

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	29.01.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1358/2013</p> <p style="text-align: center;">(Qazi Syed Mohibullah Shah-vs-Secretary Education (E&SE) KPK Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Counsel for the appellant (Mr. Muhammad Asif Yousafzai, Advocates) and Mr. Hameed-ur-Rehman, AD (Litigation) alongwith Mr. Ziaullah, GP for respondents present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the order dated 23.12.2011 produced in Tribunal on 08.04.2013 whereby the appellant was refused promotion to BPS-17 on wrong presumptions and against not taking any action on the appeal of appellant within statutory period. He prayed that on acceptance of this appeal, the order dated 23.12.2011 (produced before Tribunal on 08.04.2013) may be set-aside and the respondent may be directed to consider the appellant for promotion w.e.f. 02.01.1997 according to rules and seniority with all</p>

A.F.I.

consequential benefits.

3. Brief facts giving rise to the instant appeal are that the appellant joined the Education Department as DPE in the year 1989 on contract basis and on promulgation of regularization Act of 1989 read with amendment Act 1990, the service of the appellant was regularized w.e.f 2.7.1989 vide order dated 25.3.1991. That when a new Physical College Doaba Kohat was started, an option was sought from various officials(ADEO/SDPEs) including appellant vide letter dated 16.11.1992 and the appellant resultantly submitted his willingness for serving as I/C Lecturer in the said college. That according to the seniority lists the appellant is a senior most DPE and as per Rules, 1994, the appellant was eligible to be considered against 85% quota fixed for Assistant Director Physical Education (BPS-17) that many Junior Officials to the appellant were given BPS-17 but the same benefits were not extended to the appellant for his due date. The appellant was granted BPS-17 on 16.6.2009. That as the appellant was not given promotion to BPS-17 from his due date, therefore the same was challenged in the Service Tribunal in Appeal No. 452/2010, after fulfilling other formalities. The said was decided on 30.06.2011 and directions were given to the respondent-department for consideration of appellant promotion to BPS-17 from his due date. That as the respondents were not obeying the judgment of this august Tribunal, passed in favor of appellant, therefore, the appellant filed an execution petition No. 21/2012 in this august Tribunal. The said

17

petition lastly heard on 08.04.2013 when an order dated 23.12.2011 was produced before the Tribunal showing the appellant's case was considered but not found eligible. Thus on production of the said order, the execution petition of the appellant was consigned with advice to seek further remedies in accordance with law. That then the appellant again filed appeal against the refusal order as per advice of the Tribunal on 09.04.2013 which was not responded, hence the present appeal.

4. The learned counsel for the appellant argued that not granting and considering appellant promotion w.e.f 1997 and not taking any action on the departmental appeal of the appellant was against the norms of justice, material on record and principles of fair play and therefore not tenable. He further argued that the appellant was eligible for promotion w.e.f 1997 as per Rules as well as seniority and posts were also available but inspite of the same the appellant was not granted his due right of promotion from due date. He further contended that the appellant was refused his right of promotion to BPS-17 for want of Master Degree which was not correct because for promotion the Master Degree was not required and the appellant was otherwise eligible in terms of seniority and good record as prescribed under the relevant recruitment rules dated 18.10.1994. The learned counsel for the appellant further cited decision of the Service Tribunal in Service Appeal No. 452/2010 which was decided in favor of the appellant but inspite of the orders of the Tribunal in the

R.F.I.

Execution Petition No. 21/2012 dated 08.04.2013 appellant was not extended benefits of the said judgment and hence recourse to this Tribunal. He prayed that the appeal may be accepted as prayed for.

5. The learned Government Pleader resisted the appeal and argued that the instant appeal was not maintainable because the Tribunal had no jurisdiction to direct for promotion or antedation of promotion and in this regard cited case law.2006 SCMR 1630. He also diverted attention of the Tribunal to para-6 of the appeal wherein it was clearly stated that the appellant was considered but was not found eligible and contended that Rule-23 of the Service Tribunal, Rules 1974 placed a clear Bar on recourse to the Tribunal where case was previously decided by it. He prayed that the appeal being not maintainable under the law and rules may be dismissed.

6. Arguments of learned counsels for the parties heard and record perused with their assistance.

7. From perusal of the record, it transpired that the Service Tribunal made a decision in the case on previous appeal No. 452/2010 dated 30.06.2011 of the appellant wherein the appellant sought promotion w.e.f 1997 and relevant para-7 of the said judgment reads as

... "in view of the above discussion, the appeal is remanded to the respondent-

department to consider the case of appellant for the award of BPS-17 in view of the above discussion and judgment of Hon'ble Supreme Court of Pakistan without back benefits".

Execution Petition No. 21/2012 moved by the appellant was also decided by this Tribunal vide order dated 08.04.2013 relevant extract is reproduced below:-

"petitioner with counsel and Mr. Arshad Alam., GP with Khurshid Ali, SO and Mosam Khan, AD for the respondents present. Representative of the respondents stated that vide order dated 23.01.2013, the appellant has been considered for promotion from BPS-16 to BPS-17 but was found most Junior and acquired Master Degree after amendment in the pay revision Rules 1978, hence not eligible for promotion. Copy handed over to counsel for the petitioner. Since judgment of the Tribunal dated 30.06.2011 has been implemented, fresh cause of action accrued to the petitioner. He is at liberty to proceed into the matter in accordance with the law afresh".

Q.F.1.

8. A bare reading of the above proceedings would

reveal that case had been remitted to the department for consideration of the appellant for award of BPS-17 without back benefits which was accordingly done by the department and implementation report to the said effect was submitted in the Tribunal during hearing of the Execution Petition on perusal whereof the Tribunal found that its judgment had been implemented and appellant was at liberty to proceed into the matter in accordance with the law afresh. It appears from the above situation that in case of further grievance, instead of seeking remedy in the august Supreme Court of Pakistan against the above cited judgment of the Tribunal the appellant again approached the departmental authority and then agitated the case again before this tribunal in the instant appeal which is not in accordance with the law and Service Tribunal Rules 1974 as the matter stands res-judicata.

9. Moreover, on perusal of the record it transpired that case of the appellant was processed and considered for promotion strictly in accordance with the criteria/policy contained in the Notification No. SOG/S&L/1-69/06/vol-I/DPE/LIB dated 13.11.2007 and his promotion was made on the basis of recommendations of the DPC as per laid down procedure in the Service Rules 1994 against the upgraded post of DPE BPS-17. His seniority alongwith fitness for promotion was duly considered and he was promoted according to his turn/seniority against the available vacancy vide notification dated 16.06.2009. The claim of the appellant for award of higher Scale BPS-17 on possession of

Master Degree was not found tenable as by the time he got the Master Degree, the scheme of award of higher scale BPS-17 on the basis of Master degree which was available in the Pay Revision Rules 1978 had ceased to exist on coming into force of the scheme of Pay Revision Rules 1983. The appeal besides being devoid of merits is also not maintainable and is accordingly dismissed. Parties are left to bear their own costs. File be consigned to the record.

10. This judgment will also dispose off other connected Appeal bearing No. 1357/2013 by Mumraiz Khan, involving common question of law, in the same manner.



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

ANNOUNCED
29.01.2016

23.12.2015

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder submitted. To come up for arguments on 13.1.2016 alongwith connected appeal.



Member



Member

13.01.2016

Counsel for the appellant and Addl: A.G for respondents present. Since the learned Member (Judicial) is on leave therefore, case is adjourned to 21-1-16 for the same.



Reader

21.01.2016

Appellant in person and Muhammad Adeel Butt, Addl: AG for respondents present. Due to general strike of legal fraternity, counsel for the appellant is not available. Therefore, the case is adjourned to 29.1.16 for arguments.



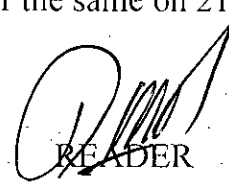
MEMBER



MEMBER

27.11.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mosam Khan, AD for the respondents present. The Tribunal is incomplete. To come up for the same on 21.01.2015.



READER

21.1.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Mosam Khan, AD for the respondents present. Counsel for the appellant submitted that rejoinder prepared but did not print out due to electricity break down. He requested for short adjournment. Case to come up for rejoinder on 6.3.2015.



MEMBER

06.3.2015


Appellant with counsel, and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Mosam Khan, AD for the respondents present. The learned counsel for the appellant submitted that the case may be fixed for arguments while rejoinder, if needed, be submitted in the meantime. Therefore, case is adjourned to 16.7.2015 for arguments.



MEMBER

16.07.2015

Junior to counsel for the appellant and Asstt. AG for the respondents present. Senior counsel for the appellant is not available and request made on his behalf for adjournment. Therefore, case is adjourned to 23-12-2015 for arguments.



Member



Member

1358/13

11.7.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO for the respondents present. Representative of the respondents failed to file written reply despite several last chances were given to them. Hence, respondents are placed ex-parte. To come up for ex-parte arguments on 21.07.2014.

MEMBER

MEMBER

21.07.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Mosam Khan, AD for the respondents present. Due to retirement of executive Member, arguments could not be heard. To come up for ex-parte arguments on 01.09.2014.

Member

01.09.2014.

Appellant in person and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Sajjad Rashid, AD for the respondents present and submitted application for setting aside ex-parte proceedings against the respondents. Copy handed over to appellant for reply/arguments on 29.09.2014.

MEMBER

29.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO and Sajjad Rashid, AD for the respondents present. Counsel for the appellant has no objection on setting aside ex-parte proceedings against the respondents. As such ex-parte proceedings against the respondents are set aside. Written reply of the respondents received, copy whereof is handed over to counsel for the appellant. To come up for rejoinder on 27.11.2014.

MEMBER

07.05.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Sajjad Rashid, AD for the respondents present and requested for further time. To come up for written reply on 18.6.2014.

MEMBER

MEMBER

18.6.2014

Appellant in person and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Sajjad Rashid, AD for the respondents present and submitted before the court that joint written reply prepared and placed before the respondents for signature. They requested for adjournment. Last chance is given to the respondents for submission of written reply on 30.06.2014.

MEMBER

MEMBER

30.6.2014

Counsel for the appellant and Mr. Muhammad Jan, with Khursheed Khan, SO, Mosam Khan, AD and Hamad Assistant for the respondents present and requested for further time. To come up for written reply on 11.7.2014 by way of last chance. In case the respondents failed to file written reply on the date fixed, no other chance will be given to them and they will be placed ex-parte.

MEMBER

MEMBER

8.1.2014.

Appellant with counsel, and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO, Mosam Khan, AD and Muhammad Hamayun, ADO and Muhammad Irshad, Supdt. for the respondents present and again requested for time. To come up for written reply positively on 4.2.2014.

MEMBER

MEMBER

4.2.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO and Mosam Khan, AD for the respondents present and requested for time. To come up for written reply positively on 27.2.2014.

MEMBER

MEMBER

27.2.2014

Appellant with counsel and Mr. Muhammad Jan GP with Khursheed Khan, SO Mosam Khan, AD and Muhammad Hamayun, ADO for the respondents present. Respondents need further time. To come up for written reply on 24.3.2014.

MEMBER

MEMBER

24.3.2014.

Counsel for the appellant and Ziaullah GP with Khursheed Khan, SO and Sajjad Rasheed, AD for the respondents present and requested for time. To come up for written reply on 7.5.2014.

MEMBER

Appeal No. 1358/2013
Qazi Syed Mohib Ullah Shah.

09.10.2013

Appellant with counsel present and heard on preliminary.

Contended that the appellant has not been treated in accordance with the law/rules. He filed departmental appeal against the order dated 23.12.2011 as received to the appellant on 08.04.2013 which has not been responded with the statutory period of 90 days. He further contended that other appeals for grant of BPS-18 have already been admitted to full hearing. The cited cases/appeal has already pending before the Final Bench-II, therefore, the instant appeal being similar and identical be clubbed with the mentioned service appeals. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 10.12.2013 for submission of written reply.

Appellant deposited
Process fee & Security
of Rs. 200/- Bank Receipt
Attached with file.

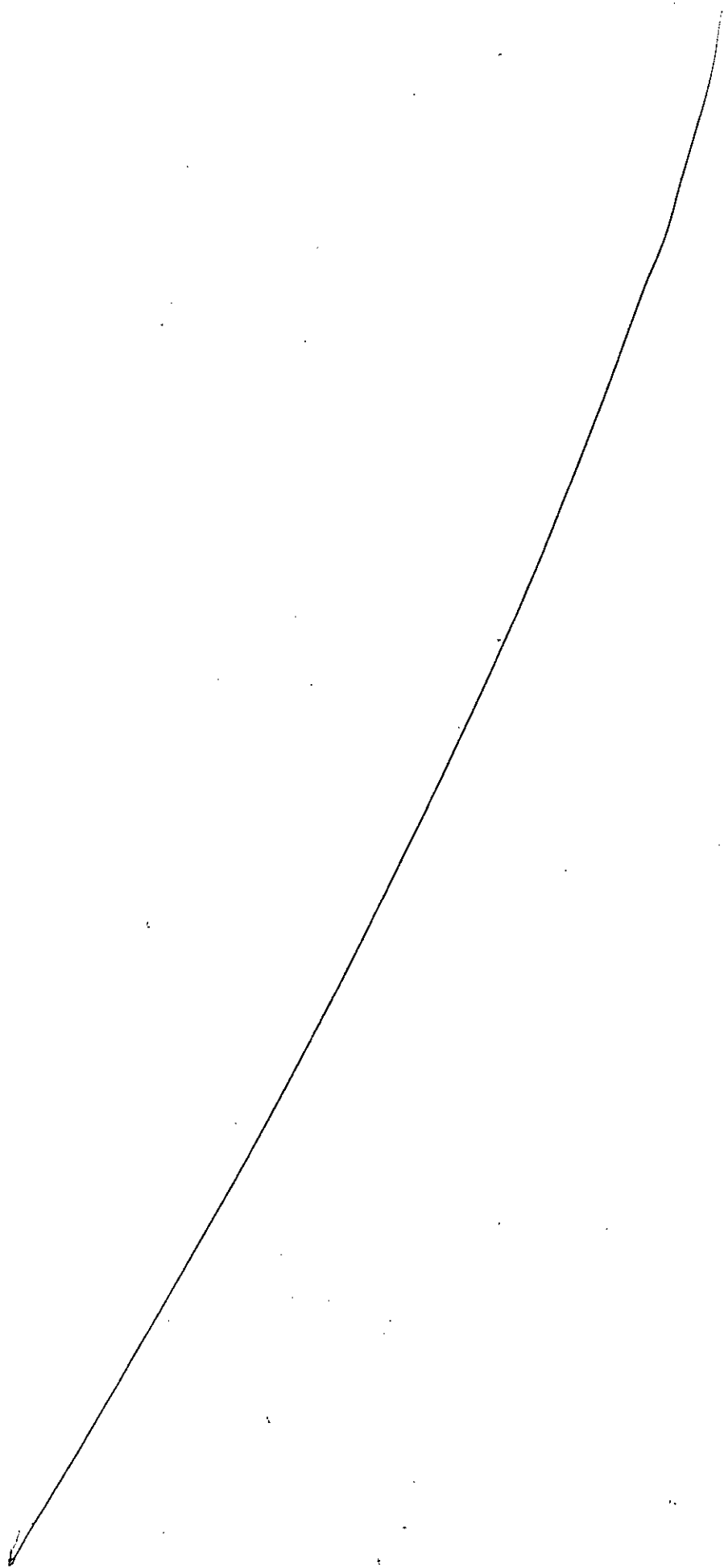
Member.

10.12.2013

Appellant with counsel, and Mr. Muhammad Adeel Butt, AAG with Bashirul Haq, SO, Javed Ahmad, Supdt. and Mohammad Hamayun, ADO for respondents No. 1, 2 and 4 present and requested for time. None is available on behalf of respondent No. 3. Fresh notice be issued to him. To come up for written reply on 8.1.2014.

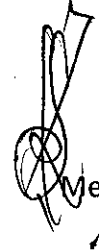
MEMBER

MEMBER

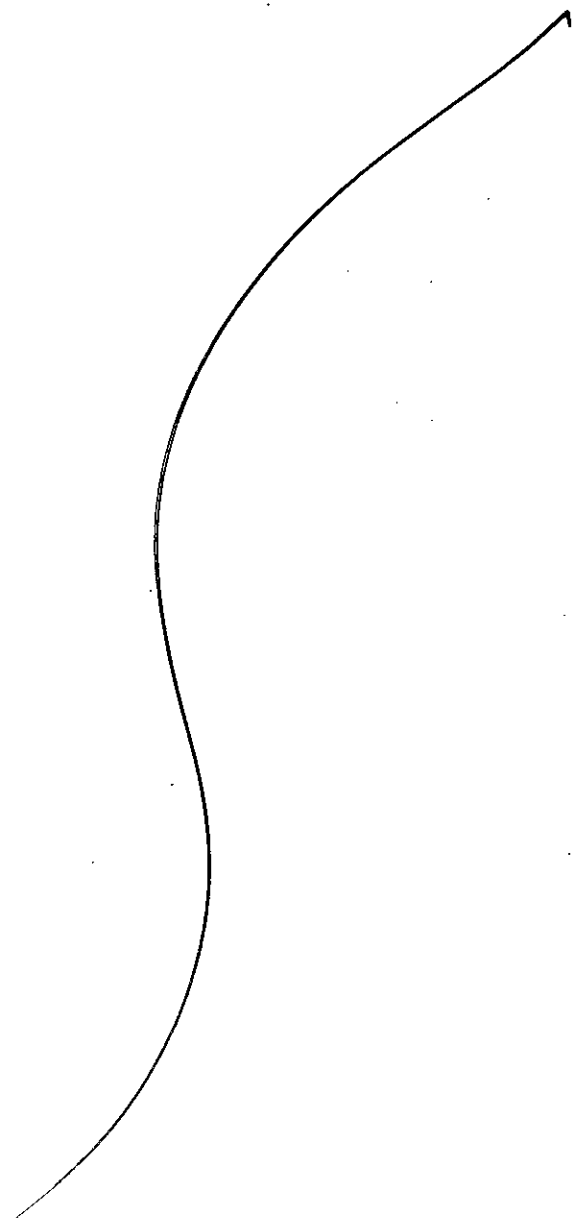


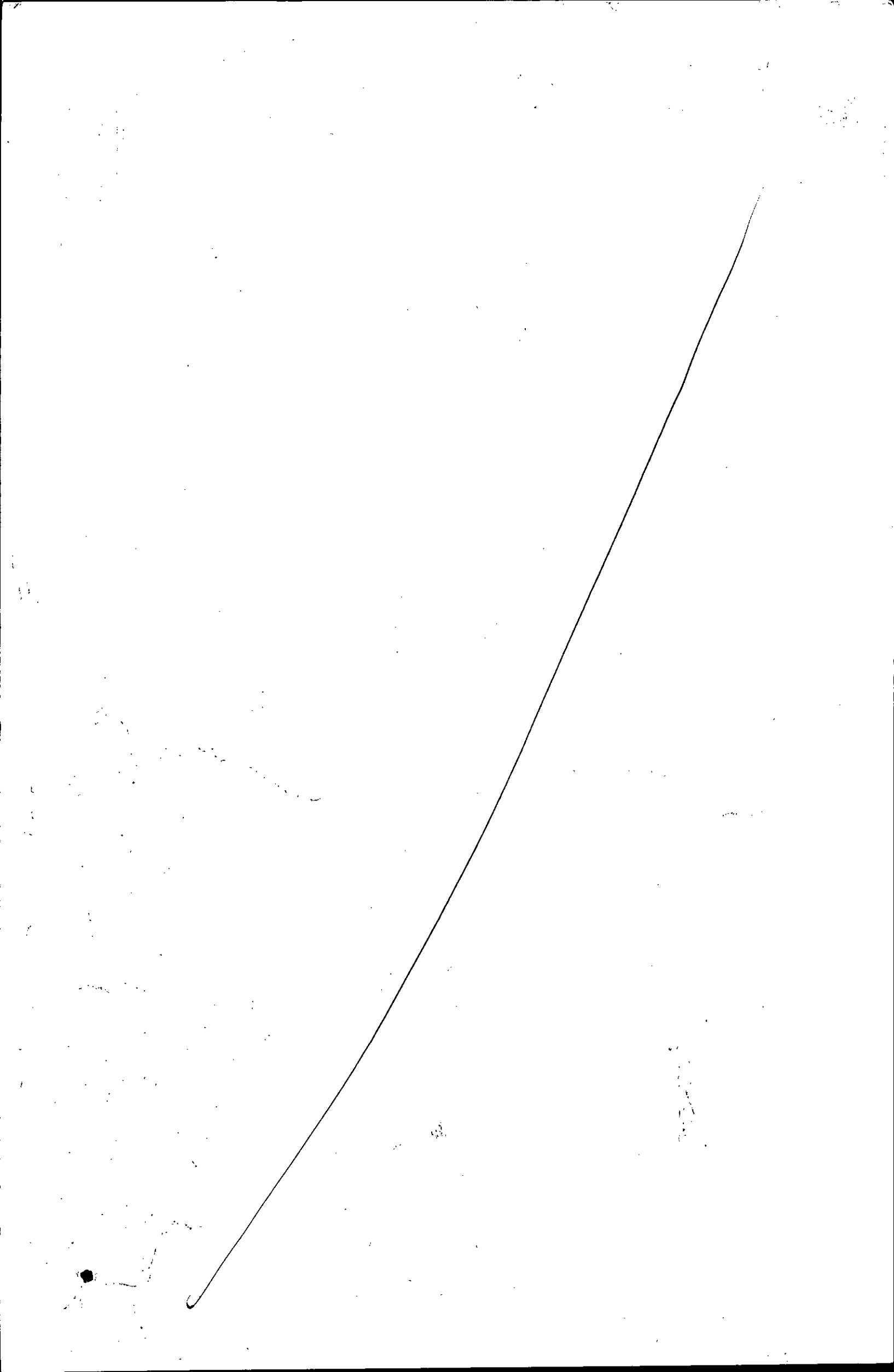
08.10.2013

Counsel for the appellant present and submitted an application for early hearing which is fixed for preliminary hearing on 10.12.2013. To come up for arguments on early hearing application on 9.10.2013.


Member


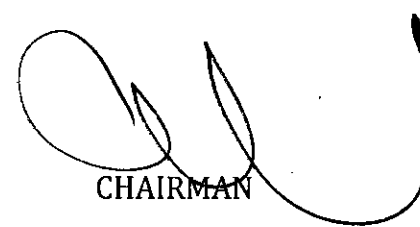
08.10.2013





Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1358/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/09/2013	<p>The appeal of Qazi Syed Mohibullah Shah resubmitted today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23-9-2012.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>10-12-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Qazi Syed Mohibullah Shah DPE received today i.e. on 05/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of order dated 23.1.2013 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal are illegible which may be replaced by legible/better one.

No. 1128 /S.T,

Dt. 6/8 /2013.


**REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.**

Mr. M.Asif Yousafzai Adv. Pesh.

Resubmitted after compliance
Am S. Jai

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1358 /2013.

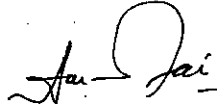
Qazi Syed Mohibullah Shah. VS Education Deptt:

INDEX.

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1 - 4
2-	Regularization order	A	5
3-	Option letter.	B	6
4-	Willingness letter	C	7
5-	Seniority list.	D	8 - 11
6-	Rules of 1994	E	12 - 14
7-	Promotion order of 2009.	F	15 - 16
8-	Judgment dt. 30.6.2011	G	17 - 21
9-	Tribunal's order in execution	H	22 - 23
10-	Order dt. 23.12.2011	I	24
11-	Appeal.	J	25 - 27
12-	Post availability in 1997	K	28
13-	Post availability in 1998	L	29.
14-	Vakalat nama.	---	30.

APPELLANT

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1358 /2013.

✓ Qazi Syed Mohibullah Shah,

DPE, GHSS Karak.....Appellant.

1237
05/8/13

VERSUS

- 1- The Secretary Education (E&SE) KPK Peshawar.
- 2- The Director Education (E&SE) Peshawar.
- 3- The Secretary Finance Deptt: KPK Peshawar.
- 4- The Distt: Education Officer (E&SE) Karak.

.....Respondents.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE ORDER DATED.23.12.2011 PRODUCED IN TRIBUNAL ON 8.4.2013 WHEREBY THE APPELLANT WAS REFUSED PROMOTION TO B-17 ON WRONG PRESUMPTIONS AND AGAINST NOT TAKING ANY ACTION ON THE APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal, the order dated. 23.12.2011(produced before Tribunal on 8.4.2013) may be set-aside and the respondent may be directed to consider the appellant for promotion w.e.from 2.1.1997 according to Rules and seniority with all consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

Re-submitted to
and filed,

19/9/13

5/8/13

R.SHEWETH.

- 1- That the appellant joined the Education Deptt: as DPE in the year 1989 on contract basis and on promulgation of Regularization Act of 1989 read with amendment Act 1990, the service of the appellant was regularized w.e.from 2.7.1989 vide order dated. 25.3.1991. Copy of the order is attached as Annexure – A.
- 2- That when a new Physical College Doaba Kohat was started, an option was sought from various officials (ADEO/DPEs) including appellant vide letter dated. 16.11.1992 and the appellant resultantly submitted his willingness for serving as I/C lecturer in the said college. Copies of option letter and willingness letter are attached as Annexure – B&C.
- 3- That according to the seniority lists the appellant is a senior most DPE and as per Rules 1994, the appellant was eligible to be considered for promotion against 85% quota fixed for Asstt: Director Physical Education (BPS-17). Copy of the seniority list and rules are attached as Annexure – D&E.
- 4- That many junior officials to the appellant were given BPS-17 but the same benefits were not extended to the appellant from his due date. The appellant was granted BPS-17 on 16.6.2009. Copy of the order is attached as Annexure – F.
- 5- That as the appellant was not given promotion to B-17 from his due date, Therefore the same was challenged in the Service Tribunal in appeal NO. 452/2010, after fulfilling other formalities. The said appeal was decided on 30.6.2011 and directions were given to the respondent Deptt: for considerations of appellant's promotion to BPS-17 from his due date. Copy of the judgment is attached as Annexure – G.
- 6- That as the respondents were not obeying the judgment of this august Tribunal, passed in favour of appellant, therefore, the appellant filed an execution petition NO. 21/2012 in this august Tribunal. The said petition lastly heard on 8.4.2013 when an order dated. 23.12.2011 was produced before the

3

Tribunal showing the appellant's case was considered but not found eligible. Thus on production of the said order, the execution petition of the appellant was consigned with advice to seek further remedies being fresh cause of action was accrued to appellant. Copies of Tribunal's order and departmental order are attached as Annexure – H&I.

- 7- That then the appellant again filed appeal against the refusal order as per advice of the Tribunal on 9.4.2013 and waited for ninety days but no reply has been received by the appellant so far. Hence the present appeal on the following grounds amongst the other. Copy of appeal is attached as Annexure – J.

GROUND:

- A- That not granting and considering appellant's promotion w.e.from 1997 and not taking any action on the departmental appeal of appellant is against the norms of justice, material on record and principles of fair play. Therefore not tenable.
- B- That the appellant was eligible for promotion w.e.from 1997 as per rules as well as seniority and the posts were also available, but despite that the appellant was not granted his due right of promotion from his due date. Copies of post availability is attached as Annexure – K&L.
- C- That the appellant was refused his right of promotion to BPS-17 on the basis of master degree which was not correct because for promotion the master degree was not required, but seniority and good record, which the appellant possessed. Thus the decision of the respondent Deptt: is totally based on wrong analysis.
- D- That the appellant was fully entitled for his right under 85% quota fixed for promotion and that can not be denied on wrong decisions of the Deptt:
- E- That the appellant has not been dealt with in accordance with the rules and has been kept deprived from his due rights of promotion in an arbitrary and flimsy manner.

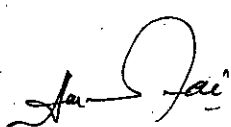
- 4
- F- That the appellant has been discriminated because many colleagues of the appellant have been promoted on the basis of seniority only without considering as to whether they have master degree or not.
- G- That there are many decisions of the superior courts in which it has been held that promotion is always to be granted from the date of availability of post and the officials is not to be suffered due to delay of the Govt: functionaries in conducting of DPC meetings.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT


QAZI SYED MOHIBULLAH SHAH

THROUGH:


M. ASIF YOUSAFZAI
ADVOCATE.

OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS) NWFP, PESHAWAR.

APPOINTMENT

Consequent upon the recommendation of the NWFP Public Service Commission, the Director of Education (Schools) NWFP is pleased to appoint the following ADEOs (Phy) as in officiating capacity in BPS-16 at the offices mentioned against each with effect from the date of their taking over charge subject to the conditions mentioned below:

S.No.	Name /Address of Candidate	Office/Institution where posted	Remarks
1.	Mumrez Khan, PET, GHS, Ahmadi Banda, Karak	ADEO (Phy) in the office of the DEO (M) Kohat	Against vacant post.
2.	Ihsanullah Village and P.O. Seru Bada Khel, Bannu.	ADEO (Phy) in the office of the DEO (M) Abbottabad	Against vacant post.
3.	Talat Mahmood DPE Musa Nika School, Wana	ADEO (Phy) in the office of the DEO (M) Swat.	Against vacant post.

TERMS AND CONDITIONS:

1. The inter-se-seniority of the candidates recommended by the commission will be determined in accordance with the order of merit.
2. The services are liable to termination on one month notice form either side. In case of resignation without notice their one months pay and allowances if any will be forfeited to Government.
3. Charge reports of taking over charge in duplicate should be submitted to all concerned.
4. The DEOs concerned should check the original certificates and degrees of the candidates before handing over charge.
5. Their appointment is also subject to the production of medical fitness certificate from the standing medical board.
6. They will get no TA/DA etc on their fist appointment.
7. They will be governed by the such rules and regulations as may be issued by the government for the category of government servants to which they belong.
8. They should not be handed over the charge unless and until they have not been medically examined by the standing Medical Board and if their age is less than 21 years and more tan 35 years, at the time of their arrival.

Sd/-
 Mohammad Idrees Khan
 Director of Education (Schools)
 NWFP, Peshawar.

Endst. 8077-8110/A-14 DPE/ADEOs; dated 15.04.1987.

9

13/	Mr. Hazrat Ali DFE GHS, Karak.	04.08.1960/FR-Bannu.	02.16.1981.	20.10.1991.
14/	Mr. Shamsul Islam ALC(Phy) Bannu.	24.04.1960/Bannu.	05.10.1980.	20.10.1991.
15/	Mr. Muhammad Aslam DFE GHS, No.3, Pesh: City.	13.12.1952/Bannu.	13.02.1974.	22.10.1990.
16/	Mr. Amir Kaushad JTO(Phy) Swat.	03.02.1944/Swat.	01.06.1965.	22.10.1990.
*17/	Mr. Tajamul Zaman DFE GHS No.4, DIKhan.	20.12.1962/DIKhan.		22.10.1992.
*18/	Mr. Muhammad Aslam DFE GHS, Kakki.	12.03.1961/Bannu.		22.10.1993.
*19/	Mr. Muhammad Shah DFE GHS Gul Imam,	03.02.1952/DIKhan.	08.11.1975.	22.10.1990.
*20/	Mr. Gulistan Khan ALC(Phy:) D.I. Khan.	20.03.1955/DIKhan.		22.10.1993.
21/	Mr. Anwar Zeb Khan DFE GHS, S.K. Bala.	02.03.1952/Bannu.	20.01.1986.	22.10.1990.
22/	Mr. Muhammad Nasrullah DFE GHS, Takhti Nasratti, Karak.	05.02.1953/Karak.	20.10.1973.	22.10.1993.
*23/	Mr. Khalid Tanveer DFE GEC(M) D.I. Khan.	12.03.1960/DIKhan.	22.07.1978.	22.10.1990.
*24/	Mr. Nisal Khan JTO(Phy:) Peshawar.	25.10.1953/Peshawar.	11.06.1978.	22.10.1990.
25/	Mr. Anwar Khan DFE GHS No.1, Mansehra.	01.11.1962/Mansehra.	09.12.1989.	22.10.1993.
26/	Mr. Sarwar Shah ALC(Phy:) Charsadda.	01.08.1951/Mardan.	02.09.1972.	22.10.1990.
27/	Mr. Abdul Jamil DFE GHS, Domali, Bannu.	06.02.1956/DIKhan.	16.12.1986.	22.10.1990.
28/	Mr. Sher Kamal DFE GHS, Kathian, Mardan.	20.04.1953/Mardan.	19.04.1972.	22.10.1990.
29/	Mr. Gul Said Khan DFE GHS, Tankal Bala, Peshawar.	01.02.1947/Peshawar.	01.01.1980.	22.10.1990.
*30/-	Mr. Hussain Wali ALC(Phy:) Chitral.	12.02.1955/Chitral.	01.04.1979.	22.10.1990.
31/x	Mr. Sheraz Khan ALC(Phy): Dir.	15.02.1958/Dir.	22.05.1980.	22.10.1990.

32/	Mr. Jonas Khan DFE G.S.S, Khawaza Ehela, Swat.	05.04.1946/Swat.	16.06.1965.	22.10.1990.
33/	Mr. Istan Rosh DFE G.S.S No.4, Mardan.	01.03.1955/Mardan.	14.11.1985.	22.10.1990.
34/	X Mr. Sardar Ali DFE GEC (P) Barikot, Swat.	01.09.1956/Charsadda.	22.01.1987.	22.10.1990.
35/	X Mr. Muhammad Bashir DFE G.S.S, Baffa, Man.	26.06.1958/Mansehra.	01.11.1983.	22.10.1990.
36/	Mr. Muhammad Hashim DFE G.S.S no.1, Canni.	01.09.1962/Bannu.	01.02.1986.	10.02.1991.
37/	X Mr. Gul Aslam Khan DFE G.S.S No.1, Peshawar City.	29.03.1962/Bannu.	27.10.1987.	10.02.1991.
38/	Mr. Muhammed Saed ADEO (Phy:) Swabi.	20.09.1949/Swabi.	15.12.1980.	10.02.1991.
39/	X Mr. Saic Nawaz DFE G.S.S, Jehangiri, M.K.K.	02.01.1962/Karak.	15.12.1980.	10.02.1991.
40/	X Mr. Abdul Sarwar DFE GEC (M) Gheriwala.	11.01.1962/Bannu.	13.09.1985.	10.02.1991.
41/	Mr. Samiullah DFE G.S.S, Gumbat, Kohat.	29.08.1969/Bannu.		
42/	Mr. Fazli Baqi DFE G.S.S Wari, Dir.	06.04.1966/Dir.		
43/	Mr. Iftikhar Ahmad DFE G.S.S No.4, Peshawar City.	04.04.1965/Mardan.		

Indst: No. 3096-3156 /A-14/DFE/S.List/

Dated Peshawar the 23/12/1997.

Copy of the above is forwarded for information to the

- 1- Director Bureau of Comp. Dev. & Infr. Services NWFP, A. Abad. (2) Director of Education (PATA) NWFP, Peshawar.
- 3- All Divl: Directors of Edu: (S) in NWFP. (4) District Edu: Officers (1/S) in NWFP. (5) The DFE's/ADEOs (Phy:) concerned with the remarks that the Column i.e. D/O Birth/D/O Ist App./D/O Promotion to E-14/15 and D/O Promotion to the Present Grade i.e. BES-16 after having filled up the blank columns then the same be returned to this office for further appropriate action. (6) L/A to Director Secondary Education NWFP, Peshawar.

Deputy Director Secondary Education NWFP, Peshawar.

11

13/	Mr. Hazrat Ali DPE GHS, Karak.	24.08.1960/Pk-Bannu.	02.16.1981.	20.10.1990.
14/	Mr. Shamsul Islam ADEO(Phy) Bannu.	24.04.1960/Bannu.	05.10.1980.	20.10.1990.
15/	Mr. Muhammad Aslam DPE GHS, No.3, Pesh: City.	13.12.1952/Bannu.	13.02.1974.	22.10.1990.
16/	Mr. Amir Faushad ADEO(Phy) Swat.	03.02.1944/Swat.	01.06.1965.	22.10.1990.
17/	Mr. Pajamul Zaman DPE GHS No.4, DIKhan.	20.12.1962/DIKhan.		22.10.1990.
18/	Mr. Muhammad Aslam DPE GHS, Kakki.	12.03.1961/Bannu.		22.10.1990.
19/	Mr. Muhammad Shah DPE GHS Gul Imam,	03.02.1952/DIKhan.	08.11.1975.	22.10.1990.
20/	Mr. Gulistan Khan ADEO(Phy): D.I. Khan.	20.03.1955/DIKhan.		22.10.1990.
21/	Mr. Anwar Zeb Khan DPE GHS, S.K. Bala.	02.03.1952/Bannu.	20.01.1986.	22.10.1990.
22/	Mr. Muhammad Nasrullah DPE GHS, Takhti Nasratti, Karak.	05.02.1953/Karak.	20.10.1973.	22.10.1990.
23/	Mr. Khalid Tanveer DPE GHS (M) D.I. Khan.	12.03.1960/DIKhan.	22.07.1978.	22.10.1990.
24/	Mr. Nisal Khan ADEO(Phy): Peshawar.	25.10.1953/Peshawar.	11.06.1978.	22.10.1990.
25/	Mr. Anwar Khan DPE GHS No.1, Mansehra.	01.11.1962/Mansehra.	09.12.1989.	22.10.1990.
26/	Mr. Sarwar Shah ADEO(Phy): Charsadda.	01.08.1951/Mardan.	02.09.1972.	22.10.1990.
27/	Mr. Abdul Jamil DPE GHS, Domali, Bannu.	05.02.1956/DIKhan.	16.12.1986.	22.10.1990.
28/	Mr. Sher Aslam DPE GHS, Hathian, Mardan.	20.04.1953/Mardan.	18.04.1972.	22.10.1990.
29/	Mr. Gul Said Khan DPE GHS, Tankal Bala, Peshawar.	01.02.1947/Peshawar.	01.01.1980.	22.10.1990.
30/-	Mr. Hussain Wali ADEO(Phy): Chitral.	12.02.1955/Chitral.	01.04.1979.	22.10.1990.
31/	Mr. Sheraz Khan ADEO(Phy): Dir.	15.02.1958/Dir.	22.05.1980.	22.10.1990.

D

(2)

(8)

PRIORITY LIST OF LDC's/ASDCs (PHYSICAL) IN BPS-16 SCHOOL CADRE
TO BE CORRECTED UPTO 31.12.1997.

S.No.	Name & Address.	D/O Birth: Domicile.	D/O Ist apptt:	D/O Promotion to BPS-14/15	D/O Promotion to Present grade.
RTA (01)	Mr. Wasiullah ALEC (Phy:) Mardan.	15.05.1933 Mardan.	11.06.1966.	01.10.1978.	25.11.1984. B 17 (P)
1-02/	Mr. Abdul Hameed LFE GHS, Saurang, Bnu:	10.02.1952. Bannu.	20.10.1973.		21.01.1987. 30.12.89
2-03/	Mr. Amanullah Khan ALEC (Phy:) Lakki Marwat.	02.01.1957 Bannu.	20.02.1981.		21.01.1987. 30.12.89
3-04/	Mr. Bahadur Sher LFE GHS, Bannu.	19.11.1956. Bannu.	14.12.1980.	13.09.1983.	14.05.1987. 30.12.89
4-05/	Mr. Asmatullah Khan LFE GEC (M) Kohat.	11.09.1952. Bannu.	23.10.1971.	09.02.1984.	14.05.1987. 25.10.87
5-06/	Mr. Akbar Ali ALEC (Phy:) Kohat.	08.10.1952. Bannu.	20.10.1973.	10.12.1984.	14.05.1987. 16.5.87
6-07/	Mr. Mamrez Khan LFE GEC (M) Karak.	01.11.1955. Karak.	04.11.1975.		20.05.1987. - - -
7-08/	Mr. Talat Mehmood LFE GEC (M) Inservice, Feshawar.	30.04.1960. Bannu.	01.06.1987.		01.06.1987. 1.9.1991
RTA (09)	Mr. Zahir Shah ALEC (Phy:) Malakand.	01.04.1945 Swat.	01.10.1966.		19.01.1988. 1.9.1991
8-10/	S. Mohibullah Shah ALEC (Phy:) Karak.	05.05.1956. Karak.	22.09.1980.		02.07.1985. - - -
11/	Mr. Abdul Sattar LFE GHS, Paroa, D.I. Khan.	24.12.1949. Bannu.	23.06.1968.		20.10.1990.
12/	Mr. Ahmad Jan LFE GTTC, Feshawar.	01.04.1948. Bannu.	07.04.1966.		20.10.1990.

Annex (B)

No: 1521-40

B

Dated Peshr: the 16-11/1992

To

1. Mr. Amanullah Khan DPE
G.H.S.S, Dera I. Khurd (Bannu)
2. Mr. Bahadur Sher DPE
G.H.S.S, Bannu.
3. Mr. Asmatullah Khan DPE
G.E.C (Men) D.I. Khan.
4. Mr. Akbar Ali ADEO (Physical)
Kohat.
5. Mr. Mamrez Khan DPE (Physical)
Karak. ✓
6. Mr. Talat Mahmood DPE
G.E.C (Men) Mathra Pesh.
7. Mr. Zahir Shah ADEO (Physical) Swat. ✓
8. Mr. Qayyum Habib Ullah Shah DPE G.E.C. (M) Karak. ✓
9. Mr. Abdul Sattar DPE
G.E.C (M) Kohat.
9. Mr. Ahmad Jan DPE
G.A.T.T.T.C (Pesh.)
10. Mr. Hazrat Ali DPE
GHSS, Takhti Nasratti Karak.
11. Mr. Shamsul Islam DPE
GHSS, Nizampur (NSR).
12. Mr. Muhammad Aslam Khan DPE
GHSS, Kakki (Bannu)
13. Mr. Amir Noushad DPE
GHSS, Mangora (Swat).
14. Mr. Tajjamul Zaman DPE
GHSS, No. 4 D.I. Khan.
15. Mr. Muhammad Aslam DPE
GHSS, Domei (Bannu)
16. Mr. Muhammad Shah DPE
GHSS, No. 3 D.I. Khan.
17. Mr. Gulistan Khan DPE
GHSS, Gul Imam DI Khan.
18. Mr. Anwar Zaid Khan DPE
GHSS, Lachi Kohat.
19. Mr. Khalid Tanveer DPE
GHSS, No. 3 Pesh: City
20. Mr. Misal Khan DPE
GHSS No. 1 Pesh: City Govt.

1997

Subject:- POSTING AS LECTURER/PHYSICAL College Doaba (Kohat).

Please let this office know whether you are willing to be posted as I/C Lecturer Physical College of Education Doaba on your own pay and BPS. The reply must reach this office within a fortnight from the date of issue of this letter. In case of refusal, your regular promotion to B.17 will not be processed.

Deputy Director of (Secy:)

for/Director of Secondary Edu.

Copy forwarded for information NWFP, Peshawar.

Enst: No. 15-41-42

to the:-

1. Director Bureau of Curri: Devel: & Edu: Extension Services A/Abad.
2. Principal Govt. Physical College of Edu: Doaba (Kohat)
3. Principal G.E.C. (male) Karak.

TESTED

ESDC

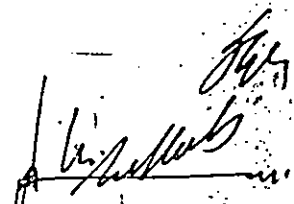
Annex (C)

WILLINGNESS CERTIFICATE

9

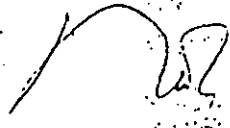
C

Certified that Mr. Qazi Syed Muhib Ullah Shah DPE Govt Elementary
College, Karak is hereby willing to joined the Post of Lecturer, at
Physical College, DOWA, KOHAT, vide Director of Secondary Education
Peshawar Endat No. 152 L. 10 dated 01.01.1992.

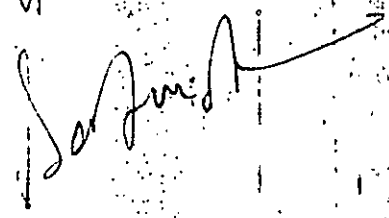


(QAZI SYED MUHIB ULLAH SHAH)
D.P.E. G.E.C., KOHAT.

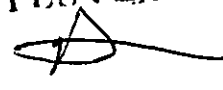
COUNTERSIGNED.



Off. Secy of Govt for
Elementary Education

Attested by


ATTESTED



U
Better Copy

Annexure-C (Page-7)

WILLINGNESS CERTIFICATE

Certified that I Dr. Mumriz Khan, ADEO (Phy) local office Karak is hereby willing to join the post of Lecturer at Physical College, DOABA Kohat vide Director of Secondary Education Peshawar Endst. No. 1521-40; dated 16.11.1992.

Qazi Syed Muhib Ullah Shah)
D.P.E. G.E.C, Kohat.

GOVERNMENT OF N.W.F.P.
EDUCATION DEPARTMENT.

100
E
12
5/24

NOTIFICATION.

NO.SO(S)6-2/90/I. In pursuance of the provisions contained in sub-rule(2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Education Department, in consultation with the Services & General Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in columns 3 to 6 of the Appendix to this Notification which shall be applicable to posts specified in column 2 of the said Appendix.

SECRETARY TO GOVT: OF NWFP
EDUCATION DEPARTMENT.

Dated: No.SO(S)6-2/90/I, Dated Peshawar, the 18th Oct., 1994.

Copy forwarded to the:-

1. Secretary to Govt: of NWFP S&GAD, Finance & Law Department.
2. Director of Secondary Education NWFP, Peshawar.
3. All Divisional Directors Education in NWFP.
4. Manager Government Printing Press NWFP Peshawar.
5. Accountant General NWFP Peshawar.

(MUHAMMAD ALI YAS)
Section Officer (Schools)

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Principal Government College of Physical Education.

2. Assistant Director Physical Education and Sports/Lecturers Government College of Physical Education.

M.Sc. in Physical Education from a recognised University.

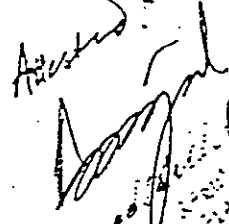
3. Director Physical Education Government Higher Secondary School/Elementary Colleges and Assistant District Education Officer (Physical).

B.A./B.Sc. from a recognised University with Senior Diploma in Physical Education from a recognised College.

4. Physical Supervisor.

B.A./B.Sc. from a recognised University with Senior Diploma Physical Education.

P.E.T. (Senior) 1971

Approved:

 Director of Physical Education
 Government College of Physical Education
 P.O. No. 10, Srinagar

By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors Physical Education and Sports and Lecturers Government Colleges of Physical Education having seven years' service in the respective sections.

Male
21-30 years.

Female
21-30 years.

a) Eighty-five per cent by promotion on the basis of seniority-cum-fitness, from amongst Directors Physical Education Government Higher Secondary School/Elementary Colleges and Assistant District Education Officers (Physical), having five years' service as such; and

Male
21-30 years.

Female
21-40 years

b) Fifteen per cent by initial recruitment.

75% Sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Supervisors, with two years' service as such; and
 25% Forty per cent by initial recruitment.

Male
16-30 years.

Female
16-30 years

a) Fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Physical Education Teachers with Senior Diploma in Physical Education and having five years' service as such; and

14

1. 2. 3. 4. 5. 6.

Physical Education Teacher.	F.A./F.Sc with Junior Diploma in Physical Education/Certificate of Training in Physical Education from Takia Training Centre.	Male	b) fifty percent by initial recruitment.
		18-30 years.	By initial recruitment.
		Female	
		18-30 years	

Attested
[Signature]



GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Date: Peshawar, 16-6-2009.

15
Annexure (G1)

F
15

NO. SO(PE)2-6/E&SE/DPC/LET/AG/ED/9: Consequent upon recommendations of the Departmental Promotion Committee, the competent authority is pleased to promote the following Twenty Three (23 Male) and Thirteen (13 Female) DPEs from BS-16 to BS-17 according to their seniority on regular basis with immediate effect:-

MALE DPEs

S.No	Name & Designation of Officer	Place of Posting	Remarks
1.	Mr. Abdul Hameed ADO's (sports) O/O EDO E&SE Lakki	GHSS Langaria, Abbottabad.	Against Vacant Post
2.	Mr. Amanullah Khan DPE GHSS Tajazai Lakki	GHSS Tajazai Lakki	Already occupied by him
3.	Q.S. Mohibullah Shah DPE GHSS Karak	GHSS Karak	-do-
4.	Muhammad Aslam DPE GHSS Abdul Khel Lakki	GHSS Abdul Khel Lakki	-do-
5.	Mr. Sardar Ali DPE GHSS Ghani Dehri Malakand Dargai	GHSS Ghani Dehri Malakand Dargai	-do-
6.	Muhammad Hashim DPE GHSS No. 3 Peshawar City	GHSS No. 3 Peshawar City	-do-
7.	Muhammad Saeed ADO (Sports) EDO E&SE Swabi	GHSS (Rizki Bhan) Abbottabad	Against Vacant Post
8.	Muhammad Ibrahim ud Din DPE GCOPE (M) Karak	GHSS Bog Abbottabad	-do-
9.	Mr. Deedar Khan DPE GHSS Chankani Peshawar	GHSS Chankani Peshawar	Already occupied by him
10.	Mr. Abdul Sattar DPE GHSS, Gul Imam Tank	GHSS Gul Imam Tank	-do-
11.	Muhammad Saeed Shah DPE GHSS Kawi Mansehra	GHSS Kawi Mansehra	-do-
12.	Mr. Khaki Rehman DPE GEC (M) Mir Ali NWA	GEC (M) Mir Ali NWA	-do-
13.	Mr. Habib Ullah DPE GHSS Dargai Charsadda	GHSS Dargai Charsadda	-do-
14.	Mr. Habibullah DPE GHSS Mamash Khel Bannu	GHSS Mamash Khel Bannu	-do-
15.	Mr. Zahoor Ahmad DPE GHSS Manki Sharif Nowshera	GHSS Manki Sharif Nowshera	-do-
16.	Mr. Lal Bacha DPE GHSS Mansabdar Swabi	GHSS Mansabdar Swabi	-do-
17.	Abdur Rauf DPE GHSS Wadpaga Peshawar	GHSS Wadpaga Peshawar	-do-
18.	Mr. Fakhir Zaman Shah DPE, GHSS Dhand Saghri, Kohat	GHSS Dhand Saghri, Kohat	-do-
19.	Mr. Wali-ur-Rehman DPE, GCOPE Karak	GCOPE Karak	-do-
20.	Mr. Kamran Ali DPE GHSS, Nagri Bunair	GHSS Nagri Bunair	Already occupied by him
21.	Mr. Muliattamad Iqbal, DPE GHSS Tehkal Bala Pesh.	GHSS Tehkal Bala Pesh.	-do-
22.	Muhammad Arif DPE, GHSS Bam Khel Swabi	GHSS Bam Khel Swabi	-do-
23.	Mr Zard Ali Khan DPE GHSS Urmay payan Peshawar	GHSS Urmay payan Peshawar	-do-

M. Tufail Muhammad/Kaleem Khan Mahsood/Final Notification

(P.T.O.)

ATTESTER

GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

No.SO(PE)2-6/E&SE/DPC, Meeting ; Consequent upon recommendations of the Departmental Promotion Committee that the competent authority is pleased to promote the following Twenty three (23 Male) and thirteen (13) Female) DPEs from BS-16 to BS-17 according to their sonority on regular basis with immediate effect:-

MALE DPE

S.No.	Name & Designation of Office of	Place of Posting	Remarks
1.	Mr. Abdul Hameed, ADO's (sports) O/O EDO E&SE Lakki.	GHSS Langarial Abbottabad	Against Vacant post.
2.	Mr. Amanullah Khan, DPE GHSS Tajazai Lakki	GHSS Tajazai Lakki	Already occupied by him.
3.	Q.S. Mohibullah Shah, DPE GHSS Karak.	E GHSS Karak.	do
4.	Muhammad Aslam, DPE GHSS Abdul Khel Lakki	GHSS Abdul Khel Lakki	do
5.	Mr. Sardar Ali, DPE GHSS Ghani Dehri Malakand Dargai	GHSS Ghani Dehri Malakand Dargai	do
6.	Muhammad Hashim, DPE GHSS No.3 Peshawar City.	GHSS No.3 Peshawar City.	do
7.	Muhammad Saeed, ADO, (Sport) EDO E&SE, Swabi.	GHSS Rhich Bhan, Abbottabad	Against vacant post
8.	Muhammad Ibrahim-ud-Din, DPE GCPE (M) Karak.	GHSS Baj Abbottabad.	do
9.	Mr. Deedar Khan, DPE GHSS Chamkani, Peshawar.	GHSS Chamkani, Peshawar.	do
10.	Abdul Sattar, DPE GHSS, Gul Imam Tank.	GHSS, Gul Imam Tank.	do
11.	Muhammad Saeed Shah, DPE GHSS Kawju Mansehra.	GHSS Kawju Mansehra.	do
12.	Khaki Rehman, DPE GEC (M) Mir Ali NWA.	GEC (M) Mir Ali NWA.	do
13.	Habib Ullah, DPE GHSS Dargai Charsadda.	GHSS Dargai Charsadda.	do
14.	Mr. Habibullah, DPE GHSS, Mamash Khel Bannu.	GHSS, Mamash Khel Bannu.	do
15.	Mr. Zaheer Ahmad, DPE GHSS Manki Sharif Nowshera.	GHSS Manki Sharif Nowshera.	do
16.	Lal Bacha, DPE GHSS Mansabdar Swabi	GHSS Mansabdar Swabi	do
17.	Abdul Rafu, DPE GHSS Wadpaga, Peshawar.	GHSS Wadpaga, Peshawar.	do
18.	Mr. Fakhr Zaman shah, DPE, GHSS Dhand Saghri, Kohat.	GHSS Dhand Saghri, Kohat.	do
19.	Wali ur Rehman, DPE GCPE Karak	DPE GCPE Karak	do
20.	Kamran Ali, DPE, GHSS Nagri Bunair	GHSS Nagri-Bunair	Already occupied by him.

16

16


S.No	Name & Designation	Place of Posting	Remarks
1.	Mst. Samra Habib DPE GCH. Abbottabad	Abbottabad	Already occupied by her
2.	Mst. Gul Nari DPE GCH. Comp Abbottabad	Comp Abbottabad	-do-
3.	Mst. Abida Parveen DPE GCHSS Malakand Abbottabad	Malakand Abbottabad	-do-
4.	Mst. Robina Shaheen DPE GCH. S.K. Bala Bannu.	SS S.K Bala Bannu.	-do-
5.	Mst. Sugra Afandi DPE GCH. Mardan	SS Gupral Mardan.	-do-
6.	Mst. Suhaat Begum DPE GCH. Taktbhai Mardan	HSS Taktbhai Mardan	-do-
7.	Mst. Saana Gul DPE GCHSS Topi Swabi	HSS Topi Swabi	-do-
8.	Mst. Sedia Hazrat DPE GCHSS Malakand	HSS Keper Malakand	-do-
9.	Mst. Sara Jaf DPE GCHSS Abbottabad	HSS Abbottabad	-do-
10.	Mst. Dilara DPE GCHSS Charsadda	HSS Damanra Charsadda	-do-
11.	Mst. Robina Shaheen DPE GCHSS Katang Mardan	HSS Katang Mardan	-do-
12.	Mst. Riffat Shaheen DPE GCH. Habibullah Mansehra	SS Garm Habibullah Mansehra	-do-
13.	Mst. Aina Saad DPE GCH. Khairabad Nowshera	HSS Khairabad Nowshera	-do-

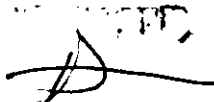
SECRETARY TO GOVT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Encl: of ever no. & date:

Copy is forwarded to:-

- 1) Secretary to Govt of NWFP, Establishment Department, Peshawar.
- 2) Special Secretary (Regulation & Administration), Department, Govt of NWFP Peshawar.
- 3) Secretary to Govt. of NWFP, Finance Department, Peshawar.
- 4) Director (E&SE) NWFP Peshawar.
- 5) Executive District Officer (H & S) Mardan.
- 6) The Accountant General NWFP.
- 7) District Accounts Officer concerned.
- 8) Deputy Database Administrator (Elementary & Secondary Education) Peshawar.
- 9) PA to Secretary, Elementary & Secondary Education Department.
- 10) Officer concerned.
- 11) Master file.


(ARIF JAMIL)
SECTION OFFICER
(PRIMARY)



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21.	Muhammad Iqbal, DPE GHSS Tehkal Bala, Peshawar.	GHSS Tehkal Bala, Peshawar.	do
22.	Muhammad Arif, DPE, GHSS Bam Khel, Swabi.	GHSS Bam Khel, Swabi.	Do
23.	Mr. Zard Ali Khan, DPE GHSS Urmar Payan Peshawar.	GHSS Urmar Payan Peshawar.	Do

S.No.	Name & Designation	Place of Posting	Remarks
1.	Mst. Samina Habib, DPE BITE (F), Kohat	BITE (F), Kohat	Already occupied by her.
2.	Mst. Gul Nar, DPE GGHSS Comp Abbottabad	GGHSS Comp Abbottabad	-do-
3.	Mst. Abida Perveen, DPE, GGHSS Malakpura, Abbottabad.	GGHSS Malakpura, Abbottabad.	-do-
4.	Mst. Robina Shaheen, DPE GGHSS S.K Bala Bannu.	GGHSS S.K Bala Bannu.	-do-
5.	Mst. Sugha Afandi, DPE GGHSS Gujrat Mardan	GGHSS Gujrat Mardan	-do-
6.	Mst. Sujhaat Begum, DPE GGHSS, Takhtbhai, Mardan.	GGHSS, Takhtbhai, Mardan.	-do-
7.	Mst. Saima Gul, DPE GGHSS, Topi Swabi.	GGHSS, Topi Swabi.	-do-
8.	Mst Sadia Hazrat DPE GGHSS Kopar Malakand.	GGHSS Kopar Malakand.	-do-
9.	Mst. Saira Iltaf, DPE GGHSS, Abbottabad.	GGHSS, Abbottabad.	-do-
10.	Mst. Dil Afroz, DPE GGHSS Utmanzai, Charsadda.	GGHSS Utmanzai, Charsadda.	-do-
11.	Mst. Rooina Shaheen, DPE GGHSS Katlang, Mardan.	GGHSS Katlang, Mardan.	-do-
12.	Mst. Riffat Shaheen DPE GGHSS, Garhi Habibullah, Mansehra.	GGHSS, Garhi Habibullah, Mansehra.	-do-
13.	Mst. Arifa Saleem, DPE GGHSS, Khairabad, Nowshera.	GGHSS, Khairabad, Nowshera.	-do-

SECRETARY TO GOVT. OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT.

Endst. No. even No. and date.

Copy is forwarded to :

1. The Secretary, Establishment Department, Peshawar.
2. The Sp. Secretary (Regulation) Establishment Department, Peshawar.
3. Secretary, Finance Department, Peshawar.
4. Director (E&SE), NWFP, Peshawar.
5. Executive District Officers (E&SE) concerned.
6. Accountant General, NWFP, Peshawar.
7. District Accounts Officer, concerned.
8. Deputy Database Administrator (E&SE), Peshawar.
9. PA to Secretary, Elementary & Secondary Department.
10. Officer concerned.
11. Master file.

(Arif Jamil)
Section Officer (Primary)



9
=

BEFORE THE SERVICE TRIBUNAL NWFP, PESHAWAR

17

Appeal No. 452 /2010

N.W.F. Division
Service Tribunal
Disty No. 500
Date 6/2/2010

Qazi Syed Mohibullah Shah (DPE)
GHSS Karak.....Appellant

Versus

1. Govt. of NWFP Secretary Schools & Literacy NWFP, Peshawar.
2. Director Elementary & Secondary Education NWFP, Peshawar.
3. Secretary to Govt. of NWFP Finance Department, Peshawar.
4. Executive District Officer (Elementary & Secondary Education) Karak.

.....Respondents

Appeal under section 4 of the NWFP Service Tribunal Act, 1974 for the award of BPS-17 alongwith all the back benefits w.e.f. 1997 onward the post of DPE

Filed to-
6/2/10

Prayer in appeal:

On acceptance of this appeal the appellant may please be allowed the award of BPS-17 alongwith all the back benefits w.e.f. 1997 onward for the post of DPE.

Filed to-
6/2/10
ATTESTED
Member Peshawar Service Tribunal

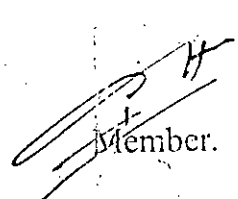
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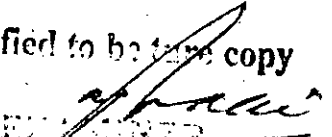
30.6.2011

Counsel for the appellant, Tahir Iqbal Khattak A.G.P
alongwith Miss Nada A.D for the respondents present. Vide our
detailed judgment of today in Appeal No. 453/2010 by mumraiz,
this appeal is remanded. No order as to costs. File be consigned
to the record.

ANNOUNCED.
30.06.2011.


Member.

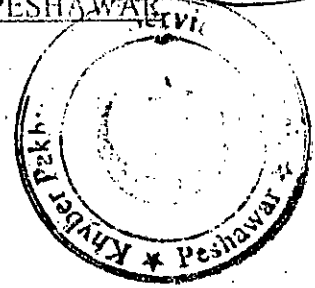

Member.

Certified to be true copy

EDWARD JINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Receipt of Application	7-9-2011
Number of Words	800
Copying Fee	6-00
Urgent	2-00
Total	8-00
Name of Copies	4
Date of Completion of Copy	7-9-2011
Date of Delivery of Copy	7-9-2011

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

19



Appeal No. 453/2010

Date of institution - 06.02.2010

Date of decision - 30.06.2011

Mumraiz Khan ADO (Physics) GHSS Karak.....(Appellant)

VERSUS

1. Government of NWFP Secretary and Literacy School NWFP, Peshawar.
 2. Director Elementary and Secondary Education NWFP, Peshawar.
 3. Secretary to Government of NWFP Finance Department, Peshawar.
 4. Executive District Officer (Elementary and Secondary Education) Karak.
-(Respondents)

Appeal under Section 4 of the NWFP Service Tribunals Act, 1974 for the grant of BPS 17 alongwith all back benefits w.e.f 1997 onward the post of DPE.

Mr. Saif Ur Rehman Khattak, Advocate For Appellant

Mr. Tahir Iqbal Khattak, A.G.P For Respondents

SYED MANZOOR ALI SHAH..... MEMBER

MR. KHALID HUSSAIN MEMBER

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER : This appeal has been filed by the appellant for the grant of BPS-17 alongwith all back benefits w.e.f. 1997 onward the post of DPE.

2. Brief facts of the case as per memo of appeal are that the appellant was appointed as DPE/ADEO (Physics) in BPS-16 at Kohat on contract basis in 1987. Willingness regarding posting as Incharge Lecturer Physical Collage of Education Doaba Kohat was asked for vide letter dated 16.11.1992. However, it was mentioned therein that promotion to BPS-17 will not be processed for the persons refusing the said willingness. The appellant submitted his willingness. On the demand of the Respondents, the appellant also submitted his ACR. On 23.2.2010, the other DPEs, were given BPS 17. The appellant preferred a departmental appeal but the same has not been responded so far. Hence, the instant appeal.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.

20

3. Arguments heard and file perused.

4. ✓ The learned counsel for the appellant argued that the appellant has been discriminated as all his other colleagues working on the same posts and having same length of service have been upgraded to BPS 17, but the appellant has been ignored. It has decided by the Hon'ble Supreme Court of Pakistan that if some matter has been decided in favour of an employee, the other employees on the same footings and on the same position should be given the same benefit without indulging them into the litigation process. The appellant has got all the requisite qualifications as required for up-gradation and there is no reason with the respondents for dropping the name of the appellant from the list of up-gradation from the date of his regularization. Counsel for the appellant relied on the judgment dated 3.4.2009 in CPLA Nos. 491-P to 500-P/2006, whereby his colleagues who were ignored earlier, were given BPS-17 by the Hon'ble Supreme Court of Pakistan. The counsel for the appellant stated that they would not claim back benefits if their seniority is considered from 1997.

5. The A.G.P argued that there was no proper service rules for the post of Lecturer in Government College of Physical Education. The senior most D.P.Es were requested to work as Incharge Lecturers but the same was not implemented. Later-on, the Government of K.P.K framed rules for the Physical Education Cadres. The senior most DPEs due for promotion were adjusted/promoted. There were 9 posts of BPS-17 vacant including Lecturer Physical Education and Assistant Director (PE&S) in BPS-17 on regular basis. The other colleagues of the appellant were awarded BPS-17 (Personal). Promotion is always made on seniority-cum-fitness basis. The appellant was at S. No. 15 of the seniority list and promotion from D.P.Es at S. No. 9 was made according to law and rules, therefore, he was dropped from the list.

6. The Tribunal observes that the appellant has been dropped and not awarded BPS-17 w.e.f. 2.1.1997 as posts were available at that time. The case of appellant is similar to those who have been awarded BPS-17. Moreover, the appellant has got the requisite qualification as required for award of BPS-17 w.e.f. 2.1.1997.

ATTESTED

[Signature]
EXAMINER
 Khyber Pakhtunkhwa
 Tribunal.

(21)

7. In view of the above discussion, the appeal is remanded to the respondent department to consider the case of appellant for the award of BPS-17 in view of the above discussion and judgment of the Hon'ble Supreme Court of Pakistan without back benefits.

This judgment will also dispose of the other connected appeal bearing No. 452/2010 by Mohibullah Shah, involving common question of law, in the same manner.

The parties are however, left to bear their own costs. File be consigned to the record.

ANNOUNCED.
30.06.2011.

[Signature]
(KHALID HUSSAIN)
MEMBER.

[Signature]
(SYED MANZOOR ALI SHAH)
MEMBER.

Certified to be true copy
[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

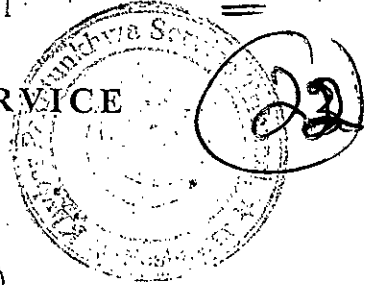
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Urgent	2-00
Total	10-00
Name of Copyist	H
Date of Completion of Copy	7-9-2011
Date of Delivery of Copy	7-9-2011

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Execution Petition No. 21/2012

IN

Service Appeal No. 453/2010



452/10

40
14-9-2012

Muhib Ullah Shah ADO (Physics) GHSS-Karak
.....Petitioner.

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Education (E & SE), Civil Secretariat, Peshawar,
2. The Director Education (E & SE), Civil Secretariat, Peshawar.
3. The Secretary to Finance Department, Government of Khyber Pakhtunkhwa
4. The Executive District Officer (E & SE), Karak..... Respondents.

Application for Execution/ Implementation of the Judgment of this Honourable Tribunal in Service Appeal No. 453/2010 decided on 30-06-2010.

Respectfully Sheweth,

Facts giving rise to the present Execution petition are as under:-

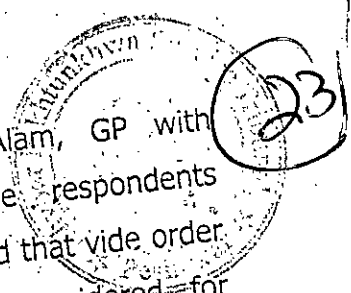
Secretary Education
Peshawar

That the applicant had filed Service Appeal No. 453/2010 in the august Tribunal which was disposed of vide order dated 30.06.2011 (Annex:-

ATTESTED

8.04.2013

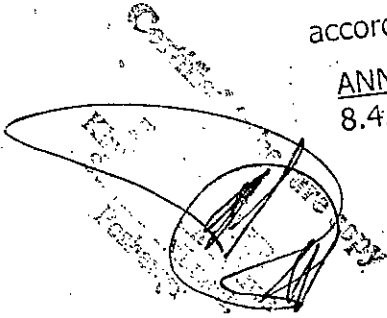
Petitioner with counsel and Mr. Arshad Alam, GP with Khursheed Ali, SO and Mosam Khan, AD for the respondents present. Representative of the respondents stated that vide order dated 23.1.2013, the appellant has been considered for promotion from BPS-16 to BPS-17 but was found most junior and acquired Master Degree after amendment in the Pay Revision Rules 1978, hence not eligible for promotion. Copy handed over to counsel for the petitioner. Since judgment of the Tribunal dated 30.6.2011 has been implemented, fresh cause of action accrued to the petitioner. He is at liberty to proceed into the matter in accordance with the law afresh. File be consigned to the record.



ANNOUNCED
8.4.2013.

*Adl-
Members*

*Adl-
Member*



Date of presentation of Application 9.4.2013
No. of copies 800
Cost 6
Date of receipt of copy 9.4.2013
Date of delivery of copy 9.4.2013

Service Tribunal
Punjab

[Signature]

I
24



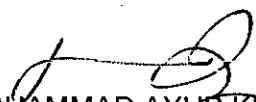
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)9-10/DPE/05/Vol.III
Dated Peshawar the 23-12-2011.

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

Subject:- AWARD OF BS-17 TO DPEs WEF; 02-01-1997.

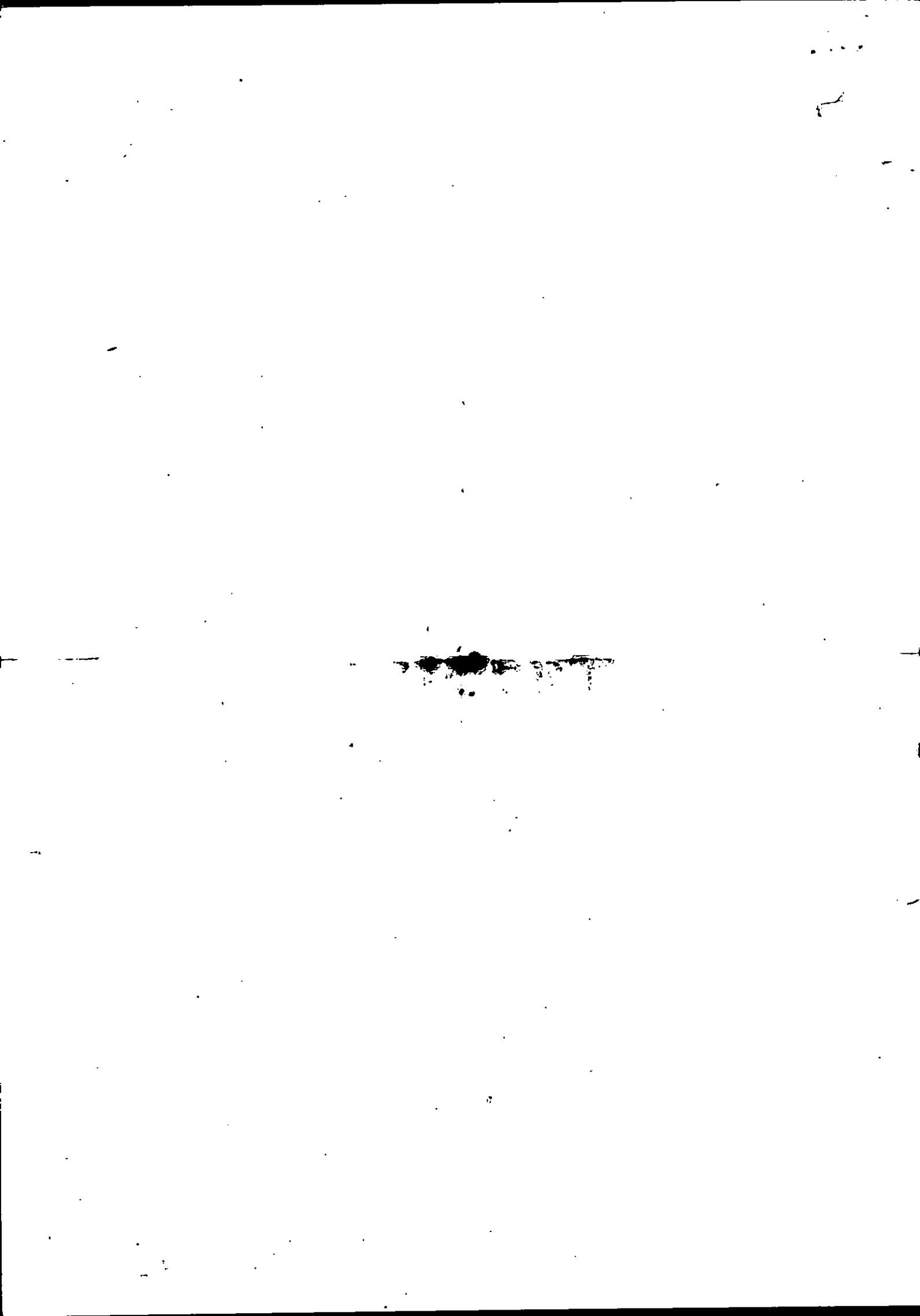
I am directed to refer to your letter No. 733 dated 8-12-2011 on the subject noted above and to state that the DPEs concerned may please be informed that they are not eligible for award of B-17 as per rules / policy.

AD (Sports)
24/12/2011


(MOHAMMAD AYUB KHAN)
SECTION OFFICER (PRIMARY)

2433
26/12.

TESTED

Office of the District Education
Officer (M) Secondary Karak

J
25

No. 1225 Dated: 09/04/2013

To,


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

Subject: Appeal for Consideration.

Memo:-

Enclosed please find here with the appeal along with relevant documents of the following officers of this department are submitted for your kind consideration.

1. Mumraz Khan Lecturer, G.P.C Karak
2. Qazi Syed Mohib Ullah Shah DPE, G.H.S.S Karak


DISTRICT Education Officer (M)
Secondary Karak

ATTESTED



To,

The secretary
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

26

Through Proper Channel

Director E & SE KPK Peshawar

Subject: **GRANT OF B-17 PROMOTION W.E. FROM**
02/01/1997 AND AGAINST ORDER DATED
23/01/2013.

Sir,

Most respectfully it is submitted that I have been working as DPE in BPS-16 since 02/07/1989 I filed a service appeal for promotion to B-17, bearing No. 452/2010. The said appeal was finally heard on 30/06/2011 and the Honorable Tribunal was kind enough to remove the case to the department for consideration.

As the department was not considering the promotion case therefore, I filed an implementation petition No. 21/2012. The department during the pendency of implementation Petition submitted an order 23/01/2013 wherein my request was declined on the basis of wrong performing being not having Master Degree. However, the Honorable Tribunal consigned the implementation Petition on 08/04/2013 with advice to seek further remedy under the law because, the order dated 23/01/2013 give rise to a fresh cause of action.

Hence present departmental appeal on the following grounds:

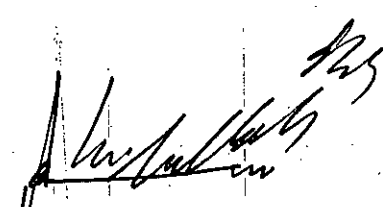
27

GROUNDS:

- A.** That I have been performing duties as DPE since 02/07/1989 and have 26 years service at my credit.
- B.** That according to rules 85% quota has been fixed for promotion quota and as per rules my promotion to B-17 is due from the date 02/01/1997.
- C.** That I have been discriminated, because my other colleagues have been promoted on the basis of seniority without considering their master qualification.
- D.** That the order dated 23/01/2013 is based on wrong presumption of Master Degree, because my claim is totally based on seniority and not on the basis of higher qualification of Master Degree.
- E.** That I have not been treated according to law and rules.

It is, therefore, requested that I may be granted promotion to BPS-17 w.e. from 02/01/1997 being my legal right and with all back and consequential benefits, by setting aside the order dated 08/04/2013

Dated: 09/04/2013


APPELLANT

Q S Muhibullah Shah

DPE GHSS Karak

Cell No. 0334-9295572

ATTESTED



Statement showing Detail of HRA under Head 02200-HRA.

(2)

K

NO.	Name & Designation	BPS	HRA for 5 months	Total
	Naqibullah Khan Principal	BPS-18	1129/50x5=	5647/50
	Muhammad Tahir Lecturer	BPS-17	861/-x5=	4305/-
	Jehan Zeb Khan Lecturer	BPS-17	861/-x5=	4305/-
	Cutab-ud-Din Lecturer	BPS-17	861/-x5=	4305/-
	Fazal Elahi Lecturer	BPS-17	861/-x5=	4305/-
	Four Lecturers Post Vacant	BPS-17	861/-x4x5=	17220/- Vacant
	Ayaz Khan Librarian	BPS-17	861/-x5=	4305/-
	Pir Muhammad Asstt;	BPS-11	382/50x5=	1912/50
	S/S S/C Post Vacant	BPS-07	328/50x5=	1642/50 Vacant
	Saifullah Khan J/Clerk	BPS-05	310/50x5=	1552/50
	J/Clerk Post Vacant (One Post)	PS-05	310/50x5=	1552/50 Vacant
	Tajaul Shah Daftri	BPS-01	276/-x5=	1380/-
	Aminullah Khan N/Q	BPS-01	276/x5=	1380/-
	Waheedul Gul N/Q	BPS-01	276/-x5=	1380/-
	Lal Din Sweeper	BPS-01	276/-x5=	1380/-
	Kamal Din Sweeper	BPS-01	276/-x5=	1380/-
	Masta Manzil Bearer	BPS-01	276/-x5=	1380/-
	Ghazi Marjan Chow;	BPS-01	276/-x5=	1380/-
	One Chowkidar Post Vacant	BPS-01	276/-x5=	1380/- Vacant
	One Cook Post Vacant	BPS-01	276/-x5=	1380/- Vacant

28

Principal, 27/9/97
Govt; College of Phy; Edu;
Doaba (kohat).

ATTESTED

3

L

OFFICE OF THE PRINCIPAL GOVT: COLLEGE OF PHYSICAL EDUCATION DOABA (KCHST).

Statement showing pay under Head 01101-Pay of Officer & 01201-Pay of Estb;

S. NO.	Name & Designation	BPS	Pay for 5 months	Total
1.	Haqibullah Khan Principal	BPS-18	8745/-x5=	43725/-
2.	Muhammad Tahir Lecturer	BPS-17	6200/-x5=	31000/-
3.	Jehan Zeb Khan Lecturer	BPS-17	5910/-x5=	29550/-
4.	Qutab-ud-Din Lecturer	BPS-17	6490/-x5=	32450/-
5.	Fazal Elahi Lecturer	BPS-17	7360/-x5=	36800/-
6.	Four Lecturer Post Vacant	BPS-17	3880/-x4x5=	77600/- Vacant
7.	Ayaz Khan Librarian	BPS-17	7360/-x5=	36800/-
8.	Pir Muhammad Asstt;	BPS-11	3465/-x5=	17325/-
9.	S/Clerk Vacant (One Post)	BPS-07	1480/-x5=	7400/- Vacant
10.	Saifullah Khan J/Clerk	BPS-05	2390/-x5=	11950/-
11.	J/Clerk Vacant (One Post)	BPS-05	1400/-x5=	7000/- Vacant
12.	Tajjmul Shah Daftri	BPS-01	1665/-x5=	8325/-
13.	Aminullah Khan N/O	BPS-01	1665/-x5=	8325/-
14.	Mahesh Gul N/O	BPS-01	1490/-x5=	7450/-
15.	Lal Din Sweeper	BPS-01	1665/-x5=	8325/-
16.	Kamal Din Sweeper	BPS-01	1665/-x5=	8325/-
17.	Nasta Hand Bearer	BPS-01	1665/-x5=	8325/-
18.	Chazi-Marjan Chow;	BPS-01	1665/-x5=	8325/-
19.	Chowkidar Vacant (One Post)	BPS-01	1245/-x5=	6225/- Vacant
20.	One Cook Vacant (One Post)	BPS-01	1245/-x5=	6225/- Vacant

29

Muhammad
Principal, 28/5/98
Govt; College of Phy; Edu;
Doaba (Kchst).

ANNEXED
A

VAKALAT NAMA

30

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Qazi Syed Mohibullah Shah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

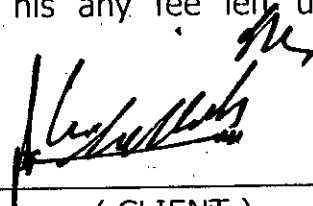
Education Dept. (Respondent)
(Defendant)

I/We Qazi Syed Mohibullah Shah (Appellant)

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

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

Dated _____/20



(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

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

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO.1358/13

Mohibullah Shah

V/S

Education Deptt.

**APPLICATION FOR FIXING AN EARLY DATE OF
HEARING INSTEAD OF 10.12.2013.**

Respfully Sheweth.

1. That the above title appeal before primary bench and fixed for 10.12.2013
2. That the appellant's appeal for grant of BS-18 is already become mature and in arguments stage, whereas the appeal pertains to the claim of BS -17 is still in motion/preliminary stage.
3. That until and unless the claims regarding B-17 is decided, the appeal for claiming B-18 would not be decided, due to which the justice would delay.

Therefore, keeping in view above submission, it is humbly prayed that an early date of hearing may be fixed in the appeal instead of 10.12.2013 to meet the ends of justice.

Appellant

Through:

M. Asif 7/10/13
(M. Asif Yousafzai)
Advocate, Peshawar.

4¹⁰ 2013
May be put up on
8/10/13

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO.1358/13

Mohibullah Shah

V/S

Education Deptt.

.....

**APPLICATION FOR FIXING AN EARLY DATE OF
HEARING INSTEAD OF 10.12.2013.**

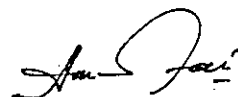
Respfully Sheweth.

1. That the above title appeal before primary bench and fixed for 10.12.2013
2. That the appellant's appeal for grant of BS-18 is already become mature and in arguments stage, whereas the appeal pertains to the claim of BS -17 is still in motion/preliminary stage.
3. That until and unless the claims regarding B-17 is decided, the appeal for claiming B-18 would not be decided, due to which the justice would delay.

Therefore, keeping in view above submission, it is humbly prayed that an early date of hearing may be fixed in the appeal instead of 10.12.2013 to meet the ends of justice.

Appellant

Through:



(M. Asif Yousafzai)
Advocate, Peshawar.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO.1358/13

Mohibullah Shah

V/S

Education Deptt.

.....

**APPLICATION FOR FIXING AN EARLY DATE OF
HEARING INSTEAD OF 10.12.2013.**

Respectfully Sheweth.

1. That the above title appeal before primary bench and fixed for 10.12.2013
2. That the appellant's appeal for grant of BS-18 is already become mature and in arguments stage, whereas the appeal pertains to the claim of BS -17 is still in motion/preliminary stage.
3. That until and unless the claims regarding B-17 is decided, the appeal for claiming B-18 would not be decided, due to which the justice would delay.

Therefore, keeping in view above submission, it is humbly prayed that an early date of hearing may be fixed in the appeal instead of 10.12.2013 to meet the ends of justice.

Appellant

Through:



(M. Asif Yousafzai)
Advocate, Peshawar.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO.1358/13

Mohibullah Shah

V/S

Education Deptt.

.....

**APPLICATION FOR FIXING AN EARLY DATE OF
HEARING INSTEAD OF 10.12.2013.**

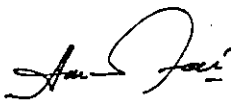
Respfully Sheweth.

1. That the above title appeal before primary bench and fixed for 10.12.2013
2. That the appellant's appeal for grant of BS-18 is already become mature and in arguments stage; whereas the appeal pertains to the claim of BS -17 is still in motion/preliminary stage.
3. That until and unless the claims regarding B-17 is decided, the appeal for claiming B-18 would not be decided, due to which the justice would delay.

Therefore, keeping in view above submission, it is humbly prayed that an early date of hearing may be fixed in the appeal instead of 10.12.2013 to meet the ends of justice.

Appellant |

Through:


(M. Asif Yousafzai)
Advocate, Peshawar.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO.1358/13

Mohibullah Shah

V/S

Education Deptt.

**APPLICATION FOR FIXING AN EARLY DATE OF
HEARING INSTEAD OF 10.12.2013.**


Respectfully Sheweth.

1. That the above title appeal before primary bench and fixed for 10.12.2013
2. That the appellant's appeal for grant of BS-18 is already become mature and in arguments stage, whereas the appeal pertains to the claim of BS -17 is still in motion/preliminary stage.
3. That until and unless the claims regarding B-17 is decided, the appeal for claiming B-18 would not be decided, due to which the justice would delay.

Therefore, keeping in view above submission, it is humbly prayed that an early date of hearing may be fixed in the appeal instead of 10.12.2013 to meet the ends of justice.

Appellant

Through:


(M. Asif Yousafzai)
Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.1358/2013 Qazi Syed Mohibullah Shah,
DPE, GHSS, Karak

....Appellant

VERSUS

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

....Respondents

Subject:- **APPLICATION FOR SETTING ASIDE THE ORDER DATED
11.07.2014 WHEREIN RESPONDENT ~~2003~~ HAS BEEN
DECLARED AS EX-PARTE ON THE GROUND OF NON
PRESENCE/NON FILING OF REPLY.**

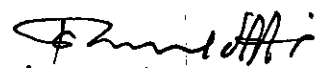
Respectfully Sheweth.

1. That above titled appeal was fixed for filing of reply before this Honorable Tribunal(Final Bench-II) on 11/07/2014.
2. That this Honorable Tribunal (Final Bench-II) passed ex-parte order against the respondents on the grounds of non-presence/non-filing of reply.
3. That non-appearance/non-filing of reply by the respondents was not willful.
4. That non-appearance/non-filing of reply by the Respondents was due to the circumstances beyond their control.
5. That in the best interest of Justice the respondents may be allowed to contest the case and file the Parawise Comments.
6. That the application is within time.

It is therefore, prayed that on acceptance of this application the ex-parte orders against respondents may be set aside and they may be allowed to file the Para-wise comments and contest the case.


SECTION OFFICER (Lit-II)
For Respondent No.03


ASST. Director
(E&SE)
Karak


Section officer (Lit-II)
E&SE Department.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.1358/2013 Qazi Syed Mohibullah Shah,
DPE, GHSS, Karak

....Appellant

VERSUS

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

....Respondents

Subject:- **APPLICATION FOR SETTING ASIDE THE ORDER DATED
11.07.2014 WHEREIN RESPONDENT NO.03 HAS BEEN
DECLARED AS EX-PARTE ON THE GROUND OF NON
PRESENCE/NON FILING OF REPLY.**

Respectfully Sheweth.

1. That above titled appeal was fixed for filing of reply before this Honorable Tribunal(Final Bench-II) on 11/07/2014.
2. That this Honorable Tribunal (Final Bench-II) passed ex-parte order against the respondents on the grounds of non-presence/non-filing of reply.
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6. That the application is within time.

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Qazi Syed Mohibullah Shah
DPE, GHSS, Karak
(Appellant)

Qazi Syed Mohibullah Shah
SECTION OFFICER (Lit-II)
For Respondent No.03

Qazi Syed Mohibullah Shah
Section Officer (Lit-II)
E & SE Department.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 1358/2013.

Qazi Syed Mohibullah Shah DPE GHSS Karak.

-----Applicant

VERSUS

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

-----Respondents

PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS
No: 1 to 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 Honorable Court 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 stopped by his own conduct to file the instant appeal.
- 9 The instant appeal is not maintainable in its present form & also in the present circumstances of the issue.
- 10 This Honorable Court has no jurisdiction to adjudicate the present appeal.

ON FACTS


- 1 Related to record.
- 2 That on Establishment of Govt: College of Physical Education Doaba, District Hangu, now shifted to District Karak in 1990 wherein a post of lecturer BPS-17 (regular) were sanctioned/ created. ^{service} At that time there were no proper structure for the cadre, the services rules were framed in 1994.
- 3 Incorrect. That the department issued final seniority list of DPEs /ADO (Phy: Education) BPS- 16 stood on 30/06/ 1995. The appellant ^{Qazi Syed Mohibullah} was at S/No: 15. The department vide Notification **No: SO(S) 1-19/96/KCI dated 02/01/1997** promoted 9 DPEs from B-16 to 17 on regular basis from the final seniority list of DPEs/ADOs and all the posts of Lecturers were filled. (Annexure "A").

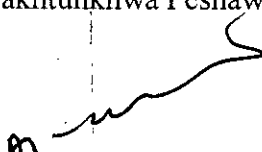
- 4 Incorrect. ~~No~~ junior from the appellant were promoted from BPS-16 to 17 (regular), but the senior most in the seniority list have been promoted.
- 5 Incorrect. ~~As per~~ Govt: of Khyber Pakhtunkhwa, E&SE Department Notification dated 13/11/2007, all the posts of DPEs were upgraded from BPS-16 to 17 on acquiring Master degree in the relevant subject. The appellant was promoted from B_16 to 17 (regular) along-with other colleagues on 16/06/2009. (Annexure-"B").
- 6 Incorrect. That the respondent department obey^{ed} the order of the Honorable Service Tribunal in the light of law & rules & no discrimination has been made and the appellant was not considered for promotion w e from 02/01/1997 being most junior in the cadre.
- 7 Subject to proof.

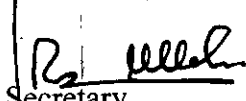
ON GROUNDS

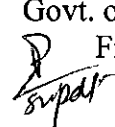
- A Incorrect. The appellant was not granted BPS-17(regular) w e from 1997 being most junior at that time.
- B Incorrect. That the appellant was not eligible for promotion w e from 1997 on the basis of seniority Cum-fitness & no post was available at that time.
- C Incorrect. As stated above that the appellant was junior^{to} who were promoted to BPS-17 regular on seniority cum fitness ~~basis~~.
- D Incorrect. That the 85% quota fixed for promotion and senior most in the seniority list of DPEs /ADO were promoted.
- E Incorrect. That the appellant was dealt withⁱⁿ accordance~~with~~ Law & Rules.
- F Incorrect. No discrimination has been made on the part of respondents.
- G Incorrect. Every case is different in nature & facts.
- H No comments.

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
Khyber Pakhtunkhwa.


Secretary
Govt. of Khyber Pakhtunkhwa
Finance Department


super

TO BE SUBSTITUTED FOR THE NOTIFICATION BEARING THE SAME NO.&DATE.

GOVERNMENT OF N.W.F.P.,
EDUCATION DEPARTMENT.

NOTIFICATION.

NO. SO(S)1-19/96/KC.I. The Governor NWFP in consultation with the Departmental Promotion Committee is pleased to promote the following officers to BPS-17 (Regular) with immediate effect.

1. Mr. Naqibullah Khan Lecturer, Govt: College of Physical Education Doaba, Kohat.
2. Mr. Mohammad Ashraf Khattak, Assistant Director (PE&S) Directorate of Secondary Education, NWFP Peshawar.
3. Mr. Faisal Jamil Shah Assistant Director (PE&S), Directorate of Primary Education, NWFP Peshawar.
4. Mr. Wasiullah Lecturer Govt: College of Physical Education Doaba Kohat.
5. Mr. Mohammad Tahir Lecturer Govt: College of Physical Education Doaba, Kohat.
6. Mr. Jehanzeb Khan, Lecturer Govt: College of Physical Education, Doaba Kohat.
7. Mr. Quthud Din, Lecturer, Govt: College of Physical Education, Doaba Kohat.
8. Mr. Waheedullah Assistant Director (PE&S) Directorate of Bureau of Curriculum Dev: & Education Extension Services, NWFP Abbottabad.
9. Mr. Fazle Ilahi, Lecturer, Govt: College of Physical Education, Doaba Kohat.

SECRETARY TO GOVT: OF NWFP,
EDUCATION DEPARTMENT.

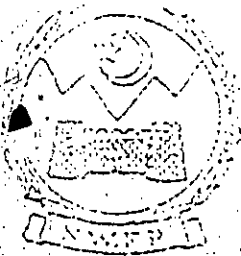
Endst: No. SO(S)1-19/96/KC.I.

Dated Pesh: the 2.1.1997.

Copy forwarded to the :-

1. Directors of Secondary and Primary Education, NWFP Peshawar.
2. Director Bureau of Curriculum Dev: & Education Extension Services, NWFP Abbottabad.
3. Accountant General, NWFP Peshawar.
4. District Accounts Officers Kohat, Mardan, Bannu, D.I.Khan and Abbottabad.
5. Officers concerned.

(MUHAMMAD ILYAS)
Section Officer(Schools).



GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar, the 15-8-2009.

Annexure

NO. SO(PE)2-6/F&SE/DPC/DEPT/ED/2009/3. Consequent upon recommendations of the Departmental Promotion Committee, the competent authority is pleased to promote the following Twenty Three (23 Male) & Thirteen (13 Female) DPEs from BS-16 to BS-17 according to their seniority on regular basis with immediate effect:-

MALE DPEs

S.No	Name & Designation of Officer	Place of Posting	Remarks
1	Mr. Abdul Hameed ADO's (Sports) O/O EDO E&SE, Lakki	GHSS Langaral, Abbottabad.	Against Vacant Post
2	Mr. Amanullah Khan DPE GHSS Tajazai Lakki	GHSS Tajazai Lakki	Already occupied by him
3	C.S. Monibullah Shah DPE GHSS Karak	GHSS Karak	-do-
4	Muhammad Aslam DPE GHSS Abdul Khel Lakki	GHSS Abdul Khel Lakki	-do-
5	Mr. Sardar Ali DPE GHSS Ghani Dendi Malakand Dargai	GHSS Ghani Dendi Malakand Dargai	-do-
6	Muhammad Hashim DPE GHSS No. 3 Peshawar City	GHSS No. 3 Peshawar City	-do-
7	Muhammad Saeed ADO (Sports) EDO E&SE Swabi	GHSS Rishan Shan Abbottabad	Against Vacant Post
8	Muhammad Ibrahim ud Din DPE GOPE (M) Karak	GHSS Dori Abbottabad	-do-
9	Mr. Deedar Khan DPE GHSS Chankani Peshawar	GHSS Chankani Peshawar	Already occupied by him
10	Mr. Abdul Sattar DPE GHSS, Gul Imam Tank	GHSS Gul Imam Tank	-do-
11	Muhammad Saeed Shah DPE GHSS Kawi Manshra	GHSS Kawi Manshra	-do-
12	Mr. Khaki Rehman DPE GEC (M) Mir Ali NWA	GEC (M) Mir Ali NWA	-do-
13	Mr. Habib Ullah DPE GHSS Dargai Charsadda	GHSS Dargai Charsadda	-do-
14	Mr. Habibullah DPE GHSS Marnash Khel Bannu	GHSS Marnash Khel Bannu	-do-
15	Mr. Zahoor Ahmad DPE GHSS Manki Sharif Nowshera	GHSS Manki Sharif Nowshera	-do-
16	Mr. Lal Bacha DPE GHSS Mansabdar Swabi	GHSS Mansabdar Swabi	-do-
17	Abdur Rauf DPE GHSS Wadpaga Peshawar	GHSS Wadpaga Peshawar	-do-
18	Mr. Fakhr Zaman Shah DPE, GHSS Dhund Saghril Kohat	GHSS Dhund Saghril Kohat	-do-
19	Mr. Wali-ur-Rehman DPE, GOPE Karak	GOPE Karak	-do-
20	Mr. Kamran Ali DPE GHSS, Nagan Dargai	GHSS Nagan Dargai	Already occupied by him
21	Mr. Muhammad Iqbal DPE GHSS Tehkal Sala Pesh.	GHSS Tehkal Sala Pesh.	-do-
22	Muhammad Aji DPE, GHSS Sam Khel Swabi	GHSS Sam Khel Swabi	-do-
23	Mr. Zard Ali Khan DPE GHSS Umar bayan Peshawar	GHSS Umar bayan Peshawar	-do-

M. Tufail Muhammad/Kaleem Khan/Masood/Final Noted/10/10/09

(P.T.O.)

S.No	Name & Designation of Officers	Place of Posting	Remarks
1.	Mst. Samina Habib DPE BITE	UP Rahat.	Already occupied by her
2.	Mst. Gul Nari DPE GGHSS Co-ordination	GHSS Comp: Abbottabad.	-do-
3.	Mst. Abeer Farveeq DPE BITE Malakand	GHSS Malakand	-do-
4.	Mst. Rubina Shanon DPE GGHSS S.K. Bala Bannu.	GHSS S.K. Bala Bannu.	-do-
5.	Mst. Sughra Afandi DPE GGHSS Mardan.	GHSS Gujrat Mardan.	-do-
6.	Mst. Sujhaat Begum DPE GGHSS Takhthal Mardan.	GHSS Takhthal Mardan	-do-
7.	Mst. Saima Gul DPE GGHSS Topi Swabi.	GHSS Topi Swabi.	-do-
8.	Mst. Sadia Hazrat DPE GGHSS Kopar Malakand.	GHSS Kopar Malakand	-do-
9.	Mst. Sara Ilaf DPE GGHSS Abbottabad.	GHSS Abbottabad	-do-
10.	Mst. Dil Afroz DPE GGHSS Umanzal Charsadda.	GHSS Umanzal Charsadda	-do-
11.	Mst. Roona Shaheen DPE GGHSS Kattang Mardan.	GHSS Kattang Mardan.	-do-
12.	Mst. Riffat Shaheen DPE GGHSS Garhi Habibullah Mensehra.	GHSS Garhi Habibullah Mensehra	-do-
13.	Mst. Arifa Saleem DPE GGHSS Knairabad Nowshera.	GHSS Knairabad Nowshera	-do-

SECRETARY TO GOVT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Encl: of every no. & date:

Copy is forwarded to:-

- 1) Secretary to Govt. of NWFP, Establishment Department, Peshawar.
- 2) Special Secretary (Regulation), Establishment Department, Govt of NWFP Peshawar.
- 3) Secretary to Govt. of NWFP, Finance Department, Peshawar.
- 4) Director (E&SE) NWFP, Peshawar.
- 5) Executive District Officer (E & SE) concerned.
- 6) The Accountant General NWFP.
- 7) District Accounts Officer concerned.
- 8) Deputy Database Administrator, MIS/Elementary & Secondary Education Peshawar.
- 9) PA to Secretary, Elementary & Secondary Education Department.
- 10) Officer concerned.
- 11) Master file.

(ARIF JAMIL)
SECTION OFFICER
(PRIMARY)

[Handwritten signature and notes]

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

Service Appeal No. 1358/2013

Qazi Syed Mohibullah

VS

Education Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-10) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Admitted corrected by the respondents as the service record is laying in the custody of the department.
2. Incorrect. While para 2 of the appeal is correct.
3. Incorrect. While para 3 of the appeal is correct.
4. Incorrect. Many junior officials to the appellant were promoted to BPS-17 but the same benefits were extended to the appellant from his due date. Thus deprived the appellant from his due right by the respondents which is violation of law and rules.
5. Incorrect. The appellant was not promoted to BPS-17 from his due date. Thereof the same was challenged in the Service Tribunal in appeal No. 452/2010 which was decided on 30.6.2011 with the directions to the respondent deptt: for consideration of the appellant's promotion to BPS-17 from his due date.

6. Incorrect. The respondents were not obeying the judgment of the august Tribunal in favour of appellant. Therefore the appellant filed an execution petition No. 21/2012 in this august Tribunal. the said petition lastly heard on 8.4.2013 when an order dated 23.11.2011 was produced before the august Tribunal showing the appellant's case was considered but not found eligible as the appellant was eligible for w.e. from 1997 as per rules as well as seniority but the appellant was promoted w.e from 16.6.2009. Thus on the production on the said order, the execution petition of the appellant consigned with the advice to seek further remedies being fresh cause of action was accrued to appellant.
7. Not properly replied and specifically denied by the respondent meaning thereby that para 7 of the appeal is correct.

GROUND:

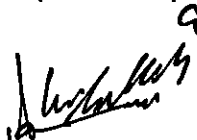
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- D. Incorrect. the appellant was fully entitled for promotion under 85% quota as the appellant is senior most DPE and deprived him from his legal right of promotion from his due date is against the law and rules. Therefore not tenable in law.
- E. Incorrect. The appellant was not treated according to rules and has been kept deprived from his de right of promotion in an arbitrary manner.
- F. Incorrect. discrimination has been made on the part of the respondents as other colleagues of the appellant have been promoted on the basis of seniority only with out

considering as whether they have master degree or not but the same benefit was not extended to the appellant

G. Incorrect. the case of the appellant's promotion is same as superior Courts decision as according to Superior Courts decision promotion is always to be granted from the date of availability of post and in 1997 posts were available and the appellant was eligible to promotion in that time on the basis of seniority.

H. No comments.

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


APPELLANT
Qazi Syed Mohibullah

Through:


(M. ASIF YOUSAFZAI)
&

(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.




DEPONENT

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

Service Appeal No. 1358/2013

Qazi Syed Mohibullah

VS

Education Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

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APPELLANT
Qazi Syed Mohibullah

Through:


(M. ASIF YOUSAFZAI)
&

(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 226 ST

Dated 15 / 2 / 2016


To

The Secretary (E&SE),
Peshawar.

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 29.1.2016 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.