

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1444/2019

Date of Institution ... 01.11.2019

Date of Decision ... 03.09.2021

Mohib ur Rehman, Principal (BPS-18), Govt. High School, Saeed Khan Kot, South Waziristan Tribal District.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and three others.

... (Respondents)

NOOR MUHAMMAD KHATTAK
Advocate

... For Appellant

MUHAMMAD ADEEL BUTT,
Additional Advocate General

... For Respondents

SALAH-UD-DIN
ATIQU-UR-REHMAN WAZIR

...

...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was initially appointed as Primary School Teacher in 1992 and in due course was appointed as SET (BPS-16) on the recommendations of Public Service Commission. In the year 2009, by introducing management cadre in the education department, the respondents advertised the post of Assistant District Officer(ADO) through public service commission, where the appellant also applied through proper channel and was ultimately recruited as ADO, vide order dated 13-05-2011. In the meanwhile the respondents advertised post of sub-divisional education officer/assistant director (BPS-17) in the same cadre through public service

commission and the appellant again applied for such post through proper channel and was recruited as sub-divisional education officer/assistant director (BPS-17) vide order dated 02-12-213. The appellant again applied for another post of Principal (BPS-18) advertised through public service commission and was recruited as Principal in BPS-18 in teaching cadre vide order dated 16-02-2016. The appellant joined the new assignment but submitted an application for retention of lien on his previous post. After lapse of his lien period, the appellant preferred a departmental appeal dated 16-07-2019 for re-joining his previous post in management cadre, but the respondents did not responded, hence the instant service appeal with prayers that the inaction of the respondents by not allowing the appellant to re-join his previous post of sub-divisional education officer may very kindly be declared as illegal and respondents may be directed to allow the appellant to re-join his post.

02. Learned counsel for the appellant has contended that inaction of the respondents by not allowing the appellant to join his previous post of management cadre is against law and rule, hence not tenable in the eye of law; that the appellant has not been treated in accordance with law, as such the respondents violated Article-4 and 25 of the Constitution; that in light of FR-14 (A) the appellant is fully entitled for re-joining his previous post, but the respondents are not willing to do the same; that inaction of the respondents by not allowing the appellant to join his previous post is violative of Clause-24(A) of the General Clauses Act, 1897; that the act of the respondents is against Article-38(e) of the Constitution.

03. Learned Additional Advocate General appearing on behalf of respondents has contended that the appellant changed his cadre from management to teaching cadre, so automatically his seniority was placed in teaching cadre; that there is no original/appellate order, against which the appellant filed such appeal, which is not maintainable as per Article-4 of the Service Tribunal Act. The learned Additional Advocate General added that now, the appellant hails from teaching cadre and

cannot be adjusted against management cadre; hence, his appeal being devoid of merit may be dismissed.

04. We have heard learned counsel for the parties and have perused the record. Record reveals that since 13-05-2011 until 16-02-2016, the appellant remained on the strength of management cadre in education department and while joining teaching cadre as principal (BPS-18) vide order dated 16-02-2016, the appellant was again posted against a management post as Deputy Director (schools) in the directorate of Education Ex-FATA vide order dated 31-03-2016. The appellant after joining the new assignment submitted an application dated 19-03-2016 for retention of his lien for two years on his previous post. In the meanwhile the appellant, while on official duty in southern districts on 11-02-2017, was kidnapped by some unknown culprits, who later on was released on payment of ransom, but the said incident put the appellant in mental agony and he requested for retirement vide his application dated 17-09-2018, which however was not accepted by the respondents. Record reveals that after his appointment as principal in teaching cadre, the appellant remained posted against management cadre posts for most of his tenure. After lapse of two years, the appellant again submitted an application dated 08-03-2018 for further extension of his lien for one year as per law and finally after expiry of three years, the appellant reported his arrival back to his previous position on 10-03-2019, but he was not allowed by the respondents to re-join his previous post.

05. It was noted that the appellant after serving for almost five years in management cadre, joined the teaching cadre through proper channel and was properly relieved by his parent office. As per Fundamental Rules-14, the appellant had lien on his previous post until he was confirmed in the borrowing department. There is nothing on record to show as to whether the appellant was permanently confirmed against such post after completion of his probation period as per requirement of Rule-16 of Government of Khyber Pakhtunkhwa Civil Servant

(Appointment, Promotion & Transfer) Rules, 1989. The respondents also did not confirm as to whether his probation period was terminated after completion of one year. The appellant however fulfilled his legal obligations by submitting applications for retention of his lien, but nothing is available on record to show that his lien was terminated. Submission of repeated applications by the appellant for retention of his lien shows that the appellant was willing to return to his original post, but the respondents kept mum over his repeated requests. The level of his eagerness can be gauged from the fact that the appellant stated at the bar that in order to avoid further litigation, he may be placed at the bottom of the seniority in the management cadre, though he was the senior most amongst his colleagues in the management cadre. The Supreme Court of Pakistan in its judgment reported in 1996 SCMR 284 have held that civil servant having not been confirmed in any of his subsequent jobs, his lien with his parent department remained intact throughout inspite of the fact that he joined service in another department. The Apex Court in its other judgments reported in 1992 SCMR 435 and 2005 SCMR 1212 have held that lien of a permanent civil servant could not be terminated even with consent of the appellant unless he had been confirmed against some other permanent post. Placed on record is a letter dated 25-06-2019 issued by Elementary & Secondary Education Department addressed to the Director Elementary & Secondary Education Khyber Pakhtunkhwa, operative part of which is reproduced as under:

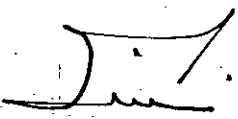
"keeping in view the acute un-employment in the country in general and in KP Province in particular, it has been decided to give right of retention initially for two years extendable by a further period of one year if a request in this behalf is received from those employees who are selected for appointment under Federal and other Provincial Governments provided they have served on regular basis for at least two years or who have completed the extended period of probation but could not be confirmed for obvious reasons"


It is worth to mention that provincial government on the one hand is encouraging retention of lien vide letter dated 25-06-2019, but on the other hand kept mum over departmental appeal dated 16-07-2019 of the appellant, which amounts to denial of his right protected under the law. In view of the foregoing, we are of the considered opinion that there are strong, valid and well-reasoned justifications for consideration of his case for permission to re-join his parent office. It is also worth mentioning that the course of litigation consumed a considerable time, so in the meanwhile all his other colleagues in his parent office elevated to BPS-18 in the wake of establishment of service rules dated 27-03-2019 for management cadre and the appellant, who was at serial No 2 of the merit assigned by the public service commission, would have been promoted if he was allowed to re-join his previous office after expiry of his lien, but since the appellant was not allowed after completion of his lien period, hence obviously, he was not promoted with his colleagues in management cadre, but since the appellant was already in BPS-18, hence, to avoid further litigation, the appellant shall be placed at the bottom of seniority amongst his colleagues of management cadre already promoted to BPS-18.

06. In view of the foregoing discussion, the instant appeal is accepted. Respondents are directed to allow the appellant to re-join his parent office and to place him in the seniority list of his already promoted colleagues to BPS-18 in management cadre at the bottom of seniority. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

03.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

ORDER
03.09.2021

Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. Respondents are directed to allow the appellant to re-join his parent office and to place him in the seniority list of his already promoted colleagues to BPS-18 in management cadre at the bottom of seniority. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
03.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)




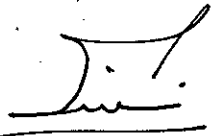
(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

31.08.2021

Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate, present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Arguments heard. To come up for order on 03.09.2021 before D.B.

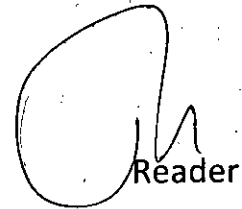

(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

12.01.2021 Nemo for appellant. Addl: AG for respondents present.
Due to pandemic of Covid-19, the case is adjourned to
12.02.2021 for the same.


Reader

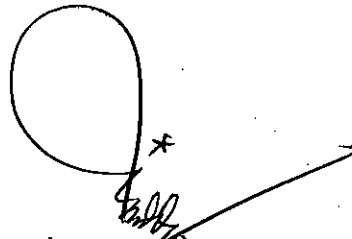
12.02.2021 Due to Pandemic of Covid-19, the case is adjourned to
22.03.2021 for the same.



Reader

22.03.2021 Junior to counsel for the appellant present.
Addl: AG for respondents present.

Former requests for adjournment as learned
senior counsel is indisposed today.

Adjourned to 29/4/2021 for arguments
before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

29.4.2021

*Due to COVID-19, the case is adjourned
to 31-8-2021 for the same.*



28.07.2020

Junior to counsel for the appellant, Fazal Subhan S.O for respondent No. 2 and Abdul Waheed A.D on behalf of respondent No. 3 present. None is available on behalf of respondent No. 4.

Representative of respondent No. 2 has furnished parawise comments (placed on record). Representative of respondent No. 3 states that the same are relied upon by the concerned respondent. Fresh notice be issued to respondent No. 4 for submission of reply/comments on 22.09.2020 by way of last opportunity, ~~_____~~


Chairman

22.09.2020

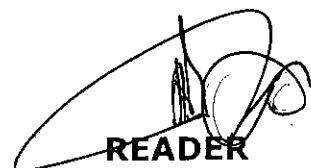
Junior to counsel for the appellant and Mr. Abdul Wahid, Litigation Officer for respondent No. 3 alongwith Addl. AG for the respondents present.

Representative of respondent No. 3 relies on the parawise comments of respondent No. 2 furnished on 28.07.2020. Respondent No. 4 has not furnished the requisite reply/comments despite last chance. The matter is assigned to D.B for arguments on 08.12.2020. The appellant may furnish rejoinder, if any, within one month.


Chairman

08.12.2020

Due to COVID-19, the case is adjourned to 12.01.2021.


READER

07.02.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and submit reply/comments. Adjourned to 24.03.2020 on which date the requisite reply/comments shall positively be furnished.


(Ahmad Hassan)
Member

24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.


Reader

16.06.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date. Adjourned to 28.07.2020 for written reply/comments but as a last chance before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.12.2019

Counsel for the appellant present.

Learned counsel contends that the appellant was initially appointed in Teaching Cadre of respondent department as SET on 29.01.2002. Subsequently, in pursuance to notification dated 13.05.2011 he was appointed through Public Service Commission as Assistant District Officer in Management Cadre. Once again, on 02.12.2013, the appellant qualified for appointment as SDEO BPS-17 and continued his service as such till 16.02.2016 when he was appointed as Principal/Vice Principal in Teaching Cadre upon the recommendations of Khyber Pakhtunkhwa Public Service Commission. Upon issuance of notification dated 27.03.2019, whereby, the service structure for officials in the Management Cadre was provided/announced, The appellant exercised lien towards his erstwhile post in the Management Cadre. His request was, however, not responded till date. Learned counsel referred to a memo dated 25.06.2019 wherein the respondent department has already acknowledged the maintenance of lien of employees for a period of two years, further extendable for one year. It was the argument of learned counsel that the appellant has been denied his valuable service rights and the option to avail lien in Management Cadre.

Instant appeal is admitted to regular hearing, in view of the available record and arguments of learned counsel. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for submission of written reply/comments on 07.02.2020 before S.B.

Appellant Deposited
Security & Process Fee

14/12/19

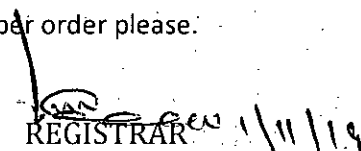

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1444/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/11/2019	<p>The appeal of Mr. Mohib-ur-Rehman presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/11/19</p>
2-	11/11/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/12/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

1444/2019
16/12/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1444 /2019

MOHIB-UR-REHMAN

V/S

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 4.
2	Appointment order	A	5- 6.
3	Order	B	7- 8.
4	Order dated 02.12.2013	C	9- 10.
5	Appointment order	D	11- 12.
6	Notification	E	13- 14.
7	Notification dated 20.04.2017	F	15.
8	Requests & record	G	16- 24.
9	Service Rules	H	25- 27.
10	Departmental appeal	I	28- 30
11	Vakalat nama	31.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 1444 /2019

Diary No. 1538

Dated 01-11-2019

Mr. Mohib ur Rehman, Principal (BPS-18),
Govt. High School, Saeed Khan Kot, South Waziristan Tribal District.

..... **Appellant**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- ✓2- ✓The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director of Education (Merged Areas), Khyber Pakhtunkhwa, Warsak Road, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENT BY NOT ALLOWING THE APPELLANT TO RE JOIN (RETAIN LIEN ON) HIS PREVIOUS POST OF SUB-DIVISIONAL EDUCATION OFFICER (BPS-17) AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the inaction of the respondents by not allowing the appellant to rejoin his previous post of Sub-Divisional Education Officer (BPS-17) may very kindly be declared as illegal and against the prevailing Rules & Policy and the respondents may kindly be directed to allow the appellant to rejoin his post of Sub-Divisional Education Officer (BPS-17) with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R.SHEWETH:

ON FACTS:

- 1- That appellant is the employee of the respondent Department as was initially appointed as PTC now PST in 1992, where after the appellant was appointed as SET on the recommendation of KP Public Service Commission. Copy

Filed to-day
Registrar
01/11/19

Received by
Registrar

01/11/19

of the appointment order are attached as annexure **A.**

- 2- That the appellant since from joining of the respondent Department till date is regularly performing his duty quite efficiently, whole heartedly and up to the entire satisfaction of his high ups.
- 3- That in the year 2009 the management cadre was introduced by the respondent Department and as such the respondent department advertised some Management Cadre posts of Assistant District Officer (ADO) through Public Service Commission, that appellant being eligible in all respect applied for the post through proper channel and was accordingly recommended vide order dated 13-05-2011. Copy of the order is attached as annexure **B.**
- 4- That the appellant joined his duty as Assistant District Officer in the meanwhile the respondent Department advertised post of Sub-Divisional Education Officer/Assistant Director (BS-17) through Khyber Pakhtunkhwa Public Service Commission. The appellant applied for the post of Sub-Divisional Officer/Assistant Director through proper channel and after fulfilling all the formalities was recommended for the post Sub-Divisional Education Officer/Assistant Director (BS-17) vide order dated 02-12-2013. Copy of the order is attached as annexure **C.**
- 5- That it is very pertinent to mention that since 2009 till 2019 the respondents failed frame proper service rules for management cadre and due to that insecure circumstances the appellant applied for the post of Principal/Vice Principal (BS-18) through Public Service Commission and in consequence the appellant was recommended vide order dated 16-02-2016 and as such the appellant joined the post of Principal/Vice Principal vide notification dated 31-03-2016. Copy of the appointment order & notification is attached as annexure **D & E.**
- 6- That, the appellant submitted his arrival report before the competent authority and accordingly the services of the appellant was placed at the disposal of respondent No. 4 vide notification dated 31-03-2016 and as such the appellant was posted as Principal/Vice Principal vide order dated 20-04-2017. Copy of Notification is attached as annexure **F.**
- 7- That due to reshuffling from teaching to management and from management to teaching cadres the seniority of the appellant has continuously been disturbed, therefore the appellant time and again requested the respondents for

rejoining of his post of Management Cadre i.e. Sub-Divisional Education Officer but all in vein. Copies of requests and other record are attached as Annexure **G.**

8- That in the year 2019 the respondents introduced proper service structure for the management cadre and as such the colleagues of the appellant were allowed promotion to the next higher scale. That feeling aggrieved the appellant filed Departmental appeal before respondent No.2 for rejoining of his previous service of Sub-Divisional Education Officer in light of FR 14(A) but the same was not responded till date. Copies of the service Rules and Departmental appeal is attached as annexure **H & I.**

9- That having no other remedy the appellant preferred the instant appeal inter alia on the following grounds.

GROUND:

A- That the inaction of the respondents by not allowing the appellant to join his previous post of Management Cadre is against the law, facts, norms of natural justice and materials on the record hence not tenable in the eye of Law.

B- That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That in light of FR 14(A) the appellant is fully entitle for rejoining of his previous post of Management Cadre i.e. Sub-Divisional Education Officer but the respondents are not willing to do the same.

D- That the respondents acted in arbitrary and malafide manner while not allowing the appellant to rejoin his parent Department in light of FR 14(A).

E- That appellant is highly qualified and skillful person having sufficient experience in the respondents Department, therefore appellant is fully entitle for rejoining of his post of Management Cadre i.e. Sub-Divisional Education Officer.

F- That the respondents discriminated the appellant on the subject noted above and as such the respondents violated the norms of natural justice.

G- That the inaction of the respondents by not allowing the appellant to join his parent is violative of clause 24(A) of the General clauses Act 1897.

- H- That the act of the respondents is against Article-38 (e) of the Constitution of Islamic Republic of Pakistan, 1973.
- I- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

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

Dated: 23.10.2019

APPELLANT


MOHIB UR REHMAN

THROUGH:


NOOR MOHAMMAD KHATTAK


**MUHAMMAD MAAZ MADNI
ADVOCATES**

A-5

APPOINTMENT

Consequent upon the selection made by the NWFP Public Service Commission Peshawar and the ban relaxation by the competent authority the Director (Secondary) NWFP issued notification of the candidates for appointment against posts (B-16) with effect from the date of their taking over charge and the names of candidates of FATA domiciled have been placed at the disposal of Director of Education FATA for further adjustment. vide his notification issued under Sd/No. 2307-3080 dated 29/1/2002, the following candidates are appointed against the SET posts mentioned against their names with the terms and conditions specified in the above notification. Produce below:-

TERMS AND CONDITIONS

- 1:- They will be governed by such rules and regulations as prescribed by the Govt; from time to time for the category of the Govt; servants to which they belong.
- 2:- Their services will be liable to termination on one months notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
- 3:- They should join the posts within one month of the issue of this notification.
- 4:- Their inter-se-seniority will be determined in accordance with the merit of NWFP public Service Commission.
- 5:- Charge report should be submitted to all concerned.
- 6:- Their appointment are subject to the production of prescribed Medical Certif; from the standing Medical Board and verification of their character/antecedents by the police Department. They may not be asked to take over charge till the completion of the said requirement.
- 7:- They shall be on probation for a period of 3 years.
- 8:- Their original certificates/ Degrees should be checked and verified from the concerned Universities before handing over charge.
- 9:- The declaration of Assets should be obtained from them immediately and placed on record.
- 10:- Prescribed age limit for the post is 21-35 years.
- 11:- Complete information on the prescribed proforma alongwith charge reports should be submitted this Directorate.
- 12:- TA/DA etc; is not allowed.

S.No.	Name/Address	Where posted	Remarks
1:-	Hamidullah Khan S/O Mohammad Khan (Vill: & PO Jangi Killa Dowl Teh; & Distt: Bannu	Govt: High School Khwa Suri Khel (Orakzai Agency)	Against vacant SET post.

Entry - add in A/R

Vol: III - P-79

AAO-KNW

(Contd; next Page-2)

2

6

- 2:- Attaur Ranman S/O Asalamarja Vill: & P.O Waligai, Kotka Ghazi Abad Bannu Govt:High School Angori(Kurram) Against SET post
- 3:- Iqbal Hussain S/O Mirza Kha: Vill: & P.O Mian Mandi Gand... Mohmand Agency Govt:High School And Khel(Orakzai Agency) ...do...
- 4:- Abid Hussain S/O Hussain Ghulam P.Iman Colony;Parachinar Chinari M/Store,Parachinar Govt:High School Burki Kurram Agency ...do...
- 5:- Mohammad Shuaib S/O Mohammadawal Yar Vill: Akhunzadgon P.O Mohammad Din (Bannu) Govt:High School Dohar (Kurram Agency) ...do...
- 6:- Jamail Khan S/O Ali Akber P.O Custam Mandi Baka Khel C/C Gulzarooof Shopkeeper Bannu Govt:High School Tarimangle(Kurram) ...do...
- 7:- Nishanullah S/O Haji silani Khan V& P.O Subhan Khwar Mohmand Govt:High School Hamid Khan Killi Mohmand Agency ...do...
- 8:- Khan Karim S/O Noor Mohammad Shah Vill: Banda Kichori P.O Urmar Payan Branch Barhi Noubat Abad Peshawar Govt High School School Jalaka Mela (Orakzai Agency) ...do...
- 9:- Aurang Zeb Khan S/O Haji Asad Khan V.&P.O Awami Kutab Khawa Shaheedan Market Wana(SWA) Govt:Middle School Wana (S.W.Agency) ...do...
- 10:- Hazrat Wahab S/O Abdul Wahab V.& P.O Lund Khwar Teh:& Distt; Mardan Govt:Middle School Zawal (Khyber) ...do...
- 11:- Zahir Khan S/O Sakhan ,R/O Mehbi Khel Zakh Khel Afridi Knyber Agency Govt:Middle School Baisa Khil Killi (Khyber Agency) ...do...
- 12:- Dastar Ali Khan S/O Mohammad Ali Vill: Haji Zarwali P.O Qamar Killi Teh:& Distt:Bannu Govt:High School Michti Bazar(Orakzai) ...do...
- 13:- Faizur Rahman S/O Zarif Khan Vill: Zoorbandar(Bajour) Govt:High School Bajour (Bajour) ...do...
- 14:- Lal Mohammad S/O Haji Din Mohd: Vill: & P.O Loisam(Bajour) Govt:High School Bajour Agency ...do...
- 15:- Mohibur Rahman S/O Mohammad Luqman Vill: Murmas P.O Mirali N.W.Agency Govt:middle School Ghosmai Khaddar Khel N.W.Agency ...do...
- 16:- Gul Qias Khan S/O Mir Sadaf Khan Vill: Jangi Killa P.O Domil Bannu Govt:High School Garhi (Orakza:) ...do...
- 17:- Mohammad Farooq Khan S/O Amir Saleh Khan Vill: Garhi Khel P.O Domil Distt: Bannu Govt:High School Makhezi (Kurram) ...do...
- 18:- Khan Zaman S/O Taj Mohammad O/O Farid Vidio Game Centre GHS Road Takht Bhai Mardan Govt:High School Kurram (Orakzai) ...do...
- 19:- Sharif Khan S/O Haji Gul Hassan Vill: Srahrgo P.O.Bagun Kurram Agency Govt:Middle School Arawali (Kurram) ...do...

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

PHN : 091-9210437-38, 9210389

B - ⑦

Notification.

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the Competent authority is pleased to appoint the following candidates against the post of Assistant Distt: officer (Male) in BPS-16 (Rs.6660-470-20160) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms and condition given below with immediate effect.

SNO	Name	Father Name	Domicile	Address	Services placed at the disposal of BDO (E&ST) for further posting
1	Abdul Karim	Jehangir Khan	Peshawar	Vill: Shahi Payan (Nek Ahmad Kalay) PO Shahi Bala Peshawar	Swat
2	Abdul Khalid	Muhammad Ramzan	D.I. Khan	Moh: Khojan Wala Paharpur Tehsil Paharpur Distt: D.I.Khan	D I Khan
3	Abdul Malik	Muhammad Anwar	Khyber Agency	Afridi Auto Store, Hashtnagri Peshawar City	Kohistan
4	Abdul Qayum Khan	Abdul Hanan	Bannu	Vill: Kachkot Asad Khan surani L'annu	Bannu
5	Fayaz Uddin	Jehan Badshah	Dir Lower	143-B, Sector N-4, Phase-4, St. No.6, Hayatabad Peshawar	Dir Upper
6	Hameedur Rehman	Saeed ur Rehman	Peshawar	H.# 19/CC Civil quarters Peshawar	Battagram
7	Hayat Khan	Nazeef Khan	Charsadda	Vill: Baiyana PO Shabqadar dist: & Tehsil Charsadda	Hangu
8	Kirammat Ullah	Sattar Zaman	FR Bannu	PO Mumash Khel Azad Mondi Bannu	Karak
9	Mohib-ur-Rehman	Muhammad Luqman	NWA	Vill: Hurmaz Tehsil & PO Mir Ali N.W. Agency	Tank
10	Muhammad Ashfaq Elahi	Farman Elahi	Peshawar	Nishtarabad, Moh: Islamabad, H.# T- 671, St. No.10 Peshawar City	Battagram
11	Muhammad Zubair	Sabz Ali Shah	Charsadda	Distt: Tehsil Charsadda Vill: & P.O Behlola Payan	Shangla
12	Raees Khan	Johar Gul	Khyber Agency	P/O Bara Khyber Agency Nogazi Baba Shalober Qamber Khel	Kohistan
13	Sarmast Khan	Mir Rehman	Mohmand Agency	Vill: & P/O Khatki Sharif via Wcrsak Colony Distt: & Tehsil Peshawar Mohmand Agency	Shangla
14	Shahab Din	Fazal Manan	NWA	Vill: Mohammad Khel P./O Boya Tehsil Datta Khel North Waziristan Agency	Tank
15	Syed Anwar Ali Shah	Syed Mahmood Shah	Mohmand Agency	Moh: Chushti Abad Vill: P/O Matra Mughal khel Tehsil Shabqadar Distt: Charsadda	Haripur
16	Taj Alam	Sher Alam	FR Bannu	Bilal Book Deepo Tanchi Bazar Bannu City.	D I Khan
17	Ulfat Ali	Daftar Shah	SWA	Satson School & College, Near Baboo Petroleum Mission Morri Daraban road D.I Khan	Tank
18	Noor Muhammad	Said Muhammad	Bajaur Agency	C/O Haji Ibrahim, Zubair Colony, Pakha Chulam, Balazak Road Peshawar	Dir Upper

Terms and conditions:-

Their services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servants Act, 1973 as amended under the NWFP Civil Servants (Amendment)

ATTESTED

4

2005. They will however be entitled to Contributory Provident Fund in such a manner at such rates as per prescribed by the Govt.

8

In case, he is already in Govt. service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel and selection by the Commission, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to him under his previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to him under new appointment.

2. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
3. They should join their posts within 30 days of the issuance of this notification. In case of failure to join their posts within one month of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
4. They would be on probation for a period of one year extendable for another one year.
5. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
6. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded against under the NWFP Removal from service (Special powers) Ordinance, 2000 and the rules framed from time to time.
7. Charge report should be submitted to all concerned.
8. The EDOs concerned would furnish a certificate to the effect that the candidate have joined the post or otherwise after one month of the issue of their posting orders.
9. Their seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
10. No TA/DA will be allowed to the appointees for joining their duties.

(Syeda Sarwat Jehan)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. 1996-1935 / File No.1/ADO(M)/M.C Dated Peshawar the 13/05/2011.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director of Education (FATA) Warsak Road Peshawar.
3. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
4. All Executive District Officers (E&SE) in Khyber Pakhtunkhwa with the instructions to adjust the already working ADOs against the available vacancies of the Teaching Cadre.
5. Agency Education Officers concerned.
6. District Accounts Officers / Agency Account Officers concerned.
7. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

NOTIFICATION

Dated Peshawar the December 02, 2013

C-9

NO.SO(S/M)E&SED/3-2/2013/Recruitment of SDEO(BS-17) (Male): Consequent upon recommendations of Khyber Pakhtunkhwa Public Service Commission Peshawar, the Competent Authority is pleased to appoint the following Twenty Three (23) candidates of Management Cadre as Sub Divisional Education Officer/Assistant Directors (BS-17) Male (Rs:16000-1200-40000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government with immediate effect on the terms and conditions as given below:-

Sr.No	Name with Father's Name and Address
1.	Mr. Sa'eem Akhtar S/O Muhammad Ismail Khan, Vill: Sherpur P.O Khawajgan Mansehra.
2. ✓	Mr. Moheb-ur-Rehman S/O Muhammad Luqman, Vil: Hurmaz Teh and P.O Mir A: North Waziristan Agency.
3.	Mr. Abdur Rehman S/O Abdul Kafi, House No.T/853 Duranni Street, Kabul River, Teh & Distt: Nowshera.
4.	Mr. Meftah Uddin S/O Syed Fazal Mabood Jan, Vill: Kandaro Payan P.O Timergara Teh Balambat Distt: Lower Dir.
5.	Mr. Muhammad Tanveer S/O Faqeer Muhammad Street No. 10 Bilal Town Kakul Road Abbottabad c/o Sajid Kariana Store.
6.	Mr. Atiq-ur-Rehman S/O Amir Jan, Vill: Kotay Kaia P.O Dabb Teh & Distt: Karak.
7.	Mr. Mukhtar Ahmad Khan S/O Anwar Khan GHS, Rajoya Abbottabad.
8.	Mr. Abdul Malik S/O Muhammad Anwar, Afridi Auto Store Hushtnagri Peshawar City.
9.	Mr. Mahmood Ghaznavi S/O. Amir Mahmood Shah, Govt: Centenial Model High School Chitral.
10.	Mr. Hayat Khan S/O Darwish Khan, Vill: Saad ullah Mian Kalley p.o Sardheri Distt: Charsadda
11.	Mr. Hidayat Ullah S/O Akbar Khan, Headmster GMS Akbar Abad Bahela Malakand Agenyc.
12.	Mr. Bahadar Zeb S/O Alam Zeb Vill: Khan Seari P.O Ziarat Talash Teh Timergara Distt: Dir Lower.
13.	Mr. Muhammad Aurang Zeb S/O Ahmad Hussain Vill: Shakoora P.O Battal Teh & Distt: Mansehra.
14.	Mr. Liaqat Ali S/O Gawer Khan, Vill: Pirqilla P.O Shabqadar Distt: Charsadda.
15.	Mr. Mushtaq Ahmad S/O Gulzar Ahmad, House No. 09 Street No.5 Shinwari Town Ring Road Peshawar City.
16.	Mr. Abdussamad jan S/O Sultan Ahmad, Anis Abad No.1 Yousaf Abad, Dala Zak Road Peshawar.
17.	Mr. Mumtaz Muhammad S/O Badshah Muhammad, C/O Al-Badar Book Centre Main Bazar Mohalla Show Distt: Upper Dir
18.	Mr. Fazle Wahid S/O Fazle Raziq Vill: & P.O Dheri Sikander Khan Distt: Charsadda.
19.	Mr. Shah Jehan S/O Muhammad Hasan, Vill: and P.O Mohib Banda Teh & Distt: Nowshera.
20.	Mr. Himayat Shah S/O Inayat Shah, F.G Boys Model School G-6/4 Embassy Road Islamabad.
21.	Mr. Irfan Ali, S/O Gauhar Ali, House No. 198-A Hayatabad Phase-3 Sector K-2 Street 9 Peshawar.
22.	Mr. Nisar Ahmad, S/O Lal Yamir, C/O Shuhab General Store, Near S.P House Karak City Karak.
23.	Mr. Muhammad Ilyas Khan S/O Asil Janan, Vill: & P.O Dabb Sungini Distt: Karak.

ATTESTED

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10

Terms & Conditions

1. Their services will be considered regular and they will be eligible for pension/deduction of GP fund in terms of Khyber Pakhtunkhwa Civil Servants Act 1973 as amended in 2013.
2. Their services are liable to termination on one month's notice from either side. In case of resignation without notice, their one month's pay/allowances shall be forfeited to the Govt.
3. They would be on probation for period of one year extendable for another one year.
4. They will be governed by such rules and regulations as may be issued from time to time.
5. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 as amended from time to time.

SECRETARY**Endst: of even No. & Date**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. ✓ Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male), concerned.
4. Director (Recruitment), Khyber Pakhtunkhwa Public Service Commission.
5. District Accounts Officers concerned.
6. PS to Chief Secretary Khyber Pakhtunkhwa.
7. PS to Minister for E&SE Khyber Pakhtunkhwa.
8. ✓ PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
9. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
10. PA to Additional Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
11. PA to Deputy Secretary-I, E&SE Department, Khyber Pakhtunkhwa.
12. Incharge EMISE E&SE Department.
13. Officers concerned.
14. Office order file.



(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

ATTESTED




D-11 (18)

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

Dated Peshawar the February 16, 2016

NOTIFICATION

NO.SO(S/M)E&SED/3-2/2014/Recruitment of Principal (BS-18) (Male):- Consequent upon recommendations of Khyber Pakhtunkhwa Public Service Commission Peshawar, the Competent Authority is pleased to appoint the following two (02) candidates of Teaching Cadre as Principals/ Vice Principals (BS-18) Male (Rs.25940-1950-64940) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government with immediate effect on the terms and conditions as given below:-

Sr.#	Name with Father's Name and address.	Domicile/ Zone
1	Abdur Rauf, S/O Abdul Mateen, village and P.O. Galoch Tehsil Kabal District Swat	Swat/03
2	Moheb-ur-Rehman S/O Muhammad Luqman, Sub-Divisional Education Officer (Male) BS-17 District Tank	North Waziristan Agency

2. Consequent upon their appointment as Principals/Vice Principals BS-18, they are posted on positions and stations as noted against each: }

Sr.#	Name with Father's Name and address.	Posted as	Remarks
1	Abdur Rauf, S/O Abdul Mateen, village and P.O. Galoch Tehsil Kabal District Swat	Vice Principal BS-18 GHSS Charbagh District Swat	Against Vacant Post
2	Moheb-ur-Rehman S/O Muhammad Luqman, Sub-Divisional Education Officer (Male) BS-17 District Tank	Services placed at the disposal of the Director Education FATA	----

3. **Terms & Conditions:**

1. Their services will be considered regular and they will be eligible for pension/deduction of GP fund in terms of Khyber Pakhtunkhwa Civil Servants Act 1973 as amended in 2013.
2. Their services are liable to termination on one month's notice from either side. In case of resignation without notice, their one month's pay/allowances shall be forfeited to the Govt.
3. They would be on probation for period of one year extendable to another year.
4. They will be governed by such rules and regulations as may be issued from time to time.

ATTESTED

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5. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 as amended from time to time.
6. Their recruitment shall be School Based and shall not be transferable to any other School.
7. The appointees shall join their posts within 30 days of the issuance of this notification. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar would furnish a certificate to the effect that the candidates have joined the posts otherwise, after one month of the issuance of this Notification, failing which their candidature shall expire automatically and no subsequent appeal etc. shall be entertained.
8. Charge report shall be submitted to all concerned.
9. Notification can be downloaded from our website: www.kpese.gov.pk
10. No TA/DA will be allowed to the appointees for joining their duty.

DIREC

MUTU

Agent

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Note:

Endst: of even No. & Date

SECRETARY

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar with respect to his proposal vide NO. 1229 dated 08-12-2015.
3. Director Education FATA, Warsak Road Peshawar for further necessary action.
4. District Education Officer (Male), Swat.
5. Director (Recruitment), Khyber Pakhtunkhwa Public Service Commission with respect to his letter vide NO. 127628 dated 06-10-2015.
6. District Accounts Officer, Swat.
7. PS to Chief Secretary Khyber Pakhtunkhwa.
8. PS to Minister for E&SE Khyber Pakhtunkhwa.
9. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
10. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
11. Incharge EMISE E&SE Department.
12. Officers concerned.
13. Office order file.

Endst

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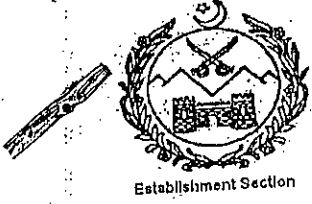
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(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)



Establishment Section

FATA SECRETARIAT
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR

E - 13

NOTIFICATION :-

No.FS/E/100-96/Vol-11/ 3417-85 On appointment as Principal (BS-18) and placement of his services at the disposal of FATA Secretariat vide Elementary & Secondary Education Department Khyber Pakhtunkhwa Notification No.SO(S/M)/E&SED/3-2/2014 dated 16-02-2016; Mr. Moheb-ur-Rehman Principal (BS-18) is posted in Directorate of Education (FATA) Peshawar against the vacant post of Deputy Director (Schools) in the public interest.

ADDITIONAL CHIEF SECRETARY (FATA)

Dated 31/03/2016
Copy to:-

1. Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.
2. Secretary Social Sectors Department FATA Secretariat.
3. Accountant General Khyber Pakhtunkhwa.
4. Additional Accountant General (PR) Sub Office Peshawar.
5. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
6. Director Education FATA.
7. PS to Additional Chief Secretary FATA Secretariat.
8. PS to Secretary AI&C Department FATA Secretariat.
9. Officer concerned.

Section Officer (Estab)

ADVICE
muluk

ATTESTED

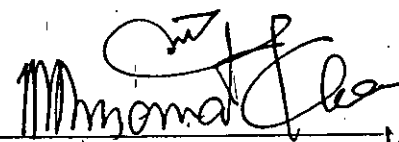
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5/4/16

RELIVING CHIT

14
18/3/16

Certified that Mr. **MOHIB-UR-REHMAN** Designation **SDEO** of Elementary & Secondary Education District Khyber Pakhtunkhwa is hereby relived dated 16-03-2016 from his duty.

He is further directed to report for his duty to the new station.


District Education Officer 18/3/16
E&SE District Tank
KPK.

ATTESTED





FATA SECRETARIAT
(SOCIAL SECTORS DEPARTMENT)
WARSAK ROAD PESHAWAR

F-15

Dated Peshawar the April 20, 2017

NOTIFICATION

No.SO/Edu/SSD/FATA 5435-441 The following posting / transfers are hereby ordered with immediate effect in the interest of Public Service.

S #	Name of Officer with Designation and Place	Posted as	Remarks
1	Mr. Khalil Ur Rehman (BS-18), Agency Education Officer South Waziristan Agency.	Incharge Principal GHS Miranshah North Waziristan Agency.	Vice S.No.6 in his own pay & Scale.
2	Mr. Mohib Ur Rehman Deputy Director (Esttb) (BS-18) Directorate of Education FATA.	Agency Education Officer South Waziristan Agency.	Vice S.No.1 in his own pay & Scale
3	Mr. Mahmood Din (BS-19), Agency Education Officer FR Kohat.	Principal GHS Subhan Khwar Mohmand Agency.	Against vacant post.
4	Mr. Masood Khan Principal (BS-19) GHS Darra Adam Khel FR Kohat.	Agency Education Officer FR Kohat.	Vice S.No.3.
5	Mr. Safeer Ullah Khan Principal (BS-18) GHS Paya FR Kohat.	Deputy Director (Esttb), Directorate of Education FATA.	Vice S.No.2.
6	Mr. Samad Shah (BS-17) Incharge Principal GHS Miranshah.	Head Master GHS Ghazalmi North Waziristan Agency.	Against vacant post.

Additional Chief Secretary FATA

Copy forwarded to the:-

1. Secretary Social Sectors Department FATA.
2. Director Education FATA.
3. PS to ACS FATA.
4. Agency Education Officers Concerned.
5. Agency / District Accounts Officers Concerned.
6. Officers concerned.

ATTESTED

Deputy Secretary Education

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER
DISTRICT TANK

No. 895

Dated: 11/31/2016

To,

The Director
Elementary & Secondary Education
KPK Peshawar.

G-16

Subject: REQUEST FOR SANCTION OF LIEN.

Respected Sir

It is brought into your kind information and notice that the applicant has been serving as SDEO with effect from January 2014 to March 2016 vide Notification No.(SOCS/M) E&SED/4-16/2013/SDEOS BPS-17 MGT Cadre) I served this post to the best satisfaction of my high ups.

It will be necessary to mention here that I have been recommended by the KPK PSC for this post of Principal BPS-18 and my services has been placed at the disposal of FATA Directorate and I have been posted as Deputy Director (Schools) vide Notification No. FSE/100-96VOL-11/3417-25) and I want to join the new post of Director (Schools) BPS-18.

So, requested into your highness to please grant me lien for two years please.

ATTESTED





MOHEB-UR-REHMAN
SDEO (M)
District Tank

ابتدائی اطلاعی رپورٹ

17

57

32

وقت 11:00 بجے 45:08

وقت 11:00 بجے 45:09

وقت 11:00 بجے 45:10

وقت 11:00 بجے 45:11

مولا DIX کے گھر والے پھول کے باغ میں واقع ہے۔

مولا DIX کے گھر والے پھول کے باغ میں واقع ہے۔

مولا ASI انجمن کے گھریلو میں واقع ہے۔

مولا ASI انجمن کے گھریلو میں واقع ہے۔

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مولا ASI انجمن کے گھریلو میں واقع ہے۔

مولا ASI انجمن کے گھریلو میں واقع ہے۔

P - T - C

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Handwritten text in Urdu script, likely a library inventory or record. The text is dense and covers most of the page. It includes various entries, possibly listing books or documents, with some numbers and names visible. The script is in a traditional style, and the overall appearance is that of an old manuscript or ledger.

ASIA
11162/17

در مقام... (Faint header text at the top of the page)

... (Main body of handwritten text, containing several lines and lists of names and dates)

Atteste

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To

The Director of Education
Newly Merged Tribal Districts
KPK, Peshawar

19

Subject: - RETIREMENT OR ONE YEAR LEAVE ADMISSIBLE UNDER THE RULES

Excellency Sir,

After reverential supplications it is submitted with due honour that I have been serving in Education Department in various capacity i.e. Sub Divisional Education Officer, Sub Division Tank since 2011 to 2016 and Deputy Director Establishment Directorate of Education Ex-FATA since February 2016 to April, 2017 and since April 2017 as AEO/DEO SWTD.

Unfortunatly in February, 2017 I was kidnapped by the hooligans of a gang, and the undersigned got release from the asylum on my own efforts through some terms and conditions including financial condition with the constraint not to be exposed their identity otherwise I was threatened for life and on stake.

As I could not gratified and accomplished all the demands/terms and condition of that gang due to my own constraints and restriction, I was again targeted by those very elements and narrowly escaped in light of retaliatory firing at my end for my defence but due to the cross firing my vehicle partially damaged on 26/08/2018 at 08:00 PM which has been published and reported in daily Mashriq dated 27/08/2018.

Through some distant and unknown source, I have been given two months' time for fulfilling their remaining demands otherwise I will be targeted for the third time.

It is therefore, requested your excellency that either I may be allowed to proceed on retirement or I may be granted one year leave admissible under the rules in the present prevailing circumstances please.

Thanking you in anticipation.

Dated 17/9/2018

ATTESTED

[Signature]

Yours Obediently

[Signature]
(Moheb-ur-Rehman)
AEO/DEO, SWTD

To

The Hon'able Governor,
Khyber Pakhtunkhwa, Peshawar.

20

Subject:- COMPONSATE/MERCIFUL CONSIDERATION.

Excellency Sir,

After reverential supplications it is submitted with due honour that I have been serving in Education Department in various capacity i.e. Sub Divisional Education Officer, Sub Division Tank since 2011 to 2016 and Deputy Director Establishment Directorate of Education Ex-FATA since February 2016 to April, 2017 and since April 2017 as AEO/DEO SWA.

Unfortunately in February, 2017 I was kidnapped by the hooligans of a gang, and the undersigned got release from the asylum on my own efforts through some terms and conditions including financial condition with the constraint not to expose their identity otherwise I was threatened for life and on stake.

As I could not gratified and accomplished all the demands/terms and condition of the that gang due to my own constraints and restriction, I was again targeted by those very elements and narrowly escaped in light of retaliatory firing at my end for my defence but due to the cross firing my vehicle partially damaged on 26/8/2018 at 08.00 PM which has been published and reported in daily Mashriq dated 27/8/2018.

Through some distant and unknown source, I have been given two months' time for fulfilling their remaining demands otherwise I will be targeted for the third time.

As Deputy Director (Estab;) Directorate of Education Ex-FATA I was supposed to sign each and every letter of stoppage of salaries, deduction and initiation of disciplinary proceeding of all FATA teachers, including NWA and SWA as per departmental directions. Now these elements i.e. the default teachers may have been gathered and shaped a form of gang and taking revenge from me of my official's jobs/business with their secrets and under current tricks.

It is therefore, requested your excellency that either I may be posted as controller/Deputy controller at BISE D I Khan/Abbotabad or Deputy District Education Officer anywhere in settled area So that to protect my life in future.

Thanking you in anticipation

ATTESTED

[Handwritten signature]

Yours Obediently

[Handwritten signature]

(Mohib-ur-Rehman)
AEO/DEO SWA

27/9/18

X

891-94	1-4	ALL	Cancelled	Transfer	with in 112	550211	und.
895	11	Death of	Ex-SE Postman	Request for	lien	und	und
900-91	1-3	Death of	Ex-SE Postman	Request for	lien	und	und
903-905	1-3	Death of	Ex-SE Postman	Request for	lien	und	und
900-91	1-3	Death of	Ex-SE Postman	Request for	lien	und	und
903-905	1-3	Death of	Ex-SE Postman	Request for	lien	und	und

ATTESTED

[Signature]

RECEIVED BY ISSUES

21

P-31

N.W.F.P. Routine No. 30

GS&PD.NWFP-669 10,000 R. of 200 L.3.12.92(32)

REGISTER OF ISSUES

	Remarks (record reference)	Stamp Value (Rs.)
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P-20

N.W.F.P. Routine No. 30

REGISTER OF ISSUES

GS&PD.NWFP-669 10,000 R. of 200 L.3.12.92(32)

Serial No.	Branch	Inward Register Daily or General No.	To whom and number of enclosures	Subject or File No.	Remarks (record reference amount or stamps, etc.)	Stamp Value (Rs.)
871	12/3/16	D.A.	Trial	Emergency Power	T.D. 1000	
872	1	D. 1050	Trial	1st Annual Report	S.P. 1000	
873	1	D. 1050	Trial	school Extension	1000	
874-78	"	105	1000	Trial	1000	
879-82	"	105	1000	Trial	1000	
883	1	D. 1050	Trial	Completion of	1000	
884	1	D. 1050	Trial	Production of	1000	
885	1	D. 1050	Trial	Production of	1000	

OFFICE OF THE AGENCY EDUCATION OFFICER
SOUTH WAZIRISTAN AGENCY

No. 2372

Dated: 8/3/18

To,

The Director
Elementary & Secondary Education
KPK Peshawar.

(22)

Subject: EXTENSION IN LIEN

Respected Sir

It is brought into your kind information that I have submitted an application to Directorate of Education Elementary and Secondary Education KPK Peshawar for the grant of Lien vide letter No. 895/19-3-2016.

Now I want the extend my lien for another 1 year up to May 2018.

So, requested into your good Office to please extend my lien for another 1 year.

ATTESTED




Agency Education Officer
South Waziristan Agency

08-03-2018	Date	Time
2354	08/03/2018	APD GM
2355	"	Managing Director
2356-58	"	APD GMA
2359	"	Pay Sheet
2360-62	"	Tool Case
2364	"	D. E. TO TA
2365	"	Head Master GHT 1/2
2366-	"	Teacher
2367-71	"	M. P. E. GMA
2374	08/03/2018	APD (GMA) at Tank
		Sanction case in R/o Late Sarda Lakshmi
		810 Gul Khatoon. BX: Chaudhary
		- EPS, Tehsil Khan Kot, Sindh
		LPC
		Sanction Death in Service Certificate
		Request for Extension is being in R/o
		Mahib ur Rehman

ATTESTED

[Signature]

To

24

The Director
Elementary & Secondary Education
KPK, Peshawar.

Subject: **ARRIVAL AND JOINING THE PREVIOUS POST OF SDEO
AFTER LIEN**

R/Sir,

It is brought into your kind notice that I am serving my duty as principal at GHS Saeed Kot SWTD. Before Lien I was serving as SDEO (M) Tank.

Now I have come to know that MGT Cadre Officers are to be up graded in next grade.

It will also be necessary to mention here that request for Lien and extension for Lien have also been submitted well in time.

Due to some security threats I cannot come to Directorate to pursue the case.

So, I may kindly be adjusted as SDEO at secure and safe place.

Dated: 10/3/2019

ATTESTED

[Handwritten signature]

[Handwritten signature]

MOHEEB-UR-REHMAN

Principal GHS Saeed Khan Kot
South Waziristan Tribel District

P789

Amir Khan

H-25

H-25



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

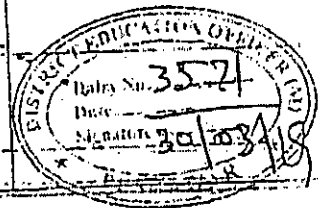
Peshawar, dated the March 27, 2019

NO.SO(SM)E&SED/3-2/2016/SSRC of M.C: In pursuance of the provision contained in sub-rule (2) of rule-3 of the Khyber Pakhtunkhwa Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of this Department's Notification No. SO(SM)E&SED/3-2/2016/SSRC of MC dated 03-07-2018, the Elementary & Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in Column No. 3 to 5 of the Appendix to the Notification which shall be applicable to the posts of Schools Management Cadre under the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar and Directorate of Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad as specified in Column No. 2 of the said Appendix.

APPENDIX

S#	Nomenclature of the Post	Minimum Qualification for Appointment by Initial Recruitment or by Transfer	Age Limit	Method of Recruitment
1	2 Director (BPS-20)	3	4	5 By promotion, on the basis of seniority-cum-fitness, from amongst the District Education Officers and Additional Directors (Male and Female) with at least five year service in BPS-19 as such and having successful completion of Senior Management Course: Provided that if no suitable officer is available for promotion then by transfer of BPS-20-officer. Note: For the purpose of promotion, a joint seniority list of District Education Officers and Additional Directors (Male and Female) shall be maintained.

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ADD-I

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2	District Education Officer/ Additional Director (BPS-19) (Male and Female) -			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy District Education Officers and Deputy Directors (Male and Female) with at least seven year service in BPS-18 or twelve year service in BPS-17 and above and such officer shall undergo six weeks post promotion training on the following modules, namely:</p> <ul style="list-style-type: none"> i. Financial Management; ii. HR Management; and iii. Information Technology; <p>Provided that if no suitable officer is available for promotion then by transfer of BPS-19 officer".</p>
3	Deputy District Education Officer/Deputy Director (BPS-18) (Male and Female)	<ul style="list-style-type: none"> i. M.Phil in Education from recognized University with three years teaching or administrative experience in Government recognized educational institutions or offices; or ii. at least Second Class Master's Degree or BS (four years) and Bachelor's Degree of Education from recognized University with five years teaching or administrative experience in BPS-17 and above in Government recognized educational institutions or offices; or iii. at least Second Class M.A/M.Sc with Second Class M.Ed./M.A (Education Planning and Management) or equivalent qualification from a recognized University with at least five years teaching or administrative experience in Government recognized educational institutions or offices. 	25 to 45 years	<p>(a) Eighty Percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Divisional Education Officers and Assistant Directors (Male/Female) with at least five year service as such and such officers shall undergo six weeks post promotion training on following modules, namely:</p> <ul style="list-style-type: none"> i. Financial Management; ii. HR Management; and iii. Information Technology; <p>Provided that if no suitable officer is available for promotion then by transfer of BPS-18 officer"; and</p> <p>(h) twenty percent by initial recruitment.</p>
4	Sub-Divisional Education Officer/Assistant Director (BPS-17) (Male and Female)	<ul style="list-style-type: none"> i. At least Second Class M.A/M.Sc or BS (four years) from recognized University; ii. at least Second Class Bachelor's of Education from a recognized University; and iii. three years teaching or administrative experience in Government recognized institutions or offices. 	21 to 40 years	<p>(a) Eighty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sub-Divisional Education Officers and Assistant District Education Officers (Male & Female) with at least five years' service.</p> <p>Provided that if no suitable officer is available for promotion then by transfer of BPS-17 officer; and</p> <p>(b) Twenty percent by initial recruitment.</p>

Attested
g

ATC
[Signature]

27

(3)

27

5	Assistant Sub-Divisional Education Officer/ Assistant District Education Officer (BPS-16) (Male and Female)	i. At least Second Class Bachelor's Degree or BS (four years) from a recognized University; ii. at least Second Class Bachelor's Degree of Education from a recognized University; and iii. five years teaching or administrative experience in Government recognized institutions or offices.	25 to 35 years	"By initial recruitment: Provided that if no suitable officer is available then by transfer of Secondary School Teacher (BPS-16) of Teaching Cadre. Note: On induction, all such officers shall undergo six weeks post induction training on the following modules, namely: i. Financial Management; ii. HR Management; and iii. Information Technology"
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SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Endst: of even No. & Date:-

Copy forwarded to the:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Chairman Khyber Pakhtunkhwa Public Service Commission, Peshawar.
5. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Directorate of Curriculum and Teachers Education Khyber Pakhtunkhwa Abbottabad.
7. All District Education Officers (Male/Female) in Elementary & Secondary Education Khyber Pakhtunkhwa. (Peshawar)
8. Director Information Khyber Pakhtunkhwa Peshawar with the request to give vide publicity.
9. Manager Government Printing Press Peshawar for publication in the next issue of Govt. Gazette.
10. PS to Advisor to Chief Minister for E&SE Department Khyber Pakhtunkhwa Peshawar.
11. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
12. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
13. PA to Additional Secretary (Estab) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
14. PA to Deputy Secretary (Admn) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
15. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
16. Director EMIS E&SE Department with the request to upload the same on the web site of the Department.

*Attended
4*

ATC
[Signature]

[Signature]
27-05-19
for SECTION OFFICER (SCHOOLS MALE)

To

The Secretary Elementary & Secondary Education
Department Khyber Pakhtunkhwa.

I - (28)

Through

Director Elementary and Secondary Education
Department Khyber Pakhtunkhwa.

**Subject: DEPARTMENTAL APPEAL FOR ADJUSTMENT AS DEPUTY DEO
(MANAGEMENT CADRE).**

Respected Sir

With reference to the subject cited above, it is humbly submitted that I have been serving in Education Department since 1992 in various capacities / positions. Firstly I was appointed as PST in 1992, then I was recommended by Public Service Commission Khyber Pakhtunkhwa for the post of SST in 2002 copy attached as **(Annexure-A)**.

Likewise I was recommended for the post of Assistant District Officer (ADO) in 2011 which is Management Cadre post and thus served as ADO for more than two and a half year copy attached as **(Annexure-B)**.

I was also recommended by Public Service Commission Khyber Pakhtunkhwa for the post of SDEO (Sub Divisional Education Officer) in 2014 and served for more than two years. **(Annexure-C)**

In 2016 I had been recommended by Public Service Commission Khyber Pakhtunkhwa for the post of Principal BPS-18 **(Annexure-D)** and then I was posted / adjusted as Deputy Director (Estab) and served for more than 14 months **(Annexure-E)**. In addition to, I was posted / adjusted as Agency Education Officer/Now DEO South Waziristan and served for 18 month vide Notification No. **SO/Edu/SSD/FATA 5435-441** dated: 20-04-2017 **(Annexure-F)**.

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But unfortunately, in 2017 as Deputy Director, when I was on monitoring visit to FR Lakki, I was abducted by the hooligans of an unknown gang/obscure persons and I was detained and this occurrence was also reported by Media (Print and Electrotonic FIR copy attached as **(Annexure-G)**).

I got released from their asylum on my own efforts as I paid to them more than 30 (Million) rupees as ran some amount with the constraint not to expose/reveal their identity otherwise I was threatened for life and thus my existence / entity was on stake.

As I could not gratify all the demands of the unknown elements, due to my own constraints / comeliness, I was again targeted by them on 26-08-2018 and my vehicle was damaged due to the torrent of bullet fire and narrowly escaped / survives myself on dated 26-08-2018 when I was joining my duty station / Office at Tank after Eid UIAdha vacations. (Copy of police report is hereby attached **Annexure-H**)

I am still victimized of that gang who plants different plots against me and taking revenge from me of my Official Business with their secret and under current tricks.

Sir,

Subsequently, due to the aforesaid complication and payment of the ran some amount, the business of my brothers in Abu Dhabi has been entirely deteriorated crumbed and consequently the undersigned private business was greatly disturbed and vitiated.

Meanwhile I have submitted an application to Director Ex-FATA for "Retirement or 1 year leave" dated 17-09-2018 (copy is hereby attached as **Annexure-I**) and then submitted an application to Governor KPK for "merciful consideration" dated 27-09-2018.

(copy is hereby attached as **Annexure-J**)

Attested
[Signature]

Respected Sir,

30

It will be necessary to mention here that despite of my repeated request for approval of lien, and joining the original post, could not materialized. First submitted an application to worthy Director E/Sec KPK dated 19-03-2016 vide letter No. 895 copy of issue register and copy of letter are attached as **(Annexure-K)**

Then after the expiry of two years, again submitted an application for extension in lien vide letter No. 2372 dated 08-03-2018.

Copy of both issue register and letter are attached as **(Annexure-L)**

After three years again submitted an application to the Office of Director E&SE KPK for the joining & arrival the actual post of SDEO copy is here by attached as **(Annexure-M)**

So, It is pertinent to mention over here that my colleagues i.e, all the then SDEO's have already been departmentally promoted to Deputy DEO/Deputy Director in Management cadre post but now I have been totally deprived and neglected by my parent Department and posted as Principal inspite of my selection as SDEO and the consecutive 04 round of service on Management cadre post, right since 2011 to 2018, i.e, 08 years which denotes injustice with the undersigned / appellant.

In view of the above a departmental appeal is hereby filed for the provision of justice and it is requested to adjust me on any management cadre post on the analogy of my colleagues who have already been promoted to BPS-18 as there is no financial aspect / emoluments are involved because I am also working in BPS-18


Thanks!

Copies:

- 1) Director Elementary and Secondary Education KPK Peshawar with the Similar request
- 2) Add: Director Establishment merged areas


MOHEB-UR-REHMAN

Dated: 16/7/2019


Principal GHS
Syed Khan Kot SWTD.

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Mohib-ur-Rehman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept

(RESPONDENT)
(DEFENDANT)

I/We Mohib-ur-Rehman

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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 cost. 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.

Dated. 31 / 10 / 2019


CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

KAMRAN KHAN

&


MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 1444 /2019

Diary No. 1538

Dated 01-11-2019

Mr. Mohib ur Rehman, Principal (BPS-18),
Govt. High School, Saeed Khan Kot, South Waziristan Tribal District.

..... **Appellant**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- ✓ 2- ✓ The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director of Education (Merged Areas), Khyber Pakhtunkhwa, Warsak Road, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENT BY NOT ALLOWING THE APPELLANT TO RE JOIN (RETAIN LIEN ON) HIS PREVIOUS POST OF SUB-DIVISIONAL EDUCATION OFFICER (BPS-17) AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

Filed to-day

Registrar

01/11/19

That on acceptance of this appeal the inaction of the respondents by not allowing the appellant to rejoin his previous post of Sub-Divisional Education Officer (BPS-17) may very kindly be declared as illegal and against the prevailing Rules & Policy and the respondents may kindly be directed to allow the appellant to rejoin his post of Sub-Divisional Education Officer (BPS-17) with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R.SHEWETH:

ON FACTS:

- 1- That appellant is the employee of the respondent Department as was initially appointed as PTC now PST in 1992, where after the appellant was appointed as SET on the recommendation of KP Public Service Commission. Copy

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1444/2019

Date of Institution ... 01.11.2019

Date of Decision ... 03.09.2021

Mohib ur Rehman, Principal (BPS-18), Govt. High School, Saeed Khan Kot, South Waziristan Tribal District.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and three others.

... (Respondents)

NOOR MUHAMMAD KHATTAK
Advocate

... For Appellant

MUHAMMAD ADEEL BUTT,
Additional Advocate General

... For Respondents


SALAH-UD-DIN
ATIQ-UR-REHMAN WAZIR

... **MEMBER (JUDICIAL)**
... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was initially appointed as Primary School Teacher in 1992 and in due course was appointed as SET (BPS-16) on the recommendations of Public Service Commission. In the year 2009, by introducing management cadre in the education department, the respondents advertised the post of Assistant District Officer(ADO) through public service commission, where the appellant also applied through proper channel and was ultimately recruited as ADO, vide order dated 13-05-2011. In the meanwhile the respondents advertised post of sub-divisional education officer/assistant director (BPS-17) in the same cadre through public service

commission and the appellant again applied for such post through proper channel and was recruited as sub-divisional education officer/assistant director (BPS-17) vide order dated 02-12-2013. The appellant again applied for another post of Principal (BPS-18) advertised through public service commission and was recruited as Principal in BPS-18 in teaching cadre vide order dated 16-02-2016. The appellant joined the new assignment but submitted an application for retention of lien on his previous post. After lapse of his lien period, the appellant preferred a departmental appeal dated 16-07-2019 for re-joining his previous post in management cadre, but the respondents did not respond, hence the instant service appeal with prayers that the inaction of the respondents by not allowing the appellant to re-join his previous post of sub-divisional education officer may very kindly be declared as illegal and respondents may be directed to allow the appellant to re-join his post.

02.  Learned counsel for the appellant has contended that inaction of the respondents by not allowing the appellant to join his previous post of management cadre is against law and rule, hence not tenable in the eye of law; that the appellant has not been treated in accordance with law, as such the respondents violated Article-4 and 25 of the Constitution; that in light of FR-14 (A) the appellant is fully entitled for re-joining his previous post, but the respondents are not willing to do the same; that inaction of the respondents by not allowing the appellant to join his previous post is violative of Clause-24(A) of the General Clauses Act, 1897; that the act of the respondents is against Article-38(e) of the Constitution.

03. Learned Additional Advocate General appearing on behalf of respondents has contended that the appellant changed his cadre from management to teaching cadre, so automatically his seniority was placed in teaching cadre; that there is no original/appellate order, against which the appellant filed such appeal, which is not maintainable as per Article-4 of the Service Tribunal Act. The learned Additional Advocate General added that now, the appellant hails from teaching cadre and

cannot be adjusted against management cadre; hence, his appeal being devoid of merit may be dismissed.

04. We have heard learned counsel for the parties and have perused the record. Record reveals that since 13-05-2011 until 16-02-2016, the appellant remained on the strength of management cadre in education department and while joining teaching cadre as principal (BPS-18) vide order dated 16-02-2016, the appellant was again posted against a management post as Deputy Director (schools) in the directorate of Education Ex-FATA vide order dated 31-03-2016. The appellant after joining the new assignment submitted an application dated 19-03-2016 for retention of his lien for two years on his previous post. In the meanwhile the appellant, while on official duty in southern districts on 11-02-2017, was kidnapped by some unknown culprits, who later on was released on payment of ransom, but the said incident put the appellant in mental agony and he requested for retirement vide his application dated 17-09-2018, which however was not accepted by the respondents. Record reveals that after his appointment as principal in teaching cadre, the appellant remained posted against management cadre posts for most of his tenure. After lapse of two years, the appellant again submitted an application dated 08-03-2018 for further extension of his lien for one year as per law and finally after expiry of three years, the appellant reported his arrival back to his previous position on 10-03-2019, but he was not allowed by the respondents to re-join his previous post.

05. It was noted that the appellant after serving for almost five years in management cadre, joined the teaching cadre through proper channel and was properly relieved by his parent office. As per Fundamental Rules-14, the appellant had lien on his previous post until he was confirmed in the borrowing department. There is nothing on record to show as to whether the appellant was permanently confirmed against such post after completion of his probation period as per requirement of Rule-16 of Government of Khyber Pakhtunkhwa Civil Servant

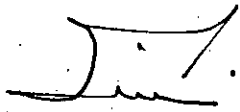
(Appointment, Promotion & Transfer) Rules, 1989. The respondents also did not confirm as to whether his probation period was terminated after completion of one year. The appellant however fulfilled his legal obligations by submitting applications for retention of his lien, but nothing is available on record to show that his lien was terminated. Submission of repeated applications by the appellant for retention of his lien shows that the appellant was willing to return to his original post, but the respondents kept mum over his repeated requests. The level of his eagerness can be gauged from the fact that the appellant stated at the bar that in order to avoid further litigation, he may be placed at the bottom of the seniority in the management cadre, though he was the senior most amongst his colleagues in the management cadre. The Supreme Court of Pakistan in its judgment reported in 1996 SCMR 284 have held that civil servant having not been confirmed in any of his subsequent jobs, his lien with his parent department remained intact throughout inspite of the fact that he joined service in another department. The Apex Court in its other judgments reported in 1992 SCMR 435 and 2005 SCMR 1212 have held that lien of a permanent civil servant could not be terminated even with consent of the appellant unless he had been confirmed against some other permanent post. Placed on record is a letter dated 25-06-2019 issued by Elementary & Secondary Education Department addressed to the Director Elementary & Secondary Education Khyber Pakhtunkhwa, operative part of which is reproduced as under:

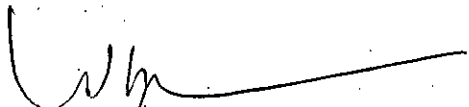
"keeping in view the acute un-employment in the country in general and in KP Province in particular, it has been decided to give right of retention initially for two years extendable by a further period of one year if a request in this behalf is received from those employees who are selected for appointment under Federal and other Provincial Governments provided they have served on regular basis for at least two years or who have completed the extended period of probation but could not be confirmed for obvious reasons"

It is worth to mention that provincial government on the one hand is encouraging retention of lien vide letter dated 25-06-2019, but on the other hand kept mum over departmental appeal dated 16-07-2019 of the appellant, which amounts to denial of his right protected under the law. In view of the foregoing, we are of the considered opinion that there are strong, valid and well-reasoned justifications for consideration of his case for permission to re-join his parent office. It is also worth mentioning that the course of litigation consumed a considerable time, so in the meanwhile all his other colleagues in his parent office elevated to BPS-18 in the wake of establishment of service rules dated 27-03-2019 for management cadre and the appellant, who was at serial No 2 of the merit assigned by the public service commission, would have been promoted if he was allowed to re-join his previous office after expiry of his lien, but since the appellant was not allowed after completion of his lien period, hence obviously, he was not promoted with his colleagues in management cadre, but since the appellant was already in BPS-18, hence, to avoid further litigation, the appellant shall be placed at the bottom of seniority amongst his colleagues of management cadre already promoted to BPS-18.

06. In view of the foregoing discussion, the instant appeal is accepted. Respondents are directed to allow the appellant to re-join his parent office and to place him in the seniority list of his already promoted colleagues to BPS-18 in management cadre at the bottom of seniority. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
03.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1444 /2019

MOHIB-UR-REHMAN

V/S

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 4.
2	Appointment order	A	5- 6.
3	Order	B	7- 8.
4	Order dated 02.12.2013	C	9- 10.
5	Appointment order	D	11- 12.
6	Notification	E	13- 14.
7	Notification dated 20.04.2017	F	15.
8	Requests & record	G	16- 24.
9	Service Rules	H	25- 27.
10	Departmental appeal	I	28- 30
11	Vakalat nama	31.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 1444 /2019

Diary No. 1538

Dated 01-11-2019

Mr. Mohib ur Rehman, Principal (BPS-18),
Govt. High School, Saeed Khan Kot, South Waziristan Tribal District.

..... **Appellant**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- ✓ 2- ✓ The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director of Education (Merged Areas), Khyber Pakhtunkhwa, Warsak Road, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENT BY NOT ALLOWING THE APPELLANT TO RE JOIN (RETAIN LIEN ON) HIS PREVIOUS POST OF SUB-DIVISIONAL EDUCATION OFFICER (BPS-17) AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

Filed to-day
Registrar
01/11/19

That on acceptance of this appeal the inaction of the respondents by not allowing the appellant to rejoin his previous post of Sub-Divisional Education Officer (BPS-17) may very kindly be declared as illegal and against the prevailing Rules & Policy and the respondents may kindly be directed to allow the appellant to rejoin his post of Sub-Divisional Education Officer (BPS-17) with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R.SHEWETH:

ON FACTS:

- 1- That appellant is the employee of the respondent Department as was initially appointed as PTC now PST in 1992, where after the appellant was appointed as SET on the recommendation of KP Public Service Commission. Copy

of the appointment order are attached as annexure **A.**

- 2- That the appellant since from joining of the respondent Department till date is regularly performing his duty quite efficiently, whole heartedly and up to the entire satisfaction of his high ups.
- 3- That in the year 2009 the management cadre was introduced by the respondent Department and as such the respondent department advertised some Management Cadre posts of Assistant District Officer (ADO) through Public Service Commission, that appellant being eligible in all respect applied for the post through proper channel and was accordingly recommended vide order dated 13-05-2011. Copy of the order is attached as annexure **B.**
- 4- That the appellant joined his duty as Assistant District Officer in the meanwhile the respondent Department advertised post of Sub-Divisional Education Officer/Assistant Director (BS-17) through Khyber Pakhtunkhwa Public Service Commission. The appellant applied for the post of Sub-Divisional Officer/Assistant Director through proper channel and after fulfilling all the formalities was recommended for the post Sub-Divisional Education Officer/Assistant Director (BS-17) vide order dated 02-12-2013. Copy of the order is attached as annexure **C.**
- 5- That it is very pertinent to mention that since 2009 till 2019 the respondents failed frame proper service rules for management cadre and due to that insecure circumstances the appellant applied for the post of Principal/Vice Principal (BS-18) through Public Service Commission and in consequence the appellant was recommended vide order dated 16-02-2016 and as such the appellant joined the post of Principal/Vice Principal vide notification dated 31-03-2016. Copy of the appointment order & notification is attached as annexure **D & E.**
- 6- That, the appellant submitted his arrival report before the competent authority and accordingly the services of the appellant was placed at the disposal of respondent No. 4 vide notification dated 31-03-2016 and as such the appellant was posted as Principal/Vice Principal vide order dated 20-04-2017. Copy of Notification is attached as annexure **F.**
- 7- That due to reshuffling from teaching to management and from management to teaching cadres the seniority of the appellant has continuously been disturbed, therefore the appellant time and again requested the respondents for

rejoining of his post of Management Cadre i.e. Sub-Divisional Education Officer but all in vein. Copies of requests and other record are attached as Annexure **G.**

8- That in the year 2019 the respondents introduced proper service structure for the management cadre and as such the colleagues of the appellant were allowed promotion to the next higher scale. That feeling aggrieved the appellant filed Departmental appeal before respondent No.2 for rejoining of his previous service of Sub-Divisional Education Officer in light of FR 14(A) but the same was not responded till date. Copies of the service Rules and Departmental appeal is attached as annexure **H & I.**

9- That having no other remedy the appellant preferred the instant appeal inter alia on the following grounds.

GROUND:

- A-** That the inaction of the respondents by not allowing the appellant to join his previous post of Management Cadre is against the law, facts, norms of natural justice and materials on the record hence not tenable in the eye of Law.
- B-** That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That in light of FR 14(A) the appellant is fully entitle for rejoining of his previous post of Management Cadre i.e. Sub-Divisional Education Officer but the respondents are not willing to do the same.
- D-** That the respondents acted in arbitrary and malafide manner while not allowing the appellant to rejoin his parent Department in light of FR 14(A).
- E-** That appellant is highly qualified and skillful person having sufficient experience in the respondents Department, therefore appellant is fully entitle for rejoining of his post of Management Cadre i.e. Sub-Divisional Education Officer.
- F-** That the respondents discriminated the appellant on the subject noted above and as such the respondents violated the norms of natural justice.
- G-** That the inaction of the respondents by not allowing the appellant to join his parent is violative of clause 24(A) of the General clauses Act 1897.

H- That the act of the respondents is against Article-38 (e) of the Constitution of Islamic Republic of Pakistan, 1973.

I- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

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

Dated: 23.10.2019

APPELLANT


MOHIB UR REHMAN

THROUGH:


NOOR MOHAMMAD KHATTAK


**MUHAMMAD MAAZ MADNI
ADVOCATES**

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

Put up to the Hon'ble claimant with relevant appeal. C.M. NO. _____/2021

IN

Service Appeal No. 1444/2019



Reader

ew
25/6/2021

MOHIB UR REHMAN

V/S

EDUCATION DEPTT:

**APPLICATION FOR EARLY HEARING OF THE ABOVE TITLED
SERVICE APPEAL**

NFA
29/6/2021

Respectfully Sheweth;

1. That, the above title service appeal is pending adjudication before this Honourable Court, which is fixed for hearing on **31.08.2021**.
2. That, applicant/appellant has challenged the inaction of the respondent by not allowing the applicant/appellant to rejoin his previous post .
3. That, the appeal of the applicant/appellant has been fixed for final arguments and Para wise comments of the respondents had also been submitted.
4. That, valueable rights of the applicant/appellant are involved in the instant appeal therefore, needs to fix at an earlier.
5. That the interest of justice demands that such like matter be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore, most humbly prayed that on acceptance of this application the above titled appeal may kindly be fixed for an early convenient date.

APPLICANT/APPELLANT

Through:

NOOR MUHAMMAD KHATTAK,
Advocate High Court,
Peshawar