

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

Service Appeal No. 941/2019

**SCANNED**  
**KPST**  
**Peshawar**

BEFORE: **MR. SALAH-UD-DIN** ... **MEMBER (J)**  
**MISS FAREEHA PAUL** ... **MEMBER (E)**

**Mr. Khan Muhammad, Naib Qasid, GHSS Jalala, Takht Bhai.**  
..... **(Appellant)**

Versus

1. **The Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.**
2. **The Director E&SE, Khyber Pakhtunkhwa, Peshawar.**
3. **The District Education Officer (Male), District Mardan.**  
..... **(Respondents)**

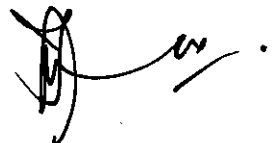
**Mr. Umar Farooq,**  
**Advocate** ... **For appellant**

**Mr. Asad Ali Khan,**  
**Assistant Advocate General** ... **For respondents**

Date of Institution..... 10.01.2020  
Date of Hearing..... 12.09.2023  
Date of Decision..... 12.09.2023

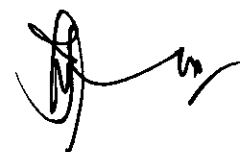
**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 22.06.2019, communicated to the appellant on 11.09.2019, whereby he was adjusted against the post of Naib Qasid with immediate effect rather than retrospective effect and no back benefits granted to him for the intervening period i.e. w.e.f 17.04.2010 and against no action taken on the departmental appeal of the appellant within the statutory period of ninety days. It has been prayed that on acceptance of the appeal, the impugned order dated 22.06.2019 might



be modified/rectified to the extent that the appellant might be adjusted against the post of Naib Qasid with retrospective date with all back benefits i.e. w.e.f. 17.04.2010 alongwith any other remedy which the Tribunal deemed fit and appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Naib Qasid at GHSS Pirsaddi District Mardan (disable quota) vide order dated 24.03.2010. After appointment, the appellant started performing his duty and received one month salary as Naib Qasid at GHSS Pir Saddi. The appointment order of the appellant was held in abeyance by the authority on the directions of the local MPA but later on that order was withdrawn by the concerned authority and the appellant was adjusted on the post of Chowkidar vide order dated 24.08.2010. Feeling aggrieved, he filed departmental appeal, followed by service appeal No. 511/2011 which was decided in favour of the appellant with the direction to adjust the appellant on his original post of Naib Qasid. Respondent department issued fresh appointment order against a post of Chowkidar vide order dated 17.05.2016. Feeling aggrieved from the order dated 17.05.2016, the appellant filed departmental appeal and knocked the door of the Service Tribunal in appeal No. 1062/2016. During the pendency of that service appeal, the respondent department issued order dated 22.06.2019, which was produced before the Tribunal on 11.09.2019, whereby the appellant was adjusted against the post of Naib Qasid but with immediate effect rather than retrospective effect. After receiving the order dated 22.06.2019, the appellant withdrew the service appeal No. 1062/2016



vide order dated 11.09.2019 with the permission to file a fresh appeal if needed. Against the order dated 22.06.2019, the appellant preferred departmental appeal but no reply was received, hence the instant service appeal.

3. Respondents were put on notice who submitted their reply/comments on the appeal. We heard the learned counsel for the appellant as well as the learned Assistant Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant had not been treated in accordance with law and rules by the respondent department and they violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973. He further argued that the respondent department acted in arbitrary manner while adjusting the appellant against the post of Naib Qasid with immediate effect rather than retrospective effect. He argued that the appellant was fully entitled for the grant of back benefits with effect from 17.04.2010 but the respondent department unlawfully and malafidely adjusted him against the post of Naib Qasid with immediate effect. He requested that the appeal might be accepted as prayed for.

5. Learned Assistant Advocate General, while rebutting the arguments of learned counsel for the appellant, argued that the appellant was appointed against the post of Chowkidar vide order dated 17.05.2016, which was purely made on his willingness on the condition as mentioned at Sr. No. 8 of the terms & conditions of his appointment order that he would



be adjusted against the post of Naib Qasid whenever the said post was available in his locality. The appellant agreed and had taken over the charge of the post of Chowkidar. He further argued that the appellant had performed duty as Chowkidar from 17.05.2016 to 22.06.2019 and had also drawn salary on the said post. Later on, the respondent department issued adjustment order dated 22.06.2019, whereby the appellant was adjusted at GHSS Jalala Takht Bhai Mardan against the vacant post of Naib Qasid in the light of the Service Appeal No. 1062/2016 and fulfilling condition No. 08 of the terms and conditions of notification dated 17.05.2016. He requested that the appeal might be dismissed.

6. Arguments and record presented before us shows that the appellant was initially appointed as Naib Qasid on disable quota vide order dated 24.03.2010, which was held in abeyance vide an order dated 17.04.2010. On the same date i.e. 17.04.2010, a corrigendum was issued and the appellant's post was changed from Naib Qasid to Chowkidar. Order dated 24.08.2010 available on record shows that the order under Endst. No. 3681/G dated 17.04.2010, held in abeyance, was released with effect from the date of its issuance, and the appellant, alongwith other two officials, was posted as Chowkidar in GPS Zaristan Banda. Vide another order dated 17.05.2016, in pursuance of the judgment of this Tribunal, he was appointed against the post of Chowkidar in GPS No. 1, Sher Garh. Condition No. 8 of his appointment order mentioned that he would be adjusted against the post of Naib Qasid as and when the said post was available in his locality. After that, in pursuance of another order of this



Tribunal dated 28.01.2019, the appellant was adjusted as Naib Qasid, against a vacant post, at GHSS Jalala (Takht Bhai) Mardan, vide order dated 22.06.2019, impugned before us.

7. The appellant is aggrieved with the order as it is stated therein that he is adjusted as Naib Qasid "with immediate effect"; instead of giving it effect from a back date i.e. 17.04.2010, the date when he was appointed in government service. When confronted that why at the initial stage his post was changed from Naib Qasid to Chowkidar, the respondents replied that the appointment was made erroneously against the post of Naib Qasid and that no vacant post of Naib Qasid was available at that time and therefore, the appellant was adjusted as Chowkidar on 17.04.2010. As regards the order dated 17.05.2016, this Tribunal fails to understand that if no post of Naib Qasid was available and the appellant was already working on the post of Chowkidar, then why another order of appointment on the post of Chowkidar was issued?


8. As far as the impugned order of 22.06.2019 is concerned, this Tribunal fully understands that appointment cannot be given retrospective effect. We have been informed by the learned AAG that the positions of Naib Qasid and Chowkidar, both fall in the category of Class-IV and there is no difference of salary in these positions. Similarly, as stated by him, a common seniority list is maintained for all the Class-IV employees. As the appellant has already drawn his salaries against the positions on which he was posted in the past, therefore there is no financial issue involved. As far as his seniority is concerned, the department is directed to look into the




matter and place him in the seniority list at his appropriate place, based on the appointment letter issued on 17.04.2010, when he was initially appointed and adjusted against the post of Chowkidar at GGPS Zaristan Banda.

9. With the above observations, the appeal in hand is disposed of accordingly. Costs shall follow the event. Consign.

10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 12<sup>th</sup> day of September, 2023.*

  
(FAREEHA PAUL)  
Member (E)

*\*Fazle Subhan, P.S\**

  
(SALAH-UD-DIN)  
Member (J)

S.A 941/2019


12<sup>th</sup> Sept. 2023 01. Mr. Umar Farooq, Advocate for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 06 pages, the appeal in hand is disposed of accordingly. Costs shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 12<sup>th</sup> day of September, 2023.*



(FAREEHA PAUL)  
Member (E)



(SALAH-UD-DIN)  
Member (J)

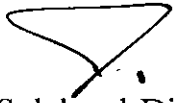
SCANNED  
KFST  
Peshawar

\*Fazle Subhan, P.S\*

22.06.2023

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

Learned Member (Executive) Ms. Fareeha Paul is on leave, therefore, bench is incomplete. To come up for remaining arguments on 13.07.2023 before the D.B. Parcha Peshi given to the parties.


  
(Salah-ud-Din)  
Member (J)

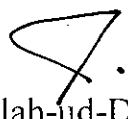
\*Naeem Amin\*

13.07.2023

Appellant alongwith his counsel present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment for preparation of arguments. Adjourned. To come up for remaining arguments on 12.09.2023 before the D.B. Parcha Peshi given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*





13<sup>th</sup> April, 2022

Clerk of counsel for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Due to strike of the Bar today, the case is adjourned to 19.06.2023 for arguments before the D.B. Parcha Peshi given to the parties.

SCANNED  
K-PT  
Peshawar

  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)


\*Fazal\*

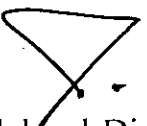
19.06.2023

Appellant alongwith his counsel present. Mr. Muhammad Wisal, ADEO alongwith Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments on 22.06.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
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Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

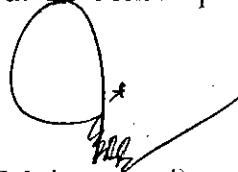
\*Naeem Amin\*

23.11.2022

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

Learned counsel for the appellant requested for adjournment on  
the ground that he has not made preparation for arguments.  
Adjourned. To come up for arguments on 12.01.2023 before the D.B.

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(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

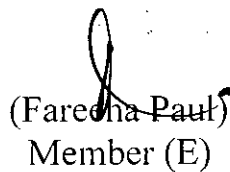
11.01.2023

Counsel for the appellant present.

Muhammad Adeel Butt learned Additional Advocate  
General for respondents present.

SCANNED  
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Peshawar

Learned counsel for the appellant requested for  
adjournment in order to further prepare the brief. Adjourned.  
To come up for arguments on 13.04.2023 before D.B.



(Fareeha Paul)  
Member (E)



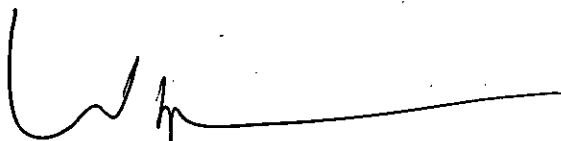
(Rozina Rehman)  
Member (J)

23.11.2021

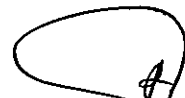
Mr. Khanzad Gul, Advocate, junior of learned counsel for the appellant present.

Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Former submitted an application for adjournment as senior counsel for the appellant has proceeded to his home town due to emergency. Adjourned. To come up for arguments on 14.03.2022 before D.B.



(Atiq Ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 10.06.2022 for the same as before.



Reader.

10.06.2022

*Bench is incomplete, therefore, case is adjourned to 30.08.2022 for the same as before.*



Reader.

30.08.2022

Appellant in person present. Mr. Muhammad Jamil Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 23.11.2022 before the D.B.

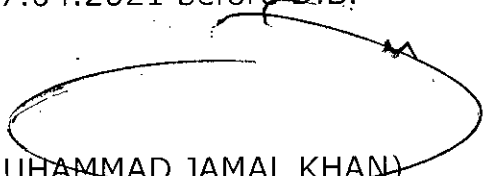


(Salah-Ud-Din)  
Member(J)

07.01.2021

Junior to the senior counsel is present for appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Sajid, ADEO (Litigation), for the respondents are also present.

Representative of the department submitted written reply on behalf of respondents which is placed on record. File to come up for rejoinder and arguments on 07.04.2021 before D.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

7.4.21

Due to demise of learned

Chairman, case is adjourned


to 7.7.21

07.07.2021

Appellant present through counsel  leader.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Former made a request for adjournment. Request is accorded. To come up on 23.11.2021 for arguments before D.B.

  
(Rozina Rehman)  
Member(J)

  
Chairman

04.08.2020

Junior counsel for the appellant is present and submitted an application for allowing the appellant to submit security and process fee.

Application is accepted. The appellant is allowed to deposit the security and process fee within three working days from today. After the requisite deposit notices be issued to the respondents for submission of reply/comments on 28.09.2020 before S.B.

Appellant Depositary  
Security & Process Fee

  
(MIAN MUHAMMAD)  
MEMBER (E)

28.09.2020

Counsel for the appellant and Addl. AG for respondents present.

Learned AAG seeks some time to furnish reply/comments. Learned AAG is required to contact the respondents and facilitate the submission of reply/comments on 18.11.2020 before S.B.

  
Chairman

18.11.2020

Junior to counsel for the appellant and Addl; AG for respondents present.

Learned AAG seeks further time to furnish reply/comments. Learned AAG is required to contact the respondents and facilitate the submission of reply/comments on 07.01.2021 before S.B.

  
Chairman

18.06.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Naib Qasid against the quota reserved for disable person vide office order dated 24.03.2010. That astonishingly the appointment order of the appellant was held in abeyance by the authority on the directions of the local MPA but later on after proper medical checkup the appellant was again adjusted but on the wrong post of Chowkidar. That feeling aggrieved the appellant filed departmental appeal against the order dated 24.08.2010 followed by service appeal No. 511/2011 in this Tribunal which was decided on 04.02.2016 in favor of the appellant with the direction to the respondents to adjust the appellant on his original post of Naib Qasid. The respondents issued fresh appointment order and that against a wrong post of Chowkidar vide order dated 17.05.2016. Appellant again filed departmental appeal against the order dated 17.05.2016 and then knocked the door of this august Service Tribunal in appeal No. 1062/2016 and during pendency of that service appeal, the respondents issued another order dated 22.06.2019 wherein the appellant was adjusted against the post of Naib Qasid but with immediate effect instead of retrospective effect. Appellant withdrew the said appeal and filed another departmental appeal against the impugned order dated 22.06.2019 which was not responded within the stipulated period of ninety days, hence the instant service appeal on 10.01.2020. Learned counsel for the appellant further contended that the appellant has not been treated according to law and rules and has been deprived of his due right.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 04.08.2020 before S.B.


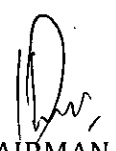

  
(MAIN MUHAMMAD)  
MEMBER

Form- A

### FORM OF ORDER SHEET

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

Case No.- 941 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/02/2020	<p>The appeal of Mr. Khan Muhammad resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p>decrease</p> <p> REGISTRAR 14/2/2020</p>
2-	27.03.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/03/2020</u>.</p> <p> CHAIRMAN</p> <p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.</p> <p> Reader</p>

The appeal of Mr. Khan Muhammad Naib Qasid GHSS Jala Takht Bhai received today i.e. on 10.01.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures, B, C & D of the appeal are missing.
- 3- Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 55 /S.T,

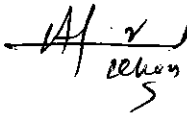
Dt. 13-1- /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Sir.

All the objection nos have been removed. Have re-submitted today dated-14-2-2020.

  
5



07.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Former made a request for adjournment. Request is accorded. To come up on 23.11.2021 for arguments before D.B.

(Rozina Rehman)  
Member(J)

Chairman

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

APPEAL NO. 941 /2019

SCANNED  
KPST  
Peshawar

**KHAN MUHAMMAD**

**VS**

**EDUCATION DEPTT:**

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5.	Order dated 24.08.2010	<b>D</b>	9.
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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,**  
**ADVOCATE**

Flat No. 3, Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar  
0345-9383141

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

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 941/2019

Diary No. 300

Dated 10/11/2020

Mr. Khan Mohammad, Naib Qasid,  
GHSS Jalala, Takht Bhai.....**APPELLANT**

**VERSUS**

- 1- The Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Male), District Mardan.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 22.06.2019 COMMUNICATED TO THE APPELLANT ON 11.09.2019 WHEREBY THE APPELLANT HAS BEEN ADJUSTED AGAINST THE POST OF NAIB QASID WITH IMMEDIATE EFFECT RATHER THAN RETROSPECTIVE EFFECT AND NO BACK BENEFITS FOR THE INTERVIENING PERIOD I.E. W.E.F 17.04.2010 HAS BEEN GRANTED TO THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 22.06.2019 may very kindly be modified/rectified to the extent that the appellant may be adjusted against the post of Naib Qasid with retrospective date with all back benefits i.e. w.e.f 17.04.2019. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant was appointed as Naib Qasid at GHSS Pirsaddi District Mardan (Disbale Quota) vide order dated 24.03.2010. that after appointment the appellant started performing his duty quite efficiently and upto the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....A.
- 2- That it is pertinent to mention that appealnt received one month salary as Naib Qasid at GHSS Pir Saddi. That astonishingly the appointment order of the appellant was held in abeyance by the authority, on the ditctions of the loyal MPA but later on after proper medical check up the held in abeyance order against the appellant

Filed to-day  
Registrar  
10/11/2020

Re-submitted to-day  
and filed.  
Registrar  
10/11/2020

withdrawn by the concerned authority but the appellant was adjusted on the wrong post of Chowkidar vide order dated 24.08.2010. Copy the order, corrigendum and order dated 24.08.2010 are attached as annexure.....**B, C & D.**

- 3- That feeling aggrieved the appellant filed Departmental appeal against the order dated 24.08.2010 followed by service appeal No.511/2011 and finally the same was decided in favor of the appellant with the direction to adjusted the appellant on his original post of Naib Qasid. Copy of the judgment is attached as annexure.....**E.**
- 4- That the respondent Department issued fresh appointment order and that against a wrong post of Chowkidar vide order dated 17.05.2016.
- 5- That appellant feeling aggrieved from the order dated 17.05.2016 filed Departmental appeal and then knocked the door of this august service Tribunal in appeal No.1062/2016 and during the pendency of the aforementioned service appeal the respondent Department issued order dated 22.06.2019 which was produced before this august Service Tribunal on 11.09.2019 whereby the appellant was adjusted against the post of Naib Qasid but with immediate effect rather than retrospective effect. Copies of the order dated 17.05.2016, Departmental appeal, service appeal and order dated 22.06.2019 are attached as annexure.....**F, G, H & I.**
- 6- That after receiving the order dated 22.06.2019 the appellant withdraw the service appeal No.1062/2016 vide order dated 11.09.2019. That appellant feeling aggrieved from impugned order dated 22.06.2019 preferred Departmental appeal but no reply has been received so far. Copies of the order dated 11.09.2019 and Departmental appeal are attached as annexure.....**J & K.**
- 7- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

### **GROUND:**

- A- That the impugned order dated 22.06.2019 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified to the extent that to adjust the appellant against the post of Naib Qasid with retrospective date i.e. 17.04.2010 instead of 22.06.2019.
- B- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

- C- That the respondent Department acted in arbitrary and malafide manner while adjusting the appellant against the post of Naib Qasid with immediate effect rather than retrospective effect.
- D- That the appellant has been discriminated by the respondent Department by adjusting the appellant against the post of Naib Qasid with immediate effect rather than retrospective effect.
- E- That appellant is fully entitle for the grant of back benefits with effect from 17.04.2010 but the respondent Department unlawfully and malafidely adjust the appellant against the post Naib Qasid with immediate effect.
- F- That the impugned order dated 22.06.2019 is violative of the principle of natural justice.
- G- That appellant is fully entitle for the back benefits of his intervening period in light of the Rules and regulations in vogue.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 26.12.2019

**APPELLANT**

  
**KHAN MUHAMMAD**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**

**&**

  
**MIR ZAMAN SAFI  
ADVOCATES**

BETTER COPY- A

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION MARDAN.**

**OFFICE ORDER.**

Consequent upon the recommendation of the district selection committee the following appointment hereby made against the posts in BPS-1 Rs.(2970-90-5670) as detailed below in the public interest following usual terms and conditions.

DISABLE QUOTA.

S.NO	NAME	F/NAME	ADDRESS	NAME OF SCHOOL WHERE APPOINTMENT	REMARKS
1	Mudaseer Nazar	Nihar gul	Rustam	GPS Town committee takht bhai	chowkidar
2	Khan muhammad	Taj muhammad	Zaristan banda	GHSS Pir Saddi	N.Qasid
3	Nadeem khan (SSC)	Sher Amin	Daki Gumbat	GHS Toru Mira	Beshti
4	Muhammad iddress	Ayub khan	sangao	GGMS Sangao	N.Qasid

ATTESTED  
11/2

A-4

## OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION, MARDAN

## OFFICE ORDER

Consequent upon the recommendations of the District Selection Committee, the following appointments are hereby made against the vacant posts in BPS-1 Rs.(2970-90-5670) as detailed below, in the public interest following usual terms and conditions.

## Open Merit

S.NO	Name	Fname	Address	Name of School where appointment	Re
1	Muhammad Inam	Muhammad Asghar	Tahir Abad	GEPS Tahir Abad	Chc
2	Wajid Ali	Dawood Khan	Labour Colony	GPS Labour Colony	
3	Murad Khan	Noshad Khan	Baghdada	GHSS Baghdada	Chc
4	Seeda Jan	Bakhtawar Khan	Mistri Abad	GPS Zaman Abad	Chowk
5	Muhammad Irshad	Muhammad Sarwar	Sarwar Abad	GPS Akhoun Baba	Chowk
6	Mumtaz Begum	Mirza Jehan zeb	Baghdada	GGHS Rustam Khel	L.Attend
7	Seema Gul	Pir Jehan Dar bacha	Manga	GGMS Mian Gulzara	Sweet
8	Naseer Khan	Shahzada	Korgh	Office Of the EDO	N.Qa
9	Sawar Khan	Amir Zaman	Baghdada	GGPS Baghdada	Chowk
10	Uzma Jelani	Fazli Rabi	Sharif Abad	GGHS Baghdada	Bash
11	Baroz Khan	Ghulam Jan	Mardan	GMPS Kochi Abad	Chowki
12	Nawas Khan	Mazullah Khan	Manga	GHSS Manga	Chowki
13	Shoukat Ali	Mali Jan	Manga	GHSS Manga	N.Qasid
14	Ibrar	Ghulam Qadir	Mian Gulzara	GGMS Mian Gulzara	N.Qasid
15	Hayat Khan	Mian Lal Khan	Marghano Killi	GPS Marghano Killi	Chowkid.
16	Khyal Badshah	Redi Khan	Seri Korgh	GGPS Seri Korgh	Chowkid.
17	Rozina	W/O Gul Khan	Khazana Dheri	GGHS Khazana Dheri	L.Attend
18	Zubida	W/O Rawas Ud Din	Manga	GGHS Manga	L.Attend
19	Hazrat Ali	Sad Barg Khan	Rag Nari	GGPS Gul Abad Rag Nari	Chowkidar
20	Aziz Ahmad	Masam Khan	Khazana Dheri	GGHS Khazana Dheri	Chowkidar
21	Arshad Ali	Khan Khill	Guli Bagh	GGHS Hoti No.2	N.Qasid
22	Muhammad Sohail	Waqar Muhammad	Mardan	GGMS Noor Man Kehi	N.Qasid
23	Gul Bacha	Sahib Zada	Hoti	GPS Biland Khel	Chowkidar
24	Zahir Ali	Seed Akbar	Hoti	GPS Noor Man Khel Hoti	Chowkidar
25	Aziz ul Hassan	Zahoor Ahmad	Mardan	GGPS Landaki Hoti	Chowkidar
26	Imron Ullah	Khan Shuman	Toru Shamshad Abad	GHS Shamshad Abad	Sweeper
27	Muhshtaq Ahmad	Shah Nazar	Atin Abad	GHS Mohaal Abad	L.Attend
28	Pervez Khan	Mukhtar Ali	Sangar Baba	GPS Sangar Baba	Chowkidar
29	Azim	Darwish		GGMS Noor Man Kehi	Sweeper

ATTESTED

Attested  
13

32	Zia Ullah	Zard Ullah	Nawa Killi Toru	GHS Nodeh	Chowkidar
	Atif	Sher Muhammad	Maho Dheri	GGHS Maho Dheri	N. Qasid
33	Zuhra Bibi	W/O Nazar Muhammad	Maho Dheri	GGHS Maho Dheri	Sweeper
34	Ahmad Ali Khan	Abdul Hakeem	Baram Khan Killi	GGPS Behrami Khan Killi	Chowkidar
35	Shah Iqbal	Gul Rahim	Chakaro Pul	GGPS Itifaq Colony Chakaro Pul	Chowkidar
36	Muhammad Nazir	Khair Ur Rehman	Chopalona	GGPS Wali Abad Chopalona	Chowkidar
37	Sana Gul	Khan Zad Gul	Bakri Banda	GMS Bakri Banda	N. Qasid
38	Aman Khan	Khan Zad Gul	Bakri Banda	GMS Bakri Banda	Sweeper
39	Hazrat Bilal	Mirza Gul	Jalandar Killi	GPS Jalandar Killi	Chowkidar
40	Muhammad Ali	Muazam Khan	Kala Khel	GGMS Kala Khel	N. Qasid
41	Nasreen	W/O Dost Muhammad Khan	Kala Khel	GGMS Kala Khel	Sweeper
42	Arif	Fida Muhammad	Chakaro Pul	GHS Gul Bagh	Chowkidar
43	Abdul Karim	Facir	Parkho Dheri	GGPS Hadi Killi	Chowkidar
44	Said Zain	Fida Muhammad Shah	Muhammad Din Killi	GGPS Muhammad Din Killi	Chowkidar
45	Muhammad	Facir Muhammad	Lund Khawar	GHS Lund Khawar	Sweeper
46	Muhammad	Muhammad Hakeem	Hathain	GHSS Hathain	N. Qasid
47	Muhammad	Popeez Khan	Hathain	GPS Gul Run	Chowkidar
48	Muhammad	Zabli Shah	Parkho Dheri	GPS Shahbaz Khel	Chowkidar
49	Muhammad	W/O Dost Muhammad Khan	Talwar	GGHS Talwar	Attend
50	Muhammad	Shah Wali	Kaudhari	GGMS Qutab Garh	Chowkidar
51	Muhammad	Rahim Khan	Kaudhari	GGMS Kaudhari	Chowkidar
52	Suzain Khan	Rahim Khan	Kalo Shah	GGPS Kalo Shah No.1	Chowkidar
53	Hidayat Ullah	Muhammad Arif	Moliyano Killi	GGPS Moliyano Killi	Chowkidar
54	Muhammad Ilyas	Zor Talab Khan	Zor Talab	GGPS Sanga Zor Talab	Chowkidar
55	Arif Hussain	Sher Adam	Zarifi Shamilat	GMS Zarifi Shamilat	N. Qasid
56	Hussain	Noor Muhammad	Zarifi Shamilat	GMS Zarifi Shamilat	Sweeper
57	Ayaz Khan	Muhammad Hayat	Ghano Shah	GGPS Ghano Shah (Jalala)	Chowkidar
58	Ali Bahadar	Said Khan	Pesha	GPS Pesha	Chowkidar
59	Bakht Ahmad	Suhbat Khan	Dad Muhammad Killi	GGPS Dad Muhammad Killi	Chowkidar
60	Muhammad	Ajmal Khan	Katti Garhi	GGPS Katti Garhi	Chowkidar
61	Muhammad	Shamas Gul	Khair Abad	GHS Khair Abad	Sweeper
62	Zain Ul	Amir Nawas	Gunj	GPS Gunj	Chowkidar
63	Wahab	Daulat Shah	Nehtar Banda	GPS Nehtar Banda	Chowkidar
64	Rehan	Muhammad Ayub	Pandao	GPS Pandao	Chowkidar
65	Shah	Aurang Nawab	Qalam Jan Banda	GPS Qalam Jan Banda	Chowkidar
66	Muhammad	Juma Khan	Kallang	GGHS Kallang	Attend
67	Fayaz	Mehar Khan	Jamal Garhi	GGPS Jamal Garhi	Chowkidar
68	Samad Khan	Hazrat Muhammad	Machi	GHS Machi	Sweeper
69	Abdullah				



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69	Usman Khan	Hamid Ullah Khan	Suri Malandari	GMS Suri Malandari	Chowki
70	Jahir	Said Ullah	Jamal Garhi	GPS Sadiq Abad	Chowki
71	Wajid Ali	Naeem Shah	Sawal Dher	GPS Sawal Dher No.2	Chowki
72	Said Maroosh	QAMROOSH	PETAO MALANDARI	GPS Petalo Malandari	Chowki
73	Aman Ullah	Aman Ullah Khan	Shah Tori	GGPS Shah Tori	Chowki
74	Muhammad Saleem	Abdul Qasim	Salak	GMS Salak	Chowki
75	Ali Zaman	Muhammad Saleem	Salak	GMS Salak	Chowki
76	Bukht Roshan	Maloo	Jehan Abad	GPS Jehan Abad Rustam	Chowki
77	Fazal Wahabi	Abdul Wahab	Sawal Dher	GPS Miangan	Chowki
78	Muhammad Younis	Gul Zada	Dubai Adda	GGCMS Sahib Abad Dubai Adda	Chowki
79	Fazal Gul	Hamesh Khan	Baba Killi	GGPS Baba Killi	Chowki
80	Zahoor Khan	Ali Akbar	Hamza Khan	GPS Hamza Khan	Chowki
81	Nizar Hussain	Sardar Hussain	Qamargai	GPS Qamargai	Chowki
82	Sameen Khan	Dil Roesh	Qutar Pan	GPS Qutar Pan	Chowki
83	Yasin Khan	Khalib Khan	Palosai	GPS Palosai	Chowki
84	Khyista Gul	Muhammad Gul	Sheendai	GPS Sheendai	Chowki
85	Aneela Gul	Afridi Khan	Gujrat	GGHSS Gujrat	L.Attent
86	Farah Deba	Mutahir Shah	Par Holi	GGHSS Shah Dhand	L.Attent
87	Murad Ali	Muhammad Usman	Par Holi	GPS Noor Man Khel Par Holi	Chowki
88	Abdur Rehman	Sida Jan	Gaddar	GPS Gaddar	Chowki
89	Shahab Ali	Muhammad Khan	Par Holi	GHS Naseer Killi	Chowki
90	Said Aslam	Zarif Khan	Bahi Khan	GPS Bhai Khan	Chowki
91	Said Ullayub	Muhammad Ayub	Bahi Khan	GMS Bhai Khan	Swapeer
92	Junaid Khan	Hizbullah	Mardan	GHS Sikandari	N.Qasid
93	Murad Khan	Mutabar Khan	Par Holi	GPS Faram Koroona	Chowki
94	Nazir Khan	Perdoon	Par Holi	GEPS Khani Koley	Chowki
95	Ismael	Mir Ahmad	Shahgai	GPS Shahgai	Chowki
96	Sadar Ali	Nasim Khan	Bakshali	GGPS Bakhsali No.2	Chowki
97	Muhammad Ismail	Fazal Khan	Gharib Abad	GGPS Gharib Abad Dubai Adda	Chowki
98	Said Kamal	Muhammad Kamal	Dalasa	GGPS Dalasa	Chowki

Retired-Quail

S.NO.	Name	Fname	Address	Name of School where appointment	Remark
1	Noor Rehman	Saif Ur Rehman	Khali Rohan	GGCMS Khali Rohan	Chowki
2	Jawad Ali	Khan Muhammad	Mama Gi Killi	GPS Shamsahd Abad No.1	Chowki
3	Kamran	Tor Gul	Toru	GGPS Surkh Pul	Chowki
4	Magati Ali	Fazal Qasim	Sharif Abad	GPS Sharif Abad	Chowki
5	Sahib Zada	Sher Bahadar	Diyar Abad	GPS Diyar Abad	Chowki
6	Amin Bahadar	Sher Bahadar	Miskeen Abad	GPS Miskeen Abad	Chowki
7	Ghulam Qadir	Said Muhammad	Tor Dher	GPS Tor Dher	Chowki
8	SAHARAB KHAN	SAHARAB KHAN	HISAR BANDA	GPS Hisar Banda	Chowki
9	AKBAR KHAN	AKBAR KHAN	GHANO DHER	GPS Ghano Dher	Chowki

TF

*[Handwritten signature]*

10	Nigar Khan	Nasim Khan	Gul Pur Killi	GPS Gul Pur Killi	Chowkidar
11	Abdul Wahid	Muhammad Azim	Said Faqir Killi	GGPS Said Faqir Killi	Chowkidar
12	Abdul Wahab	Muhammad Azim	Said Faqir Killi	GPS Said Faqir Killi	Chowkidar
13	Shah Zeb	Khan Zeb	Sheen Zangal	GGPS Sheen Zangal	Chowkidar
14	Haleem Khan	Tora Baz	Tora Baz Killi	GGPS Tora Baz	Chowkidar
15	Muhammad Atiq	Muhammad Shafiq	Tora Baz Killi	GPS Tora Baz	Chowkidar
16	Fasil Khan	Fayaz Ali	Bazar	GMS Bazar	Sweeper
17	Nigar	Qir Jawai	Bazar	GPS Bazar	Chowkidar
18	Hakeem Khan	Waris Khan	Haji Abad	GPS Haji Abad	Chowkidar
19	Halim ullah Shah	Zardad Shah	Sawal Dher	GPS Jehan Abad Sawal Dher	Chowkidar
20	Arshad Ali	Raham Dad	Palo Dheri	GHSS Palo Dheri	L'Attend
21	Muhammad Zahir	Qalandir Khan	Khurshad Abad	GPS Khurshad Abad	Chowkidar
22	Raj Wali	Hazrat Muhammad	Chail Banda	GPS Chail Banda	Chowkidar
23	Shamshad Khan	Zarshad Khan	Noshad Abad	GPS Noshad Abad	Chowkidar
24	Imtaiz Khan	Gul Malook	Qasam Abad	GPS Qasam Abad	Chowkidar
25	Abid Khan	Ali Akbar	Subidar Killi	GPS Subidar Killi	Chowkidar
26	ABDUL QAYUM	ADIL SHAH	TARIQ ABAD	GPS Tariq Abad	Chowkidar
27	BILAWAL	SHAH JEHAN	KHUDAI NOOR KILLI	GGPS Khudai Noor Killi	Chowkidar
28	PERVEZ KHAN	YAQOOB KHAN	SHANKAR MAHAL	GGPS Shankar Mahal	Chowkidar
29	Abbas Ali	Khurshad Wahab	Gujrat	GGHSS Gujrat	Chowkidar
30	Muhammad Illaf	Qamash Gul	Sher Abad	GPS Sher Abad Jungara	Chowkidar
31	TAJ WALI	GUL ZAMIR	GUJRAT	GPS Gul Dheri	Chowkidar
32	FAZLI AMIN	MUSHARAF KHAN	KHANI KOTAY	GPS Khani Kotey	Chowkidar

Disable Quota

S.NO	Name	Fname	Address	Name of School where appointment	Remarks
1	Mudaseer Nazar	Nihar Gul	Rustam	GPS Town Committee Takht Bhai	Chowkidar
2	Khan Muhammad Naeem Khan (SSC)	Taj Muhammad	Zaristan Banda	GHSS Pir Saddi	N/Qasid
3	Muhammad Idress	Sher Amin	Daki Gumbat	GHS Toru Mira	Besht
4		Ayub Khan	Sangao	GGMS Sangao	N/Qasid

Vinority Quota

S.NO	Name	Fname	Address	Name of School where appointment	Remarks
1	Adnan Bhatti	Shakeel Bhatti	Canal	GCMS No.3	Sweeper
2	Nasir Mashi	Patras Mashi	Sugar Mills	EDO Office	Sweeper
3	Kamla Davi	Sultan Chand	Canal	GGHS No.1	Coller
4	Sufaraz	Gulzar Masi	Canal	GPS Sugar Can	Chowkidar

He shall for all intents and purposes, be Civil Servant except for purpose of pension or gratuity.

Lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund(C.P.F) along with the contributions made by Govt. to his accounts in the said fund, in the prescribed manner.

He Shall be governed by the Civil Servants Act 1973.

He Shall initially, be on probation for a period of one year extendable for a further period up to another year.

His service shall be liable to termination at any time without assigning any reason thereof before the expiry of period of probation, if his work during this period is not found satisfactory. In such an event, he shall be given a months notice of termination from service or one months pay in lieu thereof. In case he wishes to resign at any time, a months notice shall be necessary or in lieu thereof a months pay shall be forfeited.

He shall produce medical fitness certificate from the Medical Superintendent, DHQ Hospital Mardan, as required under the Rules.

If the above terms and conditions of appointment are acceptable to him, he should report for duty in the office of Executive District Officer Elementary and Secondary Education Mardan with in 15 days against the existing vacancy.

(HANIF ULLAH KHAN)  
EXECUTIVE DISTRICT OFFICER  
E&S EDUCATION MARDAN

Order No 2492- G Dated 24/3/2010 ✓

Copy of the above as forwarded for information and necessary action.

- 1- Director Elementary and Secondary Education NWFP Peshawar
- 2- District Co-ordination Officer Mardan
- 3- District Accountant Officer Mardan
- 4- District Officer (Male&Female) E&S Local Office.
- 5- Principal/Head Master Concerned
- 6- Deputy District Officer Male and Female Mardan and Takht Bhai
- 7- ADO (F) Local Offices
- 8- EM GPS/GGPS Concerned
- 9- Budget and Accountant Officer local office
- 10- The Candidates Concerned.

*Attested*

**ATTESTED**

*Attested*

EXECUTIVE DISTRICT OFFICER  
E&S EDUCATION MARDAN

OFFICE ORDER

Consequent upon the recommendations of the District Selection Committee the following appointments are hereby made against the vacant post of Driver in BPS-5 Rs (3340-160-8140) as detailed below in the public interest on usual terms and condition

S.NO	Name	Fname	Address	Name of office where appointment	Remarks
	Zia Ul Haq	Atta Ul Haq	Shamsi Road Mardan	Deputy District Officer Female Mardan	Driver

TERMS AND CONDITIONS

1. He shall for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along with the contributions made by Govt. to his accounts in the said fund, in the prescribed manner.
  2. He shall be governed by the Civil Servants Act 1973, all the laws applicable to the Civil Servant and Rules made there under.
  3. He shall initially be on probation for a period of one year extendable for a further period up to another year.
  4. His service shall be liable to termination at any time without assigning any reason thereof before the expiry of period of probation, if his work during this period is not found satisfactory. In such an event he shall be given a months notice of termination from service or one months pay in lieu thereof. In case he wishes to resign at any time, a months notice shall be necessary or in lieu thereof a months pay shall be forfeited.
  5. He shall produce medical fitness certificate from the Medical Superintendent, DHO Hospital Mardan, as required under the Rules.
- If the above terms and conditions of appointment are acceptable to him, he should report for duty in the office of Executive District Officer Elementary And Secondary Education Mardan within 15 days against the existing vacancy.

(HANIF ULLAH KHAN)  
EXECUTIVE DISTRICT OFFICER  
E&S EDUCATION MARDAN

Endst No2490- G Dated 24/3/2010

Copy of the above as forwarded for information and necessary action.

- 1- Director Elementary and Secondary Education NWFP Peshawar
- 2- District Co-ordination Officer Mardan
- 3- District Accountant Officer Mardan
- 4- District Officer (Male&Female) E&S Local Office.
- 5- Deputy District Officer Female Mardan
- 6- Budget and Accountant Officer local office
- 7- The Candidates Concerned.

*(Signature)*  
EXECUTIVE DISTRICT OFFICER  
E&S EDUCATION MARDAN

OFFICE ORDER

B-7

The appointment order issued vide this under Endst No.2490-G dated 24.03.2010 and No.3282-G dated 05.04.2010 of Class-IV in the disable candidates under 2% Quota in hereby Held an abyanca w.e.f from date of there issued till further order.

S.No	Name	Fname	Address	Name of school where appointment	Endst No.
1	Mudaseer Nazar	Nihad Gul	Rustam	Chowkidar GPS Committee Town Now Mali at GIIS Sawal Dher	2490-G dated 24.03.2010
2	Khan Muhammad	Taj Muhammad	Zaristan Banda	N/Qasid GHSS Pirsaddi	2490-G dated 24.03.2010
3	Nacem Khan	Sher Amin	Dakki	Beshti GHS Toru Mira	2490-G dated 24.03.2010
4	Muhammad Idress	Ayub Khan	Sangaroo	N/Qasid GGMS Sangaroo	2490-G dated 24.03.2010
5	Dawood Khan	Shahbaz Khan	Pati Kalan	Chowkidar GGPS Committee Town	No.3282-G dated 05.04.2010
6	M.Tahir Ud-Din	Nisar Ud Din	Janday	L/Attend GHSS Gujar Garhi	No.3282-G dated 05.04.2010

Note: They are Directed to appear before Medical Supdt: Standing Board Mardan for autentication of their Physical disability and fitness for the job as class: iv.

(Hanif Ullah)  
Executive District Officer  
E&S Eudcation Mardan

Endst No 3681/9 Dated 17/4 2010  
Copy to:

1. District Co-ordination Officer Mardan
2. Principal /Head Master Concerned.
3. Deputy DO (M&F) Concerned.
4. DAO Mardan
5. MS DHQ Mardan.
6. District Officer Social Welfare Mardan With the request to Verify their Disability Certificate.
7. Candidate Concerned.

EDO (SILS)  
Mardan

kindly well  
do as the order  
I have to obse  
in the remnant  
of the applicant

Executive District Officer  
E&S Eudcation Mardan

Sher Afghan Khan  
Member Provincial Assembly  
PF-26, Mardan

*Just after one month  
Held in abeyance  
not set aside as  
Certificate*

*Attested*



BETTER COPY-

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&SE MARDAN**

**CORRIGENDUM.**

Please read the corrigendum in the appointment order issued vide this office under endst:No. 2492-G dated 24.03.2010 and No.3282-G dated 05.04.2010 the detail are given bellow.

S.No	Name/Father name/Address	School where appointed	remarks
1	Nor said s/o Mir said r/o Shahbaz garhi	L/Attended G.E.P.S Baghicha Dheri	Chowkidar I/O L/Attended GPEPS Baghicha Dheri
16	Barooz khan s/o Ghulam khan	Chow:GMPS, khan, mian killi.	Chow:GEPS, Khan, Mian killi.
17	Khan Muhammad s/o Taj Muhd	Naib qasid GHSS, Pir saddI.	Chow:GGPS, Zaristan Banda
18	Zainullah s/o Subhan-ud-din	Chow:GGPS Zaristan Banda	Naib Qasid,GHSS, Pir Saddi.

**(HANIFULLAH KHAN)  
EXECUTIVE DISTRICT OFFICER  
EDUCATION DEPTT:MARDAN**

Ends No. 3887/G DATED 17/4/2010  
COPY FORWARDED.

**ATTESTED**

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&SE MARDAN.

C-8  
②

Please read the corrigendum in the appointment order issued vide this Office under  
 Dist.No. 2492-G dated 24.03.2010 and No.3282-G dated 5.4.2010 the detail are given below.

S.No.	Name/Father Name/Address.	School-where appointed:	Remarks:
1	Nour Saif S/O Mir Said R/O Shahbaz Garhi	I/Attended GPEPS Baghicha Dheri	Chowkidar I/O I/Attended GPEPS Baghicha Dheri
2	Mudasir/Nazar W/O Nihad Gul R/O Rustam	Mali GHS Sawal Daer	Sweeper I/O Mali.at GHS Sawal Dher
3	Wiqar Ali S/O Sana Ullah R/O Shekhanok Killi	Chowkidar GPS Shekhanok Caro SHAH	S/O Shah ul Ullah I/O Sana Ullah
4	Niaz Gul S/O Habib Gul R/O Fazali Abad	Chowkidar GPS Fazli Abad No.2	S/O Hubab Gul I/O Habib Gul
5	Shehzada S/O Aman Ullah R/O Kalo Shah	Chowkidar GGMS Kalo Shah	N.Qasid I/O Chowkidar At GGMS Kalo Shah
6	Zahoor Khan S/O Ali Akhter R/O Hamza Khan	Chowkidar GPS Hamza Khan	Chowkidar GGPS Hamza Khan I/O GPS Hamza Khan
7	M. Tahir Bacha S/O Zarkhitab R/O Gujar Garhi	Chowkidar GHSS Gujar Garhi	Mali GHSS Gujar Garhi I/O Chowkidar GHSS Gujar Garhi
8	Mir Ali S/O Sultan Shah R/O Gujar Ghuri	Mali AT GHSS Gujar Garhi	Chowkidar GHSS Gujar Garhi I/O Mali-GHSS Gujar Garhi
9	Sarfraz S/O Gul Zar R/O Sugar Can	Chowkidar GPS Sugar Can	Chowkidar GGPS No.1 Sugar Can I/O GPS Sugar Can
10	Abdur Rehman S/O Saida Jan R/O Gaddar	Chowkidar GPS Gaddar	Chowkidar GGPS No.1 Gaddar I/O GPS Gaddar
11	Abbas Ali S/O Khursid Wahab R/O Gujrat	Chowkidar GGHSS Gujrat	N/Qasid I/O Chowkidar GGHSS Gujrat
12	Yasir Khan S/O Khalid Khan R/O Palosa	Chowkidar GPS Palosa	S/O Khalib Khan I/O Khalid Khan
13	Muhammad Amran S/O Muhammad Aslam R/O Badio Killi	Chowkidar GPS Badio Killi	Chowkidar GGPS Badio Killi I/O GPS Badio Killi
14	Habib Rasool S/O Said Ghulam R/O Yaqoob Khan	Chowkidar GGPS Yaqoob Khan Killi	S/O Sher Ghulam I/O Said Ghulam
15	Muhammad Kashif S/O Dayyan	Behishi GHSS, Mayar	Behishi GHSS, Mayar.
16	Baroz Khan S/O Ghulam Khan	Chow:GGPS, Khan Mian Killi	Chow:GPEPS, Khan Mian Killi.
17	Khan Muhammad S/O Taj Muhammad	Naib Qasid GHSS, Pir Sadi	Chow:GGPS, Zaristan Banda. ✓
18	Zamullah S/O Subhanud Din	Chow:GGPS, Zaristan Banda	Naib Qasid GHSS, Pir Sadi.

(JANIFULLAH KHAN)  
 EXECUTIVE DISTRICT OFFICER  
 EDUCATION DEPTT:MARDAN  
 2910.

Dist.No. 3687-9 Dated: 17/12/10

Forwarded for information and action to the:-

- Director E&SE Deptt: NWFP, Peshawar.
- DCO Mardan.
- DAO Mardan.
- Principal/Head Master concerned.
- Dy:DO(M/F) Mardan and Takht Bhai.
- Candidate concerned.

*have submitted application for N/Q not for Chowkidar*

*AMIR KHAN*  
*Atk*

EXECUTIVE DISTRICT OFFICER,  
 E&SE EDUCATION DEPTT:MARDAN

Kb S

EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION MARDAN

OFFICE ORDER

The held in abeyance order issued vide this Office under Enust: No. 3681/G dated 17/04/2010 in respect of the following Disable Class-iv are hereby released w.e.f the date of his issuing.

S. No.	Name	Father Name	School
1	Mudasir Nazir	Nihad Gul	Sweeper GIS Sawal Dher
2	Khan Muhammad	Taj Muhammad	Chowkidar GPS Zaristan Banda
3	Muhammad Idrees	Ayub Khan	N/Q GGMS Sangao

Note:

They are required to present before the MS DHQ Mardan for fresh Medical Certificate before taking over charge of their post

The Terms and Conditions will be the same as mentioned in the 1<sup>st</sup> appointment order.

(Bahadar Khan Marwat)  
Executive District Officer,  
(E & SE) Mardan

No. 9260-65 / Appointment of Class-IV Dated 24/8/2010

Copy forwarded to the:-

1. District Co-Ordination officer Mardan.
2. District Officer (E & SE) (Male and Female) Mardan
3. D A O Mardan.
4. Dy: DO Male Takht Bhai.
5. Principals / Head Master Concerned
6. Official Concerned.

*Attashed*

*Admitted*

Executive District Officer,  
(E & SE) Mardan

OFFICE OF THE DY: DISTT: OFFICER (M) EDU: TAKHT BHAI.

Endst: No. 2704/9 Dated 9/9/2010.

Copy forwarded to the:-

1. EDO (E&S) Edu: Mardan w/r to his No. cited above.
2. ADDO Circle Takkar.
3. Head Teacher, GPS Zaristan Banda (T/Bhai)

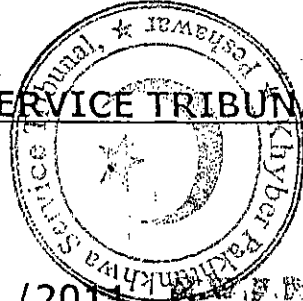
Deputy District Officer  
(M) Edu: Takht Bhai.

*original  
n/q  
already  
fill up in  
another  
person.*

Khy  
Se.



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



*E-10*

APPEAL NO. 511 /2011

Province  
Service Tribunal  
Entry No. 495  
28/3/11

Mr. Khan Mohammad, Naib Qasid,  
GHSS Pirsaddi, District Mardan.....**APPELLANT**

**VERSUS**

- 1- The District Co-Ordination Officer, District Mardan.
- 2- The Executive District Officer (E&SE), District Mardan.
- 3- The District Account Officer, District Mardan.

..... **REPPONDENTS**

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974 FOR THE RELEASE OF MONTHLY SALARIES WITH EFFECT FROM 17.4.2010 TILL DATE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD.**

*28/3/2011*

**PRAYER:** That on acceptance of this appeal the monthly salaries w.e.f 17.4.2010 till date may be released to the appellant and the appellant may be adjusted against his original/previous post of N/Qasid. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

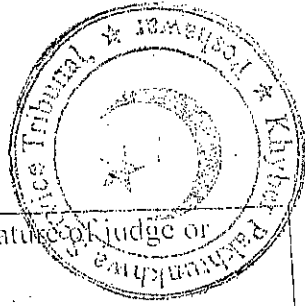
**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**R.SHEWETH:**

- 1- That appellant was appointed as N/Qasid at GHSS Pirsaddi District Mardan (Disabled Quota) by vide order dated 24.3.2010. That then after the appellant served the Department from 24.3.2010 to 18.4.2010 and has received salary of the above mentioned period. Copies of the order, charge report, Certificate and salary slip are attached as annexure..... A, B, C and D.

*Attested*



①  
②

S.No.	Date of order proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	<p style="text-align: center;">3</p> <p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 511/2014</p> <p style="text-align: center;">Khan Muhammad Versus District Coordination Officer, Mardan and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSI SHAH, MEMBER:</u> - Appellant with counsel (Mr. Noor Muhammad Khattak, Advocate) and Government Pleader (Mr. Muhammad Jan) for the respondents present.</p> <p>2. Relevant facts in brief as revealed from record are that on disable quota, appellant Khan Muhammad was appointed as Naib Qasid in the Education Department and posted at GHSS <u>Pirsaddi District Mardan</u> vide order dated 24.03.2010. Later on vide impugned order dated <u>28.04.2010</u>, his appointment order dated 17.04.2010 was so amended that the appellant was adjusted as <u>Chowkidar</u> at <u>GPS Zaristan Banda</u> instead of Naib Qasid. Feeling aggrieved, the appellant filed department appeal on 29.11.2010, which has not been responded within the statutory period, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974:</p> <p>3. Arguments of the learned counsel for the appellant and learned Government Pleader have been heard and record perused.</p>

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**ATTESTED**

*Attested*

12

4. Perusal of the record revealed that initially, the appellant was appointed as Naib Qasid which status was changed without his will and consent by way of the impugned order dated 17.04.2010 vide which he was made as Chowkidar. His departmental appeal has also not been decided. Hence, the Tribunal is of the considered view that without interfering in the impugned order at this stage, the appeal be remitted to the appellate authority who is directed to examine the case of the appellant and to decide his departmental appeal on merit in the light of law and rules/regulations on the subject, within thirty days of the receipt of this judgment. In case the department failed to decide departmental appeal of the appellant within stipulated time, then this appeal be deemed to have been allowed and the impugned order be considered as cancelled and the appellant restored to his original post of Naib Qasid. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
04.02.2016

Sd/- Pir Bakhtish Shah,  
Member

Sd/- Abdul Latif  
Member

Certified to be true copy

Kh/ber Faki (unish) wa  
Service Tribunal,  
Peshawar

ATTESTED

*Attested*

Date of Presentation of Application: 01-03-2016

Number of Words: 1200

Copying Fee: 8

Urgent: 2

Total: 60

Name of Copyist: *Arif*

Date of Completion: 01-03-2016

Date of Delivery: 01-03-2016



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
MARDAN

F-13

NOTIFICATION

Consequent upon the decision of Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar in the Service Appeal No. 511/2011 announced on 04-02-2016, Mr. Khan Muhammad S/O Taj Muhammad Village Zaristan Banda Takkur Distt: Mardan is hereby appointed against the post of chowkidar at GPS No.1 Sher Garh in BPS-3 (Rs.6535-260-14335) plus usual allowances as admissible under the rules and the existing policy of the Provincial Government on the terms and conditions given below with immediate effect

**Terms & Condition:**

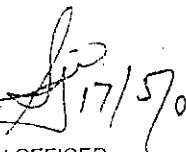
- 1- No TA/DA etc is allowed
- 2- Charge report should be submitted to all concerned in duplicate
- 3- His services are liable to termination on one month prior notice from either side: In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
- 4- He should join his post within 15 days. in case of failure his appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 5- Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 6- He will be governed by such rules and regulations as may be issued from time to time by the govt.
- 7- His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 8- He will be adjusted against the post of Naib Qasid as and when the said post is vacated in his locality.
- 9- SDEO (M) Takht Bhai is directed to verify his CNIC and Domicile and submit his case for pay release order to the office of DEO (M) Mardan.

(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst.No. 3624/G Pry:Branch \_\_\_\_\_ Dated 17-5 /2016.

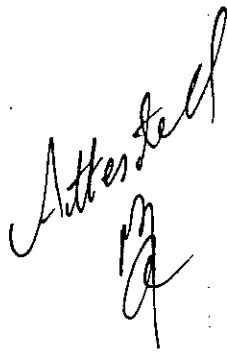
Copy forwarded for information and necessary action to:-

- 1 Registrar Peshawar Honourable Khyber Pakhtunkhwa Service Tribunal Service Appeal No.511/2011.
- 2 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3 District Account Officer Mardan.
- 4 SDEO Male Pry:Mardan
- 5 Official Concerned.
- 6 M/File

  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

**ATTESTED**





To,

The Director (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

**SUBJECT: DEPARTMENT APPEAL AGAINST THE ORDER  
DATED 17.5.2016**

**R/SHEWETH:**  
**ON FACTS:**

1. That the appellant was appointed as Naib Qasid at GHSS Pirsaddi District Mardan (Disable Quota) vide order dated 24.3.2010. That after appointment the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors.
2. That it is pertinent to mention that appellant received one month salary as Naib Qasid at GHSS Pir saddi. That astonishingly the appointment order of the appellant was held in abeyance by the authority on the directions of local MPA but later on after proper medical check up the held in abeyance order against the appellant was withdrawn by the concerned authority but the appellant was adjusted on the wrong post of Chowkidar vide order dated 24.8.2010.
3. That feeling aggrieved the appellant filed Departmental appeal against the order dated 24.8.2010 and then knocked the door of the august Tribunal in appeal No. 511/2011 and finally the same was decided in favor of the appellant with the direction to adjust the appellant on his original post of Naib Qasid.
4. That the concerned authority issued fresh appointment order and that is too on a wrong post of Chowkidar vide dated 17.5.2016. That the concerned authority is duty bound to adjust the appellant as Naib Qasid w.e.f. 17.4.2010 but the concerned authority acted in differently by issuing the impugned order dated 17.5.2016.
5. That appellant feeling aggrieved filed this departmental before your good self on the following grounds amongst the others.

**GROUND:**

- A- That the impugned order dated 17.05.2016 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified.

ATTESTED

*Attested*

9-14


- B- That the appellant has not been treated by the concerned authority in accordance with law and rules on the subject noted above and as such the authority violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned order dated 17.6.2016 has been issued in violation of law and in violation of the judgment of the august Service Tribunal.
- D- That the concerned authority acted in arbitrary and malafide manner by issuing the impugned order dated 17.5.2016 whereby the appellant was appointed afresh on the wrong post of Chowkidar. That appellant is fully entitled to be adjusted on his original post of Naib Qasid with all back benefits.
- E- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore humbly requested that on acceptance of this Departmental appeal the appointment order dated 17.05.2016 may very kindly be modified to the extent of adjustment on his original post of Naib Qasid and the appellant may further be allowed back benefits of the intervening period i.e. w.e.f. 17.4.2010. Any other remedy which your good self deems fit that may also be awarded in the favor of the appellant.

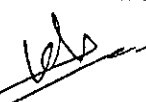
Dated: 13-06-2016

**ATTESTED**



*Attested*  


**APPELLANT**



Khan Mohammad, Naib Qasid,  
GHSS Pirsaddi, District Mardan.

H-16

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

Khyber Pakhtukhwa  
Service Tribunal

APPEAL NO. \_\_\_\_\_/2016

Diary No. 1083

Mr. Khan Mohammad, Chowkidar,  
GPS Mazdoor Abad (Ghano Dheri), District Mardan.....**APPELLANT**

Dated 13-10-2016

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Mardan.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 17.5.2016 WHEREBY THE APPELLANT HAS BEEN APPOINTED AS CHOWKIDAR INSTEAD ADJUSTMENT ON HIS ORIGINAL POST OF NAIB QASID W.E.F. 17.4.2010 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 17.5.2016 may very kindly be modify to the extent of adjustment of appellant on his original post of Naib Qasid and the respondents may further please be directed to allow/grant back benefits of the intervening period i.e. w.e.f. 17.4.2010. Any other remedy which this august Tribunal deems fit that may also be awarded in the favor of the appellant.

Filed to-day  
Registrar

3/10/16 **R/SHEWETH:**  
**ON FACTS:**

1. That the appellant was appointed as Naib Qasid at GHSS Pirsaddi District Mardan (Disable Quota) vide order dated 24.3.2010. That after appointment the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....**A.**
2. That it is pertinent to mention that appellant received one month salary as Naib Qasid at GHSS Pir saddi. That astonishingly the appointment order of the appellant was held

**TESTED**  


in abeyance by the authority on the directions of local MPA but later on after proper medical check up the held in abeyance order against the appellant was withdrawn by the concerned authority but the appellant was adjusted on the wrong post of Chowkidar vide order dated 24.8.2010. Copy of the order, Corrigendum and order dated 24.8.2010 are attached as annexure.....**B, C & D.**

3. That feeling aggrieved the appellant filed Departmental appeal against the order dated 24.8.2010 and then knocked the door of the august Tribunal in appeal No. 511/2011 and finally the same was decided in favor of the appellant with the direction to adjust the appellant on his original post of Naib Qasid. Copy of the judgment is attached as annexure.....**E.**

4. That the respondent Department issued fresh appointment order and that is too on a wrong post of Chowkidar vide impugned order dated 17.5.2016. That the respondent Department is duty bound to adjust the appellant on his original post of Naib Qasid w.e.f. 17.4.2010 but the concerned authority acted in malafide manner by issuing the impugned order dated 17.5.2016 with immediate effect and that is too on wrong post. Copy of the impugned order is attached as annexure.....**F.**

5. That appellant feeling aggrieved filed Departmental appeal but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure.....**G.**

**GROUND:**

A- That the impugned order dated 17.05.2016 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified.

B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the impugned order dated 17.5.2016 has been issued in violation of law and also in violation of the judgment of this august Service Tribunal.

D- That the respondent Department acted in arbitrary and malafide manner by issuing the impugned order dated 17.5.2016 whereby the appellant was appointed afresh and that is too on the wrong post of Chowkidar. That

**ATTESTED**





appellant is fully entitled to be adjusted on his original post of Naib Qasid with all back benefits.

- E- That the act of the respondent No.3 is not in accordance with law and Rules and as such the impugned order dated 17.5.2016 is not tenable and liable to be set aside.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 05-10-2016

**APPELLANT**



**KHAN MOHAMMAD**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
&**

**SYED IMDAD HUSSAIN SHAH  
ADVOCATES**

**ATTESTED**



19

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN.

ADJUSTMENT.

In the light of Service Appeal No.1062/16 Service Tribunal KPK Peshawar Dated 28.01.2019, Mr, Khan Muhammad Chowkidar GPS No-1 Sher Garh is hereby adjusted on his own pay & BPS at GHSS Jalala (T.Bhai) Mardan against vacant N/Qasid Post with immediate effect in the interest of public service.

Note:-

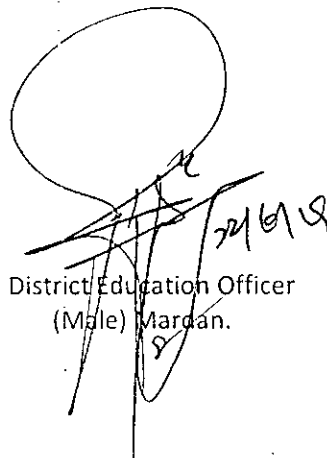
1. NO TA/DA is allowed.
2. Charge reports should be submitted to all concerned.

(Zulfiqar-ul-Mulk)  
District Education Officer  
(Male) Mardan.

7307-10  
Endst. No. /E-V/PF Khan Muhammad N/Qasid Dated Mardan the 22-6-2019.

Copy of the above is forwarded for information & n/action to the:-

1. Registrar,
2. Service Tribunal KPK Peshawar
3. Principal GHSS Jalala T.Bhai Mardan .
4. SDEO(M) Takht Bhai
5. DAO Mardan
6. Official concerned.
7. Gen:file.



District Education Officer  
(Male) Mardan.

**ATTESTED**  


TRANSFER

J-20

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 1069 /2016

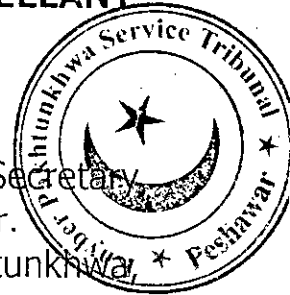
Diary No. 1083

Mr. Khan Mohammad, Chowkidar,  
GPS Mazdoor Abad (Ghano Dheri), District Mardan.....**APPELLANT**

Dated 13-10-2016

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Mardan.



.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 17.5.2016 WHEREBY THE APPELLANT HAS BEEN APPOINTED AS CHOWKIDAR INSTEAD ADJUSTMENT ON HIS ORIGINAL POST OF NAIB QASID W.E.F. 17.4.2010 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 17.5.2016 may very kindly be modify to the extent of adjustment of appellant on his original post of Naib Qasid and the respondents may further please be directed to allow/grant back benefits of the intervening period i.e. w.e.f. 17.4.2010. Any other remedy which this august Tribunal deems fit that may also be awarded in the favor of the appellant.

**ATTESTED**

*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
**Filed to-day**  
*[Signature]*  
**Registrar**

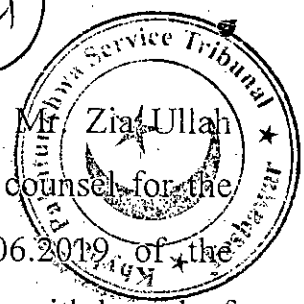
13/10/16 **R/SHEWETH:**  
**ON FACTS:**

1. That the appellant was appointed as Naib Qasid at GHSS Pirsaddi District Mardan (Disable Quota) vide order dated 24.3.2010. That after appointment the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....**A.**
2. That it is pertinent to mention that appellant received one month salary as Naib Qasid at GHSS Pir saddi. That astonishingly the appointment order of the appellant was held

Re-submitted to-day  
and filed.

*[Signature]*  
**Registrar**

21

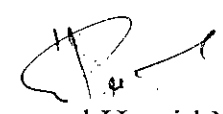


11.09.2019


Learned counsel for the appellant present. Mr Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant submitted adjustment order dated 22.06.2019 of the appellant which is placed on file and requested for withdrawal of the present service appeal with the permission to file fresh one if need arise.

In view of the above, the present service appeal is hereby dismissed as withdrawn. The appellant may file fresh service appeal subject to law and the relevant rules. No order as to costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
11.09.2019

*Certified to be true copy*  
  
J. I. KHAN  
Khayber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 30-9-19  
Number of Words 800  
Copying Fee 10-00  
Urgent 4-00  
Total 14-00  
Name of Applicant [Signature]  
Date of Completion of Copy 30-9-19  
Date of Delivery of Copy 30-9-19

دائری طور پر جاری ہے۔

(22) K

دہلی ہائی کورٹ  
محکمہ رجسٹریشن  
17/04/2010

صاحبانہ  
میں فروری 2010ء میں رجسٹریشن کی گئی۔  
تو اس کے بعد بھی رجسٹریشن کاغذ تصدیق ہے۔  
تو اس کے بعد بھی رجسٹریشن کاغذ تصدیق ہے۔  
تو اس کے بعد بھی رجسٹریشن کاغذ تصدیق ہے۔  
تو اس کے بعد بھی رجسٹریشن کاغذ تصدیق ہے۔

لہذا آپ صاحبان سے مل کر رجسٹریشن کے بارے میں جانیں۔  
17/4/2010 سے رجسٹریشن کے بارے میں جانیں۔  
17/4/2010 سے رجسٹریشن کے بارے میں جانیں۔

12/9/2019

ATTESTED

خان محمد  
ناٹک قاضی

**VAKALATNAMA**

*Before the KP Service Tribunal, Peshawar*

\_\_\_\_\_ OF 2019

SCANNED  
KPST  
Peshawar

*Khan Muhammad*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Education Deptt.*

(RESPONDENT)  
(DEFENDANT)

I/We *Khan Muhammad*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2018

*S/O*  
\_\_\_\_\_  
CLIENT

**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

&  
*MZ*  
**MIR ZAMAN SAFI**  
ADVOCATES

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No. **0345-9383141**

Before the Khyber Pakhtunkhwa Service Tribunal,  
Peshawar

Appeal No. 941/2020

SCANNED  
KPST  
PESHAWAR

KHAN MUHAMMAD

vs

EDUCATION DEPTT.

Application for allowing the appellant to  
submit security and process fee in  
the above titled case.

R/Sheweth:

- 1- That the above mentioned appeal is pending adjourned  
before this august which is fixed for hearing today  
on 04/08/2020.
- 2- That the above mentioned has been admitted for  
regular hearing on the previous date, but due to  
un-avoidable circumstances the appellant could not  
submit the security & process fee within the  
stipulated period.

It is therefore, most humbly prayed that  
on acceptance of this application the appellant may  
kindly be allowed for submission of the security &  
process fee.

Dated: 4/8/2020.

Appellant  
Through: Mr. Zaman Safi,  
Advocate

① (X)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No: 941/2019

SCANNED  
KPST  
Peshawar

Mr. Khan Muhammad, Naib Qasid, GHSS Jalala, Takhat Bhai District Mardan.

(Petitioner)

**Versus**

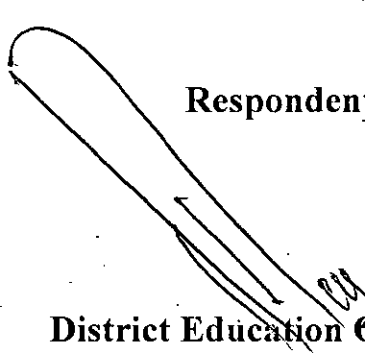
The Secretary of Elementary & Secondary Education KPK Peshawar and Others.

(Respondents)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with affidavit		01	06
2.	Copy of Notification order dated 17-05-2016	A	00	07
3.	Copy of Adjustment Order dated 22-06-2019	B	00	08
4.	Copy of judgment	C	09	10

Respondent

  
District Education Officer  
(Male) Mardan

24/03/2020



②

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No: 941/2019

Mr. Khan Muhammad, Naib Qasid, GHSS Jalala, Takhat Bhai District Mardan.  
(Petitioner)

Versus

The Secretary of Elementary & Secondary Education KPK Peshawar and Others.  
(Respondents)

Para Wise Comments on Behalf of Respondents No 1 to 3

Respectfully Sheweth,

**RELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant is estopped by his own conduct.
5. That the appellant has concealed the material facts from this Honorable tribunal hence the appeal is liable to be dismissed.
6. That the instant appeal is based on malafide intention, hence the appeal is liable to be dismissed.
7. That the instant appeal is against the prevailing law and rules.
8. That the appellant has been treated as per law & rules.
9. That the answering respondent being responsible government officer acted in accordance law and rules.
10. That the appellant has been appointed against the post of Chowkidar vide Endst No 3624/G dated 17-05-2016, which was purely made on the willingness of the appellant on the condition that the appellant will be adjusted against the post of Naib Qasid whenever the said post is available in his locality, which is mentioned in Para No 08 in the Terms & Conditions of the Notification. The appellant agreed and has taken over charge of the post of Chowkidar.

(Copy of Notification order as Annexure -A)

11. That the appellant has performed duty as a Chowkidar from 17-05-2016 to 22-06-2019 and has also drawn Salary on the said post.
12. That the respondent has issued adjustment order No 7307 -10 on dated 22-06-2019 at GHSS Jalala Takhat Bhai Mardan against Vacant Naib Qasid

Post, in the light of the Service appeal No 1062/2016, Service Tribunal KPK, Peshawar, and fulfil the Para No 08 of the Terms & Conditions of Notification No 3624/G dated 17-05-2016.

**(Copy of Adjustment Order is as Annexure B)**

- 13. That the respondent has issued adjustment order No 7307 -10 on dated 22-06-2019 at GHSS Jalala Takhat Bhai Mardan against Vacant Naib Qasid Post, and the appellant has willingly accepted the above adjustment order No 7307-10 dated 22-06-2019.
- 14. The appellant has taken over charge against the post of Naib Qasid, and the appellant has withdrawn the service appeal No 1062/2016. The Honorable Service Tribunal has dismissed as withdrawn the Service appeal.

**(Copy of judgment is as Annexure C)**

**FACT:**

- 1. Para No 1 Pertains to record, hence needs no comments.
- 2. Para No 2 Pertains to record, however the respondent No 3 being competent authority at any time alter or cancel the orders/notifications under the rules, hence needs no comments.
- 3. Para No 3 pertains to record, however, that the appellant has been appointed against the post of Chowkidar vide Endst No 3624/G dated 17-05-2016, which was purely made on the willingness of the appellant on **the condition that the appellant will be adjusted against the post of Naib Qasid whenever the said post is available in his locality, which is mentioned in Para No 08 in the Terms & Conditions of the Notification. The appellant agreed and has taken over charge against the post of Chowkidar, hence needs no comments.**

**(Copy of Notification order as Annexure-A)**

- 4. Para No 4 is incorrect, baseless and against facts, as the respondent issued Notification on dated 17-05-2016, and has mentioned in para No-8 with the terms and conditions, that the appellant will be adjusted against the post of Naib Qasid, whenever the said post is vacated in his locality, hence denied.

**(Copy of Notification order as Annexure-A)**

- 5. Para No 5 pertains to record, however, the respondent has issued adjustment order No 7307 -10 on dated 22-06-2019 at GHSS Jalala Takhat Bhai Mardan against Vacant Naib Qasid Post, and the appellant has willingly accepted the above adjusted order No 7307-10 dated 22-06-2019. The

appellant has taken over charge on the post of Naib Qasid, and the appellant has withdrawn the service appeal No 1062/2016, Therefore the Honorable Service Tribunal has dismissed as withdrawn the Service appeal, hence needs no comments. **(Copy of judgment is as Annexure C)**

6. Para No 6 pertains to record, however the appellant has taken over charge on the post of Naib Qasid and the appellant has no objection during proceeding of the service appeal No 1062 / 2016 which is withdrawn by the appellant, hence needs no comments. **(Copy of judgment is as Annexure C)**

7. However detail reply of the grounds is as under.

**GROUND:**

A. Para A is incorrect, baseless and against fact, as the respondent has issued adjustment order No 7307 -10 on dated 22-06-2019 at GHSS Jalala Takhat Bhai Mardan against Vacant Naib Qasid Post, and the appellant has willingly accepted the above adjustment order No 7307-10 dated 22-06-2019. The appellant has taken over charge on the post of Naib Qasid, and the appellant has withdrawn the service appeal No 1062/2016, Therefore the Honorable Service Tribunal has dismissed as withdrawn the Service appeal No 1062/2016, hence denied. **(Copy of judgment is as Annexure C)**

B. Para B is incorrect baseless, the respondent No 3 being the competent authority acted in accordance with the law and the appellant has been treated in accordance with law and rules by the respondent. The respondents have not violated Article-4 & 25 of the constitution of Islamic Republic of Pakistan 1973, hence denied.

C. Para C is incorrect baseless against facts, as thoroughly explained in the Para No A of the grounds, the appellant has willingly accepted adjustment order No 7307-10 dated 22-06-2019. The appellant has taken over charge against the post of Naib Qasid, and the appellant has no objection during proceeding of the service appeal No 1062 / 2016 which is withdrawn by the appellant, hence denied. **(Copy of judgment is as Annexure C)**

D. Para D is incorrect, as the answering respondent acted in accordance with law as thoroughly explained in the above paras, as the appellant was willingly accepted the Naib Qasid post at the time of issuing the adjustment Order, hence denied. **(Copy of Adjustment Order is as Annexure B)**

E. Para E is incorrect, as the respondent No 3 acted in accordance with law.

- F. Para F is incorrect the adjustment Order dated 22-06-2019, is not violative of the principle of natural justice, hence denied.
- G. Para G is incorrect, as the appellant is not entitle for the back benefits and the appellant has agreed and has also taken over charge of the Naib Qasid Post on dated 22-06-2019, hence denied.
- H. That the respondent seeks permission to raise additional grounds at the time of arguments.

It is therefore humbly prayed that in the light of above facts, the Service appeal may please be dismissed with cost.

Director (E & SE) Department  
KPK, Peshawar

Respondents  
22/03/2020

District Education Officer  
(Male) Mardan

Secretary to Govt of  
Khyber Pakhtunkhwa (E & SE) Department  
KPK Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No: 941/2019

Mr. Khan Muhammad, Naib Qasid, GHSS Jalala, Takhat Bhai District Mardan.  
(Petitioner)


**Versus**

The Secretary of Elementary & Secondary Education KPK Peshawar and Others.  
(Respondents)

**AFFIDAVIT**

I, Mr. Sajid Khan Litigation Officer Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted by on behalf of Respondents No 1 to 3 are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent

  
Sajid Khan  
16101-6005318-5



# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

## MARDAN

### NOTIFICATION

Consequent upon the decision of Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar in the Service Appeal No. 511/2011 announced on 04-02-2016, Mr. Khan Muhammad S/O Taj Muhammad Village Zaristan Banda Takkar Distt: Mardan is hereby appointed against the post of chowkidar at GPS No.1 Sher Garh in BPS-3 (Rs.6535-260-14335) plus usual allowances as admissible under the rules and the existing policy of the Provincial Government on the terms and conditions given below with immediate effect

### Terms & Condition:

- 1- No TADA etc is allowed
- 2- Charge report should be submitted to all concerned in duplicate
- 3- His services are liable to termination on one month prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
- 4- He should join his post within 15 days. In case of failure his appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 5- Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 6- He will be governed by such rules and regulations as may be issued from time to time by the govt.
- 7- His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 8- He will be adjusted against the post of Naib Qasid as and when the said post is vacated in his locality
- 9- SDEO (M) Takht Bhai is directed to verify his CNIC and Domicile and submit his case for pay release order to the office of DEO (M) Mardan.

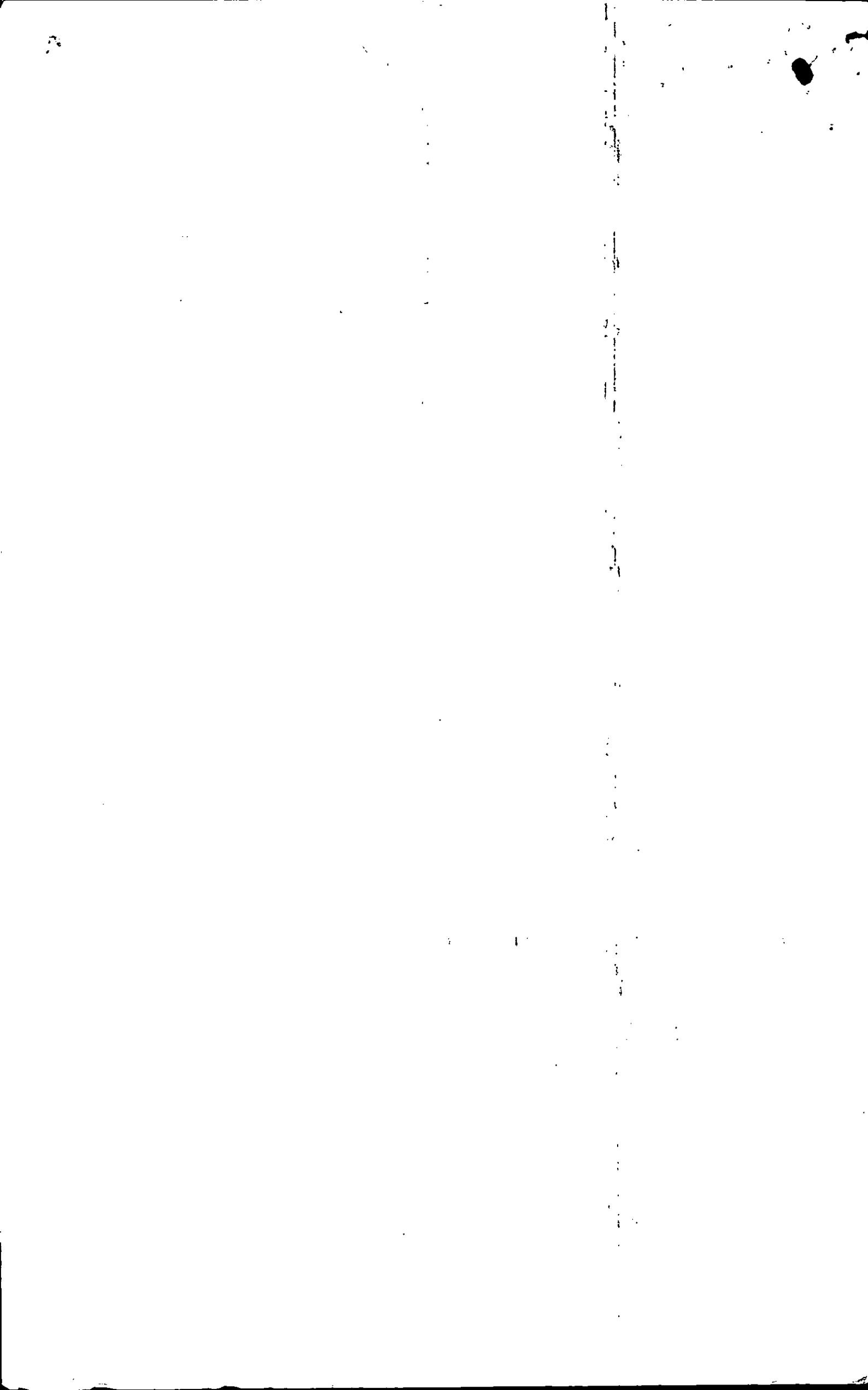
(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst.No. 3624/G Pr: Branch Dated 17-5 /2016.

Copy forwarded for information and necessary action to the:-

- 1 Registrar Peshawar Honourable Khyber Pakhtunkhwa Service Tribunal Service Appeal No.511/2011.
- 2 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3 District Account Officer Mardan.
- 4 SDEO Male Pry: Mardan
- 5 Official Concerned.
- 6 M/File

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN



Annexure B-(8)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN.

ADJUSTMENT.

In the light of Service Appeal No.1062/16 Service Tribunal KPK Peshawar Dated 28.01.2019, Mr, Khan Muhammad Chowkidar GPS No-1 Sher Garh is hereby adjusted on his own pay & BPS at GHSS Jalala (T.Bhai) Mardan against vacant N/Qasid Post with immediate effect in the interest of public service.

Note:-

1. NO TA/DA is allowed.
2. Charge reports should be submitted to all concerned.

(Zulfiqar-ul-Mulk)  
District Education Officer  
(Male) Mardan.

7307-10

Ends/Post:No. /E-V/PF Khan Muhammad N/Qasid Dated Mardan the 22-6-2019,

Copy of the above is forwarded for information & n/action to the:-

1. Registrar,  
Service Tribunal KPK Peshawar
2. Principal,  
Principal GHSS Jalala T.Bhai Mardan.
3. SDO (M)
4. SDEC (M): Takht Bhai
5. DAO K.M.
6. DAO Mardan
7. Official concerned.
8. Gen:file.

District Education Officer  
(Male) Mardan.

TRANSFER



Annexure = C ✓ (9)

87

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 1069 /2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1083

Dated 13-10-2016

Mr. Khan Mohammad, Chowkidar,  
GPS Mazdoor Abad (Ghano Dheri), District Mardan.....**APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Mardan.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 17.5.2016 WHEREBY THE APPELLANT HAS BEEN APPOINTED AS CHOWKIDAR INSTEAD ADJUSTMENT ON HIS ORIGINAL POST OF NAIB QASID W.E.F. 17.4.2010 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 17.5.2016 may very kindly be modify to the extent of adjustment of appellant on his original post of Naib Qasid and the respondents may further please be directed to allow/grant back benefits of the intervening period i.e. w.e.f. 17.4.2010. Any other remedy which this august Tribunal deems fit that may also be awarded in the favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

1. That the appellant was appointed as Naib Qasid at GHSS Pirsaddi District Mardan (Disable Quota) vide order dated 24.3.2010. That after appointment the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....A.
2. That it is pertinent to mention that appellant received one month salary as Naib Qasid at GHSS Pir saddi. That astonishingly the appointment order of the appellant was held



**ATTESTED**

Filed to-day  
Registrar

13/10/16

Re-submitted to-day and filed.

Registrar

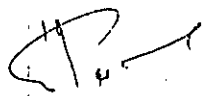
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11.09.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant submitted adjustment order dated 22.06.2019 of the appellant which is placed on file and requested for withdrawal of the present service appeal with the permission to file fresh one if need arise.

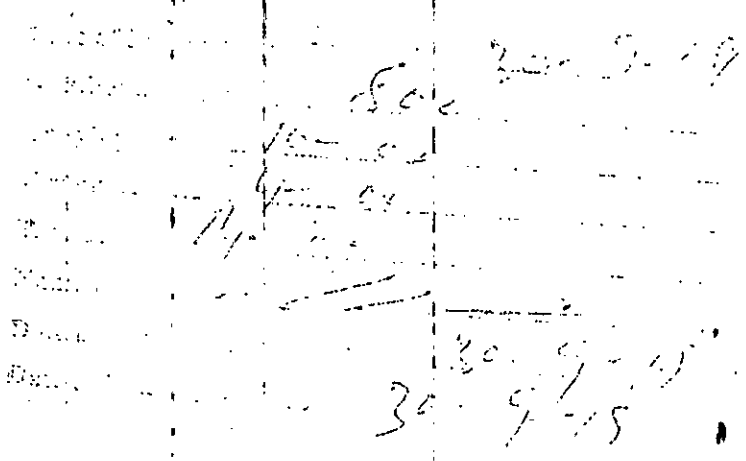
In view of the above, the present service appeal is hereby dismissed as withdrawn. The appellant may file fresh service appeal subject to law and the relevant rules. No order as to costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

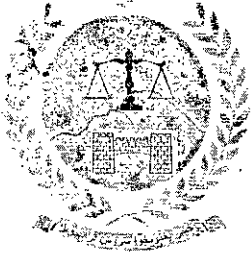
  
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
11.09.2019



  
30.9.19  
30.9.15





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

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

No. \_\_\_\_\_/ST Dated \_\_\_\_/\_\_\_\_/2024

To

The District Education Officer,  
(Male) District Mardan.

Subject

**JUDGMENT IN SERVICE APPEAL NO. 941/2019 TITLED KHAN MUHAMMAD - VERSUS- THE SECRETARY ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR AND OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated. 12.09.2023, passed by this Tribunal in the above mentioned service appeal for compliance.

*Encl. As above.*

(AAMIR FAROOQ KHATTAK)  
ASSISTANT REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



Service Appeal No. 941/2019

**SCANNED  
KPST**

BEFORE: **MR. SALAH-UD-DIN** ... **MEMBER (E)**  
**MISS FAREEHA PAUL** ... **MEMBER (E)**

**Mr. Khan Muhammad, Naib Qasid, GHSS Jalala, Takht Bhai.**  
..... **(Appellant)**

Versus

1. The Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director E&SE, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male), District Mardan.  
..... **(Respondents)**

Mr. Umar Farooq,  
Advocate

... For appellant

Mr. Asad Ali Khan,  
Assistant Advocate General

... For respondents

Date of Institution.....	10.01.2020
Date of Hearing.....	12.09.2023
Date of Decision.....	12.09.2023

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 22.06.2019, communicated to the appellant on 11.09.2019, whereby he was adjusted against the post of Naib Qasid with immediate effect rather than retrospective effect and no back benefits granted to him for the intervening period i.e. w.e.f 17.04.2010 and against no action taken on the departmental appeal of the appellant within the statutory period of ninety days. It has been prayed that on acceptance of the appeal, the impugned order dated 22.06.2019 might

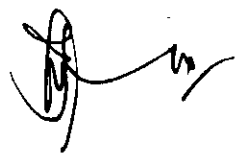
**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

be modified/rectified to the extent that the appellant might be adjusted against the post of Naib Qasid with retrospective date with all back benefits i.e. w.e.f. 17.04.2010 alongwith any other remedy which the Tribunal deemed fit and appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Naib Qasid at GHSS Pirsaddi District Mardan (disable quota) vide order dated 24.03.2010. After appointment, the appellant started performing his duty and received one month salary as Naib Qasid at GHSS Pir Saddi. The appointment order of the appellant was held in abeyance by the authority on the directions of the local MPA but later on that order was withdrawn by the concerned authority and the appellant was adjusted on the post of Chowkidar vide order dated 24.08.2010. Feeling aggrieved, he filed departmental appeal, followed by service appeal No. 511/2011 which was decided in favour of the appellant with the direction to adjust the appellant on his original post of Naib Qasid. Respondent department issued fresh appointment order against a post of Chowkidar vide order dated 17.05.2016. Feeling aggrieved from the order dated 17.05.2016, the appellant filed departmental appeal and knocked the door of the Service Tribunal in appeal No. 1062/2016. During the pendency of that service appeal, the respondent department issued order dated 22.06.2019, which was produced before the Tribunal on 11.09.2019, whereby the appellant was adjusted against the post of Naib Qasid but with immediate effect rather than retrospective effect. After receiving the order dated 22.06.2019, the appellant withdrew the service appeal No. 1062/2016

**ATTESTED**  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal



vide order dated 11.09.2019 with the permission to file a fresh appeal if needed. Against the order dated 22.06.2019, the appellant preferred departmental appeal but no reply was received, hence the instant service appeal.

3. Respondents were put on notice who submitted their reply/comments on the appeal. We heard the learned counsel for the appellant as well as the learned Assistant Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant had not been treated in accordance with law and rules by the respondent department and they violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973. He further argued that the respondent department acted in arbitrary manner while adjusting the appellant against the post of Naib Qasid with immediate effect rather than retrospective effect. He argued that the appellant was fully entitled for the grant of back benefits with effect from 17.04.2010 but the respondent department unlawfully and malafidely adjusted him against the post of Naib Qasid with immediate effect. He requested that the appeal might be accepted as prayed for.

5. Learned Assistant Advocate General, while rebutting the arguments of learned counsel for the appellant, argued that the appellant was appointed against the post of Chowkidar vide order dated 17.05.2016,

which was purely made on his willingness on the condition as mentioned at


Sl. No. 8 of the terms & conditions of his appointment order that he would

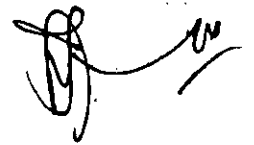
**ATTESTED**  
 28/5/24  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar



be adjusted against the post of Naib Qasid whenever the said post was available in his locality. The appellant agreed and had taken over the charge of the post of Chowkidar. He further argued that the appellant had performed duty as Chowkidar from 17.05.2016 to 22.06.2019 and had also drawn salary on the said post. Later on, the respondent department issued adjustment order dated 22.06.2019, whereby the appellant was adjusted at GHSS Jalala Takht Bhai Mardan against the vacant post of Naib Qasid in the light of the Service Appeal No. 1062/2016 and fulfilling condition No. 08 of the terms and conditions of notification dated 17.05.2016. He requested that the appeal might be dismissed.

6. Arguments and record presented before us shows that the appellant was initially appointed as Naib Qasid on disable quota vide order dated 24.03.2010, which was held in abeyance vide an order dated 17.04.2010. On the same date i.e. 17.04.2010, a corrigendum was issued and the appellant's post was changed from Naib Qasid to Chowkidar. Order dated 24.08.2010 available on record shows that the order under Endst. No. 3681/G dated 17.04.2010, held in abeyance, was released with effect from the date of its issuance, and the appellant, alongwith other two officials, was posted as Chowkidar in GPS Zaristan Banda. Vide another order dated 17.05.2016, in pursuance of the judgment of this Tribunal, he was appointed against the post of Chowkidar in GPS No. 1, Sher Garh. Condition No. 8 of his appointment order mentioned that he would be adjusted against the post of Naib Qasid as and when the said post was available in his locality. After that, in pursuance of another order of this

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



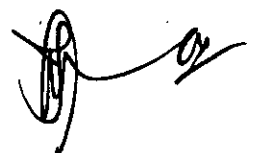
Tribunal dated 28.01.2019, the appellant was adjusted as Naib Qasid, against a vacant post, at GHSS Jalala (Takht Bhai) Mardan, vide order dated 22.06.2019, impugned before us.

7. The appellant is aggrieved with the order as it is stated therein that he is adjusted as Naib Qasid "with immediate effect", instead of giving it effect from a back date i.e. 17.04.2010, the date when he was appointed in government service. When confronted that why at the initial stage his post was changed from Naib Qasid to Chowkidar, the respondents replied that the appointment was made erroneously against the post of Naib Qasid and that no vacant post of Naib Qasid was available at that time and therefore, the appellant was adjusted as Chowkidar on 17.04.2010. As regards the order dated 17.05.2016, this Tribunal fails to understand that if no post of Naib Qasid was available and the appellant was already working on the post of Chowkidar, then why another order of appointment on the post of Chowkidar was issued?

8. As far as the impugned order of 22.06.2019 is concerned, this Tribunal fully understands that appointment cannot be given retrospective effect. We have been informed by the learned AAG that the positions of Naib Qasid and Chowkidar, both fall in the category of Class-IV and there is no difference of salary in these positions. Similarly, as stated by him, a common seniority list is maintained for all the Class-IV employees. As the appellant has already drawn his salaries against the positions on which he was posted in the past, therefore there is no financial issue involved. As far as his seniority is concerned, the department is directed to look into the

**ATTESTED**

**ATTESTED**  
 K. J. P. Khan  
 Service Tribunal  
 Peshawar







matter and place him in the seniority list at his appropriate place, based on the appointment letter issued on 17.04.2010, when he was initially appointed and adjusted against the post of Chowkidar at GGPS Zaristan Banda.

9. With the above observations, the appeal in hand is disposed of accordingly. Costs shall follow the event. Consign.

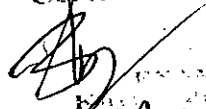
10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 12<sup>th</sup> day of September, 2023.*

  
(FAREEHA PAUL)  
Member (E)

  
(SALAH-UD-DIN)  
Member (J)

\*Fazle Subhan, P.S\*

Certified to be true copy

  
Fazle Subhan  
Tribunal  
Peshawar

S.A 941/2019

12<sup>th</sup> Sept. 2023 01. Mr. Umar Farooq, Advocate for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 06 pages, the appeal in hand is disposed of accordingly. Costs shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 12<sup>th</sup> day of September, 2023.*



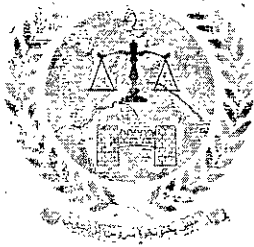
(FAREEHA PAUL)  
Member (E)



(SALAH-UD-DIN)  
Member (J)

SCANNED  
KPST  
Peshawar

*\*Fazle Subhan, P.S\**



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

All communications should be addressed to the Registrar, Service Tribunal and notified by name.

Ph:- 091-9212281  
Fax:- 091-9213262

No. \_\_\_\_\_/ST Dated \_\_\_\_/\_\_\_\_/2024

To

The District Education Officer,  
(Male) District Mardan.

Subject

**JUDGMENT IN SERVICE APPEAL NO. 941/2019 TITLED KHAN MUHAMMAD - VERSUS- THE SECRETARY ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR AND OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated. 12.09.2023, passed by this Tribunal in the above mentioned service appeal for compliance.

*Encl. As above.*

(AAMIR FAROOQ KHATTAK)  
ASSISTANT REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.