FORM OF ORDER SHEET

Court of_____

.

3-

Appeal No.

1755/2024

S.No. Date of order proceedings	Order or other proceedings with signature of judge
1 3	3
,,,, , , , , , , , , , , , , , , , , ,	
1- 03/10/2024	The appeal of Mr. Lazim Khan resubmitted today
	by Mr. Muhammad Saeed Khattak Advocate. It is fixed for
	preliminary hearing before Single Bench at Peshawar on 08.10.2024. Parcha Peshi given to counsel for the appellant.
	-
	By order of the Chairman
	REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In R:

Service Appeal No. 1755 12024

Versus

The Director E & SE & Other(Respondents)

APPLICATION FOR FIXATION OF TITLED APPEAL BEFORE THE PRINCIPAL SEAT AT PESHAWAR

RESPECTFULLY SHEWETH:

- 1. That the applicant/appellant has filed the instant service appeal in which no date is fixed so far.
- 2. That case of the applicant/Appellant is urgent in nature and therefore be fixed before the principal seat at Peshawar.
- 3. That the counsel for the applicant/Appellant is doing legal practice at Peshawar as well as the addresses of the main Respondents i.e. Director (E & SE) are also at the Peshawar.
- 4. That it will be convenient for the counsel as well as for the applicant/Appellant to fix the instant service appeal at principal seat at Peshawar.

It is therefore most humbly prayed that on the acceptance of this application the instant service appeal may kindly be fixed at principal seat at Peshawar.

Dated: 03/10/2024

Petitioner/Appellant 03/10/2024

Through

Advocate Peshawar

IKRAM UL HAQ

The appeal of Mr. Lazim Khan received today i.e on 20.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- (1) Addresses of respondents no. 6 to 25 of the appeal are incomplete be completed according to rule 6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- (2) Annexure-B of the appeal is illegible.
- $3 \sqrt{A f f f d a v it}$ is not attested by the Oath Commissioner.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5⁻⁷Check list is not attached with the appeal
- $6-V_{\text{Annexures of the appeal are unattested.}}$
- 7-27 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 8/2 /Inst./2024/KPST,

Dt. <u>869</u> /2024.

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Muhammad Saeed Khattak Adv. High Court at Peshawar.

RISin Re-Submitted after Removal of objection and doing the Needful.

1/ m. 7/ 03/10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL Service Appeal No. 72024.

Lazim Khan (DDM) GHSS Usherai District Dir Upper. (Appellant)

VERSES

S.No	Description of Documents	Annex	Pages
1.	Memo of Service Appeal		1-4
2,	Copy of the appointment order	"A"	5-9
3.	Copy of the previous Seniority list	<i>"B"</i>	10=12
4.	Copy of the new Seniority list	"C"	13-15
5.	Copies of the representation & impugned order dated 21/08/2024	"D" & "E"	16,17
6.	Copies of the Judgments	"F", "G" & "H"	18-24
7.	Copy of the Judgment	"I"	30-3
8.	Wakalatnama	· · · · · · · · · · · · · · · · · · ·	33

INDEX

ant

Through:

12 home

Ikram Ul Haq Advocate High Court, Peshawar. \mathcal{B} Muhammad Saeed Khattak Advocate High Court, Peshawar.

Dated: /09/2024

E-Mail:- <u>imh_122@uahoo.com</u> Cell Number: - 0333-9931761, 0301-8820565

YBER PAKHTUNKHWA SERVICE TRIBUNA BEFORE PESHAWAR Service Appeal No

Lazim Khan (DM) GHSS Usherai District Dir Upper.(Appellant)

VERSES

ir Uakhinkhy ice Teibanal No. IS95

... (Respondents)

1. Director Elementary and Secondary Education KPK, Peshawar.

District Education Officer (Male) Dir Upper. 2.

Muhammad Anwar S/o Sir Zamin Khan (DM) GHS Karkabanj, Dir (Upper). 3.

Taj Muhammad Khan S/o Darwaish Khan (DM) GMS Tarpatar, Dir (Upper). 4.

Gul Badshah S/o Khaista Bacha (DM) GHS Achar Bala Dir (Upper). 5.

ന്ന Muhammad Iqbal S/o Fazal Hadi GHS Molvi Dir (Upper). 6.

(OM) Qadeem Khan S/o Afzal Khan GMS Gurrai Dir (Upper). 7.

Sardar Al S/o Ambali Jan GH ISS Pachakalay Dir (Upper). 8.

(DM) Burhanud Din S/o Abass Khan GMS Shawcor Dir (Upper). 9.

NM) MS Sundal Dir (Upper). 10. Muhammad Tayab S/o Ahmad Rahi

(DM) 11. Alam Zeb Ali Shah S/o Mian Mohd Rafiq GMS Shamorgar Dir (Upper).

DM) 12. Ashfaq Ahmad S/o Fida Muhammad GMS Kass Chindakot Dir (Upper).

(DM)

13. Shahabud Din S/o Amir Hasham Khan GMS Shalgha Dir (Upper).

14. Bakht Wali Khan S/o Badarud Din GMS Almas Dir (Upper). (DM)

15. Inamur Rahman S/o Sultan Mohammad GHS Bela Dir (Upper).

DM. AS Bandagai Dir (Upper). 16. Imran Khan S/o Mohd Yousu

(DM) 17. Mohammad Dost S/o Ali Stan GMS Sunnai Dir (Upper).

18. Fazal Subhan S/o Inayt Ull GMS Badalai Dir (Upper).

(DM)

MS Tarpatar Dir (Upper). 19. Inayatul Haq S/o Mohd An

20. Rahmanullah S/o Fazal Raziq GMS Kaskai Karpat Dir (Upper). (DM)

21. Saifur Rahman S/o Walnur Rahman GMS Bandan Dir (Upper).

22. Asadullah S/o Saeedullah GHS Shahikot Dir (Upper).

(DM) 23. Aziz Ahmad S/o Sher Mohammad GMS Barkand Dir (Upper).

(DM) 24, Sanaullah S/o Said Rahmat GMS Hattan Dir (Upper).

25. Islam Uddin S/o Noor Ali Khan GMS Salamkot Dir (Upper).

Filedto-day

Registrar

Service Appeal U/S 4 Of The KPK Service Tribunal Act 1974

Prayer in Appeal: -

On Acceptance of the Instant Service Appeal the impugned action of changing the position of appellant from Serial No-9 to Serial No.32 in the Newly Prepared Seniority list of Drawing Master BPS (15) Male District Dir (Upper), may very graciously be set aside and the Respondents Concerned Be Directed to Place the appellant at Serial No.9 instead of Serial No. 32 in the newly Prepared Seniority List of Drawing Master BPS (15) Male District Dir (Upper).

Respectfully sheweth,

- That the appellant was appointed as Drawing Master in PBS-9 along with others vide order dated 16-12-2013 in the light of the judgment declared on 22/10/2013 by the Hon'ble Peshawar High Court Peshawar. Review Petition No. 7-M/2012 in W.P No. 3362-P/2010 and Review Petition No. 8/M/2012 in W.P No. 4378/2010. The allowances will be effective from 03/02/2009 (without any financial benefits) up to 28/6/2012 according to the court decision dated 28/6/2012. In the best interest of justice, and their seniority will be considered w.e.f. 03/02/2009. (Copy of the appointment order is attached as Annex-A)
- 2. That thereafter, his name was placed at Serial No. 15 in the Previous seniority list wherein appellant was awarded seniority from 03/02/2009, while respondent No.3 was placed at Serial No.16 in the Previous Seniority list of Drawing Master BPS (15) Male District Dir (Upper). (Copy of the previous Seniority list is attached as Annexure "B")
- **3.** That all of sudden, respondents who were appointed on the same date with the appellant but were at lower positions in the seniority list filed complaint against the appellant, wherein the appellant's seniority was challenged.
- 4. That the authority neither provided a copy of the complaint to the appellant nor gave him a chance of hearing and allowed the complaint and placed the appellant at S. No. 32 in the newly prepared seniority list, while respondent No.3 placed at Serial No.16 in the Previous Seniority list was placed at Serial No.9 in the Newly Prepared Seniority list of Drawing Master BPS (15) Male District Dir (Upper). (Copy of the new Seniority list is attached as Annexure "C")

- 5. That being aggrieved of the same, the appellant preferred a representation before the authority concerned on 20/08/2024, which was dismissed vide impugned order dated 21/08/2024. (Copies of the representation & impugned order dated 21/08/2024 are attached as Annexure "D" & "E" respectively).
- 6. That the appellant submits, proposes the instant service appeal inter alia on the following amongst others, –

GROUNDS:

- A. That the appellant has not been treated in accordance with law nor equal protection of law has been given to him.
- **B.** That the appellant and two private respondents concerned have the same academic qualifications for the post who were appointed on the directions of the Honorable Peshawar High Court, and the appellant was placed in the seniority list in a better position because he was senior in age. (Copies of the Judgments are attached as Annexure "F", "G" & "H")
- **C.** That if any benefit is/was given to the respondents concerned, the appellant is/was also entitled for the same in the light of the judgment of the apex court reported as 2009 SCMR page 1, i.e.

"If a Tribunal or Supreme Court of Pakistan Decides a Point of law relating to the terms and conditions of a civil Servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may, not be parties to the litigation, instead of compelling them to approach the tribunal or any other legal forum- all citizens are equal before law and entitled to equal protection of law as per Art. 25 of the Constitution". (Copy of the Judgment is attached as Annexure "1")

- **D.** That mandatory provisions of law have been ignored in changing position of the appellant in seniority list. Thus, the action of the official respondents is not sustainable in the eyes of law thus liable to be set aside.
- E. That while doing changing the position of the appellant in seniority list of Drawing Master BPS (15) Male District Dir (Upper), no show cause, neither any notice was issued in the name of the appellant nor served upon him. No chance of defending his position was given to him. Even on the request of the appellant, a copy of the complaint was not provided to him.

F. That any other ground can also be taken during the argument with permission of this Hon`ble Tribunal.

It is therefore most humbly prayed that on acceptance of the instant service appeal, the impugned action of changing the position of appellant from Serial No.9 to Serial No. 32 in the Newly Prepared Seniority list of Drawing Master BPS (15) Male District Dir (Upper), may very graciously be set aside and the Respondents Concerned Be Directed to Place the appellant at Serial No.9 instead of Serial No. 32 in the newly Prepared Seniority List of Drawing Master BPS (15) Male District Dir (Upper).

Any other relief which has not been specifically asked for and deem fit in the circumstances of the case may also be granted to the appellant.

Laz) Appellant

Through

lm '

Ikram Ul Haq Advocate, High Court Peshawar And Muhammad Saeed Khattak. Advocate, High Court Peshawar

BEFORE THE KHYBER PAKHTUNE 4*N/* Δ SERVICE TRIBUNAL PESHAWAR /2024.

Service Appeal No.

VERSES

Director E&S Education & others. (*Respondents*)

<u>AFFIDAVIT</u>

I, Lazim Khan (DDM) GHSS Usherai District Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



DEPONENT

15702-9450097-5 CNIC'NO.



Annexuse - (A

OLDICE OF THE DIZTRICT EDUCATION OFFICER MALE DRE UPPER PH NO.0944 881400 FAX-0944 880411 Email .demtsduupper@gnait.com.

OFFICE ORDER/REVISED.

In continuate 6, if the other appendice of eater of (Gale) brawing Master's issued sub-through o Endst. No 2131 21432E 12(A)/OLC (N1)/21B Dated 20/07/013 and Endst No. 3026 3471 No. 12(A)/18 O(13)/330 days d 05/7/2013

in the light of the adjoinnt declared on 22/10/2013, by the Honourable Peshawar High Court Peshawar Review P. No.7-M/2012 in W. P. No. 3620-2010 and Review P. No.8 M/2012 in. W.P. No.4378/2010. Line revised appointment order of the following (Male) Drawing Masters in BPS, No.09 Rs, (3820-230-10720) plustor dat allowances with effect from 03/02/2009. (without any financial back benefits) up to 28/6/2012 according to the sourt decision dated 28/6/2012, is hereby ordered in the best interest of public service and their seniority will be d with effect from 03/02/2009.

consi	Idered with concrement 221.9-3.		Name of School where	Remarks
\$#	Name of Officials	Father's Name	adjusted	
		Khaista Bacha	GMS, Sundran	A Vacant post
01	Mr, Gul Badshah	Fazal Hadi Khan	GMS, Kass Shingara	do
02	Mr, Muhammad Iqbal		GMS, Doon Bala	<u>do-</u>
03	Mr, Anwar Said	Sar Zamin	GMS, Narkon	-do
04 -	Mr, Taj Muhammad Khan	Darvesh Khan	GMS, Hayagay Gh.	-do-
05	Mr, Qadim Khan	Afzal Khan	GMS, Bisho	-do-
06	Mr, Misbahur Rahman	Muhammad Rahman		-ob-
	Mr, Muhammad Anwar	Zar Zamin Khan	GMS, Roghano	do
<u>7</u>		Mian Gul Zarin	GMS, Shaltalo	
08	Mr, Lazim Khan			

TERMS AND CONDITIONS.

- 01. The appointees will be on probation for a period of one year in terms of Rule-15(1) of NWEP Civil Servants (Appointment promotion and transfer) Rules 1989.
- 02. The Certificates/Degrees of the appointees will be verified from the concerned institutions. No pay etc is allowed before verification of certificates/Degrees.
- 03. Their academic, professional and domicile certificates will be verified on their own expenses from the institutions concerned. If the documents are found fake and bogus, their services will be terminated
- and proper FIR will be lodged against the accused in the Anti-Corruption Department
- 04. Their Services will be considered on regular basis. 05. The appointees will provide Health and age certificates from the concerned Medical Superintendent
- 06. Their age should not be less than 18 years and above 35 years. 07. The appointees will be governed by such rules and regulations/polices as prescribed by the
- 08. If the appointees fail to take over charge with in fifteen days after issuance of this order, Their a.T.C
- appointments may be deemed as automatically cancelled. 09. Charge report should be submitted to all concerned.
- 10. No TA/DA is allowed.
- 11. The appointees will strictly abide by the terms and conditions laid down therein.

NITESTEN

DISTRICT EDUCATION OFFICER MALE DIR UPPER.

/2013

16-12

Endst: No. 5694-99 / F.No. 12(A)/DEO(M)/SEB Dated Dir (U) the:

Copy forwarded to the:-

01. Registrar Supreme Court of Pakistan Peshawar Bench.

- 02. Registrar High Court Bench Darul Qaza Swat.
- 03. PS to Secretary Elementary & Secondary Education Department K.P.K. Peshawar
- 04. District Accounts Officer Dir Upper.
- 05. Accountant Middle School (Male) Local Office.
- 06. Headmaster's concerned.
- 07. AP EMIS local office.
- 08. Officials concerned.

DISTRICT EDUCATION OFFICER MALE DIR UPPER. Mit 11/17

Dist. Govt, KP-Provincial District Accounts Office Dir Upper Monthly Salary Statement (July-2024)



Personal Information of Mr LAZIM KHAN d/w/s of mian gul zarin

Personnel Number: 00711504 CNIC: 1570294500975 Date of Birth: 02.01, 1974

Entry into Govt. Service: 03.02.2009

NTN:

80001960-DISTRICT GOVERNMENT KHYBE

6

Length of Service: 15 Years 05 Months 030 Days 4 1

Employment Category: Active Temporary

Designation: DRAWING MASTER DDO Code: DP6115-

Payroll Section: 001 GPF Section: 001 GPF A/C No: 00711504 GPF Interest applied Vendor Number: 30459113 - LAZIM KHAN Pay and Allowances: Pay scale: BPS For - 2022

Cash Center: 27	
GPF Balance:	

ι

283,932.00 (provisional)

Pay Scale Type: Civil 8PS: 15

Pay Stage: 11

Wage type		Amount		Wage type		
0001 Basic Pay		45,700.00	1001	House Rent Allowance 45%	3,524.00	
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00	
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	495.00	
2199	Adhoe Relief Allow @10%	343.00	2316	Teaching Allowance 2021	3,224.00	
2341	Dispr. Red All 15% 2022KP	4,213.00	2347	Adhoc Rel Al 15% 22(PS17)	× 4,214.00	
2 <u>37</u> 8	Adhoe Relief All 2023 35%	15,302.00	2393	Adhoc Relief All 2024 25%	11,425.00	

Deductions - General

L	Wage type	Amount		Wage type	Amount
3015	GPF Subscription	-4.290.00	3501	Benevolent Fund	-1,200.00
3534	R. Ben & Death Comp Fresh	-600,00	3609	Income Tax	-1.643.00
3990	Emp.Edu, Fund KPK	-135.00			0.00

Deductions - Loans and Advances

Loan	Descr	ncome Tax 6.277.55 Recovered till JUL-2024: 1.643.00 Exempted: 6568.70 Recoverable: 18.065.85 .): 93,796.00 Deductions: (Rs.): -19,868.00 Net Pay: (Rs.): 73,928.00 .AZIM KHAN			
6505	GPF Loan Principal Instal tions - Income Tax le: 26.277.55 Recovered till JUL-2024: 1.643.0 Pay (Rs.): 93,796.00 Deductions: (Rs.): - Name: LAZIM KHAN	400,000,00	-12,000.00	· · · · · · · · · · · · · · · · · · ·	
Deduction Payable:		ed till JUL-2024: 1.6	400,000.00 -12,000.00 280,000.00 k: 1.643.00 Exempted: 6568.70 Recoverable: 18.065 (Rs.): -19,868.00 Net Pay: (Rs.): 73,928.00 /BL WARI DIR Earned: Balance: Housing Status: No Official	able: 18,065.85	
Gross Paj	y (Rs.): 93,796.00	Deductions: (Rs.):	-19,868.00	Net Pay: (Rs.): 73	,928.00
Account	Number: 213741614	TED, 211934 UBL WAR	U DIR UBL WARI DIR.		
Leaves:					
Permaner	at Address:	<u> </u>			
		Domicile: •		Housing Statu:	s: No Official
City:	~	Email: lazimkhandn	n@guail.com		
				C	T ^C
				ATE	STED

System generated document in accordance with APPM 4.6.12.9(50646065/29.07.2024/v3.0) * All amounts are in Pak Rupees * Errors & amissions excepted (SERVICES/01.08.2024/25:05:10)

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tote : e.det i in the light of the ze on 22/10/2013 by The Honourable H By fixation . C. Pen P.No.7-17/2012 in WP.No. 3620/2010 a - P.m. a rie 1. No. + - 11/2012 in 1378/2010 in BPS NO. 09 (3820) 2012 in W.P. No. 4378/2010 in BPS NO. 09 (3820) we f 03-02-2009 to 27-06-2012 (with out pay a linancial benefits upto 28/06/2012 accord timancial benefits upto 28/06/2012. 230-1072 ind any fray on 03-02-2009 in B-9 \$ 3820% Pm GMS Shattale DM. Post. <u>8 40 50/-</u> c1-12-2009 " 01-12-2010 -\$ 4289_-" 30-06-2011 v 13. 42 80/- -01-07-2011 69601- " * 1 21-12-2011 Ŋ. 7340/_~ .. 30 - 06 - 2012 ., 5 73401-2 - BPS NG. 15 & 85001. 5 P 01-07-2012 11 01-12-2012 92001 01- 12-2013 . 1-990 \$ 9900 " 01-03-2014 1 ion Office Dy:Districi Educa (Male) Uppar SM Post **G**200 Gms Shaltalo 01 2014 tes (1)2 9900 12 do _ đo

Olficer (Male) DH Upper 97: ".: (w) JANIE BOUND DISTUTION DI TAN DAVIE DI HAND Dy: D. P. D. N 64 '0'3'0''**/0** 21-7 1 26- - chill PH 10 (218:11) 120419 INF 3 4 45:0 /4n270 1/180318 42 (2) h1 22 nerver 10 3.20/12 Omig72776 521.644 10 .1 1-2 0-0-0-0 noitto nait: (g) on 5 : HOC/ YO/82 Esti Branch de test sin u) the (二)(四) ל יצוי 23/000 (עומד) מא החון בתאו סלגה בתקבי בייקיבן: איי 23 - זה צומי גה במקבי בייקיבן: איי 23 - זה למו נויי במצחים בתביקים לו איין 5 11:60 ent fari (.:2;;) House the second days שריק אותיו עריי והגובא הורה די ومسر مرددورما مردو علاره المرادي 2819190 + Crest 4 60 4 4 TY/ 07 d'm (4.4 pmg J hinz. 200 2100 '6000 - 20- 2000' (mit out 10200 pters usual allowing unit N. Jm

OFFICE OF	THE DISTRICT EDUCATION OFFICER (MALE) DIR UPPER	
	SENIORITY LIST OF DRAWING MASTER RPS. 15 (AG	

	2	3	04-01-1900	5				LER BPS-15 (M).	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·		
S.No	Name of Teacher	Father's Name	D-O Binh		Name of School	7	8	10	· · /1		13	_
1	Sher Zamin	Sher Zada	14-03-1972	DM B.15	GMS Sundal	Ai: FA	Prof:	D-O 1st Applt: in Edu		Remarks	•	_
2	Mehommad Ali	Sher Zor Khan	15-03-1978		GHS Shinkari	BA	DM	05-04-1999	** - 1 1 / / / /	Not Eligible		_
	Sher Nawab Khan	Qolandar Khan	02-05-1978		GHS Jelar	BA	DM	13-04-2005	13-04-2005			_
	Masihullah	Shafiullah	04-10-1978		GHSS Wari		DM	13-04-2005				
	Mujahid Shah	Mohd Zahir shah	16-05-1979		GMS changal	MA	DM/B.EJ	13-04-2005	13-04-2005	Eligible		
		BawarKhan	07-10-1979		GMS Balkore	BA	DM/B,Ed	13-04-2005	13-04-2005	Eligible		-
	Hanifullah	Kashar Khan	02-02-1980			BA	DM/B.Ed	13-04-2005	13-04-2005	Eligible		-
	Samiullah	Ahnad	01-03-1980		GMS Umralai	MA	DM.BED	13-04-2005	13-04-2005			7
_	Sahib Zada	Lal Mohammad	02-03-1980			MA	DM	13-04-2005	13-04-2005			7
	Bakht Zada	Mohd Zamin					DM	13-04-2005	13-04-2005			1
	Sirajud Din		03-12-1980		GMS KOTKAY		DM/M.Ed	13-04-2005	13-04-2005			• ·
	Wahidullah	Mohd Afzal	03-07-1982		GMSNasir Abad		DM/B.Ed	13-04-2005	13-04-2005	Eligible		1
		Badshah Rahim			GMS GAMDAT		DM.B.Ed.	13-04-2005	13-04-2005			1
			11-04-1983				DM, B.Ed	13-04-2005	13-04-2005	Eligible		1
		MUHAMMAD RAHMAN	07-01-1971	DM B-15	GMS BANDAN	ма	M.ED/DM	20-06-2013	03-02-2009		As per court judgment declared on 22- 10-2013 RPN0.7-M/2012 in W.P 3620- 2010 & Review P.No.8/2012in W.P. 4378/2010 vide DEO order No.5694-99 dated 16-12-2013, his seniority will be	
. 15	LAZIM KHAN	MIAN GUL ZARIN	01-02-1974	DM B-15	GHS SHARMAI	ВА	B.ED/DM	20406-2013	03-02-2009	Court Case	cosnider w.e.f 03-02-2009 As per court judgment declared on 22- 10-2013 RPN0.7-M/2012 in W.P 3620- 2010 & Review P.No.8/2012in W.P- 4378/2010 vide DEO order No.5694-99 dated 16-12-2013, his seniority will be cosnider w.e.f 03-02-2009	6
01	MUHAMMAD ANWAR	SAR ZAMIN KHAN	04-11-1975	DM 8-15	GHS KARKABANJ	MfA	DM	30.06.2012	15 15 30UC			
						(PAPY		20-06-2013	03-02-2009		As per court judgment declared on 22- 10-2013 RPNo.7-M/2012 in W.P 3620- 2010 & Review P.No.8/2012 in W.P- 4378/2010 vide DEO order No.5694-99 dated 16-12-2013, his seniority will be coshider w.e.f 03-02-2009	Anne
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C.T.C. ATTFATFIT

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17	TAJ MUHAMMAD KHA	DARWAISH KHAN	16/02/1977	DM B-15	GMS TARPATAR	BA	DM	20-96-2013	03-02-2019 COURT CAS	As per coun judgment declared on 22- 10-2013 RPNo.7-M/2012 in W.P 3620- 2010 & Review P.No.8/2012in W.P- 4378/2010 vide DEO order No.5594-99 dated 16-12-2013, his seniority will be cosnider w.c.f 03-02-2009
 18	GUL BADSHAH	KHAISTA BACHA	04-04-1981	DM B-15	GHS ACHAR BALA	ма	DM	20-06-2013	03-02-2009 Court Case	As per coun judgment declared on 22- 10-2013 RPNa.7-M/2012 in W.P 3620- 2010 & Review P.No.8/2012in W.P- 4378/2010 vide DEO order No.5694-99 dated 16-12-2013, his seniority will be cospider w.c.f 03-02-2009
19	MUHAMMAD IQBAL	FAZAL HADI	01-03-1984	DM B-15	GHS MOLVI	ВА	DM	20-06-2013	03-02-2009 Court Case	As per court judgment declared on 22- 10-2013 RPN0.7-M/2012 in W.P 5620- 2010 & Review P.No.8/2012in W.P- 4378/2010 vide DEO order No.5694-99 dated 16-12-2013, his seniority will be cosnider w.e.f 03-02-2009
20	QADEEM KHAN T	AFZAL KHAN	15/6/1983	DM B-15	GMS GURRAI	ВА	DM ·	12-01-2013	03-02-2009 Cours Case	As per cont judgment declared on 22- 10-2013 RPNo.7-M/2012 in W.P 3620- 2010 & Review P.No.8/2012in W.P- 4378/2010 vide DEO order No.5694-99 dated 16-12-2013, his seniority will be cosnider w.e.f 03-02-2009
21	SARDAR ALI	AMBALIJAN	10-02-1985	DM B-15	GHSS PACHAKAL	MA	DM	04-05-2017	03-02-2009 Court Case	RPN0.7-M/2012 in W.P 3620-201As per court judgment C.M.No.1172- M/2018 in Review Petition No.34- M/2018, Announced on 26-09- 018,according to previous R.P NoRPN0.7-M/2012 in W.P 3620-2010

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	······································		1002	Taxaat	GMS Shawoor	9A	Трм Т	12-01-2006	01-03-2009	(Piloible:	T	Г
							DM. B.Ed.M		01-03-2009			-
						·····	DM. B.EG.M	12-01-2006	01-03-2009		t	-
							DM/M.Ed	01-12-2006	01-03-2009		<u>+</u>	-
	• · · · · · · · · · · · · · · · · · · ·				GMS Kass Chindakot			20-11-2008	01403-2009			-
_			13-02-1987				DM DVI		01-03-2009		<u> </u>	- I -
							DM	01-03-2009	01-03-2009		<u></u>	
28			04-03-1981				DM DM	01-03-2009				4
29							DM DM	01-03-2009	01-03-2009			
30							DM	01-03-2009	01-03-2009			-
31_							DM	01-03-2009	01-03-2009		+	I.
32	Inayotul Haq						DM	<u>• 01-03-2009</u>	01-03-2009	a second s		А,
33		Гад.в Каліц					DM	01-03-2009	01-03-2009		<u> </u>	– Г
34							DM	01-03-2009	01-03-2009			
35			25-04-1987				DM.B,EJ.M.		01-03-2009			
16			25-04-1987	DM B-15			DM	01-03-2009	01-03-2009		<u></u>	_
			06-06-1988				DM	01-03-2009	01-03-2009		<u> </u>	
			02-02-1980	DM B-15	GMS SALAMKOT		DM.BED	14-12-2012	14-12-2012			
			01-01-1987			MA	DM/B.ED	12-01-2006	26-08-2013			
40			09-02-1986			BA	DM	20-11-2008	26-08-2013			
			17/03/1986		a second s		DM	08-01-2011	26-08-2013			ר
			20-04-1990		GHS DOON BALA			26-08-2013	26-08-2013	Eligible	AD: SUBJECT FROM ULLAKKI M	<u> </u>
			04-02-1985		GMS ROGHANO KA		DM	26-08-2015	26-08-2013	Eligible		7
-13 -44	P	IBADUL HAQ	20-03-1986				BED	26408-2013	26448-2013	Eligible		T
44	and the second se	SAR ZAMIN	01-12-1976				DM	26-08-2013	26-08-2013	Eligible		1
			03-07-1982			MA	DM/B.ED	03-(19-2010	05-03-2016			1
	SHAH KHALID		05-05-1986				DM/B.ED	05-05-2014	05-05-2014		NTS Regularized in 2018	1
	MUHAMMAD IRFAN UI	MUHAMMAD ZAHIR SH					PTC	20/11/2008	05-03-2016		NTS Regularized in 2018	Г
	SALIM MALIK	KHAIRUR RAHMAN	13/03/1990				DM/M.ED	08-01-2011	05-03-2016		NTS Regularized in 2018	T
		SARDAR ALI	04-11-1991			MSC	DM	07-03-2016	05-03-2016		NTS Regularized in 2018	T
30			01-10-1990				DM	07-03-2016	05-03-2016		NTS Regularized in 2018	- 1 ·
			08-10-1989		GHS Janbhaiti	MA	DM	05-03-2016	05-03-2016		NTS Regularized in 2018	H
52	Sved Wigarud Din	Muhammad Rafiq MIAN SAIFUL MALOOK					DM BED	05-03-2016	05-03-2016		NTS Regularized in 2018	1_
		MUAN SAIFUL MALOOK	15/12/1984			MA	DM	03-06-2016	05-03-2016		NTS Regularized in 2018	1_
-54							DM DM	03-06-2016	05-03-2016		NTS Regularized in 2018	₩.;
55			03-12-1991				DM	26-03-2016	25-03-2016		NTS Regularized in 2018	ナト
56			01-04-1986		GHSS SHERINGAL		DM	28-03-2016	05-03-2016		NTS Regularized in 2018	
57		ALIULLAH	02-06-1991		GMS BESHO		DM	28/03/2016	05-03-2016		NTS Regularized in 2018	-
			02-06-1991				DM	01-08-2015	11-04-2017		NTS Regularized in 2019	-
59		Mohammad Ayub	01-01-1994				DM DM	11404-2017	11-04-2017		NTS Regularized in 2019	-
	MUHAMMAD ZUBAIR	SYED JUMAIR	03-05-1989		GMS SUNNAL	MA	DM DM/B.ED	23/09/2006	11-04-2017		INTS Regularized in 2018	-
61	MOHAMMAD IBRAILLY		02-05-1982 ·					08-04-2014	1144-2017		NTS Regularized in 2018	-
			01-12-1989		and the second s	MA	DM DM					
63	NAWAB ZADA	GHULAM SADIQ	15/05/1982	DM 8-15	GMS KALKOT	MA ·	DM	11-44-2017	11-4-2017	101.80	NTS Regularized in 2013	

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64 ZAKIR ULLAH 65 SYED SAHBULLAH 66 ZAHOOR ALAM 67 NAWAB ZADA SADBAR KHAN ARSANULLAH MUNTAZ KHAN KHAN ZADA SAHAE ZAR KHAN 06-05-1995 01-05-1991 02-01-1976 06-04-1979 15-03-1985 DM/FTC DM DM DM DM DM 11-04-2017 11-04-2017 01-04-2018 13-09-2018 15-07-2020 NTS Regularized in 2018 NTS Regularized in 2018 Sack employees DM B-15 GMS DOAG (B) 11-04-2017 98.45 ΒA DM B-15 GMS DOAG (B) BA DM B-15 GMS SERATAI MA DM B-15 GMS BEKARI MA DM B-15 GHS MINA DOAG BA DM B-15 GMS SHEYAL MA 11-04-2017 95,45 11-04-2017 97,27 01-04-2018 13-09-2018 15-07-2020 Conti Cave 68 GUL AMIN

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	<u> </u>	ORITY LIST OF DM BPS-15 (M 3		5	6	7	8	<u> </u>	10	ĺτ
s.No		Father's Name	D-O Birth	Designation	Name of School	Ac: Qualif:	Prof: Qualif:	Divisi	0.014	D-O re
1	Sher Zamin	Sher Zada	14/03/1972	DM 8-15	GMS Sundal	FA	DM	· .	<u> </u>	
4	Samlullah	Ahmad	01/03/1980	DM B-15	GMS CHAPPAR	MA		2nd	05/04/1999	05/04/1
<u></u>	Sahib Zada	Lal Mohammad	02/03/1980	DM 8-15	GMS DASKORE	BA	DM.B.ED	2ad	13/04/2005	13/04/2
4	Bakht Zada	Mohd Zamin	03/12/1980	DM B-15	GMS KOTKAY	MA	DM	2nd	13/04/2005	13/04/2
5	Sirajud Din	Mian Jan	03/07/1982	DM 8-15	GMSNasir Abad	MA	DM/M.Ed	2nd	13/04/2005	13/04/2
6	Wahidullah	Mohd Arzal	10/02/1983	DM B-15	GMS GAMDAT	MA	DM/B.Ed	2nd	13/04/2005	1,3/04/2
7	Saifur Rahman	Badshah Rahim	11/04/1983		GMS Katigam		DM.B.Ed.	_	13/04/2005	1.3/04/2
8	MISBAH UR RAHMAN	MUHAMMAD RAHMAN			GMS BANDAN	MA	DM. B.Ed	2nd	13/04/2005	13/04/2
	MUHAMMAD ANWAR	SAR ZAMIN KHAN			GIIS KARKABANJ	MA	M.ED/DM			03/02/2
10	TAJ MUHAMMAD KHAN	DARWAISH KHAN			GMS TARPATAR	BA	DM	-		03/02/20
113	GUL BADSHAH	KHAISTA BACHA	04/04/1981		GIIS ACHAR BALA	MA	DM			03/02/2(
Ľ4. j	MUHAMMAD IQBAL	FAZAL HADI	01/03/1984	The second se	GHS MOLVI		DM	-		03/02/20
13	QADEEM KHAN	AFZAL KHAN	15/6/1983		GMS GURRAI	MSC PAK	DM		20/06/2013	03/02/20
14.	SARDAR ALI	AMBALIJAN			GHSS PACHAKALAY	BA	DM		12/01/2013	03/02/20
15	Burhanud Din	Abas Khan			GMS Shawoor	MA	DM		04/05/2017	03/02/20
16	Muhammad Tayab	Ahmad Rahim				ВА	DM	2nd	12/01/2006	01/03/20
17	Alam Zeb Ali Shah	Mian Mohd Rafiq			GMS Sundal	МА	DM. 8 Ed.MED	2nd	12/01/2006	01/03/20
18	Ashfaq Ahmad	Fida Muhammad			GMS Shamorgar	МА	DM	2nd	12/04/2006	01/03/20
	Shahabud Din	Amir Hasham Khan			GMS Kass Chindakot	MA	DM/M.Ed	l st	01/12/2006	01/03/20
20	Bakht Wali Khan	Badrud Din			GMS SHALGHA	MA	DM/M.Ed	2nd	20/11/2008	01/03/20
21	Inamur Rahmon	Sultan Mohammad			GMS Almas	BA	DM	2nd I	01/03/2009	01/03/20
22	Imran Khan	Mohd Yousaf			GHS Bela	MA	DM	2nd (01/03/2009 0	11/03/20
23	Mohammad Dost	Ali Stan			GMS Bandagai	BA.		2nd ()1/03/2009 (1/03/20
24 1	Fazat Subhan	Inavt Ullah			GMS Sunnai	BA	DM	2nd (1/03/2009 0	01/03/200
25 1	Inayalut Haq	Mohd Amin			GMS Badalai	ВА	DM		01/03/2009 (11/03/200
26 F	Rahmanutlah	Fazal Razig			GMS Tarpatar GMS Kaskai Karpat	BA	DM	2nd (1/03/2009 0	1/03/200

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28	Asadutlah	Sacedullah	35 01/1000		<u> </u>				.,	
29	Aziz Ahmad	Sher Mohammad	25/04/1987		GHS Shahikot	BA	DM	2nd	01/03/2009	01/03/200
30	Sanaullah	Said Rahmat	25/04/1987		GMS Barkand	MA	DM.B.Ed.M.Ed	2nd	01/03/2009	01/03/20
11	ISLAMM UDDIN	NOOR ALI KHAN	06/06/1988	DM B-15	GMS Hattan	MA	DM	2nd	01/03/2009	01/03/20
2	LAZIM KHAN	MIAN GUL ZARIN	02/02/1980		GMS SALAMKOT	BA	DM.BED		14-12-2012	14-12-20
3	FAZAL MANAN	BAKHT SHER KHAN.	01/02/19/1	DM B-15	GRSS USHARI	BA	8.ED/DM	2nd	2040/2013	20/06/20
1	SHER ALI	BAKHT MUHAMMAD	09/02/1986	DM 8-15	GMS KANDAW JABBAR	MA	DM/B.ED		12/01/2006	26/08/20
5	SAEED ULLAH	SAZBAR KHAN	17/03/1986	DM 8-15	GHS MALANGA	BA	DM	_	20/11/2008	26/08/20
5	ANWAR SAID	SAR ZAMIN	01/12/1976	DM 8-15	GMS DAM JABBAR	8A	DM		08/01/2011	26/08/20
7	MATIULLAH	SHAH NASIB KHAN	04/02/1985	DM 8-15	GMS SHERAT KAL	ВА	DM		26/08/2013	26/08/20
}	TASLEEM ULLAH	IBADUL HAQ	20/03/1986	DM B-15	GMS ROGHANO KALY	0A	DM		26/08/2013	26/08/20
) _	AURANG ZEB	MUHAMMAD HAZIR	03/07/1982	DM 8-15	GHS Shahikot	ма	BED		26/08/2013	26/08/20
)	SHAH KHALID	MUSLIHUD DIN	05/05/1986	DM 8-15	GMS NARKOON	MA	DM/B.ED		03/09/2010	05/03/20
	MUHAMMAD IRFAN ULLAH	MUHAMMAD ZAHIR SHAH	04/09/1985	DM B-15	GMS SHAHOOR	MA	DM/8.ED	_	05/05/2014	05/05/20
_	IRSHAD KHAN	KHYBER KHAN	01/10/1990	DM 8-15	GMS Chirgalai	ВЛ	РТС		20/11/2008	05/03/20
			01710/1990	DM 8-15	GMS LAMOTAI	MA	DM	_	07/0.V2016	05/03/20
	HAZRAT UMAR	SARDAR ALI	04/11/1991	DM 8-15	GMS SHOT KASS					
	MUHAMMAD ULLAH	MIAN SAIFUL MALOOK		DM 8-15	GMS REHANKOT	MSC	DM	•	07/03/2016	05/03/201
_	Syed Wiqarud Din	Muhammad Rafiq		DM B-15	GHS Janbhaiti	MA	DM .BED		05/03/2016	05/03/201
_	FAZAL GHANI	MUHAMMAD ZAMIN		DM 8-15	GMS NASRAT	MA	DM		05/03/2016	05/03/201
_	INIYATUR RAHMAN	HABIBUR RAHMAN	-	DM B-15	GMS HAYAGAY	MA	- DM		03/06/2016	05/03/201
	QIAMUDDIN	SULTAN SALIM		DM B-15	GHSS SHERINGAL	MA	DM		03416/2016	05/03/201
	SYED IJAZ ULLAH	ALI ULLAH		DM B-15	GHS BELA	MA	DM		26/03/2016	26/03/201
		ALI ULLAH		DM 8-15		MA	DM		28/03/2016	05/03/201
	MUHAMMAD ZUBAIR	SYED JUMAIR		DM 8-15	GMS Jarjoraj GMS SUNNAI	MA	DM		28/03/2016	05/03/201
	Mushing Ahmad	Muhammad Ayub		DM 8-15	GHS GANSHALL	МА	DM		1/04/2017	11/04/201
	MOHAMMAD IBRAHIM	MUZAFAR KHAN		DM 8-15	GMS SHALTALO	MA	DM		01/08/2015	11/04/201
_	IMRAN ULLAH	AZIZ UR RAHMAN		DM 8-15		MA	DM/8.ED]:	3/09/2006	11/04/2011
_	NAWAB ZADA	GHULAM SADIO			GMS BELANZAI	МА	DM	6	8/04/2014	11/04/2013
	CMCD ALLOND STATE	AHSANULLAH	·	DM 8-15	GMS KALKOT	МА	DM	1	1/04/2017	11/04/2011
_		SADBAR KHAN		DM 8-15	GMS SERATAL	MA	DM	1	1/04/2017	11/04/2017
_	ZAHOOR ALAM	MUMTAZ KHAN			GHS DOON BALA	BA	DM/PTC	ī	1/04/2017	11/04/2017
	MARKAR TARA	KHAN ZADA			GMS BEKARI	MA	DM .BED	10	1/04/2018	01/04/2018
	LILLAR D. C. C. C. C. C.	LAL BADSHAH			GHS MINA DOAG	МА	DM		3/09/2018	13/09/2018
			0.0021490	DM 8-15	GHSS SWANI	BA	DM			13/09/2018

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GUL AMIN 61 SAHAB ZAR KHAN 15/03/1985 KALIM ULLAH DM B-15 GMS SHEYAL 67 MUHAMMAD AMIN KHAN MA DM 15/07/2020 20/05/1980 DM B-15 15/07/2020 GMS NURKON 63 AMIR USMAN BA SAID USMAN DM* 24/12/2022 07/02/1992 24/12/2022 DM B-15 GUS KASKAI KARPAT 64 SANAULLAH BS Socilogy BURHAN UDDIN 01/05/1994 DM B-15 09/05/2020 09/05/2020 GMS SIASAN BBA 09/05/2020 09/05/2020 . . .-. ASAD ULLAH MUHAMMAD ZAMIN KHAN 13/03/1997 MUHAMMAD ULFAT ULLAH MUHAMMAD RAZZAQ DM B-15 GMS ROGHANOKALAY BS Zology 26/06/2021 30/11/1991 DM 8-15 26/06/2021 GHSS BARAWAL BANDAL B.Tac IKRAMUL HAQ 67 HAZRAT AHMAD 28/07/2022 28/07/2022 01/09/1994 DM 8-15 GHS BELA MOHSIN ULLAH 68 BS Zology SAID MUHAMMAD 28/07/2022 28/07/2022 14/05/1996 DM 8-15 GMS BALKORE Pharma D 28/07/2022 28/07/2022

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Innexuse - D) بی فرای الدادی مان الد معان الد من الم الم مد الم من مر الم الم الم الم الم الم الم الم ر المجالية مول مرجب محمد مشر جوا موس مم مدامت م ان مخرف ن ديار دو ز شرو کی تر اس وقت دير اير مي حواجه 0 - تعذيات تن أس ف جمد بوروت سے سو من ادر من مرم ال والمست في منه سيد الى ديت من كمولكم بواكد من سادر المغاد بي اس ط ۲ آمادن اور رت المل من عاد الافتران م ن المن وي الم المراجع العار العار الما مع العار المن الم الما الم المناب برمنى بي آب مسي من تريم محدوث أن بالزار ال خل رام من اور مان م و ورال ار در م مغول سیا، کی مٹ میں جملے توغرب تجع ادر 0962 - 28-20 12 مدين المتراش في مال في الور حدد أن ترين س (rout بالكر ماندري فحل ممة بردار لادم مان ٨٠ 20.8.2.2% C-T-C CamScanner

	OFFICE OF THE DISTRICT ED		Innexuze - (E)
No. 99	/ F.No. 42 /ADO (S) SEB /DEO (Male)	Dated Upper Dir	1 / 2024.
	Mr. Lazim Khan (DM), GHSS Usherai District Dir Upper.		/0-
Subject: Memo:	APPEAL REGARDING SENIORITY ON	<u>DM POST.</u>	· · · · · · · · · · · · · · · · · · ·

It is intimated that your appeal regarding the subject matter received to this office on the subject noted above, which is properly investigated for further proceedings, but it is clarified that your seniority from the date of training w.e.f 20-06-2013 at S.No. 32 is intact in the seniority list.

It is, further stated that the seniority of other teachers which you have based / claimed in the appeal, so the court has made a specific decision for them. Due to which your appeal cannot be considered further and rejected accordingly.

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IN THE PESHAWAR HIGH COURT, PESHAW

Annexuse IF

W.P.No. 7 340242009

Lazim Khan son of Mian Gul Zarin R/O Village Ashari Tehsil Wari

Petitioner District Upper Dir.....

Versus

Govt. of NWFP through Secretary Education, Peshawar. 1)

District Coordination Officer Upper Dir. 2)

Executive District Officer Education (S&L) Upper Dir. 3)

Inamur Rehman S/o Sultan Muhammad R/O Panakot 4)

∢ 5)∕ - ✓ Bakht Wali Khan S/o Burhan-ud-Din R/O Almas

Jishfaq Ahmad S/O Fida Muhammad R/O B.Bandi - 6)

Safi-ur-Rehman S/O Wali-ur-Rehman R/O Gogyal ø7) (/

Sher Wali S/O Muhammad Zakir Khan R/O Sundal ø 8)

Rahimullah S/O Fazal Raziq R/O Mula Gujar 9)

Fazal Subhan S/O Inayatullah R/O Bandi 10)

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#11) - Shahab-ud-Din S/O Amir Hasham Khan R/O Jatgram

13 and decoded 12) Aziz Ahmad S/O Sher Muhammad R/O Palam

Muhammad Dost S/O Ali Sultan R/O Bandi 13)

Inayat ul Haq S/O Muhammad Amin R/O Gandigar 14) ´

e15) / Imran Khan S/O Muhammad Yousaf R/O B.Bandi

₀16) '√ Sanaullah S/O Said Rahmat R/O Ganori

17) Asadullah S/O Saeed Ullah R/O Ganori...... Respondents

Dann Head of The Bureau & Curriculum & 18) Extension with g Bindh Jam shoro PETITION UNDER ARTICLE 199 WRIT

> OF THE CONSTITUTION OF ISLAMIC **REPUBLIC OF PAKISTAN, 1973.**

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et Court Bench

Exam

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JUDGMENT SHEET IN THE PESHAWAR HIGH COURT, MINGOR BENCH (DAR-UL-QAZA), SW (Judicial Department) W.P. No.3402/2009. JUDGMENT Date of hearing: 28.6.2012 Appellant-Petitioner (Lazim Khan / by Mr. Inggatellah Khan Khabis Advocate. Respondent Giver of NINFP 7 others) by DAG KHALID MAHMOOD, J .- For reasons recorded in the detailed judgment in writ petition No.2093 of 2007, titled "Khaista Rehman Vs: E.D.E, etc", this writ petition is allowed in terms of the judgment. <u>Announced</u> Dt: <u>28.6.2012.</u> JUDGI St marked Alan 10km j Grades St phalid making of OFC 26/67/12 3254 Lazim 26/71 Certified to ha this $U^{(1)}$ 1-1-1

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAP



Annexure -

W.P.No. 2093 of 2007

1.

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- Khaista Rehman S/o Fateh Rehman
 R/O Inzaro situated within the limits of Dushkhel, Tehsil Timergara, District Dir Lower.
- Muhammad Ishaq S/O Habib Said
 R/O Shikawlai, Tehsil Timergara District Dir Lower.
- 3. <u>Rehman Said S/O Gul Said R/O Tora Teega</u>,

Tehsil Timergara District Dir Lower. Petitioners

Versus

Executive District Officer, Schools and Literacy, District Dir Lower.

District Coordination Officer Dir Lower at Timergara. Director of Schools and Literacy NWFP, Peshawar.

Govt. of NWFP Schools and Literacy Department, through Secretary Schools and Literacy, NWFP, Peshawar.

- Muhammad Jamal Khan S/o Muhammad Asif Khan R/O Khaal, Bar Kaley, Tehsil Khaall District Dir Lower.
- Noor Zamin S/O Bakht Sher
 R/O Sia Tehsil Adinzai, District Dir Lower.
- 7. Azam Khan S/O Mashooq Ahmad

R/O Shalam Baba, Tehsil Balambat, District Dir Lower.

Islam Bahadar S/O Khan Bahadar
 R/O Hisarak Tehsil Adenzai, District Dir Lower.

9. Habibullah S/O Fateh Mehmood

R/O Gumbatai, Maidan, Tehsil Lal Qila, District Dir Lower.

TETER AT

JUDGMENT SHEET IN THE PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT (Judicial Department)

W.P. No.2093/2007.

JUDGMENT

Date of hearing: 28.6.2012. Appellant-Petitioners (Khaista Rehman \$ others balic Kehman Advocate EDO \$ others) Respondent Khlas Munis Chan Advocate 7 DAG. Messers

KHALID MAHMOOD, J.- This judgment shall dispose of writ petitions No.2093, 1896 of 2007, 294 of 2008, 3402 of 2009, 3620 & 4378 of 2010, 2288 & 159 of 2011, as same question of law is involved in all these petitions.

2. The brief facts of the case are that in response to advertisement for different posts of teachers in the Education Department, petitioners applied for the same. After conducting the test and interview for the said posts, the petitioners were ignored in the matter of appointment and the appointment orders dated 22.8.2007 etc, issued by the respondents department are illegal, without lawful authority and of no legal effect. According to petitioners, they were not invited for interview, rather vide impugned order dated ?2.8.2007, appointment of respondents No.5 to 13 was made.

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Petitioners have prayed for directing the respondents concerned to appoint the petitioners being trained and qualified for the said posts.

<u>3.</u> On 23.02.2012, during course of hearing, this Court come to the conclusion that all the certificates produced by the petitioners with regard to their professional qualification should be examined by Secretary Education, the Province of Sindh as to whether the same are genuine and have been issued by the concerned Institution and also to verify that the certificates produced by the petitioners are equivalent to Drawing Master. The petitioners were also directed to submit their original certificates with the Additional Registrar of this Court within a week time for sending for the above-said purpose. Prior to that comments and rejoinder were filed by the parties concerned.

Counsel for petitioners argued that impugned order issued by respondent No.1/ department is against law, without jurisdiction and of no legal effect; that the petitioners were drawing masters; that respondent trained concerned had totally ignored the petitioners while making the impugned order of appointment in spite of the fact that they were placed at high pedestal of merit and qualified for the ATTESTED appointment.

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On the other hand, it was argued on behalf of respondents that all the appointments were made in accordance with law and policy of the Government governing the subject.

5. With the valuable assistance of the counsel for the parties, the record perused.

The main grievances of all the б. petitioners in the present case that all the their requisite had submitted petitioners qualification along with certificate of Drawing their respondent for the Master before appointment. After test and interview, the merit list was prepared by the respondent concerned wherein the petitioners were declared higher in merit but later on instead of appointment of petitioners, the other candidates were appointed on the ground that the Drawing Master certificate obtained by the petitioners from Institutions situated in Jamshoru and Karachi are not which certificate was equivalent to the prerequisite for the post of Drawing Master. Counsel for the petitioners referred the to recruitment policy. He also referred to the advertisement published on 11.02.2007 in which the required qualification was F.A/F.Sc. with certificate of Drawing Master from any recognized institution. According to the recruitment policy as well as said publication petitioners on the patch-

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wise criteria had passed their examined on 31.5.1997. In the first merit list displayed by the respondents, the petitioners had qualified and stood first in the merit list. The respondents on the pretext that the certificate of Drawing Master is not obtained from the recognized institution, who were ignored in the said appointment and the case of the petitioners remained pending after verification of the Drawing Master certificate. Thereafter, the concerned institution wherefrom the petitioners had obtained the D.M. certificate were asked for the verification of the said certificate. This Court too, had directed the concerned institution for the verification of the certificate.

7. In the similar nature case wherein the D.M. certificate was obtained from Jamshoru verified in a case by Abbottabad Bench of this Court, in WP No. 66 of 2009 titled "Muhammad Banaris vs. Govt. of Khyber Pakhtunkhwa" wherein it is held that the D.M. certificate by Jamshoru is competent and the recognized one.

<u>8.</u> In the present case, the D.M. certificate qualify from all corners as a genuine certificate issued by the recognized institution, which was the requirement of the recruitment policy as mentioned above. We have gone through the merit list which clearly indicates that the

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petitioners have been deprived on lame excuse on the ground of delaying tactics regarding the verification of D.M. certificate obtained by the petitioners. It was also pointed out that respondent in subsequent appointment had also appointed other gandidates who had obtained DM certificates from the same Institutions whereas, petitioners has been deprived though they have also qualified from the same Institutions, hence act of respondents is discriminatory and is ufter violation of Article 25 of the Constitution. Instead of petitioners who were at better pedestal in the merit list, the other candidates who were below at the merit list as compared to the petitioners have been appointed which apparently shows the mala fide on the part of respondents. After thrashing the entire record, we have come to the conclusion that petitioners have wrongly been deprived for appointment against the post of D.M. which requires interference by this Court. In the light above discussions, facts

In the light above discussions, facts and circumstances of the case, all the writ petitions are allowed and respondents are directed to appoint the petitioners against the said post positively. So machine the said post positively. So machine the said post <u>provided the said post</u> <u>Announced.</u> So whall a mathematic <u>Dt: 28.6.2012.</u>

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IN THE PESHAWAR HIGH COURT, MING DAR-UL-QAZA, SWAT

REVIEW PETITION No. 7-m IN W.P. No. 3620 /2010

Mst. Laida Tabassum D/O Mian Shahzada Jan, R/o U/C Dislower, Tehsil Wari, District Dir Upper.

Mst. Shagufta D/o Muhammad Rafiq, R/o Tehsil and District Dir Upper.

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Mst. Rabia Bibi D/o Qari Abdur Rahman, R/o Tehsil Ward, District Dir Upper.

Mst. Jawahira D/o Arab Said, R/o Tehsil Wari, District Dir Upper.

Mst. Salma Bibi D/o Muhammad Yousaf, R/o Tehsil Wari, District Dir Upper.

Mst. Nasreen Bibi D/o Abdullah, R/o Tehsil Wari, District Dir Upper.

 Gul Badshah S/o Khaista Bacha, R/o Tehsil Wari, District Dir Upper.

 Muhammad Iqbal S/o Fazli Hadi Khan, R/o Tehsil Wari, District Dir Upper.

 Anwar Said S/o Sar Zamin, R/o Tehsil Wari, District Dir Upper.

 Taj Muhammad Khan S/o Darvesh Khan, R/o Tehsil Wari, District Dir Upper.

 Qadim Khan s/o Afzal Khan, R/o Tehsil Wari, District Dir Upper.

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12. Misbah-ur-Rahman S/o Muhammad Rahman, R/o Tehsil Wari, District Dir Upper.

 Muhammad Anwar S/o Sar Zamin Khan, R/o Tehsil Wari, District Dir Upper.

.....Applicants/Petitioners

Versus

- The Executive District Officer (E&SE) District Dir Upper.
- 2. The District Coordination Officer, District Dir Upper.
- The Director,
 Elementary & Secondary Education,
 Khyber Pakhtunkhwa, Peshawar.

PETITION UNDER SECTION-114, 117 READ WITH SECTION-151, 152 CPC, FOR REVIEW OF THE JUDGMENT DATED 28.06.2012 PASSED BY THIS AUGUST COURT IN WRIT PETITION NO.3620/2010.

Respectfully Sheweth,

Facts giving rise to the present review petition are as $0.5 \cdot C$ under:-

 That applicants/petitioners had filed the above titled writ petition (Annex:-A) before this august Court on 06.10.2010 with the following prayer:-

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JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT JUDICIAL DEPARTMENT.

Review PetitionNo....7-M/2012....in....W.P.No.3620/2010 (D)

JUDGMENT

Date of hearing: 22 nd October, 2013-
Petitioner (s): (MST. Laida Tabassum - alus) By
Mr. Khalik Rehman Achiocert.
Respondent(s): (EDO) By Daiser Mi Shah AAh.
Respondent(s): (EDO) By Daier Al. Shah AAl. - elgin Alchannel Izbal ADO/Upu De

MAZHAR ALAM KHAN MIANKHEL, J.-

By this single judgment, we propose to decide Review Petitions No.7-M & 8-M of 2012 in Writ Petition No.3620 & 4378 of 2010 respectively, wherein, petitioners namely, Mst. Laida Tabassum etc., have sought review of the judgment dated 28.06.2012 of this Court.

2. The main stance of the petitioners, in their review petitions, was that though this Court allowed their writ petitions but since the respondents couldn't understand its essence, which resulted in deprivation of their due rights qua consequential back benefits, therefore, the judgment of this Court needs review / clarification to this extent.

3. We have gone through the record carefully and considered the submission made by the learned counsel for both the parties.

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4. We while seizing of the matter and deciding the same didn't mention the date in our judgment dated 28.06.2012, from which, the petitioners are to be appointed, therefore, in the circumstances of the case, we direct that the petitioners be considered as appointed from 03.02.2009 i.e. from the date, the other candidates were appointed without any financial back benefits. The respondent-department is also directed to prepare the joint seniority list in this regard according to law / rule / procedure. These review petitions are disposed of accordingly.

Je Magher A lan Mu Valma Abroli. JUDGÉ Announced. S.H 22. 10. 2013

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[Supreme Court of Pakistan]

Present: Abdul Hameed Dogar, C.J., Ijaz-ul-Hassan Khan, Muhammad Qaim Jan Khan and Ch. Ejaz Yousaf, JJ

GOVERNMENT OF PUNJAB, through Secretary Education, Civil Secretariat, Lahore and others----Petitioners

Versus

Case Judgement

SAMEENA PARVEEN and others----Respondents

Criminal Petitions Nos.71-L and 72-L, Civil Petitions 215-L, 216-L, 217-L, 218-L, 224-L to 236-L of 2006, decided on 29th April, 2008.

(On appeal from the judgment, dated 29-1-2008 of the Lahore High Court, Lahore passed in Cr.O.P. No.370/W and 561/W of 2007, Writ Petitions Nos.11525, 11263, 11516, 11662, 11663, 11766, 11881, 11835, 12136 and 12185 of 2007, 86, 123, 274, 345, 599, 64'3 and 11619 of 2008).

Civil service----

----Administration of justice---If a Tribunal or the Supreme Court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may, not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum---All citizens are equal before law and entitled to equal protection of law as per Art.25 of the Constitution. 7

Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185 and Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others 2005 SCMR 499 fol.

Mst. Muqqadas Akhtar and another v. Province of Punjab through Secretary Education Department, Government of Punjab and another 2000 PLC (C.S.) 867 ref.

Ms. Afshan Ghazanfar, A.A.-G., Punjab and Rana Abdul Qayyum, D.S. (Education) Punjab for Petitioners.

S.M. Tayyab, Senior Advocate Supreme Court for Respondents (in Cr.Ps. Nos.71-L, '72-L and C.P.224-L of 2008).

Nemo for other Respondents.

ORDER

ABDUL HAMEED DOGAR, C.J.---Through this order we intend to dispose of above captioned petitions filed against common judgment, dated 29-1-2008 passed by learned Judge in Chambers

1/25/2020, 10:20 AM

1 of 3

of Lahore High Court, Lahore whereby Cr.O.P. No.370/W and 561/W of 2007, Writ Petitions Nos.11525, 11263, 11516, 11662, 11663, 11766, 11881, 11835, 12136 and 12185 of 2007, 86, 123, 274, 345, 599, 643 and 11619 of 2008 filed by respondents were allowed and the impugned orders passed by petitioner/authority were set aside.

2. Briefly, stated facts giving rise to the filing of instant petitions are that respondents were appointed as PTC Teachers during the year 1995/1996 after completion of all legal requirements and they joined their respective place of posting. After sometime, their appointments were cancelled being bogus vide order No.277/E-1, dated 3-4-1998. This order was assailed before learned Lahore High Court, Lahore and same was declared to be without lawful authority in the case reported as Mst. Muqqadas Akhtar and another v. Province of Punjab through Secretary Education Department, Government of Punjab and another 2000 PLC (C.S.) 867. The relevant paragraph is reproduced as under:--

"Consequently the petitioners are declared to be in service and the action of the Headmasters/Incharge of the Schools stopping the petitioners from performance of their duties as PTC Teachers on the basis of the above said impugned order, is declared to be without lawful authority. It is, however, clarified that the department is at liberty to proceed against petitioners, if so desired, on individual basis under the relevant law and under the Punjab Civil Servant (Efficiency and Discipline) Rules, 1975."

In view of above judgment, the respondents were absolved of the charges of bogus appointments. But later on once again the services of respondents were terminated vide order, dated 3-8-2005, which order was challenged before learned Lahore High Court, Lahore through Writ Petition No.16864 of 2005. The said writ petition was allowed vide judgment, dated 11-12-2006 and the impugned order, was declared as illegal and without lawful authority. Similarly, one of the teachers namely Mst. Naseem Akhtar assailed the order, dated 3-8-2005 before Punjab Service Tribunal, Lahore through Appeal No.903 of 2006 which was also allowed vide judgment, dated 4-9-2006. The said judgment was maintained by this Court in Civil Petition No.1960-L of 2006 vide judgment, dated 2-11-2006. On 26-9-2007 once again the services of respondents were terminated. Feeling aggrieved they filed above mentioned petitions before the learned Lahore High Court, Lahore which were allowed vide impugned judgment as stated above.

3. It is mainly contended by learned A.A.-G. Punjab appearing on behalf of petitioners that the jurisdiction of the learned High Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 in matters involving determination of terms and conditions of civil servants. She further contended that the appointments of the respondents were bogus and fake as they were never selected by the competent authority, therefore the orders of dismissal passed by departmental authority were in accordance with law, which did not call for any interference by this Court.

4. On the other hand, Mr. S. M. Tayyub, learned Senior Advocate Supreme Court appearing on behalf of some of the respondents supported the impugned judgment and contended that appointments of respondents had taken place in accordance with rules and prescribed procedure. They submitted their applications in pursuance of advertisement of the posts of PTC Teachers, They passed the required test and were appointed by the competent authority. According to him, the respondents were in service for about 9-10 years and during this period no objection was raised, and subsequently on vague allegations they were dismissed from service. He further contended that cases of respondents were at par with Mst. Naseem Akhtar which was decided by this Court in Civil Petition No. 1960-L of 2006 vide judgment, dated 2-11-2006.

5. We have considered the arguments of both the parties and have gone through the record and

1/25/2020, 10:20 AM

2 of 3

Case Judgement

ceedings of the case in minute particulars. The matter has already been decided by this Court i the case of Mst. Naseem Akhtar (supra), and it has been held that the appointment orders of the respondents as PTC Teachers were genuine. It was held by this Court in the case of Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185 that if a Tribunal or this Court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum. This view was reiterated by this Court in the case of Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others 2005 SCMR 499 and it was held that according to Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 all citizens are equal before taw and entitled to equal protection of law.

6. In this view of the matter, we are of the view that no ground for interference in the impugned judgment is made out. Accordingly, the petitions being devoid of force are dismissed and leave to appeal refused.

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لإزم ماا وزخه دعوكى 7. :10-0297 0333-9931761 باعث تحريرا نكه مقدم مندرد عنوان بالامين الخطرف بي واسط بيري وجواب داي دكل كارداني متعلقه . آن مقام شير محمول مسرفي من مسل المسلح من الرام كري و من محمد مسادير المدر الم مفرركر بے اتراركيا جاتا ہے۔ كەمباحب موصوف كومفندمد كى كل كاردائى كاكامل اختيار ہوگا۔ نيز وكيل ساحب كوراصى نامه كرف وتقرر دنالت وفصله برحلف ديئ جواب داى اورا قبال دعوى ادر بسورت ذكرى كرف اجراءا ورصولى جيك دروب ادعرضى دعوى ادردر خواست برتتم كى تصديق زراي پردستخط كراف كاا خديار موكا - نيز صورت عدم بيروى با د كرى يمطرفه با بيل كى برايد كى ادرمنسوش نیز دائر کرنے اپیل نگرانی دنظر ثانی دبیر دی کرنے کا اختیار ہوگا۔ از بصورت ضردرت مقد مہذکور کے کل پاجزوی کاروائی کے داسطے اوروکیل پامختارتا نوٹی کواسینے ہمراہ پا اسینے بجائے تقرر کا اختیار ہوگا۔اورصاحب مقرر شدہ کوبھی وہی جملہ ندکورہ بااختیا رات حاصل ہوں کے ادراس کا ساختہ برداخت منظور قبول موکا - ددران مقدمه میں جوخر چدد مرجان التوائے مقدمه کے سبب سے دہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حدب باہر ہوتو وکیل ساحب پابند ہوں گے۔ کہ بیروی فكوركري _ لهذا دكالت نامه كمحد ما كمستدرب do and المرتوم ,20,24 تكتوي ك بمقام لركم مسم في الم منظ * Accepted Altester mic shaq photostate (HCP)