

25th Apr 2024

1. Learned counsel for the appellant and Mr. Shoaib Ali, Assistant Advocate General alongwith Mrs. Samina Altaf, Directress Education (respondent No.2) and Mr. Ashfaq Khan Jadoon DEO (Male) Mansehra (Respondent No.3) present. Private respondents present through counsel.

2. Respondent No.2 produced copy of Minutes of DPC held on 08.04.2019 and stated at the bar that the appointments of the appellant and others, in response to the advertisement produced by her, on adhoc basis made under Section 4 of the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011 which reads as under:

"4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.---(1) Government may, through the competent authorities make adhoc appointment on merit against the vacant posts of doctors, lecturers, instructors, subject specialists and teachers, falling within the purview of Commission, in a district concerned from the domicile holders of that district for a period of one year or till the arrival of recommendees of Commission, whichever is earlier after fulfilling the pre-requisites of giving wide publicity in the 'press. On assumption of charge of post by recommendee of the Commission, the services of such ad hoc appointee shall stand automatically terminated"

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3. Therefore, the appointment was said by the Directress Elementary & Secondary Education Khyber Pakhtunkhwa to be on Adhoc Basis. As regards the request for release of salaries of the respondents attached vide order dated 28.02.2024, it is directed that as the Directress and DEO have put appearance and clarified the point, therefore, salaries of all the respondents be released. To come up for arguments on 28.05.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED
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Peshawar

(Muhammad Akbar Khan)
Member (E)
Camp Court, A/Abad

(Kalim Arshad Khan)
Chairman
Camp Court, A/Abad

*Muta. em Shah *

28th Feb, 2024.

1. Learned counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General present.

2. On 23.06.2023 the Director Elementary & Secondary Education Khyber Pakhtunkhwa and the District Education Officer were directed to appear in person but they did not appear. Their appearance before the Tribunal was deemed necessary as there was certain points which could not be clarified by their so called representatives. Therefore, their salaries are attached in the manner as prescribed under Section-60(1)(i) of the code of Civil Procedure, 1908, till their appearance. The Accountant General Khyber Pakhtunkhwa and the District Accounts Officer Mansehra shall submit report that their salaries are actually attached. The said respondents are also directed to produce copies of working papers and minutes on the basis of which order dated 14.09.2018 and 06.05.2019 were passed. Representations of private respondents alongwith orders thereon shall also be produced on the next date. To come up for arguments on 22.04.2024 before D.B at Camp Court, Abbottabad. P.P given to the counsel for appellant.

SCANNED
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Peshawar



(Salah Ud Din)
Member (J)
Camp Court, A/Abad



(Kalim Arshad Khan)
Chairman
Camp Court, A/Abad

*Mutazem Shah *