SCANNED
KPST
Peshawar

بعدالت سروس ٹریبونل پشاور

کورٹ فیس			

مورخہ: 29 اگست 2023ء

مقدمہ: نواب گل منجانب: ریلائنٹ

دعویٰ: بنام: ڈسٹرکٹ پولیس آفیسر ایجوکیشن وغیرہ

جرم:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کارروائی متعلقہ آن مقام پشاور کے لئے یعقوب خان ایڈووکیٹ مقرر کرکے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ وتقرر ثالث وفیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی وپیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداختہ منظور وقبول ہوگا اور دوران مقدمہ میں جو خرچہ وہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا وخرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم 29 ماہ اگست 2023ء

العبد گواہ شدہ العبد

بمقام: پشاور کے لئے منظور ہے۔

Attested & Accepted

Yaqub

Nawab Gul
نواب گل

GROUNDS:

a) That appellant is a regular civil servant of respondent and performing his duty regularly.

b) That appellant is performing his duty and being a regular civil servant of respondent, hence entitled for salary as per law and rules.

c) That there is no provision of law and General Principle of rule that when a Civil Servant is preforming his duty and he is not entitled for his salary while it is golden principle of law that when a civil servant is serving, he is entitled for his salary.

It is therefore, humbly prayed that appellant may please be granted salary w.e.f 1/12/2022 till 31/5/2023 and onward on the basis of his performing his duty. Any other relief deemed fit may also be graciously granted.

Dated: 22-05-2023

Nawab Gul
Appellant Nawab Gl

Through Counsel

ATTESTED

(13) Anx 'C'

(7)

BEFORE THE DIRECTOR OF E & SE KPK PESHAWAR

Nawas Gul S/O Umar Jan T.T Teacher (BPS-14) G.P.S Kareer Habibzai Mahmand Distt: R/O Village Shahbaz Koroona Inzari District Mahmand Present Address: Village Halki Banda Pirabad Tehsil Takht Bhai District Mardan._____(Appellant)

VS

DEO (M) Mahmand Agency _____ (Respondents)

Representation/D/Appeal for grant of salary of appellant w.e.f 1/12/2022 till 31/5/2023 being serving as a T.T Teacher in G.P.S Kareer Habibzai District Mahmand Regularly.

PRAYER: ON ACCEPTANCE OF THIS APPEAL, APPELLANT MAY PLEASE BE GRANTED SALARY W.E.F 1/12/2022 TILL 31/5/2023 AND ONAWARD ON THE BASIS OF DUTY PERFORMING OF APPELLANT AS T.T TEACHER IN G.P.S KAREER HABIBZAI MAHMAND ACCORDINGLY.

ATTESTED

Sir,

Appellant humbly submits as under:

1) That appellant was appointed as T.T teacher in G.P.S Kareer Habibzai District Mahmand on 28/4/2007 vide DEO (M) Mahmand order No: 4507/22 dated 28/4/2007 on regular basis. (Copy of order is attached) A
2) That appellant was properly med:examined and take over charge of the post vide charge report dated 3/5/2007. (copy of Medical report and charge report is attached). B
3) That appellant is performing his duty with respondent on his post regularly without any breake of service and appellant is not absented from date of appointment till today.
4) That appellant is entitled for his salary w.e.f 1/12/2022 till 31/5/2023 and onward on the basis of his service performance on the following

Annex B

(5)

چارج رپورٹ

(12)

حسب حکم نواب گل والد محمد جان نے اپنے عہدے کا چارج

آج مورخہ 3-5-2007 قبل از دوپہر بموجب آرڈر نمبر 4507 مورخہ 28-4-2007 گورنمنٹ پرائمری سکول کریڑ حسب ذیل

حسب ذیل کام شروع کی

لہذا رپورٹ عرض ہے

Taj
3/5/07

نواب گل عرض نویس
چارج لینے والا
T.T Nawab Gul

چارج دینے والا
PTC Zartaj
معلم انچارج

Attested
ATTESTED

(11)

Anx B

(4)

N.W.F.P., Med. No. 4

GS&PD—NWFP—27 FS—2000 P of 100—29-7-9

MEDICAL CERTIFICATE.

Name of Official Mr. Nawab Gul.

Caste or race Mohmand.

Father's name Mr. Umer Jan

Residence Village Hulki Banda Teh Takhti Bahi District Mardan.

Date of birth 01-03-1976

Exact height by measurement 5-7

Personal mark of identification Scar on left elbow.

Signature of the Official

Signature of head of office

Seal of Office

I do hereby certify that I have examined Mr. Nawab Gul a candidate for employment in the Office of the Education Department and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

I do no consider this as disqualification for employment in the office of the Education Department. His age according to his own statement 31 year and by appearance about (31) years.

(Thirty one)

Attested

LEFT HAND THUMB AND FINGER IMPRESSIONS

Medical Superintendent
Civil Hospital

(10)

Ann-A (3)

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY AT GHALLANAI.

APPOINTMENT ORDER.

Consequent upon on the approval of Departmental Selection Committee the following Male candidates are hereby appointed as TT teachers in BPS.No.14 plus usual allowances as admissible under the rules in the interest of public services with effect from the date of their taking over charge in the schools noted against each.

S.No	Name & Father's Name	School	Remarks
105/01	Abdul Wadood S/O Nóor Ullah	GPS Hassan Khel Lakkarai	Against vacant post
122/02	Liaqat Ali S/O Akram Khan	GPS Aslam Baro Khel	Against vacant post
118/03	Mohd Asif S/O Alif Khan	GMS Mian Mandi	Against vacant post
109/04	Mohd Nasceru S/O Naseeb Jan	GPS Kadi No.5	Against vacant post
108/05	Aslam Khan S/O Dilbar Khan	GPS Dara Gandhab	Against vacant post
144/06	Ghulam Farooq S/O Hukam Khan	GMS Navi Kalai	Against vacant post
101/07	Abdul Sadiq S/O Noor Badshah	GPS Banglow No.2	Against vacant post
107/08	Shahidullah S/O Sherul	GPS Toora Garhi	Against vacant post
116/09	Nawab Gul S/O Umar Jan	GPS Kareer Habibzai	Against vacant post

TERMS/CONDITIONS.

1. The appointment of the candidates are made purely on temporary basis and liable to termination at any time without showing any reason.
2. They will be considered Govt: Servants and will be entitled to all benefits except pension and gratuity.
3. They will be entitled to C.P.Fund.
4. In case if they wish to resign the post they shall have to give one month prior notice or forfeit one month pay in lieu thereof.
5. Health & Age certificate should be produced from the Agency Surgeon Mohmand Agency.
6. They will not be handed over charge of the post if they are below 18 years and above 33 years.
7. If they failed to report their arrival with in 15 days, their appointment will be deemed as cancelled.
8. Their original education qualification/Professional certificates, Domicile Certificates and N.I.C will be checked before the handing over charge of the posts.
9. They will not be paid their salaries before the verification of their documents from the quarter concerned.
10. Charge Reports should be submitted to all concerned.

(HAJI HASHAM KHAN)
Agency Education Officer,
Mohmand Agency at Ghallanai.

Endst:No. 4507-22 / Dated 28/04/2007.

Copy of the above is forwarded to the :-

1. Director of Education (FATA) NWFP, Peshawar.
2. Political Agent Mohmand Agency at Ghallanai.
3. Agency Accounts Officer Mohmand Agency at Ghallanai.
4. Agency Surgeon Mohmand Agency at Ghallanai.
5. AAEOs/HM concerned.
6. Accountant/Pay Clerk local office.

7-15.Candiddates concerned

Agency Education Officer,
Mohmand Agency at Ghallanai.

Attested

reason, while is performing his duty regularly on his post i-e TT teacher at GPS Kareer Habibzai Mahmand.

6. That appellant preferred an appeal befor erespodnent No.1 on 27/05/2023 but in vain. (Copy of departmental appeal is attached).

7. That appellant is entitled for his salaries w-e-f 01/12/2022 till 31/05/2023 being a regular civil servant of respondents on the following grounds.

Groundss

A. That appellant has received his salary for post period i-e up to 30/11/2022.

B. That, appellant is a regular civil servant of respondent and performing his duty regularly.

C. That appellant is performing his duty and being a regular civil servant of respondent hence, entitled for salary as per law and rules.

D. That there is no provision of law and general principle of rule that when a civil servant is performing his duty and he is not entitled for his salary while it is golden principle of law that when a civil servant is serving, he is entitled for his salary.

It is, therefore, humbly prayed that on acceptance of this appeal, appellant may please be granted salary w-e-f 01/12/2022 till 31/05/2023 and onward being a regular civil servant of respondents department. Any other relief deemed fit may also be graciously awarded.

Appellant. Nawab Gul
Nawab Gul

Trough counsel
Yaqoob Khan advocate High Court at Distt: courts Mardan.

Attested

Dated 29/08/2023

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that all the contents of the appeal mentioned above are true and correct to the best of my knowledge and belief and noting has been concealed from this Hon'able court.

Deponent: Nawab Gul

(8)

Before The Hon'able Service Tribunal of KPK at Peshawar

(1)

Khyber Pakhtunkhwa Service Tribunal
Diary No. 7316
Dated 1/9/2023

Appeal No. 1770 /2023

Nawab Gul son of Umar Jan TT Teacher (BPS-14) GPS Kareer Habibzai, Meahmand District R/o villabe Shabaz Korona District Mahmand .....Appellant

VERSUS

1. Director of E & SE, KPK, Peshawar
2. District Education Officer (M) Mahmand
3. District Account Officer Mahmand ..... Respondents

Appeal U/S-4 of the Service Tribunal Act 1974, for grant of salaries of appellant w.e.f 01/12/2022 till 31/05/2023 and onward being serving as a TT Teacher in GPS Kareer Habibzai, District Muhmmand as a regular Civil servant for which, appellant filed departmental appeal/ representation dated 27/05/2023 and after laps of 90 x days, appellant filed instant appeal before this Hon'able court.

Filed to-day
Registrar 01/09/23

Respectfully Sheweth;

Appellant humbly submits as under

1. That appellant was appointed as TT Teacher in GPS Kareer Habibzai District Hahmand on 28/04/2007 vide D.E.O (M) Muhammad order No. 4507/22 dated 28/04/2007 on regular basis. (Copy of order is attached).

2. That, appellant was properly med examined an take over charge of the post vide charge report dated 03/05/2007. (Copy of Med report and charge report are attached).

3. That, appellant is performing his duty with respondent on his post regularly without any break of service and appellant is not absented from date of appointment till today.

4. That appellant is entitled for his salary w.e.f 01/12/2022 till 31/05/2023 and onward on the basis of his service.

5. That, respondents have not been paid salaries w.e.f 01/12/2022 till 31/05/2023 and onward without any

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SCANNED
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Before The Service Tribunal KPK Peshawar

Appeal No. 1770/2023

Nawab Gul .....Appellant

VERSUS

Director E & SE etc .....Respondents

SERVICE APPEAL

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			From	to
1	Grounds of appeal		1	2
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3	Copy of Med report and charge report	"B"	4	5
4	Copy of departmental appeal	"C"	6	8
5	Wakalat Nama		–	9

Appellant, Nawab Gul
Nawab Gul

Trough counsel Yaqoob
Yaqoob Khan advocate High Court at Distt: courts Mardan.

Dated 29/08/2023

(6)

KHYBER-PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Nawab and **Versus** Director E and SE

..... Appellant .....Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: Yaqoob Khan Advocate High Court	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	×	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Yaqoob Khan

Signature:- Yaqoob

Dated:- 01/09/2023

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17th Oct, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Noor Badshah, ADEO for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 10.11.2023 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

10th Nov, 2023

1. Appellant in person present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Noor Badshah, ADEO for the respondents present.

2. Written reply/comments have not been submitted. Representative of the respondents seeks time to submit written reply/comments on the next date. Last chance is given. To come up for written reply/comments on 13.12.2023 before S.B. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

SCANNED KPST Peshawar

FORM OF ORDER SHEET

(SA)

Court of _____

Appeal No. 1770/2023

S.No.	Date of order proceedings.	Order or other proceedings with signature of judge
1	2	3
1-	01/09/2023	The appeal of Mr. Nawan Gul presented today by Mr. Yaqub Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 06-09-2023. By the order of Chairman REGISTRAR
	06.09.2023	Learned counsel for the appellant present and argued that appellant was appointed as Theology Teacher (BPS-14) vide order dated 28.04.2007 and was paid salary till November 2022, but salary of appellant was stopped without any reason since December 2022 despite performing duties regularly. He further argued that appellant filed departmental appeal on 22.05.2023 which was not responded within statutory period, therefore, he filed instant appeal on 01.09.2023 under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 17.10.2023 before S.B. P.P given to learned counsel for the appellant. (Rashida Bano) Member (J)

SCANNED KPST Peshawar

SCANNED KPST Peshawar

*KaleemUllah

(4)

31.05.2024 1. Junior to counsel for the appellant present. Mr. Arshad Azam learned Assistant Advocate General for the respondents present.

2. Junior to counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is busy before Worthy Peshawar High Court, Peshawar. Adjourned. To come up for arguments 01.07.2024 before the D.B. P.P given to parties.

SCANNED KPST Peshawar

(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

Kaleemullah

1st July, 2024 1. Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Former requested for adjournment on the ground that his counsel is not available today. Adjourned by way of last chance. To come up on 24.09.2024 before D.B. P.P given to the parties.

SCANNED KPST Peshawar

(Rashida Bano)
Member(J)

(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

13th Dec. 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Reply on behalf of the respondents has been submitted through office. To come up for arguments on 17.04.2024 before D.B. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

Mutazem Shah

SCANNED
Peshawar

17.04.2024

Appellant present in person. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Former requested for adjournment on the ground that his learned counsel is busy in the Hon'ble Peshawar High Court today. Granted. To come up for arguments 31.05.2024 before the D.B. P.P given to the parties.

(Fareeha Paul)
Member(E)

(Rashida Bano)
Member (J)

Fazle Subhan, P.S

SCANNED
Peshawar

(3)

ER

.2024 1. Learned counsel for the appellant present. Mr. Naseer Uddin Shah, Assistant Advocate General for the respondents present.

2. Vide our detailed judgment of today placed on file, the appeal in hand is dismissed having no force in it. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 24th day of September, 2024.*

(AURANGZEB KHATTAK)
MEMBER (Judicial)

(RASHIDA BANO)
MEMBER (Judicial)

*Kaleemullah

appellant was asked to produce salary slips or a salary statement to demonstrate that he was officially assigned his post following document verification in 2007, performed his duties, and received salaries until November 2022, he was unable to do so. He argued that no computerized salary slips were available in District Mohmand. However, this claim was refuted by the respondents' representative, who produced his own computerized salary slip for the month of January 2019, indicating that such slips were, in fact, available in District Mohmand. Therefore, the appellant's claim that he received salaries until November 2022 is not supported by the record. Furthermore, the appellant failed to provide evidence showing that he performed his duties after his appointment, such as attendance registers from the school where he was employed, any transfer or posting orders during the 15-year period, or crucial documents like his service book, service card, or inclusion his name in the seniority list of Theology Teachers from 2008 to 2022.

7. As a sequel to the above discussion, the appeal in hand is dismissed having no force in it. Costs shall follow the event. Consign.

8. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 24th day of September, 2024.*

(AURANGZEB KHATTAK)
MEMBER (Judicial)

(RASHIDA BANO)
MEMBER (Judicial)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1770/2023

Before: MR. AURANGZEB KHATTAK ... MEMBER (Judicial)
MRS. RASHIDA BANO ... MEMBER (Judicial)

Nawab Gul S/O Umar Jan Theology Teacher (BPS-14) GPS Kareer Habibzai, District Mohmand.....(Appellant)

VERSUS

1. Director E&SE Khyber Pakhtunkhwa Peshawar and another.
2. District Education Officer (Male), Mohmand.
3. District Account Officer, Mohmand.....(Respondents)

Yaqoob Khan
Advocate --- For appellant

Naseer Uddin Shah
Assistant Advocate General --- For respondents

Date of Institution.....01.09.2023
Date of Decision.....24.09.2024
Date of Hearing.....24.09.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):- The instant service appeal has been instituted under section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 with prayer copied as below;

> **"That on acceptance of this appeal, appellant may please be granted salary w.e.f 01.12.2022 till 31.05.2023 and onward being a regular civil servant of**

respondent department. Any other relief deemed fit may also be graciously awarded."

2. Brief of the case alleged by appellant are that the appellant was appointed as Theology Teacher in Government Primary School Kareer Habibzai vide order dated 28.04.2007. He took over the charge of the post on 03.05.2007 and regularly performing his duty till date. Appellant received salary upto 30.11.2022 but there-after his salary was stopped. Feeling aggrieved, he filed departmental appeal which was not responded, hence the present service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and submitted reply.

4. We have heard learned counsel for the appellant and learned Assistant Advocate General for the respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned orders.

6. The perusal of record reveals that the appellant was appointed as a Theology Teacher (BPS-14) vide order dated 28.04.2007. In the present appeal, he seeks the release of his salaries from December 2022 to 31.05.2023, claiming that he received his salary until November 2022, after which the respondents stopped the salaries without any reason. In their reply, the respondents acknowledged the appellant's appointment as a Theology Teacher vide order dated 28.04.2007, but argued that he failed to join his post because he had not completed the necessary document verification, as required under condition No. 9 of the appointment order. When the learned counsel for the

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BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1770/2023
Mr. Nawab Gul District Mohmand

.....Appellant

Versus

Director Elementary and Secondary Education Khyber Pakhtunkhwa & others.

.....Respondents

Peshawar
11/12/23

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Deponent
8.12.2023

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BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1770/2023
Mr. Nawab Gul District Mohmand

.....Appellant

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Peshawar
11/12/23

Versus

Director Elementary and Secondary Education Khyber Pakhtunkhwa & others.

.....Respondents

Para-wise comments on behalf of respondents No.1,2 &3.

Khyber Pakhtunkhwa Service Tribunal
Diary No. 9815
Dated 18-12-2023

Respectfully Sheweth.

Preliminary objections.

I. That the Appellant has no cause of action, locus standi to file the instant Appeal.
II. That the Appellant has not come to this court with clean hands..
III. That the Appellant has concealed material facts from the Honorable Tribunal.
IV. That the Appeal is barred by law and limitation

ON FACTS.

1. Correct to the extent that the appellant was appointed but neither had he assumed his charge nor submitted his charge report to the office concerned leading to non-compliance with the appointment order.
2. Incorrect and denied. That the appellant as a civil servant failed to join his duty and did not fulfill the necessary verification of documents. Due to this non-compliance, the appointment order of the appellant became void or ineffective as per Term & Condition No 7 of his appointment order Vide this office No 4507-22 dated 28/4/2007.
3. Incorrect and denied. That the affidavit submitted by Chowkidar Mr. Marawar khan S/o Habib Rehman GPS Karrer Habib Zia stated that the appellant did not join his duty at the said school according to the available record and the statement also submitted by the teacher incharge GPS Karrer Habib Zai c/signed by the concerned ASDEO stated that the appellant is an unknown person and his name is not reflected in the School record. (Copy **of the statements are attached annexed. A-B)**
4. Para No.4 related to respondent.3.That the appellant did not have any salary record and he had neither received any salary against the said post from this office nor personal Number was allocated to him by District Accounts officer Mohmand i.e. Respondent No 3.
5. As elaborated in Paras 3 & 4 above.
6. Pertains to record.
7. As Elaborated in Paras 3 & 4 above

GROUNDS.

A. That the appellant has not received any salary as a civil servant.
B. Incorrect and denied. As already explained at Paras 3 & 4 of the facts.
C. Incorrect and denied. As already explained at Paras 3 & 4 of the facts
D. Incorrect and denied. As already explained at Paras 3 & 4 of the facts 3 & 4 above in fact.

It is, therefore, most humbly prayed that the appeal of the appellant may kindly be dismissed with cost.

Respondent No.1

Dr. (IQBAL KHAN)
Director
Elementary and Secondary Education Department,
Government of Khyber Pakhtunkhwa

Respondent No.2

Mr. (LAIQAT ALI)
District Education Officer
District Mohmand

Respondent No.3

Mr. (MUHAMMAD AMJID)
District Account officer
District Mohmand

16-11-23

BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.

Service appeal No.1770/2023
Mr. Nawab Gul

Versus

Secretary Elementary and Secondary Education Khyber Pakhtunkhwa & others.

AFFIDAVIT

I , Mr. liaqat Ali District Education officer Mohmand do hereby declare and affirm on oath that above comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon, rabble Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense is struck off.

Respondent No.2

(LIAQAT ALI)
District Education officer (M)
District Mohmand

District Education Officer
Tribal District Mohmand

ATTESTED
NOTARY
DISTRICT COURT PESHAWAR

23 4

DISTRICT EDUCATION OFFICE (MALE) MOHMAND

AUTHORITY LETTER

I, District Education officer (Male) District Mohmand do herby authorize Mr. Noor Badshah Assistant (Litigation) of this office District Education (Male) Mohmand to attend the Khyber Pakhtunkhwa service Tribunal in connection with filling Para wise comments in service appeal No 1770/2023 / Titled Nawab Gul VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department

Dated

Respondent No.2

(Mr. LIAQAT ALI)
District Education officer (M)
District Mohmand
District Education Officer
Tribal District Mohmand

بیان حلفی

(24)

میں مزدور خان ولد حبیب رحمٰن چوکیدار گورنمنٹ پرائمری سکول کریڑ صیب زئی اس بات کی گواہی دیتا ہوں کہ میں نے گورنمنٹ پرائمری سکول کریڑ صیب زئی بطور کلاس-4 24-09-1986 سے اپنی ڈیوٹی سرانجام دے رہا ہوں۔

میں نے اپنی دوران ملازمت سکول ھذا میں کوئی نواب گل ولد عمر جان نامی دینی استاد نہیں دیکھا

شناختی کارڈ نمبر: 21406-2886478-3

موبائل: 0300-7094120

دستخط: مزدور خان

RISI
For Necessary Action please
20/X/2023
ASEEM

Allaud
9.12.2023

بیان حلفی

(25)

میں عالم زیب S/o مغل خان انچارج GPS کریڑ صیبزئی یہ بیان دے رہا ہوں کہ میں نے GPS کریڑ صیبزئی کے آس پاس علاقے کے لوگوں اور سینئر اساتذہ کرام سے یہ معلومات حاصل کیے ہیں کہ GPS کریڑ صیبزئی میں دینی استاد نواب گل ولد عمر جان بمطابق مقامی لوگ نے کبھی بھی اپنی تدریسی سرگرمیاں سرانجام نہیں دیے ہیں۔ اور جس استاد استاد زرتاج سے انہوں نے چارج لیا ہے وہ وفات پا چکے ہے لہٰذا یہ چارج رپورٹ جھوٹ بھی ہو سکتا ہے۔ اور میں عالم زیب انچارج ٹیچر نے بھی اپنے دوران ملازمت نواب گل نامی استاد کو کبھی بھی اپنی کریڑ صیبزئی میں نہیں دیکھا ہے۔

HEAD TEACHER
G.P.S
Karr Habib Zai

30.10.2023

RSM SDEO
For N Electronic Placement
30/10/2023

ASDEO
Tehsil Takhti District

Attested
P.3.2023

بیان حلفی Ann A-2 (5)

میں فضل مولا ولد حمید خان (P.S.T) گورنمنٹ پرائمری سکول کریڑ حبیب زئی
اس بات کی گواہی دیتا ہوں کہ میں اُس وقت سے (P.S.T) کی حیثیت سے تعینات تھا۔
اور میری ڈیوٹی اور میری موجودگی میں زرتاج ہیڈ ماسٹر گورنمنٹ پرائمری سکول
کریڑ حبیب زئی ضلع مہمند نے 03-05-2007 کو (بحوالہ آرڈر نمبر 4507/22
مورخہ 28-04-2007 ایجنسی ایجوکیشن آفسر مہمند ایجنسی) مولانا نواب گل ولد
عمر جان کو بطورِ معلم دینیات (T.T) چارج دی۔

اس چارج رپورٹ کے بعد مولانا نواب گل ولد عمر جان نے اپنی
ڈیوٹی سرانجام دی۔ اور بطور ثبوت چارج رپورٹ کے بعد رجسٹر حاضری
مدرسین گورنمنٹ پرائمری سکول کریڑ حبیب زئی بطور سند موجود ہے۔

العبد

فضل مولا ولد حمید خان

Fazl ULa

CNIC No.
17101-0262402-3

MUHAMMAD FAROOQ ADVOCATE
Attested
No. 576
Dated 02/2/24
Oath Commissioner

33

بیان حلفی

منکہ سید علی ولد گل خان ساکن کریڑ حبیب زئی ڈاکخانہ کلڑے
تحصیل صافی ضلع مہمند بہ ہوش و حواس بلا جبر اقرار کرکے لکھ دیتا
ہوں کہ من مقر اسی علاقہ اور گاؤں کا پیدائشی رہائش پذیر ہوں۔
اور پورا عمر یہاں اپنے گاؤں میں گزاری ہے۔ من مقر کے بچے
گورنمنٹ پرائمری سکول کریڑ حبیب زئی ضلع مہمند میں پڑھتے ہیں۔
اور مولانا نواب گل ولد عمر جان یہاں اس سکول میں بطور معلم دینیات
تعینات ہے۔ اور یہاں ڈیوٹی سرانجام دے رہا ہے۔ اور میرے
حجرے میں رہائش پذیر ہے۔ یہ چند حروف لکھ دی تاکہ سند رہے۔

العبد
سید علی

MUHAMMAD FAROOQ ADVOCATE
Oath Commissioner
Attested
No 577
Dated 12/12/12

Before the Service Tribunal KPK, Peshawar

Appeal No. 1770/2023 (26)

SCANNED
KPST
Peshawar

Nawab Gul V/S Director of (E & SE) etc

Subject:- Replication on behalf of appellant

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Dated: 21/2 /2024

Petitioner Nawab Gul
Nawab Gul

Through Yaqub
Yaqoob Khan Advocate High Court

17-04-24
post

Before the Service Tribunal KPK, Peshawar

Appeal No. 1770/2023 (27) (1)

Nawab Gul V/S Director of (E & SE) etc

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 12224
Dated 17-04-2024

Subject:- Replication on behalf of appellant

Sir,

Preliminary Objections;

1. That, app the preliminary objections in application are incorrect, misconceived hence, denied.

On Facts;

1 That para No.1 of appeal of appellant is admitted by respondents as correct hence, no comments.

2 that para No.2 of reply of respondents is incorrect hence, denied and that of appeal of appellant is correct. Moreover, that appellant was appointed as a TT teacher and taken over charge of the post and served with respondents till today. (Copy of charge report is attached).

3 That reply of para No.3 of respondents is incorrect, hence denied and that of appeal of appellant is correct. For this purpose, appellant is filed affidavits on behalf of different persons. (Copies are attached).

4 That para No.4of reply of respondents is incorrect, hence denied and that of appeal of appellant is correct.

5-7 That paras No.5 to 7 of reply of respondents are incorrect hence, denied and that of appeal are correct.

On Grounds;

That reply of respondents regarding grounds of appeal of appellant are incorrect hence, denied and that of appeal of appellant are correct.

It is therefore, humbly requested that appeal of appellant may please be accepted.

Dated 15/02/2024

Appellant Nawab Gul
Nawab Gul

Through,
Yaqoob Khan Advocate
High Court at Distt: Courts Mardan.

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that all the contents of the replication above are true and correct to the best of my knowledge and belief and nothing have been concealed.

Deponent Nawab Gul

MUHAMMAD FARGOO ADVOCATE
Oath Commissioner
Attested
No 516
Dated 15/2/24

چارج رپورٹ

میں مسمی نواب گل ولد عمران خان نے اپنے عہدے کا چارج
آج بتاریخ 3-5-2007 قبل از دوپہر بموجب آرڈر نمبر (AEO)
4507-22 مورخہ 28-4-2007 گورنمنٹ پرائمری سکول کریڑ حسب ذیل
میں نے کر کام شروع کیا۔

لہٰذا رپورٹ عرض ہے

چارج دینے والا: tai
اسسٹنٹ ایجوکیشن
PTC 3-5-07

چارج لینے والا: نواب گل
نواب گل T.T

Attested
Jagadeesh

Anx A-1
(3)

(3)

چارج رپورٹ

میں مسمی نواب گل ولد عمر جان نے اپنے عہدے کا چارج

آج مورخہ 3-5-2007 قبل از دوپہر بموجب آرڈر نمبر A-E-O

4507 مورخہ 28-4-2007 گورنمنٹ پرائمری سکول کریڑ حبیب اللہ

میں لے کر کام شروع کی

لہٰذا رپورٹ عرض ہے

نواب گل عرض نویس

چارج لینے والا

T.T. Nawab gul

Taj
3/5/07

چارج دینے والا

PTC Zartaj

سابقہ ٹیچر

Attested
Tajim K

(37)

(4)