

10.08.2022

Appellate Jurisdiction
Security & Process Fee

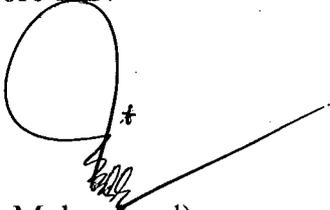
Learned counsel for the appellant present and submitted an application for submission of security and process fee. Application allowed with direction to submit security and process fee within 3 days, thereafter notices be issued to respondents for submission of written reply/comments. To come up for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

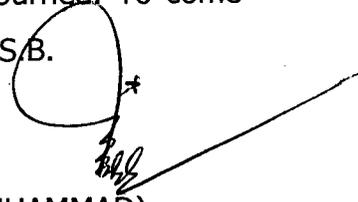
Written reply/comments have not been submitted. Learned AAG requested for further time. Request is accepted. To come up for written reply/comments on 28.11.2022 before S.B.


(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

23rd May, 2022

Counsel for the appellant present and seeks adjournment in order to properly assist the court. Adjourned. To come up for preliminary hearing on 06.07.2022 before S.B.

Last chance is given.


(Kalim Arshad Khan)
Chairman

06th 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.- 2325 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/08/2021	<p>The appeal of Mr. Israr Syed 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>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>11/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.10.2021	<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>

Reference your reply submitted in response to our observations, it is reiterated that the objections/observations raised by this office at serial no. 2 and 3 have not been removed and still stands. Therefore, the appeal in hand is returned for removing the above mentioned observations and resubmission with 15 days.

No. 1585 /S.T.

Dt. 11/08 /2021.

L.Nawab Ali Noor Adv. Pesh.


REGISTRAR

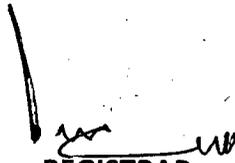
*Respectfully Submitted,
Needfull done kindly put before
The Card.*

The appeal of Mr. Israr Syed son of Miraj Syed r/o Sonigram Swari Gagra Buner received today i.e. on 09.07.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Annexures of the appeal may be attested.
- 3- There are interruption between the heading and facts of the appeal, continuity be maintained in the memo of appeal.
- 4- One copy/set of the appeal for 2nd Member be submitted in file cover.
- 5- Check list is not attached.
- 6- Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter in this Tribunal.

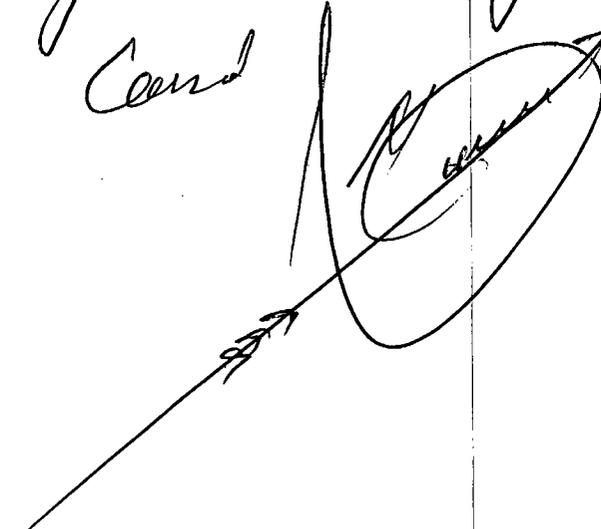
No. 1234 /S.T,

Dt. 12/07 /2021


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nawab Ali Noor Adv. Pesh.

*Respectfully Submitted,
Needfull done kindly put before
The Counsel*



BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

S. Appeal N O of 2021. **2325/21**

1. Israr Syed

.....(Appellant).

VERSUS

1. Govt of K.P.K through chief secretary and others

.....(Respondents).

Index

S.NO.	Description	Annexure	Pages
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5.	Notification dated 24.7.18	C	13-15
6.	Departmental Appeal	D	16-17
4	Waklat Nama		18

Through

Appellant

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

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

1

S. Appeal No. of 2021.

1. Israr Syed S/O Miraj Syed R/O Sonigram P/O Swarri Tehsil Gagra
Distt Bunner.

.....Appellant

VERSUS

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

2. Secretary Elementary and Secondary
education K.P.K Civil Secretariat, Peshawar.

3. Director Elementary and Secondary
education K.P.K Civil Secretariat, Peshawar.

.....Respondents

APPEAL UNDER SECTION - 4 OF THE KHYBER PUKHTOONKHWA
SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED
SERVICE RULES NOTIFICATION DATED 24.7.2014 WHEREBY NOT
INCLUDING THE COMPUTER SCIENCE SUBJECT/DEGREE HOLDER
IN THE CRITERIA OF ELIGABILITY FOR THE PROMOTION OF
PST, IT 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 CADRE AS PST IT AND SAME TIME AWARDED TO ALL OTHERS AND TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

2

PRAYERS:

On acceptance of this service appeal this honorable court may graciously be pleased to set aside / declare, null and void / amended / modified the impugned service rules / notification dated 24.7.2014 to the extent of the S.NO. 1 B Column NO.3 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 may please allocate promotion quota for appellant as PST IT for the promotion to the post of SST IT BPS -16 with all back benefit

It is further requested to consider the appellant for promotion for the post of SST IT BPS-16 with all back benefit from 2014 i.e from the date of notification benefit granted to others.

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

RESPECTFULLY SUBMITTED,

1. That appellant is civil servant doing their job in education department as PST.

(Copy of the appointment order as annexure A).

2. That appellant is highly educated hiring master decree holder in their relevant computer science subject along With PST/ CT, BED / MED decrees etc.

~~(Copies of the testimonial as annexure B).~~

3. That it is to be noted by your honor that following six cadres of SST (BPS -16) are there in which the appellant cadre is PST (IT) which is only and lonely cadre of the appellant whom ignored, deprived from the promotion rights.

4. That It is further to be noted that till date even for the appellant cadre as PST.IT, even rules of promotion are complete silent which is further question mark before this honorable court?.

5. That so much so may visit the notification dated 24.7.14 in which for

3

category a,b,c,d qualification for which properly promotion rules are there and they are awarded the same from the date of notification while on other side appellant with qualification / degree of Computer science, Math A, Math B along with others subject ignored reason best known to them. **Copy of the notification 24.7.14 as annexure B.**

6. That It is further to be noted that till date even for the petitioners cadre, whose subject is computer science at bachelor level even rules of promotion are complete silent which is further question mark before this honorable court?.

7. That so much so may visit the notifications dated 24.7.14, 24.4.2018 very interesting to see that in 24.7.2014 where cadre is there but subject subject ignore while 24.4.2018 subject of computer is there but cadre ignore which is great joke and pure question of discrimination before this Honorable court.

Copy of notification 24.4.18 is attached as annexure C.

8. That appellant filed departmental appeal before the competent authority but same is with no response within the statutory period.

Copy of the Departmental appeal as annexure D.

That appellant aggrieved from the same having others no adequate remedy approach this Honorable court on following amongst others

GROUND:

y. That awarding the promotion, seniority back benefit to others while deprived the appellant cadre was/is illegal, unlawful, unconstitutional act of the respondents hence need modified, amend, and set aside the

same up to the asking relief .

z. That awarding the same relief to rest of five categories and deprived from the same benefit appellant and his cadres is question of discrimination before this Honorable tribunal. 4

aa. That notifications in questions is against the service rules, law ,constitution hence no way except to award the promotion quota to appellant/appellant cadre along with back benefit from the date of notification .

bb. That under what law and circumstances only appellant/appellant cadre deprived from promotion while rest of all are benefited through same notification and awarded relief with back benefit reason best known to them.

cc. That under the constitution appellant has the same rights like others civil servant but same not extend equally which is injustice.

dd. That act of the respondent to pick and chose is not justified at any cost which is against the basic provision of the constitution, law service rules.

ee. That action on the part of respondents amount to misuse of power and approach beyond from the jurisdiction under the law mentioned for.

ff. That superior court repeatedly delivered judgment in respect ART.4, 25 etc and present case respondents violated the same also.

It is therefore most humbly prayed that on acceptance of this service appeal your honor may graciously be to set aside / declare , null and void /amended /modified the notification dated 24.7.2014 to the extent of the S.NO. 1B column 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 may please allocate promotion quota for the appellant/appellant cadre.

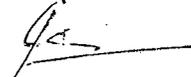
It is further requested to consider the appellant for promotion for the post of SST IT BPS-16 with all back benefit from 2014 date of notification.

May also awarded the relief of 7 years duration of service also. 5

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

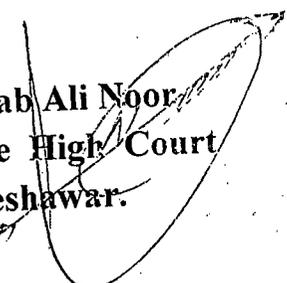
Dated:

Through


Appellant

L.Nawab Ali Noor
Advocate High Court
Peshawar.

Certificate: certified that no such like service. appeal filed before this Honorable tribunal.


L.Nawab Ali Noor
Advocate High Court
Peshawar.

AFFIDAVIT.

I, Israr Syed S/O Miraj Syed R/O Soni Gram P/O Swarri Tehsil Gagra Distt Buner , do solemnly affirm and declare on oath that the contents of the accompanying service Appeal are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable tribunal.


Deponent



BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

6

S. Appeal No. of 2020.

1. Israr Syed S/O Miraj Syed R/O Soni Gram P/O Swarri Tehsil Gagra
Distt Buner. **Appellant.**

VERSUS

1. Govt of K.P.K Through Chief Secretary K.P.K Peshawar and others.
..... **Respondents**

Application for stay over the appointment of SST till decision.

RESPECTFULLY SUBMITTED.

1. That above titled service appeal is pending before this honorable court for adjudication, and no date of hearing has been fixed so far.
2. That service appeal is read as an integral part of this application.
3. That appellant have a good prima facie and arguable case, balance of convince lies in their favor if temporary injunction not granted will suffer irreparable loss and injury.

Under the above circumstances, humbly prayed that respondent may kindly be restrained from further any promotion till final decision of the instant service appeal

Applicant /Appellant

Through

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

AFFIDAVIT.

I, Israr Syed S/O Ahmad Khan Makhi Jannat Tangi P/O
Kha ana Tehsil Munda Distt Dir Lower, do solemnly affirm and declare



[Handwritten signature]



A-7

OFFICE OF THE DISTRICT EDUCATION
OFFICER (M) BUNER AT DAGGAR
PHONE & FAX NO. 0939-510468
EMAIL: buner@gmail.com

NOTIFICATION.

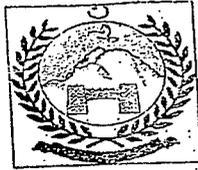
Consequent upon the recommendation of the District Selection Committee, appointment of the following candidates is hereby ordered against the post of PST (Male), in BPS-12 (Rs.9055-650-28555) @ Rs. 9055/- fixed plus usual allowances as admissible under the rules on adhoc/ contract basis under the existing policy of the Provincial Government, in Teaching Cadre "School based" on the terms and condition given below, with effect from the date of taking over charge in the best interest of public service: -

Union Council Ghurghushto PK 77					
S.No	Roll No	Name	Father's Name	Union Council	Place of posting
1/1	821700336	WASIM AKRAM	SYED AKRAM	GHURGHUSHTO	GPS BAGH
2/1	821700419	ABDUR REHMAN	ABDUL HALIM	GHURGHUSHTO	GPS BAGH
3/1	821700557	MUDASSER	FAQIR SAID	GHURGHUSHTO	GPS ZAHOR ABAD
4/1	722400218	JOHAR ZAMAN	SHAH ZAMAN	GHURGHUSHTO	GPS JANG DARA KK
5/1	822300494	RAHMAN HUSSAIN	KARIM ULLAH	GHURGHUSHTO	GPS BATKANAI
6/1	722300097	BAHAR ALI	SAID JAMIL	GHURGHUSHTO	GPS NOGRAM
7/1	821700542	YOUSAF HAROON	MUZARAF SHAH	GHURGHUSHTO	GPS ZAHOR ABAD
8/1	822300254	AMIR RASHID	GHULAM RASHEED	GHURGHUSHTO	GPS GHUND
9/1	721700486	QAMAR ZAMAN	SHAH ZAMAN	GHURGHUSHTO	GPS JANG DARA KK
10/1	822300412	SHAHI ROOM	DUR JAMIL KHAN	GHURGHUSHTO	GPS ZAHOR ABAD
11/1	821700268	FAHIM JAN	SAID KARIM JAN	GHURGHUSHTO	GPS GHUND
12/1	722300108	MURSALIN KHAN	AKBAR KHAN	GHURGHUSHTO	GPS SOWAWAI
13/1	721700466	KHAISTA ROZ	SHAM ROZ	GHURGHUSHTO	GPS JANG DARA KK
14/1	822200519	JAVED IQBAL	KHAN SHER	GHURGHUSHTO	GPS NOGRAM
15/1	822200446	IBRAHIM SAID	GHANI SAID	GHURGHUSHTO	GPS MUGHDARA
16/1	822100523	SAJID ALI KHAN	KHAKIZAI	GHURGHUSHTO	GPS SHER ALI KOTAY
17/1	821700467	ARSHAD ALI	NOOR JAMAL	GHURGHUSHTO	GPS SOWAWAI
18/1	822200251	MUHAMMAD YOUSAF	JAFAR SHAH	GHURGHUSHTO	GPS GUJAR ABAD
19/1	822300394	MUZAMMIL SHAH	HAZRAT SHAH	GHURGHUSHTO	GPS TIGARAY
20/1	822100512	HAZRAT UMAIR	SYED AKRAM	GHURGHUSHTO	GPS SHER ALI KOTAY
Union Council Kawga PK 77					
21/2	821700341	LUGMAN HAKEEM	GUL SHER	KAWGA	GPS MIANA KOWGA
22/2	822200535	ISTIKHAR GUL	SHAHZAD GUL	KAWGA	GPS JICA AGARAI
23/2	822100293	ZIA ULLAH	SUBHAN ULLAH	KAWGA	GPS KHARKAY KOWGA

Mr A.S

S. No	Roll No	Name	Father's Name	Union Council	Place of posting
161/12	822100415	IBRAHIM	MUHAMMAD RAHIM	PANDER	GPS SHANGRA
162/12	822100358	FIDA ULLAH	KAMAL ZAI	PANDER	GPS KULYAR JABO
13	Union Council Rega PK 78				
163/13	822300283	ZAHID RASHID	GHULAM RASHID	REGA	GPS REGA NO. 2
164/13	822100407	IKRAM SYED	MIRAJ SYED	REGA	GPS REGA NO. 2
165/13	821700409	AMJAD ALI	MUKHTIAR KHAN	REGA	GPS REGA NO. 3
166/13	821700699	ISRAR SYED	MIRAJ SYED	REGA	GPS REGA NO. 3
167/13	822200390	WASIM AKRAM	MALIK ZADA	REGA	GPS REGA NO. 3
14	Union Council Shalbandai PK 78				
168/14	822200536	SHER UMAR	SAID GHAFOOR SHAH	SHALBANDI	GPS SHALBANDAI
169/15	602100861	HAZRAT ALI SHAH	GUL DAD SHAH	SHALBANDI	GPS SHALBANDAI
170/14	822300428	SARDAR ALI	BAKHT ZADA KHAN	SHALBANDI	GPS BAMBALAI
171/14	822400380	KHURSAID AHMAD	BAKHT SAID	SHALBANDI	GPS AMNAWAR NO. 1
172/14	822500328	SIRZAMIN KHAN	NOWSHERAWAN	SHALBANDI	GPS AMNAWAR NO. 1
173/14	822300431	UMAR RAHMAN	AMIR DAWAL KHAN	SHALBANDI	GPS SANGARA
174/14	822400378	TAHIR ALAM	SAID MAHMOOD SHAH	SHALBANDI	GPS LAILA
175/14	822400519	WAKIL KHAN	AMIR AFSAR KHAN	SHALBANDI	GPS PARSHALAI
176/14	821700430	NISAR AHMAD	NOOR MUHAMMAD	SHALBANDI	GPS AMNAWAR NO. 1
177/14	821700244	BAZEER GUL	QAIMAT GUL	SHALBANDI	GPS SNAGARA
178/14	821700649	DILROSH KHAN	AMIR AKBAR KHAN	SHALBANDI	GPS GHUKH DARA
179/14	822300296	AASIF ALI	ANWAR ALI KHAN	SHALBANDI	GPS PARSHALAI
180/14	821700259	SHAUKAT KHAN	SAID FEROZ KHAN	SHALBANDI	GPS AMNAWAR NO. 1
181/14	821700299	SAMI ULLAH	NOOR MOHAMMAD	SHALBANDI	GPS NARITANGI
15	Union Council Soray PK 78				
182/15	822100544	AURANG ZEB	BAKHT AFSAR	SORAY	GPS MAIRAGAI
183/15	822100411	AQAL ZAMAN	NAWROZ KHAN	SORAY	GPS BAKAR
184/15	822400322	SHER MUHAMMAD	ABDUL-HAMID	SORAY	GPS BAKAR
185/15	821700607	KAMRAN KHAN	BAHRAMAND	SORAY	GPS MIANGANO MACHAI
186/15	822400356	SANAULLAH KHAN	SAHIR KHAN	SORAY	GPS MIANGANO MACHAI
187/15	822400278	NAJMUL ISLAM	AMANAT GUL	SORAY	GPS INZAR MAIRA NO. 1
188/15	821700513	MUHAMMAD ISLAM	AMANAT GUL	SORAY	GPS INZAR MAIRA NO. 1
189/15	822100531	SALEEM UL HAQ	KHAIR UL AMAN	SORAY	GPS AWANAY
190/15	822100426	SANAUR RAHMAN	S. MUHAMMAD ZAMAN	SORAY	GPS BARTIRAJ
191/15	822100245	HABIB UR RAHMAN	TABARAK SHAH	SORAY	GPS LANDAY BAZARKOT
192/15	782300553	AQIB JAVEED	MUHAMMAD ZAMIN	SORAY	GPS BAKAR
193/15	451701327	NOOR NABI SHAH	MUHAMMAD SHAH	SORAY	GPS KOT SORAY

11
2022/16
4/4/16



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Ans. B-1

Peshawar, dated the 24th 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 Form A

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

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>(د) (کمپیوٹر سائنس) (کمپیوٹر سائنس) 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>

الف
ف:- P.S

(SST)
کے لئے
کے لئے
کے لئے

CT

DM

Subject
کے لئے
کے لئے
کے لئے

Computer Science
کے لئے

Computer Science is not present

Attached to b-1
Copy of

Ann. B (11)

			<p style="text-align: center;">Q</p> <p style="text-align: center;">Qari</p> <p style="text-align: center;">PST</p>	<p>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;</p> <p>(e) 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;</p> <p>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;</p> <p>(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;</p> <p>Provided that if no suitable candidate is available from amongst</p>
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(5)

ASST. Dir.
High

Attached to
Punjab Colln.

Ms. 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>Note:</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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Attached do
True copy
A

Ann. C B

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24th APRIL, 2018. →

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

NOTIFICATION

Peshawar, dated: 24th April 2017

No.SO(G7/E&SE/I-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:

APPENDIX:

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

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<p>2. Secondary School Teacher-Information Technology (SST-IT) (BPS-11)</p>	<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>	<p>21-35</p>	<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>
<p>3. Certified Teacher-Information Technology (CT-IT) (BPS-12)</p> <p>(CT)</p> <p>pa 15</p>	<p>i. At least 2nd 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>	<p>18-35</p>	<p>By initial recruitment.</p>

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Printed and published by the Manager,
 Slaty. & Pig. Dept., Khyber Pakhtunkhwa, Peshawar.

Attached to
 b. P. No. 15

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Annexure (B)

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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 nd Division or equivalent qualification from any recognized University. ii.) Bachelor Degree of Education (B.Ed) at least in 2 nd Division from any recognized University.	21-35	a). Fifty percent by promotion on the basis of seniority-competence 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 then 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 nd Division or equivalent Qualification from any recognized Institution. ii). Bachelor Degree of Education (B. Ed) at least in 2 nd Division from any recognized Institution.	21-35	a). Fifty percent by promotion on the basis of seniority-competence 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 then by initial recruitment.
3	Junior Teacher Information Technology (JT-IT) (D-13) 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.

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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.

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TO, THE SECRETARY EDUCATION KHYBER PUKHTOON
KHOWA.

DEPARTMENTAL APPEAL NO OF 2024.

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

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 on 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 Column 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: 1/4/2021

AS
Appellant

Annex D-17

