


FORM OF ORDER SHEET

Court of _____

Appeal No. 1950 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/10/2024	<p>The appeal Mr. Tehsil ur Rehman resubmitted today by Mr. Afrasiab khanWazir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 21.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Tehsil ur Rehman received today i.e on 04.10.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1- Departmental appeal having no date be dated.

No. 874 /Inst./2024/KPST,

Dt. 04/10 /2024.

Amatullah
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Afrasiab Khan Wazir Adv.
High Court at Peshawar.

P/Sir

The D. A is moved on the same day,
The deduction source i.e 12-7-2024 is
prepared/issued. Hence objection is removed
and re-submitted today.

H.S

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Appeal No. 1950 /2024

TESHIL UR REHMAN

.....VERSUS.....

EDUCATION DEPTT

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: **APPELLANT**

Through:


AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT

Office:
ROOM NO. B-16, GOVT COLLEGE CHOWK,
NIMRA PLAZA, PESHAWAR.
CELL: 0312-9888752.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

APPEAL NO. 1950/2024

Mr. Tehsil Ur Rehman, PST, Government Primary School, Sub Divison Wazir, District Bannu.

..... APPELLANT

VERSUS

- 1) The Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2) Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3) The district Education officer, district Bannu.

.....RESPONDENTS.

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISION OF LAW GOVERNING THE SUBJECT, AGAINST THE IMPUGNED ILLEGAL DEDUCATION OF BACK BENEFITS w.e.f 01.12.2005 TO 30.06.2020 AND AGAINST NO ACTION IS TAKEN ON DEPARTMENTAL APPEAL OF THE APPELLANT.

RESPECTFULLY SHEWETH

ON FACTS

- 1- That the Appellant has been serving in the education department as teacher and since his appointment he is performing his duties with dedication, furthermore, That Appellant was reappointed by Respondents on 28/05/2015 after the closure of Community Schools in 2010. **(Copy of appointment Order is attached.....A)**
- 2- That in 2015, Appellant filed writ No. 593-B/2015 for regularization of service from the date of their initial appointment with all back benefits whose operative part is reproduced as under: **In light of the above this Writ Petition is disposed off with the direction to the Respondents to examine the case of the Petitioners in light of the judgment rendered in Writ Petition No. 5585-P/2018 titled Azmat Gul PST and Others V Government of Khyber Pakhtunkhwa through Chief Secretary and Others and extend them same relief if they are found similarly placed persons. The needful be done within a period**

of one month if not earlier from the date of receipt of this judgment. In case the relief sought by Petitioners cannot be granted to them under the law or otherwise within the above period the Petitioners be provided reasons in writing for the same. (Copy of the Judgment in Writ Petition 593-B/2015 is attached.....B)

3- After that the Appellants colleagues filed Contempt of Court Petition No. 125-B/2021 on the basis of which the Respondents submitted letter dated vide 09/07/2024 in which the Respondents decided to recover back benefits from the Petitioners.(Copy of the COC No. 125-B/2021 and letter dated 09/07/2021 is attached.....C & D)

4- That after wards the respondents disclosed the impugned source & salary slip in which deduction from salary is made without any cogent reason.(Copy of source and salary slip is attached.....E & F)

5- That the Appellant feeling aggrieved from the impugned deduction of back benefits, he moved Representation to the Appellate Authority which is still pending. Copy of the representation is attached.....G

6- That the appellant further feeling aggrieved and having no other alternate and efficacious remedy but to file this appeal on the following ground inter-alia.

ON GROUNDS

A- That the deduction of back benefits from the appellant by the respondents is illegal unlawful and against the norms of natural justice.

B- That the action of the respondents is against article 4 and 25 of the constitution of Islamic republic of Pakistan 1973.

C-That the deduction of back benefits from the salary of the appellant is arbitrary in nature, hence liable to be reimbursed.

D- That the honorable high court has already decided the issue of back benefits in favor of the appellant but the respondents on

wrong pretext has stated deduction from the appellant which is against law and rules.

E- That the teacher of other district who was community teachers took benefits but still deduction is not made from their salaries while the appellant is bearing the brunt of respondent's illegalities and furiousness in shape of deduction. **Copy of the pay slip of other district is attached**H.

F- That it has been consistent view of the apex court that once any benefit is granted to an employee; can't be taken later, on the basis of any pretext and discrimination as well.

G- That the action of the respondents is discriminatory in nature, as deduction from teacher of other district is not made and while from the appellant deduction is deliberately is in process every month.

H- That the appellant seeks further permission to advance any other ground at the time of regular hearing.

It is therefore, most humbly prayed that on acceptance of this appeal the impugned deduction from the salary of the appellant by the respondents may be declared illegal and unlawful and the respondents may further please be directed to reimburse all the outstanding amount deducted, to the appellant with all back benefits. Any other relief which this Honorable Tribunal deems proper and appropriate may also be awarded in favor of the appellant.

APPELLANT

TEHSIL UR REHMAN

Through:

AFRASIAB KHAN WAZIR

&

SALMAN KHAN WAZIR

ADVOCATE(S) HIGH COURT

Certificate:

It is certified that the appellant haven't filed any other appeal before this Tribunal.

Deponent

Affidavit:

I Mr. Tehsil Ur Rehman, PST, Government; Primary School, Sub Divison Wazir, District Bannu. do hereby solemnly affirm and declare that the contents of this appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable tribunal so far.

Deponent

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

APPEAL NO. ____ /2024

TEHSIL UR REHMAN

VS

EDUCATION DEPTT:

**APPLICATION FOR CONDONATION OF DELAY IN FILING THE
ABOVE NOTED APPEAL**

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That the valuable rights of the appellant are involved in the case hence the appeal deserves to be decide on merit.
- B- That it has been the consistent view of the Superior Courts, that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2002 PLC C.S 1388, 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.
- C- That no limitation runs being financial matter and recurring cause of action which is reported in 2021 SCMR 1230.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

Through
counsel:


**AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT**

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FR Bannu/Lakki at Bannu

AP

APPOINTMENT ORDER:

Consequent upon the approval by the Departmental Selection Committee, following male PTC candidates of FR Bannu, are hereby appointed under Government recruitment policy, against vacant PTC Project Posts in the schools mentioned against their names in BPS-7, @ Rs.2555/- (Two fixed pay) PM plus usual allowances for a project period on contract basis with effect from the date of taking over charge, in the interest of public service.

S#	Name of candidate with father's name	Place of posting.	Remarks
	Samiullah Khan S/O Sar Anjam Khan.	Community School for Boys at Bani Khel FR Bannu.	Against vacant PTC Project post.
	Tehsil Officer Rehman S/O Abdul Manan.	Community School for Boys Gha: Khan Sain Tanga FR Bannu.	-do-
	Akbar Ali Khan S/O Mir Abbas Khan.	Community School for Boys Agal Jan FR Bannu.	-do-

TERMS AND CONDITIONS:

- These employees will serve the Govt. as Community Schools teachers from the date of assumption of charge, the appointments are purely made on contract/temporary basis and for the period of Project. Moreover these appointments can be withdrawn at any time without any notice, if any legal, clerical or other kind of mistake arise their in. If they wish to resign from the service they will give one month's prior notice OR one month's full pay will be forfeited in lieu thereof.
- These posting will not be transferable.
- They will devote themselves for whole time to their duties as Communal Schools Teacher.
- They will carry out such administrative and teaching functions in relation to their duties.
- They will submit herself to the lawful orders of the Govt. Officers.
- They will produce their Health and age certificates from Medical Superintendent D.H.O Hospital Bannu.
- They will not be handed over charge if they are below 30 years OR above 33 years of age, if they do not resume the charge within 15 (fifteen) days their appointments will be considered as cancelled.
- Their domicile certificates will be verified by Assistant Local Agent FR Bannu, if found bogus their appointments will be stand cancelled.
- Their testimonials will also be verified from the quarters concerned and if found bogus their appointments will stand cancelled.
- The candidates will submit an affidavit to the effect that they do not possess any kind of service in any Govt./Semi Govt. OR Council/Department OR does not work as Nazim, Naib Nazim or I Councilor: In Town, Tehsil OR Union Council.
- Any persons who conceals or submit wrong information disciplinary action will be taken against them as per rules.
- Their pay will not be drawn till the verification of their documents from the concerned University/Board/Institution is completed.
- Charge reports should be submitted in duplicate to all concerned.

(SAID MOHAMMAD KHAN)
Agency Education Officer
FR Bannu/Lakki at Bannu.

Dated: 16/12/2005.

Appointment order

Est. No. 62-15-24/Estab/Recruitment 2005/

Copies to the:

- Director of Education (FATA) NWFP, Peshawar for information please.
- District Coordination Officer Bannu at Bannu for information please.
- Assistant Political Agent FR Bannu at Bannu for information please.
- District Account Officer Bannu at Bannu.
- AAEOs (M) FR Bannu.
- Head teacher concerned schools.
- Accountant local office.
- Candidates concerned.

Agency Education Officer
FR Bannu/Lakki at Bannu



Office of the

AGENCY EDUCATION OFFICER, FR BANNU

Near Bannu Township Bezen Khel road, Bannu
Ph. 0928-633255, Fax 0928-633255

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RE-APPOINTMENT ORDER:

Consequent upon the Honourable Peshawar High Court Bannu bench decision on the basis of writ petition No. 396 of 2012 announced on 25/3/2015 and Director Education (FATA) Peshawar vide No. 5912, dated: 20/5/2015 with the directions to follow up the Notification vide No. SO(E)/SSD/CSTR/99-108/, Dated: 11/5/2012 and readjust the petitioners, the following Ex-PTC teachers of Communal Schools in FR Bannu are hereby re-appointed against vacant PTC posts noted against their names in BPS-07@Rs. 5800-320-15400 plus usual allowances admissible under the rules with immediate effect in the interest of public service.

S#	Name of Communal School teacher	Name of Ex-Communal School	Place of appointment	Remarks
1	Tehsil-ur-Rehman S/O Abdul Manan, Ex-PTC	Community School for Boys Ghazi Khan Sain Tanga FR Bannu	GPS Ghazi Khan Sain Tanga FR Bannu	Against newly created Vacant PTC Post.
2	Farid Ullah Khan S/O Nasrullah Jan, Ex-PTC	-do-	-do-	-do-

TERMS AND CONDITIONS:

1. These appointments have been made purely on temporary basis and are subject to the terms and conditions framed by the Government time to time. Moreover these appointments can be withdrawn and are liable to termination without any notice, if any legal, clerical or other kind of mistake arises therein. If they wish to resign from service, they will give one month's prior notice OR one month's full pay will be forfeited in lieu thereof.
2. If they fail to assume the charge within 15 days, their appointments order will be considered as cancelled.
3. Their pay will not be drawn till the verification of their documents from the concerned University/Board/Institutions. Moreover, they will be terminated if their certificate/degree found Fake/Bogus or tempered with at any stage later on.
4. The appointees will be entitled to the benefits as admissible to civil servants as per present policy.
5. If the appointees conceal or submit wrong informations, disciplinary action will be taken against them as per rules.
6. Charge reports should be submitted in duplicate to all concerned.

(ZAITULLAH KHAN)
Agency Education Officer
FR Bannu at Bannu.

Endst. No. 1440-48 / 1440-48 Dated: 28/5/2015.

Copy forwarded for information to the:

1. Director of Education (FATA) KPK, Peshawar.
2. Deputy Commissioner Bannu.
3. Assistant Political Agent FR Bannu.
4. District Account Officer Bannu.
5. Head of Institutions concerned.
6. A.A.E.O (Female) concerned area.
7. Accountant/Office record.
8. Candidates concerned.

Agency Education Officer
FR Bannu at Bannu

B - (7)

Writ Petition
No. 593-8/2015
San
Peshawar High Court

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

W.P No. 593-8/2015

1. Akhir Zaman Khan S/O Zafar Ali Khan R/O Mohallali College Street House No. 501/C Bannu City Bannu.
2. Janat Mir Khan S/O Rabnawaz Khan R/O Jagi Khel, Mali Khel Bannu.
3. Sabz Ali Khan S/O Rakeem Khan R/O Wazir Dariz Khadri P.O Momand Khel Muhammad Khel Wazir, Bannu.
4. Rizwan Ullah S/O Muhammad Daraz Khan R/O Village Sain Tanga Warcka Jani Khel Bannu.
5. Taj Muhammad Khan S/O Mir Shaday Khan R/O Mama Ziarat Khadar Khel North Waziristan Agency.
6. Zahid Ullah S/O Faqir Muhammad R/O Muhammad Khel, Datta Khel North Waziristan Agency.
7. Khan Muhammad S/O Abbas Khan R/O Mama Ziarat Khadar Khel North Waziristan Agency.
8. Pir Rehman S/O Nadimin R/O Darozanda Tehsil Shewa North Waziristan Agency.
9. Muhammad Mureed Khan S/O Gul Sar Khan R/O Muhammadiad Khel Datta Khel North Waziristan Agency.
10. Shah Nawaz Khan S/O Shahzar Khan R/O Village Kaza Mada Khel Datta Khel North Waziristan Agency.
11. Daud Khan S/O Abbas Khan R/O Shawal village Shewa North Waziristan Agency.
12. Shah Ijaz Khan S/O Amir Nawab Khan R/O Mureeb Khel Baka Khel Bannu.
13. Muhammad Abdullah Khan S/O Gul Sarwar Jan R/O Bachaki Nari Khel Jani Khel F.R Bannu.
14. Zia Ud Din S/O Muhammadiad Jabeen R/O Land Sayed Abad North Waziristan Agency.
15. Gulzaman S/O Dashat Khan R/O Village Tappi Tehsil Miranshah North Waziristan Agency.
16. Akbar Ali Khan S/O Mir Abbas Khan R/O Bandar Kalah P.O Landi Jalandar District Bannu.

(17) Tehsil-ur-Rahman (18) Arifullahi (19) Faridullahi

applied vide cm 161/18

Filed Today
26 OCT 2015
Additional Registrar

..... (Petitioner)

VS.

1. Additional Chief Secretary (PATA), FATA Secretariat, Warsak Road Peshawar.
2. Director of Education, FATA Secretariat, Warsak Road, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary Social Sector Department, PATA Secretariat, Warsak Road, Peshawar.

TESTED
Peshawar High Court
Bannu Bench

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4. Government of Khyber Pakhtunkhwa through Secretary Education, Civil Secretariat Peshawar
5. District Education Officer North Waziristan
5. Agency Education Officer, North Waziristan (Agency) Near Injal Gate Bannu
6. District Education Officer, Near Sub Division Wazir Bannu
6. Agency Education Officer, F.R Bannu, Tajiri Chowk, Near Bannu Township, Bannu.
7. Secretary SAFRON Division, Government of Pakistan, Islamabad.
- ② Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar
- ④ Secretary Finance Department, Civil Secretariat Peshawar

..... (Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973:-**

Respectively Showeth:

1. That petitioners are PTC / Community School Teachers where petitioner No. 1 to 15 have been appointed in the year 2003 and petitioner No. 16 has been appointed in the year 2005 in BPS-07. Copy of appointment orders of petitioners are attached as Annexure-A.
2. That accordingly service books of petitioners were prepared and maintained and since the year 2003 and 2005, every year the basic pay of petitioners were revised / enhanced by entering the same in the service book. Copies of service books of petitioners are attached as Annexure-B.
3. That on 21-02-2007 and 18-04-2007, the respondent No. 2 issued directions to all the Agency Education Officers in Khyber Pakhtunkhwa to the effect that all the qualified Community School Teachers having three years or more service at their credit shall be regularized / adjusted against the regularly sanctioned PTC / PST posts. As such petitioners No. 1 to 15 have rendered more than 03 years service and were qualified under afore-said Notifications for regularization / adjustment of service on regular PTC post but respondents didn't act upon afore-said Notifications. Copies of Notifications dated: 21-02-2007 and 18-04-2007 are attached as Annexure-C.
4. That in pursuance of afore-said Notifications dated: 21-02-2007 and 18-04-2007, the Peshawar High Court, D.I Khan Bench issued directions for adjustment / regularization of one Community School Teacher namely Mst. Rafia Bibi on regular PTC post vide Judgment dated: 14-06-2011 in W.P No. 263/2010. Copy of W.P 263/2010, Judgment of Peshawar High Court, D.I Khan Bench is attached as Annexure-D.
5. That since date of appointment i.e. 2003 and 2005, petitioners have been serving as PST / Community School Teachers till 31-12-2010, whereafter the services of the petitioners were terminated on closure of all Community Schools. Copy of Notification dated: 13-12-2010 is attached as Annexure-E.
6. That as Post of petitioners were project posts, however, later on it was shifted to the regular Budget and because of struggle of petitioners and their colleagues, petitioners No. 1 to 15 were re-appointed by respondent No. 5 and petitioner No. 16 was re-appointed by respondent No. 6 on the same PTC post on 08-11-2012, 31-12-2012, 17-05-2013 and 22-05-2013 respectively on regular PTC posts in piecemeal. Copies of Notification dated: 11-05-2012 and re-appointment orders of petitioners dated: 08-11-2012, 31-12-2012, 17-05-2013 and 22-05-2013 are attached as Annexure-F.

Filed 10/11/11
23/01/2013
Additional Registrar

ATTESTED
EXAMINER
Peshawar High Court.
Bench

[Signature]

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7. That the regularization of petitioners alongwith their colleagues were made after a long process carried on in the FATA Secretariat and the Central Government where it is time and again recommended by Standing Committee SAFRON that "FATA Secretariat should regularize the services of Teachers including their previous services and pay graded salaries as per previous practice". Copies of letters / documents of FATA Secretariat and Central Government including Notification of respondent No. 2 dated: 16-01-2012 are attached as Annexure-G.
8. That it is pertinent to mention here that Peshawar High Court, Peshawar in various Judgments regularized the services of various project employees of FATA Secretariat. Copy of appointment orders dated: 18-07-2012 are attached as Annexure-H.
9. That keeping in view the afore-said reasons, the petitioners made Departmental appeal to the respondents for regularization of petitioners from date of initial appointment. Copy of Departmental appeal of petitioners is attached as Annexure-I.
10. That Government of N.W.F.P (Khyber Pakhtunkhwa) has promulgated NWFP (Amendment) Act, 2005 whereby various contract employees have been given regularization of services.
11. That similarly the Government of Khyber Pakhtunkhwa promulgated the Act of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 by which services of many employees were regularized from date of their initial appointment.
12. That feeling aggrieved and having no other effective and speedy remedy available, the petitioners seek the indulgence of this Hon'able Court in its constitutional Jurisdiction inter alia on the following amongst other grounds.

GROUNDS:-

- A. That petitioners have not been treated according to law nor been treated equally before the law.
- B. That respondents have deprived the petitioners from previous services rendered by the petitioners No. 1 to 15 for about more than 07 years and petitioner No. 16 for about more than 05 years and re-appointed the petitioners which is illegal, unlawful, without lawful authority.
- C. That petitioners are eligible and have the right to be regularized on their services from the date of their initial appointment and petitioners are also entitled for all service benefits from date of their initial appointment order. But respondents with mala fide intention deprived the petitioners from all these benefits and issued re-appointment order which is great injustice done with the petitioners.
- D. That mala fide of the respondents is very much clear from the fact that the posts of Community Schools were shifted to the Regular Budget which is evident from the Notifications of respondent No. 2 dated: 21-02-2007 and 18-04-2007. Instead of regularizing the services of petitioners No. 1 to 15 on the PTC regular posts, respondents terminated the petitioners just to give benefit to their own blue eyed persons, however, after a long struggle, the petitioners and their colleagues were able to get regularization letter whereby again petitioners were deprived from their previous services and respondents issued re-appointment orders of petitioners on much later dates and that too in piecemeal.

Filed Today

26/07/2015

Additional Registrar

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench



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E. That Standing Committees of SAFRON have also recommended and advised the FATA Secretariat to the effect that "FATA Secretariat should regularize the services of Community School Teachers including their previous services and graded salaries as per previous practice without further delay". Even then respondents are reluctant to give previous service benefit to the petitioners from the date of their initial appointment orders.

F. That petitioners have rendered services for about 07 years and about 05 years but petitioners have not been given the previous service benefits and re-appointed the petitioners on much later dates.

G. That even in the settle area as well as in FATA area, thousand of Civil Servants have been regularized and it has clearly been mentioned there in that it should be considered that they have been appointed on regular basis. There is no mention of the word "RE-APPOINTMENT" in the various regularization Acts of NWFP (Now Khyber Pakhtunkhwa) of 2005 and 2009.

H. That the Apex Court and even Peshawar High Court, Peshawar in various judgments have been pleased to accept the writ petitions, whereby the regularization was sought from the date of initial appointment.

I. That the counsel for the petitioner may be allowed to raise additional grounds during the course of arguments.

In view of the quite anomalous situation and circumstances of the case, it is, therefore, most humbly prayed that,

- a) In the interest of Justice, equity and good conscience, the respondents may very graciously be directed to place the case of the petitioners before the competent Authority (Governor of Khyber Pakhtunkhwa) for just and equitable decision, declaring that petitioners are entitled for regularization of their service from the date of their initial appointment and / or
- b) The respondents may kindly be directed to issue proper regularization order / Notification of the service of petitioners from date of initial appointment orders with all service back benefits.
- c). Any other relief which deems fit and proper according to the circumstances of the case may also be granted.

Filed Today
26 OCT 2015
Additional Registrar

ATTESTED

EXAMINER
Peshawar High Court,
Bannu Bench

Petitioner

Through Counsel

Shahid Saleem Mina Khel,
Advocate High Court.



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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH.
(Judicial Department)



W.P No.593-B/2015.

Akhir Zaman Khan and others
Vs
Additional Chief Secretary and others

JUDGMENT

Date of hearing _____ 22.6.2020

Appellant-Petitioner *by Mr. Shahid*
Salim Ahmad Khan
Respondent(s) *by Mr. Shahid*
Musarrat Hameed

MUSARRAT HAMEED, J.— Through instant writ petition, the
petitioners have prayed for the following relief:-

" It is, therefore, most humbly prayed
that:

- a) In the interest of justice, equity and good conscience, the respondents may very graciously be directed to place the case of the petitioners before the competent Authority (Governor of Khyber Pakhtunkhwa) for just and equitable decision, declaring that petitioners are entitled for regularization of their service

man

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench.

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from the date of their initial appointment and/or

- b) The respondents may kindly be directed to issue proper regularization order/Noification of the service of petitioners from date of initial appointment orders with all service back benefits.*
- c) Any other relief which deems fit and proper according to the circumstances of the case may also be granted."*

2. Brief facts of the case are that since 2003 and 2005 the petitioners were serving as PST/Community School Teachers till 31.12.2010. On 21.02.2007 and 18.4.2007, the respondent No.2 issued directions to all the Agency Education Officers in Khyber Pakhtunkhwa to the effect that all the qualified Community School Teachers having three years or more service at their credit shall be regularized against the regularly sanctioned PST posts. Petitioners No.1 to 15 have rendered more than 03 years service and were qualified under the aforesaid Notification for regularization but respondents did not act upon said notification. The posts of petitioners were project posts, however, later on it was shifted to the regular budget and due to struggle of petitioners and their colleagues, petitioners No.1 to 15 were re-appointed by respondent No.5

ATTESTED
EXAMINER
Teacher High Court
Islamabad

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and petitioner No.16 was re-appointed by respondent No.6. Regularization of petitioners along with their colleagues was made after a long process carried on in the FATA Secretariat and the Central Government where it is time and again recommended by Standing Committee SAFRON and FATA Secretariat should regularize the service of teachers including their previous services and pay graded salaries as per previous practice. This Court in various judgments regularized the services of various project employees of FATA Secretariat. The petitioners filed departmental appeal for regularization of their services from date of initial appointment. The Government of Khyber Pakhtunkhwa promulgated Amendment Act, 2005, whereby various contract employees have been given regularization of service. Similarly in the year 2009 the Government of Khyber Pakhtunkhwa promulgated the Act of Khyber Pakhtunkhwa [Employees (Regularization of Services) Act, 2009 by which services of many employees were regularized from the date of their initial appointments.

3. Today, at the very out-set learned counsel for the petitioners produced judgment of this Court passed in W.P No.5585-P/2018, decided on 04.9.2019 and stated that he would not press the instant petition, if directions are

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

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given to the respondents to consider the petitioners in light of the judgment referred to hereinabove.

4. Addl: A.G present in Court was handed-over the judgment of this Court and also sought his assistance. The learned Addl: A.G has expressed no objection if the instant petition is disposed of in the above terms.

5. In the light of above, this writ petition is disposed of with the direction to the respondents to examine the case of the petitioners in the light of judgment rendered in W.P No.5585-P/2018 titled "Azmat Gul, PST and others Vs. Government of Khyber Pakhtunkhwa, through Chief Secretary and others" and extend them same relief, if they are found similarly placed persons. The needful be done within a period of one months, if not earlier, from the date of receipt of this judgment. In case the relief sought by the petitioners cannot be granted to them under the law or otherwise within the above period, the petitioners be provided reasons in writing for the same.

Announced.
22.6.2020.

24/06/2020

Esaa

(D.8) Hon'ble Justice Musarrat Hkhan and Hon'ble Justice Sahibzada Asadullah.

CERTIFIED TO BE TRUE COPY

29/07/2022

SCANNED

24 JUN 2020

Kh...

... Bench
... of
The Government of Punjab Ordinance 1984

C - 15

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

COC NO. - 125-B-2021

IN

Writ Petition No. 593.B/2021

Akher Zaman Petitioners

Versus

Jadoon Khan DEO Respondents/ Contemnors

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of C.O.C		1-3
2.	Affidavit		4
3.	Copy of the order /judgment dated 22.06.2020	"AA"	5-28
4.	Copy of the implementing orders	"BB"	29-36
5.	Wakalatnama		37

Petitioner
Through 

Masood Iqbal Khattak
Advocate Supreme Court of
Pakistan at Bannu
e.mail: mlkadv100@yahoo.com
Cell #: 03009061023

Dated: 13.12.2021

16

1

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

COC NO. ~~125-8~~ /2021

IN

Writ Petition No.593.B/2015

1. Akher Zaman Khan S/O Zafar Ali Khan PST Posted at GPS Asar Mada Khel Tehsil Data Khel District North Waziristan.
2. Shah Nawaz Khan S/O Shah Zar Khan PST Posted at GPS Asar Mada Khel Tehsil Data Khel District North Waziristan.
3. Khan Muhammad S/O Abbas Khan PST Posted at GPS Sher Daraz Kot Haider Khel Tehsil Data Khel District North Waziristan.
4. Taj Muhammad S/O Mir Shadi Khan PST. Posted at GPS Tehsil Data Khel District North Waziristan.
5. Daud Khan S/O Abbas PST Posted at GPS Mosa Khan Kot Shuwa District North Waziristan.
6. Pir Rehman S/O Nedemin Khan PST Posted at GPS Mashal Kot Shuwa District North Waziristan.
7. Jannat Mir Khan S/O Rab Nawaz Khan PST Posted at GPS Gub Kot Karkanwam Tehsil Mir Ali District North Waziristan.
8. Zahid Ullah S/O Faqir Muhammad PST Posted at GPS Idal Khel Tehsil Data Khel District North Waziristan.
9. Muhammad Murid Khan S/O Gul Sar Khan PST Posted at GPS Idal Khel Tehsil Data Khel District North Waziristan.
10. Zia Ud Din s/o Muhammad Jabeen r/o GPS Zareen Kot Land Sayed Abad District North Waziristan.
11. Gul Zaman s/o Dashat Khan r/o GPS Khan Munir Tehsil Miran Shah District North Waziristan.

..... Petitioners

Versus

1. Jadoon Khan Wazir, District Education Officer, District North Waziristan.
2. District Education Officer, District North Waziristan.
3. Secretary Education K.P, Peshawar.
4. Director (E & S) Education K.P, Peshawar

.....Contemnors/Respondent

Zaman

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PETITION UNDER ARTICLE 204 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 R/W CONTEMPT OF COURT Act, 2012 WITH ALL ENABLING PROVISION FOR INITIATING CONTEMPT OF COURT PROCEEDINGS AGAINST, AND CONVICTION OF THE RESPONDENTS/ CONTMENOR AND FOR IMPLEMENTATION OF JUDGMENT AND FOR DISGRACING OF THE ORDER/ JUDGMENT OF THIS HONOURABLE COURT PASSED IN W.P.NO.593-B/2015 PASSED ON 22.06.2020.

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Respectfully Sheweth:

1. That in the above titled writ petition has been allowed by this Hon,ble court on 22.06.2020, directing therein the respondents to grant relief as granted in the writ petition No.5585-P/2018 titled "Azmat Gul VS Government of K.P ETC allowed on 04.09.2019 whereby the same was allowed on the basis of judgment dated 22.06.2017 W.P No.3394-P/2016 but the respondents are mum over without any reason and rhyme since long to implement the judgment of this Hon,ble Court.(Copy of the order/ judgment dated 22.06.2020 is attached as annexure "AA").
2. That in the memo of the writ petition, the petitioners from S.No. 16 to 19 belong to Sub-Division Wazir Bannu whereby the implementing authority is DEO, Sub-Division F.R, Bannu has implanted the judgment of this Hon,ble in real sense whereby the contemnors are ignoring the same without any logic and reason.(Copy implementing orders are annexed as "B").
3. That valuable rights of the petitioners are involved because the contemnors are not ready to follow the direction of this Hon,ble court to grant relief to the petitioners.
4. That the respondent /contemnor are intentionally and willfully avoiding, disgracing and disrespecting the order /judgment of the Hon,ble court.

Handwritten signature

Petitioners
Through
Masood Iqbal Khattak
Advocate Supreme Court of
Pakistan at BANNU

Dated: 13.12.2021

5. That the respondent is therefore, intentionally committing contempt of this Honourable Court by willfully disregarding and disrespecting the order/judgment dated 22.06.2020 of this Honourable Court.
It is, therefore, humbly prayed that on acceptance of this petition, the judgment dated 22.06.2020 may pleased be implemented in spirit of case and the respondents/ accused be convicted under the law of contempt of court along with any other efficacious remedy be also granted to the petitioner by allowing the instant petition

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BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

COC NO. 125-B---/2021

IN

Writ Petition No. 593.B/2019

Akher Zaman Petitioners

Versus

Jadoon Khan DEO Respondents/ Contemnors

AFFIDAVIT

I, Akher Zaman Khan S/O Zafar Ali Khan R/O Mohallah College Street House No.501/C Bannu City, Bannu, do hereby solemnly affirm and declare that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and that nothing has been kept concealed from this Honourable Court.

Identification by
Masood Iqbal Khattak
ASC at Bannu

DEPONENT

1107-1196233-5

19165

and that the above was verified on solemn
affirmation before me in office this 17
day of Dec 2021 at AKHER ZAMAN KHAN
to ZAFAR ALI KHAN R/O BANNU
by MASOOD IQBAL KHATTAK
(ADV)

Masood Iqbal Khattak
Assistant Commissioner
Bannu



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BANNU

Phone No: 0928-660005 Fax No: 0928-660346
Email Id: bannuedo@pws.abee.com



D-20

No. Sto1-05 / Explanation/Court matters Dated; 09-07-2024.

To:

The SDEO (M) SDW
Bannu.

SUBJECT: REGULARISATION OF BACK BENEFITS OF VARIOUS CADRE TEACHERS
SERVICE PERIOD RENDERED IN THE PROJECT AS COMMUNITY
SCHOOL TEACHERS / EXPLANATION

Memo:

Reference Section Officer (Litigation-II) letter No. SO (Litig: IV)E&SED/COC/125-B/2421 Dated; 05-10-2023 and this office order No.2782-87 dated; 14-12-2023 and subsequent letter No.2505-09 dated; 29-11-2023, whereas the petitioners bearing at S.No.16,17,18 & 19 in WP No.593-B/2015 in case titled Amir Zeeb VS District Account Officer Nowshera & others was declared not Similar cases, therefore decided by this office to recovered the Back benefits, but you failed in compliance to the above orders in later & spirit till to date.

You are therefore once again directed to make compliance of the orders being Court matters and also explain your position in writing with cogent reasons within week time positively for onward submission the honorable court please.

DISTRICT EDUCATION OFFICER
(MALE) BANNU

Copy for information & Necessary Action to the :-

- 1- Director E&SED Khyber Pakhtunkhwa.
- 2- Registrar Peshawar High Court Peshaar.
- 3- Additional Advocate General Peshawar High Court Peshawar.
- 4- Accountant SDEO (M) SDW Bannu

Received and forwarded to
Assistant for Enik
Action -
12/7/24
DISTRICT EDUCATION OFFICER
(MALE) BANNU

OFFICE OF THE **SECRETARY** SOU BANGLA

PAYROLL SYSTEM
PAY FORM FORM-3
ANNEXMENT FORM
MONTHLY EMPLOYEE

FOR THE MONTH OF **7/2024**

34657

Description:

EMPLOYEE DETAIL		DATA REGISTRATION		GENERAL DATA CHANGE		GENERAL INFORMATION	
PERSONAL NUMBER	EMPLOYEE NAME WITH DESIGNATION	POST HALLARY	DATE	PERIOD	RTS SALARY	REMARKS	
00297706	MR. ACHAY AG. PSHT/SSP	17-12-2003	17-12-2003	10:30-6	R=309245/-	Deduction in Pay sheet last: 1/36	R=8591/-PM
00370460	MR. FARUQUE ULLAH PSHT	12-10-2003	12-10-2003	10:30-6	R=2242392/-		R=6733/-PM
00297718	MR. LEHRUDDIN PSHT	17-10-2003	17-10-2003	10:30-6	R=156889/-		R=4358/-PM
510258507	MR. ARIF ULLAH PSHT				R=33998/-		R=944/-PM

By the Direction of **Dr. Md. Faruk Raza**
 Verified by: **Ms. G. S. Talukder** No: 5101-05/Exp/Secy
 Monthly Deducted by: **Ms. G. S. Talukder**
 From the salary of the concerned employees
 Remarks: Documents attached

Entered/Verified
Ms. G. S. Talukder
 City: Dhaka
 City: Dhaka
 City: Dhaka

12/7/24

F-21

12/7/24

Bannu

Sr:7017

P Sec:001 Month:July 2024

BU6519 -Govt.Primary Schools (Male

F-22

Pers #: 00297718 Buckle: DEO PRIMARY EDUCATION BAN

Name: TEHSIL-UR- REHMAN NTN:

PRIMARY SCHOOL TEACHER GPF #:

CNIC No.1110114931173 Old #:

GPF Interest Applied

15 Active Temporary BU6519 -

PAYS AND ALLOWANCES:

0001-Basic Pay	41,740.00
1001-House Rent Allowance 45%	3,524.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,000.00
2148-15% Adhoc Relief All-2013	550.00
2199-Adhoc Relief Allow @10%	275.00
2316-Teaching Allowance 2021	3,224.00
2341-Dispr. Red All 15% 2022KP	3,506.00
2347-Adhoc Rel Al 15% 22(PS17)	3,506.00
2378-Adhoc Relief All 2023 35%	12,757.00
2393-Adhoc Relief All 2024 25%	10,435.00
Gross Pay and Allowances	84,873.00

DEDUCTIONS:

IT Payable 14,385.25 Deducted 1,308.00 TAX:(3609) 1,308.00	
GPF Balance 196,975.00 Subrc: 4,290.00	
3501-Benevolent Fund	1,200.00
3621-Recovery of Pay	4,358.00
3990-Emp.Edu. Fund KPK	135.00
4004-R. Benefits & Death Comp:	600.00

Total Deductions 11,891.00

72,982.00

D.O.B LFP Quota:

20.01.1973 UNITED BANK LIMITED ARAL H.KL

18 Years 07 Months 016 Days 020951919

Handwritten signature: A. Usaid

Malik Shams Ur Rehman
S.D.O BPS 18
G.M.S Shor Ahmed
NIC:11101-1507623-8
0340-8042979

To,

G-23

The Director E&SE department,
Khyber Pakhtunkhwa, Peshawar.

Though proper channel:

Appeal for not deduction of back benefits allowed to the petitioner since 2005 to 2020 on the basis of regularization.

Honorable sir,

It is duly submitted that the applicant is initially PTC teachers in community school who were later on regularized and since regularization the applicants are performing their duties dutifully. The issue arise from the regularization of the applicant and then allowing back benefits to them, the applicant for regularization filed writ petition which was allowed by the Honorable High court bannu bench, and on the basis of which the applicants were regularized and allowed back benefits also. The applicants when filed COC the department issued letter whereby the department started deduction from the salaries of the applicants. Now the deduction from the applicants salary that huge amounts is illegal, while the others districts teachers are still taking the same benefits which are allowed to the applicants. It has been view of the supreme court of Pakistan, if any benefits is granted to the employee the employer will not take back that benefits once allowed. The deduction from the salaries of the applicant has started now and that deduction is sheer against law and no amount of law permits the authority to start deduction from the applicant's salary after such a long time.

It is therefore, your kind attention is required and requested to kindly not deduct back benefits from the applicants salaries and the amount which is deducted may please be reimbursed to the account.

Applicant

Tehsil ur rehman, PST

GPS Ghazi Khan Sain Tanga

SDW District Bannu





GHALANAI

88:1

P Sec:001 Month:July 2024
MG6088 -Govt Primary Schools (M) U
GOVT PRIMARY SCHOOLS (M)
NTN:
GPF #: IV.EDU.MD.5262
Old #:

Para #: 00354758 Buckle:
Name: AZMAT GUL
PRIMARY SCHOOL TEACHER
CNIC No.2140616581263
GPF Interest Applied

	MG6088	
0001-Basic Pay	46,890.00	
1001-House Rent Allowance 45%	3,321.00	
1210-Convey Allowance 2005	2,856.00	
1528-Unattractive Area Allow	1,700.00	
2199-Adhoc Relief Allow 2024	348.00	
2341-Dispr. Red All 15% 2022KP	3,150.00	
Gross Pay and Allowances	92,038.00	
DEDUCTIONS:		
IT Payable 17,670.84 Deducted	1,607.00	TAX:(3609) 1,607.00
JPF Balance 249,137.00		Subtr: 3,900.00
6305-GPF Loan Principal Instal. bal:	75,826.00	5,417.00
3501-Benevolent Fund		1,200.00
3914-Education (RCP)		10,000.00
3990-Emp Edu Fund KPY		135.00
4304-R. Benefits & Death Comp:		600.00

Total Deductions 22,859.00
69,979.00

D.O.B 01.01.1976
21 Years 04 Months 025 Days
LFP Quota:
ALLIED BANK LIMITED GHALANAI
0010061297690017

GHALANAI

88:2

P Sec:001 Month:July 2024
MG6088 -Govt Primary Schools (M) U
GOVT PRIMARY SCHOOLS (M)
NTN:
GPF #: IV.EDU.MD.5262
Old #:

Para #: 00354758 Buckle:
Name: AZMAT GUL
PRIMARY SCHOOL TEACHER
CNIC No.2140616581263
GPF Interest Applied

	MG6088	
2347-Adhoc Rel All 15% 22(P817)		3,150.00
2378-Adhoc Relief All 2023 35%		14,527.00
2393-Adhoc Relief All 2024 25%		11,722.00

Gross Pay and Allowances		92,038.00
DEDUCTIONS:		
IT Payable 17,670.84 Deducted	1,607.00	
GPF Balance 249,137.00		Subtr:

Total Deductions 22,859.00
69,979.00

D.O.B 01.01.1976
21 Years 04 Months 025 Days
LFP Quota:
ALLIED BANK LIMITED GHALANAI
0010061297690017

POWER OF ATTORNEY/VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

Tehsil ur Rehman

VERSUS

EDUCATION DEPTT

Appeal No. _____-P/2024

On behalf of Petitioner/Appellant No.

I/ we the petitioners/appellant hereby appoint **Mr. Afrasiab Khan Wazir** Advocate in the above-mentioned case, to do all or any of the following acts, deeds things.

1. To appear, act, sign, record Statement and plead for me/us in the above-mentioned case in this court /Tribunal or any other Court /Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all proceedings. petitions, appeals, affidavits, and any other documents, as may be deemed necessary of advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/Tribunal when it is called for hearing.
- c. An advocate shall not be responsible for any concealment, fraud, misrepresentation made by the client before any tribunal, court or forum.
- d. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof, I/We have signed this power of Attorney/ Vakalatnama hereunder, the contents of which have been read/ explained to me/us and fully understood by me/ us.

Terms Accepted

Signatures

Accepted & Attested

Afrasiab Khan Wazir

&

Salman Khan Wazir

Advocates Peshawar High Court.

Malik asif haroon advocate Lower court

Bc 19-1700

Office:

Room No. B-16, Govt College Chowk,

Nimra Plaza, Peshawar.

Cell : 0312-9888752.

Tehsil ur Rehman

[Signature]