


Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 477/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.04.2024	<p>As per direction of the Worthy Chairman the present appeal is fixed for decision on question of limitation before Single Bench at Peshawar on 03.4.2024.</p> <p style="text-align: right;"> REGISTRAR</p>

THE HON'BLE CHAIRMAN KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

CM No. _____/2024

In

Service Appeal No. 477/2024

Shareef Gul S/o Gul Marjan, PST GPS Kalat Mir Bagh Kurram.

..... **Appellant / Applicant**

VERSUS

1. The Govt of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar.
2. The Director, Elementary & Secondary Education, Civil Secretariat Peshawar.
3. The Distract Education Officer (Male), District Kurram.

..... **Respondents**

APPLICATION FOR ALLOWING THE
APPELLANT / APPLICANT TO SUBMIT
THE ABOVE NOTED SERVICE APPEAL
AND TO FIXATION / CLUBBING THE
SAME BEFORE THIS HON'BLE
TRIBUNAL WITH CONNECTED SERVICE
APPEAL NO. 2099/2023 WHICH IS
FIXED FOR 17.04.2024

Respectfully Sheweth:

1. That the above noted Service Appeal were transmitted to this Hon'ble Tribunal as Service Appeal.
2. That as per directions of this Hon'ble Tribunal Separate Service Appeals were filed by the Applicants but the same was returned by the Office with objections.

3. That the counsel of the applicant lost contact with the Applicant / Appellant and the same Appeal were not submitted in time.
4. That same law point is involved in all the connected Service Appeals and to be decided accordingly.
5. That the connected Service Appeal No. 2099/2023 is fixed for 17.04.2024 before the D.B for arguments.
6. That valuable rights of the Applicant are involved in the present case and will face great hardship if the case / Appeal are not fixed with connected Service Appeal.
7. That there is no legal bar while accepting this present Application.

It is, therefore, most humbly prayed that on acceptance of this Application, the Applicant / Appellant may kindly be allowed to submit the above noted Service Appeal and to fixation / clubbing the same before this Hon'ble Tribunal with connected Service Appeal No. 2099/2023 which is fixed for 17.04.2024.

Applicant / Appellant
Through


ZARTAJ ANWAR

Advocate, Supreme Court
Of Pakistan

The appeal of Mr. Shareef Gul received today i.e on 12.12.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Memorandum of appeal is dim/misprinted.
- 3- Copy of regularization order mentioned in para-8 of the memo of appeal is not attached with the appeal be placed on it.

No: 3863 /S.T,

DL: 13/12 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Zartaj Anwar Adv.
High Court Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 477/2023

Shareef Gul S/o Gul Marjan, PST, Govt Primary School, Kalat Mir
Bagh, Kurram Appellant

Versus

The Govt. of KPK and others Respondents

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Appellant

Through

ZARTAJ ANWAR
Advocate, Supreme Court
4th Floor, Bilour Plaza
Peshawar Cantt
Mob: 03319399185

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 477/2024

Shareef Gul S/o Gul Marjan, PST, Govt Primary Schoo, Kalat Mir
Bagh, Kurram Appellant

Versus

1. The Govt. of Khyber Pakhtunkhwa
through Secretary, Elementary & Secondary Education,
Civil Secretariat, Peshawar.

2. The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

3. The District Education Officer (Male),
District Kurram.....

..... Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 29.08.2018 WHEREBY DEPARTMENTAL REPRESENTATION OF THE APPELLANT DATED 22.03.2017 FOR COUNTING OF HIS PREVIOUS SERVICE FOR THE PURPOSE OF PENSION, INCREMENTS, PAY PROTECTION ETC. WAS UNLAWFULLY REGRETTEED.

PRAYER:

On acceptance of the instant appeal, the impugned order dated 29.08.2018 may kindly be set aside and Respondents be directed to act in the matter in accordance with law and to count the previous service of the appellant for the purpose of pension, increments, pay protection etc. with all back benefits.

Respectfully Sheweth,

1. That way back in 1998, the Govt. of Pakistan launched a Project i.e. *Opening Community Schools* in FATA under the Annual Development Program. Since then till 20.10.2010 as many as 956 Community Schools were opened throughout ex-FATA wherein 1912 teachers at the ratio of 02 teachers/per School were appointed. The appellant being eligible was also appointed as Primary School Teacher BPS-7 vide order dated 24.04.2004 (Annex:-A) after observing all the codal formalities.
2. That after appointment of the appellant, he performed his duty to the entire satisfaction of high-ups inspite of the meager salaries and during his stint no complaint whatsoever was voiced against him from any quarter. Moreover, the Department also prepared proper Service Book wherein all the necessary entries were made from time to time including Annual Increments.

3. That during 2009, the ex-FATA in particular and the adjoining settled areas in general were immersed in devastating terrorism at the hands of miscreants. Many Schools in the ex-FATA were blown up and people at the area became IDPs as immediately thereafter military operation was launched in the area. Many Community Schools became non-functional and thus were closed down and the teachers therein were directed to be issued Notices of one month as is evident from the letter dated 15.11.2010. Similarly, rumors erupted in the area that many Community Schools are ghost Schools without any physical presence. In view of the situation *ibid*, all Agency Education Officers were directed vide letter dated 13.12.2010, to terminate the services of all teaching and non-teaching staff of the Community Schools irrespective of the fact whether the Schools were functional or non-functional.
4. That after a few days, thereafter, scrutiny of the working Community Schools was started vide circular letter dated 12.01.2011 whereby it was decided to carry out meaningful scrutiny/verification of Community Schools all over ex-FATA. The Committees were constituted under the Chairmanship of Political Agent/ Additional Political Agent with Members comprising of Representative of LEA, Agency Education Officer and Member from the teaching community. Fixed timeline was given for the entire verification process. The TORs of the Committee were to ascertain the functional Schools, to physically verify the enrolment of students in those Schools and to physically check the presence of teachers.
5. That granted that some Community Schools were non-functional but instead of closing down same, the entire Community Schools were closed down and all the teaching/non-teaching staff was laid off indiscriminately. Thus the Community School Teachers who regularly performed their duties and whose Schools were never non-functional like appellant and others, agitated the matter before the high-ups. A large number of teachers staged a sit-in before the National Assembly at Islamabad for several months. Similarly, the local elders of ex-FATA also raised the issue of closing down Schools in their areas adversely affecting their kids without any just reasons. However, the matter was delayed in spite of the timeline given in the letter *ibid*.
6. That finally the Scrutiny Committees completed the process of verification and made recommendations for re-opening of the Schools. In pursuance of the recommendations *ibid*, out of 956, 742 functional Community Schools were reopened. Consequently, the ex-FATA Secretariat vide letter dated 12.09.2011 directed all the Agency Education Officers to re-appoint those Community School Teachers who were working in the operational Community Schools but closed on 31.12.2010 without any fresh recruitment process. Later on another circular dated 06.10.2011 was also issued by the Directorate of Education FATA Secretariat. Re-appointment order of the appellant and others dated 28.10.2011 (*Annex;-B*). *It will not be out of place to mention that the Department was required to have first carried out verification process and then to close down the non-functional Schools and terminate the teachers therein.*
7. That the issue of Community School Teachers was also debated in the Standing Committee of the National Assembly on SAFRON held on 21.12.2011 wherein in Para No.10, the Committee raised concern over the plight of Community School Teachers and directions were made to *regularize their services including their past service and grant of graded pay to them.* Similarly, the Senate Standing Committee on SAFRON also discussed the issue in its meeting held on 09.03.2012 and directed

for solving the problem of their dues and regularization. In the meanwhile, a Summary was also processed for the approval of the Governor Khyber Pakhtunkhwa for regularization of Community School Teachers which was approved on 30.04.2012 and duly notified vide Notification dated 11.05.2012 with the following directions:-

1. *The available regular vacant PST (BS-7) posts in the Primary/Middle Schools in FATA will be filled up from amongst the Community School Teachers and no fresh candidate considered for recruitment till all the eligible Community School Teachers are absorbed against regular posts in their respective Agencies/FRs.*
 2. *The non-local eligible Community School Teachers shall be considered for re-appointment against the regular vacant posts of PST (BS-7) after adjustment of local qualified teachers.*
 3. *The services of the un-qualified teachers shall be dispensed with.*
 4. *The Community Schools whose teachers are appointed and shifted to other Schools against regular posts, would be closed down.*
 5. *The respective Community Schools students would be shifted to nearby regular schools and no further recruitment of Community School teachers will be made.*
8. That thereafter in the light of the Policy *ibid*, subsequent letters dated 02.09.2013, 29.10.2013 regularization process started and the Community School Teachers were appointed from time to time against the regular sanctioned posts. The appellant was also regularized/adjusted vide order dated 07.01.2016 (*Annex;-C*). However, after regular appointment fresh Service Book was prepared wherein the relevant entries were made.
9. That since the previous long continuous service of the appellant was altogether ignored without any just and legal cause resulting into loss to the appellant, therefore, he preferred a Departmental Appeal (*Annex;-D*) to the Director Education FATA which was processed and accordingly referred to an Appellate Committee for recommendations. The appeal was however, rejected on the recommendations of the Appellate Committee and communicated to the appellant vide impugned order dated 29.08.2018 (*Annex;-E*).
10. That the appellant and his other colleagues being aggrieved of the impugned order *ibid*, filed Writ Petition No.4597-P/2018 (*Annex;-F*) on 17.09.2018 before the Peshawar High Court, Peshawar which remained pending for about four long years and vide Judgment dated 03.11.2022 (*Annex;-G*) the Writ Petition was disposed of with the following directions:-
- “6. *Accordingly, by now the Petitioners have acquired the status of civil servants and the relief claimed through the instant petition relates to enforcement of their terms and conditions of service. This Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 has no jurisdiction to interfere in the matter. However, this case is pending before this Court since*

2018, therefore, instead of dismissing this petition on question of jurisdiction, this petition be transmitted to worthy Khyber Pakhtunkhwa Service Tribunal for adjudication on merit. Copy of this petition be retained in office while the original file along with the annexure be sent to the worthy Tribunal."

11. That appellant being aggrieved of the impugned order dated 29.08.2018, files the instant Service Appeal inter-alia on the following grounds:-

GROUNDS:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully refused to count the previous service of the appellant for the purpose of pension, increments, pay protection etc. which is unjust, unfair and hence not sustainable in the eye of law.
- B. That under Rule 2.3 of the pension Rules 1963 "temporary and officiating Service followed by confirmation counts for pension." Interestingly under Rule 2.5 of the Rules ibid ½ of the period of apprenticeship, qualify for pension. Likewise period of training, leave, Deputation, suspension for pension as per ibid Rules 2.6, 2.7, 2.9, 2.10. The same issue has been decided by the Peshawar High Court in numerous Judgments with direction to Respondents to pay pension to the families of deceased civil servants while for the retired employees whose cases were referred to the Department for extending the same relief to them. Thus the appellant is also entitled for the same relief under the law of consistency and equality before law. Moreover, the Government of Khyber Pakhtunkhwa Finance Department by means of Notification dated 22.05.2019 has taken decision in light of Judgments passed by this Peshawar High Court in identical cases.
- C. That this Tribunal has also rendered judgements in numerous service appeals filed by similarly placed community school teachers claiming the same benefits and the Tribunal has allowed those appeals and granted the same relief to those community school teachers, therefore, appellant is also entitled for the same relief under the law laid down by the Tribunal. There are also judgments on the same subject-matter delivered by the Hon'ble Supreme Court of Pakistan.
- D. That in 1990s the Provincial Govt. had formulated the policy of appointing untrained teachers due to non-availability of trained teachers on fixed pay basis and later on would allow graded pay on acquiring the requisite qualification. The untrained period of service was subsequently counted for the purpose annual increments vide circular dated 30.10:2009, Thus the fixed pay service has to be considered for the purpose of annual increments and consequently countable towards pension as done in the case of large number of other teachers.
- E. That there is no service break from the date of initial appointment till date with the slight break which was due to the inadvertence on the part of the Respondents because the Community School of the appellant was never non-functional. However, mistakenly the same was closed down on 31.12.2010 but immediately thereafter the survey was started on 12.01.2011 and it was clarified that the School of the appellant was functional and therefore, the appellant was restored to his service on 28.10.2011

Thus the appellant has at his credit more than 20 year service which is pensionable under the law.

- F. That appellant has served the Department since date of his initial appointment with full dedication and is entitled for the pensionary benefits under the law but then Respondents have unlawfully refused the same to the appellant which is unlawful, arbitrary and hence not maintainable under the law.
- G. That the case of appellant which is identical in nature with those cases where similarly employees have been extended the same benefit by the Tribunal as well as High Court and Supreme Court of Pakistan, therefore, the appellant is also entitled to the same relief as per the judgments in the cases of "*Hameed Akhtar Niazi ...Vs...The Secretary Establishment Division, Government of Pakistan and others*" reported in 1996 SCMR 1185 and in the case of "*Tara Chand and others...Vs... Karachi Water and Sewerage Board, Karachi and others*" reported in 2005 SCMR 499 and another Judgment reported in 2009 SCMR 1 & 2022 PLC (CS) 610 (SC) wherein it has been laid down that when a Tribunal or Court decides a point of law relating to the terms of service of a civil servant which covered not only the case of the civil servants who litigated, but also of other civil servants, who might have not taken any legal proceedings, the dictates of justice and rules of good governance demand that the benefits of the decision be extended to the other civil servants, who might not be parties to the litigation instead of compelling them to approach the Tribunal or any other forum.
- H. That appellant would like to offer some other additional grounds during the course of arguments when the stance of the Respondents is known to the appellant.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Appellant
Through
ZARTAJ ANWAR
Advocate, Supreme Court
&
IMRAN KHAN
Advocates, High Court

Dated: ___/11/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2023

**Shareef Gul S/o Gul Marjan, PST, Govt Primary Schoo, Kalat Mir Bagh,
Kurram Appellant**

Versus

The Govt. of KPK and others Respondents

AFFIDAVIT

I, 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 nothing has been concealed from this Hon'ble Tribunal.

Deponent



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Annex A

OFFICE OF THE AGENCY EDUCATION OFFICER KURRAM AGENCY PARACHINAR

Appointment Order.

Consequent upon the approval by the Political Agent Kurram Agency the appointment of the following PTC teachers is hereby ordered purely on contract basis in the interest of public service at Rs.3166/- per month fixed with effect from 15/5/2004 or date of taking over charge.

S.No.	Name of candidate	F/Name	School
1	Gulbed Shah	Izat Shah	GPS Terilang
2	Naik Ahmad	Gull Khan	GPS Litgoda
3	Wahab Gul	Khunab Gul	GPS Spirkol
4	M.Ashraf Khan	Noor M.Khan	GPS Khaw Kali
5	Fazal Wahid	Abdullah Khan	CS Barazoon
6	Qasim Mohd	Nazir Mohd	GPS Jilamaya
7	Farooq Khan	Mir Asghar	GHS Mantoo
8	Abdul Qayum	Muhabat Khan	GMS Tindo
9	Khalil ur Rehman	Khawaja Nour Shah	GMS Tori Khiawdat Khet
10	Farooq Mohd	Arab Gul	GMS Sanda Ghar
11	Ihsanul Hag	Mohd Jan	GPS Malirani
12	Hazrat Umar	Siraj Gul	GPS Surmai
13	Saleem Khan	H.Hakim Khan	GMS Doul Ragh
14	Shamsul Islam	Mohd Idrees	GMS Plaseen
15	Daulat Shah	Mughal Shah	GPS Toude Obe
16	Rashid Gul	Alif Gul	CS Durani
17	Hanifur Rehman	Jalil Khan	CS Kimal Baza
18	Sabir Gul	Noor Gul	GPS Koda
19	Sher Qayum	Kazim Khan	GPS Star Kali (Avidara)
20	Abdul Qayum	Azam Khan	CS Kimal Baza
21	Rehmat Khan	Gulbat Khan	GPS Dremani
22	Khan Bahadar	Sikandar Khan	GPS Sunnai
23	Mir Alam	Panakzai	GPS Sarpaki No.2
24	Habibur Rehman	Said Khan	GHS Dogar
25	Noor Khaliq	Muhabat Khan	GPS Tantag
26	Munir Gul	Noor Khan	GMS Gawaki
27	Rehmat Ali	Abdullah Khan	GPS Star Junat
28	Gul Haider Jan	Ghazee Marjan	GPS Toude Obe
29	Noor Mohd	Hayat Sibah	GPS Zura Mola
30	Abdur Raziq Khan	Shah Mahmood	GPS Daya
31	Mar Jan	H.Gul Mar Khan	GPS Barazoon
32	Mohd Ishaq	H.Hamid Khan	GHS Badama
33	Gul Janan	Sarder Khan	GPS Jawdara
34	Noor Ahmad Shah	Rehmat Shah	GPS Chaper Kali
35	Bashir Manan	Nooran Jan	GHS Badama
36	Amir ur Rehman	Fazal Rehman	GPS Cham Kali
37	Mukish Khan	Lal Baz	GMS Takhtoo
38	M.Munir Khan	M.Malik Khan	GPS Dogar
39	Zarif Khan	Zahir Shah	GHS Angori
40	Hashim Khan	Hafizullah Khan	GPS Khawaga China
41	Nik Afzal	H.Mir Afzal	GPS No.3 Durgal
42	Rashid Mohd	H.Mohd Rasan	GHS Angori
43	Haji Gul	Sher Mal Gul	GMS Khazoon

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44	Alals Khan	Almar Khan	CS Durani
45	Mohd Farooq	Islam Shah	GPS Parham Kali
46	Sharif Gul	Rasool Gul	GPS Murghan
47	Amjad Khan	Mir Abbas	GPS Jehan China
48	Akhtar Badshah	Zarbad Shah	GPS Nike Ziarat
49	Zahibur Rehman	Abdul Janan	CS Barazoon
50	Taj Mohd	Khial Mohd	GPS Spirkot
51	Naeem Khan	Meta Khan	GMS Baza
52	Hidayatullah	Gulab Khan	GPS Machki Kali
53	Habibur Rehman	H.Said Janan	GPS Wan Alisherzai
54	Latifullah	Lal Khan	GPS Tarai
55	Abdul Satar	H.Gul Baz	GPS Dapa
56	Malak Khan	H.Allah Baz	GPS sam Khakak
57	Zahir Shah	Ghafoor Khan	GPS Kotmiran
58	Qadir Gul	Nadir Gul	GPS Said Ali Mela

Terms & Condition

- 1 The appointment is purely made on contract basis.
- 2 The agreement will be renewed on yearly basis.
- 3 These posts are non transferable.
- 4 Their services will be terminated with out any notice.
- 5 They should produce their Health and age Certificate from MS AHQ Hospital Parachinar
- 6 Their age should be between 18-40 years
- 7 Being a project scheme reflected in the ADP, merit has been maintained on test and interview basis and have been selected those candidates who have scored the higher marks according to the decision taken in the meeting on 30/4/2004;

[Signature]
 Agency Education Officer
 Kurram Agency Parachinar

Enrol No 2877-2934 /EDU Dated 15/5 /2004

Copy to the:-

- 1 Political Agent Kurram Agency
- 2 Director of Education FATA, NWFP, Peshawar
- 3 APA Upper Kurram Agency
- 4 Agency Accounts Officer Kurram Agency
- 5 Teachers concerned
- 6 AAEOs concerned
- 7 Accountant local office

[Signature]
 Agency Education Officer
 Kurram Agency Parachinar

*MOU
 PAFED
 OK*

RE-APPOINTMENT ORDERS.

Annex B

Consequent upon Director of Education FATA Peshawar Endst: No 6487-99 dated Pesh:the 06-10-2011.Reopening of functional Community School In Lower & Central Kurram Agency ADP No 196.The following PTC teachers male & female of functional Community schools recommended by scrutiny committee is reappointed in the schools noted against their names in BPS-7 with SSC/PTC and BPS-9 with FA/FSc/PTC with effect from 01-10-2011.

S.No	Name	Desig	School	Remarks
1	Najma Sultan	PTC	FCS Sra Ghurga Lower Kurram	
2	Khalida Jan	PTC	FCS Mehboob Ali Khan L.K	
3	Guli Laifa	PTC	-----do-----	
4	Sajida Rehman	PTC	FCS Akbar Abad L.K	
5	Gul Shan Ara	PTC	-----do-----	
6	Seema Gul	PTC	FCS Char Khel L.K	
7	Somaya	PTC	-----do-----	
8	Rabia Taj	PTC	FCS Paraw L.K	
9	Saeeda Majeed	PTC	FCS Arwaza Central Kurram	
10	Abida Hussain	PTC	-----do-----	
11	Nazia Khatoon	PTC	FCS Sarak Central Kurram	
12	Abida Begum	PTC	-----do-----	
13	Haleema	PTC	FCS Zangai Central Kurram	
14	Seema	PTC	-----do-----	
15	Muhammad Raza	PTC	MCS Khazeena C.K	
16	Muhammad Zubair	PTC	-----do-----	
17	Ghusia Afzal	PTC	FCS Koda Central Kurram	
18	Noor Jehan	PTC	FCS Doll Raha C.K	
19	Kusar Farid	PTC	-----do-----	
20	Saveera	PTC	FCS Alwara Mella C.K	
21	Hafsa Bibi	PTC	-----do-----	
22	Bibi Hawa	PTC	FCS Khoja Mohd Khan C.K	
23	Gul Nar Begum	PTC	-----do-----	
24	Shakeela Rehmat	PTC	FCS Kimal Baza C.K	
25	Fazeelat	PTC	FCS Ghowaya Ghara C.K	
26	Rubeena	PTC	-----do-----	
27	Zainab	PTC	FCS Dago Kali	
28	Muntaha	PTC	-----do-----	
29	Shagufta Rani	PTC	FCS Shamkanri C.K	
30	Fatma	PTC	-----do-----	
31	Razia Malik	PTC	FCS Gawdar Central Kurram	
32	Uzma Akbar	PTC	-----do-----	
33	Somia	PTC	FCS Pass Mella C.K	
34	Homira	PTC	-----do-----	
35	Gohar Simab	PTC	FCS Paloseen	
36	Rifat Naz	PTC	-----do-----	
37	Rahat Nazir	PTC	FCS Chapper C.K	
38	Yasmeena	PTC	-----do-----	
39	Waheeda Jan	PTC	FCS Nargis Central Kurram	
40	Rahat Jan	PTC	-----do-----	
41	Parveen	PTC	FCS Dand Ghundakai C.K	
42	Habib Khan	PTC	MCS Tanorak Central Kurram	
43	Zarif Khan	PTC	-----do-----	
44	Shah Khalid	PTC	MCS Khakak C.K	
45	Dawlat Khan	PTC	-----do-----	
46	Sardar Khan	PTC	MCS Ghowaya Ghara C.K	
47	Mimullah Khan	PTC	-----do-----	
48	Nabi Rehman	PTC	MCS Dand C.K	
49	Waseen Shah	PTC	-----do-----	

50	Maqbool Khan	PTC	MCS Sultanai C.K		
51	Noor Khan	PTC	do		
52	Muhammad Younas	PTC	MCS Mella C.K		
53	Muhammad Tariq	PTC	do		
54	Noor Mar Jan	PTC	MCS Ghujalai C.K		
55	Hidayatullah	PTC	do		
56	Nizam u Din	PTC	MCS Gardaghonai C.K		
57	Rehmat Janan	PTC	do		
58	Tahir Gul	PTC	MCS Mandara C.K		
59	Multan Aurang	PTC	do		
60	Rashid Khan	PTC	MCS Sara Dara C.K		
61	Hamid Gul	PTC	do		
62	Muhammad Ayaz	PTC	MCS Zawka C.K		
63	Sulaiman	PTC	do		
64	Bibi Fatma	PTC	FCS Avidara C.K		
65	Meena Gul	PTC	FCS Pastawani C.K		
66	Lubna Aziz	PTC	FCS Takhtoo C.K		
67	Amina	PTC	FCS Gawaza C.K		
68	Sharif Gul	PTC	MCS Wrasta C.K		
69	Shughla Hussain	PTC	do		
70	Gul Haider Jan	PTC	MCS Barizona C.K		
71	Izat Shah	PTC	do		
72	Lal Mar Jan	PTC	MCS Tandai C.k		
73	Shaheen Habib	PTC	do		
74	Hashmeen Gul	PTC	MCS Wam Sweri C.K		
75	Sher Rehman	PTC	do		
76	Muhammad Aslam	PTC	MCS Chana Dara		
77	Laiq Khan	PTC	do		
78	Sunat Gul	PTC	MCS Chapper Sweri C.K		
79	Zahib Rehman	PTC	do		

Terms & Conditions.

1. Their salaries will be based on the project based package.
2. No running salaries will be allowed.
3. Their service purely on temporary bases and liable to termination at any time without any prior notice.
4. Their salary will be paid according to approved PC-I
5. If they failed to take over charge within 15 days, their appointment will automatically be considered as cancelled.
6. Charge report should be submitted to this office.

Sed
Add: Agency Education Officer
Sadda Kurram Agency.

Endst: No 1902-86/Edu Dated 21/10/2011

Copy forwarded to the:-

1. Director of Education FATA Peshawar.
2. Agency Account Officer Kurram.
3. Add: Political Agent Kurram.
4. Teachers concerned.
5. Accountant local office sadda.
6. Office file.

Chappal
Add: Agency Education Officer
Sadda Kurram Agency.

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Forwarded C

OFFICE OF THE AGENCY EDUCATION OFFICER KHYBER AGENCY AT JAMRUD.SERVICES REGULARIZATION /ADJUSTMENT ORDER

Consequent upon Notification No. SO (E)/SSD/CSTR-99-108/ dated 11/5/2012 issued by Secretary Social Sector Department FATA Secretariat Peshawar and subsequent approval received from Directorate of Education FATA vide No.2085-90 dated 29/10/2015 the Services of the following Local (Male) Communal School Teachers of Tehsil Bara are hereby Regularized/Adjusted against regular vacant PST posts, in the Schools noted against their names from, Tehsil-Wise merit list, purely on temporary basis in BPS-07 (7490-415-19940) plus usual allowances as admissible under the rules with immediate effect in the interest of public service.

S.N.	Name	Father Name	Name of Community School	Posting at Regular School	Remarks
1	Munawar Khan	Khan Afzal	BCS Mughal Jan Tora Wala Ziouddin	GMS Toot Dhand BQK Bara	Vacant
2	Anzar Gul	Zar Din	BCS Khushal Khan BQK	GMS Zawa Akak Khel Bara	Vacant

TERMS/CONDITIONS.

- 1 The appointments of the candidates are made purely on temporary basis.
- 2 They will not be entitled to get pension gratuity benefits, however G.P.Fund will be deducted as per rules.
- 3 Charge report should be submitted to all concerned.
- 4 All kinds of documents would be verified from the concerned Boards/University before the drawal of their salaries.
- 5 Health and Age certificate should be produced to this office to be obtained from the Agency Surgeon Khyber Agency.
- 6 Their age should be according to the Govt. policy.
- 7 If they failed to report their arrival within 15-days, of the issuance of this Order, their appointment order will be automatically considered as cancelled.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Endst:No. 560-661 CommunityDated 07/01/2016

Copy of the above is forwarded to the: -

- 1 Director Education (FATA) at Peshawar.
- 2 Political Agent Khyber Agency at Peshawar.
- 3 Agency Accounts Officer Khyber Agency at Jamrud.
- 4 AAEO (Male) concerned.
- 5 Superintendent Local Office
- 6 Accountant/Pay Clerk concerned.
- 7 Official concerned.

AGENCY EDUCATION OFFICER
KHYBER AGENCY AT JAMRUD

Better Copy of the Page No.

محترم جناب ڈائریکٹر ایجوکیشن صاحب خیبر پختونخوا اٹار

جناب عالی

درخواست برائے سابقہ سروس Benefit and increments بحالی

مذکورہ گزارش ہے کہ ہم عرض گزار IPST اساتذہ کرام دس سال سے زائد عرصہ تک تسلسل کے ساتھ قبائل اضلاع کے کیوٹل سکول پراجیکٹ میں خدمات سرانجام دیتے ہوئے ہیں۔ بالآخر جہد مسلسل کے بعد پارلیمان کی قائمہ کمیٹیوں برائے سنیٹر ان ڈویژن اور ریگولر ایجوکیشن کمیٹی کے سفارشات اور گورنر خیبر پختونخوا کے احکامات کی روشنی میں کیوٹل سکول پراجیکٹ اساتذہ کو ان کی پراجیکٹ میں ابتدائی تقرری کے مدت سے مع واجبات و بقایا جات سروس ریگولر ایجوکیشن کا حق تسلیم کیا گیا جس کی رو سے دستیاب PST پوسٹوں پر کیوٹل اساتذہ کی مرحلہ وار سروس ایڈجسٹمنٹ (عدلی عمر کی رعایت) کے ساتھ ہوتی رہی لیکن پارلیمان کے قائمہ کمیٹیوں برائے سنیٹر ان ڈویژن اور ریگولر ایجوکیشن کمیٹی کے سفارشات اور گورنر خیبر پختونخوا کے احکامات برعکس ان اساتذہ کی کنٹریکٹ عرصہ ملازمت سروس کو ابتدائی پراجیکٹ سروس سے سابقہ سروس Valuable/Countable تسلیم کرنے کے بجائے ان اساتذہ کی سروس ریگولر ایجوکیشن کو موجودہ تعیناتی (Initial Recruitment) قرار دے کر سابقہ سروس مزاحمت واجبات و بقایا جات سے یکسر محروم کر کے ان اساتذہ کو حال و مستقبل میں منیجری پر موزوں اور ریٹائرمنٹ کے وقت پیش گریجویٹ حقوق سے محروم رکھا۔ حالانکہ برطانیہ ریگولر ایجوکیشن نوٹیفیکیشن نمبر SO(E)SSD/CSTR99-109 مورخہ 11/05/2012 اور گورنر اضلاعی حکمران نمبر SO-1/1-1GS/2012 کے مطابق کیوٹل اساتذہ کی سروس مستقل ملن کی کنٹریکٹ پراجیکٹ سروس کے بنیاد پر ہوتی ہے جبکہ KPK میں دیگر پراجیکٹ کنٹریکٹ ملازمین کے سابقہ سروس سینیٹ کے حق میں پشاور ہائیکورٹ اسپریم کورٹ بھی فیصلے دے چکی ہے جس کے متعلق حقائق و دلائل اور ثبوت یہ ہیں۔

GOVT of KPK, FINANCE DEPARTMENT (REGULATION WING) Endst No.FD(PRC) 5-2/2002 Dated-Peshawar. The dated 30-10-2009

(1) GRANT OF ANNUAL INCREMENT TO FIX PAY TEACHERS IN THE LIGHT OF SUPREME COURT JUDGMENT (That all those teachers who were appointed on fix pay and were subsequently regularized against their posts, on acquiring completing requisite training successfully, would be entitled for such benefits of annual increments from the date of the first appointments as such but without arrears.

(2) As per S No. 10 of the recommendation of the standing committee of SAFRON held on 21st December, 2011 at the parliament House Islamabad (FIA) FATA Secretariat should regularize the service of the Community School Teachers including their previous services and granted salaries as per previous practice without further delay

(3) As per S No 4 of the senate standing committee of SAFRON date 09-03-2012 finally committee advised that problem of communal teachers serving in FATA school may be solved by clearing their all dues and regularization of their service etc

(4) مراسلہ نمبر 5994-6006 مورخہ 12/10/2011 کیوٹل سکول پراجیکٹ میں دوبارہ تعینات اساتذہ کی سابقہ پراجیکٹ کنٹریکٹ سروس کو Valuable/Countable تسلیم کیا گیا۔

(5) مراسلہ نمبر 2085-90 مورخہ 29/10/2015 اور مراسلہ نمبر 10380 مورخہ 02/09/2013 میں وضاحت موجود ہے کہ کیوٹل اساتذہ سروس مستقل ابتدائی تعیناتی (Initial Recruitment) نہیں بلکہ گورنر پالیسی کے مطابق سروس ریگولر ایجوکیشن ہے۔

لہذا مندرجہ بالا استدلال و حقائق کے روشنی میں ان اساتذہ کے سابقہ سروس مع بقایا جات ادائیگی کے احکامات صادر فرما کر انصاف کا بول بالا کیا جائے۔

میں نوادش ہوئی
صغیر لطف علی
سربراہ

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Amir E

I

56

29-8-18



DIRECTORATE OF EDUCATION
NEWLY MERGED TRIBAL DISTRICTS
WARSAK ROAD PESHAWAR, PAKISTAN
PHONE. 091-9210166 FAX 091-9210216

No.

/Date Pesh: the / / 2018

NOTIFICATION.

The Competent Authority is pleased to regret the appeal of the community teachers for their regularization from retrospective effect on the recommendations of the appellate committee in the meeting held on 20/7/2017 as not admissible under the rules and policy.

DIRECTOR EDUCATION NMTD

Endst: No. 11096-99

Dated Pesh: the 29/08 /2018.

Copy forwarded to the:-

1. District Education Officer, Khyber District.
2. PA to Director Education NMTD.
3. Teachers concerned.


Deputy Director (Estab.)



Admitted. F

13

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 14597 2018

1. Anzar Gul S/O Zar Din, PST,
Government Primary School,
Saeed Ullah Jan Kalley,
Bara Khyber Agency.
2. Sadiq Ahmad S/O Sher Jan, PST,
Government Primary School
Toor Dara Jamrood Khyber Agency.
3. Khial Gul S/O Zahir Shah, PST,
Government Primary School Toor Dara,
Jamrood, Khyber Agency.
4. Mohibullah S/O Ihsan Ullah, PST,
Government Primary School Toora
Tara Jamrood Khyber Agency.
5. Irat Khan S/O Ilyas Khan, PST,
Government Primary School Jani Khel,
Jamrood Khyber Agency.
6. Muhammad Jan S/O Allah Baz, PST,
Government Primary School Nazar
Kalley, Landi Kotal Khyber Agency.
7. Arman Gul S/O Lal Mat Khan, PST,
Government Primary School
Rekaley Jamrood Khyber Agency.
8. Ameen Shah S/O Mustan Shah, PST,
Government Primary School
Chooria No. 03, Jamrood Khyber Agency.
9. Rehman Gul S/O Ghirat Gul, PST,
Government Primary School Attari,
Jamrood Khyber Agency.
10. Sabit Khan S/O Gul Mar Jan, PST,
Government High School Chooria,
Jamrood Khyber Agency.

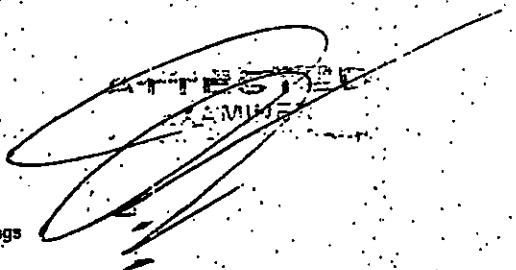
ATTESTED
EXAMINER
Peshawar High Court

11. Shah Wali S/O Payo Noor, PST,
Government Primary School
Fiazoo Kalley, Jamrood Khyber Agency.
12. Sajid Ahmad S/O Payo Khel, PST,
Government Primary School Wazir
Dand, Jamrood Khyber Agency.
13. Noorat Khan S/O Awal Khan, PST,
Government Primary School
Jawara Manla, Jamrood Khyber Agency.
14. Mushtaq Ullah S/O Abdul Qahar, PST,
Government Primary School
Nawar Manla, Jamrood Khyber Agency.
15. Tariq Khan S/O Khan Sahib Khan, PST,
Government Primary School Khan Mast
Kalley, Jamrood Khyber Agency.
16. Shufqat Ullah S/O Gul Sald Khan, PST,
Government Primary School Khadim
Kalley, Jamrood Khyber Agency.
17. Jam Dad Khan S/O Jan Muhammad Khan,
PST, Government Primary School Wallo Milla,
Jamrood Khyber Agency.
18. Sher Zali S/O Khan Badshah, PST,
Government Primary School Meer
Ahmad Shah Kalley, Jamrood Khyber Agency.
19. Umar Khan S/O Lal Mat Khan, PST,
Government Primary School Redi Gul
Kalley, Jamrood Khyber Agency.
20. Saleh Jan S/O Khaista Meer, PST,
Government Primary School
Lashora Jamrood Khyber Agency.
21. Abdul Qadir S/O Abdul Jalil, PST,
Government Middle School Sher
Afzal Kalley, Jamrood Khyber Agency.
22. Muhammad Wakeel S/O Abdul Jalil, PST,
Government Primary School Kambila
Malagori, Khyber Agency.

TESTED
EXAMINER
Khyber High Court

23. Fazale Rehman S/O Masooz Khan, PST,
Government Primary School Mian
Jaffar Shah Kalley, Jamrood Khyber Agency.
24. Istekhar Khan S/O Rooh Khan, PST,
Government Primary School Pastokl,
Landi Kotal Khyber Agency.
25. Farid Ullah S/O Kabal Sher, PST,
Government Primary School Gulab
Kalley, Landi Kotal Khyber Agency.
26. Serfarz Khan S/O Anwar Khan, PST,
Government Primary School Jawara
Mela, Malagori Khyber Agency.
27. Janab Khan S/O Shoghil Maan Khan,
PST, Government Primary School
Lashora Jamrood Khyber Agency.
28. Samad Meer S/O Muhammad Said,
PST, Government Primary School Lal
Mat Kalley, Jamrood Khyber Agency.
29. Islam Gul S/O Nabat Khan, PST,
Government Primary School Fazal
Ahmad Kalley, Jamrood Khyber Agency.
30. Gulab Sher S/O Aqal Meer, PST,
Government Primary School
Malak Sardar Meer Kalley,
Jamrood Khyber Agency.
31. Muhammad Saeed Khan S/O
Enzar Gul, PST, Government Primary
School Zabit Khan Kalley,
Jamrood Khyber Agency.
32. Umar Said S/O Sir Meer Khan, PST,
Government Primary School
Chaparl, Jamrood Khyber Agency.
33. Hunar Said S/O Sir Meer Khan, PST,
Government Primary School Kambilla,
Jamrood Khyber Agency.
34. Anzal Khan S/O Kazam Baig, PST,
Government Primary School
Gujjar Dand, Jamrood Khyber Agency.

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35. Fazal Rabi Khan, S/O Ghulam Nabi, PST,
Government Primary School, Ail Masjid,
Jamrood Khyber Agency.
36. Mir Habib S/O Fazal Khan, PST,
Government High School Badshah
Meer Kalley, Jamrood Khyber Agency.
37. Wazir Khan S/O Said Ullah Khan,
PST, Government Primary School
Sandana, Bara Khyber Agency.
38. Khyal Batt Khan S/O Doulat Khan, PST,
Government Higher Secondary School
Speen Dand, Jamrood Khyber Agency.
39. Samin Gul S/O Zar Khalil, PST,
Government Primary School Sher
Bahadar Kalley, Bara Khyber Agency.
40. Yar Muhammad S/O Mirza Gul, PST,
Government Primary School Zareef Kalley,
Bara Khyber Agency.
41. Muhammad Khan S/O Shaus Khan, PST,
Government Primary School Raza Khan,
Bara Khyber Agency.
42. Miraj Gul S/O Zain Gul, PST,
Government Primary School Kotkal
Tirah, Bara Khyber Agency.
43. Abid Khan S/O Zain Gul, PST,
Government Primary School Zafar Khan
Kalley, Bara Khyber Agency.
44. Hujat Khan S/O Samand Khan, PST,
Government Primary School Azam Din,
Bara Khyber Agency.
45. Said Ghani S/O Anar Gul, PST,
Government Primary School Kotaki,
Bara Khyber Agency.
46. Siraj Akbar S/O Muqem Khan, PST,
Government Primary School Mamal Mela,
Bara Khyber Agency.

ATTESTED
EXAMINER
Peshawar High Court

- 47. Karna Khel S/O Talib Shah, PST,
Government Primary School
Mashkanara Mela, Bara Khyber Agency.
- 48. Syed Ahmad S/O Lal Madar, PST,
Government Middle School
Sheen Kamar, Bara Khyber Agency.
- 49. Hameed Ullah S/O Afsar Khan, PST,
Government Primary School Choorra,
Bara Khyber Agency.
- 50. Iqbal Hussain S/O Zar Muhammad,
PST, Government Primary School
Zangal Bara Khyber Agency.
- 51. Shahid Khan S/O Muqam Din, PST,
Government High School Jafar Khan Kalley,
Bara Khyber Agency.
- 52. Suleman Shah S/O Gul Badshah,
PST, Government Primary School Pastoki,
Bara Khyber Agency.
- 53. Shah Je Khan S/O Gul Zameer, PST,
Government Primary School Zafar Kalley,
Bara Khyber Agency.
- 54. Abdul Qayum S/O Rehmat Gul, PST,
Government Primary School Gulab Khel,
Bara Khyber Agency.
- 55. Gul Amin S/O Angar Khan, PST,
Government Primary School
Khuramtan Kalley, Bara Khyber Agency.
- 56. Gul Zaman S/O Storee Khan, PST, *stori khel.*
Government Primary School
Yar Hamza Kalley, Bara Khyber Agency.
- 57. Raj Muhammad S/O Zahir Shah,
PST, Government Primary School
Kotkal, Bara Khyber Agency.
- 58. Bakht Mar Jan S/O Qandahar Khan, PST,
Government Primary School Habib Shah,
Bara Khyber Agency.

ATTESTED
EXAMINER
 Peshawar High Court

- 59. Raees Khan S/O Nauroz Khan, PST,
Government Primary School
Jafar Khan Kalley, Bara Khyber Agency.
- 60. Mir Akbar S/O Gul Akbar, PST,
Government Primary School Zangal,
Bara Khyber Agency.
- 61. Muhammad Raziq S/O Noor Zada,
PST, Government Primary School
Baber Khel Kalley, Bara Khyber Agency.
- 62. Gull Jan S/O Baghwan Gul, PST,
Government Primary School
Zafar Kalley, Bara Khyber Agency.
- 63. Sharlat Khan S/O Lal Mar Jan, PST,
Government Primary School
Zafar Kalley, Bara Khyber Agency.
- 64. Abdul Rehman S/O Paya Khan, PST,
Government Primary School
Bine Bara Khyber Agency.
- 65. Irfan Ullah S/O Chaman Khan, PST,
Government Primary School Zangi,
Bara Khyber Agency.
- 66. Khaista Noor S/O Waliyat Shah,
PST, Government Primary School
Hayat Mir, Bara Khyber Agency.
- 67. Gul Hameed S/O Noor Zaden, PST,
Government Primary School
Hukam Shah, Bara Khyber Agency.
- 68. Saeeda Jehanzeb D/O Jehanzeb, PST,
Government Girls Primary School
Yar Gul Khel Kalley, Bara Khyber Agency.
- 69. Sajid Ullah S/O Gul Samand, PST,
Government Primary School
Sandana, Bara Khyber Agency.
- 70. Zenat D/O Abdul Qayum, PST,
Government Girls Primary School
Hayat Shah, Bara Khyber Agency.

Waliyat Shah

ATTESTED
EXAMINER
 Peonwar High Court

71. Nadia Tabasum D/O Fazal Rahim,
PST, Government Girls Primary School
Sandana, Bara Khyber Agency.
72. Farzana Jabeen D/O Qamar Din, PST,
Government Girls Primary School
Sultan Khel, Bara Khyber Agency.
73. Roeeda Gul D/O Zareen Khan, PST,
Government Girls School Islam Gul,
Bara Khyber Agency.
74. Rubina Shaheen D/O Faqir Muhammad,
PST, Government Girls Primary School
Amir Khan Kalley, Bara Khyber Agency.
75. Shakeela Bano D/O Ghulam Muhammad,
PST, Government Girls Primary School
Kapar Tangi, Bara Khyber Agency.
76. Salma Khan D/O Dr. Khan, PST,
Government Girls Primary School
Mkhar Kot, FR Tank.
77. Basfoo D/O Muhammad Zaman, PST,
Government Girls Primary School
Payo Kot, FR Tank.
78. Zainab Bibi D/O Hussain, PST,
Government Girls Primary School
Nawaz Khan Korona, FR Tank.
79. Taj Bibi D/O Qalam Khan, PST,
Government Girls Primary School
Mussam Khan, FR Tank.
80. Amna Bibi D/O Esa Khan, PST,
Government Girls Primary School
Akram Khan, FR Tank.
81. Zaheena Sayed D/O Noor Muhammad Khan,
PST, Government Girls Primary School
Deniak, FR Tank.
82. Ambareen Bibi D/O Ghulam Qadir, PST,
Government Girls Primary School
Ghulam Sahee, FR Tank.

ATTESTED
EXAMINER
Peshawar High Court

- 20
83. Bilal Khan S/O Mamid Khan, PST,
Government Primary School
Shahbaz Kot, North Waziristan Agency.
 84. Abdul Ghafoor Khan S/O Gul Abad Khan,
PST, Government Primary School
Nelk Umar Kot, NWA.
 85. Afrasiyab Khan S/O Akhtar Ali Khan,
PST, Government Primary School
Surma Jan Kot, NWA.
 86. Aziz Ullah S/O Payel Khan, PST,
Government Primary School
Macha Khel, NWA.
 87. Nor Zali Khan S/O Ghulam Jalil Khan,
PST, Government Primary School
Dewgar Saidgi, NWA.
 88. Abdul Mutalib Khan S/O Sakhi Mar Jan,
PST, Government Primary School
Issor Kot, NWA.
 89. Muhammad Ilyas S/O Badluzaman,
PST, Government Primary School
Nimat Kot, NWA.
 90. Muhammad Ghufraan S/O Inayat Ullah Khan,
PST, Government Primary School
Muhammad Amin Kot, NWA.
 91. Ubaid Ullah Khan S/O Niaz Bat Khan,
PST, Government Primary School
Khwaja Wani, NWA.
 92. Gul Attaullah S/O Umar Khan, PST,
Government Primary School
Muhammad Amin, NWA.
 93. Hamid Ullah S/O Amir Muhammad, PST,
Government Primary School
Fazal Rehman, NWA.
 94. Muhammad Zaman S/O Hazrat Khan,
PST, Government Primary School
Jalalabad Kot, NWA.

~~ATTESTED~~
~~EXAMINER~~
~~Peshawar High Court~~

95. Tehsil Khan S/O Bakhef Jani, PST,
Government Primary School
Payo Jan Kot, NWA.
96. Muhammad Aslam Khan S/O Gul Rehman,
PST, Government Primary School
Wali Mad Khan Kot, NWA.
97. Noor Sala Khan S/O Yaqoob Khan, PST,
Government Primary School
Namat Kot, NWA.
98. Shah Wazir S/O Yaqoob Khan, PST,
Government Primary School
Mir Ali Camp, NWA.
99. Baz Muhammad Khan S/O
Muhammad Azam Khan,
PST, Government Primary School
Ral Khan Kot, NWA.
100. Abid Ullah Khan S/O Mir Kalam Khan,
PST, Government Primary School
Abdi Khel, NWA.
101. Javid Iqbal S/O Amir Akbar, PST,
Government Primary School
Fateh Khan Kot, NWA.
102. Amal Khan S/O M. Nawaz Khan,
PST, Government Primary School
Ral Khan, NWA.
103. Atta Muhammad S/O Ghulam Muhammad,
PST, Government Middle School
Khair Khel Kalley, NWA.
104. Khan Walli S/O Mir Sali Khan, PST,
Government Primary School
Darpa Khel Kot, NWA.
105. Pawan Din S/O Gul Zaman, PST,
Government Primary School
Zar Jam Khel, NWA.
106. Nazar Gul S/O Ajeeb Gul, PST,
Government Primary School
Hangu Kot, NWA.

ATTESTED
EXAMINER
Peshawar High Court

107. Amir Nawaz Khan S/O Akbar Khan,
PST, Government Primary School
Sakhi Marjan, NWA.
108. Arif Nawaz S/O Akbar Khan, PST,
Government Primary School
Mushki Alam, NWA.
109. Muhammad Ayaz Khan S/O Arsala Khan,
PST, Government Primary School
Noor Khan, NWA.
110. Jahan Baz Khan S/O Rameez Khan,
PST, Government Primary School
Hakeem Kot, NWA.
111. Hidayat Ullah S/O Pakhar, PST,
Government Middle Primary School
Patas Kot, NWA.
112. Aqal Zaman S/O Khushal Khan,
PST, Government Primary School
Abdullah Din, NWA.
113. Mir. Shah Jehan S/O Khyal Khan,
PST, Government Primary School
Sakhi Mar Jan, NWA.
114. Zahid ud Din S/O Ahmad Kaleem,
PST, Government Primary School
Syed Khan Kot, NWA.
115. Janat Khan S/O Mir Azam Khan,
PST, Government Primary School
Shahadat Kot, NWA.
116. Amir Salah Khan S/O Sharen Khan,
PST, Government Primary School
Usman Khel, NWA.
117. Hazrat Ullah S/O Sahib Khan, PST,
Government Primary School
Garyum, NWA.
118. Muhammad Ihsan S/O Sharen Khan,
PST, Government Primary School
Muhammad Daraz, NWA.

ATTESTED
EXAMINER
Peshawar High Court

- 119. Nor Hayat Khan S/O Nawab Khan,
PST, Government Primary School
Zaman Khan Kot, NWA.
- 120. Ata Ullah Jan S/O Maiz Ullah Khan,
PST, Government Primary School
Walli Mad Khan, NWA.
- 121. Farmanullah S/O Toor Jan, PST,
Government Primary School
Zaman Khan, NWA.
- 122. Saifaraz S/O Gul Raheem, PST,
Government Primary School
Noor Khan, NWA.
- 123. Muhammad Kamal Khan S/O M. Alam,
PST, Government Primary School
Gulab Khel, NWA.
- 124. Muhammad Asghar S/O Sayed Wali,
PST, Government High School
Ghondi Jamrood Khyber Agency.
- 125. Ezaat Shah S/O Nooram Shah, PST,
Government Primary School
Arak, Kurram Agency.
- 126. Multan Aurang S/O Gul Samand,
PST, Government Primary School
Chapre, Kurram Agency.
- 127. Daulat Khan S/O Bahadar Khan,
PST, Government Primary School
Kamal Baza, Kurram Agency.
- 128. Nor Mar Jan S/O Gul Mar Jan, PST,
Government Primary School
Mir Bagh, Kurram Agency.
- 129. Shughla Hussain D/O Ghulam Hussain,
PST, Government Girls Primary School
Dogar, Kurram Agency.
- 130. Muhammad-Zubair S/O Dilbar Khan,
PST, Government Primary School
Dagari No. 03, Kurram Agency.

ATTESTED
EXAMINER
Peshawar High Court

131. Gul Haider Jan S/O Ghazi Mar Jan,
PST, Government Primary School
Dagari, Kurram Agency.
132. Noor Khan S/O Zari Gul, PST,
Government Primary School
Mir Bagh, Kurram Agency.
133. Shareef Gul S/O Gul Mar Jan, PST,
Government Primary School
Kalat Mir Bagh, Kurram Agency.
134. Tahir Gul S/O Akhtar Gul, PST,
Government Primary School
Pastwan, Kurram Agency.
135. Wasim Shah S/O Sayed Anwar,
PST, Government Primary School
Super Kot, Kurram Agency.
136. Maqbool Ahmad S/O Muhammad Jan,
PST, Government Primary School
Sher Khan Mir Bagh, Kurram Agency.
137. Gohar Simab W/O Doost Muhammad,
PST, Government Girls Primary School
Shahbaz Samma, Kurram Agency.
138. Riffat Naz W/O Sheeren Badshah, PST,
Government Girls Primary School
Shahbaz Samma, Kurram Agency.
139. Gul Zahra D/O Zameen Akbar, PST,
Government Girls Primary School
Kagawaga, Kurram Agency.
140. Hussan Par D/O Nasir Hussain, PST,
Government Girls Primary School
Dall, Kurram Agency.
141. Nighat Naseem D/O Lalq Hussain, PST,
Government Girls Primary School
Lar Zar, Kurram Agency.
142. Fozia Afzal D/O Muhammad Afzal, PST,
Government Girls Primary School
Luqman Khan, Kurram Agency.

ATTESTED
EXAMINER
Peshawar High Court

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JAWAZ

PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

WP No. 4597-P/2018

Anzar Gul and others

.....Petitioners

V/s

Director of Education,
FATA Secretariat,
Peshawar and others.

.....Respondents.

For the Petitioners:

Mr. Saadullah Khan Marwat,
Advocate.

For the Respondents:

Syed Sikandar Hayat Shah,
AAG.

Date of hearing:

03.11.2022

JUDGMENT

SYED ARSHAD ALLI, J:- The petitioners, through the instant constitutional petition, have approached this Court praying that:-

"It is, therefore, most humbly prayed that on acceptance of the Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this hon'ble Court may graciously be pleased to:

- a. Declare notification dated 29.08.2018 of R. No.01 to be illegal, improper, unjust, discriminatory, malafide, without lawful authority and of no legal effect.
- b. Direct the authority to regularize the initial service of the petitioners rendered in the Community Schools to the regular service for pensionary and other benefits; AND/OR
- c. Any other writ/order/direction deemed proper and just in the circumstances of the case be also issued/ordered/given."

2. Short but relevant facts of the case as alleged in petition are that the petitioners were appointed as Community School Teachers in a Project on contract basis and later, their services were regularized against the regular posts of PST vide orders dated 02.11.2015, 07.01.2016, 08.01.2016 & 20.07.2016, however, it is the claim of petitioners that the services


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rendered by them on contract basis for more than ten years have not been counted towards pensionary benefits, against which, they filed representation before the Director Education FATA Secretariat, Peshawar on 22.03.2017, but, the same was regretted vide Notification dated 29.08.2018; hence, the instant Writ Petition.

3. Respondents No. 1, 2 & 5 have furnished their comments wherein it is alleged that the petitioners were appointed as Community School Teachers in a Project, however, the said Project was closed on 31.12.2010. Later, after revised PC-1, the community schools were reopened in the year, 2011-2012 and the petitioners were adjusted against regular posts in view of Notification dated 11.05.2012. The said Notification was challenged by some other persons before this Court through various constitutional petitions and this Court vide judgment dated 06.08.2013 rendered in WP No. 2662/2012 declared the said Notification as policy for recruitment of new candidates in future; hence, this petition is hit by principle of resjudicata and requested for its dismissal.

4. Arguments heard and record perused.

5. Perusal of the record reveals that the petitioners were appointed against the project posts of PTC and were posted as Communal School Teachers in Boys Communal Schools at different places in the erstwhile FATA. Initially, contract/project posts were for a period of three years which was then extended from time to time; however, in view of the wave of militancy and then Army operation, these community's schools became non-functional and were closed and the services of the Communal School Teachers were terminated w.e.f. 31.12.2010. It is pertinent to mention here as alleged by the respondent that most of the appointees were not holding the prescribed qualification at the relevant time. Later, it was decided vide Notification dated 29.10.2015 to appoint/adjust the Communal School Teachers against the regular posts of PST in case they are holding the prescribed

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27.

qualification and that it was in view of the decision of the Government that the petitioners were regularized/ adjusted through different letters available on the file. In the instant case, the petitioners have two main claims i.e. regularization from retrospective effect and counting of their previous project/contract service for the purpose of pension.

6. Admittedly, by now the petitioners have acquired the status of civil servants and the relief claimed through the instant petition relates to the enforcement of their terms and conditions of service. This Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 has no jurisdiction to interfere in the matter. However, this case is pending before this Court since 2018, therefore, instead of dismissing this petition on question of jurisdiction, this petition be transmitted to Worthy Khyber Pakhtunkhwa Service Tribunal for adjudication on merit. Copy of this petition be retained in office while the original file along with the annexure be sent to the Worthy Tribunal.

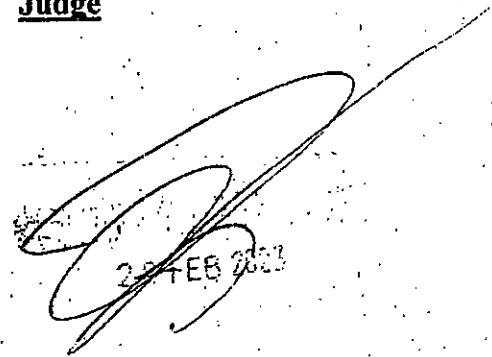
7. Disposed of in the above terms.

ANNOUNCED.
03.11.2022


Chief Justice


Judge

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22 05/11/2023
28 08/21/2023
08/21/2023
11/2/2023


22 FEB 2023

POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa Sesiue Tolbad
Sharif Gul

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

D.E.S.E.D and others

} Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

ZARAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at Regisr to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us Gul Sharif

IN WITNESS whereof I/we have hereto signed at Sharif Gul
the _____ day to _____ the year _____

Executant/Executants _____
Accepted subject to the terms regarding fee _____

Im-khan
IMRAN KHAN
Advocate High Court
Mob: 0345-9090648

Zaraj Anwar
ZARAJ ANWAR
Advocate High Courts
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt.
Mobile-0331-9399185
BC-10-9851
CNIC: 17301-1610454-5