

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 917/2018

Date of Institution ... 29.06.2018

Date of Decision ... 31.08.2021

Muhammad Aziz Ullah Khan, Principal (BPS-19),  
GHS Masha Mansoor District Lakki Marwat.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil  
Secretariat, Peshawar and three others.

... (Respondents)

Mr. TAIMUR ALI KHAN,  
Advocate

--- For appellant.

MR. MUHAMMAD RASHEED,  
Deputy District Attorney


--- For respondents.

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

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

  
Precise facts of the case are that the appellant joined Education Department as SET vide order dated 25.01.1981, having the qualification of M.SC and B.Ed. The appellant was promoted to the post of Subject Specialist (BPS-17) and finally promoted to BPS-19 vide order dated 30.01.2018. The appellant had acquired additional qualification of M.Ed in the year 2002, therefore, he was entitled to three advance increments in view of Government Policy, however the same were not granted to him, so he filed departmental appeal on

02.03.2018, however the same was not responded within the statutory period of 90 days. The appellant has now approached this Tribunal through filing of the instant service appeal for redressal of his grievance.

2. Notices were issued to the respondents, however they failed to submit their comments despite several opportunities being given to them, therefore, the appeal was fixed for arguments.

3. Learned counsel for the appellant has contended that the appellant is having the additional qualification of M.Ed, therefore, he was entitled to grant of additional increments, however the same were not granted to him; that so many other similarly placed employees have been granted the additional increments, however the respondents treated the appellant with discrimination by not allowing the additional increments to him; that the appellant had already completed the prescribed requirements in semester Spring 2001, however he was awarded the Degree of M.Ed from Allam Iqbal Open University Islamabad in the year 2002, therefore, for the purpose of grant of additional increments, it shall be deemed that the appellant had acquired the concerned qualification in the year 2001, making him entitled to grant of advance increments; that the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 has put clog on grant of advance increments on attaining higher qualification and the said act has been given retrospective effect from 01.12.2001, however vide judgment dated 08.06.2017 passed by the august Peshawar High Court, Peshawar in Writ Petition No. 913-P of 2014, retrospective effect of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 has been declared as null and void. He relied upon unreported judgment of august Supreme Court of Pakistan rendered in Civil Appeal No. 117-P of 2009 titled "Syed Shabir Hussain

Shah Versus The Secretary Food and Literacy NWFP (Now KPK) Peshawar and others" as well as judgment of worthy Peshawar High Court, Peshawar in Writ Petition No. 913-P/2014 titled "Muhammad Iqbal and two others Versus Govt. of Khyber Pakhtunkhwa through Secretary to Government, Finance Department Peshawar and three others".

4. Conversely, learned Deputy District Attorney for the respondents has argued that neither any original nor any appellate order has been challenged in the instant appeal, therefore, the same is not maintainable; that the appellant is seeking relief on strength of the degree acquired way back in the year 2002, therefore, the appeal in hand is barred by *laches* and otherwise too, law favours vigilant and not the indolent.

5. Arguments heard and record perused.

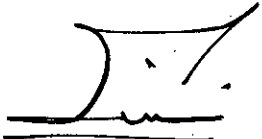
6. A perusal of the record would show that M.A/M.SC Degree in the relevant subject was prescribed qualification for appointment of Subject Specialist at the relevant time, while the acquisition of M.Ed Degree was to be considered as additional qualification, entitling a teacher to the grant of advance increments. The appellant had completed the prescribed requirements for awarding of M.Ed Degree in Spring 2001 and he was awarded the degree in the year 2002, therefore, he was entitled to the grant of the concerned additional increments. Although the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 has put clog on grant of advance increments on attaining higher qualification and the said act was given retrospective effect from 01.12.2001, however the appellant has annexed copy of judgment dated 08.06.2017 passed by the august Peshawar High Court, Peshawar in Writ Petition No. 913-P of 2014, whereby the retrospective effect of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on

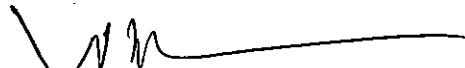
Higher Educational Qualification Act, 2012 has been declared as null and void.

7. The issue being one of financial benefits, therefore, being a recurring cause of action, the appeal is not hit by law of limitation. However, sluggish conduct of the appellant in seeking the relief cannot be over looked as he has knocked the door of the Tribunal in the year 2018 for the relief, which accrued to him way back in the year 2002.

8. In light of the above discussion, we allow this appeal in terms that the appellant shall be granted advance increments for acquiring additional qualification with effect from 29.06.2018 the date on which he filed the instant service appeal. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
31.08.2021

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)


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

ORDER  
31.08.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present.  
Mr. Muhammad Rasheed, Deputy District Attorney for the  
respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on  
file, we allow this appeal in terms that the appellant shall be  
granted advance increments for acquiring additional qualification  
with effect from 29.06.2018 the date on which he filed the  
instant service appeal. Parties are left to bear their own costs.  
File be consigned to the record room.

ANNOUNCED  
31.08.2021

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

01-01-2021

Due to summer vacation, case is adjourned to  
02-02-2021 for the same as before.

  
Reader

02.02.2021

Due to COVID-19, the case is adjourned for the  
same on 22.03.2021 before D.B.

  
READER


22.03.2021


Counsel for the appellant present.

Mr. Muhammad Rashid, Deputy District Attorney  
for respondents present.


Learned DDA seeks time to produce certain  
documents on the next date of hearing; granted.

Adjourned to 29 / 4 / 2021 before D.B.

  
(Mian Muhammad)  
Member (E)

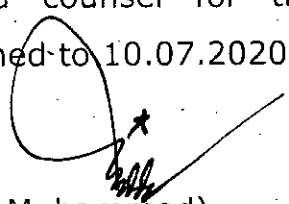
  
(Rozina Rehman)  
Member(J)

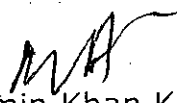
29.4.2021

*Due to COVID-19, the case is adjourned  
to 31-8-2021 for the same.* 

11.06.2020

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 10.07.2020 for arguments before D.B.

  
(Mian Muhammad)  
Member

  
(M. Amin Khan Kundi)  
Member

10.07.2020

Due to COVID-19, the case is adjourned to 24.08.2020 for the same.

  
Reader

24.08.2020

Due to summer vacation case to come up for the same on 30.10.2020 before D.B.

  
Reader

30.10.2020

Due to public holiday, the matter is adjourned to 1.1.2021 for arguments before the D.B.

  
Reader

19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association: Adjourn. To come up for further proceedings/arguments on 17.02.2020 before D.B.

  
Member

  
Member

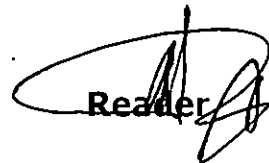
17.02.2020

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.04.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.

  
Reader



06.08.2019

Appellant in person present. Written reply not submitted. Shakeel Superintendent (for respondent No.3) absent. Respondents as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 19.09.2019 before S.B.

  
Member

19.09.2019

Appellant in person and Addl. AG alongwith Shakeel Superintendent for the respondents present.

Representative of the respondents requests for further time. Last opportunity is granted to the respondents for submission of written reply/comments on 10.10.2019 before S.B.

  
Chairman

10.10.2019

Counsel for the appellant and Addl. AG alongwith Irfanullah, Assistant for the respondents present.

Respondents have not furnished reply/comments despite last opportunity. The matter is posted to D.B for arguments on 19.12.2019.

  
Chairman

917/2018

11.04.2019

Appellant in person and Addl. AG for the respondents present.

Learned AAG requests for time to procure the reply/comments from the respondents. Adjourned to 02.05.2019 before S.B.

  
Chairman

02.05.2019


Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Learned District Attorney requests for adjournment to procure written reply from the respondents. Adjourned to 21.06.2019 for written reply/comments of respondents but as a last chance.

  
Chairman

21.06.2019

Junior counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 06.08.2019 for written reply/comments before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

917/18


18.01.2019

Counsel for the appellant present.


In view of judgments passed by the Apex Court in C.P No. 117-P/2009 (Shabir Hussain Vs. Secretary, E&SE Khyber Pakhtunkhwa, Peshawar and others) dated 16.3.2011 and by the Honourable Peshawar High Court in Writ Petition No. 913-P/2014 (Muhammad Iqbal and 2 others Vs. Government of Khyber Pakhtunkhwa and others) dated 08.06.2017, the instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents.

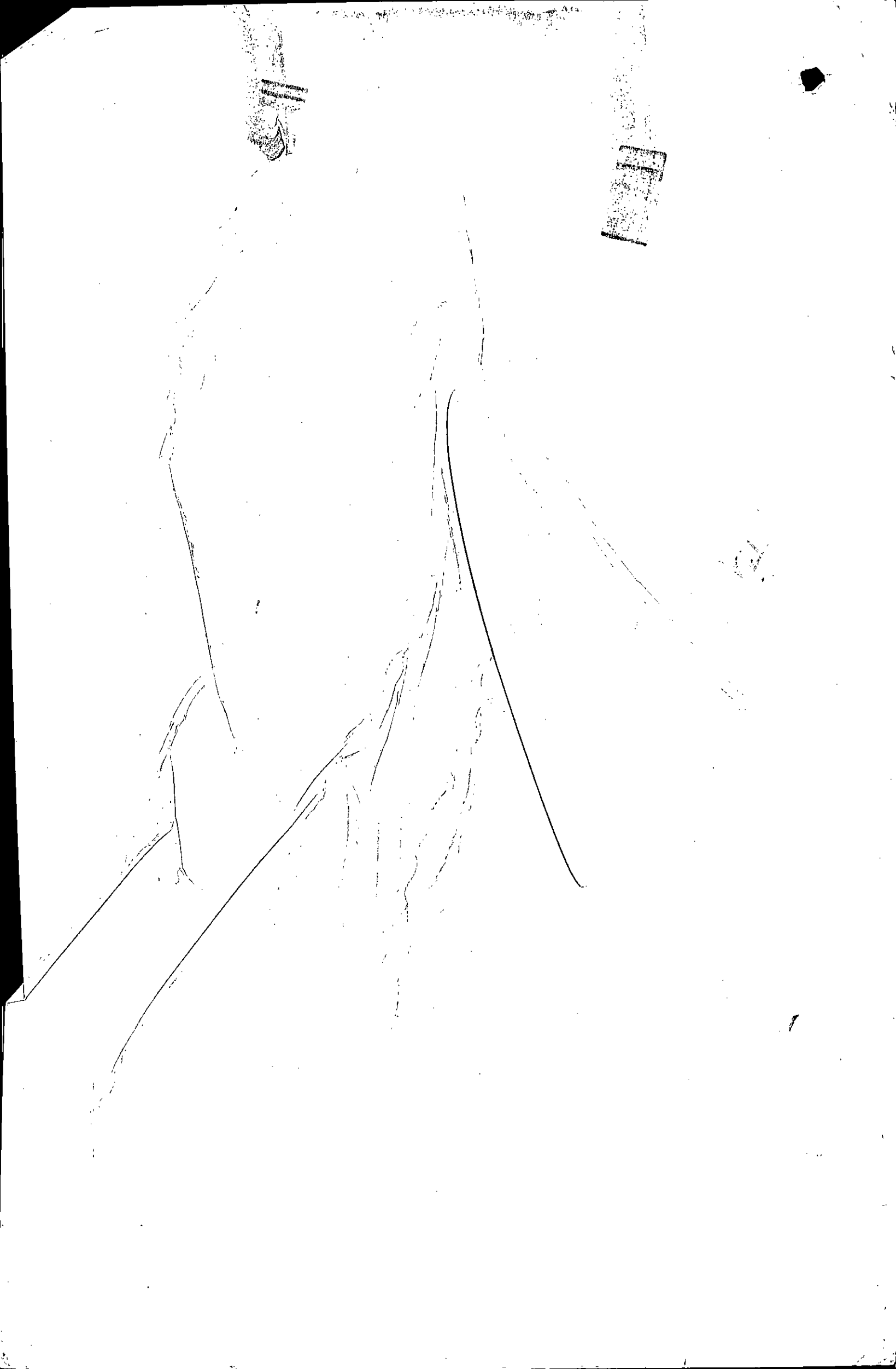
To come up for written reply/comments on 01.03.2019

Appellant deposited  
Security & Process Fee before S.B.

  
Chairman

01.03.2019 Clerk to counsel for the appellant present. Written reply not submitted. Mr. Shakeel Superintendent representative of the respondent department absent. He be summoned with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 11.04.2019 before S.B.

  
Member



06.12.2018

Nemo for appellant.

On 22.10.2018 the instant matter was adjourned upon Reader note. It appears that the appellant/learned counsel has not been served for hearing today. Adjourned to 18.01.2019 before S.B. Fresh notice be issued to appellant for the date fixed.

  
Chairman

~~Chairman~~

~~On 22.10.2018 the instant matter was adjourned~~

~~upon Reader note. It appears that the appellant/learned  
counsel has not been served for hearing today. Adjourned  
to 18.01.2019 before S.B. Fresh notice be issued to  
appellant for the date fixed.~~

~~Chairman~~

FORM OF ORDER SHEET

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

Case No. 917/2018


S.No.	Date of Order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>20/07/2018</p> <p><i>21-7-2018</i></p> <p>28.08.2018</p> <p><i>22-10-18</i></p>	<p>The appeal of Mr. Muhammad Aziz Ullah Khan resubmitted by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Wrothy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>The case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28-8-2018</u></p> <p style="text-align: center;"><i>[Signature]</i> CHAIRMAN</p> <p>Counsel for the petitioner present and seeks adjournment. Adjourned. To come up for preliminary hearing on 22.10.2018 before S.B.</p> <p style="text-align: center;"><i>[Signature]</i> (Ahmad Hassan) Member</p> <p><i>Due To Retirement of Honorable Chairman The Tribunal is non functional therefore The case is adjourned to come up fore The Bench on 6/12/2018 [Signature] Reader</i></p>

The appeal of Mr. Muhammad Aziz Ullah Khan Principal GHS Masha Mansoor Distt. Lakki Marwat received today i.e. on 29.06.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of order dated 25.01.1987 is illegible which may be replaced by legible/better one.
- 5- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1318 /S.T.

Dt. 02/07 /2018.

  
REGISTRAR - 12/11  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr.M.Asif Yousafzai Adv. Pesh.

Sir,

Objections removed, file re-submitted.

7/8/18  
20-7-18.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 917 /2018

Muhammad Azizullah Khan

V/S


Education Deptt:

-----  
**INDEX**

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-04
2.	Copy of Academic record	---A---	05-10
3.	Copy of order dt 25.01.2018	---B---	11-12
4.	Copy of order dt. 31.06.2000	---C---	13-22
5.	Copy of M.Ed Degree	---D---	23-24
6.	Copy of ESTA CODE	---E---	25
6.	Copy of SC Judgment dt. 16.3.2011	---F---	26-28
7.	Copy of Judgment dt. 08.06.2017	---G---	29-43
7.	Copy of departmental appeal	---H---	44
15.	Vakalat Nama	-----	45

**APPELLANT**

THROUGH:

  
(M.ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

&  
(S. NOMAN ALI BUKHARI)  
ADVOCATE PESHAWAR

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 03339103240



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 917 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1096

Dated 29-6-2018

Muhammad Aziz Ullah Khan, Principal (BPS-19),  
GHS Masha Mansoor District Lakki Marwat.

(Appellant)

**VERSUS**

1. The Govt: of KPK through Chief Secretary, Civil Secretariat, Peshawar.
- ✓ 2. The Chief Secretary KPK, Civil Secretariat Peshawar.
- ✓ 3. The Secretary (E&SE) Education Govt: of KPK, Civil Secretariat, Peshawar.
4. The Director (E&SE) KPK, Peshawar.

(Respondents)

Filed to-day

Registrar  
29/6/18

Re-submitted to -day  
and filed.

Registrar  
20/7/18

-----  
APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 FOR DIRECTING THE RESPONDENT TO GRANT ADDITIONAL INCREMENTS TO THE APPELLANT ON ACQUIRING ADDITIONAL QUALIFICATION OF M.ED W.E.FROM 16.04.2002 AND AGAINST NOT TAKING ACTION DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE WITHIN THE STATUTORY PERIOD 90 DAYS.

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE REFUSAL OF GRANTING OF ADDITIONAL INCREMENTS W.E.FROM 16.04.2002 TO THE APPELLANT ON ACQUIRING ADDITIONAL QUALIFICATION OF M.ED BY THE RESPONDENT MAY BE DECLARE ILLEGAL UNLAWFUL DISCRIMINATORY AND UNCONSTITUTIONAL. THE RESPONDENTS MAY FURTHER PLEASE BE DIRECTED TO

**ADDITIONAL INCREMENT TO THE APPELLANT ON ACQUIRING ADDITIONAL QUALIFICATION OF M.ED W.E.F FROM 16.04.2002. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant has qualification of M.Sc, B.Ed and joined Education Department as SET vide order dated 25.01.1981. Copy of Academic record and order dated 25.01.1987 are attached as **Annexure A & B**)
2. That the appellant was promoted to the post of Subject Specialist BPS-17 and finally promoted to BPS-19 on 30.01.2018 vide order dated 31.06.2000 and acquired M.Ed degree in 2002. (Copy of order dated 31.06.2000 and M.Ed Degree as **Annexure C&D**)
3. That as per ESTA CODE instruction the High School Teacher who possesses or acquires master degrees shall be entitled for additional increments. Copy of relevant page of ESTA CODE is attached as **Annexure-E**.
4. That one official namely Syed Shabir Hussain Shah who acquire additional qualification of M.Ed in 2002 in the same batch of the appellant filed Civil Appeal No. 117-P/2009 in the Honorable Supreme Court of Pakistan against the Judgment of KPK Service Tribunal for additional increments on acquiring additional qualification of M.Ed which was allowed on 16.03.2011 in the favour of appellant. **Copy of Judgment is attached as Annexure-F**.
5. That the government of KPK passed in Act 2012 whereby payment of arrears on advance increments on higher qualification was ceased. However similar placed person filed different writ petitions on the Honorable Peshawar High Court, Peshawar for advancing increment on attaining higher qualification which was allowed on 08.06.2017 with the directions to provide the benefit of advance increments to the petitioner on attaining higher qualification. **Copy of Judgment dated 08.06.2017 is attached as Annexure-G**.

6. That the appellant ~~has acquired M.Ed Degree in 2002 and is entitled for additional increments of additional qualifications of M.Ed.~~ however the department did not grant him additional increments on acquiring M.Ed Degree in 2002, therefore he filed departmental ~~appeal on 02.03.2018 for grant of additional increments on acquiring~~ on M.Ed Degree in 2002 w.e.f from 16.04.2002 which was not responded within the statutory period of 90 days. **Copy of departmental appeal is attached as Annexure-H.**
7. That the appellant wants to file this service appeal for redressal of grievance on the following grounds amongst other.

### **GROUND:**

- A) That not granting additional increment on acquiring additional qualification of M.Ed and not taking action are against the law facts, policy of government and norms of justice therefore not tenable.
- B) That one official namely Syed Shabir Hussain Shah who acquire additional qualification of M.Ed in 2002 in the same batch of the appellant filed Civil Appeal No. 117-P/2009 in the Honorable Supreme Court of Pakistan again the Judgment of KPK Service Tribunal for additional increments on acquiring additional qualification of M.Ed which was allowed on 16.03.2011 in the favour of appellant and the appellant also expected the same relief from this Honorable Tribunal.
- C) That the Honorable Peshawar High Court, Peshawar has allowed similar nature writ petitions on 08.06.2017 and the appellant being similar placed person is also expected same treatment from this Honorable Tribunal.
- D) That the appellant highly qualified person and also possess required qualification of ~~additional increments of M.Ed Degree on depriving him from the benefit of additional increments on acquiring additional qualification of M.Ed is against the norms of justice and fair play.~~
- E) That the appellant was discriminated as many other official has granted ~~additional increments on acquiring additional qualification of M.Ed but the appellant deprived from the said benefit.~~
- F) That the appellant seeks permission to advance others 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

  
Muhammad Azizullah Khan

THROUGH:



(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

&

(S. NOMAN ALI BUKHARI)  
ADVOCATE PESHAWAR

S. N. 192887

Roll No. 29325

Board of Intermediate & Secondary Education  
Peshawar (Pakistan)



**SECONDARY SCHOOL CERTIFICATE EXAMINATION  
SESSION 1975  
ANNUAL**

This is to certify that Mohamed Azizullah Khan  
son/daughter of Sheh Joz Khan and a student  
of Govt. Pilot Secondary School, Serai Nurana (Dannu)  
passed the Secondary School Certificate Examination of the Board  
of Intermediate and Secondary Education, Peshawar held in April, 1975  
in the First Division.

The candidate passed in the following subjects :—

1. English
2. Urdu
3. Islamiyat
4. Social Studies
5. Mathematics (Elec)
6. Physics & Chemistry
7. Physiology & Hygiene

Date of Birth Seventeenth July One thousand  
nine hundred and Fifty-Nine ( 17-7-1959 )

13th July, 1975.

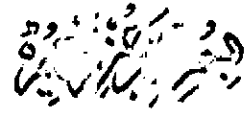
HR:

ATTESTED

SECRETARY

6

S No 078570



Roll No. 4503

**Board of Intermediate and Secondary Education**  
PESHAWAR, N.W.F.P. (PAKISTAN)

**Intermediate Examination**

~~SCIENCE~~ **Group**  
**SESSION 1977**  
**ANNUAL**

This is to certify that MUHAMMAD AZIZULLAH KHAN  
Son/Daughter of MUHAMMAD AZIZ KHAN  
and a student of GOVT. COLLEGE, LAHRI HARWAT (CANAL)  
Registered No. 9-B/L-13 has passed the **INTERMEDIATE EXAMINATION**,  
of the Board of Intermediate and Secondary Education, Peshawar held in Sep; / Oct; 1977  
as a Regular candidate. He/She obtained 137 Marks out of 1000,  
and has been placed in Grade  Representing (FAIR)

He/She has been awarded Grade  **C** on the basis of internal  
assessment by the Institution concerned.

The Examination was taken as a whole

9th, January 1978.

Asstt. Secretary

**SECRETARY**

This certificate is issued without alteration or erasure.

**ATTESTED**

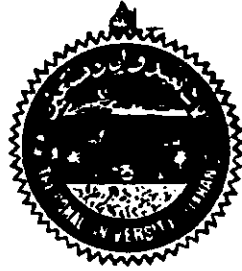
Serial No. 294

جامعة الغومل

7 65

# GOMAL UNIVERSITY

## DERA ISMAIL KHAN



MOHAMMAD AZIZULLAH SON of SHAHBAZ KHAN and  
a student of GOVERNMENT COLLEGE, LAKKI MARWAT (BANNU)  
having passed the prescribed examination in AUGUST/SEPTEMBER 19 79,  
is this day admitted by the Gomal University to the **D E G R E E** of  
**BACHELOR OF SCIENCE**  
in the SECOND Division. HE passed also in PERSIAN as an  
Additional Optional Subject. The Examination was taken as whole/~~in parts~~

Registered No. 217-L-77

Roll No. 81

29TH NOVEMBER, 1979.

**ATTESTED**

Countersigned

*U. H. Khan*

*M. Raza W. Hussain*

Controller of Examinations

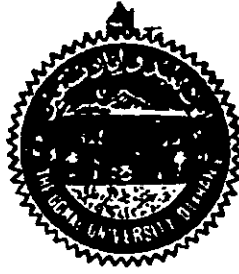
Vice-Chancellor

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Serial No GU00648

# GOMAL UNIVERSITY

## DERA ISMAIL KHAN



(Session 1980-82)

MOHAMMAD AZIZ ULLAH SON of SHAHBAZ KHAN and

a student of the GOVERNMENT POST GRADUATE COLLEGE, BANNU

having passed the prescribed examination in JANUARY 19 82

is this day admitted by the Gomal University to the DEGREE of

## MASTER OF SCIENCE

in the SECOND Class

The subject of examination being BOTANY

The Examination was taken as a whole/ ~~on parts~~

Registered No. 217-L-77

Roll No. 2013

21st APRIL, 19 82.

**ATTESTED**

Countersigned

*Muhammad Iqbal*

*Ahmed*

Vice-Chancellor



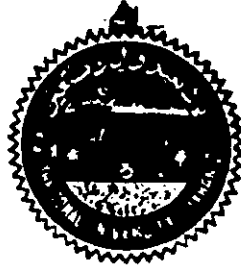
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

90

Serial No 000651

# GOMAL UNIVERSITY

## DERA ISMAIL KHAN



(Session 1985-86)

MOHAMMAD AZIZ ULLAH

Son of

SHAH BAZ KHAN

and a student of the Institute of Education and Research, Gomal University having passed the prescribed examination in JUNE/JULY

1986, is this day admitted by the Gomal University to the

DEGREE of

### Bachelor of Education

in the 1st Division in part I ( Theory )

in the 1st Division in part II ( Skill in Teaching ) and

in the 1st Division in Aggregate.

The Examination was taken as a whole / ~~in parts~~

Registered No. 217-L-77

Roll No. 1080

9TH OCTOBER, 1986.

**ATTESTED**

Countersigned

*S. M. Khan*

*S. M. Khan*

(10) (3)

# Allama Iqbal Open University Islamabad



Serial No. 3997

Certified that Mr. / Ms. MOHAMMAD AZIZULLAH KHAN

Son / Daughter of SHAH BAZ KHAN

Registration No: 00-NLM-0260 Roll No: J-6649959

having completed the prescribed requirements in semester  
SPRING, 2001 is awarded the degree of:

*Master of Education (M.Ed.)*

He / She has secured 55 % marks and has been placed in B grade.

*Fajrol*

CONTROLLER OF EXAMINATIONS

Result declared on: 16-4-2002.

ISLAMABAD. DATED: JUL 21 2004



*[Signature]*  
VICE-CHANCELLOR

**ATTESTED**

THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT, ISSUED SEPARATELY

OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS) DIVISION

B  
A  
11

Consequent upon their terms of appointment on merit, the following M.Ed/B.Sc/B.Ed candidates are hereby appointed Rs. 900/- PM in SP-1 grade and allowances as admissible under the rules or on their own pay & PF which ever is beneficial to them, against the vacant SET posts at the schools noted against each in the interest of public service with effect from the date of their taking over charge.

S.No.	Marks/Year	Name & Address	Posted	Remarks
1.	757/1200/85-86	M. S. S. / Naurang (BZU)	Govt. College (BZU) Aurangzeb	Walt SET appt. as Lecturer.
2.	795/1200/85-86	Abdul Jabar, B.Sc/B.Ed C/O Zar Gul Shopkeeper Hanid Gate, Bannu.	GHS, Gomulazar (Tank)	Vice Abdullah Shhh. SET Transfer to KMT Distt.
3.	776/1200/85-86	Muhammad Azizullah B.Sc, B.Ed Vill: & P.O. Kot Kashmir, (Bannu).	GHS, Kiri Haider (Tank)	Vice Mirbaz Khan SET selected as Lecturer.
4.	774/1200/85-86	Yalok Naz, B.Sc/B.Ed Vill: Shurbi, P.O. Bharat, Bannu.	GHS, Abdul Khel (DTK)	Vice Muhammad Khan B.Sc not joined the post.

TERMS & CONDITIONS:-

- The appointments of the above SETs are subject to the approval of the Departmental Selection Committee as defined in NWFP Civil Servants (Appnt. promotion & transfer) Rule, 1973.
- The seniority will be determined according to the merit of this order. In case of non compliance of this order, the seniority will be as per their counterparts who higher marks and have not been appointed so far for one reason or others.
- Their services are liable to termination/reversion to lower posts/cadre, as the case may be, without any notice during the period of probation.
- Their services will be terminated/they will be reverted to lower posts without any notice & assigning any reason.
- In case, any one of them wishes to resign at any time one month's prior notice will be necessary or in lieu thereof a month's pay shall be forfeited.
- They are required to produce health & age certificate from the medical updt. concerned before taking over charge. In service handbook can be obtained by producing the required certificates.
- The fresh appointees shall not be allowed to take over charge if age of the individual is less than 18-years or above 30-years as prescribed in service rules.
- Their appointments are subject to further condition that they are domiciled of NWFP. They will be governed by service rules and regulations applicable to the post.
- Their Educational Certificates, Degrees, Character and antecedent forms should be obtained duly verified by the local police authority and be submitted to this office together with application for appt. on prescribed form under taking declaration of moveable and immovable property and security bond where necessary for record in this office. The original certificates/documents be checked before taking over charge.
- If they fail to take over charge of the post within a week after issue of this order, the offer of appt. shall stand cancelled automatically.
- The reports shown to all concerned at once.
- The Transfer is not allowed to any one.

*attested*  
Noor Aslam Marwat  
Subject Specialist (B-7)  
G.H.S. Kot Kashmir  
Distt: Lakki Marwat

(BUNER KHAN)  
Director of Edu: (S) DTKhan Divn: DTKhan

Contd: N.P. 2.

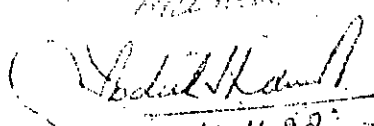
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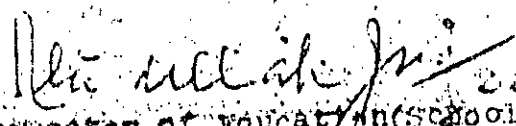
Page-2.

Endst: No. 1470-29 / AE-III (12) List, BEd, dt. D.K. tje 25-1- / 1967

Copy forwarded to the :-

- 1. Director of Education (Schools) NWFP, Peshawar.
- 2. Director of Education (Schools) Kohat, Peshawar, Hazara and Malakand Division.
- C-7. District Education Officer (Male) D.Khan & Bannu.
- 8. Sub-Div: Education Officer (Male) Lakk Marwat.
- 9-12. Headmaster, G.P.S. / Haurang, Gomal Bazar, K.P. Division and Tank (D.Khan).
- 13-16. Candidates concerned.
- 17-18. 1. Officer.

*Attested*  
  
 12.11.67  
 Principal,  
 Govt. High School,  
 Cantt. Dist. D. I. Khan.

  
 Director of Education (Schools)  
 D.Khan Division, D.Khan.

**OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS)**  
**D.I.KHAN DIVISION DIKHAN.**

**APPOINTMENTS:-**

Consequent upon their term of appointment on merit, the following M.Ed/B.Sc/B.Ed candidate spare hereby appointed 900/ their own pay & BPS which there is beneficial to them, against the vacant SET posts at the school noted against each in the interest of public service with effect from the date of their taking overcharge:

S.No	Marks/Year	Name/Address	Posted	Remarks
1.		GHSS.S/Naurang	Aurangzeb	Wal SET appointed as Lecturer
2.	795/1200/85-86	Abul Jabbar, B.Sc/B.Ed C/O Zar Gul Shopkeeper Hamid Gate, Bannu.	GHS, Gomal Mazar Tank	Vice Abdullah Shah SET Transfer to KHT at District.
3.	776/1200/85-86	Muhammad Azizullah B.Sc, B.Ed Village & P.O.Kot Kashmir, Bannu	GHS, Kiri Haider Tank	Vice Mirbaz Khan SET selected as Lecturer
4.	774/1200/85-86	Falak Naz, B.Sc/B.Ed Vill: Shurbi, P.O Bharat, Bannu	GHS, Abdul Khel (DTK)	Vice Muhammad Khan B.Sc not joined the post.

**TERMS & CONDITIONS:-**

1. The appointments of the above SETs are subject to the approval of the Departmental Selection Committee as defined in NWFP, Civil Servants (Appointment, Promotion & Transfer) Rule, 1973.
2. The seniority will be determined according to the merit of their department of non compliance of this order, the seniority will be deferred. However they will not confirmed right to claim seniority over their counterparts who higher marks and have not been appointed so far for one reason or others.
3. Their services are liable to termination/reversion to lower posts/cadre, as the case may be, without any notice during the period of probation.

**ATTESTED**

4. Their services will be terminated/they will be reverted to lower posts/without any notice and assigning any reason.
5. In case, any one of them to resign at any time one month's prior notice will be necessary or in lieu thereof a month's pay shall be forfeited.
6. They are required to produce health and age certificate from the Medical Superintendent before taking over charge, in service.
7. the fresh appointed shall not be allowed to take over charge if age of the individual is less than 18-years or above 30-years as prescribed in service rules.
8. their appointments are subject to further condition that they are domiciled of NWFP. They will be governed by service rules and regulation, applicable to the post.
9. The educational certificates/Degrees, character and antecedent forms should be obtained duly verified by the local police authority and be submitted to this office together with application for apptt: on prescribed form under taking, declaration of movable and immoveable property and security bond where necessary for record in this office. The original certificates/Degrees be checked before handing over charge.
10. If they fail to take over charge of the post within a week after issue of this order, the offer of appointment shall stand cancelled automatically.
11. Charge reports should be sent to all concerned at once.
12. TA/DA, Transfer etc is not allowed to any one.

(BUNER KHAN)  
Director of Education (S) D.I.Khan  
Division DIKHAN

**ATTESTED**

**OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS)**  
**D.I.KHAN DIVISION DIKHAN.**

**APPOINTMENTS:-**

Consequent upon their term of appointment on merit, the following M.Ed/B.Sc/B.Ed candidate spare hereby appointed 900/ their own pay & BPS which there is beneficial to them, against the vacant SET posts at the school noted against each in the interest of public service with effect from the date of their taking overcharge:

S.No	Marks/Year	Name/Address	Posted	Remarks
1.		GHSS.S/Naurang	Aurangzeb	Wal SET appointed as Lecturer
2.	795/1200/85-86	Abul Jabbar, B.Sc/B.Ed C/O Zar Gul Shopkeeper Hamid Gate, Bannu.	GHS, Gomal Mazar Tank	Vice Abdullah Shah SET Transfer to KHT at District.
3.	776/1200/85-86	Muhammad ✓ Azizullah B.Sc, B.Ed Village & P.O.Kot Kashmir, Bannu	GHS, Kiri Haider Tank	Vice Mirbaz Khan SET selected as Lecturer
4.	774/1200/85-86	Falak Naz, B.Sc/B.Ed Vill: Shurbi, P.O Bharat, Bannu	GHS, Abdul Khel (DTK)	Vice Muhamma d Khan B.Sc not joined the

**TERMS & CONDITIONS:-**

1. The appointments of the above SETs are subject to the approval of the Departmental Selection Committee as defined in NWFP, Civil Servants (Appointment, Promotion & Transfer) Rule, 1973.
2. The seniority will be determined according to the merit of their department of non compliance of this order, the seniority will be deferred. However they will not confirmed right to claim seniority over their counterparts who higher marks and have not been appointed so far for one reason or others.
3. Their services are liable to termination/reversion to lower posts/cadre, as the case may be, without any notice during the period of probation.

**ATTESTED**

4. Their services will be terminated/they will be reverted to lower posts/ without any notice and assigning any reason.
5. In case, any one of them to resign at any time one month's prior notice will be necessary or in lieu thereof a month's pay shall be forfeited.
6. They are required to produce health and age certificate from the Medical Superintendent before taking over charge, in service.
7. the fresh appointed shall not be allowed to take over charge if age of the individual is less than 18-years or above 30-years as prescribed in service rules.
8. their appointments are subject to further condition that they are domiciled of NWFP. They will be governed by service rules and regulation, applicable to the post.
9. The educational certificates/Degrees, character and antecedent forms should be obtained duly verified by the local police authority and be submitted to this office together with application for apptt: on prescribed form under taking, declaration of movable and immovable property and security bond where necessary for record in this office. The original certificates/Degrees be checked before handing over charge.
10. If they fail to take over charge of the post within a week after issue of this order, the offer of appointment shall stand cancelled automatically.
11. Charge reports should be sent to all concerned at once.
12. TA/DA, Transfer etc is not allowed to any one.

(BUNER KHAN)  
Director of Education (S) D.I.Khan  
Division DIKHAN

**ATTESTED**



NOTIFICATION

The following SET's holding MA/MSc degree in the relevant subject for the post of subject specialist are hereby adjusted against the post of subject specialists on acting charge basis in the schools noted against each on seniority basis with immediate effect subject to the terms and conditions in vogue or ones to be framed in future.

Notes:-

- 1) Charge report should be submitted to all concerned.
- 2) The appointment is subject to the approval of the Departmental promotion committee.

(S. ABU SAIED BACHA)  
Director Secondary Education  
NWFP, Peshawar.

S.No.	Name & Designation	Where posted as Sub (En. Lsh)	Remarks
1/1	Muhammad Shah Safi SET GHS, Katozai Cndi	I/C GHSS, Umarzai Chandda	Against vacant post.
2/2	Mumtaz Khan SET GHS, Saro Si garden	I/C SS, GHSS, Pir Saddi Mardan	-do-
3/3	Abdul Wahid SET GHS, Jewar Mardan	I/C SS GHSS, Dosehra Charsadda	-do-
4/4	Musa Khan SET GHS, Dabli Lawaghar Karak	I/C SS GHSS, Daraban Kalan DIKhan	-do-
5/5	Safdar Ali SET GHS, Parmoli Swabi	I/C SS GHSS, Gandaf Swabi	-do-
6/6	Kifayatur Rehman SET ASDEO(M) Peshawar.	I/C SS GHSS, Adezai Peshawar	-do-
7/7	Kalimullah SET GHS, No.2 DIKhan	I/C SS GHSS, No.2 DIKhan	-do-
8/8	Mir Haq Nawaz SET GHS, No.2 Bannu	I/C SS GHSS, Tajori Lakki	-do-
9/9	Altaf Hussain Shah SET GHS, No.1 Kulachi	I/C SS GHSS, Dakki DIKhan	-do-
10/10	Bashir Ahmad SET GHS, Bizen Khel Bannu	I/C SS GHSS, Paroa DIKhan	-do-
11/11	Nazir Ahmad SET GHS, Ma. Jen	I/C SS GHSS, Batkhela Mika:	-do-
12/12	Mohammad Tariq SET GHS, Mera Achini Peshr:	I/C SS GHSS, Jallozai (NBR)	-do-
13/13	Abdul Hafiz SET GHS, Ahmad Khel Bannu	I/C SS GHSS, Katgarh DIKhan	-do-
14/14	Mohammad Perwiz SET GHSS, Munda Dir	I/C SS GHSS, Munda Dir	-do-

*attested*  
Noor Aziza Marwat  
Subject Specialist (Bos. 17)  
G.H.S. Kot Kasheer  
Distt. Lakki Marwat

(14) (3) (5)

322/15	Mohammad Salim SET GHS, Mohammad Khawaja	I/O SA GHSS, Droak (Chitral)	
334/16	Sardaraz Khan SET GHSS, Wari Dir	I/O SA GHSS, Wari Dir	-do-
335/17	Mohammad Baziq SET GHS, Yar Hussain Swabi	I/O SA GHSS, Nawagai (Buner)	-do-
336/18	S. Shabir Hussain Shah SET GHS, No.1 Mansehra	I/O SA GHSS, Dhodial Mansehra	-do-
337/19	Imal Khan SET GHS, Urmal Dheri Swabi	I/O SA GHSS, Munda Dir	-do-
338/20	Mohammad Baziq SET GHSS, No.1 Peshr: Cantt	I/O SA GHSS, Dag Peshawar	-do-
339/21	Amir Nawab SET GHSS, Takht Bhar Mardan	I/O SA GHSS, Samar Bagh Dir	-do-
340/22	Mohammad Sadiq SET GHS, No.2 Haripur	I/O SA GHSS Lora A/Abad	-do-
341/23	Ze Gohar Said SET GHS, Lahor Swabi	I/O SA GH SS, Ziarat Talash Dir	-do-
342/24	Mushtaq Ahmad SET GHS, No.1 Havelian A/Abad	I/O SA GHSS, Lognotan	-do-

Botney/Biology.

343/1	Sardar Ali SET GHS, No.3 Mingora	I/O SA GHSS, Kalan Swat	Against vacant post.
344/2	Iqbal Hussain SET GHS, Jallala Mkd:	I/O SA GHSS Totakan Mkd:	-do-
345/3	Muzammil Shah SET GHSS, No.1 Peshr: City	I/O SA GHSS, Chamkani Peshr:	-do-
346/4	Sanaullah Khan SET GHS, Kotka Mohammad Khan	I/O SA GHSS, Esak Khel Lakki	-do-
347/5	Ikramullah SET GHSS, No.1 Peshr: City	I/O SA GHSS, Dag Peshawar	-do-
348/6	Fazal Shah SET GHS, Saro Shah Mardan	I/O SA GHSS, No.4 Mardan	-do-
349/7	Umar Jan SET GHS, Mandew Banna	I/O SA GHSS, Parova DIKhan	-do-
350/8	Saifullah Khan SET GHS, Surat Khan Baka Khel FR. Bannu	I/O SA GHSS, Shakardara Kohat	-do-
351/9	Ajmal Khan SET GHS, Ghaljo Orakzai	I/O SA GHSS, Wari Dir	-do-
352/10	Gul Baz Khan SET GHS, Mandew Bannu	I/O SA GHSS, Bogara Kand	-do-
353/11	Faridullah Khan SET GHS, Gambeer Mkd:	I/O SA GHSS, Mirsaddi Mardan	-do-
354/12	Mohammad Azizullah SET GHS, Kot Kashmir Lakki	I/O SA GHSS, Pazu Lakki	-do-

*Noor Aslam Marwat*  
 Noor Aslam Marwat  
 Subject Specialist (BPS-17)  
 G.H.S.S. Kot Kashmir  
 Distt: Lakki Marwat

(18) (8)

Endst: No. 9810-10242 /A.12 I/C SS

Dated Peshawar the 31/6 /2000

Copy forwarded for information & n/ection to the:-

1. Director of education (F.A.S.) NWFP.
2. Director Bureau of Curriculum Development & Education Extension Services N.W.F.P., Abbottabad.
3. Accountant General NWFP.
4. Distt. Education Officers (Male) / ~~concerned~~.
5. Distt. Accounts Officer concerned.
6. All Agency Accounts Officer In N.W.F.P.
7. Officers concerned.
8. Principal Govt: Higher Secondary Schools Concerned.
9. Headmaster Govt: High Schools concerned.
10. Registrar Departmental Examinations NWFP, Peshawar.
11. P.S. to Minister for Education NWFP.
12. P.A. to Director Secondary Education NWFP, Peshawar.

Deputy Director Secondary Education NWFP, Peshawar 18/26

*attested*  
*Signature*  
 Noor Aslam Marwat  
 Subject Specialist (B.S. II)  
 G.H.S. Kot Kashmir  
 Distt: Lakki Marwat

ATTESTED

*Handwritten signature*



(16)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated Peshawar the April 25, 2014

**NOTIFICATION**

**NO.SO(S/M) E&SED/1-3/2013/Promotion BS-17 to BS-18:** The Competent Authority on the recommendations of the Provincial Selection Board is pleased to promote/appoint the following (353) Officers of Teaching Cadre of Elementary & Secondary Education Department from BS-17 to BS-18 on regular basis with immediate effect as under except Sr. No. 67 & 99.

Sr.#	Name	Sr.#	Name	Sr.#	Name
1	Mr. Umar Muhammad	2	Mr. Mubarak Shah	3	Mr. Saeed-ur-Rahman
4	Mr. Muhammad Zaman	5	Mr. Umar Nawaz Khan	6	Mr. Ihsan-ud-Din
7	Syed Shoukat Shah	8	Mr. Sultan Syed	9	Mr. Younas Ali
10	Mr. Muhammad Farooq	11	Mr. Gul Farooq Khan	12	Mr. Sheraz Ahmad
13	Mr. Muhammad Parsa	14	Mr. Muhammad Nawaz	15	Mr. Rayat Khan
16	Mr. Fakhri Alam.	17	Mr. Niaz Ahmad.	18	Mr. Wilayat Khan
19	Mr. Ishtiaq Ahmad	20	Mr. Mansoor Ahmad	21	Mr. Muhammad Shoab Khan
22	Mr. Navced Ahmad	23	Mr. Abdul Qadir	24	Mr. Khalid Mahmood
25	Mr. Abid Ullah Shah	26	Mr. Gul Hussain Shah	27	Mr. Muhammad Rahmani
28	Mr. Farzand Ali Shah	29	Mr. Inayat-ur-Rehman	30	Mr. Muhammad Mehdi Shah
31	Mr. Zia-Ullah	32	Mr. Muhammad Tariq Bhatti.	33	Mr. Sultan Muhammad
34	Mr. Hakim Ullah	35	Mr. Fida Muhammad	36	Mr. Arif Iqbal
37	Muhammad Zaheer	38	Mr. Mumtaz Saddiqi	39	Mr. Muhammad Sajjad
40	Mr. Muhammad Tahir	41	Mr. Abdul Nasir Khan	42	Mr. Muhammad Abid Jan
43	Mr. Zahid Amin	44	Mr. Fida Muhammad	45	Mr. Wasi Ullah
46	Mr. Hamd Ullah Jan	47	Mr. Azhar Hussain Shah.	48	Mr. Muhammad Arif.
49	Mr. Ihsan Ahmad	50	Mr. Muhamunad Yousaf	51	Mr. Gul Nawaz Khan
52	Mr. Nigar Ahmad	53	Mr. Basharat Khan	54	Basharat Ahmad
55	Mr. Tahir Zaman	56	Mr. Arshad Mehmood	57	Mr. Muhammad Khalil
58	Mr. Sadar Shaheed	59	Mr. Eid Ullah	60	Mr. Rabib Khan.

ATTESTED

(17) (78)

S#	Name of Officer with Designation	Proposed Place of Posting	Remarks.
193	Falak Naz , SS(Chemistry) GHSS No.1 Kohat	SS(Chemistry) B-18 GHSS No.1 Kohat	Already occupied by him
194	S.Hidayat Ali Shah , SS(Maths) GHSS Tarnab Charsadda	SS(Maths) B-18 GHSS Tarnab Charsadda	Already occupied by him
195	Gul Baz Khan , SS(Bio) GHSS Warana Karak	SS(Bio) B-18 GHSS Warana Karak	Already occupied by him
196	Faridullah Khan , SS(Bio) GHSS Abdul Khel Lakki Marwat	Instructor B-18 RITE Ghoriwala Bannu	Against Vacant Post
197	Muht Aziz Ullah , SS(Bio) GHSS Kot Kashmir Lakki Marwat	SS B-18 GHSS Sarai Naurang Lakki Marwat	Against Vacant Post
198	Najeeb Ullah , SS(Chemistry) GHSS Bughdada Mardan	SS (Chemistry) BS-18 GHSS Bughdad Mardan	Already occupied by him
199	Muhammad Younis Khan , SS(Chemistry) GHSS Tajazai lakki Marwat	SS(Chemistry) B-18 GHSS Tajazai Lakki	Already occupied by him
200	Sarfaraz Khan , SS(Pysics) GHSS Kabgani Swabi	Principal B-18 GHS Zarobi Swabi	Against Vacant Post
201	Raham Zada, SS(Chemistry) GHSS Nurar Bannu	SS(Chemistry) B-18 GHSS Nurar Bannu	Already occupied by him
202	Kaleem Ullah , SS(English) GHSS No.2 D.I.Khan	SS(English) B-18 GHSS No.2 D.I.Khan	Already occupied by him
203	Noor Khan , SS(Eco) GHSS Aba Khel Lakki Marwat	SS(Eco) B-18 GHSS Darra Pezu Lakki Marwat	Against Vacant Post
204	Shairoz Khan , SS(Eco) GHSS Saddo Dir Lower	SS(Eco) B-18 GHSS Khall Dir Lower	Against Vacant Post
205	Muhammad Iqbal , SS(Physics) GHSS Mingora Swat	SS(Physics) B-18 GHSS Mingora Swat	Already occupied by him
206	Ghafoorur Rehman , SS(Eco) GHSS Togh Bala Kohat	SS(Eco) B-18 GHSS Togh Bala Kohat	Already occupied by him
207	Zahid Ullah , SS(Chemistry) B-17 GHSS FR Bannu FATA		Services placed at the disposal of ACS FATA for further posting
208	Haroon Rashid ,SS(Chemistry) GHSS Mingora Swat	SS(Chemistry) B-18 GHSS Mingora Swat	Already occupied by him

ATTESTED

*[Signature]*  
25/04/19

18 (17)

4. No TA/DA will be allowed to the oppjontees for joining their duty.

## CHIEF SECRETARY

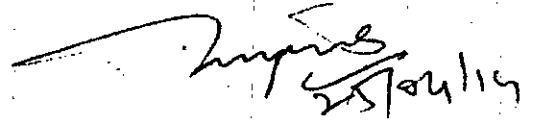
### Endst. of even No. & Date

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Additional Accountant General Pakistan Revenue Sub Office, Peshawar.
3. PSO to Chief Minister Khyber Pakhtunkhwa, Peshawar.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. Director, Curriculum & Teacher Education, Abbottabad.
6. Director, Provincial Institute of Teacher Education, Peshawar.
7. Director, Education FATA, FATA Secretariat Warsak Road, Peshawar.
8. Manager Printing Press Khyber Pakhtunkhwa, Peshawar.
9. District Accounts Officers concerned.
10. District Education Officers concerned.
11. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
12. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
13. PS to Minister E&SE Khyber Pakhtunkhwa, Peshawar.
14. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
15. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
16. PA to Additional Secretary E&SED, Khyber Pakhtunkhwa.
17. Incharge EMISE E&SE Department.
18. Notification can be downloaded from our website: [www.kpese.gov.pk](http://www.kpese.gov.pk)
19. Office order file.



(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)



**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the January 30, 2018.

**NOTIFICATION**

**NO.SO(SM) E&SED/1-2/2017/Promotion from 18 to 19 (Teaching Cadre):** Consequent upon the recommendation of the Provincial Selection Board made in its meeting held on 25.09.2017, the Competent Authority is pleased to promote/appoint the following forty five (45) Officers of Teaching Cadre of Elementary & Secondary Education Department from BS-18 to BS-19 on regular basis with immediate effect as under:-

Sr#	Name	Sr#	Name	Sr#	Name
1	Mr. Ifikhar Ahmad	2	Mr. Muhammad Atlas Khan	3	Mr. Muhammad Saleem
4	Mr. Muhammad Daud Shah	5	Mr. Ikramullah	6	Mr. Gul Roshan
7	Mr. Habibur Rehman	8	Mr. Iqbal Muhammad	9	Mr. Shahid Hayat
10	Mr. Mohammad Rauf	11	Mr. Saifullah Principal	12	Mr. Juma Gul Shah
13	Mr. Shaukat ali	14	Mr. Muhammad Sadat Khan	15	Mr. Shujat Ali Khan
16	Mr. Falak Naz	17	Syed Hidayat Ali Shah	18	Mr. Farid Ullah Khan
19	Mr. Muhammad Aziz Ullah	20	Mr. Najeeb Ullah	21	Mr. Muhammad Younis Khan
22	Mr. Sarfaraz Khan	23	Mr. Raham Zada	24	Mr. Kaleem Ullah
25	Mr. Noor Khan	26	Mr. Shairoz Khan	27	Mr. Muhammad Iqbal
28	Mr. Ghafour Rehman	29	Mr. Zahid Ullah	30	Mr. Haroon Rashid
31	Mr. Anwar Jan	32	Mr. Muhammad Ashraf	33	Mr. Hamid Ullah
34	Mr. Muhammad Rashad	35	Mr. Gulzar Khan	36	Mr. Nisar Muhammad
37	Mr. Abdul Samad	38	Mr. Kaleem Ullah	39	Mr. Altaf Hussain Shah
40	Mr. Muhammad Salim	41	Mr. Saifullah	42	Mr. Aqal Mond
43	Mr. Jehanzeb	44	Mr. Hameed Ullah	45	Mr. Riaz Ali

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with rule-15(1) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) rules, 1989 the above male officers of the Teaching Cadre on their promotion shall be on probation for a period of one year.

**ATTESTED**







GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

20

3. Consequent upon the above, the following postings/transfers are hereby ordered henceforth:-

S.#	Name of Officers & Present Place of Posting	Posted As	Remarks
1	Mr. Iftikhar Ahmad Principal BS-18 GHSS Hayat Abad Peshawar	Principal BS-19 GHS Gar Munara Swabi	Against Vacant post
2	Mr. Muhammad Atlas Khan Vice Principal BS-18 GHSS No. 3 D.I Khan	Principal BS-19 GHSS kot Jai D.I. Khan	Against Vacant post
3	Mr. Muhammad Saleem SS (Economics) GHSS No. 4 D.I. Khan	Principal BS-19 GHSS Dhaki D.I.khan	Against Vacant post
4	Mr. Muhammad Daud Shah Vice Principal BS-18 GHSS Karak	Principal BS-19 GHSS Rahmani Khel D.I. Khan	Vice Sr. No. 54
5	Mr. Ikramullah SS (Biology) GHSS Dosehra Charsadda	Principal BS-19 GHS Totakan Malakand	Against Vacant post
6	Mr. Gul Roshan Din at the disposal of FATA	---	Services placed at the disposal of ACS FATA.
7	Mr. Habibur Rehman Principal BS-18 GHSS Nogram Buner	Principal BS-19 GHSS Channai Swabi	Against Vacant post
8	Mr. Iqbal Muhammad SS (Chemistry) BS-18 GHSS no. 2 Peshawar Cantt	Principal BS-19 GHSS Kabgani Swabi	Against Vacant post
9	Mr. Shahid Hayat SS (Physics) BS-18 GHS No. 4 Mardan	Principal BS-19 GHS Baja Swabi	Against Vacant post
10	Mr. Mohammad Rauf SS (Chemistry) BS-18 GHSS Jandarai Karak	Principal BS-19 GHSS Bagh Maidan Dir Lower	Against Vacant post
11	Mr. Saifullah Principal BS-18 GHSS Nandraka Kohat	Principal BS-19 GHSS Zaimdara Dir Lower	Against Vacant post
12	Mr. Juma Gul Shah Instructor BS-18 RITE (M) Ghoriwala Bannu	----	Services placed at the disposal of ACS FATA.
13	Mr. Shaukat ali SS (Maths) BS-18 GHSS Ksheshgi Payan Nowshera	Principal BS-19 GHSS Tarkha Nowshera	Vice Sr. No. 51
14	Mr. Muhammad Sadat Khan SS (Economics) BS-18 GCHSS Bannu	Principal BS-19 GHS Tangora Buner	Against Vacant post
15	Mr. Shujat Ali Khan Principal BS-18 GHS Seri Swabi	Principal BS-19 GHSS Bam Khel Swabi	Against Vacant post
16	Mr. Falak Naz SS (Chemistry) BS-18 GHSS No. 1 Kohat	Principal BS-19 GHSS Ghari Habib ullah Manshera	Against Vacant post
17	Syed Hidayat Ali Shah, SS (Maths) BS-18 GHSS Tarnab Charsadda	Principal BS-19 GHSS Mian Brangola Dir Lower	Against Vacant post
18	Mr. Farid Ullah Khan, Instructor BS-18 RITE (M) Ghowriwala Bannu	Principal BS-19 GHSS Salabat Manshera	Against Vacant post

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

2/2/20

19	Mr. Muhammad Aziz Ullah SS BS-18 GHSS Sarai Naurang Bannu	Principal BS-19 GHSS Kawai Manshera	Against Vacant post
20	Mr. Najeeb Ullah SS (Chemistry) BS-18 GHSS Bughdada Mardan	Principal BS-19 GHSS Skhakot No. 2 Malakand	Against Vacant post
21	Mr. Muhammad Younis Khan, SS (Chemistry) BS-18 GHSS Tajazai Lakki Marwat	Principal BS-19 GHSS Parhena Manshera	Against Vacant post
22	Mr. Sarfaraz Khan, Principal BS-18 GHS Zarobi Swabi	Principal BS-19 GHSS Gandaf Swabi	Against Vacant post
23	Mr. Raham Zada, SS (Chemistry) BS-18 GHSS Nurar Bannu	Principal BS-19 Trappi Manshera	Against Vacant post
24	Mr. Kaleem Ullah. SS (English) BS-18 GHSS No. 2 D.I. Khan	Principal BS-19 GHSS Katgarh DI Khan	Against Vacant post
25	Mr. Noor Khan, SS (Economics) B S-18 GHSS Darra Pezzu Lakki Marwat	Principal BS-19 GHSS Bandi Shungali Manshera	Against Vacant post
26	Mr. Shairoz Khan, Instructor BS-18 RITE (M) Timergara Dir Lower	Senior instructor BS-19 RITE Male Timergara Dir Lower	Against Vacant post
27	Mr. Muhammad Iqbal, SS (Physics) BS-18 GHSS Mingora Swat	Principal BS-19 GHSS Kishwara Swat	Against Vacant post
28	Mr. Ghafur Rehman, SS (Economics) BS-18 GHSS Togh Bala Kohat	Principal BS-19 GHS Dhand Saghri Kohat	Vice Serial No.52
29	Mr. Zahid Ullah, BS-18 FATA	---	Services placed at the disposal of ACS FATA.
30	Mr. Haroon Rashid, SS (Chemistry) BS-18 GHSS Mingora Swat	Principal BS-19 GHS Pir Khel Malakand	Against Vacant post
31	Mr. Anwar Jan, Vice Principal BS-18 GHSS Lora Abbottabad	Principal BS-19 GHS Kot Hakeem Tank	Against Vacant post
32	Mr. Muhammad Ashraf, SS (Pak Study) BS-18 GHSS Lassan Thakral Mansehra	Principal BS-19 GHSS Lassan Nawab Manshera	Against Vacant post
33	Mr. Hamid Ullah, SS (Physics) BS-18 GHSS Muryali D.I. Khan	Principal BS-19 GHSS Ramak D.I.Khan	Against Vacant post
34	Mr. Muhammad Rashad, Vice Principal BS-18 GHSS Ziarat Talash Dir Lower	Senior Instructor BS-19 RITE (M) Temargara Dir Lower	Against vacant post
35	Mr. Gulzar Khan, SS (Biology) BS-18 GHSS Kot Najibullah Haripur	Principal BS-19 GHSS Tajwal Abbottabad	Against Vacant post
36	Mr. Nisar Muhammad, Principal BS-18 GHS Jhamra Haripur	Principal BS-19 GHS Chamhati Abbottabad	Against Vacant post

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
- DEPARTMENT

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54	Mr. Amir Muhammad Khan Principal BS-19 GHSS Rahmani Khel D.I. Khan	Principal BS-19 GHS Teri Karak	Against vacant post
55	Mr. Zakir Hussain Principal BS-19 GHS Tall Hangu	----	Services placed at the disposal of Directorate
56	Mr. Sahibzada SS (English) BS-18 GHSS Bamkhel Swabi	Principal BS-18 GHSS Nogram Buner	Vice Serial No.7


2. No TA/DA is allowed.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director Education FATA, FATA Secretariat, Warsak Road Peshawar.
4. Director, Curiculum & Teachers Education, Abbottabad.
5. Director, Provincial Institute of Teachers Education, Peshawar.
6. District Education Officer (M), Concerned.
7. District Account Officer, Concerned.
8. Manager, Printing Press, Peshawar.
9. Estate Office Civil Secretariat, Peshawar.
10. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
11. PA to Additional Secretary E&SED, Khyber Pakhtunkhwa.
12. Incharge EMIS E&SE Department.
13. Officers concerned.
14. Office order file.

  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS MALE)

**ATTESTED**

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# Allama Iqbal Open University Islamabad



Serial No. 3997

Certified that Mr. / Ms. MOHAMMAD AZIZULLAH KHAN

Son / Daughter of SHAH BAZ KHAN

Registration No: 00-NLM-0260 Roll No: J-6649959

having completed the prescribed requirements in semester  
SPRING, 2001 is awarded the degree of:

*Master of Education (M.Ed.)*

He / She has secured 55 % marks and has been placed in B grade.

**ATTESTED**

*Fajid*

CONTROLLER OF EXAMINATIONS

Result declared on: 16-4-2002.

ISLAMABAD. DATED: JUL 21 2004



*[Signature]*  
VICE-CHANCELLOR

## ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Roll No.

J6649959

Registration No.

00-NLM-0260

**TRANSCRIPT**

This is to certify that Mr/Ms. \_\_\_\_\_

MUHAMMAD AZIZ ULLAH KHAN

Son/Daughter/of \_\_\_\_\_

SHAH BAZ KHAN

SPL. IN TEACHER EDU.

has completed all the requirements of M.Ed ( \_\_\_\_\_ ) degree

programme with the following courses in Spring / Autumn \_\_\_\_\_ Semester

Course Code	Title of the Course	Marks %	Grade
831	FOUNDATIONS OF EDUCATION	57	B
837	EDUCATIONAL RESEARCH	51	C
838	CURRICULUM DEVELOPMENT & INSTRUCTION	52	C
840	EDUCATIONAL PSYCHOLOGY	52	C
826	ELEMENTARY EDUCATION	64	B
827	SECONDARY EDUCATION	49	C
828	HIGHER EDUCATION	55	B
829	TEACHER EDUCATION IN PAKISTAN	58	B
843	GUIDANCE & COUNSELLING	52	C
846	TEACHING STRATEGIES	52	C
584	POPULATION EDUCATION	61	B
<b>Total Marks Obtained</b>		<b>603</b>	

**ATTESTED**He/She has obtained 55 % marks and has been placed in grade Bdated 16-04-2002

*Fazil*  
Controller of Examinations

This Transcript is issued, errors and omissions expected, as a provisional document only. It has no legal value independent of the result gazette of the University and the degree will be awarded in due course of time.

E 25

Wardens in Colleges and Polytechnics shall be allowed a Warden  
ice of Rs. 100 p.m.

14. **Advance Increments to School Teachers on Attaining Higher Qualifications.**—Primary, Middle and High School teachers who possess or acquire while in service higher qualifications shall be allowed advance increments as under:—

I. *Primary School:*

- (i) A teacher who possesses or acquires FA/F.Sc shall be allowed two advance increments.
- (ii) A teacher who (in addition to FA/F.Sc.) also acquires C.T. shall be allowed one additional advance increment.
- (iii) A teacher who acquires a degree of BA/B.Sc. shall be allowed three additional advance increments.

II. *Middle School:*

A teacher who possess or acquires a degree of BA/B.Sc. shall be allowed three advance increments.

III. *High School:*

A teacher who possesses or acquires Master's degree shall be allowed three advance increments. In case of a teacher who possesses or acquires Master's degree in Education (M.Ed) and also a Master's degree in any academic subject shall be allowed six advance increments.

Provided that a teacher who has already drawn increments for possessing higher educational qualification under the existing scales shall be allowed increments equal to shortfall in the number of increments, if any, between the increments obtained by him and the increments which have now been prescribed.

15. **Advance Increments to Technical and Professional Categories on Possessing/Acquiring Higher Qualifications.**—Doctors, Engineers, Educationists, Economists, Management Accountant, Scientistics, Geologists, Meteorologists, Archaeologists, Experts in Agriculture, Animal Husbandry and Forestry working in Universities, Colleges, Research institutions or technical departments shall be allowed advance

✓ ATTESTED

F (26)

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

Present:

MR. JUSTICE NASIR-UL-MULK  
MR. JUSTICE AMIR HANI MUSLIM

CIVIL APPEAL NO. 117-P OF 2009

(on appeal from the judgment of the KPK Service Tribunal, Peshawar dated 19.12.2008 in Appeal No. 611 of 2008)

Syed Shabir Hussain Shah

...Appellant

VERSUS

The Secretary Schools & Literacy,  
NWFP (Now KPK) Peshawar and others

...Respondents

For the Appellant:

Mr. M. Zahoor Qureshi, AOR/ASC.

For the Respondents:

Mr. Naveed Akhtar, Adl. AG, KPK.

Date of Hearing:

16.03.2011

JUDGMENT

NASIR-UL-MULK, J.- This appeal by leave of the Court is directed against the judgment of the KPK Service Tribunal, dismissing the appellant's appeal for the grant of increments upon acquiring higher qualification in accordance with the policies of the Government.

2. The appellant was appointed as Subject Specialist in Physics in a Government school having the qualification of M.Sc and B.Ed. He acquired additional qualification of M.Ed. on 16.04.2002 and thus applied for additional increments admissible to the employees under the Government policies upon acquiring additional qualification.

**ATTESTED**

*[Signature]*  
Assistant Registrar  
Supreme Court of Pakistan  
Peshawar.

The learned counsel for the appellant has pointed out that it was on 11.03.2000 that the appellant was granted permission

**ATTESTED**

27 (B)

by the Headmaster of the school, to appear as private candidate in M.Ed. examination. That the appellant wanted to acquire additional qualification in view of policies of the Government for advance increment for such qualification. He argued that since the basic qualification held by the appellant was M.Sc. B.Ed. on the basis of which he was appointed, the acquisition of M.Ed. was an additional qualification.

4. The learned Additional Advocate General submitted that the scheme under which advance increments were granted had been discontinued in 2001. The learned counsel for the appellant submitted, in response, that the appellant had acquired the additional qualification through long distance course from Allama Iqbal Open University and the appellant had completed all the semesters by Spring of 2001 but the result was notified on 16.04.2002.

5. The record shows that the prescribed qualification for the appointment of Subject Specialist at the relevant time was M.A./B.Ed. and the acquisition of M.Ed. was therefore a higher qualification. Reference may be made to the judgment of this Court in HAMEEDUL HAQ v. ACCOUNTANT GENERAL N.W.F.P. PWSHAWAR AND OTHERS ( Civil Petitions No. 1854 to 1879 of 1999 ) dated 21.04.2000 copy of which has been filed with this appeal. As regards the discontinuation of the scheme, it may be pointed out that the appellant had admittedly completed the entire course through semesters by spring 2001, whereas the scheme was discontinued at the end of 2001. Issuance of certificate of passing of M.Ed. depended solely upon the completion of semester since the appellant was taking along distance course. The appellant cannot be blamed for the delay in certification of his passing M.Ed. examination. Thus by the time the appellant had qualified, the scheme for advance increments

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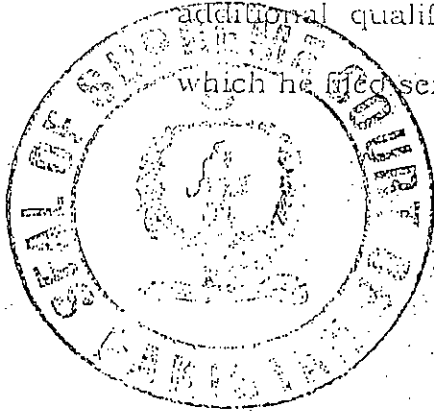
Assistant Registrar  
Supreme Court of Pak

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was still in force. Having said that we are mindful of the fact that the appellant knocked the doors of the Tribunal in 2008 against a cause of action that arose in 2002. However, since it is a matter of recurring pecuniary benefits, the appellant has a continual cause of action. At the same time we cannot overlook the lethargic conduct of the appellant for not approaching the Court with due diligence.

6. In view of the foregoing, we allow this appeal in terms that the appellant shall be granted advance increments for acquiring additional qualification with effect from 16.04.2008, the date on which he filed service appeal before the Service Tribunal.



PESHAWAR  
16<sup>th</sup> March, 2011

M. Iqbal  
29/3/11

sd/- Nasir-ul-Mulk, J  
sd/- Amir Hami Muslim, J

Certified to be true copy

Assistant Registrar  
Supreme Court of Pakistan  
Peshawar

"Not approved for reporting"

G.R. No. 304-P/2011

Date of presentation of Application

Application 21-03-2011

No. of Words 900

No. of Pages 9

Registration Fee 5.00

Copying Fee 5.58

Court Fee 10.58

Date of completion 31-03-2011

Date of delivery 2/4/11

Compared by [Signature]

Received by M. Zahid Qureshi A/c

Total Fee [Signature]

Advance [Signature]

Balance [Signature]

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*Judgment Sheet*

**IN THE PESHAWAR HIGH COURT,  
PESHAWAR**

*(Judicial Department)*

**WP No. 913-P/2014**

***Muhammad Iqbal & two others***

***Vs***

***Govt. of Khyber Pakhtunkhwa through***

***Secretary to Government, Finance***

***Department, Peshawar & three others***

**JUDGMENT**

Date of hearing. 08.06.2017

Petitioner (s) by: Mr. Fazal Shah Mohmand, Advocate

Respondent (s) by: Syed Qaiser Ali Shah, AAG

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**MUHAMMAD YOUNIS THAHEEM, J.-**

Through this single judgment we propose to decide the instant writ petition alongwith connected WP No.1418-P/2014 titled *Molvi Muhammad & four others Vs Govt. of KPK through Secretary Education (E&S), Peshawar & others* and WP No.2053-P/2014 titled *Saeed Ullah & 32 others Vs Govt. of KPK through Secretary S & GAD & others*, as in all above petitions common question of law and facts regarding non-granting of two advance increments on attaining

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**EXAMINER  
Peshawar High Court**

**29 JUL 2017**

higher educational qualifications, granted under Notification No. FD(PRC)1-1/89 dated 11.08.1991 Paragraph 5 are involved. Brief facts of the instant writ petition and connected petitions are separately given below:

i) WP No.913-P/2014:

The petitioners served in police department and retired as Inspectors, claimed above said relief after attaining higher educational qualifications by acquiring LL.B Degrees, they filed WP No.3600/2010 which was allowed by this Court vide judgment dated 28.10.2010 and were declare entitled for the benefit of two advance increments already given to other civil servants but inspite of favourable judgment of this Court in their favour, the petitioners were refused relief, therefore, they filed contempt of Court petition bearing COC No.201-P/2013, wherein this Court after hearing the parties passed an order for the implementation of judgment instead Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act IX, 2012 was promulgated, which has been challenged on the ground that it is to nullify the effects of judgment dated 28.10.2010 in WP

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EXAMINER  
Peshawar High Court  
29 JUL 2017

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No.3600/2010 titled as Muhammad Iqbal etc Vs Provincial Police Officers, K.P.K Police and others by giving it retrospective effect from 01.12.2001 so to the extent of retrospectivity given in Section 2 of the ibid impugned Act is liable to be truck down.

ii) WP No.1418-P/2014:

The petitioners are employees of Education Department working on the posts of AT and TT who attained Master Degrees during service, so claimed same relief as were deprived, so filed WP No.1791/2009 which was decided by this Court vide order dated 08.09.2009 with the direction to decide the matter of advance increments within 03 months, but respondents gave deaf ear to the grievance of the petitioners rather to make the aforesaid judgment as effectless, promulgated enactment known as Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act-IX of 2012 which is ineffective upon the rights of petitioners, so be declared as null and void and its retrospectivity given in Section 2 be expunged.

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iii) WP No.2053-P/2014:

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EXAMINER  
Peshawar High Court

29 JUL 2017

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The petitioners in the above referred petition are provincial government civil servants in different capacity from BPS-1 to BPS-15 in the education department who also during service attained higher qualifications, so sought relief provided vide notification dated 11.08.1991. The petitioners approached respondent No.4 by filing representation/departamental appeal for the grant of two advance increments but their said representation has not been considered but took shelter in the notification dated 03.01.2009 which contemplates as following:

*"Now it has been decided that those who are although entitled but have not availed the same facilities so far will not be given advance increments in future"*

but said notification dated 03.01.2009 has been declared discriminatory and violative of law by Honourable Supreme Court in judgments passed in *CPLA No.525 of 2007* titled as *Rashid Iqbal Khan Vs District Coordination Officer, Abbottabad & others* and *CPLA No.526 of 2007* titled as *Muhammad Haroon Qureshi Vs District Coordination Officer, Abbottabad & others* decided on 19.07.2007.

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 EXAMINER  
 Peshawar High Court  
 29 JUL 2017

33

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Moreover, the petitioners have also challenged the vires of ibid KPK Act IX of 2012.

2. The petitioners in all the above said petitions have invoked the constitutional jurisdiction of this Court for the relief regarding grant of two advance increments on attaining higher educational qualifications and in this regard the notification dated 03.01.2009 has been set aside in WP No.368/2009. Petitioners have also challenged the vires of K.P.K Cessation of Arrears on Advance Increments on Higher Educational Qualification (hereinafter called impugned Act IX of 2012) to the extent of giving it retrospective effect before 01.12.2001 as against law with prayer to declare it null and void and it be expunged to the extent of retrospectivity.

3. Comments from respondents were called who submitted the same wherein they took stance that the petitioners have no any vested rights in view of notification dated 03.01.2009 and new enactment said K.P.K. Cessation of Arrears Act IX of 2012 and notification dated 03.01.2009. Respondents contended that the existing scheme of advance increments has been discontinued w.e.f. 03.01.2009 and vide Section 2 of ibid impugned Act before 01.12.2001 and have

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EXAMINER  
Peshawar High Court

29 JUL 2017

34

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given it retrospective effect which is within legislative powers of Pakhtunkhwa Assembly.

4. The learned counsel for the petitioners argued that issuance of notification dated 03.01.2009 and giving retrospective effect to the impugned enactment K.P.K. Cessation Act, 2012 is only aimed to nullify the beneficial effects of judgment of this Court in WP No.3600/2010 vide which notification dated 03.01.2009 has been set aside by this Court and by Honourable Supreme Court in above mentioned CPLAs decided on 19.07.2007, so this Court can examine the constitutionality of the piece of legislation by ibid impugned Section 2 of K.P.K. Cessation Act-IX of 2012 to the extent of giving it retrospective effect. He added that so many civil servants of provincial government had been benefited earlier from the notification dated 11.08.1991 but petitioners have been deprived, so the impugned enactment is malafide to nullify the judgment of this Court and prayed for striking it down to the extent of Section 2 of impugned ibid Act by giving it retrospective effect before 01.12.2001.

5. On the other hand learned counsel for the respondents supported the impugned notification dated

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EXAMINER  
Peshawar High Court

29 JUL 2017

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03.01.2009, relied on their comments and impugned Act. He further argued that this enactment is neither aimed at to nullify the judgment of this Court nor that of Honourable Supreme Court. He lastly argued that petitioners are not entitled for the advance increments due to aforesaid notification dated 03.01.2009 and ibid impugned Act IX of 2012.

**6.** Arguments heard and record perused.

**7.** From the perusal of record it is admitted position that vide paragraph 5 of the notification dated 11.08.1991 issued by Finance Department, it was provided that any civil servant of Provincial Government Department who attained higher qualifications during service, would be entitled for two advance increments and due to said notification admittedly so many civil servants had already been benefited. However, above said relief has not been extended to petitioners despite of representations to their higher competent authorities and judgment passed by this Court as well as by Honourable Supreme Court particularly in WP No.1791/2009 decided on 08.09.2009 vide which direction was given to the respondents to decide the representation of the petitioners within 03 months but neither the

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EXAMINER  
Peshawar High Court  
29 JUL 2017



respondents have decided the matter nor given said advance increments, on this inaction, petitioner filed COC Petition No.133/2010 which was disposed of vide order dated 11.10.2012 as abated in the light of impugned Act, IX of 2012 known as Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 in the light of provision by giving it retrospective effect before 01.12.2001, so the petitioners feeling aggrieved have challenged the vires of above said notification and impugned enactment to the extent of giving it retrospective effect.

**8.** In brief the reliefs sought by the petitioners in all petitions is, one for the grant of two advance increments in purview of notification dated 11.08.1991, second for the implementation of beneficial judgments in WP No.368/2009 dated 24.03.2009 & WP No.3600/2010 dated 28.10.2010 and in third to declare the retrospective effect of impugned ibid Act, IX of 2012 as null and void and for expunction.

**9.** The question for determination before this Court is as to whether impugned enactment passed by the Pakhtunkhwa Assembly with legislative

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EXCISE  
Peshawar High Court  
29 JUL 2017

nomenclature as Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, IX of 2012 is to nullify the effects of aforesaid judgments passed by this Court and to annul the beneficial effects of notification dated 11.08.1991 from which earlier so many civil servants of different departments of Khyber Pakhtunkhwa have been benefited.

**10.** We examined the impugned notification dated 03.01.2009 and whole of impugned *ibid* Act IX of 2012 by giving it retrospective effect before 01.12.2001. A query was put to the learned counsel for respondents as to whether before promulgation of impugned Act, its cause was removed and as whether that same provision in the impugned legislation would not amount to nullify the effects of judgment passed by this Court in the light of judgment of Honourable Apex Court cited as *2013 SCMR 1752*, on this learned counsel for the respondents failed to provide some reasonable and rational explanation for giving the impugned Act as retrospective effect before 01.12.2001. The Honourable Supreme Court while taking cognizance about the anomaly and miscarriage of justice caused to other civil servants in the Sindh

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 Peshawar High Court  
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Province for giving out of turn promotions by way of deputation and absorption of different officers in the province of Sindh through legislation by way of amending Sindh Civil Servants (Amendment) Act, 2013 and Sindh Civil Servants (Second Amendment) Act, 2013 but said piece of enactment in aforesaid enactment through amendment was struck down in the referred judgment i.e. *2013 SCMR 1752 (Contempt Proceedings case)*.

**11.** In the above cited judgment the Honourable Supreme Court held that Supreme Court either on its own or on petition by party is vested with the judicial power to examine, review and expunge the vires of such piece of legislation/amendment relating to the rights of civil servants and having public importance.

**12.** The Honourable Supreme Court vide above said judgment set aside the piece of legislation promulgated by the Sindh Assembly with regard to out of turn promotions of some officers by way of deputation /absorption. In the said judgment certain principles have been enunciated regarding instruments/piece of legislation which had nullified the effects of the judgments passed by Honourable Apex

APPROVED

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 EXAMINER  
 Peshawar High Court  
 29 JUL 2017

Court as well as of Honourable Sindh High Court. In this respect paragraphs No.165, 166 and 167 of said cited judgment are reproduced below:

*165. The leading judgment on the subject issue, which our Courts have approvingly referred to the case of Indira Nehru Gandhi V. Raj Narain (AIR 1975 SC 2299) which relates to amendment in the Election Laws of India. In the said judgment Paras 190 and 191 are importance and reproduced hereunder:-*

*"190. A declaration that an order made by a Court of law is void is normally part of the judicial function and is not a legislative function.....*

*191. The position as it prevails in the United States, where guarantee of due process of law is in operation, is given on pages 318-19 of Vol. 46 of the American jurisprudence 2d as under:*

*"The general rule is that the legislature may not destroy, annul set aside, vacate, reverse, modify, or impair the final judgment of a Court of competent jurisdiction, so as to take away private rights which have become vested by the judgment. A statute attempting to do so has been held unconstitutional as an attempt on the part of the legislature to exercise judicial power, and as to violation of the constitutional guarantee of due process of law. The legislature is not only prohibited from reopening cases*

ATTESTED  
EXAMINER  
Peshawar High Court  
29 JUL 2017

ATTESTED

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26

previously decided by the Courts, but is also forbidden to affect the inherent attributes of a judgment. That the statute is under the guise of an act affecting remedies does not alter the rule. It is worthy of notice, however, that there are cases in which judgments requiring acts to be done in the future may validly be affected by subsequent legislation making illegal that which the judgment found to be illegal, or making legal that which the judgment found to be illegal."

13. Similarly Paragraphs No.166 and 167 of the cited judgment (2013 SCMR 1749) are reproduced as under:

*"166. This Court in the case of Fecto Belarus Tractor Ltd. V. Government of Pakistan through Finance Economic Affairs and others (PLD 2005 SC 605) has held that when a legislature intends to validate the tax declared by a Court to be illegally collected under an individual law, the cause for ineffectiveness or invalidity must be removed before the validation can be said to have taken place effectively....."*

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EXAMINER  
Peshwar High Court  
20 JUL 2017

ATTESTED

167. In order to nullify the judgment of the Court, unless basis for judgment in favour of a party is not removed, it could not affect the rights of a party in whose favour the same was passed. The issue of effect of nullification of judgment has already been discussed in the case of Mobashir Hassan reported in (PLD 2010 SC 265), Para-76 discusses the effect of nullification of a judgment by means of a legislation. In the said case, the view formed is identical to the one in the case of Indira Nehro Gandhi V. Raj Narain (AIR 1975 SC 2299) and Fecto Belarus Tractor Ltd. V. Government of Pakistan through Finance Economic Affairs and others (PLD 2005 SC 605) and it was observed that the legislature cannot nullify the effect of the judgment and there are certain limitations placed on its powers including the one i.e. by amending

41

ATTESTED

EXAMINER  
Positawar High Court  
29 JUL 2017

ATTESTED

(42)

(28)

*the law with retrospective effect on  
the basis of which the order or  
judgment has been passed thereby  
removing basis of the decision."*

(Underlining are ours for emphasis)

**14.** In the petitions in hand the Government of Pakhtunkhwa by means of issuing notification dated 03.01.2009 had nullified the effect of notification dated 11.08.1991 and same notification dated 03.01.2009 had been declared null and void by this Court in judgment passed in WP No.3600/2010 dated 28.10.2010 and Honourable of Supreme Court in above referred CPLAs No.525 and 526 of 2007. So the petitioners were and are entitled for the benefits arising out of notification dated 11.08.1991 and the judgments passed by this Court, therefore, respondents were not legally authorized to deprive the petitioners from the beneficial effects of the aforesaid notification dated 11.08.1991 and aforesaid judgments through impugned ibid Act, IX of 2012 before first removing the cause that is entitlement and the aforesaid beneficial effects of judgments in the impugned notification dated 03.01.2009 and through the

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**ATTESTED**

**ATTESTED**  
EXAMINER  
Poshtera High Court  
29 JUL 2017

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impugned ibid Cessation of Advance Increments Act- IX of 2012.

**15.** Thus in view of above discussion, we are of the firm view that by promulgating impugned piece of legislation and giving it retrospective effect is nothing but to destroy, annul and make the judgments of this Court as well as of Honourable Supreme Court as effectless, therefore, to the extent of Section 2 by giving it retrospective effect before 1.12.2001 is declared null and void so is hereby expunged and struck down from the aforesaid impugned Act IX of 2012. Hence, these petitions are allowed and the respondents are directed to provide them the benefits of two advance increments according to notification dated 11.08.1991 on attaining higher qualifications during service within the period of two months from the receipt of this judgment according to prescribed manner under the law then in field.

Announced:  
08.06.2017

*SAJ Wajidullah Khan*  
*SAJ Muhammad Khan*

JUDGE

ATTESTED

\*Ihsan\*

JUDGE

*Office*  
*20/11/17*

CERTIFIED TO BE TRUE COPY

Examiner  
Postmaster (Civil) / Civil, Peshawar  
Authenticity, under Article 87 of  
The Constitution of the Federal Order 1984





To,

The Secretary,  
E&SE Department,  
Khyber Pakhtunkhwa.

H 44/100  
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Through: Proper channel.

Subject: APPEAL FOR THE GRANT OF THREE ADVANCE INCREMENTS.

Respected Sir,

With due respect it is stated that I qualified for M.Ed. degree from AIOU Islamabad session 2001-2002 in order to obtain the three advance increments in reward for higher qualification according to the then Government policy. I have been kept deprived of this benefit since then. Now I have come to know that vide supreme court of Pakistan decision dated 16/03/2011 (CIVIL APPEAL .NO .117-P OF 2009 Syed Shabir Hussain Shah Versus The Secretary Schools & Literacy NWFP (Now KPK ) Peshawar and others ( copy attached) , I also consider myself to be entitled for the same benefits as my case is exactly the same case in all respect .

Therefore it is requested that I may kindly be granted the three advance increments & Arrears wef. 16/04/ 2002.

Appellant

*Muhammad Aziz Ullah Khan*  
02/03/2018

Muhammad Aziz Ullah Khan  
Principal  
GHSS Kawai , Mansehra.

Date: 02/03/2018

**ATTESTED**

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Muhammad Aziz Ullah Khan (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt. of KPK (Respondent)  
(Defendant)

I/We, \_\_\_\_\_

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

[Signature]  
(CLIENT)

ACCEPTED

[Signature]  
**M. ASIF YOUSAFZAI**  
Advocate Supreme Court  
Peshawar.

[Signature]  
**Taimur Ali Khan**  
Advocate High Court

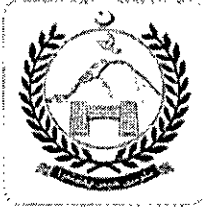
[Signature]  
**Syed Nauman Ali Bukhari**  
(Advocate)

**OFFICE:**  
Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)

**ASAD MAHMOOD**  
Advocate High Court

1st Appointment order





**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1882-83

Dated: 21/09 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

1. The Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
2. Secretary E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 917/2018, MR. MUHAMMAD AZIZ ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 31.08.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

31/8/2021 - D.B. Salahi u. Durr Sb.

Dep't appeal - P/44  
2/3/2018

د. ب. صالحی

S.A / - 29/6/2018

Est a code - P/25 - 3 advance increments  
on acquiring Higher qualifications

Degree - P/23

C.A 117/2009

P/29 - High Court w/P.

V.A Sherwani Judgment

K.P cessation of  
payment of arrears  
as advance increment  
2012  
Act.

D.D.A -  
2002 Degree Appeal - 2018

No original / appellate order  
Not maintainable

law helps the vigilaint not the indeciment

(A)