

31.05.2016

Counsel for the appellant, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) alongwith Mr. Usman Ghani, Senior Government Pleader for respondents present. Re-arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal No. 1343/2012 titled "Javed Iqbal-vs-Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department, Peshawar and others", this appeal is also disposed of as per detailed judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
31.05.2016



MEMBER



MEMBER

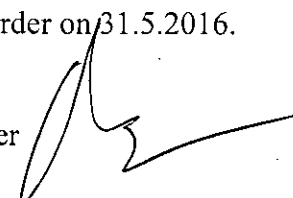
12.01.2016

Agent of counsel for the appellant and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. The learned Member (Executive) is on official tour to Swat therefore, Bench is incomplete. To come up for arguments on 10.5.16.


MEMBER

10.5.2016

Counsel for the appellant and Mr. Usman Ghani, Sr. GP for respondents present. Arguments in similar nature of appeals have already been heard and fixed for order on 31.5.2016, therefore, the same may also be clubbed with the said appeals for order on 31.5.2016.

Member 


Member

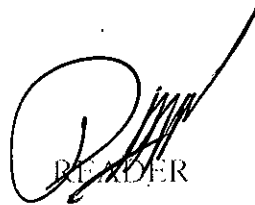
15.10.2014

Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. AG with Khursheed Khan, SO and Mosam Khan, AD for the respondents present and reply filed. Copy handed over to junior to counsel for the appellant. To come up for rejoinder on 23.12.2014.


MEMBER

23.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mosam Khan, AD for the respondents present. The Tribunal is incomplete. To come up for the same on 10.3.2015.


READER

10.03.2015

Counsel for the appellant and Mr. Khurshid Khan, SO for respondent No. 1 alongwith Addl: A.G for all respondents present. Rejoinder not submitted. The appeal is assigned to D.B for rejoinder and final hearing for 12.10.2015.

12.10.2015

Junior to counsel for the appellant and Mr. Muhammad Jan, ^{Chairman} GP for respondents present. Junior to counsel for the appellant submitted that similar nature of appeal is pending before this Tribunal, therefore, this case may also be clubbed with the said appeal. To come for arguments on 12-1-16 alongwith the connected appeal.


Member


Member

11.2.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan SO, Sajjad Rashid AD, Muhammad Irshad, Supdt. and Sultan Shah, Assistant for the respondents present and requested for time. To come up for written reply on 30.4.2014.

MEMBER

MEMBER

30.04.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Khursheed Khan, SO, Sajjad Rashid, AD and Muhammad Irshad, Supdt. for the respondents present and stated that written reply prepared and placed before the respondents for signature. To come up for written reply on 30.6.2014.

MEMBER

23.6.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Khursheed Khan, SO, Sajjad Rashid, AD and Imad, Assistant for the respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on 15.10.2014.

MEMBER

29.08.2013

*Appellant deposited
Process fee & Security
of Rs. 2000/- Bank Receipt
attached with file*

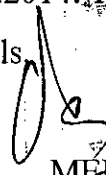
Counsel for the appellant and heard on preliminary. Contended that the appellant has not been treated in accordance with the law/rules. He further contended that similar nature of cases have already been admitted to regular hearing. In this respect he referred to one in service appeal No.1322/12 titled Ikramullah vs Govt which has been fixed for hearing before the Hon'ble Final Bench-II on 10.10.2013. On the same analogy the instant appeal also admitted for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 09.12.2013 for submission of written reply before Final Bench-II.


Member.

9.12.2013

Clerk to counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO for respondent No. 1, and Mr. Mosam Khan, AD for respondents No. 4 and Mr. Muhammad Irshad, SO for respondent No. 2 present and requested for adjournment. Fresh notice be issued to the respondent No.3. To come up for written reply positively on 11.2.2014. Reader is directed to record Note Reader in connected appeals.


MEMBER


MEMBER

9.5.2013

Munshi to counsel for the appellant present and requested for adjournment. Case adjourned to 3.7.2013 for preliminary hearing.


Member.

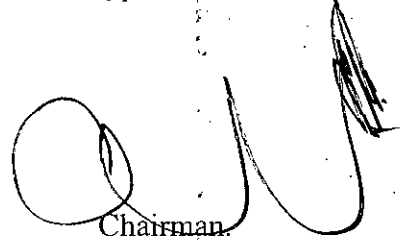
03.07.2013

Clerk to counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before, on 29.08.2013.


Reader

3. 26.3.2013

Counsel for the appellant has sent an application requesting for adjournment in the connected appeals. To come up for preliminary hearing alongwith connected appeals on 9.5.2013.

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a series of loops and a final upward stroke.



Chairman.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 510/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/03/2013	<p>The appeal of Mr. Haroon-ur-Rasheed presented today by Mr. Ghulam Nabi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR.</p>
2	5-3-2013	<p>This case is entrusted to primary Bench for preliminary hearing to be put up there on <u>26-3-2013.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

Service Appeal No. 510 /2013

Haroon Rashid PST
GPS Chhoi Khanpur
Tehsil & District Haripur.

.....Appellant

Versus

Govt. of K.P.K., through Secretary Schools & Literacy
Department, Peshawar & others.....Respondents

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3.	Application for Interim Relief alongwith Affidavit		11-13
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4	Copy of the Notification dated 13.11.2012	'B'	15-30
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Appellant

Through



Ghulam Nabi
Advocate, Peshawar.

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWARService Appeal No. 510 / 2013

~~SECRET~~
~~CONFIDENTIAL~~
 No. 517
 Date 04/3/13

Haroon⁴⁷ Rashid PST
 GPS Chhoi Khanpur
 Tehsil & District Haripur.

.....Appellant

Versus

1. Govt. of K.P.K., through Secretary Elementary & Secondary Education, Peshawar.
2. Secretary to Govt. of K.P.K., Finance Department, Civil Secretariat, Peshawar.
3. Secretary to Govt. of K.P.K., Establishment Department Civil Secretariat, Peshawar
4. Director Elementary & Secondary Education K.P.K., Peshawar.

.....Respondents

Appeal u/s 4 of NWFP Service Tribunal Act, 1974 to the effect that the newly inducted condition of FA/FSc for the promotion to BPS-14/15 of the PST Teachers may please be set-aside and the promotion may please be granted on seniority-cum-fitness basis purely.

~~SECRET~~
510
4/3/13

Prayer in Appeal:

On acceptance of this appeal the condition of FA/FSc from the above noted notification for the promotion of the PST Teachers may please be removed and the promotion may please be granted on seniority-cum-fitness basis.

Respectfully Sheweth:

1. That the appellants are belonging to the Education Department, all serving on the posts as mentioned against their names in the heading of the appeal.
2. That all the appellants have got at their credit on the above said post a long tenure of service extending over 20 to 40 years.
3. That previously the basic qualification for the appointment at the post of PST was fixed as Matric Certificate alongwith the PST Certificate from a recognized Institution and all the appellants were appointed on the above said posts having the said qualification as was the requirement at the time of the appointment of the appellants.
4. That the basic qualification for the post of PST was duly enhanced with basic qualification from Matric to

F.A./F.Sc in the year 2011 and many other colleagues of the appellants were then appointed on the same posts of PST having their qualification as F.A./F.Sc along with the PST Certificate.

5. That in the year 2007 a policy of upgradation was promulgated by the then Provincial Government, whereby the PTC, Teachers were upgraded from BPS-07 to BPS-12 on the basis of the length of the service. (Copy of the Notification issued by the Government is attached herewith as Annexure-'A').
6. That again a similar summary was formulated at the initial stage by the Education Department that the PST Teachers will be upgraded to BPS-15 having 22 years service, whereas the teachers having 15 years service will be upgraded to BPS-14.
7. That the above said policy was just as according to the justice and demand of the teachers community, however later on the said policy was converted from time scale to the education scale, whereby the promotion policy for the PST Teachers was formulated as under:

"Primary School Head Teacher
(PSHT) (BPS-15)

By promotion, on the basis of seniority-cum-fitness from amongst senior primary school teachers with at least

10 years service and having qualification prescribed for initial recruitment of primary school teacher.

Primary School Teacher

BPS-14

By promotion on the basis of seniority-cum-fitness' from amongst school teachers with at least 05 years service as such and having qualification prescribed for initial recruitment of primary school teachers.

8. That thereby all the fresh appointed F.A/PST have been given the BPS-12, whereas the holders of F.A. Certificate with 10 years length of service may be upgraded/promoted to BPS-15 and the PSTs with the F.A. qualification having 05 years service may be upgraded to BPS-14. (Copy of the Notification dated 13.11.2012 is attached herewith as Annexure-'B').
9. That the appellant alongwith his other hundreds of the colleagues having their services extending from 20 to 40 years have been totally ignored and have not been given any chance of upgradation/promotion throughout

their professional career inspite of having such a long spotless tenure of service.

10. That this attitude of the respondent department to give benefit to the PST teachers with the F.A./F.Sc qualification over the teachers with the Matric qualification has been formulated without any cogent/legal grounds but just to give benefit to the blue eyed teachers of the respondent department, whom have been appointed in their tenure.
11. That all the appellants are also equally entitled to be upgraded on the basis of his tenure of service and be given the same benefit as it has been given to the other PSTs teachers having the F.A. Certificates, as the higher qualification of F.A. can not by any means made the basis for giving any sort of above said benefit to the teachers.
12. That in this respect the appellants have also moved their representation to the concerned authorities, thereby explaining their grievance, however no response whatsoever has yet been received by the appellants till the filing of this Service Appeal.
13. That the appellants having got no other efficacious/adequate now approaches this Honourable Tribunal on the following grounds amongst the others.

Grounds

- a) That act of the respondent department, thereby depriving the appellants from the above said benefit of upgradation is illegal unlawful without authority/jurisdiction, as well as being based on the malafide intentions of the respondent department is liable to be set-aside.
- b) That since hundred and hundreds of the teachers have been treated in a discriminatory manner and have been deprived of the above said benefit mere on the ground that they are not having the qualification of FA/FSc is an act unjust and without any reasonable ground, as the basic qualification at the time of the appointment of the appellant was Matric with PST and the basic qualification at the time of the appointment of the benefited teachers were FA/FSc with PST, hence no privilege can be granted to the persons, whom have been appointed on the prescribed qualification.
- c) That the appellants have been serving on the above said since long, whereas the minimum tenure of the service amongst the appellant is 18 years and the maximum tenure amongst the appellant is extended to 40 years and since long all the appellants have been waiting for their turn

to be promoted/upgraded to some higher scale, however after having a tenure of such a long legitimate expectations the appellants have been treated unlawfully without any cogent/solid grounds.

- d) That it is very respectfully submitted it has never happened that in the cases of upgradation/promotion the factor of seniority should be abolished/ignored totally and the grounds of upgradation/promotion should be made mere educational qualification, whereas the upgradation/promotion has always been made on the basis of seniority-cum-fitness and have never at the basis of higher qualification whatsoever it may be. Furthermore still it is not the higher qualification for the teachers whom have been going thorough get benefit for the above said notification, but with the passage of time as the basic qualification has been raised, hence they have been appointed on the basis of F.A./F.Sc Certificate, which said factor cannot be made a ground for their upgradation to BPS-14/15.

- e) That the said act of the respondent department is not merely illegal as well as unlawful, but is also against the very clear Articles of Constitution of

Islamic Republic of Pakistan as engraved in the basic rights of said constitution.

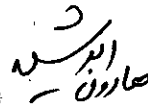
- f) That the appellant has got every right to be treated equally with his other colleagues and closing all the ways of upgradation/promotion for the appellant is against all the norms of justice as it has been done in the above mentioned notification dated 13.11.2012.
- g) That it will be pertinent to bring into the notice of this Honourable Tribunal that the above said benefit has also been extended to the Clerk's community, whereby the clerk's even with the Matric Certificate have been upgraded from BPS-09 to BPS-16 and similarly according to other notification dated 24th April, 2012 the Federal Government has been pleased to upgrade the PST Teachers from BPS-09 to BPS-14 including the Matriculate Teachers. (Copies of the above said both the notifications are attached herewith as Annexure-'C' & 'C/1').

It is, therefore, prayed that on acceptance of this Service Appeal the respondents may please be directed to set-aside the term of

"having qualification prescribed for initial recruitment of primary school teachers"

and the appellants may please be considered equally for the above said promotion/upgradation with the other colleagues, whom have been appointed on F.A./F.Sc basis and the above said conditions being illegal unlawful, unconstitutional and discriminatory may please be deleted from the conditions of promotion of the PST teachers to the BPS-14/15.

Any other remedy to which appellant is found entitled, in the peculiar circumstance of the case may also be granted.



Appellant

Through



Ghulam Nabi
Advocate, Peshawar

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

Service Appeal No. _____/2012

Haron Rashid PST
GPS Chhoi Khanpur
Tehsil & District Haripur.

.....Appellant

Versus

Govt. of K.P.K., through Secretary Schools & Literacy
Department, Peshawar & others.....Respondents

AFFIDAVIT

I, Ghulam Nabi Advocate, Peshawar as per instructions of my client do hereby solemnly affirm and declare on oath that contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.



[Handwritten Signature]
Deponent

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

C.M.No. _____/2013

In

Service Appeal No. _____/2013

Haroon Rashid PST
 GPS Chhori Khanpur
 Tehsil & District Haripur.

.....Appellant

Versus

Govt. of K.P.K., through Secretary
 Elementary & Secondary Education,
 Peshawar & others

.....Respondents

Application for temporary injunction to the effect that respondent may kindly be restrained from taking any action for the promotion of PSTs to BPS-14/15 as according to the procedure mentioned in the impugned rules/notification dated 13.11.2012

Respectfully Sheweth:

1. That the appellant has filed the above titled service appeal before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That respondent vide notification dated 13.11.2012 with regard to the fresh education policy has promulgated a new method of promotion which has violated the


promotion right of thousands of teachers including the appellant

3. That the applicant/appellant has very prima facie cause of action and is very hopeful for its ultimate success of his appeal.
4. That all the three ingredients i.e. prima facie case, balance of convenience and irreparable loss as per spirit of the rule for granting injunction is in favour of the applicant/appellant are present in the said appeal.
5. That in case the injunction as prayed for above is denied, the applicant/appellant will suffer with irreparable loss as the impugned vacancies will be fill up and there would be no chance for appellant accommodation. Therefore, it is in the interest of justice to stay further proceedings on the impugned notification till the final decision of this Honourable Tribunal.
6. That there is no legal bar in granting the injunction as prayed for above.
7. That the facts and grounds taken in the memo of appeal may kindly be considered as part and parcel of the instant application.

It is, therefore, humbly prayed that in the light of the above said submissions this Honourable Tribunal may please be kind enough to restrained the concerned respondents from taking any action in promoting the PSTs teachers on the basis of the above noted notification, thereby depriving the appellants from the right of promotion.

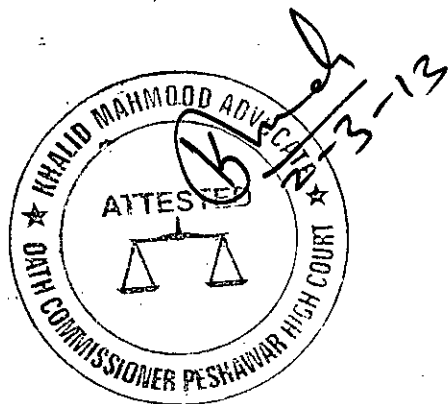

Appellant

Through


Ghulam Nabi
Advocate, Peshawar

AFFIDAVIT

I, Ghulam Nabi Advocate, Peshawar as per instructions of my client do hereby solemnly affirm and declare on oath that contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.




Deponent

Government of NWFP
Finance Department
No. SO (FR) 10-22(B)/2005
Dated: 01.10.2007

A
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To

The Secretary to Govt. of NWFP,
Schools & Literacy Department.

Subject: UPGRDATION OF VARIOUS POSTS OF TEACHING/
CAREER STRUCTURE IN SCHOOLS AND LITERACY
DEPARTMENT GOVERNMENT OF NWFP.

Sir,

I am directed to refer to your letter No. SO(G)104/2007 dated 01.10.2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to upgrade various posts of teachers in Schools and Literacy Department NWFP as per details given below in respect of those incumbents mentioned against each with immediate effect.

S.No	Designation/ existing Pay Scale	Qualification	Revised Pay Scale
1	Primary School Teacher PST BPS-09	F.A / FSc at least 2 nd Division with PTC/ Diploma in Education	09
2	PST with requisite experience renamed as Head Teacher/ head Mistress of Primary School BPS-07	On the basis of 10 years service experience as Primary School Teacher in BPS-09	12
3	C.T BPS-09	B.A . BSc at least 2 nd Division with Diploma in Education/CT	15
4	AWICT Technical Industrial Arts/ Home Economics BPS-09	B.A/ BSc at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curriculum and Teachers Education NWFP Abbottabad in Agro Tech/ Industrial Arts Home Economics.	15
5	D.M BPS-09	B.A/ B.Sc at least 2 nd Division with Drawing Master Course.	15
6	PET BPS-09	B.A/ BSC at least 2 nd Division with JDPE.	15

(Signature)

	Qari/Qaria BPS-07	Hafiz-e-quran with SSC at least 2 nd Division and Sand in Qirat.	12
8.	SST/SST Teacher/Agri with requisite experience rename Sr. SST/Sr. SST Teacher/Sr. SST Agri BPS-16.	M.A./M.Sc at least 2 nd Division with B.Ed. M.Ed/M.A. Education equivalent qualification	17
9.	DPE BPS-16	M.Sc. at least 2 nd division in (HPE)	17

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2. The promotion/direct Promotion against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of NWFP Civil Servants (appointments, Promotion and Transfer) 1989 read with the NWFP Civil Servants Act, 1973 in the light of the meeting held on 26.09.2007 of the committee constituted vide Schools & Literacy Department Notification No. SO(G)S&L/1-4/2007 dated 01.08.2007.

Audit copy may please be prepared and sent to the Department for authentication/signature.

Section Officer (FR)

Endst of even No. & date.

Copy for information & necessary action to:-

1. Accountant General NWFP.
2. Director Schools & Literacy NWFP, Peshawar.
3. Director of Education FATA NWFP, Peshawar.
4. PSO to Chief Minister NWFP.
5. PSO to Chief Secretary NWFP.
6. PS to Secretary Finance Department NWFP.
7. All District/agency Accounts Officers in NWFP.

Attes
SHEIK
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"B" 15

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.



No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

[Signature]
SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

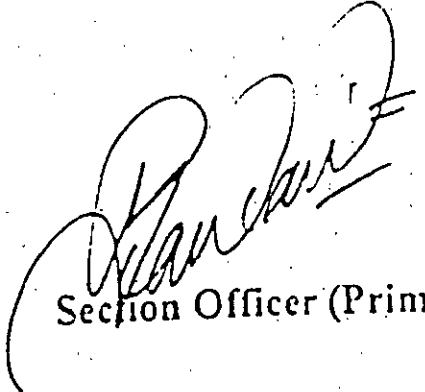
Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.

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Director Curriculum & Teachers Education Abbottabad.
Director (PITE) Khyber Pakhtunkhwa Peshawar.
Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
Deputy Director Database(EMIS) E&SE Department.
District Coordination Officers in Khyber Pakhtunkhwa.
Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
District Accounts Officers in Khyber Pakhtunkhwa /Agency Accounts Officers FATA.
Agency Education Officers FATA.
Governor, Khyber Pakhtunkhwa.
Chief Minister, Khyber Pakhtunkhwa.
Chief Secretary, Khyber Pakhtunkhwa.
Minister E&SE Khyber Pakhtunkhwa Peshawar.
Secretary E&SE Department.
File.


Section Officer (Primary)

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APPENDIX

enclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
2.	3.	4.	5.
<p>Secondary School Teacher BPS 10.</p>	<p>(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or</p> <p>(ii) M.A in Education or Bachelor's Degree in Education, from a recognized University;</p>	<p>18 to 35 years.</p>	<p>(a) Fifty percent by promotion on the basis of seniority-cum-fitness, in the following manner:</p> <ul style="list-style-type: none"> (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3;

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			<p>(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and</p> <p>(v) one per cent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No 3; and</p> <p>(b) fifty per cent by initial recruitment.</p>
Senior Arabic Teacher (SAT) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
Senior Theology Teacher (STT) (B-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
Senior Certified Teacher (SCT) (General) -16.			By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

<p>Certified Teacher <i>Industrial Arts</i> (16).</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).</p>
<p><i>Semior</i> Certified Teacher <i>AG</i> (Agriculture) <i>BPS</i> (16).</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).</p>
<p><i>Senior</i> Drawing Master <i>BPS</i> (16).</p>		<p>By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.</p>
<p><i>Semior</i> Certified Teacher Home Economics) <i>SC T</i> (BPS 16).</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).</p>
<p><i>Semior</i> Physical Education Teachers (BPS-16).</p>		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.</p>

Arabic Teacher (AT) BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University.	20 to 35 years.	By initial recruitment
Theology Teacher (TT) BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamiyat from a recognized University.	20 to 35 years.	(a) Seventy-five per cent by initial recruitment; and (b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher: <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
Senior Qari BPS-15).			By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment.
Certified Teacher (General) (BPS-15).	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	(a) Forty per cent by initial recruitment; and

	<p>Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p>		<p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>Certified Teacher Industrial Arts) RPS 15)</p>	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or</p> <p>(b) Bachelor's Degree from a recognized</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher</p>

University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).

(Industrial Arts):

Provided that if no suitable candidate is available amongst the Primary School Head Teachers for Promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Industrial Arts).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

Certified Teacher
Agriculture)
13/11-15.

- (i) Bachelor's Degree from a recognized University with one year training in Agriculture from any Government institute or center with nine months training from Government Agro Technical Teacher Training Center of the level of Certified Teacher Agro Technical (Agriculture); or
- (ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or
- (iii) Bachelor's Degree from a recognized

18 to 35 years.

- (a) Forty per cent by Initial recruitment; and
- (b) sixty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers, with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture):

Provided that if no suitable candidate is available amongst the



	any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro-technical (Agriculture).		<p>promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>Certified Teacher (Home Economics) BPS 15.</p>	<p>(i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or</p> <p>(ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or</p> <p>(iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or</p> <p>(iv) Bachelor's Degree, from a recognized</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of</p>

<p>University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).</p>		<p>Certified Teacher (Home Economics). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>B.Sc. Degree from a recognized University one year Drawing Master (DM) course</p>	<p>18 to 35 years.</p>	<p>(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master: Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master. <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>

<p>Physical Education (BPS-15).</p>	<p>Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.</p>	<p>18 to 35 years.</p>	<p>(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p><u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>
<p>Primary School Head (PSHT)</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.</p>
<p>Senior Primary School (BPS-14).</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers</p>

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				with at least five years service as such having qualification prescribed for recruitment of Primary School Teacher.
21.	Primary School Teacher (BPS-12).	(i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University.	18 to 35 years.	By initial recruitment on merit at Union Council level: provided that if no suitable candidate within the Union Council is available, then the adjacent Union Councils on merit.
22.	Qari (BPS-12).	Intermediate with Hifz-e-Quran and Qirat Sanad from a recognized Institution.	18 to 35 years.	By initial recruitment.

SCHEDULE

Selection criterion and other conditions for direct recruitment against the below mentioned posts shall be as under:-

Arabic Teacher

Educational Qualification	Total Marks: 100
SSC	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
M.A Arabic / Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris	Marks obtained X 20 / total marks = ____
Other MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____
MPhil/PhD	Marks = 05

Theology Teacher

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
MA/MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks = ____
M.A Islamiat / Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris	Marks obtained X 15 / total marks = ____
MPhil/PhD	Marks = 05

Qari/Qaria

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = ____
Qiri Sanad from a recognized Institution.	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
MA/MSc/ M.Ed / MA Edu	Marks obtained X 15 / total marks = ____
MPhil/PhD	Marks = 05

Certified Teacher
(General, Industrial Arts, Agriculture, Home Economics)



Category of Qualification	Total Marks 100 For Humanities group at Intermediate/Graduation - Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
CT Certificate/ Diploma in Education /ADE.	Marks obtained X 20 / total marks = ____	
MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

Drawing Master

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
DM Certificate	Marks obtained X 20 / total marks = ____	
MA/MS/M.Ed/MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

Physical Education Teacher

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
JDPE or Equivalent Certificate	Marks obtained X 20 / total marks = ____	
MA/MS/M.Ed/MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group at Intermediate Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 10 / total marks = ____	
B.A/BSc	Marks obtained X 25 / total marks = ____	
PST Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = ____	
MA/MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks = ____	
MPhil/PhD	Marks = 05	

Other conditions:-

1. The concerned Appointing Authority will scrutinize and verify the documents and make the appointment as per prescribed rule and the will get the documents verified after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days.
2. The merit list prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/appeals, if any, and shall issue the final merit list after making necessary corrections while addressing the observations/objections/appeals, followed by requisite appointment orders.
3. In case a document(s) is/are found fake/ forged/ bogus upon scrutiny/ verification, the service of the teacher concerned shall be terminated and the amount paid to him as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery/fraud under the relevant law.
4. Deni Asnad from recognized Tazeemat-ul-Wafaqul Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be acceptable for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be.

Islamabad, the 24th April 2012

OFFICE ORDER

In continuation of Federal Directorate of Education's office order of even number dated 18.05.2011, consequent upon one time waiver in the conditions of qualification/experience granted by the Prime Minister vide U. O. No. 3759/PSPM/2012 dated 24.02.2012, as conveyed by the Capital Administration & Development Division vide No.F.4-23/2011-(Education) dated 23.04.2012 and on the recommendations of Departmental Promotion Committee meeting held on 24.04.2012, the following Matric Trained Teachers (BS-09) are promoted to the upgraded post of Elementary School Teacher (BS-14) w.c.f. 01.01.2011:

S.#	NAME	DATE OF BIRTH	INSTITUTION
1	ZAINAB BIBI	01.02.1953	IMS (I-V) G-6.1/2, IBD.
2	RUKHSANA JABEEN	08.12.1954	IMSG.G-6-7/4, IBD.
3	RIFFAT RAANA	01.07.1955	IMSG (I-X).DHOKE GANGAL
4	KAUSAR PARVEEN	04.04.1954	IMSG (I-X). DHOKE GANGAL
5	ABIDA PARVEEN	22.10.1955	IMS (I-V). HOON DHAMIAL
6	FUKHRAJ BEGUM	01.07.1956	IMSG (I-X). DHOKE GANGAL
7	SAJIDA BIBI	05.02.1956	IMSG (I-X), G-9/1, IBD
8	GHULAM FIZA	30.03.1954	IMS (I-V) No.2, G-6/1
9	PAREHANDA MASOOD	13.05.1953	IMSG (I-V).HOON DHAMIAL.
10	SAGEEDA KHATOON	15.08.1953	IMSG (I-X). 1-10/4, IBD.
11	GHULAM SAKINA	13.04.1954	IMSG (I-V).DHOKE HASHU (FA)
12	NAJMA BIBI	22.06.1953	IMSG (I-V) G-6/4, IBD
13	AMINA BEGUM	23.07.1953	IMS (I-V). KOT HATHIAL
14	KHURSHID AKHTAR	15.05.1952	IMS (I-V). PIND PARACHA
15	KAUSAR SULTANA	02.01.1956	IMS (I-V).G-7. 3/1,IBD.
16	SURRAYYA BANO	02.06.1954	IMS (I-V). NO.51. G-10/2 IBD.
17	MASOODA AZIZ	06.06.1954	IMS (I-V). BOORA BANGIAL
18	GULFOOZ AKHTAR	14.08.1953	IMS (I-V). UPPRA GHORA
19	GUL-E-NASREEN	04.12.1955	IMSG (I-X). SANG JANI (FA)
20	SHAMSHAD BEGUM	02.09.1954	IMSG (I-VIII),S. F-7.4, IBD.
21	PARVEEN AKHTAR	01.08.1956	IMSG (I-VIII) No.49, I-10/1
22	RUKHSANA TANVEER	14.05.1953	IMSG (I-V). MOHRI MUGHAL (FA)
23	ZAHIDA PARVEEN	03.02.1957	IMSG (I-V). MOHRI MUGHAL (FA)
24	SHAGUFTA SHAHEEN	02.06.1956	IMSG (I-X). UNIVERSITY COLONY
25	NASIM AKHTAR	15.02.1954	IMS (I-V) No. 3, E-3
26	NAJMA YASMEEN	11.10.1955	IMS (I-V). NO.3, IBD.
27	RASHIDA YASMEEN	01.04.1955	IMS (I-V). G-7.1, IBD.
28	RUKHSANA TARIQ	03.09.1955	IMS (I-V).NO.49, I-10/1, IBD
29	SHAHIDA PARVEEN	01.01.1956	IMS (I-V). KOT HATHIAL (FA)
30	SYEDA NASREEN AKHTAR	20.08.1959	IMS (I-V).NO.40, I-10/1
31	SAMIA HANAN	16.12.1959	IMS (I-V).G-7. 3/1, IBD
32	SABIRA ASHFAQ KAZMI	19.12.1955	IMSG (I-X).PIND PARACHA (FA)
33	FATIMA BEGUM	13.02.1957	IMS (I-V).G-7.1,IBD.
34	NASIM AKHTAR	05.01.1957	IMS (I-V).NO.49, IBD.
35	BUSHRA KHANUM	15.10.1952	IMS (I-V).G-6.1-2, IBD.
36	JOSPHIN YOUNIS	04.01.1953	IMS (I-V) No.7,G-7/3-3
37	AZMAT UN NISA	16.10.1953	IMSG (I-V). DHALLIALA (FA)
38	SAFIA SULTANA	10.05.1959	IMS (I-X). G-8.4, IBD.
39	MUNAZA GUL	20.05.1955	IMS (I-V).PTC SIHALA (FA)
40	GHAZALA YASMEEN	15.04.1958	IMS (I-X). NOOKPUR SHAHAN (FA)
41	RAZIA ZAMAN	16.12.1959	IMS (I-V).G-7.2, IBD.
42	RUKHSANA YASMEEN	02.05.1962	FIMS (I-V).NO.36, IBD.

Principal

I.M. 5 for Girls (I-X)

Syeda Syedan (FA) Islamabad

	BASHIR	24.2.1974	IMS (I-V), G-8/1
	KALSAR	6.6.1975	IMSG (I-X), NOORPUR SHAH.
	MA BIBI	14.5.1985	IMS (I-V) G-6/2
	SUMAIRA CHOHAN	18.4.1984	IMS (I-V), G-11/1
	SADIA HAYAT	28.12.1983	IMSG (I-X), Pungan
48	AMPIAZ AKBA	3.7.1979	IMSG (I-X), P.E. G-5
589	GHULAM SUGHRA	03-07.1975	IMSG (I-X), PIND MALKAN
590	RASHIDA PARVEEN	2.5.1986	IMSG (I-X), CHAKSHEHZAD
591	QUIDSIA RAJAB-TUNTO	1.1.1981	IMSG (I-V), DHOK JERANI
592	TAHIRA JABEEN	14.01.1984	IMSG (I-V) PIND BEGWAL
593	NAZIA NARGIS	13.8.1971	IMSG (I-X), BADAI QADIR BAKHSHI
594	FARZANA NASRULLAH KHAN	01.04.1974	IMSG (I-X) JAGIOT (FA)
595	GHULAM FATIMA	17.04.1974	IMSG (I-V) Scvera
596	UZMA KHAN	14.10.1976	IMS (I-V) G-7/4
597	MUSSARAT SHAHEEN	06.08.1985	IMSG (I-X) GAGRI
598	ZAIB UN NISA	05.04.1982	IMSG (I-V) Kot Hatyal
599	TASLEEM AKHTAR	04.04.1959	IMSG (I-V), MOHRIAN (FA)
600	ASMA ASHFAQ	18.03.1981	IMS (I-V) E-7/4
601	BUSHRA AZIZ	12.07.1974	IMSG, Pind Pracha (FA)
602	SHAISTA BIBI	10.11.1975	IMSG (I-X) Dhoke Gangal
603	SHEEBA NAZ	02.03.1984	IMSG (I-X) Humak
604	FOZIA SIDDIQUE	01.01.1978	IMSG (I-X) Humak
605	MUKHTIAR BEGUM	01.04.1976	IMSG (I-V) Peija
606	SAMINA SALEEM AWAN		IMSG (I-V) Peija

2. The teachers working on deputation to other Departments from FDE will be considered for promotion on joining their parent department i.e. FDE.

3. The seniority of EST (BS-14) will be determined as per Civil Servants (Seniority) Rules, 1993.

4. This issues with the approval of Director General, FDE.

(Dr. Syed Tajammul-Mussain Shah)
Director Schools (Female)

Distribution:

- i. AGPR, Islamabad
- ii. PS to Secretary, CA&DD
- iii. PA to Joint Educational Advisor, CA&DD
- iv. PS to DG, FDE
- v. Director (A&C), FDE
- vi. All AEO's
- vii. All Heads of Institution
- viii. Teachers concerned
- ix. Personal Files

(Riasat Ali)
Administrative Officer (Female)

Principal
M.S for Girls (I-X)
Syedan (FA) Islamabad

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUN KHWA, PESHAWAR**

Notification

Consequent upon the approval of the departmental promotion committee (DPC) meeting held on 07/08/2012, the following assistants/stenographers of Elementary & Secondary Education Department are hereby promoted/adjusted as regular superintendents/budget & Accounts Officers (B-16) in the interest of Public Service with immediate effect. C-1

S/No	Name & Designation	From	Promoted as	Remarks
1	Almas Khan Stenographer	Directorate E&SE, Khyber Pakhtun Khwa	Supdt: Estt: Directorate E&SE, K/Pakhtun Kha	Already Occupied
2	Sher Malik Assistant	AEO Mohammad	Services Placed at the disposal of DE (FATA) Peshawar for further.	
3	Mohammad Ashiq Assistant	EDO (E&SE) Abbotta Abad	EDO (E&SE) Batagraam	Against Vacant Supdt post B-16
4	Amanullah Assistant	EDO (E&SE) Tank	EDO (E&SE) Hangu	Against Vacant Supdt post B-16
5	Mohammad Ilyas Assistant	EDO (E&SE) Haripur	EDO (E&SE) Kohistan	Against Vacant Supdt post B-16
6	Nauman Ud Din Assistant	RITE (F) Bannu	EDO (E&SE) Hangu	Against Vacant Supdt post B-16
7	Altaf Hussain Assistant	EDO (E&SE) Abbotta Abad	EDO (E&SE) Battagraam	Against Vacant Supdt post B-16
8	Muhammad Ismail Assistant	RITE (F) D.I. Khan	EDO (E&SE) Karak	Against Vacant Supdt post B-16
9	Ibrahim Assistant	EDO (E&SE) Nowshera	DDO (F) Dir Upper	Against Vacant Supdt post B-16
10	Abdul Tamim Assistant	Directorate (E&SE) Khyber Pakhtun Khwa	DDO (M) Buner	Against Vacant Supdt post B-16
11	Saidul Israr Assistant	RITE (MO Thana)	EDO (E&SE) Swat	Against Vacant Supdt post B-16
12	Khadim Shah Assistant	EDO (E&SE) Charsadda	DDO (F) Timargara	Against Vacant Supdt post B-16
13	Sanaullah Assistant	DDO (F) Swabi	EDO (E&SE) Swat.	Against Vacant Supdt post B-16
14	Habib Aslam Assistant	EDO (E&SE) Mardan	EDO (E&SE) Kohistan	Against Vacant Supdt post B-16
15	Rahim Khan Assistant	EDO (E&SE) Swat	EDO (E&SE) Swat	Against Vacant Supdt post B-16
16	Jamshed Khan	EDO (E&SE) Swat	DDO (M) Timargara	Against Vacant Supdt post B-16

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17	Sheikh AmanUllah	EDO (E&SE) D.I Khan	EDO (E&SE) D.I Khan	Against Vacant Supdt post B-16
18	Irshad Muhammad	EDO (E&SE) Swat	EDO (E&SE) Dir Upper	Against Vacant Supdt post B-16
19	Abdul Wadood	EDO (E&SE) Chitral	EDO (E&SE) Chitral	Against Vacant Supdt post B-16
20	Abdul Wadood	EDO (E&SE) Swat	EDO (E&SE) Karak	Against Vacant Supdt post B-16
21	Zubair Muhammad	EDO (E&SE) Swat	EDO (E&SE) Shangla	Against Vacant Supdt post B-16
22	Mukamil Khan	Directorate (E&SE) K/Pakhtun Khwa	DDO (M) Wari Dir	Against Vacant Supdt post B-16
23	Shamsur Rahman	Directorate (E&SE) K/Pakhtun Khwa	EDO (E&SE) Kohat	Against Vacant Supdt post B-16

Note

1. Charge report should be submitted to all concerned.

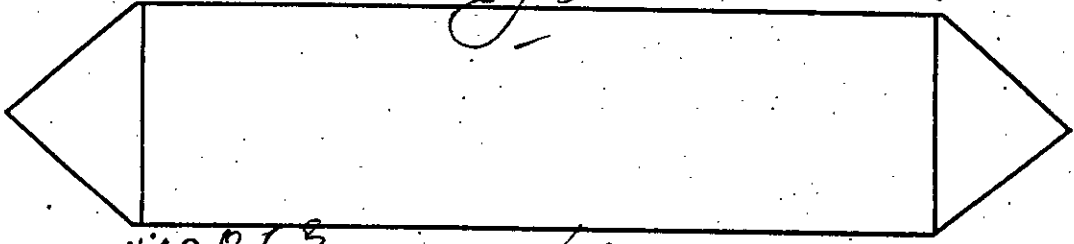
(Muhammad Rafiq Khattak)
DIRECTO

Endst: No. 612.52/A.23/MS/Promoted/Adjuste/2012, detail Peshawar the 02/08/2012 copy of the above forwarded to the:

1. PS to Minister for Elementary & Secondary Education Department K/Pakhtun Khwa.
2. PS to Secretary Govt of Khyber Pakhtun Khwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtun Khwa Abbatta Abad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Educ: Khyber Pakhtun Khwa Peshawar.
6. Accountant General Khyber Pakhtun Khwa Peshawar.
7. District Accounts Officers Concerned:
8. Agency Accounts Officers Concerned:
9. Executive District Officers (E&SE) Concerned.
10. Agency Education Officers Concerned.
11. Deputy District Officer (E&SE) Concerned.
12. Superintendents Concerned.
13. PA to Director Elementary & secondary Edu: Khyber Pakhtun Khwa Peshawar.
14. PA to Additional Director (Estt) & (Dey) local office.
15. Master file.

Deputy Directory (E&SE)

بعدالت سردسری سہ ماہی



20 مئی 2017ء

4 مئی 2017ء

صاحبزادہ سردسری بنام

موزخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ

آن مقام _____ کیلئے _____

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ 4 _____ ماہ _____ 2017ء

_____ واہ _____

کے لئے منظور ہے۔

بمقام

صاحبزادہ سردسری

45

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 510/2013.

Haroonur Rashid PST GPS Chhoi Khanpur, District Haripur.

...Applicants

VERSUS

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 & 4

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 Tribunal with clean hands.
- 5 The present appeal is liable to be dismissed for non joinder/mis-joinder of 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 estopped 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 Tribunal has no jurisdiction to adjudicate the present appeal.
- 11 The appellant has not submitted any departmental appeal through proper channel and in accordance with Section -22 of Khyber Pakhtunkhwa Civil Servant Act 1973 and civil servant appeal rules 1986. Hence the present appeal is not tenable and liable to be dismissed.
- 12 That the rule 3(2) of Khyber Pakhtunkhwa Civil Servant (appointment, Promotion and Transfer) rules 1989, authorize the department to lay down the method of appointment, qualification and other conditions applicable to the post in consultation with the Establishment & Administration Department and Finance Department. Hence the appeal in hand is liable to be dismissed.
- 13 That it was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy.

ON FACTS

- 1 This Para pertains to the service record of the appellant. While the appellant has not presented his appointment order and attested copy of service book, hence no comments.
- 2 As replied in Para above.
- 3 Incorrect & denied. The previous recruitment policy, rules & qualifications are amended by the government and enhance the qualification and standard for recruitment and promotions in order to maintain efficiency in service, in consultation with establishment and Finance Department, under the rules 3(2) of Khyber Pakhtunhwa Civil Servant (appointment, Promotion and transfer) rules 1989, on 13/11/2012 as annexure "B" of the appeal).
- 4 The mentioned rules and qualification in this Para are applicable to those fresh candidates ^{with} direct recruitment having the age 18-35 years and intends to enter in the E&SE Department as PST BPS-12. While the appellant has 32-years service.
- 5 Incorrect. The mentioned policy of 2007 is replaced by recruitment and promotion rules vide notification dated 13/11/2012 under the rules on the subject.
- 6 This Para pertains to record and with out documentary proof, hence denied.
- 7 Incorrect and denied. The rules/qualification mentioned in this Para are not related to the appellant being PST. The qualification and other condition mentioned in this Para relates to senior PSTs BPS-14 and their promotion to Head Teacher post BPS-15 in E&SE Department. It would not be out of place to mention here that under the said rules/policy hundreds of PSTs have already been upgraded/promoted to senior PST, and Head Teacher post and the same are not impleaded in the present petition.
- 8 Correct to the extent that respondent department notified the rules for the recruitment and promotion for the teachers of various cadres dated 13/11/2012, in accordance with the prevailing law, rules on the subject and to improve/enhance the quality education in the best interest of Public while other contents of this Para are incorrect, misleading one and denied.
- 9 Incorrect and not admitted. No civil servant has legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32-years service, being connected/attached with teaching profession.
- 10 Incorrect & not admitted. The statement of the appellant in this Para is against principle of natural justice, merit and without any cogent legal ground or proof, against law, rules in vogue hence denied.
- 11 Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic and professional qualification, and the same is against norms of natural justice and merit.
- 12 Incorrect & not admitted.
- 13 Incorrect & not admitted. The present appellant does not fall within the definition of aggrieved person and there is no reason for the petitioner to be aggrieved from the mentioned prevailing policy dated 13/11/2012. While the appellant did not implead the upgraded/promoted under the said rules and those having the higher qualification than appellant and waiting for promotion. Hence the appellant has no cause of action/ locus standi to invoke the jurisdiction of this Hon! able Tribunal, hence the appeal in hand is liable to be dismissed inter alia on the following grounds:-

GROUND.

- A Incorrect and not admitted. The statement of the appellant is baseless, false and based on malafide motives, against the law, rules & policy on the subject in vogue, hence denied.
- B Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic & professional qualification, and the same is against norms of natural justice and merit.
- C Incorrect & not admitted. No one has been treated discriminately . The statement of the appellant in this Para is baseless against the law & rules on the subject and against principle of justice. No civil servant has a legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/ uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32 years service, being connected/attached with teaching profession.
- D As replied in Para above.
- E Incorrect & not admitted. The acts of the respondents are legal, lawful & in accordance with the constitution.
- F Incorrect & not admitted. The mention notification is in accordance with law & rules.
- G Incorrect & not admitted. Clerks & PST teachers are two different cadres having different jobs duties & responsibilities. Hence their rules, procedure of recruitment & qualification shall also be different.

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.

Secretary
Elementary & Secondary Education
Department, Government of Khyber
Pakhtunkhwa

[Signature]
Secretary

Govt: Of Khyber Pakhtunkhwa,
(Finance) Department, Peshawar,

[Signature]

[Signature]
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

[Signature]
Secretary
Govt: Of Khyber Pakhtunkhwa,
Establishment Department, Peshawar,

SECRET
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45

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 510/2013.

Haroonur Rashid PST GPS Chhoi Khanpur, District Haripur. ...Applicants

VERSUS

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 & 4

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 Tribunal with clean hands.
- 5 The present appeal is liable to be dismissed for non joinder/mis-joinder of 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 estopped 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 Tribunal has no jurisdiction to adjudicate the present appeal.
- 11 The appellant has not submitted any departmental appeal through proper channel and in accordance with Section -22 of Khyber Pakhtunkhwa Civil Servant Act 1973 and civil servant appeal rules 1986. Hence the present appeal is not tenable and liable to be dismissed.
- 12 That the rule 3(2) of Khyber Pakhtunkhwa Civil Servant (appointment, Promotion and Transfer) rules 1989, authorize the department to lay down the method of appointment, qualification and other conditions applicable to the post in consultation with the Establishment & Administration Department and Finance Department. Hence the appeal in hand is liable to be dismissed.
- 13 That it was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy.

15/10/13

(44)

ON FACTS

- 1 This Para pertains to the service record of the appellant. While the appellant has not presented his appointment order and attested copy of service book, hence no comments.
- 2 As replied in Para above.
- 3 Incorrect & denied. The previous recruitment policy, rules & qualifications are amended by the government and enhance the qualification and standard for recruitment and promotions in order to maintain efficiency in service, in consultation with establishment and Finance Department, under the rules 3(2) of Khyber Pakhtunhwa Civil Servant (appointment, Promotion and transfer) rules 1989, on 13/11/2012 as annexure "B" of the appeal.
- 4 The mentioned rules and qualification in this Para are applicable to those fresh candidates *with* direct recruitment having the age 18-35 years and intends to enter in the E&SE Department as PST BPS-12. While the appellant has 32-years service.
- 5 Incorrect. The mentioned policy of 2007 is replaced by recruitment and promotion rules vide notification dated 13/11/2012 under the rules on the subject.
- 6 This Para pertains to record and with out documentary proof, hence denied.
- 7 Incorrect and denied. The rules/qualification mentioned in this Para are not related to the appellant being PST. The qualification and other condition mentioned in this Para relates to senior PSTs BPS-14 and their promotion to Head Teacher post BPS-15 in E&SE Department. It would not be out of place to mention here that under the said rules/policy hundreds of PSTs have already been upgraded/promoted to senior PST, and Head Teacher post and the same are not impleaded in the present petition.
- 8 Correct to the extent that respondent department notified the rules for the recruitment and promotion for the teachers of various cadres dated 13/11/2012, in accordance with the prevailing law, rules on the subject and to improve/enhance the quality education in the best interest of Public while other contents of this Para are incorrect, misleading one and denied.
- 9 Incorrect and not admitted. No civil servant has legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32-years service, being connected/attached with teaching profession.
- 10 Incorrect & not admitted. The statement of the appellant in this Para is against principle of natural justice, merit and without any cogent legal ground or proof, against law, rules in vogue hence denied.
- 11 Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic and professional qualification, and the same is against norms of natural justice and merit.
- 12 Incorrect & not admitted.
- 13 Incorrect & not admitted. The present appellant does not fall within the definition of aggrieved person and there is no reason for the petitioner to be aggrieved from the mentioned prevailing policy dated 13/11/2012. While the appellant did not implead the upgraded/promoted under the said rules and those having the higher qualification than appellant and waiting for promotion. Hence the appellant has no cause of action/ locus standi to invoke the jurisdiction of this Hon! able Tribunal, hence the appeal in hand is liable to be dismissed inter alia on the following grounds:-

ROUNDS.

- A Incorrect and not admitted. The statement of the appellant is baseless, false and based on malafide motives, against the law, rules & policy on the subject in vogue, hence denied.
- B Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic & professional qualification, and the same is against norms of natural justice and merit.
- C Incorrect & not admitted. No one has been treated discriminately . The statement of the appellant in this Para is baseless against the law & rules on the subject and against principle of justice. No civil servant has a legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/ uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32 years service, being connected/attached with teaching profession.
- D As replied in Para above.
- E Incorrect & not admitted. The acts of the respondents are legal, lawful & in accordance with the constitution.
- F Incorrect & not admitted. The mention notification is in accordance with law & rules.
- G Incorrect & not admitted. Clerks & PST teachers are two different cadres having different jobs duties & responsibilities: Hence their rules, procedure of recruitment & qualification shall also be different.

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.

[Signature]
Secretary
Elementary & Secondary Education
Department, Government of Khyber
Pakhtunkhwa

[Signature]
Secretary
Govt: Of Khyber Pakhtunkhwa,
(Finance) Department, Peshawar,

[Signature]
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

[Signature]
Secretary
Govt: Of Khyber Pakhtunkhwa,
Establishment Department, Peshawar,

[Signature]
supdt

SO (W) EASB
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(45)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 510/2013.

Haroonur Rashid PST GPS Chhoi Khanpur, District Haripur. ... Applicants

VERSUS

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 & 4.

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 Tribunal with clean hands.
- 5 The present appeal is liable to be dismissed for non joinder/mis-joinder of 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 estopped 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 Tribunal has no jurisdiction to adjudicate the present appeal.
- 11 The appellant has not submitted any departmental appeal through proper channel and in accordance with Section -22 of Khyber Pakhtunkhwa Civil Servant Act 1973 and civil servant appeal rules 1986. Hence the present appeal is not tenable and liable to be dismissed.
- 12 That the rule 3(2) of Khyber Pakhtunkhwa Civil Servant (appointment, Promotion and Transfer) rules 1989, authorize the department to lay down the method of appointment, qualification and other conditions applicable to the post in consultation with the Establishment & Administration Department and Finance Department. Hence the appeal in hand is liable to be dismissed.
- 13 That it was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also within the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy.

This Part pertains to the service record of the appellant. While the appellant has not presented the appointment order and attested copy of service book, hence no comments

As stated in Para above.

The previous recruitment policy, rules & qualifications are amended by the Government to enhance the qualification and standard for recruitment and promotions in order to maintain efficiency in service in consonance with establishment and financial exigencies, under the rules (S) of Mysore Government (Appointment). Promotion and transfer) dated 1989, on 13/11/2012 as annexure "B" of the appeal.

The mentioned rules and qualification in this Part are applicable to those fresh candidates who have been recruited during the age 18-32 years and intends to enter in the B&S Department as PST BP-12. While the appellant has 32 years service.

The mentioned policy of 2007 is replaced by recruitment and promotion rules with retrospective effect dated 13/11/2012 under the rules on the subject.

This Part pertains to record and with out documentary proof, hence denied.

The rules/qualification mentioned in this Part are not related to the appellant being PST. The qualification and other condition mentioned in this Part relates to senior PSTs BP-14 and their promotion to Head Teacher post BP-12 in B&S Department. It would not be out of place to mention here that under the said policy, the posts of PSTs have already been upgraded/provided to senior PST, and Head Teacher post and the same are not implicated in the present position.

Correct to the extent that respondent department notified the rules for the recruitment and promotion for the teachers of various grades dated 13/11/2012, in accordance with the prevailing law, rules on the subject and to improve/advance the quality education in the best interest of Public while other contents of this Part are incorrect, misleading one and denied.

Incorrect and not admitted. No civil servant has legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/advance the standard and quality of education, in the interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32 years service, being connected/attached with teaching profession.

Incorrect & not admitted. The statement of the appellant in this Part is against principle of natural justice, and without any cogent legal ground or proof, against law, rules and hence denied.

Incorrect and not admitted. How it can be justified that the appellant possessing only SSC be treated on equal footing with other PST teachers having higher academic and professional qualification, and the same is against norms of natural justice and merit.

Incorrect & not admitted.

Incorrect & not admitted. The present appellant does not fall within the definition of aggrieved person and there is no reason for the appellant to be aggrieved from the mentioned prevailing policy dated 13/11/2012. While the appellant did not impeded the upward promotion under the said rules and the higher qualification than appellant waiting for promotion. Hence the appellant has no cause of action/grounds to take the jurisdiction of this Hon'ble Tribunal, hence the appeal in hand is liable to be dismissed later also on the following grounds:-

ROUNDS.

- A Incorrect and not admitted. The statement of the appellant is baseless, false and based on malafide motives, against the law, rules & policy on the subject in vogue, hence denied.
- B Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic & professional qualification, and the same is against norms of natural justice and merit.
- C Incorrect & not admitted. No one has been treated discriminately . The statement of the appellant in this Para is baseless against the law & rules on the subject and against principle of justice. No civil servant has a legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/ uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32 years service, being connected/attached with teaching profession.
- D As replied in Para above.
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- F Incorrect & not admitted. The mention notification is in accordance with law & rules.
- G Incorrect & not admitted. Clerks & PST teachers are two different cadres having different jobs duties & responsibilities. Hence their rules, procedure of recruitment & qualification shall also be different.

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.

[Signature]
Secretary
 Elementary & Secondary Education
 Department, Government of Khyber
 Pakhtunkhwa

[Signature]
Secretary
 Govt: Of Khyber Pakhtunkhwa,
 (Finance) Department, Peshawar;

[Signature]

[Signature]
Director
 Elementary & Secondary Education
 Khyber Pakhtunkhwa Peshawar.

[Signature]
Secretary
 Govt: Of Khyber Pakhtunkhwa,
 Establishment Department, Peshawar,

SO (WT) EASB
N-3 F
2

45

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 510/2013.

Haroonur Rashid PST GPS Chhoi Khanpur, District Haripur. ... Applicants

VERSUS

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 & 4

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- 7 The instant appeal is against the prevailing laws & rules.
- 8 The appellant is estopped 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 Tribunal has no jurisdiction to adjudicate the present appeal.
- 11 The appellant has not submitted any departmental appeal through proper channel and in accordance with Section -22 of Khyber Pakhtunkhwa Civil Servant Act 1973 and civil servant appeal rules 1986. Hence the present appeal is not tenable and liable to be dismissed.
- 12 That the rule 3(2) of Khyber Pakhtunkhwa Civil Servant (appointment, Promotion and Transfer) rules 1989, authorize the department to lay down the method of appointment, qualification and other conditions applicable to the post in consultation with the Establishment & Administration Department and Finance Department. Hence the appeal in hand is liable to be dismissed.
- 13 That it was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade; and it is also with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy.


ON FACTS

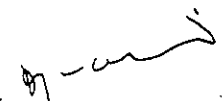
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- 2 As replied in Para above.
- 3 Incorrect & denied. The previous recruitment policy, rules & qualifications are amended by the government and enhance the qualification and standard for recruitment and promotions in order to maintain efficiency in service, in consultation with establishment and Finance Department, under the rules-3(2) of Khyber Pakhtunhwa Civil Servant (appointment, Promotion and transfer) rules-1989, on 13/11/2012 as annexure "B" of the appeal).
- 4 The mentioned rules and qualification in this Para are applicable to those fresh candidates ^{with} direct recruitment having the age 18-35 years and intends to enter in the E&SE Department as PST BPS-12. While the appellant has 32-years service.
- 5 Incorrect. The mentioned policy of 2007 is replaced by recruitment and promotion rules vide notification dated 13/11/2012 under the rules on the subject.
- 6 This Para pertains to record and with out documentary proof, hence denied.
- 7 Incorrect and denied. The rules/qualification mentioned in this Para are not related to the appellant being PST. The qualification and other condition mentioned in this Para relates to senior PSTs BPS-14 and their promotion to Head Teacher post BPS-15 in E&SE Department. It would not be out of place to mention here that under the said rules/policy hundreds of PSTs have already been upgraded/promoted to senior PST, and Head Teacher post and the same are not impleaded in the present petition.
- 8 Correct to the extent that respondent department notified the rules for the recruitment and promotion for the teachers of various cadres, dated 13/11/2012, in accordance with the prevailing law, rules on the subject and to improve/enhance the quality education in the best interest of Public while other contents of this Para are incorrect, misleading one and denied.
- 9 Incorrect and not admitted. No civil servant has legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32-years service, being connected/attached with teaching profession.
- 10 Incorrect & not admitted. The statement of the appellant in this Para is against principle of natural justice, merit and without any cogent legal ground or proof, against law, rules in vogue hence denied.
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- 12 Incorrect & not admitted.
- 13 Incorrect & not admitted. The present appellant does not fall within the definition of aggrieved person and there is no reason for the petitioner to be aggrieved from the mentioned prevailing policy dated 13/11/2012. While the appellant did not implead the upgraded/promoted under the said rules and those having the higher qualification than appellant and waiting for promotion. Hence the appellant has no cause of action/ locus standi to invoke the jurisdiction of this Hon! able Tribunal, hence the appeal in hand is liable to be dismissed inter alia on the following grounds:-


GROUND.

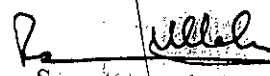

- A Incorrect and not admitted. The statement of the appellant is baseless, false and based on malafide motives, against the law, rules & policy on the subject in vogue, hence denied.
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- C Incorrect & not admitted. No one has been treated discriminately . The statement of the appellant in this Para is baseless against the law & rules on the subject and against principle of justice. No civil servant has a legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/ uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32 years service, being connected/attached with teaching profession.
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- F Incorrect & not admitted. The mention notification is in accordance with law & rules.
- G Incorrect & not admitted. Clerks & PST teachers are two different cadres having different jobs duties & responsibilities. Hence their rules, procedure of recruitment & qualification shall also be different.

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
Govt: Of Khyber Pakhtunkhwa,
Establishment Department, Peshawar,


Secretary
Govt: Of Khyber Pakhtunkhwa,
(Finance) Department, Peshawar,


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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 510/2013.

Haroonur Rashid PST GPS Chhoi Khanpur, District Haripur. ...Applicants

VERSUS

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 & 4

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 Tribunal with clean hands.
- 5 The present appeal is liable to be dismissed for non joinder/mis-joinder of 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 estopped 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 Tribunal has no jurisdiction to adjudicate the present appeal.
- 11 The appellant has not submitted any departmental appeal through proper channel and in accordance with Section -22 of Khyber Pakhtunkhwa Civil Servant Act 1973 and civil servant appeal rules 1986. Hence the present appeal is not tenable and liable to be dismissed.
- 12 That the rule 3(2) of Khyber Pakhtunkhwa Civil Servant (appointment, Promotion and Transfer) rules 1989, authorize the department to lay down the method of appointment, qualification and other conditions applicable to the post in consultation with the Establishment & Administration Department and Finance Department. Hence the appeal in hand is liable to be dismissed.
- 13 That it was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy.

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ON FACTS

- 1 This Para pertains to the service record of the appellant. While the appellant has not presented his appointment order and attested copy of service book, hence no comments.
- 2 As replied in Para above.
- 3 Incorrect & denied. The previous recruitment policy, rules & qualifications are amended by the government and enhance the qualification and standard for recruitment and promotions in order to maintain efficiency in service, in consultation with establishment and Finance Department, under the rules 3(2) of Khyber Pakhtunhwa Civil Servant (appointment, Promotion and transfer) rules 1989, on 13/11/2012 as annexure "B" of the appeal).
- 4 The mentioned rules and qualification in this Para are applicable to those fresh candidates ^{with} direct recruitment having the age 18-35 years and intends to enter in the E&SE Department as PST BPS-12. While the appellant has 32-years service.
- 5 Incorrect. The mentioned policy of 2007 is replaced by recruitment and promotion rules vide notification dated 13/11/2012 under the rules on the subject.
- 6 This Para pertains to record and with out ~~any~~ documentary proof, hence denied.
- 7 Incorrect and denied. The rules/qualification mentioned in this Para are not related to the appellant being PST. The qualification and other condition mentioned in this Para relates to senior PSTs BPS-14 and their promotion to Head Teacher post BPS-15 in E&SE Department. It would not be out of place to mention here that under the said rules/policy hundreds of PSTs have already been upgraded/promoted to senior PST, and Head Teacher post and the same are not impleaded in the present petition.
- 8 Correct to the extent that respondent department notified the rules for the recruitment and promotion for the teachers of various cadres dated 13/11/2012, in accordance with the prevailing law, rules on the subject and to improve/enhance the quality education in the best interest of Public while other contents of this Para are incorrect, misleading one and denied.
- 9 Incorrect and not admitted. No civil servant has legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32-years service, being connected/attached with teaching profession.
- 10 Incorrect & not admitted. The statement of the appellant in this Para is against principle of natural justice, merit and without any cogent legal ground or proof, against law, rules in vogue hence denied.
- 11 Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic and professional qualification, and the same is against norms of natural justice and merit.
- 12 Incorrect & not admitted.
- 13 Incorrect & not admitted. The present appellant does not fall within the definition of aggrieved person and there is no reason for the petitioner to be aggrieved from the mentioned prevailing policy dated 13/11/2012. While the appellant did not implead the upgraded/promoted under the said rules and those having the higher qualification than appellant and waiting for promotion. Hence the appellant has no cause of action/ locus standi to invoke the jurisdiction of this Hon! able Tribunal, hence the appeal in hand is liable to be dismissed inter alia on the following grounds:-

GRUNDS.

- A Incorrect and not admitted. The statement of the appellant is baseless, false and based on malafide motives, against the law, rules & policy on the subject in vogue, hence denied.
- B Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic & professional qualification, and the same is against norms of natural justice and merit.
- C Incorrect & not admitted. No one has been treated discriminately . The statement of the appellant in this Para is baseless against the law & rules on the subject and against principle of justice. No civil servant has a legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/ uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32 years service, being connected/attached with teaching profession.
- D As replied in Para above.
- E Incorrect & not admitted. The acts of the respondents are legal, lawful & in accordance with the constitution.
- F Incorrect & not admitted. The mention notification is in accordance with law & rules.
- G Incorrect & not admitted. Clerks & PST teachers are two different cadres having different jobs duties & responsibilities. Hence their rules, procedure of recruitment & qualification shall also be different.

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.

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Establishment Department, Peshawar,

[Signature]
supdt