


10.08.2022


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

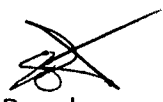
Learned counsel for the appellant present.

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

23rd 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. *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.



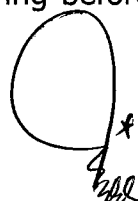

(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2155 /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>
2-		<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>
	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>

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

S. Appeal N O of 2021.

7155/2

1. Najeeb Ullah

.....(Appellant).

VERSUS

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

.....(Respondents).

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5.	Notification dated 24.7.18	C	13-15
6.	Departmental Appeal	D	16-17
4	Waklat Nama		18

Appellant

Through

L.Nawab Ali Noor
Advocate High Court
Peshawar.
03469076945

S. Appeal No. of 2021.

1. Najeeb Ullah S/O Ihsan Ullah Khan GPS Bunrr Tehsil Baboai Distt Swat.

.....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 QUOTQ HAS BEEN ALLOCATED FOR APPELLANT CADER 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.

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 testimonials 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

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 G.**

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 H.

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 I.

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

GROUND:

- i. 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 .
- j. 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.

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- k. 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 .
- l. 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.
- m. That under the constitution appellant has the same rights like others civil servant but same not extend equally which is injustice.
- n. 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.
- o. That action on the part of respondents amount to misuse of power and approach beyond from the jurisdiction under the law mentioned for.
- p. 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:


Appellant

Through


L.Nawab Ali Noor
Advocate High Court
Peshawar.

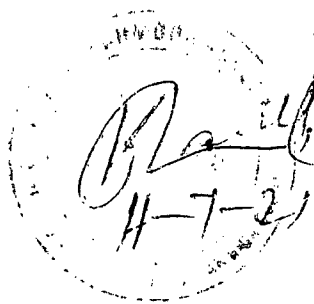
Certificate: certified that no such like service. appeal filed before this Honorable tribunal.

L.Nawab Ali Noor
Advocate High Court
Peshawar.

AFFIDAVIT.

I, Najeeb Ullah S/O Ihsan Ullah Khan R/O Bunrr Tehsil Babo ai Distt Swat , 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. Najeeb Ullah S/O Ihsan Ullah Khan R/O Bunrr Tehsil Babo ai
Distt Swat.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

Through

Applicant / Appellant

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

AFFIDAVIT.

I, Najeeb Ullah S/O Ihsan Ullah Khan R/O Bunrr Tehsil Babo ai
Distt Swat, 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





OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)

Swat (Phone No: 0946 9240209-228)

NOTIFICATION.

In pursuance of the Khyber Pakhtunkhwa employees of the Elementary & Secondary Education, (Appointment & Regularization of services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) Elementary & Secondary Education Department Government of Khyber Pakhtunkhwa Notification No. SO (S/F)E&SED/3-2 /2018/ SITT/Contract dated 16-02-2018, services of the following (153) CT Teachers appointed through NTS on Adhoc/Contract basis on , are hereby regularized in BPS-15 on the same post in teaching cadre on terms & condition given below w.e.f the date of their 1st appointment as per detail given against each, in the interest of public service.

Sr	Roll No	Name	Address	Total Marks	School	Appointment order No & dated	Extension order No & dated
1	3210365	Abdullah Khan	Khwazakhela	136.04	GMS Anakar	8332-36, 1/7/14	4509.14, 8/6/15
2	3210479	Ahmad Zeb		139.05	GHS Bahrain	8332-36, 1/7/14	4509.14, 8/6/15
3	781100316	Irfanud Din	Morpandai Swat	131.51	GHSS Kalam	12365-72, 19/3/15	1467.70, 7/4/16
4	781100573	Muhammad Razaq	Gul Abad (B)	141.93	GMS Balokalay	12365-72, 19/3/15	1467.70, 7/4/16
5	781100511	Salman Khan	Kabal Swat	128.53	GMS Sikai	12365-72, 19/3/15	1467.70, 7/4/16
6	781100411	Abdul Salam	Khuna Gul Ming	124.77	GMS Paunday	12365-72, 19/3/15	1467.70, 7/4/16
7		Waqas Ahmad	Dakorak	124.49	GHSS Mankiyal	12365-72, 19/3/15	1467.70, 7/4/16
8	782700809	Zahidullah	Chamtalai Swat	133.48	GHSS khwazakhela	11458-65, 17/3/16	nil
9	782700807	Muhammad Nadeem	Balogram Swat	130.69	GMS Oghaz	11458-65, 17/3/16	nil
10	782700611	Umar Farooq	Matta	127.72	GMS Lakhar	11458-65, 17/3/16	nil
11	782700674	Ubaiddullah	Pashtonai Malta	127.53	GHS Beha	11458-65, 17/3/16	nil
12	721100444	Irfan Khan	Shalpin Swat	126.54	GHS Shalpin	11458-65, 17/3/16	nil
13	782700927	Naeemullah	Khwazakhela	124.75	GHS Topsisin	11458-65, 17/3/16	nil
14	78300692	Muhammad Arif	Khwazakhela	124.58	GHSS Chamtalai	11458-65, 17/3/16	nil
15	782800806	Ali Bahadar	Shangwatai Swat	123.92	GMS Sarbanda	11458-65, 17/3/16	nil
16	782700594	Inayatur Rahman	Charbagh	123.9	GHS Laikot	4644-49 18/05/16	nil
17	781100942	Fawad Ahmad	Sersinai Swat	123.44	GHS Qalagay	11458-65, 17/3/16	nil
18	781101000	Fazlullah	Matta Swat	122.55	GHS Durushkhela	11458-65, 17/3/16	nil
19	781100879	Azim Khan	Chuprial	122.09	GHS Gat	11458-65, 17/3/16	nil
20	782700846	Khan Zeb	Dakorak Swat	121.86	GHS Gurnai	11458-65, 17/3/16	nil
21	781100977	Amir Bahadar Khan	Qalagay Kabal	121.42	GHS Manai	11458-65, 17/3/16	nil
22	782700550	Shafiqul Haq	Chamtalai Swat	118.8	GMS Faqira	4244-51, 16/5/16	nil
23	7827000912	Salman	Chungai	120.97	GHSS Mankiyal	11458-65, 17/3/16	nil
24	781100563	Iftikhar Ali	Bara Bandai	120.74	GHS Sakhra	11458-65, 17/3/16	nil
25	782700660	Mian Asmat Ali	Shangwatai Matta	120.57	GHS Nazar Abad	11458-65, 17/3/16	nil
26	782700719	Muhammad Shah Khan	Koza Durushkhela	120.38	GHS Ashuran	11458-65, 17/3/16	nil
27	782700967	Muhammad Salman	Gogdara Swat	119.92	GMS marragai	11458-65, 17/3/16	nil
28	782700969	Safeullah	Shinkad	118.53	GHS Gat	4252-60, 16/5/16	nil
29	781100965	Ziaur Rahman	Qalagay Swat	118.32	GHS Qalagay	4252-60, 16/5/16	nil
30	782700934	zawar Javed	Charbagh	114.79	GMS Bargin	11458-65, 17/3/16	nil
31	782700881	Aitullah	Usman Abad Ming	113.46	GMS Faiz Abad	4211-18, 16/5/16	nil
32	781100740	Ashfaq Ahmad	Aligrama	118.74	GHS Kotlai	4252-60, 16/5/16	nil
33	781100927	Shah Fahad Khan	Barikot Swat	121.85	GHS Bara Samai	2913-48 04/08/16	nil
34	781100777	AFTAB AHMAD	Madyan Swat	118.69	GMS Toorwal	42520-60 16/5/16	nil
35	7842001410	IKRAM ULLAH KHAN	Baboo Swat	142.75	GHSS Chamtalai	6342-49, 3/4/17	nil
36	7842001273	TARIQ AZIZ	Madyan Swat	140.79	GHS Chail	6342-49, 3/4/17	nil
37	7842000879	RASHID AHMAD	Sapal Bandai	139	GMS Marghzar	6342-49, 3/4/17	nil
38	7841001112	SAJJAD ULLAH KHAN	Lingar Swat	138.33	GHS Janar	6342-49, 3/4/17	nil

Mr A. S

93	7841001059	AIZAZ BACHA	Amankot Swat	121.58	GHSS Kishawra	6342-49, 3/4/17	nil
94	7842001319	SARDAR ALI	Bahrain Swat	121.14	GHS Islampur	6342-49, 3/4/17	nil
95	7841000903	SAMEER KHAN	Barikot	121.09	GMS Chungai	6342-49, 3/4/17	nil
96	7841001061	IHSAN ALI	Deolai Kabal	121.07	GHS Tall	6342-49, 3/4/17	nil
97	7851000746	UMAR ZAIB	Libanr	121	GHS Sinpora	6342-49, 3/4/17	nil
98	7842000857	AHMAD ZEB	Islampur Swat	120.99	GHS Islampur	6342-49, 3/4/17	nil
99	7841000797	MUHAMMAD ABBAS KHAN	Khwazakhela	120.88	GHSS Khwazakhela	6342-49, 3/4/17	nil
100	7842001326	JAMIL AHMAD	Koz kalay (Kh.Kh)	120.83	GHSS Fatehpur	6342-49, 3/4/17	nil
101	7841001110	NISAR	Rahatkot Swat	120.59	GHS Darmal	6342-49, 3/4/17	nil
102	7842001267	NASIR IQBAL	Kanju Swat	120.56	GHS Kottal	6342-49, 3/4/17	nil
103	7841000707	SAMI ULLAH	Taran Kbal	120.55	GHS Shah Dehrai	6342-49, 3/4/17	nil
104	7842000945	QAISAR KHAN	Barikot	120.47	GHSS Kabal	6342-49, 3/4/17	nil
105	784100952	AZAD WALI	Miandam Swat	120.36	GHS Miandam	6342-49, 3/4/17	nil
106	7841001075	ARSHAD ALI	Aboha Swat	120.35	GMS Nawagai	6342-49, 3/4/17	nil
107	7842001233	WAJID ALI	Baldara Swat	120.32	GHS Darmal	6342-49, 3/4/17	nil
108	7842001260	HAZRAT UMAR	Gulkada Swat	120.25	GHS Ahingaro Dehrai	6342-49, 3/4/17	nil
109	7842001303	WAJID ALI	Malook Abad Ming	120.21	GHS Painday	6342-49, 3/4/17	nil
110	7842001355	SAEED AHMAD	Kanju Chawak Swat	120.14	GHS Shalhand	6342-49, 3/4/17	nil
111	7842001255	AKHTAR SHAH	Mashkoma Swat	120.13	GHS Manpitai	6342-49, 3/4/17	nil
112	7841001033	HAQ NAWAZ	Blakand Matta	120.11	GHS Barawal	6342-49, 3/4/17	nil
113	7841001131	ISHFAQ ALI	Landaykas Mingora	120.04	GHSS Mingora	6342-49, 3/4/17	nil
114	7841000640	Imal Khan	Bahrain Swat	119.97	GHS Bahrain	6342-49, 3/4/17	nil
115	6042001590	MUHSIN ALI KHAN	Kanju Swat	119.91	GHSS.kabal	6342-49, 3/4/17	nil
116	7842001036	SALEEM JAVED	Mingora wa:	119.87	GHS Shalpin	6342-49, 3/4/17	nil
117	7842001187	FAZAL AKBAR MIAN	B.Durushkhela	119.83	GHS Fatehpur	6342-49, 3/4/17	nil
118	784200995	Shafaqat Ali	Madyan Swat	119.66	GHS Bahrain	8463-70, 29/5/17	nil
119	7841000896	Sajjad Hussain	Chamtalai Swat	119.41	GHS Topsin	8463-70, 29/5/17	nil
120	7842001181	Irshadul Haq	Aligrama	118.98	GHS Gat	8463-70, 29/5/17	nil
121	7842001406	Fazal Kabeer	Sher Palam	118.67	GHSS Khwazakhela	8463-70, 29/5/17	nil
122	8241000450	Tauseef Ahmad	Gulbagh Swat	118.65	GMS Painday	8463-70, 29/5/17	nil
123	7841001129	SYED BAHAR ALAM SHAH	Banjoot Swat	118.62	GHS Kas Shingrai	6342-49, 3/4/17	nil
124	7841001041	Asadullah Khan	Gashkor	118.5	GHSS Kabal	8463-70, 29/5/17	nil
125	7842001391	Ali Khan	Parral Barikot	118.32	GMS Dadahara	8463-70, 29/5/17	nil
126	7841000842	Irfan Ali	Baidara Swat	118.21	GHS Khwazakhela (B)	8463-70, 29/5/17	nil
127	7842001294	Sahib Zada	Fatehpur Swat	118.03	GHSS Khwazakhela	8463-70, 29/5/17	nil
128	7842001007	NAJIBULLAH	Banr Mingora	117.98	GHSS Mingora	6342-49, 3/4/17	nil
129	7841000890	ANWAR ALI	Shagai	117.88	GHS Guligram	6342-49, 3/4/17	nil
130	7842000923	Akbar Ali Khan	Sordat Beha	117.8	GHS Beha	7746-50 9/5/17	nil
131	7842001037	Ejaz Muhammad	Odigram Swat	117.77	GMS Sapal Band	8463-70, 29/5/17	nil
132	7842000875	FAYAZ ALI	Charbagh Swat	117.77	GHS Manai	6342-49, 3/4/17	nil
133	7842001205	Muhammad Ayaz	Dakorak Swat	117.63	GHSS Kishawra	8463-70, 29/5/17	nil
134	7442001130	AFZAL KHAN	Amankot Swat	116.99	GHSS Mankiyal	6342-49, 3/4/17	nil
135	7841000663	JAVID Khan	Deolai Kabal	116.88	GHS Dardiyal	6342-49, 3/4/17	nil
136	7842001403	Samiullah	Fatehpur Swat	116.81	GHS Miandam	8463-70, 29/5/17	nil
137	7842000937	Muhammad Ishaq	Sakhra Matta	116.77	GMS Painday	9164-68, 13/6/17	nil
138	7841000919	Ayaz Khan	Charbagh Swat	116.68	GMS Asharbanr	8463-70, 29/5/17	nil
139	7842001150	Sher Shah	Qambar Swat	116	GHS Banjoot	8463-70, 29/5/17	nil
140	7842000871	Muhammad Iqbal	Charbagh Swat	115.86	GHS Manai	8463-70, 29/5/17	nil
141	7842000986	Hussain Akbar	Shah Dehrai	115.63	GHS Asharay Kabal	8463-70, 29/5/17	nil
142	7842001211	Ajmal Khan	Tirat	115.23	GHSS Mankiyal	8463-70, 29/5/17	nil
143	7841000915	KARIM ULLAH	Charbagh Swat	114.72	GMS Lakhar	6342-49, 3/4/17	nil
144	7841001194	Aurang Zeb	Kabal Swat	114.58	GMS Mahak	8463-70 29/5/17	nil
145	7842001014	JAMALUD DIN	Chamtalai Swat	114.49	GMS Bafar	6342-49, 3/4/17	nil
146	7841001052	Javid Bacha	Asala Swat	114.39	GHS Matiltan	8463-70, 29/5/17	nil
147	7841000776	Sadiq Akbar	Bandal swat	113.86	GHS Mapital	8463-70, 29/5/17	nil

Ans. B-9



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT



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. <small>NOTE: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial</small>

Handwritten notes in Urdu:
SSRC Meeting
Subject Specialist
IT subject
BPS-17
23 to 35 years
50% promotion

Handwritten notes:
Attached to
File
A

Ans 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) (35T) (Handwritten notes in Urdu)	I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject (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; (کیمیا، بائیولوجی، زوولوجی) اور (فزکس، میٹس "A" یا "B" یا اسٹیٹسٹکس) اور (ہیومنٹیز اور دیگر ایکیواٹنٹ گروپس ڈیگری لیول پر انگریزی کو لازمی مضمون کے طور پر) اور II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or MA Education or equivalent qualifications from a recognized University.	21 to 35 years. CT DM	1. <u>Seventy Five per cent</u> by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner: (a) <u>forty per cent</u> 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: 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; (b) <u>four per cent</u> 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;

(Handwritten notes: "ans" circled, "f:- P.S")

(Handwritten notes in Urdu: "35T", "میں سے", "دوسرے", "موضوعات", "میں سے")

(Handwritten note: "Computer Science")

(Handwritten note: "Computer Science is not present")

(Handwritten notes: "Subject", "میں سے", "موضوعات", "میں سے", "2T: PST (IT) کے")

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Ann. B (1)

			<p style="text-align: center;">(4)</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)

Attached to
Finance Cell

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>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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Ann. C-13

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P111
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(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:

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
1	Subject Specialist- Information Technology (SS-IT) (BPS-17)	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

اس میں
میں

(IT) سے متعلق

(IT)

to I.T subject
of PST/IT cadre

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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>
3.	Certified Teacher-Information Technology (CT-IT) (BPS-12)	<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>	18-35	By initial recruitment.

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SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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

Attended to
 by P. M. C. J. A.

CJC
 et al

Annex - C (15)

(15)

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) Higher Government 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-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.
2	Secondary School Teacher Information Technology (SST) (1) (D-26) 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-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 then by initial recruitment. Their seniority may be clubbed with SS and amendment may be made in the existing service rules.
3	Junior Teacher- Information Technology (JT-IT) (D-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.

(SST IT)

(SST IT)

IT

The committee members discussed the proposed amendments in the service rules strictly for the SST (C), SST (B) & SST (IT) in depth and were agreed upon unanimously.

Ann. D- 26

TO, THE SECRETARY EDUCATION KHYBER PUKHTOON
KHWA.

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

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 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. 5 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


Appellant

Before the S.T
K.P.K. Peshawar

Appellant

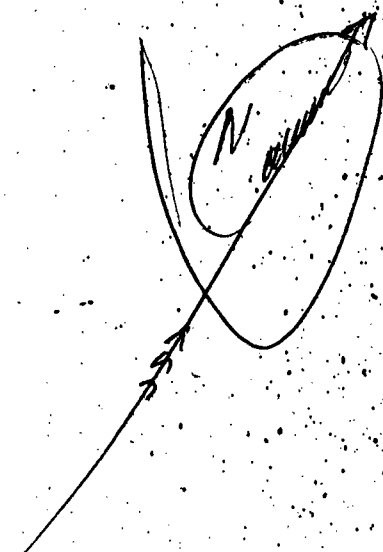
2 مخدوم بنام
Najeebullah
vs

Svt of K.P.K. through Chief
Secretary & others

موردہ
مقدمہ
دعوی
جزم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی محکمہ
آن مقام سروس سٹریٹس میں سٹارٹ کیلئے اپیل گورنمنٹ علی گڑھ اور پٹیالہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریر حاصل کرنے پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ اور دیگر دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا غیرہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل گرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ ان امور کی ضرورت
مقدمہ کی کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور قبول ہوگا دوران مقدمہ میں جو فرچہ ہر جائد التوائے مقدمہ کے
سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔



مخدوم صاحب سٹریٹس میں سٹارٹ کیلئے اپیل گورنمنٹ علی گڑھ اور پٹیالہ