


# FORM OF ORDER SHEET

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

Appeal No. 1051/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/07/2024	<p>The appeal of Mr. Nesar Ahmad re-filed today by registered post through Mr. Amanullah Salik Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 24.09.2024. Counsel for the appellant has been informed telephonically.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Nesar Ahmad received today i.e on 01.07.2024 is incomplete on the following score which is returned to the counsel for the appellat for completion and resubmission within 15 days.

1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 3 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.

changed


2- Copy of removal order mentioned in the heading of the appeal is not attached with the appeal be placed on it. Annexure-A is withdrawal order of appointment but not a removal order.

Wrong Law

3- The law under which appeal is filed is not mentioned.

No. 274 /Inst./2024/KPST,

Dt. 1/7 /2024.

  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Amanullah Salik Adv.  
High Court A.Abad .

Received back on 05.07.2024 in the afternoon, and re submitted through post, today on 09.07.2024 after attending and removing the objections.

A.K. Salik  
Advocate  
Peshawar

Objection No 3 Sustained  
appellant is directed to correct  
his means of appeal to  
this extent. P.B. return with document  
to resubmit within 7 days.

No. 360/Inst./2024/KPST 12/7/24.  
Date 12/7/24.

Received on 23/7<sup>2024</sup> in fore-noon  
and accordingly resubmitted today  
on 24/7<sup>2024</sup>

*[Signature]*  
24/7

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUN KHAWA PESHAWAR**

Service Appeal No 1051 /2024

Nesar Ahmed.....Appellant

V/s

Govt. KPK and others.....Respondents

**SERVICE APPEAL**  
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**APPELLANT**

Through:



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

Dated:- 24/06/2024

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUN KHAWA PESHAWAR**

Service Appeal No                      /2024

Nesar Ahmad s/o Abdula Qayam R/o Batta Mori  
Teh and District Battagram, (Ex SST GHS Nehir Allai)  
Tehsil Allai District Battagram..... **Appellant**

**V E R S U S**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 13871

Dated 01.07.2024

- 1 Government Khyber Pakhtunkhwa through Secretary  
Elementary and Secondary Education Peshawar.  
2- Director Elementary Elementary and Secondary Education  
Peshawar.  
3- D.E.O (Male) District Battagram..... **Respondents**

**APPEAL AGAINST THE REMOVEAL FROM SECRVICE**  
**ORDER DATED 12.1.2024**

**Prayer-**

Allowing, this appeal, order dated 12.01.2024 be struck down as illegal, untenable, and appellant be reinstated with effect from date of first appointment, with all the back benefits including release of salaries, regularization, promotion, seniority annual increment and all other benefit / interest ancillary thereto.

**Respectfully Sheweth**

**This service appeal mainly proceeds on the following facts, legal grounds and points.**

- 1- That, appellant was appointed as SST (G) vide order dated 30.11.2015 and has been removed from service on 12.01.2024 orders are ..... **Annexure A**
- 2- That appellant filed representation /departmental appeal on 08.02.2024. Copy is ..... **Annexure B**

**filed to day**  
**Registrar**  
*1/7/24*

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUN KHAWA PESHAWAR**

Service Appeal No 1051 /2024

Nesar Ahmad S/o Abdul Qayyam R/o Batta Morri

Tehsil and district Battagram, (Ex SST GHS Nehir Allai)

Tehsil Allai District Battagram.....Appellant

**VERSUS**

1 Government Khyber pakhtunkhwa through secretary

Elementary and secondary Education Peshawar.

2 Director Elementary Elementary and secondary Education

Peshawar.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL**  
**ACT 1974 AGAINST ORDER DATED 12-01-2024**  
**WITHDRAWAL OF APPOINTMENT ORDER.**

**Prayer-**

Allowing, this service appeal, order dated 12.01.2024 be struck down as illegal, untenable, and appellant be reinstated with effect from date of first appointment, with all the back benefits including release of salaries, regularization, promotion, seniority annual increment and all other benefits / interests ancillary thereto.

**Respectfully Sheweth**

**This service appeal mainly proceeds on the following facts, legal grounds and points.**

1- That, appellant was appointed as SST (G) vide order dated 30.11.2015 and appointment order has been withdrawn on 12.01.2024 orders are .....Annexure A

2- That appellant file representation / departmental appeal on 08.02.2024. Copy is .....Annexure B

Re-submitted to  
and filed.

Registrar

26/7/24.

3- That appeal so filled has been treated as pocket veto hence this appeal and on the following grounds.

Grounds;

- a. The withdrawal of appointment order dated 12.01.2024 is illegal, against facts, and material available on record and evidence brought on file, hence not tenable.
- b. That in-spite of regular routine teaching duty and alongside duty, like, Election Duty, Examination Duties or other duties of the like nature salaries of the appellant since 1<sup>st</sup> appointment was never released for which relief appellant approached in writ jurisdiction and through petition No. 460-A/2020.
- c. That, it was in these writ jurisdiction proceedings when respondents did not pay heed to the directions and command of Honourable High Court, when salary of Respondent No. 3 was attached he in hast and hat, fur and militant reaction, purely on personal whims, in total disregard for law and justice passed the impugned order tainted with malafide.
- d. That appellant was duly qualified on the very 1st day of his appointment till now is fully qualified, neither then nor now suffer from any disqualification.
- e. That ever never any enquiry, or investigation or verification as made before the impugned order was issued, as to whether appellant has processed and procured his appointment through unfair means or tempered and has fabricated document that too with criminal intention by suppressing and concealing the facts from authority as such the impugned order is misuse of the authority.
- f. That without any enquiry complaint of dilquent acts, show cause notice thereto and personal hearing withdrawal of

appointment order that why appellant has knocked the door of the court for the redressal of his grievance and in the process when his own salary was stopped for single stance and event he turned of offensive, reactive as personal vendata and passed the whimfull order by misuse of authority.

- g. That until and unless it is not finally determined that appointment of the appellant is the result of defective act of the appellant his withdrawal of appointment order is militant against the provisions of the constitution. Offensive against the principals of natural justice and sharply hit by the rules of equity.
- h. That with the gracious leave of the Honourable Tribunal, appeal shall be augmented, supplemented added to amended including on mission and correction, as an when required and desired.

it is therefore respectfully requested, allowing, this appeal, order dated 12.01.2024 be struck down as illegal, untenable , and appellant be reinstated with effect from date of first appointment, with all the back benefits including release of salaries, regularization, promotion, seniority annual increment and all other benefit / entrust ancillary thereto.

*M. B.*  
APPELLANT

Through:

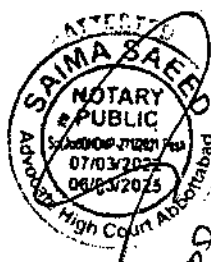
*Amanullah Khan Salik*

Dated:- 9/07 /2024

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

**AFFIDAVIT**

I, Nesar Ahmad s/o Abdul Qayyam r/o Batta Morri, (ex sst ghs nehir allai) Tehsil and District Battagram, 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.







5

# Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

## NOTIFICATION

## ANNEXURE

A

1. WHERE AS, Mr. Nisar Ahmad was appointed as SST(G) vide No.3945-51 dated 30/11/2015 at GH Nehar Allai District Battgram.
2. AND WHERE AS, the DEO Battagram sent his documents for verification to the Board/univers concerned but his MA Education degree is fake and could not be verified, as per DEO letter No.251 dated 27-12-2023, therefore his salary was not released.
3. AND WHERE AS, Mr. Nisar Ahmad filed a writ Petition No.460-A/2020 before the Honorab Peshawar High Court Abbottabad Bench wherein the Honorable Court passed the judgment with th direction to the respondent No.3 DEO Male Battagram to release the monthly salary of th petitioner forthwith. In the meanwhile, the respondent No.3 shall be at liberty to send hi testimonial to the quarter concerned and if his documents were found forged and fictitiou then he shall be proceeded against in accordance with law.
4. AND WHERE AS, the Additional Registrar Honorable Peshawar High Court Abbottabad Bench sen a letter No.869 dated 04-06-2022 to DEO Male Battagram with the subject "CM No.954-A/2021 ir W.P.No. y460-A/2020".
5. AND WHERE AS, the DEO (Male) Battagram submitted a letter vide No.2552/lit dated 27/12/2023 with the request to withdraw the appointment order No.3945-51 dated 30/11/2015 to the extent of Mr. Nisar Ahmad (only).

Now, therefore, after having examined the evidences available on record/file, the DEO (M) Battagram detail report and judgment of Honorable Peshawar High Court Abbottabad Bench, in exercise of power conferred upon the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, being the competent authority, is pleased to withdraw the appointment order bearing No.3945-51 dated 30/11/2015 to the extent of Mr. Nisar Ahmad (only) with immediate effect with further direction to DEO (M) Battagram to implement the judgment dated 20-05-2020 of the Honorable Peshawar High Court Abbottabad Bench in letter and spirit.

(Samina Altaf)  
DIRECTOR

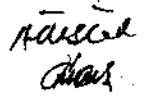
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

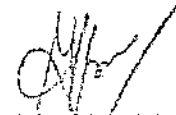
Dated 12/01/2024.

No. 4812-16 F.No.951, W.P.460-A/2023/Lit

Copy forwarded for information to the: -

1. District Education Officer (Male) Battagram.
2. District Accounts Officer Battagram.
3. P.A. to Director E & S Education, Local Directorate, Peshawar.
4. Official concerned.
5. Master File.

  
A.K. Salih (Advocate)  
BATTAGRAM

  
Deputy Director (Estab-M-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

## Battagram Male Appointment Order SST Adhoc 1

## Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936

www.kpde.gov.pk



### APPOINTMENT.

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of Secondary School Teacher (SST Bio Chem), (SST Maths Phy), (SST General) School based in BPS-16 (Rs. 12910-1035-43960) @ Rs. 12910/- 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 condition given below with effect from the date of their taking over charge :-

#### (SST Bio Chem)

Sr	Roll No.	Name	Address	Academic Marks (out of 100)	NTS Marks (out of 100)	Total Marks (out of 200)	School
1	7010113	Sheraz Uddin	Al Syed Garden Public School And College Vagon Adda Battagram CNIC No: 13202-5874021-9	62.36	54	116.36	GHS Phagora
2	7010158	Muhamma d Anjad	Village And Post Office Thakot District And Tehsil Battagram Kpk CNIC No: 13202-0313248-9	53.59	60	113.59	GHS Thakote
3	7010015	Abdus Samad Khan	Village Garoli, District And Tehsil And Post Office Battagram CNIC No 13202-4911568-1	61.67	51	112.97	GHS Nilishang
4	7010122	Naeem Ur Rehman	Post Office Thakot Village Huttad Batkool CNIC No: 13201-1876540-1	51.84	60	111.84	GHS Barina
5	7010010	Bakht Nazar	Village Gunbat Post Office Kamru Bat Kool Tehsil Allai District Battagram CNIC No: 13201-5075574-9	52.94	57	109.94	GHS Kamrai
6	7010139	Khulil Ullah	Mohallah Bakbanglu Tehseel And District Battagram CNIC No: 13202-0789007-9	56.66	53	109.66	GHS Feshora
7	1110131	Muhamma d Isrshad	Village Nagram Teshil Allow District Battagram CNIC No: 42201-7025705-5	56.5	52	108.5	GHS Rashung
8	1110015	Ijaz Ullah	Village Ashotar (Gutsra), Tehsil And District Battagram, Post Office Tharkot CNIC No: 13202-0616622-7	62.23	46	108.23	GHS Nohar
9	7010107	Babu Awais	Al Syed Garden Public School And College Vagon Adda Battagram District Battagram CNIC No: 13202-0327601-1	56.65	47	103.65	GHS Roopkanf
10	7010031	Zau Faiz	Al Syed Garden Public School And College Vagon Adda Battagram CNIC No: 13202-0757628-1	47.74	53	100.74	GHS Gijbori
11	7010086	Fayyaz Ali Shah	Care Of Faiz Mkedical Store Oppiste To Bank Allah CNIC: 13202-6154428-9	54.4	46	100.4	GHS Shingli Poyeen
12	1110100	Irfan Ullah	Gr Mobile Cant Chock Abbotubad CNIC No: 13201-4900930-5	49.72	48	97.72	GHS Biari

Reviewed  
A.K. Sultani (Associate)  
BATTAGRAM

**Battagram Male Appointment Order SST Adhoc**

13	7610156	Zaid Muhammad	Village Jundar Post Office Thakot District And Tehsil Battagram CNIC No: 13202-2951643-9	60.7	35	95.7	GHS Ashudhan
14	7610157	Sajid Muhammad	Village And Post Office Peshora Teh District Battagram CNIC No: 13202-7513824-3	86.81	39	96.31	GHS Kuzabanda
15	7610058	Zahir Khan Zahir Khan	Village And Post Office Battagram CNIC No: 13202-7513824-3	53.33	40	93.33	GHS Joke
16	7610034	Sammi Ullah	Javid Iqbal Co Ajmera Road Battagram CNIC No: 13202-6405632-1	54.19	39	93.19	GHS Dagai
17	1110213	Umar Zeb	Village Brachar Post Office Pasho Tehsil Allai District Battagram CNIC No: 13201-5764678-9	47.75	39	86.75	GHS Kary
18	7610152	Fida Ur Rehman	Care Of Al Syed Garda Public School And College CNIC No: 13202-1438470-9	55.18	31	86.18	GHS Shandaf.K.B.
19	7610095	Shahid Ali	Ajmera Battagram Cnic: 13202-7219565-3	49.58	36	85.58	GHS Hill
20	7610135	Saeed Ullah Khan Babar	Farman Cosmetics And Gift Centre Ajmal Market Battagram CNIC No: 13202-1112073-4	45.11	39	84.11	GHS Tailor
21	7610054	Obaid Ur Rahman	Village And Post Office Box Thakot Tehseel And District Battagram CNIC No: 13202-0769734-5	50.04	34	84.04	GHS Hatal Barkool
22	7610166	Syed Usman Ali Shah	Village Nowshera Post Office Battagram Tehsil And District Battagram CNIC No: 13202-6335971-3	51.05	26	77.05	GHS Trand
23	7610099	Jaffar Shah	Village Banda Thiesal, District And Post Office Battagram CNIC No: 13202-8150791-3	40.41	25	65.41	GHS Paimal Sharif
24	7610060	Junaid Khan	Village Arghshori And District Tehsil Battagram CNIC No: 13202-4999913-5	42.44	21	63.44	GHS Batamori

(SST Maths Phy)

*Attested*  
*Chand*

A.K.Salil, Associate  
BATTAGRAM

Sr	RollNo	Name	Address	Academic Marks (out of 100)	NTS Marks (out of 100)	Total Marks (out of 200)	School
1	1120239	Sanaullah	Al Syed Garden Public School And College Battagram CNIC No: 13202-5990350-9	64.34	53	117.34	GHS Kuzabanda
2	1120131	Ghulam Rasool	Village Heppaym Post Office Chappgram District Battagram CNIC No: 13202-5352516-9	57.91	59	116.91	GHS Hatal Barkool
3	7620090	Ihsan Ullah Khan	Village Chapri Post Office Khairabad U/C Kuzabanda Tehsil And District Battagram CNIC No: 13202-4301589-7	52.09	62	114.09	GHS Dagai
4	1120104	Shah Nawaz	Post Office And Village, District And Tehsil Battagram CNIC No: 13202-0730293-7	57.28	55	112.28	GHS Peshora
5	1120279	Muhammad Khalid	Village And Post Office Rajmera District And Tehsil Battagram Hazara Division Khyber Pakhtunkhwa CNIC No: 42401-5125492-9	56.33	54	110.33	GHS Thakote
6	1120158	Saiful Islam	Village Peshoora Post Office Peshora District Battagram Tehsil Battagram CNIC No: 13202-7580106-1	47.73	61	108.73	GHS Phugora

**Battagram Male Appointment Order SST Adhoc**

7	1120291	Arfaq Ullah	Al Syed Garden Public School And College Battagram CNIC No: 13202-3833988-1	52.67	52	104.67	GHS Tikri Bundigo
8	7620130	Sohail Habib	All Madad Gilani General Store Ghazi Kot Town Ship CNIC No: 13201-1382884-1	54.54	46	100.54	GHS Tuloos
9	7620096	Shafee Ur Rehman	Village Banda Akboonzadgan Post Office Battagram Near Diwan Hospital Faiz Muhammad Barber Shop CNIC No: 13202-4580185-1	48.28	52	100.28	GHS Paimal Sharif
10	1120274	Muhammad Miskeen	Village And Post Office Pahgora Tehsil And District Battagram. CNIC No: 13202-0749996-1	46.7	51	97.7	GHS Karg
11	1120160	Muhammad Fayyaz	Jamia Masjid Umar Bin Khitab Ra Mohallah Musazai P/O Mirpur CNIC No: 13201-9410720-5	49.2	41	90.2	GHS Biari
12	1120276	Inam Ul Hassan	Gulab Stationary Mart Near Allied Bank Battagram CNIC No: 13202-9472060-1	53.97	32	85.97	GHS Trand
13	1120149	Saddam Muhammad Khan	Village And Post Office Battagram Tehsil And District Battagram CNIC No: 13202-5862927-3	51.16	33	84.16	GHS Banaqori

**(SST General)**

Sr	RollNo	Name	Address	Academ ic Marks (out of 100)	NTS Marks (out of 100)	Total Marks (out of 200)	A.R.St. School
1	7630096	Ishaid Ullah Saeed	Ali Stationers Chowk Bazar Bajfa CNIC No 13202-0395647-3	58.36	73	131.36	GHS Chareen
2	1130716	Tahir Muhammad	Village And Post Office Tailoos Tehsil Allai District Battagram CNIC No: 13201-9377320-7	60.02	69	129.02	GHS Mir Ali Qala
3	1130369	Zahir Shah	Village And Post Office Kholian Bala District Tehsil Haripur CNIC No 13302-8797324-7	71.22	57	128.22	GHS Gangwal
4	7630141	Khurshid Ali Khan	Village And Post Office Roupkani Allai Tehsil Allai Battagram CNIC No 13201-1549420-3	55.51	70	125.51	GHS Bateal
5	1130141	Ali Asar Khan	C/O BankIslam Paksitan Ltd Main Bazar CNIC No 13202-0760664-9	59.2	66	125.2	GHS Batangi Pashto
6	7630108	Huqnaqaz Khan	Village Qannar Abad Post Office And Tehsil Batagram CNIC No 13202-0765307-5	61.54	63	124.54	GHS Brachar
7	7630081	Mohammad Nawaz	Dist Battagram Tehsil Allai Po Thakot Village Hutia Batkool CNIC No 13201-1832992-7	53.1	70	123.1	GHS Sakargah
8	1130591	Shahid Ali	Aftab General Store Post Office Sara 1 Sakh Faisal Colony Ali Khan District Haripur CNIC No 13302-2560123-9	54.66	68	121.66	GHS Biland Kote
9	7630126	Amir Tawab Khan	Village Karg P/O Bana Tehsil Allai Dist Battagram Karg CNIC No 13201-6175668-3	54.15	67	121.15	GHS Dhondara
10	7630060	Shafi Ur Rehman	Village Karg Post Office Banna Tehsil Allai District Battagram CNIC No 13201-0696915-9	58.95	62	120.95	GHS Asharban
11	1130111	Nisar Ahmad	Village Post Office Battamori Teh Battagram Tehseel Battagram CNIC No 13202-7096014-5	54.42	66	120.42	GHS Nchar
12	7630200	Zahir Ullah	Care Of Iqra Mode Public School Thakot, Tehsil And District Battagram, Post Office Thakot CNIC No 13202-5316301-1	49.8	69	118.8	GHS Nchar

*Attest*  
*[Signature]*

A.K.Salikh (Admission)  
BATTAGRAM

## Battagram Male Appointment Order SST Adhoc

13	1130207	Muhammad Nawaz Khan	Muhammad Nawaz Khan, Village Qammar Abad, District And Post Office Battagram Near Sub Jail CNIC No 13202-0781700-1	56.4	62	118.4	GHS Asharban
14	7030158	Azeem Khan	Baiya Maira Mujahid Abad Post Office Baffa CNIC No 13503-0969197-9	59.02	59	118.02	GMS Jangri Pashto

## TERMS &amp; CONDITIONS

1. NO PAY/BALANCE IS ALLOWED.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year wef 1st December, 2015 to 30th Nov, 2016.
4. She should not be handed over charge if she exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. His/her services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that his/her certificates are verified.
8. He/She should join his post within 10 days of the issuance of this notification. In case of failure to join the post within 10 days of the issuance of this notification, his/her appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. He/she will be governed by such rules and regulations as may be issued from time to time by the Govt.
11. His/her services shall be terminated at any time, in case his performance is found unsatisfactory during his/her contract period. In case of misconduct, he/she shall be proceeded under the rules framed from time to time.
12. His/her appointment is made on School based, He/she will have to serve at the place of posting, and His/her service is not transferable to any other station.
13. Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Muhammad Rafiq Khattak)

Director

Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

Attested  
A.K. Sahib (Advocate)  
BATTAGRAM

Endst: No. / File No. 2/A-14/SST/Adhoc/Apptt: Dated Peshawar the 30/11/2015.

- Copy forwarded for information and necessary action to the:-
1. Accountant General Khyber Pakhtunkhwa Peshawar.
  2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
  3. District Education Officers Concerned
  4. District Accounts Officer Concerned
  5. Official Concerned.
  6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
  7. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
  8. M/File

Dy. Director (Estab)  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

جناب عالی!

گزارش ہے کہ سائل بحیثیت SST (G) گورنمنٹ نہر آلائی ضلع بگرام میں خدمات سرانجام دے رہا تھا۔ سائل بحیثیت SST (G) بذریعہ نوٹیفیکیشن No: 3945-51, Dated: 30-11-2023 کو بھرتی ہوا تھا۔ سائل نے 12-01-2024 تک باقاعدگی سے ڈیوٹی سرانجام دے رہا تھا۔ سائل کو بذریعہ لیٹر نمبر 4812-16 F.No W.P.460-A 2023 Lit Dated: 12-01-2024 کے تحت سائل کو نوکری سے نکال کر آرڈر With Draw کر کے احکامات صادر کر دیے۔ سائل کے MA Education کی ڈگری کی Verification نہیں ہوئی تھی کیونکہ HEC نے 40/45 یونیورسٹیوں کو بلیک لسٹ کر کے کالجوں کا الحاق ختم کر دیا جس سے ہم بھی متاثر ہوئے اور متعلقہ یونیورسٹی سے بار بار ڈگری اور Verification کیلئے اپلائی کی گئی مگر یہ مسئلہ ہزاروں سٹوڈنٹس کا تھا اور یونیورسٹی کسی قسم کا جواب ہاں یا نہ میں دینے سے گریزاں تھی کیونکہ متعلقہ پوسٹ کیلئے BA, B.Ed کی ڈگری شرط تھی جس کی Verification ہو گئی تھی سائل نے اس دوران علامہ اقبال اوپن یونیورسٹی سے MA Education اور MA Islamiat کی ڈگری بھی حاصل کی اور Verification بھی کی گئی جو کہ دفتر DEO صاحب بگرام میں جمع کیا Transcript کی کاپیاں لف ہیں۔ سائل کے ساتھ ظلم کی انتہا کر دی اور بغیر قانونی کارروائی کے ملازمت سے برخاست کر دیا گیا۔ سائل کو نہ شوکاز نوٹس دیا گیا اور نہ ہی Personal Hearing کیلئے بلایا گیا اور نہ ہی انکو آئری عمل میں لائی گئی۔ قانونی تقاضوں کو بالائے طاق رکھ کر یکطرفہ فیصلہ کر کے سائل کو ملازمت سے برخاست کیا گیا۔ حالانکہ سائل کا کیس ہائی کورٹ ایبٹ آباد بیچ میں زیر سماعت ہے۔ سائل 2015 سے مسلسل ڈیوٹی سرانجام دے رہا ہے اور عدالت کے حکم کے باوجود تنخواہ بھی نہیں دی گئی۔

جناب عالی!

سائل جناب سے درد مندانه اپیل کرتے ہیں کہ اس مہنگائی کے دور میں سائل کے بچوں اور مجھ پر رحم کر کے سائل کو سروس پر دوبارہ بحال کرنے کے احکامات صادر فرمائیں اور سائل کے جملہ بقایا جات ادا کرنے کے احکامات صادر فرمائیں۔ کیونکہ سائل نے 2015 سے لیکر 12-01-2024 تک یعنی آٹھ سال ڈیوٹی سرانجام دی ہے۔

درخواست کے ہمراہ جملہ ثبوت منسلک ہے۔

المترقوم: 09-02-2024

A.K.Saifi

A.K.Saifi (Advocate)

BATTALIAN

العارض

محمد احمد

ٹارا احمد ولد عبدالقیوم SST (G) گورنمنٹ ہائی سکول نہر آلائی ضلع بگرام

پتہ: گاؤں وڈا کھانہ بٹہ موڑی تحصیل و ضلع بگرام

//

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUN KHAWA PESHAWAR**

**Service Appeal No                      /2024**

Nesar Ahmad s/o Abdula Qayam R/o Batta Mori  
The and District Battagram, (Ex SST GHS Nehir Allai  
Tehsil Allai District Battagram..... **Appellant**

**V E R S U S**

1 Government Khyber Pakhtunkhwa through Secretary  
Elementary and Secondary Education Peshawar.

2- Director Elementary and Secondary Education  
Peshawar. *2*

3- ~~D.E.O (Male) District Battagram.....~~ **Respondents**

*2*  
*CONDONATION OF*  
**APPLICATION SOLICITING DELAY**  
*4*

**Respectfully Sheweth.**

May it please your good self-submit as under;

1. That after filling, the Departmental Appeal, in the 3rd week of May 2024 in connection with urgent nature engagement, "**Tublighi Chilla**" appellant was constrained to travel to a far off unattracted area of Balochistan where from he returned on 3<sup>rd</sup> day of EID (20.06.2024) and reached native village on (22.06.2024).

- 2. That delay of few days is ever never intentional but exceptional and inevitable under the peculiar circumstances.
- 3. That main appeal has promising cogent and strong prospects of every success.
- 4. That very very valuable service interest and rights of the appellant / petitioner are at stack, therefore delay if any needs to be condoned.
- 5. That points raised in main appeal, may kindly be treated and considered as integral part of this petition as well.

It is therefore respectfully requested that delay of few days (9/10 days) may kindly be condoned

*Nasir*  
**APPELLANT**

**Through:**

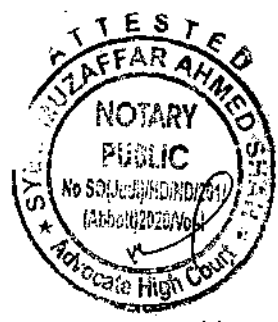
*Amanullah Khan Salik*  
**(Amanullah Khan Salik)**  
 (Advocate High Court),  
 Abbottabad.

Dated:-24/06/2024

**AFFIDAVIT**

I, **Nesar Ahmad s/o Abdula Qayam R/o Batta Mori The and District Battagram, (Ex SST GHS Nehir Allai Tehsil Allai District Battagram, 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:-24/06/2024



*Nesar*  
**DEPONENT**

*28/6/24*



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

CM No. 954 A/2021  
IN  
W P No. 460-A/2020

Nisar Ahmad S/o Abudl Qayam SST, GHS Nehar Allai  
Tehsil Allai District Battagram.....**PETITIONER**

**V E R S U S**

1. Govt Khyber Pakhtunkwa through Secretary Education Peshawar
2. Director Elementary and Secondary Education Peshawar
3. D E O (Male) Battagram 4. Head Master GHS Nehar Allai ..... **RESPONDENTS**

**APPLICATION SOLICITING / STERN  
PENAL ACTION FOR THE  
IMPLEMENTATION OF ORDER DATED  
20-05-2020 PASSED BY THIS  
HONOURABLE COURT**

*Allesand*  
*Chaudhary*  
A.K. Saifi (Advocate)  
BATTAGRAM

**Prayer:-**

*Allowing this petition, stern legal penal action be initiated  
and completed for the implementation of order dated 20-05-2020  
and forth with release of the salaries, be also directed*

**Respectfully Sheweth;**

*This petition proceeds on the following main facts and legal  
points:-*

- 1- That, petitioner is the regular employee of Education Department, discharging his duties since his appointment 30-11-2015 without any break and blam to the satisfaction of the high-up's.
- 2- That, since his appointment till this day, his monthly salaries, have ever never been paid and released and that too for no good reason and any justification at all.
- 3- That at was in this back drop, petitioner was left with no option, but to approach this Honourable Court for his legal relief.

- 4- That this honorable court was graciously pleased to pass order dated 20-05-2020.
- 5- That petitioner put the order before the respondent, but it proved a cry in the desert. Copy is ..... *ANNEXURE A*
- 6- That duty without award and reward may rightly be called law of jungle.

*It is, therefore, humbly prayed that order dated 20-05-2020 may kindly be implemented in words and spirit, with full penal action against the delinquent respondent responsible for the violation of the directions / orders of this Honourable Court.*

**PETITIONER**  
Through attorney

Through:

*Aman Ullah Salik*  
**Aman Ullah Salik**  
Advocate High Court,  
Abbottabad

Dated: -09-12-2021

**AFFIDAVIT**

I, Nisar Ahmed S/o Abdul Qayum SST GHS Nehar Allai petitioner, do hereby solemnly affirm and declare on oath that all the contents of instant *application* are true and correct to the best of my knowledge and belief and that nothing material has been concealed or suppressed from this Honourable Court.

*Attested*  
*A.K. Salik*  
A.K. Salik (Advocate)  
BATTGRAM

Dated: -09-12-2021

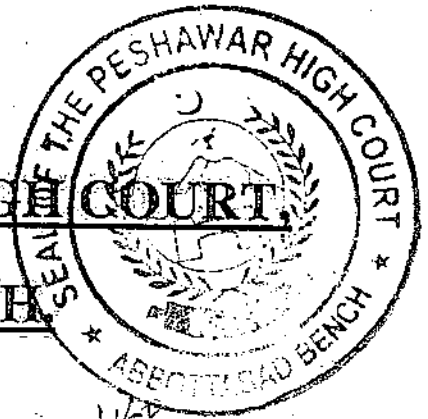
**IDENTIFIED BY:-**

*Aman Ullah Salik*  
**Aman Ullah Salik**  
Advocate High Court,  
Abbottabad

*Nisar Ahmed*  
**DEPONENT**

BEFORE THE PESHAWAR HIGH COURT

ABBOTTABAD BENCH



W.P.No. 46-A/2020

Nisar Ahmad S/o Abdul Qayam

A

PST Government Primary School.....PETITIONER

**VERSES**

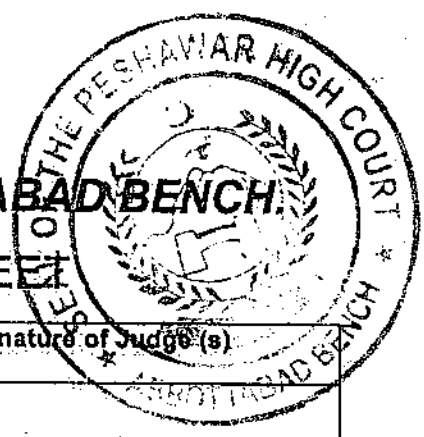
1. Govt Khyber Pakhtunkhwa through Secretary Education Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. D E O (Male) Battagram 4.A-D-E-O (Male Allai District Battagram).
5. Head Master GHS Nehar Allai.....RESPONDENTS

WRIT PETITION UNDER ARTICLE 199  
OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN FOR  
RELEASE OF THE MONTHLY  
SALARIES, AS WITH HOLDING  
THEREOF IS MISS-USE OF  
AUTHORITY ILLEGAL AGAINST THE  
PROVISIONS OF CONSTITUTION  
PRINCIPLE OF NATURAL JUSTICE  
AND EQUITY AS WELL.

*Attested*  
*[Signature]*  
 A.K.Salikh (Advocate)  
 BATTAGRAM

Certified to be True Copy  
 EXAMINER  
 15 FEB 2021  
 Peshawar High Court Attd. Bench  
 Authorized Under Sec. 75 F.W.O. Ordinance

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH**  
**FORM OF ORDER SHEET**



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
20.05.2020	<p><u>W.P.No. 460-A/2020.</u></p> <p>Present: Mr. Amanullah Khan Salik, Advocate, for the petitioner.</p> <p>Raja Muhammad Zubair, AAG alongwith Jaffar Mansoor Abbasi, DEO (M) Battagram.</p> <p>***</p> <p><u>SHAKEEL AHMAD, J.-</u> By means of this petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 the petitioner prayed for issuance of a writ directing the respondents to pay his monthly salaries to him without any intersection and cut off.</p> <p>2. In essence, grievance of the petitioner is that after following all legal and codal formalities, he was appointed as SST (General) vide appointment order dated 30.11.2015 and was posted at GHS Nihar. In pursuance thereof, he assumed the charge and performed his duties but he was denied his monthly salary due to non-verification of his testimonials from the quarter concerned, hence, the instant petition.</p> <p>3. Vide order dated 12.05.2020 the respondent No.3 was directed to appear in person and apprise the court as to why his salary has been stopped. Pursuant thereto, the respondent No.3 appeared in person and stated that the</p>

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

W

Attested  
A.R. Salik (Advocate)  
BATTAGRAM

petitioner is still performing his duty as such, however, his salary could not be paid due to non-verification of his educational testimonials from the quarter concerned and stated that he has got no objection if his monthly salary is directed to be released subject to verification of his educational testimonials from the quarter concerned and if at the later stage his documents were found to be forged and fictitious, the department shall be at liberty to proceed against him under the Efficiency and Disciplinary Rules including recovery of the salary.

4. In view of the above, this petition is disposed of with direction to the respondents to release monthly salary of the petitioner forthwith. In the meanwhile, the respondents shall be at liberty to send his educational testimonials to the quarter concerned and if his documents were found forged and fictitious then he shall be proceeded against in accordance with law.

*Attested*  
*[Signature]*

A. I. Sahib (Advocate)  
BATTALIAN

*[Signature]* JUDGE

*[Signature]* JUDGE

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

Self. CS.

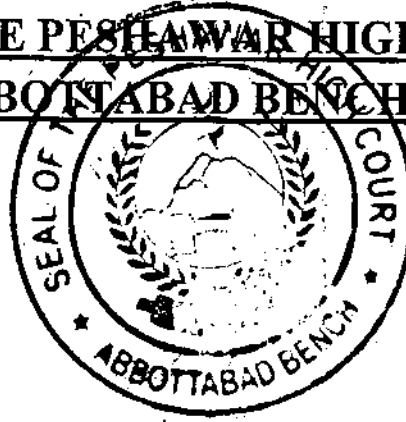
Hon'ble Mr. Justice Shakeel Ahmed  
Hon'ble Mr. Justice Ahmed Ali

18

1

**BEFORE THE PESHAWAR HIGH COURT**

**ABBOTTABAD BENCH**



CM No. 48-A/2023  
IN  
CM No. 954-A/2021  
IN  
W.P 460-A/2020

Nisar Ahmand.....Appellants

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education and  
others.....Respondents

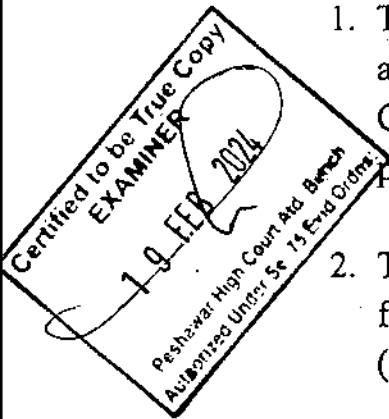
**CM/IMPLEMENTAION PETITION**

**APPLICATION FOR DETTACHMENT OF RESPONDENTS THE  
CAPTION CM/IMPLEMENTATION PETITON BECAUSE RESPONDENT  
NO. 3 DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM  
SASLARY HAS BEEN ATTACHED VIDE ORDER DATED 21-12-2023.**

**Respectfully Sheweth:**

1. That respondent has all respect for this Hon'ble and gracious Court and cannot even think to act in disregard of the same. That the titled CM Petition is pending adjudication before this Hon'able Court and previous date of the case was fixed on 21/12/2023.
2. That the Salary of respondent No. 3 has been order to be attached till further order due to non submission of requisite reply/comments. (Copy of salary attachment order attached as *Annexure: "A"*).
3. That the requisite reply on behalf of respondent No. 3 has been submitted in the Hon'able Court.
4. That the titled CM/Petition is not fixed for an early date, the respondent will suffer irreparable loss.

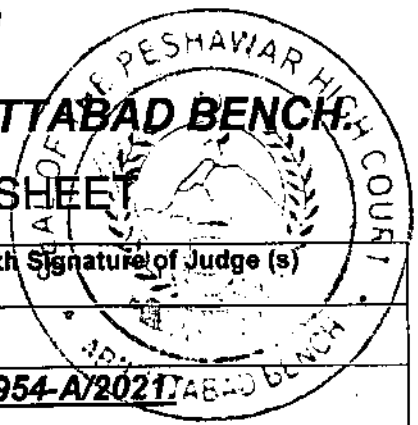
It is therefore, most humbly prayed that on acceptance of the instant application, titled CM No. 954-A/2021 may please be heard in the early date and attachment order of the salary of respondent No. 3 May graciously be



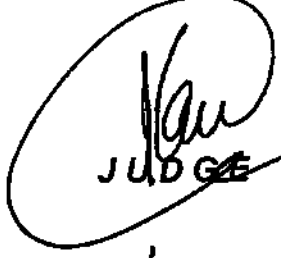

No. 123  
13-01-24  
FILED TODAY  
A  
D.D. REGISTRAR  
ABBOTTABAD BENCH  
13/1/24

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

**FORM OF ORDER SHEET**



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
18.01.2024	<p><b><u>C.M.No.48-A/2023 in C.M.No.954-A/2021</u></b></p> <p>Present: Malik Amjad Inayat, Advocate for applicant with applicant.</p> <p style="text-align: center;">***</p> <p><b><u>KAMRAN HAYAT MIANKHEL, J.-</u></b> The instant application has been moved by the applicant for releasing of his salary, which was attached by this court vide order dated 21.12.2023. The grounds agitated in the application seem genuine, therefore, the same is allowed and salary of the applicant is released.</p>

  
 JUDGE  
  
 JUDGE

Certified to be True Copy  
 EXAMINER  
 19 FEB 2024  
 Peshawar High Court, Abbottabad Bench  
 Authorized Under Section 5-A of the P.H.C. Act, 1977

No.	11
Date of Presentation of Application	17/02/2024
No of Pages	02
Copying Fee	08
Urgent Fee	
Total	08
Name of Applicant	
Date of Preparation	17/02/2024
Date of Intimation	
Date of Delivery of Copy	17/02/2024



## وکالت نامہ

کورٹ فیس

قیمتی

بعدالت حیدر خیر خواہ سرور سز سبیل ملال اور سید کورٹ ایسٹ آمان

شاہدہ نام حکومت P.K

منجانب: ایسٹرنٹ دعوے یا جرم سروس ایسل

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی بمقام: سید کورٹ ایسٹ آمان

## آمان اللہ سائلک ایڈووکیٹ ہائی کورٹ (بگلگرام)

(جمال عبدالناصر، امیر محمد خان، نیا محمد خان، عثمانیت اللہ خان) نمبر ڈسٹرکٹ بار ایسوسی ایشن "BATTAGRAM" کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو 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 ہو 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 پیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عینانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے مجھ کو کُل ساختہ پرداخت صاحب موصوف مثل کراڈاٹ منظور و مقبول ہوگا۔ اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ درخواست اجراءے ڈگری و نظر ثانی اپیل گمرانی 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 جانشی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت جانے پیر و نجات از پکھری صدر اپیل و برآمد کی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری یا اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ عینانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جزئی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل یا پیر مشرک کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے قانون کو بھی ہر امر میں وہی اور دیسے 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 پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

ATTESTED  
&  
ACCEPTED

..... ماہ  
AK Saeed

لہذا وکالت نامہ لکھ دیا ہے کہ سند رہے مورخہ .....  
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

شاہدہ نام