


10.08.2022

Appellant Deposited
Security & Process Fee

10/8


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


(Fareeha Paul)
Member (E)

06.10.2022

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

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


(Mian Muhammad)
Member (E)

14.12.2021

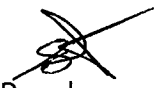
Learned counsel for the appellant present.

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


(MIAN MUHAMMAD)
MEMBER (E)

24.02.2022

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


Reader

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.



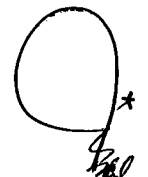
Learned counsel says that appeals against the same order, filed by other appellants have already been admitted and are fixed for 10.08.2022. Therefore, this appeal is also admitted to full hearing, subject to all just and legal objections by the other side. The appellant is directed to deposit security 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 OF ORDER SHEET

Court of _____

Case No.- 7343 /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. Amir Zada 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-	11.10.2021	<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> <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>

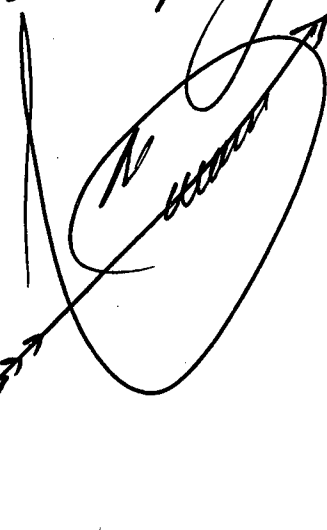
Reference your reply submitted in response to our observations, it is reiterated that the objections/observations raised by this office at serial no. 2, 3 and 4 have not been removed and still stands. Therefore, the appeal in hand is returned for removing the above mentioned observations and resubmission with 15 days.

No. 1587 /S.T.

Dt. 11/08/2021.


REGISTRAR

L.Nawab Ali Noor Adv. Pesh.

Respectfully Submitted,
Needful done kindly put before the
Court.


The appeal of Mr. Amir Zada Khan son Aziz Ullah Khan GPS Ahoor Abad 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- Address of appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- There are interruption between the heading and facts of the appeal, continuity be maintained in the memo of appeal.
- 5- One copy/set of the appeal for 2nd Member be submitted in file cover.
- 6- Check list is not attached.
- 7- Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter in this Tribunal.

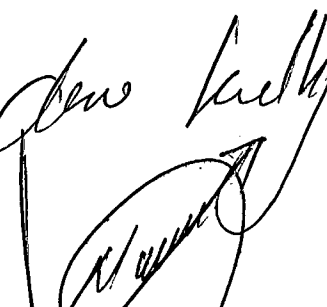
No. 1232 /S.T,

Dt. 12/07 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nawab Ali Noor Adv. Pesh.

Respectfully Submitted
Needfull doc kindly put before me
Cant.



BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

S. Appeal NO of 2021.

T343/2

1. Amir zada

.....(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
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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. Amir Zada Khan S/O ~~Aziz~~ Ullah Khan R/O GPS ahoor Abad.
.....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 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.

(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

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 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 D.

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.

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

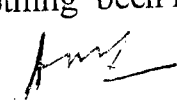
L.Nawab Ali Noor
Advocate High Court
Peshawar.

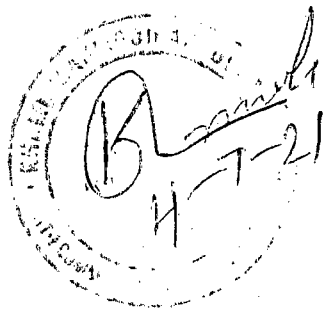
Certificate: certified that no such like service. appeal filed before this Honorable tribunal.

L.Nawab Ali Noor
Advocate High Court
Peshawar.

AFFIDAVIT.

I, Amir Zada Khan S/O Aziz Ullah Khan R/O Katar Hujra Kalyarri P/O Dewana Baba 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.

S. Appeal No. of 2020.

1. Amir Zada Khan S/O AIZ Ullah Khan R/O Katar Hujra Kalyarri
P/O Dewana Baba 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

[Signature]
Applicant /Appellant

Through

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

AFFIDAVIT.

I, Amir Zada Khan S/O AIZ Ullah Khan R/O Katar Hujra Kalyarri
P/O Dewana Baba Tehsil Gagra Distt Buner. ,do solemnly affirm and



[Signature]

Anx-A 7

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION BUNER.

OFFICE ORDER

Consequent upon the advertisement published in Daily Mashriq and Daily Aaj Dawood 11.06.2010 and Test held at GCMHS Daggar and interview was held at all Tehsils in District Buner and approval given by the Departmental Selection Committee District Buner in its meeting held on 08.12.2010 the undersigned being Competent Authority is pleased to appoint the following BEST Male Candidates in BPS_07(3530-190-9230) Plus usual allowance as admissible to them under the rule against the vacant post at the schools noted against each w.e.f. the date of their taking over charge in the interest of public service subject to the following existing terms and conditions with immediate effect.

60% DISTRICT/OPEN MERIT

S. NO	NAME	F/NAME	RESIDANCE	U/C	Total Core	SCHOOL WHERE POSTED
1	ZAFAR ALI	INAYATULLAH	SHALBANADAI	SHALBANADAI	65.25	GPS KULYARI
2	WALID HAQ	ROZI KHAN	DAGGAR	DAGGAR	64.91	GPS DAGGAR NO.2
3	RAZIMAN SYED	SHAH SAID	KULYARI	DEWANA BABA	64.24	GPS ALAGRAM
4	SHAKE AHMAD	FAZAL RAHIM	REGA	REGA	64.10	GPS SAWARI
5	SYED TARIQ ALI SHAH	SAID HAROON SULTAN	MALKA	AMAZAI	64.07	GPS NATH
6	SURHAN ULLAH	MIDRAR ULLAH	ELAI	ELAI	64.02	GPS BANDO THANGAY
7	ZIAUR RAHMAN	QARIBUR RAHMAN	JOWAR	MALI KHAH	63.57	GPS CHAR
8	MAJID KHAN	ABDUL WADOOD	SHALBANADAI	SHALBANADAI	63.40	GPS GAGRA
9	WADAN ALAM	RAHMAN GHANI	REGA	REGA	63.37	GMPS KHONA PAIZA
10	EMAR ALI	MUHAMMAD GAMROS	DAGGAR OILA	KARAPA	63.08	GPS TAGHAN
11	HAFIZULLAH	RASHID AHMAD	PACHAKALAY	PACHAKALAY	63.00	GPS KHUWARA
12	HAFIZULLAH	SHERAY	SANGARA	SHALBANADAI	62.94	GPS WAKIL ABAD
13	NASIR DAD	ALAM DAD	JOWAR	MALI KHA	62.74	GPS DUKADA
14	ABDULLAH	SHERWAN	CHINGLAI	CHINGLAI	62.45	GPS SRO
15	AMWAR ZIL	SHER AFSAR KHAN	KALAN	CHINGLAI	62.42	GPS KALAN
16	SAAD SAID	NOOR SAID	CHEENA	NGALTAI	62.10	GPS CHEENA
17	LOH LADIP	IMRAT SHERWAN	KALPANI	GAGRA	62.00	GPS PANDEE
18	ANOL AHAD	AHMAD SHAH	REGA	REGA	62.02	GPS KUZ SHAMNAL
19	FAZAL ALI	MATEEN	PACHAKALAY	PACHAKALAY	61.64	GPS GARIBABAD
20	HIRAK GUL	AMAN GUL	AMNAWAR	SHALBANADAI	61.45	GPS BAKAR
21	TARIQ SAID	MIAN ZAR	MULAYOUSAF	KARAPA	61.34	GPS GUMBAT CHAGARZI
22	HASHI AMAND	AMIR GHAMASH	REGA	REGA	61.12	GPS RAMZAI
23	SAID NAEEM KHAN	WARIS KHAN	UJAKATA	GAGRA	61.09	GPS TORA PATAY
24	MUHAMMAD AYAZ	MUHAMMAD RAZIQ	KARAPA	KARAPA	61.07	GPS KARAPA
25	AHMAD ALI	AMIR NOSH KHAN	DATAI	PACHAKALAY	60.97	GPS KAWSAR A.BAD
26	FAZAL ZADA	SAHIB ZADA	HALL	SARWAI	60.96	GPS TOTALAI NO.1
27	SULTAN WALI	NADAR KHAN	REYAL	BATARA	60.60	GPS KOT PANDER
28	ALIF HAWAZ	HABIB UR RAHMAN	NAWAGAI	NAWAGAI	60.63	GPS JANG DARA
29	SHAMSER ALI	FARAS SHAH	DEWANA BABA	DEWANA BABA	60.50	GPS PANGHALAY
30	FAZAL SAQEEB	FAZAL HAQ	GHAZIKHANAI	GADEZAI	60.48	GPS DAGAI NO.1
31	SYED NASEERUDDIN	SYED HAROON RASHID	JAWKHELA	MALAKPUR	60.44	GPS MULA BANDA
32	ABDUL WADOOD	NIAMAT GUL	YAL KH DARA	SHALBANADAI	60.41	GPS GUMBAT REGA
33	SHAMSUL HAYAT	TAJ MALOOK	NAWAGAI	NAWAGAI	60.31	GPS MASKIPUR
34	MUHAMMAD ALAM	DAWAR KHAN	TORWARSAK	TORWARSAK	60.27	GPS TORWARSAK NO.1
35	GOBAL GUL	AMIN GUL	AMNAWAR	SHALBANADAI	60.19	GPS MANAI BAMBALAI
36	MUHAMMAD HIKAM	SHAHMOZAI KHAN	KALPANI	GAGRA	60.18	GPS MARGAI JALA
37	ALAMGIR	LIHALI UR RAHAMN	BAZARGAI	ABA KHAIL	59.82	GPS JOWAR NO.1
38	MIR ZALIA KHAN	AZIZULLAH KHAN	KULYARI	DEWANA BABA	59.77	GPS ZAHORABAD
39	ZUBAIR	AZIZUR RAHMAN	MULAYOUSAF	KARAPA	59.66	GPS GAKHAY
40	GUL MUMTAZ AD	SHAH BAKHT AWAN	KALPANI	PACHAKALAY	59.58	GPS AJARAINO 1
41	MUHAMMAD ALAM	MUHAMMED HILAL	KHAIL	DAGGAR	59.49	GPS YASIN BANDA
42	MIR SAHIB ALI	MIR SALAM KHAN	NAWAGAI	NAWAGAI	59.37	GPS SURA NO.3

SULTAN
MIRZA

Anx. A8

S. NO	NAME	F/NAME	RESIDANCE	U/C	Total Score	SCHOOL WHERE POSTED
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2 % DISABLE QUOTA

1	MUHAMMAD NAEEM	GUL ZABOOR	NAWAGAI	NAWAGAI	56.03681	GPS SURA NO.1
2	SYED MOHSIN ALI	SYED MIAN ZARIN	KARAPA	KARAPA	54.43174	GPS KARAPA

DECEASED QUOTA

1	ZIAUR RAHMAN	ALI SHER	GHAZIKOT	SARWAI	45.765	GPS TANGORO
2	MAHBOOR UR RAHMAN	HABIB UR RAHIM	FAIZ ABAD	NAWAGAI	41.434	GPS KAWSAR ABAD

Minority Quota

1	GULDEP KUMAR	NEWENDAR LAL	GHURGUSHTO	GHURGUSHTO	53.38	GPS DANDAR
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TERMS AND CONDITIONS

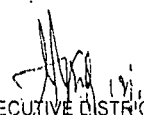
- 1- Their appointments are made on contract policy 2005 and they will not be entitled for pension gratuity and are liable to termination at any time without any notice and reason.
- 2- They will be governed by such Rules and Regulations as may prescribed by the Govt. for the category of the Govt. Servants to which they belong, from time to time.
- 3- Their services will be terminatable on one month prior notice on either side or payment of one month's pay in lieu thereof.
- 4- The 2 disable Appointee are directed to produce their suitability /Fitness report for teaching job from medical Superintendent before taking over charge, otherwise their order will be stand cancelled and next candidate in the merit list will be appointed.
- 5- The DDO Male Buner / ADOs Circle and Head Teacher should furnish certificate to the effect that the candidates have joined posts within 15 days or otherwise the appointment order shall automatically stand canceled.
- 6- They will be on probation for a period of two years.
- 7- Their appointment are subject to further condition that they are domiciled of District Buner for 60% Open Merit/District Merit, Disable and Concerned Union Council in case of 40% Union Council Merit.
- 8- They are required to produce health and age certificate from the concerned Medical Superintendent before taking over charge.
- 9- They are not allowed to take over charge if their age is less than 18 years and more than 35 years.
- 10- No TA/DA is allowed.
- 11- The DDO Male Buner / ADOs Circle and Head Teacher check their original Certificate/Degree/DMC and Domicile before taking over charge.
- 12- In case of valid appeal of senior most candidates, the junior most candidate in the relevant merit list will be replaced either open merit /District Merit or UC Merit.
- 13- Their Appointments are subject to the verification of all the certificates/Degrees/DMC/Domicile if any bogus/Fake certificate/degree was found, appointments will be considered atomically cancelled from the date of issue.
- 14- The Deputy District Officer, male Buner, ADOs Circle, and Head Teacher may not hand over charge to the appointees if there is no vacant post in the school.
- 15- The Drawing and Disbursing Officer should submit a certificate for release of pay as under:-
Mr _____ S/O _____ R/O _____ appointed against PST Post at GPS _____ vide order No. _____ at S.No _____ Total score _____ 60 % and 40% his certificates/degree/DMC and Domicile certificate of District Buner and Union Council _____ have been personally verified and found correct. In case of any discrepancy if detected later on will be the sole responsibility of the undersigner.
Signature _____ Name _____ DDO /ADO Circle Male E Incr.

(HANIF ULLAH)
EXECUTIVE DISTRICT OFFICER
E&S EDUCATION BUNER

Enstl No.5875-85 DA.6/7(PST)MDated.20/12/2010

Copy of the above as forwarded for information and necessary action.

- 1- Director, Elementary and Secondary Education KPK Peshawar
- 2- District Co-ordination Officer Buner
- 3- Medical Superintendent Buner.
- 4- District Accountant Officer Buner
- 5- District Officer (Male) E&S Local Office
- 6- Deputy District Officer(M) Pny: Buner.
- 7- Principal/Head Master Concerned
- 8- ADO (E) Local Office.
- 9- Budget and Accountant Officer local office
- 10- The Candidates Concerned.


EXECUTIVE DISTRICT OFFICER
E&S EDUCATION BUNER

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:

Handwritten notes in Urdu: "SSRC میں جوڑی", "Subject Specialist", "IT subject", "بے تکرار آئی", "بے تکرار آئی".

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

Attached to File A

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	<p>Secondary School Teacher (BPS-16)</p> <p>(SST)</p> <p>پہلے پڑھیں</p> <p>دوسرے پڑھیں</p> <p>تیسرے پڑھیں</p> <p>چوتھے پڑھیں</p> <p>پانچویں پڑھیں</p> <p>Subject</p>	<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; (سائنسز) (کمپیوٹر سائنس) and (سائنسز) (کمپیوٹر سائنس)</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or MA Education or equivalent qualifications from a recognized University.</p> <p>Computer Science is not present</p>	<p>21 to 35 years.</p> <p>CT</p> <p>DM</p>	<p>1. <u>Seventy Five per cent</u> by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(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:</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) <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:</p>

Ans
:- P.S

Subject
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CT: PST (IT)

Computer Science is not present

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			<p style="text-align: center;">(5)</p>	<p style="text-align: center;">(4)</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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				<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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Noted do
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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24th APRIL, 2018. -7

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

NOTIFICATION

Peshawar, dated: 24th April 2017

No.SO(G7E&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
	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

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IT Subject
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1542 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 24th APRIL, 2018

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

(CT)

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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)

(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) 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 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-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.
3	Junior Teacher- Information Technology (J.T-IT) (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/structure for the SST (General/Science) & SST (IT) in depth and were agreed upon unanimously.

to be

Ann. D- 16

TO, THE SECRETARY EDUCATION KHYBER PUKHTOON
KHWA.

DEPARTMENTAL APPEAL NO OF 2021.

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 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

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

Amir Zada

Appellant

2 مخدوم
بنام

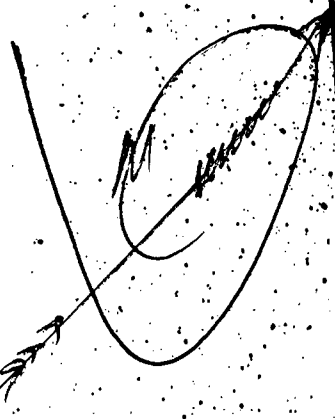
vs

Govt of I.C.P.K. through Chief
Secretary & others

مورد
مقدمہ
دعویٰ
جزم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی مختلفہ
 آن مقام سپرنٹنڈنٹ پولیس کے ایجنٹ کی طرف سے ایجنٹ کی طرف سے ایجنٹ کی طرف سے ایجنٹ کی طرف سے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر کرنے کے واسطے ہر حلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا اس کے خلاف یا اس کی برآمدگی
 اور مشغولی نیز دائر کرنے ایجنٹ گمرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا۔ ان کے لئے ضرورت
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے
 اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائزہ التوائے مقدمہ کے
 سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔



Amir

علیہ صبر جس سے منہ پل گیا اور اس لئے کہ