

ORDER

30<sup>th</sup> Sept. 2024

**Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

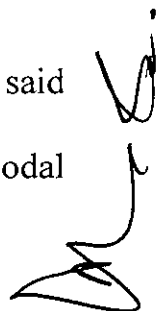
2. Appellant's case in brief, as per averments of the appeal, is that she was appointed as a Primary Teacher (PTC) in the Education Department on 27.05.1994; that following her appointment, she submitted a charge report along with a medical certificate, as required by law, and commenced her duties; that her services, along with those of other employees, were terminated on the grounds of redundancy, as per the order dated 25.02.1997 issued by the respondent department; that with the enactment of the Khyber Pakhtunkhwa Sacked Employees Act, 2012, the appellant applied for reinstatement, asserting her eligibility under the new law; that her application went unaddressed, she, alongwith others employees, filed Writ Petition No. 2438-P/2016 before the Peshawar High Court, Peshawar which ruled in her favor on 12.04.2018; that despite the court's decision, her subsequent requests for implementation of the judgment and submission of duty certificates were ignored, prompting the department to file a Civil Petition for Leave to Appeal (CPLA), which was dismissed on 05.09.2018. Eventually, in compliance with the High Court's ruling, the appellant was appointed as a Primary School Teacher (PST) (BPS-12) effective from the date she took charge, as stated in the judgment dated 18.06.2020; that she resumed her duties accordingly, however,

despite her alleged qualification, the respondents issued an impugned order on 09.11.2020, retracting her appointment; that feeling aggrieved the appellant submitted departmental appeal, which went unanswered, hence, the instant appeal.

3. Arguments heard. Record perused.

4. Upon perusal of the appellant's case, it is evident that she was appointed as a Primary Teacher (PTC) in the Education Department on 27.05.1994 and complied with all legal requirements, including submitting a charge report and medical certificate. However, her services were terminated on 25.02.1997 under the pretext of redundancy. Following the enactment of the KP Sacked Employees Act, 2012, the appellant's application for reinstatement was ignored, leading her, alongwith others employees, to file Writ Petition No. 2438-P/2016. The Peshawar High Court ruled in her favor on 12.04.2018, yet her efforts to implement the court's decision were met with further inaction from the department, which later pursued a CPLA that was dismissed on 05.09.2018. In adherence to the court's judgment, the appellant was finally appointed as a Primary School Teacher (PST) (BPS-12) effective from 18.06.2020, and she performed her duties satisfactorily. However, the subsequent withdrawal of her appointment took place vide order dated 09.11.2020.

5. Perusal of the order dated 09.11.2020 shows that the said order has been passed in a hasty manner without fulfilling codal



formalities. The department ought to have conduct proper inquiry by associating the appellant in the proceedings.

6. In view of the above situation, the impugned order stands set aside and the matter remanded back to the respondents to conduct proper inquiry by affording proper opportunity of defense to the appellant, within 90 days of the receipt of this order. Appellant is reinstated into service for the purpose of inquiry. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 30<sup>th</sup> day of September, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*