

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

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

*Service Appeal No.885/2020*

Date of presentation of Appeal.....27.01.2020  
Date of Hearing.....12.06.2024  
Date of Decision.....12.06.2024

**Habib Ul Haq, TT GHS Kadar, Swabi.....(Appellant)**

Versus

1. **The Secretary (E&SE) Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.**
2. **The Director of Education (E&SE) Khyber Pakhtunkhwa, Peshawar.**
3. **The District Education Officer (Male), Swabi.**
4. **The Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.**
5. **DEO (Male) District Kohistan.....(Respondents)**

Present:

Syed Noman Ali Bukhari, Advocate.....For the appellant  
Mr. Muhammad Jan, District Attorney .....For respondents

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**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO ADJUST THE APPELLANT ON HIS POST OF TT AND ALSO GIVE HIM SALARY FROM THE DATE OF FILING DEPARTMENTAL APPEAL AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

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**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Brief facts of the case as alleged in the memo and grounds of appeal are that appellant was appointed as Theology Teacher and posted at GHS Pattan District Kohistan vide order dated 07.10.1996; that the appellant was transferred



from District Kohistan to District Swabi and posted at GHS Kadar Swabi vide order dated 31.07.2006 where he took over charge of the post on 02.08.2006; that the appellant had land dispute with his relatives who threatened him; that the appellant submitted application for three years leave without pay which was duly forwarded by the Headmaster concerned; that appellant after resolving his land dispute, came to the school for joining his duty but he was not adjusted.

02. Feeling aggrieved, he filed departmental appeal on 10.10.2019 which was not responded, hence, he filed the instant service appeal.

03. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

04. We have heard learned counsel for the appellants and learned District Attorney for the respondents.

05. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

06. The appellant contends that he was employee of the respondent department and was appointed as Theology Teacher (TT) on 07.10.1996 and that he was transferred from Kohistan to Swabi vide order dated

31.07.2006. That there arose a land dispute between the appellant and his relatives, due to which, he filed application for three years leave without pay, but there is no order on the file which could show that such leave was ever granted to him. There is an appeal of the appellant made to the Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar on 10.10.2019, wherein, the appellant has admitted his prolonged absence from duty. In the reply of respondents No.1 to 3, it was pointed out that appellant belonged to District Swabi but claimed to have been appointed in District Kohistan. It was then, the DEO (Male) Kohistan was made as party. The DEO (Male) Kohistan submitted reply, whereby, the very appointment order of the appellant was declared as fake & bogus.

07. The above being the position of this case, we see no merits in it and dismiss it with costs. Consign.

08. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 12<sup>th</sup> day of June 2024.*



**KALIM ARSHAD KHAN**  
Chairman



**MUHAMMAD AKBAR KHAN**  
Member (Executive)

27.05.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Miss Fareeha Paul, learned Member (Executive) is on leave, therefore, the case is adjourned. To come up for arguments on 12.06.2024 before D.B. P.P given to parties.



(Rashida Bano)  
Member (J)

Kaleemullah

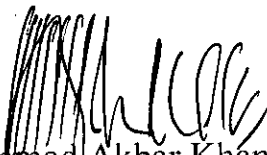
S.A No.885/2020

ORDER

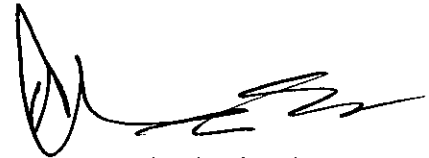
12<sup>th</sup> June. 2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, we see no merits in this appeal and dismiss it with costs. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 12<sup>th</sup> day of June, 2024.*



(Muhammad Akbar Khan)  
Member (E)



(Kalim Arshad Khan)  
Chairman