

18.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.


Written reply/comments on behalf of respondents not submitted. Notice be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 24.06.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

24<sup>th</sup> June, 2022

Counsel for the petitioner present. Nobody is present on behalf of the respondents. Law officer is also absent.

Written reply/comments have not been submitted. Respondents are directed to file written reply/comments failing which their right for submission of written reply shall be deemed as struck off by virtue of this order. To come up for written reply/comments on 02.08.2022 before S.B.

  
(Kalim Arshad Khan)  
Chairman

**SCANNED**  
**KPST**  
**Peshawar**

03.08.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments have not been submitted by the respondents. Learned AAG is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 16.12.2021 before the D.B.

*stipulated period  
passed reply has  
not submitted*

  
Chairman

P.S

16.08.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

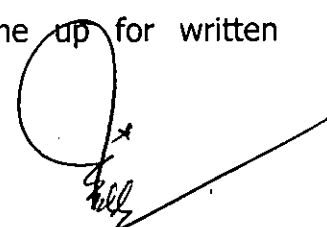
*J*

  
Chairman

16.12.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments on the next date. Adjourned but as a last chance. To come up for written reply/comments on 02.03.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER (E)


2-3-2022

*Due to retirement of the Honorable  
Chairman the case is adjourned to come up  
for the same as before on 18-5-2022  
FM  
Reader!*

22.12.2020

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 15.03.2021 before S.B.

  
Appellant Deposited  
Security & Process Fee

  
(Rozina Rehman)  
Member (J)


15.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 24.05.2021 before S.B.

  
Reader

24.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.

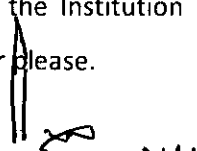



  
Reader

Form- A

FORM OF ORDER SHEET

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

Case No.- 9997 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/08/2020	<p>The appeal of Mr. Salah-ud-Din presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/10/2020</u></p> <p> CHAIRMAN</p>
	08.10.2020	<p>Counsel for the appellant present.</p> <p>Requests for adjournment due to his engagement in many other cases before the Tribunal today. Adjourned to 22.12.2020 before S.B.</p> <p> Chairman</p> <p></p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**

APPEAL NO. 9997 /2020

**SALAH UD DIN**

**VS**

**EDUCATION DEPTT:**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1	Memo of appeal	.....	1- 3.
2	Promotion order	<b>A</b>	4- 5.
3	Impugned order	<b>B</b>	6.
4	Memo of writ petition	<b>C</b>	7- 11.
5	Judgment	<b>D</b>	12- 13.
6	Promotion order	<b>E</b>	14.
7	Promotion order dated 15.10.2019	<b>F</b>	15.
8	COC petition & Judgment	<b>G &amp; H</b>	16- 19.
9	Departmental appeal	<b>I</b>	20.
10	Vakalat nama	.....	21.

**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO. \_\_\_\_\_/2016**

Mr. Salah Ud Din, PSHT (BPS-15),  
GPS Chattar, District Kohat.

..... **APPELLANT**

**VERSUS**

- 1- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
- 3- The Director Education merged area, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Account Officer, District Kohat.
- 5- The District Education Officer, District Kohat.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 03/07/2017 WHEREBY THE APPELLANT WAS DEMOTED / DOWNGRADED FROM SPST (BPS-14) TO THE POST OF PST (BPS-12) AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTEY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 03/07/2017 may very kindly be set aside and the order dated 05/05/2014 regarding promotion of the appellant from the post of PST (BPS-12) to the post of SPST (BPS-14) may kindly be restored with all back benefits including seniority. Any other relief deem fit in the circumstances of the case may also be granted in favor of appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise on the present appeal are as under:**

- 1- That appellant is serving the respondents department as primary school head teacher and right from appointment till date performing his duty quite efficiently and up to the entire satisfaction of his superiors.

- 2- That initially the appellant was appointed as primary school teacher (PST) and was later on promoted to the post of Senior Primary School Teacher vide order dated 05/05/2014. Copy of promotion order is attached as annexure..... **A.**
- 3- That it is pertinent to mention here that later on the respondents issued the impugned order dated 03/07/2017 whereby the appellant along with others were demoted/ downgraded from BPS-14 to BPS-12 w.e.f the date of promotion i.e 05/05/2014 without any solid reasons. Copy of the impugned order is attached as annexure ..... **B.**
- 4- That feeling aggrieved from the impugned order dated 03/07/2017 the appellant filed departmental appeal which was followed by writ petition 4562-p/2017. That the aforementioned writ petition was remitted to the respondents by the august Peshawar high court with the direction to respondents to reconsider the petitioner in light of notification dated 11/07/2012 vide judgment dated 12/06/2019. Copies of memo of writ petition and judgment dated 12/06/2019 are attached as annexure ..... **C & D.**
- 5- That it is pertinent to mention here that during pendency of the above mentioned writ petition the respondents issued promotion order dated 20/02/2018 whereby other colleagues of the appellant were promoted to the post of SPST (BPS-14) with immediate effect while the appellant has been promoted against the post of SPST (BPS-14) vide order dated 15.10.2019 with immediate effect and not from 05.05.2014. Copy of promotion order dated 15/10/2019 are attached as annexure ..... **E.**
- 6- That the respondents were not ready to implement the judgment of honorable Peshawar high court therefore the appellant along with other colleagues filed COC petition no. 778-p/2019 but during pendency of COC petition the respondents issued promotion order dated 16/10/2019 whereby the appellant was promoted to BPS-15 with immediate effect. That when COC petition was called for hearing on 26/02/2020 the honorable court disposed of the same by observing that the COC petition has served its purpose, however if petitioner are still aggrieved, they may approach proper forum. Copies of promotion order dated 16/10/2019, COC petition, and judgment dated 26/02/2020 are attached as annexure ..... **F, G & H.**
- 7- That feeling aggrieved from impugned order dated 03/07/2017 the appellant preferred Departmental appeal before the appellate authority after the judgment dated 26.02.2020 but no reply has been received so far. Hence the appellant filed the instant appeal on following grounds inter

alia. Copy of departmental appeal is attached as annexure ..... I.

**GROUND:**

- A- That the impugned order dated 03/07/2017 is against the law, facts, norms of natural justice and materials on the record hence not tenable in the eye of law and liable to be set aside.
- B- That the 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 respondents acted in arbitrary and malafide manner by issuing the impugned order whereby the appellant was demoted from BPS-14 to BPS-12 w.e.f 05/05/2014.
- D- That the appellant has been discriminated on the subject noted above and as such the respondents violated the principle of natural justice.
- E- That the appellant was promoted to the post of SPS (BPS-14) on the basis seniority cum fitness and as such the order of demotion is not accordance with law and rules.
- F- That no show cause nor chance of personal hearing has been provided to the appellant before issuance of the impugned order dated 3.7.2017.
- 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.

**APPELLANT**

  
**SALAH UD DIN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**

**&**

  
**MIR ZAMAN SAFI**  
**ADVOCATES**



Ameed C

A-9

NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee in pursuance of the Government, Khyber Pakhtunkhwa, Elementary & Secondary Education Notification No. (B&A)/1-18/E & SE/ 2012 dated 11/7/2012 and Director Education FATA Peshawar Endst. No. 20551-70 dated 25/11/2013, the following Male PSTs are hereby promoted to the post of Primary School Senior Teacher (PSST) BPS-4, Rs. (8000-610-26300) plus usual allowances admissible under the rules on regular basis under the existing policy of FATA on terms and conditions given below with immediate effect and further they will be posted in the Schools noted against their names:

S.No	Name	Name of School	Name of School Where adjusted
1.	Umar Aziz	GPS Asif Khel FR Kohat.	GMS Guzlarra FR KT.
2. ✓	Sarfraz Kharman	GES Mazid Khel FR Kohat.	GPS Sheraki No.2 FR KT.
3. ✓	Sahab-ud-Din	GPS Sheraki FR Kohat.	GHS Bostu Khel FR KT.
4.	Akbar Ayub	GHS Paya FR Kohat.	GPS Sultan Khel FR KT.
5.	Imam Ahmad	GMS Ibrahim Khel FR Kohat.	GHS Sheendband FR KT.
6.	Abdul Ghani	GMS Ghulam Khel FR Kohat.	Already Occupied.

TERMS & CONDITIONS:

1. They will be on probation for period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may issue from time to time by the Government.
3. Their Services can be terminated at any time. In case his performance is found unsatisfactory during probation period. In case of misconduct he will be proceeded under the rules framed time to time.
4. Charge Report should be submitted to all concerned.
5. Their Inter-se-Seniority on lower post will remain intact.
6. No T.A/D.A is allowed for joining his duty.
7. They will give an undertaking to be recorded in their service book to effect that if any over payment has made to them in light of this order will be recovered and if they are wrongly promoted he will be reversed.
8. No Payment will be made unless all the documents are verified from respective Boards/ Universities.

Agency Education Officer  
F.R Kohat

Endst. No. PSG-62 Dated 5/5/2014

Copy to:

1. Secretary Social Sectors Department FATA Secretariat Peshawar.
2. Director Education (FATA) Peshawar.
3. District Accounts Officer Kohat.
4. Principal/ Headmaster concerned.
5. Office Record.

Agency Education Officer  
F.R Kohat

ATTESTED

Handwritten signature/initials

صلاح الدين وسيف الرحمان في بي بي بار BPS 14  
5-5-14

Better Copy

OFFICE OF THE AGENCY EDUCATION

OFFICER

F.R Kohat

Gate No.2 K.D.A Kohat

Phone# 0922-9260321, Fax# 0922-9260321

**NOTIFICATION:-**

Consequent upon the recommendation of the Departmental Promotion Committee in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. (B&A)/1-18/E & SE/2012 dated 1.07.2012 and Director Education FATA Peshawar Endst No.20551-70 dated 25.11.2013. The following Male PSTs are hereby promoted to the post of Primary School Senior Teacher (PSST) BPS-14 Rs. (8000-610-26300) plus usual allowances admissible under the rules on regular basis under the existing policy of FATA on terms and conditions given below with immediate effect and further they will be posted in the Schools noted against their names.

S.No	Name	Name of School	Name of School Where adjusted
1.	Umar Baz ✓	GPS Asif Khel FR Kohat	GMS Guzdarar FR Kohat
2. ✓	Saif-Ur-Rehman	GPS Mazid Khel FR Kohat	GPS Sheraki No.2 FR Kohat
3. ✓	Salah-Ud-Din ?	GHS Sheraki FR Kohat	GHS Bosti Khel FR Kohat
4.	Akhtar Ayub ✓	GHS Paya FR Kohat	GPS Sultan Khel FR Kohat
5.	Israr Ahmad ✓	GMS Samandi Mela FR Kohat	GHS Sheendhand FR Kohat
6.	Zafar Ullah ✓	GMS Samandi Mela FR Kohat	Already Occupied

**TERMS AND CONDITIONS:-**

1. They will be on probation for period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may issue from time to time by the Government.
3. Their services can be terminated at any time. In case his performance as found unsatisfactory during probation period. In case of misconduct he will be preceded under the rules framed time to time.
4. Charge Report should be submitted to all concerned.
5. Their inter-se-Seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an undertaking to be recorded in their service book to effect that if any over payment has made to them in light of this order will be recovered and if they are wrongly promoted he will be reversed.
8. No payment will be made unless all the documents are verified from respective Boards/ Universities.

Agency Education Officer

F.R. Kohat

Endst: No.856-60/ Dated 05.05.2014.

Copy to the:-

1. Secretary Social Sectors Department FATA Secretariat Peshawar.
2. Director Education (FATA) Peshawar.
3. District Accounts Officer Kohat.
4. Principle/Headmaster Concerned.
5. Office Record.

Agency Education Officer

F.R. Kohat

ATTESTED



OFFICE OF THE AGENCY EDUCATION OFFICER  
F.R. KOHAT.  
Gate No.2 K.D.A Kohat.  
Phone & Fax No. 0922-9260321.

B-6

Letter No: 16 Dated: 03/17/2017.

DEGRADATION TO LOWER POST.

Consequent upon the modification/minimized ratio of scale BPS-14 by the High ups the following PTC teachers in R/O F.R Kohat are hereby degraded from BPS-14 to BPS-12 are hereby ordered in the best interest of public service w.e.f their date of up-gradation to BPS-14.

NOTE:-

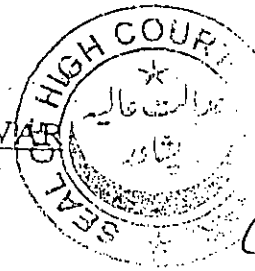
The over payment of pay & allowances will be deducted from their monthly pay according to installment accordingly.

S.No	Name	Designation	Name of Schools	Remarks
1.	Arif Noor	PTC	GPS Habib Ullah Kalli F.R KT.	Degraded
2.	Rehman Gul	PTC	GPS Akhurwal F.R Kohat.	Lower post BPS-12
3.	Shah Muhd:	PTC	GPS Sini Khel F.R Kohat.	-do-
4.	Zahid Ullah	PTC	GPS Gadia Khel F.R Kohat.	-do-
5.	<del>Nur</del> Nawaz	PTC	GPS Zorh Kalli F.R Kohat.	-do-
6.	Hikmat Khan	PTC	GPS Kohiwal F.R Kohat.	-do-
7.	Umer Baz	PTC	GMS Guz Darra F.R Kohat.	-do-
8.	Saif-ur-Rehman	PTC	GPS Sheraki No.2 F.R Kohat.	-do-
9.	Salah-ud-Din	PTC	GPS Bosti Khel F.R Kohat.	-do-
10.	Akhter Ayub	PTC	GPS Sultan Khel F.R Kohat.	-do-
11.	Israr Ahmed	PTC	GPS Sheendhand F.R Kohat.	-do-
12.	Zafar Ullah	PTC	GMS Samandi Mela F.R KT.	-do-

*Mae*  
Agency Education Officer  
F.R Kohat.

ACCEPTED  
*[Signature]*

IN THE PESHAWAR HIGH COURT PESHAWAR



Writ Petition No. 4562/P of 2017

- ✓ 1. Noor Nawaz, PST GPS Zor Killey  
Darra Adam Khel, F.R. Kohat. *T.S.d Distt Kohat*
- ✓ 2. Salah ud Din, PST GHS Turkey Ismail  
Khel (Primary Section) Darra Adam Khel  
F.R. Kohat.
- ✓ 3. Muhammad Saif Ur Rehman, PST  
GPS Sheraki No.2, Darra Adam Khel  
F.R. Kohat.
4. Umar Baz, PST GPS Guz Darra Jawaki  
Darra Adam Khel, F.R. Kohat.
- ✓ 5. Shah Muhammad, PST GHS Sunni Khel  
(Primary Section) Darra Adam Khel  
F.R. Kohat.
- ✓ 6. Zahid Ullah, PST GPS Bolaki Khel  
Darra Adam Khel, F.R. Kohat.
7. Zaffar Ullah, PST GMS Samandi Mela  
Bosti Khel, Darra Adam Khel F.R. Kohat.
8. Rehman Gul, PST GPS Akhorwal  
Darra Adam Khel, F.R. Kohat.
9. Akhtar Ayub, PST GPS Sultan Khel Jammu  
Jawaki Darra Adam Khel, F.R. Kohat.
10. Arif Noor, PST GPS Habib Ullah Killey  
Jawaki Darra Adam Khel, F.R. Kohat.
11. Israr Ahmad, PST GPS Shin Dhand  
Jawaki Darra Adam Khel F.R. Kohat.
- ✓ 12. Hikmat Khan, PST GHS (Primary Section) ✓  
Shpalkiwal Darra Adam Khel F.R. Kohat...

ATTESTED

*[Signature]*

ATTESTED

*[Signature]*  
EXAMINER

... Petitioners

VERSUS

1. Government of Khyber Pakhtunkhwa  
through Additional Chief Secretary FATA  
FATA Secretariat, Warsak Road, Peshawar.

FILED TODAY  
*[Signature]*  
Deputy Registrar  
10 NOV 2017

2. Director Education FATA,  
FATA Secretariat, Warsak Road,  
Peshawar.

3. Agency Education Officer  
F.R. Kohat, Gate No.2, KDA,  
Kohat...

Respondents

---

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


---

Respectfully Sheweth:

1. That the petitioners are the employees of the Education Department having their residences at F.R. Kohat.
2. That the petitioners are performing their teaching duties in different Schools of F.R. Kohat.
3. That a Notification with regard to the Upgradation of School Teachers was issued on 11.07.2012, whereby all the Senior PST Teachers were upgraded from BPS-12 to BPS-14. (Copy of the Notification dated 11.07.2012 is attached as annexure 'A').
4. That as a result of the said Notification Circulars were issued with regard to the petitioners, whereby all the petitioners were upgraded from BPS-12 to BPS-14. (Copies of the said Circulars dated 22.04.2014 and 05.05.2014 are attached herewith as annexures 'B' and 'C').

ATTESTED  
  
EXAMINER

FILED TODAY  
by  
Deputy Registrar  
10 NOV 2017

ATTESTED  


3

(9)

That after serving the respondent department for more than 3 years to the astonishment of the petitioners another circular dated 03.07.2017 was issued by respondent No.3, whereby it was revealed upon the petitioners that the following PTC Teachers in F.R. Kohat are hereby degraded from BPS-14 to BPS-12 in the best interest of the public service with effect from the date of their upgradation to BPS-14. Furthermore it was mentioned in the circular that the over payments of the pay and allowances will be deducted from their salary according to installments accordingly. (Copy of the said Circular dated 03.07.2017 is attached herewith as annexure 'D').

6. That the petitioners then submitted their representations before the concerned authority, however, no heed whatsoever was paid to the requests of the petitioners. (Copies of the Representation of the petitioners are attached as annexure 'E' ~~to the~~ ).

7. That there being no other adequate/efficacious remedy the petitioners now approach this Honourable Court on the following grounds amongst the others:-

GROUND:

a. That the notification with regard to the degradation of the petitioners is illegal, unlawful, without authority/jurisdiction and being based on the malafide intentions of the respondent department is liable to be set aside.

ATTESTED

  
EXAMINER

FILED TODAY

Deputy Registrar

10 NOV 2017

ATTESTED

b. That the petitioners have legally been upgraded after issuance of a notification by the respondent department, however, after serving the said department for more than 3 years they were degraded to their BPS-12 from BPS-14 without mentioning any cogent/legal reasons.

c. That once the petitioners have been upgraded alongwith their colleagues through out the Province the said benefit could not be withdrawn from the petitioners as all the teachers equivalent to the petitioners are enjoying the same benefit which has been withdrawn from the petitioners.

d. That doing such act without any notice or without mentioning any cogent reasons is an act which cannot be justified through any legal way.

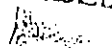
e. That withdrawing of the paid salaries from the petitioners has become a fine on the petitioners without any fault at the part of the petitioners.

f. That this act of the respondents is without any legal base and is illegal and unconstitutional in the eyes of law.

It is, therefore, most humbly prayed that on acceptance of this writ petition the impugned Notification dated 03.07.2017 may please be set aside and the petitioners may please be re-instated/upgraded to their posts in BPS-14 and it is further prayed that the respondents may please be directed not to withdraw any amount paid to the petitioners in salaries and allowances.

TESTED  
  
 EXAMINER

ATTESTED  


FILED TODAY  


9      11

Any other relief deemed fit and proper under the circumstances which has not been asked for may also please be granted to the petitioners very graciously.

PRAYER FOR INTERIM RELIEF.

It is further prayed that operation of the impugned Notification dated 03.07.2017 may please be suspended and the respondents may very graciously be restrained from recovering any amount paid to the petitioners in the shape of salaries and allowances, till final disposal of the writ petition.

Petitioners

Through:

*Gul Nabi Khan*  
(Ghulam Nabi Khan)  
Advocate,  
Supreme Court of Pakistan  
B-17, Haroon Mansion  
Khyber Bazar, Peshawar  
Cell # 0300-5845943

And

*Mian Tajammal Shah*  
(Mian Tajammal Shah)  
Barrister, Peshawar.

Dated: 9.11.2017

CERTIFICATE:

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

BOOKS OF LAW:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case law according to need.

ATTESTED

*[Signature]*  
EXAMINER

FILED TODAY  
Deputy Registrar  
10 NOV 2017

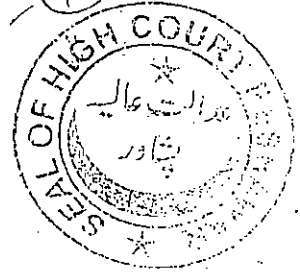
ATTESTED  
*[Signature]*



1

D-12

PESHAWAR HIGH COURT, PESHAWAR  
FORM "A"  
FORM OF ORDER SHEET.

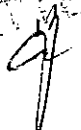


Court of .....

Case No. ....

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	12.6.2019.	<p><u>WP No. 4562-P/2017.</u></p> <p><u>Present:-</u></p> <p style="text-align: right;">Mr. Ghulam Nabi Khan Advocate, for the petitioners.</p> <p style="text-align: right;">Mr. Muhammad Riaz Khan AAG, for Provincial Government.</p> <p style="text-align: center;">=====</p> <p><u>IKRAMULLAH KHAN, J:-</u> Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, petitioners have prayed for the following relief:-</p> <p style="text-align: right;"><i>"That on acceptance of this writ petition the impugned dated 3.7.2017 may please be set aside and the petitioners may please be re-instated/ upgraded to their posts in BPS-14 and it is further prayed that the respondents may please be directed not to withdraw any amount paid to the petitioners in salaries and allowances."</i></p> <p>2. In essence, petitioners were upgraded</p>

ATTESTED  
  
EXAMINER

ATTESTED  


13

from BPS-12 to BPS-14 vide notification dated 11.7.2012 however, they were degraded lateron by respondents vide circular dated 3.7.2017. The petitioners made representation before the concerned authority but no heed was paid to their requests, hence the instant writ petition.

3. Without discussing the merits of the case, this case is sent to the respondents with direction to reconsider the petitioners in light of notification dated 11.7.2012.

Announced.  
12.6.2019.

*[Signature]*  
JUDGE

*[Signature]*  
JUDGE

No. 23128

Date of Presentation of Application 15/6/19

No of Pages 09 - P

Copying fee 1

Total RS 36/-

Date of Preparation of Copy 15/6/19

Date of Delivery of copy 15/6/19

Received By [Signature]

CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Under Article 87 of  
The Constitution of Pakistan

15 JUN 2019

"A. Qayum PA"

(DB)

*[Signature]*  
Hon'ble Mr. Justice Ikramullah Khan & Hon'ble Justice Ms. Musarrat Ihsan

ATTESTED  
*[Signature]*

5/10/19 14 BPS 13/13/13

E - 14

No. 1857-63 Dated: 15/11/2019.  
**OFFICE OF THE EDUCATION OFFICER**  
 Local Sub-Division Darya Kohat  
 Gate No. 02 K.D.A Kohat Phone & Fax No. 9922-9260721

**K P S E D**

**NOTIFICATION**

Consequent upon the recommendation of the Departmental promotion committee in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education No. 18 F&SI dated 11-07-2012 and Director of Education I.A.V. Peshawar No. 551-70 dated 25-11-2013. The following Male PST are hereby promoted to the post of SPST on regular basis under the rules of 502801 plus usual allowances admissible under the rules on regular basis under the policy of I.A.V. on terms and conditions given below with immediate effect in furtherance of the schools noted against their names.

S.No	Name & Desig	Name of School	Promoted to the Post	Name of school where adjusted
✓ 1.	Salah-Ud-Din PST	GPS T.I KPEI	SPST	GPS Chatar APP
2.	Israr Ahmad PST	GPS Sha Dhand	SPST	Already occupied
✓ 3.	Zafullah PST	GPS Sandi Mela	SPST	GPS Mase Khan AV

**TERMS & CONDITIONS:**

01. He will be on probation for period of one year extendable for another one year.
02. He will be governed by such rules and regulations as may issue from time to time by the government.
03. His services can be terminated at any time. In case his performance is found unsatisfactory during probation period. In case of misconduct he will be proceeded under the rules framed time to time.
04. Charge Report should be submitted to all concerned.
05. His inter-se-seniority on lower post will remain intact.
06. No T.A/D.A is allowed for joining his duty.
07. He will give an undertaking to be recorded in his service book to effect that if any over payment has made to his in light of this order will be recovered and if he is wrongly promoted he will be reversed.

*M. d. d.*  
 Education Officer  
 TSD Darya Kohat

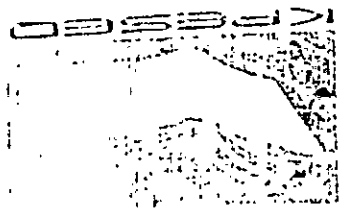
CC

Copy to the:

01. Secretary Social Sectors Department I.A. Secretariat Peshawar.
02. Director Education NMD Peshawar.
03. Assistant commissioner TSD Darya Kohat.
04. District Account Officer Kohat.
05. Principal/Head Master concerned.
06. ADEO (Istab) TSD Darya Kohat.
07. Office Record.

Education Officer  
 TSD Darya Kohat

16/12/19 15:20:15 BRS & G/2017/252



No. 1958-61  
 Date: 16/12/2019  
**OFFICE OF THE EDUCATION OFFICER**  
 Tribal Sub Division Darya Kohat  
 Phone No. 027KD, Darya Kohat Phone & F. No. 0922-9260321.

**NOTIFICATION**

Consequent upon the recommendation of the Departmental promotion committee in pursuance of the Government Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. (B&A)/A 187/GS/2012 dated 11-07-2012 and Director of Education FATA, Peshawar Order No. 20551-70 dated 25-11-2013. The following Male SPS1 are hereby promoted to the post of PSHT PPS-15 Rs.416120 plus usual allowances admissible under the rules on regular basis under the existing policy of FATA on terms and conditions given below with immediate effect and further the will be posted in the schools noted against their names.

S.No	Name & Design	Name of School	Promoted to the Post	Already occupied	Name of school where adjusted
1.	Salimuddin SPS1	GPS Charar	PSHT	Already occupied	
2.	Asrar Ahmad SPS1	GPS Shin Dhand	PSHT	Already occupied	
3.	Zamir SPS1	GPS Misa Khan	PSHT	Already occupied	

**TERMS & CONDITIONS:**

8. He will be on probation for period of one year extendable for another one year.
9. He will be governed by such rules and regulations as may issue from time to time by government.
10. His services can be terminated at any time. In case his performance is found unsatisfactory during probation period. In case of misconduct he will be proceeded under the rules framed time to time.
11. Charge Report should be submitted to all concerned.
12. His inter-se-seniority on lower post will remain intact.
13. No T.M.D.A is allowed for joining his duty.
14. He will give an undertaking to be recorded in his service book to effect that if any over payment has made to him in light of this order will be recovered and if he is wrongly-promoted he will reversed.

**Education Officer**  
 TSD Darya Kohat

Copy to the:  
 8. Secretary Social Sectors Department FATA Secretariat Peshawar.  
 9. Director Education NMD Peshawar.  
 10. Assistant Commissioner TSD Darya Kohat  
 11. District Account Officer Kohat.  
 12. Principal/Head Master Concerned.  
 13. ADEO (Esab) TSD Darya Kohat  
 14. Office Record.

**ATTESTED**

**Education Officer**  
 TSD Darya Kohat

G- (16)

BEFORE THE HONOURABLE PESHAWAR HIGH COURT  
PESHAWAR



C.O.C No. 778P /2019

In

W.P.No.4562-P/2017

1. Zahid Ullah, GPS Gudia Khel, Tribal Sub-Division, Dara, Kohat.
2. Noor Nawaz, GPS Zorh Kalay, Dara Adam Khel, Tribal Sub-Division, Dara, Kohat.
3. Salah ud Din, GPS Tarki Ismail Khel, Jawaki, Tribal Sub-Division, Dara, Kohat.
4. Muhammad Saif ur Rehman, GPS Sheraki No.2, Tribal Sub-Division, Dara, Kohat.
5. Umar Baz, GPS Behram Khel, Jawaki, Tribal Sub-Division, Dara, Kohat.
6. Shah Muhammad, GPS Sani Khel, Tribal Sub-Division, Dara, Kohat.
7. Zafar Ullah, GPS Samandi Mela, Tribal Sub-Division, Dara, Kohat.
8. Rehman Gul, GPS Akhorwal, Tribal Sub-Division, Dara, Kohat.
9. Akhtar Ayub, GPS Paya Jawaki, Tribal Sub-Division, Dara, Kohat.
10. Arif Noor, GPS Sorak, Tribal Sub-Division, Dara, Kohat.
11. Israr Ahmad, GPS Sheen Dhand Tribal Sub-Division, Dara, Kohat.

FILED TODAY

Deputy Registrar

26 OCT 2019

TESTED  
4

ATTESTED

EXAMINER  
Peshawar High Court

(17)

12. Hikmat Khan, GPS Kohiwal, Tribal Sub-Division, Dara,  
Kohat. . . . . APPLICANTS/PETITIONERS

VERSUS

1. Mr. Masaud Khan, District Education Officer (Male),  
Tribal Sub-Division, Dara, Kohat.
2. Mr. Hafiz Muhammad Ibrahim, Director, Elementary &  
Secondary Education, G.T Road, Firous Chowk,  
Peshawar. . . . . CONTEMNORS/RESPONDENTS

APPLICATION UNDER ARTICLE 204 OF  
THE CONSTITUTION R/W S. 3, 4, 5 OF  
THE CONTEMPT OF COURT ORDINANCE  
2003 WITH ALL ENABLING PROVISIONS  
FOR INITIATING CONTEMPT OF COURT  
PROCEEDING AGAINST THE  
CONTEMNORS / RESPONDENTS AS WELL  
AS FOR THE IMPLEMENTATION OF THE  
ORDER/ JUDGMENT OF THIS HON'BLE  
COURT DATED 12.06.2019 IN WRIT  
PETITION NO.4562-P/2017.

Respectfully Sheweth:

FILED TODAY Facts giving rise to the instant C.O.C application are  
Deputy Registrar as under:-  
25 OCT 2019

TESTED  
4

ATTESTED

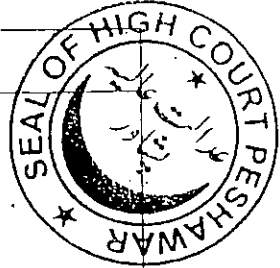
EXAMINER  
Peshawar High Court

H-18

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
<u>26/02/2020</u>	<p><u>COC No. 778-P/2019 in WP No. 4562-P/2017</u></p> <p><u>Present:</u> Barrister Mian Tajammul Shah, for the petitioners.</p> <p>Mr. Umer Farooq, AAG, along with Abdul Qayyum Focal Person/representative of respondent No.1.</p> <p>---</p> <p><u>WAQAR AHMAD SETH, CJ.-</u> Through the instant petition, petitioners seek initiation of contempt of court proceedings against the respondents for not implementing the judgment/order dated 12.06.2019 delivered by this Court in Writ Petition No. 4562-P/2017.</p> <p>2. Brief facts of the case are that the petitioners had filed Writ Petition No. 4562-P/2017 before this Court with the prayer to set aside the impugned order dated 3.7.2017 and to reinstate/upgrade their posts in BPS-14 with further direction not to withdraw any amount paid to them in salaries and allowances. The said Writ Petition came up for hearing and vide order dated 12.06.2019, the case was sent to the respondents with direction to reconsider the petitioners in light of Notification dated 11.7.2012.</p>

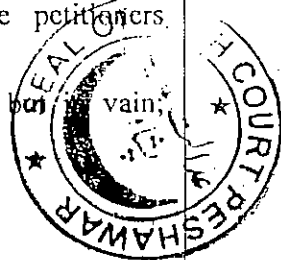


ATTESTED

ATTESTED  
  
EXAMINER  
Peshawar High Court

19

After passing the aforesaid judgment/order, the petitioners requested the respondents for its implementation but in vain; hence, the instant petition.



3. Respondent No.1 has filed reply to the show cause and stated therein that:-

*"All the petitioner had been upgraded from 12, 14 and then to BPS-15 as per existing rules. It is worth to mentioned that only 07 SPST Post was the share SPST in FR Kohat. So the above mentioned petitioners degraded when their seniority term came. Then their SPST & PSHT upgraded order issued on dated 21.2.2018, 15.10.2019"*

4. In view of the above, this petition has served its purpose and is no more required to be kept pending. Disposed of as such. However, if the petitioners still aggrieved, they may approach the competent court of law for redressal of their grievance.

Chief Justice

Judge

REGISTERED

Naush Sahak SC5 (DB) Justice Waqar Ahmad Sirk CJ & Justice Muhammad Naez Makhfouz J

CERTIFIED TO BE TRUE COPY

Seal of the High Court, Peshawar  
Authorized Under Article 87 of  
the Constitution of Pakistan Order 198

16 MAR 2020

31672  
Date of Presentation of Application 16/3/20  
No. of Pages 4  
Filing fee 10  
Date of Preparation of Copy 16/3/20  
Date of Delivery of Copy 16/3/20  
Received By



The Director E&SE Department,  
Khyber Pakhtunkhwa, Peshawar.

I. 20

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER  
DATED 03/07/2017 WHEREBY THE APPELLANT WAS DEMOTED /  
DOWNGRADED FROM SPST (BPS-14) TO THE POST OF PST (BPS-12)  
WITHOUT ANY REASON

RESPECTED SIR,

With due respect it is stated that the appellant is serving before your good self Department as Primary School Head Teacher and right from appointment till date the appellant is performing his duty quite efficiently and up to the entire satisfaction of his superiors. That initially the appellant was appointed as Primary School Teacher (PST) and was later on promoted to the post of Senior Primary School Teacher vide order dated 22/04/2014 and later on the concerned authority issued the impugned order dated 03/07/2017 whereby the appellant along with his other colleagues were demoted/ downgraded from BPS-14 to BPS-12 w.e.f the date of promotion i.e. 22/04/2014 without any solid reason. Feeling aggrieved from the order dated 03/07/2017 the appellant filed Departmental appeal which was followed by writ petition 4562-p/2017. That the aforementioned writ petition was remit to the respondents by the august Peshawar High Court with the direction to respondents to reconsider the petitioner in light of Notification dated 11/07/2012 vide judgment dated 12/06/2019. That the respondent issued promotion order dated 20/02/2018 during pendency of the above mentioned writ petition whereby colleagues of the appellant were promoted with immediate effect and not from 22/04/2014. That the concerned authority was not ready to implement the judgment of Honorable Peshawar High Court, therefore, the appellant along with his other colleagues filed COC petition No. 778-P/2019 but during the pendency of COC Petition the concerned authority issued the promotion order dated 15.10.2019 whereby the appellant was promoted to the post of SPST and on the very next day issued order dated 16.10.2019 whereby the appellant was promoted to the post PSHT (BPS-15) but with immediate effect. That feeling aggrieved from impugned order dated 03/07/2017 preferred this Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this appeal the impugned order dated 03.07.2017 may very kindly be set aside and the order dated 22.04.2014 regarding promotion of the appellant from the post of PST (BPS-12) to the post of SPST (BPS-14) may kindly be restored with all back benefits.

Dated: 04.05.2020

4

Your Obediently

SALAH UD DIN, PSHT (BPS-15),  
GPS Chattar, District Kohat.

**VAKALATNAMA**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

\_\_\_\_\_ OF 2020

Salah-ud-Din

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Salah-ud-Din

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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. \_\_\_\_/\_\_\_\_/2020

Salah-ud-Din  
\_\_\_\_\_  
CLIENT

ACCEPTED  
NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

MIR ZAMAN SAFI  
&

AFRASIAB KHAN WAZIR  
ADVOCATES

OFFICE:  
Flat No.4, 2<sup>nd</sup> Floor, Juma Khan  
Plaza, near FATA Secretariat,  
Warsak Road, Peshawar.  
Mobile No.0345-9383141