


10.08.2022

  
AAG  
Security & Process Fee  
10/8

Learned counsel for the appellant present and submitted an application for submission of security and process fee. Application allowed with direction to submit security and process fee within 3 days, thereafter notices be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 06.10.2022 before S.B.

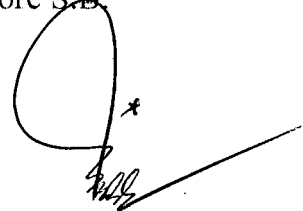


(Fareeha Paul)  
Member (E)

06.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Written reply/comments have not been submitted. Learned AAG requested for further time. Request is accepted. To come up for written reply/comments on 28.11.2022 before S.B.



(Mian Muhammad)  
Member (E)

14.12.2021

Learned counsel for the appellant present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 23.02.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

24.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 23.05.2022 for the same before D.B.

  
Reader

23<sup>rd</sup> May, 2022

Learned counsel for the appellant present and requests for adjournment in order to properly assist the court. Adjourned. To come up for preliminary hearing before SB on 06.07.2022. *Let's Chare is given*

  
(Kalim Arshad Khan)  
Chairman

06<sup>th</sup> July, 2022

Learned counsel for the appellant present.

Learned counsel says that appeals against the same order, filed by other appellants have already been admitted and are fixed for 10.08.2022. Therefore, this appeal is also admitted to full hearing, subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee within 10 days. Respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 10.08.2022 before S.B.



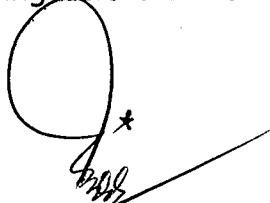
  
(Kalim Arshad Khan)  
Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7173 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/08/2021	<p>The appeal resubmitted today by Mr. L. Nawab Ali Noor 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</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>11.10.2021</p> <p>Clerk of learned counsel for the appellant present.</p> <p>Clerk of learned counsel for the appellant seeks adjournment due to General Strike of the Peshawar Bar Association. Adjourned. To come up for preliminary hearing before the S.B on 14.12.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

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

2

S. Appeal No. of 2021.

7173/2

1. Ansar Ud Din S/O Misbah Ud Din GPS Banda Painne Tehsil  
Blambat Distt Dir Lower.

.....Appellant

**VERSUS**

1. Govt of K.P.K through Chief Secretary Civil Secretariat  
Peshawar and others.

.....Respondents

**Index**

S.NO.	Description	Annexure	Pages
1.	S. Appeal		1-5
2.	Affidavit		5
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5.	Copy of notifications dated 24.7.14	B	9-12
6.	Copy of the notification 24.4.2018	C	13-15
7.	Copy of the departmental appeal	D	16-17
8.	Wakalat Nama		18

**Through**

**Appellant**

**L.Nawab Ali Noor**  
**Advocate High Court Peshawar.**  
**03469076945**



Ans A (7)

## OFFICE OF THE DISTRICT EDUCATION OFFICER (MAL DI)

Lower (Phone # 0945 9250081-82)

**APPOINTMENT**

Consequent upon the recommendation of the Departmental Selection Committee, appointment of the following candidates is hereby ordered purely on merit against the vacant posts of Primary School Teachers (PSTs) on Ad hoc School basis in BPS-1 (BPS-1/2019/161-42120) Fixed plus usual allowances as admissible to them under the Rules and existing policies of the Government of the terms & conditions given below with effect from the date of their taking over of charge (01-03-2019) in the interest of public service.

SUB DIVISION BALAMBAT				UNION	D/O BIRTH	SCORE	REMARKS
S.#	NAME OF CANDIDATE	FATHER'S NAME	NAME OF SCHOOL	CODE			
1	ANSAR UD DIN	MISBAH UD DIN	GPS BANDA PAYEEN MALAKAND	BALAMBAT	4/2/1992	125.94	AVP
2	MAHMOOD UL HASSAN	WAHID ULLAH	GPS KOHEZA PAYEEN	BALAMBAT	12/1/1992	125.26	AVP

Terms & Conditions

- No TA/DA is allowed.
- Charge reports should be submitted to all concerned.
- Appointment is purely on Temporary & ad hoc basis for one year period with effect from 01-03-2019 to 29-02-2020. Charge will be taken with effect from 01-03-2019 on opening of the schools after Winter Vacations.
- They should not be handed over charge if their age exceeds 35 (Thirty Five) or below 18 years of age.
- Appointment is subject to the condition that their certificates/documents must be verified from the concerned authorities, and anyone found producing bogus certificate/s or degree/s, their appointment shall be cancelled and they will be reported to the Law enforcing agencies for further legal action.
- Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government treasury.
- Pay shall not be drawn until and unless a certificate issued by this office to the effect that their documents have been verified.
- They should join their posts within 30 days after the commencement of their contract. In case of failure to join the post within 30 days, their appointment shall stand expired automatically and no subsequent appeal etc. shall be entertained.
- Health & Age Certificate should be produced from the Medical Superintendent before taking over of charge.
- They will be governed by such Rules and Regulations as may be issued from time to time by the Government.
- Their services shall be terminated at any time in case their performance is found unsatisfactory during the service period. In case of misconduct, they shall be proceeded against under the relevant rules of service from time to time.
- These appointments are non school based. They shall have to serve in any school of position as may be transferred to any other station.

*Attested to be true copy*

Amir A. (8)

Pa

13. Before handing over charge to them, their documents may be checked and if found bogus or false they may be reported to this office for necessary action.
14. Posting within the selected five schools is the wholly solely authority of the appointing authority and no one has the right to claim for a specific school.
15. All Head Teachers are required to collect an affidavit from each candidate that they will follow all the terms and conditions listed above and will keep it on record.
16. If any meritorious candidate is deprived from appointment by this order and the competent authority accepts his appeal, the appointment order of the low merit candidate will be withdrawn and adjustment order will be reviewed according to merit.
17. They may be readjusted/shuffled in their opted schools in order to ensure merit of the next meritorious/deserving candidate.
18. Errors and omissions will be acceptable within the specified period.

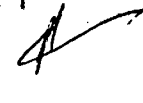
MUHAMMAD RIAZ  
DISTRICT EDUCATION OFFICER  
MALE DIR LOWER AT TIMERGARA

Endst No: 1785-95 /PST/Appointment. Ad hoc/MS/2017-18 dated: 27 /02/2019

Copy of the above is forwarded for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Nazim Dir Lower.
3. Deputy Commissioner Dir Lower
4. District Account Officer Dir Lower.
5. The District Monitoring Officer (DMO) Dir Lower
6. Head Teachers concerned.
7. SDEO & ASDEO Male Concerned.
8. The B&AO Local Office
9. The Supdt-1 Local Office.
10. The candidates concerned.
11. Master File.

  
DISTRICT EDUCATION OFFICER  
MALE DIR LOWER AT TIMERGARA

Attached as be True copy. 

Am. B. 9



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT



Peshawar, dated the 24<sup>th</sup> July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE) 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

(i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
"1"	Subject Specialist (BPS-17) <i>IT subject</i>	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and  ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3.  NOTE: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

Attached to  
File  
A

SSRC Meeting  
Subject Specialist  
IT subject  
BPS-17  
23 to 35 years  
50% promotion

Ann. B 10

(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
	1B. Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p>(دیکھو انگریزی اور سائنس)</p> <p>and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-1 ), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

CT  
:- P.S

(SST)  
دیکھو انگریزی اور سائنس

Computer Science

Computer Science is not present

CT

D.M

Subject  
کامپیوٹر سائنس اور ڈرائنگ  
PST (11/12)

Attached to be  
copy of



Ann. B (11)

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Q

Qari

← PST

Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;

(2) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No. 3;

Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;

(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3;

Provided that if no suitable candidate is available from amongst

(5)

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A

Mr. B. B. (12)

				<p>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3.</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</p> <p>(ii) twenty five percent by initial recruitment.</p> <p><b>Note:</b></p> <p>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</p>
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Approved do.  
J. S. S. S.  
A

Ann. C-13

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. P.M.  
GAZETTE

# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24<sup>th</sup> APRIL, 2018. →

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

## NOTIFICATION

Peshawar, dated: 24<sup>th</sup> April 2017

من زینہ علیہ  
سین

No.SO(G/E&SE/1-85/I.T/2017): In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of the notification issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment & Administration Department and Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column No. 2 to 5 of the Appendix to the Notification which shall be applicable to the posts of Information Technology Teaching Cadre (Male/Female) in the Elementary and Secondary Education Department as specified in column No.2 of the said Appendix:

CT 11/12

### APPENDIX:

(P5) صرف ابتدائی

CT IT

S.No	Nomenclature of the post	Minimum qualification for appointment by initial recruitment transfer	Age limit	Method of recruitment
1	2	3	4	5
	Subject Specialist- Information Technology (SS-IT) (BPS-17)	i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or equivalent qualification from a recognized University; and  ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.  Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.	21-35	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years service; and  b) Fifty percent by initial recruitment.  Provided that if no suitable candidate is available for promotion, then by initial recruitment.

CT IT Subject  
CT Cadre

Handwritten signatures and notes at the bottom of the page.

*Mr. C-14*

1542 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 24<sup>th</sup> APRIL, 2018

2.	Secondary School Teacher-Information Technology (SST-IT) (BPS-11)	<p>i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or Bachelor's Degree with a subject of Computer Science or equivalent Qualification from a recognized University; and</p> <p>ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	21-35	<p>a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with five years service as such and having the qualification prescribed for the post of Secondary School Teacher-IT.</p> <p>b). Fifty percent by initial recruitment.</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p>
1.	Certified Teacher-Information Technology (CT-IT) (BPS-12)	<p>i. At least 2<sup>nd</sup> Division Intermediate School Certificate or equivalent qualification from a recognized Institution or Board with one year Diploma in Information Technology Computer Science from any recognized institution; and</p> <p>ii. Certified Teacher Certificate (CT) or Associate Degree in Education (ADE) from any recognized institution/ University</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	18-35	By initial recruitment.

*(CT)*

*CT 15*

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Printed and published by the Manager,  
 Sialy & Ptg. Dept., Khyber Pakhtunkhwa, Peshawar.

*Attached to  
 Mr. P. C. 14*

*CT 15*

Annex - C (15)

150

(SST IT)

(SST IT)

IT

No	Nomenclature of the post	Minimum Qualification for appointment by initial recruitment or by transfer.	Age Limit	Method of recruitment
1	Subject Specialist-Information Technology (ES-IT) (B-17) Government Higher Secondary Schools/ Govt. Comprehensive High Schools and other equivalent posts in the Teaching Cadre.	i.) Master Degree in Computer Science/IT at least in 2 <sup>nd</sup> Division or equivalent qualification from any recognized University.  ii.) Bachelor Degree of Education (B.Ed) at least in 2 <sup>nd</sup> Division from any recognized Institution.	21-35	a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years' service AND Secondary School Teacher (SST) (General/Science) possessing master degree in IT or equivalent qualification with 05 years' experience  b). Fifty percent by initial recruitment.  Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment.  Their seniority may be clubbed with SS and amendment may be made in the existing service rules.
2	Secondary School Teacher Information Technology (SST/IT) (B-16) Govt. High / Higher Secondary Schools	i). Bachelor Degree with the subject of Computer Science at least in 2 <sup>nd</sup> Division or equivalent Qualification from any recognized Institution.  ii). Bachelor Degree of Education (B. Ed) at least in 2 <sup>nd</sup> Division from any recognized Institution.	21-35	a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Computer Lab In-charge with (05) years' service having the qualification prescribed for the post of IT Teacher.  b). Fifty percent by initial recruitment.  Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment.
3	Junior Teacher- Information Technology (JIT) (B-12) Govt. High/Higher Secondary Schools	Intermediate or equivalent qualification from any recognized institution with one-year Diploma in IT/Computer Science from any recognized institution and Certified Teacher Certificate/Diploma or equivalent qualification from any recognized institution.	18-35	By initial recruitment.

The committee members discussed the proposed amendments in the service rules structure for the SST (General/Science) & SST (IT) in depth and were agreed upon unanimously.

Signature and date of the committee members.

Ann. D- 16

TO, THE SECRETARY EDUCATION KHYBER PUKHTOON  
KHWANA.

DEPARTMENTAL APPEAL NO OF 2020.

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
SERVICE RULES NOTIFICATION DATED 24.7.2014  
WHEREBY NOT INCLUDING THE COMPUTER SCIENCE  
SUBJECT/DEGREE HOLDER IN THE CRITERIA OF  
ELIGIBILITY FOR THE PROMOTION OF PST,S TO THE  
POST OF SST BPS -16 SAME IS AGAINST THE SERVICE  
RULES NOTIFIED IN THE NOTIFICATION DATED 24.4.2018  
TO THE EXTENT OF SERIAL NO.2 COLUMN NO.5 OF THE  
TABLE WHEREBY NO QUOTA HAS BEEN ALLOCATED FOR  
APPELLANT / APPELLANT CADRE AS PST\*IT\* AND SAME  
TIME AWARDED TO ALL OTHERS.

RESPECTFULLY SUBMITTED,

1. That with great respect it is stated that I am performing my  
duty as PST BPS-12. That I am highly educated master degree  
holder in relevant computer science subject along with PST/  
CT, BED/MED decrees etc. I done my duty with full devotion  
and never raised any objection from the student or any other side.  
it is to be noted by your honor that following six cadres of  
SST (BPS -15) are there in which my cadre is PST (IT) which  
is the only and lonely cadre whom, ignored, deprived from the  
promotion rights. That my cadre PST IT, even rules of promotion  
are complete silent which is further question mark before your  
honor? That notification dated 24.7.14 in which specifically  
mentioned the promotion on base of strength of service which  
is 7 years as well as 75% quota on basis of seniority cum

Ann-D-17

fitness i being full fill all mentioned required above even then I was not awarded promotion. That if I am entitled for appointment on basis of the same qualification while in other side I am not entitled for the promotion while rest is entitled which is great discrimination. That entire five category except PST.IT my cadre computer science not mentioned in rules for promotion.

It is therefore most humbly prayed that on acceptance of this service appeal your honor may graciously be pleased to set aside / declare, null and void/amended / modified the notification dated 24.7.2014 to the extent of the S.NO. 1B Colmn NO. 3 of the table by including / inserting/ amending / Modifying service rules as well as service rules 24.2.2018 also may kindly be / inserting/ amending / Modifying to the extent of S.NO. 2 column no. 5 and please allocate promotion quota for the appellant, appellant cadre.

It is further requested to consider me for promotion for the post of SST \*IT\* BPS-16 with all back benefit from 2014.

May also awarded the relief to me of 7 years duration of service also.

May please awarded any other relief for which me entitled not specifically mentioned deem appropriate may also awarded.

Dated 1/4/21

  
Appellant

بعدالت

Before The Service Tribunal U.P. & P.W.D. Benaras.

Appellant: Anwar ud Din

VERSUS  
Government of U.P. & P.W.D. through Chief Secretary & others

باعث تحریر آفیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے دائر کیے ہوئے جواب دہی کی کاپی کا دعویٰ متعلقہ  
 آن مقام سروس ٹریبونل (بنارس) کیلئے پہنچانے کے بعد اس کی کاپی کو منظور کیا گیا اور  
 مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کام اختیار ہوگا۔ نیز  
 وکیل صاحب کو دائر نامی نامہ کرنے و تقریبات و فیصلے کے بارے میں جواب دہی و اقبالی ہوگی اور  
 بصورت ذکر کی کرنے اجراء اور دعویٰ چیک و روپیہ از عرش کی اور درخواست ہر قسم کی تصدیق  
 و رازیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا ذمگی کے بارے میں  
 اور مشورتی نیز دائر کرنے اقبالی نظر ثانی و بیرونی کرنے کا اختیار ہوگا۔ اس صورت ضرورت  
 و مقدمہ کو دیکھ کر یا بیرونی کارروائی کے واسطے اور وکیل یا محکمہ رجسٹری کو اپنے ہر کام کے لئے  
 مقررہ کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے  
 اور اس کا سامنے پر واضح منظور و قبول ہوگا اور ان مقدمہ میں جو خرچہ ہو نہ الٹے ہندو کے  
 سب سے دہوگا۔ کوئی تاریخ پیشی مقام دہرہ پر ہو یا اس سے باہر ہونے کیلئے جب یا ہندو ہوں  
 گے۔ کہ بیرونی مذکور کریں۔ لہذا اوقات نامہ لکھنا یا کہ منہ

2017  
 N  
 2017

کے لئے منظور  
 مقام سروس ٹریبونل (بنارس)