



**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT BATTAGRAM**



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Phone No: 0997543540

Endst: No. 5738-4²/F.No 176/Imdad Ullah/Lit

Dated: 20/05/2024.

To,

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

Subject.

**GUIDANCE IN S.A NO. 70 OF 2019 TITLE IMDAD ULLAH VS GOVT OF
KHYBER PAKHTUNKHWA AND OTHERS.**

Memo,

Mr. Imdad Ullah the appellant is a sacked employee 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 15-02-2016) failing which their services would stand terminated automatically. As the appellant has failed to fulfill the same condition resultantly his services stood terminated automatically w.e.f 15-02-2016.

That a general notification was issued dated 04-01-2017 for those who have failed to fulfill the condition to acquire the requisite qualification within stipulated time of three years. That after rejection of his departmental appeal appellant, feeling aggrieved, filed a Service Appeal in KP Service tribunal camp court Abbottabad. (Copy of appeal along with annexure is annexed herewith as **annexure "A"**).

That department contested the case and filed comments. (Copy of comments along with annexure is annexed herewith as **annexure "B"**).

That on 23-01-2024 Honourable KP Service Tribunal Camp Court Abbottabad accepted the service appeal and the operative part of the judgment is reproduced for ready reference: "*As a sequel to above discussion, we accepted the appeal as prayed for. Cost shall follow the event. Consign*". (Copy of Judgment dated 23-01-2024 is annexed herewith as **annexure "C"**)

That impugned act/order/notification dated 04-01-2017 of DEO (M) Battagram is well within the legal sphere and was issued in accordance with rules and policy of the Department.

That the appellant was appointed under the sacked employees appointment act 2012 with the specific condition mentioned in his appointment order at serial No. 7 reproduced for ready reference: "*That candidates having less qualification will acquire requisite training and obtain FA qualification within three years failing which their appointment shall stand terminated automatically.*" but that very fact was not considered/ignored by the Hon'able Service Tribunal and accepted the appeal.

That the undersigned has sent a CPLA request to the director E&SE Khyber Pakhtunkhwa Peshawar vide No.4264/ADEO (Lit) dated 07-03-2024.along with all requisite documents.(Copy of CPLA

That the scrutiny committee meeting held on 17-04-2024 at committee room of law department Khyber Pakhtunkhwa Peshawar. (Copy of Scrutiny meeting agenda is annex as annexure E)

That the service appeal was discussed and Service Appeal No.70 of 2029 was declare unfit for Supreme court of Pakistan.

Now therefore, in the light of above facts, very humbly requested to guide this office regarding reinstatement of Mr. Imdadullah S/O Musa Khan resident of sherin Abad kuzabanda Battagram.

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District Education Officer (M)
Battagram

Endst: No. _____/F.No 176/Imdad Ullah/Lit

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Copy for information to the;

- ✓ 1. Registrar Khyber Pkhtun khwa service tribunal Peshawar. Reference to the S A No. 70 of 2019.
2. Dy. Director (Legal) E&SE KP Peshawar.
3. AD EMIS Local Office.
4. Official Concerned.
5. Office Copy.

20/05/2024
District Education Officer (M)
Battagram