

26.10.2016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for argument on 22.12.2016.

(PIR BAKHSH SHAH)
MEMBER

(ABDUL LATIF)
MEMBER

22.12.2016

Counsel for the appellant, M/S Hameed-ur-Rehman, AD (Lit.), Mehboob, Assistant and Zakiullah, Senior Auditor alongwith Mr. Ziaullah, GP for the respondents present. Representative of the respondent-department produced before the court notification dated 16.05.2016, vide which the promotion order of the appellant has been withdrawn. Moreover, in para-4 of the written reply respondents stated that the departmental appeal filed by the appellant was rejected in light of the judgment of Hon'ble Peshawar High Court Bench Swat dated 05.04.2012, however, the same is not available on file hence, respondents are directed to produce the same on next date. Learned counsel for the appellant seeks adjournment to go through the record. To come up for record and arguments on 05.05.2017 before D.B.

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

02.01.2017

Qari Ihsanullah, husband/attorney present and submitted application for withdrawal of the instant appeal as the grievances of the appellant have been considered by the department. Application accepted. Signature of husband/attorney of the appellant recorded at the margin of order sheet as a token of proof. The appeal in hand is hereby dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
02.01.2017

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

Handwritten signature in Urdu script, likely of the appellant or a representative, written vertically on the left margin.

01.03.2016

Counsel for the appellant and Mr. Murad Ali Shah, Supdt
alongwith Mr. Ziaullah, GP for respondents present. Counsel for
the appellant requested for adjournment. To come up for
arguments on 27.4.16.


Member


Member

27.04.2016

Agent of counsel for the appellant and Mr. Ansar Ahmed, AAO
alongwith Mr. Mr. Ziaullah, GP for respondents present. Due to
general strike of the Bar learned counsel for the appellant is not in
attendance. Adjourned for arguments to 08.08.2016 before D.B.


Member


Chairman

08.08.2016

Counsel for the appellant, M/S Mehboob Shah, Assistant
and Zakirullah, Senior Auditor alongwith Mr. Ziaullah, GP for
respondents present. It was brought into notice of Tribunal
about incident of unfortunate terror of today happened in
Balochistan, the Bar has declared strike after 12:00 noon.
Hence the case is adjourned for arguments to 26-10-16
before D.B.


Member


Member

The Agency Surgeon G-12
Khyber at Jamrud

Sub:

Arrival Report

Ref: 1818

Reference office order NO 16538-42
FATA/ADM Dated 9.8.2008 at Khyber
at Jamrud.

I have the honour to submit
my arrival report at THQ Hospital
Dogra Picket, Bada today the 12 August
2008, at morning.

THANK U.
Dated: 12-08-2008

Yours obediently,

Bakht Samia
Chief Nurse
THQ Hospital
Dogra Picket

Recommended and
forwarded to A/S
for w/A.

ATTESTED

M.S. Dogra / NP
Bada
12/8/2008

M.S.
12/8/2008

Elementary & Secy: Education
Peshawar
11/01-11



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax: 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Notification

In pursuance the report of District Education officer (F) Dir Upper
vide letter No. 883 dated 23-04-2016, the promotion order in respect of Mst. Bakht Pari from
AT to SAT (BS-16) Ex AT GGMS, Akhgram now at GGMS Badali District Dir Upper issued via
this office Notification No. 5193-99/File No.1/Promotion Senior AT B-16 dated 21-02-2013
here by withdrawn.

Director

Endst: No. 3765-7 / File No.1/A 17/SST (F) Appeal

Dated Peshawar the 10/5/2016

Copy forwarded for information and necessary action to the:-

1. District Education Officer (F) Dir Upper.
2. District Accounts Officer Dir Upper.
3. Teacher concerned.
4. PA to Director Local Directorate.
5. Master File.

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

DA Secy
Perform the minister's Command

6:
31/5/16



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

5

NOTIFICATION:

DATE OF RESOLUTION: 01/07/2012

No. SO/ (B&A) / 118 / MCSE / 2012

16-7-2012

16-11-2012

Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up gradation of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

No.	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New Approved Basic Pay Scale	Remarks
	Primary School Teacher (PST)	Govt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is upgraded to BPS-12. Accordingly, 33,197 posts of PSTs, already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
	Senior Primary School Teacher (SPST)	"do"	Newly Upgraded/ Redesignated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay Scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
	Primary School Head Teacher (PSHT)	"do"	Newly Upgraded/ Redesignated Post	(BPS-15)	20,804 posts of the existing PSTs (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher, and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
	Classified Teachers (CT)	Govt. Middle/High In/Higher Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
	Senior Certified Teachers (Sr. CT)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
	Arabic Teachers (AT)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
	Senior Arabic Teachers (Sr. AT)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
	Senior Teacher of Theology (Sr. TT)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
	Drawing Masters (DM)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
	Senior Drawing Masters (Sr. DM)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	one thirds (1/3 rd) of the total DM's posts are upgraded to BPS-16 and redesignated as Senior DM, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.

Physical Education teachers (PET's)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of PETs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
Senior Physical Education Teachers (Sr. PET's)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One-thirds (1/3 rd) of the total PETs posts are upgraded to BPS-16 and redesignated as Senior PET, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
Qari/Qaria	"do"	BPS-7 BPS-9 BPS-10 BPS-12 BPS-14 BPS-15	(BPS-12)	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as future appointees.
Sr. Qari/Sr. Qaria	"do"	Newly Upgraded/ Redesignated Post	(BPS-15)	One thirds (1/3 rd) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.

2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.

3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Encl: No. SO(FR)/FD/10-22(E)/2010 Dated Pesh: the _____ 2012.

Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar.
All District Account Officers

SECTION OFFICER (FR)
FINANCE DEPARTMENT

Encl. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, with reference to his letter No SO(FR)/FD/10-22(E)/2010 dated 26/06/2012.
2. P.S. to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. P.S. to Special Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. P.S. to Deputy Secretary-II, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S. to Minister of E&SE, Khyber Pakhtunkhwa.
6. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
7. All the Executive District Officers, E&SE Khyber Pakhtunkhwa.
8. The Managing Director, Printing Press, Khyber Pakhtunkhwa, Peshawar.
9. Master file.

(NOOR ALAM KHAN WAZIR)

SECTION OFFICER (B&A)

ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

3/c

6



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH.No. 091-9210389, 9210938,
9210437, 9210957, 9210468

Fax: 091-9210936

No. 1702-27 Promotion to B-16/Estab

Dated Peshawar the 16 /11/2012.

To

All the Executive District Officers,
Elementary and Secondary Education Department,
in Khyber Pakhtunkhwa.

Working Papers for Departmental Promotion Committees for the
Promotion of CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16,
TT B-15 to Senior TT B-16, DM B-15 to Senior DM B-16, PET B-15 to
Senior PET B-16.

Memo:

I am directed to refer to the subject noted above and to state that Government of Khyber Pakhtunkhwa Finance department has created post of Senior CT B-16, Senior AT B-16, Senior TT B-16, Senior DM B-16, Senior PET B-16 in High and Higher Secondary Schools in Elementary and Secondary Education Department at District Level. Service /Recruitment rules have been notified vide Government of Khyber Pakhtunkhwa No. SO(PE)4-2008/Meeting/2012/Teaching Cadre dated Peshawar, the November 2012 in pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, in which the above posts will be filled in following manner:-

Senior Arabic Teacher (SAT) (BPS-16)	By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
Senior Theology Teacher (STT) (B-16).	By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
Senior Certified Teacher (SCT)(General) (BPS-16).	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).
Senior Certified Teacher (Industrial Arts) (BPS-10).	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
Senior Certified Teacher (Agriculture) (BPS-16).	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).

Senior Drawing Master (BPS-16).

By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.

Senior Certified Teacher (SCT) (Home Economics) (BPS-16).

By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).

Senior Physical Education Teacher (BPS-16).

By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

Although these posts are pertaining to District Cadre but the pay scales have been enhanced to BPS-16, Executive District Officers are Appointing Authority up to BPS-1 and District Coordination Officer is Appointing Authority for the employees from BPS-1 to BPS-15, while Director Elementary and Secondary Education is the Appointing Authority for the employees in BPS-16.

I am further directed to ask you to prepare Working Papers for Departmental Promotion Committees for the Promotion of CCT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16, PET B-15 to Senior PET B-16 on the format the following documents are required to be attached with the Working Papers to convene meeting of the Departmental Promotion Committee to fill the above posts in shortest possible time.

1. Final Seniority List undisputed.
2. Last 5 years ACRs along with Synopsis.
3. Last three years result.
4. Non involvement certificate.
5. Bio data.
6. Last pay slip.
7. Service books.

7. A meeting for the Promotion of PST B-12 to BPS-14 & B-15 and Qari B-12 to BPS-15 may also be arranged at District level in shortest possible time but not exceeding one month.

Dy. Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

1728-29

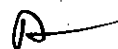
Enclst: No. / File No.1/Promotion B-15 to B-16 Dated Peshawar the 16/11/2012.

- Copy forwarded for information and necessary action to the: -
1. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
 2. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
 3. M/File

Dy. Director (Esab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

28.1.2015

Husband of the appellant and Mr. Muhammad Jan, GP for the respondents present. Rejoinder received on behalf of the appellant, copy whereof, is handed over to the learned GP. To come up for arguments on 14.4.2015.



MEMBER

14.04.2015

Clerk of counsel for the appellant and Mr. Muhammad Jan, GP with Pir Muhammad, ADO, Javed Ahmad, Supdt. and Ansar Ahmad, AAO for the respondents present. Counsel for the appellant is not available due to strike of the Bar. To come up for arguments on 12.11.2015.



MEMBER



MEMBER

12.11.2015

Clerk to counsel for the appellant and Mr. Ansar Ahmand, AAO alongwith Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to paucity of time. To come up for arguments on 1-3-2016.



Member



Member

243/2014

25.08.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Iqbal, ADO and Farhad Durrani, AAO for the respondents present and requested for further time. To come up for written reply on 28.10.2014.


MEMBER

28.10.2014

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Iqbal, ADO and Farhad Durrani, AAO for the respondents present and reply filed. Copies handed over to junior to counsel for the appellant. To come up for rejoinder on 05.12.2014.


MEMBER

5.12.2014

Husband of the appellant and Mr. Muhammad Jan, GP with Muhammad Iqbal, ADO for the respondents present. The Tribunal is incomplete. To come up for the same on 28.1.2015.


READER

08.5.2014

Clerk to counsel for the appellant present and stated that counsel for the appellant is busy in august Supreme Court of Pakistan. To come up for preliminary hearing on 29.5.2014.


MEMBER

29.05.2014

Counsel for the appellant present. Preliminary arguments heard and record perused.

Through the instant appeal the appellant has prayed for issuance directions to the respondents for making pay fixation of the appellant in BPS-16 on promotion to the post carrying BPS-16 and for necessary entries in her service book. The appellant filed a departmental appeal in this respect on 18.11.2013 which was not decided within the statutory period, hence the present appeal.

Since the matter pertains to terms & conditions of service of the appellant and the points raised need further consideration, therefore, the appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply on 25.8.2014.


MEMBER

29.05.2014

This case be put up before the Final Bench 11 for further proceedings.


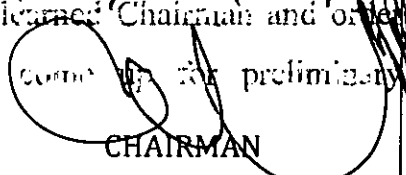



CHAIRMAN

*Appellant deposited
Process fee & security
Rs. 240/- Bule Board
attached with file*

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 243/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/02/2014	<p>The appeal of Mst. Bakht Pari resubmitted today by Mr. Khush Dil Khan 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	<p>25-2-2014 15.4.2014.</p>	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>14-4-2014</u>. File received from the learned Chairman and order dated 11.4.2014 perused. To come up for preliminary hearing on 22.4.2014.</p> <p style="text-align: right;"> CHAIRMAN</p>
	15.4.2014.	<p>File received from the learned Chairman and order dated 11.4.2014 perused. To come up for preliminary hearing on 22.4.2014.</p> <p style="text-align: right;"> MEMBER</p>
	22.4.2014.	<p>Clerk to counsel for the appellant present. Counsel for the appellant is not available, due to general strike of the Bar. To come up for preliminary hearing on 8.5.2014.</p> <p style="text-align: right;"> MEMBER</p>

This is an appeal filed by Mst. Bakht Pari today on 14/02/2014 against not fixation of pay in BPS-16 against which she preferred a departmental appeal on 18.11.2013 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 243 /ST,

Dt. 17/02/2014


**REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.**

Mr. Khush Dil Khan Adv. Pesh.

Resubmitted
after maturity



**Khush Dil Khan Advocate
Supreme Court of Pakistan
Ex. Deputy Speaker, Provincial
Assembly K.P.
Office: 9-B Haroon Menson
Khyber Bazar Peshawar Ph. 2713445**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 243 /2014

Mst. Bakht Pari..... Appellant

Versus

The Accountant General,
Khyber Pakhtunkhwa & others..... Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal with Affidavit			1-5
2.	Copies of extracts of service book of appellant		A	6-11
3.	Copy of notification issued by director E&SE Department, Peshawar thereby appellant was promoted to the post of senior Arabic teacher (BPS-16)	21.02.2013	B	12-13
4.	Copy of office order issued by district education officer (Female), Dir Upper thereby appellant was adjusted against the vacant post in GGHS, Sundal.	28.02.2013	C	0-14
5.	Copy of Departmental Appeal/Representation of appellant with receipts of registry post	18.11.2013	D	15-17
6.	Wakalat Nama			

Bkht
Appellant

Through

Khush Dil Khan
Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 14 / 02/ 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 243 /2014

196
14-2-2014

Mst. Bakht Pari,
Senior Arabic Teacher, (BPS-16)
Govt: Girls High School,
Sundal, Dir Upper.....Appellant

Versus

1. Accountant General,
Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer,
Dir Upper.
3. Pay Fixation Party,
through the office of District Accounts Officer,
District, Dir Upper.
4. Secretary Elementary and Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
5. Director,
Elementary and Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
6. District Education Officer (Female),
Elementary and Secondary Education,
District, Dir UpperRespondents.

14/2/2014

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 FOR ISSUING THE DIRECTIONS TO
RESPONDENT NO.1 AND 2 FOR MAKING PAY
FIXATION IN BPS-16 AWARDED TO APPELLANT
ON HER PROMOTION TO THE POST OF SENIOR
ARABIC TEACHER**

as-submitted to and filed.

24/2/14

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant initially joined the service of Education Department as trained Arabic Teacher in (BPS-09) and since then she was performing her duties efficiently with excellent service record. During her service she also improved her educational qualification from F.A to B.A in 2nd Division. Copy of extracts of service book are attached *as (Annex: A)*.
2. That a notification vide Ends: No.5193-99 dated 21.02.2013 was issued from the Directorate of respondent No.5 under his signature thereby appellant was promoted to the post of Senior Arabic Teacher placed in BPS-16. On her such promotion, she was transferred and posted against the vacant post in the GGHS, Sundal by an office order No.200-206 /F.No.52(1)/DEO(F)/SEB dated 28.02.2013 of the respondent No.6 and accordingly she assumed her duty there. Copy of notification dated 21.02.2013 *as (Annex: B)* and office order *as (Annex: C)*.
3. That when the appellant submitted her service book for making Pay Fixation in BPS-16 to the respondent No.3 (Pay Fixation Party) and claimed salary in BPS-16 on the eve of her regular promotion to the post of senior Arabic teacher (BPS-16) but the same was returned back on the plea that the Sanad of Shahadat-ul-Alamia was not recognized by the Higher Education Commission

which she possessed.

Since the matter needs further consideration and the appeal is within time, therefore, admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 21.08.2014.

- C. That the respondents No.2 and 3 have not acted in accordance with law and not fixed the pay in BPS-16 in the service book of appellant malafidely.
- D. That the appellant is still getting salary of BPS-15 though she is performing her duty of the post carrying BPS-16 and thus she was deprived of the benefits of BPS-16 on baseless plea which is not sustainable under the law and rules and also against the fundamental rights as guaranteed under the constitution of Islamic Republic of Pakistan, 1973.
- E. That respondent No.1 also not acted in accordance with law and rules on subject and failed to pass any order on the departmental appeal/representation of appellant which is unjust and unfair.

It is, therefore, humbly prayed that on acceptance of this service appeal, the respondents No.1, 2 and 3 may graciously be directed to act in accordance with law and fix the pay of appellant in BPS-16 in view of her promotion to the post carrying BPS-16 and necessary entries be also made in her service book.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Blubb
Appellant

Khush Dil Khan,
Advocate,

Khush Dil Khan Advocate
Supreme Court of Pakistan
Ex Deputy Speaker, Provincial
Assembly K.P
Office: 9-B, Haroon Menson
Khyber Bazar Peshawar Ph: 2211111

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2014

Mst. Bakht Pari..... Appellant

Versus

The Accountant General,
Khyber Pakhtunkhwa & others..... Respondents

Affidavit

I, Bakht Pari, Senior Arabic Teacher, GGHS, Sundal, Upper Dir, do hereby affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Blele
Deponent



NIC No. 107-80-372416

P-06

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

1. Name: Bakht pari Bibi

2. Race: Muslim/Pakistani

3. Residence: Dastkoh Bala (wari)
Distt. Dir (Upper)

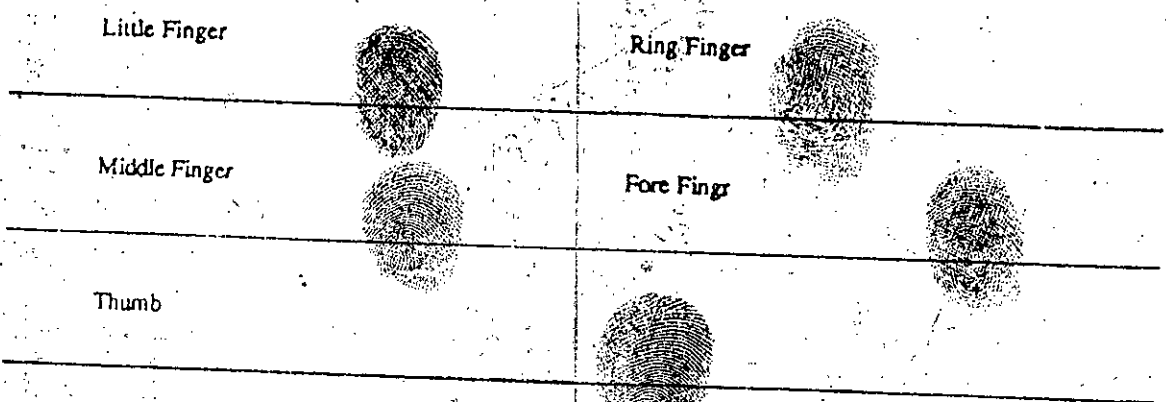
4. Father's name and residence: Gul Shahzada as above.

5. Date of birth by Christian era as nearly as can be ascertained: 1-3-1980 1st March 1980 1st March 1980

6. Exact height by measurement: 5-2

7. Personal marks for Identification: NIL

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.



9. Signature of Government Servant: Bakht Pari

10. Signature and Designation of the Head of the Office, or other Attesting Officer.

Muhammad
Distt. Edu: Officer (F)
Pry. & Secondary Dir. Upper

ATTESTED

1	2	3	4	5	6	7	Signature of Government Servant
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 Act 311 C.S.3.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	
Arabic Teacher GEMS Akhgram Dir(U).	Temp 666	BPS NO 9 Rs 1605-97-3060.	Rs 1605/- pm			15/12/99	Bakht Nari
do			1702/-	"		1/12/2000	Bakht Nari
do			1799/-			1/12/00	Bakht Nari
do		2410-145-6760				1/12/00	Bakht Nari
do			2700/-			1/12/02	Bakht Nari
do			2845/-			1/12/02	Bakht Nari
original sound may pl. production do 4/10							
do			2990/-			1/12/03	Bakht Nari
do			3135/-			1/12/04	Bakht Nari
(2770-165-7720) B-9							
do			3595/-			1/12/05	Bakht Nari

① Passed Shahadatul Khosa
From Ittehadul Madaris - Arabic
Pakistan u/Roll No. 210 Session 1996
Marks obtained 480/600

② Passed Shahadatul - Alia
From Ittehadul Madaris Pakistan
u/Roll No. 310 Session 1997
(For use in Police Department only)
Marks obtained 455/600

Entry made

③ Passed Shahadatul Alomia
1. From Ittehadul Madaris Pakistan
u/Roll No. 385 Session
2. Marks obtained 500/600

④ Passed Sarhad Ull Perag Alomia (M.A)
3. From Amulwal ulkompar hoby Maulana
District Officer
Upper

Verification Roll No. 12 dated 5/6/88 received back.
18-10-98

⑤ Passed BA from University of Malakand
u/Roll No. 4194 Session 2011 obtained 299/550
in final Division. Result declared on 11/6/2012.

Left Thumb-Impression

District Officer (F),
Elementary & Secondary,
Education Upper

19-05-2012

Qualifications	Date	Qualifications
English	① passed SSC (Sup) 1996 from BISE Saidu Sharif Swat Under Roll No. 616. Marks obtained 388/850.	⑤ passed MA (Arabic) from Ittehadul Madaris Pakistan under Roll No. 385. Marks obtained 500/600.
Pushto	Moonjabis	B.L. or B.A.
Urdu	Dist. Edu. Officer (F) Pry. & Secondary Dir Upper	Pleadership Exam Dist. Edu. Officer (F) Pry. & Secondary Dir Upper
Plan Drawing	② passed matric Exam from Ittehadul Madaris Pakistan Under Roll No. 85. marks obtained 90/600.	Training School Final Examination
Finger Print	Moonjabis	Other Qualifications:—
Drill Instructing	Moonjabis	
Court Duties	Dist. Edu. Officer (F) Pry. & Secondary Dir Upper	
Reserve Duties	③ Passed FA from Ittehadul Madaris Pakistan under Roll No. 210. marks obtained 480/600.	
	Moonjabis	
	N.D. - List 1986 which under the qualification possessed. Dist. Edu. Officer (F) Pry. & Secondary Dir Upper	
	④ Passed BA Exam from Ittehadul Madaris Pakistan under Roll No. 310. Marks obtained 455/600.	
	Moonjabis	
	Dist. Edu. Officer (F) Pry. & Secondary Dir Upper	

9 Signature and position of head of office or other officer in statement of Paragraphs 1 to 8	10 Date of termination or of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Name and position of employee taken over	14 Period of service allocation or period of service on average pay basis for which leave salary is payable by and/or Government	15 Signature of the head of the office or other attesting officer	16 Reference to any recorded transfer or change of post or of grade of the Government Service
<i>M. G. J. Babar</i> B.O. (F) Upper	30/11/2000	A/Inc	<i>D. B. D.</i> D.E.O. (F) (S/P) DIR, UPPER			<i>M. G. J. Babar</i>	Appointed as AT at GEMS Abgram Vid. D.E.O. (F) Secy. Edu. Dir No. 1663-73 dt. 14.12.99
<i>D. B. D.</i> D.E.O. (F) (S/P) DIR, UPPER	30/11/2001	A/Inc	<i>D. B. D.</i> Secy Edu. Dir Upper			<i>M. G. J. Babar</i>	Distt. Edu. Officer (F) Fry. & Secondary Dir Upper
<i>D. B. D.</i> Distt. Edu. Dir Upper	1/12/2001	pay Revision	<i>D. B. D.</i> Secy Edu. Dir Upper				Service verified with 15-12-99 to 30/6/2001 from the record of this office
<i>D. B. D.</i> Secy Edu. Dir Upper	30/11/2002	A/P	<i>D. B. D.</i> Distt. Officer (Female) Dir Upper				<i>D. B. D.</i> D.E.O. (F) (S/P) DIR, UPPER
<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper	30/11/2003	A/Dn.	<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper				Service Verified with effect from 1/7/2001 To 30/6/2001 From Acquittance roll and Office Record
<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper			<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper				<i>D. B. D.</i> Secy Edu. Dir Upper
<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper			<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper				Service Verified with effect from 1/12/2001 To 30/6/2002 From Acquittance roll and Office Record
<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper	30/11/2004	A/Inc	<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper				<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper
<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper	30/6/2005	pay Revision	<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper				Service Verified with effect from 1/12/2002 To 30/11/2004 From Acquittance roll and Office Record
<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper	30/11/2005	A/Inc	<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper				<i>D. B. D.</i> Distt. Officer (Female) Distt. Dir Upper

ATTENT

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. 37(1) C.S.R.	Pay in substantially e Post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of Appointment	Signature of Government Servant
AT GEMS Badali	Temp.	Temp.	3760/-			12/05	<i>[Signature]</i>
do	do	do	3925/-			12/06	<i>[Signature]</i>
<i>Service Rules 1988</i> <i>Prescribed grade factor</i> <i>H.M. in Anand</i> <i>1st class</i> <i>Madani</i> <i>Madani</i> <i>Lahore</i> <i>AD</i> <i>(National Pay grade revised)</i> <i>on 1-7-07 3185-190-8885</i>							
GEMS Badali	Temp.	Temp.	Temp.	Rs:	4515/-	12/07	<i>[Signature]</i>
do	do	do	do	Rs:	4705/-	12/07	<i>[Signature]</i>
(3820-230-10720 B-9)							
do	do	do			5660/-	1/7/08	<i>[Signature]</i>
do	do	do			5890/-	1/12/08	<i>[Signature]</i>

Distt. Edut. Officer (P)
 Distt. Secretary (P) Upper

B.O. (P)
 Upper

Bull

Bull

Bull

Bull

Bull

9	10	11	12	13	14	15		
Signature and position of the head of the office or other attesting officer in 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	Nature and duration of leave	Allocation of period of leave on average pay upto four months for which leave salary is debitab to another government	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
		30/11/06	Annual Incr.	 District Officer (Female) Edu: Dir Upper	13/1/2000	Case related to which service verified with effect from 1/12/04 To 30/11/05		9380-83/A/T/DDE Service Verified with effect from 1/12/04 To 30/11/05 Acquittance roll and Office Record
								Service Verified with effect from 4/12/05 To 30/11/06 Acquittance roll and Office Record
								Service Verified with effect from 1-12-06 To 30-11-07 Acquittance roll and Office Record
		30/11/07	Progressed					
		30/11/07	Advices					
		30/6/08	P/R Revised					Service Verified with effect from 1/12/07 to 30/11/08 From Pay Bill & Office Record.
		30/11/08	A/Incr.					



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(E&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following Female ATs B-15 are hereby promoted to the post of Senior AT BPS-16 (Rs.10000-300-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against the newly upgraded Senior AT BPS-16 posts:-

Total No. of AT (F) Posts duly verified by the DAO	36
1/3 share of Senior AT Posts	12
Share of promotion 100 %	12
Promoted to the post of Senior AT B-16	04

S.No	S.No	Name of Teacher	Name of School	D/O Birth	Remarks
1	2	Refat Jabeen	GGHSS, Dir	2/5/1973	Services placed at the disposal of DEO (F) Dir Upper for further posting.
2	3	Bakht Pari	GGMS Badali	1/3/1980	----Do-----
3	7	Attia Naurin	GGMS K.Dir	1/3/1985	----Do-----
4	11	Rana Begum	GGMS Akhgram	6/4/1977	----Do-----

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case her performance is found unsatisfactory during probationary period. In case of misconduct, she shall be preceded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se- seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining her duty.
- 7 They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to her in light this order will be recovered and if she is wrongly promoted he will be reversed.

ATTACHED

(Muhammad Rafiq Khattak)

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. / File No.1/Promotion Senior AT B-16: Dated Peshawar the 21/02/2013.

Copy forwarded for information and necessary action to the:-
Accountant General Khyber Pakhtunkhwa Peshawar.

A2 14/1

To be substituted bearing even No and date

AT (F) Dir Upper 2

P-13

2. District Education Officers (F) Dir Upper.
3. District Accounts Officer Dir Upper.
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
7. M/File

[Handwritten signature]
Dy: Director Estab (Female)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

[Handwritten signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE DIR UPPER.
 O.0944-881900 FAX -0944-880411 Email demisdirupper@gmail.com

OFFICE ORDER.

Consequent upon their promotion of (Female) ATs BPS:15 to the post of **Senior Arabic Teachers (SATs), B-16 (Rs.10000-800-34000)** plus usual allowances as admissible under the rules vide Director, E&SE Khyber "Pakhtunkhwa Peshawar" Notification Endst No: **5193-99**/F.No:01/Promotion, Senior AT B-16 dated: -21/2/2013 are hereby further adjusted in the schools noted against each.

S.No	Name.	School (From)	School (To)	Remarks.
1	Mst: Rifat Jabeen, AT	GGHSS, Dir	--	Post already occupied
2	Mst: Bakht Pari, AT	GGMS, Badalai	GGHS, Sundal	Vacant post.
3	Mst: Atia Noreen, AT	GGMS, Kass Dir	GGHS, Ganori	Vice No.4
4	Mst: Nahida Begum, AT	GGHS, Ganori	GGMS, Kass Dir	Vice No. 3
5	Mst: Rana Begum AT	GGMS, Akhagram	GGHS, Wari	Vice No. 06
6	Mst: Zakira Bibi AT	GGHS, Wari	GGMS, Akhagram	Vice No.05

Terms & Conditions.:

- 1 Senior Arabic Teachers would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulation as may be issued from time to time by the Government.
- 3 Their services would be terminated at any time in case their performance is found unsatisfactory during probationary period. Moreover, in case of misconduct, they would be proceeded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se-seniority on lower post will remain intact.
- 6 No.TA/DA is allowed for joining their duties.
- 7 They will give an under taking to be recorded in their service books to the effect that if any over payment is made to them in light of this order will be recovered and if anyone is wrongly promoted, she will be reversed.

[Signature]
 District Education Officer,
 (Female) Dir Upper.

Endst.No. 200-206 /F.No.52(1)/DEO (F)/SEB Dated Dir (U) the 28/02 /2013.

Copy to:-

- 1- The District Accounts Officer, Dir Upper.
- 2- The Principals/Headmistresses, concerned.
- 3- PA to Director, Elementary & Secondary Education, Khyber-Pakhtunkhwa Peshawar.
- 4- Mistresses, concerned.
- 5- EMIS local office.
- 6- Accountant Middle Schools (F) local office.

[Signature]
 District Education Officer,
 (Female) Dir Upper

ATTENDED

Annex-D
P-15

The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject: Departmental appeal for issuing direction to the Pay Fixation Party and District Accounts Officer, Dir Upper for Pay Fixation in BPS-16 awarded to appellant on her promotion to the post of Senior Arabic Teacher.

Respected Sir,

1. That I initially joined the service of Education Department as trained Arabic Teacher in (BPS-9) and since then I am performing my duties efficiently with excellent service record. During my service I also improved my educational qualification from F.A to B.A in 2nd division.
2. That recently a notification vide Endst: No.5193-99 dated 21.02.2013 was issued from the Directorate of Elementary & Secondary Education; Khyber Pakhtunkhwa, Peshawar under the signature of Director concerned thereby I was promoted to the post of Senior Arabic Teacher placed in BPS-16 in pursuance of which I was posted to GGHS Sundal against the vacant post and accordingly I am performing my duties there.
3. That when my educational testimonials along with Service Book submitted for Pay Fixation to the Pay Fixation Party and claimed salary in BPS-16 but the quarter concerned did not entertain and returned the documents on the plea that the Sanad of Shahadat-ul-Alamia is not recognized by the Higher Education Commission.
4. That the Pay Fixation Party/the District Accounts Officer, Dir Upper has misconceived my case and unlawfully returned the same without legal justification and reason. I promoted to the

ATTESTED

post of Senior Arabic Teacher after observing codal formalities by the Departmental Promotion Committee on the basis of seniority-cum-fitness.

5. That my promotion to the post of Senior Arabic Teacher (BPS-16) made under the Rules as notified on 13.11.2012 vide No.SO (PE)4-5/SSRC/Meeting/2012/Teaching Cadre and in pursuance of which I assumed the charge of new post and since then I am working against that very post but still I am getting the salary of BPS-15 which is against the fundamental rights as guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the concerned Pay Fixation Party and District Accounts Officer, Dir Upper may graciously be directed to make necessary entries in my Service Book and the salaries of BPS-16 may graciously be allowed accordingly.

Yours faithfully

Mst. Bakht Pari, *BK*
Senior Arabic Teacher
(BPS-16)
GGHS Sundal Dir Upper

Dated: 18 / 11 / 2013

Copy for information to:-

1. The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
3. The District Education Officer (Female), Elementary & Secondary Education, District Dir Upper.
4. The District Accounts Officer, Dir Upper.

TESTED

TO

Accounts Officer (PEP)
For favourable consideration
please.

UJ
AAO (HAD)

No. 1057 19/11/13
 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.
 Rs. Ps.
 Received a registered letter addressed to Mr. D. N. C. Date-Stamp 28
 *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.
 Initials of Receiving Officer PPR
 Insured for Rs. (in figures) _____ (in words) _____
 Insurance fee Rs. _____ Ps. _____ (in words) _____
 Weight } Kilo Grams
 Name and address of sender _____

No. 1055 19/11/13
 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.
 Rs. Ps.
 Received a registered letter addressed to Mr. D. N. C. Date-Stamp 28
 *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.
 Initials of Receiving Officer PPR
 Insured for Rs. (in figures) Perh (in words) _____
 Insurance fee Rs. _____ Ps. _____ (in words) _____
 Weight } Kilo Grams
 Name and address of sender _____

No. 1058 19/11/13
 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.
 Rs. Ps.
 Received a registered letter addressed to Mr. D. N. C. Date-Stamp 28
 *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.
 Initials of Receiving Officer PPR
 Insured for Rs. (in figures) Perh (in words) _____
 Insurance fee Rs. _____ Ps. _____ (in words) _____
 Weight } Kilo Grams
 Name and address of sender _____

No. 1056 19/11/13
 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.
 Rs. Ps.
 Received a registered letter addressed to Mr. D. N. C. Date-Stamp 28
 *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.
 Initials of Receiving Officer PPR
 Insured for Rs. (in figures) Perh (in words) _____
 Insurance fee Rs. _____ Ps. _____ (in words) _____
 Weight } Kilo Grams
 Name and address of sender _____

No. 1059 19/11/13
 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.
 Rs. Ps.
 Received a registered letter addressed to Mr. D. N. C. Date-Stamp 28
 *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.
 Initials of Receiving Officer PPR
 Insured for Rs. (in figures) Perh (in words) _____
 Insurance fee Rs. _____ Ps. _____ (in words) _____
 Weight } Kilo Grams
 Name and address of sender _____

ACCEPTED

WAKALAT NAMA

IN THE COURT OF Service Tribunal K.P. for

Baluch Bori Senior

Arabic Teacher Govt H

s m d o b D i r u p p e Appellant(s)/Petitioner(s)

VERSUS

Accountant General K.P. for

Shor

Respondent(s)

I/We Baluch Bori do hereby appoint **Mr. Khush Dil Khan, Advocate** in the above mentioned case, to do all or any of the following acts, deeds and things.

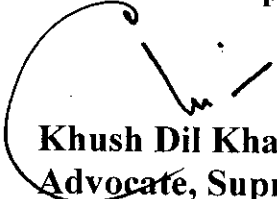
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

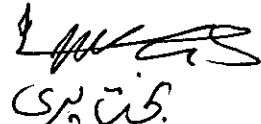
AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

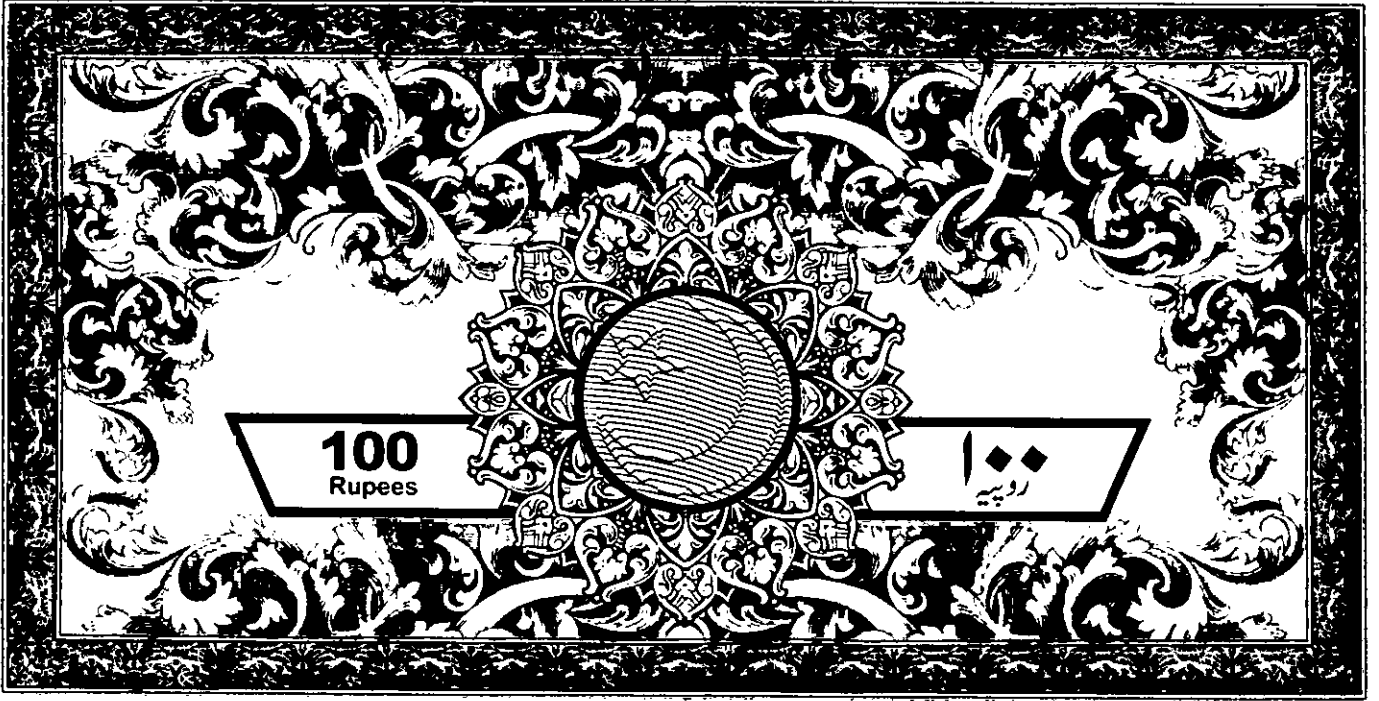
In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by


Khush Dil Khan
Advocate, Supreme Court of Pakistan


Signature of Executants

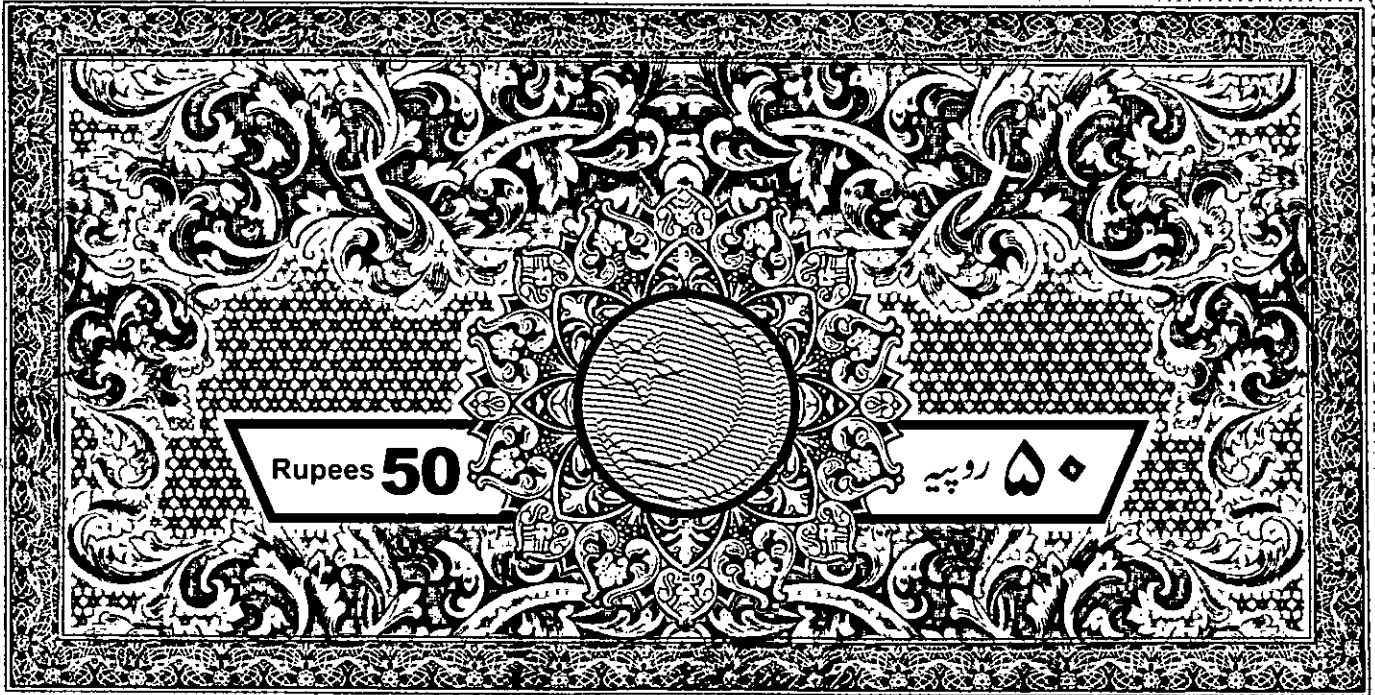
9-B, Haroon Mansion
Khyber Bazar, Peshawar



دستبردار خان

۱۳۰۱ سنه

578478



Rupees **50** ۵۰ روپیہ



Handwritten Urdu text: *پندرہ سو روپیہ*

Handwritten Urdu text: *پندرہ سو روپیہ*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO 243

Mst : Bakht pari
Senior Arabic teacher, (BPS -16)
Govt: Girls High School,
Sundal Dir Upper.....Appellant.

VERSUS

1. Accountant General Khyber Pakhtunkhwa Peshawar Respondent
2. District Accounts Officer Dir Upper
3. Accounts Officer Pay Fixation Party & Other
Para Wise comments on behalf of Respondent No 01,02,03

Preliminary objection.

- i- That the appellant has no locus standi and cause of action.
- ii- That the claim is not based on fact.
- iii- That the appeal is based on malafied liable to be dismissed.
- iv- That the said appeal has already been dismissed by the Honorable High Court Peshawar (Copy of the Judgment attached) as per Annexure-A.

Para wise comments.

On Facts.

- 1- The appellant was appointed as Arabic Teacher in BPS-9 according to the service rules issued by the Govt: of Khyber pakhtunkhwa Education Department vide Notification No SO(S) Service Rules/85/III/ Dated 30.06.1987 (Annexure -B) and Director of Education (Schools) KPK Peshawar No.5876-8/A-15/QT/Peshawar Division Dated 26.01.1988 (Annexure C) where in the basic prescribed qualification for Arabic Teacher in the attached appendix at serial No-6 was declared as mentioned below.

- 1- (i) Honour in Arabic (OR)
(ii) Sanad holder of shahadatul Almiya filuloomil Arabia wal Islamia awarded by Wafaqul Madaris/ Tanzeemul Madaris
OR
(iii) Successfully completion course certificate of ATOC organized by Allama Iqbal Open University Islam Abad. (Annexure B)
The appellant having no professional qualification as mentioned above and she is entitled to fix pay in minimum of the time pay scale of B-9 and not of BPS-14.

For BPS- 14

- 2- All the present and future Arabic teacher who possess the qualification of

A
28/6/

trained/Fazil with BA/BSC (2nd Division and five years teaching experience or MA Arabic or equivalent qualification shall be placed on B-14 1/3 of section grade on 15 vide Finance Department Notification No FD(PRC) 1-1/89 Dated 07.08.1991 (Annexure D). The appellant have no Degree of MA Arabic or equivalent qualification from a recognized University/ Madrassa, Darululoom approved by HEC Islam Abad.

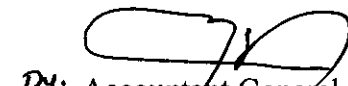
Therefore she is not entitled to B-14 and as well as B-16 on the Sanad obtained from Madrassa Par Hoti Mardan which is not recognizes by HEC (as per annexure -E)

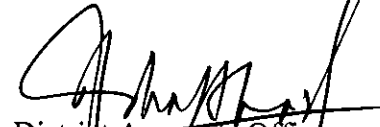
3. As in Para-2 above.
4. No Comments.

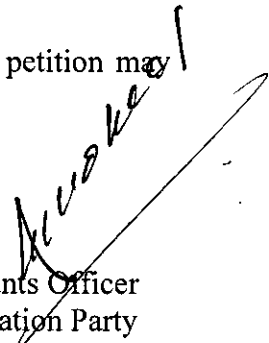
On Ground.

- A. As in Para -2 above.
- B. As in Para -2 above.
- C. As in Para -2 above.
- D. The appellant holds the same post of AT and no responsibility/duty has been changed. The appellant does not possess the requisite prescribed qualification of degree of MA Arabic or equalent qualification from a recognized university/Madrassa duly approved by HEC, therefore not entitled for B-16.
- E. No Comments.

In light of the above given facts it is humbly prayed that the writ petition may kindly be dismissed with cost.

1) : Accountant General
Khyber Pakthunkhwa Peshawar

2-  District Accounts Officer
Dir Upper

3-  Accounts Officer
Pay Fixation Party

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 243 2014

Mst Bakht Pari A.T
Govt Girls High School Sundal


Appellant /Petitioner

VERSUS

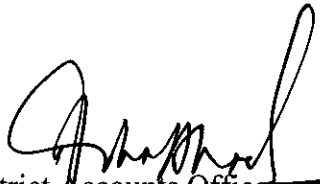
- 1) Accountant General Khyber Pakhtunkhwa Peshawar
- 2) District Accounts Officer Dir Upper
- 3) Accounts Officer Pay Fixation Party

AFFIDAVIT

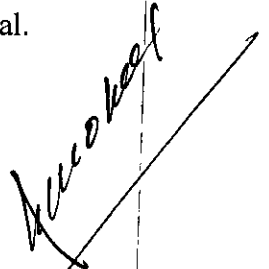
We the following respondents do hereby solemnly affirm and declare on oath that contents of the accompanying reply / comments are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


By: Accountant General
Khyber Pakhtunkhwa
Peshawar

Respondant No.-1


District Accounts Officer
Dir Upper 11/15/14

Respondant No- 2


Accounts Officer
Pay Fixation Party

Respondant No- 3

IN THE COURT OF PESHAWAR HIGH COURT PESHAWAR

W.P. No. 2819 of 2009



Mst. Bakht Pari Daughter of Gul Shahzada wife of Qari Ihsan Ullah, Arabic Teacher GGM, School Badali District Dir Upper..... Petitioner

Versus

1. Accountant General, NWFP, Peshawar (Pay Fixation Party).
 2. Executive District Officer, Elementary & Secondary Education Dir Upper.
 3. Executive Education Officer, Elementary & Secondary Education Dir Upper.
 4. The District Account Officer Dir Upper.
 5. The District Coordination Officer Dir Upper.
 6. District Officer (F) Education dir upper.
 7. District Education Officer (F) Primary and Secondary Education Dir Upper.
 8. District Officer (F) S/L Dir Upper.
 9. Government, of NWFP, through its secretary Finance, Civil Secretariat.
 10. Secretary, Education, Elementary & Education Government of NWFP, Peshawar.
 11. Director, Schools NWFP, Peshawar.
- M.A. Chairman Higher Education Commission Islamabad.

Writ Petition under Article 199 of Constitution of The Islamic Republic of Pakistan, 1973

Judgment Sheet

PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT
JUDICIAL DEPART

Writ Petition No. 2819 of 2009



Date of hearing... 05/04/2012
Petitioner... (Mst Bakht Pari) by M. Sadiq Wazir Advocate
Respondents... (Accountant General & Others) by DAG

JUDGMENT

WAQAR AHMAD SETHI, J. - Petitioner, Mst. Bakht Pari has asked for issuance of appropriate writ directing the respondent No.1 to release the monthly salary of the petitioner in BPS-14 alongwith all back benefit since 15.12.1999 and onwards on acquiring/ possessing the higher qualification/Deeni Sanad from a Deeni Madaris.

2. Precise facts of the writ petition and the arguments of learned counsel for the petitioner are that petitioner was appointed in the education department, Government of KPK and was subsequently accorded BPS-14 due to possessing higher education/qualification of Shadat-ul-Allamia Fill Ullomul Islamia and Arabic from Etihadul Madaris Par Hoti Mardan. It is also contended that the said qualification obtained from Etihadul Madarisa, Par Hoti Mardan is recognized by Services Tribunal KPK and upheld by the apex Court of the Country and as such

ATTESTED
[Signature]
Peshawar High Court

petitioner is being discriminated by not allowing the said BPS-14.

3. As against this, learned counsel for the respondents submitted that petitioner is not entitled to BPS-14 as the competent authority i.e. Higher Education Commission has not yet approved Deeni Madarisa i.e. Ehtadul Madaris Al-Arabia Pakistan Par Hoti, Mardan and as such the decree as obtained from the said Madarisa is not recognized one.

4. Arguments heard and record perused.

5. Vide order dated 20.04.2010 Higher Education Commission was impleaded as respondent No.12 and subsequently they filed their comment/objection which are on file and according to which Ehtadul ul Madarasa Al-Arabia, Par Hoti Mardan is not an approved Deeni Madarasa, therefore, Deeni Sanad held by petitioner from the said Madarasa is not recognized by the competent authority i.e. Higher Education Commission. In view of the above comments of the competent authority, this Court cannot direct the concerned authorities i.e. respondent No.1 to treat the said Deeni Sanad equivalent to M.A. and to grant/award BPS-14, as the same is not recognized by the competent authority.

6. As regarding the discrimination claimed on the basis of already delivered judgments of the Service Tribunal KPK, upheld by the apex Court regarding the same Deeni Sanad, on the principle enshrined in the reported judgments 2009 SCMR-01

ATTESTED

17/05/2010
 Justice
 Court
 or the

and 1996 SCMR-1185. In this respect, we have gone through the said judgments and are of the view that firstly, in those judgments the Higher Education Commission was not a party and secondly, in those judgments the question of equivalency was dealt with but the court/tribunal has not gone to the basic fact that whether the said Sanad is recognized one or not. In view of the comments filed by respondent No.12 this Court cannot shut its eyes on the fact that the very Deeni Sanad issued by an institution is not recognized one. These are the reasons for not treating the petitioner at par with the judgment in Appeal No.490/2005 decided on 17.06.2006.

7. In view of the above, this writ petition is dismissed with no order as to costs.

Certified to be true copy

[Signature]
JUDGE

[Signature]
JUDGE

[Signature]
JUDGE

Announced.
Dated 05/04/2012.

S.No. 3127
Name of Applicant: *Abd. Wahid Ahmad Jy. boal*
Date of Filing: *11/7/12*
Date of Disposal: *11/7/12*
No. of Pages: *4 = P.*
Fee Charged: *8/=*
Date of Judgment: *11/7/12*

*Office
16/4*

*Accountant local
female Office DEO (F,
Court Bench Swat
dismissed the appeal
of the petitioner Baitin
Pari, so consider the
call of the petitioner
in the light of the judgment
of the High Court*

[Signature]
AD EO 12/7/2012

NOTIFICATION/

DATED PESHAWAR THE 30.6.87.

23

S.O(S) SERVICE RULES/85/III/ In pursuance of the provisions contained in sub-rule(2) of rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975 the Edu: Deptt:, in consultation with the Services and General Administration Deptt: and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in columns-3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne on the Administrative Branch of the Directorate of Education (General) specified in column-2 of the said Appendix.

(1) GHS, Shamshad, (PR)

PROP. RASHID AHMAD
Secretary to Govt: of NWFP
Education Department.

Endst.No.S.O(S) Service Rules/85/III. Dated Pesh: the 30.6.1987. |
Copy forwarded for information & n/action to:-

x x x x
Director of Education (E:TA) NWFP, Peshawar.
7/-x x x x

(SAHIBZADA FAZAL AMIN)
Section Officer (Schools).

DIRECTORATE OF EDUCATION (E:TA) N.W.F.P., PESHAWAR.

~~5750-875/A-V/S-Rules~~ Dated Pesh: the 31/7/88.

Copy of the above alongwith copy of its enclosure is forwarded to All Agency Education Officer's in P:TA & Head Master's/Head Mistresses of Govt: High Schools in P:TA for information & guidance.

Copy also forwarded to all Dealing Assistant in the Estt: Branch of this Directorate for information & guidance.

P.T.O. Khan

Him 30/1/88
DEPUTY DIRECTOR OF EDUCATION
E:TA, NWFP, PESHAWAR.

27/1/88

Insert
26 January 1988

Handwritten signature and scribbles at the bottom of the page.

APPENDIX.

Sl. No.	Name of post	Minimum qualification for initial recruitment	Age Limit	Method of recruitment
1	Section Vennakulam/Oriental Teacher.	B.A./B.Sc from a recognized Board with 50% or equivalent certificate.	18 to 25 Years By Initial recruitment.	
2/-	Physical Education Teacher/Physical Training Instructor.	P.A./P.Sc from a recognized Board with Junior Diploma in Physical Education or an equivalent Diploma.	13 to 25 Years By Initial recruitment.	
3/-	Drawing Master.	P.A./P.Sc from a recognized Board with one years' training in drawing.	18 to 25 Years By initial recruitment.	
4/-	Theology Teacher.	B.A. from a religious institution recognized by Government.	18 to 25 Years By initial recruitment.	
5/-	Qari.	Qari' Sanad from a religious Institution recognized by Govt.	18 to 40 Years By initial recruitment.	
6/-	Arabic Teacher.	Honours in Arabic or an equivalent qualification from a recognized University or Board.	18 to 40 Years By initial recruitment.	

TNA/MP/****

315
 110
 425
 43
 468
 508

315
 110
 425
 43
 468
 505

INVA/1/****

Method of Recruitment	Age Limit	Minimum Qualification prescribed for initial recruitment	Post
18 to 25 Years by initial recruitment.	18 to 25 Years by initial recruitment.	BA/B.Sc from a recognized Board with SA/OL certificate or a equivalent certificate.	1. Senior Vernacular/Oriental Teacher.
18 to 25 Years by initial recruitment.	18 to 25 Years by initial recruitment.	BA/B.Sc from a recognized Board with Junior Diploma in Physical Education or an equivalent Diploma.	2. Physical Education Teacher/Physical Training Instructor.
18 to 25 Years by initial recruitment.	18 to 25 Years by initial recruitment.	BA/B.Sc from a recognized Board with one years' training in Drawing.	3. Drawing Master.
18 to 25 Years by initial recruitment.	18 to 25 Years by initial recruitment.	Passed from a religious Institution recognized by Government.	4. Theology Teacher.
18 to 25 Years by initial recruitment.	18 to 25 Years by initial recruitment.	Direct Passed from a religious Institution recognized by Govt.	5. Qari.
18 to 40 Years by initial recruitment.	18 to 40 Years by initial recruitment.	Honours in Arabic or an equivalent qualification from a recognized University or Board.	6. Arabic Teacher.

APPENDIX

Annexure - B

Anne xure - 2

DIRECTOR OF SCHOOLS NWFP PESHAWAR.
No. 5876-81/A-15/OT/Pesh: Divi:
Dated Pesh: the 26/1/1988.

copy
(7)

The Divisional Director of Education
(Schools) (i) Peshawar.
(ii) Mardan
(iii) Kohat (iv) D. I. Khan
(v) Hazara.

Subject: - GRADED PAY SCALE TO ARABIC TEACHERS

Memo: -

It has come into the notice of the Director of Education (Schools) NWFP, Peshawar that Arabic teachers having the following Qualifications are not being allowed graded pay of B-9 by the Divisional Directors of Education (Schools). The prescribed qualifications for AT posts are as under: -

"Honours in Arabic or an equivalent Qualifications from a recognised University or Board."

- i. (1) Honour in Arabic (OR)
- ii) Sanaed Holder of Shahaadatul Almiya Fil Uloom il Arabia Wal Islamia awarded by Wafaqul Madaris/Tanzimatul Madaris. (OR)
- iii. Successful Completion Course Certificate of ATOC organised by AIOU.

It is therefore, directed to state that the Arabic teachers having the above qualifications be allowed graded pay scale of B-9 in the pursuance of (Notification No. SC(S) Service Rules/85/III dated 30.6.1987, already endorsed vide this office Enlist: No. 1111-37/14/Service rules, dated 7.7.1987.)

Handwritten signature

Deputy Director (Schools)
for/DE(S) NWFP, Peshawar.

Enlist: No. 5882-5958

Copy forwarded for information to th: -

- All the Distt: Education Officer (M & F) in NWFP.
- All the Sub-Divisional Education Officer (M&F) in NWFP.
- PA to DE(S) NWFP, Peshawar.

Handwritten signature

Deputy Director (Schools)
for/DE(S) NWFP, Peshawar.

Annex B

Annexure - D
Recd D

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
FINANCE DEPARTMENT.

NOTIFICATION.

Peshawar dated the 7th August 1991.

NO. FD (PRC) 1-1 / 89. In exercise of all the powers enabling him in this behalf the Governor of the North-West Frontier Province is pleased to order the following scales of pay/benefits to various categories of Teachers with effect from 01.07.1991.

S.No	Name of the Post	Benefits extended
1.	2.	3.
1.	Primary School Teachers (PTC / J.V) Matric	All the present and future primary school teachers who hold the qualification of F.A/F.Sc (2 nd Division) plus existing prescribed professional training shall be placed in BPS-9 with 1/3 rd in selection grade BPS-10. All other teachers who do not possess higher qualification shall continue getting existing pay scale with Selection grade accordingly. However, the higher Scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.
2.	Elementary School Teachers (E.S.T / C.T / S.V / P.E.T / Drawing Masters/PTI. FA/Fsc	All the present and future Elementary School Teachers who possess the qualification of B.A/B.Sc (2 nd Division) plus existing prescribed professional training shall be placed in BPS-14 with 1/3 rd in selection Grade BPS-15. All other teachers who do not possess higher qualification shall continue getting existing pay scales with selection Grade accordingly. However, the higher Scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.
3.	Arabic Teachers. Honour in Arabic شہادۃ عربیہ اسلامیہ	All the present and future Arabic Teachers who possess the qualification of Trained/Fazil with B.A/B.Sc (2 nd Division) and five years teaching experience or M.A. Arabic or equivalent qualifications shall be placed in BPS-14 with 1/3 rd in Selection Grade BPS-15.

Annex B

Annexure - 2
Real

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
FINANCE DEPARTMENT.

D

NOTIFICATION.

Peshawar dated the 7th August 1991.

AC) 1-1/89. In exercise of all the powers enabling him in this behalf the Government of the North-West Frontier Province is pleased to order the following scales of pay/allowances to various categories of Teachers with effect from 01.07.1991.

1.	Name of the Post	Benefits extended
1.	2.	3.
1.	Primary School Teachers (PTC / J.V) <i>Matric</i>	All the present and future primary school teachers who hold the qualification of F.A/F.Sc (2 nd Division) plus existing prescribed professional training <u>shall be placed</u> in BPS-9 with 1/3 rd in selection grade BPS-10. All other teachers who do not possess higher qualification shall continue getting existing pay scale with Selection grade accordingly. However, the higher Scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.
2.	Elementary School Teachers (E.S.T / C.T / S.V / P.E.T / Drawing Masters / P.T.I. <i>F.A / F.Sc</i>	All the present and future Elementary School Teachers who possess the qualification of B.A/B.Sc. (2 nd Division) plus existing prescribed professional training shall be placed in BPS-14 with 1/3 rd in selection Grade BPS-15. All other teachers who do not possess higher qualification shall continue getting existing pay scales with selection Grade accordingly. However, the higher Scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.
3.	Arabic Teachers. <i>Honour in Arabic</i> <i>فصل في اللغة العربية</i>	All the present and future Arabic Teachers who possess the qualification of Trained/Fazil with B.A/B.Sc. (2 nd Division) and five years teaching experience or <u>M.A. Arabic</u> or equivalent qualifications shall be placed in BPS-14 with 1/3 rd in Selection Grade BPS-15. <u>2</u>

BPS-17

Letter

D
Fair Copy

		All other teachers who do not shall continue getting existing Grade accordingly: However, the higher Scales/grades teachers will be personal to their seniority will remain intact.
4.	Secondary School Teachers. <i>B.A/Bsc, BEd.</i>	All the present and future Secondary School teachers with prescribed qualification under the K placed in BPS-16 with 1/3 rd in Selection Grade

The advance increments sanctioned by Finance Department vide Para-9 of No.FD(SR-1)1-67/82 dated 24-08-1983 will not be admissible on acquiring/possessing qualifications for which higher pay scales are being sanctioned through this notification.

Sd/-
SECRETARY TO GOVERNMENT OF
North West Frontier Province
Finance Department.

Dated Peshawar the 7th August 1991.

Endst No. FD (PRC) 1-1 / 89

A copy is forwarded to the Accountant General, NWFP, Peshawar for information and necessary action.

Sd/-
(GHULAM DASTAGIR AKHTAR)
Deputy Secretary (Regulation)
Finance Department.

Dated Peshawar the 7th August 1991

Endst No. FD (PRC) 1-1 / 89

A copy is forwarded to :-

1. All Administrative Secretaries to Govt. of NWFP.
2. All Commissioners of Division, NWFP.
3. All Heads of Attached Departments, NWFP.
4. The Secretary to Governor, NWFP.
5. The Registrar, Peshawar High Court, Peshawar.
6. The Secretary, Public Service Commission, NWFP.
7. The Registrar, Service Tribunal, NWFP.
8. All Dy. Commissioners/ Political Agents/District & Session Judges in NWFP.

Sd/-
(GHULAM DASTAGIR AKHTAR)
Deputy Secretary (Regulation)
Finance Department.

Jan 1



HIGHER EDUCATION COMMISSION

Sector H-9, Islamabad Phone: 37553 Fax No. 9257395
URL: www.hec.gov.pk

Director
Accreditation & Attestation

No. 8-16/HEC/A&A/2004/1572
April 7, 2004

Assistant Director (SNE),
Directorate of Education,
FATA, N.W.F.P., Peshawar.

Subject: GUIDANCE.

Dear Sir,

With reference to your letter No.5186 dated 1st April, 2004 on the subject, it is informed that as per decision of the Equivalence Committee of erstwhile UGC, the Higher Education Commission considers only final Sanad "Shahadatul Almiya Fil Uloomal Arabia wal Islamia" awarded by the following Wafaq/Tanzeem ul Madaris, Rabit-ul-Madaris and five individual Madaris as equivalent to M.A Arabic/Islamic Studies for the purpose of teaching Arabic and Islamic Studies in Colleges and Universities and for pursuing higher studies:

a. Names of Wafaq/Tanzeem & Rabit-ul-Madaris

1. Wafaq-ul-Madaris Al-Arabia, Markazi Office Canton Town, Sher Shah Road, Multan.
2. Tanzeem-ul-Madaris Alhe Sumari, Jamia Naeemia, Chari Shako, Lahore
3. Wafaq-ul-Madaris Al-Sallia, Hajiabad Post Code 38600, Faisalabad.
4. Wafaq-ul-Madaris Shia, Jamia-al-Muntazar, H. Block, Model Town, Lahore.
5. Rabita-ul-Madaris Al Islamia, Mansoor Road, Lahore.

b. Names of five Individual Madaris/Institutions:

1. Jamia Islamia Minhaj-ul-Quran, 366 Model Town, Lahore.
2. Jmia Taleemat-e-Islamia, Sargodha Road, Faisalabad.
3. Jamia Ashrafia, Feroz Pura Road, Lahore.
4. Darul Uloom Mohammadia Ghousia Bhera Distt. Sargodha.
5. Darul Uloom, Korangi Creek, Karachi.

Since, Ittihadul Madaris Par Hoti, Mardan is not an approved deeni madrisa, therefore, Deeni Asnads issued by Ittihadul Madaris Par Hoti, Mardan are Not Recognized by the Higher Education Commission.

Yours faithfully,
Muhammad Saeed Khan
7.4.04
EC 27/4/04

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.243/2014

Mst: Bakht Pari AT

GGHS Sundal

.....Appellant.

Versus.

- 1- The Secretary Govt: of KPK E&SE Deptt:Respondent.
- 2- The Director (E&SE) Peshawar. -do-
- 3- DEO(F) Upper Dir. -do-

Written reply on behalf of respondents. 4,5 & 6

Respectfully shewith.

PRELIMINARY OBJECTIONS.

- 1-That the appellant has no cause of action.
- 2-That the appellant has not come to the tribunal with clean hands.
- 3-That the appellant has been estopped by his own conduct to file the instant appeal.
- 4-That the appellant has no locus standi.
- 5-That the appeal is bad due to non joinder and miss granter of parties.

OBJECTIONS ON FACTS.

- 1- Pertains to record.
- 2- Pertains to record.
- 3- Correct to extent that the appellant submitted her service book to pay fixation party but her service books was returned back on the plea that the sanad of Shahdatul Alamia held by the appellant from Itehadul Madrassa Alarabia Par Hoti Mardan is not valid because this Madrassa is not an approved Deni Madrassa. Therefore deni sanad held by the appellant from the said Madrassa has not been recognized by the competent authority i.e Higher Education commission. It is pertinent to mentioned here that the Hon: High Court bench Darul Qaza Swat dismissed the appeal of the appellant in its full judgment dated 5-4-2012 (Judgment copy annexed as annex-A)
- 4- Correct to extent that the appellant filed a departmental appeal but was rejected due to the clear cut judgment of Hon: High Court Bench Mingora Swar dated 5-4-2012.

OBJECTIONS ON GROUNDS.

- A- Incorrect. As the sanad of the appellant was not issued by a recognized Dine Madrass so Respondents No2 & 3 refused to fix the pay of appellant in BPS-16 in accordance with law and rules.
- B- Incorrect, as the deni sanad of the appellant was not recognized by the High Education Commission, so he was not entitled for BPS-16
- C- Incorrect, respondent No.2 & 3 acted in accordance with law & rules.
- D- The appellant is not entitled to the benefit of BPS-16 as the sanad of the appellant has not been issued by a recognized ~~by~~ Deni Madrassa. Moreover the respondent acted is accordance with law, rules and constitutions.
- E- In correct, it was the clear cut judgment of the Hon: High Court Bench Mingora Swat dated 5-4-2012 that the sanad got by the appellant from Par Hoti Mardan Itehadul Madrass Alarabia is not a recognized madrass with Higher education commission so according to this Judgment, the appellant is not entitled for BPS-16

It is therefore humbly prayed that the instant appeal of the appellant may kindly be dismissed with cost.

Director, (E&SE)
Khyber Pakhtun Khwa Peshawar
Respondent No. 05.

District Education Officer
(Female) Dir Upper.
Respondent No. 06

Secretary,
Govt: of Khyber Pakhtunkhwa
(E&SE) Deptt: Peshawar.
Respondent No.4

A
28/10/14

28/10/14

28/10/14
B1

BEFORE THE HON: SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 243/2014

Bakht Pari AT GGHS SundalAppellant

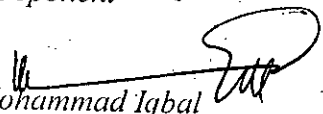
Versus

Secretary Education and othersRespondents.

AFFIDAVIT.

I Mr. Mohammad Iqbal Assistant District Education Officer (P&D) Female Upper Dir, do hereby solemnly affirm and declare on oath that the contents of the written reply submitted by respondents No: 4,5, & 6 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon: Tribunal.

Deponent


Mohammad Iqbal
ADEO(P&D) Upper Dir.
NIC No.15702-2469226-3

Service Appeal No.243/2014

Mst. Bakht Pari..... Appellant

Versus

The Accountant General,
Khyber Pakhtunkhwa and others..... Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS NO. 4, 5 AND 6.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous, so denied.

Rejoinder to Reply of Facts:

- 1-2 That no comments furnished by the answering Respondents regarding these two paras meaning thereby they have admitted the correctness thereof.
3. That reply is based on exaggeration so denied. The case of appellant is not of initial appointment but that is promotion which is made on the basis of seniority-cum-fitness as par rules on subject. The judgment of the Hon'ble High Court as referred by the answering Respondents is distinguished from the present case of appellant.
4. That the plea of answering Respondents is incorrect and baseless that the departmental appeal was rejected by the authority concerned on 05.04.2012. Neither the answering Respondents attached the rejection letter nor the same was communicated to appellant as par the requirements of law and rules on subject so denied.


Rejoinder to Reply of Grounds:

A-E That the replies of Ground A to E are not proper and misconceived so denied in toto.

It is, therefore, humbly prayed that the reply of answering Respondents No.4, 5 and 6 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through


Appellant


Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 27 / 01/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.243/2014

Mst. Bakht Pari..... Appellant

Versus

The Accountant General,
Khyber Pakhtunkhwa and others..... Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS NO. 1, 2 AND 3.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous, so denied.

Rejoinder to Reply of Facts:

1. That reply of para 1 is based on exaggeration so denied.
2. That reply of para 2 is based on exaggeration so denied.
3. That furnished no reply meaning thereby it has been admitted by answering respondents.
4. That furnished no comments by answering respondents meaning thereby it has admitted the same in toto.

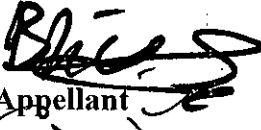
Rejoinder to Reply of Grounds:

A-E . That the replies of Ground A to E are not proper and misconceived so denied in toto.

28/1/15

It is, therefore, humbly prayed that the reply of answering Respondents No.1, 2 and 3 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through


Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 27 / 01/ 2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.243/2014

Mst. Bakht Pari..... Appellant

Versus

The Accountant General,
Khyber Pakhtunkhwa and others..... Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS NO. 1, 2 AND 3.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous, so denied.

Rejoinder to Reply of Facts:

1. That reply of para 1 is based on exaggeration so denied.
2. That reply of para 2 is based on exaggeration so denied.
3. That furnished no reply meaning thereby it has been admitted by answering respondents.
4. That furnished no comments by answering respondents meaning thereby it has admitted the same in toto.

Rejoinder to Reply of Grounds:

A-E That the replies of Ground A to E are not proper and misconceived so denied in toto.

It is, therefore, humbly prayed that the reply of answering Respondents No.1, 2 and 3 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through


Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 27 / 01/ 2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.243/2014

Mst. Bakht Pari..... Appellant

Versus

The Accountant General,
Khyber Pakhtunkhwa and others..... Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS NO. 4, 5 AND 6.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous, so denied.

Rejoinder to Reply of Facts:

- 1-2 That no comments furnished by the answering Respondents regarding these two paras meaning thereby they have admitted the correctness thereof.
3. That reply is based on exaggeration so denied. The case of appellant is not of initial appointment but that is promotion which is made on the basis of seniority-cum-fitness as par rules on subject. The judgment of the Hon'ble High Court as referred by the answering Respondents is distinguished from the present case of appellant.
4. That the plea of answering Respondents is incorrect and baseless that the departmental appeal was rejected by the authority concerned on 05.04.2012. Neither the answering Respondents attached the rejection letter nor the same was communicated to appellant as par the requirements of law and rules on subject so denied.

Rejoinder to Reply of Grounds:

A-E That the replies of Ground A to E are not proper and misconceived so denied in toto.

It is, therefore, humbly prayed that the reply of answering Respondents No.4, 5 and 6 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through



Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 27 / 01/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPLICATION UNDER SUBSECTION 3 OF SECTION 5 OF THE
KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 FOR
TRANSFERRING OF THE CASES FROM PRIMARY BENCH TO ANY
OTHER BENCH/ *Judiciary member*

*Allowed
provided
the member
has
got no
objection*

Respectfully Sheweth,

1. That earlier I (the counsel of appellants) had brought in your kind notice, the matter of discriminatory attitude of the learned Member, Mr. Sultan Mahmood Khatak and on my request your honor was kind enough to transfer all my appeals pending for preliminary hearing before that very Bench except the following cases.

(1) Aziz-ur-Rehman, Sub Engineer PHE,
...Vs... Govt: of Khyber Pakhtunkhwa through
Chief Secretary and others vide Service
Appeal No.214/2014 date of Preliminary
Hearing is 14.04.2014.

(2) Aziz-ur-Rehman, Sub Engineer PHE,
...Vs... Govt: of Khyber Pakhtunkhwa through
Chief Secretary and others vide Service
Appeal No.216/2014 date of Preliminary
Hearing is 14.04.2014.

(3) Mrs. Bakht Pari ...Vs... The Accountant
General Khyber Pakhtunkhwa, Peshawar and
others vide Service Appeal No.243/2014 date
of Preliminary Hearing is 14.04.2014.

Therefore I (counsel of appellants) request to your honor that on acceptance of this application the above mentioned Service Appeals may kindly

11/4/14

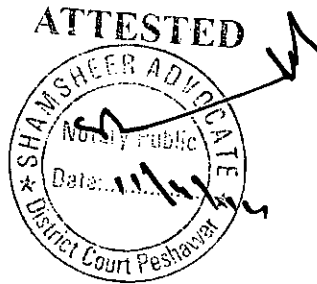
be transferred from Primary Bench to any other learned Bench as done in other cases.

Through Applicants
Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

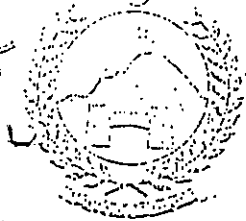
Dated: 10 / 04/2014

Affidavit

I, Khushdil Khan, Advocate, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.



Deponent
10/4/2014



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

5

NOTIFICATION:

Not SO (BPS & A) / 418 / C & S / 2012

Dated Peshawar 16/07/2012

16.7.2012

16.11.2012

Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up gradation of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New Approved Basic Pay Scale	Remarks
Primary School Teacher (PST)	Govt. Primary School	BPS-5	(BPS-13)	The post of PST is upgraded to BPS-12. Accordingly, 33,497 posts of PSTs already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
		BPS-6		
		BPS-7		
		BPS-9		
		BPS-10		
Senior Primary School Teacher (SPST)	"do"	Newly Upgraded/Redesignated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay Scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
Primary School Head Teacher (PSHT)	"do"	Newly Upgraded/Redesignated Post	(BPS-15)	20,804 posts of the existing PSTs (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher, and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
Certified Teachers (CT)	BS-09			
	BS-10			
	BS-12			
	BS-14			
Senior Certified Teachers (Sr. CT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
Arabic Teachers (AT)	"do"	BS-09	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
		BS-10		
		BS-12		
		BS-14		
		BS-15		
Senior Arabic Teachers (Sr. AT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
Teacher of Theology (TT)	"do"	BS-07	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
		BS-09		
		BS-10		
		BS-12		
		BS-14		
Senior Teacher of Theology (Sr. TT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
Drawing Masters (DM)	"do"	BS-09	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
		BS-10		
		BS-12		
		BS-14		
		BS-15		
Senior Drawing Masters (Sr. DM)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total DM's posts are upgraded to BPS-16 and redesignated as Senior-DM, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.

Physical Education Teachers (PET's)	"do"	BS-09	(BPS-15)	All the existing posts of PET's are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
		BS-10		
		BS-12		
		BS-14		
		BS-15		
Senior Physical Education Teachers (Sr. PET's)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total PET's posts are upgraded to BPS-16 and redesignated as Senior PET, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
Qari/Qaria	"do"	BPS-7	(BPS-12)	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as future appointees.
		BPS-9		
		BPS-10		
		BPS-12		
		BPS-14		
Sr. Qari/Sr. Qaria	"do"	Newly Upgraded/ Redesignated Post	(BPS-15)	One thirds (1/3 rd) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.

2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.

3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Endst. No. SO(FR)/FD/10-22(E)/2010 Dated Pesh. the _____ 2012

Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar.
All District Account Officers

SECTION OFFICER (FR)
FINANCE DEPARTMENT

Endst. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, with reference to his letter No SO(FR)/FD/10-22(E)/2010 dated 26.06.2012.
2. P.S. to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. P.S. to Special Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. P.S. to Deputy Secretary-1, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S. to Minister of E&SE, Khyber Pakhtunkhwa.
6. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
7. All the Executive District Officers, E&SE Khyber Pakhtunkhwa.
8. The Managing Director, Printing Press, Khyber Pakhtunkhwa, Peshawar.
9. Master file.

(NOOR ALAM KHAN WAZIR)
SECTION OFFICER (B&A)
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,

9210437, 9210957, 9210468

Fax: 091-9210936

No. 702-27 Promotion to B-16/Estab

Dated Peshawar the 16/11/2012.

All the Executive District Officers,
Elementary and Secondary Education Department,
in Khyber Pakhtunkhwa.

Working Papers for Departmental Promotion Committees for the
Promotion of CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16,
TT B-15 to Senior TT B-16, DM B-15 to Senior DM B-16, PET B-15 to
Senior PET B-16.

Memorandum

I am directed to refer to the subject noted above and to state that Government of Khyber Pakhtunkhwa Finance department has created post of Senior AT B-16, Senior AT B-16, Senior TT B-16, Senior DM B-16, Senior PET B-16 in High and Higher Secondary Schools in Elementary and Secondary Education Department at District Level. Service/Recruitment rules have been notified vide Government of Khyber, Pakhtunkhwa No. SO(PE)4-2008/Meeting/2012/Teaching Cadre dated Peshawar, the November 2012 in pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1986, which the above posts will be filled in following manner:-

Senior Arabic Teacher (SAT) (BPS-16)	By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
Senior Theology Teacher (STT) (B-16)	By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
Senior Certified Teacher (SCT)(General) (BPS-16)	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).
Senior Certified Teacher (Industrial Arts) (BPS-10)	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
Senior Certified Teacher (Agriculture) (BPS-16)	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).

Senior Drawing Master (BPS-10).

By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.

Senior Certified Teacher (NCT) (Home Economics) (BPS-10).

By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).

Senior Physical Education Teacher (BPS-16).

By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

Although these posts are pertaining to District Cadre but the pay scales have been enhanced to EPS-16, Executive District Officers are Appointing Authority up to BPS-1 to BPS-11 and District Coordination Officer is Appointing Authority for the employees from BPS-12 to BPS-15, while Director Elementary and Secondary Education is the Appointing Authority for the employees in BPS-16.

I am further directed to ask you to prepare Working Papers for Departmental Promotion Committees for the Promotion of CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16, PET B-15 to Senior PET B-16 on the format the following documents are required to be attached with the Working Papers to convene meeting of the Departmental Promotion Committee to fill the above posts in shortest possible time.

1. Final Seniority List undisputed.
2. Last 5 years ACRs along with Synopsis.
3. Last three years result.
4. Non involvement certificate.
5. Bio data.
6. Last pay slip.
7. Service books.

16. The DPC for the Promotion of PST B-12 to EPS-14 & B-15 and Qari B-12 to BPS-15 may also be arranged at District level in shortest possible time but not exceeding one month.

Dy. Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

1728-29

Enclst: No. / File No.1/Promotion B-15 to B-16 Dated Peshawar the 16/11/2012.

Copy forwarded for information and necessary action to the:-

1. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
3. M/File

Dy. Director (Es(ab))
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Misc: Application No. _____/2016

IN

Service Appeal No. 243/2014

Mst. Bakht Pari,
Senior Arabic Teacher, (BPS-16)
Govt: Girls High School,
Sundal, Dir Upper.....Appellant

Versus

Accountant General,
Khyber Pakhtunkhwa, Peshawar and others.....Respondents

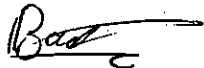

APPLICATION FOR WITHDRAWAL THE APPEAL

Respectfully Sheweth,

1. That the above titled appeal is pending in this Hon'ble Tribunal fixed for 05-05-2017.
2. The subject matter of the appeal is under consideration of the departmental authority and hopefully the grievances of appellant would be redressed.

Therefore, appellant request for withdrawal the appeal.

Through


Applicant/Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated 02 / 01 / 2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Misc: Application No. ____/2016

IN

Service Appeal No. 243/2014

Mst. Bakht Pari,
Senior Arabic Teacher, (BPS-16)
Govt: Girls High School,
Sundal, Dir Upper.....Appellant

Versus

Accountant General,
Khyber Pakhtunkhwa, Peshawar and others.....Respondents

APPLICATION FOR WITHDRAWAL THE APPEAL

Respectfully Sheweth,

1. That the above titled appeal is pending in this Hon'ble Tribunal fixed for 05-05-2017.
2. The subject matter of the appeal is under consideration of the departmental authority and hopefully the grievances of appellant would be redressed.

Therefore, appellant request for withdrawal the appeal.

Through

Bakht
Applicant/Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated 02 / 01 / 2017