

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 392/2013

Date of Institution ... 13.12.2013

Date of Decision ... 20.07.2018

Daud Jan, Stenographer, Directorate of Education, FATA Warsak Road, Peshawar.
... (Appellant)

VERSUS

1. The Secretary Education (E&SE), Khyber Pakhtunkhwa, Peshawar and 3
others. ... (Respondents)

Mr. Ali Azim Afridi,
Advocate

--- For appellant.

Mr. Muhammad Jan,
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the
parties heard and record perused.

FACTS

2. The brief facts are that appellant joined the Education Department as stenographer(BPS-12) in 1986. That the Finance Department vide circular letter dated 03.11.1983 re-designated the post of stenotypist/ Junior Scale Stenographer grade-II and Junior Scale Stenographer as Stenographer BPS-12 w.e.f 01.07.1983. On the basis of the then prevalent Service Rules of 1978 the aforementioned posts of stenographers were shown separate and while making promotion to the post of Superintendent they were placed at the bottom of seniority list of Assistants and

stenographers. It merits to mention here that the stenographer had longer length of service than the Assistants. As such they were deprived of their due right of promotion for considerable time. The appeal in hand remained under protracted litigation. Presently the appellant is aggrieved of impugned order dated 26.11.2012 against which the instant service appeal was filed on 13.02.2013.

ARGUMENTS

3. Learned counsel for the appellant argued that in order to resolve the controversy of seniority between Stenographers and Assistants, he filed service appeal no. 824/2004 in this Tribunal and was accepted vide judgment dated 20.05.2006. The crux of the judgment was that directions were given to the respondents to bring amendments in the service rules in the light of letter of the Finance Department dated 03.11.1983 within a period of three months. That some affectees challenged the aforementioned judgment of this Tribunal in the august Supreme Court of Pakistan and vide judgment dated 20.10.2006 the appeal was remanded back to this Tribunal for decision on merit. Subsequently, through judgment dated 15.01.2007 this Tribunal dismissed the appeal filed by the appellant. He again went in appeal to the Supreme Court of Pakistan, where leave to appeal was granted on 09.04.2009. During the pendency of the appeal before the Supreme Court of Pakistan the Establishment Department took cognizance of the issue and directed the Higher Education Department to prepare joint seniority list of Assistants and Stenographers from the date of regular appointment. Further directions were given to initiate disciplinary action against those responsible for not implementing the decision taken in the meeting held on 05.03.2008. On the basis of the letter of the Establishment Department the appellant did not press his appeal

pending before the Supreme Court of Pakistan and was finally dismissed on 13.07.2011.

4. As the Education Department was reluctant to comply with the directions of the Establishment Department referred to above so the appellant and his colleagues filed writ petition no. 1387-P/2012 in Peshawar High Court and vide order dated 27.06.2012 directions were given to the respondent to decide the appeal of the appellant within a period of one month. As the issue was not taken to a logical end so he filed Contempt of Court Proceedings in Peshawar High Court on 06.11.2012. The Peshawar High Court again directed the respondents to resolve his grievances within one month. Thereafter respondent no.3 passed impugned order dated 26.11.2012 which was communicated to the appellant on 15.01.2013 by the respondent no.4, whereby his departmental appeal was rejected.

5. Learned counsel for the appellant further argued that he had rendered twenty six years service but was yet to be promoted to the next higher scale. Attitude of the respondents was also discriminatory, as in some other departments of the Provincial Government joint seniority list of Office Assistants and Stenographers from the date of regular appointment being maintained. That the post of Superintendent was required to be filled from amongst Office Assistant, Head Clerk/Stenographer on the basis of joint seniority list, so it was incumbent upon the respondents to prepare joint seniority list of Office Assistants and Stenographers from the date of their regular appointment.

6. On the other hand learned Deputy District Attorney argued that though in the first round of litigation service appeal no. 824/2004 was filed by the appellant and accepted by this Tribunal vide judgment dated 20.05.2006. However, the Supreme Court of Pakistan remanded back the judgment of this Tribunal to decide the case afresh on merit. Finally his service appeal was dismissed by the Tribunal. As his appeal has already been dismissed by this Tribunal so through the instant appeal he has again agitated the matter through same prayer which is against the spirit of service Tribunal Act/Law and principle of *resjudicata*. The issue of his seniority and promotion was examined in the light of prevalent law, rules and policy and finally regretted. Under sub-rule-2 of rule-3 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Policy 1989, it is the prerogative of the respondents to lay down method of appointment, qualification and other conditions in consultation with Establishment and Finance Department. The appellant has been treated in accordance with law and rules.

CONCLUSION

7. To cut the long story short, this Tribunal would like to confine itself to the prayer of the appellant in service appeal no. 824/2004 decided on 20.05.2006. Through scrutiny of record we would also like to establish whether the issue agitated through the present service appeal has given any fresh cause of action or is a continuation of the previous appeals. The plea of the appellant in the aforementioned appeal was to bring amendments in the service rules and promotion to next higher post on the basis joint of joint seniority list. In the previous round of litigation the same issue was time and again raised by the appellant and was decided by various fora. Now coming to the joint departmental appeal dated 24.12.2011 annexed with the present appeal through which they urged that in the light of letter

of the Establishment Department dated 27.06.2011 joint seniority list of Assistant and Stenographer be prepared according to the prevailing service rules so as to provide avenues of promotion for them. Here two pertinent issues are to be resolved: Firstly the joint departmental appeal was not preferred against any adverse order passed by the departmental authority from which they were aggrieved. As such this departmental appeal was not in accordance with the procedure laid down in Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974. As it goes against the procedure referred to above so it is not maintainable under the law and rules. The 2nd issue is that the grievances brought before this Tribunal by the appellant have already been decided in the previous judgments and the present service appeal is hit by Rule-23 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974 and resultantly principle of *resjudicata* is also attracted in the present appeal. As such the present appeal is not maintainable thus liable to be dismissed.

8. As a sequel to the above discussion, the appeal is dismissed. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(AHMAD HASSAN)
MEMBER

ANNOUNCED
20.07.2018

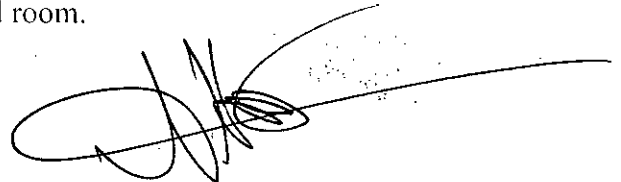
Order

20.07.2018

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is dismissed. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

Announced:
20.07.2018



(AHMAD HASSAN)
Member



(MUHAMAMD AMIN KHAN KUNDI)
Member

10.04.2018

Appellant with counsel and Asst: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.06.2018 before D.B..



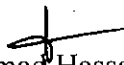
(Ahmad Hassan)
Member



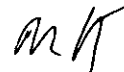
(M. Hamid Mughal)
Member

21.06.2018

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Arguments heard. To come up for order on 20.07.2018 before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

28.11.2017

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Counsel for the appellant was stated to be busy in the Worthy High Court. Requested for adjournment. Granted. To come up for arguments on 06.02.2018 before the D.B.


Member


Chairman

06.2.2018

Appellant alongwith counsel present. Wakalatnama in favour of Ali Azeem Afridi for appellant submitted which is placed on file. Mr. Usman Ghani, District Attorney for the respondents present. The newly engaged counsel for the appellant seeks adjournment. To come up for arguments on 02.3.2018 before the D.B.



Member


Chairman

02.03.2018

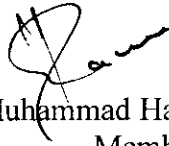
Learned counsel for the appellant Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.04.2018 before D.B


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member


06.09.2017

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Assistant AG alongwith Murad Khan, Superintendent for respondent present. Arguments could not be heard due to incomplete bench. To come up for arguments on 29.09.2017 before D.B.


(Muhammad Hamid Mughal)
Member

29.09.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 27.10.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

27.10.2017

Appellant with counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. The learned DDA submitted before the court that respondent No. 5 has categorically mentioned in his comments that the appellant is not their employee. But the learned counsel for the appellant is of the view that the appellant is employee of respondent No. 5. The learned counsel for the appellant and learned DDA seeks time to submit certain documents in support of their contentions. To come up for arguments on 28.11.2017 before the D.B.


Member


Chairman


30.12.2016

Counsel for the appellant and Mr. Murad Khan, Supdt. for respondent No. 5 alongwith Addl. AG for respondents present. Counsel for the appellant submitted rejoinder on reply of respondent No. 5. Arguments could not be heard due to incomplete bench. Case adjourned to 17.03.2017 for arguments before D.B.


Chairman

17.03.2017


Appellant in person and Addl. AG alongwith Mr. Murad Khan, Supdt for respondents present. Appellant requested for adjournment. To come up for arguments on 22.06.2017.



(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

22.06.2017


Junior in counsel for the appellant Mr. Ziaullah, Deputy District Attorney for the respondent present. Junior in counsel for the appellant requested for adjournment. Adjourned. To come up for argument on 06.09.2017 before D.B.


(Gul Zeb Khan)
Member

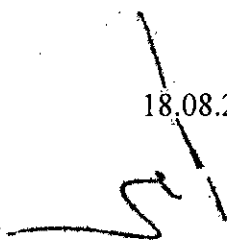

(Muhammad Amin Khan Kundi)
Member

29.07.2016

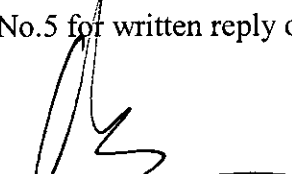
Counsel for the appellant present and submitted an application for arraying the Director Higher Education Peshawar as respondents in the instant appeal. Case file requisitioned. Application is allowed. Notices be issued to newly Impleaded respondents. Counsel for the appellant is directed to submit spare copy of the instant appeal for newly Impleaded respondent. To come up for further proceedings on 18.08.2016.


Member
Member

18.08.2016

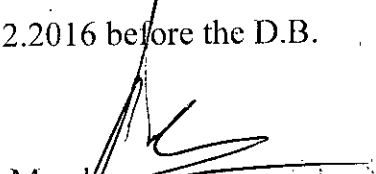


Appellant with counsel and Addl:AG for respondents present. Copy of the instant appeal for newly Impleaded respondent not submitted. Counsel for the appellant requested for time to submit copy of the instant appeal, there-after notices be issued to respondent No.5 for written reply on 04.11.2016.


Member
Member

4.11.2016


Appellant with counsel and Mr. Irfanullah, Assistant Director for respondent No. 5 alongwith Assistant AG present. Written reply by respondent No. 5 submitted. To come up for rejoinder to written reply of respondent No. 5 and final hearing on 30.12.2016 before the D.B.


Member
Chairman

15.01.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Copy of the relevant rules not produced. The respondent-department is once again directed to produce the same. To come up for such record and arguments on 01-4-2016


Member


Member

01.04.2016

Counsel for the appellant and Mr. Kabirullah Khan Khattak, Assistant AG for respondents present. Copy of relevant rules not produced. The respondent-department is once again directed to produce the same. To come up for such record and arguments on 13.6.16 before D.B.


Member


Member

13.6.2016

Appellant with counsel and Hameed ur Rehman, ADO (Litigation) alongwith Mr. Muhammad Jan, GP for respondents present. Respondent No. 4 is directed to approach director Higher Education and collect the copy of service rules pertains to promotion of Stenographers and Assistants to the post of Superintendent and to produce the same on the next date. To come for such rules and arguments on 18.8.2016.


Member


Member

03.06.2015

Appellant in person and Addl: AG for the respondents present. Arguments could not be heard as learned Member is on official tour to camp court Swat, therefore the case is adjourned to 07.08.2015 for arguments.


Member

7.8.2015

Appellant with counsel and Mr. Ziaullah, GP for respondents present. It was brought in the notice of Tribunal that the amendment has been made in the rules on 28.1.2013 but its copy is not available on record. The same be produced on the next date of hearing on 13-10-15.


Member


Member

13.10.2015


Appellant in person and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant is not available. To come up for arguments on 15-1-16.


Member


Member


6.3.2014

Appellant with counsel, M/S Khurshid Khan, SO for respondent No. 1 and Mosam Khan, AD for respondent No. 3 with AAG for the respondents present. Rejoinder has already been received, but copy of the rejoinder has not been received by the learned AAG so far. A copy of rejoinder be handed over to the learned AAG for arguments on 3.7.2014.


Chairman

10.3.2014

On the receipt of appeals No. 170 and 171 of 2013, appellant, M/S Khurshid Khan, SO for respondent No. 1 and Sajjad Rashid, AD for respondent No. 3 also appeared, and stated that the questions raised for determination in this case are also involved in the said appeals referred to this Bench for appropriate order by the learned Bench-II. In view of the above, and in order to avoid conflicting decisions, this appeal is also entrusted to learned Bench-II for further proceedings alongwith connected appeals today.


Chairman

10.3.2014

Parties present as before. Case file received from learned Bench-I to-day and order sheet perused. Case to come up for arguments on 28.5.2014.


MEMBER


MEMBER

28.05.2014

Appellant in person and Mr. Muhammad Jan, GP for the respondents present. Appellant needs time to produce his counsel. To come up for arguments on 8.7.2014.


MEMBER

8.7.2014.

Appellant in person and Mr. Muhammad Jan, GP present and requested for time to contact the respondents. Appellant also requested for time to produce his counsel. To come up for arguments on 29.09.2014.


MEMBER


MEMBER

29.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Wisal Khan, H.C present. Due to incomplete bench, case is adjourned to 07.1.2015 for arguments.


MEMBER

07.1.2015

Clerk to counsel and Mr. Muhammad Adeel Butt, AAG with Iqbal Munir, H.C for the respondents present. The Tribunal is incomplete. To come up for the same on 26.3.2015.


MEMBER

26.3.2015

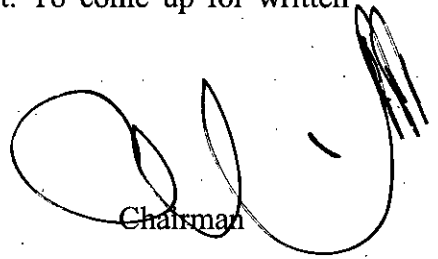
Counsel for the appellant and Mr. Muhammad Jan, GP with Iqbal Munir, H.C for the respondents present. Counsel for the appellant requested for adjournment, therefore, case is adjourned to 03.6.2015 for arguments.


MEMBER


MEMBER

16.5.2013

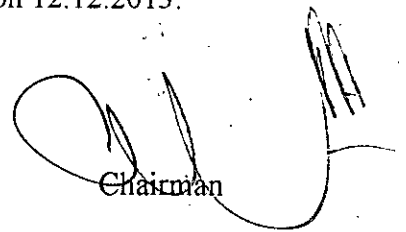
Appellant in person, M/S Khurshid Khan, SO for respondent No. 1 and Mosam Khan, AD for respondent No. 3 with Mr. Usman Ghani, Sr. GP for the respondents present. To come up for written reply/comments on 23.8.2013.



Chairman

23.8.2013

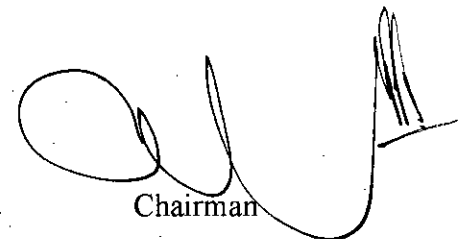
Appellant with counsel, M/S Khurshid Khan, SO for respondents No. 1 and Tariq Hussain, Supdt. for respondent No.2 with Mr. Muhammad Jan, GP for the respondents present. Written reply has not been received. On the request of respondents, another chance is given for written reply/comments on 12.12.2013.



Chairman

12.12.2013

Appellant in person, M/S Kurhsid Khan, SO for respondent No. 1 and Javed Ahmad, Supdt. for respondent No. 3 with AAG for the respondents present. Written reply on behalf of respondents No. 1 to 3 received, and representatives of the respondents stated that the same reply be also considered on behalf remaining respondent No. 4. A copy of the written reply/para-wise comments is handed over to the appellant for rejoinder on 6.3.2014.



Chairman

Appeal No. 392/2013.
Mr. Daniel Jan.

3. 22.3.2013

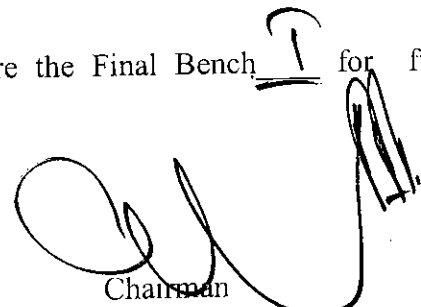
Counsel for the appellant present and heard. Contended that the appellant has not been treated in accordance with law. He was appointed as Steno-typist in the year 1980 and later-on promoted as Stenographer on 1.7.2006. Rules for promotion of ministerial staff to the post of Superintendent state to be promotion on the basis of seniority-cum-fitness from amongst the Assistants, Head Clerks and Stenographers. Counsel for the appellant stated that the Stenographers had always been placed junior to the Assistants for the reason that they have been appointed as steno-typists and not stenographers and ignored the letter dated 1.7.1983. The appellant had filed appeals in the Service Tribunal, High Court and Hon'ble Supreme Court of Pakistan, wherein the claim of the appellant was accepted. The Establishment and Admn; Department vide letter dated 27.6.2011 directed the Secretary Higher Education to implement the decision of the meeting held on 25.3.2008. The departmental appeal of stenographers for consideration of their promotion was finally rejected on 26.11.2012, received by the appellant on 15.1.2013. Hence, the present appeal is within time. Counsel for the appellant further contended that in view of the Rules for promotion to the post of Superintendent, a joint seniority list was should be prepared from the date of appointment and the appellant should be given his due seniority. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Case adjourned to 16.5.2013 for submission of written reply.

Appellant deposited security
& process fee Rs 2007 Bank
receipt is attached with file
Sub


Member


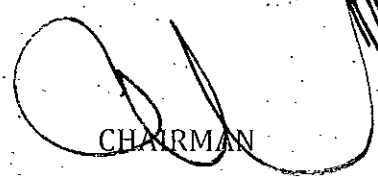
4. 22.3.2013

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


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 399/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/02/2013	<p>The appeal of Mr. Daud Jan presented today by Mr. Muhammad Asif Yousafzai 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	14.2.2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>22-3-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Appeal No. 392 /2013

MR. Daud Jan

V/S

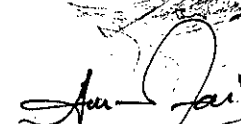
Education Department.

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3.	Copy of Notification (9.5.1978)	- B -	07-09
4.	Copy of Tribunal's Judgment	- C -	10-18
5.	Copy of Supreme's Judgment	- D -	19-22
6.	Copy of Tribunal's Judgment	E	23-29
7.	Copy of Supreme's Judgment	F	30-31
8.	Copy of letter (27.6.2011)	G	32
9.	Copy of Supreme's Order	H	33-
10.	Copy of Appeal	I	34-35
11.	Copy of High Court's Order	J	36-38
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APPELLANT
Daud Jan

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 399 /2013.

E.W.F. Peshawar
Case No. 405
Date 13-2-2013

Daud Jan, Stenographer,
Directorate of education , FATA,
Warsak Road, Peshawar.....Appellant.

VERSUS

- 1- The Secretary Education (E&SE), KPK Peshawar.
- 2- The Secretary Establishment & Admin: KPK Peshawar.
- 3- The Director education (E&SE) KPK Peshawar.
- 4- The Director Education FATA, Warsak road Peshawar.

*Implemented as
Respondent vide
order dated
29.7.16*

5. *The Director Higher Education KPK, Peshawar*

.....Respondents.

**APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNALS ACT 1974 AGAINST
THE ORDER DATED. 26.11.2012 PASSED BY
RESPONDENT NO.3 ON APPEAL OF
APPELLANT AND COMMUNICATED TO
APPELLANT ON 15.1.2013 BY THE OFFICE
OF RESPONDENT NO.4.**

13/2/2013

PRAYER:

That on acceptance of this appeal the order dated. 26.11.2012 may be set-aside and the respondents may be directed to maintain and prepare the joint seniority list of Office Asstt; and Stenographers for the purpose of promotion to the post of Superintendent in light of Respondent No.2 letter dated. 27.6.2011 and 10.7.2012, with

further directions to the respondents to consider the appellant for promotion to the post of Superintendent being eligible and senior from his due date. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

R.SHEWETH.

- 1- That the appellant joined the Education Deptt; in the year 1986 as Stenographer in BPS-12. The appellant since then has been performing his duties with devotion and honesty and there are no complaints against the appellant what so ever. This means the appellant has more than 27 years service at his credit with good record throughout.
- 2- That it is also worth to mention here that the Finance Deptt: vide its Circular dated. 3.11.1983 had re-designated the posts of Steno Typist/ Junior Scale Stenographers Grade-II and Junior Scale Stenographers Grade-I as Stenographers and placed in BPS-12, w.e.from 1.7.1983. Copy of the Circular is attached as Annexure – A.
- 3- That as the respondent No.3 office was following the Rules of 1978 in which the above mentioned three categories of Steno Typist 7 Stenographers were shown separate posts, therefore, whenever the promotion to the post of Superintendent was made, the stenographers were placed at the bottom of the seniority list of Asstts: and Stenographers, below the names of Office Asstt: despite the fact the service length of the stenographer was much longer than that of Office Asstt: Thus the stenographers were kept deprived from the benefits of promotion for long long period. Copy of rules of 1978 is attached as Annexure – B.
- 4- That due to above discrepancies the appellant along with some other Stenographers filed a service appeal bearing NO.824/2004 in this august Tribunal. The august Tribunal finally accepted the appeal on 20.5.2006 with the directions to the respondents to amend the Rules in light of Finance Deptt; Circular dated. 3.11.1983 within three months. Copy of the judgment is attached as Annexure – C.
- 5- That against that judgment, the affectees went in appeal before the Supreme Court and the august Supreme Court 20.10.2006 remanded the appeals back to the Service Tribunal for decision afresh on merits. Copy of the judgment is attached as Annexure – D.

- 6- That the tribunal again decided the appeals on 15.1.2007 and dismissed the appeals. The appellant went in appeal before the august Supreme Court of Pakistan against the judgment of the Tribunal and the august Supreme Court of Pakistan granted leave to appeal on 9.4.2009. Copies of the judgments are attached as Annexure – E & F.
- 7- That during the pendency of appeal before the august Supreme Court, the Establishment Deptt: took a serious view about the misconceptions of the Deptts; and the said letter was also sent to the Higher Education Deptt: in which it was clearly mentioned that “the Deptt: is required to prepare joint seniority lists of Asstt: and stenographers from the date of regular appointments and disciplinary action should be taken against those responsible for failure to implement the decision taken in meeting dated. 5.3.2008.” Thus in light of above Circular of the Establishment Deptt; the appeal of the appellant before the august Supreme Court was not pressed and the appeal were dismissed on 13.7.2011. Copies of letter and order are attached as Annexure – G & H.
- 8- That as the Education Deptt; was not resolving the issue in light of establishment letter, mentioned above, despite of proper appeal, therefore, the appellant and his colleague stenographers filed a writ petition No.1387-P/2012 in the august High Court, Peshawar. The said writ petition was heard on 27.6.2012 and the respondent Deptt; was directed to decide the appeal of the appellant in light of establishment Circular within one month. Copies of appeal and order are attached as Annexure – I & J.
- 9- That even then the respondent Deptt: was not deciding the appeal of the appellant, therefore , the appellant gain filed contempt of court petition in the august High Court and on 6.11.2012 august High Court again directed the respondent Deptt: to decide the appeal of appellant in light of establishment Deptt; Circular within one month positively. There after the respondent No.3 passed the impugned order on 26.11.2012 which was communicated to appellant on 15.1.2013 by the respondent No.4 whereby the appeal of the appellant was rejected for no good grounds. Copies of orders are attached as Annexure – K & L.
- 10- That now the appellant comes to this august Tribunal on the following grounds amongst the others.


FOUNDATIONS:

- A- That the order dated. 26.11.2012 of respondent No.3 is against the law, Rules norms of justice and material on record.
- B- That the post of Superintendent is required to be filled in by promotion from amongst the Office Asstts;/Head Clerk/Stenographers on joint seniority basis. Therefore the respondents are legally bound to prepare joint seniority list if Office Asstts: & Stenographers from the date of their regular appointments.
- C- That the respondent Education Deptt: was also directed by the Establishment Deptt: to finalize the issue in light of earlier Circular dated. 27.6.2012 but even then the respondent Education Deptt; is not doing his legal duty and is continuously keeping deprive the appellant from his rights and benefits of promotion. Copy of the letter is attached as Annexure – M & N.
- D) That it is also worth to mention here that the matter was referred to the Standing Service Rules Committee the meeting of which was scheduled for 19.7.2012, is also still pending and no out-come is known of the said meeting till date. Copy of the letter is attached as Annexure-O.
- E) That the appellant has been working as Stenographer for the last more than 26 years has not been given any promotion till date due to improper exercise of rules by the respondents department.
- F) That the appellant has not been treated according to law and rules because in the rules the word stenographer is mentioned for promotion to the post of superintendent but the respondents are not considering the appellant for promotion.
- G) That even now-a-days the stenographer are kept deprive from the benefits of promotion to the post of superintendent because the respondent department first promote Senior Clerk to the post of Office Assistants and then placed the stenographer below the name of Office Assistants which means that the respondents have equated the post of stenographer with senior clerk by practice.

- H) That the attitude and conduct of the respondents is also in violation of the Rule-17 of the APT Rules, 1989 which amounts to an arbitrary act on the part of the respondents.
- I) That the conduct of the respondents department is also discriminatory because in all other line departments such as Sport, Higher Education etc prepare joint seniority list of office assistant and stenographers on the basis of date of regular appointment/promotion whereas no such practice has been adopted by the respondent department.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT,


Daud Jan

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE,

A

6
Annexure A

of letter No.FD(SR-I) 1-67/82-II, dated 3-11-1983, from Secretary to Govt of NWFP, Finance Deptt, Peshawar and had all the Adm Secretaries, all Heads of attached Deptts & other.

JECT:- SCHEME OF BASIC SCALES AND FRINGE BENEFITS OF PROVINCIAL CIVIL SERVANTS (2063).

I am directed to refer to the posts of Stenographers (S.No. 1 & 2) under the heading 'Government Departments and Organizations' and 'Secretariate Departments' in Annexure-II (Page 4) of Finance Department's Circular letter No.FD(SR-I) 1-67/82, dated 25th August, 1983 and to say that consequent upon the award of B-12 to Stone Typist/Junior Scale Stenographers Grade-II and Junior Scale Stenographer Grade-I with effect from 1-7-1983, it has been decided to re-designate all these posts as "STENOGRAPHERS" with effect from the same date.

2- It has also been decided to merge the posts of Senior Scale Stenographers mentioned as S.No.3 under the heading "Secretariate Department" of the above mentioned Annexure with the posts of PERSONAL ASSISTANTS and to allow Selection Grade-16 at 25% of their combined strength w.e.f. 1st July 1983. While working out the selection Grade posts at the combined strength the number of existing posts of Private Secretaries in B-16 shall also be accounted for.

3- Annexure-II to this Department's circular letter No.FD(SR-I) 1-67/82, dated 24-8-1983 may kindly be amended accordingly.

Your obedient servant.

Sd/-----
(Mohammad Zain)
Adm. Finance Secretary-I
Govt of NWFP, Finance Deptt.

Encls. No. As Above.

Copy forwarded for information to 1

1-3: All concerned.

Sd/-----
(MOHAMMAD SIDDIQUE KHATTAK)
Off. Secretary (Regulations)
Govt of NWFP, Finance Deptt.

No. As Above.

Copy to all concerned.

Sd/-----
(AFZAL HUSSAIN)
Section Officer SR-1,
Govt of NWFP Finance Deptt.

OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS) H.A.E.P. PESHAWAR.

Encls. No. 5225-5380/A-250/BPS/83, dated Peshawar the 22-11-1983.
Copy forwarded for information to their-

- 1- Additional Director Local Directorate.
- 2- Registrar Deptt: Examination Local Directorate.
- 3- All the Div: Director of Education (Schools) in NWFP.
- 4- All the Div: Edu: Officers (NWFP) in NWFP.
- 5- All the Sub Div: Edu: Officers (NWFP) in NWFP.

Attested
By
12/11/83

Sd/-----
CHUTY DIR. of Sch. (SCHOOLS)
FOR/D. (S) P. P. P. P.

A Better Copy 504

of letter No. rd (SR-I) 1-6/82-II, dated 3-11-1983, from Secretary to Govt. of NWFP, Finance Deptt. Peshawar address and all the Adm. Secretaries, all Heads of Attached Deptt. and other

6/11

I am directed to refer to the points of stenographers (S.No. 1 & 2 under the heading 'Government Departments and organizations' and 'Secretariat Departments' in annexure - II (page 4) of Finance Department's Circular letter No. FD (SR-I) 1-67/82, dated 25th August, 1983 and to any that consequent upon the award of B-12 to Steno Typist / Junior Scale Stenographers Grade - II and junior scale stenographers Grade-I with effect from 1-7-1983, it has been decided to statement all these posts as "Stenographers" with effect from the noma date.

It has been also decided to the posts of senior scale stenographers mentioned as Serial No.3 under the heading "Secretariat Department" of the mentioned Annexure with the post of personal assistant and to allow selection grade Sixteen at 25% of their combined strength w.e.f 1st January 1983 while working out the selection grade post at the combined strength the number of existing posts of private secretarial in BPS - 16 shall also be announced for.

Annexure - II to this department's circular letter No. FD (SR-I) 1-67/82 dated 24-1983 may kindly be amended accordingly.

Yours Obedient Servant

Sd/ xxxxxxxx

Muhammad Amin

Addt: Finance Secretary - I

Govt of NWFP, Finance Department

Ends: No. As above

Copy forward for information to 1-3 concerned

Sd/ xxxxxxxx

(Muhammad Saddiquis Khattak)

Dy: Director Secretary (Regulation)

Govt of NWFP, Finance Department

Ends: No. As above

Copy to all concerned

Sd/ xxxxxxxx

(Iftikah Hussain)

Section Officer SR - I

Govt of NWFP, Finance Department

Office of the director of education (Schools) NWFP Peshawar.

Endst: No.5226-5390/ A-258/BPS/83 dated Peshawar the 29-11-1983

Copy forward for information to the

1. Additional Directors, Local Directorate,
2. Registrar Department Examination Local Directorate
3. All the Division Director of Education (Schools)
4. All the Distt: Education Officers (M&F) in NWFP.
5. All the Sub-Division Education (M&F) in NWFP

Sd/xxxxxx

Deputy Director of Schools

For/D.F NWFP Peshawar.

50 B

North West Frontier Province – Education Department

Dated Peshawar the, 9-5-1978.

(7)

Notification.

No.S.O © 5-2/70 (E). In exercise of the Power conferred by sub-rule (2) of Rule 3 of the North West Frontier Province Civil Servant (Appointment promotion and Transfer) Rules - 1975, and in consultation with the Information, Services and General Administration Department and the Finance Department, the Education Department is pleased to lay down the method of Appointment, qualification and other conditions specified in column 3 and 6 of the Appendix to this notification, which shall be applicable to posts borne on the Ad ministerial establishment of the Education Department specified in column 2 of the Appendix.

Captain Aftab Ahmad Khan
Secretary to Government of
North West Frontier Province,
Education Department.

Endst: No.S, O (Coll) 5-2/70 (E) . Dated Peshawar the, 9-5-1978.

1. The Secretary, Services and General Administration Department, Government of NWFP, Peshawar.
2. The Secretary to Government of NWFP Finance Deptt: Peshawar.
3. The Secretary to Government of NWFP Law Department, Peshawar.
4. The Secretary to NWFP, Public Service Commission, Peshawar.
5. The Manager, Government Printing Press, Peshawar, with the request that the Notification alongwith the appendix, may please be published in the next issue of Provincial Gazette and one hundred spare copies of the same may also be supplied to the Director Education, NWFP Peshawar, for further distribution. The printing Press may also arrange its publication for sale purpose according to the requirement.
6. The Director of Education, NWFP, Peshawar:
7. The Accountant General, NWFP, Peshawar.

\$\$ Saleem Janbaz \$\$

(Syed Noor Badshah)
Section Officer (Colleges)
Government of NWFP. Edu: Deptt.

APPENDIX

METHOD OF APPOINTMENT, QUALIFICATION AND OTHER CONDITIONS
APPLICABLE TO MINISTERIAL POSTS IN THE EDUCATION DEPARTMENT

Sr. No.	Womenculture of the post	Minimum Qualification Prescribed for Appointment by Initial Recruitment and Transfer	Minimum Qualifications for Appointment and Promotion	Age Limit for Appointment by Initial Recruitment	Method of Appointment
1.	2	3	4	5	6
1.	Administrative Officer / Assistant Director (Colleges) / Assistant Lecturer (School)				By promotion on the basis of seniority – Cum – Fitness from amongst holder the post of Assistant Director establishment and Assistant Accounts Officer
2.	Assistant Director Establishment / Assistant Accounts Officer				By Promotion on the basis of seniority –cum-fitness from amongst the holders of the posts of Superintendents
3.	Superintendents				By promotion on the basis of seniority –cum-fitness from amongst the holders of the posts of Assistants / Head Clerks Stenographers
4.	Assistants / Head Clerk	Degree from a recognized University		Not less than 19 years and not more than 25 years	(i) 25% by initial recruitment and (ii) 75% by promotion on the basis of seniority –cum-fitness from amongst the holders of the posts of Senior Clerks.

	2	3	4	5	6
	Senior Clerk				By promotion on the basis of seniority – Cum – Fitness from amongst holders the posts of Junior Clerks / Asstt: Store Keepers./ Laboratory Asstt./Junior Libraries
6.	Junior Clerk / Assistant Store Keepers Library Assistant / Junior Librarian	a. Matriculation or equivalent qualification from a recognized University / Board with Science group fro Laboratory Assistant b. Speed of 25 words per minute in English typing		Not less from 18 years and not more than 25 years	By initial recruitment
7.	Stenographers	a. Matriculation or equivalent qualification from a recognized University / Board. b. Speed of 100 words per minute in short hand in English and 45 words per minutes in typing	Not less than 16 years and not more than 25 years		i. 25% by initial recruitment and ii. 75% by promotion on the basis of seniority –cum-fitness from amongst the holders of the posts of Steno Typist
8.	Steno – Typist	a. Matriculation or equivalent qualification from a recognized University / Board. b. Speed of 80 words per minute in short hand in English and 35 words per minute in typing.		Not less than 18 years and not more than 25 years	By initial recruitment.
		c.			

27 C
10

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Appeal No.823/2004

Date of institution 18.10.2004

Date of decision 20.05.2006

Aziz Muhammad, Stenographer,
Directorate of Higher Education,
NWFP, Peshawar.....(Appellant)

VERSUS

1. Secretary Education (S&L) NWFP Peshawar.
2. Director of Education (S&L) NWFP Peshawar.
3. Director Higher Education NWFP Peshawar.
4. Muhammad Naeem, Superintendent, DDO
Education (F) Wari, Dir and 20 others...(Respondents)

Mr. Khushti Khan and

Mr.M.Asif Yousafzai, Advocates.....For appellants.

Mr.Zafar Abbas Mirza,

Acting Govt. Pleader... ..For respondents 1-3.

Mr.Ijaz Anwar and

Mr.Abdul Hameed Khan,

AdvocatesFor private Respondents.

MR.ABDUL KARIM QASURIA.....MEMBER.

MR.FAIZULLAH KHAN KHATTAK.....MEMBER.

JUDGMENT

ABDUL KARIM QASURIA, MEMBER:- This appeal has been filed by the appellant against the order dated 29.5.2004 with the prayer that the impugned order may be set aside and the respondents be directed to consider and promote him being senior most and eligible but not

30 (11)

considered and to amend the rules and procedure if any whereby the Stenographers are placed at the bottom of Assistants while drawing the joint seniority list of Assistants ~~BS-11~~ and ~~Stenographers~~ BS-12 for promotion to the next higher scale of Superintendent and to fix the seniority of Stenographers from the first date of appointment at the proper place and number alongwith Assistants while drawing the joint seniority for promotion to the post of Superintendent.

2. Brief facts of the case are that the appellants was appointed as Stenographer in BS-12 by the competent authority on 23.11.1988. The posts of Steno Typist were re-designated as Stenographer and were given BPS-12 by the Government on 20.11.1983 w.e.f.1.7.1983. In the appointment rules no amendment has been made and the post of Steno Typist still exists. In these rules, the method of promotion to the post of Superintendent is also mentioned. Whenever, promotion to the post of Superintendent is made, a joint seniority list of Assistants and Stenographers is to be drawn but without any order, notification or notified method, the Stenographers are to be placed at the bottom of the Assistants who are more than 300 persons and as such the Stenographers despite having seniority and fitness are not benefited from promotion to the post of Superintendent for a long period. According to

BT (12/3)

the said illegal procedure respondents No.4 to 24 have been promoted on 29.5.2004 despite the fact that they are junior to the appellant. Against this and not considering the appellant for promotion the appellant submitted a departmental appeal but the same has not been responded so far.

3. The appellant has assailed the impugned order on the grounds that the method/way through which the appellant has been discriminated and deprived of his right of promotion is against law, facts natural justice and material on record, therefore, not tenable. The Assistants is a separate cadre carried BPS-11 and Stenographers is a separate cadre carriers BS-12 with selection grade 15 and it is injustice to keep the Stenographers at the bottom below BS-11 Assistants. The respondents in away treats the appellant at par with the Senior Clerks because first Senior Clerks are promoted to the post of Assistant and then the Stenographers are placed at the bottom of the list in which the names of newly promoted Senior Clerks included. The word Stenographer is mentioned in the rules without any grade etc and thus the most Stenographers BS-12 are kept deprived of the benefits of promotion. Before promotion both the cadres have separate seniority list and while drawing joint seniority list of Assistant and Stenographers the seniority to the Stenographers is not given from the

date of appointment which is against the rules of seniority. The scale of Stenographers is higher than that of Assistants and also have more service length but despite that the Stenographers are placed at the bottom of joint seniority list, which is against the principles of justice and rules of seniority. The rules, procedure and method of promotion are against the Constitution and the appellant has not been given/guaranteed the equal protection and equality of all citizens and as such the rules, method and procedure by placing the stenographers at the bottom of the Assistant is not tenable. In order departments such as Sports etc, in the joint seniority list, seniority is given from the first date of appointment as per rules mentioned therein.

4. The respondents filed their written reply in which the contention of the appellant was refuted while the appellant filed the replication rebutting the objections raised by the respondents.

5. Counsel for the appellant argued that the appellant was appointed as Stenographer on 23.11.1988. The post of Stenographers has been re-designated by the Government in BS-12 vide finance Department-letter dated 20.11.1983 w.e.f.1.7.1983. It was argued that no amendments in the Ministerial Establishment Rules 1978 of the Education Department, have been made as per circular letter of

Finance Department which has resulted in deprivation of Stenographers as now there are two kind of stenographers in BS-12 and BS-15. It was argued that under the existing rules of 1978 joint seniority list of Assistant and Stenographers is maintained but in the combined list the seniority to the Stenographers is not given from their first date of appoint which has adversely affected the rights of stenographers including the appellant. It was further argued that recent promotion of the respondents under the old rules have deprived the appellant from their due right of seniority and subsequent promotion.

6. The learned AGP argued that the appellant was appointed as Steno Typist in BS-12 and as per service rules of 1978 Steno Typist is regularly promoted as Stenographers in BS-15. Joint seniority list of stenographer from their date of promotion to the post of stenographers BS-15 and assistants is maintained for promotion to the post of Superintendent. It was also argued that 33% selection grade in BS-16 is provided to the Stenographer while the list provided by the appellant is of Steno Typist BS-12. The AGP further argued that the post of Steno Typist exists in all the existing attached offices and the same position exists in the respondent department. It was also pointed out that this position has not been objected by the appellant in the list issued in 2001. It was further

argued that Assistant is a senior cadre than Steno in BS-12 for the reason that Stenographers BS-15 have been brought on the joint seniority list with Assistants. It was stated that promotion of the respondents have been made under the rules.

7. After listening to the parties, the Tribunal has also perused the Finance Department Circular letter dated 3.11.1983 in which the Steno Typist/Junior Scale Stenographer Grade-II and Junior Scale Stenographer Grade-I have been re-designated as Stenographers w.e.f.1.7.1983. Moreover, vide the above referred letter the position explained in the attached Annexure of the letter is as follows:-

Government Department and organizations.
(Posts common to different Departments)

			Revised scales <u>w.e.f. 1.1.1983</u>
1.	Junior Scale Steno- grapher Grade- II/Steno-Typist	RNPS-8 (Rs.370-16-514 18-640-22-900)	B-12 (Rs.750-40-1550)
2.	Junior Scale Steno- grapher Grade-I	RNPS-10 (Rs.410-22-520/ 24-760-28-900)	B-12 (Rs.750-40-1550)
	Senior Scale Steno Grapher.	RNPS-12 (Rs.460-28-600/	(Rs.900-55-2000) With 25% posts as a selection grade in B-16 (Rs.1050-80-2250)

But inspite of the above change in scales and designation the rules in this regard are still of 1978 in which the method

of recruitment to the post of Superintendent, Stenographer and Steno Typist is as follows:-

Superintendent		By promotion on the basis or seniority-cum-fitness from amongst the holders of the posts of Assistant/Head Clerk/Steno Graphers.
Stenographer	(a) Matriculation or equivalent qualification from a recognized University/Board. (b) Speed of 100 words per minutes in short hand in English and 45 words per minutes in typing.	(i) 25% by initial recruitment and (ii) 75% by promotion on the basis of seniority-cum fitness from amongst the holders of the post of steno-typist
Steno Typist	(a) Matriculation or equivalent qualification from a recognized University/Board. (b) Speed of 80 words per minutes in short hand in English and 35 words per minutes in typing.	By initial recruitments.

It appears from the contents of Finance Department circular letter dated 3.11.1983 that while the posts of Steno-typist have been redesignated as Stenographer in BS-12 and S.S. Stenographer in RNPS-12 have been given BS-15 but the Ministerial Service Rules 1978 of the Education Department contain the nomenclature of Stenographer which has created ambiguity as under the new scheme the Steno Typist was designated as Stenographer while the rules of 1978 have not been revised in the light of the changed position.

8. The Tribunal is of the firm view that until and unless the rules are not revised in light of Finance Department circular letter dated 3.11.1983, the issue of seniority and subsequent promotion grievances of the Stenographers

cadre vis-avis Assistants to the post of Superintendent cannot be resolved.

9. The case is therefore, remanded to the respondent department with the direction to make new rules in light of the changed position as mentioned in the Finance Department letter dated 3.11.1983 within 3 months of the receipt of this judgment. The impugned promotion order/Notification dated 29.5.2004 is set aside while respondents are directed to defer the promotion of all the affectees till the new rules are notified.

10. The instant appeal and Appeals No.856/2004 Jamatullah, 825/2004 Absul Latif, 826/2004 Zaffar Iqbal, 843/2004 Murtaza Khan Durrani, 827/2004, 824/2004 Daud Jan, 828/2004 Noorul Amin and 827/20004 Tariq Shakeel Stenographers Versus Secretary Education Department etc, having common question of law and of identical nature are disposed off in the same manner, except Appeal No.759/2004 of Khanzeb which is for the amendment of rules and fixation of seniority. The respondents are directed to give the appellant (Khanzeb) proper seniority position in the seniority list after amending the 1978 Rules for the ministerial Establishment of Education Department as per changed position of Stenographers cadre contained in the Finance Department circular letter dated 3.11.1983.

37 (106)
11. No order as to costs. File be consigned to the record
after completion.

ANNOUNCED
20.05.2005

(ABDUL KARIM QASURIA)
MEMBER.

(FAIZULLAH KHAN KHATTAK)
MEMBER.

~~28~~ 19

19

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE SARDAR MUHAMMAD RAZA KHAN
MR. JUSTICE NASIR-UL-MULK

CIVIL PETITIONS NO.389-P TO 395-P & 575 -P TO 583-P OF 2006.

CIVIL PETITIONS NO.389-P TO 395-P OF 2006.

(On appeal from the judgment dated 20.5.2006, passed by the NWFP Service Tribunal Peshawar in Appeal # 823, 824, 825, 826, 843, & 856 of 2004 respectively)

Jehangir Khan, Supdt, GDC, Kohat and five others...Petitioners in all CPs.

Versus

Aziz Muhammad, Stenographer Directorate of Higher Education, NWFP
Peshawar and eighteen others.in CP 389-P of 2006.

Daud Jan, Stenographer Directorate of Education, (FATA) NWFP
Peshawar and eighteen others.in CP 390-P of 2006.

Zafar Iqbal, Stenographer Directorate of Higher Education, NWFP
Peshawar and eighteen others.in CP391-P of 2006.

Noor-ul-Amin, Stenographer Directorate of Higher Education, NWFP
Peshawar and eighteen others.in CP 394-P of 2006.

Murtaza Khan, Stenographer Directorate of Higher Education, NWFP
Peshawar and eighteen others.in CP 394-P of 2006.

Jamatullah, Stenographer Science Education Project-II, NWFP, B/Fund
Building Peshawar Cantt. and seventeen others.in CP 395-P of 2006.

For the petitioners in all CPs: Mr.Javed A.Khan, ASC.

Respondent # 1 in CPs 389-P,
393-P, 394-P & 395-P of 2006. Present-in-Position.

Other respondents in CPs 389-P,
893-P,394-P & 395-P of 2006: N.R.

All respondents in CPs 390-P,
391-P & 392-P of 2006: N.R.

CIVIL PETITIONS NO.389-P TO 395-P OF 2006.

(On appeal from the judgment dated 20.5.2006, passed by the NWFP Service Tribunal Peshawar in Appeal # 823, 759, 824, 825, 826, 827, 828, 843, & 856 of 2004 respectively)

39 (20)

Government of NWFP and two others.Petitioners in all CPs.

Versus

Aziz Muhammad, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 575-P of 2006.

Khan Zeb, Stenographer EDO (S&L) District Swat...in CP 576-P of 2006.

Daud Jan, Stenographer Directorate of Education, (FATA) NWFP Peshawar and eighteen others.in CP 577-P of 2006.

Abdul Latif, Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 578-P of 2006.

Zafar Iqbal, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 579-P of 2006.

Tariq Shakeel, Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 580-P of 2006.

Noor-ul-Amin, Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 581-P of 2006.

Murtaza Khan, Stenographer Directorate of (S&L) NWFP Peshawarin CP 582-P of 2006.

Jamatullah, Stenographer Science Education Project-II, NWFP, Peshawar.in CP 583-P of 2006.

For the petitioners Nemo.

Respondent # 1 in CPs 575-P, 580-P to 583-P of 2006. Present-in-Person.

Other respondents in CPs 575-P, 580-P to 583-P of 2006: N.R.

All respondents in CPs 577-P, & 579-P of 2006: N.R.

Date of hearing 20.10.2006.

JUDGMENT

SARDAR MUHAMMAD RAZA, J:- The petitioners in Civil Petitions # 389-P to 395 of 2006 are the Stenographers who were not considered for promotion to the post of Superintendent. Instead, the Assistants (respondents # 4 to 24) have been so promoted by order dated

29-A (2)

29.5.2004. The affectees preferred departmental appeals without success and hence filed appeals before the learned NWFP Service Tribunal.

2. The learned Tribunal vide judgment dated 20.5.2006 deferred all the disputed promotions and remanded the case to the department. The civil servants as well as the Government of NWFP have filed these petitions seeking leave to appeal from the judgment aforesaid.

3. The operative part of the impugned judgment reads as follows:-

“8. The Tribunal is of the firm view that until and unless the rules are not revised in light of Finance Department circular letter dated 3.11.1983, the issue of seniority and subsequent promotion, grievances of the stenographers cadre vis-à-vis Assistant to the post of Superintendent cannot be resolved.

9. The case is therefore, remanded to the respondent department with the direction to make new rules in light of the changed position as mentioned in the Finance Department letter dated 3.11.1983 within 3 months of the receipt of this judgment. The impugned promotion order/Notification dated 29.5.2004 is set aside while respondents are directed to defer the promotion of all the affectees till the new rules are notified.”

4. The main grievance of the Government is that the learned Tribunal was supposed to have decided the matter in the light of the terms no jurisdiction at all to direct the Government to amend rules as also the terms and conditions of service. On the other hand, the petitioners/civil servants are aggrieved to the effect that in the wake of the prevailing situation, the learned Tribunal could have decided the fate of the Stenographers, in case it had adverted to the merits of the case.

5. Both the assertions are not without force. Even otherwise, it is quite apparent that the learned Tribunal has not discussed the merits of the case and has resorted to a conclusion that could not be arrived at. Learned

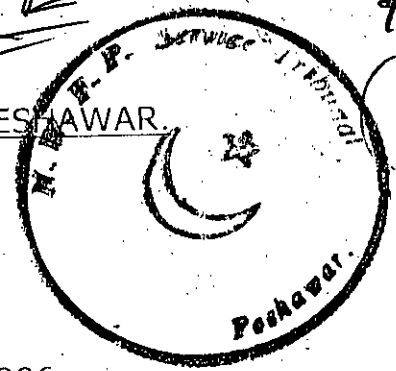
40 (22)

counsel for the parties, during arguments, were unanimous on the point that the learned Tribunal ought to have decided the appeals on merits.

6. Consequently, all the petitions after conversion into appeals are accepted, the impugned judgment dated 20.5.2006 is set aside and the cases are remanded to the learned Tribunal to decide the same on merits. The status quo however, is to be maintained till then. As the matter of promotion is involved, the Tribunal shall decide the cases within one month from the receipt of this order.

Sd/- Sardar Muhammad Raza, J
Sd/- Nasir-ul-Mulk, J

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.



Appeal No. 823/Neem/2004

Date of Institution..... 18.10.2006

Date of decision..... 15.1.2007

Aziz Muhammad, Stenographer,
Directorate of Higher Education,
NWFP, Peshawar.....(Appellant)

VERSUS

1. Secretary Education (S&L) NWFP, Peshawar.
2. Director of Education(S&L) NWFP, Peshawar.
3. Director Higher Education NWFP, Peshawar.
4. Muhammad Naeem, Superintendent DDO
Education(F)Wari, Dir and 20 others.....(Respondents)

MR. MUHAMMAD ASIF YOUSAFZIA,
Advocate. For appellant.

MR. USMAN GHANI, A.G.P For respondents 1 to 3

MR. ABDUL HAMID KHAN,
Advocate. For respondents 4 to 24

NWFP Service Tribunal
Peshawar
EXAMINER

ATTESTED

MR. MUHAMMAD UMAR AFRIDI, MEMBER
MR. ADALAT KHAN KHATTAK MEMBER

JUDGMENT

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MUHAMMAD UMAR AFRIDI, MEMBER;- This appeal has been filed by the appellant against the order dated 29.5.2004 with the prayer that on acceptance of this appeal:-

(a) the impugned promotion order may be set aside and the respondents be directed to consider and promote him being senior most and eligible but not considered and to amend the rules and procedure if any whereby the Stenographers are placed at the bottom of Assistants while drawing the joint seniority list of Assistants BPS-11 and Stenographers BPS-12 for promotion to the next higher scale of Superintendent.

(b) The respondent department be directed to fix the seniority from the first date of appointment as Stenographer at proper place and number along with Assistants while drawing the joint seniority for promotion to the post of Superintendent.

(c) To grant any other remedy, which this Tribunal deems fit in favour of the appellant.

2. Brief facts of the case are that before 1.7.1983 there existed three categories of Stenographers. These were No.(i) Junior Scale Stenographer Grade-II/Steno typist (ii) Junior Scale Stenographer Grade-I and (iii) Senior Scale Stenographer. These were in the then Revised National Pay Scale-8, Revised National Pay Scale-10 and Revised National Pay Scale -12 respectively. The Government of NWFP Finance Department vide their letter No. FD (SR-I)1-67/82-II dated 3.11.1983 awarded B-12 to Steno typist/Junior Scale Stenographer Grade-II and Junior Scale Stenographer Grade-I w.e.f. 1.7.1983 and also decided to redesignated all these posts as "Stenographers" w.e.f the same date. Whereas the Senior Scale Stenographers were awarded

NWFP Service Tribunal
Peshawar
EXAMINER

ATTESTED

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B-15 w.e.f. 1.7.1983. On the other hand the scale of the office Assistant was RNPS-11 before July, 1983. They are even today in B-11.

3. The appellant was appointed as Stenographer in BPS-12 by the competent authority on 23.11.1988. The then Directorate Secondary Education NWFP Peshawar vide notification No. 4395-4594/A-23/S.List of Asstt.(B-11) and S/Grapher (B-15), dated 25.6.1999 issued the final integrated seniority list of Assistants (BPS-11) and Stenographers (BPS-15) (As it stood on 31.12.1998) born on the provincial cadre of the Directorate of Secondary Education NWFP, Peshawar, for information of all concerned. Similarly another final seniority list of Assistants (BPS-11) and Stenographers (BPS-15) of Education Department NWFP was issued by the office of the Director Secondary Education, Peshawar vide its Notification No. 2621-3121 dated 15.3.2000 and circulated it amongst all concerned. Office of the Director Schools & Literacy, NWFP, Peshawar being the successor office of the then Director Secondary Education NWFP, issued vide its No. 932-72 A-23/M.S/Seniority list/Asstt./2003 dated: 7.1.2004 latest seniority list of Office Assistants (BPS-11) and Stenographers (BPS-15) (as it stood on 31.12.2003). This was also circulated to all concerned. On the basis of this integrated seniority the Directorate of Schools & Literacy, NWFP Peshawar vide its notification No.3927-86/A-23/MS/Promotion to Suptd: Dated 29.5.2004 promoted 21 office Assistants (respondents No. 4 to 24) as Superintendents in (BPS-16) and posted them against various vacant posts in the province. Feeling aggrieved the appellant preferred departmental appeal on 23.6.2004, which was not responded to within the statutory period. Hence the present appeal.

4. After receipt of the appeal, pre-admission notices were sent to the respondents for filing their written replies. Respondents filed their written replies and the appeal was admitted to full hearing. Thereafter, the case was argued by the counsel for the appellant, A.G.P. for respondent department and counsel for private respondents. The

NWFP
Peshawar

EXAMINER
Senior
Tribunal

ATTESTED

(26) 13

instant appeal as well as other connected appeals were remanded to the respondent department vide judgment dated 20.5.2006 with the direction to make new rules in light of the changed position as mentioned in the Finance Department letter dated 3.11.1983 within 3 months of the receipt of the judgment. Moreover, the impugned promotion order/notification dated 29.5.2004 was set aside while respondent department was directed to defer the promotion of all the affectees till the new rules were notified. The respondent department was further directed to give the appellant (Khan Zeb) proper seniority position in the seniority list after amending the 1978 rules for the ministerial establishment of Education Department as per changed position of Stenographers cadre contained in the Finance Department circular letter dated 3.11.1983.

5. Aggrieved with the said judgment private respondents challenged the same before the august Supreme Court of Pakistan for seeking leave to appeal, which was accepted. The impugned judgment dated 20.5.2006 was set aside and the cases were remanded back to the Tribunal for decision on merit.

6. Arguments heard and record perused.

7. The counsel for the appellant argued that the Government of NWFP redesignated the posts of Steno typists/Junior Scale Stenographers Grade-II and Junior Scale Stenographers Grade-I as "Stenographers" in BPS-12 on 20.11.1983 w.e.f. 1.7.1983. The appellant was appointed as Stenographer on 23.11.1988. The counsel for the appellant argued that no amendments in the Ministerial Establishment Rules, 1978 of the Education Department, were made as per circular letter of Finance Department which had resulted in the deprivation of Stenographers as then there were two kinds of Stenographers i.e. one in BPS-12 and the other in BPS-15. It was also argued that under the existing rules of 1978 joint seniority of Assistants and Stenographers was maintained. The learned counsel stated that

ATTESTED
EXAMINER
NWFP Service Tribunal
Peshawar

both the Assistants and Stenographers in the joint seniority list were given seniority from the date of promotion and not from the date of appointment. The learned counsel stated that in that way the Stenographers were adversely affected. The learned counsel for the appellant argued that Stenographer's scale was higher than that of Assistants and they also had more service length but despite that the Stenographers were placed at the bottom of joint seniority list, which was against the principles of justice and rules of seniority. These rules, procedure and method of promotion were against the constitution and the appellant had not been given/guaranteed equal protection. It was further stated that these rules, method and procedure by placing the stenographers at the bottom of the Assistants was not maintainable. He requested for acceptance of the appeal.

8. The learned A.G.P argued that the very base of this case was the joint seniority list of Assistants (BPS-11) and Stenographers (BPS-15) being issued by the Department from time to time in the past as stated in Para-3 above. Every such seniority list had always been duly circulated to all concerned. The appellant did not challenge any such seniority list within the stipulated period. Therefore, the objection of the appellant on the promotion of respondents No. 4 to 24 which was mainly based on the seniority list issued to all concerned in the past, at this belated stage, was not justified at all. The learned A.G.P further argued that it had been clearly mentioned in the Service Rules, 1978 of the Ministerial Establishment of Education Department that promotion to the post of Superintendent would be made on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistants/Head Clerks/Stenographers. The A.G.P further argued that as it had been clarified above that the service rules of the Ministerial Establishment of Education Department were issued in 1978. Those days only the senior scale stenographers were in the then Revised National Pay Scale-12 while Office Assistants were in Revised National Pay Scale - 11. The Educational qualification of directly recruited office Assistant

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ATTESTED
EXAMINER
NWFP Service Tribunal
Peshawar

28/15

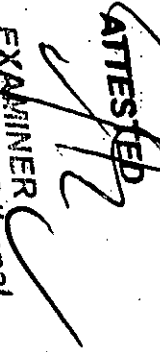
was graduation while the educational qualification of the Stenographers was just matric. The Office Assistants were to be more qualified than the Stenographers. It was further argued that the view of the appellant that his name should be included in the joint seniority from the date of his appointment was not correct as at that time both the categories of the officials had different seniority lists. Therefore, it was advisable to give seniority to both the categories in the joint seniority lists from their respective dates of their promotions as laid down in the Service Rules of 1978. The A.G.P also pointed out that at the time of initial recruitment an offer of appointment was made to the appellant. If he was not satisfied with the laid down procedure of promotion being practiced almost a decade prior to his appointment, then he should not have accepted the offer. Such an offer had to be accepted in total and not in bits. The learned A.G.P also argued that the Tribunal had no jurisdiction under Article 212(2) of the Constitution of Islamic Republic of Pakistan, 1973. He also stated that the appeal was time-barred. The learned counsel for private respondents relied on the arguments advanced by the A.G.P. Both the A.G.P and the counsel for private respondents requested for dismissal of the appeal.

h

9. The Tribunal, after having heard both the parties and perused the record of the case is of the firm view that the counsel for the appellant has failed to establish any case as the joint seniority lists of the Stenographers and Assistants have been prepared strictly in accordance with the laid down procedure in the Service Rules-1978 for ministerial establishment of Education Department. The impugned order of promotion has been issued on the basis of seniority-cum-fitness as provided in the Service Rules of 1978. The Tribunal is further of the view that it would not be within its jurisdiction to direct the respondent department to amend the rules and procedure as prayed in the appeal. The Tribunal, in view of the aforementioned position hereby dismisses the appeal. This judgment shall also dispose of eight..(8) other connected appeals details of which are as under:-

EXAMINER
NWFP Service Tribunal
Peshawar

ATTESTED



20 16

- | | |
|---|--|
| 1. Appeal No. 824/2004, Daud Jan | Vs. The Secretary of Education (S&L), NWFP Peshawar etc. |
| 2. Appeal No. 825/2004, Abdul Latif | -do- |
| 3. Appeal No. 826/2004, Zafar Iqbal | -do- |
| 4. Appeal No. 827/2004, Tariq Shakeel, | -do- |
| 5. Appeal No. 828/2004, Noorul Amin Shah, | -do- |
| 6. Appeal No. 843/2004, Murtaza Khan | -do- |
| 7. Appeal No. 856/2004, Jamatullah | -do- |
| 8. Appeal No. 759/2004, Khan Zeb | -do- |

Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
15.1.2007

Adalat
(ADALAT KHAN KHATTAK)
MEMBER

M. Umar Afridi
(MUHAMMAD UMAR AFRIDI)
MEMBER.

[Signature]
Stamp: *Stamp of the Court*
Stamp of the Court
Stamp of the Court

Applicant 21-2-07

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IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE IJAZ-UL-HASSAN

MR. JUSTICE MOHAMMAD QAIM JAN KHAN

**CIVIL PETITION NOS. 182-P TO 186-P AND 194-P
AND 195-P OF 2007**

On appeal from the judgment dated 15.1.2007 of
the NWFP Service Tribunal, Peshawar passed in
Appeal Nos. 823, 828, 759, 824,826,856 &
843/Neem/2004)

Aziz Muhammad
Noorul Amin Shah
Daud Jan
Zafar Iqbal

Petitioners

Versus

The Secretary Education, (S&L) NWFP, Peshawar
and others

Respondents

For the petitioners

Mr. Saadullah Khan Janduli, ASC
Haji Zahir Shah, ASC
Mr. Mir Adam Khan, AOR

Respondents 6 & 20
(in C.P. No.182,183-P-07)

In-person

other respondents

N.R.

Date of hearing:

09.4.2009

ORDER

IJAZ-UL-HASSAN, J.— These petitions for leave to
appeal are directed against the judgment dated 15.1.2007 of the
NWFP, Service Tribunal, Peshawar, whereby Appeal Nos. 823,
828, 759, 824,826,856 & 843/Neem/2004, preferred by the
petitioners, were dismissed.

2. Facts of the case need not be reiterated as the same
have been incorporated in the impugned judgment as well as in
the memo of petition.

ATTESTED

[Signature]
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.


3. Mr. M. Saadullah Khan Janduli, Advocate for the petitioners contended that learned Tribunal erred in law while dismissing the appeal of the petitioners without examining each and every aspect of the case; that petitioners have a combined seniority with Head Clerks/Assistants and Stenographers, but the department has violated the rules while drawing/preparing the seniority list; that petitioners have been wrongfully and illegally deprived from promotion in the garb of wrong seniority list; that the cadre of the petitioners is different which was wrongly mixed with a wrong cadre as the petitioners have different cadre from those persons in whose seniority list the petitioner names have been placed/included and that impugned judgment suffers from legal and factual infirmities and requires interference by this Court.

2. Leave to appeal is granted in all these petitions to consider the above contentions of learned counsel for the petitioners in detail.

Sd/- Ijaz-ul-Hassan, J
Sd/- Mohammad Qaim Jan Khan, J

Certified to be true copy
18/4/09
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

Peshawar
9.4.2009
(Naseer)


13/4/09

Not approved for reporting



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT

REGULATION WING

No.SOR-I(E&AD)4-24/91(Vol-I)
Dated the 27th June 2011

32

To,
The Secretary to Govt. of,
Khyber Pakhtunkhwa,
Higher Education Department,
Peshawar.

Subject: - INCLUSION OF STENOGRAPHERS IN THE COMBINED
SONORITY LIST OF ASSISTANTS/STENOGRAPHERS.

Dear Madam,

I am directed to refer to your letter No.SO(LIT.&A.B)/
H.E/Lit/Misc/2011 dated 28.05.2011 on the subject noted above and to say that
rules/amendments could not be applied with retrospective effect. The
Department is required to notify joint seniority list of Stenographers with
Assistants on the basis of existing rules from the date of regular appointment and
proceed ahead with their promotions which has been denied for quite sometime.
The department may also take disciplinary action against those responsible for
failure to implement decision of the meeting held on 05.03.2008.

Yours faithfully,

[Signature]
Section Officer (R-I)

[Handwritten initials]

[Handwritten initials]

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[Handwritten numbers]
2076
28/6/11

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33

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE TARIQ PARVEZ

CIVIL APPEALS NO. 60-P TO 66-P OF 2009

(on appeal from the judgment of the K.P.K. Service Tribunal,
Peshawar dated 15.01.2007 passed in Appeals No. 823, 828,
759, 824, 826, 843 and 856 of 2004 respectively)

Aziz Mohammad	(in CA 60-P/09)
Noorul Amin Shah	(in CA 61-P/09)
Khanzeb	(in CA 62-P/09)
Daud Jan	(in CA 63-P/09)
Zafar Iqbal	(in CA 64-P/09)
Murtaza Khan	(in CA 65-P/09)
Jamatullah	(in CA 66-P/09)

...Appellants.

VERSUS

The Secretary Education (S&L) (NWFP now KPK) & others	...Respondents.
--	-----------------

For the Appellants:

(in CAs 60-P to 62-P/09)	Mian Saadullah Janduli, ASC.
(in CAs 63-P to 66-P/09)	Haji M. Zahir Shah, ASC/AOR.

For the State:

Mr. Lal Jan Khattak, Addl. AG, KPK
Mr. Mosam Khan, A.D.(E).

Respondents 7 & 9: In-person.

Date of Hearing: 13.07.2011.

ORDER

NASIR-UL-MULK, J. - In view of the decision taken by the Government of Khyber Pakhtunkhwa in letter dated 27.06.2011, copy of which is produced by the learned counsel for the appellants, they do not want to press these appeals. All the appeals are dismissed as not pressed.

sd/- Nasir-ul-Mulk, J
sd/- Tariq Parvez, J
Certified to be true copy

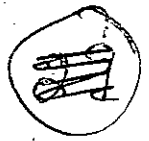
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

PESHAWAR
13th July, 2011.

Hudassar*

"Not approved for reporting."

1417111



جہ منہ جناب ڈائریکٹر ایجنسی و تعلقہ تعلیم خیر پور تحصیل ۵۱- پشاور

جناب عالی!

34

عنوان: سینارٹی ایجوکیشن
تذراش ہے کہ سائڈنگ حکم ایجنسی و تعلقہ تعلیم خیر پور
در از سے سینئر ٹرائفری پوسٹ پر کما کر رہے ہیں۔ سائڈنگ نے چند
سینئر ٹرائفر سائڈنگ کے ہمراہ (یو یا ٹیرا جیکویشن میں کما کر رہے ہیں)
اپنی ترقی کے سلسلے میں سسرول میں کئی دنوں کا قیام کیا۔ جو
بعد میں سسرول خود تک پہنچ گیا تھا۔ اس ضمن میں سائڈنگ اپنی
تذراشات خیر پور کرتے ہیں۔

① 09/05/78 کو حکم تعلیم نے منسٹر میں مشافی کے رولز بنانے کو ان رولز کا ذریعہ
سینئر ٹرائفر اور اسٹنٹ کو (مشترکہ سینارٹی میں) سسرول سائڈنگ کی پوسٹ پر
ترقی دی جاتی تھی (جو کہ لف "الف" ہے)۔

② اگست 1983ء میں حکومت نے تمام سینئر ٹاپسٹ، جو نیر سکیں سینئر ٹرائفرز کا
گریڈ بڑھا دیا تھا۔ گریڈ بڑھانے کے بعد مورخہ 3/11/1983 کو عریانی حکومت
نے تمام سینئر ٹاپسٹ، جو نیر سکیں سینئر ٹرائفرز کا عہدہ مکمل طور پر ختم کرنے
ان کو سینئر ٹرائفر بنا دیا گیا (جو کہ لف "ب" ہے) جس کی وجہ سے سینئر ٹاپسٹ
مکمل طور پر سکیں اور عہدے کے اعتبار سے سینئر ٹرائفر بن گئے۔ یہاں پر
1978ء کے رولز واضح ہے کہ سینئر ٹرائفری ترقی بطور سسرول سائڈنگ کے عہدے
جس پر حکم بعد سینئر ٹرائفر (سکیں 12-8) کی ترقی کے سلسلے میں
موجودہ رولز اور عریانی حکومت کی جمعی 3/11/1983 پر ہی خیر پور سے مل
سکیں کر رہا۔

③ 28/5/2011 کو حکم یا ٹیرا جیکویشن کے سکیں آفسر (سکیں 12-8)
نے سینئر ٹرائفری ترقی کے سلسلے میں ایک مہر اسلم سکریٹری (سسرول سائڈنگ)
کو لکھا۔ اور ان میں سینئر ٹرائفر (12-8) کی ترقی کے بارے میں مشورین
مانگا۔ (جو کہ لف "ب" ہے)۔

④ مورخ 27/6/2011 کو سکریٹری (اسٹیبلشمنٹ) نے سکریٹری یا منیر ایجوکیشن کو اس مشورے کے لیے مورخ 28/5/2011 کے سلسلے میں وضاحت کی کہ متعلقہ محکمہ کو چاہیے کہ وہ مشترکہ سینارٹی لسٹ (اسٹیک بمبو ٹرافی) تھینائی کی تاریخ سے تیار کرے۔ مشترکہ کریں اور ان کو ترقی دیں تاکہ حق داروں کو ان کا حق مل جائے جس سے ٹیموں کو صدمہ نہ ہو۔

⑤ سائنڈن نے اپنی اپیلوں پر سپریم کورٹ میں سکریٹری (اسٹیبلشمنٹ) کے لیے مورخ 27/6/2011 کی وجہ سے زور نہیں دیا اور وہ لیے معزز سائنڈن میں پیش کیا۔ معزز عدالت نے حکومت کے اس لیے ترقی میں بیماری اپیلوں کو فتح کر دیا۔ جو کہ سپریم کورٹ کے آرڈر مورخ 13/7/2011 سے عیاں ہے۔ (جو کہ لفٹ "ت" ہے)

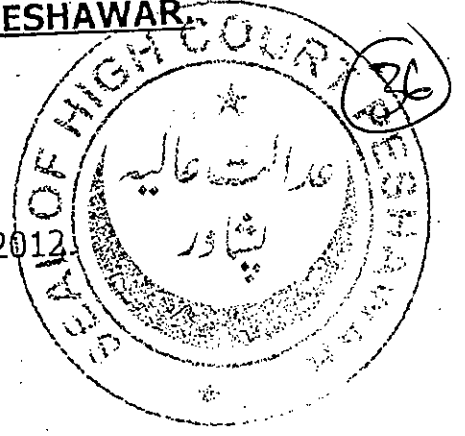
⑥ عدویہ ریز میں سائنڈن ایک مثال ڈائریکٹ آف سروس کے سٹیوڈنٹس ملانہ میں کی پیش کرتے ہیں۔ کہ اس ضمن میں ڈائریکٹ سروس اپنے محکمہ کے سٹیوڈنٹس (8-12) اور اسٹاک کو (مشترکہ سینارٹی بنا کر) سپرینٹنڈنٹ کی پوسٹ پر ترقی دیتے ہیں۔ (جو کہ لفٹ "ت" ہے) اس لیے اچھا صاحبان سے استدعا کی جاتی ہے کہ اچھا صیغہ پائی کہ ترقی معزز بالادستوں کی روشنی میں اور سکریٹری (اسٹیبلشمنٹ) کے لیے مورخ 27/6/2011 کے مطابق موجودہ رولز پر عمل کر کے سٹیوڈنٹس اسٹاک کے ساتھ مشترکہ سینارٹی تیار کر کے مشترکہ کریں تاکہ سائنڈن اپنی ترقی کا حق حاصل کر سکیں۔

مورخ 24/11/2011

- آج کے نامبند
- ① سر نثار خان سیٹوگرا
 - ② محمد طاہر سیٹوگرا
 - ③ فرید خان سیٹوگرا
 - ④ محمد شفیع سیٹوگرا
 - ⑤ جبار خان سیٹوگرا
 - ⑥ داؤد خان سیٹوگرا
 - ⑦ محمد عیاض سیٹوگرا

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

WRIT PETITION NO. 1387-P /2012



- 1- Murtaza Khan Steno Grapher, Govt: Agro Tech: Teachers Training Center Peshawar.
- 2- Farid Khan Steno Grapher, Directorate of E&SE Peshawar.
- 3- Mohammad Ishfaq Steno Grapher Directorate of E&SE Peshawar.
- 4- Mohammad Tahir Steno Grapher Govt: Agro Tech: Teachers Training Center Peshawar.
- 5- Abdul Jabbar Steno Grapher, Directorate of E&SE Peshawar.
- 6- Khalid Khan Steno Grapher EDO Office D.I.Khan.
- 7- Hamidullah Steno Grapher EDO Office Bannu.
- 8- Mohammad Farooq Steno Grapher EDO Office Abbottabad.
- 9- Daud Jan Steno Grapher, Directorate of FATA Education Warsak Road Peshawar.
- 10- Mohammad Rauf Khan Steno Grapher PITE Peshawar.

.....Petitioners.

VERSUS

- 1- The Secretary Education (E&SE) KPK Civil Secretariat Peshawar.
- 2- The Director Education (E&SE) KPK, Dabgari Garden Peshawar.
- 3- The Secretary Establishment Deptt: KPK Civil Secretariat Peshawar.

.....Respondents.

ATTESTED
May
EXAMINEE
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

(9)
(37)

Court of

Case No.....of.....

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
27-06-2012	<p><u>WP No. 1387-P/2012</u></p> <p>Present: Mr. Muhammad Asif Yousafzai; Advocate, for the petitioners.</p> <p>*****</p> <p><u>DOST MUHAMMAD KHAN, C.J.-</u> Contends that earlier in the ultimate end when the matter came up before the Hon'ble Apex Court in Civil Appeals No. 60-P to 66-P of 2009, the respondents produced a notification and copy of decision taken by the Provincial Government on 2762011 whereunder the grievance of the petitioners was redressed, however, after withdrawal of the appeal from the Hon'ble Apex Court, the respondents are not abiding by that compromise and impression which was given to the Apex Court and are indulging delaying tactics despite representation pending disposal. Accordingly, respondent <u>No.2</u> is directed to comply with its commitment and <u>undertaking given to the Hon'ble Apex Court in light of the</u></p>

ATTESTED

May
EXAMINER
Peshawar High Court.

10

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letter produced there based on the decision of the Provincial Government and to decide the representation of the petitioners in light of the same, otherwise, he will expose himself to contempt proceedings before the Hon'ble Apex Court.

Petition disposed off.

Announced.

Dated: 27.6.2012

Sd/- Dost Muhammad Khan - CJ
Sd/- Mian Fazlul Mulik - J

CERTIFIED TO BE TRUE COPY

[Signature]
May

Examiner

05/7/2012

Peshawar High Court Peshawar
Authorised Under Article 87 of
the Constitution of Pakistan - Shikhat Order 1994

24

Registration of Application 02/7/2012

No. of Pages 2/6

Copying fee 6-

Urgent Fee -

Total 6-

Date of Preparation of Copy 05-7-12

Date Given For Delivery 05-7-12

Date of Delivery of Copy 05-7-12

Received By *[Signature]*

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PESHAWAR HIGH COURT, PESHAWAR.

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ORDER SHEET

Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary.
06.11.2012	<p><u>CM N0-921-P/2012 in COC N0-255-P/2012 in WP-1387-P/2012.</u></p> <p><u>Present:</u> Mr. Muhammad Asif Yousafzai, Advocate, for petitioners.</p> <p>Mr. Lal Jan Khattak, AAG, for respondents.</p> <p style="text-align: center;">* * * *</p> <p><u>MIAN FASIH-UL-MULK, J.</u> Though the order dated 27.6.2012 was passed in absence of the respondents Department as the writ petition was disposed of in motion, whereby the Department was directed to decide the representation of the petitioners in the light of notification / letter issued by the Government of Khyber Pakhtunkhwa, on the basis of which the august Supreme Court dismissed the appeals of the petitioners but they would comply with the order dated 27.6.2012 and decide the representation of the petitioners within a period of one month positively.</p> <p style="text-align: right;">This petition is therefore disposed of accordingly.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">14-11-12</p>

Sd/- Mian Fasihul Mulik J
Sd/- Jeshal Qureshi - J J

CERTIFIED TRUE COPY

[Signature]
14-11-12

HIGH COURT MATTER.

REGISTERED.

OFFICE OF THE DIRECTOR, ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 2731 /AD (Litigation-I)
Dated 26/11/2012.

TO

Mr Murtaza Khan & Others
Steno Grapher-BS-12 (BPS-14 UPGRADED)
Government Agro Tech Teachers Training Centre,
Gul Bahar Peshawar.

Subject: - PESHAWAR HIGH COURT PESHAWAR JUDGMENT/ORDER
DATED 06-11-2012 RENDERED IN C.M NO.91-P/2012 IN
C.O.C. NO.255-P/2012 IN WRIT PETITION NO.1387-P/2012.
MURTAZA KHAN STENOGRAPHER & OTHERS.

- 1) Whereas, You filed a writ petition No 1387-P/2012 before the Hon'able Peshawar High Court, Peshawar and the court disposed it off vide its order dated 27/06/2012, wherein, no notice has served upon & ultimately the department remain condemned unheard during the whole proceedings.
- 2) And whereas, You filed a C.O.C No.255-P/2012 before the Hon'able Peshawar High Court, Peshawar for implementation/Compliance and the court disposed off the said C.O.C as under:-

"Tough the order dated 27/06/2012 was passed in absence of the respondents department as the writ was disposed off in motion, whereby the Department was directed to decide the representation of the petitioners in the light of notification/letter issued by the Government of Khyber Pakhtunkhwa, on the basis of which the August Supreme Court of Pakistan the appeals of the petitioners, but they would comply with the orders dated 27/06/2012 and decide the representation of the petitioners within a period of one month positively."

Murtaza R.
09/11/12 / *AD Litig*
15480
9/11/12

And whereas, you submitted an application/representation dated 24/12/2011 to the undersigned for consideration and including your names in a joint seniority list/promotion with Assistants.

4) Accordingly, the undersigned examined your plea in the light of prevailing Law, Rules & Policy in vogue.

Your request for including your names in the joint seniority list of ministerial Staff with Assistants cannot be acceded & hence the same is regretted inter-alia following grounds.

1. Because, in terms of Section 8(1) of the Civil Servant Act, 1973 and Civil Servants (Seniority) Rules, 1993, Seniority is to be reckon in a post and not grade. Further, in terms of FR 30,(16), normal Scale & Selection grade are two scales of the same post & placement in selection grade of a civil servant does not change his duties & designation.
2. Because, due distinguished/different job description & prescribed qualification hence, you cannot be treated at par with Assistants.
3. Because, in the recent past many stenographer (BS-12) had promoted to stenographer (BS-15) and similarly Steno Graphers (BS-15) promoted to Superintendent (BS-16) from the joint seniority list (Their promotion orders are Appended as Annexure "A") & they are willingly performing their duties, and they never objected/challenged the same at any legal forum.
4. Because, the department had already taken the solid steps to remove anomalies in service rules in pursuance of the orders of this Hon'ble Court dated 29-02-2012 in C.O.C No.277/2011 in writ petition No.2176/2009 and for the purpose anomaly committee was constituted vide No.SOR IV(ED)1-4/2012 dated 09/05/2012 which is approved by the worthy Chief Secretary Khyber Pakhtunkhwa, Peshawar
5. Because, you are well aware of the situation that as per existing Rules & policy there are two types of steno grapher i.e. BPS-12 (BS 14 upgraded) & BPS-15, therefore, being stenographers BPS_12, you cannot by pass steno grapners BPS-15.

cause, the impugned letter dated 27/06/2011, which was produced before the August Supreme Court of Pakistan is not related to the undersigned and no commitment whatsoever was made by him. However, in the light of the above letter the undersigned i.e. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar has already been expedite the same (Annexure "B") by maintaining the joint seniority list of Asslstant/Steno Graphers (BPS-15) under the existing Rules.

Keeping in view of the above reasons, you are, therefore, not entitled for the relief asked for.

Your representation is thus disposed off in the above terms.

[Signature]
DIRECTOR,
ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

Dated Peshawar the _____/2012.

Endst: NO. _____

Copy of the above is forwarded to the:-

1. Additional Registrar, Peshawar High Court Peshawar.
2. Advocate General, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
4. Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
5. Deputy Secretary, (Litigation) Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar.
6. P A o Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

[Signature]
DIRECTOR,
ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

Enast NO. 901 / A.D (Lit-gation Dt: Pesh: the 15/11 /2013.

Copy of the above is forwarded to
Mr. DAWOOD JAN Stenographer for information please.

[Signature]
Asstt Director (Litigation)
Directorate of Education (FATA)
KPK Peshawar

IMMEDIATE
COURT MATTER



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(LITIGATION SECTION)

No. SO(Lit)E&AD/2-2012/2012
Dated: Peshawar, the 10-07-2012

M
43

To

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

Subject:

WRIT PETITION NO. 1387-P OF 2012 MURTAZA KHAN & OTHERS
VERSUS SECRETARY EDUCATION & OTHERS.

Dear Sir,

I am directed to invite your kind attention to the subject noted above and to forward herewith a copy of letter No.10230/Judl: dated 04-07-2012 alongwith self-explanatory orders dated 27-06-2012 of the Hon'ble Peshawar High Court, Peshawar for immediate necessary action please.

Being court matter may please be treated as Most Urgent.

Yours faithfully,

Section Officer (Litigation)

Encl: As Above
Endst: of even No. & Date.

Copy forwarded to the P.A to Addl: Secretary (Judicial), E&AD.

Section Officer (Litigation)

339
11/7

DSF 11

11/7/2012

Govt. of Khyber Pakhtunkhwa
Elementary & Secondary
Education Department
DS-11 Diary No. 381
Date: 11/07/12

MOST IMMEDIATE / COURT CASE.

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NO.SO (Lit) E&SED/1-4/2012
Dated Peshawar, the 12-07-2012.

To

✓
The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: WRIT PETITION NO. 1387-P/2012 MURTAZA KHAN & OTHERS
VS SECRETARY EDUCATION AND OTHERS.

I am directed to enclose herewith a copy of letter No. SO (Lit) E&AD/2-2012/2012 dated 10-07-2012 alongwith a copy of order dated 28-06-2012 passed by a Division Bench of Peshawar High Court, Peshawar received from Section Officer (Lit) Establishment Department, Govt. of Khyber Pakhtunkhwa, which is self explanatory for compliance as per direction of the court.

This may be treated as Most Urgent being court matter.

Encl: (as above)


SECTION OFFICER (LITIGATION)

Endst: of even No. & date.

Copy is forwarded to the Section Officer (Lit) Establishment Department, Govt. of Khyber Pakhtunkhwa with reference to his letter cited above for information.

SECTION OFFICER (LITIGATION)

NO 2084 URGENT

0
45



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)4-5/SSRC/Teaching Cadre/2012
Dated Peshawar the 12-7-2012.

To

1. The Special Secretary (Regulation)
Establishment Department.
2. The Addl: Secretary (Regulation)
Finance Department.
3. The Additional Secretary
Law Department.
4. The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

PA
Reminded
13/7

Subject:- MEETING OF THE STANDING SERVICE RULES COMMITTEE.

Dear Sir,

I am directed to refer to this department letter of even No. dated 09-7-2012 and to state that meeting of the SSRC scheduled to be held on 12-7-2012 was postponed by the Chairman of the Committee on the request of the Secretary Law Department as his representative could not attend the meeting due to other pressing official engagements. The said meeting will now be held on 19-7-2012 at 11.00 AM.

2. Kindly make it convenient to attend the meeting as per schedule.
3. Working paper has already been communicated to all concerned vide this department letter of even No. Dated 28-6-2012.

(MUHAMMAD AYUB KHAN)
SECTION OFFICER (PRIMARY)

Copy forwarded to:-

1. P.S to Secretary E&SE Department.
2. P.S to Special Secretary E&SE Department.
3. P.S to Additional Secretary E&SE Department.
4. Deputy Secretary (Admn) E&SE Department.

P. A. to Director E & S E
Khyber Pakhtunkhwa Peshawar,

D. No

Dated

SECTION OFFICER (PRIMARY)

46

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Daud Jan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt: (Respondent)
(Defendant)

I/We Daud Jan (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

D Jan
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

7

PROVINCIAL SENIORITY LIST OF THE STENO TYPIST OF EDUCATION DEPT. NWFP CORRECTED UPTO 30-06-2001

No.	Name / Father's Name Designation	Date of Birth and Domicile	I.C 1 st Apptment in Education	D.O of confirmation in present grade
1.	2	3	4	5
1.	Mr. Muhammad Ayaz S/O Muzaffar Khan ✓	12-08-1960 - Abbotabad	09-08-1982	09-05-1982
2.	Mr. Raja Khan S/O Sher Afzal Khan Senior Typist C/O Director Bureau Abbottabad ✓	03-02-1962 - Abbottabad	01-02-1984	04-02-1984
3.	Mr. Jehazeb S/O Gul Zaman Senior Typist at DE (FATA) NWFP Pesh ✓	09-11-1959 - Peshawar	01-11-1984	01-11-1984
4.	Mr. Muhammad Farooq S/O Ali Mardan Senior Typist B.Com Line Bun. Abbottabad ✓	27-02-1965 - Abbottabad	01-03-1985	04-08-1985
5.	Mr. Muhammad Ashfaq S/O Abdul Ghaffar S/T MA DSE NWFP Pesh ✓	01-03-1966 - Kohat	04-02-1986	01-02-1986
6.	Mr. Muhammad-Khalid S/O Dost Muhammad D.Com S/T EDO D.I.Khan	29-03-1966 - D.I. Khan	26-02-1986	26-02-1986
7.	Mr. Abdul Latif S/O Abdul Rauf Senior Typist EDO (P) Pesh	04-04-1954 - Peshawar	15-05-1986	15-04-1986
8.	Mr. Intizar Bakht S/O Latif S/T. MA. DE(FATA) NWFP Peshawar	15-03-1950 - Peshawar	31-08-1986	31-08-1986
9.	Mr. Daud Jan S/O Didar Gul S/T MA. DE(Colleges) NWFP, Peshawar	15-10-1967 - Peshawar	04-12-1986	04-12-1986
10.	Mr. Harneedullah Khan S/C Zai-ud-Din S/T MA. EDO/D.I. Khan	30-04-1955 - Bannu	05-01-1987	05-01-1987
11.	Mr. Wisal Muhammad S/O Faqir Muhammad S/T G.A.T.T.C Peshawar	03-03-1958- Peshawar	05-01-1987	05-01-1987

W.W. d. K. PRSE.
Gov. Pk

S.No.	Name / Father's Name Designation	Date of Birth and Domicile	I.C 1 st Appointment in Education	D.O of confirmation in present grade
1.	2	3	4	5
12.	Mr. Jamatullah S/O Janis Khan S/T at Science Edu: Project./DPE Pesh	19.01.1954 - Peshawar	06-01-1987	06.01-1987
13.	Mr. Murtaza Khan S/O Sardar Khan S/T D.Com. DPE NWFP Peshawar.	09-10-1962 - Peshawar	07-01-1987	07-01-1987
14.	Mr Ghafoor Shan S/O S.Hassan Shah S/T EDO Charsadda.	01-08-1968/Charsadda	26-01-1987	26-01-1987
15.	Mr. Farid Khan S/O Shiekh Muhd Amir S/T (FA) EDO, Peshawar	08-12-1968/Peshawar	01-02-1987	01-02-1987
16.	Mr. Irshad Ghafoor S/O Abdul Gahfoor S/T at DE (FATA) NWFP, Peshawar	02-09-1961/Peshawar	01-04-1987	01-04-1987
17.	Mr. Tariq Shakeel S/O Muhammad Ashraf S/T DE(Colleges) NWFP Pesh	08-05-1965/Peshawar	13-07-9187	13-07-9187
18.	Mr. Latif Ahmad S/O Muhammad Khan S/T MA EDO (P), Swat.	22-05-1964/ Swat	13-07-1987	13-07-1987
19.	Mr. Zafar Iqabl S/O Dost Muhammad S/T BA DE (C) (NWFP) Peshawar	01-01-1969/ Peshawar	28-01-1988	28-01-1988
20.	Mr. Aziz Muhammad S/O Sher Muhammad S/T MA. DE. (College) NWFP Peshawar	15-08-08-1965 / Charsadda	23-11-1988	23-11-1988
21.	Mr. Noor-ul-Amin Shah S/O Nadar Shah S/T BA. DE. (College NWFP) Peshawar	05-11-1968 / Swabi	23-11-1988	23-11-1988
22.	Mr Tariq Khan S/O Ajab Khan S/T BA. EDO Abbottabad	04-02-1966 / Abbottabad	26-11-1989	26-11-1989
23.	Mr. Khan Zeb S/O Fazal Hanan S/T MA. EDO Swat	01-01-1966 / Swat	01-02-1990	01-02-1990
24.	Mr. Muhammad Soukat S/O Nike Afzal S/T BA. EDO, Kohat	15-10-1968 / Kohat	07-02-1990	07-02-1990

No.	Name / Father's Name Designation	Date of Birth and Domicile	I.C 1 st Appointment in Education	D.O of confirmation in present grade
1.	2	3	4	5
25.	Mr. Noor Badshah S/O Said-Badshah S/T B.A At DPE NWFP, Peshawar	03-11-1963/Peshawar	01-07-1990	01-07-1990
26.	Mr. Abdul Jabbar S/O Abdul Sattar S/T FA, at DSE NWFP, Peshawar	12-05-1965/Peshawar	08-01-1991	08-01-1991
27.	Mr. Muhammad Qamar Khan S/O Fazal Rehman S/T FA at EDO, Mardan	01-01-1962/Mardan	17-03-1992	17-03-1992
28.	Mr. Iqbal Zaman S/O Muhammad Hashim S/T BA at DPE NWFP Peshawar	01-01-1962/ Peshawar	01-12-1992	01-12-1992
29.	Mr. Muhammad Nisar S/O Gulistan S/T M.Com at DPE NWFP, Peshawar	28-09-1964/ Peshawar	20-12-1992	20-12-1992
30.	Mr. Israrullah S/O Hidayatullah S/T M.Com at DSE NWFP, Peshawar	31-12-1966/Peshawar	21-12-1992	21-12-1992
31.	Mr. Javid Iqbal S/O Muhammad Sherin S/T at DPE NWFP, Peshawar	07-09-1964/Peshawar	22-12-1992	22-12-1992
32.	Mr. Muhammad Tahir S/O Fazal Subhan S/T at G.A.T.T.C. NWFP Peshawar	10-05-1974/Peshawar	01-09-1994	01-09-1994
33.	Mr. Raza Ali S/O Muhammad Ashiq S/T at DE (Colleges) NWFP, Peshawar	04-01-1964/ Peshawar	13-06-2000	13-06-2000

Prepared by

Checked by

sd/-

(JAMSHID KHAN)
DEPUTY DIRECTOR SECONDARY EDUCATION
NWFP PESHAWAR

Transfer order from FATA
To Higher Education and
Promotion order of
Stenographers of Higher Edu. (228)

6

DIRECTORATE OF HIGHER EDUCATION

KHYBER PUKHTUNKHWA, KHYBER ROAD PESHAWAR
Telephone No.091-9211025-9210217-9210242 Fax-9210215

Dated 27/02/2014

Notification

Consequent upon the recommendations of the Departmental Promotion Committee (DPC), arrived in the meeting held under the Chairmanship of Special Secretary, Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa in his office on 04th February, 2014, the competent authority is pleased to order the promotion of the following the Assistants / Stenographers, of the College cadre of Higher Education Department, to the post of Superintendent (BPS-16) and to post them in the college / office as noted against each:

S.#	Name & Address	Posted / Adjusted at	Remarks
01	Abdul Lital, Stenographer, Directorate of Higher Education, Peshawar	Adjusted against the post of Senior Scale Stenographer (B-16), Directorate of Higher Education	Against Vacant Post
02	Tariq Shakeel, Stenographer, Directorate of Higher Education, Peshawar	Directorate of Higher Education Peshawar	Against S.No. 36, will be adjusted against the post of Sr. S.S (B-16) to be vacated by S.No.1 w.e.f 01.04.2014.
03	Aziz Muhammad, Stenographer, Directorate of Higher Education, Peshawar working with special Secretary Higher Education.	Directorate of Higher Education Peshawar.	Against Vacant Post of AD (A) will work in office of the special secretary higher education
04	Noor-ul-Amin Shah, Stenographer, Directorate of Higher Education, Peshawar	GPGC Swabi	Against Vacant Post
05	Iqbal Zaman, Stenographer, Directorate of Higher Education, Peshawar	GPGC (Womer) Nowshera	Against Vacant Post
06	Muhammad Nisar, Stenographer, Directorate of Higher Education, Peshawar	GFCW, Peshawar	Against Vacant Post
07	Sahibzada Inayat Haleem, Stenographer, Directorate of Higher Education, Peshawar	Directorate of Higher Education	Against vacant Post
08	Fazal Ahmad, Assistant, GDC Saidu Sharif	GPGC S. Shalif Swat	Against Vacant Post
09	Haibat Khan, Assistant, GDC Patak Khel	GDC Jandola FR Tank	Against Vacant Post
10	Muhammad Tariq, Assistant, GDC No.2, D. I. Khan	GDC No.1 D.I Khan	Against Vacant Post
11	Murad Khan, Assistant, GDC, Mathra	GDC Kohat	Against Vacant Post

12	Abdul Wahab, Assistant, GPGC, Mardan	GDC Takht Bhai Mardan	Against Vacant Post
13	Qazi Qutub Din, Assistant, GGC, Chitral	GDC Chitral	Against Vacant Post
14	Jamal Abdul Nasir, Assistant, GGDC, Gulshan Rahman Pesh.	GDC Hayatabad	Against Vacant Post
15	Akhtar Munir, Assistant, GDC, -2 Mardan	GDC No.2, Mardan	Against Vacant Post
16	Abidullah Khan, Assistant, GGC, Lakki Marwat	GGDC Miranshah N.W.A.	Against Vacant Post
17	Msubhammad Sabir, Assistant, GDC, Lissan Nawab	GDC Haripur	Against Vacant Post
18	Hadayatullah, Assistant, GGDC, Yakka Ghund	GDC Dara Adam Khel	Against Vacant Post
19	Sardar-ul-Din, Assistant, Direct of Higher Education, Peshawar	GGDC No. 1 Charsadda	Against vacant post
20	Imdad Hussain, Assistant, GDC, Hayatabad	GDC Jamrud, Khyber Agency	Against Vacant Post
21	Aziz Khan, Assistant, Directorate of Higher Education, Peshawar	Directorate of Higher Education Peshawar	Against Vacant Post
22	Muhammad Ali, Assistant, GGDC, Takht Nasrati (Karak)	GDC Ara Khel, FR Kohat	Against Vacant Post
23	Banaras Khan, Assistant, GPGC, Mansehra	GGDC No.1 Abbottabad	Against Vacant Post
24	Attaullah, Assistant, GPGC, Nowshera	GPGC Nowshera	Against Vacant Post
25	Subhan-ud-Din, Assistant, GGC, Tajb. Btbl. Charsadda	GDC Lakkaro (Mohmand Agency)	Against Vacant Post
26	Muhammad Ayaz, Assistant, GPGC, Lakki Marwat	GPGC Lakki Marwat	Against Vacant Post
27	Muhammad Zahid, Assistant, GDC, Mingera (swat)	GDC Thana, MKD Agency	Against Newly Created Post
28	Muhammad Nazir, Assistant, GPGC, Mansehra	GPGC Mansehra	Against Vacant Post
29	Salim Raza, Assistant, GGC No.1, Mansehra	GGDC Dara Adam Khel	Against Vacant Post
30	Muhammad Gulab, Assistant, GDC, Sabir Abad (Karak)	GPGC Kohat	Against Vacant Post
31	S. Zahir Ali Shah, Assistant, GDC, Alizai Kurram	GDC Bagun Kurum Agency	Against Vacant Post
32	Pasham Gul, Assistant, GDC, Balhshali (Mardan)	GPGC, Khar Bajour Agency	Against Vacant Post
33	Gul Nawab, Assistant, GGC Kanju (Swat)	GGDC Khar Bajour Agency	Against Newly Created Post

ADJUSTMENT

34	Amir Hatam Assistant Working against Supdt GDC Thana	GGDC Timergard	Against Vacant Post
35	Sultan Baqshah S/C Working against the post of Assistant GGDC Timergard	GDC Waji, Dir Upper	Against vacant Post
36	Abdul Karim Supdt Directorate of Higher Education	Placed at the disposal of Director FATA	
37	Fazal Subhan Assistant GDC Mithra	Directorate of Higher Education Peshawar	Against vacant Post
38	Imdad Assistant GDC(W) Peshawar	Directorate of Higher Education Peshawar	Against vacant Post
39	Jehanzeb Assistant GDC Badaber, Peshawar	Directorate of Higher Education Peshawar	Against vacant Post

40	Maslin Shah Assistant GGDC Pabbi, Nowshera	Directorate of Higher Education Peshawar	Against vacant Post
41	Wajid Assistant GGDC No:1 Charsadda	Directorate of Higher Education Peshawar	Against vacant Post
42	Abdul Wadood Assistant GDC Peshawar	Directorate of Higher Education Peshawar	Against vacant Post
43	Mohammad Nisar S/C Govt. City Girls College Peshawar	Directorate of Higher Education Peshawar	Against vacant Post
44	Amjid Sohail S/ Clerk Govt. Superior Science College Peshawar	Directorate of Higher Education Peshawar	Against vacant Post
45	Muhammad Saeed Assistant GDC Ogai Mansehra	GGDC No: 1 Mansehra	Against vacant post
46	M. Javid Assistant, working, against the post of Supdt. at GGDC Abbottabad	GGDC No. 1 Abbottabad	Against vacant post
47	Ghulam Hussain Assistant GGDC Abbottabad	GPGC Mansehra	Against vacant post

Note

1. Charge reports should be submitted to all concerned.

Director
Higher Education Khyber Pakhtunkhwa

Encl. No. 4262-4317/A-167/CA-VII/Estb Br.

Copy forwarded for information & necessary action to the:

1. Director of Education, FATA at FATA Secretariat, Warsak Road, Peshawar.
2. Principals, Government Colleges (Male & Female) concerned.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. District Accounts Officers, concerned.
5. Agency Accounts Officers, concerned.
6. Manager Government Printing Press, Peshawar for publication in the Gazette.
7. PS to Special Assistant to CM for Higher Education, Peshawar.
8. PS to Secretary, Higher Education Department, Peshawar.
9. PS to Special Secretary, Higher Education Department, Peshawar.
10. PA to Director Higher Education KPK, Peshawar.
11. Cashier Local Directorate.
12. Officers concerned.
13. Personal Files / Master File for record.

Deputy Director (Establishment)
Higher Education Khyber Pakhtunkhwa

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 399/2013

**Daud Jan Stenographer Directorate of Education FATA, Secretariat Warsak
Road, Peshawar.**

-----Applicant

VERSUS

1 The Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa,
Peshawar & others -----Respondents

PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS
No: 1, 2 & 3.

Respectfully Sheweth:-

Preliminary objections

- 1 The appellant has no cause of action/locus standi.
- 2 The instant appeal is badly time barred.
- 3 The appellant has concealed the material fact from this Hon! able Tribunal hence liable to be dismissed.
- 4 The appellant has not come to Hon! able Court with clean hands.
- 5 The present appeal is liable to be dismissed for non joinder/mis-joinder for necessary parties.
- 6 The appellant has filed the instant appeal on malafide motives.
- 7 The instant appeal is against the prevailing laws & rules.
- 8 The appellant is stopped by his own conduct to file in present appeal.
- 9 The instant appeal is not maintainable in the present form & also in the present circumstances of the issue.
- 10 This Hon !able Court has no jurisdiction to adjudicate the present appeal.
- 11 The Sub Rule 2 of rule-3 of Civil Servant (Appointment, Promotion & Transfer) rules 1989 authorize the Department to lay down the method of appointment, qualification and other conditions in consultation with Establishment & Finance Departments.

ON FACTS

- 1 This Para pertains to service record of the appellant hence needs no comments.
- 2 This Para also related to the office record and has no concern to the prayer of the appellant in the appeal in hand. However, it would not be out of context to mentioned here that the appellant has prayed for promotion to post of Superintendent. While the promotion to the post of Superintendent is to be made from the joint seniority list of Assistant and Senior

- 68
- Scale Stenographer with at least five years service as such as per service structure issued in 1978 and the same is amended on 28-1-2013 (Annexure "A").
- 3 Incorrect and denied. No one from junior scale stenographer has been promoted to the post of Superintendent so far. The said rules/service structure of Assistants, Stenographers & Superintendents are amended in 2013.(Annexure "A"). Hence the whole statement of the appellant in this para is baseless, false, against the facts, law, rules and the prevailing policy on the subject.
 - 4 This pertains to court record. However the said judgment was challenged in the Supreme Court of Pakistan. The Apex Court remanded the appeal back to service Tribunal to decide the case a fresh on merit, as evident from para-5 of this appeal.
 - 5 As replied in para-4 above. Moreover, the Hon! able Service Tribunal dismissed the said appeals with the remarks that this Tribunal is of the view that it would not be within its jurisdiction to direct the respondent departments to amend the rules and procedure as prayed in the appeal. While the appellant once again come to this Tribunal with same prayer which is earlier decided at this Hon! able legal forum, hence the present appeal is against the Service Tribunal Act rules and the Principle of "Resjudicata", hence liable to be dismissed.
 - 6 This para pertains to record of Hon! able court, hence needs no comments.
 - 7 Incorrect. In this regard the letter of the Director (E&SE) is very clear and the issue of seniority and promotion was discussed in brief and the request of the applicants were regretted after examine, the case in the light of prevailing law, rules & policy. Hence the whole Para is denied being irrelevant one.
 - 8 Incorrect and not admitted. The Education Department examined the departmental appeal of the applicants in the light of the prevailing law, rules and policy and regretted on cogent legal, lawful ground and same were communicated to the appellants. Hence, the whole Para is denied being incorrect and against the facts and material on record.
 - 9 Incorrect & not admitted. The statement of the appellant in this Para is false, baseless, against the facts and record. The department decided the said appeal of the appellant, informed the applicant vide letter dated 26-11-2012, while all the legal ground are reflected/mediated in the said letter in brief (Annexure "L" of the appeal).
 - 10 Incorrect & not admitted the appellant has no cause of action to come to this Hon! able Tribunal time and again for the same issue and decided by this Hon! able Tribunal and Apex Courts, hence the present appeal is liable to be dismissed inter alia on the following grounds.

ON GROUNDS

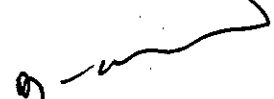
- A Incorrect & not admitted. The letter dated 26-11-2012 is in accordance with law, rules, norms of justice and material on record as evident from the contents of the said letter, hence denied.
- B Incorrect. The issued of joint seniority has been discussed in brief in para-1 and 2 of the letter/order as mentioned in Para above, supported by law and rules (annexure "L" of the appeal).
- C As replied in Para "B" above.
- D Incorrect & not admitted. The statement of the appellant is not relevant one and also not supported by law & rules on the subject.

- E Incorrect. This Para is related to Service record of the appellant promotion rules and the appellant is not entitled for promotion to post of Superintendent.
- F Incorrect & not admitted. The appellant has been treated in accordance with law & rules because the post of Superintendent is to be filled by promotion on the basis of seniority cum fitness among the holders of the post of Assistants & senior scale stenographers with at least five years service.(Annexure "A").
- G Incorrect & not admitted. The statement of the appellant is without any cogent proof, without legal support & evidence and also manufactured one, hence denied.
- H Incorrect. The respondents have violated no rules on the subject, hence denied.
- I Incorrect the department has not discriminated the appellant. The rules of other department cannot be applied in the E&SE Department, hence denied.
- J That the respondents seek the permission of this Hon! able Tribunal to adduce more grounds, proofs at the time of arguments.

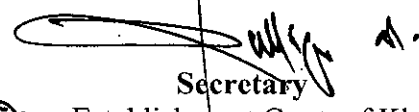
In view of the above submission, it is requested that this Hon' able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.



Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.



Secretary
Elementary & Secondary Education
Department, Government of Khyber
Pakhtunkhwa.



Secretary
Establishment Govt: of Khyber
Pakhtunkhwa, S&GAD Department

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 392/13

Daud Jan.

VS

Education Deptt:

REJOINDER ON BEHALF OF APPELLANT.

R.SHEWETH.

PRELIMINARY OBJECTIONS:

1 TO 11- All objections raised by the respondents are incorrect and baseless. Rather the respondents are stopped to raise any objection due to their own conduct.

FACTS:

- 1- Admitted correct by respondents so no comments.
- 2- Not replied accordingly. More over it is added that by virtue of Notification dated. 3.11.83 the cadre of appellant was already renamed and re-designated as Stenographer. Therefore the plea of the respondents is incorrect and misconceiving.
- 3- Incorrect and misconceived. The appellant being a stenographer has not been given his due rights according to the principles of justice.
- 4- Admitted correct by respondents so no comments.
- 5- Incorrect and misconceived. The Supreme Court remanded the case and after that another CPLA was filed before the Supreme Court, therefore the contention of the respondents is incorrect.
- 6- Admitted correct by respondents so no comments.

- 7- Incorrect while para- 7 of appeal is correct.
- 8- Incorrect and not replied accordingly. More over para- 8 of the appeal is correct.
- 9- Incorrect and not replied accordingly. More over para- 8 of the appeal is correct.
- 10- Incorrect. The appellant has every cause of action and locus standi to file the present appeal.

GROUND:

- a- Incorrect while para-A of appeal is correct.
- b- Incorrect while para-B of appeal is correct. It is the principles of law that when different cadres are joined together for promotion, then the seniority is to be determined from the date of regular appointment.
- c- Not replied accordingly. More over para-C of appeal is correct.
- d- Incorrect while para-D of appeal is correct.
- e- Not replied accordingly. More over para-E of the appeal is correct.
- f- Incorrect while para- F of appeal is correct.
- g- Incorrect while para- G of appeal is correct.
- h- Incorrect and not replied accordingly, therefore para H of appeal is correct.
- i- Incorrect while para-I of appeal is correct.
- j- Legal.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

DAUD JAN

THROUGH:

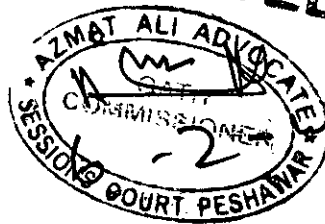

M. ASIF YOUSAFZAI
ADVOCATE.

AFFIDAVIT.

It is affirmed that the contents of appeal and replication are true and correct.


DEPONENT

ATTESTED



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

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Daud Jan.

VS

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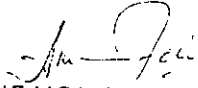
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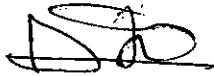


M. ASIF YOUSAFZAI

ADVOCATE.

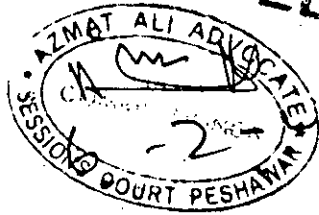
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DEPONENT

ATTESTED



14

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 392/13

Daud Jan.

VS

Education Deptt.

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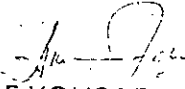
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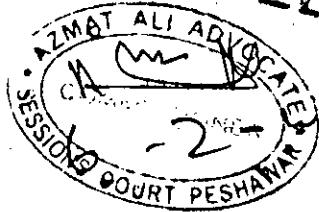
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- 3- Incorrect and misconceived. The appellant being a stenographer has not been given his due rights according to the principles of justice.
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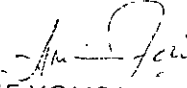
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DEPONENT

ATTESTED



14

T

Directorate of Education
(Colleges) MWP, Peshawar.

No. A-167/Apptt:Genl:/CA.VII

Dated Peshr: the 22/11/1986.

APPOINTMENTS.

The appointments of the following candidate as Stenographers in B.P.S - 12 of Rs. 750-40-1550 plus usual allowances as admissible under the Rules in force, are hereby ordered in the interest of public service, with immediate effect. Terms and conditions are mentioned as below.

<u>S.No.</u>	<u>Name and address.</u>	<u>Posted at.</u>	<u>Remarks:</u>
1.	Mr. Karim Bakhsh, S/O Maula Bakhsh, under appointment, against leave vacancy.	Against the post of Stenographer at Administration section, Directorate of Education (Colleges) MWP, Peshawar.	Post vacated by Rafiullah Steno- grapher who selected by S&GAD.
2.	Mr. Daud Jan, S/O Didar Gul, Vill: P.O Turang Zai, Mohallah Saloor Khel, Teh: Charsdda, District Peshawar.	Against the post of Stenographer at Accounts Branch in Directorate of Edu: (Colleges) MWP, Peshawar.	Post vacated by S. Ayaz Ali Shah S/Grapher who Selected by S&GAD.

TERMS AND CONDITIONS.

1. Their appointments are purely on temporary basis and will be liable to termination at any time without assigning any notice or reason.
2. In case of resignation without one month prior notice, their one month pay and allowances if any will be forfeited to the Govt:.
3. Their appointments are subject to the production of medical fitness and age certificate from the Civil Surgeon, Peshawar.
4. They will not be handed over charge, if their age exceeds than 25 years or is below 18 years..
5. Their Roll of character and antecedents will be verified from the Police Authorities.
6. They will be governed by such rules and regulations as may issued by the Govt: from time to time for category of Govt: Servants to which they belong.
7. Before handing over charge their Educational Certificates in original should be checked.
8. Their appointment will be considered as cancelled if they did not join their posts within 15 days of the issue this order .
9. No T₁/DA is allowed
10. Charge reports to this effect should be sent to all concerned.

NOTE:-

The appointment order of Mr. Karim Bakhsh S/O Maula Bakhsh against leave vacancy of Mr. Mohammad Sadiq, Stenographer (Admn:Section) of Local Directorate, issued under this office endst: No. 34331-42 dated 18.11.1986 is hereby cancelled.

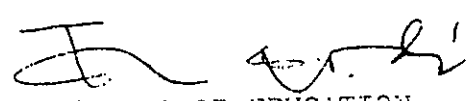
(PROF: ABDUL MAJID)
DIRECTOR OF EDUCATION
(COLLEGES) NWFP PESHAWAR.

Endst: No. 34798-810

Dated Pesh: the 22/11 /1986.

Copy forwarded for information and necessary action to the:

1. The Director of Education (Schools) NWFP, Peshawar.
- 2-4. Candidates concerned.
- 5:- Cashier, Local Directorate.
- 6:- The Accountant General NWFP, Peshawar.
- 7:- Supdt: Administration Section Local Directorate.
8. Asstt: Director (Accounts) Local Directorate.
- 9:- Supdt: Accounts Branch) Local Directorate.
- 10:- Administrative Officer, Local Directorate.
- 11-13:- Personal File.


BY: DIRECTOR OF EDUCATION
(COLLEGES) NWFP PESHAWAR.

Refi/*

Directorate of Education(C),
N.W.F.P., Peshawar.

NO. A-167/Apptt:/Genl:CA-VII,
Dated Peshawar, the 4-12-1986.

To

The Civil Surgeon,
Peshawar District Peshawar.

Subject:- HEALTH AND AGE CERTIFICATE.
MEMO:-

Mr. Daud Jan S/O Didar Gul, has been appointed
as Stenographer in this Directorate vide endst: No. 54798-510,
dated 22-11-1986.

His date of birth according to his Matric
Certificate is 13-10-1967 (Thirteenth Oct: One thousand nine
hundred and sixty seven).

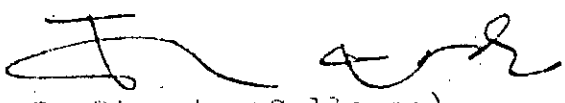
Therefore he is directed to report to you
for his Medical check-up.

EcB 3 F...

By: Director (Colleges),
Directorate of Education,
NWFP, Peshawar.

Endst: No. 25912-13

Copy forwarded for information and necessary
action to Mr. Daud Jan S/O Didar Gul Vill: & P.O. Turangzai
Mohallah Salbor Khel Teh: Charsadaa District Peshawar.


By: Director (Colleges),
for/Director of Education,
N.W.F.P., Peshawar.

Copy forwarded for information and necessary action to the:-

1. Accountant General, N.W.F.F. Peshawar.
2. Director of Education (Colleges) N.W.F.F. Peshawar.
3. Director Bureau of Curr: Development and Education Extension Services N.W.F.F.A/Abad.
4. Director of Education (FATA) N.W.F.F. Peshawar.
5. Divisional Director of Education (Schools) concerned.
6. Principal, Govt: Agro-Tech I.T.C. Peshawar.
7. District Accounts Officers concerned.
8. Cashier, Local Directorate.
9. Officials concerned.
10. F/Files.
12. M/File.
12. P.A. to Director Secondary Education N.W.F.F. Peshawar.

[Signature] 17/3/54
 Deputy Director Secondary
 For/Director Secondary Education
 N.W.F.F. Peshawar

(((M. IQBAL KHAN)))

3476 3652 0050

THE CENTRALLY ADMINISTERED TRIBAL AREAS (EMPLOYEES' STATUS) ORDER, 1972.

PRESIDENT'S ORDER NO. 13 OF 1972

[10th Apr 11, 1972]

WHEREAS clause (2) of Article 5 of the Province of West Pakistan (Dissolution) Order, 1970 hereinafter referred to as the said Order, provides that the Centrally Administered Tribal Areas shall be administered by the President acting, to such extent, as he thinks fit, through such officers as he may appoint, and that the President may, in that behalf, give such directions as he deems fit;

Now, Therefore in pursuance of the Proclamation of the 25th day of March, 1969, read with the Proclamation of the 20th day of December, 1971, and in exercise of all powers enabling him in that behalf, the President and Chief Martial Law Administrator is pleased to make the following Order:--

Short title and commencement.

1.--(1) This Order may be called the Centrally Administered Tribal Areas (Employees' Status) Order, 1972.

(2) It shall come into force at once and shall be deemed to have taken effect on the 1st day of July, 1970 hereinafter referred to as the appointed day.

Definitions.

2. In this Order, unless there is anything repugnant to the subject or context:--

(a) "[Federally Administered Tribal Areas]" shall have the same meaning as in the said Order;

(b) "employees" means employees serving in connection with the affairs of the [Federally Administered Tribal Areas] within or outside those areas including members of the Civil Service of the North West Frontier Province and all other Government servants not belonging to any [Federal] or Provincial Service; and

(c) "Provincial Government" means the Government of the North-West Frontier Province.

Status of the employees of the Federally Administered Tribal Areas.

3. Notwithstanding anything contained in their conditions of service, the employees shall, as from the appointed day, be the employees of the Provincial Government on deputation to the [Federal Government] and shall work under the overall administrative control of the Provincial Government, on the same terms and conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters or tenure of office as were applicable to them immediately before that day:

Provided that the employees shall not be entitled to deputation allowance for their service after the appointed day.

ZULFIKAR ALI BHUTTO, H. P.
President and Chief Martial Law Administrator

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Centrally Administered Tribal Areas"
² Subs. *ibid* for "Central."
³ Subs. *ibid*, for "Central Government."

Annexure (C) 6

9



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT

REGULATION WING

No.SOR-I(E&AD)4-24/91(Vol-I)
Dated the 27th June 2011

To,

The Secretary to Govt. of,
Khyber Pakhtunkhwa,
Higher Education Department,
Peshawar.

Subject: INCLUSION OF STENOGRAPHERS IN THE COMBINED
SONORITY LIST OF ASSISTANTS/STENOGRAPHERS.

Dear Madam,

I am directed to refer to your letter No.SO(LIT:&A.B)/
HE/Lit/Misc/2011 dated 28.05.2011 on the subject noted above and to say that
rules/amendments could not be applied with retrospective effect. The
Department is required to notify joint seniority list of Stenographers with
assistants on the basis of existing rules from the date of regular appointment and
proceed ahead with their promotions which has been denied for quite sometime.
The department may also take disciplinary action against those responsible for
failure to implement decision of the meeting held on 05.03.2008.

Yours faithfully,

[Signature]
Section Officer (R-I)

Yon m/n

*HK
28/6*

AS

[Signature]
28/6

*2016
28/6LL*

*26/6
19/6*

DS/II

*AS 2020
28/6*

SO(C)

29/6

FINAL SENIORITY LIST OF ASSISTANTS / STENOGRAPHERS UNDER THE CONTROL OF
DIRECTORATE HIGHER EDUCATION KPK PREPARED -CORRECTED UPTO 31-10-2012

S
73

TOTAL SANCTION POSTS = 179+9=188

NOTIFICATION

A-167/Promotion Cell /Seniority List

In pursuance of Section 3 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Seniority List of Assistant / Stenographers (as stood on 31-10-2012), Directorate of Higher Education Colleges (Male & Female) in Khyber Pakhtunkhwa including FATA Colleges (Male & Female)

S. No.	Name	Qualification	Date of Birth	Domicile	Date of Ist 'Appt: as J/Clerk	D-O promt.to the post of Asst/Stenographer	Designation	Address	REMARKS
1	Mohammad Arif	SSC	08-07-57	Peshawar	01-01-79	01-01-1979	Stenographer	DHE	
2	Abdul Litaf	BA	01-04-1954	Peshawar	01-04-1978	01-04-1986	Stenographer	DHE	Included vide P/Govt. Notification No.SO(Colleges- II)/Gen./08/2012/HED dated 10-08-2012
3	Tariq Shakeel	MA	01-03-1963	Peshawar	01-03-1987	01-03-1987	Stenographer	DHE	
4	Aziz Muhammad	MA	15-08-1965	Charsadda	23-11-1988	23-11-1988	Stenographer	DHE	
5	Noorul Amin Shah	BA	05-11-1968	Swabi	23-11-1988	23-11-1988	Stenographer	DHE	
6	Iqbal Zaman	BA	01-01-1962	Peshawar	01-06-1991	01-06-1991	Stenographer	DHE	
7	Muhammad Nisar	M.Com	28/9/1964	Peshawar	16-01-1991	20-12-1992	Stenographer	DHE	
8	Zahid Hussain	FA	04-10-54	Malakanad	11-04-79	03-05-1995	Assistant	GGC, Thanā	
9	Sahibzada Inayat Haleem	BA	01-02-1967	Charsadda	01-11-1995	11-01-1995	Stenographer	DHE	
10	Fazal Ahad	BA	20-03-59	Swat	12-01-78	26-08-1996	Assistant	GPGJC, Swat	
11	Khurshid Anwar	SSC	15/1/1957	Mardan	21-12-78	26-08-1996	Assistant	GDC, Lahor(Swabi)	
12	Haihat Khan	SSC	13-05-54	Bannu	24-12-78	26-08-1996	Assistant	GDC, Essak Khel	
13	Mohammad Tariq	FA	16/04/1954	D.I.Khan	03-01-79	30-05-2008	Assistant	GGC No.2 DIKhan	
14	Murad Khan	MA	02-05-59	Peshawar	27-02-79	26-08-1996	Assistant	DHE	
15	Zulfiqar Khan	FA	04-12-55	Abbottabad	25-02-79	26-08-1996	Assistant	GGC, Mandian (ATD)	
16	Mohammad Mohsin	BA	04-05-53	Bannu	13-02-74	25-03-1997	Assistant	GDC, S-Naurang	
17	Abdul Wahab	BA	15/7/1957	Mardan	01-03-79	01-09-1997	Assistant	GPGC Mardan	
18	Pervez Mohamad	FA	03-12-58	Peshawar	01-03-79	27-12-1997	Assistant	GSSC, Pesh	
19	Qazi Qutbud Din	BA	01-08-60	Chitral	14-03-79	01-09-1997	Assistant	GGC Chitral	
20	Jamal Abdul Nasir	MA	15-6-1964	Peshawar	02-05-87	13-06-2000	Assistant	DHE	
21	Akhtar Munir	SSC	15/9/1955	Mardan	16-05-75	11-02-2000	Assistant	GDC, Toru MRD	
22	Abdullah Khan	SSC	03-08-57	Lakki Marwat	06-01-79	13-12-2006	Assistant	GDC, Tajori Lakki Marwat	
23	Mohammad Sabir	FA	05-01-61	Manshera	19-02-79	21-08-2004	Assistant	GGC, Manshera	
24	Hadayat Ullah	SSC	22/04/1958	Charsadda	08-04-77	30-05-2008	Assistant	GDC, Ekka Ghund(FATA)	
25	Sardarud Din	FA	08-06-1959	Charsadda	05-04-79	30-05-2008	Assistant	DHE	
26	Imdad Hussain	FA	22/06/1959	Peshawar	28/03/1979	30-05-2008	Assistant	DHE	
27	Aziz Khan	MA	05-10-60	Peshawar	11-04-79	30-05-2008	Assistant	DHE	

S. No.	Name	Qualification	Date of Birth	Domicile	Date of Ist Appoi: as J/Clerk	D-O promt.io the post of Asst/Stenographer	Designation	Address	Remarks
28	Mohammad Ali	SSC	14/1/1960	Karak	22-04-79	14-07-2005	Assistant	GDC, Ahmad Abad	
29	Banaras Khan	BA	05-12-59	Manshera	30-04-79	03-11-2004	Assistant	GPGC, Manshera	
30	Attaullah	FA	05-10-1959	Charsadda	14-05-79	05-02-2004	Assistant	GPGC Nowshera	
31	Subhan-ud-Din	BA	01-12-60	Charsadda	17-05-79	30-05-2008	Assistant	GGC, Tajco Bibi Charsadda	
32	Mohammad Zahid	SSC	01-03-1958	Swat	15-06-79	30-05-2008	Assistant	GDC, Mingora Swat	
33	Mohammad Ayaz	FA	21/02/1961	Lakki Marwat	07-06-79	30-05-2008	Assistant	GDC, Kakki	
34	Mohammad Nazir	MA	14-04-1960	Manshra	25-07-79	30-05-2008	Assistant	GDC, Battgram	
35	Salim Reza	BA	30/05/1957	Manshera	12-08-79	30-05-2008	Assistant	GGC, No.1 Manshra	
36	Mohammad Gulab	SSC	04-03-58	Karak	03-10-79	16-07-2005	Assistant	GDC, Sabir Abad Karak	
37	S. Zahir Ali Shah	BSC	02-03-61	Kurram Agency	17-11-79	30-05-2008	Assistant	GGC, Ali Zai Kurram Agency	
38	Pasham Gul	FA	14/04/1958	Mardan	01-01-80	30-05-2008	Assistant	GDC Bakhshali Mardan	
39	Gul Nawab	BA	04-10-1956	Swat	01-01-80	30-05-2008	Assistant	GGC, Kanju Swat	
40	S. Ahmad Hussain Shah	SSC	10-01-57	Kurram Agency	13-03-80	30-05-2008	Assistant	GDC, Parachinar	
41	Said Hawas Khan	MA	01-05-59	Dir (Lower)	22-05-80	01-03-2005	Assistant	GGC, Timergara (Dir L)	
42	Abrar Ali	MA	05-05-1959	Swabi	31-05-80	30-05-2008	Assistant	DHE	
43	Sher Mohammad Shah	SSC	15/05/1956	Peshawar	01-10-80	30-05-2008	Assistant	DHE	
44	S. Miskin Shah	SSC	05-04-1960	Peshawar	03-08-80	30-05-2008	Assistant	GGC, Pabbi	
45	Sardar Hussain	SSC	01-06-1960	Mardan	06-11-80	30-05-2008	Assistant	GDC, Lund Khwar	
46	Amjad Hassan Ghori	BA	26/06/1962	Peshawar	27-08-80	30-05-2008	Assistant	DHE	
47	Sher zada	FA	05-06-1957	Mardan	09-07-80	30-05-2008	Assistant	GGC, Bakhshali Mardan	
48	Ghani Mohammad	BA	01-03-1955	Malakanad	10.9.80	30-05-2008	Assistant	GDC, Kabal Swat	
49	Abdullah Jan	SSC	24/08/1962	Lakki Marwat	15-09-80	30-05-2008	Assistant	GPGC Lakki	
50	Rab Nawaz Khan	SSC	06-12-1954	Bannu	24-09-80	30-05-2008	Assistant	GDC, Dcmall Bannu	
51	Fazli Subhani	BA	13/04/1962	Charsadda	25-09-80	30-05-2008	Assistant	GDC, Mathra Peshawar	
52	Ali Yar Mian	MA	15/10/1963	Swat	10-02-80	30-05-2008	Assistant	GDC, Madyan Swat	
53	Sultan Zeb	MA	11-07-1958	Dir	10-07-80	30-05-2008	Assistant	GDC, Timergara	
54	Mohammad Javed	LLB	30/01/1960	Abbottabad	10-12-80	30-05-2008	Assistant	GGC, No.1 Abbottabad	
55	Mohammad Riaz	BA	02-01-1961	Karak	16-10-80	30-05-2008	Assistant	GPGC, Karak	
56	Minhaj ud Din	MA	14/09/1953	Buner	13-11-80	30-05-2008	Assistant	GDC, Daggar	
57	Hazrat Yousef	MA	05-02-1961	Malakanad	13-11-80	30-05-2008	Assistant	GDC, Baikhala Mkd:	
58	Javed Iqbal	FA	13/03/1962	Haripur	21-12-80	30-05-2008	Assistant	GGC, Haripur	
59	Aslam Pervez	BA	01-04-1963	Abbottabad	27-01-81	30-05-2008	Assistant	GPGC, Mandian	

No.					Appit: as J/Clerk	the post of Asst/Stenographer		
60	Islam ud Din	SSC	09-05-1961	Bannu	19-03-81	30-05-2008	Assistant	GDC, K.D.A Kohat
61	Mohammad Zahser Ul Haq	BA	29/05/1956	Abbotabad	05-02-81	30-05-2008	Assistant	GDC, Sarai Saleh
62	Feroz Khan	MA	04-11-1958	Charsadda	16-05-81	30-05-2008	Assistant	GFC(W) Peshawar
63	Roozi Khan	SSC	12-01-1956	Lakki Marwat	08-08-81	30-05-2008	Assistant	GDC, Eassak Khel Lakki
64	Mohammad Sharif	SSC	02-02-1960	Peshawar	18-08-81	30-05-2008	Assistant	DHE
65	S.Khan Badshah	BA	11-01-1960	Peshawar	23-08-81	30-05-2008	Assistant	GDC, Peshawar
66	Mohammad Saad	BA	04-11-1955	Manshera	09-01-81	30-05-2008	Assistant	GDC, Oghi Manshera
67	Hassan Shah Bukhari	BA	02-11-1959	Bannu	09-01-81	30-05-2008	Assistant	GP/G GC, Bannu
68	Shah Tamas	SSC	01-02-1962	Bannu	09-01-81	30-05-2008	Assistant	GDC, Bannu
69	Aziz Gul	FA	25/04/1962	Mardan	09-01-81	30-05-2008	Assistant	GDC, No.1 Mardan
70	Amir Hatam	FA	22/03/1961	Dir	09-04-81	30-05-2008	Assistant	GDC, Samar Bagh Dir
71	Razaullah Khan	SSC	20/01/1957	Peshawar	10-08-81	30-05-2008	Assistant	DHE
72	Mohammad Arifeen	SSC	15/05/1961	Bannu	13-10-82	30-05-2008	Assistant	GDC, Wana
73	Zahoor-ud- Din	BA	01-10-1960	D.I.Khan	10-12-81	30-05-2008	Assistant	GDC, Jandola FR Tank
74	Irshad Ullah	MA	06-10-1960	Nowshera	15-10-84	30-05-2008	Assistant	GDC, Pabbi
75	Samiullah	BA	15/03/1967	Chitral	12-01-81	30-05-2008	Assistant	GDC, Sooni Chitral
76	Mir Alam Khan	SSC	01-06-1963	Mohmand	11-04-81	30-05-2008	Assistant	GDC, Lakkaro Mohmand Ag
77	Abdul Hakim	BA	26-07-1960	Kohat	02-03-82	30-05-2008	Assistant	GDC, K.D.A Kohat
78	Mohammad Afzal	SSC	14/03/1963	D.I.Khan	14-04-82	30-05-2008	Assistant	GDC, Wana SWA
79	Zahoor Ahmed	FA	04-12-1962	Manshera	14-04-82	30-05-2008	Assistant	GDC, Jandola FR Tank
80	Mashooq Hussain	SSC	01-08-57	Kurrum Ag	12-01-79	28-09-2010	Assistant	GDC, Parachinar
81	Mohammad Tahir	SSC	01-08-1956	D.I.Khan	23-04-81	28-09-2010	Assistant	GDC, No.2 D.I.Khan
82	Abdul Salam	SSC	30-03-1957	D.I.Khan	27-04-1980	28-09-2010	Assistant	GDC, Ladah (SWA)
83	Mohammad Younas	SSC	03-01-1963	D.I.Khan	14-03-82	28-09-2010	Assistant	GDC, Tank
84	Shuja Mohammad	SSC	06-09-1960	Mohmand Ag		28-09-2010	Assistant	GDC, Ekka Ghund(FATA)
85	Mohammad Yousaf	SSC	10-10-1958	Manshera	23-01-82	28-09-2010	Assistant	GDC, Darband
86	Hassan Akhtar Siddiqi	FA	05-04-1961	Nowshera	22-05-82	28-09-2010	Assistant	GDC, Akkora Khattak
87	Attaullah Khan	FA	19-03-1959	D.I.Khan	30-05-82	28-09-2010	Assistant	GDC, Dara Town Ship
88	Mishkatullah Khan	FA	01-10-1962	D.I.Khan	24-12-81	28-09-2010	Assistant	GDC, No.1 D.I.Khan
89	Pervez Khan	FA	18-09-1962	Charsadda	10-06-82	28-09-2010	Assistant	GDC, Tangi
90	Rab Nawaz Khan	SSC	12-05-1956	Karak	26-09-81	28-09-2010	Assistant	GDC, Koika Habibullah
91	Zahoor Khan	BA	13-02-1962	Malakand	16-11-81	28-09-2010	Assistant	GDC, Dargai
92	Bakht Karam	FA	01-06-1960	Swat	23-08-82	28-09-2010	Assistant	GDC, Swat
93	Mohammad Iqbal	MA	01-06-1962	Kohat	12-09-82	28-09-2010	Assistant	GDC, Kohat

S. No.	Name	Qualification	Date of Birth	District	Appit: as J/Clerk	the post of Asst/Stenographer	
94	Rehmat Ullah	SSC	01-02-1964	Mansehra	16-09-82	23-09-2010	Assistant GDC, Battgram
95	Javed Akhter	SSC	12.3.1964	Abbottabad	20-09-82	28-09-2010	Assistant GPGC, Abbottabad
96	Mohammad Faig	SSC	11-07-1963	Bajour	28-09-2010	28-09-2010	Assistant GDC, Barkhulzai Bajour
97	Said Ghalib Shah	MA	01-01-1959	Swabi	15-11-82	28-09-2010	Assistant GPGC, Swabi
98	Ibad Ullah	MA	10-04-1962	Mardan	20-11-82	28-09-2010	Assistant GGC, Sheikh Maitoon Mardan
99	Alim Zar	MA	12-12-1963	Shangla	24-11-82	28-09-2010	Assistant GDC, Daggar
100	Noorul Basar	FA	01-04-1964	Mardan	25-11-82	28-09-2010	Assistant GDC, Lund Khwar
101	Abdur Rauf	D.Com	02-11-1959	D.I.Khan	01-12-84	28-09-2010	Assistant GDC, No.2 D.I.Khan
102	Khan Zeb	BA	31-03-1959	Mardan	09.01.1983	28-09-2010	Assistant GDC, No.2 Mardan
103	Abdul Wajid	D.Com	26-10-1964	D.I.Khan	15-02-83	28-09-2010	Assistant GGC, No.2 D.I.Khan
104	Fazli Subhan	SSC	17-03-1954	Peshawar	01-04-79	28-09-2010	Assistant DHE
105	Mian Aqeel ud Din	SSC	01-10-1962	Peshawar	01-09-83	28-09-2010	Assistant DHE
106	Mohammad Arif	SSC	11-10-1958	Peshawar	12-09-83	28-09-2010	Assistant GGC, Jamrud
107	Shamsul Islam	MA	05-04-1964	Shangla		28-09-2010	Assistant GDC, Dir uoper
108	Saran zeb	MA	24-04-1961	Swat		28-09-2010	Assistant GGC, Thana
109	Abdul Wadood	SSC	01-01-1960	Peshawar	05-11-81	28-09-2010	Assistant GDC, Hayatabad
110	Mohammad Pervez	SSC	23-10-1960	Abbottabad		28-09-2010	Assistant GDC, Havelaian
111	Muhammad Saeed Khan	FA	05-10-1962	Peshawar	13-10-83	28-09-2010	Assistant DHE
112	Nawab Khan	FA	12-06-1964	Malakand	05-11-81	28-09-2010	Assistant GDC, Takht Bhai Mardan
113	Mubarak Jan	SSC	24-04-1962	Nowshera		28-09-2010	Assistant GDC, Shewa
114	Shouket Hussain	FA	01-01-1956	Abbottabad	24-01-84	28-09-2010	Assistant GDC, Nathigali
115	Sohail Sultan	MA	01-03-1961	Swat		28-09-2010	Assistant GGC, Kanju Swat
116	Hamid Kamal	BA	10-01-1962	Lakki Marwat		28-09-2010	Assistant GDC, Tajori Lakki Marwat
117	S. Hadiyat Ullah Shah	BA	15-05-1962	Mardan	28-12-81	28-09-2010	Assistant GDC, Khairabad
118	Zamin Sher	SSC	04-04-1962	Charsadda	31-08-81	28-09-2010	Assistant DHE
119	Mohammad Yousaf	BA	07-06-1965	Manshera	20-11-83	28-09-2010	Assistant GDC, Balakot
120	Sairullah	BA	16-10-1965	Swabi	08-02-84	28-09-2010	Assistant GGC, Punj Fir
121	Fazlullah	SSC	25-03-1965	Peshawar		28-09-2010	Assistant GGC, Hayatabad
122	Khan Gul	FA	03-01-1964	Nowshera	15-03-84	28-09-2010	Assistant GDC, Ghair Kapoor Mardan.
123	Mohammad Rashid	BA	04-06-1964	Karak		28-09-2010	Assistant GDC, Kakki Bannu
124	Obaidullah	BA	03-04-1967	Chitral	01-05-1984	27-12-2011	Assistant GDC, Chitral
125	Jshanzeb	SSC	15-05-1962	Peshawar	02-06-1984	27-12-2011	Assistant GDC, Badabera

No.					Apptt: as J/Clerk	Asst/Stenographer		
126	Khalid Gul	MA	03-07-1964	Charsadda	01-09-1984	27-12-2011	Assistant	GPGC, Charsadda
127	Bakhmond Zada	SSC	05-12-1960	Swat	01-10-1984	27-12-2011	Assistant	GDC, Batkhela Mlkd:
128	Janas Khan	SSC	13-12-1961	Peshawar	04-10-1984	27-12-2011	Assistant	DHE
129	Mahmood Sheh	SSC	05-04-1956	Charsadda	01-06-1981	27-12-2011	Assistant	GDC, Lund Khwar
130	Akbar Gul	FA	08-03-1963	Mardan	01-11-1984	27-12-2011	Assistant	Ghari Kappora
131	Mohammad Farid	MA	22-03-1964	Abbottabad	03-11-1984	27-12-2011	Assistant	GDC, Havelalan
132	Mohammad Azam	SSC	01-09-1966	FR Bannu	04-09-1984	27-12-2011	Assistant	GDC, Landi Jalandar
133	Mohammad Ali	SSC	05-04-1955	Bannu	27-10-1984	27-12-2011	Assistant	GGC, Bannu
134	Shamsul Tamrez	BA	26-09-1958	Battagram	01-11-1984	27-12-2011	Assistant	GDC, Battagram
135	Shoukat Hussain	SSC	20-05-1966	Abbottabad	27-10-1984	27-12-2011	Assistant	GDC, Mathra Peshawar
136	Mohammad Imtiaz	SSC	01-05-1957	Abbottabad	31-03-1983	27-12-2011	Assistant	GGC, Gulshah-Rehman
137	Jehanzeb	BA	02-02-1962	Manshera	15-11-1984	27-12-2011	Assistant	GGC, Marghuz
138	Mushtaq Ahmad	SSC	18-01-1953	Kohat	18-12-1984	27-12-2011	Assistant	DHE
139	Sher Akbar	SSC	24-07-1960	Charsadda	20-12-1984	27-12-2011	Assistant	DHE
140	Niamatullah	SSC	02-03-1966	Karak	06-01-1985	27-12-2011	Assistant	GDC, Ghumbat
141	Habibullah	SSC	05-06-1962	Nowshera	02-04-1980	27-12-2011	Assistant	GGC, Manki Swabi
142	Mahnboob Ali	MA	16-05-1962	Swat	10-02-1985	27-12-2011	Assistant	GPGC, Saidu Sharif
143	Ghulam Hussain	FA	04-12-1962	Manshera	01-04-1985	27-12-2011	Assistant	GGC, Manshera
144	Saminullah	BA	14-02-1955	Peshawar	17-04-1985	27-12-2011	Assistant	DHE
145	Said Mohammad	SSC	07-04-1965	Mardan	19-02-1986	27-12-2011	Assistant	GGC, Mareri Swabi


 DEPUTY DIRECTOR (Establishment)
 HIGHER EDUCATION KHYBER PAKHTUNKHWA

Endst. No. 24602702 / CA-VII/Establishment Branch Dated 02/11/2012

Copy of the above is forwarded to the all concerned.

- 1 Section Officer (Colleges-II) Govt. of Khyber Pakhtunkhwa Higher Education Department
- 2 PS Secretary Higher Education Govt. of Khyber Pakhtunkhwa
- 3 PA to Director Higher Education Khyber Pakhtunkhwa Peshawar


 DEPUTY DIRECTOR (Establishment)
 HIGHER EDUCATION KHYBER PAKHTUNKHWA

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

1. Name *Daood - Jan.* (1/0/2)

2. Race *Afghan*

3. Residence *Village & P.O. Terang 2 in Teh Chansadda*

4. Father's name and residence *Didar - Gul Village & P.O. Terang 2 in Teh Chansadda*

5. Date of birth by Christian era as nearly as can be ascertained *(13-10-1967) Thirteen October, Nineteen hundred sixty seven*

6. Exact height by measurement *5-6*

7. Personal marks for identification *A small wound mark on right cheek*

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

Little Finger.

Ring Finger

Middle Finger.

Fore Finger

Thumb.

9. Signature of Government servant *D. Jan.*

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

[Signature]
Off. Director of Ed. (Colleges)
N.W.F.P. Peshawar.

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, stat (i) substantive appointment, or (ii) whether service counts for pension under Act 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
- Steno-grapher Tol D.C. 7 th - do -	off!	BPS (12) 750-40-1550	B 750/-	135/-		4 12/86	[Signature]
- do -	u	BPS (12) 970-52-2010	B 970/-	144/-		1 7/87	[Signature]
- do -	u		R 1022/-			1 12/87	[Signature]
- do -	u		1022/- + 29/-			1-8-88	[Signature]
- do -	u		1074/-	30/-		1 12/88	[Signature]
- do -	u		1126/-			1 12/89	[Signature]
- do -	u		1178/-			1 12/90	[Signature]
- do -	BPS (12) 1355-96-2795						
- do -	g	Pay Fixed to that of the u/s 970-52-2010 u/s 970/-	Special u/s 1589 u/s 1087 u/s 11-1937	Being BA Passed Under Roll No. 20210/1-940/1 Exam. in 3rd Div. of grade Increment allowed in FD (PR) 1-1/87 till 11-8			
- do -	7		[Signature] Regional Officer of Planning Post	u/s 1589 u/s 1087 u/s 11-1937	[Signature] Off. Officer of BA (College) B.A. 1976/2		
- do -	4		1739/2	384/2	2123/1	1 6/91	[Signature]

10	11	12	13	14	15
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 taken	Allocation of period of leave on average pay upto four months for which the salary is debatable to another Government	Signature of the head of the office or other attesting officer
				Government to which debitable	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
30/6/87	Revision of Pay	[Signature]			Appointed as stenographer in BPS (12) 250-40-1550 vide this office order issued under Encl. No 34798-810 dt. 22-11-86.
30/11/87	Inc.	[Signature]			
30/11/88	Inc.	[Signature]			
30/11/89	Inc.	[Signature]			
30/11/90	Inc.	[Signature]			
31/5/91	Revision of B.P.S.	[Signature]			
					By Director of Ed. (Colleges) N.W.F.P. Peshawar.
					Passed SSC Examinations from the BISE Peshawar under Roll No 24234 Session 1983 (A) in grade (C).
					By Director of Ed. (Colleges) N.W.F.P. Peshawar.
					Passed Diploma Comm. Examinations from the N.W.F.P. Board of Technical Education Peshawar under Roll No 5476 Session 1985.
					By Director of Ed. (Colleges) N.W.F.P. Peshawar.
					4-12-86 to 29-5-88 from the requisition file of records available in this office
					By Director of Ed. (Colleges) N.W.F.P. Peshawar.
					30-5-88 to 31-12-88 from the requisition file of records available in this office
					By Director of Ed. (Colleges) N.W.F.P. Peshawar.

Under the provision of Rules 15 and 16 of the NWFP appoint/Transfer Rules 1969, confirmed as stenographer post at SRO 25 vide order 1-2-1989 vide Discl. (1) NWFP order issued under Encl. No 582-672/A-23/11-A dt. 19-6-90

By Director of Ed. (Colleges) N.W.F.P. Peshawar
1-1-89
By Director of Ed. (Colleges) N.W.F.P. Peshawar

By Director of Ed. (Colleges) N.W.F.P. Peshawar.

10	11	12	13	14	15
Name and designation of the officer or other attesting authority	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	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.
<p>Director of Education (FATA)</p> <p>30-11-07</p>	<p>11/2/07</p>	<p>LBMS</p>	<p>Director of Education (FATA) NWFP, Peshawar</p>	<p>Service verified w.e.f. 1-12-99 to 30-11-2000 from the Acquittance Roll & other Record available in this office</p>	<p>Director of Education, (COLLEGES) NWFP, PESHAWAR.</p>
<p>Director of Education (FATA) NWFP, Peshawar</p> <p>30-6-2008</p>	<p>11/2/08</p>	<p>LBMS</p>	<p>Director of Education (FATA) NWFP, Peshawar</p>	<p>Service verified w.e.f. 1-12-2000 to 28/2/2002 from the Acquittance Roll & other Record available in this office</p>	<p>Director of Education, (COLLEGES) NWFP, PESHAWAR.</p>
<p>Director of Education (FATA) NWFP, Peshawar</p> <p>30-11-08</p>	<p>11/2/08</p>	<p>LBMS</p>	<p>Director of Education (FATA) NWFP, Peshawar</p>	<p>Service verified w.e.f. 1-12-2000 to 28/2/2002 from the Acquittance Roll & other Record available in this office</p>	<p>Director of Education, (COLLEGES) NWFP, PESHAWAR.</p> <p>Transferred to his DA wide DHE NWFP Peshawar. Ex. 4360-89 Dt. 14-2-2008</p>
<p>Director of Education (FATA) NWFP, Peshawar</p> <p>30-11-09</p>	<p>11/2/09</p>	<p>LBMS</p>	<p>Director of Education (FATA) NWFP, Peshawar</p>	<p>Service verified w.e.f. 1-12-2000 to 28/2/2002 from the Acquittance Roll & other Record available in this office</p>	<p>Director of Education, (COLLEGES) NWFP, PESHAWAR.</p>
<p>Director of Education (FATA) NWFP, Peshawar</p> <p>30-11-2010</p>	<p>11/2/10</p>	<p>LBMS</p>	<p>Director of Education (FATA) NWFP, Peshawar</p>	<p>Service verified w.e.f. 1-12-2000 to 28/2/2002 from the Acquittance Roll & other Record available in this office</p>	<p>Director of Education, (COLLEGES) NWFP, PESHAWAR.</p>
<p>Director of Education (FATA) NWFP, Peshawar</p> <p>30-6-2011</p>	<p>11/2/11</p>	<p>LBMS</p>	<p>Director of Education (FATA) NWFP, Peshawar</p>	<p>Service verified w.e.f. 1-12-2000 to 28/2/2002 from the Acquittance Roll & other Record available in this office</p>	<p>Director of Education, (COLLEGES) NWFP, PESHAWAR.</p>
<p>Director of Education (FATA) NWFP, Peshawar</p> <p>30-11-2011</p>	<p>11/2/11</p>	<p>LBMS</p>	<p>Director of Education (FATA) NWFP, Peshawar</p>	<p>Service verified w.e.f. 1-12-2000 to 28/2/2002 from the Acquittance Roll & other Record available in this office</p>	<p>Director of Education, (COLLEGES) NWFP, PESHAWAR.</p>
<p>Director of Education (FATA) NWFP, Peshawar</p> <p>30-11-2011</p>	<p>11/2/11</p>	<p>LBMS</p>	<p>Director of Education (FATA) NWFP, Peshawar</p>	<p>Service verified w.e.f. 1-12-2000 to 28/2/2002 from the Acquittance Roll & other Record available in this office</p>	<p>Director of Education, (COLLEGES) NWFP, PESHAWAR.</p>

Deputy Director Education (FATA) NWFP, Peshawar

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.392/2013

Mr. Daud Jan Appellant

VERSUS

Govt of Khyber Pakhtunkhwa through Director, Higher Education, Peshawar and others
..... Respondents.

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Respondent No.5

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal 392/2013.

Dauid Jan, Stenographer, Directorate of Education, Fata Warsak Road Peshawar.....

Appellant.

Versus

Govt of Khyber Pakhtunkhwa,

Through Secretary Elementary and Secondary Education and others..... Respondents.

Subject, Parawise comments on Behalf of Respondent No 5

Preliminary objections.

Respectfully Sheweth.

1. That the appellant has got no locus standi/ cause of action to file the service appeal.
2. That the appeal in hand is badly time barred.
3. That the appellant has concealed material facts from this honourable Tribunal.
4. That the appellant has not come to the court with clean hands.
5. That the present appeal is liable to be dismissed for mis- joinder/non-joinder of necessary parties.
6. That the Higher Education Department and Elementary and Secondary Education Department are two different Departments and both the departments have their own rules.

ON FACTS.

1. This para pertains to service record of the appellant, furthermore, the appellant is employee of Elementary and Secondary Education Department not of Higher Education Department.
2. Pertains to record.
3. Needs no comments.
4. This para pertains to court's record. However, the said Judgment was challenged in the supreme court of Pakistan. The apex court remanded the appeal back to service Tribunal to decide the case afresh on merit (Annex A).
5. Already explained in the preceeding para.
6. This para pertains to record of Honourable Court. Moreover, the honourable Service Tribunal dismissed the said appeals with the remarks that this Tribunal is of the view that it would not be within its jurisdiction to direct the respondent Department to amend the rules and procedures as prayed in the appeal .While the appellant once again come to this Tribunal with same prayer, which is earlier decided by this Tribunal,

hence the present appeal is against the Service Tribunal Act, rules and Principle of Resjudicata and liable to be dismissed.

7. Correct to the extent that as per Establishment Department letter, the Higher Education Department prepared joint seniority of Assistants and stenographer from the date of their appointment and promotion were made on seniority cum fitness to the post of Superintendent.
8. Incorrect. The Higher Education Department prepared joint seniority list and the grievances of the appellants have been redressed. Moreover, the appellant's grievance is not related to the Higher Education Department.
9. This para is not related to Higher Education Department.
10. That the appellant has got no cause of action to file the instant appeal.

ON GROUNDS.

- A. This para is not related to Higher Education Department.
- B. As far as para B is concerned, the Higher Education Department has already prepared joint seniority list of Assistants and senior scale stenographers on the basis of initial appointment and promotion were made according to seniority cum fitness. The appellant being employee of Elementary and Secondary Education should apply to his parent Department.
- C. Explained in the preceeding para.
- D. No comments.
- E. This para is not related to Higher Education department.
- F. This para is not related to Higher Education Department.
- G. Incorrect and not admitted as replied in the above para.
- H. Incorrect. The respondent department has complied with rules and procedure.
- I. Needs no comments.
- J. That the Respondent Department also seek permission to raise further grounds at the time of arguments.

PRAYER.

It is, therefore, humbly prayed that the instant service appeal is based on mis-statement of facts, hence may graciously be dismissed with cost.


Director,

Higher Education Department.

Respondent no. 5

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 3392/2013

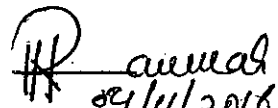
Mr. Daud Jan Appellant

VERSUS

Director Higher Education Department..... Respondent NO.5

AFFIDAVIT

I, Irfan Ullah khan Assistant Director Litigation Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'able Tribunal.


Deponent 24/11/2016

CNIC No.11101-6409112-3

THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE SARDAR MUHAMMAD RAZA KHAN
MR. JUSTICE NASIR-UL-MULK

CIVIL PETITIONS NO.389-P TO 395-P & 575 -P TO 583-P OF 2006.

CIVIL PETITIONS NO.389-P TO 395-P OF 2006.

(On appeal from the judgment dated 20.5.2006, passed by the NWFP Service Tribunal Peshawar in Appeal # 823, 824, 825, 826, 843, & 856 of 2004 respectively)

Jehangir Khan, Supdt, GDC, Kohat and five others...Petitioners in all CPs.

Versus

Aziz Muhammad, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 389-P of 2006.

Daud Jan, Stenographer Directorate of Education, (FATA) NWFP Peshawar and eighteen others.in CP 390-P of 2006.

Zafar Iqbal, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP391-P of 2006.

Noor-ul-Amin, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 394-P of 2006.

Murtaza Khan, Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP.394-P of 2006.

Jamatullah, Stenographer Science Education Project-II, NWFP, B/Fund Building Peshawar Cantt. and seventeen others.in CP 395-P of 2006.

For the petitioners in all CPs: Mr.Javed A.Khan, ASC.

Respondent # 1 in CPs 389-P, 393-P, 394-P & 395-P of 2006: Present-in-Position.

Other respondents in CPs 389-P, 893-P, 394-P & 395-P of 2006: N.R.

All respondents in CPs 390-P, 391-P & 392-P of 2006: N.R.

CIVIL PETITIONS NO.389-P TO 395-P OF 2006.

(On appeal from the judgment dated 20.5.2006, passed by the NWFP Service Tribunal Peshawar in Appeal # 823, 759, 824, 825, 826, 827, 828, 843, & 856 of 2004 respectively)

27/20

(3)

Government of NWFP and two others.Petitioners in all CPs.

Versus

Aziz Muhammad. Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 575-P of 2006.

Khan Zeb. Stenographer EDO (S&L) District Swat...in CP 576-P of 2006.

Daud Jan. Stenographer Directorate of Education, (FATA) NWFP Peshawar and eighteen others.in CP 577-P of 2006.

Abdul Latif. Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 578-P of 2006.

Zafar Iqbal. Stenographer Directorate of Higher Education, NWFP Peshawar and eighteen others.in CP 579-P of 2006.

Tariq Shakeel. Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 580-P of 2006.

Noor-ul-Amin. Stenographer Directorate of Higher Education, NWFP Peshawar.in CP 581-P of 2006.

Murtaza Khan, Stenographer Directorate of (S&L) NWFP Peshawar.in CP 582-P of 2006.

Jamatullah, Stenographer Science Education Project-II, NWFP, Peshawar.in CP 583-P of 2006.

For the petitioners Nemo.

Respondent # 1 in CPs 575-P, 580-P to 583-P of 2006. Present-in-Person.

Other respondents in CPs 575-P, 580-P to 583-P of 2006: N.R.

All respondents in CPs 577-P, & 579-P of 2006: N.R.

Date of hearing 20.10.2006.

JUDGMENT

SARDAR MUHAMMAD RAZA. J:- The petitioners in Civil Petitions # 389-P to 395 of 2006 are the Stenographers who were not considered for promotion to the post of Superintendent. Instead, the Assistants (respondents # 4 to 24) have been so promoted by order dated