


FORM OF ORDER SHEET

Court of _____

Appeal No. 2438/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	11/11/2024	<p>The appeal of Mr. Abdul Manan re-filed today by registered post through Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before Single Bench at A.Abad on 27/11.2024. Counsel for the appellant has been informed telephonically.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

This is an appeal filed by Mr. Abdul Manan today on 14.10.2024 for counting of previous service to words pensionary benefits against which he made/preferred departmental appeal/ representation dated 30.07.2024 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- ① Copy of appointment order dated 04.12.2017 mentioned in para-4 of the memo of appeal (Annexure-E) in respect of appellant is not attached with the appeal be placed on it.

NOT
received

No. 413 /Inst./2024/KPST,

Dt. 14/10/2024.

Amir Bilal
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M.Arshad Khan Tanolie Adv.
High Court A.Abad.

Siv
case is re-submitted as
required
M. Arshad Khan

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 2438/2024

Abdul Manan son of Syed Imran, (Syed Rehman), TT, resident of Kothehra, Post Office, Kurla, Tehsil & District Mansehra.

...APPELLANT

VERSUS

Government of KPK through Secretary Elementary and Secondary Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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3.	Copy of Khyber Pakhtunkhwa Sacked Employees appointment Act, 2012	35-44	"C"
4.	Copy of judgment dated 24/05/2016	45-55	"D"
5.	Copy of Appointment order dated 04/12/2017 of the appellant	56-57	"E"
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7.	Copy of departmental appeal	59-60	"G"
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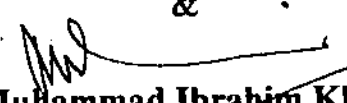
...APPELLANT

Dated: _____/2024

Through


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

&


(Muhammad Ibrahim Khan)
Advocate High Court

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. 2438/2024

Abdul Manan son of Syed Imran, (Syed Rehman), TT, resident of Kothehra, Post Office, Kurla, Tehsil & District Mansehra.

...APPELLANT

VERSUS

1. Government of KPK through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) District Mansehra.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT 1974 FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS REINSTATED IN SERVICE
WITH EFFECT FROM 04/12/2017 VIDE
APPOINTMENT ORDER ENDST NO. 19777-85
DATED 14.01.2017 UNDER THE KHYBER
PAKHTUNKHWA SACKED EMPLOYEES
APPOINTMENT ACT 2012, AS WELL AS IN THE**

LIGHT OF JUDGEMENT OF PESHAWAR HIGH COURT BENCH ABBOTTABAD IN WRIT PETITION NO. 516-A/2013 DECIDED ON 24/05/2016 THE APPELLANT WAS TO BE REINSTATED IN SERVICE I.E. HIS DATE OF 1ST APPOINTMENT IN W.E.F. THE DATE OF PROMULGATION OF THE KP SACKED EMPLOYEES APPOINTMENT ACT, 2012 AND THE PERIOD OF SERVICE W.E.F. 03/06/1996 TO 28/06/1998 AND 20/09/2012 TO 31/12/2017 IS TO BE COUNTED TOWARD THE CALCULATION OF PENSION ETC.

PRAYER: ON ACCEPTANT OF THE INSTANT SERVICE APPEAL, RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO COUNT SERVICE OF THE APPELLANT W.E.F 1ST APPOINTMENT W.E.F 03/06/1996 TO 28/06/1998 AND W.E.F 20/09/2012 I.E. PROMULGATION OF KP SACKED EMPLOYEES APPOINTMENT ACT, 2012 FOR THE PURPOSES OF CALCULATION OF PENSION ETC. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth;-

Brief Facts of the case are as under:-

1. That the appellant was appointed as TT on 03/06/1996 and was terminated from service on 28/06/1998. Copies of appointment order and termination order are annexed as Annexure "A" & "B".
2. That Govt. of Khyber Pakhtunkhwa announced KP Sacked Employees Appointment Act, 2012 on 20/09/2012 wherein all the sacked employees who were appointed in the year 1993-1996 and terminated from service in the year 1997-1998 are to be reinstated in service. Copy of Khyber Pakhtunkhwa Sacked Employees appointment Act, 2012 is attached as Annexure "C".
3. That respondent No. 3 did not appoint the petitioner as per KP Sacked Employees appointment Act 2012, in time. Hence, the appellant filed writ petition No. 516-A/2013 before Honourable High Court, Bench Abbottabad for his appointment under the said Act which was decided

on 24/05/2016. Copy of judgment dated 24/05/2016 is attached as Annexure "D".

4. That as a result respondent No.3 issued appointment order dated 04/12/2017 of the appellant. Copy of appointment order dated 04/12/2017 is annexed as Annexure "E".

5. That respondent No.3 also appointed some similar employees under the said Act in the year 2012 but appointed the appellant on 04/12/2017 which is discriminatory, perverse, against the law and the appointment order of the appellant should have been from the date of Promulgation of KP Sacked Employees Appointment Act 2012 i.e. 20/09/2012.

6. That the respondents' department retired the appellant on superannuation on 30/06/2024. Copy of retirement order of the appellant is annexed as Annexure "F". Hence, the appellant filed departmental appeal 10/07/2024 to counted his previous service i.e. 03/06/1996 to 28/06/1998 and 20/09/2012 to 03/12/2017 as per judgment dated

18/03/2021 in a similar case. Copy of departmental appeal is annexed as Annexure "G".

7. That feeling aggrieved, the instant service appeal is filed inter-alia, on the following grounds:-

GROUNDS:

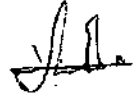
- a) That respondent No.3 was supposed to appoint the appellant under KP Sacked Employees Appointment Act 2012, as and when the said Act was promulgated in the Year 2012 on 20/09/2024 but respondent No.3 finally issued appointment order of the appellant on 04/12/2017 which is discriminatory and against the law.

- b) That the appellant is eligible to have his previous service counted towards pensionary benefits as per judgment dated 27/03/2020 of the apex court as well judgment dated 18/03/2021 of this Honourable Tribunal. Copies of judgments dated 27/02/2020 and 18/03/2021 are annexed as Annexure "H".

- c) That respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice. The appellant is to be treated at par with other employees under the control of the respondents' department in whose favour the protected period has been counted by the department towards calculation of pensionary benefits.
- d) That when law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise that the appellant earlier filed service appeal No. 553-A/2023 which was disposed on 12/12/2023.
- e) That matter relates to terms and condition of service. Hence this Honourable Tribunal has jurisdiction to entertain the lis. The cause of action arose to the appellant on his retirement on 30/06/2024.

f) That other points shall be raised before the Honourable Tribunal at the time of arguments.


It is, therefore, humbly prayed that, on acceptant of the instant service appeal, respondents may graciously be directed to count service of the appellant w.e.f 1st appointment w.e.f 03/06/1996 to 28/06/1998 and w.e.f 20/09/2012 i.e. promulgation of KP sacked employees appointment act, 2012 for the purposes of calculation of pension etc. any other relief which this Honourable Tribunal deems appropriate may also be granted to the appellant.




...APPELLANT

Dated: _____/2024

Through



(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

&


(Muhammad Ibrahim Khan)
Advocate High Court

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2024

Abdul Manan son of Syed Imran, (Syed Rehman), TT, resident of Kothehra, Post Office, Kurla, Tehsil & District Mansehra.

...APPELLANT

VERSUS

Government of KPK through Secretary Elementary and Secondary Education, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Abdul Manan son of Syed Imran, (Syed Rehman), TT, resident of Kothehra, Post Office, Kurla, Tehsil & District Mansehra*, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Abdul Manan

DEPONENT



7/10/24

Annex-A

P-7

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECONDARY MANSEHRA

APPOINTMENTS

The following appointments are hereby ordered with effect from their taking over charge on the following terms & conditions, in the interest of public service:

<u>Sl. No</u>	<u>NAME & FATHER'S NAME/Address</u>	<u>Post/Scale</u>	<u>Place of Posting</u>	<u>Remarks</u>
	Abdul Mannan So Syed	B.T.1		
		(B-7-1450-SI-2643)		

Attested

E. H. S. Mansehra

Vacant Post

TERMS & CONDITIONS:

- No TA/DA is allowed.
- Charge report should be submitted to all concerned.
- The appointment is purely temporary and liable to termination at any time without assigning any reason or notice.
- Age & health Certificate from Civil Surgeon DHQ Hospital Mansehra should be produced.
- Appointee should not be handed over charge if age exceeds 10 years or below 18 years.
- Appointment shall stand automatically cancelled if they failed to join the post within 15 days of the issue of this order.
- In case they wish to resign, they will have to give one month notice or forfeit one month pay in lieu of short notice.
- Head of Institution is responsible to check Original Certificates before handing over charge.
- Candidates are required to get verified their certificates from the Board/University concerned.
- Special relaxation in Upper Age limit for two years has already been allowed vide Govt. NWFP: S&T No. SOS-III (S.G.D) 8(4) dated 13-7-1994.

No. 4849-73/P

(E. H. S. RAHMAT)
DISTRICT EDUCATION OFFICER
(MALE) SECONDARY MANSEHRA

Dated 3-6-76

Copy forwarded for information to:-
Director of Secondary Education, NWFP: Peshawar
Director of Secondary Education, Hazara Division, Abbottabad
District Account Officer, Mansehra
Principal/Headmaster concerned
Institute concerned

DISTRICT EDUCATION OFFICER
(MALE) SECONDARY MANSEHRA

A. H. H. H.
Head Master
Govt. Middle School

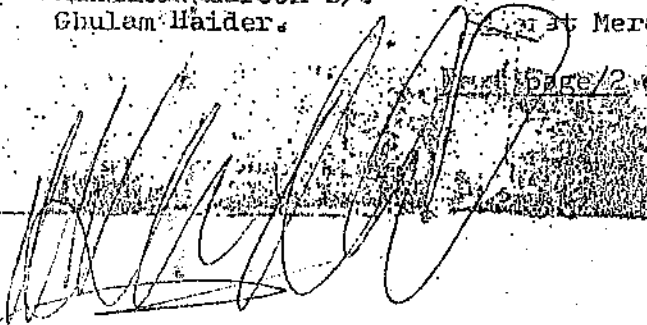
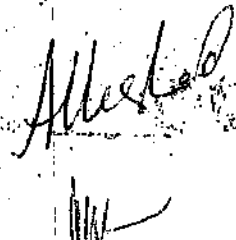
APPOINTMENT

Annex-A

P-9-A

Consequent upon the finalization of the lists of un-trained candidates duly approved by the Minister for Primary Education NWFP, the following candidates are hereby appointed in BPL-7 @ Rs.1489 fixed per month plus usual allowances as admissible under the rules w.e.f. the date of their taking over the charge against the vacant posts in the interest of public service:

S.No.	Name & Father's Name	Address	Place of posting	Remarks
1-	Bakhruddin s/o Ghulam Mobyud Dini	Nambal	GPS Nambal	Against vacant post.
2-	Muhammad Khalid s/o Abdul Qayum.	Lissan Nawab	Mos:Khaliyala	-do-
3-	Sheikh Amjad s/o Sheikh Taj Muhammad.	Shakooki	GPS Bat Doga	-do-
4-	Muhammad Sajjad s/o Ali Akbar.	Takkar Mera	Mos:Pojdara	-do-
5-	Zulfiqar s/o Fazal Rehman Shergarh		GPS Seri Goria	-do-
6-	Sarfaraz s/o Muhammad Jan.	Moorat Mera	Mos:Nathra	-do-
7-	Khalid s/o Sher Muhammad Mera	Mera Khurd	GPS Nambal	-do-
8-	Sair Ahmad s/o Muhammad Zaman.	Naryala	Mos:Lohar Banda	-do-
9-	Muhammad Aslam s/o Fazal Rehman.	Chan Sair	GPS Seri Goria	-do-
10-	Haider Zaman s/o Muhammad Suleman.	Karrozri	GPS Beerian	-do-
11-	Amjad Hussain s/o Anwar Shah.	Dhaman Dheri	GPS Bat Doga	-do-
12-	Saeedur Rehman s/o Haider Zaman.	Gali Badral	GPS Daroo	-do-
13-	Muhammad Parvez s/o Muhammad Akbar.	Kala Mera	Mos:Sinjelijala	-do-
14-	Muhammad Mishtaq s/o Sher Muhammad.	Pangorhi	Mos:Khamari	-do-
15-	Muhammad Irfan s/o Muhammad Zaman.	Gali Badral	GPS Lubar	-do-
16-	Muhammad Saeed s/o Muhammad Ayub.	Shakooki	Mos:Sinjel Bandi	-do-
17-	Muhammad Younis s/o Fazlur Rehman.	Mando	Mos Tunimar	-do-
18-	Muhammad Riaz s/o Kala Khan.	Hari Doga	GPS Chamial	-do-
19-	Muhammad Tariq s/o Abdur Rehman.	Chensair	GPS Sunj	-do-
20-	Muhammad Haroon s/o Ghulam Haider.	Chensair Mera	GPS Sunj	-do-

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20-A	Lal Khan s/o Fazlur Rehman Pathong	Kalas	GPS Tarmang A.V. Post.
21-	Abdus Sattar s/o Maroof.	Kalas	GPS Sera Gali A.V. Post.
22-	Niaz Ahi Shah s/o Farman Ali Shah.	Darband	Mos: Chakli Miangan -do-
23-	Muhammad Ishaq s/o Ghulam Qadir.	Makan Gali	GPS Chatta -do-
24-	Aftab Ahmad s/o Abdul Jalil.	Hari Doga	GPS Chatta -do-
25-	Abdul Malik s/o Rehmatullah.	Chan Sair	GP Bai -do-
26-	Muhammad Shameer s/o Omar Zaman.	Jasgaran	GPS Sokal -do-
27-	Naeem Anwar s/o Muhammad Anwar.	Shungli	GPS Neel Batla -do-
28-	Muhammad Haroon s/o Khalilur Rehman.	Kutaira	GPS Neel Batla -do-
29-	Abid Hussain Shah s/o Hussain Shah.	Ismail Bandi	GPS Nawan Sher -do-
30-	Shakil s/o Abdul Jabbar.	Sokal	GPS Sokal -do-
31-	Rashid Manan s/o Abdul Manan.	Lassan Nawab	GPS Sokal -do-
32-	Taj Muhammad s/o Sher Dil.	Chakli	GPS Namshera -do-
33-	Shaukat Ali s/o Gohar Rehman	Darband	GP Namshera -do-
34-	Abdur Rashid s/o Abdul Khaliq	Jund Seri	GPS Namshera -do-
35-	Javed s/o Fazlur Rehman s/	Sharotta	GPS Khudian -do-
36-	Muhammad Arshad s/o Sher Muhammad.	Sahaki	GPS Khudian -do-
37-	Muhammad Fayaz s/o Niaz Muhammad Bandi	Mera	GPS Garwal -do-
38-	Muhammad Arif s/o Wali Muhammad	Rooria	Mos: Parkhain -do-
39-	Muhammad Gulab s/o Sikandar Khan.	Rarri	Mos: Jorian -do-
40-	Abdus Sadiq s/o Bahram.	Kalas	GPS Minjahani -do-
41-	Muhammad Ali s/o Taj Muhammad	Thakia Shah Miskeen.	GPS Dham Nalla -do-
42-	Naeem Kausar s/o Ghulam Sarwar	Lassan Nawab	GPS Hallan -do-
43-	Muhammad Humayun s/o Habibur Rehman.	Bandian	GPS Mat Serian -do-
44-	Muhammad Parvez s/o Muhammad Zaman.	Tarmang	GPS Miana Gali -do-
45-	Zulfiqar s/o Ghulam Sarwar.	Darband	Mos: Karam -do-
46-	Habibur Rehman s/o Jamilur Rehman.	Gali Badral	GP Chumtran -do-
47-	Muhammad Saeed s/o Muhammad Israail.	Kalas	Mos: Mohar Khurd -do-
48-	Muhammad Bukhtiar s/o Khane- Zaman	Roria	GPS Miana Gali -do-
49-	Iftikher s/o Ghulam Haider.	Gojra	GPS Kahawa -do-
50-	Fida Hussain s/o Aziz Muhammad	Chohar Bandi	GPS Matserian -do-
51-	Ghulam Mustafa s/o Hafizullah	Chamial	GPS Nikka Pani. -do-
52-	Zulfiqar s/o Dure Aman	Sinjliyala	Mos: Doga -do-
53-	Muhammad Bashir s/o Abdul Akbar.	Machral	Mos: Hari Doga -do-
54-	Sher Muhammad s/o Taj Muhammad.	Pateh Bandi	Mos: Kaloo Banahi -do-
55-	Shah Feroz s/o Firdoos.	Jaman Moori	Mos: Takkra Pain -do-

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Alleged

56-	Munawar s/o Masood.	Lansen Nawab	GPS Tarnang	A.V. Post
57-	Ghulam Abbas s/o Abdus Sattar.	Dehgri	Mos: Batangi	-do-
58-	Muhammad Azam s/o Phawaj Muhammad.	Khalion Arian	GPS Karko	-do-
59-	Anwar Zee s/o Sikandar Khan.	Sharotta	GPS Hallah	-do-
60-	Akram s/o Sulaman.	Sharotta	GPS Mera Khairoo	-do-
61-	Nazir Muhammad s/o Sher Muhammad.	Phuldhar	Mos: Nalbori	-do-
62-	Chiria Khan s/o Abdur Rehman.	Jhangi	GPS Sinjliyala	-do-
63-	Muhammad Tariq s/o Pervez.	Sokal	GPS Shanaya Pain	-do-
64-	Dost Muhammad s/o Mir Muhammad	Chair Abad	Mos: Dolarian	-do-
65-	Jehangir s/o Fazal Karim.	Hal Kaloo	GPS Hariyala	-do-
66-	Manzoor Ahmad s/o Maqboolur Rehman.	Chandoor	GPS Chandoor	-do-
67-	Lal Khan s/o Sher Muhammad.	Jhanda		-do-
68-	Sultan s/o Rehmatullah.	Nara Doga	Mos: Gora	-do-
69-	Dure Aman s/o Wazir Muhammad	Sharotta	Mos: Kamari	-do-
70-	Muhammad Aslam s/o Sher Muhammad			
70-	Salur Khan s/o Abdul Akbar.	Karori	GPS Akhun Bandi	-do-
71-	Iftikhar Ahmad s/o Ali Zaman	Shakokki	GPS Kondar	-do-
72-	Mubarak s/o Haider Zaman	Pakoona	GPS Matserian	-do-
73-	Sabir s/o Muhammad Yaqoob	Pakoona	GPS Ghazi Kot	-do-
74-	Dildar s/o Faqir Muhammad	Mohar	Mos Belan	-do-
75-	Rafiq s/o Sikandar	Bandian	GPS Bandi Khan	-do-
76-	Shakil Ahmad s/o Ayub.	Khalwal	Mos: Kotla Darwaza	-do-
77-	Siddique s/o Farid	Jhand	Mos: Gud	-do-
78-	Khurshid s/o Faqir Muhammad	Chitti Noori	GPS Chontra	-do-
79-	Muhammad Farooq s/o Kala Khan	Kajla	GPS Kajla	-do-
80-	Nazar Hussain s/o Ghulam Haider.	Nilka Pani	Mos: Gali Tendki	-do-
81-	Sarwar s/o Abdul Nabi.	Thanda	GPS Cheniyal	-do-
82-	Muhammad Hanif s/o Ghulam Sarwar.	Sokal	GPS Mera Khairoo	-do-
83-	Nazir Ahmad s/o Ghulam Sarwar	Battal Pann	Mos: Khajambar	-do-
84-	Ali Munsaf s/o Ali Zaman.	Doga	GPS Bradarh	-do-
85-	Sarfraz s/o Ali Zaman.	Jhangi	GPS Thathi Kalan	-do-
86-	Iqbal s/o Yaqoob.	Lari	Mos: Shanaya Pain	-do-
87-	Muhammad Afzal s/o Ayub	Tangerh	Mos: Kharan	-do-
88-	Hakim Khan s/o Gohar Rehman	Khaliala	GPS Mera Khairoo	-do-
89-	Zaman Shah s/o Gulab Shah	Shergarh	GPS Seri Gorla	-do-
90-	Saleem s/o Samandur	Shanaya	Mos: Bradar	-do-
91-	Munibur Rehman s/o Muhammad Zaman.	Kandar	GPS Kandar	-do-
92-	Sajid s/o Habibur Rehman	Phulra	GPS Kajla	-do-
93-	Muhammad Haroon s/o Ali Zaman	Bei Buhel	GPS Bat Doga	-do-
94-	Muhammad Javed s/o Aurangzeb.	Jhanda	GPS Gali Badral	-do-
95-	Muhammad Ismail s/o Muhammad Zaman.	Gorha	GPS Theri	-do-
96-	Muhammad Riaz s/o Rafiullah	Bandi Mera	Mos: Khamion	-do-

P-11

Muhammad
Wali

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97-	Naveed Shah s/o Muezam Shah	Shah Kot.	GPS Dham Nella	A.V. Pos
98-	Muhammad Nazir s/o Muhammad Assem	Mika Pani	GPS Neel Betla	-do-
99-	Muhammad Azam s/o Sher Muhammad	Bandian	GPS Nara Doga	-do-
100-	Abid Hussain s/o Abdur Rehman	Pakoona	GPS Chaniyal	-do-
101-	Muhammad Asif s/o Wali Jan	Munda Gucha	GPS Chilyani	-do-
102-	Nabid Ahmed s/o Ghulam Nabi	Jaboori	GPS Sundi	-do-
103-	Muhammad Naeem s/o Attai Khan	Phalai	GPS Neelban	-do-
104-	Muhammad Naveed s/o Muhammad Ayub	Sucha Kalan	GPS Bahadra	-do-
105-	Muhammad Shakil s/o Muhammad Mussa	Sucha Kalan	GPS Said Abad	-do-
106-	Ghulam Hassan s/o Muhammad Ishaq		GPS Nalla Jabbar	GPS Nalla Jabbar -do-
107-	Muhammad Khalid s/o Azizur Rehman	Munda Gocha	GPS Munda Gocha	-do-
108-	Gul Dad s/o Mughal Dad	Punjool	GPS Sukian	-do-
109-	Muhammad Aslam s/o Muhammad Alam	Gali Jabbar	GPS Jabbar	-do-
110-	Ghulam Nabi s/o Arsala Khan	Keeri Bala	GPS Sattan Gali	-do-
111-	Akhtar Nawaz s/o Haq Nawaz Khan	Sucha Kalan	GPS Kodar	-do-
112-	Gul Niaz s/o Sarfaraz Khan	Buz Bela	GPS Banda Gee Sach	-do-
113-	Ghulam Nabbi s/o Qadai	Chotta Bala	GPS Mohri	-do-
114-	Javed Iqbal s/o Ahmad Jee	Punjool	GPS Mohri	-do-
115-	Ashiq Hussain Shah s/o Mumtaz Ali Shah	Bai Bala	GPS Thatta	-do-
116-	Sajid Hussain Shah s/o Hayat Shah	Kot Chatter	GPS Dheri Nambardar	-do-
117-	Muhammad Fayez s/o Abdul Wahab	Hilkot	GPS Deri Haleem	-do-
118-	Javed Hussain Shah s/o Nawab Asid Shah	Lachi Mang	GPS Deri Nambardaran	-do-
119-	Zulfiqar Ali Shah s/o Sadiq Shah	Bai Bala	GPS Shangreta	-do-
120-	Abdul Ghaffar Ali Shah s/o Pir Bad Shah	Saloona	Gps Chinar Kot	-do-
121-	Ijaz Hussain Shah s/o Shah Said Shah	Bhumla Chatter	GPS Khotri	-do-
122-	Qaiser Rauf s/o Abdur Rauf Khan	Sucha Kalan	GPS Keeri Nawaz Abad	-do-
123-	Dahshat Khan s/o Haji Farid Khan	Shar Kool	GPS Deri Haleem	-do-
124-	Muhammad Saeed s/o Miskeen	Keran	GPS Mat Serian	-do-
125-	Abdur Rezaq s/o Mir Hussain	Makan Gali	GPS Dokal	-do-
126-	Muhammad Ijaz s/o Omar Zaman	Dhanaka	Mos; Pagora	-do-
126A-	Muhammad Aslam s/o Omar Zaman	Gundan	GPS Battian	-do-
127-	Abdus Sattar s/o Abdur Rehman	Dheman	GPS Chatta	-do-
128-	Muhammad Yousaf s/o Aurangzeb	Ceri Gali	GPS Shanaya	-do-
129-	Periddud Din s/o Abdul Hai	Mat Seri	GPS Jiggi	-do-

129-A Sidique s/o Haider Zaman	5 - Purni	GPS Hariyala	A.V. Post,
130- Azmat Ayub S/c Muhammad Ayub. Naryala		GPS Chameyari	A.V. Post
		Ghazi Kot.	
131- Said Bad Shah s/o Mudassar Shah.	Sarori K.D.		K.D.
132- Muhammad Mustafa s/o Yasin Khan.	Judba		K.D.
133- Abdul Bashir s/o Gulraiz.	Uthlair		K.D.
134 Fanoos Shah s/o Syed Azeem Shah	Rongaly		K.D.
135- Syed Wahab s/o Muhammad Mustaffa.	Jatka		K.D.
136- Pir Mukamil Shah s/e Pir Ahmad Shah.	Jatka		K.D.
137- Ishaqat Ali s/o Sher Muhammad Khan	Shinkari		K.D.
138- Saifdar Zaman s/e Shah Izat Khan.	Deri Yaka Khel		K.D.

P-13

TERMS AND CONDITIONS

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional certificates/documents. Their original Academic and Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age and Health certificate from Medical Superintendent DEQ Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of NWFP.

(MUHAMMAD ICHRA)
 I/C DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MANSEHRA.

Endstt: No. 2485-2626 GB(G/I-Vol-III/24 Dated Mansehra the 22/11/94.

- Copy forwarded to the:
- 1- Secretary to Government of NWFP, Education Deptt; Peshawar.
 - 2- Director, Primary Education, NWFP (Hayatabad) Peshawar.
 - 3- District Accounts Officer Mansehra.
 - 4- Sub Divisional Education Officer (Male) Mansehra.
 - 5-143- All the candidates concerned.
 - 144- Superintendent local Office.

I/C DISTRICT EDUCATION OFFICER
 (MALE) PRIMARY MANSEHRA.

Attached

W

M. Dastgir
Ghalib
Rohat
29/12/97

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECONDARY MANSCHRA

APPOINTMENTS

Consequent upon their selection by the Departmental Selection Committee the District Education Officer (Male) Secondary Manschra has been pleased to appoint the following trained Theology Teachers candidates at the Schools noted against their names in in MS-7 (Rs: 1430-81-2899) plus usual allowances admissible under the rules with immediate effect subject to the existing terms and conditions.

S.No	Interv. Name/Father's name	Name of School	Remarks
2161/80	Mohd Imran S/O Sharab R/O Kotka Manschra. (26/3/69)	GMS, Dhodial	Vice Nazir Mohd S/Term: not selected on merit.
2200/80	Khalid M. Jeem S/O Mohd Huseem R/O Hado Bandi (28/12/72)	GMS, Hado-Bandi	Already occupied by him.
2210/74	Fida Mohd S/O M. Akbar S/O Hajji Abad. (1/5/74)	GMS, Ichrian	Against the post already occupied by him.
2227/74	Abdul Wahid S/O Faqir Mohd R/O Hajja Bala (5/2/73)	GMS, Kotkay M.H. Zai (KD)	Vice Tasneem Dabar S/Term: not selected on merit.
2232/72	Abdul Karim S/O Abdul Aziz R/O Remkot. (15/5/75)	GMS, Hal-Kaloo	Against the post already occupied by him.
2257/71	Abdur. R. Im S/O Abdul Hamid R/O Gurwal. (4/4/70)	GMS, Bandi Paraw	Vice Tariq S/Term: not selected on merit.
2277/70	Mohd Asif S/O M. Farooq R/O Pakela (Pachinna) (28/11/73)	GMS, Heel-Datla	Vice Abdul Hakim S/Term: not selected on merit.
2317/70	Korimullah S/O Abdul Sattar R/O More Daffa Kalan (18/4/78)	GMS, Nasir-Abad	Vice M. Asif S/Term: not selected on merit.
2325/5	Mohd Idrees S/O Khan Wali R/O Shinkari. (25/4/69)	GMS, Methal	Against the post already occupied by him.
2360/62	Abdul Matia S/O Abdul Wahab R/O Jadhah (KD) (1/1/73)	GMS, Kharyala	Vice N. Siddique S/Term: not selected on merit.
2377/58	Noor Islam S/O Abdur Rehman R/O Narain (17/1/51)	GMS, Sywan	Vice Wahiduz Zaman S/Term: not selected on merit.
2413/55	Babar Naushad S/O Mir. Mohd R/O Balhag. (2/4/70)	GMS, Basundh	Vice Hamidul Din S/Term: not selected on merit.
2426/55	Attafur Rehman S/O Abdul Qayum R/O Baghli-Dorband (31/5/74)	GMS, Shahtal (KD)	Vice Beroz Khan S/Term: not selected on merit.
2434/54	Habibullah S/O Khadimullah R/O Bilyuni (K) (7/12/77)	GMS, Gawanila (KD)	Vice M. Fayyaz S/Term: not selected on merit.
2434/54	Abdullah S/O Khani Bakhsh R/O Thaker Mera (13/4/74)	GMS, Bandi. Kenh.	Against the post already occupied by him.

Attested
[Signature]

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- 1/141/54. Faisal Shah S/O Afsar GMS, Vice M. Tayub S/Term: against the post already occupied by him. R/O Khawari (31/3/78). Mohayan.
- 16/215/53. Abdul Malik S/O Roghan Khan GMS, Chirikot. Against the post already occupied by him. R/O Chirikot. (4/8/70).
- 19/271/51. Mohd Saleem S/O Faisal Dad GMS, Vice M. Asif S/Term: not selected by him. R/O Jabbori. (1/5/71). Bagh.
- 20/6/52. Shabir Ahmed S/O M. Yousif GMS, Chakli. Against the post already occupied by him. R/O Chandore. (1/4/74). Pansial.
- 21/230/51. Shabir Ahmed S/O Abdur GMS, Bandi. Against the post already occupied by him. Rehman R/O Chian Kenth. (16/4/73).
- 22/224/50. Abdul Kafeel S/O Abdul- GMS, Shanai. Against the post already occupied by him. Haq R/O Dr. Gial (1968). Bala.
- 23/229/49. S. Z. Shah S/O Ghulam Shah GHSS, Vice Noorul Islam S/Term: not selected on merit. R/O Shergah (20/3/74). Baffa.
- 24/222/48. Abdur Rehman S/O Mohd. Jan. GMS, Against the post already occupied by him. R/O Muradpur (4/2/71). Dotar.
- 25/249/43. Mohd Sulhan S/O Ghulam GMS, Vice Azhar Ayaz S/Term: not selected on merit. Hussain R/O Naran (5/6/72). Narrah.
- 25/149/43. Azizur Rahman S/O Abdur GMS, Guli- Vice Nazir Hussain S/Term: not selected on merit. Rashid R/O Guli Bagh. Bagh. (20/3/78).
- 27/72/47. Abdur Rashid S/O Abdur GHSS, Mansehra. Vice Abdul Manan S/Term: not selected on merit. Rehman R/O Mansehra (25/4/72).
- 28/58/46. Mohd Basir S/O Abdur GMS, Bela. Vice M. Siddiqe S/Term: not selected on merit. Rahim R/O Sial G.H. Ullah. Sacha. (14/12/67).
- 28/24/46. A. F. Shah S/O Niamat Shah GMS, Vice Saeedur Rehman S/Term: not selected on merit. R/O Ghyan (6/2/75). Kayyan.
- 30/193/45. Waheedur Zaman S/O Mehdi GMS, Darra. Vice M. Anwar S/Term: not selected on merit. Zaman R/O Mohandara. Shohal. (1/1/75).

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TERMS & CONDITIONS:

1. They will be governed by such rules and regulations as may be prescribed by the Govt: from time to time for the category of the Govt servant to which they belong.
2. Their services will be liable to termination on one month's notice from either side in case of resignation without notice, and notice shall be forfeited in lieu thereof.
3. They should join the posts within one month of the issue of this notification.
4. Their inter-seniority will be determined in accordance with the rules of the departmental selection committee.
5. Charge report should be submitted to all concerned.
6. They will be on probation for a period of two years and will have to pass the departmental examination. In case a candidate fails to qualify the departmental Exam: he will be given one more chance. If he fails again then his service will be terminated. On arrival/availability of trained teachers, the services of untrained teachers occupies the posts shall be terminated.
7. Their original certificates/degrees should be checked and verified from the concerned university/BISE/RDE and Islamic Madrasahs before handing over the charge.
8. Service Books of the teachers must be prepared complete in all respect before handing over the charge.

c/s in extent as per notification

SDO (Estt.)
District Education Officer
(Male) Mansehra

Allexad

declaration of assets should be obtained from them immediately placed on record.
 they are required to produce health and age certificate from Medical authorities concerned before handing over the charge.
 charge reports should be submitted to all concerned and charge should not be given to overage candidates until their cases for age relaxation be sent to the concerned quarter.
 reports for transfer before the completion the tenure will not qualify him from service.

TA/DA is allowed.
 candidates under taking shall be obtain from Master and degree holders PTC at they will serve the department for at least five years while they are selected by the public service commission for any post.
 in case of person appointed as an untrained teachers he will have to pass the requisite training examination within a period of four years during which his services will be terminated.

(FAZALUR RAHIM)
 DISTRICT EDUCATION OFFICER
 (MALE) SECONDARY MANSEHRA.

No: 15953-58 / Dated Mansehra the 28/6/ 197.

- Copy forwarded for information to the:-
- Director Secondary Education NWFP, Peshawar.
- Director of Education (S) Hazara Div: Abbottabad.
- District Accounts Officer Mansehra.
- Principals/Headmaster concerned.
- Candidates concerned.
- Accountant Local office.

Fazalur Rahim
 28/6/72
 DISTRICT EDUCATION OFFICER
 (MALE) SECONDARY MANSEHRA.

Allesked
HL

App. Order No. 88

27/11/94
Order No. 2485-2626

21-11-94

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA

NO. 5
Dated February 13, 1997

OFFICE ORDER

On perusal of the relevant record, the appointments of the following Primary Teachers have been found illegal ab initio void and against the prescribed rules. Their services are therefore, hereby dispensed with with immediate effect.

S.No. Name & Father's Name Residence Place where Appointed

Sr. No.	1.	Fakhar-ud-Din S/O, Ghulam Mohyud Din	Numbal	GPS Numbal
	2.	Muhammad Khalid S/O Abdul Gayum	Lassan Nawab	Msh. Khalyal
	3.	Sheikh Amjid S/O Sheikh Taj Muhammad	Shakooli	GPS Bat Dog
	4.	Muhammad Sajjad S/O Ali Akbar	Thaka Mera	Msh. Pojdata
Sr. No.	5.	Zulficar S/O Fazal-ur-Rehman	Beerlar	GPS Ser. Goria
Sr. No.	6.	Sarfraz S/O Muhammad Jan	Beerlar Mera	Msh. Hathia
Sr. No.	7.	Khalid S/O Sher Muhammad	Mera Khurd	GPS Numbal
Sr. No.	8.	Sain Ahmad S/O Muhammad Zaman	Naryala	Msh. Loharbanda
Sr. No.	9.	Muhammad Aslam S/O Fazal Rehman	Chansair	GPS Ser. Goria
Sr. No.	10.	Haider Zaman S/O Muhammad Suleman	Kuro	GPS Beerlar
	11.	Amjid Hussain S/O Anwar Shah	Dhaman Dher	GPS Batdog

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12.	Muhammad Ishaq S/O Muhammad Zamir	Gali Badral	GPS Daroo
13.	Muhammad Farid S/O Muhammad Aslam	Kala Mera	Msq: Sinielijala
14.	Muhammad Ishaq S/O Sheer Muhammad	Panorhi	Msq: Khamari
15.	Muhammad Arif S/O Muhammad Zamir	Gali Badral	GPS Lubar
16.	Muhammad Farid S/O Muhammad Ayub	Shakooki	GPS Sijal Sandi
17.	Muhammad Younis S/O Fazal ur Rehman	Mando	Msq: Tunmar
18.	Muhammad Rizal S/O Kala Mera	Hari Doga	GPS Chamial
19.	Muhammad Farid S/O Abdul Rehman	Chansair	GPS Sunj
20.	Muhammad Haroon S/O Ghulam Haider	Moorat Mera	GPS Sunj
21.	Udd Khan S/O Fazal ur Rehman	Tarorang	GPS Tarmang
22.	Almas Satar S/O Ghulam Haider	Kalas	GPS Seri Gali
23.	Niaz Ali Shah S/O Farman Ali Shah	Darband	Msq: Chakli Miangan
24.	Muhammad Ishaq S/O Ghulam Qadir	Makan Glai	GPS Chatta
25.	Attab Ahmad S/O Abdul Jalil	Hari Doga	GPS Chatta
26.	Abdul Malik S/O Rehmatullah	Chansair	GPS Bai
27.	Muhammad Shameer S/O Omar Zaman	Jasgran	GPS Sokal
28.	Nabeen Anwar S/O Muhammad Anwar	Shangli	GPS Neel Batla
29.	Muhammad Haroon S/O Khalid ur Rehman	Kutaira	GPS Neel Batla

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Page No.	Contd: Page No.
46	Zulfikar S/O
45	Muhammad Pervez S/O
44	Habib-ur-Rehman
43	Muhammad Humayun S/O
42	Glulam Sarwar
41	Naseem Khatun S/O
40	Taj Muhammad
39	Muhammad Ali S/O
38	Gehran
37	Abdul Sadiq S/O
36	Shamshad Khan
35	Muhammad Gulat S/O
34	Wali Muhammad
33	Muhammad Arif S/O
32	Niaz Muhammad
31	Muhammad Fayaz S/O
30	Sher Muhammad
29	Muhammad Arshid S/O
28	Fazal-ur-Rehman
27	Jawad S/O
26	Abdul Kadir
25	Abdul Rashid S/O
24	Gohar Rehman
23	Shukrat Ali S/O
22	Sher Dil
21	Taj Muhammad S/O
20	Abdul Mannan
19	Rashid Mannan S/O
18	Abdul Jabbar
17	Shakeel S/O
16	Muhammad Shan
15	Muhammad Shan S/O
14	Bandi
13	Sokal
12	Lassan Nawab
11	Chakri
10	Darband
9	Jan, Ser
8	Shahota
7	GPS Kudran
6	GPS Namshera
5	GPS Namshera
4	GPS Namshera
3	GPS Sokal
2	GPS Sokal
1	GPS Mannan Sher

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Page No.

47.	Habib-ur-Rehman S/O Jamil-ur-Rehman	Gali Badra	GPS Chuntran
48.	Muhammad Saad S/O Muhammad Israil	Kalas	Msq Mohar Khurd
49.	Muhammad Bukhtiar S/O Khani Zaman	Rorla	GPS Miana Gali
50.	Iftikhar S/O Ghulam Haider	Gojra	GPS Kahawa
51.	Fida Hussain S/O Aziz Muhammad	Chor Bandi	GPS Mad Serjan
52.	Ghulam Mustafa S/O Haizullah	Chamad	GPS Nikka Pan
53.	Zulficar S/O Duri Aman	Sinjliyal	Msq Dogal
54.	Muhammad Bashir S/O Abdul Akbar	Machral	Msq Hari Doga
55.	Sher Muhammad S/O Taj Muhammad	Paten Bandi	Msq Kaloo Gathi
56.	Shah Feroz S/O Ferdoss	Jaman Moor	Msq Trakkir Pain
57.	Munawar S/O Masood	Cassari nahob	GPS Tarnang
58.	Ghulam Abbas S/O Abdus Satar	Dandri	Msq Batang
59.	Muhammad Azam S/O Khawaj Muhammad	Khabiah Arjan	GPS Karka
60.	Anwar Zeb S/O Sikandar Khan	Sharotta	GPS Haliah
61.	Akram S/O Suleman	Sharotta	GPS Mera Khafroo
62.	Nazir Muhammad S/O Sheh Muhammad	Phudhar	Msq Nalbor
63.	Chirya Khan S/O Abdur Rehman	Jhangl	GPS Sinjliyal
64.	Muhammad Tariq S/O Farvez	Sokal	GPS Sidanaya payeen

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82/84 65.	Dost Muhammad S/O Mift Muhammad	Khair Abad	Msq: Dolarian
66.	Jokangir S/O Fazal Karim	Hai Kaloo	GPS: Hariyala
67.	Manzoor Ahmad S/O Maqbool-ur-Rehman	Chandoor	Msq: Chandoor
68.	Lal Khan S/O Sher Muhammad	Thanda	Msq: Chandoor
69.	Surtan S/O Rehmattullah	Nara Doga	GPS: Gora
70.	Duri Aman S/O Wazir Muhammad	Sharotta	Msq: Kamar
82/85 71.	Salar Khan S/O Abdul Akbar	Karori	GPS: Akhun Bandi
72.	Jftikhar Ahmad S/O Ali Zaman	Shakokki	GPS: Kandal
73.	Mubarak S/O Haider Zaman	Pakona	GPS: Maserian
74.	Sabir S/O Muhammad Yaqoob	Pakona	GPS: Ghazi Kot
75.	Dildar S/O Faqir Muhammad	Mohar	Msq: Belan
76.	Rafique S/O Sikandar	Bandian	GPS: Bandi Khan Khel
77.	Shakeel Ahmad S/O Ayub	Khalwal	Msq: Kotla darwaza
82/86 78.	Sadique S/O Farid	Jahang	Msq: Gud
79.	Khurshid S/O Faqir Muhammad	Chitti Moori	GPS: Chontra
82/87 80.	Muhammad Farooq S/O Kara Khan	Kajla	GPS: Kajla
82/88 81.	Nazar Hussain S/O Ghulam Haider	Nikka Pani	Msq: Gali Tendki
82 82.	Sarwar S/O Abdul Nabi	Thanda	GPS: Chanival

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P. C. P. 22

Page No.

83. Muhammad Hanif S/O Ghulam Sarwar	Soldat	Mera Khairoo
84. Nazir Ahmad S/O Ghulam Sarwar	Batal Paim	Msq: Khajambar
85. Ali Munsaf S/O Ali Zaman	Doga	GPS Bradarh
86. Sartanaz S/O Alizaman	Jangli	GPS Mathi Jaland
87. Iqbal S/O Yaqub	Larri	Msq: Shanaya Paim
88. Muhammad Afzal S/O Ayub	Tangra	Msq: Khanan
89. Hakim Khan S/O Gohar Rehman	Khaliala	GPS Mera Khairoo
90. Zaman Shah S/O Gulab Shah	Sherganh	GPS Seri Gollan
91. Saleem S/O Samandur	Shanaya	Msq: Bradan
92. Nurib ur Rehman S/O Muhammad Zaman	Kondah	GPS Kandari
93. Sajid S/O Habib ur Rehman	Phul	GPS Kalla
94. Muhammad Haroon S/O Ali Zaman	Bal Bhal	GPS Batdoga
95. Muhammad Javid S/O Aurang Zeb	Jhanda	GPS Gali Badra
96. Muhammad Temail S/O Muhammad Zaman	Gorha	GPS Jheri
97. Muhammad Ri'az S/O Rafiullah	Bandi Mera	Msq: Khamian
98. Naveed Shah S/O Muazam Shah	Shah Kot	GPS Dam Nulla
99. Muhammad Nazir S/O Muhammad Azeem	Nikka Pani	GPS Neel Batla
100. Muhammad Azam S/O Sher Muhammad	Bandian	GPS Nara Doga

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Mu

101. Abid Hussain S/O Abdur. Rahman	Pakoon	GPS Chanlyal
102. Muhammad Asif S/O Wali Jan	Munda Gocha	GPS Chillyali
103. Nahid Ahmad S/O Ghulam Nabi	Jabor	GPS Sundi
104. Muhammad Naeem S/O Attai Khan	Phala	GPS Neel Ban
105. Muhammad Naveed S/O Muhammad Ayub	Sachan Kalan	GPS Bahadra
106. Muhammad Shakel S/O Muhammad Muzza	Sachan Kalan	GPS Said Abad
107. Ghulam Hassan S/O Muhammad Ishaq	Nalla Jabbar	GPS Nalla Jabbar
108. Muhammad Khalid Aziz ur Rehman	Munda Gocha	GPS Munda Gocha
109. Gul Dard S/O Mughaldd	Punjool	GPS Suklan
110. Muhammad Aslam S/O Muhammad Alam	Gali Jabbar	GPS Jabbar
111. Ghulam Nabi S/O Arsala Khan	Keeri Bala	GPS Zattan Gali
112. Akhtar Nawaz S/O ✓ Hay Nawaz Khan	Sucha Kalan	GPS Kodar
113. Gul Niaz S/O ✓ Sarfaraz Khan	Ruz Bela	GPS Banda Geesach
114. Ghulam Nabi S/O Qadai	Chotes Bala	GPS Mohri
115. Javed Iqbal S/O ✓ Ahmad Jee	Punjool	GPS Mohri
116. Ashiq Hussain Shah S/O Mumtaz Ali Shah	Jai Bala	GPS Thatta
117. Sajid Hussain Shah S/O Hayat Shah	Kor Chattr	GPS Dheri Nambardar

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118. Muhammad Fayaz S/O Abdul Wahab	Harko	GPS Dheri Haleem
119. Javed Hussain Shah S/O Nawab Saïd Shah	Lachi Mang	GPS Dheri Nambardaran
120. Zulfiqar Ali Shah S/O Sadiq Shah	Bai Bala	GPS Shangreta
121. Abdul Ghaffar Ali Shah S/O Pir Badshah	Saloonah	GPS Chinar Kot
122. Ijaz Hussain Shah S/O Shah Saïd Shah	Chumla Chatter	GPS Khothri
123. Qaisar Rauf S/O Abdur Rauf Khan	Sachan Kalan	GPS Keeri Nawazabad
124. Dahshat Khan S/O Haji Faric Khan	Sharkool	GPS Dheri Haleem
125. Muhammad Saeed S/O Niskeen	Karan	GPS Matserian
126. Abdur Razad S/O Mir Hussain	Nakar Gali	GPS Dokal
127. Muhammad Ijaz S/O Omar Zaman	Dhanaka	GPS Pagora
128. Muhammad Aslam S/O Omar Zaman	Gundan	GPS Battian
129. Abdus Sattar S/O Abdur Rehman	Dhaman	GPS Chatta
130. Muhammad Yousaf S/O Aurang Zeb	Seri Gali	GPS Ghonaya
131. Farid-ud-Din S/O Abdul Hai	Matseri	GPS Jigri
132. Sadiq S/O Haider Zaman	Purni	GPS Harivala
133. Azmat Ayub S/O Muhammad Ayub	Naryala	GPS Chameyari
134. Saïd Badshah S/O Nudassar Shah	Sarori (K:D)	GPS Ghazi Kot
		GPS Cheer

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BETTER COPY

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA

No. 5
Dated: February 13.1997

OFFICE ORDER

On perusal of the relevant record, the appointments of the following Primary Teachers been found illegal, ab-initio void and against the prescribed rules. Their services are the restore, hereby dispensed with. with immediate effect.

S.#	Name & Father's Name	Residence	Place where appointed
1.	Fakhar ud Din S/o Ghulam Mohj ud Din	Numbal	GPS Numbal
2.	Muhammad Khalid S/o Abdul Qayyum	Lassan Nawab	Msq Khalyala
3.	Sheikh Amjid S/o Sheikh Taj Muhammad	Shakoori	GPS Bat Doga.
4.	Muhammad Sajjad S/o Ali Akhtar	Thakar Mera	Msq. Pojdara
5.	Zulfiqar S/o Fazal ur Rehman	Shergarh	GPS Seri Gorla
6.	Sarfraz S/o Muhammad Jan	Moorat Mera	Msq: Hathra
7.	Khalid S/o Sher Muhammad	Mera Khurd	GPS Numbal
8.	Sain Ahmad S/o Muhammad Zaman	Naryala	Msq: Loharbanda
9.	Muhammad Aslam S/o Fazal Rehman	Chansair	GPS Seri Gorla
10.	Haider Zaman S/o Muhammad Suleman	Karori	GPS Beerian
11.	Amjid Hussain S/o Anwar Shah	Dhaman Dheri	GPS Batdoga

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12.	Shafiq ur Rehman S/o Haider Zaman		Gali Badral	GPS Daroo
13.	Muhammad Parvaiz Muhammad Akbar	S/o	Kalu Mera	Msq. Sinjeliyala
14.	Muhammad Mushtaq Sher Muhammad	S/o	Panserhi	Msq. Khamari
15.	Muhammad Aslan Muhammad Zaman	S/o	Gali Badral	GPS Lubar
16.	Muhammad Saeed Muhammad AYub	S/o	Shakook	GPS Sinjal Bandi
17.	Muhammad Younus Fazal ur Rehman	S/o	Mando	Msq. Tunimar
18.	Muhammad Riaz S/o Khan	Kala	Hari Doga	GPS Chamial
19.	Muhammad Tariq S/o Rehman	Abdur	Chamsair	GPS Sunj
20.	Muhammad Haroon Ghulam Haider	S/o	Moorat Mera	GPS Sunj
21.	Lal Khan S/o Fazal ur Rehman		Tarnang	GPS Tarnang
22.	Abdus Sattar S/o Maroof		Kalas	GPS Seri Gali
23.	Niaz Ali Shah S/o Farman Ali Shah		Darband	Msq. Chakli Miangan
24.	Muhammad Ishaq Ghulam Dadar	S/o	Makan Glai	GPS Chatta
25.	Aftab Ahmad S/o Abdul Jalil		Hari Doga	GPS Chatta
26.	Abdul Malik S/o Rehmatullah		Chansair	GPS Bar
27.	Muhammad Shameer Omar Zaman	S/o	Jasgran	GPS Sokal
28.	Naheem Anwar Muhammad Anwar	S/o	Shangli	GPS Neel Btla
29.	Muhammad Haroon Khalil ur Rehman	S/o	Kutaira	GPS Neel Batla

Attested



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30.	Abid Hussain Shah Hussain Shah	S/o	Ismail Bandi	GPS Nawanshehr
31.	Shakeel S/o Abdul Manan		Sokal	GPS Sokal
32.	Rashid Manan S/o Abdul Manan		Lassan Nawab	GPS Sokal
33.	Taj Muhammad S/o Sher Ali		Chakli	GPS Namshera
34.	Shaukat Ali S/o Gohar Rehman		Darband	GPS Namshera
35.	Abdul Rashid S/o Abdul Khalid		Jand Seri	GPS Namshera
36.	Javaid S/o Fazal ur Rehman		Sharotta	GPS Khudian
37.	Muhammad Arshid S/o Sher Muhammad		Sahaki	GPS Khudian
38.	Muhammad Fayaz S/o Muhammad	Niaz	Bandi Mera	GPS Garwal
39.	Muhammad Arif S/o Muhammad	Wali	Rooria	Msq: Parkhain
40.	Muhammad Gulab S/o Sikandar Khan		Rarri	Msq: Jorian
41.	Abdus Sadiq S/o Behram		Kalas	GPS Minjahani
42.	Muhammad Ali S/o Muhammad	Taj	Taqia Shahmiskeen	GPS Dham Nalla
43.	Naeem Kausar S/o Ghulam Sarwar		Lassan Nawab	GPS Hallan
44.	Muhammad Hamayun S/o Habib ur Rehman		Bandian	GPS Matserian
45.	Muhammad Parvez S/o Muhammad Zaman		Tharmag	GPS Miana Gali
46.	Zulfiqar S/o Ghulam Sarwar		Darband	Msq: Karam

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47.	Habib ur Rehman S/o Jamil ur Rehman	Gali Badra	GPS Chuntran
48.	Muhammad Saeed S/o Muhammad Jarail	Kajas	Msq: Mohar Khurd
49.	Muhammad Bukhtiar S/o Khani Zaman	Roria	GPS Miana Gali
50.	Iftikhar S/o Ghulam Haider	Gojra	GPS Kahawa
51.	Fida Hussain S/o Aziz Muhammad	Chor Bandi	GPS Mad Serian
52.	Ghulam Mustafa S/o Hafizullah	Chamial	GPS Nikka Pani
53.	Zulfiqar S/o Duri Aman	Sinjliyal	Msq: Hari Doga
54.	Muhammad Bashir S/o Abdul Akbar	Machral	Msq: Hari Doga
55.	Sher Muhammad S/o Taj Muhammad	Fateh Bandi	Msq: Kaloo Bashti
56.	Shah Feroz S/o Firdous	Jaman Moori	Msq: Thakkra Pain
57.	Munawar S/o Masood	Lassan Nawab	GPS Tarmang
58.	Ghulam Abbas S/o Abdus Satar	Dehari	Msq: Batangi
59.	Muhammad Azam S/o Khawaj Muhammad	Khakian Arian	GPS Karka
60.	Anwar Zeb S/o Sikandar Khan	Sharotta	GPS Hallan
61.	Akram S/o Suleman	Sharotta	GPS Mera Khairoo
62.	Nazir Muhammad S/o Sher Muhammad	Phuldhar	Msq: Nalbori
63.	Ghuria Khan S/o Abdur Rehman	Jhangi	GPS Sinjliyal

Attested

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64.	Muhammad Tariq S/o Parvez	Sokal	GPS Shanaya Payeen
65.	Dost Muhammad S/o Mir Muhammad	Khairabad	Msq: Dolarian
66.	Jehangir S/o Faal Karim	Hal Kaloo	GPS Hariyala
67.	Manzoor Ahmad S/o Maqbool ur Rehman	Chandoor	Msq: Chandoor
68.	Lal Khan S/o Sher Muhammad	Jhanda	Msq: Chandoor
69.	Sultan S/o Rehmatullah	Nara Doga	GPS Gora
70.	Duri Aman S/o Wazir Muhammad	Sharotta	Msq: Kamari
71.	Safar Khan S/o Abdul Akbar	Karori	GPS Akhun Bandi
72.	Iftikhar Ahmad S/o Ali Zaman	Shakokki	GPS Kandal
73.	Mubarak S/o Haider Zaman	Pakoona	GPS Maserian
74.	Sabir S/o Muhammad Yaqoob	Pakoona	GPS Ghazi Kot
75.	Dildar S/o Faqir Muhammad	Mohar	Msq: Belan
76.	Rafique S/o Sikandar	Bandian	GPS Bandi Khan Khel
77.	Shakeel Ahmad S/o Ayub	Khalwal	Msq: Kotta Darwaza
78.	Sadique S/o Farid	Jahand	Msq: Gud
79.	Khurshid S/o Faqir Muhammad	Chitti Moori	GPS Chontra
80.	Muhammad Farooq S/o Kala Khan	Kajla	GPS Kajla
81.	Nazar Hussain S/o Ghulam Haider	Nikka Pani	Msq: Gali Tendki
82.	Sarwar S/o Abdul Nabi	Thanda	GPS Chaniyal

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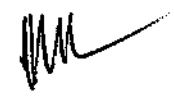
~~9/2/21~~

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83.	Muhammad Hanif S/o Ghulam Sarwar	Sokal	Mera Khairoo
84.	Nazir Ahmad S/o Ghulam Sarwar	Batal Pain	Msq: Khaj Ambar
85.	Ali Munsaf S/o Ali Zaman	Doga	GS Bradarh
86.	Sarfraz S/o Ali Zaman	Jangi	GPS Thathi Kalan
87.	Iqbal S/o Yaqoob	Larri	Msq: Shanaya Pain
88.	Muhammad Afzal S/o Ayub	Tangarh	Msq: Kharan
89.	Hakim Khan S/o Gohar Rehman	Khaliala	GPS Mera Khairoo
90.	Zaman Shah S/o Gulab Shah	Shergarh	GPS Seri Gorla
91.	Saleem S/o Samandur	Shanaya	Msq: Bradar
92.	Munib ur Rehman S/o Muhammad Zaman	Kandar	GPS Kandar
93.	Sajid S/o Habib ur Rehman	Phulra	GPS Kajla
94.	Muhammad Haroon S/o Ali Zaman	Bai Buhai	GPS Batdoga
95.	Muhammad Javaid S/o Aurangzeb	Jhanga	GPS Gali Badral
96.	Muhammad Ismail S/o Muhammad Zaman	Gorha	GPS Their
97.	Muhammad Riaz S/o Rahiullah	Bandi Mera	Msq: Khamian
98.	Naveed Shah S/o Muazam Shah	Shah Kot	GPS Dam Nurla
99.	Muhammad Nazir S/o Muhammad Aseem	Nikka Pani	GPS Neel Batla
100.	Muhammad Azam S/o Sher Muhammad	Bandian	GPS Nara Doga

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101.	Abid Hussain S/o Abdur Rehman	Palcoona	GPS Chaniyala
102.	Muhammad Asif S/o Wali Jan	Munda Gocha	GPS Chilyani
103.	Nahib Ahmad S/o Jabori	GPS Sundi	
104.	Muhammad Naeem S/o Attai Khan	Phalai	GPS Neel Ban
105.	Muhammad Naveed S/o Muhammad Ayub	Sachan Kalan	GPS Bahadra
106.	Muhammad Shakeel S/o Muhammad Mussa	Sachan Kalan	GPS Saidabad
107.	Ghulam Hassan S/o Muhammad Ishaq	Nalla Jabbar	GPS Nala Jabbar
108.	Muhammad Khalid S/o Aziz ur Rehman	Munda Gocha	GPS Murida Gocha
109.	Gul Dad S/o Mughaldad	Punjool	GPS Sukian
110.	Muhammad Aslam S/o Muhammad Alam	Gali Jabbar	GPS Jabbar
111.	Ghulam Nabi S/o Arsala Khan	Kecri Bala	GPS Sattan Gali
112.	Akhtar Nawaz S/o Haq Nawaz Khan	Sucha Kalan	GPS Kodar
113.	Gul Niaz S/o Sarfraz Khan	Buz Kela	GPS Banda Geesach
114.	Ghulam Nabi S/o Qadar	Chotta Kala	GPS Mohri
115.	Javed Iqbal S/o Ahmad Jee	Punjool	GPS Mohri
116.	Ashiq Hussain Shah S/o Mumtaz Ali Shah	Bai Bala	GPS Thatta
117.	Sajid Hussain Shah S/o Hayat Shah	Kot Chattar	GPS Dheri Nambardar

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118.	Muhammad Fayaz S/o Abdul Wahab	Hilkot	GPS Dheri Hale
119.	Javed Hussain Shah S/o Nawab Said Shah	Lachi Mang	GPS Dheri Nambardar
120.	Zulfiqar Ali Shah S/o Sadiq Shah	Bai Bala	GPS Shangreta
121.	Abdul Ghaffar Ali Shah S/o Pir Badshah	Saloon	GPS Chinarkot
122.	Ijaz Hussain Shah S/o Said Shah	Ghumla Chattar	GPS Khotri
123.	Qaisar Rauf S/o Abdur Rauf Khan	Sachan Kalan	GPS Keeri Nawab
124.	Dahshat Khan S/o Haji Farid Khan	Sharkool	GPS DHERI Hale
125.	Muhammad Saeed S/o Miskeen	Karan	GPS Matserian
126.	Abdur Razaq S/o Mir Hussain	Makan Gali	GPS Dokal
127.	Muhammad Ijaz S/o Zaman Omar	Dhanaka	Msq: Pagora
128.	Muhammad Aslam S/o Zaman Omar	Qundan	GPS Battian
129.	Abdus Sattar S/o Rehman Abdur	Dhaman	GPS Chatta
130.	Muhammad Yousaf S/o Auranzeb	Seri Gali	GPS Shanaya
131.	Farid ud Din S/o Abdul Hai	Matseri	GPS Jiggi
132.	Sadique S/o Haider Zaman	Purni	GPS Hariyala
133.	Azmat Ayub S/o Muhammad Ayub	Naryala	GPS Chameyari Ghazikot
134.	Sadi Badshah S/o Shah Mudssar	Sarori (K.D)	Msq: Cheer

Allesha

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135.	Muhammad Mustafa S/o Yasin Khan	Judba	Msq: Kalala
136.	Abdul Bashir S/o Gul Raiz	Uthlair	Msq: Mohri Danna
137.	Fanoos Shah S/o Syed Azeem Shah	Rongaly	Msq: Soormal Madda Khail
138.	Syed Wahab S/o Muhamad Mustafa	Jatka	Msq: Laka Tiga
139.	Pir Mukamal Shah S/o Pir Ahmad Shah	Jatka	Msq: Tara Madda Khail
140.	Liaqat Ali S/o Sher Muhammad Khan	Shinkiari	Msq: Jhangri
141.	Sardar Zaman S/o Shah Izat Khan	Deri Kaka Khail	Msq: Markharain

Sd/-
(HAQ NAWAZ KHAN)
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA

Endst: No. 217-367 / Dated Mansehra the February 13, 199

Copy forwarded to the:-

1. P.S to Secretary to Government of NWFP Education Department, Peshawar.
2. P.A to Director Primary Education NWFP, Peshawar.
3. District Accounts Officer, Mansehra.
4. Sub-Divisional Education Officer (Male), Mansehra.
- 5-10 ASDEO Circle Pulra, Shergarh, Oghi, Battal, Jabori and Kala Dhaka.
- 11-151. All concerned

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA

Alleged

[Signature]

Annex C

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY 20TH SEPTEMBER, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/0103/2012/6077. The Khyber Pakhtunkhwa Sacked Employees (Appointment) Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 10th September, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th September, 2012 is hereby notified as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES (APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XV OF 2012)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012.)

AN
ACT

to provide relief to those sacked employees in the Governmental service who were dismissed, removed or terminated from service, by appointing them into the Governmental service.

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the prescribed qualification and experience required for the said post, during the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and were dismissed, removed, or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on various grounds;

WHEREAS the Federal Government has also given relief to the sacked employees by enactment;

Attested

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140 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

AND WHEREAS the Government of the Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest;

It is hereby enacted as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.

(2) It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).

(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,—

- (a) "civil post" means a post created by the Finance Department of Government for the members of civil service of the Province;
- (b) "Department" means the Department and the Attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1995, including the Divisional and District offices working thereunder;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "Prescribed" means prescribed by rules;
- (e) "Province" means the Province of the Khyber Pakhtunkhwa;
- (f) "rules" means the rules made under this Act; and
- (g) "sacked employee" means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time, during the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed, or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1994 on the ground of irregular appointments.

3. Appointment of sacked employees.—Notwithstanding anything contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7, may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal, removal and termination from service:

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department;

Provided further that the appointment of sacked employees shall be subject to the medical fitness and verification of their character antecedents to the satisfaction of the concerned competent authority.

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4. Relaxation—The period during which a sacked employee remained dismissed, removed or terminated from service, till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.

5. Sacked employees shall not be entitled to claim seniority and other back benefits—A sacked employee appointed under section 3, shall not be entitled to any claim of seniority, promotion or other back benefits and his appointment shall be considered as fresh appointment.

6. Preference on the basis of age—On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share, preference shall be given to the sacked employee who is older in age.

7. Procedure for appointment—(1) A sacked employee, may file an application, to the concerned Department, within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department.

Provided that no application for appointment received after the due date shall be entertained.

(2) The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3) If any vacancy occurs against the thirty percent available share of the sacked employees in any Department, the senior in age from such sacked employees shall be considered by the concerned Departmental Selection Committee or the District Selection Committee, as the case may be, in the constituted in the prescribed manner, for appointment.

Provided that no willingness or response is received within a period of thirty days, the most senior sacked employee shall be considered for appointment.

(4) The concerned Departmental Selection Committee or District Selection Committee, as the case may be, will determine the suitability or eligibility of the sacked employee.

(5) If no sacked employee is available against thirty percent vacancy reserved in respective cadre in a Department, then the post shall be filled through normal recruitment.

8. Removal of difficulties—If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister, Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Act.

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1411 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20th SEPTEMBER, 2012.

10. Act to override other laws.— Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency to this Act, shall cease to have effect.

11. Power to make rules.— Government may make rules for carrying out the purpose of this Act.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMIRULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Government,
No. 8, P.O. Canal, Khyber Pakhtunkhwa, Islamabad.

Amirullah
MR

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KHYBER PAKHTUNKHWA
PUBLISHED BY AUTHORITY
PESHAWAR, THURSDAY, 20TH SEPTEMBER 2012
PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6077. The Khyber Pakhtunkhwa Sacked Employees (Appointment) Bills, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 10th September 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th September, 2012 is hereby published as an Act of the Provincial legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA SACKED EMPLOYEES
(APPOINTMENT) ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XVII OF 2012)

(First Published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012).

AN

ACT

To provide relief to those sacked employees in the Government service who was dismissed, moved or terminated from service by appointing them into the Government service.

WHEREAS it is expedient to provide relief to those sacked employees who were appointed on regular basis to a civil post in the Province of the Khyber Pakhtunkhwa and who possessed the regular basis qualification and

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experience required for the said post. During the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive), and were dismissed removed, or terminated from service during the period from 1st November, 1996 to 31st day of December, 1998 on various grounds;

WHEREAS the Federal Government has also gives relief to the sacked employees by enactment;

Khyber Pakhtunkhwa Government Gazette, Extraordinary, 20th September, 2012.

AND WHERE AS the Government of Khyber Pakhtunkhwa has also decided to appoint these sacked employees on regular basis in the public interest.

It is hereby enacted as follows:

1. Short title and commencement (1) This Act may be called the 'Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012.
2. It shall apply to all those sacked employees, who were holding various civil posts during the period from 1st day of November, 1993 to 30th day of November, 1996 (both days inclusive).
3. It shall come into force at once.

DEFINITIONS: In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say.

- a. Civil post means a post created by the Finance Department of Government for the members of civil service of the Province.

Attested
MR

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- b. Department means the Department and the attached Department as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1982, including the Divisional and District offices working there under.
- c. Government means the Government of the Khyber Pakhtunkhwa.
- d. Prescribed means prescribed by rules.
- e. Province means the Province of the Khyber Pakhtunkhwa.
- f. Rules means the rules made under this act. And
- g. Sacked employee means a person who was appointed on regular basis to a civil post in the Province and who possessed the prescribed qualification and experience for the said post at that time. During the period from 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed removed or terminated from service during the period from 1st day of November, 1996 to 31st day of December, 1998 on the ground of irregular appointments.

Appointment of sacked employees. Not with standing contained in any law or rule for the time being in force, on the commencement of this Act, all sacked employees subject to section 7 may be appointed in their respective cadre of their concerned Department, in which they occupied civil posts before their dismissal removal and termination from service.

Provided that the sacked employees shall be appointed against thirty percent of the available vacancies in the said Department:

Provided further that the appointment of sacked employees shall be subject to the medical fitness and

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verification of their character antecedents to the satisfaction of the concerned competent authority.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE
EXTRAORDINARY, 20TH SEPTEMBER 2012

- 4. **Me relaxation:-** The period during which a sacked employee remained dismissed removed or terminated from service till the date of their appointment shall be deemed to have been automatically relaxed and there shall be no further relaxation under any rules for the time being in force.
- 5. **SACKED EMPLOYEES SHALL NOT BE ENTITLED TO CLAIM SENIORITY AND OTHER BACK BENEFITS:** A sacked employee appointed under section 3, shall not be entitled to any claim of seniority promotion or other back benefits and his appointment shall be considered as fresh appointment
- 6. **PREFERENCE ON THE BASIS OF AGE:** On the occurrence of a vacancy in the respective cadre of the concerned Department of the sacked employee against the thirty percent available share preference shall be given to the sacked employee who is older in age.
- 7. **PROCEDURE FOR APPOINTMENT:** A sacked employee may file an application to the concerned Department within a period of thirty days from the date of commencement of this Act, for his appointment in the said Department:
Provided that no application for appointment received after the due date shall be entertained.

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Mr

(2). The concerned Department shall maintain a list of all such sacked employees whose applications are received under sub-section (1) in the respective cadres in chronological order.

(3). If any vacancy occurs against the thirty percent available share of the sacked employee in any Department, the senior in age from such sacked employee shall be considered by the concerned Departmental Selection Committee or the district Selection Committee, as the case may be to be constituted in the prescribed manner for appointment.

(4). The concerned Departmental Selection Committee or District Selection Committee as the case may be will determine the suitability or eligibility of the sacked employee.

(5). The sacked employee is available against thirty percent vacancy reserved irrespective cadre in a Department, then the post shall be filled through initial recruitment.

REMOVAL OF DIFFICULTIES: Any difficulty arises in giving effect to any of the provisions Act, the Chief Minister Khyber Pakhtunkhwa may issue such order not inconsistent with the provision of this Act, as may appear to him to be necessary for the purpose of removing the difficulty.

Provide that no such power shall be exercised after the expiry of one year from coming into force of this Act.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 20TH SEPTEMBER 2012.

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ACT TO OVERRIDE OTHER LAWS:- No by the standing any thing to the contrary contained in any other law or rules for the time being in force the provision of this Act shall have overriding effect and the provisions of any other law or rules to the extent of inconsistency of this Act, shall cease to have effect.

POWER TO MAKE RULES:- Government may make over for carrying out the purpose of this act.

BY ORDER OF MR SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
SECRETARY
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

*Posted
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Annex D O

BEFORE THE PESHAWAR HIGH COURT

ABBOTTABAD BENCH

P-45

Writ Petition No. 12013



1. Ifikhar Khan S/O Abdul Hakeem Govt Middle School Jalkot, Kohistan.
2. Afzal Khan S/O Abdul Haq Govt Middle School Barigo Kohistan.
3. Khayal Muhammad S/O Tajbar Govt Middle School Bargheen, Kohistan.
4. Zulfiqar Ali S/O Zahoor Muhammad Govt Middle School Bargheen, Kohistan.
5. Mohtaram Shah S/O Mahroof Shah Govt Middle School Shotid, Kohistan.
6. Muhammad Saleem Khan S/O Gul Zareen CT, Govt Middle School Ghazia Abad, Kohistan.
7. Nasir Khan S/O Hamidullah, PET Govt Middle School Beela, Kohistan.
8. Javed Hayat Akhtar, S/O Rehmatullah Govt Middle School Dag, Kohistan.
9. Gohar Zaman S/O Badi-uz-Zaman, Govt. Middle School Barbaheen, Kohistan.
10. Noor Syed S/O Umar Gul, Govt Middle School Dag, Pattan, Kohistan.
11. Shakeel Ahmed Khan S/O Musharaf Khan, Govt Middle School Barsharial, Kohistan.
12. Murad Ali Shah S/O Haji Imran-ud-Din, Govt Middle School Paragari, Kohistan.
13. Zarab Khan S/O Noor Habib Govt Middle School Madakhail, Kohistan.
14. Shahai Nawab S/O Abdul Hameed, Govt Middle School Peerobela, Kohistan.
15. Umar Khitab S/O Daray Khan CT, Govt Middle School Bargaheen, Kohistan.

Certified to be a true copy
Exhibitor
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts 1973

27/5/16

No 1884
26-9-13

No 1888
18/1/11

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- 16. Qari Maqbool-ur-Rehman QT, GHS, Thakra Teh & District Mansehra.
- 17. Muhammad Haroon (Ex-PTC) GPS Neel Batla Teh & District Mansehra.
- 18. Ifikhar Ahmed (Ex-PTC) GPS Kahawah Teh & District Mansehra.
- 19. Abdul Manan (Ex-TT) GHS Mansehra No. 1 Tehsil & District Mansehra.
- 20. Kala Khan Ex-PST Tehsil & District Mansehra.
- 21. Sarfraz Ex-PST Tehsil & District Mansehra.
- 22. Bibi Shazia Maroof Ex-PST Tehsil & District Mansehra.
- 23. Rehmat Ali S/O Haq Nazar CT GMS Sherakot District Kohistan.
- 24. ~~Fazal~~ ^{Tamal} ud-Din S/O Muhammad Farooq DM GHS Pattan Kohistan.
- 25. Rasheed Ali S/O Muhammad Ziad CT GMS Aleel Kohistan.
- 26. Fazal-e-Rabi S/O Nam-e-Haq CT GMS Dargeen Kohistan.
- 27. Fazal-e-Haq S/O Muhammad Ayub Khan CT GMS Mujgali Kohistan.
- 28. Bher-e-Karam S/O Bher-e-Room DM GMS Jaba Made Khail Kohistan
- 29. Muhammad Saleem S/O Muhammad Miskeen Junior Clerk Govt Higher Secondary School Dhodial District Mansehra.
- 30. Muhammad Miskeen GMS Baila Mansehra

Certified to be True Copy
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 Acts Ordms

.....PETITIONERS

VERSUS

- 1. Govt. of KPK through Secretary Education (E&SE) KPK Peshawar.
- 2. Director (E&SE) KPK Peshawar.
- 3. District Education Officer (Male) District Kohistan.
- 4. District Education Officer (Male) District Mansehra.

.....RESPONDENTS

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 26/6/11

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WRIT PETITION UNDER ARTICLE 199 OF
 THE CONSTITUTION OF ISLAMIC
 REPUBLIC OF PAKISTAN, READ WITH
 ARTICLE 25 OF THE CONSTITUTION TO-
 THE EFFECT, THAT THE PETITIONERS
 WERE TERMINATED IN THE YEAR 1996-
 97 BY THE RESPONDENTS AND GOVT
 OF KPK INTRODUCE KHYBER
 PAKHTUNKHAW SACKED EMPLOYEES
 (APPOINTMENT) ACT 2012 WHEREIN
 RESPONDENTS ARE BOUND TO
 RE-INSTATE THE PETITIONERS BUT THE
 RESPONDENTS ARE NOT ISSUING
 RE-INSTATEMENT ORDERS OF THE
 PETITIONERS WHEREAS SIMILAR
 SACKED EMPLOYEES HAVE BEEN
 RE-INSTATED IN DIFFERENT DISTRICTS
 OF KPK VIZ DISTRICT SWABI AND
 DISTRICT BATTAGRAM ETC, WHICH IS
 MALA FIDE, AGAINST THE LAW,
 DISCRIMINATORY AGAINST THE
 NATURAL JUSTICE

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 Examiners
 Peshawar High Court
 Abbottabad Bench
 27/5/16

PRAYER ON ACCEPTANCE OF THE
 INSTANT WRIT PETITION, THAT THE
 RESPONDENTS MAY BE DIRECTED TO

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 26/6/16

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P-48

RE-INSTATE THE PETITIONERS
FORTHWITH AS MORE THAN SEVEN
MONTHS HAS ELAPSED AFTER THE
PROMULGATION OF THE SAID ACT.

Respectfully Sheweth:

1. That the petitioners were appointed by the respondents according to the prescribed method of recruitment and their services were illegally terminated in the year 1996-97. Copies of appointment orders are attached as Annexure "A".
2. That as per sacked employees (appointment) act 2012 of KPK, the respondents are bounds to re-instate the petitioners as per criteria mentioned in the said act but the respondents did not appoint the petitioners in spite of the fact that more than hundreds posts are vacant in different carders and are available on the establishment of respondent No 3. The conduct of the respondents towards the petitioners is perverse, callous, mala fide and also speaks of ulterior motives. Hence,

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Abbottabad Bench
Authorized Under Sca75 Acts Ordine

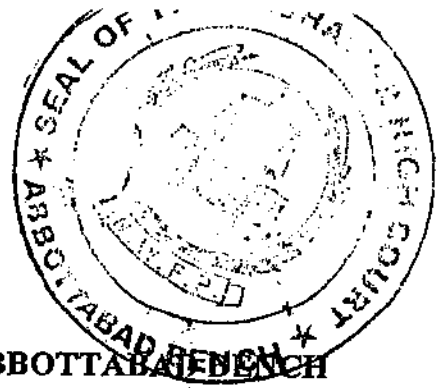
27/5/16

Co-Filed Today

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P-49



Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH
JUDICIAL DEPARTMENT

Writ Petition No. 516-A/2013.

JUDGMENT

Date of hearing.....24.05.2016.....

Petitioners Iftikhar Khan by Mr. Mohammad Arshad

Respondents Govt etc Mr. Mohammad Aslam Akh
AK

ROOH-UL-AMIN KHAN, J.- Through this single judgment

we intend to dispose of connected W.P.No. 20-A/2014 titled

"Akram Khan & 05 others Vs. Government of Khyber

Pakhtunkhwa through Secretary Education (E&SE) Peshawar

& 03 others", W.P.No. 546-A/2013 titled "Waseem Gul Khan

& 47 others Vs. Government of Khyber Pakhtunkhwa through

Secretary Education (E&SE) Peshawar & 14 others", W.P.No.

676-A/2015 titled "Abdul Razzaq Vs. Government of Khyber

Pakhtunkhwa through Secretary Education (E&SE) Peshawar

& 02 others", W.P.No.105-A/2015 titled "Mst. Saima Noreen

& 04 others Vs. Government of Khyber Pakhtunkhwa through

Secretary Education (E&SE) Peshawar & 03 others", W.P.No.

189-A/2015 titled "Muhammad Zafar Iqbal. Vs. Government of

Khyber Pakhtunkhwa through Secretary Education (E&SE)

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Examined
Peshawar High Court
Abbottabad Bench
Attest my hand Sec-75 Act's Ordinance
27/5/16

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P-50

Peshawar & 02 others", W.P.No. 216-A/2015 titled "Muhammad Nawaz & 46 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 03 others", W.P.No. 1155-A/2015 titled "Rashid Iqbal & 14 others Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others", W.P.No. 702-A/2014 titled "Shaheen Akhtar Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others and W.P.No. 115-A/2014 titled "Khalid Khan & another Vs. Government of Khyber Pakhtunkhwa through Secretary Education (E&SE) Peshawar & 02 others" as the petitioners of all these petitions have prayed for reinstatements in their services on the basis of "Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012".

2. Succinct facts leading to the instant petitions are that the petitioners were appointed by the respondents against their respective posts in accordance with the prescribed method of recruitment and later on their services were illegally terminated by the respondents, whereafter the Government of Khyber Pakhtunkhwa introduced "Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012" whereunder the

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 Abbottabad Bench
 Under Sec 73 A's Ordinance

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respondents were bound to reinstate the petitioners as per criteria mentioned in the Act *ibid* but they did not appoint the petitioners inspite of the fact that more than hundreds posts were lying vacant in different cadres and were available in the establishment of respondent No.3, which conduct of the respondents towards the petitioners, being perverse, callous, malafide, is liable to be declared illegal and against the law. Initially comments of the respondents were called for, which were submitted accordingly wherein the claim of petitioner was refuted on the grounds that at the time of initial appointment, petitioners were not qualified to be selected as teacher, as they were not possessing the requisite training certificates.

3. In essence, grievance of the petitioners is that they were recruited by the respondents after fulfilling all the legal and codal formalities but their services were terminated in the year 1996-97 on the basis of political victimization, however, the Provincial Government promulgated the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 for reinstatement of the employees, who had been appointed on regular basis to a civil posts in the Province and equipped with the prescribed

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 Peshawar Bench
 Abbottabad Bench
 Authorized Under Sec 75 Acts Ordins

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qualification and experience of sacked employees at the time during the period from 01.11.1993 to 30.11.1996.

4. In pursuance of the enabling provisions of the Act, the petitioners approached the respondent-department but were refused the benefit of the Act *ibid* on the sole ground that at the time and during their initial service they were lacking the prescribed teaching training.

5. At the very outset, learned counsel for the petitioner produced a judgment of this court rendered in W.P.No. 1662-P/2013, whereby the respondents were directed to consider the untrained teachers for appointments against their respective posts, for the reason that at the time of initial appointments of the employees, under the laid down criteria, the untrained candidates were made eligible for appointment against the post of PTC.

6. The learned Additional Advocate General representing the respondent-department reiterated the same old arguments that the petitioners were lacking the requisite training certificate, therefore, under the Act *ibid* they cannot be considered for appointment.

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 Peshawar High Court
 Abbottabad Bench
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P-53

7. We are not in consonance with the arguments advanced by the learned AAG for the reason that the respondent-department itself has considered numerous employees under the Act *ibid*, who were not in possession of the training certificate whereas they were provided opportunity to complete their training within three years. The relevant para of the reinstatement order / notification of various employees is reproduced below for ready reference: -

"16. In case of having less qualification which ever is prescribed intermediate / FA for PST as well as PST certificate as professional the candidate must be qualified both the academic / professional qualification within three years after issue of this appointment order, failing which their appointment order shall stand terminated automatically, without any further period."

8. It is golden principle of law that alike shall be treated alike which has further been elaborated by the apex court in the case of "*Hameed Akhtar Niazi Vs. The Secretary, Establishment Division, Government of Pakistan & others*" reported as 1996 SCMR 1185 and again in the case of "*Government of Punjab through Secretary Education & others*

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 Exam. High Court
 Peshawar Bench
 Abbottabad Bench
 Authorized Under Sec 75 Act 1973

27/5/16

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P-54

Vs. Sameena Parveen & others" reported as 2009 SCMR 01

where it has been held as under: -

"if a Tribunal or this Court, decides a point of law relating to the terms and conditions of a civil servant, who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the same decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum."

9. In view of the above, all these petitions are disposed of in the following terms: -

- i. *That the petitioners though eligible for appointment but not equipped with training certificate, shall be considered for reinstatement against their respective posts under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 immediately;*
- ii. *The concerned District Education Officer shall scrutinize the case of each individual petitioner independently;*
- iii. *Thereafter, the department shall arrange and manage the requisite training course for them and the petitioners shall be provided opportunity*

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 Peshawar High Court
 Abbottabad Bench
 Authorized Under Section 75 Act 1973

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P-55

to acquire the requisite training certificate;

- iv. In case the petitioner failed to acquire the requisite training certificate within the stipulate period, specified by the department, their services shall stand terminated automatically

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 Peshawar Court
 Abbottabad Bench
 Authorized Under Sec 75 Act's Ord 1973

29/5/16

Needless to remark, that the respective EDOs of each district shall complete the process of reinstatement of the petitioners within one month positively.

Announced:
24.05.2016

Sd/ Judge,
Sd/ Judge,

/*Saif*/

Alleged



Annex - E

P-56

APPOINTMENT

In pursuance of Khyber Pakhtunkhwa Sacked Employees (Appointment) 2012 and Consolidate Judgment passed by Honorable Peshwar High Court Abbottabad Bench Abbottabad vide Dated 24-05-2016, in W/P No 516-A/2013, 676-A/2015, 20-A/2014, 216-A/2015, 1156-A/2015, 702-A/2014, 115-A/2014, and orders of Honorable High Court in COC No. 22-A/2016, COC No. 47-A/2016, COC No. 58-A/2016, COC No. 83-A/2016, consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of PBT, School based and in BFS-12 (Rs.13320-960-42220) plus usual allowances as admissible under the rules, under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of their taking over charge:-

S.#	Name	Father's Name	Date Of Birth	Permanent Address	Place of posting
1.	MURHAMMAN BASHEED	ADON B. KHALIQ	02-07-69	Village Karori Post Office Oghi Tehsil Oghi & Distt Mansehra	GPS Qora
2.	SHER MUHAMMAD	TAJ MUHAMMAD	11-05-65	Village Fateh Bandi P/O Shergarh Tehsil Oghi & Distt Mansehra	GPS Ghagkar Harian
3.	GIRIHAM HAQSHAN	M MUHAMMAD FUJIMAN	02-04-68	Village Nalla Jalihar Tehsil & Distt Mansehra	GPS Sundi
4.	MUHAMMAD JARGOON	KHAULAN BEHMAR	03-04-68	Village Kotehra post office Phutra Tehsil & Distt Mansehra	GPS Phutra
5.	AFRIKIAN AJMID	GIRIHAM HAQSHAN	13-01-70	Village Gogra P/O Phutra Tehsil & Distt Mansehra	GPS Ibandi Guly No.1
6.	EYED ZULFIQAR HUSSAIN SHAH	SYED SADIQ SHAH	16-06-71	Village Bal Bal P/O Chatter Plain Tehsil & District Mansehra	GPS Dail Mang
7.	NAEEM KOSAR	GHULAM SARWAR	07-03-72	Village Oub No.2 Mansehra Tehsil & Distt Mansehra	GPS Ogra
8.	JAVAD IQBAL	AFIMAD II	15-07-72	Village Panjool P/O Mandagacia Tehsil & District Mansehra	GPS Panjool Bata
9.	MUHAMMAD ASLAM	BRAG AU	09-11-72	Village Takla Perhina Tohail & Distt Mansehra	GPS Tarmang
10.	KALA KHAN	ARSALLAN	29-12-73	Village Perhina Tehsil & District Mansehra	GPS sawan Mero
11.	MUHAMMAD SARFRAZ	AU ZAMAN	23-01-74	Village Jhangl P/O Perhina Tehsil & District Mansehra	GPS Bata Raqlb
12.	MUHAMMAD AYUB	ADDUL UR REHMAN	06-02-74	Village, Dhaman P/O Madsorian Tehsil & Distt Mansehra	GPS Mural Pur
13.	JEHANZAD	ADDUL REHMAN	21-02-74	Village Ichetan Perhina Tehsil & Distt Mansehra	GPS Kelgan
14.	MUHAMMAD FAIRMAN	MUHAMMAD YOUNIS	28-12-74	Village Thekra Paein P/O Shergarh Tehsil Oghi & Distt Mansehra	GPS Chairan
15.	MUHAMMAD DASHER	ADDUL AKBAR	08-01-75	Village Macchral P/O Kerori Tehsil Oghi & Distt Mansehra	GPS Shurgli
16.	MUHAMMAD USHTAQ	MUHAMMAD MADDOP	09-12-75	Village Gogra Perhina Tehsil & Distt Mansehra	GPS Thakar Mera
17.	MUHAMMAD HAMID	RAFI UD DEEN	01-03-77	Village Madina Colony Post Office Oghi Tehsil Oghi & Distt Mansehra	GPS Bellan
18.	MUHAMMAD HAZ	WALI MUHAMMAD	20-06-77	Village Gandan post office Laxan Hawab Tohail & Distt Mansehra	GPS Kalwal
19.	SHAHID USMAN	MUHAMMAD AKRAM	20-12-78	Village Hari Mera P/O Khaki Tehsil & Distt Mansehra	GPS Hamaherlan

TERMS & CONDITIONS

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their Appointment are subject are condition that, their certificates/document and domicile *to be verified from the concerned authorities before releasing their salary in the light of Section 3 of the said ACT.*
4. They will be governed by such rules & regulation enforce and as may be prescribed by the Government time to time for the category of the Government servant to which they belong.
5. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence under Section 5 of the said ACT they shall not be entitled to any claim of the seniority, promotion and back benefits.
6. Their appointment has been made in pursuance of Khyber Pakhtunkhwa, Sacked Employee (appointment) ACT 2012. Hence Section 4 of the said ACT period during which they remained dismissed removed or terminated from services, till the date of their appointment shall have been deemed atomically relaxed.

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7. Their Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DBO. Anyone found possessing bogus Certificates will be reported to the law enforcing agencies for further action.
8. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
9. Their pay will not be drawn until and unless a certificate to the effect by DBO is issued that his certificates/degrees are verified from the concerned board/university.
10. The Principal / Headmaster School concerned is directed to submit their Degrees /Certificates etc to this office for verification from Board /University/Institutions before any payment made to them.
11. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
12. Health and Age Certificate should be produced from the Medical Superintendent King Abdullah Teaching Hospital Manshera before taking over charge.
13. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
14. Their services shall be terminated at any time, in case his performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
15. Their appointments are made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
16. In case of having less qualification whichever is prescribed Academic EA for PST as well as classical certificate as profession the candidate must be qualified the above prescribed qualification i.e. Academic/Professional within 3 years after issue of this appointment order, failing which their appointment order shall stand terminated atomically, without any further notice.
17. Before handing over charge once again their documents may be checked if they have not the required qualifications they may not be handed over charge.
18. Before handing over charge they will sign an affidavit with the department, otherwise this order will not be valid.
19. The competent authority reserve to right to rectify the error / omission, if any noted /observed at any stage in instant order issued erroneously.

— 30 —
 DISTRICT EDUCATION OFFICER,
 (MALE)MANSEHRA

Ref: No. 2672-702 /File No. /PST/Selected Appt. /2017/District Manshera the 1/12 2017

Copy forwarded for information and necessary action to the:-

1. Registrar Honorable Peshawar High Court Abbottabad Bench.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Khyber Pakhtunkhwa F&SE Department Peshawar.
4. District Accounts Officer, Manshera.
5. All SDEO(Male) in District, Manshera.
6. Budget & Account Officer, Local Office.
7. Officials Concerned.
8. Office Order File

Attested
 PRINCIPAL
 P. A. S. SOYAL Pathina
 Manshera

[Signature]
 DY: DISTRICT EDUCATION OFFICER
 (MALE)MANSEHRA

Attested
[Signature]

Annex - F

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA



Phone # 0997-382271

Fax # 0997-382244

E-mail Address: edwedu_mansehra@yahoo.com

Facebook Page: www.facebook.com/DEOMANSEHRA

SANCTION OF RETIREMENT

P-58

Sanction is hereby accorded to the grant of retirement with effect from 30-06-2024 in r/o Mr. Abdul Manan TT (BPS-15) GMS Karka Syedan District Mansehra, On Superannuation Basis as his date of birth is 1964 and as well as sanction of leave encashment of (79 days) in lieu of LPR as due and admissible to him under the rules.

Note:

1. Necessary entry to this effect should be made in his service record.
2. Recovery of over payment, if any be made good from the official Concerned.
3. He was appointed on 07-12-2017 under Sacked Employee Act 2012, whereas he is not entitled for pensionary benefits as his Qualifying Service in 06 Years, 06 Months & 23 Days only, except lump sum gratuity.

-Sd-

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst No 6208-13 /Estt.(M)/F.No.V-II/Retirement AT, TT

Dated 29/07/2024

Copy to the:-

1. District Account Officer Mansehra.
2. Head Master GMS Karka Syedan Mansehra.
3. Budget & Account Officer Local Office.
4. District Monitoring Officer (EMA) Mansehra.
5. Assistant Programmer EMIS local Office.
6. Official Concerned.
7. Office Order File.

DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

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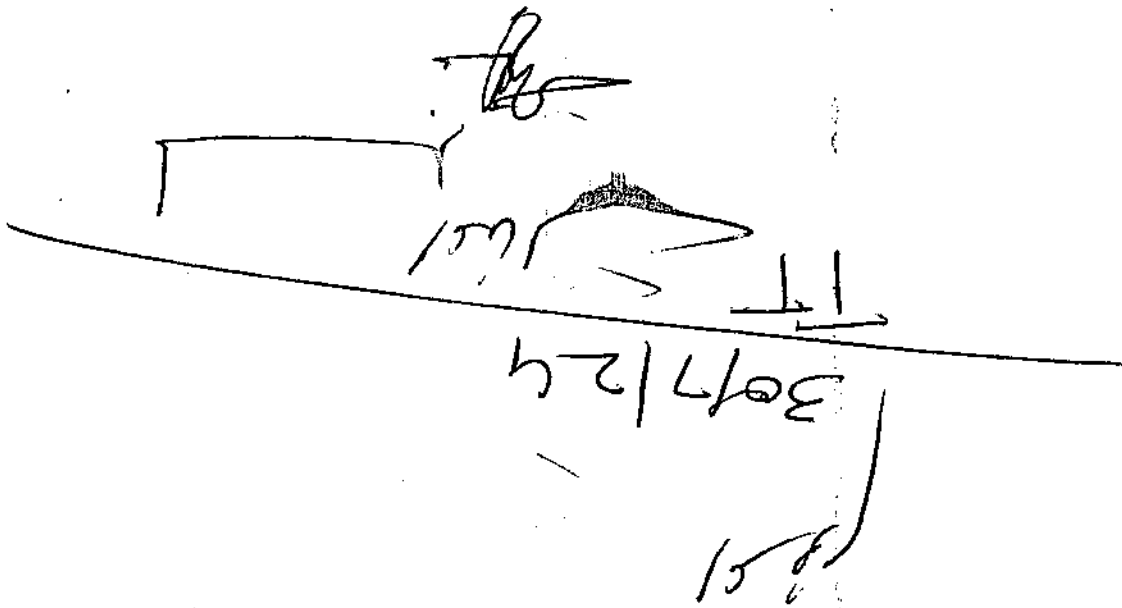
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Annex-9 - P-59

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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Annex- A

P. 61

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN

CIVIL PETITIONS NO.468-P, 469-P, 471-P & 472-P OF
2016.

(Against the judgment dated 12.07.2016 passed by the Khyber Pakhtunkhwa
Service Tribunal Camp Court, Swat in Appeals No.1202 and 1203 of 2013).

Muhammad Sheryar.
(in CP.468-P/16)

Anwar Zeb.
(in CP.469-P/16)

The Secretary to Education (E&S), Government of Khyber
Pakhtunkhwa, Peshawar and others.
(in CPs.471-P & 472-P/16)

...Petitioner(s)

Versus

The Secretary to Education (E&S), Government of Khyber
Pakhtunkhwa, Peshawar and others.
(in CPs.468-P & 469-P/16)

Muhammad Sheryar.



Anwar Zeb.
(in CP.472-P/16)

...Respondent(s)

For the Petitioner(s):

Mr. M. Asif, ASC.
(For Petitioners in CPs.468-P & 469-P/16 &
For Respondents in CPs.471-P & 472-P/16)

Barrister Qasim Wadood, Addl.
A.G. KP.
(in CPs.471-P & 472-P/16)

Date of Hearing:

27.03.2020.

ORDER

GULZAR AHMED, CJ- We have heard the learned


Additional Advocate General, Khyber Pakhtunkhwa appearing

for the Petitioners in Civil Petitions No. 468-P, 469-P & 472-P of 2016

Muhammad Sheryar

P-62

2016 as well as Mr. Muhammad Asif, learned ASC for the petitioners in Civil Petitions No.468-P and 469-P of 2016. The petitioners in Civil Petitions No.468-P and 469-P of 2016 (to be referred as the petitioners) were employed as PTC Teachers. Their services were terminated in the year 1997 against which they filed service appeals before the Khyber Pakhtunkhwa Service Tribunal ("the Tribunal") which vide judgment dated 04.01.2013 accepted the appeals with direction to the Respondents to consider their grievances. Pursuant to this direction of the Tribunal, the petitioners were reinstated in service, vide Office Order dated 05.07.2013 from the date of their taking charge but back benefits were not allowed to them for the period they remained out of service. The petitioners again filed service appeals before the Tribunal which vide impugned judgment dated 12.07.2016 accepted the appeals.

Admitted


2. The learned counsel for the petitioners contends that the petitioners were entitled to grant of back benefits but we are unable to see as to how such back benefits could have been allowed to them more so when in the earlier judgment of the Tribunal dated 04.01.2013 no such relief was allowed to the petitioners and by the impugned judgment dated 12.07.2016 also apparently no such relief has been granted to them. He adds that some other similarly placed employees have been given back benefits.

3. We have asked the learned counsel for the petitioners to show us as to whether in the memo of appeal



P-63

before the Tribunal such point has been urged or any other ground in this regard was taken. He went through the memo of appeal and conceded that no such assertion in the memo of appeal was taken by the petitioners. The Tribunal has disallowed back benefits to the petitioners twice and it is obvious that such has been disallowed to the petitioners for the reason that they have not served the department for the said period and there is no material on record on the basis of which relief of back benefits could be allowed to them. There appears no illegality in the impugned judgment. Even otherwise, no substantial question of law of public importance in terms of Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973 has been raised.

5. For what has been discussed above, all the listed petitions being devoid of merit stand dismissed and leave to appeal is refused.

6. It is however observed that the petitioners will be allowed counting of their service for the protected period for payment of pensionary benefits.

Alexander
MR

ISLAMABAD.

27.03.2020.

ZR/

Not Approved For Reporting

10/2
17/3/20

Annex

P-270

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR



P-64

Service Appeal No. 572/201

Muhammad Haroon son of Khalil ur Rehman, GPS Phulra District Manshara.

APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Case No. 641

Date: 28/11/2

1. Government of KPK through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) District Manshara.

RESPONDENTS

Re-submitted to day
and filed.
3/5/19

SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT 1974 FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS REINSTATED IN SERVICE
WITH EFFECT FROM 04/12/2017 VIDE
APPOINTMENT ORDER ENDST NO. 20672-702
DATED 04/12/2017 UNDER THE KHYBER
PAKHTUNKHWA SACKED EMPLOYEES
APPOINTMENT ACT 2012, AS WELL AS IN THE
LIGHT OF JUDGEMENT OF PESHAWAR HIGH

Re-submitted to day
and filed.

Registrar
3/5/19

ATTESTED

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attest
[Signature]

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Attest
[Signature]

P-65

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 572/2019



Date of Institution 22.04.2019
Date of Decision 18.03.2021

Muhammad Haroon son of Khalil ur Rehman, G.P.S. Phulra
District Mansehra.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Peshawar and two others.

(Respondents)

Muhammad Arshad Khan Tanoli,
Advocate

... For appellant.

Riaz Khan Paindakhell,
Assistant Advocate General

... For respondents.

ROZINA REHMAN
ATIQU UR REHMAN WAZIR

... MEMBER (J)
... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER: This judgment is intended to dispose of
04 connected service appeals which are:

1. Service Appeal No.572/2019
2. Service Appeal No. 573/2019
3. Service Appeal No. 574/2019
4. Service Appeal No. 575/2019

ATTESTED

[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]

[Signature]

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In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as C.Ts in the year 1993-94 and were terminated from service in the year 1997-98. After the announcement of Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012, they were required to be reinstated in service but the appellants were not appointed accordingly, therefore, they filed Writ Petition before the Hon'ble High Court for their appointment under the said Act and it was during the pendency of the Writ Petition when appointment orders were accordingly issued on 04.12.2017. Some of the employees under the said Act were appointed in 2012-13 but the appellants were appointed on 04.12.2017, therefore, they filed departmental appeal which was not responded to, hence the present service appeal.

3. We have heard Muhammad Arshad Khan Tanoli Advocate for appellants and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Arshad Khan Tanoli Advocate learned counsel appearing on behalf of appellants, inter-alia, argued that the respondent No.3 was supposed to appoint appellants under the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 when the said Act was promulgated in the year 2012 but their appointment order was issued on 04.12.2017 which is against law and discriminatory.

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KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

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Learned counsel further argued that some of the employees who were juniors to appellants were appointed, whereas, appellants were reinstated later on which act is against the principle of equality and natural justice. He submitted that appellants are to be treated at par with other employees in the said Department and lastly, he submitted that similar employees were given benefit by the Apex Court by counting of their service for the protected period for payment of pensionary benefits, therefore, request was made for the stated relief.

5. As against that, learned A.A.G submitted that appellants were appointed as P.S.Ts but later on, their appointments were declared illegal and they were terminated. The Government of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 and the appellants were appointed as P.S.Ts under Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 as well as upon the direction of august High Court Abbottabad Bench. He submitted that as per Section-5 of the Sacked Employees (Appointment) Act, 2012, sacked employees shall not be entitled to seniority and other back benefits and that such nature cases were dismissed by the Service Tribunal. He, therefore, requested for dismissal of instant service appeals.

6. From the record, it is evident that appellants and others who were appointed back in 1994-95 were terminated in 1996-97. Sacked Employees (Appointment) Act, 2012 was specifically promulgated to extend relief to such sacked employees. Appellants were not

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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considered for the reason best known to the respondents. The respondents however, considered other similar cases just after promulgation of the Act (bid) which was discriminatory on the part of respondents. It was upon the intervention of the Hon'ble Peshawar High Court that appellants were reinstated at a belated stage in 2017 but with immediate effect. The main concern of the appellants is that such employees would reach the age of superannuation before earning qualifying service for pensionary benefits. We have observed that appellants had possessed all the qualifications as prescribed in the Act like others. It is also on record that co-employees tried their level best for back benefits and their cases were dismissed by this Tribunal as their earlier stance, to get all service benefits. Feeling aggrieved from the judgment of this Tribunal CPLAs were filed in the Apex Court and relief of back benefits to co-employees was refused by the Apex Court too. However, Apex Court allowed counting of their service for the protected period for payment of pensionary benefits. The present appellants have a strong case as they had every right to be reinstated just after promulgation of the Act as they were having requisite qualification as prescribed in the Act. Their claim was accepted by the august High Court and reinstatement was ordered.

7. The present appellants have also prayed for all service back benefits with a request for counting of their service for the protected period in the light of judgment of the Apex Court which was passed in the case of co-employees. So, from the record, it is crystal clear that:

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Peshawar

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despite promulgation of an Act in the year 2012, appointment order of the appellants were issued in the year 2017 and that too, on the directions of the august High Court. No doubt, similar appeals of the sacked employees were dismissed regarding the back benefits but the Apex Court allowed the co-employees counting of their service for the protected period for payment of pensionary benefits only. Case of the present appellants is at par with those sacked employees who were granted this benefit by the Apex Court, therefore, these appeals are accepted to the extent that appellants are allowed counting of their services from the date of promulgation of the Khyber Pakhtunkhwa Sacked Employees (Appointment) Act, 2012 only for payment of pensionary benefits. No order as to costs. File be consigned to the record room.

ANNOUNCED.
18.03.2021

Wm
(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad

Rozina
(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	06/4/21
Number of Words	2000
Copying Fee	20/-
Urgent	
Total	20/-
Name of Applicant	
Date of Completion of Copy	06/4/21
Date of Delivery of Copy	06/4/21

Atiq ur Rehman
Wm

Atiq ur Rehman
Wm

[Signature]



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
Swat (Cell # 0946 9240209-228)

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OFFICE ORDER

Whereas Mr. Muhammad Shereyar S/O Muhammad Shalyar R/O koza Durushkhella and Mr. Anwar Zeb S/O Hunar Mand R/O Charbagh Swat were initially appointed as PTC vide office order Endst No. 2157-60/e-2/T&A dated 21.5.1995 and No. 1453-55/M-2/T&A dated 17.4.1995 respectively.

Whereas their appointments were found illegal, ab-initio void and against the prescribed rules and were dispensed with immediate effect vide office order Endst No. 581-607 dated 13.2.1997. Where as they filed Service Appeal No. 532/2008 under title "Muhammad Shereyar VS ACO etc" and Service Appeal No. 533/2008 under title "Anwar zeb VS ACO etc" before the Khyber Pakhtunkhwa Service Tribunal Peshawar, which were accepted by the Honorable Tribunal vide judgment dated 4.1.2013 and directed the respondents to consider the grievances of the appellants.

Whereas in compliance of the said judgment, the appellants were re-instated vide office order Endst No. 727-32/PST (M)/Apptt: dated 5/7/2013 and posted them at GPS Khakhtay and GPS Asharbanr respectively, but back benefits were not given to them.

Whereas feeling aggrieved from the said re-instatement order, the appellants filed Service Appeal No. 1202/2013 and 1203/2013 before the Khyber Pakhtunkhwa Service Tribunal Peshawar, which were accepted by the Honorable Tribunal and directed the respondents to modify the impugned order and directed to extend the benefits of the previous services to the appellants and further directed that the period in which they remained out of service shall be treated as leave of the kind due.

Whereas the respondents as well as the appellants filed CPLAs in the apex court against the said judgment. The Honorable court dismissed both CPLAs and leave refused vide judgment dated 27.3.2020; however in the last Para of the judgment, the Honorable Court allowed counting of their service for the protected period for payment of pensionary benefits.

Whereas this office sought guidance/ legal opinion about the last Para specially the protected period from law department through proper channel.

Whereas the law department cleared the judgment in the following words.

"the service tribunal has extended the service benefits of the previous service of the petitioners and the period remained out of service was treated as leave of the kind due. Hence the period in which the petitioners remained out of service is to be treated as on leave of the kind due and thereby the said period shall be counted towards pension."

Now therefore in view of the above factual position, the re-instatement /office order endst: No. 727-32/PST (M)/Apptt: dated 5/7/2013 (appellants Mr. Muhammad shereyar PST GPS Khakhtay and Mr. Anwar Zeb PST GPS Asharbanr) is hereby modified and the service benefits of the

Attested
Mr.

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previous service i.e 21.5.1995 and 17.4.1995 respectively to 12.2.1997 is extended to them and the period in which they remained out of service i.e 13.2.1997 to 5.7.2013 is to be treated as leave of the kind due and thereby the said period shall be counted towards pensionary benefits only.

Note:- All the terms and conditions will remain the same as mentioned in the re-instatement order issued vide endst:No.727-32/PST(M)/Apptt:dated 05.07.2013.

(MUHAMMAD RIAZ)
DISTRICT EDUCATION OFFICER
(MALE) SWAT

Endst: No.7242-46 Swat

Dated 16/07/2021

Copy forwarded to:-

1. The Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Accounts Swat at Saidu sharif.
3. The SDEOs (M) Matta and Charbagh Swat.
4. PA to DEO (M) local office.
5. The teachers concerned.

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DISTRICT EDUCATION OFFICER
(MALE) SWAT

15	Reference in any records of punishment or censure, or reward or praise of the head of the office or other assisting officer	Signature of the head of the office or other assisting officer	Signature and designation of the head of the office or other assisting officer in columns 1 to 8
14	Signature of the head of the office or other assisting officer	Signature of the head of the office or other assisting officer	Signature and designation of the head of the office or other assisting officer in columns 1 to 8
13	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Period which debitable to Government	Reason of termination (such as promotion, transfer, dismissal, etc.)
12	Name and duration of leave taken	Signature of the head of the office or other assisting officer	Date of appointment
11	Leave	Signature of the head of the office or other assisting officer	Reason of termination (such as promotion, transfer, dismissal, etc.)
10	Leave	Signature of the head of the office or other assisting officer	Date of appointment
9	Leave	Signature of the head of the office or other assisting officer	Reason of termination (such as promotion, transfer, dismissal, etc.)
8	Leave	Signature of the head of the office or other assisting officer	Date of appointment

Sub Divisional Officer (M)

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Sub Divisional Officer (M)

To 3.1.17.2022
 Service Verified with effect from 1-1-2022

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