

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**CAMP COURT, ABBOTTABAD**

**Service Appeal No. 909/2019**

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)  
 MISS FAREEHA PAUL ... MEMBER (E)

Mst. Naheed Akhtar daughter of Akhtar Hussain Malik, resident of CB-25,  
 Rehmatabad Cantt. Tehsil and District, Abbottabad.

.....(*Appellant*)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) District Abbottabad.

.....(*Respondents*)

Ch. Abdur Rauf Chohan,  
 Advocate

... For appellant

Mr. Asif Masood Ali Shah,  
 Deputy District Attorney

... For respondents


Date of Institution..... 10.07.2019

Date of Hearing..... 25.07.2024

Date of Decision..... 25.07.2024

**JUDGEMENT**

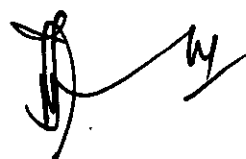
**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that on acceptance of the appeal, the respondents might be directed to pay the benefits, i.e. allowances, increments and seniority, to the appellant from the date of her taking over charge on 20.08.1995 and bridge up the gap (continuation of service), alongwith any other remedy which the Tribunal deemed appropriate.



2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as CT on 20.08.1995 on regular basis. She was terminated from service on 13.02.1997. Under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012, the appellant was reinstated into service on 09.08.2017 but the respondent department did not bridge up the gap and count the former service towards present service and she was not given allowances, benefits and seniority from taking over charge from 20.08.1995. Feeling aggrieved, she preferred departmental appeal before respondent No. 2 on 27.03.2019 which remained unattended; hence the instant service appeal.


3. We heard the learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

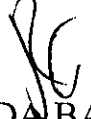
4. Arguments and record presented before us show that the appellant was initially appointed as CT in 1995. Her services were terminated in 1997 but later on, under the Sacked Employees Act 2012, she was reinstated into service in 2017. Through the instant service appeal, she has prayed for payment of benefits, i.e. allowances, increments and seniority, from the date of initial appointment in 1995. It is on record that similarly placed employees tried their level best for back benefits and their cases were dismissed by this Tribunal. Feeling aggrieved from the judgment of this Tribunal, they filed CPLAs before the apex court but the relief of back benefits was refused, however, the apex court allowed counting of their service for the protected period for payment of pensionary benefits.



5. In the light of above discussion, it is clear that the case of the present appellant is at par with those sacked employees who were granted only the pensionary benefits by the apex court. This service appeal is, therefore, partially allowed to the extent of counting of service of the appellant from the date of promulgation of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012 only for payment of pensionary benefits. Cost shall follow the event. Consign.

6. *Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 25<sup>th</sup> day of July, 2024.*

  
(FAREEHA PAUL)  
Member (E)  
(Camp Court, Abbottabad)

  
(RASHIDA BANO)  
Member (J)  
(Camp Court, Abbottabad)


\*Fazle Subhan PS\*


SA 909/2019

25<sup>th</sup> July, 2024 01. Ch. Abdur Rauf Chohan, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 03 pages, it is clear that the case of the present appellant is at par with those sacked employees who were granted only the pensionary benefits by the apex court. This service appeal is, therefore, partially allowed to the extent of counting of service of the appellant from the date of promulgation of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act 2012 only for payment of pensionary benefits. Cost shall follow the event. Consign.

03. *Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 25<sup>th</sup> day of July, 2024.*

  
(FAREEHA PAUL)  
Member (E)  
(Camp Court, Abbottabad)

  
(RASHIDA BANO)  
Member (J)  
(Camp Court, Abbottabad)

\*Fazle Subhan PS\*