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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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M. J. Q. Bal

RUSTAM KHAN VS EDUCATION DEPARTMENT

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Muharir Compilation

Incharge Judicial Branch



5

OFFICE OF THE,
DEPUTY INSPECTOR GENERAL OF POLICE,
CTD, KHYBER PAKHTUNKHWA,
PESHAWAR.

ORDER

In compliance with the direction of CPO, Peshawar vide order No s/6601-02/16 dated 10.10.2016 so far relates to the reversion of out of turn promotions, this Unit reverted 95 employees including Head Constable Hamish Khan No. 03 of CTD Hqrs: Peshawar to his substantive rank i.e Constable BS-05 vide this office order Endst: No 13222-30/EC/CTD dated 08.12.2016.

He submitted an appeal before the undersigned requesting therein that he was reverted from the rank of Head Constable to the rank of Constable due to out of turn promotion, while he was promoted as C-II Head Constable & according to his seniority at his parent District and requested that his reversion order may be withdrawn.

The appeal of the above named official has been forwarded to his parent District for clarification. District Police Officer, Mardan Region submitted that the official is promoted as Head Constable against the existing vacancy of C-II Head Constable, his application is based on facts as per record vide his office Memo No 3292/EC dated 02.04.2018.

In light of the clarification/comments of his parent District i.e Mardan the name of Head Constable Hamish Khan No. 03 of this Unit is hereby withdrawn from the reversion orders issued by this office vide order Endst: No 13222-30/EC dated 08.12.2016 and he is hereby re-instated in his original rank i.e Head Constable from the date of his reversion.

OB No 255/CTD
Dated 07/09/2018

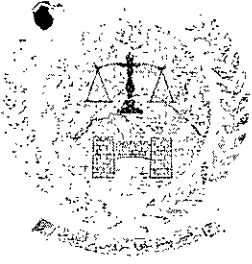
Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

No 8724-28/EC/CTD

Dated Peshawar the 07/09/2018

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

- i. District Police Officer Mardan Region w/r to his office Memo No 3292/EC dated 02.04.2018
- ii. Superintendent of Police, Hqrs:CTD Peshawar.
- iii. Acctt:, SRC, & OASI, CTD HQrs: Peshawar.



(1)

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. 1107 /ST Dated 8 / 5 /2024

To

The District Education Officer (Male),
District Battagram

Subject

JUDGMENT/ORDER IN SERVICE APPEAL NO. 1112/2018,
TITLED MUHAMMAD IQBAL -VERSUS- THE
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
SECRETARY ELEMENTARY AND SECONDARY
EDUCATION, PESHAWAR AND OTHERS

Dear Sir,

I am directed to forward herewith a certified copy of judgment/order dated 23.04.2024, passed by this Tribunal in the above mentioned service appeals for compliance.

Encl. As above.

(PIR MUHAMMAD KHAN AFRIDI)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

(2)

Service Appeal No 1112/2018 titled "Mohammad Iqbal versus Government of Khyber Pakhtunkhwa".


1


23rd April, 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Naseeb Khan, SO for the respondents present.

2. According to the appellant while controverting the impugned order, he had produced all the education testimonial and the requisite training certificates within the prescribed period but those were not considered by the department and he was terminated. On the other hand, the learned Deputy District Attorney states that according to the department these certificates were not produced at the relevant point of time, that is why the impugned order was passed. As the appellant was in the possession of the documents which he had allegedly produced at this relevant time but respondents are denying their receipt, we while disposing of this appeal, would like to direct the respondents to receive copies of the documents alongwith originals and in order to satisfy themselves get all these documents verified. After such verification, if the stance of the appellant is found correct his grievance should be considered in accordance with law and in case otherwise, an appropriate detailed order shall be passed. The exercise shall be completed within sixty days of receipt of this order. The appellant is directed to facilitate the respondents by providing all the necessary documents. Consign.

3. *Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 23rd day of April, 2024.*


(M. Akbar Khan)
Member(E)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

SCANNED
KPST
Peshawar

(3)

25.01.2024

1. Learned counsel for the appellant present. Mr. Syed Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order further prepare the brief. Last chance is given. To come up for arguments on ^{28.03.24} ~~24.04.2024~~ before D.B at camp court, Abbottabad. P.P given to parties.

SCANNED
KPST
Peshawar

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)
Camp Court, Abbottabad

KaleemUllah

Due to cancellation of toui case
is adjourn to 23/4/2024

Rab
#


29.11.2023

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.


Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 13.12.2023 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

Naeem Amin


(Salah-ud-Din)
Member (J)

Camp Court Abbottabad


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad


13.12.2023


Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he is not feeling well today. Adjourned. To come up for arguments on 25.01.2024 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

Naeem Amin


(Fareeha Paul)
Member (E)
Camp Court Abbottabad


(Salah-ud-Din)
Member (J)
Camp Court Abbottabad

(5)

S.A #.1112/2018


27th Sept. 2023


1. Learned counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Lutfullah, Litigation Officer for the respondents present.

2. Learned counsel for the appellant wants to place on file some documents. He may do so within a week. Copy of the same be given to the other side. To come up for arguments on 26.10.2023 before D.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED
KPST
Peshawar

Mutazem Shah


(Salah-Ud-Din)
Member (J)
Camp Court, Abbottabad


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad


26th Oct. 2023

01. Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Lutfullah, Senior AT for the respondents present.

02. As the learned Chairman is on leave, the bench is incomplete. To come up for arguments on 29.11.2023 before the D.B at camp court, Abbottabad. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

Fazle Subhan, P.S


(Fareeha Paul)
Member(E)
Camp Court, A/Abad


25.04.2023


(6)
Due to declaration of public holiday
the case is adjourned to 22.06.2023
for the same as before
Reader.

22nd June, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 27.09.2023 before D.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED
KPST
Peshawar


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

Mutazem Shah

25/04/2023
12:12
2023/04/25

(7)

24.01.2023

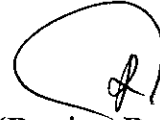
Junior to counsel for the appellant present. Muhammad Jan
learned District Attorney for respondents present.

Junior counsel for the appellant requested for
adjournment on the ground that senior counsel for the appellant
is out of station. Adjourned. To come up for arguments on
28.03.2023 before D.B at camp court, Abbottabad.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)
Camp Court Abbottabad



(Rozina Rehman)
Member (J)
Camp Court Abbottabad

28.03.2023

Junior to counsel for the appellant present.

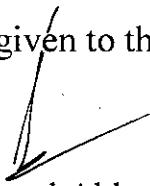
Asad Ali Khan, Assistant Advocate General *Present*

~~Asad Ali Khan, Assistant Advocate General~~

Former made a request for adjournment on the ground that
learned senior counsel for the appellant is busy before Hon'ble
Peshawar High Court, Abbottabad Bench. Adjourned. To come up
for arguments on 25.04.2023 before D.B at camp court Abbottabad.

Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Muhammad Akbar Khan)
Member (E)



(Rozina Rehman)
Member (J)
Camp Court Abbottabad

Reader Note
25.4.23

(8)

22nd June, 2023

Due to decalavation of public holiday, the case is adjourned to come up for the same on 22/6/23. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 27.09.2023 before D.B at Camp Court, Abbottabad. P.P given to the parties.

(Rashida Bano)
Member (J)

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

Mutazem Shah

Reader

(9)

17th Nov 2022

None for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Lutfullah, Senior A.T for respondents present.

Counsel was informed telephonically on 8/12/22

Written reply/comment on pre-admission notice not submitted. Representative of the respondents seeks some time. Last chance is given to them. Notices be also issued to the appellant and his counsel. To come up for written reply/comments as well as preliminary hearing on 15.12.2022 before S.B at camp court Abbottabad.

SCANNED
KPST
Peshawar

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

15th Dec, 2022

Nobody is present on behalf of the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Lutf Ullah, Senior Arabic Teacher for the respondents present.

The case is of 2018. Reply has been filed by the respondents today. Let it be admitted to full hearing subject to limitation and restrictions of the law and objections by the other side. Appellant is directed to deposit security fee within 10 days. Respondents have already been before this Tribunal, therefore, there is no need to put the other side on notice. Learned Additional Advocate General accepts the notice on behalf of the respondents. To come up for arguments on 24.01.2023 before the D.B at Camp Court Abbottabad.

Rs-100/-
Appellant Deposited
Security & Process Fee

12/1/23

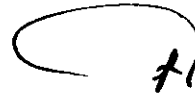
SCANNED
KPST
Peshawar

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

16.06.2022

Appellant present through counsel.

Let pre-admission notice be issued to respondents for submission of reply. To come up for reply/preliminary hearing on 17.08.2022 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

19th Oct., 2022 Nemo for the appellant. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments on behalf of the respondents have not been submitted. Learned AAG seeks further time to contact the respondents and submit reply/comments on the next date. Granted. This case pertains to Abbottabad and because of cancellation of tour the matter was fixed on 19.10.2022 at the Principal Seat. Appellant and his learned counsel did not appear. Notice be issued to appellant and his counsel for the date fixed. To come up for written reply/comments and preliminary hearing on 17.11.2022 before S.B.



(Fareeha Paul)
Member (E)

23.12.2021 Nemo for the appellant.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing on 20.01.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

20.01.2022 Appellant present in person.

Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 20.04.2022 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

20.04.2022 Appellant present through counsel.

He made a request for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 16.06.2022 before S.B at Camp Court, Abbottabad.

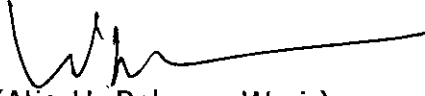


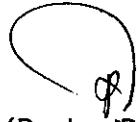
(Rozina Rehman)
Member (J)
Camp Court, A/Abad

21.10.2020

Appellant present through representative.

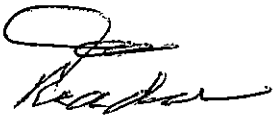
Lawyers are on general strike, therefore, case is adjourned to 18.01.2020 for preliminary hearing before S.B.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

18.1.2021

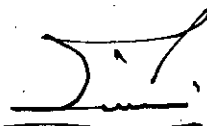
Due to COVID 19 case is adjourned to 20.7-2021 for the same.


Reader

20.09.2021

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 15.11.2021 at Camp Court Abbottabad.

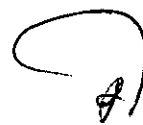

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

15.11.2021

Appellant alongwith counsel present.

A request was made for adjournment on behalf of learned counsel for appellant in order to produce relevant record in respect of appellant. Last chance is given.

Case is adjourned to 23.12.2021 before S.B at Camp Court, Abbottabad.


(Rozina Rehman)
Member(J)
Camp Court, A/Abad

(13)

16.12.2019

Junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is ill today. Adjourned to 21.01.2020 for preliminary hearing before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

21.01.2020

Appellant in person present and seeks adjournment as his counsel is not in attendance. Adjourn. To come up for preliminary hearing on 19.02.2020 before S.B at Camp Court Abbottabad.



Member
Camp Court, Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on
21 / 10 / 2020 at camp court abbottabad.



Reader

09.07.2019

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 17.09.2019 for preliminary hearing before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.09.2019

Counsel for the appellant present and requested for adjournment. Adjourned to 23.10.2019 for preliminary hearing before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

23.10.2019

Counsel for the appellant present. Learned counsel seeks adjournment. Granted. To come up for preliminary hearing on 21.11.2019 before S.B at Camp Court, Abbottabad.

Member
Camp court, A/Abad


21.11.2019

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 16.12.2019 before S.B at Camp Court, A/Abad.

Member
Camp Court, A/Abad


21.03.2019

None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 20.05.2019 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

20.05.2019


Counsel for the appellant present and requested for adjournment. Adjourned to 21.06.2019 for preliminary hearing before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

21.06.2019

Mr. Muhammad Shafiq Awan Advocate on behalf of learned counsel for the appellant present.

Adjournment is requested due to non-availability of learned counsel for the appellant. Adjourned to 12.07.2019 for preliminary hearing before S.B at camp court, Abbottabad.

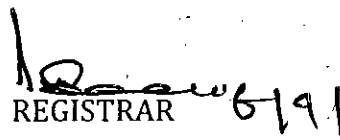


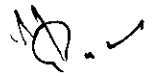

Chairman
Camp Court, A/Abad

(16)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1111/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/09/2018	<p>The appeal of Mr. Muhammad Iqbal received today by post through Mr. Amanullah Khan Salik Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p>
2-	10-9-18	<p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>16-11-18</u>.</p> <p style="text-align: center;"> CHAIRMAN</p>
16.11.2018		<p>Clerk to Counsel for the Appellant present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 18.01.2019 at camp court Abbottabad.</p> <p style="text-align: right;"> Member</p>
18.01.2019		<p>Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up preliminary hearing on 21 20.03.2019 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court A/Abad</p>


(17)

The appeal of Mr. Muhammad Iqbal son Muhammad Younas R/o Haji Abad Tehsil and Distt. Battagram received today i.e. on 10.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


Copy of Impugned termination order dated 31.01.2018 mentioned in the memo of appeal in respect of appellant (Muhammad Iqbal) are not attached with the appeal which may be placed on it.

No. 1618 /S.T,

Dt. 10/8 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Amanullah Khan Salik Adv. A.Abad.

~~Case~~ Resubmitted alongwith
the required and desired
document, and the objection
pointed at is removed after
attending it please


(18)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHAWA PESHAWAR

SCANNED
KPST
Peshawar

Service Appeal No 1112 /2018

Mohammad Iqbal

...APPELLANT

VERSUS

Govt; KPK & Others.

.....RESPONDENTS


SERVICE APPEAL
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	Impugned order	-B-	18
3.	Departmental Appeal	-C-	19
4.	Wakalat Nama	-	20

APPELLANT

Through:

Dated:- 9/8 /2018


(Amanullah Khan Salik)
(Advocate High Court),
Abbottabad.

(19)

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHAWA PESHAWAR

SCANNED
KPST
Peshawar

Service Appeal No 1112 /2018

1. Mohammad Iqbal S/o Mohammad Younas, R/o Haji Abad Tehsil

and District BattagramAPPELLANT

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1273

Date: 10/8/2018

1. Govt; Khyber Pakhtun Khawa, Through Secretary Education
Peshawar.

2. Director Elementary and Secondary Education Peshawar

3. District Education officer (male) Battagram

....RESPONDENTS

FILED

SERVICE APPEAL; AGAINST THE ORDER

No 1305-10/EB/PRY/SACKED/EMPLOYEES

DATE 31/01/2018 BATTAGRAM WHEREBY

APPELLANT IS TERMINATED.

Re-submitted to -day
and filed.

Registrar

PRAYER:- *Allowing this appeal, service of the appellant, be
restored/ be reinstalled , with all the back benefits of the
service through out.*

Respectfully,

This appeal proceeds on the following main facts and legal points;-

- i. That appellant was appointed in the year 1995, but his services were terminated in the year 1998, on political grounds.
- ii. That result of the "SAKE" employees policy of Govt; Khyber Pakhtunkhawa , appellant was re-instated in the year 2013.
- iii. That through and ambiguous general order, appellant were again terminated Service of where against Honourable Peshawar High Court Abbottabad Bench directed respondent No.1 for a uniform order. Copy is.....**Annexure "A"**
- iv. That under the direction of respondent No 1 , Through respondent no 2, respondent No3, repeated the same Order.
Copy is**Annexure "B"**
- v. That thereagainst appellant filed departmental appeal, but without any success, hence this appeal. Copy is.....**Annexure "C"**

GROUNDS:-

It is in this background, appellant beg to solicit as under;

- a. That order herein impugned is against law, facts of the case, contrary to the principles of natural justice hence not tenable..
- b. That, without any intimation for several months' salary of the appellant was stopped, for no good reasons at all.
- c. That appellant is duly qualified and does not suffer from any disqualification.
- d. That, respondent did not issue any notice to the appellant, and all of sudden initiated punitive action against the appellant which is against the principles of natural justice.
- e. That order passed is unilateral, arbitrary and tainted with malafide.

(22)

- 4 -


- f. That others points/submissions, if graciously allowed shall be made at the time of the arguments.

It is therefore humbly prayed service of the appellant, be restored/ be reinstalled , with all the back benefits of the service through out.


APPELLANT

Through:


Dated:- 9/8 /2018


(Amanullah Khan Salik)
(Advocate High Court),
Abbottabad.

VERIFICATION:-

Verified that the contents of the instant appeal are true and correct to the best of my knowledge and information furnished by my client and that nothing has been concealed from this Hon'ble Court.

Dated:- 9/8 /2018


(Amanullah Khan Salik)
(Advocate High Court),
Abbottabad.

(23)

-5-

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHAWA PESHAWAR

Appeal No _____ /2018

ADDRESSES OF PARTIES

Mohammad Iqbal S/o Mohammad Younas, R/o Haji Abad, Tehsil ;and
District Battagram

...APPELLANT

Govt; Khyber Pakhtun Khawa, Through Secretary Education Peshawar.

Director Elementary and Secondary Education Peshawar

District Education officer (male) Battagram

.....RESPONDENTS

APPELLANT

Through:

Dated:- _____ /2018


(Amanullah Khan Salik)
(Advocate High Court),

(24)

6
17

P-18



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

Phone # 0997311439 & 09973106

NOTIFICATION

In pursuance of the order of Honorable Supreme Court of Pakistan in Civil Appeals Numbers 51-p and 52-p of 2009, whereas, "the appeal was disposed of with the term & condition that appellants shall be appointed as PST. (Primary School Teacher) in their respective Union Councils immediately and in case if the appellants fail to acquire the training and the said qualification within three years, their appointments shall stand terminated automatically".

Subsequently the appointments of sacked employees were made against various cadres i.e CT, DM, TT, PET & PSTs with the same Terms & Conditions that the appointee having less qualification will acquire requisite training and minimum qualification for the post within three years of failing which "their appointments shall stand terminated automatically".

Hence the sacked employees who were appointed against the reserved quota under sacked employees Act 2012 with the terms and conditions as per judgment of Supreme Court of Pakistan and incorporated in their appointment order, and those who failed to fulfill the requisite qualification for the post within stipulated period of three years from the date of issuance of their appointment orders, their services stood terminated automatically and they are no more civil servants / on the strength of department.

Attested
[Signature]
A.K. Salik (Advocate)
BATTAGRAM

[Signature]
District Education Officer (Male)
Battagram

Endstt: No: 137-43 / Dated: 4/01/2017

Copy for information & n/a to the:

1. Director E&SE KP Peshawar.
2. Deputy Commissioner Battagram.
3. District Accounts Officer Battagram.
4. DDEO (Male) Battagram.
5. SDEO (M) Battagram.
6. SDEO (M) Allai.
6. Principals / Head Masters GHSS & GHSSs in District Battagram.

with the direction

1. that if any appointees fulfill the requisite Training / Qualification for the post within stipulated period of three years his case along with documents may please be submitted to this office for onward submission to concerned Board / University for verification
2. Provide the data of those sacked appointees who failed to acquire the requisite qualification for the post within stipulated period.

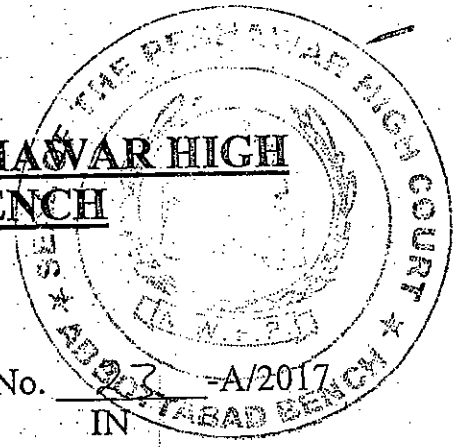
[Signature]
District Education Officer (Male)
Battagram

(25)

7

1

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, ABBOTTABAD BENCH



C.O.C No. 994 -A/2017
IN
Writ Petition No. 994-A/2016

ANNEXURE

A

Muhammad Iqbal son of Muhammad Younas resident of Batian, Battagram, Presently DM Govt. Middle School Sorgay Hotel Batkool, Battagram.

...PETITIONER

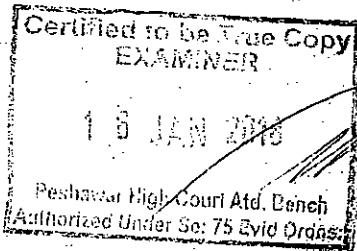
VERSUS

Attested
[Signature]

A. F. Siddiqi (Advocate)
BATTAGRAM

1. Shahzad Bangash Secretary Elementary & Secondary Education, KPK, Peshawar.
2. Rafique Khattak, Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Muhammad Riaz Khan Swati, District Education Officer (Male), Battagram.

no. 1822
01574/17



PETITION UNDER ARTICLE 204, ISLAMIC REPUBLIC OF PAKISTAN 1973, FOR INITIATING CONTEMPT PROCEEDING FOR WILLFULLY DISOBEYING THE ORDERS OF THIS HONOURABLE COURT CONTAINED IN JUDGMENT DATED 14/02/2017 PASSED IN WRIT PETITION NO. 994-A/2016.

FILED TO TAX

ADDITIONAL ASSISTANT
REGISTRAR & CHIEF CLERK
ABBOTTABAD BENCH

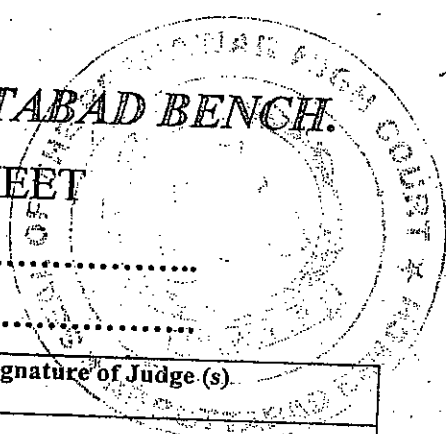
01574/17

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Court of.....

Case No.....of.....



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
11.01.2018	<p><u>C.O.C.No. 23-A/2017.</u></p> <p>Present: Mr. Hamayun Khan, Advocate, for the petitioner.</p> <p>Sardar Muhammad Asif, Assistant A.G along with Sahibzada Hamid Mehmood, Additional Director, Haq Nawaz, ADO Battagram and Majeedullah, Litigation Officer.</p> <p>***</p> <p><u>SYED ARSHAD ALLI, J-</u> When the case was taken up for hearing, at the very outset, the learned Assistant Advocate General, appearing on behalf of the respondents-contemnors, produced a letter bearing No. SO(Lit-I) E&SE/1-1/2017/Sacked Employees dated 10.11.2017, issued by the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, whereby instructions were issued to all the Directors E&SE, PITE, DCTE, Abbottabad and District Education Officer (M/F) in Khyber Pakhtunkhwa qua appointment of sacked employees in pursuance of the order of this court dated 14.02.2017 passed in writ petitions No. 859-A, 994-A, 1038-A, 1040-A, 1041-A and 990-A of 2016 with direction to strictly follow the provision as mentioned in Sections 2 (g), 3 and 7 of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.</p>

Admitted
[Signature]
A.K. Salih (Advocate)
BATTAGRAM

Certified to be True Copy
EXAMINER
16 JAN 2018
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ordns.

In view of the ibid letter, the learned AAG has requested for time to decide the case of the petitioners in light of the direction of this court within a period of thirty (30) days. In this view of the matter, the DEO Battagram is directed to decide the case of the petitioners strictly in accordance with the order of this court dated 14.02.2017 within a period of thirty (30) days positively and if the petitioners are aggrieved then, they can approach the competent forum against the said decision. This and the connected COCs bearing No. 24-A and 25-A of 2017 stand disposed of accordingly.

Arshad
Arshad
 A.K.Selik (Assistant)
 BATTAGRAM

Sd/ Judge
Judge

~~DEO M
 Battagram
 Implement the court
 order within the
 stipulated time.
 17/07/2018~~

Saif. PS.

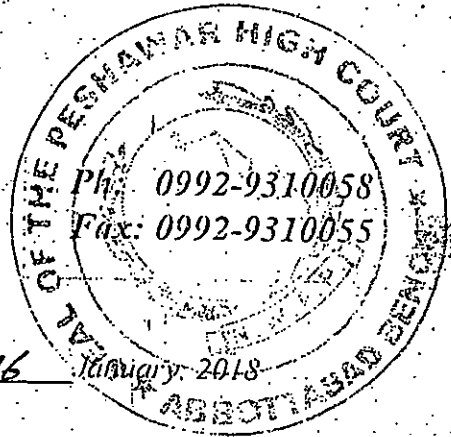
Hon'ble Mr. Justice Syed Muhammad Attique Shah
 Hon'ble Mr. Justice Syed Arshad Ali.

(28)

10



THE
PESHAWAR HIGH COURT,
ABBOTTABAD BENCH



No. 114

Dated Abbottabad 16 January 2018

From

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.

The District Education Officer (Male),
Battagram.

Subject

COC NO. 23-A of 2017.

Muhammad Iqbal S/o Muhammad Younas R/o Battian Battagram, presently
DM Govt. Middle School Sorgay Hotel Batkool Battagram.

.....Petitioner.

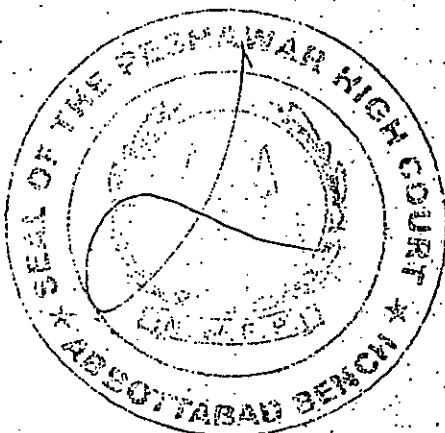
VERSUS

Shahzad Bangish Secretary Elementary & Secondary Education KPK Peshawar
& others.

..... Respondents.


Memo,

I am directed to forward herewith a copy of judgment dated 11.01.2018, passed by
the Honourable Division Bench in the above noted case for information and compliance.




(Additional Registrar)

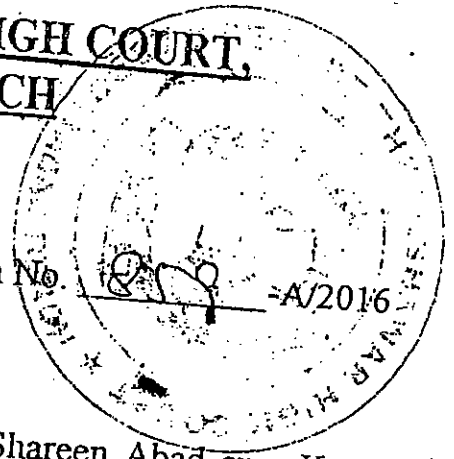
Certified to be True Copy
EXAMINER
16 JAN 2018
Peshawar High Court Aid. Bench
Authorized Under Se: 75 Evid Ordns.

Attested

A.K. Salik (Advocate)
BATTAGRAM

(29)

11

**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**



Writ Petition No. 829 -A/2016

Imdadullah Khan son of Musa Khan resident of Shareen Abad cum Koza
Banda Post Office Ghidari, Tehsil & District Battagram.

...PETITIONER

Attested
A.K. Salik (Advocate)
BATTAGRAM

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.
Deputy Commissioner, Battagram.
District Education Officer Male, Battagram.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973, AS AMENDED UPTO DATE.

Respectfully Sheweth; -

TODAY

The petitioner humbly submits as under;-

A
Registrar
High Court
Abbottabad Bench
8/9/16

1. That petitioner was appointed as teaching during the year 1995 where after the

Copy
17
8-16

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET.

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
<p>14.02.2017</p> <p style="text-align: right;"> <i>Copy To</i> <i>18/02/17</i> <i>EX-101/NER</i> <i>Authorised Officer Peshawar Bench</i> </p>	<p><u>W.P.No. 859-A/2016.</u></p> <p>Present: Malik Masood-ur-Rehman Awan, Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.</p> <p style="text-align: right;">*** <i>H. Usaid</i> <i>Adil</i> <i>A. E. Salim (Advocate)</i></p> <p><u>IKRAMULLAH KHAN, J.-</u> Through the instant petition the petitioners of this and of the connected petitions have prayed for to undo the term and condition i.e. "the candidate having less qualification will acquire requisite training and obtain F.A qualification within three years failing which their appointment shall stand terminated automatically" and not to take any adverse action against the petitioners.</p> <p>2. The main thrust of the arguments of learned counsel for the petitioners was that similarly placed employees have been reinstated under the Sacked Employee (Reinstatement) Act 2010, who are presently performing their duties while the services of the petitioner have been terminated which is sheer malafide on part of the respondents rather discrimination. Further stated that many of the petitioners have already acquired the requisite qualification as well as the training, but even then their services have been terminated on extraneous reasons.</p> <p>3. In such view of the matter, when serious question (</p>

15

discrimination is being raised vehemently by the petitioners and they have also put some orders which reveal that the respondents have not adopted a uniform policy, we, with the mutual consent of the learned counsel for the parties, deem it appropriate to send all these petitions to the Secretary Education (Elementary & Secondary Education) Government of Khyber Pakhtunkhwa with direction to him to probe into the matter and finalize the appointment or otherwise of the petitioners as well as of those, who have not approached this court, through a uniform policy and if possible, after giving benefit of experience to the petitioners, their cases be disposed of within thirty (30) days from today. In case any person was found aggrieved from the order of the worthy Secretary Education then, he would be at liberty to approach the competent court of jurisdiction for redressal of his grievance. In the meanwhile, all those petitioners, who are still serving, shall be paid their due salaries till the decision of the worthy Secretary Education. All these petitions stands disposed of accordingly.

Attested
[Signature]
 A.K. Salik (Advocate)
 BATTAGRAH

Self/Judge
Self/Judge

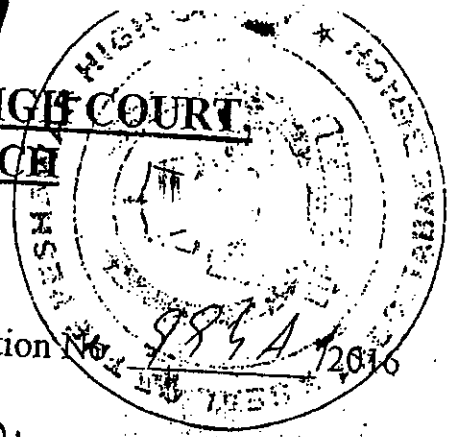
Certified to be True Copy
[Signature]
 Peshwar High Court, Abbottabad Bench
 Authorized Under Sec. 75 Evid Ordns.
 18/02/17

Saif

(32)

14

**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH**



Writ Petition No. 984 A 12016

Handwritten signature and initials: The 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th.

Muhammad Iqbal son of Muhammad Younas, resident of Batian, Battagram, presently DM at Govt. Middle School Sorgay Hotel, Batkool, Allai, Battagram.

...PETITIONER

Handwritten notes and stamps:
to be...
18/02/17
A.K. Salik (Advocate)
BATTAGRAM

VERSUS

Attested
A.K. Salik (Advocate)
BATTAGRAM

1. Govt. of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Battagram.
4. Deputy Education Officer (Male), Battagram.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, FOR DECLARATION TO THE EFFECT THAT THE RESPONDENTS ARE LEGALLY DUTY BOUND TO RELEASE

FILED TODAY

Handwritten signature and date:
22-10-16
Registrar
Court
Abbottabad Bench
32/10/16

4530
22-10-16

MONTHLY SALARY OF THE PETITIONER AND ORDER NO.7109/2015 DATED 13/07/2016 BE DECLARED NULL AND VOID, AGAINST THE LAW, NATURAL JUSTICE AND AGAINST THE POLICY AND RULES.

PRAYER: ON ACCEPTANCE OF THE INSTANT WRIT PETITION, RESPONDENTS BE DIRECTED TO RELEASE THE MONTHLY SALARY OF THE PETITIONER SINCE AUGUST 2016 WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

Copy to be filed
EXAMINER
18/02/17

A.K. Salik
A.K. Salik (Advocate)
BATTAGRAM

Respectfully Sheweth;-

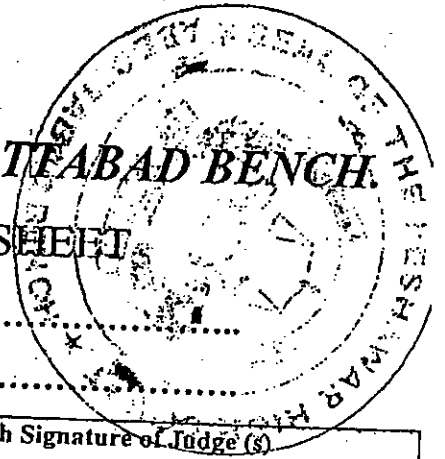
Brief facts of the instant writ petition are as under;-

- 1. That the petitioner was appointed as DM teacher in the year 1995.

FILED TODAY
1/2/17
Registrar
Court
Battagram

PESHAWAR HIGH COURT, ABBOTABAD BENCH.

FORM OF ORDER SHEET



Court of.....

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
14.02.2017	<p><u>W.P.No. 994-A/2016.</u></p> <p>Present: Mr. Humayun Khan, Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG alongwith Haq Nawaz ADEO Battagram.</p> <p>***</p> <p><u>IKRAMULLAH KHAN, J.-</u> For reasons recorded in the detailed judgment of even date in the connected W.P.No. 859-A/2016 titled "Imdadullah Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Second Education, Peshawar", this petition stands disposed of in the same terms as mentioned therein.</p>

Controlled Copy

18/02/17

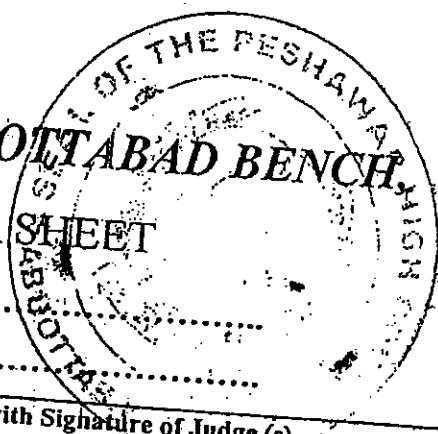
Abbotabad Bench
A. K. Salik (Advocate)
BATTAGRAM

sd/ Judge,

sd/ Judge,

A.K. Salik (Advocate)
BATTAGRAM

PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM OF ORDER SHEET



Court of.....
Case No..... of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
14.02.2017	<p><u>W.P.No. 990-A/2016.</u></p> <p>Present: Mr. Humayun Khan, Advocate, for the petitioner. Mr. Rab Nawaz Khah, AAG alongwith Haq Nawaz ADEO Battagram.</p> <p>***</p> <p><u>IKRAMULLAH KHAN, J.-</u> For reasons recorded in the detailed judgment of even date in the connected W.P.No. 859-A/2016 titled "Imdadullah Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Second Education, Peshawar", this petition stands disposed of in the same terms as mentioned therein.</p> <p style="text-align: right;"><i>Attested</i> <i>Signature</i> A.K.Saif (Advocate) BATTAGRAM</p>

Copy to be made

18/02/17

18/02/17

/*Saif*/



(36)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT BATTAGRAM

Email: emisbattagram@gmail.com Ph# 0997-543539/ 543540



OFFICE ORDER

1. Whereas you the following Ex DMs (Sacked Employee) were appointed vide order Endst; No. 7825-31 dated 15-02-2013 in the light of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act-2012 with the condition that "The candidates having less qualification will acquire requisite training and obtain FA qualification within three (03) years failing which their appointments shall stand terminated automatically" incorporated in your appointment order in the light of order dated 25-05-2011 of Hon'ble Supreme Court of Pakistan in Civil Appeals No. 51-P and 52-P of 2009 as "The appellants shall be appointed as P.S.T (Primary School Teacher) in their respective Union Councils immediately and in case the appellants fail to acquire the training and the said qualification within three years, their appointment shall stand terminated automatically".
 - i. Muhammad Iqbal S/O Muhammad Younas DM GMS Soorgai.
 - ii. Masoom Khan S/O Niqab Ex DM GMS Ghari Nawab Said.
2. And whereas you failed to fulfill terms and conditions of your appointment order i.e could not acquire requisite qualification within stipulated period of three years as per condition No. 7 of your appointment order, resultantly your appointments/services stood terminated automatically.
3. And whereas a general Notification Endst; No. 137-43 dated 04-01-2017 was issued/circulated wherein it was clarified that, "those (Sacked Employees) who failed to fulfill the requisite qualification for the post within stipulated period of three years from the date of issuance of their appointment orders, their services stood terminated automatically and they are no more civil servants/on the strength of Department".
5. And whereas you filed Writ Petitions before Peshawar High Court Abbottabad Bench which were disposed of on 14-02-2017 with the direction to Secretary E&SE Khyber Pakhtunkhwa for making a uniform policy.
6. And whereas in compliance with the directions of Hon'ble Court dated 14-02-2017, all the DEOs (Male & Female) were directed by the E&SE Department Khyber Pakhtunkhwa vide letter No. SO (Lit-1) E&SE/1-1/2017/Sacked Employees dated 10-11-2017 to follow strictly the provision as mentioned in Sections-2(g), 3 and 7 of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act- 2012.
7. And whereas you filed Contempt of Court Petitions before the Hon'ble court which were disposed of on 11-01-2018 with the direction to undersigned to decide the case of petitioners within 30 days.

Now in the light of direction of Hon'ble Peshawar High Court Abbottabad Bench dated 11-01-2018, the undersigned is pleased to decide your case and to issue this order in continuation of Notification dated 04-01-2017 that as per condition No. 7 of your appointment order and in the light of Judgment of Peshawar High Court Abbottabad Bench dated 24-05-2016 in W.P NO. 516-A of 2013 as well as order of Hon'ble Supreme court of Pakistan dated 24-05-2017 in C.P. 401 and connected Petitions, your services had stood terminated automatically and you remained no more on the strength of this Department.

District Education Officer (Male)
Battagram

Dated. 31-01-2018

Endst: No. 1311-15/EB/Secy/Sacked Employees.

Copy for information to the.

1. Additional Registrar Peshawar High Court Abbottabad Bench.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Battagram.
4. District Monitoring Officer (IMU) Battagram.
5. The above mentioned Ex DMs.


31/1/18
District Education Officer (Male)
Battagram

18-3-18

13-3

20-4

21-5

20-6

21-7

21-8

~~145~~

مجلس خیرات و احسان برائے مسکین و یتیموں کے لئے
K.P.K. بساگر

اصل برائے مجلس خیرات و احسان برائے مسکین و یتیموں کے لئے

ضمیمہ - خود بیانہ ڈوکلومنٹ - 2 - 1 - 1

ANNEXURE

C

یہ تم سنہ 1995 میں کچھ تعلیم سے بطور D.M. ہوئی ہو گی۔ اور فیض شہرام میں اپنی
ڈیوٹی برائے برائے ادا کار مارچ 1998 میں نواز شہر کو چھوڑنے سے
کو بدمعہ بہر طرف کر دیا۔ لہذا ان کے عدالت عالیہ پشاور نے فیض کو بحال کر دیا۔ اور نوز
2013 میں اس کے ساتھ ساتھ عدالت عالیہ پشاور نے فیض کو بحال کر دیا۔ اور نوز
اور اس کے ساتھ ساتھ عدالت عالیہ پشاور نے فیض کو بحال کر دیا۔ اور نوز

یہ اب اچانک اور غلطی سے ڈیوٹی سے ہٹا دیا گیا۔ اور اس کے ساتھ ساتھ
ڈیوٹی سے ہٹا دیا گیا۔ اور اس کے ساتھ ساتھ
33/18 کوئی بھی نہیں ہے۔ بہر طرف کر دیا گیا

Attested
A.K. Salik (Advocate)
BATTAGRAM

یہ تم سنہ 2013 میں کچھ تعلیم سے بطور D.M. ہوئی ہو گی۔ اور فیض شہرام میں اپنی
ڈیوٹی برائے برائے ادا کار مارچ 1998 میں نواز شہر کو چھوڑنے سے
کو بدمعہ بہر طرف کر دیا۔ لہذا ان کے عدالت عالیہ پشاور نے فیض کو بحال کر دیا۔ اور نوز
2013 میں اس کے ساتھ ساتھ عدالت عالیہ پشاور نے فیض کو بحال کر دیا۔ اور نوز

یہ اب اچانک اور غلطی سے ڈیوٹی سے ہٹا دیا گیا۔ اور اس کے ساتھ ساتھ
ڈیوٹی سے ہٹا دیا گیا۔ اور اس کے ساتھ ساتھ
33/18 کوئی بھی نہیں ہے۔ بہر طرف کر دیا گیا

18/3/18
Dm = Gms Surgai Allai
90403-0120673-9
03459629948

(37)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHAWA PESHAWAR

Appeal No /2018

Mohammad Iqbal

V E R S U S

Govt. of KPK & others

APPLICATION SOLICITING CONDONATION OF DELAY

Respectfully sheweth;

May I have the Honour to submit;

1. That the appellant after filling the departmental appeal, intrusted / handed over, his documents to the applicant.
2. That the applicant waited for the expiry of request period , however , inadvertently miss-calculated the dates March for January that is 31-01-2018 for 01-03-2018.
3. That the delay if any is not deliberate or due to delinquent conduct , but is result of human error of miss calculation.

APPELLANT

Through:



(Amanullah Khan Salik)

(Advocate High Court),

Abbottabad.

Dated:- 9/8 /2018

AFFIDAVIT

I, **Amanullah Khan Salik Advocate**, counsel for the **Appellant**, do hereby solemnly affirm and declare on oath that the contents of instant **Application** are true and correct up to the best of my Knowledge and belief and nothing has been concealed from this Honourable tribunal.

Dated:- 9/8 /2018



DEPONENT

وکالت نامہ

(38)

کورٹ فیس
قیمتی

SERVICES TRIBUNAL K.P.K.

بعدالت

Govt, K.P.K. بنام M. Ram mad Iqbal

Appellants دعویٰ یا جرم Service Appeal منجانب:

باعث تحریر آنکہ

Asad

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیروی وجود ہی برائے پیشی بمقام:

امان اللہ سائلک ایڈووکیٹ ہائی کورٹ (بگلگرام) ماسٹرس

(جمال عبدالناصر، امیر محمد خان، نیاز محمد خان، عثمانیت اللہ خان) ممبر ڈسٹرکٹ بار ایسوسی ایشن "BATTAGRAM"

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عتقانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے مجھ کو کل ساختہ پرداخت صاحب موصوف مثل کراؤ اذات منظور و مقبول ہوگا۔ اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اس پر ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت جانے بیرونجات از پکھری صدر اپیل و برآمد کی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ عتقانہ بیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جز کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے قانون کو بھی ہر امر میں وہی اور ویسے ہی اختیار حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

ATTESTED & ACCEPTED

Asad

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے مورخہ..... ماہ.....

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

محمد اسد

(39)

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

Service Appeal No. 1112 of 2018

Muhammd IqbalAppellant

VERSUS

**Govt. of Khyber Pakhtunkhwa through Secretary E&SE and
others.....Respondents**

Index

S.No	Description /Documents	Annexure	Pages
1	Comments with Affidavit		1 to 4
2	Appointment order	A	5
3	Order of Supreme Court of Pakistan	B	6 to 9
4	Notification dated 04/01/2017	C	10
5	Judgments of P H C Abbottabad Bench in WP No. 844-A/2017 and 366-A/2018	D & E	11 to 18

Respondent

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Service Appeal No. 1112 of 2018

Muhammd IqbalAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary E&SE and others.....Respondents

Para-wise comments /Reply on behalf of Respondents NO. 1 to 3

Respectfully Sheweth:

Preliminary Objections

1. That the appellant has no cause of action/locus standi to file the present appeal.
2. That the appellant has concealed the material facts from this Honorable Court.
3. That the appellant has not come to this Honorable Court with clean hands.
4. That the appellant has filed the instant appeal on mala fide grounds just to put pressure on respondent department.
5. That the appellant's Appeal is against the prevailing rules and law and terms and conditions of his appointment.
6. That the appellant is estopped by his own conduct to file the instant appeal.
7. That the instant appeal is not maintainable in its present form and also in the present circumstances of the issue and also badly barred by time.
8. That the appellant was appointed along with others vide order dated 15-02-2013 with the condition that they would have to acquire requisite qualification within three years (i.e up to 15-02-2016) failing which their services would stood terminated automatically. As the appellant has failed to fulfill the same condition, resultantly his services stood terminated automatically w.e.f 15-02-2016. Hence the appellant was considered to be terminated w.e.f 15-02-2016 and orders dated 04-01-2017 and 31-01-2018 are well in accordance with rules and law in the light of appointment order of the appellant and Judgments of Peshawar High Court

dated 25-05-2016 as well Supreme Court of Pakistan.

The appellant has no cause of action and his appeal is liable to be dismissed without any further proceeding.

ON FACTS

- I. Para No. 1 of the appeal pertains to the appointment and termination of the appellant hence needs no comments.
- II. Para No. 2 of the appeal is correct to the extent that the appellant was appointed vide order dated 15-02-2013, however he failed to fulfill terms and conditions of his appointment order and could not continue their services. (Copy of appointment order is annexed as *Annexure: "A"*).
- III. Para No.3 of the appeal is incorrect. Para No. hence denied. Notification dated 04-01-2017 was well in accordance with rules and law in the light of Judgments of August Supreme Court of Pakistan, the Hon'ble High Court, and terms and conditions of appointment orders of the appellant. Moreover Hon'able Peshawar High Court Abbottabad Bench has already dismissed similar cases in WP No. 844-A/2017 titled as; Noor Samad VS Govt of KP and others and WP No. 366-A/2018 titled as; Zebal Khan and others VS Govt. of KP and others (Copies of Judgments of Hon'ble SC court, Notification of E&SE Department and PHC Abbottabad bench judgments are attached as *Annex; "B, C, & E"*).
- IV. Para No.4 of the appeal is incorrect and denied. Responded acted upon the Judgment of August Supreme court of Pakistan. Detailed reply is given in the above para. (Copy of Judgment of august Supreme Court of Pakistan is annexed as *Annexure: "B"*)
- V. Appellant has no cause of action.

ON GROUNDS:

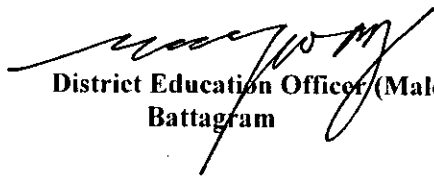
- A. Ground "a" of the appeal is incorrect. Order dated 31-01-2018 was passed well in accordance with rules and law in the light of Judgments of August Supreme Court of Pakistan, Hon'ble High Court, and terms and conditions of appointment order of appellant.
- b. Ground "b", of the appeal is incorrect and denied. Department followed the directions and judgments of the august Supreme Court in the instant matter.
- c. Ground "c" of the appeal is incorrect and misleading hence denied. Appellant has not completed the requisite qualifications within the stipulated time.
- d. Ground "d" of the appeal is incorrect. Order dated 31-01-2018 is very clear and was passed in the light of Judgments of August Supreme Court of Pakistan, Hon'ble

High Court, Notification of Department and terms and conditions of appointment order of the appellant.


- e. Ground "e" of the appeal is incorrect. As stated in preceding Paras.
- f. Appellant has no cause of action. Respondents seek gracious permission of this honorable court to raise other legal and factual points during the course of arguments.

It is therefore humbly prayed that on acceptance of above Para-wise comments, the Petition of the Petitioners may graciously be dismissed with cost.


RESPONDENT NO. 3


 District Education Officer (Male)
 Battagram

RESPONDENT NO. 2


 Director E& SE Khyber Pukhtunkhwa
 Peshawar

RESPONDENT NO. 1


 Secretary E & SE Khyber Pukhtunkhwa
 Peshawar

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

Service Appeal No. 1112 of 2018

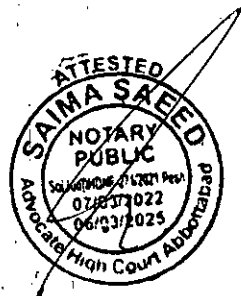
Muhammd IqbalAppellant

VERSUS

**Govt. of Khyber Pakhtunkhwa through Secretary E&SE and
others.....Respondents**

AFFIDAVIT

I Hafiz Muhammad Nawaz Abbasi District Education officer (Male) Battagram do hereby affirm and declare that contents of accompanying Para-wise comments on behalf of respondent NO. 1 to 3 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.



[Signature]
DEPENDENT
CNIC: 6110118839553

13/12/22



(44)

22

(5)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM.

Amree:
A

ORDER

Consequent upon the recommendation of the Departmental Selection Committee and approval of the competent authority (Deputy Commissioner) Battagram, in the light of Khyber Pakhtunkhwa Sacked employee Act XVII 2012 and Honorable Court Judgment Peshawar High Court Abbottabad Bench dated 17-01-2013 the following candidates are hereby appointed as DM in BPS 15 (Rs:3500-700-29500) plus usual allowances as admissible under the rules against the vacant post at the school mentioned against each in the interest of public service with effect from the date of his taking over charge.

S. No	Name of Candidates	Father's Name	Address	Posted at	Remarks
1	Muhammad Iqbal	Muhammad Younis	Bhatian Battagram	GMS Scorgai	Against V/Post
2	Masoom Khan	Niqab Khan	Gijbori Battagram	GHS Nehar	Against V/Post

NOTE All the Drawing and disbursing officer are directed to verify their Degrees/Certificates from the concerned Board/University/Institutions from the quarter concerned.

TERMS AND Conditions:-

- 1 The appointment is made purely on temporary basis and liable to termination at any time without assigning any reason or notice.
- 2 Theirs service will be on regular basis but not pension able and they will contribute to CP Fund
- 3 They will be abide by the rules and regulation issued from time to time by the Provincial Govt.
- 4 Their appointment has been made in the Act of Sacked Employees Appointments Act No XVII, 2012.
- 5 They should obtain Medical fitness Certificate from the Medical Superintendent DHO Hospital Battagram.
- 6 In case of resignation
- 7 The candidates having less qualification will acquire requisite training and obtain FA qualification within three years failing which their appointment shall stand terminated automatically.
- 8 They should take over charge within in 15 days after the issuance of this appointment order otherwise the order of appointment shall stand cancel after 15 days.
- 9 Charge report should be submitted to all concerned.
- 10 The DDO is directed to obtain an affidavit on stamp paper duly attested by the 1st Class Magistrate that,
 - (a) They will served the Education department for more then five (5) year countiniously.
 - (b) They are not served any other Department/Corporation/Agency.
 - (c) Their previous services if any will be treated as EOL (without Pay).
 - (d) They will not go in the court for their previous service benefits.
- 11 No TA/DA etc is allowed to any one.

DEPUTY COMMISSIONER (CHAIRMAN)
BATTAGRAM

Endst: No 7804-10 /EB/AE-II/ Apptt: Sacked: Emp. DATED 15/02/ /2013

Copy for information and necessary action to the:

- 1 Deputy Commissioner Battagram.
- 2 Registrar Honorable High court Peshawar
- 3 District Accounts Officer Battagram.
- 4 Head Master concerned School.
- 5 D.D.E.O (Male) Battagram.
- 6 Candidates concerned.
- 7 Office file.

Amree
Muhammad

Assistant District Education Officer
Litigation Battagram

(45)

6

Annex-B

R-3

**IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)**

**PRESENT: MR. JUSTICE MIAN SAQIB NISAR, H.C.J.
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE FAISAL ARAB**

**CIVIL PETITIONS NO. 401-P, 427-P TO 431-P AND 464-P OF 2016 AND
C.N.A. NO. 428-P, 401-P, 669-P, 714-P, 712-P, 716-P & 766-P OF 2016**
(an appeal against the judgment dated 24.05.2016 of the Peshawar High Court,
Abbottabad Bench, Abbottabad passed in W.P.516-A/2016, W.P.20-A, 115-A/2014, 105-
A, 189-A, 1155-A/2015 and W.P.546-A/2013)

Government of KPK through Secretary
Elementary & Secondary Education, Peshawar
etc.

In all cases

...Petitioner(s)

VERSUS

1. Ifukhar Khan etc.
2. Akram Khan etc.
3. Khalid Khan etc.
4. Mst. Saima Noor etc.
5. Muhammad Zafar Iqbal
6. Rashid Iqbal etc.
7. Waseem Gul etc.

In C.P.401-P/2016
In C.P.427-P/2016
In C.P.428-P/2016
In C.P.429-P/2016
In C.P.430-P/2016
In C.P.431-P/2016
In C.P.464-P/2016
...Respondent(s)

For the petitioner(s):

Mr. Umer Farooq Adam, Addl. AG, KPK.
Mr. Sohail Ahmed, Litigation Officer for
DEO(M) Abbottabad.
Mr. Said Badhshah, Litigation Officer for
DEO Haripur

For the respondent(s):

Sh. Riaz-ul-Haq, ASC.
Syed Rifaqat Hussain Shah, AOR.

Date of Hearing: 24.05.2017

ORDER

MIAN SAQIB NISAR, C.J.— The respondents were appointed as teachers (CT/PTC). Subsequently their services were terminated. They sought reinstatement as per Section 7 of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 (the Act), which the Department declined. Their constitution petitions before the learned High Court were allowed.

2. It has been conceded before us that in the instant cases, though the respondents possessed the requisite academic qualification, they lacked the training which was *sine qua non* for the purposes of their

ATTESTED

7

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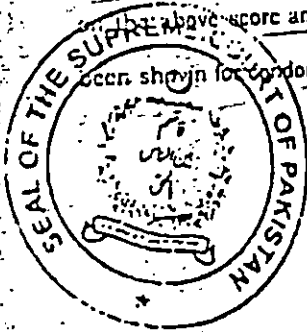
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P-4

recruitment to the posts of CT/PTC, therefore they are not entitled to be reinstated because according to the definition of 'sacked employee' provided in Section 2(a) of the Act, only such employees, who were eligible for appointment and had been sacked, could be reinstated as per the law.

3. We have been apprised by the learned counsel for the respondents that according to the advertisement and appointment letters issued to the respondents, two kinds of candidates could be appointed: (i) those who have the requisite academic qualifications and training; (ii) those who have the requisite academic qualifications but do not possess the necessary training. As regards the second category, such persons would be provided with an opportunity to complete the training within a specific period. This is exactly what the learned High Court has allowed in the relief granting portion of the impugned judgment. Undoubtedly, this is in consonance with the Department's own advertisement and the terms and conditions of service, therefore, the learned High Court did not fall into any error by requiring the Department to allow the respondents to complete the training within a specific period of time and to take action against them in case of failure to do so. No exception can be taken to the impugned judgment, which is upheld. Resultantly, Civil Petition No.401-P/2016 is dismissed on merit. The connected petitions are also dismissed

above score and for being time-barred as no sufficient cause has been shown for condonation of delay.



Sd/-Mian Saqib Nisar, HCJ
Sd/-Umar Ata Bandial, J
Sd/-Faisal Arshad
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27/5/17

Not approved for reporting

27/5/17

9101/17
24-5-17
60
6
5-2
8
27/5/17
27/5/17
Date of ...
Completed by ...
Received by ...

8

~~Amended~~ 'B'

~~17~~

P-5

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:
MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE KHILJI ARIF HUSSAIN

CIVIL APPEALS NO. 51-P AND 52-P OF 2009

for appeal from the judgment of the EPK Service Tribunal, Peshawar dated 27.01.2007 passed in Service Appeals No. 21897/6-06 and 2230/Neem of 1997

Muhammad Khurshid
Hussain Samad

in CA No. 17
in CA No. 17
...Appellants.

VERSUS

Secretary Schools B. Literacy NWFP (Now KPK) etc. ... Respondents.

For the Appellants: Mr. Rosh-ul-Amin, ASC.

For the Respondents: Mr. Maveed Akhtar, Adll. AG, EPK
a/w Muhammad Saeed, E.D.O. (Battagram)

Date of Hearing: 25.05.2011.

ORDER

NASIR-UL-MULK, J.— The appellants are P.T.C. teachers, whose employments were terminated in 1997.

untrained. Their appeals before the Service Tribunal failed. We have granted notice to the respondents in the light of arguments of the respondent council for the appellants that the Untrained Teachers were employed in the Union Council to which the appellants belong.

On the last date of hearing the learned Additional Advocate General stated that he would contact the Department to find out if there was any possibility of adjustment of the appellants.

2. The learned Additional Advocate General is pleased to agree with Mr. Muhammad Saeed, E.D.O. (Battagram). They should be appointed on the ground, the Department is ready to accommodate the appellants and appoint them straight away provided that the appellants are not already employed elsewhere.

ATTESTED

[Signature]
Deputy Registrar
Supreme Court of Pakistan

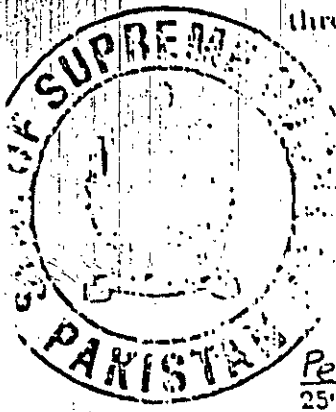
P-6

years they acquire the requisite training and obtain FA/FC qualification. The E.D.O. undertakes that the appellants will be provided opportunity of acquiring the requisite training.

2. In view of this statement, these appeals are disposed of on terms that the appellants shall be appointed as P.S.T. (Primary School Teacher) in their respective Union Councils immediately and in case the appellants fail to acquire the training and the said qualification within three years, their appointment shall stand terminated automatically.

Sd/- Nasser-ul-Mulk, J
Sd/- Khilji Anis Hameed, J

Certified to be true copy
Assistant Registrar
Supreme Court of Pakistan



Peshawar
25th April, 2011.
Mudassar
24/5/11

"Not approved for reporting."

SS-1-9/2011

G.R. No. _____

Date of institution of _____

Application No. 08/06/2011

No of Words 600

No. of Folios 6

Requisition Fee 5.00

Copying Fee 3.72

Court Fee stamp 8.72

Date of completion 09/06/2011

Date of Delivery 13/06/2011

Compared by Copy

Received by M. A. Khan

Total Amount _____

Advance Rs. _____

Deduction _____

(49)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

Phone # 0997311439 & 0997310670

P-10
Annex: C

NOTIFICATION

In pursuance of the order of Honorable Supreme Court of Pakistan in Civil Appeals Numbers 51-p and 52-p of 2009 whereas "the appeal was disposed of with the term & condition that appellants shall be appointed as PST (Primary School Teacher) in their respective Union Councils immediately and in case if the appellants fail to acquire the training and the said qualification within three years, their appointments shall stand terminated automatically".

Subsequently the appointments of sacked employees were made against various cadres i.e CT, DM, TT, PET & PSTs with the same Terms & Conditions that the appointee having less qualification will acquire requisite training and minimum qualification for the post within three years of failing which "their appointments shall stand terminated automatically".

Hence the sacked employees who were appointed against the reserved quota under sacked employees Act 2012 with the terms and conditions as per judgment of Supreme Court of Pakistan and incorporated in their appointment order, and those who failed to fulfill the requisite qualification for the post within stipulated period of three years from the date of issuance of their appointment orders, their services stood terminated automatically and they are no more civil servants / on the strength of department.

Sd/-

**District Education Officer (Male)
Battagram**

Endstt: No: 137-43 / Dated: 4/01/2017

Copy for information & n/a to the:

1. Director E&SE KP Peshawar.
2. Deputy Commissioner Battagram.
3. District Accounts Officer Battagram.
4. DDEO (Male) Battagram.
5. SDEO (M) Battagram.
6. SDEO (M) Allai.
6. Principals / Head Masters
GHSSs & GHSSs in
District Battagram.

with the direction

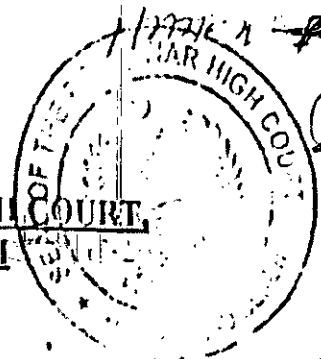
1. that if any appointees fulfill the requisite Training / Qualification for the post within stipulated period of three years his case along with documents may please be submitted to this office for onward submission to concerned Board / University for verification
2. Provide the data of those sacked appointees who failed to acquire the requisite qualification for the post within stipulated period.

**District Education Officer (Male)
Battagram**

[Handwritten signature]

(50)

**BEFORE THE PESHAWAR HIGH COURT
ABBOTTABAD BENCH**



Annex-D
P-8

Writ Petition No. 884 -A/2017

Noor Samad son of Ahmed Khan, resident of Asharban Allai, Tehsil Allai, District Battagram.

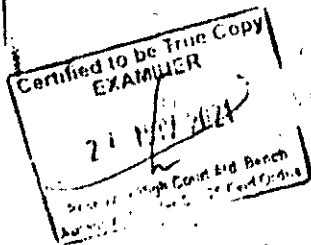
...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Battagram..

...RESPONDENTS

No. 3948
16.8.17



FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, TO THE EFFECT THAT, RESPONDENT NO.3 HAS STOPPED THE SALARY OF THE PETITIONER, WITHOUT LAWFUL AUTHORITY AND THE INTENDANT ACTION

(51)

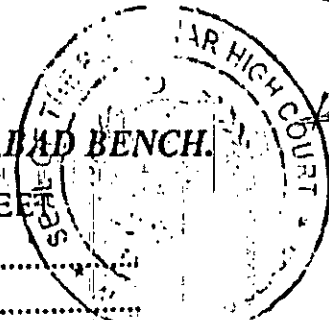
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PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET



Court of.....
Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
23.11.2021.	<p>WP No. 844-A/2017.</p> <p>Present: Mr. Muhammad Arshad Khan Tanoli, Advocate for petitioner.</p> <p>Sardar Muhammad Asif, AAG for official respondents.</p> <p>***</p> <p>MOHAMAMAD IBRAHIM KHAN, J. Through this petition under Article 199 of the constitution of Islamic Republic of Pakistan, 1973, the petitioner has invoked the jurisdiction of this Court with the following prayer:-</p> <p><i>It is therefore, humbly prayed that allowing this petition, services of the petitioner be directed to remain continue and salaries be released with immediate effect.</i></p> <p>2. During the course of arguments learned AAG pointed out that the petitioner as per decision of august Supreme Court of Pakistan passed in Civil Appeal No. 51-P and 52-P of 2009, had to acquire/improve his qualification within three years but he failed to do so, hence, he was dismissed from service. When the petitioner confronted with the above aspect</p>

Certified to be True Copy
EXAMINER
24 NOV 2021
Peshawar High Court Abbottabad Bench
Authorized Under Sec 106 of Ordinance

P ~~2~~

of the case, he could not reply and remained mum.

3. In view of the above, as admittedly, the petitioner had not completed his required qualification within specified time, then how he can claim for his appointment against the said post, hence, the instant petition being devoid of any merit is hereby dismissed, accordingly.

JUDGE

JUDGE

Certified to be True Copy
EXAMINER
24 NOV 2021
Peshawar High Court Atd. Bench
Authorized Under Sec 75 Evid Ordns.

Hon'ble Justice Muhammad Ibrahim Khan and Hon'ble Justice Shahid Ahmad

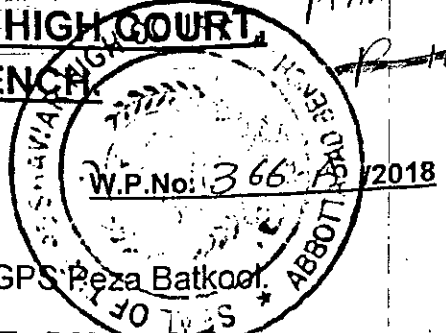
14th PS

(53)

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Annex - E

**BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.**



1. Zebal Khan S/o Mubaras Khan; Ex PST GPS Peza Batkool.
2. Mohammad Reyaz S/o Ghulam Hussain Ex PST GPS Tarangar.
3. Khursheed Khan S/o Arshad Khan Ex PST GPS Deshwal.
4. Rustam Khan S/o Palas Khan Ex PST GPS Sangu.
5. Mohammad Hayat S/o Mohammad Noor Ex PST GPS Landikass.
6. Shahi Khan S/o Baj Khan Ex PST GPS Peshora.
7. Rustam Khan S/o Begsa Khan Ex PST GPS Nerai Thakot.
8. Mohammad S/o Mohammad Younas Ex DM GMS Soorgai
Tehsil and District, Battagram.....PETITIONERS

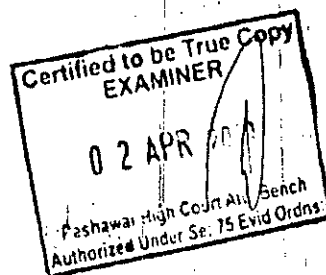
VERSUS

no. 1769
2873/18

1. Govt; Khyber Pakhtun Khawa Through Secretary Education Peshawar.
2. District Elementary and Secondary Education Khyber Pakhtun Khawa Peshawar.
3. District Education officer (Male) Battagram.....RESPONDENTS

FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH



(54)

(15)

P- (12)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, TO THE EFFECT THAT SINCE ORDER NO 137-43 DATED 04-01-2017 TILL ORDER NO 1311-15 /EB/SECY /SACKED EMPLOYEES , AND 1305-10 /EB /PRY /SACKED EMPLOYEES, DATED 31-01-2018 PETITIONERS ARE ENTITLED TO RECEIVE THE MONTHLY SALARY AGAINST THE SERVICES RENDERED BY THEM , AND TO WITH HOLD THE SALARIES IS AGAINST THE PRINCIPLES OF NATURAL JUSTICE , CONTRARY TO THE RULE OF EQUITY AND OFFENSIVE TOWARDS THE PROVISION OF THE CONSTITUTION WHILE RESPONDENTS ARE UNDER THE LEGAL OBLIGATION TO RELEASE THE SAME FORTHWITH AND ANY ACT CONTRARY THERETO TANTAMOUNTS TO MISUSE OF AUTHORITY AND VOID OF LEGAL FORCE

FILED TODAY AS WELL

ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH

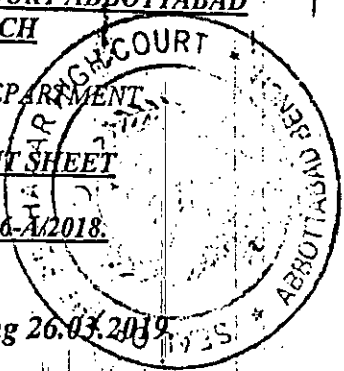
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 EXAMINER
 02 APR 2018
 Peshawar High Court and Bench
 Authorized Under Section 15 Evid Ordns

**PESHAWAR HIGH COURT ABBOTTABAD
BENCH**

JUDICIAL DEPARTMENT

JUDGMENT SHEET

WP No. 366-A/2018.



Date of hearing 26.03.2019

**Petitioner/s (Zebal Khan & others) by
Mr. Aman Ullah Khan Salik, Advocate.**

**Respondent/s (Government of Khyber
Pakhtunkhwa & another) by Mr. Yasir
Zahoor Abbasi, Assist: AG with Lutf
Ullah, Assist: Litigation Officer.**

IJAZ ANWAR. J. Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners **Zebal Khan** and seven others, have prayed for release of their monthly salaries, so withheld by the respondents.

2. Brief but relevant facts of the instant writ petition are that petitioners were appointed as sacked employees vide order dated: 15.02.2013 and since then till 2017 they remained posted and offered services till date, when in the meanwhile, respondent No.3 withheld salaries of the petitioners vide dated: 04.01.2017. That the petitioners challenged said order through WPs No. 490-A/2017 and 494-A/2017, which were disposed of by making reference to WP No. 859-

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02 APR 2019
Peshawar High Court App/Bench
Authorized Under Se: 75 Evid Ordns.

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SCANNED

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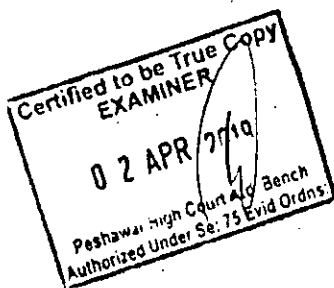
P-~~17~~

A/2016. Even the petitioners submitted Contempt of Court petition (No. 23-A/2017), which stood disposed of vide order dated: 11.01.2018 with certain directions to respondents, however, the respondents have issued orders dated: 31.01.2018, which led the petitioners to file the instant writ petition.

3. Arguments of learned counsel for the parties heard and record available gone through with their valuable assistance.

4. We have noted that the petitioners were reinstated in extra ordinary circumstances in terms of the *Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012* vide order dated: 15.02.2013 conditionally that "The candidates having less qualification will acquire requisite training and obtain FA qualification within three years, failing which their appointments shall stand terminated". It has been admitted at the bar that none of the petitioners has obtained the requisite qualification for the post of PST, thus being not eligible for the post of PST, as such there is no question of any arrears of salaries.

5. Since, the petitioners were appointed with specific condition and having failed to fulfill the condition of acquiring requisite qualification,



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therefore, no case is made out for the interference of this Court, hence, this petition being bereft of any merit is dismissed.

Announced.
26.03.2019.
Tahir PS

sd/ Judge
sd/ Judge

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EXAMINER
02 APR 2019
Peshawar High Court App Bench
Authorized Under Sec: 75 Evid Ordns:

Hon'ble Justice Lal Jan Khattak &
Hon'ble Justice Ijaz Amwar.