

09.05.2022

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

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 15.06.2022 before S.B.

Rs 500/-
Appellant's
Security
Process Fee
18/5



(Rozina Rehman)
Member (J)

15th June 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Noor Badshah (Litigation Officer) for the respondents present.

Respondents have not submitted written reply/comments. The learned AAG seeks time for submission of written reply/comments. Last chance is given. To come up for written reply/comments on 03.08.2022 before S.B.



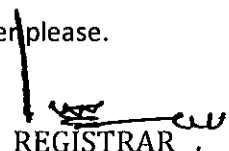


(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7934 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/12/2021	<p>The appeal of Mr. Azam Khan resubmitted 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 style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.02.2022	<p>Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 09.05.2022. for the same as before.</p> <p style="text-align: right;"> Reader</p>


The appeal of Mr. Saif Ur Rehman , SST (BPS-16), GHS Navi Kali Ghandab, District Mohmand received today i.e. on 09.12.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexure A, B and C attached with the appeal are illegible which may be replaced by legible/better one.

No. 2456 /S.T,

Dt. 09/12 /2021

Mr. Noor Muhammad Khattak
Advocate Peshawar.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Resubmitted after Completion.

Handwritten signature

24-12-21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 7927 /2021

SAIF UR REHMAN

V/S

EDUCATION DEPTT:

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Dated: _____12.2021

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE

0345-9883141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr, Saif ur Rehman SST (BPS -16),
GMS Navi Kali Ghandab, District Mohmand

..... **APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District *Mohmand*.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED PROMOTION ORDER DATED 29-03-2019 WHEREBY THE APPELLANT HAS BEEN PROMOTED TO THE POST OF SST (BPS-16) WITH IMMEDIATE EFFECT AND NOT PROMOTING W-E-F 24-07-2014 I.E. W.E.F. THE DATE WHEN THE FIRST BATCH THEIR OTHER COLLEAGUES AT SETTLE SIDE WERE PROMOTED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this service appeal the impugned promotion order dated 29-03-2019 may very kindly be modified/ rectified to the extent that the appellant may kindly be granted ante dated promotion to the post of SST (BPS-16) with effect from 24-07-2014 with all back benefits including seniority in light of the judgment of this august Tribunal dated 14.7.2021 passed in appeal No.1266/2018. Any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

The appellant submits as under:

- 1- That the appellant was initially appointed as PTC now PST (BPS-9) in the respondent department vide order dated 23.12.1986 Copy of the appointment order is attached as annexure **A.**

- 2- That it is important to mention here that the respondents vide notification dated 13-11-2012 had notified service structure/ rules for promotion of the PST(s) and SST(s) to SS and other different disciplines. Copy of the notification dated 13-11-2012 is attached as annexure **B.**
- 3- That the respondents vide notification dated 24-07-2014 promoted many teachers of the province working on settle side on the post of PST to the post of SST (BPS-16). That it is also worth to mention here that vide notification dated 1-11-2014 PSTs of the District Charsadda were promoted to the posts of SST (BPS-16) in light of notification dated 24-07-2014. Copy of the notification dated 1-11-2014 is attached as annexure **C.**
- 4- That some of the colleagues of the appellant who were working in FATA were also promoted to the post of SST (BPS-16) but with immediate effect and from the date when his colleagues working on settle side were promoted i.e. w.e.f 24.7.2014. that feeling aggrieved the colleagues of the appellant knocked the door of this august Tribunal in appeal No.1266/2018 which was decide in favour of the appellant colleagues vide judgment dated 14.7.2021. Copies of the judgment are attached as annexure **D.**
- 5- That the appellant was also promoted to the post SST (BPS-16) vide impugned notification dated 29-03-2019 with immediate effect and not w-e-f 1.11.2014 or 24-07-2014. Copy of the impugned notification dated 29-03-2019 is attached as annexure **E.**
- 6- That appellant feeling aggrieved from the impugned notification dated 29-03-2019 and under the principle of consistency reported in 2009 SCMR page 1 preferred departmental appeal/ representation before the appellate authority but no response has been given within the stipulated period. Copy of the departmental appeal is attached as annexure **F.**
- 7- That feeling aggrieved from the inaction of the respondents and having no other remedy the appellant preferred the instant appeal on following grounds inter alia.

GROUND:

- A- That the impugned promotion notification dated 29-03-2019 whereby promoting the appellant with immediate effect and not w-e-f 24-07-2014 is against law, facts, norms of natural justice and material on record hence liable to be rectified/ modified.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.

C- That the appellant has been discriminated by the respondents while issuing the impugned promotion notification dated 29-03-2019 whereby promoting the appellant with immediate effect and not w-e-f 24-07-2014.

D- That under the principle of consistency reported in 2009 SCMR page No.1 the appellant is also similarly placed person and also entitled for equal treatment/relief.

E- That the respondents acted in arbitrary and malafide manner by not granted ante dated promotion to the appellant w.e.f. 2014.

F- That it is pertinent to mention here that the other similarly placed employees preferred service appeal No. 1266/2018, which was decided vide judgment dated 14-07-2021 whereby they were given promotion w-e-f the year 2014.

G- That the respondents acted in arbitrary and mala fide manner while issuing the impugned notification.

H- That the 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


SAIF UR REHMAN

THROUGH:


NOOR MUHAMMAD KHATTAK


KAMRAN KHAN


UMAR FAROOQ


&
**SAID KHAN
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

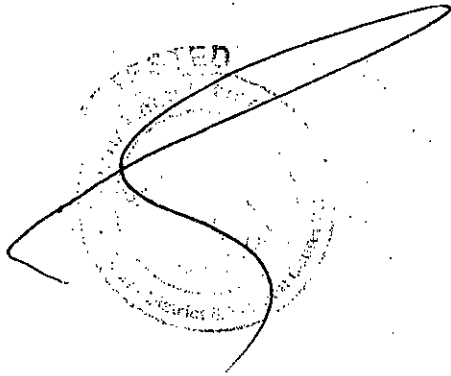
SAIF UR REHMAN

VS

EDUCATION DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



sd
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

sd
CERTIFICATION

APPOINTMENT:

Mr. Saifur Rehman B.A S/O Fazal Khaliq.

is hereby appointed temporarily as Unt: Teacher. at Govt: High/x School Uchat (Kurram Agency). On Rs. 620/- pm fixed in BPS xxxx plus usual allowances admissible under the rules with effect from the date of his taking over charge against a vacant post of SV vice Ayaz Wali Ayaz already transfer.

Note:

1. Charge should be submitted in duplicate to all concerned.
2. The appointment of the candidate is being made purely on tempy; begin and is liable to termination at any time without, notice and without assigning any reason. In case he wishes to his post, he shall have to give one month's prior notice one month's pay in lieu thereof. His services will be terminated if he is not selected by the committee.
3. His original Educational Qualification, date of birth and Domicile. Should be checked before he is handed of the post and attested copies thereof be kept the school/office.
4. TA/DA etc; allowed on 1st appointment.
5. He should be sent to the Agency surgeon concerned for Medical the day on which he reports his arrival for duty and he pay should be drawn for him unless end until he produce his health and age certificates from the said
6. His verification of character and should be get and verified from the authorities concerned.
7. The pay school and service rules would be subject to revision in accordance with the orders to be passed by the Govt; of NWFP, from time to time.
8. He should be handed over charge of the post, if he below 18 or above 30 years of age.
9. If he fails his arrival within in 15 days a report this should be send to this directorate at once.
10. Candidates knowledge in Islamic Edu; Pakistan Studies must be judged handing over charge of the post.
11. The order should taken effect after winter vacation.

(MOHAMMAD HUSSAIN KHAN).

DY: DIRECTOR OF EDUCATION

FATA. NWFP PESHAWAR.

Endst No. 49613—15 dated Peshr; the 23.12.1986.

Copy forwarded for information & necessary action to the:

1. Headmaster, Govt: High School Uchat Kurram Agency.
2. Candidate concerned.
3. P/File.

DIRECTORATE OF EDUCATION (E.A.T.A.) N.W.F.P. PESHAWAR.

APPOINTMENT.

Mr. Saifur Rehman B.A S/O Fazal Khaliq.

He is hereby appointed temporarily as Unt: Teacher at Govt; High/Middle School Uchat (Kurram Agency) on Rs. 620/- pm fixed in GFS xxxxx plus usual allowances as admissible under the rules with effect from the date of his taking over charge against a vacant post of SV vice xxxx Wali Ayaz already transferred.

Note:-

- 1;- Charge reports should be submitted in duplicate to all concerned,
- 2;- The appointment of the candidate is being made purely on tempy; basis and is liable to termination at any time without notice and without assigning any reason. In case he wishes to vacate his post, he shall have to give one month's prior notice. He forfeit one month's pay in lieu thereof. His services will be terminated if he is not selected by the selection committee.
- 3;- His original Educational qualification, date of birth and Domicile certificate should be checked before he is handed over charge of the post and attested copies thereof be kept on record of the school/office.
- 4;- TA/DA etc; as per allowed on 1st appointment.
- 5;- He should be sent to the Agency surgeon concerned for Medical Examination the day on which he reports his arrival for duty and his pay should be drawn for him unless and until he produce his health and age certificates from the said surgeon.
- 6;- His verification of character and antecedence should be got complete and verified from the authorities concerned.
- 7;- The pay scale and Service rules would be subject to revision in accordance with the orders to be passed by the Govt; of NWFP, from time to time.
- 8;- He should not be handed over charge of the post, if he below 18 years or 20 years of age.
- 9;- If he fails to report his arrival within in 15 days a report this effect should be sent to this Directorate at once.
- 10;- Candidates should be in Islamic Edu; Pakistan Studies must be judged before handing over charge of the post.
11. The order should taken effect after winter vacation.

(MUHAMMAD HUSSAIN KHAN).

DY: DIRECTOR OF EDUCATION

FATA. NWFP, PESHAWAR.

Dated Peshr; the 22/12/1986.

For information & necessary action to the;

Indst; Nr. 49613-15

Copy Forwarded for information & necessary action to the;

1. Headmaster, Govt; High School Uchat Kurram Agency.
2. Candidate concerned.
3. P/Filc.

**GOVERNMENT: OF THE KHYBER PAKHTUNKHWA ELEMENTARY AND
EDUCATION DEPARTMENT**

NOTIFICATION

Peshawar dated the November 13.2012

No,SO PE H-5 SSRC/Meeting /2012 Teaching Cadre:- In Pursuance of the provision contained in sub-rule (20 of rule 3 of the Pkhyber Pakhtunkhwa Civil Servant (Appointment Promotion and Transfer) Rules 1989 and in supersession of all Notification issued in this behalf, the Elementary And Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby days down the method of recruitment definition and other condition-specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No, 02 of the said Appendix and the schedule therewith.

**SECRETARY TO GOVERNMENT: OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND EDUCATION DEPARTMENT**

Endst: No. & date as above.

Copy forwarding :-

1. The Secretary to Govt: of Khyber Pakhtunkhwa Establishment Department .
2. The Secretary to Govt: of Khyber Pakhtunkhwa Finance Department .
3. The Secretary to Govt: of Khyber Pakhtunkhwa Law/ Department .
4. The Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar .
5. The Account General Khyber Pakhtunkhwa Peshawar .
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar .
7. The Director Education (FATA) Peshawar .

ANNEXURE B 6

Govt

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated the November 13, 2012.

No. SO/PE/LS/SSRC/Meeting/2012/Teaching Cadre - In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Encl. No. & Date as above.

Copy forwarded to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (AATA) Peshawar.

Handwritten notes in Urdu:
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 03159159555
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 ایس ایس ایس

7

1. The Director Curriculum & Teachers Education Abbottabad.
2. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
11. The Deputy Director Database (EMIS) E&SE Department.
12. All District Coordination Officers in Khyber Pakhtunkhwa.
13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
15. All Agency Education Officers FATA.
16. P.S to Governor, Khyber Pakhtunkhwa.
17. P.S to Chief Minister, Khyber Pakhtunkhwa.
18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
19. P.S to Minister E&SE Khyber Pakhtunkhwa Peshawar.
20. P.S to Secretary E&SE Department.
21. Master File.

[Signature]
Section Officer (Primary)

[Signature]

[Signature]

DISTRICT EDUCATION OFFICER

MALE CHARSADE

NOTIFICATION:

Consequent upon the recommendations of the departmental promotion committee and in pursuance of the government of the Khyber Pakhtunkhwa a Elementary and secondary Education notification No. SO(SE) /4-8/SSRC/Meeting/2013/teaching Cadre dated 24th July 2014 and notification No. 3376-80/file Education Khyber Pakhtunkhwa, Peshawar, the following SCTs/CTs SDMs/DMs, SATs/ATs, STTs/TTs Senior Qaris, PSHTs/SPSTs are hereby promoted to the post of SST (Bio-Chem) SST (Phy-Maths) SST (General) noted against each BPS-16 (Rs. 10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial government, on the terms and condition given below with immediate effect and further posted in the schools noted against each;

SST (Bio Chem)

S.No	Name of teacher & Designation	Present Place of posting	Place of posting.
1.	Mazhar Ul Islam (SCT)	GMSS Utmanzai	GHS Utmanzai No. 2
2.	Riasat Ali (SCT)	GHS Zarbab Gharhi	GHSS Sherpao
3.	Iftikhar Ahmad (SCT)	GHS Rajjar No. 1	GHSS Nisatta
4.	Jamshaid Khan (SCT)	GHS Zubrab GUL	GHS Gulkhatab Koroon
5.	Maqsood Jan (CT)	GHSS Utmanzai	GHS Turangzai
6.	Hayat Jan (CT)	GHS Utmanzai	GHSS Tarnab
7.	Inayat ur Rehman (CT)	GHSS Utmanzai	GPS
8.	Nasrullah Khan (CT)	GMS Dhaki	GMS Tangi No. 2
9.	Jamshaid Khan (CT)	GMS Abazaj	GHS Charsadda Khass
10.	Idrees Khan (CT)	GMS Dab Banda	GHS Shara Shabqadar
11.	Muhammad Said (CT)	GHS Rahmatullah	GHS Halim zai
12.	Abdullah Jan (SPST)	GPS Munshaiaino Kali	GHSS Bushera
13.	Tariq Hussain (SPST)	GPS haryan	GHS Mera Gul Abad
14.	Muhammad Akram (SPST)	GPS Inam Killi	GHS Mardhand
15.	Taj Ullah (SPST)	GPS Shakoor	GHS Katozai
16.	Zikarullah Jan (SPST)	GPS Hajizai	GHS Kangra
17.	Arab Jan (SPST)	GPS Baz Mian Killi	GMS Khas Killi
18.	Shehriyar (DM)	GHSS Sati Abari	

B. SST (Phy-Maths)

S.No	Name of teacher & Designation	Present Place of posting	Place of posting.
1.	Mahboob Ul Hassan (SC)	GHS Rahmat Ullah Khan Koroon	GHS Rahmat Ullah Khan Koroon
2.	Fazli Wahab (SCT)	GHS Soor Kama	GHS Mardhana
3.	Nawab (SCT)	GMS Mufti Abad Muhammad Nari	GHS Wardaga
4.	Shakir Ullah (SCT)	GHS Ghari Handa GUL	GHS Geedar
5.	Habib ur Rehman (SCT)	GMS Ghari Handa Gul	GHS Parang

DISTRICT EDUCATION OFFICER
NAIAT KHARSADENotification

In consequence upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. 40 (PE)/4-5, SSRC/Meeting/2013/Teaching Cadre dated 24th July 2014 and Notification No 3376-80/Fd No 27/13, Promotion S-II B-10, Dated Peshawar the 23-10-2014 issued by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, the following SGTs/CTs, SDMS/DMs, SATs/ACTs, STTs/TTs, Senior Assistants, PSHTs/SPSTs are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (General) noted against each BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with immediate effect and further posted in the Schools noted against each:-

A. SGT (Bio-Chem)

S.No	Name of Teacher's Designation	Present Place of Posting	Place of Posting
15	Mazhar - Ul-Islam (SCT)	GHS Dera Ismail Khan	GHS Dera Ismail Khan
95	Riasat Ali (SCT)	GHS Farhab Gantt	GHS Sherpoo
112	Iqbal Ahmad (SCT)	GHS Rajar Pail	GHS Khattak
183	Jamshaid Khan (SCT)	GHS Fuzrah Gantt	GHS Bakhtiar Koroona
190	Maqsood Jan (CT)	GHS Umanzar	GHS Turangza
237	Hayat Jan (CT)	GHS Umanzar	GHS Turangza
245	Inayat Ur Rehman (CT)	GHS Umanzar	GHS Turangza
282	Nasrullah Khan (CT)	GHS Dhank	GHS Hanza
323	Jamshaid Khan (CT)	GHS Akbar	GHS Taryar No 2
341	Idrees Khan (CT)	GHS Dab Banda	GHS Chausadda Khass
361	Muhammad Said (CT)	GHS Rahmatullah	GHS Shara Shabqadar
1087	Abdallah Jan (SPST)	GHS Munghans Killa	GHS Talam zor
1450	Tariq Hussain (SPST)	GHS H. Khan	GHS D. Shara
1541	Muhammad Akram (SPST)	GHS Inam Kili	GHS Mera Gili Abad
	Taj Ullah (SPST)	GHS Dera Ismail Khan	GHS Arghyand
	Zikarullah Jan (SPST)	GHS Dera Ismail Khan	GHS Satabar
1534	Arab Jan (SPST)	GHS Baz Miran Kili	GHS Kangra
103	Shchriyar (DM)	GHS Satabar	GHS Satabar

B. SST (Phy-Maths)

S.No	Name of Teacher's Designation	Present Place of Posting	Place of Posting
72	Mahboob Ul Hassan (SC)	GHS Rahmat Ullah Khan Koroona	GHS Rahmat Ullah Khan Koroona
120	Fazli Wahab (SCT)	GHS Sour Kama	GHS Mardand
139	Narvab (SCT)	GHS Multi Abad Muhammad Nan	GHS Wardaga
140	Shakir Ullah (SCT)	GHS Char Hanad Gull	GHS Geedar
141	Habib Ur Rehman (SCT)	GHS Char Hanad Gull	GHS Parang

6.	Imtiaz Ali (SCT)	GHS Ghari Hamid Gul	GHS Rajjar No. 1
7.	Masal Khan (SCT)	GHSS Dargai Manga	GHS Dargai Mangai
8.	Syed Sabaz Ali (SCT)	GHSS Dhakki	GHS Gazgi
9.	Basharat Ahmad (SCT)	GHS Charsadda No. 1	GHS Shakardhand
10.	Ijaz Ali Khan (CT)	GHS Harichand	GHS Mirzadher
11.	Sajid Ali Shah (CT)	GMS Marchaki Rajjar	GHS Turangzai
12.	Khial Badshah (CT)	GHS Tangi No. 2	GHS Abazai
13.	Shakir Rehman (CT)	GHS Charsadda No. 1	GHS Rajjar No. 2
14.	Sareer Ahmad (CT)	GHSS Sherpao	GHS Gandheri
15.	Zahid Shah (CT)	GHS Shodag	GHS Kharaki
16.	Shahid Jamal (SPST)	GPS Dosehra	GHS Turlandi
17.	Salar Fathuddin (SPST)	GPS Marozai	GHS Khawaja Hawas
18.	Irshad Ali (SPST)	GPS Ziam	GHS Mani Khela
19.	Siraj Ahmad (SPST)	GPS Shahdhand	GHS Mirzai
20.	Aftab Hussain (SPST)	GPS Umarzai No. 2	GHS Gul Khtiab Koroona Umerzai
21.	Samir Gul (SPST)	GPS Angar Koroona	GHS Behlola
22.	Sajid Ali (SPST)	GPS Rajjar No. 2	GHS Zahid Abad
23.	Muhamamd Younas (DM)	GHSS Umarzai	GHS Khuladhand
24.	Kamran (DM)	GHS Hajizai	GHS sSoro Killi
25.	Aleem Ullah (AT)	GHS Hajizai	GHS Shara
26.	Akram Khan (TT)	GHSS Sherpan	GHS Zarab Ghari
27.	Asmat Ali (S Qari)	GGMHS Turangzai	GHS Cheena

C. SST (General)

S.No	Name of teacher & Designation	Present Place of posting	Place of posting.
1.	Muhammad Ishaq (SCT)	GHS Rahmat Ullah Khan Koroona	GHS Rahmat Ullah Khan Koroona
2.	Muhammad Afzal (SCT)	GHS Soor Kama	GHS Mardhana
3.	Inam Ullah (SCT)	GMS Mufti Abad Muhammad Nari	GHS Wardaga
4.	Durus Salam (SCT)	GHS Ghari Handa Gul	GHS Geedar
5.	Sultan Shah (SCT)	GMS Ghari Handa Gul	GHS Parang
6.	Sareer Ahmad (CT)	GHSS Sherpao	GHS Gandheri
7.	Zahid Shah (CT)	GHS Shodag	GHS Kharaki
8.	Shahid Jamal (SPST)	GPS Dosehra	GHS Turlandi
9.	Salar Fathuddin (SPST)	GPS Marozai	GHS Khawaja Hawas
10.	Irshad Ali (SPST)	GPS Ziam	GHS Mani Khela
11.	Siraj Ahmad (SPST)	GPS Shahdhand	GHS Mirzai
12.	Aftab Hussain (SPST)	GPS Umarzai No. 2	GHS Gul Khtiab Koroona Umerzai
13.	Samir Gul (SPST)	GPS Angar Koroona	GHS Behlola
14.	Sajid Ali (SPST)	GPS Rajjar No. 2	GHS Zahid Abad
15.	Muhamamd Younas (DM)	GHSS Umarzai	GHS Khuladhand
16.	Kamran (DM)	GHS Hajizai	GHS sSoro Killi
17.	Aleem Ullah (AT)	GHS Hajizai	GHS Shara
18.	Akram Khan (TT)	GHSS Sherpan	GHS Zarab Ghari
19.	Asmat Ali (S Qari)	GGMHS Turangzai	GHS Cheena

7	121	Masud Khan (SCT)	CHS Charsadda No.1	CHS Rajjar No.1
8	121	Masud Khan (SCT)	CHSS Dargamanga	CHS Dargamanga
9	102	Syed Sabaz Ali (SCT)	CHSS Dhakki	CHS Ghazgi
10	210	Lashari Ahmad (SCT)	CHS Charsadda No.1	CHS Shakardhand
10	225	Gaz Ali Khan (CT)	CHS Harichana	CHS Mirzadheri
11	254	Sajid Ali Shah (CT)	CMS Marchaki Rajjar	CHS Turangzai
12	267	Rhial Badshah (CT)	CHS Tangi No.2	CHS Abazai
13	332	Shakir Rehman (CT)	CHS Charsadda No.1	CHS Rajjar No.2
14	347	Sareer Ahmad (CT)	CHSS Sherpao	CHS Gandheri
15	352	Zahid Shah (CT)	CHS Shodag	CHS Kharaki
16	282	Shahid Jamal (SPST)	CPS Doshera	CHS Turlandi
17	907	Salar Fathyddin (SPST)	CPS Marozai	CHS Khwaja Hawas
18	1076	Mehad Ali (SPST)	CPS Ziam	CHS Mami Khela
19	1084	Siraj Ahmad (SPST)	CPS Shakardhand	CHS Mirzai
20	1090	Ahmad Hussain (SPST)	CPS Umarzai No.2	CHS Gul Khitab Korooni Umerzai
21	1167	Samin Gul (SPST)	CPS Angar Korooni	CHS Behlola
22	1168	Sajid Ali (SPST)	CPS Rajjar No.2	CHS Zahid Abad
23	84	Muhammad Younas (DM)	CHSS Umarzai	CHS Khuladhand
24	113	Kamran (DM)	CHS Hajizai	CHS Soro Killi
25	97	Aleem Ullah (AT)	CHS Hajizai	CHS Shara
26	81	Akram Khan (TT)	CHSS Sherpao	CHS Zarab Ghari
27	42	Asmat Ali (SQari)	CCMHS Turangzai	CHS Cheena

C.SST (General)

S.No	Name of Teacher & Designation	Present Place of Posting	Place of Posting
1	9 Muhammad Ishaq (SC)	CHS Mera Gul Abad	CHS Mera Gul Abad
2	12 Muhammad Afzal (SC)	CHS Cheena	CHS Rajjar - 1
3	13 Imam Ullah (SCT)	CHS Sherpao	CHS Turangzai
4	14 Darus Salam (SCT)	CHS Ambadheri	CHS SKP Dalazak
5	16 Sultan Shah (SCT)	CHS Shakardhand	CHS Shakardhand
6	20 Muhammad Ishaq (SC)	CHS Kungri	CHS Katozai
7	22 Rifat Ullah (SCT)	CCMHS Turangzai	CHS Rajjar - 1
8	27 Wahid Ali (SCT)	CMS Dheri Ghazgi/ CCMHS Turangzai	CHS Ghazgi
9	28 Zahid Ullah (SCT)	CHS Shakardhand	CHS Dargamanga
10	33 Muhammad Islam (SC)	CHS Mami Khela	CHS Mami Khela
11	34 Abdul Basir (SCT)	CMS Sherpao	CHS Gul Abad Tangi
12	37 Muhammad Saeed Khan (SCT)	CHS Mirzadheri	CHSS Panab
13	45 Muhammad Israr (SCT)	CMS Islamabad No.2	CHSS Doshera
14	67 Muhammad Qasim (SCT)	CHS Charsadda No.1	CHSS Nisatta
15	48 Nasir Ullah Khan (SCT)	CMS Zaminabad	CMS Zaminabad
16	49 Niamat Ullah (SCT)	CMS Nawwan Bilb	CMS Kot
17	51 Fazal Ullah (SCT)	CHS Panab	CHS Rajjar - 2
18	42 Pervez Shah (PSHT)	CPS Sheikh K.	CHSS Nisatta
19	39 Zahid Ullah (PSHT)	CPS Khuladi	CHS Sabara

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121	M. Saifur Rahman (PSHT)	GPS Bosa Khel No.1	CHSS No.1 Charsadda
168	Haidar Khan (PSHT)	GPS Bachayana Killi	GHS Abazai
174	M. Muhammad Ali (PSHT)	GPS Datar	CHSS
186	Mahmood Raza (PSHT)	GPS Dargi Jagallah Ph.	GHS Dheri Sikandar Khan
191	M. Saifur Rahman (PSHT)	GPS Datar	GHS Dheri Sikandar Khan
276	Haidar Ullah (PSHT)	GPS Bakayana	GHS Ambadher
26	14	Yaqoob Jan (SDM)	GHS Utmanzai No.2
27	9	Wajid Ullah Jan (STT)	CHSS Utmanzai
25	4	3	GHS Rashaki
30	02	Muhammad Nasrul Haq (TT)	GHS Charsadda Khas
31	24	Muhammad Tayyab (TT)	GHS Soro Khar
12	10	Jari Mohsin Ullah (SQAR)	GHS Soro Killi
			GHS Sadar Chari

Terms and Conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Int. & Se Seniority on lower post will remain intact.
6. No TA/UA is allowed for joining his duty.
7. They will give an undertaking to be recorded in their services book to discontinue that if any over pay is granted to them in light of this order, will be recovered and if they are wrongly promoted, they will be reversed.
8. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
9. Their posting will be made on School Based, they will have to serve at the place of posting, and their service is not transferable to any other station.
10. Before handing over charge once again their documents may be checked if they have not the required documents, they may not be handed over charge of the post.
11. All the documents to be degrees and UMCs will be verified by the concerned DDO.

(Siraj Muhammad)
District Education Office
Male Charsadda

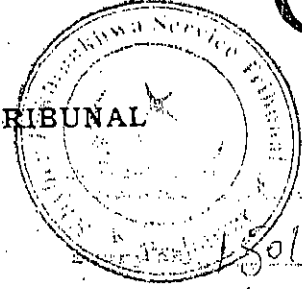
Order No. 10910-92 Promotion SST B-16: Dated Charsadda the 1/11/2014.

Copy Forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa.
2. P.A to Secretary E&SE Khyber Pakhtunkhwa.
3. Principal/ Head Master Concerned.
4. District Account Officer Charsadda.
5. All Officers Concerned.
6. M/ File.

District Education Officer
Male Charsadda

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



S.A.No. 1266/2016

09/10/2018

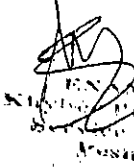
AFZAL SHAH SST (BIO/CHEM) BPS-16) GOVERNMENT
HIGH SCHOOL SANDU KHEL MOHMAND AGENCY
GOVERNMENT OF KHYBER PAKHTUNKHWA EDUCATION
DEPARTMENT..... APPELLANT.

VERSUS

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION SECRETARIATE BUILDING PESHAWAR.
2. DIRECTOR ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.
3. DEPUTY DIRECTOR (ESTABLISHMENT) ELEMENTARY AND SECONDARY EDUCATION DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.
4. DIRECTOR EDUCATION FATA, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
5. DEPUTY DIRECTOR (ESTABLISHMENT) DIRECTORATE OF EDUCATION, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
6. ADDITIONAL DIRECTOR (ESTABLISHMENT) DIRECTORATE OF EDUCATION, FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.
7. AGENCY EDUCATION OFFICER ^{District} MOHMAND ^{Tehsil} GALLANAI.
8. ACCOUNTANT GENERAL (PR) SUB OFFICE, PESHAWAR.
9. SECRETARY FINANCE DEPARTMENT FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.

-----RESPONDENTS

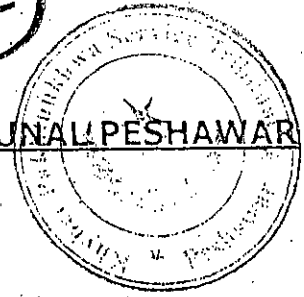
ATTESTED


Khyber Pakhtunkhwa
Service Tribunal
Peshawar.

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974
AGAINST ORDER DATED 11.10.2017 OF RESPONDENT
NO.4 & RESPONDENT NO.6 FOR NON OBSERVANCE OF
PROMOTION/SENIORITY ORDER OF THE APPELLANT

~~12~~

12



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1266/2018

Date of Institution 09.10.2018

Date of Decision ... 14.07.2021

Afzal Shah SST (BIO/CHEM BPS-16) Government High School Sandu Khel
Mohmand Agency Government of Khyber Pakhtunkhwa Education Department.
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education Secretariat building Peshawar and eight others.
... (Respondents)

MR. HIDAYAT ULLAH KHATTAK &
MR. ABDUR REHMAN MOHMAND
Advocates

For Appellants

MR. MUHAMMAD RIAZ AHMED PAINDAKHEIL
Assistant Advocate General

For Respondents

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- This judgment shall dispose of
the instant Service Appeal as well as the following connected Service Appeals as
common question of law and facts are involved therein.

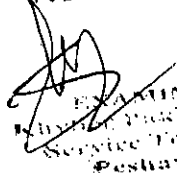
- 1) Service Appeal bearing No.1267/2018 titled "Abi Hayat Versus Government of
Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education
Secretariat building Peshawar and others",

ATTESTED

MEMBER
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

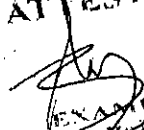
- 2) Service Appeal bearing No. 1268/2018 titled "Shams Ur -Rahman Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 3) Service Appeal bearing No. 1269/2018 titled "Karim Khan Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 4) Service Appeal bearing No. 1270/2018 titled "Abdul Hakim Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 5) Service Appeal bearing No. 1271/2018 titled "Stana Gul Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 6) Service Appeal bearing No. 1272/2018 titled "Mohammad Idress Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 7) Service Appeal bearing No. 1273/2018 titled " Mansoor Ahmad Khan Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 8) Service Appeal bearing No. 1274/2018 titled " Khial Zada Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 9) Service Appeal bearing No. 1275/2018 titled "Nizam-ud-Din Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 10) Service Appeal bearing No. 1276/2018 titled "Sher Mohammad Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

- 11) Service Appeal bearing No. 1277/2018 titled "Rahmat Said Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 12) Service Appeal bearing No. 1278/2018 titled "Javid Akhter Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 13) Service Appeal bearing No. 1279/2018 titled "Munawar Khan Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 14) Service Appeal bearing No. 1280/2018 titled "Said Alam Shah Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 15) Service Appeal bearing No. 1281/2018 titled "Lateef Ullah Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 16) Service Appeal bearing No. 1282/2018 titled "Mst. Khalida Safi Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 17) Service Appeal bearing No. 1283/2018 titled "Zar Gul Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 18) Service Appeal bearing No. 1284/2018 titled "Imtiaz Gul Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".
- 19) Khaista Sher Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

ATTESTED

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

- 20) Service Appeal bearing No. 327/2019 titled "Abdul Hamid Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 21) Service Appeal bearing No. 651/2018 titled "Sabeel Hassan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 22) Service Appeal bearing No. 652/2018 titled "Anwar Ali Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 23) Service Appeal bearing No. 653/2018 titled "Javed Hassan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 24) Service appeal bearing No. 654/2018 titled "Luqman Hakeem Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 25) Service Appeal bearing No. 655/2018 titled "Aziz-ur-Rehman Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 26) Service Appeal bearing No. 656/2018 titled "Muhammad Muneer Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 27) Service Appeal bearing No. 657/2018 titled "Mst. Shah Begum Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 28) Service Appeal bearing No. 658/2018 titled "Munir Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 29) Service Appeal bearing No. 659/2018 titled "Mst. Fahmeeda Begum Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 30) Service Appeal bearing No. 660/2018 titled "Muhammad Baz Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 31) Service Appeal bearing No. 661/2018 titled "Hanif Jan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 32) Service Appeal bearing No. 662/2018 titled "Sher Afzal Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

- 33) Service Appeal bearing No. 663/2018 titled "Mst. Dil Taj Begum Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 34) Service Appeal bearing No. 664/2018 titled "Raees Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 35) Service Appeal bearing No. 665/2018 titled "Syed Hijab Hussain Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 36) Service Appeal bearing No. 666/2018 titled "Eid Muhammad Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 37) Service Appeal bearing No. 667/2018 titled "Fazal Hakeem Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 38) Service Appeal bearing No. 668/2018 titled "Syed Zamir Hussain Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 39) Service Appeal bearing No. 669/2018 titled "Janat Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 40) Service Appeal bearing No. 670/2018 titled "Ayan Ali Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".
- 41) Service Appeal bearing No. 671/2018 titled "Sohail Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

02. Brief facts of the case are that the appellants are primarily aggrieved by inaction of the respondents to the effect that promotions of the appellants were delayed for no good reason, which adversely affected their seniority positions as well as sustained financial loss. The appellant, Mr. Afzal Shah and 18 others were serving under Agency Education Officer, Mohmand Agency (Now District Mohmand) and the appellant Mr. Khaista Sher and 22 others were serving under Agency Education Officer, Orakzai Agency (Now District Orakzai). All the appellants were promoted to the post of Secondary School Teachers (SST) (BPS-16) vide order dated 11-10-2017, which, as per stance of the appellants were required to be promoted in 2014.

ATTESTED

WITNESSES
Khyber Pakhtunkhwa
Civil Secretariat

Feeling aggrieved, the appellants preferred respective departmental appeals against the impugned order dated 11-10-2017, which were not responded to, and hence the appellants filed service appeals in this Tribunal with prayers that promotions of the appellants may be considered from 24-07-2014 or the date when other employees serving in settled districts were promoted along with all back benefits.

03. Written reply/comments were submitted by the respondents.

04. Learned counsel for the appellant Mr. Afzal Shah and 18 others has contended that the appellants have not been treated in accordance with law and their rights secured under law and constitution have been violated; that the respondents delayed promotions of the appellants for no good reason, which adversely affected their seniority positions and made them junior to those, who were promoted at settled district level in 2014; that the delay occurred due to lethargic attitude of respondents, otherwise the appellants were equally fit for promotion like their counterparts working in settled districts; that the appellants were discriminated which is highly deplorable, being unlawful and contrary to the norms of natural justice; that inaction on part of the respondents have adversely affected financial rights of the appellants as protected by the Constitution. He further added that the appellant be treated at par like other employees of districts who were promoted in 2014 in pursuance of notification dated 24-07-2014 and shall equally be dealt with in accordance with law and rules.

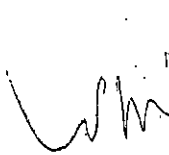
05. Learned counsel for the appellant Mr. Khaista Sher and 22 others mainly relied on the arguments of the learned counsel for the appellant Mr. Afzal Shah and 18 others with further arguments that departmental appeals of the appellants were not considered and the appellants were condemned unheard; that as per constitution every citizen is to be treated equally, while the appellants have not been treated in accordance with law, which need interference.

ATTESTED

EXAMINER
Munir Akhter Khwaja
Service Tribunal
Peshawar

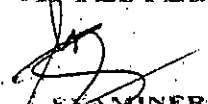
06. Learned Assistant Advocate General appeared on behalf of respondents has contended that as per Para-VI of promotion policy, promotions are always made with immediate effect and not with retrospective effect; that promotion is neither a vested right nor it can be claimed with a retrospective effect. Reliance was placed on 2005 SCMR 1742. Learned Assistant Advocate General argued that promotions of the appellants were made in accordance with law and rule and no discrimination was made. He further argued that some of the appellants submitted successive appeals, which is violation of Rule 3(2) of Appeal Rules, 1986. Learned Assistant Advocate General prayed that appeals of the appellants being devoid of merit may be dismissed.

07. We have heard learned counsel for the parties and have perused the record.



08. A perusal of record would reveal that all the appellants were employees of the provincial government, who were deputed to serve in Ex-FATA under the control of Director of Education Ex-FATA, whereas their other colleagues working in settled districts were working under the control of Director of Education at provincial level. The provincial Government vide Notification dated 24-07-2014 had issued criteria for promotion of teachers to next grades, which was equally applicable to provincial as well as employees working in Ex-FATA. To this effect, the provincial directorate of Elementary & Secondary Education KP vide letter dated 07-08-2014 had asked the Directorate of Education Ex-FATA to fill in the vacant posts of SST in Ex-FATA by promotion of in-service teachers under the existing service rules. The said letter lingered in the Directorate of Ex-FATA for almost seven months, which finally was conveyed to all Agency Education Officers vide letter dated 09-03-2015 with directions to submit category wise lists of candidates for promotion against the post of SST. Agency Education Officers took another two years and seven months, while submitting such information to the directorate of Ex-FATA and finally the appellants



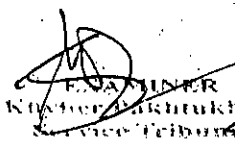
ATTESTED

EXAMINER
 Higher Education
 Government of Punjab

were promoted vide order dated 11-10-2017. On the other hand, the office of the District Education Officer in the settled district took timely steps and the promotions were made possible in the same year i.e. 2014. Placed on record is a Notification dated 01-11-2014 issued by District Education Officer Charsada, whereby promotions had been made in pursuance of the Notification dated 24-07-2014 in the same year, whereas promotions in Ex-FATA were made in 2017 with delay of more than three years. Placed on record is another Notification dated 14-03-2017 issued by Directorate of Education Ex-FATA promoting Certified Teachers (CT) (BPS-15) to the post of Senior CT (BPS-16) w.e.f 20-02-2013, negating their own stance that promotions are always made with immediate effect. Similarly placed teachers was extended the benefit of their promotion with retrospective effect, however the respondents are denying the same to the appellants for the reasons best known to them. The material available on the record, would suggest that the appellants were treated with discrimination.

09. The appellants are primarily aggrieved by the inaction of the respondents to the effect that all the appellants were otherwise fit for promotion to the post of SST; but their promotions were delayed due to slackness of the directorate of education, which adversely affected their seniority position as well as suffered financially due to intentional delay in their promotions. The respondents also did not object to the point of their fitness for further promotion at that particular time.

10. We have observed that seniority of the appellants as well as their other counterparts working at Districts level had been maintained at Agency/District level before their promotion to the post of SST; whereas upon promotion to the post of SST, the seniority is maintained at provincial level and the appellants who were promoted in 2017 in comparison to those, who were promoted in 2014, would definitely find place in the bottom of the seniority list maintained at provincial level with dim future prospects of their further promotions, as well as they were kept

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal

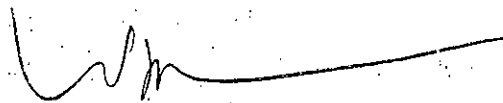
deprived of the financial benefits accrued to them after promotion for no fault of them, hence they were discriminated. It was noted with concern that the only reason for their delayed promotion was slackness on part of directorate of education Ex-FATA and its subordinate offices at Agency level, which had delayed their promotions for more than three years for no-fault of the appellants.

11. In view of the foregoing discussion, the instant appeals are accepted and all the appellants are held entitled for promotion from the date, the first batch of their other colleagues at provincial level were promoted in the year 2014 with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
14.07.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Copy to be filed

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application _____

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Date of Presentation of Application 05/10/21

Number of Words 4000

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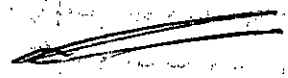
Urgent 4/-

Total 46/-

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Date of Completion of Copy 05/10/21

Date of Delivery of Copy 05/10/21





DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA
PHONE: 011-2222222, 2222222
FAX: 011-2222222

NO. _____ / DATED _____

Notification

ANNEX E

21

In pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th July, 2014 and recommendations of the Departmental Promotion Committee, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs/PSTs of District Mohmand, are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (General) and posted in the schools noted against each in BPS-16 (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy, on the terms and condition given below, with immediate effect in the interest of public service.

PROMOTION OF SPST/PSHT/PST TO SST (Bio/Chem) BPS-16 ON REGULAR BASIS.

Total No of SST Bio/Chem(M) vacant posts	24
25% Share of Initial Recruitment	6
75 % Share of promotion	18
20% share of promotion of PSHT/SPST/PST	5
No of SST already promoted	0
Post Available for Promotion	5
Promoted through this order	2

S.No	Sl. No.	Name of Official	Place of posting	D/O Birth	Date of Appott; regular PST	Qualification	Posted at	Remarks
1	230	Anwar Khan	GPS Abdul Baqi	2-2-1967	27-2-1995	BSc/B.Ed	GHS Sandu' Khel	AVP
2	470	Ghulam Muhammad	GPS Tarakai	12-11-1983	1-9-2010	BSc/B.Ed	GHS Nahaji	Vice No.22

PROMOTION OF Sr; CT/CT TO SST (Bio-Chem) BPS-16 ON REGULAR BASIS

Total No of SST Bio/Chem(M) vacant posts	24
25% Share of Initial Recruitment	6
75 % Share of promotion	18
40 % share of promotion of Sr CT/CT	10
No of SST already promoted	2
Post Available for Promotion	8
Promoted through this order	4

S.No	S.L. No	Name of Official	Place of Posting	Date of Birth	Date of Appott; as Regular CT	Qualification	Posted at	Remarks
3	52	Said Wali	GHSS Ghallani	2-5-1971	1-9-1999	B,Sc/B,Ed	GHSS Ghallani	AVP
4	54	Bashir Ahmad	GHSS Ghallani	15-7-1973	1-9-1999	B,Sc/B,Ed	GHS Akhunzadgan	AVP
5	55	Shoukat Ali	GHS Shalam Salay	22-4-1969	1-9-1999	B,Sc/B,Ed	GHS Shalam Salay	AVP
6	69	Nawaz Khan	GHS Ghami Kor	6-6-1973	9-12-2002	B,Sc/B,Ed	GHS Dab Kor	AVP

PROMOTION OF SCT/ CT Male TO SST (Math:Phy) BPS-16 ON REGULAR BASIS

Total No of SST Math/Phy(M) vacant posts		
25% Share of Initial Recruitment		13
75 % Share of promotion		3
40 % share of promotion of Sr.CT/CT		10
No of SST already promoted		5
Post Available for Promotion		2
Promoted through this order		3
		2

S. No	Sl. No.	Name of Official	Place of posting	D/O Birth	Date of Appott; regular PST	Qualification	Posted at	Remarks
7	36	Alam Zeb	GHS Ekka Ghund	13-10-1968	19-9-1998	B,Sc/B.Ed	GHS Ekkaghund	V.S.No.21
8	42	Muhammad Ilayas	GHS Subhankhwar	25-9-1972	24-7-1999	B,Sc/B.Ed	GHS Kog Pand	AVP

PROMOTION OF PST TO SST (Math/Phyl) BPS-16 ON REGULAR BASIS

Total No of SST Phy/Maths(M) vacant posts		
25% Share of Initial Recruitment		13
75 % Share of promotion		3
20% share of promotion of PSHT/SPST/PST		10
No of SST already promoted		3
Post Available for Promotion		1
Promoted through this order		2
		2

S. No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular DM	Qualification	Posted at	Remarks
9	196	Mir dad Khan	GPS Ghulam Jan Kot	30-8-1969	25-10-1994	B,Sc/B.Ed	GHS Qamar Din	AVP
10	228	Azam Khan	GPS Pai Khan	15-2-1970	20-2-1995	B,Sc/B.Ed	GHS Nahaqi	AVP

PROMOTION OF SCT/CT TO SST (General) BPS-16 ON REGULAR BASIS

Total No of SST General(M) vacant posts		
25% Share of Initial Recruitment		30
75 % Share of promotion		7
40 % share of promotion of Sr CT/CT		23
No of SST already promoted to SST		12
Post Available for Promotion		5
Promoted through this order		7
		6

S. No	S. L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular CT	Qualification	Posted at	Remarks
11	2	Khan Bahadar	GHS Prang Ghar	3-3-1960	3-2-1983	BA/BEEd	GMS Bahi Dag	AVP
12	4	Saif ur Rehman	GHS Suban Khur	10-10-1963	31-12-1986	BA/BEEd	GMS Navi Kali	AVP
13	9	Amir Badshah	GMS GatWarsak	21-3-1965	13-3-1986	BA/B,Ed	GMS Gat o Warsak	AVP
14	12	Wasi Ullah	GHS Hasham Kor	15-3-1964	17-9-1988	BA/B,Ed	GMS Kandi Essa Khel	AVP
15	14	Hidayat Ullah	GHS Ghami Kor	23-1-1965	7-12-1989	BA/B,Ed	GHS Ekka Ghund	AVP
16	15	Jafar Khan	GHS Kogpand	14-2-1960	20-12-1989	BA/B,Ed	GMS Gul Baz	AVP

PROMOTION OF SPST/PHST/PST/TO SST (General) BPS-16 ON REGULAR BASIS

Total No of SST General(M) vacant posts	30
25% Share of Initial Recruitment	7
75 % Share of promotion	23
20% share of promotion of PSHT/SPST/PST	6
No of SST already promoted	2
Post Available for Promotion	4
Promoted through this order	4

S. No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular AT	Qualifi-cation	Posted at	Remarks
17	114	Misal Khan	GPS Wacha Jawra	24-1-1967	17-9-1988	BA/B,Ed	GMS Asmarai	AVP
18	115	Muhammad Naeem Khan	GPS Naeem Kor	18-12-1970	17-9-1988	BA/B,Ed	GMS Halki Ghandhab	AVP
19	134	Fazal Gul	GPS Dara Zahir Khan	1-1-1966	1-10-1989	BA/B,Ed	GMS Sohail Kor	AVP
20	135	Hussain Ahmad	GPS Mozi Kot	20-12-1971	1-10-1989	BA/B,Ed	GMS Ghazi Baig	AVP

Consequential Transfer:

S. No	Name/Designation/School	Posted at	Remarks
21	Afzal Shah SST GHS Ekkaghund	GHS Navi Kalli	AVP
22	Nizam Ud Din SST (G) GHS Nahaqi	GHS Ghazi Baig	AVP

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for a further period of one year.
- 2 They will be governed by such rules and regulations as and when issued from time to time by
- 3 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 No TA/DA is allowed for joining his duty.
- 6 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him/her in the light of this order will be recovered and if he/she is wrongly promoted, he/She will be reverted.
- 7 Before handing over charge once again their document may be checked if they have not the prescribed qualifications as per rules; they may not be handed over charge of the post.
- 8 The prescribed qualifications/ documents may be verified from the concerned Universities/ Institutions by the AEO concerned.

(Hafiz Muhammad Ibrahim)

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. 5261-300

Dated Peshawar the 29/3 /2019.

Copy forwarded for information and necessary action to the: -

1. Accountant General (PR) Sub Office, Peshawar.
2. Additional Accountant General (PR) Sub Office, Peshawar.

3. District Education Officer Mohmand at Ghallani.
4. District Accounts Officer Mohmand at Ghallani.
5. PS to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Principal/Head Master concerned.
8. Promotees Concerned.
9. M/File.

28/03/18
Deputy Director (Estab.)
Merged District Khyber Pakhtunkhwa



Fo

The Secretary (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENTAL APPEAL FOR PROMOTION TO THE
POST OF SST (GENERAL) WITH RETROSPECTIVE EFFECT
AND NOT WITH IMMEDIATE**

R/Sir,

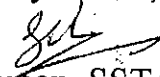
Most respectfully, it is stated that I am initially appointed as PTC now PST (BPS-9) on 23.12.1986 after fulfilling all the formalities. In the year 2012 the government had notified service structure/ rules for promotion of the PST(s) and SST(s) to SS and other different disciplines. Department vide notification dated 24-07-2014 promoted many of our colleague teachers of the province working on settle side on the post of PST to the post of SST (BPS-16) and accordingly by following the analogy vide notification dated 1-11-2014 teachers working as PSTs of the District Charsadda were promoted to the posts of SST (BPS-16) in light of notification dated 24-07-2014 and as such some of my colleagues who were working in FATA were also promoted to the post of SST (BPS-16) but with immediate effect and from the date when his colleagues working on settle side were promoted i.e. w.e.f 24-07-2014 those promoted colleagues knocked the door of Khyber Pakhtunkhwa Service Tribunal in appeal No. 1266/2018 which was decide in favour of my colleagues vide judgment dated 14-07-2021.

I was also promoted to the post SST (BPS-16) vide impugned notification dated 29-03-2019 but with immediate effect and not from the date when the other teachers are promoted i.e. w-e-f 1.11.2014 or 24-07-2014.

In light of the above and keeping the judgment passed by the Service Tribunal and treat me like other similarly placed employees of the service appeal No. 1266/2018 decided on 14-07-2021 and obliged, please.

Dated: 13th August 2021

Sincerely Yours,


Saif-Ur-Rehman, SST (BPS16)
GMS Navi Kali Ghandab, District
Mohmand.

VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

_____ OF 2021

Saif ur Rehman (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. Of KPK & Others (RESPONDENT)
(DEFENDANT)

I/We Saif ur Rehman
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. ____/____/2021

Saif ur Rehman
CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK
(BC-08-0853)
15401-0705985
&
HAIDER ALI
Bc-19-1396
ADVOCATES

OFFICE:
Flat No.4, 2ND Floor,
Juma khan plaza near
FATA secretariat, warsak road
Peshawar City.
Mobile No.0345-9383141