


Form- A

FORM OF ORDER SHEET

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

Case No. 2434/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/11/2024	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court A.Abad Bench and the Hon'ble High Court vide its order dated 29.10.2024 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case be entered in Institution Register and entrusted to touring Single Bench at A.Abad for preliminary hearing to be put up there on 28.11.2024. Counsel for the appellant has been informed telephonically.</p> <p style="text-align: right;">By Order of the Chairman  REGISTRAR</p>



THE  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH.**

PH: 0992-921058  
FAX: 0992-921055  
www.peshawarhcatd.gov.pk

Khyber Pakhtunkhwa  
Service Tribunal

No: 1738 /AR/Atd

Diary No. 17852

Dated Abbottabad 31/10/2024

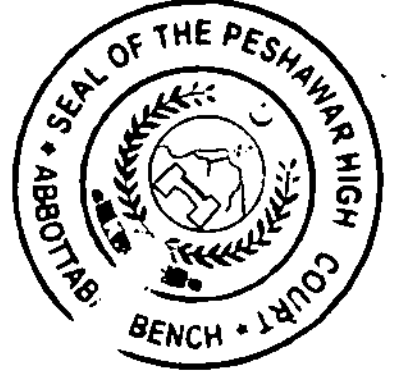
Dated 11-11-24

From

The Additional Registrar,  
Peshawar High Court,  
Abbottabad Bench.

To

The Registrar,  
Service Tribunal Khyber Pakhtunkhwa, Peshawar.



Subject: WRIT PETITION NO. 443-A/2021.

MEHMOOD UL HASSAN

.....PETITIONER

**VERSUS**

Govt. of KP & 4 Others

..... Respondents

Memo.

I am directed to forward herewith a copy of Judgment dated 29.10.2024 passed by the Honorable Court D.B in the above noted case alongwith subject writ petition in original for Information & Compliance.

  
Additional Registrar

(Complete File of case can be downloaded from [www.peshawarhcatd.gov.pk](http://www.peshawarhcatd.gov.pk))

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

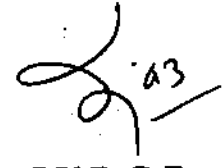
**ORDER SHEET**

Date of Order of Proceedings	Order or other Proceedings with the Signature of the Judge.
1	2
29.10.2024	<p><b><u>WP No. 443-A/2021</u></b></p> <p>Present: Syed Asif Shah, Advocate, for petitioner.</p> <p>Mr. Wajahat Hussain Shah, learned AAG, for respondents along with Raja Mubashir Hassan, Assistant Account Officer, District Account Office, Mansehra and Farjad Shah, ADEO, DEO (M), Mansehra.</p> <p style="text-align: center;">***</p> <p><b><u>MUHAMMAD IJAZ KHAN, J.</u></b>- Syed Asif Shah, Advocate, presented power of attorney on behalf of petitioner, which is placed on file. After arguing the case at considerable length, when learned counsel for the petitioner was confronted that in substance the grievance of the petitioner is the refusal of the pension or reduction in the pension amount which is one of the terms and conditions of the petitioner's services, who is admittedly a civil servant, he, thereafter, stated that he would be satisfied if the instant writ petition is converted into a service appeal and sent to Khyber Pakhtunkhwa Service Tribunal for its decision in accordance with law.</p> <p>2. Accordingly, this writ petition is converted into a service appeal and the office is directed to send the same to</p>



*2/23*

Khyber Pakhtunkhwa Service Tribunal, who shall decide the same in accordance with law. Copy of this writ petition shall be retained for the purpose of record of this Court.



JUDGE



JUDGE

# PESHAWAR HIGH COURT, ABBOTTABAD BENCH

## ADVOCATE DETAILS

Full Name: ABDUL SABOOR KHAN ADVOCATE HIGH COURT, MANSEHRA

Father Name: NOOR-UL-HAQ

Date of Birth: 01.09.1983 CNIC # 13403-3748328-1

Permanent Address: VILLAGE RANOLIA, TEHSIL PATTAN DISTRICT KOHISTAN

Present Address: PESHAWAR HIGH COURT BAR ASSOCIATION ABBOTTABAD BENCH

Email: appelnavis@gmail.com District: MANSEHRA

Mobile #: 0334-5574289

License No BC-09-2847

Issue Date: 05.05.2009

License No HC BC-112350

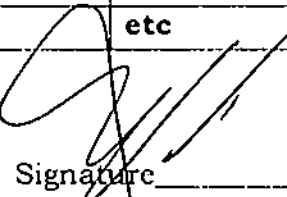
Issue Date: 28.02.2012

License No SC: N/A

Issue Date: N/A

### MENTION YOUR PENDING CASES:

Case No.	Petitioner	Respondent
Cr. Appeal	Faqeer Muhammad	The State
Cr. Appeal	Aman Ullah	The State
Writ petition	Sajid etc	Govt of KPK etc
Writ petition	Ejaz ul Haq	Govt of KPK etc
Writ petition	Bukhat Buland etc	Federation of Pakistan etc
Writ petition	Haji Faja Akbar etc	Govt of KPK etc
Etc	Etc	etc

  
Signature \_\_\_\_\_

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

7/11/22

**IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH**  
**OPENING SHEET FOR WRIT BRANCH**

Date of Filing: 06.03.2021  
 District: Mansehra

Case Type: Writ Petition Nature of Original Proceeding: \_\_\_\_\_

Category Code: 

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(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of: WRIT PETITION

Writ of: 

Habeas Corpus	Prohibition	Mandamus	Quo Warranto	Certiorari
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If Certiorari:

Forum	Date	(I)nterlocutory/(F)inal Order
N/A	N/A	N/A

Case Pertains to  
 SB  
 DB

Petitioner Name	Mehmood-ul-Hassan, son of Nazar Hussain, through attorney Arshad Mehmmod son of Sain Muhammad.
Mobile No.	
Address	Village Ganda, Tehsil & District Mansehra.
CNIC#	
Email Address	

Counsel for Petitioner (s)	ABDUL SABOOR KHAN ADVOCATE HIGH COURT
Mobile No.	0334-5574289
Address	District Courts Manserha
CNIC No.	13403-3748328-1
Email Address	Fiazkhan849@gmail.com

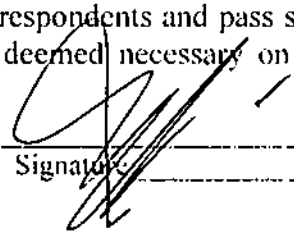
Respondents	The Govt of KPK etc
Address	Peshawar, Abbottabad, Mansehra.

**IT IS, THEREFORE**, most respectfully prayed that this Honourable court may graciously be pleased to:-

A) Declare that the impugned order bearing No. 3332-36 dated 31.03.2021, passed by respondent No. 03, to the extent of directing respondent No. 04 to recover all alleged over-payment drawn after 01.04.2017 to 31.05.2019, despite performing duty by petitioner. is illegal, unlawful, without lawful authority, without jurisdiction. discriminatory and of having no legal effect, hence, liable to be set-aside in the light of the law laid down by this Hon'ble court in a judgment reported as (2003 PLC (C.S) 1400.

B). Issue any other writ or order or direction to respondents and pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case.

**FILED TODAY**  
 Note: Any suggestion to improve the form will be appreciated.  
 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH  
 02/03/21

Signature: 

**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

*Service Appeal No.:- 2434/2024* W.P No 443A/2021

Mehmood-ul-Hassan..... Petitioner

**VERSUS**

The Govt. of KPK through Secretary  
Education etc..... Respondents

**WRIT PETITION**  
**INDEX**

SCA  
18 APR 2021

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6.	Copies of attendance register.	"C"	14-44
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**Dated: 05.04.2021**

**Mehmood-ul-Hassan**  
..... Petitioner

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

Through  
**ABDUL SABOOR KHAN**  
Advocate High court

**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

*Service Appeal No:-2434/2024*

W.P No 443 A, of 2021

Mehmood-ul-Hassan, son of Nazar Hussain,  
resident of Village Baidra, Tehsil and District  
Mansehra ..... **Petitioner**

**VERSUS**

- AAG
- 1). The Govt. of KPK, through Secretary Elementary and Secondary Education Department, Peshawar.
  - 2). The Director, Elementary and Secondary Education, KPK Peshawar.
  - 3). The District Education Officer, (**Male**) District Mansehra.
  - 4). The Sub Divisional Education Officer (SDEO) (**Male**) Primary Schools Mansehra.
  - 5). District Accounts Officer, District Mansehra..... **Respondents**

**WRIT PETITION UNDER ARTICLE 199 OF**

**CONSTITUTION OF ISLAMIC REPUBLIC OF**

**PAKISTAN 1973, FOR A DECLARATION TO THE**

**EFFECT THAT THE IMPUGNED ORDER NO.**

**3332-36 DATED 31.03.2021 PASSED BY**

**RESPONDENT NO. 03 TO THE EXTENT OF**

*No 2333  
67-64-2021*

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

*24/4/24*



DIRECTING RESPONDENT NO. 04 FOR RECOVERY OF ALLEGED OVER-PAYMENT IN TERMS OF GROSS SALARY DRAWN AFTER 01-04-2017 TO 31-05-2019, DESPITE HAVING PERFORMED THE DUTY/WORK DONE IS ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, WITHOUT JURISDICTION AND OF HAVING NO LEGAL EFFECT, HENCE, LIABLE TO BE SET-ASIDE.

PRAYER:

IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT THIS HONOURABLE COURT MAY GRACIOUSLY BE PLEASED TO:-

- A). Declare that the impugned order bearing No. **3332-36** dated **31.03.2021**, passed by respondent **No. 03**, to the extent of directing respondent **No. 04** to recover all alleged over-payment drawn after **01.04.2017** to **31.05.2019**, despite performing duty by petitioner, is illegal, unlawful, without lawful authority, without jurisdiction, discriminatory and of having no legal effect, hence, liable to be set-aside in the light of the law laid down by this Hon'ble court in a

FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

dy/wr

judgment reported as **(2003 PLC (C.S) 1400.**

- B). Issue any other writ or order or direction to respondents and pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case.

**Respectfully shewith!**

- 1). That, petitioner was appointed as a primary School Teacher vide appointment order dated **30-05-1984.**

**(Copy of appointment order dated 30-05-1984, is annexed as annexure "A").**

- 2). That, the date of birth of the petitioner was recorded as **01-04-1957**, date of appointment recorded as **11-06-1984.** Petitioner applied for relaxation in upper age limit, which was sanctioned accordingly vide order dated **05-07-1984.**

**(Copy of order dated 05-07-1984 annexed as annexure "B").**

- 3). That, petitioner kept on performing his duty regularly at the posted school up to **12-06-2019**, receiving salaries with no objection by the Department. Petitioner received the salary of the impugned period against the duty performed and

**FILED TODAY**  
 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTABAD BENCH

*[Handwritten signature]*

work done as certified by the concerned Head Master as well.

**(Copies of attendance register annexed as annexure "C").**

- 4). That, petitioner was neither being retired nor paid salaries by the Department on attaining the age of superannuation. He filed a **Writ Petition bearing No. 958-A/2019** before this Hon'ble court which was disposed of vide order dated **26.01.2021**, directing the respondent **No. 03** to handover the retirement order of the petitioner forthwith and pay him all the pensionary benefits.

**(Attested copy of order dated 26.01.2021 annexed as annexure "D").**

- 5). That, subsequently, petitioner also filed a contempt of court petition for implementing the order dated **26.01.2021**. Respondent **No. 03** was put on notice, but in the meanwhile, petitioner was handover his retirement order dated **31.03.2021** by respondent **No. 03**, with impugned direction to recover the over-payment drawn after 01.04.2017 to 31.05.2019.

**(Copy of impugned order dated 31.03.2021 annexed as annexure "E").**

**FILED TODAY**  
 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH  
*[Signature]*

- 6). That, being aggrieved from the impugned order dated **31.03.2021**, to the extent of recovery of alleged over-payment, petitioner through special power of attorney namely **Arshad Mehmmod** son Sain (**power of attorney annexed**), having no other remedy except to file the present writ petition under Article 199 of the constitution inter alia on the following amongst other grounds.

### GROUNDS:

- A). That, the present writ petition is competent against the impugned order under Article 199 of the constitution of Islamic republic of Pakistan, 1973, in the light of the judgment of this Hon'ble court reported as "**Noor Ahmed Shah Versus Government of NWFP**" (2003 PLC(C.S.) 1400.

(copy of judgment annexed as annexure "F")

- B). That, the impugned order to the extent of recovery of alleged over-payment is patently illegal, unlawful, without lawful authority,

**FILED TODAY**  
 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH

27/4/21

without jurisdiction and of having no legal effect, hence, liable to be set-aside.

- C). That, the act of respondent **No. 03** demanding the retirement of the petitioner with the date of birth recorded **01.04.1957** is not legal and lawful. Petitioner is liable to be retired under the law according to the date of his age relaxation being granted that is, **12.06.1959**.
- D). That, under the law on the subject, respondent **No. 03** cannot order to effect alleged recovery from the pensionary benefits accrued to the petitioner on expiry of his service period on **31.05.2019**.
- E). That, petitioner performed duty/ having worked during the impugned period without any objection from the respondents side, hence, there was no justification with respondent **No. 03** to order to effect the impugned recovery from the pensionary benefits of the petitioner.
- F). That, petitioner received the amount/salaries of the impugned

**FILED TODAY**  
 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH

2/4/21

period on the bona fide belief. Respondent **No. 03** is not entitled under the law to recover the impugned amount drawn by the petitioner during the period when he remained as a teacher performing his duty up till **31.05.2019**.

G). That, the impugned recovery has been ordered to effect/deduct from the pensionary benefits of the petitioner without issuing a **Notice**. Non-issuance of notice has also prejudiced the right and interest of the petitioner.

H). That, the impugned recovery of the amount in question is also hit by the principle of "**Locus Poenitentiae**" and respondent no. 03 is not entitled under the law to recover the amount in question of the period during which petitioner performed his duty.

**FILED TODAY**  
 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH

**PRAYER**

**IT IS, THEREFORE,** most respectfully prayed that this Hon'ble court may graciously be pleased to:-

- A). Declare that the impugned order bearing No. **3332-36** dated **31.03.2021**, passed by respondent **No. 03**, to the extent of directing respondent **No. 04** to recover all over-payment drawn after **01.04.2017** to **31.05.2019**, despite performing duty by petitioner, is illegal, unlawful, without lawful authority, without jurisdiction, discriminatory and of having no legal effect, hence, liable to be set-aside in the light of the law laid down by this Hon'ble court in a judgment reported as **(2003 PLC (C.S) 1400**.
- B). Issue any other writ or order or direction to respondents and pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case.

**INTERIM RELIEF:**

It is further very humbly prayed, that in the meanwhile, respondents No. **3, 4** and **5** be restrained from effecting the impugned recovery.

**Dated: 05.04.2021**

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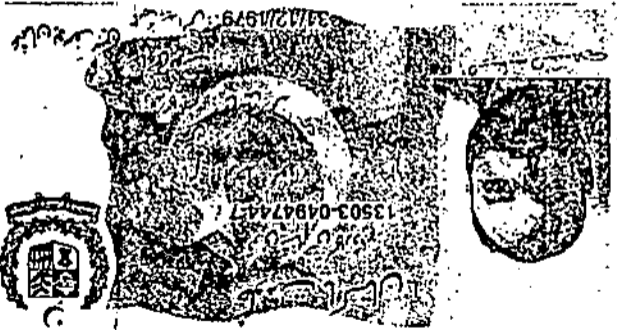
Mehmood-ul-Hassan  
..... **Petitioner**

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOT ABAD BENCH  
7/4/21

Through  
**ABDUL SABOOR KHAN**  
ADVOCATE HIGH COURT

بیت المقدس

۱۳۵۳





شناختی سر: 13503-0494744-7 قاعدہ نمبر: SR0F69

کراچی، گندہ ماہی

12379902924

سنگل کراچی، گندہ ڈاکا، ماہی، تحصیل، ضلع ماہی

01/09/2030 01/09/2020

گندہ کراچی پر قریبی لیٹر بکس میں داخل کریں



**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

Mehmood-ul-Hassan..... **Petitioner**

**VERSUS**

The Govt. of KPK through Secretary  
Education etc.....**Respondents**

**WRIT PETITION  
AFFIDAVIT!**

I, Mehmood ul Hassan, son of Nazar Hussain, resident of Village Baidra, Tehsil and District Mansehra through attorney **Arshad Mehmood, son of Sain Muhammad, resident of village Ganda, Tehsil & District Mansehra**, do hereby solemnly affirm and declare on oath that the contents of the foregoing Writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**Dated: 05.04.2021**

*Arshad Mehmood*  
**(DEPONENT)**

**Identified by:-**

*Abdul Saboor Khan*  
**Abdul Saboor Khan**  
Advocate High court  
(Counsel for petition)

13503-0495744-7

3287/150

150

*Mehmood-ul-Hassan vs  
Hussain P.O. Village Baidra  
District Mansehra  
Peshawar*

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH

*02/4/21*

**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

W.P No 443 A/2021

Mehmood-ul-Hassan..... **Petitioner**

**VERSUS**

The Govt. of KPK through Secretary  
Education etc.....**Respondents**

**WRIT PETITION**

**CORRECT ADDRESSES OF THE PARTIES**

**PETITIONER**

Mahmood ul Hassan, son of Nazar Hussain,  
resident of Village Baidra, Tehsil and District  
Mansehra.

**RESPONDENS**

- (1) The Govt. of KPK, through Secretary  
Elementary and Secondary Education  
Department, Peshawar.
- 2). The Director, Elementary and Secondary  
Education, KPK Peshawar.
- 3). The District Education Officer, **(Male)**  
District Mansehra.
- 4). The Sub Divisional Education Officer  
(SDEO) **(Male)** Primary Schools Mansehra.
- 5). District Accounts Officer, District Mansehra

**Dated: 05.04.2021**

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**Mehmood-ul-Hassan  
..... Petitioner**

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
27/4/21

Through  
  
**ABDUL SABOOR KHAN**  
Advocate High court

**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

W.P No 443A/2021

Mehmood-ul-Hassan..... **Petitioner**

**VERSUS**

The Govt. of KPK through Secretary  
Education etc.....**Respondents**

**WRIT PETITION**

**CERTIFICATE,**

Certified that no such like writ Petition has  
ever been preferred nor decided from any  
court.

**LIST OF LAW BOOKS.**

1. Constitution of Islamic Republic of Pakistan,  
1973.
2. Other Law books as per need.

**Dated: 05.04.2021**

---

**Mehmood-ul-Hassan  
..... Petitioner**

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
21/4/21

Through

**ABDUL SABOOR KHAN**  
Advocate High court

A P  
Ann — A 12

OFFICE OF THE DISTRICT EDUCATION OFFICER (M.A.E) BANSHIRA.

14

OFFICE ORDER No. 33  
DATED 30/5/84

PROVISEMENT.

As approved by the Chairman, Distt. Council Banshira. The following appointment of the candidates are hereby ordered in BPS-7 (Fixed) plus usual allowances as admissible under the rules in the interest of public service with immediate effect or w.e.f. the date of their taking over charge of the posts :-

S.No.	Name of Candidate	From	To	Remarks.
1.	Hajoori S/o Zagar Hussain R/o Balra.	Candidate	CFE Distt. Council	Apprently Sanctioned post.

*20/8 1984*  
*34 yrs.*

*29th June - 2018*

NOTE:-

1. C/Reports should be submitted to all concerned.
2. All the newly candidates are directed to produce their Original Matriculation certificates before taking over the charge of their respective schools.
3. All the newly appointees are required to take over the charge of their respective schools within 10 days ~~within~~ AT 10 DAYS after the issue of this office order failing which their appointment shall automatically stand cancelled.
4. The age of the newly appointed candidates should not exceed 25 years and not below 15 years.
5. The above appointments are made purely on temporary basis and liable to be terminated at any time without assigning any reasons.
6. All the newly appointed candidates are required to produce their age and health certificates from the M/S/Dr. concerned.

*Sd/-*  
(MOHAMMAD YAKUB KLAN)  
DISTRICT EDUCATION OFFICER (M.A.E)  
BANSHIRA.

Distt No. 10302-4 Dated Banshira the 30/5/1984

Copy of the above is forwarded for information to the :-

1. Chairman District Council Banshira.
2. S.D.S.O. (II) Banshira & Datta gram.
3. Candidate concerned.
4. Schools concerned.
5. Office Order File.

*M. Y. Khan*  
DISTRICT EDUCATION OFFICER (M.A.E)  
BANSHIRA

Ann-B P 13

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSHERA,  
RELAXATION OF UPPER AGE LIMIT.

17

Sanction is hereby accorded to the grant of upper age limit for appointment against PTC post and entry into Govt. service beyond the age of 25 years in respect of the following candidates/teachers under the provision of S.No. 34 Appendix "A" of the West Pension Civil Services Delegation of Powers Rules 1962 contained in the Govt. of West Pakistan Services and General Administration Department Notification No. PPO/3-2/62 dated 12-3-1962 and Govt. of NWFP Peshawar Education Department No. SO(5)14-61/77 dated 30-5-1978.

Period in sanction  
accorded.

Revised of rate etc  
0-5-0

S.No.	Name & address	D/O Birth.	D/O Apptd.
1.	Sadia Hussain Shah PT Govt. Mosque School Sakraha.	1-12-1958.	30-5-1984

2. Mr. Mahmood S/O. Noziri-4-1957-  
Hussain GPS Dara. *sevel*

11-6-1984

3-2-11

28 yrs

27

84  
57  
27

DISTRICT EDUCATION OFFICER  
(MALE) MANSHERA.

Order No. 20640 / Dated Manshera the 5/7 / 1984.

Copy of the above is forwarded for information and necessary action to the Sub Divisional Education Officer (Male) Manshera.

*all shah*  
*in order*  
Education Officer  
(Male) Manshera

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(MALE) MANSHERA.

5  
4  
84

سیندر حاضری لیست  
 2013 August  
 ANNEX C

رجسٹر حاضری مدرسین  
 2013 September  
 ANNEX C

روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ
1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20
2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21
3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22
4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23
5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24
6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25
7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26
8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27
9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28
10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29
11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30
12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31

روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ	روز	تاریخ
1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20	1	12/20
2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21	2	12/21
3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22	3	12/22
4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23	4	12/23
5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24	5	12/24
6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25	6	12/25
7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26	7	12/26
8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27	8	12/27
9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28	9	12/28
10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29	10	12/29
11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30	11	12/30
12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31	12	12/31

Handwritten notes and signatures at the bottom of the page.







P. 17

15

حاضرى ملازمين  
 (17)

حاضرى ملازمين

No	15/11/2014										16/11/2014										Total
	1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	10	
1																					20
2																					20
3																					20
4																					20
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6																					20
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28																					20
29																					20
30																					20
31																					20

15/11/2014

16/11/2014

رجسٹر حاضری مدرسین دہلی مدرسہ اسلامی

(19)

رجسٹر حاضری مدرسین دہلی مدرسہ اسلامی

مدرسہ اسلامی مدرسین دہلی		مدرسہ اسلامی مدرسین دہلی	
روز	وقت	روز	وقت
پہلے روز	پہلے وقت	پہلے روز	پہلے وقت
20/5	20/5	20/5	20/5
1	Ad	1	Ad
2	Ad	2	Ad
3	Ad	3	Ad
4	Ad	4	Ad
5	Ad	5	Ad
6	Ad	6	Ad
7	Ad	7	Ad
8	Ad	8	Ad
9	Ad	9	Ad
10	Ad	10	Ad
11	Ad	11	Ad
12	Ad	12	Ad
13	Ad	13	Ad
14	Ad	14	Ad
15	Ad	15	Ad
16	Ad	16	Ad
17	Ad	17	Ad
18	Ad	18	Ad
19	Ad	19	Ad
20	Ad	20	Ad
21	Ad	21	Ad
22	Ad	22	Ad
23	Ad	23	Ad
24	Ad	24	Ad
25	Ad	25	Ad
26	Ad	26	Ad
27	Ad	27	Ad
28	Ad	28	Ad
29	Ad	29	Ad
30	Ad	30	Ad
31	Ad	31	Ad

Handwritten notes and signatures in the left column of the table, including names like 'محمد رفیق' and 'محمد رفیق'.

روز	وقت	روز	وقت
پہلے روز	پہلے وقت	پہلے روز	پہلے وقت
2	Ad	2	Ad
3	Ad	3	Ad
4	Ad	4	Ad
5	Ad	5	Ad
6	Ad	6	Ad
7	Ad	7	Ad
8	Ad	8	Ad
9	Ad	9	Ad
10	Ad	10	Ad
11	Ad	11	Ad
12	Ad	12	Ad
13	Ad	13	Ad
14	Ad	14	Ad
15	Ad	15	Ad
16	Ad	16	Ad
17	Ad	17	Ad
18	Ad	18	Ad
19	Ad	19	Ad
20	Ad	20	Ad
21	Ad	21	Ad
22	Ad	22	Ad
23	Ad	23	Ad
24	Ad	24	Ad
25	Ad	25	Ad
26	Ad	26	Ad
27	Ad	27	Ad
28	Ad	28	Ad
29	Ad	29	Ad
30	Ad	30	Ad
31	Ad	31	Ad















رجسٹر حاضری مدرسین و کھانہ کوریج (31)

رجسٹر حاضری مدرسین و کھانہ کوریج (30)

روز	وقت	اساتذہ	مدرسین	کھانہ کوریج	سینکڑ
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd

All attachment cards has been withdrawn on 11/11/15  
 The working hours will be changed  
 (11/11/15)  
 Sunday

روز	وقت	اساتذہ	مدرسین	کھانہ کوریج	سینکڑ
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd

روز	وقت	اساتذہ	مدرسین	کھانہ کوریج	سینکڑ
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd
پنجشنبہ	7:30	Msd	Msd	Msd	Msd
جمعہ	7:30	Msd	Msd	Msd	Msd
اتوار	7:30	Msd	Msd	Msd	Msd

25

2015												September 2015																							
روزهای تعطیل						روزهای کاری						روزهای تعطیل						روزهای کاری																	

رجسٹر حاضری مدارس سین (54)

رجسٹر حاضری مدارس سین (54)

روز	آد	دفعہ	سائیکل	آد	دفعہ	سائیکل	آد	دفعہ	سائیکل	آد	دفعہ	سائیکل	آد	دفعہ	سائیکل	آد	دفعہ	سائیکل
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31																		

روز	مال	سابقہ	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا	بازا
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31																		

1000





رجسٹر حاضری مدرسین لڑکیاں (39)

56

ردیف	مئی			جون			جولائی			اگست			ستمبر			مجموعی
	آد	دستا	روزانہ	آد	دستا	روزانہ	آد	دستا	روزانہ	آد	دستا	روزانہ	آد	دستا	روزانہ	
1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6	
2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5	
3	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
4	P	P	P	P	P	P	P	P	P	P	P	P	P	P	12	
5	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
6	P	P	P	P	P	P	P	P	P	P	P	P	P	P	11	
7	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9	
8	P	P	P	P	P	P	P	P	P	P	P	P	P	P	2	
9	P	P	P	P	P	P	P	P	P	P	P	P	P	P	7	
10	P	P	P	P	P	P	P	P	P	P	P	P	P	P	7	
11	P	P	P	P	P	P	P	P	P	P	P	P	P	P	2	
12	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
13	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
14	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
15	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
16	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
17	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
18	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
19	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
20	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
21	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
22	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
23	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
24	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
25	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
26	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
27	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
28	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
29	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
30	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
31	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	

ردیف	مئی			جون			جولائی			اگست			ستمبر			مجموعی
	آد	دستا	روزانہ	آد	دستا	روزانہ	آد	دستا	روزانہ	آد	دستا	روزانہ	آد	دستا	روزانہ	
1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5	
2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	2	
3	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3	
4	P	P	P	P	P	P	P	P	P	P	P	P	P	P	2	
5	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
6	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
7	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
8	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
9	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
10	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
11	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
12	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
13	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
14	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
15	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
16	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
17	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
18	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
19	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
20	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
21	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
22	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
23	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
24	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
25	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
26	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
27	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
28	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
29	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
30	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	
31	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1	

رجسٹر حاضری مدرسین لڑکیاں

رجسٹر حاضری مدرسین لڑکیاں

رجسٹر حاضری مدرسین لڑکیاں





















37

2018 May										2018 June									
بیماری (Disease)					تعمیرات (Repairs)					تعمیرات (Repairs)					بیماری (Disease)				
روز	آد	دک	رانا	دک	روز	آد	دک	رانا	دک	روز	آد	دک	رانا	دک	روز	آد	دک	رانا	دک
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روز	آد	دک	رانا	دک	روز	آد	دک	رانا	دک	روز	آد	دک	رانا	دک	روز	آد	دک	رانا	دک
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روز	تاریخ	نام مدرس	حاضر	غائب	بیمار	اجازت	تذکرہ
1	7/12	M. A. Khan	P				
2	7/12	M. A. Khan	P				
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5	7/12	6	6	-	-	-







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Original Order/A

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HEAD TEACH  
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Aho Baidi Mandir

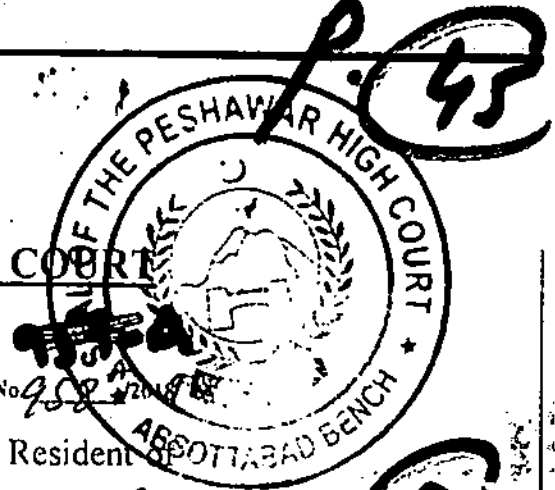
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**BEFORE THE PESHAWAR HIGH COURT  
PESHAWAR**



W.P No 958/2019

1. Mahmood ul Hassan S/O Nazar Hussain, Resident of Village Baidra, Tehsil and District Mansehra.

.....Petitioner

**VERSUS**

1. The Govt. of KPK, through Secretary Education Department, Peshawar.
2. The Director Education, KPK Peshawar.
3. The District Education Officer, District Mansehra.
4. The Sub Divisional Officer, Primary Schools Mansehra.
5. District Account Officer District Mansehra.
6. Head Teacher, Government Primary School, Lahu Bandi Mansehra.

.....Respondents

Certified to be True Copy  
EXAMINER  
27 JAN 2021  
Peshawar High Court Atd Bench  
Authorized Under Sec: 75 Evid Ordns.

**AMENDED WRIT PETITION AS PER**

**ORDER DATED 31.7.2019**

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

No 4967  
11-9-19

**May it please your Lordship:-**

The facts giving rise to the present petition are  
as under:

FILED TODAY  
Deputy Registrar  
08 AUG 2019

1. That, the petitioner joined the services as PTC teacher in education department on 9.7.1984 bearing office

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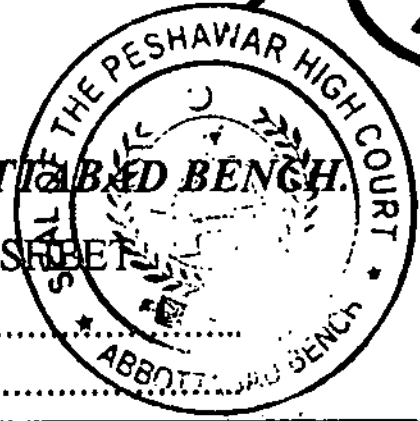




PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

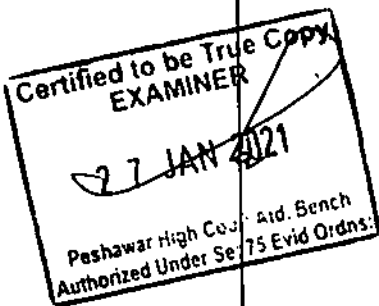
FORM OF ORDER SHEET

Court of.....

Case No.....of.....

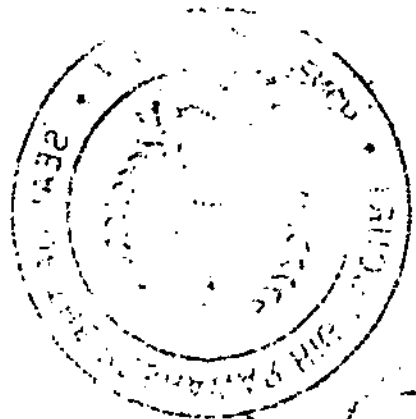


Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
26.01.2021.	<p><u>WP No. 958-A/2019.</u></p> <p>Present: Mr. Abdul Saboor Khan, Advocate for petitioner. Raja Muhammad Zubair, AAG for respondents.</p> <p style="text-align: center;">***</p> <p><b>MOHAMMAD IBRAHIM KHAN, J.</b> At the very outset, learned counsel for petitioner stated at the bar that petitioner would not press this writ petition anymore, if respondents are directed to handover to the petitioner his retirement order and pay him all the pensionary benefits.</p> <p>In view of the above, we dispose of this writ petition with directions to the respondents to handover to the petitioner his retirement order forthwith and pay him all the pensionary benefits in accordance with law.</p> <p style="text-align: right;">  JUDGE   JUDGE </p>





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	Total
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16-1-66	Date of Presentation of Application
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P. (47)  
ANNEX (E)

THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

LEAVE ENCASHMENT/RETIRMENT ORDER

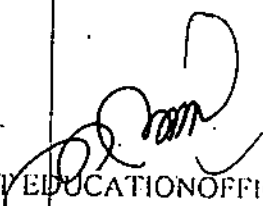
Without prejudice to the legal remedies available to Provincial Government & in pursuance of Judgment of the High Court Peshawar dated 19-02-2020 in W/P No 5673-P/2019. And in pursuance of Judgment of the Honourable High Court Peshawar Bench Abbottabad dated 26-01-2021 in W/P No 958-A/2019 titled as Mehmood-ul-Hassan vs Govt of KPK and others. Consequent upon the approval of the competent authority, under the provision of rules 20 of Govt. of Khyber Pakhtunkhwa revised leave rules 1981. Sanction is hereby accorded to the grant Encashment of Leave in lieu of LPR 53 days in respect of Mehmood-ul-Hassan S/O. Nazar Hessian PST. GPS-Lalo Bandi Tehsil Mansehra As his date of birth is 01-04-1957 with Date of 1<sup>st</sup> appointment as 09-07-1984 who stood retired on 31/03/2017 ( on Superannation basis) Subject to CPLA/Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court & any order contrary as and when issued by the apex Court of Pakistan.

- NOTE: 1. Necessary entry to this effect should be made in his Service Book.  
2. Over payments made to him will be recovered from his pension benefits ✓

-Sd/-  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.

Endstr: No 3332-36 /F.No 5/Retirement/Encashment/Vol: III/2020/PSTs Dated 31/03/2021  
Copy of the above is forwarded for information to the:-

1. To the Additional Registrar Honourable Peshawar High Court Bench Abbott bad vide his judgment dated 26/01/2021 in WP# 958-A/2019 titled as Mehmood-ul-Hassan Vs Govt of KPK & others.
2. District Accounts Officer-Mansehra.
3. SDEO (M) Mansehra with the Direction to recover all over payment in term of Gross salary drawn after 01-04-2017 to 31-05-2019 and also show recovery in LPC.
4. Office record.
5. Officials concerned.

  
DY: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

P. 48

the authority announcing it can vary its nature as was done in the present case. It is well settled that authority which has the power to make an order has also power to undo it.

17. Second fold of petition's claim relates to the principle of poenitntiae, according to which order passed by a competent authority cannot be withdrawn or rescinded once it has taken legal effect and certain rights are created in favour of any individual.

18. The said principle is obviously not attracted in this case because the order of one step out of turn promotion announced by respondent No.1 was not implemented or given effect to; the petitioner has not been promoted and inspite of having become eligible for promotion, no vested right to promotion had accrued or was created in favour of the petitioner. Therefore, there was no question of rescinding or withdrawal of a right which had not accrued. Case of the petitioner was, therefore, covered by the policy letter dated 4-4-2000.

19. Prayer in the writ petition for issuing direction to respondent No.4 to order one step out of turn promotion to the petitioner cannot be granted for the reason that existence of a legal right is the foundation of every writ of mandamus. Since right to promotion is not a vested right, it cannot be enforced through Constitutional jurisdiction.

20. For the reasons stated above, this Constitutional petition is hereby dismissed.

H.B.T./M-2008/L

Petition dismissed.

2003 F.L.C (C.S.) 1400

[Peshawar High Court]

ANNEX G

Before Shahzad Akbar Khan and Ijaz-ul-Hassan Khan, JJ

NOOR AHMAD SHAH

versus

GOVERNMENT OF N.-W.F.P through Secretary  
Education and 5 others

Writ Petition No.1549 of 2001, decided on 20th June, 2003.

General Financial Rules---

---R.117(1), Vol.1---Constitution of Pakistan (1973), Arts. 199 & 212---

PLC (Service)

Writ Petition No. 1549 of 2001

49

Civil service---Constitutional petition---Maintainability---Recovery of amount from pensionary benefit---Civil servant who was to retire on attaining the age of superannuation, remained working even after superannuation for about eleven months without objection from the Authority, but Authority on finalization of his pension case, recovered the amount of salaries drawn by him during the said period of eleven months from pensionary benefits of civil servant---Validity---Civil servant having worked during the period of eleven months without any objection from the Authority, there was no justification for Authority to effect recovery of amount from the pensionary benefits of civil servant---Nothing was on file to demonstrate that civil servant had a hand in the affair and that he had approached the High Court with unclean hands disentitling him to discretionary and equitable relief provided under Art.199 of the Constitution---Jurisdiction of High Court to entertain a Constitutional petition at the instance of a civil servant, was not ousted in respect of all matters, but ouster was limited to only those cases which could be taken up by Service Tribunal---Recovery in question had been effected without issuing notice to the civil servant---Non-issuance of notice had certainly prejudiced the interest of civil servant---Order recovering amount from pensionary benefits of civil servant, was declared to be illegal and without lawful authority and of no legal effect by the High Court, in exercise of its Constitutional jurisdiction with direction to pay the recovered amount to civil servant. [pp. 1401, 1402, 1403] A, B, C & D

PLD 1992 SC 207 and I.A. Sherwani v. Government of Pakistan through Secretary, Finance Division, Islamabad and others 1991 SCMR 1041 ref.

Amanullah Khan for Petitioner.

Sardar Shaukat Hayat. D.A.-G. for Respondents.

Date of hearing: 20th June, 2003.

**JUDGMENT**

IJAZ-UL-HASSAN, J.---Noor Ahmad Shah petitioner feeling aggrieved of order No.4786 dated 15-6-2001, whereby an amount of Rs.33264 has been recovered from salaries drawn by the petitioner, has invoked Constitutional jurisdiction of this Court by filing instant writ petition, which is before us for consideration. A

2. The petitioner was initially appointed as Class-IV servant against the post of Laboratory Attendant at Government High School, Essak Khumari, District Karak. The post of the petitioner was changed from Laboratory Attendant to Naib Qasid with effect from 1-10-1987. Later on the petitioner was transferred to Government High School, Sabir Abad against the post of

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Mali. The petitioner was again transferred to Government High School, Town Committee Karak against the post of Sweeper. It appears from the record that the petitioner was due to retire with effect from 30-6-2000, on attaining the age of superannuation while his retirement was ordered with effect from 31-5-2001 and on finalization of his pension case the amount in question was recovered/refunded from his pensionary benefits. The petitioner claims to have filed departmental appeal to seek redress which according to him remained unresponded. Having no other adequate remedy, the petitioner has approached this Court through filing instant writ petition.

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3. Headmaster Government High School, Town Committee Karak and District Accounts Officer Karak respondents Nos.5 and 6 in their parawise comments denied the petitioner's claim and maintained that the amount in question has been recovered correctly in accordance with law and the petitioner is not entitled for refund of the same.

4. Mr. Amanullah Khan Khattak, Advocate appeared on behalf of the petitioner whereas respondents Nos.5 and 6 were represented by M/s Salahuddin Khan, Deputy Attorney-General and Sardar Shaukat Hayat, Addl. Advocate-General.

5. The General Financial Rule 117(1), Vol.1 provides that if a Government servant is unable to give his exact date of birth and only mentions the year of his birth, the 1st July of such year may be treated as the date of his birth. Under G.F.R. 117(1) date of birth of the petitioner was treated as 1-7-1940. On reaching the age of superannuation the petitioner was required to be retired with effect from 30-6-2000 while his retirement was ordered with effect from 31-5-2001. Admittedly, the petitioner has worked for about eleventh months even after reaching the age of retirement without any objection from the respondents side. The question requiring determination would be whether in the facts and circumstances of the case, respondents had justifiable reasons to effect recovery of the amount in question from the pensionary benefits of the petitioner.

6. Having heard the arguments of learned counsel for the parties, we find ourselves in agreement with learned counsel for the petitioner that the petitioner having worked during the period under reference without any objection from the respondents side, there was no justification for the respondents to effect recovery of the amount from the pensionary benefits of the petitioner. There is nothing on the file to demonstrate that the petitioner had a hand in the affair and he has approached this Court with unclean hands, disentitling him to the discretionary and equitable relief provided under Article 199 of the Constitution of the Islamic

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Republic of Pakistan, 1973. The Hon'ble Supreme Court of Pakistan in Jalaluddin's case reported in PLD 1992 SC 207 laid down the following principle:--

"However, as the respondent had received the amount on the bona fide belief, the appellant is not entitled to recover the amount drawn by the respondent during the period when the latter remained in the field. Learned counsel of the appellants had submitted that the appellants had drawn Rs.12,890.86 during this period but the Engineer-in-Chief had directed the recovery of Rs.1,860 only. We considered that as far as the recovery of the amount in question is concerned, the principle of locus poenitentiae would be applicable and the appellants are not entitled to recover the amount. The appellants have themselves taken a liberal view and the recovery of only 12 months is being made."

7. Sardar Shaukat Hayat, learned Addl. Advocate-General' also objected to the maintainability of this petition on the strength of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 and maintained that the dispute relates to terms and conditions of a Civil servant and it can only be adjudicated upon by the Service Tribunal. The submission of the learned counsel is misconceived. The jurisdiction of High Court to entertain a Constitutional petition at the instance of a civil servant is not ousted in respect of all matters but the ouster is limited to only those cases which can be taken up by the Service Tribunal. The jurisdictional objection raised in this case is of no avail. I.A. Sherwani v. Government of Pakistan through Secretary, Finance Division, Islamabad and others (1991 SCMR 1041).

8. It may not be out of place to mention here that the recovery has been effected without issuing a notice to the petitioner. Non-issuance of notice has certainly prejudice the interest of the petitioner. When attention of learned counsel for respondents was drawn to this aspect of the matter, they had no plausible reply to make.

9. In view of the above observations we accept the petition and declare the impugned order dated 15-6-2001 to be illegal, without lawful authority and of no legal effect. The respondents are directed to pay to the petitioner the recovered/refunded amount of salaries i.e. from 1-7-2000 to 31-5-2001 amounting to Rs.33264 without loss of time. We shall make no order as to costs.

H.B.T./896/P

Petition accepted.



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اور اشتہار کی بابت بیان دیوے، رقم زر ضلع جمع کرے، وصول کرے، خرچہ گواہان داخل و برآمد کرے، اخبار اشتہار جاری کرتے، من مقرر کی جانب سے مقدمہ عنوان بالا میں اپیل، نگرانی، نظر ثانی، رٹ پیشین یا جو دائر کرنا مطلوب ہو، دائر اعلیٰ عدالت مجاز کرے، من مقرر کے خلاف بھی مقدمہ عنوان بالا کے بالقابل دعویٰ، مقدمہ عنوان میں اپیل، نگرانی، نظر ثانی رٹ پیشین ہونے کی صورت میں اس میں بھی میری طرف سے پیش ہو کر وکالت نامہ دے کر پیردی و جوابدہی مقدمہ کرے، ضرورت پڑے پر عدالت ہذا یا دیگر مجاز عدالت عظمیٰ سپریم کورٹ آف پاکستان اسلام آباد میں اپیل نگرانی، نظر ثانی رٹ پیشین یا جو دائر کرنا مطلوب ہو من مقرر کی جانب سے دائر کرے اور ان میں بھی میری جانب سے وکیل مقرر کر کے وکالت نامہ دے کر جملہ کارروائی کرے اور جملہ دستاویزات پر ہمارے دستخط/انگوٹھا کے بجائے اپنے دستخط/انگوٹھا ثبت کرے، مختیار خاص مذکور از عدالت ابتدائی تا عدالت تا آخر سپریم کورٹ آف پاکستان جملہ ساختہ پر داخستہ سرانجام دینے کا مجاز و حقدار ہوگا۔ درج رہے کہ کوئی ایسا معاملہ درپیش آجائے جس کی وضاحت مضمون مختیار نامہ خاص ہذا سے روشن نہ ہو سکے تو مختیار خاص مذکور اس کو بھی سرانجام دینے کا مجاز و حقدار ہوگا۔ اور مختیار خاص مختیار خاص مذکور کی جملہ کارروائی ماسن مقرر کو بہ مثل ذات خاص منظور و قبول ہوگی۔ لہذا مختیار نامہ خاص رو برد گواہان سندا تحریر ہے۔ تاکہ بوقت ضرورت کام آوے۔

المرقوم 106 اگست 2019ء

محمود الحسن ولد نذر حسین خان ساکنہ دیگراں بیڈرہ، تحصیل ضلع مانسہرہ

شناختی کارڈ نمبر: 9-13503-2325168

Mohmed

سید خادوت شاہ ولد نور نبی شاہ ساکنہ محلہ اورنگ آباد چنی ڈھیری مانسہرہ

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واہ شاہ چنی تحصیل ضلع مانسہرہ

M-13503-2325168

ATTESTED SHERAZ AIR-REHMAN Notary Public District Manshera

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*From the office of*  
**ABDUL SABOOR KHAN**  
Advocate High Court,

To,

- 1). The Govt. of KPK, through Secretary Elementary and Secondary Education Department, Peshawar.
- 2). The Director, Elementary and Secondary Education, KPK Peshawar.
- 3). The District Education Officer, (Male), District Mansehra.
- 4). The Sub Divisional Education Officer (SDEO) (Male) Primary Schools Mansehra.
- 5). District Accounts Officer, District Mansehra

Subject: **NOTICE UNDER RULE 2(3) VOLUME NO. V**  
**CHAPTER 4-J OF PESHAWAR HIGH COURT**  
**RULES AND ORDERS.**

Respected Sir,

It is to inform you that a Writ Petition is being filed on behalf of Mahmood ul Hassan, son of Nazar Hussain, resident of Village Baidra, Tehsil and District Mansehra, Against the impugned order dated 31.03.2021, to the extent of recovery of over-payment drawn after 01.04.2017, to 31.05.2019.

Dated: 05.04.2021

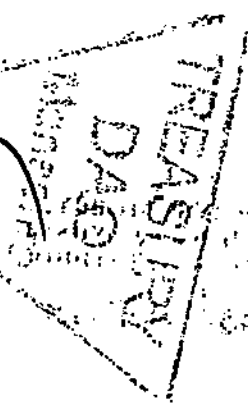
**ABDUL SABOOR KHAN**  
Advocate High court





1371  
05-04-21

MUHAMMAD ALI  
Kecamatan Mersang



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Per vetting

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT BENCH ABBOTTABAD**

**W.P No.443.-A/ 2021**

Mehmood-ul-Hassan.....PETITIONER.

**VERSUS**

Govt of Elementary & Secondary Education KPK & Other.....RESPONDENTS.

**WRIT PETITION UNDER ARTICLE 199 OF CONSITUTION OF ISLAMIC RE-PUBLIC OF PAKISTAN 1973.**

**PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS  
NO 01.02.03 & 04.**

**INDEX**

S. No	Description of documents	Annexure	Pages
1.	Comments		1-3
2.	Affidavit		4
3.	Copy of Retirement order	A	5

*(Signature)*  
 DISTRICT EDUCATION OFFICER  
 (MALE) MANSEHRA

3/10/23  
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**SCANNED**  
 31 OCT 2023  
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FILED TODAY  
 3/10/23  
 ADD. REGISTRAR  
 P.H.C. ABBOTTABAD BENCH

①

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT BENCH ABBOTTABAD**

**W.P No.443.-A/ 2021**

Mehmood-ul-Hassan.....PETITIONER.

**VERSUS**

Govt of Elementary & Secondary Education KPK & Other.....RESPONDENTS.

**WRIT PETITION UNDER ARTICLE 199 OF CONSITUTION OF ISLAMIC RE-  
PUBLIC OF PAKISTAN 1973.**

**PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF  
RESPONDENTS NO 01.02.03 & 04, 2, 5**

**PRELIMINARY OBJECTIONS:-**

1. That the Petitioner has not come to the Hon'ble Court with clean hand.
2. That the Petitioner has no cause of action/locus standi to file the instant writ petition.
3. That instant Writ petition is against the facts prevailing law and rules.
4. That the Petitioner has concealed the material facts from this Hon'ble Court. Hence not entitled for any relief and writ petition is liable to be dismissed without any further proceedings.
5. That the writ petition is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
6. The instant writ petition is not maintainable in the present form and also in the present circumstances of the issue.
7. That the demand of the Petitioner is against the law and facts hence the Petitioner is not entitled for any relief and is liable to be dismissed on this score alone.
8. That, the writ petition is liable to be dismissed with cost.

**FACTUAL OBJECTIONS.**

- 1) Para No.1 pertains to the service record of the petitioner,hence no comments.
- 2) Para No.02 is correct to the extent that the petitioner appointed as a PTC Teacher vides Endst No.33 dated 30-05-1983 and rec
- 3) orded with the date of Birth is 01-04-1957 in his service Book as well as his SSC/HSSC certificates. Whereas at the time of appointment the petitioner was over age from the prescribed limit of age which is required for the appointment as PTC, the Government has been allowed 2 year 2 month and 11 days upper age relaxation. If the Government of KPK has not allowed the age relaxation to the petitioner, the petitioner was not entitled for the post of PTC. The benefit of upper age relaxation has already been enjoyed by the

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30-10-2023

FILED TODAY.

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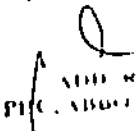
petitioner. However, the upper age relaxation given by the Government to the Petitioner was no link with the Date of Birth of the petitioner. As per Date of Birth of petitioner, the petitioner has been retired from service on the age of superannuation w.e.f 01.04.2017 and allowed full pension benefits as per existing rules.

- 4) Para No.03 is correct to the extent that the petitioner retired from service on the age of superannuation w.e.f 01-04-2017, while he concealed the facts from the Department and continue his service till 12-06-2019 and getting continue his salary from the department, whereas as per clause (b) of sub-section (1) of Rule 13 of Khyber Pakhtunkhwa Civil Servant Act 1973, "on the completion of sixtieth year of his age" the Government Servant shall retired from Service. The claim of petitioner being entitled for salary after the retirement beyond 60 year against the law and unlawful step by the petitioner.
- 5) Para No.06 is correct to the extent that the petitioner filed WP.No.658/2019 which was disposed of with the direction to respondents No.3 to handover the retirement order of the petitioner and pay him all the pensionary benefits, whereas respondent No.3 issued retirement order vide Endst No.3332-36 dated 31-03-2021 as under the provision of rules 20 of Govt : of Khyber Pakhtunkhawa revised rules 1981, sanction is hereby accorded to the grant Encashment of leave in of leave of LPR 53 Days of the petitioner as his date of Birth is 01-04-1957 with date of First Appointment as 09-07-1984 who stood retired on 31-03-2017 on superannuation basis, and overpayment made to him may be recovered from his pension benefits. **(Copy of Retirement order is annexed as annexure A)**
- 6) Para No.06 is correct to the extent that respondent department passed an order after observing all codal formalities, recovery of overpayment .of 02 years of withdrawn salary may be recovered from his pensionary benefits.
- 7) Para No.06 is that the petitioner has no right to invoke the Constitution jurisdiction of this Hon'ble Court, the appellant is not aggrieved Person inter alia on the following Grounds:-

**GROUND:-**

- a) Para "A" that, the petitioners has been retired from service after the age of 60<sup>th</sup> year as per rule and the date of birth of the petitioner recorded at page No.3 of the service book as per requirement of Para No. 116 of GPR. After the allowing of upper age limit the date of birth has not increased. The petitioner has availed the benefit of upper age limit and enjoyed the full benefit during the whole service. The plea of the petitioners is totally baseless, unlawful and misinterpretation of Rule.

**FILED TODAY**

  
 ADD. REG. S. HAB  
 P.O. ARBODI LAHORE

- b) Para "b" that, as per clause (b) of sub-section (1) of Rule 13 of Khyber Pakhtunkhwa Civil Servant Act 1973, "on the completion of sixtieth year of his age" the Government Servant shall retired from Service. The claim of petitioner being entitled for salary after the retirement beyond 60 year against the law and unlawful step by the petitioner. the two year salary beyond the 60<sup>th</sup> year is recoverable
- c) Para No.C is incorrect, detail reply has already been given in above foregoing Paras.
- d) Para No.d is incorrect, detail reply has already been given in above foregoing Paras. The petitioner has availed the benefit of upper age limit and enjoyed the full benefit during the whole service. The plea of the petitioners is totally baseless, unlawful and misinterpretation of Rule.
- e) Para No.E is incorrect,no such rule to drawn salary after the completion of 60 years of services.
- f) Para No.f is incorrect, that at the time of appointment the petitioner was over age from the prescribed limit of age which is required for the appointment as PTC, the Government has been allowed 2 year 2 month and 11 days upper age relaxation. If the Government of KPK has not allowed the age relaxation to the petitioner, the petitioner was not entitled for the post of PTC. The benefit of upper age relaxation has already been enjoyed by the petitioner. However, the upper age relaxation given by the Government to the Petitioner was no link with the Date of Birth of the petitioner. As per Date of Birth of petitioner, the petitioner has been retired from service on the age of superannuation w.e.f 01.04.2017 and allowed full pension benefits as per existing rules.
- g) Para No.g is incorrect and misleading, respondent department passed an order after observing all codal formalities, respondents are bound to exercise his power, justly honestly fairly as per rules and policy prescribed by the Govt, not whim and wishes of any body.
- h) Para No.h is incorrect, detail reply has already been given in above foregoing paras. Respondent department highlighted more grounds with the permission of Honourable Court.

PRAYER:

*It is further added that the petitioner misleading the Honorable Court and misinterpretation of Rules. The demand of the Petitioner is against the law and facts hence the Petitioner is not entitled for any relief. It is therefore, prayed that on acceptance of above Parawise Comments the writ petition may please be dispose of with cost.*

*[Handwritten signature]*  
 RESPONDENT  
 District Education Officer  
 Mansehra  
 IDTAU-5

*[Handwritten signature]*  
 DISTRICT EDUCATION OFFICER,  
 (MALE) MANSEHRA

FILED TODAY  
 DISTRICT REGISTRAR  
 PESHAWAR  
 3/1/20

4

4

BEFORE THE HONOURABLE PESHAWAR HIGH COURT BENCH ABBOTTABAD

W.P No.443.-A/ 2021

Mehmood-ul-Hassan.....PETITIONER.

VERSUS

Govt of Elementary & Secondary Education KPK & Other.....RESPONDENTS.

WRIT PETITION UNDER ARTICLE 199 OF CONSITUTION OF ISLAMIC RE-PUBLIC OF PAKISTAN 1973.

PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS  
NO 01.02.03 & 04.

AFFIDAVIT

I, Mr. Muhammad Tanveer District Education Officer (M) Mansehra do, hereby solemnly affirm and declare that the Para wise comments of the Writ Petition No.443-A/2021 titled Mehmood UI Hassan versus Govt, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court.

*Muhammad Tanveer*  
DEPONENT \_\_\_\_\_

DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.

13101-5028900-7

S. 1727/302

302

Identified by \_\_\_\_\_

Additional Advocate General  
Hon'ble High Court Abbottabad  
Additional Advocate General  
Khyber Pakhtunkhwa  
Abbottabad.

*Muhammad Tanveer*  
*1727/302*  
*13101-5028900-7*

FILED TODAY

ADDL REGISTRAR  
PHC, ABBOTTABAD BENCH II

*[Signature]*

13101-5028900-7  
01/01/1968  
PHC  
[Seal and stamps]



Anx "A"

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THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

LEAVE ENCASHMENT/RETIREMENT ORDER.

Without prejudice to the legal remedies available to Provincial Government & in pursuance of Judgment of the High Court Peshawar dated 19-02-2020 in W/P No 5673-P/2019. And in pursuance of Judgment of the Honourable High Court Peshawar Bench Abbottabad dated 26-01-2021 in W/P No 958-A/2019 titled as Mahmood-ul-Hassan vs Govt of KPK and others. Consequent upon the approval of the competent authority, under the provision of rules 20 of Govt of Khyber Pakhtunkhwa revised leave rules 1981. Sanction is hereby accorded to the grant Encashment of Leave in of lieu of LPR 53 days in respect of Mahmood-ul-Hassan S/O Nazar Hessian PST GPS-Lalo Bandi Tehsil Mansehra As his date of birth is 01-04-1957 with Date of 1<sup>st</sup> appointment as 09-07-1984 who stood retired on 31/03/2017 (on Supernation basis) Subject to CPLA/Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court & any order contrary as and when issued by the apex Court of Pakistan.


- NOTE: 1. Necessary entry to this effect should be made in his Service Book.
- 2. Over payments made to him will be recovered from his pension benefits

-Sd/-  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.

Endstt: No 3332-36 /F.No 5/Retirement/Encashment/Vol: 111/2020/PST's Dated 31/03/2021

Copy of the above is forwarded for information to the:-

- 1. To the Additional Registrar Honourable Peshawar High Court Bench Abbott bad vide his judgment dated 26/01/2021 in WP# 958-A/2019 titled as Mahmood-ul-Hassan Vs Govt of KPK & others.
- 2. District Accounts Officer Mansehra.
- 3. SDEO (M) Mansehra with the Direction to recover all over payment in term of Gross salary drawn after 01-04-2017 to 31-05-2019 and also show recovery in L.P.C.
- 4. Office record.
- 5. Officials concerned.

  
DY: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

# پشاور ہائی کورٹ ایبت آباد بنچ

Writ Petitions

W.P 443/2021

Mehmoodul Hassan V/s Govt etc

26 January 2022



11/01/2022

471

- 1 Mehmood ul Hassan S/o Nazar Hussain, R/o Village Baidra, District Mansehra. ...(Petitioner)

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- 2 1. Govt. of KP, through Secretary, Elementary & Secondary Education Department, Peshawar.

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- 3 2. Director, Elementary & Secondary Education, KP, Peshawar.

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- 4 3. District Education Officer (Male), Mansehra.

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- 5 4. Sub-Divisional Education Officer (Male), Primary Schools, Mansehra.

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- 6 5. District Accounts Officer, Mansehra. ...(Respondents)

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21-1-22

ATTESTED  
 NAZ NAZIR  
 Sessions Court Peshawar

SECRETARY DIARY  
 (1)  
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# پشاور ہائی کورٹ ایبٹ آباد بینچ

Writ Petitions

W.P 443/2021

Mehmoodul Hassan V/s Govt etc

26 January 2022



1 Mehmood ul Hassan S/o Nazar Hussain, R/o Village Baidra, District Mansehra. ...(Petitioner)

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3 2. Director, Elementary & Secondary Education, KP, Peshawar.

4 3. District Education Officer (Male), Mansehra.

5 4. Sub-Divisional Education Officer (Male), Primary Schools, Mansehra.

6 5. District Accounts Officer, Mansehra. ...(Respondents)

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22-01-2022

05-03-03

21/01/22

# پشاور ہائی کورٹ ایبٹ آباد بنج

Writ Petitions

W.P 443/2021

Mehmoodul Hassan V/s Govt etc

03 November 2021



16/10/2021

6

- 1 Mehmood ul Hassan S/o Nazar Hussain, R/o Village Baidra, Distric Mansehra. ...(Petitioner)

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- 2 ✓ 1. Govt. of KP, through Secretary, Elementary & Secondary Education Department, Peshawar.

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- 3 ✓ 2. Director, Elementary & Secondary Education, KP, Peshawar.

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- 4 3. District Education Officer (Male), Mansehra.

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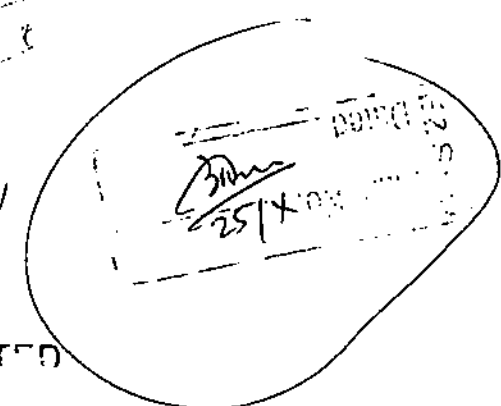
- 5 4. Sub-Divisional Education Officer (Male), Primary Schools, Mansehra.

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- 6 5. District Accounts Officer, Mansehra. ...(Respondents)

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ATTESTED  
Sessions Judge

# پشاور ہائی کورٹ ایبٹ آباد بینچ

Writ Petitions

W.P 443/2021

دیہاتی اتر چوگلی

نمبر مقدمہ

عنوان مقدمہ

Mehmoodul Hassan V/s Govt etc

26 January 2022

آپ کی ذمہ داریوں میں

مختار کیا گیا ہے کہ آپ کو درجنوں اسکولوں اور  
اساتذہ کی تنخواہیں منسوخ کر دی گئیں ہیں۔  
اساتذہ کی تنخواہیں منسوخ کر دی گئیں ہیں۔  
اساتذہ کی تنخواہیں منسوخ کر دی گئیں ہیں۔  
اساتذہ کی تنخواہیں منسوخ کر دی گئیں ہیں۔

ایڈووکیٹ رحیم حجازی

11/01/2022

تاریخ

ڈاک کی نمبر

1 Mehmood ul Hassan S/o Nazar Hussain, R/o Village Baidra, District Mansehra. ...(Petitioner)

2 1. Govt. of KP, through Secretary, Elementary & Secondary Education Department, Peshawar.

3 2. Director, Elementary & Secondary Education, KP, Peshawar.

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6 5. District Accounts Officer, Mansehra. ...(Respondents)

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# پشاور ہائی کورٹ ایبٹ آباد بینچ

Writ Petitions

W.P 443/2021

Mehmoodul Hassan V/s Govt etc

نوٹس بنام

X Abdul Saboor Khan Msr \_ Advocate(s)

Additional Advocate General Atd \_ Advocate(s)

*(Handwritten signature)*

26 April 2023

آپ کو نوٹس دیا

تاریخ کی وجہ سے آپ کو نوٹس دیا گیا ہے۔



15/04/2023

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دفعہ



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پندرہ روزہ

18/4/22  
پندرہ روزہ

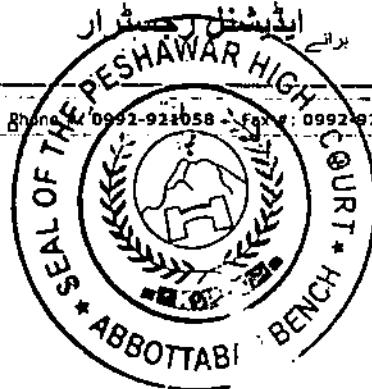
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پندرہ روزہ

18-4-22

## عدالت عالیہ پشاور ہائی کورٹ، ایبٹ آباد بینچ

WP No. 443-A/2021(S)	مقدمہ نمبر	رٹ پٹیشن	صیغہ
Mehmood ul Hasan V/S Govt of Khyber Pakhtunkhwa etc			عنوان
			پروانہ/نوٹس بنام
			نوٹ
* AAG Advocate 03325903688 PHC Abbottabad Bench			رکيل مدعا علیہ / مدعا علیہ
Abbottabad.....DB			ضلع
مقدمہ عنوان بالا میں تاریخ پیشی مورخہ 17-10-2023 بمقام پشاور ہائی کورٹ، ایبٹ آباد بینچ درجہ ہو عدالت مقرر کی گئی ہے۔ لہذا مدعا علیہ/مدعا علیہ / وکیل مدعا علیہ/مدعا علیہ کو برائے پروانہ / نوٹس بنام مطلع کیا جاتا ہے کہ وہ بتاریخ مقررہ عدالت بنام میں بوقت 8:30 بجے صبح برائے بیروی و جوابدہی مقدمہ اصالتاً ، وکالتاً یا مختاراً حاضر ہو جائے۔ ورنہ بصورت دیگر اس کے خلاف یکطرفہ کارروائی عمل میں لائی جائے گی۔			
آج بتاریخ 19-09-2023 کو بہ ثبت میرے دستخط اور سہر عدالت سے جاری کیا گیا۔			
* Behram Khan: 03469286486			پروانہ / نوٹس نمبر
<p>ایڈیشنل رجسٹرار برائے</p> <p>SEAL OF THE PESHAWAR HIGH COURT * ABBOTTABAD BENCH *</p> <p>Phone : 0992-921058 Fax : 0992-921055 www.peshawarhcatd.gov.pk</p>			



22/9/23

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THE  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH.**

PH: 0992-9310058  
FAX: 0992-9310055

No: 976 to 980

Dated Abbottabad 16/4 /2021

From

The Additional Registrar,  
Peshawar High Court,  
Abbottabad Bench.

To

1. The Secretary,  
Elementary & Secondary Education Department,  
Govt. of KP, Peshawar.
2. The Director,  
Elementary & Secondary Education,  
KP, Peshawar.
3. The District Education Officer (Male), Mansehra.
4. The Sub Divisional Education Officer (SDEO) (Male),  
Primary Schools Mansehra.
5. The District Accounts Officer, District Mansehra.

Subject: **WRIT PETITION NO. 443-A/2021.**

**Mehmood ul Hassan**

**Petitioner**

**VERSUS**

**Govt. of KP & others**

**Respondents**

*Memo,*

Reproduce order of the Honourable Division Bench dated 13.04.2021 passed in the subject writ petition for compliance.

*“Comments be called from the respondents, so as to reach this court within a fortnight.*

**Interim Relief:**

*Notice for a short date. In the meanwhile, respondents No.3 to 5 are restrained from making recovery from the petitioner, subject to furnishing surety bond equivalent to the same amount in question.”*

In the light of above order you are directed to submit your comments in quadruplicate duly supported by an attested affidavit within a fortnight positively, failing which the petition will be placed before Honourable Division Bench for appropriate order.

(Copy of writ petition has already been sent by petitioner/ Counsel vide Registered Receipt dated 07.04.2021)

  
(Additional Registrar)



(1<sup>ST</sup> REMINDER)

THE

**PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Ph: 0992-921058  
Fax: 0992-921055

No: 123

Dated Abbottabad 20/8 /2022

From

The Additional Registrar,  
Peshawar High Court,  
Abbottabad Bench.

To

The District Education Officer (Male),  
Mansehra.

Subject: WP No. 443-A OF 2021.

Mehmood ul Hassan

.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & others

.....Respondents

Memo,

Reference this Court Letter No. 976-980 dated 16.04.2021 you were directed to file comments within a fortnight positively but you have failed to file the same, therefore, you are once again directed to submit your comments in quadruplicate duly supported by an attested affidavit within a fortnight, positively, failing which the petition will be placed before Honourable Division Bench for appropriate order.

  
(Additional Registrar)

(2<sup>nd</sup> REMINDER)

THE

**PESHAWAR HIGH COURT,**

**ABBOTTABAD BENCH**

Ph: 0992-921058

Fax: 0992-921055



No: 1161

Dated Abbottabad 26/10 2022

From

The Additional Registrar,  
Peshawar High Court,  
Abbottabad Bench.

To

The District Education Officer (Male)  
Mansehra.

Subject:

WP No. 443-A OF 2021.

Mehmood ul Hassan

.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & others

.....Respondents

Memo,

Reference this Court Letter No. 976-980 and Reminder-I No. 173 dated 20.08.2022, you were directed to file comments within a fortnight positively but you have failed to file the same, therefore, you are once again directed to file your comments in quadruplicate duly supported by an attested affidavit within a fortnight, positively, failing which the petition will be placed before Honourable Division Bench for appropriate order.

  
(Additional Registrar)

Other Bar ADV's I.D No. 274

BC No. 11-2350

Place of Practice M

Name of Advocate عبدالصبور سخا S. No 19849



## وکالت نامہ

بعدالت: جہاں کینا اور مائی رورٹ سٹیج ایسٹیمیا

عنوان: محمود الحسن نام گورنمنٹ

منجانب: لیٹنٹ نوعیت مقدمہ: س. ک. س.

باعث تحریر آنکہ:

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایس ڈی اے کے لیے

عبدالصبور سخا کے نام سے ایس ڈی اے کی طرف سے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ پکھری کے علاوہ کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات تک آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عین کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل ساختہ پرداخت صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل انگریزی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر شاشی و راضی نامہ و فیصلہ برحلف کرانے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم استعفی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کی علیحدہ مختانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کر دینے اور اپنے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جگہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

موز: 7-1-2021

دن مہینہ سال

نوٹ: اس وکالت نامہ کی فوٹو کاپی نام قابل قبول ہوگی۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

*(Handwritten signature)*

محمود الحسن ولد لطر حسین

نذر لہو خیار خاں

Anshad Mehmood



# High Court Bar Association Abbottabad

Name of Advocate سید آصف شاہ  
 BC No. 10 - 3282  
 HCBA Reg No. 252 - -  
 Place of Practice حالاہ

*(Signature)*  
 Finance Secretary  
 High Court Bar Association  
 Abbottabad



S. No. 33578

Rs. 200/-

## وکالت نامہ

17/10/23 D.S

بعدالت: عدالت عالیہ لہور کی کورٹ آف ایپل اے  
 عنوان: محمد الحسن -  
 منجانب: سید  
 نوعیت مقدمہ: W.P. 443-A/21  
 باعث تحریر آئندہ:

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام سید آصف شاہ کے لیے

سید آصف شاہ (الذکر و کھٹ نامی کورٹ ناٹھہ)

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوئے گا نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا چھپے چاروں در تظلم کی پیروی کرنے کے ذمہ دار نہ ہوئے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات لڑنے کے چھپے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بختانہ کے واپس کرنے کی صحت موصوف ذمہ دار نہ ہونے کی وجہ سے کوئی معاوضہ پر داخلہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل گزارنی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار قبول کرنے اور رد کرنے اور قائل کرنے اور ہر قسم کے بیان دینے اور اس پر ثانی و راضی نامہ و فیصلہ بر حلف کر سنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جائے بیرونیجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم امتناعی یا ترقی یا اگر قاری قیل از گرفتاری و اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا لگی علیحدہ مختار پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کاروائی کے بصورت اپیل کسی دوسرے وکیل کو اپنے جگہ بجائے یا اپنے ہمراہ مقرر کر دے اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ ہر جگہ ہر جائے التوا پر سے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: -----

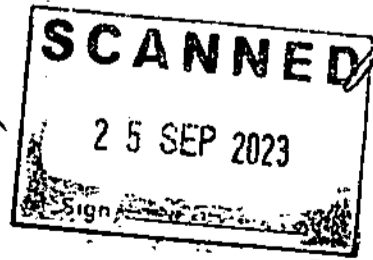
دن مہینہ سال

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

نوٹ: اس وکالت نامہ کی ذمہ داری نا قابل قبول ہوگی۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

*(Signature)*  
 Accepted



محمد الحسن -  
 mehmood

HCSA Reg No. 25 2 - 2

BC No. 0 - 3 2 5 2

Place of Practice سائبرہ

Name of Advocate سید اسف شاہ

S. No. 28549



وکالت نامہ

بعدالت: جاب ٹا رہاڈ کوہ ایسٹ آباد

عنوان: محمد الحسن نامہ حکومت فک فک

منجانب: Writ Petition نوعیت مقدمہ

W.P.No. 443 A/21 باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایسٹ آباد کے لیے

Syed Asif Shah Advocate H/C

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوئے گا۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پچھلے یا پھر پیشی کے وقت یا پھر عدالت کے ذمہ دار نہ ہوئے اور مقدمہ پکھری کے علاوہ کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات میں آگے پچھلے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرے گا۔ صاحب موصوف ذمہ دار نہ ہونے کے سبب کو کل ساختہ برداشت صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض و دعویٰ یا جواب و دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کا رویہ وصول کرنے اور تجدید دینے اور اپیل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ بر حلف کر سنے اقبال و دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جائے پھر دستجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم استماعی یا ترقی یا اگر قاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ مختانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے کو سنبھالنے کے لیے یا اپنے چھانے یا اپنے ہمراہ مقرر کریں اور ایسے کو سنبھالنے کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جائے التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ: / / دن مہینہ سال

نوٹ: اس وکالت نامہ کی ذمہ داری ناقابل قبول ہوگی۔

Accepted

محمد الحسن نامہ نذر صہب قاری  
Mohammad