five days positively of  
the receipt of this letter under intimation to this Commission.

Assistant Registrar  
KP Information Commission  
KPK, Peshawar.

Copy to:-

Mr. Kazim Ali (Complainant)

Assistant Registrar  
KP Information Commission  
KPK, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
INFORMATION COMMISSION  
7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building,  
6th Saddar Road, Peshawar  
Email: [complaints.kprti@kp.gov.pk](mailto:complaints.kprti@kp.gov.pk)  
Ph: +92-91-9212643  
Fax: +92-91-9211163

18

17

18

No. KPIC/AR/1-6020/19  
Dated: 27 DEC 2019

1629-25

To:

Mr. Kazim Ali Bangash,  
Mohallah Tana Khel, Astarzai Payan,  
Tehsil & District Kohat.

Sub:

**COMPLAINT AGAINST NON SUPPLY OF INFORMATION  
(COMPLAINT NO. 6020).**

Memo:

I am directed to refer to the subject noted above and to enclose please find the requisite information received from District Education Officer (Male) Mardan vide letter no. 14817, dated: 17-12-2019 regarding your case.

You are advised to confirm in writing the receipt of complete and relevant information within Seven days of the receipt of this letter.

In case we do not receive any response from you, your case will stand disposed of.

Assistant Registrar  
K.P. Information Commission,  
Peshawar.

Copy to:-

District Education Officer (Male), Mardan.

Assistant Registrar  
K.P. Information Commission,  
Peshawar.

BEFORE THE SERVICES TRIBUNAL NWFP PESHAWAR

Appeal No. 1105/07

Kazim Ali Bangash ~~vs~~ S/O Ghulam Hussain R/O Usterzal Payan, Dist Kohat

Versus

1. Secretary Education, NWFP, Peshawar.
2. Director Education, NWFP, Peshawar.
3. Executive Distt Officer Education, Mardan.
4. DCO, Mardan.
5. EDO, Education, Kohat.

1. W. P. Province  
Services Tribunal  
Diary No. 1304  
Date 31/10/07

Appeal against the order No. Nil, dated Nil of respdt No.2 whereby the Services of the appellant was terminated and the respdt No.2 did not dispose off departmental appeal within statutory period of three months, therefore the appeal may be accepted and the appellant may be reinstated in services or he may be given pensionary benefits with retrospective effect.

4. 15.12.2007

*(Handwritten signature)*

Appellant with counsel present.  
Preliminary arguments heard partly. During the course of arguments, learned counsel for the appellant agreed to withdraw the instant appeal with permission to sue afresh on the same cause of action. Order accordingly. File be consigned to the record.

ANNOUNCED  
15.12.2007

*(Handwritten signature)*  
CHAIRMAN

*(Handwritten notes and stamps)*  
Date of presentation of appeal  
Number of appellants  
Copy fee  
Total  
Date of completion  
Date of delivery  
15.12.07  
15.12.07

*(Handwritten signature)*



D  
20



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

Service Appeal No. 4921 /2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3398

Dated 5-5-2020

Kazim Ali Bangash S/o Ghulam Hussain,  
R/o Ustanzae Payan, Kohat.....Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa through its Secretary Elementary & Secondary Education, Peshawar
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
3. District Education Officer, Elementary & Secondary Education, K.D.A Kohat.
4. District Education Officer Elementary & Secondary Education, Mardan
5. Account General Khyber Pakhtunkhwa Peshawar  
.....Respondents

Submitted to -day  
Registrar  
25/05/2020

APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974 FOR AWARDING PENSION WITH ALL  
PENSIONARY BENEFITS INCENTIVES TO  
THE APPELLANT UNDER THE LAW/RULES

Submitted to -day  
of filed.

Registrar  
11/6/2020

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**Prayer in Appeal**

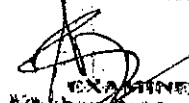
On acceptance of this appeal, the respondents may kindly be directed to award/grant pension gratuity with all pensionary benefit/incentives to the appellant under the law/rules

Any the relief, the Honourable Court may deem fit for the safe administration of justice

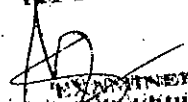
**Respectfully Sheweth:-**

1. That the appellant was appointed as Assistant Workshop Instructor, in Government Middle School Togh Bala, Kohat.
2. That the appellant served as Drawing Master in the department of respondents, up to eleven years and performed his duties well to the best satisfaction of authorities.
3. That on 10.05.1976, the appellant proceeded on study leave and subsequently the appellant after joining the school again applied for study leave from 11.01.1977 to 10.05.1977.

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

4. That the appellant was transferred to Government Middle school Tara Mera, Mardan on 11.05.1977.
5. That after summer vacation, the appellant submitted another application for extension study leave but meanwhile the appellant suffering from mental problem.
6. That when the appellant recovered from illness, he inquired to join the service but he has been verbally replied that he has been terminated.
7. That the appellant applied for his termination order but no reply received by the appellant, than the appellant submitted application under the right to information Act, 2014 but still no satisfactory reply has been received.
8. That the appellant then filed departmental appeal on 16.01.2020 for his person and pensionary benefits under the law on 16.01.2020 to the respondents but still no reply received till 90 days, hence this Service Appeal on the following amongst the other grounds

ATTESTED  
  
EXAMINER  
Service Tribunal  
Mardan

G R O U N D S :

- A. That denial of the respondents to give the pension with all pensionary benefits increment is against law and rules.
- B. That when appellant wanted to join the duty, he has been verbally told that he had been terminated, but no written termination order had been handed over to the appellant.
- C. That the appellant submitted application under right to information Act, 2014 to the respondent but there is no order available in record, which means the appellant had not been terminated from service and the appellant is well-entitled for his pension etc.
- D. That the delay of filling the departmental representation is due to mental sickness of the appellant.
- E. That under the rules and fundamental right, embodied in the constitution, the appellant is entitled for his pension and pensionary benefits etc.

**ATTESTED**

*[Handwritten Signature]*  
 THE ASSISTANT  
 SECRETARY  
 PENSION & RETIREMENT  
 DEPARTMENT

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F. That the appellant served in the department of respondent till 11 years and he is well entitled for pension etc.

G. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is, therefore humbly prayed that on acceptance of this appeal, the respondents may kindly be directed to award/grant pension gratuity with all pensionary benefit/incentives to the appellant under the law/rules

Any the relief, the Honourable Court may deem fit for the safe administration of justice.

Appellant

Through

Dated 04.05.2020

Hassan U.K Afridi  
Advocate  
Supreme Court of Pakistan

&

Muhammad Sharif  
Advocate High Court

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2020

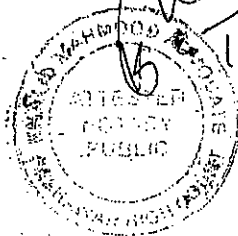
Kazim Ali Bangash.....Appellant

**V E R S U S**

Government of Khyber Pakhtunkhwa through its  
Secretary E&SE & others.....**Respondents**

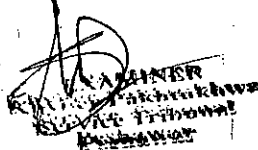
**A F F I D A V I T**

I, Kazim Ali Bangash S/o Ghulam Hussain, R/o Ustanzae Payan, Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**DEPONENT**

**ATTESTED**



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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
	29.07.2021	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 4921/2020</p> <p>Kazim Ali Bangash son of Ghulam Hussain, R/O Ustanzaee Payan, Kohat. (Appellant)</p> <p style="text-align: center;"><u>Versus</u></p> <p>1. Government of Khyber Pakhtunkhwa through Secretary Elementary &amp; Secondary Education Peshawar and others. (Respondents)</p> <p>Associate of the counsel for appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Habibullah, ADO for the respondents present.</p> <p>2. In pursuance to directions contained in order dated 24.06.2021, it may be observed that copies of the record produced with application through Hassan U.K Africi, Advocate does not serve the purpose of compliance of the said order. The appellant was given an opportunity for doing the needful on two counts. Firstly that if he had earlier resorted to the remedy provided in the service laws after he was informed about termination from service, and if so, he is to place on file copies of the relevant record. The copies of record produced through today's application pertains to a Civil Suit in which the appellant was a plaintiff and instituted for his entitlement to</p>

ATTESTED

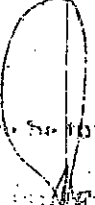
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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commutation, pension @ Rs. 10000/- P.M and other benefits w.e.f. 25.11.1967 to 12.01.1978 and onward. In view of the subject matter of the suit relating to the terms and conditions of the service, the Civil Court vide order dated 18.05.2007 held about lacking of its jurisdiction and returned the plaint to the plaintiff for presentation before the proper forum. No other record has been produced in compliance with the order dated 24.06.2021 of this Tribunal showing pursuit of the appellant thereafter before the competent forum. The other needful on part of the appellant was to bring on record through amendment in memorandum of appeal whether he after impugned termination had remained out of service throughout till filing of this appeal and had not joined any profession or service in the meantime. The said needful has not been responded by the appellant through submission of the amended memorandum of appeal. Therefore, this appeal is dismissed in limine. File be consigned to the record room.

  
 (AHMAD SULTAN TAREEN)  
 Chairman

Certified to be true copy

  
 PESHWAR  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshwar

ANNOUNCED  
 29.07.2021

Date of Presentation of Application 5/8/21  
 Number of Pages 1600  
 Copying Fee 18-  
 Urgent 4-  
 Total 22-  
 Name of Applicant [Signature]  
 Date of Completion of Copy 5/8/21  
 Date of Delivery of Copy 5/8/21



28

E

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

MR. JUSTICE QAZI FAEZ ISA, CJ  
MR. JUSTICE AMIN-UD-DIN KHAN  
MR. JUSTICE ATHAR MINALLAH

**CIVIL PETITION No. 5652 OF 2021**

*Kazim Ali Bangash*

....Petitioner

*Versus*

*Government of Khyber Pakhtunkhwa through its  
Secretary Elementary & Secondary Education,  
Peshawar and others*

....Respondents

For the petitioner:

Mr. Shah Faisal, ASC.

For the respondents:

Mr. Sultan Mazhar Sher Khan, Addl. A.O.  
KPK.

Mr. Sajid Khan, Legal Representative DEOM  
Mardan.

Mr. Waheed Gul, Legal Representative,  
DEOM, Kohat.

Date of Hearing:

19.10.2023

**ORDER**

**Qazi Faez Isa, CJ.** Learned counsel for the petitioner states that petitioner was working as a teacher for over eleven years and stopped working on 12 January 1978 yet he was entitled to pensionary benefits for which he agitated but unsuccessfully. Learned Additional Advocate-General, Khyber Pakhtunkhwa, states that the petitioner for the first time agitated the matter on 16 January 2020, when he filed a departmental appeal which was time barred, and so too the appeal before the Khyber Pakhtunkhwa Service Tribunal. He further states that since the petitioner had abandoned his place of work without obtaining leave rule 2.11 of the West Pakistan Civil Servants Pension Rules was attracted which provides that an employee's past service is forfeited. Learned counsel for the petitioner has not been able to bring this case within the ambit of Article 212(3) of the Constitution of Islamic Republic of Pakistan nor has pointed out any illegality in the impugned judgment to justify the grant of leave, which is accordingly declined and consequently this petition is dismissed.



Sd/-HCJ

Sd/-J

Sd/-J

Certified to be True Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

(29)

F

To

The Director  
Elementary & Secondary Education  
Kyber Pakhtunkhwa Peshawar

Subject: APPEAL FOR POSTING / ADJUSTMENT

Respected Sir,

1. That the appellant was appointed on 25-02-1967 as Assistant Workshop Instructor. (copy of appointment attached) \
2. That the appellant served in Education Department from 25-02-1967 till 10-05-1977 at Kohat District.
3. That the appellant transferred from GMS Nasret Khel to GMS Tora Maisa Mardan.
4. That the appellant took charge on 11-05-1977 in GMA Tora Maisa Mardan vide order Office of the Director Education Peshawar End. No. 44241-43. (copy attached)
5. That the appellant had served in Mardan upto 5<sup>th</sup> September 1977. (copy of the service record is attached)
6. That the appellant has not served through any notice and no inquiry was conducted. It is added that no publication was made in daily news paper, therefore ignored the prescribed procedure as per service law, which is mandatory.
7. That appellant became seriously ill, and submitted departmental appeal for the pensionary benefit, which was dismissed by Khyber Pakhtunkhwa Service Tribunal as well as by the apex court Supreme Court of Pakistan dated 19-10-2023. (copy attached)
8. That since my service is intact and I may kindly be posted / adjusted on my own post with release of my salaries.
9. It the period since 1977 onward if deemed as gap the same was not due any fault attributable to me and the same be condoned Under Rule 1 of West Pakistan Civil Servant Pension Rules or any other rule for the time being in force.

It is, therefore, requested that, I may kindly be adjusted / posted against my post and my salary be released w.e.f. September 1977 till date, Sir I have crossed the age of superannuation, therefore, I may be retired with pensioning benefits as well as back benefit i.e. salary w.e.f. September 1977 till the age of superannuation.

Deponent

  
Kazim Ali Bangash  
Ex. Drying Master

No 71

RGL117208071

To,

Stamps affixed except in case of insured letters of more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

RS. 90 Ps.

Received a registered\* addressed to

*U. M. ...*

Date Stamp

Initials of Receiving Officer

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures)

(in words)

If insured.

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

*U. M. ...*

30

Tracking Id

31

Track

**Pakistan Post**  
EMTTS - Express Mail Track &  
Trace System  
Delivery & Information at lightning speed

International Tracking

Help Line

Tariff Locate Post Office

Regular/  
Corporate Clients

Calculate Postage

Location Report

Complaints

News & Events

Tender

Post Houses

E-Commerce Facilitation Center

ParPost Show

Pakistan Post never asks for any online payment through its web

**Result of your query**

Article Tracking No : RGL117208071

Booking Office : Kohat

Delivery Office : Peshawar

**Article Track Detail**

**November 21, 2023**

3:41 PM Kohat

Received at Kohat DMO

3:41 PM Kohat

Dispatch from district mail office Kohat to district mail office Peshawar (BagID: BAG32549016)

3:52 PM Kohat

Dispatch from district mail office Kohat to district mail office Peshawar (BagID: BAG32549015)

**November 22, 2023**

10:52 AM Peshawar GPO

Sent out for delivery

6:45 PM Peshawar

Dispatch from DMO Peshawar to delivery office Peshawar GPO (BagID: BAG32390687)

**November 23, 2023**

2:16 PM Peshawar GPO

Delivered at delivery office Peshawar GPO to ADDRESSEE. 22/11/2023

Customer Services  
Customer's Guide  
Customer Care Centers  
Locate Post Office  
Calculate Postage  
Contact Us  
EMS Export Standards for  
Pakistan

Our Website  
Clients  
Sitemap  
Post Codes  
Terms of Use  
About EMTTS  
About Us  
Tariff  
Special Offers  
Flyers

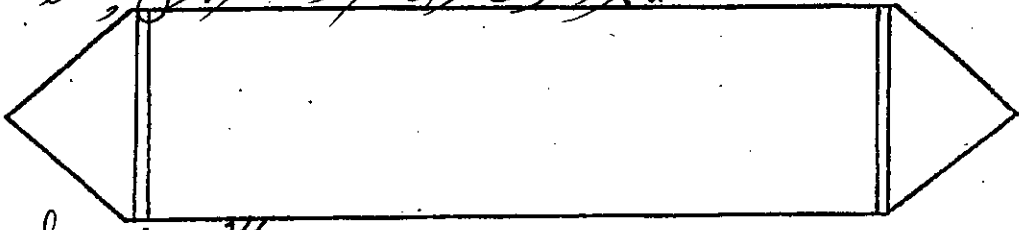


Pakistan Post Mobile App



Pakistan Post EAD Mobile  
App

بعدالت خیر ایجنٹوں فورہ کروسیں سر بیونیل لیٹاؤ



Appellant 2024ء پنجاب  
کاظم علی شاہ بنام گورنمنٹ و غیرہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آئیکہ

خلیل  
محمد عبدالرحمن  
رہنورد

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لیٹاؤ کیلئے فضلہ شاہ / محمد ASC / کبیر احمد شاہ / رند کے ساتھ محمد عبدالرحمن  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جو جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو یہی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانا التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Attest  
&  
Accountant  
Farid Shah

2024ء مارچ

المرقوم 29

واہ

Mohammad

بمقام لیٹاؤ

کے لئے منظور ہے۔

Handwritten signature