

25.05.2022

Mr. Mir Zaman Safi, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is aggrieved of the impugned order dated 27.09.2017 when he was promoted from PST (BS-12) to SPST (BS-14) in compliance with the Honourable Peshawar High Court order passed in Writ Petition No. 2757-P/2017 and the appellant's further promotion to PSHT (15) was not honoured despite the fact that working paper had been prepared. He relied on the principle of consistency while referring to precedented case Notified on 26.01.2013 followed by Notification dated 06.02.2013 when similarly placed 28 teachers were firstly promoted from the post of PST (BS-12) to SPST (BS-14) and after the passage of just 10 days they were further promoted from the post of SPST (BS-14) to PSHT (BS-15). On the question of limitation that the impugned order was passed on 27.09.2017 and the appellant filed departmental appeal on 13.12.2021, he relied on 2002 PLC (C.S) 1388 and 2021 SCMR 1230 with the contention that being a promotion case involving financial aspects constitutes recurring cause of action, impediment of limitation therefore is not applicable in such cases. The service appeal has been filed on 25.03.2022 after having waited for statutory period, is well within time before the Service Tribunal, he concluded.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 26.07.2022.

(Mian Muhammad)
Member (E)



Rs-600/-
Appellant Deposited
Security & Process Fee
A. J. Hashmi
30/5/22

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 464/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	01/04/2022	<p>The appeal of Mr. Aziz Ur Rehman resubmitted today by Mr. Mir Zaman Safi Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	<p><i>Noted by Counsel. as - Counsel. 8/4/2022</i></p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>25.05.2022</u>. Notices be issued to the appelland and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Aziz-Ur-Rehman, SPST (BPS-14) Rtd, GPS Zargar Abad District Peshawar received today i.e. on 25.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Affidavit attached with the appeal may be attested by the Oath Commissioner.
2. Copies of annexures A, B & H attached with the appeal are illegible which may be replaced by legible/better one.

No. 773 /S.T,

Dt. 29-3-/2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mir Zaman Safi Adv. Pesh.

Sir,

*All objections have been removed,
hence re-submitted today dated 01-04-2022.*

*M. Zaman
01-04-2022.*

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

Ajiz-ur-Rehman

v/s

Education Deptt.

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

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

Name:

Mir Ferman Safi

Signature:

Mir Ferman Safi

Dated:

24-03-2022

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. _____/2022

AZIZ UR REHMAN

VS


EDUCATION DEPTT:

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APPELLANT

THROUGH:


**MIR ZAMAN SAFI
ADVOCATE**

Office: Room No. 6-E, 5th Floor,
Rahim Medical Centre, Hashtnagri,
Peshawar.
Cell: 0333-9991564

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

Mr. Aziz-Ur-Rehman, SPST (BPS-14) (Rtd:),
GPS Zargar Abad, Peshawar..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
 - 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
 - 3- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
 - 4- The District Education Officer (M), District Peshawar.
- RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR THE GRANT OF PRO-FORMA PROMOTION TO APPELLANT TO THE POST OF PSHT (BPS-15) W.E.FROM THE DATE WHEN COLLEAGUES AND JUNIOR COLLEAGUES OF THE APPELLANT HAVE BEEN PROMOTED i.e. 06.02.2013 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYERS:

That on acceptance of this appeal the appellant may kindly be granted/allowed pro-forma promotion to the post of PSHT (BPS-15) w.e.f 06.02.2013 with all other consequential benefits. Any other relief which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was the employee of respondent department and had served the department as PST (BPT-12) from the date of 1st appointment till retirement on superannuation quite efficiently and upto the entire satisfaction of his superiors.
- 2- That the appellant while serving as PST (BPS-07) the post of the appellant was up-graded in BPS-12 vide Finance Department Notification dated 11.07.2012 and subsequently introduced sub cadres of SPST (BPS-14) and PSHT (BPS-15). Copy of the Notification dated 11.07.2012 is attached as AnnexureA.

- 3- That after issuance the above mentioned Notification dated 11.07.2012 the appellant was remain in service for 2 months and got retired from service vide Notification dated 10.11.2012. Copy of the retirement order is attached as annexure **B.**
- 4- That it is pertinent to mention that due to non-holding of DPC during service tenure of the appellant, the appellant had not got the benefit of next higher scale i.e. SPST (BPS-14) and PSHT (BPS-15) inspite of having better seniority position at serial No.42 which has been mentioned in the forwarding letter dated 25.06.2015. Copy of the forwarding letter is attached as annexure.....**C.**
- 5- That after retirement of the appellant, the respondent department held DPC meeting whereas many colleagues and junior colleagues of the appellant were promoted to the post of SPST (BPS-14) vide office order dated 26.01.2013 and as such they were subsequently promoted to the post of PSHT (BPS-15) vide notification dated 06.02.2013. Copies of the order dated 26.01.2013 and notification dated 06.02.2013 are attached as annexure.....**D & E.**
- 6- That feeling aggrieved the appellant preferred writ petition No.4444-P/2015 before the Peshawar High Court, Peshawar which was disposed of vide order sheet dated 21.09.2016 on the basis of letter dated 07.10.2016 for submission of working papers for holding DPC for promotion of the appellant alongwith other two colleagues to the post of SPST (BPS-14) and PSHT (BPS-15). Copies of the memo of writ petition, order sheet dated 21.09.2016 and letter dated 07.10.2016 are attached as annexure.....**F, G & H.**
- 7- That after disposal of the aforementioned writ petition No.4444-P/2016 the appellant time and again visited the respondent department but they were silent on the matter of appellant despite of clear cut directions of the Hon'ble Peshawar High Court, Peshawar.
- 8- That appellant feeling aggrieved preferred an application before the Hon'ble Chief Justice of Peshawar High Court, Peshawar which was converted into the writ petition No.2757-P/2017 where after the respondent Department issued promotion Notification dated 27.09.2017 and the appellant alongwith his other two other colleagues were promoted to the post of SPST (BPS-14) with effect from 11.07.2012 but subsequent promotion to the post of PSHT (BPS-15) had been denied. Copies of the application, Notification dated 27.09.2017 and order sheet dated 28.09.2017 are attached as annexure.....**I, J & K.**
- 9- That the appellant is also having the entitlement for promotion to the post of PSHT (BPS-15) but the respondent department is not willing to grant/allow the same. That appellant feeling aggrieved preferred departmental appeal before the respondent No.3 but no reply has been received so far. Hence the appellant preferred the instant appeal on the following grounds amongst the others. Copy of the departmental appeal is attached as annexure.....**L.**

GROUNDS:

- A- That the inaction of the respondents by not allowing/granting pro forma promotion to the appellant to the post of PSHT (BPS-15) is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondents by not allowing/granting pro forma promotion to the appellant to the post of PSHT (BPS-15) is based on mala fide and arbitrary intentions and as such the same is violative of the principle of natural justice.
- D- That the respondents acted in arbitrary and malafide manner by not allowing/ granting pro-forma promotion to appellant to the post of PSHT (BPS-15) despite the fact that the appellant was the senior most employee of the respondent Department and was entitle for promotion to the post of PSHT (BPS-15) on the basis of seniority-cum-fitness.
- E- That the inaction of the respondents by not allowing/granting pro-forma promotion to the appellant to the post of PSHT (BPS-15) is violative of section-9 of the Civil Servant Act 1973 read with Rule-7 of the (Appointment, Promotion & Transfer) Rules 1989.
- F- That as per Rules and regulation the appellant is fully entitle for pro-forma promotion to the post of PSHT (BPS-15) with all consequential benefits.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 21.03.2022

APPELLANT

Aziz ur Rehman
AZIZ UR REHMAN

THOROUGH:

M. Zaman Safi
MIR ZAMAN SAFI

&

ABDULLAH KHAN KHATTAK
ADVOCATES

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973.
- 2- SERVICES LAWS BOOKS.
- 3- ANY OTHER CASE LAW AS PER NEED.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

AZIZ UR REHMAN

VS

EDUCATION DEPTT:

AFFIDAVIT

I Mir Zaman Safi, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



MIR ZAMAN SAFI,
Advocate
High Court, Peshawar

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION**

NOTIFICATION:

No: SO (B&A)/I-18/E&SE/2012: Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up-gradation of the posts for Grant of incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01.07.2012 as per details given below:-

S#	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New approved Basic Pay Scale	Remarks
1.	Primary School Teacher	Govt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is up-graded to BPS-12. Accordingly 33,497 posts of PSTs already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
2.	Senior Primary School Teacher (Sr. PST)	"do"	Newly upgraded/ Re-designated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay scales are upgraded to BPS-14 and re-designated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post
3.	Primary School Head Teacher (PSHT)	"do"	Newly upgraded/ Re-designated Post	(BPS-15)	20,804 posts of the existing PSTs (one post in each Primary School) are upgraded to BPS-15 and re-designated as Primary School Head Teacher and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post
4.	Certified Teacher (CT)	Govt. Middle/High / Higher Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to post as well as future.
5.	Senior Certified Teacher (SCT)	"do"	Newly upgraded/ Re-designated Post	(BPS-16)	One thirds (1/3 rd) of the total CT posts are upgraded to BPS-16 and re-designated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
6.	Arabic Teacher (A.T)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to post as well as future.
7.	Senior Arabic Teacher (Sr. A.T)	"do"	Newly upgraded/ Re-designated Post	(BPS-16)	One thirds (1/3 rd) of the total AT posts are upgraded to BPS-16 and re-designated as Senior ATs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
8.	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to post as well as future.
9.	Senior Teacher of Theology (STT)	"do"	Newly upgraded/ Re-designated Post	(BPS-16)	One thirds (1/3 rd) of the total TT posts are upgraded to BPS-16 and re-designated as Senior TTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
10.	Drawing Master (DM)	"do"	BS-09 BS-10	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to post as

A-6

GOVERNMENT OF
KHAYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT



Date: Thursday, 11.07.2012

NOTIFICATION
No. SO/GEN/ADM/13/MS/ST/2012
Sanction of the Government of Khayber
Pakhtunkhwa is hereby accorded to the updation of the posts for Group of Incentive of
High Pay Scale to different categories of teachers in Elementary & Secondary
Education Department vide 01-07-2012 as per details given below:-

No.	Non-Functional Location	Post	Existing Scale	Approved Basic Pay	Remarks
51	Government School	Primary Teacher (PST)	Scale	Scale	The post of PST is upgraded to BPS-12. Accordingly 22 posts are upgraded to BPS-12. In vacant posts, 11 are filled up as follows:- BPS-3 BPS-6 BPS-7 BPS-9 BPS-10 BPS-11
52	Government School	Senior Primary Teacher (SPT)	Newly	Scale	222 posts of the existing SPTs in various existing pay scales are upgraded to BPS-14 and designated as Senior SPT. The position will be filled in the manner as may be provided by the Elementary & Secondary Education Department by making necessary provision in the Budgetary Estimates of the Government of Khayber Pakhtunkhwa.
53	Government School	Head Teacher (HT)	Newly	Scale	150 posts of the existing HTs in various existing pay scales are upgraded to BPS-14 and designated as Head Teacher. The position will be filled in the manner as may be provided by the Elementary & Secondary Education Department by making necessary provision in the Budgetary Estimates of the Government of Khayber Pakhtunkhwa.
54	Government School	Certified Teacher (CT)	Newly	Scale	All the existing posts of CTs are upgraded to BPS-13 for the present including those for the post as well as future appointments.
55	Government School	Senior Certified Teacher (SCT)	Newly	Scale	One third (1/3) of the total CT posts are upgraded to BPS-16 and designated as Senior CT, which will be filled in the manner as may be provided by the Elementary & Secondary Education Department by making necessary provision in the Budgetary Estimates of the Government of Khayber Pakhtunkhwa.
56	Government School	Arabic Teacher	Newly	Scale	All the existing posts of Arabic Teachers are upgraded to BPS-13 for the present including those for the post as well as future appointments.
57	Government School	Senior Certified Teacher (SCT)	Newly	Scale	One third (1/3) of the total CT posts are upgraded to BPS-16 and designated as Senior CT, which will be filled in the manner as may be provided by the Elementary & Secondary Education Department by making necessary provision in the Budgetary Estimates of the Government of Khayber Pakhtunkhwa.
58	Government School	Teacher of the Month	Newly	Scale	All the existing posts of Teachers of the Month are upgraded to BPS-13 for the present including those for the post as well as future appointments.
59	Government School	Senior Teacher of the Month	Newly	Scale	One third (1/3) of the total CT posts are upgraded to BPS-16 and designated as Senior CT, which will be filled in the manner as may be provided by the Elementary & Secondary Education Department by making necessary provision in the Budgetary Estimates of the Government of Khayber Pakhtunkhwa.
60	Government School	Senior Teacher of the Month	Newly	Scale	All the existing posts of Senior Teachers of the Month are upgraded to BPS-13 for the present including those for the post as well as future appointments.
61	Government School	Senior Teacher of the Month	Newly	Scale	One third (1/3) of the total CT posts are upgraded to BPS-16 and designated as Senior CT, which will be filled in the manner as may be provided by the Elementary & Secondary Education Department by making necessary provision in the Budgetary Estimates of the Government of Khayber Pakhtunkhwa.
62	Government School	Senior Teacher of the Month	Newly	Scale	All the existing posts of Senior Teachers of the Month are upgraded to BPS-13 for the present including those for the post as well as future appointments.

(Handwritten signature)

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			BS-12 BS-14 BS-15		well as future.
11.	Senior Drawing Master (SDM)	"do"	Newly upgraded/ Re-designated Post	(BPS-16)	One thirds (1/3 rd) of the total DM posts are upgraded to BPS-16 and re-designated as Senior DMs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
12.	Physical Education Teacher (PET)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of PETs are upgraded to BPS-15 for the present incumbents to post as well as future.
13.	Senior Physical Education Teacher (PET)	"do"	Newly upgraded/ Re-designated Post	(BPS-16)	One thirds (1/3 rd) of the total PETs posts are upgraded to BPS-16 and re-designated as Senior PETs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.
14.	Qari/Qaria	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-12)	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to post as well as future.
15.	Senior Qari/Qaria	"do"	Newly upgraded/ Re-designated Post	(BPS-15)	One thirds (1/3 rd) of the total Qari/Qaria posts are upgraded to BPS-15 and re-designated as Senior Qari/Qaria which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any for the post.

2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not like the scheme for granted but work for it.

3. District wise/school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Endst: No. SO(FR)FD/10-22(E)/2010 Dated Pesh: the 16/07/2012

Physical Education Teachers (PET)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of PETs are upgraded to BPS-15 present incumbents to the post as well as for appointments.
Senior Primary Education Teachers (Sr. PET)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One third (1/3) of the total PET posts are upgraded to BPS-16. The remaining two thirds will be filled in the manner as may be prescribed by the Government of Punjab, Education Department by making necessary service rules according to the existing service rules, if any, for the post.
Qari/Qaria	"do"	BPS-7 BPS-9 BPS-10 BPS-12 BPS-14 BPS-15	(BPS-12)	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as for future appointments.
Sr. Qari/Sr. Qaria	"do"	Newly Upgraded/Redesignated Post	(BPS-15)	One third (1/3) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria which will be filled in the manner as may be prescribed by the Government of Punjab, Education Department by making necessary service rules or amending the existing service rules, if any, for the post.

- A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not like the scheme for granted but work for it.
- District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Encls. No: SO(FR)/FD/10-22(E)/2010 Dated Pesh: the 16/07/2012

Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar.
All District Account Officers.

[Signature]
SECTION OFFICER (FR)
FINANCE DEPARTMENT

List of even Number & Date.

- Copy of the above is forwarded to:-
- The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, with reference to his letter No SO(FR)/FD/10-22(E)/2010 dated 26/06/2012.
 - P.S. to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
 - P.S. to Special Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
 - P.S. to Deputy Secretary (I), E&SE Department, Khyber Pakhtunkhwa, Peshawar.
 - P.S. to Minister of E&SE, Khyber Pakhtunkhwa.
 - The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
 - All the Executive District Officers, E&SE Khyber Pakhtunkhwa.
 - The Managing Director, Printing Press, Khyber Pakhtunkhwa, Peshawar.
 - Master file.

[Signature]

B-2

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION PESHAWAR.

ENCASHMENT OF L.P.R.

Under the provision of Rules-20 of NWFP Govt Servants revised leave rules [98], sanction is hereby accorded for the encashment of L.P.R for the period of 180 days on full pay in lieu of L.P.R in respect of Mr. Ahizur Rehman Peshawar. PST: GPS

He is also allowed to reite form Govt Service with effect from 30-09-2012 (AN).

No.:

- 1. These orders are final and will not be revoked at any stage.
- 2. Necessary entry to this effect should be made in his Service Book.
- 3. His date of birth of 1-10-1952

Encl: Service Book with Sr: No. 2

Executive District Officer,
Elem: & Sec: Edu: Peshawar.
16-12-2012

Encl: No. 3613 / Dated Peshawar 16-12-2012
Copy of the above is forwarded to the:-

- 1. Senior District Accounts Officer Peshawar.
- 2. Deputy District Officer (Male) Peshawar with reference to his 20 alongwith Service Book

District Officer (Male),
Elem: & Sec: Edu: Peshawar.

M. J. Khan

C-9

Sub Divisional Education Officer
(Male) Peshawar

No. 2245 Verification

Dated 05.1.16/2015

To

The District Education Officer
(M) Peshawar

Subject:- Appeal for upgradation
Memo.

I am to refer to the subject noted above, and to state that seniority of PSTs is being issued by your office the appeal of the following teacher may be considered on your own level being competent authority on seniority basis as previously awarded to their counterparts please

S No	Name of teacher	Name of school	Seniority list No	Date of retirement
1	Aziz Ur Rehman	GPS Zafar Abad GPS	S No 14	30/9/2012
2	Mikhar Khan	GPS Bazar Zai	S No 42	03/9/2012
3	Mohammed Ishaq	GPS Nal Civil Quater	S No 50	6/12/2012

Sub Divisional Education Officer
(Male) Peshawar



D-10

DISTRICT EDUCATION OFFICER (MALE)
PESHAWAR.

OFFICE ORDER:-

Consequent upon the recommendation of Departmental Promotion Committee meeting held on 16/1/2013 AND PURSUANCE OF THE Govt. of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. 50 (B&A) 1-18/E&SE/2008 dated 12/10/2012 and No. 50(PE) 4-5/SSRC/Meeting/ 2012/ Teaching Cadre dated 13/11/2013 the following Primary School Teachers BPS-12 are hereby promoted to the post of Senior Primary School Teachers (SPST) BPS-14 (Rs.8000-610-26300) plus usual allowances as permissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect.

S.NO.	S/L NO.	CIRCLE	NAME OF TEACHER	PRESENT POSTING
1	3	D/Zai	Gul Akbar	GPS No.2 Mayra
2	4	H/Abad	Javed Hussan	Agriculture Colony
3	6	Malhra	Hidayat Ullah	GPS Haryan Garh
4	8	City	Muhammad Zaman	GPS Hazr Khawani 4
5	10	Malhra	Khawas Khan	GPS Palwar Bala
6	12	City	S. Amanullah Shah	GPS Kolla Feel Bawan
7	16	H/Abad	Abdul Qayyum	Mulla Zai
8	17	City	Yousaf Jan	GPS Sharif Abad
9	18	City	Khafiz Ur Rahman	GPS Salthian
10	20	B/Bor	Islam Shah	GPS Sheikhhan Bala
11	23	D/Zai	Noor Muhammad	GPS Ziarat Korona
12	24	C/Pura	Sher Rehman	GMPS Gulozai
13	25	Canil	Bismillahi Jan	GPS Khadra Khel
14	26	Canil	Muhammad Ashraf	GPS Audit Colony Pesh.
15	27	C/Pura	Ajmas Khan	GPS No.1 Chamkani
16	28	City	Fazal Manan	GPS Sarbland Pura 1
17	29	City	Rahat Ullah	GMPS Afghan Colony #3
18	31	Canil	Naik Muhammad	GMPS Shero Jangl
19	32	City	Muhammad Saeed	GPS Akhoon Abad
20	35	D/Zai	Kishwar Khan	GPS Muslim Abad (Ramkishan)
21	36	C/Pura	Qamar Zaman	GPS Jogain
22	38	City	Muhammad Said	GPS Ganj Mandi
23	41	C/Pura	Sabir Ali Shah	GPS Wadpagga No.1
24	48	Canil	Sadiq Ali	GPS Manakrao
25	50	Canil	All Rehman	GMPS Kochi Abad Nasir Abad
26	51	City	Abdul Wakil	GPS Shah Dhand
27	52	Canil	Inayati Ullah	GPS Audit Colony Pesh.
28	53	Canil	Abdul Wakeel	GPS Irrigation Colony

(Handwritten signature)


- (11)
6. Their adjustment order under the existing policy will be issued separately.
 7. No TA / DA is allowed for joining his duty.
 8. Necessary entry to this effect should be made in their service books.
 9. They will give an undertaking to this effect to be recorded in their service books.

Sharif Gul
District Education Officer,
(Male) Peshawar.

Ends: No. 1499-2660 / PST(M) / Promotion Dated Peshawar the 26th January, 2013.

Copy for information to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Sub-Divisional Education Officer (Male) Peshawar with the remarks to verify THE academic / professional qualification documents i.e FA / PTC or equivalent of the above named teachers from the concerned Board / Agencies before fixation salaries.
4. Assistant Sub-Divisional Education Officer (Male) circles concerned
5. Officials concerned.


Deputy District Education Officer,
(Male) Peshawar.

ORDER of Sr: PST (M)



DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.

NOTIFICATION:-

Consequent upon the recommendations of Departmental Promotion Committee meeting held on 17/1/2013, the competent authority is pleased to promote and adjust the following Senior PST BPS-14 to BPS-15 as Primary School Head Teacher in the school noted against their names in the light of the Govt. of Khyber Pakhtunkhwa Elementary and Secondary Education Department order No. 50 (B&A) 1-18/E&SE/2008 dated 12/10/2012 and No. 50(PE) 4-5/SSRC/Meeting/ 2012/ Teaching Cadre dated 13/11/2012 with immediate effect in the interest of public service.

Sr	Name of Officer	Teacher Name	From	Adjusted at
1	D/Zai	Gul Akbar	GPS No.2 Mehra	GPS No.1 Mashoo Khel
2	H/ Abad	Javed Hussain	Agriculture Colony	GPS Agriculture Colony
	Mathra	Hidayat Ullah	GPS Haryan Garh	GPS Haryan Garh
	City	Muhammad Zaman	GPS Hazr Khawani 4	GPS Kas Mera
	Mathra	Khawas Khan	GPS Patwar Bala	GPS Patwar Bala
	City	Saeed Ahmad	Gmps Ashralla #2	GPS Bazid Khel No.3
	City	S. Amanullah Shah	GPS Kolla Feel Banan	GPS KOTLA FEEL BANAN
	H/Abad	Abdul Qayyum	Mullazai	GPS Mullazai
9	City	Yousaf Jan	GPS Sharif Abad	GPS No.1 Afghan Colony
10	City	Khali, Ur Rahman	GPS Salihlan	GPS Garhi Fazil
11	B/Ber	Islam Shah	GPS Sheikhan Bala	GPS SHEIKHAN BALA
12	D/Zai	Noor Muhammad	GPS Ziarat Korona	GPS Ziarat Korona
13	C/Pura	Sher Rehman	Gmps Gulozai	GPS Pakha Ghulam No.3
14	Canit	Bismillah Jan	GPS Khadra Khel	GPS Khadra Khel
15	Canit	Muhammad Ashraf	GPS Audit Colony Pesh.	GPS Sardar Garhi
16	C/Pura	Almas Khan	GPS No.1 Chamkani	GPS No.1 Chamkani
17	City	Fazal Manan	GPS Sarbiland Pura 1	GPS Mera Urmur Payan No.3
18	City	Rahat Ullah	Gmps Afghan Colony #3	GPS Mera Akka Khel Mathra
19	Canit	Nalik Muhammad	Gmps Shero Jangli	GPS Batian
20	City	Muhammad Saeed	GPS Akhoun Abad	GPS No.4 Chamkani
21	D/Zai	Kishwar Khan	GPS Muslim Abad (Ram Kishan)	GPS Jati Bala.3
22	C/Pura	Qamar Zaman	GPS Jogain	GPS Qadeem Killi
23	City	Muhammad Said	GPS Ganj Mandi	GPS Yakatoot
24	C/Pura	Sabir Ali Shah	GPS Wadpagga No.1	GPS Hargoni
25	Canit	Sadiq Ali	GPS Manakrao	GPS Kotla Mohsin Khan
26	Canit	Ali Rehman	Gmps Kochi Abad Nasir Abad	GPS Dehli Dher Badber No.2
27	City	Abdul Wakeel	GPS Shahi Ohand	GPS Esa Khel Hameed
28	Canit	Inayat Ullah	GPS Audit Colony Pesh.	GPS Saltar Shah

13

No	Name of Clerk	Teacher Name	From	Adjusted at
529	H/Abdul	M Zahidullah	GPS No. 1 Badshah Gul	GPS No. 1 Badshah Gul
530	H/Abdul	M Zahidullah	GPS No. 2 Regi. Lalma	GPS No. 2 Regi. Lalma
531	City	Hayat Muhammad	GPS Haidar Colony 1	GPS Haidar Colony 1
532	City	M Zahidullah	GPS Irifgion Colony	GPS Gara Taji

NOTE:

1. Necessary entry should be made in their service books.
2. Under taking should be obtained and pasted in their service books.
3. Charge report should be submitted to all concerned.
4. No TA / DA is allowed.

District Education Officer,
(Male) Peshawar.

Encls. No. 3570-4102/A/d (PSHT)

Dated Peshawar the 6th February, 2013

Forwarded for information to the:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Sub Divisional Education Officer (Male) Peshawar with the remarks to release the pay of above named teachers after verification of their academic and professional qualifications from concerned boards / agencies.
4. Officials concerned.

SUGIR

AT

Deputy District Education Officer,
(Male) Peshawar

M. Khan

PSHT Adjustment order (SAT)

F- (14)

IN THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 4449 of 2015



1. Aziz ur Rehman, PST (Retired), resident of Mohallah Sethi Abad, Street # 2, Yakatoot Gate, Peshawar.
2. Muhammad Ishaq, PST (Retired) son of Sher Ali, resident of Momin Town, Street # 5-A, Dalazak Road, Peshawar.
3. Iftikhar Khan, PST (Retired), resident of Mohallah Usman Khail, P.O. Mashtarzai Tehsil and District Peshawar

Petitioners

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education (E&S) Department, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department, Civil Secretariat, Peshawar.
3. Director of Education (E&S) Elementary and Secondary Education, Khyber Pakhtunkhwa G.T. Road, Peshawar.
4. District Education Officer (Male), G.T. Road, Peshawar...

Respondents

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

Respectfully Sheweth:

FACTS OF THE CASE.

1. That on 26.06.2012, Finance Department launched a scheme of upgradation to the different cadres of Teaching Staff of Elementary

FILED TODAY
Deputy Registrar
21 DEC 2015

EXAMINER
Peshawar High Court
30 SEP 2015

(Handwritten signature)

were in active service. The petitioners vigorously pursued the matter with the concerned authorities, and requested for their retrospective up-gradation/ promotion from the date when their colleagues were promoted, but no premium was put on their request and finally it was regretted on the pretext that they were retired from service before D.P.C, therefore, they cannot be promoted. (Annex: C&D).

5. That the petitioners were senior most incumbents of Education Department and the scheme of up-gradation was introduced before their retirement, therefore, they are entitled for the benefit of up-gradation/ promotion, as they fulfilled the requirements of promotion. The meeting of D.P.C was delayed by the department, therefore, the petitioners should not be punished for the faults and inaction of the departmental functionaries. Thus nothing existed in the way of the petitioners and it was usual apathy, negligence and bureaucratic red-tapism, which had deprived the petitioners of the fruits that they deserved.
6. That in case the petitioners have deprived of their benefit of up-gradation, they would sustain three fold losses:-
- (i) Loss of Pay,
 - (ii) Loss in Pension Plus Commutation; and,
 - (iii) Loss in increases which allowed in pension on each year.

Due to the failure of the department who could not convene the D.P.C in-time and as the petitioners are retired, their cases require to be

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Deputy Registrar

21 DEC 2015

M. James

ATTESTED

[Signature]

16

placed before the D.P.C, as they were in service when the Up-gradation Scheme was introduced.

In view of the aforesaid facts and circumstances of the case it is humbly prayed that since due to lethargic attitude of the respondents, petitioners were omitted from consideration, despite the fact that they were entitled and eligible for Up-gradation, therefore, the respondents may graciously be directed to consider the petitioners for retrospective Up-gradation on Proforma Basis from the date when their juniors/colleagues were Up-graded, *Setting aside order dated 28.10.2015 being illegal and void.*

Any other relief though not specifically asked for to which the petitioners are found entitled in the circumstances of the case may also be granted to the petitioners.

Aziz-ur-Rahman

Through:

Petitioners

(Shahzada Irfan Zia)
Advocate, Peshawar.

Dated: 21.12.2015.

CERTIFICATE:

Certified that as per instructions of my clients no such Writ Petition on behalf of the petitioners has earlier been filed in this Honourable Court on the subject matter.

(Signature)
Advocate.

BOOKS OF LAW:

1. Constitution of Islamic Republic of Pakistan, 1973.

FILED TODAY

Deputy Registrar

21 DEC 2015

Case law according to need.

(Signature)

CERTIFIED TO BE TRUE COPY

Examiner,
Peshawar High Court, Peshawar
Punjab and Federal Capital Territory of
Islamabad, Pakistan

30 SEP 2016

G-17

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
21.09.2016	<p><u>W.P.No.4444-P/2015</u></p> <p>Present: Shahzada Irfan Zia, Advocate for petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG for respondents alongwith Razwali Khan, DEO (M) Peshawar.</p> <p><u>NISAR HUSSAIN KHAN, J:-</u> Petitioner has filed instant petition for retrospective upgradation of his post on the basis of Notification No.SO (B&A) 1-18/E&SE/2008 dated 12.10.2012 and No.SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre dated 13.11.2013.</p> <p>2. Learned AAG alongwith Razwali Khan, DEO (M) appeared in person and submitted a copy of Notification No. SO (B&A)/1-18/E&SE/2012 dated 11.7.2012 and stated that they shall consider the petitioner for his post-retirement upgradation and shall finalize the matter within a period of two weeks. When learned counsel for petitioner was confronted with the same, he was satisfied and sought disposal of instant petition.</p> <p>3. In view of statement made at the bar by learned AAG and representative of the department, this petition stands disposed of with the direction to respondents to complete the process of upgradation as sought by the petitioner and conceded by respondents as soon as possible.</p> <p><i>Sh. Nisar Hussain Khan</i> JUDGE <i>Sh. Musabbat H. Chaudhary</i> JUDGE</p>

3931

01/10 21-09-16

24/09/16

(Shahid Ali)

10.00

30-09-16

30-09-16

30-09-16

30-09-16

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1962

30 SEP 2016

M. Jaffer



BETTER COPY-18

DISTRICT EDUCATION OFFICER,
(MALE) PESHAWAR

No. _____ /

Dated 7/10/2016

To,

The Sub Divisional Education Officer,
(Male), Peshawar.

Subject: **SUBMISSION OF WORKING PAPERS FOR DPC.**

Memo:

You are directed to submit working papers (in-triplicate) for promotion of the following (RTD) PST from BPS-12 to SPST BPS-14 and BPS-14 to PSHT BPS-15.

S. No.	Name of Retired Teachers	Name of School
1.	Mr. Aziz-Ur-Rehman PST (RTD)	GPS Zargar Abad, Peshawar
2.	Mr. Mohammad Ishaq,m PST (RTD)	GPS No.1 Civil Quarters, Peshawar
3.	Mr. Ifikhar Khan, (RTD)	GPS Mushtarzai, Peshawar

You are further directed to also submit the following documents within (03-days) for further necessary action.

1. S/Book.
2. ACR for the last five years.
3. Non-involvement certificate.
4. Synopsis.
5. Pay roll.
6. Bio Data.
7. Result for last (03-years).

(This is most urgent)

**Deputy District Education Officer,
(Male) Peshawar.**

Endst: No. 11786-90/

Copy forwarded.

H-18

DISTRICT EDUCATION OFFICER,
(MALE) PESHAWAR.

No. _____
Dated 7/10/2016.

Sub Divisional Education Officer,
(Male) Peshawar.

Subject: SUBMISSION OF WORKING PAPERS FOR DPC.

You are directed to submit working papers (In-triplicate) for promotion of the following (RTD) PST from BPS-12 to SPST BPS-14 and BPS-14 to PSHT BPS-15.

No.	Name of retired teacher	Name of School
1	M. Azam Rehman PST (RTD)	GPS Zargar Abad Peshawar
2	M. Muhammad Ishaq PST (RTD)	GPS No.1 Civil Quarters Peshawar
3	M. Khalid Khan PST (RTD)	GPS Mshtarzai Peshawar

You are further directed to also submit the following documents within (03-days) for further necessary action:

1. School
2. ACI for the last five years.
3. Non-involvement certificate
4. Copy of
5. Date
6. Result for last (03-years)

(This is most urgent)

sd/-
Deputy District Education Officer,
(Male) Peshawar.

Copy forwarded to the:-
1. Deputy Registrar (Judicial) Peshawar High Court Peshawar.
2. Deputy Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. M. Azam Rehman PST (RTD) C/O Head Master GPS Zargar Abad Peshawar.
4. M. Muhammad Ishaq PST (RTD) C/O GPS No.1 Civil Quarters Peshawar.
5. M. Khalid Khan PST (RTD) C/O GPS Mushtarzai Peshawar.

sd/-
Deputy District Education Officer,
(Male) Peshawar.

I - (19)

بخدمت جناب چیف جسٹس یحییٰ آفریدی صاحب
پشاور ہائی کورٹ پشاور

عنوان:- اپیل برائے اب گریڈیشن / پروموشن

جناب عالی!

مودبانہ گزارش ہے کہ ہم تین ساتھیوں نے اپ گریڈیشن کیلئے معزز عدالت کا دروازہ کھٹکھٹانے کیلئے سال 2015ء میں ایک رٹ پٹیشن (WP.4444/2015) دائر کی تھی۔ مورخہ 21/09/2016 کو ایڈیشنل ایڈووکیٹ جنرل کے ہمراہ ڈی ای او صاحب پشاور نے معزز جسٹس صاحبان کے روبرو کہا کہ میں دو ہفتوں میں ان کے مسئلے کو حل کرونگا۔ اس سلسلے میں ہم سے پروموشن کے لئے دستاویزات طلب کی گئیں جو ہم نے فراہم کیں مگر ڈی ای او صاحب نے آج تک ہمیں کوئی اطلاع نہیں دی صرف اتنا کہہ دیا کہ ہم نے متعلقہ جسٹس صاحب کو اطلاع دیدی ہے۔

لہذا استدعا کی جاتی ہے کہ آپ جناب ہمارے مسئلے کو ترجیحی بنیادوں پر حل کرنے کا حکم صادر فرما کر مشکور فرمائیں۔

تاریخ دعا گورہیں گے۔

مورخہ 14/04/2017

—————

ساتھ:-

1- عزیز الرحمن جی پی ایس زرگر آباد پشاور

2-

افتخار خان جی پی ایس شترز پشاور

3- محمد اسحاق جی پی ایس مول کوارٹر پشاور

(Signature)

DEPUTY REGISTRAR
Deputy Registrar

06 JUL 2017

WP2757P2017-CF

ATTESTED
DEPUTY REGISTRAR
Peshawar High

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR

NOTIFICATION

In compliance of order dated 13/09/2017 passed by the Honorable Peshawar High Court Peshawar in W.P No.2757-P/2017 and in pursuance of Govt. of KPK (E&SE) Department Peshawar Notification No.SO(B&A) 1-18/E&SE/2012, dated 11/07/2012, the competent authority is pleased to promote the following retired PST BPS-12 to BPS-14 as Senior Primary School Teacher in the school noted against their names with effect from 11/07/2012 in the interest of Public service.

S.No	Teacher Name	From
1	Abiz ur Rehman, Rtd:PST	GPS Zargar Abad Peshawar
2	Irlikhar Khan, Rtd:PST	GPS Mushtarzal Peshawar
3	Muhammad Ishaq, Rtd:PST	GPS Civil Quarter Peshawar

Note:

1. SDEOs(Male) Town Concerned will verify promotion order at their own level.
2. Necessary entry should be made in their service books.
3. They should give an undertaking to the effect that if any over payment is made to them as a result of incorrect award of BPS-14, the same would be recovered from their pay, pension and gratuity etc.

(JADDI KHAN KHALIL)
District Education Officer
(Male) Peshawar

Endst No: 6637-412

Dated 27/9/2017

Copy of the above is forwarded to the:

1. Deputy Registrar (Judicial) Peshawar High Court Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. SDEO (M) Town Concerned.
5. ASDEO (M) Circle Concerned.
6. Official Concerned.


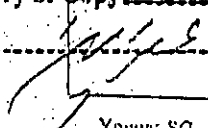
Dy: District Education Officer
(Male) Peshawar

K-21



PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
28.09.2017	W.P No. 2757-P of 2017
	Present: Petitioner No.1 in person.
	M/S. Mujahid Ali Khan and Rab Nawaz Khan, AAGs, for the respondents.

	<p><u>QAISER RASHID KHAN, J.:-</u> The latter produced copy of the notification bearing Endst: No. 6637-42 dated 27.09.2017 (placed on file) whereby the petitioners have been promoted to BPS-14 with effect from 11.07.2012. Since the grievance of the petitioners has been redressed, therefore, this petition is disposed of accordingly.</p>
	
	<p>JUDGE</p>
	<p>or - <i>Comes</i></p>
	<p>IDENTIFIED TO BE TRUE COPY</p>
No.	27203
Date of Presentation of Application	22/2/2021
No of Pages	3
Copying fee	100
Total	100
Date of Preparation of Copy	22/2/2021
Date of Delivery of Copy	22/2/2021
Received By:	

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Peshawar High Court, Peshawar
Authorized by Art. 67 of
the Constitution of Pakistan
022 FEB 2021

بمضور جناب ڈائریکٹر صاحب ایلیمنٹری ایجوکیشن خیبر پختونخوا پشاور

عنوان: محکمہ کارروائی برائے ترقی از آسامی (SPST (BPS-14) و PSHT (BPS-15)

جناب عالی:

مودبانہ گزارش ہے کہ من سائل محکمہ تعلیم میں بطور PST تعینات تھا جو کہ مورخہ 26/06/2012 کو محکمہ فنانس نے تمام کیڈر کے اساتذہ کو اب گریڈ کر کے نوٹیفیکیشن جاری کرتے ہوئے پی ایس ٹی کو بی پی ایس کو BPS-07 سے BPS-12 میں اپ گریڈ کر دیا گیا۔

جناب والا: ہم تین اساتذہ تین ماہ، دو ماہ اور چھ ماہ تک ملازمت میں رہیں۔ مگر اس عرصہ میں ڈی پی سی کا انعقاد نہیں ہوا اور ہم تینوں اساتذہ ریٹائرڈ ہو گئے۔ ڈی پی سی کے انعقاد پر ہمارے نام سناری لیٹ میں سے نکال دیے گئے۔ حالانکہ ہمارے نام سناری لیٹ میں سیریل نمبر 14, 42, 50 پر درج تھے۔ اس مقصد کے لیے ہم نے ڈائریکٹر ایلیمنٹری ایجوکیشن کی خدمت میں اپیل کر دی جو کہ انہوں نے مسترد کیا۔ مجبوراً ہم نے پشاور ہائی کورٹ پشاور کا دروازہ کھٹکھٹایا اور 21 دسمبر 2015 کو رٹ پیشی دائر کی دو تین پیشوں کے بعد ڈی ای او صاحب رازولی خان کی A.A.G کے ہمراہ پیش ہوئے معزز جسٹس صاحبان نے ڈی ای او سے سوال کیا کہ اگر آپ لوگ ڈی پی سی کا بروقت انعقاد کر لیتے تو ان اساتذہ کو یہ پروموشن مل جاتی تو ڈی ای او صاحب نے اعتراض کیا کہ جی انہوں نے وزیر محکمہ تعلیم کی نوٹیفیکیشن کی کاپی عدالت کو فراہم کر دی اور بتایا کہ ان کے کیس کو دو ہفتوں میں Considered کر دیئے۔ طویل انتظار کے بعد ڈی پی ای او صاحب نے عدالت عالیہ کو اطلاع دی اور نہ ہی ہمیں۔ تو ہم نے مجبوراً ہیومن رائٹس سین پشاور ہائی کورٹ کی وساطت سے ایک اپیل دائر کی۔ ان کی طرف سے محکمہ کو کئی خطوط لکھے گئے مگر کوئی جواب نہیں ملا۔ اس طرح ہمارے اپیل کو رٹ پیشی میں تبدیل کر دیا گیا اور مورخہ 17/09/2017 کی تاریخ مقرر کر دی پیشی پر ڈی ای او صاحب بمعہ ماجد علی خان اور رب نواز خان A.A.Gs پیش ہوئے۔ معزز جسٹس صاحبان نے ڈی ای او صاحب سے وہی کہا تھا اس پر انہوں نے اگلی پیشی پر ہماری پروموشن کا نوٹیفیکیشن پیش کیا جس میں ہمیں 15 کے بجائے 14 دیا گیا۔ جب ہم نے دفتر میں سپرنٹنڈنٹ رحیم بخش سے بات کی تو اس نے بتایا کہ ایک پروموشن لینے کے بعد دوسرے پروموشن کے لیے ایک سال کا پروموشن پیریڈر کار ہوتا ہے۔ مگر جب ہمیں پینہ چلا کہ جن اساتذہ کو گریڈ 14 اور 15 دیا گیا ہے تو دونوں آرڈرز میں صرف 12 دن کا فرق ہے تو دیگر اساتذہ کے پروموشن آرڈرز کو مد نظر رکھ کر ہمارا بھی حق بنتا ہے کہ ہمیں بی پی ایس 15 میں اسی تاریخ سے پروموشن دی جائے جس تاریخ سے دیگر اساتذہ یعنی ہمارے جو سیریز کو پروموشن دیا گیا ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا پروموشن برائے آسامی بی پی ایس 15 بمعہ گزشتہ تمام مراعات دینے کے احکامات صادر فرما کر مشکور فرمائیں۔

عین نوازش ہوگی

مورخہ: 13/12/2021

M. J. Rehman

عزیز الرحمن (سابقہ PST) جی پی ایس زرگر آباد پشاور

VAKALATNAMA

BEFORE THE Khyber Pakhtunkhwa Service
Tribunal, Peshawar

OF 2022

Aziz-ur-Rehman (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Educational Deptt: (RESPONDENT)
(DEFENDANT)

I/We Aziz-ur-Rehman

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2022

Aziz-ur-Rehman
CLIENT

Mir Zaman Safi
ACCEPTED
MIR ZAMAN SAFI
&

ABDULLAH KHAN KHATTAK
ADVOCATES

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0323-9295295
0317-9743003

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. *EP No. 237* of 2022

Phalid Nigaz

Appellant/Petitioner

Versus

DPO B...

RESPONDENT(S)

Respondent (3)

IGP KPK Peshawar

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *26/07/2022* at *9:30 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Impl-ment-ation Report
19/07

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. 8B

No.

Appeal No. 464 of 20 22Aziz - ul - Rehman Appellant/Petitioner

Versus

The Govt. of KPK vs ERSE RespondentRespondent No. 3

Notice to: —

The Director (ERSE) Deptt: KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 3rd

Day of June 20 22

for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

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ASIS - M. Johnson

the name of the ... E.C.E. R

January 1971

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for the ...

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. SB

No.

Appeal No. 564 of 2022
A 212 vs Retman Appellant/Petitioner
 Versus
The Govt. of KPN Secy. ERSE Respondent
 Respondent No. 4

Notice to: — the Distt. Education Officer (M)
Distt. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

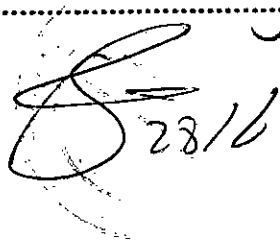
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 3th

Day of..... June.....20
22

for Reply 

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. 8.B

No.

Appeal No. 464 of 20 22

Aziz-ur-Rehman Appellant/Petitioner

Versus

The Govt. of KPK Secy: ERSE Respondent

Respondent No. 1

Notice to: —

The Govt. of KPK through Secretary (ERSE)
Deptt. Peshawar. 9/7/22

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 3th

Day of June 20 22

for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 464 of 20 22
A212-UR-Rehman Appellant/Petitioner

The Govt. of KPK Secy: F&SE Respondent

Respondent No. 2

The Secretary Finance Dept: KPK
Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 3th

Day of June 20 22

for Reply

Secy: Finance KPK
Dairy No. 27-6
Date.....

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.