


# FORM OF ORDER SHEET

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

**Appeal No.** 1756/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04 /10/2024	<p>The appeal of Mr. Shahid Khan resubmitted today by Mr. Hamza Durrani Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 09.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Shahid Khan received today i.e on 21.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 4 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.
- 2- Address of appellant is incomplete be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 767 /Inst./2024/KPST,

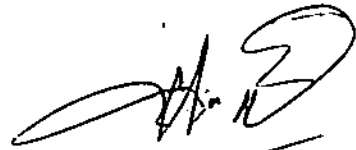
Dt. 12/9 /2024.

  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Hamza Durrani Adv.  
High Court Peshawar.

Respected sir

Re. submitted after of completion



32/9/24

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR**

Qazi Shahid

(Appellant)

VERSUS

Government of KPK & Others

(Respondents)

**APPLICATION FOR FIXATION OF APPEAL AT  
PRINCIPAL SEAT PESHAWAR**

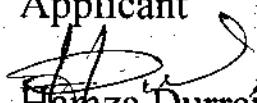
**Respectfully Sheweth:**

The applicant submits as under:-

1. That the above title service appeal is filed / submitted before this Hon'ble Tribunal in which no date of hearing is yet being fixed.
2. That furthermore because the counsel is practicing at Peshawar and the matter in question also related to Peshawar, thus it is in the best interest of justice to hear this appeal at Peshawar rather than Abbottabad.
3. That there is no legal bar in acceptance of instant application.

*It is, therefore, most humbly prayed that on acceptance of this application, the service appeal may kindly be fixed urgently at the principal seat i.e. KP Service Tribunal Peshawar, for the best interest of justice.*

Dated: 27-09-2024

Applicant  
Through   
Hamza Durrani  
Advocate, High Court,  
Peshawar.

**Affidavit:**

I, (Counsel for the appellant) do hereby solemnly affirm & declare on oath that all contents of instant application are true & correct to the best of my knowledge & belief.



  
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No **1756**/2024

Shahid Khan

\*\*\*\*\*V E R S U S\*\*\*\*\*

Government of Khyber Pakhtunkhwa and others

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Dated: 20/08/2024

*Shahid Khan*  
APPELLANT

Through

*Hamza Durran*  
HAMZA DURRAN

Advocate, High Court, Peshawar.

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_/2024

Shahid Khan, Lecturer; Islamiat (BPS-17); S/o Qazi Fazl  
Rahim R/o Sulman Khel, Qazirabad, Kajori Bara,  
District Khyber.

.....*APPELLANT*

\*\*\*\*\*V E R S U S\*\*\*\*\*

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
2. Chief Secretary, Khyber Pakhtunkhwa at Civil Secretariat, Peshawar
3. Secretary, High Education, Archives & Libraries Department, at Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
4. Secretary, Establishment Department, at Civil Secretariat, Peshawar.
5. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.

.....*Respondents*

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_/2024

Shahid Khan, Lecturer (BPS-17), Islamic Education  
Government Degree College Nathiagali, Abottabad.

.....*APPELLANT*

**\*\*\*\*\*V E R S U S\*\*\*\*\***

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
  
2. Chief Secretary, Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
  
3. Secretary, Higher Education Archives & Libraries Department, at Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
  
4. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.

.....*RESPONDENTS*

(2)

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE IMPUGNED NOTIFICATION NO.  
SO(C-II)/HED/12-1/2022/SHAHID, DATED 18/03/2024,  
OFFICE OF SECRETARY HIGHER EDUCATION  
DEPARTMENT, KHYBER PAKHTUNKHWA, WHILE  
DEPARTMENTAL APPEAL OF THE APPELLANT  
VIDE NOTIFICATION NO. SO(C-11)HED/12-  
1/2024/SHAHID KHAN/11355 DATED 18/07/2024 OF  
THE APPELLANT HAS BEEN REJECTED IN A  
CURSORY, CLASSICAL & WHIMSICAL MANNER,  
HENCE THE INSTANT SERVICE APPEAL.

*Respectfully Submitted;*

1. That the appellant is a naturally born and bona fide citizen of Islamic republic of Pakistan and hails from a respectable family.
2. That after going through the mandatory required selection process, the appellant got inducted into service as Lecturer in Islamiyat (BPS-17) years back.
3. That after getting onto the rolls of this prestigious department, the appellant remained the most professional and pragmatic fellow on the fleet of HED.

4. That in order to pursue High Education, the appellant applied for and got admitted in Ph.D class / course in Malaysia. As for achieving the purpose of his noble cause, the appellant applied for Ex-Pakistan leave from 01/04/2017 to 01/04/2021 (04 years) which was granted to the appellant and thus by availing the same, the appellant left for Malaysia in connection with his study leave for acquiring his Ph.D vide notification No. SO(College-II)/HED/13-5/2013, dated 28/03/2017. *(Copy of leave notification No. SO(College-II)/HED/13-5/2013, dated 28/03/2017 is annexed as Annexure "A")*.
5. That the appellant started courses for Ph.D, but as the whole world was envisaged a global pandemic in the shape of Covid-19, which not only took the lives of many millions people across the world, but had virtually halted the very life and its activities of every living human beings across the world, wherever, he was and whatever the status of any human, but non could escape the attack and its tremendous impact on humans. That this pandemic caused much distress, havoc and devastation in every body life. It destroyed the business, professional services and above all it caused much havoc in the lives of student's weather, it was a school going child or university student or a scholar research. The same is the case of the appellant who



had gone Malaysia for study of his Ph.D courses, that he was hit by pandemic and its repercussion. That because of the aforementioned pandemic of Covid-19, the study of the appellant was disturbed upto a great extent and the normal tenure of Ph.D was prognosticatedly prolonged from 4 to 5 years, where in the appellant had no fault or rather could not control the happening of the eventuality, that was formidable been envisaged by the appellant.

6. That the appellant in order to validate his leave, the appellant moved an application for sanctioning of his Ex-Post facto Ex-Pakistan leave of 01 year from 02/04/2021 to 19/06/2023. (*Copies of application for extension of leave and official documents are annexed as Annexure "B, B1 to B-V"*)
7. That as the appellant could not complete his Ph.D in 04 years, so in order to complete his Ph.D, the appellant remained over there for coming one year and got completed his Ph.D where after the appellant come back to Pakistan and submitted his arrival report on 20/06/2022. (*Copy of Arrival report is annexed as Annexure "C"*).
8. That the respondent illegally and unlawfully issued charge sheet, statement of allegations and show cause notice is utter violation of law, rule and

regulation. *(Copies are annexed as Annexure "D-I, D-II & D-III")*.

9. That even otherwise when the Ph.D of the appellant got completed; the appellant rushed back to homeland and even submitted arrival report instantly, so at no juncture neither the appellant remained lethargic, nor there is any malicious or malafide exists on part of the appellant; nor his absence was due to any dubious reasons or without any reasons but even then was condemned and on the one hand his application Ex-Post Facto sanction for Ex-Pakistan leave was turn down, but as well as the removal from service without any justification vide impugned notification No. SO(C-11)/HED/12-1/2022/Shahid/458891, dated 10/07/2023 of the office Higher Education Department. *(Copy of impugned order No. SO(C-11)/HED/12-1/2022/Shahid/458891, dated 10/07/2023 is annexed as Annexure "E")*.

10. That at last but not the least, the appellant went to the Hon'ble Service Tribunal Khyber Pakhtunkhwa against the illegal dismissal order wherein during pendency of the appeal, a notification from the appellate authority was issued and the appellant was reinstated into service and exonerated from charges leveled against him. *(Copy of notification dated 18/03/2024 is annexed as Annexure "F")*.

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11. That in this regard, the Hon'ble Tribunal was pleased to issued an order and directed to the appellant to approach again for back benefits to appellant authority. *(Copy of order / judgment dated 07/05/2024 is annexed as Annexure "G")*
12. That the appellant again moved departmental appeal for their back benefits but here after due fate of the appellant prevailed and the same was turn down vide notification No. SO(C-11)/HED/12-1/2022/Shahid/458891, dated 18/07/2023. *(Copy of Departmental appeal & Notification is annexed as Annexure "H")*.

**GROUND:**

- A. That inspite being a genuine case and inspite of stark fact that the delay in Ph.D course was due to Covid-19, which was certainly beyond the control of the appellant, was condemned for no wrong done.
- B. That even otherwise Ex-Post Facto sanction in such like scenario is provided under the law and thus no one can be condemned or victimized if cogent reason is provided.
- C. That in spite of being exonerate from charge leveled against him then how can the department can punished the appellant without any reason.

- D. That no mandatory instrument as followed, and adopted by competent authority before imposing the major penalty and thus the very impugned order is wrong and illegal.
- E. That no proper inquiry was carried and conducted in the case of appellant, nor appellant was extended any fair chance of defense and thus was condemned unheard.
- F. That no proper charge sheet, statement of allegations or show cause notice was ever served on the appellant and thus impugned removal order is void and liable to be set aside.
- G. That even no final show cause notice was issued to the appellant, therefore, the impugned notification or removal from service is liable to be set aside.
- H. That from angle the impugned notification is wrong, illegal and liable to be set aside.
- I. That from every angle the appellant is liable to be granted back benefits into service with all back benefits.
- J. That other ground will be raised at the time of arguments with the prior permission of this Hon'ble Court.

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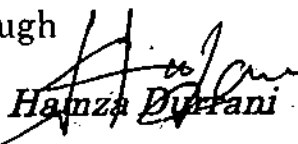
*It is, therefore, most humbly prayed that on acceptance of this service appeal, the impugned notification No. SO(C-1)HED/12-1/2022/Shahid, dated 18/03/2024 of the office of Secretary Higher Education Department, Khyber Pakhtunkhwa may kindly be set aside and by doing so call back benefits may kindly be granted.*

*Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.*

Dated: 20/08/2024

  
APPELLANT

Through

  
Hanzla Durrani

Advocate, High Court, Peshawar.

NOTE:

As per instructions of my client no such like petition is instituted before any court of law.

  
ADVOCATE

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2024

Shahid Khan

\*\*\*\*\*V E R S U S\*\*\*\*\*

Government of Khyber Pakhtunkhwa and others

**AFFIDAVIT:**

I, *Shahid Khan, Lecturer, Islamiat (BPS-17), S/o Qazi Fazl Rahim R/o Sulman Khel, Qazirabad, Kajori Bara, District Khyber*, do hereby solemnly affirm on oath that the contents of the instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

  
DEPONENT

CNIC No: \_\_\_\_\_

10

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_/2024

Shahid Khan  
\*\*\*\*\*V E R S U S\*\*\*\*\*  
Government of Khyber Pakhtunkhwa and others

**ADDRESSES OF THE PARTIES**

**Address of the appellant:**

Shahid Khan, Lecturer, Islamiat (BPS-17), S/o Qazi Fazl Rahim  
R/o Sulman Khel, Qazirabad, Kajori Bara, District Khyber.

**Address of the Respondents:**

1. Government of Khyber Pakhtunkhwa through Chief Secretary  
at Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa at Civil Secretariat,  
Peshawar.
3. Secretary, High Education, Archives & Libraries Department, at  
Civil Secretariat, Khyber Pakhtunkhwa, Peshawar..
4. Secretary, Establishment Department, at Civil Secretariat,  
Peshawar.
5. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.

Dated: 20/08/2024

  
APPELLANT

Through

  
HAMZA DURRANI

Advocate, High Court, Peshawar.

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_/2024

Shahid Khan

\*\*\*\*\*V E R S U S\*\*\*\*\*

Government of Khyber Pakhtunkhwa and others

**APPLICATION FOR CONDONATION**  
**OF DELAY (IF ANY).**

*Respectfully Sheweth:*

- 1) That the instant appeal has been filed today before this Hon'ble Court, in which no date has been fixed.
- 2) That non appearance of the Appellant on due date was not intentionally but due to the reason above.
- 3) That due to the official holidays of this Hon'ble Tribunal on 17 and 18, the appellant cannot approaches on the same days, hence the instant condonation of delay application.
- 4) That it is the view of the superior court that the cases may be decided on merits and technicalities may be avoided.

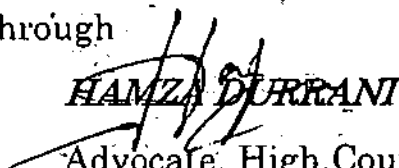


*It is, therefore, humbly prayed that on acceptance of this application, the applicant may kindly be condoned for two (02) days and the appeal may be decided on merit.*

Dated: 20/08/2024

  
APPELLANT

Through

  
HAMZA DURRANI  
Advocate, High Court, Peshawar.



(B) 7 (B)  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Annexure - A

Dated Peshawar the 28.03.2017

**NOTIFICATION**

NO. SO(COLLEGES-II)HED/13-5/2013/ In consultation with Finance Department Khyber Pakhtunkhwa, the Competent Authority is pleased to grant Study Leave for a period of 1461 days, w.e.f. 01.04.2017 to 01.04.2021 (on half average pay) in respect of Mr. Shahid Khan, Lecturer in Islamiyat, (BS-17), Govt. Superior Science College Peshawar, for pursuing Ph.D studies at University of Sains Malaysia, under the provision of FR-84 read with Appendix 9-1 (A) of FR & SR Vol-I&II subject to the condition that internal/local arrangement will be made by this department and no contract employee will be appointed during the entire leave period of the applicant concerned.

On expiry of leave the officer is likely to return to the same post and station.

SECRETARY TO GOVT OF  
KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

ENDST: NO. SO(FR)/FD/5-13/2013 (C)/3354

Dated: 08-03-2017

- > District Accounts Officer Peshawar for information and further necessary action.

Section Officer (FR)  
Govt. of Khyber Pakhtunkhwa  
Finance Department

ENDST: No. SO(C-IDHED/13-4/2016/  
Copy to the:

dated:28-03-2017

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Prindpal Govt Superior Science College Peshawar.
3. Section Officer (FR), Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar w/r to his letter ENDST: NO. SO(FR)/FD/5-13/2013 (c)/3354 dated : 08-03-2017.
4. Deputy Director (IT), HEMIS Cell, Higher Education Department.
5. District Accounts Officer, Peshawar.
6. Lecturer Concerned.
7. PS to Secretary, Higher Education Department, Khyber Pakhtunkhwa.

(RAHMANI GUD)  
SECTION OFFICER (COLLEGES-II)

JAVED IQBAL  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

am writing to bring to your attention about Mr. Shahid Khan (Lecturer of Islamic education of our department) Employee No. 00343718 is on study leave at USM Malaysia. He is doing research work under my supervision.

The research work has been gone very smoothly but from the last year his research work has affected because of Covid 19. However, now his research work started so possibly that will be scheduled early next year. For this purpose, he need study leave for coming year to complete his research work.

I hope you will empathize with his situation, understand the genuineness of reason and grant him one year study leave extension. Please feel free to contact me. I am available on my email account.

Subject: Extension for Study Leave

The Director  
Higher Education  
Rawalpindi, Pakistan

Thanking you in anticipation  
Yours sincerely,

Dr. Mohd Aqam Alshad  
Senior Lecturer  
University of Sains Malaysia  
Penang, Malaysia



DR. MOHDANUARARSHAD  
SENIOR LECTURER  
SCHOOL OF MANAGEMENT  
UNIVERSITI SAINS MALAYSIA

Amnuzo-B

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Better Copy

APPENDIX-02

To

The Director,  
Higher Education  
Peshawar, Pakistan

Subject: Extension for Study Leave

Dear Sir,


I am writing to bring to your attention about Mr. Shahid Khan (lecturer of Islamic education of your department) Employee No.00343718 is on study leave at USM Malaysia. He is doing research work under my supervision.

His research work has been gone very smoothly but from the last year his research work has affected because of Covid 19. However, now his research work started so possibly that will be scheduled early next year. For this purpose, he need study leave for coming year to complete his research work.

I hope you will empathize with his situation, understand the genuineness of reason and grant him one-year study leave extension. Please feel free to contact me. I am available on my email around the clock.


Thanking you in anticipation.

Yours sincerely,


  
Dr. Mohd Anuar Arshad,  
Senior Lecturer SoM  
Universiti Sains Malaysia  
anuar\_arshad@usm.my

DR. MOHD ANUAR ARSHAD  
SENIOR LECTURER  
SCHOOL OF MANAGEMENT  
UNIVERSITI SAINS MALAYSIA



  
Shahid Khan  
Lecturer HED  
Peshawar, Pakistan.  
Qzishahidkhan6@gmail.com

JAVED IQBAL QULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)



15 of

Annexure B/I

APPENDIX-03



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA**

Rano Garhi, Peshawar

Tel # 091-2650025 / 2650024

E-mail: [dhokppesh@gmail.com](mailto:dhokppesh@gmail.com), [Facebook.com/dhokppeshawar](https://www.facebook.com/dhokppeshawar), [Twitter.com/dhokppeshawar](https://twitter.com/dhokppeshawar)

To

Mr. Shajid Khan  
Lecturer in Islamiyat,  
Govt. Superior Science College, Peshawar  
(Presently on Study Leave to University of Sains,  
Malaysia).

**SUBJECT**  
Memo:

EXTENSION IN STUDY LEAVE.

I am directed to refer to the subject cited above and to state  
to provide leave-admissibility report for the extension period duly authenticated  
by District Accounts Officer concerned to proceed further into the matter.

Encls: No. 5856

*[Signature]*  
ADMINISTRATIVE OFFICER

Copy of the above is forwarded to the Principal, Govt.  
Superior Science College, Peshawar for similar necessary action.

*[Signature]*  
ADMINISTRATIVE OFFICER

JAVED IQBAL GILRELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

*[Handwritten signature]*

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to

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Annexure B/II

The Director Higher Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: APPLICATION FOR EX- PAKISTAN LEAVE WITHOUT PAY

Sir,

It is stated that I have availed study leave for Ph.D. w.e.f. 01.04.2017 to 01.04.2021. My Ph.D course is not yet completed. I required one year leave further for the completion.

You are therefore, requested to grant me one year leave without pay w.e.f. 02.04.2021 to 01.04.2022. I shall be very indebted to you for your kindness.

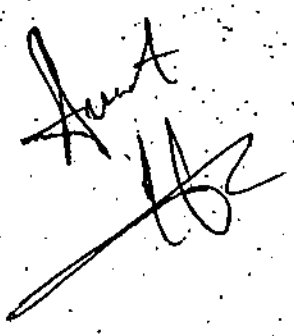
Yours truly,



Shahid Khan  
Lecturer in Islamiyat  
GSSC, Peshawar.

Date: 03/08/2021

JAVED IQBAL GALBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)





17 (#) (B)  
Annexure B/III  
OFFICE OF THE PRINCIPAL  
GOVT. SUPERIOR SCIENCE COLLEGE  
PESHAWAR



Phone No. 091-2563067 / E-mail: gssc.pesh@yahoo.com

No. 729 /

Date: 04/08 /2021

To

The Director Higher Education  
Khyber Pakhtunkhwa Peshawar.

Subject: APPLICATION FOR EX-PAKISTAN LEAVE WITHOUT PAY

Memo:

Enclosed please find herewith a self-explanatory application in r/o Mr. Shahid Khan Lecturer (BPS-17) of this college for Ex-Pakistan leave without pay w.e.f 02.04.2021 to 01.04.2022 for further necessary action.

2500  
318  
Mujahid Suri  
PRINCIPAL

JAVED IOBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

Shahid Khan



**DIRECTORATE OF HIGHER EDUCATION**  
**KHYBER PAKHTUNKHWA**

**Rano Garhi, Peshawar**

E-mail: [dhekpkoesh@gmail.com](mailto:dhekpkoesh@gmail.com) | Facebook.com/dhekpeshawar | Twitter.com/dhekpeshawar |  
Tel # 091-2850025 / 9350499

No. 18938 / CA-1 / Exec Branch / A-2 / Shahid Khan / Islam

Dated Peshawar the 3/9/2021

To

The Principal  
Govt; Superior Science College, Peshawar.

**SUBJECT** APPLICATION FOR EX-PAKISTAN LEAVE WITHOUT PAY.  
Respected Sir, السلام عليكم

I am directed to refer to your letter No. 729 dated 04.08.2021 on the subject cited above and to state that this office vide letter No. 9893 dated 26.04.2021 (Copy enclosed) asked you to furnish the requisite information in the captioned case but instead, you have again forwarded an incomplete case without meticulous examination which is beyond comprehension.

It is, therefore once again requested to furnish leave admissibility report alongwith leave account proforma duly authenticated by the District Accounts Officer concerned without further delay in order to proceed further into the matter, please.

*M. H. B.*  
ASSISTANT DIRECTOR (ESTT.)

*Supdt*  
*MSA*  
*79*

*D.No* 831  
*07/09/21*

**JAVED IBBAL GILRELA**  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

*Shiraz*  
*[Signature]*





**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA**

**Rano Garhi, Peshawar**

Tel # 091-2650025 / 8330498

e-mail: [dhekpkeshe@gmail.com](mailto:dhekpkeshe@gmail.com) Facebook.com/dhekpkeshe Peshawar Twitter.com/dhekpkeshe Peshawar

No. 26/146 / CA-II/ Estt./ Shahid Khan/ Islamiyat

Dated Peshawar the 4/4 /2021

To

The Principal  
Govt; Superior Science College,  
Peshawar.

**REMINDER-I  
MOST IMMEDIATE**

Subject: APPLICATION FOR EX-PAKISTAN LEAVE WITHOUT PAY.

Respected Sir, السلام عليكم

I am directed to refer to this office letter No. 18999 dated 03.09.2021 on the subject cited above and to state that the requisite information/documents are still awaited from your end which may be furnished to this office, please.

*Shahid*  
**ASSISTANT DIRECTOR (ESTT:)**

*Shahid Ali  
Section*

*Shahid  
03/10/2021*

**JAVED IQBAL GORBELA**  
Advocate  
Supreme Court of Pakistan  
(ASC 5317)

*Shahid*

20

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Ann <sup>CP</sup> B/IV

To

The Director Higher Education,  
Khyber Pakhtunkhwa, Peshawar.

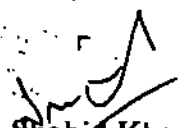
Subject: EX-POST FACTO EX-PAKISTAN STUDY LEAVE WITH PAY / WITHOUT PAY

It is submitted that I am a lecturer in Islamiyat at GSSC Peshawar and had availed an Ex-Pakistan study leave to Malaysia in order to qualify my Ph.D. in my discipline w.e.f. 01/04/2017 to 01/04/2021. My Ph.D could not be accomplished within the planned time period because of the extraordinary global circumstances of Covid-19.

I came back and submitted my arrival report on 20/06/2022 at the same college. Your good office is, therefore, requested that Ex-Post facto Ex-Pakistan study leave with pay/without pay may kindly be awarded to me w.e.f 02.04.2021 to 19.06.2022. My Ph.D Degree is attached.

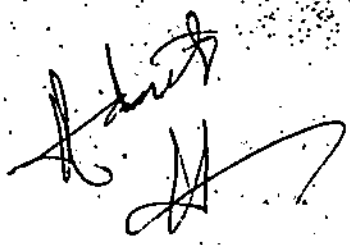
I shall be highly thankful to you for this act of kindness.

Yours truly,



Shahid Khan  
Lecturer in Islamiyat,  
GSSC, Peshawar.  
Date.23.06.2022

JAVED IQBAL QILCELA  
Advocate  
Supreme Court of Pakistan  
(ASC# 5317)





27  
Annexure - B/V  
**DIRECTORATE OF HIGHER EDUCATION**

**KHYBER PAKHTUNKHWA**

**Rano Garhi, Peshawar**

Tel: # 091-2650025 / 9330496

E-mail: - [dhekppesh@gmail.com](mailto:dhekppesh@gmail.com), Facebook.com/dhekppeshawar - Twitter.com/dhekppeshawar

No. /CA-II/Estt: Branch/Shahid Khan/Islamiyat. Dated Peshawar the 4/7/2022

To

The Secretary  
Govt; of Khyber Pakhtunkhwa  
Higher Education Department, Peshawar.

Subject: **EX-POST FACTO APPLICATION FOR EX-PAKISTAN STUDY LEAVE WITH PAY / WITHOUT PAY.**

Memo:

I am directed to enclose herewith a self-contained application in respect of Mr. Shahid Khan, Lecturer in Islamiyat, received from Principal, Govt; Superior Science College, Peshawar on the subject cited above and to state that this office sent a letter No. 2205 dated 19.05.2022 (copy enclosed) for Ex-parte action against the lecturer concerned due to his absence from duties since 02.04.2021. Now, the lecturer has submitted his arrival report to Principal, Govt; Superior Science College, Peshawar on 20.06.2022, after completing his Ph.D from University of Sains, Malaysia giving the reason that his Ph.D couldn't be completed within the planned time period because of the extraordinary global circumstances of Covid-19 pandemic and requested that ex-post facto sanction may be accorded to the grant of Ex-Pakistan Study Leave with pay / without pay to him.

Sequel in view, it is requested that the case may be considered as per rules, please.

BY: DIRECTOR (ESTABLISHMENT)

Encls; No. 3044

Copy of the above is forwarded to Principal, Govt; Superior Science College, Peshawar with reference to his letter No. 1762 dated 29.06.2022.

BY: DIRECTOR (ESTABLISHMENT)

JAVED IQBAL GUMBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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*Handwritten signature*

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Annexure - C

~~APPENDIX~~ (09)

To,

The Principal,  
Govt. Science Superior College Peshawar,  
Peshawar

Subject:

ARRIVAL / TAKING OVER CHARGE

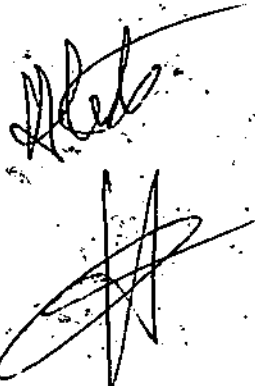
Respected Sir,

It is stated that I have availed study leave for Ph.D w.e.f 01.04.2017 to 01.04.2021. My Ph D course was not completed at time because of Covid-19. After that I sent application for Ex-Pakistan leave without pay but the leave is still not sanctioned. Now I completed my Ph.D Degree and I want to take charge.

Obediently Yours



Dr. Shahid Khan  
Lecturer in Islamiyat  
\*GSSC Peshawar  
Date 20.06.2022



JAVED IQBAL GUBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

23 17

Amended - D

## CHARGE SHEET

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority; hereby charge you, Mr. Shahid Khan, Lecturer in Islamiyat, Govt. Superior Science College, Peshawar as follows:

That you, while posted as Lecturer in Islamiyat (B-17), at Govt. Superior Science College, Peshawar committed the following irregularities:-

- i. That you were granted Study Leave for 1461 days on half average pay w.e.f 01.04.2017 to 01.04.2021 for pursuing Ph.D studies at University of Sains, Malaysia and upon expiry of leave, you didn't report for duty.
- ii. That you also applied for Ex-Pakistan leave without pay w.e.f 02.04.2021 to 01.04.2022, which was received to Directorate of Higher Education on 03.08.2021, without requisite documents required for extension in leave.
- iii. That this failure led to remaining absent from your duty for more than a year thereby wasting precious time of the students.

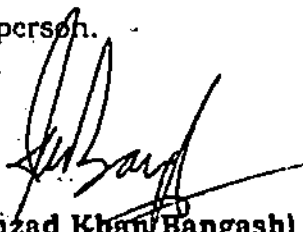
2. By reason of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.


3. You are, therefore, required to submit your written defence within 7 days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4. Your written defence, if any, should reach the inquiry officer/ inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

  
(Dr. Shahzad Khan Bangash)  
Chief Secretary,  
Khyber Pakhtunkhwa

  
JAVED IQBAL GULRELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

24      18

Annexure - 0/I

## DISCIPLINARY ACTION

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Shahid Khan, Lecturer in Islamiyat, Govt. Superior Science College, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011.

### STATEMENT OF ALLEGATIONS

- i. That he was granted Study Leave for 1461 days on half average pay w.e.f 01.04.2017 to 01.04.2021 for pursuing Ph.D studies at University of Sains, Malaysia and upon expiry of leave, he didn't report for duty.
- ii. That he applied for Ex-Pakistan, leave without pay w.e.f 02.04.2021 to 01.04.2022, which was received to Directorate of Higher Education on 03.08.2021, without requisite documents required for extension in leave.
- iii. That this failure led to remaining absent from his duty for more than a year thereby wasting precious time of the students.

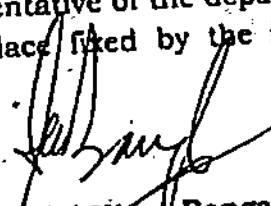
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules.

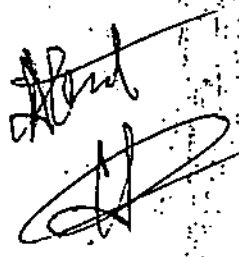
i. Mr. Najeebullah D.S.

ii. Environment Deptt.

3. The inquiry officer/inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within sixty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

  
(Dr. Shahzad Khan Bangash)  
Chief Secretary,  
Khyber Pakhtunkhwa

  
JAVED IQBAL GILL  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

25 107

Amended - D/I

## SHOW CAUSE NOTICE

I, Dr. Shahzad Khan Bangash, Chief Secretary Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Shahid Khan, Lecturer in Islamiyat (BS-17), Govt. Superior Science College, Peshawar as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer Mr. Najeed Ullah, Deputy Secretary Environment Department for which you were given opportunity of hearing vide communication No.DS-III/FE&WD/Misc-Inquiry dated 31-10-2022.
- (ii) on going through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the Inquiry Officer.

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

- (a) misconduct;
- (b) habitually absenting yourself from duty without prior approval of leave;

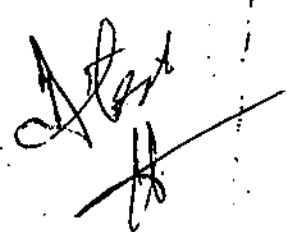
2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule-4 of the said rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within ten days or not more than fourteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer is enclosed.

  
(Dr. Shahzad Khan Bangash)  
Chief Secretary,  
Khyber Pakhtunkhwa

  
JAVED IQBAL GOLBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)



26 (20) ~~20~~ Annexure "E" ~~Annexure "E"~~  
**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the 10<sup>th</sup> July, 2023

**NOTIFICATION**

No. SO(C-II)/HEU/12-1/2622/Shahid/14588-91

WHEREAS Mr. Shahid Khan, Lecturer in

Islamiyat (BS-17), Government Superior Science College, Peshawar was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011.

2. AND WHEREAS the Chief Secretary, Khyber Pakhtunkhwa being competent authority served the accused officer with Show Cause Notice, tentatively proposing imposition of major penalty of "removal from service" on him.

3. AND WHEREAS the Competent Authority, upon receipt of the reply to show cause notice submitted by the accused officer, under Rule-15 of the Rules ibid, appointed Mr. Tariq Salam Marwat (PAS BS-19), Additional Secretary (Staff), Chief Secretary Office to afford him opportunity of personal hearing on his behalf.

4. AND WHEREAS the Hearing Officer after having examined the charges, evidence on record and explanation of the accused officer has recommended confirmation of the major penalty "Removal from service".

5. NOW THEREFORE, the Chief Secretary, Khyber Pakhtunkhwa being competent authority after having considered the charges, evidence on record, the explanation of the accused officer and in exercise of powers under Rule 14(5) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 is pleased to confirm major penalty of "Removal from service" upon Mr. Shahid Khan, Lecturer in Islamiyat (BS-17), Government Superior Science College, Peshawar.

-Sd-

**SECRETARY**

HIGHER EDUCATION DEPARTMENT

**ENDST: NO. & DATE EVEN.**

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Director-IT, HEMIS Cell, Higher Education Department, Peshawar.
4. Principal, Government Superior Science College, Peshawar.
5. Mr. Shahid Khan, Lecturer in Islamiyat (BS-17), Government Superior Science College, Peshawar.
6. PS to Secretary Higher Education Department.
7. Master File.

JAVED IQBAL CHALBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 53171)

(ABDUL WALI KHAN)  
SECTION OFFICER (COLLEGES-II)

Handwritten notes and signatures at the bottom left, including a date "21/08/2023" and various initials.





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**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the 31<sup>st</sup> January, 2024

**NOTIFICATION**

**NO.SO(C-II)/HED/12-1/2022/Shahid.** | 1658-63 **WHEREAS** Mr. Shahid Khan, Lecturer in Islamiyat (BS-17) Government Superior Science College, Peshawar was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011.

2. **AND WHEREAS** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) served the accused officer with Show Cause Notice, tentatively proposing imposition of major penalty of "Removal from Service" upon the accused officer. The penalty was accordingly imposed on the accused officer vide this department's Notification of even No. dated 10.07.2023.

3. **AND WHEREAS** Mr. Shahid Khan, submitted departmental appeal to the appellate authority (Chief Minister, Khyber Pakhtunkhwa) for setting aside the order of penalty/exoneration of the charges leveled against him and penalty imposed upon him by the Competent Authority.

4. **NOW THEREFORE**, the Chief Minister Khyber Pakhtunkhwa being Appellate Authority after having considered the Departmental Appeal of the lecturer, in exercise of the powers under Rule-17(2)(b) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, is pleased to set aside the earlier order issued vide this Department's notification of even No. dated 10.07.2023 and **EXONERATE** Mr. Shahid Khan, Lecturer in Islamiyat (BS-17), Govt. Superior Science College, Peshawar from the charges leveled against him.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**ENDST: NO. & DATE EVEN.**

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Director, Regional Directorate of Higher Education, Hazara at Abbottabad.
4. Deputy Director-IT, HEMIS Cell, Higher Education Department, Peshawar.
5. Principal, Government Superior Science College, Peshawar.
6. Principal GDC-Nathiagall, Abbottabad.
7. Mr. Shahid Khan, Lecturer in Islamiyat (BS-17) Government Superior Science College, Peshawar
8. PS to Secretary Higher Education Department.
9. Master-File.

(ABDUL WALI KHAN)  
SECTION OFFICER (COLLEGES-II)



# DIRECTORATE OF HIGHER EDUCATION

## KHYBER PAKHTUNKHWA

### Rano Garhi, Peshawar

Tel # 091-2650025 / 2650024

E-mail:- [dhekpkesfr@gmail.com](mailto:dhekpkesfr@gmail.com) Facebook.com/dhekpkesfr Twitter.com/dhekpkesfr

Endst: No. 179 /CA-1 Estt: B. 12/ A-12/ Shahid Khan/ Islamiyat

Dated: 21/2/2024

Copies of the af isd vart d to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Principal, Government Superior Science College, Peshawar.
3. Principal, Government Degree College, Nathiagali, Abbottabad with the request to form the committee concerned accordingly.
4. District Accounts Officer, Abbottabad.
5. Assistant Inspector (R), Local Directorate.
6. Assistant Inspector, Information Cell, Local Directorate.
7. Secretary (Higher Education-II), Govt. of Khyber Pakhtunkhwa, Higher Education Department, Peshawar with reference to his letter no. 179/2024.
8. Officer concerned.

**ASSISTANT DIRECTOR (ESTT)**

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Answer. 4 P<sup>4</sup>



**GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the March 18, 2024

**NOTIFICATION**

**NO.SO(C-II)/HED/12-1/2022/Shahid/** In continuation of this department's notification of No.SO(C-II)/HED/12-1/2022/Shahid dated 31.01.2024, the period of absence w.e.f 10.07.2023 to 31.01.2024 is hereby declared as Extra Ordinary Leave (without pay) in respect of Mr. **Shahid Khan**, Lecturer in Islamiyat (BS-17), Govt. Superior Sciences College, Peshawar presently working at Govt. Degree College, Nathia Gali, Abbottabad under Civil Servants Revised Leave Rules, 1981.

Secretary to Govt. of Khyber Pakhtunkhwa  
Higher Education Department

**ENDST: NO. & DATE EVEN.**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Director, Regional Directorate of Higher Education Hazara, Abbottabad.
4. Director-IT (HEMIS Cell), Higher Education Department.
5. Principal, Govt. Degree College, Nathiagali, Abbottabad.
6. Principal, Govt. Superior Sciences College, Peshawar.
7. District Accounts Officer, Abbottabad.
8. Lecturer concerned.
9. Master File.

(ABDUL WALI KHAN)  
Section Officer (Colleges-II)

18/03/2024

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**



Service Appeal No. 2338 /2023

*Shahid Khan* Ex-Lecturer Islamiat (BPS-17) S/o Qazi Fazal-E-Rahim R/o Sulman  
Khel, Qaziabad, Kajori Bara, District Khyber.

..... Appellant

**VERSUS**

1. *Government of Khyber Pakhtunkhwa* through Chief Secretary at Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. *Chief Secretary Khyber Pakhtunkhwa* at Civil Secretariat, Peshawar.
3. *Secretary Higher Education, Archives & Libraries Department* at Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
4. *Secretary Establishment Department, at Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.*
5. *Director Higher Education, Khyber Pakhtunkhwa, Peshawar.*

..... Respondents


**Appeal u/s 4 of the Khyber Pakhtunkhwa Services Tribunal Act -1974 against the impugned Notification No. SO(C-II)/HED/12-1/2022/Shahid/4588-91 dated 10-07-2023 of the Office of Secretary Higher Education Department Khyber Pakhtunkhwa; whereby the Appellant has been illegally removed from his Service and Departmental Appeal dated: 03-08-2023 of the Appellant has not been decided inspite of laps of statutory period, Hence the instant Service Appeal.**

***Respectfully Sheweth,***

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That after going through the mandatorily required selection process, the appellant got inducted into service as lecturer in Islamiat (BPS-17) years back.
3. That after getting onto the rolls of this prestigious department the Appellant remained the most professional and pragmatic fellow on the fleet of HED.

**TESTED**  
*[Signature]*  
Secretary  
Khyber Pakhtunkhwa  
Services Tribunal  
Peshawar

4. That in order to pursue Higher Education, the Appellant applied for and got admitted in Ph.D class/course in Malaysia. As for achieving the purpose of his noble cause, the Appellant applied for ex-Pakistan leave from 01/04/2017 to 01/04/2021(4 years) which was granted to the Appellant and thus by availing the same, the Appellant left for Malaysia in connection with his study leave for acquiring his Ph.D vide Notification No. SO (College-II) HED/13-5/2013 dated:28/03/2017. (Copy of Leave Notification No. SO (College-II) HED/13-5/2013 dated:28/03/2017 is annexed as annexure "A")
  
5. That the Appellant started courses for Ph.D, but as the whole world was envisaged a global pandemic in the shape of Covid-19, which not only took the lives of many millions people across the world, but had virtually halted the very life and its activities of every living human beings across the world, wherever he was and whatever the status of any human, but none could escape the attack and its tremendous impact on humans. That this pandemic caused much distress, havoc and devastation in every body life. It destroyed the business, professional services and above all it caused much havoc in the lives of student's weather, it was a school going child or university student or a scholar Research. The same is the case of the Appellant who had gone Malaysia for study of his Ph.D courses, that he was hit by pandemic and its repercussion. That because of the aforementioned pandemic of Covid-19, the study of the Appellant was disturbed upto a great extent and the normal tenure for Ph.D was prognosticatedly prolonged from 4 to 5 years, where in the Appellant had no fault or rather could not control the happening of the eventuality, that was formidable been envisaged by the Appellant.
  
6. That the Appellant in order to validate his leave, the Appellant moved an application for sanctioning of his Ex-post facto Ex-Pakistan leave of 1 year from 02/04/2021 to 19/06/2023.(Copies of Application for extension of leave & official documents are annexed as annexure "B, B-I to B-V")
  
7. That as the Appellant could not complete his Ph.D in 4 years, so in order to complete his Ph.D the Appellant remained over there for coming one year and got completed his Ph.D, where after the Appellant come back to Pakistan and submitted his arrival report on 20/06/2022. (Copy of Arrival report is Annexed as Annexure "C")
  
8. That the respondent illegally and unlawfully issued charge sheet, statement of allegation and show cause notice is utter violation of law, Rule and Regulation. (Copies of charge sheet, statement of allegation & show cause notice are annexed as annexure "D to D-II")
  
9. That even otherwise when the Ph.D of the Appellant got completed, the Appellant rushed back to homeland and even submitted arrival report instantly, so at no juncture neither the Appellant remained lethargic, nor

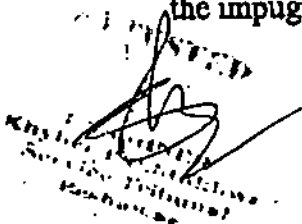
ATTACHED  
  
 [Illegible text]

there is any malicious or malafide exists on part of the Appellant, nor his absence was due to any dubious reasons or without any reasons but even then was condemned and on the one hand his application Ex-post facto sanction for Ex-Pakistan leave was turn down, but as well as the removed from service without any justification vide impugned Notification No. SO(C-11)/HED/12-1/2022/Shahid/458891 dated.10/07/2023 of the office Higher Education Department. (Copy of impugned order No. SO(C-11)/HED/12-1/2022/Shahid/458891 dated.10/07/2023 is annexed as annexure "E")

10. That the appellant submitted a departmental appeal on 03/08/2023 against the impugned order. Despite of laps of statutory period the respondents shelved the appeal of the appellant. (Copy of Departmental appeal is annexed as annexure "F")
11. That feeling aggrieved from the above mentioned episode, the grievances that come to existence, having no other remedy available and forum to be addressed at, the petitioner approached this Hon'ble Tribunal for recognition and enforcement of his due rights upon the following grounds inter alia:-

**GROUND:**

- A. That inspite being a genuine case and inspite of stark fact that the delay in Ph.D course was due to Covid-19 which was certainly beyond the control of the Appellant, was condemned for no wrong done.
- B. That even otherwise Ex-post facto sanction in such like scenario is provided under the law and thus no one can be condemned or victimized if cogent reason is provided.
- C. That no mandatory instrument as followed and adopted by competent authority before imposing the major penalty and thus the very impugned order of removal from service is wrong and illegal.
- D. That no proper inquiry was carried and conducted in the case of Appellant, nor Appellant was extended any fair chance of defense and thus was condemned unheard.
- E. That no proper charge sheet, statement of allegation or show cause notice was ever served on the Appellant and thus impugned removal order is void and liable to be set aside.
- F. That even no final show cause notice was issued to the appellant, therefore the impugned Notification of removal from service is liable to be set aside.

  
The Tribunal  
Karachi

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G. That from angle the removal of service order is wrong, illegal and liable to be set aside.

H. That from every angle the Appellant is liable to be re-instated into service with all back benefits.

I. That any other ground not raised here may graciously be allowed at the time of arguments.

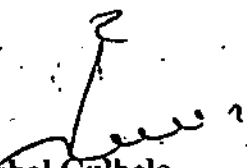
*It is therefore most humbly prayed on acceptance of the instant service appeal, the impugned Notification, No. SO(C-11)/HED/12-1/2022/Shahid/4588-91 dated 10/07/2023 of the office of Secretary Higher Education Department Khyber Pakhtunkhwa may kindly be set aside and by doing so the appellant be reinstated into service with all back benefits.*


*Any other relief, which this August Tribunal deems fit and appropriate, may also be awarded in the favor of the Appellant.*

Dated: 13-11-2023

  
Appellant

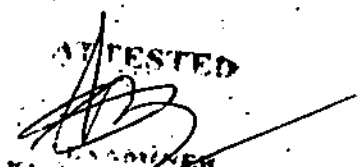
Through

  
Javed Iqbal Gulbela  
Advocate Supreme Court,  
Pakistan.

  
Saghir Iqbal Gulbela  
Advocate High Court,  
Peshawar.

That as per information of my client, no such service appeal has been moved by the Appellant, prior to this ones.

  
ADVOCATE.

ATTESTED  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of App: 29/11/23  
Number of Words: 247  
Copying Fee: 30/-  
Urgent: 5/-  
Total: 257/-  
Name of Opp: \_\_\_\_\_  
Date of \_\_\_\_\_  
29/11/23  
29/11/23

33

Service Appeal No. 2338/2023 titled "Shahid Khan versus Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat, Khyber Pakhtunkhwa, Peshawar and others".

**ORDER**


07<sup>th</sup> May, 2024


**Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Sohrab Khan, Lecturer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.



2. Learned counsel for the appellant produced copy of Notification dated 31<sup>st</sup> January, 2024 and stated that grievance of the appellant has been redressed and for the purpose of arrears, he would again approach the appropriate forum. Disposed of accordingly. Consign.

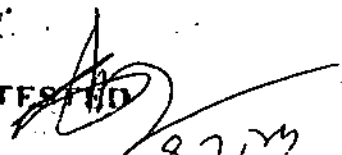
3. *Pronounced in open court at Peshawar and given under, our hands and seal of the Tribunal on this 07<sup>th</sup> day of May, 2024.*

  
(Muhammad Akbar Khan)  
Member (Executive)

  
(Kalim Arshad Khan)  
Chairman

\*Kueni Amn\*

ATTESTED

  
29/7/24

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application	29/7/24
Number of Words	17
Copying Fee	57
Urgent	57
Total	114
Name of Applicant	
Date of Completion of Case	29/7/24
Date of...	29/7/24



(34)

Amir KH

From:

SHAHID KHAN  
Lecturer, Islamic Education,  
Govt. Degree College Nathiagali, Abbottabad  
Contact: +92-332-5574477 E-mail: qazishahidkhan6@gmail.com

To:

The Directorate of Higher Education,  
Khyber Pakhtunkhwa, Peshawar,

Subject: Request for Issuance of Back Benefits (10/07/2023 to 31/01/2024)

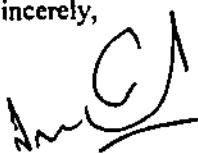
Respected Sir,

I am writing to formally request a response to the reference letter No. 7345 dated 17/05/2024, regarding the issuance of back benefits for the period of 10/07/2023 to 31/01/2024.

Enclosed with this letter is an attested copy of the judgment of the honorable Supreme Court of Pakistan in C.P No. 517-L, 1019-L, 1232-L, of 2016 and 1229-L of 2017, decided on 28/04/2021 and reported in S C M R 2021 Reg. 262. This document serves as a ready reference for your kind consideration. (APPENDIX-01).

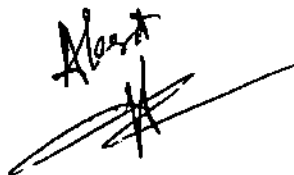
Thank you for your attention to this matter. I am available to provide any further information you may require.

Sincerely,



SHAHID KHAN  
Lecturer, Islamic Education,

Dated June 25, 2024



359 HAI

24



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA**



**Rano Garhi, Peshawar**

Tel # 091-9214417 / 9330496

E-mail: [dhekpesh@gmail.com](mailto:dhekpesh@gmail.com) Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar

No. 3670 / CA-II/ Estt Branch / A-1/ Shahid Khan/ Islamiyat Dated Peshawar the 10/7/2024

To

The Secretary  
Govt; of Khyber Pakhtunkhwa  
Higher Education Department, Peshawar.

**SUBJECT: REQUEST FOR ISSUANCE OF BACK BENEFITS W.E.F  
10.07.2023 TO 31.01.2024.**

Respected Sir,

I am directed to refer to the subject cited above and to enclose herewith a self-explanatory application along with attested copies of judgments of Honorable Supreme Court of Pakistan received from Principal, Govt; Degree College, Nathiagali, Abbottabad in respect of Mr. Shahid Khan, lecturer in Islamiyat stating therein that major penalty of Removal from Service was imposed upon the lecturer vide notification dated 10.07.2023 (F/A). Later on, the major penalty was set aside and the lecturer concerned was Exonerated from the charges leveled against him vide notification dated 31.01.2024 (F/B). The lecturer has joined his duties w.e.f 01.02.2024 at Govt; Degree College, Nathiagali, Abbottabad (F/C). The lecturer concerned requested for back benefits in the intervening period w.e.f 10.07.2023 to 31.01.2024, which was declared as Extra Ordinary Leave (without pay) by the competent authority, vide notification dated 18.03.2024 (F/D).

Now, the lecturer concerned has again requested for back benefits for the period w.e.f 10.07.2023 to 31.01.2024 by relying on judgments of Honorable Supreme Court of Pakistan, which may be considered as per rules, please.

(Gohar Khan)

DY: DIRECTOR (ESTABLISHMENT)

Endst; No. 3671

O/c

Copy of the above is forwarded to the:-

1. Principal, Govt; Degree College, Nathiagali, Abbottabad with reference to his letter No. 6672 dated 25.06.2024 for information.

DY: DIRECTOR (ESTABLISHMENT)

O/c



36 AII  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

No. SO(C-II)HED/12-1/2024/Shahid Khan  
Dated Peshawar the July 18, 2024

11355

To

The Director,  
Higher Education, Khyber Pakhtunkhwa,  
Peshawar.

Subject: REQUEST FOR ISSUEANCE OF BACK BENEFITS W.E.F 10-07-2023 TO 31-01-2024

I am directed to refer to your letter No. 3670/CA-II/Estt Branc/A-12/Shahid Khan/ Islamiyat on the subject noted above and to state that Extra-Ordinary Leave (without pay) in favour of Mr. Shahid Khan, Lecturer in Islamiyat at Government College, Abbotabad has already been granted vide this Department's letter No. SO(C-II)HED/12-1/2024 dated 18-03-2024, please.

*Sulaiman Ahmad* 18-07-2024  
(SULAIMAN AHMAD)  
SECTION OFFICER (COLLEGES-II)

*O/C*

DATE EVEN.

For information, above is forwarded to the PS to Secretary, Higher Education, Peshawar. For further information, please.

*Sulaiman Ahmad* 18-07-2024  
SECTION OFFICER (COLLEGES-II)

*O/C*

# وکالت نامہ

بعدالت حصار کمرس ٹریڈینل لیسارم حسیر بلوچخواہ

لسا اعدان نام لولکنٹ ونگر

منجاب: ایبل لیسارم وول یا جیم لیسارم لیسر

تھانہ ایف آئی آر / تاریخ

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی  
بمقام لیسارم کے لیے **مضرحیات** (خزانہ گراؤڈ ویٹ پرییم کورٹ آف پاکستان

کو بدین شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت  
پکارنے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا اگر پیشی پر من مظر حاضر نہ ہو اور  
مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ  
ہوئے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کر کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے  
اوقات کے آگے پیچھے پیش ہونے پر من مظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے  
ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار ہوئے۔ مجھے کوکل ساختہ پرداخت صاحب موصوف محل  
کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے ڈگری و

نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء  
کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپردگاشی و  
راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری  
یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ  
پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزئی  
کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں  
اور ایسے مشیر قانون کے ہمراہ وہی اور اسے ہی اختیارات حاصل ہوتے جیسے کے صاحب موصوف کو حاصل ہیں۔  
اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو  
پوری فیس، پنج پیشہ پاپی، کچھ بھارتی، کچھ کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور  
ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا لہذا مختار نامہ لکھ دی تاکہ سند رہے  
مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

(خاص متاثر)

All well and Accepted by