

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
FAREEHA PAUL ... MEMBER (Executive)

Service Appeal No.9396/2020

**Abdul Hakeem, Secondary School Teacher Govt: Higher
Secondary School No.1 Peshawar City.**

.....(*Appellant*)

Versus

1. **Govt: of Khyber Pakhtunkhwa** through Secretary (E&SE),
Department, Khyber Pakhtunkhwa, Peshawar.
2. **The Director (E&SE)**, Directorate G.T Road Peshawar.
3. **The District Education Officer**, District Peshawar.

.....(*Respondents*)

Present:

Abdul Hakeem,
AppellantIn person.

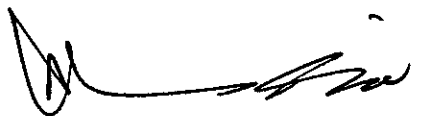
Syed Naseer Ud Din Shah,
Assistant Advocate General.....For respondents.

Date of Institution.....13.08.2020
Dates of Hearing.....04.10.2022
Date of Decision.....04.10.2022

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.**

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Brief facts, as per memorandum of appeal, are that the appellant was appointed as PTC Teacher vide appointment order dated 01.01.1985; that the appellant was later on appointed as CT (General) vide appointment order dated



20.10.1993; that thereafter the appellant was considered for up-gradation/promotion to the post of Sr. CT but due to deficiency of documents was deferred on 21.02.2013; that on completion of documents the appellant was granted up-gradation w.e.f. 28.05.2013 vide notification dated 28.05.2013; that the appellant filed departmental appeal on 15.06.2013 to respondent No.2 for antedated up-gradation w.e.f. 01.07.2012 instead of 28.05.2013 which was rejected vide order dated 17.06.2013; that the appellant then filed writ petition No. 2019-P/2013 before the Hon'ble Peshawar High Court, Peshawar which was accepted in favour of the appellant; that the appellant then filed departmental appeal for antedate promotion to the post of SST (G) w.e.f 28.10.2014 instead of 03.08.2017 which was accepted vide notification dated 23.07.2019 but without arrears/back benefits; that the appellant filed departmental appeal for arrears/back benefits which was rejected vide order dated 20.07.2020, hence the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard the appellant and learned Assistant Advocate General for the respondents.



4. Appellant contended that he had not been treated in accordance with law and rules. He further submitted that for no fault on the his part was prevented from rendering service to the department in higher pay scale/post, therefore, he had been illegally denied back benefits without any valid reason as per law. He therefore requested that the appeal might be allowed and the impugned order might be set aside.

5. Learned Assistant Advocate General on the other side contended that the appellant has been treated in accordance with law. He further contended that the appellant was awarded increments and benefits for the said period. Lastly he requested that the appeal might be dismissed with cost.

6. Admittedly vide notification No. 5100-05/P/File Abdul Hakim SST/Peshawar dated 23.07.2019, the appellant was granted ante-dated promotion w.e.f 28.10.2014 but without arrears, while referring to some letter of the Establishment department of 13.04.1987. In the reply the respondents did not utter a single word as to why the arrears were withheld especially when promotion of the appellant was antedated. The point involved in this appeal is quite simple and short, and that is, while considering the promotion of the appellant from 28.10.2014 instead of 03.08.2017 the arrears of the antedated promotion were withheld. There is no justification stated anywhere in the reply to withhold arrears when once promotion was antedated.



7. Therefore, we allow this appeal and hold the appellant entitled for the arrears of the period from which the promotion was antedated.

Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 4rd day of October, 2022.*



KALIM ARSHAD KHAN
Chairman



FAREEHA PAUL
Member (Executive)

ORDER

4th Oct, 2022

1. Appellant in person present. Syed Naseer Ud Din Shah, Assistant Advocate General alongwith Mr. Behramand Khan, Assistant Director for respondents present.

2. Vide our detailed judgement of today placed on file (containing 04 pages), we allow this appeal and hold the appellant entitled for the arrears of the period from which the promotion was antedated. Costs shall follow the event. Consign.

4. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 4th day of October, 2022.*



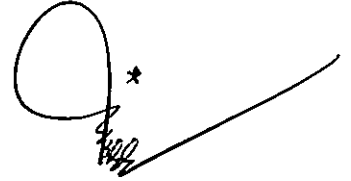
(Kalim Arshad Khan)
Chairman



(Farceha Paul)
Member(Executive)

18.05.2022 Nemo for the appellant. Mr. Muhammad Adeel Butt,
Addl. AG alongwith Mr. Asif Assistant for the respondents
present.

Reply/comments on behalf of respondents submitted
which is placed on file. Notice be issued to the appellant on
22.07.2022 for arguments before D.B.



(Mian Muhammad)
Member (E)

22.7.22

The Bench is incomplete,
therefor case is adjourned to

4-10-22.


Reader

9396/20

03.08.2021

Appellant in person and submitted an application for extension of time to deposit security and process fee. Application is placed on file.

The appellant is directed to deposit security and process fee within 03 days from today. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 16.12.2021 before the D.B.

Appellant Deposited Security & Process Fee

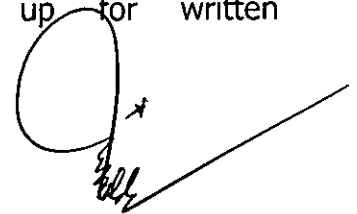
05/8/21


Chairman

16.12.2021

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for official respondents present.

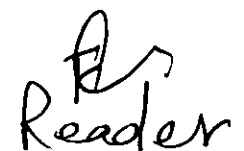
Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 02.03.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

2-3-2022

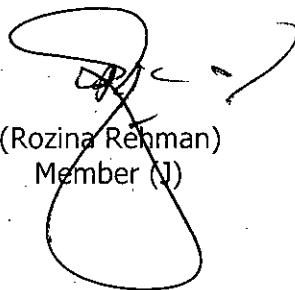
Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 18-05-2022


Reader

22.12.2020

Appellant in person present. Preliminary arguments heard.
File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 15.03.2021 before S.B.


(Rozina Rehman)
Member (J)

15.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 24.05.2021 before S.B.


Reader

24.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.

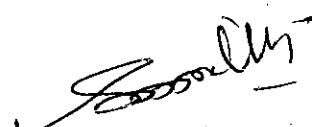

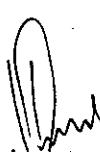

Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9396/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/08/2020	<p>The appeal of Mr. Abdul Hakeem presented today by him may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/10/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>08.10.2020</p> <p>Appellant in person present.</p> <p>Requests for time to properly arrange the brief and also apply correct page numbers. He has submitted an application for submission of certain documents in the Service Appeal. Since the proceedings are at initial stage, therefore, the application is allowed and the documents alongwith it are made part of the record.</p> <p>To come up for further proceedings on 22.12.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 9396 / 2020

Abdul Hakeem Secondary School Teacher Govt,
Higher Secondary School No.1 Peshawar City
...**Appellant**

Versus

Govt of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education K.P Civil
Secretariat Peshawar & Others.....**Respondents**

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of Parties		7
4.	Copy of order dated 01.01.1985	A	8
5.	Copy of order dated 20.10.1993	B	9-13
6.	Copy of Notification dated 28.05.2013	C	14-16
7.	Departmental appeal	D	17
8.	Copy of letter dated 17.06.2013	E	18
9.	Copy of order of the High Court and COC	F	19-29
10.	Copy of Notification dated 31.01.2018	G	30
11.	Copy of Notification dated 23.07.2019	H	31
12.	Copy of order dated 20.07.2020	I	32
13.	Departmental Appeal dated 22.10.2019	J	33-34
14.	Copy of judgments	K & L	35-38

Appellant
In Person

Abdul Hakeem

S/O Sarfaraz Khan
Secondary School Teacher
Govt High School No.1
Peshawar City
Cell# 0345-9394122

Dated: 11.08.2020

①

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Khyber Pakhtukhwa
Service Tribunal

Diary No. 8756

Service Appeal No. 9396 / 2020

Dated 13/8/2020

Abdul Hakeem Secondary School Teacher Govt,
Higher Secondary School No.1 Peshawar City

...Appellant

Versus

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education K.P Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education E&SE Directorate G.T Road Peshawar.
3. District Education Officer, Elementary and Secondary Education Peshawar

.....**Respondents**

Filed to-day
13/8/2020
Registrar

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974.**

Prayer in Appeal:-

**On acceptance of this appeal, the
appellant be allowed back benefits for
promotion from 28.10.2014 till date and**

any other relief specifically not asked for but made out from the facts and circumstances may kindly be awarded.

Respectfully Sheweth:

Brief Facts:-

1. That the appellant was appointed as PTC Teacher in Elementary & Secondary Education Department K.P vide appointment order dated 01.01.1985. **(Copy of order dated 01.01.1985 is attached as Annexure "A")**.
2. That the appellant was later on appointed as CT (General) Teacher in Elementary & Secondary Education Department KP vide appointment order dated 20.10.1993. **(Copy of order dated 20.10.1993 is attached as Annexure "B")**.
3. That the appellant was considered for up-gradation/promotion to Senior Certified Teacher (SCT) by the Departmental Promotion Committee (DPC) on 21.02.2013 due to deficiency of some documents was differed.
4. That on completion of documents the appellant was granted up-gradation w.e.f 28.05.2013 vide Notification dated 28.05.2013. **(Copy of Notification dated 28.05.2013 is attached as Annexure "C")**.

5. That the appellant filed a Departmental Appeal on dated 15.06.2013 to Director Elementary & Secondary Education Department KP for upgradation w.e.f 01.07.2012 instead of 28.05.2013. **(Copy of Departmental appeal is attached as Annexure "D")**, which was regretted vide letter dated 17.06.2013. **(Copy of letter dated 17.06.2013 is attached as Annexure "E")**.
6. That the appellant filed Writ petition No.2019-P/2013, before the Hon'ble Peshawar High Court read with COC No.172-P/2017 **(Copy of Writ petition & COC are attached as Annexure "F")** which was accepted and orders passed for upgradation of post from 01.07.2012 instead of 28.05.2013.
7. That the appellant was upgraded vide Notification dated w.e.f 01.07.2012 instead of 28.05.2013. **(Copy of Notification dated 01.07.2012 is attached as Annexure "G")**.
8. That the appellant filed a Departmental Appeal to the Director Education Elementary & Secondary Education for promotion to SST (G) w,e,f 28.10.2014 instead of 03.08.2017 on acceptance whereof he was promoted to SST (G) on from 28.10.2014 instead of 03.08.2017 vide Notification dated 23.07.2019. **(Copy of Notification dated 23.07.2019 is attached as**

Annexure "H"). but without arrears/back benefits.

9. That the appellant availed departmental remedy dated 30.07.2019 (**Copy of Departmental Remedy is attached as Annexure "I"**) read with 22.10.2019 (**Copy order dated 22.10.2019 is attached as Annexure "J"**) before the Director General Elementary & Secondary Education which was rejected vide order dated 20.07.2020. (**Copy of order dated 20.07.2020 is attached as Annexure "K"**).
10. That feeling aggrieved from the order dated 20.07.2020 the appellant seeks indulgence in the Hon'ble Tribunal through the instant appeal on the following grounds inter alia;

GROUND S:

- A. That the respondents have not treated the appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan 1973.
- B. That for no fault on the part of appellant he was prevented from rendering service to the Department/Public/Government in higher pay scale/post, therefore, the appellant has illegally been denied back benefits without any valid reason as per law laid down by the August Supreme Court of Pakistan in 1982 SCMR 1394

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and 2018 PLC (C.S) 126 (**Copy of judgments are attached as Annexure "L" & "M"**).

- C. That the impugned notification/order is against the provision of Section 24-A of the General Causes Act and law laid down by August Supreme Court of Pakistan.
- D. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this appeal, the appellant may be granted back benefits from w.e.f 28.10.2014 and any other relief which is not specifically asked for but made out from facts and circumstances of the case may also be awarded to the appellant.

Appellant
In Person


Abdul Hakeem

S/O Sarfaraz Khan
Secondary School Teacher
Govt High School No. 1
Peshawar City
Cell# 0345-9394122

Dated: 11.08.2020

VERIFICATION:-

It is to certify that no appeal has been submitted on the subject earlier to the instant appeal.


DEPONENT

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2020

Abdul Hakeem Secondary School Teacher Govt,
Higher Secondary School No.1 Peshawar City
...**Appellant**

Versus

Govt of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education K.P Civil
Secretariat Peshawar & Others.....**Respondents**

A F F I D A V I T

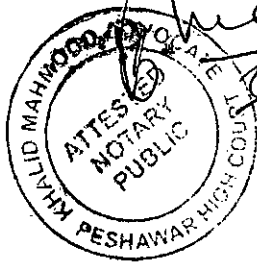
I, Abdul Hakeem Secondary School Teacher Govt,
Higher Secondary School No.1 Peshawar City, do
hereby solemnly affirm and declare on oath that the
contents of the accompanying **Service Appeal** are
true and correct to the best of my knowledge and
belief and nothing has been concealed from this
Hon'ble Court.

Abdul Hakeem

DEPONENT

CNIC#17201-2281218-5

Cell#0345-9394122



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2020

Abdul Hakeem Secondary School Teacher Govt,
Higher Secondary School No.1 Peshawar City.
...Appellant

Versus

Govt of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education K.P Civil
Secretariat Peshawar & Others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Abdul Hakeem Secondary School Teacher Govt,
Higher Secondary School No.1 Peshawar City

RESPONDENTS:

1. Govt of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education K.P Civil
Secretariat Peshawar.
2. Director Elementary & Secondary Education E&SE
Directorate G.T Road Peshawar.
3. District Education Officer, Elementary and Secondary
Education Peshawar

Appellant
In Person



Abdul Hakeem
S/O Sarfaraz Khan
Secondary School Teacher
Govt High School No.1
Peshawar City
Cell#0345-9394122

Dated: 03.08.2020

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OFFICE OF THE DISTRICT EDUCATION OFFICER (M.A.E.) - PESHAWAR.
APPOINTMENT.

Mr. Abdul Hakoom. S/O Sarfraz Khan. Vill; Tara Jabba.

Candidate is hereby appointed as P.T.O. (Trd) on Rs. 560/- PM in the B. S. No. 7 of Rs. 560-23-1062 plus usual allowances as admissible under the rules with effect from the date of his taking over charge against the Mosque school under the following terms and conditions: - Banda Sheikh Ismail newly sanctioned post Tah; Nowshera.

CONDITIONS: -

- 1) Charge reports in duplicate should be submitted to all concerned.
- 2) No TA/DA is allowed being first appointment.
- 3) No journey time is allowed what is absolutely necessary for transit.
- 4) The appointment is purely on temporary basis and subject to termination at any time without assigning any reasons or prior notice. In case he wishes to leave the post he shall have to submit one month's prior notice or in lieu thereof forfeit one month pay and allowances to Govt. His Educational Qualification should be checked before the handing over the charge of the post.
- 5) He should produce his health and age certificate from the Civil Surgeon concerned within seven days of reporting arrival for duty as required under the rules (F.R. 10 S.R. 4) (iii).
- 6) In case the candidate fails to take over charge within 10 days from the date of issue of this letter his appointment will stand cancelled automatically.
- 7) The verification roll of character and antecedent should be obtained from the candidate concerned on the prescribed form and submit to this office for further verification and record.
- 8) The candidate should not be handed over charge if his age exceeds 25 years or below 18 years.
- 9) He should execute necessary security bond if case he is required to handle Govt. money or property.
- 10) The pay scale and service rules would be subject to revision in accordance with orders to be passed by the Govt. of P.W.P. from time to time.

[Handwritten Signature]

(MIAN JAMILUD-DIN)
DISTRICT EDUCATION OFFICER (M.A.E.)
PESHAWAR.

Enst: No. 1-3 / Dated Peshawar the 1-1- / 1985.

Copy forwarded for information to the:-

1. BDEO (M) Nowshera.
2. Candidate concerned.
4. P. File.

[Handwritten Signature]
Govt.

[Handwritten Signature]

(57) ~~14~~ (9) ~~10~~ ~~11~~

OFFICE OF THE DIVISIONAL DIRECTOR OF EDUCATION(S) PESH: DIVISION, PESH:

APPOINTMENT.

Consequent upon the recommendation of Selection Committee, the following candidates are hereby appointed against CT(Agr:)CT(G) posts in the schools mentioned against each in B-9 @Rs:1185-72-2265/plus usual allowance, as admissible under the rules with effect from the date of ~~his~~ ^{their} taking over charge in the interest of public service.

S.No.	Name and Designation with Address.	School where posted	Remarks.
<u>CT (Industrial Art)</u>			
1.	Ziaur Rehman S/O Samiur Rehman Vill: & P/O Umarzai Chrd:	GHS, Aaba Dher Charsadda.	against vacant CT(Indst:Art) Post.
<u>CT (GENERAL.)</u>			
1.	Jan Mohammad S/O Mirza Mohd: V&P/O Badaber Peshawar.	GMS, Garhi Chandan Peshawar.	against vac Gnt CT post.
2.	Khurshid Kamal S/O Mohammad Iqbal SEP(ut)GHS, Sardar Garhi Peshawar.	GMS, Jongari	-do-
3.	Ishfaq Rasool S/O Ghulam Rasool GPS Khyber Colony Peshawar.	GMS, Pishbakhara	-do-
4.	Gul Nawab Shah S/O Azeem Khan GHS, Akbar Pura Nowshera.	GHS, Khair Abad Nowshera.	-do-
5.	Mohammad Gul S/O Rehman Gul Vill: Utmanzai Charsadda.	GMS, Mirzagan	-do-
6.	Tariq Mohammad S/O Fida Mohammad GPS Wazir Bagh No.1 Peshawar.	GMS, Surizai Payan	-do-
7.	Fazle Wahid S/O Ziafat Gul GPS Parao Nisatha Road Charsadda.	GMS, Shiekho Charsadda.	-do-
8.	Aiz S/O Muaz Vill: Mohammad Nari Charsadda.	GMS, Sheikho Charsadda.	-do-
9.	Mohammad Ishaq S/O Mohammad Jan PTC GPS Daba Dab Banda	GMS, Sheikh Abad.	

Daher

So

10/10

- 10. Sirajul Haq S/O Hunar Khan Vill: Ghazo Dher P/O Chrd: ^{GMS} GMS, Gul Khitab Koroon Chrd: -do-
- 11. Gulab Hussain S/O Jazal Khan Qazi Sahey Charsadda. GMS, Utmanzai Charsadda. -do- 30.
- 12. Sikandar Khan S/O Akbar Khan Vill: Adamzai. GMS, Nizam pur -do- 31.
- 13. Mohammad Nisar S/O Bakhti Jan Vil: & P/O Amir Abad. GMS, Mehmood Abad Charsadda. against newl created CT post. 32.
- 14. Samiud Din S/O Muzafar Din SV GMS, Jaroba Nowshera. GMS, Paharia Katti Khel against vaca CT post. 37
- 15. Taj Wali Khan S/O Muqadar Khan GMS, Baghban Pura Nsr: -do-
- 16. Nasruminallah S/O Abdul Wahid Qureshi Phalwanji Killa Shabqadar Charsadda. GMS, Khawaja Hawas Shabqadar Chrd: -do- 35
- 17. Abdul Hakim S/O Sarfaraz Khan GPS Ali Bai Nsr: GMS, Ali Biag Nsr: -do- 36
- 18. Inayatullah S/O Noor Mohd: Kheweshgi Rajan Nowshera. ^{Katta} GMS, Khat Nsr: against newl created CT post. 37
- 19. Misri Khan S/O GMS, Rural Academy Peshawar. GMS, Mirzagan Chrd: -do-
- 20. Mohammad S/O Mumbaz Khan GMS, Gul Khitab Koroon Chrd: -do- 3
- 21. Aurangzeb S/O Pomer Khan P/O GPS Pishtakar Khara Bala. GMS, ~~Mirzagan~~ ^{Yusaf} Khel against vaca CT Post.
- 22. Hidayatullah S/O Abdur Rehman GMS, Khatt Mian Gujar Kutar pan Nowshera. against newl created post of CT.
- 23. Shakirullah S/O Mohammad Amin Bagh Koroon Chrd: GMS, Chowki Memrez Nsr: -do-
- 24. Habibur Rehman S/O Sher Ali Khan V&PO Chrd: GMS, Kutar Pan Nowshera. -do-
- 25. Intiaz Ali S/O Ilamudin V&PO Utmanzai Chrd: GMS, Sawai Nsr: -do-
- 26. Saeed Ahmad S/O Saecdur Rehman Tangi Akhtar Abad. GMS, Sheikh Abad. -do-
- 27. Nawab S/O Mohammad Hanan Mufti Abad Charsadda. GMS, Sawai Nsr: -do-
- 28. Razaullah S/O Sabirullah GPS N. 1 Nowshera. GMS, ~~Khat~~ ^{Kattan} Nsr: Kattan. -do-
- 29. ^S ~~Saeed~~ Mohammad Javed Iqbal Shah S/O S.W.ayat Mohammad H.No. 1463/ P/O Moh: Islahi Bazar Andar Dher Post: City. GMS, Kandar Nsr: -do-

Allesha

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~~10~~
~~11~~
~~12~~

new
CT

vac

- 30. Nasim Jan S/O Mahfooz Jan
GMS, Akka Khel Peshawar. GMS, Kandar Nsr: Against newly created CT post.
- 31. Nasrul ^{Real} Gaisar S/O Abdul Jalil
GHS, Haji Zai Peshawar. GMS, Chowki -do-
Memrez Nsr:
- 32. Younas Jan S/O Abdul Jamil
V&PP Prang Chnroadda. GMS Spin Kana Chrd: -do-
- 33. Hikmat Khan S/O Feroz Khan GHS, No. 2
Taru Jabba Nsr: GMS, Spin Kana Chrd: -do-
- 34. Mohammad ^{Hussain} S/O Umar Gul Vill:
Zakhi Kabristan: GMS, Kandar Nsr: -do-
- 35. Niaz Mohammad S/O Awal Khan
V&PO Nisatha Chrd: GMS, Malik Aman -do-
Koroona Nsr:
- 36. Shafiullah S/O Fazli Ghaffar
V&PS DIKhel GHS, Hajizai Chrd: against vacant CT post.
- 37. Khurshid S/O Abdul Wahab GPS
Dabgari Gate Peshawar. GMS, Malik Aman against newly created CT post.
Koroona Nsr:
- 38. Zakir Hussain S/O Shamsheer Khan
GHS, Taru Jabba Nsr: GMS, Wazir Garhi -do-
- 39. Mohammad Khalig S/O Lal Badshah
V: Kheweshgi Payan. -do- -do-
- 40. Shah Mulk S/O Mohammed Ismail
V; Banda Shaheedan Abazai Chrd: GMS, Pabbi Nsr: -do-
- 41. Gadeem Shah S/O Said Badshah
Village Utmanzai. GMS; Utmanzai. -do-
- 42. Syed Amanullah Shah S/O Mastan
Shah Vill: & P.O Nasir Pur NSR: GMS Pabbi NSR: -do-
- 43. Ghulam Raziq S/O Fazle Raziq,
Vill: & P.O Akbar Pura NSR: GMS, Khat -do-
Kelli (NSR)
- 44. Jan Wali Khan S/O Gul Nabi,
Vill: & P.O Nisatta Chd: GMS Sheekera Against vacant CT post.
Peshawar. ^{on reverse}

(Terms and conditions along with
Encl: attached) ↑

Attest

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10

TERM & CONDITIONS.

1. Their appointment are made purely on temporary bases and will to termination at any time with-out assigning any reason ~~and~~ giving any prior notice.
2. In case of resignation he will have to submit/ one month prior notice to the Department or forfeit one month pay ~~of~~ ⁱⁿ ~~line~~ ^{from} ~~then~~ ^{to} the Govt.
3. They are required to produce health and age certificate from the concerned Civil surgeon/ before taking over charge provided they are not in Govt; service. ^{Mad. Supdt.}
4. They should not be allowed to take over charge if their age less than ¹⁸ ~~eighteen~~ years and more than thirty years, ⁱⁿ ~~in~~ ^{of} ~~of~~ CT & 25 ^{years} ~~years~~ for DM & PET & 40 years for AT teachers.
5. They must be Domiciled of Peshawar Division which should be checked before handing over charge.
6. Their antecedents forms should be obtained to be verified by the local police authorities and submit to this office to get they w.d. application provided they are not in Govt; service.
7. All original Certificates/Degrees and record may be positively checked and verified and where ever, slight doubt detected, these should be verified from the institutions/Organizations/Department and if any discrepancy their actually occurred the case may be processed under the law and rules.
8. If any one fails to take over charge with-in forthnight ^{The} ~~an~~ offer of appointment will be considered as cancelled. The head of institutions will inform about this facts.
9. Charge report induplicate should be sent to all concerned.
10. No TA/DA etc is allowed to any one.
11. An undertaking duly witness ^{ed} and attested by the Head, of Institutions may be obtained about the correctness of his certificates and other documents and with the clear cut words that ~~he~~ ^{he} will be repponsible for any drasitic consequancies and will laible to be proceeded under the law and rules and regulations for production of bogus/incorrect certificates/testimonials detected ^{at} ~~at~~ any stage of his service.
12. They will be Governed by the Service rules framed by the Govt. from time to time.

(GUL ZAMAN KHAN),
DIVISIONAL DIRECTOR OF EDUCATION(S)
PESHAWAR DIVISION, PESHAWAR.

Attested

16

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~~14~~

~~15~~

Endst:No. 8163 /F.No. CT/DM/PET/AT/ Dated Pesh:the 20.10.93
Apptt:/93/

Copy of the above is forwarded to the:-

1. Director of Secondary Education NWFP Peshawar.
2. Director of Primary Edu:Hayat Abad NWFP.
3. PS to Secretary Education Govt:of NWFP.
4. PA to Director of Secodary Edu:NWFP Peshawar.
5. Accountant General NWFP.
6. All the Distt:Edu:Officers(Male)Secondary Peshawar/Nowshera/Charsadda.
7. Prinoipals/Headmasters concerned.
8. ABEO Establishment Branch, local office.
9. Supdt:Establishment Branch Local Office.
10. Candidates concerned.
11. P/File concerned.
12. Distt:Acc:ants Officers Charsadda and Nowshera.

Abdul Jabbar

Deputy Divisional Director (S),
For/Divisional Director of Edu:(Sch)
Peshawar Division, Peshawar.

Abdul Jabbar

Abdul Jabbar
Steno Typist



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk55@yahoo.com

14/12

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(B&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(S)/2010 dated 16.07.2012, the following Male CTs B-15 are hereby promoted to the post of Senior CT BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against the newly upgraded Senior CT BPS-16 posts:-

Total No. of CT (M) Posts duly verified by the DAO	699
1/3 share of Senior CT Posts	233
Share of promotion 100%	233
Already Promoted as SCT B-16	218
Posts available for promotion	15
Promoted as SCT B-16	15

S.N	S.L No	Name Of Official	Place Of Posting	Date of Birth	Remarks
1		Yaqoob Khan	GHSS NO.1 Peshawar City	01/06/1961	Services placed at the disposal of DEO (M) Peshawar for further posting.
2	15	Rozi Gul	GMS Kankola	15/08/1965	---Do---
3	19	Muhammad Nisar Zahid	GTHSS Gul Bahar	04/02/1963	---Do---
4	25	Abdul Jaabbar Khan	GHSS NO.4 Peshawar City	16/09/1962	---Do---
5	32A	Asmat Ullah	GHSS Musa Zai	11/12/1956	---Do---
6	78	Ashfaq Ali Shah	GHS TYARNAB	04/01/1967	---Do---
7	113	Nasrullah Khan	GHS NO.3 Peshawar Cantt.	06/12/1955	---Do---
8	136A	Fozal Muhammad	GHSS Tehkal	04/10/1958	---Do---
9	137	Mehmood Shah	GHSS Chiger Matti	27/01/1960	---Do---
10	157	Muhammad Jamil	GHS Mathra	02/03/1956	---Do---
11	160	Kifayat Ullah	GHS Charpariza	28/04/1964	---Do---
12	177	Inayatullah	GHS Nasapa Payan	05/01/1965	---Do---
13	178	Magsal Hayat	GHS Masho Gagar	01/10/1970	---Do---
14	182	Abdul Hakeem	GHS NO.3 Peshawar Cantt.	11/04/1964	---Do---
15	195	Ulas Khan	GHS Badaber	01/12/1965	---Do---

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COPY

B

... shall be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be treated under the rules framed from time to time. Charge report should be submitted to all concerned. Seniority on lower post will remain intact. No pay is allowed for joining his duty. ... shall be recorded in their service book to the effect that if any amount is made to him in this regard will be recovered and if he is ...

(Muhammad Rafiq Khattak)

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

41001-07

Epdst: No. / File No.2/Promotion Senior Cf B-16: Dated Peshawar the 28/05/2012.

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (M) Peshawar
3. District Accounts Officer Peshawar
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
7. My file

28/5/2012

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Alleshi

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE PESHAWAR.

NOTIFICATION

Consequent upon approval of the DPC in continuation of the Directorate (E&SE) Khyber Pakhtunkhwa Notification No. 4001-07 Dated: 28/05/2013, the following Senior C.Ts BPS-16 and C.T BPS-15 are here by adjusted in the schools mentioned against each their names in the interest of public service with immediate effect on the terms and conditions already framed in the above notification.

NO:	NAME OF TEACHER	DESIG: WITH BPS	PRESENT SCHOOL	ADJUSTED AT	REMARKS
1	YAQOOB KHAN	16	GHSS NO:1 PESHAWAR CITY	GHSS NO:1 PESHAWAR CITY	POST ALREADY OCCUPIED
2	ROZI GUL	16	GMS KANKOLA	GHS NASAPA PAYAN	POST S.# 03
3	MANZOOR AHMAD	15	GHS NASAPA PAYAN	GMS KANKOLA	POST S.#02
4	MUHAMMAD NISAR ZAHID	16	GTHSS GUL BAHAR	GTHSS GUL BAHAR	POST ALREADY OCCUPIED
5	ABDUL JABBAR KHAN	16	GHSS NO:4 PESHAWAR CITY	GHSS NO:4 PESHAWAR CITY	POST ALREADY OCCUPIED
6	ASMATULLAH	16	GHSS MUSA ZAI	GHSS MUSA ZAI	POST ALREADY OCCUPIED
7	ASHFAQ ALI SHAIH	16	GHS TARIAB/GCMHS PESHAWAR CITY	GCMHS PESHAWAR CITY	POST ALREADY OCCUPIED
8	NASRULLAH KHAN	16	GHS NO:3 PESHAWAR CAMP	GHS NO:3 PESHAWAR CAMP	POST ALREADY OCCUPIED
9	FAZAL MUHAMMAD	16	GHSS TUKIAL	GHSS TUKIAL	POST ALREADY OCCUPIED
10	MUHAMMAD JAMIL	16	GHS MATHRA	GHS MATHRA	POST ALREADY OCCUPIED
11	KIFAYATULLAH	16	GHS CHANPARIZA	GHS CHANPARIZA	POST ALREADY OCCUPIED
12	INAYATULLAH	16	GHS NASAPA PAYAN	GHS NASAPA PAYAN	POST ALREADY OCCUPIED
13	MAQSAD HAYAT	16	GHS MASHO GAGGAR	GHS MASHO GAGGAR	POST ALREADY OCCUPIED
14	ABDUL HAKEEM	16	GHS NO:3 PESHAWAR CAMP/GM ANDERSHER	GCMHS PESHAWAR CITY	POST S.# 15
15	FAROOQ SHAH	15	GCMHS PESHAWAR CITY	GMS ANDER SHER	POST S.# 14
16	ULAS KHAN	16	GHS BADAUER	GHS BADAUER	POST ALREADY OCCUPIED

Seen & Verified

- NOTE: i) Charge shall not be handed over until verification of this order from the under signed
 ii) Entries shall not be made in their s/book and pay change shall not be processed until the verification of their documents/certificates.

ABDUL B. SIF
 DISTRICT EDUCATION OFFICER
 (Male) Peshawar

Date: 31/05/2013 Date Peshawar: 31/05/2013
 Copy of the above is forwarded to the

1. Accountant General Khyber-Pakhtunkhwa Peshawar
2. Director (E&SE) Khyber Pakhtunkhwa Peshawar
3. Principal/Headmaster/D.D.O.s concerned.
4. PA to District Education Officer (M) Peshawar
5. Teachers concerned
6. Cashier Local Office

BY: DISTRICT EDUCATION OFFICER
 (MALE) PESHAWAR

Alashe

17

To

The Secretary,
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar.

Subject:- **DEPARTMENTAL APPEAL**
R/Sir,

It is stated that I was performing my duty against CT (General) post in
Government Middle School Ander Sher, Peshawar City.

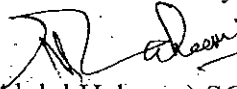
I was differed from the promotion in the previous DPC dated 21-2-2013
on the ground of DNA (documents not available). Now in the present DPC, I am promoted
to BPS-16 from 15 wef 28-5-2013 along with others CT(G) teachers. (copy enclosed).

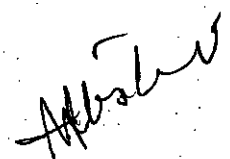
Due to our seniority and other benefit is effected.

I therefore, request you that our promotion may please be considered from
the Elementary & Secondary Education Department, Peshawar vide Notification No: SO
(B&A)/1-18/E&SE/2012 dated 1-7-2012. (Photo copy attached for ready reference).

Dated Peshawar the 15 / 6 /2013

Your's Obediently


(Abdul Hakeem) SCT
Govt: Centennial Model High
School Peshawar City



Annexure C

18

Directorate of Education, Khyber Pakhtunkhwa, Peshawar
No. 1060 / P.N.A. / E&SE / W/A - 157 / Appeal
For promotion / All Distt.
Dated Peshawar the 17/6/2013.

To

Mr. Abdul Hakeem Senior CT,
GMS, Ander Sher Peshawar city
Under transfer to GCMHS, Peshawar city.

SUBJECT:- Departmental appeal.

Memo:

I am directed to refer to your appeal dated 30.05.2013 on the subject noted above and to inform you that according to the rules the promotion will always be notified with immediate effect and not from the retrospective date, therefore, your appeal to change the date of promotion to B-16 from 28.05.2013 into 21.02.2013 cannot be considered. However your seniority will not be suffered due to deferment of promotion.

17/6/2013

Rakhan

Deputy Director (Establishment)-
E&SE, Khyber Pakhtunkhwa Peshawar.

Ali Aslam

BEFORE THE COURT PESHAWAR HIGH COURT PESHAWAR

22
19

Review Petition No. 113 / 2014

IN

W.P.No.2019-P/2013



Abdul Hakeem

Senior Certified Teacher Govt. High School No.3

Peshawar Cantt..... Petitioner

Versus

- 1) Govt. of KPK through Chief Secretary KPK, Peshawar
- 2) Secretary Elementary & Secondary Education, Govt. of KPK, Peshawar.
- 3) Director Elementary & Secondary Education, Govt. of KPK, Peshawar
- 4) Deputy Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
- 5) Deputy Commissioner, District Peshawar.
- 6) E.D.O (E&S) District, Peshawar Respondents

REVIEW PETITION UNDER
SECTION 114 FOR REVIEW OF
ORDER DATED 03.04.2014 PASSED
IN W.P.NO.2019-P/2013

Attested

~~FILED TODAY~~
Deputy Registrar
11 JUL 2014

ATTESTED
EXAMINER
Peshawar High Court
02 APR 2016

Respectfully submitted;

(23) (20)

BRIEF FACTS:

- 1) That petitioner is a qualified Senior Certified Teacher, serving at Govt. High School No.3, Peshawar Cantt.
- 2) That the department issued a notification on 11.07.2012 for upgradation of various teaching posts specifically mentioning the time of upgradation from which it is to take effect 01.07.2012. (Copy of the notification is attached as Annexure "A")
- 3) That later on through a notification dated 28.05.2013 petitioner was upgraded to BPS-16, but the benefit of upgradation from 01.07.2012 was not extended. (Copy of the notification is attached as Annexure "B")
- 4) That petitioner feeling aggrieved approached the competent authority for upgradation from 01.07.2012, but the said request was turned down on 17.06.2013. (Copy of the letter dated 17.06.2013 is attached as Annexure "C")
- 5) That petitioner filed his writ petition No.2019-P/2013, which was disposed of by Division Bench of this Hon'ble Court on 03.04.2014, holding that petitioner may seek his relief before competent forum (Service Tribunal). (Copy of W.P.No.2019-P/2013 and order dated 03.04.2014 are attached as Annexure "D" & "E" respectively)

Attested

~~11 EDVSD
Deputy Registrar
11/04/2014~~

ATTESTED
EXAMINER
Peshawar High Court
2014

6) That feeling aggrieved of the order dated 03.04.2014 petitioner approach this Hon'ble Court in its review jurisdiction on the following amongst other grounds.

(24)
(21)

GROUNDS

- A. That judgment/ order dated 03.04.2014 is erroneous incorrect regarding issue of jurisdiction on the face of record as firstly it was not a case of promotion instead that of implementation of notification dated 11.07.2012 and that the said issue was decided in positive by this Hon'ble Bench in its judgment.
- B. That there is illegality and error on the face of record and at the time of arguments the question of jurisdiction was not at all raised nor addressed.
- C. That case of petitioner was for upgradation and not promotion u/s 9 of the Civil Servant Act, 1973, upgradation does not fall in the term and condition of services and bar of Article 212 is not applicable and this august Court was competent to issue a positive speaking order.
- D. Any other ground not specially taken may also be allowed at the time of arguments.

[Handwritten signature]

It is, therefore, humbly prayed that, on acceptance of this petition, by reviewing the order dated 03.04.2014

[Handwritten signature]
CIVIL JUDGE
BANGALUR HIGH COURT

ATTESTED
EXAMINER
BANGALUR HIGH COURT
02 APR 2016

to the extent of jurisdiction respondents may kindly be directed positively, to up-grade/ petitioner from 01.07.2012 to BPS-16 alongwith any other necessary and ancillary relief.

25

Petitioner

Through

Zia-ul-Haq
Advocate, High Court

CERTIFICATE:

Certified that as per information and instructions furnished by my clients no such like writ petition has earlier been filed by the petitioners on the subject in this hon'ble Court.

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.
- 2) Case laws.

Advocate

REGISTERED
EXAMINER
High Court
0 APR 2016

BEFORE THE COURT PESHAWAR HIGH COURT PESHAWAR

28

23

Review Petition No. 113-P/2014

IN

W.P.No.2019-P/2013

Abdul HakeemPetitioner

Versus

Govt. of KPK through Chief Secretary KPK, Peshawar

& others.....Respondents

ADDRESSES OF THE PARTIES

PETITIONER:

Abdul Hakeem
Senior Certified Teacher Govt. High School No.3
Peshawar Cantt

RESPONDENTS:

- 1) Govt. of KPK through Chief Secretary KPK, Peshawar
- 2) Secretary Elementary & Secondary Education, Govt. of KPK,
Peshawar.
- 3) Director Elementary & Secondary Education, Govt. of KPK,
Peshawar
- 4) Deputy Director Elementary & Secondary Education, Govt. of KPK,
Peshawar.
- 5) Deputy Commissioner, District Peshawar.
- 6) E.D.O (E&S) District. Peshawar

Abdul Hakeem
Petitioner

Through

Zia-ul-Haq
Advocate, High Court

FILED TODAY
Deputy Registrar

11 JUL 2018

TESTED
EXAMINER
APR 2018

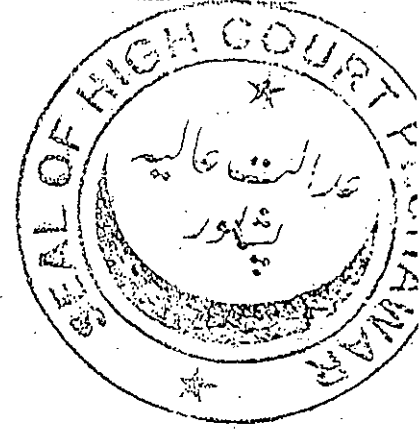
Zia-ul-Haq

19 24 2

Review Petition No. 113-P/2014

IN

W.P.No.2019-P/2013



Abdul Hakeem

Senior Certified Teacher Govt. High School No.3

Peshawar Cantt..... Petitioner

Versus

- 1) Govt. of KPK through Chief Secretary KPK, Peshawar
- 2) Secretary Elementary & Secondary Education, Govt. of KPK, Peshawar.
- 3) Director Elementary & Secondary Education, Govt. of KPK, Peshawar
- 4) Deputy Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
- 5) Deputy Commissioner, District Peshawar.
- 6) E.D.O (E&S) District, Peshawar..... Respondents

REVIEW PETITION UNDER
SECTION 114 FOR REVIEW OF
ORDER DATED 03.04.2014 PASSED
IN W.P.NO 2019-P/2013

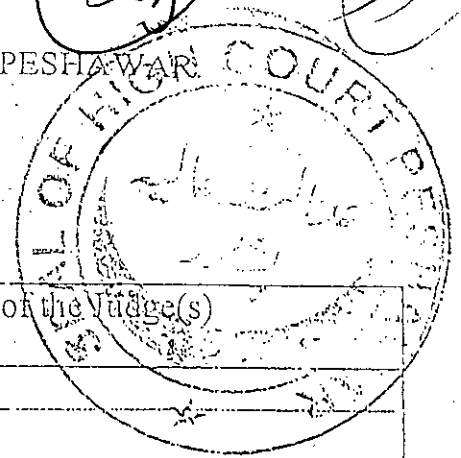
Daher

ATTESTED

IN THE PESHAWAR HIGH COURT, PESHAWAR

FORM 'A'

FORM OF ORDER SHEET



Date of Order	Order or other proceedings with signature of the Judge(s)
1	2
10.1.2017	<p><u>Rev.Pett. No.113-P/2014 (N) in W.P. No.2019-P/2013 (D).</u></p> <p><u>Present:</u> Abdul Hakeem, petitioner in person.</p> <p>***</p> <p><u>YAHYA AFRIDI, CJ.-</u> Through the instant petition, the petitioner seeks constitutional jurisdiction of this Court praying that:-</p> <p><i>"It is therefore humbly prayed that, on acceptance of this petition, by reviewing the order dated 03.04.2014 to the extent of jurisdiction, respondents may kindly be directed positively to up-grade/petitioner from 01.07.2012 to BPS-16 alongwith any other necessary and ancillary relief".</i></p> <p>2. At the very outset, the petitioner was able to point out that the larger Bench of this Court in W.P. No.2178/2013 alongwith other connected petitions, seeking reliance upon the judgment of the Hon'ble Supreme Court in Syed Munawar Ali's case (Civil Appeal No.102-P/2011) decided on 17.2.2016 had declared that the matter relating to up-gradation of a post was not the terms and conditions</p>

RECEIVED
EXAMINED
Peshawar High Court

of service, and thus the constitutional Court could assume the jurisdiction in regard thereof.

3. In view of the above clear judgment of the full bench of this Court, the order under review warrants to be recalled. The same is allowed.

4. The worthy AAG present in Court was put to notice in the original writ petition No.2019-P/2013.

5. The contention of the petitioner was that the up-gradation vide notification dated 11.7.2012 was to take effect from 1.7.2012, whereas the promotion of the petitioner was passed with effect vide notification dated 28.5.2013. This contention of the petitioner is worth consideration. When the worthy AAG was confronted with the said issue, he was unable to satisfy as to why stance of the petitioner is not accepted.

6. In view of the above, the writ petition is allowed to the extent that the post of the petitioner be deemed upgraded to senior C.T. (B-16) with effect from 01.07.2012 and accordingly, the petitioner is promoted to the post of senior C.T. (B-16) with effect from the same date.

Chief Justice

CHIEF JUSTICE

Judge

JUDGE

CERTIFIED TO BE TRUE COPY

EXAMINER
13 JAN 2017

13 JAN 2017

Signature

No. 13428

Date of Presentation of Application 10/11/17

No of Pages 32

Copying fee 1

Urgent Fee 100

Date of Preparation of Copy 12/11/17

Date Given For Delivery 13/11/17

Date of Delivery of Copy 13/11/17

Received by [Signature]

5

27

IN THE PESHAWAR HIGH COURT, PESHAWAR

C.O.C No. 1721 /2017

IN

Review Petition No. 113-P of 2014

Abdul Hakeem Petitioner

VERSUS

Govt. of KPK and others Respondents

ADDRESSES OF PARTIES

PETITIONER

Abdul Hakeem SCT Government Centennial Model High School
No. 2, Peshawar City.

RESPONDENTS

1. Mr. Abid Saeed, Govt. of KPK through Chief Secretary KPK, Peshawar.
2. Mr. Shehzad Bangash, Secretary Elementary & Secondary Education, Govt. of KPK, Peshawar.
3. Mr. Muhammad Rafiq Khattak, Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
4. Mr. Farid Khattak, Deputy Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
5. Mr. Saqib Raza, Deputy Commissioner, District Peshawar.
6. Mr. Jaddi, Kha, D.F.O (E&S) District, Peshawar.

FILED TODAY

Deputy Registrar

Date: 12/04/2017

15 APR 2017

Petitioner (In person)
Abdul Hakeem
Sr. Certified Teacher
Government Centennial
Model High School No. 2,
Peshawar City.

IN THE PESHAWAR HIGH COURT, PESHAWAR

C.O.C No. 9630 /2017

IN

Review Petition No. 113-P of 2014

Abdul Hakeem SCT Government Centennial Model High School
No. 2, Peshawar City. Petitioner

V E R S U S

1. Mr. Abid Saeed Govt. of KPK through Chief Secretary KPK, Peshawar.
2. Mr. Shehzad Bangush Secretary Elementary & Secondary Education, Govt. of KPK, Peshawar.
3. Mr. Muhammad Rafiq Khattak Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
4. Mr. Farid Khattak Deputy Director Elementary & Secondary Education, Govt. of KPK, Peshawar.
5. Mr. Saqib Raza Deputy Commissioner, District Peshawar.
6. Mr. Jaddi Khan D.E.O (E&S) District, Peshawar.

..... Respondents

PETITION FOR THE CONTEMPT OF COURT
DECISION IN THE REVIEW REFERENCE NO.
113-P/2014 DECIDED ON 10.01.2017 BY D.B.
COMPRISING OF CHIEF JUSTICE MR. YAHYA
AFRIDI & JUSTICE MR. IKRAM ULLAH JAN.

Respectfully Sheweth:

1. That the petitioner filed a Review Petition No. 113-P of 2014 before the Honourable Court which was decided on

10.01.2017. (Attested copy of the order / judgment is enclosed as Annexure "A").

2. That after getting the attested copies of the said order, the petitioner moved an application to the DEO for implementation of the said order according to the words and spirit on 17.01.2017 through Diary No. 1823.

3. That since the date of order, the respondents are not obeying the High Court order and direction given to them, despite that no appeal or suspension order from the Appellate authority neither the respondents got any stay on the order of this Hon'ble court.

4. That the respondents are still denying the clear out order of the Peshawar High Court on one pretext and other which act of the respondent tentmounts the contempt order of the Hon'ble court.

PRAYER:

It is therefore, humbly prayed that on acceptance of the Contempt of Court, the respondents may be punished under the provision of COC Act.

Petitioner (In person)

Abdul Hakeem
Sr. Certified Teacher
Government Centennial
Model High School No. 2,
Peshawar City.

Date: 12/04/2017

29

30

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

In pursuance the Honorable Peshawar High Court Peshawar judgment dated 10-01-2017 rendered in writ petition No. 2019-P/3013 and COC No.172-P/2017, please read the Promotion in respect of Mr. Abdul Hakeem Ex CT GHS No.3 Peshawar Cantt, now at GHSS No.2 Peshawar City from CT to SCT (BPS-16) as w.e.f. 01-07-2012" instead of "28-05-2013" occurring at S.No. 14/182 in notification issued vide this Directorate under endorsement No. 4001-07 dated 28-05-2013 subject to the condition of the judgment of the Apex court.

Endst: No. 7778-81 /F.No. 08/SST (M) Deptt: Promotion/2017

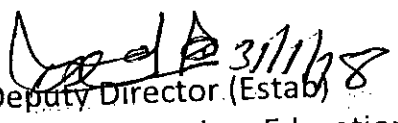
Dated Peshawar the 31/1/2018

DIRECTOR

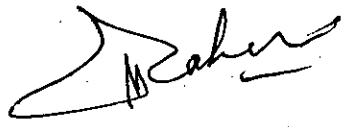
Copy of the above is to the:-

1. Registrar Honorable Peshawar High Court, Peshawar.
2. Accountant General Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (M) Peshawar.
4. Principal concerned.
- ✓ 5. Official concerned.
6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

ATTESTED


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.


31/1/18





(31) SSI's (M) Peshawar

**Directorate of Elementary and Secondary Education
KHYBER PAKHTUNKHWA PESHAWAR**

Notification

Consequent upon the recommendations of the Inquiry Report and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification NoSC (PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24th July, 2014, Mr. Abdul Hakim SST GSHSHSS No.1 Peshawar is hereby promoted to the post of SST General BPS-16 w.e.f. 28-10-2014 instead of 03-08-2017. The period from 28-10-2014 to 02-08-2017 will count for increments but without arrears under Para-7 of the Establishment Department Circular letter no. SOR1(S&GAD) 1-29/75 dated 13-04-1987.

Terms and conditions:-

- 1 He will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 2 His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 3 Charge report should be submitted to all concerned.
- 4 His Inter-Se- seniority on lower post will remain intact.
- 5 No TA/DA is allowed for joining his duty.
- 6 He will give an under taking to be recorded in his service book to the effect that if any over payment is made to him in light of this order will be recovered and if he is wrongly promoted he will be reversed.
- 7 Before handing over charge once again his documents may be checked if he has not the required relevant qualifications as per rules, he may not be handed over charge of the post.

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 5100-05 / P/File Abdul Hakim SST/Peshawar.

Dated Peshawar the 23/7 2019

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (M) Peshawar.
3. District Accounts Officer Peshawar.
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
7. M/File

Dy: Director (Estab)

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

ATTACHED

[Signature]

(32) (29)

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
No. 1554/F.No. Abdul Hakeem / SST GHSS NO.1 Peshawar
Dated Peshawar the 20/7/2020

To

Mr. Abdul Hakeem SST
GHSS NO.1 Peshawar District Peshawar.

Subject: - REVIEW.

Memo:

I am directed to your appeal bearing No.1442 dated 22-10--2019 on the subject cited above and to state that the Competent Authority has been pleased to reject your appeal regarding the subject matter in the light of decision of the August Supreme Court of Pakistan rendered under the Civil Petitions No.468-P, 469-P, 471-P & 472-P of 2016 dated 27-03-2020.

a.s.
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Copy of the above is to:-

1. DEO(M) Peshawar.
2. PA to Director (E&SE) Local Directorate.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED 

48

(33)
(36)

The Director (E. & Se.) Education,
Khyber Pakhtunkhwa,
Peshawar.

Sub. Review

Sir, The applicant statements are as under,

I I am performing my duty against SST-(9)
post in G.H.S.S. No. 1 Peshawar city w.e.f. 28/10/2014 (copy attached)

II My seniority against S.T.(B.16) was 01/7/2012
instead of 28/5/2013 (Copy attached)

III My promotion against the SST.(9) was issued
w.e.f. 28/10/2014 instead of 03/8/2017 to 02/8/2017
with the condition, with out arrears, but with
count of increments. (Copy attached)

IV Before this application of Review I have
submitted such application in July, 2019.

V Therefore request you that the said period
may please be consider for review.

Thanks

Yours obediently,

Abdul-Hakim

(ABDUL-HAKIM)

SST.(9)

G.H.S.S. No. 1 Peshawar
city

Abdul-Hakim

1042

22-10-19

To

The Director (E/Sec) Education

R.P. Peshawar

J (314)

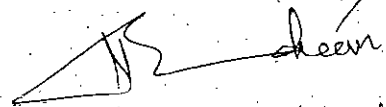
Sub. Review on notification.

R/Sir, It is humbly stated that I am promoted to SST (e) post w.e.f. 28/10/2014 instead of 03/8/2017 subject to the condition that ~~now~~ no arrears will be allowed except annual increment.

I therefore request you to review to my notification and allow me to draw the arrears w.e.f. 28/10/2014.

Thanks.

Yours obediently


 Hameem

(ABDUL-HAMEEM)

SST (e)

G.H.S.S. no. 1 Peshawar

city.



925

30-07-2019

(35) (34)
R 24

1985 S C MR 1394

Present: Muhammad Haleem, C.J., Shafiur Rahman, Zaffar Hussain Mirza and Mian Barhanuddin Khan, JJ

Syed SULTAN SHAH--Appellant

versus

GOVERNMENT OF BALUCHISTAN and another--Respondents

Civil Appeal No. 243 of 1978, decided on 20th March, 1985.

(On appeal from the judgment and order of the Baluchistan Service Tribunal, Quetta, dated 18-8-1977).

(a) Constitution of Pakistan (1973)-----

---Art. 212(3)--Leave granted to examine whether after granting pro forma promotion to appellant, he was not wrongfully denied pay for period of pro forma promotion and whether Service Tribunal had not correctly decided his entitlement to arrears of pay for that period.

(b) Balochistan Civil Services Act (IX of 1974)--

---Ss.9 & 17--Civil service--Fundamental Rule, 17--Pro forma promotion- Arrears of pay--Entitlement to--Appellant subjected to disciplinary proceedings resulting in punishment--Successfully challenged in Civil Court--Restored to office, awarded pro forma promotion but denied arrears of pay under provision of Fundamental Rule 17--Order impugned--Held: Fact of pro forma promotion itself implies recognition of entitlement to be promoted from a date in post--Civil servant, who for no fault of his own is wrongfully prevented from rendering service to State in higher post to which he is admittedly entitled, should be given salary for higher post--Appellant, held, was entitled to salary in spite of provision of Fundamental Rule-17. --[Civil service],

Postmaster - General v. Muhammad Hasham P L D 1978 S C 61 and The Province of the Punjab v. Syed Muhammad Ashraf 1973 S CMR 304 ref.

Muhammad Bilal, Advocate Supreme Court and Imtiaz Muhammad Khan, Advocate-on-Record for Appellant.

Munnawar Ahmad Mirza, Advocate-on-Record for Respondents Nos. 1 and 2.

Date of hearing: 20th March, 1985.

JUDGMENT

SHAFIUR RAHMAN, J.--Leave to appeal was granted under Article 212(3) of the Constitution to examine whether after granting pro forma promotion to the appellant as Tehsildar from 26-10-1968 the appellant was not wrongfully denied the pay of the post of the Tehsildar for the period of pro forma promotion and whether the Service Tribunal Baluchistan had not correctly decided his entitlement to arrears of pay for that period.

Saleem

2. The appellant was, holding the post of Naib-Tehsildar when he was subjected to disciplinary proceedings resulting in punishment awarded to him. He challenged it in the Civil Court and succeeded. Thereafter he was restored to office and his claim to pro forma promotion was also recognised in the following terms by Board of Revenue:-

"In view of the facts narrated above and taking into consideration the advice of Services and General Admn: Deptt: the Member, Board of Revenue, Balochistan is pleased to order restoration of seniority to Mr. Sultan Shah as Tehsildar w.e.f. 26-10-1968 and place his name at S. No. 52-A i.e. between the names of Messrs Mohabat Khan Jogazai and Abdur Rehman Shah in the tentative seniority List of Tehsildars as it stood on 28-2-1975. The above-named Tehsildar will not be entitled for arrear of pay etc. as a result of this pro forma promotion under F.R. 17 11

3. It is the last sentence in the order of the Board of Revenue which aggrieved the appellant who appealed to the Baluchistan Service Tribunal. The Service Tribunal dismissed his claim observing as follows:--

"In view, of above facts so narrated I would say in the nutshell that as defined under rule 17 of F.R. the appellant would not be entitled to arrears of pay etc. from 26-10-1968 in his capacity as Tehsildar. For the convenience of parties it would be seen that the rule 17 say that unless any exceptions specifically made in these rules sub-rule (2) an officer shall begin to draw the pay and allowances attached to his tenure of post from the date when he assumes the duties of that post.

In conclusion I would direct in my capacity as member of this Tribunal that appellant is not entitled to his claim under rule 17(i), Fundamental rule unless any exceptions specifically made in the rule/rules. I do not accept the claim on basis of above rule."

4. The learned counsel for the appellant contended that the order of pro forma promotion of the appellant was in fact a recognition of the assertion of the appellant that he was in all respects eligible for promotion and that he was wrongfully kept back and not promoted when he was due to be promoted. In such a situation after ordering pro forma promotion the appellant could not be denied the remuneration to which he was otherwise entitled. He has relied on Postmaster-General v. Muhammad Hasham P L D 1978 S C 61.

5. The learned Advocate-General, Baluchistan, has relied in support of the judgment of Service Tribunal entirely on the provisions of Fundamental Rule 17.

6. Fundamental Rule 17 invoked by the respondent and upheld by the Service Tribunal provides as follows:--

"F.R. 17.--(1) Subject to any exceptions specifically made in these rules and to the provisions of sub-rule (2), and officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumed the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed."

Undoubtedly, this is the general law which must prevail in most of the ordinary cases. However, it cannot be invoked or pressed into service for justifying or partly justifying a wrongful act. The Courts will not permit the denial of the benefit, if it is found or is traceable to the wrongful act of the party itself. The effect of promotion is to recognize the fact that the official concerned was entitled to be promoted from a date in the past, that he was wrongfully deprived of it that the wrong must be redressed by giving him pro forma promotion and his due seniority a date in the past. The logical consequence of it is that all the ancillary

(37) 3726

benefits which follow the ante-dating of the promotion and seniority must be allowed to the official concerned unless, of course, there appears ex officio some justification for denying him such a benefit.

The impugned order passed by the Board of Revenue does not disclose any such justification or basis for depriving him of his remuneration in the higher grade. None is discernible from the record either.

7. The law on the point has already been laid down by this Court in *The Province of Punjab v. Syed Muhammad Ashraf* 1973 S C M R 304 and other connected cases in which pro forma promotion had been ordered and the pay was being denied. The argument advanced by the Provincial Government in those cases was also that the officials concerned were not entitled to arrears of salary in the grade against which they had never worked. This Court approved the view taken by the High Court that in case a civil servant, who for no fault of his own is wrongly prevented from rendering service to the State in the higher post to which he is admittedly entitled he should be given salary for the higher post. The decision fully governs the case in hand and the appellant was entitled to the salary in spite of Fundamental Rule 17.

8. It has been brought to our notice that the Government of Baluchistan has from the 17th of May, 1981 recognised this principle and given effect to it. Clause (ii) of the circular prescribes that when an official was under suspension or facing departmental enquiry on serious charges and his promotion had been deferred, eventually was exonerated of the charges and was given promotion from the date on which he would have otherwise been promoted, the Government servant may be granted pro forma promotion with financial benefit provided it could be held on the basis of his service record and performance that he would have been promoted on the due date but of the circumstances he was incorrectly treated as junior or was facing a departmental enquiry or was overlooked. The fact of pro forma promotion itself implies recognition of entitlement to be promoted from a date in the past.

9. In the circumstances and for the reasons we accept the appeal set aside the judgment of the Service Tribunal and allow the claim of the appellant to arrears of pay from the date of his pro forma promotion as Tehsildar. No order as to costs.

M. I. Appeal accepted.

[Signature]

(38)

R.P.J.

2018 P.L.C (C.S.) 126

[Supreme Court of Pakistan]

Present: Gafzar Ahmed and Sajjad Ali Shah, JJ

MUHAMMAD RASHID BHATTI

Versus

The DIRECTOR GENERAL FIA, HEADQUARTERS, ISLAMABAD and others

Civil Petition No 631-K of 2016, decided on 21st December, 2017.

(Against the judgment dated 14.07.2016, passed by the Federal Service Tribunal, Islamabad (Karachi Bench) in Appeal No.151(K)CS/2010)

(a) Civil Servants (Seniority) Rules, 1993---

---R. 3(c)---Fundamental Rules, Pt. II, R. 17(1), proviso---Inter-se seniority---Grant for seniority in case of supersession and subsequent promotion---Petitioner, who was working as sub-Inspector in BPS-14 in the Federal Investigation Agency, was superseded by several sub-Inspectors of BPS-14 on two separate occasions---Such supersession was not challenged by the petitioner at that time---Subsequently the petitioner was promoted as Inspector (BPS-16) and on assumption of such promoted office, he made representation to the department for inter-se seniority as Inspector (BPS-16)---Service Tribunal declined request of petitioner for inter-se seniority by observing that he was considered twice for promotion by the Department Promotion Committee, but superseded on each occasion by the Committee on account of many factors; that such supersession was approved by the Department Promotion Committee in its successive meetings and resultantly the petitioner could not regain his inter se seniority---Plea of petitioner that proviso to R. 17(1) of Fundamental Rules made express provision for granting of seniority in case of supersession and subsequent promotion---Validity---Proviso to R. 17(1) provided for a situation where the civil servant who was entitled to be promoted from a particular date but for no fault of his own was wrongfully prevented from rendering services in the higher post was to be paid the arrears of pay and allowances of such higher post through proforma promotion or upgradation by ante-dated fixation of seniority---Present case, however, was neither of a tenure post nor a deferment case nor that of petitioner being not promoted from a particular date for no fault of his own---Petitioner was deliberately superseded and such supersession was also endorsed by the Departmental Promotion Committee---Rule 17(1) of Fundamental Rules as relied upon by the petitioner therefore, was not applicable to the facts and circumstances of the present case---Petition for leave to appeal was dismissed and leave was refused accordingly.

(b) Service Tribunals Act (LXX of 1973)---

---S. 3(2)---Constitution of Pakistan, Art. 212(3)---Appeal against judgment of Service Tribunal before the Supreme Court---Pleadings---Scope---Contention challenging vires of a service rule not raised before the Service Tribunal raised for the first time before the Supreme Court---Such plea could not be allowed by the Supreme Court.

Sanaullah Noor Ghouri, Advocate Supreme Court and Ghulam Rasool Mangi, Advocate-on-Record for Petitioner.

Asim Mansoor Khan, D.A.G for Respondents.

Date of hearing: 21st December, 2017.

ORDER

GULZAR AHMED, J.---Learned ASC for the petitioner has made two submissions one that FR-17 makes express provision for granting of seniority in case of supersession and subsequent promotion and further Rule 3(c) of the Civil Servants (Seniority) Rules, 1993, is ultra vires to the provision of Civil Servants Act, 1973.

2. We have considered the submission of the learned ASC for the petitioner and have gone through the record of the case.

3. The petitioner had filed a service appeal before the Federal Service Tribunal against order dated 21.10.2010 by which his request for inter se seniority as Inspector (BPS-16) (Investigation) in BPS-14 in the FIA. On 02.03.2009, he was superseded by six Sub-Inspectors (Investigation) of BPS-14 and further on 08.08.2009 another batch of 18 Sub-Inspectors superseded; the petitioner. Such supersession was not challenged by the petitioner at that time.

4. Be that as it may on 25.05.2010, the petitioner was promoted as Inspector (Investigation) (BPS-16) and on assumption of such promoted office, the petitioner made representation to the department, which as noted above was, declined by the department. The Service Tribunal in the impugned judgment has dealt with the reasons on the basis of which petitioner was superseded and in paras 6 and 7 of the impugned judgment, the Tribunal has made the following observation:-

"6. It is an admitted position that appellant was considered twice for promotion by the Department Promotion Committee, but superseded on each occasion by the committee on account of many factors contributory to including the reason as enumerated ad-seriatim in para-4(i-iv) supra, resultantly his juniors became senior to him. It is pertinent in the context of the appellant's contention that this Tribunal vide judgment dated 09.05.2016 expunged the adverse remarks recorded in the Performance Evaluation Report for the year 2004. Be that as it may, the supersession was approved by the Department Promotion Committee in its successive meetings held on 02.03.2009 and 08.08.2009 resultantly the appellant could not regain his inter se seniority. In this context, Section 3(c) of the Civil Servants (Seniority) Rules, 1993, being relevant, is reproduced hereunder as:-

(c) Civil servants eligible for promotion who could not be considered for promotion in the original reference in circumstances beyond their control or whose case was deferred while their juniors were promoted to the higher post, shall, on promotion, without supersession, take their seniority with the original batch."

Underlining is ours.

7. In the presence of express provision of Rule 3(c) ibid, the appeal for regaining inter se seniority merits no consideration and is hereby dismissed with no order as to costs."

8. We have gone through the provision of FR-17 and are unable to agree with the counsel for the petitioner for that the provision of FR-17 deals with the case of drawing pay and allowances attached to tenure of a post with effect from the date when the duties are assumed of that post and shall cease to draw them as soon as he ceases to discharge those duties. The proviso to this Rule provides for a situation where the civil servant who was entitled to be promoted from a particular date but for no fault of his own wrongfully prevented from rendering services in the higher post shall be paid the arrears of pay and allowances of such higher post through proforma promotion or upgradation by ante-dated fixation of seniority. The case before us is neither of a tenure post nor is a deferment case nor that of petitioner being not promoted from a particular date for no fault of his own. The petitioner was deliberately superseded and such supersession was also endorsed by the Departmental Promotion Committee. The Rule FR-17 as relied upon by the counsel for the petitioner therefore, is not applicable to the facts and circumstances of the present case.

9. (sic) As regard the second contention of the learned ASC for the petitioner that Rule 3(c) is ultra vires the provision of the Act, we are afraid that such submission was not avouched by the petitioner before the Service Tribunal and same cannot be allowed to be raised before this Court for the first time. No point of public importance in terms of Article 21 of the Constitution is raised. The petition is therefore, dismissed and leave refused.

NWA/M-22/SC

Petition dismissed.

[Signature]

(14)

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No: 9396/2020

Abdul Hakeem, SST BPS-16 GHSS No. 01 District Peshawar City.....Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through the Secretary E&SE Department Khyber Pakhtunkhwa & others.....Respondents

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-3.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

1. That the appeal is not maintainable and incompetent in the eyes of Law in the present form.
2. That the appellant is estopped due to his own conduct to file this appeal.
3. That the appellant has got no cause of action and locus standi to file instant appeal.
4. That the appellant has not come to the Tribunal with clean hands and has suppressed all relevant facts.
5. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
6. That the appeal filed by the Appellant is pre mature and the appellant has concealed the material facts from Honorable Tribunal.
7. That the Honorable Service Tribunal has no jurisdiction to entertain the instant appeal in its present form.
8. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
9. That the appeal is weak having no force, fabricated, fictitious, based on ill will, malafide and having no footings in the eyes of law.
10. That proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honorable Tribunal.
11. That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

ON FACTS

- 1) Para pertains to the appointment of appellant as PST teacher in the respondent department, hence need no comments.
- 2) Para pertains to the appointment of appellant as CT teacher in the respondent department, hence no comments.
- 3) Para pertains to the up-gradation of appellant to the post of SCT BS-16 w.e.f 28.05.2013, hence need no comments.

- 4) This Para also pertains to the up-gradation of appellant to the post of SCT BS-16 as discuss above, hence need no comments.
- 5) Para pertains to the departmental appeal of the appellant regarding his up-gradation w.e.f 01.07.2012 instead of 17.06.2013, hence need no comments.
- 6) This para is related to the appellant Writ Petition and Contempt of Court petition, hence need no comments.
- 7) No comments
- 8) This para is related to the appellant appeal regarding promotion to the post of SST(G) BS-16 w.e.f 28.10.2014 instead of 03.08.2017. The appeal of the appellant was accepted by the appellate authority and appellant was awarded promotion to the post of SST (G) w.e.f 28.10.2014. The appellant was awarded the financial benefits only to the extent of annual increments, as appellant did not work as SST from year 2014 to 2017, therefore appellant is not entitled for any other financial benefits. **(Reference page 31 of service appeal)**
- 9) This para is also related to the departmental appeal of the appellant regarding all financial benefits w.e.f 2014 but the appellate authority has been pleased to dismissee the appeal of the appellant in the light of August Supreme Court of Pakistan Judgments. Hence present service appeal is not maintainable and liable to be dismissed with cost. **(Reference page No. 34 of service appeal)**
- 10) Incorrect / not admitted. Appellant is a seasonal litigant as he remained in litigation from year 2013 to till date. Appellant is not an aggrieved person. The service appeal of the appellant is not maintainable and is only exercise in futility. Further proceeding in this regard would bear no fruit. It is, therefore, requested to this Honorable Tribunal to dismiss the Service Appeal of the appellant with cost.

GROUNDS

- A. **Incorrect & not admitted.** The appellant was not entitled for financial benefits w.e.f 2014 to 2017 as remained SCT BS-16 in this period and he got all benefits of SCT BS-16 in the period. The appellant was awarded increments benefits for the said period. The act of the respondents was according to law, rules and based upon the natural principle of justice. **(Reference page 31 of service appeal).**
- B. **Incorrect & not admitted.** Strongly denied. The appellant was treated by the respondent department as per law. The action of respondent department was according to the Constitution of the Islamic Republic of Pakistan 1973. It is further added that the act of the respondents was according to the directions of the August Supreme Court of Pakistan in the light of judgments in CP No. 468-P, 469-P, 471-P, 472-P of 2016 decided on 27.03.2020.
- C. **Incorrect & not admitted.** Strongly denied. The respondents department treated the appellant according to law, rule and policies of the government. The appellant was given all kinds of financial benefits according to law, no discrimination had been made with the present appellant. Therefore, the present service appeal is liable to be dismissed with cost. The stance of the appellant is having no truth and is totally false and fictitious. The act of the respondents cannot be declared against the law on any ground whatsoever but the straight away rejection of Service Appeal.
- D. **Legal.** However, the Respondent also seek leave of this Honorable Bench to submit additional grounds record & case law at the time of arguments on the date fixed in the titled case.

PRAYER.

In view of the above made submissions, it is requested that this Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated ___/___/2022.


DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2 & 3).


SECRETARY

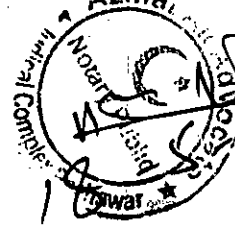
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1).

AFFIDAVIT

I, Dr. Hayat Khan Assistant Director (Litigation-II) E&SE
Department do hereby solemnly affirm and declare On oath that the contents of the
instant Parawise Comments are true & correct to the best of my knowledge & belief.

ATTESTED


Deponent



To

The Chairman,
Services Tribunal, Hyber Pakhtunkhwa,
Peshawar.

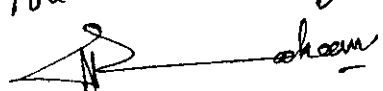
Sub Submission of Security Fee in case # 9396/2000
Respected Sir,

It is humbly stated that due to some
reason I could not submit the Security Fee within
the limited period.

I therefore, request you in your kind honour to accept
my application and allow me to submit the security
fee.

Thanks.

Dt. 03/08/2021

Yours obediently,


(ARDUC - HARCEEM)
SST

G.M.S Mohallah Islamabad
Peshawar

Case # 9396/2000

Cell # 0345-9399122
0313-9399122

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To

The Honorable Chairman
Services Tribunal
Khyber Pukhtunkhwa
Peshawar.

Subject: APPLICATION FOR SUBMISSION OF DOCUMENTS
IN SERVICES APPEAL NO. 9396 DATED: 13/08/2020

Respected Sir,

With utmost respect, applicant submits as under:

FACTS:

1. The appellant want to include some more documents relevant to services appeal no. 9396 dated: 13/08/2020.
2. Writ Petition 2019-P/2013 Before the Peshawar High Court, Peshawar.
3. Appeal for promotion against the SST (G) post, to the Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Reconstruction of Index.

Dated: 08/10/2020



Appellant in Person

Abdul Hakeem

SST (G)

Govt. Higher Secondary School. 1,

Peshawar City

BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 9396 / 2020

Abdul Hakeem Secondary School Teacher Govt, Higher
Secondary School No.1 Peshawar City

....Appellant

Versus

Govt of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education K.P Civil Secretariat
Peshawar & Others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of Parties		7
4.	Copy of order dated 01.01.1985	A	8
5.	Copy of order dated 20.10.1993	B	9-13
6.	Copy of Notification dated 28.05.2013	C	14-16
7.	Departmental appeal	D	17
8.	Copy of letter dated 17.06.2013	E	18
9.	Copy of order of the High Court and COC	F	19-29
10.	Copy of Notification dated 31.01.2018	G	30
11.	Copy of Departmental Appeal for SST (General) Notification w.e.f 28.10.2014 dated 02.04.2019	H	31
12.	Copy of Notification against SST (General) dated 23.07.2019	I	32
13.	Copy of Departmental Appeal dated 30.07.2019	J	33
14.	Copy of Departmental Appeal dated 22.10.2019	K	34
15.	Copy of Department order on Review dated 20.07.2020	L	35
16.	Copy of the Supreme Court of Pakistan in 1982 SCMR 1394 and 2018 PLC (CS)126	M	36-39

Appellant

In Person

Abdul Hakeem

S/O Sarfaraz Khan

Secondary School Teacher

Govt High School No.1

Peshawar City

Cell#0345-9394122

Dated: 11.08.2020