


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  
Security & Process Fee  
16/5/22

  
(Rozina Rehman)  
Member (J)

15<sup>th</sup> 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.

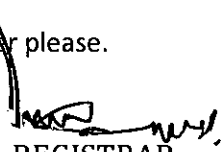


  
(Kalim Arshad Khan)  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7927 /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. Saif-ur-Rehman 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-	14.02.2022	<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> <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. Ghulam Muhammad, SST (BPS-16), GHS Nahaqi, 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 B and C attached with the appeal are illegible which may be replaced by legible/better one.

No. 2460 /S.T,

Dt. 09/12 /2021

Mr. Noor Muhammad Khattak  
Advocate Peshawar.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Resubmitted after completion

~~Haider Ali~~  
24/12  
21

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

SERVICE APPEAL NO. 7931 /2021

**GHULAM MUHAMMAD**

**V/S**

**EDUCATION DEPTT:**

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Dated: \_\_\_\_\_ 12.2021

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**0345-9383141**

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

SERVICE APPEAL NO. \_\_\_\_\_/2021

Mr, Ghulam Muhammad SST (BPS -16),  
GHS Nahaqi, 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 01.09.2010. 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**

*Ghulam Muhammad*

**GHULAM MUHAMMAD**

**THROUGH:**

*Noor Muhammad Khattak*  
**NOOR MUHAMMAD KHATTAK**

*Kamran Khan*  
**KAMRAN KHAN**

*Umar Farooq*  
**UMAR FAROOQ**

*Said Khan*  
**SAID KHAN  
ADVOCATES**

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

**SERVICE APPEAL NO. \_\_\_\_\_/2021**

**GHULAM MUHAMMAD**

**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.

*Ghulam Muhammad*  
**DEPONENT**

**CERTIFICATE:**

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

*[Signature]*  
**CERTIFICATION**



# ANNEXURE A

(5)



OFFICE OF THE AGENCY EDUCATION OFFICER  
MOHMAND AGENCY AT GHALLANAI  
P.NO.0924290180 FAX:0924290180

NO. \_\_\_\_\_ DATED Ghallanai \_\_\_\_/\_\_\_\_/2010

Subject: APPOINTMENT ORDER.

Memo:

Consequent upon selection/recommendation of authorized committee and on the basis of approval of the competent authority, following PTC candidates of Tehsil Ambar Mohmand Agency are hereby appointed against the vacant PTC posts mentioned again their names according to the present Govt: Policy in BPS No.07 @ 3530-190-9230 PM plus usual allowances in the interest of public service.

Note: - These appointments will remain effective w.e.f. 01-09-2010.

S.□	Name with Fathers Name	Tehsil	Score	School of posting	Vacancy verified by	Remarks
1.	Ghulam Muhammad S/O Muzamil Khan	Ambar	58.91	GPS Pai Khan	Rahmat Gul AAEO	
2.	Hafizul Haq S/O Shah Muhammad	-do-	58.50	GPS Prikari (Sangar)	-do-	
3.	Mudasir Khan S/O Bakhtiar Khan	-do-	56.65	GPS Sangar	-do-	
4.	Juma Said S/O Sher Baz	-do-	55.31	GPS Ora kore	-do-	
5	Habibullah S/O Masood Khan	-do-	52.69	GPS Kamangara	-do-	

## TERMS/ CONDITIONS.

- 13) The appointment of the candidates are purely made on temporary basis and is liable to termination in any time without assigning any reason.
- 14) They are entitled to avail all kinds of benefits specified for Govt: servants, including CP fund except pension, gratuity and GP Fund.
- 15) They will produce Health and age certificate from Agency Surgeon Mohmand Agency.
- 16) They will not be handed over charge of their posts if they are below 18 or above 38 years on the issuing date of this order.
- 17) If any certificate i.e. PTC, SSC, FA, BA, MA and service certificate OR Domicile certificate proves fake/Bogus at any stage, their appointment will be considered as cancelled.
- 18) The verification of the documents will be made through the office of the undersigned.
- 19) No payment will be made till the verification of their all documents from the institution concerned.

(Continue on page No.02)

ATTACHED

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- 20) If they fails to report for duties at their particular stations within 15 days, their appointment will be deemed as cancelled.
- 21) If the appointments in a particular Tehsil exceeds the existed vacancies, appointment of the candidate with low score will be considered as cancelled/with drawn.
- 22) If they wishes to resign the post they will have to give one month prior notice, or pay for one month will be forfeited in lieu thereof.
- 23) The service books of the candidates must be prepared when they are given the charge of their duties.
- 24) Charge report should be submitted to all concerned.

(Appointment order of 05 PTC candidates of Tehsil Ambar Mohmand Agency 2009-2010).

S.O	Name with Fathers Name
1.	Ghulam Muhammad S/O Muzamil Khan
2.	Hafizul Haq S/O Shah Muhammad
3.	Mudasir Khan S/O Bakhtira
4.	Juma Said S/O Sher Baz
5.	Habibullah S/O Masood Khan

(SAID MOHAMMAD)  
Agency Education Officer,  
Mohmand Agency at Ghallanai.

Endst:No.Apptt:/PTC/ 10060-66 /Dated Ghallanai the/ 18 / 8 /2010.

Cc:

1. Director of Education (FATA) K.P.K. Peshawar.
2. Political Agent Mohmand Agency at Ghallanai.
3. AAEO concerned in this office.
4. Agency Accounts Officer Mohmand Agency at Ghallanai.
5. Agency Surgeon Mohmand Agency at Ghallanai.
6. Accountant local office.
7. Candidates concerned.

Agency Education Officer,  
Mohmand Agency at Ghallanai.

ATTACHED

**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.

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B

ANNEXURE

Govt

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated the November 13, 2012.

No. SG/PE/4-S/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, conditions 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 Appendix and the schedule therewith.

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

Order No. & Date as above.

For 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 (E&T), Peshawar.

(APTA)   
 03159159555   
 4   
 4

8. The Director Curriculum & Teachers Education Abbottabad.
9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Deputy Director Database (EMIS) E & SE Department.
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 Secretary E & SE Department.
21. Master file.

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1. The Director Curriculum & Teachers Education Abbottabad.
2. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
3. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
10. The Deputy Director Database (EMIS) E&SE Department.
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]*

Attended

*[Signature]*

DISTRICT EDUCATION OFFICER

MALE CHARSAJDA

## 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 24<sup>th</sup> 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 Charsajda 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  
NAIIF CHARSAIDANotification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification, No.50 (PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24<sup>th</sup> July 2014 and Notification No 3376-80/File No.2/15-16/Junction SSTB-Ic Dated Peshawar the 28-10-2014 issued by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs Senior Lects/Lects, PSSTs/ 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. SST (Bio-Chem)

S.No	Name of Teacher & Designation	Present Place of Posting	Place of Posting
15	Mazhar-Ul-Islam (SCT)	GHS Umanzar	GHS Umanzar No 2
93	RIASAT Ali (SCT)	GHS Zarbali Garhi	GHS Sherpao
112	Iffkhar Ahmad (SCT)	GHS Kajar No 1	GHS Nisatta
183	Jamshaid Khan (SCT)	GHS Zuhrah Col Bala	GHS Chaklatab Koroonia
190	Maqsood Jan (CT)	GHS Umanzar	GHS Turongzai
237	Hayat Jan (CT)	GHS Umanzar No 2	GHS Tarnan
245	Inayat Ur Rehman (CT)	GHS Umanzar	GHS Balamirza
282	Nasrullah Khan (CT)	CMS Dhakki	GHS Hajizai
323	Jamshaid Khan (CT)	GHS Amzar	GHS Tangi No.2
341	Idrees Khan (CT)	CMS Dab Banda	GHS Charsadda Khass
366	Muhamamad Said (CT)	CHS Rahmatullah	GHS Shara Shabqadar
1087	Abdallah Jan (SPST)	GPS Munshiana Kili	GHS Halim zai
1454	Tarie Hussain (SPST)	GPS Haryana No 1	GHS Pashera
1454	Muhammad Akram (SPST)	GPS Inam Kili	GHS Mera Gul Abad
1459	Taj Ullah (SPST)	GPS Shakoor	GHS Mardhani
1474	Zikarullah Jan (SPST)	GPS Hajizai	GHS Katozai
1537	Arab Jan (SPST)	GPS Baz Mian Kili	GHS Kangra
1537	Shchriyar (DM)	GHS Sar Awan	GHS Khas Kili

B. SST (Phy-Maths)

S.No	Name of Teacher & Designation	Present Place of Posting	Place of Posting
72	Mahboob Ul Hassan (SC)	CHS Rahmat Ullah Khan Koroonia	CHS Rahmat Ullah Khan Koroonia ✓
120	Fazli Wahab (SCT)	CHS Soor Kama	CHS Mardhani
139	Nawab (SCT)	CMS Multi Abad, GHS Muhammad Nari	CHS Wardaga
140	Shakir Ullah (SCT)	CHS Chari Hamia Gui	CHS Geedor
141	Habib Ur Rehman (SCT)	CHS Chari Hamia Gui	CHS Parang

ATTACHED



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

(14)

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6	142	Imtiaz Ali (SCT)	GHS Charn Hamid Gul	GHS Rajjar No.1
7	121	Musaf Khan (SCT)	GHSS Dargai Manga	GHS Dargai Manga
8	180	Syed Sabaz Ali (SCT)	GHSS Dhakki	GHS Chazgi
9	210	Basharat Ahmad (SCT)	GHS Charsadda No.1	GHS Shakardhand
10	225	Ijaz Ali Khan (CT)	GHS Harichand	GHS Mirzadher
11	259	Sajid Ali Shah (CT)	GMS Marchaki Rajjar	GHS Turangzai
12	266	Khial Badshah (CT)	GHS Tangi No.2	GHS Abazai
13	330	Shakir Rehman (CT)	GHS Charsadda No.1	GHS Rajjar No.2
14	347	Sareer Ahmad (CT)	GHSS Sherpao	GHS Gandheri
15	352	Zahid Shah (CT)	GHS Shodag	GHS Kharaki
16	282	Shahid Jamal (SPST)	GPS Dosehra	GHS Turlandi
17	907	Salar Fathuddin (SPST)	GPS Marozai	GHS Khwaja Hawas
18	1076	Irshad Ali (SPST)	GPS Ziam	GHS Mani Khela
19	1089	Siraj Ahmad (SPST)	GPS Shahdhand	GHS Mirzai
20	1090	Aftab Hussain (SPST)	GPS Umarzai No.2	GHS Gul Khitab Koroonu Umerzai
21	1167	Samin Gul (SPST)	GPS Angar Koroonu	GHS Behlola
22	1168	Sajid Ali (SPST)	GPS Rajjar No.2	GHS Zahid Abud
23	84	Muhammad Younas (DM)	GHSS Umarzai	GHS Khuladhand
24	113	Kamran (DM)	GHS Hajizai	GHS Soro Killi
25	97	Aleem Ullah (AT)	GHS Hajizai	GHS Shara
26	81	Akram Khan (TT)	GHSS Sherpao	GHS Zarab Ghari
27	42	Asmat Ali (SQari)	GCMHS Turangzai	GHS Cheena

### C. SST (General)

S.No	Name of Teacher & Designation	Present Place of Posting	Place of Posting
1	9 Muhammad Ishag (SCT)	GHS Mera Gul Abad	GHS Mera Gul Abad
2	12 Muhammad Afzal (SCT)	GHS Cheena	GHS Rajjar - 1
3	13 Inam Ullah (SCT)	GHS Sherpao	GHS Turangzai
4	14 Dirus Salam (SCT)	GHS Ambadher	GHS SKF Dalazak
5	16 Sultan Shah (SCT)	GHS Shakardhand	GHS Shakardhand
6	20 Muhammad Iqbal (SCT)	GHS Kangra	GHS Katozai
7	22 Kifayat Ullah (SCT)	GCMHS Turangzai	GHS Rajjar - 1
8	27 Ward Ali (SCT)	GMS Dheri Chazgi/ GCMHS Turangzai	GHS Chazgi
9	28 Zahid Ullah (SCT)	GHS Shakardhand	GHS Dargaimanga
10	33 Muhammad Islam (SCT)	GHS Mani Khela	GHS Mani Khela
11	34 Abdur Basir (SCT)	GMS Sherpao	GHS Gul Abad Tangi
12	37 Muhammad Saeed Khan (SCT)	GHS Mirzadher	GHSS Tarnab
13	45 Muhammad Israr (SCT)	GMS Islamabad No.2	GHSS Doshera
14	47 Muhammad Qasim Jan (SCT)	GHS Charsadda No.1	GHSS Nisatta
15	48 Maz Ullah Khan (SCT)	GMS Zarin Abad	GMS Zarinabad
16	49 Niamat Ullah (SCT)	GMS Nawan Killi	GMS Kot
17	51 Nizar Ud Din (SCT)	GHS Porang	GHS Rajjar - 2
18	40 Pervez Shah (PSHT)	GPS Sheikh Killi	GHSS Nisatta
19	89 Zahir Ullah (PSHT)	GPS Khuladhand	GHS Babara

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*(Signature)*

11

20	121	Atta Ur Rahhman (PSHT)	GPS Bosa Khel No.1	CHSS No.1 Charsadda
21	168	Halim Khan (PSHT)	GPS Bachayano Killi	CHS Abazai
22	169	Ali Muhammad (PSHT)	GPS Qajaray	CHSS Doshera
23	186	Muhammad Rafi (PSHT)	GPS Dagi Faizullah Khan	CHS Dheri Sikandar Khan
24	192	Waheed Ullah (PSHT)	GPS Shahqadar Fort No.2	CHS Dheri Sikandar Khan
25	276	Hanif Ullah (PSHT)	GPS Bakayana	CHS Ambadher
26	14	Yaqoob Jan (SDM)	CHS Utmanzai No.2	CHSS Utmanzai
27	9	Waid Ullah Jan (STT)	CHS Rashaki	CHS Rashaki
28	43	Iftaa Ullah (STT)	CHS Charsadda Khas	CHS Ceedar
30	02	Muhammad Nasrul Qaddus (TT)	CHS Soor Khamar	CHS Mardhand
31	24	Muhammad Tayyab (TT)	CHS Soro Killi	CHS Soro Killi
32	10	Qari Mohsin Ullah (SQari)	CHS Tangi No.2	CHS Sadar Ghari

### 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 Inter-Se Seniority on lower post will remain intact.
6. No T/A/L.A. is allowed for joining his duty.
7. They will give an undertaking to be recorded in their service book to the effect that if any over payment made 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 transferrable to any other station.
10. Before handing over charge once again their documents may be checked if they have not the required relevant qualification as per rules, they may not be handed over charge of the post.
11. Their BA/BSc and B.Ed degrees and DMCs will be verified by the concerned DDO.

(Siraj Muhammad)  
District Education Officer  
Male Charsadda

Endst 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.

*[Handwritten Signature]*  
District Education Officer  
Male Charsadda

District Education Officer  
Male Charsadda

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

S.A.No. 1266/2018



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 <sup>District</sup> MOHMAND <sup>Tehsil</sup> GALLANAI.
8. ACCOUNTANT GENERAL (PR) SUB OFFICE, PESHAWAR.
9. SECRETARY FINANCE DEPARTMENT FATA SECRETARIAT KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR.

-----RESPONDENTS

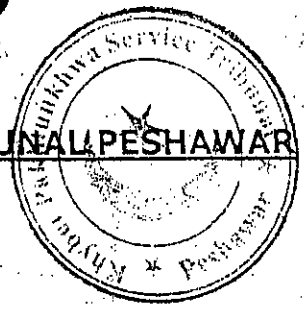
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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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

(F)

13



**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 ..... MEMBER (JUDICIAL)  
MR. ATIQ-UR-REHMAN WAZIR ..... 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",

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- 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".

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- 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 Alami 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".

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- 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".

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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**

EXAMINER  
Khyber Pakhtunkhwa  
Civil Secretariat

**ATTESTED**

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  
Muzib Paktukhwa  
Service Tribunal  
Peshawar

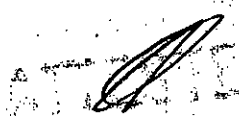
06. Learned Assistant Advocate General appeared on behalf of respondents has contended that as per Para-VI of promotion policy, promotions are always made with immediate effect and not with retrospective effect; that promotion is neither a vested right nor it can be claimed with a retrospective effect. 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**  
 Khyber Pakhtunkhwa  
 Service Tribunal

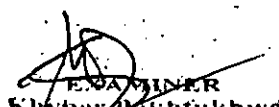


were promoted vide order dated 11-10-2017. On the other hand, the office of the District Education Officer in the settled district took timely steps and the promotions were made possible in the same year i.e. 2014. Placed on record is a Notification dated 01-11-2014 issued by District Education Officer 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

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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)

**Certified to be true copy**  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application \_\_\_\_\_

Number of Words \_\_\_\_\_

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Date of Presentation of Application 05/10/21 \_\_\_\_\_

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Date of Delivery of Copy 05/10/21 \_\_\_\_\_

**ATTACHED**



# Notification

# ANNEXURE E

22

In pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24<sup>th</sup> July,2014 and recommendations of the Departmental Promotion Committee, the following SCTs/CTs, SDMs/DMs, SAs/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.N	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 Ghani Kor	6-6-1973	9-12-2002	B.Sc/B.Ed	GHS Dab Kor	AVP

**Total No of SST Math/Phy(M) vacant posts**

**13**

25% Share of Initial Recruitment	3
75 % Share of promotion	10
40 % share of promotion of Sr.CT/CT	5
No of SST already promoted	2
Post Available for Promotion	3
Promoted through this order	3

**23**

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 Ilyas	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**

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

S. No	S.L No	Name of Official	Place of Posting	Date of Birth	Date of Appott: as Regular DM <i>PST</i>	Qualification	Posted at	Remarks
9	196	Mir dad Khan	GPS Ghulam Jan Koti	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**

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

*Approved 28/03/18*

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 Ghandab	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
			GHS Ghani				GHS Ekka	AVP

*Approved*

24

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 Jawa	24-1-1967	17-9-1988	BA/B,Ed	GMS Asmarai	AVP
18	115	Muhammad Nacem 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 Eldkaghund	GHS Navi Kalli	AVP
22	Nizam Ud Din SST (G) GHS Nahaqi.	GHS Ghazi Baig	AVP

**Terms and conditions:-**

*28/03/14*

- 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

5261-36


*[Signature]*

28/3

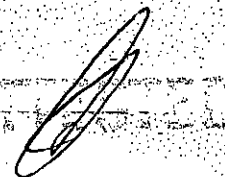


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3. District Education Officer Mohmand at Ghallani.
4. District Accounts Officer Mohmand at Ghallani.
5. PS to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa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

  
Deputy Director (Estab.)  
Merged District Khyber Pakhtunkhwa

Encl No 5261-300



ANNEXURE F

26

To

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

Subject:

**DEPARTMENTAL APPEAL FOR PROMOTION TO THE  
POST OF SST BIO/CHEM (M) 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 01.09.2010 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: 13<sup>th</sup> August 2021

Sincerely Yours,

*Ghulam Muhammad*  
Ghulam Muhammad, SST (BPS16)  
GHS Nahaqi, Distric Mohmand.

VAKALATNAMA

27

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

\_\_\_\_\_ OF 2021

Ghulam Muhammad

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt. Of KPK & Others

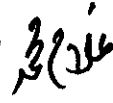
(RESPONDENT)  
(DEFENDANT)

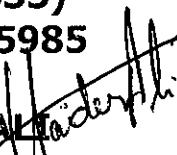
I/We

Ghulam Muhammad

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

Ghulam Muhammad   
CLIENT 03018910940

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

**OFFICE:**

Flat No.4, 2<sup>ND</sup> Floor,  
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Peshawar City.  
Mobile No.0345-9383141