21.07.2022

Learned counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Murtaza Khan, Superintendent for the respondents present.

02. Representative of the respondent department produced Notification bearing Endst: No. 6111-19/Service Appeal/Afzal Shah SST/District Mohmand dated 20.07.2022 whereby the petitioner has been promoted to the post of SST (BS-16) w.e.f. 28.10.2014 instead of 11.10.2017, subject to the outcome of CPLA. As such, Service Tribunal judgement delivered in service appeal No. 669/2018 on 14.07.2021 stands implemented. Consign.

03. Pronounced in open court at Peshawar and given under my hands and seal of the Tribunal this 21st of July, 2022.

(Mian Muhammad)
Member (E)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA

NOTIFICATION

In compliance with the Judgment of the Khyber Pakhtunkhwa Services Tribunal, Peshawar, Dated 14-07-2021, rendered in Service Appeal No. 669/2018 and Execution Petition No. 26/2021, entitled, "Janat Khan SST GMS Bugara Mishti District Orakzai Versus Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department and Others, **Mr. Janat Khan SST GMS Bugara Mishti** District Orakzai, **already promoted to the post of SST (BS-16)** vide Notification No. 15451-99, Dated 11-10-2017, **is hereby allowed to be effective with the date from "28-10-2014"** instead of "11-10-2017", subject to the outcomes of CPLA filed before the august Supreme Court of Pakistan.

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 6111-19 /Service Appeal/Afzal Shah SST/District Mohmand.
Dated Peshawar the 20/07/2022

Copy of the above is forwarded to the:-

1. Registrar, Khyber Pakhtunkhwa Services Tribunal, Peshawar.
2. District Education Officer (M) Orakzai.
3. District Accounts Officer Orakzai.
4. Principal/Headmaster concerned.
5. SST concerned.
6. Assistant Director (Litigation) Local Directorate.
7. PS to Secretary, Elementary & Secondary Education Department Government of Khyber Pakhtunkhwa Peshawar.
8. PA to Director, Elementary and Secondary Education Local Directorate.
9. Master File.

20/07/2022

Assistant Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

20/07/2022

16.05.2022 Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Implementation report not submitted. Learned AAG requested for time to submit implementation report. Request accepted. To come up for implementation report on 21.07.2022 before S.B.

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 26/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.01.2022	The execution petition of Mr. Janat Khan submitted today by Mr. Abdur Rehman Mohmand Advocate may be entered in the relevant register and put up to the Court for proper order please. REGISTRAR
2-		This execution petition be put up before S. Bench at Peshawar on 11/2/2022. CHAIRMAN
	11.02.2022	Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 04.04.2022 for the same as before. Reader
	04.04.2022	None present for the petitioner. Notices be issued to the petitioner/learned counsel as well as respondents for the date fixed. To come up for implementation report on 16.05.2022 before the S.B. Original file be also requisitioned. Chairman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Execution petition No 261 2022
In
Service appeal No. 669/2018

JANAT KHAN

VERSUS

THE CHIEF SECRTARY KHYBER PAKHTUNKHWA, CIVIL SECRETARIAT PESHAWAR AND OTHERS.

I N D E X.

S.NO	DESCRIPTION OF DOCUMENTS	ANN:	PAGES
1.	**Execution Petition**		1-3
2.	**AFFIDAVIT**		4
3.	Copy of the judgment dated 14/07/2021	**A**	5-15
4.	Copy of the letter No-4258-4300 dated 30/09/2021	**B**	16
	copy of CNIC		17
	WAKALAT NAMA		18

PETITIONER

Through

ABDUR RAHMAN MOHMAND

ADVOCATE HIGH COURT PESHAWAR

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Execution petition No 26/ 2022
IN
Service appeal No. 669/2018

JANAT KHAN SST (BPS-16) R/O G.M.S BUGARA MISHTI TEHSIL CENTRAL DISTRICT AURAKZAI GOVERNMENT OF KHYBER PAKHTUNKHWA EDUCATION DEPARTMENT .....**PETITIONER**.

VERSES

1) THE CHIEF SECRTARY KHYBER PAKHTUNKHWA, CIVIL SECRETARIAT PESHAWAR.
2) THE SECRTERY EDUCATION, KHYBER PAKHTUNKHWA PESHAWAR.
3) THE DIRECTOR EDUCATION NEWLY MERGED DISTRICTS WARSAK ROAD, PESHAWAR.
4) DISTRICT EDUCATION OFFICER AURAKZAI AT HUNGU.....**RESPONDENTS**.

EXECUTION PETITION FOR IMPLEMENTATION OF JUDGMENT OF THIS HON'ABLE TRIBUNAL IN APPEAL NO. 669/2018 DECIDED ON 14/07/2021.

Respectfully Sheweth!

1) That the above mentioned appeal was decided by this Hon'able Tribunal vide judgment dated 14/07/2021. (**Copy of the judgment dated 14/07/2021 is annexed as annexure-"A"**).

2) That the petitioner after getting of the attested copy of the same judgment approached the respondents several time for the implementation of the above mention judgment. However

they are using delaying tactics and reluctant to implement the judgment of this Hon'able Tribunal.

3) That the respondents are legally and morally bound to obey the order of this Hon'able Tribunal and to implement judgment of this Hon'able Tribunal. But they are reluctant to implement the same.

4) That the respondent No-03 has issued a letter N0-4258-4300 dated 30/09/2021 to respondent No-04 for promotion of SST to the post of SS/HM where applications/ documents along with ACR for SS/HM promotion have been requested to be submitted of entire SST period along with separate documents file of those male SSTs who are due for promotion to BPS-17 and having appointing up to 31/11/2015 according to updated/revised seniority list of SST who are working under jurisdiction of respondents office within one month (**Copy of the letter No-4258-4300 is annexed as annexure-B**).

5) That the petitioner has no other option but to file the instant petition for implementation of judgment of this Hon'able Tribunal because if the judgment of this Hon'able Tribunal is not implemented on time the petitioner may not be included in the seniority list asked for promotion to the post of SS/HM, hence will suffer irrecoverable loss.

6) That there is nothing which may prevent this Hon'able Tribunal from implementation of its own judgment.

It is therefore requested that on acceptance of this petition the respondents may kindly be directed to implement the judgment of this Hon'able Tribunal dated 14/07/2021.

INTERIM RELIEF:

The petitioner further pray that in the meanwhile the respondents be restrained from promotion of SST through letter N0-4258-4300 dated 30/09/2021 to the post of SS/HM till the implementation of Judgment dated 14.07.2021 and respondents may also be restrained from any adverse action against petitioner till the decision of this petition.

PETITIONER

THROUGH

ABDUR RAHMAN MOHMAND

ADVOCATE HIGH COURT PESHAWAR.

DATED:05.05.2022

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Execution petition No_____2022

In

Service appeal No. 669/2018

JANAT KHAN

VERSUS

THE CHIEF SECRTARY KHYBER PAKHTUNKHWA, CIVIL SECRETARIAT PESHAWAR AND OTHERS.

AFFIDAVITE:

I, JANAT KHAN SST (BPS-16) R/O G.M.S BUGARA MISHTI TEHSIL CENTRAL DISTRICT AURAKZAI GOVERNMENT OF KHYBER PAKHTUNKHWA EDUCATION DEPARTMENT, do hereby affirm and declare on oath that all contents of this petition are true and correct to the best of my knowledge and believe and nothing has been concealed from this Hon'able Tribunal.

ATTESTED

SHAH NAWAZ KHAN ADVOCATE
OATH COMMISSIONER
DISTT: COURTS PESHAWAR

Deponent.

CNIC: 14101-6112149-3

(5) 1 Annx—A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa Service Tribunal

Diary No. 711

Dated 16/05/2018

Service Appeal No. 669 /2018

Janat Khan S/o Said Hakim R/o G.M.S Bugara Mlshti Tehsil Central Orakzai Agency.....**Appellant**

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar
3. The Secretary Education, Khyber Pakhtunkhwa, Peshawar
4. The Director Education FATA, FATA Secretariat, Warsak Road, Peshawar
5. Agency Education, Officer Orakzai Agency

.....**Respondents**

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER/NOTIFICATION NO.54 DATED 13.10.2017 WHEREBY THE PROMOTION ORDER OF THE APPELLANT TO SST WERE ANNOUNCED BUT WHICH WAS DUE FROM 31.10.2014 AS PER PROMOTION ORDER NO.3493-3562/SST PROMOTION/ ESTABLISHED DATED

Filed to-day
Registrar
16/5/18

ATTESTED

ORDER

14.07.2021 Mr. Hidayat Ullah Khattak, Advocate for the appellant present. Mr. Muhammad Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, in Service Appeal No. 1266/2018 titled "Afzal Shah Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and eight others", the instant appeal is accepted and the appellant is held entitled for promotion from the date, the first batch of their other colleagues at provincial level were promoted in the year 2014 with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
14.07.2021

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certified to be ture copy

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date of Presentation of Application	4-1-22
Number of Words	800
Copying Fee	100
Urgent	100
Total	100
Name of Copyist	
Date of Completion of Copy	5-1-22
Date of Delivery of Copy	5-1-22

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1266/2018

Date of Institution ... 09.10.2018

Date of Decision ... 14.07.2021

Afzal Shah SST (BIO/CHEM BPS-16) Government High School Sandu Khel Mohmand Agency Government of Khyber Pakhtunkhwa Education Department.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and eight others.

... (Respondents)

MR. HIDAYAT ULLAH KHATTAK &
MR. ABDUR REHMAN MOHMAND
Advocates ... For Appellants

MR. MUHAMMAD RIAZ AHMED PAINDAKHEIL
Assistant Advocate General ... For Respondents

MR. SALAH-UD-DIN ... **MEMBER (JUDICIAL)**
MR. ATIQ-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- This judgment shall dispose of the instant Service Appeal as well as the following connected Service Appeals as common question of law and facts are involved therein.

1) Service Appeal bearing No.1267/2018 titled "Abi Hayat Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others",

2) Service Appeal bearing No. 1268/2018 titiled "Shams Ur -Rahman Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

3) Service Appeal bearing No. 1269/2018 titled "Karim Khan Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

4) Service Appeal bearing No. 1270/2018 titiled "Abdul Hakim Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

5) Service Appeal bearing No. 1271/2018 titiled "Stana Gul Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

6) Service Appeal bearing No. 1272/2018 titiled "Mohammad Idress Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

7) Service Appeal bearing No. 1273/2018 titled " Mansoor Ahmad Khan Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

8) Service Appeal bearing No. 1274/2018 titiled " Khial Zada Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

9) Service Appeal bearing No. 1275/2018 titled "Nizam-ud-Din Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

10) Service Appeal bearing No. 1276/2018 titled "Sher Mohammad Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

11) Service Appeal bearing No. 1277/2018 titled "Rahmat Said Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

12) Service Appeal bearing No. 1278/2018 titled "Javid Akhter Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

13) Service Appeal bearing No. 1279/2018 titled "Munawar Khan Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

14) Service Appeal bearing No. 1280/2018 titiled "Said Alam Shah Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

15) Service Appeal bearing No. 1281/2018 titled "Lateef Ullah Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

16) Service Appeal bearing No. 1282/2018 titled "Mst. Khalida Safi Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

17) Service Appeal bearing No. 1283/2018 titiled "Zar Gul Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

18) Service Appeal bearing No. 1284/2018 titled "Imtiaz Gul Versus Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Secretariat building Peshawar and others".

19) Khaista Sher Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

20) Service Appeal bearing No. 327/2019 titled "Abdul Hamid Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

21) Service Appeal bearing No. 651/2018 titled "Sabeel Hassan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

22) Service Appeal bearing No. 652/2018 titled "Anwar Ali Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

23) Service Appeal bearing No. 653/2018 titled "Javed Hassan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

24) Service appeal bearing No. 654/2018 titled "Luqman Hakeem Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

25) Service Appeal bearing No. 655/2018 titled "Aziz-ur-Rehman Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

26) Service Appeal bearing No. 656/2018 titled "Muhammad Muneer Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

27) Service Appeal bearing No. 657/2018 titled "Mst. Shah Begum Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

28) Service Appeal bearing No. 658/2018 titled "Munir Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

29) Service Appeal bearing No. 659/2018 titled "Mst. Fahmeeda Begum Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

30) Service Appeal bearing No. 660/2018 titled "Muhammad Baz Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

31) Service Appeal bearing No. 661/2018 titled "Hanif Jan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

32) Service Appeal bearing No. 662/2018 titled "Sher Afzal Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

33) Service Appeal bearing No. 663/2018 titled Mst. Dil Taj Begum Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

34) Service Appeal bearing No. 664/2018 titled "Raees Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

35) Service Appeal bearing No. 665/2018 titled "Syed Hijab Hussain Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

36) Service Appeal bearing No. 666/2018 titled "Eid Muhammad Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

37) Service Appeal bearing No. 667/2018 titled "Fazal Hakeem Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

38) Service Appeal bearing No. 668/2018 tittled "Syed Zamir Hussain Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

39) Service Appeal bearing No. 669/2018 titled "Janat Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

40) Service Appeal bearing No. 670/2018 titled "Ayan Ali Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

41) Service Appeal bearing No. 671/2018 titled "Sohail Khan Versus Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

02. Brief facts of the case are that the appellants are primarily aggrieved by inaction of the respondents to the effect that promotions of the appellants were delayed for no good reason, which adversely affected their seniority positions as well as sustained financial loss. The appellant, Mr. Afzal Shah and 18 others were serving under Agency Education Officer, Mohmand Agency (Now District Mohmand) and the appellant Mr. Khaista Sher and 22 others were serving under Agency Education Officer, Orakzai Agency (Now District Orakzai). All the appellants were promoted to the post of Secondary School Teachers (SST) (BPS-16) vide order dated 11-10-2017, which, as per stance of the appellants were required to be to be promoted in 2014.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Feeling aggrieved, the appellants preferred respective departmental appeals against the impugned order dated 11-10-2017, which were not responded to, and hence the appellants filed service appeals in this Tribunal with prayers that promotions of the appellants may be considered from 24-07-2014 or the date when other employees serving in settled districts were promoted along with all back benefits.

03. Written reply/comments were submitted by the respondents.

04. Learned counsel for the appellant Mr. Afzal Shah and 18 others has contended that the appellants have not been treated in accordance with law and their rights secured under law and constitution have been violated; that the respondents delayed promotions of the appellants for no good reason, which adversely affected their seniority positions and made them junior to those, who were promoted at settled district level in 2014; that the delay occurred due to lethargic attitude of respondents, otherwise the appellants were equally fit for promotion like their counterparts working in settled districts; that the appellants were discriminated which is highly deplorable, being unlawful and contrary to the norms of natural justice; that inaction on part of the respondents have adversely affected financial rights of the appellants as protected by the Constitution. He further added that the appellant be treated at par like other employees of districts who were promoted in 2014 in pursuance of notification dated 24-07-2014 and shall equally be dealt with in accordance with law and rules.

05. Learned counsel for the appellant Mr. Khaista Sher and 22 others mainly relied on the arguments of the learned counsel for the appellant Mr. Afzal Shah and 18 others with further arguments that departmental appeals of the appellants were not considered and the appellants were condemned unheard; that as per constitution every citizen is to be treated equally, while the appellants have not been treated in accordance with law, which need interference.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

06. Learned Assistant Advocate General appeared on behalf of respondents has contended that as per Para-VI of promotion policy, promotions are always made with immediate effect and not with retrospective effect; that promotion is neither a vested right nor it can be claimed with a retrospective effect. Reliance was placed on 2005 SCMR 1742. Learned Assistant Advocate General argued that promotions of the appellants were made in accordance with law and rule and no discrimination was made. He further argued that some of the appellants submitted successive appeals, which is violation of Rule 3(2) of Appeal Rules, 1986. Learned Assistant Advocate General prayed that appeals of the appellants being devoid of merit may be dismissed.

07. We have heard learned counsel for the parties and have perused the record.

08. A perusal of record would reveal that all the appellants were employees of the provincial government, who were deputed to serve in Ex-FATA under the control of Director of Education Ex-FATA, whereas their other colleagues working in settled districts were working under the control of Director of Education at provincial level. The provincial Government vides Notification dated 24-07-2014 had issued criteria for promotion of teachers to next grades, which was equally applicable to provincial as well as employees working in Ex-FATA. To this effect, the provincial directorate of Elementary & Secondary Education KP vide letter dated 07-08-2014 had asked the Directorate of Education Ex-FATA to fill in the vacant posts of SST in Ex-FATA by promotion of in-service teachers under the existing service rules. The said letter lingered in the Directorate of Ex-FATA for almost seven months, which finally was conveyed to all Agency Education Officers vide letter dated 09-03-2015 with directions to submit category wise lists of candidates for promotion against the post of SST. Agency Education Officers took another two years and seven months, while submitting such information to the directorate of Ex-FATA and finally the appellants

ATTESTED

were promoted vide order dated 11-10-2017. On the other hand, the office of the District Education Officer in the settled district took timely steps and the promotions were made possible in the same year i.e. 2014. Placed on record is a Notification dated 01-11-2014 issued by District Education Officer Charsada, whereby promotions had been made in pursuance of the Notification dated 24-07-2014 in the same year, whereas promotions in Ex-FATA were made in 2017 with delay of more than three years. Placed on record is another Notification dated 14-03-2017 issued by Directorate of Education Ex-FATA promoting Certified Teachers (CT) (BPS-15) to the post of Senior CT (BPS-16) w.e.f 20-02-2013, negating their own stance that promotions are always made with immediate effect. Similarly placed teachers was extended the benefit of their promotion with retrospective effect, however the respondents are denying the same to the appellants for the reasons best known to them. The material available on the record, would suggest that the appellants were treated with discrimination.

09. The appellants are primarily aggrieved by the inaction of the respondents to the effect that all the appellants were otherwise fit for promotion to the post of SST, but their promotions were delayed due to slackness of the directorate of education, which adversely affected their seniority position as well as suffered financially due to intentional delay in their promotions. The respondents also did not object to the point of their fitness for further promotion at that particular time.

10. We have observed that seniority of the appellants as well as their other counterparts working at Districts level had been maintained at Agency/District level before their promotion to the post of SST, whereas upon promotion to the post of SST, the seniority is maintained at provincial level and the appellants who were promoted in 2017 in comparison to those, who were promoted in 2014, would definitely find place in the bottom of the seniority list maintained at provincial level with dim future prospects of their further promotions, as well as they were kept

ATTESTED

deprived of the financial benefits accrued to them after promotion for no fault of them, hence they were discriminated. It was noted with concern that the only reason for their delayed promotion was slackness on part of directorate of education Ex-FATA and its subordinate offices at Agency level, which had delayed their promotions for more than three years for no fault of the appellants.

11. In view of the foregoing discussion, the instant appeals are accepted and all the appellants are held entitled for promotion from the date, the first batch of their other colleagues at provincial level were promoted in the year 2014 with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
14.07.2021

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certified to be ture copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	4-1-22
Number of Words	3600
Copying Fee	38/-
Urgent	4/-
Total	58/-
Name of Copyist	
Date of Completion of Copy	5-1-22
Date of Delivery of Copy	5-1-22

(17) (16) Annx — B

Annx — B

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

No. 4258-4302 dated 30/09/2021

To,

All District Education Officer
Deputy Directors DCTE/PITE/NMD (Male),
Elementary and Secondary Education Department,
Khyber Pakhtunkhwa.

Subject: **SUBMISSION OF APPLICATION/DOCUMENTS ALONGWITH ACR FOR SS/HM PROMOTION**

Memo:-

I am directed to refer to the subject cited above and to request you to submit complete ACRs/PERs files of entire SST period alongwith separate documents file (detail of each given below) of those male SSTs who are due for promotion to B-17 and having appointed upto 31/11/2015 according to updated/revised seniority of SST, who are working under your jurisdiction to this office within one month positively.

The relevant documents file will be consisting of:

Bio Data, CNIC attested copy, 1st appointment order, Regular Appointment SST, Service Certificate, Noninvolvement certificate (duly countersigned by DEO), Last five year results, Pay slip, Synapsis (11 copies) (SST Period), All certificate /Degree with DMCs (Duly Attested by authorized guzzated officer), Domicile.

ACRs/PERs file will be consisting of:

ACRs/PERs of entire SST period duly countersign by Reporting Officer/Countersigning Officer of his in chair period, Noninvolvement certificates, Service Certificate, Service History, Synopsis (one copy), Promotion/regularization Order of SST period, and All Transfer orders during the period of SST.

General Instructions:

Combination for Promotion to Subject Specialist.

a. SS (Bio & Zoology) in B.Sc + Botony in M.Sc OR Botony in B.Sc + Zoology in M.Sc
b. SS History-cum-Civics is history in BA+ Political science in MA OR Political science in BA + History in MA OR Master degree in History + political science

Those that not have the above combination are not eligible for SS (Biology) & SS (H/Civics) post.

1. Candidate having master in more than one subject are directed to apply for each subject separately in the same manner mentioned above for submission of documents only.
2. SST's having third division in master are not eligible.

Furthermore you are directed that the information about those SSTs who have been retired, died, selected against another post, on deputation, went abroad and left the department may also clearly be indicated with exact dates/ justification and annexures. It is also stated that those who are not willing for promotion written on stamp paper may also be annexed.

Note: By hand/Individual ACRs/PERs file will not be collected/received by this office. All DEOs are directed to submit ACR/PERs file of the concerned SSTs through focal person alongwith coving letter in consolidate format accordingly.

ACR/document must be complete in all aspect.

Assistant Director (ACR)
Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar

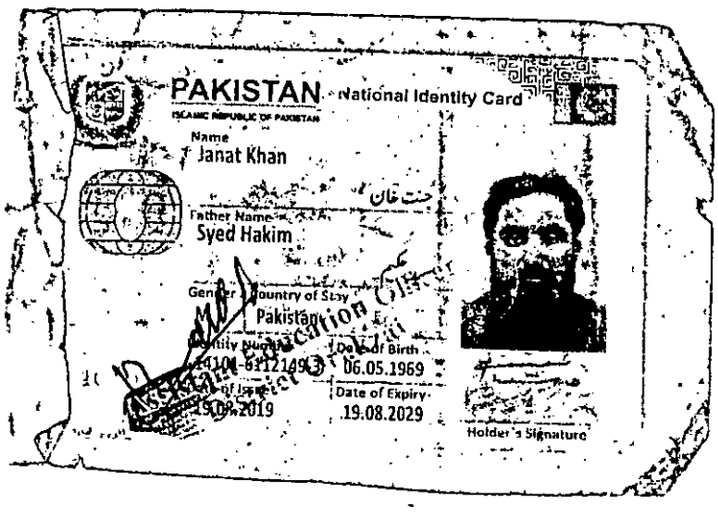
Endst: No. _____

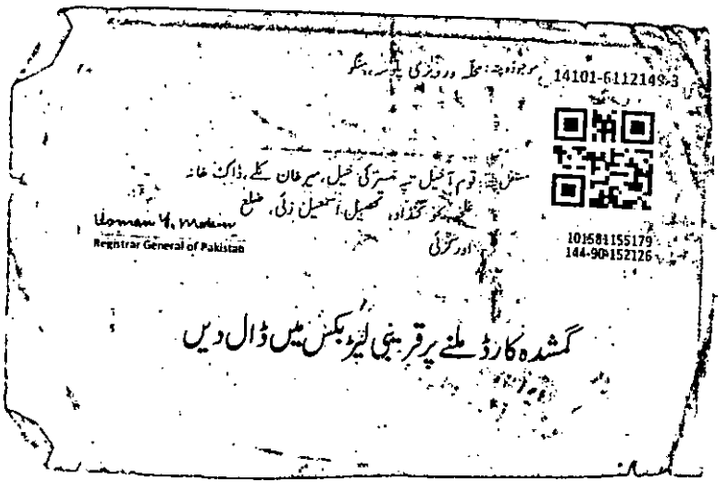
Copy of the above is forwarded to the:-

3. Assistant Director (Establishment) Local Directorate.
4. P.A to Director of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (ACR)
Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar

18


PAKISTAN
ISLAMIC REPUBLIC OF PAKISTAN
National Identity Card
Name
Janat Khan
جنت خان
Father Name
Syed Hakim
Gender
Country of Stay
Pakistan
Identity Number
14101-6112149-3
Date of Birth
06.05.1969
Date of Issue
19.08.2019
Date of Expiry
19.08.2029
Holder's Signature


14101-6112149-3
Registrar General of Pakistan
10168115517 9
144-90-152126
گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں

ATTESTED

(18)

قیمت 50 روپے

110938

ایڈوکیٹ: عبدالرحمٰن مہمند

بار کونسل/ایسوسی ایشن نمبر: 10-0611

رابطہ نمبر: 03005991598

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروس ٹربیونل پشاور

دعویٰ:

علت نمبر:

مورخہ

جرم:

تھانہ

منجانب: Petitioner

جنت خان

بنام

چیف سیکرٹری خیبر پختونخواہ وغیرہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے عبدالرحمٰن مہمند ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔ لہٰذا وکالت نامہ لکھ دیا تاکہ سند رہے

Attested & Accepted

المرقوم: 04/01/2022

PESHAWAR BAR ASSOCIATION KHYBER PAKHTUNKHWA

العبد العبد

مقام پشاور کے لیے منظور ہے۔

جنت خان ولد سید حکیم مسلم قوم آ ضلع ... CNIC-14101-6112149-3

نوٹ: اس وکالت نامہ کی فوٹو کاپی نا قابل قبول ہوگی۔