

10.08.2022

Appellant Deceased
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.



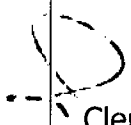
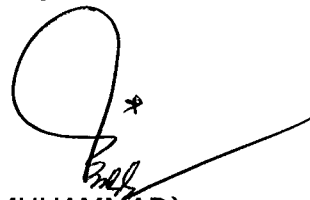

(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2342 /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. Bahar Hussain 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> 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> 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> (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. 1, 2, 3,4; 5 and 6 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. 1592 /S.T.

Dt. 4/08 /2021.

REGISTRAR

L.Nawab Ali Noor Adv. Pesh.

Respectfully Submitted,
A deed full done kindly put before
The Court


(Signature)

The appeal of Mr. Bahar Hussain son of Muhammad Khazar r/o Chaam Dewana Baba GPS Kulari 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 Appeal may be got signed by the appellant.
- ④ Affidavit may be got attested by the Oath Commissioner.
- ⑤ Address of appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ⑥ There are interruption between the heading and facts of the appeal, continuity be maintained in the memo of appeal.
- ✓ 7 One copy/set of the appeal in file cover be submitted for Second Member.
- ✓ 8 Check list is not attached.
- ✓ 9 Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter in this Tribunal.

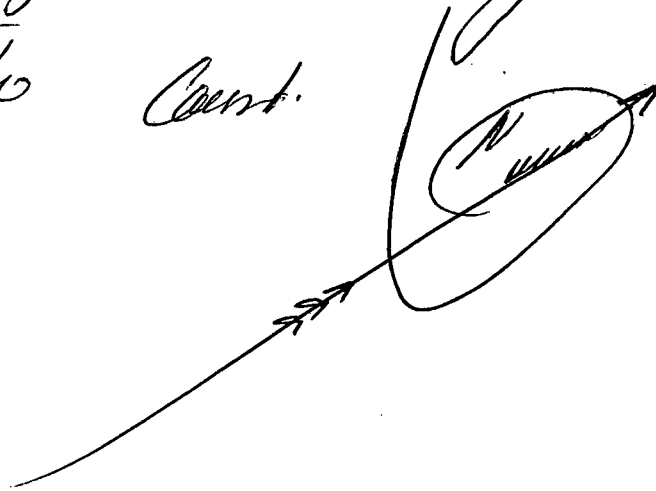
No. 1214 /S.T,

Dt. 12/07 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nawab Ali Noor Adv.

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



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Bahar Hussain vs Govt of K.P.K through Chief Secretary

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?		✓
16	Whether appeal contains cutting/overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?		✓
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		✓
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		✓
26	Whether copies of comments/reply/rejoinder submitted? On		✓
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		✓

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

L. Nawab Akh Noor

Signature:

[Signature]

Dated:

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

S. Appeal N O of 2021.

7342/21

1. Bahar Hussain

.....(Appellant).

VERSUS

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

.....(Respondents).

Index

S.NO.	Description	Annexure	Pages
1.	Appeal and affidavit		1-5
2.	Stay application		6
3.	Appointment order	A	7-8
4.	Notification dated 24.7.14	B	9-12
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

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

1

S. Appeal No. of 2020.

1. Bahar Hussain S/O Muhammad Khazar R/O Cham Dewana Baba
GPS KulariAppellant

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 ELIGIBILITY 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 CATER 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.

~~(Copy of the appointment order 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:

- a. 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.

b. 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

c. 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.

d. 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.

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

f. 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.

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

h. 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, Bahar Hussain S/O Muhammad Khaar R/O Kulari 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

S. Appeal No. of 2020.

1. Bahar Hussain S/O Muhammad Khair R/O Cham Dewana Baba
GPS Kulari.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, Bahar Hussain S/O Muhammad Khair R/O Cham Dewana Baba GPS Kulari, 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

Page No. 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.9055-650-2855) (a) 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 GHANI	GHURGHUSHTO	GPS TIGARAY
20/1	822100512	HAZRAT UMAIR	BYED AKRAM	GHURGHUSHTO	GPS-SHER ALI KOTAY
Union Council Kawga PK 77					
2					
21/2	821700341	LUQMAN 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

Annex A8

S. No	Roll No	Name	Father's Name	Union Council	Place of posting
92/B	822100380	SAJID ULLAH	BAKHTI RAHMAN	DIWANA BABA	GPS KULYARAI
93/B	821700535	ABDUL AMIN	SHAH SAEED	DIWANA BABA	GPS MATWANI
94/B	821700634	NASIR SHAH	BAKHT JAMIL SHAH	DIWANA BABA	GPS DIWANA BABA NO. 1
95/B	822500393	NISAR MEHMOOD	SAID MEHMOOD	DIWANA BABA	GPS KULYARAI
96/B	822600369	SAJID ALI	SHAZAMIN KHAN	DIWANA BABA	GPS DIWANA BABA NO. 1
97/B	822400508	WAQAR ALI	MUHAMMAD NAZIR	DIWANA BABA	GPS DIWANA BABA NO. 1
98/B	822400480	FAYYAZ AHMAD	ABDUL NAZIR	DIWANA BABA	GPS DIWANA BABA NO. 1
99/B	822400488	USMAN SHAH	MUHAMMAD SHAI	DIWANA BABA	GPS MATWANI
100/B	822300342	IJAZ AHMAD	UULAND IQBAL	DIWANA BABA	GPS DIWANA BABA NO. 1
101/B	822300271	SHAHID ALI	BAKHT DAD IJAZI	DIWANA BABA	GPS KULYARAI
102/B	821700494	BAHAR HUSSAIN	MUHAMMAD KHAZAR	DIWANA BABA	GPS KULYARAI
103/B	822300520	SADIQEEN	AMIR NAWAB	DIWANA BABA	GPS MIRDARA
104/B	112400273	NOOR WALI	JAMIL KHAN	DIWANA BABA	GPS KOTKAY
105/B	821700623	IFTIKHAR AHMAD	SAIFULLAH	DIWANA BABA	GPS DIWANA BABA NO. 1
106/B	822400301	JANSHER KHAN	BAKHT RAWAN	DIWANA BABA	GPS YAKHDARA
107/B	821700319	GULZAR ISLAM	ROZI KHAN	DIWANA BABA	GPS MATWANI
108/B	822100477	ABDULLAH SHAH	SYED WAHID SHAH	DIWANA BABA	GPS KHAISTA BABA
109/B	822300337	MURAD ALI	LAL MUHAMMAD	DIWANA BABA	GPS KHAISTA BABA
110/B	822400514	ZUBAIR ALI	MAHTAB ALI	DIWANA BABA	GPS KOTKAY
111/B	821700334	IRFAN KHAN	FARID KHAN	DIWANA BABA	GPS KULYARAI
Union Council Gagra PK 78					
9					
112/9	822300248	AYUB RAHMAN	SAIF UR RAHMAN	GAGRA	GPS KALPANI
113/9	822300303	FAIZ MUHAMMAD	HAJI MUHAMMAD	GAGRA	GPS LADWAN KALPANI
114/9	821700580	SHAHAB ALI	AKMAL KHAN	GAGRA	GPS LADWAN KALPANI
115/9	822600227	IJAZ ALI	SHER MUHAMMAD	GAGRA	GPS BARJO BIAMDARA
116/9	822200601	SAEED UL HAQ	NOOR RASOOL HAO	GAGRA	GPS BAJKATA
117/9	822200382	ZAFAR IQBAL	TABAN	GAGRA	GPS MARVAIZ ABAD
118/9	821700014	BAJID ALI	NAEEM KHAN	GAGRA	GPS SURKAMAR MAIRA
119/9	822200271	AHMAD ALI KHAN	BAR ZAMIN KHAN	GAGRA	GPS MARVAIZ ABAD
120/9	822300531	GUL HAMID	WAHID SHAH	GAGRA	GPS BIAM DARA
121/9	822400698	MUHAMMAD BILAL	SHER AFZAL	GAGRA	GPS BABA JEE BABA
122/9	823700449	IBAD ULLAH	RIZWAN ULLAH	GAGRA	GPS MAIZARAY
123/9	821700578	KHALID IQBAL	GHULAM HABIB	GAGRA	GPS BAJKATA
Union Council Gulbandai PK 78					
10					
124/10	822400373	HAQ NAWAZ	SALAT KHAN	GULBANDAI	GPS JABAGAI
125/10	821700461	HABIB AHMAD	SHARIF AHMAD	GULBANDAI	GPS TANGORA
126/10	822500422	MUKHTIAR SHAH	KHUDAD KHAN	GULBANDAI	GPS GANSHAL



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2012/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

(1)

Ans. B.P.

Attached to File
A

Handwritten notes in Urdu:
SSRC
Subject Specialist
IT subject
BPS-17
Subject Specialist (BPS-17)
Handwritten signature

Part 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) (SST) Computer Science (Computer Science is not present)	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; (Humanities) (بیہوشی) and II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.	21 to 35 years. CT DM	1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner: (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: 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) 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:

Conf
f:- P.S

Subject
Computer Science is not present
CT, PST (IT)

Computer Science is not present

Attached to b-1
Copy of

Ann. B (17)

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

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Mr. B. [Signature] (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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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/T&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	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

دستور العمل

صرف ابتدائی

IT Subject
PST/IT Cadre

نوٹیفکیشن کے لیے مخصوص کمرے میں اپنا نام درج کروائیں
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1542 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 24th APRIL, 2018

<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>1. Certified Teacher Information Technology (CT-IT) (BPS-12)</p> <p>(CTI)</p> <p>SO 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. & Ptg. Dept., Khyber Pakhtunkhwa, Peshawar.

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Annex - C (15)

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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-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-17) 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 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.

(SST IT)

(SST IT)

IT

The committee members discussed the proposed amendments in the service rules strictly for the SST (C) (H/S/Sec-c) & SST (IT) in depth and were agreed upon unanimously.

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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 degrees 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

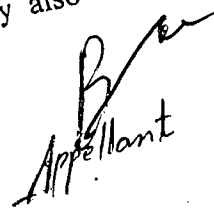
fitness i being full fill all mentioned required above even then I was not awarded promotion. That if I am entitled for appointment on basis of the same qualification while on other side I am not entitled for the promotion while rest is entitled which is great discrimination. That entire five category 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 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: 11/4/2021


Appellant

Bashir Hussain

Appellant

بیم نام

vs

Govt of K.P.V. through Chief Secretary & Others

مورد
مقدمہ
دعوی
جو

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی کے لئے
 ان مقام سے درخواستیں پیش کی گئیں اور اس کے اہل کار علی الترتیب لکھنؤ اور علی الترتیب
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقریر کرنے اور حلف دینے کے حق اور اقبال دعویٰ اور
 بصورت ذکر کی کرنے اجزاء اور وصولی چیک دروپیہ اور دیگر دعویٰ اور درخواست ہر قسم کی تقسیم
 ذرائع پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ذکر کی صورت میں اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل گرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ ان کے لئے ضرورت
 مقدمہ مذکور کے کل یا جزوی کاروائی 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 پر داخست منظور و قبول ہوگا اور ان مقدمہ میں جو خرچہ ہر جائزہ التوائے مقدمہ کے
 سبب سے ہوگا۔ 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 مستند ہے۔

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