

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1390/2013

Date of institution ... 07.10.2013

Date of judgment ... 10.05.2016

Darwaiza PST (Rtd) S/o Sakhawat Shah
R/o Gul Bahar No. 3 Kash Koroona District Mardan.

(Appellant)

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa,
Elementary and Secondary Education Department, Peshawar.
2. Director Elementary and Secondary Education Department Khyber
Pakhtunkhwa, Peshawar.
3. Executive District Officer (Male) Elementary and Secondary Education
Pakhtunkhwa, Mardan.
4. District Co-Ordination Officer Mardan.

(Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 TO THE EFFECT THAT THE APPELLANT MAY
PLEASE BE GRANTED PROMOTION IN THE LIGHT OF NOTIFICATION
DATED 11.07.2012 & 13.11.2012 AS JUNIOR/COLLEAGUES TO THE
APPELLANT HAVE BEEN PROMOTED WHILE THE APPELLANT HAS
BEEN IGNORED ALTOGETHER.

Mr. Saif Ullah Mohmand, Advocate.

For appellant.

Mr. Muhammad Adeel Butt, Additional Advocate General.

For respondents.

MR. ABDUL LATIF
MR. MUHAMMAD AZIM KHAN AFRIDI

MEMBER (EXECUTIVE)
CHAIRMAN

JUDGMENT

ABDUL LATIF, MEMBER:- Facts giving rise in the instant appeal are that the
appellant was working as Senior Primary School Teacher in District Mardan and after
tendering long tenure of service extending to 37 years, he was allowed to proceed on
retirement on attaining the age of superannuation on 23.02.2012 with effect from 05.08.2012.
That the Government of Khyber Pakhtunkhwa vide a Notification dated 11.07.2012 followed
by another Notification dated 13th November 2012, introduced a policy of up-gradation for

Primary School Teacher (PST), whereby they were up-graded from BPS-12 to BPS-15 and BPS-14 on the basis of length of service. That after promulgation of the said notification, the Departmental Promotion Committee held a meeting and the sine PST Teachers were held entitled to BPS-15 but the appellant was ignored altogether. That against the said discrimination of the Department the appellant wrote an application to respondent No. 4 for considering his name for promotion to BPS-15. That on the said application, respondent No. 4 sought advice from respondent No. 2 vide his officer letter No. 4730 dated 6/5/2013, which was properly replied by respondent No. 2 vide an Office Order No. 1499 dated 18.06.2013 with the observation that those civil servant are entitled to promotion whose names have been cleared by the DPC and who got retired after the DPC meeting and not before. That the appellant on dated 08.07.2013 filed another application before the respondent No. 3, but so far action has been taken over the said application. That being aggrieved from the acts and actions of the respondents by not considering the appellant as entitled to BPS-15 in the light of Notification dated 11.07.2012 & 13.11.2012, and having no other adequate and efficacious remedy available to him, the appellant filed the instant service appeal with a prayer that on acceptance of this appeal the appellant may please be promoted from BPS-12 to BPS-15 in the light of Notification dated 11.07.2012 & 13.11.2012.

2. Learned counsel for the appellant argued that the appellant served the government for a long tenure of 31 years which had been totally ignored and no chance of up-gradation/promotion was given to him though-out his career. He further argued that the appellant fulfilled the criteria for promotion laid down vide notification dated 11.07.2012 and 13.11.2012 hence he was eligible for promotion while in service but he was deprived of opportunity of promotion to higher scale which was illegal and without lawful authority on the part of respondents. He further argued that considering some of the teachers for promotion by the DPC while ignoring the appellant amounted to discrimination on the part of respondents and added that appellant got every right to have been treated equally with his other colleagues and closing the doors of the up-gradation/promotion for the appellant was against all the norms of justice. He further argued that appellant was not treated in accordance with law and rules and the respondents acted in violation of Article-4 of Constitution of Islamic Republic of Pakistan 1973 and prayed that this Tribunal may graciously direct the respondents to award

QFI.

promotion to the appellant in BPS-15 in the light of notification dated 11.07.2012 and 13.11.2012. He relied on PLD 2005 Page-5.

3. The learned Additional Advocate General resisted the appeal and argued that incentive in the form of up-gradation of various posts of school teachers was provided by the government vide notification dated 11.07.2012 which was contingent upon a revised criteria/method of appointment as prescribed in another notification dated 13.11.2012. He further argued that the appellant Mr. Darwaiza in the instant service appeal and other appellants in the connected appeals stood retired on superannuation before coming into effect of the revised criteria for promotion notified vide notification dated 13.11.2012 and there was therefore no occasion for their consideration for promotion. He further argued that beside the present appellant there might be scores of other such teachers who did not remain on the roll of the department one way or the other and who could not be considered for promotion in the light of the revised criteria hence application of the notification could not be made retrospectively to the present appellants because it would entail application of this very incentive to so many others who were not in the department on the date of coming into effect of the fresh criteria for promotion against the newly created posts under the incentive programme of the government. He therefore prayed that appellant was not eligible for promotion and the instant appeal requesting the Tribunal for issuance of directions for promotion was therefore against section-4 of the Service Tribunal Act read with section-7 and without any merits and may be dismissed.

4. Arguments of learned counsels for the parties heard and record perused.

5. From perusal of the record it transpired that the Elementary and Secondary Department notified restructuring of the department vide Notification dated 11.07.2012 which was effective from 01.07.2012. Vide the said notification a large number of posts of different cadres were upgraded which was to be filled in the manner as may be prescribed by the rules. The rules were subsequently prescribed vide Notification dated 13.11.2012 almost four months later than the certain/availability of posts and many eligible teachers who aspired for elevation to higher posts carrying better pay/emoluments got deprived from the benefits of the incentive/restructuring of the department and hence were treated less favourably compared to those who

were in service on coming into effect of the revised criteria/method of appointment on 13.11.2012 and who reaped the benefits of the package.

6. The appellants in the present service appeals wanted the indulgence of this Tribunal for directions to the respondent-department to promote them against the post of Senior Primary School Teacher BPS-14 and 15 against the newly created post because according to them such posts carrying higher pay scale were created while they were in service. The record reveal that creation of revised service structure vide notification dated 11.7.2012 was followed by another notification dated 13.11.2012 which prescribed a revised criteria for promotion against the upgraded post. It is to be noted that DPC was held by respondent No. 3 and 4 on 12.02.2013 which considered teachers for promotion to BPS-14 and BPS-15 sans the present appellants as they were not in service on the said date and got retired prior to that date on superannuation. It is ironical that before coming into effect of the revised criteria for promotion against the newly created post and on the date of DPC meeting on 12.02.2013 the appellant in this present service appeal and similarly placed appellants in the connected appeals got retired on superannuation, for instance Mr. Darwaiza got retired on 05.08.2012. The record however reveals that the appellant could not identify any particular case of juniors who were promoted in preference to him nor is such information available in his representation before the departmental authorities. We therefore hold that the grievances of the appellants cannot be looked into by this Tribunal unless and until the provincial government is afforded an opportunity to examine as to whether the benefits are to be given to appellants and similarly placed employees w.e.f 01.07.2012 i.e the date on which the posts were upgraded or 13.11.2012 i.e the date on which the criteria was notified. The instant appeal, therefore, does not carry any substance at this stage and the same is therefore dismissed subject to our observation recorded in para-8. Parties are left to bear their own costs. File be consigned to the record room.

7. Our this judgment will also dispose of the similar appeals No. 1391/2013 titled Qamer Gul-vs-Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar, 1392/2013 titled Shad Muhammad-vs-Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar, 1402/2013 titled Muhammad Sher-vs-Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar, 1404/2013 titled

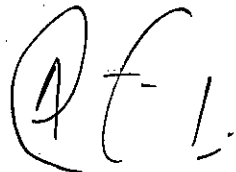
DF 1

Faqir Gul- vs-Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar, 1403/2013 titled Bahram Khan- vs-Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar, 14012013 titled Alif Gul- vs-Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar, 1405/2013 titled Abdul Rashid- vs-Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar wherein common question of law and facts are involved.

8. It is observed that Elementary and Secondary Education Department was under obligation to treat all the teachers at par and ensure equal treatment to them as guaranteed under Article-25 of the Constitution of Islamic Republic of Pakistan 1973 and we feel that the department has not been able to provide the benefits of the incentive package across the board with the result that a good number of teachers including the appellants in the instant appeals got deprived of the benefits. To this effect it is observed that the Elementary and Secondary Education Department should have either simultaneously notified the service rules or should have devised a policy to allow the benefits of the up-gradation on notional basis to those retiring in the intervening period. This would have removed the impression of discrimination and recourse to the Tribunal by the aggrieved teachers. We believe that the Elementary and Secondary Education Department still has the discretion to rectify the lapse and extend benefits of the scheme of restructuring which took effect from 1.7.2012 to all those who aspired for the same but who did not remain on the roll of the department in the intervening period from 1.7.2012 to 13.11.2012.

ANNOUNCED
10.05.2016


(MUHAMMAD AZIM KHAN AFRIDI)
Chairman


(ABDUL LATIF)
Member

10.05.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused. Vide our detailed judgment of today separately placed on record, the appeal is dismissed subject to observation recorded in para-8 of the judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
10.05.2016

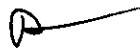

(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN



(ABDUL LATIF)
MEMBER (EXECUTIVE)

10.07.2015

Counsel for the appellant and Muhammad Jan, GP for the respondents present. Learned counsel for the appellant submitted that similar nature of appeal No. 1323/12 titled Muhammad Parvaiz etc have been fixed for arguments on 18.08.2015, therefore the same may also be clubbed with the said appeals. Request accepted. To come up for arguments alongwith the connected appeals on 18-08-2015



Member



Member

18.08.2015

Mr. Saifullah Mohamand, Advocate counsel for the appellant and Addl: A.G for respondents present. The learned Member (Executive) is on official tour to Abbottabad therefore, arguments could not be heard. File to come up for arguments alongwith connected appeals on 12-01-2016.



Member

12.01.2016

Agent of counsel for the appellant and 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

1390/13

12.08.2014

Junior to counsel for the appellant, and AAG with Wisal Muhammad, ADO for the respondents present reply filed. Copy handed over to junior to counsel for the appellant. To come up for rejoinder on 29.10.2014. Reader is directed to record reader note in connected appeals.


MEMBER

29.10.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Wisal Muhammad, ADO for the respondents present. Rejoinder received and placed on file. Copy handed over to the learned GP. To come up for arguments on 25.3.2015.


MEMBER

25.3.2015


Counsel for the appellant (Mr. Saifullah Momand Advocate) and Mr. Muhammad Jan, GP with Muhammad Naeem, ADO for the respondents present. Counsel for the appellant requested for time to gone through the record. Request is accepted. To come up for arguments on 10.7.2015.


MEMBER


MEMBER

13.12.2013

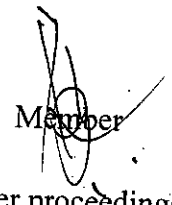
Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 07.02.2014.


Member


07.02.2014

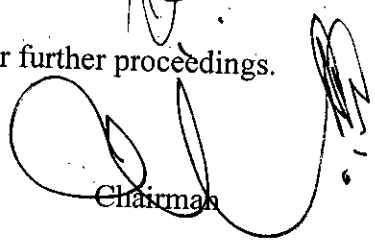
Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 18.06.2013, he filed departmental appeal on 08.07.2013, which has not been responded within the statutory period of 90 days, hence the instant appeal on 07.10.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 28.04.2014.

*Security
Rs. 1600/- Bank Receipt
attached with file
(A.No. 1390 to 1392, 1401 to 1405/13)*


Member

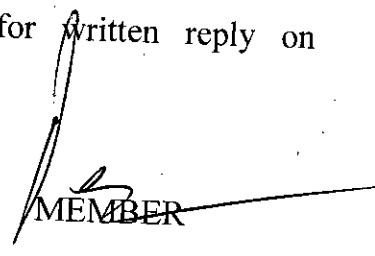
07.02.2014

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


Chairman

28.4.2014

Counsel for the appellant and Mr. Ziaullah, GP with Wisal Muhammad, ADO for the respondents present and requested for time. To come up for written reply on 12.8.2014.


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1390 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/10/2013	<p>The appeal of Mr. Darwaiza presented today by Mr. Khan Akbar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>LRG</i> REGISTRAR</p>
2	22-10-2013.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-12-2013</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

Appellant deposited
 of process fees

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHYBER PAKHTOON
KHWA, PESHAWAR.**

Service Appeal No 1396/2013

Darwaiza.....Appellant

VERSUS

Secretary to Govt of K P K & others

.....Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service appeal		1-5
2.	Affidavit		6
3.	Copy of retirement order dated 23.02.2013	"A"	7
4.	Copies of PTC course Certificate, CT course Certificate and B.A degree	"B" "C" & "D"	8-10
5.	Copies Notification dated 11.07.2012 and Notification dated 13.11.2012	"E" & "F"	10-26
6.	Copy of Application	"G"	27
7.	Copies of Office Order No.4730 and Office order No.1499	"H" & "I"	28-29
8.	Copy of application	"J"	30
9.	Wakalat Nama		31

Dew
Appellant

Through

K. Akbar Khan
(KHAN AKBAR KHAN)

Advocate, Peshawar.

Office: - 107-B, Town Tower, Jahangir
Abad, University Road,
Peshawar.

Cell No: - 0344-9111911

Dated:-02.10.2013

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**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHOWA, PESHAWAR.**

Service Appeal No 1390/2013

[Stamp]
1448
07-10-2013

Darwaiza PST (Rtd) S/O Sakhawat Shah R/o Gul Bahar No.3
Kash Koroon District Mardan.....Appellant

VERSUS

- 1). Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar.
- 2). Director Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
- 3). Executive District Officer (Male) Elementary and Secondary Education Pakhtunkhwa, Mardan.
- 4). District Co-Ordination Officer Mardan. *Dy. Commissioner Mardan.*

.....Respondents

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**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTON KHOWA, SERVICE TRIBUNAL ACT, 1974 TO
THE EFFECT THAT THE APPELLANT MAY PLEASE BE
GRANTED PROMOTION IN THE LIGHT OF
NOTIFICATIONS DATED 11.07.2012 & 13.11.2012 AS
JUNIOR/COLLEQUES TO THE APPELLANT HAVE BEEN
PROMOTED WHILE THE APPELLANT HAS BEEN
IGNORED ALTOGETHER.**

[Stamp]
2/10/13

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PRAYER IN APPEAL.

On acceptance of this appeal the appellant may please be promoted from BPS-12 to BPS-15 in the

2

light of Notifications date 11.07.2012 &
13.11.2012.

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Respectfully Sheweth:-

1. That the appellant was working as Senior Primary School Teacher (PST) in District Mardan and after tendering long tenure of service extending to 37 years, he was allowed to proceed on retirement on attaining the age of superannuation on dated 23.02.2012, w.e.f. 05.08.2012 (Copy of the retirement order is attached herewith as *Annex:- "A"*).
2. That the appellant was has passed PTC training in 1974, CT course in the year 1997 and had also passed B.A Examination in 1985. (Copies of PTC training course, CT course and B.A degree are attached herewith as *Annex:- "B", "C" & "D"* respectively).
3. That the Government of Khyber Pakhtunkhwa vide a Notification dated 11.07.2012 followed by another Notification dated 13th November 2012, introduced a policy of up-gradation for Primary School teachers (PST), whereby they were up-graded from BPS-12 to BPS-15 and BPS-14 on the basis of length of service. (Copies of Notification dated 11.07.2012 & Notification dated 13th November 2012 are attached herewith as *Annex:- "E" & "F"* respectively).
4. That after promulgation of the referred Notifications, the Departmental Promotion Committee held a meeting and the sine PST Teachers were held entitled to BPS-15 but the appellant was ignored altogether.
5. That against the said discrimination of the Department the appellant wrote an application to the respondent No.4 for

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considering his name for promotion to BPS-15 in the light of above mentioned Notifications. (Copy of application is attached herewith as *Annex: - "G"*).

- 6: That on the said application, respondent No.4 sought advice from respondent No.2 vide his office letter No.4730 dated 6/5/2013, which was properly replied by respondent No.2 vide an Office Order No.1499 dated 18.06.2013, with the observation that those civil servant are entitled to promotion whose names have been cleared by the DPC and who got retired after the DPC meeting and not before. (Copy of the Office orders No.4730 dated 6.05.2013 and Office Order No.1499 dated 18.06.2013 are attached herewith as *Annex:- "H" & "I"* respectively).
- 6). That appellant on dated 08.07.2013 filed another application before the Respondent No.3, but so far no action has been taken over the said application. (Copy of the application is attached herewith as *Annex:-"J"*).
- 7). That being aggrieved from the acts and actions of the Respondents by not considering the appellant as entitled to BPS-15 in the light of Notification dated 11.07.2012 & 13.09.2012, and having no other adequate and efficacious remedy available to him, the appellant files this appeal inter-alia on the following grounds.

GROUND:-

- A). That the appellant having his service extending up-to 31 years has been totally ignored and has not been given any chance of up-gradation/promotion throughout his their professional

career, inspite of having such a long spotless tenure of service.

- C). That the appellant fulfills the criteria given for promotion in the above mentioned both the Notifications; hence he was eligible to have been promoted to BPS-15.
- B). That act of the respondent department, thereby depriving the appellant from the above said benefit of up-gradation is illegal, unlawful without authority/ jurisdiction, as well as being based on malafide intentions of the respondent department is liable to be set aside.
- C). That the appellant has been serving on the above said post since long, whereas his minimum tenure of service is 26 years and has been waiting since long for his turn to be promoted/upgraded to some higher scale, however after having a tenure of such a long legitimate expectations the appellant has been treated unlawfully without any cogent/solid grounds.
- D). That considering some of the teachers for promotion by the Departmental Promotion committee while ignoring the appellant amounts to serious discrimination on their part.
- E). That the said act of the respondent department is not merely illegal as well as unlawful, but is also against the very clear Article of Constitution of Islamic Republic of Pakistan as engraved in the basic rights of said constitution.
- E). That the appellant has got every right to be treated equally with his other colleagues and closing all the ways of up-gradation/promotion for the appellant is against all the norms of justice.

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F). That Respondents have not treated the petitioner in accordance with law, rules and policy on subject and acted in violation of Article.4 of the constitution of Islamic Republic of Pakistan, 1973 by not considering the Petitioners as entitled to the BPS-15 in the light of the referred Notifications, which is unjust, unfair and hence not sustainable in the eyes of law.

For the aforesaid reasons, it is, therefore, humbly prayed that on acceptance of this appeal, this Honourable Tribunal may graciously be pleased to direct the respondents to award promotion to the appellant in BPS-15 in the light of Notification dated 11.07.2012 & 13.11.2013.

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

Dewy
Appellant

Dated:-02.10.2013s

Through

K. Akbar
KHAN AKBAR KHAN
&

Saif Ullah
SAIF ULLAH MOHMAND
Advocate High Court.

CERTIFICATE:

Certified that as per information furnished by my client no such like service appeal on the subject has earlier been filed in this Hon'ble Tribunal.

K. Akbar
ADVOCATE

6

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHWA, PESHAWAR.**

Service Appeal No _____ */2013*

Darwaiza.....Appellant

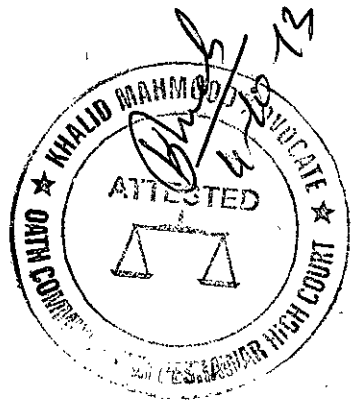
VERSUS

Secretary to Govt of K P K & others

.....Respondents

AFFIDAVIT

I, Khan Akbar Khan Advocate, as per instruction of my client, do hereby solemnly affirm and declare on Oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



K. Akbar
Deponent

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Amendment (A)

OFFICE OF THE EDUCATION DISTRICT OFFICER (MALE) MARDAN.
ENCASHMENT OF L.P.R./RETIREMENT.

Sanction regarding the retirement of Mr. Darwiza, Ex-PSI, GPS, Kochi Abad Mardan is hereby granted and allowed to proceed on retirement w.e.f 05.08.2012.

In pursuance of rules Khyber Pakhtunkhwa Civil Servants Leave rules 1981./Revised Encashment of L.P.R. No.SOG/E&SE/2-4/2012 Sanction is hereby accorded to the grant of full pay in lump sum payment for 365 Days leave encashment of L.P.R w.e.f 07.08.2011 to 05.08.2012.

Necessary entry to this effect should be made in his Service Book.


(BAHADAR KHAN MARWAT)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

Encls: No 1713-15 /P.F

Dated 23 /12 /2013

Copy forwarded to the:-

1. Sub: Divisional Education Officer (M) Pzy: Mardan along with Service Book.
2. District Comptroller of Accounts Mardan.
3. Official Concerned.


DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

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EDUCATION DEPARTMENT, N.W.F.P., PESHAWAR.



PROVISIONAL CERTIFICATE. (P.T.C.)

ROLL NO. 1136

Marks obtained..... 517
Division..... Third

Certified that..... Darviza
born on..... 6-8-1952 (Sixth August, Nineteen hundred and Fifty two.)
Son/Daughter of..... Sakhawat Shah
resident of..... Katlang Tahsil..... Mardan District..... Mardan
having passed the P. T. C. Examination held in 1975, is qualified to teach in Primary and Middle School except English

Trained at the Government ^{Comp: High} ~~Training~~ School..... Mardan
Sessions 19 73 — 19 74

Note:- This certificate may be made permanent after 3 years approved service

Dated Peshawar,
the 21st. October, 19 75

attested
1975 OCT 21
1975 OCT 21
1975 OCT 21

[Signature]
Registrar,
Departmental Examinations,
Education Department, Peshawar.

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Annex (C)

DETAIL MARKS CERTIFICATE.

TRAINING CLASSES EXAMINATION C. T. (G) 1997:

Roll No. 1812 Name Darwaza Son/Daughter of Sachawat Shah

Serial No.	SUBJECT	Max: Marks	Marks Obtained		Total
			Inter:	Exter:	
1.	Theory and History of Education (Prev: Pol. of Education)	100			33
2.	Child Decept- (Pre: Edu. Psy:)	100			38
3.	School and Community Development	100			47
4.	General Methodology and Preparation of Teaching Aids	100			59
5.	Counselling Testing and Evaluation	100			44
6.	Org. of Elemt. Edu. and School Management (Prev: S. Org.)	100			52
7.	Islamiat	100			53
8.	Social Studies	100			70
9.	Science / <u>Math</u>	100			56
10.	English	100			42
11.	Maths	100			-
12.	Urdu	200			-
13.	Practice of teaching	200			105
Grand Total		1200			599

Passed/Failed

Division II

To Re-appear in

I

2
3

Prepared by

Checked by

Date of declaration

27/2/98

Attested
Sm A

Sm A
Registrar,
Departmental Examinations
Education Department,
N.W.F.P., Peshawar.

University of Peshawar

(Pakistan)

Session SUPPLEMENTARY 1964

and a student

Son of SANHAJAT SHAH

of WADAI DISTRICT in APRIL 1964, is this day admitted by the University of Peshawar

to the Degree of

Bachelor of Arts

in the Arts Division

The examination was taken as a whole/in parts.

Serial No 003735

Registered No. 82-P/A-4577

Matr No. 3154

1964 JULY 1965



Attested

Read Nawab
Govt. Middle School
Khwana Banda, Muz.

Registrar

Counter signed

Vice-Chancellor

Attested

MARK (D)



(11)

Annex V. (E)
AD -
Personnel Secy.
H. Khan

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

Dated Peshawar, 11.07.2012

NOTIFICATION:

No. SO (B & A)/1-18/E&SE/2012: Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up gradation of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

Sr. No.	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New Approved Basic Pay Scale	Remarks
1.	Primary School Teacher (PST)	Govt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is upgraded to BPS-12. Accordingly, 33,497 posts of PSTs, already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
2.	Senior Primary School Teacher (Sr. PST)	"do"	Newly Upgraded/Redesignated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay Scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
3.	Primary School Head Teacher (PSHT)	"do"	Newly Upgraded/Redesignated Post	(BPS-15)	20,804 posts of the existing PST's (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher, and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
4.	Certified Teachers (CT)	Govt. Middle/High/Higher Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
5.	Senior Certified Teachers (Sr. CT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
6.	Arabic Teachers (A.T)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
7.	Senior Arabic Teachers (Sr. AT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
8.	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
9.	Senior Teacher of Theology (Sr. TT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
10.	Drawing Masters (DM)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
11.	Senior Drawing Masters (Sr. DM)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	one thirds (1/3 rd) of the total DM's posts are upgraded to BPS-16 and redesignated as Senior DM, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or

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

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

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

SECRETARY

Endst: No. SO(FR)/FD/10-22(E)/2010 Dated Pesh: the 16/07 2012

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

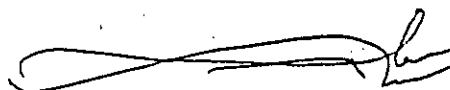


SECTION OFFICER (FR)
FINANCE DEPARTMENT

Endst. Of even Number & Date.

Copy of the above is forwarded to:-

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



(NOOR ALAM KHAN WAZIR) 11/07/2012
SECTION OFFICER (B&A)
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

(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 Service (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, selection 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 Appendix and the schedule therewith.

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

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.
8. Copy to Malgari Ustazaan KPK

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

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 Section Officer (Primary)

June 06 2019
APPENDIX

3

S.No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secondary School Teacher (BPS-16).	(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 (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, in the following manner: (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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KPK. June 06 2019

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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>
2.	Senior Arabic Teacher (SAT) (BPS-16)	KPK. J'sh	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.
3.	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.
1.	Senior Certified Teacher (SCT)(General) (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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5. Senior Certified Teacher (Industrial Arts) (BPS-16).		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).
6. Senior Certified Teacher (Agriculture) (BPS-16).	Handwritten signature	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).
7. Senior Drawing Master (BPS-16).		By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
8. Senior Certified Teacher (SCT) (Home Economics) (BPS-16). Handwritten initials: KPK	Handwritten signature	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
Senior Physical Education Teacher (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

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<p>Arabic Teacher (AT) (BPS-15).</p>	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimiatul Wafaqul Madaris; or Darul Uloom Saidul 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.</p>	<p>20 to 35 years.</p>	<p>By initial recruitment</p> <p><i>Handwritten signature</i></p>
<p>Theology Teacher (TT) (BPS-15).</p>	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidul 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.</p>	<p>20 to 35 years.</p>	<p>(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.</p> <p><i>Handwritten signature</i></p>
<p>Senior Qari (BPS-15).</p>			<p>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.</p> <p><i>Handwritten signature</i></p>
<p>Certified Teacher (General) (BPS-15).</p>	<p>Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by initial recruitment; and</p>

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	<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) (HPS-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>

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Certified Teacher
(Agriculture)
(III/9, 15)

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

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- (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.

(Industrial Arts):

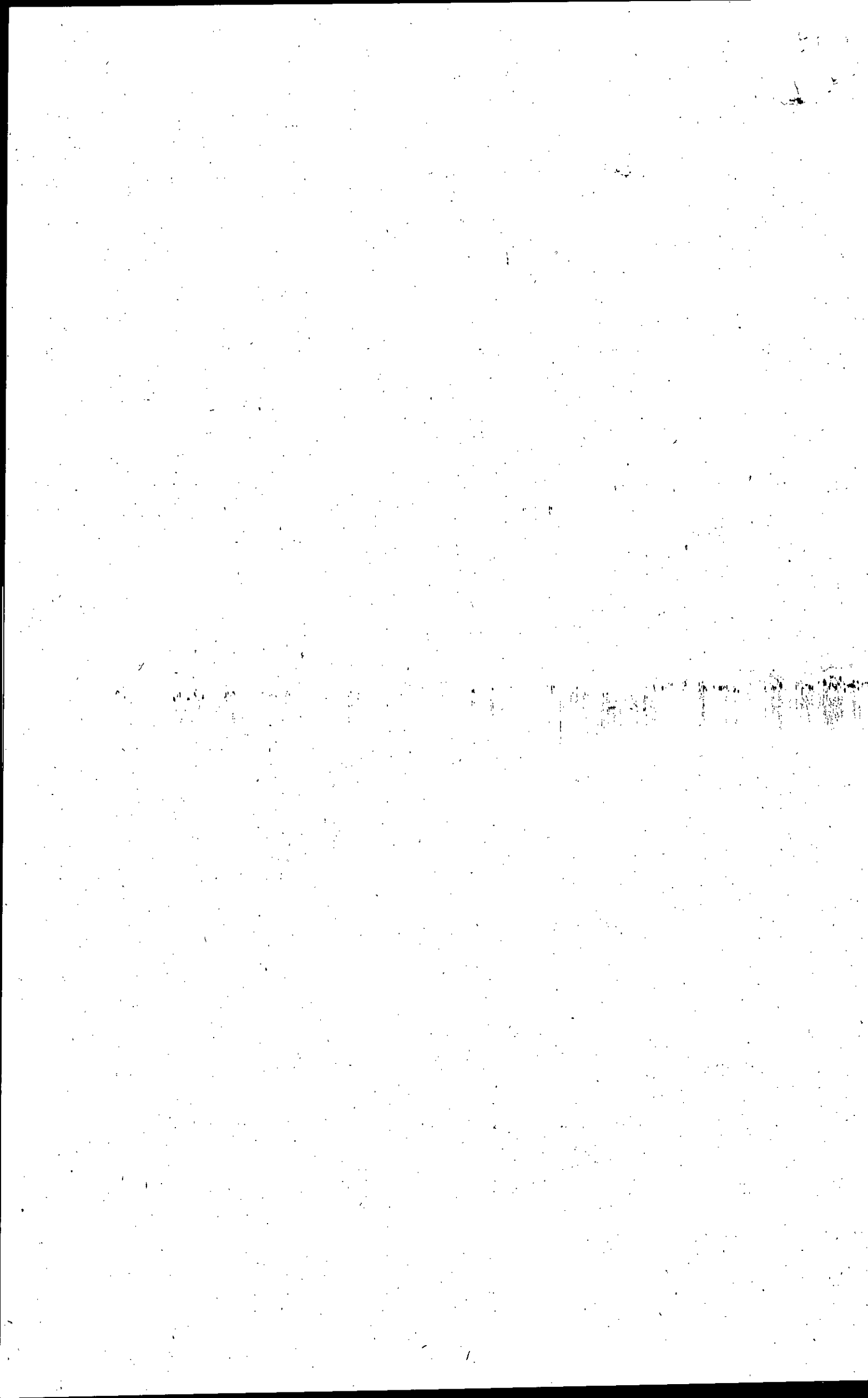
Provided that if no suitable candidate is available amongst the Primary School Head Teachers for Promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed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

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

- (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

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Certified Teacher (Home Economics) (BPS-15).

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any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Agriculture).

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- (i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agrb Technical Teacher Training Center or
- (ii) Certified Teacher Certificate with Home Economics as one of the subjects, from any Government Training school or college with Bachelor's Degree; or
- (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
- (iv) Bachelor's Degree, from a recognized

18 to 35 years.

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).

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

- (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 as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):

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

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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).

Certified Teacher (Home Economics).

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

Drawing Master
(BPS-15)

Bachelor's Degree from a recognized University with one year Drawing Master (DM) course Certificate.

18 to 35
years.

- (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.

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

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				with at least five years service as such and having qualification prescribed for initial 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 is within the Union Council is available, then from 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.

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ادارہ شرفان اعلیٰ

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 =
B.A/BSc	Marks obtained X 20 / total marks =
M.A Arabic / Shahkhatul Alaminia Fil Uloomul Arabia wal Islamiya from a recognized Tanzimatul Wafaqul Mukeris	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 =
B.A/BSc	Marks obtained X 20 / total marks =
M.A/MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks =
M.A Islamiat / Shahkhatul Alaminia Fil Uloomul Arabia wal Islamiya from a recognized Tanzimatul Wafaqul Mukeris	Marks obtained X 15 / total marks =
MPhil/PhD	Marks = 05

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Physical Education Teacher (BPS-15).	Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.	18 to 35 years.	<p>(a) Eighty per cent by initial recruitment; and</p> <p>(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>
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 ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.
Senior Primary School Teacher (BPS-14).			By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers

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Drawing Master

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = _____	5 Extra marks for F.Sc. 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 = _____	
B.A/BSc	Marks obtained X 20 / total marks = _____	
DNI Certificate	Marks obtained X 20 / total marks = _____	
MA/MS/M.Ed/ MA Edu	Marks obtained X 15 / total marks = _____	
APPROPHD	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 F.Sc. 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 = _____	
B.A/BSc	Marks obtained X 20 / total marks = _____	
DNI Certificate	Marks obtained X 20 / total marks = _____	
MA/MS/M.Ed/ MA Edu	Marks obtained X 15 / total marks = _____	
APPROPHD	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 = ___	
BA/BSc	Marks obtained X 25 / total marks = ___	
PST Certificate/ Diploma in Education /A.E.	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. Dini Asmad from recognized Tazeeemat-ul-Wifaqul Muaharis, 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.

26

گھنور صاحب ڈسٹرکٹ ایجوکیشن آفیسر (م) امرتسر

اس میں :- درخواست پر اے عفا سٹیٹ سسٹلن ڈا

صوبہ عالی

خود جانہ گذارش ہے نہ فردی حکمہ لکھ میں

کمیٹی PST مدرس تھا اور 2012/8/8 کو ریٹائرڈ

پروفیسر ہے ہویا بی حکومت نے PST سید اساتذہ

کو سسٹلن ڈا کا نوٹیفکیشن 2012/7/1 سے جاری ہے

سسٹلن ڈا کے میں مراضی نہیں ہے

اساتذہ عالی جاتی ہے نہ فردی کو سسٹلن ڈا

ڈپٹی سیکرٹری، امرتسر

امرتسر 21/3/2013

دریہ PST جی کی ایس کو جی آر ایم 110

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Amn... (H)

DISTRICT EDUCCA

No. 60 4730 /

Dated. 6/5 /13

From;

District Education Officer,
(M) Mardan.

To,

The Director,
Elementary & Secondary Education
Khyber Pakhtoon Khwa Peshawar.

SUBJECT:

AWARD OF B.14, B.15 TO RETIRED TEACHERS.

Memo,

It is submitted that a numbers of PST s who has been retired during the period 1.7.12 to 11.2.13, have requested for award of B.14, B.15.

It is further submitted that the D.P.O has been awarded B.14, B.15 w.e.f 12.2.13 i.e the date of D.P.O meeting.

In this connection you are requested to please guide this office that whether they are entitle for award of B.14, B.15 or not.

[Signature]
DISTRICT EDUCATION OFFICER

(M) MARDAN

6/5/13

29

Annex (i)

18/6/2013



Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

No. / F.No Appeal/promotion Pkt I/PS/AD Dated Peshawar the 12/01/2013

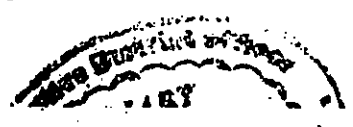
To 7699

18/6

The District Officer
(Male) Mardan

Subject:- AWARD OF B-14 TO B-15 TO RETIRED TEACHERS.
Memo:

I am directed to refer to your letter No. 4730 dated, 6.5.2013 and to state that a retired person/Civil Servant is not entitled for promotion to B-14 or B-15. However is case the promotion of the Civil Servant is clear in the meeting of the DPC, but he is retired before the issuance of his promotion order, he will be entitled for national promotion so one who retired before the DPC meeting is not entitled for promotion.



[Handwritten Signature]
18/6/2013

Deputy Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

*Mailed during
Sundays
appeal*

original 18.6.2013
DA 8.7.2013
1st. 7-10-13

گورنمنٹ ڈپارٹمنٹ ایجوکیشن ایس ایس ایف تعلیم و تربیت

ایپیل نمبر ۱۲، ڈیو لوٹس BPS 12 تا BPS 15

جناب عالی

گزارش ہے کہ میں جسٹس آفیسر محکمہ تعلیم میں خدمات سرانجام دے چکا ہوں۔ حکومت غیر مختص خواہ نے 17/7/2012 سے آفیس کو گریڈ ڈاؤن کی اجازت کیا۔ جس پر بعد میں 2012 میں گورنمنٹ کے پاسٹورل نوٹیفکیشن جاری کیا گیا۔ مگر میں سائل کو بالکل نظر انداز کیا گیا ہے۔

لینڈ اسٹریٹجی جاتی ہے کہ 07/07/2012 کو حاضر ہو کر تھا اور بعد میں ریٹائر ہو چکا ہوں۔ لینڈ اسٹریٹجی نام ہی ہے اور اس میں سائل کیا گیا ہے۔

تاریخ 08/7/2013

درہندہ آفیسر جی بی ایس کو جی آرنگہ اردن

WAKALATNAMA

BEFORE THE COURT OF Service Tribunal KPS Peshawar

No _____ of 2013

Daxwaiza

(Petitioner)
(Plaintiff)
(Appellant)

VERSUS

Secretary of Govt of KPS

(Respondent)
(Defendant)

I/ We Appellant

In the above noted Appeal do hereby appoint

and constitute **Mr. Khan Akbar Khan and Mr. Saif Ullah Mohmand**

Advocates as my/ our Counsels in the subject proceedings and authorize them to appear, plead etc compromise, withdraw or refer the matter for arbitration for me/ us without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at my/our expense and receive all sums and amounts payable to me/ us and to all such acts which he may deem necessary for protecting my/ our interest in the matter. They are also authorized to file Appeal, Revision, Application for restoration or application for setting aside exparte decree proceedings on my/ our behalf.

Dated: - 04/10/2013

Daxwa

(Client)

K. Akh
(KHAN AKBAR KHAN)

Daxwaiza
S/o Sabhawat Shah

And
Saif Ullah
(Saif Ullah Mohmand)

Advocates High Courts
Peshawar.

Office Address: - B-107, 2nd floor, Town Tower
Jahangir Abad, University Road,
Peshawar.

Before the Khyber Pakhtunkhwa service tribunal Peshawar.

S. Appeal

1390/13 No.1390,1392,1401 to
1405/2013.

Darweiza Ex; PST

Appellant.

VS

Secretary to Govt of Kyber Pakhtunkhwa E&SE Department Peshawar and others....

Respondent.

Parawise comments on behalf of Respondent No.1 to 4.

Respectively sheweth.

Respondents submit as under.

Preliminary objections.

1. That the instant appeal is badly time barred.
2. That the appellant has concealed the material facts from this honorable court.
3. That the appellant has no cause of action as well as locus standi.
4. That the appellant has not come to this court with clean hands.
5. That the appellant has estopped by his own conduct.
6. That the present appeal is liable to be dismissed for nonjoinder/Misjoinder of necessary parties.
7. That the appellant filed this appeal on malafid motives.
8. That the instant appeal is against the prevailing law and rules.
9. That the instant appeal is not maintainable in the present form and also in the present circumstances.

On facts.

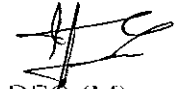
1. Pertains to personal record, Hence needs no comments.
2. Pertains to personal record, needs no comments.
3. Correct, the teachers were promoted according to policy.
4. Correct to the extent that DPC was held on 12-02-2013 and the eligible teachers were upgraded to B-14 & B-15 but incorrect to the extent that the appellant was ignored. The DPC held on 12-02-2013 and upgraded the teacher w.e.f 12-02-2013 while Appellant was retired on 13-02-2012 ie one year Before the commencement of DPC so he was not entitled for up gradation.
5. His application was sent to respondent 2 who replied that the appellant is not entitled for up gradation (see Annex-1 of the instant appeal).
6. His appeal has no weightage and was filed
7. No Comments.


Grounds.

- A. Incorrect. He was retired long before the commencement of DPC and was not entitled.
- B. Incorrect. He is not entitled for up gradation as he was retired long before the DPC.
- C. Incorrect. The respondent department has acted according to law, rules.
- D. Incorrect. The up gradation/promotion is awarded according to policy, rules not on expectations.
- E. Incorrect. The department has acted according to rules and no discrimination has been made.
- F. Incorrect. The department has followed the exiting policy.
- G. Incorrect, Denied
- H. Incorrect. As stated above, the department has acted upon exiting policy and nothing has been violated.

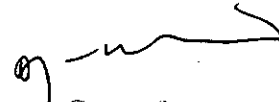
Prayer .

It is therefore, prayed that in the light of above facts and grounds the instant appeal may kindly be dismissed with cost.


DEO (M)
Mardan.


Director E&SE Khyber Pakhtunkhwa
Peshawar.


Deputy Commissioner
Mardan.


Secretary to Govt of
Khyber Pakhtunkhwa E&SE
Department Peshawar.

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

Service Appeal No 1390 /2013

Darwaiza Ex-PST

VERSUS

Secretary to Govt of KPK & others

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**REJOINDER ON BEHALF OF THE APPELLANT TO
PARA WISE COMMENTS SUBMITTED BY
RESPONDENTS.**

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Respectfully Sheweth

REPLY TO PRELIMINARY OBJECTIONS:-

1. Para No.1 of the preliminary objections is incorrect; the instant appeal is based on recurring cause of action, wherein a beneficiary Notification has been challenged, which carries retrospective effect, hence, it is well within time.
2. Para No.2 of the preliminary objection is incorrect, the appellant has disclosed all the facts before this Honorable Tribunal and nothing has been concealed or withheld deliberately.
3. Para No.3 of the preliminary objections is incorrect and wrong, in fact fundamental rights of the appellant were infringed by the respondent, and

29/157

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hence he has got a good cause of action and locus standi to file the instant appeal.

4. Para No.4 of the preliminary objection is false, frivolous and vexatious. In-fact the appellant has approached this Honorable Tribunal for the redressal of his grievances with clean hands.
5. Para No.5 of the Preliminary Objection is incorrect. Hence denied.
6. Para No.6 of the Preliminary objections is incorrect, false and frivolous, hence denied.
7. Para No.7 of the Preliminary objections is incorrect, the instant appeal has been filed by the appellant with good intention as his fundamental and valuable rights were infringed by the respondents by their illegal acts and actions.
8. Para No.8 of the Preliminary Objections is incorrect, the instant appeal has been filed according to well settled rules of Services Law.
9. Para No.9 of the Preliminary Objections incorrect, false and frivolous, the instant appeal has been filed by the appellant in order to check the ingress and illegality committed by the respondents, hence it is maintainable.

REPLY TO PARAWISE COMMENTS ON FACTS.

- 1&2. Para No. 1 & 2 of the comments needs no replies
3. Para No.3 of the comments also needs no reply.
4. Para No.4 of the comments is incorrect, false and vexatious, in-fact the Notification dated 11.07.2012 (Annexure E of the appeal) and Notification dated 13.11.2012 (Annexure F of the appeal), are beneficiary notifications and in the light of judgments of apex Court as well as this Honorable Tribunal such notifications carries retrospective effect, hence the benefits of these notifications should be extended to the appellant. Moreover the

matter in the instant appeal is a recurring cause of action, which is not hit by any time period.

Needless to mention here that at the time of promulgation of the above-mentioned both the Notifications, the appellant was in service as a senior PST.

It is also pertinent to mention here that the respondents have wrongly mentioned the date of retirement of the appellant as 13.02.2012, rather the appellant retired from services on attaining the age of superannuation on dated 05.08.2012. (Annexure A of the main appeal)

5&6. Para No. 5&6 of the comments are false and frivolous, detail reply has been given in Para No. 4 above.

7. Para No.7of the comments need no reply.

REJOINDER TO THE COMMENTS ON GROUND:-

- A. Para No. A of the comment is false and incorrect. Detailed reply has already been given in Para No.4 of the reply to the comments. Moreover, due to the induction of policy dated 11.07.2012 and 13.11.2012, the appellant and his other colleagues have been deprived from the benefit of promotion/up-gradation, which were ignored throughout their long tenure of unblemished record.
- B. Para No.B of the comments is false and incorrect. Detail reply has been given in Para No.4 of the reply to the comments on facts as well as in the above Para No. A.
- C. Para No. C of the comments is false and incorrect. The appellant was fulfilling the criteria for promotion but despite that he was ignored by the respondent department.
- D. Para No. D of the comments is incorrect, the department has not awarded the promotion/up-gradation according to policy and rules but they have given priority to the blue eyed employees in the department.

- E&F. Para No. E&F of the comments are false and frivolous. The acts and actions of the respondents department are not only illegal but are also against the clear-cut articles of constitution.
- G. Para No. G of the comments is incorrect and false, hence denied. Detail reply has already been given the above paras.
- H. Para No. H of the comments is incorrect, false and frivolous. Detail reply has already been given in the preceding paras.

It is, therefore, most humbly prayed that on acceptance of this rejoinder and the main appeal, the respondents may kindly be directed to award promotion to the appellant in BPS-15, and in the light of Notification dated 11.07.2012 & 13.11.2012.

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

[Signature]
Appellant

Through

Dated: -29-10-2014

[Signature]
(KHAN AKBAR KHAN)
&
[Signature]
(SAIF ULLAH MOHMAND)
Advocates, High Court,
Peshawar.

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Chairman Service Tribunal R.P.K.

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Service Appeal No.1390/2013

Darwaiza.....Appellant

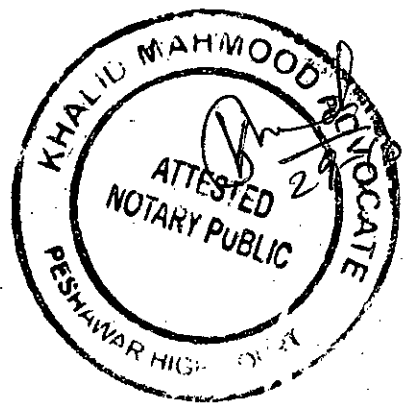
VERSUS

Secretary to Govt: of K.P.K &

others.....Respondents

AFFIDAVIT

I, Khan Akbar Khan Advocate, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



K. Akbar Khan
Deponent