



17.08.2015

Agent of counsel for the appellant and Zafar Arbab, DEO  
alongwith Mr. Muhammad Tahir Aurangzeb, GP for respondents  
present. Requested for further adjournment. To come up for  
written reply/comments on 19.10.2015 before S.B at camp court  
A/Abad.

  
Chairman  
Camp Court Abbottabad

19.10.2015

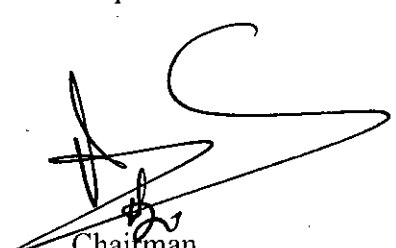
None present for appellant. Mr.Said Badshah, ADO alongwith  
Mr.Muhammad Tahir Aurangzeb, G.P for respondents present.  
Written reply submitted. The appeal is assigned to D.B for rejoinder  
and final hearing for 15.2.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad.

15.02.2016

None present for appellant despite repeated calls. Mr.  
Abdul Samad, ADO alongwith Mr.Muhammad Saddique, Sr.G.P  
for respondents present. Dismissed for want of prosecution. File  
be consigned to the record.

  
Member

  
Chairman  
Camp Court A/Abad

ANNOUNCED.  
15.02.2016

4 17.03.2015

Counsel for the appellant present. Learned counsel for the appellant argued that vide notification dated 28.2.2012 the posts of BPS-17 were upgraded to BPS-18 w.e.f 1.7.2012 and the appellant was entitled to upgradation in the said post with effect from the same date but vide impugned order dated 25.4.2014 appellant was promoted on regular basis from BPS-17 to BPS-18 with immediate effect. That the appellant preferred departmental appeal on 22.5.2014 which was not responded and hence the instant service appeal on 28.8.2014.


That similarly placed employees were granted relief by the Tribunal in Service Appeal No.1667/2009 titled Ghulam Nabi-vs-Secretary E&S Education and the appellant is also entitled to similar relief and upgradation w.e.f 1.7.2012.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days. notices be issued to the respondents for written reply for 21.5.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

5 21.05.2015

Counsel for the appellant and Bakhshesh Ellahi, Assistant alongwith Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 17.8.2015 before S.B at Camp Court Abbottabad.

  
Chairman  
Camp Court Abbottabad




Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

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

Case No. 1088/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/08/2014	<p>The appeal of Mr. Jahangir Khan presented today by Mr. Sajid-ur-Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	5.9.14	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>16.2.15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	16.2.2015	<p><b>Counsel for the appellant present.</b></p> <p>During the course of arguments, learned counsel for the appellant referred to the judgment dated 4.3.2010 according to which appellant mentioned therein was promoted w.e. from the date of upgradation of the vacancy. Learned counsel for the appellant is not in possession of the said judgment on which he relies. Adjourned for further preliminary hearing to 17.3.2015 at camp court A/Abad.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

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

Service Appeal No. 1088 /2014

Jahangir Khan Vice Principal (BPS-18) GHSS Dingi Tehsil & District Haripur

(Appellant)

Versus

2. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & 04 others.

(Respondents)


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04.	copy of service book relevant pages	<u>06 — 08</u>	A
05.	copy of Notification promotion of SS BPS-17 to BPS-18	<u>09 — 11</u>	B
06.	Copy of Notification regarding up-gradation/ Sanction of vacancies / Posts.	<u>12</u>	C
07.	copy of departmental representation	<u>13</u>	D

  
Appellant

Through

Dated: 25/08 /2014.

  
Sajid ur Rehman Khan  
Advocate High Court  
Haripur Bar

BEFORE THE HONOURABLE SERICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1088 /2014

Jahangir Khan Vice Principal (BPS-18) GHSS Dingi Tehsil & District Haripur.

(Appellant)

Versus

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Provincial Selection Board through its Chairperson, Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. Secretary Elementary & Secondary Education Peshawar.
4. Director Elementary & Secondary Education Peshawar.
5. District Education Officer (Male) Haripur.

(Respondents)

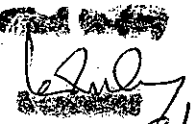
Service Appeal under Section 4 of the KPK Service Tribunal Act, 1974  
Against the notification issued by Govt. of E&SE Department  
KPK on behalf of Secretary Government of Khyber  
Pakhtunkhwa vide No. SO(SIM)S&gad/1-3/2013/Promotion BS-  
17 to BPS-18 dated Peshawar the April 25, 2014.

PRAYER

On acceptance of the appeal, the appellant may very graciously be allowed promotion w.e.f. 01.07.2012 instead of 25.04.2014 with all back benefits.

FACTS OF THE CASE.

1. That the appellant is an employee of Elementary & Secondary Education Department, KPK since 21.10.1986 and presently working as Vice Principal BPS-18 at GHSS Dingi Tehsil & District Haripur. The qualification of appellant M.Sc (Pak-Studies) & M.A Education (B.Ed/M.Ed) (copy of service book relevant pages are annexed as Annexure-A).
2. That prior to this the appellant was SS (P/S) BPS-17 at GHSS Dingi Haripur and was promoted in BPS-18 and posted at GCMHSS No. 1 Haripur vide Notification referred in subject cited above. (Copy of Notification is annexed as Annexure-B).
3. That 374 (Male) number of vacancies of BPS-17 were up-graded to BPS-18 vide Govt. of Finance Department w.e.f. 1.7.2012 and appellant with others was fulfilled all the legal requirements for promotion on 01.07.2012 i.e. the date of up-gradation of vacancies/posts of BPS-18.

  
28/8/14

(Copy of Notification regarding up-gradation/ Sanction of vacancies / Posts is annexed as Annexure-C)

4. That the department was required to arrange meeting of Provincial Selection Board immediately on up-gradation of posts for promotion of eligible officers in BPS-17, so that the officer concerned will be able to get promotion in BPS-18 from the month of July 2012 on up-gradation of vacancies / posts.
5. That but department delayed the process without any fault on the part of appellant thus deprived the appellant with others from their rights of promotion which was due in July 2012.
6. That instead of promotion of appellant in July 2012, the appellant has been promoted with others on 25-04-2014, which is great injustice with the officers who were fulfilled all the legal requirements and were eligible for promotion in BPS-18 from July 2012.
7. That a departmental representation were preferred before the Honourable Chief Minister by the appellant from 22-~~5~~-2014 to redress the grievances by modifying the date of promotion w.e.f 01-07-2012 instead of 25-04-2014 but no response has so far been conveyed hence this service appeal on the following grounds:- (copy of departmental representation is annexed and Annexure-D)

**GROUND OF APPEAL:-**

- A. That it was imperative upon the authorities to take up the case of appellant and others immediately on up-gradation of vacancies / posts from BPS-17 to BPS-18 w.e.f 01-07-2012 but un necessarily delayed.
- B. That appellant was fulfilled all legal requirements was eligible for promotion from BPS-17 to BPS-18 w.e.f 01-07-2012.
- C. That the appellant is principally entitled for promotion from BPS-17 to BPS-18 w.e.f 01-07-2012 i.e. the date of up-gradation vacancies / posts and denial by the respondents has no legal values.


D. That the impugned action of the respondents regarding delay is against the principle of Natural justice and arbitrary, discriminatory violation of Article 25 of the constitution and calling for interfering by this Honorable Service Tribunal.

E. That the appellant seeks leave of this Honorable Service Tribunal to agitate additional Grounds at the time of Hearing of this Service Appeal.

In the light of above stated facts it is humbly prayed that the appellant may graciously be allowed promotion w.e.f 01-07-2012 instead of 25-04-2014 with all back benefits to avoid financial losses and others, by acceptance of this appeal in the interest of justice please.

  
Appellant

Through

  
Sajid ur Rehman Khan  
Advocate High Court  
Haripur Bar

Dated: 25/08 /2014

**VERIFICATION**

I Jahangir Khan Vice Principal GHSS Dingi District Haripur do hereby affirm and declare on oath that the contents of forgoing Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Service Tribunal.

  
Deponent

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

Service Appeal No. \_\_\_\_\_/2014

Jahangir Khan Vice Principal (BPS-18) GHSS Dingi Tehsil & District Haripur

(Appellant)

Versus

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & 04 others.

(Respondents)

**AFFIDAVIT / VERIFICATION**

I Jahangir Khan Vice Principal GHSS Dingi District Haripur do hereby affirm and declare on oath that the contents of forgoing Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Service Tribunal.

  
Deponent

**ATTESTED**

  
27-8-14



5

**PAKHTUNKHWA PESHAWAR**

Service Appeal No. \_\_\_\_\_/2014

Jahangir Khan Vice Principal (BPS-18) GHSS Dingi Tehsil & District Haripur

(Appellant)

Versus

Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & 04 others.

(Respondents)

**ADDRESSES OF THE PARTIES**

**Respectfully Sheweth:-**

**Addresses of the parties are as under:-**


Jahangir Khan Vice Principal (BPS-18) GHSS Dingi Tehsil & District Haripur

(Appellant)

Versus


1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar.
2. Provincial Selection Board through its Chairman, Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. Secretary Elementary & Secondary Education Peshawar.
4. Director Elementary & Secondary Education Peshawar.
5. District Education Officer (Male) Haripur.

(Respondents)

  
Appellant

Through

Dated: 25/08 /2014.

  
Sajid ur Rehman Khan  
Advocate High Court  
Haripur Bar

(For use in Police Department only).

Annexure

6

A

Hairs,

- 1.
- 2.
- 3.

Verification Roll No. dated received back

Passed MA Educ Exam: 1993 from Karachi University under R.No 3421 obtaining 527 marks and placed in 2nd division. Result declared on 7-2-1994.

Left thumb-impression.

Passed MSc Pk-Studies Exam from AICU Islamabad under R.No. G-5554245 obtaining Marks 477 and Result declared on 30-9-1999.

Head Master  
Govt High School  
Dingi (Haripur)

Qualification	DATE: EDU: OFFICER (M) SECY: HARIPUR	Date
English	First Arts	
Pashtu	Passed SSC Exam in B. L. or B. A. (1981CA) under R.No 4033 from BISE Peshawar obtaining 405 marks placed in D grade	
Urdu	Leadership examination	
Plan-drawing	Training School Final examination	
Finger print	Passed F.A. Exam in 1978	
Drill instructing	Other qualifications under R.No 16834 from BISE Peshawar obtaining 435 placed in E grade	
Court duties		
Reserve duties		
	Passed B.A Exam in session 1989/90 from Pesh University obtaining 280 marks under R. No. 16092 in 2nd Divn.	

N. B- Also to be drawn under the qualification possessed.

Head Master  
Govt: High School  
Dingitleri Part

Note: The entries in this page should be renewed or re-attested at least every five years and the signature in lines 9 and 10 should be dated.

1. Name: Mr. Jalauddin Khan

2. Race: Pathan / Muslim

3. Residence: Vill: Dangi, P.O. Kot Najibullah, Teh: Haripur, Dist: Abbottabad

4. Father's name and residence: Mr. Juma Khan

5. Date of birth by Christian era as nearly as can be ascertained: 25-8-1964 (Twenty fifth August NH & Sixty four)

6. Exact height by measurement: 5-6

7. Personal marks for identification:

8. Left hand thumb and finger impression of (non-gazetted) officer

Little Finger: [Fingerprint] Ring Finger: [Fingerprint]

Middle Finger: [Fingerprint] Fore Finger: [Fingerprint]

Thumb: [Fingerprint]

9. Signature of Government servant: [Signature]

10. Signature and designation of the Head of the Office; or other Attesting Officer.

Prepared by: [Signature] 17

HM [Signature] Sor. [Signature] Dist. Haripur

Sig  
desig  
head of  
other  
officer  
of col

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Sr. H.S. Dingji (td)	Temp.	BPS No. 9	Rs. 620/-	PM (fixed)		21/10/86	
G.H.S. Dingji	Temp.	Pay fixed in B.P.S. 9 w.e.f. 1-7-87.	830/-	Fixed.	Rs. 830-38-1590	1/7/87	
G.H.S. Dingji	Temp.		830/-	Fixed.		1/12/87	
G.H.S. Dingji	Temp.	Case of the Accountant General N. W. P. Peshawar pay fixed in the Revised Basic Pay Scales 1987 of Rs. 830/- w.e.f. 1-7-1987.	830/-	Fixed.		1/12/88	
H.S. Dingji	Temp.		830/-	Fixed.		1/12/89	
H.S. Dingji	Temp.		830/-	Fixed.		1/12/90	
H.S. Dingji	Temp.	Pay fixed in B.P.S. 9 w.e.f. 1-6-1991	1185/-	(1329) Fixed.	Rs. 1185-72-2265	1/6/91	

8

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
<p><i>Ullman</i></p> <p>Headmaster S.S. DINGI Haripur</p>	<p>30-6-87</p>	<p>Revision of Pay</p>	<p><i>Ullman</i></p>			<p>Appointed against vacant Sr. Post vide Director of Edu. Hazara Div. No. 69 dated 20-10-86</p>	<p>Service verified w.e.f. 20-10-86</p>
<p><i>Ullman</i></p> <p>Headmaster S.S. DINGI Haripur</p>						<p>① - to 30-11-86 from the Aeg. Roll &amp; other office record of this school.</p>	<p>Service verified w.e.f. 1-12-86</p>
<p><i>Ullman</i></p> <p>Headmaster S.S. DINGI Haripur</p>						<p>② to 30-6-87 and 1-7-87 to 30-11-87 from Aeg. Roll &amp; other School record.</p>	<p>Services verified w.e.f. 1-12-87</p>
<p><i>Ullman</i></p> <p>Headmaster S.S. DINGI Haripur</p>						<p>③ to 30-11-88 from Aeg. Roll &amp; other School record.</p>	<p>Services verified w.e.f. 1-12-88</p>
<p><i>Ullman</i></p> <p>Headmaster S.S. DINGI Haripur</p>	<p>31-5-91</p>	<p>Revision of Pay.</p>	<p><i>Ullman</i></p>			<p>④ to 30-11-89 from Aeg. Roll &amp; other School Record.</p>	<p>Services verified w.e.f. 1-12-89</p>
<p><i>Ullman</i></p> <p>Headmaster S.S. DINGI Haripur</p>						<p>⑤ to 30-11-90 from Aeg. Roll &amp; other School Record.</p>	<p>Services verified w.e.f. 1-12-90</p>

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
GHS Dungi	Tempo		Rs. 1185/-	1185/-		26.4.93 (F.N.)	
<p style="text-align: center;"><b>Office of the Accountant General</b> H.W.F.P. Peshawar.</p> <p>Pay fixed in the Revised Pay Scales 1991</p> <p><i>Note</i> The following payment of Rs. 1185/- made may be received with effect incremental from 6/91 to 31/93 Total Rs. 3888/-</p> <p style="text-align: right;">Accounts Officer Pay Fixation Party H.W.F.P. Peshawar</p>							
GHS Dungi	offg.	Grade: 1530-119-3865 BPS-14	1530/-	BPS 14 2065-161-4480	wet. 1.6.94	7.2.1994	
GHS Dungi	offg		2065/- PM			1.6.94	
do	11		2226/- PM			1.12.94	



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the April 25, 2014


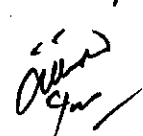
NOTIFICATION

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 Faroosh 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 Shoaib Khan
22	Mr. Naveed Ahmad	23	Mr. Abdul Qadir	24	Mr. Khalid Mahmood
25	Mr. Abid Ullah Shah	26	Mr. Gul Hussain Shah	27	Mr. Muhammad Rahman
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 Zahcer	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. Muhammad 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.

*[Handwritten signature and date]*  
25/04/14

S#	Name of Officer with Designation	Proposed Place of Posting	Remarks.
307	Muhtd Sadique , SS(PS) GHSS Barcela Haripur	SS(PS) B-18 GHSS Boi Abbottabad	Against Vacant Post
308	Muhammad Shoaib , SS(PS) GHSS Mingora Swat	SS(PS) B-18 GHSS Mingora Swat	Already occupied by him
309	Mushtaq Ahmad , SS(Physics) GHSS Bagnoter Abbottabad	SS(Physics) B-18 GHSS Bagnoter Abbottabad	Already occupied by him
310	Ghulam Sarwar , SS(Physics) GHSS Wazir Bagh Peshawar	Instructor B-18 RITE (Male) Peshawar	Vice Asghar Promoted to B-19
311	Muhammad Saleem , SS(Physics) GHSS Shah Salim Karak	SS(Physics) B-18 GHSS Jehangiri Karak	Against Vacant Post
312	Mr Jehangir Khan, SS(PS) GHSS Dingi Haripur	SS(PS) B-18 GCMHSS No.1 Haripur	Against Vacant Post
313	Mr Muhammad Zafar Perviz , HM B-17 GHS Gambeer Abbottabad	Principal B-18 GHS Gambeer Abbottabad	Already occupied by him
314	Khalil ur Rehman , HM B-17 GHS Park Takht Bhai Mardan	Principal B-18 GHS Ikram Pur Mardan	Against Vacant Post
315	Atiqur Rehman , HM B-17 GHS Ranwal Tank	Instructor B-18 RITE(M) D.I.Khan	Against Vacant Post
316	Lais Muhammad , HM B-17 GHS Seri Behlol Mardan	v/Principal B-18 GCMHS Mardan	Vice Serial No 427
317	Aman Ullah , HM B-17 GHS No.2 Marghuz Swabi	Principal B-18 GHS No.2 Marghuz Swabi	Already occupied by him
318	Abdul Qayyum , HM B-17 GHS Darmalak Kohat	Principal B-18 GHS Kaghazi Kohat	Against Vacant Post
319	Shah Zarin , HM /SDEO(M) B-17 Mardan	Instructor B-18 RITE(M) Mardan	Against Vacant Post
320	Zahid Zaman , HM B-17 GHS Karbogha Hangu	Principal B-18 GHS Karbogha Hangu	Already occupied by him
321	Khurshid Khan , HM B-17 GHS Kharian Haripur	Principal B-18 GHS Barkot Haripur	Against Vacant Post
322	Asmat Ullah , HM B-17 FATA		Services placed at the disposal of ACS FATA for further posting

  
 25/04/19  




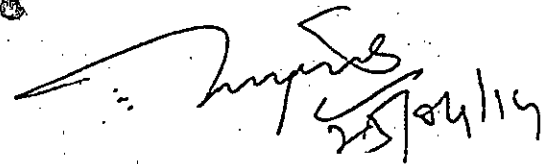
4. No TA/DA will be allowed to the oppiontecs for joining their duty.

## CHIEF SECRETARY

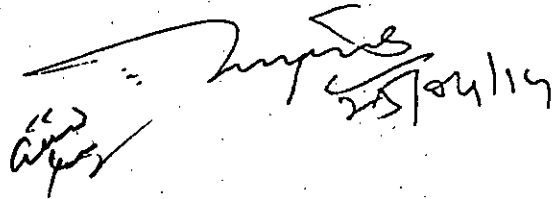
### Endst: of even No. & Date

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.

  
25/04/19

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

  
25/04/19

GOVT. OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
NO. BOV/FD/2-112/2011/04-Tier Formula.  
Dated Peshawar the 28<sup>th</sup> February, 2012.

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department,  
Peshawar.

Subject: - UPDATION OF 04 TIER FORMULA.  
Dear Sir,

I am directed to refer to your Department letter No. SO(S/M) E&SED/7-34/2012/4-Tier Structure dated 01-02-2012 on the subject noted above and to state that consequent upon the approval of the competent authority Finance Department agrees to the updation of total sanctioned strength of 5164 posts i.e. BPS-20, BPS-19, BPS-18 and BPS-17 (as on 30-09-2009) of the Teaching cadre of Elementary & Secondary Education Department, on the basis of 04-Tier Formula, carrying the Ratio of 01:15:34:50, subject to the observance of all codal formalities. The 04-Tier formula was approved and introduced previously vide Finance Department letter No. FD (SR-I) 1-41/91 dated 15-11-1992. The current updation/up gradation shall be effective in two phases, as per details elaborated below.

BPS	Existing Position			Total Up gradation Due			Total Additionality		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
BPS-20	9	4	13	36	15	51	(+)27	(+) 11	(+)38
BPS-19	175	28	204	511	233	774	(+) 365	(+) 205	(+) 570
BPS-18	480	119	599	1228	528	1756	(+) 748	(+) 409	(+)1157
BPS-17	2946	1402	4348	1806	777	2583	-1140	-625	-1765
Total	3811	1553	5164	3611	1553	5164	0	0	0
	1st Phase effective from 01-07-2012			IInd Phase effective from 01-07-2013			Over all position on 01-07-2013		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
BPS-20	13	6	19	13	6	19	(+) 26	(+)12	(+)38
BPS-19	183	102	285	183	102	285	(+)366	(+)204	(+)570
BPS-18	374	205	579	374	204	578	(+)748	(+)409	(+)1157
BPS-17	-570	-313	-883	-570	-313	-882	-1140	-625	-1765
Total	0	0	0	0	0	0	0	0	0

I am to state that Finance Department further agrees to the up gradation of a total 1765 in BPS-20, BPS-19 and BPS-18 in two phases by abolishing equal number of posts in BPS-17, as per details given below.

BPS	w.e.f 01-07-2012			w.e.f 01-07-2013			Total of both phases.		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
BPS-20	13	6	19	13	6	19	26	12	38
BPS-19	183	102	285	183	102	285	366	204	570
BPS-18	374	205	579	374	204	578	748	409	1157
BPS-17	-570	-313	-883	-570	-313	-882	-1140	-625	-1765
Total	0	0	0	0	0	0	0	0	0

PTO

*[Handwritten signature]*

Audit copy, indicating Institution/District wise distribution of the 883 posts up graded in the 1st w.e.f 01-07-2012 may be prepared and submitted for authentication during the N.F.Y 2012-2013. The same exercise to be repeated for the posts up graded in the II<sup>nd</sup> phase w.e.f. 01-07-2013 in the F.Y 2013-2014.

Yours faithfully,

(HAYAT UR REHMAN)  
BUDGET OFFICER-V

Encls: No. & date as above.

Copies forwarded to: -

- 1- The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2- The Director Bureau of Curriculum and Teachers Education Khyber Pakhtunkhwa A.Abd.
- 3- The Director PITE Peshawar.
- 4- The Section Officer (SR-I) Finance Department
- 5- The P.As to AFS (Budget) for information.
- 6- The P.A to Deputy Secretary (Budget-IV) Finance Department for information.
- 7- The P.A to Deputy Secretary (Regulation I & II) Finance Department for information..
- 8- Master File.

*f ref*  
28-02-12  
BUDGET OFFICER-V

BEFORE THE HONOURABLE CHIEF MINISTER  
KHYBER PAKHTUNHWA PESHAWAR

13

DEPARTMENTAL REPRESENTATION AGAINST THE NOTIFICATION  
ISSUED BY GOVT. OF E&SE DEPARTMENT KPK ON BEHALF OF CHIEF  
SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA VIDE NO.  
SO(SIM)E&SED/1-3/2013/PROMOTION BS-17 TO BS-18 DATED  
PESHAWAR THE APRIL 25, 2014.

Annexure (D)

Respected Sir,

The appellant beg to submit the following for your kind perusal and sympathetic consideration:-

1. That the appellant is an employee of Elementary & Secondary Education Department KPK since 21.10.1985 and presently working as SS (P/S) BPS-18 at GCMHSS No.1 Haripur.
2. That prior to this the appellant was SS (P/S) BPS-17 at GHSS Dingi Haripur and has been promoted in BPS-18 and posted at GCMHSS No.1 Haripur vide Notification referred in subject captioned above.
3. That ~~1157~~ 1157 number of vacancies of BPS-18 were sanctioned by Govt. of Finance Department KPK with effect from 01.07.2012 and appellant with other was fulfilled all the requirements for promotion on 01.07.2012 i.e the date of sanction of vacancies.
4. That the department was required to arrange meeting of Provincial Selection Board immediately on sanction of posts for promotion of eligible officers and for promotion, so that the officer concerned will be able to get promotion in BPS-18 from the month of July 2012.
5. That but department intentionally delayed the process without any fault on the part of appellant thus deprived the appellant with others from their rights of promotion which was due in July 2012 and promotion has been notified on 25.04.2014, which is great injustice with the officers who were fulfilled all the requirements for promotion in BPS-18 from July 2012.

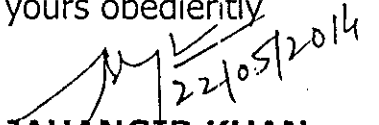
In the light of above stated facts it is humbly prayed that the appellant may graciously be promoted w.e.f 01.07.2012 i.e. the date of sanction of posts, by acceptance of this departmental representation in the interest of justice as there is no fault on the part of appellant for which the appellant will be highly grateful to you.

Hoping favourable response.

Encl: (1) Updation of 4 tier formula  
(2) Notification mentioned above

Dated 22.05.2014

yours obediently

  
**JAHANGIR KHAN**  
SS (P/S) BPS-18  
GCMHSS No.1 Haripur



32

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

Service Appeal 1088/2014

**Jehangir Khan V/Principal GHSS Dhangi District Haripur ....Appellant**

**VERSUS**

Secretary, E&SE Department, Khyber Pakhtunkhwa Peshawar & others.....Respondents.

**PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS.**

Respectfully Sheweth :-

The Respondents Submit as under :-

**Preliminary Objections.**

- 1 The appellant has got no cause of action/locus standi.
- 2 The appellant has concealed the material facts from this Honorable Tribunal, hence liable to be dismissed.
- 3 The instant appeal is badly time barred, hence is liable to be dismissed.
- 4 That the appellant is not an aggrieved person under article 212 of the constitution of Islamic Republic of Pakistan 1973.
- 5 That the instant appeal is against the relevant provisions of law.
- 6 That the appellant has filed the instant case on malafide intentions just to put extra ordinary pressure on the Respondents for the grant of illegal and even unauthorized service benefits.
- 7 That the appellant has not come to this Honorable Tribunal with clean hands.
- 8 That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
- 9 That the appellant is estopped by his own conduct to file the instant appeal.
- 10 That the instant service appeal is not maintainable in its present circumstances of the case.
- 11 That the Notification dated 25.4.2014 is legally competent and is liable to be maintained in favour of the Respondents in the interest of justice.
- 12 That this Honorable Tribunal has got no jurisdiction to entertain the instant service appeal
- 13 That the appellant has been treated as per law, rules & relevant policy in the instant case.

- 30
- 14 That the appellant is not entitled for the grant of the relief he has sought from this Honorable Tribunal.
  - 15 That the promotion / up gradation is always with immediate effect, under the discretion of the competent authority:

### **ON FACTS**


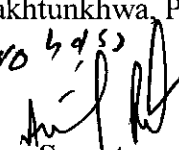
- 1 That Para-1 needs no comments being pertains to the service record of the appellant.
- 2 That Para-2 is also needs no comments being pertains to the service record of the appellant.
- 3 That Para-3 is incorrect and misleading to the extent that the Govt of Khyber Pakhtunkhwa, has approved 4-tier formula) vide Notification No: SO(S)/7-34/91 dated 9.12. 1992 & subsequently the same policy / criteria was amended vide an other Notification No: BO V / FD/2-112/2011 Dated 28-02-2012. The Respondent Department has implemented the same policy / formula in its true letter & spirit vide Notification dated 25.4.2014 and has thus granted promotion to the eligible civil servant under the mandate of the said policy vide Notification dated 25.4.2015 issued by the Respondent No: 3 on the recommendation of the PSB.
- 4 That Para-4 is also out of the context in the given circumstances, hence no further comments.
- 5 That Para-5, Incorrect & denied the Notification dated 25.4.2014 of the Respondent to the extent up-gradation / promotion of the appellant & his colleagues is within legal sphere as well as in the light of the 4-tier formula, hence the pleas of the appellant in this Para is mainly based on malafide intentions just to put extra pressure on the Respondent for gaining illegal & un authorized service benefit against the said post. Hence the appellant has been treated as per law, rules & policy in the instant case vide Notification dated 25.4.2014 & the same is liable to be maintained in favour of the Respondents.
- 6 That Para-6.is also incorrect & denied, promotion is always with immediate effect & not with retrospective affect, hence the Notification dated 25.4.2014, is within legal sphere & is liable to be maintained in favour of the Respondents.
- 7 That Para-7 needs no comments, however the Respondents further submit on the following grounds inter alia :-

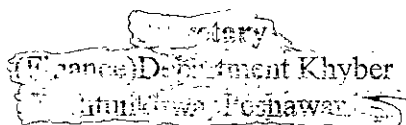
### **ON GROUNDS**

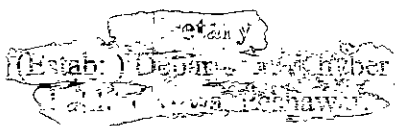
- A That ground-A is incorrect & misleading. The Respondent No: 2 has acted as per law, rules & policy & on the bases of the same, the appellant has been upgraded from BPS-17 to 18 having no aspect of any kind of delay in processing the cases of eligible candidates.
- B That ground-B is incorrect & denied. The Notification dated 25.4.2014 of the Respondent to the extent up-gradation / promotion of the appellant & his colleagues is within legal sphere as well as in the light of the 4-tier formula, hence the plea of the appellant in this Para is mainly based on malafide intentions just to put extra pressure on the Respondents for gaining illegal & un authorized service benefits against the said post. Hence the appellant has been treated as per law, rules & policy in the instant case vide Notification dated 25.4.2014 & the same is liable to be maintained in favour of the Respondents.

- C That ground-C is also incorrect & denied. Detailed reply of the ground has been given in the foregoing grounds, hence no further comments .
- D That ground-D is incorrect & denied, the appellant has been treated as per law, rules & relevant policy in the instant case by the Respondent No: 3 vide Notification dated 25-4-2014.
- E That ground-E is legal, however, the Respondents seek leave of this Honorable Tribunal to submit additional grounds & case law / record at the time of arguments on main appeal.

**In view of the above made submissions, it is humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of the respondent Department.**

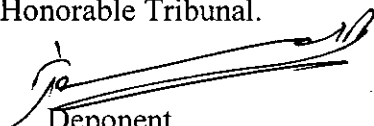
  
**Director**  
 E&SE Department Khyber  
 Pakhtunkhwa, Peshawar.  
*(Respondents 4 & 5)*  
  
**Secretary**  
 E&SE Department Khyber  
 Pakhtunkhwa, Peshawar.  
*(Respondents No. 1, 2 & 3)*





**AFFIDAVIT**

I, Javed Ahmad Superintendent (Lit: II) E&SE Department Khyber Pakhtunkhwa, Peshawar do hereby affirm and declare on oath that the contents of the above mentioned Parawise comments are true & correct to the best of my knowledge & belief & that nothing has been concealed from the ambit of this Honorable Tribunal.

  
 Deponent