


FORM OF ORDER SHEET

Court of _____

Appeal No. 1050/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	26/07/2024	<p>The appeal of Mr. Sohail Akbar presented today by Mr. Abdullah Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 30.07.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1050 /2024

SOHAIL AKBAR


VS

EDUCATION DEPTT:

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APPELLANT

THROUGH: 
ABDULLAH KHAN
ADVOCATE

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

In Re S.A No. 1050 /2024

Mr. Sohail Akbar, Primary School Teacher (BPS-12),

GPS Kunji Katlang, Mardan Appellant

VERSUS

1. The Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. 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 21.02.2020 communicated to the appellant during court proceedings, Whereby appointment order of the appellant has been withdrawn and against no action taken on the departmental appeal within the statutory period of ninety days.

PRAYER:-

That on acceptance of this appeal the impugned order dated 21.02.2020 may very kindly be set aside and the appellant be re-instated into service with all back benefit.

Any other relief which this august tribunal deems appropriate may also be granted in favor of the appellant.

Respectfully Sheweth,

1. That the appellant was initially appointed against the post of Primary School Teacher (BPS-12) on adhoc basis vide order dated 02.04.2019 on the proper recommendations of Departmental Selection Committee. That after appointment the appellant submitted his charge report at GPS Kunj, District Mardan and started performing his duty quite efficiently and upto the entire satisfaction of his superiors. Copies of the educational testimonials, appointment order, charge report & attendance register are attached as annexure..... A, B, C & D.
2. That during service the appellant preferred an application for study leave abroad i.e. Xinjiang University Uramqi, China from September, 2019 to July, 2022 before the competent authority but no response was received to him on the said application. That the appellant time and again visited the concerned quarter and requested for immediate action on the said application but in vain. Copy of the application is attached as annexure. ...E
3. That during study at China the concerned state was affected by the pandemic Covid-19 and due to that reason all the educational institutions in China were closed and the appellant left for his native country Pakistan by leaving his studies in between in China.

- 4) That after reaching in Pakistan, the appellant visited the concerned office for re-joining his duty against his respective post of Primary School Teacher (BPS-12) but the concerned authority was not willing to accept his request. That finally the appellant submitted Departmental appeal before the respondent No.2 followed by writ petition No.3719-P/2023 and during pendency of the above mentioned writ petition the respondent Department submitted their comments/reply and when the petition gone through the said comments it came into the knowledge of the appellant that his appointment order has been withdrawn vide impugned order dated 21.02.2020. Copy of the departmental appeal and impugned order dated 21.02.2020 are attached as annexure..... F & G.
- 5) That the appellant feeling aggrieved from the impugned order dated 21.02.2020 communicated to the appellant during pendency of the above mentioned writ petition preferred departmental appeal but no reply has been received so far. Copy of the order sheet and departmental appeal are attached as annexure.....H & I.
- 6) That the appellant feeling aggrieved and having no other remedy but to file the instant writ petition on the following grounds amongst the others.

GROUND:

- A- That the impugned order dated 21.02.2020 issued by the respondents is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- 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 respondent acted in arbitrary and malafide manner by issuing the impugned order dated 21.02.2020, hence the same is not tenable in the eye of law and liable to be set aside.
- D- That no prior notice has been issued by the authorities before issuing the impugned order dated 21.02.2020.
- E- That no publication whatsoever been made by the authorities in the leading newspaper before issuing the authorities which mandatory as per rule-9 of the Appointment, promotion and transfer rules, 1989.
- F- That the appellant seeks permission to advance other grounds and proofs at time of hearing.

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

APPELLANT


SOHAIL AKBAR

THROUGH 
ABDULLAH KHAN

&
ABID ULLAH
ADVOCATES

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2024

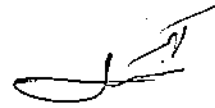
SOHAIL AKBAR

VS

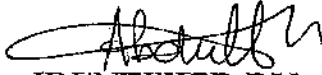
EDUCATION DEPTT:

AFFIDAVIT

I Sohail Akbar S/O Akbar Ali R/O Karkani Banda, District Mardan, do hereby solemnly affirm that the contents of this **APPEAL** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



SOHAIL AKBAR
(APPELLANT)
CNIC NO. 16101-1245450-9
CELL NO: 0345-9367273



IDENTIFIED BY:
ABDULLAH KHAN
ADVOCATE, HIGH COURT,
PESHAWAR

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar (Pakistan)

Session ANNUAL 2006

Abdullah I.
TESTED

SOHAIL AKBAR

Son / Daughter of

AKBAR ALI

and a student of GOVT DEGREE COLLEGE No.02, MARDAN

who had passed the Prescribed examination in JUNE 2005 under Roll No. 6314

and was admitted by the University of Peshawar to the Degree of

Bachelor of SCIENCE

in the SECOND Division

was permitted to appear in the same examination for

Improvement of Division

He/She re-appeared in JUNE 2006 and obtained FIRST Division

Serial No. 000869

Registration No. 2003-MII-1017

Roll No. 7989

Result declared on SEPTEMBER 30, 2006



Masud J. Juman

[Signature]
Registrar

Countersigned

[Signature]

5

8

A

Amirice

Serial No. 000859



Registration No. 06-CHE-F-HU-12

Roll No. 11270

HAZARA UNIVERSITY

Mansehra, Pakistan



Attested
ATTESTED

The University in recognition of the fulfilment of prescribed requirements has conferred upon
Mr / Ms Sohail Akbar Son / Daughter of Akbar Ali

The Degree of **MASTER OF SCIENCE** in Chemistry
in the examination held in Sep, 2008 session 2006-08

He / She was placed in 2.87 Division / Grade / CGPA.

The examination was taken as a Whole.



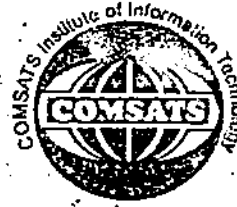
[Signature]
Controller of Examinations

Date 11-11-2008

[Signature]
Vice Chancellor

[Signature]
Registrar

Serial No: 025460



Registration No: CH/FA11-R06-011/ATD

By the Authority of the Board of Governors

COMSATS Institute of Information Technology

SOHAIL AKBAR S/O AKBAR ALI

of


Abbottabad Campus

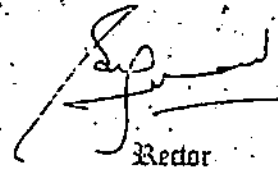
has been conferred upon the degree of

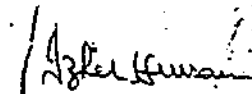
Master of Science in Chemistry

Given on this Fifteenth day of September two thousand and Thirteen at Islamabad

Date of Issuance: 15th September 2013


Controller of Examinations


Rector


Registrar

Attested
ATTESTED

B-8

Annexure

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT. OF KHYBER PAKHTUNKHWA



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN



OFFICE ORDER.

Consequent upon recommendation of the Departmental Selection Committee meeting held on ... appointment of the following candidates are hereby ordered against the vacant posts of PST, School based, ... (Rs. 13320-960-42120) @ Rs. 13320/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given ... with effect from the date of their taking over charge:

KATLANG 2

Table with 8 columns: Sr, Roll No, School, Name, FATHER NAME, CNIC Address, DOB, Total Score. It lists 10 candidates for the post of PST in Katlang 2.

TERMS & CONDITIONS

- 1. For TA/DA etc is allowed.
2. Charge reports should be submitted in all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year from the date of issuance.
4. They should not be handed over charge if he exceeds 35 years or below 18 years of age.
5. If any candidate is over age less than 2 years, then over age limit less than 2 years is hereby relaxed.

ATTESTED

(9)

6. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the NEC. Anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action and his services immediately terminated.
7. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their pay/allowances shall be forfeited to the Government.
8. Pay will not be drawn until and unless a certificate regarding verification of their documents is issued by this office.
9. They should join their post within 15 days of the issuance of this notification. In case of failure to join the post within stipulated period appointment will stand expired automatically and no subsequent appeal etc shall be entertained.
10. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge to concerned and the same date of birth shall be reckoned till retirement.
11. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. Their services shall be terminated at any time; in case their performance is found unsatisfactory during contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
13. Their appointment is made on School based, they will have to serve at the place of posting, and their service is not transferable to any station.
14. Before handing over charge, once again their document may also be checked by the DOO concerned, if they have not the required qualifications as per rules, they may not be handed over charge of the post.
15. In case of miscalculation of their marks affecting merit at any stage will be rectified accordingly which may affect the place of post withdrawal of appointment order resultantly.
16. In case one/more than one appointee does not take their charge of his post (for any reason) the next on merit shall be appointed previous placement shall be shuffled/readjusted accordingly.
17. Copy of professional standards, core competencies and job description issued vide Govt. of Khyber Pakhtunkhwa E&SED Notification SO(PE)4-3/PST/2014 dated 17-09-2014 is attached with the appointment order.

[Handwritten signature]

(ZULFIQAR UL MULK)
District Education Officer
Mardan.

Endst: No 3436/6 /V-1/PST NTS Dated 2-4 /2019

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. District Comptroller of Accounts Mardan.
3. Principal/Headmaster of Concerned Schools.
4. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
5. Budget & Accounts Officer Local Office.
6. Candidates Concerned.

[Handwritten signature]
District Education Officer (I)
Mardan.

[Handwritten signature]
ATTESTED

Annexed

Q - 10

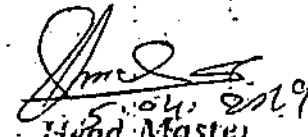
CHARGE REPORT
(For Newly Appointed Only)

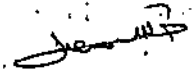
Certified that Miss. / Mr. SOHAIL AKBAR Father Name AKBAR ALI

Resident of Korkani banda is hereby appointed against the post of PST - BPS-12

Under the District Education Office (M/A) Mardan Endstt No. 3436/6/V-1/PST NTS

Dated: 05-04-2019


5.04.2019
Head Master
G.P.S. Kunj
District Mardan

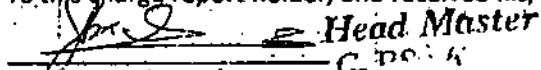

Signature of the Official
(New Appointee)

FOR HEAD OF THE SCHOOL ONLY

File No. _____

Certified that we have on the (forenoon / afternoon) G.P.S. Kunj of this day (date) 05-04-2019 respectively and gave a charge of post PST in-above mentioned school

To this charge report holder, and received his/her required documents file for school record.


Head Master
05-04-2019
Seal and Signature

Head of the School tick to whom copy of the above is forwarded to:-

1. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
2. District Education Officer (Male) Office Concern
3. District Accounts Officer Concern
4. Principal / Headmaster / Head Teacher / Head of the School
5. Copy for his/her record


ATTESTED

11

(Signature)

MEDICAL CERTIFICATE

Name of Official SOHAIL AKBAR
 Caste of Race YOUSAFZAI
 Father's Name AKBAR ALI
 Residence Village P/O and Teh. Katlang, Distt. Mardan (Mado road)
 Date of Birth 03-02-1985
 Exact Height by measurement 5' 8"
 Exact mark of identification NA
 Signature of the Official [Signature]
 Signature of the Head of Office _____

Seal of Office _____

I do hereby certify that I have examined Mr. SOHAIL AKBAR for employment in the office of the DEO Male Mardan and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this is disqualification for employment in the office of the above as PST - BPS - 12 his age according to his own statement 33 year and by appearance about year Thirty three

[Signature]
 Medical Superintendent,
 DHO Hospital, Mardan
 D.H.O. Hospital, Mardan

LEFT HAND THUMB AND FINGER IMPRESSION

[Signature]
ATTESTED

Annexure E

(19) (14)

To,
District Education Officer,
Mardan.

Date: 4th September 2019

Subject: Application for Study Leave.

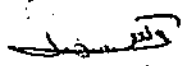
Dear Sir,

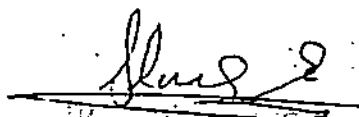
I am writing to you today to inform you of my admission in chemical engineering (Doctor) in Xinjiang University Urumqi China. I will require a leave for the duration of my studies which will commence from Sep 2019 to Jul 2022.

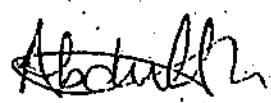
I have attached my letter of admission along with scholarship letter of the institution for your information. I will be very thankful to you for providing me an opportunity to further my studies and professional development.

Sincerely,

Sohail Akbar.


21/09/2019


4/9/2019



ATTESTED

Annexure 2 (G) (15)

To,

The District Education Officer
(Male) District Mardan

F-15

SUBJECT; APPEAL FOR JOINING DUTY:

Memo,


I have the honour to say that I was serving in education department at GPS Kunj Katlang District Mardan against PST post since 2,04,2019 and after five (5) months I have given proper application on dated 4.09.2023 for studying in china Xinjiang university in Chemical Engineering (Doctor).


Now I have come return from china and want to joining duty at my station but the concern Head Teacher did not give me charge.

In the light of Head Teacher refused to take a charge, I request to you that please adjusted/Transferred my service in any nearest school so that I continue my duty after studies leave.

Dated 15 April 2023

Yours Sincerely


Sohail Akbar (PST)
GPS Kunj Katlang
District Mardan


ATTESTED

Annex 10

9-16

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

OFFICE ORDER

The Adhoc contract issued vide this office Under Endst No: 3436/6 dated 02/04/2019 in respect of Mr. Sohail Akbar PST (ad hoc employee) GPS-Kufri at Serial No: 0133 hereby withdrawn in light of condition of appointment order S.No 3 & 12 due to non satisfactory performance in duties and remained absent being abroad without approval of the competent authority as proved in the inquiry conducted against him in the light of absence report submitted by SDEO(M) Kallang vide No: 2063 dated 14-09-2019.

(Zahid Muhammad)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

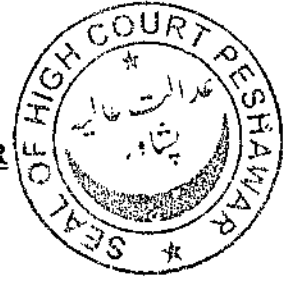
Endst No: 150708 Dated: 11/11/2020

- Copy forwarded to the
- 1. Director, EASE Department, Khyber Pakhtunkhwa
 - 2. SDEO Kallang
 - 3. DAO Mardan
 - 4. EGIS Branch local office
 - 5. Official Concerned

DISTRICT EDUCATION OFFICER
(MALE) MARDAN

①

H-17



BEFORE THE PESHWAR HIGH COURT, PESHAWAR

WRIT PETITION NO. _____/2023

Mr. Sohail Akbar, Primary School Teacher (BPS-12),
GPS Kunj Katlang, Mardan.....PETITIONER

VERSUS

- 1) The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2) The Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3) The District Education Officer (M), District Peshawar.

.....RESPONDENTS

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

R/SHEWETH:

ON FACTS:

Brief facts the present writ petition are as under:-

- 1) That the petitioner is a law abiding citizen of Pakistan and residing at Katlang, District Mardan. Copy of the CNIC is attached as annexure.....A.
- 2) That the petitioner was initially appointed against the post of Primary School Teacher (BPS-12) on adhoc basis vide order dated 02.04.2019 on the proper recommendations of Departmental Selection Committee. That after appointment the petitioner submitted his charge report at GPS Kunj, District Mardan and started performing his duty quite efficiently and upto the entire satisfaction of his superiors. Copies of the educational testimonials, appointment order, charge report & attendance register are attached as annexure.....B, C, D & E.
- 3) That during service the petitioner preferred an application for study leave abroad i.e. Xinjiang University Urumqi, China from September, 2019 to July, 2022 before the competent authority but no response was received from him on the said application. That the petitioner time and again visited the concerned quarter and requested for immediate action on the said application of the petitioner, therefore, the petitioner had no other option but to leave for getting higher education abroad. Copy of the application is attached as annexure.....F.

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

(2)

(18)

- 4) That during study at China the concerned state was affected by the pandemic Covid-19 and due to that reason all the educational institutions in China were closed and the petitioner left for his native country Pakistan by leaving his studies in between in China.
- 5) That after reaching in Pakistan, the petitioner visited the concerned office for re-joining his duty against his respective post of Primary School Teacher (BPS-12) but the concerned authority was not willing to accept his request. That finally the petitioner submitted Departmental appeal before the respondent No.2 for his adjustment /re-joining of his duty but no reply has been received so far. Copy of the departmental appeal is attached as annexure.....G.
- 6) That the petitioner feeling aggrieved and having no other remedy but to file the instant writ petition on the following grounds amongst the others.

GROUNDS:

- A- That the inaction of the respondent Department by not accepting arrival report of the petitioner and not adjusting him against the post of Primary School Teacher(BPS-12) and as such not releasing the monthly salaries of the petitioner w.e.f 04.09.2019 till date is against the law, facts, norms of natural justice and materials on the record.
- B- That the petitioner 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 respondent acted in arbitrary and malafide manner by not adjusting the petitioner against the post of Primary School Teacher (BPS-12) and not releasing the monthly salaried of the petitioner w.e.f 04.09.2019 till date.
- D- That no adverse order has been passed by the respondents against the appellant yet, therefore, under the law the petitioner is entitled to be adjusted against his respective post i.e. Primary School Teacher (BS-12).
- E- That after arrival the respondent even not to conduct inquiry in the matter of petitioner and thus the petitioner was kept in hanging position till-date.
- F- That till date the respondents kept the petitioner in hanging position and as such the respondent No. 2 is not willing to adjust him on the post of PST.

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

(3)

(19)

- G- That valuable rights of the petitioner have been accrued, therefore, under the prevailing rules the petitioner is entitled to be adjusted on the post of primary school teacher with all back benefits.
- H- That the inaction of the respondent Department by not accepting the arrival report of the petitioner against the post of Primary School Teacher (BPS-12) and not releasing the monthly salaries of the petitioner is against the principle of natural justice.
- I- That other colleagues of the petitioner have been regularized vide Notification dated 07.12.2022, therefore, as per principle of parity the petitioner is fully entitled to be adjusted against a regular post with all back benefits. Copy of regularization Notification is attached as annexure.....H.
- J- That the petitioner seeks permission to advance other grounds and proofs at time of hearing.

It is, therefore, most humbly prayed that on acceptance of this writ petition the inaction of the respondents by not adjusting the petitioner against the post of PST (BPS-12) and not releasing monthly salaries of the petitioner w.e.f 04.09.2019 till date may be declared as illegal, unlawful, unconstitutional & ineffective upon the rights of petitioner. That the respondents may please be directed to adjust the petitioner against the post of PST (BPS-12) and release the monthly salaries of the petitioner w.e.f 04.09.2019 till date with all other back benefits and also regularize the services of the petitioner in light of the Notification dated 07.12.2022. Any other remedy which this Honorable Court deems fit that may also be awarded in favor of the petitioner.

PETITIONER

SOHAIL AKBAR

THROUGH 
ABDULLAH KHAN

 &
ABID ULLAH
ADVOCATES

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

4

20

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.

Abdul
DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

[Signature]
ATTESTED
EXAMINER
Peshawar High Court
Peshawar

5

21

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION NO. _____/2023

SOHAIL AKBAR VS GOVT: OF KP & OTHERS

ADDRESSES OF PARTIES

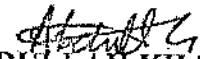
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GPS Kunj Katlang, Mardan.....PETITIONER

VERSUS

- 1) The Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.
- 2) The Director, Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.
- 3) The District Education Officer (M), District Peshawar.

.....RESPONDENTS

PETITIONER

THROUGH: 
ABDULLAH KHAN
ADVOCATE

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanun-e-Shahadat Act 1984

27 MAR 2024

6

22

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION NO. _____ /2023

SOHAIL AKBAR VS GOVT: OF KP & OTHERS

AFFIDAVIT

I Sohail Akbar S/O Akbar Ali R/O Karkani Banda, District Mardan, do hereby solemnly affirm that the contents of this writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Sohail Akbar

**SOHAIL AKBAR
(PETITIONER)
CNIC NO. 16101-1245450-9
CELL NO: 0345-9367273**

Abdullah Khan

**IDENTIFIED BY:
ABDULLAH KHAN
ADVOCATE, HIGH COURT,
PESHAWAR**

15326

Deponent: *Sohail Akbar*

Identified by: *Abdullah Khan*

Writ: *Writ of Habeas Corpus*

12/8/2023

CERTIFIED TO BE TRUE COPY

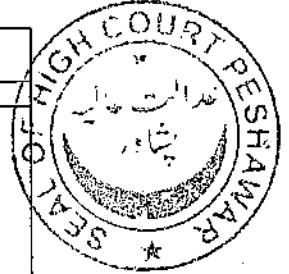
**EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanoon-e-Shahadat Act 1934**

27 MAR 2024

23

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET



Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
1	2
08.03.2024	<p><u>W.P No.3719-P/2023.</u></p> <p>Present:</p> <p>Mr. Abdullah Khattak, Advocate, for the petitioner.</p> <p>Mr. Mubashir Manzoor, AAG, for the respondents.</p> <p>*****</p> <p><u>SHAKEEL AHMAD, J.</u> At the very outset, the learned counsel representing the petitioner stated at the bar that the petitioner has been dismissed from service, which was not in his knowledge, therefore, he does not press the instant petition, and would seek his relief before the appropriate forum by filing appeal before the Services Tribunal. May do so, if so desired. Dismissed being not pressed.</p> <p><u>Announced</u> 08.03.2024</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>
<p>Date of Presentation of Application.....</p> <p>No of Pages..... 2 - P</p> <p>Copying fee.....</p> <p>Total..... 28/-</p> <p>Date of Preparation of Order..... 27-03-2024</p> <p>Date of Delivery of Order..... 27-03-2024</p> <p>Amount Paid.....</p>	<p>38764</p> <p>27-03-2024</p> <p>CERTIFIED TO BE TRUE COPY</p> <p><i>[Signature]</i> EXAMINER Peshawar High Court, Peshawar Authorized Under Article 187 of the Constitution of Pakistan, 1973</p> <p>27 MAR 2024</p>

(Haider Shah, SSS) "DB" Honble Mr. Justice Shakeel Ahmad and Honble Mr. Justice Syed Arshad Ali

To,

The Director,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

7 - (24)

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 21.02.2020 COMMUNICATED TO THE APPELLANT DURING PENDENCY OF THE WRIT PETITION NO.3719-P/2023 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT DATED 02.04.2019 HAS BEEN WITHDRAWN.

R/Sir,

With great reverence it is stated that the appellant was appointed as PST (BPS-12) vide order dated 02.04.2019 in your good self department. That after appointment the appellant took over the charge against the above mentioned post and started performing his duty at GPS Kunj, District Mardan quite efficiently and upto the entire satisfaction of his superiors. That during service the appellant preferred an application for study leave abroad i.e. Xinjiang University Urumqi, China from September, 2019 to July, 2022 before the competent authority but no response was received from him on the said application. That the petitioner time and again visited the concerned quarter and requested for immediate action on the said application of the appellant, therefore, the petitioner had no other option but to leave for getting higher education abroad. That during study at China the concerned state was affected by the pandemic Covid-19 and due to that reason all the educational institutions in China were closed and the appellant left for his native country Pakistan by leaving his studies in between in China. That after reaching in Pakistan, the appellant visited the concerned office for re-joining his duty against his respective post of Primary School Teacher (BPS-12) but the concerned authority was not willing to accept his request. That finally the appellant submitted Departmental appeal before the respondent No.2 followed by writ petition No. 3719-P/2023 and during pendency of the writ petition the respondents submitted its comments and whereas from perusal of the comments it came into the knowledge that the appointment order was withdrawn vide impugned order dated 21.02.2020. That the appointment order of the appellant has been withdrawn without any prior notice to the appellant neither any publication whatsoever been issued by the authority concerned, therefore, the impugned order dated 21.02.2020 is not tenable in the eye of law and liable to be set aside. That the appellant feeling aggrieved from the impugned order dated 21.02.2020 preferred the instant departmental appeal before your good self.

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It is, therefore, most humbly prayed that on acceptance of this departmental appeal the impugned order dated 21.02.2020 may very kindly be set aside and the appellant be re-instated into service with all back benefits. Any other relief which your good self deems appropriate may also be granted in favor of the appellant.

Dated: 28.03.2024.

APPELLANT



SOHAIL AKBAR, EX-PST (BPS-12),
GPS Kunj Katlang, District Mardan

بعدالت

کے پیروں کے لئے اور ان کے لئے

BC 10-3571

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0300-584 2630

2ء محتاج

مستقبل اکثر بنام انجمن

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آج مقام اللہ کے لئے عبداللہ خان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے کے تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted

2024

07 ماہ

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الرقوم

العبد گواہ العبد

Abdullah