

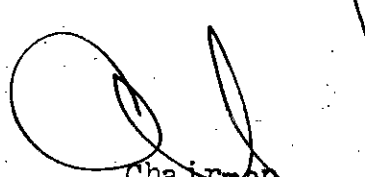


Form- A

FORM OF ORDER SHEET

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

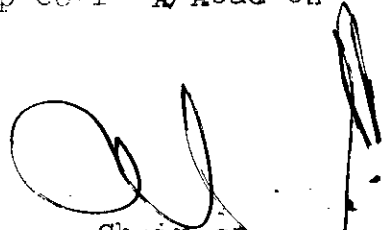
Case No. 1211/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/08/2013	<p>The appeal of Mr. Muhammad Rafique resubmitted today by Mr. Muhammad Zareed Qureshi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-8-13	<p>This case is entrusted to touring Bench A.Abad for preliminary hearing to be put up there on <u>17-2-14</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	17.2.2014	<p>Neither appellant nor his counsel present. to come up for preliminary hearing at camp court A/Abad on 18.8.2014.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

4-

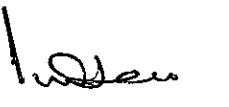
18.8.2014

Neither appellant nor counsel for the appellant present. Notices be issued to the appellant and his counsel for preliminary hearing, positively, at camp court A/Abad on 18.11.2014.

  
Chairman  
Camp Court A/Abad

18-11-14.

Appellant present in person. The Tribunal is incomplete. To come up for preliminary hearing at camp court A/Abad on 20-4-15.

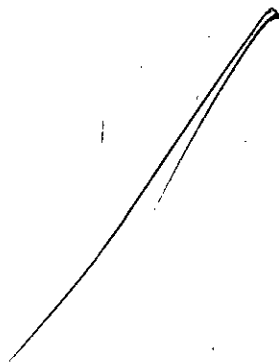
  
Reader

5

20.4.2015

Appellant in person present. Counsel for the appellant is not in attendance. Requested for adjournment. To come up for preliminary hearing on 19.5.2015 at camp court A/Abad.

  
Chairman  
Camp Court A/Abad



1211/2013

6

19.5.2015

None present for appellant despite repeated calls. The court time is over. Dismissed for want of prosecution. File be consigned to the record.

ANNOUNCED  
19.5.2015

  
Chairman  
Camp Court A/Abad

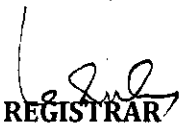
19.05.15

The appeal of Mr. Muhammad Rafique son of Najm-ud-Din SET GHS Hussaina Mansehra received today i.e. on 24/07/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellant.
- 2- Two more copies/sets of the appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1093 /S.T,

Dt. 25/7 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Zareed Qureshi Adv.  
High Court Abbottabad.

**BEFORE THE KHYBER PAKHTUNKHAWA, SERVICE  
TRIBUNAL PESHAWAR.**

Service Appeal No. 1211 /2013

Muhammad Rafique son of Najam-ud-Din SET Govt. Hihg School Husaina  
Distirct Mansehra resident of Kala Pul, Mirpur, Abbottabad.

...APPELLANT

**VERSUS**

District Education Officer, Male Mansehra & others.

...RESPONDENTS

**SERVICE APPEAL**

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<b>S.#</b>	<b>Description</b>	<b>Page No.</b>	<b>Annexure</b>
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2.	Copy of order	" 6 "	"A"
3.	Copy of Notification	" 7 "	"B"
4.	Copy of appeal	" 8 "	"C"
5.	Copy of Notification	" 9 to 10 "	"D"
6.	Copy of appeal	" 11 "	"E"
7.	Wakalatnama	12	

  
...APPELLANT

Dated: 22/07 /2013

Through

  
(Muhammad Zareed Qureshi)  
Advocate High Court, Abbottabad

**BEFORE THE KHYBER PAKHTUNKHAWA, SERVICE  
TRIBUNAL PESHAWAR.**

Service Appeal No. 1211 /2013

Muhammad Rafique son of Najam-ud-Din SET Govt. Hihg School Husaina  
Distirct Mansehra resident of Kala Pul, Mirpur, Abbottabad.

...APPELLANT

**VERSUS**

1. District Education Officer, Male Mansehra.
2. Director Elementary and Secondary Education KPK, Peshawar.
3. Govt. of KPK, through, Secretary Education Peshawar.
4. Govt. of KPK, through Secretary Finance Department, Peshawar.

...RESPONDENTS

**APPEAL** UNDER SECTION 4 OF THE KPK SERVICE  
TRIBUNAL ACT, 1974 FOR GRANT OF PAY BENEFITS,  
INCREMENTS, ALLOWANCES FOR THE POST OF S.E.T  
BPS-17 WITH EFFECT FROM 01/10/2009 INSTEAD OF  
23/07/2012

**PRAYER:-** ON ACCEPTANCE OF INSTANT APPEAL,  
THE APPELLANT MAY GRACIOUSLY BE ALLOWED  
AND GRANTED PAY BENEFITS, INCREMENTS AND  
ALLOWANCES AS ADMISSIBLE UNDER THE RULES

re-submitted to  
and filed.

AND POLICY IN THE INTEREST OF JUSTICE WITH  
EFFECT FROM 01/10/2009

---

Respectfully Sheweth:-

The facts giving rise to the instant appeal are arrayed as under:-

1. That appellant joined education department as SV on 02/03/1978 and was appointed on S.E.T post on 21/09/1999. Copy of order is attached as Annexure "A".
2. That as per notification dated 26/01/2008, the appellant was entitled for BPS-17 on 01/10/2009. Copy of Notification is attached as Annexure "B".
3. That respondents allowed upgradation but the appellant was not included in said upgradation list. Appellant filed departmental appeal before respondent No. 2. Copy of appeal is annexed as Annexure "C".
4. That the appellant was allowed moveover /upgradation from BPS-16 to 17 vide letter bearing No. SO (PE) 2-6-DPC dated 25/07/2012 w.e.f. 25/07/2012 instead of 01/10/2009 to which the appellant was entitled from

later date. Copy of Notification is attached as Annexure "D".

5. That appellant field departmental appeal to respondent NO. 2 for grant of BPS-17 w.e.f 01/10/2009 instead of 25/07/2012 alongiwth all the pay benefits, increments and allowances, which was received by respondent under endorsement NO. 2269 dated 01/04/2013. Copy of appeal is annexed as Annexure "E".
6. That despite of elapse of statutory period of 90 days, respondents had not decided the appeal of appellant, hence, the instant appeal, inter-alia, on the following grounds:-

**GROUND:-**

- a. That as per notification and rules appellant is entitled to <sup>upgradation,</sup> pay benefits, increments and allowances from his due date i.e. 01/10/2009 instead of 25/07/2012 and there is no deficiency on the part of appellant.
- b. That the respondents malafidely and without lawful justification delayed the upgradation of appellant and denying the lawful pay benefits, increments and allowances to the appellant from



the dates admissible and claimed by him, which is against the law and norms of justice.

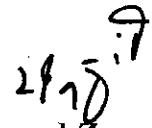
- c. That in view of the precedents laid down by the superior courts and notification issued by the government, there is no ground whatsoever for refusal to <sup>UPgradation.</sup> grant pay benefits including increments and allowances etc to the appellant.
- d. That the appellant reserves the right to agitate additional grounds at the time of arguments of the appeal.

It is, therefore, humbly prayed that the appeal of appellant may graciously be accepted and respondents be directed to grant the <sup>UPgradation.</sup> pay benefits, increments and allowances to appellant from his due date i.e. 01/10/2009. Any other relief which this Honourable tribunal deems fit and proper be granted in the interest of justice.

  
...APPELLANT

Dated: 22/07/2013

Through

  
(Muhammad Zareed Qureshi)  
Advocate High Court, Abbottabad

**VERIFICATION: -**

*Verified on oath that the contents of forgoing writ petition 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 KHYBER PAKHTUNKHAWA, SERVICE  
TRIBUNAL PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2013

Muhammad Rafique son of Najam-ud-Din SET Govt. Hihg School Husaina  
Distirct Mansehra resident of Kala Pul, Mirpur, Abbottabad.

...APPELLANT

**VERSUS**

District Education Officer, Male Mansehra & others.

...RESPONDENTS

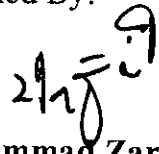
**SERVICE APPEAL**

**AFFIDAVIT**

I, Muhammad Rafique son of Najam-ud-Din SET Govt. Hihg School Husaina  
Distirct Mansehra resident of Kala Pul, Mirpur, Abbottabad, do hereby solemnly  
affirm and declare that the contents of forgoing writ petition are true and correct to  
the best of my knowledge and belief and nothing has been concealed therein from  
this Honourable Court.

  
DEPONENT

Identified By:-

  
(Muhammad Zareed Qureshi)  
Advocate High Court, Abbottabad

6

Muhammad Zareed Qureshi  
Advocate  
Abbottabad  
21/7/18

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, N.W.F.P.

NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee, the Director Secondary Education, N.W.F.P. is pleased to appoint the following trained graduate candidates against SEN (Science/General) Posts at the Schools noted against their names in SRS-16 (Rs. 2535-197-5450) Plus usual allowances admissible under the rules with immediate effect subject to the following terms and conditions:-

TERMS & CONDITIONS.

1. They will be governed by such rules and regulations as may be prescribed from time to time by the Govt. for the category of the Govt. servants 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 one month pay will be forfeited in lieu thereof.
3. They should join the post within one month from the issuance of these orders.
4. Their inter-se-seniority will be determined in accordance with the merit fixed by the Departmental Selection Committee.
5. They shall be on probation for a period of two years.
6. They shall be required to furnish copies of all their certificates/degrees (along with the original receipts and photo copies thereof) pertaining to the verification of the concerned examining body (Board/University) to the DEOs/LEOs concerned. The latter shall arrange verification of all the certificates/degrees of the appointees of their respective District/Agencies and will issue a clearance certificate to each appointee for the release of his/her pay.
7. Fresh candidates are required to produce Health & Age certificate from the Medical Authority concerned before taking over charge. The Service Books of the inservice teachers must be checked by the Heads of the Institution before handing over charge to them.
8. Complete information on the prescribed proforma be submitted to this office within a month.
9. The upper age limit for fresh candidates is 21-35 years.

S.No.	Name / Address.	School where posted.	Remarks.
1.	Mohammad Rafiq SV Govt. Middle School Khuryala "ansehra	G.H.S.S. Karori Mansehra	Against Vacant SET Post.

Note:

1. Charge reports should be submitted in duplicate to all concerned.
2. No TA/DA is allowed.
3. Consequent upon the finalization of the judicial judgement in respect of the selectees of Zone-5, their seniority vis-a-vis of the appointee assigned to them by the Selection Committee.

DIRECTOR SECONDARY EDUCATION  
N.W.F.P. PESHAWAR.

Endst:No. ~~339/494~~/A-14/Apptt:99. Dt;Peshawar the 21-9- /1999

Copy of the above is forwarded for information and necessary action to the :-

1. Accountant General, NWFP, Peshawar with the remarks as per S.No.5 below.
2. Director Primary Education, NWFP, Peshawar.
3. Director of Education, PATA, NWFP, Peshawar.
4. All the Distt. Education Officer(M)Secy. concerned.
5. All the Distt. Accounts Officers concerned with the request that pay of the above appointee may not be released until and unless they produce a clearance certificate from their DEOs concerned regarding verification of certificates/degrees as mentioned at S.No.6 of the terms and conditions.
6. All the Principals/HM concerned.
7. Private Secretary to Hon:Minister for Education, NWFP, Peshawar.
8. Private Secretary to ~~Private~~ Secretary Education, NWFP, Peshawar.
9. Officials concerned.
10. PA to Director Secy. Education, NWFP, Peshawar.
11. P/Files.

DEPUTY DIRECTOR  
FOR DIRECTOR SECONDARY EDUCATION  
N.W.F.P. PESHAWAR

24/9/99



GOVERNMENT OF NWFP  
FINANCE DEPARTMENT

(REGULATION WING)

Dated Peshawar, the 26<sup>th</sup> January, 2008.

7 ANNEXURE "B"

خیر اعلیٰ فرادے

تنظیم استاذہ پوسٹر

محمد زارےد قریبی  
استاذہ پوسٹر

NOTIFICATION

NO.FD/SO(FR)10-22/2007. In supercession of this Department's letter No.SO(FR)10-22(B)/2005 dated 01-10-2007 and in pursuance of the decisions of the meeting held under the Chairmanship of Secretary Establishment on 2-1-2008, the Competent Authority is pleased to allow upgradation for the incumbents of the posts as per details given below w.e.f. 1-10-2007:-

Muhammad Zareed Qureshi  
Advocate  
Attested  
21/1/08

S.NO	Existing Designation and Pay Scale	Qualification	Upgraded Scale
1	Primary School Teacher (PST) (BPS-07).	FA/FSc and are trained teachers	BPS-09 (one time only)
2	Primary School Teacher (PST) with requisite experience renamed as Head Teacher/Head Mistress of Primary Schools (BPS-07).	Having 10 years service	BPS-12 (one time only)
3	CT (BPS-09).	BA/BSc and are trained teachers	BPS-15 (one time only)
4	SETs (BPS-16)	With at least ten years service. Upgradation to the post shall be made through DPC as per laid down procedure	BPS-17
5	Qari/Qaria (BPS-07)	Hafiz Quran with SSC	BPS-12

SECRETARY TO GOVT. OF NWFP  
FINANCE DEPARTMENT

Encl. No. & Date even:

Copy of the above is forwarded for information and necessary action to the:-

- 1) All the Secretaries in NWFP, Peshawar.
- 2) All the DCOs/EDOs Schools & Literacy Department, NWFP.
- 3) Accountant General, NWFP, Peshawar.
- 4) Director Schools & Literacy NWFP, Peshawar.
- 5) Director of Education FATA NWFP, Peshawar.
- 6) PSO to Chief Minister, NWFP.
- 7) PSO to Chief Secretary, NWFP.
- 8) PS to Secretary Finance Department, NWFP.
- 9) All District/Agency Accounts Offices in NWFP.

(NAIB KHAN)  
SECTION OFFICER (FR)

"C"

Muhammad Zareed Qureshi  
Advocate  
Faisalabad

## جناب ڈائریکٹر ایلیمنٹری اینڈ سکینڈری ایجو کیشن خیبر پختون خواہ پشاور

بوساطت حکام بالا مانسہرہ

دوبارہ اپیل برائے سینارٹی SET

مضمون:

جناب عالی!

گزارش ہے کہ میری پہلی تقرری بطور S.V. تاریخ 2-3-78 کو ہوئی۔ اور پھر 21-09-99 آفس آرڈر نمبر  
339-494/A-114/Apptt:99 (پشاور) بطور SET ہوئی۔

جناب عالی!

میرا نام سابقہ سینارٹی لسٹ SET میں شامل ہونے سے رہ گیا تھا جس کے لیے میں EDEO مانسہرہ کے آفس نمبر 2-1065  
تاریخ 29-12-09 کے تحت اپیل کی تھی۔ لیکن کوئی شنوائی نہ ہوئی۔ اب جب کہ دوبارہ آپ کی شائع کردہ سینارٹی لسٹ P.K No.  
533-39/88/Fsi/B-16-SET Endst No 540-41 تاریخ 07-06-11 میں بھی میرا نام دوبارہ رہ گیا ہے۔

جناب عالی!

میرے 30-09-09 کو بطور SET دس سال پورے گئے تھے۔ اور میں 01-10-2009 سے گریڈ سترہ کا حق رکھتا تھا۔ مگر  
سینارٹی لسٹ میں نام شامل نہ ہونے سے مجھے اس حق سے محروم کر دیا گیا تھا۔  
آپ سے گزارش ہے کہ مجھے سینارٹی نمبر الاٹ فرما کر 01-10-2009 سے مجھے گریڈ سترہ میں ترقی کے احکامات جاری فرمائیں۔  
سابقہ اپیل کی کاپی درخواست کے ساتھ لف ہے۔

العارض

No 785 dated 24.12.2011

Forwarded in original to the

محمد رفیق ولد نجم الدین

EDEO (EASC) Education (M) Mansherwa  
for n/a please.

گورنمنٹ ہائی سکول حسینیاں ضلع مانسہرہ

Head Master  
Govt. High School  
Hussainian Mansherwa



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 25-7-2012.

Muhammad Zargar Qureshi  
Advocate  
Abbottabad  
27.7.12

NOTIFICATION.

NO.SO(PE)/2-6/DPC Meeting(1-6-2012). On the recommendations of the Departmental Promotion Committee, the competent authority is pleased to upgrade the following (215) number Male SETs and (49) number Female SETs from BS-16 to BS-17 as (Personal) with immediate effect:-

Male.

S.#	S.L.#	Name of Officer & Present Place of Posting
1	15	Nisar ud Din SET GCMHS No.2 Peshawar City
2	151	Saeed ur Rehman SET GHSS.Dodhial Mansehra
3	705	Mir Zaman SET GMS Khujai SWA
4	795	Salim Khan SET GMS Dashka SWA
5	2410	Rahim Dil Khan SET GHS Mangala Lakki
6	2798	Sabir Hussain SET GHS Jattipind Haripur
7	3234	Ayub Khan SET GHS Jeewar Takht Bhai Mardan
8	3243	Afsar Ali Shah SET GHSS Baffa Mansehra
9	3553	Muhammad Rafiq SET GHS Hussainia Mansehra
10	3557	Muhammad Ismail SET GMS Ghari Sikandar Khan Peshawar
11	3558	Muhammad Sharif SET GHS Pattan Khurd Abbottabad
12	3559	Hafiz ur Rehman SET GHSS Ghari Habibullah Mansehra
13	3564	Ihsan Ullah SET GHS Baist Khel Lakki
14	3574	Hidayat ur Rehman SET GHS Dabgari Gate Peshawar
15	3578	Javed SET GCMHS Dir Khas
16	3589	Falak Naz SET GHS Panjpir Swabi
17	3593	Hafeez Ullah SET GHS Kurai DI Khan
18	3594	Muhammad Nawaz SET GHS Tano Swabi
19	3596	Lajbar Khan SET GHS Mali Khel Bala Nowshera
20	3597	Atta ur Rehman SET GHS Miran Shah NWA
21	3598	Mahmood SET GHSS Haji Baba Mingora Swat
22	3600	Muhammad Tariq Khan SET GHSS No.1 Peshawar Cantt
23	3603	Sana Ullah SET GHSS No.1 Peshawar City
24	3609	Aqeel Ahmad SET GHS Gand Umar Khan DI Khan
25	3610	Khaista Rehman SET GHS Haji Abad Dir (L)
26	3620	Iqbal Hussain SET GHS Haji Yarjan Killi Moh.Agy
27	3621	Muhammad Javed Iqbal SET GCMHS No.1 DI Khan
28	3625	

10

8

49	1492/FSL-11	Nusrat Saeed SET GGHSS Dir (U)
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Muhammad Zayed Qureshi  
Advocate  
Abbottabad  
2/5/12

SECRETARY

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
4. The Director Education (FATA) Khyber Pakhtunkhwa, Peshawar.
5. The Director Curriculum & Teachers Education Abbottabad.
6. The Accountant General Khyber Pakhtunkhwa, Peshawar.
7. The Deputy Director Database(EMIS) E&SE Department.
8. The Executive District Officers Elementary & Secondary Education concerned.
9. The District Accounts Officers concerned.
10. PS to Minister E&SE Khyber Pakhtunkhwa Peshawar.
11. PS to Secretary E&SE Department.
12. Officers concerned.
13. Master File.

(MUSHAMMAD AYUB KHAN)  
SECTION OFFICER (PRIMARY)



"E ANNEXURE"  
*Supdt*

*Mahammad Zareed Qureshi*  
Advocate  
Mansehra  
2/7/13

To

The Director  
Elementary & Secondary Education  
Peshawar Kyber Pakhtoonkhwa.

Subject: APPEAL FOR UP GRADATION FROM BPS-16 TO 17 (W.E.F. 01-10-2009)

Respected Sir,

It is requested that I have taken over the charge of SET Post on 01-10-1999 under your office endorsement No. 139-4942/9-14/appt:99 dated 21-09-1999.

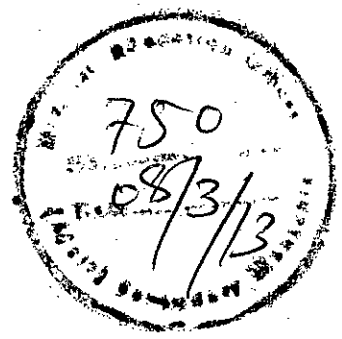
*Do (M)*  
*Z*

I have completed my ten (10) years service as SET on 30-09-2009, but due to missing my name in seniority list I was not awarded from BPS-16 to BPS-17 in pervious orders.

Respected Sir , now I was awarded from BPS-16 to BPS-17 on 25-07-2012 up gradation notification No. SO (TE)/2-6/DPC So No. 09 SL # 3553 dated 25-07-2012 .

Thereof kindly I may be awarded to BPS 17 from BPS-16 w.e.f. 01-10-2009

Yours obediently



*Muhammad Rafique*  
Muhammad Rafique  
Govt High School Hussainian  
NIC No. 13503-9188425-5

Enclosure

- 1. Copy of NIC
- 2. Copy of Appointment Order SET
- 3. Copy of up gradation Notification Mansehra
- 4. Copy of Charge Report of SET Post.

NO 76 Date 07-03-2013

*Forwarded in original to the EDEO (M) E&S Education Mansehra for n/a please.*

**Head Master**  
Govt High School  
Hussainian Mansehra



